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OCT 24 2006
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 23 2006	
By _____	Clerk
_____	Deputy Clerk

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 35-2877
	)	
	)	NOTICE OF COURT'S INTENT TO ISSUE
	)	AMENDED PARTIAL DECREE AND
Case No. 39576	)	NOTICE OF HEARING THEREON
_____	)	

On January 31, 2002, a ***Partial Decree*** was issued for the above-captioned water right. On August 28, 2006, the Court was notified by the Idaho Department of Water Resources of a clerical error. On November 12, 1998, parties to the above subcase submitted a *Stipulation to Resolve Objection* which included an *Amended Director's Report*. This *Amended Director's Report* deleted 6 acres from the recommended place of use. The ***Special Masters Recommendation*** issued November 13, 2001, and the ***Partial Decree*** entered January 31, 2002, erroneously included the 6 acres. The Court finds the error to be the result of a clerical error. Additionally, a change of ownership was complied by IDWR. Accordingly, it is the Court's intent to issue an ***Amended Partial Decree*** to correct this error in accordance with the attached.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **January 16, 2007, at 1:30 p.m.** 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 406128 when prompted.

DATED October 23, 2006.



JOHN M. MCLANSON
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 35-02877

NAME AND ADDRESS: POSTER LAND & CATTLE CO
PO BOX 308
RIGBY, ID 83442

SOURCE: GROUNDWATER

QUANTITY: 5.33 CFS
1220.00 AFY

PRIORITY DATE: 04/27/1967

POINT OF DIVERSION: T04N R35E S10 SENESE Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	5.33 CFS 1220.00 AFY

PLACE OF USE:	Irrigation	Within Jefferson County
	T04N R35E S10	NESW 40.0 NWSW 37.0
		SWSW 40.0 SESW 40.0
		NESE 29.0 NWSE 39.0
		SWSE 40.0 SESE 40.0
	305.0 Acres Total	

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.

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 PARTIAL DECREE AND NOTICE OF HEARING THEREON was mailed on October 23, 2006, with sufficient first-class postage to the following:

LINDEN BUTIKOFER

Represented by:
JEFFREY C. FEREDAY
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Phone: 208-388-1200

FOSTER LAND & CATTLE CO

Represented by:
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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

A handwritten signature in black ink, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and cursive.