

Keen, Shelley

From: Fritschle, Carter
Sent: Tuesday, December 23, 2008 11:10 AM
To: ddelaney@srba.state.id.us
Cc: Keen, Shelley
Subject: Possible Clerical Error in Partial Decree 86-10184
Attachments: 86-10184 with Corrected Township.doc

Dear Diana,

It has come to our attention that the partial decree for 86-10184 was recommended and decreed with what appears to be a wrong legal description for the point of diversion and place of use. The claimant, Walter C. Erickson, entered Township 37 North on his Notice of Claim for both the point of diversion and place of use. However, a recent review of the record shows that in 1990 we found his land was located in Township 36 North as evidenced by the parcel number, 36N05W032400. Unfortunately, that information was not reflected in the Director's Report for the Basin 86 Domestic and Stockwater rights.

A check of the Nez Perce County tax lot data shows the Mr. Erickson does own land in the NW1/4 of T36N, R05W, S03, which is probably where he intended to claim his water use. Another issue regarding this claim and partial decree is that the legal description of the point of diversion and place of use is in IDWR's Administrative Basin 87, which is an area that was not included in the SRBA.

I have attached a proposed recommendation with the corrected township. Also, the county tax lot data shows a new address for Mr. Erickson. It is:

Walter C Erickson
11111 N Nine Mile Rd
Nine Mile Falls WA 99026

Please let me know if the Court is able to treat this as a clerical error.

Thank you and have a Merry Christmas!

Carter

12/29/2008