

RECEIVED
NOV 28 2006
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 27 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 77-10094
	)	
	)	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 77-10094. No objections were filed to this water right recommendation and the time period for filing an objection has expired.

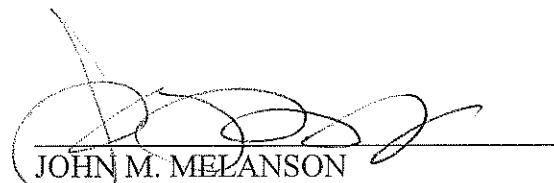
In preparing the Partial Decree for this water right, the Court discovered an error in the description of the quantity under the Purpose and Period of Use element. The quantity under the Purpose and Period of Use element was described as 4.476 CFS which was inconsistent with the Quantity element of 4.47 AFY. On November 9, 2006, the Idaho Department of Water Resources filed an *Amended Director's Report* correcting this error. The quantity description under the Purpose and Period of Use element is now consistent with the Quantity element of 4.48 AYF.

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 21 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 77-10094

NAME AND ADDRESS: SHEPP RANCH LLC
HC 83 BOX 8000
CASCADE, ID 83611-8000

SOURCE: CROOKED CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 4.48 AFY

PRIORITY DATE: 12/31/1950

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION: T24N R06E S12 SENW Within Idaho County
SENW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power Storage	01-01 TO 12-31	4.48 AFY
	Power from Storage	01-01 TO 12-31	4.48 AFY

PLACE OF USE: Power Storage Within Idaho County
T24N R06E S12 SENW
Power from Storage Within Idaho County
T24N R06E S12 SENW

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

PROPERTY IS KNOWN AS HOMESTEAD ENTRY SURVEY NO. 773.

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:

SHEPP RANCH LLC
HC 83 BOX 8000
CASCADE, ID 83611-8000

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".