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JUN 18 2008

DEPARTMENT OF  
WATER RESOURCES

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

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: 73-58 (Split)  
) into 73-12158 and 73-12159  
) AMENDED  
) NOTICE OF COMPLETED  
) ADMINISTRATIVE  
) PROCEEDING

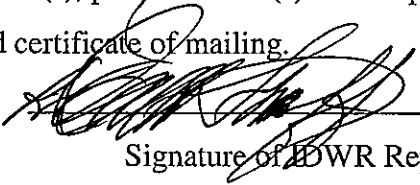
IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☒ Split of water right ☒ Change in ownership
- ☐ IC § 42-222 transfer
- ☐ 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 right 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 17, 2008

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on June 12, 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  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

### 2. Copies to:

Clive Strong  
Off ice of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

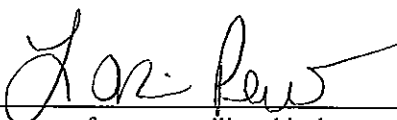
United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

### 3. Copies to all parties to the subcase:

Jim and Lisa Martiny  
83 Hooper Ln.  
May, ID 83253

Fineas and Nancy Hughbanks  
629 3<sup>rd</sup> Ave. W.  
Gooding, ID 83330

Virginia K. Martiny  
159 Hooper Ln.  
May, ID 83253

  
\_\_\_\_\_  
Signature of person mailing this document

06/11/2008

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

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RIGHT NUMBER: 73-58

SPLIT RIGHT: SEE RIGHT NOS. 73-12158 AND 73-12159

06/11/2008

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOT RECOMMENDED

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| <u>W.R. NUMBER</u> | <u>NAME AND ADDRESS</u>                                                                                           | <u>CLAIM DISPOSITION</u> | <u>REASON</u>                                      |
|--------------------|-------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------------------------------------|
| 73-58              | FINEAS HUGHBANKS<br>629 3RD AVE W<br>GOODING ID 83330<br><br>NANCY HUGHBANKS<br>629 3RD AVE W<br>GOODING ID 83330 | Disallowed               | Recommended as Right Nos.<br>73-12158 and 73-12159 |

06/11/2008

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

RIGHT NUMBER: 73-12158

NAME AND ADDRESS: JIM MARTINY  
83 HOOPER LN  
MAY ID 83253

LISA MARTINY  
83 HOOPER LN  
MAY ID 83253

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.480 CFS

PRIORITY DATE: 06/01/1903

POINT OF  
DIVERSION:

T14N R22E S6 NWSW Lot 6 Within LEMHI County  
T14N R22E S6 SWSW Lot 7 Within LEMHI County  
T14N R22E S8 NWNW 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          | 1.480 CFS                      |
| PLACE OF USE: | <u>IRRIGATION in LEMHI County</u> |                      |                                |
|               | T14N R21E S01 Lot 1 NENE          | 20.00                | T14N R21E S01 Lot 2 NWNE 24.00 |
|               | T14N R21E S01 SWNE                | 38.00                | T14N R21E S01 SENE 25.00       |
|               | T14N R21E S01 NESE                | 29.00                | T14N R21E S01 NWSE 40.00       |
|               | T14N R22E S06 Lot 3 NENW          | 28.00                | T14N R22E S06 Lot 4 NWNW 21.00 |
|               | T14N R22E S06 Lot 5 SWNW          | 36.00                | T14N R22E S06 SENW 6.00        |
|               | T14N R22E S06 Lot 6 NWSW          | 26.00                |                                |

293 ACRES TOTAL

This right is limited to the irrigation of 74 acres within the place of use described above in a single irrigation season.

Right Nos. 73-12156, 73-12158 and 73-12160 are limited to the irrigation of a combined total of 293 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

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

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

This right is a split from former right 73-58.

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

06/11/2008

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

RIGHT NUMBER: 73-12159

NAME AND ADDRESS: VIRGINIA K MARTINY  
159 HOOPER LN  
MAY ID 83253

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 06/01/1903

POINT OF  
DIVERSION:

T14N R22E S6 NWSW Lot 6 Within LEMHI County  
T14N R22E S6 SWSW Lot 7 Within LEMHI County  
T14N R22E S8 NWNW 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          | 0.120 CFS       |

PLACE OF USE: IRRIGATION in LEMHI County

T14N R22E S06          SENW      24.00

24 ACRES TOTAL

Right Nos. 73-12157, 73-12159 and 73-12161 are limited to the irrigation of a combined total of 24 acres in a single irrigation season.

This right is limited to the irrigation of 6 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 - Decreed

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

This right is a split from former right 73-58.

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

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