

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. : 21-2154 and 21-12946

NAME OF OWNER LISTED ON THE PARTIAL DECREES: North Fork Reservoir Co.

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE: July 26, 2016

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**

An existing combined annual diversion volume condition should be revised to read: Right Nos. 21-110, 21-111, 21-112, 21-2154 and 21-12946 are limited to a total combined annual diversion volume of 79,350 AF.

The following combined annual diversion volume condition should be added to the partial decrees: The rights listed below are limited to a total combined annual diversion volume of 90,000 AF. Combined Right Nos. 21-110, 21-111, 21-112, 21-2154, 21-2161, 21-12946 and 21-13193.

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. ☒ **Place of Use**

Combined use condition should be corrected to include right 21-13193:

The rights listed below are limited to the irrigation of a combined total of 41,098 acres in a single irrigation season. Combined Right Nos.: 21-110, 21-111, 21-112, 21-2154, 21-2161, 21-12946, 21-12897, 21-12908, 21-12910, 21-12912, 21-12921, 21-12922, 21-12928, 21-12934, 21-12961, 21-12962, 21-12909, 21-12923, 21-12924, 21-13193, 22-428, 22-13342, 22-13343, 22-13344, 22-13347, 22-13349.

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

Water rights 21-2154, 21-2161 and 21-12946, claimed by North Fork Reservoir Co., are for storing water in Henry's Lake. The rights were originally partially decreed in 2013. The rights were noted in a Stipulation lodged on January 30, 2015, which addressed water rights of on-stream reservoirs in Basins 01, 21 and 25. The Stipulation memorialized resolution of issues of "fill" and/or "refill." On February 5, 2015, North Fork Reservoir Co. filed a Motion to Set Aside Partial Decree and a Memorandum in Support of the Motion to Set Aside Partial Decrees on water rights 21-2154, 21-2161 and 21-12946. The documents were filed pursuant to the Stipulation to update the partial decrees to add a combined annual diversion volume condition to the Quantity element and add a reference regarding North Fork late claim 21-13193 (reported in January 2015) to a Place of Use condition listing combined rights. The Memorandum contains draft recommendations noting the additions.

On July 17, 2015, an Amended Director's Report (ADR) was filed on rights 21-2154, 21-2161 and 21-12946. The ADR added a combined annual diversion volume condition (recommending a total volume of 90,000 AF) to the Quantity element and added the North Fork late claim 21-13193 to a Place of Use element condition. No objections were filed to the ADR, and amended partial decrees were issued on September 10, 2015.

It was recently discovered that the Quantity condition and the reference to late claim 21-13193 are missing from the 2015 amended partial decrees of rights 21-2154 and 21-12946. IDWR is requesting correction of the partial decrees of rights 21-2154 and 21-12946 to reflect the additions made through the 2015 ADR. IDWR also notes the proposed recommendations contained in the Memorandum indicate the total combined annual diversion volume to be 94,000 AF. The correct volume is 90,000 AF as shown in the ADR. IDWR is also seeking revision to the listing of water rights in the total combined annual diversion volume condition referencing the 79,350 AF limit recommended in the ADR. The revision will provide clarity to the list of combined rights. Right 21-2161 is the subject of a separate Request for Error Correction.

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

CONTACT PERSON: Carter Fritschle, Manager Adjudication Section

TELEPHONE NUMBER: 208-287-4917

E-MAIL ADDRESS: carter.fritschle@idwr.idaho.gov

MAILING ADDRESS: IDWR, 322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

A proposed correction to the partial decree of the water right is attached.

07/12/2016

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

RIGHT NUMBER: 21-2154

NAME AND ADDRESS: NORTH FORK RESERVOIR CO
C/O JERRY R RIGBY SEC
PO BOX 250
REXBURG ID 83440

SOURCE: TYGEE CREEK TRIBUTARY: HENRYS FORK
Point of injection into and point of rediversion from Henrys Fork.

QUANTITY: 30.000 CFS
4,000.00 AFY
Total reservoir capacity is 90,000 acre feet when filled to elevation 6476.9 and measured at the upstream face of the dam.
~~The rights listed below are limited to a total combined annual diversion volume of 79,350 AF. Combined Right Nos.: 21-110, 21-111, 21-112, 21-2154, and 21-12946.~~
Right Nos. 21-110, 21-111, 21-112, 21-2154 and 21-12946 are limited to a total combined annual diversion volume of 79,350 AF.
The rights listed below are limited to a total combined annual diversion volume of 90,000 AF. Combined Right Nos.: 21-110, 21-111, 21-112, 21-2154, 21-2161, 21-12946 and 21-13193.

PRIORITY DATE: 05/15/1917

POINT OF DIVERSION: T15N R43E S24 SENW Within FREMONT County
T15N R43E S26 NWNW Lot 4 Injection Within FREMONT County
T15N R43E S26 SWNW Lot 6 Rediversion Within FREMONT County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	30.000 CFS
IRRIGATION STORAGE	01/01 12/31	4,000.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	4,000.00 AFY

PLACE OF USE:

41098 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 for irrigation from storage is within the area served by North Fork Reservoir Company which includes Egin Bench Canals Inc., Salem Union Canal Co., and Consolidated Farmers Canal Co., located within Madison and Fremont Counties, Idaho.

Place of use for storage is Henrys Lake, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range 21E, sections 28 and 29, when determined by the Water District 01 Watermaster as supervised by the Director of the Department of Water Resources, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

The rights listed below are limited to the irrigation of a combined total of 41,098 acres in a single irrigation season. Combined Right Nos.: 21-110, 21-111, 21-112, 21-2154, 21-2161, 21-12946, 21-12897, 21-12908, 21-12910, 21-12912, 21-12921, 21-12922, 21-12928, 21-12934, 21-12961, 21-12962, 21-12909, 21-12923, 21-12924, 21-13193, 22-428, 22-13342, 22-13343, 22-13344, 22-13347, 22-13349.

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

This right is a split from former right 21-160.

Source is also known as Dry Creek.

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

Point of rediversion is Henrys Lake Dam.

07/12/2016

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

RIGHT NUMBER: 21-12946

NAME AND ADDRESS: NORTH FORK RESERVOIR CO
C/O JERRY R RIGBY SEC
PO BOX 250
REXBURG ID 83440

SOURCE: HENRYS LAKE

TRIBUTARY: HENRYS FORK

QUANTITY: 79,350.00 AFY

Total reservoir capacity is 90,000 acre feet when filled to elevation 6476.9 and measured at the upstream face of the dam.

~~The rights listed below are limited to a total combined annual diversion volume of 79,350 af. Combined Right Nos.: 21-110, 21-111, 21-112, 21-2154, and 21-12946.~~

Right Nos. 21-110, 21-111, 21-112, 21-2154 and 21-12946 are limited to a total combined annual diversion volume of 79,350 AF.

The rights listed below are limited to a total combined annual diversion volume of 90,000 AF. Combined Right Nos.: 21-110, 21-111, 21-112, 21-2154, 21-2161, 21-12946 and 21-13193.

PRIORITY DATE: 05/15/1917

POINT OF

DIVERSION: T15N R43E S26 SWNW Lot 6 Within FREMONT County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	79,350.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	79,350.00 AFY

PLACE OF USE:

41098 ACRES TOTAL

Place of use for storage is Henrys Lake, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at T10S, R21E, Sections 28 and 29, when determined by the Water District 01 Watermaster as supervised by the Director of the Department of Water Resources, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

Place of use for irrigation from storage is within the area served by North Fork Reservoir Company which includes Egin Bench Canals Inc., Salem Union Canal Co., and Consolidated Farmers Canal Co., located within Madison and Fremont Counties, Idaho.

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.

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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

Point of diversion is Henrys Lake Dam.

This right is a split from former right 21-160.

CERTIFICATE OF SERVICE

I certify that on July 26, 2016, 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
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☒ 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
State of Idaho
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Boise, ID 83720-0010

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☐ Hand-Delivered
☐ Facsimile

3. Copy to the Owner:

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☐ Hand-Delivered
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4. Courtesy copies to:

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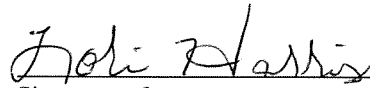
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Signature of person or attorney mailing the form