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RECEIVED
DEC 03 2018
DEPARTMENT OF
WATER RESOURCES

Attorneys for Elizabeth Ann and Nick Nettleton

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE SRBA

Case No. 39576

Subcase No. 61-04029

**NOTICE OF ERRATA/CORRECTION TO
MOTION TO SET ASIDE, REOPEN AND/OR
MOTION TO ALTER OR AMEND PARTIAL
DECREE FOR WATER RIGHT NO. 61-04029**

COME NOW Elizabeth Ann and Nick Nettleton ("Nettleton"), by and through undersigned counsel of record, and hereby submits this *Notice of Errata/Correction to Motion to Set Aside and Reopen and/or Motion to Alter or Amend Partial Decree for Water Right No. 61-04029*, entered on March 4, 2003 (hereinafter "*Notice*"). The purpose of this *Notice* is to notify the Court and any interested parties that Nettleton's *Motion to Set Aside, Reopen and/or Motion to Alter or Amend Partial Decree for Water Right No. 61-04029* ("*Motion*") and the supporting *Affidavit of David Shaw* incorrectly state the "Notice of Error" for the subject water right, dated November 20, 1998, did not include the volume limitation that Nettleton's *Motion* seeks to correct.

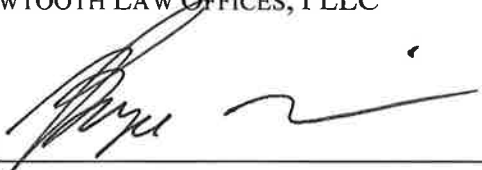
More specifically, undersigned counsel was recently notified by counsel for the State of Idaho that the reference in the *Motion* and *Affidavit of David Shaw* that the volume limitation did

not appear on the subject water right until after the Notice of Error was an incorrect statement of the facts. While not in the electronic adjudication backfile for this water right, counsel for the State of Idaho obtained a copy of the Notice of Error and Preliminary Recommendation from the records of the Idaho Department of Water Resources, and the Notice of Error for the subject water right, which was dated November 20, 1998, included the Preliminary Recommendation, which did include the volume limitation which is now the subject of the Nettleton's *Motion*. A true and correct copy of the Preliminary Recommendation provided by counsel for the State of Idaho is attached hereto as **Exhibit 1**.

Nettleton and their undersigned counsel do not desire to misrepresent the underlying facts concerning the *Motion* to the Court, State of Idaho, or any parties and, thus, this *Notice* is submitted as an errata/correction to the factual statements which support Nettleton's *Motion*. Nettleton assumes the State of Idaho would take the opportunity to correct this factual misstatement in any response to the *Motion* it may file, if one is filed; however, Nettleton wants to voluntarily correct the statement so that it is not implied, inferred, or suggested that Nettleton or their counsel intended to misrepresent the factual record to the Court. With the exception of this correction related to when the volume limitation appeared during the adjudication process, the remainder of *Motion*'s factual and legal basis for Nettleton's request that the erroneous diversion volume for water right no. 61-04029 be corrected/clarified so that any volume limitation shall only be applicable to the stockwater purpose of use in water right no. 61-04029 is unchanged.

DATED this 29th day of November, 2018.

SAWTOOTH LAW OFFICES, PLLC

By 

S. Bryce Farris
Attorneys for Elizabeth Ann and
Nick Nettleton

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 2018, I caused a true and correct copy of the foregoing **NOTICE OF ERRATA/CORRECTION TO MOTION TO SET ASIDE, REOPEN AND/OR MOTION TO ALTER OR AMEND PARTIAL DECREE FOR WATER RIGHT NO. 61-04029** to be served by the method indicated below, and addressed to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

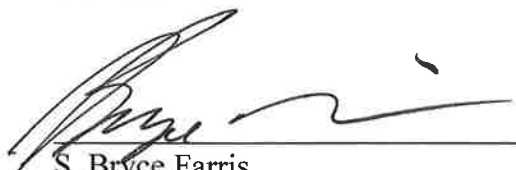
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ Email / CM/ECF

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ Email / CM/ECF

The United States Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ Email / CM/ECF


S. Bryce Farris

AJ5856NP

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

DATE: NOV-20-1998

PAGE: A-873

RIGHTS FROM:	SOURCE: RYEGRASS CREEK	TRIBUTARY: COLD SPRINGS CREEK																												
RIGHT NUMBER:	61-04029																													
NAME & ADDRESS:	WILLIAM H WALKER MARGARET WALKER RT 1 BOX 458 GLENN'S FERRY ID 83623																													
SOURCE:	RYEGRASS CREEK	TRIBUTARY: COLD SPRINGS CREEK																												
QUANTITY:	5.14 CFS 6.7 AFY																													
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.																														
PRIORITY DATE:	04/01/1927																													
POINT OF DIVERSION:	T03S R09E S32 T04S R09E S07 S18	SESWSW SWSWNE SESENW	Within ELMORE County																											
PURPOSE AND PERIOD OF USE:	<table border="0"> <tr> <td>PURPOSE OF USE</td> <td>PERIOD OF USE</td> <td>QUANTITY</td> </tr> <tr> <td>IRRIGATION</td> <td>03-15 11-15</td> <td>5.02 CFS</td> </tr> <tr> <td>STOCKWATER</td> <td>01-01 12-31</td> <td>0.12 CFS</td> </tr> </table>			PURPOSE OF USE	PERIOD OF USE	QUANTITY	IRRIGATION	03-15 11-15	5.02 CFS	STOCKWATER	01-01 12-31	0.12 CFS																		
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Place of use for STOCKWATER is same as IRRIGATION

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

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