

REQUEST FOR CORRECTION OF ERROR

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. : 47-17578 and 47-17579

NAME OF OWNER LISTED ON THE PARTIAL DECREE: Alpha L. Woodman, David Flint, Paul Flint

CURRENT OWNER (IF DIFFERENT): Terry Reid, Sharon Davies Reid, Flint Greenhouse/Mt States Plants

TODAY'S DATE : July 24, 2014

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

1. ☒ **Name and Address**

Should be:	Terry Reid	Sharon Davies Reid	Flint Greenhouse / MT States Plants
	P.O. Box 2181	P.O. Box 2181	P.O. Box 724
	Ketchum, ID 83340	Ketchum, ID 83340	Layton, UT 84041

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Should be: Quantity element for right 47-17578 should include the annual volume of 169.7 afy. Quantity element for right 47-17579 should note a corrected diversion rate of 0.65 cfs, and include the annual volume of 135.0 afy.

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: The quantity amounts for the heating use should be 0.59 cfs and 133.2 afy for water right

47-17579 only.

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:

In 1988, water right 47-7354 was claimed in the SRBA by Flint Greenhouses of Idaho and / or Alpha L. Woodman. A change of ownership occurred in 1999 (prior to the reporting of the right), and IDWR recommended right 47-7354 to Terry Reid, Sharon Davies Reid and / or Flint Greenhouse / Mt. States Plants in the Director's Report, Irrigation & Other Uses, IDWR Basin 47 filed in 2007. The recommended basis of claim was listed as permit.

The development initiated under the 1976 permit for right 47-7354 was eventually licensed in 2012, but required the splitting of the right into water rights 47-17578 and 47-17579. A Notice of Completed Administrative Proceeding (NCAP) was filed in 2012, noting the licensure of right 47-7354 as rights 47-17578 and 47-17579. The NCAP disallowed right parent right 47-7354. The NCAP also listed the owners of the children rights as David Flint, Paul Flint and Alpha L. Woodman (for both rights). Rights 47-17578 and 47-17579 were partially decreed to these owners in 2013. A final order which disallowed right 47-7354 was also issued in 2013.

A recent inquiry by Mr. Reid prompted IDWR to revisit the 2012 NCAP. IDWR discovered the NCAP did not reflect the 1999 ownership change shown in adjudication records, but instead listed the former owners as shown on water allocations records, which were out of date. This error carried over to the partial decrees of the children rights. IDWR is requesting correction of the Name and Address element of the partial decrees of 47-17578 and 47-17579 to reflect the change of ownership that occurred in 1999, and that was reflected in the 2007 reporting of the parent right.

In addition, when reviewing the rights on the ownership issue, IDWR discovered the NCAP also contained an error in the Purpose and Period of Use element of the heating use of right 47-17579, an error in the Quantity element of right 47-17579, and an omission in the Quantity element of both rights 47-17578 and 47-17579. Right 47-17579 was licensed with a diversion rate of 0.59 cfs and an annual diversion volume of 133.2 af for the heating use. The 2012 NCAP, under the Quantity heading of the Purpose and Period of Use element, incorrectly listed those amounts as 0.810 cfs (diversion rate) and 221.60 (annual diversion volume), which then carried over to the partial decree. The NCAP also listed a diversion rate of 0.870 cfs under the Quantity element of right 47-17579 instead of the rate eventually licensed, 0.65 cfs. And the Quantity elements of the NCAP for both rights omitted the licensed annual volume amounts: 169.7 afy for right 47-17578, and 135.0 afy for right 47-17579.

Besides correction of the ownership error, IDWR is also requesting correction of the Purpose and Period of Use element of the heating use for right 47-17579 to the licensed amounts. The Purpose and Period of Use element of right 47-17578 does not need correction. IDWR is requesting the correction of the

diversion rate shown under the Quantity element of right 47-17579 to the licensed rate, and the addition of the licensed annual diversion volume under the Quantity element of both rights.

Proposed corrected recommendations of the water rights are attached.

