

AMENDED DIRECTOR'S REPORT

Subcase No. 25-7004

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, Director
Carter Fritschle, Manager, Adjudication Section

September 28, 2012

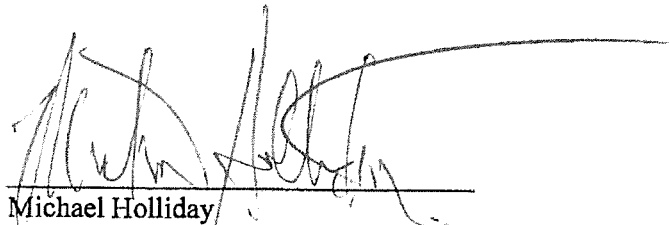
DESCRIPTIVE SUMMARY

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

DISCUSSION

Pursuant to Special Master Brigitte Bilyeu's oral order granting the Bureau of Reclamation's *Motion to Set Aside Partial Decree* issued on September 26, 2012, the Director submits the attached Amended Director's Report for filing with the Court.

In accordance with Paragraph 11 of the *Stipulation* filed with the SRBA Court on September 25, 2012, this Amended Director's Report does not resolve any issues arising in the Basin-Wide 17 proceeding or any other storage water right basin-wide issue. The Court and the parties agree that no new objections concerning the issues raised in Basin-Wide 17 need to be filed.



Michael Holliday
Water Rights Supervisor

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

RIGHT NUMBER: 25-7004

NAME AND ADDRESS:

UNITED STATES OF AMERICA ACTING
THROUGH BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE:

Source:
WILLOW CREEK

Tributary:
SNAKE RIVER

QUANTITY:

90,500.000 AFY

The reservoir storage capacity is 90,500 acre feet when filled to elevation 5112.8 and measured at the upstream face of the dam.

PRIORITY DATE: 06/16/1969

POINT OF DIVERSION:

T03N R40E S22 NWNW
Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION STORAGE	01/01 12/31	80,500.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	80,500.00 AFY
WILDLIFE STORAGE	01/01 12/31	10,000.00 AFY

PLACE OF USE:

Place of use for irrigation storage and wildlife storage is Ririe Reservoir.

Place of use for storage is Ririe Reservoir, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range 21E, sections 28 and 29, when determined by the Water District 01 Watermaster as supervised by the Director of the Department of Water Resources, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

The place of use for irrigation from storage is upon lands located along the Snake River and its tributaries in Eastern Idaho within the Minidoka Federal Reclamation Project as listed in Storage Contract 4-07-10-W0999 dated March 31, 1994, between the United States and Mitigation, Inc.

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

The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

The allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

This decree does not alter, amend, or modify the contracts entered into between various federal contractors and the United States Bureau of Reclamation, as amended, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Wildlife storage (inactive storage) shall not be released from storage for a beneficial use.

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. 01.

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

Permanent measuring devices must be maintained in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

Water stored under this right and conveyed to downstream lands is subject to a shrinkage loss as determined by the watermaster.

CERTIFICATE OF SERVICE

I certify that on September 28, 2012, 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

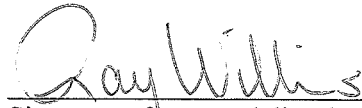
UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N. CURTIS RD., STE. 100
BOISE, ID 83706-1234

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

BONNEVILLE COUNTY COURTHOUSE
605 N. CAPITAL AVE.
IDAHO FALLS ID 83402

JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

TRAVIS L. THOMPSON
195 RIVER VISTA PL., STE. 204
TWIN FALLS, ID 83301-3039

A handwritten signature in cursive script, appearing to read "Ray Willis", written in dark ink.

Signature of person delivering form