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SEP 10 2013

DEPARTMENT OF  
WATER RESOURCES

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

SEP - 9 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

) Water Right No.: 22-12654

Case No. 39576

) 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 August 4, 2010. On September 5, 2013, the Idaho Department of Water Resources ("Department") filed a *Request for Correction of Error*, requesting that this Court correct errors in the point of diversion and place of use elements of the *Partial Decree*. The *Request* asserts that although the *Partial Decree* contains a "T07N R41E S28 NWNWNE" point of diversion, the correct point of diversion should provide "T07N R41E S28 NWNE." The *Request* further asserts that although the right was decreed with a "2740.7 ACRES TOTAL" notation under the place of use element, the notation should read "2463 ACRES TOTAL." Last, the *Request* asserts that several changes should be made to the remarks set forth in the place of use element of the *Partial Decree*. The Department attached a corrected recommendation for the above-captioned water right to its *Request* showing all the requested corrections in strikethrough format. Therefore, it is the intent of the Court to issue an *Amended Partial Decree* correcting the above-mentioned clerical error in accordance with the corrected recommendation attached to the Department's *Request*. 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 **December 17, 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 September 9, 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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

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

Water Right 22-12654

NAME AND ADDRESS: WILFORD IRRIGATION & MFG CO  
C/O BRANT KERBS PRES  
240 N 2500 E  
ST ANTHONY, ID 83445

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 77.84 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION: T07N R41E S28 NWNE Within Fremont County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-01 TO 10-31 | 77.84 CFS |
|                               | Stockwater     | 01-01 TO 12-31 | 40.00 CFS |
|                               | Subirrigation  | 11-01 TO 03-31 | 37.84 CFS |

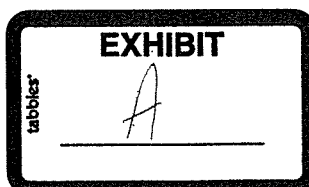
Sub-irrigation is authorized between 11/1 and 3/31 consistent with the practices described in the Rexburg Irr. Co. v. Teton Irr. Co. Decree (including paragraph 31).

PLACE OF USE:

2463 ACRES TOTAL  
The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.  
The rights listed below are limited to the irrigation of a combined total of 2463 acres in a single irrigation season. Combined Right Nos.: 22-673, 22-12654, 22-12655, and 22-13165. Place of use is within the area served by Wilford Irrigation & Manufacturing Company.

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

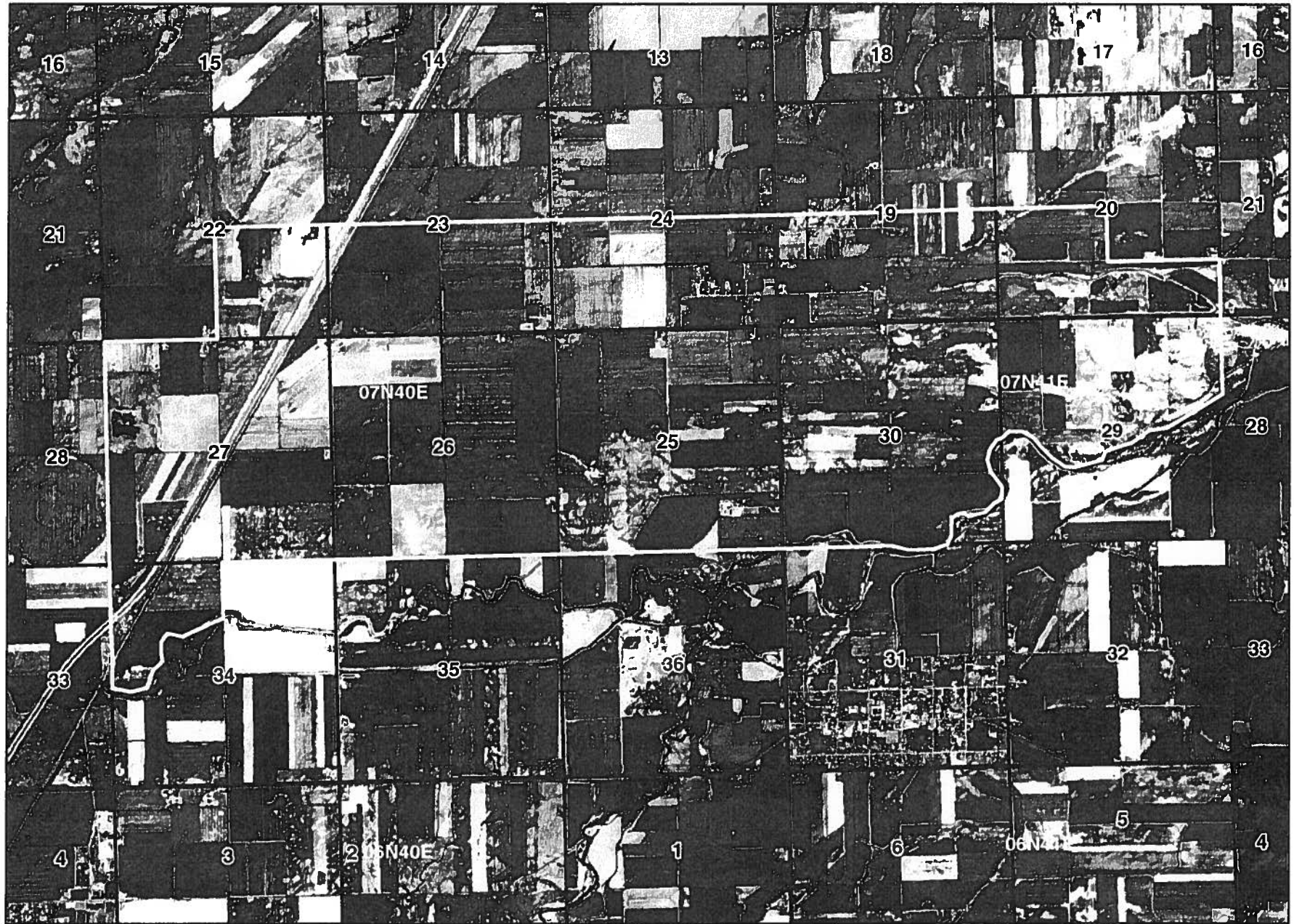
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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**

