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SEP 16 2009

DEPARTMENT OF
WATER RESOURCES

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

2009 SEP 14 PM 2 53

COPY

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 Rights: 22-2178

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

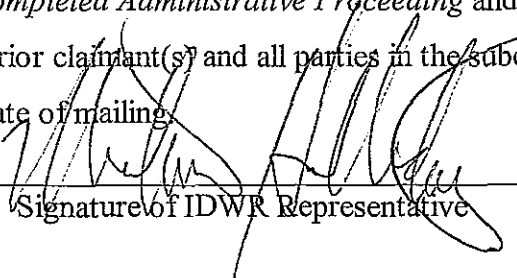
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party DKJ FARMS/BMJ FARMS – BMJ FARMS
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

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: 9/4/2009



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on September 4, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:	
DKJ FARMS LLC	BMJ FARMS LLC
665 CENTENNIAL LOOP	1282 S 2 ND E
REXBURG ID 83440	REXBURG ID 83440

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
BMJ FARMS LLC
1282 S 2ND E
REXBURG ID 83440

4. One copy to:

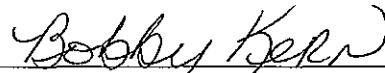
Each party in the subcase, or attorney of record
RIGBY ANDRUS & RIGBY
PO BOX 250
REXBURG ID 83440

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-2178 V2

WATER RIGHT NUMBER: 22-2178 V2

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	DKJ FARMS LLC 665 CENTENNIAL LOOP REXBURG, ID 83440 (208)356-7433
Current Owner	BMJ FARMS LLC 1282 S 2ND E REXBURG, ID 83440 (208)356-9079
Previous Owner	STAN NEVILLE HC 69 BOX 1340 HAMER, ID 83425
Previous Owner	SCOTT NEVILLE 2263 W 1000 N REXBURG, ID 83440 208-356-4430
Original Owner	DARRELL C NEVILLE 2263 W 1000 N REXBURG, ID 83440 (208)356-4130
Previous Owner	THEDA C NEVILLE 675 N 12TH W REXBURG, ID 83440 (208)356-6178

Priority Date: 05/17/1960

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.200 CFS	384.00 AF
	<u>Total Diversion:</u>	2.200 CFS	384.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW 1/4SE1/4SW 1/4	Sec. 22, Twp 06N, Rge 41E, B.M.
MADISON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	41E	22									40.0	39.0	38.0	39.0					156.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-2178 V2

06N 41E 27				40.0	39.0	32.8	30.0		1.9	20.6	14.0	7.3				185.6	
06N 41E 28				36.0										21.0	5.0		62.0
06N 41E 34				12.3	6.7												19.0

Total Acres: 422.6

Conditions of Approval:

1. 131 Prior to the diversion and use of water under Transfer approval 73540, 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.
2. X36 Right 22-2256D and 22-7364 are also diverted through the point of diversion described above.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. T07 The right holder shall accomplish the change authorized by transfer 73540 prior to September 13, 2008.
5. E56 The rights listed below are limited to the irrigation of a combined total of 422.6 acres in a single irrigation season. Combined Right Nos.: 22-2178, 22-2256D and 22-7364.
6. T08 Failure of the right holder to comply with the conditions of transfer 73540 is cause for the Director to rescind approval of the transfer.
7. K06 This right is limited to the irrigation of 109.7 acres within the place of use described above in a single irrigation season.
8. E61 The rights listed below are limited to a total combined diversion rate of 5.02 cfs and to a total combined annual diversion volume of 1479.1 AF. Combined Right Nos.: 22-2178, 22-2256D and 22-7364.
9. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
10. C18 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.

Remarks:Comments:

1. dkidman 1/16/2008 recommendation
 Comment: Version 2 recommendation created to reflect approved transfer 73540.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 22-2178 V2

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-2178 V1

WATER RIGHT NUMBER: 22-2178 V1

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	DKJ FARMS LLC 665 CENTENNIAL LOOP REXBURG, ID 83440 (208)356-7433
Current Owner	BMJ FARMS LLC 1282 S 2ND E REXBURG, ID 83440 (208)356-9079
Previous Owner	STAN NEVILLE HC 69 BOX 1340 HAMER, ID 83425
Previous Owner	SCOTT NEVILLE 2263 W 1000 N REXBURG, ID 83440 208-356-4430
Original Owner	DARRELL C NEVILLE 2263 W 1000 N REXBURG, ID 83440 (208)356-4130
Previous Owner	THEDA C NEVILLE 675 N 12TH W REXBURG, ID 83440 (208)356-6178

Priority Date: 05/17/1960

Basis: License

Status: Closed

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.200 CFS	383.95 AF
	<u>Total Diversion:</u>	2.200 CFS	383.95 AF

Location of Point(s) of Diversion

GROUND WATER	SW 1/4SE1/4SW 1/4	Sec. 29, Twp 06N, Rge 40E, B.M.
MADISON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	29									7.1	.6	24.0	39.0					70.7

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-2178 V1

06N 40E 32			39.0				39.0
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Total Acres: 109.7

Conditions of Approval:

1. THIS CLAIM IS FOR A PORTION OF LICENSE 22-2178. THE REMAINDER HAS BEEN DEVELOPED AND NO LONGER IRRIGATED.
2. C18 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.

Remarks:

Comments:

Water Supply Bank:

Lessor Name: THEDA C NEVILLE
Lease Status: Application
Lease Amount: All
Rental Availability: None
Date Received: 5/22/2006
Lease Begin Date:
Expiration Date: