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MAR 09 2009

DEPARTMENT OF
WATER RESOURCES

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

MAR - 6 2009

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 63-32587)

A *Partial Decree* was issued for the above right on February 5, 2008. On February 11, 2009, the Court was contacted by the Idaho Department of Water Resources regarding a possible error in the description for the Quantity element for the right. The *Partial Decree* entered February 5, 2008, lists the Quantity as:

1.00 CFS
22.50 AFY

The *Amended Director's Report* filed December 22, 2006, listed the Quantity as:

0.100 CFS
22.500 AFY

No objections were filed to this *Amended Director's Report*. Therefore, IT IS ORDERED, that a hearing be set for the above subcase at 1:30 p.m. on May 19, 2009, 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 claimants 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 1-918-583-3445 and entering 406128 when prompted.

If there are any problems connecting to the conference call, contact the Clerk of the SRBA Court immediately at 208-736-3011.

DATED February 10, 2009

JOHN M. MELANSON
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 63-32587

NAME AND ADDRESS: GARY DAVIS
2452 E BEACON LIGHT RD
EAGLE, ID 83616

SOURCE: GROUND WATER

QUANTITY: 0.10 CFS
22.50 AFY

Use of this right with Right No. 63-32589 is limited to a total
combined diversion rate of .1 CFS.

PRIORITY DATE: 10/26/1953

POINT OF DIVERSION: T05N R01E S34 NESW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.10 CFS
			22.50 AFY

PLACE OF USE: Irrigation Within Ada County
T05N R01E S34 SESW 5.0
5.0 Acres Total

Use of this right with Right No. 63-32589 is limited to the
irrigation of a combined total of 5 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(h) 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

John M. Melanson
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 06, 2009, with sufficient first-class postage to the following:

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

GARY DAVIS
2452 E BEACON LIGHT RD
EAGLE, ID 83616

A handwritten signature in cursive script, appearing to read "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".

Walker, Kay

From: Diana Delaney [ddelaney@srba.state.id.us]
Sent: Wednesday, February 18, 2009 1:17 PM
To: Walker, Kay
Subject: RE: Error on partial decree 63-32587

Sorry it's taken me so long! Looks like we goofed on the split. We'll get going on an Amended Partial. Thanks for letting me know!

From: Walker, Kay [mailto:Kay.Walker@idwr.idaho.gov]
Sent: Wednesday, February 11, 2009 1:19 PM
To: Diana Delaney
Cc: Walker, Kay
Subject: Error on partial decree 63-32587

Hi, Diana.

I found a partial decree that appears to have a clerical error. The rate of water on the partial decree is the same rate as the parent right. The parent right (63-2963) was recommended for 1.0 cfs and was split into Rts. 63-32586 and 63-32587. Rt. 63-32586 was decreed for 0.90 cfs for 45 acres and Rt. 63-32587 was decreed with a rate of 1.0 cfs. The recommendation for Rt. 63-32587 was for only 0.10 cfs (5 acres x 0.02 cfs). Could you please see if an amended partial decree could be issued on 63-32587?

Please let me know if you need more information. Thanks for your help, in advance...

Kay Walker
IDWR Western Region