

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 OWNER OF THE WATER RIGHT OF THE ERRORS IN QUESTION.

WATER RIGHT NOS.: 29-7434

NAMES OF OWNERS LISTED ON THE PARTIAL DECREES:

Stoddard Farms of Grace

CURRENT OWNER (IF DIFFERENT):

TODAY'S DATE: November 10, 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:**

The following Quantity remark should be removed from the water right:

Use of this right with rights listed below is limited to a total combined annual diversion volume of 921 af. Combined right nos.:29-7434 & 29-13421

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:

The Quantity listed under the Purpose and Period of Use element needs to be corrected from 3.11 cfs to 3.34 cfs.

8. ☒ **Period of Year:**

Should be:

The Period of Use for Irrigation purposes under the Purpose and Period of Use element should be corrected from 4/15 - 10/15 to 4/1 - 11/01

The following Period of Use remark should be removed from the water right:

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

9. ☒ **Place of Use:**

Should be:

T09S R39E S11 SWNW	25.0
T09S R39E S11 SENW	33.0
T09S R39E S11 NESW	28.0
T09S R39E S11 NWSW	22.0
T09S R39E S11 SWSW	25.0
T09S R39E S11 SESW	30.0
T09S R39E S11 SWSE	27.0
T09S R39E S11 SESE	29.0
T09S R39E S14 NENE	29.0
T09S R39E S14 NWNE	27.0
T09S R39E S14 NENW	30.0
T09S R39E S14 NWNW	25.0

The following Place of Use remarks should be added to the water right:

This right is limited to the irrigation of 307 acres within the place of use described above in a single irrigation season.

Right Nos. 29-7434 and 29-13421 are limited to the irrigation of a combined total of 330 acres in a single irrigation season.

The following Place of Use remark should be removed from the water right:

This right is limited to the irrigation of 330 acres within the place of use described above in a single irrigation season.

10. ☐ **Other Provisions:**

Should be: _____

Additional explanation or supporting documentation of the error:

On May 29, 1981, water right license 29-7434 was issued: The license authorized diversion of 3.34 cfs and 921 acre-feet for irrigation of 307 acres from April 1 thru November 1.

In February of 1989, Calvin G Lloyd filed SRBA claim 29-7434 and application for transfer 3498. The purpose of the transfer was to move acres to accommodate installation of center pivots. The water right elements described in claim 29-7434 matched those described in application for transfer 3498 which identified a diversion rate of 3.34 cfs for irrigation of 307 acres from April 1 thru November 1.

On July 10, 1989, IDWR approved Transfer 3498.

On May 13, 1998, the Department received notice of change in water right ownership from Galvin G. Lloyd to Stoddard Farms of Grace.

On November 18, 2002, Stoddard Farms of Grace filed claim 29-13421 as an enlargement of water right 29-7434.

Water rights 29-7434 and 29-13421 were reported on July 11, 2003, in the Director's Report for Basin 29 for Irrigation and Other Water Rights. Although the water right elements of claim 29-7434 matched the elements of approved transfer 3498, the diversion rate, Period of Use and Place of Use (POU) elements of the Director's recommendation, and subsequently the partial decree, for 29-7434 were not consistent with approved transfer 3498. The diversion rate of 3.34 cfs was listed under the Quantity element of partial decree 29-7434, yet the diversion rate of 3.11 cfs was listed under the Purpose and Period of Use element. The Period of Use on partial decree 29-7434 was incorrectly identified as being from 4/15 through 10/15. In addition, the POU conditions inaccurately described the overlap relationship with enlargement right 29-13421. Water right 29-7434 was unobjected to and partially decreed as recommended in 2004.

IDWR is requesting correction of the Quantity, Purpose and Period of Use, and Place of Use elements of water right 29-7434, which includes adjustments to the acreage distribution in the POU description to better match actual use. Although Explanatory Material does not appear on the face of partial decrees, IDWR is correcting its record of the Basis of Claim of water right 29-7434 to be license instead of decreed.

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 decree of water rights is attached.

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

RIGHT NUMBER: 29-7434

NAME AND ADDRESS:

STODDARD FARMS OF GRACE
2004 TWO MILE RD
GRACE ID 83241

SOURCE: Source: Tributary:
GROUND WATER

QUANTITY: 3.340 CFS
921.000 AFY

~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 921 AF. COMBINED RIGHT
NOS.: 29-7434 & 29-13421~~

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.34 CFS. COMBINED RIGHT NOS.: 29-7434 &
29-13421

PRIORITY DATE: 01/11/1978

POINT OF DIVERSION:

T09S R39E S14 NENW Within CARIBOU County

PURPOSE AND PERIOD OF USE:	Purpose of use:	Period of use:	Quantity:
IRRIGATION		04/01 11/01	3.340 CFS 921.00 AFY
		04/15 10/15	~~3.110 CFS~~

~~THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.~~

PLACE OF USE: IRRIGATION within CARIBOU County

<u>T09S R39E S11 SWNW 25.0</u>	~~T09S R39E S11 SWNW 28.0~~
<u>T09S R39E S11 SENW 33.0</u>	~~T09S R39E S11 SENW 24.0~~
<u>T09S R39E S11 NESW 28.0</u>	
<u>T09S R39E S11 NWSW 22.0</u>	~~T09S R39E S11 NWSW 28.0~~
<u>T09S R39E S11 SWSW 25.0</u>	~~T09S R39E S11 SWSW 27.0~~
<u>T09S R39E S11 SESW 30.0</u>	~~T09S R39E S11 SESW 27.0~~
<u>T09S R39E S11 SWSE 27.0</u>	~~T09S R39E S11 SWSE 28.0~~
<u>T09S R39E S11 SESE 29.0</u>	~~T09S R39E S11 SESE 28.0~~
<u>T09S R39E S14 NENE 29.0</u>	~~T09S R39E S14 NENE 28.0~~
<u>T09S R39E S14 NWNE 27.0</u>	~~T09S R39E S14 NWNE 28.0~~
<u>T09S R39E S14 NENW 30.0</u>	~~T09S R39E S14 NENW 28.0~~
<u>T09S R39E S14 NWNW 25.0</u>	~~T09S R39E S14 NWNW 28.0~~

330 ACRES TOTAL

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

This right is limited to the irrigation of 307 acres within the place of use described above in a single irrigation season.

Right Nos. 29-7434 and 29-13421 are limited to the irrigation of a combined total of 330 acres in a single irrigation season.

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 330 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.~~

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 Decreed

Right No. 29-13421 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

CERTIFICATE OF SERVICE

I certify that on November 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

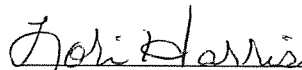
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Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

Stoddard Farms of Grace
2004 Two Mile Road
Grace, ID 83241
Soda Springs, ID 83274

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



Signature of person or attorney mailing the form