

2006 MAY 23 AM 9:18
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

Case No. 39576

) NOTICE OF COURT'S INTENT TO
) AMEND PARTIAL DECREES TO
) CORRECT CLERICAL ERROR;
) I.R.C.P. 60(a)
)
) For water rights: 72-10480, 72-10481, and
) 72-10482
)

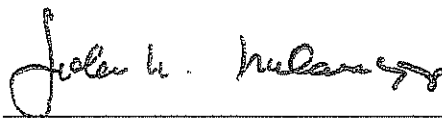
Partial Decrees were previously issued for each of the above-captioned water rights. The place of use element in the *Partial Decrees* for each of these water rights refers to an affidavit recorded in the office of the Custer County Recorder on August 8, 2001. It is the understanding of the Court that the place of use for each of these water rights is identical, and is the area authorized for water delivery of the Gini Ditch company.

On April 24, 2006, the Court received correspondence from the Idaho Department of Water Resources stating that the maps depicting the digital boundary for water rights 72-10480 and 72-10482 are incorrect. Attached thereto are maps depicting the correct digital boundary, and CD-ROMS entitled "AMENDED Digital Boundary for Gini Ditch Company Inc." In reviewing the error in each of the *Partial Decrees*, the Court finds the error to be the result of clerical errors.

In accordance with the foregoing, it is the intent of the Court to issue amended partial decrees for water rights 72-10480 and 72-10482 to correct the clerical errors as set forth in the above-referenced correspondence. Additionally, because all three of these water rights have the exact same place of use, the Court intends to issue an amended partial decree for water right 72-10481 for the purpose of avoiding any confusion that may result from having a different form of partial decree. Attached hereto are the proposed amended partial decrees.

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.

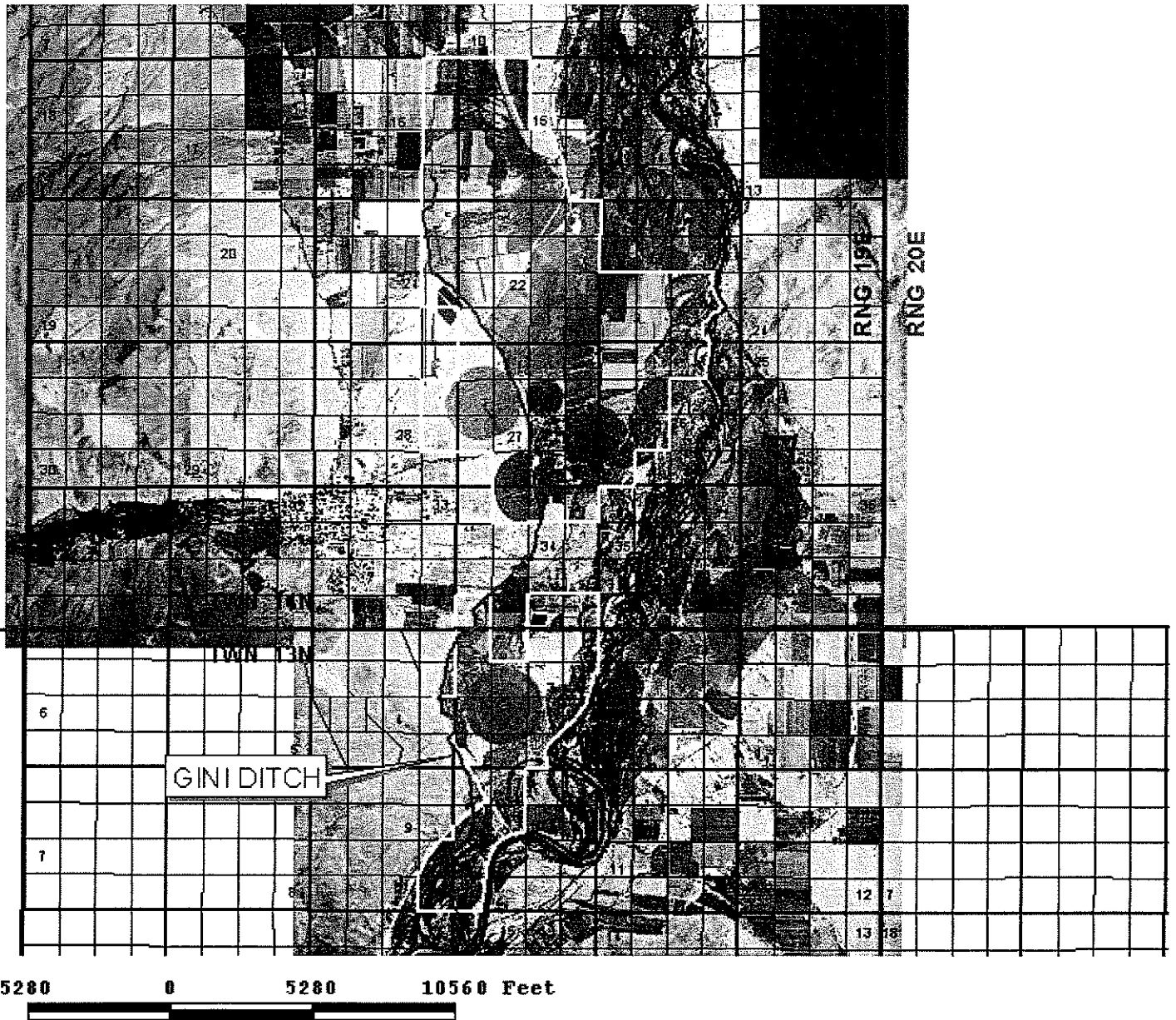
A handwritten signature in dark ink, appearing to read "John M. Melanson", is written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES

