

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 36-8760

WATER RIGHT NUMBER: 36-8760

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	AMBROSE FARMS PO BOX 247 WENDELL, ID 83355 (208)536-5332
Original Owner	SUN VALLEY RANCHES INC PO BOX 356 FAIRFIELD, ID 83327
Current Owner	SOUTHFIELD DAIRY 3308 S 1600 E WENDELL, ID 83355 (208)536-5414

Priority Date: 12/04/1990

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1.520 CFS	304.00 AF
	<u>Total Diversion:</u>	1.520 CFS	304.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 4, Twp 08S, Rge 14E, B.M.
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	
08S	14E	4					22.0	24.0			31.0	31.0	31.0	31.0					170.0
							L 4												
08S	14E	5	32.0	32.0	6.0	22.0													92.0
			L 1	L 2															
08S	14E	9					31.0	33.0											64.0

Total Acres: 326

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 36-8760

Remarks:

1. General Water Right No. 37-07031D which is approved under Transfer No. 3868 is hereby designated as water Right No. 36-08760 and shall not exceed a maximum rate of diversion of 1.52 cfs for the irrigation of 76 acres in the total authorized place of use of 326 acres.
The priority date is advanced to December 4, 1990, the date the application for was filed.
As mitigation for potential injury that might otherwise occur as a result of Transfer No. 3868, no water shall be diverted under Right No. 36-02907.
Use of Water Right No. 36-02907 for mitigation purposes under this transfer shall be deemed by the department to constitute a beneficial use of water.
By approval of this transfer, mitigation right No. 36-02907 with a rate of diversion of 0.80 cfs and an annual volume of 120 af for the irrigation of 40 acres shall be considered appurtenant to the same place of use as authorized by this transfer.
Approval of this transfer contingent upon the mitigation herein provided shall not be deemed conclusive as to the adequacy of the mitigation in the event of a priority call affecting the diversion and use of water under water Right No. 36-08760.
The remaining portion of Right No. 37-07031D in excess of the amount approved for transfer shall be considered abandoned.
The right holder shall install a suitable measuring device for measuring the amount of water diverted and shall annually report the information to the department.
Failure to comply with the conditions of this transfer is cause for the director to rescind approval of the transfer.
2. General 1/21/03, DJ: This record created as a split of adjudication claim 37-7301 based the series of approved transfers. No fees were due on this right or 36-2907, also a split of 37-7301.

Comments:Dates and Other Information:

Claim Received Date: 1/21/2003 1:10:49 PM
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 36-8760
Date Received: 1/21/2003
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

AMBROSE FARMS Phone: (208) 536-5332
PO BOX 247
WENDELL ID USA 83355

2. Date of Priority: 12/04/1990

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	14E	4	SE SW	GOODING	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	1.52	304

7. Total Quantity Appropriated is:
1.52 C.F.S. and/or 304 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
08S	14E	4	NW NW 4	IRRIGATION	22

			SW	NW		IRRIGATION	24
			NE	SW		IRRIGATION	31
			NW	SW		IRRIGATION	31
			SW	SW		IRRIGATION	31
			SE	SW		IRRIGATION	31
						Section Acres	170
08S	14E	5	NE	NE	1	IRRIGATION	32
			NW	NE	2	IRRIGATION	32
			SW	NE		IRRIGATION	6
			SE	NE		IRRIGATION	22
						Section Acres	92
08S	14E	9	NE	NW		IRRIGATION	31
			NW	NW		IRRIGATION	33
						Section Acres	64
						Total Acres	326

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Water Right No. 37-07031D which is approved under Transfer No. 3868 is hereby designated as water Right No. 36-08760 and shall not exceed a maximum rate of diversion of 1.52 cfs for the irrigation of 76 acres in the total authorized place of use of 326 acres.

The priority date is advanced to December 4, 1990, the date the application for was filed.

As mitigation for potential injury that might otherwise occur as a result of Transfer No. 3868, no water shall be diverted under Right No. 36-02907.

Use of Water Right No. 36-02907 for mitigation purposes under this transfer shall be deemed by the department to constitute a beneficial use of water.

By approval of this transfer, mitigation right No. 36-02907 with a rate of diversion of 0.80 cfs and an annual volume of 120 af for the irrigation of 40 acres shall be considered appurtenant to the same place of use as authorized by this transfer.

Approval of this transfer contingent upon the mitigation herein provided shall not be deemed conclusive as to the adequacy of the mitigation in the event of a priority call affecting the diversion and use of water under water Right No. 36-08760.

The remaining portion of Right No. 37-07031D in excess of the amount approved for transfer shall be considered abandoned.

The right holder shall install a suitable measuring device for measuring the amount of water diverted and shall annually report the information to the department.

