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MAR 16 2009

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 13 2009

By

Clerk

Deputy Clerk

In Re SRBA

)

**Water Right: 2-7257 (Split)
into 2-10353 and 2-10354**

)

)

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

)

IDWR has completed the following administrative proceeding:

☐

Address change

☐

Substitution of Party

☐

Split of water right

☐

Change in ownership

☒

IC § 42-222 transfer

☒

Point of diversion

☐

Place of use

☐

Period of use

☐

Nature of use

☒

Split of water right

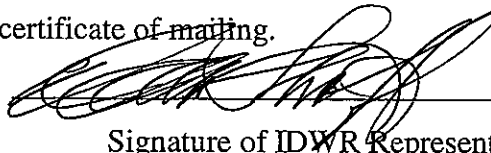
☐

Change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water right 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: March 11, 2009



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3/12, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

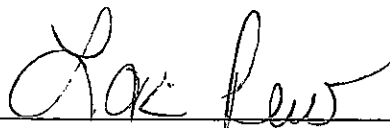
Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

3. Copies to all parties to the subcase:

Edgar C., Gerald E., Nelma A. and
Gladys M. Muller
12902 Hwy. 78.
Melba, ID 83641-4137

Ron B. Rush and Judy Gabert
18314 Madison Ave.
Nampa, ID 83687



Signature of person mailing this document

03/11/2009

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
2-7257	EDGAR C MULLER 12902 HIGHWAY 78 MELBA ID 83641-4137 GERALD E MULLER 12902 HIGHWAY 78 MELBA ID 83641-4137 NELMA A MULLER 12902 HIGHWAY 78 MELBA ID 83641-4137 GLADYS M MULLER 12902 HIGHWAY 78 MELBA ID 83641-4137	Disallowed	Split right: See Right Nos. 2-10353 and 2-10354.

03/11/2009

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

RIGHT NUMBER: 2-10353

NAME AND ADDRESS: EDGAR C MULLER
12902 HIGHWAY 78
MELBA ID 83641-4137

GERALD E MULLER
12902 HIGHWAY 78
MELBA ID 83641-4137

NELMA A MULLER
12902 HIGHWAY 78
MELBA ID 83641-4137

GLADYS M MULLER
12902 HIGHWAY 78
MELBA ID 83641-4137

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.790 CFS
448.50 AFY

Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at the following location: Weiser, 4750 cfs.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.

PRIORITY DATE: 10/25/1977

POINT OF
DIVERSION:

T01N R03W S35 NENW Lot 3 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

1.790 CFS
448.50 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 or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in OWYHEE County

T01N R03W S35 Lot 2 SWNE 27.00 T01N R03W S35 Lot 3 NENW 15.00

T01N R03W S35 SENW 34.00 T01N R03W S35 NWSE 13.70

89.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 164 acres in a single irrigation season. Combined Right Nos.: 2-10353, 2-10354, 57-11699, 57-11700, 57-11701, and 57-11702.

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

Use of this right is combined with water from West Reynolds Irrigation District.

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

RIGHT NUMBER: 2-10354

NAME AND ADDRESS: RON B RUSH
18314 MADISON RD
NAMPA ID 83687

JUDY GABERT
18314 MADISON AVE
NAMPA ID 83687

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.390 CFS
96.50 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.

Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at the following location:
Weiser, 4750 cfs.

PRIORITY DATE: 10/25/1977

POINT OF
DIVERSION:

T01N R03W S35 SENE Lot 1 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.390 CFS 96.50 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in OWYHEE County

T01N R03W S35 Lot 1 NESE 2.00 T01N R03W S35 NWSE 17.30

19.3 ACRES TOTAL

Rights 2-10353, 2-10354, 57-11699, 57-11700, 57-11701 and 57-11702 when combined shall not exceed the irrigation of 164 acres 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

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

Use of this right is combined with water from West Reynolds Irrigation District.

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.

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