

COPY

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2009 NOV 4 PM 2 50

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

Case No. 39576

)  
)  
)  
)  
)

Subcase No: 47-2399, 47-4144,  
47-4145, 47-7717, 47-7840

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

☒ Point of Diversion

☐ Period of Use

☐ Split of Water Right

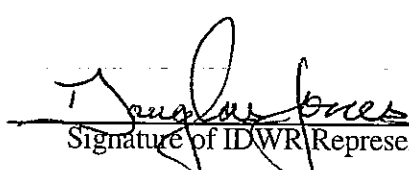
☒ Place of Use

☐ 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: 11/3/09

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 11-4, 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

City of Filer  
PO Box 140  
Filer ID 83328



\_\_\_\_\_  
Signature of person or attorney mailing the form

11/03/2009

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

RIGHT NUMBER: 47-2399

NAME AND ADDRESS: CITY OF FILER  
PO BOX 140  
FILER ID 83328

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.400 CFS

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399, 47-8438, and 47-16843 when combined shall not exceed a total diversion rate of 9.06 cfs.

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399, and 47-8438 when combined shall not exceed a total diversion rate of 4.95 cfs.

PRIORITY DATE: 02/03/1965

POINT OF  
DIVERSION:

T10S R16E S7 SESENE Within TWIN FALLS County  
T10S R16E S8 SWSWNE Within TWIN FALLS County  
T10S R16E S8 SWSWNE Within TWIN FALLS County  
T10S R16E S8 NWNESW Within TWIN FALLS County  
T10S R16E S17 NWSWNW Within TWIN FALLS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| MUNICIPAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 01/01 12/31          | 1.400 CFS       |
| The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 73425. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping. |                      |                 |

PLACE OF USE:

A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.

Place of use is within the service area of the City of Filer municipal water supply system as provided for under Idaho Law.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

11/03/2009

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

RIGHT NUMBER: 47-4144

NAME AND ADDRESS: CITY OF FILER  
PO BOX 140  
FILER ID 83328

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.330 CFS

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399, 47-8438, and 47-16843 when combined shall not exceed a total diversion rate of 9.06 cfs.

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399, and 47-8438 when combined shall not exceed a total diversion rate of 4.95 cfs.

PRIORITY DATE: 02/06/1958

POINT OF  
DIVERSION:

T10S R16E S7 SESENE Within TWIN FALLS County  
T10S R16E S8 SWSWNE Within TWIN FALLS County  
T10S R16E S8 SWSWNE Within TWIN FALLS County  
T10S R16E S8 NWNESW Within TWIN FALLS County  
T10S R16E S17 NWSWNW Within TWIN FALLS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| MUNICIPAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 01/01 12/31          | 0.330 CFS       |
| The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 73425. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping. |                      |                 |

PLACE OF USE:

Place of use is within the service area of the City of Filer municipal water supply system as provided for under Idaho Law.

A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

11/03/2009

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

RIGHT NUMBER: 47-4145

NAME AND ADDRESS: CITY OF FILER  
PO BOX 140  
FILER ID 83328

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.280 CFS

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399, and 47-8438 when combined shall not exceed a total diversion rate of 4.95 cfs.

PRIORITY DATE: 08/09/1954

POINT OF  
DIVERSION:

T10S R16E S7 SESENE Within TWIN FALLS County

T10S R16E S8 SWSWNE Within TWIN FALLS County

T10S R16E S8 SWSWNE Within TWIN FALLS County

T10S R16E S8 NWNESW Within TWIN FALLS County

T10S R16E S17 NWSWNW Within TWIN FALLS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| MUNICIPAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 01/01 12/31          | 0.280 CFS       |
| The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 73425. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping. |                      |                 |

PLACE OF USE:

Place of use is within the service area of the City of Filer municipal water supply system as provided for under Idaho Law.

A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

11/03/2009

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

RIGHT NUMBER: 47-7717

NAME AND ADDRESS: CITY OF FILER  
PO BOX 140  
FILER ID 83328

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.380 CFS

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399, and 47-8438 when combined shall not exceed a total diversion rate of 4.95 cfs.

PRIORITY DATE: 03/11/1981

POINT OF  
DIVERSION:

T10S R16E S7 SESENE Within TWIN FALLS County  
T10S R16E S8 SWSWNE Within TWIN FALLS County  
T10S R16E S8 SWSWNE Within TWIN FALLS County  
T10S R16E S8 NWNESW Within TWIN FALLS County  
T10S R16E S17 NWSWNW Within TWIN FALLS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| MUNICIPAL             | 1/01 12/31           | 1.380 CFS       |

The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 73425. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

PLACE OF USE:

A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.

Place of use is within the service area of the City of Filer municipal water supply system as provided for under Idaho Law.

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

11/03/2009

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

RIGHT NUMBER: 47-7840

NAME AND ADDRESS: CITY OF FILER  
PO BOX 140  
FILER ID 83328

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.890 CFS

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399, and 47-8438 when combined shall not exceed a total diversion rate of 4.95 cfs.

PRIORITY DATE: 10/08/1982

POINT OF  
DIVERSION:

T10S R16E S7 SESENE Within TWIN FALLS County  
T10S R16E S8 SWSWNE Within TWIN FALLS County  
T10S R16E S8 SWSWNE Within TWIN FALLS County  
T10S R16E S8 NWNESW Within TWIN FALLS County  
T10S R16E S17 NWSWNW Within TWIN FALLS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| MUNICIPAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 1/01 12/31           | 0.890 CFS       |
| The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 73425. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping. |                      |                 |

PLACE OF USE:

Place of use is within the service area of the City of Filer municipal water supply system as provided for under Idaho Law.

A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.



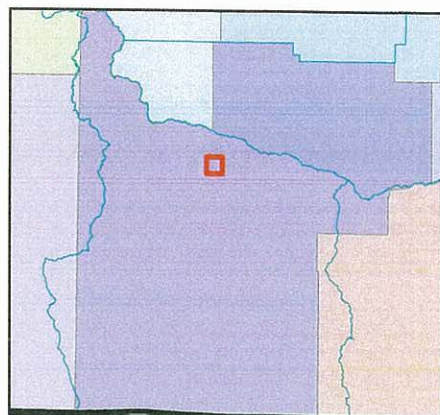
# City Of Filer

Adjudication Recommendations: 47-2399, 47-4144, 47-4145, 47-7717, 47-7840

## Legend

- Service Area
- State Outline
- Townships
- PLS Sections
- Quarter Quarters

Municipal Service Area Boundary  
GIS Place of Use Illustration



Twin Falls County  
IDWR Basin 47



Prepared by Trish Fawcett  
On November 03, 2009  
2004 Aerial Photography

