

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.: 25-14413B

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**

The first Quantity condition of the partial decree references "...the combined total annual diversion volume..." It should read, "...the total combined annual diversion volume..." as recommended.

The third Quantity condition of the partial decree references "...total space evacuated for flood control operations..." It should read, "...total space evacuated for local flood control operations..." as recommended. In addition, the third Quantity condition of the partial decree references "...Public Law 81-865..." when it should reference "...Public Law 81-864..." as recommended.

4. ☒ **Priority Date**

Should be: 10/31/1982 as recommended.

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**

The second Place of Use condition of the partial decree references, "...water under this right may be temporarily held in unoccupied space..." It should read, "...water under this right may be temporarily held in the unoccupied space..."

10. ☒ **Other Provisions**

Provision 4 should be stricken from the partial decree as it does not apply to water right 25-14413B. Water rights 01-2068, 01-4056, 01-10043, 01-10044 and 01-10045 currently listed in provision 8 should be removed and replaced solely with water right 25-7004. In addition, provision 9 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.

With the deletion of provision 4, all remaining provisions currently numbered from 5 through 9 should be renumbered to 4 through 8 respectively.

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 25-14413B 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 the recommended priority date of 10/31/1982 appears as 01/03/1982 in the partial decree. There are also discrepancies that appear to be clerical in nature in some of the conditions appearing in the Quantity and Place of Use (POU) elements of the partial decree. As with the partial decree of 25-14413A, provision 4 in the Other Provisions Necessary for Definition or Administration of this Water Right (Other Provisions) section of the recommendation of right 25-14413B 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. Provision 6 in the Other Provisions section contains 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. In addition, provision 8 in the Other Provisions section lists water rights that did not appear in the recommendation.

IDWR is requesting correction of the priority date to 10/31/1982 as well as correction of the Quantity and POU conditions. The Other Provisions section of the partial decree should be corrected to remove provision 4 which is not applicable to this right. In addition, the water rights listed in the provision

currently identified as provision 8 in the Other Provisions section should be removed and replaced solely with water right no. 25-7004 as recommended. Finally, IDWR requests correction of the placeholder in provision 8 (currently provision 9) with the effective date of the Stipulation, November 16, 2015 (the date the BOR executed the Stipulation).

Should current provision 4 be removed from the partial decree, IDWR requests renumbering the provisions currently identified as provisions 5, 6, 7, 8 and 9 to provisions 4, 5, 6, 7 and 8.

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: 25-14413B

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: 12,000.00 AFY

Water right nos. 25-7004, 25-14413A and 25-14413B are limited to the total combined ~~total~~ 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.

Water will not accrue towards the satisfaction of this water right until the United States of America, acting through the Bureau of Reclamation, has notified the Water District 01 Watermaster of the calendar date on which it intends to store water pursuant to this water right. Following initial notification, the United States can provide notification directing the Water District 01 Watermaster to stop and start the accrual of water pursuant to this water right, until the water right has been satisfied. All notification must be made in writing. Each notification must identify a specific calendar date on which administrative action should occur. The identified calendar date cannot predate the date of written notification.

This water right is limited to the total space evacuated for local flood control operations as determined by the Water District 01 Watermaster, prior to the date of final storage allocation not to exceed 12,000 acre-feet. 'Local flood control operations' are reservoir flood control operations in accordance with the Act of September 30, 1950, Public Law 81-8645, 64 Stat. 1083-85, as amended or supplemented, and the operating plan for Ririe Reservoir as it may be revised pursuant to the forgoing laws. The watermaster's determination of the space evacuated for flood control is made for the purpose of determining the distribution of natural flow to this water right in accordance with state law. The watermaster's determination shall not bind the United States, nor have any effect on the United States' determinations, authority, or discretion under federal law in operating this reservoir for local flood control purposes.

PRIORITY DATE: 10/31/1982 ~~01/03/1982~~

POINT OF

DIVERSION: T03N R40E S22 NWNW Within BONNEVILLE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	03/15 07/31	12,000.00 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

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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.

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.

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-~~ Combined use limit amongst 01-10621B and 25-14413B not to exceed 1,043,298 acre feet.

~~6. 7-~~ For surface water right administration this water right is subordinate to all water rights permitted, licensed, or decreed prior to May 1, 2014 that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right. The administration of this water right and ground water rights is addressed in Provision 7 & below.

~~7. 8-~~ For conjunctive administration this water right shall not be used as the basis for a water right delivery call, nor shall it be the basis for a defense to a water right delivery call; provided, the Director of IDWR may consider the effect of Provision 6 ~~7~~ above on the total supply of water

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available to the calling party. Further, this water right shall not be construed as an admission or waiver of any available claims or defenses related to the conjunctive administration of water right nos. ~~01-2068, 01-4056, 01-10043, 01-10044, and 01-10045~~ no. 25-7004.

~~8. 9-~~ The exercise and administration of this water right is subject to the terms and conditions of the Stipulation effective November 16, 2015, ~~XX/XX, 2014~~ which is incorporated herein by reference.

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

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

This right was renumbered from former claim 25-14413.

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

☐ Overnight Mail
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☐ Facsimile

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

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Chief, Natural Resources Division
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3. Copy to the Owner:

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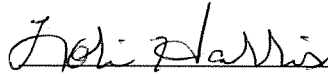
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Signature of person or attorney mailing the form