

REQUEST FOR CORRECTION OF ERRORS

THE IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) HAS IDENTIFIED ERRORS IN THE SRBA PARTIAL DECREE OF THE WATER RIGHT 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 RIGHT OF THE ERRORS IN QUESTION.

WATER RIGHT NO.: 25-14413A

NAME OF OWNER LISTED ON THE PARTIAL DECREE:

United States of America Acting Through Bureau of Reclamation

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**

Should be: _____

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: _____

Request for Correction of Error

9. ☐ **Place of Use**

Should be: _____

10. ☒ **Other Provisions**

Provision 4 should be stricken from the partial decree as it does not apply to water right 25-14413A. Provision 5 should then be renumbered and identified as provision 4. Provision 6 should then be renumbered and identified as provision 5. In addition, renumbered provision 5 should be corrected to read:

The exercise and administration of this water right is subject to the terms and conditions of the Stipulation effective November 16, 2015, which is incorporated herein by reference.

Additional explanation or supporting documentation of the error:

Water right 25-14413, claimed by the United States of America for the Bureau of Reclamation (BOR), provides storage water for Ririe Reservoir. The right was originally reported to the Court in a Late Claim Director's Report (LCDR) filed January 30, 2015. The LCDR split and recommended right 25-14413 as rights 25-14413A and 25-14413B, both BOR water rights. Parent right 25-14413 was recommended for disallowal in the LCDR. A matching proposed recommendation of right 25-14413A 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." The Stipulation had not been signed by the United States at the time of lodging. Both rights 25-14413A and 25-14413B were unobjected to and were partially decreed on April 22, 2015 as recommended.

It has been discovered that provision 4 in the Other Provisions Necessary for Definition or Administration of this Water Right section of the recommendation of right 25-14413A, was mistakenly copied into the recommendation from standard provisions in other storage water rights. The Agreement noted in provision 4 does not apply to this right. In addition, Provision 6 in the Other Provisions Necessary contained a placeholder for an effective date of a Stipulation involving various reservoir storage water rights as the Stipulation had not yet been signed by the United States.

IDWR is requesting correction of the Other Provisions Necessary section of the partial decree to remove provision 4 which is not applicable to this right. IDWR also requests correction of the placeholder in provision 5 (currently provision 6) with the effective date of the Stipulation, November 16, 2015 (the date the BOR executed the Stipulation). Finally, IDWR requests renumbering the provisions currently identified as provisions 5 and 6 to provisions 4 and 5 once provision 4 is removed from the partial decree.

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

CONTACT PERSON: Craig Saxton, Adjudication Analyst

TELEPHONE NUMBER: 208-287-4916

E-MAIL ADDRESS: craig.saxton@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.

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

RIGHT NUMBER: 25-14413A

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE: WILLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 228,000.00 AFY

Water right nos. 25-7004, 25-14413A and 25-14413B are limited to the total combined annual diversion volume necessary to allocate a total of 80,500 acre-feet of irrigation storage water per year to the consumers or users of the irrigation storage water.

PRIORITY DATE: 10/31/1984

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:

T03N R40E S22 NWNW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01/01 12/31	228,000.00 AFY

Water accruing to this water right supplements water accrued under water right no. 25-7004, and water available under this water right will be allocated for end use as provided in contracts entered into between the United States and federal contractors referenced in provision 2 as if it had accrued under water right no. 25-7004.

PLACE OF USE:

Place of use is on those lands identified under water right no. 25-7004.

Place of use for storage is Ririe Reservoir, 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:

1. The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

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

2. The allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster (as supervised by the Director of the Department of Water Resources) shall distribute the stored water in accordance with the allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store water for distribution pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 1-10620, 1-10621A, 1-10621B, 1-10622, 1-10623, 21-2156, 21-4155, 21-10560, 21-13161, 21-13194, 25-7004, 25-14413A and 25-14413B.

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.

3. 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 ultimately be 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.

~~4. The operation, use and administration of this water right is subject to the terms and conditions of the Settlement Agreement signed on February 14, 2006 with Minidoka Irrigation District, Burley Irrigation District, Twin Falls Canal Company, North Side Canal Company and American Falls Reservoir District #2.~~

~~4. 5.~~ This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended, including but not limited to the contractual storage exchanges, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

~~5. 6.~~ The exercise and administration of this water right is subject to the terms and conditions of the Stipulation effective November 16, 2015, ~~XX/XX, 2015~~, which is incorporated herein by reference.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right was renumbered from former claim 25-14413.

This right is based upon an enlargement of Right No. 25-7004 pursuant to Section 42-1426, Idaho Code.

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
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

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

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

3. Copy to the Owner:

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

4. Courtesy copies to:

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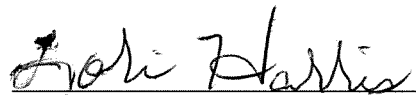
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Signature of person or attorney mailing the form