



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

January 25, 2008

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

Re: Partial Decree No. 78-2071C (Williams)

Dear Diana:

I am writing because of a clerical error contained in the above-referenced partial decree. On the partial decree (copy enclosed) the diversion rate and diversion volume are shown as 0.10 cfs and 15 afy. The correct amounts should be 0.30 cfs and 45 afy.

The error occurred when the notice of claim was amended in November of 2006 to claim 15 acres instead of five acres, and a diversion rate of 0.30 cfs instead of 0.10 cfs. While the additional acres for this right were recommended in the Basin 78 Director's Report, the diversion rate and diversion volume recommended for the right reflect the amounts for the five acres that were originally claimed, rather than the amounts that should have been recommended for the 15 acres described in the amended claim. Copies of the amended claim and revised recommendation for 78-2071C are also enclosed.

At this point, I am seeking your guidance as to the best course to follow for correcting the partial decree. Thank you very much.

Sincerely,

Carter Fritschle
Section Manager, Adjudication Bureau

Enclosures:

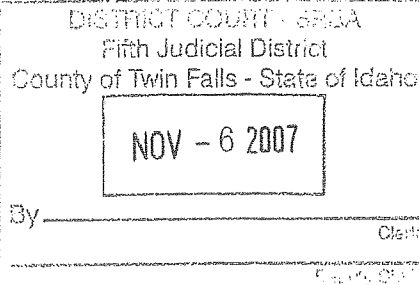
- Copy of partial decree for 78-2071C
- Copy of amended claim for 78-2071C
- Copy of revised recommendation for 78-2071C

Cc: Forrest and Kay Williams

2008 JAN 29 PM 1:10
FILED
TWIN FALLS CO. ID
DISTRICT COURT - SEVEN

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 78-02071C



NAME AND ADDRESS: FORREST J WILLIAMS
KAY L WILLIAMS
PO BOX 266
NEW MEADOWS, ID 83654-0266

SOURCE: LITTLE SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.10 CFS
15.00 AFY

PRIORITY DATE: 11/13/1963

POINT OF DIVERSION: T20N R01E S36 NWNW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-30	0.10 CFS 15.00 AFY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before May 1 and after September 30 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

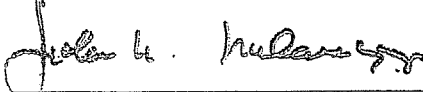
PLACE OF USE: Irrigation Within Adams County
T20N R01E S36 NENE 9.1
S36 NWNW 5.9
15.0 Acres Total

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. 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

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 78-2071C
Date Received: 5/11/1988
Receipt No: C000616
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KAY L WILLIAMS Phone: (208)347-2417
PO BOX 266
NEW MEADOWS ID USA 83654-0266

FORREST J WILLIAMS Phone: (208)347-2417
PO BOX 266
NEW MEADOWS ID USA 83654

2. Date of Priority: 11/13/1963

3. Source: LITTLE SALMON RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
20N	01E	36	NW NE SW	ADAMS	

5. Description of diverting works:

DIVERSION DAM WITH GRAVITY DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	0.3	

7. Total Quantity Appropriated is:
0.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
20N	01E	36	NW	NW	IRRIGATION	15
Section Acres						15
Total Acres						15

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *James L. Williams* Date: 11/22/06
Kay L. Williams Date: 11/22/06

State of Idaho)
County of Ada) SS.

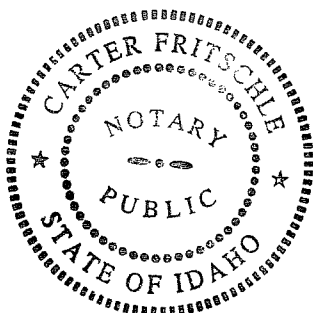
Subscribed and sworn (or affirmed) before me this 22nd day
of November 2006

Carter Fritschle

Notary Public

Residing at Kuna ID

My commission Expires 4-3-2012



01/25/2008

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

RIGHT NUMBER: 78-2071C

NAME AND ADDRESS: KAY L WILLIAMS
PO BOX 266
NEW MEADOWS ID 83654-0266

FORREST J WILLIAMS
PO BOX 266
NEW MEADOWS ID 83654

SOURCE: LITTLE SALMON RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: ~~0.10~~ 0.30 CFS
~~15.0~~ 45.0 AFY

PRIORITY DATE: 11/13/1963

POINT OF
DIVERSION:

T20N R01E S36 NWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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IRRIGATION	05/01 09/30	~~0.10~~ 0.30 CFS ~~15.0~~ 45.0 AFY
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The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before May 1 and after September 30 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in ADAMS County

T20N R01E S35	NENE	9.10	T20N R01E S36	NWNW	5.90
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15 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 - License

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