

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 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 RIGHTS OF THE ERRORS IN QUESTION.

WATER RIGHT NOS.: 2-2240, 2-2431, 63-361, 63-8389, and 63-9807

NAME OF OWNER LISTED ON THE PARTIAL DECREE: Mark A. McDonough

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE: February 25, 2014

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 listed quantity amounts are correct. However, the Quantity remark should read: "Right Nos. 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to a total combined diversion rate of 4.62 cfs."

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**

The legal descriptions shown under the Place of Use (POU) element are correct. However, the POU combined use remark should read, "Right Nos. 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to the irrigation of a combined total of 226.3 acres in a single irrigation season."

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

Claimant Mark McDonough contacted IDWR recently with questions about the number of acres he could irrigate under rights 2-2240, 2-2431, 63-361, 63-8389 and 63-9807. In a review of the records at IDWR, staff discovered the conditions shown under the Quantity and POU elements of these rights contained errors. Both conditions list right 2-68, which is decreed to Harvest Farm Co., and totally unrelated to the McDonough rights. The McDonough rights which are currently missing from both conditions, but should be listed instead of right 2-68, are 2-2240 and 2-2431. IDWR believes this mistake to be the result of a clerical error.

Staff also discovered the rights should be limited to a combined total of 226.3 acres instead of the 231 acres shown in the POU condition. In a 2004 review of the McDonough rights in regards to the State Water Supply Bank, IDWR found a combined limit of 226.3 acres. IDWR believes the 231 acre total may have resulted from a rounding error.

The McDonough rights were recommended with the errors in 2006. The rights were all uncontested, and the errors carried over to the partial decrees of the rights. However, because of the errors in the recommendations, rights 63-361, 63-8389 and 63-9807 were identified as uncontested overlaps to right 2-68, which was objected to. The description of the unrelated right 2-68 contains no reference to the McDonough rights, and the partial decree of right 2-68 does not need correction.

IDWR requests the Quantity and POU conditions of the partial decrees of rights 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 be corrected to replace right 2-68 with rights 2-2240 and 2-2431. IDWR also requests the correction of the combined total of 231 acres shown in the POU condition to the combined total of 226.3 acres.

Mr. McDonough met with IDWR staff on February 19, 2014, and signed off on the proposed corrections to rights 2-2240, 2-2431, 63-361, 63-8389 and 63-9807.

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: 208-321-4645

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

MAILING ADDRESS: IDWR, P.O. Box 83720, Boise, ID 83720-0098

Corrected recommendations of the water rights are attached.

Request for Correction of Errors

2-2240, 2-2431, 63-361, 63-8389 & 63-9807

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

RIGHT NUMBER: 2-2240

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA ID 83641

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.250 CFS
507.00 AFY

Right Nos. ~~2-68,~~ 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to a total combined diversion rate of 4.62 cfs.

PRIORITY DATE: 10/25/1963

POINT OF
DIVERSION:

T01S R02W S6 NWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.250 CFS 507.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in CANYON County

T01S R02W S05 Lot 4 NWNW	2.00	T01S R02W S05	SWNW	20.00
T01S R02W S05	NESW 2.00	T01S R02W S05	NWSW	29.00
T01S R02W S05	SWSW 1.00	T01S R02W S06 Lot 4	NENE	10.00
T01S R02W S06 Lot 3	SWNE 3.00	T01S R02W S06	SENE	21.00
T01S R02W S06 Lot 2	NESE 22.00	T01S R02W S06 Lot 1	SESE	2.50

112.5 ACRES TOTAL

Right Nos. ~~2-68,~~ 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to the irrigation of a combined total of ~~231~~ 226.3 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

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

RIGHT NUMBER: 2-2431

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA ID 83641

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.320 CFS
875.00 AFY

Right Nos. ~~2-68~~, 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to a total combined diversion rate of 4.62 cfs.

