

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

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JAN 21 2009

DEPARTMENT OF
WATER RESOURCES

2009 JAN 16 AM 10 27

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

Case No. 39576

Water Rights: 63-31759, 63-31760

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: January 15, 2009


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 15, 2009, 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:

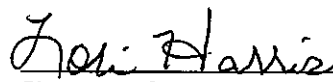
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

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:

Highplains Estates Sub. Homeowners	☐ overnight mail
c/o First Western Capital LLC	☒ regular mail
PO Box 548	☐ hand-delivered
Park City UT 84060	☐ facsimile

Shirley Adams Sharp	☐ overnight mail
10686 W Pattie	☒ regular mail
Boise ID 83714	☐ hand-delivered
	☐ facsimile


Signature of person mailing this document

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

DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 63-31759

NAME AND ADDRESS: HIGHPLAINS ESTATES SUBDIVISION HOMEOWNERS ASSOCIATION INC
C/O FIRST WESTERN CAPITAL LLC
PO BOX 548
PARK CITY UT 84060

~~SHIRLEY ADAMS SHARP~~
~~10686 W PATTIE~~
~~BOISE ID 83714~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.210 CFS
53.400 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION:

T05N R01W S21 NWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	01/01 12/31	0.060 CFS 12.90 AFY
RECREATION	01/01 12/31	0.060 CFS 12.90 AFY
IRRIGATION	03/15 11/15	0.150 CFS 40.50 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in ADA County

T05N R01W S21 NWNE 8.00 T05N R01W S21 SWNE 1.00

RECREATION in ADA County

T05N R01W S21 NWNE T05N R01W S21 SWNE

AESTHETIC in ADA County

T05N R01W S21 NWNE T05N R01W S21 SWNE

9 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 - License

Failure of the right holder to comply with the conditions of this transfer 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 determine the amount of water diverted from power records and shall annually report the information to the Department.

Point of diversion is located within Lot 5, Blk. 1, Highplains Estates Subdivision.

Place of use is located within Lots 1, 5, 10 and 14, Blk. 1, Highplains Estates Subdivision.

The right holder shall accomplish the change authorized by Transfer 70781 within one (1) year of the date of the approval.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31494.

COPY

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

RIGHT NUMBER: 63-31760

NAME AND ADDRESS: HIGHPLAINS ESTATES SUBDIVISION HOMEOWNERS ASSOCIATION INC
C/O FIRST WESTERN CAPITAL LLC
PO BOX 548
PARK CITY UT 84060

~~SHIRLEY ADAMS SHARP~~
~~10686 W PATTIE~~
~~BOISE ID 83714~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS
13.500 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION:

T05N R01W S21 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.050 CFS 13.50 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in ADA County

T05N R01W S21 SWNE 3.00

3 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 - License

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The right holder shall accomplish the change authorized by Transfer 70782 within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer 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 determine the amount of water diverted from power records and shall annually report the information to the Department.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31494.

PROPERTY IS ALSO KNOWN AS LOT 14, BLK 1, HIGHPLAINS ESTATES SUBDIVISION.