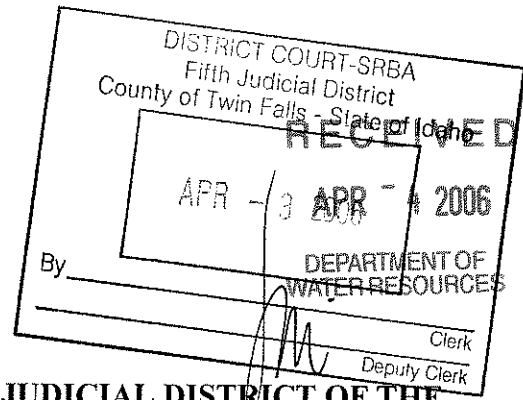




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

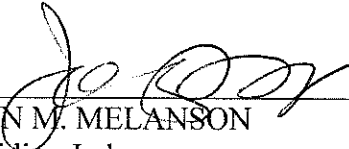
) SUBCASE NO. 29-000476

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 The previously issued **Partial Decree** is superseded thereby.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

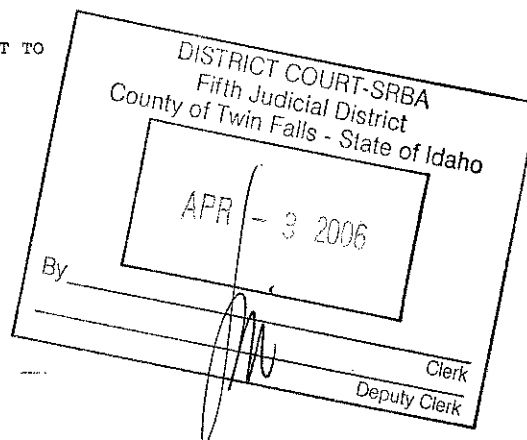
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 29-00476



NAME AND ADDRESS: JANET HAYBALL
PO BOX 725
FORT HALL, ID 83203

SOURCE: RATTLESNAKE CREEK TRIBUTARY: BANNOCK CREEK

QUANTITY: 2.00 CFS

PRIORITY DATE: 04/01/1892

POINT OF DIVERSION: T09S R34E S35 NESWSE Within Power County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.00 CFS

PLACE OF USE:	Irrigation	Within Power County
	T10S R34E S07	LOT 3 (NWSW) 4.0
	LOT 4 (SWSW) 14.0	SESW 37.0
	S18	NWNE 11.0
	100.0 Acres Total	NENW 13.0

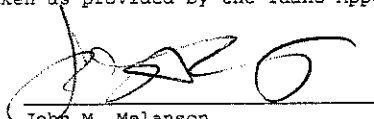
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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, 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

JANET HAYBALL
PO BOX 725
FORT HALL, ID 83203
Phone: 208-237-2954

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".