

AMENDED DIRECTOR'S REPORT

Subcase No. 37-21749

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
Donald V. Shaff, Manager Adjudication Technical Section

August 3, 2006

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Due to the circumstances noted in the attached Explanation for the Notice of Completed Administrative Proceeding for Subcase Nos. 37-359C and 37-1164J, the Director submits for filing with the Court an Amended Director's Report for the aforementioned subcase.

Respectfully submitted this 3rd day of August, 2006.



CARTER FRITSCHLE

Section Manager Adjudication Bureau

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

RIGHT NUMBER: 37-21749

NAME AND ADDRESS: ALFREDO CRUZ
2210 CALIFORNIA ST #21
GOODING ID 83330

JUANA LAGUNAS
2210 CALIFORNIA ST #21
GOODING ID 83330

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 06/01/1884

POINT OF
DIVERSION:

T03S R18E S9 NESE Within LINCOLN County
T04S R18E S15 NWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.050 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S26 NWNE 6.70

6.7 ACRES TOTAL

Right Nos. 37-21749 and 37-21752 are limited to the irrigation of 4.5 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

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 - Decreed

Use of this right is combined with water from American Falls Reservoir Dist. No. 2.

This right is a split from former right 37-359C.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from Big Wood Canal Co.

Water is delivered through the North Gooding Main Canal via the Milner Gooding Canal from the North Shoshone Canal. The Lincoln Bypass Canal may also be used in the delivery of this right.

07/21/2006

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

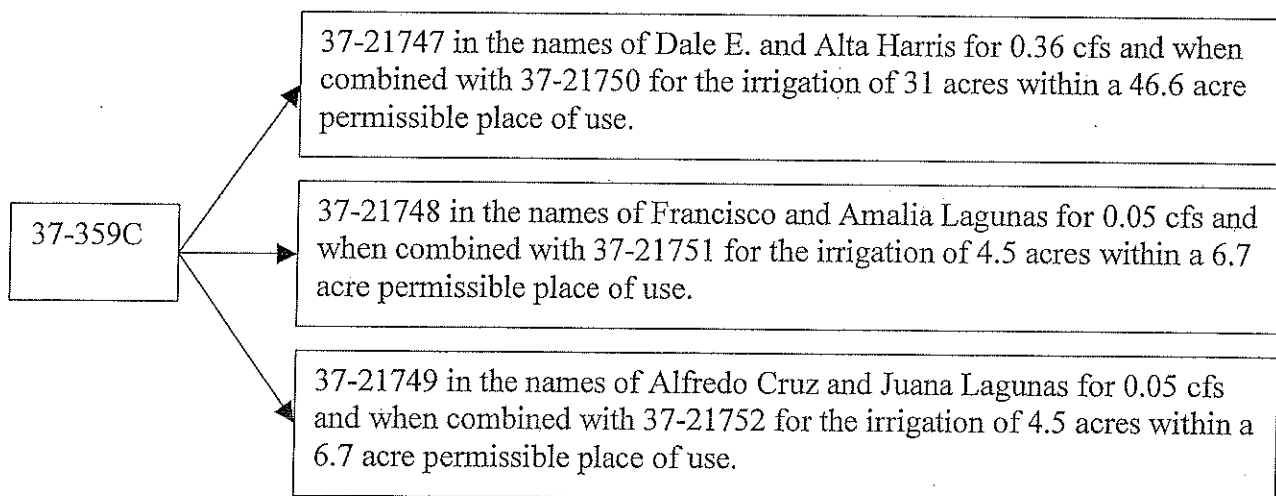
Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.

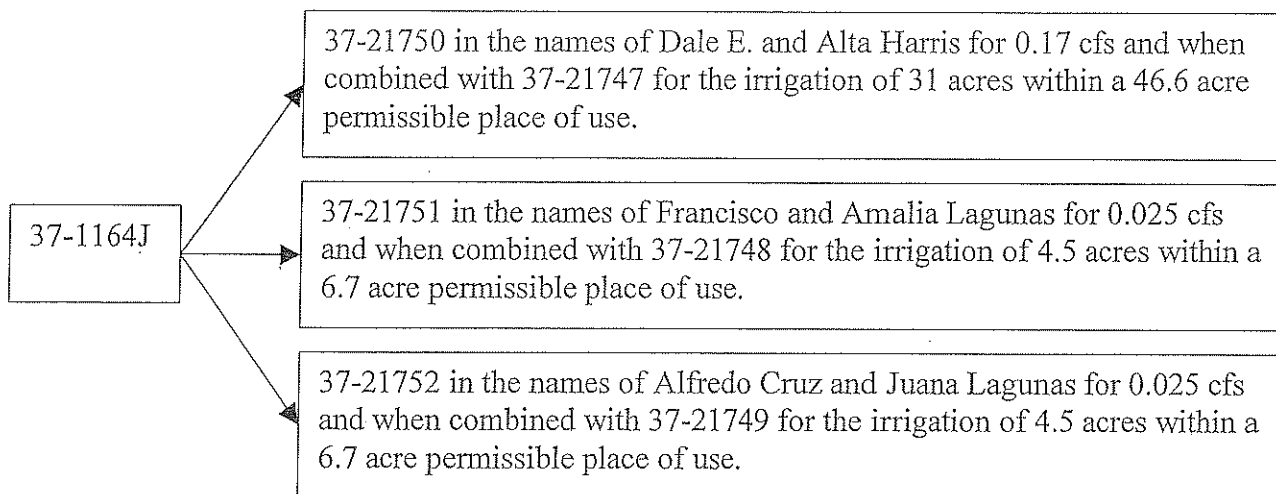
Explanation for the Notice of Completed Administrative Proceeding for Subcase Nos. 37-359C and 37-1164J

