



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

March 4, 2008

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

*RE: Subcase No. 57-181 (Hultet Farms Management Co.)*

Dear Judge Melanson:

An *Order of Partial Decree* was entered for this water right on September 10, 2001 ("Partial Decree"). Recently, it has come to the attention of the Idaho Department of Water Resources ("IDWR") that the Partial Decree contains a clerical error.

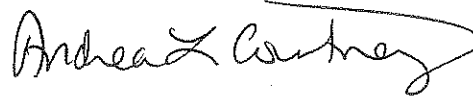
The parties executed a Standard Form 5 ("SF5") and filed it with the SRBA Court on February 2, 1998. The SF5 (attached hereto) contained changes in the quantity, added combined diversion and use limits and added additional points of diversion in the explanatory material. The attached *Special Master's Report, Findings of Fact and Conclusions of Law* ("Special Master's Report") for this water right was issued on March 25, 1998. The Special Master's Report recommended that this water right move forward to partial decree as described in the SF5. The Partial Decree subsequently entered for this water right reflected IDWR's initial recommendation and not the changes illustrated by the SF5 and Special Master's Report.

Accordingly, IDWR respectfully requests the Court issue an amended partial decree, pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure, correcting the error in the Partial Decree.

I am sending a copy of this letter to Daniel Steenson, the attorney for the claimant and objector in this subcase, so that he is aware of this clerical error.

If you should have any questions, please contact me at (208) 287-4810.

Sincerely,

A handwritten signature in black ink, reading "Andrea L. Courtney". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Andrea L. Courtney  
Deputy Attorney General, IDWR

Enclosures

cc: Daniel Steenson  
Sandy Egbert

RECEIVED

FEB 02 1998

Department of Water Resources  
Adjudication BureauIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase 57-00181

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A  
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

David Atkinson 1-30-98  
Objector/Claimant date

Rebecca Brown 1-30-98  
IDWR Concurrence date

\_\_\_\_\_  
Objector/Claimant date

R. M. Muel 1-26-98  
Attorney for IDWR date

STANDARD FORM 5

- Fax filed w/ Ct by Stenson 1-30-98  
- Confirm receipt w/ Ct on 2-2-98

PAGE 1

J5856KP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-21-1998  
PAGE: A-1

RIGHTS FROM: SOURCE: SINKER CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 57-00181

NAME AND ADDRESS: HULET FARM MANAGEMENT CO  
C/O JAY HULET  
MC 79 BOX 2020  
MURPHY ID 83650

SOURCE: SINKER CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 80.1 CFS  
34.8 EFS

USE OF THIS RIGHT WITH RIGHT NOS. 57-00179 AND 57-001808  
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 80.1 CFS.

PRIORITY DATE: 12/26/1906

POINT OF DIVERSION: T04S R02W S11 SENW Within Owyhee County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY |
|----------------------------|----------------|-------------------|----------|
| IRRIGATION                 |                | Irrigation Season | 80.1 CFS |
|                            |                | 8/1/93 11/1/93    | 34.8 EFS |

| PLACE OF USE: | IRRIGATION | Within Owyhee County |         |         |         |
|---------------|------------|----------------------|---------|---------|---------|
| T03S R01W S02 | S02        | SUNE 13              | SUNW 27 | NWSW 40 | NWSE 21 |
|               | S03        | SUNW 40              | NWSW 40 | SWSW 40 | NESE 40 |
|               |            | NWSE 40              | SWSE 40 | SESE 40 |         |
|               |            | SUNE 40              | SENE 40 | SUNW 40 | SEHW 40 |
|               | S04        | NESW 40              | NWSW 40 | SWSW 40 | SESW 40 |
|               |            | NESE 40              | NWSE 40 | SUSE 30 | SESE 40 |
|               |            | SENE 40              | NESE 40 | SESE 40 |         |
|               | S05        | SENE 40              | NESE 40 | SESE 40 |         |
|               |            | SESW 40              | NESE 40 | NWSE 40 | SWSE 40 |
|               |            | SESE 40              |         |         |         |
| S08           | NENE 35    | NWNE 40              | SWNE 40 | SENE 35 |         |
|               | NENW 40    | NWNW 40              | SUNW 40 | SEHW 40 |         |
|               | NESW 40    | NWSW 40              | SWSW 40 | SESW 40 |         |
|               | NESE 35    | NWSE 40              | SWSE 40 | SESE 35 |         |
|               | NENE 40    | NWNE 40              | SWNE 40 | SENE 40 |         |
| S09           | NENW 40    | NWNW 40              | SUNW 40 | SEHW 40 |         |
|               | NESW 40    | NWSW 40              | SWSW 40 | SESW 40 |         |
|               | NESE 40    | NWSE 40              | SWSE 40 | SESE 40 |         |
|               | NENE 35    | NWNE 35              | SWNE 40 | SENE 40 |         |
| S10           | NENW 37    | NWNW 40              | SWNW 40 | SEHW 40 |         |

IFS - 57-00181

RB

J5856WP

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

DATE: JAN-21-1998

PAGE: A-2

7-00181 (CONT.)

|     |         |         |         |         |
|-----|---------|---------|---------|---------|
|     | NESW 40 | NWSW 40 | SWSW 40 | SESW 40 |
|     | NESE 40 | NUSE 40 | SWSE 40 | SESE 40 |
| 511 | NENW 40 | NWNW 40 | SWNW 40 | SENW 40 |
|     | NESW 40 | NWSW 40 |         |         |
| 515 | NWNE 34 | NENW 40 | NWNW 30 |         |
| 517 | NENE 40 | NWNE 40 | SWNE 40 | SENE 40 |
|     | NENW 40 | NWNW 35 | SWNW 40 | SENW 40 |
|     | NESW 40 | NWSW 40 | SWSW 40 | SESW 40 |
|     | NUSE 40 | SWSE 40 |         |         |
| 518 | NENE 40 | NWNE 40 | SWNE 40 | SENE 40 |
|     | NENW 40 | SENW 40 | NESW 40 | NESE 40 |
|     | NUSE 40 | SWSE 40 | SESE 40 |         |
| 519 | NENE 35 | NWNE 25 |         |         |
| 520 | NENW 40 | NWNW 40 |         |         |

4537 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-00179, 57-00180B AND 57-07152 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4537 ACRES IN A SINGLE IRRIGATION SEASON.

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

USE OF THIS RIGHT WITH RIGHT NOS. 57-00179, 57-00180B AND 57-07152 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 33,079/3 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 4537 ACRES IN A SINGLE IRRIGATION SEASON. WATER IS DELIVERED THROUGH MURPHY BUTWAY CANALS. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00179, 57-00180B AND 57-07152. RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS RIGHT AND THE BASIN 02 RIGHTS.

EXPLANATORY MATERIAL:

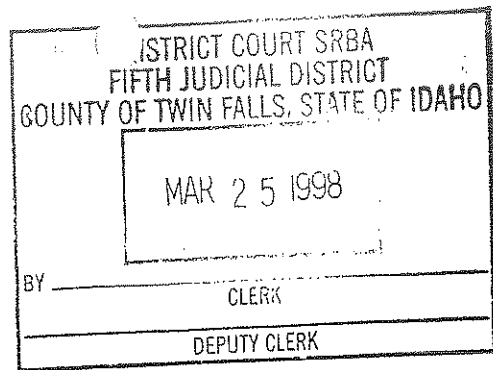
BASIS OF CLAIM - DECREE

THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE §2/161611.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION §2/1623, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00179, 57-00180B AND 57-07152.

175 - 57-00181



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     | ) | SPECIAL MASTER'S REPORT  |
|                | ) |                          |
| Case No. 39576 | ) | FINDINGS OF FACT AND     |
|                | ) | CONCLUSIONS OF LAW       |
|                | ) |                          |
|                | ) | FOR WATER RIGHT 57-00181 |
| _____          | ) |                          |

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

☐ There were no objections to this water right; however, this water right is used in combination with a water right which is the subject of an objection.

☒ All objections to this water right were resolved by stipulation of the parties at hearing or with a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

☐ All objections to this water right were resolved at trial. The court made oral Findings of Fact and Conclusions of Law at the trial. The oral Findings of Fact and Conclusions of Law are incorporated here by reference.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 57-00181*.

DATED: MAR 25 1998

  
\_\_\_\_\_  
Special Master  
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 )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 57-00181

DISTRICT COURT SRBA  
FIFTH JUDICIAL DISTRICT  
COUNTY OF TWIN FALLS, STATE OF IDAHO

MAR 25 1998

BY \_\_\_\_\_ CLERK  
DEPUTY CLERK

NAME & ADDRESS: MULET FARM MANAGEMENT CO  
C/O JAY MULET  
HC 79 BOX 2020  
MURPHY ID 83650

SOURCE: SINKER CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 80.1 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 57-00179 AND 57-001808  
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 80.1 CFS.

PRIORITY DATE: 12/26/1906

POINT OF DIVERSION: T04S R02W S11 SENW Within Owyhee County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION Irrigation Season 80.1 CFS

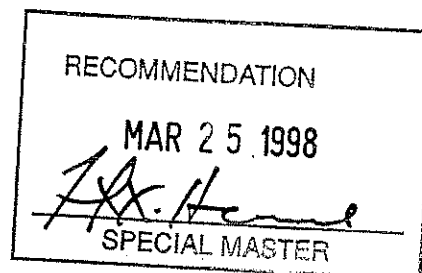
| PLACE OF USE: | IRRIGATION       | Within Owyhee County |         |         |         |
|---------------|------------------|----------------------|---------|---------|---------|
|               | T03S R01W S02    | SWNE 13              | SWNW 27 | NWSW 40 | NWSE 21 |
|               | S03              | SWNW 40              | NWSW 40 | SWSW 40 | NESE 40 |
|               |                  | NWSE 40              | SWSE 40 | SESE 40 |         |
|               | S04              | SWNE 40              | SENE 40 | SWNW 40 | SENE 40 |
|               |                  | NESW 40              | NWSW 40 | SWSW 40 | SESE 40 |
|               |                  | NESE 40              | NWSE 40 | SWSE 30 | SESE 40 |
|               | S05              | SENE 40              | NESE 40 | SESE 40 |         |
|               | S07              | SESW 40              | NESE 40 | NWSE 40 | SWSE 40 |
|               |                  | SESE 40              |         |         |         |
|               | S08              | NENE 35              | NWNE 40 | SWNE 40 | SENE 35 |
|               |                  | NENW 40              | NWNW 40 | SWNW 40 | SENE 40 |
|               |                  | NESW 40              | NWSW 40 | SWSW 40 | SESE 40 |
|               |                  | NESE 33              | NWSE 40 | SWSE 40 | SESE 35 |
|               | S09              | NENE 40              | NWNE 40 | SWNE 40 | SENE 40 |
|               |                  | NENW 40              | NWNW 40 | SWNW 40 | SENE 40 |
|               |                  | NESW 40              | NWSW 40 | SWSW 40 | SESE 40 |
|               |                  | NESE 40              | NWSE 40 | SWSE 40 | SESE 40 |
|               | S10              | NENE 35              | NWNE 35 | SWNE 40 | SENE 40 |
|               |                  | NENW 37              | NWNW 40 | SWNW 40 | SENE 40 |
|               |                  | NESW 40              | NWSW 40 | SWSW 40 | SESE 40 |
|               |                  | NESE 40              | NWSE 40 | SWSE 40 | SESE 40 |
|               | S11              | NENW 40              | NWNW 40 | SWNW 40 | SENE 40 |
|               |                  | NESW 40              | NWSW 40 |         |         |
|               | S15              | NWNE 34              | NENW 40 | NWNW 30 |         |
|               | S17              | NENE 40              | NWNE 40 | SWNE 40 | SENE 40 |
|               |                  | NENW 40              | NWNW 35 | SWNW 40 | SENE 40 |
|               |                  | NESW 40              | NWSW 40 | SWSW 40 | SESE 40 |
|               |                  | NWSE 40              | SWSE 40 |         |         |
|               | S18              | NENE 40              | NWNE 40 | SWNE 40 | SENE 40 |
|               |                  | NENW 40              | SENE 40 | NESW 40 | NESE 40 |
|               |                  | NWSE 40              | SWSE 40 |         |         |
|               | S19              | NENE 35              | NWNE 25 |         |         |
|               | S20              | NENW 40              | NWNW 40 |         |         |
|               | 4537 ACRES TOTAL |                      |         |         |         |

USE OF THIS RIGHT WITH RIGHT NOS. 57-00179, 57-001808 AND  
57-07152 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4537  
ACRES IN A SINGLE IRRIGATION SEASON.

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.

DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication



1998 MAR 27 AM 11:39

FILED  
TWIN FALLS CO., IDAHO

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 )

Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 57-00181

CERTIFICATE OF MAILING

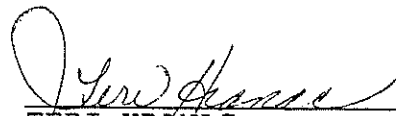
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 27, 1998, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

HULET FARM MANAGEMENT CO

Represented by:

DANIEL V. STEENSON  
599 W BANNOCK ST  
PO BOX 2773  
BOISE, ID 83701-2773  
Phone: 208-342-4591

  
TERI HRANAC  
Deputy Clerk

CERTIFICATE OF MAILING

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03/27/98