

RECEIVED

MAR 04 2014

DEPARTMENT OF
WATER RESOURCES

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

Case No. 39576

) Water Right Nos.: 02-2240, 02-2431, 63-
) 361, 63-8389 and 63-9807

)

)

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

)

)

A *Partial Decree* was issued for water right no. 02-2240 on June 15, 2009. A *Partial Decree* was issued for water right no. 02-2431 on September 12, 2012. *Partial Decrees* were issued for water right numbers 63-361, 63-8389 and 63-9807 on March 4, 2011. On February 28, 2014, the Idaho Department of Water Resources ("Department") filed a *Request for Correction of Error*, requesting that this Court correct errors involving the combined use remark in the quantity and place of use elements on the *Partial Decrees*. The *Request* asserts that although the *Partial Decrees* provide "Right Nos. 2-68, 63-361, 63-8389 and 63-9807 are limited to total combined diversion rate of 4.62 cfs" under the quantity element, it should have provided as follows:

Right Nos. 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to total combined diversion rate of 4.62 cfs.

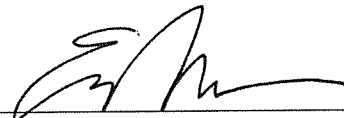
The *Request* further asserts that although the *Partial Decrees* provide "Right Nos. 2-68, 63-361, 63-8389 and 63-9807 are limited to the irrigation of a combined total of 231 acres in a single irrigation season" under the place of use element, it should have provided as follows:

Right Nos. 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to the irrigation of a combined total of 226.3 acres in a single irrigation season.

Therefore, it is the intent of the Court to issue *Amended Partial Decrees* correcting the above-mentioned clerical errors in accordance with the corrected recommendations attached to the Department's *Request*. Copies of the proposed *Amended Partial Decrees* are attached as Exhibits A – E.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **June 17, 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 March 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 02-02240

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA, ID 83641

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.25 CFS
507.00 AFY

Right Nos. 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are
limited to a total combined diversion rate of 4.62 cfs.

PRIORITY DATE: 10/25/1963

POINT OF DIVERSION: T01S R02W S06 LOT 2 (NWSE) Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.25 CFS 507.00 AFY

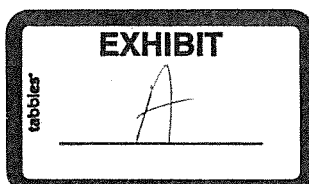
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT
EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE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

PLACE OF USE:	Irrigation	Within Canyon County
	T01S R02W S05 LOT 4 (NWNW) 2.0	SWNW 20.0
	NESW 2.0	NWSW 29.0
	SWSW 1.0	
	S06 LOT 4 (NENE) 10.0	LOT 3 (SWNE) 3.0
	SENE 21.0	LOT 2 (NESE) 22.0
	LOT 1 (SESE) 2.5	
	112.5 Acres Total	

Right Nos. 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are
limited to the irrigation of a combined total of 226.3 acres 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. 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

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 02-02431

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA, ID 83641

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.32 CFS
875.00 AFY

Right Nos. 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are
limited to a total combined diversion rate of 4.62 cfs.

PRIORITY DATE: 12/05/1958

POINT OF DIVERSION: T01S R02W S06 LOT 2 (NWSE) Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.32 CFS 875.00 AFY

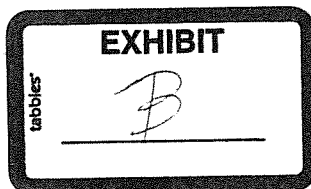
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED 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 Canyon County
	T01S R02W S05 LOT 4 (NWNW) 2.0	SWNW 21.0
	NESW 5.0	NWSW 29.0
	SWSW 25.0	SESW 21.0
	S06 LOT 4 (NENE) 11.0	LOT 3 (SWNE) 4.0
	SENE 24.0	LOT 2 (NESE) 25.0
	LOT 1 (SESE) 5.0	
	S08 LOT 4 (NWNW) 3.0	
	175.0 Acres Total	

Right Nos. 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are
limited to the irrigation of a combined total of 226.3 acres 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. 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

AMENDED

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-00361

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA, ID 83641

SOURCE: GROUCH DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 1.10 CFS
248.00 AFY

Right Nos. 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to a total combined diversion rate of 4.62 cfs.

PRIORITY DATE: 04/01/1917

Pursuant to a call in times of scarcity, this right is junior to Water Right Nos. 63-360A & 63-32527, 63-32528 and 63-32529 per Decree 63-T, Bachman et al vs Reynolds Irrigation District.

POINT OF DIVERSION: T01S R02W S08 SENE Within Canyon County

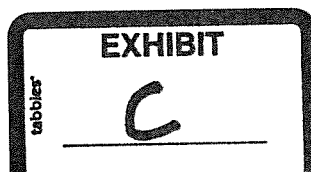
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.10 CFS

PLACE OF USE:	Irrigation		Within Canyon County
	T01S R02W S05	NESW 3.0	SWSW 10.0
		SESW 19.0	
	S06	NENE 4.0	NWNE 7.0
		SENE 3.0	
	S08	NWNE 2.0	NENW 7.0
	55.0 Acres Total		

Right Nos. 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to the irrigation of a combined total of 226.3 acres 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. 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

AMENDED

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-08389

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA, ID 83641

SOURCE: GROUCH DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 1.16 CFS
261.00 AFY

Right Nos. 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to a total combined diversion rate of 4.62 cfs.

PRIORITY DATE: 03/10/1992

POINT OF DIVERSION: T01S R02W S08 NENW Within Canyon County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.16 CFS
			261.00 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 or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

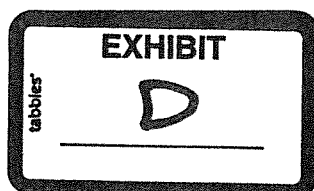
PLACE OF USE:	Irrigation			Within Canyon County
	T01S R02W S05	SWSW 13.0		SESW 8.0
	S08	NENW 26.0	LOT 4	(NWNW)11.0
	58.0 Acres Total			

Right Nos. 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to the irrigation of a combined total of 226.3 acres in a single irrigation season.

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

AMENDED

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

MARK A MC DONOUGH
PO BOX 74
MELBA, ID 83641
Phone: 208-495-9801

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".