

See Right No. 36-07367D for CVR

and

all other supporting documents



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

August 4, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Special Master Terry Dolan
SRBA Court
PO Box 2707
Twin Falls ID 83303-2707

Re: History of splits of claims 36-07381, 36-07445, 36-07367 and
36-02671 (Don McFarland, Tony Visser, J & T Dairy)

Dear Special Master Dolan:

Doug Jones asked to me to give you the explanation of how the
splits of the above claims evolved.

Don McFarland filed transfer 4543 (approved 3/13/95) which
split each claim into A, B and C portions.

We received an ownership change on 2/14/96 in which McFarland
sold B and C portions to Tony Visser. McFarland retained A
portion.

McFarland sold part of A portion to J & T Dairy.

J & T Dairy filed transfer 4790 (approved 10/3/96) which split
A portion into parts D and E and changed elements of B
portion. McFarland retained D portion and J & T Dairy's part
was reflected in the E portion.

This is a just a brief explanation and should you need further
clarification or documentation, please feel free to give either
Doug or me a call. Copies of the original Don McFarland claims are
attached as is claim 36-07491 (Sundance Inc.).

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Attachments



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

July 11, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN MS RENAE VISSER
BIG SKY DAIRY
1700 E 2428 S
GOODING ID 83330

RE: NOTICES OF COMPLETED ADMINISTRATIVE PROCEEDINGS
SRBA ADJUDICATION CLAIM NOS. 36-02671B, 36-02671C, 36-02671E,
36-07367B, 36-07367C, 36-07367E, 36-07381B, 36-07381C,
36-07381E, 36-07445B, 36-07445C, 36-07445E, 36-07480C,
36-07480D, 36-07480F

Dear Renae:

Thank you for phoning to inquire about whether anything needed to be done in response to your receiving Notices of Completed Administrative Proceedings (NCAP) on the above listed adjudication claims. As you can see upon examining the Recommended Water Rights Acquired Under State Law attached to each NCAP, ten of the rights are listed under the name of J & T Dairy with an address in Roswell, New Mexico, and five of the rights are in the name of your father with a Gooding address. It is important that all adjudication claims have the correct name and mailing address.

Should your father decide to update the names and addresses on his claims, check the places of use to determine which business entity should be listed as owner, complete the enclosed Notice of Change of Water Right Ownership, attach copies of the paperwork that changed the business name and return to me in the self-addressed envelope.

If you have any further questions or need assistance, please feel free to come into our office and speak with an adjudication agent or give us a call.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

Enclosures

cc: Special Master Dolan
SRBA Court



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

June 27, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TONY VISSER
1700 E 2428 S
GOODING ID 83330

RE: SRBA Claim(s) 36-02671, 36-07367, 36-07381, 36-07445

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: J & T Dairy.
J. Walter Sinclair Esq.

1997 JUN 27 PM 2: 32

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

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDINGS

SUB CASE NO. 36-07367

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☒ Change in Ownership
☒ Point of Diversion
☒ Period of Use

- [X] Split of Water Right
- [X] Place of Use
- [X] Nature of Use

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

**Don McFarland
Carol McFarland
PO Box 268
Eden ID 83325
Phone: 825-8258**

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

Don McFarland
Carol McFarland
PO Box 268
Eden ID 83325
Phone: 825-8258

J & T Dairy
c/o Tony Visser
4205 S Graves Rd
Roswell NM 84201

Tony Visser
1700 E 2428 S
Gooding ID
83330

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6-27-97, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

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

2. One Copy to:

Claimant/Seller for Substitution of Party or attorney of record:

J Walter Sinclair
Benoit Alexander Sinclair
Harwood & High
PO Box 366
Twin Falls ID 83303-0366

3. One Copy to:

Claimant/Purchaser for Substitution of Party or attorney of record:

Tony Visser
1700 E 2418 S
Gooding ID 83330

J & T Dairy
c/o Tony Visser
4205 S Graves Rd
Roswell NM 84201

4. One Copy to:

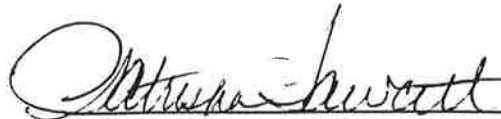
Each party in the subcase or attorney of record:

5. One Copy to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5859NP

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

DATE: JUN-27-1997

PAGE: A-2

RIGHT NUMBER: 36-07367

SPLIT RIGHT: SEE RIGHT NOS. 36-07367B, 36-07367C, 36-07367D AND
36-07367E.

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07367B

NAME & ADDRESS: J & T DAIRY
C/O TONY VISSER
4205 GRAVES RD
ROSWELL NM 84201

SOURCE: GROUNDWATER

QUANTITY: 0.43 CFS
99.2 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.15 CFS AND TO A TOTAL COMBINED DIVERSION
VOLUME OF 1052 AF. COMBINED RIGHT NOS.: 36-02671B, 36-07367B,
36-07381B, 36-07445B, 36-07480C, 36-02671E, 36-07367E, 36-7381E,
36-07445E, 36-07480F, AND 36-07402.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.99 CFS AND TO A TOTAL COMBINED DIVERSION
VOLUME OF 208.0 AF. COMBINED RIGHT NOS.: 36-02671B, 36-07367B,
36-07381B, 36-07445B, AND 36-07480C.

PRIORITY DATE: 08/13/1973

POINT OF DIVERSION: T07S R14E S01 NESE Within GOODING County
R15E S06 NESW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.43 CFS
			99.2 AFY

PLACE OF USE:	IRRIGATION	Within GOODING County
	T07S R14E S01	Lot 2 (SWNE) 2 Lot 1 (SENE) 2 NESE 34 NWSE 34
	R15E S06	NESW 33 Lot 5 (NWSW)29 Lot 6 (SWSW)23 SESW 40
		NWSE 33 SWSE 33
	263 ACRES TOTAL	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 52 ACRES IN A SINGLE IRRIGATION SEASON.
36-02671B, 36-07367B, 36-07381B, 36-07445B, AND 36-07480C.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 24.8 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07367B (CONT)

EXPLANATORY MATERIAL: (CONT)

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-07381B, 36-07445B, 36-07480C,
36-07367B, 36-02671E, 36-07367E, 36-7381E, 36-07445E, 36-07480F,
36-02671B, AND 36-07402.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JUN-27-1997
PAGE: A-10

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07367C

NAME & ADDRESS: TONY VISSER
1700 E 2428 S
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.33 CFS
68.7 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.75 CFS, 0.52 CFS FOR STOCKWATER USE AND 0.23
CFS FOR COMMERCIAL USE, NOR A TOTAL COMBINED DIVERSION VOLUME OF
156 AF, 108 AF FOR STOCKWATER USE AND 48 AF FOR COMMERCIAL USE.
COMBINED RIGHT NOS.: 36-02671C, 36-07367C, 36-07381C, 36-07445C,
AND 36-07480D.

PRIORITY DATE: 08/13/1973

POINT OF DIVERSION: T07S R14E S01 NESE Within GOODING County

2 POINTS OF DIVERSION LOCATED IN T07S, R14E, S01, NESE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.23 CFS
			47.8 AFY
	COMMERCIAL	01-01 12-31	0.1 CFS
			20.9 AFY

PLACE OF USE:	STOCKWATER	Within GOODING County		NESE	NWSE
	T07S R14E S01	Lot 2 (SWNE)	Lot 1 (SENE)		
	COMMERCIAL	Within GOODING County			
	T07S R14E S01	NESE			

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
STOCKWATER USE IS FOR 2,200 MILK COWS, 451 DRY COWS AND 982
REPLACEMENT HEIFERS.
COMMERCIAL USE IS FOR A DAIRY OPERATION.
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 36-02671C, 36-07367C, 36-07381C,
36-07445C, AND 36-07480D.

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07367D

NAME & ADDRESS: DON MC FARLAND
CAROL MC FARLAND
PO BOX 268
EDEN ID 83325

SOURCE: GROUNDWATER

QUANTITY: 8.29 CFS
1896.8 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 18.94 CFS AND TO A TOTAL COMBINED DIVERSION
VOLUME OF 3968 AF. COMBINED RIGHT NOS.: 36-02671D, 36-07367D,
36-07381D, 36-07445D, AND 36-07480E.

PRIORITY DATE: 08/13/1973

POINT OF DIVERSION: T07S R14E S01 LOT 4 (NWSWNW) Within GOODING County
S02 LOT 1 (NESENE)
LOT 3 (NWSNW)
S03 LOT 1 (NESENE)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
8.29 CFS
1896.8 AFY

PLACE OF USE:

IRRIGATION

Within GOODING County

T06S R14E S33	NESW 17	NWSW 20	SWSW 40	SESW 40
	SWSE 36	SESE 32		
T07S R14E S01	Lot 4 (SWNW)32	Lot 3 (SENW)32	NESW 40	NWSW 40
	SWSW 33	SESW 33		
S02	Lot 2 (SWNE)32	Lot 1 (SENE)32	Lot 4 (SWNW)32	Lot 3 (SENW)32
	NESW 40	NWSW 33	SWSW 30	SESW 31
	NESE 40	NWSE 40	SWSE 30	SESE 29
S03	Lot 2 (SWNE)32	Lot 1 (SENE)32	Lot 4 (SWNW)32	Lot 3 (SENW)31
	NESE 39	NWSE 30		

992 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 992 ACRES IN A SINGLE IRRIGATION SEASON.
36-02671D, 36-07367D, 36-07381D, 36-07445D, AND 36-07480E.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 474.2 ACRES WITHIN

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07367D (CONT)

PLACE OF USE: (CONT)

THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

A measuring device of a type approved by this Department shall
be maintained as a part of the diverting works.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 36-02671D, 36-07367D, 36-07381D,
36-07445D, AND 36-07480E.

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07367E

NAME & ADDRESS: J & T DAIRY
C/O TONY VISSER
4205 S GRAVES RD
ROSWELL NM 84201

SOURCE: GROUNDWATER

QUANTITY: 0.6 CFS
137.6 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.38 CFS AND TO A TOTAL COMBINED DIVERSION
VOLUME OF 288 AF. COMBINED RIGHT NOS.: 36-02671E, 36-07367E,
36-07381E, 36-07445E, AND 36-07480F.

PRIORITY DATE: 08/13/1973

POINT OF DIVERSION: T07S R14E S01 NESE Within GOODING County
R15E S06 NESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.6 CFS 137.6 AFY

PLACE OF USE:	IRRIGATION	Within GOODING County
T07S R14E S01	Lot 2 (SWNE) 2	Lot 1 (SENE) 2
R15E S06	NESW 33	Lot 5 (NWSW) 29
	NWSE 33	Lot 6 (SWSW) 23
		SWSE 33
	263 ACRES TOTAL	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 72 ACRES IN A SINGLE IRRIGATION SEASON.
36-02671E, 36-07367E, 36-07381E, 36-07445E, AND 36-07480F.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 34.4 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 36-07381B, 36-07445B, 36-07480C,
36-07367B, 36-02671E, 36-07367E, 36-07381E, 36-07445E, 36-07480F,
36-02671B, AND 36-07402.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 7, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TONY VISSER
1660 E 2400 S
GOODING ID 83330-5242

RE: SRBA Adjudication Claims in the name of Tony Visser -
36-02671C, 36-07367C, 36-07381C, 36-07402, 36-07445C,
36-07480D

SRBA Adjudication Claims in the name of J & T Dairy -
36-02671B, 36-02671E, 36-07367B, 36-07367E, 36-07381B,
36-07381E, 36-07445B, 36-07445E, 36-07480C, 36-07480F

Dear Mr. Visser:

While preparing Notices of Completed Administrative Proceedings to report the results of transfers 4543 and 4790 to the SRBA court, I noticed that six of your claims are under the name of Tony Visser with a mailing address of 1700 E 2428 S, Gooding, ID and ten of your claims are in the name of J & T Dairy with a mailing address in care of you at 4205 S Graves Rd, Roswell, NM. Rather than reporting incorrect information, I thought I would contact you and see if you wanted all the above claims listed under one name and address.

