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Department of Water Resources

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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	)	Subcase 36-02506
	)	
Case No. 39576	)	ORDER CORRECTING CLERICAL ERROR
	)	IN PARTIAL DECREE; I.R.C.P. 60(A)
	)	
	)	ORDER OF AMENDED PARTIAL DECREE
	)	ENTERED NUNC PRO TUNC

On June 6, 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 typographical clerical error in the remark regarding the quantity element. Specifically, the revision necessary to correct the clerical error is indicated by underline and strikethrough as follows:

Use of this right with right no. 36-04221 and water from the North Side Canal Company is limited to a combined diversion rate of ~~3.65~~ 3.68 cfs and a total combined annual diversion volume of 736 AFA.

Therefore, IT IS HEREBY ORDERED that the aforementioned clerical error is corrected pursuant to I.R.C.P. 60(a), and that water right 36-02506 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 6, 2001*.

DATED: 8-8-01



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

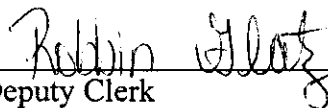
I certify that a true and correct copy of the ORDER CORRECTING CLERICAL ERROR IN PARTIAL DECREE; ORDER OF AMENDED PARTIAL DECREE ENTERED NUNC PRO TUNC I.R.C.P. 60(A) was mailed on August 9, 2001, with sufficient first-class postage to the following:

Tim L. and Cindy Moore
1473 East 3600 South
Wendell, ID 83355

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

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) ENTERED NUNC PRO TUNC TO
June 6, 2001 FOR
Water Right 36-02506

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

NAME AND ADDRESS: CINDY MOORE
TIM L. MOORE
1473 EAST 3600 SOUTH
WENDELL, ID 83355

SOURCE: GROUNDWATER

QUANTITY: 2.02 CFS
720.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-04221 AND WATER FROM THE
NORTH SIDE CANAL COMPANY IS LIMITED TO A COMBINED DIVERSION RATE
OF 3.68 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF
736 AFA.

PRIORITY DATE: 08/10/1961

POINT OF DIVERSION: T09S R14E S03 LOT 02 (NENWNE) Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.02 CFS 720.00 AFY

PLACE OF USE: Irrigation Within Gooding County

T09S R14E S03 LOT 02 (NWNE) 40.0	SWNE 40.0
LOT 03 (NENW) 40.0	LOT 04 (NWNW) 40.0
SENE 24.0	
184.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 180 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 36-04221 AND WATER FROM THE
NORTH SIDE CANAL COMPANY IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 184 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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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JUN - 8 2001

Department of Water Resources
Adjudication Bureau

2001 JUN -6 PM 3:02

DISTRICT COURT
TWIN FALLS, 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 36-02506

On April 3, 2001, 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 36-02506 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUN 06 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

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 36-02506

JUN -6 PM 3:02
FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: CINDY MOORE
TIM L. MOORE
1473 EAST 3600 SOUTH
WENDELL, ID 83355

SOURCE: GROUNDWATER

QUANTITY: 2.02 CFS
720.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-04221 AND WATER FROM THE
NORTH SIDE CANAL COMPANY IS LIMITED TO A COMBINED DIVERSION RATE
OF 3.65 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF
736 AFA.

PRIORITY DATE: 08/10/1961

POINT OF DIVERSION: T09S R14E S03 LOT 02 (NENWNE) Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.02 CFS 720.00 AFY

PLACE OF USE:	Irrigation	Within Gooding County
	T09S R14E S03 LOT 02 (NENE)40.0	SWNE 40.0
	LOT 03 (NENW)40.0	LOT 04 (NWNW)40.0
	SENE 24.0	
	184.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 180 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-04221 AND WATER FROM THE
NORTH SIDE CANAL COMPANY IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 184 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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on June 06, 2001, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

TIM L. MOORE

Represented by:
PATRICK D. BROWN
109 S ADAMS ST
JEROME, ID 83338
Phone: 208-644-1967

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

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

CINDY MOORE
1473 EAST 3600 SOUTH
WENDELL, ID 83355

