

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 SECOND AMENDED
PARTIAL DECREE: I.R.C.P. 60(a)

For water right: 72-00151D

On May 12, 2000 an *Amended Director's Report/ Amended Claim* was filed to the above subcase, splitting the above water right from 72-00151C. On July 13, 2000, an *Addendum to Director's Recommendations* was filed by the Idaho Department of Water Resources, stating that an error regarding the place of use had been made in the *Amended Director's Report*. A *Master's Report and Recommendation* was filed on July 17, 2000. A *Partial Decree* was filed on October 23, 2000. An *Amended Order of Partial Decree to Correct Clerical Error I.R.C.P 60(a)* was issued for the above-captioned right on May 9, 2001, but it did not correct the error noted in the *Addendum to Director's Report*. On October 21, 2004, the Court received correspondence from the Claimant, the United States Department of Interior, Bureau of Land Management, stating that the *Amended Order of Partial Decree I.R.C.P. 60 (a)* incorrectly listed the place of use for the above water right. Following a review of the *Addendum* and the file, the Court finds that the error in the legal description of the water right's place of use in the *Partial Decree* was a clerical error.

Therefore, IT IS ORDERED, that water right 72-00151D is hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P.*

60(a).

Dated

October 25, 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

2ND AMENDED

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

Water Right 72-00151D

2004 OCT 25 PM 2:10

DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO
FILED

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

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 SOUTH VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.03 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF .04 CFS. COMBINED RIGHTS: 72-00151D,
72-00152D AND 72-07055B.

PRIORITY DATE: 05/02/1878

POINT OF DIVERSION: T15N R19E S26 LOT 3 (NENESW) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.03 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Custer County
T15N R19E S23 LOT 4 (SWSE) 2.2
2.2 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 2.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00151D, 72-00152D, & 72-07055B.

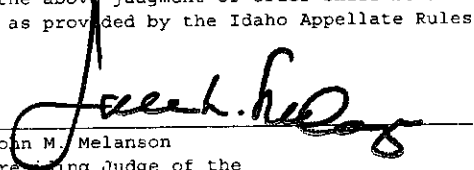
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THE TIMES THE
FLOWS OF MORGAN CREEK AT THE ORIGINAL POINT OF DIVERSION, LOCATED
IN SWNE, S23, T15N, R19E, ARE AVAILABLE TO FILL THIS RIGHT. THIS
RIGHT MAY ALSO BE SUBJECT TO CONVEYANCE LOSS BETWEEN THE ORIGINAL
POINT OF DIVERSION AND THE MOUTH OF MORGAN CREEK ON THE SALMON
RIVER.

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 SECOND AMENDED PARTIAL DECREE: I.R.C.P. 60(A) was mailed on October 25, 2004, with sufficient first-class postage to the following:

USDI BLM

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

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

ORDER

Page 1 10/25/04

FILE COPY FOR 00350


Deputy Clerk