

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: 35-07477B
SPLIT INTO 35-07477C &
35-07477D AND

CORRECTED REMARKS ON 35-02312D, 35-07882B, 35-13271B

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 **5540**

- | | |
|--|--|
| ☒ 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: 7 March 2000

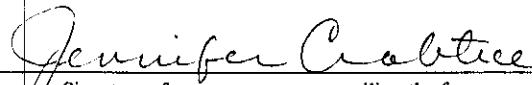
Ernest Culver

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3/10, 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:
RUFF TIMES TWO
3004 W 2100 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



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

February 22, 2000

RUFF TIMES TWO
3004 W 2100 S
ABERDEEN ID 83210

RE: Transfer #5540 (water right 35-07477B) and 35-02312D, 35-07882B, and 35-13271B and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Ruff:

On October 1, 1999, the Idaho Department of Water Resources (IDWR) approved Transfer #5540, 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

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-07477C

NAME & ADDRESS: RUFF TIMES TWO
3005 W 2100 S
ABERDEEN ID 83210

SOURCE: GROUNDWATER

QUANTITY: 3.97 CFS
800.0 AFY

PRIORITY DATE: 02/12/1975

POINT OF DIVERSION: T06S R29E S15 NWSWN Within POWER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 11-01	3.97 CFS
			800.0 AFY

PLACE OF USE:	IRRIGATION	Within POWER County			
	T06S R29E S15	NWNE 23	SWNE 23	NENW 39	NWNW 38
		SWNW 38	SENE 39		
	200 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5540
WATER RIGHT NO(S). 35-07477D/35-08747A

RECEIVED

OCT 07 1999

Department of Water Resources
Eastern Region

This is to certify that: RUFF TIMES FARMS
C/O DOUG RUFF
3005 W 2100 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. 35-07477D : IRRIGATION Priority: 02/12/1975	04/01 to 10/31	0.63 CFS	128.0 AF
Right No. 35-08747A : IRRIGATION Priority: 04/07/1989	04/01 to 10/31	0.74 CFS	148.0 AF
TOTAL:		1.37 CFS	276.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE, Sec. 18, Township 06S, 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>
06S	30E	18	NWNE 9	SWNE 30	SENE 30	69
Total number of acres irrigated:						* 69

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- * 2. Right 35-07477D is limited to the irrigation of 32.0 acres in the place of use described above in a single irrigation season.
- * 3. Right 35-08747A is limited to the irrigation of 37.0 acres in the place of use described above in a single irrigation season.

TRANSFER NO. 5540
WATER RIGHT NO(S). 35-07477D/35-08747A

CONDITIONS OF APPROVAL AND REMARKS

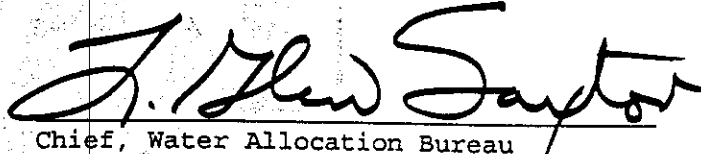
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.
9. Right 35-08747A is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
10. Diversion and use of water under Right 35-08747A is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
11. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 1st day of

October

19

99


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 35-07477B & 35-08747A

FROM: Pam Skaggs/^{3b}State Office

SUBJECT: Transfer 5540

DATE: October 1, 1999

Transfer 5540 changes the point of diversion and place of use under all of Right 35-08747A and part of Right 35-07477B, splitting the right into Parts C and D. The two rights create a 69 acre permissible place of use. This change completes a pivot partially completed under previous Transfer 5479.

Recommended conditions include drilling permit requirements, measuring & annual reporting, irrigation overlap, permissible place of use, connected sources, trust conditions (35-08747D), and standard transfer conditions.