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REQUEST FOR CORRECTION OF ERROR

DEPT. OF WATER RESOURCES

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. 02-10387

NAME OF OWNER LISTED ON THE PARTIAL DECREE: Estate of Golda Darlene Montierth, Herbert R Montierth Jr., Edward Ray Montierth and Susan L. Montierth

CURRENT OWNER (IF DIFFERENT): N/A

TODAY'S DATE: March 18, 2013

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. ☐ **Point of Diversion**

Should be: _____

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

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: Quantity listed under Purpose and Period of Use element needs to be corrected from 3.14 CFS to 0.314 CFS.

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:

The Idaho Department of Water Resources (IDWR) filed a Notice of Completed Administrative Proceeding (NCAP) on April 9, 2009, identifying a clerical error in the quantity listed in both the Quantity and Purpose and Period of Use elements of 3.14 cfs. The Snake River Basin Adjudication Court issued a partial decree for water right no. 02-10387 on May 11, 2009, reflecting a correction to only the Quantity element and not the Purpose and Period of Use element as identified in the April 9, 2009, NCAP.

IDWR request that the quantity listed in the Purpose and Period of Use element in the partial decree for water right no. 02-10387 be corrected from 3.14 cfs to 0.314 cfs.

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

CONTACT PERSON: Craig Saxton, Adjudication Technical Analyst

TELEPHONE NUMBER: (208) 287-4916

E-MAIL ADDRESS: Craig.Saxton@idwr.idaho.gov

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

A corrected recommendation of the water right is attached.

CERTIFICATE OF SERVICE

I certify that on MARCH 19, 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

Estate of Golda Darlene Montierth
Herbert R Montierth Pers Rep
825 Heartland Drive
Nampa, ID 83686

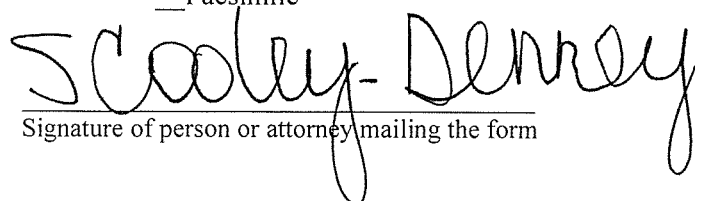
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Herbert R. Montierth Jr.
6312 S Zither Avenue
Boise, ID 83709

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

Edward Ray Montierth
Susan L Montierth
825 Heartland Drive
Nampa, ID 83686

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


Signature of person or attorney mailing the form

03/16/2015

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

RIGHT NUMBER: 2-10387

NAME AND ADDRESS: EDWARD RAY MONTIERTH
825 HEARTLAND DR
NAMPA ID 83686

SUSAN MONTIERTH
825 HEARTLAND DR
NAMPA ID 83686

HERBERT R MONTIERTH JR
6312 S ZITHER AVE
BOISE ID 83709

ESTATE OF GOLDA DARLENE MONTIERTH
HERBERT R MONTIERTH PERS REP
825 HEARTLAND DR
NAMPA ID 83686

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.314 CFS

Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, and splits of 2-2191B,
2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363,
2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059,
2-10184, 2-10185 2-10218, 2-10219, 2-10220 and 2-10221 when combined
shall not exceed a total diversion rate of 74.30 cfs.

PRIORITY DATE: 01/11/1963

POINT OF DIVERSION:

T01N R03W S36 SWSWNE Lot 7 Within CANYON County

**PURPOSE AND
PERIOD OF USE:**

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	~~3.14~~ <u>0.314</u> CFS

PLACE OF USE: IRRIGATION in CANYON County

T01N R03W S02 NESE 22.00

22 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

Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, and splits of 2-2191B,
2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363,
2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059,
2-10184, 2-10185 2-10218, 2-10219, 2-10220 and 2-10221 are diverted
from the point of diversion described above.

This right is a split from former right 2-2191B.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.