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APR 01 2009

DEPARTMENT OF
WATER RESOURCES

Law Offices

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March 30, 2009

Snake River Basin Adjudication
Judge Melanson
P.O. Box 2707
Twin Falls, ID 83303

Re: Water Right 75-4041

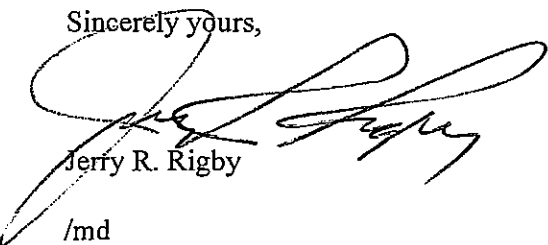
Dear Judge Melanson:

As you may or may not be aware, I represent the Gibbonsville Improvement Association and most of its individual members in the above entitled right. It has come to our attention that there has been a clerical mistake in the above entitled right. Although the right was properly claimed with TWO points of diversion (see attached copy of Claim); with all field notes and BAK files acknowledging the two points of diversion; with all maps evidencing the two points of diversion; and finally with no objections being made against the rights; the partial decree which was entered on November 17, 2008 (before I was involved) was nevertheless granted with only ONE point of diversion (see attached Partial Decree).

Obviously, I could file a 60(b) motion and will do so if you require the same. However, because it appears to be so clear that it was just a clerical mistake, I was wondering if the Court, on its own could correct the mistake. I am writing to you for guidance as to how to handle this procedurally. I have contacted Chris Bromley at IDWR in Boise and he confirms that a clerical error has been made.

Thank you in advance for your help and clarification in this matter.

Sincerely yours,


Jerry R. Rigby

/md

Enclosures

Cc: Sue Usher

Chris Bromley

FAWP6\SB\GIBBONS.LT2

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-04041

NAME AND ADDRESS: GIBBONSVILLE IMPROVEMENT ASSN
C/O EARL KEATING
40 GIBBONSVILLE RD
GIBBONSVILLE, ID 83463

SOURCE: ANDERSON CREEK TRIBUTARY: DAHLONEGA CREEK

QUANTITY: 0.58 CFS

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

PRIORITY DATE: 10/09/1901

POINT OF DIVERSION: T26N R21E S25 SENW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 10-31	0.40 CFS
	Domestic	01-01 TO 12-31	0.18 CFS

PLACE OF USE: Irrigation Within Lemhi County
T26N R21E S25 NESW 9.0 SWSW 2.0
SESW 9.0
20.0 Acres Total
Domestic Within Lemhi County
Same as Irrigation

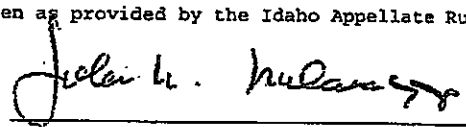
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic
use is not a determination of historical beneficial use.

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A75-04041
Date Received: 3/12/1993
Receipt No: E014647
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GIBBONSVILLE IMPROVEMENT ASSOCIATION 208-865-2274
Address: % LARRY WEBB
GIBBONSVILLE ID 83463

2. Date of Priority: OCT 9, 1901

3. Source: ANDERSON CREEK Trib. to: DAHLONEGA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
26N	21E	25					LEMHI
			SE		NW		LEMHI
			NE		SW		LEMHI

5. Description of diverting works:

A) DIVERS. DAM/DITCH, 1/2 MI; B) FLUME, PIPE/DITCH, 3/4 MI; C) SPRING, 3/4 MI

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.320		
IRRIGATION	03/01	10/31	0.400		

7. Total Quantity Appropriated is:

0.720 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 50.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC; GARDENS, LAWNS, AND LIVESTOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
26N	21E	25	NE	SW		IRR	12.0

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A75-04041

Page 1

Date: 03/12/1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
26N	21E	25	SW	SW		IRR	3.0
			SE	SW		IRR	5.0
Section Acres							20.0
Total Acres							20.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

LARRY WEBB, CHAIRMAN FOR GIBBONSVILLE IMPROVEMENT ASSOCIATION,
GIBBONSVILLE, ID 83463. A COMMUNITY MAINTAINED SYSTEM FOR THE
COMMUNITY OF GIBBONSVILLE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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APR 18 1994

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

NO LATE FEE IF RECEIVED
BY June 9, 1990 BB

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number A75-04041
Date Received _____
Receipt Number ED14647

RECEIVED

MAY - 5 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 22 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Gibbonsville Improvement Association Phone (208) 865-2274
C/O Larry Webb Chairman
Mailing Address Gibbonsville, Idaho 83463 Zip 83463

2. Date of Priority (Only one (1) per claim) Oct. 9, 1901

3. Source of water supply (a) Anderson Creek
which is tributary to (b) Dahlonga Creek

4. a. Location of existing point of diversion is: Township 26N Range 21E Section 25,
NE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Lemhi

Additional points of diversion if any: 2 points within SE 1/4 NW 1/4, Sec 25, T. 26N, R.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

- A. Diversion dam-ditch, est. 1/2 mile;
B. Slume and pipe-ditch, est. 3/4 mile;
C. spring-est. 3/4 mile.

(All ditches are community maintained.)

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APR 18 1994