If you do indeed wish to list all your claims under one name and address, please complete the enclosed Notice of Change of Water Right Ownership. If your business name has changed please include a copy of your business permit from the Secretary of State's office. It would also be helpful if you would include an aerial photo with your holdings outlined.

As soon as I receive your answer, I will produce new NCAPs which will report to the SRBA court all the current information regarding your claims. I am including a self-addressed envelope for your convenience. If you have any questions or problems, please contact this office. Thank you for your prompt attention to this matter.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Enclosures

Clear Creek Land & Mortgage

November 19, 1996

Mr. Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

RECEIVED
NOV 21 1996

Department of Water Resource
Southern Region

RE: Tony Visser - Standard Form 5

Dear Mr. Spencer,

Mr. Visser has asked for our assistance in regard to completing a Standard Form 5 on water right numbers 36-02671; 36-07367; 36-07381; and 36-07445. These water rights were transferred from Don and Carol McFarland to Mr. Visser with the sale of the property to Mr. Visser. Prior to the sale, a split of the rights was advertised and approved for irrigation, commercial and stockwater usage's with the Idaho Department of Water Resources. I am enclosing a copy of the approved transfer and change of ownership. Due to the transfer/split, the right numbers are different from those indicated on Mr. Dolan's letter.

In conversations with Mr. Doug Jones, Southern Region of Idaho Department of Water Resources, the data for this transfer of the split rights have not been entered into the IDWR computer system. It is my understanding via my conversation with Mr. Jones, that the Standard Form 5 cannot be completed until all the data is entered. He stated that the data entry would be completed by November 25, 1996.

The letter from the District Court SRBA dated September 24, 1996 that Mr. Visser received, indicates that he must agree with all of the elements of the water right. It is impossible to determine all of the elements of the water rights at this time, since IDWR has not entered the data.

The letter also states that "If you file a Standard Form 5 in the near future, a partial decree will soon be entered with no further action on your part". No specific filing dates are given, which leads to my concern that I cannot assist Mr. Visser in filing the Standard Form 5 in the near future due to the situation at IDWR.

Please advise me immediately concerning how I should proceed with this situation, in order to protect Mr. Visser's water rights.

I can be contacted by phone at (208) 734-6622 or by mail at P.O. Box 1598, Twin Falls, Idaho, 83303.
Thank you for your assistance with this matter.

Sincerely,
Clear Creek Land & Mortgage

Kevan R. Varin

cc: Doug Jones, IDWR Southern Region ✓
Tony Visser

enclosures

Voice: 208-734-6622 • Fax: 208-734-0745

P.O. Box 1598 • 409 Shoshone St. South • Ste. #25 • Twin Falls, Idaho 83303



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 4/4/95

NOV 21 1996

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet. See Attached "Legal Description"

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: 36-07402; And under Transfer 4543: 36-02671C, 36-07367C, 36-07381C, 36-07445C, 36-07480D, 36-02671B, 36-07367B, 36-07381B, 36-07445B, 36-07480C.
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Don McFarland
P.O. Box 268
Eden, ID 83325
- ☐ New Owner/Claimant (Purchaser): Tony Visser
1700 East 2428 South
Gooding, ID 83330
- ☐ New Mailing Address:
- ☐ New Telephone Number: () _____
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed and Quitclaim Deed.
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Tony Visser Date _____
- ☐ Signature of Former Owner/Claimant(s): Don McFarland Date 1-10-96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

"DO NOT FILM"

