

REQUEST FOR CORRECTION OF ERROR

THE IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) HAS IDENTIFIED ERRORS IN THE SRBA PARTIAL DECREES OF THE WATER RIGHTS LISTED BELOW. IDWR REQUESTS THE COURT TO DETERMINE IF IT CAN CORRECT THE ERRORS THROUGH ITS NORMAL NOTICE AND HEARING PROCESS, AND IF SO, TO CORRECT THE ERRORS ACCORDINGLY. BY COPY OF THIS FORM IDWR IS ALSO NOTIFYING THE OWNER OF THE WATER RIGHTS OF THE ERRORS IN QUESTION.

WATER RIGHT NOS.: 35-2115 and 35-2875

NAME OF OWNER LISTED ON THE PARTIAL DECREE: Morgan Van Orden and Thelda Van Orden

CURRENT OWNER (IF DIFFERENT): Van Orden Brothers Land

TODAY'S DATE: March 4, 2015

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

1. ☒ **Name and Address**

Should be: Van Orden Brothers Land
1403 W 600 S
Pingree ID 83262

Updated per a Notice of Change in Water Right Ownership received by IDWR in March of 2014.

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Existing quantity condition of both rights should be replaced with condition reflecting the combined annual volume from transfer no. 4070 (966 AF): Right Nos. 35-2115 and 35-2875 are limited to a total combined diversion rate of 3.66 cfs and to a total combined annual diversion volume of 966 AF.

Addition of transfer condition to both rights: This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Addition of annual volume amount, standard on recommendations of ground water rights, to both rights: 340.000 AFY for right 35-2115, and 966.000 AFY for right 35-2875.

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point of Diversion (POD)**

The decreed POD of both rights located at T04S R33E S3 SENESW should be replaced with the location of the transferred POD, T04S R33E S3 NWSW. The other decreed POD located at T04S R33E NESESE

did not change. However, the license describes both POD locations to within a 40 acre tract, not within a 10 acre tract as recommended and partially decreed. The PODs should be described as T04S R33E S3 NSW and T04S R33E S3 SESE for both rights.

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 (POU)**

Combined use condition of both rights should be updated to list both right numbers: Right Nos. 35-2115 and 35-2875 are limited to the irrigation of a combined total of 274 acres in a single irrigation season.

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

Recommendations of rights 35-2115 and 35-2875 were prepared in September 1992. A transfer was filed in October 1992 on both rights to change the point of diversion (POD) element. Transfer no. 4070 was approved in May 1993. The recommendations were not revisited prior to the filing of the Director's Report for Irrigation and Other Uses Reporting Area 5 Part III, IDWR Basin 35 in January 1999, and the rights were reported without being updated to reflect the transfer. Group objections were filed by the North Side Canal Company and the Twin Falls Canal Company to numerous basin 35 ground water rights, including rights 35-2115 and 35-2875, but those objections were later dismissed, and the rights moved to partial decree as reported.

IDWR is requesting the POD element be corrected for both rights, the addition of the transfer conditions to both rights (some appearing as Explanatory Material), the addition of other clarifying or standard remarks to both rights (some of which also appear as Explanatory Material) and the addition of annual volume amounts, a standard entry on ground water rights, to both rights. As Explanatory Material does not appear on partial decrees of water rights, those conditions / remarks are not specifically addressed here. However, they are shown on the attached proposed corrected partial decrees.

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

CONTACT PERSON: Michael Holliday

TELEPHONE NUMBER: 208-525-7161 E-MAIL ADDRESS: Michael.Holliday@idwr.idaho.gov

MAILING ADDRESS: IDWR, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718

Proposed corrected partial decrees of the water rights are attached.

Request for Correction of Error

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

RIGHT NUMBER: 35-2115

NAME AND ADDRESS:

VAN ORDEN BROTHERS LAND
1403 W 600 S
PINGREE ID 83262

MORGAN VAN ORDEN
THELDA VAN ORDEN
1403 W 600 S
PINGREE, ID 83262

SOURCE: GROUND WATER

Tributary:

QUANTITY: 1.700 CFS
340.000 AFY

Right Nos. 35-2115 and 35-2875 are limited to a total combined diversion rate of 3.66 cfs and to a total combined annual diversion volume of 966 AF.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

~~USE OF THIS RIGHT WITH RIGHT NO. 35-02875 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.66 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1096 AF.~~

PRIORITY DATE: 11/12/1948

POINT OF DIVERSION:

T04S R33E S3 SENESW	Within BINGHAM County
T04S R33E S3 NWSW	Within BINGHAM County
T04S R33E S3 SESE	Within BINGHAM County
T04S R33E S3 NESESE	Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION	04/01 10/31	1.700 CFS <u>340.00 AFY</u>

PLACE OF USE: IRRIGATION within BINGHAM County

T04S R33E S03 NESW 39.0
T04S R33E S03 NWSW 39.0
T04S R33E S03 SWSW 39.0
T04S R33E S03 SESW 39.0
T04S R33E S03 NWSE 40.0
T04S R33E S03 SWSE 39.0
T04S R33E S03 SESE 39.0

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

274 ACRES TOTAL

Right Nos. 35-2115 and 35-2875 are limited to the irrigation of a combined total of 274 acres in a single irrigation season.

This right is limited to the irrigation of 85 acres within the place of use described above in a single irrigation season.

~~USE OF THIS RIGHT WITH RIGHT NO. 35-02875 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 274 ACRES 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 - License

The well(s) previously used under Right Nos. 35-2115 and 35-2875 shall be abandoned in a manner which complies with Department well abandonment rules.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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. 120.

Right No. 35-2875 is also diverted through points of diversion described above.

Failure of the right holder to comply with the conditions of transfer no. 4070 is cause for the Director to rescind approval of the transfer.

Use of this right is combined with water from Aberdeen Springfield Canal Co.

~~RIGHT NO. 35-02875 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.~~

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

RIGHT NUMBER: 35-2875

NAME AND ADDRESS:

VAN ORDEN BROTHERS LAND
1403 W 600 S
PINGREE ID 83262

MORGAN VAN ORDEN
THELDA VAN ORDEN
1403 W 600 S
PINGREE, ID 83262

SOURCE: GROUND WATER

Tributary:

QUANTITY: 3.660 CFS
966.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Right Nos. 35-2115 and 35-2875 are limited to a total combined diversion rate of 3.66 cfs and to a total combined annual diversion volume of 966 AF.

USE OF THIS RIGHT WITH RIGHT NO. 35-02115 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.66 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1096 AF.

PRIORITY DATE: 04/06/1967

POINT OF DIVERSION:

T04S R33E S3 SENESW Within BINGHAM County
T04S R33E S3 NWSW Within BINGHAM County
T04S R33E S3 SESE Within BINGHAM County
T04S R33E S3 NESESE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION	04/01 11/01	3.660 CFS <u>966.00 AFY</u>

PLACE OF USE: IRRIGATION within BINGHAM County

T04S R33E S03 NESW 39.0
T04S R33E S03 NWSW 39.0
T04S R33E S03 SWSW 39.0
T04S R33E S03 SESW 39.0
T04S R33E S03 NWSE 40.0
T04S R33E S03 SWSE 39.0
T04S R33E S03 SESE 39.0

274 ACRES TOTAL

Right Nos. 35-2115 and 35-2875 are limited to the irrigation of a combined total of 274 acres in a single irrigation season.

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

~~USE OF THIS RIGHT WITH RIGHT NO. 35-02115 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 274 ACRES 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 - License

The well(s) previously used under Right Nos. 35-2115 and 35-2875 shall be abandoned in a manner which complies with Department well abandonment rules.

Failure of the right holder to comply with the conditions of transfer no. 4070 is cause for the Director to rescind approval of the transfer.

Use of this right is combined with water from Aberdeen Springfield Canal Co.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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. 120.

Right No. 35-2115 is also diverted through points of diversion described above.

~~RIGHT NO. 35-02115 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.~~

CERTIFICATE OF SERVICE

I certify that on March 5, 2015, 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

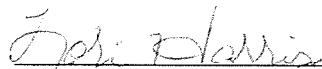
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

3. Copy to the Owner:

Van Orden Brothers Land
1403 W 600 S
Pingree ID 83262

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



Signature of person or attorney mailing the form