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DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY 29 2008
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AMENDED DIRECTOR'S REPORT

Subcase No. 78-7243A

In Re SRBA
Twin Falls County Civil Case No. 39576

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DEPARTMENT OF
WATER RESOURCES

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 29, 2008

AMENDED DIRECTOR'S REPORT – 78-7243A

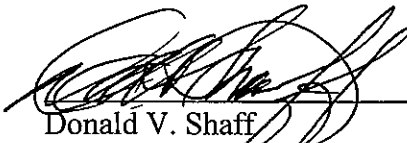
DESCRIPTIVE SUMMARY

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

DISCUSSION

During the status conference held on May 27, 2008, Special Master Booth requested an Amended Director's Report ("ADR") for subcase no. 78-7243A clarifying the source of the right. The Department hereby files this ADR to clarify the source and also to make the recommendation consistent with the license upon which it is based. Specifically, the Place of Use description has been modified to track the license, and a quantity remark has been added that references the combined use limit that exists between this and two other rights (see attached print-out).

Respectfully submitted this ____ day of May 29, 2008.


Donald V. Shaff
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on May 29, 2008, 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
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

Cheryl A. Montalbo
7095 Hwy 95 S.
Riggins, ID 83549

Angel M. Montalbo
2323 S. Pacific St.
Boise, ID 83705

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Douglas H. Boggan
7261 HWY 95 S
Riggins, ID 83549

Idaho County Courthouse
320 W. Main
Grangeville, ID 83530

A handwritten signature in cursive script, appearing to read "Lori Raw", written over a horizontal line.

Signature of person delivering form

05/27/2008

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

RIGHT NUMBER: 78-7243A

NAME AND ADDRESS: CHERYL A MONTALBO
7095 HWY 95 S
RIGGINS ID 83549

ANGEL M MONTALBO
2323 S PACIFIC ST
BOISE ID 83705

SOURCE: ALUM CREEK SPRING

TRIBUTARY: ALUM CREEK

QUANTITY: 0.040 CFS
1.200 AFY

Rights 78-7243A, 78-7243B and 78-7375 when combined shall not exceed a total diversion rate of 0.04 cfs.

PRIORITY DATE: 05/30/1983

POINT OF DIVERSION:

T24N R01E S32 NENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY

PLACE OF USE: DOMESTIC in IDAHO County

T24N R01E S33 NWNW

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 - License