

RECEIVED

DEC 12 2003

Department of Water Resources

DISTRICT COURT-SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC 10 2003	
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

Case No. 39576

-) NOTICE OF COURT'S INTENT TO
-) AMEND PARTIAL DECREES TO
-) CORRECT CLERICAL ERROR;
-) I.R.C.P. 60(a)
-)
-) For water rights: 34-02330B,
-) 34-07080B, 34-07121B and 34-12376
-)

Partial Decrees were previously issued for each of the above-captioned water rights. On December 8, 2003, the Court received notification from the Idaho Department of Water Resources that the acreage limitation for each of the rights contained an error. The error occurred in the *Notice of Completed Administrative Proceeding* filed for each water right on April 22, 2002. In reviewing the error in each of the *Partial Decrees*, the Court finds the error to be the result of clerical errors. Accordingly, it is the intent of the Court to issue *Amended Partial Decrees* to correct the errors in accordance with the attached.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **February 17, 2004, at 1:30 p.m.** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling 1-918-583-3445 and entering the code 406128 when prompted.

Dated: December 10, 2003.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication



12/3/03
6:18 PM

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 3, 2003

Clerk of the SRBA Court
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Acor – 34-2330B, 34-7080B, 34-7121B & 34-12376

To the Clerk of the SRBA Court:

It has come to the department's attention that the partial decrees issued in the above-referenced subcases contain errors. When IDWR filed the Notice of Completed Administrative Proceeding (NCAP) on April 22, 2002 there was a clerical error in the place of use remark. Subsequently the court incorporated the error into the partial decrees. IDWR requests that the following corrections be made to the partial decrees:

34-2330B should read as follows in the place of use:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 43 122.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

34-7080B should read as follows in the place of use:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 43 286 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

34-7121B should read as follows in the place of use:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 43 316 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

34-12376 should read as follows in the place of use:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 43 87.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Clerk of the SRBA Court
December 3, 2003
Page 2

IDWR respectfully requests that the court set aside the partial decrees previously filed and re-issue partial decrees with the above-mentioned changes.

If you need additional information, please do not hesitate to call me.

Sincerely,


SUSAN HAMLIN NYGARD
DEPUTY ATTORNEY GENERAL

SHN/bh

cc's: State of Idaho
Kent Foster
William R. Hollifield

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 34-02330B

NAME AND ADDRESS: EVERETT T ACOR JR.
3196 N YELLOWSTONE HWY
IDAHO FALLS, ID 83401

SOURCE: GROUNDWATER

QUANTITY: 1.75 CFS

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-13663,
34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077,
AND 34-07120.

PRIORITY DATE: 06/01/1977

POINT OF DIVERSION: T05N R26E S29 SENWSE Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.75 CFS

PLACE OF USE:	Irrigation		Within Butte County
	T03N R25E S12	NENE 39.0	NWNE 40.0
		SWNE 40.0	SENE 39.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 31.0	NWSW 32.0
		SWSW 31.0	SESW 32.0
		NESE 39.0	NWSE 40.0
		SWSE 36.0	SESE 36.0
	R26E S17	NENE 11.0	NWNE 25.0
		NENW 37.0	NWNW 39.0
		SWNW 13.0	SENW 5.0
	S18	NENE 35.0	NWNE 39.0
		SWNE 36.0	SENE 25.0
		NENW 38.0	NWNW 26.0
		SWNW 37.0	SENW 40.0
		NESW 17.0	NWSW 10.0
		NWSE 2.0	
	T04N R25E S35	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NESW 20.0	SESW 20.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S36	NENE 38.0	NWNE 40.0
		SWNE 40.0	SENE 39.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 39.0	NWSE 40.0
		SWSE 40.0	SESE 39.0
	2025.0 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663,

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

PLACE OF USE (continued)

34-07088B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077,
34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 122.5 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.

DRAFT

John M. Melanson
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 34-07080B

NAME AND ADDRESS: EVERETT T ACOR JR.
3196 N YELLOWSTONE HWY
IDAHO FALLS, ID 83401

SOURCE: GROUNDWATER

QUANTITY: 5.33 CFS

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-13663,
34-02330B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077,
AND 34-07120.

PRIORITY DATE: 09/23/1974

POINT OF DIVERSION: T05N R26E S32 SWNESE Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	5.33 CFS

PLACE OF USE:	Irrigation		Wichin Butte County
	T03N R25E S12	NENE 39.0	NWNE 40.0
		SWNE 40.0	SENE 39.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 31.0	NWSW 32.0
		SWSW 31.0	SESW 32.0
		NESE 39.0	NWSE 40.0
		SWSE 36.0	SESE 36.0
	R26E S17	NENE 11.0	NWNE 25.0
		NENW 37.0	NWNW 39.0
		SWNW 13.0	SENW 5.0
	S18	NENE 35.0	NWNE 39.0
		SWNE 36.0	SENE 25.0
		NENW 38.0	NWNW 26.0
		SWNW 37.0	SENW 40.0
		NESW 17.0	NWSW 10.0
		NWSE 2.0	
	T04N R25E S35	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NESW 20.0	SESW 20.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S36	NENE 38.0	NWNE 40.0
		SWNE 40.0	SENE 39.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 39.0	NWSE 40.0
		SWSE 40.0	SESE 39.0
	2025.0 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663,

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

PLACE OF USE (continued)

34-02330B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077,
34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 286 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.

