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March 11, 2008

RECEIVED

MAR 13 2008

DEPARTMENT OF
WATER RESOURCES

Chris Bromley
Andrea Courtney
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Typographical Error in Partial Decree for Water Right No. 74-457.

Dear Chris and Andrea:

In the course of my review of some water rights for Eagle Valley Ranch, LLC, I discovered what I believe is a typographical error in one of the conditions listed for Water Right No. 74-457. The condition reads "Use of this right with right numbers 74-185 and 74-486 is limited to the irrigation of a combined total of 185.7 acres in a single irrigation season". I have searched the IDWR database for a water right with the number 74-486, and such a right does not exist. A copy of my search results is enclosed with this letter. Based upon my review of Water Right No. 74-186, it seems quite clear to me that the reference to 74-486 should be 74-186. In support of this position, I have enclosed the Order of Partial Decree for Water Right Nos. 74-185, 74-186, and 74-457. Because these rights have been grouped, and are grouped as to their place of use, I think this is certainly a typographical error.

I am not exactly sure what is the best procedure to fix this error. I do know that in another matter I worked on in the Portneuf Basin (Water Right No. 29-170), Chris sent a letter to Judge Melanson asking the Court to fix the error. It seems that the error as to 74-457 could be handled similarly. However, if not, I would appreciate any suggestions you might have in order to fix this error as quickly and as efficiently as possible. Please let me know how to best resolve this issue. If you have any questions, please let me know.

Sincerely,

Robert L. Harris

HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

c: Scott Eskelson

NOV 09 2007
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV - 8 2017

By _____ Clerk
_____ Deputy Clerk

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREES

**WATER RIGHT NOS.: 74-00185,
74-00186 and 74-00457**

On July 19, 2007, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED Nov. 7, 2007

~~JOHN M. MELANSON~~
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREES

COPY

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 74-00457

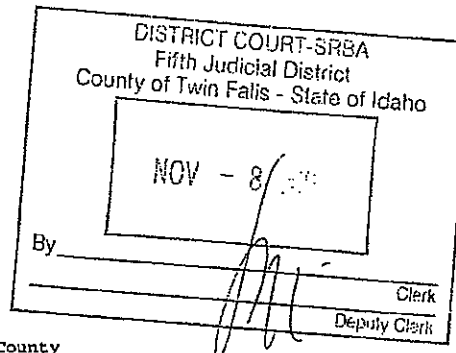
NAME AND ADDRESS: EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467

SOURCE: BOHANNON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.54 CFS

PRIORITY DATE: 06/01/1967

POINT OF DIVERSION: T21N R23E S28 SENESW Within Lemhi County



PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.54 CFS

PLACE OF USE: Irrigation Within Lemhi County
T21N R23E S28 NESW 5.0
SWSE 7.0
27.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NOS. 74-185 AND ~~74-186~~ IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 185.7 ACRES IN A SINGLE
IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 74-185 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 153.7 ACRES IN
A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO.
74-186 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 58.0
ACRES IN A SINGLE IRRIGATION SEASON.
This right authorizes the irrigation of 26.7 total acres.

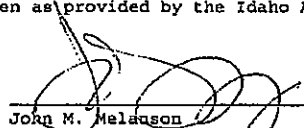
*ERROR:
SHOULD BE
74-186*

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. 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

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below.

☐ Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

☒ All SRBA & Water Rights

SRBA

- ☐ Claims
☐ Recommendations
☐ Both

Water Rights

- ☐ Applications
☐ Permits
☐ Decrees, Licenses and Statutory Claims
☐ Transfers
☐ All of the above

Basin

Who

What

When

Where

Clear

Search

Help

Query parameters:

basinFrom = 74

sequenceNumberFrom = 486

Search for: active Records

Number of records = 0