

REQUEST FOR CORRECTION OF ERRORS

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 OWNER OF THE WATER RIGHTS OF THE ERRORS IN QUESTION.

WATER RIGHT NOS.: 37-20847, 37-21173, 37-21649 and 37-21650

NAME OF OWNER LISTED ON THE PARTIAL DECREE:

37-20847: Barbara A Husome **37-21173:** Bennett W Quellhorst **37-21649:** Debra A Infanger
Robert G Husome Gail D Quellhorst John N Infanger

37-21650: Carol Nelson
Warren R Nelson

CURRENT OWNER (IF DIFFERENT):

37-20847: Roman Garza **37-21650:** Joyce A Pierce
Melissa Garza Bradley J Astle

TODAY'S DATE: November 23, 2015

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

1. ☒ **Name and Address**

Though not an actual error, the Name and Address element for rights 37-20847 and 37-21650 should be updated to reflect current ownership:

37-20847: Roman Garza	37-21650: Joyce A Pierce
Melissa Garza	Bradley J Astle
1794 E 1800 S	1796 E 1800 S
Gooding ID 83330	Gooding ID 83330

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Transfer conditions as noted should be added to the Quantity element of the following rights:

37-20847: This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

37-21173: This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

37-21649: 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.

37-21650: 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.

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point of Diversion**

Recommended Point of Diversion should be replaced with a Point of Diversion as transferred and described at T05S R14E Sec. 36 SESE Within Gooding County.

6. ☐ **Instream Flow Beginning and/or Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☒ **Period of Year**

Season of use of 04/15 to 11/15 recommended for right 37-21173 should be 3/15 to 11/15 per approved transfer no. 70687

9. ☒ **Place of Use**

The Place of Use for right 37-21649 should be 14.2 acres total reflecting an amendment to transfer no. 70687 as well as a 2006 ownership change. The transfer condition should be added to the Place of Use element stating: This right is limited to the irrigation of 12.0 acres within the place of use described above in a single irrigation season. This condition also considers the 2006 ownership change submitted for right 37-21649.

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

Water rights 37-20847, 37-21172 and 37-21173 were all reported in the Director's Report for Irrigation and Other Uses, Surface Water, Reporting Area 16, IDWR Basin 37, Part 1 filed on November 4, 2005. A change of ownership on right 37-21172 resulted in the right being split into water rights 37-21649 and 37-21650. A Notice of Completed Administrative Proceeding on the ownership change was filed on March 2, 2006. Rights 37-20847, 37-21173, 37-21649 and 37-21650 were unobjected to, and were partially decreed in the fall of 2006. The recommendation of parent right 37-21172 was disallowed, also in the fall of 2006.

Adjudication staff, in recommending rights 37-20847, 37-21172 and 37-21173 in 2005, did not consider transfer no. 70687, which impacted all 3 rights and was approved on May 13, 2004. The transfer involved moving the Point of Diversion (POD) described at T06S R15E Sec. 3 SWNW to a POD

described at T05S R14E Sec. 36 SESE for all three rights. A later amendment to the transfer changed the Place of Use (POU) of right 37-21172 from a 13.4 acre POU to a 15.6 acre permissible POU with a 13.4 acre limit. However, the 2006 ownership change (noted above) conveying 0.04 cfs on 1.4 acres to child right 37-21650 left child right 37-21649 (owned by the original owner of the 37-21172 parent right) with a 14.2 acre permissible POU with a 12.0 acre limit.

IDWR is requesting correction of the partial decrees to reflect the transfer of the POD from T06S R15E Sec. 3 SWNW to T05S R14E Sec. 36 SESE for rights 37-20847, 37-21173, 37-21649 and 37-21650. IDWR also requests changes under the POU element of child right 37-21649 to reflect the 14.2 acre permissible POU created by transfer no. 70687 and modified by the change of ownership. That change includes addition of the transfer condition to the POU element of right 37-21649. IDWR is also seeking correction to the Period of Year for right 37-21173 from 04/15 - 11/15 to 03/15 - 11/15 to reflect the approved transfer. Although Explanatory Material, which appears on water right recommendations, does not appear on the partial decrees of water rights, IDWR would also be correcting its records so that the explanatory remarks recommended for transfer conditions are fully associated with the four water rights. These added explanatory transfer conditions appear on the attached proposed corrections.

