

No Color
Documents
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District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

December 14, 2001

UNITED STATES OF AMERICA ACTING THROUGH
"USDI BUREAU OF LAND MANAGEMEN
IDAHO STATE OFFICE
1387 S VINNELL WAY"
BOISE, ID 83709-1657

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 34-02373B. 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 January 02, 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 the 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 the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

MICHAEL
FEB 10 2002

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)
_____)

Water Right 34-02373B

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on January 02, 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, 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 recommendation and the time period for filing objections has now expired.

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

PERIOD OF USE: 04-01 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).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any 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 December 14, 2001

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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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 Right 34-02373B

On November 19, 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 34-02373B is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 2, 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 34-023738

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709

SOURCE: GROUNDWATER

QUANTITY: 0.26 CFS
45.5 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 34-00378B AND 34-13572B IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.30 CFS.

PRIORITY DATE: 07/05/1960

POINT OF DIVERSION: T05N R26E S10 NWNEW Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	0.26 CFS 45.5 AFY

PLACE OF USE: IRRIGATION Within BUTTE County
T05N R26E S10 NWE 8 NESE 5
13 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 34-00378B AND 34-13572B IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 13 ACRES 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

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1998 JAN 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): 34-02373B

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 34-02373B was mailed
on January 02, 1998, with sufficient first-class postage prepaid
to the following:

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

USDI BLM
Represented by:
U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

RANDAL G DAMIANA
SANDARA L DAMIANA
ROUTE 1 BOX 113A
MOORE, ID 83255

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

Micro. 11/1/98
FEB 10 2004

PAGE 1
01/02/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68518

This is to certify that: RANDAL G DAMIANA
RT 1 BOX 113A
MOORE ID 83255
(208)554-3104

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
34-2373A	AJC/License	07/05/1960	3.4 cfs	595 af	170.0	170.0	GROUND WATER
34-2373B	AJC/License	07/05/1960	0.26 cfs	45.5 af	13.0	13.0	GROUND WATER
34-2410	AJC/License	04/10/1961	2.94 cfs	514.5 af	147.0	147.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

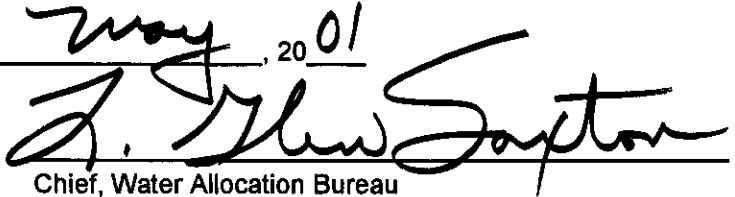
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
34-2373A	NO	NO	NO	NO	NO	NO
34-2373B	NO	NO	NO	NO	NO	NO
34-2410	NO	NO	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
34-2373A	34-2373A	3.40 cfs	595.0 af	170.0	312.0		N/A	N/A	N/A	N/A
34-2373B	34-2373B	0.10 cfs	17.5 af	5.0	5.0		N/A	N/A	N/A	N/A
34-2410	34-2410	2.94 cfs	514.5 af	147.0	312.0		N/A	N/A	N/A	N/A
TOTALS		6.44 cfs	1109.5 af	317.0	317.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 11th day of May, 2001


Chief, Water Allocation Bureau

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JUN 10 2004

WATER RIGHT NO. 34-2373A
As Modified by Transfer No. 68518

In accordance with the approval of Transfer No. 68518, Water Right No. 34-2373A is now described as follows.

Right Holder: RANDAL G DAMIANA AND
 SANDRA L DAMIANA
 RT 1 BOX 113A
 MOORE ID 83255

Priority Date: 07/05/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	3.40 CFS	595.0 AF
		3.40 CFS	595.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENE Sec. 9 Twp 05N Rge 26E BUTTE County

GROUND WATER NWNENW Sec. 10 Twp 05N Rge 26E BUTTE County

GROUND WATER NESW Sec. 10 Twp 05N Rge 26E BUTTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 26E 9	20.0			3.0									4.0			1.0	28.0
05N 26E 10			14.0		35.0	34.0	19.0	37.0	40.0	23.0	9.0	31.0		37.0	4.0	1.0	284.0

Total Acres: 312

CONDITIONS OF APPROVAL

1. Right 34-2373A is limited to the irrigation of 170.0 acres within the place of use described above in a single irrigation season.
2. Rights 34-2373A and 34-2410 when combined shall not exceed a total diversion rate of 6.34 cfs, a total annual maximum diversion volume of 1092.0 af at the field headgate, and the irrigation of 312.0 acres.
3. Rights 34-2373A, 34-378A, 34-2410 and 34-13572A when combined shall not exceed a total diversion rate of 7.30 cfs, a total annual maximum diversion volume of 1109.5 af at the field headgate, and the irrigation of 317.0 acres.

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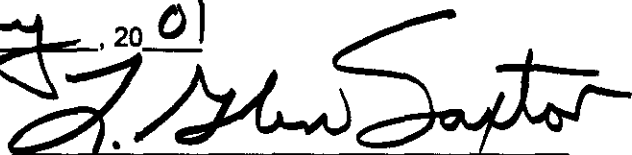
WATER RIGHT NO. 34-2373A
As Modified by Transfer No. 68518

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The total instantaneous diversion of water from all points of diversion under Transfer 68518 shall not exceed 6.44 cfs, nor total combined annual volume of 1109.5 af.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 34, Big Lost River.
8. 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.
9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. The combined diversion rate limit described in this right does not apply to the delivery of storage water to the place of use described in this right by the Big Lost River Irrigation District.
11. 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.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of May, 2001



Chief, Water Allocation Bureau

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WATER RIGHT NO. 34-2373B
As Modified by Transfer No. 68518

In accordance with the approval of Transfer No. 68518, Water Right No. 34-2373B is now described as follows.

