

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 AUG 31 AM 10 23

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

Water Right: 73-2170

Case No. 39576

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

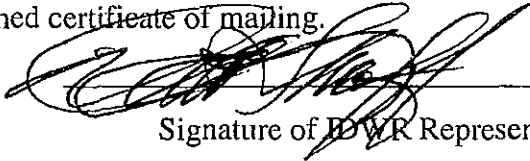
☐ Change in ownership

☒ Other: Change in Source

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: Aug 28, 2009


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8-28, 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

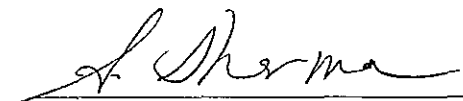
2. Copies to:

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:

Jimmie L. and Maria Elena Dowton
HC 62 Box 2320
May, ID 83253



Signature of person mailing this document

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

RIGHT NUMBER: 73-2170

NAME AND ADDRESS: MARIA ELENA DOWTON
HC 62 BOX 2320
MAY ID 83253

JIMMIE L DOWTON
HC 62 BOX 2320
MAY ID 83253

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

Diversion of water from the Pahsimeroi River is limited to those times water is available for diversion under this right and priority from Peterson Springs at the original points of diversion in the NESWNW, S26, T15N, R21E, and to the amount of water that actually reaches the Pahsimeroi River.

QUANTITY: 1.600 CFS

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 02/10/1961

POINT OF
DIVERSION:

T15N R21E S21 SENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.600 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T15N R21E S16	NESW	39.00	T15N R21E S16	SWSW	23.00
62 ACRES TOTAL					

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

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

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 No. 73.

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).

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Peterson Springs at the original point of diversion, at the mouth of Patterson Creek where it discharges into the Pahsimeroi River and at the point of diversion from the Pahsimeroi River.

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Patterson Creek is locally known as Spring Creek.

The right holder shall accomplish the change authorized by this transfer by January 21, 2009.

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