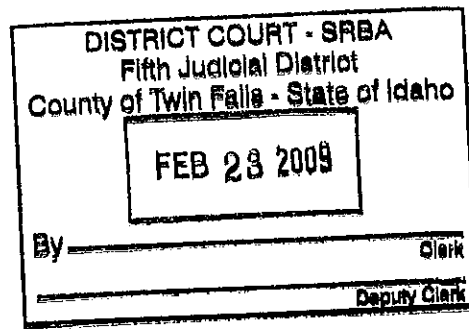


COPY



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) Subcase No: 37-2658, 37-4421B, 37-7651
) 37-11430, 37-20570, 37-20571, 37-20574,
) 37-20577, 37-20578, 37-20581, 37-20584,
) 37-20593, 37-22027, 37-22029, 37-22031,
) 37-22033, 37-22035, 37-22037, 37-22039
Case No. 39576) 37-22041
) NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

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

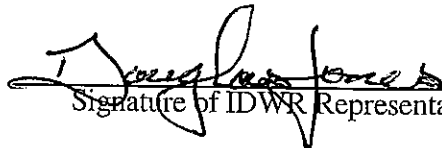
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the *associated* water right(s):

☒ <u>Conditions of Approval</u>	☐ Split of Water Right
☐ Point of Diversion	☐ Place of Use
☐ Period of Use	☐ 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

John Molyneux
Kristy Molyneux
10407 Hwy 75
Bellevue ID 83313

Stephen Schmid
Kathryn Schmid
205 9th Ave N
Twin Falls ID 83301



Signature of person or attorney mailing the form

02/17/2009

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

RIGHT NUMBER: 37-11430

NAME AND ADDRESS: MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313

A W MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313

JOHN I MOLYNEUX
10407 HWY 75
BELLEVUE ID 83313

KRISTY MOLYNEUX
10407 HWY 75
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.400 CFS
633.50 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 9.24 cfs and to a total combined annual diversion volume of 2068.5 AF.
Combined Right Nos.: 37-2658, 37-4421B, 37-7651, and 37-11430.

The rights listed below are limited to a total combined diversion rate of ~~27.41~~ 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.

PRIORITY DATE: 05/01/1982

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:

T01N R18E S36 NWNENW Within BLAINE County
T01S R18E S12 NENWNE Within BLAINE County
T01S R18E S12 SWNENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	2.400 CFS 633.50 AFY

PLACE OF USE:

IRRIGATION in BLAINE County		
T01N R18E S36	NESW	40.00
T01N R18E S36	SWSW	38.00
T01S R18E S01 Lot 1	NENE	19.00
T01S R18E S01 Lot 3	NENW	5.00

T01N R18E S36		
NWSW	40.00	
SESW	39.00	

T01S R18E S01 Lot 2		
NWNE	19.00	
NESW	20.00	

T01S R18E S01	SESW	35.00	T01S R18E S01	NESE	40.00
T01S R18E S01	NWSE	40.00	T01S R18E S01	SWSE	40.00
T01S R18E S01	SESE	39.00	T01S R18E S12	NENE	38.00
T01S R18E S12	NWNE	40.00	T01S R18E S12	NENW	38.00
T01S R18E S12	NWNW	8.00	T01S R18E S12	SWNW	13.00
T01S R18E S12	SENW	40.00			

591 ACRES TOTAL

This right is limited to the irrigation of 120 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 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.

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

This right is based upon an enlargement of Right Nos. 37-2658 and 37-7651 pursuant to Section 42-1426, Idaho Code.

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 groundwater 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 use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

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.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

After specific notification by the department, the right holder shall measure the 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.

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

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

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.