



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

April 2, 2008

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

Re: 78-12313 (Browns Industries)

Dear Diana:

Idaho Department of Water Resources has been notified by the claimant of this right that there is a clerical error in the recommendation of it. The recommendation lists three of its four points of diversion correctly as being in Adams County; it lists the fourth point of diversion incorrectly as being in Ada County.

The recommendation was reported in the late claims report that was filed just last month. The objection deadline has not yet expired and the uncontested hearing has not yet been held. Therefore at this early juncture the error ought to be easily correctable by simply substituting a corrected recommendation.

A corrected recommendation is enclosed. If you would substitute it for the incorrect recommendation I would very much appreciate it.

Thank you very much.

Sincerely,

A handwritten signature in black ink that reads "Nick Spencer". The signature is stylized with a large, sweeping "N" and a long, horizontal stroke at the end.

Nicholas B. Spencer
Deputy Attorney General
Idaho Department of Water Resources

Enclosure

cc: Roxanne Brown

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

RIGHT NUMBER: 78-12313

NAME AND ADDRESS: BROWNS INDUSTRIES INC
101 S CAPITOL BLVD STE 305
BOISE ID 83702

SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 1.030 CFS

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

PRIORITY DATE: 04/10/1907

POINT OF
DIVERSION:

T20N	R01E	S2	SWSE	Within ADAMS County
T20N	R01E	S11	NWNE	Within ADAMS County
T20N	R01E	S11	NENW	Within ADAMS County
T20N	R01E	S11	NWNW	Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.030 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T20N R01E S02	SESW	2.00	T20N R01E S10	NENE	0.50
T20N R01E S11	NWNE	1.80	T20N R01E S11	NENW	15.00
T20N R01E S11	NWNW	13.00	T20N R01E S11	SWNW	19.00

STOCKWATER same as IRRIGATION

51.3 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 - Beneficial Use

Unnamed stream is also known as Merritt Creek.