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Department of Water Resources

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

2003 JAN 24 PM 2 12

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

) For water right: 63-21471
)
) ORDER RESCINDING PARTIAL
) DECREE ISSUED ON MAY 16, 2001
) AND CONFIRMING PARTIAL
) DECREE ISSUED OCTOBER 18, 2002
)

This matter came before the Court pursuant to the Court's own *Notice of Intent to Rescind Partial Decree Where Successive Partial Decrees Were Issued for Same Water Right I.R.C.P. 60(a)*, for water right 63-21471. A hearing was held on the *Motion* on January 21, 2003, wherein the Court explained that two *Partial Decrees* were issued in error for the same water right and expressed its intent to rescind the May 6, 2001, *Partial Decree*. No party appeared in opposition to the Court's *Motion*. THEREFORE, based on the foregoing, and pursuant to I.R.C.P. 60(a):

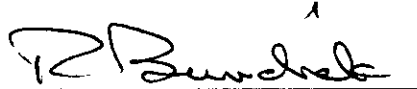
IT IS ORDERED that the *Partial Decree* issued on May 6, 2001, for water right 63-21471 is hereby **rescinded** and shall not be confirmed in any final decree entered in SRBA, Case No. 39576, in whatever form that decree may take or be styled.

IT IS FURTHER ORDERED that the *Partial Decree* issued for water right 63-21471 on October 18, 2002, is hereby confirmed and shall constitute the final judgment for the elements of water right 63-21471.

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.

Dated: January 24, 2003

A handwritten signature in black ink, appearing to read "R. Burdick", is written over a horizontal line.

ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the this **ORDER RESCINDING PARTIAL DECREE ISSUED ON MAY 16, 2001 AND CONFIRMING PARTIAL DECREE ISSUED OCTOBER 18, 2002** was mailed on January 24, 2003, with sufficient first-class postage to the following:

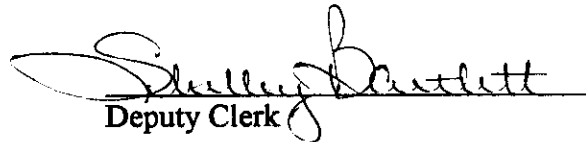
Buckeye Ranch Inc.
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State of Idaho
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United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724


Deputy Clerk

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

2002 OCT 18 PM 4 53

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-21471

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OCT 21 2002

Department of Water Resources

NAME AND ADDRESS: CLAYTON TREE FARM LLC
PO BOX 10
STAR, ID 83669

SOURCE: GROUNDWATER

QUANTITY: 0.14 CFS
7.90 AFY

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

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER RIGHTS 63-10578 AND 63-21471 SHALL NOT EXCEED
2.14 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 673.9 AF.

PRIORITY DATE: 01/01/1909

POINT OF DIVERSION: T04N R05W S13 SWNW Within Canyon County
NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
			1.20 AFY
	Stockwater	01-01 TO 12-31	0.10 CFS
			6.70 AFY

PLACE OF USE: Stockwater Within Canyon County
T04N R05W S13 SWNW

Domestic Within Canyon County
T04N R05W S13 SWNW

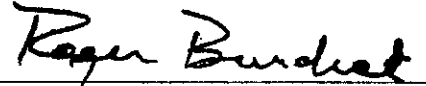
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THIS
TRANSFER WITHIN ONE YEAR OF THE DATE OF THIS APPROVAL OR 6/17/03.

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