

AMENDED DIRECTOR'S REPORT

Subcase No. 95-7128

In Re CSRBA

Twin Falls County Civil Case No. 49576

Report to the CSRBA District Court

Prepared by the Idaho Department of Water Resources

Gary Spackman, Director

Carter Fritschle, Manager, Adjudication Section

August 27, 2019

DESCRIPTIVE SUMMARY

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

DISCUSSION

On August 2, 2018, IDWR filed a Director's Report for the Corp of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints Real Estate Services Division's (Church's) Water Right No. 95-7128, for irrigation purposes. No objections or responses have been filed, and the objection and response deadlines have passed.

IDWR has identified an inadvertent error in the Director's Report in the Purpose and Period of Use element for Water Right No. 95-7128. The Director's Report for 95-7128 listed the season of use as 4/1 to 10/1 which is consistent with license 95-7128. Because the licensed season of use is shorter than the standard season of use for the area depicted in the recommendation, a shoulder remark was added to allow the Church to divert water before April 1 and after October 31. The remark should be corrected to allow diversion before April 1 and after **October 1** so long as it does not cause injury to other water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

The Director submits for filing with the Court an Amended Director's Report for the aforementioned subcase (see attached recommendation).


CARTER FRITSCHLE
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on August 27, 2019, I served the original and/or copies of this Amended Director's Report – Water Right No. 95-7128, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, Idaho 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Kootenai County Courthouse
PO Box 9000
Coeur d'Alene, ID 83816-9000

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

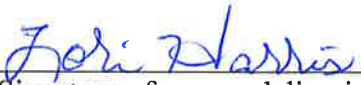
☐ Overnight Mail
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United States of America
Represented by:
US Department of Justice
Environment & Natl' Resources
550 West Fort Street, MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Corp of the Presiding Bishop of the Church
of Jesus Christ of Latter Day Saints Real Estate
Services Division
50 E North Temple St Rm 1205
Salt Lake City, UT 84150-6320

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



Signature of person delivering form

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

RIGHT NUMBER: 95-7128

NAME AND ADDRESS: CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
REAL ESTATE SERVICES DIVISION
50 E NORTH TEMPLE ST RM 1205
SALT LAKE CITY UT 84150-6320

SOURCE: GROUND WATER **TRIBUTARY:**

QUANTITY: 2.090 CFS
493.50 AFY

PRIORITY DATE: 12/16/1970

POINT OF DIVERSION: T51N R04W S3 NESW Within KOOTENAI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04/01 10/01	2.090 CFS 493.50 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 1 ~~October 31~~ under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in KOOTENAI County									
T51N	R04W	S04	SESW	19.00	T51N	R04W	S04	NESE	34.00
T51N	R04W	S04	SWSE	39.00	T51N	R04W	S04	SESE	39.00
T51N	R04W	S04	SWSW	1.00	T51N	R04W	S04	NWSE	9.00

141 ACRES TOTAL

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

The remainder of this right was not claimed in the Coeur d Alene-Spokane River Basin Adjudication.

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 - License

Right No. 95-2178 is also diverted through point of diversion described above.

Parcel Nos. 51N04W037100 for Point of Diversion.
51N04W049200 and 51N04W047100 for Place of Use.

The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.

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

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