

**SUPPLEMENTAL DIRECTOR'S REPORT REGARDING
SUBCASE NOS. 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B,
31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310,
31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005**

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill Jr., Adjudication Bureau Chief

May 13, 2002

INTRODUCTION

The Director of the Idaho Department of Water Resources (“IDWR” or “the Department”) submits this Supplemental Director’s Report Regarding Subcase Nos. 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, and 31-7005 in accordance with Idaho Code § 42-1412(4) and Administrative Order 1. This report is submitted in response to Special Master Bilyeu’s *Order Setting Subcase Deadlines* dated March 19, 2002, which requests that IDWR submit a Supplemental Director’s Report clarifying the basis for the Department’s recommendation of the place of use element.

This report was prepared under the supervision of Karl J. Dreher, Director, and David R. Tuthill Jr., Adjudication Bureau Chief for IDWR.

PROCEDURAL BACKGROUND

Water right claim numbers 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, and 31-7005 (all owned by Mud Lake Water Users, Inc.) were reported in IDWR’s May, 2001, Director’s Report for Irrigation and Other Water Rights, Reporting Area 8, IDWR Basin 31. On September 7, 2002, the United States Bureau of Land Management (BLM) filed objections to three points of diversion for each of these groundwater rights stating that the locations for three points of diversion were located on BLM land. After discussion and some investigation, the parties and BLM agreed to delete one point of diversion from the

water rights and IDWR and the parties executed SF5s resolving BLM's objection. The SF5s were filed on January 10, 2002.

On March 18, 2002, Special Master Bilyeu held a hearing concerning the SF5s and requested a Supplemental Director's Report regarding the basis of the Department's recommendation for the place of use element on the Director's Report.

DISCUSSION

Mud Lake Water Users, Inc. is a canal company that owns canals covering an area of 32,716 acres as shown on the attached map.

Idaho Code § 42-219(5) provides:

For irrigation projects where the canals constructed cover an area of twenty-five thousand (25,000) acres or more, or within irrigation districts . . . the license issued shall be issued to the person, association, company, corporation or irrigation district owning the project It shall not be necessary to give a description of the land by legal subdivisions **but a general description of the entire area under the canal system shall be sufficient.** (emphasis added)

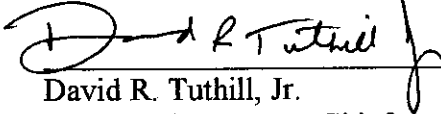
Idaho Code § 42-1411(2)(h) authorizes the Director to report the legal description of the place of use as provided in Idaho Code § 42-219. These water rights were recommended pursuant to Idaho Code § 42-219(5) since the area covered by Mud Lake Water Users, Inc.'s canals is over 25,000 acres. The recommendation for the place of use states:

**PLACE OF USE WITHIN THE BOUNDARY OF MUD LAKE WATER
USERS, INC. TOTAL IRRIGATED ACRES 24261.3.**

The Department believes this description is appropriate for these water rights under Idaho Code § 42-219(5) and satisfies the requirement to include a general description of the entire area under the canal system. IDWR recommends that the SRBA District Court decree these water rights as reflected in the SF5s along with a reference to

the attached map which illustrates the Mud Lake Water Users, Inc. service area boundary. Although the map was not included in the original Director's Reports, it further illustrates the service area boundary and would be appropriate for the court to incorporate it into the partial decrees.

Submitted this 13th day of May, 2002


David R. Tuthill, Jr.
Adjudication Bureau Chief

CERTIFICATE OF MAILING

I certify that on May 13, 2002 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, Idaho 83303-2707

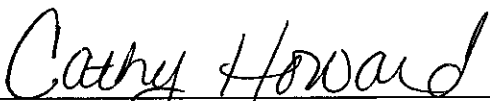
2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

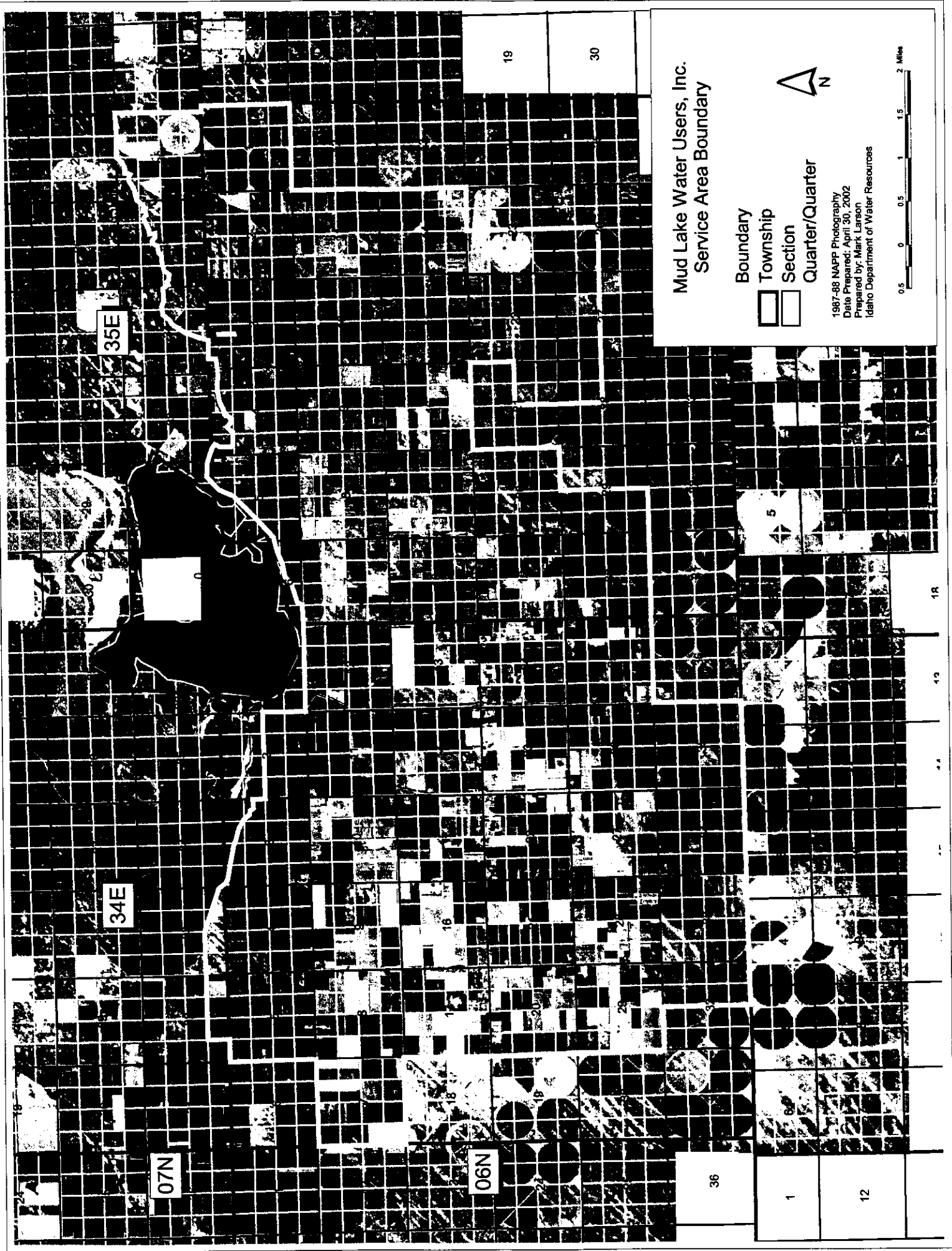
IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

Larry Brown
Attorney for BLM
USDOJ
550 W. Fort St., MSC 033
Boise, ID 83724

Gerald Messerli, President
Mud Lake Water Users, Inc.
P.O. Box 68
1400 E. 1500 N.
Terreton, ID 83450



Signature of person or attorney mailing the form



Mud Lake Water Users, Inc.
Service Area Boundary

- Boundary
Township
Section
Quarter/Quarter



1987-88 NAPP Photography
Date Prepared: April 30, 2002
Prepared by: Mark Larson
Idaho Department of Water Resources

