

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

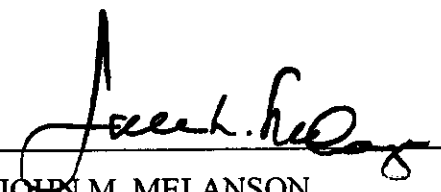
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)
) **ORDER OF AMENDED PARTIAL**
) **DECREE: I.R.C.P. 60(a)**
)
) **For water right: 36-00136B**
)
)

A *Partial Decree* was previously issued for the above-captioned right on June 2, 2003. On August 20, 2003, the Court received notice from the Idaho Department of Water Resources requesting that the *Partial Decree's* legal description for the place of use be changed to correct an error.

The IDWR's *Amended Director's Report* for Subcase 36-00136B was filed on June 10 2002, and showed that the point of diversion for the above right was located at T07S R13E S36 NWSESE. On March 25, 2003, the parties to the case submitted a *Standard Form 5*, which did not alter the recommended point of diversion, although the description was illegible. The Special Master recommended the above right to be partially decreed on April 16, 2003, with the legal description changed to T07S R13E S36 NWSWSE. The *Partial Decree* was also issued with the same change. Because the *SF* language was not intended to be altered, the change in legal description from NWSESE to NWSWSE was a clerical error.

Therefore, IT IS ORDERED, that water right 36-00136B is hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 60(a)*.

Dated: March 4, 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

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TWIN FALLS CO. IDAHO

FILED

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In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 36-00136B

NAME AND ADDRESS: SALMON FALLS LAND & LIVESTOCK
CO, INC.
123 BELL RAPIDS ROAD
HAGERMAN, ID 83332

SOURCE: UPPER TUCKER SPRINGS TRIBUTARY: RILEY CREEK

QUANTITY: 6.60 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02046 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 6.60 CFS.
USE OF THIS RIGHT WITH RIGHT NO. 36-136A IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.0 CFS.

PRIORITY DATE: 10/01/1908

POINT OF DIVERSION: T07S R13E S36 NWSESE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	6.60 CFS
	Stockwater	01-01 TO 12-31	0.30 CFS
	Wildlife	01-01 TO 12-31	6.60 CFS

PLACE OF USE:	Irrigation		Within Twin Falls County
	T08S R13E S01 LOT 5	(SWNW) 2.9	NWSW 8.1
	S02	SWNE 17.0	SENE 22.0
	LOT 4	(NWNW) 0.3	SWNW 37.0
		SENE 24.0	NWSW 2.5
		NESE 5.2	
	S03 LOT 1	(NENE) 5.5	SWNE 1.9
		SENE 39.0	NESE 5.0
	170.4 Acres Total		

	Stockwater		Within Twin Falls County
	T08S R13E S01 LOT 5	(SWNW)	NWSW
	S02	SWNE	SENE
	LOT 4	(NWNW)	SWNW
		SENE	NWSW
		NESE	
	S03 LOT 1	(NENE)	SWNE
		SENE	NESE

	Wildlife		Within Twin Falls County
	T08S R13E S01 LOT 5	(SWNW)	NWSW
	S02	SWNE	SENE
	LOT 4	(NWNW)	SWNW
		SENE	NWSW
		NESE	
	S03 LOT 1	(NENE)	SWNE
		SENE	NESE

USE OF THIS RIGHT WITH RIGHT NO. 36-2046 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 170.4 ACRES IN A SINGLE
IRRIGATION SEASON.

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

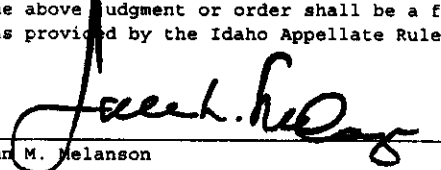
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE was mailed on March 04, 2004, with sufficient first-class postage to the following:

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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