



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

January 28, 2008

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

RE: Subcase Nos. 67-550 and 67-634

Dear Judge Melanson:

The Director's Report for Basin 67 was filed with the SRBA Court on December 22, 2006. Since that filing, the Idaho Department of Water Resources ("IDWR") has discovered clerical errors in the recommendations for the aforementioned subcases in Basin 67. These two water rights should include the conditions established by the district court in *Jefferson et al. v. Higgenbotham et al.* (Washington County, June 3, 1921). The conditions were included on the other water rights from Mann Creek decreed in the *Jefferson et al. v. Higgenbotham et al.* decree, but were mistakenly left off these two rights. While reviewing these water rights, IDWR also realized that it incorrectly recommended the season of use on water right no. 67-634 and included conditions that were not applicable to this water right. The correct season of use is 3/1 to 11/15. I have attached hereto a copy of a revised recommendation in underline/strikeout format to illustrate the clerical errors contained within the original recommendations.

I am also sending a copy of this correspondence to the claimants so that they are aware of this issue.

If you should have any questions, please feel free to contact me at 287-4811.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Baxter', written over the printed name.

Garrick L. Baxter
Deputy Attorney General, IDWR

Enclosures

cc: Dwight Maddox
Monroe Creek Irrigation District
Special Master Booth

01/29/2008

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

RIGHT NUMBER: 67-550

NAME AND ADDRESS: DWIGHT MADDOX
1040 LOWER CRANE CREEK RD
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.150 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.

PRIORITY DATE: 06/01/1906

This right is a Primary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, irrespective of priority, is senior to all other rights that have not been identified as a Primary Right on Mann Creek.

POINT OF DIVERSION:

T13N R05W S22 SENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.150 CFS
STOCKWATER	01/01 12/31	0.200 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T13N R05W S22 NESE 5.00 T13N R05W S22 SESE 2.50

STOCKWATER same as IRRIGATION

7.5 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

01/29/2008

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

RIGHT NUMBER: 67-634

NAME AND ADDRESS: MONROE CREEK IRRIGATION DIST
C/O GEORGE L CHANDLER
1116 HWY 95
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 12.000 CFS

This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.

PRIORITY DATE: 04/01/1915

This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate only to all rights identified as Primary Rights on Mann Creek.

POINT OF DIVERSION:

T12N R05W S12 SWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/1 3/15 11/15	12.000 CFS

~~The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.~~

PLACE OF USE:

753 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

~~THIS IS A SECONDARY RIGHT. - 8.4 CFS FLOOD WATER RIGHT IS
12.0000 CFS.
WATER CARRIED IN THE LOLLEY DITCH.
STORAGE IS BARTON RESERVOIR.~~

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 - Decreed
Water is delivered through Lolley Ditch.