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JUL 30 2008

DEPARTMENT OF WATER RESOURCES

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_  
2008 JUL 25 AM 11 54

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	)	Subcase No. 37-20355
	)	
Case No. 39576	)	
	)	
_____	)	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

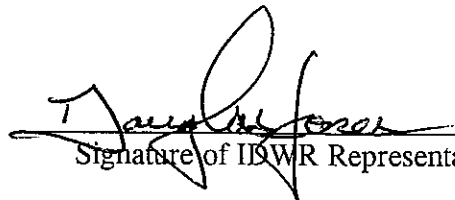
IDWR has completed the following Administrative proceedings: **SUBSTITUTION OF PARTY CLERICAL ERROR CORRECTION**

Does the change in "ownership" result in a splitting of the water right claimed? Yes No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 7/25/08

  
\_\_\_\_\_  
Signature of IDWR Representative

**CERTIFICATE OF MAILING**

I certify that on 7/25, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls ID 83303-2707

2. Copies to:


Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

United States Dept Of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

Thomas Broderick  
Lisa Broderick  
PO Box 3735  
Hailey ID 83333

Thomas Hanson  
Sallie Hanson  
PO Box 1844  
Hailey ID 83333

Martin Flannes  
Flannes Law PLLC  
PO Box 1090  
Hailey ID 83333

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

07/22/2008

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

RIGHT NUMBER: 37-20355  
NAME AND ADDRESS: LISA M BRÖDERICK  
PO BOX 3735  
HAILEY ID 83333  
THOMAS W BRÖDERICK  
PO BOX 3735  
HAILEY ID 83333

SOURCE: BIG WOOD RIVER . . . . . TRIBUTARY: MALAD RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:  
T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 11/15	0.070 CFS

PLACE OF USE: IRRIGATION in BLAINE County  
T02N R18E S04      NWNE      3.50  
3.5 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

~~Property is also known as Lot 2, Blk 2, Buckhorn Sub #3.~~  
Property is also known as Lot 1, Blk 1, Buckhorn Sub #3.



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380  
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

July 23, 2008

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

*RE: Subcase No. 37-20355 (Broderick – formerly Hanson)*

Dear Judge Melanson:

The Idaho Department of Water Resources ("IDWR") filed the Director's Report for Basin 37, Part 3 with the SRBA Court on February 21, 2007. Since that filing, IDWR has discovered a clerical error in the recommendation for this water right. Specifically, the Lot and Block for the property of the water right was reported incorrectly. This clerical error came to light during processing of an ownership change conveying the property from the Hansons to the Brodericks. Attached is a letter from the Brodericks' attorney outlining the issue and requesting the change. IDWR concurs with the conclusions in the letter and confirm that this change will in no way compromise the water right appurtenances of the owners of Lot 2 Block 2 (water rights 37-20351 and 37-20352 which are siblings of the same priorities).

Accordingly, attached hereto is the revised recommendation showing the proposed corrections in underline/strikeout format and a Notice of Completed Administrative Proceeding – Substitution of Party for this right and right number 37-20354. To date, this subcase is uncontested.

I am also sending a copy of this correspondence to the claimant and their attorney to alert him of the progress for the resolution of this issue.

If you should have any questions, please feel free to contact me at 736-3033.

Sincerely,

Douglas R Jones  
Technical Engineer

Enclosure

cc: Martin Flannes, Lisa & Thomas Broderick

MARTIN A. FLANNES  
Attorney At Law  
P.O. Box 1090  
Hailey, Idaho 83333  
Telephone 208-788-1315 Fax 208-788-1316  
Licensed in Idaho and California

[martin@flannes.net](mailto:martin@flannes.net)

March 6, 2008

By email to [doug.jones@idwr.idaho.gov](mailto:doug.jones@idwr.idaho.gov)

Doug Jones  
IDWR Southern Regional Office  
Twin Falls

Re: Thomas and Lisa Broderick  
Water Right Nos. 37-20354 and 37-20355  
Request for an Amended Report for 37-20355

Dear Doug:

Thank you for your time this afternoon to discuss a possible amended report on Water Right 37-20355 to correct what appears to be a clerical error in a reference to a subdivision lot.

Pursuant to our conversation, I will set forth the basic facts that we discussed and attach a few relevant documents for your ease of reference.

Background

My clients, Thomas and Lisa Broderick, are the owners of a 3.54 acre lot at 206 Red Devil Drive in the unincorporated portion of Blaine County (Lot 1 of Block 1, Buckhorn Subdivision No. 3 1989 Plat) ("Lot 1"). The Brodericks also own Water Right Nos. 37-20354 and 37-20355 with a Place of Use on Lot 1. The Brodericks purchased Lot 1 from Thomas and Sallie Hanson (the "Hansons") on May 18, 2007.

