
Conversation Memo

Date: April 20, 2015

To: File 81-10120

From: Craig L. Saxton *CLS*

Re: Retuned Request for Correction of Error

IDWR requested the SRBA court correction an error in the county description for Partial Decree 81-10120. In the process of making the request, the water right holders of record were sent a copy of the **Request For Correction of Error** for their review.

On 4-20-2015, IDWR received the copy of the **Request For Correction of Error** from Kathryn and Vernon Agee. There appears to have been some confusion as to what to do with the copy the Agees received. As a result, Vernon Agee filled out the blanks next to the listed elements of a water right and sent it back to IDWR.

When Mr. Agee completed the form, he filled in a new address and then it appears that he combined elements of both their spring right (81-10120) and their ground water right (81-10119).

I called the Agee's at (208) 926-4682 and explained to Ms. Agee that as long as they agreed with the change in county, then there was nothing else they needed to do. Ms. Agee agreed that the error in the county needed corrected and that she would speak with Mr. Agee to see if he had other questions. I left my name and number for him to call me back.

I will use the form as a request for a change in address since the Agees indicated that their mailing address is different than what is on the partial decree.

RECEIVED
APR 20 2015
IDWR / NORTH

REQUEST FOR CORRECTION OF ERROR

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.: 81-10120

NAMES OF OWNERS LISTED ON THE PARTIAL DECREES:

Kathryn B. Agee and Vernon W. Agee (81-10120)

CURRENT OWNER (IF DIFFERENT): _____

TODAY'S DATE: March 30, 2015

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

1. ☒ **Name and Address:**

Should be: Kathryn B. Agee & Vernon W. Agee, 140 Harris Ridge Loop, Kooskia, ID 83539

2. ☒ **Source:**

Should be: Groundwater & Spring - Tributary Red Pine Creek

3. ☒ **Quantity:**

Should be: 0.04 CFS Not Exceed 13,000 gallons per Day.

4. ☒ **Priority Date:**

Should be: 12/01/1973

5. ☒ **Point of Diversion:**

The county listed should be corrected to IDAHO County for right 81-10120.

6. ☒ **Instream Flow Beginning and/or Ending Point:**

Should be: Red Pine Creek and Ending in Clearwater River

7. ☒ Purpose(s) of Use:

Should be: 5 to 6 KW water + Domestic 1 Home 01/01/ To 12-31 0.02 CFS

8. ☐ Period of Year:

Should be: 01 To 12-31

9. ☒ Place of Use:

The county listed should be corrected to IDAHO County for right 81-10120.

10. ☐ Other Provisions:

Should be: All is in Idaho, County

Additional explanation or supporting documentation of the error:

IDWR has discovered errors in the county designation listed under the Point of Diversion (POD) and Place of Use (POU) element and 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 county listed under the POD and POU be corrected to IDAHO County for right 81-10120. The legal descriptions of the rights remain unchanged.

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 MARCH 31, 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

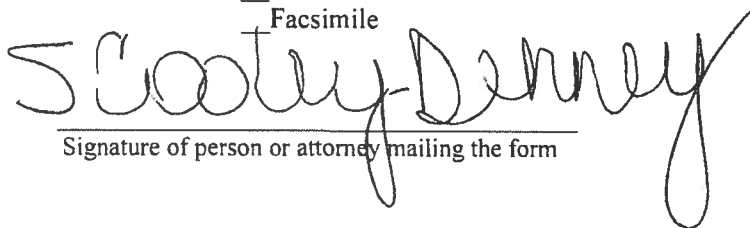
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☐ Facsimile

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

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

Kathryn B. Agee
Vernon W. Agee
HC 75, Box 128
Kooskia, ID 83539

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


Signature of person or attorney mailing the form