



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 26, 2009

Hon. John Melanson
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 01-322 (Progressive Irrigation District)

Dear Judge Melanson:

An *Order of Partial Decree* was entered for this water right on January 9, 2009. Recently, it has come to the attention of the Idaho Department of Water Resources ("Department") that a transfer was approved for this water right prior to the issuance of the partial decree. The Department failed to file a Notice of Completed Administrative Proceeding ("NCAP") explaining that the transfer was approved. The Department requests that the partial decree be modified to reflect the transfer so as to prevent any confusion and to assist with the proper administration of this water right.

I am attaching an Amended Director's Report which accurately describes the elements of this water right.

I am sending a copy of this letter to the claimant, so that it is aware of this issue.

If you should have any questions or comments, please feel free to contact me at (208) 287-4811.

Sincerely,

A handwritten signature in black ink, appearing to read "Garriek L. Baxter", is written over a horizontal line.

Garriek L. Baxter
Deputy Attorney General, IDWR

Progressive Irrigation Dist.
Michael Holliday

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

RIGHT NUMBER: 1-322

NAME AND ADDRESS: PROGRESSIVE IRRIGATION DIST
2585 N AMMON RD
IDAHO FALLS ID 83401-1949

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 80.000 CFS

This right when combined with all other rights shall provide no more than 4.0
afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/01/1939

POINT OF
DIVERSION:

T03N R37E S36 NESW Within BONNEVILLE County

T03N R41E S5 SESW Within BONNEVILLE County

T04N R41E S31 SWSW Lot 7 Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

80.000 CFS

PLACE OF USE:

29532 ACRES TOTAL

Place of use is within the boundary of Progressive Irrigation District
pursuant to Section 43-323, Idaho Code.

Place of use does not include federal public lands.

The boundary encompassing the place of use for this water right is
described with a digital boundary as defined by I.C. Section 42-202B(2) and
authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the
digital boundary are incorporated herein by reference and are stored on a
CD-ROM disk issued in duplicate originals on file with the SRBA District Court
and the Idaho Department of Water Resources. A map depicting the place
of use is attached hereto to illustrate the place of use described by the
digital boundary.

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

The delivery of water to this right may be subject to procedures
described in the United States Bureau of Reclamation "space holder"
contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree
(Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co.
v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969)
together with the natural-flow and storage deliveries as calculated by
the Idaho Department of Water Resources.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Failure of the right holder to comply with the conditions of transfer 74730 is cause for the Director to rescind approval of the transfer.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

The right holder shall accomplish the change authorized by transfer 74730 before November 18, 2009.

This right does not grant any right-of-way or easement across the land of another.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

Water is delivered through Anderson Canal, Eagle Rock Canal, and/or a pump.