



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](http://www.idwr.idaho.gov)

EASTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

December 10, 2007

ROYDEN & MINA CAPPS  
PO BOX 45  
LEMHI ID 83465

RE: Transfer #73477 for water right(s) 74-1030 and Notice of  
Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Capps:

On December 5, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #73477, 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: 74-1030

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 73477

☐ point of diversion ☒ place of use

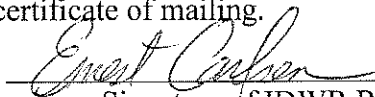
☐ period of use ☐ nature of use

☐ 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: Jan 15 2008

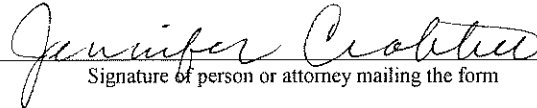


Signature of IDWR Representative

### CERTIFICATE OF MAILING

I certify that on January 18, 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 & MINA 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



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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Failure of the right holder to comply with the conditions of transfer no. 73477 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by transfer no. 73477 by December 5, 2008.

Use of water under this right may in the future 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

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 73477**

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 74-1030      | AJC/Decreed         | 04/01/1935      | 0.74 cfs    | N/A           | N/A               | 24.6               | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 74-1030               | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 74-1030               | <b>74-1030</b>                   | 0.74 cfs             | N/A                    | N/A               | 24.6               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.74 cfs</b>      | <b>N/A</b>             | <b>N/A</b>        | <b>24.6</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 5<sup>th</sup> day of December, 20 07

\_\_\_\_\_  
 Chief, Water Allocation Bureau

**WATER RIGHT NO. 74-1030**  
**As Modified by Transfer No. 73477**

In accordance with the approval of Transfer No. 73477, Water Right No. 74-1030 is now described as follows.

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

**Priority Date:** April 01, 1935

**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  | 0.74 CFS              |
|                       |             |           | 0.74 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

BASIN CREEK                      SENE                      Sec. 4 Twp 17N Rge 23E LEMHI County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |     |    |    | NW  |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|------|-----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE   | NW  | SW | SE | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 17N | 23E | 2   | 11.0 | 6.0 |    |    | 7.1 |    |    | .5 |    |    |    |    |    |    |    |    | 24.6   |
|     |     |     | L 2  |     |    |    | L 3 |    |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 24.6

**CONDITIONS OF APPROVAL**

1. The irrigation place of use described above within the SWNE and SENW, Section 2, T17N, R23E is limited to privately owned lands located in the north half of each quarter-quarter.
2. Use of water under this right may in the future 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
3. 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).
4. 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.

**WATER RIGHT NO. 74-1030**  
**As Modified by Transfer No. 73477**

5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
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.
8. 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 5<sup>th</sup> day of December, 2007

  
\_\_\_\_\_  
Chief, Water Allocation Bureau