

Water Right Number - A36-07402 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** A - ATTORNEY ***
SINCLAIR J WALTER 1 - PO BOX 366
2 -
3 -
City- TWIN FALLS State- ID Zip- 833030366
Phone - 208-000-0000

*** C - CURRENT OWNER ***
MC FARLAND DON 1 - PO BOX 268
2 -
3 -
City- EDEN State- ID Zip- 83325
Phone - 208-000-0000

MC FARLAND CAROL 1 - PO BOX 268
2 -
3 -
City- EDEN State- ID Zip- 83325
Phone - 208-000-0000

*** L - LEINHOLDER ***
MUTUAL LIFE INSURANCE CO OF NEW YORK THE 1 - ONE MID RIVERS MALL DR #120
2 -
3 -
City- ST PETERS State- MO Zip- 63376
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/08/1973 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
07S 15E 6 NE SW (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 3.200 640.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.200 640.00 480.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 15E 6 NE SW 40.0 01 IRRIGATION (47) GOODING
07S 15E 6 SE SW 40.0 01 IRRIGATION (47) GOODING
07S 15E 6 NW SE 40.0 01 IRRIGATION (47) GOODING
07S 15E 6 SW SE 40.0 01 IRRIGATION (47) GOODING

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Water right number - A36-07402

Prefix Translation: ADJUDICATION CLAIM

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
----	-----	-----	-------	-----	-------	------	-------------	--------

Total Acres: 160.0

Diversion Means - WELL AND PUMP

Non-Irrigation Use -

Other Rights for Same Use - NONE

Remarks
No Remarks found.

Old Water Right Numbers
No Old Water Right Numbers Found

Conditions of Approval
01B - The right holder shall either install a measuring device or
- provide a certified measurement by a professional engineer or
- install and access port or other device as specified by the
- Department.

Decree Plaintiff - - - + Decree Defendant - - - + Decree Date - +
00/00/0000

Comments
No Comments Found

Audit Fields - - +
00/00/00

Adjudication Rights Dates and Flags Area - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 03/21/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006623	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

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RECEIVED

FEB 13 1996

Department of Water Resources
Adjudication Bureau

RECEIVED

APR 15 1996

Department of Water Resources
Southern Region

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

STANDARD FORM 3

(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS

OR

☒ CONSENT TO SUBSTITUTION OF
PARTY

36-07402
document accepted by SRBA court 2/13/96
CM system not updated, no CM record

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, *SRBA Administrative Order 1 Rules of Procedure* (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

CHANGE IN ADDRESS

You must use this form to advise the court and parties of any change in your address during the pendency of the SRBA.

You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

My name is _____

I am the claimant of _____
(Insert each water right number)

I have filed an objection/response to the following water right(s) _____

(Insert each water right number)

My new mailing address is _____

My phone number is: Work _____ Home _____
(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

You are to provide a copy of the completed form to every party in each subcase in which the new party is to be substituted. If the party is represented by an attorney you must serve the attorney. Because this is a "consent" form, it is a stipulation that there is no disagreement between the prior claimant/seller and the new claimant/purchaser that the prior claimant/seller has transferred all interests in the water right. No hearing will be held and no further order will issue.

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), filed a notice of claim asserting the right to the use of water or on whose behalf the

right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The Substitution shall be filed by the new claimant/purchaser.

36-07402, 36-02671C, 36-07367C, 36-07381C,
36-07445C, 36-07480D, 36-02671B, 36-07367B,
36-07381B, 36-07445B, 36-07480C.

