

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: 35-7616B

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 **5701**

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ split of water right ☒ change in ownership

☐ other

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: June 13, 2001

Ernest Calan

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 15, 2001, 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:
UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
MARK R DUFFIN
PO BOX 128
AMERICAN FALLS ID 83211

4. One copy to:

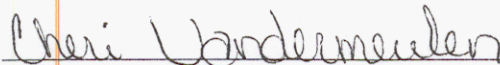
Each party in the subcase, or attorney of record
JEFFREY C FEREDAY
GIVENS PURSLEY LAW OFFICE
PO BOX 2720
BOISE ID 83701-2720

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



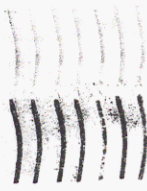
Signature of person or attorney mailing the form

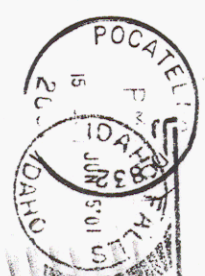
not Sand

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

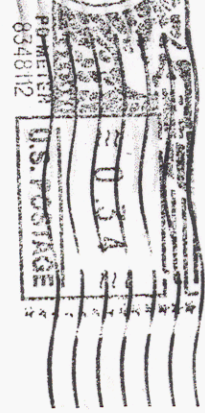
Return Service Requested

MARK R DUFFIN
PO BOX 128
AMERICAN FALLS ID 83211


☒ Not Deliverable As Addressed
☐ Unable To Forward
☐ Invalid/Unknown Address
☐ Mailed, Lost No Address
☐ Undelivered



35-7616B
TX #5701



RECEIVED

JUN 18 2001

Department of Water Resources
Eastern Region

not Sand

01/30/2001

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

RIGHT NUMBER: 35-7616B

RECOMMENDED PER TX #5701

NAME AND ADDRESS: MARK R DUFFIN
PO BOX 128
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 0.19 CFS
39.2 AFY

PRIORITY DATE: 06/07/1976

POINT OF DIVERSION: T09S R28E S15 SWSESE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.19 CFS
39.20 AFY

PLACE OF USE:

IRRIGATION Within POWER County
T09S R28E S14, SWSW 9.8

9.8 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

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

June 13, 2001

MARK R DUFFIN
PO BOX 128
AMERICAN FALLS ID 83211

RE: Transfer #5701 for water right(s) 35-7616B and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Duffin:

On July 12, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5701, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

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,

Cheri Vandermeulen
Records Clerk

cc: UNITED STATES OF AMERICA,
USDI BUREAU OF LAND MANAGEMENT

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARK R DUFFIN PO BOX 128 AMERICAN FALLS, ID 83211 (208)226-5427

Directors Report Owner UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657
(208)373-4000

Also Known As	BLM
Original Owner	VERN R DUFFIN

Priority Date: 06/07/1976 SEE COMMENTS
Basis: License
Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.19 CFS	39.2 AFA	
Total Diversion			0.19 CFS	39.2 AFA	

GROUND WATER **SWSESE** **Sec. 15** **Township 09S** **Range 28E** **POWER County**

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09S	28E	14		SWSW	9.8									

Conditions of Approval:

1. C18 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.

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
---------------	-------------	----------------	----------------

ARuberry	1/30/01	TRANSFER #5701	TX MOVES 9.8 ACRES OFF BLM ONTO PRIVATE LANDS AND CHANGES POD. BLM AUTHORIZATION LETTER ATTACHED.
----------	---------	----------------	---

Dates:

Licensed Date:
 Claim Received Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	1/30/01 12:28:11 PM		1/30/01 12:28:11 PM	ARuberry	Complete
	1/30/01 12:26:45 PM	ARuberry			In Process
	1/30/01 10:05:26 AM	ARuberry			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

TRANSFER APPLICATION STAGE

1) Recommended rights being transferred (from Part 2). Check IWTRS for partial decrees.

- | | | |
|----|---------------------|----|
| 1. | ~~35-7616B~~ | 4. |
| 2. | | 5. |
| 3. | 35-7616B | 6. |

*2) Overlapping recommended rights before and after proposed change. Check IWTRS for partial decrees.

