



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 28, 2009

DIANA DELANEY
CLERK OF THE DISTRICT COURT
PO BOX 2707
TWIN FALLS ID 83303-2707

Re: Snake River Basin Adjudication (SRBA)
Partial Decree #73-12124

Dear Diana,

When we received our copy of the Partial Decree referenced above, we noticed the Decree didn't match the Standard Form 5.

I have enclosed our Recommendation showing the elements that match the SF5. The Court may use the Recommendation for issuing the amended partial decree for the water right.

IDWR stands ready to respond to any questions the Court may have. I extend my thanks for considering this request.

Sincerely,

Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:region
Enclosures

C: G. Baxter w/o Enclosure
S. Cooley-Denney w/Enclosure
C. Bromley w/o Enclosure
Claimants w/Enclosure

10/28/2009

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

RIGHT NUMBER: 73-12124

NAME AND ADDRESS: FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE ID 83706

SOURCE: GOLDBURG CREEK

TRIBUTARY: 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: 04/18/1905

POINT OF
DIVERSION:

T12N R24E S5 SWSW Lot 7 Within CUSTER 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:	<u>IRRIGATION in CUSTER County</u>		
	T12N R23E S03 Lot 1 NENE	21.00	T12N R23E S03 Lot 2 NWNE 39.00
	T12N R23E S03 SWNE	2.40	T12N R23E S03 Lot 3 NENW 28.00
	T12N R23E S03 Lot 4 NWNW	0.10	T13N R23E S34 NESW 40.00
	T13N R23E S34 NWSW	20.00	T13N R23E S34 SWSW 20.00
	T13N R23E S34 SESW	40.00	T13N R23E S34 NESE 35.70
	T13N R23E S34 NWSE	40.00	T13N R23E S34 SWSE 40.00
	T13N R23E S34 SESE	40.00	T13N R23E S35 SWSW 12.00

378.2 ACRES TOTAL

Place of use does not include federal public lands.

Right Nos. 73-12124, 73-12129, 73-12137 and 73-2160 are limited to the
irrigation of a combined total of 378.2 acres in a single irrigation season.

This right is limited to the irrigation of 80 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.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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 accomplish the change authorized by this transfer within one year(s) 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.

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).