

COPY

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 27 2008
Clerk
Deputy Clerk

RECEIVED
OCT 28 2008
DEPARTMENT OF
WATER RESOURCES

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: 67-80D, 67-81AC, 67-87,
) 67-88, 67-89A, 67-90B, 67-93, 67-4174,
) 67-4175 and 67-4176
)

Case No. 39576

) AMENDED NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING
)

IDWR has completed the following administrative proceeding:

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

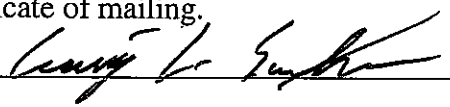
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |

☒ Other: **Four (4) Disallowed Water Rights Included**

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* for said water right. No other changes have been made to the elements of this water right except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report* 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: 10/23/08


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10/24, 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

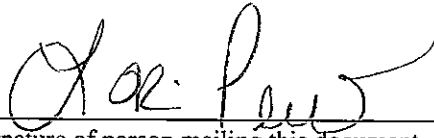
2. Copies to:

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 West Fort Street MSC 033
Boise ID 83724

3. Copies to all parties to the subcase:

Carolex LP
c/o Lea Kuvinka
Kuvinka & Kuvinka
P.O. Box 3007
Jackson, WY 83001



Signature of person mailing this document

10/23/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
67-80D	CAROLEX LP C/O LEA KUVINKA KUVINKA & KUVINKA PO BOX 3007 JACKSON WY 83001	Disallowed	Recommended as Right No. 67-14283, 67-14448, 67-14449, 67-14450, and 67-17593.

10/23/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
67-81AC	CAROLEX LP C/O LEA KUVINKA KUVINKA & KUVINKA PO BOX 3007 JACKSON WY 83001	Disallowed	Recommended as Lost Valley Reservoir Company. Rights Nos. 67-14566, 67-14567 and 67-14568.

10/23/2008

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

RIGHT NUMBER: 67-87

NAME AND ADDRESS: CAROLEX LP
C/O LEA KUVINKA
KUVINKA & KUVINKA
PO BOX 3007
JACKSON WY 83001

SOURCE: MIDDLE FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.600 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1894

POINT OF
DIVERSION:

T15N R01W S12 SWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.600 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T15N R01W S12	SESW	3.70	T15N R01W S13	NENW	6.90
T15N R01W S13	NWNW	14.00	T15N R01W S14	NENE	12.00
T15N R01W S14	NWNE	5.70			

STOCKWATER same as IRRIGATION

42.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 42.3 acres in a single irrigation season. Combined Right Nos.: 67-87, 67-93, and 67-4174

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 place of use pursuant to Section 42-1425, Idaho Code.

Stockwater use is for 100 range cattle.

10/23/2008

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

RIGHT NUMBER: 67-88

NAME AND ADDRESS: CAROLEX LP
C/O LEA KUVINKA
KUVINKA & KUVINKA
PO BOX 3007
JACKSON WY 83001

SOURCE: MIDDLE FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.260 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1900

POINT OF
DIVERSION:

T15N R01W S14 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

IRRIGATION

03/15 10/31

0.260 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T15N R01W S10	SWNE	37.00	T15N R01W S10	SENE	4.50
T15N R01W S10	SENW	17.00	T15N R01W S10	NESE	21.00
T15N R01W S10	NWSE	6.10	T15N R01W S10	SESE	3.70
T15N R01W S11	NWSW	2.60	T15N R01W S11	SWSW	18.00
T15N R01W S11	SESW	7.50	T15N R01W S14	NENW	0.20

STOCKWATER same as IRRIGATION

117.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 117.6 acres in a single irrigation season. Combined Right Nos.: 67-88, 67-90B, and 67-4175

This right is limited to the irrigation of 20.8 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Stockwater use is for 100 range cattle.

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

10/23/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
67-89A	CAROLEX LP C/O LEA KUVINKA KUVINKA & KUVINKA PO BOX 3007 JACKSON WY 83001	Disallowed	Recommended as Right No. 67-89B.

