

COPY

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 APR 21 PM 12 56

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: 45-4124 (Split)
	)	45-14169, 45-14170
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

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

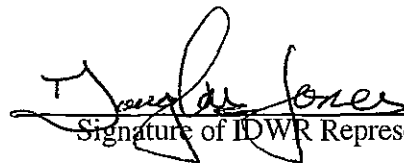
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☐ Change in Ownership	☒ 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: 4/21/09



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4-21, 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

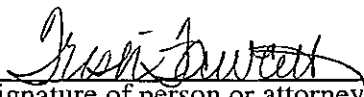
2. Copies to:

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

Oak Valley Land Co LLC
4109 Hidden Lakes Dr
KIMBERLY ID 83341

Travis Thompson
Barker Rosholt & Simpson
PO Box 485
Twin Falls ID 83303-0485



Signature of person or attorney mailing the form

03/30/2009

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>
45-4124	OAK VALLEY LAND CO LLC 4109 HIDDEN LAKES DR KIMBERLY ID 83341	Parent	Recommended as 45-14169 & 45-14170

01/15/2009

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

RIGHT NUMBER: 45-14169

NAME AND ADDRESS: OAK VALLEY LAND CO LLC
4109 HIDDEN LAKES DR
KIMBERLY ID 83341

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.900 CFS
180.00 AFY

The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

The total instantaneous diversion of water from all points of diversion under Rights 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934, 45-13936, 45-13938, 45-13940, 45-13942, 45-13944, 45-14167 and 45-14169 shall not exceed 44.17 cfs, nor a total combined annual volume of 13,084.8 af.

USE OF RIGHT NOS. 45-14167, 45-14169, 45-13928 & 45-13930 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1529.6 AF.

PRIORITY DATE: 08/20/1959

POINT OF
DIVERSION:

T11S R21E S14 SENENE Within CASSIA County
T11S R21E S14 NENENW Within CASSIA County
T11S R21E S23 NENESW Within CASSIA County
T11S R21E S23 SESESW Within CASSIA County
T11S R22E S17 NWNWSW Within CASSIA County
T11S R22E S17 NWNWSW Within CASSIA County
T11S R22E S19 NENENE Within CASSIA County
T11S R22E S19 NENENW Within CASSIA County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.900 CFS 180.00 AFY

PLACE OF USE:

IRRIGATION in CASSIA County

T11S R21E S13	NWNE	40.30	T11S R21E S13	SWNE	36.90
T11S R21E S13	SENE	21.50	T11S R21E S13	NENW	32.90
T11S R21E S13	NWNW	32.10	T11S R21E S13	SWNW	31.60
T11S R21E S13	SENW	37.90	T11S R21E S13	NESW	37.00
T11S R21E S13	NWSW	28.40	T11S R21E S13	SWSW	30.50
T11S R21E S13	SESW	33.70	T11S R21E S13	NESE	23.60
T11S R21E S13	NWSE	38.90	T11S R21E S13	SWSE	32.60
T11S R21E S13	SESE	29.60	T11S R21E S14	NENE	29.80
T11S R21E S14	NWNE	34.40	T11S R21E S14	SWNE	33.80
T11S R21E S14	SENE	28.30	T11S R21E S14	NENW	32.60

