

AMENDED DIRECTOR'S REPORT

**Water Right Nos. 63-00174, 63-00175 (Split into 63-33902 and 63-33903),
63-00201, 63-05179, 63-33855 & 63-33856**

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

April 16, 2014

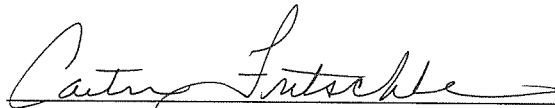
DESCRIPTIVE SUMMARY

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

DISCUSSION

Pursuant to the *Order Granting Motions to File Amended Notices of Claim; Order Requesting Amended Director's Reports; Order Vacating and Resetting Trial* issued by the Special Master Booth on April 15, 2014, the Director submits for filing with the Court an Amended Director's Report for the aforementioned subcases (see attached print-out).

Respectfully submitted this 16th day of April, 2014.



CARTER FRITSCHLE
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on APRIL 17, 2014, 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:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

☐ Overnight Mail
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CLIVE STRONG
CHIEF, DIVISION OF NATURAL RES
OFFICE OF THE ATTORNEY GENERAL
PO BOX 44449
BOISE ID 83711-4449

☐ Overnight Mail
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CANYON COUNTY COURTHOUSE
1115 ALBANY STREET
CALDWELL, ID 83605

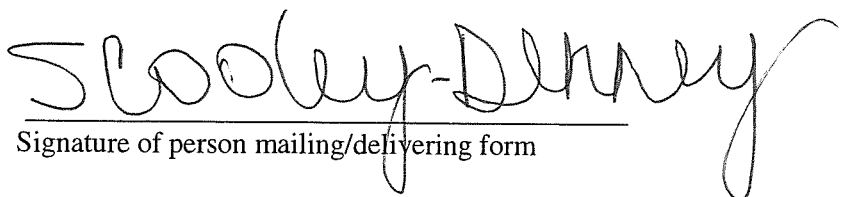
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ESTATE OF TINA IEST
THE TINA IEST FAMILY LLLP
Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
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IDWR DOCUMENT REPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

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Signature of person mailing/delivering form

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

RIGHT NUMBER: 63-174

NAME AND ADDRESS: THE TINA IEST FAMILY LLLP
C/O HELEN TIDWELL
5700 S LINDER RD
MERIDIAN ID 83642

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.800 CFS

Right Nos. 63-174, 63-175 and 63-5181 are limited to a total combined diversion rate of 15.28 cfs. 4.36 cfs of the total combined diversion rate is for conveyance losses incurred between the point of diversion and the place of use.

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1869

POINT OF

DIVERSION: T05N R05W S36 NENW Lot 3 Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	1.800 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S25 Lot 7 NWNW	1.00	T05N R05W S25 Lot 7 SWNW	14.00
T05N R05W S25 Lot 8 NWSW	15.00	T05N R05W S26 NENE	1.00
T05N R05W S26 Lot 8 SWNE	22.00	T05N R05W S26 Lot 9 SENE	30.00
T05N R05W S26 Lot 3 SENW	15.00	T05N R05W S26 Lot 7 NESW	4.00
T05N R05W S26 NESE	25.00	T05N R05W S26 NWSE	38.00
T05N R05W S26 SWSE	6.00	T05N R05W S26 SESE	11.00

182 ACRES TOTAL

Right Nos. 63-174, 63-175 and 63-5181 are limited to the irrigation of a combined total of 182 acres in a single irrigation season.

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.

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

Right Nos. 63-175 and 63-5181 are also diverted through point of diversion described above.

This right originated as all or part of right no. 41 in the Stewart Decree and the historic Boise River Water Masters records.

04/14/2014

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

RIGHT NUMBER: 63-175
NAME AND ADDRESS: THE TINA IEST FAMILY LLLP
C/O HELEN TIDWELL
5700 S LINDER RD
MERIDIAN ID 83642

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 4.200 CFS

Right Nos. 63-174, 63-175 and 63-5181 are limited to a total combined diversion rate of 15.28 cfs. 4.36 cfs of the total combined diversion rate is for conveyance losses incurred between the point of diversion and the place of use.

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1878

POINT OF DIVERSION: T05N R05W S36 NENW Lot 3 Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	4.200 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S25 Lot 7 NWNW	1.00	T05N R05W S25 Lot 7 SWNW	14.00
T05N R05W S25 Lot 8 NWSW	15.00	T05N R05W S26 NENE	1.00
T05N R05W S26 Lot 8 SWNE	22.00	T05N R05W S26 Lot 9 SENE	30.00
T05N R05W S26 Lot 3 SENW	15.00	T05N R05W S26 Lot 7 NESW	4.00
T05N R05W S26 NESE	25.00	T05N R05W S26 NWSE	38.00
T05N R05W S26 SWSE	6.00	T05N R05W S26 SESE	11.00

182 ACRES TOTAL

Right Nos. 63-174, 63-175 and 63-5181 are limited to the irrigation of a combined total of 182 acres in a single irrigation season.

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 place of use pursuant to Section 42-1425, Idaho Code.

This right originated as all or part of right no. 68 in the Stewart Decree and the historic Boise River Water Masters records.

Right Nos. 63-174 and 63-5181 are also diverted through point of diversion described above.

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

RIGHT NUMBER: 63-201

NAME AND ADDRESS: ESTATE OF TINA IEST
C/O HELEN TIDWELL
5700 S LINDER RD
MERIDIAN ID 83642

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.360 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

Right Nos. 63-201, 63-5179 and 63-33855 are limited to a total combined diversion rate of 14.05 cfs. 4.39 cfs of the total combined diversion rate is for conveyance losses incurred between the point of diversion and the place of use.

PRIORITY DATE: 06/01/1878

POINT OF

DIVERSION: T05N R05W S26 SWSE Within CANYON County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.360 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S26 Lot 5 SWNW	8.00	T05N R05W S26 Lot 7 NESW	7.00
T05N R05W S26 Lot 6 NWSW	32.00	T05N R05W S26 SWSW	24.00
T05N R05W S26 SESW	31.00	T05N R05W S26 SWSE	5.00
T05N R05W S27 Lot 1 NENE	10.00	T05N R05W S27 Lot 2 NWNE	5.00
T05N R05W S27 Lot 1 SENE	39.00		

161 ACRES TOTAL

Right Nos. 63-201, 63-5179 and 63-33855 are limited to the irrigation of a combined total of 161 acres in a single irrigation season.

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 place of use pursuant to Section 42-1425, Idaho Code.

This right originated as all or part of right no. 69 in the Stewart Decree and the historic Boise River Water Masters records.

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: 63-5179

NAME AND ADDRESS: ESTATE OF TINA IEST
C/O HELEN TIDWELL
5700 S LINDER RD
MERIDIAN ID 83642

SOURCE: DIXIE SLOUGH

TRIBUTARY: BOISE RIVER

QUANTITY: 14.050 CFS

Right Nos. 63-201, 63-5179 and 63-33855 are limited to a total combined diversion rate of 14.05 cfs. 4.39 cfs of the total combined diversion rate is for conveyance losses incurred between the point of diversion and the place of use.

PRIORITY DATE: 04/01/1946

POINT OF

DIVERSION: T05N R05W S36 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/01 11/15	14.050 CFS
PLACE OF USE:	<u>IRRIGATION in CANYON County</u>		
	T05N R05W S26 Lot 5 SWNW 8.00	T05N R05W S26 Lot 7 NESW	7.00
	T05N R05W S26 Lot 6 NWSW 32.00	T05N R05W S26 SWSW	24.00
	T05N R05W S26 SESE 31.00	T05N R05W S26 SWSE	5.00
	T05N R05W S27 Lot 1 NENE 10.00	T05N R05W S27 Lot 2 NWNE	5.00
	T05N R05W S27 Lot 1 SENE 39.00		

161 ACRES TOTAL

Right Nos. 63-201, 63-5179 and 63-33855 are limited to the irrigation of a combined total of 161 acres in a single irrigation season.

