

# COPY

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|-------------------------------------------------------------------------------------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| FEB 23 2009                                                                               |
| By _____ Clerk                                                                            |
| Deputy Clerk                                                                              |

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     | ) | Subcase No: 37-22026, 37-22028, |
|                | ) | 37-22030, 37-22032, 37-22034,   |
|                | ) | 37-22036, 37-22038, 37-22040    |
| Case No. 39576 | ) |                                 |
|                | ) | NOTICE OF COMPLETED             |
| _____          | ) | ADMINISTRATIVE PROCEEDING       |

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER 74959

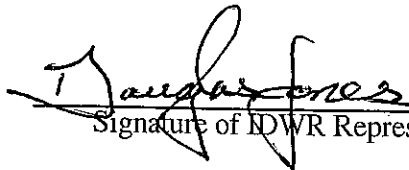
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

|                                                        |                                                  |
|--------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Change in Ownership           | <input type="checkbox"/> Split of Water Right    |
| <input checked="" type="checkbox"/> Point of Diversion | <input checked="" type="checkbox"/> Place of Use |
| <input type="checkbox"/> Period of Use                 | <input type="checkbox"/> Nature of Use           |

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: 2/20/09

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 2/23, 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  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

United States Dept of Justice  
Environment & Natural Resource Div  
550 W Fort St MSC 033  
Boise ID 83724

A W Molyneux  
Maxine Molyneux  
1174 Gannett-Picabo Rd  
Bellevue ID 83313



\_\_\_\_\_  
Signature of person or attorney mailing the form

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

RIGHT NUMBER: 37-22034

NAME AND ADDRESS:

A W MOLYNEUX  
1174 GANNETT-PICABO RD  
BELLEVUE ID 83313  
  
MAXINE MOLYNEUX  
1174 GANNETT-PICABO RD  
BELLEVUE ID 83313

SOURCE:

Source: ~  
BIG WOOD RIVER

Tributary: ~  
MALAD RIVER

~~Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Big Wood River and is actually diverted into the bypass Canal for mitigation purposes.~~

QUANTITY:

0.020 CFS  
0.000 AFY

Rights 37-22026, 37-22028, 37-22030, 37-22032, 37-22034, 37-22036, 37-22038 and 37-22040 when combined shall not exceed a total diversion rate of 0.18 cfs. This right when combined with all other rights shall provide no 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 27.59 cfs. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, 37-11430, 37-20570, 37-20571, 37-20574, 37-20577, 37-20578, 37-20581, 37-20584, 37-20593, 37-22026, 37-22028, 37-22030, 37-22032, 37-22034, 37-22036, 37-22038 and 37-22040.

~~The use of ground water under rights 37-22026, 37-22027, 37-22028, 37-22029, 37-22030, 37-22031, 37-22032, 37-22033, 37-22034, 37-22035, 37-22036, 37-22037, 37-22038, 37-22039, 37-22040 and 37-22041 when combined shall not exceed a total diversion rate of 0.56 cfs and a total annual maximum diversion volume of 98.0 af at the well head.~~

PRIORITY DATE: 06/30/1884

POINT OF DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County  
T01N R18E S25 NWSESW Rediversion Within BLAINE County  
T01N R18E S25 NESWSW Rediversion Within BLAINE County  
~~T01S R18E S1 Lot 3 SENW Within BLAINE County~~

This right is measured and administered at the point of rediversion.

PURPOSE AND  
PERIOD OF USE:

| Purpose of use | Period of use: | Quantity: |
|----------------|----------------|-----------|
| IRRIGATION     | 04/15 10/31    | 0.020 CFS |
| MITIGATION     | 04/15 10/31    | 0.020 CFS |

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

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|               |                                      |                                     |
|---------------|--------------------------------------|-------------------------------------|
| PLACE OF USE: | IRRIGATION                           | within BLAINE County                |
|               | <u>T01N R18E S36 NESW 40.0</u>       |                                     |
|               | <u>T01N R18E S36 NWSW 40.0</u>       |                                     |
|               | <u>T01N R18E S36 SWSW 38.0</u>       |                                     |
|               | <u>T01N R18E S36 SESW 39.0</u>       |                                     |
|               | <u>T01S R18E S01 Lot 2 SWNE 19.0</u> |                                     |
|               | <u>T01S R18E S01 Lot 1 SENE 19.0</u> |                                     |
|               | <u>T01S R18E S01 Lot 3 SENW 5.0</u>  | <u>T01S R18E S01 Lot 3 SENW 1.7</u> |
|               | <u>T01S R18E S01 NESW 20.0</u>       | <u>T01S R18E S01 NESW 2.2</u>       |
|               | <u>T01S R18E S01 SESW 35.0</u>       |                                     |
|               | <u>T01S R18E S01 NESE 40.0</u>       |                                     |
|               | <u>T01S R18E S01 NWSE 40.0</u>       |                                     |
|               | <u>T01S R18E S01 SWSE 40.0</u>       |                                     |
|               | <u>T01S R18E S01 SESE 39.0</u>       |                                     |
|               | <u>T01S R18E S12 NENE 38.0</u>       |                                     |
|               | <u>T01S R18E S12 NWNE 40.0</u>       |                                     |
|               | <u>T01S R18E S12 NENW 38.0</u>       |                                     |
|               | <u>T01S R18E S12 NWNW 8.0</u>        |                                     |
|               | <u>T01S R18E S12 SWNW 13.0</u>       |                                     |
|               | <u>T01S R18E S12 SENW 40.0</u>       |                                     |

3.9 ACRES TOTAL

591 ACRES TOTAL

~~MITIGATION Same as IRRIGATION~~

The rights listed below are limited to the irrigation of a combined total of 591 acres in a single irrigation season. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, 37-11430, 37-20570, 37-20571, 37-20574, 37-20577, 37-20578, 37-20581, 37-20584, 37-20593, 37-22026, 37-22028, 37-22030, 37-22032, 37-22034, 37-22036, 37-22038 and 37-22040.

Rights 37-22026, 37-22028, 37-22030, 37-22032, 37-22034, 37-22036, 37-22038 and 37-22040 when combined shall not exceed the irrigation of 3.9 acres in a single irrigation season.

~~The use of ground water under rights 37-22026, 37-22027, 37-22028, 37-22029, 37-22030, 37-22031, 37-22032, 37-22033, 37-22034, 37-22035, 37-22036, 37-22037, 37-22038, 37-22039, 37-22040 and 37-22041 when combined shall not exceed the irrigation of 28 acres.~~

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

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

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

~~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.~~

Water is diverted from the Big Wood River into the Bypass Canal where it is rediverted into either the Baseline Canal in the SENW Sec. 25 or into the Dittoe Ditch in the SWSW Sec. 25, T1N, R18E., ~~where it shall remain undelivered and allowed to sink to mitigate for the use of ground water under this right.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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. 37.

This right is a split from former right 37-20890.

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 measure the ground water diversion 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.~~

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 diversions ~~of Big Wood River water for mitigation.~~