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Previously faxed to Debbie Smith Date 7-26-04

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase Nos. See Attachment A
	)	
Case No. 39576	)	NOTICE OF ERRATA
	)	TO NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDING

The Idaho Department of Water Resources has recently been informed by the United States Bureau of Land Management (BLM) of an error in the Notice of Completed Administrative Proceeding dated July 9, 2004, and received by the SRBA District Court July 12, 2004.

This Notice of Errata corrects the place of use description and combined use remarks under several water right numbers.

1. For water right nos. 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82 ("high water rights")

A correction to the place of use description is required: Township 7N Range 28E Section 18 NESW 3.8 acres and SESE 2.4 acres are BLM land. These locations should be removed from each of the high water rights' place of use descriptions. This change will reduce the number of acres under the high water rights from 655 acres to 648.8 acres.

Because the number of acres irrigated under the high water rights has changed, the combined use remarks on those water rights must also change. The bold remark is the corrected remark with the only change being the number of acres which is shown underlined. The combined use remark for the above water rights should be changed as follows:

Use of the rights listed below is limited to the irrigation of a combined total of ~~655.0~~ 648.8 acres in a single irrigation season. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81 and 33-82.

Use of the rights listed below is limited to the irrigation of a combined total of ~~3026~~ 3019.8 acres in a single irrigation season. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091, 33-2133 and 33-7018.

Use of the rights listed below is limited to the irrigation of a combined total of ~~2096~~ 2089.8 acres in a single irrigation season. The ~~2096~~ 2089.8 acres are comprised of 1816 acres irrigated by ground water and ~~655~~ 648.8 acres irrigated by surface water sources that overlap 375 of the ground water acres. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091 and 33-7018.

2. For water right nos. 33-2057, 33-2083, 33-2086, 33-2091 and 33-7018
("ground water rights")

Because the number of acres irrigated under the high water rights has changed, the combined use remarks on the ground water rights listed above must also change. The bold remark is the corrected remark with the only change being the number of acres which is shown underlined. The combined use remark for the above water rights should be changed as follows:

Use of the rights listed below is limited to the irrigation of a combined total of ~~1816.3~~ 1816 acres in a single irrigation season. Combined Right Nos.: 33-2057, 33-2083, 33-2086, 33-2091, and 33-7018.

Use of the rights listed below is limited to the irrigation of a combined total of ~~2096~~ 2089.8 acres in a single irrigation season. The ~~2096~~ 2089.8 acres are comprised of 1816 acres irrigated by ground water and ~~655~~ 648.8 acres irrigated by surface water sources that overlap 375 of the ground water acres. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091 and 33-7018.

Use of the rights listed below is limited to the irrigation of a combined total of ~~3026~~ 3019.8 acres in a single irrigation season. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091, 33-2133 and 33-7018.

Another matter also needs to be corrected for the ground water rights listed above. The number of acres in Township 7N, Range 27 East, Section 1, NWSW should change from 2.7 to 2.6 acres. The number of acres in Township 7N, Range 27 East, Section 12, SESW should change from 8.6 acres to 8.4 acres. Attached hereto as an example in underline/strikeout format is a revised recommendation for 33-2057. The changes made on 33-2057 are common to all the groundwater rights listed above. The total acres under the place of use land list, 1816.3 acres should be replaced with 1816 acres. Because of this change, the combined use remark set forth above also changes the 1816.3 to 1816 acres.

3. For water right no. 33-2133.

Only one combined use remark in water right no. 33-2133 needs to be changed due the changes in the number of acres under the high water rights. Again, the bold remark is the corrected remark with the only change being the number of acres which is shown underlined. The combined use remark for the above water rights should be changed as follows:

Use of the rights listed below is limited to the irrigation of a combined total of ~~3026~~ 3019.8 acres in a single irrigation season. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091, 33-2133 and 33-7018.

Respectfully submitted this 26th day of July, 2004.


Candice M. McHugh
Deputy Attorney General, IDWR

ATTACHMENT A

33-69
33-70
33-71
33-72
33-73
33-74
33-76
33-78
33-79
33-80
33-81
33-82
33-2007
33-2008
33-2057
33-2083
33-2086
33-2090
33-2091
33-2133
33-7018

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

RIGHT NUMBER: 33-2057

NAME AND ADDRESS:

SAGEWILLOW INC
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405-0130

SOURCE:

Source:

Tributary:

GROUND WATER

Point of injection into Little Lost River. Point of rediversion from Little Lost River and Big Spring Creek.

