

7-31

**DIRECTOR'S SECOND SUPPLEMENTAL REPORT
REGARDING CLAIM TO WATER RIGHT NO. 36-00092**

In Re SRBA
Twin Falls County Civil Case No. 39576

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Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill Jr., Acting Adjudication Bureau Chief

July 25, 1996

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The Director of the Idaho Department of Water Resources (IDWR) submits this Director's Second Supplemental Report to correct an error in the Director's Supplemental Report submitted to the Court July 1, 1996. This report was prepared under the supervision of Karl J. Dreher, Director, and David R. Tuthill Jr., Acting Adjudication Bureau Chief for IDWR.

I. WATER RIGHT NO. 36-00092

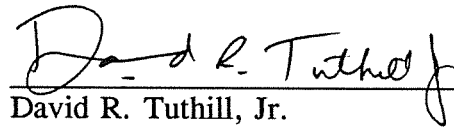
A. Quantity

Due to the short time frame within which IDWR was ordered to complete a large volume of 706 Reports, it made an error with respect to its recommendation for water right no. 36-00092 in the Director's Supplemental Report submitted to the Court on July 1, 1996. In its recommendation as to water right no. 36-00092, IDWR stated that the quantity of water used was recommended as 0.20 cfs for irrigation, 0.02 cfs for stockwater, 0.08 cfs for domestic, with a total of 0.20 cfs. The total quantity recommended is in error, because it does not take into account the fact that the diversion of water for domestic use is separate from and in addition to the diversion of water for irrigation use. Therefore, the amounts for these separate uses are additive. The proper recommendation should be a total quantity of 0.28 cfs.

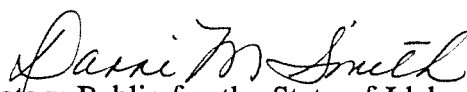
STATE OF IDAHO)
) ss.
County of Ada)

David R. Tuthill, Jr., being first duly sworn, upon oath, deposes and says:

That I am the Acting Adjudication Bureau Chief for IDWR, that I have read the foregoing report, know its contents, and that the statements contained therein are true to the best of my knowledge and belief.


David R. Tuthill, Jr.

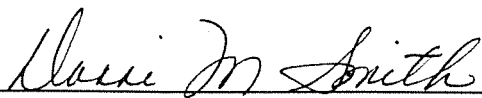
SUBSCRIBED AND SWORN to before me this 25th day of July, 1996.


Notary Public for the State of Idaho
Residing at: Bonnie ID
My commission expires: 12/5/2000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th ^{30th Day} day of July, 1996 I caused to be served by First Class U.S. Mail, a true and correct copy of the foregoing document on the following person(s):

Patrick D. Brown
P.O. Box 389
Twin Falls, ID 83303-0389


Person Mailing Documents

AJ5856NP

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

DATE: JUL-16-1996
PAGE: A-1

RIGHTS FROM: SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

RIGHT NUMBER: 36-00092

NAME & ADDRESS: FRANK C ERWIN
PEGGY ERWIN
RT 1 BOX 453
HAGERMAN ID 83332

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.28 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY
USED FOR: DOMESTIC, 3 HOMES; STOCKWATER, 10 RANGE CATTLE

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T07S R13E S12 SESENW Within GOODING County

PURPOSE AND

PERIOD OF USE:	PERIOD OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	0.2 CFS
STOCKWATER	01-01	12-31	0.02 CFS
DOMESTIC	01-01	12-31	0.08 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S14 NENE 10.0
10.0 ACRES TOTAL

STOCKWATER Within GOODING County
T07S R13E S14 NENE

DOMESTIC Within GOODING County -
T07S R13E S14 NENE

CONSUMPTIVE USE: 35.0 AFY

THE CONSUMPTIVE USE VOLUME REPORTED IS ONLY FOR THE IRRIGATION
PORTION OF THIS WATER RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-00049, 36-00050A, 36-00050C,
36-00050D, 3602169, 36-08294 & 36-10047.

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

DATE: JUL-16-1996

PAGE: A-1

 RIGHTS FROM: SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

RIGHT NUMBER: 36-00092

NAME AND ADDRESS: FRANK C ERWIN
 PEGGY ERWIN
 RT 1 BOX 453
 HAGERMAN ID 83332

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.28 CFS
~~0.12~~ ~~0.18~~

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY
 USED FOR: DOMESTIC, 3 HOMES; STOCKWATER, 10 RANGE CATTLE
~~DOMESTIC, 3 HOMES; STOCKWATER, 10 RANGE~~

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T07S R13E S12 SESENW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		<u>Irrigation Season</u>	0.2 CFS
		03/18 11/18	
STOCKWATER		01-01 12-31	0.02 CFS
DOMESTIC		01-01 12-31	0.08 CFS

PLACE OF USE:	IRRIGATION	Within GOODING County
	T07S R13E S14	NENE 10.0
	10.0 ACRES TOTAL	
	STOCKWATER	Within GOODING County
	T07S R13E S14	NENE
	DOMESTIC	Within GOODING County
	T07S R13E S14	NENE

CONSUMPTIVE USE: 35.0 AFY
~~30.0~~ ~~AFY~~

THE CONSUMPTIVE USE VOLUME REPORTED IS ONLY FOR THE IRRIGATION
 PORTION OF THIS WATER RIGHT.

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF

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

DATE: JUL-16-1996

PAGE: A-2

36-00092 (CONT.)

DIVERSION DESCRIBED ABOVE: 36/00049, 36/00050A, 36/00050C,
36/00050D, 3602169, 36/08294 & 36/10047.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-00049, 36-00050A, 36-00050C,
36-00050D, 3602169, 36-08294 & 36-10047.