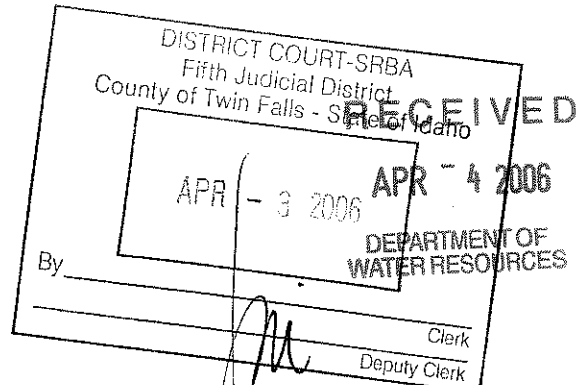




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

SUBCASE NO. 29-13215

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

On March 22, 2004, a ***Partial Decree*** was issued for the above-captioned water right. On August 18, 2005, a *Motion to Correct Clerical Errors Pursuant to I.R.C.P. 60(a)* was filed by the Shoshone-Bannock Tribes. The matter was referred to a Special Master Brigitte Bilyeu on August 22, 2005. The Special Master issued a ***Special Master's Report and Recommendation*** on February 7, 2006, recommending setting aside and amending the ***Partial Decree***. This Court has reviewed the findings of fact and conclusions of law contained in the ***Special Master's Report and Recommendation*** and adopts them wholly as its own.

Therefore, IT IS ORDERED that the above-captioned water right be amended as set forth in the attached ***Amended Partial Decree*** pursuant to I.R.C.P. 60(a). The previously issued ***Partial Decree*** is superseded thereby.

DATED March 31, 2006.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

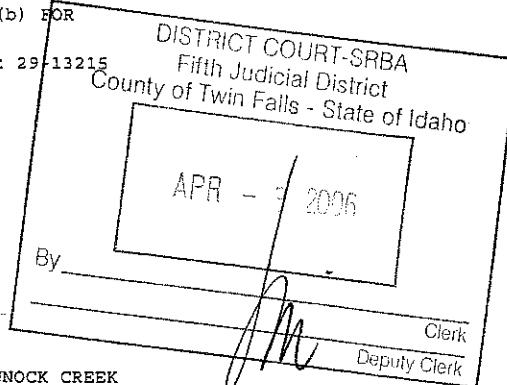
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 29-13215



NAME AND ADDRESS: RUSSELL J HAYDEN
PO BOX 598
SODA SPRINGS, ID 83276-0598

HANS HAYDEN
TWIN HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212

SOURCE: RATTLESNAKE CREEK TRIBUTARY: BANNOCK CREEK

QUANTITY: 0.80 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.40 CFS. COMBINED RIGHT NOS.: 29-480,
29-13215, 29-13522, 29-2509 AND 29-7272

PRIORITY DATE: 10/01/1903

POINT OF DIVERSION: T09S R34E S08 NESW Within Power County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.80 CFS

PLACE OF USE:

Irrigation	Within Power County
T09S R34E S08	NESW 28.0
	SESW 39.0
	SWSE 10.0
120.3 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 120.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND
29-7272

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

This water right will be delivered in accordance with the 1990
Fort Hall Indian Water Rights Agreement and Partial Final
Consent Decree Determining the Rights of the Shoshone-Bannock
Tribes to the Use of Water in the Upper Snake River Basin. The
parties agreed to continue the historic water allocations
pursuant to the Bannock Creek Decree [the decree in United
States v. Daniels, (D. Idaho April 9, 1907, unpublished)].
Directors Report for the 1990 Fort Hall Indian Water Rights
Agreement, p. 8 para. 4. The Tribes and the United States
shall exercise this right in a manner that ensures persons with
water rights decreed in the Bannock Creek Decree [United States
v. Daniels (D. Idaho April 9, 1907)] and that are confirmed in
the SRBA continue to receive their full legal entitlement.
Partial Final Consent Decree Determining the Rights of the
Shoshone-Bannock Tribes to the Use of Water in the Upper Snake
River Basin, p. 19-20, 25-26, Right Nos. 29-12848 and 29-12049
respectively (August 2, 1995). In times of shortage this water
right and other water rights decreed in United States v. Daniels,

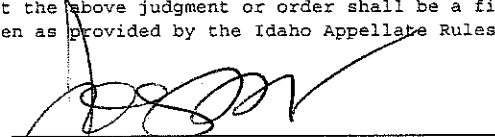
OTHER PROVISIONS (continued)

shall receive their full legal entitlement despite the federal based natural flow water right nos. 29-12049 and 29-12848.

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 DECREE TO CORRECT CLERICAL ERRORS; I.R.C.P. 60(A) was mailed on April 03, 2006, with sufficient first-class postage to the following:

SHOSHONE BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

RUSSELL J HAYDEN

Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

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