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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) Subcase No: 45-581C, 45-582C, 45-685
Case No. 39576)
_____) **NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **I.C. § 42-222 TRANSFER**

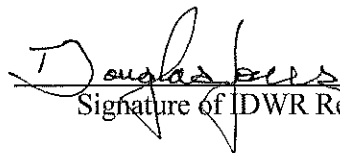
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☐ Change in Ownership	☐ Split of Water Right
☒ Point of Diversion	☒ Place of Use
☐ Period of Use	☐ Nature of Use

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: 2-10-05



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/10, 2005, 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
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
Glen Craig Smith
Vickie Smith
155 E 2069 S
Oakley ID 83346
3. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
4. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

01/31/2005

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

RIGHT NUMBER: 45-581C

NAME AND ADDRESS: GLEN CRAIG SMITH
155 E 2069 S
OAKLEY ID 83346

VICKIE SMITH
155 E 2069 S
OAKLEY ID 83346

SOURCE: MILL CREEK
SPRING CREEK

TRIBUTARY: SINKS
TRIBUTARY: MILL CREEK

QUANTITY: 0.400 CFS

The stockwater use authorized under this right shall not exceed 2.7 afa.

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.

The total instantaneous diversion of water from all points of diversion under Rights 45-581C, 45-582C and 45-685 shall not exceed 0.72 cfs.

PRIORITY DATE: 12/31/1879

POINT OF
DIVERSION:

T14S R23E S3 SENESW Within CASSIA County
T14S R23E S3 SENESW Rediversion Within CASSIA County
T14S R23E S3 NENWSW Rediversion Within CASSIA County
T14S R23E S3 NENWSW Within CASSIA County
T14S R23E S3 NESWSE Injection Within CASSIA County
T14S R23E S10 SWSENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	03/15 11/15	0.400 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T14S R23E S03	SWSW	1.5	T14S R23E S04 SWNE 13.0
T14S R23E S04	SENE	38.0	
<u>STOCKWATER Within CASSIA County</u>			
T14S R23E S03	SWSW		T14S R23E S04 SWNE
T14S R23E S04	SENE		

52.5 ACRES TOTAL

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

This right is limited to the irrigation of 51 acres within the place of use described above in a single irrigation season.

Rights 45-581C and 45-582C when combined shall not exceed irrigation of 51 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.

During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.

Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

Use of water under this water right will be regulated by the watermaster of State Water District No. 45-A.

The right holder shall accomplish the change authorized by transfer 67922 by January 13, 2006.

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

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Approval of Transfer 67922 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

02/01/2005

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

RIGHT NUMBER: 45-582C

NAME AND ADDRESS: GLEN CRAIG SMITH
155 E 2069 S
OAKLEY ID 83346

VICKIE SMITH
155 E 2069 S
OAKLEY ID 83346

SOURCE: MILL CREEK
SPRING CREEK

TRIBUTARY: SINKS
TRIBUTARY: MILL CREEK

QUANTITY: 0.300 CFS

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.

The total instantaneous diversion of water from all points of diversion under Rights 45-581C, 45-582C and 45-685 shall not exceed 0.72 cfs.

PRIORITY DATE: 05/01/1884

POINT OF
DIVERSION: T14S R23E S3 SENESW Within CASSIA County
T14S R23E S3 SENESW Rediversion Within CASSIA County
T14S R23E S3 NENWSW Rediversion Within CASSIA County
T14S R23E S3 NENWSW Within CASSIA County
T14S R23E S3 NESWSE Injection Within CASSIA County
T14S R23E S10 SWSENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.300 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R23E S03	SWSW	1.5	T14S R23E S04	SWNE	13.0
T14S R23E S04	SENE	38.0			

52.5 ACRES TOTAL

This right is limited to the irrigation of 51 acres within the place of use described above in a single irrigation season.

Rights 45-581C and 45-582C when combined shall not exceed irrigation of 51 acres.

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.

Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

Use of water under this water right will be regulated by the watermaster of State Water District No. 45-A.

The right holder shall accomplish the change authorized by transfer 67922 by January 13, 2006.

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

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Approval of Transfer 67922 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

02/01/2005

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

RIGHT NUMBER: 45-685

NAME AND ADDRESS: VICKIE SMITH
155 E 2069 S
OAKLEY ID 83346

GLEN CRAIG SMITH
155 E 2069 S
OAKLEY ID 83346

SOURCE: MILL CREEK
SPRING CREEK

TRIBUTARY: SINKS
TRIBUTARY: MILL CREEK

QUANTITY: 0.020 CFS

The stockwater use authorized under this right shall not exceed 0.04 afa.

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.

The total instantaneous diversion of water from all points of diversion under Rights 45-581C, 45-582C and 45-685 shall not exceed 0.72 cfs.

PRIORITY DATE: 12/31/1879

POINT OF

DIVERSION:

T14S R23E S3 SENESW Within CASSIA County
T14S R23E S3 SENESW Rediversion Within CASSIA County
T14S R23E S3 NENWSW Rediversion Within CASSIA County
T14S R23E S3 NENWSW Within CASSIA County
T14S R23E S3 NESWSE Injection Within CASSIA County
T14S R23E S10 SWSENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.010 CFS
IRRIGATION	03/15 11/15	0.020 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T14S R23E S03	SWSW	1.5	T14S R23E S04	SWNE	13.0
T14S R23E S04	SENE	38.0			

STOCKWATER Within CASSIA County

T14S R23E S03	SWSW		T14S R23E S04	SWNE	
T14S R23E S04	SENE				

52.5 ACRES TOTAL

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.

During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.

Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

Use of water under this water right will be regulated by the watermaster of State Water District No. 45-A.

The right holder shall accomplish the change authorized by transfer 67922 by January 13, 2006.

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

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This right is limited to the irrigation of 1.5 acres within the place of use described above in a single irrigation season.

Approval of Transfer 67922 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed