

SECOND REQUEST FOR CORRECTION OF ERRORS

THE IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) HAS IDENTIFIED ERRORS IN THE SRBA AMENDED 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 OWNERS OF THE WATER RIGHTS OF THE ERRORS IN QUESTION.

WATER RIGHT NOS.:

Group 1: 21-2161 and 21-13193

NAME OF OWNER LISTED ON THE AMENDED PARTIAL DECREES OF GROUP 1
RIGHTS: NORTH FORK RESERVOIR CO.

WATER RIGHT NOS.:

Group 2: 25-14413A and 25-14413B

NAME OF OWNER LISTED ON THE AMENDED PARTIAL DECREES OF GROUP 2
RIGHTS: 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:

Partial decrees were previously issued for water rights 21-2161, 21-13193, 25-14413A and 25-14413B. Requests for Correction of Error were filed by IDWR for these water rights on July 28, 2016. Amended partial decrees were issued on August 17, 2016.

In review of the amended 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 listed above but attaching proposed partial decrees to this request, which show the suggested corrections in underscore and overstrike, and highlighted in yellow. Because the rights are owned by different entities, the four rights are addressed as two groups: Group 1, decreed to North Fork Reservoir Co. and Group 2, decreed to the United States Bureau of Reclamation.

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 are highlighted in yellow.

CERTIFICATE OF SERVICE

I certify that on December 21, 2016, I caused to be served true and correct copies of this SECOND 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

A. Dean Tranmer
City of Pocatello
P.O. Box 4169
Pocatello, ID 83201

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

Jerry R. Rigby
25 N. 2ND E.
P.O. Box 250
Rexburg, ID 83440-0250

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

Roger D. Ling
P.O. Box 623
Rupert, ID 83350-0623

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

W. Kent Fletcher
1200 Overland Ave.
P.O. Box 248
Burley, ID 83318-0248

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

Sarah A. Klahn
White & Jankowski LLP
Kittredge Building
511 16th St., Ste 500
Denver, CO 80202

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

Travis L. Thompson
163 2nd Avenue West
P.O. Box 63
Twin Falls, ID 83303-0063

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



Signature of person or attorney mailing the form

GROUP 1

09/26/2016

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

RIGHT NUMBER: 21-2161

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: 10,650.00 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 AF. Combined Right Nos.: 21-110, 21-111, ~~21-212~~ 21-112, 21-2154, 21-2161, 21-12946 and 21-13193.

PRIORITY DATE: 07/29/1965

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	10,650.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	10,650.00 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 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.

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.

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 - License

Point of diversion is Henrys Lake Dam.

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 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. 21-110, 21-111, 21-112, 21-2154, 21-2161 and 21-12946.		

PLACE OF USE:

Place of use is on those lands identified ~~under~~ 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.

GROUP 2

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

09/27/2016

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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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.

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 ~~as at~~ a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

4. 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. 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.

~~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.

09/27/2016

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 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~~ District 01 Watermaster of the calendar date on which it intends to store water ~~pursuant~~ 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 81-865 81-864, 64 Stat. 1083-85, as amended or supplemented, and the operating plan for Ririe Reservoir as it may be revised pursuant to the foregoing 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

POINT OF

DIVERSION: T03N R40E S22 NWNW Within BONNEVILLE County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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 of the Department of Water Resources), ~~the 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~~ 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 ~~Relamation~~ 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 ~~as at~~ a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

6. 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. 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 above on the total supply of water 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 no. 25-7004.

8. 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.

~~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 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.