



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

December 2, 2008

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

Re: City of Kendrick 86-4235

To the Clerk of the SRBA Court:

The Idaho Department of Water Resources ("IDWR") recently discovered that the partial decree issued in the above-referenced subcase contains an error. When IDWR issued the Director's Report for this subcase, it contained a clerical error in the descriptions of the quantity. Specifically, the quantity element showed 0.070 cfs while the quantity referenced in the purpose and period of use elements showed 0.080 cfs. The Court thereafter incorporated the errors into the partial decree. The correct quantity should have been 0.078 cfs in both descriptions. Thus, IDWR requests the following corrections be made to the partial decree as illustrated in bold text:

<u>Quantity:</u>	0.070 cfs 0.078 cfs
<u>Purpose and Period of Use:</u>	Municipal 1/01 12/31 0.080 cfs 0.078 cfs

IDWR respectfully requests the Court set aside the partial decree previously filed and re-issue the partial decree. Enclosed for the Court's convenience and consideration is a corrected recommendation for this subcase. If you have questions about this matter, please contact me at (208) 287-4810.

Sincerely,

Andrea L. Courtney
Andrea L. Courtney

Enc.

Cc: City of Kendrick
Ken Knoblock

11/25/2008

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

RIGHT NUMBER: 86-4235

NAME AND ADDRESS: CITY OF KENDRICK
PO BOX 195
KENDRICK ID 83537

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.078 CFS

PRIORITY DATE: 04/01/1952

POINT OF DIVERSION:

T38N R03W S25 NWNENE Within LATAH County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31

0.078 CFS

PLACE OF USE:

Place of use is within the service area of the City of Kendrick municipal water supply system as provided for under Idaho Law.

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 - Beneficial Use

86-4235

11/25/2008

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PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31

0.078 CFS

PLACE OF USE:

Place of use is within the service area of the City of Kendrick municipal water supply system as provided for under Idaho Law.

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 - Beneficial Use

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

AMENDED

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 86-04235

NAME AND ADDRESS:

CITY OF KENDRICK
PO BOX 195
KENDRICK, ID 83537

SOURCE:

GROUND WATER

QUANTITY:

0.078 CFS

PRIORITY DATE:

04/01/1952

POINT OF DIVERSION:

T38N R03W S25

NWNE Within Latah County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Municipal

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.078 CFS

PLACE OF USE:

Municipal

T38N R02W S19 LOT 2 (SWNW)
LOT 4 (SWSW)
S30 LOT 1 (NWNW)
R03W S24

SWNE
SESW
NWSE
SESE
NENE
NENW
SWNW

Within Latah County
LOT 3 (NWSW)

SENE
NESE
SWSE
NWNE
NWNW

SENE

Within Nez Perce County

Within Latah County

S25

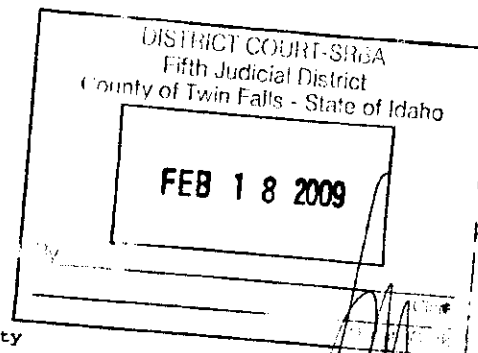
NWSW
NENE
NESE

SENE

Place of use is within the service area of the City of Kendrick
municipal water supply system as provided for under Idaho Law.

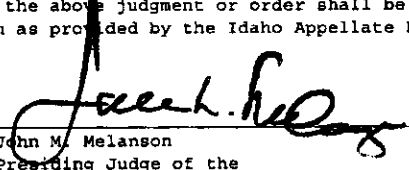
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication