

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: A37-07639
Date Received: 8/31/1988
Receipt No: S006623
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON MC FARLAND
Address: P.O. BOX 268
EDEN, ID 83325

AND/OR

Name: CAROL MC FARLAND
Address: P.O. BOX 268
EDEN, ID 83325

2. Date of Priority: JUL 08, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	14E	34	SE	SW			GOODING

5. Description of diverting works:
WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.000		600.00

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) 600.00 A.F.A.

8. Total consumptive use is 450.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	14E	33	SE	NE		IRR	37.0
			NE	SE		IRR	37.0
						Section Acres	74.0
		34	NW	NW		IRR	37.0
			SW	NW		IRR	39.0
						Section Acres	76.0
						Total Acres	150.0

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:

A37-02687, A37-07419, A37-07435, A47-07440

14. Remarks:

THIS RT. WHEN COMBINED WITH RTS. 37-2687, 37-7419, 37-7435 &
37-7440 SHALL NOT EXCEED 5.78 CFS.
SEE REFERENCE RIGHT A37-07480.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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
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CIVIL CASE NUMBER: 39576

Ident. Number: A37-07639
Date Received: 8/31/1988
Receipt No: 5006623
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 1 1988

Department of Water Resources
Southern Region Office

1. Name: DON &/or CAROL MC FARLAND
Address: P.O. BOX 268
EDEN, ID 83325

2. Date of Priority: JUL 08, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	14E	34	SE	SW			GOODING

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3.000 C.F.S. (and/or) 600.00 A.F.A.

8. Total consumptive use is 450 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	14E	33	SE	NE		IRR	37.0
			NE	SE		IRR	37.0

Section Acres 74.0

A37-07639

Page 1

Date: 08/31/88

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FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	14E	34	NW	NW	IRR	37.0
			SW	NW	IRR	39.0
					Section Acres	76.0
					Total Acres	150.0

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:

THIS RT. WHEN COMBINED WITH RTS. 37-2687, 37-7419, 37-7435 &
37-7440 SHALL NOT EXCEED 5.78 CFS.

15. Basis of Claim: LICENSE

MICROFILMED
FEB 24 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Don McFarland Date: 9-1-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of September 19 88
Christ. Humandy
Notary Public

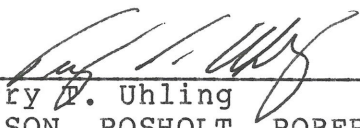
Seal

Residing at Twin Falls
My Commission Expires 10-31-88

NOTICE OF APPEARANCE

Notice is hereby given that the law firm of Nelson, Rosholt, Robertson, Tolman & Tucker will be acting as attorneys at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to the address listed below.

