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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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AMENDED DIRECTOR'S REPORT

Subcase Nos. 37-1160, 37-1175 and 37-4091

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DEPARTMENT OF
NATURAL RESOURCES

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, Adjudication Bureau Chief

December 8, 2006

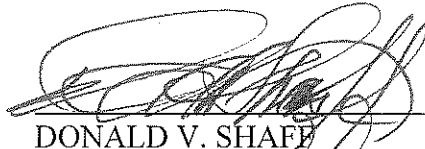
DESCRIPTIVE SUMMARY

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

DISCUSSION

Pursuant to the Special Master's *Order Setting Deadlines and Status Conference* dated August 31, 2006, the Director submits for filing with the Court, an Amended Director's Report for subcases 37-1160, 37-1175 and 37-4091.

Respectfully submitted this 8th day of December, 2006.



DONALD V. SHAFF
Adjudication Bureau Chief

12/01/2006

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

RIGHT NUMBER: 37-1160

NAME AND ADDRESS: JUSTICE DITCH CO
C/O FRANK ERWIN
2628 S 975 E
HAGERMAN ID 83332

SOURCE: MALAD RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.000 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

PRIORITY DATE: 05/31/1900

POINT OF DIVERSION:

T06S R14E S30 SESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	4.000 CFS

PLACE OF USE: IRRIGATION in GOODING County

T06S R13E S35	NENE	15.00	T06S R13E S35	SWNE	25.00
T06S R13E S35	SENE	40.00	T06S R13E S35	SENW	14.00
T06S R13E S35	NESW	23.00	T06S R13E S35	NESE	40.00
T06S R13E S35	NWSE	40.00	T06S R13E S35	SWSE	33.00
T06S R13E S35	SESE	40.00	T06S R13E S36	NENE	11.00
T06S R13E S36	NWNE	7.80	T06S R13E S36	NENW	19.00
T06S R13E S36	NWNW	20.00	T06S R13E S36	SWSW	17.00
T07S R13E S01 Lot 2	SWNE	33.00	T07S R13E S01 Lot 1	SENE	33.00

STOCKWATER same as IRRIGATION

410.8 ACRES TOTAL

Right nos. 37-1160, 37-1175 and 37-4091 are limited to the irrigation of a combined total of 410.8 acres 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

12/01/2006

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

RIGHT NUMBER: 37-1175

NAME AND ADDRESS: JUSTICE DITCH CO
C/O FRANK ERWIN
2628 S 975 E
HAGERMAN ID 83332

SOURCE: MALAD RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.340 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

PRIORITY DATE: 04/01/1906

POINT OF DIVERSION:

T06S R14E S30 SESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.340 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in GOODING County

T06S R13E S35	NENE	15.00	T06S R13E S35	SWNE	25.00
T06S R13E S35	SENE	40.00	T06S R13E S35	SENW	14.00
T06S R13E S35	NESW	23.00	T06S R13E S35	NESE	40.00
T06S R13E S35	NWSE	40.00	T06S R13E S35	SWSE	33.00
T06S R13E S35	SESE	40.00	T06S R13E S36	NENE	11.00
T06S R13E S36	NWNE	7.80	T06S R13E S36	NENW	19.00
T06S R13E S36	NWNW	20.00	T06S R13E S36	SWSW	17.00
T07S R13E S01 Lot 2	SWNE	33.00	T07S R13E S01 Lot 1	SENE	33.00

STOCKWATER same as IRRIGATION

410.8 ACRES TOTAL

Right nos. 37-1160, 37-1175 and 37-4091 are limited to the irrigation of a combined total of 410.8 acres in a single irrigation season.

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

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.

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

12/01/2006

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

RIGHT NUMBER: 37-4091

NAME AND ADDRESS: JUSTICE DITCH CO
C/O FRANK ERWIN
2628 S 975 E
HAGERMAN ID 83332

SOURCE: MALAD RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 9.100 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

PRIORITY DATE: 04/01/1934

POINT OF DIVERSION:

T06S R14E S30 SESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	9.100 CFS

PLACE OF USE: IRRIGATION in GOODING County

T06S R13E S35	NENE	15.00	T06S R13E S35	SWNE	25.00
T06S R13E S35	SENE	40.00	T06S R13E S35	SENW	14.00
T06S R13E S35	NESW	23.00	T06S R13E S35	NESE	40.00
T06S R13E S35	NWSE	40.00	T06S R13E S35	SWSE	33.00
T06S R13E S35	SESE	40.00	T06S R13E S36	NENE	11.00
T06S R13E S36	NWNE	7.80	T06S R13E S36	NENW	19.00
T06S R13E S36	NWNW	20.00	T06S R13E S36	SWSW	17.00
T07S R13E S01 Lot 2	SWNE	33.00	T07S R13E S01 Lot 1	SENE	33.00

STOCKWATER same as IRRIGATION

410.8 ACRES TOTAL

Right nos. 37-1160, 37-1175 and 37-4091 are limited to the irrigation of a combined total of 410.8 acres in a single irrigation season.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

CERTIFICATE OF SERVICE

I certify that on Dec. 8, 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

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

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.
P.O. Box 27
Gooding, ID 83333

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

David J. Barber
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

Josephine Beeman
409 West Jefferson St.
Boise, ID 83702

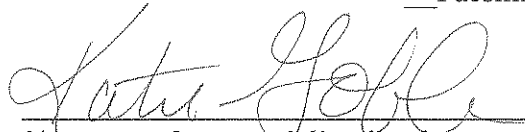
☐ Overnight Mail
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☐ Facsimile

Justice Ditch Co.
C/O Frank Erwin
2628 S. 975 E.
Hagerman, ID 83332

☐ Overnight Mail
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☐ Hand-Delivered
☐ Facsimile

Frank C. Erwin
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Signature of person delivering form