

RECEIVED
OCT 17 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 14 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.: 03-02051
	)	
Case No. 39576	)	NOTICE OF COURT'S INTENT TO
	)	ISSUE PARTIAL DECREE
	)	CONSISTENT WITH CORRECTED
	)	DIRECTOR'S REPORT, AND NOTICE
	)	OF HEARING THEREON
_____	)	

On August 15, 2006, the Director of the Idaho Department of Water Resources ("Department") issued a *Director's Report* containing a recommendation for the above-captioned water right claim. No objections were filed to the Director's recommendation. However, on October 6, 2011, the Clerk of the Court received correspondence from the Department notifying the Court of an error in the recommendation with respect to the quantity element. Specifically, the correspondence asserts that the following remark should have been added to the quantity element, but was erroneously omitted from the recommendation: "The quantity of water under this right shall not exceed 13,000 gallons per day." A copy of the correspondence is attached hereto as Exhibit A. Along with the correspondence the Department submitted a *Corrected Director's Report for 03-2051*, correcting the above-mentioned error. A copy of the *Corrected Director's Report for 03-2051* is attached hereto as Exhibit B. Therefore, it is the intent of the Court to issue a *Partial Decree* for the above-captioned water right claim in accordance with the *Corrected Director's Report for 03-2051*.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **January 17, 2012, 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: October 14, 2011

A handwritten signature in black ink, appearing to read 'Eric J. Wildman', written over a horizontal line.

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

Diana Delaney

From: Diana Delaney
Sent: Thursday, October 06, 2011 1:45 PM
To: 'Fritschle, Carter'
Subject: RE: Basin 03

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

OCT 06 2011

By _____ Cle

Yes please. That would be great then we can issue a notice of intent for partial decree and be done with them! Deputy Cle

From: Fritschle, Carter [mailto:Carter.Fritschle@idwr.idaho.gov]
Sent: Thursday, October 06, 2011 12:01 PM
To: Diana Delaney
Cc: Bromley, Chris; Ridgeway, Renea
Subject: RE: Basin 03

Diana,

It looks like 3-2051 should have the condition that limits the stockwater use to 13,000 gpd, but the diversion volume takes care of the historical beneficial use.

3-7027 was originally an irrigation right, but in order to save \$26.00, they filed the claim for domestic use. Again, the daily use should be limited to 13,000 gallons, but the diversion volume is the determination of historical beneficial use.

Would you like me to send you "corrected" Director's Reports with the appropriate conditions?

Carter

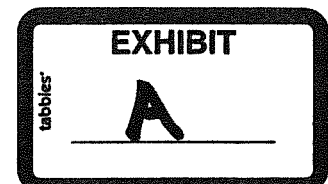
From: Diana Delaney [mailto:ddelaney@idcourts.net]
Sent: Thursday, October 06, 2011 10:50 AM
To: Bromley, Chris; Ridgeway, Renea; Fritschle, Carter
Subject: Basin 03

There are 2 uncontested partials hanging out there for Basin 03:

03-2051 and 03-7027 – Both of these are uncontested rights, but I have a note on them that they may/may not need a de minimis cap remark? Can you check them out and let me know as soon as possible.

Then we truly will be DONE with Basin 03!!

Diana Delaney
SRBA



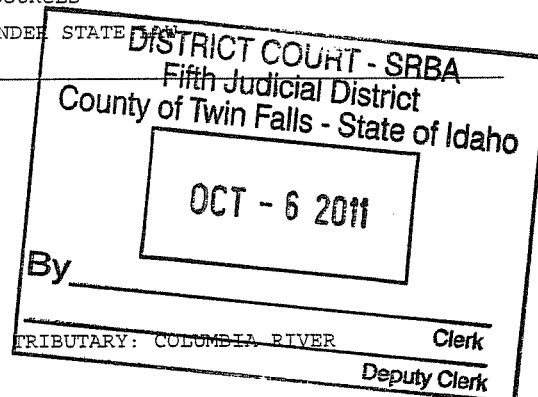
10/06/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 3-2051
NAME AND ADDRESS: EMBASSY INC
C/O RICHARD M PHILLIPS PRES
3325 DAVIS DR
MERIDIAN ID 83642

SOURCE: SNAKE RIVER

QUANTITY: 4.000 CFS
901.40 AFY



The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 11/26/1962

POINT OF
DIVERSION:

T06N R05W S18 NWSW Lot 6 Within CANYON County
T06N R06W S13 NESE Lot 6 Within CANYON County
T06N R06W S13 NWSE Lot 5 Within CANYON County
T06N R06W S14 SENE Lot 1 Within CANYON County
T06N R06W S24 NENW Lot 5 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	4.000 CFS 900.00 AFY
STOCKWATER	1/01 12/31	0.030 CFS 1.40 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: IRRIGATION in CANYON County

T06N R05W S18 Lot 6 SWSW	32.00	T06N R06W S13 SENE	20.00
T06N R06W S13 Lot 4 SWNW	30.00	T06N R06W S13 SESW	36.00
T06N R06W S13 Lot 6 NESE	12.00	T06N R06W S13 Lot 5 NWSE	34.00
T06N R06W S13 Lot 7 SWSE	8.00	T06N R06W S14 Lot 1 SENE	16.00
T06N R06W S24 Lot 5 NENW	12.00		

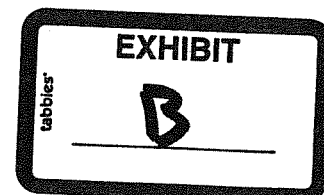
STOCKWATER same as IRRIGATION

200 ACRES TOTAL

One acre in T06N, R05W S18 Lot 6 and 2 acres in T06N, R05W S13 NESE Lot 6 is unsurveyed, nonfederal land.

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

Corrected Director's Report for 03-2051



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

Right No. 3-2046 is also diverted through points of diversion located in T06N, R06W, S13 NWSE; S14 SENE; & S24 NENW.

Right No. 3-2045 is also diverted through point of diversion located in T06N, R05W, S18 SWSW.

The following rights are also diverted through point of diversion located in T06N, R06W, S13 NESE: 3-2045 & 3-2048.

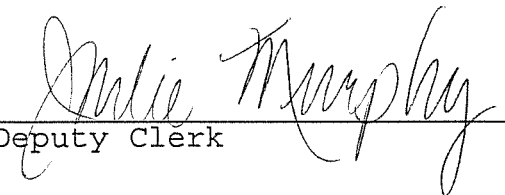
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE COURT'S INTENT TO ISSUE PARTIAL DECREE CONSISTENT WITH CORRECTED DIRECTOR'S REPORT AND NOTICE OF HEARING was mailed on October 14, 2011, with sufficient first-class postage to the following:

EMBASSY INC
C/O RICHARD M PHILLIPS PRES
3325 DAVIS DR
MERIDIAN, ID 83642

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.