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MAY 22 2002

2002 MAY 20 PM 4: 14

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED 4/2/02

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

Case No. 39576

)
) ORDER OF PARTIAL DECREE
)
) For Water Right 35-02751A & 35-02751B
)

On March 8, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-02751A and 35-02751B is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED May 20, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

2002 MAY 20 PM 02:00
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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-02751A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-02751A was mailed
on May 20, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

SHERMAN L RUFF
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/20/02



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 30, 2001

SHERMAN RUFF
3005 W 2100 S
ABERDEEN ID 83210

RE: Transfer #5736 (water right 35-2751, 35-8002) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Ruff:

On August 16, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5736, 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,

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:

35-2751 split into A & B

35-8002 split into A & B

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☒ **Other: The NAP for transfer 5736 incorrectly listed 35-8195 & 35-8338 which are not part of the SRBA and 35-7477C which is not affected by this transfer.**

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **5736**

☒ 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: April 2, 2001

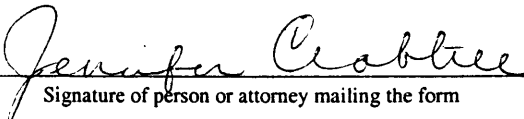
Ernest Calum

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 6, 2001, 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
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
SHERMAN RUFF
3005 W 2100 S
ABERDEEN ID 83210
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
SHERMAN RUFF RUFF TIMES FARMS
3005 W 2100 S C/O DOUG RUFF
ABERDEEN ID 83210 3005 W 2100 S
 ABERDEEN ID 83210
4. One copy to:
Each party in the subcase, or attorney of record
JOHN ROSHOLT
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906
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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

February 8, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RUFF TIMES FARMS
C/O DOUG RUFF
3005 W 2100 S
ABERDEEN ID 83210

RE: APPROVED TRANSFER 5736

Dear Mr. Ruff:

I am in the process of updating the Adjudication records that were affected by the approval of transfer 5736. Water rights 35-02751, 35-08002, 35-08195, and 35-08338 were split in A and B portions by transfer 5736. Rights 35-02751(A&B) and 35-08002(A&B) were filed on in the Snake River Basin Adjudication and are the records I am currently updating.

Specifically, my question is in regards to 35-02751 and 35-08002.

Transfer 5736 moved 12 acres (35-08002B) from the SWNW of T6S, R30E, Section 32 leaving 28 acres (35-08002A) of irrigation in that 40 acre track.

Transfer 3736 also moved 5 acres (35-02751B) from the NENE Lot 1 of T6S, R30E, Section 24 leaving 38 acres (35-02751A) of irrigation in Govt. Lot 1.

Enclosed are maps of the original place of use for 35-02751 and 35-08002. On the maps, please indicate which acres that are no longer irrigated and return it to this office. This will greatly aid me in updating the Adjudication records.

For your convenience I have also enclosed a copy of the transfer application.

Please feel free to contact me with any questions.

Sincerely,

Craig L. Saxton
Water Resource Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5736
WATER RIGHT NO(S). 35-02751B/35-08002B/35-08195B/35-08338B

RECEIVED

AUG 21 2000

Department of Water Resources
Eastern Region

This is to certify that: RUFF TIMES FARMS
C/O DOUG RUFF
3005 W 2100 S
ABERDEEN ID 83210

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02751B :			
IRRIGATION	04/01 to 10/31	0.03 CFS	12.7 AF
Priority: 08/21/1964			
Right No. 35-08338B :			
IRRIGATION	04/01 to 10/31	0.07 CFS	20.0 AF
Priority: 01/27/1984			
		<u>0.10 CFS</u>	<u>20.0 AF</u>
Right No. 35-08002B :			
IRRIGATION	04/01 to 11/01	0.24 CFS	48.0 AF
Priority: 11/13/1981			
Right No. 35-08195B :			
IRRIGATION	04/01 to 10/31	0.27 CFS	60.0 AF
Priority: 06/30/1983			
		<u>0.61 CFS</u>	<u>128.0 AF</u>
	TOTAL:		

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSWNW , Sec. 15, Township 06S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	29E	15	NWNE 16	SWNE 16		32
Total number of acres irrigated:						32 *

TRANSFER NO. 5736
WATER RIGHT NO(S). 35-02751B/35-08002B/35-08195B/35-08338B

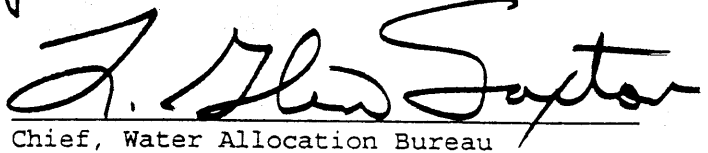
CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
5. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- * 6. Rights 35-02751B and 35-08338B when combined shall not exceed a total annual maximum diversion volume of 20.0 af at the field headgate, and the irrigation of 5 acres.
- * 7. Right 35-08002B is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season.
- * 8. Right 35-08195B is limited to the irrigation of 15 acres within the place of use described above in a single irrigation season.
9. Right 35-07477C is also diverted through the point of diversion described above.

Dated this 16th day of

August

2000



Chief, Water Allocation Bureau