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JUN 13 2006

DEPARTMENT OF
WATER RESOURCES

2006 JUN 12 AM 10:26
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: 63-32319

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

XX Address change

☐ 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

☐ Other

☐ 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 9, 2006


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 9, 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

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

2. Copies to:

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

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

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

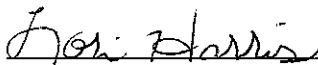
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Primeland Development Co LLP
Frank Varriale
3120 W Belltower Dr
Meridian ID 83646-7744

☐ 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

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DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 63-32319
NAME AND ADDRESS: PRIMELAND DEVELOPMENT CO LLP
FRANK VARRIALE
3120 W BELLTOWER DR
MERIDIAN ID 83646-7744

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:

I04N R01W S26 SESE Within ADA County
I04N R01W S27 NESE Within ADA County
I04N R01W S34 NENE Within ADA County
I04N R01W S35 NWNW Within ADA County
I04N 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

I04N R01W S26	NWSW	20.00	I04N R01W S26	SWSW	37.00
I04N R01W S35	NWNW	37.00	I04N 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.