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APR 29 2014

REQUEST FOR CORRECTION OF ERROR

DEPT. OF WATER RESOURCES

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.: 22-13188

NAME OF OWNER LISTED ON THE PARTIAL DECREE: Eric Espinoza and Kathleen A. Hames

CURRENT OWNER (IF DIFFERENT): _____

TODAY'S DATE: April 29, 2014

An error exists in the description of the following element(s) of the partial decree:

1. ☒ **Name and Address**

Though not an actual error, the claimants address should be updated to reflect their current residence:

6383 Prairie Ln
Evergreen, CO 80439

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Should contain the following transfer condition: *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.* No other changes are requested to the Quantity element.

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point of Diversion**

Recommended Point of Diversion should be replaced with a Point of Diversion described at T05N R44E S11 NWNW Within TETON County.

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

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☒ **Period of Year**

Condition shown under Purpose and Period of Use element should be replaced with the transfer condition: *The period of use for the irrigation described in this right may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 13, 2004.* No other changes are requested to the Purpose and Period of Use element.

9. ☐ **Place of Use**

Should be: _____

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

Water right 22-13188 was claimed in the SRBA in September 2001. The right was reported in December 2006, and no objections were filed to the recommendation. The right was partially decree as recommended in November 2008. When the claimant contacted IDWR recently with questions about the right, it was discovered that a 2004 transfer involving the Point of Diversion (POD) had not been reflected in the SRBA recommendation of the right. Also missing from the recommendation were several conditions added by the transfer. These oversights carried over to the partial decree.

IDWR is requesting a correction to the partial decree to reflect the transfer of the POD from T05N R44E S11 NWSESW to T05N R44E S11 NWNW. In addition, IDWR requests the addition of a transfer condition under the Quantity element, and amendment of the condition shown under the Purpose and Period of Use element to reflect the language from the transfer. Although Explanatory Material, which appears on water right recommendations, does not appear on the partial decrees of water rights, IDWR would also be correcting its records so that the transfer conditions are fully associated with this water right. These added explanatory transfer conditions appear on the attached proposed correction, which also reflects the claimant's current address.

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: 208-287-4816

E-MAIL ADDRESS: vicki.kelly@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.

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

RIGHT NUMBER: 22-13188

NAME AND ADDRESS:

ERIC ESPINOZA
6383 PRAIRIE LN 659 S RACE ST
EVERGREEN CO 80439 DENVER CO 80219-8760

KATHLEEN A HAMES
6383 PRAIRIE LN 659 S RACE ST
EVERGREEN CO 80439 DENVER CO 80219-8760

SOURCE: GROUND WATER Tributary:

QUANTITY: 0.270 CFS
57.000 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.

PRIORITY DATE: 05/09/1978

POINT OF DIVERSION:

T05N R44E S11 NWNW Within TETON County
T05N R44E S11 NWSEW Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION	04/15 10/15	0.270 CFS 57.00 AFY

~~THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 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.~~

The period of use for the irrigation described in this right may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 13, 2004.

PLACE OF USE: IRRIGATION within TETON County
T05N R44E S11 NWNW 19.0
19 ACRES TOTAL

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

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

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall accomplish the change authorized by transfer 71525 within one year of the date of the approval.

This right is a split from former right 22-13186.

Failure of the right holder to comply with the conditions of transfer 71525 is cause for the Director to rescind approval of the transfer.

This right is a split from original right 22-7279.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

~~THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 22-7279A, 22-7279B, 22-13188, 22-13235, 22-13256, 22-13263, 22-13273, 22-13275, 22-13276.~~

CERTIFICATE OF SERVICE

I certify that on April 29, 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

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☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

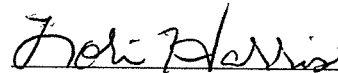
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Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

Eric Espinoza
Kathleen A. Hames
6383 Prairie Ln
Evergreen, CO 80439

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Signature of person or attorney mailing the form