

2001 AUG 24 AM 10:19

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

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 37-11940
)
)

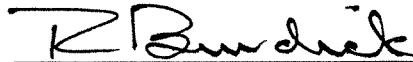
) SECOND AMENDED ORDER OF PARTIAL
) DECREE
) TO CORRECT CLERICAL ERROR; I.R.C.P.
) 60(a)
)

On May 23, 2001, an *Amended Order of Partial Decree to Correct Clerical Error; I.R.C.P. 60(a)* was filed for the above water right, together with an *Amended Partial Decree*. However, the *Amended Partial Decree* did not include the corrected information.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the clerical error as described in the aforementioned *Order* of May 23, 2001 is corrected consistent with the *Second Amended Partial Decree* attached hereto.

IT IS FURTHER ORDERED that this water right is hereby **decreed** as set forth in the attached *Second Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 37-11940*.

DATED: 8-23-01



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)

Second Amended

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

Water Right 37-11940

2001 AUG 24 AM 10:19
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED - RH

NAME AND ADDRESS:

JEFFREY H & SUSAN T BROTMAN
PERSONAL RESIDENCE TRUST
C/O JEFFREY H BROTMAN
7917 OVERLAKE DR WEST
MEDINA, WA 98039

1984 BROTMAN FAMILY TRUST
C/O JEFFREY H BROTMAN
7917 OVERLAKE DR WEST
MEDINA, WA 98039

RECEIVED

AUG 27 2001

Department of Water Resources

SOURCE:

GROUNDWATER

QUANTITY:

0.07 CFS

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

PRIORITY DATE:

05/23/1979

POINT OF DIVERSION:

T04N R17E S12

SWNE

Within Blaine County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

Domestic 1 HOME

PERIOD OF USE

01-01 TO 12-31

QUANTITY

0.07 CFS

PLACE OF USE:

Domestic

T04N R17E S12

SWNE

Within Blaine County

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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

MAY 24 2001

Department of Water Resources

2001 MAY 23 PM 12:44

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

) AMENDED ORDER OF PARTIAL DECREE
) TO CORRECT CLERICAL ERROR; I.R.C.P.
) 60(a)
)

FOR WATER RIGHT 37-11940

On August 24, 2000, a *Standard Form 5/Amended Claim* was filed for the above water right. The *Standard Form 5/Amended Claim* was treated as an *Amended Director's Report*, no objections were filed. A *Special Master's Report and Recommendation*, in accordance with the *Standard Form 5/Amended Claim*, was issued September 29, 2000, and an *Order of partial Decree for Water Right 37-11940* was issued November 17, 2000. However, it was brought to the attention of the Court that a clerical error appeared in the *Special Master's Report and Recommendation*, and ultimately in the *Partial Decree*. Specifically, the township listed in the place of use on the *Standard Form 5/Amended Claim* is T04N, and the township listed in the place of use on the *Special Master's Report and Recommendation* and *Partial Decree* is T04S.

Pursuant to I.R.C.P. 60(a), given the nature of the clerical error and because the *Amended Director's Report* was uncontested, the Court can find no reason to delay entry of the *Amended Partial Decree* to correct the clerical error.

IT IS ORDERED that this water right is hereby **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 37-11940*.

DATED: MAY 23 2001



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

AMENDED

2001 MAY 23 PM 12:44

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-11940

NAME AND ADDRESS: JEFFREY H & SUSAN T BROTMAN
PERSONAL RESIDENCE TRUST
C/O JEFFREY H BROTMAN
7917 OVERLAKE DR WEST
MEDINA, WA 98039

1984 BROTMAN FAMILY TRUST
C/O JEFFREY H BROTMAN
7917 OVERLAKE DR WEST
MEDINA, WA 98039

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 05/23/1979

POINT OF DIVERSION: T04N R17E S12 SWNE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.07 CFS

PLACE OF USE: Domestic Within Blaine County
T04S R17E S12 SWNE

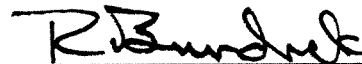
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

200 NOV 17 AM 9:25

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

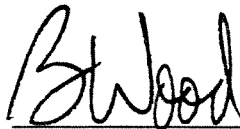
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 37-11940
_____	)	

On September 29, 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 37-11940 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED NOV 17 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

200 NOV 17 AM 9:26

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 37-11940

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

NAME AND ADDRESS: JEFFREY H & SUSAN T BROTMAN
PERSONAL RESIDENCE TRUST
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7917 OVERLAKE DR WEST
MEDINA, WA 98039

1984 BROTMAN FAMILY TRUST
C/O JEFFREY H BROTMAN
7917 OVERLAKE DR WEST
MEDINA, WA 98039

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 05/23/1979

POINT OF DIVERSION: T04N R17E S12 SWNE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.07 CFS

PLACE OF USE: Domestic T04S R17E S12 SWNE Within Blaine County

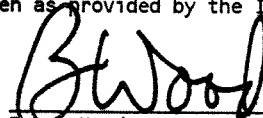
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 NOV 17 PM 02:00
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

CERTIFICATE OF MAILING

Water Right(s): 37-11940

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 37-11940 was mailed
on November 17, 2000, with sufficient first-class postage prepaid
to the following:

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

JEFFREY H & SUSAN T BROTMAN
1984 BROTMAN FAMILY TRUST

Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
11/17/00