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: 208-287-4616

E-MAIL ADDRESS: craig.saxton@idwr.idaho.gov

MAILING ADDRESS: IDWR
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

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

11/20/2015

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

RIGHT NUMBER: 37-20847

NAME AND ADDRESS: ROMAN GARZA BARBARA A HUSOME
MELISSA GARZA ROBERT G HUSOME
1794 E 1800 S 4490 N 1325 E
GOODING ID 83330 BUHL ID 83316

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:
T05S R14E S36 SESE Within GOODING County
~~T06S R15E S03 SWNW Within GOODING County~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.040 CFS

PLACE OF USE: IRRIGATION in GOODING County

T05S R14E S36 SESE 3.80
3.8 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.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right does not grant any right-of-way or easement across the land of another.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37-M.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

~~Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.~~

~~The source of this right is waste water originally diverted by the Big Wood Canal Co.~~

~~Water is delivered through the Slough Ditch.~~

11/20/2015

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

RIGHT NUMBER: 37-21173

NAME AND ADDRESS: GAIL D QUELLHORST
1786 E 1800 S
GOODING ID 83330

BENNETT W QUELLHORST
1786 E 1800 S
GOODING ID 83330

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:

T05S R14E S36 SESE Within GOODING County
~~T06S R15E S03 SWNW Within GOODING County~~

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 03/15 11/15	0.040 CFS

PLACE OF USE: IRRIGATION in GOODING County

T05S R14E S36 SESE 4.20
4.2 ACRES TOTAL

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

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

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 - Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37-M.

This right does not grant any right-of-way or easement across the land of another.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

~~WATER IS DELIVERED THROUGH THE SLOUGH DITCH.~~

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

11/20/2015

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

RIGHT NUMBER: 37-21649

NAME AND ADDRESS: DEBRA A INFANGER
JOHN N INFANGER
1821 S 1800 E
GOODING ID 83330

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.280 CFS

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.

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:

T05S R14E S36 SESE Within GOODING County
~~T06S R15E S03 SWNW Within GOODING County~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.280 CFS

PLACE OF USE: IRRIGATION in GOODING County

T05S R14E S36 SESE 14.2 ~~12.0~~
14.2 ~~12.0~~ ACRES TOTAL

This right is limited to the irrigation of 12.0 acres within the place of use described above in a single irrigation season.

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

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

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 - Decreed

This right is a split from former right 37-21172.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37-M.

This right does not grant any right-of-way or easement across the land of another.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Water is delivered through the Slough Ditch.

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

11/20/2015

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

RIGHT NUMBER: 37-21650

NAME AND ADDRESS: JOYCE A PIERCE
BRADLEY J ASTLE
1796 E 1800 S
GOODING ID 83330

~~CAROL NELSON~~
~~WARREN R NELSON~~
~~1796 E 1800 S~~
~~GOODING ID 83330~~

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS

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.

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:

T05S R14E S36 SESE Within GOODING County
~~T06S R15E S03 SWNW Within GOODING County~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.040 CFS

PLACE OF USE: IRRIGATION in GOODING County

T05S R14E S36 SESE 1.40
1.4 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.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

~~Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.~~

~~Water is delivered through the Slough Ditch.~~

This right is a split from former right 37-21172.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right does not grant any right-of-way or easement across the land of another.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37-M.

CERTIFICATE OF SERVICE

I certify that on November 23, 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

Roman & Melissa Garza
1794 E 1800 S
Gooding, ID 83330

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

Gail D & Bennett W Quellhorst
1786 E 1800 S
Gooding, ID 83330

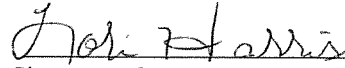
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Debra A & John N Infanger
1821 S 1800 E
Gooding, ID 83330

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

Joyce A Pierce
Bradley J Astle
1796 E 1800 S
Gooding, ID 83330

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



Signature of person or attorney mailing the form