- | | | |
|----|---------------------|----|
| 1. | ~~35-7616B~~ | 4. |
| 2. | | 5. |
| 3. | | 6. |

NAP sent
5/15/00

TRANSFER APPROVAL STAGE

*1) Pedigree for parents and splits (children) due to approved transfer

~~35-7616B~~ +
-B

*2) Any additional overlapping recommended rights

- | | | |
|----|---------------------|----|
| 1. | ~~35-7616B~~ | 4. |
| 2. | | 5. |
| 3. | ~~35-7616B~~ | 6. |

Don Enrie
JAN 13 1900

* To be completed by agent

[Signature]

Also SOB 12 2097

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5701
WATER RIGHT NO. 35-07616B

RECEIVED

JUL 1976

Department of Water Resources
Eastern Region

This is to certify that: **MARK DUFFIN**
2893 S SWALLOWTAIL LANE
BOISE ID 83706

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>
IRRIGATION	04/01 to 10/31	0.19 CFS	39.2 AF

SOURCE

GROUND WATER

Priority: 06/07/1976

LOCATION OF POINT(S) OF DIVERSION:

SWSESE, Sec. 15, Township 09S, Range 28E
POWER 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>
09S	28E	14	SWSW	9.8		9.8

Total number of acres irrigated:

9.8

CONDITIONS OF APPROVAL AND REMARKS

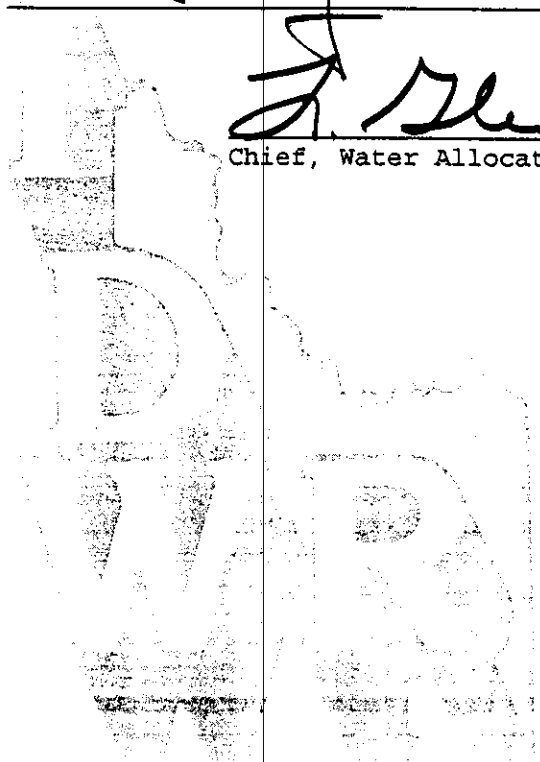
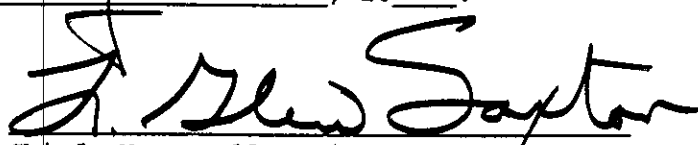
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5701
WATER RIGHT NO. 35-07616B

CONDITIONS OF APPROVAL AND REMARKS

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. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 12th day of July, 2000



Chief, Water Allocation Bureau



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
7250 (SRWR) (931)

May 26, 2000

Harold Jones
Eastern Regional Office
Idaho Department of Water Resources
State of Idaho
900 North Skyline
Idaho Falls, Idaho 83402

RE: Snake River Basin Adjudication (SRBA) Claims
35-07616B BLM
Transfer #5701

Dear Mr. Jones:

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that Mark Duffin, wishes to transfer water under right 35-07616B from the federal public property to land which Mr. Duffin owns as private property. The federal public property legal descriptions are as follows:

T09S R28E S14	LOT 3 (NESW)	5.0 acres
	LOT 4 (NWSW)	<u>5.0 acres</u>
		10.0 acres TOTAL

I understand that the Idaho Dept. of Water Resources (I.D.W.R.) cannot complete such a transfer of water under a water right without the notarized consent of the landowner where the water right describes land not owned by the transfer applicant.