Failure to comply with the conditions of this transfer is cause for the director to rescind approval of the transfer.

1/21/03, DJ: This record created as a s[lit of adjudication claim 37-7301 based the series of approved transfers. No fees were due on this right or 36-2907, also a split of 37-7301.

15. Basis of Claim: License

02/11/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-8760

NAME AND ADDRESS: SOUTHFIELD DAIRY
3308 S 1600 E
WENDELL ID 83355

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.520 CFS
304.000 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.82 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1304 AF. COMBINED RIGHT NOS.:
36-7157A, 36-2907, 36-8760.

PRIORITY DATE: 12/04/1990

POINT OF DIVERSION:

T08S R14E S4 SESW Within GOODING County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	1.520 CFS 304.00 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 OCTOBER 31 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.

PLACE OF USE: IRRIGATION Within GOODING County

T08S R14E S04 Lot 4 NWNW	22.0	T08S R14E S04	SWNW	24.0	
T08S R14E S04	NESW	31.0	T08S R14E S04	NWSW	31.0
T08S R14E S04	SWSW	31.0	T08S R14E S04	SESW	31.0
T08S R14E S05 Lot 1 NENE	32.0	T08S R14E S05 Lot 2 NWNE		32.0	
T08S R14E S05	SWNE	6.0	T08S R14E S05	SENE	22.0
T08S R14E S09	NENW	31.0	T08S R14E S09	NWNW	33.0

326 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 326 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-7157A, 36-2907,
36-8760.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 76 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

02/11/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

As mitigation for potential injury that might otherwise occur as a result of Transfer No. 3868, no water shall be diverted under Right No. 36-02907. Use of Water Right No. 36-02907 for mitigation purposes under this transfer shall be deemed by the department to constitute a beneficial use of water.

By approval of this transfer, mitigation right No. 36-02907 with a rate of diversion of 0.80 cfs and an annual volume of 120 af for the irrigation of 40 acres shall be considered appurtenant to the same place of use as authorized by this transfer.

Approval of this transfer contingent upon the mitigation herein provided shall not be deemed conclusive as to the adequacy of the mitigation in the event of a priority call affecting the diversion and use of water under water Right No. 36-08760.

The remaining portion of Right No. 37-07031D in excess of the amount approved for transfer shall be considered abandoned.

The right holder shall install a suitable measuring device for measuring the amount of water diverted and shall annually report the information to the department.

Failure to comply with the conditions of this transfer is cause for the director to rescind approval of the transfer.

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.

EXPLANATORY MATERIAL: License

IDAHO DEPARTMENT OF WATER RESOURCES

36-8760 & 36-2907



-  Section Lines
-  Quarter/Quarter Lines
-  Recommended Place of Use
-  Recommended Point(s) of Diversion



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 1987 and/or 1988 NAPP
DATA ENTRY: Feb, 2003
DOUGLAS JONES

RECEIVED

JUL 13 2004

DEPARTMENT OF
WATER RESOURCES

2004 JUL 12 PM 3:32

FILED DISTRICT COURT-SRBA
TWIN FALLS CO., 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

Case No. 39576

)
)
) **ORDER OF AMENDED PARTIAL**
) **DECREE: I.R.C.P. 60(a)**
)

) **For water rights: See Exhibit A**
)
)

Partial Decrees were previously issued for the above rights. The Court has discovered clerical errors in the *Partial Decrees*.

The IDWR's *Director's Report for Late Claims* for the above subcases were filed on February 18, 2003. No Objections were filed to the *Director's Reports* in the above subcases, and the above subcases were treated as uncontested water rights. *Partial Decrees* were filed on July 23, 2003. Because the *Director's Reports* were uncontested, the *Partial Decrees* should have been identical to the *Director's Report*. However, the quarter section descriptions in the *Partial Decrees'* Point of Diversion and Place of Use descriptions did not match those descriptions in the *Director's Reports*. The Court finds that the errors in the quarter section descriptions were clerical errors.

Therefore, IT IS ORDERED, that the subcases are hereby amended and decreed as set forth in the attached *Amended Partial Decree* Pursuant to I.R.C.P. 60(a).

Dated July 12, 2004

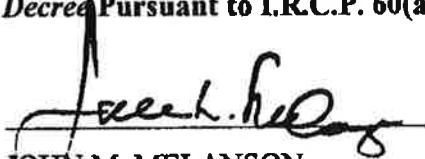

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

31-10288
34-13649
34-13650
34-13651
34-13652
35-08000
35-08805
35-08878
35-08952
36-02624
36-02907
36-08760
36-15555
36-15556
41-10272
41-10273
41-10274
41-10280
43-02505
43-02516
43-02517
43-02575
57-11601
61-11953

(Subcase list: REISSUE)
7/12/04

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

AMENDED

In Re SRBA)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576)

Water Right 36-08760

2004 JUL 12 PM 3:33

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: SOUTHFIELD DAIRY
3308 S 1600 E
WENDELL, ID 83355

SOURCE: GROUND WATER

QUANTITY: 1.52 CFS
304.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.82 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1304 AF. COMBINED RIGHT NOS.:
36-7157A, 36-2907, 36-8760.

