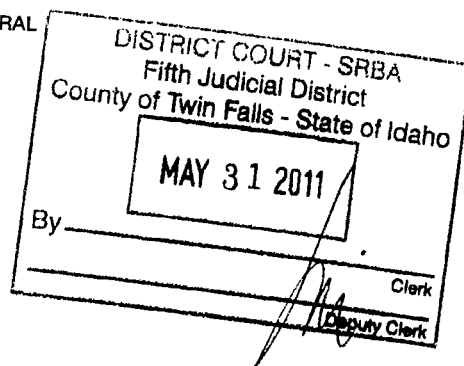




STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

May 26, 2011



Honorable Eric Wildman
SRBA
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: Partial Decrees for Water Right nos.: 75-69L, 75-70G, & 75-70L

Dear Judge Wildman:

The purpose of this letter is to explain the documents that are being filed with this letter in the above referenced subcases. On January 28, 2011, I wrote the Court in subcase nos. 75-14441 and 75-14443 (Rice) and explained the Department had discovered that the combined use condition needed to be fixed on water rights nos. 75-14441 and 75-14443. In the letter, I explained that the Department had discovered it overlooked certain water rights previously decreed to Mrs. Rice under her former name Linda Metcalf.

It has recently been brought to the Department's attention that we forgot to address the combined use condition in the Rices' other water rights: 75-69L and 75-70L. The attached documents, which have been signed by the Rices, set forth the changes which need to be made to the partial decrees for 75-69L and 75-70L. There is also an amended recommendation for 75-70G as we discovered a priority date error. The Department believes that it is necessary to correct the combined use limit and priority date to ensure the water rights on Carmen Creek are correctly administered. As such, the Department and the Rices request that the Court set aside and amend the partial decrees for water right subcase nos. 75-69L, 75-70G, and 75-70L consistent with the documents being filed with this letter.

Sincerely,

Garrick Baxter
Deputy Attorney General
Idaho Department of Water Resources

cc: Rick and Linda Rice

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

) Subcase No. 75-00069L
)
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

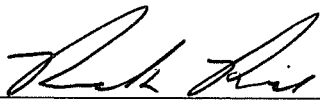
While this water right was previously decreed on January 31, 2011, the water right holder and IDWR agree that the partial decree for 75-69L should be corrected and the combined use condition for water right 75-69L should be amended consistent with the attached recommendation. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

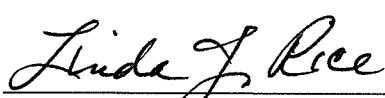
CLAIMANT

Rick Rice

CLAIMANT

Linda Rice

 5-23-11
Rick Rice, Pro Se Date

 5/23/11
Linda Rice, Pro Se Date

IDWR Concurrence:

 5-26-11
Carter Fritschle Date
Adjudication Section Manager

 5/26/2011
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

05/05/2011

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

RIGHT NUMBER: 75-69L
NAME AND ADDRESS: RICK RICE
PO BOX 285
CARMEN ID 83462
LINDA RICE
PO BOX 285
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.039 CFS

Right Nos. 75-69G, 75-69L, 75-70G and 75-70L are limited to a total combined diversion rate of 0.093 cfs.

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION:
T22N R22E S2 NWNW Lot 4 Within LEMHI County
T22N R22E S2 SWNW Within LEMHI County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.039 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03	NESE	7.40	T22N R22E S03	SESE	0.60
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8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 8 acres in a single irrigation season. Combined Right Nos.: 75-69L, 75-70L, 75-14442, 75-14441 and 75-14443.

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

RR
Le
DB
CF

CERTIFICATE OF MAILING

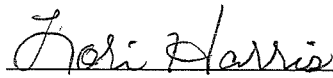
I certify that on May 27, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

RICK & LINDA RICE
BOX 285
CARMEN, ID 83462



Signature of person or attorney mailing form

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase No. 75-00070G

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

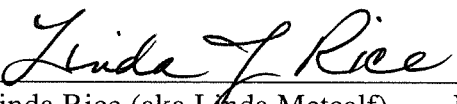
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

While this water right was previously decreed on September 8, 2000, the water right holder and IDWR agree that the partial decree 75-70G should be corrected and the combined use condition and the priority date for 75-70G should be amended consistent with the attached recommendation. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT

Linda Rice (aka Linda Metcalf)

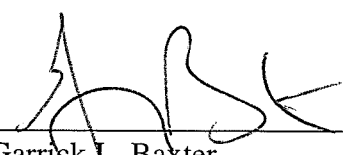


Linda Rice (aka Linda Metcalf) Date
Pro Se

IDWR Concurrence:

 5-26-11

Carter Fritschle Date
Adjudication Section Manager

 5/26/2011

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

05/05/2011

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

RIGHT NUMBER: 75-70G

NAME AND ADDRESS: LINDA METCALF
PO BOX 285
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.060 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

Right Nos. 75-69G, 75-69L, 75-70G and 75-70L are limited to a
total combined diversion rate of 0.093 cfs.

PRIORITY DATE: ~~05/01/1882~~ 05/01/1892

POINT OF
DIVERSION:

T22N R22E S2 SENWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS
DOMESTIC	4/01 11/01	0.060 CFS

PLACE OF USE: STOCKWATER in LEMHI County

T22N R22E S03 NESE

DOMESTIC in LEMHI County

T22N R22E S03 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

2 HORSES RP 00138001002A A

JP
JB
CA

CERTIFICATE OF MAILING

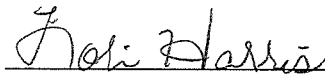
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TWIN FALLS, IDAHO 83303-2707

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

LINDA RICE
BOX 285
CARMEN, ID 83462



Signature of person or attorney mailing form

05/05/2011

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

RIGHT NUMBER: 75-70L

NAME AND ADDRESS: RICK RICE
PO BOX 285
CARMEN ID 83462

LINDA RICE
PO BOX 285
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.054 CFS

PRIORITY DATE: 05/01/1892

Right Nos. 75-69G, 75-69L, 75-70G and 75-70L are limited to a
total combined diversion rate of 0.093 cfs.

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County
T22N R22E S2 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.054 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S03	NESE	7.40	T22N R22E S03	SESE	0.60
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8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 8 acres in a single irrigation season. Combined Right Nos.: 75-69L, 75-70L, 75-14442, 75-14441 and 75-14443.

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

Handwritten initials and signature:
7/2/11
ZR
JB
CA

CERTIFICATE OF MAILING

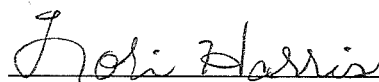
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