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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 ) Subcase No: 45-2683 (Split)  
 ) 45-13919, 45-13940 and 45-13941  
Case No. 39576 )  
 ) NOTICE OF COMPLETED  
 ) ADMINISTRATIVE PROCEEDING  
\_\_\_\_\_ )

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

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An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

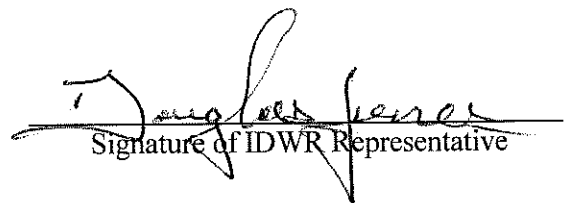
|                                                         |                                                          |
|---------------------------------------------------------|----------------------------------------------------------|
| <input checked="" type="checkbox"/> Change in Ownership | <input checked="" type="checkbox"/> Split of Water Right |
| <input checked="" type="checkbox"/> Point of Diversion  | <input checked="" type="checkbox"/> Place of Use         |
| <input type="checkbox"/> Period of Use                  | <input type="checkbox"/> Nature of Use                   |

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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: 7/10/06

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 6/10, 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  
253 Third Avenue North  
PO Box 2707  
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

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

Oak Valley Land Co LLC  
4109 Hidden Lakes Dr  
Kimberly ID 83341

Max W Bingham & Sons  
450 S 50 W  
Burley ID 83318

Robert Kunau  
Nancy Kunau  
468 S 800 W  
Burley ID 83318

Richard Kunau  
Norma Kunau  
137 N Hwy 77  
Declo ID 83323

Glen Kunau  
Dona Kunau  
1941 Miller Ave  
Burley ID 83318



Signature of person or attorney mailing the form

2/2/06

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

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RIGHT NUMBER: 45-2683

SPLIT RIGHT: SEE RIGHT NOS. 45-13919, 45-13940 and 45-13941.

06/08/2006

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

RIGHT NUMBER: 45-13919

NAME AND ADDRESS: OAK VALLEY LAND CO LLC  
4109 HIDDEN LAKES DR  
KIMBERLY ID 83341

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

QUANTITY: 0.400 CFS  
148.80 AFY

Rights 45-13919, 45-13921, 45-13923, 45-13925, 45-13927, 45-13929, 45-13931, 45-13933, 45-13935, 45-13937 and 45-13939 when combined shall not exceed 3.09 cfs, nor a total combined annual volume of 898.5 af.

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.

Rights 45-13919 and 45-13921 when combined shall not exceed a total diversion rate of 0.76 cfs, a total annual maximum diversion volume of 156.8 af at the field headgate.

The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Rights 45-13919, 45-13921 and 45-13923 when combined shall not exceed a total diversion rate of 0.78 cfs, a total annual maximum diversion volume of 249.6 af at the field headgate.

PRIORITY DATE: 05/21/1962

POINT OF

DIVERSION: T11S R21E S22 NWNWNW Within CASSIA County

PURPOSE AND

PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 03/15 11/15          | 0.400 CFS<br>148.80 AFY |

PLACE OF USE: IRRIGATION Within CASSIA County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T11S R21E S22 | NENW | 33.20 | T11S R21E S22 | NWNW | 33.80 |
| T11S R21E S22 | SWNW | 33.80 | T11S R21E S22 | SENW | 33.20 |
| T11S R21E S22 | NESW | 33.60 | T11S R21E S22 | NWSW | 33.30 |
| T11S R21E S22 | SWSW | 33.30 | T11S R21E S22 | SESW | 32.90 |

267.1 ACRES TOTAL

Right Nos. 45-13919, 45-13921 and 45-13923 are limited to the irrigation of a combined total of 62.4 acres in a single irrigation season.

Right Nos. 45-13919, 45-13921, 45-13923, 45-13925, 45-13927, 45-13929, 45-13931, 45-13933, 45-13935, 45-13937 and 45-13939 are limited to the irrigation of a combined total of 267.1 acres in a single irrigation season.

Right Nos. 45-13919 and 45-13921 are limited to the irrigation of a combined total of 39.2 acres in a single irrigation season.

This right is limited to the irrigation of 37.2 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Prior to the diversion and use of water under Transfer approval 71993, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

06/08/2006

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

RIGHT NUMBER: 45-13940

NAME AND ADDRESS: OAK VALLEY LAND CO LLC  
4109 HIDDEN LAKES DR  
KIMBERLY ID 83341

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.990 CFS  
1,844.40 AFY

The total instantaneous diversion of water from all points of diversion under Rights 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934, 45-13936, 45-13938, 45-13940, 45-13942, and 45-13944 shall not exceed 44.17 cfs, nor a total combined annual volume of 12754.8 af.

