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FEB 16 2011

DEPARTMENT OF
WATER RESOURCES

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

FEB 15 2011

By

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

) For Water Right: 02-7221

Case No. 39576

)
) NOTICE OF COURT'S INTENT TO
) ISSUE AMENDED PARTIAL DECREE,
) AND NOTICE OF HEARING THEREON
)
)

A *Partial Decree* was issued for the above-captioned water right on May 13, 2009. On February 9, 2011, the Court received correspondence from the Idaho Department of Water Resources notifying the Court that the *Partial Decree* for the above-captioned water right contains an error with respect to the quantity element. In particular, the correspondence asserts that while the *Partial Decree* contains a quantity of 14.10 cfs, the quantity should have been 14.08 cfs, consistent with the license that was the basis for the water right. Therefore, it is the intent of the Court to issue an *Amended Partial Decree* correcting the above-mentioned clerical error in accordance with the attached.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **May 17, 2011, at 1:30 p.m.** 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 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 1-215-446-0193 and when prompted entering code 406128 followed by the # sign.

Dated: February 15, 2011



ERIC J. WILDMAN

Presiding Judge

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 OF HEARING THEREON was mailed on February 15, 2011, with sufficient first-class postage to the following:

LITTLE VALLEY MUTUAL
IRRIGATION CO
C/O BART FOWERS
PO BOX 160
GRAND VIEW, ID 83624
Phone: 208-845-2181

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


Julie Murphy

Julie Murphy

From: Diana Delaney [ddelaney@srba.state.id.us]
Sent: Wednesday, February 09, 2011 5:29 PM
To: Julie Murphy
Subject: FW: Clerical Error in Partial Decree 2-7221
Attachments: 2-7221.pdf; Corrected Recommendation 2-7221.RTF

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

FEB - 9 2011

Can you take care of this one. Thanks.

By _____

Clerk

Deputy Clerk

From: Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]
Sent: Wednesday, February 09, 2011 3:45 PM
To: Diana Delaney
Subject: Clerical Error in Partial Decree 2-7221

Good Afternoon Diana,

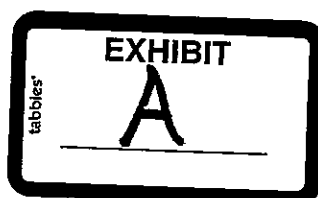
It appears that 02-7221 was partially decreed on 5-13-2009 with a typo. This right is based on a license and was originally licensed for 14.08 cfs. The partial decree identifies the individual diversion rate for irrigation as 14.08 cfs yet the max diversion rate is 14.10 cfs. The max diversion rate should be 14.08 cfs. This was an error by the Department as the Directors Report listed the incorrect max diversion rate of 14.10 cfs.

I have attached a copy of the partial decree that shows the error and then a "corrected" recommendation that shows the change that should be made.

Because this appears to just be a typo, is this something we could easily fix? What would you like from me to pursue fixing the error.

Sorry about that. Let me know what you think.

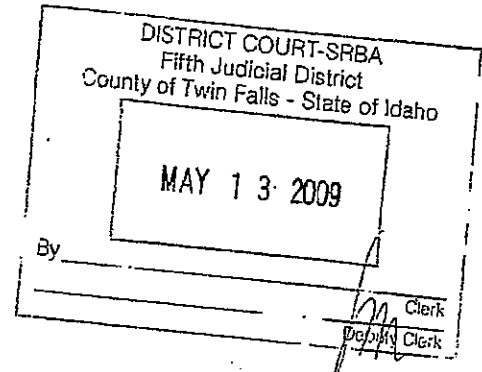
Thanks,
 Craig



2/10/2011

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-07221



NAME AND ADDRESS: LITTLE VALLEY MUTUAL
IRRIGATION CO
C/O BART FOWERS
PO BOX 160
GRAND VIEW, ID 83624

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 14.10 CFS
3520.00 AFY

Rights 2-2442, 2-2443, 2-7030, 2-7068, 2-10294 and 2-7221 when
combined shall not exceed a total diversion rate of 69.11 cfs.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 3520 AF. COMBINED RIGET
NOS.: 57-2202, 57-2203

PRIORITY DATE: 03/02/1976

POINT OF DIVERSION: T06S R04E S02 LOT 3 (NENW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	14.08 CFS 3520.00 AFY

The use of water for irrigation under this right may begin as
early as March 1 provided other elements of the right are not
exceeded. The use of water before March 15 under this remark is
subordinate to all water rights having no subordinated early
irrigation use and a priority date earlier than the date a
partial decree is entered for this right.

