



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

April 20, 2006

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

RE: Subcase Nos. 72-10480, 72-10481 & 72-10482 (Gini Ditch Company)

Dear Judge Melanson:

An *Order of Partial Decree* was entered for water right 72-10481 on February 12, 2002. An *Order of Partial Decree for Irrigation Delivery Entity Using Digital Boundary Description*; I.C. §§ 42-202B(2), 42-219(2), 42-1411(2)(h) for water rights 72-10480 and 72-10482 was issued on August 5, 2004.

I do not remember why these rights were not partially decreed together, but an error concerning the place of use has been discovered. The map attached to the partial decrees for water right numbers 72-10480 and 72-10482 was incorrect. The error is clerical in nature. I have attached a memorandum prepared by Steve Clelland, the IDWR agent responsible for the recommendations of these water rights, which describes how the error occurred. I have also attached a copy of the correct digital boundary map that should be attached to the partial decrees.

The partial decree for water right 72-10481 was issued on February 12, 2002. Effective July 1, 2002, the Idaho Legislature approved the use of a Geographic Information System (GIS) for describing the place of use (digital boundary) for water rights meeting certain criteria. See I.C. §§ 42-219(2)(2003) and 42-1411(2)(h)(2003). Accordingly, water right 72-14081 was issued without a digital boundary map, but rather with reference made to the boundary as delineated in the affidavit identifying location of real property filed with the Custer County Recorder on August 8, 2001. The place of use is correct, but it would be more accurately described, and more consistent with water right numbers 72-10480 and 72-10482, by using the digital boundary map that I have attached.

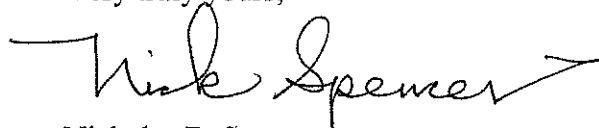
Accordingly, it seems appropriate for the Court to issue amended partial decrees pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure, correcting the error in the

digital boundary for water right number 72-10480 and 72-10482. The Court may also wish to consider whether there is a procedural mechanism available to it for updating the place of use description for water right number 72-10481 by substituting the digital boundary for the existing reference to the recorded affidavit in order to harmonize the place of use descriptions for all three rights.

I am sending a copy of this letter to Kent Foster, the attorney for the claimants. Mr. Foster is aware of the error and has been in contact with IDWR.

If you should have any questions or comments, please feel free to contact me at (208) 287-4813.

Very truly yours,

A handwritten signature in black ink, appearing to read "Nick Spencer", with a long horizontal stroke extending to the right.