T11S R21E S14	NWNW	33.80	T11S R21E S14	SWNW	34.20
T11S R21E S14	SESW	32.70	T11S R21E S14	NESW	32.40
T11S R21E S14	NWSW	31.60	T11S R21E S14	SWSW	31.80
T11S R21E S14	SESW	32.50	T11S R21E S14	NESE	8.90
T11S R21E S14	NWSE	18.40	T11S R21E S14	SWSE	34.80
T11S R21E S14	SESE	18.80	T11S R21E S15	NENE	33.40
T11S R21E S15	NWNE	33.10	T11S R21E S15	SWNE	33.70
T11S R21E S15	SENE	33.50	T11S R21E S15	NESE	33.70
T11S R21E S15	NWSE	33.20	T11S R21E S15	SWSE	33.00
T11S R21E S15	SESE	33.00	T11S R21E S22	NENE	33.80
T11S R21E S22	NWNE	32.50	T11S R21E S22	SWNE	31.80
T11S R21E S22	SENE	32.60	T11S R21E S22	NESE	34.50
T11S R21E S22	NWSE	33.70	T11S R21E S22	SWSE	32.40
T11S R21E S22	SESE	31.30	T11S R21E S23	NENE	33.20
T11S R21E S23	NWNE	32.90	T11S R21E S23	SWNE	33.70
T11S R21E S23	SENE	33.30	T11S R21E S23	NENW	34.30
T11S R21E S23	NWNW	33.30	T11S R21E S23	SWNW	33.50
T11S R21E S23	SESW	33.40	T11S R21E S23	NESW	33.60
T11S R21E S23	NWSW	33.10	T11S R21E S23	SWSW	33.00
T11S R21E S23	SESW	32.70	T11S R21E S23	NESE	33.30
T11S R21E S23	NWSE	33.10	T11S R21E S23	SWSE	33.30
T11S R21E S23	SESE	32.80	T11S R21E S24	NENE	29.20
T11S R21E S24	NWNE	33.30	T11S R21E S24	SWNE	3.70
T11S R21E S24	SWNW	0.30	T11S R21E S24	SESW	0.10
T11S R21E S24	NESW	24.70	T11S R21E S24	NWSW	10.10
T11S R21E S24	SWSW	34.00	T11S R21E S24	SESW	27.70
T11S R21E S24	NESE	4.50	T11S R21E S24	NWSE	36.80
T11S R21E S24	SWSE	36.10	T11S R21E S24	SESE	4.60
T11S R22E S17	NESW	33.70	T11S R22E S17	NWSW	33.30
T11S R22E S17	SWSW	33.00	T11S R22E S17	SESW	33.30
T11S R22E S17	NESE	33.20	T11S R22E S17	NWSE	33.30
T11S R22E S17	SWSE	33.60	T11S R22E S17	SESE	33.30
T11S R22E S18	NESE	33.40	T11S R22E S18	NWSE	33.70
T11S R22E S18	SWSE	33.70	T11S R22E S18	SESE	33.40
T11S R22E S19	NENE	39.70	T11S R22E S19	NWNE	40.40
T11S R22E S19	SWNE	40.70	T11S R22E S19	SENE	39.80
T11S R22E S19	NENW	40.50	T11S R22E S19 Lot 1	NWNW	32.50
T11S R22E S19 Lot 2	SWNW	33.30	T11S R22E S19	SESW	40.70
T11S R22E S19	NESW	40.60	T11S R22E S19 Lot 3	NWSW	34.80
T11S R22E S19 Lot 4	SWSW	40.40	T11S R22E S19	SESW	40.40
T11S R22E S19	NESE	38.90	T11S R22E S19	NWSE	40.60
T11S R22E S19	SWSE	40.40	T11S R22E S19	SESE	40.00
T11S R22E S20	NENE	32.50	T11S R22E S20	NWNE	32.60
T11S R22E S20	SWNE	32.60	T11S R22E S20	SENE	32.50

T11S R22E S20	NENW	33.20	T11S R22E S20	NWNW	33.00
T11S R22E S20	SWNW	33.10	T11S R22E S20	SENW	33.30
T11S R22E S20	NESW	40.40	T11S R22E S20	NWSW	39.80
T11S R22E S20	SWSW	39.80	T11S R22E S20	SESW	40.60
T11S R22E S20	NESE	33.20	T11S R22E S20	NWSE	33.70
T11S R22E S20	SWSE	33.40	T11S R22E S20	SESE	33.00

3844.4 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3,822.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934, 45-13936, 45-13938, 45-13940, 45-13942, 45-13944, 45-14167 and 45-14169.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF RIGHT NOS. 45-14167, 45-14169, 45-13928 & 45-13930 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 494.8 ACRES IN A SINGLE IRRIGATION SEASON.

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.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 45-4124 .

RIGHT NO. 45-13930 IS AN EXPANSION OF RIGHT NOS. 45-14167, 45-14169 & 45-13928 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

01/15/2009

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

RIGHT NUMBER: 45-14170

NAME AND ADDRESS: OAK VALLEY LAND CO LLC
4109 HIDDEN LAKES DR
KIMBERLY ID 83341

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

QUANTITY: 0.060 CFS
12.00 AFY

The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

The total instantaneous diversion of water from all points of diversion under Rights 45-13923, 45-13925, 45-13927, 45-13929, 45-13931, 45-13933, 45-13935, 45-13937, 45-13939, 45-13919, 45-13921, 45-14168 and 45-14170 shall not exceed 3.09 cfs, nor a total combined annual volume of 920.5 af.

USE OF RIGHT NOS. 45-14168, 45-14170, 45-13929 & 45-13931 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.4 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 102.4 AF.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 08/20/1959

POINT OF
DIVERSION:

T11S R21E S22 NWNWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.060 CFS 12.00 AFY

PLACE OF USE: IRRIGATION in CASSIA County

T11S R21E S22	NENW	33.20	T11S R21E S22	NWNW	33.80
T11S R21E S22	SWNW	33.80	T11S R21E S22	SENW	33.20
T11S R21E S22	NESW	33.60	T11S R21E S22	NWSW	33.30
T11S R21E S22	SWSW	33.30	T11S R21E S22	SESW	32.90

267.1 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 267.1 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-13923, 45-13925, 45-13927, 45-13929, 45-13931, 45-13933, 45-13935, 45-13937, 45-13939, 45-13919, 45-13921, 45-14168 and 45-14170.

USE OF RIGHT NOS. 45-14168, 45-14170, 45-13929 & 45-13931 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.2 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Prior to the diversion and use of water under Transfer approval 71993, 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.

This right is a split from former right 45-4124 .

RIGHT NO. 45-13931 IS AN EXPANSION OF RIGHT NOS. 45-14168,
45-14170 & 45-13929 PURSUANT TO SECTION 42-1416B, IDAHO CODE.