

2004 AUG 30 PM 2:01
TWIN FALLS CO., IDAHO
FILED

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: 29-13021
)

A *Partial Decree* was issued for the above right on June 1, 2004. A *Special Master's Report and Recommendation* was issued on April 14, 2004 in the above subcase. A trial was held on December 11, 2003, and affidavits were filed in conjunction with that trial.

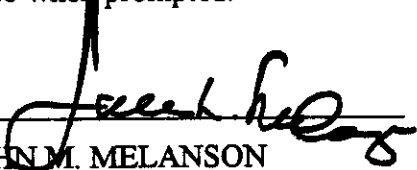
In reviewing the file, the Court notices that errors were apparently made in both the *Master's Report* and the *Partial Decree*. These errors are as follows: 1) The above right was decreed and recommended with a priority date of June 28, 1934. However, evidence was submitted in the *Affidavit of Fredric Price* that the above right was located on federal acquired land, and that the priority date should be January 19, 1920. At the trial, the minute entry shows that Special Master Thomas Cushman found that the above right should have a January 19, 1920 priority date. 2) The above right was decreed and recommended with a point of diversion of Township 7S, Range 36E, Section 9, *SENESE*. However, the *Affidavit of Fredric Price* stated that the point of diversion would more accurately be described as *NWNESE*.

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 subcases at 1:30 p.m. on **September 21, 2004 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 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 August 30, 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 29-13021

2004 AUG 30 PM 2:01
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *jm*

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: 01/19/1920

POINT OF DIVERSION: T07S R36E S09 NWNESE Within Bannock 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 Bannock County
T07S R36E S09 NESE

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.

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 August 30, 2004, with sufficient first-class postage to the following:

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

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