10/23/2008

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

RIGHT NUMBER: 67-90B

NAME AND ADDRESS: CAROLEX LP
C/O LEA KUVINKA
KUVINKA & KUVINKA
PO BOX 3007
JACKSON WY 83001

SOURCE: MIDDLE FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.880 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1903

POINT OF
DIVERSION:

T15N R01W S14 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS
IRRIGATION	03/15 10/31	0.880 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T15N R01W S10	SWNE	37.00	T15N R01W S10	SENE	4.50
T15N R01W S10	SENE	17.00	T15N R01W S10	NESE	21.00
T15N R01W S10	NWSE	6.10	T15N R01W S10	SESE	3.70
T15N R01W S11	NWSW	2.60	T15N R01W S11	SWSW	18.00
T15N R01W S11	SESW	7.50	T15N R01W S14	NENW	0.20

STOCKWATER same as IRRIGATION

117.6 ACRES TOTAL

This right is limited to the irrigation of 70.4 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 117.6 acres in a single irrigation season. Combined Right Nos.: 67-88, 67-90B, and 67-4175

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

Stockwater use is for 100 range cattle.

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

10/23/2008

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

RIGHT NUMBER: 67-93

NAME AND ADDRESS: CAROLEX LP
C/O LEA KUVINKA
KUVINKA & KUVINKA
PO BOX 3007
JACKSON WY 83001

SOURCE: MIDDLE FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.150 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1911

POINT OF
DIVERSION:

T15N R01W S12 SWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 10/31

0.150 CFS

STOCKWATER

PLACE OF USE:

IRRIGATION in ADAMS County

T15N R01W S12	SESW	3.70	T15N R01W S13	NENW	6.90
T15N R01W S13	NWNW	14.00	T15N R01W S14	NENE	12.00
T15N R01W S14	NWNE	5.70			

STOCKWATER same as IRRIGATION

42.3 ACRES TOTAL

This right is limited to the irrigation of 12.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 42.3 acres in a single irrigation season. Combined Right Nos.: 67-87, 67-93, and 67-4174

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 place of use pursuant to Section 42-1425, Idaho Code.

Stockwater use is for 100 range cattle.

10/23/2008

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

RIGHT NUMBER: 67-4174

NAME AND ADDRESS: CAROLEX LP
C/O LEA KUVINKA
KUVINKA & KUVINKA
PO BOX 3007
JACKSON WY 83001

SOURCE: MIDDLE FORK WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 05/10/1918

POINT OF
DIVERSION:

T15N R01W S12 SWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 10/31	0.100 CFS
PLACE OF USE:	<u>IRRIGATION in ADAMS County</u>		
	T15N R01W S12 SESW 3.70	T15N R01W S13 NENW	6.90
	T15N R01W S13 NWNW 14.00	T15N R01W S14 NENE	12.00
	T15N R01W S14 NWNE 5.70		
	42.3 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 42.3 acres in a single irrigation season. Combined Right Nos.: 67-87, 67-93, and 67-4174

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

10/23/2008

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

RIGHT NUMBER: 67-4175

NAME AND ADDRESS: CAROLEX LP
C/O LEA KUVINKA
KUVINKA & KUVINKA
PO BOX 3007
JACKSON WY 83001

SOURCE: MIDDLE FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 1.210 CFS

PRIORITY DATE: 05/10/1918

POINT OF
DIVERSION:

T15N R01W S14 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 10/31	1.210 CFS
PLACE OF USE:	<u>IRRIGATION in ADAMS County</u>		
	T15N R01W S10 SWNE 37.00	T15N R01W S10 SENE	4.50
	T15N R01W S10 SENW 17.00	T15N R01W S10 NESE	21.00
	T15N R01W S10 NWSE 6.10	T15N R01W S10 SESE	3.70
	T15N R01W S11 NWSW 2.60	T15N R01W S11 SWSW	18.00
	T15N R01W S11 SESW 7.50	T15N R01W S14 NENW	0.20

117.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 117.6 acres in a single irrigation season. Combined Right Nos.: 67-88, 67-90B, and 67-4175

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

10/23/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
67-4176	CAROLEX LP C/O LEA KUVINKA KUVINKA & KUVINKA PO BOX 3007 JACKSON WY 83001	Disallowed	Recommended as Right No. 67-4175.