



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
September 6, 2011

Special Master Terrence A. Dolan
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase Nos. 01-131A, 01-132A, 01-133A & 01-263 (*New Lavaside Ditch Co., Ltd.*)

Dear Special Master Dolan:

The *Special Master Report* ("Report") was issued for the above-referenced water rights on August 29, 2011. While reviewing the Report, the Department has determined that the Report appears to have contained the water right recommendations reported in the original May 19, 2006, Director's Report rather than the recommendations contained in the subsequent Amended Director's Reports filed on March 27, 2008 (attached).

The specific errors relate to the addition of a stockwater purpose of use to 01-131A and the addition of 391 acres to the place of use description of these water rights. The proper digital boundary was provided to the Court on March 12, 2009.

I have contacted Jerry Rigby, counsel for the claimant, and he is aware of this issue.

Accordingly, it seems appropriate that an amended *Special Master Report* be issued as described in the attached Amended Director's Reports.

If you should have any questions or comments, please feel free to contact me at 287-4809.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Bromley", with a long horizontal flourish extending to the right.

Chris Bromley
Deputy Attorney General, IDWR

Enclosures

cc: Jerry Rigby
Travis Thompson
Craig Hobdey
David Gehlert

Michael Holliday
Kent Fletcher
Roger Ling

Sent By: WATER RESOURCES;
To: SRBA COURT

2082876701;
At: 912087362121,,,,,641859

Mar-27-08 14:07;

Page 1

AMENDED DIRECTOR'S REPORTS

Subcase Nos. 01-131A, 01-132A, 01-133A & 01-263

In Re SRBA
Twin Falls County Civil Case No. 39576

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 27 2008	
By _____	Clerk
_____	Deputy Clerk

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
David R. Tuthill, Jr., Director
Donald V. Shaff, Adjudication Bureau Chief

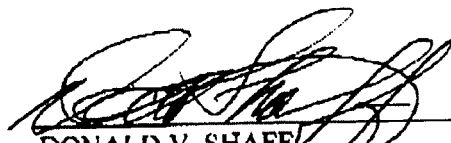
March 27, 2008

DESCRIPTIVE SUMMARY

These are Amended Director's Reports submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Motion to Amend Claim* heard on January 31, 2008, and the *Order Granting Motion to Amend Claim and Setting Deadlines* issued by Special Master Dolan on February 5, 2008, the Director submits for filing with the Court the attached Amended Director's Reports for the aforementioned subcases.



DONALD V. SHAFF
Adjudication Bureau Chief

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

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

MAR 27 2008

By _____

Clerk

Deputy Clerk

RIGHT NUMBER: 1-131A

NAME AND ADDRESS: NEW LAVASIDE DITCH CO LIMITED
66 E RIVER RD
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 19.790 CFS

PRIORITY DATE: 06/01/1984

POINT OF
DIVERSION:

T01S R36E S26 NWSENE Lot 1 Within BINGHAM County
T02S R36E S6 SWSE Lot 8 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	19.790 CFS
IRRIGATION	04/01 10/31	19.790 CES

PLACE OF USE:

5222 ACRES TOTAL

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)(b). 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.

Place of use is within the area served by New Lavaside Ditch Company.

The rights listed below are limited to the irrigation of a combined total of 5180 acres in a single irrigation season. Combined Right Nos.: 1-131A, 1-132A, and 1-133A.

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.

Diversions of this right for stockwater purposes between November 1 and April 30 is subject to the provisions for saving winter water as recognized in the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

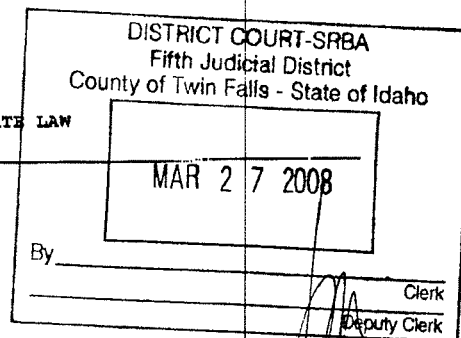
Stockwater use is for 400 dairy cattle and 500 range cattle.

Water is delivered through New Lavaside Canal and Riverside Canal. The water delivered through the Riverside Canal is then reddiverted through the Christensen Pump and the Larry Davis Pump.