On behalf of the United States and the U.S.D.I., BLM, my notarized signature below provides the necessary consent to facilitate the transfer, which will result in the discontinuance of water being applied

Transfer #5701

MICROFILMED

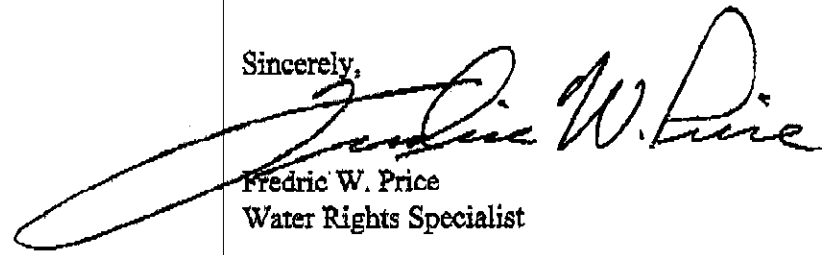
REDISCOVER YOUR PUBLIC LANDS

NOV 08 2000

to federal public land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

If there are questions regarding any statements above, please do not hesitate to contact me at 373-3828 or at the address provided above.

Sincerely,


Fredric W. Price
Water Rights Specialist

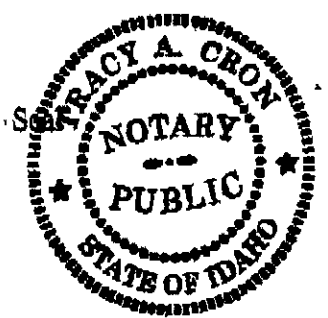
cc:

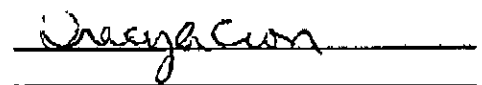
Larry A. Brown, Dept. of Justice, ENRD
Deena Teel, BLM-Idaho Falls

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

On this 26th day of May, 2000, personally came before me, a notary public in and for said County and State, the within-named FREDRIC W. PRICE, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.





Notary public in and for the
State of Idaho,
County of Ada
Residing at Mendenhall
My commission expires: 8/22/2003

Transfer #5701

MICROFILMED
REDISCOVER YOUR PUBLIC LANDS
NOV 9 2 2000

Water Right Number - 35-07616

Prefix Translation: WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
DUFFIN

MARK R.

1 - RT. 1
2 -
3 -

City- ABERDEEN
Phone -

State- ID Zip- 83211

*** O - ORIGINAL OWNER ***
DUFFIN

VERN R.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - +
06/07/1976

+ - - Region - - - +
15 EASTERN

+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
09S	28E	14	SW SW			(77)	POWER			

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31		1.760	332.50

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.760 332.50 0.0

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09S	28E	14	NE SW		8.0		01	IRRIGATION	(77) POWER
09S	28E	14	NW SW		13.0		01	IRRIGATION	(77) POWER
09S	28E	14	SW SW		38.0		01	IRRIGATION	(77) POWER
09S	28E	14	SE SW		26.0		01	IRRIGATION	(77) POWER
09S	28E	23	NE NW		4.0		01	IRRIGATION	(77) POWER
09S	28E	23	NW NW		6.0		01	IRRIGATION	(77) POWER

