

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.: 22-13467

NAME OF OWNER LISTED ON THE PARTIAL DECREE: Val E Schwendiman & Diane P Schwendiman

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE: October 29, 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** – Error involves combined use language only.

Should be:

The rights listed below are limited to a total combined annual diversion volume of 7185.5 af. Combined Right Nos.: 22-13466, 22-13467, 22-13468, 22-13469, 22-13470, 22-13471, and 22-13472.

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 proposed amended director's report, which was filed with the Court on January 5, 2012 (via correspondence), listed the total combined annual diversion volume as 7185.5 af. However the Special Master's Recommendation and Recommendation issued June 22, 2012, as well as the Partial Decree issued July 31, 2012, list the total combined annual diversion volume as 7175.5 af.

IDWR requests correction of the annual diversion volume to 7185.5 af, as recommended.

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.

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

RIGHT NUMBER: 22-13467

NAME AND ADDRESS: VAL E SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

DIANE P SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.570 CFS
1,090.900 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

The rights listed below are limited to a total combined annual diversion volume of 7185.5 ~~7175.5~~ af. Combined Right Nos.: 22-13466, 22-13467, 22-13468, 22-13469, 22-13470, 22-13471, and 22-13472.

PRIORITY DATE: 08/19/1965

POINT OF DIVERSION:

T06N R41E S1 SENE Within MADISON County

T06N R41E S1 NWNW Lot 4 Within MADISON County

T06N R41E S12 NWSW Within MADISON County

T06N R41E S14 SESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	2.570 CFS 1,090.90 AFY

PLACE OF USE: IRRIGATION in FREMONT County and MADISON County

T06N R41E S01	SWNE	39.00	T06N R41E S01	SENE	39.00
T06N R41E S01 Lot 3	NENW	38.00	T06N R41E S01 Lot 4	NWNW	38.00
T06N R41E S01	SWNW	40.00	T06N R41E S01	SENW	40.00
T06N R41E S01	NESW	40.00	T06N R41E S01	NWSW	40.00
T06N R41E S01	SWSW	40.00	T06N R41E S01	SESW	40.00
T06N R41E S01	NESE	32.00	T06N R41E S01	NWSE	39.00
T06N R41E S01	SWSE	11.00	T06N R41E S02 Lot 1	NENE	39.00
T06N R41E S02 Lot 2	NWNE	33.00	T06N R41E S02	SWNE	39.00
T06N R41E S02	SENE	38.00	T06N R41E S02 Lot 3	NENW	15.00
T06N R41E S02	SENW	16.00	T06N R41E S02	NESW	16.00
T06N R41E S02	SESW	16.00	T06N R41E S02	NESE	39.00
T06N R41E S02	NWSE	39.00	T06N R41E S02	SWSE	39.00
T06N R41E S02	SESE	39.00	T06N R41E S11	NENE	40.00

T06N R41E S11	NWNE	40.00	T06N R41E S11	SWNE	40.00
T06N R41E S11	SENE	40.00	T06N R41E S11	NENW	16.00
T06N R41E S11	NESE	40.00	T06N R41E S11	SESE	40.00
T06N R41E S12	NENW	39.00	T06N R41E S12	NWNW	39.00
T06N R41E S12	SWNW	40.00	T06N R41E S12	SENW	40.00
T06N R41E S12	NESW	40.00	T06N R41E S12	NWSW	40.00
T06N R41E S12	SWSW	39.00	T06N R41E S12	SESW	40.00
T06N R41E S12	NWSE	40.00	T06N R41E S12	SWSE	40.00
T06N R41E S13	NENE	39.00	T06N R41E S13	NWNE	40.00
T06N R41E S13	SWNE	40.00	T06N R41E S13	SENE	39.00
T06N R41E S13	NESW	40.00	T06N R41E S13	NWSW	40.00
T06N R41E S13	SWSW	40.00	T06N R41E S13	SESW	40.00
T06N R41E S13	NESE	40.00	T06N R41E S13	NWSE	40.00
T06N R41E S13	SWSE	40.00	T06N R41E S13	SESE	40.00
T07N R41E S36	NESW	4.70	T07N R41E S36	NWSW	8.30
T07N R41E S36	SWSW	38.00	T07N R41E S36	SESW	27.00

2053 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 2053 acres in a single irrigation season. Combined Right Nos.: 22-13466, 22-13467, 22-13468, 22-13469, 22-13470, 22-13471, 22-13472

This right is limited to the irrigation of 441 acres within the place of use described above 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 points of diversion described above: 22-13466, 22-13467, 22-13468, 22-13469, 22-13470, 22-13471, and 22-13472.

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

This right is based on former license 22-2257

CERTIFICATE OF SERVICE

I certify that on October 29, 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

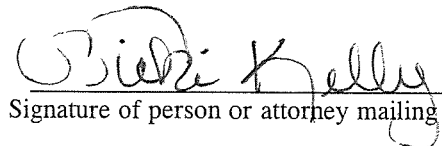
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

3. Copy to the Owner:

Jerry Rigby
Rigby, Andrus, Rigby, Chtd.
P.O. Box 250
Rexburg, ID 83440

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


Signature of person or attorney mailing the form