

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

February 7, 2012

Staff Attorney Paul Harrington
Snake River Basin Adjudication
253 3rd Ave. N.
Twin Falls, ID 83301

RE: Subcase 37-22567

Dear Mr. Harrington:

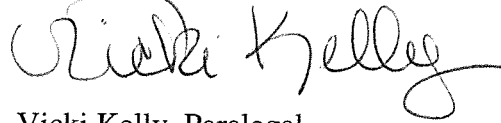
On December 15, 2011, Janet Connell, deputy clerk to Special Master Bilyeu, received an email from Fred Price with the BLM, regarding water right 37-22567. The email points out a possible error in the Special Master's Report and Recommendation, issued on October 31, 2011. Mr. Price indicates the error also carried over to the partial decree of the water right, issued on December 5, 2011.

A Standard Form 5 / Amended Claim (SF5 / Amd) was filed on August 16, 2011, in parent right 37-13317A, which split the right into rights 37-22567, 37-22568 and 37-22569. One of the numerous place of use descriptions appearing on the SF5 / Amd of child right 37-22567 is listed as T01N R15E S01 NWSE. Mr. Price points out that the location of the quarter / quarter in both the SMRR and Partial Decree is shown as the NESE, instead of the NWSE. The Department, the State of Idaho, Fred Price for the BLM, Steve Spencer for the USFS (the BLM and USFS were objectors to the parent right) and the claimants all agree the place of use should be described as the NWSE.

Copies of the recommendations of right 37-22567 from the SF5 / Amd, SMRR and Partial Decree are attached for the court's convenience. The description in question has been highlighted on all three recommendations. The error only impacts the description of the 37-22567 child right. Would it be possible for the Court to correct the legal description in the partial decree as a clerical error?

Should the court require further assistance in this matter, please don't hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Vicki Kelly". The signature is fluid and cursive, with the first name "Vicki" and last name "Kelly" clearly distinguishable.

Vicki Kelly, Paralegal

Encs.

cc: Robert Harris, Tyson Nelson, David Negri, Fred Price and Steve Spencer

T01N R16E S17 N20E00W Begin of Stream Flow Within CANAS County
 T01N R16E S17 N20E00W End of Stream Flow Within CANAS County
 T01N R16E S17 N20E00W End of Stream Flow Within CANAS County
 T01N R16E S17 N20E00W Begin of Stream Flow Within CANAS County
 T01N R16E S18 N20E00W Begin of Stream Flow Within CANAS County
 T01N R16E S18 N20E00W Begin of Stream Flow Within CANAS County
 T01N R16E S18 N20E00W Lot 1 End of Stream Flow Within CANAS County
 T01N R16E S18 N20E00W Lot 1 End of Stream Flow Within CANAS County
 T01N R16E S18 N20E00W Lot 2 Begin of Stream Flow Within CANAS County
 T01N R16E S18 N20E00W Lot 2 Begin of Stream Flow Within CANAS County
 T01N R16E S18 N20E00W Lot 2 Begin of Stream Flow Within CANAS County
 T01N R16E S18 N20E00W Begin of Stream Flow Within CANAS County
 T01N R16E S18 N20E00W Begin of Stream Flow Within CANAS County
 T01N R16E S18 N20E00W End of Stream Flow Within CANAS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 cws

PLACE OF USE: STOCKWATER in CANAS County

T01N R16E S01 Lot 1 N20E	T01N R16E S01	N20E
T01N R16E S01	T01N R16E S01 Lot 3 N20E	N20E
T01N R16E S01 Lot 4 N20E	T01N R16E S01	N20E
T01N R16E S01	T01N R16E S01	N20E
T01N R16E S01	T01N R16E S01	N20E
T01N R16E S13	T01N R16E S13	N20E
T01N R16E S12	T01N R16E S12	N20E
T01N R16E S12	T01N R16E S12	N20E
T01N R16E S06 Lot 1 N20E	T01N R16E S06 Lot 2 N20E	N20E
T01N R16E S06	T01N R16E S06	N20E
T01N R16E S06 Lot 4 N20E	T01N R16E S06	N20E
T01N R16E S06	T01N R16E S06	N20E
T01N R16E S07	T01N R16E S07	N20E
T01N R16E S07	T01N R16E S07	N20E
T01N R16E S17	T01N R16E S17	N20E
T01N R16E S17	T01N R16E S17	N20E
T01N R16E S18	T01N R16E S18	N20E
T01N R16E S18	T01N R16E S18 Lot 1 N20E	N20E
T01N R16E S18 Lot 2 N20E	T01N R16E S18	N20E

KRC
 CB
 PUN
 TBN
 DN

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.

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 43-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13317A.

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

STRICT OF THE
WIN FALLS

OCT 31 2011

By _____ Clerk
_____ Deputy Clerk

By _____
 _____ Clerk
 _____ Deputy Clerk

PAGE 1
Oct-27-2011

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

POINT OF DIVERSION (continued)

	SESESW (Instream Beginning Point)
S18	SESWNE (Instream Beginning Point)
	NESENE (Instream Beginning Point)
LOT 1	(NENWNW) (Instream Ending Point)
LOT 1	(SENWNW) (Instream Ending Point)
LOT 2	(NESWNW) (Instream Beginning Point)
LOT 2	(NWSWNW) (Instream Beginning Point)
	NENESE (Instream Beginning Point)
	SWNESE (Instream Beginning Point)
	SWNESE (Instream Ending Point)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Stockwater

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.02 CFS

PLACE OF USE:

