



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 9, 2009

Snake River Basin Adjudication
Special Master Terrence Dolan
PO Box 2707
Twin Falls, ID 83303

RE: Partial Decree for water right 75-4042

Dear Special Master Dolan:

On November 6, 2009, you issued a Special Master Report and Recommendation for water right 75-4042 in the name of the Upper Gibbonsville Water Assoc. On that right, next to purpose of use, is written "Domestic 1 HOME." This right is actually for multiple homes, as evidenced by the diversion rate of 0.40 cfs, which is far in excess of the standard de minimis diversion rate of 0.04 cfs for one home.

The inclusion of the words "1 HOME" appears to be a clerical error on the Court's part, as the words did not appear on the face of the original Director's Report for this water right and the water right was merely listed as an uncontested overlapping claim in subsequent proceedings.

We respectfully request the Court to strike the words "1 HOME" from the partial decree for water right 75-4042.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carter Fritschle", written in a cursive style.

Carter Fritschle
Adjudication Technical Section Manager

Cc: Bruce M. Smith
Jerry R. Rigby