

## NEW RULE 8. CORRECTION OF CLERICAL ERROR

- 8.1 Upon consent by the parties of record to the proceedings, the Commission may correct clerical errors in permits and orders at any time.
  - 8.1.1 “Permits” include conditional permits, final permits, amended final permits, and replacement permits issued by the Commission, which grant an applicant the legal right to withdraw groundwater from a specified well.
  - 8.1.2 “Orders” include findings and orders issued in response to applications for determinations of water rights, replacement plans, change of water rights, aquifer storage and recovery plan approvals, permanent inactivations, and permanent reductions in the number of irrigated acres; orders cancelling a water right; and findings regarding new appropriations.
  - 8.1.3 This rule is intended to address clerical errors or typographical errors arising from oversight or omission.
- 8.2 Correction of a clerical error may be made by the Commission on its own initiative or at the request of any party of record to the original proceedings by filing a Petition to Correct Clerical Error (“Petition”). Any correction of a clerical error must be consistent with the intent of the final approval of any Permit and the intent of any Orders that may have resulted from a hearing.
- 8.3 Upon filing a Petition with the Commission for correction of a clerical error, or upon the Commission’s own initiative via Petition, the proponent of the correction shall provide notice of the Petition to all parties of record to the original proceeding.
  - 8.3.1 Any party of record to the original proceeding potentially affected by the order or decision may file a response to the Petition. Such response must be filed no later than 21 days after receipt of the Petition.
  - 8.3.2 If a party of record to the original proceeding does not file a response to such Petition within the time specified above, such party shall be deemed to consent to the correction of the clerical error as described in the Petition.
  - 8.3.3 At the Commission meeting following the deadline for responding to the Petition, the Commission shall consider the Petition and either:
    - 8.3.3.1 Approve the Petition and direct Staff to issue a corrected Permit or Order; or
    - 8.3.3.2 Deny the Petition; or
    - 8.3.3.3 Delay consideration of the matter until a future Commission meeting.

- 8.3.4 If the Petition is contested by a party of record to the original proceeding, the Commission shall receive comments from the Petitioner and the party or parties contesting the Petition and take one of the actions described in 8.3.3.