

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
34-07044 <i>pd</i>			34-00774 <i>pd</i>		
34-10562 <i>pd</i>			34-00775 <i>pd</i>		
34-07773 <i>pd</i>			34-10567 <i>pd</i>		
34-00583C <i>pd</i>			34-10568 <i>pd</i>		
34-00584F <i>pd</i>					

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 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

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 SUPPORT DATA
 IN FILE FEB 11 2004

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 (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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Donahue Ranch, LP
(include title if applicable) x *Jerome 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 <u>gc</u>	Date <u>7-23-02</u>	Fee <u>\$225</u>	
Received by <u>gc</u>	Date <u>7-23-02</u>	Receipt No. <u>E027992</u>	
Processed by <u>AJ</u>	Date _____	WR _____	Date _____

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Important Information About Your Water Right

June 27, 2002

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

RECEIVED

JUL - 1 2002

Department of Water Resources

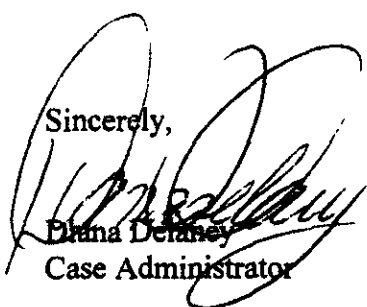
Dear Water Right Claimant(s):

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 34-7044. 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 5, 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

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2002 JUN 27 PM 2:09
DISTRICT COURT-SRBA
TWIN FALLS, 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	)	Water Right 34-7044
	)	
	)	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 5, 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 10-15

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use after October 15 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.

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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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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 June 27, 2002.


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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FEB 10 2004

1973 FEB 25 AM 8:28

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED - 11 -

**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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 34-07044
_____	)	

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 34-07044 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 25, 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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-07044

1998 FEB 25 AM 8:28

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

SOURCE: GROUNDWATER

QUANTITY: 3.21 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 34-00583C, 34-00584F,
34-00773, 34-00774, 34-00775, 34-10562, 34-10567, 34-10568; IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.56 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 34-10562 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.21 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 892.5 AF.

PRIORITY DATE: 09/19/1973

POINT OF DIVERSION: T08N R22E S14 NWSE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	3.21 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County
	T08N R22E S13*	SWSW 17
	S14	SWSE 2
	S23*	WENE 13
	S24*	NENW 36
		NWNW 27
		NWSW 40
		SWNW 40
		SENE 23
	255 ACRES TOTAL	

USE OF THIS RIGHT WITH RIGHT NOS. 34-00583C, 34-00584F,
34-00773, 34-00774, 34-00775, 34-10562, 34-10567, 34-10568; IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 410 ACRES IN A
SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 34-10562 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 255 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-07044

MILNE

PAGE 1
FEB-13-1998

FEB 10 2004

1998 FEB 25 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): 34-07044

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 34-07044 was mailed
on February 25, 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

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING
MAY 10 2004

PAGE 1
02/25/98



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

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

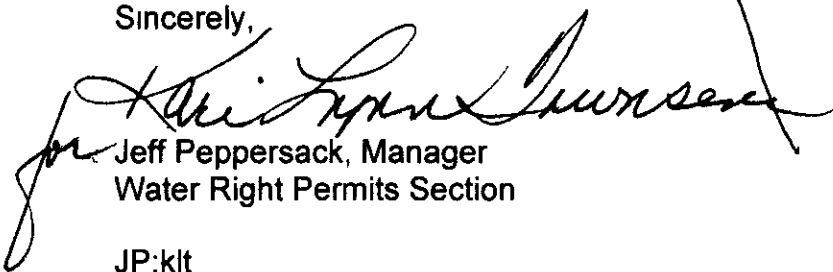
Dear Water Right Holder(s):

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

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FEB 10 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

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.

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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

MICROFILMED

FEB 10 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

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

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FEB 10 2004