

MAR 02 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(b)
)
) For water rights: 31-4053, 31-4054, and
) 31-4055.

Partial Decrees of Disallowed Water Right Claims for the above water rights were previously issued on February 22, 2002. On July 26, 2004, Claimant Walker Land and Cattle Company sent a letter to the Court requesting that the *Partial Decrees* for the above rights be set aside. The Court issued an *Order of Reference to Special Master Brigitte Bilyeu* on July 27, 2004.

On January 21, 2004, Special Master Bilyeu issued a *Special Master's Report and Recommendation* for the above subcases. The Special Master recommended that the *Partial Decrees* disallowing the above water rights be set aside, and that the rights be decreed in accordance with *Standard Form 5* forms submitted by the claimant and concurred with by the Idaho Department of Water Resources. The Special Master noted that no one appeared to oppose the Claimant's *Motion* to set aside the partial decrees, and that it appeared that no one would be prejudiced by setting aside the partial decrees.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED, that the *Partial Decrees* issued for the above water rights be set aside, and that the above water rights are hereby amended and decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 60(b)*.

Dated

March 1, 2005

JOHN M. MELANSON

Presiding Judge

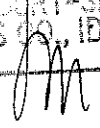
Snake River Basin Adjudication

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

AMENDED

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 31-04053

2005 MAR -1 PM 1:32
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 

NAME AND ADDRESS: WALKER LAND & CATTLE CO
PO BOX 129
MENAN, ID 83434

SOURCE: GROUND WATER

QUANTITY: 0.54 CFS
75.90 AFY

PRIORITY DATE: 03/22/1926

POINT OF DIVERSION: T07N R36E S15 SESESW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.54 CFS 75.90 AFY

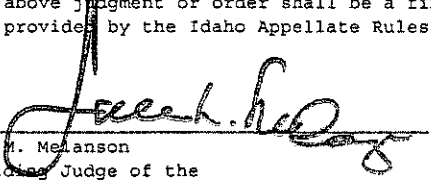
PLACE OF USE: Irrigation Within Jefferson County
T07N R36E S15 SWSW 3.7 SESW 18.0
21.7 Acres Total

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

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 31-04054

2005 MAR -1 PM 1:32
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *[Signature]*

NAME AND ADDRESS: WALKER LAND & CATTLE CO
PO BOX 129
MENAN, ID 83434

SOURCE: GROUND WATER

QUANTITY: 0.74 CFS
103.60 AFY

PRIORITY DATE: 04/02/1947

POINT OF DIVERSION: T07N R36E S15 NENWSW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.74 CFS 103.60 AFY

PLACE OF USE:	Irrigation	Within Jefferson County
	T07N R36E S15	NESW 5.6 NWSW 16.0 SWSW 5.3 SESW 2.7
	29.6 Acres Total	

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

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[Signature]
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

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 31-04055

2005 MAR -1 PM 1:33
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *jm*

NAME AND ADDRESS: WALKER LAND & CATTLE CO
PO BOX 129
MENAN, ID 83434

SOURCE: GROUND WATER

QUANTITY: 3.00 CFS
440.30 AFY

PRIORITY DATE: 07/10/1922

POINT OF DIVERSION: T07N R36E S21 SENENE Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.00 CFS 440.30 AFY

PLACE OF USE:	Irrigation	Within Jefferson County
	T07N R36E S15	NWSW 5.8
	S21	NENE 34.0
		SWNE 22.0
	S22	NWNW 13.0
	125.8 Acres Total	

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

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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John M. Melanson
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(B) was mailed on March 01, 2005, with sufficient first-class postage to the following:

WALKER LAND & CATTLE CO

Represented by:

SCOTT W. MAROTZ

PO BOX 52147

1075 S UTAH AVE STE 321

IDAHO FALLS, ID 83405-2147

Phone: 208-535-1314

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "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".