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JUL 17 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 NO.:** 95-9436

**NAMES OF OWNERS LISTED ON THE PARTIAL DECREES:**

Wheat Ridge Farms Homeowners Assn Inc.

**CURRENT OWNER (IF DIFFERENT):**

**TODAY'S DATE:** July 6, 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: \_\_\_\_\_

3. ☒ **Quantity:**

Should be: The total diversion volume decreed under Quantity element should be corrected to 18.9 AF rather than 13.5 AF; the sum of the irrigation volume of 13.5 AF added to the domestic volume of 5.4 AF totaling 18.9 AF which is consistent with License No. 95-9436.

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 Quantity element of water right 95-9436.

On November 8, 2019, a partial decree for 95-9436 was issued by the Coeur d'Alene-Spokane River Basin Adjudication Court. The total diversion volume decreed under the Quantity element is listed as 13.5 AF.

Recently, IDWR staff discovered that the actual total diversion volume decreed under the Quantity element should be 18.9 AF rather than 13.5 AF.

Claim 95-9436 was filed using IDWR's online claim filing application. In the online claim filing application, the total volume was entered as 13.5 AF. A physical copy of the claim was printed and the claimant crossed out the total volume of 13.5 AF and wrote in a new total volume of 18.9 AF. The claimants signed and submitted a paper copy of the claim to IDWR. When the claim was received, IDWR imported the online claim to its database. IDWR neglected to update the total volume to reflect the hand written changes on the submitted claim. The total volume claimed was actually 18.9 AF which is consistent with License No. 95-9436.

IDWR is requesting correction of the quantity 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

07/14/2020

RIGHT NUMBER: 95-9436

NAME AND ADDRESS: WHEAT RIDGE FARMS HOMEOWNERS ASSN INC  
C/O MATT SCHELL  
29837 N WHEATRIDGE RD  
ATHOL ID 83801-8223

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.130 CFS  
~~13.50~~ 18.9 AFY

PRIORITY DATE: 08/30/1995

POINT OF DIVERSION: T53N R03W S17 NWNE Within KOOTENAI County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|----------------|---------------|-----------|
|                | DOMESTIC       | 1 /1 12/31    | 0.130 CFS |
|                | IRRIGATION     | 3 /15 11/15   | 5.40 AFY  |
|                |                |               | 0.090 CFS |
|                |                |               | 13.50 AFY |

Domestic use is for 9 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.

PLACE OF USE:

|                               |           |               |           |
|-------------------------------|-----------|---------------|-----------|
| IRRIGATION in KOOTENAI County |           |               |           |
| T53N R03W S17                 | NWNE 2.50 | T53N R03W S17 | SWNE 2.00 |
| DOMESTIC in KOOTENAI County   |           |               |           |
| T53N R03W S17                 | NWNE      | T53N R03W S17 | SWNE      |

4.5 ACRES TOTAL

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.

This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Property is also known as Lots 1-7, Block 1, Wheat Ridge Farms plus 2 additional parcels.

## CERTIFICATE OF SERVICE

I certify that on JULY 14, 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  
Coeur d'Alene-Spokane 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

Wheat Ridge Farms Homeowners Assn Inc.  
c/o Matt Schell  
29837 N. Wheatridge Rd  
Athol, ID 83801-8223

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

IDWR Document Repository  
P.O. Box 83720  
Boise, ID 83720-0098

☐ Overnight Mail  
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Scooley-Dorsey  
Signature of person or attorney mailing the form