

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: 32-07081C

)

Case No. 39576

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

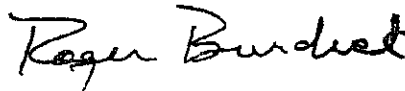
A *Partial Decree* was issued for the above-captioned water right on October 27, 2000. However, due to a computer coding error, the following "shoulder" remark was inadvertently omitted from the period of use element of the *Partial Decree*.

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that water right 32-07081C is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

This order is being entered *nunc pro tunc* as of October 27, 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 October 10, 2002



ROGER BURDICK  
Presiding Judge  
Snake River Basin Adjudication



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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*

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 )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 32-07081C

NAME AND ADDRESS: ELMA HOLMES  
GERALD D HOLMES  
HC 61 BOX 1310  
DUBOIS, ID 83423

SOURCE: GROUNDWATER

QUANTITY: 1.89 CFS  
542.50 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 3.50 CFS.  
COMBINED RIGHT NOS.: 32-00002A, 32-00003A, 32-00004A, 32-00005A,  
32-00001A

PRIORITY DATE: 06/20/1977

POINT OF DIVERSION: T10N R35E S06 LOT 02 ( NWNE) Within Clark County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-15 TO 10-15 | 1.89 CFS<br>542.50 AFY |

| PLACE OF USE: | Irrigation        |           | Within Clark County |
|---------------|-------------------|-----------|---------------------|
|               | T11N R35E S31     | NESE 40.0 | NWSE 37.0           |
|               |                   | SWSE 38.0 | SESE 40.0           |
|               | 155.0 Acres Total |           |                     |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 155 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00001A  
32-00002A, 32-00003A, 32-00004A, 32-00005A.

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

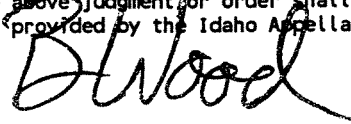
THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT  
SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED  
UNDER RIGHT 32-07081D AND SHALL ONLY DIVERT GROUNDWATER UNDER  
THIS RIGHT WHEN WATER FROM THE APPURTENANT SURFACE WATER RIGHTS  
CANNOT BE DELIVERED TO THE RIGHT HOLDER.

THIS RIGHT SHALL NOT BE USED IF THE SURFACE WATER RIGHTS  
APPURTENANT TO THE PLACE OF USE ARE SOLD, TRANSFERED, LEASED OR  
USED ON ANY OTHER PLACE OF 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.

A handwritten signature in black ink, appearing to read "B. Wood", is written over a horizontal line.

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