

COPY

2000 JUN 23 PM 1:55

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 PROCEEDINGS
Water Rights 36-07342 and 36-07462

IDWR has completed the following Administrative Proceeding:

- ☐ Change of Address
☐ Substitution of Party
☒ I.C. 42-222 Transfer

I.C. 42-422 TRANSFERS

An Administrative Proceeding pursuant to I.C. 42-222 has been completed for water rights 36-07342 and 36-07462 and all appeal times have run. The following changes have been made to the water rights:

- ☒ Point of Diversion ☐ Place of Use
☐ Period of Use ☐ Nature of Use

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
6/21/2000

36-07342 AND 36-07462

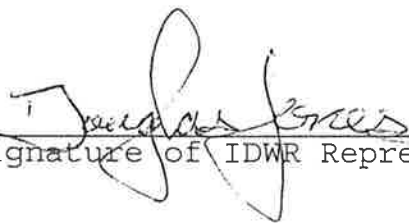
PAGE 1

36-7342

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 Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 21, 2000



Signature of IDWR Representative

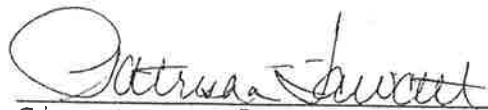
CERTIFICATE OF MAILING

I certify that on 6/23/2000 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
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Each party in the subcase, or attorney of record:

ELMER JOHNSON JR
3520 S 2100 E
WENDELL ID 83355

JUDY JOHNSON
3520 S 2100 E
WENDELL ID 83355
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
4. 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

AJ5856NP

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

DATE: JUN-21-2000

PAGE: A-1

RIGHT NUMBER: 36-07342

NAME & ADDRESS: ELMER JOHNSON JR
JUDY JOHNSON
3520 S 2100 E
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 2.23 CFS
604.0 AFY

PRIORITY DATE: 06/20/1973

POINT OF DIVERSION: T08S R15E S35 SWSWNW Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	2.23 CFS
			604.0 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 GOODING County
T08S R15E S35 NENW 40 NWNW 36 SWNW 40 SENW 35
151 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 - DECREE

AJ5856NP

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

DATE: JUN-21-2000

PAGE: A-2

RIGHT NUMBER: 36-07462

NAME & ADDRESS: ELMER JOHNSON JR
JUDY JOHNSON
3520 S 2100 E
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.89 CFS
320.0 AFY

PRIORITY DATE: 04/03/1974

POINT OF DIVERSION: T08S R15E S34 SENE Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.89 CFS
			320.0 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 GOODING County
T08S R15E S34 NENE 40 SENE 40
80 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 - DECREE

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
NORTH SIDE CANAL CO. LTD.



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

June 23, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ELMER JOHNSON JR
JUDY JOHNSON
3520 S 2100 E
WENDELL ID 83355

RE: SRBA Claim(s) 36-07342, 36-07462

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

Enclosure

NCAP-both

Southern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5156
WATER RIGHT NO(S). 36-07342/36-07462

RECEIVED
NOV 23 1998
Department of Water Resources
Southern Region

This is to certify that: ELMER JOHNSON JR
JUDY JOHNSON
3520 S 2100 E
WENDELL ID 83355

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.

36-07342 & 5156

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-07342 : IRRIGATION Priority: 06/20/1973	04/01 to 10/31	2.23 CFS	604.0 AF
Right No. 36-07462 : IRRIGATION Priority: 04/03/1974	04/01 to 10/31	0.89 CFS	320.0 AF
TOTAL:		3.12 CFS	924.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

Right No. 36-07342 : SWNW , Sec. 35, Township 08S, Range 15E
Right No. 36-07462 : SENE , Sec. 34, Township 08S, Range 15E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
Right No. 36-07342 :				
08S 15E 35	NENW 40	NWNW 36	SWNW 40	151
	SENE 35			151
Total number of acres irrigated:				151
Right No. 36-07462 :				
08S 15E 34	NENE 40	SENE 40		80
Total number of acres irrigated:				80

TRANSFER NO. 5156
WATER RIGHT NO(S). 36-07342/36-07462

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. Water used under Right 36-07462 is combined with water from North Side Canal Co. Ltd.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 36-07462 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
8. Right 36-07462 shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

Dated this 16th day of November, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 36-07342 & 36-07462

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5156

DATE: September 30, 1998

skc 

Transfer 5156 changes the point of diversion under Right 36-07462, and changes the rates of diversion under both Rights 36-07342 and 36-07462 to separate the systems and remove the point of diversion overlap combined limits.

These rights were developed from the same well and are both currently owned by the applicant. The second right developed, 36-07462, was given a combined right diversion rate limit of the capacity of the well, 3.12 cfs. Each right was given an inch per acre diversion rate that when combined exceeds the capacity limit. The applicant is now proposing to drill a new well for the second right and have two separate systems under these rights.

In order to eliminate any expansion in use, both rights are being modified to reflect more accurately the individual uses and limits of these rights. The applicant has been advised of this proposal and agrees with the following recommendations. The full circle pivot system under Right 36-07342 requires 1000 gpm or 2.23 cfs to run according to the applicant and will be retained under this right. He will adjust the system from the proposed well to divert the remaining balance of the combined rights, 399 gpm or 0.89 cfs, under Right 36-07462 to serve the half pivot. Each right still provides the full irrigation volume requirement following this adjustment.

Recommended conditions include drilling permit requirements & supplemental groundwater conditions under Right 36-07462, and measuring & annual reporting requirements, irrigation overlap, & standard conditions under both rights.