

RECEIVED

OCT 25 2000

Department of Water Resources

200 OCT 23 PM 12:19
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 No. 41-07077

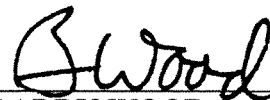
Case No. 39576

ORDER SETTING ASIDE PARTIAL
DECREE; AMENDED ORDER OF
PARTIAL DECREE NUNC PRO
TUNC

On June 16, 2000, the *Special Master Report and Recommendation on Motion for Relief from Partial Decree to Correct Clerical Error* was entered. No Challenges were filed to the *Report and Recommendation*, and the time for filing Challenges has now expired.

IT IS ORDERED that, pursuant to I.R.C.P. 54(b), the *Order of Partial Decree* and accompanying *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 41-07077* issued on February 25, 2000, are hereby **set aside**. Water right 41-07077 is hereby **decreed** nunc pro tunc as set forth in the attached *Amended Partial Decree* entered nunc pro tunc.

DATED OCT 23 2000, nunc pro tunc February 25, 2000.



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

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OCT 25 2000

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

Department of Water Resources

In Re SRBA)
Case No. 39576)
_____)

AMENDED NUNC PRO TUNC
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 41-07077

2000 OCT 23 PM 12:19
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: SPRINGS TRIBUTARY: ROCK CREEK, SOUTH FORK

QUANTITY: 0.07 CFS
15.30 AFY

PRIORITY DATE: 04/17/1986

POINT OF DIVERSION: T13S R30E S24 SESWSE Within Oneida County

TWO POINTS OF DIVERSION LOCATED IN T13S, R30E, S24, SESWSE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 09-30	0.07 CFS
			15.30 AFY
	Wildlife	01-01 TO 12-31	0.02 CFS
			15.30 AFY

PLACE OF USE:	Stockwater	Within Oneida County
	T13S R30E S24 SESE	
	R31E S29 SNNW	
	S30 NESW	
	S31 LOT 02 (SNNW)	
	T14S R30E S01 NNNW	
	S02 SWSE	
	S12 SENW	NESW
	S13 SWNE	
	S14 NESE	
	S26 NWNW	
	R31E S18 SENW	
	Wildlife	Within Oneida County
	T13S R30E S24 SESE	
	R31E S29 SNNW	
	S30 NESW	
	S31 LOT 02 (SNNW)	
	T14S R30E S01 NNNW	
	S02 SWSE	
	S12 SENW	NESW
	S13 SWNE	
	S14 NESE	
	S26 NWNW	
	R31E S18 SENW	

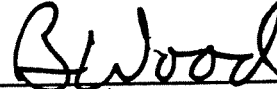
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

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

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

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OCT 25 2000

Department of Water Resources

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER SETTING ASIDE PARTIAL DECREE; AMENDED ORDER OF PARTIAL DECREE NUNC PRO TUNC** were mailed on Oct 23 2000, with sufficient, first-class postage to the following:

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

US Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Deputy Clerk of the Court

RECEIVED

JUN 19 2000

Department of Water Resources

JUN 16 PM 1:19

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 41-07077

Case No. 39576

) SPECIAL MASTER REPORT AND
) RECOMMENDATION ON MOTION
) FOR RELIEF FROM PARTIAL
) DECREE TO CORRECT CLERICAL
) ERROR

Findings of Fact

On February 25, 2000, the Presiding Judge entered an *Order of Partial Decree* awarding to the United States of America, Department of Interior, Bureau of Land Management, 1387 S. Vinnell Way, Boise, Idaho 83709-1657, a water right for .07 cfs from springs for year 'round wildlife use and stockwater from June 1 to September 30 with a priority date of April 17, 1986. However, on March 30, 2000, the United States filed a *Motion for Relief from Partial Decree to Correct Clerical Error* alleging an error in the *Special Master's Report* and *Partial Decree*. On April 26, 2000, the Presiding Judge entered an *Order of Reference to Special Master Dolan*.

A hearing on the *Motion* was held on May 25, 2000, at the SRBA Courthouse in Twin Falls, Idaho. Larry A. Brown appeared for the United States. There was no opposition to the *Motion*. Based on the evidence in the record, the error in wildlife place of use occurred when the *Report* and *Partial Decree* were being prepared from the *Standard Form 5*.

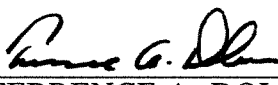
Conclusions of Law

The United States *Motion for Relief from Partial Decree to Correct Clerical Errors* should be granted.

Recommendation

IT IS RECOMMENDED that the Presiding Judge entered a *Partial Decree, Nunc Pro Tunc*, to correct the clerical error with no further notice or hearings.

Dated June 16, 2000.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER REPORT AND RECOMMENDATION ON MOTION FOR RELIEF FROM PARTIAL DECREE TO CORRECT CLERICAL ERROR was mailed on June 16, 2000; with sufficient first-class postage to the following:

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

A handwritten signature in dark ink, appearing to read "Debbie Lash", is written over a horizontal line.

Debbie Lash
Deputy Clerk

RECEIVED
FEB 28 2000
Department of Water Resources

2000 FEB 25 AM 11:08
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

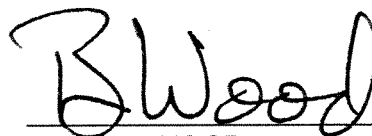
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 41-07077
_____	)	

On September 8, 1999, 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 41-07077 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED FEB 25 2000 .



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

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

Water Right 41-07077

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Wildlife	01-01 TO 12-31	0.02 CFS 15.30 AFY

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FEB 28 2000

Department of Water Resources

PLACE OF USE:

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R31E S29 SWNW	
S30 NESW	
S31 LOT 02 (SWNW)	
T14S R30E S01 NWNW	
S02 SWSE	
S12 SENW	NESW
S13 SWNE	
S14 NESE	
S26 NWNE	
R31E S18 SENW	

Wildlife	Within Oneida County
T13S R30E S24 SESE	
R31E S29 SWNW	
S30 NESW	
S31 LOT 02 (SWNW)	
T14S R30E S01 NWNW	
S02 SWSE	
S12 SENW	
S13 SWNE	
S14 NESE	
S26 NWNE	
R31E S18 SENW	

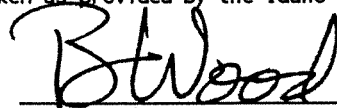
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Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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FEB 28 2000

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TWIN FALLS CO., IDAHO
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Department of Water Resources
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): 41-07077

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 41-07077 was mailed
on February 25, 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

CERTIFICATE OF MAILING

PAGE 1
02/25/00