

COPY

1998 MAY 22 PM 3:46
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

SUB CASE NO. 36-02538, 36-02538A,
36-02538B

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
☒ Point of Diversion
☐ Period of Use

☒ Split of Water Right
☒ Place of Use
☐ Nature of Use

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

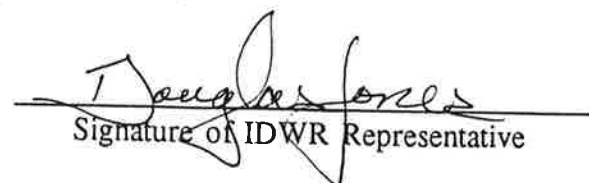
Phone:

Phone:

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: 5/21/98


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5-22, 1998, 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 or attorney of record:
Terry Miller
Jolene Miller
1175 E 800 N
Rupert ID 83350
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: MAY-19-1998
PAGE: A-4

RIGHT NUMBER: 36-02538

SPLIT RIGHT: SEE RIGHT NOS. 36-02538A AND 36-02538B.

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

DATE: MAY-19-1998

PAGE: A-9

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02538A

NAME & ADDRESS: TERRY MILLER
JOLENE MILLER
1200 E 800 N
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.85 CFS
359.1 AFY

USE OF RIGHT NOS. 36-02105A, 36-02342A, 36-02538A AND 36-07823A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.54 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1324.0 AF.

USE OF RIGHT NOS. 36-02105A AND 36-02538A IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 514.4 AF.

PRIORITY DATE: 03/15/1962

POINT OF DIVERSION: T08S R26E S17

SWNE
NENW
NWSE

Within BLAINE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
IRRIGATIONPERIOD OF USE
04-01 10-31QUANTITY
0.85 CFS
359.1 AFY

PLACE OF USE:

IRRIGATION

Within BLAINE County

T08S R26E S17

NENE 31

NWNE 33

SWNE 35

SENE 32

NENW 33

SENW 33

NESE 35

NWSE 33

SWSE 33

SESE 33

331 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 128.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF RIGHT NOS. 36-02105A AND 36-02538A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 128.6 ACRES IN A SINGLE IRRIGATION SEASON.

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

AJ5856NP

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

DATE: MAY-19-1998

PAGE: A-10

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02538A (CONT)

OTHER PROVISIONS (CONT)

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-19-1998
PAGE: A-11

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02538B

NAME & ADDRESS: TERRY MILLER
JOLENE MILLER
1200 E 800 N
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.15 CFS
63.4 AFY

USE OF RIGHT NOS. 36-02105B AND 36-02538B IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 93.6 AF.

USE OF RIGHT NOS. 36-02105B, 36-02109D, 36-02342B, 36-02447D,
36-02469G, 36-02538B AND 36-07823B IS LIMITED TO A TOTAL COMBINED
DIVERISON RATE OF 2.166 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 516.9 AF.

PRIORITY DATE: 03/15/1962

POINT OF DIVERSION: T07S R26E S30 SWSE Within BLAINE County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.15 CFS 63.4 AFY

PLACE OF USE:	IRRIGATION	Within BLAINE County
	T07S R26E S30	SWSE 32.5 SESE 32.5
	S31	NENE 32.5 NWNE 32.5
	130 ACRES TOTAL	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 23.4 ACRES IN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF RIGHT NOS. 36-02105B AND 36-02538B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 23.4 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF RIGHT NOS. 36-02105B, 36-02109D, 36-02342B, 36-02447D,
36-02469G, 36-02538B AND 36-07823B IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 130.0 ACRES IN A SINGLE IRRIGATION SEASON.

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

AJ5856NP

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

DATE: MAY-19-1998
PAGE: A-12

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-025388 (CONT)

OTHER PROVISIONS (CONT)

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE



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

May 22, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TERRY MILLER
JOLENE MILLER
1175 E 800 N
RUPERT ID 83350

RE: SRBA Claim(s) 36-02105, 36-02538, 36-02342, 36-07823

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

/tf

Southern AS

APR 27 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

Department of Water Resources
Southern Region

TRANSFER NO. 5187

WATER RIGHT NO(S). 36-02105B/36-02538B/36-02342B/36-07823B
36-02109D/36-02447D/36-02469G

This is to certify that: TERRY D MILLER
JOLENE MILLER
1200 E 800 N
RUPERT ID 83350

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. 36-02105B :			
IRRIGATION	04/01 to 10/31	0.31 CFS	93.6 AF
Priority: 01/19/1951			
Right No. 36-02538B :			
IRRIGATION	04/01 to 10/31	0.15 CFS	63.4 AF
Priority: 03/15/1962			
	SUBTOTAL:	** 0.46 CFS	** 93.6 AF
Right No. 36-02342B :			
IRRIGATION	04/01 to 10/31	0.49 CFS	98.4 AF
Priority: 12/20/1957			
Right No. 36-07823B :			
IRRIGATION	04/01 to 10/31	0.23 CFS	48.0 AF
Priority: 09/08/1978			
Right No. 36-02109D :			
IRRIGATION	04/01 to 10/31	0.21 CFS	74.4 AF
Priority: 02/08/1951			
Right No. 36-02447D :			
IRRIGATION	04/01 to 10/31	0.006 CFS	2.5 AF
Priority: 07/22/1960			
Right No. 36-02469G :			
IRRIGATION	04/01 to 10/31	0.77 CFS	200.0 AF
Priority: 01/24/1961			
	TOTAL:	*** 2.166 CFS ***	516.9 AF

TRANSFER NO. 5187
 WATER RIGHT NO(S). 36-02105B/36-02538B/36-02342B/36-07823B
 36-02109D/36-02447D/36-02469G

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 07S, Range 26E
 , BLAINE 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>
07S	26E	30	SWSE 32.5	SESE 32.5		65.0
		31	NENE 32.5	NWNE 32.5		65.0
Total number of acres irrigated:						* 130.0

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
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. 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing
- * 7. Right 36-02105B is limited to the irrigation of 23.4 acres in the place of use described above in a single irrigation season.
- * 8. Right 36-02538B is limited to the irrigation of 23.4 acres in the place of use described above in a single irrigation season.
- * 9. Rights 36-02105B and 36-02538B when combined shall not exceed a
- ** total annual diversion volume of 93.6 af at the field headgate, and the irrigation of 23.4 acres.
- * 10. Right 36-02342B is limited to the irrigation of 24.6 acres in the place of use described above in a single irrigation season.
- * 11. Right 36-07823B is limited to the irrigation of 12.0 acres in the place of use described above in a single irrigation season.
- * 12. Right 36-02109D is limited to the irrigation of 18.6 acres in the place of use described above in a single irrigation season.
- * 13. Right 36-02447D is limited to the irrigation of 20.0 acres in the place of use described above in a single irrigation season.

TRANSFER NO. 5187
WATER RIGHT NO(S). 36-02105B/36-02538B/36-02342B/36-07823B
36-02109D/36-02447D/36-02469G

CONDITIONS OF APPROVAL AND REMARKS

- * 14. Rights 36-02109D and 36-02447D when combined shall not exceed a the irrigation of 20.0 acres in the place of use described above in a single irrigation season.
- * 15. Right 36-02469G is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- * 16. Rights 36-02105B, 36-02109D, 36-02342B, 36-02447D, 36-02469G,
*** 36-02538B and 36-07823B when combined shall not exceed a total diversion rate of 2.166 cfs, a total annual diversion volume of 516.9 af at the field headgate, and the irrigation of 130.0 acres.

Dated this 1st day of April, 1998

J. Glen Saylor
Chief, Water Allocation Bureau

MEMO

TO: Files X36-02105/02342/02538/07823, R36-02469C/02109A/02447A

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5187

DATE: March 31, 1998

Transfer 5187 changes the point of diversion and place of use under a portion ✓
of Rights 36-02105, 36-02342, 36-02538, 36-07823 (split into Parts A & B),
36-02469C (split into Parts F & G), 36-02109A and 36-02447A (split into
Parts C & D).

These rights already contained limiting combined right conditions that were ✓
considered when the rights were split. Right 36-02447D overlapped with
Right 36-02109D including an additional 1.4 acres that when split for this
transfer provides minimal rate of diversion (0.006 cfs). The database
standard for cfs extends to the hundredths, but in order to record the
associated rate it was extended to the thousandth.

✓
Right 36-02447 was adjusted to current volume standards. Recommended
conditions include drilling permit requirements, annual reporting, irrigation
overlap, permissible place of use, combined right limits and standard transfer
conditions.