



DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2007 JUL 23 AM 11 03

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

July 19, 2007

Ms. Diana Delaney
Clerk of the SRBA Court
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: Partial Decree No. 63-15296 (C. H. Haken)

Dear Diana:

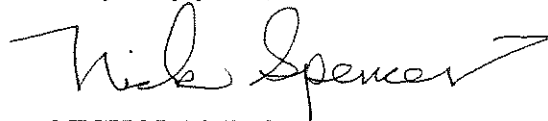
I am writing to notify you of a clerical error contained in the above-referenced partial decree. On the partial decree (copy enclosed) the source is listed as "Mora Canal Tributary: Lake Lowell." On the recommendation filed with the SRBA Court (copy also enclosed) the source is listed as "Indian Creek Tributary: Boise River." The source element listed on the recommendation filed with the SRBA Court is the correct source which IDWR intended to recommend; the source listed on the partial decree is incorrect.

The error occurred because IDWR initially listed the source on the recommendation incorrectly as the Mora Canal. This error, fortunately, was discovered and corrected shortly before the Director's Report for Basin 63, Part 2, was filed with the Court. Unfortunately, however, while the error was corrected on the paper copy of the recommendation, the electronic version of the recommendation contained on the CD of the Director's Report submitted to the Court with the paper copy of the report did not get corrected. When the Court prepared its partial decree of the right it apparently worked from the incorrect electronic version, rather than the correct paper version, of the recommendation. Hence the error in the electronic version of the recommendation got carried over into the partial decree.

This appears to me to be a clerical error which pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure the Court can correct at any time on its own motion. On that basis I would ask the Court to issue a corrected partial decree.

Thank you very much.

Very truly yours,

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

NICHOLAS B. SPENCER
Deputy Attorney General

Enclosures: 2

Cc: C. H. Haken
Albert P. Barker