Amended Director's Report

1-131A

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



RIGHT NUMBER: 1-132A

NAME AND ADDRESS: NEW LAVASIDE DITCH CO LIMITED
86 E RIVER RD
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 59.370 CFS

PRIORITY DATE: 03/01/1889

POINT OF
DIVERSION:

T01S R36E S26 NWSNE Lot 1 Within BINGHAM County
T02S R36E S6 SWSE Lot 8 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

59.370 CFS

PLACE OF USE:

5222 ACRES TOTAL

Place of use is within the area served by New Lavaside Ditch Company

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.

The rights listed below are limited to the irrigation of a combined total of 5180 acres in a single irrigation season. Combined Right Nos.: 1-131A, 1-132A, and 1-133A.

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

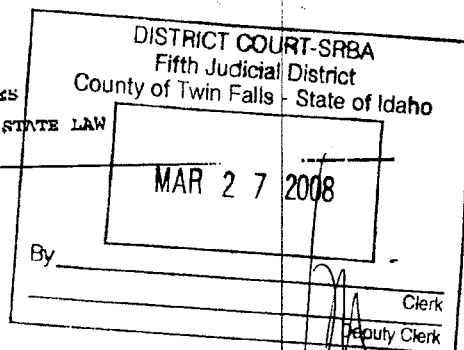
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through New Lavaside Canal and Riverside Canal. The water delivered through the Riverside Canal is then diverted through the Christensen Pump and the Larry Davis Pump.

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

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



RIGHT NUMBER: 1-133A

NAME AND ADDRESS: NEW LAVASIDE DITCH CO LIMITED
66 E RIVER RD
BLACKFOOT ID 83221

SOURCE: SNARK RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 71.240 CFS

PRIORITY DATE: 11/24/1890

POINT OF
DIVERSION:

T01S R36E S26 N7SENE Lot 1 Within BINGHAM County
T02S R36E S6 SWSE Lot 8 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

71.240 CFS

PLACE OF USE:

5222 ACRES TOTAL

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.

Place of use is within the area served by New Lavaside Ditch Company.

The rights listed below are limited to the irrigation of a combined total of 5180 acres in a single irrigation season. Combined Right Nos.: 1-131A, 1-132A, and 1-133A.

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

Water is delivered through New Lavaside Canal and Riverside Canal. The water delivered through the Riverside Canal is then rediverted through the Christensen Pump and the Larry Davis Pump.

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

Amended Director's Report

1-133A

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

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

MAR 27 2008

By _____

Clerk

Deputy Clerk

RIGHT NUMBER: 1-263

NAME AND ADDRESS: NEW LAVASIDE DITCH CO LIMITED
66 E RIVER RD
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 30.000 CFS

PRIORITY DATE: 01/22/1916

POINT OF
DIVERSION:

T01S R36E S26 NWSSE Lot 1 Within BINGHAM County
T02S R36E S6 SWSE Lot 8 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	30.000 CFS

PLACE OF USE:

5222 ACRES TOTAL

Place of use is within the area served by New Lavaside Ditch Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202(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.

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 point of diversion pursuant to Section 42-1425, Idaho Code.

Water is delivered through New Lavaside Canal and Riverside Canal. The water delivered through the Riverside Canal is then rediverted through the Christensen Pump and the Larry Davis Pump.

CERTIFICATE OF SERVICE

I certify that on March 27, 2008, 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:

MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W., STE 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

AMERICAN FALLS RESERVOIR
Represented by:
C. THOMAS ARKOOSH
301 MAIN ST.
P.O. BOX 32
GOODING, ID 83330

NEW LAVASIDE DITCH CO. LTD.
Represented by:
JERRY R. RIGBY
25 N 2ND E
P.O. BOX 250
REXBURG, ID 83440-0250

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
FALLS IRRIGATION DISTRICT
Represented by:
ROGER D. LING
615 H ST.
P.O. BOX 396
RUPERT, ID 83350-0396

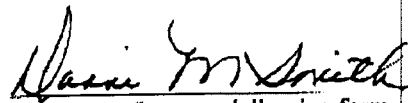
UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT
Represented by:
W. KENT FLETCHER
1200 OVERLAND AVE.
P.O. BOX 248
BURLEY, ID 83318

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

NEW LAVASIDE DITCH CO LIMITED
66 E. RIVER RD.
BLACKFOOT, ID 83221

BINGHAM COUNTY COURTHOUSE
501 N. MAPLE #310
BLACKFOOT, ID 83221-1700


Signature of person delivering form