

08/18/2006

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: 63-2374

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: 9/19/2006 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

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-02374
Date Received: 3/14/1990
Receipt No: W011049
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: THE RIVERSIDE IRRIGATION DISTRICT LTD.
Address: PARMA, ID 83660-0000

2. Date of Priority: AUG 02, 1922

3. Source: INDIAN CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03W	21	NW	NE			CANYON

5. Description of diverting works:
CHECK DAM COMPOSED OF CONCRETE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	88.500		

7. Total Quantity Appropriated is:
88.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 42069.3 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	1	NE	NW		IRR	10.0
			NW	NW		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
	03W	15	SW	SW	IRR	3.0
					Section Acres	3.0
		21	NE	NE	IRR	40.0
			NW	NE	IRR	18.1
					Section Acres	58.1
		22	NW	NW	IRR	10.6
					Section Acres	10.6
	04W	6	NW	SW	IRR	20.0
			SW	SW	IRR	15.0
			SE	SW	IRR	5.0
					Section Acres	40.0
		7	NE	NE	IRR	40.0
			NW	NE	IRR	35.0
			SW	NE	IRR	10.0
			SE	NE	IRR	35.0
					Section Acres	120.0
	06W	11	NE	SW	IRR	10.0
			SE	SW	IRR	40.0
			NE	SE	IRR	5.0
			NW	SE	IRR	1.0
			SW	SE	IRR	40.0
			SE	SE	IRR	34.0
					Section Acres	130.0
		12	SW	SW	IRR	2.5
					Section Acres	2.5
		13	SW	NE	IRR	6.0
			NE	NW	IRR	5.0
			NW	NW	IRR	30.0
			SW	NW	IRR	40.0
			SE	NW	IRR	23.0
			NE	SW	IRR	35.2

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	06W	13	NW		SW		IRR	40.0
			SW		SW	1	IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	3.0
			NW		SE		IRR	10.0
			SW		SE		IRR	40.0
			SE		SE		IRR	24.0
			Section Acres					336.2
		14	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW	3	IRR	25.0
			NE		SE		IRR	40.0
			NW		SE	4	IRR	40.0
			SW		SE		IRR	30.0
			SE		SE	5	IRR	35.0
			Section Acres					410.0
		18	SW		SW		IRR	5.0
			Section Acres					5.0
		24	NE		NE	1	IRR	11.8
			NE		NW		IRR	13.0
			NW		NW		IRR	10.0
			Section Acres					34.8
05N	05W	17	NW		SW		IRR	10.0
			SW		SW		IRR	40.0
			SE		SW		IRR	29.0
			Section Acres					79.0
		18	NW		NE		IRR	10.0
			SW		NE		IRR	20.0
			SE		NE		IRR	10.0
			NE		NW		IRR	20.0
			NW		NW		IRR	30.0
			SW		NW		IRR	40.0
			SW		NW		IRR	35.0
			SE		NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	05W	18	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 485.0

19	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	30.0
	SW	NW	IRR	30.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 620.0

20	NE	NE	IRR	30.0
	NW	NE	IRR	20.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	610.0
		21	SW	NW	IRR	30.0
			SE	NW	IRR	20.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	5.0
			NW	SE	IRR	30.0
			SW	SE	IRR	40.0
			SE	SE	IRR	35.0
					Section Acres	320.0
		22	SW	SW	IRR	2.0
					Section Acres	2.0
		26	SW	SE	IRR	6.0
					Section Acres	6.0
		27	SW	NE	IRR	10.0
			NW	NW	IRR	25.0
			SW	NW	IRR	40.0
			SE	NW	IRR	38.0
			NE	SW	IRR	40.0
			NW	SW	IRR	35.6
			SE	SW	IRR	30.0
			NE	SE	IRR	17.0
			NW	SE	IRR	35.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	350.6
		28	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	20.0
			NW	SW	IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	05W	28	NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	5.0
			SE		SE		IRR	5.0
			Section Acres 435.0					
		29	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	33.0
			SE		NW		IRR	30.0
			Section Acres 303.0					
		30	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	15.0
			SE		NE		IRR	23.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	10.0
			SE		NW		IRR	15.0
			Section Acres 223.0					
		34	NE		NE		IRR	35.0
			NW		NE		IRR	15.0
			Section Acres 50.0					
		35	SW		NE		IRR	15.0
			NE		NW		IRR	10.0
			NW		NW		IRR	35.0
			SW		NW		IRR	15.0
			SE		NW		IRR	30.0
			NE		SW		IRR	5.0
			NE		SE		IRR	16.0
			NW		SE		IRR	30.0
			SE		SE		IRR	15.0
			Section Acres 171.0					
		36	SW		SW		IRR	20.0
			SE		SW		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	21.0
	06W	13	SE	NE	IRR	40.0
					Section Acres	40.0
		14	NE	SW	IRR	5.0
			NW	SW	IRR	40.0
			SE	SW	IRR	1.0
			SE	SW	4 IRR	25.0
			SW	SE	IRR	40.0
					Section Acres	111.0
		23	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	1 IRR	6.0
			SE	NW	2 IRR	8.0
			NE	SW	IRR	40.0
			SE	SW	4 IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	414.0
		24	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	640.0
		25	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	35.0
			SE	NE	IRR	20.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	35.0
			NW	SW	IRR	40.0
			SW	SW	IRR	30.0
			SE	SW	IRR	10.0
			NW	SE	IRR	15.0
					Section Acres	425.0
		26	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	1 IRR	40.0
			SE	NW	2 IRR	40.0
			NE	SW	IRR	40.0
			SE	SW	4 IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	480.0
		35	NE	NE	IRR	22.0
			NW	NE	IRR	40.0
			SW	NE	IRR	10.0
			NE	NW	1 IRR	40.0
			SE	NW	2 IRR	40.0
			NE	SW	3 IRR	10.0
					Section Acres	162.0
		36	NW	NW	IRR	1.5
					Section Acres	1.5
					Total Acres	7139.3

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A63- 2279, 2389, 4007, 4008, 4010, 0226, 0227, 0228, 0229

14. Remarks:

TOTAL ACRES IRRIGATION = 12,019.82 INCLUDING THE ACREAGE IRRI.
WITHIN OREGON, SEE FILE.

15. Basis of Claim: LICENSE

Water Right Number: 15599

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of _____ Title

Revised Irrigation Dist LA Organization, that I have signed the foregoing

document in the space below as President of _____ Title

Revised Irrigation Organization and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

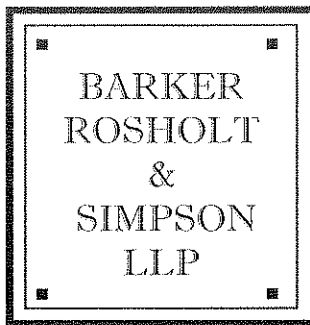
Residing at _____

My Commission Expires _____

COPY

EX-100-115
DO NOT RETURN

*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:

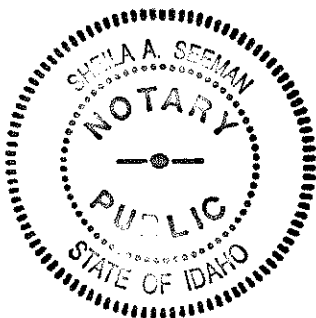
That we hereby state that the drains, which are colored in silver ink, circled in black ink, and numbered 1, 2, 3, 4, 5, and 6 in silver ink, on the SRBA Maps prepared by Danielle Favreau on September 15, 2006, were pastured prior to 1986.

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 25th 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)

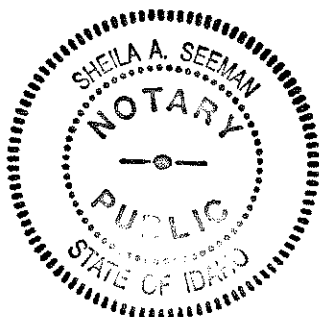
I, William Bishop, being duly sworn, depose and say:

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 25th 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)

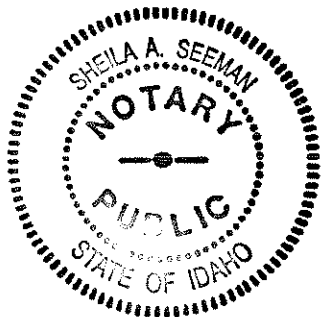
I, Vern Case, being duly sworn, depose and say:

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 25th 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)

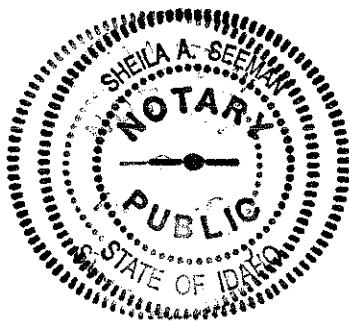
I, Dave Harrold, being duly sworn, depose and say:

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 25th 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)

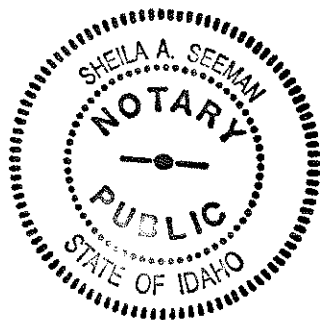
I, Joe Witty, being duly sworn, depose and say:

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.

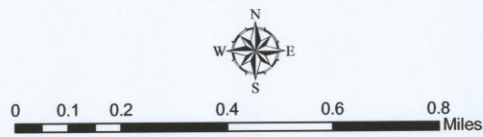
(Signed) *Joe Witty*
Joe Witty

Subscribed and sworn to before me this *27th* 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 13082 Acres
	Irrigated Acres 9845 Acres
	Imagery 1987/1988 NAPP/BLM

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