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 21 1996

TRANSFER OF WATER RIGHT

Department of Water Resources
Boise, Idaho

TRANSFER NO. 4543 (PART)
WATER RIGHT NO(S). 36-02671C/36-07367C/36-07381C
36-07445C/36-07480D

This is to certify that: DON MC FARLAND
PO BOX 268
EDEN ID 83352

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. 36-02671C :			
Priority: 01/09/1967			
STOCKWATER	01/01 to 12/31	0.04 CFS	8.3 AF
COMMERCIAL	01/01 to 12/31	0.02 CFS	4.2 AF
SUBTOTAL:		0.06 CFS	12.5 AF
Right No. 36-07367C :			
Priority: 08/13/1973			
STOCKWATER	01/01 to 12/31	0.23 CFS	47.8 AF
COMMERCIAL	01/01 to 12/31	0.10 CFS	20.9 AF
SUBTOTAL:		0.33 CFS	68.7 AF
Right No. 36-07381C :			
Priority: 09/19/1973			
STOCKWATER	01/01 to 12/31	0.03 CFS	6.2 AF
COMMERCIAL	01/01 to 12/31	0.02 CFS	4.2 AF
SUBTOTAL:		0.05 CFS	10.40 AF
Right No. 36-07445C :			
Priority: 02/21/1974			
STOCKWATER	01/01 to 12/31	0.07 CFS	14.5 AF
COMMERCIAL	01/01 to 12/31	0.03 CFS	6.2 AF
SUBTOTAL:		0.10 CFS	20.70 AF
Right No. 36-07480D :			
Priority: 05/31/1974			
STOCKWATER	01/01 to 12/31	0.15 CFS	31.2 AF
COMMERCIAL	01/01 to 12/31	0.06 CFS	12.5 AF
SUBTOTAL:		0.21 CFS	43.7 AF
TOTAL:		* 0.75 CFS	* 156.0 AF

"DO NOT FILM"

NOV 21 1996

PAGE 2

Department of Water Resources

TRANSFER NO. 4543 (PART)
WATER RIGHT NO(8). 36-02671C/36-07367C/36-07381C
36-07445C/36-07480D

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESE, Sec. 1, Township 07S, Range 14E
GOODING County

PLACE OF USE: STOCKWATERTWN RGE SEC

07S 14E 1 Lot 2 (SWNE) Lot 1 (SENE) NESE
NWSE

PLACE OF USE: COMMERCIALTWN RGE SEC

07S 14E 1 NESE

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy use and shall annually report the amount of water diverted to the Department.
- * 6. The total instantaneous diversion of water from all points of diversion under combined Right Nos. 36-02671C, 36-07367C, 36-07381C, 36-07445C and 36-07480D shall not exceed 0.75 cfs, 0.52 cfs for stockwater use and 0.23 cfs for commercial use, nor a total combined annual volume of 156.0 af, 108.0 af for stockwater use and 48.0 af for commercial use.
7. Approval of Transfer No. 4543 removes 91 acres from irrigation use specifically described as 10 acres in SWNE (Lot 2), 22 acres in SENE (Lot 1), 7 acres SWSW, 7 acres in SESW, 28 acres in NESE, 10 acres in NWSE, Section 1, and 7 acres SESE, Section 2, Township 7S, Range 14E, B.M.
8. Stockwater use is for 2,200 milk cows, 451 dry cows and 982 replacement heifers.
9. Commercial use is for a dairy operation.
10. Two points of diversion are located within the NESE, S01, T07S, R14E.

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TRANSFER NO. 4543 (PART)
WATER RIGHT NO(S). 36-02671C/36-07367C/36-07381C
36-07445C/36-07480D

11. Right Nos. 36-02671B, 36-07367B, 36-07381B, 36-07445B and 36-07480C are also changed for the irrigation portion of Transfer No. 4543 and are represented on a separate transfer approval.