DRAFT

John M. Melanson
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 34-07121B

NAME AND ADDRESS: EVERETT T ACOR JR.
3196 N YELLOWSTONE HWY
IDAHO FALLS, ID 83401

SOURCE: GROUNDWATER

QUANTITY: 3.74 CFS

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-13663,
34-07080B, 34-07121A, 34-02330B, 34-07092, 34-07179, 34-07077,
AND 34-07120.

PRIORITY DATE: 01/09/1976

POINT OF DIVERSION: T05N R26E S32 SWSENE Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	3.74 CFS

PLACE OF USE:	Irrigation		Within Butte County
	T03N R25E S12	NENE 39.0	NWNE 40.0
		SWNE 40.0	SENE 39.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 31.0	NWSW 32.0
		SWSW 31.0	SESW 32.0
		NESE 39.0	NWSE 40.0
		SWSE 36.0	SESE 36.0
	R26E S17	NENE 11.0	NWNE 25.0
		NENW 37.0	NWNW 39.0
		SWNW 13.0	SENW 5.0
	S18	NENE 35.0	NWNE 39.0
		SWNE 36.0	SENE 25.0
		NENW 38.0	NWNW 26.0
		SWNW 37.0	SENW 40.0
		NESW 17.0	NWSW 10.0
		NWSE 2.0	
	T04N R25E S35	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NESW 20.0	SESW 20.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S36	NENE 38.0	NWNE 40.0
		SWNE 40.0	SENE 39.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 39.0	NWSE 40.0
		SWSE 40.0	SESE 39.0
	2025.0 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663,

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

PLACE OF USE (continued)

34-07080B, 34-07121A, 34-02330B, 34-07092, 34-07179, 34-07077,
34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 316 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.

DRAFT

John M. Melanson
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 34-12376

NAME AND ADDRESS: EVERETT T ACOR JR.
3196 N YELLOWSTONE HWY
IDAHO FALLS, ID 83401

SOURCE: GROUNDWATER

QUANTITY: 1.25 CFS

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 34-02330B, 34-13663,
34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077,
AND 34-07120.

PRIORITY DATE: 06/01/1977

POINT OF DIVERSION: T05N R26E S29 SENWSE Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.25 CFS

PLACE OF USE:	Irrigation		Within Butte County
T03N R25E S12	NENE 39.0		NWNE 40.0
	SWNE 40.0		SENE 39.0
	NENW 40.0		NWNW 40.0
	SWNW 40.0		SENW 40.0
	NESW 31.0		NWSW 32.0
	SWSW 31.0		SESW 32.0
	NESE 39.0		NWSE 40.0
	SWSE 36.0		SESE 36.0
R26E S17	NENE 11.0		NWNE 25.0
	NENW 37.0		NWNW 39.0
	SWNW 13.0		SENW 5.0
S18	NENE 35.0		NWNE 39.0
	SWNE 36.0		SENE 25.0
	NENW 38.0		NWNW 26.0
	SWNW 37.0		SENW 40.0
	NESW 17.0		NWSW 10.0
	NWSE 2.0		
T04N R25E S35	NENE 40.0		NWNE 40.0
	SWNE 40.0		SENE 40.0
	NESW 20.0		SESW 20.0
	NESE 40.0		NWSE 40.0
	SWSE 40.0		SESE 40.0
S36	NENE 38.0		NWNE 40.0
	SWNE 40.0		SENE 39.0
	NENW 40.0		NWNW 40.0
	SWNW 40.0		SENW 40.0
	NESW 40.0		NWSW 40.0
	SWSW 40.0		SESW 40.0
	NESE 39.0		NWSE 40.0
	SWSE 40.0		SESE 39.0
2025.0 Acres Total			

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-02330B, 34-13663,

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

PLACE OF USE (continued)

34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077,
34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 87.5 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.

DRAFT

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO AMEND PARTIAL DECREES TO CORRECT CLERICAL ERROR; IRCP (60)A was mailed on December 11, 2003, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

EVERETT T ACOR JR.

Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

BIG LOST RIVER WTR USERS ASSN

Represented by:
WILLIAM R HOLLIFIELD
249 THIRD AVENUE EAST (83301)
PO BOX 66
TWIN FALLS, ID 83303-0066
Phone: 208-734-5610

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098