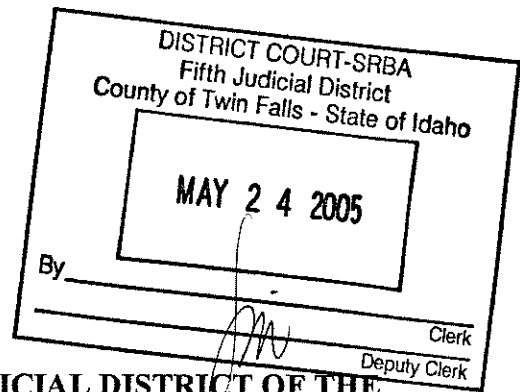


RECEIVED
MAY 26 2005
Department of Water Resources



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

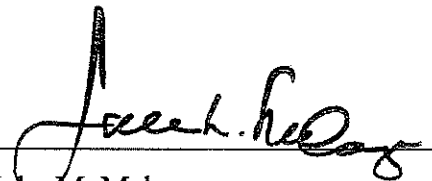
) For Water Right: 45-2457C
)
) NOTICE OF COURT'S INTENT TO
) ISSUE AMENDED PARTIAL DECREE,
) AND NOTICE OF HEARING THEREON
)

On May 6, 2005, a *Partial Decree* was issued for the above-captioned water right. On May 23, 2005, this Court received correspondence from the Idaho Department of Water Resources describing a clerical error in the *Partial Decree* for this water right. Specifically, the *Partial Decree* and the IDWR's *Recommendation* contain an error in the legal description of the point of diversion. The point of diversion is described as being Township T09 S R25E S27. However, in Transfer No. 66071, approved by IDWR on May 8, 2002, the point of diversion was identified as T09S R25E S28. It appears that the change in section was a clerical error, and that the point of diversion should be listed as T09S R25E S28.

The Court intends to amend the *Partial Decree* in accordance with the attached.

Therefore, IT IS ORDERED that a hearing will be held on this matter at 1:30 p.m., Mountain Standard Time, August 16, 2005 at the Madison County Courthouse, 134 E. Main, Rexburg, 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 claimant 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: May 24, 2005.


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 45-02457C

DRAFT

NAME AND ADDRESS: JACKSON FARMS INC
750 E 100 S
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 2.48 CFS

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

RIGHTS 45-2429E, 45-2457C, 45-2616E AND 45-4241A WHEN COMBINED SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 4.38 CFS.

PRIORITY DATE: 09/14/1953

POINT OF DIVERSION: T09S R25E S28 SWSW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.48 CFS
			584.00 AFY

PLACE OF USE:	Irrigation		Within Cassia County
	T09S R25E S28	NESW 40.0	NWSW 23.5
		SWSW 40.0	SESW 40.0
		NWSE 23.5	SWSE 40.0
	S33	NWNE 23.5	NENW 40.0
		NWNW 23.5	
	294.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 146 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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. SECTION 42-1412(6), IDAHO CODE.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 May 24, 2005, with sufficient first-class postage to the following:

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

JACKSON FARMS INC
750 E 100 S
RUPERT, ID 83350
Phone: 208-436-1214


Deputy Clerk