QUANTITY:

24.000 CFS

5,190.500 AFY

Use of the rights listed below is limited to a total combined diversion rate of 29.00 cfs and to a total combined annual diversion volume of 5190.5 af. Combined Right Nos.: 33-2057 and 33-2083

Use of the rights listed below is limited to a total combined diversion rate of 35.19 cfs and to a total combined annual diversion volume of 6356.0 af. Combined Right Nos.: 33-2057, 33-2083, 33-2086, 33-2091, and 33-7018

Use of the rights listed below is limited to a total combined diversion rate of 67.19 CFS. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091 and 33-7018.

PRIORITY DATE:

02/01/1950

POINT OF DIVERSION:

T07N R27E S1 SWNESE	Within BUTTE County
T07N R27E S2 SWSENE Rediversion	Within BUTTE County
T07N R27E S2 SESENE	Within BUTTE County
T07N R27E S12 NENENE	Within BUTTE County
T07N R27E S12 NWNENE	Within BUTTE County
T07N R27E S12 NENWNE	Within BUTTE County
T07N R27E S12 NENENW	Within BUTTE County
T07N R27E S12 NWNENW	Within BUTTE County
T07N R27E S12 SENWNW Injection	Within BUTTE County
T07N R27E S12 NWSESE	Within BUTTE County
T07N R28E S5 NENWSW Rediversion	Within BUTTE County
T07N R28E S6 SWNESW	Within BUTTE County

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

T07N R28E S7 SWNWSW Lot 3	Within BUTTE County
T07N R28E S7 SWSWSW Lot 4	Within BUTTE County
T08N R28E S32 NWNWSW	Within BUTTE County
T08N R28E S32 SWSWSW	Within BUTTE County

**PURPOSE AND
PERIOD OF USE:**

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 10/31	24.000 CFS 5,190.50 AFY

PLACE OF USE:

IRRIGATION	within BUTTE County
T07N R27E S01 NENE Lot 1 31.0	
T07N R27E S01 NWNE Lot 2 31.0	
T07N R27E S01 SWNE 32.0	
T07N R27E S01 SENE 32.0	
T07N R27E S01 NENW Lot 3 32.0	
T07N R27E S01 SENW 32.0	
T07N R27E S01 NESW 35.0	
<u>T07N R27E S01 NWSW 2.6</u>	T07N R27E S01 NWSW 2.7
T07N R27E S01 SWSW 32.0	
T07N R27E S01 SESW 36.0	
T07N R27E S01 NESE 36.0	
T07N R27E S01 NWSE 35.0	
T07N R27E S01 SWSE 33.0	
T07N R27E S01 SESE 34.0	
T07N R27E S12 NENE 39.0	
T07N R27E S12 SENE 32.0	
T07N R27E S12 NWNW 27.0	
<u>T07N R27E S12 SESW 8.4</u>	T07N R27E S12 SESW 8.6
T07N R27E S13 NWNE 34.0	
T07N R27E S13 NENW 30.0	
T07N R28E S05 NENW Lot 3 27.0	
T07N R28E S05 NWNW Lot 4 33.0	
T07N R28E S05 SWNW 17.0	
T07N R28E S05 SENW 31.0	

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

T07N R28E S05 NESW 38.0
T07N R28E S05 SESW 30.0
T07N R28E S05 SWSE 12.0
T07N R28E S06 NWNE Lot 2 31.0
T07N R28E S06 SWNE 32.0
T07N R28E S06 SENE 26.0
T07N R28E S06 NENW Lot 3 31.0
T07N R28E S06 NWNW Lot 4 31.0
T07N R28E S06 SWNW Lot 5 32.0
T07N R28E S06 SENW 32.0
T07N R28E S06 NESW 37.0
T07N R28E S06 NWSW Lot 6 34.0
T07N R28E S06 SWSW Lot 7 31.0
T07N R28E S06 SESW 35.0
T07N R28E S06 NWSE 36.0
T07N R28E S06 SWSE 34.0
T07N R28E S07 NENE 40.0
T07N R28E S07 NWNE 40.0
T07N R28E S07 SWNE 34.0
T07N R28E S07 SENE 32.0
T07N R28E S07 NENW 40.0
T07N R28E S07 NWNW Lot 1 39.0
T07N R28E S07 SWNW Lot 2 24.0
T07N R28E S07 SENW 35.0
T07N R28E S08 NWNE 19.0
T07N R28E S08 SWNE 25.0
T07N R28E S08 NWNW 31.0
T07N R28E S08 SWNW 32.0
T07N R28E S08 NWSE 32.0
T07N R28E S08 SWSE 21.0
T08N R28E S31 NESW 18.0
T08N R28E S31 NWSW Lot 3 24.0
T08N R28E S31 SWSW Lot 4 34.0
T08N R28E S31 SESW 25.0
T08N R28E S32 SWSW 39.0
T08N R28E S32 SESW 18.0

1816 ACRES TOTAL

1816.3 ACRES TOTAL

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

Use of the rights listed below is limited to the irrigation of a combined total of 1483.0 acres in a single irrigation season. Combined Right Nos.: 33-2057 and 33-2083.

