



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

January 9, 2008

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

RE: Subcase No. 29-7723 (*Big Sky Water Users Association*)

Dear Judge Melanson:

The Director's Report for Basin 29 was filed with the SRBA Court on July 29, 2003. The *Partial Decree* for water right number 29-7723 was issued on March, 22, 2004. Recently, it has been brought to the attention of the Idaho Department of Water Resources ("IDWR") that some conditions were incorrectly recommended by IDWR and consequently went through to partial decree. I am attaching a revised recommendation in underline/strikeout format identifying the clerical errors. The conditions that are struck out are not appropriate for this water right because this water right is based upon a license and not upon a beneficial use claim. Attached is a copy of the license for this water right. The Department respectfully requests that the court consider setting aside the partial decree and decree the water right as described in the attachment.

The claimant is aware of the error. I am also sending a copy of this correspondence to them so that they are aware of this filing.

If you should have any questions, please feel free to contact me at 287-4921.

Sincerely,

Donald V. Shaff
Adjudication Bureau Chief

Enclosure

cc: Big Sky Water Users Assn.

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

RIGHT NUMBER: 29-7723

NAME AND ADDRESS: BIG SKY WATER USERS ASSN C/O JIM FITZGERALD
1880 TRUCKERVILLE RD
POCATELLO ID 83204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.210 CFS
57.7 AFY

~~THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
GALLONS PER DAY.~~

PRIORITY DATE: 06/10/1983

POINT OF
DIVERSION:

T06S R33E S6 SENESE Within POWER County
T06S R33E S6 SWNWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.210 CFS 57.60 AFY
STOCKWATER	11/01 4/01	0.010 CFS 0.10 AFY

Domestic use is for 96 homes.

PLACE OF USE: STOCKWATER in POWER County

T06S R33E S06	NESE	T06S R33E S06	NWSE
T06S R33E S06	SWSE	T06S R33E S06	SESE
<u>DOMESTIC same as STOCKWATER</u>			

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.

~~THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.