

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

Case No. 39576

) Subcase No: 45-13941, 45-13943,  
) 45-13945

) 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):

☒ No Change

☐ Change in Ownership

☐ Point of Diversion

☐ Period of Use

☐ Split of Water Right

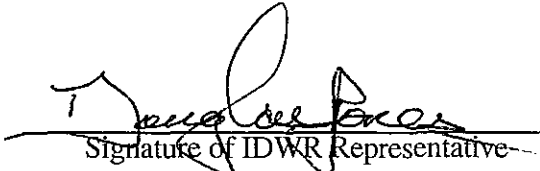
☐ Place of Use

☐ 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



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

04/21/2009

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

RIGHT NUMBER: 45-13941

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: 1.010 CFS  
236.10 AFY

Rights 45-13941, 45-13943 and 45-13945 when combined shall not exceed a total diversion rate of 1.97 cfs, a total annual maximum diversion volume of 395.6 af.

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.

Rights 45-13941 and 45-13943 when combined shall not exceed a total diversion rate of 1.93 cfs, a total annual maximum diversion volume of 248.9 af at the field headgate.

PRIORITY DATE: 05/21/1962

POINT OF  
DIVERSION:

T11S R21E S13 NWSWNE Within CASSIA County  
T11S R21E S23 NWNWNE Within CASSIA County  
T11S R21E S24 NWNWNW Within CASSIA County  
T11S R22E S19 SWNWSW Lot 3 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>         |
|-----------------------|----------------------|-------------------------|
| COMMERCIAL            | 01/01 12/31          | 1.010 CFS<br>236.10 AFY |
| STOCKWATER            | 01/01 12/31          | 1.010 CFS<br>236.10 AFY |

PLACE OF USE: STOCKWATER in CASSIA County

|               |      |               |      |
|---------------|------|---------------|------|
| T11S R21E S24 | NENW | T11S R21E S24 | NWNW |
|---------------|------|---------------|------|

COMMERCIAL in CASSIA County

|               |      |               |      |
|---------------|------|---------------|------|
| T11S R21E S24 | NENW | T11S R21E S24 | NWNW |
|---------------|------|---------------|------|

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

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

Commercial use is for a dairy.

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.

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 - License

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

Prior to the diversion and use of water under Transfer approval 72004, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

04/21/2009

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

RIGHT NUMBER: 45-13943

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: 0.920 CFS  
222.50 AFY

Rights 45-13941 and 45-13943 when combined shall not exceed a total diversion rate of 1.93 cfs, a total annual maximum diversion volume of 248.9 af at the field headgate.

Rights 45-13941, 45-13943 and 45-13945 when combined shall not exceed a total diversion rate of 1.97 cfs, a total annual maximum diversion volume of 395.6 af.

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.

PRIORITY DATE: 09/11/1967

POINT OF  
DIVERSION:

T11S R21E S13 NWSWNE Within CASSIA County

T11S R21E S23 NWNWNE Within CASSIA County

T11S R21E S24 NWNWNW Within CASSIA County

T11S R22E S19 SWNWSW Lot 3 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> |
|-----------------------|----------------------|-----------------|
| COMMERCIAL            | 01/01 12/31          | 0.920 CFS       |
|                       |                      | 222.50 AFY      |
| STOCKWATER            | 01/01 12/31          | 0.920 CFS       |
|                       |                      | 222.50 AFY      |

PLACE OF USE: STOCKWATER in CASSIA County

|               |      |               |      |
|---------------|------|---------------|------|
| T11S R21E S24 | NENW | T11S R21E S24 | NWNW |
|---------------|------|---------------|------|

COMMERCIAL in CASSIA County

|               |      |               |      |
|---------------|------|---------------|------|
| T11S R21E S24 | NENW | T11S R21E S24 | NWNW |
|---------------|------|---------------|------|

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

Commercial use is for a dairy.

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

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.

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 - License

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

Prior to the diversion and use of water under Transfer approval 72004, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

04/21/2009

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

RIGHT NUMBER: 45-13945

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: 1.240 CFS  
156.20 AFY

Rights 45-13941, 45-13943 and 45-13945 when combined shall not exceed a total diversion rate of 1.97 cfs, a total annual maximum diversion volume of 395.6 af.

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.

PRIORITY DATE: 11/24/1981

POINT OF  
DIVERSION:

T11S R21E S13 NWSWNE Within CASSIA County

T11S R21E S23 NWNWNE Within CASSIA County

T11S R21E S24 NWNWNW Within CASSIA County

T11S R22E S19 SWNWSW Lot 3 Within CASSIA County

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

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

1.240 CFS

STOCKWATER

01/01 12/31

156.20 AFY

1.240 CFS

156.20 AFY

PLACE OF USE: STOCKWATER in CASSIA County

T11S R21E S24 NENW

T11S R21E S24

NWNW

COMMERCIAL in CASSIA County

T11S R21E S24 NENW

T11S R21E S24

NWNW

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 five years of the date of this approval.

Commercial use is for a dairy.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

Prior to the diversion and use of water under Transfer approval 72004, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.