Claim nos. 37-359C and 37-1164J were filed Dale E. and Alta Harris in September of 1988 for 0.46 cfs and 0.22 cfs respectively, for the irrigation of 60-acre permissible place of use. These claims were two of several claims for portions of decreed water rights 37-359 (3.00 cfs) and 37-1164 (2.40 cfs). When the investigation of the claims in the area known as Basin 37, Part 1 Surface Water began, the original claim files for claim nos. 37-359C and 37-1164J could not be located. The working investigation file was created using copies of the claims printed from IDWR's microfilm.

Because the original decreed rights had been split multiple times, the delivery records of the watermaster for Water District 37 were used as part of the claims investigation process to determine how much water each claimant was historically delivered for their portion of the decreed rights. The printout of the watermaster's delivery records from March of 2003 indicated that the claimants Dale E. and Alta Harris were entitled to 0.36 cfs of the 37-359 water right and 0.17 cfs of the 37-1164 water right. These are the quantities recommended in the Basin 37 Part 1 Surface Water Director's Report for claim nos. 37-359C and 37-1164J with the irrigation of a combined total of 40 acres within a 60-acre permissible place of use.

In April of 2006 the original claim files for 37-359C and 37-1164J were located, and two unprocessed changes of ownership were found for each claim. The changes of ownership revealed that in March of 1999, Dale E. and Alta Harris had split off and sold two parcels from the 60 acres described as the permissible place of use for claim nos. 37-359C and 37-1164J. To implement the changes in ownership, each claim will need to be split three ways. A summary of the element's of the water rights affected by the splits is illustrated below:





As illustrated above, the sum of the quantities of water for the splits of 37-359C equals 0.46 cfs, which is the same amount that was originally claimed for 37-359C, but 0.10 cfs greater than the amount recommended in the Basin 37 Part 1 Surface Water Director's Report for 37-359C. Similarly, the sum of the quantities of water for the splits of 37-1164J equals 0.22 cfs, which is the same amount that was originally claimed for 37-1164J, but 0.05 cfs greater than the amount recommended in the Basin 37 Part 1 Surface Water Director's Report for 37-1164J. This is because at the time it made its recommendations, IDWR was not aware that Water District 37 had reduced the amount of water shown in its records as being delivered to the claimants, Dale E. and Alta Harris, for their portion of water right nos. 37-359 and 37-1164 by the amounts appurtenant to the two parcels of land that they had sold in 1999. Since IDWR thought the quantities listed in the watermaster records were for the entire 60-acre permissible place of use that was originally claimed, instead of the 46.6-acre permissible place of use that is now owned by the claimants, the total quantity of water recommended should be increased to reflect the amount of water appurtenant to the two 6.8-acre parcels¹ that the claimants sold in 1999.

Dale E. and Alta Harris also filed a wastewater claim, 37-11247, which overlaps part the permissible place of use for claim nos. 37-359C and 37-1164J. The condition describing the combined acreage limits for claim nos. 37-11427, 37-359C and 31-1164J will be affected by the splitting of right nos. 37-359C and 37-1164J. A Notice of Completed Administrative Proceeding is also being filed in subcase no. 37-11247 to reflect the changes to the total combined acreage limits for what will now be claim nos. 37-11427, 37-21747 and 31-21750.

¹ 6.7 acres are irrigated in each parcel.

CERTIFICATE OF SERVICE

I certify that on August 3, 2006, I caused to be served a true and correct copy of this Amended Director's Report, 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:

Chief, Natural Resources Div.
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

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

Gooding County Courthouse
624 Main St.
Gooding, ID 83333

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

Lincoln County Courthouse
111 West B St.
P.O. Drawer A
Shoshone, ID 83352

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

Alta K. Harris
Dale E. Harris
1655 E. 1600 S.
Gooding, ID 83330

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☐ Hand-Delivered
☐ Facsimile

Amalia Lagunas
Francisco Lagunas
1667 E. 1600 S.
Gooding, ID 83330-5054

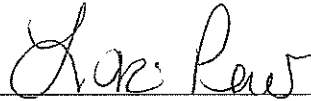
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Signature of person delivering form