

8-16

REPORT SUMMARIZING CONTESTED ELEMENTS OF 24 SUBCASES

In Re SRBA

Twin Falls County Civil Case No. 39576

Subcase Nos.: See Attachment B

36-3 A
eval

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

August 15, 1996

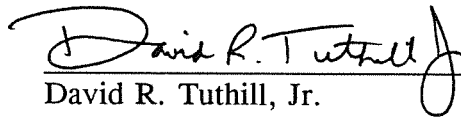
REPORT SUMMARIZING CONTESTED ELEMENTS OF 24 SUBCASES

The Director of the Idaho Department of Water Resources (IDWR) submits this Report in response to the request and pursuant to the Order of the Special Master dated July 25, 1996. This report summarizes contested elements in the 24 subcases for which a hearing on the claimants' Motion for Summary Judgment was held July 9, 1996. This report was prepared under the supervision of Karl J. Dreher, Director, and David R. Tuthill Jr., Acting Adjudication Bureau Chief for IDWR.

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.

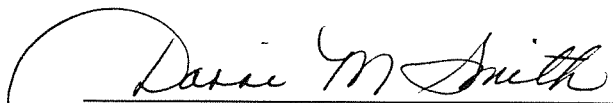
SUBSCRIBED AND SWORN to before me this 14th day of August, 1996.


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of August, 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

ATTACHMENT A REPORT SUMMARIZING CONTESTED ELEMENTS OF 24 SUBCASES

Right No.		Quantity	Nature of Use	Place of Use	Consumptive Use	Season of Use	Remarks
36-00003A	Decree	20.0 cfs (a)					
	Claim	1.60 cfs	Irr./SW	13 Acres	39 AFA	3-15 to 11-15	
	Report	.41 cfs	Irr./SW	13 Acres	39 AFA	3-15 to 11-15	Conveyance Loss & Ditch Name
	Objection	No Amount Stated	Add Dom.	Uncontested	No Amount Stated	1-1 to 12-31	Delete Conveyance Loss
	Sum. Jdgmt	1.60 cfs	(c)	13 Acres	58.5 AFA (48.75) (d)	Irr. Season/1-1 to 12-31 (e)	Delete Both Remarks
	Supp. Report	.45 cfs	Irr./SW	13 Acres	45.5 AFA	Irr. Season/1-1 to 12-31 (f)	Delete Both Remarks (k)
36-00003C	Decree	20.0 cfs (a)					
	Claim	.30 cfs	Irr.	10 Acres	30 AFA	3-15 to 11-15	
	Report	.30 cfs	Irr.	10 Acres	30 AFA	3-15 to 11-15	Conveyance Loss & Ditch Name
	Objection	No Amount Stated	Uncontested	Uncontested	No Amount Stated	1-1 to 12-31	Delete Conveyance Loss
	Sum. Jdgmt	.30 cfs	(c)	Uncontested	45 AFA (37.5) (d)	Irr. Season/1-1 to 12-31 (e)	Delete Both Remarks
	Supp. Report	.30 cfs	Irr.	10 Acres	35.0 AFA	Irr. Season	Delete Both Remarks
36-00003E	Decree	20.0 cfs (a)					
	Claim	.20 cfs	Irr.	10 Acres	30 AFA	3-15 to 11-15	
	Report	.20 cfs	Irr.	5 Acres	15 AFA	3-15 to 11-15	Ditch Name, Field Headgate Reqmt.
	Objection	No Amount Stated	Irr./SW/Dom	10 Acres	No Amount Stated	1-1 to 12-31	Delete Headgate Reqmt.
	Sum. Jdgmt	.20 cfs	(c)	10 Acres	45 AFA (37.5) (d)	Irr. Season/1-1 to 12-31 (e)	Delete Both Remarks
	Supp. Report	.20 cfs	Irr.	5 Acres	17.5 AFA	Irr. Season	Delete Both Remarks
36-00003F	Decree	20.0 cfs (a)					
	Claim	.80 cfs	Irr.	40 Acres	120 AFA	3-15 to 11/15	
	Report	.80 cfs	Irr.	40 Acres	120 AFA	3-15 to 11-15	Ditch Name
	Objection	No Amount Stated	Uncontested	Uncontested	No Amount Stated	1-1 to 12-31	No Objection
	Sum. Jdgmt	.80 cfs	(c)	Omits Acres	180 AFA (150) (d)	Irr. Season/1-1 to 12-31	Delete
	Supp. Report	.80 cfs	Irr.	40.0 Acres	140.0 AFA	Irr. Season	Delete
-00034B	Decree	1.50 cfs (a)					
	Claim	.02 cfs	Irr.	1.0 Acre	3.0 AFA	3-15 to 11-15	
	Report	.02 cfs	Irr.	1.0 Acre	3.0 AFA	3-15 to 11-15	Ditch Name
	Objection	No Amount Stated	Uncontested	Uncontested	No Amount Stated	1-1 to 12-31	No Objection
	Sum. Jdgmt	.02 cfs	Uncontested	Uncontested	4.5 AFA (3.75) (d)	Irr. Season	Delete
	Supp. Report	.02 cfs	Irr.	1.0 Acre	3.5 AFA	Irr. Season	Delete

