



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 2, 2005

Hon. John Melanson
Snake River Basin Adjudication Court
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 35-13472

Dear Judge Melanson:

The recommendation for this water right was contained in the Director's Report of Late and Miscellaneous Claims for Irrigation and Other Rights filed with the SRBA Court on April 22, 2005. It has come to the attention of the Idaho Department of Water Resources that the Director's Report contained an error in the legal description for the place of use. The Water Right License and subsequent Notice of Claim (originally claimed as Water Right No. 27-7375) contained an error in the place of use description, which was also subsequently used in the Director's Report. I have enclosed copies of the Water Right License and of the Notice of Claim. The Director's Report incorrectly describes the place of use as Township 1 South, Range 36 East, Section 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Lot 8. The correct description of the place of use should be described as Township 1 South, Range 36 East, Section 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Lot 1.

If you have any questions concerning this matter, please contact me at (208) 287-4810. I am sending a copy of this letter to the claimants for their information.

Very truly yours,

A handwritten signature in black ink, reading "Candice M. Mchugh".

CANDICE M. MCHUGH,
Deputy Attorney General
Idaho Department of Water Resources

Enclosures

cc: Frank Finnigan
Michelle Finnigan
Grant Homer
Ernie Carlsen

Natural Resources Division - Water Resources Section
P.O. Box 83720 Boise, Idaho 83720-0098
Telephone: (208) 287-4801; Legal FAX: (208) 287-6700

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A27-07375
Date Received: 4/03/1989
Receipt No: E007418
Received By: _____

Assisted by EAC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALDEN MILLER 208-346-6631
Address: P.O. BOX 27
FIRTH, ID 83236

AND

Name: EMILE GENTILLON
Address: 513 E. RIVER RD.
FIRTH, ID 83236

2. Date of Priority: JUN 27, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	36E	25	NW	NW	NW	8	BINGHAM

5. Description of diverting works:
WELL, PUMP AND DISTRIBUTION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.030		3.50
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 4.70 A.F.A.

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ TWO HOMES.

A27-07375

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Date: 04/03/89

A2707375

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NOV 12 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	36E	25	NW NW	8	IRR	1.0

Section Acres 1.0

Total Acres 1.0

11. Place of use in counties: BINGHAM

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): x Emile Gentillon Date: 4/18/89
x Alden Miller Date: 4/18/89

State of Idaho)
County of Benign) ss.

Subscribed and sworn (or affirmed) before me this 18th day

of April 19 89

Jessie M. McMillen
Notary Public

Seal

Residing at Blasford, Neb
My Commission Expires 4/3/91

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO.

Priority: June 27, 1983 Amount: 0.04 CFS 4.7 AFA

This is to certify, that ALDEN MILLER
EMILE GENTILLON

P.O. BOX 27
FIRTH, ID 83236

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated June 27, 1983, and has submitted proof to the Department of Water Resources on March 29, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .040 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 11/01	0.03 CFS	3.5 AFA
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AFA
	Totals	0.04 CFS	4.7 AFA

LOCATION OF POINT OF DIVERSION(S): LOT 8(NWNW), Sec. 25, Township 01S, Range 36E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	36E	25	LOT 8(NWNW)	1		1

Total number of acres irrigated: 1

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Domestic use is for 2 homes.

MICROFILMED

MAR 16 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 27-07375

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 9th
day of MARCH, 1989.

acting for the Director

Norman C. Gung

WATER RIGHT LICENSE

MAR 15 1989