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**MAR 10 2005**  
DEPARTMENT OF  
WATER RESOURCES

KATHLEEN MARION CARR  
Office of the Field Solicitor  
550 W. Fort Street, MSC 020  
Boise, Idaho 83724  
Telephone: (208) 334-1911  
Facsimile: (208) 334-1918

*Attorney and Designated Representative for the  
U.S. Department of the Interior, Bureau of Reclamation*

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

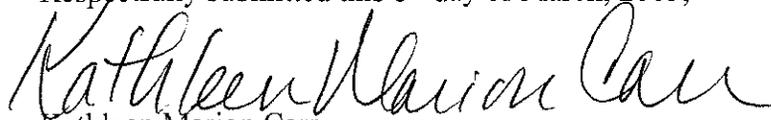
IN THE MATTER OF DISTRIBUTION OF )  
WATER TO VARIOUS WATER RIGHTS )  
HELD BY OR FOR THE BENEFIT OF A&B )  
IRRIGATION DISTRICT, AMERICAN )  
FALLS RESERVOIR DISTRICT #2, )  
BURLEY IRRIGATION DISTRICT, )  
MILNER IRRIGATION DISTRICT, )  
MINIDOKA IRRIGATION DISTRICT, )  
NORTH SIDE CANAL COMPANY, AND )  
TWIN FALLS CANAL COMPANY )  
\_\_\_\_\_ )

**ERRATA TO  
RECLAMATION'S PETITION  
TO INTERVENE**

On March 7, 2005, the U. S. Department of the Interior, Bureau of Reclamation, by and through its attorney and duly authorized representative, Kathleen Marion Carr, Office of the Field Solicitor, (Reclamation), filed a Petition to Intervene in the above-captioned matter. Inadvertently, on page 3, section II, paragraph 1, three words were omitted from the Petition to Intervene. The corrected page 3, with the changes marked in bold, is provided as a substitute for the one in the filing.

I apologize for any inconvenience that this change may cause IDWR or the parties.

Respectfully submitted this 8<sup>th</sup> day of March, 2005,

  
Kathleen Marion Carr  
Attorney/Advisor

been scheduled. Moreover, this case is still in its earliest stages because the *Order* creating this contested case proceeding was only entered on February 14, 2005.

## II. RECLAMATION HAS A DIRECT AND SUBSTANTIAL INTEREST IN THE SUBJECT MATTER OF THIS CASE.

Under the standard set forth in IDAPA 37.01.01.353, intervention is proper if the petitioner can show a direct and substantial interest in “any part” of the subject matter of the **proceeding**. The following rights held by Reclamation that have been raised in this proceeding are: 01-284, 01-2064, 01-2068, 01-4052, 01-4055, 01-4056, 01-4057, 01-10042, 01-10043, 01-10044, 01-10045, and 01-10053. *Order, p. 12, ¶¶ 51, 52*. Because it is the holder of these water rights, Reclamation has a direct and substantial interest in ensuring that water rights are administered properly under the prior appropriation doctrine as established under Idaho law.

In its *Order*, IDWR finds that ground water depletions are adversely impacting storage rights held by Reclamation:

Simulations using the Department’s calibrated computer model of the ESPA show that ground water withdrawals from certain portions of the ESPA for irrigation and other consumptive purposes cause depletions to the flow of the Snake River in the form of reduced reach gains or increased reach losses in various reaches of the Snake River including the reach extending from Shelley, Idaho to Minidoka Dam, which includes the American Falls Reservoir.

\* \* \*

On the date of this Order, the United States through the USBR is authorized to divert water from the Snake River for reservoir storage under the water rights [01-284, 01-2064, 01-2068, 01-4052, 01-4055, 01-4056, 01-4057, 01-10042, 01-10043, 01-10044, 01-10045, and 01-10053] for the benefit of the members of the Surface Water Coalition. Historic ground water depletions are causing reductions in the flows of the Snake River and its tributaries and reductions in the amount of water that could

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 8 day of March 2005, a true and correct copy of **ERRATA TO RECLAMATION'S PETITION TO INTERVENE** was served on the following person(s) as shown below:

**Director, Karl J. Dreher**  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098  
**By U.S. Mail and Facsimile**  
**(208) 287-6700**

**John K. Simpson**  
Barker Rosholt & Simpson, LLP  
P. O. Box 2139  
Boise, ID 83701-2139  
**By U.S. Mail and Facsimile**  
**(208) 344-6034**

**W. Kent Fletcher**  
Fletcher Law Office  
P. O. Box 248  
Burley, ID 83318  
**By U.S. Mail and Facsimile**  
**(208) 878-2548**

**Roger Ling**  
Ling Robinson & Walker  
P. O. Box 396  
Rupert, ID 83350  
**By U.S. Mail and Facsimile**  
**(208) 436-6804**

**Jeffrey C. Fereday**  
**Michael C. Creamer**  
Givens Pursley, LLP  
P. O. Box 2720  
Boise, ID 83701  
**By U.S. Mail and Facsimile**  
**(208) 388-1300**

**James S. Lochhead**  
**Adam T. DeVoe**  
Brownstein Hyatt & Farber, P.C.  
410 17<sup>th</sup> St., 22<sup>nd</sup> Floor  
Denver, CO 80202  
**By U.S. Mail and Facsimile**  
**(303) 223-1111**

**James Tucker**  
Idaho Power Company  
1221 W. Idaho St.  
Boise ID 83702  
**By U.S. Mail and Facsimile**  
**(208) 388-6935**

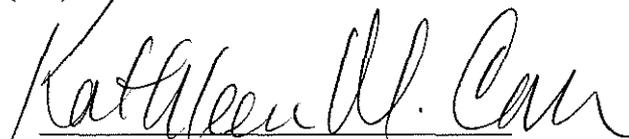
**Scott L. Campbell**  
Moffatt Thomas Barrett Rock & Fields, Chtd  
P. O. Box 829  
Boise, ID 83701  
**By U.S. Mail and Facsimile**  
**(208) 385-5384**

**C. Thomas Arkoosh**  
Arkoosh Law Office, Chtd.  
P. O. Box 32  
Gooding, ID 83330-0032  
**By U.S. Mail and Facsimile**  
**(208) 934-8873**

**Idaho Department of Water Resources**  
**Eastern Region Office**  
900 N. Skyline Dr.  
Idaho Falls, ID 83402-6105  
**By U.S. Mail and Facsimile**  
**(208) 525-7177**

**Idaho Department of Water Resources**  
**Southern Region Office**  
1341 Fillmore St., Ste. 200  
Twin Falls, ID 83301-3033  
**By U.S. Mail and Facsimile**  
**(208) 736-3037**

U.S. Bureau of Reclamation  
**E. Gail McGarry, PN-3100**  
1150 N. Curtis Road  
Boise, ID 83706-1234  
**By U.S. Mail and Facsimile**  
**(208) 378-5305**

  
**KATHLEEN MARION CARR**