

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: 63-3182, 63-7177
Case No. 39576	)	
	)	
	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
	)	PROCEEDING

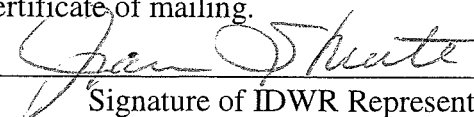
IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- XX IC § 42-222 transfer
 - XX Point of diversion ☐ Place of use
 - ☐ Period of use ☐ Nature of use
 - ☐ Split of water right ☐ Change in ownership
- XX Other – Conditions & Remarks
- ☐ IC § 42-219 license

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 Report(s)* for said water right(s). 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: 11-2-11



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 3, 2011, 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	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

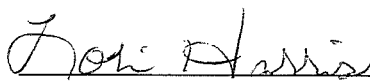
United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

Director of IDWR	☒ hand-delivered
PO Box 83720	
Boise ID 83720	

3. Copies to all parties to the subcase:

Basin & Range Resource Company LLC	☐ overnight mail
3480 G S Richards Blvd #101	☒ regular mail
Carson City NV 89703	☐ hand-delivered
	☐ facsimile

Dana Hofstetter	☐ overnight mail
608 W Franklin St	☒ regular mail
Boise ID 83702	☐ hand-delivered
	☐ facsimile


Signature of person mailing this document

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

RIGHT NUMBER: 63-3182

NAME AND ADDRESS: BASIN AND RANGE RESOURCE COMPANY LLC
3480 G S RICHARDS BLVD #101
CARSON CITY NV 89703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.680 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 02/19/1960

POINT OF DIVERSION:

T06N R05W S23 NESE Within PAYETTE County

T06N R05W S23 NESE Within PAYETTE County

T06N R05W S24 NWNW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	6.680 CFS

PLACE OF USE: IRRIGATION in PAYETTE County

T06N R05W S13	SWSW	24.00	T06N R05W S14	SESW	39.00
T06N R05W S14	SWSE	36.00	T06N R05W S14	SESE	38.00
T06N R05W S23	NENE	39.00	T06N R05W S23	NWNE	39.00
T06N R05W S23	SWNE	39.00	T06N R05W S23	SENE	40.00
T06N R05W S23	NENW	40.00	T06N R05W S23	NESE	24.00
T06N R05W S23	NWSE	13.00	T06N R05W S24	NWNW	38.00
T06N R05W S24	SWNW	28.00			

437 ACRES TOTAL

This water right does not authorize the use of federal public lands.

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.

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.

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 Transfer 77498 within one year of the date of the approval.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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

RIGHT NUMBER: 63-7177

NAME AND ADDRESS: BASIN AND RANGE RESOURCE COMPANY LLC
3480 G S RICHARDS BLVD #101
CARSON CITY NV 89703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.700 CFS
1,570.500 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Rights 63-3308, 63-3583, 63-7349 and 63-7177 when combined shall not exceed a total diversion rate of 10.54 cfs.

The total instantaneous diversion of water from all points of diversion under Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 shall not exceed 20.8 cfs, nor a total combined annual volume of 5185.5 af for the irrigation of 990 acres and dairy uses

PRIORITY DATE: 12/12/1968

POINT OF DIVERSION:

T06N R05W S23 NWSW Within PAYETTE County
T06N R05W S23 SESW Within PAYETTE County
T06N R05W S23 SWSE Within PAYETTE County
~~T06N R05W S23 NENE Within PAYETTE County~~
~~T06N R05W S23 NWNE Within PAYETTE County~~
~~T06N R05W S23 SWNE Within PAYETTE County~~
~~T06N R05W S23 NENW Within PAYETTE County~~
~~T06N R05W S23 NESE Within PAYETTE County~~
~~T06N R05W S23 NESE Within PAYETTE County~~
~~T06N R05W S24 NWNW Within PAYETTE County~~

PURPOSE AND T06N R05W S23 SWSE Within PAYETTE County
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 10/31	4.700 CFS 1,570.50 AFY

The use of water for irrigation under this right may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in PAYETTE County

~~T06N R05W S13~~	~~SWSW~~	~~40.00~~			
~~T06N R05W S14~~	~~SWSW~~	~~37.00~~	~~T06N R05W S14~~	~~SESE~~	~~20.00~~
T06N R05W S15	SESE	39.00	T06N R05W S22	NENE	40.00
T06N R05W S22	NWNE	39.00	T06N R05W S22	SWNE	35.00
~~T06N R05W S22~~	~~SENE~~	~~40.00~~	T06N R05W S22	NENW	39.00
T06N R05W S22	SENE	39.00	T06N R05W S22	NESW	39.00
T06N R05W S22	SESW	39.00	~~T06N R05W S22~~	~~NESE~~	~~40.00~~
~~T06N R05W S22~~	~~NWSE~~	~~40.00~~	~~T06N R05W S22~~	~~SWSE~~	~~40.00~~
~~T06N R05W S22~~	~~SESE~~	~~40.00~~	~~T06N R05W S23~~	~~NENE~~	~~11.00~~
~~T06N R05W S23~~	~~SWNE~~	~~32.00~~	~~T06N R05W S23~~	~~SENE~~	~~6.00~~
~~T06N R05W S23~~	~~NENW~~	~~10.00~~	~~T06N R05W S23~~	~~SWNW~~	~~40.00~~
T06N R05W S23	NWNW	40.00	~~T06N R05W S23~~	~~SENE~~	~~40.00~~
~~T06N R05W S23~~	~~NESW~~	~~40.00~~	~~T06N R05W S23~~	~~NWSW~~	~~37.00~~
~~T06N R05W S23~~	~~SESW~~	~~20.00~~	~~T06N R05W S23~~	~~NWSE~~	~~40.00~~
~~T06N R05W S23~~	~~NESE~~	~~23.00~~	~~T06N R05W S23~~	~~SWSE~~	~~20.00~~
~~T06N R05W S24~~	~~SWNW~~	~~7.00~~	~~T06N R05W S24~~	~~NWNW~~	~~18.00~~

349 ACRES TOTAL ~~990 ACRES TOTAL~~

~~This right is limited to the irrigation of 349 acres within the place of use described above in a single irrigation season.~~

This water right does not authorize the use of federal public lands.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Failure of the right holder to comply with the conditions of Transfer 77499 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by Transfer 77499 ~~71619~~ within one year of the date of the approval.

The following rights are diverted through the point of diversion located in the SWSE, S23, T06N, R05W: 63-3308, 63-3583, 63-7177 & 63-7349

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

~~Prior to diversion of water under Transfer 71619, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion~~