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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

Case No. 39576

) Subcase No: 45-7013 (Split)
) 45-13921, 45-13942 and 45-13943

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING

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

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

☒ Change in Ownership

☒ Point of Diversion

☐ Period of Use

☒ Split of Water Right

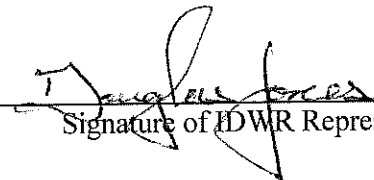
☒ Place of Use

☐ Nature of Use

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

RIGHT NUMBER: 45-7013

SPLIT RIGHT: SEE RIGHT NOS. 45-13921, 45-13942 and 45-13943.

06/08/2006

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

RIGHT NUMBER: 45-13921

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: 0.360 CFS
140.40 AFY

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.

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.

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.

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: 09/11/1967

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	0.360 CFS 140.40 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, 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, 45-13921 and 45-13923 are limited to the irrigation of a combined total of 62.4 acres in a single irrigation season.

This right is limited to the irrigation of 35.1 acres within the place of use described above 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.

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

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.

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

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: 45-13942

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.510 CFS
1,738.40 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.

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.

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.

PRIORITY DATE: 09/11/1967

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	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	4.510 CFS 1,738.40 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	SENW	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. 45-13924, 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.

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 434.6 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.

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

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.

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

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: 45-13943

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: 0.920 CFS
222.50 AFY

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.

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.

PRIORITY DATE: 09/11/1967

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	0.920 CFS 222.50 AFY
STOCKWATER	01/01 12/31	0.920 CFS 222.50 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:
Commercial use is for a dairy.

The right holder shall accomplish the change authorized by this transfer within five years 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 this approval, the right holder shall comply with applicable county zoning and use ordinances.

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.