



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

January 19, 2010

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

RE: Subcase No. 22-13379 (Later)

To the Clerk of the SRBA Court:

This Court entered an *Order of Partial Decree* for water right no. 22-13379 on November 24, 2008. Recently, the Idaho Department of Water Resources ("Department") learned that the partial decree for 22-13379 contains an error.

Water right no. 22-13379 overlaps with some water rights that required several ownership changes to resolve objections in a handful of subcases. The Department filed a Notice of Completed Administrative Proceeding for water right no. 22-13379, along with related water rights 22-13376 and 22-13382, on November 28, 2008, reflecting the change in ownership. Standard Form 5s were filed for water right numbers 22-13376 and 22-13382 on March 4, 2009, with a combined use remark in the Place of Use element (the three related rights are limited to 10.8 acres). Like ships passing in the night, however, water right no. 22-13379 had already moved forward to partial decree with a combined use limit of 11 acres. To accurately describe water right no. 22-13379 and to properly assist in future administration, the partial decree for that right needs to be amended to reflect the correct combined use limit of 10.8 acres.

Accordingly, the Department requests this Court issue amended partial decrees 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 in underline/strikeout format to illustrate the changes necessary. I am sending a copy of this letter to the claimant and her 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: Kolene Later
Jerry R. Rigby
Michael Holliday

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

RIGHT NUMBER: 22-13379

NAME AND ADDRESS:

KOLENE LATER
943 N HWY 32
TETONIA ID 83424

~~RON BROWER~~
~~947 HWY 32~~
~~TETONIA ID 83452~~

~~BEULAH BROWER~~
~~947 HWY 32~~
~~TETONIA ID 83452~~

SOURCE: Source:
BADGER CREEK

Tributary:
TETON RIVER

QUANTITY: 0.240 CFS ~~0.220 CFS~~

PRIORITY DATE: 01/18/1905

POINT OF DIVERSION:

T06N R45E S8 NWNESE
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION	04/15 10/31	<u>0.240 CFS</u>
		~~0.220 CFS~~

PLACE OF USE: IRRIGATION within TETON County

T06N R45E S08 NESW 1.7
T06N R45E S08 NWSW 9.1

~~T06N R45E S08 NESW 2.2~~
~~T06N R45E S08 NWSW 8.8~~

10.8 ACRES TOTAL ~~11 ACRES TOTAL~~

The rights listed below are limited to the irrigation of a combined total of 10.8 acres in a single irrigation season. Combined Right Nos.: 22-13376, 22-13379, and 22-13382.

~~Use of this right with Right Nos. 22-13376, 22-13379, and 22-13382 are limited to the irrigation of a combined total of 11 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 - Decreed

Water is delivered through Stewart Ditch.

This right is a split from original right 22-254A.

~~This right is a split from original right 22-254.~~