



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

November 16, 2007

SHINER RANCH INC
PO BOX 26
LEMHI ID 83465

RE: Transfer #73524 for water right(s) 74-317A and Notice of
Completed Administrative Proceeding (NCAP)

Dear Claimants:

On September 18, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #73524, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

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: 74-317A

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 73524

☐ point of diversion ☒ place of use

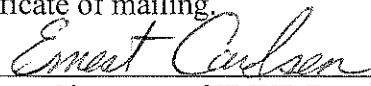
☐ period of use ☐ nature of use

☐ 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: 19 Nov. 2007

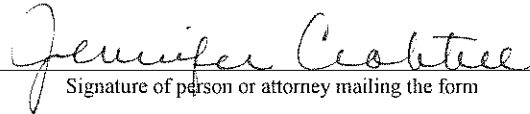


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Nov 20, 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:
SHINER RANCH INC
PO BOX 26
LEMHI ID 83465
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
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

11/19/2007

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

RIGHT NUMBER: 74-317A

NAME AND ADDRESS: SHINER RANCH INC
PO BOX 26
LEMHI ID 83465-0025

SOURCE: YEARIAN CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 2.670 CFS

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the lands above.

The right holder shall maintain a measuring device and lockable controlling
works of a type approved by the Department in a manner that will provide
the watermaster suitable control of the diversion(s).

PRIORITY DATE: 02/01/1910

POINT OF
DIVERSION:

T18N R24E S35 SESE Within LEMHI County
T18N R24E S36 NWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.670 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T18N R24E S33	NWSE	28.00	T18N R24E S33	SWSE	26.00
T18N R24E S35	SESW	5.00	T18N R24E S35	SESE	4.00

63 ACRES TOTAL

This right authorizes the irrigation of 62.6 total acres.

This right is limited to the irrigation of 62.6 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 transfer
73524 by September 18, 2008.

Failure of the right holder to comply with the conditions of transfer 73524
is cause for the Director to rescind approval of the transfer.

Use of water under this right will be regulated by a watermaster with
responsibility for the distribution of water among appropriators within a
water district. At the time of this approval, this water right is within
State Water District No. 74-Y.

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

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Crabtree, Jennifer

From: Kelly, Vicki
Sent: Thursday, November 15, 2007 11:30 AM
To: Crabtree, Jennifer
Subject: RE: Transfer 73524

Hi Jennifer

Thanks for this. If you don't get to it this week, with folks over here, early next week will be fine. Thanks!! - Vicki

From: Crabtree, Jennifer
Sent: Wednesday, November 14, 2007 3:41 PM
To: Kelly, Vicki
Subject: Transfer 73524

Hi there. Nate said you wanted to know if this transfer had been NCAPed. Nope. But I will work on it tomorrow, and hopefully can find someone to sign it by Friday. Bosses coming and going, you know. Jen

11/16/2007

WATER RIGHT NO. 74-317A
As Modified by Transfer No. 73524

In accordance with the approval of Transfer No. 73524, Water Right No. 74-317A is now described as follows.

Right Holder: SHINER RANCH INC
 PO BOX 26
 LEMHI ID 83465-0025

Priority Date: February 01, 1910

Source: YEARIAN CREEK

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	2.67 CFS	
			2.67 CFS	

LOCATION OF POINT(S) OF DIVERSION:

YEARIAN CREEK SESE Sec. 35 Twp 18N Rge 24E LEMHI County

YEARIAN CREEK NWSW Sec. 36 Twp 18N Rge 24E LEMHI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N 24E 33													28.0	26.0			54.0
18N 24E 35											5.0				4.0		9.0

Total Acres: 63

CONDITIONS OF 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.
- After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
- 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(s) of the date of this approval.
- This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRESUMED
CHANGE

C/S
GEO.

EXP
O/M.

EXP
TO 7

EXP
TO 8

Qna.
259

#73524

#72524 by Sept 18, 2008.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73524

This is to certify that: SHINER RANCH INC
 PO BOX 26
 LEMHI ID 83465-0025
 (208)768-2473

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
74-317A	AJC/Decreed	02/01/1910	2.67 cfs	N/A	N/A	63.0	YEARIAN CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-317A	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
74-317A	74-317A	2.67 cfs	N/A	62.6	63.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.67 cfs	N/A	62.6	63.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18th day of September, 2007

 Chief, Water Allocation Bureau

WATER RIGHT NO. 74-317A
As Modified by Transfer No. 73524

CONDITIONS OF APPROVAL

6. This right is limited to the irrigation of 62.6 acres within the place of use described above in a single irrigation season.
7. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74-Y
8. In the future, the right holder may be required maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of September, 20 07



Chief, Water Allocation Bureau