

## AMENDED 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.** 01-109G, 01-110E, 01-111E, 01-112E, 01-113C, 01-114C, 01-115S,  
01-246, 01-317, 01-10439

|                                                   |                            |
|---------------------------------------------------|----------------------------|
| <b>NAME OF OWNER LISTED ON THE PARTIAL DECREE</b> | Long Island Irrigation Co. |
|---------------------------------------------------|----------------------------|

**CURRENT OWNER (IF DIFFERENT)** \_\_\_\_\_

**TODAY'S DATE**      October 31, 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. $\square$ 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 are missing.

Should be: 11276 ACRES TOTAL

10. ☐ **Other Provisions**

Should be: \_\_\_\_\_

**Additional explanation or supporting documentation of the error:**

Standard Form 5's (SF5's) for rights 01-109G, 01-110E, 01-111E, 01-112E, 01-113C, 01-114C, 01-115S, 01-246, 01-317, and 01-10439 (Long Island Irrigation Co.) were filed July 24, 2007 and all contain a "11276 ACRES TOTAL" notation under the Place Of Use (POU) element. A Special Master Report (SMR) was issued on August 22, 2007, and the rights moved to partial decree in November 2007. IDWR staff has recently discovered the partial decrees do not contain the "11276 ACRES TOTAL" language originally recommended. IDWR requests the correction of the POU element of the partial decrees to include the "11276ACRES TOTAL" notation.

Right 01-114C had a post partial decree transfer which has not been reflected in the proposed correction to partial decree.

The addition of the acres total number will have no impact on the digital boundary CDs or maps provided to the Court with the 2007 SF5's. Additional color copies of that map are enclosed 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: 1-109G

NAME AND ADDRESS: LONG ISLAND IRRIGATION CO  
C/O ORA LEE BENNETT  
729 N 3800 E  
RIGBY ID 83442

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 38.520 CFS

PRIORITY DATE: 06/11/1880

POINT OF  
DIVERSION: T04N R39E S5 SWSWSE Within JEFFERSON County  
T04N R39E S10 SWNWSE 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          | 38.520 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is old Right No. 1-109E.

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

Water is delivered through West Labelle & Long Island Canal and White Ditch.

RIGHT NUMBER: 1-110E

NAME AND ADDRESS: LONG ISLAND IRRIGATION CO  
C/O ORA LEE BENNETT  
729 N 3800 E  
RIGBY ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 58.970 CFS

PRIORITY DATE: 06/01/1881

POINT OF  
DIVERSION: T04N R39E S5 SWSWSE Within JEFFERSON County  
T04N R39E S10 SWNWSE 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          | 58.970 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is old Right No. 1-110C.

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

RIGHT NUMBER: 1-111E  
NAME AND ADDRESS: LONG ISLAND IRRIGATION CO  
C/O ORA LEE BENNETT  
729 N 3800 E  
RIGBY ID 83442  
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER  
Water is delivered from the Dry Bed.

QUANTITY: 58.960 CFS

PRIORITY DATE: 06/01/1882

POINT OF  
DIVERSION: T04N R39E S5 SWSWSE Within JEFFERSON County  
T04N R39E S10 SWNWSE 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          | 58.960 CFS      |

PLACE OF USE:

11276 ACRES TOTAL

Place of use is within the area served by Long Island Irrigation 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 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 West Labelle & Long Island Canal and White Ditch.

This right is old Right No. 1-111C.

RIGHT NUMBER: 1-112E

NAME AND ADDRESS: LONG ISLAND IRRIGATION CO  
C/O ORA LEE BENNETT  
729 N 3800 E  
RIGBY ID 83442

SOURCE: SNAKE RIVER  
Water is delivered from the Dry Bed.

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 58.980 CFS

PRIORITY DATE: 06/01/1883

POINT OF  
DIVERSION: T04N R39E S5 SWSWSE Within JEFFERSON County  
T04N R39E S10 SWNWSE 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          | 58.970 CFS      |
| MITIGATION            | 04/01 10/31          | 0.010 CFS       |

PLACE OF USE: MITIGATION in JEFFERSON County

|               |      |               |      |
|---------------|------|---------------|------|
| T04N R39E S06 | NESE | T04N R39E S06 | SESE |
|---------------|------|---------------|------|

11276 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 Long Island Irrigation 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.

This right is old Right No. 1-112C.

Water is delivered through West Labelle & Long Island Canal and White Ditch.

RIGHT NUMBER: 1-113C

NAME AND ADDRESS: LONG ISLAND IRRIGATION CO  
C/O ORA LEE BENNETT  
729 N 3800 E  
RIGBY ID 83442

SOURCE: SNAKE RIVER . TRIBUTARY: COLUMBIA RIVER  
Water is delivered from the Dry Bed.

