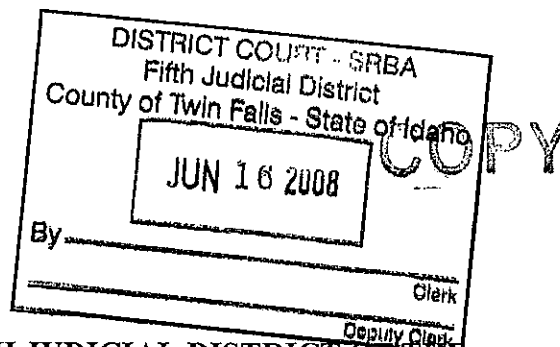


RECEIVED
JUN 17 2008
DEPARTMENT OF
WATER RESOURCES



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

Case No. 39576

Water Rights: 63-31799, 63-31801

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
☐ Substitution of Party
XX IC § 42-222 transfer

- XX Point of diversion XX Place of use
☐ Period of use ☐ Nature of use
☐ Split of water right XX Change in ownership
XX Other – Conditions & Remarks

- ☐ 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: June 13, 2008


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 13, 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:

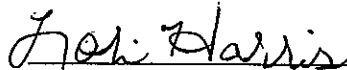
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

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:

Tuscany Hills LLC	☐ overnight mail
82 E State St. Ste. B	☒ regular mail
Eagle ID 83616	☐ hand-delivered
	☐ facsimile

Jesse Chan	☐ overnight mail
Jason Chan	☒ regular mail
Vanessa Chan	☐ hand-delivered
George Harrison	☐ facsimile
Justin Smith	
1798C Hwy 45	
Melba ID 83641	


Signature of person mailing this document

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

COPY

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 16 2008	
By _____	Clerk
_____	Deputy Clerk

RIGHT NUMBER: 63-31799
NAME AND ADDRESS: TUSCANY HILLS LLC
82 E STATE ST STE B
EAGLE ID 83616

~~JESSE CHAN~~
~~JASON CHAN~~
~~VANESSA CHAN~~
~~GEORGE HARRISON~~
~~JUSTIN SMITH~~
~~1798C HWY 45~~
~~MELEA ID 83641~~

SOURCE: GROUND WATER
QUANTITY: 0.300 CFS
127.000 AFY

TRIBUTARY:

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WATER RESOURCES

The total instantaneous diversion of water from all points of diversion under Rights 63-31799 and 63-31801 shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres.

PRIORITY DATE: 10/07/1968

POINT OF DIVERSION:

T02N R03W S11 NWSW Within CANYON County
T02N R03W S11 NWSW Within CANYON County
T02N R03W S11 NWSW Within CANYON County
T02N R03W S11 NWSW Within CANYON County
T02N R03W S11 NESE Within CANYON County

Rights 63-3597F, 63-3597H, 63-7156D, 63-31535, 63-31800, 63-31801 and 63-31802 are also diverted through the points of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.300 CFS 127.00 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 APRIL 1 AND AFTER NOVEMBER 1 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.

PLACE OF USE: IRRIGATION in CANYON County

<u>T02N R03W S10</u>	<u>SWNE</u>	<u>0.40</u>	<u>T02N R03W S10</u>	<u>SENE</u>	<u>34.60</u>
<u>T02N R03W S10</u>			<u>T02N R03W S10</u>	<u>SENE</u>	<u>34.80</u>

T02N R03W S10	NESE	19.00	T02N R03W S10	SESE	3.50
			~~T02N R03W S10~~	~~SESE~~	~~3.00~~
T02N R03W S11	NWNW	18.00	T02N R03W S11	SWNW	30.00
T02N R03W S11	NWSW	40.00			

145.5 ACRES TOTAL ~~144.8 ACRES TOTAL~~

This right is limited to the irrigation of 29.5 acres within the place of use described above 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 - License

The right holder shall accomplish the change authorized by Transfer 73906 within one (1) year of the date of the approval.

~~The right holder shall accomplish the change authorized by Transfer 68832 within one (1) year of the date of the approval.~~

After specific notification by the Department, the right holder shall measure the diversion 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.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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

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

COPY

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER JUNIOR DISTRICT
DISTRICT COURT - SRBA
JUNIOR DISTRICT
County of Twin Falls - State of Idaho

RIGHT NUMBER: 63-31801
NAME AND ADDRESS: TUSCANY HILLS LLC
82 E STATE ST STE B
EAGLE ID 83616

JESSE-CHAN
JASON-CHAN
VANESSA-CHAN
GEORGE HARRISON
JUSTIN SMITH
1798C HWY 45
MELBA ID 83641

By _____ Clerk

Deputy Clerk

JUN 16 2008

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JUN 17 2008

DEPARTMENT OF
WATER RESOURCES

SOURCE: GROUND WATER
QUANTITY: 0.720 CFS
344.200 AFY

TRIBUTARY:

The total instantaneous diversion of water from all points of diversion under Rights 63-31799 and 63-31801 shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres.

PRIORITY DATE: 04/13/1967

POINT OF DIVERSION:

T02N R03W S11 NWSW Within CANYON County
T02N R03W S11 NWSW Within CANYON County
T02N R03W S11 NWSW Within CANYON County
T02N R03W S11 NWSW Within CANYON County
T02N R03W S11 NESE Within CANYON County

Rights 63-3597F, 63-3597H, 63-7156D, 63-31535, 63-31799, 63-31800 and 63-31802 are also diverted through the points of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.720 CFS 344.20 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 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.

PLACE OF USE: IRRIGATION in CANYON County

T02N R03W S10	SWNE	0.40	T02N R03W S10	SENE	34.60
T02N R03W S10			T02N R03W S10	SENE	34.80

T02N R03W S10	NESE	19.00	T02N R03W S10	SESE	3.50
			~~T02N R03W S10~~	~~SESE~~	~~3.00~~
T02N R03W S11	NWNW	18.00	T02N R03W S11	SWNW	30.00
T02N R03W S11	NWSW	40.00			

145.5 ACRES TOTAL ~~144.8 ACRES TOTAL~~

This right is limited to the irrigation of 86.5 acres within the place of use described above 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 - License

After specific notification by the Department, the right holder shall measure the diversion 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.

This right is a split from former right 63-3597G.

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

Failure of the right holder to comply with the conditions of Transfer 68832 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The right holder shall accomplish the change authorized by Transfer 73906 within one (1) year of the date of the approval.

~~The right holder shall accomplish the change authorized by Transfer 68832 within one (1) year of the date of the approval~~