



State of Idaho

COPY

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.
Director

August 4, 2008

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

DISTRICT COURT - SROA
TWIN FALLS CO., IDAHO
FILED
2008 AUG 6 AM 10 15

Re: Amended Director Reports for Subcase Nos. 34-282C and 34-452E

Dear Clerk:

Pursuant to the Court's order granting the Motion to Set Aside Partial Decree and subsequent to the Court's request for Amended Director Reports at the status conference held on July 30, 2008, please find enclosed Amended Director Reports.

Should you have any questions please contact me at (208) 287-4921.

Sincerely,

Donald V. Shaff
Adjudication Bureau Chief

cc: Claimants

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2008 AUG 6 AM 10 16

AMENDED DIRECTOR'S REPORT

Subcase No. 34-282C

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

August 4, 2008

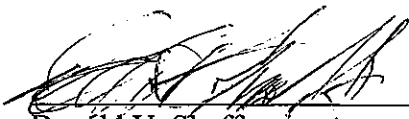
DESCRIPTIVE SUMMARY

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

DISCUSSION

Pursuant to the oral Order to Set Aside Partial Decree issued on July 30, 2008 by Special Master Bilyeu, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).

Respectfully submitted this — day of August 4, 2008.



Donald V. Shaff
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on August 4, 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:

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

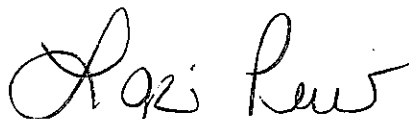
Max & Cheryl Bingham
3861 N HWY 93
Leslie, ID 83255

Max & Cheryl Bingham
520 Vista Drive
Clinton, TN 37716

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
Attn: David Barber, Deputy Attorney General

Custer County Courthouse
P.O. Box 385
Challis, ID 83226



Signature of person delivering form

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

RIGHT NUMBER: 34-282C

NAME AND ADDRESS: MAX J BINGHAM
3861 N HWY 93
LESLIE ID 83255

CHERYL J BINGHAM
3861 N HWY 93
LESLIE ID 83255

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

QUANTITY: 1.200 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 34-00452E, 34-02438 AND 34-10795
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.66 CFS.

PRIORITY DATE: 06/01/1897

POINT OF
DIVERSION:

T06N R25E S24 NENWNE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	5/01 10/15	1.200 CFS

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE
EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING
DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF
THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

PLACE OF USE: IRRIGATION in CUSTER County

T06N R26E S19	SESW	38.00	T06N R26E S19	SWSE	36.00
T06N R26E S19	SESE	39.00	T06N R26E S30	NENE	33.00

146 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 34-00452E, 34-02438 AND 34-10795
IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 146 ACRES IN A
SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 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 point of diversion pursuant to Section
42-1425, Idaho Code.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Amended Director's Report

34-282C

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

WATER IS DELIVERED THROUGH PRIVATE DITCH JUST UPSTREAM FROM
THE LOWER BURNETT DIVERSION STRUCTURE.