

JAN 10 2007

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
In Re SRBA	Water Right No.: 37-07739
Case No. 39576	NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR AND NOTICE OF HEARING THEREON
By _____ Clerk Deputy Clerk	

JAN - 8 2007

On September 21, 2006, a *Partial Decree* was issued for the above-captioned water right. The *Partial Decree* contained the following remark with respect to the instream beginning and ending points:

SAID FLOW IS LOCATED WITHIN THE REACH FROM THE CONFLUENCE WITH SILVER CREEK IN LOT 5 (SWNW), SECTION 6, T3S, R21E, DOWNSTREAM TO USGS STREAM GAGE STATION NO. 13-1510, LOCATED IN LOT 3 (NWSW), SECTION 30, T4S, R20E, B.M., LINCOLN COUNTY.

On December 26, 2006, the Court received correspondence and an accompanying map from the Idaho Department of Water Resources notifying that the legal description for the instream beginning point was incorrect. The correspondence and accompanying map indicate the legal description for the instream beginning point should be T2S, R21E, Section 31, Lot 4, SESWSW, to correctly reflect the location of confluence of the Little Wood River and Silver Creek. Pursuant to the correspondence and accompanying map it is the intent of this Court to issue an *Amended Partial Decree* to correct this error in accordance with the attached draft *Amended Partial Decree*.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **Tuesday, February 20, 2007, at 1:30 p.m. (Mountain Time)** at the Snake River Basin Adjudication District Court, 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 January 8, 2007.



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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-07739

NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 39.00 CFS

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION: T02S R21E S31 LOT 4 (SESWSW) (Instream Beginning Point) Within Lincoln County
T04S R20E S30 LOT 3 (NENWSW) (Instream Ending Point)

SAID FLOW IS LOCATED WITHIN THE REACH FROM THE CONFLUENCE WITH
SILVER CREEK IN LOT 4 (SWSW), SECTION 31, T2S, R21E, DOWNSTREAM
TO USGS STREAM GAGE STATION NO. 13-1510, LOCATED IN LOT 3
(NWSW), SECTION 30, T4S, R20E, B.M., LINCOLN COUNTY.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Stream Flow	01-01 TO 12-31	39.00 CFS

PLACE OF USE:
Place of use within the reach described above.

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 AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR & NOTICE OF HEARING THEREON was mailed on January 08, 2007, with sufficient first-class postage to the following:

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098
Phone: 208-287-4800

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".