Prior to the acquisition of Lot 1 by the Brodericks, the Hansons returned a Notice of Error Reply dated 12-20-06 relating to 37-20355 (0.07 CFS) indicating that they agreed the proposed recommendation. Unfortunately, there was a minor typographical error in Condition of Approval No. 2, which read "Property is also known as Lot 2, Blk 2, Buckhorn Sub #3." The **bold and underscored** portion is in error. The correct subdivision lot reference for the property relating to the Place of Use of 37-20355 is actually Lot 1, Block 1. The incorrect Lot 2, Blk 2 reference actually refers to a neighbor's property located at 198 Red Devil Drive ("Neighbor's Lot 2").

Doug Jones  
 IDWR Southern Regional Office  
 Re: Thomas and Lisa Broderick  
 Water Right Nos. 37-20354 and 37-20355  
 Request for an Amended Report for 37-20355  
 March 6, 2008  
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Request for an Amended Report on 37-20355

Pursuant to our telephone conversation, my clients request that the Department administratively correct Condition of Approval 2 for 37-20355 to read "Property is also known as Lot 1, Block 1, Buckhorn Subdivision No. 3" so that it is identical to Condition of Approval 2 for 37-20354 based on the following:

**1. Previous Attempt to Correct in May 2007**

On May 23, 2007, the Brodericks attempted to correct this clerical error (See, attached letter to the Twin Falls Office). However, apparently because the letter also contained a Notice of change of Water Right Ownership, staff did not focus on the request to correct the clerical error and returned my clients \$50.00 check (See, attached June 13, 2007 letter).

**2. Same ratio of Hiawatha Canal Water Rights**

Both of the lots in question are in the same subdivision (See, the attached Buckhorn Subdivision No. 3 Plat from 1989). Each lot was allocated a portion of an 1883 right and of an 1886 right from the Hiawatha Canal in the same proportions relative the respective lot acreages.

Lot	Acreage	1883	CFS/acre	1886	CFS/acre
Brodericks		37-20355		37-20354	
Lot 1, Block 1	3.54	0.070 CFS	0.0198	0.21 CFS	0.0593
Neighbor		37-20352		37-20351	
Lot 2, Block 2	3.16	0.063 CFS	0.0199	0.189 CFS	0.0598

**3. The Lot Sizes Confirm the Clerical Error**

The acreage references in all four relevant Adjudication Recommended Right Reports set forth acreages consistent with the 1989 Plat.

The Adjudication Recommended Right Reports for my clients' water rights (37-20354 and 37-20355) each describe the lot size as 3.5 acres, which is consistent with the acreage stated on the 1989 Plat of 3.54 acres.

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Doug Jones  
IDWR Southern Regional Office  
Re: Thomas and Lisa Broderick  
Water Right Nos. 37-20354 and 37-20355  
Request for an Amended Report for 37-20355  
March 6, 2008  
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on the 1989 Plat of 3.54 acres.

The Adjudication Recommended Right Reports for their neighbor's water rights (37-20351 and 37-20352) each describe the lot size as 3 acres, which is consistent with the acreage stated on the 1989 Plat of 3.16 acres.

**4. The Quarter-Quarter Section References Are Accurate and Describe Different Lots**

The Quarter-Quarter Section references in all four relevant Adjudication Recommended Right Reports set forth the correct quarter-quarter sections of the respective Places of Use. Please note that my clients' Lot 1 is completely in NWNE; whereas, the Neighbors Lot 2 is partially in NWNE and in NENW. (See attached Blaine County GIS Parcel Map).

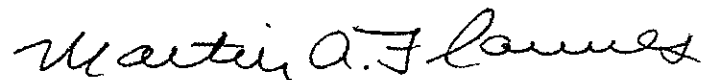
The Adjudication Recommended Right Reports for my clients' water rights (37-20354 and 37-20355) each state the Place of Use as the NWNE quarter section of 02N 18E Section 4.

The Adjudication Recommended Right Reports for their neighbor's water rights (37-20351 and 37-20352) each state the Place of Use as the NWNE quarter section (for 2 of the 3 acres) and the NENW quarter section (for 1 of the 3 acres) of 02N 18E Section 4.

Please confirm whether the Department will be able to make this administrative correction through an amended report.

Please contact me with any questions or if you require additional information. Thank you.

Very Truly Yours,



Martin A. Flannes

**Attachments:**

1. 5-23-07 letter to IDWR
2. 6-13-07 letter to the Brodericks
3. Buckhorn Subdivision No. 3 Plat from 1989
4. Blaine County GIS Parcel Map with relevant quarter-quarter sections

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