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DEPARTMENT OF
WATER RESOURCES

2004 JUL 27 AM 10:29

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

)
) ORDER VACATING FINAL ORDER
) DISALLOWING WATER RIGHT
)
) and
)
) ORDER OF AMENDED PARTIAL
) DECREE: I.R.C.P. 60(a)
)
) For water right: 32-10442

A *Final Order Disallowing Water Right* was previously issued for the above-captioned right on June 1, 2004 based on a *Special Master's Report* issued on April 16, 2004 by Thomas R. Cushman. A subsequent review of the *Report* indicated a discrepancy between the water right number in the Caption and in the body of the *Report*. On June 23, 2004, the Court received Correspondence regarding the discrepancy.

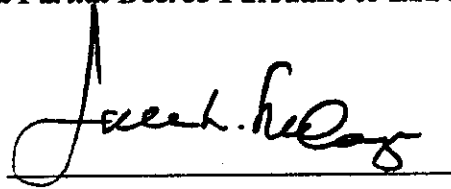
The Court treated the Correspondence as a *Motion to Set Aside*, and the matter was heard on July 20, 2004. At the hearing, Counsel for the Claimant United States, and the State of Idaho agreed that the right should not have been disallowed, and the disallowance was the result of a clerical error. No other parties appeared at the hearing.

The Court, having reviewed the file, and particularly the *Affidavit of Fredrick Price* filed on November 14, 2003, finds that the *Special Master's Report* and the *Final Order Disallowing Water Right* were issued as the result of a clerical error. The *Affidavit of Frederick Price* was filed in connection with an I.C. 42-1411(A)12 hearing before Special Master Cushman on December 11, 2003. The *Affidavit* stated that the above right was a PWR 107 water right, but stated that the place of use should be changed from the one originally claimed. At the December 11, 2003 hearing, the United States and the

State of Idaho agreed that the changes in legal description were acceptable, as they were more specific descriptions.

Therefore, IT IS ORDERED, that the *Final Order Disallowing Water Right* 32-10442 is hereby vacated. It IS FURTHER ORDERED that water right 32-10442 is decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 60(a)*.

Dated July 27, 2004

A handwritten signature in black ink, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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DISTRICT COURT
TWIN FALLS CO., ID.
FILED _____

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2004 JUL 27 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): 32-10442

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 32-10442 was mailed
on July 27, 2004, with sufficient first-class postage prepaid
to the following:

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

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

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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07/27/04