

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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DEPARTMENT OF
WATER RESOURCES

COPY

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: 74-25 & 74-28

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 73531

☐ 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: June 20, 2008

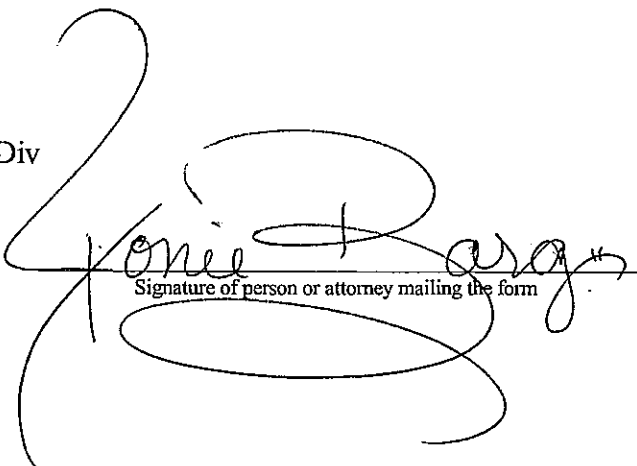
Ernest M. Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 20, 2008, 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:
McFarland Livestock Co Inc
C/O Tex Kuaer
PO Box 50
Lemhi ID 83465
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
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

06/20/2008

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

RIGHT NUMBER: 74-25

NAME AND ADDRESS: MC FARLAND LIVESTOCK CO INC
C/O TEX J KAUER
PO BOX 50
LEMHI ID 83465

SOURCE: HAWLEY CREEK

TRIBUTARY: EIGHTEENMILE CREEK

Prior to the diversion and use of water under approval of transfer 73531, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

QUANTITY: 2.500 CFS

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.

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).

PRIORITY DATE: 04/01/1939

POINT OF
DIVERSION:

T15N R27E S3 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		3/15 11/15		2.500 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>				
	T16N R27E S29	SWSW	31.00	T16N R27E S30	SESW 25.00
	T16N R27E S30	SWSE	33.00	T16N R27E S30	SESE 31.00
	T16N R27E S31	NENE	31.00	T16N R27E S31	NWNE 25.00
	T16N R27E S31	NENW	18.20	T16N R27E S32	NWNW 31.00

225.2 ACRES TOTAL

Use of this right with right Nos. 74-28, 74-15752 and 74-15753 is limited to the irrigation of a combined total of 225.2 in a single irrigation season.

This right is limited to the irrigation of 211.6 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.

Failure of the right holder to comply with the conditions of transfer 73531 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by transfer 73531 within one year of 02-02-2008.

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. 74W.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

06/20/2008

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

RIGHT NUMBER: 74-28

NAME AND ADDRESS: MC FARLAND LIVESTOCK CO INC
C/O TEX J KAUER
PO BOX 50
LEMHI ID 83465

SOURCE: HAWLEY CREEK TRIBUTARY: EIGHTEENMILE CREEK

Prior to the diversion and use of water under approval of transfer 73531, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

QUANTITY: 3.300 CFS

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.

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).

PRIORITY DATE: 08/15/1883

POINT OF
DIVERSION:

T15N R27E S3 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	3/15 11/15	3.300 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T16N R27E S29 SWSW	31.00 T16N R27E S30	SESW 25.00
	T16N R27E S30 SWSE	33.00 T16N R27E S30	SESE 31.00
	T16N R27E S31 NENE	31.00 T16N R27E S31	NWNE 25.00
	T16N R27E S31 NENW	18.20 T16N R27E S32	NWNW 31.00

225.2 ACRES TOTAL

Use of this right with right Nos. 74-25, 74-15752, and 74-15753 is limited to the irrigation of a combined total of 225.2 in a single irrigation season.

This right is limited to the irrigation of 178.1 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall accomplish the change authorized by transfer 73531 within one year of 02-02-2008.

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. 74W.

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.

Failure of the right holder to comply with the conditions of transfer 73531 is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed