

REQUEST FOR CORRECTION OF ERROR

THE IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) HAS IDENTIFIED AN ERROR 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 ERROR IN QUESTION.

WATER RIGHT NO.: 25-11617

NAMES OF OWNER LISTED ON THE PARTIAL DECREE:

ELLSWORTH PRODUCE
CO/ ELMER ELLSWORTH
PO BOX 9
LEWISVILLE ID 83431

CURRENT OWNER (IF DIFFERENT):

TODAY'S DATE: December 21, 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:**

Diversion Rate should be 0.166 cfs.

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:**

Should be: _____

Additional explanation or supporting documentation of the error:

On September 30, 2005, the Snake River Basin Adjudication (SRBA) court issued partial decree 25-11617. The overall diversion rate authorized on the decree under the *Quantity* element is incorrectly listed as 0.04 cubic feet per second (cfs). This is inconsistent with the correct diversion rate of 0.166 cfs which is listed under the quantity section of the *Purpose and Period of Use* element.

This clerical error existed on the Director's Report and was subsequently carried to the partial decree. IDWR is requesting correction of the *Quantity* element in partial decree 25-11617 as described above.

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 right is attached.

12/20/2016

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

RIGHT NUMBER: 25-11617

NAME AND ADDRESS: ELLSWORTH PRODUCE
C/O ELMER ELLSWORTH
PO BOX 9
LEWISVILLE ID 83431

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.166 ~~0.040~~ CFS
10.00 AFY

PRIORITY DATE: 12/31/1950

POINT OF
DIVERSION: T04N R38E S5 SENE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COMMERCIAL	01/01 12/31	0.166 CFS 10.00 AFY

PLACE OF USE: COMMERCIAL in JEFFERSON County
T04N R38E S05 SENE

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 - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on December 22, 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

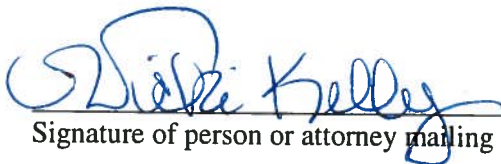
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

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

Ellsworth Produce
C/O Elmer Ellsworth
P.O. Box 9
Lewisville, ID 83431

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


Signature of person or attorney mailing the form