Dated this 13th day of March, 1995

A. Glen Saylor
Chief, Water Alloc. Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4543 (PART)
WATER RIGHT NO(S). 36-02671B/36-07367B/36-07381B
36-07445B/36-07480C

This is to certify that: DON MC FARLAND
PO BOX 268
EDEN ID 83352

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. 36-02671B : IRRIGATION Priority: 01/09/1967	04/01 to 10/31	0.08 CFS	36.0 AF
Right No. 36-07367B : IRRIGATION Priority: 08/13/1973	04/01 to 10/31	0.43 CFS	99.2 AF
Right No. 36-07381B : IRRIGATION Priority: 09/19/1973	04/01 to 10/31	0.07 CFS	14.4 AF
Right No. 36-07445B : IRRIGATION Priority: 02/21/1974	04/01 to 10/31	0.13 CFS	25.6 AF
Right No. 36-07480C : IRRIGATION Priority: 05/31/1974	04/01 to 10/31	0.28 CFS	68.8 AF
TOTAL:		0.99 CFS	* 208.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 6, Township 07S, Range 15E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	15E	6	NESW 33	Lot 5(NWSW) 29	Lot 6(SWSW) 23	
			SESW 40	NWSE 33	SWSE 33	191
Total number of acres irrigated:						** 191

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PAGE 2

TRANSFER NO. 4543 (PART)
WATER RIGHT NO(S). 36-02671B/36-07367B/36-07381B
36-07445B/36-07480C

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 5. Use of combined Right Nos. 36-02671B, 36-07367B, 36-07381B, 36-07445B and 36-07480C is limited to a combined diversion rate of 0.99 cfs, a total combined annual diversion volume of 208.0 af, a total combined annual consumptive volume of 156.0 af, and to the irrigation of a combined total of 52 acres in a single irrigation season.
6. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated with the irrigation use and shall annually report the amount of water diverted to the Department.
- ** 7. Right No. 36-02671B is limited to the irrigation of 9.0 acres within the place of use described above in a single irrigation season.
- ** 8. Right No. 36-07367B is limited to the irrigation of 24.8 acres within the place of use described above in a single irrigation season.
- ** 9. Right No. 36-07381B is limited to the irrigation of 3.6 acres within the place of use described above in a single irrigation season.
- ** 10. Right No. 36-07480C is limited to the irrigation of 17.2 acres within the place of use described above in a single irrigation season.
11. Approval of Transfer No. 4543 removes 91 acres from irrigation use specifically described as 10 acres in SWNE(Lot 2), 22 acres in SENE(Lot 1), 7 acres SWSW, 7 acres in SESW, 28 acres in NESE, 10 acres in NWSE, Section 1, and 7 acres SESE, Section 2, Township 7S, Range 14E, B.M.
12. Right Nos. 36-02671C, 36-07367C, 36-07381C, 36-07445C and 36-07480D are also changed for the dairy portion under Transfer No. 4543 and are represented on a separate transfer approval.

Dated this 13th day of

March, 19

95

J. Glen Saxton

Chief, Water Alloc. Bureau

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DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

RECEIVED

FEB 14 1996

Department of Water Resources



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

February 13, 1996

RECEIVED

FEB 21 1996

Tony Visser
1700 East 2428 South
Gooding, ID 83330

Department of Water Resources
Southern Region

RE: Standard Form 3 Consent to Substitution of Party to Water Rights 34-07402,
36-02761C, 36-07367C, 36-07381C, 36-07445C, 36-07480D, 36-02671B,
36-07367B, 36-07381B, 36-07445B, and 36-07480C

Dear Mr. Visser:

Enclosed I am returning the *Standard Form 3 Consent to Substitution of Party* you submitted for the above water rights.

1. Regarding Water Right 36-07402 -- I have completed the substitution of party for this water right.
2. Regarding Water Rights 36-02761C, 36-07367C, 36-07381C, 36-07445C, 36-07480D, 36-02671B, 36-07367B, 36-07381B, 36-07445B, and 36-07480C -- These water rights have not been reported to the court in a Director's Report filed by the Idaho Department of Water Resources. Therefore, the court has no jurisdiction over these water rights. Please contact the Idaho Department of Water Resources for instructions regarding a name change for these rights. The toll-free number for the Idaho Department of Water Resources Boise headquarters is 1-800-451-4129. The telephone number for the Southern Regional Office in Twin Falls is 736-3033.

Sincerely,

A handwritten signature in dark ink, appearing to read "Diana R. Delaney".

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

cc: Don McFarland
John Butler
Chief, Natural Resources Division
United States Department of Justice