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NOV - 8 2001

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FILED
CLERK OF DISTRICT COURT
TWIN FALLS CO., 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 34-10729

Case No. 39576

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

On October 9, 2001, an *Amended Partial Decree Pursuant to I.R.C.P. 54(b)* was filed for the above water right. It was brought to the Court's attention that there was a clerical error in the legal description for the place of use for the stockwater element of this right.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that this clerical error is corrected consistent with the attached *Amended Partial Decree*.

IT IS FURTHER ORDERED that this water right is hereby **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 34-10729*.

IT IS SO ORDERED.

DATED November 8, 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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 34-10729

2001 NOV -8 AM 11:09

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: DIXIE WHITWORTH
SCOTT WHITWORTH
PO BOX 147
MAY, ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 6.10 CFS

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

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RIGHT OF 23.94 CFS.
COMBINED RIGHT NOS.: 34-00116A, 34-00872A, 34-02321, 34-07015,
34-10763, 34-10765 AND 34-10767.

THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED
ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT IN
T06N, R25E, S34, SWNW.

PRIORITY DATE: 05/10/1897

POINT OF DIVERSION: T07N R24E S33 SWNE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	6.10 CFS
	Stockwater	01-01 TO 12-31	20.00 CFS

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE
EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING
DATE OF 4-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF
THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES.

PLACE OF USE:	Irrigation	Within Butte & Custer County
	T05N R25E S02 LOT 02 (NWNE) 33.0	SWNE 40.0
	LOT 03 (NENW) 37.0	LOT 04 (NWNW) 39.0
	SWNW 7.0	SENE 33.0
	T06N R25E S25	SWSW 9.0
	S26	SESW 17.0
		SESE 30.0
	S34 LOT 01 (NENE) 28.0	NWNE 39.0
	SWNE 40.0	LOT 02 (SENE) 35.0
	SENE 40.0	NESW 40.0
	LOT 03 (NESE) 39.0	NWSE 40.0
	LOT 04 (SESE) 39.0	
	S35	NWNW 38.0
	NENW 37.0	SENE 40.0
	SWNW 40.0	NESW 40.0
	NESW 37.0	NWSW 40.0
	SWSW 40.0	SESE 40.0
	936.0 Acres Total	

Stockwater	Within Butte & Custer County
T05N R25E S02 LOT 04 (NWNW)	SWNW
T06N R25E S34	SENE
NWSE	SESE

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 936 ACRES IN A SINGLE

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-00116A, 34-00872A, 34-02321, 3407015,
34-10763, 34-10765 AND 34-10767.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 305 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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 FOR 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

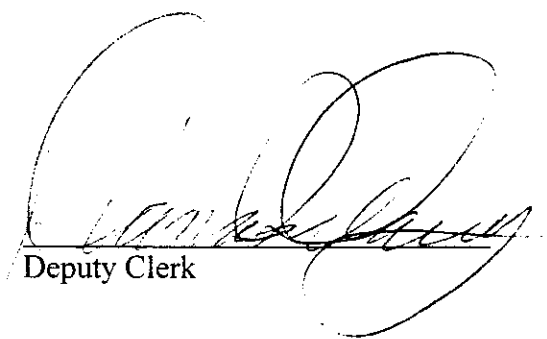
I certify that a true and correct copy of the **AMENDED ORDER OF PARTIAL DECREE TO CORRECT CLERICAL ERROR; I.R.C.P. 60(a)** was mailed on *Nov. 8*, 2001, with sufficient first-class postage to the following:

Dixie Whitworth
Scott Whitworth
PO Box 147
May, ID 83255

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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT - 9 2001	
By _____	Clerk
_____	Deputy Clerk

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 34-10729
	)	
Case No. 39576	)	AMENDED ORDER OF PARTIAL DECREE
_____	)	TO CORRECT CLERICAL ERROR; I.R.C.P.
		60(a)

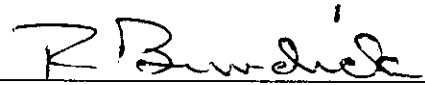
On May 29, 2001, an *Order of Partial Decree* and a *Partial Decree Pursuant to I.R.C.P. 54(b)* were filed for the above water right. It was brought to the Court's attention that there was a clerical error in the legal description for the place of use for the stockwater element of this right.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that this clerical error is corrected consistent with the attached *Amended Partial Decree*.

