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*Attorneys for Petitioners/Appellants/  
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**IN THE SUPREME COURT OF THE STATE OF IDAHO**

IN THE MATTER OF ACCOUNTING FOR  
DISTRIBUTION OF WATER TO THE  
FEDERAL ON-STREAM RESERVOIRS IN  
WATER DISTRICT 63 BEFORE THE  
IDAHO DEPARTMENT OF WATER  
RESOURCES

BALLENTYNE DITCH COMPANY; *et al.*,

Petitioners/Appellants/Cross  
Respondents,

vs.

BOISE PROJECT BOARD OF CONTROL,  
and NEW YORK IRRIGATION DISTRICT,

Petitioners,

vs.

IDAHO DEPARTMENT OF WATER  
RESOURCES; and GARY SPACKMAN, in  
his capacity as the Director of the Idaho  
Department of Water Resources,

**Supreme Court Docket No. 44677-2016**

Ada County Case No. CV-WA-2015-21376  
(Consolidated Ada County Case  
No. CV-WA-2015-21391)

**NOTICE OF ERRATA**

Respondents/Respondents,  
and  
SUEZ WATER IDAHO, INC.,  
Intervenor/Respondent/Cross-  
Appellant.

COME NOW the Ditch Companies, by and through undersigned counsel of record, and hereby submit this *Notice of Errata* to correct citations to the Record on Appeal, Transcripts on Appeal, and Agency Record contained within the Ditch Companies' *Appellants' Opening Brief*, filed May 26, 2017 (the "Brief").

- Page 8      The Ditch Companies and Boise Project (jointly), and Suez subsequently filed their own Petitions for Rehearing. R. ~~001084001214~~; ~~001080001344~~.
- fn8: IDWR's *Petition for Rehearing*, and now subsequent appeal to this Court, concerns Sections IV.C and IV.D of the MDO. R. 001065-68 (~~App. 1~~).
- Page 9      (2) *Affidavit of Bob Sutter* (Ex. ~~21812482~~); and  
(10) 1985 Water Control Manual for Boise River Reservoirs (Ex. ~~21862483~~)
- Page 28      ~~Ex. 203144~~, 001206.
- Page 34      ~~Ex. 200844~~, 000481, ¶ 20.
- Page 35      AR. 001245, ¶ ~~30d43d~~ (emphasis added).
- Page 37      Sisco's successor, current Boise River Watermaster Barrie, reviewed and agrees with the statements in Sisco's Affidavit and administers water rights consistent with those statements. ~~Tr. 9/10/1544~~, 1343:10-1344:11.
- Page 41      Ex. 2008, 000488-~~89~~, ¶ 32.
- Page 46      ~~AR. 001266~~ (*Order*).
- Page 47      Reservoirs pursuant to the reservoir water rights, and therefore "will not be considered." R. ~~001063-64001064-65~~ (*MDO*).
- Page 48      fn20: *Accord*, ~~AR. 001243-45~~ . . .
- Page 53      "*less water being physically stored than would have been stored absent the need to meet the system flood control space requirement.*" ~~AR. 001244~~,

¶ 29 (emphasis added). “*Ensuring that the required amount of reservoir space is empty at the times prescribed by the Water Control Manual often requires the release of water that could otherwise be stored in the reservoir system for later use.*” AR. 001243, ¶ 26 (emphasis added).

Page 59 AR. 001360 (*Recommendation; see also, App. 1*).

Page 64 Neither the Arrowrock partial decree nor the Anderson Ranch partial decree mentions the decades’ long reservoir operation practice of storing water in Anderson Ranch under the Arrowrock water right. Ex. 2015, 000716002338 and 000720002342, respectively. (*Page numbers used were Bates numbers for DC Exhibit in Agency Record*)

Page 68 Sisco trained current Watermaster Barrie in the Boise River water rights, reservoir operations and the Watermaster’s use of IDWR’s accounting methodology, and Barrie administers Boise River water rights consistent with that training. Id., Tr. 9/10/15 1337:24-1338:13.

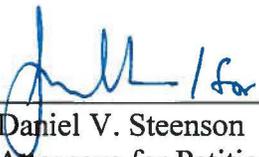
Page 71 Furthermore, the Director justified his decision to employ “paper fill” as “satisfaction” to protect junior water users from the storage right holders and/or the federal government as a general matter—not just in the Boise Basin. AR. 001278-78 (Priority Refill). *See also, Tr. 8/27/15* 170:15-171:9.

Page 83 They did so prehearing in their *Joint Motion in Limine of the Irrigation Entities* (Aug. 13, 2015) (AR. 000853 and 000859). . .

DATED this 16<sup>th</sup> day of June, 2017.

SAWTOOTH LAW OFFICES, PLLC

By

  
\_\_\_\_\_  
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Attorneys for Petitioners/Appellants/  
Cross Respondents Ditch Companies

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16<sup>th</sup> day of June, 2017, I caused a true and correct copy of the foregoing NOTICE OF ERRATA to be served by the method indicated below, and addressed to the following:

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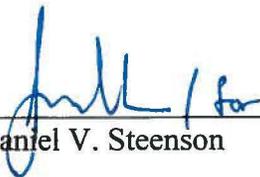
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