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**DEPARTMENT OF
WATER RESOURCES**

AMENDED DIRECTOR'S REPORT

Water Right No. 37-4026

**(Now Recommended as Water Rights
37-22438 and 37-22439)**

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB 27 2009
by _____ Clark
Deputy Clerk

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, Director
Donald V. Shaff, Adjudication Bureau Chief

February 27, 2009

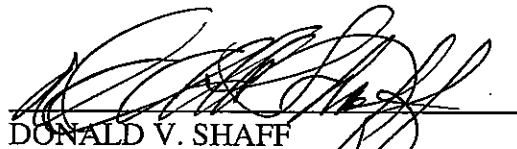
DESCRIPTIVE SUMMARY

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

DISCUSSION

Pursuant to the Special Master's *Order Granting Motion to Amend Claim, Setting Deadlines and Status Conference* issued February 27, 2009, the Director submits for filing with the Court, an Amended Director's Report for water right 37-4026. The Director further notes that the whole of water right 37-4026 has been split and is now recommended as water rights 37-22438 (recommending the commercial portion of the right with a 1953 priority date) and 37-22439 (recommending the domestic portion of the right with a 1979 priority date). Parent right 37-4026 should be disallowed. Water rights 37-22438 and 37-22439 now supersede right 37-4026.

Respectfully submitted this 27th day of February, 2009.


DONALD V. SHAFF
Adjudication Bureau Chief

02/27/2009

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>
37-4026	LIFT TOWER LODGE LLC PO BOX 1417 MERCER ISLAND WA 98040	Parent split into 37-22438 and 37-22439	

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

RIGHT NUMBER: 37-22438

NAME AND ADDRESS: LIFT TOWER LODGE LLC
PO BOX 1417
MERCER ISLAND WA 98040

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
2.60 AFY

PRIORITY DATE: 12/01/1953

POINT OF
DIVERSION:

T04N R18E S18 SWSW Lot 6 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.040 CFS
2.60 AFY

PLACE OF USE: COMMERCIAL in BLAINE County

T04N R18E S18 Lot 6 SWSW

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 - Beneficial Use

PARCEL NO. K4N180180670 LIFT TOWER LODGE 703 S MAIN, KETCHUM
AND IS ASSOCIATED WITH THE 10 NORTHERN UNITS.

This right is a split from former right 37-4026.

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

RIGHT NUMBER: 37-22439

NAME AND ADDRESS: LIFT TOWER LODGE LLC
PO BOX 1417
MERCER ISLAND WA 98040

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 10/01/1979

POINT OF
DIVERSION:

T04N R18E S18 SWSW Lot 6 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE: DOMESTIC in BLAINE County

T04N R18E S18 Lot 6 SWSW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

PARCEL NO. K4N180180670 LIFT TOWER LODGE 703 S MAIN, KETCHUM
ASSOCIATED WITH THE 4 SOUTHERN UNITS AND THE MANAGERS
QUARTERS.

This right is a split from former right 37-4026.

CERTIFICATE OF SERVICE

I certify that on Feb 27th, 2009, I caused to be served a true and correct copy of this Amended Director's Report, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

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

2. Copies to:

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

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

United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

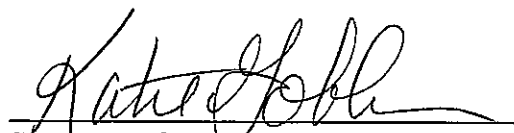
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Blaine County Courthouse
201 2nd Ave S Ste 110
Hailey, ID 83333

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Teresa Hill
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101 S Capitol Blvd. Ste 1900
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Signature of person delivering form