

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 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 RIGHT OF THE ERRORS IN QUESTION.

WATER RIGHT NOS.: 65-4015B

NAMES OF OWNERS LISTED ON THE PARTIAL DECREES:

Bogus Basin Recreational Assn Inc

CURRENT OWNER (IF DIFFERENT):

TODAY'S DATE: November 7, 2016

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:**

The following remark should be removed:

The quantity of water under this right shall not exceed 13,000 gallons per day.

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 be: _____

9. ☐ **Place of Use:**

Should be: _____

10. ☒ **Other Provisions:**

The following remark should be removed:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

Additional explanation or supporting documentation of the error:

IDWR has discovered that the partial decree for water right 65-4015B mistakenly includes two conditions that identify and limit the right to a de minimis use. The following Quantity condition limits daily diversion to 13,000 gallons per day:

“The quantity of water under this right shall not exceed 13,000 gallons per day.”

The following general condition within the Other Provisions section of the partial decree explains that the quantity is not a determination of historical beneficial use:

“The quantity of water decreed for this water right is not a determination of historical beneficial use.”

Both of these conditions were added to the recommendation of 65-4015B in error because the domestic use was mistakenly identified as being for de minimis use despite the fact that IDWR had not identified the use as being de minimis in previous administrative actions.

IDWR is requesting removal of the remarks as shown on the attached proposed correction to partial decree.

As Explanatory Material does not appear on partial decrees of water rights, but is reflected in IDWR records, explanatory conditions that were excluded on the June 18, 1992, Director’s Report 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 65-4015B are attached.

09/29/2016

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

RIGHT NUMBER: 65-4015B

NAME AND ADDRESS: BOGUS BASIN RECREATIONAL ASSN INC
2405 BOGUS BASIN RD
BOISE ID 83702

SOURCE: BOGUS CREEK

TRIBUTARY: SHAFER CREEK

QUANTITY: 0.100 CFS
8.80 AFY

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

PRIORITY DATE: 07/07/1882

POINT OF
DIVERSION: T05N R03E S16 SESE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.100 CFS 8.80 AFY

THE USE IS IN THE BOGUS BASIN RECREATION AREA

PLACE OF USE: DOMESTIC in BOISE County

T05N R03E S16	SWNE	T05N R03E S16	SENW
T05N R03E S16	NWSW	T05N R03E S16	SESW
T05N R03E S16	SWSE		

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 - Decreed

PARCEL NO. 05N03E160050A

CERTIFICATE OF SERVICE

I certify that on November 7, 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

Bogus Basin Recreational Assn. Inc.
2405 Bogus Basin Rd.
Boise, ID 83702

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



Signature of person or attorney mailing the form