

UNIT-88BA
TWIN FALLS CO., IDAHO
81100

COPY

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: 36-2312B,
36-2312C, 36-2312D, 36-7387B,
36-7387C and 36-7387D**

Case No. 39576

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ Split of water right ☐ Change in ownership
- ☒ IC § 42-222 transfer

36-2312B split into 36-2312C and 36-2312D
36-7387B split into 36-7387C and 36-7387D

- | | | | |
|--------------------------|----------------------|-------------------------------------|---------------------|
| ☐ | 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 right 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: 5-1-06

Catherine Fritzsche

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 1, 2006, 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

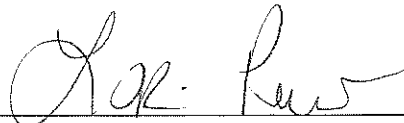
2. Copies to:

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

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

3. Copies to all parties to the subcase:

Thomas & Mary Jane Heida
Frans & Cornelia Aardema
Box Canyon Dairy
Aardema Heida Dairy
P.O. Box 140
Wendell ID 83355-0140



Signature of person mailing this document

04/06/2006

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

RIGHT NUMBER: 36-2312C

NAME AND ADDRESS: MARY JANE HEIDA
PO BOX 140
WENDELL ID 83355-0140

CORNELIA AARDEMA
PO BOX 140
WENDELL ID 83355-0140

FRANS AARDEMA
PO BOX 140
WENDELL ID 83355-0140

THOMAS HEIDA
PO BOX 140
WENDELL ID 83355-0140

AARDEMA HEIDA DAIRY
PO BOX 140
WENDELL ID 83355-0140

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.500 CFS

Right Nos. 36-2312C and 36-7387C are limited to a total combined annual diversion volume of 176 AF.

PRIORITY DATE: 11/26/1956

POINT OF DIVERSION:

T08S R14E S25 SESENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.500 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T08S R14E S25	NENE	11.00	T08S R14E S25	NWNE	33.00
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44 ACRES TOTAL

Right Nos. 36-2312C and 36-7387C are limited to the irrigation of a combined total of 44 acres in a single irrigation season.

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: BASIS OF CLAIM - License

Use of this right is combined with water from North Side Canal Co., Ltd.

Right Nos. 36-2312A, 36-2312C, 36-7387A, 36-7387C and 36-7641 are diverted through the point of diversion described above.

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

The place of commercial use authorized by Transfer No. 5384 includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first beneficially used in the dairy as authorized by Transfer No. 5384.

04/06/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

The right holder shall install measuring devices at the irrigation well located in the SENE Section 25, T08S, R14E, B.M. from which water is being transferred and at the dairy well(s) in the NENE of Section 25, T08S, R14E, B.M. The right holder shall measure and annually report to the Department the amount (cfs and acre-feet) of water diverted under Transfer No. 5384. The Director may require more frequent measuring and reporting.

The number of milking cattle at Box Canyon Dairy No. 3 shall not exceed 896 animals.

The right holder shall accomplish the change authorized by Transfer No. 5384 on or before October 7, 2006.

Use of water under Transfer No. 5384 requires that the applicant dry up 22 acres of land located in the NENE Section 25, T08S, R14E, B.M. although 33 acres will actually be dried up.

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

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

RIGHT NUMBER: 36-7387D

NAME AND ADDRESS: BOX CANYON DAIRY
PO BOX 140
WENDELL ID 83355-0140

CORNELIA AARDEMA
PO BOX 140
WENDELL ID 83355-0140

FRANS AARDEMA
PO BOX 140
WENDELL ID 83355-0140

MARY JANE HEIDA
PO BOX 140
WENDELL ID 83355-0140

THOMAS HEIDA
PO BOX 140
WENDELL ID 83355-0140

SOURCE: GROUND WATER

QUANTITY: 0.150 CFS
77.400 AFY

TRIBUTARY:

Right Nos. 36-2312D and 36-7387D are limited to a total combined diversion rate of 0.32 cfs and to a total combined annual diversion volume of 77.4 AF.

PRIORITY DATE: 10/27/1973

POINT OF DIVERSION:

T08S R14E S25 NENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.150 CFS 77.40 AFY
COMMERCIAL	1/01 12/31	0.150 CFS 77.40 AFY

PLACE OF USE: STOCKWATER Within GOODING County

T08S R14E S25 NENE

COMMERCIAL Within GOODING County

T08S R14E S25	NENE	T08S R14E S25	NWNE
T08S R14E S25	SWNE	T08S R14E S25	SENE

The place of commercial use authorized by Transfer No. 5384 includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first beneficially used in the dairy as authorized by Transfer No. 5384.

04/06/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The number of milking cattle at Box Canyon Dairy No. 3 shall not exceed 896 animals.

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

The right holder shall install measuring devices at the irrigation well located in the SENE Section 25, T08S, R14E, B.M. from which water is being transferred and at the dairy well(s) in the NENE of Section 25, T08S, R14E, B.M. The right holder shall measure and annually report to the Department the amount (cfs and acre-feet) of water diverted under Transfer No. 5384. The Director may require more frequent measuring and reporting.

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

The right holder shall accomplish the change authorized by Transfer No. 5384 on or before October 7, 2006.

Use of water under Transfer No. 5384 requires that the applicant dry up 22 acres of land located in the NENE Section 25, T08S, R14E, B.M. although 33 acres will actually be dried up.