



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. 27-37A, 27-37F, 27-37H, 27-37L, 27-37M, 27-37N, 27-12151
& 27-12152*

Dear Judge Wildman:

Special Master's Reports and Recommendations ("Master's Reports") were recently issued in the above-referenced subcases. While awaiting partial decrees, an error in the recommendations was identified. This is the same issue identified in a separate, companion letter of today's date to the Court's attention addressing four partial decrees. I have also alerted Special Master Bilyeu as to the same issue affecting 22 subcases currently before her, awaiting Master's Reports. It is my understanding that the Special Master will likely hold a hearing on the matter for the particular 22 subcases.

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 Master's Reports. 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 S8 SWNE Lot 24 within Bingham County."

In the interest of judicial economy, the Department suggests the Court refer the matter back to Special Master Bilyeu for amended Master's Reports for these eight subcases reflecting the attached "Updated Recommendations." The Updated Recommendations 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,

A handwritten signature in black ink, reading "Andrea L. Courtney". The signature is fluid and cursive, with a large, sweeping "A" and a long, horizontal flourish extending from the end of the name.

Andrea L. Courtney
Deputy Attorney General, IDWR

Enclosures

cc: w/encls. Jeanette Wolfley
Peter Monson
Fred Price
Jerry Rigby
Shasta Kilminster-Hadley
Michael Holliday
Brett McDaniel
Stanley M. Hill
Susan Cronquist
Dallen Worthington
Lorette & Donald Anderson
Wesley & Annette Hamilton
Merlin & Dorothy Yancey
Debra Staub
Lorenzo Rodriquez

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

RIGHT NUMBER: 27-37A

NAME AND ADDRESS: BRETT MC DANIEL
631 W 225 S
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.760 CFS

PRIORITY DATE: 03/20/1886

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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.760 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R34E S13 Lot 2 SWNE	37.00	T03S R34E S13 Lot 3 SENW	13.00
T03S R34E S13 Lot 3 NESW	17.00		

67 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 CENTRAL DITCH.

Updated Recommendation

Right No. 27-37A

RIGHT NUMBER: 27-37F

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 03/20/1886

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

0.120 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R35E S07 Lot 9 NESE	19.00	T03S R35E S07 Lot 9 NWSE	4.50
T03S R35E S07 Lot 17 NWSE	2.80	T03S R35E S07 Lot 8 SWSE	8.30
T03S R35E S07 Lot 21 SWSE	1.20	T03S R35E S07 SESE	10.00

45.8 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 CENTRAL DITCH.

This right is a split from former right 27-37C.

Updated Recommendation

Right No. 27-37F

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

RIGHT NUMBER: 27-37H

NAME AND ADDRESS: DALLEN WORTHINGTON
685 WEST 300 SOUTH
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 03/20/1886

POINT OF DIVERSION:

~~T03S R35E S8 SESENE Lot 8 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	0.040 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R34E S24 NWNW 2.00

2 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 CENTRAL DITCH.

Updated Recommendation

Right No. 27-37H

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

RIGHT NUMBER: 27-37L

NAME AND ADDRESS: LORETTE ANDERSON
264 S 625 W
BLACKFOOT ID 83221

DONALD ANDERSON
264 S 625 W
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.080 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 03/20/1886

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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.080 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R34E S13 NWSE 33.00

33 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 CENTRAL DITCH.

Updated Recommendation

Right No. 27-37L

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

RIGHT NUMBER: 27-37M

NAME AND ADDRESS: WESLEY R HAMILTON
626 W 225 S
BLACKFOOT ID 83221

ANNETTE F HAMILTON
626 W 225 S
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.300 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 03/20/1886

POINT OF DIVERSION:

~~T03S R35E S8 SENE Lot 8 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	1.300 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R34E S12 Lot 5 SESE	7.00	T03S R34E S13 Lot 1 NENE	39.00
T03S R34E S13 Lot 1 NWNE	16.00		

62 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 62 acres in a single irrigation season. Combined Right Nos.: 27-37M, 27-10539, and 27-2129B

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.

Updated Recommendation

Right No. 27-37M

Right No. 27-37N

Right No. 27-12151

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

RIGHT NUMBER: 27-12152

NAME AND ADDRESS: LORENZO RODRIGUEZ
260 S 625 W
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.080 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 03/20/1886

POINT OF DIVERSION:

~~T03S R35E S8 SWSENE Lot 7 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 11/01	0.080 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R34E S13 NWSE 1.90

1.9 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 CENTRAL DITCH.

This right is a split from former right 27-37E.

Updated Recommendation

Right No. 27-12152