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DEPARTMENT OF
WATER RESOURCES

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

JUL - 2 2007

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

Clerk

Deputy Clerk

In Re SRBA

) Subcase 63-03170
)
)

Case No. 39576
_____)

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

A *Partial Decree* was issued for water right 63-03170 on May 14, 2007. On May 29, 2007, the Court received correspondence from the Idaho Department of Water Resources identifying certain clerical errors in the *Special Master's Report on & Recommendation* that were carried over into the *Partial Decree*. Specifically, the place of use element should include entries for stockwater at T02N R01W S35 SWSW and commercial at T02N R01W S35 NWSW. The Court finds that this was a clerical error.

Accordingly, it is the Court's intent to issue an *Amended Partial Decree* pursuant to IRCP 60(a) to correct the errors in accordance with the attached.

Therefore, IT IS ORDERED, that a **hearing be set** for the above subcase at **1:30 p.m. on August 21, 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 July 2, 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)
)
Case No. 39576)
_____) Water Right 63-03170

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

NAME AND ADDRESS: VANDER STELT DAIRY
 2777 SWAN FALLS RD
 KUNA, ID 83634

SOURCE: GROUND WATER

QUANTITY: 4.06 CFS
 1605.20 AFY

The total instantaneous diversion of water from all points of
diversion under water right nos. 63-3093, 63-3170, 63-8087,
63-18592 and 63-18594 shall not exceed 9.25 cfs, nor a total
combined annual volume of 3620.6 af for irrigation of 382.0
total acres.

PRIORITY DATE: 09/17/1959

POINT OF DIVERSION: T02N R01W S35 NESE Within Ada County
 SENW
 NESW
 NWSE
 SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	3.57 CFS 1503.00 AFY
	Stockwater	01-01 TO 12-31	0.49 CFS 51.60 AFY
	Commercial	01-01 TO 12-31	0.49 CFS 50.60 AFY

PLACE OF USE:	Irrigation		Within Ada County
	T02N R01W S26	SWSW 4.0	
	S35	NENE 19.0	NWNE 26.0
		SWNE 40.0	SENE 40.0
		NENW 30.0	NWNW 39.0
		SWNW 40.0	SENW 40.0
		NESW 13.0	NWSW 30.0
		NESE 38.0	NWSE 12.0
		SESE 11.0	
	382.0 Acres Total		

Stockwater		Within Ada County
T02N R01W S26	SWSW	
S35	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE

Commercial		Within Ada County
T02N R01W S35	NESW	NWSW
	NWSE	

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

This right is limited to the irrigation of 334 acres within the place of use described above 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

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:

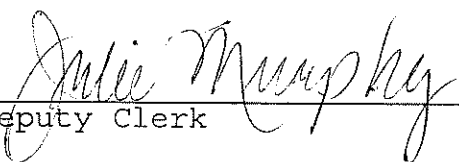
UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634
Phone: 208-922-1179

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".