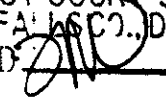


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JUL - 3 2002

2002 JUL -2 PM 4: 40

Department of Water Resources

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

) Subcases: 41-10031

Case No. 39576

)
) ORDER DENYING MOTION TO
) RESCIND PARTIAL DECREE ISSUED
)
)
)

On April 17, 2002, Special Master Dolan issued an *Order Granting Walker's Motion to Withdraw Motion to Rescind, and Special Master Report and Recommendation on Nielsons' Motion to Rescind*, recommending that the Nielsons' *Motion to Rescind Partial Decree Issued* in subcase 41-10031 be denied. 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 Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the Nielsons' *Motion to Rescind Partial Decree Issued*, filed on September 24, 2001 in the above-captioned subcase, is denied.

Dated 7-1-02



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO RESCIND PARTIAL DECREE ISSUED was mailed on July 2, 2002 with sufficient first-class postage to the following:

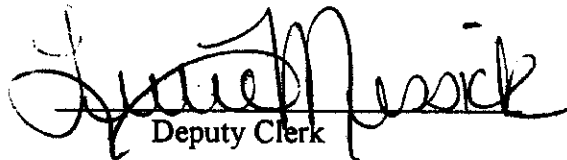
Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Arthur H. Nielson, Jr.
1655 East Center
Pocatello, ID 83210

Glen R. Cox
Ida F. Cox
Represented by
David F. Shirley
137 West 13th Street
PO Box 910
Burley, ID 83318

Glen R. Cox
Ida F. Cox
531 Teton Drive
Burley, ID 83318

Merrill E. Walker
PO Box 336
Rockland, ID 83271


Deputy Clerk

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SEP 21 2001

Department of Water Resources

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 18 2001

By _____ Clerk

Deputy Clerk

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

) Subcase 41-10031
)
)
)
)
)
)

ORDER CORRECTING CLERICAL ERROR
IN PARTIAL DECREE; I.R.C.P. 60(a)

ORDER OF AMENDED PARTIAL DECREE
ENTERED NUNC PRO TUNC

On June 5, 2001, a *Partial Decree* was issued for the above-captioned water right. Subsequently, it has come to the Court's attention that the *Partial Decree* contains a clerical error in the remark regarding the quantity element. Specifically, the entire third paragraph in the remark regarding the quantity element was inadvertently included in the director's report and the *Partial Decree* for this water right.

Therefore, IT IS HEREBY ORDERED that the aforementioned clerical error is corrected pursuant to I.R.C.P. 60(a), and that water right 41-10031 is decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) Entered Nunc Pro Tunc to June 5, 2001*.

DATED: 9-18-01



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

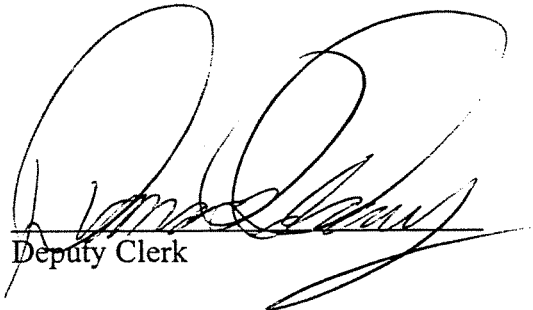
I certify that a true and correct copy of the ORDER CORRECTING CLERICAL ERROR IN PARTIAL DECREE; ORDER OF AMENDED PARTIAL DECREE ENTERED NUNC PRO TUNC I.R.C.P. 60(A) was mailed on September 19, 2001, with sufficient first-class postage to the following:

Glen R Cox
Ida F Cox
51 Teton Drive
Burley, ID 83318

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Deputy Clerk

THE DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 18 2001

PAGE 1
Aug-28-2001

ADDITIONAL INFORMATION
DISTRICT COURT OF THE STATE OF IDAHO
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

1003 3 1 930

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.

R. Burdick
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUN - 7 2001

Department of Water Resources
Adjudication Bureau

2001 JUN -5 PM 4: 29

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

Case No. 39576

)
)
)
)
ORDER OF PARTIAL DECREE

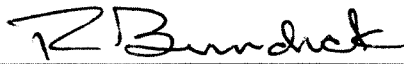
For Water Right 41-10031

On November 2, 2000, 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 41-10031 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUN 05 2001

1


ROGER S. BURDICK
Presiding Judge
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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 41-10031

2001 JUN -5 PM 4: 29
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: GLEN R COX
IDA F COX
531 TETON DRIVE
BURLEY, ID 83318

SOURCE: SPRING CREEK TRIBUTARY: ROCK CREEK

QUANTITY: 1.68 CFS

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

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO
LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT
CONSTITUTE UNREASONABLE WASTE.

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.

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION: T09S R30E S36 SENENE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.68 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Power County
T09S R30E S36 NENE 30.0 SENE 37.0
NESE 36.0
103.0 Acres Total

Stockwater Within Power County
T09S R30E S36 NENE SENE
NESE

USE OF THIS RIGHT WITH RIGHT NO. 41-00034A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 103 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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

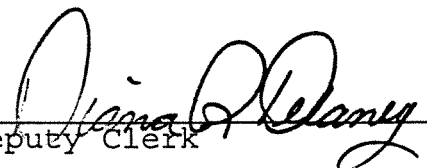
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on June 05, 2001, with sufficient first-class postage to the following:

MERRILL E WALKER
PO BOX 336
ROCKLAND, ID 83271
Phone: 208-548-2343

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GLEN R & IDA F COX
GLEN R COX
IDA F COX
531 TETON DRIVE
BURLEY, ID 83318
Phone: 208-678-2160

A handwritten signature in black ink, appearing to read "Diana P. Delaney", is written over a horizontal line. The signature is fluid and cursive.