

2004 AUG 10 PM 12: 57
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

n Re SRBA

Case No. 39576

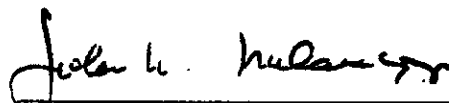
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**ORDER OF AMENDED PARTIAL DECREE;
I.R.C.P. 60(a) CLERICAL ERROR**

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For Water Right 36-15981

On July 20, 2004, a *Partial Decree Pursuant to I.R.C.P. 54(b)* was issued for the above-captioned water right. In reviewing the subcase file, the Court determines there was a clerical error made in describing the Place of Use element in the *Partial Decree*.

Therefore, IT IS ORDERED that water right 36-15981 is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decree* is replaced and superseded thereby.

DATED August 10, 2004.



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 36-15981

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DISTRICT COURT-SRBA
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NAME AND ADDRESS: DUNCAN LIMITED PARTNERSHIP
PKD PROPERTIES LLC
750 E 100 S
RUPERT, ID 83350

SOURCE: GROUND WATER

Right holder shall comply with the drilling permit requirements
of Section 42-235, Idaho Code.

QUANTITY: 0.65 CFS
140.00 AFY

The right holder shall measure and annually report diversions of
water and/or other pertinent hydrologic and system information
as required by Section 42-701, Idaho Code.
This right and rights 36-15974, 36-15975, 36-15976, 36-15977,
36-15978, 36-15979, and 36-15980 when combined shall not exceed
a total diversion rate of 3.57 cfs, a total annual maximum
diversion volume of 960 af at the field headgate. Rights
36-15980 and 36-15981 when combined shall not exceed a total
diversion rate of 0.65 cfs.

PRIORITY DATE: 02/10/1981

POINT OF DIVERSION: T07S R25E S36 NENE Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.65 CFS 140.00 AFY

The period of use for the irrigation described in this approval
may be extended to a beginning date of 3/15 and an ending date
of 11/15 provided that beneficial use of the water can be shown
and other elements of the right are not exceeded. The use of
water before 4/1 and after 10/31 is subordinate to all water
rights having no subordinated early or late irrigation use and a
priority date earlier than January 10, 2002

PLACE OF USE:	Irrigation	Within Blaine County
	T07S R26E S30	NESW 32.0 LOT 3 (NWSW) 32.0
	LOT 4	(SWSW) 32.0 SESW 32.0
	S31	NENW 32.0 LOT 1 (NWNW) 32.0
	LOT 2	(SWNW) 32.0 SENW 32.0
	256.0 Acres Total	

This right and rights 36-15974, 36-15975, 36-15976, 36-15977,
36-15978, 36-15979, and 36-15980 when combined shall not exceed
a total irrigation of 240 acres in a single irrigation season.
This right is limited to the irrigation of 35 acres within the
place of use described above in a single irrigation season.

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

The right holder shall accomplish the change authorized by this
transfer by January 10, 2003.
Failure of the right holder to comply with the conditions of

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

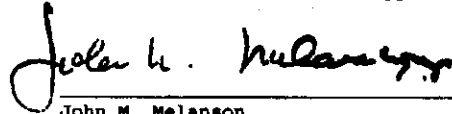
OTHER PROVISIONS (continued)

this transfer is cause for the Director to rescind approval of the transfer.

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

2004 AUG 10 PM 02:00
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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

Case No. 39576

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CERTIFICATE OF MAILING

Water Right(s): 36-15981

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-15981 was mailed
on August 10, 2004, with sufficient first-class postage prepaid
to the following:

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

DUNCAN LIMITED PARTNERSHIP
PKD PROPERTIES LLC
750 E 100 S
RUPERT, ID 83350
Phone: 208-436-1214

DIANA DELANEY
Chief Deputy Clerk