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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 MAY 14 AM 9 07

**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

) For Water Right 51-12953
)
)
)
)
)

**ORDER OF AMENDED PARTIAL DECREE
TO CORRECT CLERICAL ERROR,
I.R.C.P. 60(a)**

A *Partial Decree* was previously issued for the above-captioned water right on March 14, 2003, based on the *Special Master's Report and Recommendation*. The *Master's Report* was issued pursuant to a *Standard Form 5 (SF-5)* stipulation filed by the parties. In comparing the elements contained in the *Partial Decree* with those in the *SF-5*, there is an apparent discrepancy in the legal descriptions for the point of diversion and place of use elements. The Court finds the discrepancy to be a result of clerical error.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that water right 51-12953 is hereby amended as set forth in the attached *Amended Partial Decree*, pursuant to I.R.C.P. 54(b).

Dated this 14th day of May, 2003.


Honorable Roger S. Burdick
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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PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 51-12953

2003 MAY 14 AM 9 07

NAME AND ADDRESS: BRACKETT LIVESTOCK INC
C/O BERT BRACKETT
PO BOX 403
TWIN FALLS, ID 83301

SOURCE: POISON CREEK

TRIBUTARY: JARBIDGE RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/05/1899

POINT OF DIVERSION: T16S R09E S01 NENW (Instream Ending Point) Within Owyhee County
R10E S06 LOT 7 (SENESEW) (Instream Beginning Point)
S08 SWSWNW (Instream Ending Point)
S17 NWNWSE (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

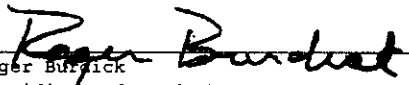
PLACE OF USE:	Stockwater	Within Owyhee County
T16S R09E S01	NENE NENW (NWNW) (NESW) ()	NWNE LOT 6 (SENW) LOT 3 ()
R10E S06 LOT 2		
LOT 7		
LOT 5		
S08	SWNW NWSW SWNE SENW	NESW SESW NENW NWSE
S17		

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.


Roger B. Burdick
Presiding Judge of the
Snake River Basin Adjudication