

**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 Right: 35-8657A (Split) |
|                | ) | 35-14178 and 35-14179         |
| Case No. 39576 | ) |                               |
|                | ) |                               |
|                | ) | <b>NOTICE OF COMPLETED</b>    |
|                | ) | <b>ADMINISTRATIVE</b>         |
|                | ) | <b>PROCEEDING (NCAP)</b>      |

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IDWR has completed the following administrative proceeding:

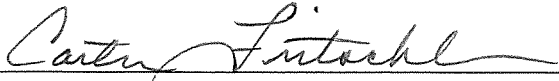
- ☐ Address change
- XX Substitution of Party - Split of water right
- ☐ IC § 42-222 transfer
  - ☐ Point of diversion      ☐ Place of use
  - ☐ Period of use              ☐ Nature of use
  - ☐ Split of water right      ☐ Change in ownership
- XX Other: Pursuant to the November 30, 2012, *Order Granting State of Idaho's Motion to Alter or Amend and Request for Notices of Completed Administrative Proceeding* issued by Judge Wildman in subcase no.: 00-91013 (Basin-Wide Issue 13), IDWR submits this NCAP addressing an administrative split which occurred after the partial decree of the parent right was entered in the SRBA.

Additionally, IDWR has added subordination language to the "Other Provisions" section of the attached water right descriptions of the children rights, which notes the condition resulting from the settlement of the Basin-Wide Issue 13 subcase.

IDWR certifies that it has completed its investigation into the changes to the elements of the water right(s) listed above as set forth in the *Attachment for Notice of Completed Administrative Proceeding Splitting Water Right (Attachment)* included here for said water right(s). No other changes have been made to the elements of these water right(s) except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Attachment* 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: 1-16-13



Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on January 17, 2013, 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    | <input type="checkbox"/> overnight mail          |
| Snake River Basin Adjudication | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 2707                  | <input type="checkbox"/> hand-delivered          |
| Twin Falls, ID 83303-2707      | <input type="checkbox"/> facsimile               |

### 2. Copies to:

|                                 |                                                  |
|---------------------------------|--------------------------------------------------|
| Clive Strong                    | <input type="checkbox"/> overnight mail          |
| Off ice of the Attorney General | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 44449                  | <input type="checkbox"/> hand-delivered          |
| Boise, ID 83711-4449            | <input type="checkbox"/> facsimile               |

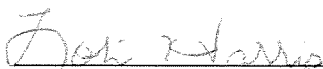
|                                    |                                                  |
|------------------------------------|--------------------------------------------------|
| United States Dept of Justice      | <input type="checkbox"/> overnight mail          |
| Environment & Natural Resource Div | <input checked="" type="checkbox"/> regular mail |
| 550 West Fort Street MSC 033       | <input type="checkbox"/> hand-delivered          |
| Boise ID 83724                     | <input type="checkbox"/> facsimile               |

|                  |                                                    |
|------------------|----------------------------------------------------|
| Director of IDWR | <input checked="" type="checkbox"/> hand-delivered |
| PO Box 83720     |                                                    |
| Boise ID 83720   |                                                    |

### 3. Copies to all parties to the subcase:

|                  |                                                    |
|------------------|----------------------------------------------------|
| Aden Gunderson   | <input type="checkbox"/> overnight mail            |
| c/o Nyle Raymond | <input type="checkbox"/> regular mail              |
| 3310 E 750 N     | <input checked="" type="checkbox"/> hand-delivered |
| Menan ID 83434   | <input type="checkbox"/> facsimile                 |

|                    |                                                  |
|--------------------|--------------------------------------------------|
| Spring Creek Ranch | <input type="checkbox"/> overnight mail          |
| 3352 E 750 N       | <input checked="" type="checkbox"/> regular mail |
| Menan ID 83434     | <input type="checkbox"/> hand-delivered          |
|                    | <input type="checkbox"/> facsimile               |



Signature of person mailing this document

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOT RECOMMENDED

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| <u>W.R. NUMBER</u> | <u>NAME AND ADDRESS</u>                                              | <u>CLAIM DISPOSITION</u> | <u>REASON</u>                    |
|--------------------|----------------------------------------------------------------------|--------------------------|----------------------------------|
| 35-8657A           | ADEN GUNDERSON<br>C/O NYLE RAYMOND<br>3310 E 750 N<br>MENAN ID 83434 | Disallowed               | Split into 35-14178 and 35-14179 |

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

RIGHT NUMBER: 35-14178

NAME AND ADDRESS: ADEN GUNDERSON  
C/O NYLE RAYMOND  
3310 E 750 N  
MENAN ID 83434

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0-13~~ 0.10 CFS  
~~28-0~~ 21.8 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF ~~3-67~~ 2.85 CFS, A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF ~~792~~ 616 AF.  
COMBINED RIGHT NOS.: ~~35-04275A, 35-04274~~ 35-14174, 35-14176.

