

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

RECEIVED

JUN 17 2005

Department of Water Resources

JOHN M. MELANSON
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121



SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

June 16, 2005

Attention Water Right Claimant,

Enclosed is an *Amended Partial Decree* which amends and supercedes the partial decree previously issued for your water right to contain the following provision:

Basin 65 General Provision No. 3, the Separate Streams General provision, does not apply to appropriations after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in event of injury.

The provision was recommended in the *Special Master's Report and Recommendation* to be included in the partial decree for your water right, but was inadvertently omitted due to a clerical error.

Should you have any questions regarding this matter, please contact the Clerk of the Court for the SRBA at 108-736-3011.

Sincerely,

A handwritten signature in dark ink, appearing to read "Diana R Delaney", is written over a circular stamp. The stamp contains the text "Diana R Delaney" and "Case Administrator".

Diana R Delaney
Case Administrator

DRD
Enclosure

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 65-03238

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 16 2005

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: CASTLE MOUNTAIN CREEKS OWNERS
HC 76 BOX 4001
GARDEN VALLEY, ID 83622

SOURCE: WARM SPRINGS CREEK TRIBUTARY: PAYETTE RIVER, MIDDLE FORK
UNNAMED STREAM TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 0.38 CFS
39.70 AFY

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER 4392 SHALL NOT EXCEED 0.38 CFS, NOT A
TOTAL COMBINED ANNUAL VOLUME OF 39.7 AF.

PRIORITY DATE: 06/01/1883

POINT OF DIVERSION: T10N R04E S31 NESE Within Boise County
S32 NWSE
S33 NWSW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.14 CFS
			24.50 AFY
	Domestic	01-01 TO 12-31	0.24 CFS
			15.20 AFY

PLACE OF USE:	Irrigation		Within Boise County
	T10N R04E S32	SWNE 0.5	SENE 0.5
		NESE 0.5	NWSE 0.5
		SWSE 0.5	SESE 0.5
	S33	SWNW 0.5	SENW 0.5
		NESW 0.5	NWSW 1.5
		SWSW 0.5	SESW 0.5
	7.0 Acres Total		

	Domestic		Within Boise County
	T10N R04E S32	SWNE	SENE
		NESE	NWSE
		SWSE	SESE
	S33	SWNW	SENW
		NESW	NWSW
		SWSW	SESW

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

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

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

BASIN 65 GENERAL PROVISIONS NO 3, THE SEPARATE STREAMS GENERAL
PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER
OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISIONS NO 3. IF
THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO
IDAHO CODE SEC 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS
GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY FROM

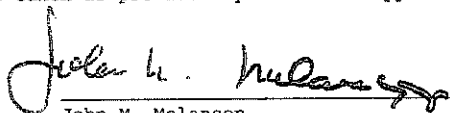
OTHER PROVISIONS (continued)

DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN THE EVENT OF INJURY.

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 AMENDED PARTIAL DECREE was mailed on June 16, 2005, with sufficient first-class postage to the following:

CASTLE MOUNTAIN CREEKS OWNERS

Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702
Phone: 208-331-0950

STATE OF IDAHO

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

USDI BUREAU OF RECLAMATION

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