

2004 DEC 10 PM 1:16
DISTRICT COURT - SRBA
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) Subcase: 29-02379
Case No. 39576) (Carl L Phillips and Nola Rae Phillips)
)
) NOTICE OF COURT'S INTENT TO
) ISSUE AMENDED PARTIAL DECREE,
) AND NOTICE OF HEARING THEREON
)

On March 22, 2004, a **Partial Decree** was issued for the above-captioned water right. On December 10, 2004, this Court received correspondence from the Idaho Department of Water Resources (IDWR) indicating that the **Partial Decree** is in error regarding the location of the place of use (POU) for this water right, and that the POU is actually located in Township 7S, Range 38E, Section 24. Accordingly, it is the Court's intent to issue an amended partial decree for the purpose of correcting this error in the POU.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **January 18, 2005 at 1:30 p.m.** at the **Idaho Water Center, 6th Floor, 322 East Front Street, Boise, 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 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 December 10, 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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 29-02379

2004 DEC 10 AM 11:47

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CARL L PHILLIPS
NOLA RAE PHILLIPS
2884 W 1400 S
ABERDEEN, ID 83210

SOURCE: GROUND WATER

QUANTITY: 2.56 CFS
1372.00 AFY

PRIORITY DATE: 10/22/1956

POINT OF DIVERSION: T07S R39E S17 NWSW Within Caribou County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.56 CFS 1372.00 AFY
	Stockwater	01-01 TO 12-31	0.09 CFS

PLACE OF USE:	Irrigation		Within Caribou County
	T07S R38E S24	NENE 1.0	SENE 3.0
	R39E S17	NWSW 32.0	SWSW 40.0
	S18	NESE 5.0	SESE 5.0
	S19	NENE 15.0	SWNE 28.0
		SENE 39.0	LOT 2 (SWSW) 5.0
		NESE 40.0	NWSE 20.0
		SWSE 12.0	SESE 4.0
	LOT 4 ()	15.0	LOT 3 () 11.0
	S20	NWNW 40.0	SWNW 40.0
		NWSW 37.0	
	392.0 Acres Total		

Stockwater	Within Caribou County
Same as Irrigation	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE 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 December 10, 2004, with sufficient first-class postage to the following:

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

CARL L PHILLIPS
NOLA RAE PHILLIPS
2884 W 1400 S
ABERDEEN, ID 83210
Phone: 208-397-4690

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".