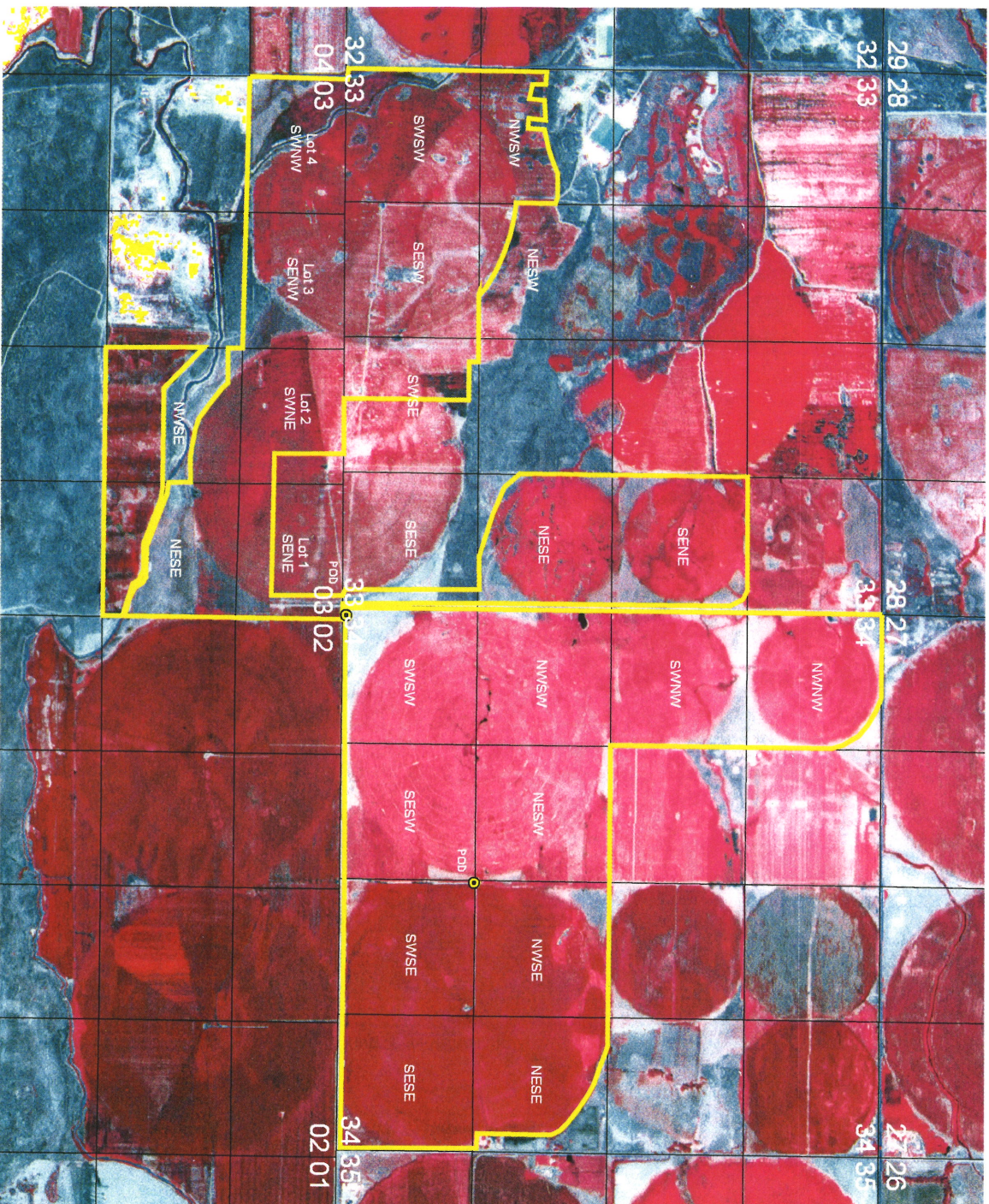
DATED this 1 day of September, 1988.



Terry P. Uhling
NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83303-1906

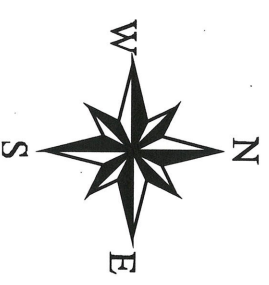
MICROFILMED
FEB 24 1993

**37-2687A, 37-7419C, 37-7435A, 37-7440A, 37-07639A
36-2671L, 36-7367L, 36-7381L, 36-7445L & 36-7480M**



**T06S R14E
S33 & S34**

**T07S R14E
S03**



Map prepared by: Carter Fritschle
Date prepared: 10/16/01
1987-1988 NAPP photography
Idaho Department of Water Resources

04/16/2002

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

RIGHT NUMBER: 37-7639A

NAME AND ADDRESS: BIG SKY DAIRY
1700 E 2428 S
GOODING ID 83330

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.76 CFS
552.0 AFY

RIGHT NOS. 37-2687A, 37-7419C, 37-7435A, 37-7440A AND 37-07639A ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.13 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1840.8 AF.

RIGHT NOS. 36-2671L, 36-7367L, 36-7381L, 36-7445L, 36-7480M, 37-2687A, 37-7419C, 37-7435A, 37-7440A AND 37-07639A ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.90 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3050.4 AF.

PRIORITY DATE: 07/08/1977

POINT OF DIVERSION:

T06S R14E S34 NESESW Within GOODING County

T07S R14E S3 NESENE Lot 1 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	2.760 CFS 552.00 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 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.

