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DEPARTMENT OF
WATER RESOURCES

2005 JAN 19 PM 3:49

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

In Re SRBA

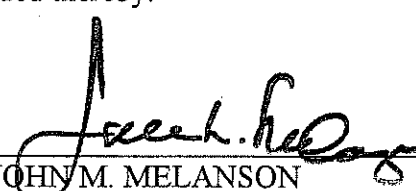
Case No. 39576

) ORDER OF AMENDED
) PARTIAL DECREE I.R.C.P. 60(a).
)
) For Water Right: 29-02379
)
)
)

On March 22, 2004, a *Partial Decree* was issued for the above-captioned water right. On December 10, 2004, the Court received correspondence from the Idaho Department of Water Resources (IDWR) indicating that the *Partial Decree* incorrectly listed the place of use for the water right. The Court issued a *Notice of Court's Intent To Issue Amended Partial Decree* on December 10, 2004. A hearing was held on January 18, 2005. No one appeared to object to the Court's intended action. The Court finds the incorrect listing of the place of use to be a clerical error.

THEREFORE, IT IS ORDERED, pursuant to I.R.C.P. 60 (a) that the *Partial Decree* for the above water right be set aside and the water right be **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 The previously issued *Partial Decree* is replaced and superseded thereby.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 January 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

AMENDED

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

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

Water Right 29-02379

2005 JAN 19 PM 3:49
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

NAME AND ADDRESS: CARL L PHILLIPS
NOLA RAE PHILLIPS
2884 W 1400 S
ABERDEEN, ID 83210

SOURCE: GROUND WATER

QUANTITY: 2.56 CFS
1372.00 AFY

PRIORITY DATE: 10/22/1956

POINT OF DIVERSION: T07S R39E S17 NWSW Within Caribou County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.56 CFS
			1372.00 AFY
	Stockwater	01-01 TO 12-31	0.09 CFS

PLACE OF USE: Irrigation Within Caribou County

T07S R38E S24	NENE 1.0	SENE 3.0
R39E S17	NWSW 32.0	SWSW 40.0
S18	NESE 5.0	SESE 5.0
S19	NENE 15.0	SWNE 28.0
	SENE 39.0	LOT 2 (SWSW) 5.0
	NESE 40.0	NWSE 20.0
	SWSE 12.0	SESE 4.0
LOT 4 () 15.0	LOT 3 () 11.0	
S20	NWNW 40.0	SWNW 40.0
	NWSW 37.0	

392.0 Acres Total

Stockwater Within Caribou County
Same as Irrigation

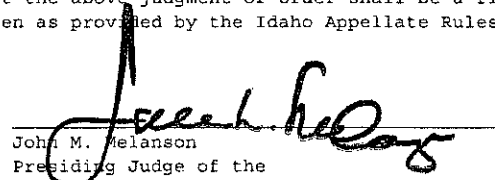
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE 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 was mailed on January 19, 2005, with sufficient first-class postage to the following:

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

CARL L PHILLIPS
NOLA RAE PHILLIPS
2884 W 1400 S
ABERDEEN, ID 83210
Phone: 208-397-4690

ORDER

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FILE COPY FOR 00461

Deputy Clerk

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".