Use of the rights listed below is limited to the irrigation of a combined total of ~~4846.3~~ 1816 acres in a single irrigation season. Combined Right Nos.: 33-2057, 33-2083, 33-2086, 33-2091, and 33-7018.

Use of the rights listed below is limited to the irrigation of a combined total of ~~2096~~ 2089.8 acres in a single irrigation season. The ~~2096~~ 2089.8 acres are comprised of 1816 acres irrigated by ground water and ~~655~~ 648.8 acres irrigated by surface water sources that overlap 375 of the ground water acres. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091 and 33-7018.

Use of the rights listed below is limited to the irrigation of a combined total of ~~3026~~ 3019.8 acres in a single irrigation season. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091, 33-2133 and 33-7018.

Rights 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81 and 33-82 overlap 268 acres within the 1483 acres authorized under Rights 33-2057 and 33-2083; and overlap 382 acres within the 1436.1 acre place of use described under Right 33-2133.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Continued diversion of water under the resumed portions of Rights 33-2057 and 33-2083 (301 acres), and Right 33-2091 (73 acres) are deemed mitigated by, and therefore are expressly contingent upon, continued diversion of winter water use under Right 33-2133 to the extent water is available for diversion under that water right.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this 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.

Prior to diversion of water under transfer nos. 4221 thru 4227, the right holder shall provide a means of measurement and lockable controlling works for the authorized point of injection into Little Lost River and at the points of rediversion from Little Lost River and Big Spring Creek. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within State Water District No. 33.

This right when combined with all other rights shall provide no more than 0.02 cfs and 3.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by transfer nos. 4221 thru 4227 by June 28, 2005.

Failure of the right holder to comply with the conditions of transfer nos. 4221 thru 4227 is cause for the Director to rescind approval of the transfer.

CERTIFICATE OF MAILING

I certify that on July 26, 2004 I mailed and/or delivered the original and copies of this form, including all attachments, to the following interested parties, by placing them in sealed envelopes, 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:

Office of the Attorney General
Natural Resources Division
Box 83720
Boise, ID 83720-0010

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

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street MSC 033
Boise, ID 83724

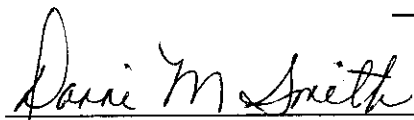
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Kent Foster
P.O. Box 50130
Idaho Falls, ID 83405

☐ Overnight Mail
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☐ Hand-Delivered
☐ Facsimile

Michael Creamer
P.O. Box 2720
Boise, ID 83701-2720

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DEPARTMENT OF WATER RESOURCES
1800 North Central Street, P.O. Box 60000, Phoenix, AZ 85060-0000
Phone: (202) 307-7000 TDD: (202) 307-7000

WATER RESOURCES
2083275400

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Subject: Final Copy to WRS

In Addition: There is now a way to search water rights over the Internet. The system is graphical or map query system and can be accessed from the WRS web page:

<http://www.water.wa.gov/wrs>

From this link, select "Search River Basin Adjudications" toward the lower left hand of the screen. There will be "Map" or "Text" on the web page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search".

"Map" allows you to search water rights graphically.

Use the icons on the Left side of the screen to Zoom in and out. To find out what each button does, hold the mouse over the button for a second. To the Right side of the screen are different options that can be turned on or off. As you zoom in or your place in question, different layers will appear under the right side of the screen.

A HELP function is available within the application or you can call 1-800-951-4129 or (202)307-7900 for help.

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WATER RESOURCES
2063275400
Jul-26-04 3:08PM

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612	7/26 3:07PM	1'11"	12067362121	Send	5 5	EC144	Completed

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(DWHD) DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

7774 R2BC S7 SUNDOWN	1.0	WATER BUTTE COUNTY
7774 R2BE S7 SUNDOWN	1.0	WATER BUTTE COUNTY
7774 R2BE S22 SUNDOWN		WATER BUTTE COUNTY
7774 R2BE S22 SUNDOWN		WATER BUTTE COUNTY

REFERENCE AND PURPOSE OF USE	Frequency of use	Amount of use	Quantity
IRRIGATION	10/16 - 10/23	4,000 CPS	1180.50 APY

[illegible]

Waste No.: 34-2057