

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

AMENDED DIRECTOR'S REPORT

Subcase No. 67-7878

Previously disallowed

2009 JUN 26 AM 11 02

In Re SRBA

Twin Falls County Civil Case No. 39576

RECEIVED

JUN 29 2009

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

June 25, 2009

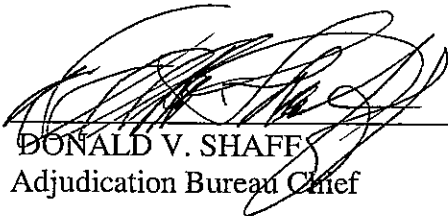
DESCRIPTIVE SUMMARY

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

DISCUSSION

Pursuant to the Notice Setting Status Conference on Licensure Proceedings issued on May 20, 2009 by Judge Melanson, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).

Respectfully submitted this 24th day of June, 2009.


DONALD V. SHAFF
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on 6/25, 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:

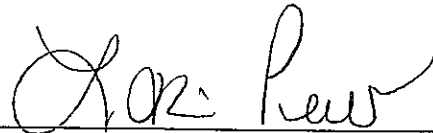
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

United States Dept. of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Div.
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

LITTLE WEISER IRRIGATION DIST
C/O J WAYNE BURKHARDT
2410 LITTLE WEISER RD
INDIAN VALLEY, ID 83632

Adams County Courthouse
P.O. Box 48
Council, ID 83612



Signature of person delivering form

06/24/2009

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

RIGHT NUMBER: 67-7878

NAME AND ADDRESS: LITTLE WEISER IRRIGATION DIST
C/O J WAYNE BURKHARDT
2410 LITTLE WEISER RD
INDIAN VALLEY ID 83632

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 40.000 CFS
870.000 AFY

PRIORITY DATE: 10/17/1991

POINT OF DIVERSION:

T14N R01W S36 SENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	870.00 AFY
IRRIGATION FROM STORAGE	03/15 10/31	870.00 AFY
DIVERSION TO STORAGE	04/15 05/30	40.000 CFS

PLACE OF USE:

6041.5 ACRES TOTAL

Rights 67-7878 and 67-2385 when combined shall not exceed the irrigation of 6041.5 acres.

Place of use for irrigation from storage is within the boundary of the Little Weiser Irrigation District pursuant to Section 43-323, Idaho Code.

This right is limited to the irrigation of 6041.5 acres within the place of use described above in a single irrigation season.

The boundary encompassing the place of use for irrigation from storage for this water right is described with a digital boundary authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the irrigation from storage place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

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

06/24/2009

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

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Use of water under this water right will be regulated by the watermaster of State Water District No. 67A.

Right 67-2385 is also diverted through the point(s) of diversion described above.

The issuance of this right does not grant any right-of-way or easement across the land of another.

When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.



