

REQUEST FOR CORRECTION OF ERRORS

THE IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) HAS IDENTIFIED ERRORS IN THE SRBA PARTIAL DECREE OF THE WATER RIGHT LISTED BELOW. IDWR REQUESTS THE COURT TO DETERMINE IF IT CAN CORRECT THE 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 RIGHT OF THE ERRORS IN QUESTION.

WATER RIGHT NO. 29-147

NAME OF OWNER LISTED ON THE PARTIAL DECREE	Fish Creek Irrigating Co.
---	---------------------------

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE January 30, 2014

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. $\square$ Point of Diversion

Should be: _____

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

Should be: _____

7.X Purpose(s) of Use

Should be: 6.000 CFS under the Quantity portion of this element to match the 6.00 CFS decreed under the Quantity element.

8. ☐ **Period of Year**

Should be: _____

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

Should be: "243.3 ACRES TOTAL"

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

Right 29-147 (Fish Creek Irrigating Co.) was recommended in the Director's Report for Irrigation and Other Water Rights in Basin 29, filed with the court in July 2003. The recommendation contained a "243.3 ACRES TOTAL" notation under the Place Of Use (POU) element. There were no objections and a partial decree was issued in March 2004. IDWR staff has recently discovered the partial decree does not contain the "243.3 ACRES TOTAL" language as recommended. IDWR requests the correction of the POU element of the partial decree to include the "243.3 ACRES TOTAL" notation.

IDWR also discovered a discrepancy in the quantities listed on the recommendation of the water right, which carried over to the partial decree. The Quantity element lists 6.000 CFS (as claimed) however, under the Purpose and Period Of Use element, the quantity shown is 4.900 CFS. IDWR has investigated the discrepancy and believes the 4.900 CFS amount excludes 1.1 CFS of quantity that should have been recommended to cover conveyance loss. IDWR requests the correction of the 4.900 CFS amount under the Purpose and Period Of Use element to 6.000 CFS, which would make it consistent with the 6.000 CFS amount shown under the Quantity element.

Neither correction would impact the digital boundary CDs or map originally provided to the Court. However, in the resolution of Fish Creek Irrigating subcase 29-11774, a color digital boundary map was submitted to the Court on November 21, 2005. The map also noted right 29-147, which had already moved to partial decree. The digital boundary of both rights has not been changed from each original recommendation, but IDWR has been unable to locate a color copy of the 2005 map. Color copies of a recreation of the 2005 map are included for the Court's convenience. The digital boundary of the Fish Creek Irrigating rights has remained unchanged since July 2003. A Request for Correction of Errors for Fish Creek Irrigating right 29-11774 is being filed concurrently with this Request.

