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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2727A

WATER RIGHT NUMBER: 35-2727A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROY E HINCKS 2851 W 900 S STERLING, ID 83210 (208)328-2440

Priority Date: 03/13/1965

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.130 CFS	24.80 AF
MITIGATION	04/01 to 11/01	1.990 CFS	383.20 AF
	<u>Total Diversion:</u>	2.120 CFS	408.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4NW1/4	Sec. 17, Twp 04S, Rge 31E, B.M.
BINGHAM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04S	31E	18	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	11.0

Total Acres: 11

MITIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04S	31E	17	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X	X		X	X	X										
04S	31E	18				X													

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2727A

1. C18 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.
2. E14 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 11 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-2727A, 35-07603C
3. E27 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.12 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 724 AF. COMBINED RIGHT NOS.: 35-02727A, 35-07603C
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 6.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Remarks:Comments:

1. Kay Walker 3/11/2005 Mitigation

Comment: This right has been changed to show the mitigation use that was added due to approval of Permit 35-13521. The right holder changed 1.99 cfs, 383.2 af and 95.8 acres under this right to compensate for the mitigation use. See Permit 35-13521 for mitigation use.

Dates and Other Information:

Licensed Date:
 Decreed Date: 4/2/2002
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.12	724	11

Combined Water Rights: 35-2727A , 35-7603C

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2727A

SubCase:

SubCase Number: 35-2727A

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 2/20/2002

Attorney Assigned:

Adjudication Agent:

Basis of Claim:

RECEIVED

APR - 5 2002

2002 APR - 2 PM 1: 20

Department of Water Resources

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

)
)
)
)
ORDER OF PARTIAL DECREE

For Water Rights 35-02727A & 35-02727B

On February 20, 2002, a *Special Master's Report and Recommendation* was filed for the above water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water rights 35-02727A and 35-02727B are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED 4/2/02

Roger S. Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

In Re SRBA)
)
Case No. 39576)
)

Water Right 35-02727A

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

PAGE 1
Apr-02-2002

2002 APR 02 PM 02:00
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-02727A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-02727A was mailed
on April 02, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ROY E HINCKS
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200


ROBBIN GLATZ
Chief Deputy Clerk

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

2002 APR 2 PM 1:20
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

In Re SRBA

) Subcase 35-02727
)

Case No. 39576
_____)

) FINAL ORDER DISALLOWING WATER
) RIGHT

On February 20, 2002, a *Special Master's Report and Recommendation* was filed for the above water right claim recommending that it not be confirmed in any partial or final decree and that the claim be dismissed with prejudice. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the findings of fact and conclusions of law contained in the *Special Master's Report* and wholly adopts them as its own.

THEREFORE IT IS ORDERED AND ADJUDGED that water right claim 35-02727 is hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED 4/2/02

Roger S. Burdick
ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the FINAL ORDER
DISALLOWING WATER RIGHT was mailed on April 02, 2002, with sufficient
first-class postage to the following:

ROY E HINCKS

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

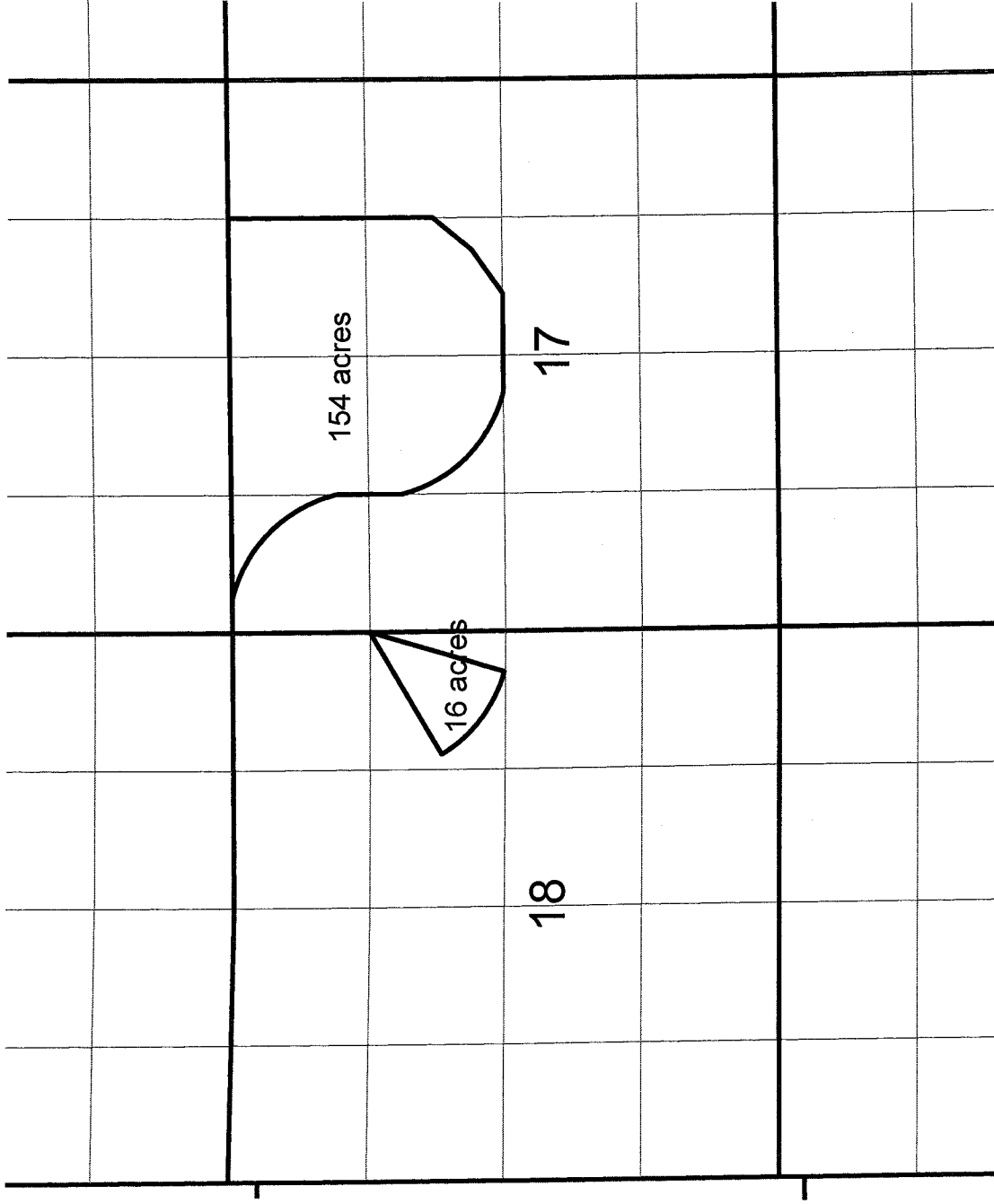
DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

Mitigation Area Place of Use

35-2727A & 35-7603C

Secs. 17 & 18, T04S, R31E



- ☐ 35-2727a miti.shp
- ☐ GCDB04S31E GCDB
- ☐ Sections

