

2001 FEB 16 PM 1:43

FILED
TWIN FALLS CO., IDAHO

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. 36-07295, 36-07295A,
36-07295B, 36-07295C

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

☒ Point of Diversion

☒ Period of Use

☒ Split of Water Right

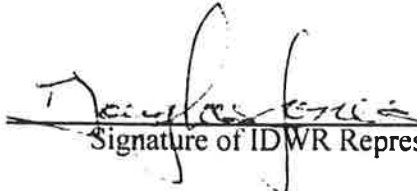
☒ Place of Use

☒ 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: 2/14/01


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/16, 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:

Jack Hirai
Kunie Hirai
3192 S 1300 E
Wendell ID 83355

3. One Copy to:

Claimant/Purchaser for Substitution of Party or attorney of record:

Southfield Dairy
3308 S 1600 E
Wendell ID 83355

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

2/2/01

RIGHT NUMBER: 36-07295

SPLIT RIGHT: SEE RIGHT NOS. 36-07295A, 36-07295B, AND 36-07295C.

02/1/2001

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

RIGHT NUMBER: 36-7295A

NAME AND ADDRESS: SOUTHFIELD DAIRY
3308 S 1600 E
WENDELL ID 83355

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.43 CFS
708.0 AFY

PRIORITY DATE: 12/11/1973

POINT OF DIVERSION:

T08S R14E S8 NESE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	2.430 CFS 708.00 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 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 GOODING County

T08S R14E S08	NENE	4.0	T08S R14E S08	NWNE	36.0
T08S R14E S08	SWNE	40.0	T08S R14E S08	SENE	37.0
T08S R14E S08	NESE	40.0	T08S R14E S08	SESE	20.0

177 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: License

02/1/2001

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

RIGHT NUMBER: 36-7295B

NAME AND ADDRESS: SOUTHFIELD DAIRY
3308 S 1600 E
WENDELL ID 83355

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.80 CFS
763.6 AFY

PRIORITY DATE: 12/11/1973

POINT OF DIVERSION:

T08S R14E S9 NWSW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 10/31

2.800 CFS

763.60 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 GOODING County

T08S R14E S08	NENE	4.0	T08S R14E S09	SENW	37.0
T08S R14E S09	NESW	37.5	T08S R14E S09	NWSW	37.5
T08S R14E S09	SWSW	37.4	T08S R14E S09	SESW	37.5

190.9 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: License

02/2/2001

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

RIGHT NUMBER: 36-7295C

NAME AND ADDRESS: SOUTHFIELD DAIRY
3308 S 1600 E
WENDELL ID 83355

SOURCE: GROUND WATER

QUANTITY: 0.32 CFS
42.7 AFY

PRIORITY DATE: 12/11/1973

POINT OF DIVERSION:

T08S R14E S9 SWNW Within GOODING County

2 POINTS OF DIVERSION LOCATED IN T08S, R14E, S09, SWNW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.160 CFS 34.70 AFY
COMMERCIAL	1/01 12/31	0.160 CFS 8.00 AFY

PLACE OF USE:

STOCKWATER Within GOODING County

T08S R14E S09 SWNW

COMMERCIAL same as STOCKWATER

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: License

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 2319

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Jack Hirai Phone 536-6228
Post Office address 3192 S. 1300 E., Wendell, ID 83355

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Some of the irrigated ground is being converted to a dairy. Two new wells will be needed to run the dairy

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------|-------------------|--------------------|-------------------|----------------------------|
| <u>36-07295A</u> | <u>12-11-1973</u> | <u>2.80 cfs</u> | <u>Irrigation</u> | <u>4-1</u> to <u>10-31</u> |
| <u>36-07295C</u> | <u>"</u> | <u>0.16 cfs</u> | <u>Commercial</u> | <u>1-1</u> to <u>12-31</u> |
| <u>"</u> | <u>"</u> | <u>0.16 cfs</u> | <u>Stockwater</u> | <u>"</u> to <u>"</u> |
2. Total amount of water being transferred 3.12 cubic feet per second and/or 812.2 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	9	8S	14E	Gooding	Part A well (irrigation)
		SW	NW	9	"	"	"	2 wells for Part C (dairy)

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
B) 8S	14E	9									37	37.5	37.5	37.5					186.9
C) 8S	14E	9								C.S									

Total acres 186.9

PART 1

6. General Information:

a. Description of diversion system Existing well & pump, mainline to ^{one full & one 40-gpm} ~~the~~ pivots with ^{pivot} end booms for irrigation. 2 new connected wells & pumps, storage tank for dairy

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Will no longer be irrigated.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

Jack Harris

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-07295

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	5.55 CFS	1619.6 AF

SOURCE

GROUNDWATER

Priority: 12/11/1973

LOCATION OF POINT(S) OF DIVERSION:NWNWSW , Sec. 9, Township 08S, Range 14E
GOODING CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	14E	8	NENE 4	NWNE 36	SWNE 40	
			SENE 37	NESE 40	SESE 20	177
		9	SWNW 37	SENE 37	NESW 40	
			NWSW 39	SWSW 37.4	SESW 37.5	227.9
Total number of acres irrigated:						404.9

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 36-07295 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 12-11-1993

5. Water is used for the following purpose:

amount 5.55 cfs for Irrig. purposes from 4-1 to 11-1
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 5.55 cubic feet per second and/or 204 1619.6 acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	9	8S	14E	Gooding	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	14E	8	8	31	40	32.4									40			37.6	180.9
		9							37	37	37.5	37.5	37.5	37.5					234

