

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. : 47-7115B

NAME OF OWNER LISTED ON THE PARTIAL DECREE: Charles J. Hill

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE: February 28, 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

Should be: _____

4. ☐ Priority Date

Should be: _____

5. XX Point of Diversion

Should be: The point of diversion described as T09S R14E S10 NWSWNW Lot 2 should be deleted and replaced with a point of diversion described as T09S R14E S9 SESENE

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:

While conducting an investigation as part of a licensing exam for a permit on an adjacent property, IDWR discovered an error in a Point of Diversion (POD) description of water right 47-7115D, claimed by Evelyn Poppay. The POD described at T09S R14E S10 Lot 2 (NWSWNW) is actually located at T09S R14E S09 SESENE. IDWR notified the claimant and suggested she contact the SRBA Court in order to correct the error, as the right had been partially decreed in 2010. The claimant filed a motion to set aside the partial decree, and in the proceedings to correct the D portion of the right, it was discovered that the POD error also impacted the B portion of the right, which is diverted at the same point. The partial decree of right 47-7115D was corrected in June of 2013.

Water right 47-7115B, claimed by Charles Hill, was also decreed in 2010 with the incorrect Point of Diversion (POD) described at T09S R14E S10 NWSWNW Lot 2. The correct location of the POD is T09S R14E S09 SESENE. IDWR is requesting the correction should also be made to the point of diversion of right 47-7115B as well.

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

CONTACT PERSON: Vicki Kelly

TELEPHONE NUMBER: 208-287-4816

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

MAILING ADDRESS: IDWR
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

A corrected recommendation of the water right is attached.

01/31/2013

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

RIGHT NUMBER: 47-7115B

NAME AND ADDRESS: CHARLES J HILL
4592A RIVER RD
BUHL ID 83316

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
20.00 AFY

PRIORITY DATE: 04/08/1971

POINT OF

DIVERSION: T09S R14E S9 NESENE Within TWIN FALLS County
T09S R14E S9 NWSENE Within TWIN FALLS County
T09S R14E ~~S10 NWSWN Lot 2~~ S9 SESENE Within TWIN FALLS County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/30	0.100 CFS
		20.00 AFY
RECREATION	01/01 12/31	0.013 CFS

The use of water for irrigation under this right may begin as early as March 15, provided other elements of the right are not exceeded. The use of water before April 1 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 TWIN FALLS County

T09S R14E S09 SENE 2.50 T09S R14E S10 Lot 2 SWNW 2.50

RECREATION in TWIN FALLS County

T09S R14E S09 SENE

5 ACRES TOTAL

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

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Proposed Correction to Partial Decree

47-7115B

CERTIFICATE OF SERVICE

I certify that on March 3rd, 2014, 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

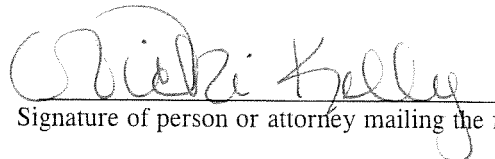
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

3. Copy to the Owner:

Charles J. Hill
4592A River Rd.
Buhl, ID 83316

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


Signature of person or attorney mailing the form