

2001 APR -6 PM 2:52

36-07273A
36-07273B

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. 36-07273, 36-07273A,
36-07273B

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):

[X] Change in Ownership

[X] Point of Diversion

[X] Period of Use

[X] Split of Water Right

[X] Place of Use

[X] 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:

4/5/01

Douglas Green
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4/6, 2001, 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:
Douglas Grant
Clarice Grant
600 N 707 E
Rupert ID 83350
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Whitesides Dairy
c/o Duane Grant
600 N 707 E
Rupert ID 83350
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

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

3/14/01

RIGHT NUMBER: 36-07273

SPLIT RIGHT: SEE RIGHT NOS. 36-07273A AND 36-07273B.

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

03/14/2001

RIGHT NUMBER: 36-7273A

NAME AND ADDRESS: CLARICE A GRANT
DOUGLAS E GRANT
600 N 707 E
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 2.08 CFS
416 AFY

PRIORITY DATE: 11/14/1972

POINT OF DIVERSION: T08S R25E S27 SENWNW Within MINIDOKA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	2.08 CFS 416.00 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 15 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 MINIDOKA County

T08S R25E S22	SWSW	12	T08S R25E S27	NENW	36
T08S R25E S27	NENW	35	T08S R25E S27	NWNW	13
T08S R25E S27	SWNW	5	T08S R25E S28	NENE	1
T08S R25E S28	SENE	2			

104 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 - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
PROPERTY IS ALSO KNOWN AS TRACT H OF T08S, R25E, SEC 22, 27 AND 28.

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

03/14/2001

RIGHT NUMBER: 36-7273B

NAME AND ADDRESS: WHITESIDES DAIRY
C/O DUANE GRANT
600 N 707 E
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 0.92 CFS
138 AFY

PRIORITY DATE: 11/14/1972

POINT OF DIVERSION: T08S R25E S21 SENE Within MINIDOKA County

2 POINTS OF DIVERSION LOCATED IN T08S, R25E, S21, SENE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01-01 12-31	0.92 CFS
		138.00 AFY
COMMERCIAL	01-01 12-31	0.92 CFS
		138.00 AFY

PLACE OF USE:

STOCKWATER Within MINIDOKA County

T08S R25E S21	NENE	T08S R25E S21	NWNE
T08S R25E S21	SWNE	T08S R25E S21	SENE
T08S R25E S21	NESE	T08S R25E S21	NWSE

COMMERCIAL Within MINIDOKA County

T08S R25E S21	NENE	T08S R25E S21	NWNE
T08S R25E S21	SWNE	T08S R25E S21	SENE
T08S R25E S21	SENE	T08S R25E S21	NESE
T08S R25E S21	NWSE	T08S R25E S21	SWSE
T08S R25E S21	SESE	T08S R25E S22	NENE
T08S R25E S22	NWNE	T08S R25E S22	SWNE
T08S R25E S22	SENE	T08S R25E S22	NENW
T08S R25E S22	SWNW	T08S R25E S22	SENE
T08S R25E S22	NESW	T08S R25E S22	NWSW
T08S R25E S22	SWSW	T08S R25E S22	SESW
T08S R25E S22	NESE	T08S R25E S22	NWSE
T08S R25E S22	SWSE	T08S R25E S22	SESE
T08S R25E S27	NENW	T08S R25E S27	NWNW
T08S R25E S27	SWNW	T08S R25E S27	SENE
T08S R25E S28	NENE	T08S R25E S28	NWNE
T08S R25E S28	SWNE	T08S R25E S28	SENE
T08S R25E S28	NENW	T08S R25E S28	NWNW
T08S R25E S28	SWNW	T08S R25E S28	SENE
T08S R25E S28	NESW	T08S R25E S28	NWSW
T08S R25E S28	SWSW	T08S R25E S28	SESW
T08S R25E S29	NESE	T08S R25E S29	NWSE

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.

THE PLACE OF COMMERCIAL USE AUTHORIZED BY THIS APPROVAL INCLUDES LAND OWNED BY THE RIGHT HOLDER AND OTHERS UPON WHICH WASTE WATER MAY BE APPLIED FOR IRRIGATION PURPOSES TO SATISFY WATER QUALITY REQUIREMENTS. WATER DIVERTED UNDER THIS APPROVAL SHALL NOT BE USED FOR IRRIGATION UNLESS THE WATER IS FIRST USED IN THE DAIRY AS AUTHORIZED BY THIS WATER RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PROPERTY IS ALSO KNOWN AS TRACT A AND B OF SECTION 21, AND TRACT H OF SECTION 22, 27 AND 28, T08S, R25E.

COMMERCIAL USE IS FOR A DAIRY LOCATED IN T08S, R25E, S21, SENE.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 36-7273B
Date Received: 3/13/01
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

WHITESIDES DAIRY
C/O DUANE GRANT
600 N 707 E
RUPERT ID 83350

Phone: (208)531-5149

2. Date of Priority: 11/14/1972

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	25E	21	SE NE	MINIDOKA	

5. Description of diverting works:

two wells provide water to dairy barn and corrals.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.92	138
COMMERCIAL	01/01	12/31	0.92	138