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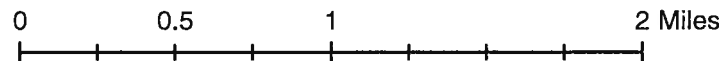
Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

Wilford Irrigation & Mfg Co.  
22-673, 22-12654, 22-12655 & 22-13165



**Legend**

Digital Boundary



1987/1988 Aerial Photography  
Map prepared 8/29/2013  
Idaho Department of Water Resources





# **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 September 09, 2013, with sufficient first-class postage to the following:

## **IDAHO POWER COMPANY**

Represented by:  
ADAM T DEVOE  
BROWNSTEIN HYATT & FARBER PC  
410 17TH ST 22ND FL  
DENVER, CO 80202-4437  
Phone: 303-223-1100

## **MILNER IRRIGATION DISTRICT**

Represented by:  
BARKER RSHOLT & SIMPSON LLP  
195 RIVER VISTA PL STE 204  
TWIN FALLS, ID 83301-3029  
Phone: 208-733-0700

## **STATE OF IDAHO**

Represented by:  
CHIEF NATURAL RESOURCES DIV  
OFFICE OF THE ATTORNEY GENERAL  
STATE OF IDAHO  
PO BOX 44449  
BOISE, ID 83711-0449  
Phone: 208-334-2400

## **AMERICAN FALLS RESERVOIR**

Represented by:  
CRAIG D HOBDEY  
HOBDEY LAW OFFICE PLLC  
125 5TH AVE  
PO BOX 176  
GOODING, ID 83330-0176  
Phone: 208-934-4429

## **IDAHO POWER COMPANY**

Represented by:  
JAMES C TUCKER  
IDAHO POWER CO  
1221 W IDAHO ST  
PO BOX 70  
BOISE, ID 83707-0070  
Phone: 208-388-2112

## **WILFORD IRRIGATION & MFG CO**

Represented by:  
JERRY R RIGBY  
25 N 2ND E  
PO BOX 250  
REXBURG, ID 83440-0250  
Phone: 208-356-3633

## **BINGHAM GROUND WATER DIST ETAL**

Represented by:  
RANDALL C BUDGE  
201 E CENTER ST STE A2  
PO BOX 1391  
POCATELLO, ID 83204-1391  
Phone: 208-232-6101

## **A & B IRRIGATION DISTRICT BURLEY IRRIGATION DISTRICT**

Represented by:  
ROGER D LING  
PO BOX 623  
RUPERT, ID 83350-0623  
Phone: 208-434-2717

## **NORTH SIDE CANAL CO LTD TWIN FALLS CANAL COMPANY**

Represented by:  
TRAVIS L THOMPSON  
195 RIVER VISTA PL STE 204  
TWIN FALLS, ID 83301-3029  
Phone: 208-733-0700

## **USDI BUREAU OF RECLAMATION**

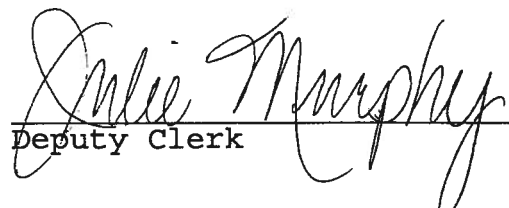
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

## **MINIDOKA IRRIGATION DISTRICT**

Represented by:  
W KENT FLETCHER  
1200 OVERLAND AVE  
PO BOX 248  
BURLEY, ID 83318-0248  
Phone: 208-678-3250

(Certificate of mailing continued)

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 printed text "Deputy Clerk".