

SECOND AMENDED REQUEST FOR CORRECTION OF ERROR

THE IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) HAS IDENTIFIED ERRORS IN THE SRBA PARTIAL DECREE OF THE WATER RIGHT 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 RIGHT OF THE ERRORS IN QUESTION.

WATER RIGHT NOS.: 27-11305

NAMES OF OWNERS LISTED ON THE PARTIAL DECREES:

Donald Salser

CURRENT OWNER (IF DIFFERENT):

Nolan Koller and/or Shannon L. Koller

TODAY'S DATE: May 22, 2015

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

1. ☒ **Name and Address:**

Should be: NOLAN KOLLER
3030 WOOD CANYON RD
SODA SPRINGS ID 83276

SHANNON L KOLLER
3030 WOOD CANYON RD
SODA SPRINGS ID 83276

Updated per a Notice of Change in Water Right Ownership submitted to IDWR on May 5, 2015

2. ☐ **Source:**

Should be: _____

3. ☐ **Quantity:**

Should be: _____

4. ☐ **Priority Date:**

Should be: _____

5. ☒ **Point of Diversion:**

The county listed should be corrected to CARIBOU County.

The Point of Diversion (POD) should be corrected to T07S N, R42E, S07, NWNW Lot 1

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:**

The Place of Use (POU) should be corrected to T07S N, R42E, S07, NWNW Lot 1.

10. ☐ **Other Provisions:**

Should be: _____

Additional explanation or supporting documentation of the error:

IDWR has discovered an error in the county designation listed under the Point of Diversion (POD) element as shown in the water right listed above. The database error occurred in the recommendation of this right, which then carried over into the partial decree. The error was only recently discovered.

To correct the error in the county description, IDWR filed a Request for Correction of Error (Request) on April 3, 2015. The Request addressed errors in the county descriptions of seven Basin 27 partial decrees, including the partial decree of water right 27-11305. On April 13, 2015, IDWR received notification that water right 27-11305 was under new ownership. Upon investigation, IDWR determined that not only was the water right under new ownership, but there were additional errors in the underlying public land survey (PLS) description for the POD and POU. The errors in the PLS description for the POD and POU are the result of misidentifying the location of section boundaries within a non-standard township. The error occurred when the claim was filed and was overlooked when the claim was recommended. Subsequently, the error was carried over into the POD and POU elements of the partial decree issued in 1999.

IDWR is submitting this Amended Request for Correction of Error regarding the partial decree for water right no. 27-11305 to request correction of the POD county designation error, correction of the POD and POU legal description error, and to update ownership.

IDWR is also requesting an update to the recommended Explanatory Material to reflect the current Caribou County parcel record. Explanatory Material does not appear on partial decrees of water rights, but is reflected in IDWR records, and the change to the explanatory condition is shown on the attached proposed correction.

On May 20, 2015, IDWR was alerted to an error on the Amended Request for Correction of Error filed on May 21, 2015. On the form itself, the Point of Diversion correction (shown at no. 5 on the form) and the Place of Use correction (shown at no. 9 on the form) requests a correction to the county designation as well as a correction to the section and quarter-quarter description of the legal descriptions. However, IDWR inadvertently listed an incorrect township for both the POD and POU description shown on the Amended Request form. The township of 07S originally partially decreed for both the POD and POU is correct and does not need changed to township 07N, shown on the form in error. To avoid any possible

confusion regarding the legal descriptions, IDWR is submitting this Second Amended Request for Correction of Error. **The error does not appear on the AMENDED Proposed Correction to Partial Decree 27-11305 attached to the Amended Request and also attached here.**

No further amendment is needed to the partial decrees of the remaining six Basin 27 rights listed on the original Request.

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

A proposed correction to the partial decrees of water right 27-11305 is attached.

05/07/2015

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

RIGHT NUMBER: 27-11305

NAME AND ADDRESS: NOLAN KOLLER
3030 WOOD CANYON RD
SODA SPRINGS ID 83276

SHANNON L KOLLER
3030 WOOD CANYON RD
SODA SPRINGS ID 83276

~~DONALD SALSER~~
~~BOX 796~~
~~SODA SPRINGS ID 83276~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/31/1969

POINT OF

DIVERSION: T07S R42E S07 NWNW Lot 1 Within BUTTE CARIBOU County
~~S06 SESESW~~

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

1/01 12/31

0.020 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC in CARIBOU County

T07S R42E S07 Lot 1 NWNW

~~S06~~ ~~SESESW~~

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

Parcel No. 07S42E073010

~~RP 14310~~

CERTIFICATE OF SERVICE

I certify that on May 22nd, 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

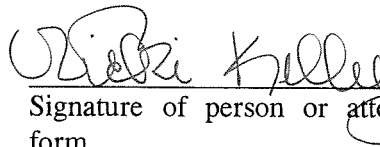
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Nolan Koller
Shannon L. Koller
3030 Wood Canyon Rd
Soda Springs, ID 83276

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

Donald Salser
Box 796
Soda Springs, ID 83276

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form