7. Total Quantity Appropriated is:
0.92 C.F.S. and/or 138 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
08S	25E	21	NE	NE		STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
			NE	NE		COMMERCIAL	
			NW	NE		COMMERCIAL	
			SW	NE		COMMERCIAL	
			SE	NE		COMMERCIAL	
			SE	NW		COMMERCIAL	
			NE	SE		COMMERCIAL	
			NW	SE		COMMERCIAL	
			SW	SE		COMMERCIAL	
			SE	SE		COMMERCIAL	
08S	25E	22	SW	SE		COMMERCIAL	
			NE	NE		COMMERCIAL	
			NW	NE		COMMERCIAL	
			SW	NE		COMMERCIAL	
			SE	NE		COMMERCIAL	
			NE	NW		COMMERCIAL	
			SW	NW		COMMERCIAL	
			SE	NW		COMMERCIAL	
			NE	SW		COMMERCIAL	
			NW	SW		COMMERCIAL	
			SW	SW		COMMERCIAL	
			SE	SW		COMMERCIAL	
			NE	SE		COMMERCIAL	
			NW	SE		COMMERCIAL	
			SE	SE		COMMERCIAL	
08S	25E	27	NE	NW		COMMERCIAL	
			NW	NW		COMMERCIAL	
			SW	NW		COMMERCIAL	
			SE	NW		COMMERCIAL	
08S	25E	28	NE	NE		COMMERCIAL	
			NW	NE		COMMERCIAL	
			SW	NE		COMMERCIAL	
			SE	NE		COMMERCIAL	
			NE	NW		COMMERCIAL	

			NW	NW	COMMERCIAL
			SW	NW	COMMERCIAL
			SE	NW	COMMERCIAL
			NE	SW	COMMERCIAL
			NW	SW	COMMERCIAL
			SW	SW	COMMERCIAL
			SE	SW	COMMERCIAL
08S	25E	29	NE	SE	COMMERCIAL
			NW	SE	COMMERCIAL

11. Place of use in counties: MINIDOKA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

3/13/01 tf; claim split from 36-07273 pursuant to approved transfer 5666:

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. 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.

4. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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 Transfer 5666 shall not exceed 0.92 cfs, nor a total combined annual volume of 138.0 af.

10. The place of commercial use authorized by this approval includes land owned by the right holder and others upon which waste water may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.

11. Approval of Transfer 5666 does not grant any right-of-way or easement for use of lands owned by person(s) other than the right holder.

12. Commercial use is for a dairy located in the SENE, S21, T08S, R25E.

13. Two (2) points of diversion are located within the SENE, S21, T08S, R25E.

14. The place of use is also known as Tract A and B of S21, and Tract H of S22, 27 and 28, T08S, R25E.

15. Basis of Claim: Decreed



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

April 6, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WHITESIDES DAIRY
C/O DUANE GRANT
600 N 707 E
RUPERT ID 83350

RE: SRBA Claim(s) 36-7273

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

cc: Clarice and Douglas Grant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED TRANSFER OF WATER RIGHT

JUN 23 2000

Department of Water Resources
Southern Region

TRANSFER NO. 5666
WATER RIGHT NO. 36-07273B

This is to certify that: WHITESIDES DAIRY
C/O DUANE GRANT
600 N 707 E
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>
STOCKWATER	01/01 to 12/31	0.92 CFS	138.0 AF
COMMERCIAL	01/01 to 12/31	0.92 CFS	138.0 AF
	Totals	* 0.92 CFS	138.0 AF *

SOURCE

GROUNDWATER

Priority: 11/14/1972

LOCATION OF POINT(S) OF DIVERSION:

SENE, Sec. 21, Township 08S, Range 25E
MINIDOKA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08S 25E 21	NENE	NWNE	SWNE
	SENE	NESE	NWSE

PLACE OF USE: COMMERCIAL

TWN RGE SEC

08S 25E 21	NENE	NWNE	SWNE
	SENE	SENE	NESE
	NWSE	SWSE	SESE
22	NENE	NWNE	SWNE
	SENE	NENW	SWNW
	SENE	NESW	NWSW
	SWSW	SESW	NESE
	NWSE	SWSE	SESE
27	NENW	NWNW	SWNW
	SENE		
28	NENE	NWNE	SWNE

TRANSFER NO. 5666
WATER RIGHT NO. 36-07273B

PLACE OF USE: COMMERCIAL
TWN RGE SEC

	SENE	NENW	NWNW
	SWNW	SESW	NESW
29	NWSW	SWSW	SESW
	NESE	NWSE	

CONDITIONS OF APPROVAL AND REMARKS

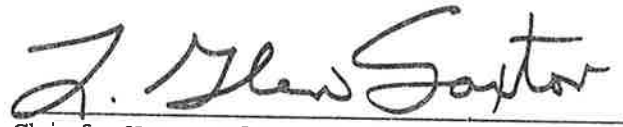
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
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 Transfer 5666 shall not exceed 0.92 cfs, nor a total combined annual volume of 138.0 af.
10. The place of commercial use authorized by this approval includes land owned by the right holder and others upon which waste water may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
11. Approval of Transfer 5666 does not grant any right-of-way or easement for use of lands owned by person(s) other than the right owner.

TRANSFER NO. 5666
WATER RIGHT NO. 36-07273B

CONDITIONS OF APPROVAL AND REMARKS

12. Commercial use is for a dairy located in the SENE, S21, T08S, R25E.
13. Two (2) points of diversion are located within the SENE, S21, T08S, R25E.
14. The place of use is also known as Tract A and B of S21, and Tract H of S22, 27 and 28, T08S, R25E.

Dated this 19th day of June, 2000.



Chief, Water Allocation Bureau