

RECEIVED

MAR 23 2015

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. 51-10046

NAME OF OWNER LISTED ON THE PARTIAL DECREE: Blue Ridge LLC

CURRENT OWNER (IF DIFFERENT): Big Sky Dairy

TODAY'S DATE: March 19, 2015

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

1. **XX Name and Address**

Should be: Big Sky Dairy, PO Box 407, Jerome, ID 83338

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. **XX Priority Date**

The condition relating to enlargements pursuant to Section 42-1426, should be deleted. Please see additional explanation the error below.

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 Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10. **XX Other**

The condition stating that this right is based on an enlargement pursuant to Idaho Code Section 42-1426 should be deleted. Please see additional explanation the error below.

Additional explanation or supporting documentation of the error:

This water right was partially decreed on December 1, 2000. A Change of Ownership was received by the Idaho Department of Water Resources (IDWR) on December 19, 2006. In addition to the corrections mentioned below, IDWR would request that the partial decree for water right no. 51-10046 be corrected to reflect the current owner of the water right.

The Point of Diversion (POD) of water right no. 51-10046 is located within the Blue Gulch Critical Ground Water Management Area. It has been brought IDWR's attention that water right no. 51-10046 was partially decreed with conditions indicating that it was based on both the Idaho Code § 42-1416B (expansion statute) and Idaho Code § 42-1426 (enlargement statute). Because a water right cannot be based on both the enlargement and expansion statutes, IDWR requests that this right be recommended only upon Idaho Code § 42-1416, the expansion statute.

In addition, in order for accurate administration of this water right, IDWR requests that the condition currently listed in the Explanatory Material element be deleted and the following condition added:

This right is for an expansion of 61 acres within the place of use described for this right.

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

CONTACT PERSON: Carter Fritschle, Adjudication Section Manager

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

CERTIFICATE OF SERVICE

I certify that on MARCH 20, 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

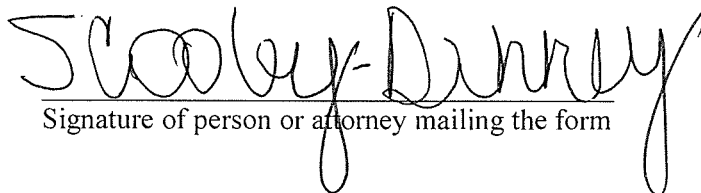
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

Big Sky Dairy
PO Box 407
Jerome, ID 83338

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


Signature of person or attorney mailing the form

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

RIGHT NUMBER: 51-10046

NAME AND ADDRESS: BIG SKY DAIRY
PO BOX 407
JEROME ID 83338

BLUE RIDGE LLC
PO BOX 2839
TWIN FALLS, ID 83303

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.355 CFS

USE OF THIS RIGHT WITH RIGHT NO. 51-02188 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.62 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 786 AF.

PRIORITY DATE: 06/30/1985

~~THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.~~

POINT OF DIVERSION:

T09S R12E S28 NWSW Within OWYHEE County
T09S R12E S28 SWSW Within OWYHEE County

**PURPOSE AND
PERIOD OF USE:**

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 11/15	0.355 CFS

PLACE OF USE: IRRIGATION in OWYHEE County

T09S R12E S28	NENW	34.00	T09S R12E S28	NWNW	40.00
T09S R12E S28	SWNW	39.00	T09S R12E S28	SENW	40.00
T09S R12E S28	NESW	40.00	T09S R12E S28	NWSW	22.00
T09S R12E S28	SWSW	24.00	T09S R12E S28	SESW	39.00

278 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 51-02188 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 278 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 61 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

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

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 51-02188 PURSUANT TO
SECTION 42-1416B, IDAHO CODE.

~~THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO.
51-2188 PURSUANT TO SECTION 42-1426, IDAHO CODE.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 51-02188 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

~~THIS RIGHT IS FOR AN ENLARGEMENT OF 61 ACRES WITHIN THE PLACE OF
USE DESCRIBED FOR THIS RIGHT.~~

THIS RIGHT IS FOR AN EXPANSION OF 61 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR
THIS RIGHT.