

COPY

RECEIVED

NOV - 8 2004

Department of Water Resources

2004 NOV - 5 AM 11: 23

FILED
DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO

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: 63-3447C

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
☒ Substitution of Party
☐ IC § 42-222 transfer

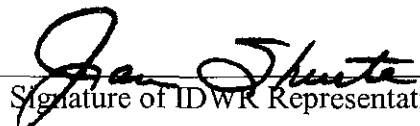
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

- ☐ IC § 42-219 license

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: November 4, 2004


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 4, 2004, 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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Alan K. Johnson *(former owner)*
3929 Overland Rd #840
Boise, ID 83715

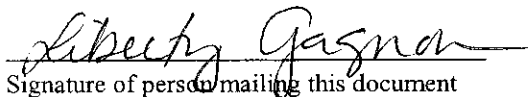
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Michael Berkson *(current owners)*
Diane Berkson
52 Sonshine Ln
Boise, ID 83716

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Boise Project Board of Control
Albert P. Barker
PO Box 2139
Boise, ID 83701-2139

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

11/03/2004

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

RIGHT NUMBER: 63-3447C

NAME AND ADDRESS: MICHAEL BERKSON
52 SONSHINE LN
BOISE ID 83716

DIANE BERKSON
52 SONSHINE LN
BOISE ID 83716

SOURCE: ASHTON GULCH CREEK

TRIBUTARY: ROBIE CREEK

QUANTITY: 0.080 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .10 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 39.1 AF. COMBINED RIGHT NOS.: 63-3447B
& 63-3447D

PRIORITY DATE: 04/26/1965

POINT OF DIVERSION:

T04N R04E S30 SWNW Lot 2 Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 10/15	0.080 CFS 30.00 AFY

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

Diversion for irrigation under this water right prior to April 1 and after
October 31 shall occur only as authorized by the Water District 63 Water
Master and only when water is being released for flood control by the
United States from the Lucky Peak Dam outlet under procedures and
requirements for the Memorandum of Agreement between the U.S.
Department of the Army and the U.S. Department of the Interior for Flood
Control Operations of the Boise River Reservoirs, dated November 20,
1953, the Water Control Manual for Boise River Reservoir dated April
1985 and any future amendments or revisions made thereto pursuant to
state or federal procedures or law; provided that any such use of this
water right prior to April 1 and after October 31 shall be subordinated to
water rights for storage in Lucky Peak Reservoir and/or Lake Lowell as
decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within BOISE County

T04N R04E S30 Lot 2 SWNW 7.0 T04N R04E S30 SENW 5.0

12 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 15.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 63-3447B & 63-3447D

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