

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.: 74-2047D

NAMES OF OWNERS LISTED ON THE PARTIAL DECREES:

E. Dale and Mildred H. Jolley

CURRENT OWNER (IF DIFFERENT):

TODAY'S DATE: November 13, 2017

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: _____

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:	T21N, R23E, S 19	SWSE	3.6
		NWNE	15.0

10. ☒ **Other Provisions:**

The following remarks should be removed:

THIS RIGHT AUTHORIZES THE IRRIGATION OF 18.6 TOTAL ACRES.

USE OF THIS RIGHT WITH RIGHT NO. 74-844 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 271.1 ACRES IN A SINGLE IRRIGATION SEASON.

Additional explanation or supporting documentation of the error:

IDWR has discovered that the partial decree for water right 74-2047D includes a condition that incorrectly limits use when combined with water right 74-844.

Right 74-844 and 74-2047D were both partially decreed on July 9, 2007, to E. Dale & Mildred H. Jolley. The partial decree for 74-2047D includes a condition that limits use of both rights to 271.1 acres.

Both 74-844 and 74-2047D were decreed previously in the Lemhi Adjudication and did not contain overlapping or combined use limits. IDWR has confirmed the irrigated place of use for the rights do not overlap, and the condition limiting the use of both rights when used in combination was included only on 74-2047D and not on 74-844. There is nothing in the water right claim files to indicate that either right should be limited to 271.1 acres of irrigation. The place of use for 74-844 is 275.1 acres out of 276. The remark on 74-2047D which limit the two rights to less than what 74-844 says on its face is an error. The condition was added in error to the recommendation of right 74-2047D.

In addition, right 74-2047D included a place of use description that listed 18 acres of irrigation accompanied by a condition that states the right actually authorizes the irrigation of 18.6 acres. This condition was carried over from the Lemhi decree in error. IDWR would normally describe an 18.6 acre place of use by identifying the incremental acres in the place of use description itself and not in a condition following the place of use description.

IDWR is requesting removal of the remarks as shown on the attached proposed correction to partial decree as well as correction of the place of use description to show 18.6 acres of irrigation.

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 74-2047D are attached.

10/03/2017

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

RIGHT NUMBER: 74-2047D

NAME AND ADDRESS: MILDRED H JOLLEY
646 LEMHI RD
SALMON ID 83467

E DALE JOLLEY
646 LEMHI RD
SALMON ID 83467

SOURCE: LEMHI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.750 CFS

PRIORITY DATE: 09/19/1909

POINT OF
DIVERSION: T21N R23E S33 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.750 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R23E S19	SWSE	3.60	3.00	T21N R23E S30	NWNE	15.00
18.6 18 ACRES TOTAL						

~~This right authorizes the irrigation of 18.6 total acres.~~

~~USE OF THIS RIGHT WITH RIGHT NO. 74-844 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 271.1 ACRES IN A SINGLE IRRIGATION SEASON.~~

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

CERTIFICATE OF SERVICE

I certify that on November 13, 2017, 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

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☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

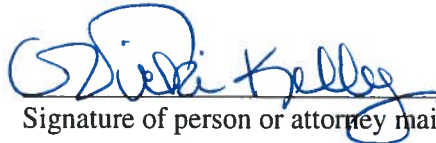
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Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

E. Dale Jolley
Mildred H. Jolley
646 Lemhi Rd.
Salmon, ID 83467

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


Signature of person or attorney mailing the form