PRIORITY DATE: 12/04/1990

POINT OF DIVERSION: T08S R14E S04 SWSESW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.52 CFS 304.00 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 OCTOBER 31 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.

PLACE OF USE:	Irrigation	Within Gooding County
	T08S R14E S04 LOT 4	(NWNW) 22.0 SWNW 24.0
		NESW 31.0 NWSW 31.0
		SWSW 31.0 SESW 31.0
	S05 LOT 1	(NENE) 32.0 LOT 2 (NWNW) 32.0
		SWNE 6.0 SENE 22.0
	S09	NENW 31.0 NWNW 33.0
	326.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 326 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-7157A, 36-2907,
36-8760.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 76 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

As mitigation for potential injury that might otherwise occur as
a result of Transfer No. 3868, no water shall be diverted under
Right No. 36-02907. Use of Water Right No. 36-02907 for
mitigation purposes under this transfer shall be deemed by the
department to constitute a beneficial use of water. By approval
of this transfer, mitigation right No. 36-02907 with a rate of
diversion of 0.80 cfs and an annual volume of 120 af for the
irrigation of 40 acres shall be considered appurtenant to the
same place of use as authorized by this transfer. Approval of

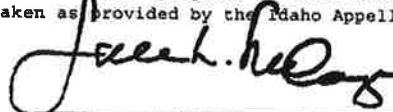
OTHER PROVISIONS (continued)

this transfer contingent upon the mitigation herein provided shall not be deemed conclusive as to the adequacy of the mitigation in the event of a priority call affecting the diversion and use of water under water Right No. 36-08760. The remaining portion of Right No. 37-07n excess of the amount approved for transfer shall be considered abandoned. The right holder shall install a suitable measure for measuring the amount of water diverted and shall annually report the information to the department. Failure to comply with the conditions of this transfer is cause for the department to rescind approval of the transfer.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

MEMORANDUM

TO: FILE 36-8760
FROM: VAULT
RE: TRANSFER # 70489
DATE: 9.3.03

=====

Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:

FILE # 36-2907

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70489

This is to certify that: **SOUTHFIELD DAIRY**
3308 S 1600 E
WENDELL ID 83355
(208)536-5414

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>
36-7157A	WR/Decreed	02/16/1971	3.3 cfs	1000 af	N/A	250.0	GROUND WATER
36-8760	WR/Decreed	12/04/1990	1.52 cfs	304 af	76.0	326.0	GROUND WATER
36-2907	WR/Decreed	04/26/1990	0.8 cfs	120 af	40.0	326.0	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>
36-7157A	NO	NO	YES	YES	NO	NO
36-8760	NO	NO	YES	YES	NO	NO
36-2907	NO	NO	YES	YES	NO	NO

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>
36-7157A	36-7157A	3.30 cfs	1000 af	250.0	436.0		N/A	N/A	N/A	N/A
36-8760	36-8760	1.52 cfs	304 af	76.0	436.0		N/A	N/A	N/A	N/A
36-2907	36-2907	0.80 cfs	120 af	40.0	436.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.82 cfs	1304 af	326.0	436.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29 day of August, 2003

For  Chief, Water Allocation Bureau

WATER RIGHT NO. 36-7157A
As Modified by Transfer No. 70489

In accordance with the approval of Transfer No. 70489, Water Right No. 36-7157A is now described as follows.

Right Holder: SOUTHFIELD DAIRY
 3308 S 1600 E
 WENDELL ID 83355

Priority Date: February 16, 1971

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	3.30 CFS	1,000.0 AF
			3.30 CFS	1,000.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNW Sec. 4 Twp 08S Rge 14E GOODING County

GROUND WATER SWSESW Sec. 4 Twp 08S Rge 14E 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	
08S	14E	4																	238.0
08S	14E	5	38.0	38.0	10.0	32.0													118.0
			L 1	L 2															
08S	14E	9					40.0	40.0											80.0

Total Acres: 436

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 250 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 36-2907, 36-7157A and 36-8760 shall not exceed 4.82 cfs, nor total combined annual volume of 1304 af, for the irrigation of of 326 acres.
3. 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.
4. 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 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 12, 2001.