Right Holder: UNITED STATES OF AMERICA ACTING THROUGH
 USDI BUREAU OF LAND MANAGEMENT
 IDAHO STATE OFFICE
 1387 S VINNELL WAY
 BOISE ID 83709-1657

Priority Date: 07/05/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.10 CFS	17.5 AF
			0.10 CFS	17.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENE Sec. 9 Twp 05N Rge 26E BUTTE County

GROUND WATER NWNENW Sec. 10 Twp 05N Rge 26E BUTTE County

GROUND WATER NESW Sec. 10 Twp 05N Rge 26E BUTTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 26E 10		30											20				50

Total Acres: 5

CONDITIONS OF APPROVAL

1. Rights 34-2373B, 34-378B and 34-13572B when combined shall not exceed a total diversion rate of 0.18 cfs, a total annual maximum diversion volume of 45.5 af at the field headgate, and the irrigation of 13.0 acres.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. The total instantaneous diversion of water from all points of diversion under Transfer 68518 shall not exceed 6.44 cfs, nor total combined annual volume of 1109.5 af.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 34, Big Lost River.

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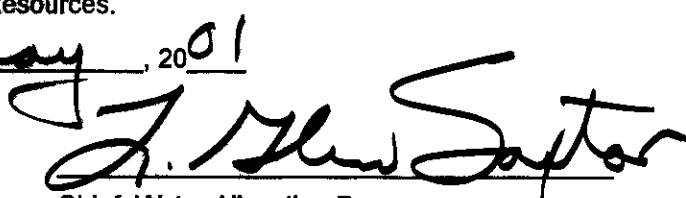
WATER RIGHT NO. 34-2373B
As Modified by Transfer No. 68518

CONDITIONS OF APPROVAL

6. 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.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
12. The combined diversion rate limit described in this right does not apply to the delivery of storage water to the place of use described in this right by the Big Lost River Irrigation District.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of May, 2001


Chief, Water Allocation Bureau

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WATER RIGHT NO. 34-2410
As Modified by Transfer No. 68518

In accordance with the approval of Transfer No. 68518, Water Right No 34-2410 is now described as follows.

Right Holder: RANDAL G DAMIANA AND
 SANDRA L DAMIANA
 RT 1 BOX 113A
 MOORE ID 83255

Priority Date: 04/10/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	2.94 CFS	514.5 AF
		2.94 CFS	514.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENE Sec. 9 Twp 05N Rge 26E BUTTE County

GROUND WATER NWNENW Sec. 10 Twp 05N Rge 26E BUTTE County

GROUND WATER NESW Sec. 10 Twp 05N Rge 26E BUTTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 26E 9	20.0			3.0									4.0			1.0	28.0
05N 26E 10			14.0		35.0	34.0	19.0	37.0	40.0	23.0	9.0	31.0		37.0	4.0	1.0	284.0

Total Acres: 312

CONDITIONS OF APPROVAL

1. Right 34-2410 is limited to the irrigation of 147.0 acres within the place of use described above in a single irrigation season.
2. Rights 34-2373A and 34-2410 when combined shall not exceed a total diversion rate of 6.34 cfs, a total annual maximum diversion volume of 1092.0 af at the field headgate, and the irrigation of 312.0 acres.
3. Rights 34-2373A, 34-378A, 34-2410 and 34-13572A when combined shall not exceed a total diversion rate of 7.30 cfs, a total annual maximum diversion volume of 1109.5 af at the field headgate, and the irrigation of 317.0 acres.

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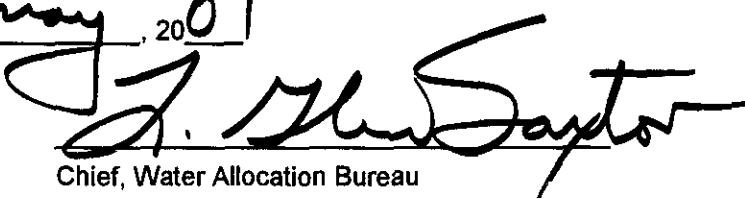
WATER RIGHT NO. 34-2410
As Modified by Transfer No. 68518

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The total instantaneous diversion of water from all points of diversion under Transfer 68518 shall not exceed 6.44 cfs, nor total combined annual volume of 1109.5 af.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. Use of water under this water right will be regulated by the watermaster of State Water District No 34, Big Lost River
8. 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.
9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. The combined diversion rate limit described in this right does not apply to the delivery of storage water to the place of use described in this right by the Big Lost River Irrigation District.
11. 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.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of May, 2001


Chief, Water Allocation Bureau

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FEB 10 2004

Transfer 68518 Reference Sheet

DATE: FEB 05, 2004

TO: File(s) 34-2373B

**Original Transfer Application form,
correspondence and review documents
regarding Transfer 68518 are located within
Water Right file 36-02373A**

Transfer 68518 Reference Sheet

**MICROFILMED
FEB 10 2004**
