

REQUEST FOR CORRECTION OF ERROR

THE IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) HAS IDENTIFIED AN ERROR IN THE SRBA PARTIAL DECREE OF THE WATER RIGHT LISTED BELOW. IDWR REQUESTS THE COURT TO DETERMINE IF IT CAN CORRECT THE ERROR THROUGH ITS NORMAL NOTICE AND HEARING PROCESS, AND IF SO, TO CORRECT THE ERROR ACCORDINGLY. BY COPY OF THIS FORM IDWR IS ALSO NOTIFYING THE OWNER OF THE WATER RIGHT OF THE ERROR IN QUESTION.

WATER RIGHT NO.: 01-131A

NAME OF OWNER LISTED ON THE PARTIAL DECREE: New Lavaside Ditch Co. Limited

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE: March 28, 2013

An error exists in the description of the following element(s) of the partial decree:

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and/or Ending Point**

Should be: _____

7. **XX Purpose(s) of Use**

Should be: addition of year-round stockwater use (19.79 CFS)

8. **XX Period of Year**

Should be: addition of year-round stockwater use (19.79 CFS)

9. XX Place of Use

Should be: acres total figure should be 5222

10. XX Other Provisions

Should be: Addition of condition stating, "Diversion of this right for stockwater purposes between November 1 and April 30 is subject to the provisions for saving winter water as recognized in 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)."

Additional explanation or supporting documentation of the error:

A Special Master Report (SMR) was issued on August 29, 2011 in subcase 01-131A (the SMR also noted subcases 01-132A, 01-133A and 01-263 which are addressed in a separate Request for Correction of Error, submitted concurrently with this Request). The SMR, under the Place of Use element, noted a 4831 acres total figure. In reviewing the SMR, IDWR staff discovered it did not consider an Amended Director's Report (ADR) filed on March 27, 2008, in response to amendment of all four claims. The ADR noted an increase in the acres total shown under the place of use element from 4831 acres to 5222 acres. The ADR also added a year-round stockwater use to the recommendation of right 01-131A (and only 01-131A). In correspondence to Special Master Dolan dated September 6, 2011, IDWR notified the Court of the errors. On September 12, 2011, Special Master Dolan issued Amended Special Master Recommendations (Amended SMR) which corrected the acres total to 5222 acres on all four rights. The recommendation of right 01-131A was further corrected to add year-round stockwater to the Purpose and Period of Use element, as well as a stockwater diversion condition under the Other Provisions Necessary element. The rights moved to partial decree on November 2, 2011. IDWR staff recently discovered the acres total number shown on the partial decrees of all four rights is the original 4831 acres. In addition, the partial decree of the 01-131A right is missing the references to the stockwater use. IDWR requests correction of the acres total figure to the amended total of 5222 acres, as well as restoration of the stockwater use description and condition to the partial decree of right 01-131A.

For more information about the error the Court and/or water right holder should contact the person identified below.

CONTACT PERSON: Vicki Kelly, Paralegal

TELEPHONE NUMBER: 208-287-4816

E-MAIL ADDRESS: vicki.kelly@idwr.idaho.gov

MAILING ADDRESS: Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83702-0098

A corrected recommendation of the water right is attached. IDWR further notes there is no change to the partially decree digital boundary of this right due to the correction. The digital boundary compact disks and color maps submitted in March of 2009 remain valid. Additional copies of that digital boundary map are included for the Court's convenience.

03/27/2013

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

RIGHT NUMBER: 1-131A

NAME AND ADDRESS: NEW LAVASIDE DITCH CO LIMITED
66 E RIVER RD
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 19.790 CFS

PRIORITY DATE: 06/01/1884

POINT OF
DIVERSION:
T01S R36E S26 NWSENE Lot 1 Within BINGHAM County
T02S R36E S6 SWSE Lot 8 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>STOCKWATER</u>	<u>01/01 12/31</u>	<u>19.790 CFS</u>
IRRIGATION	04/01 10/31	19.790 CFS

PLACE OF USE:

~~4831~~ 5222 ACRES TOTAL

Place of use is within the area served by New Lavaside Ditch Company.

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.

The rights listed below are limited to the irrigation of a combined total of 5180 acres in a single irrigation season. Combined Right Nos.: 1-131A, 1-132A, and 1-133A.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER 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.

Diversion of this right for stockwater purposes between November 1 and April 30 is subject to the provisions for saving winter water as recognized in 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).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through New Lavaside Canal and Riverside Canal. The water delivered through the Riverside Canal is then rediverted through the Christensen Pump and the Larry Davis Pump.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Stockwater use is for 400 dairy cattle and 500 range cattle.

Proposed Correction to Partial Decree for Water Right 01-131A

CERTIFICATE OF SERVICE

I certify that on March 28, 2013, I caused to be served true and correct copies of this REQUEST FOR CORRECTION OF ERROR, to the following persons, in the manner indicated and 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:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

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

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

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

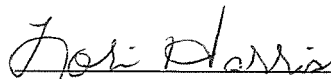
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

3. Copy to the Owner:

Jerry Rigby
Rigby, Andrus & Rigby, Chtd.
P.O. Box 250
Rexburg, ID 83440

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



Signature of person or attorney mailing the form

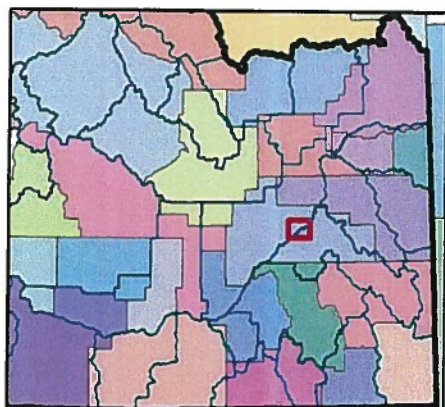


SRBA Recommendations: 1-131A, 1-132A, 1-133A, 1-263

Service Area Boundary GIS Place of Use Illustration

Legend

-  Service Area
 State Outline
 Townships
 PLS Sections
 Quarter Quarters



Bingham County IDWR Basin 1

Prepared by Danielle Favreau
On September 17, 2008
1987/88 Aerial Photography

