



DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2009 SEP 24 AM 10 16

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

September 21, 2009

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

RE: Subcase Nos. 75-4199, 75-14494, 75-2137 & 75-4200 (Storlie/Kaiser)

Dear Judge Melanson:

The Director's Report for Basin 75 was filed with the SRBA Court on January 11, 2007. The deadline to file objections was October 17, 2007. Contained in the Director's Report for Basin 75 were the recommendations for water right numbers 75-4199, 75-2137 & 75-4200. A late claim for water right number 75-14494 was filed on January 24, 2008. Partial decrees have been issued for water right numbers 75-4199, 75-2137 & 75-4200. A partial decree has not yet been issued for water right number 75-14494, but the objection deadline ended on January 1, 2009.

It has recently come to the attention of the Department that the above-referenced water right recommendations contain clerical errors, wherein the source for the water right was incorrectly listed as follows:

1. 75-4199 - Source listed as West Fork Big Hat Creek tributary to Salmon River. Source should be listed as Big Hat Creek tributary to Hat Creek.
2. 75-14494 - Source listed as Big Hat Creek tributary to Salmon River. Source should be listed as Hat Creek tributary to the Salmon River.
3. 75-2137 and 75-4200 - Source listed as North Fork Hat Creek tributary to Hat Creek. Source should be listed as Hat Creek tributary to Salmon River.

The Department would like to request that the Court amend the clerical errors on these water rights. IDWR has discussed this issue with the claimants and the claimants agree with the proposed changes. For the court's convenience, I have attached corrected recommendations.

If you should have any questions or comments, please feel free to contact me at (208) 287-4811.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Baxiter', written over a horizontal line.

GARRICK BAXITER

Deputy Attorney General, IDWR

Enclosures

cc: Erik Storlie
Tamara Kaiser

09/15/2009

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

RIGHT NUMBER: 75-4199

NAME AND ADDRESS: ERIK F STORLIE
3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS MN 55408

TAMARA L KAISER
3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS MN 55408

SOURCE: WEST FORK BIG HAT CREEK TRIBUTARY: SALMON RIVER HAT CREEK

QUANTITY: 0.470 CFS

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

PRIORITY DATE: 05/01/1930

POINT OF DIVERSION:

T17N R20E S8 NWNESE Within LEMHI County
T17N R20E S10 SWSWNW Within LEMHI County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.470 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T17N R20E S10	NESW	3.60	T17N R20E S10	NWSW	9.90
T17N R20E S10	SESW	25.00	T17N R20E S10	SWSE	3.10
T17N R20E S15	NWNE	2.00			

STOCKWATER same as IRRIGATION

43.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 68.3 acres in a single irrigation season. Combined Right Nos.:75-2137, 75-4199, 75-4200 and 75-14494.

This right is limited to the irrigation of 12.3 acres within the place of use described above in a single irrigation season.

Right Nos. 75-4199 and 75-14494 are limited to the irrigation of a combined total of 51.2 acres in a single irrigation season.

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

The quantity of water decreed for this water right for stockwater 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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

09/15/2009

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

RIGHT NUMBER: 75-14494

NAME AND ADDRESS: TAMARA L KAISER
3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS MN 55408

ERIK F STORLIE
3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS MN 55408

SOURCE: BIG HAT CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION:

T17N R20E S10 SWSWSE Within LEMHI County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.100 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T17N R20E S10	SWSE	2.60	T17N R20E S15	NWNE	2.00
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4.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 68.3 acres in a single irrigation season. Combined Right Nos.: 75-2137, 75-4199, 75-4200 and 75-14494.

Right Nos. 75-4199 and 75-14494 are limited to the irrigation of a combined total of 51.2 acres in a single irrigation season.

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

