

RECEIVED

AUG 20 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 17 2012	
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.: 02-2209B & 02-10196
	)	
Case No. 39576	)	NOTICE OF COURT'S INTENT TO
	)	ISSUE AMENDED PARTIAL DECREES,
	)	AND NOTICE OF HEARING THEREON
	)	
	)	
	)	

A *Partial Decree* was issued for water right no. 02-2209B on June 15, 2009. A *Partial Decree* was issued for water right no. 02-10196 on June 23, 2009. On August 14, 2012, the Clerk of the Court received correspondence from the Idaho Department of Water Resources notifying the Court that as part of a settlement resolving other related water rights in the SRBA, the Department agreed to remove the following combined use remark from the *Partial Decrees* for the above-captioned water rights:

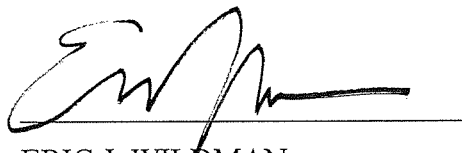
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 90.24 CFS. COMBINED RIGHT NOS: 2-103, 2-4021, AND ALL PARTS OF BASE RIGHT 2-2209 INCLUDING 2-2209B, 2-2209C, 2-2209E, 2-10187, 2-10189, 2-10191, 2-10208 AND 2-10209.

A copy of the correspondence is attached hereto as Exhibit A. Therefore, it is the intent of the Court to issue an *Amended Partial Decrees* correcting the above-mentioned clerical errors in accordance with the above-referenced settlement. Drafts of the proposed *Amended Partial Decrees* are attached as Exhibits B and C.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **November 20, 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. **However, no cell phones or speaker phones will be permitted as they interfere with our sound system making the proceeding difficult to accurately record.**

Dated: August 17, 2012

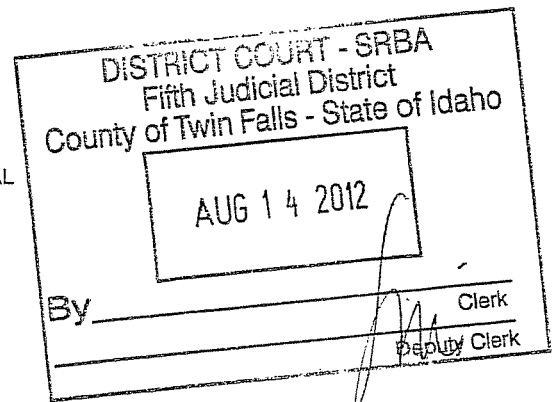
A handwritten signature in black ink, appearing to read 'Eric J. Wildman', written over a horizontal line.

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication



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

August 8, 2012



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

RE: Subcase Nos. 2-2209B (Wootan) and 2-10196 (Glenn)

Dear Judge Wildman:

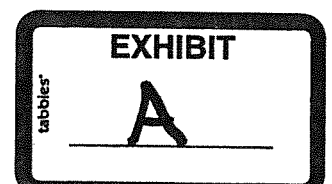
As part of the settlement of litigation involving Cottonwood Canal Company's and Black Mesa's water rights, the Idaho Department of Water Resources agreed to remove the following combined use condition based upon additional information provided by the litigants:

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 90.24 CFS. COMBINED RIGHT NOS: 2-103, 2-4021, AND ALL PARTS OF BASE RIGHT 2-2209 INCLUDING 2-2209B, 2-2209C, 2-2209E, 2-10187, 2-10189, 2-10191, 2-10196, 2-10208 AND 2-10209.

A partial decree was issued for water right no. 2-2209B on June 15, 2009 and 02-10196 on June 29, 2009. The partial decrees contained the above referenced combined use condition. Because the Department agreed to remove the 90.24 cfs combined use limit on certain rights in the list, the combined use limit on the other rights does not make sense and could cause confusion in the future.

In an effort to avoid confusion, the Department requests that the Court remove the combined use limit language shown above from the partial decrees for water right nos. 2-2209B and 2-10196. Please see attached proposed recommendations. The Department has notified the water right holders' representatives and they have indicated support for this proposal.

Thank you for your consideration in this matter. Should you have any questions, please do not hesitate to contact me.



Sincerely,

A handwritten signature in black ink, appearing to read 'G. Baxter', with a stylized flourish at the end.

GARRICK L. BAXTER
Deputy Attorney General
Idaho Department of Water Resources

Enclosure

cc: Michael Lawrence, Attorney for Black Mesa Farms LLC
Eleanor Glenn (c/o Robert Glenn)

08/08/2012

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

RIGHT NUMBER: 2-2209B

NAME AND ADDRESS: BLACK MESA FARMS LLC
PO BOX 82
GLENN'S FERRY ID 83623

BRENDA BRYANT
PO BOX 215
GLENN'S FERRY ID 83623

WESLEY R WOOTAN
PO BOX 636
GLENN'S FERRY ID 83623

DON J BRYANT
PO BOX 215
GLENN'S FERRY ID 83623

CHRISTINE W WOOTAN
PO BOX 636
GLENN'S FERRY ID 83623

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 12.800 CFS
2,142.00 AFY

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 90.24 CFS. COMBINED RIGHT NOS.: 2-103, 2-4021,
AND ALL PARTS OF BASE RIGHT 2-2209 INCLUDING 2-2209B, 2-2209C,
2-2209E, 2-10187, 2-10189, 2-10191, 2-10196, 2-10208, & 2-10209.~~

PRIORITY DATE: 02/25/1963

POINT OF
DIVERSION:

T06S R11E S9 NWSW Lot 6 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	12.800 CFS 2,142.00 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 OCTOBER 31 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 in ELMORE County

T06S R10E S01	NESW	35.00	T06S R10E S01	SWSW	39.00
T06S R10E S01	SESW	40.00	T06S R10E S01	NWSE	30.00
T06S R10E S01	SWSE	40.00	T06S R10E S01	SESE	30.00
T06S R10E S02	SESE	39.00	T06S R10E S11	NENE	40.00
T06S R10E S11	SWNE	40.00	T06S R10E S11	SENE	39.00
T06S R10E S11	NESW	40.00	T06S R10E S11	NWSW	40.00
T06S R10E S11	SWSW	40.00	T06S R10E S11	SESW	40.00
T06S R10E S11	NESE	39.00	T06S R10E S11	NWSE	40.00
T06S R10E S11	SWSE	40.00	T06S R10E S11	SESE	40.00
T06S R10E S12	NENE	40.00	T06S R10E S12	NWNE	40.00

T06S R10E S12	SWNE	40.00	T06S R10E S12	SENE	40.00
T06S R10E S12	NENW	40.00	T06S R10E S12	NWNW	39.00
T06S R10E S12	SWNW	39.00	T06S R10E S12	SENW	40.00
T06S R10E S12	NESW	40.00	T06S R10E S12	NWSW	39.00
T06S R10E S12	SWSW	38.00	T06S R10E S12	SESW	21.00
T06S R10E S12	NESE	40.00	T06S R10E S12	NWSE	40.00
T06S R10E S12	SWSE	39.00	T06S R10E S12	SESE	39.00
T06S R10E S13	NENE	39.00	T06S R10E S13	NWNE	39.00
T06S R10E S13	SWNE	40.00	T06S R10E S13	SENE	40.00
T06S R10E S13	NENW	39.00	T06S R10E S13	NWNW	39.00
T06S R10E S13	SWNW	40.00	T06S R10E S13	SENW	40.00
T06S R10E S13	NESW	40.00	T06S R10E S13	NWSW	40.00
T06S R10E S13	NESE	40.00	T06S R10E S13	NWSE	40.00
T06S R10E S13	SWSE	40.00	T06S R10E S13	SESE	40.00
T06S R10E S14	NENE	40.00	T06S R10E S14	NWNE	40.00
T06S R10E S14	SWNE	40.00	T06S R10E S14	SENE	40.00
T06S R10E S14	NENW	40.00	T06S R10E S14	NWNW	40.00
T06S R10E S14	SWNW	40.00	T06S R10E S14	SENW	40.00
T06S R10E S14	NESW	39.00	T06S R10E S14	NESE	39.00
T06S R10E S14	NWSE	30.00	T06S R10E S24	NENE	40.00
T06S R10E S24	NWNE	39.00	T06S R10E S24	SWNE	40.00
T06S R10E S24	SENE	40.00	T06S R10E S24	NESE	40.00
T06S R10E S24	NWSE	40.00	T06S R11E S06 Lot 7	SWSW	10.00
T06S R11E S07	NENE	25.00	T06S R11E S07	NWNE	25.00
T06S R11E S07	SWNE	40.00	T06S R11E S07	SENE	40.00
T06S R11E S07	NENW	30.00	T06S R11E S07 Lot 1	NWNW	37.00
T06S R11E S07 Lot 2	SWNW	37.00	T06S R11E S07	SENW	40.00
T06S R11E S07	NESW	40.00	T06S R11E S07 Lot 3	NWSW	38.00
T06S R11E S07 Lot 4	SWSW	37.00	T06S R11E S07	SESW	39.00
T06S R11E S07	NESE	40.00	T06S R11E S07	NWSE	40.00
T06S R11E S07	SWSE	39.00	T06S R11E S07	SESE	40.00
T06S R11E S17	NWNW	40.00	T06S R11E S17	SWNW	40.00
T06S R11E S17	NWSW	40.00	T06S R11E S18	NENE	38.00
T06S R11E S18	NWNE	39.00	T06S R11E S18	SWNE	40.00
T06S R11E S18	SENE	39.00	T06S R11E S18	NENW	39.00
T06S R11E S18 Lot 1	NWNW	37.00	T06S R11E S18 Lot 2	SWNW	38.00
T06S R11E S18	SENW	40.00	T06S R11E S18	NESW	40.00
T06S R11E S18 Lot 3	NWSW	38.00	T06S R11E S18 Lot 4	SWSW	38.00
T06S R11E S18	SESW	40.00	T06S R11E S18	NESE	40.00
T06S R11E S18	NWSE	40.00	T06S R11E S18	SWSE	40.00
T06S R11E S19 Lot 1	NWNW	39.00	T06S R11E S19 Lot 2	SWNW	39.00

