

In Re SRBA

**Water Rights: 34-4035C AND
OVERLAPPING RIGHTS 34-830C
AND 34-227K**

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

[] Address change

Substitution of Party

[X] I.C. § 42-222 transfer 5400

[X] point of diversion [X] place of use

☐ period of use	☐ nature of use
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☐ split of water right ☒ change in ownership

[X] other: 34-830C and 34-227K Relinquished.
Quantity added to 34-4035C.

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: April 12, 2001

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 13, 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:
MCCALAB ESTATES INC
C/O STEVE VIGILIATORO
1135 YELLOWSTONE STE D
POCATELLO ID 83201
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
L & S PARTNERS
C/O STEVE ASLETT
PO BOX B
TWIN FALLS ID 83303-0015
4. One copy to:
Each party in the subcase, or attorney of record
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

Cheri Vandermeulen

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

April 12, 2001

L & S PARTNERS
C/O STEVE ASLETT
PO BOX B
TWIN FALLS ID 83303-0015

RE: Transfer #5400 for water right(s) 34-4035C and Overlapping rights 34-227K and 34-830C and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Aslett:

On March 23, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5400, 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: McLabbs Estates - Inc.

NOT Found

04/9/2001

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
34-830C	MC CALAB ESTATES INC C/O STEVE VIGILIATORO 1135 YELLOWSTONE SUITE D POCATELLO ID 83201	Disallowed	DECREE RELINQUISHED CLAIMANT RELINQUISHED DECREE AS CONDITION OF APPROVAL FOR TRANSFER NO. 5400

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5400
WATER RIGHT NO. 34-04035C

RECEIVED

MAR 29 2000

Department of Water Resources
Eastern Region

This is to certify that: L & S PARTNERS
C/O STEVE ASLETT
PO BOX B
TWIN FALLS ID 833030015

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	* 1.31 CFS	* 229.3 AF

SOURCE

GROUNDWATER

Priority: 08/01/1960

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 1, Township 07N, Range 22E
SENE , Sec. 1, Township 07N, Range 22E
CUSTER 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>
07N	22E	1	SWNE 40.0	SENE 25.5		65.5
Total number of acres irrigated:						65.5

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

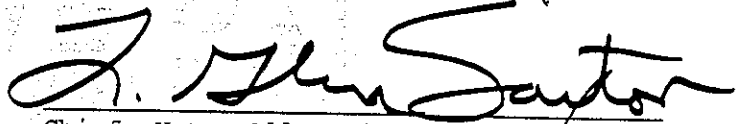
TRANSFER NO. 5400
WATER RIGHT NO. 34-04035C

CONDITIONS OF APPROVAL AND REMARKS

- * 5. The total instantaneous diversion of water from all points of diversion under Transfer 5400 shall not exceed 1.31 cfs, nor a total combined annual volume of 229.3 af.
- 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. Surface water Rights 34-00227K and 34-00830 have been relinquished through approval of Transfer 5400 to mitigate the use of groundwater as a primary source under Right 34-04035C.
- 9. This approval is specifically conditioned upon the terms and limitations contained in the Stipulation, Settlement, and Joint Motion for Order filed with the Department on October 12, 1999, In the Matter of Application for Permit 34-07591, In the Name of L & S Partners, numerous other captioned matters, and the Preliminary Order of the Department issued on November 18, 1999. This approval is subject to any future modifications resulting from or required by the terms of that Stipulation, the Preliminary Order of the Department, and the actions taken pursuant thereto.

Dated this 23rd day of

March, 2000


Chief, Water Allocation Bureau