



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

February 28, 2006

Diana Delaney
Case Administrator
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Partial Decree for water right 36-16219

Dear Diana:

An Order of Partial Decree was issued for water right number 36-16219, in the name of Glanbia Foods, on October 31, 2005. Right 36-16219 is a split from right 36-14807, claimed by Marilyn and Vernon Phillips and part of the Summary Judgment group of rights before Special Master Dolan in Basin 36. As you may recall, at issue in the Summary Judgment group was whether the Director of the Idaho Department of Water Resources (IDWR) could include subordination language in the recommendation of the claimants' enlargement claims. A copy of the 2005 partial decree is attached for the court's convenience.

It was recently discovered that a typo in the place of use previously thought corrected by IDWR was partially decreed. Section 25 Range 21E should have been recommended for both the 20 acres in the SENE and the 14 acres in the SENW. Instead acreage in the SENE and SENW of Range 22E was eventually decreed. Attached is a recommendation noting the typo and the correction. Would it be possible for the court to correct this as a clerical mistake under I.R.C.P. 60(a)?

IDWR apologizes for any inconvenience caused by the error. Right 36-16219 was the only right affected in the Summary Judgment group of rights. Should you require further assistance in this matter, please don't hesitate to call me at 208-287-4816.

Sincerely,

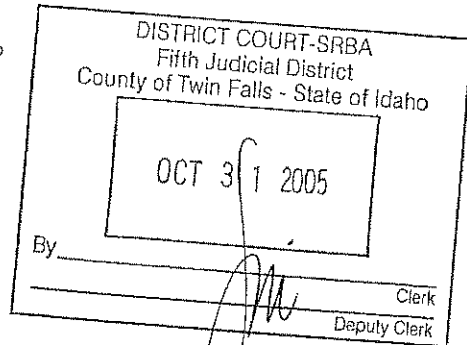
Vicki Kelly,
Paralegal

Enc.

cc: Glanbia Foods
Jason Walker
John Marshall

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-16219



NAME AND ADDRESS: GLANBIA FOODS
1373 FILLMORE ST
TWIN FALLS, ID 83301

SOURCE: GROUNDWATER

QUANTITY: 0.33 CFS
1600.00 AFY

RIGHTS 36-16213, 36-16215, 36-16217 AND 36-16219 ARE LIMITED TO
COMBINED DIVERSION RATE OF 4.92 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1600.0 AF.

PRIORITY DATE: 05/26/1971

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO
SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE
SUPERIOR RIGHT.

POINT OF DIVERSION: T08S R21E S24 NESESW Within Jerome County
NENESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.33 CFS 1600.00 AFY

PLACE OF USE:	Irrigation	Within Jerome County
T08S R21E S24	NESW 40.0	SESW 40.0
	NESE 32.8	NWSE 11.2
S25	NENE 40.0	NWNE 40.0
	SWNE 31.0	NENW 40.0
R22E S25	SENE 20.0	SENW 14.0
S30 LOT 1	(NWNW) 40.0	LOT 2 (SWNW) 35.0
LOT 3	(NWSW) 16.0	
400.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 27.3 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON AND
WHEN COMBINED WITH RIGHTS 36-16213, 36-16215 AND 36-16217 IS
LIMITED TO 400.0 ACRES.

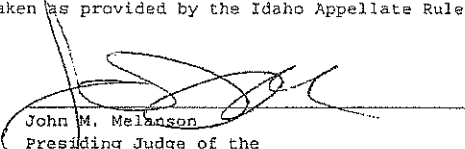
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 36-16213,
AND 36-16215 PURSUANT TO SECTION 42-1426, IDAHO CODE.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

02/17/2006

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

RIGHT NUMBER: 36-16219

NAME AND ADDRESS: GLANBIA FOODS
1373 FILLMORE ST
TWIN FALLS ID 83301

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.330 CFS
1,600.00 AFY

RIGHTS 36-16213, 36-16215, 36-16217 AND 36-16219 ARE LIMITED TO
COMBINED DIVERSION RATE OF 4.92 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1600.0 AF.

PRIORITY DATE: 05/26/1971

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT
DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO
CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS
PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY
RIGHT IS THE SUPERIOR RIGHT.

POINT OF

DIVERSION: T08S R21E S24 NESESW Within JEROME County
T08S R21E S24 NENESE Within JEROME CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.330 CFS 1,600.00 AFY

PLACE OF USE: IRRIGATION Within JEROME County

T08S R21E S24	NESW	40.00	T08S R21E S24	SESW	40.00
T08S R21E S24	NESE	32.80	T08S R21E S24	NWSE	11.20
T08S R21E S25	NENE	40.00	T08S R21E S25	NWNE	40.00
T08S R21E S25	SWNE	31.00	T08S R21E S25	NENW	40.00
T08S ~~R22E~~ R21E S25	SENE	20.00	T08S ~~R22E~~ R21E S25	SENW	14.00
T08S R22E S30 Lot 1 NWNW		40.00	T08S R22E S30 Lot 2 SWNW		35.00
T08S R22E S30 Lot 3 NWSW		16.00			

400 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 27.3 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON AND
WHEN COMBINED WITH RIGHTS 36-16213, 36-16215 AND 36-16217 IS
LIMITED TO 400.0 ACRES.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS.
36-16213 AND 36-16215 PURSUANT TO SECTION 42-1426, IDAHO
CODE.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHTS 36-16212, 36-16213, 36-16214, 36-16215, 36-16216, 36-16217,
36-16218, AND 36-16219 ARE DIVERTED THROUGH POINTS OF DIVERSION
DESCRIBED ABOVE.
THIS RIGHT IS FOR AN ENLARGEMENT OF 27.3 ACRES WITHIN THE PLACE
OF USE DESCRIBED FOR THIS RIGHT.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 36-16123.