

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 41-000348

2001 MAR 12 PM 5:15

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

NAME AND ADDRESS: DALE C TYLER  
THEONA TYLER  
3973 W 4450 S  
ROY, UT 84067-8757

SOURCE: ROCK CREEK, EAST FORK TRIBUTARY: ROCK CREEK

QUANTITY: 0.48 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF  
DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF  
THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA  
COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE  
IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE  
POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF  
WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

USE OF THIS RIGHT WITH RIGHT NO. 41-00027B IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 0.60 CFS.

PRIORITY DATE: 05/01/1885

POINT OF DIVERSION: T10S R31E S05 NWSWSW Within Power County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.48 CFS |

PLACE OF USE: Irrigation Within Power County  
T10S R31E S06 LOT 03 (NENW)14.0 LOT 04 (NWNW) 3.0  
SENW 13.0  
30.0 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 24.0 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

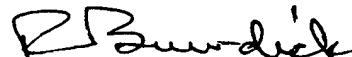
USE OF THIS RIGHT WITH RIGHT NO. 41-00027B IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 30.0 ACRES IN A SINGLE  
IRRIGATION SEASON.

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

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

RECEIVED

MAR 13 2001

Department of Water Resources

2001 MAR 12 PM 2:24

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

|                |   |                                      |
|----------------|---|--------------------------------------|
| In Re SRBA     | ) | Water Rights: See Attached Exhibit A |
|                | ) |                                      |
|                | ) | ORDER AMENDING PARTIAL DECREES       |
| Case No. 39576 | ) | NUNC PRO TUNC TO CORRECT OMISSIONS   |
|                | ) | 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.

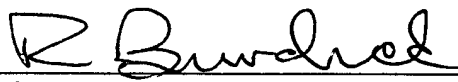
  
\_\_\_\_\_  
ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

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  |          |
| 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  |          |

(Subcase list: B41REISSUE)

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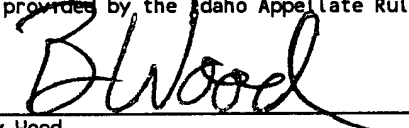
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Barry Wood  
Administrative District Judge  
Presiding Judge of the  
Snake River Basin Adjudication