

RECEIVED

MAY 14 2002

Department of Water Resources

2002 MAY -7 PM 4: 28

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

) Subcase 36-04046
)
)

Case No. 39576

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

On January 15, 1998, a *Partial Decree* was issued for the above-captioned water right. On May 2, 2002, this Court received correspondence from IDWR indicating that there was an error in the November 2, 1992 *Director's Report* for this water right. Specifically, the *Director's Report* states a total quantity of 1.6 cfs, but states a quantity for irrigation use of 1.4 cfs, which is the only use of this water right. The correspondence from IDWR indicated that the quantity listed under the Purpose and Period of Use element should be 1.6 cfs, and the error in the *Director's Report* was due to a clerical error. The water right was ultimately decreed uncontested as reported by the director. Thus, the Court finds the discrepancy to be the result of a clerical error.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the clerical error is corrected and that water right 36-04046 is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-04046*.

This order is being entered *nunc pro tunc* as of January 15, 1998, 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

May 7, 2002

Roger Burdick

ROGER S. BURDICK
Presiding Judge

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 36-04046

2002 MAY -7 PM 4: 28

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

NAME AND ADDRESS: NORMA F & MELVIN J BROWN
1643 E 1600 S
WENDELL, ID 83355

SOURCE: GROUNDWATER

QUANTITY: 1.60 CFS
320.00 APY

PRIORITY DATE: 03/18/1952

POINT OF DIVERSION: T09S R14E S01 LOT 03 (NENENW) Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.60 CFS

PLACE OF USE: Irrigation Within Gooding County
T09S R14E S01 LOT 03 (NENW) 40.0 LOT 04 (NWNW) 40.0
80.0 Acres Total

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

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 MAY 08 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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-04046

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 36-04046 was mailed
on May 08, 2002, with sufficient first-class postage prepaid
to the following:

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

NORMA F & MELVIN J BROWN
1643 E 1600 S
WENDELL, ID 83355
Phone: 208-536-2193

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/07/02