T06S R11E S19 Lot 3 NWSW 39.00

3948 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 640 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 IS A SPLIT FROM FORMER RIGHT 02-2209.

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

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

RIGHT NUMBER: 2-10196

NAME AND ADDRESS: ELEANOR L GLENN
C/O ROBERT J GLENN
PO BOX 838
GLENN'S FERRY ID 83623

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.030 CFS
5.00 AFY

~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 90.24 CFS. COMBINED RIGHT NOS.: 2-103,
2-4021, AND ALL PARTS OF BASE RIGHT 2-2209 INCLUDING 2-2209B,
2-2209C, 2-2209E, 2-10187, 2-10189, 2-10191, 2-10196, 2-10208, &
2-10209.~~

PRIORITY DATE: 02/25/1963

POINT OF
DIVERSION:

T05S R10E S12 SWNESE Lot 7 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.030 CFS 5.00 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 OCTOBER 31 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 in ELMORE County

T05S R10E S32 Lot 1 NENE 1.50

1.5 ACRES TOTAL

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

Failure of the right holder to comply with the conditions of Transfer 68552 is
cause for the Director to rescind approval of the transfer.

Approval of Transfer 68552 does not grant any right-of-way or easement
for use of a delivery system owned by person(s) other than the right
owner.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 2-10190.

After specific notification by the Department, the right holder shall install a
suitable measuring device or shall enter into an agreement with the
Department to determine the amount of water diverted from power records
and shall annually report the information to the Department.

This right when combined with all other rights shall provide no more than
0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for
irrigation of the lands 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-02209B

NAME AND ADDRESS: BRENDA BRYANT
DON J BRYANT
PO BOX 215
GLENN'S FERRY, ID 83623

CHRISTINE W WOOTAN
WESLEY R WOOTAN
PO BOX 636
GLENN'S FERRY, ID 83623

BLACK MESA FARMS LLC
PO BOX 82
GLENN'S FERRY, ID 83623

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 12.80 CFS
2142.00 AFY

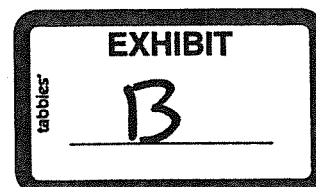
PRIORITY DATE: 02/25/1963

POINT OF DIVERSION: T06S R11E S09 LOT 6 (NWSW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	12.80 CFS 2142.00 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 OCTOBER 31 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 Elmore County
	T06S R10E S01	SWSW 35.0 SESW 40.0 SWSE 40.0 SESE 39.0
	S02	SESE 39.0
	S11	NENE 40.0 SENE 39.0 NWSW 40.0 SESW 40.0 NWSE 40.0 SESE 40.0
	S12	NENE 40.0 SWNE 40.0 SENE 40.0 NENW 40.0 SWNW 39.0 NESW 40.0 SWSW 38.0 NESE 40.0 SWSE 39.0
	S13	NENE 39.0 SWNE 40.0 NENW 39.0



PLACE OF USE (continued)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 640 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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).

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.

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Aug-17-2012

AMENDED

PAGE 1
Aug-17-2012

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREES AND NOTICE OF HEARING THEREON was mailed on August 17, 2012, with sufficient first-class postage to the following:

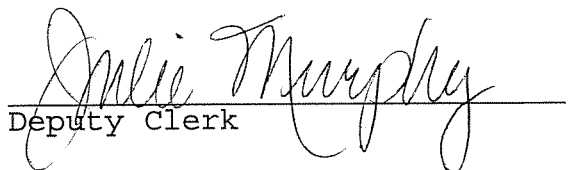
ELEANOR L GLENN
C/O ROBERT J GLENN
PO BOX 838
GLENN'S FERRY, ID 83623

BRENDA BRYANT
DON J BRYANT
PO BOX 215
GLENN'S FERRY, ID 83623
Phone: 208-366-7433

CHRISTINE W WOOTAN
WESLEY R WOOTAN
PO BOX 636
GLENN'S FERRY, ID 83623
Phone: 208-366-2575

BLACK MESA FARMS LLC
PO BOX 82
GLENN'S FERRY, ID 83623
Phone: 208-366-7406

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. The signature is in dark ink and is positioned to the right of the "Deputy Clerk" text.