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MAR 04 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR - 3 2011	
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

) For Water Right: 75-14540
)
) 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 January 5, 2011. On March 1, 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 that the *Partial Decree* for the above-captioned water right contains an error with respect to the point of diversion element. The *Partial Decree* describes the point of diversion as "T22N R23E S02 LOT 4 (SENWNW)," which the correspondence asserts is on Forest Service land. The point of diversion should be described as "T22N R22E S02 LOT 4 (SENWNW)."

In addition, the correspondence notifies the Court of an error in the place of use element of the *Partial Decree*. Specifically, while the *Standard Form 5* for the water right correctly describes the place of use as "T22N R22E S02 SWNW," the *Partial Decree* erroneously describes the place of use as "T22N R22E S02 SENW," inconsistent with the *Standard Form 5*. The correspondence asserts that the erroneous place of use description contained in the *Partial Decree* should be changed to reflect the correct place of use description contained in the *Standard Form 5*. Therefore, it is the intent of the

Court to issue an *Amended Partial Decree* for the above-captioned water right in accordance with the attached Exhibit B.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **June 21, 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.

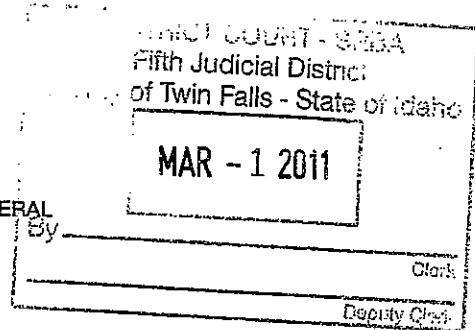
Dated: March 3, 2011


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 25, 2011



Hon. Eric Wildman
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 75-14540 (Edwards)

Dear Judge Wildman:

It has been brought to IDWR's attention by the U.S. Bureau of Land Management that clerical errors exist on the Partial Decree issued for 75-14540 (Edwards).

The Partial Decree shows the POD for this water right as being described on Forest Service land: T22N, R23E, S02, Lot 4 (SENWNW). The correct description should be listed in Range 22 East, which is private land. In addition, the Partial Decree incorrectly describes the POU as being in T22N, R22E, S02, SENW; the SF5 correctly lists the POU in the SWNW.

The Department requests that the Court set aside and amend the partial decree consistent with this letter.

Sincerely,

Garrick L. Baxter
Office of the Attorney General
Idaho Department of Water Resources

cc: Fred Price, BLM
Travis L Thompson, Attorney at Law
George Matejko
Robert & Jacqueline Ernest
James & Rowena Quinn
John & Ruth Burns
Rick & Linda Rice
William Clementz



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 75-14540

NAME AND ADDRESS: JENNIFER EDWARDS
LOWELL EDWARDS
PO BOX 176
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.008 CFS

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION: T22N R22E S02 LOT 4 (SENWNW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.008 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S02 SWNW 3.2
3.2 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 3.2 acres in a single irrigation season.
Combined Right Nos.: 75-10061Q, 75-14507, 75-14539, 75-14540,
75-14541.

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 AMENDED PARTIAL DECREE AND NOTICE OF HEARING THEREON was mailed on March 03, 2011, with sufficient first-class postage to the following:

A C & LUELLA PILKERTON
ALBERT C & ALVERA C FOLS
CHARLES E & MARY N HARLING
JAMES EDGREN & JENNIFER BRADY
LLOYD A & SHERYL L TUTOR
TRACY MASCIA

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
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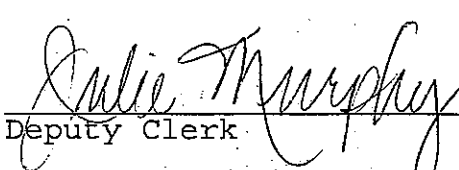
WILLIAM W CLEMENTZ
PO BOX 225
CARMEN, ID 83462

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

NOTICE

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Deputy Clerk