

DIRECTOR'S REPORT

Water Right No. 37-20432

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 30, 2015

DESCRIPTIVE SUMMARY

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

DISCUSSION

Pursuant to the *Order for Expedited Director's Report and Setting Forth Procedures and Deadlines for Expedited Process* issued by Judge Eric J. Wildman on August 18, 2015 (see attached), the Director submits this Director's Report for water right 37-20432.

Respectfully submitted this 30th day of September, 2015.



CARTER FRITSCHLE

Manager, Adjudication Section

09/08/2015

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

RIGHT NUMBER: 37-20432
NAME AND ADDRESS: WALKER MONROE
101 W CHANNEL LN
HAILEY ID 83333
SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.020 CFS
Right Nos. 37-20432, 37-20434 and 37-20436 are limited to a total combined diversion rate of 0.06 cfs.
Right Nos. 37-20432, 37-20434 and 37-20436 are limited to a total combined annual diversion volume of 3.5 AF at the field headgate.

PRIORITY DATE: 05/04/1889
POINT OF
DIVERSION: T03N R18E S7 NESE Within BLAINE County
PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.020 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T03N R18E S07	NESE 1.00	
	1 ACRES TOTAL		

Right Nos. 37-20432, 37-20434 and 37-20436 are limited to the irrigation of a combined total of 1.0 acre 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

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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. 37.

The right holder shall accomplish the change authorized by transfer 69308 by June 23, 2006.

Failure of the right holder to comply with the conditions of transfer 69308 is cause for the Director to rescind approval of the transfer.

Property is also known as Lot 4, Little Macakawao Subdivision.

CERTIFICATE OF SERVICE

I certify that on Sept. 30th, 2015, I caused to be served a true and correct copy of the Director's Report, Water Right No. 37-20432 to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☒ E-mail

2. Copies to:

Chief, Natural Resources Div.
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

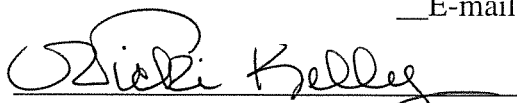
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

Walker Monroe
P.O. Box 6543
Ketchum, ID 83340

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

Blaine County Courthouse
201 2nd Ave S., Ste 110
Hailey, ID 83333

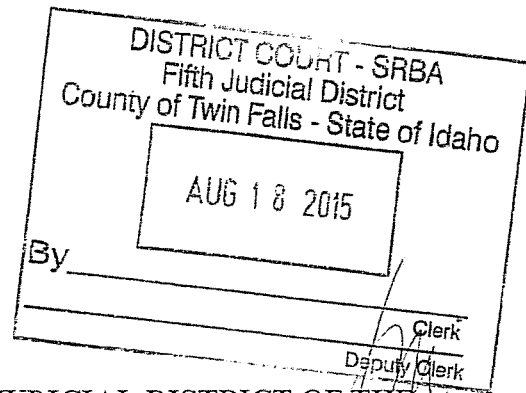
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☐ E-mail


Signature of person mailing the form

RECEIVED

AUG 19 2015

DEPARTMENT OF
WATER RESOURCES



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Water Right No.: 37-20432
)
) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
)
) ORDER FOR EXPEDITED DIRECTOR'S
) REPORT AND SETTING FORTH
) PROCEDURES AND DEADLINES FOR
) EXPEDITED PROCESS
)
)

On May 12, 2015, Walker Monroe ("Monroe") filed a *Motion to File Late Notice of Claim* in the above-captioned subcase. A hearing on the *Motion* was held on August 18, 2015. No one appeared in opposition to the *Motion*. Following a review of the file and after hearing the comments made in open court, the Court found that Monroe had set forth sufficient grounds to set aside this Court's *Order* closing Basin 37 generally to the filing of late claims pursuant to Idaho Rule of Civil Procedure 60(b)(6).¹ Further that the *Motion* meets the good cause standard set forth in Idaho Rule of Civil Procedure 55(c). The justifications and rationale supporting the Court's holding were orally set forth on the record at the August 18, 2015, hearing. It was represented to the Court by the Idaho Department of Water Resources ("Department") that if the *Motion* was granted, the Department would prepare a *Director's Report* and submit it to the Court. The Department further represented that the *Director's Report* would be a candidate to be prepared and submitted on an expedited basis.

Accordingly, following a review of the file and after hearing the comments made in open court, the Court makes the following findings:

¹ *Order Closing Claims Taking Basins 01, 02, 03, 31, 34, 35, 36, 37, 41, 45, 47, and 63, and Disallowal of Unclaimed Water Rights*, SRBA main case no. 39576, SRBA subcase no. 00-92099 (Feb. 13, 2013).

1. The *Motion* complies with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to the *Motion*.
2. In limited circumstances it is preferable to have a *Director's Report* for certain claims individually prepared and filed. This is on a case-by-case basis and provided the Department does not oppose preparing and filing an expedited *Director's Report*.
3. In this case the Department does not oppose preparing and filing an expedited *Director's Report*, given that the final regularly scheduled SRBA director's report was filed December 31, 2013. The Department represented that it would be able to prepare the expedited *Director's Reports* in a short time period.
4. This Court therefore finds that under the circumstances the issuance of expedited *Director's Reports* is appropriate.

THEREFORE, IT IS HEREBY ORDERED that the *Motion to File Late Notice of Claim* is hereby granted.

IT IS HEREBY FURTHER ORDERED that the Director issue an expedited *Director's Report* for the above-captioned water right claim, and that the parties abide by the following schedule with respect to the claim:

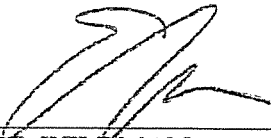
1. Deadline for filing *Director's Reports*: The Director shall file an original of the *Director's Report* for the above-captioned water right claim with this Court on or before **September 30, 2015**, and shall distribute for display and review at least one (1) copy of the *Director's Report* to the office of the clerk of the district court for each county in which any part of the water system is located, together with a copy of this *Order*. The Director shall also serve on each claimant or the claimant's attorney a notice of filing of the *Director's Report*. Last, the Director shall file with the Court an affidavit demonstrating compliance with the notice requirements of Idaho Code § 42-1411(6).
2. Deadline for the filing of objections to *Director's Report*: Any party wishing to file an objection to the *Director's Reports* may do so on or before **October 30, 2015**.
3. Deadline for the filing of responses to objections to *Amended Director's Reports*: Responses to objections to the *Director's Reports* must be filed on or before **November 13, 2015**.

4. Hearing on uncontested claim: In the event no objections are filed, the Court will hold a hearing on the entry of the *Partial Decree* as required by I.C. § 42- 1412(7). **NOTICE IS HEREBY GIVEN** that the hearing will be held on **November 17, 2015, at 1:30 p.m. (Mountain Time)**, at the **Snake River Basin Adjudication District Court, 253 - 3rd Avenue North, Twin Falls, Idaho**. Parties may participate by telephone by dialing the number 1-720-279-0026 and when prompted entering code 786692#.

5. Publication of Notice: The clerk of the court is instructed to publish a notice of the issuance of this order, together with the applicable objection, response deadlines and hearing date, on the September 2015 docket sheet.

IT IS SO ORDERED.

Dated August 18, 2015



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM / ORDER FOR EXPEDITED DIRECTOR'S REPORT was mailed on August 18, 2015, with sufficient first-class postage to the following:

WALKER MONROE
PO BOX 6543
KETCHUM, ID 83340
Phone: 205-788-9408

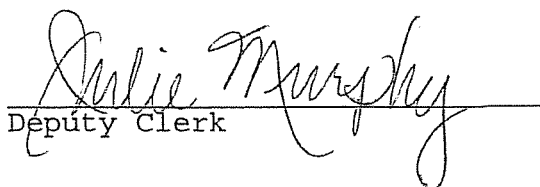
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

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FILE COPY FOR 01914

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and extends slightly above and below the line.

over cc

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-20432
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WALKER MONROE Phone: (208) 788-9409
101 W CHANNEL LN
HAILEY ID 83333

2. Date of Priority: 05/04/1889

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	7	NE SE	BLAINE	

5. Description of diverting works:

pump from minor channel of Big Wood River (Little Macakwao channel)

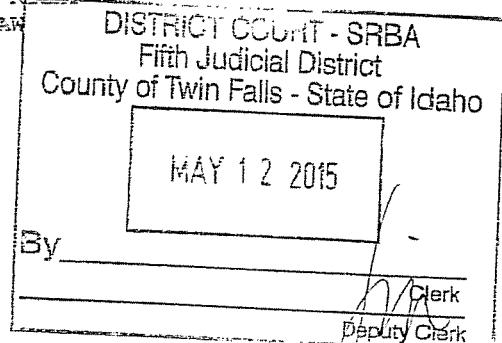
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:



10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
Q3N	18E	7	NE	SE	IRRIGATION	1
Section Acres						1
Total Acres						1

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Rights 37-20432, 37-20434, and 37-20436 when combined shall not exceed a total diversion rate of 0.06 cfs and the irrigation of 1.0 acre.

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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. 37.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Place of use is located within Lot 4, Little Macakawao Subdivision.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed