

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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DEPARTMENT OF
WATER RESOURCES

**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: 73-76, 73-12115, 73-12117**
) **73-12119**
)

Case No. 39576

) **NOTICE OF COMPLETED**
) **ADMINISTRATIVE PROCEEDING**
)

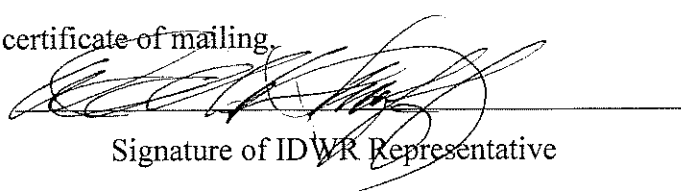
IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ 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: Nov 27, 2007


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 27, 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:

Donald M. Gregory, Jr.
2741 Union St.
San Francisco, CA 94123

Patricia D. Gunther
2739 Broderick St.
San Francisco, CA 94123

River Valley Ranch, LLC
c/o Steven Lawrence
60 Jennifer Ln.
Alamo, CA 94507



Signature of person mailing this document

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

RIGHT NUMBER: 73-76

NAME AND ADDRESS: DONALD M GREGORY JR
2741 UNION ST
SAN FRANCISCO CA 94123

PATRICIA D GUNTHER
2739 BRODERICK ST
SAN FRANCISCO CA 94123

RIVER VALLEY RANCH LLC
C/O STEVEN LAWRENCE
60 JENNIFER LN
ALAMO CA 94507

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER
DUCK SPRING TRIBUTARY: PATTERSON CREEK
PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Diversion of water from the Pahsimeroi River is limited to those times water is available for diversion under this right and priority from Duck Spring at the original point of diversion in the SESW, S26, T15N, R21E, and to the amount of water that actually reaches the Pahsimeroi River and to those times water is available for diversion under this right and priority from Patterson Creek at the original point of diversion in the SWSE, S26, T15N, R21E, and to the amount of water that actually reaches the Pahsimeroi River.

QUANTITY: 0.400 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.

PRIORITY DATE: 04/01/1912

POINT OF
DIVERSION:

T15N R21E S8 SESW Within CUSTER County
T15N R21E S26 SESW Within LEMHI County
T15N R21E S26 SWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.400 CFS

PLACE OF USE: IRRIGATION in CUSTER County

<u>T15N R21E S06</u>	<u>SESW</u>	<u>13.00</u>	<u>T15N R21E S06</u>	<u>SWSE</u>	<u>7.00</u>
<u>T15N R21E S07</u>	<u>SWNE</u>	<u>20.00</u>			

20 ACRES TOTAL

Right Nos. 73-76, 73-12064, 73-12065, and 73-12066 are limited to the irrigation of a combined total of 199.1 acres in a single irrigation season.

Rights 73-76, 73-12115, 73-12117 and 73-12119 when combined shall not exceed the irrigation of 18 acres.

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 does not grant any right-of-way or easement across the land of another.

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

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Duck Spring and Patterson Creek at the original point of diversion, at the mouth of Patterson Creek where it discharges into the Pahsimeroi River and at the point of diversion from the Pahsimeroi River.

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 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).

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. 73.

Water is delivered through P-7.

Patterson Creek is also known as Big Spring Creek, Spring Creek or O Neal Creek.

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

RIGHT NUMBER: 73-12115

NAME AND ADDRESS: RIVER VALLEY RANCH LLC
C/O STEVEN LAWRENCE
60 JENNIFER LN
ALAMO CA 94507

DONALD M GREGORY JR
2741 UNION ST
SAN FRANCISCO CA 94123

PATRICIA D GUNTHER
2739 BRODERICK ST
SAN FRANCISCO CA 94123

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER
DUCK SPRING TRIBUTARY: PATTERSON CREEK
PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Diversion of water from the Pahsimeroi River is limited to those times water is available for diversion under this right and priority from Duck Spring at the original point of diversion in the SESW, S26, T15N, R21E, and to the amount of water that actually reaches the Pahsimeroi River and to those times water is available for diversion under this right and priority from Patterson Creek at the original point of diversion in the SWSE, S26, T15N, R21E, and to the amount of water that actually reaches the Pahsimeroi River.

QUANTITY: 0.150 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.

PRIORITY DATE: 04/01/1912

POINT OF
DIVERSION:

T15N R21E S8 SESW Within CUSTER County
T15N R21E S26 SESW Within CUSTER County
T15N R21E S26 SWSE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.150 CFS

PLACE OF USE: IRRIGATION in CUSTER County

<u>T15N R21E S06</u>	<u>SESW</u>	<u>13.00</u>	<u>T15N R21E S06</u>	<u>SWSE</u>	<u>7.00</u>
<u>T15N R21E S07</u>	<u>SWNE</u>	<u>10.00</u>			

20 ACRES TOTAL

Rights 73-76, 73-12115, 73-12117 and 73-12119 when combined shall not exceed the irrigation of 18 acres.

Rights Nos. 73-76, 73-12115, 73-12117 and 73-12119 are limited to the irrigation of a combined total of 20 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 does not grant any right-of-way or easement across the land of another.

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

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Duck Spring and Patterson Creek at the original point of diversion, at the mouth of Patterson Creek where it discharges into the Pahsimeroi River and at the point of diversion from the Pahsimeroi River.

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 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).

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. 73.

Water is delivered through P-7.

~~Patterson Creek is also known as Big Spring Creek, Spring Creek or O Neal Creek.~~

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

This right is a split from former right 73-12064.

This right is a split from former right 73-10018.

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

RIGHT NUMBER: 73-12117

NAME AND ADDRESS:

DONALD M GREGORY JR
2741 UNION ST
SAN FRANCISCO CA 94123

PATRICIA D GUNTHER
2739 BRODERICK ST
SAN FRANCISCO CA 94123

RIVER VALLEY RANCH LLC
C/O STEVEN LAWRENCE
60 JENNIFER LN
ALAMO CA 94507

SOURCE: PAHSIMEROI RIVER

Tributary:

SALMON RIVER

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

QUANTITY: 0.070 CFS

0.000 AFY

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.

PRIORITY DATE: 04/01/1912

POINT OF DIVERSION:

T15N R21E S8 SESW Within CUSTER County

~~T15N R21E S27 SESE~~ Within CUSTER County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.070 CFS

PLACE OF USE:

IRRIGATION

within CUSTER County

T15N R21E S06 SESW 13.0

T15N R21E S06 SWSE 7.0

~~T15N R21E S07 SWNE 18.0~~

20 ACRES TOTAL

~~18 ACRES TOTAL~~

Rights 73-76, 73-12115, 73-12117 and 73-12119 when combined shall not exceed the irrigation of 18 acres.

~~Right Nos. 73-76, 73-12115, 73-12117, and 73-12119 are limited to the irrigation of a combined total of 20 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

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

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. 73.

This right does not grant any right-of-way or easement across the land of another.

This right is a split from former right 73-12065.

Water is delivered through P-7.

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

This right is a split from former right 73-10018.

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

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

RIGHT NUMBER: 73-12119

NAME AND ADDRESS: DONALD M GREGORY JR
2741 UNION ST
SAN FRANCISCO CA 94123

PATRICIA D GUNTHER
2739 BRODERICK ST
SAN FRANCISCO CA 94123

RIVER VALLEY RANCH LLC
C/O STEVEN LAWRENCE
60 JENNIFER LN
ALAMO CA 94507

SOURCE: PAHSIMEROI RIVER
MUD-SPRING CREEK

TRIBUTARY: SALMON RIVER
PAHSIMEROI RIVER

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Diversion of water from the Pahsimeroi River is limited to those times water is available for diversion under this right and priority from Mud Springs Creek at the original point of diversion in the SWSE, S27, T15N, R21E, and to the amount of water that actually reaches the Pahsimeroi River.

QUANTITY: 0.090 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.

PRIORITY DATE: 04/01/1912

POINT OF
DIVERSION:

T15N R21E S8 SESW Within CUSTER County
T15N R21E S27 SWSE Within CUSTER County
T15N R21E S27 SESE 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	0.090 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T15N R21E S06	SESW	13.00	T15N R21E S06	SWSE	7.00
T15N R21E S07	SWNE	18.00			

~~18~~ 20 ACRES TOTAL

Rights 73-76, 73-12115, 73-12117 and 73-12119 when combined shall not exceed the irrigation of 18 acres.

Rights Nos. 73-76, 73-12115, 73-12117 and 73-12119 are limited to the irrigation of a combined total of 20 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

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).

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

This right is a split from former right 73-10018.

This right is a split from former right 73-12066.

This right does not grant any right-of-way or easement across the land of another.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Mud Springs Creek at the original point of diversion, at the mouth of Mud Springs Creek where it discharges into the Pahsimeroi River and at the point of diversion from the Pahsimeroi River.

Water is delivered through P-7.

Failure of the right holder to comply with the conditions of this transfer 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. 73.

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