

RECEIVED

JUL 03 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL - 2 2007

By

DISTRICT OF THE

Clerk

Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) NOTICE OF COURT'S INTENT TO
) ISSUE AMENDED PARTIAL DECREE,
) AND NOTICE OF HEARING THEREON
)
) For Water Right: 37-12088
)

On June 30, 2000, the Idaho Department of Water Resources issued an *Amended Director's Report* that included a recommendation for water right 37-12088. Subsequently, a *Special Master's Report and Recommendation* was filed on August 22, 2000, and an *Order of Partial Decree* was issued on November 14, 2000 for this water right.

On May 25, 2007, IDWR contacted the Court in writing regarding clerical errors in its recommendation for the point of diversion and the place of use descriptions for this right. IDWR requested that this Court set aside the *Partial Decree* containing the error and re-issue the *Partial Decree* with the appropriate corrections. Accordingly, it is the Court's intent to make the appropriate corrections and issue the *Amended Partial Decree* for water right 37-12088 as attached.

Therefore, IT IS ORDERED that a hearing be held on this matter on at 1:30 p.m. on September 18, 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 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: July 2, 2007

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE,
AND NOTICE OF HEARING THEREON

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 SREA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-12088

NAME AND ADDRESS: NELLIE M STOCKTON
PHYLLIS THIBAUT
262 N 300 E
JEROME, ID 83338-5450

SOURCE: SPRING TRIBUTARY; OREGON GULCH

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1970

POINT OF DIVERSION: T05N R17E S10 NWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	06-01 TO 10-01	0.02 CFS

PLACE OF USE: Domestic Within Blaine County
T05N R17E S10 NWSE

PROPERTY IS A PORTION OF HES 124 KNOWN AS TAX LOT 4144.
PROPERTY IS ALSO KNOWN AS 13576 US HWY 75.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 AND NOTICE OF HEARING THEREON was mailed on July 02, 2007, with sufficient first-class postage to the following:

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

NELLIE M STOCKTON
PHYLLIS THIBAUT
262 N 300 E
JEROME, ID 83338-5450
Phone: 208-324-5061

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".