PLACE OF USE: IRRIGATION Within GOODING County

T06S R14E S33	SENE	37.0	T06S R14E S33	NESW	4.9
T06S R14E S33	NWSW	20.0	T06S R14E S33	SWSW	40.0
T06S R14E S33	SESW	40.0	T06S R14E S33	NESE	37.0
T06S R14E S33	SWSE	16.2	T06S R14E S33	SESE	3.3
T06S R14E S34	NWNW	37.0	T06S R14E S34	SWNW	39.0
T06S R14E S34	NESW	40.0	T06S R14E S34	NWSW	40.0
T06S R14E S34	SWSW	40.0	T06S R14E S34	SESW	40.0
T06S R14E S34	NESE	30.2	T06S R14E S34	NWSE	40.0
T06S R14E S34	SWSE	40.0	T06S R14E S34	SESE	40.0
T07S R14E S03 Lot 2	SWNE	27.9	T07S R14E S03 Lot 1	SENE	18.1
T07S R14E S03 Lot 4	SWNW	32.0	T07S R14E S03 Lot 3	SENE	31.0
T07S R14E S03	NESE	39.0	T07S R14E S03	NWSE	30.0

762.6 ACRES TOTAL

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

RIGHT NOS. 37-2687A, 37-7419C, 37-7435A, 37-7440A AND 37-07639A ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 460.2 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 36-2671L, 36-7367L, 36-7381L, 36-7445L, 36-7480M, 37-2687A, 37-7419C, 37-7435A, 37-7440A AND 37-07639A ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 762.6 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 138 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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.

EXPLANATORY MATERIAL: License

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5488

WATER RIGHT NO(S). 36-02671L/36-07367L/36-07381L/36-07445L
36-07480M/37-02687A/37-07419C/37-07435A/37-07440A/37-07639A

This is to certify that: BIG SKY DAIRIES
1700 E 2428 S
GOODING ID 83330

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-02671L :			
IRRIGATION	04/01 to 10/31	0.72 CFS	208.8 AF
Priority: 01/09/1967			
Right No. 36-07367L :			
IRRIGATION	04/01 to 10/31	2.52 CFS	578.4 AF
Priority: 08/13/1973			
Right No. 36-07381L :			
IRRIGATION	03/15 to 11/15	0.42 CFS	84.8 AF
Priority: 09/19/1973			
Right No. 36-07445L :			
IRRIGATION	04/01 to 10/31	0.74 CFS	148.8 AF
Priority: 02/21/1974			
Right No. 36-07480M :			
IRRIGATION	04/01 to 10/31	1.66 CFS	398.8 AF
Priority: 05/31/1974			
	SUBTOTAL:	** 5.77 CFS	1209.6 AF **
Right No. 37-02687A :			
IRRIGATION	04/01 to 11/01	2.13 CFS	441.6 AF
Priority: 03/08/1963			
Right No. 37-07419C :			
IRRIGATION	03/15 to 11/15	2.02 CFS	405.6 AF
Priority: 01/29/1975			
Right No. 37-07435A :			
IRRIGATION	03/15 to 11/15	0.74 CFS	147.2 AF
Priority: 04/22/1975			
Right No. 37-07440A :			
IRRIGATION	03/15 to 11/15	1.47 CFS	294.4 AF
Priority: 05/31/1974			
Right No. 37-07639A :			
IRRIGATION	04/01 to 11/01	2.76 CFS	552.0 AF
Priority: 07/08/1977			
	SUBTOTAL:	*** 5.13 CFS	1840.8 AF ***
	TOTAL:	**** 10.90 CFS	3050.8 AF ****

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JUN 16 2000

TRANSFER NO. 5488

WATER RIGHT NO(S). 36-02671L/36-07367L/36-07381L/36-07445L
 36-07480M/37-02687A/37-07419C/37-07435A/37-07440A/37-07639A

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESESW , Sec. 34, Township 06S, Range 14E
 Lot 1 (NESENE), Sec. 3, Township 07S, Range 14E
 GOODING County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
06S	14E	33	SENE 37.0	NESW 4.9	NWSW 20.0	
			SWSW 40.0	SESW 40.0	NESE 37.0	
			SWSE 16.2	SESE 3.3		198.4
		34	NWNW 37.0	SWNW 39.0	NESW 40.0	
			NWSW 40.0	SWSW 40.0	SESW 40.0	
			NESE 30.2	NWSE 40.0	SWSE 40.0	
			SESE 40.0			386.2
07S	14E	3	Lot 2 (SWNE) 27.9	Lot 1 (SENE) 18.1	Lot 4 (SWNW) 32.0	
			Lot 3 (SENE) 31.0	NESE 39.0	NWSE 30.0	178.0
			Total number of acres irrigated:			762.6 *

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
- * 6. Right 36-02671L is limited to the irrigation of 52.2 acres in the place of use described above in a single irrigation season.
- * 7. Right 36-07367L is limited to the irrigation of 144.6 acres in the place of use described above in a single irrigation season.
- * 8. Right 36-07381L is limited to the irrigation of 21.2 acres in the place of use described above in a single irrigation season.
- * 9. Right 36-07445L is limited to the irrigation of 37.2 acres in the place of use described above in a single irrigation season.

