

AMENDED DIRECTOR'S REPORT

Subcase No. 34-10925

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

December 8, 2009

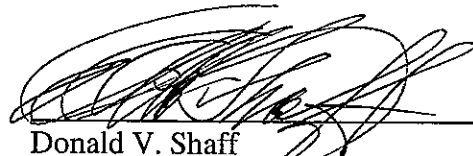
DESCRIPTIVE SUMMARY

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

DISCUSSION

Pursuant to an Order on Motion to Set Aside Partial Decree issued by Special Master Bilyeu on September 4, 2009 an Amended Director's Report for the aforementioned subcase is attached.

Respectfully submitted this 7th day of December, 2009.


Donald V. Shaff
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on December 9, 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:

MITCHELL SORENSEN
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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

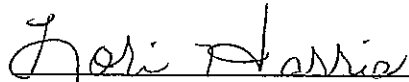
CRATER FARMS INC
PO BOX 91
ARCO, ID 83213
Phone: 208-527-8903

CHARLES B & FERN A ISOM
3199 W 2200 N
ARCO, ID 83213

Butte County Courthouse
PO BOX 171
ARCO, ID 83213

U.S. Dept. of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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

A handwritten signature in cursive script, appearing to read "Gori Harris", written over a horizontal line.

Signature of person delivering form

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

RIGHT NUMBER: 34-10925

NAME AND ADDRESS:

CHARLES B ISOM
3199 W 2200 N
ARCO ID 83213

FERN A ISOM
3199 W 2200 N
ARCO ID 83213

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

7.600 CFS

2,806.800 AFY

0.000 AFY

The rights listed below are limited to a total combined diversion rate of 12.5 cfs.
Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462 and 34-10925.

The rights listed below are limited to a total combined diversion rate of 24.5 cfs.
Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462, 34-10925 and 34-7037.

The rights listed below are limited to a total combined annual diversion volume of
8441.5 af. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462, 34-7037,
34-7138 and 34-10925.

~~USE OF THIS RIGHT WITH RIGHT NOS. 34-02460, 34-02461, 34-02462 AND
34-02459 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.50 CFS.~~

~~USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 8441.5 AF.~~

~~COMBINED RIGHT NOS.: 34-07138, 34-02460, 34-02461, 34-02462, 34-07037 AND
34-02459.~~

PRIORITY DATE: 05/01/1982

Pursuant to a call, in times of scarcity, the diversion of water under this right from the
two wells in T05N R26E S34 SENWSW and T04N R26E S3 NESENW has a priority
date of May 18, 1982.

This water right is subordinate to all water rights with a priority date earlier than April
12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho
Code. As between water rights decreed as enlargements pursuant to Section
42-1426, Idaho Code, the earlier priority right is the superior right.

~~THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO
SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE
SUPERIOR RIGHT.~~

POINT OF DIVERSION:

T03N R26E S2 SWSNW
Within BUTTE County

T03N R26E S2 SENESW
Within BUTTE County

T04N R26E S3 NESENW
Within BUTTE County

T04N R26E S26 NWNWNW Injection
Within BUTTE County

T04N R26E S26 NWNWNW Rediversion
Within BUTTE County

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

T05N R26E S34 SENWSW
Within BUTTE County

Groundwater diverted from the points of diversion in T05N R26E S34 SENWSW and
T04N R26E S3 NESENW is comingled with the Island Canal then injected into the Big
Lost River at the point of injection and reddiverted into the Munsey Canal at the point of
rediversion.

**PURPOSE AND
PERIOD OF USE:**

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	7.600 CFS <u>2,806.80 AFY</u>

PLACE OF USE:

IRRIGATION within BUTTE County

T03N R26E S14 NENW 39.0
T03N R26E S14 NWNW 36.0
T03N R26E S14 SWNW 40.0
T03N R26E S14 SENW 40.0
T03N R26E S14 NESW 40.0
T03N R26E S14 NWSW 40.0
T03N R26E S14 SWSW 40.0
T03N R26E S14 SESW 40.0
T03N R26E S15 NENE 39.0
T03N R26E S15 NWNE 40.0
T03N R26E S15 SWNE 40.0
T03N R26E S15 SENE 40.0
T03N R26E S15 NENW 39.0
T03N R26E S15 NWNW 39.0
T03N R26E S15 SWNW 40.0
T03N R26E S15 SENW 40.0
T03N R26E S15 NESW 40.0
T03N R26E S15 NWSW 40.0
T03N R26E S15 SWSW 40.0
T03N R26E S15 SESW 40.0
T03N R26E S15 NESE 40.0
T03N R26E S15 NWSE 40.0
T03N R26E S15 SWSE 40.0
T03N R26E S15 SESE 40.0
T03N R26E S16 NENE 39.0
T03N R26E S16 NWNE 39.0
T03N R26E S16 SWNE 40.0
T03N R26E S16 SENE 40.0
T03N R26E S16 NESE 40.0
T03N R26E S16 NWSE 40.0
T03N R26E S16 SWSE 39.0
T03N R26E S16 SESE 39.0
T03N R26E S22 NENE 40.0
T03N R26E S22 NWNE 40.0
T03N R26E S22 SWNE 40.0
T03N R26E S22 SENE 40.0
T03N R26E S22 NENW 40.0
T03N R26E S22 NWNW 40.0

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

T03N R26E S22 SWNW 40.0
T03N R26E S22 SENW 40.0
T03N R26E S23 NENW 40.0
T03N R26E S23 NWNW 40.0
T03N R26E S23 SWNW 40.0
T03N R26E S23 SENW 40.0
T03N R26E S23 NESW 40.0
T03N R26E S23 SESW 33.0
T03N R26E S23 NESE 39.0
T03N R26E S23 NWSE 40.0
T03N R26E S23 SWSE 40.0
T03N R26E S23 SESE 40.0

1980 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1740 acres in a single irrigation season. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462 and 34-10925.

The rights listed below are limited to the irrigation of a combined total of 1980 acres in a single irrigation season. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462, 34-7037, 34-7138 and 34-10925.

~~USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1980 ACRES IN A SINGLE IRRIGATION SEASON.~~

~~COMBINED RIGHT NOS.: 34-07138, 34-02460, 34-02461, 34-02462, 34-07037 AND 34-02459.~~

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 right is based upon an enlargement of Right Nos. 34-2459, 34-2460, 34-2461 and 34-2462 pursuant to Section 42-1426, Idaho Code.

~~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 RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 34-02459, 34-02460, 34-02461 AND 34-02462 PURSUANT TO SECTION 42-1426, IDAHO CODE.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use BASIS OF CLAIM - Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34, Big Lost River. 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).

This right is for an enlargement of 1026 acres within the place of use described for this right.

~~RIGHT NOS. 34-02460, 34-02461, 34-02462 & 34-02459 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.~~

~~THIS RIGHT IS FOR AN ENLARGEMENT OF 536 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.~~