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Department of Water Resources

2002 APR 29 AM 11:23

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

COPY

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: 36-7260, 36-7260A
and 36-7260B

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

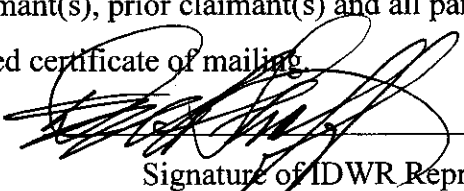
- ☐ Address change
- ☐ Substitution of Party
- ☒ IC § 42-222 transfer
 - ☐ Point of diversion
 - ☐ Period of use
 - ☒ Split of water right
 - ☐ Other
 - ☐ Place of use
 - ☐ Nature of use
 - ☒ Change in ownership

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 Report(s)* for said water right(s). 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:

Apr 26, 2002


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 26, 2002, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

3. Copies to all parties to the subcase:

Luis and Maria Bettencourt
181 W. 400 N.
Jerome, ID 83338

Jack Verbree
1574 E. 2900 S.
Wendell, ID 83355

Mark and Marva Walters
423 West Rd.
Jerome, ID 83338



Signature of person mailing this document

04/25/2002

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER

CLAIM DISPOSITION

36-7260

Split into Rights 36-7260A and 36-7260B

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FILED

04/22/2002

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

RIGHT NUMBER: 36-7260B

2002 APR 29 AM 11: 23

NAME AND ADDRESS: MARK WALTERS
DBA WALTERS DAIRY
423 WEST RD
JEROME ID 83338

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MARVA WALTERS
DBA WALTERS DAIRY
423 WEST RD
JEROME ID 83338

LUIS M BETTENCOURT
DBA WALTERS DAIRY
423 WEST RD
JEROME ID 83338

MARIA A BETTENCOURT
DBA WALTERS DAIRY
423 WEST RD
JEROME ID 83338

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
27.00 AFY

PRIORITY DATE: 09/15/1972

POINT OF
DIVERSION: T08S R16E S17 NESE Within JEROME County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.070 CFS 25.60 AFY
COMMERCIAL	1/01 12/31	0.030 CFS 1.40 AFY

PLACE OF USE: COMMERCIAL Within JEROME County
T08S R16E S17 NESE
T08S R16E S17 NESE

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

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

THE RIGHT HOLDER SHALL MAINTAIN OWNERSHIP OF AT LEAST NINE (9) SHARES OF NORTHSIDE CANAL COMPANY WATER FOR MITIGATION PURPOSES AND SHALL COMPLY WITH THE TERMS OF MITIGATION AS THE TERMS MAY BE DETERMINED IN THE FUTURE BY THE DEPARTMENT.
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 right holder shall not use water under this approval for a dairy operation larger than 800 milking cows and 100 dry cows for a total of 900 cows.

The amount of water authorized under this approval when combined with any other water rights for the dairy shall not exceed the amount of water which the right holder can beneficially use for a total of 900 cows at Liberty dairy.

Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each diversion associated with the dairy and shall annually report the amount of water diverted to the dairy and shall annually report the amount of water diverted to the department. The right holder shall obtain prior approval from the department relative to the type of device.

This approval does not authorize the construction of any new wells.

The right holder shall at its own expense annually test the wells of the protestants for contamination in compliance with requirements of DEQ, if the protestants agree to the testing.

Failure of the right holder to comply with any condition of approval of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall comply with zoning ordinances of Jerome County.