

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

SEP 30 2010

AMENDED DIRECTOR'S REPORT

By _____

Clerk

Deputy Clerk

Subcase Nos. 37-296B, 37-296C, 37-19740 and 37-21412

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
Carter Fritschle, Manager, Adjudication Section

September 30, 2010

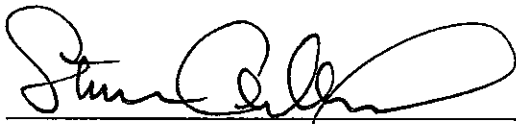
DESCRIPTIVE SUMMARY

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 Resetting Dates and Deadlines* dated July 27, 2010, the Director submits the attached Amended Director's Report for subcases 37-296B, 37-19740 and 37-21412. The Director notes that water right 37-296B was the subject of a transfer approved in 1996. In order to clarify the effect of that transfer and assist the parties in narrowing the scope of possible trial issues, the whole of water right 37-296B is now split and recommended as water rights 37-296B and 37-296C. Water right 37-296B now reflects the portion of the water right that was changed by the 1996 transfer. The portion of right 37-296B which remained unchanged by the transfer is now recommended as water right 37-296C.

Respectfully submitted this 30 day of SEPTEMBER 2010.


for CARTER FRITSCHLE
Manager, Adjudication Section

09/29/2010

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

RIGHT NUMBER: 37-296B

NAME AND ADDRESS: INDIAN CREEK RANCH OWNERS ASSN INC
PO BOX 3411
HAILEY ID 83333-3411

SOURCE: INDIAN CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 2.720 CFS
122.50 AFY

The total instantaneous diversion of water from all points of diversion of rights under Transfer No. 4713 shall not exceed 2.72 cfs, nor total combined annual diversion volume of 122.5 af.

This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 04/01/1880

Pursuant to a call in times of scarcity, rights 37-296B and 37-296C are junior to Water Right No. 37-296A.

POINT OF
DIVERSION:

T03N R18E S22 SWSE Within BLAINE County
T03N R18E S22 SWSE Within BLAINE County
T03N R18E S23 NWSW Within BLAINE County
T03N R18E S23 NWSW Within BLAINE County
T03N R18E S27 NENW Within BLAINE County
T03N R18E S28 NESE Within BLAINE County
T03N R18E S28 NESE Within BLAINE County
T03N R18E S33 NWNE 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	2.720 CFS 122.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S22	SWSE	1.50	T03N R18E S23 Lot 2 SWNW	1.00
T03N R18E S27	NENW	6.40	T03N R18E S27	NWNW 0.60
T03N R18E S27	SWNW	5.10	T03N R18E S27	SENW 2.00
T03N R18E S28	NESE	8.50	T03N R18E S28	NWSE 1.20
T03N R18E S28	SWSE	0.80	T03N R18E S28	SESE 7.40
T03N R18E S33	NWNE	0.50		

35 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 - Decreed

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

A portion of the authorized rate of diversion under Right No. 37-00296B is for conveyance purposes in the delivery of this right.

After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

09/29/2010

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

RIGHT NUMBER: 37-296C

NAME AND ADDRESS: INDIAN CREEK RANCH OWNERS ASSN INC
PO BOX 3411
HAILEY ID 83333-3411

SOURCE: INDIAN CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.290 CFS

PRIORITY DATE: 04/01/1880

Pursuant to a call in times of scarcity, rights 37-296B and 37-296C are junior to Water Right No. 37-296A.

POINT OF
DIVERSION:

T03N R18E S27 NENW Within BLAINE County
T03N R18E S27 SENW Within BLAINE County
T03N R18E S28 NESE Within BLAINE County
T03N R18E S28 SWSE Within BLAINE County
T03N R18E S33 NWNE Within BLAINE County
T03N R18E S33 NWNE Within BLAINE County
T03N R18E S33 SENW 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	1.290 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T03N R18E S27 NENW 2.40	T03N R18E S27 SWNW	6.20
	T03N R18E S28 SENE 3.10	T03N R18E S28 NESE	8.50
	T03N R18E S28 NWSE 0.90	T03N R18E S28 SWSE	9.40
	T03N R18E S28 SESE 1.60	T03N R18E S33 NENE	0.10
	T03N R18E S33 NWNE 9.50	T03N R18E S33 SWNE	19.00
	T03N R18E S33 SENW 3.30	T03N R18E S33 NESW	7.00
	T03N R18E S33 NWSE 2.10		

73.1 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 - Decreed

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

37-19740

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

Right No. 37-21412 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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

RIGHT NUMBER: 37-21412

NAME AND ADDRESS: INDIAN CREEK RANCH OWNERS ASSN INC
PO BOX 3411
HAILEY ID 83333-3411

SOURCE: INDIAN CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 19.60 AFY

The capacity of the storage reservoir is 19.6 AF.

PRIORITY DATE: 04/01/1880

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 R18E S22 SWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC STORAGE	01/01 12/31	19.60 AFY
WILDLIFE STORAGE	01/01 12/31	19.60 AFY
RECREATION STORAGE	01/01 12/31	19.60 AFY

PLACE OF USE: WILDLIFE STORAGE in BLAINE County

T03N R18E S22 SESW T03N R18E S22 SWSE

RECREATION STORAGE in BLAINE County

T03N R18E S22 SESW T03N R18E S22 SWSE

AESTHETIC STORAGE in BLAINE County

T03N R18E S22 SESW T03N R18E S22 SWSE

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 No. 37-19740 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF SERVICE

I certify that on Sept. 30, 2010, 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 2ND Ave. S. Ste 110
Hailey, ID 83333

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

Dana L. Hoffstetter
Hoffstetter Law Office LLC
608 West Franklin St.
Boise, ID 83702

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Hobdey & Hobdey
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Gooding, ID 83330

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Albert P. Barker
Barker Rosholt & Simpson LLP
P.O. Box 2139
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☐ Hand-Delivered
☐ Facsimile

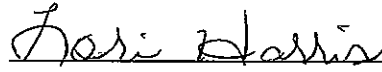
Randall C. Budge
Candice M. McHugh
Thomas J. Budge
Racine Olson
P.O. Box 1391
Pocatello, ID 83204-1391

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

3. Courtesy copy to:

Patrick D. Brown
Hutchinson & Brown LLP
P.O. Box 207
Twin Falls, ID 83303-0207

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



Signature of person delivering form