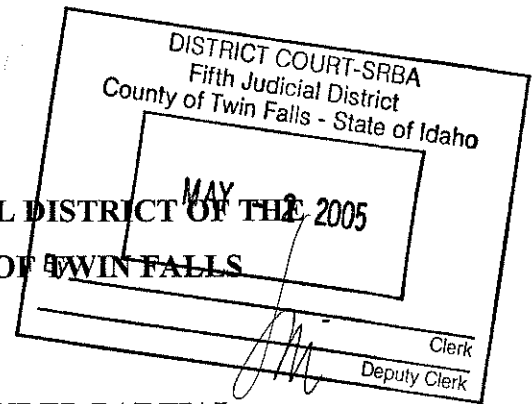


RECEIVED

MAY 03 2005

DEPARTMENT OF
WATER RESOURCES

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 rights: 36-07000 and 36-13931
)
)

A *Partial Decree* was issued for water right 36-13931 on December 16, 1997. A *Partial Decree* was issued for water right 36-07000 on March 20, 1998. On January 10, 2005, the claimant of the two rights, Roost Potato Company, through its attorney Roger D. Ling, filed *Motions for Relief from Clerical Mistake in Partial Decree* in both the above rights. The *Motions* and supporting documents stated the *Partial Decrees* for the water rights contained incorrect quantity limitations on the rights. In water right 36-13931, a quantity limitation is included that states: "The quantity of water under this right shall not exceed 13,000 gallons per day." For water right 36-07000, a quantity limitation is included that states: "The quantity of water under this right shall not exceed 2,500 gallons per day." On reviewing the record of action for the two rights, the Court has found that the Idaho Department of Water Resources *Director's Reports* did not include the quantity limitations, and the rights were not objected to prior to being *Partially Decreed*.

A hearing was held on the *Motion* on April 21, 2005, in Blackfoot, Idaho. Mr. Kelly Anthon appeared to support the *Motions*. No one appeared to oppose the motion. Mr. Chris Bromley of the I.D.W.R. stated that he knew of no reason for the quantity limitations, and that the limitations were likely included in the above water rights in error. Upon reviewing the record, the Court concludes that the inclusion of the quantity limitations was inconsistent with the nature of the rights and therefore was a clerical error.

Therefore, IT IS ORDERED, that water rights 36-07000 and 36-13931 are hereby amended and decreed as set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 60(a)*

Dated: April 2 2005 *mi*


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

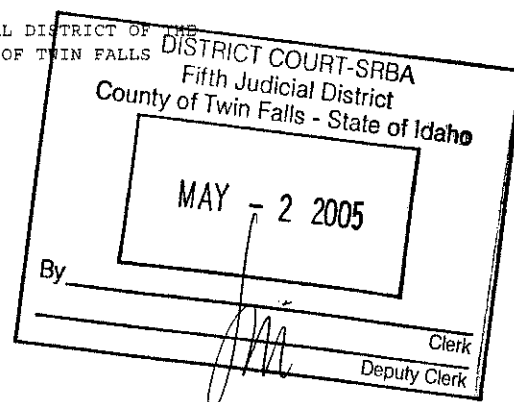
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 36-07000



NAME AND ADDRESS: ROOST POTATO CO
952 S 1400 E
EDEN, ID 83325

SOURCE: GROUNDWATER

QUANTITY: 0.56 CFS
134.00 AFY

PRIORITY DATE: 06/14/1967

POINT OF DIVERSION: T09S R19E S28 NWSNW Within Jerome County
SWSNW

TWO POINTS OF DIVERSION LOCATED IN T09S, R19E, S28, NWSNW.
TWO POINTS OF DIVERSION LOCATED IN T09S, R19E, S28, SWSNW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.56 CFS 134.00 AFY

PLACE OF USE:	Stockwater	Within Jerome County
	T09S R19E S21 SWSW	
	S28 NWNW	SWNW
	SENW	
	S29 NENE	

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

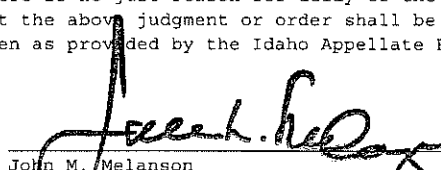
A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKDS.

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

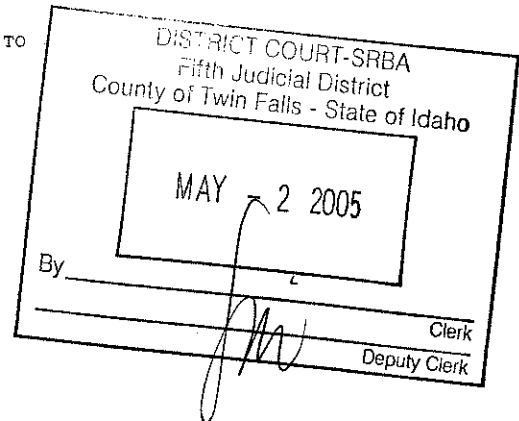
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 36-13931



NAME AND ADDRESS: ROOST POTATO CO
952 S 1400 E
EDEN, ID 83325

SOURCE: GROUNDWATER

QUANTITY: 0.40 CFS
40.20 AFY

PRIORITY DATE: 03/01/1955

POINT OF DIVERSION: T09S R19E S28 SWSNW Within Jerome County
NWSNW

ONE POINT OF DIVERSION LOCATED IN T09S, R19E, S28, NWSNW.
ONE POINT OF DIVERSION LOCATED IN T09S, R19E, S28, SWSNW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic DOMESTIC 3 HOMES	01-01 TO 12-31	0.08 CFS
	Stockwater	01-01 TO 12-31	0.32 CFS
			40.20 AFY

PLACE OF USE:	Stockwater	Within Jerome County
	T09S R19E S28	SENW
	Domestic	Within Jerome County
	T09S R19E S28	SENW
	S29	SENE

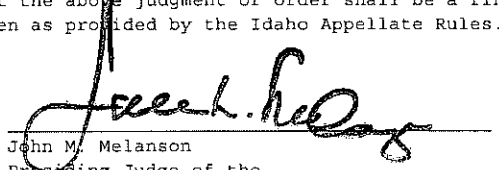
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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 May 02, 2005, with sufficient first-class postage to the following:

ROOST POTATO CO
Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

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

A handwritten signature in cursive script, appearing to read "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".