

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: 35-02209, 35-02209A,
35-02209B, 35-04047, 35-04047A,
35-04047B

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 **5634**
 - ☒ 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: May 4, 00

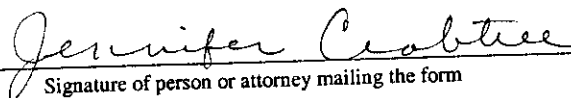
Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 8, 2000, I mailed the original and copies of this form to the following persons, postage prepaid 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:
RICHARD WINBERG
1027 S 2600 W
ABERDEEN ID 83210
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
JOHN ROSHOLT
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906
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

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

DATE: MAY-2-2000

PAGE: A-5

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-04047A

NAME & ADDRESS: MYRNA WINBERG
RICHARD WINBERG
1027 S 2600 W
ABERDEEN ID 83210

SOURCE: GROUNDWATER

QUANTITY: 1.64 CFS
328.0 AFYUSE OF THIS RIGHT WITH RIGHT NO. 35-02209A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.38 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 876 AF.

PRIORITY DATE: 06/18/1954

POINT OF DIVERSION: T03S R31E S35 SESW Within BINGHAM County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	1.64 CFS 328.0 AFY

PLACE OF USE:	IRRIGATION	Within BINGHAM County
	T03S R31E S35	SWSW 18 SESW 40
	T04S R31E S02	Lot 3 (NENW)41 Lot 4 (NWNW)41 SWNW 39 SENW 40
	219 ACRES TOTAL	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 82 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.USE OF THIS RIGHT WITH RIGHT NO. 35-02209A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 219 ACRES 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 - BENEFICIAL USE

AJ5856NP

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

DATE: MAY-2-2000

PAGE: A-6

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-04047A (CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

RIGHT NO. 35-02209A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

APR 17 2000

TRANSFER NO. 5634
WATER RIGHT NO(S). 35-02209B/35-04047B

Department of Water Resources
Eastern Region

HCaps for 02209 = A
04047 = B

This is to certify that: RICHARD WINBERG
1027 S 2600 W
ABERDEEN ID 83210

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02209B : IRRIGATION Priority: 12/24/1951	04/01 to 10/31	0.26 CFS	52.0 AF
Right No. 35-04047B : IRRIGATION Priority: 06/18/1954	04/01 to 10/31	0.16 CFS	32.0 AF
TOTAL:		0.42 CFS	84.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 3, Township 05S, Range 30E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	30E	3	Lot 1(NENE) 21			21
Total number of acres irrigated:						21 *

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5634
WATER RIGHT NO(S). 35-02209B/35-04047B

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
- * 8. Rights 35-02209B and 35-04047B when combined shall not exceed the irrigation of 21 acres.
9. Approval of Transfer 5634 does not confirm Claimed Right 35-04047B.
- * 10. Right 35-02209B is limited to the irrigation of 13 acres within the place of use described above in a single irrigation season.
- * 11. Right 35-04047B is limited to the irrigation of 8 acres within the place of use described above in a single irrigation season.

Dated this 7th day of

April, 2000

J. Glen Saylor
Chief, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 2, 2000

RICHARD & MYRNA WINBERG
1027 S 2600 W
ABERDEEN ID 83210

RE: Transfer #5634 (water right 35-02209, 35-04047) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Stewart:

On April 7, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5634, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist