

08/17/2006

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 29, 2006

Water right number: 63-300

THE RIVERSIDE IRRIGATION DIST LTD  
PARMA ID 83660

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

*See attached*

2. Describe the changes you wish to make in the proposed recommendation:

*See attached*

3. Give a brief explanation as to why you disagree with these portions:

*See attached*

☐ I AGREE with this proposed recommendation: no changes need to be made.

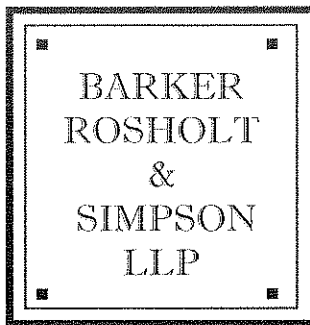
DATE: 9/29/2006

SIGNATURE: *Albert P. Barker*

Please print your name: ALBERT P. BARKER

IDWR Regional Office, 322 E Front St  
PO Box 83720, Boise, ID 83720-0098, 2082874800

*John A. Rosholt  
Albert P. Barker  
John K. Simpson  
Travis L. Thompson  
Shelley M. Davis  
Paul L. Arrington*



1010 W. Jefferson St., Ste. 102  
Post Office Box 2139  
Boise, ID 83701-2139  
(208) 336-0700 telephone  
(208) 344-6034 facsimile  
brs@idahowaters.com

113 Main Avenue West, Suite 303  
Twin Falls, ID 83301-6167  
(208) 733-0700 telephone  
(208) 735-2444 facsimile  
jar@idahowaters.com

*Albert P. Barker*  
apb@idahowaters.com

September 29, 2006

RECEIVED  
SEP 29 2006  
DEPARTMENT OF  
WATER RESOURCES

**VIA HAND DELIVERY**

Idaho Department of Water Resources  
322 East Front Street  
P. O. Box 83720  
Boise, ID 83720-0098

***Re: Riverside Irrigation District Ltd.***

***Water Right Nos. 63-226, 63-227, 63-228, 63-229, 63-299, 63-300  
63-2279, 63-2374, 63-2389, 63-4007, 63-4008, 63-4009 and 63-4010***

Ladies and Gentlemen:

As counsel for Riverside, I am submitting the attached Notice of Error Replies for each of these water rights held by Riverside Irrigation District Ltd. As the comments and Notice of Error generally apply to all of the rights, please consider this letter as incorporated into each of the Notice of Error Replies.

1. Riverside Irrigation District objects to the place of use. The proposal shows 9433 acres total. The place of use should be 9845 acres based on the modifications contained in the attached maps dated September 15, 2006, plus those additional areas depicted on the attached maps enclosed herewith. Also enclosed are affidavits of the Directors of the Riverside Irrigation District explaining the use of certain areas as indicated in the maps. The modifications consist of irrigated areas not included in the September 15, 2006 calculations, plus irrigated areas on drain banks as described in the affidavits. Riverside believes that the total acreage is in excess of 10,000 acres, but have not been able to calculate the additional acres that should have been included using the Department's ArcView program. Riverside requests that the Department update the total acreage within the place of use based upon the modifications to the maps as attached hereto, and utilize the acreage resulting from that re-calculation in describing the place of use.

The place of use also states that there are 9433 acres within the "Idaho boundary" of the District. Riverside Irrigation District straddles both Idaho and Oregon, and the total acreage is combining Idaho and Oregon acreage. Riverside also believes that the 4009 acres described as irrigated within the State of Oregon is inaccurate and does not capture all the Oregon acreage. Riverside questions the need to describe acreage in Oregon or Idaho, as the water right is appurtenant to the entire place of use and water can be moved within the place of use regardless of political boundaries. Riverside requests that the reference to specific acres in Oregon be deleted. If necessary to include specific amounts of Oregon acreage, the totals should be recalculated to show the acreage on the attached maps, prepared on September 15, 2006, along with the modifications shown on these maps.

2. Period of use. Was the subordination language in the period of use for storage intended to apply to diversions out of the Boise River below Star such as the Riverside Canal? Riverside understood that language was used above Star only.

3. Water right number 63-2374. Enclosed is a copy of the original, signed Notice of Claim filed with the Department. The Department requested a re-execution of this Notice of Claim. Riverside has since located this previously executed copy.

