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2001 OCT 11 AM 9:17

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED CL

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 33-02089

Case No. 39576

)

)

)

)

ORDER OF PARTIAL DECREE

TO CORRECT CLERICAL ERROR; I.R.C.P.

60(a)

)

On February 7, 2001, 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 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 33-02089 is hereby **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 33-02089*.

This order is being entered *nunc pro tunc* as of February 7, 2001, 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: 10-10-01

Roger Burdick
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 33-02089

2001 OCT 11 AM 9:17

DISTRICT COURT-SRBA
TWINFALLS CO., IDAHO
FILED 

NAME AND ADDRESS: CONNIE A WAYMIRE
KEITH D WAYMIRE
PO BOX 47
HOWE, ID 83244

SOURCE: GROUNDWATER

QUANTITY: 2.30 CFS
663.25 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.79 CFS. COMBINED RIGHT NOS.:
33-00088, 33-00089, 33-00093D.

PRIORITY DATE: 12/03/1959

POINT OF DIVERSION: T09N R27E S04 LOT 05 (NWSWSE) Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.30 CFS 663.30 AFY

THE AMOUNT OF WATER REDIVERTED FROM THE LITTLE LOST RIVER
SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO
APPROPRIATORS OF WATER FROM THE LITTLE LOST RIVER DOWNSTREAM
FROM THE POINT OF REDIVERSION PURSUANT TO SECTION 42-105, IDAHO
CODE.

PLACE OF USE:	Irrigation	Within Butte County
	T09N R27E S04 NESW 37.0	SESW 39.0
	LOT 05 (SWSE) 11.0	
	S09 LOT 08 (NWNE) 25.0	LOT 09 (SWNE) 37.0
	LOT 09 (SENE) 1.5	NENW 39.0
	189.5 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 189.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00088, 33-00089, AND
33-00093D.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 117 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

OCT 15 2001

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE TO CORRECT CLERICAL ERROR IRCP 60(A) was mailed on October 11, 2001, with sufficient first-class postage to the following:

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CONNIE A WAYMIRE
KEITH D WAYMIRE
PO BOX 47
HOWE, ID 83244
Phone: 208-767-3035

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

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FEB - 8 2001

Department of Water Resources

2001 FEB -7 AM 9:00
FILED
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**

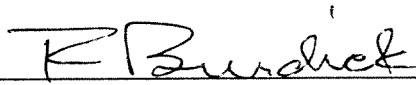
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 33-02089
_____	)	

On December 11, 2000, 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 33-02089 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED ~~FEB 7 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 33-02089

2001 FEB -7 AM 9:00
FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: CONNIE A WAYMIRE
KEITH D WAYMIRE
PO BOX 47
HOWE, ID 83244

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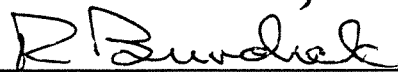
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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Department of Water Resources

2001 FEB 07 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____) Water Right(s): 33-02089

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 33-02089 was mailed
on February 07, 2001, with sufficient first-class postage prepaid
to the following:

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

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
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Phone: 208-387-0835

CONNIE A WAYMIRE
KEITH D WAYMIRE
PO BOX 47
HOWE, ID 83244
Phone: 208-767-3035

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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02/07/01