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Department of Water Resources

2002 JUL 29 AM 9:32

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: 31-5

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

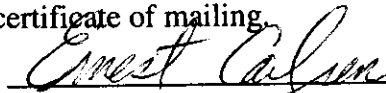
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer **66079**
 - ☐ 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: July 26, 2002

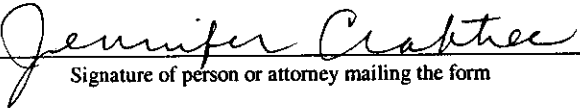


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 26, 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:
LEVEL CANAL CO INC
PO BOX 51
MONTEVIEW ID 83435
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
N/A
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
RECOMMENDED WATER RIGHTS ACQUIRED
UNDER STATE LAW

RIGHT NUMBER: 31-5

MODIFIED PER TRANSFER 303 JUL 29 9 AM 9:32

NAME AND ADDRESS:

LEVEL CANAL CO INC
PO BOX 51
MONTEVIEW ID 83435

DISTRICT COURT-SRBA
TWINFALLS CO., IDAHO
FILED

SOURCE: MUD LAKE Tributary: SINKS

QUANTITY: 0.000 CFS
393.600 AFY

FOR THIS RIGHT, THE DIVERSION VOLUME DESCRIBED ABOVE WAS
CALCULATED BY MULTIPLYING A DIVERSION RATE OF 1.6 CFS BY A FACTOR
OF 2 ACRE FEET PER DAY FOR 123 DAYS (MAY 1ST TO SEPTEMBER 1ST).

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 5904 AF. COMBINED RIGHT NOS.: 31-5,
31-189 AND 31-11335.

PRIORITY DATE: 10/03/1910

POINT OF DIVERSION:

T07N R34E S34 NWSWSW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION STORAGE	01/01 12/31	393.60 AFY
IRRIGATION FROM STORAGE	05/01 11/01	393.60 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT
EXCEEDED. THE USE OF WATER BEFORE APRIL 15 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL
DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION STORAGE within JEFFERSON County

T07N R34E S34 SWSW

IRRIGATION FROM STORAGE within JEFFERSON County

T06N R33E S01 NENE Lot 1 40.0
T06N R33E S01 NWNE Lot 2 40.0
T06N R33E S01 SWNE 40.0
T06N R33E S01 SENE 40.0
T06N R33E S01 NENW Lot 3 40.0
T06N R33E S01 NWNW Lot 4 39.0
T06N R33E S01 SWNW 39.0
T06N R33E S01 SENW 40.0
T06N R33E S01 NESW 40.0
T06N R33E S01 NWSW 39.0

IDAHO DEPARTMENT OF WATER RESOURCES
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T06N R33E S01 SWSW 38.0
T06N R33E S01 SESW 39.0
T06N R33E S01 NESE 40.0
T06N R33E S01 NWSE 40.0
T06N R33E S01 SWSE 40.0
T06N R33E S01 SESE 40.0

~~T06N R33E S11 NENE 23.0~~
~~T06N R33E S11 NWNE 2.0~~
~~T06N R33E S11 SENE 0.1~~
~~T06N R33E S12 NENW 39.0~~
~~T06N R33E S12 NWNW 39.0~~
~~T06N R33E S12 SWNW 25.0~~
~~T06N R33E S12 SENW 40.0~~

T06N R34E S06 NENW Lot 3 40.0
T06N R34E S06 NWNW Lot 4 39.0
T06N R34E S06 SWNW Lot 5 39.0
T06N R34E S06 SENW 40.0
T07N R33E S36 NENE 40.0
T07N R33E S36 NWNE 40.0
T07N R33E S36 SWNE 40.0
T07N R33E S36 SENE 40.0
T07N R33E S36 NENW 40.0
T07N R33E S36 SENW 40.0
T07N R33E S36 NESW 40.0
T07N R33E S36 NWSW 39.0
T07N R33E S36 SWSW 38.0
T07N R33E S36 SESW 38.0
T07N R33E S36 NESE 40.0
T07N R33E S36 NWSE 40.0
T07N R33E S36 SWSE 38.0
T07N R33E S36 SESE 36.0
T07N R34E S31 NENW 40.0
T07N R34E S31 NWNW Lot 1 39.0
T07N R34E S31 SWNW Lot 2 39.0
T07N R34E S31 SENW 40.0
T07N R34E S31 NESW 40.0
T07N R34E S31 NWSW Lot 3 39.0
T07N R34E S31 SWSW Lot 4 33.0
T07N R34E S31 SESW 37.0

1648 ACRES TOTAL ~~1656.1 ACRES TOTAL~~

USE OF THIS RIGHT WITH RIGHT NO. 31-189 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1440 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~1656.1~~ 1648 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-5, 31-189, 31-11335.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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. THE ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE AGREEMENT OF WATER RIGHT OWNERS REGARDING MUD LAKE WATER DELIVERY DATED APRIL 17, 2001, WHICH IS ON FILE IN THE RECORDS OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, IDAHO, INSTRUMENT NUMBER 307626.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM INDEPENDENT WATER USERS OF MUD LAKE INC.

Use of water under this water right will be regulated by the watermaster of State Water District No. 31, Mud Lake and tributaries.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 3.5 afa per a at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by transfer 66079 by July 18, 2003.

Failure of the right holder to comply with the conditions of transfer 66079 is cause for the Director to rescind approval of the transfer.

Approval of Transfer 66079 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

~~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.~~