

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

OCT 16 2009

By _____ Clerk

Deputy Clerk

Deputy Clerk

Case No. 39576

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

For Water Right: 31-10047

A *Partial Decree* was issued for the above-captioned water right on December 1, 1998. On July 29, 2009, the Court received correspondence from the Idaho Department of Water Resources, together with an *Amended Director's Report*, indicating an error in the *Partial Decree*. A copy of the correspondence was sent to the successors-in-interest of the claimant and all interested parties. According to the correspondence an objection filed in the subcase was withdrawn contingent on the changes being included in the original *Partial Decree*. The Court received no further correspondence in regards to the proposed corrections. Therefore, it is the intent of the Court to issue an *Amended Partial Decree* correcting the error in accordance with the attached.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **Tuesday, January 19, 2010, 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: October 16, 2009

3445 and entering 406128 when prompted.



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 31-10047

NAME AND ADDRESS: JACK MCGARRY
PATRICK T MCGARRY
HC61 BOX 1080
DUBOIS, ID 83423

SOURCE: COTTONWOOD CREEK TRIBUTARY: BEAVER CREEK
HOOLIE SPRINGS TRIBUTARY: SINKS
UNNAMED STREAM TRIBUTARY: THUNDER GULCH CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 10/01/1883

POINT OF DIVERSION: T11N R35E S04 NENW (Instream Beginning Point) Within Clark County
NENW
SWSE (Instream Ending Point)
S33 NENE (Instream Beginning Point)
SENE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Clark County
	T11N R35E S04	NENW	SENE
		NESW	NWSE
		SWSE	
	S33	NENE	SENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT 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 TO CORRECT ERROR AND NOTICE OF HEARING THEREON was mailed on October 16, 2009, with sufficient first-class postage to the following:

JACK MCGARRY
PATRICK T MCGARRY
HC61 BOX 1080
DUBOIS, ID 83423
Phone: 208-374-5470

~~PATRICK T MCGARRY
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