

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. 22-12654

NAME OF OWNER LISTED ON THE PARTIAL DECREE: Wilford Irrigation & MFG Co.

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE: September 3, 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: T07N R41E S28 NWNE Within FREMONT County

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

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ Place of Use

Should be:

2436 Acres Total

The rights listed below are limited to the irrigation of a combined total of **2436** acres in a single irrigation season. Combined Right Nos.: 22-673, 22-12654, 22-12655, and 22-13165.

Addition of condition:

Place of use is within the area served by Wilford Irrigation & Manufacturing Company.

10. ☐ Other Provisions

Should be: _____

Additional explanation or supporting documentation of the error:

The Wilford Irrigation & Mfg Co. (Wilford) rights were reported in the Director's Report for Irrigation and Other Uses, Basin 22 Part 2 filed on December 22, 2006. Rights 22-673, 22-12654, 22-13165 and 22-13412 were objected to; right 22-12655 was an uncontested overlapping right. Although the Wilford rights shared a digital boundary Place of Use, the objection proceeded separately. Wilford right 22-12654 proceeded as part of a groundwater recharge group of objections, while the objections to Wilford rights 22-673, 22- 13165 and 22-13412 proceeded with a large group of recovered water objections (commonly referred to as rec/rec).

At the time right 22-12654 settled with the groundwater recharge subcases, it was thought that future settlement of the Wilford rec/rec rights would not impact right 22-12654, and the right moved to partial decree on August 4, 2010 (with a 2740.7 acres total digital boundary). However, a review conducted later on the rec/rec rights (including the Wilford rights), revealed that the Wilford recommended acres total number contained a counting error. The Wilford rec/rec rights settled with the parties agreeing to the reduction of the acres total from 2740.7 to 2463, which addressed the error. The Point of Diversion (POD) description of the Wilford rights, shared by right 22-12654, went from a 10 acre description to a 40 acre description. In addition, the Wilford rec/rec settlement resulted in the disallowal of previously recommended right 22-13412, a right referenced in the Place of Use language in the partial decree of right 22-12654.

To bring the decree of Wilford right 22-12654 into conformance with the decrees of the related Wilford rec/rec rights, IDWR requests correction of the following errors: Change the acres total number to 2463, change the POD description to a 40-acre description, and delete the reference to right 22-13412 from combined use language. IDWR also requests addition of the "Place of use is within the area served by Wilford Irrigation & Manufacturing Company" language under the Place of Use element. IDWR notes these changes were acceptable to Wilford in settlement of their rec/rec rights, and IDWR believes the correction of the partial decree of right 22-12654 would help avoid any confusion that could arise in the future on the Wilford rights.

The correction to the acres total number does not impact the original digital boundary CD or the service area boundary illustrated in the original map provided to the Court. However, the original digital boundary map included a reference to right 22-13412, which was disallowed through objection resolution.

IDWR is submitting an updated map deleting that reference. Additional color copies of the digital boundary map 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

A corrected recommendation of the water right is attached.

CERTIFICATE OF SERVICE

I certify that on September 4, 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

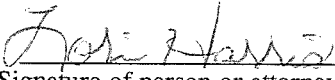
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

3. Copy to the Owner:

Jerry R. 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

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

RIGHT NUMBER: 22-12654

NAME AND ADDRESS:

WILFORD IRRIGATION & MFG CO
C/O BRANT KERBS PRES
240 N 2500 E
ST ANTHONY ID 83445

SOURCE:

Source:
TETON RIVER

Tributary:

HENRYS FORK

QUANTITY: 77.840 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T07N R41E S28 NWNE
Within FREMONT County

~~T07N R41E S28 NWNWNE~~
~~Within FREMONT County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/01 10/31

77.840 CFS

STOCKWATER

01/01 12/31

40.000 CFS

SUBIRRIGATION

11/01 03/31

37.840 CFS

Sub-irrigation is authorized between 11/1 and 3/31 consistent with the practices described in the Rexburg Irr. Co. v. Teton Irr. Co. Decree (including paragraph 31).

PLACE OF USE:

2463 ACRES TOTAL

~~2740.7 ACRES TOTAL~~

The rights listed below are limited to the irrigation of a combined total of 2463 acres in a single irrigation season. Combined Right Nos.: 22-673, 22-12654, 22-12655, and 22-13165.

Place of use is within the area served by Wilford Irrigation & Manufacturing Company.

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

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 2616.2 acres in a single irrigation season. Combined Right Nos.: 22-673, 22-12654, 22-12655, 22-13165 and 22-13412.~~

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 Wilford Canal.

This right is a combination of old Right Nos. 22-275 and 22-581.

~~The following rights are also diverted through point of diversion described above: 22-673, 22-12654, 22-12655, 22-13165, and 22-13412.~~

Wilford Irrigation & Mfg Co.
22-673, 22-12654, 22-12655 & 22-13165



Legend

 Digital Boundary

1987/1988 Aerial Photography
Map prepared 8/29/2013
Idaho Department of Water Resources