

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

2008 DEC 8 AM 10 42

RECEIVED

DEC 10 2008

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: 22-7065, 22-7085 and
22-12765

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 74559

☐ 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: Dec 1, 2008

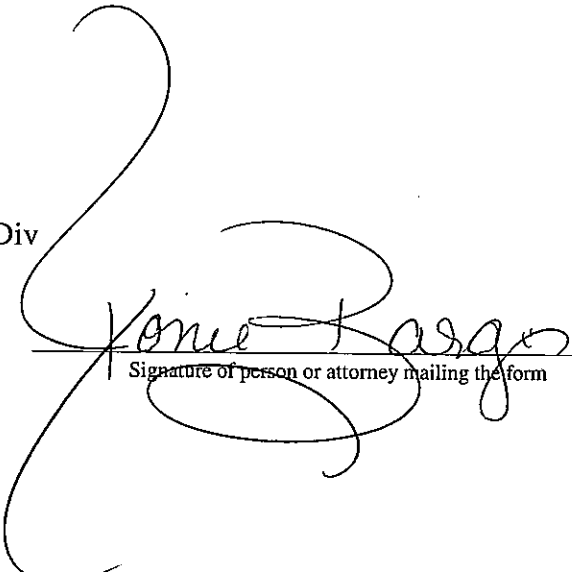
Ernest C. Fisher

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on December 5, 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:
Randy Hughes
310 N 2675 E
St Anthony ID 83445
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

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

RIGHT NUMBER: 22-7065

NAME AND ADDRESS: RANDY HUGHES
310 N 2675 E
ST ANTHONY ID 83445

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.200 CFS
910.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The rights listed below are limited to a total combined diversion rate of 12.73 cfs and to a total combined annual diversion volume of 4707.5 AF. Combined Right Nos.: 22-7065, 22-7085, and 22-12765.

PRIORITY DATE: 02/26/1973

POINT OF
DIVERSION:

T07N R42E S17 SENENW Within FREMONT County
T07N R42E S17 SWNWNW Within FREMONT County
T07N R42E S18 NENESW Within FREMONT County
T07N R42E S18 NENESE Within FREMONT County

This right is limited to the irrigation of 260 acres within the place of use described above in a single irrigation season.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	5.200 CFS 910.00 AFY

PLACE OF USE: IRRIGATION in FREMONT County

T07N R42E S07 Lot 4 SWSW	29.00	T07N R42E S07	SESW	34.00
T07N R42E S07 SWSE	30.00	T07N R42E S07	SESE	33.00
T07N R42E S08 SWSW	32.00	T07N R42E S08	SESW	35.00
T07N R42E S08 SWSE	32.00	T07N R42E S08	SESE	33.00
T07N R42E S17 NENE	34.00	T07N R42E S17	NWNE	33.00
T07N R42E S17 SWNE	33.00	T07N R42E S17	SENE	35.00
T07N R42E S17 NENW	35.00	T07N R42E S17	NWNW	32.00
T07N R42E S17 SWNW	33.00	T07N R42E S17	SENW	35.00
T07N R42E S17 NESW	33.00	T07N R42E S17	NWSW	39.00
T07N R42E S17 SWSW	30.40	T07N R42E S17	SESW	35.80
T07N R42E S17 NESE	33.00	T07N R42E S17	NWSE	31.00
T07N R42E S17 SWSE	1.90	T07N R42E S18	NENE	34.00
T07N R42E S18 NWNE	32.00	T07N R42E S18	SWNE	40.00
T07N R42E S18 SENE	40.00	T07N R42E S18	NENW	33.00

T07N R42E S18 Lot 1 NWNW	28.00	T07N R42E S18 Lot 2 SWNW	37.00
T07N R42E S18 SENW	40.00	T07N R42E S18 NESW	34.00
T07N R42E S18 Lot 3 NWSW	30.00	T07N R42E S18 Lot 4 SWSW	30.00
T07N R42E S18 SESW	33.00	T07N R42E S18 NESE	33.00
T07N R42E S18 NWSE	33.00	T07N R42E S18 SWSE	33.00
T07N R42E S18 SESE	33.00	T07N R42E S20 NWNE	1.10
T07N R42E S20 NENW	34.00	T07N R42E S20 NWNW	32.00
T07N R42E S20 SWNW	1.00	T07N R42E S20 SENW	1.80

1345 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1345 acres in a single irrigation season. Combined Right Nos.: 22-7065, 22-7085, and 22-12765.

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

Right No. 22-12765 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Prior to the diversion and use of water under Transfer approval 74559, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by approved transfer 74559 by April 10, 2009.

Failure of the right holder to comply with the conditions of approved transfer 74559 is cause for the Director to rescind approval of the transfer.

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.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

The following rights are also diverted through point of diversion described above: 22-7085 and 22-12765.

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

RIGHT NUMBER: 22-7085

NAME AND ADDRESS: RANDY HUGHES
310 N 2675 E
ST ANTHONY ID 83445

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 12.730 CFS
3,286.50 AFY

This right is limited to the irrigation of 939 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to a total combined diversion rate of 12.73 cfs and to a total combined annual diversion volume of 4707.5 AF. Combined Right Nos.: 22-7065, 22-7085, and 22-12765.

