

**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: 36-8238 (Split)
	)	36-16420 and 36-16421
Case No. 39576	)	
	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
	)	PROCEEDING (NCAP)

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- XX IC § 42-222 transfer
- | | |
|--|--|
| XX Point of diversion | XX Place of use |
| ☐ Period of use | ☐ 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



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:

Ardel W Wickel	☐ overnight mail
Judy M Wickel	☐ regular mail
1084 E 300 N	☒ hand-delivered
Declo ID 83323	☐ facsimile

Richard L Kechter	☐ overnight mail
218 W 13 th St	☒ regular mail
Burley ID 83318	☐ hand-delivered
	☐ facsimile


Signature of person mailing this document

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>
36-8238	RICHARD L KECHTER 218 W 13TH ST BURLEY ID 83318	Disallowed	Split into 36-16420 and 36-16421

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

RIGHT NUMBER: 36-16420

NAME AND ADDRESS: ~~RICHARD L KECHTER~~
~~218 W 13TH ST~~
~~BURLEY ID 83318~~

ARDEL W WICKEL
1084 E 300 N
DECLO, ID 83323

JUDY M WICKEL
1084 E 300 N
DECLO, ID 83323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2-08 1.95 CFS
520-0 488.0 AFY

~~USE OF THIS RIGHT WITH RIGHT NO. 36-02559 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.8 CFS~~

Rights 36-16416 and 36-16420 when combined shall not exceed a total diversion rate of 5.45 cfs and a total annual maximum diversion volume of 1364 af at the field headgate.

Rights 36-16416, 36-16418, 36-16420, 36-16422, and 36-16424 when combined shall not exceed a total diversion rate of 9.54 cfs and a total annual maximum diversion volume of 2988 af at the field headgate.

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.

PRIORITY DATE: 12/30/1983

POINT OF
DIVERSION:

T07S R21E S9 SENESW Within LINCOLN County
T07S R21E S16 NWNENE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	2-08 1.95 CFS 520-0 488.0 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.~~

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 November 20, 2001.

PLACE OF USE: IRRIGATION in LINCOLN County

T07S R21E S08	NWNE	1-0 40.0	T07S R21E S08	SWNE	1-0 40.0
T07S R21E S08	SENE	17-0 40.0	T07S R21E S08	SWNW	40.0
T07S R21E S08	SENE	15-0 40.0	T07S R21E S08	NESW	22-0 40.0
T07S R21E S08	NWSW	14-0 40.0	T07S R21E S08	NESE	3-0 40.0

T07S R21E S08	NWSE	40.0	T07S R21E S08	SWSE	~~6.0~~ 40.0
T07S R21E S09	NESW	~~10.0~~ 40.0	T07S R21E S09	NWSW	~~15.0~~ 40.0
T07S R21E S09	SWSW	~~26.0~~ 40.0	T07S R21E S16	NENE	40.0
T07S R21E S16	NWNE	40.0	T07S R21E S16	SWNE	40.0
T07S R21E S16	SENE	40.0	T07S R21E S16	NENW	40.0
T07S R21E S16	NWNW	40.0	T07S R21E S16	SWNW	40.0
T07S R21E S16	SENW	35.0	T07S R21E S17	NENE	40.0
T07S R21E S17	NWNE	40.0	T07S R21E S17	SWNE	40.0
T07S R21E S17	SENE	40.0			

130 995 ACRES TOTAL

Rights 36-16416 and 36-16420 when combined shall not exceed the irrigation of 341 acres in a single irrigation season.

Rights 36-16416, 36-16418, 36-16420, 36-16422, and 36-16424 when combined shall not exceed the irrigation of 747 acres in a single irrigation season.

This right is limited to the irrigation of 122 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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT NO. 36-02559 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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 this time, this water right is within State Water District No. 130.

The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Prior to the diversion and use of water under Transfer No. 72811, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Rights 36-16416, 36-16418, 36-16422, and 36-16424 are also diverted through the point(s) of diversion described above.

The right holder shall accomplish the change authorized by Transfer No. 72811 by January 10, 2008.

Failure of the right holder to comply with the conditions of Transfer No. 72811 is cause for the Director to rescind approval of the transfer.

PLACE OF USE: IRRIGATION in LINCOLN JEROME County

T07S R21E S08	NWNE	1.00	T07S R21E S08	SWNE	1.00
T07S R21E S08	SENE	17.00	T07S R21E S08	SENW	15.00
T07S R21E S08	NESW	22.00	T07S R21E S08	NWSW	14.00
T07S R21E S08	NESE	3.00	T07S R21E S08	SWSE	6.00
T07S R21E S09	NESW	10.00	T07S R21E S09	NWSW	15.00
T07S R21E S09	SWSW	26.00			
T08S R21E S08	NENE	40.00	T08S R21E S08	SENE	40.00
T08S R21E S08	NESE	40.00	T08S R21E S08	SESE	40.00
T08S R21E S09	SWNE	40.00	T08S R21E S09	SENE	40.00
T08S R21E S09	NWNW	40.00	T08S R21E S09	SWNW	40.00
T08S R21E S09	SENW	40.00	T08S R21E S09	NESW	40.00
T08S R21E S09	NWSW	40.00	T08S R21E S09	SWSW	40.00
T08S R21E S09	SESW	40.00	T08S R21E S09	NESE	40.00
T08S R21E S09	NWSE	40.00	T08S R21E S09	SWSE	40.00
T08S R21E S09	SESE	40.00	T08S R21E S10	NENE	40.00
T08S R21E S10	NWNE	40.00	T08S R21E S10	SWNE	40.00
T08S R21E S10	SENE	40.00	T08S R21E S10	NESW	40.00
T08S R21E S10	NWSW	40.00	T08S R21E S10	SWSW	40.00
T08S R21E S10	SESW	40.00	T08S R21E S10	NESE	36.00
T08S R21E S10	NWSE	40.00	T08S R21E S10	SWSE	40.00
T08S R21E S10	SESE	40.00	T08S R21E S11	NENE	40.00
T08S R21E S11	NWNE	40.00	T08S R21E S11	SWNE	40.00
T08S R21E S11	SENE	40.00	T08S R21E S11	NENW	40.00
T08S R21E S11	NWNW	40.00	T08S R21E S11	SWNW	40.00
T08S R21E S11	SENW	40.00	T08S R21E S11	NESW	40.00
T08S R21E S11	NWSW	39.00	T08S R21E S11	SWSW	40.00
T08S R21E S11	SESW	40.00	T08S R21E S11	NESE	40.00
T08S R21E S11	NWSE	40.00	T08S R21E S12	NWNW	40.00
T08S R21E S12	SWNW	40.00	T08S R21E S15	NENE	40.00
T08S R21E S15	NWNE	40.00	T08S R21E S15	SWNE	40.00
T08S R21E S15	NENW	40.00	T08S R21E S15	NWNW	38.00
T08S R21E S15	SWNW	40.00	T08S R21E S15	SENW	40.00
T08S R21E S15	NESW	40.00	T08S R21E S15	NWSW	40.00
T08S R21E S16	NENE	35.00	T08S R21E S16	NWNE	40.00
T08S R21E S16	SWNE	40.00	T08S R21E S16	SENE	39.00
T08S R21E S16	NENW	40.00	T08S R21E S16	NWNW	40.00
T08S R21E S16	SWNW	40.00	T08S R21E S16	SENW	40.00
T08S R21E S16	NESW	40.00	T08S R21E S16	NWSW	40.00
T08S R21E S16	SWSW	40.00	T08S R21E S16	SESW	40.00
T08S R21E S16	NESE	40.00	T08S R21E S16	NWSE	38.00
T08S R21E S16	SWSE	40.00	T08S R21E S16	SESE	40.00

~~130~~ 2785 ACRES TOTAL

This right is limited to the irrigation of 8 acres within the place of use described above in a single irrigation season.

Rights 36-16417 and 36-16421 when combined are limited to the irrigation of 22 acres in a single irrigation season.

Rights 36-2339, 36-8403, 36-2340, 36-2360, 36-2431, 36-15165, 36-2346, 36-2389, 36-2451, 36-2363, 36-4200, 36-16419, 36-16423, 36-16425, 36-16417, and 36-16421 when combined are limited to the irrigation of 2238 acres 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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

~~RIGHT NO. 36-02559 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.~~

To mitigate for the depletion of water resulting from Transfer No. 72809, and to prevent injury to senior water right holders, the right holder shall rent water from the water supply bank operated by the Idaho Water Resource Board in the amounts specified below:

Right No.	Rate (cfs)	Volume (AF)	Acres
45-2505	2.44	560.0	140.0
45-7008	0.54	170.0	42.5

The rental agreement shall be executed prior to diversion of water under Transfer No. 72809 and shall remain in effect for one irrigation season.

The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer No. 72809. Protestants retain the right to object to the quantification approval of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.

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 this time, this water right is within State Water District No. 130.

The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Prior to the diversion and use of water under Transfer No. 72809, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Rights 36-2339, 36-8403, 36-2340, 36-2360, 36-2431, 36-15165, 36-2346, 36-2389, 36-2451, 36-2363, 36-4200, 36-16419, 36-16423, 36-16425, and 36-16417 are also diverted through the points of diversion described above.

The right holder shall accomplish the change authorized by Transfer No. 72809 by January.10, 2008

Failure of the right holder to comply with the conditions of Transfer No. 72809 is cause for the Director to rescind approval of the transfer.