

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**

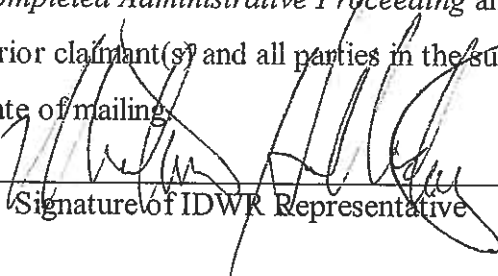
IDWR has completed the following Administrative proceeding:

- ☐ 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 <sup>ND</sup> 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 2<sup>ND</sup> E  
REXBURG ID 83440

4. One copy to:

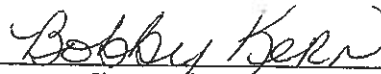
Each party in the subcase, or attorney of record  
RIGBY ANDRUS & RIGBY  
PO BOX 250  
REXBURG ID 83440

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<br>665 CENTENNIAL LOOP<br>REXBURG, ID 83440<br>(208)356-7433 |
| Current Owner          | BMJ FARMS LLC<br>1282 S 2ND E<br>REXBURG, ID 83440<br>(208)356-9079        |
| Previous Owner         | STAN NEVILLE<br>HC 69 BOX 1340<br>HAMER, ID 83425                          |
| Previous Owner         | SCOTT NEVILLE<br>2263 W 1000 N<br>REXBURG, ID 83440<br>208-356-4430        |
| Original Owner         | DARRELL C NEVILLE<br>2263 W 1000 N<br>REXBURG, ID 83440<br>(208)356-4130   |
| Previous Owner         | THEDA C NEVILLE<br>675 N 12TH W<br>REXBURG, ID 83440<br>(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 |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|----|----|----|------|------|------|------|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE | NW | SW | SE | Totals |
| 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<br>665 CENTENNIAL LOOP<br>REXBURG, ID 83440<br>(208)356-7433 |
| Current Owner          | BMJ FARMS LLC<br>1282 S 2ND E<br>REXBURG, ID 83440<br>(208)356-9079        |
| Previous Owner         | STAN NEVILLE<br>HC 69 BOX 1340<br>HAMER, ID 83425                          |
| Previous Owner         | SCOTT NEVILLE<br>2263 W 1000 N<br>REXBURG, ID 83440<br>208-356-4430        |
| Original Owner         | DARRELL C NEVILLE<br>2263 W 1000 N<br>REXBURG, ID 83440<br>(208)356-4130   |
| Previous Owner         | THEDA C NEVILLE<br>675 N 12TH W<br>REXBURG, ID 83440<br>(208)356-6178      |

Priority Date: 05/17/1960

Basis: License

Status: Closed

| <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             | 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        |           |           |           |               |
|-----|-----|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------|
|     |     |     | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>Totals</u> |
| 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 |
|------------|--|--|------|--|--|--|------|

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: