



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 29, 2009

Clerk of the Court
SRBA District Court
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Clerical Error for IDWR Subcase No. 21-7155

To the Clerk of the SRBA District Court:

Processing the decree in the above referenced subcase, the Department discovered the decree issued contains a clerical error. This error is in addition to the one that was rectified earlier this year. I apologize the inconsistency described below was not discovered with the previous correction.

The recommendation prepared by the Department should place the irrigation storage POU in R41E rather than R42E and not closely resemble the irrigation POU. The storage reservoir is adjacent to but west of the irrigated POU. The field examination for the water right license clearly shows the distinct location relationship. A corrected version of the recommendation is attached for the Courts convenience.

I am also sending copies of this correspondence to the claimants to make them aware of this clerical oversight and proposed corrections.

Thank you for your cooperation in this regard. Should you have any questions please contact me at (208) 287-4921.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff', is written over a horizontal line.

Donald V. Shaff, MPA
Adjudication Bureau Chief

cc: Claimants

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

RIGHT NUMBER: 21-7155

NAME AND ADDRESS: THOMAS GARLOCK
970 W BROADWAY #446
JACKSON WY 83001

KAREN A GARLOCK
970 W BROADWAY #446
JACKSON WY 83001

ONE SOURCE PARTNERS LLC
970 W BROADWAY #446
JACKSON WY 83001

SOURCE: SAND CREEK

TRIBUTARY: SINKS

QUANTITY: 1.480 CFS
340.50 AFY

Right Nos. 21-7155 and 21-7154 are limited to a total combined diversion rate of 1.82 cfs and to a total combined annual diversion volume of 318.5 AF.

PRIORITY DATE: 06/29/1978

POINT OF
DIVERSION:

T08N R41E S1 NENWSE Within FREMONT County
T08N R41E S1 NENWSE Within FREMONT County
This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS 4.00 AFY
IRRIGATION	04/01 11/01	1.480 CFS 318.50 AFY
IRRIGATION STORAGE	01/01 12/31	18.00 AFY
IRRIGATION FROM STORAGE	04/01 11/01	18.00 AFY

PLACE OF USE:

IRRIGATION in FREMONT County

T08N R41E S01	SENE	3.50	T08N R41E S01	NESE	30.00
T08N R41E S01	SESE	32.00	T08N R41E S12 Lot 7	NENE	2.80
T08N R42E S06 Lot 5	SWNW	3.40	T08N R42E S06 Lot 6	NWSW	15.00
T08N R42E S06 Lot 7	SWSW	4.30			

IRRIGATION STORAGE in FREMONT County

T08N R41E S01	SENE		T08N R41E S01	NESE	
T08N R41E S01	NWSE				

STOCKWATER in FREMONT County

T08N R41E S01	SESE				
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IRRIGATION FROM STORAGE same as IRRIGATION

91 ACRES TOTAL

Right Nos. 21-7155 and 21-7154 are limited to the irrigation of a combined total of 91 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 - License

The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

This right is subject to regulation by the watermaster of Water District No. 1.

The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.