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Department of Water Resources

COPY

2002 MAY 20 AM 11: 24

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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: 35-7 SPLIT INTO
35-13323, 35-13324
& 35-7138

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 69365
 - ☒ 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: May 16, 2002

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 17, 2002, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail 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:
CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA CA 93105

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

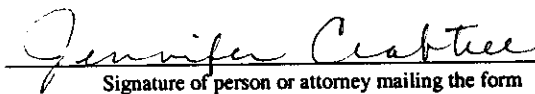
Each party in the subcase, or attorney of record
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

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
DIRECTOR'S REPORT OF WATER RIGHTS ACQUIRED UNDER STATE LAW

2002 MAY 20 AM 11:24

RIGHT NUMBER: 35-7

Split Right: See Nos. 35-13323 & 35-13324

DISTRICT COURT-SRBA
TWINFALLS CO., IDAHO
FILED _____

05/14/2002

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

2002 MAY 20 AM 11:24
DISTRICT COURT-SRBA
TWINFALLS CO., IDAHO
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RIGHT NUMBER: 35-13323
NAME AND ADDRESS: CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA CA 93105
MODIFIED PER TRANSFER 09368
SOURCE: UNNAMED STREAM
QUANTITY: 1.62 CFS
324.0 AFY
TRIBUTARY: SNAKE RIVER

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.62 CFS. COMBINED RIGHT NOS.: 35-07138,
35-13323

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION:

T04S R32E S24 SWNE Within BINGHAM County
T04S R32E S24 SESW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.620 CFS 324.00 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T04S R32E S24	SWNE	4.0	T04S R32E S24	SENE	1.0
T04S R32E S24	NESW	24.0	T04S R32E S24	NWSW	7.0
T04S R32E S24	SESW	21.0	T04S R32E S24	NESE	1.0
T04S R32E S24	NWSE	23.0			

81 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 81 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-7138,
35-13323

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: Decreed

SOURCE IS ALSO KNOWN AS BOOM CREEK, BOONE CREEK.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425,
IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION
42-1425, IDAHO CODE.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 35-00007.

05/14/2002

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

RIGHT NUMBER: 35-13324
NAME AND ADDRESS: CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA CA 93105
SOURCE: UNNAMED STREAM
QUANTITY: 88.0 APY
PRIORITY DATE: 05/01/1887
POINT OF DIVERSION:

MODIFIED PER TRANSFER 69365

2002 MAY 20 AM 11:24
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

TRIBUTARY: SNAKE RIVER

T04S R32E S25 NWNWNW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	88.00 APY

PLACE OF USE: RECREATION STORAGE Within BINGHAM County

T04S R32E S24 SWSW

THE SURFACE AREA OF THE STORAGE POND SHALL NOT EXCEED 22.0 ACRES.

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.

USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER
OF STATE WATER DISTRICT NO. 01, SNAKE RIVER.

EXPLANATORY MATERIAL: Decreed

SOURCE IS ALSO KNOWN AS BOOM OR BOONE CREEK.

THE STORAGE OF WATER UNDER THIS RIGHT IS CONTINGENT UPON THE CERTIFICATION
OF THE DAM AND AUTHORIZATION OF STORAGE PER THE DAM SAFETY PROVISIONS OF THE
IDAHO CODE.

PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER SHALL
PROVIDE A MEANS ACCEPTABLE TO THE DEPARTMENT TO MEASURE THE AMOUNT OF WATER
ENTERING THE RESERVOIR AND THE AMOUNT OF WATER RELEASED FROM THE RESERVOIR.

A LOCKABLE DEVICE SUBJECT TO THE APPROVAL OF THE DEPARTMENT SHALL BE
MAINTAINED ON THE DIVERTING WORKS IN A MANNER THAT WILL PROVIDE THE
WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER 69365
BY JAN 8, 2003.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF TRANSFER
69365 IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 35-00007.

05/14/2002

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

RIGHT NUMBER: 35-7138 MODIFIED PER TRANSFER 69365

NAME AND ADDRESS: CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA CA 93105

2002 MAY 20 AM 11: 24
DISTRICT COURT-SRBA
TWINFALLS CO., IDAHO
FILED

SOURCE: GROUND WATER

TRIBUTARY:

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM UNNAMED STREAM.

QUANTITY: 1.08 CFS
216.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-13323 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.62 CFS.

PRIORITY DATE: 04/08/1970

POINT OF DIVERSION:

T04S R32E S24 NESWNE Within BINGHAM County

T04S R32E S24 SWSENE Injection Within BINGHAM County

T04S R32E S24 SWSSEW Rediversion Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 10/31	1.080 CFS 216.00 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T04S R32E S24	SWNE	4.0	T04S R32E S24	SENE	1.0
T04S R32E S24	NESW	24.0	T04S R32E S24	NWSW	1.0
T04S R32E S24	SESW	21.0	T04S R32E S24	NESE	1.0
T04S R32E S24	NWSE	23.0			

75 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 35-13323 IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 81 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 54 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: License

RIGHT NO. 35-08635 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.