

2004 JUN -7 PM 3:17

FILED
TWIN FALLS CO., IDAHO
ST-SRBA

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
For Water Right 85-10706

On December 29, 2000, a *Partial Decree* was issued for the above-captioned water right. On October 14, 2003, the claimants, Timothy J. and Shirley F. O'Connor filed a *Motion to Set Aside Partial Decree*. This matter was referred to the Special Master on October 16, 2003. The Special Master issued a *Special Master's Report and Recommendation* on April 15, 2004, recommending setting aside and amending the *Partial Decree*. This Court has reviewed the findings of fact and conclusions of law contained in the *Special Master's Report and Recommendation* and adopts them wholly as its own.

THEREFORE, IT IS ORDERED that the *Partial Decree* for water right 85-10706 be set aside and an *Amended Partial Decree* be decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decree* is replaced and superseded thereby.

DATED June 7, 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 85-10706

2004 JUN -7 PM 3:18

FILED
TWIN FALLS, IDAHO
SRBA

NAME AND ADDRESS: SHIRLEY F. O'CONNOR
TIMOTHY J. O'CONNOR
3358 HWY 12
KAMIAH, ID 83536

SOURCE: GROUNDWATER

QUANTITY: 0.03 CFS

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

PRIORITY DATE: 01/01/1948

POINT OF DIVERSION: T33N R03E S02 LOT 4 (SWSENE) Within Lewis County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.03 CFS

PLACE OF USE: Domestic Within Lewis County
T33N R03E S02 LOT 4 (SENE)

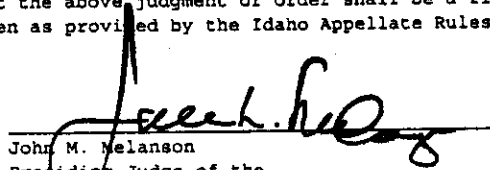
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

2004 JUN 07 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): 85-10706

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 85-10706 was mailed
on June 07, 2004, with sufficient first-class postage prepaid
to the following:

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

SHIRLEY F. O'CONNOR
TIMOTHY J. O'CONNOR
3358 HWY 12
KAMIAH, ID 83536
Phone: 208-935-2235

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
06/07/04