MICROFILMED

JUN 16 2000

TRANSFER NO. 5488

WATER RIGHT NO(S). 36-02671L/36-07367L/36-07381L/36-07445L
36-07480M/37-02687A/37-07419C/37-07435A/37-07440A/37-07639A

CONDITIONS OF APPROVAL AND REMARKS

- * 10. Right 36-07480M is limited to the irrigation of 99.7 acres in the place of use described above in a single irrigation season.
- ** 11. Rights 36-02671L, 36-07367L, 36-07381L, 36-07445L and 36-07480M when combined shall not exceed a total diversion rate of 5.77 cfs from all points of diversion, a total annual maximum diversion volume of 1209.6 af at the field headgate, and the irrigation of 302.4 acres.
- * 12. Right 37-02687A is limited to the irrigation of 110.4 acres in the place of use described above in a single irrigation season.
- * 13. Right 37-07419C is limited to the irrigation of 101.4 acres in the place of use described above in a single irrigation season.
- * 14. Right 37-07435A is limited to the irrigation of 36.8 acres in the place of use described above in a single irrigation season.
- * 15. Right 37-07440A is limited to the irrigation of 73.6 acres in the place of use described above in a single irrigation season.
- * 16. Right 37-07639A is limited to the irrigation of 138.0 acres in the place of use described above in a single irrigation season.
- *** 17. Rights 37-02687A, 37-07419C, 37-07435A, 37-07440A and 37-07639A when combined shall not exceed a total diversion rate of 5.13 cfs from all points of diversion, a total annual maximum diversion volume of 1840.8 af at the field headgate, and the irrigation of 460.2 acres.
- **** 18. The total instantaneous diversion of water from all points of diversion under Transfer 5488 shall not exceed 10.90 cfs, nor a total combined annual volume of 3050.4 af for the irrigation of 762.6 total acres.
- 19. The period of use for the irrigation described under Rights 36-02671L, 36-07367L, 36-07445L, 36-07480M, 37-02687A and 37-07639A 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 and 11/01 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.
- 20. Approval of this transfer does not preclude the opportunity for review of the validity of the Basin 37 water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 22nd day of May, 2000.

J. Shaw Saxton
Chief, Water Allocation Bureau

MICROFILMED
JUN 16 2000

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7639 Priority July 8, 1977 Amount 3.0 cfs

THIS IS TO CERTIFY, that Connecticut General Life Insurance Company
of Dallas, Texas, has complied with the terms and conditions of Permit
No. 37-7639 issued pursuant to Application for Permit dated July 8, 1977,
and has submitted proof to the Department of Water Resources on February 6, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.78 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>3.0</u> cfs and	<u>600.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 3.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
600.0 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34,
Twp 6S, Rge 14E in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	14E	33				37									37				74
		34					37	39											76

Total number of acres irrigated 150

This right when combined with Right Nos. 37-2687, 37-7419, 37-7435 & 37-7440 shall
not exceed 5.78 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27TH day of
APRIL, 19 84.

Acting for the

Director

Norm Cygung

MICROFILMED

1

DIVERSION
VOLUME

600.00 AFA

600.00 AFA
450.00 AFA

Stage: LICENSE

GOODING County

150.0

Other Rights: A37-02687, A37-07419, A37-07435, A47-07440

Remarks: GEN THIS RT. WHEN COMBINED WITH RTS. 37-2687, 37-7419, 37-7435 &

37-7440 SHALL NOT EXCEED 5.78 CFS,
SEE REFERENCE RIGHT A37-07480.

ADDRESS CHANGE FOR DON AND CAROL MC FARLAND 8/27/99 SS.

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

AUG 26 1999

Department of Water Resources

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 24, 1999

DON MC FARLAND
CAROL MC FARLAND
PO BOX 5178
TWIN FALLS ID 83303-5178

Re: Snake River Basin Adjudication (SRBA)
Water Rights # - Please See Attached List
Change of Address

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by September 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

(208) 734-0004
Telephone No.