Rights 45-13940, 45-13942 and 45-13944 when combined shall not exceed a total diversion rate of 9.67 cfs, a total annual maximum diversion volume of 3090.4 af at the field headgate.

Rights 45-13940 and 45-13942 when combined shall not exceed a total diversion rate of 9.50 cfs, a total annual maximum diversion volume of 1944.0 af at the field headgate.

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.

The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

PRIORITY DATE: 05/21/1962

POINT OF  
DIVERSION:

T11S R21E S14 SENENE Within CASSIA County  
T11S R21E S14 NENENW Within CASSIA County  
T11S R21E S23 NENESW Within CASSIA County  
T11S R21E S23 SESESW Within CASSIA County  
T11S R22E S17 NWNWSW Within CASSIA County  
T11S R22E S17 NWNWSW Within CASSIA County  
T11S R22E S19 NENENE Within CASSIA County  
T11S R22E S19 NENENW Within CASSIA County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
03/15 11/15

QUANTITY  
4.990 CFS  
1,844.40 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T11S R21E S13 | NWNE | 40.30 | T11S R21E S13 | SWNE | 36.90 |
| T11S R21E S13 | SENE | 21.50 | T11S R21E S13 | NENW | 32.90 |
| T11S R21E S13 | NWNW | 32.10 | T11S R21E S13 | SWNW | 31.60 |
| T11S R21E S13 | SENE | 37.90 | T11S R21E S13 | NESW | 37.00 |
| T11S R21E S13 | NWSW | 28.40 | T11S R21E S13 | SWSW | 30.50 |

|                     |      |       |                     |      |       |
|---------------------|------|-------|---------------------|------|-------|
| T11S R21E S13       | SESW | 33.70 | T11S R21E S13       | NESE | 23.60 |
| T11S R21E S13       | NWSE | 38.90 | T11S R21E S13       | SWSE | 32.60 |
| T11S R21E S13       | SESE | 29.60 | T11S R21E S14       | NENE | 29.80 |
| T11S R21E S14       | NWNE | 34.40 | T11S R21E S14       | SWNE | 33.80 |
| T11S R21E S14       | SENE | 28.30 | T11S R21E S14       | NENW | 32.60 |
| T11S R21E S14       | NWNW | 33.80 | T11S R21E S14       | SWNW | 34.20 |
| T11S R21E S14       | SENW | 32.70 | T11S R21E S14       | NESW | 32.40 |
| T11S R21E S14       | NWSW | 31.60 | T11S R21E S14       | SWSW | 31.80 |
| T11S R21E S14       | SESW | 32.50 | T11S R21E S14       | NESE | 8.90  |
| T11S R21E S14       | NWSE | 18.40 | T11S R21E S14       | SWSE | 34.80 |
| T11S R21E S14       | SESE | 18.80 | T11S R21E S15       | NENE | 33.40 |
| T11S R21E S15       | NWNE | 33.10 | T11S R21E S15       | SWNE | 33.70 |
| T11S R21E S15       | SENE | 33.50 | T11S R21E S15       | NESE | 33.70 |
| T11S R21E S15       | NWSE | 33.20 | T11S R21E S15       | SWSE | 33.00 |
| T11S R21E S15       | SESE | 33.00 | T11S R21E S22       | NENE | 33.80 |
| T11S R21E S22       | NWNE | 32.50 | T11S R21E S22       | SWNE | 31.80 |
| T11S R21E S22       | SENE | 32.60 | T11S R21E S22       | NESE | 34.50 |
| T11S R21E S22       | NWSE | 33.70 | T11S R21E S22       | SWSE | 32.40 |
| T11S R21E S22       | SESE | 31.30 | T11S R21E S23       | NENE | 33.20 |
| T11S R21E S23       | NWNE | 32.90 | T11S R21E S23       | SWNE | 33.70 |
| T11S R21E S23       | SENE | 33.30 | T11S R21E S23       | NENW | 34.30 |
| T11S R21E S23       | NWNW | 33.30 | T11S R21E S23       | SWNW | 33.50 |
| T11S R21E S23       | SENW | 33.40 | T11S R21E S23       | NESW | 33.60 |
| T11S R21E S23       | NWSW | 33.10 | T11S R21E S23       | SWSW | 33.00 |
| T11S R21E S23       | SESW | 32.70 | T11S R21E S23       | NESE | 33.30 |
| T11S R21E S23       | NWSE | 33.10 | T11S R21E S23       | SWSE | 33.30 |
| T11S R21E S23       | SESE | 32.80 | T11S R21E S24       | NENE | 29.20 |
| T11S R21E S24       | NWNE | 33.30 | T11S R21E S24       | SWNE | 3.70  |
| T11S R21E S24       | SWNW | 0.30  | T11S R21E S24       | SENW | 0.10  |
| T11S R21E S24       | NESW | 24.70 | T11S R21E S24       | NWSW | 10.10 |
| T11S R21E S24       | SWSW | 34.00 | T11S R21E S24       | SESW | 27.70 |
| T11S R21E S24       | NESE | 4.50  | T11S R21E S24       | NWSE | 36.80 |
| T11S R21E S24       | SWSE | 36.10 | T11S R21E S24       | SESE | 4.60  |
| T11S R22E S17       | NESW | 33.70 | T11S R22E S17       | NWSW | 33.30 |
| T11S R22E S17       | SWSW | 33.00 | T11S R22E S17       | SESW | 33.30 |
| T11S R22E S17       | NESE | 33.20 | T11S R22E S17       | NWSE | 33.30 |
| T11S R22E S17       | SWSE | 33.60 | T11S R22E S17       | SESE | 33.30 |
| T11S R22E S18       | NESE | 33.40 | T11S R22E S18       | NWSE | 33.70 |
| T11S R22E S18       | SWSE | 33.70 | T11S R22E S18       | SESE | 33.40 |
| T11S R22E S19       | NENE | 39.70 | T11S R22E S19       | NWNE | 40.40 |
| T11S R22E S19       | SWNE | 40.70 | T11S R22E S19       | SENE | 39.80 |
| T11S R22E S19       | NENW | 40.50 | T11S R22E S19 Lot 1 | NWNW | 32.50 |
| T11S R22E S19 Lot 2 | SWNW | 33.30 | T11S R22E S19       | SENW | 40.70 |
| T11S R22E S19       | NESW | 40.60 | T11S R22E S19 Lot 3 | NWSW | 34.80 |
| T11S R22E S19 Lot 4 | SWSW | 40.40 | T11S R22E S19       | SESW | 40.40 |
| T11S R22E S19       | NESE | 38.90 | T11S R22E S19       | NWSE | 40.60 |
| T11S R22E S19       | SWSE | 40.40 | T11S R22E S19       | SESE | 40.00 |
| T11S R22E S20       | NENE | 32.50 | T11S R22E S20       | NWNE | 32.60 |

