

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
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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: 22-13727, 22-13729
and 22-13731

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 73910

☐ 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 Carlson

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:
Packsaddle Properties LLC
PO Box 631
Driggs ID 83221

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: 22-13727

NAME AND ADDRESS: PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS ID 83221

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 2.840 CFS

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.

This right authorizes the diversion of an annual total of 46.6 af to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation from the ponds.

The ponds established by the storage of water under rights 22-13727, 22-13729, & 22-13731 shall not exceed a total capacity of 29.1 acre feet or a total surface area of 7.3 acres.

The rights listed below are limited to a total combined diversion rate of 2.84 cfs. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

The rights listed below are limited to a total combined diversion rate of 2.36 cfs for irrigation. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

PRIORITY DATE: 06/15/1897

POINT OF
DIVERSION: T06N R45E S33 NESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.360 CFS
DIVERSION TO STORAGE	04/15 10/31	0.480 CFS
AESTHETIC STORAGE	01/01 12/31	46.60 AFY
FIRE PROTECTION STORAGE	01/01 12/31	46.60 AFY

Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S06	NESW	32.30	T05N R45E S06 Lot 6 NWSW	17.70
T05N R45E S06 Lot 7 SWSW		32.00	T05N R45E S06	SES

FIRE PROTECTION STORAGE in TETON County

T05N R45E S06	NESW	T05N R45E S06 Lot 6 NWSW
T05N R45E S06 Lot 7 SWSW		T05N R45E S06

AESTHETIC STORAGE in TETON County

T05N R45E S06	NESW	T05N R45E S06 Lot 6 NWSW
T05N R45E S06 Lot 7 SWSW		T05N R45E S06

110.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 110.6 acres in a single irrigation season. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

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

Failure of the right holder to comply with the conditions of approved transfer 73910 is cause for the Director to rescind approval of the transfer.

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. 01.

The approved transfer 73910 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

Water is delivered through Bell McCracken Ditch.

The right holder shall accomplish the change authorized by transfer 73910 by March 3, 2009.

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).

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

RIGHT NUMBER: 22-13729

NAME AND ADDRESS: PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 1.920 CFS
338.00 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.

This right authorizes the diversion of an annual total of 41.6 af to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation from the ponds.

The ponds established by the storage of water under rights 22-13727, 22-13729, & 22-13731 shall not exceed a total capacity of 29.1 acre feet or a total surface area of 7.3 acres.

The rights listed below are limited to a total combined diversion rate of 1.92 cfs and to a total combined annual diversion volume of 384.3 AF. Combined Right Nos.: 22-13729, 22-13731.

The rights listed below are limited to a total combined diversion rate of 2.84 cfs. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

The rights listed below are limited to a total combined diversion rate of 2.36 cfs for irrigation. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

PRIORITY DATE: 08/09/1961

POINT OF
DIVERSION: T05N R45E S6 NESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/01	1.600 CFS 296.40 AFY
DIVERSION TO STORAGE	01/01 12/31	0.320 CFS
FIRE PROTECTION STORAGE	01/01 12/31	41.60 AFY
AESTHETIC STORAGE	01/01 12/31	41.60 AFY

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 03/03/2008

Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S06	NESW	32.30	T05N R45E S06 Lot 6 NWSW	17.70	
T05N R45E S06 Lot 7 SWSW		32.00	T05N R45E S06	SESW	28.60

FIRE PROTECTION STORAGE in TETON County

T05N R45E S06	NESW		T05N R45E S06 Lot 6 NWSW	
T05N R45E S06 Lot 7 SWSW			T05N R45E S06	SESW

AESTHETIC STORAGE in TETON County

T05N R45E S06	NESW		T05N R45E S06 Lot 6 NWSW	
T05N R45E S06 Lot 7 SWSW			T05N R45E S06	SESW

110.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 110.6 acres in a single irrigation season. Combined Right Nos.: 22-13727, 22-13729, and 22-13731.

This right is limited to the irrigation of 98.8 acres within the place of use described above in a single irrigation season.

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

Right No. 22-13731 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 73910 by 03/03/2009.

Failure of the right holder to comply with the conditions of approved transfer 73910 is cause for the Director to rescind approval of the transfer.

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.

Right No. 22-13731 is also diverted through point of diversion described above.

The approved transfer 73910 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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

RIGHT NUMBER: 22-13731

NAME AND ADDRESS: PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 0.180 CFS
46.300 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 ponds established by the storage of water under rights 22-13727, 22-13729, & 22-13731 shall not exceed a total capacity of 29.1 acre feet or a total surface area of 7.3 acres.

This right authorizes the diversion of an annual total of 5.0 af to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation from the ponds.

Rights 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 1.92 cfs, a total annual maximum diversion volume of 384.3 af.

The rights listed below are limited to a total combined diversion rate of 2.84 cfs. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

The rights listed below are limited to a total combined diversion rate of 2.36 cfs for irrigation. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

PRIORITY DATE: 08/09/1981

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: T05N R45E S6 NESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	0.030 CFS
FIRE PROTECTION STORAGE	01/01 12/31	5.00 AFY
AESTHETIC STORAGE	01/01 12/31	5.00 AFY
IRRIGATION	04/15 10/31	0.150 CFS 41.30 AFY

Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S06	NESW	32.30	T05N R45E S06 Lot 6 NWSW	17.70
T05N R45E S06 Lot 7 SWSW		32.00	T05N R45E S06	SESW 28.60

FIRE PROTECTION STORAGE in TETON County

T05N R45E S06	NESW	T05N R45E S06 Lot 6	NWSW
T05N R45E S06 Lot 7	SWSW	T05N R45E S06	SESW

AESTHETIC STORAGE in TETON County

T05N R45E S06	NESW	T05N R45E S06 Lot 6	NWSW
T05N R45E S06 Lot 7	SWSW	T05N R45E S06	SESW

110.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 110.6 acres in a single irrigation season. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

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

This right is based upon an enlargement of Right No. 22-13729 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

Failure of the right holder to comply with the conditions of approved transfer 73910 is cause for the Director to rescind approval of the transfer.

Right No. 22-13729 is also diverted through point of diversion described above.

The approved transfer 73910 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

This right is for an enlargement of 11.8 acres within the place of use described for this right.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall accomplish the change authorized by approved transfer 73910 by 03/03/2009.

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.