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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____ 45

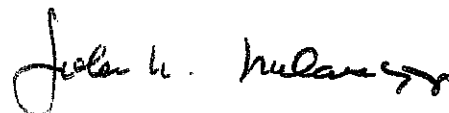
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER OF 2 nd AMENDED PARTIAL
	)	DECREE
Case No. 39576	)	
_____	)	Water Right: 35-7025

On January 29, 2004, an *Amended Partial Decree* was issued for the above-captioned water right. On April 18, 2005, the Court was notified by the Idaho Department of Water Resources about possible clerical errors in the *Amended Partial Decree*. After reviewing the *Director's Report* filed for the above-captioned water right, the Court determines there were clerical errors made in describing the Place of Use element in the *Amended Partial Decree*, to wit: 81 acres were incorrectly listed in T04N R36E S03. These 81 acres should have been listed in T03N R36E S03.

Therefore, IT IS ORDERED that water right 36-7025 is hereby decreed as set forth in the attached 2nd *Amended Partial Decree Pursuant* to I.R.C.P. 54(b). The previously issued *Partial Decree* is replaced and superseded thereby.

DATED April 19, 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

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

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-07025

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FILED _____

NAME AND ADDRESS: TOPHILL FARMS INC
PO BOX 99
LEWISVILLE, ID 83431

SOURCE: GROUNDWATER

QUANTITY: 1.60 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-02861 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.96 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2955 AF.

PRIORITY DATE: 05/14/1968

POINT OF DIVERSION: T03N R36E S02 NWSW Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	1.60 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PORVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE MAY 1 AND AFTER OCTOBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Bonneville County
	T03N R36E S02 LOT 1 (NENE) 37.0	LOT 2 (NWNE) 37.0
		SENE 40.0
	LOT 3 (NENW) 37.0	LOT 4 (NWNW) 37.0
		SENE 40.0
		NWSW 40.0
		NWSE 40.0
	S03 LOT 1 (NENE) 37.0	SENE 15.0
		NESE 29.0
	T04N R36E S34	SESE 40.0
	S35	NWSW 4.0
		SESW 40.0
		NWSE 4.0
		SESE 40.0
	769.0 Acres Total	

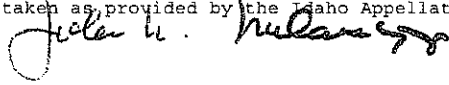
USE OF THIS RIGHT WITH RIGHT NO. 35-02861 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 769 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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 2ND AMENDED PARTIAL DECREE was mailed on April 19, 2005, with sufficient first-class postage to the following:

ABERDEEN-AMERICAN FALL GROUND
ABERDEEN-AMERICAN FALLS GROUND
BINGHAM GROUND WATER DIST.
BINGHAM GROUND WATER DISTRICT
TOPHILL FARMS INC
UPPER VALLEY IRRIGATORS ASSOC
UPPER VALLEY IRRIGATORS ASSOC.

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

FREMONT-MADISON IRR DIST
Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

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

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

