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APR 06 2015

REQUEST FOR CORRECTION OF ERROR

DEPT. OF WATER RESOURCES

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 OWNERS OF THE WATER RIGHTS OF THE ERRORS IN QUESTION.

WATER RIGHT NOS.: 37-2045, 37-10993 and 37-12841

NAMES OF OWNERS LISTED ON THE PARTIAL DECREES:

Lava Lake Land & Livestock LLC (37-2045)

Michael J. Fleming (37-10993)

Gretchen B. Guard (37-12841)

CURRENT OWNER (IF DIFFERENT): Jim D. Scarrow (37-10993)

TODAY'S DATE: April 2, 2015

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

1. ☒ **Name and Address:**

For water right no. 37-10993: Jim D. Scarrow, 3184 South 1900 East, Wendell, ID 83355.

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: _____

8. ☐ **Period of Year:**

Should be: _____

Request for Correction of Error

9. ☒ **Place of Use:**

The county listed should be corrected to BLAINE County for water right nos. 37-2045 and 37-12841.
The county listed should be corrected to GOODING County for water right no. 37-10993.

10. ☐ **Other Provisions:**

Should be: _____

Additional explanation or supporting documentation of the error:

A partial decree was issued for water right no. 37-10993 on May 4, 2001. A Change of Ownership was submitted to the Idaho Department of Water Resources (IDWR) on January 5, 2006. IDWR requests that the corrected partial decree for water right 37-10993 reflect the updated ownership.

IDWR has discovered errors in the county designation listed under the Place of Use (POU) element as shown in the water rights listed above. The database errors occurred in the recommendation of these rights, which then carried over into the partial decrees. The errors were only recently discovered.

IDWR is requesting correction of the counties listed under the POU be amended as shown above.

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, P.O. 83720, Boise, ID 83720-0098

Proposed corrections to the partial decrees of these water rights are attached.

CERTIFICATE OF SERVICE

I certify that on APRIL 3, 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

Lava Lake Land & Livestock LLC
Represented by:
Charles L. Honsinger
Honsinger Law PLLC
PO Box 517
Boise, ID 83701-0517

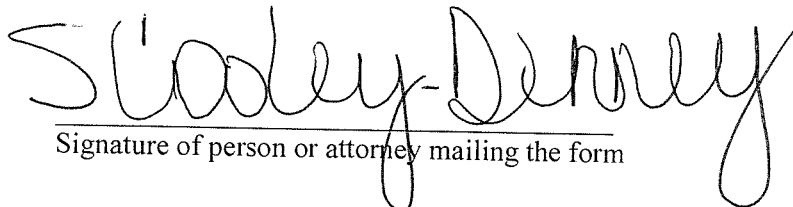
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Michael J. Fleming
17826 Highway 30
Bliss, ID 83314-5066

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

Gretchen B. Guard
PO Box 1687
Sun Valley, ID 83353

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


Signature of person or attorney mailing the form

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

03/05/2015

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

RIGHT NUMBER: 37-10993

NAME AND ADDRESS: JIM D SCARROW
3184 S 1900 E
WENDELL ID 83355

~~MICHAEL J FLEMING~~
~~938 E 2700 S~~
~~HAGERMAN ID 83332~~

SOURCE: SPRING

TRIBUTARY: BIRCH CREEK

QUANTITY: 0.050 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1934

POINT OF
DIVERSION: T06S R13E S35 NESWSW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	1/01 12/31	0.050 CFS
DOMESTIC	1/01 12/31	0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: STOCKWATER in ~~FREMONT~~ GOODING County

T06S R13E S34 SESE

DOMESTIC in ~~FREMONT~~ GOODING County

T06S R13E S34 SESE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 150 dairy & beef cattle.

Parcel No. RP06S13E349000

03/05/2015

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

RIGHT NUMBER: 37-12841

NAME AND ADDRESS: GRETCHEN B GUARD
PO BOX 1687
SUN VALLEY ID 83353

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1982

POINT OF
DIVERSION: T03N R18E S7 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

1/01 12/31

0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC in ~~TWIN FALLS~~ BLAINE County
T03N R18E S07 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - Beneficial Use