



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

July 31, 2007

Clerk of the District Court
SRBA District Court
253 3rd Ave. N.
PO Box 2707
Twin Falls, ID 83303-2707

Re: Amended Claims/Director's Reports in Accordance with Rule 10.f

Dear Clerk:

Please find attached Amended Director's Reports for water right nos. 67-14283, 67-14448, 67-14449, 67-14450, 67-14593 and 67-14594. As the initial hearings for Basin 67 have not already occurred, amended claims were filed by the claimant in accordance with Rule 10.f of Administrative Order 1. The attached Amended Director's Reports takes into consideration the amended claims.

If possible, please ensure that the objection and response deadlines for the attached Amended Director's Reports have already been established prior to the scheduling of the initial hearings for Basin 67. It is anticipated that the initial hearings will be held in March of 2008.

If you have any questions regarding the Amended Director's Reports, do not hesitate to contact me at 287-4921.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff', is written over a horizontal line.

Donald V. Shaff
Adjudication Bureau Chief

Encl.

ccs: Claimants



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July 31, 2007

Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

RE: Amendment of Snake River Basin Adjudication Recommendations 67-14283, 67-14448, 67-14449, 67-14450, 67-14593 and 67-14594.

The purpose of this letter is to describe the amendments of claim nos. 67-14283, 67-14448, 67-14449, 67-14450, and 67-14593.

Bacon Valley Ditch Co. delivers *Muir v. Allison* decreed water (67-80B), flood water and storage water from the Lost Valley Reservoir to approximately 11 individual users. Once the water is diverted into the Bacon Valley Ditch system, decreed, flood, and storage water is co-mingled. Each of the users has shares with Bacon Valley Ditch Co. and receive irrigation water based on those shares. All shares have the same priority within the Company; thus, the Company does not distinguish the difference between decreed, flood, and storage water.

SRBA claims for 67-80B, were filed by the individual users as well as Bacon Valley Ditch Co. All individual storage water rights were disallowed and recommended in the name of Lost Valley Reservoir Company. The individual claims and Bacon Valley Ditch Co. claims for flood water were competing claims. Based on the information gathered, all private flood water claims were disallowed and recommended in the name of Bacon Valley Ditch Co (67-14594).

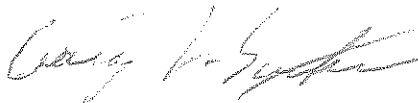
However, the claims filed for the water described in water right record 67-80B were not competing claims. Bacon Valley Ditch Co. claimed 1.82 cfs of the original 2.04 cfs (67-14593), while the remaining portion was claimed by 4 individual users (67-14448, 67-14449, 67-14450, and 67-14283). Because of this, the Company and the private individual claims were recommended in order to preserve the 2.04 cfs of water described in water right record 67-80B.

On April 11, 2007, I met with Lon Schultz and Gary Gallant. They are members of the Bacon Valley Ditch Co. board, as well as two of the four individuals that claimed portions of 67-80B privately. After discussing the situation, Bacon Valley Ditch Co. claim no. 67-14593 was amended to claim the entire 2.04 cfs described 67-80B.

Individual claim nos. 67-14448, 67-14449, 67-14450, and 67-14283 are now recommended disallowed. The diversion rate recommended for overlapping flood water right 67-14594 was reduced in accordance with the increase in recommended diversion rate for 67-14593 in order to keep the duty of water at one inch per acre when both 67-14593 and 67-14594 are used in combination.

The result is the recommendation of all *Muir v. Allison* decreed water and all the flood water diverted into the Bacon Valley Ditch Co. system be in the name of Bacon Valley Ditch Co.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Craig L. Saxton".

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

07/21/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
67-14283	WENDY A SCHULTZ PO BOX 764 1591 GOODRICH RD COUNCIL ID 83612	Disallowed	Recommended as Right No. 67-14593.
	LONNIE L SCHULTZ PO BOX 764 1591 GOODRICH RD COUNCIL ID 83612		

07/31/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.P. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
67-14448	WILDERNESS WEST LLC PO BOX 18213 SEATTLE WA 98118	Disallowed	Recommended as Right No. 67-14593.

07/31/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
67-14449	CHARLES W CARUSO 3100 EASTON AVE BOISE ID 83706	Disallowed	Recommended as Right No. 67-14593.
	DEBORAH A CARUSO 3100 EASTON AVE BOISE ID 83706		

07/31/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
67-14450	CAROLE M GALLANT 1677 GOODRICH RD COUNCIL ID 83612	Disallowed	Recommended as Right No. 67-14593.
	GARY G GALLANT 1677 GOODRICH RD COUNCIL ID 83612		

07/31/2007

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

RIGHT NUMBER: 67-14593

NAME AND ADDRESS: BACON VALLEY DITCH CO
C/O CHARLES CARUSO
3100 EASTON AVE
BOISE ID 83726-4864

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.040 CFS

PRIORITY DATE: 09/11/1909

POINT OF DIVERSION:

T15N R02W S11 NENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	2.040 CFS

PLACE OF USE:

203 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 301.3 acres in a single irrigation season. Combined Right Nos.: 67-14593 and 67-14594

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

This right is limited to the irrigation of 102.0 acres within the place of use described above 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-14593
Date Received: 7/6/2005
Receipt No:
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BACON VALLEY DITCH CO Phone: (208)336-4309

C/O CHARLES CARUSO
3100 EASTON AVE
BOISE ID USA 83726-4864

2. Date of Priority: 09/11/1909

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	02W	11	SE NE NW	ADAMS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	10/31	2.04	

7. Total Quantity Appropriated is:

~~1.12~~ C.F.S. *B.H.*
2.04
C.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

RECEIVED

APR 11 2007

Department of Water Resources
Adjudication Bureau

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	02W	10	SE	SW	IRRIGATION	8.6
			NE	SE	IRRIGATION	5.1
			NW	SE	IRRIGATION	3.6
			SW	SE	IRRIGATION	36
			SE	SE	IRRIGATION	4.6
Section Acres						57.9
15N	02W	11	SW	NW	IRRIGATION	9.2
			SE	NW	IRRIGATION	10
Section Acres						19.2
15N	02W	15	NW	NE	IRRIGATION	16
			SW	NE	IRRIGATION	25
			NE	NW	IRRIGATION	12
			NW	NW	IRRIGATION	10
			SW	NW	IRRIGATION	14
			SE	NW	IRRIGATION	13
			NE	SW	IRRIGATION	14
			NW	SW	IRRIGATION	17
			NW	SE	IRRIGATION	29
Section Acres						150
15N	02W	16	NE	NE	IRRIGATION	6.3
			SE	NE	IRRIGATION	22
			NE	SE	IRRIGATION	28
			SW	SE	IRRIGATION	6
			SE	SE	IRRIGATION	9.3
Section Acres						71.6
15N	02W	21	NW	NE	IRRIGATION	2.6
Section Acres						2.6
Total Acres						301.3

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

RECEIVED

APR 11 2007

Department of Water Resources
Adjudication Bureau

This claim represents the priority and diversion rate of water right record 67-00080B (csaxton 7-6-05).

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am PRESIDENT of _____ Title

BACON VALLEY DITCH Co. that I have signed the foregoing Organization

document in the space below as PRESIDENT of Title

BACON VALLEY DITCH Co. and that the statements contained in the Organization

foregoing document are true and correct.

Lonnie Schultz
Signature of Authorized Agent

PRESIDENT - BACON VALLEY DITCH Co.
Title and Organization

4/11/07
Date

State of Idaho)
County of Ada) SS.

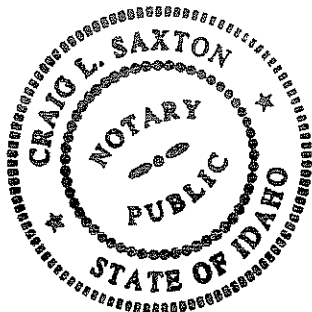
Subscribed and sworn (or affirmed) before me this 11th

of April 2007

[Signature]
Notary Public

Residing at Boise ID

My commission Expires 8/14/07



RECEIVED

APR 11 2007

Department of Water Resources
Adjudication Bureau

This claim represents the priority and diversion rate of water right record 67-00080B (csaxton 7-6-05).

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Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Director of _____ Title

Bacon Valley Ditch Co. that I have signed the foregoing Organization

document in the space below as Director of Title

BACON VALLEY DITCH CO. and that the statements contained in the Organization

foregoing document are true and correct. Ray G. Haller Signature of Authorized Agent

Title and Organization

4-11-07
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this April 11th
of April 2007 [Signature]
Notary Public

Residing at Boise ID

My commission Expires 8-14-07

RECEIVED

APR 11 2007

Department of Water Resources
Adjudication Bureau