

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 )  
\_\_\_\_\_ )

**AMENDED**  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 41-00051A

2001 MAR 12 PM 5:16  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

NAME AND ADDRESS: JENNIE OSBORN  
PO BOX 173  
AMERICAN FALLS, ID 83211

SOURCE: LITTLE WARM CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.15 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE  
SHALL NOT EXCEED 13,000 GALLONS PER DAY.  
USE OF THIS RIGHT WITH RIGHT NO. 41-04013A IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 5.94 CFS.

PRIORITY DATE: 04/02/1910

POINT OF DIVERSION: T09S R29E S16 SWNESE Within Power County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 3.15 CFS |
|                               | Stockwater     | 01-01 TO 12-31 | 0.05 CFS |

| PLACE OF USE: | Irrigation                      | Within Power County |
|---------------|---------------------------------|---------------------|
|               | T09S R29E S15 LOT 04 (NWNW) 8.0 | LOT 04 (SWNW) 38.0  |
|               | SENE 3.0                        | NESW 1.0            |
|               | NWSW 33.0                       |                     |
|               | S16 LOT 01 (NENE) 4.0           | LOT 01 (SWNE) 5.0   |
|               | LOT 01 (SENE) 36.0              | LOT 03 (NESW) 19.0  |
|               | LOT 03 (SWSW) 2.0               | LOT 03 (SESW) 31.0  |
|               | NESE 39.0                       | LOT 02 (NWSE) 28.0  |
|               | SWSE 30.0                       | SESE 10.0           |
|               | S21 NENW 4.0                    | LOT 01 (NWNW) 6.0   |
|               | 297.0 Acres Total               |                     |

Stockwater Within Power County  
Same as Irrigation

USE OF THIS RIGHT WITH RIGHT NO. 41-04013A IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 297 ACRES IN A SINGLE  
IRRIGATION SEASON.

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  
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 dark ink, appearing to read "R Burdick", is written above a horizontal line.

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

RECEIVED

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)                  |

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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.

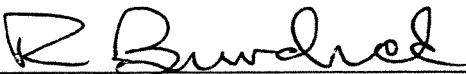
  
\_\_\_\_\_  
ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

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  |          |
| 41-00027B | 41-10234  |          |
| 41-00027D | 41-10236  |          |
| 41-00028  | 41-10237  |          |
| 41-00030A | 41-10240  |          |
| 41-00030B | 41-10241  |          |
| 41-00031A | 41-10243  |          |
| 41-00032B | 41-10244  |          |
| 41-00032C | 41-10245  |          |
| 41-00032D | 41-10248  |          |
| 41-00032E | 41-10249  |          |
| 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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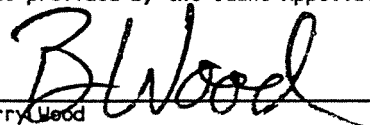
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Barry Wood  
Administrative District Judge  
Presiding Judge of the  
Snake River Basin Adjudication