ATTACHMENT A REPORT SUMMARIZING CONTESTED ELEMENTS OF 24 SUBCASES

Right No.		Quantity	Nature of Use	Place of Use	Consumptive Use	Season of Use	Remarks
36-00035J (g)	Decree	1.60 cfs (a)					
	Claim	.40 cfs	Irr.	38.0 Acres	114.0 AFA	3-15 to 11-15	
	Report	.40 cfs	Irr.	9.0 Acres	27.0 AFA	3-5 to 11-15	Ditch Name; Field Hdgate Reqmt; Conv. Loss
	Objection	No Amount Stated	As in Claim	No Amount Stated	No Amount Stated	As decreed	Delete Hdgate Reqmt.; Conveyance Loss
	Sum. Jdgmt	.40 cfs	(c)	12.0 Acres	54.0 AFA (45.0) (d)	Irr. Season/1-1 to 12-31 (e)	Delete All
	Supp. Report	.40 cfs	Irr.	9.0 Acres	31.5 AFA	Irr. Season	Delete All
36-00039C	Decree	2.4 cfs (a)					
	Claim	.28 cfs	Irr.	2.0 Acres	6.0 AFA	3-15 to 11-15	
	Report	.06 cfs	Irr.	2.0 Acres	6.0 AFA	3-15 to 11-15	Ditch Name; Lot Numbers
	Objection	.28 cfs	Irr./SW/Dom	Uncontested	No Amount Stated	1-1 to 12-31	No Objection
	Sum. Jdgmt	.28 cfs	(h)	Uncontested	9.0 AFA (7.5) (d)	Irr. Season/1-1 to 12-31 (e)	Delete All
	Supp. Report	.06 cfs	Irr.	2.0 Acres	7.0 AFA	Irr. Season	Delete Both
36-00039E	Decree	2.4 cfs (a)					
	Claim	.04 cfs	Irr.	1.0 Acre	Not claimed	3-15 to 11-15	
	Report	.03 cfs	Irr.	1.0 Acre	3.0 AFA	3-15 to 11-15	Ditch Name; Lot Numbers
	Objection	2.0/decree	Uncontested	1.25 Acre	No Amount Stated	1-1 to 12-31	No Objection
	Sum. Jdgmt	.04 cfs	(h)	1.25 Acre	5.64 AFA (4.69) (d)	Irr. Season/1-1 to 12-31 (e) **	Delete Both
	Supp. Report	.03 cfs	Irr.	1.0 Acre	3.5 AFA	Irr. Season	Delete Both
36-00039J	Decree	2.4 cfs (a)					
	Claim	.28 cfs	Irr./SW/Aesth.	2.0 Acres	6.0 AFA	2-15 to 12-31 Irr	
	Report	.04 cfs	Domestic	Domestic	-0-	1-1 to 12-31 dom	Ditch Name; Lot Nos.; Domestic Use
	Objection	No Amount Stated	Irr./SW/Aesth.	2.0 Acres	No Amount Stated	1-1 to 12-31	Delete Lot Nos.; Domestic Use
	Sum. Jdgmt	.28 cfs	(h)	2.0 Acres	9.0 AFA (7.50) (d)	Irr. Season/1-1 to 12-31 (e)	Delete All
	Supp. Report	.06 cfs	Irr.	2.0 Acres	7.0 AFA	Irr. Season	Delete All
36-00039N	Decree	2.4 cfs (a)					
	Claim	.12 cfs	Irr./SW/Aesth.	1.0 Acre	-0-	3-15 to 11-15 Irr	
	Report	.04 cfs	Domestic	Domestic	-0-	1-1 to 12-31 Dom	
	Objection	No Amount Stated	Irr./SW/Aesth.	1.0 Acre	No Amount Stated	1-1 to 12-31	
	Sum. Jdgmt	.12 cfs	(c)	1.0 Acre	4.5 AFA (3.75) (d)	Irr. Season/1-1 to 12-31 (e)	
	Supp. Report	Disallowed					