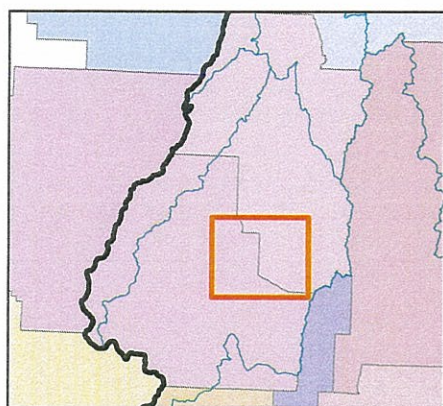
Little Weiser Irrigation Dist

Adjudication Recommendations: 67-2385, 67-7878

Irrigation From Storage Service Area Boundary
GIS Place of Use Illustration

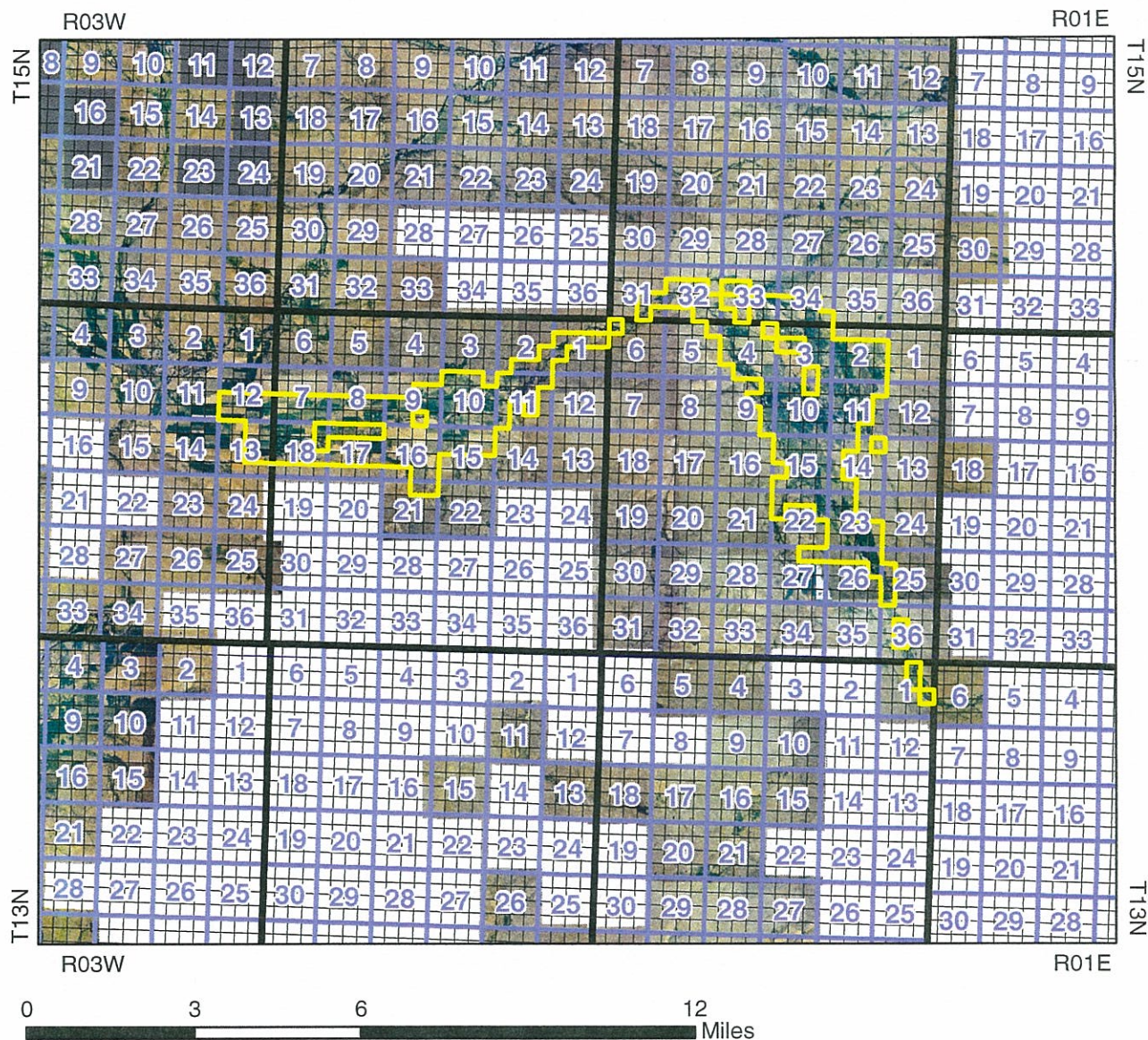
Legend

- Service Area
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Adams, Washington Counties
IDWR Basin 67

