

COPY

2006 JUN -5 AM 10: 52
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	)	Water Rights: 63-8825 (Split)
	)	63-32316, 63-32317,
	)	63-32318, 63-32319
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
_____	)	PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX 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 |
- ☐ 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: June 2, 2006



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 2, 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	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☐	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

James Family Ltd Partnership	☐	overnight mail
4675 N Ten Mile Rd	☒	regular mail
Meridian ID 83642	☐	hand-delivered
	☐	facsimile

Larry D James	☐	overnight mail
4785 N Ten Mile Rd	☒	regular mail
Meridian ID 83642	☐	hand-delivered
	☐	facsimile

Ed L Bews
Shirley G Bews
5204 Sorrento Circle
Boise ID 83704

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

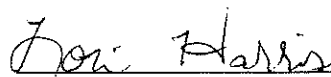
Bews Family Limited Partnership
5204 Sorrento Circle
Boise ID 83704

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

Primeland Development
Frank Varriale
660 E Franklin Ste 110
Meridian ID 83642

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

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



Signature of person mailing this document

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

2006 JUN -5 AM 10:52

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

RIGHT NUMBER: 63-8825

SPLIT RIGHT: See Right Nos. 63-32316, 63-32317, 63-32318 and 63-32319.

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

RIGHT NUMBER: 63-32316

NAME AND ADDRESS: JAMES FAMILY LTD PARTNERSHIP
4675 N TEN MILE RD
MERIDIAN ID 83642

LARRY D JAMES
4785 N TEN MILE RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.330 CFS
115.400 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands below.

PRIORITY DATE: 05/06/1977

POINT OF DIVERSION:

T04N R01W S26 SESE Within ADA County
T04N R01W S27 NESE Within ADA County
T04N R01W S34 NENE Within ADA County
T04N R01W S35 NWNW Within ADA County
T04N R01W S36 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.330 CFS 115.40 AFY
The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION Within ADA County

T04N R01W S26	SWSE	37.00	T04N R01W S26	SESE	15.00
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52 ACRES TOTAL

This right is limited to the irrigation of 25.6 acres within the place of use described above 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

Approval of Transfer No. 4137 does not grant any right-of-way or easement across the land of another.

Use of this right is combined with water from Settlers Irrigation District.

Well no. 5, located within the NWNW, Sec. 35, Twp. 4N, Rge. 1W, B.M. shall be either shallower than 100 feet, or cased and sealed to a minimum depth of 200 feet. The motor installed for diversion from this well shall be limited to a 15 horsepower rating.

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

Water diverted under these water rights is to be used for supplemental purposes only, in connection with the primary surface water rights from the Boise River. The surface water rights dedicated to this land must be utilized to their full extent during any year that these supplemental ground water rights are utilized.

The applicant is responsible to ensure that water pumped under Transfer No. 4137 does not directly, as determined by the Director, cause the water level in any domestic well drilled prior to March 29, 1978, to be lowered so as to require modification to the well or pumping system or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the applicant provides reasonable compensation or mitigation, as determined by the Director, to the prior water right holder for the reduced water levels.

The right holder is not authorized to increase the horsepower on the existing wells over that already installed and operating during the 1992 irrigation season.

This right is a split from former right 63-8825 .

Use of this right is combined with water from Nampa Meridian Irrigation District.

Failure of the right holder to comply with the conditions of Transfer No. 4137 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water in 1993, a measuring device of a type acceptable to the Department shall be installed and maintained in conjunction with each well that diverts water under these water rights. In addition, the water right holder shall provide to the Department a plan limiting diversions to no more than 0.02 cfs per acre for irrigation purposes on irrigated land from all sources. This plan must be approved before pumpage under Transfer No. 4137 is authorized.

The applicant is responsible to ensure that water pumped under Transfer No. 4137 does not cause the water level in any irrigation well to exceed the reasonable pumping level, unless the holder of the prior water right receives reasonable compensation or mitigation for the reduced water level caused directly or indirectly by the withdrawal of water under Transfer No. 4137.

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

708 JUN -5 AM 10:52
DISTRICT COURT - SRDA
TWIN FALLS CO., IDAHO
FILED

RIGHT NUMBER: 63-32317
NAME AND ADDRESS: ED L BEWS
5204 SORRENTO CIR
BOISE ID 83704
SHIRLEY G BEWS
5204 SORRENTO CIRCLE
BOISE ID 83704

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 1.370 CFS
474.800 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands below.

PRIORITY DATE: 05/06/1977

POINT OF DIVERSION:

T04N R01W S26 SESE Within ADA County
T04N R01W S27 NESE Within ADA County
T04N R01W S34 NENE Within ADA County
T04N R01W S35 NWNW Within ADA County
T04N R01W S36 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1.370 CFS 474.80 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION Within ADA County

T04N R01W S27	NESE	38.00	T04N R01W S27	NWSE	36.00
T04N R01W S27	SWSE	37.00	T04N R01W S27	SESE	36.00
T04N R01W S34	NENE	29.00	T04N R01W S34	NWNE	38.00

214 ACRES TOTAL

This right is limited to the irrigation of 105.5 acres within the place of use described above 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

The applicant is responsible to ensure that water pumped under Transfer No. 4137 does not cause the water level in any irrigation well to exceed the reasonable pumping level, unless the holder of the prior water right receives reasonable compensation or mitigation for the reduced water level caused directly or indirectly by the withdrawal of water under Transfer No. 4137.

Use of this right is combined with water from Nampa Meridian Irrigation District.

Failure of the right holder to comply with the conditions of Transfer No. 4137 is cause for the Director to rescind approval of the transfer.

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

The right holder is not authorized to increase the horsepower on the existing wells over that already installed and operating during the 1992 irrigation season.

Prior to diversion of water in 1993, a measuring device of a type acceptable to the Department shall be installed and maintained in conjunction with each well that diverts water under these water rights. In addition, the water right holder shall provide to the Department a plan limiting diversions to no more than 0.02 cfs per acre for irrigation purposes on irrigated land from all sources. This plan must be approved before pumpage under Transfer No. 4137 is authorized.

The applicant is responsible to ensure that water pumped under Transfer No. 4137 does not directly, as determined by the Director, cause the water level in any domestic well drilled prior to March 29, 1978, to be lowered so as to require modification to the well or pumping system or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the applicant provides reasonable compensation or mitigation, as determined by the Director, to the prior water right holder for the reduced water levels.

Water diverted under these water rights is to be used for supplemental purposes only, in connection with the primary surface water rights from the Boise River. The surface water rights dedicated to this land must be utilized to their full extent during any year that these supplemental ground water rights are utilized.

Use of this right is combined with water from Settlers Irrigation District.

Well no. 5, located within the NWNW, Sec. 35, Twp. 4N, Rge. 1W, B.M. shall be either shallower than 100 feet, or cased and sealed to a minimum depth of 200 feet. The motor installed for diversion from this well shall be limited to a 15 horsepower rating.

This right is a split from former right 63-8825 .

Approval of Transfer No. 4137 does not grant any right-of-way or easement across the land of another.

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

706 JUN -3 AM 10:52
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

RIGHT NUMBER: 63-32318

NAME AND ADDRESS: BEWS FAMILY LIMITED PARTNERSHIP
5204 SORRENTO CIRCLE
BOISE ID 83704

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.220 CFS
77.700 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands below.

PRIORITY DATE: 05/06/1977

POINT OF DIVERSION:

T04N R01W S26 SESE Within ADA County

T04N R01W S27 NESE Within ADA County

T04N R01W S34 NENE Within ADA County

T04N R01W S35 NWNW Within ADA County

T04N R01W S36 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.220 CFS
77.70 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within ADA County

T04N R01W S28 SESE 35.00

35 ACRES TOTAL

This right is limited to the irrigation of 17.3 acres within the place of use described above 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

This right is a split from former right 63-8825 .

Failure of the right holder to comply with the conditions of Transfer No. 4137 is cause for the Director to rescind approval of the transfer.

Use of this right is combined with water from Settlers Irrigation District.

Use of this right is combined with water from Nampa Meridian Irrigation District.

The applicant is responsible to ensure that water pumped under Transfer No. 4137 does not directly, as determined by the Director, cause the water level in any domestic well drilled prior to March 29, 1978, to be lowered so as to require modification to the well or pumping system or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the applicant provides reasonable compensation or mitigation, as determined by the Director, to the prior water right holder for the reduced water levels.

