

COPY

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

2009 JUN 25 AM 10 42

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: 37-141, 37-142, 37-143,
	)	37-692A, 37-939
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

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

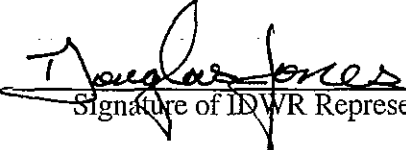
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☐ 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: 6/25/09



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6-25, 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

J R Simplot Co
c/o Terry Uhling
PO Box 27
Boise ID 83707



Signature of person or attorney mailing the form

06/16/2009

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

RIGHT NUMBER: 37-141

NAME AND ADDRESS: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.200 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 11/01/1885

POINT OF
DIVERSION:

T02S R20E S1 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.200 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02S R20E S01	SWNE	27.00	T02S R20E S01	SENE	40.00
T02S R20E S01 Lot 3	NENW	1.70	T02S R20E S01	SENW	5.80
T02S R20E S01	NESE	40.00	T02S R20E S01	NWSE	34.00
T02S R20E S01	SWSE	34.00	T02S R20E S01	SESE	40.00

222.5 ACRES TOTAL

This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.

Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.

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.

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 year of the date of this approval.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

06/16/2009

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

RIGHT NUMBER: 37-142

NAME AND ADDRESS: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.400 -CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 09/01/1887

POINT OF
DIVERSION:

T02S R20E S1 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.400 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02S R20E S01 SWNE 27.00	T02S R20E S01 SENE	40.00
	T02S R20E S01 Lot 3 NENW 1.70	T02S R20E S01 SENW	5.80
	T02S R20E S01 NESE 40.00	T02S R20E S01 NWSE	34.00
	T02S R20E S01 SWSE 34.00	T02S R20E S01 SESE	40.00

222.5 ACRES TOTAL

This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.

Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.

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

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.

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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

06/16/2009

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

RIGHT NUMBER: 37-143

NAME AND ADDRESS: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.400 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 04/01/1888

POINT OF
DIVERSION:

T02S R20E S1 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.400 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02S R20E S01 SWNE	27.00	T02S R20E S01 SENE 40.00
	T02S R20E S01 Lot 3 NENW	1.70	T02S R20E S01 SENW 5.80
	T02S R20E S01 NESE	40.00	T02S R20E S01 NWSE 34.00
	T02S R20E S01 SWSE	34.00	T02S R20E S01 SESE 40.00

222.5 ACRES TOTAL

Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.

This right is limited to the irrigation of 64 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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.

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 accomplish the change authorized by this transfer within one year of the date of this approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

06/16/2009

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

RIGHT NUMBER: 37-692A

NAME AND ADDRESS: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.880 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 05/01/1889

POINT OF
DIVERSION:

T02S R20E S1 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.880 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02S R20E S01 SWNE	27.00	T02S R20E S01 SENE 40.00
	T02S R20E S01 Lot 3 NENW	1.70	T02S R20E S01 SENW 5.80
	T02S R20E S01 NESE	40.00	T02S R20E S01 NWSE 34.00
	T02S R20E S01 SWSE	34.00	T02S R20E S01 SESE 40.00

222.5 ACRES TOTAL

Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.

This right is limited to the irrigation of 54 acres within the place of use described above in a single irrigation season.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.

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 year of the date of this approval.

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 - Decreed

06/16/2009

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

RIGHT NUMBER: 37-939

NAME AND ADDRESS: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

Water from this right resulted from saved water in Silver Creek.

QUANTITY: 1.000 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 08/01/1920

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in Silver Creek, as established by and subject to the provisions included within Leazenby vs. Chapman Blaine County, Fourth Judicial District Court, 1/2/1921.

POINT OF
DIVERSION:

T02S R20E S1 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.000 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02S R20E S01 SWNE	27.00	T02S R20E S01 SENE 40.00
	T02S R20E S01 Lot 3 NENW	1.70	T02S R20E S01 SENW 5.80
	T02S R20E S01 NESE	40.00	T02S R20E S01 NWSE 34.00
	T02S R20E S01 SWSE	34.00	T02S R20E S01 SESE 40.00

222.5 ACRES TOTAL

Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.

This right is limited to the irrigation of 64 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.

Approval of this transfer does not preclude the opportunity for further review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed