

09/10/2008

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

RIGHT NUMBER: 22-13871

NAME AND ADDRESS: STATE OF IDAHO
IDAHO TRANSPORTATION DEPT
PO BOX 97
RIGBY ID 83442-0097

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.380 CFS
126.00 AFY

PRIORITY DATE: 10/31/1960

POINT OF
DIVERSION:

T06N R45E S8 SWNESW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

0.380 CFS
126.00 AFY

PLACE OF USE: IRRIGATION in TETON County

T06N R45E S08

SWSW

34.00

T06N R45E S08

SESW

20.00

54 ACRES TOTAL

Use of this right with Right Nos. 22-13367 and 22-13869 are limited to the irrigation of a combined total of 54 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 22-13381 .

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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

RIGHT NUMBER: 22-13871

NAME AND ADDRESS:

STATE OF IDAHO
IDAHO TRANSPORTATION DEPT
PO BOX 97
RIGBY ID 83442-0097

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

0.800 CFS
189.000 AFY

~~0.380 CFS~~
~~139.000 AFY~~

PRIORITY DATE: 10/31/1960

POINT OF DIVERSION:

T06N R45E S8 SWNESW
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/15

0.800 CFS 189.00 AFY

~~0.380 CFS 139.00 AFY~~

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S08 SWSW 36.0

~~T06N R45E S08 SWSW 34.0~~

T06N R45E S08 SESW 21.0

~~T06N R45E S08 SESW 20.0~~

57 ACRES TOTAL

~~54 ACRES TOTAL~~

This right is limited to the irrigation of 54 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 57 acres in a single irrigation season. Combined Right Nos.: 22-13867, 22-13869, and 22-13871.

~~Use of this right with Right Nos. 22-13367 and 22-13869 are limited to the irrigation of a combined total of 54 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 22-2189.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

The following rights are diverted through point of diversion described above: 22-13382, 22-13871, and 22-13907.

~~This right is a split from former right 22-13381.~~



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 25, 2008

STATE OF IDAHO
IDAHO TRANSPORTATION DEPARTMENT
PO BOX 97
RIGBY ID 83442-0097

RE: Notice of Change of Water Right Ownership (NCO) for
22-13381 (Split into 22-13870 and 22-13871) and Notice of Completed Administrative Proceeding (NCAP)

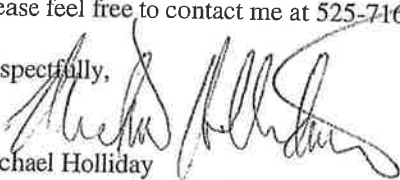
Dear SIR/MADAM:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s). Once IDWR processes the change of ownership, IDWR mails a copy of the updated water right record(s) (Director's Report) to each party listed on the NCAP. Enclosed please find the relevant NCAP(s) for your right(s). The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

You may recall the initial hearings held in Rexburg on August 19, 2008. During those hearings the present parties discussed changes that needed to be made to resolve issues related to place of use, acreage and diversion rate for the aforementioned water rights. You may notice that the changes discussed at the initial hearings are not reflected in the enclosed Director's Report. Those changes were excluded from this version of the Director's Report solely because the purpose of the NCAP is simply to inform the parties and the SRBA Court of the changes in ownership. A Standard Form 5 (SF5) settlement document will follow shortly under separate cover. The SF5 will incorporate the corrections that we discussed at the initial hearings. Once the parties sign the SF5 settlement documents for these water rights, the SF5s will be sent to Special Master Bilyeu for her review and then to Judge Melanson for partial decree.

Please feel free to contact me at 525-7161 if you have any questions concerning this matter.

Respectfully,


Michael Holliday
Water Resource Agent, Sr.

Enclosure

cc: MERRILL BROWER & SONS INC

SCANNED

DEC 01 2008

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 Rights: 22-13381
(Split into 22-13870 and 22-13871)

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

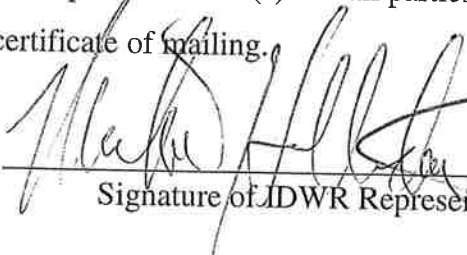
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party MERRILL BROWER & SONS-ID TRANSPORTATION DEPT &
COOKE
- ☐ I.C. § 42-222 transfer
- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |

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 Reports* for said water rights. 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: 11/25/2008


Signature of IDWR Representative

SCANNED
DEC 01 2008

CERTIFICATE OF MAILING

I certify that on Nov 26, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Merrill Brower & Sons Inc
642 Jeffrey Pl
Chubbuck ID 83202-5368

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Brett Cooke State of Idaho
Anita Cooke Idaho Transportation Department
50 E Wallace PO Box 97
Driggs ID 83422 Rigby ID 83442-0097

4. One copy to:

Each party in the subcase, or attorney of record
Beulah Brower
Kolene Later
C/O Jerry R Rigby
25 N 2nd E
PO Box 250
Rexburg ID 83440-0250

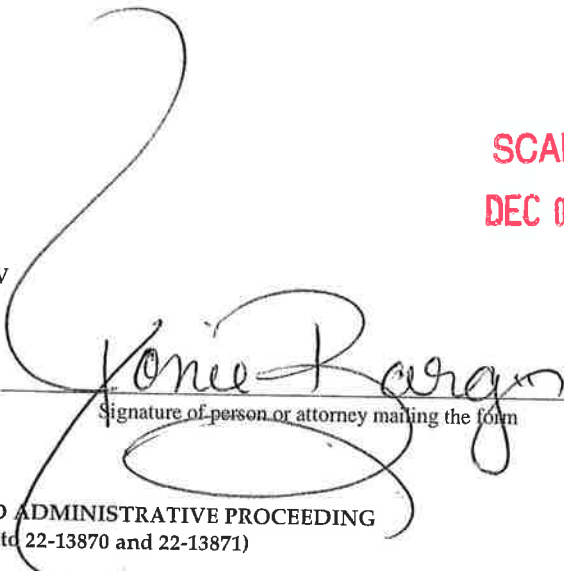
5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

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DEC 01 2008


Signature of person or attorney mailing the form

11/3/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER NAME AND ADDRESS

22-13381

CLAIM DISPOSITION REASON

Disallowed

Split into: 22-13870 and 22-13871

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DEC 01 2008

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

RIGHT NUMBER: 22-13871

NAME AND ADDRESS: STATE OF IDAHO
IDAHO TRANSPORTATION DEPT
PO BOX 97
RIGBY ID 83442-0097

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.380 CFS
139.00 AFY

PRIORITY DATE: 10/31/1960

POINT OF
DIVERSION:

T06N R45E S8 SWNESW Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/15	0.380 CFS 139.00 AFY
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T06N R45E S08 SWSW 34.00	T06N R45E S08 SESW 20.00	
	54 ACRES TOTAL		

Use of this right with Right Nos. 22-13367 and 22-13869 are limited to the irrigation of a combined total of 54 acres in a single irrigation season.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

SCANNED
DEC 01 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

APR 19 2007

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
22-13375	A22-13375	✓			
22-13378	A22-13378	✓			
22-13381	A22-13381	✓			

needs
NC AP

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

Merrill Brower & Sons

P.O. Box 147, Teton, ID 83452

4. New Owner/Claimant(s)

Idaho Transportation Dept.

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

P.O. Box 97

City, State and ZIP Code

Rigby, ID 83442-0097

New Telephone Number

(208) 745-7781

5. Date you acquired the property

November 13, 2006