



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 14, 2007

ROYDEN & MINA CAPPS
PO BOX 45
LEMHI ID 83465

RE: Transfer #73478 for water right 74-1031 and Notice of Completed
Administrative Proceeding (NCAP)

Dear Mr. and Mrs. Capps:

On November 30, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #73478, 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: 74-1031

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

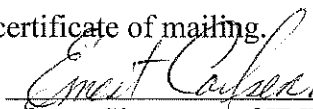
- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer 73478

- ☐ 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: Dec 20, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Dec 28, 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:
ROYDEN O CAPPS
MINA R CAPPS
PO BOX 45
LEMHI ID 83465

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

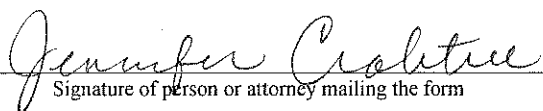
Each party in the subcase, or attorney of record
N/A

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73478

This is to certify that: ROYDEN O CAPPS And/Or
 MINA R CAPPS
 BOX 45
 LEMHI ID 83465
 (208)756-6195

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>
74-1031	AJC/Decreed	04/01/1927	0.44 cfs	N/A	N/A	22.0	BASIN 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>
74-1031	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>
74-1031	74-1031	0.44 cfs	N/A	N/A	22.0	N/A	N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.44 cfs	N/A	N/A	22.0	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 30th day of November, 2007

for Shelley W. Keen
 Chief, Water Allocation Bureau

**WATER RIGHT NO. 74-1031
As Modified by Transfer No. 73478**

In accordance with the approval of Transfer No. 73478, Water Right No. 74-1031 is now described as follows.

Right Holder: ROYDEN O CAPPS And/Or
MINA R CAPPS
BOX 45
LEMHI ID 83465

Priority Date: April 01, 1927

Source: BASIN CREEK

Tributary: HAYDEN CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.44 CFS
			0.44 CFS

LOCATION OF POINT(S) OF DIVERSION:

BASIN CREEK	L2 (NWNE)	Sec. 3 Twp 17N Rge 23E	LEMHI County
BASIN CREEK	SENE	Sec. 4 Twp 17N Rge 23E	LEMHI County
BASIN CREEK	SESE	Sec. 35 Twp 18N Rge 23E	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	
17N	23E	2		6.0			7.0												13.0
18N	23E	35															3.0	6.0	9.0

Total Acres: 22

CONDITIONS OF APPROVAL

1. 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.
2. 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).
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 74-1031
As Modified by Transfer No. 73478

CONDITIONS OF APPROVAL

6. 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.

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 30th day of November, 20 07

Shelley W. Keen
for Chief, Water Allocation Bureau