



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

April 28, 2006

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

RE: Subcase No. 84-07065 (Haight)

Dear Judge Melanson:

A *Partial Decree* was issued for this water right on May 18, 2005. IDWR has discovered that the partial decree contains a clerical error in the place of use element of this water right.

This water right was claimed as licensed for 1 acre of irrigation. Copies of the original *Notice of Claim to a Water Right Acquired Under State Law* and the Water Right License are enclosed. A clerical error occurred when the Department recommended a portion of the place of use in Lot 11 (the SW ¼ of the NE ¼) and reduced the irrigation from 1 acre to 0.7 acres. The land in Lot 11 (SWNE) is owned by another individual with the same last name of the claimant, and should not have been recommended as part of the place of use of this water right. This error came to the Department's attention when a change of ownership was received from the new owner of the claimant's property. The proper place of use for this water right is T33N, R04E, S30, SENE. A revised recommendation for water right 84-7065 showing the place of use elements as they should have been recommended is attached.

The Department has had conversations and corresponded with the water right owner to confirm ownership. I am sending a copy of this letter to Erlene Haight, the claimant, so that she is aware of this error, and to Alvin and Lynda Spets, the new owners of the water right. If you should have any questions or comments, please feel free to contact me at (208) 287-4810.

Very Truly Yours,


Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

cc: Erlene Haight
Alvin & Lynda Spets
Carter Fritschle

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: 39356
Ident. Number: 484-07065
Date Received: _____
Receipt Number: N000809

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUL 25 1988

Department of Water

Please type or print clearly

1. Name of Claimant(s) Erlene E. Haight Phone (208) 935-0631
Mailing Address Box 648 Kamiah ID Zip 83536

2. Date of Priority (Only one (1) per claim) June 26, 1979

3. Source of water supply (a) Groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 33N Range 4E Section 30,
_____ 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Idaho

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well

MICROFILMED

Copies: White-State, Yellow-2, Green-2, Blue-2, 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount .02 or _____

For Domestic purposes from 1-1 to 12-31 amount .08 or _____

For Stockwater purposes from 1-1 to 12-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .12 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) D/2 Homes, 5/20 Head Horses, Cattle, mules

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
33N	4E	30				1													1

Total number of acres irrigated 1

11. In which county (ies) are lands listed above as place of use located? Idaho

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

14. Remarks: Attached copy of Water Right License

Last Name Haight Ident No. ABA-07065

MICROFILMED
Copies: White-State, Yellow-County
APR 25 1993

Scale: 2 inches equals 1 mile

[illegible]

Last Name Haight

Ident No. 484-07065

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Eileen E. Haight Date 7-20-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of LEWIS) SS.

Subscribed and sworn (or affirmed) before me this 20th day of July 19 88

SEAL

Notary Public Rene C. Gilbert

Residing at Kamiah, Idaho

My Commission Expires 3/18/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Haight Ident. Number A84-07065

MICROFILMED
Copies White-State, Yellow-Claimant
APR 25 1993

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Gary D. or Erlene E. Haight

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	at .02 cfs and	3.0 acre feet
Domestic	from January 1 to December 31	at .08 cfs and	2.4 acre feet
(2 units)			
Stockwater	from January 1 to December 31	at .02 cfs and	2 acre feet

(both dates inclusive)

Subject, however, to the condition that no more than .12 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 5.6 acre feet per year, said waters to be diverted within the SENE Sec. 30 T33N R4E in the County of Idaho

[illegible]

Total number of acres irrigated 1

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of August, 1982.

Director

04/28/2006

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

RIGHT NUMBER: 84-7065

NAME AND ADDRESS: ERLENE E HAIGHT
PO BOX 648
KAMIAH ID 83536

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
5.600 AFY

PRIORITY DATE: 06/26/1979

POINT OF DIVERSION:

T33N R04E S30 SENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.020 CFS 3.00 AFY
DOMESTIC	01/01 12/31	0.080 CFS 2.40 AFY
STOCKWATER	01/01 12/31	0.020 CFS 0.20 AFY

PLACE OF USE: IRRIGATION Within IDAHO County

~~T33N R04E S30 Lot 11 SWNE~~ 0.50 T33N R04E S30 SENE 0.2 1.0

STOCKWATER Within IDAHO County

~~T33N R04E S30 Lot 11 SWNE~~ T33N R04E S30 SENE

DOMESTIC Within IDAHO County

~~T33N R04E S30 Lot 11 SWNE~~ T33N R04E S30 SENE

0.7 1.0 ACRES TOTAL

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License