

REQUEST FOR CORRECTION OF ERROR

THE IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) HAS IDENTIFIED AN ERROR IN THE SRBA PARTIAL DECREE 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. 01-64, 01-65, 01-66, 01-156, 01-202, 01-241, 01-322, 01-4006

NAME OF OWNER LISTED ON THE PARTIAL DECREE Progressive Irrigation Dist.

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE July 18, 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. **X Place of Use**-- Error involves total acre number only. The total number of acres for these rights is missing.

Should be: 29532 ACRES TOTAL

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

Rights 01-64, 01-65, 01-66, 01-156, 01-202, 01-241, 01-322, and 01-4006 (Progressive Irrigation Dist.) were recommended in the Director's Report for Irrigation and Other Water Rights in Basin 01, Part 2, filed with the court in December 2006. The recommendations contained a "29532 ACRES TOTAL" notation under the Place Of Use (POU) element. The rights were unobjected to, and moved to partial decree in January 2009. IDWR staff has recently discovered the partial decrees do not contain the "29532 ACRES TOTAL" language originally recommended. IDWR requests the correction of the POU element of the partial decrees to include the "29532 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. Addition color copies of the original digital boundary maps are provided for the Court's convenience. The maps also note the Progressive Irrigation District rights in Basin 25. The Basin 25 rights were decreed with the "29532 ACRES TOTAL" notation and do not need correcting.

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.

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

RIGHT NUMBER: 1-64

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 160.000 CFS

PRIORITY DATE: 08/01/1880

POINT OF

DIVERSION: 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

160.000 CFS

PLACE OF USE:

29532 ACRES TOTAL

Place of use does not include federal public lands

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

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 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 Anderson Canal and Eagle Rock Canal.

RIGHT NUMBER:	1-65		
NAME AND ADDRESS:	PROGRESSIVE IRRIGATION DISTRICT 2585 N AMMON RD IDAHO FALLS ID 83401-1949		
SOURCE:	SNAKE RIVER	TRIBUTARY: COLUMBIA RIVER	
QUANTITY:	340.000 CFS		
PRIORITY DATE:	04/03/1884		
POINT OF DIVERSION:	T03N R41E S5 SESW Within BONNEVILLE County T04N R41E S31 SWSW Lot 7 Within JEFFERSON County		
PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	340.000 CFS
PLACE OF USE:			

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 boundary of Progressive Irrigation District pursuant to Section 43-323, Idaho Code.

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 Anderson Canal and Eagle Rock Canal.

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

RIGHT NUMBER: 1-66

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 300.000 CFS

PRIORITY DATE: 04/15/1889

POINT OF

DIVERSION: 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

300.000 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:

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 Anderson Canal and Eagle Rock Canal.

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

RIGHT NUMBER: 1-156

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 24.000 CFS

PRIORITY DATE: 06/01/1902

POINT OF

DIVERSION: T03N R41E S5 SESW Within BONNEVILLE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

24.000 CFS

PLACE OF USE:

29532 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 boundary of Progressive Irrigation District pursuant to Section 43-323, Idaho Code.

Place of use does not include federal public lands

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 Anderson Canal.

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

Proposed Correction to Partial Decree for 01-202

RIGHT NUMBER: 1-241

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 300.000 CFS

PRIORITY DATE: 01/22/1916

POINT OF
DIVERSION: T03N R41E S5 SESW Within BONNEVILLE County
T04N R41E S31 SWSW Lot 7 Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	300.000 CFS

PLACE OF USE:

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

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 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 Anderson Canal and Eagle Rock Canal.

Proposed Correction to Partial Decree for 01-241

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

RIGHT NUMBER: 1-322

NAME AND ADDRESS: PROGRESSIVE IRRIGATION DISTRICT
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:

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Proposed Correction to Partial Decree for 01-322

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.

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

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.

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

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

RIGHT NUMBER: 1-4006

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 43.100 CFS

PRIORITY DATE: 03/13/1969

POINT OF

DIVERSION: 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

43.100 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:

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 - Beneficial Use

Water is delivered through Anderson Canal and Eagle Rock Canal.

CERTIFICATE OF SERVICE

I certify that on July 19, 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

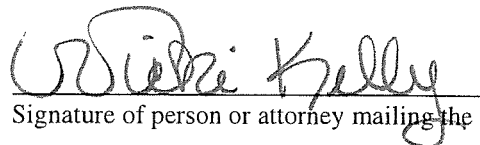
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

3. Copy to the Owner:

PROGRESSIVE IRRIGATION DIST
2585 N AMMON RD
IDAHO FALLS ID 83401-1949

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


Signature of person or attorney mailing the form