



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

November 15, 2006

Diana Delaney
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707

RE: Partial Decree for water right 37-21596

Dear Diana:

Water rights 37-21596 and 37-21597 were originally claimed in the SRBA under right number 37-639 with a point of diversion (pod) of T 01N R 20E Sec. 30 NWSWSE. Claimants of right 37-639 were Jerry and Janice Cenarrusa. In reviewing claim 37-639, assigned agent Steve Clelland found the pod actually fell in range 21E not 20E, and made his preliminary recommendation accordingly. The preliminary recommendation of the right showed the pod in T 01N R 21E Sec. 30.

Prior to filing the Director's Report for Basin 37 Part 1 Surface Water, right 37-639 was split into rights 37-21596 (Jerry and Janice Cenarrusa) and 37-21597 (Blaine County School District #61). Right 37-21597 was recommended to the court with the updated pod in range 21E. Unfortunately, the pod recommended for right 37-21596 reverted back to the range of 20E. No objections were filed, and the error went undetected. On September 21, 2006, right 37-21596 was partially decreed as recommended.

The Cenarrusas contacted Mr. Clelland recently and pointed out the error. IDWR does concur that the decreed pod of right 37-21596 (T01N R 20E Sec. 30) is incorrect. The pod should be shown as T01N R21E Sec. 30. Would it be possible for the court to correct this as a clerical mistake under I.R.C.P. 60(a)?

A copy of the partial decree of right 37-21596, as well as the partial decree of unaffected right 37-21597, is included for the court's convenience. Should you require

further assistance in this matter, please don't hesitate to call me at 208-287-4816.

Sincerely,

A handwritten signature in black ink, appearing to read "Vicki Kelly". The signature is stylized with a large, looped "V" and a cursive "Kelly".

Vicki Kelly,
Paralegal

Enc.

cc: Janice & Jerry Cenarrusa

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-21596

NAME AND ADDRESS: JANICE M CENARRUSA
JERRY CENARRUSA
4 CIRCLE DR
PO BOX 164
CAREY, ID 83320

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.25 CFS

PRIORITY DATE: 12/01/1881

POINT OF DIVERSION: T01N R20E S30 NWSWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.25 CFS
	Stockwater	04-01 TO 11-01	0.25 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R21E S33	NESE 5.0
	S34	SNNW 40.0
		NESW 20.0
	121.0 Acres Total	
	Stockwater	Within Blaine County
	T01S R21E S34	SENW
		NESW

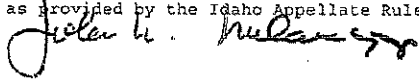
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

CLAIMANT OWNS HALF OF THE ORIGINAL RIGHT. THE OTHER HALF IS
OWNED ESTATE OF SCOTT PECK.

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

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-21597

NAME AND ADDRESS: BLAINE COUNTY SCHOOL
DISTRICT #61
118 W BULLION ST
HAILEY, ID 83333

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.05 CFS

PRIORITY DATE: 12/01/1881

POINT OF DIVERSION: T01N R21E S30 NWSWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.05 CFS

PLACE OF USE: Irrigation Within Blaine County
T01S R21E S34 SESW 11.0
11.0 Acres Total

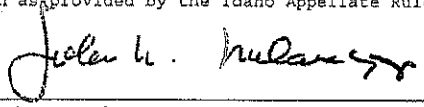
Right Nos. 37-640B and 37-21597 are limited to the irrigation of
a combined total of 11.0 acres in a single irrigation season.

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

PROPERTY IS ALSO KNOWN AS LOTS 1 AND 2 OF CAREY VIEW ESTATES.
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