

**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

NOV - 3 2005

**ORDER OF AMENDED PARTIAL
DECREE: I.R.C.P. 60(a)**

By _____ Clerk
_____ Deputy Clerk

For water right: 37-10273

A *Partial Decree* was previously issued for the above-captioned right on May 1, 2001. On July 27, 2005, a letter from Jim Speck, counsel for Stephen and Jane Ware, was received by the Court on July 27, 2005. The Court treated the letter as a *Motion to Set Aside Partial Decree*. The matter was referred to Special Master Brigette Bilyeu, who entered a *Special Master's Report and Recommendation* on September 1, 2005, recommending that the *Partial Decree* be set aside and amended. No challenges to the *Report and Recommendation* have been received, and the time for challenges has expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own. Specifically, the Court finds that the errors in the *Partial Decree* are clerical in nature, and that it is appropriate to amend the decree pursuant to I.R.C.P. 60(a).

Therefore, IT IS ORDERED, that the above water right is hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P.*

60(a). The previously issued *Partial Decree* is replaced and superseded thereby.

Dated November 3, 2005

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 37-10273

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV - 3 2005	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: JANE WARE
STEPHEN WARE
PO BOX 4621
KETCHUM, ID 83340

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1942

POINT OF DIVERSION: T01S R20E S20 NWNWNE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Blaine County
T01S R20E S20 NWNE

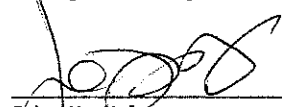
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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: I.R.C.P. 60(A) was mailed on November 03, 2005, with sufficient first-class postage to the following:

JANE WARE

STEPHEN WARE

Represented by:

JAMES P. SPECK

SPECK & AANESTAD

120 EAST AVENUE

PO BOX 987

KETCHUM, ID 83340

Phone: 208-726-4421

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.