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DEPARTMENT OF  
WATER RESOURCES

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

MAR 13 2009

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 Right: 2-10399  
NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDING

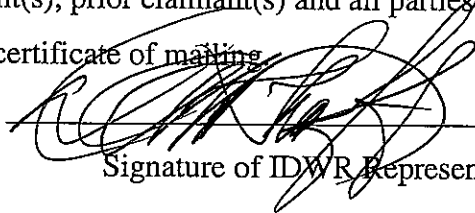
IDWR has completed the following administrative proceeding:

- ☐ Address change  
☒ Substitution of Party  
☒ IC § 42-222  
☒ Point of diversion ☒ Place of use  
☐ Period of use ☐ Nature of use  
☐ Split of water right ☐ Change in ownership  
☐ Other:

IDWR certifies that it has completed its investigation into the changes to the elements of the water right(s) 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 right(s) 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 10, 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

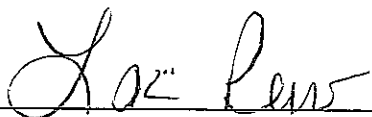
### 2. Copies to:

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

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

### 3. Copies to all parties to the subcase:

Michael L. James  
21610 Robinson Rd.  
Oreana, ID 83650

  
\_\_\_\_\_  
Signature of person mailing this document

03/10/2009

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

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

MAR 13 2009

RIGHT NUMBER: 2-10399

NAME AND ADDRESS: MICHAEL L JAMES  
21610 ROBINSON RD  
OREANA ID 83650

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Clerk

QUANTITY: 1.400 CFS

Deputy Clerk

Use of this right with Right Nos. 57-11708, 57-11709, and 57-11710 is limited to a total combined annual diversion volume of 545 AF.

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: 07/30/1969

POINT OF DIVERSION:

T03S R01E S26 SWSW Lot 7 Within OWYHEE County

T04S R02E S8 NENE Lot 4 Within OWYHEE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 10/31

1.400 CFS

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 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

T04S R01E S01 NWNE 35.00 T04S R01E S01 NESE 15.00

T04S R01E S12 SENE 20.00 T04S R02E S18 SWNE 40.00

T04S R02E S18 NENW 40.00 T04S R02E S18 SENW 40.00

T04S R02E S18 NWSE 3.00

70 193 ACRES TOTAL

Rights 2-10399, 2-10421 and 2-10423 when combined shall not exceed the irrigation of 123 acres in a single irrigation season.

This right is limited to the irrigation of 70 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

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 following rights are also diverted through point of diversion described above: 2-2357A, 2-2357B, 2-2173, 2-7046E and 2-10395, 2-10396 and 2-10397.

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

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.

This right is a split from former right 2-7046D.

The following rights are also diverted through point of diversion described above: 2-2261A, 2-2261C, 2-2261D, 2-2259, 2-10421 and 2-10423.