

RECEIVED

DEC 15 2008

Department of Water Resources
Adjudication Bureau

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 10 2008	
Rv	Clerk
	Deputy 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

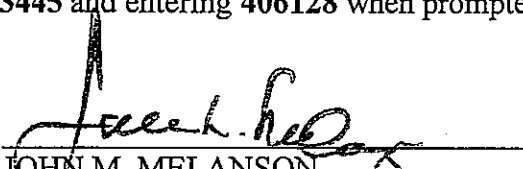
NOTICE OF COURT'S INTENT TO ISSUE
AMENDED PARTIAL DECREE TO
CORRECT CLERICAL ERROR AND
NOTICE OF HEARING THEREON

For Water Right: 65-12733

The above-captioned water right was recommended in the *Director's Report for Irrigation and Others, Basin 65, Part II* on April 11, 2000. No objections were filed. A *Partial Decree* was issued for this uncontested right on November 3, 2000. On December 5, 2008 the Court received correspondence from the Idaho Department of Water Resources indicating a clerical error in the *Partial Decree*. Remarks describing the flows for given periods of use in given reaches are missing from the *Partial Decree*. In addition, the *Director's Report* and the *Partial Decree* have no Place of Use remark. 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, March 17, 2009 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: December 10, 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 65-12733

NAME AND ADDRESS: IDAHO WATER RESOURCE BOARD
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE, ID 83720

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER
SOUTH FORK PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1350.00 CFS

THE RATES OF FLOW FOR THIS MINIMUM STREAM FLOW ARE DESCRIBED
IN DETAIL IN THE PURPOSE AND PERIOD OF USE PORTION OF THE WATER
RIGHT.

PRIORITY DATE: 04/26/1985

THIS MINIMUM STREAM FLOW IS SUBORDINATE AND SUBJECT TO FUTURE
APPROPRIATIONS OF WATER FROM THE SOUTH FORK AND MAIN STEM OF THE
PAYETTE RIVER FOR MUNICIPAL AND DOMESTIC PURPOSES WITHIN THE
MINIMUM FLOW WATERSHED.

POINT OF DIVERSION: T09N R03E S28 SWSW (Instream Ending Point) Within Boise County
R04E S20 NENE (Instream Ending Point)
NENE (Instream Beginning Point)
R07E S31 NESE (Instream Ending Point)
NESE (Instream Beginning Point)
S32 NENW (Instream Ending Point)
NENW (Instream Beginning Point)
SWNW (Instream Ending Point)
SWNW (Instream Beginning Point)
R11E S02 SWNW (Instream Beginning Point)

DESCRIPTION OF REACHES:

REACH A - BEGINNING AT THE BOUNDARY OF THE SAWTOOTH WILDERNESS
AREA IN UNSURVEYED SECTION 2, T9N, R11E, TO THE CONFLUENCE OF
THE DEADWOOD & SOUTH FORK PAYETTE RIVERS IN NENW, S32, T9N,
R7E, BOISE CO.

REACH B - BEGINNING AT END OF REACH A TO THE UPSTREAM END OF THE
OXBOW BEND, APPROXIMATELY 1056 YARDS DOWNSTREAM FROM THE
CONFLUENCE OF THE DEADWOOD & SOUTH FORK PAYETTE RIVERS IN THE
SWNW, S32, T9N, R7E, BOISE CO.

REACH C -
BEGINNING AT THE END OF REACH B TO A POINT IN THE NESE, S31,
APPROXIMATELY 200 YARDS DOWNSTREAM FROM THE SECTION LINE
BETWEEN SECTION 31 AND 32, T9N, R7E, BOISE CO.

REACH D - BEGINNING AT THE END OF REACH C TO THE CONFLUENCE OF
THE SOUTH FORK PAYETTE RIVER AND THE MIDDLE FORK PAYETTE RIVER
IN THE NENE, S20, T9N, R4E, BOISE CO.

REACH E - BEGINNING AT THE END OF REACH D TO THE CONFLUENCE OF
THE PAYETTE RIVER AND NORTH FORK PAYETTE RIVER IN THE SWSW,
S28, T9N, R3E, BOISE CO.