PRIORITY DATE: 09/28/1981

POINT OF  
DIVERSION:

T05N R38E S15 SWSWS Within MADISON County  
T05N R38E S22 NWNENW Within MADISON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>                                                    |
|-----------------------|----------------------|--------------------------------------------------------------------|
| IRRIGATION            | 4/01 10/31           | <del>0-13</del> <u>0.10</u> CFS<br><del>28-0</del> <u>21.8</u> AFY |

PLACE OF USE: IRRIGATION in JEFFERSON County and MADISON County

|                          |                 |                             |               |      |                            |
|--------------------------|-----------------|-----------------------------|---------------|------|----------------------------|
| T05N R38E S15            | NWSW            | 31.00                       | T05N R38E S15 | SWSW | 31.00                      |
| T05N R38E S15            | SESW            | 13.00                       | T05N R38E S16 | NESW | 3.00                       |
| T05N R38E S16            | NESE            | <del>28-0</del> <u>32.0</u> | T05N R38E S16 | NWSE | <del>29-0</del> <u>1.0</u> |
| <del>T05N R38E S16</del> | <del>SWSE</del> | <del>8-00</del>             | T05N R38E S16 | SESE | <del>8-0</del> <u>6.0</u>  |
| T05N R38E S21 Lot 1      | NENE            | 15.00                       | T05N R38E S22 | NENW | 20.00                      |
| T05N R38E S22 Lot 4      | NWNW            | 2.00                        |               |      |                            |

~~198~~ 154 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF ~~7~~ 5.4 ACRES WITHIN THE PLACE  
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF  
THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF ~~198~~ 154 ACRES IN A SINGLE  
IRRIGATION SEASON.  
COMBINED RIGHT NOS.: ~~35-04274, 35-04275A~~ 35-14174, 35-14176

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

This water right enjoys the benefit of subordination of hydropower  
water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B,  
02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064,  
02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057,  
37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013,  
36-02018 and 36-02026 only so long as the average daily flows as  
measured at the Murphy Gaging station meet or exceed the minimum  
stream flows established by state action.

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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES WATER  
USERS ASSN.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BUTTE & MARKET  
LAKE CANAL CO.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: ~~35-04274, 35-04275A~~ 35-14174, 35-14176

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

RIGHT NUMBER: 35-14179

NAME AND ADDRESS: ~~ADEN GUNDERSON~~  
~~C/O NYLE RAYMOND~~  
~~3310 E 750 N~~  
~~MENAN ID 83434~~

SPRING CREEK RANCH INC  
3352 E 750 N  
MENAN ID 83434

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.13~~ 0.03 CFS  
~~28.0~~ 6.2 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF ~~3.67~~ 0.82 CFS, A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF ~~792~~ 176 AF.  
COMBINED RIGHT NOS.: ~~35-04275A, 35-04274.~~ 35-14175, 35-14177

PRIORITY DATE: 09/28/1981

POINT OF  
DIVERSION:

T05N R38E S15 SWSWS Within MADISON County  
T05N R38E S22 NWNENW Within MADISON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>                                                   |
|-----------------------|----------------------|-------------------------------------------------------------------|
| IRRIGATION            | 4/01 10/31           | <del>0.13</del> <u>0.03</u> CFS<br><del>28.0</del> <u>6.2</u> AFY |

PLACE OF USE: IRRIGATION in JEFFERSON County and MADISON County

|                     |      |                            |               |      |                             |
|---------------------|------|----------------------------|---------------|------|-----------------------------|
| T05N R38E S15       | NWSW | 31.00                      | T05N R38E S15 | SWSW | 31.00                       |
| T05N R38E S15       | SESW | 13.00                      | T05N R38E S16 | NESW | 3.00                        |
| T05N R38E S16       | NESE | <del>38.0</del> <u>6.0</u> | T05N R38E S16 | NWSE | <del>29.0</del> <u>28.0</u> |
| T05N R38E S16       | SWSE | 8.00                       | T05N R38E S16 | SESE | <del>0.0</del> <u>2.0</u>   |
| T05N R38E S21 Lot 1 | NENE | 15.00                      | T05N R38E S22 | NENW | 20.00                       |
| T05N R38E S22 Lot 4 | NWNW | 2.00                       |               |      |                             |

198 44 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7 1.6 ACRES WITHIN THE PLACE  
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF  
THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 198 44 ACRES IN A SINGLE  
IRRIGATION SEASON.  
COMBINED RIGHT NOS.: ~~35-04274, 35-04275A~~ 35-14175, 35-14177

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

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02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064,  
02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057,  
37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013,  
36-02018 and 36-02026 only so long as the average daily flows as  
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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

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TO SECTION 42-1425, IDAHO CODE.

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DIVERSION DESCRIBED ABOVE: ~~35-04274, 35-04275A~~ 35-14175, 35-14177