

AMENDED DIRECTOR'S REPORT

Subcase No. 21-12906

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, Jr., Director

Donald V. Shaff, Adjudication Bureau Chief

May 22, 2007

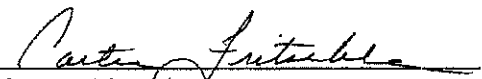
DESCRIPTIVE SUMMARY

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

DISCUSSION

Pursuant to the *Motion to File Amended Notice of Claim* filed on April 12, 2007, the hearing held on April 26, 2007, and the *Order Granting Motion to File Amended Claim and Setting Subcase Deadlines* issued by Special Master Bilyeu on or about May 1, 2007, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).

Respectfully submitted this 11th day of May, 2007.


Carter Fritschle
Acting Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on 5-11, 2007, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, 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

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

2. Copies to:

U.S. Dept. of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

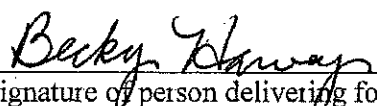
Chief, Natural Resource Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Via Statehouse Mail

C Timothy Hopkins
428 Park Avenue
PO Box 51219
Idaho Falls, ID 83405-1219

Stephen C Cann
The Nature Conservancy
2424 Spruce St, Suite 100
Boulder, CO 80302

Fremont County Courthouse
151 W 1st N Rm 15
St. Anthony, ID 83445



Signature of person delivering form

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED DIRECTORS REPORT FOR WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-12906

NAME AND ADDRESS: THE NATURE CONSERVANCY
116 1ST AVE N
HAILEY ID 83333-8411

SOURCE: HENRYS FORK

TRIBUTARY: SNAKE RIVER

QUANTITY: 2 140 CFS

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

PRIORITY DATE: 11/25/1902

POINT OF DIVERSION:

T15N R43E S36 NENESW Within FREMONT County

115N R43E S36 SENESW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	2 140 CFS
STOCKWATER	01/01 12/31	0 230 CFS

PLACE OF USE: IRRIGATION in FREMONT County

T14N R43E S01 Lot 1 NENE	6 10	T14N R43E S01 Lot 2 NWNE	38 00
T14N R43E S01 SWNE	37 00	T14N R43E S01 SENE	21 00
T14N R43E S01 Lot 3 NENW	24 00	T14N R43E S01 Lot 4 NWNW	1 70
T14N R43E S01 SWNW	11 00	T14N R43E S01 SENW	40 00
T14N R43E S01 NESW	40 00	T14N R43E S01 SESW	36 00
T14N R43E S01 NESE	40 00	T14N R43E S01 NWSE	38 00
T14N R43E S01 SWSE	40 00	T14N R43E S01 SESE	38 00
T14N R43E S12 NENE	40 00	T14N R44E S06 NESW	34 00
T14N R44E S06 Lot 6 NWSW	34 00	T14N R44E S06 Lot 7 SWSW	34 00
T14N R44E S06 SESW	40 00	T14N R44E S07 NENE	29 00
T14N R44E S07 NWNE	40 00	T14N R44E S07 SWNE	40 00
T14N R44E S07 SENE	32 00	T14N R44E S07 NENW	40 00
T14N R44E S07 SENW	3 90	T14N R44E S07 Lot 4 SENW	26 00
T14N R44E S07 Lot 7 SENW	8 30	T14N R44E S07 NESW	1 20
T14N R44E S07 Lot 6 NESW	1 10	T14N R44E S07 Lot 7 NESW	36 00
T14N R44E S07 Lot 9 SWSW	7 00	T14N R44E S07 SESW	37 00
T14N R44E S07 NESE	0 50	T14N R44E S07 NESE	0 10
T14N R44E S07 Lot 5 NESE	33 00	T14N R44E S07 NWSE	2 80
T14N R44E S07 Lot 6 NWSE	0 10	T14N R44E S07 Lot 6 NWSE	8 40
T14N R44E S07 Lot 6 NWSE	26 00	T14N R44E S07 Lot 10 NWSE	40 00
T14N R44E S07 SESE	8 60	T14N R44E S07 Lot 5 SESE	0 40

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED DIRECTORS REPORT FOR WATER RIGHTS ACQUIRED UNDER STATE LAW

114N R44E S07 Lot 11 SESE	18.00	T14N R44E S18	NENE	0 20
114N R44E S18	NENE 0.40	T14N R44E S18	NENE	0 50
T14N R44E S18 Lot 1 NENE	0 10	T14N R44E S18 Lot 3 NENE		33 00

STOCKWATER same as IRRIGATION

1066.4 ACRES TOTAL

This right is limited to the irrigation of 155 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1066.4 acres in a single irrigation season. Combined Right Nos :21-178, 21-179 21-11192, 21-12906

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.

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
RENUMBERED FROM 01-10380

05/11/2007

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

RIGHT NUMBER: 22-4184A

NAME AND ADDRESS: RV RICKS FARMS LLC
30 K ST
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.770 CFS
140.00 AFY

Right Nos. 22-2220A and 22-4184A are limited to a total combined diversion rate of 0.77 cfs and to a total combined annual diversion volume of 280 AF.

PRIORITY DATE: 06/01/1962

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION: T05N R40E S8 NWNWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.770 CFS 140.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T05N R40E S07	SWSE	21.00	T05N R40E S07	SESE	19.00
T05N R40E S08	SWSW	20.00	T05N R40E S08	SESW	20.00

80 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 80 acres in a single irrigation season. Combined Right Nos.: 22-2220A and 22-4184A.

This right is limited to the irrigation of 40 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.

