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JUL 03 2014

DEPARTMENT OF
WATER RESOURCES

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

JUL - 1 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 No.: 25-13663

)

)

)

) 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 December 30, 1999. On June 30, 2014, the Idaho Department of Water Resources ("Department") filed a *Request for Correction of Error*, requesting that this Court correct an error in the quantity element on the *Partial Decree*. The *Request* asserts that although the *Partial Decree* contains a quantity of "0.20 CFS" the correct quantity for the claim should be "0.02 CFS." 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.

Given the current stage of the Snake River Basin Adjudication, the Court in an exercise of its discretion will set a hearing 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 3rd 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 July 1, 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 25-13663

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: HELL CREEK TRIBUTARY: GRAYS LAKE OUTLET

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T01S R40E S13 NESENW (Instream Ending Point) Within Bonneville County
R41E S18 LOT 3 (SENWSW) (Instream Beginning Point)
SESESE
R42E S18 NWSENW (Instream Ending Point)
SWSESE (Instream Beginning Point)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 05-01 TO 10-31 0.02 CFS

PLACE OF USE: Stockwater Within Bonneville County
T01S R40E S13 SWNE SENE
SENW NESE
R41E S18 LOT 3 (NWSW) SESE
R42E S18 SWNE SENW
NWSE SWSE
SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

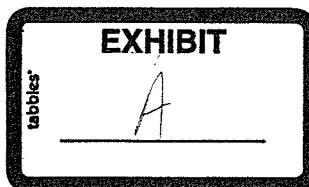
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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



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JUL 03 2014

DEPARTMENT OF
WATER RESOURCES

REQUEST FOR CORRECTION OF ERROR

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

JUN 30 2014

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.

Clerk

Deputy Clerk

WATER RIGHT NO. 25-13663

NAME OF OWNER LISTED ON THE PARTIAL DECREE: USDI BLM

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE June 26, 2014

An error exists in the description of the following element(s) of the partial decrees:

1. ☐ Name and Address

Should be: _____

2. ☐ Source

Should be: _____

3. ☒ Quantity

Should be: 0.02 cfs

4. ☐ Priority Date

Should be: _____

5. ☐ Point of Diversion

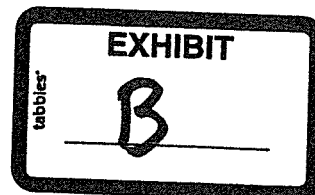
Should be: _____

6. ☐ Instream Flow Beginning and/or Ending Point

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____



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:

It was brought to the attention of IDWR by USDI BLM that an amended Notice of Claim for Water Right 25-13663 was submitted to correct the typographical error for the total quantity of the water right, but inadvertently missed the quantity under the Purpose/Period element. The quantity under the Purpose/Period element listed on the amendment is 0.20 cfs but should have shown 0.02 cfs instead. The recommendation of the right, which contained the discrepancy, was objected to, but the error was unnoticed at the time of objection resolution, and it carried forward to the December 30, 1999, partial decree. As a result, the partial decree incorrectly lists the quantity under the Purpose/Period element as 0.20 cfs. The total quantity amount of 0.02 cfs shown under the Quantity element of the partial decree is correct and does not need to be addressed.

IDWR requests correction of the quantity under the Purpose/Period element listed in the partial decree from 0.20 cfs to 0.02 cfs.

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
MAILING ADDRESS: IDWR
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

Proposed Correction to Partial Decree for 25-13663 is attached.

06/26/2014

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

RIGHT NUMBER: 25-13663

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: HELL CREEK

TRIBUTARY: GRAYS LAKE OUTLET

QUANTITY: 0.020 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 06/28/1934

POINT OF
DIVERSION:

T01S R40E S13 NESENW End of Stream Flow Within BONNEVILLE County
T01S R41E S18 SENWSW Lot 3 Begin of Stream Flow Within BONNEVILLE County
T01S R41E S18 SESESE Within BONNEVILLE County
T01S R42E S18 NWSENW End of Stream Flow Within BONNEVILLE County
T01S R42E S18 SWSESE Begin of Stream Flow Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	5/01 10/31	~~0.200~~ 0.020 CFS

PLACE OF
USE:

STOCKWATER in BONNEVILLE County

T01S R40E S13	SWNE	T01S R40E S13	SENE
T01S R40E S13	SENE	T01S R40E S13	NESE
T01S R41E S18 Lot 3	NWSW	T01S R41E S18	SESE
T01S R42E S18	SWNE	T01S R42E S18	SENE
T01S R42E S18	NWSE	T01S R42E S18	SWSE
T01S R42E S18	SESE		

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. Section 42-1412(6), Idaho Code.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS
NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

BLM RECORD ID = 2503580030 STOCKWATER, 400 RANGE CATTLE

CERTIFICATE OF SERVICE

I certify that on JUNE 27, 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

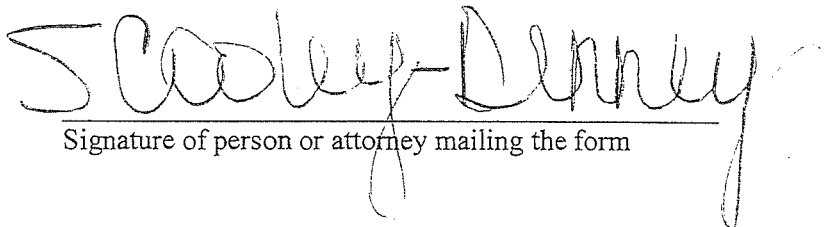
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

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

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

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



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 July 01, 2014, with sufficient first-class postage to the following:

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

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

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 "Deputy Clerk" text.

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 July 01, 2014, with sufficient first-class postage to the following:

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