

COPY

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

2008 SEP 4 AM 10 20

**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: 73-12047, 73-12103**
) **and 73-12104**
)

Case No. 39576

) **NOTICE OF COMPLETED**
) **ADMINISTRATIVE PROCEEDING**
)

IDWR has completed the following administrative proceeding:

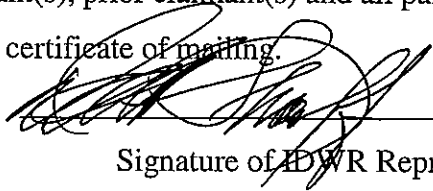
- ☐ Address change
☐ Substitution of Party
☒ IC § 42-222

- | | |
|--|--|
| ☒ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |

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 29, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on September 3, 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:

Chuck R. and Claudia F. Charlton
P.O. Box 96
Ellis, ID 83235



Signature of person mailing this document

08/28/2008

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

RIGHT NUMBER: 73-12047

NAME AND ADDRESS: KAREN A DOWTON
PO BOX 7
ELLIS ID 83235

SYDNEY M DOWTON
PO BOX 7
ELLIS ID 83235

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

Diversion of water from the Pahsimeroi River is limited to those times water is available for diversion under this right and priority from Duck Spring at the original point of diversion in the SESW, S26, T15N, R21E, and to the amount of water that actually reaches the Pahsimeroi River and to those times water is available for diversion under this right and priority from Patterson Creek at the original point of diversion in the SWSE, S26, T15N, R21E, and to the amount of water that actually reaches the Pahsimeroi River.

QUANTITY: 0.350 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.

PRIORITY DATE: 04/01/1912

POINT OF DIVERSION:

T15N R21E S8 SESW 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	0.350 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T15N R21E S07 SENE 6.60
6.6 ACRES TOTAL

Right Nos. 73-12047, 73-12103, and 73-12104 are limited to the irrigation of a combined total of 6.6 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

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).

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Duck Spring and Patterson Creek at the original point of diversion, at the mouth of Patterson Creek where it discharges into the Pahsimeroi River and at the point of diversion from the Pahsimeroi River.

Water is delivered through P-7.

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

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

Patterson Creek is also known as Spring Creek.

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. 73.

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

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.

08/28/2008

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

RIGHT NUMBER: 73-12103

NAME AND ADDRESS: KAREN A DOWTON
PO BOX 7
ELLIS ID 83235

SYDNEY M DOWTON
PO BOX 7
ELLIS ID 83235

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.200 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.

PRIORITY DATE: 04/01/1912

POINT OF DIVERSION:

T15N R21E S8 SESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.200 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T15N R21E S07 SENE 6.60

6.6 ACRES TOTAL

Right Nos. 73-12047, 73-12103 and 73-12104 are limited to the irrigation of a
combined total of 6.6 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

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).

Recommended as a portion of Right No. 73-73B.

This right is a split from former right 73-4026.

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

Water is delivered through P-7.

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

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

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. 73.

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

08/28/2008

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

RIGHT NUMBER: 73-12104

NAME AND ADDRESS: KAREN A DOWTON
PO BOX 7
ELLIS ID 83235

SYDNEY M DOWTON
PO BOX 7
ELLIS ID 83235

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.200 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.

PRIORITY DATE: 02/18/1926

POINT OF DIVERSION:

T15N R21E S8 SESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.200 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T15N R21E S07 SENE 6.60
6.6 ACRES TOTAL

Right Nos. 73-12047, 73-12103, and 73-12104 are limited to the irrigation of
a combined total of 6.6 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 - Beneficial Use

This right is a split from former right 73-4026.

Water is delivered through P-7.

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).

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. 73.

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

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.

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