

MAR 16 2020

DEPARTMENT OF
WATER RESOURCES

REQUEST FOR CORRECTION OF ERROR

THE IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) HAS IDENTIFIED ERRORS IN THE CSRBA 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 OWNERS OF THE WATER RIGHT OF THE ERRORS IN QUESTION.

WATER RIGHT NOS.: 95-966

NAMES OF OWNERS LISTED ON THE PARTIAL DECREES:

City of Rathdrum

CURRENT OWNER (IF DIFFERENT):

TODAY'S DATE: March 12, 2020

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: NORTH FORK SPRING BRANCH CREEK tributary to SPRING BRANCH CREEK

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: _____

10. ☐ **Other Provisions:**

Should be: _____

Additional explanation or supporting documentation of the error:

IDWR has discovered an error in the source element of water right 95-966.

On December 9, 2019, a partial decree for 95-966 was issued by the Coeur d'Alene-Spokane River Basin Adjudication Court. The decreed source and tributary is identified as Spring Branch Creek tributary to Rathdrum Creek.

Recently, IDWR staff discovered that the actual source should be North Fork of Spring Branch Creek tributary to Spring Branch Creek. A total of eight water rights are diverted from the same point of diversion decreed to 95-966, and all of the rights except 95-966, describe the source as *North Fork Spring Branch Creek*, tributary to *Spring Branch Creek*.

Updating the source description for 95-966 to *North Fork Spring Branch Creek*, tributary to *Spring Branch Creek*, would more accurately describe the actual source the water is diverted from, but would also make the decreed source consistent with the other water rights diverted from the shared point of diversion.

IDWR is requesting correction of the source and tributary as shown on the attached proposed correction to partial decree.

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: 95-966

NAME AND ADDRESS: CITY OF RATHDRUM
8047 W MAIN ST
RATHDRUM ID 83858-6436

SOURCE: NORTH FORK SPRING BRANCH CREEK TRIBUTARY: RATHDRUM CREEK SPRING BRANCH CREEK

QUANTITY: 1.000 CFS

PRIORITY DATE: 01/01/1880

POINT OF DIVERSION: T52N R05W S25 SWNE Within KOOTENAI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	MUNICIPAL	01/01 12/31	1.000 CFS

PLACE OF USE:

Place of use is within the service area of the City of Rathdrum municipal water supply system as provided for under Idaho Law.

State endowment land within the municipal service area shall not be considered part of the place of use for this water right absent an express agreement between the Idaho Department of Lands and the municipal provider recorded with the Idaho Department of Water Resources.

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

This right originated as all or part of Right No. 95-0966 in the Final Decree, In the Matter of the General Determination of the Rights to the Use of the Surface Waters of Twin Lakes, Including Tributaries and Outlets, Case No. 32572 (1st Jud. Dist. Ct. April 20, 1989).

Point of Diversion Parcel No. 52N05W253700

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

CERTIFICATE OF SERVICE

I certify that on MARCH 12, 2020, 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:

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

☐ 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

City of Rathdrum
8047 W Main St
Rathdrum, ID 83858-6436

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S Cooley-Denney
Signature of person or attorney mailing the form