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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

Department of Water Resources

FILED

2003 JUL 18 PM 4 09

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

Water Rights: 63-5332, 63-5334

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐

Address change

☐

Substitution of Party

XX IC § 42-222 transfer

XX Point of diversion

XX Place of use

XX Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

XX Other – Source & Tributary; Conditions & Remarks

☐

IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 16, 2003

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 16, 2003, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

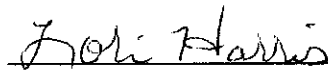
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Osprey Land Co.	☐	overnight mail
737 N. 7 th St.	☒	regular mail
Boise, ID 83702	☐	hand-delivered
	☐	facsimile

Boise Project Board of Control	☐	overnight mail
c/o Albert P. Barker/Amy D. Chestnut	☒	regular mail
P.O. Box 2139	☐	hand-delivered
Boise, ID 83701-2139	☐	facsimile



Signature of person mailing this document

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DISTRICT COURT - SRBA
IDAHO DEPARTMENT OF WATER RESOURCES, RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAWS CO., IDAHO
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2003 JUL 18 PM 4 10

RIGHT NUMBER: 63-5332

NAME AND ADDRESS:

OSPREY LAND CO
737 N 7TH ST
BOISE ID 83702

SOURCE: CORRAL CREEK Tributary: MORES CREEK
MORES CREEK BOISE RIVER

QUANTITY: 0.200 CFS 59.600 AFY

Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Corral Creek. Availability of water from Corral Creek shall be determined based on the lesser of the flow in Corral Creek at the authorized point of diversion or at the mouth of Corral Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 0.20 cfs.

The total diversion of water from Mores Creek under Rights 63-5332 and 63-5334 shall not exceed 1.12 cfs.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The total instantaneous diversion of water from all points of diversion under Rights 63-5332 and 63-5334 shall not exceed 2.14 cfs, nor total combined annual volume of 266.6 af.

PRIORITY DATE: 07/23/1900

POINT OF DIVERSION:

T04N R04E S2 SENE
Within BOISE County
T05N R04E S35 NWESW
Within BOISE County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
IRRIGATION		04/01 11/01	0.100 CFS 45.00 AFY
		03/15 11/15	
STOCKWATER		01/01 12/31	0.100 CFS 14.60 AFY

PLACE OF USE: IRRIGATION within BOISE County

T04N R04E S02 NWNE Lot 2 10.0
T04N R04E S02 SWNE 10.0
T04N R04E S02 SENE 4.0
T04N R04E S02 NENW Lot 3 10.0
T05N R04E S35 NWSW 5.0
T05N R04E S35 SWSW 15.0
T05N R04E S35 SESW 5.0
T05N R04E S35 SWSE 1.0

~~STOCKWATER within BOISE County~~

~~T04N R04E S02 SWNE~~

STOCKWATER Same as IRRIGATION

60 ACRES TOTAL

10 ACRES TOTAL

Use of this right with right no. 63-5334 is limited to the irrigation of a combined total of 56 acres in a single irrigation season.

This right is limited to the irrigation of 10 acres within the place of use described above 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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The right holder shall designate one person who is responsible for monitoring and recording the flow rates measured and diverted from the various sources and points of diversion from the sources described by these water rights. Every year the main address and telephone number of the person responsible for monitoring and recording shall be sent to the Department of Water Resources prior to the irrigation season. Any change in the responsible person must be sent to the department within one week following the change. The notice of the responsible person must also reference the water rights that are being monitored and recorded.

The person in charge of monitoring and recording the diversion of water must submit measurement records for the first two (2) years of water use. Following the first two years of water use, reports need not be submitted to the department unless specifically required by subsequent written request by the department.

Source is also known as Corell Creek.

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. 63.

The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Failure of the right holder to comply with the conditions of Transfer 69538 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. Measuring devices shall also be installed and maintained at a) the mouth of Corral Creek where it discharges into Mores Creek and b) the mouth of Minneha Creek where it discharges into Mores Creek.

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2003 JUL 18 PM 4 10

RIGHT NUMBER: 63-5334

NAME AND ADDRESS:

OSPREY LAND CO
737 N 7TH ST
BOISE ID 83702

SOURCE: MINNEHA CREEK Tributary: MORES CREEK
MORES CREEK BOISE RIVER

QUANTITY: 1.940 CFS 221.600 AFY

Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Minneha Creek. Availability of water from Minneha Creek shall be determined based on the lesser of the flow in Minneha Creek at the authorized point of diversion or at the mouth of Minneha Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 1.94 cfs.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The total instantaneous diversion of water from all points of diversion under Rights 63-5332 and 63-5334 shall not exceed 2.14 cfs, nor total combined annual volume of 266.6 af.

The portion of Right 63-5334 used for conveyance losses limited to diversion from Minneha Creek is 1.02 cfs.

~~THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE. 1.02 CFS OF THE DIVERSION RATE IS FOR CONVEYANCE LOSS.~~

PRIORITY DATE: 08/15/1889

POINT OF DIVERSION:

T05N R04E S35 NWNE
Within BOISE County

T05N R04E S36 NWSE
Within BOISE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	1.940 CFS 207.00 AFY
STOCKWATER	01/01 12/31	0.030 CFS 14.60 AFY

PLACE OF USE:

IRRIGATION within BOISE County

T04N R04E S02 NWNE Lot 2 10.0

T04N R04E S02 SWNE 10.0

T04N R04E S02 SENE 4.0

T04N R04E S02 NENW Lot 3 10.0

T05N R04E S35 NWSW 5.0

~~T05N R04E S35 NWSW 14.0~~

T05N R04E S35 SWSW 15.0

~~T05N R04E S35 SWSW 32.0~~

T05N R04E S35 SESW 5.0

T05N R04E S35 SWSE 1.0

STOCKWATER Same As IRRIGATION

60 ACRES TOTAL

~~46 ACRES TOTAL~~

Use of this right with right no. 63-5332 is limited to the irrigation of a combined total of 56 acres in a single irrigation season.

This right is limited to the irrigation of 46 acres within the place of use described above 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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The right holder shall designate one person who is responsible for monitoring and recording the flow rates measured and diverted from the various sources and points of diversion from the sources described by these water rights. Every year the main address and telephone number of the person responsible for monitoring and recording shall be sent to the Department of Water Resources prior to the irrigation season. Any change in the responsible person must be sent to the department within one week following the change. The notice of the responsible person must also reference the water rights that are being monitored and recorded.

The person in charge of monitoring and recording the diversion of water must submit measurement records for the first two (2) years of water use. Following the first two years of water use, reports need not be submitted to the department unless specifically required by subsequent written request by the department.

Stockwater, 70 range cattle

Source is also known as Minnehaha Creek.

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. 63.

The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Failure of the right holder to comply with the conditions of Transfer 69538 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. Measuring devices shall also be installed and maintained at a) the mouth of Corral Creek where it discharges into Mores Creek and b) the mouth of Minneha Creek where it discharges into Mores Creek.