

No Color  
Documents  
In File

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type Attach pages with additional information Instructions are included at the end of this form.  
 Incomplete forms will be returned.

RECEIVED  
 JUL 17 2002  
 Department of Water Resources  
 Eastern Region

- 1 Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required

| Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split |
|----------------------|-----------------------------|-------|----------------------|-----------------------------|-------|
| 34-07044 <i>pd</i>   | _____                       | ___   | 34-00774 <i>pd</i>   | _____                       | ___   |
| 34-10562 <i>pd</i>   | _____                       | ___   | 34-00775 <i>pd</i>   | _____                       | ___   |
| 34-0773 <i>pd</i>    | _____                       | ___   | 34-10567 <i>pd</i>   | _____                       | ___   |
| 34-00583C <i>pd</i>  | _____                       | ___   | 34-10568 <i>pd</i>   | _____                       | ___   |
| 34-00584F <i>pd</i>  | _____                       | ___   |                      |                             |       |

RECEIVED  
 JUL 11 2003  
 Department of Water Resources

- 2 The following **REQUIRED** information must be submitted with this form

- A The appropriate **FILING FEE** See instructions for fee amounts *5225-*
- B A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**
- C Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county)  
**OR**  
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3 Name and Address of Former Owner/Claimant(s) Terrence V. Donahue & Carol J. Donahue  
Star Route, Mackay, ID 83251

4 New Owner/Claimant(s) Donahue Ranch, LP  
 Name Connector (Check one) ☐ and, ☐ or, ☐ and/or

New Mailing Address 5458 Fish Hatchery Road

City, State and ZIP Code Mackay, ID 83251

New Telephone Number (208) 588-2298

5 Date you acquired the property November 27, 2001

SUPPORT DATA  
 IN FILE # 34-583C  
 MICR  
 JUL 10 2003

- 6 If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary) If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) Donahue Ranch, LP  
(include title if applicable) ✓ Lawrence V. Donahue, General Partner

For Snake River Basin Adjudication Claims Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims

**For Office Use Only**

Received by gc Date 7-23-02 Fee \$225  
 Receipted by gc Date 7-23-02 Receipt No E027992  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

MICROFILMED

10 10 2003

2002 JUL 10 PM 2:12

DISTRICT COURT-SREA  
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     | ) | Water Right 34-10562                    |
|                | ) |                                         |
|                | ) | ORDER AMENDING IRRIGATION PERIOD OF USE |
|                | ) | ELEMENT IN PARTIAL DECREE and           |
| Case No. 39576 | ) | INCORPORATING INTO PARTIAL DECREES AN   |
|                | ) | EXPRESS STATEMENT REGARDING GENERAL     |
|                | ) | PROVISIONS, <i>NUNC PRO TUNC</i>        |

A *Partial Decree* was entered for the above-captioned irrigation water right on February 24, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE:                      04-01 to 10-31

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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. I.C. section 42-1412(6).

MICHAEL J. ...

2002 JUL 10 PM 2:12

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

**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 July 10, 2002.



ROGER BURDICK  
Presiding Judge  
Snake River Basin Adjudication

## Important Information About Your Water Right

July 10, 2002

Carol J Donahue  
Terrence V Donahue  
Star Route  
Mackay, ID 83251

RECEIVED

JUL 12 2002

Department of Water Resources

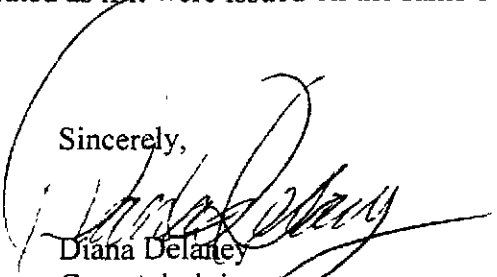
Dear Water Right Claimant(s):

Attached to this letter is a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 34-10562. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources  
1301 North Orchard  
Boise, ID 83706  
800-451-4129

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decree** that was issued for this water right on February 24, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of this water right. The original of this **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued on the same date that the **Partial Decree** was originally issued.

