

COPY

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2007 FEB 14 AM 10 21

**AMENDED DIRECTOR'S REPORT**

**Subcase No. 45-12906**

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources  
David R. Tuthill, Acting Director  
Donald V. Shaff, Adjudication Bureau Chief

February 9, 2007

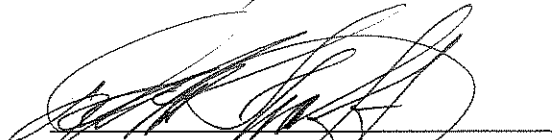
### DESCRIPTIVE SUMMARY

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 Granting Motion to Amend Notice of Claim* dated January 9, 2007, the Director submits for filing with the Court an Amended Director's Report for the aforementioned subcase. Also as ordered, this Amended Director's Report is being filed concurrently with its Director's Report for the related late claim, water right 45-13991.

Respectfully submitted this 9<sup>th</sup> day of February, 2007.

  
DONALD V. SHAFF  
Adjudication Bureau Chief

01/16/2007

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

RIGHT NUMBER: 45-12906

NAME AND ADDRESS: NORMAN L SMYER  
76 S HWY 77  
DECILO ID 83323

DELORES J SMYER  
76 S HWY 77  
DECILO ID 83323

SOURCE: SPRING CREEK TRIBUTARY: HOWELL CREEK  
UNNAMED STREAM TRIBUTARY: SUMMIT CREEK

QUANTITY: 0.100 CFS

PRIORITY DATE: 08/31/1874

POINT OF DIVERSION:

T12S R25E S16 NESESW Within CASSIA County

T12S R25E S16 SNNWSE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 0.100 CFS       |

The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CASSIA County

T12S R25E S16 NWSE 4.60

4.6 ACRES TOTAL

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

This right and right nos. 45-10480, 45-10481, 45-10502, 45-12906, and 45-13991 shall be administered in accordance with that certain Water Rights Settlement Agreement recorded as instrument number 311858, Cassia County Recorders Office.

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

## CERTIFICATE OF SERVICE

I certify that on 2/12, 2007, 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

Cassia County Courthouse  
1459 Overland Ave.  
Burley, ID 83318

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

Michael P. Tribe  
615 H Street  
P.O. Box 396  
Rupert, ID 83350-0396

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Shelley M. Davis  
1010 W. Jefferson, Ste 102  
P.O. Box 2139  
Boise, ID 83701-2139

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Signature of person delivering form