

REQUEST FOR CORRECTION OF ERROR

THE IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) HAS IDENTIFIED AN ERROR IN THE SRBA PARTIAL DECREE OF THE WATER RIGHT LISTED BELOW. IDWR REQUESTS THE COURT TO DETERMINE IF IT CAN CORRECT THE ERROR THROUGH ITS NORMAL NOTICE AND HEARING PROCESS, AND IF SO, TO CORRECT THE ERROR ACCORDINGLY. BY COPY OF THIS FORM IDWR IS ALSO NOTIFYING THE OWNER OF THE WATER RIGHT OF THE ERROR IN QUESTION.

WATER RIGHT NO.: 37-20396

NAME OF OWNER LISTED ON THE PARTIAL DECREE: Boot Jack Dairy Partnership

CURRENT OWNER (IF DIFFERENT) _____

TODAY'S DATE: June 13, 2013

An error exists in the description of the following element(s) of the partial decree:

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and/or Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: Commercial use legal description should match stockwater use legal description of T05S R17E Sec 11 NENE.

10. ☐ **Other Provisions**

Should be: _____

Additional explanation or supporting documentation of the error:

In response to the Court's *Order Granting State of Idaho's Motion to Alter or Amend and Request for Notices of Completed Administrative Proceeding* in subcase no. 00-91013 issued on November 30, 2012, IDWR filed a *Notice of Completed Administrative Proceeding (NCAP)* for water right 37-8007 on January 18, 2013. The right, claimed by Boot Jack Dairy Partnership, had been split into rights 37-20395 and 37-20396 through an administrative action which had occurred after the parent right was partially decreed (in 2002). Attached to the *NCAP* were recommendations reflecting the changes made through transfer no. 69118. The partial decree originally entered in parent right 37-8007 was set aside and the right was disallowed in April 2013. On April 23, 2013, an *Order of Partial Decree* was issued for the children rights, 37-20395 and 37-20396.

An error has been discovered in the recommendation of right 37-20396 included in the *NCAP*, which was carried over to the partial decree. The transfer described the Place of Use for both the stockwater and commercial uses at T05S R17E Sec 11 NENE. The *NCAP* addressing the transfer correctly placed the stockwater use at T05S R17E Sec 11 NENE, but incorrectly listed the location of the commercial use at T05S **R15E Sec 04** NENE. Both uses should be described at T05S R17E Sec 11 NENE.

Enclosed for the Court's convenience are copies of transfer no. 69118, the *NCAP*, and partial decree of right 37-20396. IDWR requests correction of the legal description of the commercial use to match the legal description of the stockwater use: T05S R17E Sec 11 NENE

For more information about the error the Court and/or water right holder should contact the person identified below.

CONTACT PERSON: Vicki Kelly, Paralegal

TELEPHONE NUMBER: 208-287-4816

E-MAIL ADDRESS: vicki.kelly@idwr.idaho.gov

MAILING ADDRESS: IDWR
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

A corrected recommendation of the water right is attached. Changes are shown in strikethrough and underscore.

CERTIFICATE OF SERVICE

I certify that on June 27, 2013, I caused to be served true and correct copies of this REQUEST FOR CORRECTION OF ERROR, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

3. Copy to the Owner:

Boot Jack Dairy Partnership
P.O. Box 856
Shoshone, ID 83352

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U2D Kelly
Signature of person or attorney mailing the form

04/25/2013

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

RIGHT NUMBER: 37-20396

NAME AND ADDRESS: BOOT JACK DAIRY PARTNERSHIP
PO BOX 856
SHOSHONE ID 83352

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.08 CFS
25.8 AFY

Rights 37-8361, 37-10146 and 37-20396 when combined shall not exceed a total diversion rate of 0.15 cfs from all points of diversion, and a total annual maximum diversion volume of 40.9 af.

PRIORITY DATE: 03/16/1982

POINT OF
DIVERSION:

T05S R17E S11 NENENE Within GOODING County
T05S R17E S11 NENENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.08 CFS 25.8 AFY
COMMERCIAL	01/01 12/31	0.08 CFS 25.8 AFY

Commercial use is for a dairy.

PLACE OF USE: STOCKWATER in GOODING County

T05S R17E S11 NENE

COMMERCIAL in GOODING County

~~T05S R15E S04~~ NENE

T05S R17E S11 NENE

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.

This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Prior to the diversion and use of water under Transfer No. 69118, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At this time, this water right is within State Water District No. 130.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall accomplish the change authorized by Transfer No. 69118 on or before April 7, 2009.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69118

This is to certify that: BOOT JACK DAIRY PARTNERSHIP
PO BOX 856
SHOSHONE ID 83352
(208)886-7540

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. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-8007	WR/Decree	03/16/1982	2.25 cfs	524.0 af	N/A	131.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-2626	WR/Decree	12/01/1959	1.63 cfs	620.0 af	N/A	155.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-8007	YES	YES	YES	YES	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
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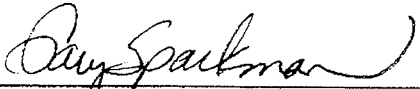
37-8007	37-20396	0.08 cfs	25.8 af	N/A	N/A	37-20395	2.10 cfs	489.6 af	122.4	122.4
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COMBINED

TOTALS		0.08 cfs	25.8 af	N/A	N/A		N/A	N/A	N/A	N/A
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Detailed Water Right Description(s) attached

Dated this 15th day of April, 20 04



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20395
As Modified by Transfer No. 69118

In accordance with the approval of Transfer No. 69118, Water Right No. 37-20395 is now described as follows.

Right Holder: BOOT JACK DAIRY PARTNERSHIP
 PO BOX 856
 SHOSHONE ID 83352

Priority Date: March 16, 1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	2.10 CFS	489.6 AF
			2.10 CFS	489.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENESW Sec. 3 Twp 05S Rge 15E GOODING County

PLACE OF USE: IRRIGATION

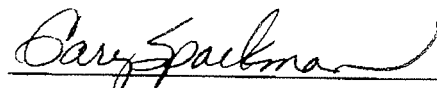
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	15E	4				23.4									33.0		28.0	38.0	122.4
Total Acres:			122.4																

CONDITIONS OF APPROVAL

1. Use of this right with Right No. 37-2626 is limited to a total combined diversion rate of 2.48 cfs.
2. Use of this right is combined with water from American Falls Reservoir District No. 2.
3. Use of this right is combined with water from Big Wood Canal Co.
4. 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.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12-11-2002.

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 7th day of April, 2004


 Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20396
As Modified by Transfer No. 69118

In accordance with the approval of Transfer No. 69118, Water Right No. 37-20396 is now described as follows.

Right Holder: BOOT JACK DAIRY PARTNERSHIP
 PO BOX 856
 SHOSHONE ID 83352

Priority Date: March 16, 1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to 12/31		0.08 CFS	25.8 AF
STOCKWATER	01/01 to 12/31		0.08 CFS	25.8 AF
			0.08 CFS	25.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENENE	Sec. 11 Twp 05S	Rge 17E	GOODING County
GROUND WATER	NENENE	Sec. 11 Twp 05S	Rge 17E	GOODING County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 17E 11	X																

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 17E 11	X																

CONDITIONS OF APPROVAL

1. Rights 37-8361, 37-10146 and 37-20396 when combined shall not exceed a total diversion rate of 0.15 cfs from all points of diversion, and a total annual maximum diversion volume of 40.9 af.
2. Prior to the diversion and use of water under Transfer approval 69118, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Commercial use is for a dairy.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

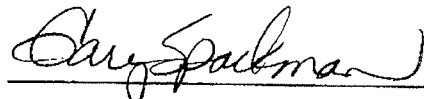
WATER RIGHT NO. 37-20396
As Modified by Transfer No. 69118

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this approval within 5 years.
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.

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 7th day of April, 2004



Chief, Water Allocation Bureau

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>
37-8007	BOOT JACK DAIRY PARTNERSHIP PO BOX 856 SHOSHONE ID 83352	Disallowed	Split into 37-20395 and 36-20396

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

RIGHT NUMBER: 37-20395

NAME AND ADDRESS: BOOT JACK DAIRY PARTNERSHIP
PO BOX 856
SHOSHONE ID 83352

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 2-25 2.10 CFS
524-0 489.6 AFY

~~USE OF THIS RIGHT WITH RIGHT NO. 37-2626 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.56 CFS.~~

Rights 37-2626 and 37-20395 when combined shall not exceed a total diversion rate of 2.48 cfs and a total annual maximum diversion volume of 1109.6 af at the field headgate.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/16/1982

POINT OF
DIVERSION:

T05S R15E S3 NENESW Within GOODING County
T05S R15E S3 NENESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	2-25 2.10 CFS 524-0 489.6 AFY

~~THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 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.~~

The period of use for the irrigation described under this right may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 11, 2002.

