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DEPARTMENT OF
WATER RESOURCES

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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)
) Subcase Nos. (See Attachment A)
)
) **NOTICE OF ERRATA re: EXHIBIT 15 TO**
) **DECLARATION OF MICHAEL C. ORR**
) **IN SUPPORT OF STATE OF IDAHO'S**
) **CONSOLIDATED RESPONSE TO JOINT**
) **MOTION TO MODIFY PARTIAL**
) **DECREES FOR PURPOSE OF**
) **DIVERSION RATE AND "RESET"**
) **ADMINISTRATIVE REMARKS**
)

PLEASE TAKE NOTICE of the following error in, and correction to, Exhibit 15
of the *Declaration of Michael C. Orr in Support of State of Idaho's Consolidated*
Response to Joint Motion to Modify Partial Decrees for Purpose of Diversion Rate and
"Reset" Administrative Remarks ("Declaration"), filed herewith.

The *Declaration* states that “Exhibit 15” to the *Declaration* is a true and correct copy of “excerpted pages of the *Surface Water Coalition’s Joint Motion to Decree General Provision* filed in this Court on May 15, 2017.” Due to an inadvertent clerical error, however, the document attached to the *Declaration* as Exhibit 15 is a different document. This error was not discovered until after the filing and service copies of the exhibits to the *Declaration* (i.e., both the electronic files on the computer disks and the hard copies provided to some parties) had already been prepared.

Attached hereto as “Exhibit 15” are the “excerpted pages of the *Surface Water Coalition’s Joint Motion to Decree General Provision* filed in this Court on May 15, 2017” that are described in the *Declaration* as “Exhibit 15,” and which were intended to be attached to the *Declaration* as “Exhibit 15.” Please discard the document appended to the *Declaration* as “Exhibit 15” and replace it with the “Exhibit 15” attached hereto.

DATED this 20th day of December, 2019.



Michael C. Orr
Deputy Attorney General
Natural Resources Division
Office of the Attorney General
Attorneys of the State of Idaho

CERTIFICATE OF SERVICE

I certify that on this 20th day of December, 2019, I caused the foregoing to be filed with the Court and copies served on the following by the methods indicated:

1. Original to:

CLERK OF THE DISTRICT COURT SNAKE RIVER BASIN ADJUDICATION 253 THIRD AVENUE NORTH PO BOX 2707 TWIN FALLS, ID 83303-2707	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121
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2. Copies to the following:

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ALBERT P BARKER JOHN SIMPSON BARKER ROSHOLT 1010 W JEFFERSON ST STE 102 PO BOX 2139 BOISE ID 83701-2139	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: ☒ Email: apb@idahowaters.com , jks@idahowaters.com
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W KENT FLETCHER FLETCHER LAW OFFICE 1200 OVERLAND AVE PO BOX 248 BURLEY ID 83318-0248	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☒ Federal Express ☐ Facsimile: ☒ Email: wkf@pmt.org
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UNITED STATES OF AMERICA BUREAU OF RECLAMATION REGIONAL DIRECTOR 1150 N CURTIS RD STE 100 BOISE ID 83706-1234	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: ☐ Email:
USDI BUREAU OF RECLAMATION Represented by: US DEPT OF JUSTICE ENVIRONMENT & NATL' RESOURCES 550 W FORT ST MSC 033 BOISE ID 83724	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: ☐ Email:
DIRECTOR OF IDWR STATEHOUSE MAIL PO BOX 83720 BOISE, ID 83720-0098	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: ☒ Statehouse Mail


MICHAEL C. ORR

ATTACHMENT A

**01-219
01-2064
01-2068
01-4055
01-10042
01-10043
01-10044
01-10045
01-10620
01-10621A
01-10621B
01-10622
01-10623
21-02154
21-02156
21-02161
21-04155
21-12946
21-13193
21-13194
21-10560
21-13161
25-07004
25-14413A
25-14413B**

EXHIBIT 15

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DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAY 15 2017
Clerk
Deputy Clerk
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#2 and Minidoka Irrigation District*

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)
) **Subcase Nos.: Attachment A**
)
) **SURFACE WATER COALITION'S**
) **JOINT MOTION TO DECREE**
) **GENERAL PROVISION**
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COME NOW, A&B Irrigation District, American Falls Reservoir District #2, Burley
Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal
Company and Twin Falls Canal Company (collectively "Surface Water Coalition" or
"Coalition"), by and through their undersigned attorneys of record, and submit this *Joint Motion
to Decree General Provision*.

The Coalition seeks to have the Court decree the following general provision applicable to the Basin 01 storage water right decrees:

All storage water rights in the Reservoir system shall be entitled to accrue available natural flow beginning on November 16th for the following calendar year in priority; provided, however, water accruing to the storage rights of the Reservoir system may be temporarily held in 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 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. Storage water rights nos. 1-4055, 1-10044, 1-10045, 1-2064, 1-2068, 1-10401, 21-12946, 21-2161, 21-2156, 21-4155, and 21-10560 may accrue natural flow for the following calendar year according to priority between October 1st and November 15th; provided, however, each of the enumerated rights shall only be entitled to accrue natural flow available above the point of diversion of each right during this time period. Natural flow available between October 1st and November 15th to the March 30, 1921 priority of water right no. 01-2064 shall only be available after water right no. 01-06 receives up to 850 cfs of the available natural flow.

"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, 1-10623A, 1-10623B, 21-2156, 21-4155, 21-10560, 21-13161, 25-7004, 25-14413A and 25-14413B.

SWC Proposed General Provision.

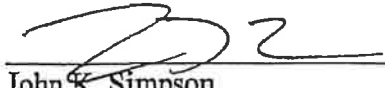
The Coalition submits the above general provision is "necessary for the definition of the rights or for the efficient administration" of the Basin 01 storage water rights listed at Attachment A. See I.C. § 42-1412(6).

This joint motion is supported by the accompanying *Memorandum in Support*, the *Factual Addendum* and exhibits, and the *Declaration of David B. Shaw* filed together herewith. The Coalition respectfully requests the Court to grant the motion and decree the proposed general provision. The Coalition requests oral argument on this motion.

Finally, and in the alternative if the Court determines it is necessary, the Coalition would request an evidentiary hearing regarding the proposed general provision.

DATED this 15th day of May, 2017.

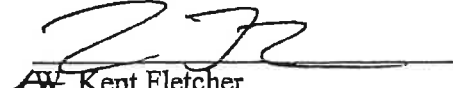
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