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DEPARTMENT OF
WATER RESOURCES

2006 JAN 11 PM 12:26

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 35-07841, 35-07001, 35-03020
	)
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 Idaho Falls for each for 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* each 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.

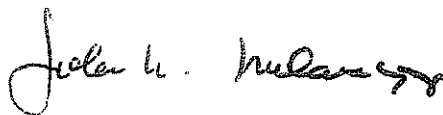
Additionally, under "Other Provisions Necessary" each of these *Partial Decrees* contains a remark referencing water right claims made by the City of Idaho Falls in Basin 25 which had yet to be reported by the Director. It is the understanding of the Court that Basin 25 claims contemplated in that remark have now been partially decreed in the Snake River Basin Adjudication. The Court consulted IDWR regarding this remark, and IDWR replied to the Court via email, a copy of which is attached hereto. The proposed amended partial decrees incorporate the changes suggested in that email.

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 3rd 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

January 11, 2006



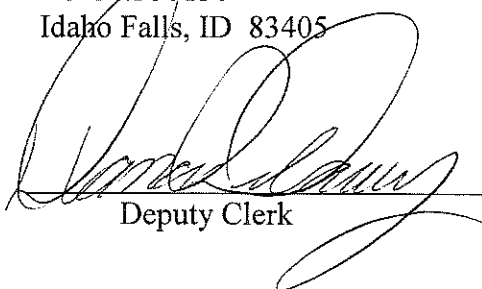
John Melanson
Presiding Judge
Snake River Basin Adjudication

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 *January 11, 2006* with sufficient first-class postage to the following:

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

City of Idaho Falls
Holden, Kidwell, Hahn & Crapo
PO Box 50130
Idaho Falls, ID 83405


Deputy Clerk

Ted Booth

From: Bromley, Chris [Chris.Bromley@idwr.idaho.gov]
Sent: Thursday, December 29, 2005 3:15 PM
To: Ted Booth
Cc: Carlsen, Ernie; Williams, Ray
Subject: FW: City of Idaho Falls 35-7841, 35-7001 and 35-3020

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 29 2005	
By _____	Clerk
_____	Deputy Clerk

LODGED



35-7001.doc (21 KB)



35-7841.doc (21 KB)



35-3020.doc (22 KB)

Special Master Booth,

Attached are the revised recommendations for the Idaho Falls water rights, which were prepared by Ernie Carlsen with Eastern Region.

Please let me know if you have any questions.

Thanks,

Chris

> -----Original Message-----

> From: Carlsen, Ernie

> Sent: Thursday, December 29, 2005 1:50 PM

> To: Bromley, Chris

> Cc: Williams, Ray; Shaff, Don

> Subject: City of Idaho Falls 35-7841, 35-7001 and 35-3020

>

> Chris here are the revised recommendations for the three rights listed
> above. You will notice the only right that overlaps with other city
> rights in basin 25 is 35-3020.

> <<35-7001.doc>> <<35-7841.doc>> <<35-3020.doc>>

> Ernie

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-3020

NAME AND ADDRESS: CITY OF IDAHO FALLS
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.23 CFS

Use of this right with Right No. 25-2142 is limited to a total combined diversion rate of 50.2 cfs and to a total combined annual diversion volume of 20,200 AF.

The total instantaneous diversion of water from all points of diversion under Rights 25-2142, 25-7058, and 35-3020 shall not exceed 56.34 cfs.

PRIORITY DATE: 04/08/1963

POINT OF
DIVERSION:

T02N R37E S13 NWNWSW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	2.23 CFS

PLACE OF USE:

Place of use is within the service area of the City of Idaho Falls 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. Section 42-1412(6), Idaho Code.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Water is delivered through well #6.

12/29/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-7001

NAME AND ADDRESS: CITY OF IDAHO FALLS
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 8.900 CFS

PRIORITY DATE: 07/13/1967

POINT OF
DIVERSION:

T02N R37E S23 NWNWNE Within BONNEVILLE County

DRAFT

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

1/01 12/31

8.900 CFS

PLACE OF USE:

Place of use is within the service area of the City of Idaho Falls 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water is delivered through well #11.

12/29/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-7841

NAME AND ADDRESS: CITY OF IDAHO FALLS
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 7.350 CFS

PRIORITY DATE: 02/07/1979

POINT OF
DIVERSION:

T02N R37E S23 NWNWNE Within BONNEVILLE County

DRAFT

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

1/01 12/31

7.350 CFS

PLACE OF USE:

Place of use is within the service area of the City of Idaho Falls 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water is delivered through well #14.

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 35-07841

NAME AND ADDRESS: CITY OF IDAHO FALLS
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE: GROUNDWATER

QUANTITY: 7.35 CFS

PRIORITY DATE: 02/07/1979

POINT OF DIVERSION: T02N R37E S23 NWNWNE Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	7.35 CFS

PLACE OF USE: Municipal Same as Other Use

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

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 25 FOR THE
SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE,
WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A
LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 25 REPORT
FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED
ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS
RIGHT AND THE BASIN 25 RIGHTS.

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

COPY

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 35-07001

NAME AND ADDRESS: CITY OF IDAHO FALLS
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

COPY

SOURCE: GROUNDWATER

QUANTITY: 8.90 CFS

PRIORITY DATE: 07/13/1967

POINT OF DIVERSION: T02N R37E S23 NWNWNE Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	8.90 CFS

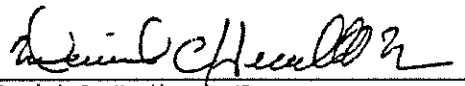
PLACE OF USE: Municipal Same as Other Use

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

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 25 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 25 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS RIGHT AND THE BASIN 25 RIGHTS.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 35-03020

NAME AND ADDRESS: CITY OF IDAHO FALLS
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

COPY

SOURCE: GROUNDWATER

QUANTITY: 2.23 CFS

USE OF THIS RIGHT WITH RIGHT NO. A25-02142 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 50.2 CFS.

PRIORITY DATE: 04/08/1963

POINT OF DIVERSION: T02N R37E S13 NWNWSW Within Bonneville County

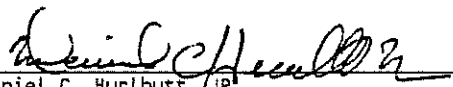
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	2.23 CFS

PLACE OF USE: Municipal Same as Other Use
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 25 FOR THE
SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE,
WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A
LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 25 REPORT
FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED
ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS
RIGHT AND THE BASIN 25 RIGHTS.

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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-07001

NAME AND ADDRESS: CITY OF IDAHO FALLS
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

DRAFT

SOURCE: GROUNDWATER

QUANTITY: 8.90 CFS

PRIORITY DATE: 07/13/1967

POINT OF DIVERSION: T02N R37E S23 NWNWNE Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	8.90 CFS

PLACE OF USE:
PLACE OF USE IS WITHIN THE SERVICE AREA OF THE CITY OF IDAHO
FALLS 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

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 35-07841

NAME AND ADDRESS: CITY OF IDAHO FALLS
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

DRAFT

SOURCE: GROUNDWATER

QUANTITY: 7.35 CFS

PRIORITY DATE: 02/07/1979

POINT OF DIVERSION: T02N R37E S23 NWNWNE Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	7.35 CFS

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

PLACE OF USE IS WITHIN THE SERVICE AREA OF THE CITY OF IDAHO
FALLS 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).

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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

QUANTITY: 2.23 CFS

POINT OF DIVERSION: T02N R37E S13 NWNWSW Within Bonneville County

RULE 54 (b) CERTIFICATE

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