

COPY

AMENDED DIRECTOR'S REPORTS

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Subcase Nos. 22-366B, 22-367B, 22-611A & 22-13588

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA

Twin Falls County Civil Case No. 39576

MAR 18 2009

Clerk

Deputy Clerk

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

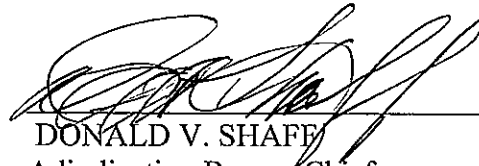
March 16, 2009

DESCRIPTIVE SUMMARY

These are Amended Director's Reports submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Order Granting Motion to File Amended Claim and Setting Subcase Deadlines* issued by Special Master Bilyeu on February 5, 2009, the Director submits the attached Amended Director's Reports for filing with the Court.


DONALD V. SHAFF
Adjudication Bureau Chief

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

RIGHT NUMBER: 22-366B

NAME AND ADDRESS: SOUTH LEIGH CREEK LLC
525 OAK KNOLL AVE
MENLO PARK CA 94025

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.250 CFS

PRIORITY DATE: 05/01/1898

POINT OF
DIVERSION:

T06N R45E S36 SENW Within TETON County

T06N R46E S31 SWNW Lot 2 Within TETON County

T06N R46E S32 NWNE Lot 1 Within TETON County

T06N R46E S32 NWNWSW Within TETON County

One point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 SENE Lot 2, 6 PM.

The point of diversion described above as T6N R46E S32 NWNE Lot 1 is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.250 CFS

PLACE OF USE: IRRIGATION in TETON County

T06N R45E S35	SWNE	8.40	T06N R45E S35	SENE	25.00
T06N R45E S35	NESE	27.00	T06N R45E S35	NWSE	18.00

78.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 78.4 acres in a single irrigation season. Combined Right Nos.: 22-366B, 22-367B, 22-611A, 22-13588.

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

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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

Water is delivered through the Kilpack Ditch, Kofoed Ditch, Beard Ditch, and Desert Ditch.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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

RIGHT NUMBER: 22-367B

NAME AND ADDRESS: SOUTH LEIGH CREEK LLC
525 OAK KNOLL AVE
MENLO PARK CA 94025

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.750 CFS

PRIORITY DATE: 05/01/1899

POINT OF
DIVERSION:

T06N R45E S36 SENW Within TETON County

T06N R46E S31 SWNW Lot 2 Within TETON County

T06N R46E S32 NWNE Lot 1 Within TETON County

T06N R46E S32 NWNWSW Within TETON County

One point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 SENE Lot 2, 6 PM.

The point of diversion described above as T6N R46E S32 NWNE Lot 1 is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.750 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T06N R45E S35 SWNE 8.40	T06N R45E S35 SENE	25.00
	T06N R45E S35 NESE 27.00	T06N R45E S35 NWSE	18.00
	78.4 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 78.4 acres in a single irrigation season. Combined Right Nos.: 22-366B, 22-367B, 22-611A, 22-13588.

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 water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through the Kilpack Ditch, Kofoed Ditch, Beard Ditch, and Desert Ditch.

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.

RIGHT NUMBER: 22-611A

NAME AND ADDRESS: SOUTH LEIGH CREEK LLC
525 OAK KNOLL AVE
MENLO PARK CA 94025

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 01/22/1916

POINT OF
DIVERSION:

T06N R45E S36 SENW Within TETON County
T06N R46E S31 SWNW Lot 2 Within TETON County
T06N R46E S32 NWNE Lot 1 Within TETON County
T06N R46E S32 NWNWSW Within TETON County

One point of diversion for this water right is in Wyoming, T44N, R118W, Sec.
6 SENE Lot 2, 6 PM.

The point of diversion described above as T6N R46E S32 NWNE Lot 1 is
where the conveyance system enters Idaho.

<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>	
IRRIGATION		04/15	10/31	1.200 CFS	
PLACE OF USE:	<u>IRRIGATION in TETON County</u>				
T06N R45E S35	SWNE	8.40	T06N R45E S35	SENE	25.00
T06N R45E S35	NESE	27.00	T06N R45E S35	NWSE	18.00
78.4 ACRES TOTAL					

The rights listed below are limited to the irrigation of a combined total of 78.4 acres in a single irrigation season. Combined Right Nos.: 22-366B, 22-367B, 22-611A, 22-13588.

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 water right is subject to the delivery provisions contained in *Roxana Canal Co. v. Daniels*, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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 place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Water is delivered through the Kilpack Ditch, Kofoed Ditch, Beard Ditch, and Desert Ditch.

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

RIGHT NUMBER: 22-13588

NAME AND ADDRESS: SOUTH LEIGH CREEK LLC
525 OAK KNOLL AVE
MENLO PARK CA 94025

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 01/22/1916

POINT OF
DIVERSION:

T06N R45E S36 SENW Within TETON County

T06N R46E S31 SWNW Lot 2 Within TETON County

T06N R46E S32 NWNE Lot 1 Within TETON County

T06N R46E S32 NWNWSW Within TETON County

One point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 SENE Lot 2, 6 PM.

The point of diversion described above as T6N R46E S32 NWNE Lot 1 is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.400 CFS

PLACE OF USE: IRRIGATION in TETON County

T06N R45E S35	SWNE	8.40	T06N R45E S35	SENE	25.00
T06N R45E S35	NESE	27.00	T06N R45E S35	NWSE	18.00

78.4 ACRES TOTAL

This right is limited to the irrigation of 20 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 78.4 acres in a single irrigation season. Combined Right Nos.: 22-366B, 22-367B, 22-611A, 22-13588.

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 water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through the Kilpack Ditch, Kofoed Ditch, Beard Ditch, and Desert Ditch.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 22-621.

CERTIFICATE OF SERVICE

I certify that on 3/17, 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:

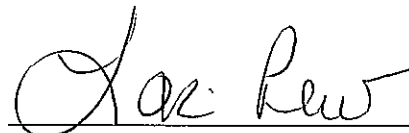
DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

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

U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES DIV.
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

SOUTH LEIGH CREEK LLC
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK D.R, ST.E 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

TETON COUNTY COURTHOUSE
89 N. MAIN, STE. 1
DRIGGS ID 83422



Signature of person delivering form