

2006 MAY 22 PM 3: 28

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

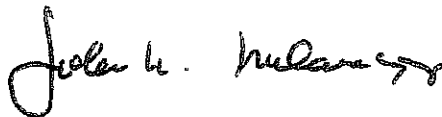
Case No. 39576

) NOTICE OF COURT'S INTENT TO
) AMEND PARTIAL DECREE TO
) CORRECT CLERICAL ERROR;
) I.R.C.P. 60(a)
)
) Subcase: 29-02379

An *Amended Partial Decree* was previously issued for the above-captioned water right. On April 20, 2006, the Court received correspondence from the Idaho Department of Water Resources stating that the *Amended Partial Decree* is in error regarding the place of use. Attached to the correspondence was a corrected recommendation for the water right. In reviewing the file and record herein, the Court finds the error to be clerical. In accordance with the foregoing, it is the intent of the Court to issue a second amended partial decree for water right 29-02379 to correct the clerical error as set forth in the above-referenced correspondence. Attached hereto is a copy of the proposed *Second Amended Partial Decree*

Therefore, IT IS ORDERED that a hearing will be held on this matter on **July 18, 2006, at 1:30 p.m. Mountain Time** 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 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 the code 406128 when prompted.

Dated: May 19, 2006.



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

SECOND AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 29-02379

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

SOURCE: GROUND WATER

QUANTITY: 2.56 CFS
1337.70 AFY

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.65 CFS. COMBINED RIGHT NOS.: 29-30, 29-31,
29-13320, 29-13321 AND 29-2379.

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 1337.07 AFY
	Stockwater	01-01 TO 12-31	0.09 CFS

PLACE OF USE:	Irrigation	Within Caribou County
	T07S R38E S24 LOT 1 (NENE) 1.6	LOT 2 (SENE) 2.8
	R39E S17 NWSW 38.0	SWSW 40.0
	S18 NESE 5.6	SESE 4.8
	S19 NENE 16.0	SWNE 28.0
		SENE 40.0
	LOT 3 (NESW) 13.0	LOT 2 (SENW) 4.5
		LOT 4 (SESW) 3.3
		NESE 37.0
		NWSE 21.0
		SWSE 7.2
		SESE 1.4
	S20 NWNW 40.0	SWNW 40.0
		NWSW 38.0
	382.2 Acres Total	
	Stockwater	Within Caribou County
	Same as Irrigation	

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 382.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-30, 29-31, 29-13320, 29-13321 AND
29-2379.

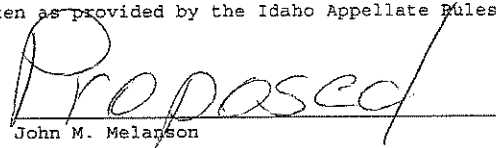
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.


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 AMEND PARTIAL DECREE TO CORRECT CLERICAL ERROR; IRCP 60(A) was mailed on May 22, 2006, 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

