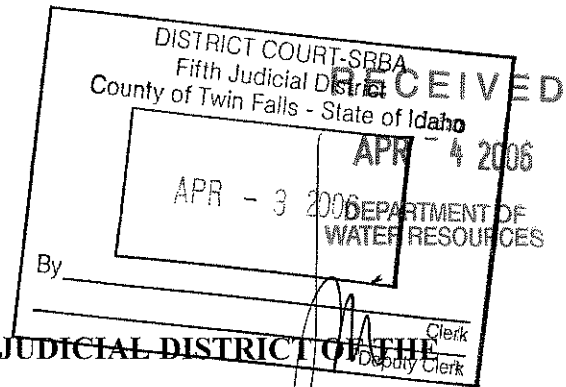




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

SUBCASE NO. 29-000480

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 The previously issued ***Partial Decree*** is superseded thereby.

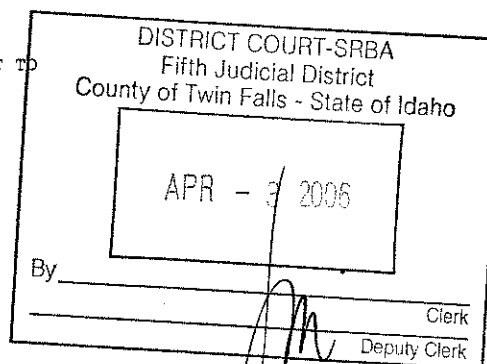
DATED March 31, 2006.

  
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

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

**AMENDED**  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 29-00480



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

SOURCE: RATTLESNAKE CREEK TRIBUTARY: BANNOCK CREEK

QUANTITY: 0.60 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 SWSWSE Within Power County  
NESW

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.60 CFS |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,  
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE  
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS  
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED  
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN  
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

| 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 30 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

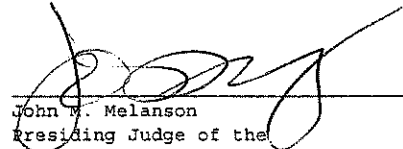
OTHER PROVISIONS (continued)

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, 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

HANS HAYDEN

RUSSELL J HAYDEN

TWAIN 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. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".