



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

September 4, 2009

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

RE: Subcase No. 63-33026 (Richard & Staci Phillips Trust)

Dear Judge Melanson:

A *Partial Decree Pursuant to I.R.C.P. 54(b)* was issued for this water right on March 19, 2009, a copy of which is attached hereto. This water right was created as a result of a split of parent right 63-32817, with a Notice of Completed Administrative Proceeding ("NCAP") filed on April 24, 2008.

Recently, it has been determined that a clerical error occurred when the Department completed the NCAP for this water right. Specifically, during data entry, the Department inadvertently copied the quantity from the other portion of the split (22-33025) onto the Amended Director's Report attached to the NCAP. The quantity for water right 22-33026 should be 1.16 cfs with a 450 afa limitation, rather than .23 cfs with a 90 afa limitation.

Accordingly, it seems appropriate for the Court to set aside the partial decree pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure and decree the right as described in the attached Amended Director's Report.

I am sending a copy of this letter to the claimant of this water right, along with the claimant of the other portion of the split, so that they are aware of this issue.

If you should have any questions or comments, please feel free to contact me at (208) 287-4813.

Sincerely,

A handwritten signature in black ink, reading "Nick Spencer", with a long horizontal stroke extending to the right.

Nicholas B. Spencer
Deputy Attorney General, IDWR

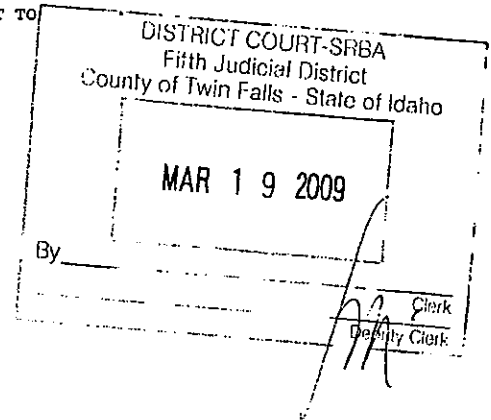
Enclosure

cc: Lori Harris
Richard & Staci Phillips Trust
Willowbrook Development, Inc.

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 63-33026



NAME AND ADDRESS: RICHARD M PHILLIPS & STACI
PHILLIPS TRUST
RICHARD M PHILLIPS TRUSTEE
210 MURRAY ST
BOISE, ID 83714

SOURCE: GROUND WATER

QUANTITY: 0.23 CFS
90.00 AFY

This right when combined with right no 63-33025, 63-33027, and
63-33028 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 07/23/1957

POINT OF DIVERSION: T05N R01W S31 LOT 2 (NWSWNW) Within Ada County
R02W S25 NENWNE Within Canyon County
SENW
SWSW

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.23 CFS
		90.00 AFY

The use of water for irrigation under this right may begin as
early as March 1, provided other elements of the right are not
exceeded. The use of water before March 15 under this remark
is subordinate to all water rights having no subordinated
early irrigation use and a priority date earlier than the date
a partial decree is entered for this right.

PLACE OF USE: Irrigation
T05N R02W S25 NWNE 40.0 Within Canyon County
SENW 20.0 SWNW 40.0
100.0 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. I.C. SECTION 42-1412(6).

Amended Director's Report
Right No. 63-33026

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

RIGHT NUMBER: 63-33026

NAME AND ADDRESS: RICHARD M PHILLIPS & STACI PHILLIPS TRUST
RICHARD M PHILLIPS TRUSTEE
210 MURRAY ST
BOISE ID 83714

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.160 CFS
450.000 AFY

This right when combined with Right Nos. 63-33025, 63-33027, and 63-33028 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 07/23/1957

POINT OF DIVERSION:

T05N R01W S31 NWSNW Lot 2 Within ADA County

T05N R02W S25 NENWNE Within CANYON County

T05N R02W S25 SENW Within CANYON County

T05N R02W S25 SWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

1.160 CFS
450.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T05N R02W S25	NWNE	40.00	T05N R02W S25	SWNW	40.00
T05N R02W S25	SENE	20.00			

100 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 - License

This right is a split from former right 63-32817 .

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Amended Director's Report
Right No. 63-33026