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DEPARTMENT OF  
WATER RESOURCES

2006 JAN 11 PM 2:56

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 35-04241, 35-07886   |
|                | )                              |
| Case No. 39576 | ) NOTICE OF COURT'S INTENT TO  |
|                | ) ISSUE AMENDED PARTIAL DECREE |
|                | ) TO CORRECT CLERICAL ERROR;   |
|                | ) I.R.C.P. 60(a)               |
|                | )                              |
| _____          | ) NOTICE OF HEARING THEREON    |

**I. BACKGROUND**

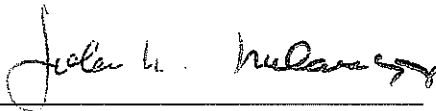
On September 15, 1998, a *Partial Decree* was issued to the City of Roberts, Idaho for each of the above-captioned water rights. The *Partial Decrees* were issued based upon the *Director's Report*, with no objections having been filed thereto. It has come to the Court's attention that the *Partial Decrees* contain a clerical error regarding the place of use for the municipal purpose of the water right. Accordingly, the Court intends to issue amended partial decrees for the purpose of correcting this error. Attached hereto are copies of the previously issued *Partial Decrees* and the proposed amended partial decrees.

**II. ORDER AND NOTICE OF HEARING**

Therefore, it is **hereby ordered** that the owner of this water right shall have until **5:00 p.m. on February 28, 2006**, to review the proposed amended partial decree and submit objections, if any, to the Court. **A hearing will be held on the matter on April 18, 2006, at 1:30 p.m. at the Snake River Basin Adjudication Courthouse, 253 3<sup>rd</sup> Avenue North, Twin Falls, Idaho.** Telephone participation will be available by **dialing 918-583-3445 and entering code 406128.** Participation in the hearing is not

mandatory. After the hearing, and in the absence of any objections, the amended partial decree will be forthwith summarily entered as proposed.

Dated Jan. 11, 2006



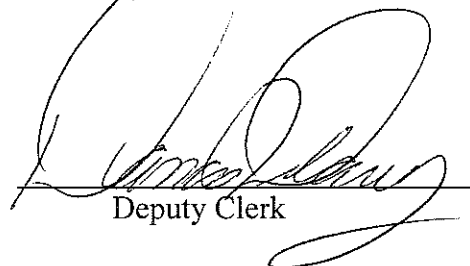
John Melanson  
Presiding Judge  
Snake River Basin Adjudication

### CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR was mailed on 1/11/06 with sufficient first-class postage to the following:

Director of IDWR  
PO Box 83720  
Boise, ID 83720-0098

City of Roberts  
19 W Park Ave  
Roberts, ID 83444

  
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 35-04241

DRAFT

NAME AND ADDRESS: CITY OF ROBERTS  
19 W PARK AVE  
ROBERTS, ID 83444

SOURCE: GROUNDWATER

QUANTITY: 0.64 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 3.2 CFS.  
COMBINED RIGHT NOS.: 35-07886 AND 35-08223.

PRIORITY DATE: 06/01/1933

POINT OF DIVERSION: T05N R37E S32 NESWNE Within Jefferson County  
SWNESE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Municipal      | 01-01 TO 12-31 | 0.64 CFS |

PLACE OF USE: Municipal Within Bonneville County  
Same as See Remarks

PLACE OF USE IS WITHIN THE SERVICE AREA OF THE CITY OF ROBERTS  
MUNICIPAL WATER SUPPLY SYSTEM AS PROVIDED FOR UNDER IDAHO LAW

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.

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

**AMENDED**

**DRAFT**

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 35-07886

NAME AND ADDRESS: CITY OF ROBERTS  
19 W PARK AVE  
ROBERTS, ID 83444

COPY

SOURCE: GROUNDWATER

QUANTITY: 1.45 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 3.2 CFS.  
COMBINED RIGHT NOS.: 35-04241 AND 35-08223.

PRIORITY DATE: 01/08/1980

POINT OF DIVERSION: T05N R37E S32 SWNESE Within Jefferson County  
NESWNE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Municipal      | 01-01 TO 12-31 | 1.45 CFS |

PLACE OF USE: \* ERROR Within ERROR County  
S00  
Municipal Same as Other Use

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.



Daniel C. Hurlbutt, JR.  
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 35-04241

NAME AND ADDRESS: CITY OF ROBERTS  
19 W PARK AVE  
ROBERTS, ID 83444

COPY

SOURCE: GROUNDWATER

QUANTITY: 0.64 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 3.2 CFS.  
COMBINED RIGHT NOS.: 35-07886 AND 35-08223.

PRIORITY DATE: 06/01/1933

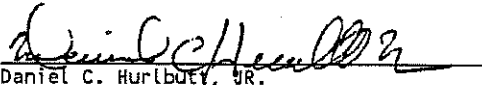
POINT OF DIVERSION: T05N R37E S32 NESWNE Within Jefferson County  
SWNESE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Municipal      | 01-01 TO 12-31 | 0.64 CFS |

PLACE OF USE: Municipal Same as Other Use

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.

  
Daniel C. Hurlbut, Jr.  
Presiding Judge  
Snake River Basin Adjudication