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

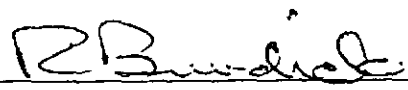
In Re SRBA	)	Subcase No. 65-11231
	)	
Case No. 39576	)	ORDER SETTING ASIDE PARTIAL
	)	DECREE
	)	
	)	ORDER OF AMENDED PARTIAL
	)	DECREE NUNC PRO TUNC

On July 17, 2000, Special Master Thomas R. Cushman issued a *Special Master's Report Regarding Motion to Set Aside Partial Decrees*. No Challenges were filed to the *Report*, and the time for filing Challenges has expired.

IT IS ORDERED that, pursuant to I.R.C.P. 54(b), the *Partial Decree* for water right 65-11231 issued on November 20, 1998, is hereby **set aside**. Water right 65-11231 is hereby **decreed**, nunc pro tunc, as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

JAN 16 2001

DATED: _____, nunc pro tunc November 20, 1998.



ROGER BURDICK
Presiding Judge of the
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 65-11231

2001 JAN 16 PM 2:17
FILED
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

NAME AND ADDRESS: EUGENE C THOMAS
JODY THOMAS
PO BOX 829
BOISE, ID 83701

SOURCE: BIG PAYETTE LAKE TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 0.04 CFS
1.20 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHT NOS. 65-02311 & 65-10481 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .10 CFS.

PRIORITY DATE: 10/15/1937

POINT OF DIVERSION: T19N R03E S28 LOT 04 (SWSW) Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS 1.20 AFY

PLACE OF USE: Domestic Within Valley County
T19N R03E S33 LOT 01 (NWNW)

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.

JAN 16 2001 nunc pro tunc 11/20/98



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER SETTING ASIDE PARTIAL DECREE** and **ORDER OF AMENDED PARTIAL DECREE** were mailed on JAN 16 2001, with sufficient first-class postage, to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Eugene & Jody Thomas
PO Box 389
Boise, ID 83701


Deputy Clerk of the Court

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-11231

NAME AND ADDRESS: EUGENE C THOMAS
JODI THOMAS
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BOISE, ID 83701

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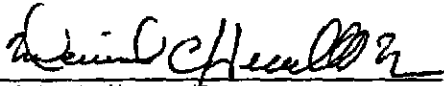
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Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication