

2002 MAR 29 AM 11:15

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

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)
)

For Water Right 36-00134E

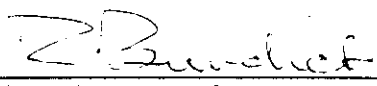
ORDER AMENDING PARTIAL
DECREE TO CORRECT CLERICAL
ERROR; I.R.C.P. 60(a)

A partial decree was issued for the above-captioned water right on July 22, 1999. Subsequently it was brought to the attention of the Court that the partial decree contains a clerical error. The Standard Form 5 (SF-5) filed for water right 36-00134E provides for a quantity element for stockwater of .04 cfs with a place of use in sections 31 and 32. The *Special Master's Report and Recommendation* for the water right recommended a quantity of .06 cfs with a place of use only in section 31. A partial decree was issued for the water right as recommended. However, because the *Special Master's Report and Recommendation* was based solely on the elements contained in the SF-5 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 36-00134E 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 March 6, 2002, 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 3-29-02



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 36-00134E

2002 MAR 29 AM 11:15
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: HOWARD L MORRIS
RHONDA K MORRIS
1101 E 2900 S
HAGERMAN, ID 83332

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.82 CFS

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

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCKWATER 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.

PRIORITY DATE: 10/09/1884

POINT OF DIVERSION: T07S R14E S32 SESWNW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.82 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Irrigation		Within Gooding County
	T07S R14E S31	NESE 20.0	SESE 40.0
	S32	NWSW 9.0	SWSW 6.0
	75.0 Acres Total		

	Stockwater		Within Gooding County
	T07S R14E S31	NESE	
	S32	NWSW	

USE OF THIS RIGHT WITH RIGHT NOS. 36-00135E & 36-10141B ARE
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 75 ACRES IN A
SINGLE IRRIGATION SEASON.

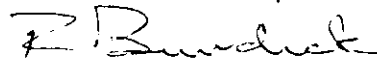
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

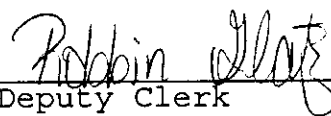
CERTIFICATE OF MAILING

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

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

HOWARD L MORRIS
RHONDA K MORRIS
1101 E 2900 S
HAGERMAN, ID 83332
Phone: 208-837-6213

HOWARD & RHONDA MORRIS
1101 EAST 2900 SOUTH
HAGERMAN, ID 83332
Phone: 208-837-6213



RECEIVED

JUL 23 1999

Department of Water Resources

1999 JUL 22 PM 12:16

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 36-00134E
)
)
)

On April 26, 1999, an *Amended Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Amended 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 *Amended Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-00134E is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED _____.



BARRY WOOD
Administrative District Judge
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

1999 JUL 22 PM 12:16

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 36-00134E

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME AND ADDRESS: HOWARD L MORRIS
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HAGERMAN, ID 83332

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.82 CFS

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WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 10/09/1884

POINT OF DIVERSION: T07S R14E S32 SESWNW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.82 CFS
	Stockwater	01-01 TO 12-31	0.06 CFS

PLACE OF USE:	Irrigation	Within Gooding County
	T07S R14E S31	SESE 40.0
	S32	NWSW 9.0
	75.0 Acres Total	

Stockwater	Within Gooding County
T07S R14E S31	NWSW

USE OF THIS RIGHT WITH RIGHTS 34-00135E AND 34-10141B ARE
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 75 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.

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
Presiding Judge of the
Snake River Basin Adjudication

1999 JUL 22 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): 36-00134E

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 36-00134E was mailed
on July 22, 1999, with sufficient first-class postage prepaid
to the following:

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

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HOWARD & RHONDA MORRIS
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HAGERMAN, ID 83332
Phone: 208-837-6213

DIANA DELANEY
Chief Deputy Clerk