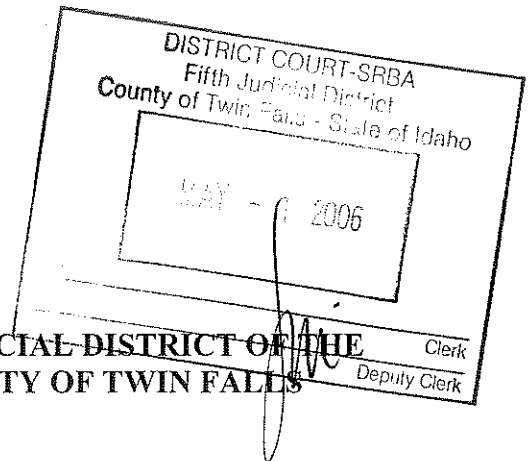




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

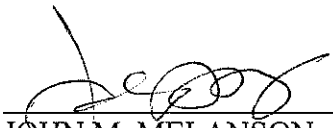
ORDER OF AMENDED PARTIAL DECREE
TO CORRECT CLERICAL ERROR; I.R.C.P.
60(a)

For Water Right 31-00268

A *Partial Decree* was issued for the above-captioned municipal water right on February 22, 2002. On January 11, 2006, the Court issued a *Notice of Court's Intent to Issue Amended partial Decree and Notice of Hearing Thereon* to correct a clerical error in the description for the place of use element. The Court discovered that certain of the uncontested municipal water right claims failed to describe the place of use as being within the service area of the municipality. Additionally, if the place of use also contained a public land survey legal description for the place of use, the Court omitted the legal description based on the determination that the manner in which the place of use is now described eliminates the need for a specific legal description and takes into account that the service area of a municipality routinely changes. A hearing was held on the matter on April 18, 2006. No objections were filed nor did any party appear in opposition to the Court's intended action.

Therefore, IT IS ORDERED pursuant to I.R.C.P. 60(a), that the *Partial Decree* previously issued for water right **31-00268** is hereby amended and **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 1, 2006.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

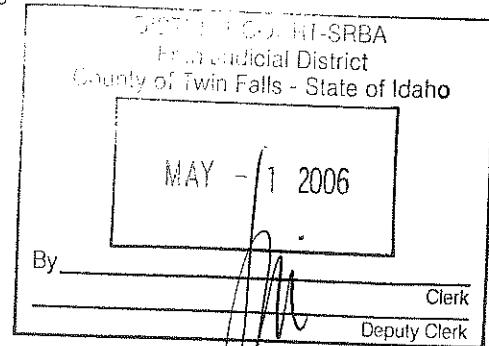
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 31-00268



NAME AND ADDRESS: CITY OF SPENCER
PO BOX 105
SPENCER, ID 83423

SOURCE: THOMAS CREEK TRIBUTARY: BEAVER CREEK

QUANTITY: 0.20 CFS

PRIORITY DATE: 09/01/1879

PURSUANT TO A CALL IN TIMES OF SCARCITY, THIS RIGHT IS
SUBSEQUENT IN PRIORITY TO RIGHT 31-177.

POINT OF DIVERSION: T12N R36E S15 NESE Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.20 CFS

PLACE OF USE:

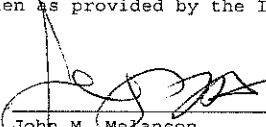
PLACE OF USE IS WITHIN THE SERVICE AREA OF THE CITY OF SPENCER
MUNICIPAL WATER SUPPLY SYSTEM AS PROVIDED FOR UNDER IDAHO LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREES TO CORRECT CLERICAL ERROR; I.R.C.P. 60(A) was mailed on May 01, 2006, with sufficient first-class postage to the following:

CITY OF SPENCER
PO BOX 105
SPENCER, ID 83423
Phone: 208-374-5342

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.