

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

2004 OCT 15 PM 4:20

In Re SRBA

Case No. 39576

ORDER OF AMENDED PARTIAL
DECREE: I.R.C.P. 60(b)

For water right: 29-10783

TWIN FALLS DISTRICT COURT - SRBA
FILED
OCT 15, 2004
IDAHO

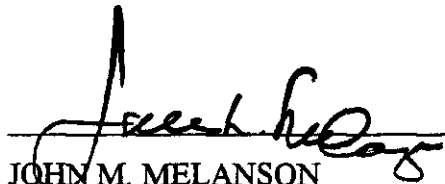
The SRBA District Court issued a *Final Order Disallowing Water Right Claims* for the above listed water right on March 25, 2004. A letter from the Claimant, Gordon Lawlor, was received by the Court on March 29, 2004. The letter asked the Court to set aside the *Order Disallowing Water Right*. The Court issued an *Order of Reference to Special Master Bilyeu* on March 30, 2004. On August 31, 2004, the Special Master issued a *Special Master's Report and Recommendation on Motion to Set Aside Partial Decree*, recommending: 1) that the letter from Mr. Lawlor be treated as a Motion to Set Aside Partial Decree; 2) that the *Motion to Set Aside Partial Decree* be Granted pursuant to I.R.C.P 60 (b); and 3) that the water right be decreed with elements recommended in the *Recommendation*. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for Challenges has expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED, that the *Final Order Disallowing Water Right Claims* for the above water right is hereby set aside and the above right be amended and decreed as set forth in the attached *Amended Partial Decree* pursuant to I.R.C.P. 60(b).

Dated

October 15, 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-10783

2004 OCT 15 PM 4:20

FILED
TWIN FALLS CO., IDAHO
SRBA

NAME AND ADDRESS: CINDY LAWLOR
GORDON LAWLOR
8690 PARKS RD
POCATELLO, ID 83201

SOURCE: NORTH FORK POCATELLO CREEK TRIBUTARY: POCATELLO CREEK

QUANTITY: 0.10 CFS

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

PRIORITY DATE: 06/01/1954

POINT OF DIVERSION: T06S R35E S20 NWSWN Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.10 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Bannock County
T06S R35E S20 SWNW 3.4
3.4 Acres Total

Stockwater Within Bannock County
Same as Irrigation

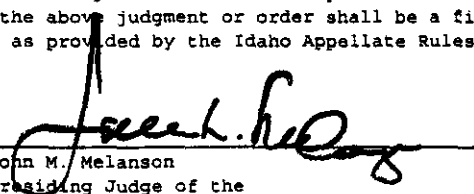
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: I.R.C.P. 60(B) was mailed on October
15, 2004, with sufficient first-class postage to the following:

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

CINDY LAWLOR
GORDON LAWLOR
8690 PARKS RD
POCATELLO, ID 83201
Phone: 208-478-1927

ORDER

Page 1 10/15/04

FILE COPY FOR 00423


Deputy Clerk