

DEPARTMENT OF
WATER RESOURCES

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

FEB - 3 2014

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.: 29-147**

Case No. 39576

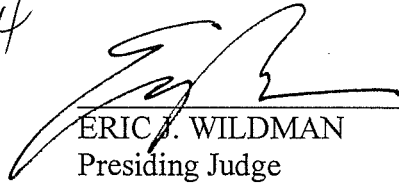
) NOTICE OF COURT'S INTENT TO
) ISSUE AMENDED PARTIAL DECREE
) AND NOTICE OF HEARING THEREON

A *Partial Decree* was issued for the above-captioned water right claim on March 17, 2004. On January 31, 2014, the Idaho Department of Water Resources (“Department”) filed a *Request for Correction of Error*, requesting that this Court correct errors in the place of use and purpose of use elements of the *Partial Decree*. The *Request* asserts that although the right was recommended with a “243.3 ACRES TOTAL” notation under the place of use element, the notation was erroneously omitted from the *Partial Decree*, which was decreed uncontested. Additionally, the *Request* asserts the quantity of “4.9 cfs” shown under the purpose of use element of the right is in error, and should read “6.00 cfs” to conform with the “6.00 cfs” shown under the quantity element of the right. Therefore, it is the intent of the Court to issue an *Amended Partial Decree* correcting the above-mentioned clerical errors 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 **May 20, 2014 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 February 3, 2014



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 29-00147

NAME AND ADDRESS: FISH CREEK IRRIGATING CO
C/O WALLACE WHITEHEAD
PO BOX 152
LAVA HOT SPRINGS, ID 83246

SOURCE: FISH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 6.00 CFS

PRIORITY DATE: 03/01/1893

POINT OF DIVERSION: T09S R38E S26 NWNWNW Within Bannock County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 09-15	6.00 CFS

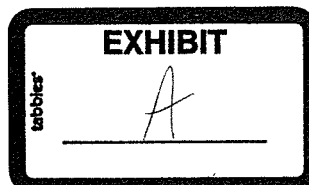
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

243.3 ACRES TOTAL
Place of use is within the area served by the Fish Creek
Irrigating Company.
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) (2003) and authorized pursuant to I.C. Section 42-1411
(2) (h) (2003). 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.

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).

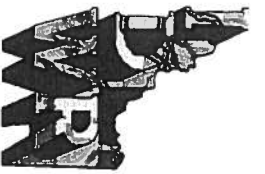


RULE 54(b) CERTIFICATE

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



Fish Creek Irrigating Co

Water Rights: 29-147 , 29-11774

38E

Irrigation Service Area Boundary
GIS Place of Use Illustration

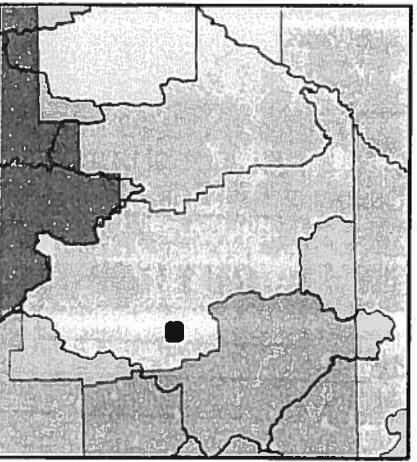
Service Area

State Outline

Townships

PLS Sections

Quarter Quarters



Bannock County

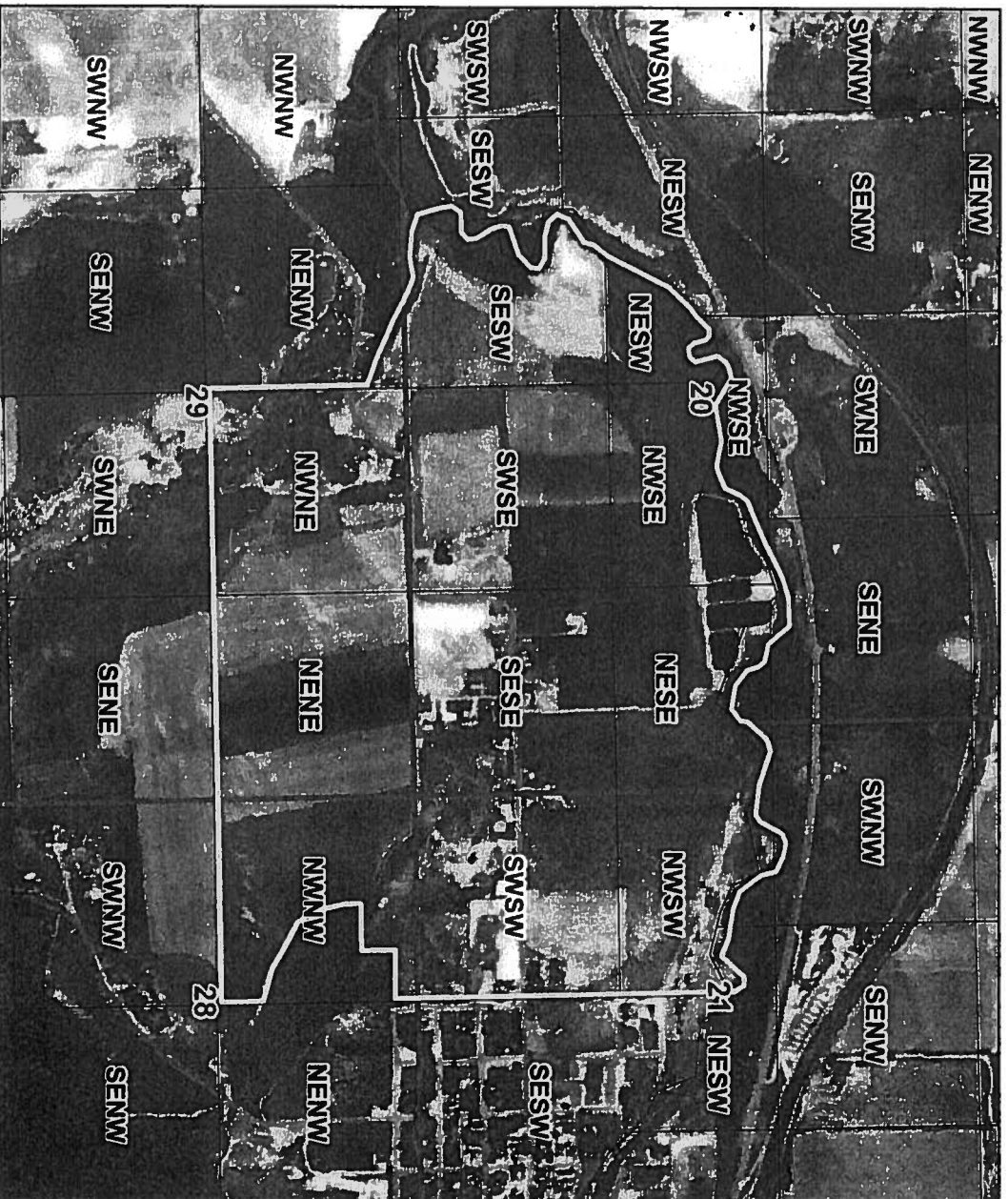
IDWR Basin 29

Prepared by Holliday, Michael

1987/88 Aerial Photography



0 0.25 0.5 1 Miles



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 03, 2014, with sufficient first-class postage to the following:

FISH CREEK IRRIGATING CO
C/O WALLACE WHITEHEAD
PO BOX 152
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5253

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


Deputy Clerk