PLACE OF USE:

Place of use is within the area served by Little Valley Mutual
Irrigation Co..

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.

This right is limited to the irrigation of 704 acres within the
place of use described above in a single irrigation season.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 4196 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 2-7068, 2-2442, 2-2443,
2-7221, 2-10294, 57-2202, 57-2203

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

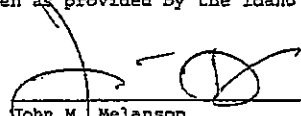
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

MAY 14 2009

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

DISTRICT COURT-SRBA	
Case No. 39576	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAY 13 2009	
By _____	Clerk
_____	Deputy Clerk

) ORDER OF PARTIAL DECREE FOR
) IRRIGATION DELIVERY ENTITY
) USING DIGITAL BOUNDARY
) DESCRIPTION; I.C. §§ 42-202B(2), 42-
) 219(2), 42-1411(2)(h)
)
) For Water Right: See Attached Exhibit A
) (Little Valley Mutual Irrigation Co.)

I.

FINDINGS AND CONCLUSIONS

1. On December 29, 2006, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Basin 02, Part I, Reporting Area 20, for Irrigation and Other Uses*, which included recommendation(s) for the above-captioned water right(s). The recommendation(s) included descriptions for the place of use element using a "digital boundary" as defined by I.C. § 42-202(B)(2)(2003). On January 8, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of a change of address for said rights. No objections to the amended recommendation(s) was/were filed and the time period for filing objections has now expired.
2. The above-captioned water right(s) is/are for an irrigation purpose of use and satisfy one of the following statutory criteria: (1) used in conjunction with an irrigation project where the canals constructed cover an area of twenty-five thousand (25,000) acres or more; (2) the place of use for the water rights is located within an irrigation district organized pursuant to the laws of the state of Idaho; or (3) the water right(s) is/are for an irrigation project developed by an association, company, corporation or the United States to divert and deliver or distribute surface water under any annual charge or rental for beneficial use by more than five (5) water users in an area less than twenty-five thousand (25,000) acres.
3. Effective July 1, 2002, the Idaho Legislature approved the use of a Geographic Information System (GIS) for describing the place of use (digital boundary) for water rights

meeting the above-stated criteria. See I.C. §§ 42-219(2)(2003) and 42-1411(2)(h)(2003). The GIS mapping technology allows the geographic area encompassing the place of use for a water right to be particularly identified and visually displayed in a map overlay format through the aid of computer technology. In incorporating a digital boundary into a partial decree, the electronic or digital data is what is actually decreed as opposed to the visually displayed map ultimately generated from the data. The data is stored on a CD-ROM. The Court finds that the GIS mapping technology maintained by IDWR complies with the standards for spatial accuracy set forth in I.C. § 42-202B (2)(2003). See *Notice of Filing Affidavit of Michael Ciscell Re: Digital Boundary*, filed October 17, 2003.

II. ORDER

1. Therefore, IT IS ORDERED that the above-captioned water right(s) is/are hereby decreed as set forth in the attached *Partial Decree(s) Pursuant to I.R.C.P. 54(b)*.
2. IT IS FURTHER HEREBY ORDERED that the data comprising the digital boundary shall be stored on a CD-ROM medium, which shall be issued in duplicate original. The SRBA District Court will retain one original together with the original *Partial Decree(s)* and IDWR will retain the other original. The map depicting the place of use attached to the *Partial Decree(s)* is intended for illustrative purposes only.
3. IT IS FURTHER HEREBY ORDERED that upon request, the claimant can obtain a copy of the CD-ROM from IDWR at no cost, although GIS software will still be required to access the data. Subsequent administrative changes to the place of use shall also be stored in a digital format and kept on file and maintained by IDWR. IDWR shall maintain all computer software and/or hardware necessary for reducing the data to a usable format that is accessible to the general public, including access through the IDWR Internet website (www.idwr.state.id.us) or its successor Uniform Resource Locator (URL).

