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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

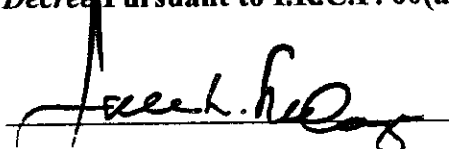

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 34-13651

2004 JUL 12 PM 3:32
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: MELVIN ELLWEIN
VIVIAN ELLWIN
PO BOX 329
MACKAY, ID 83251

SOURCE: ALDER CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 03/16/1923

POINT OF DIVERSION: T06N R25E S07 NENE (Instream Ending Point) Within Custer County
SENW (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 Custer County
	T06N R25E S07	NWNE
	SENW	

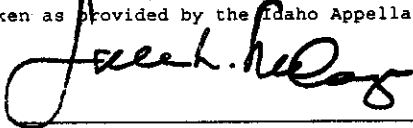
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
Presiding Judge of the
Snake River Basin Adjudication