

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2004 JAN 21 PM 4 35

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

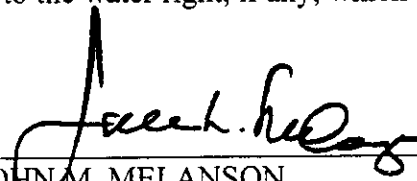
In Re SRBA) ORDER AMENDING PARTIAL
Case No. 39576) DECREES, *NUNC PRO TUNC*, TO
) CORRECT CLERICAL ERRORS;
) I.R.C.P. 60(a)
)
) For water rights: 65-00293, 65-00294 and
) 65-00295

Partial Decrees were issued for the above-captioned water rights July 7, 2003. *Special Master's Reports and Recommendations* for the rights were issued May 21, 2003. The *Special Master's Reports and Recommendations* were based on *Standard Form 5, Stipulated Elements of a Water Right (SF-5)* executed by the parties with the concurrence of the Idaho Department of Water Resources (IDWR). Subsequently, IDWR notified the Court that the recommendations contained in the *Special Master's Reports*, and as a result the *Partial Decrees*, erroneously included a provision regarding Basin 65 General Provision No. 3 ("Separate Streams"), which was not part of the respective *SF-5*'s. The Court finds that the inclusion of this provision to be the result of a clerical error.

THEREFORE, pursuant to I.R.C.P. 60(a), IT IS ORDERED AND ADJUDGED that the *Partial Decrees* previously issued for water rights 65-00293, 65-00294 and 65-00295 are hereby **amended** to omit the provision as set forth in the three attached *Amended Partial Decree Pursuant To I.R.C.P. 54(b)*.

This order is being entered *nunc pro tunc* as of July 7, 2003, and is not intended to modify any subsequent administrative changes to the water right, if any, which occurred following entry of the *Partial Decree*.

Dated January 13, 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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-00293

NAME AND ADDRESS: NESBITT RANCH & CATTLE CO LLC
10500 NESBITT LN
OLA, ID 83657

SOURCE: SPRING TRIBUTARY: KIMBALL GULCH CREEK

QUANTITY: 0.14 CFS
8.10 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .14 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 8.1 AF. COMBINED RIGHT NOS.:
65-291, 65-292, 65-294, 65-295, 65-372, 65-373, 65-286,
65-285, 65-284, 65-282, 65-283, 65-280, 65-365, 65-3078X &
65-501.

PRIORITY DATE: 09/15/1965

POINT OF DIVERSION: T12N R01E S36 NWNWNE Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.14 CFS 8.10 AFY

PLACE OF USE: Stockwater Within Gem County
T12N R01E S25 SWSE
S36 NWNE

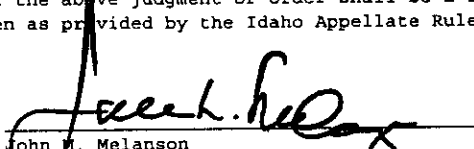
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

AMENDED

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Jan-12-2004

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FILED

2004 JAN 21 PM 4 35

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-00295

NAME AND ADDRESS: NESBITT RANCH & CATTLE CO LLC
10500 NESBITT LN
OLA, ID 83657

SOURCE: SPRINGS TRIBUTARY: KIMBALL GULCH CREEK

QUANTITY: 0.14 CFS
8.10 AFY

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

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .14 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 8.1 AF. COMBINED RIGHT NOS.: 65-286,
65-285, 65-291, 65-292, 65-293, 65-294, 65-284, 65-280, 65-372,
65-373, 65-365, 65-282, 65-283, 65-3078X & 65-501.^^^

PRIORITY DATE: 04/01/1952

POINT OF DIVERSION: T12N R01E S36 SWSWSE Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.14 CFS 8.10 AFY

PLACE OF USE: Stockwater Within Gem County
T12N R01E S36 SWSW SWSE

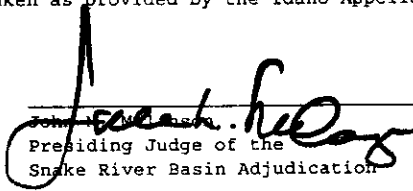
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

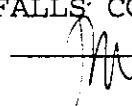
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.


Presiding Judge of the
Snake River Basin Adjudication

2004 JAN 21 PM 02:00
DISTRICT COURT - SRBA
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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): 65-00293

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 65-00293 was mailed
on January 21, 2004, with sufficient first-class postage prepaid
to the following:

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

IDAHO DEPARTMENT OF LANDS
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

NESBITT RANCH & CATTLE CO LLC
10500 NESBITT LN
OLA, ID 83657
Phone: 208-584-3550

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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01/21/04

ALLS CO., IDAHO

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) : 65-00294

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 65-00294 was mailed on January 21, 2004, with sufficient first-class postage prepaid to the following:

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

IDAHO DEPARTMENT OF LANDS
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

NESBITT RANCH & CATTLE CO LLC
10500 NESBITT LN
OLA, ID 83657
Phone: 208-584-3550

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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01/21/04

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In Re SRBA
Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 65-00295

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 65-00295 was mailed
on January 21, 2004, with sufficient first-class postage prepaid
to the following:

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

IDAHO DEPARTMENT OF LANDS
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
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10500 NESBITT LN
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Chief Deputy Clerk

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