ATTACHMENT A REPORT SUMMARIZING CONTESTED ELEMENTS OF 24 SUBCASES

Right No.		Quantity	Nature of Use	Place of Use	Consumptive Use	Season of Use	Remarks
36-00047	Decree	1.60 cfs (a)					
	Claim	1.60 cfs	Irr.	30 Acres	90 AFA	3-15 to 11-15	
	Report	.60 cfs	Irr.	30 Acres	90 AFA	3-15 to 11-15	
	Objection	1.60 cfs	Irr/SW	Uncontested	No Amount Stated	1-1 to 12-31	
	Sum. Jdgmt	1.60 cfs	(c)	39.8 Acres	179.1 AFA (149.25) (d)	Irr. Season/1-1 to 12-31 (e)	
	Supp. Report	.60 cfs	Irr.	30.0 Acres	105 AFA	Irr. Season	
36-00061	Decree	2.22 cfs					
	Claim	2.22 cfs	Irr/SW/Dom	125 Acres	375 AFA	3-15 to 11-15	
	Report	2.22 cfs	Irr/SW/Dom	121 Acres	363 AFA	3-15 to 11-15	Ditch Name, SW Measurement; Combined Use
	Objection	No Amount Stated	Uncontested	125 Acres	No Amount Stated	1-1 to 12-31	Delete All But Ditch Name
	Sum. Jdgmt	2.22 cfs	(h)	125 Acres	562.5 AFA (468.75) (d)	Irr. Season/1-1 to 12-31 (e)	Delete All
	Supp. Report	2.22 cfs	Irr/SW/Dom	121 Acres	423.5 AFA (b)	Irr Season/1-1 to 12-31 (f)	Include Combined Use (l)
36-00062	Decree	.28 cfs					
	Claim	.28 cfs	Irr/dom/SW	125 Acres	375 AFA	3-15 to 11-15 Irr	
	Report	.20 cfs	Irr.	121 Acres	363 AFA	3-15 to 11-15	Ditch Name, Combined Use
	Objection	.28 cfs	Irr/Dom/SW	125 Acres	No Amount Stated	1-1 to 12-31	Delete Combined Use
	Sum. Jdgmt	.28 cfs	(h)	125 Acres	562.5 AFA (468.75) (d)	Irr Season/1-1 to 12-31 (e)	Delete All
	Supp. Report	.20 cfs	Irr.	121 Acres	423.5 AFA (b)	Irr. Season	Include Combined Use
36-00063	Decree	.8 cfs					
	Claim	.8 cfs	Irr/SW/Dom	125 Acres	375 AFA	3-15 to 11-15 Irr	
	Report	Disallowed					
	Objection	.8 cfs	Irr/SW/Dom	125 Acres	No Amount Stated	1-1 to 12-31	
	Sum. Jdgmt.	.8 cfs	(h)	125 Acres	562.5 AFA (468.75) (d)	Irr Season/1-1 to 12-31 (e)	
	Supp. Report	Disallowed					
-00064B	Decree	5.6 cfs (a)					
	Claim	4.52 cfs	Irr.	51 Acres	153 AFA		
	Report	.72 cfs	Irr.	19 Acres	57 AFA	3-15 to 11-15	Ditch Name;Field Headgate Reqmt ;Conv. Loss
	Objection	No Amount Stated	Uncontested	50 Acres	No Amount Stated	Uncontested	Delete Field Headgate Reqmt; Conv. Loss
	Sum. Jdgmt	4.52 cfs	(c)	51 Acres	229.5 AFA (191.25) (d)	Irr Season/1-1 to 12-31 (e)	Delete All
	Supp. Report	.72 cfs	Irr.	19 Acres	66.5 AFA	Irr. Season	Delete All

ATTACHMENT A REPORT SUMMARIZING CONTESTED ELEMENTS OF 24 SUBCASES

Right No.		Quantity	Nature of Use	Place of Use	Consumptive Use	Season of Use	Remarks
36-00079	Decree	1.4 cfs					
	Claim	1.4 cfs	Irr./SW	20 Acres	No Amount Stated	1-1 to 12-31	
	Report	.27 cfs	Irr./SW	13 Acres	39.0 AFA	3-15 to 11-15	Ditch Name; Conveyance Loss
	Objection	1.4 cfs	Uncontested	20 Acres	No Stated Amount	1-1 to 12-31	Delete Conveyance Loss
	Sum. Jdgmt	1.4 cfs	(c)	20 Acres	90 AFA (75) (d)	Irr. Season/1-1 to 12-31 (e)	Delete All
	Supp. Report	.35 cfs	Irr./SW	13 Acres	45.5 AFA	Irr. Season/1-1 to 12-31 (f)	Delete All (k)
36-00085A	Decree	1.2 cfs (a)					
	Claim	.20 cfs	Irr.	4.3 Acres	No Amount Stated	3-15 to 11-15	
	Report	.15 cfs	Irr.	4.3 Acres	12.9 AFA	3-15 to 11-15	D. Name; Conv. Loss; Fid Hdgle Reqmt; Lot Nos.
	Objection	No Amount Stated	As Claimed	Uncontested	No Amount Stated	Not Stated	Delete All But Ditch Name
	Sum. Jdgmt	.20 cfs	(c)	Uncontested	19.35 AFA (16.13) (d)	Irr. Season/1-1 to 12-31 (e)	Delete All
	Supp. Report	.15 cfs	Irr.	4.3 Acres	15.1 AFA	Irr. Season	Delete All
36-00086C	Decree	2.0 cfs (a)					
	Claim	1.60 cfs	Irr./Dom	39.0 Acres	117.0 AFA	3-15 to 11-15 Irr	
	Report	.82 cfs	Irr./Dom	39.0 Acres	117.0 AFA	3-15 to 11-15 Irr	
	Objection	1.60 cfs	Irr/Dom/SW	Uncontested	No Amount Stated	1-1 to 12-31	
	Sum. Jdgmt	1.60 cfs	(h)	Uncontested	175.5 AFA (146.25) (d)	Irr. Season/1-1 to 12-31 (e)	
	Supp. Report	.82 cfs	Irr./Dom	39.0 Acres	136.5 AFA	Irr. Season/1-1 to 12-31 (f)	(i)
36-00092	Decree	.60 cfs					
	Claim	.60 cfs	Irr/Dom/SW	16 Acres	48 AFA	3-15 to 11-15	
	Report	.20 cfs	Irr/Dom/SW	10 Acres	30 AFA	3-15 to 11-15	Other Rights at POD
	Objection	.60 cfs	Uncontested	Uncontested	No Amount Stated	1-1 to 12-31	No Objection
	Sum. Jdgmt	.60 cfs	(h)	15.45 Acres	69.53 AFA (57.94) (d)	Irr. Season/1-1 to 12-31 (e)	Delete
	Supp. Report	.28 cfs	Irr/SW/Dom	10 Acres	35 AFA	Irr. Season/1-1 to 12-31 (f)	Delete (k)
-00103F	Decree	1.0 cfs					
	Claim	.02 cfs	Domestic	Domestic	3.0 AFA	3-15 to 11-15	Ditch Name
	Report	.02 cfs	Domestic	Domestic	Domestic	3-15 to 11-15	No Objection
	Objection	No Amount Stated	Uncontested	Uncontested	No Amount Stated	1-1 to 12-31	Delete
	Sum. Jdgmt	.02 cfs	(h)	.69 Acres	3.105 AFA (2.59) (d)	Irr. Season/1-1 to 12-31 (e)]	Delete
	Supp. Report	.02 cfs	Domestic	Domestic	Domestic	Irr. Season	Delete

ATTACHMENT A REPORT SUMMARIZING CONTESTED ELEMENTS OF 24 SUBCASES

Right No.		Quantity	Nature of Use	Place of Use	Consumptive Use	Season of Use	Remarks
36-00106	Decree	2.0 cfs					
	Claim	2.0 cfs	Irr.	30 Acres	90 AFA	3-15 to 11-15	
	Report	.44 cfs	Irr.	10 Acres	30 AFA	3-15 to 11-15	Ditch Name, Conveyance Loss
	Objection	3.0 cfs	Irr/SW/Dom/Ae	Uncontested	No Amount Stated	1-1 to 12-31	Delete Conveyance Loss
	Sum. Jdgmt	2.0 cfs	(f)	30 Acres	135 AFA (112.50) (d)	Irr Season/1-1 to 12-31 (e)	Delete All
	Supp. Report	.50 cfs	Irr.	10 Acres	35 AFA	Irr Season/1-1 to 12-31 (f)	Delete All
36-00108B	Decree	5.4 cfs (a)					
	Claim	1.0 cfs	Irr.	20 Acres	180 AFA	4-1 to 11-1	
	Report	.51 cfs	Irr.	11 Acres	33 AFA	3-15 to 11-15	Ditch Name, Field Headgate Reqmt., Conv Loss
	Objection	No Amount Stated	Irr./SW	Uncontested	No Amount Stated	1-1 to 12-31	Delete Field Headgate Reqmt, Conv. Loss
	Sum. Jdgmt	1.0 cfs	(c)	14 Acres	63.0 AFA (52.5) (d)	Irr Season/1-1 to 12-31 (e)	Delete All
	Supp. Report	.31 cfs	Irr.	11 Acres	38.5 AFA	Irr. Season	Delete All
36-10283B	Decree	7.5 cfs (a)					
	Claim	.30 cfs	Irr./SW	11.5 Acres	34.5 AFA	3-15 to 11-15 Irr	
	Report	.29 cfs	Irr./SW	5 Acres	15 AFA	3-15 to 11-15 Irr	D. Name, Field Hdgle Reqmt, Conv. Loss, Old Rts.
	Objection	No Amount Stated	Not Stated	Uncontested	No Amount Stated	1-1 to 12-31	Not Stated
	Sum. Jdgmt	.30 cfs	(c)	11.5 Acres	51.75 AFA 43.125) (d)	Irr. Season/1-1 to 12-31 (e)	Delete All
	Supp. Report	.22 cfs	Irr./SW	5 Acres	17.5 AFA	Irr. Season/1-1 to 12-31 (f)	Delete All (k)
36-10409	Decree	.50 cfs					
	Claim	.04 cfs	Domestic	Domestic	-0-	1-1 to 12-31	
	Report	Disallowed					
	Objection	No Amount Stated	Irr./Dom	No Amount Stated	No Amount Stated	1-1 to 12-31	
	Sum. Jdgmt	.04 cfs	Irr./Dom	37 Acres	1.67 AFA (1.4) (d)	Irr Season	
	Supp. Report	Domestic	Domestic	Domestic	-0-		

REPORT SUMMARIZING CONTESTED ELEMENTS OF 24 SUBCASES

- (a) This water right is split from the original decreed right. The quantity reported here is the amount decreed to the original right.
- (b) Rights Nos. 36-00061 and 36-00062 have a total combined consumptive use volume of 423.5 AFA.
- (c) Claimant's motion for summary judgment seeks irrigation, stockwater, wildlife, recreation, aesthetics and "diversion system maintenance" as purpose of use.
- (d) Claimant erred in calculating consumptive use. Original amount in motion for summary judgment was based on 4.5 AFA. Amount in parentheses is based on 3.75 AFA.
- (e) Claimant's motion for summary judgment seeks the irrigation season as the period of year for which water is used for irrigation. For all other purposes claimant seeks the entire year as the period of year for which water is used.
- (f) In its Supplemental Report, IDWR recommends the irrigation season as the period of year for which water is used for irrigation. For other purposes of use recommended, IDWR recommends a year 'round season of use.
- (g) Priority date is contested. Priority date sought in Notice of Claim is 03/30/1884, priority date recommended is 09/10/1884; objection and motion for summary judgment sought a priority date of 03/30/1884.
- (h) Claimant's motion for summary judgment seeks irrigation, stockwater, wildlife, recreation, aesthetics, domestic and "diversion system maintenance" as purpose of use.
- (i) Claimant's motion for summary judgment seeks irrigation, stockwater, wildlife, recreation, aesthetics, domestic, power and "diversion system maintenance" as purpose of use.
- (k) But note language recommended for quantity for stockwater and consumptive use.
- (l) But note language recommended for consumptive use.

ATTACHMENT B

36-00003A
36-00003C
36-00003E
36-00003F
36-00034B
36-00035J
36-00039C
36-00039E
36-00039J
36-00039N
36-00047
36-00061
36-00062
36-00063
36-00064B
36-00079
36-00085A
36-00086C
36-00092
36-00103F
36-00106
36-00108B
36-10283B
36-10409