

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

AMENDED

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 41-07046

2001 MAR 12 PM 5:16

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

NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE, ID 83720

SOURCE: ROCK CREEK, EAST FORK TRIBUTARY: ROCK CREEK

QUANTITY: 11.00 CFS

PRIORITY DATE: 01/16/1980

POINT OF DIVERSION: T10S R31E S04 SWSW (Instream Ending Point) Within Power County
S12 SWSW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Stream Flow	01-01 TO 12-31	11.00 CFS

PLACE OF USE:

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

UPON THE FUTURE FINDING AND ORDER OF THE DIRECTOR THAT GAUGING STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED MINIMUM FLOW ON THE EAST FORK OF ROCK CREEK, SUCH DEVICES SHALL BE INSTALLED AND MAINTAINED AS SPECIFIED BY THE DEPARTMENT.

THE DIRECTOR RETAINS JURISDICTION TO REVIEW AND AMEND ANY AND ALL PARAMETERS OF THE WATER RIGHT. THE DIRECTOR SHALL IDENTIFY THE REASONS FOR EXERCISING RETAINED JURISDICTION UNDER THIS CONDITION AND GIVE NOTICE THEREOF TO THE PUBLIC GENERALLY AND TO SPECIFIC PERSONS OR PARTIES KNOWN BY THE DIRECTOR TO BE INTERESTED. THE DIRECTOR SHALL THEREAFTER CONDUCT A HEARING FOR THE PURPOSE OF DETERMINING WHETHER THE MINIMUM STREAM FLOW SHOULD BE AMENDED IN THE PUBLIC INTEREST. THE BURDEN OF PROOF AT THE HEARING SHALL BE UPON THE PERSON OR PARTY SEEKING TO ESTABLISH THAT A PARTICULAR PARAMETER OF THE WATER RIGHT SHOULD BE MODIFIED OR AMENDED TO SATISFY THE PUBLIC INTEREST. REVIEW OF THE WATER RIGHT UNDER THIS CONDITION MAY NOT OCCUR PRIOR TO SEPTEMBER 15, 2010.

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 "R. Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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MAR 13 2001

Department of Water Resources

2001 MAR 12 PM 2: 24

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

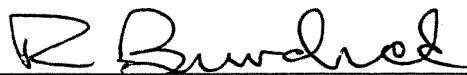
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Water Rights: See Attached Exhibit A
	)	
	)	ORDER AMENDING PARTIAL DECREES
	)	<i>NUNC PRO TUNC</i> TO CORRECT OMISSIONS
Case No. 39576	)	IN PARTIAL DECREES ISSUED FOR
	)	UNCONTESTED WATER RIGHTS IN
	)	BASIN 41, I.R.C.P. 60(a)

On July 28, 2000, this Court issued the *Partial Decrees Pursuant to I.R.C.P. 54(b)* for the uncontested water rights reported in the *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 41*. Subsequently, the Court was notified of errors in certain of those Partial Decrees. After reviewing the Director's Reports and the Partial Decrees, it was determined that the Partial Decrees listed in Exhibit A to this Order omitted comments contained in the elements that were recommended in the Director's Report.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the *Partial Decrees Pursuant to I.R.C.P. 54(b)* for the water rights listed in the attached Exhibit A are hereby amended *nunc pro tunc* to correct the clerical omission as set forth in the respective attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*

Dated March 12, 2001.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

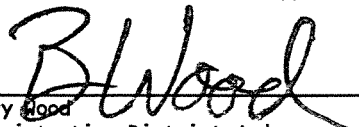
Subcase Nos:

41-00002A	41-00038A	41-10259
41-00002B	41-00039	41-10260
41-00003	41-00040A	41-10261
41-00004A	41-00040B	41-10262
41-00004C	41-00040C	41-10264
41-00005	41-00041A	41-10265
41-00006	41-00041B	41-10266
41-00007	41-00046	41-10267
41-00008C	41-00049	41-10268
41-00008D	41-00050	
41-00008E	41-00051A	
41-00008F	41-00051B	
41-00009A	41-02001	
41-00009B	41-04012A	
41-00012	41-04012B	
41-00013C	41-04013A	
41-00015A	41-04013B	
41-00016	41-04014	
41-00018	41-04023	
41-00019	41-04025	
41-00020A	41-07046	
41-00020B	41-07074	
41-00020C	41-10009	
41-00020D	41-10080	
41-00021A	41-10085	
41-00021B	41-10091A	
41-00022	41-10091B	
41-00023	41-10139	
41-00024A	41-10229	
41-00025A	41-10230	
41-00025B	41-10232	
41-00025C	41-10233	
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41-00027D	41-10236	
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41-00030A	41-10240	
41-00030B	41-10241	
41-00031A	41-10243	
41-00032B	41-10244	
41-00032C	41-10245	
41-00032D	41-10248	
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41-00032F	41-10250	
41-00032G	41-10251	
41-00032H	41-10253	
41-00033A	41-10254	
41-00033B	41-10255	
41-00034A	41-10256	
41-00034B	41-10257	
41-00037	41-10258	

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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
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication