

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: I.R.C.P. 60(a)

For water right: 72-12279

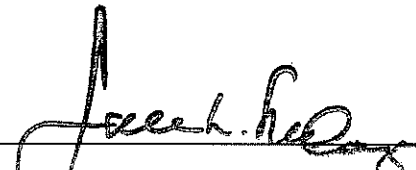
DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 22 2005	
By _____	Clerk
_____	Deputy Clerk

A *Partial Decree* was issued for the above-captioned right on January 3, 2005. Correspondence was received on June 8, 2005, from the Claimant, United States Department of Interior, Bureau of Land Management, by and through its attorney of record, Larry Brown, pointing out clerical errors in the *Partial Decree*.

On the *Partial Decree*, the right is listed as being tributary to "Cherry Creek Gulch." The Point of Diversion also does not list the county in which it is located. On June 11, 2004, the Claimant and objectors, with the concurrence of IDWR, signed a *Standard Form 5, Stipulated Elements of a Water Right Form*, which defined all of the elements of the right with the exception of priority date, which would be determined after an I.C. 42-1411A(12) hearing. The form listed the right as being tributary to Cherry Gulch Creek, and it lists the Point of Diversion as being located in Custer County. The *Special Master's Report and Recommendation* was issued on the basis of the *SF5* form, with the only exception being the listing of the priority date. The Court finds that the above errors were clerical in nature, and thus appropriate to be amended pursuant to I.R.C.P. 60(a).

Therefore, IT IS ORDERED, that the above captioned water right is hereby amended and decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 60(a)*.

Dated June 22 2005.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

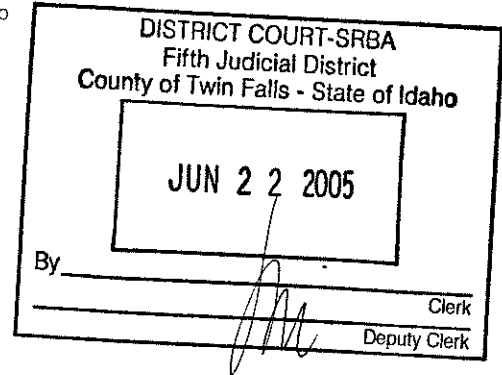
SCANNED
JUN 23 2005

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 72-12279



NAME AND ADDRESS: UNITES STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SPRING TRIBUTARY: CHERRY GULCH CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/17/1926

* 4/17/1926 DECREED FEDERAL RESERVED WATER RIGHT. *
* *
* THIS WATER RIGHT IS DECREED BASED ON FEDERAL LAW WITH *
* AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN *
* EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC *
* WATER RESERVE 107. *
* *

POINT OF DIVERSION: T10N R18E S27 SESENE Within Custer County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Custer County
T10N R18E S27 SENE

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).

SCANNED
JUN 23 2005

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 June 22, 2005, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

UNITES STATES OF AMERICA
USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

SCANNED

JUN 23 2005

ORDER

Page 1 6/22/05

FILE COPY FOR 00196

Deputy Clerk

Julie Murphy

Wang