

DISTRICT COURT - 2ND JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO
FILED

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FEB 11 2008

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

DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 63-7955A

NAME AND ADDRESS: ROBERT M HENGGELE
5144 ELMORE RD
FRUITLAND ID 83619

~~BOX 6633 WHITLEY DR~~
~~FRUITLAND ID 83619~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.220 CFS
988.400 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The rights listed below are limited to a total combined diversion rate of 4.28 cfs and to a total combined annual diversion volume of 963 AF, and 214 acres for the irrigation portion of these rights. Combined Right Nos.: 63-7955A and 63-9818A.

The rights listed below are limited to a total combined diversion rate of 5.93 cfs and to a total combined annual diversion volume of 1334.2 AF, and 296.5 acres for the irrigation portion of these rights. Combined Right Nos.: 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A, and 63-10364B.

The rights listed below are limited to a total combined diversion rate of 4.28 cfs and to a total combined annual diversion volume of 47.9 AF for the commercial portion of these rights. Combined Right Nos.: 63-7955A and 63-9818A.

PRIORITY DATE: 03/29/1974

POINT OF DIVERSION:

T06N R04W S7 NWSWNW Lot 2 Within PAYETTE County

T06N R04W S7 NENWSW Lot 3 Within PAYETTE County

Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A, and 63-10364B are also diverted through the point(s) of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	03/01 03/15	3.220 CFS 47.90 AFY
IRRIGATION	03/15 11/15	3.220 CFS 940.50 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Commercial use is for orchard frost control.

PLACE OF USE: IRRIGATION in PAYETTE County

T06N R04W S07	NENW	32.00	T06N R04W S07 Lot 1 NWNW	47.00
T06N R04W S07 Lot 2 SWNW		44.00	T06N R04W S07 SENW	39.00
T06N R04W S07 Lot 3 NWSW		47.00		

COMMERCIAL in PAYETTE County

T06N R04W S07	NENW	T06N R04W S07 Lot 1 NWNW
T06N R04W S07 Lot 2 SWNW		T06N R04W S07 SENW
T06N R04W S07 Lot 3 NWSW		

209 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 - License

This right is a split from former right 63-7955.

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

CONTACT IDWR - SRBA
TWIN FALLS CO., IDAHO
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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: See Attached List
	)	
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
	)	PROCEEDING

IDWR has completed the following administrative proceeding:

- XX Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |
- ☐ IC § 42-219 license

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 Report(s)* for said water right(s). 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: February 7, 2008


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on February 7, 2008, 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	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

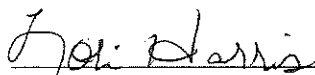
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Robert M. Henggeler	☐ overnight mail
Henggeler Bros Inc	☒ regular mail
5144 Elmore Rd	☐ hand-delivered
Fruitland ID 83619	☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

Henggeler Address Change:

63-7955A

63-7955B

63-8311

63-9818A

63-9818B

63-10364A

63-10364B

63-21846