Sincerely,

  
Diana Delaney  
Case Administrator

MIAMI

2002

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 4086  
WATER RIGHT NO(S). 34-07044/34-10562

This is to certify that: **TERRENCE V DONAHUE**  
**CAROL J DONAHUE**  
**STAR RT**  
**MACKAY ID 83251**

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> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 34-07044 :  |                      |                       |                      |
| IRRIGATION            | 04/15 to 10/15       | 3.21 CFS              | 840.0 AF             |
| Priority: 09/19/1973  |                      |                       |                      |
| Right No. 34-10562 :  |                      |                       |                      |
| IRRIGATION            | 04/15 to 10/15       | 0.20 CFS              | 73.0 AF              |
| Priority: 05/01/1986  |                      |                       |                      |
|                       | <b>TOTAL:</b>        | <b>* 3.21 CFS</b>     | <b>* 892.5 AF</b>    |

SOURCE  
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 14, Township 08N, Range 22E  
CUSTER County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 08N                              | 22E        | 14         | SWSE 2       | SESE 36      |              | 38           |
|                                  |            | 23         | NENE 23      | SENE 33      | NESE 6       | 62           |
|                                  |            | 24         | NENW 36      | NWNW 27      | SWNW 40      | 155          |
|                                  |            |            | NESW 12      | NWSW 40      |              | 255          |
| Total number of acres irrigated: |            |            |              |              |              | ** 255       |

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

MICROFILMED

2 8 1993

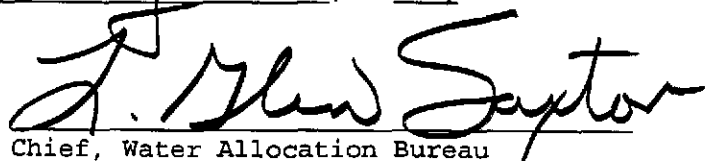
TRANSFER NO. 4086  
WATER RIGHT NO(S). 34-07044/34-10562

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. This right 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.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- \*\* 8. Right 34-07044 is limited to irrigation of 240.0 acres in the place of use described above in a single irrigation season.
- \* 9. Rights 34-07044 and 34-10562 when combined shall not exceed a total diversion rate of 3.21 cfs, a total annual maximum diversion volume of 892.5 af at the field headgate, and the irrigation of 255.0 acres.
- \*\* 10. Rights 34-00583C, 34-00584F, 34-00773, 34-00774, 34-00775, 34-07044, 34-10562, 34-10567 and 34-10568 when combined shall not exceed a total diversion rate of 11.56 cfs, a total annual maximum diversion volume of 1435.0 af at the field headgate, and the irrigation of 410.0 acres.
11. Right 34-10562 is an enlargement of Right 34-07044 pursuant to Section 42-1426, Idaho Code.
12. Right 34-10562 is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

Dated this 22<sup>nd</sup> day of

July, 1999.

  
Chief, Water Allocation Bureau

MICROFILMED

JUL 28 1999

1978 FEB 24 AM 7: 50

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**

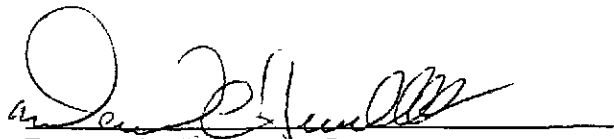
|                |   |                                 |
|----------------|---|---------------------------------|
| In Re SRBA     | ) | <b>ORDER OF PARTIAL DECREE</b>  |
|                | ) |                                 |
| Case No. 39576 | ) | <b>For Water Right 34-10562</b> |
| _____          | ) |                                 |

On October 15, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. 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 right 34-10562 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 24, 1998.



DANIEL C. HURLBUTT, JR.  
Presiding Judge  
Snake River Basin Adjudication

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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 ) Water Right 34-10562

1998 FEB 24 AM 7:50  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

NAME & ADDRESS: CAROL J DONAHUE  
TERRENCE V DONAHUE  
STAR RT  
MACKAY ID 83251

SOURCE: GROUNDWATER

QUANTITY: 0.2 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-07044 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 3.21 CFS AND A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 892.5 AF.

USE OF THIS RIGHT WITH RIGHT NOS. 34-00583C, 34-00584F,  
34-00773, 34-00774, 34-00775, 34-10567, 34-10568 AND 34-07044 IS  
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.56 CFS.

PRIORITY DATE: 05/01/1986

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A  
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED  
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS  
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION  
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR  
RIGHT.

POINT OF DIVERSION: T08N R22E S14 NWSESE Within CUSTER County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY |
|-------------------------------|----------------|-------------------|----------|
|                               | IRRIGATION     | Irrigation Season | 0.2 CFS  |

| PLACE OF USE: | IRRIGATION      | Within CUSTER County |
|---------------|-----------------|----------------------|
|               | T08N R22E S13 * | SWSW 17              |
|               | S14             | SWSE 2               |
|               | S23.            | NENE 13              |
|               | S24.            | NENW 36              |
|               |                 | NESW 21              |
|               |                 | NWNW 27              |
|               |                 | NWSW 40              |
|               |                 | SWNW 40              |
|               |                 | SENW 23              |
|               | 255 ACRES TOTAL |                      |

USE OF THIS RIGHT WITH RIGHT NO. 34-07044 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 255 ACRES IN A SINGLE  
IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 34-00583C, 34-00584F,  
34-00773, 34-00774, 34-00775, 34-10567, 34-10568 AND 34-07044 IS  
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 410 ACRES IN A  
SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT  
NO. 34-07044 PURSUANT TO SECTION 42-1426, IDAHO CODE.

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 34-10562

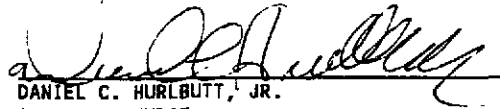
MICROFILMED

1998 2 8 1998

PAGE 1  
FEB-13-1998

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.



DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

1998 FEB 24 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): 34-10562

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 34-10562 was mailed  
on February 24, 1998, with sufficient first-class postage prepaid  
to the following:

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

CAROL J DONAHUE  
TERRENCE V DONAHUE  
STAR RT  
MACKAY, ID 83251  
Phone: 208-588-2298

DIANA DELANEY  
Chief Deputy Clerk

MICROFILMED

CERTIFICATE OF MAILING

101 2 8 1998

PAGE 1  
02/24/98



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 6, 2004

DONAHUE RANCH LP  
5458 FISH HATCHERY RD  
MACKAY ID 83251

RE: Change of Ownership for Water Rights 34-583C, 34-584F, 34-773, 34-774,  
34-775, 34-7044, 34-10562, 34-10567, 34-10568

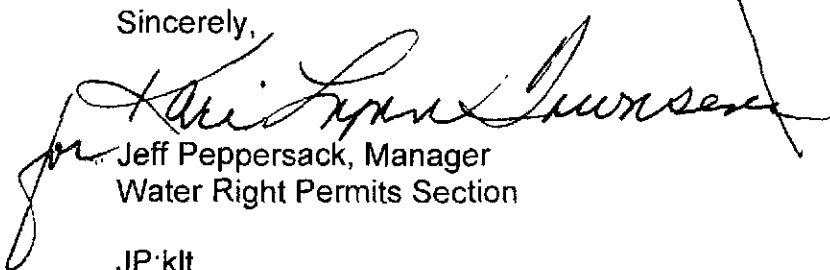
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,



Jeff Peppersack, Manager  
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED  
FEB 16 2004



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

July 29, 2003

TERRANCE V DONAHUE  
CAROL J DONAHUE  
5458 FISH HATCHERY RD  
MACKAY ID 83251

RE: Change in Ownership for Water Rights #34-583C, 34-584F, 34-773/774,775, 34-7044,  
34-10562, 34-10567/68

Dear Mr. & Mrs. Donahue:

The Department of Water Resources acknowledges receipt of the information you submitted in support of your Notice of Change in Water Right Ownership filed on July 17, 2002 for the water right no(s) referenced above. The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water rights with a place of use different than your property as described in the documentation you originally submitted. We have reviewed your information and found that it is not sufficient to resolve the place of use discrepancy.

