

771 OCT -1 AM 11:30

FILED
TWIN FALLS CO. IDAHO
SRBA

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

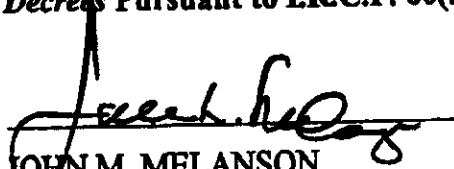
)
)
) ORDER OF AMENDED PARTIAL
) DECREE: L.R.C.P. 60(a)
)

) For water rights: 65-22283, [REDACTED]
)
)
)

Partial Decrees were previously issued for the above rights on June 30, 2004. The *Partial Decrees* were issued in accordance with a *Special Master's Report and Recommendation*. The Court has discovered clerical errors in the *Partial Decrees*. On June 30, 2004, the Court received correspondence from the Idaho Department of Water Resources, stating that the *Recommendations* incorrectly listed the above water rights as tributary to the Payette River. The correspondence stated the rights should be tributary to the North Fork of the Payette River, rather than listed as tributary to the Payette River. The Court issued a *Notice of Court's Intent to Issue Amended Partial Decrees* on July 9, 2004, and a hearing was held on September 21, 2004. At the hearing, there were no objections to the Court's proposed actions. Therefore, the Court finds that the errors in the tributary descriptions were clerical errors.

Therefore, IT IS ORDERED, that the subcases are hereby amended and decreed as set forth in the attached *Amended Partial Decrees* Pursuant to L.R.C.P. 60(a).

Dated October 1, 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

AMENDED

2004 OCT -1 AM 11:31

In Re SRBA)

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

Case No. 39576)

Water Right 65-22283

FILED
TWIN FALLS CO., IDAHO
[Signature]

NAME AND ADDRESS: HERBERT H KRAUSE
LOTTIE KRAUSE
BOX 204
DONNELLY, ID 83615

SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 10/17/1962

POINT OF DIVERSION: T16N R03E S15 SESWNE Within Valley County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-15 0.08 CFS

PLACE OF USE: Irrigation Within Valley County
T16N R03E S15 SWNE 4.0
4.0 Acres Total

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

BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER
AFTER OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.
IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT
TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN
THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY
FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO
ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN
THE EVENT OF INJURY.

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.

[Signature]
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

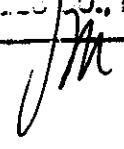
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF
AMENDED PARTIAL DECREE: I.R.C.P. 60(A) was mailed on October
01, 2004, with sufficient first-class postage to the following:

HERBERT H KRAUSE
LOTTIE KRAUSE
BOX 204
DONNELLY, ID 83615

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

7:11 PM - OCT 01 2004
CLERK
BOISE, IDAHO
FILED




Deputy Clerk