

RECEIVED

MAY 17 2019

DEPARTMENT OF  
WATER RESOURCES

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

MAY 15 2019

By

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

Clerk  
Deputy Clerk

In Re SRBA

Case No. 39576

) Water Right No.: 86-7345  
)  
) 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, 2019. On April 29, 2019, 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 asserted error is identified in strikethrough format in the corrected recommendation attached to the Department's *Request*. 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 *Amended Partial Decree* is attached as Exhibit A.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **August 20, 2019, at 1:30 p.m. (Mountain Time)** at the Snake River Basin Adjudication Courthouse, 253 3<sup>rd</sup> 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 May 15, 2019

  
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 86-07345

NAME AND ADDRESS: STATE OF IDAHO  
IDAHO WATER RESOURCE BOARD  
322 E FRONT ST  
PO BOX 83720  
BOISE, ID 83720-0098

SOURCE: CLEARWATER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 5910.00 CFS

PRIORITY DATE: 07/30/1992

Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than the date of priority of this right.

POINT OF DIVERSION: T36N R03W S07 LOT 13 (NWSW ) (Instream Beginning Point) Within Nez Perce County  
R05W S32 LOT 6 (SWNE ) (Instream Ending Point)  
LOT 1 (SWNE ) (Instream Ending Point)

The reach of this minimum stream flow begins at the confluence with the Potlatch River in Lot 13, (NW1/4SW1/4), Section 7, T36N, R3W, B.M. and extends downstream approximately 13 miles to the beginning of backwater from the reservoir behind Lower Granite Dam in Lots 1 and 6 (SW1/4NE1/4), Section 32, T36N, R5W, B.M.

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE      | PERIOD OF USE  | QUANTITY    |
|---------------------|----------------|-------------|
| Minimum Stream Flow | 11-01 TO 07-31 | 5910.00 CFS |
| Minimum Stream Flow | 08-01 TO 10-31 | 4498.00 CFS |

Use of water under this right shall be non-consumptive.

PLACE OF USE:

The place of use is within the stream reach between the beginning instream point and the ending instream point described for the points of diversion for this right.

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

The approved minimum stream flow shall be subordinate to future domestic, stockwater, municipal, commercial, and industrial development from the Clearwater River and its tributaries, including ground water, for use within the Clearwater River Basin where the domestic and stockwater uses are within the limitations of Section 42-111, Idaho Code.

The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to this water right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or notify interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the water right should be amended in the



OTHER PROVISIONS (continued)

public interest. The burden of proof at the hearing shall be upon the person or parties seeking the amendment to establish that the amendment of this water right would be in the public interest.

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 May 15, 2019, with sufficient first-class postage to the following:

STATE OF IDAHO  
CHIEF, NATURAL RESOURCES DIV  
OFFICE OF THE ATTORNEY GENERAL  
PO BOX 83720  
BOISE, ID 83720-0010  
Phone: 208-334-2400

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