

**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: 37-8007 (Split)
	)	37-20395 and 37-20396
Case No. 39576	)	
	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
	)	PROCEEDING (NCAP)

IDWR has completed the following administrative proceeding:

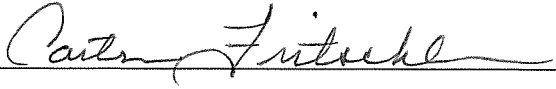
- ☐ Address change
- ☐ Substitution of Party
- XX IC § 42-222 transfer
 - XX Point of diversion XX Place of use
 - ☐ Period of use ☐ Nature of use
 - XX Split of water right ☐ Change in ownership
- XX Other: Pursuant to the November 30, 2012, *Order Granting State of Idaho's Motion to Alter or Amend 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, appearing to read "Caitlyn Fritzsche", 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

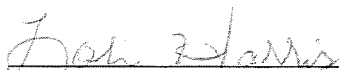
United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

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

3. Copies to all parties to the subcase:

Boot Jack Dairy Partnership	☐ overnight mail
PO Box 856	☐ regular mail
Shoshone ID 83352	☒ hand-delivered
	☐ facsimile

☐ overnight mail
☐ regular mail
☐ 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>
37-8007	BOOT JACK DAIRY PARTNERSHIP PO BOX 856 SHOSHONE ID 83352	Disallowed	Split into 37-20395 and 36-20396

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

RIGHT NUMBER: 37-20395

NAME AND ADDRESS: BOOT JACK DAIRY PARTNERSHIP
PO BOX 856
SHOSHONE ID 83352

SOURCE: GROUND WATER

TRIBUTARY:

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: ~~2.25~~ 2.10 CFS
524.0 ~~489.6~~ AFY

~~USE OF THIS RIGHT WITH RIGHT NO. 37-2626 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.56 CFS.~~

Rights 37-2626 and 37-20395 when combined shall not exceed a total diversion rate of 2.48 cfs and a total annual maximum diversion volume of 1109.6 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 for irrigation of the lands above.

PRIORITY DATE: 03/16/1982

POINT OF
DIVERSION:

T05S R15E S3 NENESW Within GOODING County
T05S R15E S3 NENESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	~~2.25~~ 2.10 CFS 524.0 ~~489.6~~ 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 NOVEMBER 1 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 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 11, 2002.

PLACE OF USE: IRRIGATION in GOODING County

T05S R15E S03	NESW	35.00	T05S R15E S03	NWSW	39.00
T05S R15E S03	SWSW	33.00	T05S R15E S03	SESW	38.00
T05S R15E S04	SENE	~~32.0~~ 28.4	T05S R15E S04	NESE	~~33.0~~ 35.0
T05S R15E S04	SWSE	~~28.0~~ 31.0	T05S R15E S04	SESE	38.00

~~131~~ 277.4 ACRES TOTAL

This right is limited to the irrigation of 122.4 acres within the place of use described above in a single irrigation season.

Rights 37-2626 and 37-20395 when combined shall not exceed the irrigation of 277.4 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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS RESERVOIR DIST. NO. 2.

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

Prior to the diversion and use of water under Transfer No. 72441, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points 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.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater 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 accomplish the change authorized by Transfer No. 72441 by September 29, 2007.

Failure of the right holder to comply with the conditions of Transfer No. 72441 is cause for the Director to rescind approval of the transfer.

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

RIGHT NUMBER: 37-20396

NAME AND ADDRESS: BOOT JACK DAIRY PARTNERSHIP
PO BOX 856
SHOSHONE ID 83352

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.25 0.08 CFS
524.0 25.8 AFY

~~USE OF THIS RIGHT WITH RIGHT NO. 37-2626 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.56 CFS.~~

Rights 37-8361, 37-10146 and 37-20396 when combined shall not exceed a total
diversion rate of 0.15 cfs from all points of diversion, and a total annual
maximum diversion volume of 40.9 af.

PRIORITY DATE: 03/16/1982

POINT OF
DIVERSION:

~~T05S R15E S3 NENESW Within GOODING County~~
T05S R17E S11 NENENE Within GOODING County
T05S R17E S11 NENENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>IRRIGATION</u>	<u>04/01 11/01</u>	<u>2.250 CFS</u>
		<u>524.00 AFY</u>
<u>STOCKWATER</u>	<u>01/01 12/31</u>	<u>0.08 CFS</u>
		<u>25.8 AFY</u>
<u>COMMERCIAL</u>	<u>01/01 12/31</u>	<u>0.08 CFS</u>
		<u>25.8 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 NOVEMBER 1 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.

PLACE OF USE: IRRIGATION in GOODING County

~~T05S R15E S04 SENE 32.00 T05S R15E S04 NESE 33.00~~

~~T05S R15E S04 SWSE 28.00 T05S R15E S04 SESE 38.00~~

131 ACRES TOTAL

STOCKWATER in GOODING County

T05S R17E S11 NENE

COMMERCIAL in GOODING County

T05S R15E S04 NENE

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

~~USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.~~

~~USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS RESERVOIR DIST. NO. 2.~~

Prior to the diversion and use of water under Transfer No. 69118, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

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.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Prior to the diversion and use of water under this right, the right holder shall comply with applicable county zoning and use ordinances.

Prior to the diversion and use of water under this right, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

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

The right holder shall accomplish the change authorized by Transfer No. 69118 on or before April 7, 2009.

Failure of the right holder to comply with the conditions of Transfer No. 69118 is cause for the Director to rescind approval of the transfer.