

LATE CLAIM DIRECTOR'S REPORT

Subcase Nos. 75-2167

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

November 1, 2010

DESCRIPTIVE SUMMARY

This is a Late Claim Director's Report submitted by the Interim Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Order Granting Late Notice of Claim and Order for Expedited Late Claim Director's Report and Setting Forth Procedures and Deadlines for Expedited Process* issued by Judge Wildman on September 27, 2010, the Interim Director submits the attached Late Claim Director's Report for filing with the Court.

A handwritten signature in blue ink, appearing to read "Carter Fritschle", is written over a horizontal line.

Carter Fritschle
Manager, Adjudication Section

10/15/2010

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

RIGHT NUMBER: 75-2167

NAME AND ADDRESS: CITY OF SALMON
200 MAIN ST
SALMON ID 83467

SOURCE: JESSE CREEK

TRIBUTARY: SALMON RIVER

For purposes of administration of sources for this right, the water shall first be diverted exclusively from the natural flow of Jesse Creek. When Jesse Creek is no longer sufficient for use under the rights in priority and calling for water, the waters of Pollard Canyon Creek may be diverted as necessary to provide the balance of water required pursuant to this right in its priority. Only when the water supply from Jesse and Pollard Canyon Creeks combined is not sufficient for use under the rights in priority and calling for water may water from Chipps Creek be diverted to provide the balance of water required pursuant to this right in its priority.

Water may not be diverted under this right from Pollard Canyon Creek of Chipps Creek when water rights with a priority date of 4/21/1905 are fully deliverable at the Farmers Ditch diversion in T21N, R21E, S01, SWNW. Water may be diverted from Pollard Canyon Creek and Chipps Creek under the guidelines above when water rights with a priority date of 4/21/1905 are not fully deliverable at the Farmers Ditch diversion. At such time, the water for this right will be delivered in proportion to the amount available for all rights with an 4/21/1905 priority date.

The quantity of water diverted for the City of Salmon's Water Treatment Plant in T21N, R21E, S02, Lot 1 (NENE) must be added to the quantity of water available for diversion at the Farmers Ditch diversion to determine the water rights that are in priority.

QUANTITY: 2.000 CFS

Right Nos. 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, 75-2167, 75-7563 and 75-10075 are limited to a total combined diversion rate of 11.6 cfs.

PRIORITY DATE: 04/21/1905

POINT OF DIVERSION:

T21N R21E S2 NENE Lot 1 Injection Within LEMHI County
T21N R21E S2 NENE Lot 1 Rediversion Within LEMHI County
T21N R21E S2 NENE Lot 1 Within LEMHI County
T21N R21E S2 SWSW Injection Within LEMHI County
T21N R21E S2 SWSW Rediversion Within LEMHI County
T21N R21E S2 SWSW Within LEMHI County
T21N R21E S11 NWNW Within LEMHI County

The point of diversion in T21N, R21E, S11, NWNW is from Chipps Creek. The point of injection into T21N, R21E, S02, SWSW is into Pollard Canyon Creek. The point of diversion and the point of rediversion in T21N, R21E, S02, SWSW are from Pollard Canyon Creek. The point of injection in T21N, R21E, S02, Lot 1 (NENE) is into Jesse Creek. The point of diversion and point of rediversion in T21N, R21E, S02, Lot 1 (NENE) are from Jesse Creek.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	2.000 CFS

PLACE OF USE:

Place of use is within the service area of the City of Salmon municipal water supply system as provided for under Idaho Law.

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

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. 75A.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF SERVICE

I certify that on November 1, 2010, 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:

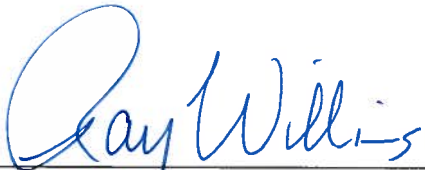
UNITED STATES OF AMERICA
Represented by:
U.S. DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

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

CITY OF SALMON
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702

LEMHI COUNTY COURTHOUSE
206 COURTHOUSE DR.
SALMON, ID 83467



Signature of person delivering form