Nicholas B. Spencer
Deputy Attorney General, IDWR

Enclosures

cc: Kent W. Foster, Esq.
Steve Clelland

MEMORANDUM

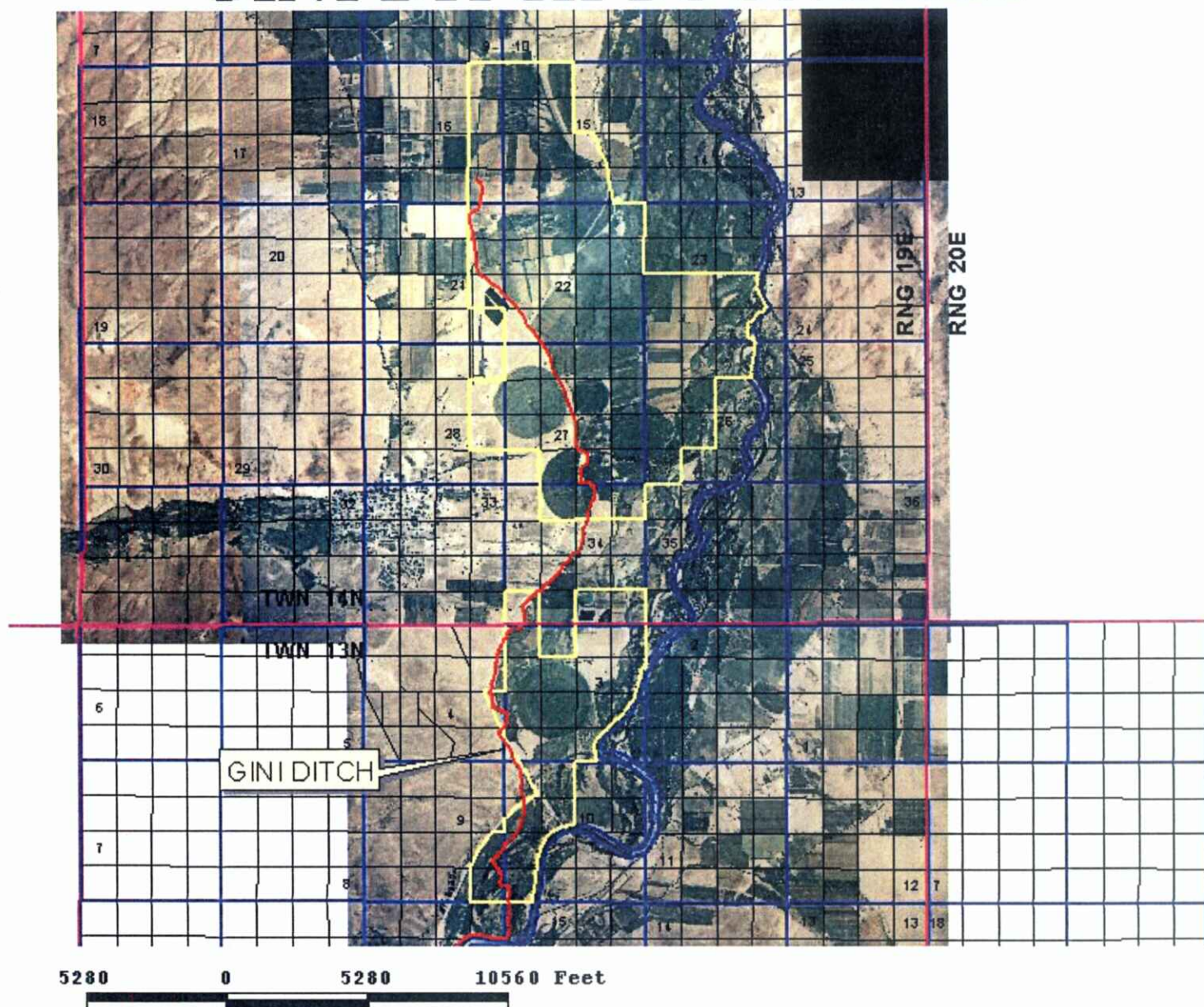
TO: FILE 37-10480, 37-10481 & 37-10482
FROM: STEVE CLELLAND
SUBJECT: CORRECTION OF GIS MAPPING OF POU
DATE: 4/19/2006
CC: NICK SPENCER

On several occasions in 2004, 2005 and now in 2006 I was contacted by Mr. Kent Foster on behalf of the Gini Ditch Co. to correct the map showing the place of use of the irrigation company. It was clear to me from the beginning that the maps submitted to the court were in error but there was not a clear resolution to the problem. The map attached to the court records did not match the SF5 copy I have on my computer, that is the correct version of the map. It appears that since the first contact from Mr. Foster, IDWR has resolved similar errors and was able to guide me in obtaining a fix for this problem now in 2006. I have submitted a correct map to the appropriate staff here in Boise and steps are being taken to forward the correction to the SRBA court.

IDAHO DEPARTMENT OF WATER RESOURCES

72-10480, 72-10481, 72-10482

GINI DITCH BOUNDARY



- RECOMMENDED PLACE OF USE BOUNDARY
- RECOMMENDED POINT OF DIVERSION
- SECTION LINES
- QUARTER-QUARTER LINES
- ~ STREAMS & DITCH CHANNELS
- ~ TOWNSHIP-RANGE LINES

TWN: 13N & 14N
RNG: 19E



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY
BY STEVE CLELLAND

DATE: JULY 17, 2001
REVISED