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MAR 20 2002

Department of Water Resources

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CLERK OF DISTRICT COURT
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

) Subcase 36-00115C
)
)
)
)
)
)
)

Case No. 39576

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

On March 6, 2002, a *Partial Decree* was issued for the above-captioned water right. The *Partial Decree* was issued pursuant to a *Special Master's Report*, which in turn was based upon a *Standard Form 5* entered into by the parties to the subcase. A comparison of the *Standard Form 5* with the *Partial Decree* reveals that a clerical error was made in the place of use element by court personnel in the process of generating the *Partial Decree* from the IWATRS computer system.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the clerical error is corrected and that water right 36-00115C is hereby **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-00115C*.

This order is being entered *nunc pro tunc* as of March 6, 2000, and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

DATED: MAR 18 2002



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-00115C

NAME AND ADDRESS: DAVID TUPPER
REBECCA TUPPER
1114 EAST, 2700 SOUTH
HAGERMAN, ID 83332

SOURCE: TUPPER SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.56 CFS

USE OF THIS RIGHT WITH RIGHT LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.56 CFS. COMBINED RIGHT NO.: 36-04073.

PRIORITY DATE: 04/01/1881

POINT OF DIVERSION: T07S R14E S18 SWSWSW Within Gooding County
SWSWSW
SWSWSW
SWSWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	01-01 TO 12-31	0.56 CFS
	Irrigation	02-15 TO 11-30	0.08 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R14E S18 LOT 04 (SWSW) 2.5
S19 LOT 01 (NWNW) 0.6
3.1 Acres Total

Stockwater Within Gooding County
T07S R14E S18 LOT 04 (SWSW)
S19 LOT 01 (NWNW)

Fish Propagation Within Gooding County
T07S R14E S18 LOT 04 (SWSW)
S19 LOT 01 (NWNW)

Domestic Within Gooding County
T07S R14E S18 SESW

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 3.1 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-04073.

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.



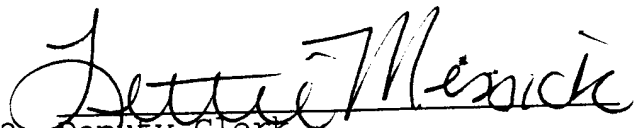
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE TO CORRECT CLERICAL ERROR; I.R.C.P. 60(A) was mailed on March 18, 2002, with sufficient first-class postage to the following:

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

DAVID J TUPPER
DAVID TUPPER
REBECCA TUPPER
1114 EAST, 2700 SOUTH
HAGERMAN, ID 83332

A handwritten signature in cursive script, reading "Lettie Messick", written over a horizontal line.

2002 MAR -6 PM 2:41
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 36-00115C

On January 23, 2002, 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 36-00115C is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 3-6-02



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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-00115C

2007 MAR -6 PM 2:41

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DAVID TUPPER
REBECCA TUPPER
1114 EAST, 2700 SOUTH
HAGERMAN, ID 83332

SOURCE: TUPPER SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.56 CFS

USE OF THIS RIGHT WITH RIGHT LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.56 CFS. COMBINED RIGHT NO.:36-04073.

PRIORITY DATE: 04/01/1881

POINT OF DIVERSION: T07S R14E S18 SWSESW Within Gooding County
SWSESW
SWSESW
SWSESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	01-01 TO 12-31	0.56 CFS
	Irrigation	02-15 TO 11-30	0.08 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Irrigation	Within Gooding County
	T07S R14E S18 LOT 01 (NWNW) 0.6	LOT 04 (SWSW) 2.5
	3.1 Acres Total	
	Stockwater	Within Gooding County
	T07S R14E S18 LOT 01 (NWNW)	LOT 04 (SWSW)
	Fish Propagation	Within Gooding County
	T07S R14E S18 LOT 01 (NWNW)	LOT 04 (SWSW)
	Domestic	Within Gooding County
	T07S R14E S18 SESW	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 3.1 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-04073.

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

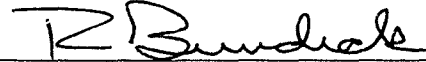
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

2002 MAR -6 PM 2:41

RULE 54(b) CERTIFICATE

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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

2002 MAR 06 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

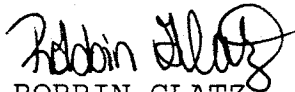
Water Right(s): 36-00115C

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 36-00115C was mailed
on March 06, 2002, with sufficient first-class postage prepaid
to the following:

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

DAVID J TUPPER
DAVID TUPPER
REBECCA TUPPER
1114 EAST, 2700 SOUTH
HAGERMAN, ID 83332


ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

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03/06/02