

RECEIVED

FEB 05 2013

DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |              |
|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| FEB - 4 2013                                                                              |              |
| 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**

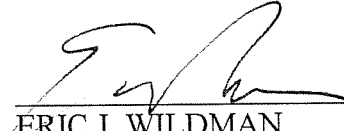
) **Water Right No.: 21-07240**  
)  
) **NOTICE OF COURT'S INTENT TO**  
) **ISSUE AMENDED PARTIAL DECREE,**  
) **AND NOTICE OF HEARING THEREON**  
)  
)  
)  
)  
)  
)  
)  
)

The above-captioned water right was claimed based on a permit prior to the issuance of the license. On May 5, 1999, a *Partial Decree* was entered for the above-captioned water right. The Director of the Idaho Department of Water Resources ("Department") subsequently issued a license for the water right. On January 22, 2013, the Department filed a *Notice of Completed Administrative Proceeding* in the above-captioned subcase informing the Court of the issuance of the license, as well as an *Amended Director's Report* reflecting the elements of the above-captioned water right claim as licensed. The license supercedes the *Partial Decree*. Therefore, it is the intent of the Court to issue an *Amended Partial Decree* in the above-captioned matter consistent with the *Amended Director's Report* pursuant to Idaho Rule of Civil Procedure 60(a). A copy of the proposed *Amended Partial Decree* is attached as Exhibit A.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **Tuesday, May 21, 2013, at 1:30 p.m.** at the Snake River Basin Adjudication Courthouse, 253 3<sup>rd</sup> 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: February 4, 2013

  
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 )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 21-07240

NAME AND ADDRESS: UNITED STATES OF AMERICA  
USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.20 AFY

This right, when considered with all other rights common to the  
same grazing allotment, is limited to the quantity of water  
beneficially used by the number of stock within the allotment.

PRIORITY DATE: 12/11/1980

POINT OF DIVERSION: T11N R42E S24 SENW Within Fremont County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY |
|-------------------------------|-------------------------|----------------|----------|
|                               | Stockwater from Storage | 01-01 TO 12-31 | 0.20 AFY |
|                               | Stockwater Storage      | 01-01 TO 12-31 | 0.20 AFY |

|               |                         |      |                       |
|---------------|-------------------------|------|-----------------------|
| PLACE OF USE: | Stockwater Storage      |      | Within Fremont County |
|               | T11N R42E S24           | NENW |                       |
|               | Stockwater from Storage |      | Within Fremont County |
|               | T11N R42E S24           | SENW |                       |

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.

**DRAFT**

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 February 04, 2013, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

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