The applicant is responsible to ensure that water pumped under Transfer No. 4137 does not cause the water level in any irrigation well to exceed the reasonable pumping level, unless the holder of the prior water right receives reasonable compensation or mitigation for the reduced water level caused directly or indirectly by the withdrawal of water under Transfer No. 4137.

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

Water diverted under these water rights is to be used for supplemental purposes only, in connection with the primary surface water rights from the Boise River. The surface water rights dedicated to this land must be utilized to their full extent during any year that these supplemental ground water rights are utilized.

Well no. 5, located within the NWNW, Sec. 35, Twp. 4N, Rge. 1W, B.M. shall be either shallower than 100 feet, or cased and sealed to a minimum depth of 200 feet. The motor installed for diversion from this well shall be limited to a 15 horsepower rating.

Prior to diversion of water in 1993, a measuring device of a type acceptable to the Department shall be installed and maintained in conjunction with each well that diverts water under these water rights. In addition, the water right holder shall provide to the Department a plan limiting diversions to no more than 0.02 cfs per acre for irrigation purposes on irrigated land from all sources. This plan must be approved before pumpage under Transfer No. 4137 is authorized.

Approval of Transfer No. 4137 does not grant any right-of-way or easement across the land of another.

The right holder is not authorized to increase the horsepower on the existing wells over that already installed and operating during the 1992 irrigation season.

COPY

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

706 AM - 3 AM 10: 52
DISTRICT 1 - SRBA
TWIN FALLS CO., IDAHO
FILED

RIGHT NUMBER: 63-32319
NAME AND ADDRESS: PRIMELAND DEVELOPMENT CO LLP
FRANK VARRIALE
660 E FRANKLIN STE 110
MERIDIAN ID 83642

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.850 CFS
295.100 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands below.

PRIORITY DATE: 05/06/1977

POINT OF DIVERSION:

T04N R01W S26 SESE Within ADA County
T04N R01W S27 NESE Within ADA County
T04N R01W S34 NENE Within ADA County
T04N R01W S35 NWNW Within ADA County
T04N R01W S36 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.950 CFS 295.10 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION Within ADA County

T04N R01W S26	NWSW	20.00	T04N R01W S26	SWSW	37.00
T04N R01W S35	NWNW	37.00	T04N R01W S35	SWNW	39.00

133 ACRES TOTAL

This right is limited to the irrigation of 65.6 acres within the place of use described above 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 Nampa Meridian Irrigation District.

Approval of Transfer No. 4137 does not grant any right-of-way or easement across the land of another.

The applicant is responsible to ensure that water pumped under Transfer No. 4137 does not directly, as determined by the Director, cause the water level in any domestic well drilled prior to March 29, 1978, to be lowered so as to require modification to the well or pumping system or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the applicant provides reasonable compensation or mitigation, as determined by the Director, to the prior water right holder for the reduced water levels.

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

Well no. 5, located within the NWNW, Sec. 35, Twp. 4N, Rge. 1W, B.M. shall be either shallower than 100 feet, or cased and sealed to a minimum depth of 200 feet. The motor installed for diversion from this well shall be limited to a 15 horsepower rating.

Prior to diversion of water in 1993, a measuring device of a type acceptable to the Department shall be installed and maintained in conjunction with each well that diverts water under these water rights. In addition, the water right holder shall provide to the Department a plan limiting diversions to no more than 0.02 cfs per acre for irrigation purposes on irrigated land from all sources. This plan must be approved before pumpage under Transfer No. 4137 is authorized.

The applicant is responsible to ensure that water pumped under Transfer No. 4137 does not cause the water level in any irrigation well to exceed the reasonable pumping level, unless the holder of the prior water right receives reasonable compensation or mitigation for the reduced water level caused directly or indirectly by the withdrawal of water under Transfer No. 4137.

Failure of the right holder to comply with the conditions of Transfer No. 4137 is cause for the Director to rescind approval of the transfer.

Use of this right is combined with water from Settlers Irrigation District.

The right holder is not authorized to increase the horsepower on the existing wells over that already installed and operating during the 1992 irrigation season.

Water diverted under these water rights is to be used for supplemental purposes only, in connection with the primary surface water rights from the Boise River. The surface water rights dedicated to this land must be utilized to their full extent during any year that these supplemental ground water rights are utilized.

This right is a split from former right 63-8825 .