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FEB 25 2013

DEPARTMENT OF
WATER RESOURCES

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

February 22, 2013

Julie Murphy
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707

RE: Request for Correction of Error of Partial Decree for Water Right Nos. 02-02176B
and 02-02405B

Dear Julie:

Enclosed for filing please find a Request for Correction of Error regarding the partial decrees of water right nos. 02-02176B and 02-2045B. Both Requests address removal of the combined diversion rate limit from the Quantity condition in the partial decrees.

Should you have any further questions, please feel free to contact me at 208-762-2811.
Thank you!

Sincerely,

A handwritten signature in black ink, appearing to read "Suzy".

SUZY COOLEY-DENNEY, Paralegal
Office of the Attorney General
Idaho Department of Water Resources

Enclosures

cc: BLM
OAG
David & Catherine Unruh

REQUEST FOR CORRECTION OF ERROR

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

WATER RIGHT NO. 02-02176B

NAME OF OWNER LISTED ON THE PARTIAL DECREE: David C. Unruh and Catherine W. Unruh

CURRENT OWNER (IF DIFFERENT): N/A

TODAY'S DATE: February 21, 2013

An error exists in the description of the following element(s) of the partial decree:

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

The combined diversion rate limit should be removed from the Quantity condition.

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and/or Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

The combined diversion rate limit should be removed from the Quantity condition. The total combined quantity of 2-2176B and 2-2405B is less than 3.7cfs. While the combined diversion rate condition is therefore not needed, the combined annual diversion of 787.5 AF is still applicable.

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

CONTACT PERSON: Carter Fritschle, Manager, Adjudication Section

TELEPHONE NUMBER: (208) 287-4917

E-MAIL ADDRESS: Carter.Fritschle@idwr.idaho.gov

MAILING ADDRESS: Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720

A corrected recommendation of the water right is attached.

CERTIFICATE OF SERVICE

I certify that on FEBRUARY 22, 2013, I caused to be served true and correct copies of this REQUEST FOR CORRECTION OF ERROR, 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

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

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

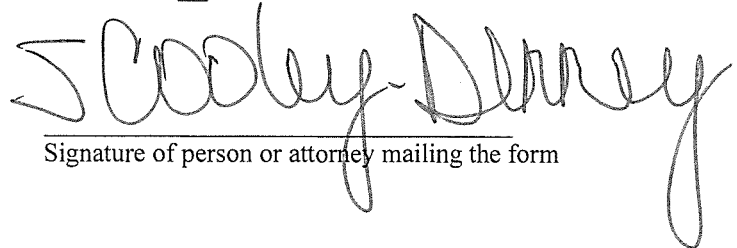
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Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

Catherine W Unruh
David C Unruh
32397 Mud Flat Rd
Grand View, ID 83624-5048

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


Signature of person or attorney mailing the form

10/17/2012

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

RIGHT NUMBER: 2-2176B

NAME AND ADDRESS: DAVID C UNRUH
32397 MUD FLAT RD
GRAND VIEW ID 83624-5048

CATHERINE W UNRUH
32397 MUD FLAT RD
GRAND VIEW ID 83624-5048

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.040 CFS
762.00 AFY

Right Nos. 02-02176B and 02-02405B are limited to a total combined
~~diversion rate of 3.7 cfs and to a total combined~~ annual diversion volume of
787.5 AF.

The rights listed below are limited to a total combined diversion rate of 14.55
cfs.

Combined Right Nos.: 02-02083, 02-02084, 02-02176A, 02-02176B,
02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032,
02-00063, 2-10313.

PRIORITY DATE: 05/01/1962

POINT OF
DIVERSION:

T05S R04E S34 NWSW Lot 10 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	2.040 CFS 762.00 AFY

PLACE OF USE: IRRIGATION in OWYHEE County

T05S R03E S36	SWNE	6.00	T05S R03E S36	SENE	30.00
T05S R03E S36	NESW	23.00	T05S R03E S36	NESE	18.00
T05S R03E S36	NWSE	19.00	T05S R03E S36	SWSE	6.00
T05S R03E S36	SESE	15.00	T05S R04E S31	NESW	2.00
T05S R04E S31 Lot 3 NWSW		11.00	T05S R04E S31 Lot 4 SWSW		37.00
T05S R04E S31	SESW	8.00			

175 ACRES TOTAL

Right Nos. 02-02176B and 02-02405B are limited to the irrigation of a
combined total of 175 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of
558.5 acres in a single irrigation season. Combined Right Nos.: 2-2176B,
2-2405B, 2-10198

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

The following rights are diverted through point of diversion described above:
02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271,
02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.

