



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 16, 2008

Honorable John Melanson
SRBA District Court
PO Box 2707
Twin Falls, ID 83303-2707

Re: Snake River Basin Adjudication (SRBA)
Partial Decree 3-10215

Dear Judge Melanson,

Water Resource staff were processing partial decrees for the water rights from Basin 03 and discovered an error originating in the recommendation submitted for water right 3-10215 in the director's report. IDWR suggests setting aside the partial decree and allowing the director to submit an amended director's report to the Court to correct this error.

This water right and two others were split as a result of a change in ownership from the claim for water right 3-4006 by Skyway Enterprises, Incorporated in 1989 for 1.38 cfs to irrigate 69 acres. Water rights 3-10214, 3-10215, and 3-10216 were created from the split of 3-4006. Water right 3-10214 had 0.96 cfs to irrigate 48 acres, but was subsequently split into seven (7) more parts that were recommended and eventually decreed by the Court. Water Right 3-10216 was recommended for 0.12 cfs to irrigate six (6) acres also without objection decreed by the Court.

While the number of acres irrigated for 3-10215 was correctly proportioned and recommended at 15 acres, IDWR failed to recommend the proportional and remaining part of the water at 0.30 cfs. Instead the Department errantly recommended 1.38 cfs, or the full amount of 3-4006. IDWR looks to IRCP 60 and respectfully requests that the Court review this water right further.

Sincerely,

Donald V. Shaff, MPA
Adjudication Bureau Chief

C: Skyway Enterprises Inc.
Kevin Kirkman