PLACE OF USE: IRRIGATION in GOODING County

T05S R15E S03	NESW	35.00	T05S R15E S03	NWSW	39.00
T05S R15E S03	SWSW	33.00	T05S R15E S03	SESW	38.00
T05S R15E S04	SENE	32-0 26.4	T05S R15E S04	NESE	33-0 35.0
T05S R15E S04	SWSE	28-0 31.0	T05S R15E S04	SESE	38.00
331 277.4 ACRES TOTAL					

This right is limited to the irrigation of 122.4 acres within the place of use described above in a single irrigation season.

Rights 37-2626 and 37-20395 when combined shall not exceed the irrigation of 277.4 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.

This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gaging station meet or exceed the minimum stream flows established by state action.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS RESERVOIR DIST. NO. 2.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At this time, this water right is within State Water District No. 130

Prior to the diversion and use of water under Transfer No. 72441, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

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.

The right holder shall accomplish the change authorized by Transfer No. 72441 by September 29, 2007.

Failure of the right holder to comply with the conditions of Transfer No. 72441 is cause for the Director to rescind approval of the transfer.

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

RIGHT NUMBER: 37-20396

NAME AND ADDRESS: BOOT JACK DAIRY PARTNERSHIP
PO BOX 856
SHOSHONE ID 83352

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~2.25~~ 0.08 CFS
~~524.0~~ 25.8 AFY

~~USE OF THIS RIGHT WITH RIGHT NO. 37-2626 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.56 CFS.~~

Rights 37-8361, 37-10146 and 37-20396 when combined shall not exceed a total
diversion rate of 0.15 cfs from all points of diversion, and a total annual
maximum diversion volume of 40.9 af.

PRIORITY DATE: 03/16/1982

POINT OF
DIVERSION:

~~T056 R15E S3 NENESW Within GOODING County~~
~~T05S R17E S11 NENENE Within GOODING County~~
~~T05S R17E S11 NENENE Within GOODING County~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	~~04/01~~ ~~11/01~~	~~2.250~~ CFS ~~524.00~~ AFY
STOCKWATER	~~01/01~~ ~~12/31~~	~~0.08~~ CFS ~~25.8~~ AFY
COMMERCIAL	~~01/01~~ ~~12/31~~	~~0.08~~ CFS ~~25.8~~ AFY

~~THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER
15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE
USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 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.~~

Commercial use is for a dairy.

PLACE OF USE: IRRIGATION in GOODING County

~~T05S R15E S04~~	~~SENE~~	~~32.00~~	~~T05S R15E S04~~	~~NESE~~	~~33.00~~
~~T05S R15E S04~~	~~SWSE~~	~~28.00~~	~~T05S R15E S04~~	~~SESE~~	~~38.00~~

131 ACRES TOTAL

STOCKWATER in GOODING County

T05S R17E S11 NENE

COMMERCIAL in GOODING County

T05S R15E S04 NENE

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

This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gaging station meet or exceed the minimum stream flows established by state action.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

~~USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.~~

~~USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS RESERVOIR DIST. NO. 2.~~

Prior to the diversion and use of water under Transfer No. 69118, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At this time, this water right is within State Water District No. 130.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Prior to the diversion and use of water under this right, the right holder shall comply with applicable county zoning and use ordinances.

Prior to the diversion and use of water under this right, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall accomplish the change authorized by Transfer No. 69118 on or before April 7, 2009.

Failure of the right holder to comply with the conditions of Transfer No. 69118 is cause for the Director to rescind approval of the transfer.

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 37-20396

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 11 2013

By _____
Clerk
Deputy Clerk

SOURCE: GROUND WATER

QUANTITY: 0.08 CFS
25.80 AFY

Rights 37-8361, 37-10146 and 37-20396 when combined shall not exceed a total diversion rate of 0.15 cfs from all points of diversion, and a total annual maximum diversion volume of 40.9 af.

PRIORITY DATE: 03/16/1982

POINT OF DIVERSION: T05S R17E S11 NENENE Within Gooding County
NENENE

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.08 CFS
			25.80 AFY
	Commercial	01-01 TO 12-31	0.08 CFS
			25.80 AFY

Commercial use is for a dairy.

PLACE OF USE:	Stockwater		Within Gooding County
	T05S R17E S11	NENE	
	Commercial		Within Gooding County
	T05S R15E S04	NENE	

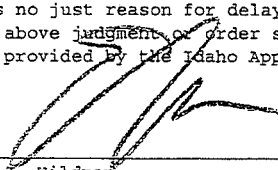
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-02709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gaging station meet or exceed the minimum stream flows established by state action.

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).

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.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication