

REQUEST FOR CORRECTION OF ERROR

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 OWNERS OF THE WATER RIGHT OF THE ERROR IN QUESTION.

WATER RIGHT NOS.: 51-7038

NAMES OF OWNERS LISTED ON THE PARTIAL DECREES:

Big Sky Dairy

CURRENT OWNER (IF DIFFERENT): _____

TODAY'S DATE: May 11, 2015

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: _____

8. ☒ **Period of Year:**

Should be: 3/15 to 11/15

9. ☐ **Place of Use:**

Should be: _____

10. ☐ **Other Provisions:**

Should be: _____

Additional explanation or supporting documentation of the error:

IDWR has discovered errors in the period of use description in 51-7038. The error occurred upon issuance of an amended Partial Decree on May 22, 2013.

On January 30, 2013, IDWR filed a Notice of Completed Administrative Proceeding to inform the SRBA court of issuance of license 51-7038 and to provide an Amended Directors Report (ADR) in which the elements of 51-7038 reflect that of the approved license. Among other changes, the ADR identified a change in the period of use from 05/01 to 9/15 to **03/15 to 11/15**.

On February 13, 2013, the SRBA court issued a *Notice of Court's Intent to Issue Amended Partial Decree and Notice of Hearing Thereon*. The order contained a copy of the proposed Amended Partial Decree which identified the season of use as being **31/51** to 11/15.

On May 22, 2013, the court issued Amended Partial Decree with a season of use described as 31/51 to 11/15. The error in the beginning of the season of use appears to be a clerical error.

IDWR is requesting correction of the period of use to **03/15 to 11/15**.

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

CONTACT PERSON: Craig L. 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 MAY 12, 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

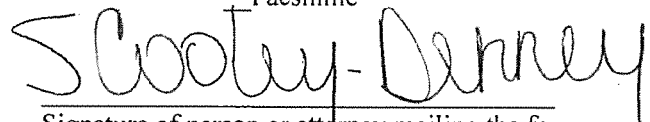
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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
P.O. Box 407
Jerome ID 83338

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


Signature of person or attorney mailing the form

05/04/2015

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

RIGHT NUMBER: 51-7038

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.280 CFS
1,276.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Rights 51-2185, 51-2186, 51-2189, 51-7018, 51-7030 and 51-7038 when combined shall not exceed a total diversion rate of 21.33 cfs.

PRIORITY DATE: 06/20/1969

POINT OF DIVERSION:

T09S R12E S20 SENW Within OWYHEE County
T09S R12E S29 NENE Within OWYHEE County
T09S R12E S29 SWNE Within OWYHEE County
T09S R12E S29 SWNE Within OWYHEE County
T09S R12E S29 SWNE Within OWYHEE County
T09S R12E S29 NWSE Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	~~31/51~~ 03/15 11/15	4.280 CFS 1,276.00 AFY

PLACE OF USE: IRRIGATION in OWYHEE County

T09S R12E S17	SWSE	40.00	T09S R12E S20	NENE	39.00
T09S R12E S20	SENE	40.00	T09S R12E S20	NESE	40.00
T09S R12E S21	SENE	40.00	T09S R12E S21	NESW	40.00
T09S R12E S21	NWSW	40.00	T09S R12E S21	SWSW	40.00

319 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

The following rights are diverted through points of diversion described above: 51-2185, 51-2186, 51-2189, 51-7018, 51-7030 and 51-7038.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

This right is appurtenant to land designated as DLE I-017104.