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

CONTACT PERSON: Craig Saxton

TELEPHONE NUMBER: 208-287-4916

E-MAIL ADDRESS: craig.saxton@idwr.idaho.gov

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

07/02/2014

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

RIGHT NUMBER: 47-17578

NAME AND ADDRESS: TERRY REID PAUL FLINT
PO BOX 2181 4788 A RIVER RD
KETCHUM ID 83340 BUHL ID 83316

SHARON DAVIES REID DAVID FLINT
PO BOX 2181 4788 A RIVER RD
KETCHUM ID 83340 BUHL ID 83316

FLINT GREENHOUSE/MT ALPHA L WOODMAN
STATES PLANTS RT 3 BOX 313
PO BOX 724 BUHL ID 83316
LAYTON UT 84041

SOURCE: GROUND WATER

TRIBUTARY:

This right authorizes the diversion of ground water within the Banbury Groundwater Management Area. Use of water under this right shall be subject to the provisions of the order approved by the director for the BGWMA.

QUANTITY: 0.950 CFS
169.7 AFY

PRIORITY DATE: 11/29/1976

POINT OF
DIVERSION: T08S R14E S33 SWSW Lot 7 Within TWIN FALLS County
T08S R14E S33 SWSW Lot 7 Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.080 CFS 2.40 AFY
HEATING	01/01 12/31	0.690 CFS 150.60 AFY
RECREATION	01/01 12/31	0.810 CFS 162.40 AFY

Heating use is for an office, a single vault greenhouse, a multi-vault commercial greenhouse, 3 homes and a garage.

Recreation use is for a swimming pool, 2 hot tubs and a fish pond.

Domestic use is for internal purposes only, within an office and 3 homes.

PLACE OF USE: HEATING in TWIN FALLS County
T08S R14E S33 Lot 7 SWSW

DOMESTIC in TWIN FALLS County
T08S R14E S33 Lot 7 SWSW

RECREATION in TWIN FALLS County
T08S R14E S33 Lot 7 SWSW

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

07/02/2014

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

RIGHT NUMBER: 47-17579

NAME AND ADDRESS: TERRY REID PAUL FLINT
PO BOX 2181 4788 A RIVER RD
KETCHUM ID 83340 BUHL ID 83316

SHARON DAVIES REID DAVID FLINT
PO BOX 2181 4788 A RIVER RD
KETCHUM ID 83340 BUHL ID 83316

FLINT GREENHOUSE/MT ALPHA L WOODMAN
STATES PLANTS RT 3 BOX 313
PO BOX 724 BUHL ID 83316
LAYTON UT 84041

SOURCE: GROUND WATER TRIBUTARY:

This right authorizes the diversion of ground water within the Banbury Groundwater Management Area. Use of water under this right shall be subject to the provisions of the order approved by the director for the BGWMA.

QUANTITY: 0.650 ~~0.870~~ CFS
135.0 AFY

PRIORITY DATE: 11/29/1976

POINT OF
DIVERSION:

T08S R14E S33 NESWSW Lot 7 Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.060 CFS 1.80 AFY
HEATING	01/01 12/31	0.59 ~~0.810~~ CFS <u>133.2</u> ~~221.60~~ AFY
RECREATION	01/01 12/31	0.580 CFS 131.60 AFY

Domestic use is for interior uses within 2 homes and a packing shed.

Recreation use is for a private swimming pool and a fish pond.

Heating use is for 2 homes, and a multi-vault commercial greenhouse.

PLACE OF USE: HEATING in TWIN FALLS County
T08S R14E S33 Lot 7 SWSW

DOMESTIC in TWIN FALLS County
T08S R14E S33 Lot 7 SWSW

RECREATION in TWIN FALLS County
T08S R14E S33 Lot 7 SWSW

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

CERTIFICATE OF SERVICE

I certify that on July 25, 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 Owners:

Terry Reid
Sharon Davies Reid
P.O. Box 2181
Ketchum, ID 83340

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

Flint Greenhouse/MT States Plants
P.O. Box 724
Layton, UT 84041

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

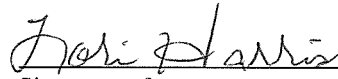
4. Copy to Former Owners:

Alpha L. Woodman
Rt. 3 Box 313
Buhl, ID 83316

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

David Flint
Paul Flint
4788 A River Rd
Buhl, ID 83316

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



Signature of person or attorney mailing the form