WATER RIGHT NO. 36-7157A
As Modified by Transfer No. 70489

CONDITIONS OF APPROVAL

5. 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.
6. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 70489, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) 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.
8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 29 day of August, 2003

For 
Chief, Water Allocation Bureau

WATER RIGHT NO. 36-8760
As Modified by Transfer No. 70489

In accordance with the approval of Transfer No. 70489, Water Right No. 36-8760 is now described as follows.

Right Holder: SOUTHFIELD DAIRY
 3308 S 1600 E
 WENDELL ID 83355

Priority Date: December 04, 1990

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	1.52 CFS	304.0 AF
			1.52 CFS	304.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNW Sec. 4 Twp 08S Rge 14E GOODING County

GROUND WATER SWSESW Sec. 4 Twp 08S Rge 14E 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	
08S 14E 4						38.0	40.0		40.0	40.0	40.0	40.0					238.0
						L 4											
08S 14E 5	38.0	38.0	10.0	32.0													118.0
	L 1	L 2															
08S 14E 9					40.0	40.0											80.0

Total Acres: 436

CONDITIONS OF APPROVAL

- As mitigation for potential injury that might otherwise occur as a result of Transfer No. 3868, no water shall be diverted under Right No. 36-02907. Use of Water Right No. 36-02907 for mitigation purposes under Transfer No. 3868 shall be deemed by the department to constitute a beneficial use of water. By approval of Transfer No. 3868, mitigation right No. 36-02907 with a rate of diversion of 0.80 cfs and an annual volume of 120 af for the irrigation of 40 acres shall be considered appurtenant to the same place of use as authorized by this transfer. Approval of Transfer No. 3868 contingent upon the mitigation herein provided shall not be deemed conclusive as to the adequacy of the mitigation in the event of a priority call affecting the diversion and use of water under water Right No. 36-08760. The remaining portion of Right No. 37-07031D in excess of the amount approved for transfer by Transfer No. 3868 shall be considered abandoned.
- This right is limited to the irrigation of 76 acres within the place of use described above in a single irrigation season.
- The total instantaneous diversion of water from all points of diversion under Rights 36-2907, 36-7157A and 36-8760 shall not exceed 4.82 cfs, nor total combined annual volume of 1304 af, for the irrigation of of 326 acres.

WATER RIGHT NO. 36-8760
As Modified by Transfer No. 70489

CONDITIONS OF APPROVAL

4. 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.
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 the date of this approval.
6. 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.
7. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Prior to the diversion and use of water under Transfer approval 70489, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) 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.
9. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 29 day of August, 2003

F01



Chief Water Allocation Bureau

WATER RIGHT NO. 36-2907
As Modified by Transfer No. 70489

In accordance with the approval of Transfer No. 70489, Water Right No. 36-2907 is now described as follows.

Right Holder: SOUTHFIELD DAIRY
 3308 S 1600 E
 WENDELL ID 83355

Priority Date: April 26, 1990

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	0.80 CFS	120.0 AF
			0.80 CFS	120.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNW Sec. 4 Twp 08S Rge 14E GOODING County

GROUND WATER SWSESW Sec. 4 Twp 08S Rge 14E 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	
08S	14E	4						38.0	40.0		40.0	40.0	40.0	40.0					238.0
								L 4											
08S	14E	5	38.0	38.0	10.0	32.0													118.0
			L 1	L 2															
08S	14E	9					40.0	40.0											80.0

Total Acres: 436

CONDITIONS OF APPROVAL

1. As mitigation for potential injury that might otherwise occur as a result of Transfer No. 3868, no water shall be diverted under Right No. 36-02907. Use of Water Right No. 36-02907 for mitigation purposes under Transfer No. 3868 shall be deemed by the department to constitute a beneficial use of water. By approval of Transfer No. 3868, mitigation right No. 36-02907 with a rate of diversion of 0.80 cfs and an annual volume of 120 af for the irrigation of 40 acres shall be considered appurtenant to the same place of use as authorized by this transfer. Approval of Transfer No. 3868 contingent upon the mitigation herein provided shall not be deemed conclusive as to the adequacy of the mitigation in the event of a priority call affecting the diversion and use of water under water Right No. 36-08760.
2. This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 36-2907, 36-7157A and 36-8760 shall not exceed 4.82 cfs, nor total combined annual volume of 1304 af, for the irrigation of of 326 acres.

WATER RIGHT NO. 36-2907
As Modified by Transfer No. 70489

CONDITIONS OF APPROVAL

4. 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.
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 the date of this approval.
6. 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.
7. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Prior to the diversion and use of water under Transfer approval 70489, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) 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.
9. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 29 day of August, 2003

For


Chief, Water Allocation Bureau