PRIORITY DATE: 12/05/1958

POINT OF
DIVERSION:

T01S R02W S6 NWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.320 CFS 875.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in CANYON County

T01S R02W S05 Lot 4 NWNW	2.00	T01S R02W S05	SWNW	21.00
T01S R02W S05	NESW	5.00	T01S R02W S05	NWSW
T01S R02W S05	SWSW	25.00	T01S R02W S05	SESW
T01S R02W S06 Lot 4 NENE	11.00	T01S R02W S06 Lot 3 SWNE	4.00	
T01S R02W S06	SENE	24.00	T01S R02W S06 Lot 2 NESE	25.00
T01S R02W S06 Lot 1 SESE	5.00	T01S R02W S08 Lot 4 NWNW	3.00	

175 ACRES TOTAL

Right Nos. ~~2-68~~, 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to the irrigation of a combined total of ~~231~~ 226.3 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

02/20/2014

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

RIGHT NUMBER: 63-361

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA ID 83641

SOURCE: GROUCH DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.100 CFS
248.00 AFY

Right Nos. ~~2-68~~, 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to a total combined diversion rate of 4.62 cfs.

PRIORITY DATE: 04/01/1917

Pursuant to a call in times of scarcity, this right is junior to Water Right Nos. 63-360A & 63-32527, 63-32528 and 63-32529 per Decree 63-T, Bachman et al vs Reynolds Irrigation District.

POINT OF
DIVERSION:

T01S R02W S8 SENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		03/01 11/15		1.100 CFS
PLACE OF USE:	<u>IRRIGATION in CANYON County</u>				
	T01S R02W S05	NESW	3.00	T01S R02W S05	SWSW 10.00
	T01S R02W S05	SESW	19.00	T01S R02W S06	NENE 4.00
	T01S R02W S06	NWNE	7.00	T01S R02W S06	SENE 3.00
	T01S R02W S08	NWNE	2.00	T01S R02W S08	NENW 7.00

55 ACRES TOTAL

Right Nos. ~~2-68~~, 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to the irrigation of a combined total of ~~231~~ 226.3 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 - Decreed

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

02/20/2014

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

RIGHT NUMBER: 63-9807

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA ID 83641

SOURCE: WASTE WATER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.400 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Right Nos. ~~2-68~~, 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to a total combined diversion rate of 4.62 cfs.

PRIORITY DATE: 06/12/1982

POINT OF
DIVERSION:

T01S R02W S6 SENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.400 CFS 90.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T01S R02W S06 Lot 4 NENE	4.00	T01S R02W S06 Lot 5 NWNE	8.00
T01S R02W S06 Lot 3 SWNE	1.00	T01S R02W S06 SENE	7.00

20 ACRES TOTAL

Right Nos. ~~2-68~~, 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to the irrigation of a combined total of ~~23.1~~ 226.3 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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Corrected Director's Report for 63-9807

02/20/2014

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

RIGHT NUMBER: 63-8389

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA ID 83641

SOURCE: GROUCH DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.160 CFS
261.00 AFY

Right Nos. ~~2-68~~, 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to a total combined diversion rate of 4.62 cfs.

PRIORITY DATE: 03/10/1992

POINT OF
DIVERSION:

T01S R02W S8 NENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
-----------------------	----------------------	-----------------

IRRIGATION	3/15 11/15	1.160 CFS 261.00 AFY
------------	------------	-------------------------

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before march 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than

the

date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T01S R02W S05	SWSW	13.00	T01S R02W S05	SESW	8.00
T01S R02W S08	NENW	26.00	T01S R02W S08 Lot 4 NWNW		11.00

58 ACRES TOTAL

Right Nos. ~~2-68~~, 2-2240, 2-2431, 63-361, 63-8389 and 63-9807 are limited to the irrigation of a combined total of ~~231~~ 226.3 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

CERTIFICATE OF SERVICE

I certify that on February 26, 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

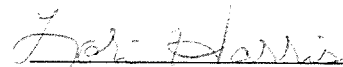
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

3. Copy to the Owner:

Mark A. McDonough
P.O. Box 74
Melba, ID 83641

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



Signature of person or attorney mailing the form