

REQUEST FOR CORRECTION OF ERRORS

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 RIGHT OF THE ERRORS IN QUESTION.

WATER RIGHT NOS.: 37-2783 and 37-22806B

NAME OF OWNER LISTED ON THE PARTIAL DECREES:

37-2783: UNITED STATES OF AMERICA BUREAU OF RECLAMATION

37-22806B: LITTLE WOOD RIVER IRRIGATION DISTRICT and UNITED STATES OF AMERICA BUREAU OF RECLAMATION

CURRENT OWNER (IF DIFFERENT):

TODAY'S DATE: December 20, 2016

Clerical errors exist in the descriptions 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: _____

9. ☐ **Place of Use**

The Place of Use condition should read:

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

An Order of Partial Decree for water right 37-22806B was issued on August 23, 2016. An Order of Amended Partial Decree for water right 37-2783 was also issued August 23, 2016. Both Orders decreed these rights consistent with a Stipulation filed by the parties on January 30, 2015, which resolved the “fill” and / or “refill” subcases.

In review of the partial decrees of these water rights, minor clerical errors have been discovered. IDWR is seeking correction of these minor errors. As the errors are clerical in nature, IDWR is not filing individual requests for correction of errors for each right but attaching proposed partial decrees to this Request, which show the suggested corrections in underscore and overstrike, and highlighted in yellow.

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

Proposed corrections to the partial decrees of water rights are attached. Corrections are shown in underscore and overstrike on the proposed partial decrees, and highlighted.

CERTIFICATE OF SERVICE

I certify that on December 21, 2016, I caused to be served true and correct copies of this REQUEST FOR CORRECTION OF ERRORS, 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
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

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

United States of America
Regional Director PN Region
Bureau of Reclamation PN-3100
1150 N. Curtis Rd. Ste. 100
Boise, ID 83706-1234

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

David A. Coleman
P.O. Box 525
Twin Falls, ID 83303-0525

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

Christopher H. Meyer
601 W. Bannock St.
P.O. Box 2720
Boise, ID 83701-2720

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



Signature of person or attorney mailing the form

12/12/2016

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

RIGHT NUMBER: 37-2783

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

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 1,000.000 AFY

Water rights nos. 37-2773, 37-2774, 37-2779, 37-2783, 37-22806A, and 37-22806B are limited to the total combined annual diversion volume necessary to allocate a total of 30,724.00 acre-feet of irrigation storage water per year to the consumers or users of the storage water.

PRIORITY DATE: 04/10/1959

POINT OF DIVERSION:

T01N R20E S13 NWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	04/01 11/01	1,000.00 AFY
IRRIGATION STORAGE	01/01 12/31	1,000.00 AFY

PLACE OF USE:

11084.7 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 is within Blaine County, and is on land irrigated by shareholders of the Little Wood River Irrigation District.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 distributions 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 laws and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

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

12/12/2016

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

RIGHT NUMBER: 37-22806B

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

LITTLE WOOD RIVER IRRIGATION DISTRICT
PO BOX 355
CAREY ID 83320

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 24,000.000 AFY

This water right is limited to the total space evacuated for local flood control operations as determined by the Water District 37 Watermaster, prior to the date of final storage allocation not to exceed 24,000.00 acre-feet. 'Local flood control operations' are reservoir flood control operations in accordance with the Act of August 6, 1956, Public Law 84-993, as it may be revised pursuant to the forgoing law. 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.

Water will not accrue towards the satisfaction of this water right until the Little Wood River Irrigation District, has notified the Water District 37 Watermaster of the calendar date on which it intends to store water pursuant to this water right. Following initial notification, the Little Wood River Irrigation District can provide notification directing the Water District 37 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.

Water rights nos. 37-2773, 37-2774 37-2779, 37-2783, 37-22806A, and 37-22806B are limited to the total combined annual diversion volume necessary to allocate a total of 30,724.00 acre-feet of irrigation storage water per year to the consumers or users of the storage water.

PRIORITY DATE: 10/31/1983

POINT OF DIVERSION:

T01N R20E S13 NWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	03/01 07/31	24,000.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	24,000.00 AFY

Water accruing to this right supplements water accrued under water right nos. 37-2773, 37-2774, 37-2779 and 37-2783.

12/12/2016

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

PLACE OF USE:

Place of use is on those lands identified under water right nos. 37-2773, 37-2774, 37-2779 and 37-2783

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to 42-1426, Idaho Code, the earlier ~~priority~~ ~~priority~~ right is the superior right.

This water right is subordinate to all water rights permitted, licensed or decreed after April 12, 1994, and prior to May 1, 2014.

The exercise and administration of this water right is subject to the terms and conditions of the Stipulation effective July 14, 2016, 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. Section 42-1412(6), Idaho Code.

Title to twenty-nine thirtieths (29/30) of this water right is held in the name of Little Wood River Irrigation District. 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 with respect to one thirtieth (1/30) of this water right. 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 the interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use