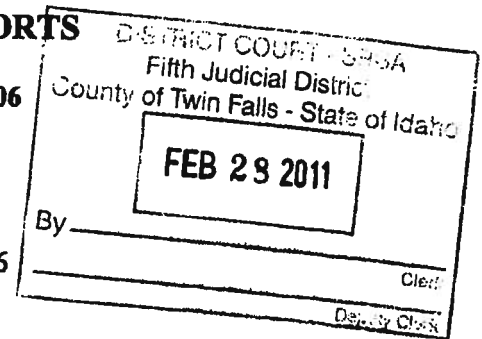


LATE CLAIM DIRECTOR'S REPORTS

Subcase Nos. 63-180, 63-181 & 63-33406

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

February 28, 2011

DESCRIPTIVE SUMMARY

These are Late Claim Director's Reports submitted by the Interim Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to Judge Eric Wildman's *Order Conditionally Granting Late Notice of Claim for Water Right Claims 63-00180 & 63-00181 and order Granting Late Notice of Claim for Water Right Claim 63-33406 and Order for Expedited Late Claim Director's Report and Setting Forth Procedures and Deadlines for Expedited Process* dated October 22, 2010, and the subsequent *Order Amending Date for Filing of Expedited Late Claim Director's Report and Procedures and Deadlines for Expedited Process and Order Vacating and Resetting Hearing* issued on January 25, 2011, the Interim Director submits the attached Late Claim Director's Reports for filing with the Court.


Carter Fritschle
Manager, Adjudication Section

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

RIGHT NUMBER: 63-180

NAME AND ADDRESS: E G JOHNSON FARMS INC
24007 HWY 20-26
PARMA ID 83660

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.500 CFS

This right mitigates for the depletion of water resulting from the diversion and use of water under Right Nos. 63-4036A, 63-4036B, 63-28751 and 63-32394. To prevent injury to other water right holders, the right holder shall cease diverting 3.5 cfs of this right from the Boise River. If the mitigation portion of this right is used for any other purpose, then water shall not be diverted under Right Nos. 63-4036A, 63-4036B, 63-28751 and 63-32394. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right Nos. 63-4036A, 63-4036B, 63-28751 and 63-32394 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1969

POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	03/01 11/15	3.500 CFS

Director's Report - 63-180

Diversion for any water use under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

MITIGATION in CANYON County

T05N R05W S25	NENE	T05N R05W S25	NWNE
T05N R05W S25	SWNE	T05N R05W S25	SENE
T05N R05W S25	NENW	T05N R05W S25 Lot 6	NWNW
T05N R05W S25 Lot 5	SWNW	T05N R05W S25 Lot 5	SENE
T05N R05W S25 Lot 4	NESW	T05N R05W S25 Lot 4	NWSW
T05N R05W S25 Lot 3	SWSW	T05N R05W S25 Lot 3	SESE
T05N R05W S25 Lot 1	NESE	T05N R05W S25	NWSE
T05N R05W S25 Lot 2	SWSE	T05N R05W S25 Lot 1	SESE
T05N R05W S36 Lot 3	NWNE		

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 also designated as Right No. 47 in the Boise River Stewart Decree and Boise River Water Distribution Report.

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

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

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

RIGHT NUMBER: 63-181

NAME AND ADDRESS: E G JOHNSON FARMS INC
24007 HWY 20-26
PARMA ID 83660

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.200 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

This right mitigates for the depletion of water resulting from the diversion and use of water under Right Nos. 63-4036A, 63-4036B, 63-28751 and 63-32394. To prevent injury to other water right holders, the right holder shall cease diverting 2.2 cfs of this right from the Boise River. If the mitigation portion of this right is used for any other purpose, then water shall not be diverted under Right Nos. 63-4036A, 63-4036B, 63-28751 and 63-32394. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right Nos. 63-4036A, 63-4036B, 63-28751 and 63-32394 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

PRIORITY DATE: 06/01/1874

POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	03/01 11/15	2.200 CFS

Diversion for any water use under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: MITIGATION in CANYON County

T05N R05W S25	NENE	T05N R05W S25	NWNE
T05N R05W S25	SWNE	T05N R05W S25	SENE
T05N R05W S25	NENW	T05N R05W S25 Lot 6	NWNW
T05N R05W S25 Lot 5	SWNW	T05N R05W S25 Lot 5	SENW
T05N R05W S25 Lot 4	NESW	T05N R05W S25 Lot 4	NWSW
T05N R05W S25 Lot 3	SWSW	T05N R05W S25 Lot 3	SESW
T05N R05W S25 Lot 1	NESE	T05N R05W S25	NWSE
T05N R05W S25 Lot 2	SWSE	T05N R05W S25 Lot 1	SESE
T05N R05W S36 Lot 3	NWNE		

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 purpose of use pursuant to Section 42-1425, Idaho Code.

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

This right is also designated as Right No. 59 in the Boise River Stewart Decree and Boise River Water Distribution Report.

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

RIGHT NUMBER: 63-33406

NAME AND ADDRESS: E G JOHNSON FARMS INC
24007 HWY 20-26
PARMA ID 83660

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.800 CFS

This right mitigates for the depletion of water resulting from the diversion and use of water under Right Nos. 63-4036A, 63-4036B, 63-28751 and 63-32394. To prevent injury to other water right holders, the right holder shall cease diverting 3.8 cfs of this right from the Boise River. If this right is used for any other purpose, then water shall not be diverted under Right Nos. 63-4036A, 63-4036B, 63-28751 and 63-32394. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 63-4036A, 63-4036B, 63-28751 and 63-32394 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	3/01 11/15	3.8 cfs

Diversion for any water use under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: MITIGATION in CANYON County

T05N R05W S25	NENE	T05N R05W S25	NWNE
T05N R05W S25	SWNE	T05N R05W S25	SENE
T05N R05W S25	NENW	T05N R05W S25 Lot 6	NWNW
T05N R05W S25 Lot 5	SWNW	T05N R05W S25 Lot 5	SENW
T05N R05W S25 Lot 4	NESW	T05N R05W S25 Lot 4	NWSW
T05N R05W S25 Lot 3	SWSW	T05N R05W S25 Lot 3	SESW
T05N R05W S25 Lot 1	NESE	T05N R05W S25	NWSE
T05N R05W S25 Lot 2	SWSE	T05N R05W S25 Lot 1	SESE
T05N R05W S36 Lot 3	NWNE		

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 purpose of use pursuant to Section 42-1425, Idaho Code.

This right is a split of Right No. 63-160 which is also designated as Right No. 28 in the Boise River Stewart Decree and Boise River Water Distribution Report.

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

CERTIFICATE OF SERVICE

I certify that on February 24, 2011, 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:

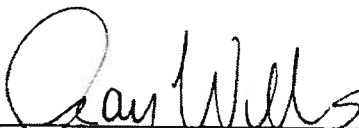
UNITED STATES OF AMERICA
Represented by:
U.S. DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

CANYON COUNTY COURTHOUSE
1115 ALBANY ST.
CALDWELL, ID 83605

E G JOHNSON FARMS, INC.
Represented by:
JOHN M MARSHALL
575 W. BANNOCK ST., SUITE B
BOISE, ID 83702



Signature of person delivering form