

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

May 10, 2013

Diana Delaney
Case Administrator
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707

RE: Recommendation of Water Right 47-4163B

Dear Diana:

Water right 47-4163B was claimed in the Snake River Basin Adjudication (SRBA) by John Schilder. The right was recommended in the Director's Report for Irrigation and Other Uses, Reporting Area 12, IDWR Basin 47, filed with the SRBA Court on February 2, 2007. No objections were filed, however the Court notified IDWR of a possible problem with several conditions appearing on the recommendation. Some conditions contained a reference to right no. 47-4163A, which did not appear to be a valid water right number. The recommendation of the right 47-4163B was not moved forward in the SRBA to allow IDWR time to investigate.

IDWR has now completed its review, and submits a Notice of Completed Administrative Proceeding (NCAP) for right 47-4163B. Right 47-4163A, referenced on the recommendation of 47-4163B, had actually been split by transfer prior to the filing of the 2007 Director's Report. The use was reported as rights 47-16784 and 47-16785. It appears the recommendation of the B portion was not amended to reflect the transfer of the A portion. The NCAP corrects the references to 47-4163A to the water right numbers the use was recommended under, 47-16784 and 47-16785. The NCAP also updates explanatory remarks to further reflect the transfer which split the A portion of the right. No changes are needed to rights 47-16784 and 47-16785.

Any questions regarding the changes should be directed to Carter Fritschle, Manager Adjudication Section, at 208-287-4917. Should the Court require anything further from IDWR to allow right 47-4163B to move forward, please let me know. I can be reached at 208-287-4816.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vicki Kelly".

Vicki Kelly,
Paralegal

Enc.
cc: John Schilder

**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
Case No. 39576

)
)
)
)
)

Water Rights: 47-4163B

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

XX IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

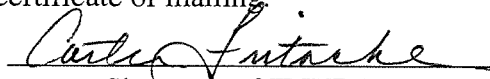
XX Other – Conditions & Remarks

☐ 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: 5-9-13



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 10, 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

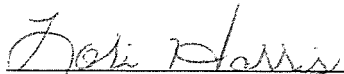
United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

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

3. Copies to all parties to the subcase:

John Schilder	☐ overnight mail
1164 E 3700 N	☒ regular mail
Buhl ID 83316	☐ hand-delivered
	☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

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

RIGHT NUMBER: 47-4163B

NAME AND ADDRESS: JOHN SCHILDER
1164 E 3700 N
BUHL ID 83316

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
35.00 AFY

The total instantaneous diversion of water from all points of diversion under 47-4163B shall not exceed 0.07 cfs, nor a total combined annual volume of 35.0 af and when combined with Right Nos. ~~47-04163A~~ 47-16784 and 47-16785 shall not exceed 1.57 cfs, nor a total combined annual volume of 93.0 af and annual consumptive use volume of 69.0 af.

PRIORITY DATE: 05/01/1954

POINT OF
DIVERSION:

T10S R14E S21 SESESW Within TWIN FALLS County
T10S R14E S21 SESWSE Within TWIN FALLS County
T10S R14E S21 SESWSE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS 33.30 AFY
COMMERCIAL	01/01 12/31	0.070 CFS 1.70 AFY

PLACE OF USE: STOCKWATER in TWIN FALLS County

T10S R14E S21 SWSE

COMMERCIAL in TWIN FALLS County

T10S R14E S21 SWSE

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 right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use than the remaining irrigated acres under Right Nos. ~~47-04163A~~ 47-16784 and 47-16785.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The remainder of Right No. 47-04163 is identified as ~~47-04163A 47-16784 and 47-16785~~, and is limited to a diversion rate of 1.50 cfs, an annual diversion volume of 50.0 af, and irrigation of 123.0 acres each year that are specifically described as follows: ~~39 acres in NESW, 37 acres in SESW, 1 acre in NESE, 22 acres in both NWSE and SWSE, 2 acres in SESE, S21, T10S, R14E.~~

~~Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion under Right Nos. 47-04163A and 47-04163B which will allow determination of the total combined rate of diversion and annual volume.~~

Additionally an airline or device acceptable to the department shall be provided in the new well to monitor water levels.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

~~The acres which are no longer authorized for irrigation under Right No. 47-04163A are specifically described as follows: 3 acres in SWSE and 2 acres in SESE, S21, T10S, R14E. Two points of diversion are located within SWSE, S21, T10S, R14E.~~