

7TH DEC 13 PM 12:01
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T-SRBA
IDAHO

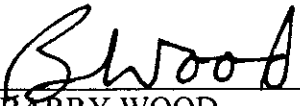
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. 36-10314
	)	
Case No. 39576	)	ORDER SETTING ASIDE PARTIAL
	)	DECREE; AMENDED ORDER OF
_____	)	PARTIAL DECREE

On July 10, 2000, Special Master Thomas R. Cushman issued his
Recommendation to Set Aside Partial Decree. No Challenges were filed to the
Recommendation, and the time for filing Challenges has expired.

IT IS ORDERED that, pursuant to I.R.C.P. 54(b), the *Partial Decree* for water
right 36-10314 issued on November 22, 1996, is hereby **set aside**. Water right 36-10314
is hereby **decreed** as set forth in the attached *Amended Partial Decree Pursuant to*
I.R.C.P. 54(b).

DATED DEC 13 2000



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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-10314

200 DEC 13 PM 12:01
FILED
T-SRBA
CO., IDAHO

NAME AND ADDRESS: CARMEN ZABALA
IGNACIO NICK ZABALA
PO BOX 262
HAGERMAN, ID 83332

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 03/10/1960

POINT OF DIVERSION: T07S R13E S02 SENESE Within Gooding County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Domestic DOMESTIC 1 HOUSE 01-01 TO 12-31 0.04 CFS

PLACE OF USE: Domestic Within Gooding County
T07S R13E S02 NWSE

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.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER SETTING ASIDE PARTIAL DECREE; AMENDED ORDER OF PARTIAL DECREE** were mailed on December 13, 2000, with sufficient, first-class postage to the following:

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

US Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

Carmen Zabala
Ignacio Nick Zabala
PO Box 262
Hagerman, ID 83332

Mr. Moud
Deputy Clerk of the Court

RECEIVED

JUL 11 2000

Department of Water Resources

200 JUL 10 PM 4: 11

DISTRICT COURT-SRBA

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: 36-10314

Case No. 39576

) RECOMMENDATION TO SET
) ASIDE PARTIAL DECREE
)

On January 18, 2000, a *Motion to Set Aside Partial Decree* was filed by the claimant, Ignacio Nick Zabala, seeking to correct the legal description of the point of diversion. A hearing on the *Motion to Set Aside* was held April 12, 2000. No objections were filed to the *Motion to Set Aside* nor was there any opposition to the *Motion* at hearing. The *Motion to Set Aside Partial Decree* was duly noticed on the February 7, 2000 Docket Sheet.

At hearing on April 12, 2000, IDWR concurred with the *Motion to Set Aside*. Pursuant to I.R.C.P. 60(a), the Special Master considered the *Motion to Set Aside* a scribner's error in the legal description of the point of diversion. Subsequently, a *Standard Form 5/Amended Claim* was filed correcting the ownership name and the legal descriptions of the point of diversion and place of use. Both the Larry D. Farnes and IDWR are signatories to the *Standard Form 5/Amended Claim*. The *Standard Form 5/Amended Claim* was treated as an Amended Director's Report and was noticed on the April 7, 2000, Docket Sheet as such. No objections have been filed to the *Amended Director's Report* and the time for filing such objections has now expired.

Therefore, IT IS RECOMMENDED that the Presiding Judge set aside the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-10314* issued on November 22, 1996, and issue an *Amended Partial Decree* correcting the legal description in the point of diversion as set forth in the *Standard Form 5/Amended Claim*.

DATED: July 10, 2000.



THOMAS R. CUSHMAN
Special Master
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 36-10314

NAME AND ADDRESS: CARMEN ZABALA
IGNACIO NICK ZABALA
PO BOX 262
HAGERMAN, ID 83332

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 03/10/1960

POINT OF DIVERSION: T07S R13E S02 SENESE Within Gooding County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Domestic DOMESTIC 1 HOUSE 01-01 TO 12-31 0.04 CFS

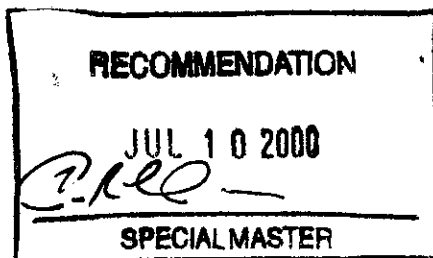
PLACE OF USE: Domestic Within Gooding County
T07S R13E S02 NWSE

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.



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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO NOV 22 11 9:07
I.R.C.P. 54(b) FOR
Water Right 36-10314

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: IGNACIO NICK ZABALA
CARMEN M ZABALA
17876 U S HWY 30
BLISS ID 83314

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/10/1960

POINT OF DIVERSION: T07S R13E S02 NENESE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within GOODING County
T07S R13E S02 NWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED: NOV 22 1996


DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

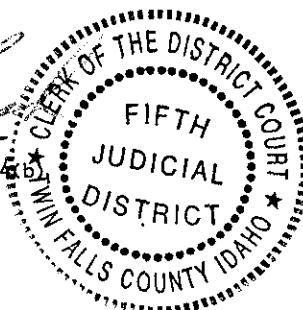
RULE 54(b) CERTIFICATE

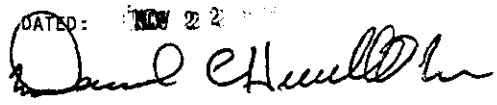
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT

By _____
PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-10314



DATED: NOV 22 1996

DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication