

2004 JUN 18 11:11:12  
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 )

Subcase: 35-13120

Case No. 39576 )

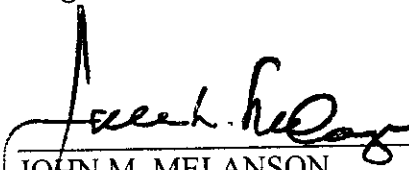
ORDER AMENDING PARTIAL DECREE TO  
CORRECT ERROR IN POINT OF DIVERSION,  
I.R.C.P. 60(a)

On November 17, 2000, a *Partial Decree* was issued for the above-captioned water right. On March 4, 2004, this Court received correspondence from the Idaho Department of Water Resources describing a clerical error in the *Partial Decree* for this water right. Specifically, the *Partial Decree* and IDWR's *Recommendation* contain an error in the legal description of the point of diversion.

On March 10, 2004, this Court issued a *Notice of Court's Intent to Issue Amended Partial Decree* and hearing was held on June 15, 2004. There were no objections to the proposed amended partial decree.

Therefore, IT IS ORDERED that the error regarding the point of diversion (POD) is corrected and water right 35-13120 is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 35-13120*.

DATED June 18, 2004.

  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

## CERTIFICATE OF MAILING

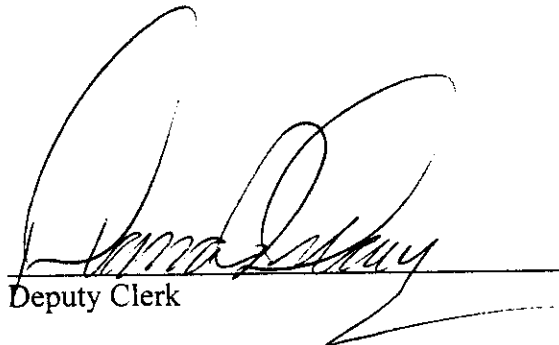
I hereby certify that true and correct copies of the **ORDER AMENDING PARTIAL DECREE TO CORRECT ERROR IN POINT OF DIVERSION, I.R.C.P. 60(a)** were mailed on June 18, 2004, by first-class mail to the following:

Bryce Sargent  
Lauralyn Sargent  
843 Robert St  
Blackfoot, ID 83221

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment & Natural Resources Div.  
550 West Fort Street, MSC 033  
Boise, ID 83724



Deputy Clerk

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 )  
\_\_\_\_\_ )

**AMENDED**  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 35-13120

JUN 18 AM 11:13  
SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: BRYCE SARGENT  
LAURALYN SARGENT  
843 ROBERT ST  
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/31/1974

POINT OF DIVERSION: T02S R35E S14 SWSW Within Bingham County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE  | PERIOD OF USE  | QUANTITY |
|-------------------------------|-----------------|----------------|----------|
|                               | Domestic 1 HOME | 01-01 TO 12-31 | 0.04 CFS |

PLACE OF USE: Domestic Within Bingham County  
T02S R35E S14 SWSW

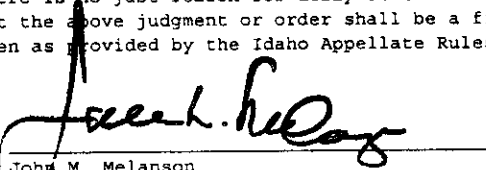
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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