

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: 47-17254, 47-17255,
) 47-17256, 47-17257
)
)
)

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

☐ Point of Diversion

☐ Period of Use

☐ Split of Water Right

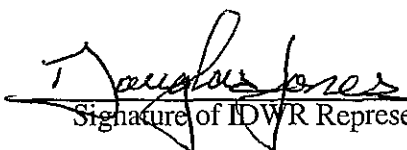
☒ Place of Use

☐ 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

Lowell Curtis
Julina Curtis
1930 E 2200 N
Twin Falls ID 83301

Loughmiller Inc
289 Centennial Dr
Heyburn ID 83336



Signature of person or attorney mailing the form

04/07/2009

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

RIGHT NUMBER: 47-17254

NAME AND ADDRESS: LOWELL B CURTIS
1930 E 2200 N
TWIN FALLS ID 83301

JULINA L CURTIS
1930 E 2200 N
TWIN FALLS ID 83301

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.260 CFS
126.30 AFY

Rights 47-17254, 47-17255, 47-17256 and 47-17257 when combined shall not exceed a total diversion rate of 3.00 cfs, a total annual maximum diversion volume of 1461.0 af at the field headgate.

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: 01/26/1970

POINT OF
DIVERSION:

T13S R15E S12 SWSWNW Within TWIN FALLS County
T13S R15E S12 SWSWNW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/01	0.260 CFS 126.30 AFY

The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before after 11/1 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 TWIN FALLS County

T12S R15E S25	NWNW	32.00	T12S R15E S25	SWNW	32.00
T12S R15E S25	NWSW	32.00	T12S R15E S25	SWSW	32.00
T12S R15E S35	NESE	31.00	T12S R15E S35	NWSE	33.00
T12S R15E S35	SWSE	32.00	T12S R15E S35	SESE	32.00
T13S R15E S01 Lot 3	NENW	31.00	T13S R15E S01 Lot 4	NWNW	31.00
T13S R15E S01	SWNW	32.00	T13S R15E S01	SENW	34.00
T13S R15E S02 Lot 1	NENE	32.00	T13S R15E S02 Lot 2	NWNE	32.00
T13S R15E S02	SWNE	32.00	T13S R15E S02	SENE	32.00

512 ACRES TOTAL

Right Nos. 47-17254, 72-17255, 47-17256 and 47-17257 are limited to the irrigation of a combined total of 405 acres in a single irrigation season.

This right is limited to the irrigation of 37.5 acres within the place of use described above in a single irrigation season.

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

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

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 47-7088.

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.

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.

04/07/2009

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

RIGHT NUMBER: 47-17255
NAME AND ADDRESS: LOWELL B CURTIS
1930 E 2200 N
TWIN FALLS ID 83301
JULINA L CURTIS
1930 E 2200 N
TWIN FALLS ID 83301

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.850 CFS
412.70 AFY

Rights 47-17254, 47-17255, 47-17256 and 47-17257 when combined shall not exceed a total diversion rate of 3.00 cfs, a total annual maximum diversion volume of 1461.0 af at the field headgate.

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: 01/26/1970

POINT OF
DIVERSION:

T13S R15E S12 SWSWNW Within TWIN FALLS County
T13S R15E S12 SWSWNW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/01	0.850 CFS 412.70 AFY

The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before after 11/1 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 TWIN FALLS County

T12S R15E S25	NWNW	32.00	T12S R15E S25	SWNW	32.00
T12S R15E S25	NWSW	32.00	T12S R15E S25	SWSW	32.00
T12S R15E S35	NESE	31.00	T12S R15E S35	NWSE	33.00
T12S R15E S35	SWSE	32.00	T12S R15E S35	SESE	32.00
T13S R15E S01 Lot 3	NENW	31.00	T13S R15E S01 Lot 4	NWNW	31.00
T13S R15E S01	SWNW	32.00	T13S R15E S01	SENW	34.00
T13S R15E S02 Lot 1	NENE	32.00	T13S R15E S02 Lot 2	NWNE	32.00
T13S R15E S02	SWNE	32.00	T13S R15E S02	SENE	32.00

512 ACRES TOTAL

Right Nos. 47-17254, 47-17255, 47-17256 and 47-17257 are limited to the irrigation of a combined total of 405 acres in a single irrigation season.

