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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
APR - 2 2007
By _____ 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

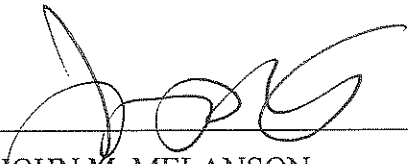
)
) NOTICE OF HEARING ON MOTION
) FOR RELIEF FROM PARTIAL DECREE
) TO CORRECT A CLERICAL MISTAKE
) AND MEMORANDUM OF POINTS AND
) AUTHORITIES
)
) For water right: 43-04132
)
)

This matter came before the Court pursuant to a *Motion for Relief from Partial Decree to Correct a Clerical Mistake* filed March 29, 2007, by the United States. By way of background, the United States filed an objection to the director's recommendation for the above-captioned water right alleging the place of use for 3.7 acres of the water right was located on public lands. The objection was resolved via a stipulation whereby the claimant agreed to transfer the disputed place of use to private land. The *Special Master's Report and Recommendation*, and ultimately the **Partial Decree**, were issued including the disputed place of use contrary to the stipulation. The United States has now moved the Court to amend the **Partial Decree** to omit the place of use references to public land in accordance with the stipulation. If the Court deletes the references to public land a discrepancy would arise between the number of irrigated acres stated in the **Amended Partial Decree** and any subsequent transfer. One proposal would be to amend the **Partial Decree nunc pro tunc** to the date the transfer was completed and include the new places of use consistent with the transfer. If the transfer was never completed the Court will address the issue accordingly.

NOTICE OF HEARING ON MOTION FOR RELIEF FROM PARTIAL DECREE TO CORRECT A
CLERICAL MISTAKE

Therefore, IT IS ORDERED that a hearing will be held on this matter on **June 19, 2007, at 1:30 p.m.** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted.

Dated: March 30, 2007



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

NOTICE OF HEARING ON MOTION FOR RELIEF FROM PARTIAL DECREE TO CORRECT A
CLERICAL MISTAKE

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF HEARING ON MOTION FOR RELIEF FROM PARTIAL DECREE TO CORRECT A CLERICAL MISTAKE was mailed on April 02, 2007, with sufficient first-class postage to the following:

ARLO P LLOYD
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DIRECTOR OF IDWR
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A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.