

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. 22-13269

NAME OF OWNER LISTED ON THE PARTIAL DECREE Sunnydell Irrigation District

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE August 1, 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**

Should be: _____

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. **X Place of Use**-- Error involves total acre number only. The total number of acres for this right is missing.

Should be: 3383.1 ACRES TOTAL

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

Right 22-13269 (Sunnydell Irrigation Dist.) was recommended in the Director's Report for Irrigation and Other Water Rights in Basin 22, Part 2, filed with the court in December 2006. The recommendation contained a "3383.1 ACRES TOTAL" notation under the Place Of Use (POU) element. The right was unobjected to, and moved to partial decree in December 2008. IDWR staff has recently discovered the partial decree does not contain the "3383.1 ACRES TOTAL" language originally recommended. IDWR requests the correction of the POU element of the partial decree to include the "3383.1 ACRES TOTAL" notation.

Rights 01-46, 01-83A, 01-115A, 01-195A, 01-10013, 01-10497, 01-10498, and 01-10499 (Sunnydell Irrigation Dist.) listed on the digital boundary map do not contain the "3383.1 ACRES TOTAL" notation under the POU element of the partial decree filed with the court in December 2006. As these rights are in a different basin, a separate Request for Correction of Error is submitted concurrently herewith.

Right 23-11221 (Sunnydell Irrigation Dist.) also listed on the digital boundary map does contain the "3381.1 ACRES TOTAL" notation under the POU element of the partial decree filed in October 2006, and therefore, does not require a correction.

The addition of the acres total number will have no impact on the digital boundary CDs or maps originally provided to the Court. Additional color copies of the digital boundary map are enclosed for the Court's convenience.

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

CONTACT PERSON: Meghan Carter
TELEPHONE NUMBER: 208-287-4810
E-MAIL ADDRESS: meghan.carter@idwr.idaho.gov
MAILING ADDRESS: IDWR
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

A corrected recommendation of the water right is attached.

CERTIFICATE OF SERVICE

I certify that on August 1, 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

☐ 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
☐ Hand-Delivered
☐ Facsimile

3. Copy to the Owner:

SUNNYDELL IRRIGATION DIST
C/O GARY HILL
9298 S 600 E
REXBURG ID 83440

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



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 22-13269

NAME AND ADDRESS: SUNNYDELL IRRIGATION DISTRICT
C/O GARY HILL
9298 S 600 E
REXBURG ID 83440

SOURCE: UNNAMED STREAM

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 2.800 CFS

THE AMOUNT OF WATER DIVERTED UNDER THIS WATER RIGHT MAY NOT EXCEED 2/5 OF THE FLOW (UP TO 140 INCHES) OF HAWLEY SPRING (UNNAMED STREAM) WHEN COMBINED WITH ELKHORN SPRING (UNNAMED STREAM) UNDER 23-11221.

PRIORITY DATE: 05/01/1884

POINT OF

DIVERSION: T04N R40E S23 NESESW Lot 11 Within MADISON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

2.800 CFS

PLACE OF USE:

3383.1 ACRES TOTAL

Place of use is within the boundary of Sunnysdell Irrigation District pursuant to Section 43-323, Idaho Code.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

USE OF THIS RIGHT WITH RIGHT NO. 23-11221 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 140.0 ACRES WITHIN THE PLACE OF USE SHOWN.

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

THIS WATER RIGHT ORIGINATED AS 22-368. SPLIT DUE TO DIFFERENT SOURCES IN DIFFERENT BASINS.

ORIGINAL DECREED SOURCE UNDER THIS WATER RIGHT IS KNOWN AS ELKHORN SPRING.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.