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SRBA
TWIN FALLS, IDAHO
FILES

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

) SUBCASE NO. 36-02264A,
) 36-02264C, 36-02264D
)

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING
)

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

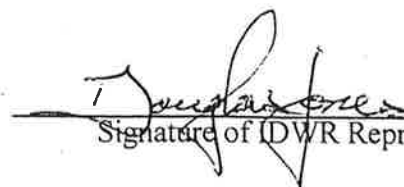
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☐ Change in Ownership	☒ Split of Water Right
☒ Point of Diversion	☒ Place of Use
☒ Period of Use	☒ Nature of Use

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: 10/16/00


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10/19, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Si Ellen Dairy
c/o Simon Roth
539 S 800 E
Jerome ID 83338
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy 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



Signature of person or attorney mailing the form

AJ5859NP

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

DATE: SEP-25-2000

PAGE: A-1

RIGHT NUMBER:

36-02264A

SEE NOS. 36-02264C & 36-02264D.

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

09/25/2000

RIGHT NUMBER: 36-2264C

NAME AND ADDRESS: SI ELLEN DAIRY
C/O SIMON ROTH
539 S 800 E
JEROME, ID 83338

SOURCE: GROUND WATER

QUANTITY: 2.38 CFS
668 AFY

PRIORITY DATE: 03/12/1954

POINT OF DIVERSION: T09S R18E S9 NWSE Within JEROME County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	2.38 CFS 668.0 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

PLACE OF USE:

IRRIGATION Within JEROME County

T09S R18E S9	SWNE	30	T09S R18E S9	SENE	13
T09S R18E S9	NESW	1	T09S R18E S9	NESE	33
T09S R18E S9	NWSE	36	T09S R18E S9	SWSE	24
T09S R18E S9	SESE	30			
167 ACRES TOTAL					

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

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

09/25/2000

RIGHT NUMBER: 36-2264D

NAME AND ADDRESS: SI ELLEN DAIRY
C/O SIMON ROTH
539 S 800 E
JEROME, ID 83338

SOURCE: GROUND WATER

QUANTITY: 0.38 CFS
81 AFY

PRIORITY DATE: 03/12/1954

POINT OF DIVERSION: T09S R18E S16 SESW Within JEROME County
T09S R18E S17 SENE Within JEROME County

PURPOSE AND PERIOD OF USE: TWO POINTS OF DIVERSION LOCATED IN T09S, R18E, S17, SENE

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COMMERCIAL	1-01 12-31	0.19 CFS
		41.0 AFY
STOCKWATER	1-01 12-31	0.19 CFS
		40.0 AFY

PLACE OF USE:

COMMERCIAL Within JEROME County

T09S R18E S9	SWNW	T09S R18E S9	SENW
T09S R18E S9	NESW	T09S R18E S9	NWSW
T09S R18E S16	NWSW	T09S R18E S16	SWSW
T09S R18E S17	SENE	T09S R18E S17	NESE
T09S R18E S17	NWSE	T09S R18E S17	SWSE
T09S R18E S17	SESE		

STOCKWATER Within JEROME County

T09S R18E S16	SENW	T09S R18E S16	NESW
T09S R18E S16	NWSW	T09S R18E S16	SWSW
T09S R18E S16	SESW	T09S R18E S16	NWSE
T09S R18E S16	SWSE	T09S R18E S16	SESE
T09S R18E S17	SENE	T09S R18E S17	NESE
T09S R18E S17	NWSE	T09S R18E S17	SWSE
T09S R18E S17	SESE		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

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

Water Right 36-2264D



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

October 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SI ELLEN DAIRY
C/O SIMON ROTH
539 S 800 E
JEROME ID 83338

RE: SRBA Claim(s) 36-02264A (SPLIT)

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

36-02264B

P.D. issued

RECEIVED

TRANSFER OF WATER RIGHT

JUN 10 1999

TRANSFER NO. 5350

36-02264A is

Department of Water Resources
Southern Region

WATER RIGHT NO(S). 36-02264C/36-02264D still a "R" record

This is to certify that: SI ELLEN DAIRY
C/O SIMON ROTH
539 S 800 E
JEROME ID 83338

