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JUL 13 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

JUL 12 PM 2:00

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA

Case No. 39576

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

For water right: 35-02805

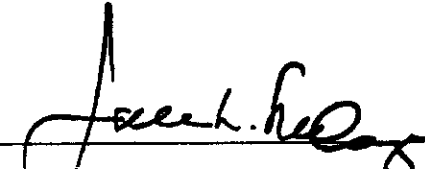
A *Partial Decree* was issued for the above-captioned right on July 23, 2003. On July 2, 2004, the Court received correspondence from a purchaser of the water right, stating that the legal descriptions for the water right were incorrect; specifically, all the quarter section descriptions for the Point of Diversion and Place of Use were in error. The correspondence was treated as a *Motion to Set Aside/Modify Partial Decree*.

The IDWR's *Director's Report for Late Claims* for Subcase 35-02805 was filed on February 18, 2003. No Objections were filed to the *Director's Report*, and the above subcase was treated as an uncontested water right. After a hearing on July 15, 2003, the *Partial Decree* was filed on July 23, 2003. Because the *Director's Report* was uncontested, the *Partial Decree* should have been identical to the *Director's Report*. However, the quarter section descriptions in the *Partial Decree's* Point of Diversion and Place of Use descriptions did not match those descriptions in the *Director's Report*. The Court finds that the error in the quarter section descriptions was a clerical error.

Therefore, IT IS ORDERED, that water right 35-02805 is 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

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 35-02805

2004 JUL 12 PM 2:00

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JANET R JENSEN
JENSEN CARLSON FARMS
5750 S 55TH W
IDAHO FALLS, ID 83402

SOURCE: GROUND WATER

QUANTITY: 2.82 CFS
584.40 AFY

PRIORITY DATE: 01/06/1966

POINT OF DIVERSION: T01N R36E S01 NWNE Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.82 CFS 584.40 AFY

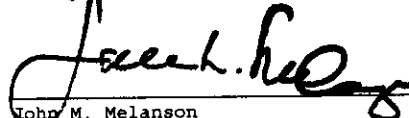
PLACE OF USE:	Irrigation	Within Bonneville County
	T01N R36E S01	NENE 29.0 NWNE 38.0 SENE 37.0
	141.0 Acres Total	

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

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 JUL 12 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): 35-02805

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 35-02805 was mailed
on July 12, 2004, with sufficient first-class postage prepaid
to the following:

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

JANET R JENSEN
JENSEN CARLSON FARMS
5750 S 55TH W
IDAHO FALLS, ID 83402

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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07/12/04