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

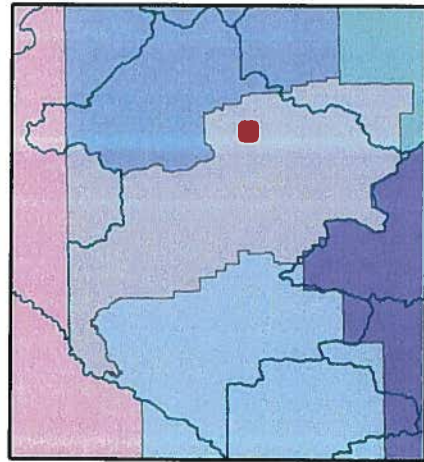
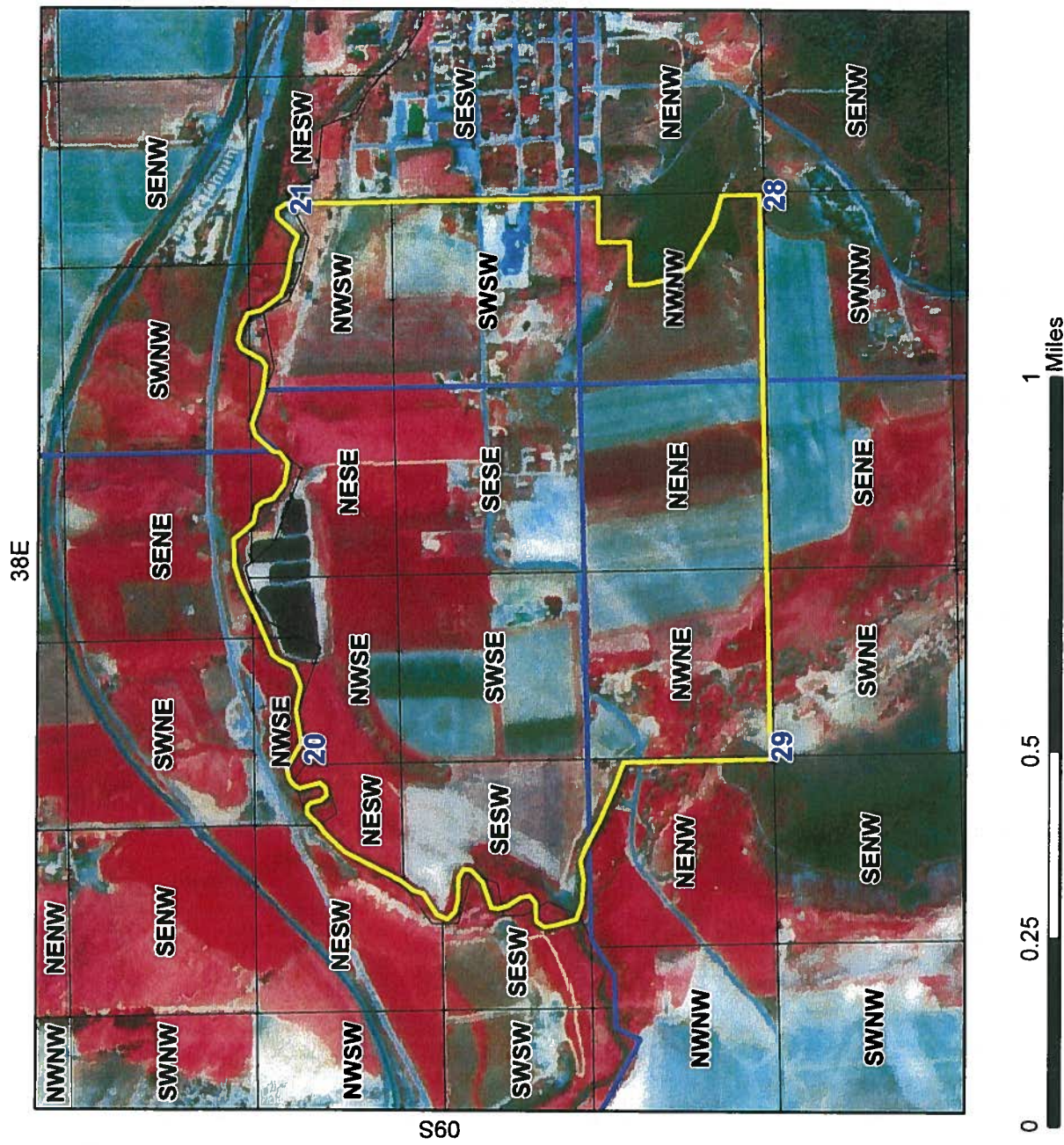
A proposed correction to the partial decree of the water right is attached.

Proposed Correction to Partial Decree for 29-147



Irrigation Service Area Boundary GIS Place of Use Illustration

-  Service Area
 -  State Outline
 -  Townships
 -  PLS Sections
 -  Quarter Quarters



**Bannock County
IDWR Basin 29**

Prepared by Holliday, Michael

1987/88 Aerial Photography

CERTIFICATE OF SERVICE

I certify that on January 30, 2014, 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

☐ 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

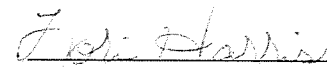
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

3. Copy to the Owner:

FISH CREEK IRRIGATING CO
C/O WALLACE WHITEHEAD
PO BOX 152
LAVA HOT SPRINGS ID 83246

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



Signature of person or attorney mailing the form