Total Acres: 95.0

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -



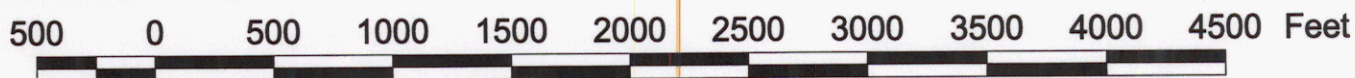
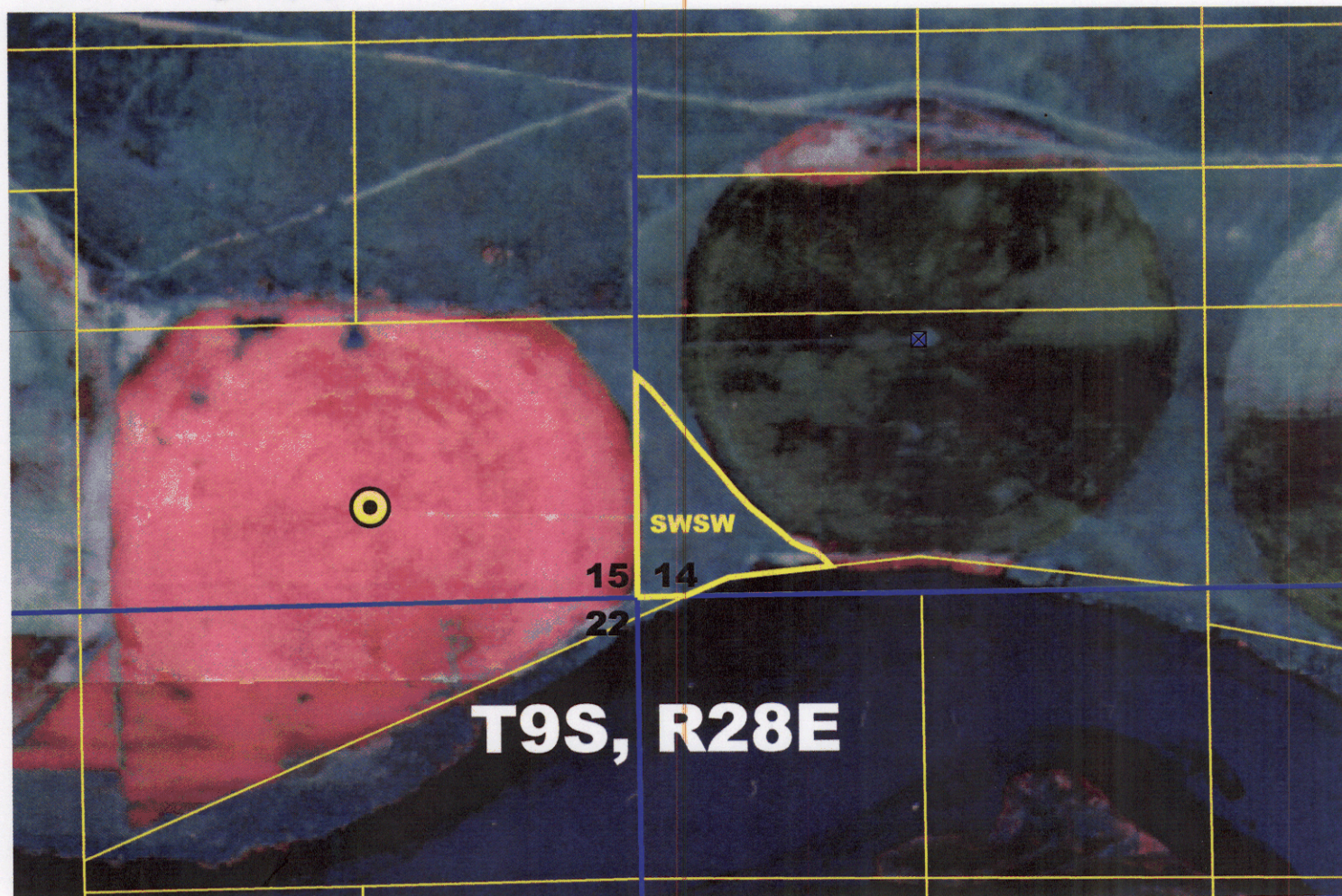
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Mark Duffin

Water Right(s): 35-07616B



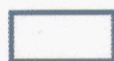
LEGEND



Point of Diversion



Place of Use



Section Line



Quarter-section line

Legal Description: T9S, R28E
Sec. 14 (part of) SWSW

Point(s) of Diversion: T9S, R28E
Sec. 15 SWSESE

Per Transfer #5701



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: January 2001

Mark Duffin
35-07616B
Per Tx #5701

SWSW
9.8 ac

15 14

22 23

T9S, R28E