PRIORITY DATE: 01/31/1974

POINT OF
DIVERSION: T07N R42E S17 SENENW Within FREMONT County
T07N R42E S17 SWNWNW Within FREMONT County
T07N R42E S18 NENESW Within FREMONT County
T07N R42E S18 NENESE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/15	12.730 CFS 3,286.50 AFY
PLACE OF USE:	<u>IRRIGATION in FREMONT County</u>		
	T07N R42E S07 Lot 4 SWSW 29.00	T07N R42E S07 SESW	34.00
	T07N R42E S07 SWSE 30.00	T07N R42E S07 SESE	33.00
	T07N R42E S08 SWSW 32.00	T07N R42E S08 SESW	35.00
	T07N R42E S08 SWSE 32.00	T07N R42E S08 SESE	33.00
	T07N R42E S17 NENE 34.00	T07N R42E S17 NWNE	33.00
	T07N R42E S17 SWNE 33.00	T07N R42E S17 SENE	35.00
	T07N R42E S17 NENW 35.00	T07N R42E S17 NWNW	32.00
	T07N R42E S17 SWNW 33.00	T07N R42E S17 SENW	35.00
	T07N R42E S17 NESW 33.00	T07N R42E S17 NWSW	39.00
	T07N R42E S17 SWSW 30.40	T07N R42E S17 SESW	35.80
	T07N R42E S17 NESE 33.00	T07N R42E S17 NWSE	31.00
	T07N R42E S17 SWSE 1.90	T07N R42E S18 NENE	34.00
	T07N R42E S18 NWNE 32.00	T07N R42E S18 SWNE	40.00
	T07N R42E S18 SENE 40.00	T07N R42E S18 NENW	33.00
	T07N R42E S18 Lot 1 NWNW 28.00	T07N R42E S18 Lot 2 SWNW	37.00
	T07N R42E S18 SENW 40.00	T07N R42E S18 NESW	34.00
	T07N R42E S18 Lot 3 NWSW 30.00	T07N R42E S18 Lot 4 SWSW	30.00
	T07N R42E S18 SESW 33.00	T07N R42E S18 NESE	33.00
	T07N R42E S18 NWSE 33.00	T07N R42E S18 SWSE	33.00
	T07N R42E S18 SESE 33.00	T07N R42E S20 NWNE	1.10
	T07N R42E S20 NENW 34.00	T07N R42E S20 NWNW	32.00
	T07N R42E S20 SWNW 1.00	T07N R42E S20 SENW	1.80

1345 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1345 acres in a single irrigation season. Combined Right Nos.: 22-7065, 22-7085, and 22-12765.

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

Right No. 22-12765 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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

The right holder shall accomplish the change authorized by approved transfer 74559 by April 10, 2009.

Failure of the right holder to comply with the conditions of approved transfer 74559 is cause for the Director to rescind approval of the transfer.

The following rights are also diverted through point of diversion described above: 22-7065 and 22-12765.

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

RIGHT NUMBER: 22-12765

NAME AND ADDRESS: RANDY HUGHES
310 N 2675 E
ST ANTHONY ID 83445

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.550 CFS
511.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The rights listed below are limited to a total combined diversion rate of 12.73 cfs and to a total combined annual diversion volume of 4707.5 AF. Combined Right Nos.: 22-7065, 22-7085, and 22-12765

PRIORITY DATE: 05/15/1986

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T07N R42E S17 SENENW Within FREMONT County
T07N R42E S17 SWNNWN Within FREMONT County
T07N R42E S18 NENESW Within FREMONT County
T07N R42E S18 NENESE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	1.550 CFS 511.00 AFY

PLACE OF USE:

<u>IRRIGATION in FREMONT County</u>			
T07N R42E S07 Lot 4 SWSW	29.00	T07N R42E S07	SESW 34.00
T07N R42E S07	SWSE 30.00	T07N R42E S07	SESE 33.00
T07N R42E S08	SWSW 32.00	T07N R42E S08	SESW 35.00
T07N R42E S08	SWSE 32.00	T07N R42E S08	SESE 33.00
T07N R42E S17	NENE 34.00	T07N R42E S17	NWNE 33.00
T07N R42E S17	SWNE 33.00	T07N R42E S17	SENE 35.00
T07N R42E S17	NENW 35.00	T07N R42E S17	NWNW 32.00
T07N R42E S17	SWNW 33.00	T07N R42E S17	SENW 35.00
T07N R42E S17	NESW 33.00	T07N R42E S17	NWSW 39.00
T07N R42E S17	SWSW 30.40	T07N R42E S17	SESW 35.80
T07N R42E S17	NESE 33.00	T07N R42E S17	NWSE 31.00
T07N R42E S17	SWSE 1.90	T07N R42E S18	NENE 34.00
T07N R42E S18	NWNE 32.00	T07N R42E S18	SWNE 40.00
T07N R42E S18	SENE 40.00	T07N R42E S18	NENW 33.00
T07N R42E S18 Lot 1 NWNW	28.00	T07N R42E S18 Lot 2 SWNW	37.00
T07N R42E S18	SENW 40.00	T07N R42E S18	NESW 34.00
T07N R42E S18 Lot 3 NWSW	30.00	T07N R42E S18 Lot 4 SWSW	30.00
T07N R42E S18	SESW 33.00	T07N R42E S18	NESE 33.00

T07N R42E S18	NWSE	33.00	T07N R42E S18	SWSE	33.00
T07N R42E S18	SESE	33.00	T07N R42E S20	NWNE	1.10
T07N R42E S20	NENW	34.00	T07N R42E S20	NWNW	32.00
T07N R42E S20	SWNW	1.00	T07N R42E S20	SENW	1.80

1345 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1345 acres in a single irrigation season. Combined Right Nos.: 22-7065, 22-7085, and 22-12765.

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

This right is based upon an enlargement of Rights No. 22-7065 and 22-7085 pursuant to Section 42-1426, Idaho Code.

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

The following rights are also diverted through point of diversion described above: 22-7065 and 22-7085.

Prior to the diversion and use of water under Transfer approval 74559, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Failure of the right holder to comply with the conditions of approved transfer 74559 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by approved transfer 74559 by April 10, 2009.

This right is for an enlargement of 146 acres within the place of use described for this right.