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MAR 15 2007

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| MAR 13 2007                                                                             |              |
| 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

Case No. 39576

) NOTICE OF COURT'S INTENT TO  
) INCLUDE REMARK IN  
) EXPLANATORY MATERIAL  
) PERTAINING TO PARTIAL DECREE,  
) AND NOTICE OF HEARING THEREON  
)

For Water Rights: 21-11273 and 21-11274

On February 2, 2007, *Partial Decrees* were issued for the above-captioned water rights. On February 7, 2007, the Court received correspondence from the Idaho Department of Water Resources (IDWR) indicating that explanatory material notations had not been included on the *Partial Decrees*. The Court has reviewed the *Partial Decrees* and language from the Director's Report. Accordingly, the Court intends to include the remark in the explanatory material as part of the issued water right. Because the explanatory material does not appear on the face of the Partial Decree, the Partial Decree need not be amended.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **April 17, 2007, at 1:30 p.m.** at the Snake River Basin Adjudication Courthouse, 253 3<sup>rd</sup> 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: March 13, 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

In Re SRBA                    )  
                                  )  
Case No. 39576                )  
\_\_\_\_\_)                               Water Right 21-11273

NAME AND ADDRESS:       STATE OF IDAHO  
                              DEPT OF PARKS & RECREATION  
                              STATEHOUSE MAIL  
                              PO BOX 83720  
                              BOISE, ID 83720-0065

SOURCE:                   EAST THURMON CREEK   TRIBUTARY: HENRYS FORK  
                              MIDDLE THURMON CREEK   TRIBUTARY: HENRYS FORK

QUANTITY:                10.00   CFS

PRIORITY DATE:           06/01/1893

POINT OF DIVERSION:      T12N R42E S15           NWSE    Within Fremont County  
                                                      S22           NENE    (Rediversion)  
                                                      NENE    (Injection)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY    |
|-------------------------------|----------------|----------------|-------------|
|                               | Irrigation     | 05-01 TO 10-31 | 10.00   CFS |

| PLACE OF USE: | Irrigation        | Within Fremont County             |
|---------------|-------------------|-----------------------------------|
|               | T12N R42E S22     | SENE 10.1       NESE 10.0         |
|               | S23               | SWNW 1.3       NESW 16.3          |
|               |                   | NWSW 31.2       SWSW 0.9          |
|               |                   | SESW 27.8       NESE 40.1         |
|               |                   | NWSE 18.9       NWSE 38.0         |
|               |                   | SESE 40.2                         |
|               | S24               | SWNW 9.5       LOT 4 (SENE) 8.1   |
|               | LOT 4             | (NESW) 38.5    LOT 4 (NWSW) 40.3  |
|               | LOT 9             | (SWSW) 39.8    LOT 10 (SESW) 20.7 |
|               | LOT 10            | (NWSE) 6.4                        |
|               | S25 LOT 10        | (NWNW) 5.9                        |
|               | S26 LOT 1         | (NENE) 35.8       NWNE 40.0       |
|               |                   | SWNE 39.6       LOT 2 (SENE) 13.2 |
|               |                   | NENW 23.2       NWNW 1.8          |
|               |                   | SENE 16.3       LOT 5 (NESW) 2.1  |
|               | LOT 4             | (NWSE) 2.5                        |
|               | 578.5 Acres Total |                                   |

Right Nos. 21-11273 and 21-11274 are limited to the irrigation  
of a combined total of 578.5 acres in a single irrigation  
season.

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**

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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

In Re SRBA                                 }  
                                              }  
Case No. 39576                            }  
\_\_\_\_\_  
                                              }                         PARTIAL DECREE PURSUANT TO  
                                              }                         I.R.C.P. 54(b) FOR  
                                              }                         Water Right 21-11274

NAME AND ADDRESS:             STATE OF IDAHO  
                                  DEPT OF PARKS & RECREATION  
                                  STATEHOUSE MAIL  
                                  PO BOX 83720  
                                  BOISE, ID 83720-0065

SOURCE:                        EAST THURMON CREEK    TRIBUTARY: HENRYS FORK  
                                  MIDDLE THURMON CREEK   TRIBUTARY: HENRYS FORK

QUANTITY:                      10.00    CFS

PRIORITY DATE:                06/01/1893

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                                                              S22             NENE    (Injection)  
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|-------------------------------|----------------|----------------|--------------|
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|               |                   | SENE 16.3             LOT 5 (NESW) 2.1   |
|               | LOT 4             | (NWSE) 2.5                               |
|               | 578.5 Acres Total |                                          |

Right Nos. 21-11273 and 21-11274 are limited to the irrigation  
of a combined total of 578.5 acres in a single irrigation  
season.

This right was renumbered from former right 01-84.

ALSO KNOWN AS HOME PLACE

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  
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**DRAFT**

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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 INCLUDE REMARK IN EXPLANATORY MATERIAL IN PARTIAL DECREE AND NOTICE OF HEARING THEREON was mailed on March 13, 2007, with sufficient first-class postage to the following:

STATE OF IDAHO  
DEPT OF PARKS & RECREATION  
STATEHOUSE MAIL  
PO BOX 83720  
BOISE, ID 83720-0065  
Phone: 208-334-4180

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

  
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