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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR - 7 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	)	Water Right Nos.: 75-14441 and 75-14443
	)	
Case No. 39576	)	NOTICE OF COURT'S INTENT TO
	)	ISSUE AMENDED PARTIAL DECREE,
	)	AND NOTICE OF HEARING THEREON
	)	
	)	
	)	
	)	

Partial Decrees were issued for the above-captioned water rights on January 5, 2011. However on January 27, 2011, Rick and Linda Rice, John and Ruth Burns, Robert and Jacqueline Ernest, William Clementz, George Matejko, Albert and Alvera Fols, Charles and Mary Harling, Lloyd and Sheryl Tutor, A.C. and Luella Pilkerton, James Edgren, Jennifer Brady and Tracy Marcia signed and filed *Standard Form 5's*, with IDWR's concurrence, for the above-captioned water rights that were not consistent with the *Partial Decrees*. Also, via correspondence dated January 28, 2011, the Idaho Department of Water Resources notified the Court of the following:

In 2010, the parties to the above subcases reached agreement on how the exchange water rights on middle Carmen Creek should be recommended. SF5s for many subcases were circulated and signed. IDWR was recently preparing a report for the Court in a different subcase and discovered that it had failed to include a water right in the list of combined water rights for the Rice water rights. The Department had missed water right no. 75-10061P, decreed to Linda Metcalf back in 2000. Linda Metcalf now goes by the name Linda Rice.

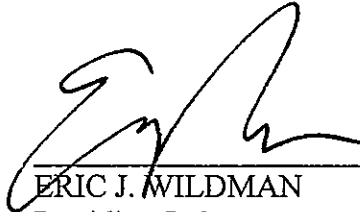
Once the Department realized the error, the Department contacted the parties to the Rice subcases and circulated the Amended SF5s. The Amended SF5s have been signed and reflect the correct combined limit.

The Department believes the correct combined limit is important to ensure that the exchange water is correctly administered. As such, the Department requests the Court set aside and amend the partial decree for water right subcase nos. 75-14441 and 75-14443 consistent with the recently filed amended SF5s.

The amended SF5's filed on January 27, 2011 in the above-captioned subcases differ from the *Partial Decrees* in that they seek to add the following remark to the quantity element where no such remark existed before: "Right Nos. 75-10061P, 75-10062M, 75-14441 and 75-14443 are limited to a total combined diversion rate of 0.063 cfs." It is the intent of the Court to issue *Amended Partial Decrees* for the above-captioned water rights in accordance with the attached.

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 9, 2011


ERIC J. WILDMAN

Presiding Judge

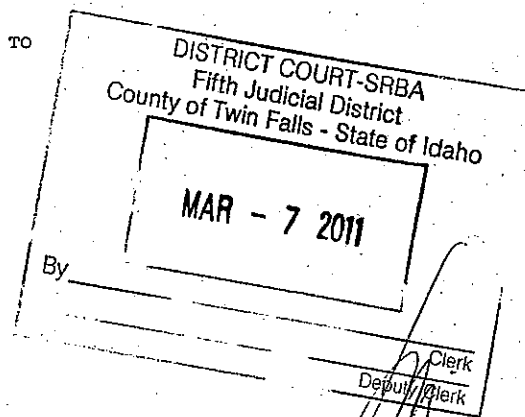
Snake River Basin Adjudication

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 75-14441



NAME AND ADDRESS: LINDA RICE
RICK RICE
PO BOX 285
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.02 CFS

Right Nos. 75-10061P, 75-10062M, 75-14441 and 75-14443 are
limited to a total combined diversion rate of 0.063 cfs.

PRIORITY DATE: 05/01/1882

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.02 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S03 NESE 7.4 SESE 0.6	
	8.0 Acres Total	

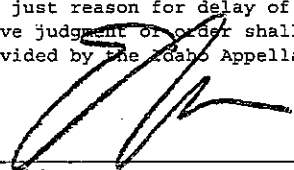
The rights listed below are limited to the irrigation of a
combined total of 8 acres in a single irrigation season.
Combined Right Nos.: 75-69L, 75-70L, 75-14441, 75-14442 &
75-14443.

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

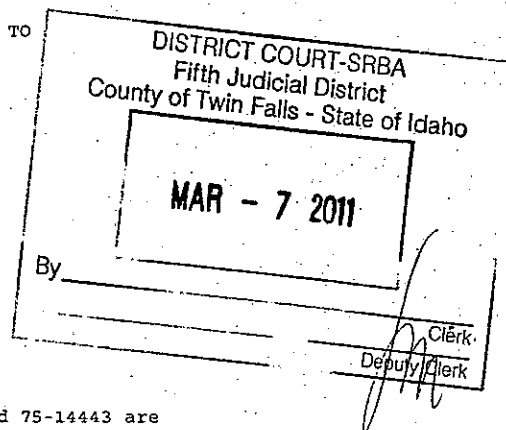
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 75-14443



NAME AND ADDRESS: LINDA RICE
RICK RICE
PO BOX 285
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.043 CFS

Right Nos. 75-10061P, 75-10062M, 75-14441 and 75-14443 are
limited to a total combined diversion rate of 0.063 cfs.

PRIORITY DATE: 05/01/1875

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.043 CFS

PLACE OF USE: Irrigation T22N R22E S03 NESE 7.4 SESE 0.6
8.0 Acres Total Within Lemhi County

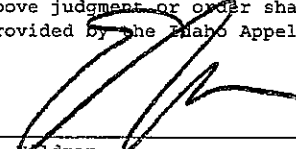
The rights listed below are limited to the irrigation of a
combined total of 8 acres in a single irrigation season.
Combined Right Nos.: 75-69L, 75-70L, 75-14441, 75-14442 &
75-14443.

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

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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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 07, 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
Phone: 208-733-0700

GEORGE MATEJKO
BOX 129
CARMEN, ID 83462

ROBERT M & JACQUELINE ERNEST
BOX 132
CARMEN, ID 83462

JAMES R & ROWENA D QUINN
BOX 1473
CARMEN, ID 83462

JOHN E & RUTH C BURNS
BOX 264
CARMEN, ID 83462

RICK & LINDA RICE
BOX 285
CARMEN, ID 83462

WILLIAM W CLEMENTZ
PO BOX 225
CARMEN, ID 83462

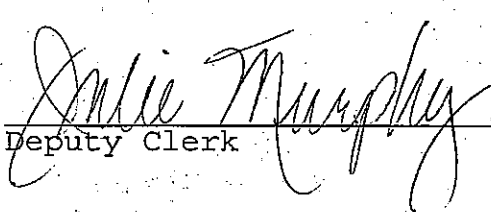
LINDA RICE
RICK RICE
PO BOX 285
CARMEN, ID 83462
Phone: 208-756-6204

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

NOTICE

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Deputy Clerk