



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

October 29, 2009

Diana Delaney
Snake River Basin Adjudication District Court
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: SRBA Subcase Nos. 75-00027D (Capps) and 75-00027F (Rice)

Dear Diana:

Pursuant to the *Order Dismissing Motions and Requesting Draft Partial Decrees* issued by Special Master Dolan on September 28, 2009, enclosed are the Department's proposed partial decrees. The Department is recommending the addition of a second point of diversion for these two water rights. The new point of diversion is shown in underline format.

Thank you for your assistance in this matter.

Sincerely,

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

GARRICK BAXTER
Deputy Attorney General
Idaho Department of Water Resources

Enclosures

cc: Randy Capps
Kevin Rice

10/26/2009

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

RIGHT NUMBER: 75-27D

NAME AND ADDRESS: RANDY M CAPPS
87 CORBETT LN
SALMON ID 83467

SOURCE: WILLIAMS CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 2.340 CFS

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION:

T20N R21E S11 NENE Lot 1 Within LEMHI County

T20N R21E S12 NESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	2.340 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T20N R21E S01	SWSE	13.00	T20N R21E S01	SESE	37.00
T20N R22E S06 Lot 8	SWSW	29.00	T20N R22E S06	SESW	38.00

117 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 - Decreed

10/26/2009

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

RIGHT NUMBER: 75-27F

NAME AND ADDRESS: TAMARA RICE
127 CORBETT LN
SALMON ID 83467-5073

KEVIN A RICE
127 CORBETT LN
SALMON ID 83467

SOURCE: WILLIAMS CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 2.560 CFS

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

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION:

T20N R21E S11 NENE Lot 1 Within LEMHI County

T20N R21E S12 NESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	2.560 CFS
STOCKWATER	04/01 12/15	0.070 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T20N R21E S12 NENE 37.00 T20N R21E S12 NWNE 25.00

T20N R22E S07 Lot 5 NENW 39.00 T20N R22E S07 Lot 1 NWNW 27.00

STOCKWATER same as IRRIGATION

128 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed