

RECEIVED
JUL 14 2004
DEPARTMENT OF
WATER RESOURCES

2004 JUL 12 AM 11: 07
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

COPY

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: BASIN 33 (SEE
ATTACHED LIST)

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer SAGEWILLOW (TRX 4221 - 4227)

- ☒ point of diversion ☒ place of use
- ☐ period of use ☐ nature of use
- ☐ split of water right ☐ change in ownership

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 Reports* for said water rights. 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 9, 2004

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 9, 2004, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
SAGEWILLOW INC
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405-0130

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

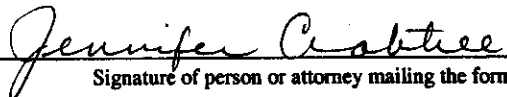
Each party in the subcase, or attorney of record
BLAINE COUNTY CANAL CO
MAYS LAND & LIVESTOCK
C/O MICHAEL CREAMER
GIVENS PURSLEY LAW OFFICE
PO BOX 2720
BOISE ID 83701-2720

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

SAGE WILLOW WATER RIGHTS

**33-69
33-70
33-71
33-72
33-73
33-74
33-76
33-78
33-79
33-80
33-81
33-82
33-2007
33-2008
33-2057
33-2083
33-2086
33-2090
33-2091
33-2133
33-7018**

DEPARTMENT OF WATER RESOURCES

Claim Nos.: 33-69, 33-70, 33-71,

33-72, 33-73, 33-74, 33-76,

33-78, 33-79, 33-80, 33-81, 33-82

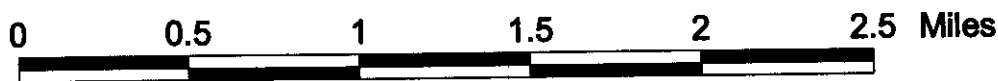
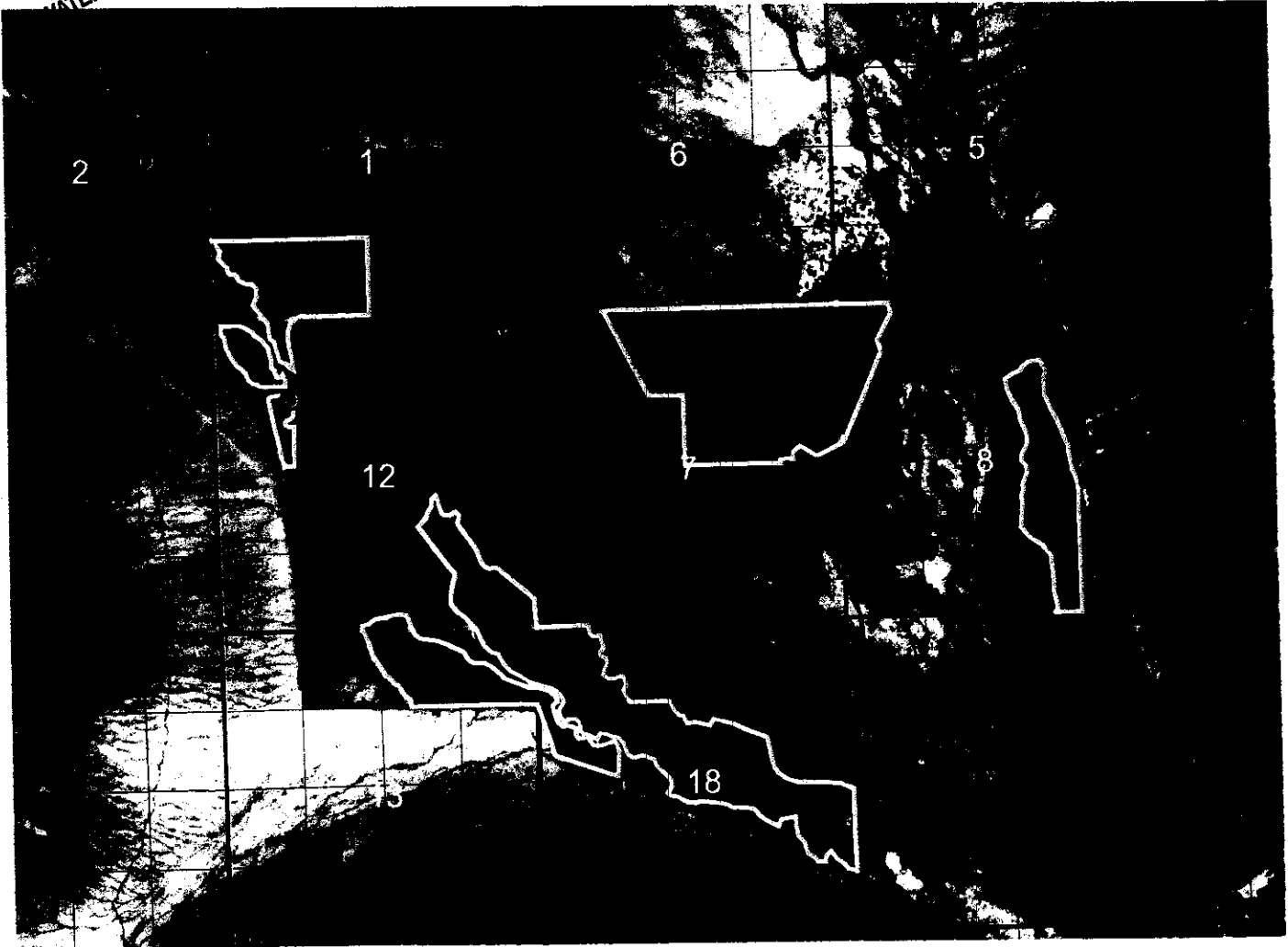
T07N R27E

T07N R28E

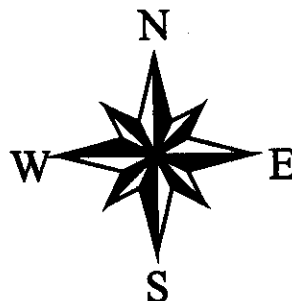
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- Point of diversion.shp
- Place of use.shp
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: July 2004

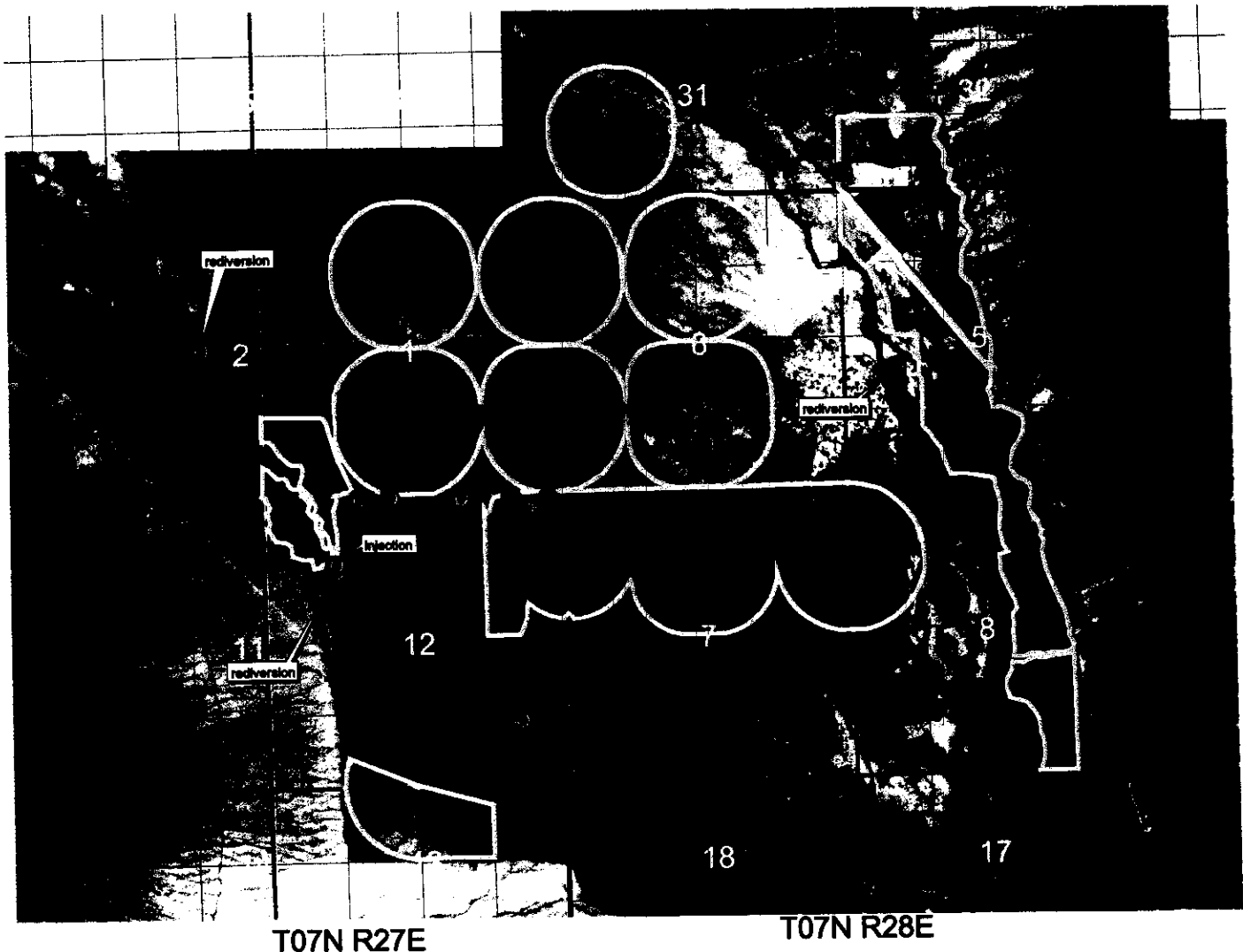
DEPARTMENT OF WATER RESOURCES

Claim No.: 33-2057, 33-2083,

33-2086, 33-2091, and 33-7018

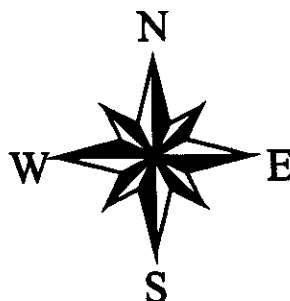
2004 JUL 12 AM 11: 07
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

T08N R28E



0 0.5 1 1.5 2 2.5 Miles

- Point of diversion.shp
- Place of use.shp
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: July 2004

