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OCT 11 2007

DEPARTMENT OF  
WATER RESOURCES

RECEIVED OCT 11 2007  
TWIN FALLS CO. IDAHO  
FILED

2007 OCT 9 PM 3 22

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

Water Right: 73-174D (Disallow)  
73-12131, 73-12132 and 73-12133

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following administrative proceeding:

☐

Address change

XX

Substitution of Party

XX

Split of water right

☐

Change in ownership

☐

IC § 42-222

☐

Point of diversion

☐

Place of use

☐

Period of use

☐

Nature of use

☐

Split of water right

☐

Change in ownership

☐

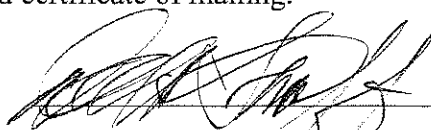
Other:

IDWR certifies that it has completed its investigation into the changes to the elements of the water right(s) 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 right(s) 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:

Oct 4, 2007



Signature of IDWR Representative

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

73-174D (Disallow)  
73-12131, 73-12132 and 73-12133

## CERTIFICATE OF MAILING

I certify that on October 4, 2007, 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

### 2. Copies to:

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

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

### 3. Copies to all parties to the subcase:

Berend and Carla Friehe  
2498 Rd S NE  
Moses Lake WA 98837

Five E Group LLLP  
3094 S Abigail Way  
Boise ID 83706

W Clinton Stennett  
PO Box 475  
Ketchum ID 83340

Rio B LLC  
Lone Pine Holding LLC  
MLS Holdings LLC  
3007 Can-Ada Rd  
Melba ID 83641

  
\_\_\_\_\_  
Signature of person mailing this document

10/3/2007

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOT RECOMMENDED

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| <u>W.R. NUMBER</u> | <u>NAME AND ADDRESS</u>                              | <u>CLAIM DISPOSITION</u> | <u>REASON</u>                               |
|--------------------|------------------------------------------------------|--------------------------|---------------------------------------------|
| 73-174D            | BEREND FRIEHE<br>2498 RD S NE<br>MOSES LAKE WA 98837 | Disallowed/Parent        | Split to 73-12131,<br>73-12132 and 73-12133 |
|                    | CARLA FRIEHE<br>2498 RD S NE<br>MOSES LAKE WA 98837  |                          |                                             |

10/03/2007

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

RIGHT NUMBER: 73-12131

NAME AND ADDRESS: FIVE E GROUP LLLP  
3094 S ABIGAIL WAY  
BOISE ID 83706

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.488 CFS

The total amount of water diverted under this water right may not exceed .0426 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF  
DIVERSION:

T11N R24E S6 NENE Within CUSTER County  
T12N R23E S2 NWNW Within CUSTER County  
T13N R23E S28 NESW Within CUSTER County  
T13N R23E S34 NWNW Within CUSTER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 0.488 CFS       |

PLACE OF USE:

IRRIGATION in CUSTER County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T13N R23E S27 | SWSW | 15.00 | T13N R23E S34 | NENW | 40.00 |
| T13N R23E S34 | SENW | 29.00 |               |      |       |

84 ACRES TOTAL

Right Nos. 73-12141, 73-12126, 73-12131 and 73-12134 are limited to the irrigation of a combined total of 84 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

This right is a split from former right 73-174D.

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

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

10/03/2007

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

RIGHT NUMBER: 73-12132

NAME AND ADDRESS: W CLINTON STENNETT  
PO BOX 475  
KETCHUM ID 83340

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 1.236 CFS

The total amount of water diverted under this water right may not exceed 1.078 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF  
DIVERSION:

T11N R24E S6 NENE Within CUSTER County  
T12N R23E S2 NWNW Within CUSTER County  
T13N R23E S28 NESW Within CUSTER County  
T13N R23E S34 NWNW Within CUSTER County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>              | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|---------------|------------------------------------|----------------------|-----------------|
|               | IRRIGATION                         | 04/01 10/31          | 1.236 CFS       |
| PLACE OF USE: | <u>IRRIGATION in CUSTER County</u> |                      |                 |
|               | T13N R23E S27 NWSW                 | 4.70 T13N R23E S27   | SWSW 18.00      |
|               | T13N R23E S28 NESE                 | 23.00 T13N R23E S28  | SWSE 1.00       |
|               | T13N R23E S28 SESE                 | 32.00 T13N R23E S33  | NENE 40.00      |
|               | T13N R23E S33 NWNE                 | 15.80 T13N R23E S33  | SWNE 18.10      |
|               | T13N R23E S33 SENE                 | 40.00 T13N R23E S34  | SWNW 20.00      |

212.6 ACRES TOTAL

Right Nos. 73-12142, 73-12127, 73-12132, 73-12135 and 73-12139 are limited to the irrigation of a combined total of 212.6 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

This right is a split from former right 73-174D.

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

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

10/03/2007

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

RIGHT NUMBER: 73-12133

NAME AND ADDRESS: RIO B LLC  
HWHL LLC  
3007 CAN-ADA RD  
MELBA ID 83641

LONE PINE HOLDING LLC  
3007 CAN-ADA RD  
MELBA ID 83641

MLS HOLDINGS LLC  
3007 CAN-ADA RD  
MELBA ID 83641

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 2.276 CFS

The total amount of water diverted under this water right may not exceed 1.986 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF  
DIVERSION:

T11N R24E S6 NENE Within CUSTER County  
T12N R23E S2 NWNW Within CUSTER County  
T13N R23E S28 NESW Within CUSTER County  
T13N R23E S34 NWNW Within CUSTER County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>              | <u>PERIOD OF USE</u> | <u>QUANTITY</u>          |
|---------------|------------------------------------|----------------------|--------------------------|
|               | IRRIGATION                         | 04/01 10/31          | 2.276 CFS                |
| PLACE OF USE: | <u>IRRIGATION in CUSTER County</u> |                      |                          |
|               | T13N R23E S28 NENW                 | 24.00                | T13N R23E S28 NWNW 35.00 |
|               | T13N R23E S28 SWNW                 | 31.00                | T13N R23E S28 SENW 22.00 |
|               | T13N R23E S28 NESW                 | 27.00                | T13N R23E S28 NWSW 30.00 |
|               | T13N R23E S28 SWSW                 | 2.40                 | T13N R23E S28 SESW 40.00 |
|               | T13N R23E S28 NWSE                 | 32.00                | T13N R23E S28 SWSE 31.00 |
|               | T13N R23E S33 NWNE                 | 24.20                | T13N R23E S33 SWNE 20.90 |
|               | T13N R23E S33 NENW                 | 40.00                | T13N R23E S33 NWNW 13.00 |
|               | T13N R23E S34 SWNW                 | 19.00                |                          |

391.5 ACRES TOTAL

Right Nos. 73-151, 73-12143, 73-12128, 73-12133, 73-12136 and 73-12140 are limited to the irrigation of a combined total of 391.5 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.

This right is a split from former right 73-174D.

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