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-02264C :			
IRRIGATION	04/01 to 10/31	2.38 CFS	668.0 AF
Right No. 36-02264D :			
STOCKWATER	01/01 to 12/31	0.19 CFS	40.0 AF
COMMERCIAL	01/01 to 12/31	0.19 CFS	41.0 AF
	SUBTOTAL:	* 0.38 CFS	* 81.0 AF
	TOTAL:	2.76 CFS	749.0 AF

SOURCE
GROUNDWATER

PRIORITY: 03/12/1954

LOCATION OF POINT(S) OF DIVERSION:

Right No. 36-02264C : NWSE , Sec. 9, Township 09S, Range 18E
Right No. 36-02264D : SESW , Sec. 16, Township 09S, Range 18E
 SENE , Sec. 17, Township 09S, Range 18E
 JEROME County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	18E	9	SWNE 30	SENW 13	NESW 1	
			NESE 33	NWSE 36	SWSE 24	
			SESE 30			167

Total number of acres irrigated: 167

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
09S	18E	16	SENW	NESW	NWSW
			SWSW	SESW	NWSE
			SWSE	SESE	
		17	SENE	NESE	NWSE
			SWSE	SESE	

TRANSFER NO. 5350
WATER RIGHT NO(S). 36-02264C/36-02264D

PLACE OF USE: COMMERCIAL

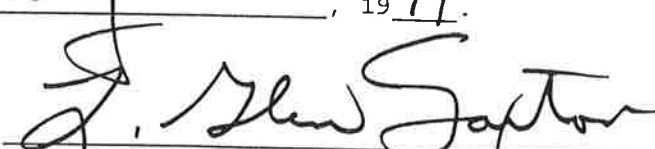
TWN RGE SEC

09S 18E	9	SWNW	SENW	NESW
		NWSW		
	16	NWSW	SWSW	
	17	SENE	NESE	NWSE
		SWSE	SESE	

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. 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.
7. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
8. 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 which will allow determination of the total rate of diversion.
- * 9. The total instantaneous diversion of water from all points of diversion under Right 36-02264D shall not exceed 0.38 cfs, nor a total combined annual volume of 81.0 af.
10. The water used for commercial purposes under this approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by Right 36-02264D.
11. Two points of diversion are located within SENE, S17, T09S, R18E.

Dated this 6th day of May, 19 99.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 36-02264A

FROM: Pam Skaggs  State Office

SUBJECT: Transfer 5350

DATE: April 23, 1999

Transfer 5350 changes the place of use under a portion of Right 36-02264 (Part C), and adds and changes points of diversion, changes the place, nature and season of use under the balance of the right (Part D).

The applicant is changing 27 acres of irrigation to stockwater and commercial use to expand an existing dairy and modifying the remaining irrigated acres to more accurately reflect current practices. A second transfer, Transfer 5351 has been filed to provide the balance of water needed to complete the proposed expansion of the dairy.

Recommended conditions for the irrigation portion of the right (Part C) include measuring/annual reporting, irrigation overlap and standard transfer conditions. Recommended conditions for the dairy portion of the right (Part D) include drilling permit requirements, measuring /annual reporting, water quality, county zoning, multiple points of diversion limits, land application and standard transfer conditions.

Change in Nature of Use Evaluation

	<u>Rate</u>	<u>Use</u>	<u>Acres</u>	<u>Div Vol./C.U. Vol.</u>
36-02264A	2.76 cfs	Irrigation	194.0 acres	776.0 afa/582.0 afa
Part C	2.38 cfs	Irrigation	167.0 acres	668.0 afa/501.0 afa
Part D	0.38 cfs	Stockwater/Commercial	(27.0 acres)	81.0 afa/ 81.0 afa
After Transfer	2.76 cfs	Irr/Stock/Comm	167.0 acres	749.0 afa/582.0 afa

The transfer results in a net reduction of diversion volume.