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SEP 14 2000

Department of Water Resources

2000 SEP 13 PM 2:13

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

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

) For Water Right 72-15980

I.

CLERICAL ERROR

On June 14, 2000, this Court issued an *Order of Partial Decree*, together with a *Partial Decree* for water right 72-15980. The *Order* and *Partial Decree* were pursuant to the *Special Master's Report and Recommendation* issued on April 6, 2000. The *Special Master's Report and Recommendation* was issued pursuant to a *Standard Form 5* (SF-5) signed by all parties to the subcase and concurred with by IDWR.¹

The SF-5 provided the following legal description with respect to the point of diversion element (emphasis added):

T09N R20E S19 NENWSE (Instream Beginning Point) Within Custer County
R19E **S23** SWNWSE (Instream Ending Point)

The *Special Masters Report and Recommendation*, and ultimately the *Partial Decree*, described the point of diversion element as follows (emphasis added):

T09N R20E S19 NENWSE (Instream Beginning Point) Within Custer County
R19E **S24** SWNWSE (Instream Ending Point)

¹ All elements were stipulated-to pursuant to the SF-5. However, the priority date element was subsequently modified following a hearing on the SF-5. All other elements remained unchanged. See *Special Master's Report Findings of Fact and Conclusions of Law For Water Right 72-15980* (April 6, 2000).

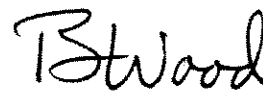
The reference to "S23" (Section 23), which more particularly describes the point of diversion in the SF-5, was stated as "S24" (Section 24) on the *Special Master's Report and Recommendation* and the *Partial Decree*. Since the *Report and Recommendation* and the *Partial Decree* were ultimately based on the elements as contained in the SF-5, the Court finds that the error resulted from a clerical error arising in the transposition of the point of diversion element from the SF-5 to the *Report and Recommendation*.

II.
ORDER

THEREFORE, based on the foregoing and pursuant to I.R.C.P. 60(a), IT IS ORDERED that the *Partial Decree* for water right 72-15980 entered June 14, 2000, is amended as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54 (b)*.

IT IS SO ORDERED

DATED 9-13-00



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
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

2009 SEP 13 PM 2:13

In Re SRBA)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576)

Water Right 72-15980

SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: UNNAMED STREAM TRIBUTARY: LAKE CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T09N R19E S23 SWNWSE (Instream Ending Point) Within Custer County
R20E S19 NENWSE (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 Custer County
T09N R19E S23 SENE NESE
S24 SWNE SENW
SWNW SENW
NESW NWSW
NESE
R20E S19 SWNE SENW
NESW LOT 03 (NWSW)
NWSE

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.

Barry Wood

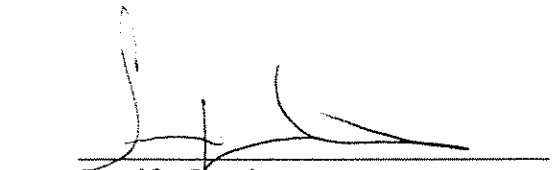
Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER AMENDING PARTIAL DECREE TO CORRECT CLERICAL ERROR – I.R.C.P. 60(a)** were mailed on September 13, 2000, with sufficient first-class postage, to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

US Department of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724



Jennifer Lewis
Deputy Clerk of the Court
Snake River Basin Adjudication

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JUN 14 2000

Department of Water Resources

2000 JUN 14 AM 8:26

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

)
)
)
)

ORDER OF PARTIAL DECREE

For Water Right 72-15980

On April 6, 2000, 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 has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 72-15980 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUN 14 2000.



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

RECEIVED

JUN 16 2000

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE Department of Water Resources
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

200 JUN 14 AM 8:27

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 72-15980

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: UNNAMED STREAM TRIBUTARY: LAKE CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T09N R19E S24 SWNWSE (Instream Ending Point) Within Custer County
R20E S19 NENWSE (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 Custer County
	T09N R19E S23	SENE	NESE
		NWSE	
	S24	SWNE	SENE
		SWNW	SENW
		NESW	NWSW
		NESE	
	R20E S19	SWNE	SENW
		NESW	LOT 03 (NWSW)
		NWSE	

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.

Barry Wood

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

RECEIVED
JUN 16 2000

Department of Water Resources

2000 JUN 14 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): 72-15980

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 72-15980 was mailed
on June 14, 2000, with sufficient first-class postage prepaid
to the following:

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

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