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Stream Flow	01-01 TO 04-18	212.00 CFS
	Minimum Stream Flow	04-19 TO 07-15	1100.00 CFS
	Minimum Stream Flow	07-16 TO 12-31	212.00 CFS

DESCRIPTION OF FLOWS BY REACH:

PURPOSE AND PERIOD OF USE (continued)

REACH A:
FROM 01-01 TO 04-18 212 CFS
FROM 04-19 TO 07-15 1100 CFS
FROM 07-16 TO 12-31 212 CFS
REACH B:
FROM 01-01 TO 04-14 337 CFS
FROM 04-15 TO 08-31 1100 CFS
FROM 09-01 TO 12-31 337 CFS
REACH C:
FROM 01-01 TO 04-14 337 CFS
FROM 04-15 TO 08-31 337 CFS MONDAY - THURSDAY
FROM 04-15 TO 08-31 400 CFS FRIDAY - SUNDAY
REACH D:
FROM 01-01 TO 04-14 337 CFS
FROM 04-15 TO 08-31 1100 CFS
FROM 09-01 TO 12-31 337 CFS
REACH E:
FROM 01-01 TO 04-14 407 CFS
FROM 04-15 TO 08-31 1350 CFS
FROM 09-01 TO 12-31 407 CFS
THIS MINIMUM STREAM FLOW IS FOR THE PRESERVATION OF SCENIC,
RECREATIONAL AND AESTHETIC VALUES AND FOR THE MAINTENANCE OF
FISH AND WILDLIFE HABITAT.

PLACE OF USE:

PLACE OF USE FOR THIS RIGHT IS THE REACH OF THE SOUTH FORK
PAYETTE RIVER BEGINNING AT THE BOUNDARY OF THE SAWTOOTH
WILDERNESS AREA IN UNSURVEYED T09N R11E 2 TO THE CONFLUENCE OF
THE SOUTH FORK PAYETTE RIVER AND THE MIDDLE FORK PAYETTE THENCE
DOWNSTREAM ON THE PAYETTE RIVER TO THE CONFLUENCE OF THE PAYETTE
RIVER AND THE NORTH FORK PAYETTE RIVER.

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

UPON A FUTURE FINDING AND ORDER OF THE DIRECTOR THAT GAUGING
STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED MINIMUM FLOW ON
THE SOUTH FORK AND MAIN STEM, PAYETTE RIVER, SUCH MEASURING
DEVICES SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS
SPECIFIED BY THE DEPARTMENT.

THE DIRECTOR RETAINS JURISDICTION, AS DESCRIBED BELOW, TO
REVIEW AND AMEND ANY AND ALL PARAMETERS OF THIS RIGHT. THE
BOARD, UPON RECEIVING A REQUEST, OR UPON ITS OWN INITIATIVE, MAY
PETITION THE DIRECTOR FOR AN AMENDMENT TO THE RIGHT. THE
PETITION MUST SET FORTH ANY SIGNIFICANT CHANGE IN CIRCUMSTANCES
AND EVIDENCE OF THE PUBLIC INTEREST SUPPORTING THE PROPOSED
AMENDMENT. THE DIRECTOR WILL NOTIFY THE GENERAL PUBLIC AND
SPECIFIC PERSONS OR KNOWN INTERESTED PARTIES OF THE PROPOSED
CHANGE, AND CONDUCT A HEARING FOR THE PURPOSE OF DETERMINING
WHETHER THE RIGHT SHOULD BE AMENDED IN THE PUBLIC INTEREST. THE
BURDEN OF PROOF AT THE HEARING SHALL BE UPON THE PERSONS OR
PARTIES SEEKING THE AMENDMENT TO ESTABLISH THAT THE AMENDMENT OF
THE RIGHT WOULD BE IN THE PUBLIC INTEREST.

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 December 10, 2008, with sufficient first-class postage to the following:

IDAHO WATER RESOURCE BOARD
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE, ID 83720

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