



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 7, 2008

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

RE: Subcase Nos. 22-13130 & 22-13131 (City of Rexburg)

Dear Judge Melanson:

A *Partial Decree Pursuant to I.R.C.P. 54(b)* was issued for each of these water rights on January 5, 2007, copies of which are attached hereto. These water rights were reported in the *Director's Report for Basin 22, Part 1, Groundwater for Irrigation and Other Uses*, which was filed with the SRBA Court on February 27, 2006.

The Department has recently discovered a clerical error in the Partial Decrees for these municipal water rights. The place of use descriptions were erroneously reported without the proper municipal condition. Revised recommendations illustrating the correction to the place of use description in underline/strikeout format are enclosed.

Accordingly, it appears appropriate for the Court to set aside the partial decrees pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure, and these partial decrees should be amended as described in the attached revised recommendations.

I am sending a copy of this letter to the claimant, so that it is aware of this issue. There were no objections filed in either of these subcases, thus there are no additional parties to inform.

If you should have any questions or comments, please feel free to contact me at (208) 287-4921

Sincerely,

Donald V. Shaff
Adjudication Bureau Chief

Enclosures

cc: City of Rexburg
Ray Rigby

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13130

NAME AND ADDRESS: CITY OF REXBURG
PO BOX 280
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.220 CFS
38.15 AFY

PRIORITY DATE: 03/28/1967

POINT OF
DIVERSION:

T06N R40E S20 SESWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

04/01 10/31

0.220 CFS

38.15 AFY

PLACE OF USE:

~~MUNICIPAL~~

~~Within Madison County~~

~~T06N 40E 20 SWSW SESW~~

Place of use is within the service area of the City of Rexburg municipal water supply system as provided for under Idaho Law.

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 - Beneficial Use

A total of 10.9 acres are irrigated with this right within the boundaries of Smith Park.

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13131

NAME AND ADDRESS: CITY OF REXBURG
PO BOX 280
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.240 CFS
219.48 AFY

PRIORITY DATE: 06/01/1959

POINT OF
DIVERSION:

T06N R39E S24 SENWSE Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

04/01 10/31

1.240 CFS
219.48 AFY

PLACE OF USE:

~~MUNICIPAL~~

~~Within Madison County~~

~~T06N R39E S24~~

~~SWNE~~

~~SENE~~

~~NESE~~

~~NWSE~~

~~SWSE~~

Place of use is within the service area of the City of Rexburg municipal water supply system as provided for under Idaho Law.

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 - Beneficial Use

A total of 62 acres are irrigated with this right within the boundaries of the municipal golf course.