

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. : 21-13193

NAME OF OWNER LISTED ON THE PARTIAL DECREE: 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 decree:

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

An additional combined annual diversion volume condition should be included stating: 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.

An existing combined annual diversion volume condition should be corrected to read: 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**

Rights 21-110, 21-111 and 21-112 should be added to the existing Purpose and Period of Use condition:

Water accruing to this water right supplements water accrued under water right nos. 21-110, 21-111, 21-112, 21-2154, 21-2161 and 21-12946.

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Rights 21-110, 21-111 and 21-112 should be added to an existing condition:

Place of use is on those lands identified under water right nos. 21-110, 21-111, 21-112, 21-2154, 21-2161 and 21-12946.

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

Water right 21-13193, claimed by North Fork Reservoir Co., provides storage water for Henry's Lake. The right was originally reported to the Court in a Late Claim Director's Report (LCDR) filed on January 30, 2015. A matching proposed recommendation of right 21-13193 was also included in a Stipulation lodged on January 30, 2015. The Stipulation, which addressed water rights of on-stream reservoirs in Basins 01, 21 and 25, memorialized resolution of issues of "fill" and/or "refill." There were no objections filed to the LCDR of right 21-13193 and a partial decree was issued on April 22, 2015, describing the right as recommended.

On February 5, 2015, North Fork Reservoir Co. filed a Motion to Set Aside Partial Decree (Motion) of water rights 21-2154, 21-2161 and 21-12946 in order to update combined use language of these partial decrees to include the addition of late claim 21-13193 to the list of combined rights. These three rights also provide for the storage of water in Henry's Lake, and were included in the Stipulation as well. On June 17, 2015, the Court ordered IDWR to file an Amended Director's Report (ADR) for rights 21-2154, 21-2161 and 21-12946. In preparing the ADR, IDWR staff discovered that the total combined annual diversion volume of 94,000 AF noted in the proposed recommendations included in the Stipulation of all four North Fork Reservoir Co. rights was incorrect. The correct total combined annual diversion volume is 90,000 AF.

In addition to rights 21-2154, 21-2161, 21-12946 and 21-13193 contributing to the 90,000 AF combined total, rights 21-110, 21-111 and 21-112 contribute to the total storage volume as well. This correction to the quantity combined use language was reflected in the Amended Director's Report filed on July 17, 2015 on rights 21-2154, 21-2161 and 21-12946. IDWR is requesting correction of the quantity condition of the partial decree of right 21-13193 to reflect the combined annual diversion volume of 90,000 AF and the inclusion of rights 21-110, 21-111 and 21-112 in the listed rights that contribute to the annual diversion volume.

A Quantity condition referencing a total combined annual diversion volume of 79,350 AF appears on the partial decrees of North Fork rights 21-110, 21-111, 21-112, 21-2154, and 21-12946. IDWR is seeking to revise that Quantity condition on those partial decrees to add clarity to the list of combined water rights. Although right 21-13193 is not limited by this combined annual diversion volume, IDWR believes addition of the revised condition to the partial decree of right 21-13193 brings consistency to the partial decrees of the North Fork Reservoir Co. rights involving Henry's Lake.

Rights 21-110, 21-111 and 21-112 should also be added to the existing Purpose and Period of Use condition.

In addition, the existing Place of Use condition that currently describes the lands identified under water rights 21-2154, 21-2161 and 21-12946 should include rights 21-110, 21-111 and 21-112 since all six rights involve the same acres that are entitled to receive storage water from Henry's Lake.

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: 21-13193

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: 64,000.00 AFY

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

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 ~~94,000~~ AF. Combined Right Nos.: 21-110, 21-111, 21-112, 21-2154, 21-2161, 21-12946 and 21-13193.

PRIORITY DATE: 10/31/1969

This water right is subordinate to all existing and future water rights established pursuant to Idaho law for use within the Snake River Basin above Milner.

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	64,000.00 AFY
Water accruing to this water right supplements water accrued under water right nos. <u>21-110, 21-111, 21-112, 21-2154, 21-2161 and 21-12946.</u>		

PLACE OF USE:

Place of use is on those lands identified under water right nos. 21-110, 21-111, 21-112, 21-2154, 21-2161 and 21-12946.

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.

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

Point of diversion is Henrys Lake Dam.

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
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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

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U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
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☐ 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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3. Copy to the Owner:

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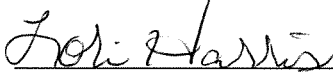
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Signature of person or attorney mailing the form