

APR 30 2002

2002 APR 25 PM 5:00

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA

Subcase 36-02603A

Case No. 39576

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

On February 24, 1999, an *Amended Partial Decree* was issued for the above-captioned water right. The *Amended Partial Decree* was issued pursuant to a *Motion for Relief from Clerical Errors in Partial Decree* filed by Jacqueline Wakefield, attorney for claimant City of Twin Falls. However, the *Amended Partial Decree* failed to accurately correct the clerical error in the point of diversion element.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the clerical error is corrected and that water right 36-02603A is hereby **decreed** as set forth in the attached *Second Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-02603A*.

This order is being entered *nunc pro tunc* as of August 18, 1998, and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the original *Partial Decree*.

DATED: 4-25-02



 ROGER S. BURDICK
 Presiding Judge
 Snake River Basin Adjudication

Second Amended
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02603A

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

PAGE 1
Apr-25-2002

RECEIVED

FEB 26 1999

Department of Water Resources

REC'D FEB 24 PM 3:36
DISTRICT CLERK - SRBA
TWIN FALLS, IDAHO

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

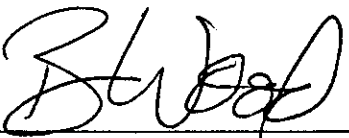
In Re SRBA	)	AMENDED ORDER OF PARTIAL DECREE
	)	<i>NUNC PRO TUNC</i>
Case No. 39576	)	
	)	For Water Right 36-02603A

The *Partial Decree* entered on August 18, 1998, incorrectly denoted the source of the above water right as "springs." This definition was not consistent with the *Special Master's Report and Recommendation* (November 12, 1997), which recommended the source as "groundwater." The change of source from "springs" to "groundwater" was inadvertently not completed prior to the issuance of the *Partial Decree*.

This order and attached *Amended Partial Decree* are entered *nunc pro tunc* and supercede the *Order of Partial Decree* and attached *Partial Decree* entered August 18, 1998.

Therefore, IT IS ORDERED that water right 36-02603A is hereby **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 2-24-99.



BARRY WOOD
Administrative District Judge
Interim 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

In Re SRBA)
Case No. 39576)
_____)

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02603A

1999 FEB 24 PM 3:36

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

NAME AND ADDRESS: CITY OF TWIN FALLS
P.O. BOX 1907
TWIN FALLS, ID 83303-1907

SOURCE: GROUNDWATER

QUANTITY: 45.00 CFS

THE TOTAL COMBINED RATE OF DIVERSION UNDER RIGHT NOS.
36-02603A, 36-02646 AND 36-07239 SHALL NOT EXCEED 52.47 CFS.

PRIORITY DATE: 04/17/1964

POINT OF DIVERSION: T09S R17E S28 LOT 11 (SENE) Within Jerome County
LOT 11 (NESE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	45.00 CFS

PLACE OF USE: Municipal Same as Other Use

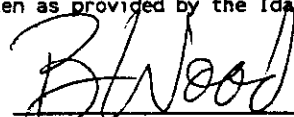
PLACE OF USE IS LOCATED WITHIN THE CITY LIMITS OF TWIN FALLS
AND THE SURROUNDING SERVICE AREA.

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

RIGHT NO. 36-02646 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

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
Interim Presiding Judge of the
Snake River Basin Adjudication

1999 FEB 24 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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 36-02603A

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 36-02603A was mailed
on February 24, 1999, with sufficient first-class postage prepaid
to the following:

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

Thomas Robertson
Coleman Ritchie & Robertson
PO Box 525
Twin Falls, ID 83303-0525

CITY OF TWIN FALLS
Represented by:
JACQUELINE S. WAKEFIELD
PO BOX 1812
TWIN FALLS, ID 83303-1812
Phone: 208-732-8811

LAND & WATER FUND OF THE
Represented by:
LAIRD LUCAS
LAND & WATER FUND OF ROCKIES
P.O. BOX 1612
BOISE, ID 83701
Phone: 208-342-7024

DIANA DELANEY
Chief Deputy Clerk

RECEIVED

AUG 21 1998

Department of Water Resources

8-18
1998 AUG 18 AM 9:29

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

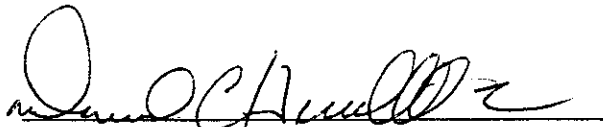
) ORDER OF PARTIAL DECREE
)
)
) For Water Right 36-02603A
)
)
)

On November 12, 1997, 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 36-02603A is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED AUG 18 1998.



DANIEL C. HURLBUTT, JR.

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

1998 AUG 18 AM 9:29

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02603A

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: CITY OF TWIN FALLS
P.O. BOX 1907
TWIN FALLS, ID 83303-1907

SOURCE: SPRINGS

QUANTITY: 45.00 CFS

USE OF THIS RIGHT AND RIGHT NOS. 36-02646 AND 36-07239 ARE
LIMITED TO A TOTAL COMBINED DIVERSION OF 52.47 CFS.

PRIORITY DATE: 04/17/1964

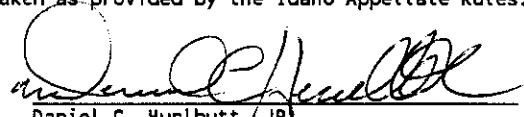
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	Municipal	01-01 TO 12-31	45.00 CFS

PLACE OF USE: Municipal Same as Other Use
PLACE OF USE WITHIN CITY LIMITS & VICINITY OF TWIN FALLS.

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Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

1998 AUG 18 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	)	CERTIFICATE OF MAILING
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DIANA DELANEY
Chief Deputy Clerk