Stockwater

Within Camas County

T01N R15E S01 LOT 1	(NENE)		SWNE
	SENE	LOT 3	(NENW)
LOT 4	(NWNW)		SWNW
	SWSW		SESW
	NESE		SWSE
S12	NENE		SWNE
	NWNW		SENW
	NESE		SESE
R16E S06 LOT 1	(NWNW)	LOT 2	(SWNW)
	SENW		NESW
LOT 4	(SWSW)		SESW
	NWSE		SWSE
S07	NWNE		NESW
	SESW		
S17	NWNW		SWNW
	NWSW		SWSW
	SESW		
S18	NENE		SWNE
	SENE	LOT 1	(NWNW)
LOT 2	(SWNW)		NESE

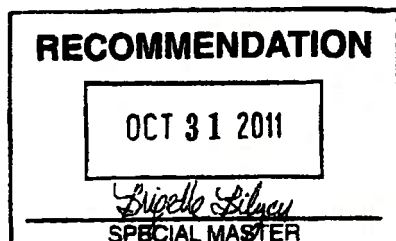
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

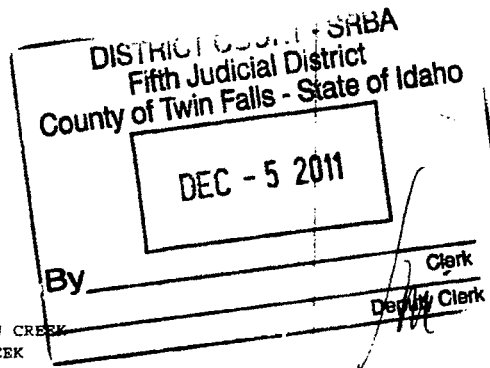
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-22567

NAME AND ADDRESS: MARK NOREM
PO BOX 1285
BIG TIMBER, MT 59011

HAGEN PROPERTIES LLC
323 RD 4 EU
MEETEETSE, WY 82433

NINA M HAGEN
RONALD A HAGEN
41818 228TH AVE SE
ENUMCLAW, WA 98022



SOURCE: MC DONALD GULCH CREEK TRIBUTARY: WILLOW CREEK
MCKAY GULCH CREEK TRIBUTARY: WILLOW CREEK
UNNAMED STREAM TRIBUTARY: MC DONALD GULCH CREEK
UNNAMED STREAM TRIBUTARY: MCKAY GULCH CREEK
UNNAMED STREAM TRIBUTARY: SEVERE CREEK
UNNAMED STREAM TRIBUTARY: WILLOW CREEK
WILLOW CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 03/01/1880

POINT OF DIVERSION: T01N R15E S01 LOT 1 (NENENE) (Instream Beginning Point) Within Camas County
LOT 3 (NWNENW) (Instream Ending Point)
LOT 4 (NWNWNW) (Instream Beginning Point)
SWSWNW (Instream Beginning Point)
SESWNW (Instream Ending Point)
NWSWSW (Instream Beginning Point)
NWNWSE (Instream Beginning Point)
S12 NENENE (Instream Ending Point)
SWNESE (Instream Beginning Point)
NESWNE (Instream Ending Point)
SWNWNW (Instream Beginning Point)
SWSENW (Instream Beginning Point)
SENESE (Instream Ending Point)
SWSESE (Instream Beginning Point)
R16E S06 SWSENW (Instream Ending Point)
SESWSW (Instream Beginning Point)
SESESW (Instream Beginning Point)
SENWSE (Instream Ending Point)
SENWSE (Instream Ending Point)
S07 SENENE (Instream Beginning Point)
SENESE (Instream Ending Point)
NWNESW (Instream Beginning Point)
SENESE (Instream Ending Point)
NESESW (Instream Ending Point)
SWSESW (Instream Beginning Point)
S17 NENWNW (Instream Ending Point)
SENWNW (Instream Ending Point)
SESWNW (Instream Ending Point)
NWSWSW (Instream Beginning Point)
SWSESW (Instream Ending Point)
SESESW (Instream Ending Point)

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

POINT OF DIVERSION (continued)

	S18	SESESW (Instream Beginning Point)
		SESWNE (Instream Beginning Point)
		NESENE (Instream Beginning Point)
	LOT 1	(NENWNW) (Instream Ending Point)
	LOT 1	(SEWNWN) (Instream Ending Point)
	LOT 2	(NESWNW) (Instream Beginning Point)
	LOT 2	(NWSWNW) (Instream Beginning Point)
		NESENE (Instream Beginning Point)
		SWNESE (Instream Beginning Point)
		SWNESE (Instream Ending Point)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Stockwater

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.02 CPS

PLACE OF USE:

Stockwater

Within Camas County

T01N R15E S01 LOT 1	(NENE)	SWNE
	SENE	LOT 3 (NENW)
LOT 4	(NWNW)	SWNW
	SWSW	SESW
	NESE	SWSE
S12	NENE	SWNE
	NWNW	SENW
	NESE	SESE
R16E S06 LOT 1	(NWNW)	LOT 2 (SWNW)
	SENW	NESW
LOT 4	(SWSW)	SESW
	NWSE	SWSE
S07	NWNE	NESW
	SESW	
S17	NWNW	SWNW
	NWSW	SWSW
	SESW	
S18	NENE	SWNE
	SENE	LOT 1 (NWNW)
LOT 2	(SWNW)	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

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. I.C. SECTION 42-1412(6).

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Eric Wildman
Presiding Judge of the
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