

RECEIVED DISTRICT COURT-SRBA
MAR - 5 2003 TWIN FALLS CO., IDAHO
Department of Water Resources FILED
2003 MAR 4 AM 11 42

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 AMENDED PARTIAL DECREE;
I.R.C.P. 60(a)

For Water Right 72-00144

On January 10, 2001, a *Partial Decree* was issued for the above-captioned water right. On February 18, 2003, the Idaho Department of Water Resources notified the Court about a possible clerical error. In reviewing the *Standard Form 5* filed by the parties on October 10, 2000, the Court determines that stockwater use was inadvertently dropped from the Purpose and Period of Use element in both the *Special Master's Recommendation* and the *Partial Decree*.

Therefore, IT IS ORDERED that water right 72-00144 is hereby **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decree* is replaced and superseded thereby.

DATED March 4, 2003.



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2003 MAR 4 AM 11 42

AMENDED

In Re SRBA)
PARTIAL DECREE PURSUANT TO
Case No. 39576)
I.R.C.P. 54(b) FOR
Water Right 72-00144

NAME AND ADDRESS: MOUNTAIN SPRINGS RANCH LLC
5550 BARTON FLAT RD
MACKAY, ID 83251

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 6.40 CFS

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

PRIORITY DATE: 02/01/1877

POINT OF DIVERSION: T11N R20E S02 SENESE Within Custer County
T12N R20E S23 SESWSE
S26 SWNESE
SWSENE
SESESE
S35 NESWSE
SESWSSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.40 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Custer County

T11N R20E S02 LOT 2	(NWNE) 7.8	SWNE 2.7
	SENE 8.7	NESE 7.8
T12N R20E S23	NWSE 9.4	SWSE 38.0
S26	NENE 2.2	NWNE 27.0
	SWNE 35.0	SENE 13.0
	NESE 32.0	SESE 1.8
S35	NENE 2.3	SWNE 8.6
	SENE 16.0	NESE 13.0
225.3 Acres Total		

Stockwater Within Custer County

T11N R20E S02 LOT 2	(NWNE)	SWNE
	SENE	NESE
S03	SENW	NWSW
T12N R20E S23	NWSE	SWSE
S26	NENE	NWNE
	SWNE	SENE
	NESE	SESE
S34	SWSE	SESE
S35	NENE	SWNE
	SENE	SWSW
	NESE	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE 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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE was mailed on March 04, 2003, with sufficient first-class postage to the following:

MOUNTAIN SPRINGS RANCH LLC

Represented by:

PATRICK D. BROWN

HUTCHINSON & BROWN, LLP

P O BOX 207

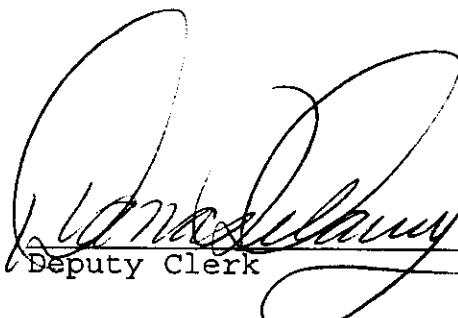
TWIN FALLS, ID 83303-0207

Phone: 208-733-9300

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A large, stylized handwritten signature in black ink, likely belonging to the Deputy Clerk, is written over a horizontal line.

2001 JAN 10 AM 8:18
FILED
TWIN FALLS CO., IDAHO

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

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ORDER OF PARTIAL DECREE

Case No. 39576

For Water Right 72-00144

On October 23, 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 72-00144 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED _____.



ROGER BURDICK
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

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

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

Water Right 72-00144

2001 JAN 10 AM 8:18

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TWIN FALLS CO., IDAHO

NAME AND ADDRESS: MOUNTAIN SPRINGS RANCH LLC
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MACKAY, ID 83251

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PRIORITY DATE: 02/01/1877

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T12N R20E S23 SESWSE
S26 SWNE
SWSENE
SESESE
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SESWSE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 6.40 CFS

PLACE OF USE: Irrigation Within Custer County
T11N R20E S02 LOT 02 (NWNE) 7.8 SWNE 2.7
SENE 8.7 NESE 7.8
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NESE 32.0 SESE 1.8
S35 NENE 2.3 SWNE 8.6
SENE 16.0 NESE 13.0
225.3 Acres Total

Stockwater Within Custer County
T11N R20E S02 LOT 02 (NWNE) SWNE
SENE NESE
S03 SENW NWSW
T12N R20E S23 NWSE SWSE
S26 NENE NWNE
SWNE SENE
NESE SESE
S34 SWSE SESE
S35 NENE SWNE
SENE SWSW
NESE

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

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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE

2001 JAN 10 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): 72-00144

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 72-00144 was mailed
on January 10, 2001, with sufficient first-class postage prepaid
to the following:

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

MOUNTAIN SPRINGS RANCH LLC

Represented by:
PATRICK D. BROWN
109 S ADAMS ST
JEROME, ID 83338
Phone: 208-644-1967

DIANA DELANEY
Chief Deputy Clerk