

FEB 24 2008
DEPARTMENT OF
WATER RESOURCES

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

FEB 28 2008

By _____ Clerk

Deputy Clerk

Case No. 39576

**NOTICE OF COURT'S INTENT TO ISSUE
AMENDED PARTIAL DECREE TO
CORRECT CLERICAL ERROR AND
NOTICE OF HEARING THEREON**

For Water Right: 29-7723

A *Partial Decree* was issued for the above-captioned water right on March 22, 2004. On January 9, 2008, the Court received correspondence from the Idaho Department of Water Resources indicating a clerical error in the *Partial Decree*. A copy of the correspondence was also sent to the claimant. The recommendation for the water right included some conditions which should not have been included because the claim was based on a license. The Court finds this to be the result of a clerical error. Therefore, it is the intent of the Court to issue an *Amended Partial Decree* correcting the clerical error in accordance with the attached.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **Tuesday, May 20, 2008, 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:

Feb. 27, 2008

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 29-07723

NAME AND ADDRESS: BIG SKY WATER USERS ASSN
C/O JIM FITZGERALD
1880 TRUCKERVILLE RD
POCATELLO, ID 83204

SOURCE: GROUND WATER

QUANTITY: 0.21 CFS
57.70 AFY

PRIORITY DATE: 06/10/1983

POINT OF DIVERSION: T06S R33E S06 SENESE Within Power County
SWNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	11-01 TO 04-01	0.01 CFS
			0.10 AFY
	Domestic	01-01 TO 12-31	0.21 CFS
			57.60 AFY

Domestic use is for 96 homes.

PLACE OF USE:	Stockwater		Within Power County
	T06S R33E S06	NESE	NWSE
		SWSE	SESE
	Domestic		Within Power County
	Same as Stockwater		

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 AND NOTICE OF HEARING THEREON was mailed on February 28, 2008, with sufficient first-class postage to the following:

BIG SKY WATER USERS ASSN
C/O JIM FITZGERALD
1880 TRUCKERVILLE RD
POCATELLO, ID 83204
Phone: 208-233-3444

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".