QUANTITY: 58.970 CFS

PRIORITY DATE: 06/01/1884

POINT OF  
DIVERSION: T04N R39E S5 SWSWSE Within JEFFERSON County  
T04N R39E S10 SWNWSE 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          | 58.970 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

RIGHT NUMBER: 1-114C

NAME AND ADDRESS: LONG ISLAND IRRIGATION CO  
C/O ORA LEE BENNETT  
729 N 3800 E  
RIGBY ID 83442

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 58.970 CFS

PRIORITY DATE: 06/01/1885

POINT OF  
DIVERSION: T04N R39E S5 SWSWSE Within JEFFERSON County  
T04N R39E S10 SWNWSE 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          | 58.970 CFS      |

Place of use is within the area served by Long Island Irrigation Company.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

RIGHT NUMBER: 1-115S

NAME AND ADDRESS: LONG ISLAND IRRIGATION CO  
C/O ORA LEE BENNETT  
729 N 3800 E  
RIGBY ID 83442

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 39.358 CFS

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION: T04N R39E S5 SWSWSE Within JEFFERSON County  
T04N R39E S10 SWNWSE 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          | 39.358 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.

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 West Labelle & Long Island Canal and White Ditch.

RIGHT NUMBER: 1-246

NAME AND ADDRESS: LONG ISLAND IRRIGATION CO  
C/O ORA LEE BENNETT  
729 N 3800 E  
RIGBY ID 83442

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 10.000 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION: T04N R39E S5 SWSWSE Within JEFFERSON County  
T04N R39E S10 SWNWSE 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          | 10.000 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through West Labelle & Long Island Canal and White Ditch.

RIGHT NUMBER: 1-317

NAME AND ADDRESS: LONG ISLAND IRRIGATION CO  
C/O ORA LEE BENNETT  
729 N 3800 E  
RIGBY ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 35.000 CFS

PRIORITY DATE: 04/01/1939

POINT OF  
DIVERSION: T04N R39E S5 SWSWSE Within JEFFERSON County  
T04N R39E S10 SWNWSE 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          | 35.000 CFS      |

PLACE OF USE:

Place of use is within the area served by Long Island Irrigation 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.

Water is delivered through West Labelle & Long Island Canal and White Ditch.

## Proposed Correction to Partial Decree for 01-317

RIGHT NUMBER: 1-10439

NAME AND ADDRESS: LONG ISLAND IRRIGATION CO  
C/O ORA LEE BENNETT  
729 N 3800 E  
RIGBY ID 83442

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 16.800 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION: T04N R39E S5 SWSWSE Within JEFFERSON County  
T04N R39E S10 SWNWSE 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          | 16.800 CFS      |

PLACE OF USE:

11276 ACRES TOTAL

Place of use is within the area served by Long Island Irrigation 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.

This right is limited to the irrigation of 1015 acres within the place of use described above in a single irrigation season.

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 West Labelle & Long Island Canal and White Ditch.

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

This right is a combination of old Right Nos. 25-251B, 25-252A, 25-252B, 25-253, 25-254B, and 25-255.

## CERTIFICATE OF SERVICE

I certify that on October 31, 2013, I caused to be served true and correct copies of this AMENDED 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

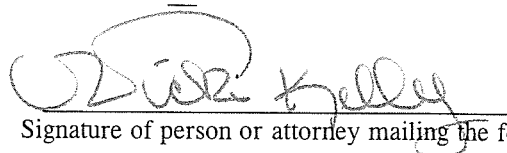
Chief, Natural Resources Division  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

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

3. Copy to the Owner:

LONG ISLAND IRRIGATION CO  
C/O ORA LEE BENNETT  
729 N 3800 E  
RIGBY, ID 83442

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

  
Signature of person or attorney mailing the form



**STATE OF IDAHO**  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

October 31, 2013

Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2720  
Twin Falls, ID 83303-2707  
VIA FACSIMILE

RE: Amended Request for Correction of Error of Partial Decree for Water Rights 01-109G, 01-110E, 01-111E, 01-112E, 01-113C, 01-114C, 01-115S, 01-246, 01-317 and 01-10439

Dear Clerk:

Enclosed is an Amended Request for Correction of Error regarding the partial decrees of Long Island Irrigation Co. water rights 01-109G, 01-110E, 01-111E, 01-112E, 01-113C, 01-114C, 01-115S, 01-246, 01-317 and 01-10439. The original Request, submitted earlier this week, contained proposed correction recommendations listing an incorrect acres total number, 11274 acres. The proposed correction recommendations contained in this Amended Request note the accurate acres total of 11276 acres.

Additional hard copies of the Amended Request are being mailed to the Court today. Should you have any further questions, please feel free to contact me at 208-287-4816. Thank you!

Sincerely,

A handwritten signature in cursive script that reads "Vicki Kelly".

Vicki Kelly,  
Paralegal

Enc.

cc: U.S. Dept. of Justice  
Chief, Natural Resources Division, OAG  
Long Island Irrigation Co.