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AMENDED DIRECTOR'S REPORT

Subcase No. 63-2392E

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 25, 2011

DESCRIPTIVE SUMMARY

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

DISCUSSION

Pursuant to the *Order Requesting Amended Director's Report from IDWR and Order Setting Deadlines* issued by Special Master Booth on February 18, 2010, the Director submits the attached Amended Director's Report for filing with the Court.

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

Carter Fritschle
Manager, Adjudication Section

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

RIGHT NUMBER: 63-2392E

NAME AND ADDRESS: SOUTH BOISE MUTUAL IRRIGATION CO LTD
C/O TOM GILMORE
2130 COLORADO AVE
BOISE ID 83706

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 2.250 CFS

PRIORITY DATE: 09/13/1927

POINT OF DIVERSION:

T03N R03E S30 SENW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.250 CFS

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

This right is limited to the irrigation of 246.6 acres within the boundary of the south boise mutual irrigation company.

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

The source of this right is wastewater collected by Drainage District No. 3 and returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the point of diversion for the South Boise Mutual Irrigation Co Ltd to be used within their digital boundary.

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.

ADR Right No. 63-2392E

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The source of this right is wastewater returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the point of diversion for the rightholder. Because the source of this water right is based upon the water returned to the Boise River, and the historic administration of this right, the quantity of water exchanged and diverted upstream at the point of diversion for the rightholder shall be curtailed only to the same extent that the amount of wastewater returned to the Boise River is reduced or less than the quantity provided in this right. This right is not subject to the Stewart Decree or the step down provisions and/or cuts provided in said Stewart Decree.

Water is delivered through Bubb canal

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

The following rights are also diverted through point of diversion described above: 63-243F, 63-243G, 63-280, 63-282, 63-281, 63-283A, 63-284A & 63-242B.

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 O33
BOISE, ID 83724

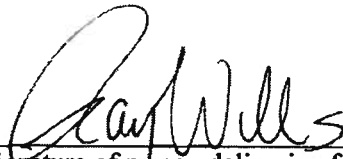
STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

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

SOUTH BOISE MUTUAL IRRIGATION CO., LTD.
C/O TOM GILMORE
2130 COLORADO AVE.
BOISE, ID 83706

HAL MAXEY
SOUTH BOISE MUTUAL IRRIGATION CO., LTD.
1120 CHAMBERLIN
BOISE, ID 83706

ADA COUNTY COURTHOUSE
200 W. FRONT ST.
BOISE ID 83702-7300



Signature of person delivering form