This right is a split from former right 02-02176.

REQUEST FOR CORRECTION OF ERROR

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

WATER RIGHT NO. 02-02405B

NAME OF OWNER LISTED ON THE PARTIAL DECREE: David C. Unruh and Catherine W. Unruh

CURRENT OWNER (IF DIFFERENT): N/A

TODAY'S DATE: February 21, 2013

An error exists in the description of the following element(s) of the partial decree:

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

The combined diversion rate limit should be removed from the Quantity condition.

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and/or Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

The combined diversion rate limit should be removed from the Quantity condition. The total combined quantity of 2-2176B and 2-2405B is less than 3.7 cfs. While the combined diversion rate condition is therefore not needed, the combined annual diversion of 787.5 AF is still applicable.

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

CONTACT PERSON: Carter Fritschle, Manager, Adjudication Section

TELEPHONE NUMBER: (208) 287-4917

E-MAIL ADDRESS: Carter.Fritschle@idwr.idaho.gov

MAILING ADDRESS: Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720

A corrected recommendation of the water right is attached.

CERTIFICATE OF SERVICE

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

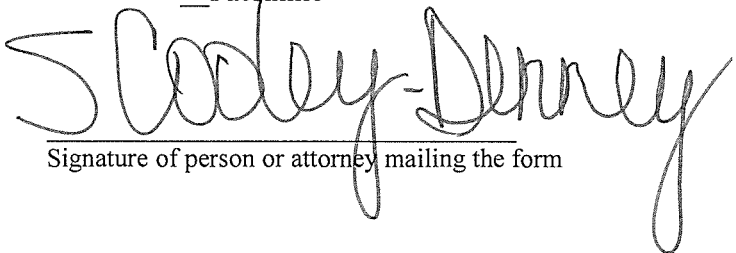
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Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

Catherine W Unruh
David C Unruh
32397 Mud Flat Rd
Grand View, ID 83624-5048

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


Signature of person or attorney mailing the form

10/17/2012

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

RIGHT NUMBER: 2-2405B

NAME AND ADDRESS: DAVID C UNRUH
32397 MUD FLAT RD
GRAND VIEW ID 83624-5048

CATHERINE W UNRUH
32397 MUD FLAT RD
GRAND VIEW ID 83624-5048

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.240 CFS
602.60 AFY

The rights listed below are limited to a total combined diversion rate of 14.55 cfs.

Combined Right Nos.: 02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.

Right Nos. 02-02176B and 02-02405B are limited to a total combined ~~diversion rate of 3.7 cfs and to a total combined~~ annual diversion volume of 787.5 AF.

PRIORITY DATE: 05/18/1967

POINT OF
DIVERSION:

T05S R04E S34 NWSW Lot 10 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.240 CFS 602.60 AFY

PLACE OF USE: IRRIGATION in OWYHEE County

T05S R03E S36	SWNE	6.00	T05S R03E S36	SENW	30.00
T05S R03E S36	NESW	23.00	T05S R03E S36	NESE	18.00
T05S R03E S36	NWSE	19.00	T05S R03E S36	SWSE	6.00
T05S R03E S36	SESE	15.00	T05S R04E S31	NESW	2.00
T05S R04E S31 Lot 3 NWSW		11.00	T05S R04E S31 Lot 4 SWSW		37.00
T05S R04E S31	SESW	8.00			

175 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 558.5 acres in a single irrigation season. Combined Right Nos.: 2-2176B, 2-2405B, 2-10198

Right Nos. 02-02176B and 02-02405B are limited to the irrigation of a combined total of 175 acres in a single irrigation season.

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

The following rights are diverted through point of diversion described above:
02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271,
02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.

This right is a split from former right 02-02405.