



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

February 24, 2009

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

RE: Subcase No. 27-11243 (Pillsbury Company, Inc.)

Dear Judge Melanson:

A Partial Decree Pursuant to I.R.C.P. 54(b) was issued for this water right on April 23, 1999. This water right was reported in the *Director's Report for Domestic and Stockwater Claims in Basin 27*, which was filed with the SRBA Court on May 11, 1998.

There were no objections filed to the Director's Report. Josephine Beeman, attorney for Basic American, Inc. is working on a change of ownership for the new owner of this right and has notified the Department that there is an error in the "Point of Diversion" description of this water right. The point of diversion is described on the partial decree as being located in Bonneville County. In reality, the point of diversion is located in Bingham County. A clerical error occurred when the Department originally recommended this right with the point of diversion described as being located in Bonneville County.

Accordingly, the Department asks that the Court to set aside the partial decree pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure and decree the right as described in the attached recommendation. Please note that because a change of ownership for the water right has been submitted to IDWR, the attached recommendation reflects the name of the new owner, Basic American, Inc.

I am sending a copy of this letter to the old and the new claimant of this water right and to Ms. Beeman, so that they are apprised of this issue.

If you should have any questions or comments, please feel free to contact me at
(208) 287-4811.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Baxter', with a stylized flourish extending to the right.

Garrick L. Baxter
Deputy Attorney General, IDWR

Enclosure

cc: Josephine Beeman
Basic American
Pillsbury Company, Inc.

02/24/2009

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

RIGHT NUMBER: 27-11243

NAME AND ADDRESS: BASIC AMERICAN INC
600 MONTGOMERY ST 28TH FLOOR
SAN FRANCISCO CA 94111

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 12/31/1946

POINT OF DIVERSION:

T01S R37E S11 NWNW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
Domestic 1 House		

PLACE OF USE: DOMESTIC in BINGHAM County

T01S R37E S11 NWNW

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 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RP 0504800