In order to process your change in ownership, we need documentation to show that you own the water right(s) or the property described as the place of use for the water rights. (This involves **2 acres in SWSE of T8N, R22E, S14.**) If you believe that the SRBA Court issued the partial decree(s) with an error in the description of the place of use, you may be able pursue one of the following options with the Court.

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

Please contact Roxanne Brown of this office at 327-7900 if you have questions related to the SRBA. Ms. Brown can assist you with the SRBA Court's processes.

*Margaret*

SEP 10 2003

As additional alternatives, you could pursue one of the following options with the Department.

- 1) New Appropriation – an application for permit filed with the Department to develop a new water right. If a permit is approved, the priority date is the date that the application is filed. Some areas of the state are closed to new development. Please note that a water right permit is not required for certain domestic uses from a ground water source.
- 2) Water Right Transfer – an application filed with the Department to change an existing water right. In this case, the purpose of the transfer would be to change the place of use (and possibly the point of diversion) to your property description. You would need to provide evidence of ownership or authorization from the current owner of record before the Department could process the application.

If you choose to file an application for permit or transfer with the Department, you may be able to apply any fees submitted with your Notice of Change in Water Right Ownership to the application. Please contact staff from the Water Right Permits section of this office if you have additional questions related to the applications described above.

Please let us know within **30 days** how you plan to proceed. If we do not hear from you within 30 days we will return your Notice of Change in Water Right Ownership and all attachments and refund any fees submitted with your notice.

Sincerely,



Kari Lynn Townsend  
Secretary

KLT:k

Ms. Kari Lynn Townsend

FEB 10 2006



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

July 22, 2003

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

DONAHUE RANCH LP  
TERRENCE V DONAHUE  
5458 FISH HATCHERY RD  
MACKAY ID 83251

RE Change in Ownership of Water Rights 34-7044, 34-10562, 34-773, 34-583C, 34-584F,  
34-774, 34-774, 34-10567, 34-10568

Dear Mr. Donahue.

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

✓ **Legal Description of Property**

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right(s) indicated in your notice. Each of the above listed water rights includes land in the SWSE of Section 14 but your documentation shows land in the SESE of Section 14. Please provide documentation showing your ownership of land in the SWSE of Section 14. If a split of each water right needs to occur, there will be additional filing fees required.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend  
Secretary

KLT k

MAILED  
JUL 22 2003

## MEMORANDUM

**TO:** Files 34-07044 & 34-10562

**FROM:** Pam Skaggs<sup>8</sup>/State Office

**SUBJECT:** Transfer 4086

**DATE:** May 12, 1999

---

Transfer 4086 changes the place of use under Rights 34-07044 and 34-10562. This is the first of three (3) transfers reconfiguring the groundwater (Transfer 4086) and surface water (Transfers 4087 & 4088) rights used to irrigate a total of 410 acres.

The transfer was originally delayed due to SRBA recommendations including expansion claims. The issue was resolved and the rights reformatted to reflect the enlargement statute and partial decrees issued. See Carter Fritschle review memo of 03-29-99 for the specific changes made under these three transfers.

Recommended conditions include watermaster control, measuring device, supplemental groundwater, irrigation overlap, permissible place of use, combined right limits, enlargement right subordination and standard transfer conditions.

MICROFILMED

MAY 28 1999

MEMORANDUM

TO: FILE 34-10562  
FROM: PAM SKAGGS (SO)  
RE: TRANSFER # 4086  
DATE: 12/9/93

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 34-7044.

MICROFILMED

JUL 28 1999

# SRBA

## SUBCASE SUMMARY REPORT 34-10562

[Return to SRBA Home Page](#)

---

SRBA  
08-03-1998

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 34-10562      FILE#: 01758  
CLAIMANT: DONAHUE, TERRENCE V  
STATUS: PD ISSUED  
WATER SOURCE: GROUNDWATER,

\*\*\*\* PARTIES INVOLVED \*\*\*\*

|                    |        |
|--------------------|--------|
| TERRENCE V DONAHUE | PRO SE |
| CAROL J DONAHUE    | PRO SE |

\*\*\*\* ROA ENTRIES \*\*\*\*

|            |                                                                                                                                        |    |                 |
|------------|----------------------------------------------------------------------------------------------------------------------------------------|----|-----------------|
| 02-16-1994 | 42-1416/1416A CLAIM PER IDWR RPT OF 2/16/94<br>SUBCASE STAYED-12/22 ORDER RE MOT FOR STAY<br>(NOT INCLUDED IN RPT BUT D/R STATES 1416) | OT | 12-22-1997      |
| 08-07-1996 | NOTICE OF ADMINISTRATIVE PROCEEDINGS                                                                                                   | AZ | 10-06-1996 0500 |
| 04-03-1997 | PER 3/12/97 LIST OF IDWR-(42-1426 EXPANSION)                                                                                           |    |                 |
| 07-11-1997 | ORDER RE AMENDMENT OF CLAIMS (1416/1426)                                                                                               |    |                 |
| 08-19-1997 | HEARING HELD - STATUS CONFERENCE                                                                                                       | UH | 08-19-1997 0315 |
| 08-19-1997 | MINUTES - STATUS CONFERENCE                                                                                                            |    |                 |
| 08-26-1997 | NOTICE SETTING SETTLEMENT CONFERENCE                                                                                                   | LV | 09-17-1997 0130 |
| 08-26-1997 | NOTICE SETTING SCHEDULING CONFERENCE                                                                                                   | SS | 09-22-1997 1100 |
| 08-29-1997 | ORDER RESETTING SETTLEMENT CONFERENCE                                                                                                  | LS | 09-17-1997 0130 |
| 09-17-1997 | HEARING HELD - SETTLEMENT CONFERENCE                                                                                                   | LH | 09-17-1997 0130 |
| 09-19-1997 | AMENDED DIRECTOR'S REPORT FILED (ENGLARGEMENT<br>CLAIMS - RPT AREAS 1 AND 3 (BASINS 34 & 36)                                           |    |                 |
| 09-19-1997 | SETTLEMENT CONFERENCE REPORT FILED                                                                                                     |    | 09-19-1997      |
| 09-22-1997 | ORDER VACATING SCHEDULING CONFERENCE                                                                                                   |    |                 |
| 09-22-1997 | LDGD: PRELIM MASTER REPORT & RECOMMENDATION                                                                                            | MB | 10-06-1997 0500 |
| 09-22-1997 | NOTICE OF ISSUANCE - PRELIMINARY R & R                                                                                                 |    |                 |
| 09-22-1997 | CERTIFICATE OF MAILING - PRELIMINARY R & R                                                                                             |    |                 |
| 10-15-1997 | REPORT & RECOMMENDATION OF MASTER                                                                                                      | CB | 11-28-1997      |
| 10-15-1997 | NOTICE OF ISSUANCE - FINAL R & R                                                                                                       |    |                 |
| 10-15-1997 | CERTIFICATE OF MAILING - FINAL R & R                                                                                                   |    |                 |
| 02-24-1998 | ORDER OF PARTIAL DECREE                                                                                                                |    |                 |
| 02-24-1998 | PARTIAL DECREE FILED                                                                                                                   |    | 02-24-1998      |
| 02-24-1998 | CERTIFICATE OF MAILING - PARTIAL DECREE                                                                                                |    |                 |

---

[Return to SRBA Home Page](#)

---

MICROFILMED

8/3/98

101 2 8 1999

10:59:41 AM