

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: 35-02821,
35-02821A, 35-02821B, 35-07246J,
35-07246K, 35-07246L & OVERLAPPING
RIGHTS 35-02312B, 35-02540

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 5387

- | | |
|--|--|
| ☐ 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: 22 JAN 2000



Signature of IDWR Representative

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

5/21/96 35-02821, 35-02821A, 35-02821B, 35-07246j, 35-07246k, 35-07246L, & OVERLAPPING 35-02312B, 35-02540

Page 1



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

January 19, 2000

REID STEWART
3100 W 1000 S
ABERDEEN ID 83210

RE: Transfer #5387 (water rights 35-02821, 35-02821A, 35-02821B, 35-07246J, 35-07246K, 35-07246L & overlapping rights 35-02312B, 35-02540) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Stewart:

On December 10, 1999, the Idaho Department of Water Resources (IDWR) approved Transfer #5387, 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.

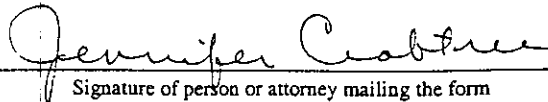
Respectfully,

Jennifer Crabtree
Technical Records Specialist

CERTIFICATE OF MAILING

I certify that on 1/24, 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:
REID STEWART
3100 W 1000 S
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: JAN-20-2000

PAGE: A-21

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-07246L

NAME & ADDRESS: REID STEWART
3100 W 1000 S
ABERDEEN ID 83210

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS
9.6 AFYUSE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.86 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1052 AF. COMBINED RIGHT
NOS.: 35-02312B, 35-02540, 35-02821B, 35-07246N

PRIORITY DATE: 09/05/1972

POINT OF DIVERSION: T04S R31E S30 NWSW Within BINGHAM County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.02 CFS
			9.6 AFY

PLACE OF USE:	IRRIGATION	Within BINGHAM County			
	T04S R30E S25	SESE 30			
	R31E S30	NESW 32	NWSW 35	SWSW 35	SESW 34
		NWSE 32	SWSE 32		
	S31	NWNE 30	SWNE 30	NENW 30	SENW 25
	345 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.4 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 263 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.:

35-02312B, 35-02540, 35-02821B, 35-07246N

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

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

DATE: JAN-20-2000

PAGE: A-22

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-07246L (CONT)

OTHER PROVISIONS: (CONT)

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 35:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE:
35-02312B, 35-02540, 35-02821B, 35-07246N

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5387
WATER RIGHT NO(S). 35-02821B/35-07246L/35-07920C

RECEIVED

DEC 16 1983

Department of Water Resources
Eastern Region

This is to certify that: REID G STEWART
3100 W 1000 S
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. 35-02821B :			
IRRIGATION	04/01 to 10/31	0.13 CFS	26.4 AF
Priority: 05/02/1960			
Right No. 35-07246L :			
IRRIGATION	04/01 to 10/31	0.02 CFS	9.6 AF
Priority: 09/05/1972			
Right No. 35-07920C :			
IRRIGATION	04/01 to 10/31	1.79 CFS	328.0 AF
Priority: 09/29/1980			
	TOTAL:	1.94 CFS	364.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 30, Township 04S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

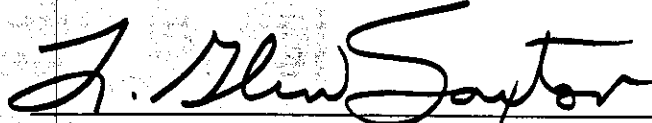
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	31E	30	NWSE 7			7
		31	NWNE 30	SWNE 9	NENW 30	84
			SENW 15			
Total number of acres irrigated:						* 91

TRANSFER NO. 5387
WATER RIGHT NO(S). 35-02821B/35-07246L/35-07920C

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
- * 6. Right 35-02821B is limited to the irrigation of 6.6 acres within the place of use described above in a single irrigation season.
- * 7. Right 35-07246L is limited to the irrigation of 2.4 acres within the place of use described above in a single irrigation season.
- * 8. Right 35-07920C is limited to the irrigation of 82.0 acres within the place of use described above in a single irrigation season.
9. Use of Right 35-07920C shall not exceed a total combined rate of diversion of 5.75 cfs when combined with Rights 35-02540, 35-07920B and 35-08626.

Dated this 18th day of December, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 35-02821, 35-07246J & 35-07920C

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 5387

DATE: December 9, 1999

Transfer 5387 changes the point of diversion and the place of use under a portion of Rights 35-02821 (A & B) and 35-07246J (K & L) as recommended in the SRBA, and changes the place of use under all of licensed Right 35-07920C. Nine (9) acres from the first two rights is combined with 82 acres under Right 35-07920C to create a 91 acres permissible place of use.

Diversion volume was identified according to current standards. Recommended conditions include measuring & annual reporting, irrigation overlap, permissible place of use limits for each right, carried combined right limit for 35-07920C and standard transfer conditions.