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AUG 19 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 18 2008

By _____ 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

Water Rights: 2-2100A, 2-7086

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ IC § 42-222

☐ Point of diversion

☒ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

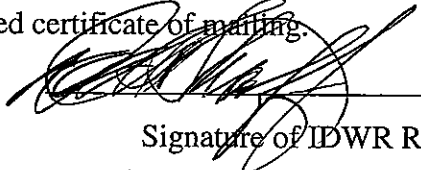
☒ Change in ownership

Other:

IDWR certifies that it has completed its investigation into the changes to the elements of the water right(s) 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 right(s) 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: Aug 14, 2008


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 15, 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

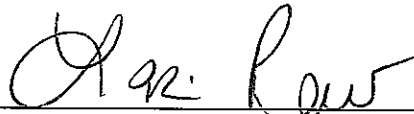
2. Copies to:

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

United States Dept of Justice
Environment & Natural Resource Div
550 W. Fort St. MSC 033
Boise, ID 83724

3. Copies to all parties to the subcase:

Rubber Band Holdings LLC
910 N. Curtis Rd.
Boise, ID 83706



Signature of person mailing this document

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

RIGHT NUMBER: 2-2100A

NAME AND ADDRESS: RUBBER BAND HOLDINGS LLC
910 N CURTIS RD
BOISE ID 83706

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.800 CFS
630.00 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.

PRIORITY DATE: 07/15/1952

POINT OF
DIVERSION:

T03S R01E S35 NESE Lot 7 Within OWYHEE County
T03S R01E S35 NWSE Lot 8 Within OWYHEE County
T03S R01E S36 NWSE Lot 7 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.800 CFS 630.00 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 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in OWYHEE County

~~T03S R01E S35~~ ~~NESW 1.00~~

T03S R01E S35 Lot 9 NESW 32.00 <u>38.30</u>	T03S R01E S35 NWSW 36.00
T03S R01E S35 SWSW 29.00 <u>33.00</u>	T03S R01E S35 SESW 36.00 <u>40.00</u>
T03S R01E S35 Lot 7 NESE 18.00 <u>27.60</u>	T03S R01E S35 Lot 8 NWSE 27.00 <u>29.10</u>
T03S R01E S35 SWSE 20.00 <u>40.00</u>	T03S R01E S35 SESE 25.00 <u>40.00</u>
T03S R01E S36 Lot 6 NESW 21.00 <u>30.00</u>	T03S R01E S36 Lot 5 NWSW 19.00 <u>32.00</u>
T03S R01E S36 SWSW 24.00 <u>32.00</u>	T03S R01E S36 SESW 30.00 <u>25.00</u>
T03S R01E S36 Lot 8 NESE 4.00 <u>15.00</u>	T03S R01E S36 Lot 7 NWSE 17.00 <u>25.00</u>
T03S R01E S36 SWSE 20.00 <u>24.00</u>	T03S R01E S36 SESE 0.00 <u>10.00</u>

372.477 ACRES TOTAL

~~USE OF THIS RIGHT WITH RIGHT NO. 02-07086 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 372 ACRES IN A SINGLE IRRIGATION SEASON.~~

Rights 2-2100A and 2/7086 when combined shall not exceed the irrigation of 372 acres in a single season.

This right is limited to the irrigation of 140 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

Right 02-07086 is also diverted through the point(s) of diversion described above.

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

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

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

Prior to diversion of water under Right Nos. 02-02100A and 02-07086, flow measurement ports or other devices approved by the Department shall be installed on all points of diversion.

After specific notification by the Department, the right holder shall record the quantity of water diverted 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.

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

RIGHT NUMBER: 2-7086

NAME AND ADDRESS: RUBBER BAND HOLDINGS LLC
910 N CURTIS RD
BOISE ID 83706

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.640 CFS
1,044.00 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.

PRIORITY DATE: 07/28/1971

POINT OF
DIVERSION:

T03S R01E S35 NESE Lot 7 Within OWYHEE County
T03S R01E S35 NWSE Lot 8 Within OWYHEE County
T03S R01E S36 NWSE Lot 7 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	4.640 CFS 1,044.00 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 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in OWYHEE County

T03S R01E S35 NESW 1.00			
T03S R01E S35 Lot 9	NESW	32.00 38.30	T03S R01E S35 NWSW 36.00
T03S R01E S35	SWSW	29.00 33.00	T03S R01E S35 SESW 36.00 40.00
T03S R01E S35 Lot 7	NESE	18.00 27.60	T03S R01E S35 Lot 8 NWSE 27.00 29.10
T03S R01E S35	SWSE	28.00 40.00	T03S R01E S35 SESE 25.00 40.00
T03S R01E S36 Lot 6	NESW	21.00 30.00	T03S R01E S36 Lot 5 NWSW 19.00 32.00
T03S R01E S36	SWSW	24.00 32.00	T03S R01E S36 SESW 30.00 25.00
T03S R01E S36 Lot 8	NESE	1.00 15.00	T03S R01E S36 Lot 7 NWSE 17.00 25.00
T03S R01E S36	SWSE	20.00 24.00	T03S R01E S36 SESE 8.00 10.00
372.477 ACRES TOTAL			

This right is limited to the irrigation of 232 acres within the place of use described above in a single irrigation season.

~~USE OF THIS RIGHT WITH RIGHT NO. 02-2100A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 372 ACRES IN A SINGLE IRRIGATION SEASON.~~

Rights 2-2100A and 2/7086 when combined shall not exceed the irrigation of 372 acres in a single 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

Right 02-2100A is also diverted through the point(s) of diversion described above.

After specific notification by the Department, the right holder shall record the quantity of water diverted 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 Right Nos. 02-02100A and 02-07086, flow measurement ports or other devices approved by the Department shall be installed on all points of diversion.

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

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

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