4. With respect to water right numbers 63-4007 (Meadows Gulch Drain) and 63-4010 (West End Drain), Riverside objects to the quantity proposed. In the case of 63-4007, the quantity proposed is 5 cfs. The amount claimed was 10 cfs. The Department has not explained the basis for reduction in the amount claimed. With respect to 63-4010, the quantity recommended by the Department is 30 cfs. The quantity claimed by Riverside is 70 cfs. Again, the Department has not explained a basis for reduction of the claims. The amount should be recommended as claimed.

With respect to water right number 63-4007, 63-4008, and 63-4010, enclosed are the original Claims for Water Right that were filed with the Department in 1967, long before the commencement of the Adjudication, demonstrating the quantity and location of the water right. The Department has requested a flow measurement for water right numbers 63-4007, 63-4008, and 63-4010. These drains run into the Riverside Canal and dump water directly into the Riverside Canal without a measuring device. The Department did not make the request for a flow measurement until the end of this summer, at which point a measurement would not accurately capture the volume of water flowing into the Riverside Canal from these three drains. Accordingly, Riverside, at this late point in the season, cannot provide the Department with the requested flow measurements.

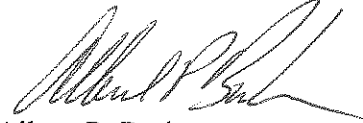
Finally, there does not appear to be a preliminary recommendation for water right number 63-4009. It should be recommended as claimed, with the same adjustments for the place of use and acreage as with all the Riverside water rights.

Idaho Department of Water Resources  
September 29, 2006  
Page 3

If you have any questions about this information, please contact me as the attorney for  
Riverside Irrigation District Ltd.

Very truly yours,

**BARKER ROSHOLT & SIMPSON LLP**

A handwritten signature in black ink, appearing to read 'Albert P. Barker', with a stylized flourish at the end.

Albert P. Barker

APB/cp

Enclosures

Cc: Riverside Irrigation District (w/o enclosures)

AFFIDAVIT

STATE OF IDAHO       )  
                                  )ss.  
COUNTY OF CANYON )

We, Raymond Abbott and Larry Story, being duly sworn, depose and say:

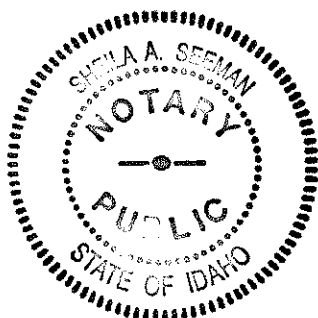
That we hereby state that the drains, which are colored in silver ink, circled in black ink, and numbered 1, 2, 3, 4, 5, and 6 in silver ink, on the SRBA Maps prepared by Danielle Favreau on September 15, 2006, were pastured prior to 1986.

We are making this affidavit so that the above referenced drains will be included in the total number of *irrigated* acres being claimed in the Snake River Basin Adjudication for Riverside Irrigation District, Limited.

(Signed) Raymond Abbott  
Raymond Abbott

(Signed) Larry Story  
Larry Story

Subscribed and sworn to before me this 25<sup>th</sup> day of September, 2006.



Sheila A Seeman  
Notary Public for the State of Idaho  
Residing at: Parma, Idaho  
My Commission Expires: 3/17/2010

AFFIDAVIT

STATE OF IDAHO       )  
                                  )ss.  
COUNTY OF CANYON )

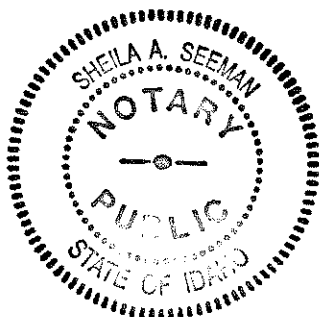
I, William Bishop, being duly sworn, depose and say:

That I hereby state that the drains, which are colored in silver ink, circled in black ink, and numbered 8, 9, 10, and 11 in silver ink, on the SRBA Maps prepared by Danielle Favreau on September 15, 2006, were pastured prior to 1986.

I am making this affidavit so that the above referenced drains will be included in the total number of *irrigated* acres being claimed in the Snake River Basin Adjudication for Riverside Irrigation District, Limited.

(Signed) William Bishop  
William Bishop

Subscribed and sworn to before me this 25<sup>th</sup> day of September, 2006.



Sheila Seeman  
Notary Public for the State of Idaho  
Residing at: Parma, Idaho  
My Commission Expires: 3/17/2010

AFFIDAVIT

STATE OF IDAHO       )  
                                  )ss.  
COUNTY OF CANYON )

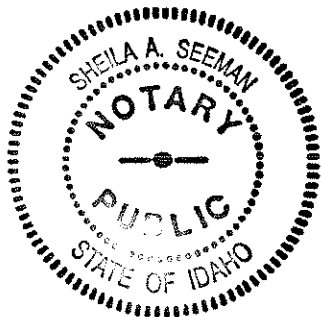
I, Vern Case, being duly sworn, depose and say:

That I hereby state that the drains, which are colored in silver ink, circled in black ink, and numbered 12, 13, 14, and 15 in silver ink, on the SRBA Maps prepared by Danielle Favreau on September 15, 2006, were pastured prior to 1986.

I am making this affidavit so that the above referenced drains will be included in the total number of *irrigated* acres being claimed in the Snake River Basin Adjudication for Riverside Irrigation District, Limited.

(Signed) *Vern Case*  
Vern Case

Subscribed and sworn to before me this 25<sup>th</sup> day of September, 2006.



*Sheila Seeman*  
Notary Public for the State of Idaho  
Residing at: Parma, Idaho  
My Commission Expires: 3/17/2010

AFFIDAVIT

STATE OF IDAHO       )  
                                  )ss.  
COUNTY OF CANYON )

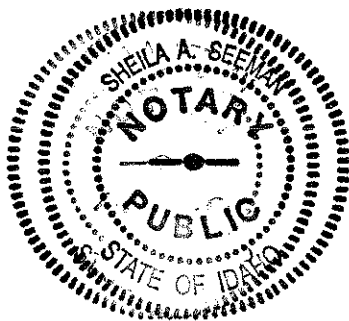
I, Dave Harrold, being duly sworn, depose and say:

That I hereby state that the drain, which is colored in silver ink, circled in black ink, and numbered 7 in silver ink, on the SRBA Maps prepared by Danielle Favreau on September 15, 2006, were pastured prior to 1986.

I am making this affidavit so that the above referenced drain will be included in the total number of *irrigated* acres being claimed in the Snake River Basin Adjudication for Riverside Irrigation District, Limited.

(Signed) *Dave Harrold*  
Dave Harrold

Subscribed and sworn to before me this 25<sup>th</sup> day of September, 2006.



*Sheila Seeman*  
Notary Public for the State of Idaho  
Residing at: Parma, Idaho  
My Commission Expires: 3/17/2010

# AFFIDAVIT

STATE OF IDAHO       )  
                                  )ss.  
COUNTY OF CANYON)

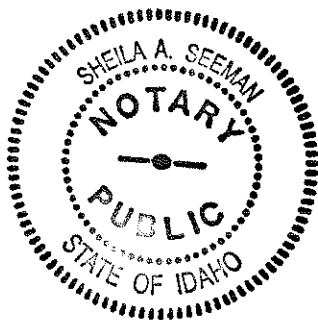
I, Joe Witty, being duly sworn, depose and say:

That I hereby state that the drains, which are colored in silver ink, circled in black ink, and numbered *16, 17* and *18* in silver ink, on the SRBA Maps prepared by Danielle Favreau on September 15, 2006, are pastured and were pastured prior to 1986.

I am making this affidavit so that the above referenced drains will be included in the total number of *irrigated* acres being claimed in the Snake River Basin Adjudication for Riverside Irrigation District, Limited.

(Signed) *Joe Witty*  
Joe Witty

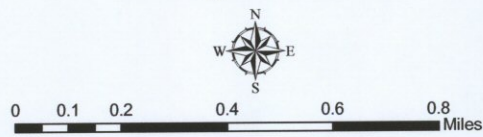
Subscribed and sworn to before me this *27<sup>th</sup>* day of *September* 2006.



*Sheila A. Seeman*  
Notary Public for the State of Idaho  
Residing at: Parma, Idaho  
My Commission Expires: 3/17/2010



Riverside Irrigation District  
Draft Service Area Boundary  
& Irrigated Acres



| LEGEND |                                      |
|--------|--------------------------------------|
|        | Townships                            |
|        | Sections                             |
|        | Quarter Quarter                      |
|        | Service Area Boundary<br>13082 Acres |
|        | Irrigated Acres<br>9845 Acres        |
|        | Imagery 1987/1988 NAPP/BLM           |

Prepared by: Danielle Favreau 9/15/06, IDWR/WRR

