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APR 9 8 2001

Department of Water Resources

2001 APR -2 AM 8:37

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 36-00023

On February 8, 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 36-00023 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED APR - 2 2001.



ROGER BURDICK
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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-00023

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APR 03 2001

Department of Water Resources

NAME AND ADDRESS: BIG SPRINGS WATER USERS ASSN
2727 S 1050 E
HAGERMAN, ID 83332

SOURCE: BIG SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 1.62 CFS

PRIORITY DATE: 04/01/1911

POINT OF DIVERSION: T07S R14E S18 LOT 02 (SWNW) Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	1.62 CFS
	Domestic	01-01 TO 12-31	0.06 CFS
	Stockwater	01-01 TO 12-31	0.34 CFS

PLACE OF USE:	Irrigation		Within Gooding County
	T07S R13E S13	NESW 4.0	SWSW 35.0
		SESW 34.0	NWSE 19.0
		SWSE 37.0	SESE 7.0
	S14	SESE 30.0	
	S23	NENE 35.0	NWNE 24.0
	S24	NENE 40.0	NWNE 36.0
		SWNE 36.0	SENE 31.0
		NENW 40.0	NWNW 39.0
		SWNW 34.0	SENE 34.0
		NESW 35.0	NESE 31.0
		NWSE 36.0	

617.0 Acres Total

Stockwater Within Gooding County
Same as Irrigation

Domestic		Within Gooding County
T07S R13E S13	NESW	SWSW
	SESW	NWSE
	SWSE	
S14	NESE	SESE
S23	NENE	NWNE
	NESE	
S24	NENE	NWNE
	SWNE	SENE
	SENE	NESW
	NWSW	NWSE

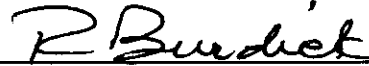
USE OF THIS RIGHT WITH RIGHTS 36-00022, 36-02465 AND 36-15168
IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1,063 ACRES
IN A SINGLE IRRIGATION SEASON.

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 cursive script, reading "R Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 MAR 29 AM 11:38

DISTRICT COURT-SRBA
TWIN FALLS COUNTY, 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
Case No. 39576

)
)
)
)
)

For Water Right 36-00023

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

A partial decree was issued for the above-captioned water right on April 2, 2001. Subsequently it was brought to the attention of the Court that the partial decree contains a clerical error. The Idaho Department of Water Resources (IDWR) filed a *Second Amended Director's Report* for water right 36-00023 on December 15, 2000. No objections were filed to this *Director's Report*. A *Special Master's Report and Recommendation* was filed on February 8, 2001, recommending the elements as reported by IDWR. IDWR reported a stockwater purpose of use with a quantity of .06 cfs and a domestic purpose of use with a quantity of .34 cfs. Apparently, when the partial decree was issued the quantity elements were reversed and the stockwater use was erroneously decreed with a quantity of .34 cfs and the domestic use was erroneously decreed with a quantity of .06 cfs. The Court finds the discrepancy to be the result of a clerical error.

THEREFORE, pursuant to I.R.C.P. 60(a), IT IS ORDERED AND ADJUDGED that the partial decree previously issued for water right 36-00023 is hereby **amended** to correct a clerical error as set forth in the *Amended Partial Decree Pursuant To I.R.C.P. 54(b)*.

This order is being entered *nunc pro tunc* as of April 2, 2001, and is not intended to modify any subsequent administrative changes to the water right, if any, which occurred following entry of the *Partial Decree*.

DATED 3-30-02



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

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

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

Water Right 36-00023

2002 MAR 29 AM 11:38

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: BIG SPRINGS WATER USERS ASSN
2727 S 1050 E
HAGERMAN, ID 83332

SOURCE: BIG SPRINGS TRIBUTARY: BILLINGSLEY CREEK

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	617.0 Acres Total		

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Same as Irrigation	

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	NWSE
S14	SESE
S23	NWNE
S24	NWNE
	SENE
	NESW
	NWSE

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RULE 54(b) CERTIFICATE

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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED PARTIAL DECREE was mailed on March 29, 2002, with sufficient first-class postage to the following:

NORTH SNAKE GROUND WATER DIST

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

CRANNEY BROS
DOUG GRANT
KEVIN MICHAELSON

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

IDAHO DEPT OF FISH & GAME
STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

BIG SPRINGS WATER USERS ASSN
Represented by:
PATRICK D. BROWN
HUTCHINSON & BROWN, LLP
P O BOX 207
TWIN FALLS, ID 83303-0207
Phone: 208-733-9300

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

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APR 02 2001

Department of Water Resources

2001 APR 02 PM 02:00
DISTRICT COURT - SRBA
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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-00023

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 36-00023 was mailed
on April 02, 2001, with sufficient first-class postage prepaid
to the following:

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

NORTH SNAKE GROUND WATER DIST
Represented by:
DANA L. HOFSTETTER
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

CRANNEY BROS
DOUG GRANT
KEVIN MICHAELSON
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

PAGE 1
04/02/01

BIG SPRINGS WATER USERS ASSN

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

IDAHO DEPT OF FISH & GAME
STATE OF IDAHO

Represented by:
PETER J. AMPE
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

DIANA DELANEY
Chief Deputy Clerk