

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: 63-4008

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

4008

Identification No. 63-4008

Claim No. 42187

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Riverside Irrigation District, Ltd.
post office address Parma, Idaho
2. The point of diversion is in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 34 Township 5N
Range 5W B.M. located on Mammon Gulch
(name of source)
tributary to Boise River in Canyon County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed: September 11, 1915 amount: 20 c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 Total claimed 20 c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
 use irrigation and domestic period of use from March 15 to October 20 (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam ~~and structure~~ material is composed of concrete
 _____; length is 7' 6" feet; height is 3' 10" feet;
 width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known see remarks
 - b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
 capacity of pump is _____ g.p.m.; name and address of well driller is _____

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is diverted into canal feet; width of ditch at top is 32 feet; width of bottom of ditch is 25 feet; depth of water is 4 feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is dirt and gravel; maximum length of pipe line to first place of use is 1,000 feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____
- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

- d. If water is stored: name of reservoir _____; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	5W	34		X			X	X	X	X	X	X		X		X	X	X	370
		27											X						37
		28	X	X	X	X	X	X	X	X	X	X			X	X	X	X	430
		21											X	X	X	X	X	X	320
		21											X	X					47
		29	X	X	X	X	X	X	X	X	X	X			X	X			312
		20	X	X	X	X	X	X	X	X	X	X			X	X	X	X	620
		27											X	X					140
		30	X	X	X	X	X			X	X	X	X	X					220
		19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	640
5N	6W	18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	270
		25	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	420
		24	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	640
		13	X	X			X	X			X	X	X	X	X	X	X	X	520
		36					X												
		35	X	X			X			X	X								166
		14	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	1382
		23	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
		26	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
		11																	

Total number of acres to be irrigated 6946

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Headgate at canal diversion is 7'6" in width and 4' in height, built
of concrete. There is also another dam about 800 feet south (up
stream) of the width of 5'6" and height of 6'2". There are two
headgates of 18" diameter--one on the east side, the other the west
side of Highway 95 at the head of a two foot ditch used to supply
water to land formerly irrigated from the canal.

Permit No. 11785 was filed with the Department of Reclamation. Proof
of completion of works was submitted and fees paid. However, beneficia
use of water was never made. This claim is filed to replace this
permit in order to retain the original priority.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

Riverside Irrigation District, Ltd.

December 13, 1967
(Date)

By

(Signature of Claimant)

Secretary

State of Idaho

County of Canyon } ss.

On this 13th day of December 19 67, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Caldwell, Idaho

My commission expires 5-30-70

For Department Use Only

Received by [Signature] Date 12-15-67

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by [Signature] Date 12-15-67

Fee received by [Signature] Date 12-15-67 Fee \$ 10.00

Approved for publication by [Signature] Date 12-26-68

LAND LIST ATTACHMENT

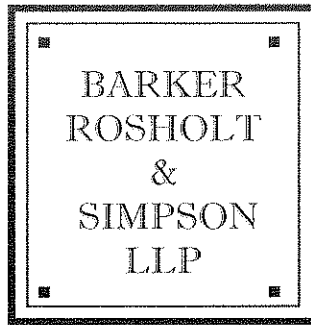
63-4008

Description and location of place of use: A

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	5W	34		10															
		27					A	A	A	A	A		A		A	A	A		
		22											30						
		28	A	A	A	A	A	A	A	A	A				A	A	A	A	
		21							A	A	40	40	40	40	40	40	40	40	
		29	A	A	A	A	A	A	A						A	A			
		20	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
		17									A	A	A	A					
		30	A	A	A	A	A	A		A									
		19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
		18		A	A		A	A	A	A	A	A	A	A	A	A	A	A	
5N	6W	25	A	A	A	A	A	A	A	A	A	A	A						
		24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
		13	A	A		A	A	A			A	A	A	A	A	A	A	A	
		36						5											
		35	A	A			A			A	A								
		14	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
		23	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
		26	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
		11												A			A		

Total number of acres irrigated 6946

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



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(208) 336-0700 telephone
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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.

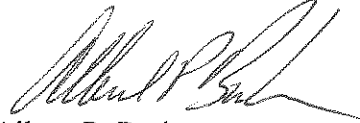
Finally, there does not appear to be a preliminary recommendation for water right number 63-4009. It should be recommended as claimed, with the same adjustments for the place of use and acreage as with all the Riverside water rights.

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', written over the printed name.

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:

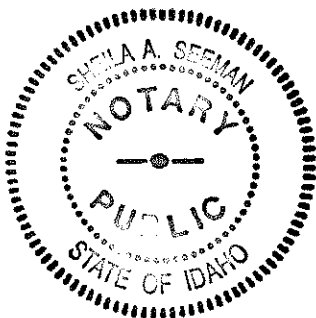
That we hereby state that the drains, which are colored in silver ink, circled in black ink, and numbered 1, 2, 3, 4, 5, and 6 in silver ink, on the SRBA Maps prepared by Danielle Favreau on September 15, 2006, were pastured prior to 1986.

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)

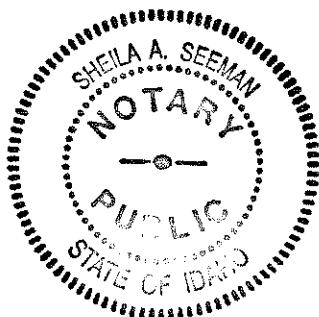
I, William Bishop, being duly sworn, depose and say:

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)

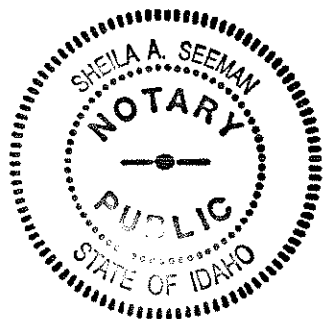
I, Vern Case, being duly sworn, depose and say:

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)

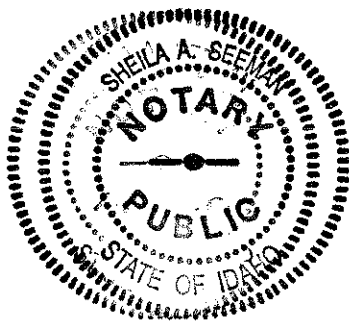
I, Dave Harrold, being duly sworn, depose and say:

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)

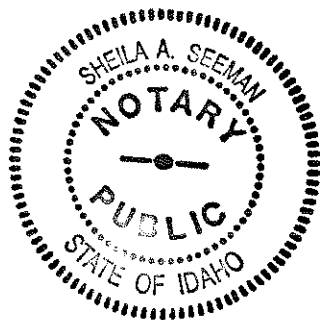
I, Joe Witty, being duly sworn, depose and say:

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.

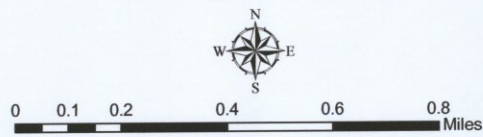
(Signed) *Joe Witty*
Joe Witty

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/WRRI

