

03/17/2003

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

RIGHT NUMBER: 31-11787

NAME AND ADDRESS: PORT OF ENTRY TRAVEL CENTER LLC
PO BOX 2895
NORRIS MT 59745

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
21.000 AFY

PRIORITY DATE: 09/07/1971

POINT OF DIVERSION:

T06N R36E S23 NWSEW Within JEFFERSON County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.120 CFS
21.00 AFY

Commercial use is for a travel center including a restaurant, store, showers, rest rooms, offices, common areas, auto facilities and landscaping.

PLACE OF USE: COMMERCIAL Within JEFFERSON County

T06N R36E S23 SESW

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 holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Prior to the diversion and use of water under transfer 70153, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

Prior to the diversion and use of water under transfer 70153, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

The right holder shall accomplish the change authorized by transfer 70153 by 3/06/2004.

Failure of the right holder to comply with the conditions of transfer 70153 is cause for the Director to rescind approval of the transfer.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 31-7054C.

311787





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 27, 2003

PORT OF ENTRY TRAVEL CENTER LLC
PO BOX 2895
NORRIS MT 59745

RE: Transfer #70153 (water right 31-7054C) and Notice of
Completed Administrative Proceeding (NCAP)

Dear Sir or Madam:

On March 5, 2003, the Idaho Department of Water Resources (IDWR) approved Transfer #70153, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

A handwritten signature in cursive script that reads 'Jennifer Crabtree'.

Jennifer Crabtree
Technical Records Specialist

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: 31-7054C split into
31-11786 & ~~31-11787~~

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

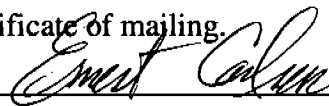
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer 70153
 - ☒ 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: 27 March 2003



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 27, 2003, 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:
PORT OF ENTRY TRAVEL CENTER LLC
PO BOX 2895
NORRIS MT 59745

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
PAULO & KAREN ANN BRASSANINI
PO BOX 104
TERRETON ID 83450

4. One copy to:

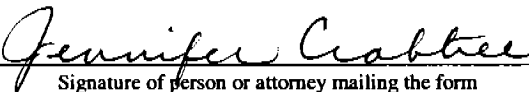
Each party in the subcase, or attorney of record
KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

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

WATER RIGHT NO. 31-11787
As Modified by Transfer No. 70153

In accordance with the approval of Transfer No. 70153, Water Right No. 31-11787 is now described as follows.

**Right Holder: PORT OF ENTRY TRAVEL CENTER LLC
PO BOX 2895
NORRIS MT 59745**

Priority Date: September 07, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.12 CFS	21.0 AF
			0.12 CFS	21.0 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER NWSESW Sec. 23 Twp 06N Rge 36E JEFFERSON
County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	36E	23																	
														X					

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Prior to the diversion and use of water under Transfer approval 70153, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
4. Commercial use is for a travel center including a restaurant, store, showers, rest rooms, offices, common areas, auto facilities and landscaping.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

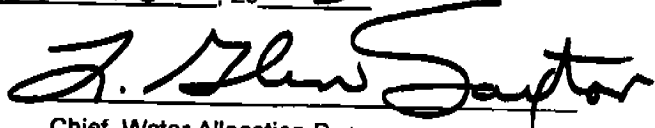
WATER RIGHT NO. 31-11787
As Modified by Transfer No. 70153

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 5th day of March, 2003


Chief, Water Allocation Bureau