

REQUEST FOR CORRECTION OF ERRORS

THE IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) HAS IDENTIFIED ERRORS IN THE SRBA PARTIAL DECREES OF THE WATER RIGHTS LISTED BELOW. IDWR REQUESTS THE COURT TO DETERMINE IF IT CAN CORRECT THESE ERRORS THROUGH ITS NORMAL NOTICE AND HEARING PROCESS, AND IF SO, TO CORRECT THE ERRORS ACCORDINGLY. BY COPY OF THIS FORM IDWR IS ALSO NOTIFYING THE OWNER OF THE WATER RIGHTS OF THE ERRORS IN QUESTION.

WATER RIGHT NOS.: 74-39A (parent right), 74-15859 and 74-15860 (children rights)

NAME OF OWNER LISTED ON THE PARTIAL DECREES: Leadore Land Partners LTD Partnership

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE: January 10, 2013

Errors exist in the partial decrees of water rights 74-15859 and 74-15860. Both rights should be shown to be disallowed as the water use is totally described under water right 74-39A.

Errors exist in the Final Order Disallowing Water Right Claim of 74-39A:

1. X Name and Address

Should be: Recommended per attached Draft Amended Director's Report.

2. X Source

Should be: Recommended per attached Draft Amended Director's Report.

3. X Quantity

Should be: Recommended per attached Draft Amended Director's Report.

4. X Priority Date

Should be: Recommended per attached Draft Amended Director's Report.

5. X Point of Diversion

Should be: Recommended per attached Draft Amended Director's Report.

6. ☐ Instream Flow Beginning and/or Ending Point

Should be: _____

7. X Purpose(s) of Use

Should be: Recommended per attached Draft Amended Director's Report.

8. X Period of Year

Should be: Recommended per attached Draft Amended Director's Report.

9. X Place of Use

Should be: Recommended per attached Draft Amended Director's Report.

10. X Other Provisions

Should be: Recommended per attached Draft Amended Director's Report.

Additional explanation or supporting documentation of the error:

A transfer approved on December 31, 2009, split water right 74-39A into children rights 74-15859 and 74-15860. A Notice of Completed Administrative Proceeding (NCAP) noting the splitting of the right was filed in January of 2009. In February 2009, the Department ordered the withdrawal of the December 2008 transfer. After that withdrawal, Leadore Land Partners amended its application for transfer, which the Department approved in June 2009. The Department NCAP'd the June 2009 transfer in September 2009. The changes to the 74-39A right through the June 2009 transfer did not require a splitting of the right—the changes were reflected in the description of 74-39A alone. That being the case, the September 2009 NCAP did not address children rights 74-15859 and 74-15860, so the Court was unaware that the previous description of those 2 rights was no longer valid.

It appears that the Special Master Report and Recommendation issued March 8, 2011, addressing all 3 rights, as well as the Final Order Disallowing Water Right 74-39A, and the Partial Decrees of rights 74-15859 and 74-15860 all issued May 3, 2011, were based on the NCAP submitted in January 2009 instead of the NCAP submitted in September 2009.

In addition, the Department has discovered that the September 2009 NCAP of right 74-39A did not reflect all the conditions of the June 2009 transfer. Transfer conditions have been added and / or changed under the Source and Quantity elements, consistent with the June transfer. Likewise, additional changes have also been made to the Explanatory material.

For more information about the error the Court and/or water right holder should contact the person identified below.

CONTACT PERSON: Vicki Kelly, Paralegal

TELEPHONE NUMBER: 208-287-4816

E-MAIL ADDRESS: vicki.kelly@idwr.idaho.gov

MAILING ADDRESS: IDWR
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Corrected recommendations, showing the disallowal of rights 74-15859 and 74-15860, and the changes made to the 74-39A right through the June 2009 transfer, are attached.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE 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 - Decreed

Failure of the right holder to comply with the conditions of the transfer is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under the approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Big Timber Creek at the original point of diversion, at the mouth of Big Timber Creek, and at the point of diversion from the Lemhi River.

Use of water under this right will be regulated by watermasters with responsibility for the distribution of water among appropriators within the water districts. At the time of this approval, this water right is within State Water District Nos. 74 and 74W.

The right holder shall accomplish the change authorized by the transfer within one year of the date of its approval.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermasters suitable control of the diversion(s).

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
74-15859	LEADORE LAND PARTNERS LTD PARTNERSHIP C/O KARL TYLER 3663 N RESERVE MISSOULA MT 59808	Disallowed	Recommended as 74-39A

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
74-15860	LEADORE LAND PARTNERS LTD PARTNERSHIP C/O KARL TYLER 3663 N RESERVE MISSOULA MT 59808	Disallowed	Recommended as 74-39A

CERTIFICATE OF SERVICE

I certify that on January 11, 2013, I caused to be served true and correct copies of this REQUEST FOR CORRECTION OF ERRORS, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

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☒ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☒ Regular Mail
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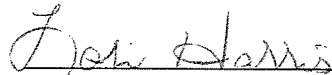
3. Copy to the Owner:

Leadore Land Partners LTD Partnership
c/o Karl Tyler
3663 N. Reserve
Missoula, MT 59808

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Bob Loucks, Leadore Land Partners Ranch Manager
baloucks@centurytel.net

☒ Electronic Mail



Signature of person or attorney mailing the form