Prepared by Danielle Favreau
On June 24, 2009
1987/88 Aerial Photography





Idaho Department of Water Resources

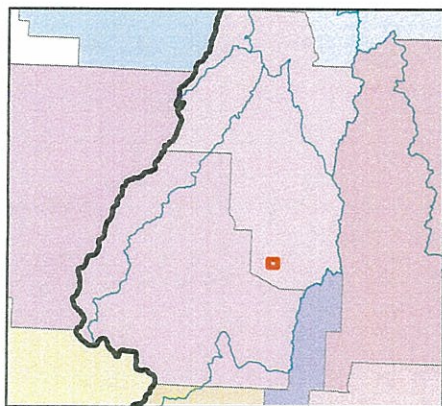
Adjudication Recommendation

67-7878

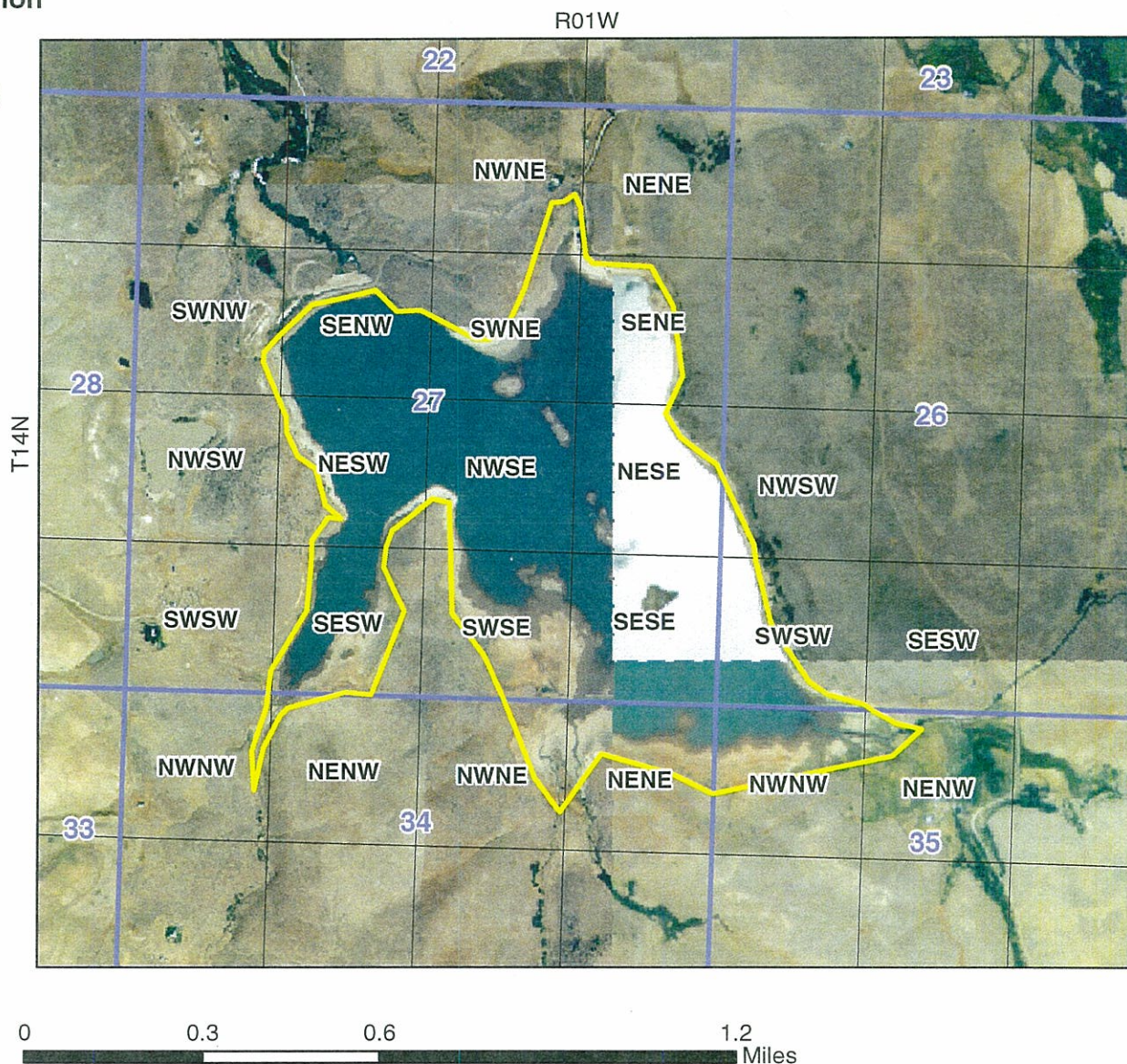
(IRRIGATION STORAGE)

Legend

- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Adams County
IDWR Basin 67



Prepared by Danielle Favreau
On June 24, 2009
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