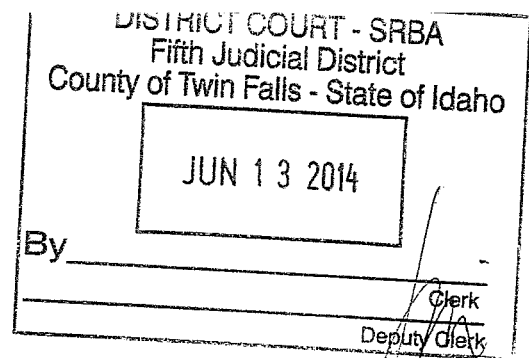


RECEIVED  
JUN 16 2014  
DEPARTMENT OF  
WATER RESOURCES



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

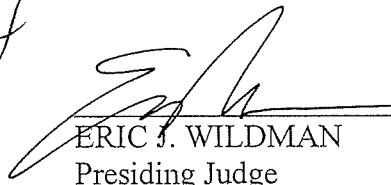
In Re SRBA ) Water Right No.: 37-2732  
 )  
Case No. 39576 )  
 ) NOTICE OF COURT'S INTENT TO  
 ) ISSUE AMENDED PARTIAL DECREE,  
 ) AND NOTICE OF EXPEDITED  
 ) HEARING THEREON  
 )  
 )  
 )  
 )  
 )  
 )

A *Partial Decree* was issued for the above-captioned water right on September 24, 2010. On June 10, 2014, the Idaho Department of Water Resources ("Department") filed a *Request for Correction of Error*, requesting that this Court correct an error in the point of diversion element of the *Partial Decree*. The *Request* asserts that the point of diversion elements provides "T01N R19E S28 SWNWNW" and "T01N R19E S28 SESWNW" within Blaine County, when it should provide "T01N R19E S28 NWNW" and "T01N R19E S28 SWNW" within Blaine County. Therefore, it is the intent of the Court to issue an *Amended Partial Decree* correcting the above-mentioned 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.

Given the current stage of the Snake River Basin Adjudication, the Court in an exercise of its discretion will set a hearing on this *Notice of Court's Intent* on an expedited basis pursuant to *SRBA Administrative Order 1*, § 6.f.(2) as set forth below. The Court will send a copy of this *Notice* as well as the *Request* to each person on the current copy of the *Court Certificate of Mailing for Expedited Hearings*. A copy of the *Request* is attached hereto as Exhibit B.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **July 15, 2014 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 to the Court's proposed action shall file a written objection with the Court on or before **July 11, 2014**. 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 June 13, 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 37-02732

NAME AND ADDRESS: THOMAS M BECK  
3515 CRESCENT RIM DR  
BOISE, ID 83706

SOURCE: GROUND WATER

QUANTITY: 1.90 CFS  
339.50 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands herein.

PRIORITY DATE: 04/11/1966

POINT OF DIVERSION: T01N R19E S28 NWNW Within Blaine County  
SWNW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|----------------------------|----------------|----------------|------------------------|
|                            | Irrigation     | 04-01 TO 11-01 | 1.90 CFS<br>339.50 AFY |

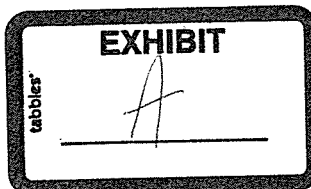
| PLACE OF USE: | Irrigation       | Within Blaine County              |
|---------------|------------------|-----------------------------------|
|               | T01N R19E S28    | NWNW 7.1<br>SENW 0.1<br>NWSW 39.0 |
|               |                  | SWNW 30.0<br>NESW 14.0            |
|               | 90.2 Acres Total |                                   |

The rights listed below are limited to the irrigation of a combined total of 90.2 acres in a single irrigation season. Combined Right Nos.: 37-2732, 37-11566, 37-11567, 37-11568, and 37-11569.

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

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this 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).



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

JUN 10 2014

Clerk  
Deputy Clerk

**REQUEST FOR CORRECTION OF ERROR**

THE IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) HAS IDENTIFIED AN ERROR IN THE SRBA PARTIAL DECREE OF THE WATER RIGHT LISTED BELOW. IDWR REQUESTS THE COURT TO DETERMINE IF IT CAN CORRECT THE ERROR THROUGH ITS NORMAL NOTICE AND HEARING PROCESS, AND IF SO, TO CORRECT THE ERROR ACCORDINGLY. BY COPY OF THIS FORM IDWR IS ALSO NOTIFYING THE OWNER OF THE WATER RIGHT OF THE ERROR IN QUESTION.

**WATER RIGHT NO.** 37-2732

**NAME OF OWNER LISTED ON THE PARTIAL DECREE:** THOMAS M. BECK

**CURRENT OWNER (IF DIFFERENT)** \_\_\_\_\_

**TODAY'S DATE** June 6, 2014

An error exists in the description of the following element of the partial decree:

1. ☐ **Name and Address**

Should be: \_\_\_\_\_

2. ☐ **Source**

Should be: \_\_\_\_\_

3. ☐ **Quantity**

Should be: \_\_\_\_\_

4. ☐ **Priority Date**

Should be: \_\_\_\_\_

5. ☒ **Point of Diversion**

Should be: T01N R19E S28 NWNW Within BLAINE County instead of T01N R19E S28 SWNWNW

and

T01N R19E S28 SWNW Within BLAINE County instead of T01N R19E S28 SESWNW.

6. ☐ **Instream Flow Beginning and/or Ending Point**

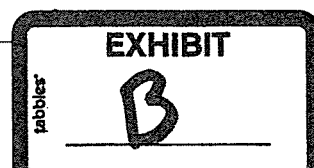
Should be: \_\_\_\_\_

7. ☐ **Purpose(s) of Use**

Should be: \_\_\_\_\_

Request for Correction of Error

37-2732



8. ☐ **Period of Year**

Should be: \_\_\_\_\_

9. ☐ **Place of Use**

Should be: \_\_\_\_\_

10. ☐ **Other Provisions**

Should be: \_\_\_\_\_

**Additional explanation or supporting documentation of the error:**

The points of diversion for 37-2732 should be T01N R19E S28 NWNW Within BLAINE County instead of T01N R19E S28 SWNWNW and T01N R19E S28 SWNW Within BLAINE County instead of T01N R19E S28 SESWNW. The ten-acre tracts that IDWR requests be removed were recommended in error.

For more information about the error the Court and/or water right holder should contact the person identified below.

CONTACT PERSON: Emmi Blades  
TELEPHONE NUMBER: 208-287-4809  
E-MAIL ADDRESS: [emmi.blades@idwr.idaho.gov](mailto:emmi.blades@idwr.idaho.gov)  
MAILING ADDRESS: IDWR  
322 E. Front St.  
P.O. Box 83720  
Boise, ID 83720-0098

**Corrected Recommendation for 37-2732 is attached.**

06/06/2014

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

RIGHT NUMBER: 37-2732

NAME AND ADDRESS: THOMAS M BECK  
3515 CRESCENT RIM DR  
BOISE ID 83706

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.900 CFS  
339.50 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/11/1966

POINT OF

DIVERSION: T01N R19E S28 SWNWNW Within BLAINE County  
T01N R19E S28 SESWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/01 11/01          | 1.900 CFS<br>339.50 AFY |

PLACE OF USE: IRRIGATION in BLAINE County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01N R19E S28 | NWNW | 7.10  | T01N R19E S28 | SWNW | 30.00 |
| T01N R19E S28 | SENW | 0.10  | T01N R19E S28 | NESW | 14.00 |
| T01N R19E S28 | NWSW | 39.00 |               |      |       |

90.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 90.2 acres in a single irrigation season. Combined Right Nos.: 37-2732, 37-11566, 37-11567, 37-11568, and 37-11569.

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

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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

## CERTIFICATE OF SERVICE

I certify that on June 9, 2014, I caused to be served true and correct copies of this REQUEST FOR CORRECTION OF ERROR, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

2. Copies to:

IDWR Document Repository  
P.O. Box 83720  
Boise, ID 83720-0098

☐ Overnight Mail  
☐ Regular Mail  
☒ Hand-Delivered  
☐ Facsimile

Thomas M. Beck  
3515 Crescent Rim Dr.  
Boise, ID 83706

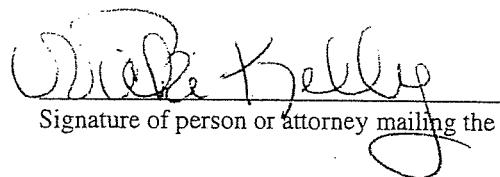
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U.S. Department of Justice  
Environment & Nat'l Resources Div.  
550 W. Fort St., MSC 033  
Boise, ID 83724

☐ Overnight Mail  
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Chief, Natural Resources Division  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

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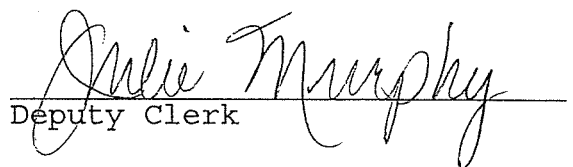
  
Signature of person or attorney mailing the form

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 EXPEDITED HEARING THEREON was mailed on June 13, 2014, with sufficient first-class postage to the following:

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

THOMAS M BECK  
3515 CRESCENT RIM DR  
BOISE, ID 83706  
Phone: 208-345-3997

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".

# 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 EXPEDITED HEARING THEREON was mailed on June 13, 2014, with sufficient first-class postage to the following:

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