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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 27 2006	
By _____	Clerk
_____	Deputy Clerk

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
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	)	Water Right 77-7096
	)	
	)	NOTICE OF COURT'S INTENT TO ISSUE
Case No. 39576	)	PARTIAL DECREE, AND NOTICE OF
_____	)	HEARING THEREON

On March 31, 2006, the Idaho Department of Water Resources filed its *Director's Report, Irrigation & Other Uses, Reporting Area 24, IDWR Basin 77* which included a recommendation for water right 77-7096. No objections were filed to this water right recommendation and the time period for filing an objection has expired.

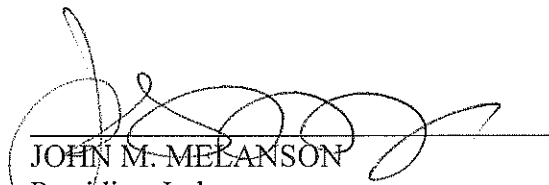
In preparing the Partial Decree for this water right, the Court discovered that the tributary description was missing from the Source element. On November 9, 2006, the Idaho Department of Water Resources filed an *Amended Director's Report* correcting this error.

Hearing on the uncontested portions of the Basin 77 Director's Report, as required by I.C. § 42-1412(7), was held October 10, 2006. Accordingly, it is the Court's intent to issue a *Partial Decree* in accordance with the attached.

Therefore, IT IS ORDERED, that a **hearing be set** for the above subcase at **1:30 p.m. on January 16, 2007, 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 claimants 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 November 27 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

In Re SRBA)
)
Case No. 39576)
_____) Water Right 77-07096

NAME AND ADDRESS: HUBERT H BUETTGENBACH
 KATE MC MILLAN
 PO BOX 76
 YELLOW PINE, ID 83677

SOURCE: ASPEN SPRING TRIBUTARY: SINKS

QUANTITY: 0.08 CFS
 7.20 AFY

Right Nos. 77-7096 and 77-7110 are limited to a total combined
diversion rate of 0.08 cfs and to a total combined annual
diversion volume of 7.2 AF.

PRIORITY DATE: 04/23/1980

POINT OF DIVERSION: T19N R07E S25 NWNWNW Within Valley County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.06 CFS
			6.00 AFY
	Domestic	01-01 TO 12-31	0.04 CFS
			1.20 AFY

Domestic use is for 1 home.

PLACE OF USE: Irrigation Within Valley County
 T19N R07E S25 SWNW 2.0
 2.0 Acres Total

Domestic Within Valley County
 T19N R07E S25 SWNW

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 November 27, 2006, with sufficient first-class postage to the following:

HUBERT H BUETTGENBACH
KATE MC MILLAN
PO BOX 76
YELLOW PINE, ID 83677

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.