

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 NO. 22-378, 22-379, 22-608

NAME OF OWNER LISTED ON THE PARTIAL DECREE: Leigh Creek Canal Co.

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE July 16, 2013

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

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. **X Place of Use**-- Error involves total acre number only. The total number of acres for these rights is missing.

Should be: 3173.84 ACRES TOTAL

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

Rights 22-378, 22-379, and 22-608 (Leigh Creek Canal Co.) were recommended in the Director's Report for Irrigation and Other Water Rights in Basin 22, Part 2, filed with the court in December 2006. The recommendations contained a "3173.84 ACRES TOTAL" notation under the Place Of Use (POU) element. The rights were unobjected to, and moved to partial decree in December 2008. IDWR staff has recently discovered the partial decrees do not contain the "3173.84 ACRES TOTAL" language originally recommended. IDWR requests the correction of the POU element of the partial decrees to include the "3173.84 ACRES TOTAL" notation.

The addition of the acres total number will have no impact on the digital boundary CDs or maps originally provided to the Court. Additional color copies of the original digital boundary maps are provided for the Court's convenience.

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

CONTACT PERSON: Meghan Carter
TELEPHONE NUMBER: 208-287-4810
E-MAIL ADDRESS: meghan.carter@idwr.idaho.gov
MAILING ADDRESS: IDWR
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

Corrected recommendations of the water rights are attached.

RIGHT NUMBER: 22-378

NAME AND ADDRESS: LEIGH CREEK CANAL CO
C/O VERLE JARDINE
446 N HWY 33
TETONIA ID 83452

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 8.000 CFS

PRIORITY DATE: 06/01/1898

POINT OF DIVERSION:

T06N R46E S32 NENWSE Lot 3 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec.
5 SENWNW LT 4, 6PM for the Hog Canal.

The point of diversion shown above is where the conveyance system enters Idaho.

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>		<u>QUANTITY</u>
IRRIGATION	04/15	10/31	8.000 CFS

3173.84 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.

This water right is subject to the delivery provisions contained in *Roxana Canal Co. v. Daniels*, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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.

Water is delivered through the Hog Canal, also known as Leigh Creek Canal. Ditches with headings off the Hog Canal located in Wyoming provide irrigation water for portions of the place of use.

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

RIGHT NUMBER: 22-379

NAME AND ADDRESS: LEIGH CREEK CANAL CO
C/O VERLE JARDINE
446 N HWY 33
TETONIA ID 83452

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 58.000 CFS

PRIORITY DATE: 06/16/1900

POINT OF

DIVERSION: T06N R46E S32 NENWSE Lot 3 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW LT 4, 6PM for the Hog Canal.

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

58.000 CFS

PLACE OF USE:

3173.84 ACRES TOTAL

Place of use is within the area served by Leigh Creek Canal 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.

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

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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

The following rights are all diverted through point of diversion described above: 22-378, 22-379 and 22-608.

Water is delivered through Hog Canal, also known as Leigh Creek Canal. Ditches with headings off the Hog Canal located in Wyoming provide irrigation water for portions of the place of use.

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

RIGHT NUMBER: 22-608

NAME AND ADDRESS: LEIGH CREEK CANAL CO
C/O VERLE JARDINE
446 N HWY 33
TETONIA ID 83452

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 54.400 CFS

PRIORITY DATE: 01/22/1916

POINT OF

DIVERSION: T06N R46E S32 NENWSE Lot 3 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW LT 4, 6PM for the Hog Canal.

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

54.400 CFS

PLACE OF USE:

3173.84 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 Leigh Creek Canal 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.

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The following rights are all diverted through point of diversion described above: 22-378, 22-379 and 22-608.

Water is delivered through the Hog Canal, also known as Leigh Creek Canal. Ditches with headings off the Hog Canal located in Wyoming provide irrigation water for portions of the place of use.

CERTIFICATE OF SERVICE

I certify that on July 17, 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

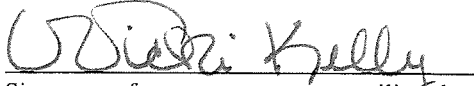
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

3. Copy to the Owner:

LEIGH CREEK CANAL CO
C/O VERLE JARDINE
446 N HWY 33
TETONIA ID 83452

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


Signature of person or attorney mailing the form