DEPARTMENT OF WATER RESOURCES

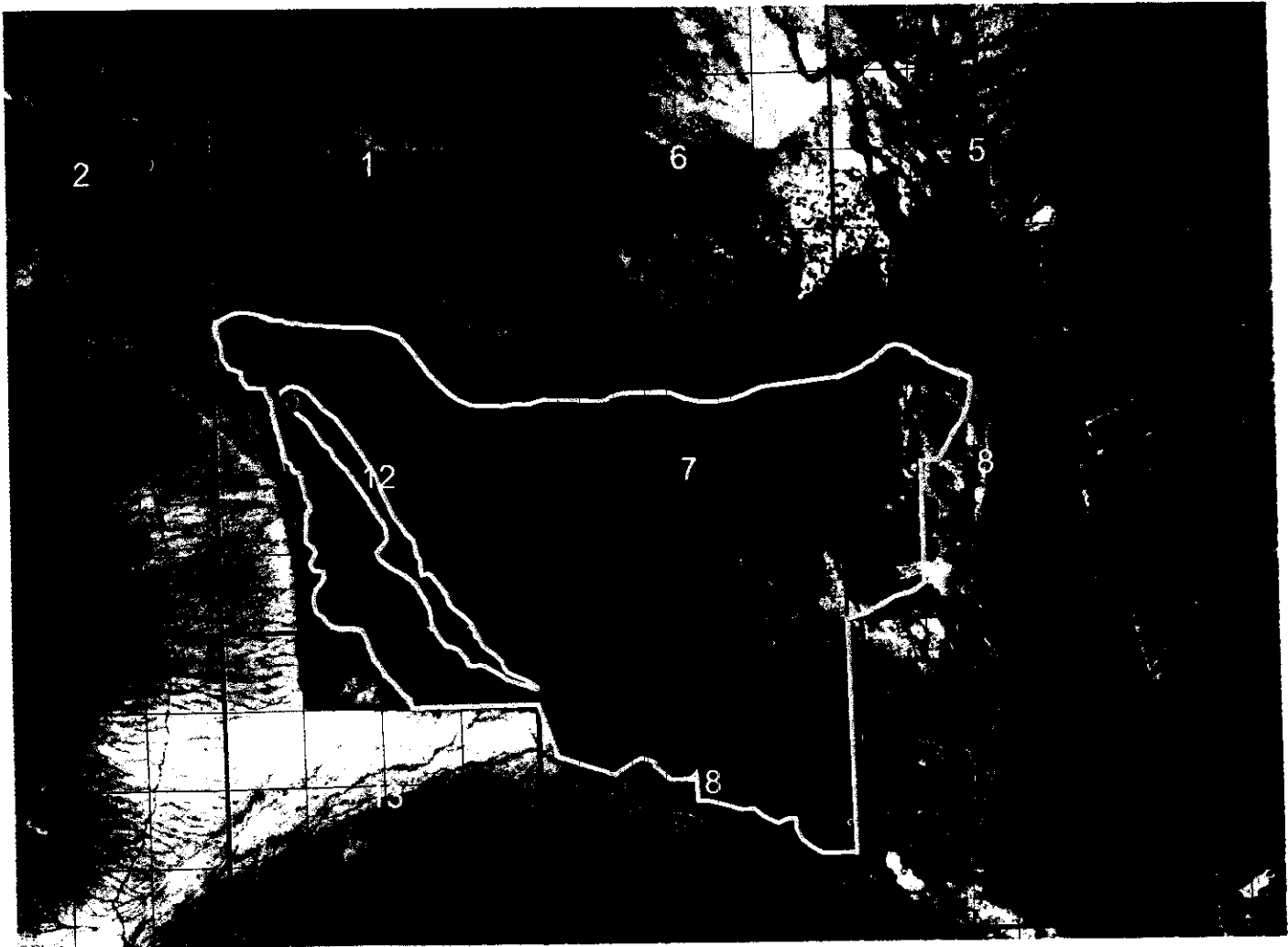
Claim No.: 33-2133

2004 JUL 12 AM 11:07

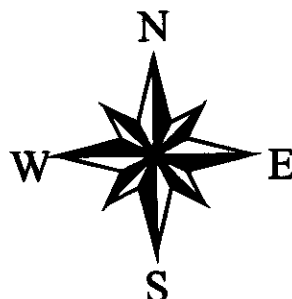
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

T07N R27E

T07N R28E



- Point of diversion.shp
- Place of use.shp
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: July 2004

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

2004 JUL 12 AM 11:09

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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RIGHT NUMBER: 33-2091

NAME AND ADDRESS:

SAGEWILLOW INC
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405-0130

SOURCE:

Source:
GROUND WATER

Tributary:

Point of injection into Little Lost River. Point of redirection from Little Lost River and Big Spring Creek.

QUANTITY:

0.990 CFS

255.500 AFY

Use of the rights listed below is limited to a total combined diversion rate of 35.19 cfs and to a total combined annual diversion volume of 6356.0 af. Combined Right Nos.: 33-2057, 33-2083, 33-2086, 33-2091, and 33-7018

Use of the rights listed below is limited to a total combined diversion rate of 67.19 CFS. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091 and 33-7018.

PRIORITY DATE:

01/22/1960

POINT OF DIVERSION:

T07N R27E S1 SWNESE	Within BUTTE County
T07N R27E S2 SWSENE Rediversion	Within BUTTE County
T07N R27E S2 SESENE	Within BUTTE County
T07N R27E S12 NENENE	Within BUTTE County
T07N R27E S12 NWNENE	Within BUTTE County
T07N R27E S12 NENWNE	Within BUTTE County
T07N R27E S12 NENENW	Within BUTTE County
T07N R27E S12 NWNENW	Within BUTTE County
T07N R27E S12 SENWNW Injection	Within BUTTE County
T07N R27E S12 NWESE	Within BUTTE County
T07N R28E S5 NENWSW Rediversion	Within BUTTE County
T07N R28E S6 SWNESW	Within BUTTE County

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

T07N R28E S7 SWNWSW Lot 3	Within BUTTE County
T07N R28E S7 SWSWSW Lot 4	Within BUTTE County
T08N R28E S32 NWNWSW	Within BUTTE County
T08N R28E S32 SWSWSW	Within BUTTE County

**PURPOSE AND
PERIOD OF USE:**

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 10/15	0.990 CFS 255.50 AFY

PLACE OF USE:

IRRIGATION	within BUTTE County
T07N R27E S01 NENE Lot 1 31.0	
T07N R27E S01 NWNE Lot 2 31.0	
T07N R27E S01 SWNE 32.0	
T07N R27E S01 SENE 32.0	
<u>T07N R27E S01 NENW Lot 3 32.0</u>	~~T07N R27E S01 NENW Lot 3 31.0~~
T07N R27E S01 SENW 32.0	
T07N R27E S01 NESW 35.0	
<u>T07N R27E S01 NWSW 2.7</u>	~~T07N R27E S01 NWSW 2.6~~
T07N R27E S01 SWSW 32.0	
T07N R27E S01 SESW 36.0	
T07N R27E S01 NESE 36.0	
T07N R27E S01 NWSE 35.0	
<u>T07N R27E S01 SWSE 33.0</u>	~~T07N R27E S01 SWSE 32.0~~
<u>T07N R27E S01 SESE 34.0</u>	~~T07N R27E S01 SESE 33.0~~
T07N R27E S12 NENE 39.0	
T07N R27E S12 SENE 32.0	
<u>T07N R27E S12 NWNW 27.0</u>	~~T07N R27E S12 NWNW 26.0~~
T07N R27E S12 SESW 8.6	
T07N R27E S13 NWNE 34.0	
T07N R27E S13 NENW 30.0	
T07N R28E S05 NENW Lot 3 27.0	
<u>T07N R28E S05 NWNW Lot 4 33.0</u>	~~T07N R28E S05 NWNW Lot 4 32.0~~
<u>T07N R28E S05 SWNW 17.0</u>	~~T07N R28E S05 SWNW 16.0~~
T07N R28E S05 SENW 31.0	
T07N R28E S05 NESW 38.0	
	~~T07N R28E S05 NWSW 1.5~~
<u>T07N R28E S05 SESW 30.0</u>	~~T07N R28E S05 SESW 25.0~~
T07N R28E S05 SWSE 12.0	
T07N R28E S06 NWNE Lot 2 31.0	
T07N R28E S06 SWNE 32.0	
T07N R28E S06 SENE 26.0	

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

T07N R28E S06 NENW Lot 3 31.0
T07N R28E S06 NWNW Lot 4 31.0
T07N R28E S06 SWNW Lot 5 32.0
T07N R28E S06 SENW 32.0
T07N R28E S06 NESW 37.0
T07N R28E S06 NWSW Lot 6 34.0
T07N R28E S06 SWSW Lot 7 31.0
T07N R28E S06 SESW 35.0

T07N R28E S06 NWSE 36.0
T07N R28E S06 SWSE 34.0

T07N R28E S07 NENE 40.0
T07N R28E S07 NWNE 40.0
T07N R28E S07 SWNE 34.0
T07N R28E S07 SENE 32.0
T07N R28E S07 NENW 40.0
T07N R28E S07 NWNW Lot 1 39.0
T07N R28E S07 SWNW Lot 2 24.0
T07N R28E S07 SENW 35.0
T07N R28E S08 NWNE 19.0
T07N R28E S08 SWNE 25.0
T07N R28E S08 NWNW 31.0
T07N R28E S08 SWNW 32.0
T07N R28E S08 NWSE 32.0
T07N R28E S08 SWSE 21.0
T08N R28E S31 NESW 18.0
T08N R28E S31 NWSW Lot 3 24.0
T08N R28E S31 SWSW Lot 4 34.0
T08N R28E S31 SESW 25.0
T08N R28E S32 SWSW 39.0
T08N R28E S32 SESW 18.0

~~T07N R28E S06 NENW Lot 3 32.0~~
~~T07N R28E S06 NWNW Lot 4 33.0~~

~~T07N R28E S06 NESE 0.7~~
~~T07N R28E S06 NWSE 35.0~~

~~T07N R28E S06 SESE 0.6~~
~~T07N R28E S07 NENE 39.0~~

~~T08N R28E S31 NESW 19.0~~
~~T08N R28E S31 NWSW Lot 3 22.0~~
~~T08N R28E S31 SWSW Lot 4 35.0~~
~~T08N R28E S31 SESW 30.0~~

1816.3 ACRES TOTAL

~~1816 ACRES TOTAL~~

Use of the rights listed below is limited to the irrigation of a combined total of 1816.3 acres in a single irrigation season. Combined Right Nos.: 33-2057, 33-2083, 33-2086, 33-2091, and 33-7018.

Use of the rights listed below is limited to the irrigation of a combined total of 2096 acres in a single irrigation season. The 2096 acres are comprised of 1816 acres irrigated by ground water and 655 acres irrigated by surface water sources that overlap 375 of the ground water acres. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091 and 33-7018.

Use of the rights listed below is limited to the irrigation of a combined total of 3026 acres in a single irrigation season. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091, 33-2133 and 33-7018.

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

Rights 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81 and 33-82 overlap 268 acres within the 1483 acres authorized under Rights 33-2057 and 33-2083; and overlap 382 acres within the 1436.1 acre place of use described under Right 33-2133.

This right is limited to the irrigation of 73.0 acres within the place of use described above in a single irrigation season.

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1816 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-2057, 33-2083, 33-2086, 33-2091 AND 33-2018~~

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

Continued diversion of water under the resumed portions of Rights 33-2057 and 33-2083 (301 acres), and Right 33-2091 (73 acres) are deemed mitigated by, and therefore are expressly contingent upon, continued diversion of winter water use under Right 33-2133 to the extent water is available for diversion under that water right.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this 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 remainder of this right, in the amount of 3.37 cfs and 247.0 acres, was forfeited for non-use from 1969 to 1989.

Prior to diversion of water under transfer nos. 4221 thru 4227, the right holder shall provide a means of measurement and lockable controlling works for the authorized point of injection into Little Lost River and at the points of redirection from Little Lost River and Big Spring Creek. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

~~THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON USE FROM 1969 TO 1989.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within State Water District No. 33.

This right when combined with all other rights shall provide no more than 0.02 cfs and 3.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by transfer nos. 4221 thru 4227 by June 28, 2005.

Failure of the right holder to comply with the conditions of transfer nos. 4221 thru 4227 is cause for the Director to rescind approval of the transfer.