

**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	)	Subcase: 32-07081C
	)	
Case No. 39576	)	ORDER OF AMENDED PARTIAL
	)	DECREE TO CORRECT CLERICAL
	)	ERROR; I.R.C.P. 60(a), <i>NUNC PRO</i>
	)	<i>TUNC</i>

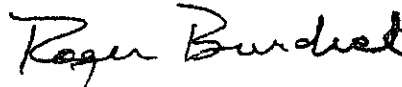
A *Partial Decree* was issued for the above-captioned water right on October 27, 2000. However, due to a computer coding error, the following "shoulder" remark was inadvertently omitted from the period of use element of the *Partial Decree*.

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that water right 32-07081C is hereby **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

This order is being entered *nunc pro tunc* as of October 27, 2000, and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

Dated October 10, 2002



ROGER 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 32-07081C

NAME AND ADDRESS: ELMA HOLMES
GERALD D HOLMES
HC 61 BOX 1310
DUBOIS, ID 83423

SOURCE: GROUNDWATER

QUANTITY: 1.89 CFS
542.50 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.50 CFS.
COMBINED RIGHT NOS.: 32-00002A, 32-00003A, 32-00004A, 32-00005A,
32-00001A

PRIORITY DATE: 06/20/1977

POINT OF DIVERSION: T10N R35E S06 LOT 2 (NWNE) Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	1.89 CFS 542.50 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Clark County
	T11N R35E S31	NESE 40.0 NWSE 37.0 SWSE 38.0 SESE 40.0
	155.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 155 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00001A
32-00002A, 32-00003A, 32-00004A, 32-00005A.

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

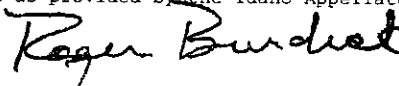
THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT
SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED
UNDER RIGHT 32-07081D AND SHALL ONLY DIVERT GROUNDWATER UNDER
THIS RIGHT WHEN WATER FROM THE APPURTENANT SURFACE WATER RIGHTS
CANNOT BE DELIVERED TO THE RIGHT HOLDER.

THIS RIGHT SHALL NOT BE USED IF THE SURFACE WATER RIGHTS
APPURTENANT TO THE PLACE OF USE ARE SOLD, TRANSFERRED, LEASED OR
USED ON ANY OTHER PLACE OF 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 Burdick
Presiding Judge of the
Snake River Basin Adjudication