

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.: 34-302

NAMES OF OWNERS LISTED ON THE PARTIAL DECREES: Josephine & Robert L. Spraker

CURRENT OWNER (IF DIFFERENT): _____

TODAY'S DATE: July 5, 2016

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

1. ☒ **Name and Address:**

Although not an error, the address of the claimants should be updated to reflect the address currently on record at IDWR: 2652 N 3300 W
Arco, ID 83213

2. ☐ **Source:**

Should be: _____

3. ☒ **Quantity:**

Should include condition:

The rights listed below are limited to a total combined diversion rate of 3.52 cfs.
Combined Right Nos.: 34-302, 34-2252, 34-07019, and 34-10056.

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: _____

8. ☒ **Period of Year:**

Should include condition:

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.

9. ☒ **Place of Use:**

Should include condition:

The rights listed below are limited to the irrigation of a combined total of 132 acres in a single irrigation season. Combined Right Nos.: 34-302, 34-2252, 34-07019, and 34-10056.

10. ☐ **Other Provisions:**

Should be: _____

Additional explanation or supporting documentation of the error:

Rights in Basin 34 (one of the SRBA test basins) were originally recommended to the Court with all remarks and conditions shown in a Remarks section of the recommendations. The Remark section of the recommendations appeared after the listing of the elements of the water rights. Prior to issuance of partial decrees in Basin 34, and with the assistance of the SRBA Court, the recommendations were reformatted. Any required conditions originally shown in the Remarks section were moved to appear under the element that the condition modified or further described. Any remaining remarks or conditions were considered explanatory material and appeared in IDWR records and recommendations only, and were not included on the face of partial decrees.

Besides explanatory material, the recommendation of right 34-302 contained a combined quantity condition and a combined place of use condition which were shown in the Remarks section. The Bureau of Land Management filed an objection to the recommendation which was withdrawn a short time later. The right was also reported on June 24, 1999, in IDWR's *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*. The recommendation contained a Period of Use condition that appeared in the Purpose and Period of Use element. That recommendation was also unobjected to.

On January 29, 2001, a partial decree for water right 34-302 was issued. The partial decree did not contain the conditions reported in the original Director's Report or the Supplemental Director's Report. IDWR believes this error may have occurred, in part, at the point of reformatting of the Basin 34 recommendations.

IDWR is requesting correction/addition of the conditions in the Quantity, Period of Year, and Place of Use elements of water right 34-302 to the partial decree. As Explanatory Material does not appear on partial decrees of water rights, but is reflected in IDWR records, the remarks or conditions included on the June 18, 1992, Director's Report that should remain explanatory are 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.

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

RIGHT NUMBER: 34-302

NAME AND ADDRESS: JOSEPHINE SPRAKER
2652 N 3300 W ROUTE 1 BOX 438
ARCO ID 83213

ROBERT L SPRAKER
2652 N 3300 W ROUTE 1 BOX 438
ARCO ID 83213

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

QUANTITY: 2.120 CFS

The rights listed below are limited to a total combined diversion rate of 3.52 cfs. Combined Right Nos.: 34-302, 34-2252, 34-7019, and 34-10056

PRIORITY DATE: 04/22/1889

POINT OF DIVERSION: T05N R26E S4 NWSESE Within BUTTE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	5/01 10/15	2.120 CFS

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.

PLACE OF USE: IRRIGATION in BUTTE County

T04N R26E S14	NWNW	18.00	T04N R26E S14	SWNW	33.00
T04N R26E S14	SENE	2.00			

53 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 132 acres in a single irrigation season. Combined Right Nos.: 34-302, 34-2252, 34-7019, and 34-10056

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 - Decreed

Water is delivered through Eastside Canal.

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

CERTIFICATE OF SERVICE

I certify that on July 6, 2016, 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

Josephine Spraker
Robert L. Spraker
2652 N 3300 W
Arco, ID 83213

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



Signature of person or attorney mailing the form