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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. 75-34A

NAME OF OWNER LISTED ON THE PARTIAL DECREE: Raymond V. Herbst and Renee A. Herbst

CURRENT OWNER (IF DIFFERENT):

TODAY'S DATE: March 19, 2015

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

1. ☐ **Name and Address**

Should be: _____

2. **XX Source**

A condition needs to be added to ensure compliance with requirements of the Idaho Department of Fish and Game. See additional explanation of the error below.

3. **XX Quantity**

A condition needs to be added providing an annual volume limitation. See additional explanation of the error below.

4. ☐ **Priority Date**

Should be: _____

5. **XX Point of Diversion**

Should be: T20N, R22E, S6, SESE Lot 14 Within LEMHI County

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. ☒ **Other**

Conditions need to be added to the explanatory material element, which are necessary for administration of water right no. 75-34A.

Additional explanation or supporting documentation of the error:

In January of 2008, Raymond V. Herbst and Renee A. Herbst filed Transfer No. 74148 in order to change the point of diversion (POD) for water right no. 75-34A. The transfer was approved on February 13, 2008, with new conditions as well as the changed POD. The Idaho Department of Water Resources inadvertently did not prepare or file a Notice of Completed Administrative Proceeding (NCAP) showing the right as changed by the transfer. The water right was decreed on November 23, 2009 with the incorrect POD.

The following condition to ensure compliance with Idaho Department of Fish and Game requirements needs to be added to the Source element:

Prior to the diversion and use of water under the approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department Fish and Game.

The following condition establishing an annual volume limitation needs to be added to the Quantity element:

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

The following conditions need to be added to the Explanatory Material element of water right no. 75-34A which are necessary for accurate administration of the right:

This right does not grant any right-of-way or easement across the land of another.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75C.

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

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

CONTACT PERSON: Craig L. 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

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

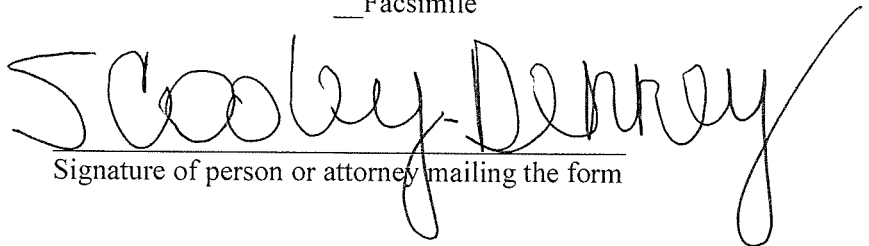
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

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

Raymond V. Herbst
Renee A. Herbst
38 Lovers Lane
Salmon, ID 83467

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


Signature of person or attorney mailing the form

03/17/2015

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

RIGHT NUMBER: 75-34A

NAME AND ADDRESS: RAYMOND V HERBST
38 LOVERS LN
SALMON ID 83467

RENEE A HERBST
38 LOVERS LN
SALMON ID 83467

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

Prior to the diversion and use of water under the approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

QUANTITY: 0.400 CFS

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 04/01/1894

POINT OF
DIVERSION: ~~T20N R22E S5 NWSNW Within LEMHI County~~

T20N R22E S6 SESE Lot 14 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.400 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R22E S18 NWNE 10.00
10 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

This right does not grant any right-of-way or easement across the land of another.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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

Water is delivered through the Runsten Mintzer Ditch.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75C.

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