

COPY

AMENDED DIRECTOR'S REPORT

Subcase No. 35-13639

In Re SRBA

Twin Falls County Civil Case No. 39576

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 28 2009	
By _____	Clerk
_____	Deputy Clerk

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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

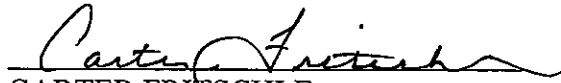
January 26, 2009

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 *Motion to Amend Claim*, the oral *Order* granting the *Motion to Amend Claim* and the *Order Setting Deadlines* issued by Special Master Dolan on November 25, 2008, the Director submits the attached Amended Director's Report for filing with the Court.


CARTER FRITSCHLE
Adjudication Section Manager

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

RIGHT NUMBER: 35-13639

NAME AND ADDRESS: NEAL D WARD
1305 S 2 E
REXBURG ID 83440

SHELLY WARD
1305 S 2 E
REXBURG ID 83440

VIOLA J WARD
1305 S 2 E
REXBURG ID 83440

DE LOY Z WARD
1305 S 2 E
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.680 CFS
136.00 AFY

Right Nos. 35-2314, 35-2441, 35-13601 and 35-13639 are limited to a total combined diversion rate of 10.5 cfs and to a total combined annual diversion volume of 2656 AF.

PRIORITY DATE: 04/01/1987

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:

T01S R34E S26 NESWNW Within BINGHAM County
T01S R34E S35 SWSWNE Within BINGHAM County
T01S R34E S35 SWNW Within BINGHAM County

The following rights are also diverted through point(s) of diversion described above: 35-2314, 35-2441 and 35-13601.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.680 CFS 136.00 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T01S R34E S26	SWNE	3.00	T01S R34E S26	NWNW	40.00
T01S R34E S26	SWNW	40.00	T01S R34E S26	SENW	34.00
T01S R34E S26	NESW	38.00	T01S R34E S26	NWSW	40.00
T01S R34E S26	SWSW	39.00	T01S R34E S26	SESW	20.00
T01S R34E S26	NWSE	6.00	T01S R34E S34	NENE	40.00
T01S R34E S34	SENE	20.00	T01S R34E S34	NESE	18.00

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

T01S R34E S34	SESE	4.00	T01S R34E S35	NWNE	12.00
T01S R34E S35	SWNE	22.00	T01S R34E S35	NENW	36.00
T01S R34E S35	NWNW	40.00	T01S R34E S35	SWNW	37.00
T01S R34E S35	SENW	40.00	T01S R34E S35	NESW	40.00
T01S R34E S35	NWSW	40.00	T01S R34E S35	SWSW	25.00
T01S R34E S35	SESW	10.00	T01S R34E S35	NWSE	20.00

664 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 664 acres in a single irrigation season. Combined Right Nos.: 35-2314, 35-2441, 35-13601 and 35-13639.

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

This right is based upon an enlargement of Right Nos. 35-2314 and 35-2441 pursuant to Section 42-1426, Idaho Code.

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 - Beneficial Use

This right is for an enlargement of 34 acres within the place of use described for this right.

CERTIFICATE OF SERVICE

I certify that on 1/27, 2009, 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:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

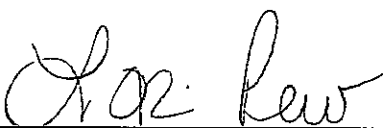
DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

CHIEF, NATURAL RESOURCES DIVISION
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
P.O. BOX 44449
BOISE, ID 83711-4449

BINGHAM COUNTY COURTHOUSE
501 N. MAPLE, #310
BLACKFOOT ID 83221-1700

DE LOY Z. WARD
NEAL D. WARD
SHELLY WARD
VIOLA J. WARD

Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., ST.E 200
P.O. BOX 50130
IDAHO FALLS, ID 83405



Signature of person delivering form