

DEPARTMENT OF
WATER RESOURCES

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

FEB 28 2008

By _____ Clerk
_____ Deputy Clerk

**DISTRICT OF THE
F TWIN FALLS**

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 ISSUE
AMENDED PARTIAL DECREE and
NOTICE SETTING HEARING THEREON**

Water Right 63-05207

A ***Partial Decree*** was issued for the above right on January 25, 2008. On February 8, 2008, the Court was contacted by the Idaho Department of Water Resources regarding a possible error in the description for the Purpose and Period of Use element for the right. An ***Amended Director's Report*** filed July 16, 2007, listed Stockwater under the Purpose and Period of Use element showing a quantity of .12 cfs. Both the ***Master's Recommendation*** entered October 5, 2007, and the ***Partial Decree*** list Stockwater under the Purpose and Period of Use element showing a quantity of 1.20 cfs. The Court finds that this was likely 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 May 20, 2007⁸, 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. If there are any problems connecting to the conference call, contact the Clerk of the SRBA Court immediately at 208-736-3011.

DATED February 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 63-05207

NAME AND ADDRESS: CARTWRIGHT RANCH LLC
485 E RIVERSIDE DR STE 100
EAGLE, ID 83616

SOURCE: DRY CREEK TRIBUTARY: BOISE RIVER
SPRING TRIBUTARY: DRY CREEK

QUANTITY: 2.72 CFS

The rights listed below are limited to a total combined
diversion rate of 2.63 cfs. Combined Right Nos.: 63-3321A,
63-3285A and 63-5207.

PRIORITY DATE: 01/01/1908

POINT OF DIVERSION: T04N R02E S04 SESW Within Ada County
NWSW (Instream Ending Point)
S09 SNNW (Instream Beginning Point)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	2.60 CFS
	Irrigation Storage	01-01 TO 12-31	0.75 AFY
	Irrigation from Storage	03-01 TO 11-15	0.75 AFY
	Stockwater	01-01 TO 12-31	0.12 CFS
	Stockwater Storage	01-01 TO 12-31	0.75 AFY
	Stockwater from Storage	01-01 TO 12-31	0.75 AFY

PLACE OF USE: Irrigation Within Ada County
T04N R02E S04 NWSW 14.1 SWSW 1.3
SESW 10.0
S05 SWNE 30.4 SENE 11.2
SNNW 1.0 SENW 20.0
NESE 28.0 NWSE 11.5
SESE 2.5
130.0 Acres Total

Irrigation Storage Within Ada County
Same as Irrigation

Irrigation from Storage Within Ada County
Same as Irrigation

Stockwater Within Ada County
T04N R02E S04 NWSW SWSW

Stockwater Storage Within Ada County
Same as Irrigation

Stockwater from Storage Within Ada County
Same as Irrigation

The rights listed below are limited to the irrigation of a
combined total of 131.6 acres in a single irrigation season.
Combined Right Nos.: 63-3321A, 63-3285A and 63-5207.

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

OTHER PROVISIONS (continued)

The quantity of water decreed for this water right for stockwater use 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 SETTING HEARING THEREON was mailed on February 28, 2008, with sufficient first-class postage to the following:

CARTWRIGHT RANCH LLC

Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

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".