

2005 JAN -6 PM 2:35

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO

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

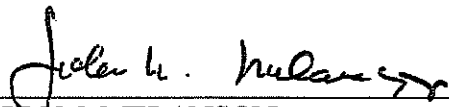
Case No. 39576

) ORDER OF AMENDED
) PARTIAL DECREE I.R.C.P. 60(a).
)
) For Water Right: 79-11312
)
)
)

On September 30, 2004, a *Partial Decree* was issued for the above-captioned water right. Subsequently, the Court was notified by counsel for the United States of a clerical error in the *Standard Form 5*. The *SF-5* was the basis for the *Partial Decree*. The *SF-5* states a priority date of January 1, 1878. Pursuant to the *Stipulation to Resolve Subcases* entered into between the United States and the State of Idaho on June 11, 1999, the correct priority date for state-based federal claims should be June 28, 1934. The Court finds the error to be the result of a clerical error. The Court issued a *Notice of Court's Intent to Issue Amended Partial Decree and Notice of Hearing Thereon* on November 1, 2004. A hearing was held on December 21, 2004. No one appeared to oppose the *Notice of Court's Intent*.

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 The previously issued *Partial Decree* is replaced and superseded thereby.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 6, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 79-11312

2005 JAN -6 PM 2:35

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T30N R01W S05 LOT 6 (NWNWNW) (Instream Ending Point) Within Idaho County
S22 LOT 6 (SENESE) (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Idaho County
	T30N R01W S03 LOT 9 (NWSW)	LOT 9 (SWSW)
	LOT 8 (SESW)	
	S04 LOT 7 (SWNE)	LOT 10 (SENE)
	LOT 5 (NWNW)	LOT 5 (SWNW)
	LOT 6 (SENW)	LOT 10 (NESE)
	S05 LOT 2 (NENE)	LOT 3 (NWNE)
	LOT 5 (NENW)	LOT 6 (NWNW)
	S10 LOT 2 (NWNE)	LOT 3 (SWNE)
	LOT 2 (NENW)	LOT 3 (SENW)
	LOT 6 (NWSE)	LOT 7 (SWSE)
	S15 LOT 2 (NWNE)	LOT 3 (SWNE)
	LOT 6 (NWSE)	LOT 7 (SWSE)
	S22 LOT 2 (NENE)	LOT 2 (NWNE)
	LOT 3 (SENE)	LOT 6 (NESE)

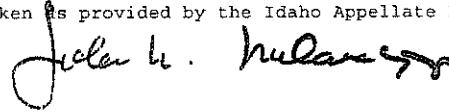
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

2005 JAN 06 PM 02:00
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 79-11312

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 79-11312 was mailed
on January 06, 2005, with sufficient first-class postage prepaid
to the following:

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

UNITED STATES OF AMERICA
USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIANA DELANEY
Chief Deputy Clerk

