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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: 65-22283, 65-22284

Partial Decrees were issued for the above subcases on June 30, 2004 in accordance with a *Special Master's Report and Recommendation*. On June 30, 2004, the Court received correspondence from the Idaho Department of Water Resources, stating that the *Recommendation* incorrectly listed the above water rights as tributary to the Payette River. The correspondence stated the rights should be tributary to the North Fork Payette River.

The *Amended Director's Reports* for the above subcases were filed on October 31, 2000. The *Amended Director's Reports* list the water rights as tributary to the Payette River. However, it appears that the listing of the Payette River rather than the North Fork of the Payette River 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 September 21, 2004 at the Snake River Basin Adjudication Courthouse, 253 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 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

July 9, 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-22283

NAME AND ADDRESS: HERBERT H KRAUSE
LOTTIE KRAUSE
BOX 204
DONNELLY, ID 83615

SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 10/17/1962

POINT OF DIVERSION: T16N R03E S15 SESWNE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.08 CFS

PLACE OF USE: Irrigation Within Valley County
T16N R03E S15 SWNE 4.0
4.0 Acres Total

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

BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER
AFTER OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.
IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT
TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN
THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY
FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO
ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN
THE EVENT OF INJURY.

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-22284

NAME AND ADDRESS: JEFFREY KLOCK
SUSANNE KLOCK
PO BOX 878
DONNELLY, ID 83615

SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 10/17/1962

POINT OF DIVERSION: T16N R03E S15 SESWNE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.04 CFS

PLACE OF USE: Irrigation Within Valley County
T16N R03E S15 SWNE 2.0
2.0 Acres Total

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

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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 ISSUE AMENDED PARTIAL DECREE AND NOTICE OF HEARING THEREON was mailed on July 09, 2004, with sufficient first-class postage to the following:

HERBERT H KRAUSE
LOTTIE KRAUSE
BOX 204
DONNELLY, ID 83615

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

JEFFREY KLOCK
SUSANNE KLOCK
PO BOX 878
DONNELLY, ID 83615