

**AMENDED DIRECTOR'S REPORT**

**Subcase Nos. 37-212A, 37-2621, 37-4337, 37-11885 and 37-20381**

**In Re SRBA**

**Twin Falls County Civil Case No. 39576**

**Report to the SRBA District Court**

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

**October 30, 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 Setting Deadlines and Status Conference* issued September 11, 2009, the Director submits for filing with the Court, an Amended Director's Report for subcases 37-212A, 37-2621, 37-4337, 37-11885, and 37-20381.

Respectfully submitted this 30<sup>th</sup> day of October, 2009.

  
DONALD V. SHAFF  
Adjudication Bureau Chief

10/29/2009

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

RIGHT NUMBER: 37-212A

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC  
C/O EDWARD A LAWSON  
PO BOX 3310  
KETCHUM ID 83340

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.120 CFS

The rights listed below are limited to a total combined diversion rate of 1.12 cfs. Combined Right Nos.: 37-212A, 37-2621 and 37-20381.

PRIORITY DATE: 06/23/1888

POINT OF  
DIVERSION:

T04N R17E S11 NWSESE Within BLAINE County  
T04N R17E S12 NWSWSW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 1.120 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|               |      |      |               |      |       |
|---------------|------|------|---------------|------|-------|
| T04N R17E S11 | SWSE | 4.30 | T04N R17E S11 | SESE | 16.00 |
| T04N R17E S12 | SWSW | 7.60 |               |      |       |

27.9 ACRES TOTAL

Place of use does not include federal public lands.

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to the irrigation of a combined total of 27.9 acres in a single irrigation season.

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

Property is also known as Homestead Entry Survey No. 292.

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

10/29/2009

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

RIGHT NUMBER: 37-2621

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC  
C/O EDWARD A LAWSON  
PO BOX 3310  
KETCHUM ID 83340

SOURCE: SPRING

TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 0.480 CFS

The rights listed below are limited to a total combined diversion rate of 1.12 cfs. Combined Right Nos.: 37-212A, 37-2621 and 37-20381.

PRIORITY DATE: 08/06/1959

POINT OF  
DIVERSION:

T04N R17E S11 NWSESE Rediversion Within BLAINE County  
T04N R17E S12 SWSWSW Within BLAINE County  
T04N R17E S12 SESWSW Injection Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>              | <u>PERIOD OF USE</u> | <u>QUANTITY</u>          |
|---------------|------------------------------------|----------------------|--------------------------|
|               | IRRIGATION                         | 04/15 10/31          | 0.480 CFS                |
| PLACE OF USE: | <u>IRRIGATION in BLAINE County</u> |                      |                          |
|               | T04N R17E S11 SWSE                 | 4.30                 | T04N R17E S11 SESE 16.00 |
|               | T04N R17E S12 SWSW                 | 4.40                 |                          |

24.7 ACRES TOTAL

Place of use does not include federal public lands.

This right is limited to the irrigation of 24 acres within the place of use described above in a single irrigation season.

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to the irrigation of a combined total of 27.9 acres in a single irrigation season.

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

Property is also known as Homestead Entry Survey No. 292.

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

10/28/2009

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

RIGHT NUMBER: 37-20381

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC  
C/O EDWARD A LAWSON  
PO BOX 3310  
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

Water diverted under this right is exchanged with water saved by use of the Rockwell By-Pass.

Water may be diverted from Warm Springs Creek at the point of diversion described below only when: (1) all other rights diverted from Warm Springs Creek that are senior to November 18, 1987 have been curtailed; and (2) the saved water provisions of the Rockwell By-Pass, as established in Rockwell v. Coffin (Blaine County, August 29, 1949), are met.

QUANTITY: 0.500 CFS

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to a total combined diversion rate of 1.12 cfs.

PRIORITY DATE: 11/12/1936

Pursuant to a call in times of scarcity, this right is senior to all other rights diverted from the Big Wood River that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions in Rockwell v. Coffin (Blaine County, August 29, 1949).

POINT OF  
DIVERSION:

T04N R17E S11 NWSESE Within BLAINE County  
T04N R17E S12 NWSWSW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 0.500 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|               |      |      |               |      |       |
|---------------|------|------|---------------|------|-------|
| T04N R17E S11 | SWSE | 4.30 | T04N R17E S11 | SESE | 16.00 |
| T04N R17E S12 | SWSW | 7.60 |               |      |       |

27.9 ACRES TOTAL

Place of use does not include federal public lands.

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to the irrigation of a combined total of 27.9 acres in a single irrigation season.

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

The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.

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.

Property is also known as Homestead Entry Survey No. 292.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This claim is based upon an exchange of a portion of old right no. 37-833.

Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.

10/29/2009

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

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RIGHT NUMBER: 37-4337

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC  
C/O EDWARD A LAWSON  
PO BOX 3310  
KETCHUM ID 83340

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 6.000 CFS

PRIORITY DATE: 01/01/1952

POINT OF  
DIVERSION:

T04N R17E S12 NWSWSW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| AESTHETIC             | 01/01 12/31          | 6.000 CFS       |
| DIVERSION TO STORAGE  | 01/01 12/31          | 6.000 CFS       |
| AESTHETIC STORAGE     | 01/01 12/31          | 1.36 AFY        |

PLACE OF USE: AESTHETIC in BLAINE County

T04N R17E S12 SWSW

AESTHETIC STORAGE in BLAINE County

T04N R17E S12 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

10/29/2009

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

RIGHT NUMBER: 37-11885

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC  
C/O EDWARD A LAWSON  
PO BOX 3310  
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS  
4.80 AFY

PRIORITY DATE: 10/01/1961

POINT OF  
DIVERSION:

T04N R17E S12 NESWSW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| COMMERCIAL            | 01/01 12/31          | 0.040 CFS<br>3.00 AFY |
| IRRIGATION            | 04/15 10/31          | 0.020 CFS<br>1.80 AFY |

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S12 SWSW 0.50

COMMERCIAL in BLAINE County

T04N R17E S12 SWSW

0.5 ACRES TOTAL

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

## CERTIFICATE OF SERVICE

I certify that on Oct 30, 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

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

Blaine County Courthouse  
201 2<sup>nd</sup> Ave S. Ste 110  
Hailey, ID 83333

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

James R. Laski  
Lawson Laski Clark & Pogue PLLC  
P.O. Box 3310  
Ketchum, ID 83340

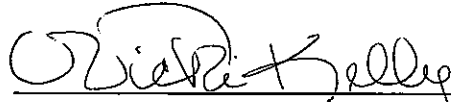
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☐ Hand-Delivered  
☐ Facsimile

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Gooding, ID 83330

☐ Overnight Mail  
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Signature of person delivering form

AMENDED DIRECTOR'S REPORT