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DEPARTMENT OF
WATER RESOURCES

JUN 24 PM 10:29
FILED

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 Rights: 65-22775, 65-22776
65-22777, 65-22778

**CORRECTED NOTICE OF
COMPLETED ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- XX Other -- General Provisions -- Separate Streams
- ☐ 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: 6-23-04


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 23, 2004, 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:

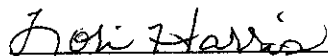
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

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:

D R & J Investments	☐	overnight mail
8973 W. State St.	☒	regular mail
Boise, ID 83703-1729	☐	hand-delivered
	☐	facsimile

George Dovel	☐	overnight mail
434 Pioneer Rd.	☒	regular mail
Horseshoe Bend, ID 83629	☐	hand-delivered
	☐	facsimile



Signature of person mailing this document

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

RIGHT NUMBER: 65-22775

NAME AND ADDRESS: D R & J INVESTMENTS LTD PARTNERSHIP
8973 W STATE ST
BOISE ID 83703-1729

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 3.780 CFS
861.700 AFY

Use of this right with rights listed below is limited to a total combined diversion rate of 0.02 cfs and to a total combined annual diversion volume of 4.5 af per acre at field headgate. Combined rights nos.: 65-1151, 65-1317, 65-2138, 65-2532A, 65-2540, 65-2869, 65-10747, 65-10748, 65-10749, 65-11393A, 65-22778.

PRIORITY DATE: 01/01/1872

POINT OF DIVERSION:

T07N R02E S12 NWSE Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/01	3.780 CFS 861.70 AFY

PLACE OF USE: IRRIGATION Within BOISE County

T06N R02E S02	NWNW	14.0	T06N R02E S02	SWNW	6.3
T06N R02E S02	SENW	16.0	T06N R02E S02	NESW	0.1
T07N R02E S23	SESW	6.0	T07N R02E S23	NWSE	1.4
T07N R02E S23	SWSE	28.5	T07N R02E S23	SESE	3.0
T07N R02E S26	NENE	28.0	T07N R02E S26	NWNE	39.0
T07N R02E S26	SWNE	38.0	T07N R02E S26	SENE	3.5
T07N R02E S26	NENW	19.0	T07N R02E S26	SENW	21.1
T07N R02E S26	NESW	19.6	T07N R02E S26	SESW	18.0
T07N R02E S26	NWSE	28.0	T07N R02E S26	SWSE	8.3
T07N R02E S34	SENE	13.9	T07N R02E S34	NESE	39.0
T07N R02E S34	NWSE	3.8	T07N R02E S34	SWSE	1.6
T07N R02E S34	SESE	34.0	T07N R02E S35	NENW	4.4
T07N R02E S35	SWNW	20.5	T07N R02E S35	NWSW	34.0
T07N R02E S35	SWSW	28.0			

477 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 477 acres in a single irrigation season. combined rights nos.: 65-1151, 65-1317, 65-2138, 65-2532A, 65-2540, 65-2869, 65-10747, 65-10748, 65-10749, 65-11393A, 65-22778.

This right is limited to the irrigation of 191.5 acres within the place of use described above in a single irrigation season.

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.

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 65-3103.

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

RIGHT NUMBER: 65-22776

NAME AND ADDRESS: GEORGE W DOVEL
434 PIONEER RD
HORSESHOE BEND ID 83629

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.040 CFS
6.800 AFY

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.

PRIORITY DATE: 01/01/1872

POINT OF DIVERSION:

T07N R03E S7 SWNW Lot 2 Within BOISE County

Rights 65-10953, 65-22777, 65-22328, 65-22329 and 65-22330 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/01	0.040 CFS 6.80 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 , PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 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 Within BOISE County

T07N R02E S12	SWSW	1.3	T07N R02E S13	NWNW	0.2
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1.5 ACRES TOTAL

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.

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

EXPLANATORY MATERIAL: Decreed

Prior to diversion of water under this approval, the right holder shall install a bypass in the existing diversion works to provide an alternate means of measurement and control within reasonable proximity to the point of diversion. The bypass system shall be subject to the approval of the Department and shall provide the watermaster suitable control of the diversion works when water is not available to satisfy junior water rights diverted at the same point of diversion.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 65-3103.

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. 65B, Porter Creek.

The right holder shall maintain the existing diversion works with a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion within reasonable proximity to the point of diversion.

Failure of the right holder to comply with the conditions of Transfer 70464 is cause for the Director to rescind approval of the transfer.

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IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-22777

NAME AND ADDRESS: GEORGE W DOVEL
434 PIONEER RD
HORSESHOE BEND ID 83629

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 06/01/1908

POINT OF DIVERSION:

T07N R02E S12 NWSE Within BOISE County

T07N R03E S7 SWNW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.080 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T07N R02E S12	SWSW	0.7	T07N R02E S13	NWNW	0.8
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1.5 ACRES TOTAL

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.

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 65-22327.

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

JUN 24 AM 10:32

RIGHT NUMBER: 65-22778

NAME AND ADDRESS: D R & J INVESTMENTS LTD PARTNERSHIP
8973 W STATE ST
BOISE ID 83703-1729

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.040 CFS
6.800 AFY

Use of this right with rights listed below is limited to a total combined diversion rate of 0.02 cfs per acre and to a total combined annual diversion volume of 4.5 af per acre at field headgate. Combined right nos.: 65-1151, 65-1317, 65-2138, 65-2532A, 65-2540, 65-2869, 65-10747, 65-10748, 65-10749, 65-11393A, 65-22775.

PRIORITY DATE: 06/01/1908

POINT OF DIVERSION:

T07N R02E S12 NWSE Within BOISE County

Rights 65-10746 and 65-22775 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.040 CFS 6.80 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 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 Within BOISE County

T06N R02E S02	NWNW	14.0	T06N R02E S02	SWNW	6.3
T06N R02E S02	SENW	16.0	T06N R02E S02	NESW	0.1
T07N R02E S23	SESW	6.0	T07N R02E S23	NWSE	1.4
T07N R02E S23	SWSE	28.5	T07N R02E S23	SESE	3.0
T07N R02E S26	NENE	28.0	T07N R02E S26	NWNE	39.0
T07N R02E S26	SWNE	38.0	T07N R02E S26	SENE	3.5
T07N R02E S26	NENW	19.0	T07N R02E S26	SENW	21.1
T07N R02E S26	NESW	19.6	T07N R02E S26	SESW	18.0
T07N R02E S26	NWSE	28.0	T07N R02E S26	SWSE	8.3
T07N R02E S34	SENE	13.9	T07N R02E S34	NESE	39.0
T07N R02E S34	NWSE	3.8	T07N R02E S34	SWSE	1.6
T07N R02E S34	SESE	34.0	T07N R02E S35	NENW	4.4
T07N R02E S35	SWNW	20.5	T07N R02E S35	NWSW	34.0
T07N R02E S35	SWSW	28.0			

477 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 477 acres in a single irrigation season. Combined right nos.: 65-1151, 65-1317, 65-2138, 65-2532A, 65-2540, 65-2869, 65-10747, 65-10748, 65-10749, 65-11393A, 65-22775.

This right is limited to the irrigation of 1.5 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.

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 65-22327.

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. 65B, Porter Creek.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion within reasonable proximity to the point of diversion on Porter Creek.

Failure of the right holder to comply with the conditions of Transfer No. 70465 is cause for the Director to rescind approval of the transfer.