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

The source of this water right may include waste water. Any waste water remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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 - Beneficial Use

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

RIGHT NUMBER: 63-5181

NAME AND ADDRESS: THE TINA IEST FAMILY LLLP
C/O HELEN TIDWELL
5700 S LINDER RD
MERIDIAN ID 83642

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 11.360 CFS

Right Nos. 63-174, 63-175 and 63-5181 are limited to a total combined diversion rate of 15.28 cfs. 4.36 cfs of the total combined diversion rate is for conveyance losses incurred between the point of diversion and the place of use.

PRIORITY DATE: 04/01/1946

POINT OF

DIVERSION: T05N R05W S36 NENW Lot 3 Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

11.360 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S25 Lot 6 NWNW	1.00	T05N R05W S25 Lot 7 SWNW	14.00
T05N R05W S25 Lot 8 NWSW	15.00	T05N R05W S26 NENE	1.00
T05N R05W S26 Lot 8 SWNE	22.00	T05N R05W S26 Lot 9 SENE	30.00
T05N R05W S26 Lot 3 SENW	15.00	T05N R05W S26 Lot 7 NESW	4.00
T05N R05W S26 NESE	25.00	T05N R05W S26 NWSE	38.00
T05N R05W S26 SWSE	6.00	T05N R05W S26 SESE	11.00

182 ACRES TOTAL

Right Nos. 63-174, 63-175 and 63-5181 are limited to the irrigation of a combined total of 182 acres in a single irrigation season.

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 - Beneficial Use

Right Nos. 63-174 and 63-175 are also diverted through point of diversion described above.

04/14/2014

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
63-5182	THE TINA IEST FAMILY LLLP C/O HELEN TIDWELL 5700 S LINDER RD MERIDIAN ID 83642	Disallowed	No beneficial use found.

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

RIGHT NUMBER: 63-33855

NAME AND ADDRESS: THE TINA IEST FAMILY LLLP
C/O HELEN TIDWELL
5700 S LINDER RD
MERIDIAN ID 83642

SOURCE: MAMMON GULCH CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 3.360 CFS

Right Nos. 63-201, 63-5179 and 63-33855 are limited to a total combined diversion rate of 14.05 cfs. 4.39 cfs of the total combined diversion rate is for conveyance losses incurred between the point of diversion and the place of use.

PRIORITY DATE: 04/01/1946

POINT OF

DIVERSION: T05N R05W S27 NESE Within CANYON County

PURPOSE AND

PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/01 11/15	3.360 CFS
PLACE OF USE:	<u>IRRIGATION in CANYON County</u>		
	T05N R05W S26 Lot 5 SWNW 8.00	T05N R05W S27 Lot 1 NENE	10.00
	T05N R05W S27 Lot 2 NWNE 5.00	T05N R05W S27 Lot 1 SENE	39.00

62 ACRES TOTAL

Right Nos. 63-201, 63-5179 and 63-33855 are limited to the irrigation of a combined total of 161 acres in a single irrigation season.

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 source of this water right may include waste water. Any waste water remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

04/14/2014

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
63-33856	THE TINA IEST FAMILY LLLP C/O HELEN TIDWELL 5700 S LINDER RD MERIDIAN ID 83642	Disallowed	No beneficial use found.

04/14/2014

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
63-33902	THE TINA IEST FAMILY LLLP C/O HELEN TIDWELL 5700 S LINDER RD MERIDIAN ID 83642	Disallowed	Recombined and recommended as Right No. 63-175.

04/14/2014

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
63-33903	THE TINA IEST FAMILY LLLP C/O HELEN TIDWELL 5700 S LINDER RD MERIDIAN ID 83642	Disallowed	Recombined and recommended as Right No. 63-175.