

AMENDED DIRECTOR'S REPORT

Subcase Nos. 75-00005, 75-00019G, 75-00021, 75-00022, 75-10777, 75-10778, 75-10779 &
75-10780

In Re SRBA
Twin Falls County Civil Case No. 39576

DISTRICT COURT - CRDA
TWIN FALLS CO., IDAHO
FILED
2009 AUG 27 PM 10 08

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Interim Director
Donald V. Shaff, Adjudication Bureau Chief

August 25, 2009

DESCRIPTIVE SUMMARY

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

DISCUSSION

Pursuant to the *Notice Setting Deadlines and Notice Setting Scheduling Conference* issued by Special Master Dolan on August 6, 2009, the Interim Director submits for filing with the Court, an Amended Director's Report ("ADR") for the aforementioned subcases (see attached print-outs). In addition to the ownership issues addressed by this ADR, the Department recognizes that the Arrowhead rights are still contested by the City of Salmon and the Edwards. The conditioning and certain elements may need to be modified depending upon resolution of the City of Salmon and Edwards objections. Also, the sources are consistent with IDWR's determination of the hydrology of the Jesse Creek watershed, Chipps Creek being tributary to Pollard Canyon Creek and Pollard Canyon Creek being tributary to Jesse Creek. The naming convention is currently pending before the court in subcases 75-14 et al., involving Bob Blackadar.


DONALD V. SHAFF
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on 8/26, 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 & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CLIVE STRONG
CHIEF, DIVISION OF NATURAL RESOURCES
OFFICE OF THE ATTORNEY GENERAL
PO BOX 44449
BOISE ID 83711-4449

LEMHI COUNTY COURTHOUSE
206 COURTHOUSE DRIVE
SALMON, ID 83467

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

IDAHO ARROWHEAD WATER DISTRICT

Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250

EDGAR & MYRTLE EDWARDS

Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391

JON CUMMINGS
NANCY CUMMINGS
PO BOX 202
NORTH FORK, ID 83466

A handwritten signature in cursive script, appearing to read "Lark Rew", is written over a horizontal line.

Signature of person delivering form

08/25/2009

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

RIGHT NUMBER: 75-5

NAME AND ADDRESS: ARROWHEAD WATER DISTRICT
C/O BOB KRAMER, CHAIRMAN
54 OLIVER DR
SALMON ID 83467

SOURCE: CHIPPS CREEK
POLLARD CREEK

TRIBUTARY: POLLARD CREEK
TRIBUTARY: JESSE CREEK

QUANTITY: 4.360 CFS

PRIORITY DATE: 04/01/1894

POINT OF
DIVERSION:

T21N R21E S2 SWSESW Within LEMHI County
T21N R21E S11 NWNWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	4.360 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T21N R21E S01 NESW 20.60	T21N R21E S01	NWSW 38.00
	T21N R21E S01 SWSW 41.00	T21N R21E S01	SESW 12.00
	T21N R21E S01 NESE 37.00	T21N R21E S01	NWSE 40.00
	T21N R21E S01 SWSE 19.70	T21N R21E S01	SESE 18.00
	T21N R21E S02 NESE 11.00	T21N R21E S02	SWSE 9.80
	T21N R21E S02 SESE 40.00		

287.1 ACRES TOTAL

Right Nos. 75-5 and 75-22 are limited to the irrigation of a combined total of 287.1 acres 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

08/19/2009

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

RIGHT NUMBER: 75-19G

NAME AND ADDRESS: ARROWHEAD WATER DISTRICT
C/O BOB KRAMER, CHAIRMAN
54 OLIVER DR
SALMON ID 83467

SOURCE: CHIPPS CREEK

TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 0.280 CFS
11.200 AFY

PRIORITY DATE: 06/01/1868

POINT OF DIVERSION:

T21N R21E S11 NWSWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.280 CFS 11.20 AFY
Domestic use is for 10 homes and not more than one-half acre associated with each completed home may be irrigated.		

PLACE OF USE: DOMESTIC in LEMHI County

T21N R21E S01	NWSW	T21N R21E S02	NESE
T21N R21E S02	SWSE	T21N R21E S02	SESE

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

The watermaster shall close the controlling works to the diversion when 11.2 acre feet has been diverted in a single year, pursuant to water right 75-19G, unless water pursuant to water right 75-21 is available.

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

08/19/2009

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

RIGHT NUMBER: 75-21

NAME AND ADDRESS: ARROWHEAD WATER DISTRICT
C/O BOB KRAMER, CHAIRMAN
54 OLIVER DR
SALMON ID 83467

SOURCE: CHIPPS CREEK

TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 0.090 CFS
38.000 AFY

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION:

T21N R21E S11 NWSWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.090 CFS 38.00 AFY
Domestic use is for 10 homes and not more than one-half acre associated with each completed home may be irrigated.		

