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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
SEP - 3 2009
By _____ 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

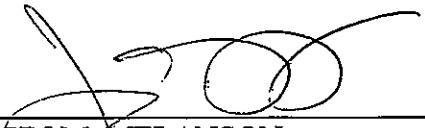
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)
) NOTICE OF COURT'S INTENT TO ISSUE
) AMENDED PARTIAL DECREE TO
) CORRECT CLERICAL ERROR AND
) NOTICE OF HEARING THEREON
)
)

) For Water Right: 01-00322
)
)
)

A *Partial Decree* was issued for the above-captioned water right on January 9, 2009. On August 28, 2009 the Court received correspondence from the Idaho Department of Water Resources ("IDWR") indicating that an administrative transfer was approved for this water right prior to the issuance of the *Partial Decree*. A copy of the correspondence was also sent to the claimant. IDWR failed to notify the Court that the administrative transfer was approved until after the issuance of the *Partial Decree*. 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* which reflects the administrative transfer and therefore accurately describes the elements of the water right in accordance with the attached.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **Tuesday, December 15, 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: September 3, 2009



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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 01-00322

DRAFT

NAME AND ADDRESS: PROGRESSIVE IRRIGATION DIST
2585 N AMMON RD
IDAHO FALLS, ID 83401-1949

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 80.00 CFS

This right when combined with all other rights shall provide
no more than 4.0 afa per acre at the field headgate for
irrigation of the lands herein.

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION: T03N R37E S36 NESW Within Bonneville County
R41E S05 SESW
T04N R41E S31 LOT 7 (SWSW) Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	80.00 CFS

PLACE OF USE:

Place of use does not include federal public lands
The boundary encompassing the place of use for this water right
is described with a digital boundary as defined by I.C. Section
42-202B(2) and authorized pursuant to I.C. Section
42-1411(2)(h). The data comprising the digital boundary are
incorporated herein by reference and are stored on a CD-ROM disk
issued in duplicate originals on file with the SRBA District
Court and the Idaho Department of Water Resources. A map
depicting the place of use is attached hereto to illustrate the
place of use described by the digital boundary.
Place of use is within the boundary of Progressive Irrigation
District pursuant to Section 43-323, Idaho Code.

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

The delivery of water to this right may be subject to procedures
described in the United States Bureau of Reclamation "space
holder" contracts and the Burley Irrigation Dist. v. Eagle,
Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and
Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree
(Idaho 7th Jud. Dist., March 12, 1969) together with the
natural-flow and storage deliveries as calculated by the Idaho
Department of Water Resources.

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 September 03, 2009, with sufficient first-class postage to the following:

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

PROGRESSIVE IRRIGATION DIST
2585 N AMMON RD
IDAHO FALLS, ID 83401-1949
Phone: 208-522-3102