

COPY

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 16 2010	
By _____	Clerk
_____	Deputy Clerk

**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	)	Subcase No: 45-534 (split right)
	)	45-14216 and 45-17217
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **I.C. § 42-222 TRANSFER**

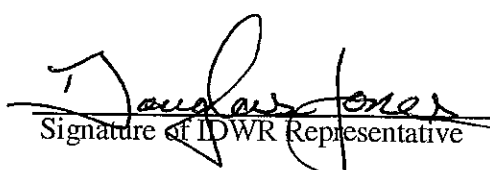
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☒ Change in Ownership	☒ Split of Water Right
☐ Point of Diversion	☒ Place of Use
☐ Period 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: 9/14/10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9-16, 2010, 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 West Fort Street MSC 033
Boise ID 83724

E. Eugene Matthews
Heidi Matthews
1249 S Hwy 27
Oakley ID 83346

Robert Bedke
Carol Bedke
1872 S 50 E
Oakley ID 83346

Anderson Farms
271 W Hwy 30
Burley ID 83318



Signature of person or attorney mailing the form

09/8/2010

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
45-534	E EUGENE MATTHEWS 1249 S HWY 27 OAKLEY ID 83346 HEIDI F MATTHEWS 1249 S HWY 27 OAKLEY ID 83346	Disallowed	Recommended as 45-14216 and 45-14217.

09/15/2010

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

RIGHT NUMBER: 45-14216

NAME AND ADDRESS: E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346HEIDI F MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

SOURCE: BEDKE SPRING

TRIBUTARY:

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 0.330 CFS
5.60 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed a total diversion rate of 3.83 cfs.

Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed a total diversion rate of 6.93 cfs.

PRIORITY DATE: 08/12/1880

POINT OF
DIVERSION:

T13S R23E S27 SWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
		1.60 AFY
IRRIGATION	03/15 11/15	0.330 CFS
STOCKWATER	01/01 12/31	0.100 CFS
		5.60 AFY

PLACE OF USE: IRRIGATION in CASSIA County

T13S R23E S20	SENE	32.00	T13S R23E S20	SESW	35.00
T13S R23E S20	NESE	32.00	T13S R23E S20	NWSE	35.00
T13S R23E S20	SWSE	32.00	T13S R23E S21	SWNW	40.00
T13S R23E S21	NWSW	40.00	T13S R23E S21	SWSW	40.00
T13S R23E S28	NWNE	34.00	T13S R23E S28	SWNE	33.00
T13S R23E S28	NENW	33.00	T13S R23E S28	NWNW	11.00
T13S R23E S28	SWNW	5.50	T13S R23E S28	SENW	34.00

T13S R23E S28	NESW	38.00	T13S R23E S28	NWSW	29.00
T13S R23E S28	SWSW	35.00	T13S R23E S28	SESW	35.00
T13S R23E S28	NWSE	36.00	T13S R23E S29	NENE	4.40
T13S R23E S29	NWNE	35.00	T13S R23E S29	SWNE	39.00
T13S R23E S29	SENE	38.00	T13S R23E S29	NENW	34.00
T13S R23E S29	SENW	35.00	T13S R23E S29	NESW	35.00
T13S R23E S29	NESE	40.00	T13S R23E S29	NWSE	36.00

STOCKWATER in CASSIA County

T13S R23E S28	SWNW	T13S R23E S28	NESW
T13S R23E S28	NWSW	T13S R23E S28	SWSW
T13S R23E S29	SWNE	T13S R23E S29	SENE
T13S R23E S29	SENW	T13S R23E S29	NESW
T13S R23E S29	NESE	T13S R23E S29	NWSE

DOMESTIC in CASSIA County

T13S R23E S28	NWSW
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905.9 ACRES TOTAL

This right is limited to the irrigation of 31.2 acres within the place of use described above in a single irrigation season.

Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed the irrigation of 527.2 acres.

Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed the irrigation of 289.2 acres.

Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 45A.

The use of this right is subject to the Amended Order Amending Transfer Approval dated July 20, 2010 with additional conditions as follows:

1. The use of water is subject to the attached IRRIGATION PLAN.
 - 1.1 Prior to August 31, 2010 the applicant shall report directly to the Department and the watermaster of Water District 140 the location of the 527.2 acres initially irrigated from March 15, 2010 to August 31, 2010. The applicant shall also report that portion of the 527.2 acres intended to be dried up (defined as A acres under the plan) in exchange for irrigation of other lands between September 1 and November 15 of 2010 (defined as B acres under the plan) necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting.
 - 1.2 Beginning in 2011 and for each successive year, the applicant shall report directly to the Department and the watermaster of Water District 140 prior to May 1, the location of the 527.2 acres of crops that will be irrigated between March 15 and August 31. The applicant shall also report prior to August 31, the location and number of the A acres (that portion of the 527.2 acres to be dried up on or before August 31), and the number and location of the B acres (the acres to be irrigated in the fall between September 1 and November 15).
 - 1.3 Identification or reporting to the Department and the Water District 140 watermaster of the 527.2 cropped acres, the A acres, and the B acres shall be in the form of a land list and a map sufficiently detailed to allow creation of an electronic shape file.
 - 1.4 The total number of B acres shall not exceed the number of A acres in any irrigation season.
 - 1.5 Application of water to B acres in the fall is limited to water necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. Application of water to B acres shall not

provide water to irrigate crops for harvest in the same fall. Application of water to B acres in the fall shall not exceed two applications or sets of water.

1.6 The B acres identified for fall irrigation in any year shall be included in the 527.2 cropped acres for the subsequent season.

1.7 The watermaster of Water District 140 shall monitor the place of use and regulate the use of water under the approved transfers pursuant to these conditions of approval. The watermaster of Water District 140 shall coordinate delivery and regulation with the watermaster of Water District 45-A of the surface water rights covered by transfer No. 66133.

1.8 Original conditions of approval associated with transfer No. 66132 and transfer No. 66133 that are in the standard form of: This right is limited to the irrigation of ### acres within the place of use described above in a single irrigation season. shall be amended to the form of: This right is limited to the irrigation of ### acres within the place of use described above in accordance with the attached Irrigation Plan.

2. Failure to adhere to the conditions of use and timelines set forth on the IRRIGATION PLAN shall be cause for this amended approval to be revoked with prejudice and the transfers to revert back to the approval established in the orders dated December 2, 2009.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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.

Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

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

During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right 45-12929 is an enlargement of Rights 45-14216, 45-586, 45-587, & 45-588 pursuant to Section 42-1426, Idaho Code.

09/08/2010

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

RIGHT NUMBER: 45-14217

NAME AND ADDRESS: ROBERT L BEDKE
1872 S 50 E
OAKLEY ID 83346

CAROL L BEDKE
1872 S 50 E
OAKLEY ID 83346

SOURCE: BEDKE SPRING

TRIBUTARY:

QUANTITY: 0.170 CFS
1.10 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

PRIORITY DATE: 08/12/1880

POINT OF
DIVERSION:

T13S R23E S27 SWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS 0.80 AFY
IRRIGATION	03/15 11/15	0.170 CFS
STOCKWATER	01/01 12/31	0.020 CFS 1.10 AFY

PLACE OF USE: IRRIGATION in CASSIA County

T13S R23E S28 NWSW 8.80

STOCKWATER in CASSIA County

T13S R23E S28 NWSW

DOMESTIC in CASSIA County

T13S R23E S28 NWSW

8.84 ACRES TOTAL

This right is limited to the irrigation of 8.8 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.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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.

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. 45A.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed