



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
August 5, 2011

Hon. Eric Wildman
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase Nos. 27-4F, 27-16A, 27-37C (Bean) & 27-25A (Grimmett)

Dear Judge Wildman:

On September 29, 2010 and June 1, 2011, this Court entered *Partial Decrees Pursuant to I.R.C.P. 54(b)* for the above-referenced water rights. The Department now understands that an error occurred in describing the point of diversion ("POD") beginning with the Department's Director's Reports that has continued to the partial decrees. The physical location of the POD has not changed, but the partial decree descriptions name the wrong quarter-quarter and fail to specify the correct lot number. The U.S. Bureau of Land Management recently confirmed the error. The Department proposes remedying the clerical error for each of the above-referenced water rights by substituting the incorrect POD description with the following:

"T03S R35E SWNE Lot 24 within Bingham County."

The Department suggests the Court set aside the partial decrees pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure and decree the rights as described in the attached Amended Director's Reports. The Amended Director's Reports are provided in underline/strikeout format to assist in illustrating the error.

I am sending copies of this correspondence to each of the claimants of these water rights, as well as the parties that were previously involved in these matters, so that they are aware of this filing.

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

Sincerely,


Andrea L. Courtney
Deputy Attorney General, IDWR

Enclosures

cc: w/encls. Audrey Bean
 Larry Grimmett
 Jeanette Wolfley
 Peter Monson
 Fred Price
 Jerry Rigby
 Shasta Kilminster-Hadley
 Michael Holliday

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

RIGHT NUMBER: 27-4F

NAME AND ADDRESS: AUDREY H BEAN
1240 REBECCA DR
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS

Use of these rights listed below is limited to a total combined diversion rate of 0.97 cfs. Combined Right Nos.: 27-4F, 27-16A, 27-37C.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

~~T03S R35E S8 SWSNE Within BINGHAM County~~

T03S R35E S8 SWNE Lot 24 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.200 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R35E S07 Lot 6 SWSW	5.90	T03S R35E S07 Lot 7 SESW	8.90
T03S R35E S07 Lot 20 SESW	0.30	T03S R35E S07 Lot 8 SWSE	1.20
T03S R35E S07 Lot 21 SWSE	2.60		

18.9 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 18.9 acres in a single irrigation season. Combined Right Nos.: 27-4F, 27-16A, and 27-37C.

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 Central Ditch.

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

Amended Director's Report

Right No. 27-4F

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

RIGHT NUMBER: 27-16A

NAME AND ADDRESS: AUDREY H BEAN
1240 REBECCA DR
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.440 CFS

Use of this right with rights listed below is limited to a total combined diversion rate of 0.97 cfs. Combined Right Nos.: 27-4F, 27-16A, 27-37C

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

PRIORITY DATE: 07/01/1873

POINT OF DIVERSION:

T03S R35E S8 SWNE Lot 24 Within BINGHAM County

~~T03S R35E S8 SENE Within BINGHAM County~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.440 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R35E S07 Lot 6 SWSW	5.90	T03S R35E S07 Lot 7 SESW	8.90
T03S R35E S07 Lot 20 SESW	0.30	T03S R35E S07 Lot 8 SWSE	1.20
T03S R35E S07 Lot 21 SWSE	2.60		

18.9 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 18.9 acres in a single irrigation season. Combined Right Nos.: 27-4F, 27-16A, 27-37C.

This right is limited to the irrigation of 14.4 acres within the place of use described above 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.

Use of water under this water right will be regulated by the watermaster of State Water District No. 27.

Amended Director's Report

Right No. 27-16A

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is former right no. 27-16D.

Water is delivered through Central Ditch.

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

Amended Director's Report

Right No. 27-16A

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

RIGHT NUMBER: 27-37C

NAME AND ADDRESS: AUDREY H BEAN
1240 REBECCA DR
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.970 CFS

Use of the rights listed below is limited to a total combined diversion rate of 0.97 cfs. Combined Right Nos.: 27-4F, 27-16A, 27-37C.

PRIORITY DATE: 03/20/1886

POINT OF DIVERSION:

~~T03S R35E S8 SWSENE Within BINGHAM County~~

T03S R35E S8 SWNE Lot 24 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.970 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R35E S07 Lot 6 SWSW	5.90	T03S R35E S07 Lot 7 SESW	8.90
T03S R35E S07 Lot 20 SESW	0.30	T03S R35E S07 Lot 8 SWSE	1.20
T03S R35E S07 Lot 21 SWSE	2.60		

18.9 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 18.9 acres in a single irrigation season. Combined Right Nos.: 27-4F, 27-16A, 27-37C.

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 Central Ditch.

Amended Director's Report

Right No. 27-37C

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

RIGHT NUMBER: 27-25A

NAME AND ADDRESS: LARRY GRIMMETT
224 S 550 W
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.179 CFS

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:

~~T03S R35E S8 SWSENE Lot 8 Within BINGHAM County~~

T03S R35E S8 SWNE Lot 24 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.179 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R35E S18 SENW 9.30

9.3 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

Water is delivered through the Central Ditch.

Amended Director's Report

Right No. 27-25A