

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 OWNERS OF THE WATER RIGHT OF THE ERRORS IN QUESTION.

WATER RIGHT NOS.: 29-14178

NAMES OF OWNERS LISTED ON THE PARTIAL DECREES:

Jerre Evans and Monte Evans

CURRENT OWNER (IF DIFFERENT):

TODAY'S DATE: August 24, 2022

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 for stockwater use should be 0.02 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:

IDWR has discovered an error in the quantity element of water right 29-14178.

On December 12, 2017, a standard form 5 was submitted to the SRBA court in order to resolve an objection. The stipulated elements of recommendation 29-14178 agreed upon by all parties listed the diversion rate for stockwater at 0.02 cfs.

On December 18, 2017, the Special Master's Report and Recommendation contains a transcription error and lists the diversion rate for stockwater use as 20.0 cfs. The rate was changed to 0.20 cfs when the Partial Decree 29-14178 was issued on 1/30/2018.

IDWR is requesting correction of the diversion rate listed for stockwater use from 0.20 cfs to 0.02 cfs 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.

CERTIFICATE OF SERVICE

I certify that on August 25, 2022, 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
☐ E-mail

2. Copies to:

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

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ E-mail

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
☐ E-mail

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

Monte and Jerre Evans
5050 Bailey Rd
Arbon, ID 83212

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

U.S. Attorney's Office
1290 West Myrtle Street
Suite 500
Boise, ID 83702

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

Josie Harris

Signature of person or attorney mailing the form

08/24/2022

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

RIGHT NUMBER: 29-14178

NAME AND ADDRESS: MONTE EVANS
5050 BAILEY RD
ARBON ID 83212

JERRE EVANS
5050 BAILEY RD
ARBON ID 83212

SOURCE: BANNOCK CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/08/1900

Pursuant to a call in times of scarcity, this right is junior to Water Right Nos. 29-2470, 29-13708, 29-13949, 29-13950, 29-13951, 29-13952, 29-13984 and 29-13985.

POINT OF DIVERSION: T10S R33E S36 NENE Within POWER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	<u>0.02</u> ~~0.20~~ CFS
Stockwater use is for the in-stream watering of livestock.		

PLACE OF USE: STOCKWATER in POWER County

T10S R33E S36 NENE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RPD2305-02

Stockwater use is for 200 head cattle and/or horses, or 400 head sheep.