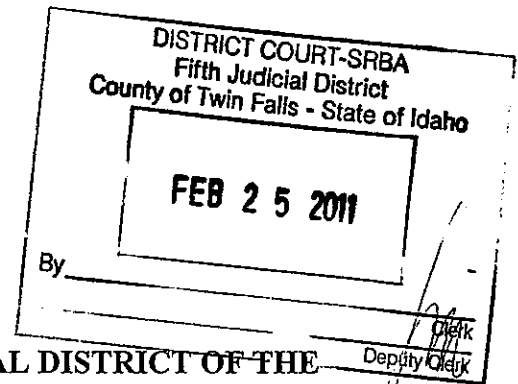


RECEIVED

FEB 28 2011

DEPARTMENT OF
WATER RESOURCES



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

) For Water Right: 81-07040
)
) NOTICE OF COURT'S INTENT TO
) ISSUE PARTIAL DECREE IN
) ACCORDANCE WITH THE ATTACHED
) AND NOTICE OF HEARING THEREON
)
)
)

On May 20, 2009, the Court issued an *Order* granting the WM AND AU WALDRIP TRUST'S request in the above-captioned matter to file a late claim for the above-captioned water right. The Director of the Idaho Department of Water Resources ("Department") filed his *Director's Report for Late Claims* on June 29, 2010, which *Director's Report* contained a recommendation for the above-captioned water right claim. The above-captioned water right claim is uncontested.

On February 24, 2011, the Court received correspondence from the Idaho Department of Water Resources, a copy of which is attached hereto as Exhibit A, notifying the Court of an error in the *Director's Report* with respect to the place of use element. The recommendation for the above-captioned water right claim presently describes the place of use for irrigation and stockwater uses as follows:

Irrigation Within Idaho County
T33N R04E S36 LOT 4 (SESW) 2.0

Stockwater Within Idaho County
T33N R04E S36 SESW

The Department's correspondence indicates that the place of use description contained in the recommendation is in error, and that it should read as follows:

Irrigation Within Idaho County
T33N R04E S36 LOT 4 2.0

Stockwater Within Idaho County
T33N R04E S36 LOT 4

Therefore, it is the intent of the Court to issue a ***Partial Decree*** for the above-captioned water right claim in accordance with the attached Exhibit B.

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 25, 2011.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

Ted Booth

From: Saxton, Craig [Craig.Saxton@idwr.idaho.gov]

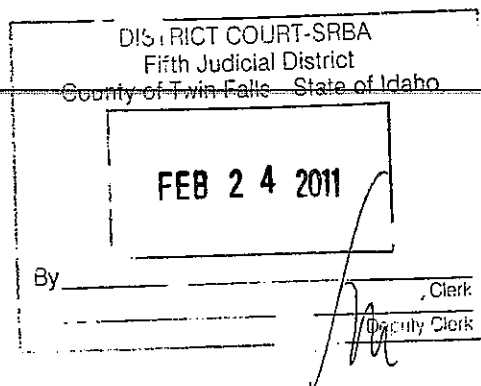
Sent: Thursday, February 24, 2011 9:41 AM

To: Ted Booth

Subject: RE: 81-2031 and 81-7040

Attachments: 81-7040 SF5 Format (2-24-11).docx

Good Morning Ted,



My intent with both 81-2031 and 81-7040 was not to define a QQ designation for the POU and POD descriptions for each right. The place of use for both of these rights borders the Middle Fork Clearwater so the government lots are non-standard. Due to the nature of the GCDB, I think it is better to describe the government lot only and the government lot description "trumps" (if you will) the QQ designation.

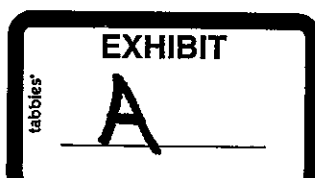
Therefore, there is an error, but it is in 81-7040. I would like to remove the SESW designation on the irrigation and stockwater POU, and add "lot 4" designation for the stockwater use. See attachment.

There isn't an error in 81-2031.

Please let me know if you have other questions or if there is an action I need to take to correct the POU description on 81-7040.

Thanks,
Craig

2/24/2011



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

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 81-07040

NAME AND ADDRESS:

W M AND A U WALDRIP TRUST
DTD 8-23-93
14450 S 4TH AVE
YUMA, AZ 85365

SOURCE:

MIDDLE FORK CLEARWATER RIVER TRIBUTARY: CLEARWATER RIVER

QUANTITY:

0.06 CFS
6.40 AFY

Right Nos. 81-2031 and 81-7040 are limited to a total combined
diversion rate of 0.09 cfs.

PRIORITY DATE:

07/16/1976

POINT OF DIVERSION:

T33N R04E S36 LOT 4 () Within Idaho County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 11-01	0.04 CFS
		6.00 AFY
Stockwater	01-01 TO 12-31	0.02 CFS
		0.40 AFY

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

PLACE OF USE:

Irrigation	Within Idaho County
T33N R04E S36 LOT 4 () 2.0	
2.0 Acres Total	
Stockwater	Within Idaho County
T33N R04E S36 LOT 4 ()	

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. 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.

Eric J. Wildman
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 PARTIAL DECREE AND NOTICE OF HEARING THEREON was mailed on February 25, 2011, with sufficient first-class postage to the following:

W M AND A U WALDRIP TRUST
DTD 8-23-93
14450 S 4TH AVE
YUMA, AZ 85365
Phone: 928-726-4139

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

PATRICIA SLEZAK
24621 PIUTE DR
TEHACHAPI, CA 93561
Phone: 661-821-6025