IT IS FURTHER ORDERED that this water right is hereby **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 34-10729*.

IT IS SO ORDERED.

DATED October 9, 2001.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

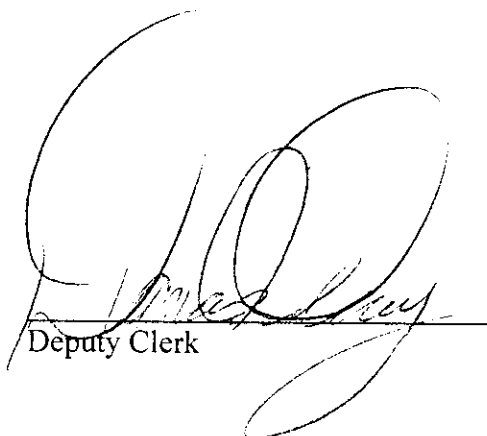
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United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 34-10729

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT - 9 2001

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: DIXIE WHITWORTH
SCOTT WHITWORTH
PO BOX 147
MAY, ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 6.10 CFS

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

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RIGHT OF 23.94 CFS.
COMBINED RIGHT NOS.: 34-00116A, 34-00872A, 34-02321, 34-07015,
34-10763, 34-10765 AND 34-10767.

THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED
ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT IN
T06N, R25E, S34, SWNW.

PRIORITY DATE: 05/10/1897

POINT OF DIVERSION: T07N R24E S33 SWNE Within Custer County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	6.10 CFS
	Stockwater	01-01 TO 12-31	20.00 CFS

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE
EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING
DATE OF 4-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF
THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES.

PLACE OF USE:

Irrigation	Within Butte County
T05N R25E S02 LOT 02 (NWNE) 33.0	SWNE 40.0
	Within Custer County
LOT 03 (NENW) 37.0	LOT 04 (NWNW) 39.0
SWNW 7.0	SENE 33.0
T06N R25E S25	SWSW 9.0
S26	SESE 17.0
	SWSE 39.0
	SESE 30.0
S34 LOT 01 (NENE) 28.0	NWNE 39.0
SWNE 40.0	LOT 02 (SENE) 35.0
SENE 40.0	NESW 40.0
LOT 03 (NESE) 39.0	NWSE 40.0
LOT 04 (SESE) 39.0	
S35	NENW 37.0
	NWNW 38.0
	SENE 40.0
	NESW 40.0
	NWSW 40.0
	SESE 40.0
936.0 Acres Total	
Stockwater	Within Custer County
T05N R25E S02 LOT 04 (NWNW)	
T06N R25E S34	SENE
	NWSE
	SESE

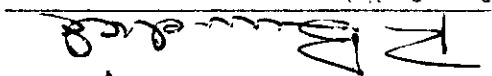
PLACE OF USE (continued)

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 936 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00116A, 34-00872A, 34-02321, 3407015, 34-10763, 34-10765 AND 34-10767.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 305 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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 FOR 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

RECEIVED

MAY 30 2001

Department of Water Resources

2001 MAY 29 AM 6:29

CLERK OF 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 34-10729

On March 4, 1998, 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.

On June 24, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* which included a recommendation for the irrigation season of use for this water right. No objections to this Supplemental Report were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 34-10729 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED MAY 29 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 34-10729

2001 MAY 29 AM 6:29
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DIXIE WHITWORTH
SCOTT WHITWORTH
PO BOX 147
MAY, ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 6.10 CFS

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T06N, R25E, S34, SWNW.

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		SWSE 40.0
		SESE 40.0
	936.0 Acres Total	

Stockwater	Within Custer County
T05N R25E S02 LOT 04 (NWNW)	SWNW
S03	NENE
T06N R25E S34	SENE
	SESW
	SWSE
	SESE

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 936 ACRES IN A SINGLE IRRIGATION SEASON.

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