

2002 NOV 18 PM 1 47

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

) For water right 63-21471
)
) NOTICE OF COURT'S INTENT TO
) RESCIND PARTIAL DECREE WHERE
) SUCCESSIVE PARTIAL DECREES
) WERE ISSUED FOR SAME WATER
) RIGHT; I.R.C.P.60(a) AND NOTICE OF
) HEARING THEREON

A *Partial Decree* was issued for the above-captioned water right on May 16, 2001, in the name of Buckeye Ranch, Inc. Apparently, due to oversight or omission the issuance of the *Partial Decree* was not docketed in the Court's register of actions. Subsequently, on July 5, 2002, pursuant to an administrative transfer proceeding, the Idaho Department of Water Resources (IDWR) filed with the Court a *Notice of Completed Administrative Proceeding (NCAP)*.¹ As a result of the *NCAP*, on October 18, 2002, the Court issued in error a subsequent *Partial Decree* reflecting the changes to the elements of the water right and the current ownership of the water right following the administrative transfer. However, because the subsequent *Partial Decree* more accurately reflects the current elements and ownership of water right 63-21471, it is the intent of the Court to enter an order rescinding the former *Partial Decree*.

Therefore, IT IS ORDERED that a **hearing will be held on this matter on January 21, 2003 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 is not

¹ Normally IDWR does not file an *NCAP* with the Court after a *Partial Decree* is issued. Subsequent changes to the water right are handled administratively and are a matter of administrative record. The SRBA does not keep a record of subsequent administrative changes nor is the *Partial Decree* amended to reflect subsequent changes to decreed elements.

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 406128 when prompted.

Dated November 18, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of this **NOTICE OF COURT'S INTENT TO RESCIND PARTIAL DECREE WHERE SUCCESSIVE PARTIAL DECREES WERE ISSUED FOR SAME WATER RIGHT; I.R.C.P.60(a) AND NOTICE OF HEARING THEREON** was mailed on November 18, 2002, with sufficient first-class postage to the following:

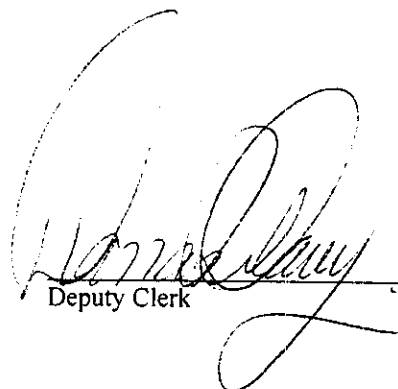
Buckeye Ranch Inc.
c/o Bill Paulsen
24886 Peckham Rd
Wilder, ID 83676-5221

Clayton Tree Farm LLC
PO Box 10
Star ID 83669

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724


Deputy Clerk