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Department of Water Resources

2002 APR 25 PM 5:00
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	)	**Subcase 36-02603A**
	)	
Case No. 39576	)	
	)	**SECOND AMENDED ORDER OF PARTIAL DECREE TO CORRECT CLERICAL ERROR; I.R.C.P. 60(a)**
	)	
	)	
	)	

On February 24, 1999, an ***Amended Partial Decree*** was issued for the above-captioned water right. The ***Amended Partial Decree*** was issued pursuant to a *Motion for Relief from Clerical Errors in Partial Decree* filed by Jacqueline Wakefield, attorney for claimant City of Twin Falls. However, the ***Amended Partial Decree*** failed to accurately correct the clerical error in the point of diversion element.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the clerical error is corrected and that water right 36-02603A is hereby **decreed** as set forth in the attached ***Second Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-02603A***.

This order is being entered *nunc pro tunc* as of August 18, 1998, and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the original ***Partial Decree***.

DATED: 4-25-02

R Burdick

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

In Re SRBA	)	Second Amended PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR
Case No. 39576	)	Water Right 36-02603A

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NAME AND ADDRESS: CITY OF TWIN FALLS
P.O. BOX 1907
TWIN FALLS, ID 83303-1907

SOURCE: GROUNDWATER

QUANTITY: 45.00 CFS

THE TOTAL COMBINED RATE OF DIVERSION UNDER RIGHT NOS. 36-02603A, 36-02646 AND 36-07239 SHALL NOT EXCEED 52.47 CFS.

PRIORITY DATE: 04/17/1964

POINT OF DIVERSION: T09S R17E S28 SENE NESE Within Jerome County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Municipal	01-01 TO 12-31	45.00 CFS

PLACE OF USE:

PLACE OF USE IS LOCATED WITHIN THE CITY LIMITS OF TWIN FALLS AND THE SURROUNDING SERVICE AREA.

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

RIGHT NO. 36-02646 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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.

R. Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication