

REQUEST FOR CORRECTION OF ERROR

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 OWNERS OF THE WATER RIGHTS OF THE ERRORS IN QUESTION.

WATER RIGHT NOS.: 21-12487 & 22-12268

NAMES OF OWNERS LISTED ON THE PARTIAL DECREES:

John D Brewer and Sally S. Brewer

CURRENT OWNER (IF DIFFERENT):

Prudence A. R. Blake

TODAY'S DATE: December 16, 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 2015:

PRUDENCE A R BLAKE
PO BOX 1057
DRIGGS ID 83422

2. ☐ **Source:**

Should be: _____

3. ☐ **Quantity:**

Should be: _____

4. ☐ **Priority Date:**

Should be: _____

5. ☒ **Point of Diversion:**

Should be: The POD description for 22-12268 should be corrected to T05N, R46E, S05, Lot 01, (NWNE)

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: The POU description for 22-12268 for both Domestic and Stockwater use should be corrected to T05N, R46E, S05, Lot 01, (NWNE)

10. ☒ **Other Provisions:**

Should be: Partial decree 21-12487 should be disallowed

Additional explanation or supporting documentation of the error:

On November 1, 1988, Sally and John Brewer filed SRBA claim 22-12268 describing the point of diversion (POD) and place of use (POU) as being within T05N, R46E, Section 5, Lot 1, NWNE, for domestic and stock watering purposes.

On August 18, 1998, IDWR renumbered claim 22-12268 to 21-12487 because it was believed that the claimed POD was actually located in Basin 21. This was a mistake as the POD is in fact located in Basin 22.

In the renumbering process, claim 22-12268 was never updated to show a non active status and consequently, both 21-12487 and 22-12268 were recommended and reported to the court as valid water rights. The recommendations were identical except that 22-12268 was missing the government lot description in both POD and POU elements. Rights 21-12487 and 22-12268 were decreed by the court on 10/15/1999 and 8/20/1999 respectively.

IDWR discovered the relationship between water rights 21-12487 and 22-12268 through routine error checking when they discovered that 21-12487 was decreed in Basin 22.

IDWR analysis indicates that both 21-12487 and 22-12268 describe the same use and are identical except for the missing government lot descriptions in 22-12268. Right 21-12487 was reported in error and should not exist.

On December 11, 2015, IDWR received a Notice of Change in Water Right Ownership for water right 22-12268. Ownership of the right changed from John D. and Sally S. Brewer to Prudence A. R. Blake.

IDWR is requesting addition of government lot description in the place of use and point of diversion elements of water right 22-12268. IDWR also requests that the ownership of water right 22-12268 be updated show Prudence A. R. Blake as the current owner. In addition, IDWR requests that right 21-12487 be decreed disallowed as it has been recommended as 22-12268.

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

A proposed correction to the partial decree of water rights is attached.

12/11/2015

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>
21-12487	JOHN D BREWER BOX 448 DRIGGS ID 83422	Disallowed	Recommended as Right No. 22-12268 in Basin 22 report.
	SALLY S BREWER BOX 448 DRIGGS ID 83422		

12/11/2015

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

RIGHT NUMBER: 22-12268

NAME AND ADDRESS: PRUDENCE A R BLAKE
PO BOX 1057
DRIGGS ID 83422

~~JOHN D BREWER~~
~~SALLY S BREWER~~
~~BOX 448~~
~~DRIGGS ID 83422~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS

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

PRIORITY DATE: 12/31/1975

POINT OF DIVERSION:

T05N R46E S5 NWNE Lot 1 Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	1/01 12/31	0.050 CFS
STOCKWATER	1/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in TETON County

T05N R46E S05 Lot 1 NWNE

DOMESTIC in TETON County

T05N R46E S05 Lot 1 NWNE

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. 05N46E050600 STOCKWATER, 10 STOCK, 2 HORSES

CERTIFICATE OF SERVICE

I certify that on December 17, 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

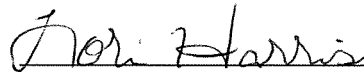
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Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

Prudence A R Blake
P.O. Box 1057
Driggs, ID 83422

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form