72-10480, 72-10481, 72-10482

GINI DITCH BOUNDARY



RECOMMENDED PLACE OF USE BOUNDARY

⊙ RECOMMENDED POINT OF DIVERSION

▭ SECTION LINES

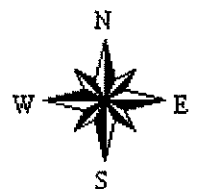
▭ QUARTER-QUARTER LINES

∨ STREAMS & DITCH CHANNELS

∨ TOWNSHIP-RANGE LINES

TWN: 13N & 14N

RNG: 19E



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY
BY STEVE CLELLAND

DATE: JULY 17, 2001

REVISED

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 72-10482

NAME AND ADDRESS: GINI DITCH COMPANY INC
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 25.30 CFS

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSWSE) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	25.30 CFS

PLACE OF USE:

Place of use within the boundary of the service area of the
Gini Ditch Company.

The boundary encompassing the place of use for this water right
is described with a digital boundary as defined by I.C. Section
42-202B(2)(2003) and authorized pursuant to I.C. Section 42-1411
(2)(h)(2003). The data comprising the digital boundary are
incorporated herein by reference and are stored on a cd-rom disk
issued in duplicate originals on file with the SRBA District
Court and the Idaho Department of Water Resources. A map
depicting the place of use is attached hereto to illustrate the
place of use described by the digital boundary.

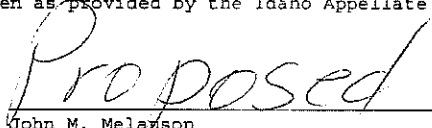
This boundary is also described in the Affidavit Identifying
Location of Real Property, instrument no. 0223257, filed with the
Custer County Recorder on August 8, 2001. The service area is
within T13N and T14N, R19E, Custer County, Idaho. Total
irrigated acres: 2440 acres.

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 72-10480

NAME AND ADDRESS: GINI DITCH COMPANY INC
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 120.00 CFS

PRIORITY DATE: 07/27/1901

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSWSE) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	120.00 CFS

PLACE OF USE:

Place of use within the boundary of the service area of the
Gini Ditch Company.

The boundary encompassing the place of use for this water right
is described with a digital boundary as defined by I.C. Section
42-202B(2)(2003) and authorized pursuant to I.C. Section 42-1411
(2)(h)(2003). The data comprising the digital boundary are
incorporated herein by reference and are stored on a cd-rom disk
issued in duplicate originals on file with the SRBA District
Court and the Idaho Department of Water Resources. A map
depicting the place of use is attached hereto to illustrate the
place of use described by the digital boundary.

This boundary is also described in the Affidavit Identifying
Location of Real Property, instrument no. 0223257, filed with the
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Proposed
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 72-10481

NAME AND ADDRESS: GINI DITCH COMPANY INC
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 67.00 CFS

PRIORITY DATE: 04/15/1938

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSWSE) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	67.00 CFS

PLACE OF USE: Irrigation Within Custer County
T13N R19E S16 SWSW

Place of use within the boundary of the service area of the
Gini Ditch Company.

The boundary encompassing the place of use for this water right
is described with a digital boundary as defined by I.C. Section
42-202B(2)(2003) and authorized pursuant to I.C. Section 42-1411
(2)(h)(2003). The data comprising the digital boundary are
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Proposed

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 DECREES TO CORRECT CLERICAL ERROR; I.R.C.P. 60(A) was mailed on May 22, 2006, with sufficient first-class postage to the following:

GINI DITCH COMPANY INC

Represented by:

KENT W FOSTER

1000 RIVERWALK DR, STE 200

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

