

JUL 30 2004

DEPARTMENT OF  
WATER RESOURCES

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  
ISSUE PARTIAL DECREE, AND  
NOTICE OF HEARING THEREON

For Water Right: 65-07848, 65-07885

JUL 29 PM 4:36

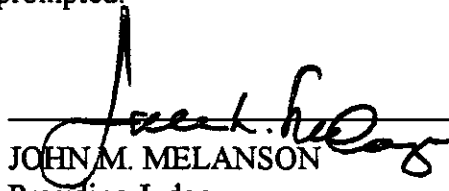
FILED  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

*Special Master's Reports and Recommendations* were issued on June 11, 2004 in the above subcases. On June 30, 2004, the Court received correspondence from the Idaho Department of Water Resources, stating that the *Recommendations* should have included changes made by a *Revised Recommendation* filed by the IDWR on March 26, 2004.

The changes in the *Revised Recommendation* were not made to the *Special Master's Recommendations*. Accordingly, it is the Court's intent to issue *Partial Decrees* in the above subcases that include IDWR's *Revised Recommendations* in accordance with the attached draft *Partial Decrees*.

Therefore, IT IS ORDERED, that a **Hearing** be set for the above subcases 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 29, 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 65-07848

NAME AND ADDRESS: LOWER PAYETTE DITCH CO  
102 N MAIN  
PAYETTE, ID 83661

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.14 CFS  
481.50 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE  
NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD  
HEADGATE.

PRIORITY DATE: 04/15/1977

POINT OF DIVERSION: T07N R03W S07 LOT 3 (SENW ) Within Payette County  
T08N R04W S21 LOT 5 (SWNW ) (Rediversion)  
S26 LOT 10 (SESE ) (Injection)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 03-15 TO 11-15 | 2.14 CFS<br>481.50 AFY |

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11,870 ACRES WHEN  
COMBINED WITH ALL OTHER RIGHTS OF THE LOWER PAYETTE DITCH  
COMPANY AND USED WITHIN THE DITCH COMPANY'S BOUNDARIES IN A  
SINGLE IRRIGATION SEASON.  
The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2)(2003) and authorized pursuant to I.C. Section 42-1411  
(2)(h)(2003). The data comprising the digital boundary are  
incorporated herein by reference and are stored on a cd-rom disk  
issued in duplicate originals on file with the SRBA District

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**

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

In Re SRBA ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
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 ) Water Right 65-07885

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RULE 54(b) CERTIFICATE

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**DRAFT**

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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 PARTIAL DECREE, AND NOTICE OF HEARING THEREON was mailed on July 29, 2004, with sufficient first-class postage to the following:

LOWER PAYETTE DITCH CO

Represented by:

SCOTT L. CAMPBELL

101 S CAPITOL BLVD, 10TH FLOOR

PO BOX 829

BOISE, ID 83701-0829

Phone: 208-345-2000

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

LOWER PAYETTE DITCH COMPANY

102 N MAIN

PAYETTE, ID 83661

NOTICE

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Deputy Clerk

