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AUG 09 2006

DEPARTMENT OF  
WATER RESOURCES

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

AUG - 7 2006

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

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: 21-85, 21-10400

Case No. 39576

)

)

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following Administrative proceeding:

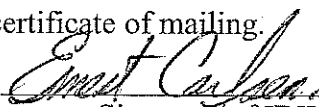
- ☐ Address change
- ☒ Substitution of Party NYBORG - MERKOLA
- ☐ I.C. § 42-222 transfer

- |                                               |                                              |
|-----------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> point of diversion   | <input type="checkbox"/> place of use        |
| <input type="checkbox"/> period of use        | <input type="checkbox"/> nature of use       |
| <input type="checkbox"/> split of water right | <input type="checkbox"/> change in ownership |

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: Aug. 3, 2006



Signature of IDWR Representative

### CERTIFICATE OF MAILING

I certify that on Aug 4, 2006, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:  
KEITH NYBORG  
RAIJA NYBORG  
2467 E HWY 33  
SUGAR CITY ID 83448

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:  
MERKOLA PROPERTIES LLC  
2150 N CANTER PL  
EAGLE ID 83616

4. One copy to:

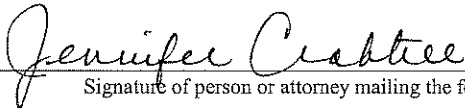
Each party in the subcase, or attorney of record  
N/A

5. One copy each to:

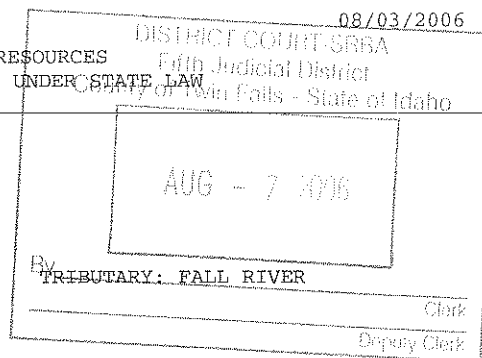
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

6. One Copy to:

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

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

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



RIGHT NUMBER: 21-85  
NAME AND ADDRESS: MERKOLA PROPERTIES LLC  
2150 N CANTER PL  
EAGLE ID 83616  
SOURCE: CONANT CREEK  
QUANTITY: 0.800 CFS  
PRIORITY DATE: 06/01/1899  
POINT OF  
DIVERSION: T08N R44E S29 NENWNE Within FREMONT County  
PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                 | <u>PERIOD OF USE</u> | <u>QUANTITY</u>          |
|-------------------------------------------------------|----------------------|--------------------------|
| IRRIGATION                                            | 04/01 10/31          | 0.800 CFS                |
| PLACE OF USE: <u>IRRIGATION Within FREMONT County</u> |                      |                          |
| T08N R44E S28                                         | SWNW 19.00           | T08N R44E S28 SENW 9.00  |
| T08N R44E S29                                         | SWNE 20.00           | T08N R44E S29 SENE 9.00  |
| T08N R44E S29                                         | SWNW 35.00           | T08N R44E S29 SENW 32.00 |
| T08N R44E S29                                         | NESW 39.00           | T08N R44E S29 NWSW 39.00 |
| T08N R44E S29                                         | NESE 38.00           | T08N R44E S29 NWSE 40.00 |
| T08N R44E S29                                         | SWSE 40.00           | T08N R44E S29 SESE 40.00 |

360 ACRES TOTAL

This right is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.

Right Nos. 21-85 and 21-10400 are limited to the irrigation of a combined total of 360 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.

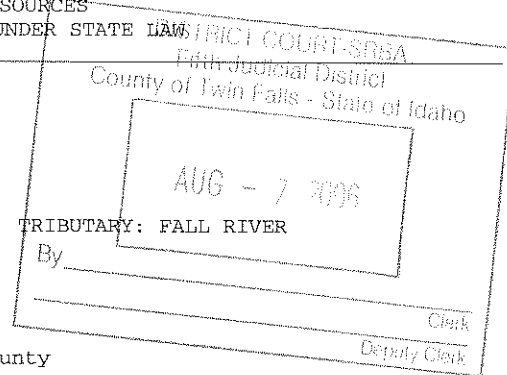
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

08/03/2006

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

RIGHT NUMBER: 21-10400  
NAME AND ADDRESS: MERKOLA PROPERTIES LLC  
2150 N CANTER PL  
EAGLE ID 83616  
SOURCE: CONANT CREEK  
QUANTITY: 4.400 CFS  
PRIORITY DATE: 06/01/1893  
POINT OF DIVERSION: T08N R44E S29 NENWNE Within FREMONT County  
PURPOSE AND PERIOD OF USE:



| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| IRRIGATION     | 04/01 10/31   | 4.400 CFS |

PLACE OF USE: IRRIGATION Within FREMONT County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T08N R44E S28 | SWNW | 19.00 | T08N R44E S28 | SENW | 9.00  |
| T08N R44E S29 | SWNE | 20.00 | T08N R44E S29 | SENE | 9.00  |
| T08N R44E S29 | SWNW | 35.00 | T08N R44E S29 | SENW | 32.00 |
| T08N R44E S29 | NESW | 39.00 | T08N R44E S29 | NWSW | 39.00 |
| T08N R44E S29 | NESE | 38.00 | T08N R44E S29 | NWSE | 40.00 |
| T08N R44E S29 | SWSE | 40.00 | T08N R44E S29 | SESE | 40.00 |

360 ACRES TOTAL

This right is limited to the irrigation of 360 acres within the place of use described above in a single irrigation season.

Right Nos. 21-85 and 21-10400 are limited to the irrigation of a combined total of 360 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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.