Dated May 13, 2009.

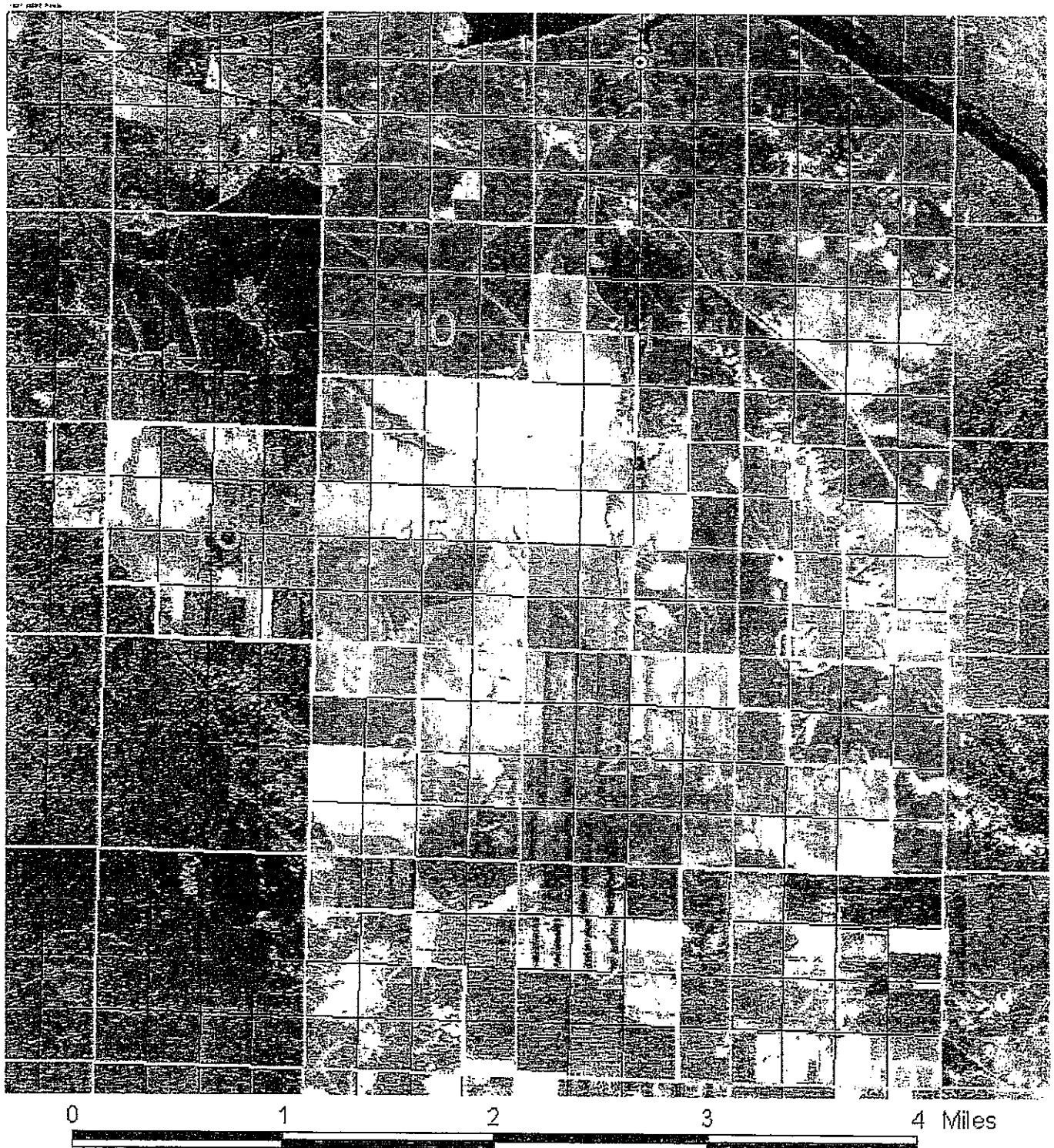

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - LITTLE VALLEY MUTUAL IRR

Subcase Nos:

02-02442
02-02443
02-07030
02-07068
02-07221
02-10294

Idaho Department of Water Resources



Little Valley Mutual Irrigation Co.

