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FILED
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

Case No. 39576

)
)
) NOTICE OF COURT'S INTENT TO
) ISSUE AMENDED PARTIAL DECREE,
) AND NOTICE OF HEARING THEREON
)

) For Water Right: 27-11759
)
)
)
)

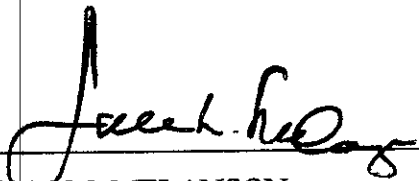
On December 11, 2003, a trial was held before Special Master Thomas Cushman pursuant to Idaho Code 1411A(12), which requires the United States to demonstrate a *prima facie* showing of the existence of a claimed federal reserve water right pursuant to Public Water Reserve 107. In conjunction with that trial, the United States filed affidavits, which were admitted into evidence, for the claimed right to meet its burden. The *Affidavit of Fredric W. Price* was filed on November 17, 2003, and contained language to the effect that the Point of Diversion and Place of Use for the above right would be more accurately described with the addition of lot numbers. On March 4, 2004, Special Master Thomas Cushman issued a *Special Master's Report and Recommendation* for the above right, finding, based on the affidavit and hearing, that the United States had met its burden for a federal reserve water right pursuant to PWR 107. The *Recommendation* contained no lot descriptions in either the Point of Diversion or Place of Use. Pursuant to the Special Master's *Report and Recommendation* and I.R.C.P. 53(e)(2), the SRBA Court issued a *Partial Decree* for the above right on May 4, 2004. As in the *Recommendation*, the *Partial Decree* did not reflect the lot descriptions for the Point of Diversion or Place of Use.

On June 15, 2004, the Court received correspondence from Scott Beazer of the United States (Bureau of Land Management) stating that *Recommendation* and the *Partial Decree* should have contained the lot descriptions in the Point of Diversion and Place of Use legal descriptions. The correspondence was treated as a *Motion to Amend Partial Decree*. The Court finds that the exclusion of the lot numbers from the Point of Diversion and the Place of Use was a clerical error. Accordingly, it is the Court's intent to issue *Amended Partial Decrees* pursuant to IRCP 60(a) to correct these errors in accordance with the attached.

Therefore, IT IS ORDERED, that a **Hearing** be set for the above subcase at **1:30 p.m. on August 17, 2004, at the Washington County Courthouse, 256 E. Court, Weiser, 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 claimants is not required, as the Court will take the proposed actions in the absence of any objection to the contrary. Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted.

Dated

June 17, 2004



JOHN M. MELANSON
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 27-11759

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/17/1926

4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT.
THIS WATER RIGHT IS CLAIMED BASED ON FEDERAL LAW WITH AN
APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER
SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 107.

POINT OF DIVERSION: T06S R43E S31 LOT 2 (NWSWNW) Within Caribou County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Caribou County
T06S R43E S31 LOT 2 (SWNW)

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.

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.

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 ISSUE AMENDED PARTIAL DECREE, AND NOTICE OF HEARING THEREON was mailed on June 17, 2004, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

USDI BLM

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".