

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

2004 AUG 30 PM 1:58
FILED
TWIN FALLS CO., IDAHO
RT-SRBA

In Re SRBA

Case No. 39576

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

) **For water right: 29-12679, 29-12681**
)
)

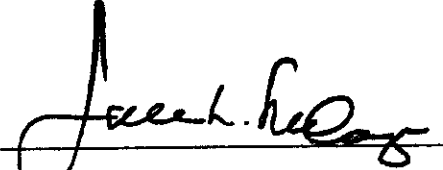
Partial Decrees were issued for the above-captioned rights on June 18, 2004. A *Master's Report and Recommendation* was filed on April 22, 2004. Special Master Thomas R. Cushman found that the rights were valid Federal Reserve water rights based on Public Water Reserve 68. The Court received correspondence from the claimant, the United States, Department of Interior, Bureau of Land Management stating the *Partial Decrees* should be amended to delete the language stating "Claimed Under PWR 68" and to add language stating "This water right is claimed based on Federal law with a December 29, 1919 date of priority pursuant to an executive order signed the same date and known as Public Water Reserve 68." This language would be consistent with the Court's *Partial Decrees* involving Federal Reserve water rights pursuant to PWR 107.

The Court finds that the omission of the language describing the basis of the priority date in the *Partial Decrees* were clerical errors.

Therefore, IT IS ORDERED, that the above water rights are hereby **amended and decreed** as set forth in the attached *Amended Partial Decree* Pursuant to I.R.C.P. 60(a).

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

AMENDED

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 29-12679

2004 AUG 30 PM 1:58
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

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

SOURCE: SPRING TRIBUTARY: YAGO CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 12/29/1919

THIS WATER RIGHT IS DECREED BASED ON FEDERAL LAW WITH A
DECEMBER 29, 1919, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE
ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 68.

POINT OF DIVERSION: T11S R38E S05 SESENW Within Bannock County

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 Bannock County
T11S R38E S05 SENW

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.

[Signature]
John M. Melanson
Presiding Judge of the
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~~ **AMENDED** PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 29-12681

2004 AUG 30 PM 1:59

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *jm*

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

SOURCE: SPRING TRIBUTARY: YAGO CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 12/29/1919

THIS WATER RIGHT IS DECREED BASED ON FEDERAL LAW WITH A
DECEMBER 29, 1919 DATE OF PRIORITY PURSUANT TO AN EXECUTIVE
ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 68.

POINT OF DIVERSION: T11S R38E S05 SWSNW Within Bannock County

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 Bannock County
T11S R38E S05 SENW

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
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 August
30, 2004, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

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

STATE OF

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

USDI BLM

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

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ORDER

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Deputy Clerk

Julie Murphy