

2004 AUG 30 PM 2:45

LISTED BY 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 PARTIAL DECREE

Water Right 79-11528

On June 29, 2004, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

On May 17, 2004, the parties filed a *Standard Form 5, Amended Claim*. That *Standard Form 5, Amended Claim* sought to change the legal description for the Point of Diversion from:

T31N R02W S28 Lot 1 (SWNWNE) (instream beginning point)
T31N R02W S17 Lot 4 (NWSNW) (instream ending point)

to

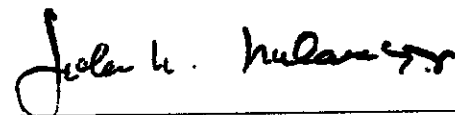
T31N R02W S28 Lot 4 (NWSWNE) (instream beginning point)
T31N R02W S17 Lot 4 (NWSNW) (instream ending point)

No objections were filed to this *Standard Form 5, Amended Claim*. These corrections were not included in the *Special Master's Recommendation* filed June 29, 2004.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report*. The Court has determined that a clerical error was made in describing the Point of Diversion element in the *Special Master's Recommendation*.

Therefore, IT IS ORDERED that water right 79-11528 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED August 30, 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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 79-11528

2004 AUG 30 PM 2:45

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: USDI BLM
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: T31N R02W S17 LOT 4 (NWSENW) (Instream Ending Point) Within Lewis County
S28 LOT 4 (NWSWNE) (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 Lewis County
	T31N R02W S17 LOT 4 (SENW)	LOT 5 (NESW)
	LOT 5 (NWSW)	LOT 8 (SWSW)
	S19 LOT 5 (NENE)	LOT 5 (SENE)
	LOT 6 (NESE)	
	S20 LOT 1 (NWNW)	LOT 4 (NESW)
	LOT 3 (NWSW)	LOT 3 (SWSW)
	LOT 4 (SESW)	LOT 6 (NESE)
	LOT 5 (NWSE)	LOT 6 (SESE)
	S21 LOT 2 (SWSW)	LOT 1 (SESW)
	S28 LOT 1 (NWNE)	LOT 4 (SWNE)
	LOT 1 (NENW)	

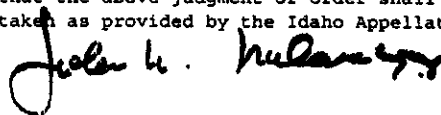
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

2004 AUG 30 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): 79-11528

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 79-11528 was mailed on August 30, 2004, with sufficient first-class postage prepaid to the following:

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

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

CERTIFICATE OF MAILING

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08/30/04