This right is limited to the irrigation of 122.5 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.

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 ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

This right is a split from former right 47-7088.

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.

04/07/2009

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

RIGHT NUMBER: 47-17256

NAME AND ADDRESS: LOWELL B CURTIS
1930 E 2200 N
TWIN FALLS ID 83301

JULINA L CURTIS
1930 E 2200 N
TWIN FALLS ID 83301

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.450 CFS
219.50 AFY

Rights 47-17254, 47-17255, 47-17256 and 47-17257 when combined shall not exceed a total diversion rate of 3.00 cfs, a total annual maximum diversion volume of 1461.0 af at the field headgate.

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: 06/28/1957

POINT OF
DIVERSION:

T13S R15E S12 SWSWNW Within TWIN FALLS County
T13S R15E S12 SWSWNW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.450 CFS 219.50 AFY

PLACE OF USE: IRRIGATION in TWIN FALLS County

T12S R15E S25	NWNW	32.00	T12S R15E S25	SWNW	32.00
T12S R15E S25	NWSW	32.00	T12S R15E S25	SWSW	32.00
T12S R15E S35	NESE	31.00	T12S R15E S35	NWSE	33.00
T12S R15E S35	SWSE	32.00	T12S R15E S35	SESE	32.00
T13S R15E S01 Lot 3	NENW	31.00	T13S R15E S01 Lot 4	NWNW	31.00
T13S R15E S01	SWNW	32.00	T13S R15E S01	SENW	34.00
T13S R15E S02 Lot 1	NENE	32.00	T13S R15E S02 Lot 2	NWNE	32.00
T13S R15E S02	SWNE	32.00	T13S R15E S02	SENE	32.00

512 ACRES TOTAL

Right Nos. 47-17254, 47-17255, 47-17256 and 47-17257 are limited to the irrigation of a combined total of 405 acres in a single irrigation season.

This right is limited to the irrigation of 58 acres within the place of use described above in a single irrigation season.

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

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.

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.

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

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.

This right is a split from former right 47-2308.

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 (1) year of the date of this approval.

04/07/2009

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

RIGHT NUMBER: 47-17257

NAME AND ADDRESS: LOWELL B CURTIS
1930 E 2200 N
TWIN FALLS ID 83301

JULINA L CURTIS
1930 E 2200 N
TWIN FALLS ID 83301

SOURCE: GROUND WATER

QUANTITY: 1.440 CFS
702.50 AFY

TRIBUTARY:

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.

Rights 47-17254, 47-17255, 47-17256 and 47-17257 when combined shall not exceed a total diversion rate of 3.00 cfs, a total annual maximum diversion volume of 1461.0 af at the field headgate.

PRIORITY DATE: 06/28/1957

POINT OF DIVERSION:

T13S R15E S12 SWSWNW Within TWIN FALLS County
T13S R15E S12 SWSWNW Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.440 CFS 702.50 AFY

PLACE OF USE: IRRIGATION in TWIN FALLS County

T12S R15E S25	NWNW	32.00	T12S R15E S25	SWNW	32.00
T12S R15E S25	NWSW	32.00	T12S R15E S25	SWSW	32.00
T12S R15E S35	NESE	31.00	T12S R15E S35	NWSE	33.00
T12S R15E S35	SWSE	32.00	T12S R15E S35	SESE	32.00
T13S R15E S01 Lot 3	NENW	31.00	T13S R15E S01 Lot 4	NWNW	31.00
T13S R15E S01	SWNW	32.00	T13S R15E S01	SENW	34.00
T13S R15E S02 Lot 1	NENE	32.00	T13S R15E S02 Lot 2	NWNE	32.00
T13S R15E S02	SWNE	32.00	T13S R15E S02	SENE	32.00

512 ACRES TOTAL

Right Nos. 47-17254, 47-17255, 47-17256 and 47-17257 are limited to the irrigation of a combined total of 405 acres in a single irrigation season.

This right is limited to the irrigation of 187 acres within the place of use described above in a single irrigation season.

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

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

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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 47-2308.