

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: 22-2256D & 22-7364

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 73540

☐ point of diversion ☒ place of use

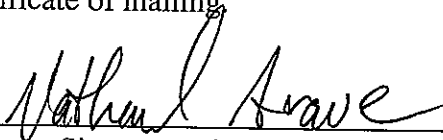
☐ period of use ☐ nature of use

☐ 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: 1/29/2009



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 30, 2009, 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:	
DKJ Farms LLC	BMJ Farms LLC
665 Centennial Loop	1282 S 2 nd E
Rexburg ID 83440	Rexburg ID 83440

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

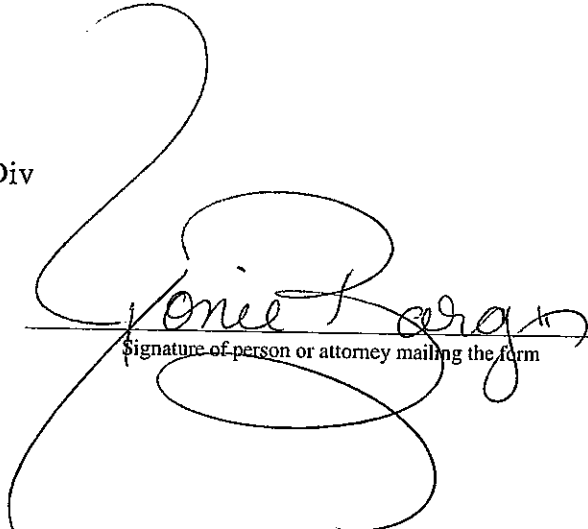
Each party in the subcase, or attorney of record

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

01/27/2009

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

RIGHT NUMBER: 22-2256D

NAME AND ADDRESS: BMJ FARMS LLC
1282 S 2ND E
REXBURG ID 83440

DKJ FARMS LLC
665 CENTENNIAL LOOP
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.360 CFS
1,033.00 AFY

The rights listed below are limited to a total combined diversion rate of 5.02 cfs and to a total combined annual diversion volume of 1479.1 AF. Combined Right Nos.: 22-2178, 22-2256D and 22-7364.

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.

PRIORITY DATE: 08/12/1965

POINT OF
DIVERSION:

T06N R41E S22 SWSESW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	2.360 CFS 1,033.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R41E S22	NESW	40.00	T06N R41E S22	NWSW	39.00
T06N R41E S22	SWSW	38.00	T06N R41E S22	SESW	39.00
T06N R41E S27	NENW	40.00	T06N R41E S27	NWNW	39.00
T06N R41E S27	SWNW	32.80	T06N R41E S27	SENW	30.00
T06N R41E S27	NESW	1.90	T06N R41E S27	NWSW	20.60
T06N R41E S27	SWSW	14.00	T06N R41E S27	SESW	7.30
T06N R41E S28	SENE	36.00	T06N R41E S28	NESE	21.00
T06N R41E S28	NWSE	5.00	T06N R41E S34	NENW	12.30
T06N R41E S34	NWNW	6.70			

422.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 422.6 acres in a single irrigation season. Combined Right Nos.: 22-2178, 22-2256D and 22-7364.

This right is limited to the irrigation of 295 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right 22-2178 and 22-7364 are also diverted through the point of diversion described above.

Failure of the right holder to comply with the conditions of transfer 73540 is cause for the Director to rescind approval of the transfer.

Prior to the diversion and use of water under Transfer approval 73540, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point 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.

The right holder shall accomplish the change authorized by transfer 73540 prior to September 13, 2008.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

01/27/2009

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

RIGHT NUMBER: 22-7364

NAME AND ADDRESS: BMJ FARMS LLC
1282 S 2ND E
REXBURG ID 83440

DKJ FARMS LLC
665 CENTENNIAL LOOP
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.460 CFS
200.00 AFY

The rights listed below are limited to a total combined diversion rate of 5.02 cfs and to a total combined annual diversion volume of 1479.1 AF. Combined Right Nos.: 22-2178, 22-2256D and 22-7364.

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.

PRIORITY DATE: 06/05/1981

POINT OF
DIVERSION:

T06N R41E S22 SWSESW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.460 CFS 200.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R41E S22	NESW	40.00	T06N R41E S22	NWSW	39.00
T06N R41E S22	SWSW	38.00	T06N R41E S22	SESW	39.00
T06N R41E S27	NENW	40.00	T06N R41E S27	NWNW	39.00
T06N R41E S27	SWNW	32.80	T06N R41E S27	SENW	30.00
T06N R41E S27	NESW	1.90	T06N R41E S27	NWSW	20.60
T06N R41E S27	SWSW	14.00	T06N R41E S27	SESW	7.30
T06N R41E S28	SENE	36.00	T06N R41E S28	NESE	21.00
T06N R41E S28	NWSE	5.00	T06N R41E S34	NENW	12.30
T06N R41E S34	NWNW	6.70			

422.6 ACRES TOTAL

This right is limited to the irrigation of 57 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 422.6 acres in a single irrigation season. Combined Right Nos.: 22-2178, 22-2256D and 22-7364.

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

Prior to the diversion and use of water under Transfer approval 73540, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point 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.

Right 22-2178 and 22-2256D are also diverted through the point of diversion described above.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

The right holder shall accomplish the change authorized by transfer 73540 prior to September 13, 2008.

Failure of the right holder to comply with the conditions of transfer 73540 is cause for the Director to rescind approval of the transfer.