

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 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 ERRORS IN QUESTION.

WATER RIGHT NOS.: 21-12519

NAMES OF OWNERS LISTED ON THE PARTIAL DECREES:

Barbara & George Dockery

CURRENT OWNER (IF DIFFERENT):

Jube II LLC

TODAY'S DATE: December 7, 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 should be updated to reflect the Notice of Change in Water Right Ownership received and processed by IDWR in 2007:

Jube II LLC
4643 Christopher Pl
Dallas, TX 75204

2. ☐ **Source:**

Should be: _____

3. ☐ **Quantity:**

Should be: _____

4. ☐ **Priority Date:**

Should be: _____

5. ☒ **Point of Diversion:**

Should be: The POD description for 21-12519 should be corrected to T03N, R45E, S15, SENW

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:**

Should be: _____

10. ☐ **Other Provisions:**

Should be: _____

Additional explanation or supporting documentation of the error:

IDWR recently discovered that the water use authorized under water right 21-12519 is located in administrative Basin 22 and was incorrectly assigned the current Basin 21 number. The numbering error is the result of a typographical error in the township description for the point of diversion (POD). The claimed POD is identified as being within T23N, R45E, Section 15, SESENW. Yet the place of use (POU) description is identified as being within T03N, R45E, Section 15, SENW. Consequently, the claimed POD is 120 miles away from the claimed POU.

Water right 21-12519 was partially decreed on October 1, 1999. The error in the POD description was missed when the Director's report was issued and subsequently the error was carried to the partial decree.

On August 27, 2007, IDWR received a Notice of Change in Water Right Ownership from the Director's Report owner, Dockery, to Jube II LLC. The warranty deed submitted with the Notice of Change in Water Right Ownership form supports that there was clearly an error in the township description for the POD since the property associated with water right 21-12519 is described as being within Township 03 North.

IDWR is requesting correction in the point of diversion description as described above. As a result of this correction, IDWR requests that the corrected partial decree be issued as water right number 22-14196 and that water right number 21-12519 be disallowed. IDWR also requests the corrected partial decree reflect the updated ownership information provided in the 2007 Notice of Change is Water Right Ownership.

As Explanatory Material does not appear on partial decrees of water rights, but is reflected in IDWR records, a change to the explanatory condition is shown on the attached proposed correction.

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 decree of water right are attached.

11/25/2015

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
21-12519	GEORGE DOCKERY 148 W 950 S VICTOR ID 83455	Disallowed	Recommended as Right No. 22-14196.
	BARBARA DOCKERY 148 W 950 S VICTOR ID 83455		

11/25/2015

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

RIGHT NUMBER: 22-14196 ~~21-12519~~

NAME AND ADDRESS: JUBE II LLC
4643 CHRISTOPHER PL
DALLAS, TX 75204

~~GEORGE DOCKERY~~
~~BARBARA DOCKERY~~
~~148 W 950 S~~
~~VICTOR, ID 83455~~

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.060 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 11/16/1967

POINT OF DIVERSION:

T03N ~~T23N~~ R45E S15 SESENW Within TETON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	1/01 12/31	0.040 CFS
STOCKWATER	1/01 12/31	0.020 CFS
Domestic <u>use is for</u> 1 home.		

PLACE OF USE: STOCKWATER in TETON County

T03N R45E S15 SENW

DOMESTIC in TETON County

T03N R45E S15 SENW

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. RP03N45E154600

STOCKWATER, 25 cattle AND HORSES

CERTIFICATE OF SERVICE

I certify that on December 8, 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

Jube II LLC
4643 Christopher PL
Dallas TX 75204

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

Jeri Harris

Signature of person or attorney mailing the form