

RECEIVED

JAN 04 2016

DEPARTMENT OF
WATER RESOURCES

REQUEST FOR CORRECTION OF ERROR

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

WATER RIGHT NOS.: 55-4095A

NAMES OF OWNERS LISTED ON THE PARTIAL DECREES: Elias & Inez Jaca

CURRENT OWNER (IF DIFFERENT): N/A

TODAY'S DATE: December 29, 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:**

Should be: _____

4. ☐ **Priority Date:**

Should be: _____

5. ☒ **Point of Diversion:**

Should be:

T04S R04W S20 SENE Within OWYHEE County

T04S R04W S20 NENESE Begin of Stream Flow Within OWYHEE County

T04S R04W S20 SESESE End of Stream Flow Within OWYHEE County

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 include the following remark:

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.

Additional explanation or supporting documentation of the error:

On May 20, 1998, the Snake River Basin Adjudication (SRBA) court issued a partial decree for Water Right No. 55-4095A in connection with a stipulation agreement (SF5) submitted to the SRBA court on May 19, 1998.

The SF5 identified 3 points of diversion for Water Right No. 55-4095A. However, the partial decree for Water Right No. 55-4095A only listed 2 points of diversion.

IDWR is requesting correction of the point of diversion element of Water Right No. 55-4095A by including the missing point of diversion. In addition, IDWR requests addition of the general provision remark that is included in all active partial decrees issued in the SRBA.

As Explanatory Material does not appear on partial decrees of water rights, but is reflected in IDWR records, the 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.

12/22/2015

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

RIGHT NUMBER: 55-4095A

NAME AND ADDRESS: ELIAS JACA
817 W BLAINE AVE
NAMPA ID 83651

INEZ JACA
817 W BLAINE AVE
NAMPA ID 83651

SOURCE: POLE CREEK
SPRINGS

TRIBUTARY: JORDAN CREEK
TRIBUTARY: SINKS

QUANTITY: 0.190 CFS

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

PRIORITY DATE: 06/01/1904

POINT OF
DIVERSION:

T04S R04W S20 SENE Within OWYHEE County

T04S R04W S20 NENESE Begin of Stream Flow Within OWYHEE County

T04S R04W S20 SESESE End of Stream Flow Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
1/01 12/31

QUANTITY
0.190 CFS

PLACE OF USE: STOCKWATER in OWYHEE County

T04S R04W S20	SENE	T04S R04W S20	NESE
T04S R04W S20	SESE	T04S R04W S21	SWNW
T04S R04W S21	NWSW	T04S R04W S21	SWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 - Beneficial Use

This right is renumbered from former right 55-4095.

Parcel Nos. 04S04W201200 and 04S04W213600

Stockwater use is for 800 range cattle.

CERTIFICATE OF SERVICE

I certify that on December 29, 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

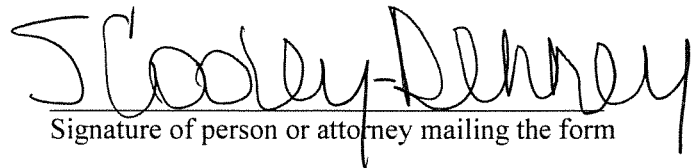
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

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

Elias Jaca
Inez Jaca
817 W Blaine Ave
Nampa, ID 83651

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


Signature of person or attorney mailing the form