

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 NOV 4 PM 2 50

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: 37-7598B (Split)

) 37-7598E and 37-7598F

) 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

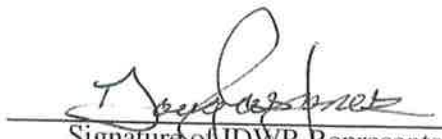
☒ Nature of Use

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: _____

11/3/09


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-4, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required 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. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724

Charles T. Foley
Kathleen Maher Foley
1 East End Ave Apt #12
New York NY 10075

James P. Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340



Signature of person or attorney mailing the form

11/2/2009

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-7598B	KATHLEEN MAHER FOLEY 1 EAST END AVE APT #12 NEW YORK NY 10075	Disallowed	Recommended as 37-7598E and 37-7598F.
	CHARLES T FOLEY 1 EAST END AVE APT #12 NEW YORK NY 10075		

11/02/2009

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

RIGHT NUMBER: 37-7598E
NAME AND ADDRESS: CHARLES T FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075
KATHLEEN MAHER FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075

SOURCE: GROUND WATER
QUANTITY: 0.290 CFS
76.20 AFY
TRIBUTARY:

Right Nos. 37-2686E and 37-7598E are limited to a total combined annual diversion volume of 76.2 AF.

PRIORITY DATE: 07/08/1977

POINT OF
DIVERSION:

T01S R19E S23 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	0.290 CFS 76.20 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R19E S23 NESE 24.40	T01S R19E S23 NWSE 1.00	
	25.4 ACRES TOTAL		

Right Nos. 37-2686E and 37-7598E are limited to the irrigation of a combined total of 25.4 acres in a single irrigation season.

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 -

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

11/02/2009

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

RIGHT NUMBER: 37-7598F
NAME AND ADDRESS: CHARLES T FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075
KATHLEEN MAHER FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.000 CFS
6.30 AFY

The pond established by the storage of water under rights 37-2686F, 37-7598F, and 37-22454 shall not exceed a total capacity of 12.8 acre-feet or a total surface area of 2.6 acres.

Rights 37-2686F, 37-7598F, and 37-22454 authorize the diversion of an annual total of 19.3 acre-feet to be used for the storage of water in a pond and for the replacement of losses caused by evaporation from the pond.

Rights 37-2686F and 37-7598F when combined shall not exceed a total annual maximum diversion volume of 6.3 af.

PRIORITY DATE: 07/08/1977

POINT OF
DIVERSION:

T01S R19E S23 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	6.30 AFY
AESTHETIC STORAGE	01/01 12/31	6.30 AFY

PLACE OF USE:

RECREATION STORAGE in BLAINE County

T01S R19E S23 NESE

AESTHETIC STORAGE in BLAINE County

T01S R19E S23 NESE

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

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

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

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

The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

November 4, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CHARLES FOLEY
KATHLEEN MAHER FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075

RE: SRBA Claim(s) 37-2686B, 37-7598B, 37-2696

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

cc: James P. Speck