Total acres 404.9

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 3.12 cfs for Irrig. purposes from 4-1 to 11-1
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	14E	8	4																4
		9							37	37	37.5	37.5	37.4	37.5					223.9

Total acres 227.9

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.43 cfs for Irrig. purposes from 4-1 to 11-1
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

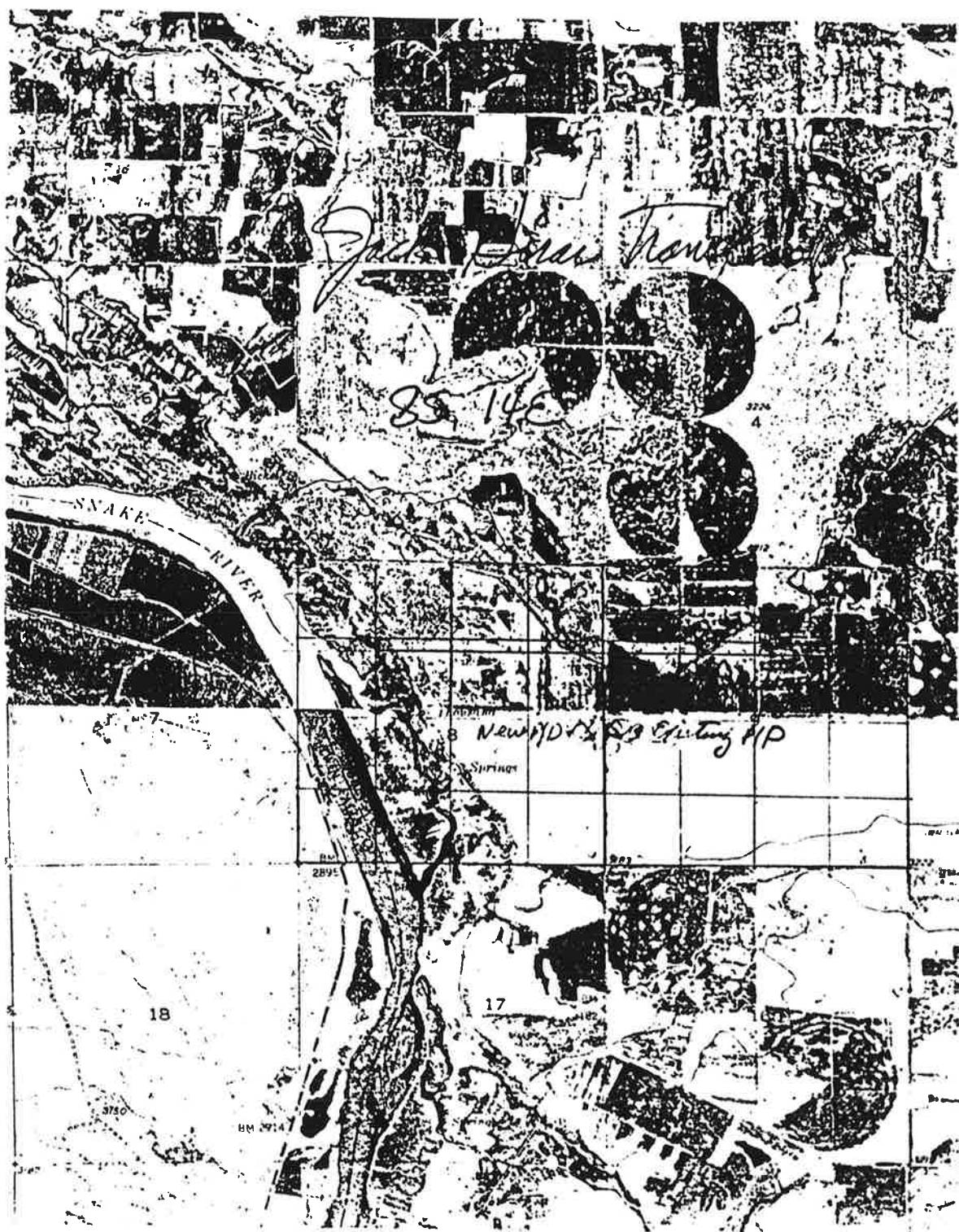
2. Point(s) of Diversion: Same

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	14E	8	4	31	40	32.4									40			32.5	176.9
		9										0.1							0.1

Total acres 177



85, 14E



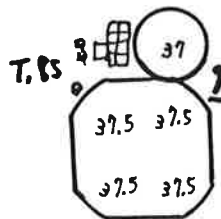
Page 5 of 6

Transfer No. 4319

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

R. 14E



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Stockwater</u>	<u>0.16 cfs</u>	<u>52.0 MFA</u>	<u>1-1</u> to <u>12-31</u>
	<u>Commercial</u>	<u>0.16 cfs</u>	<u>12.6 MFA</u>	<u>"</u> to <u>"</u>

2. Quantity and quality of return flows and location of discharge:

All the wastewater will be contained on the property thru evaporation or land application.

3. Describe effects on other water uses resulting from the proposed change:

No change expected, less volume will be used because more land will be taken out of production than is needed to provide water for the dairy.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

X [Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 25th day of February, 19 94.

Mary A. Baldwin
(Notary Public)

My commission expires 10/16/1998

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by JP [Signature] Date 2-25-94

Protest filed by _____

Prelim. check by NIS Fee \$50.00 5016586

Received by [Signature] Date 2-25-94

Published in Leading Co. Leader

Copies of protest forwarded by _____

Pub. dates 7:30 + 4/6/94

Hearing held by _____ Date _____

Watermaster recommendation requested on N/A

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

FEB 28 1994

Department of Agriculture
Division of Water Control