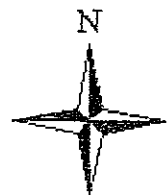
Legal: T06S R04E

Claim Numbers: 02-2442, 02-2443

02-7221, 02-7030, 02-7068

Reviewed by: SJR 2/22/05

- ⊙ Point of Diversion
- ⊕ Place of Use
- Section Lines
- Quarter Quarter Lines



CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES FOR IRRIGATION DELIVERY ENTITY USING DIGITAL BOUNDARY DESCRIPTION was mailed on May 13, 2009, with sufficient first-class postage to the following:

LITTLE VALLEY MUTUAL
IRRIGATION CO
C/O BART FOWERS
PO BOX 160
GRAND VIEW, ID 83624
Phone: 208-845-2181

~~LITTLE VALLEY MUTUAL
IRRIGATION CO
C/O BART FOWERS
PO BOX 160
GRAND VIEW, ID 83624
Phone: 208-845-2181~~

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

ORDER

Page 1 5/13/09

FILE COPY FOR 00029

Deputy Clerk

Julie Murphy

02/08/2011

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

RIGHT NUMBER: 2-7221
NAME AND ADDRESS: LITTLE VALLEY MUTUAL IRRIGATION CO
C/O BART FOWERS
PO BOX 160
GRAND VIEW ID 83624

FEB - 9 2011

SOURCE: SNAKE RIVER
QUANTITY: 14.08 ~~14.19~~ CFS
3,520.00 AFY

By _____
TRIBUNARY: COLUMBIA RIVER
Clerk
Deputy Clerk

Rights 2-2442, 2-2443, 2-7030, 2-7068, 2-10294 and 2-7221 when combined shall not exceed a total diversion rate of 69.11 cfs.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3520 AF. COMBINED RIGHT NOS.: 57-2202, 57-2203

PRIORITY DATE: 03/02/1976

POINT OF
DIVERSION: T06S R04E S2 NENW Lot 3 Within OWYHEE County
PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	14.080 CFS 3,520.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date

a

partial decree is entered for this right.

PLACE OF USE:

4189 ACRES TOTAL

Place of use is within the area served by Little Valley Mutual Irrigation Co..

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.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4196 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 2-7068, 2-2442, 2-2443, 2-7221, 2-10294, 57-2202, 57-2203

This right is limited to the irrigation of 704 acres within the place of use described above in a single irrigation season.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.

Rights 2-7068, 2-2442, 2-2443, 2-10294 and 2-7030 are also diverted through the point of diversion described above.

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 02-07221

NAME AND ADDRESS: LITTLE VALLEY MUTUAL
IRRIGATION CO
C/O BART POWERS
PO BOX 160
GRAND VIEW, ID 83624

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 14.08 CFS
3520.00 AFY

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combined shall not exceed a total diversion rate of 69.11 cfs.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 3520 AF. COMBINED RIGHT
NOS.: 57-2202, 57-2203

PRIORITY DATE: 03/02/1976

POINT OF DIVERSION: T06S R04E S02 LOT 3 (NENW) Within Owyhee County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	14.08 CFS 3520.00 AFY

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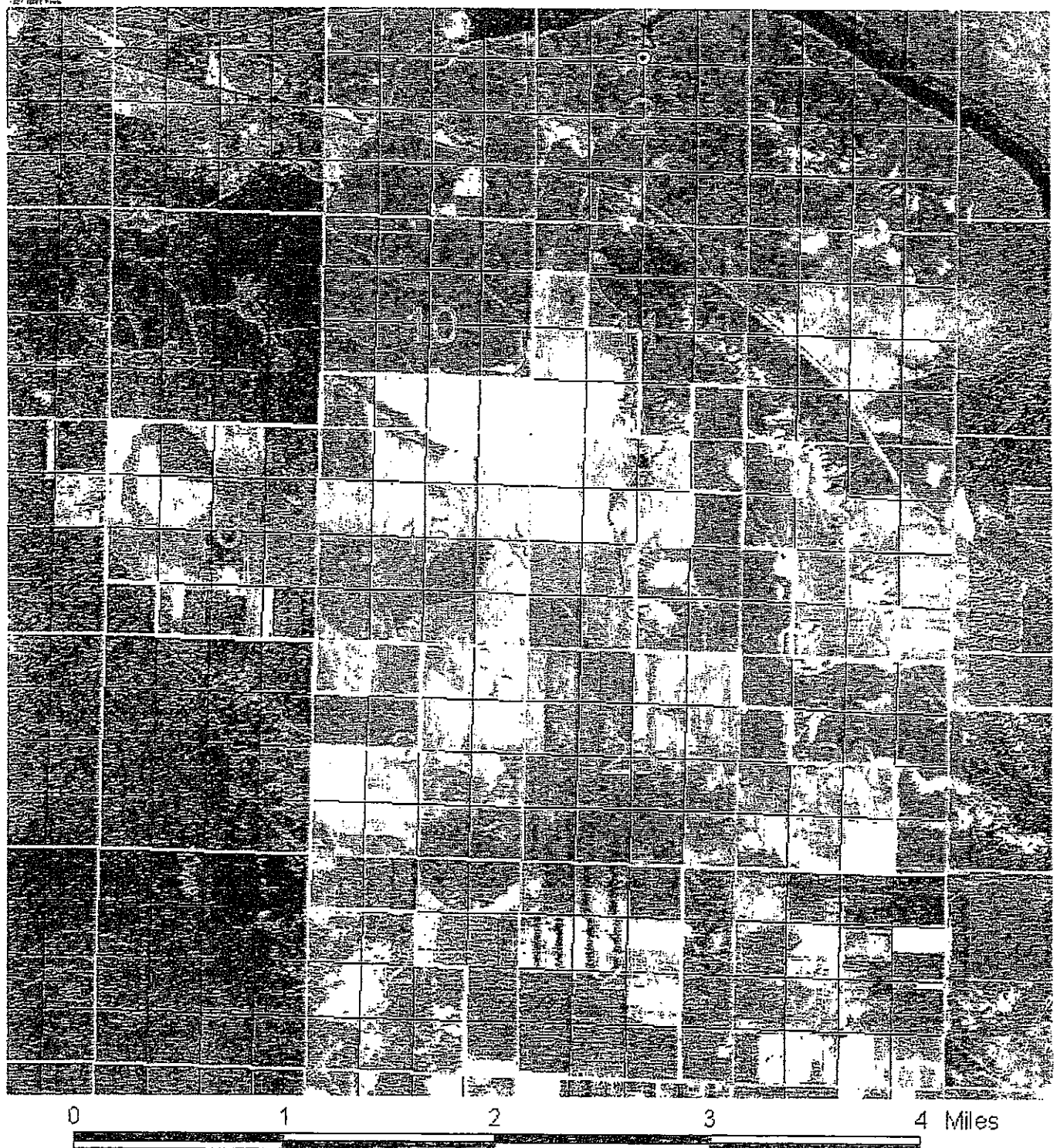
PLACE OF USE:

Place of use is within the area served by Little Valley Mutual
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42-202B(2) and authorized pursuant to I.C. Section
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IRRIGATION SEASON. COMBINED RIGHT NOS.: 2-7068, 2-2442, 2-2443,
2-7221, 2-10294, 57-2202, 57-2203

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

Idaho Department of Water Resources



Little Valley Mutual Irrigation Co.

Legal: T06S R04E

Claim Numbers: 02-2442, 02-2443

02-7221, 02-7030, 02-7068

Reviewed by: SJR 2/22/05

- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