This right is based upon an enlargement of Right No. 22-2220A pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 40 acres within the place of use described for this right.

The following rights are also diverted through point of diversion described above: 22-2220A, 22-2220B, 22-4184D, 22-4184E, and 22-4184F.

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 21-12906

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) The Nature Conservancy Phone 208 788-8988
Mailing Address 116 1st Ave., North, Hailey, ID Zip 83333

2. Date of Priority (Only one (1) per claim) 04/01/1939

3. Source of water supply (a) Henrys Fork
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 15N Range 43E Section 36
NE 1/4 of NE 1/4 of SW 1/4, Govt. Lot, B.M., County of Fremont

Additional points of diversion if any: T15N R43E S36 SENESW within Fremont County

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

A diversion dam and two headgates are located in the NESW quarter - quarter of section 36 along the Henry's Fork Outlet. One headgate diversion (36" conduit) feeds a ditch running the length of property on the East side of the outlet providing water for irrigation in section 1 and sections 6, 7 and 18. The other headgate (56" W 36" H Arch CMP Conduit) feeds a ditch which runs through most of the West side of the outlet and also provides water to neighboring property. This ditch supports irrigation in section 1 and section 7. The diversion dam was reconstructed in the summer of 2002 along with both headgates. The westside ditch has numerous side ditches and associated lateral ditches along its length. Most of the diversion from the westside ditch is done without the aid of headgates though a few exist at various culverts. The westside ditch crosses the SW corner of NENE quarter - quarter of Section 12 with a lateral originating in the SESE quarter of section 1.

6. Water is claimed for the following purposes:

Both dates are inclusive) (cfs) (non fees)

For Irrigation purposes from 05/01 to 10/31 amount 2.14 or _____

For Stockwater purposes from 01/01 to 12/31 amount 0.230 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (b) _____ (c) _____ (d) _____

8. Total consumptive use claimed is _____ acre feet per annum

9. Non-irrigation uses, describe fully (eg. Domestic, Other number of headworks served, Stockwater, Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols. (See attached)

TWP	RNG	SEC	NW 1/4				NE 1/4				SW 1/4				SE 1/4				Totals
			NW 1/4	NE 1/4	SW 1/4	SE 1/4	NW 1/4	NE 1/4	SW 1/4	SE 1/4	NW 1/4	NE 1/4	SW 1/4	SE 1/4					

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Fremont

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

21-178,21-179,21-11192 (or Name) _____

14. Remarks:

This right is limited to the irrigation of 155 acres within the place of use described above
In a single irrigation season.

The rights listed (21-178,21-179,21-12906, 21-11192) are limited to the irrigation of
a combined total of 1066.4 acres in a single irrigation season.

Last Name _____ and No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree ☒

If applicable provide IDWR Water Right Number 21-12906

Court District Ct, 7th District Case Number 39576 Decree Date _____

Plaintiff vs Defendant _____

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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date _____

Date _____

For Organizations: I do solemnly swear or affirm that I am Idaho State Director

of The Nature Conservancy

Title

that I have signed the foregoing

document in the space below as Idaho State Director

of

The Nature Conservancy

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Idaho State Director, The Nature Conservancy

Date 4-11-07

State of Idaho/or _____

County of Blaine

SS.

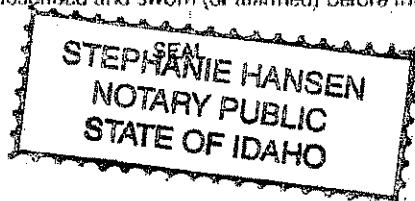
Subscribed and sworn (or affirmed) before me this

SA April 11th

day of

April

2007



Notary Public [Signature]

Residing at 661 W. Myrtle Hwy ID

My Commission Expires 11/11

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____

Ident. Number _____

T14N	R43E	S12		NENE	40.0
T14N	R43E	S01	Lot 1	NENE	6.1
		S01	Lot 2	NWNE	38.0
		S01		SWNE	37.0
		S01		SENE	21
		S01	Lot 3	NENW	24.0
		S01	Lot 4	NWNW	1.7
		S01		SWNW	11.0
		S01		SENE	40.0
		S01		NESW	40.0
		S01		SESW	36.0
		S01		NESE	40.0
		S01		NWSE	38.0
		S01		SWSE	40.0
		S02		SESE	38.0
T14N	R44E	S06		NESW	34.0
		S06	Lot 6	NWSW	34.0
		S06	Lot 7	SWSW	34.0
		S06		SESW	40.0
		S07		NENE	29.0
		S07		NWNE	40.0
		S07		SWNE	40.0
		S07		SENE	32.0
		S07		NENW	40.0
		S07		SENE	3.9
		S07	Lot 4	SENE	26.0
		S07	Lot 7	SENE	8.3
		S07		NESW	1.2
		S07	Lot 6	NESW	1.1
		S07	Lot 7	NESW	36.0
		S07	Lot 9	SWSW	7.0
		S07		SESW	37.0
		S07		NESE	0.5
				NESE	0.1
		S07	Lot 5	NESE	33.0
		S07		NWSE	2.8
		S07	Lot 6	NWSE	0.1
		S07	Lot 6	NWSE	26.0
		S07	Lot 6	NWSE	8.4
		S07	Lot 10	SWSE(?)	40.0
		S07		SESE	8.6
		S07	Lot 5	SESE	0.4
		S07	Lot 11	SESE	18.0
		S18		NENE	0.2
		S18		NENE	0.4
		S19		NENE	0.5
		S18	Lot 1	NENE	0.1
		S18	Lot 3	NENE	33.0
					1066.4