PLACE OF USE: DOMESTIC in LEMHI County

T21N R21E S01	NWSW	T21N R21E S02	NESE
T21N R21E S02	SWSE	T21N R21E S02	SESE

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.

The watermaster shall close the controlling works to the diversion when 11.2 acre feet has been diverted in a single year, pursuant to water right 75-19G, unless water pursuant to water right 75-21 is available.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

A totalizing measuring device and lockable controlling works of a type approved by the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

08/25/2009

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

RIGHT NUMBER: 75-22

NAME AND ADDRESS: ARROWHEAD WATER DISTRICT
C/O BOB KRAMER, CHAIRMAN
54 OLIVER DR
SALMON ID 83467

SOURCE: CHIPPS CREEK

TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 1.750 CFS

PRIORITY DATE: 05/01/1889

POINT OF
DIVERSION:

T21N R21E S11 NWSWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/01 10/31		1.750 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>				
	T21N R21E S01	NESW	20.60	T21N R21E S01	NWSW 38.00
	T21N R21E S01	SWSW	41.00	T21N R21E S01	SESW 12.00
	T21N R21E S01	NESE	37.00	T21N R21E S01	NWSE 40.00
	T21N R21E S01	SWSE	19.70	T21N R21E S01	SESE 18.00
	T21N R21E S02	NESE	11.00	T21N R21E S02	SWSE 9.80
	T21N R21E S02	SESE	40.00		

287.1 ACRES TOTAL

Right Nos. 75-5 and 75-22 are limited to the irrigation of a combined total of 287.1 acres 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 source pursuant to Section 42-1425, Idaho Code.

08/25/2009

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

RIGHT NUMBER: 75-10777

NAME AND ADDRESS: NANCY CUMMINGS
PO BOX 202
NORTH FORK ID 83466

JON CUMMINGS
PO BOX 202
NORTH FORK ID 83466

SOURCE: CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK
POLLARD CANYON CREEK TRIBUTARY: JESSE CREEK

QUANTITY: 0.640 CFS

PRIORITY DATE: 04/01/1894

POINT OF
DIVERSION:

T21N R21E S2 SWSESW Within LEMHI County
T21N R21E S11 NWSWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.640 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T21N R21E S01 NESW 21.40	T21N R21E S01 SESW	20.00
	T21N R21E S01 SWSE 0.30		
	41.7 ACRES TOTAL		

Right Nos. 75-10777, 75-10778, 75-10779 and 75-10780 are limited to the
irrigation of a combined total of 41.7 acres 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

This right is a split from decreed right 75-5.

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

This right is a split from decreed right 75-19.

08/25/2009

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

RIGHT NUMBER: 75-10779

NAME AND ADDRESS: NANCY CUMMINGS
PO BOX 202
NORTH FORK ID 83466

JON CUMMINGS
PO BOX 202
NORTH FORK ID 83466

SOURCE: CHIPPS CREEK
POLLARD CANYON CREEK

TRIBUTARY: POLLARD CANYON CREEK
TRIBUTARY: JESSE CREEK

QUANTITY: 0.010 CFS

PRIORITY DATE: 05/01/1883

POINT OF
DIVERSION:

T21N R21E S2 SWSESW Within LEMHI County
T21N R21E S11 NWSWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.010 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R21E S01	NESW	21.40	T21N R21E S01	SESW	20.00
T21N R21E S01	SWSE	0.30			

41.7 ACRES TOTAL

Right Nos. 75-10777, 75-10778, 75-10779 and 75-10780 are limited to the
irrigation of a combined total of 41.7 acres 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

This right is a split from decreed right 75-21.

08/25/2009

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

RIGHT NUMBER: 75-10780

NAME AND ADDRESS: JON CUMMINGS
PO BOX 202
NORTH FORK ID 83466

NANCY CUMMINGS
PO BOX 202
NORTH FORK ID 83466

SOURCE: CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK
POLLARD CANYON CREEK TRIBUTARY: JESSE CREEK

QUANTITY: 0.250 CFS

PRIORITY DATE: 05/01/1889

POINT OF
DIVERSION: T21N R21E S2 SWSESW Within LEMHI County
T21N R21E S11 NWSWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.250 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T21N R21E S01 NESW 21.40	T21N R21E S01 SESW	20.00
	T21N R21E S01 SWSE 0.30		

41.7 ACRES TOTAL

Right Nos. 75-10777, 75-10778, 75-10779 and 75-10780 are limited to the
irrigation of a combined total of 41.7 acres 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

This right is a split from decreed right 75-22.