

RECEIVED

JUL 13 2004

DEPARTMENT OF
WATER RESOURCES

2004 JUL 12 PM 3:32

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

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

) **For water rights: See Exhibit A**
)
)

Partial Decrees were previously issued for the above rights. The Court has discovered clerical errors in the *Partial Decrees*.

The IDWR's *Director's Report for Late Claims* for the above subcases were filed on February 18, 2003. No Objections were filed to the *Director's Reports* in the above subcases, and the above subcases were treated as uncontested water rights. *Partial Decrees* were filed on July 23, 2003. Because the *Director's Reports* were uncontested, the *Partial Decrees* should have been identical to the *Director's Report*. However, the quarter section descriptions in the *Partial Decrees'* Point of Diversion and Place of Use descriptions did not match those descriptions in the *Director's Reports*. The Court finds that the errors in the quarter section descriptions were clerical errors.

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

Dated July 12, 2004

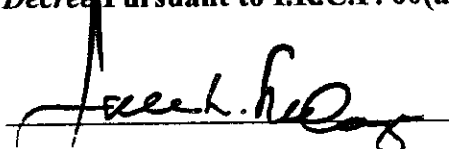

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

31-10288
34-13649
34-13650
34-13651
34-13652
35-08000
35-08805
35-08878
35-08952
36-02624
36-02907
36-08760
36-15555
36-15556
41-10272
41-10273
41-10274
41-10280
43-02505
43-02516
43-02517
43-02575
57-11601
61-11953

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 36-08760

2004 JUL 12 PM 3:33

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: SOUTHFIELD DAIRY
3308 S 1600 E
WENDELL, ID 83355

SOURCE: GROUND WATER

QUANTITY: 1.52 CFS
304.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.82 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1304 AF. COMBINED RIGHT NOS.:
36-7157A, 36-2907, 36-8760.

PRIORITY DATE: 12/04/1990

POINT OF DIVERSION: T08S R14E S04 SWSESW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.52 CFS 304.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Gooding County
	T08S R14E S04 LOT 4	(NWNW) 22.0 SWNW 24.0
		NESW 31.0 NWSW 31.0
		SWSW 31.0 SESW 31.0
	S05 LOT 1	(NENE) 32.0 LOT 2 (NWNW) 32.0
		SWNE 6.0 SENE 22.0
	S09	NENW 31.0 NWNW 33.0
	326.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 326 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-7157A, 36-2907,
36-8760.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 76 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

As mitigation for potential injury that might otherwise occur as
a result of Transfer No. 3868, no water shall be diverted under
Right No. 36-02907. Use of Water Right No. 36-02907 for
mitigation purposes under this transfer shall be deemed by the
department to constitute a beneficial use of water. By approval
of this transfer, mitigation right No. 36-02907 with a rate of
diversion of 0.80 cfs and an annual volume of 120 af for the
irrigation of 40 acres shall be considered appurtenant to the
same place of use as authorized by this transfer. Approval of

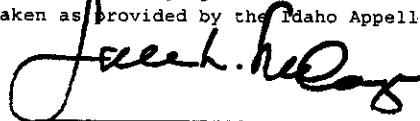
OTHER PROVISIONS (continued)

this transfer contingent upon the mitigation herein provided shall not be deemed conclusive as to the adequacy of the mitigation in the event of a priority call affecting the diversion and use of water under water Right No. 36-08760. The remaining portion of Right No. 37-07n excess of the amount approved for transfer shall be considered abandoned. The right holder shall install a suitable measevice for measuring the amount of water diverted and shall annually report the information to the department. Failure to comith the conditions of this transfer is cause for the d rescind approval of the transfer.

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