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AUG 25 2008
DEPARTMENT OF
WATER RESOURCES

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

2008 AUG 21 AM 7 02

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: 63-29739 (Split)
	)	63-33081, 63-33082
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
	)	PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX 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: August 20, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 20, 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:

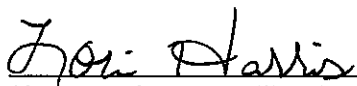
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

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:

Symms Fruit Ranch Inc.	☐ overnight mail
14068 Sunny Slope Rd.	☒ regular mail
Caldwell ID 83607	☐ hand-delivered
	☐ facsimile

Francis M. Tuning	☐ overnight mail
Myrna L. Tuning	☒ regular mail
24658 Homedale Rd.	☐ hand-delivered
Wilder ID 83676	☐ facsimile


Signature of person mailing this document

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

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DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 63-29739 DISALLOWED

SPLIT RIGHT: RECOMMENDED AS RIGHT NOS. 63-33081 & 63-33082

DISTRICT COURT - SNDA
TWIN FALLS CO., IDAHO
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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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RIGHT NUMBER: 63-33081 DISALLOWED

NAME AND ADDRESS: SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

AUG 25 2008

DEPARTMENT OF
WATER RESOURCES

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

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

This right is a split from former right 63-29739 .

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

2008 AUG 21 AM 11:00

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DISTRICT COURT - 3RD
TYNE FALLS CO., IDAHO

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

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AUG 25 2008

DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 63-33082

NAME AND ADDRESS: FRANCIS M TUNING
24658 HOMEDALE RD
WILDER ID 83676

MYRNA L TUNING
24658 HOMEDALE RD
WILDER ID 83676

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.030 CFS

This right when combined with all other rights shall provide no more than
0.02 cfs per acre at the field headgate.

PRIORITY DATE: 01/01/1953

POINT OF DIVERSION:

T03N R05W S1 SWSESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.030 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R05W S01 SESW 1.70

1.7 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 - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

This right is a split from former right 63-29739.

DISTRICT COURT - 3d JUDICIAL DISTRICT
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