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JUN 05 2015

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN - 4 2015	
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.: 51-7038
)
) NOTICE OF COURT'S INTENT TO
) ISSUE AMENDED PARTIAL DECREE,
) AND NOTICE OF HEARING THEREON
)

An *Amended Partial Decree* was issued for the above-captioned water right on May 22, 2013. On May 15, 2015, the Idaho Department of Water Resources ("Department") filed a *Request for Correction of Error*, requesting that this Court correct an error in the period of use element of the *Partial Decree*. The *Request* asserts that the *Partial Decree* erroneously identifies the period of use as "31/51 - 11/15" when the correct period of use is "03/15 - 11/15." Therefore, it is the intent of the Court to issue a *Second Amended Partial Decree* correcting the clerical error in accordance with the corrected recommendation attached to the Department's *Request*. A copy of the proposed *Second Amended Partial Decree* is attached as Exhibit A.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **August 18, 2015 at 1:30 p.m. (Mountain Time)** 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 1-720-279-0026 and when prompted entering code 786692 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 4, 2015



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

2ND AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 51-07038

NAME AND ADDRESS: BIG SKY DAIRY
PO BOX 407
JEROME, ID 83338

SOURCE: GROUNDWATER

QUANTITY: 4.28 CFS
1276.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use. Rights 51-2185, 51-2186, 51-2189, 51-7018, 51-7030 and 51-7038 when combined shall not exceed a total diversion rate of 21.33 cfs.

PRIORITY DATE: 06/20/1969

POINT OF DIVERSION: T09S R12E S20 SENW Within Owyhee County
S29 NENE
SWNE
SWNE
SWNE
NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.28 CFS 1276.00 AFY

PLACE OF USE:	Irrigation	Within Owyhee County
	T09S R12E S17 SWSE 40.0	
	S20 NENE 39.0	SENE 40.0
	NESE 40.0	
	S21 SENW 40.0	NESW 40.0
	NWSW 40.0	SWSW 40.0
	319.0 Acres Total	

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

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 June 04, 2015, with sufficient first-class postage to the following:

BIG SKY DAIRY
PO BOX 407
JEROME, ID 83338

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

ORDER

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FILE COPY FOR 00585

Deputy Clerk

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".