

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. 63-00311

NAME OF OWNER LISTED ON THE PARTIAL DECREE: Betty M. Bermensolo

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE February 12, 2015

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: Smith Creek tributary to Clear Creek
Clear Creek tributary to Grimes Creek

3. ☐ **Quantity**

Should be: _____

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 Use**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the errors:

The partial decree for Water Right 63-00311 filed on April 24, 2003, lists two points of diversion; however, the source element for one of the points of diversion is missing. IDWR requests that the source Smith Creek tributary to Clear Creek be added to the partial decree.

CONTACT PERSON: Carter Fritschle, Manager, Adjudication Section

TELEPHONE NUMBER: (208) 287-4917

E-MAIL ADDRESS: Carter.Fritschle@idwr.idaho.gov

MAILING ADDRESS: Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720

Proposed Correction to Partial Decree for 63-00311 is attached.

CERTIFICATE OF SERVICE

I certify that on February 13, 2015, 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 83720
Boise, ID 83720-0010

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

3. Copy to the Owner:

Betty M. Bermensolo
1970 North Canonero Way
Boise, ID 83709

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



Signature of person or attorney mailing the form

02/12/2015

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

RIGHT NUMBER: 63-311

NAME AND ADDRESS: BETTY M BERMENSOLO
1970 N CANONERO WAY
BOISE ID 83709

SOURCE: SMITH CREEK TRIBUTARY: CLEAR CREEK
CLEAR CREEK TRIBUTARY: GRIMES CREEK

QUANTITY: 1.500 CFS
THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE
FIELD HEADGATE.

PRIORITY DATE: 01/01/1894

POINT OF
DIVERSION: T07N R05E S2 NESW Within BOISE County
T07N R05E S2 SESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.500 CFS

PLACE OF USE: IRRIGATION in BOISE County

T07N R05E S02	SWSW	23.00	T07N R05E S10	NENE	35.00
T07N R05E S11	NWNW	10.00			

68 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 - Decreed