

RECEIVED

APR 5 2000

Department of Water Resources

2000 MAR 30 PM 1:24

FILED
DISTRICT COURT - SRBA
TWIN FALLS 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

AMENDED ORDER OF PARTIAL DECREE

For Water Right 55-12459

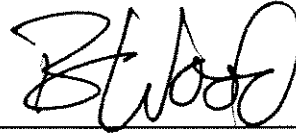
On July 12, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges expired. On January 3, 2000, this Court issued a *Partial Decree* for water right no. 55-12459.

On January 25, 2000, the State of Idaho filed a *Motion to Correct Clerical Error*, in this subcase, pursuant to Idaho Rule of Civil Procedure 60(a). Hearing on the State's *Motion* was held March 21, 2000. Mr. Peter J. Ampe appeared at hearing for the State of Idaho. No appearance was made for the United States. Mr. Ampe represented to the Court that he had spoken with the attorney for the United States and that the United States did not oppose the State's *Motion*.

After reviewing the State's *Motion* and the documents incorporated by reference therein, the Court determines that the *Partial Decree* dated January 3, 2000, issued for this water right contained a typographical error as to the correct priority date and that said error should be corrected under the authority granted to this Court by Idaho Rule of Civil Procedure 60(a).

Therefore, IT IS ORDERED, that the State of Idaho's *Motion to Correct Clerical Error* is hereby **granted**, and IT IS FURTHER ORDERED that water right no. 55-12459 is hereby **decreed nunc pro tunc** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: March 30, 2000, nunc pro tunc January 3, 2000.

A handwritten signature in black ink, appearing to read "B. Wood", is written over a horizontal line.

BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication.

APR 5 2000

Department of Water Resources

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) AMENDED PARTIAL DECREE (NUNC PRO TUNC)
Case No. 39576) PURSUANT TO I.R.C.P. 54(B) FOR
Water Right: 55-12459

200 MAR 30 PM 1:24
FILED
AT-SRBA
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: UNNAMED STREAM Tributary: JORDAN CREEK

QUANTITY: .02 CFS

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

PRIORITY DATE: 06-28-1934

POINT OF DIVERSION: Within Owyhee County
T05S R03W S04 LOT 5 (NWSW) (Instream Beginning Point)
S06 SESE (Instream Ending Point)

PURPOSE AND	Purpose of Use	Period of Use	Quantity
PERIOD OF USE:	Stockwater	01-01 TO 12-31	.02 CFS

PLACE OF USE:	Stockwater	Within Owyhee County
	T05S R03W S04 LOT 5 (NWSW)	
	S05 LOT 12 (NESW)	LOT 14 (SWSW)
	LOT 15 (SESW)	LOT 5 (NESE)
	LOT 11 (NWSE)	
	S06 SESE	

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)

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.

DATED: March 30, 2000, nunc pro tunc January 3, 2000


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 55-12459

RECEIVED

APR 5 2000

Department of Water Resources

2000 APR 03 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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 55-12459

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 55-12459 was mailed
on April 03, 2000, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
PETER J. AMPE
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
03/30/00