

**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: 36-8047A (Split)
	)	36-8047C and 36-8047D
Case No. 39576	)	36-8047C (Split)
	)	36-8047E and 36-8047F
	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
	)	PROCEEDING (NCAP)

IDWR has completed the following administrative proceeding:

☐ Substitution of Party

XX IC § 42-222 transfer

XX Point of diversion XX Place of use

XX Period of use XX Nature of use

XX Split of water right XX 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

A handwritten signature in cursive script, reading "Carter Fritschel", is written over a horizontal line.

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	☐ 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

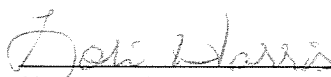
Director of IDWR	☒ hand-delivered
PO Box 83720	
Boise ID 83720	

3. Copies to all parties to the subcase:

Irene Vander Vegt	☐ overnight mail
76 E 400 S	☐ regular mail
Jerome ID 83338	☒ hand-delivered
	☐ facsimile

Ray Vander Vegt	☐ overnight mail
1587 E 3100 S	☒ regular mail
Wendell ID 83355	☐ hand-delivered
	☐ facsimile

Double V LLC	☒ regular mail
1587 E 3100 S	
Wendell ID 83355	


Signature of person mailing this document

12/28/2012

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>
36-8047A	IRENE VANDER VEGT 76 E 400 S JEROME ID 83338	Disallowed	Split into 36-8047C and 36-8047D
36-8047C	~~IRENE VANDER VEGT~~ ~~76 E 400 S~~ ~~JEROME ID 83338~~ <u>RAY VANDER VEGT</u> <u>1587 E 3100 S</u> <u>WENDELL ID 83355</u> <u>DOUBLE V LLC</u> <u>1587 E 3100 S</u> <u>WENDELL ID 83355</u>	Disallowed	Split into 36-8047E and 36-8047F

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

RIGHT NUMBER: 36-8047D

NAME AND ADDRESS: ~~IRENE VANDER VEGT~~
~~76 E 400 S~~
~~JEROME ID 83338~~

RAY VANDER VEGT
1587 E 3100 S
WENDELL ID 83355

DOUBLE V LLC
1587 E 3100 S
WENDELL ID 83355

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~1-15 0.26 CFS~~
~~156-0 26.1 AFY~~

~~USE OF THIS RIGHT WITH RIGHT NO. 36-02247A AND 36-8047A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.32 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 464.0 AF.~~

The total instantaneous diversion of water from all points of diversion under Rights 36-2247D, 36-8047D and 36-10449 shall not exceed 0.56 cfs, nor total combined annual volume of 79.9 af.

PRIORITY DATE: 12/09/1981

POINT OF
DIVERSION:

T08S R14E S11 NENENE Within GOODING County
T08S R14E S11 NENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>IRRIGATION STOCKWATER</u>	<u>4 1/01 10 12/31</u>	<u>1-15 0.26 CFS</u> <u>156-0 26.1 AFY</u>
<u>IRRIGATION COMMERCIAL</u>	<u>4 1/01 10 12/31</u>	<u>1-15 0.26 CFS</u> <u>156-0 26.1 AFY</u>

~~THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND 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.~~

Commercial use is for a dairy located within NENE, S11, T8S, R14E.

PLACE OF USE: IRRIGATION in GOODING County

T08S R14E S11 NWNE 37.00 T08S R14E S11 SWNE 40.00
T08S R14E S11 SENE 39.00

116 ACRES TOTAL

~~USE OF THIS RIGHT WITH RIGHT NO. 36-02247A AND 36-8047A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION SEASON.~~

PLACE OF USE: STOCKWATER in GOODING County

T08S R14E S11 NENE T08S R14E S11 NWNE
T08S R14E S11 SWNE T08S R14E S11 SENE

PLACE OF USE: COMMERCIAL in GOODING County

T08S R14E S11 NENE

T08S R14E S11 SENE

The place of commercial use authorized by Transfer No. 66094 includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.

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

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

The dairy operation authorized under this right shall comply with applicable county zoning and use ordinances.

Use of water under this right shall comply with applicable water quality standards of the Department of Environmental Quality.

The right holder shall accomplish the change authorized by Transfer No. 66094 by January 31, 2003.

Failure of the right holder to comply with the conditions of Transfer No. 66094 is cause for the Director to rescind approval of the transfer.

12/28/2012

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

RIGHT NUMBER: 36-8047E

NAME AND ADDRESS: RAY VANDER VEGT
1587 E 3100 S
WENDELL ID 83355

DOUBLE V LLC
1587 E 3100 S
WENDELL ID 83355

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~1.15~~ 0.80 CFS
~~156.0~~ 109.2 AFY

~~USE OF THIS RIGHT WITH RIGHT NO. 36-02247A AND 36-8047A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.32 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 464.0 AF.~~

Rights 36-2247E and 36-8047E when combined shall not exceed a total of 1.62 cfs and a total annual maximum diversion volume of 324.0 af at the field headgate.

PRIORITY DATE: 12/09/1981

POINT OF
DIVERSION:

T08S R14E S11 NENENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	~~1.15~~ 0.80 CFS ~~156.0~~ 109.2 AFY

~~THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND 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.~~

The period of use for the irrigation described under this right may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than January 31, 2002.

PLACE OF USE: IRRIGATION in GOODING County

T08S R14E S11	NWNE	~~37.0~~ 30.0	T08S R14E S11	SWNE	~~40.0~~ 16.0
T08S R14E S11	SENE	~~39.0~~ 35.0			
116 81 ACRES TOTAL					

~~USE OF THIS RIGHT WITH RIGHT NO. 36-02247A AND 36-8047A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION SEASON.~~

Rights 36-2247E and 36-8047E when combined shall not exceed the irrigation of 81.0 acres.

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

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

RIGHT NUMBER: 36-8047F

NAME AND ADDRESS: RAY VANDER VEGT
1587 E 3100 S
WENDELL ID 83355

DOUBLE V LLC
1587 E 3100 S
WENDELL ID 83355

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~1-15~~ 0.09 CFS
~~156-0~~ 9.0 AFY

~~USE OF THIS RIGHT WITH RIGHT NO. 36-02247A AND 36-8047A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.32 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 464.0 AF.~~

The total instantaneous diversion of water from all points of diversion under Rights 36-2247F, 36-8047F and 36-13882 shall not exceed 0.35 cfs, nor total combined annual volume of 32.9 af.

PRIORITY DATE: 12/09/1981

POINT OF
DIVERSION:

T08S R14E S11 NENENE NWNW Within GOODING County
T08S R14E S11 NWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STOCKWATER	4 1/01 10 12/31	1-15 0.09 CFS ~~156-0~~ 9.0 AFY
IRRIGATION COMMERCIAL	4 1/01 10 12/31	1-15 0.09 CFS ~~156-0~~ 9.0 AFY

~~THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND 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.~~

Commercial use is for a dairy located within NWNW, S11, T8S, R14E.

PLACE OF USE: IRRIGATION in GOODING County

T08S R14E S11 NWNE 37.00 T08S R14E S11 SWNE 40.00
T08S R14E S11 SENE 39.00

116 ACRES TOTAL

~~USE OF THIS RIGHT WITH RIGHT NO. 36-02247A AND 36-8047A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION SEASON.~~

PLACE OF USE: STOCKWATER in GOODING County

T08S R14E S11 NWNW

PLACE OF USE: COMMERCIAL in GOODING County

T08S R14E S11 NENW

T08S R14E S11 NWNW

The place of commercial use authorized by Transfer No. 66095 includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.

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

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

The dairy operation authorized under this right shall comply with applicable county zoning and use ordinances.

Use of water under this right shall comply with applicable water quality standards of the Department of Environmental Quality.

The right holder shall accomplish the change authorized by Transfer No. 66095 by February 1, 2003.

Failure of the right holder to comply with the conditions of Transfer No. 66095 is cause for the Director to rescind approval of the transfer.