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AUG 19 2004

DEPARTMENT OF
WATER RESOURCES

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

2004 AUG 18 PM 4:13

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA

SUBCASE NO: See Attached Exhibit A
(OPDB77JM)

Case No. 39576

ORDER OF AMENDED PARTIAL DECREES
TO CORRECT CLERICAL ERRORS;
I.R.C.P. 60(a)

On March 10, 2004, a *Special Master's Report and Recommendation* was filed in each of the above subcases. On June 10, 2004, pursuant to that *Special Master's Report, Partial Decrees* were issued for the above-captioned water rights. On August 18, 2004, this Court received correspondence from Larry Brown, United States Department of Justice, regarding clerical errors the above *Partial Decrees*. The correspondence stated that the Priority Date listed on the *Partial Decrees* was incorrect; specifically, that the dates of 4/17/1926 had not been corrected to read 6/28/1934, and the "federal reserve" remarks in the Priority Date element of the *Partial Decrees* had not been deleted to agree with the *Recommendations* issued on March 10, 2004.

Upon reviewing the files for the above water rights, it appears that the wrong computer file was used to produce the *Partial Decrees*. That computer file did not correctly reflect the *Special Master's Report and Recommendation*, which formed the basis for the *Partial Decrees*. The Court finds that the listing of the date of 4/17/1926 and the retention of the "federal reserve" language in the above *Partial Decrees* was a clerical error.

Therefore, IT IS ORDERED that the above-captioned water rights be **amended** and **decreed** as set forth in the attached *Amended Partial Decrees* pursuant to I.R.C.P. 60(a). The previously issued *Partial Decrees* are superseded thereby.

DATED August 18, 2004.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

77-10997
77-11002
77-11003
77-11004
77-11005
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77-11083

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREES TO CORRECT CLERICAL ERRORS; I.R.C.P. 60(A) was mailed on August 18, 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

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FILE COPY FOR 00004


Deputy Clerk

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 77-11022

2004 AUG 18 PM 1:13
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: UNNAMED STREAM TRIBUTARY: MAXWELL CREEK

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: T24N R05E S22 NESESW (Instream Ending Point) Within Idaho County
S27 SWNENW (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 Idaho County
	T24N R05E S22	SESW
	S27	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.

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