



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

October 26, 2009

Clerk of the SRBA Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 22-10777 (Summerco, Inc.)

To the Clerk of the SRBA Court:

This Court entered an *Order of Partial Decree* for this water right on November 24, 2008. Recently, while working towards resolution of a contested subcase belonging to the same claimant, it came to the attention of the Idaho Department of Water Resources ("Department") that the partial decree for 22-10777 contains a clerical error.

An error occurred in the point of diversion description of the recommendation for this water right in the Director's Report. One of the points of diversion was recommended as T06N R40E S26 NWSWSW within Madison County. The proper description of this point of diversion is T06N R40E S26 NESWSW within Madison County. Although the water right was claimed correctly, it appears that the clerical error occurred during the Department's data entry.

Accordingly, the Department requests this Court issue an amended partial decree pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure, correcting the error in the partial decree. For that purpose, I am attaching an Amended Director's Report which accurately describes the elements of this water right. I am sending a copy of this letter to the claimant and its counsel so that they are aware of this error.

If you should have any questions or comments, please feel free to contact me at (208) 287-4810.

Sincerely,

A handwritten signature in blue ink that reads "Andrea L. Courtney".

Andrea L. Courtney
Deputy Attorney General, IDWR

Cc: Summerco, Inc.
Jerry Rigby
Denise Kidman

Natural Resources Division - Water Resources Section
P.O. Box 83720 Boise, Idaho 83720-0098
Telephone: (208) 287-4801; Legal FAX: (208) 287-6700

This right is limited to the irrigation of 484 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1177 acres in a single irrigation season. Combined Right Nos.: 22-2258A, 22-2295, 22-10646, 22-10777

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

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