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T11S R22E S20 | SWNE | 32.60 | T11S R22E S20 | SENE | 32.50 |
| T11S R22E S20 | NENW | 33.20 | T11S R22E S20 | NWNW | 33.00 |
| T11S R22E S20 | SWNW | 33.10 | T11S R22E S20 | SENW | 33.30 |
| T11S R22E S20 | NESW | 40.40 | T11S R22E S20 | NWSW | 39.80 |
| T11S R22E S20 | SWSW | 39.80 | T11S R22E S20 | SESW | 40.60 |
| T11S R22E S20 | NESE | 33.20 | T11S R22E S20 | NWSE | 33.70 |
| T11S R22E S20 | SWSE | 33.40 | T11S R22E S20 | SESE | 33.00 |

3844.4 ACRES TOTAL

Right Nos. 45-13940 and 45-13942 are limited to the irrigation of a combined total of 486.0 acres in a single irrigation season.

This right is limited to the irrigation of 461.1 acres within the place of use described above in a single irrigation season.

Right Nos. 45-13940, 45-13942 and 45-13944 are limited to the irrigation of a combined total of 772.6 acres in a single irrigation season.

Right Nos. 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934, 45-13936, 45-13938, 45-13940, 45-13942, and 45-13944 are limited to the irrigation of a combined total of 3822.9 acres in a single irrigation season.

#### OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

06/08/2006

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

RIGHT NUMBER: 45-13941

NAME AND ADDRESS: OAK VALLEY LAND CO LLC  
4109 HIDDEN LAKES DR  
KIMBERLY ID 83341

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

QUANTITY: 1.010 CFS  
236.10 AFY

Rights 45-13941, 45-13943 and 45-13945 when combined shall not exceed a total diversion rate of 1.97 cfs, a total annual maximum diversion volume of 395.6 af.

The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Rights 45-13941 and 45-13943 when combined shall not exceed a total diversion rate of 1.93 cfs, a total annual maximum diversion volume of 248.9 af at the field headgate.

PRIORITY DATE: 05/21/1962

POINT OF

DIVERSION:

T11S R21E S13 NWSWNE Within CASSIA County

T11S R21E S23 NWNWNE Within CASSIA County

T11S R21E S24 NWNWNW Within CASSIA County

T11S R22E S19 SWNWSW Lot 3 Within CASSIA County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| COMMERCIAL            | 01/01 12/31          | 1.010 CFS       |
|                       |                      | 236.10 AFY      |
| STOCKWATER            | 01/01 12/31          | 1.010 CFS       |
|                       |                      | 236.10 AFY      |

PLACE OF USE: STOCKWATER Within CASSIA County

T11S R21E S24 NENW T11S R21E S24 NWNW

COMMERCIAL Within CASSIA County

T11S R21E S24 NENW T11S R21E S24 NWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.

Commercial use is for a dairy.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

Prior to the diversion and use of water under Transfer approval 72004, 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.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.