



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

October 1, 2003

Diana Delaney
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707

RE: Partial Decree for water right 47-19607

Dear Diana:

Water right 47-19607 was recommended in the Director's Report for Domestic and Stockwater, Reporting Area 12 (IDWR Basin 47) filed with the SRBA court on August 14, 1998. The recommendation was unobjected to, and on July 9, 1999, a partial decree was issued.

It was recently discovered that the elements reported as right 47-19607 actually describe a basin 63 water right, 63-19607, located in Ada County. It appears that the recommendation of right 47-19607 was created in error, as IDWR has no record of a water right claim submitted as right 47-19607. The error was partially corrected in that the actual basin 63 right, with identical elements, was correctly reported as right 63-19607 in the Director's Report for Domestic and Stockwater, Reporting Area 13 (IDWR Basin 63) filed November 5, 1998. A partial decree was issued on February 21, 2000.

Unfortunately, the recommendation of right 47-19607 was never deleted from IDWR's database. Right 47-19607 was also reported to the court and subsequently partially decreed as a basin 47 right. The right should only exist as right 63-19607. Would it be possible for the court to correct this as a clerical mistake under I.R.C.P. 60(a)?

A copy of the recommendations and partial decrees of both rights are included for the court's convenience. Should you require further assistance in this matter, please don't hesitate to call me at 208-327-5458.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vicki Kelly".

Vicki Kelly,
Paralegal

Enc.

cc: Barbara & James Scholten

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JUL-01-1999

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-19607

NAME AND ADDRESS: BARBARA SCHOLTEN
JAMES E SCHOLTEN
3514 COLLISTER DR
BOISE, ID 83703

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1950

POINT OF DIVERSION: T04N R02E S29 SWNESW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.06 CFS

PLACE OF USE: Domestic Within Ada County
T04N R02E S29 NESW

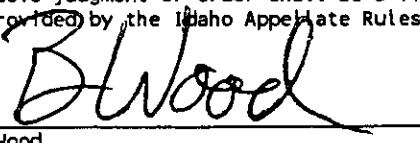
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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

DATE: AUG-7-1998

PAGE: A-2278

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 47-19607

NAME & ADDRESS: JAMES E SCHOLTEN
BARBARA SCHOLTEN
3514 COLLISTER DR
BOISE ID 83703

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1950

POINT OF DIVERSION: T04N R02E S29 SWNESW Within ADA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOUSE	01-01 12-31	0.06 CFS

PLACE OF USE: DOMESTIC Within ADA County
T04N R02E S29 NESW

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.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
S0629314950

AJ5856NP

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

DATE: OCT-30-1998
PAGE: A-1605

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 63-19607

NAME & ADDRESS: JAMES E SCHOLTEN
BARBARA SCHOLTEN
3514 COLLISTER DR
BOISE ID 83703

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1950

POINT OF DIVERSION: T04N R02E S29 SWNESW Within ADA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.06 CFS

PLACE OF USE: DOMESTIC Within ADA County
T04N R02E S29 NESW

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. S 0629314950