

REQUEST FOR CORRECTION OF ERROR

THE IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) HAS IDENTIFIED AN ERROR IN THE SRBA PARTIAL DECREES OF THE WATER RIGHTS 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 RIGHTS OF THE ERROR IN QUESTION.

WATER RIGHT NOS.: 01-132A, 01-133A and 01-263

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. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. **XX Place of Use**

Should be: acres total figure should be 5222 on all 3 rights.

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

A Special Master Report (SMR) was issued on August 29, 2011 in subcases 01-132A, 01-133A and 01-263 (the SMR also noted subcase 01-131A, which is 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 the claims. The ADR noted an increase in the acres total shown under the place of use element from 4831 acres to 5222 acres. In correspondence to Special Master Dolan dated September 6, 2011, IDWR notified the Court of the error. On September 12, 2011, Special Master Dolan issued Amended Special Master Recommendations which corrected the acres total to 5222 acres. The rights moved to partial decree on November 2, 2011. IDWR staff recently discovered the acres total number shown on the partial decrees is the original 4831 acres. IDWR requests correction of the acres total figure to the amended total of 5222 acres for rights 01-132A, 01-133A and 01-263.

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

Corrected recommendations of the water rights are attached. IDWR further notes there is no change to the partially decreed digital boundary of the rights due to this 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: 1-132A

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 59.370 CFS

PRIORITY DATE: 03/01/1889

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>
IRRIGATION	04/01 10/31	59.370 CFS

PLACE OF USE:

~~4834~~ 5222 ACRES TOTAL

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.

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

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.

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 diverted through the Christensen Pump and the Larry Davis Pump.

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

Proposed Correction to Partial Decree for Water Right 01-132A

03/27/2013

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

RIGHT NUMBER: 1-133A

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 71.240 CFS

PRIORITY DATE: 11/24/1890

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>
IRRIGATION	04/01 10/31	71.240 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.

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.

Proposed Correction to Partial Decree for Water Right 01-133A

03/27/2013

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

RIGHT NUMBER: 1-263

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 30.000 CFS

PRIORITY DATE: 01/22/1916

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>
IRRIGATION	04/01 10/31	30.000 CFS

PLACE OF USE:

~~4834~~ 5222 ACRES TOTAL

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.

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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.

Proposed Correction to Partial Decree for Water Right 01-263

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

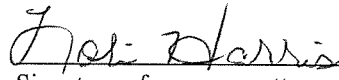
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ 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



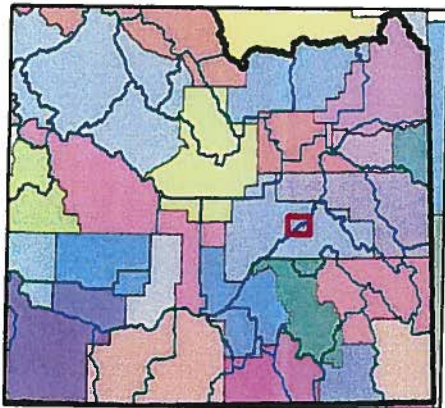
New Lavaside Ditch Co Limited

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

