

DISTRICT COURT - 5th JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO
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DEPARTMENT OF
WATER RESOURCES

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: 22-153, 22-10649, 22-
11981, 22-13611, 22-13613

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party BLACKFOOT FARMS – HUNTSMAN SPRINGS INC
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ 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: 13 November 2007

Ernest Cohen

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Nov 16, 2007, 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:
BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
HUNTSMAN SPRINGS INC
97 N HWY 33
DRIGGS ID 83422

4. One copy to:

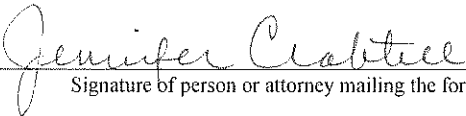
Each party in the subcase, or attorney of record
N/A

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

11/07/2007

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

RIGHT NUMBER: 22-153

NAME AND ADDRESS: HUNTSMAN SPRINGS INC
97 N HWY 93
DRIGGS ID 83422

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 06/01/1899

POINT OF
DIVERSION:

T05N R46E S19 NESESE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.800 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S27

NESE

40.00

40 ACRES TOTAL

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.

To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Mitigation	Use Changed	Mitigation	Mitigation	
Right No.	to Mitigation	Rate (cfs)	Volume (AF)	Acres
22-00153	Irrigation	0.57	28.1	

The land that will no longer be irrigated under this right is located within the NENE, Section 27, Township 5N, Range 46E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit approval shall be reduced by the same proportion as the reduction to the mitigation rights.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

11/07/2007

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

RIGHT NUMBER: 22-10649

NAME AND ADDRESS: HUNTSMAN SPRINGS INC
97 N HWY 93
DRIGGS ID 83422

SOURCE: SPRINGS

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.720 CFS

PRIORITY DATE: 04/01/1968

POINT OF
DIVERSION:

T05N R45E S27 NENENW Within TETON County
T05N R45E S27 NWNENW Within TETON County
T05N R45E S27 SENENW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.720 CFS
STOCKWATER	04/15 10/31	0.020 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S27 NENW 36.00

STOCKWATER in TETON County

T05N R45E S27 NENW

36 ACRES TOTAL

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 - Beneficial Use

11/07/2007

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

RIGHT NUMBER: 22-11981

NAME AND ADDRESS: HUNTSMAN SPRINGS INC
97 N HWY 93
DRIGGS ID 83422

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 12.000 CFS

PRIORITY DATE: 04/15/1925

POINT OF
DIVERSION:

T05N R46E S19 NESESE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

12.000 CFS

PLACE OF USE:

IRRIGATION in TETON County

T05N R45E S27	SWNW	40.00	T05N R45E S27	SENW	40.00
T05N R45E S27	NESW	40.00	T05N R45E S27	NWSW	40.00
T05N R45E S27	SWSW	40.00	T05N R45E S27	SESW	40.00
T05N R45E S27	NESE	40.00	T05N R45E S27	NWSE	40.00

320 ACRES TOTAL

Right Nos. 22-153 and 22-11981 are limited to the irrigation of a combined total of 320 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 - Beneficial Use

11/07/2007

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

RIGHT NUMBER: 22-13611

NAME AND ADDRESS: HUNTSMAN SPRINGS INC
97 N HWY 93
DRIGGS ID 83422

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.130 CFS

Right Nos. 22-13611 and 21-13613 are limited to a total combined diversion rate of 1.13 cfs.

PRIORITY DATE: 06/01/1899

POINT OF
DIVERSION:

T05N R46E S19 NESESE Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.130 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T05N R45E S26 SWNW 40.00	T05N R45E S26 SENW	16.00
	T05N R45E S26 NESW 17.00	T05N R45E S26 NWSW	40.00

113 ACRES TOTAL

Right Nos. 22-13611 and 22-13613 are limited to the irrigation of a combined total of 113 acres in a single irrigation season.

This right is limited to the irrigation of 97 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 - Decreed

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

This right is a split from former right 22-461.

Right No. 22-13613 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

11/07/2007

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

RIGHT NUMBER: 22-13613

NAME AND ADDRESS: HUNTSMAN SPRINGS INC
97 N HWY 93
DRIGGS ID 83422

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.210 CFS
21.20 AFY

Right Nos. 22-13611 and 21-13613 are limited to a total combined diversion rate of 1.13 cfs.

PRIORITY DATE: 04/01/1987

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T05N R46E S19 NESESE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.210 CFS 21.20 AFY

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S26	SWNW	40.00	T05N R45E S26	SENW	16.00
T05N R45E S26	NESW	17.00	T05N R45E S26	NWSW	40.00

113 ACRES TOTAL

Right Nos. 22-13611 and 22-13613 are limited to the irrigation of a combined total of 113 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.

This right is based upon an enlargement of Right No. 22-13611 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 16 acres within the place of use described for this right.

This right is a split from former right 22-11943.