I am the new claimant/purchaser of _____

(Insert each water right number)

My name is Tony Visser

My address is 1700 East 2428 South, Gooding, ID 83330

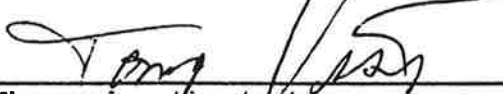
My phone number is: Work _____ Home _____

The name and address of the prior claimant/seller who I wish to be substituted for are:

Don McFarland

P.O. Box 268
Eden, ID 83325


Signature of prior claimant/seller


Signature of new claimant/purchaser

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name _____

Attorney of record for _____

(Identify party/claimant)

Attorney address and phone number: _____

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

VERIFICATION

(To be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of Idaho

County of Gooding

Tony Visser, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

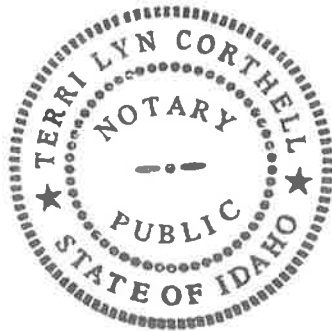
That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.



Signature of person filing form

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on January 11, 1996
(Insert Date)





Notary Public for Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 4/25/97

INSTRUCTIONS FOR MAILING

Mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on February 8, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, Idaho 83303-2707

2. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

N/A

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

John Butler, Attorney

Don McFarland and

Benoit, Alexander, Sinclair

P.O. Box 268

P.O.Box 366

Eden, ID 83325

Twin Falls, ID 83303

4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

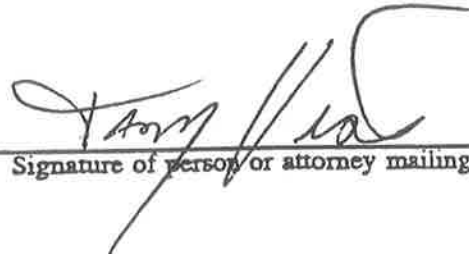
N/A

5. One copy to:

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

6. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724



Signature of person or attorney mailing the form

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



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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

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FEB 21 1996

Tony Visser
1700 East 2428 South
Gooding, ID 83330

Department of Water Resources
Southern Region

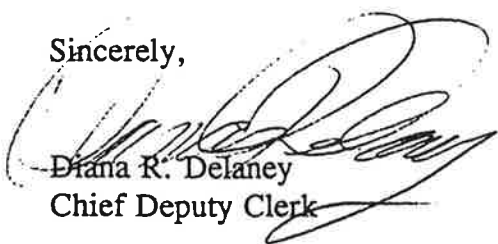
RE: Standard Form 3 Consent to Substitution of Party to Water Rights 34-07402,
36-02761C, 36-07367C, 36-07381C, 36-07445C, 36-07480D, 36-02671B,
36-07367B, 36-07381B, 36-07445B, and 36-07480C

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,


Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

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

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DEC 04 1996

David M. Brown
Senior Counsel
MONY Agricultural Investment

Lucy
Mutual Of New York
One Mid Rivers Drive, Suite 120
St. Peters, MO 63376
314 278-5555
Telecopier 314 278-6763

October 18, 1994

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

NOV 01 1994

Department of Water Resources
Southern Region Office

**Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720**

**Re: MONY Loan No. 12111
Big Sky, a General Partnership
Water Rights - Lienholder's Interest**

Gentlemen:

The Mutual Life Insurance Company of New York (MONY) has closed a loan transaction with **MCFARLAND AGRICULTURAL COMPANY**, an Idaho corporation and **BIG SKY**, a General Partnership. In connection with said loan transaction, MONY has mortgaged certain real estate owned by **MCFARLAND AGRICULTURAL COMPANY**, an Idaho corporation and **BIG SKY**, a General Partnership, and taken a security interest in the water rights appurtenant to and used in connection with said real property.

It is my understanding that State of Idaho Department of Water Resources now has all water rights on a computer system and that a notice of MONY's security interest will be entered into that system. For your use, I now enclose duplicate copies of the legal descriptions for the real property encumbered by MONY's mortgage and the water rights appurtenant thereto. It is my understanding that one copy will be dated the day that you receive it and returned to me to acknowledge receipt, and that the second copy will be retained by your department for your file.

The lienholder's name and address to be registered in you system and used for all required notifications and correspondence is as follows:

**The Mutual Life Insurance Company of New York
One Mid Rivers Mall Drive
Suite 120
St. Peters, MO 63376**

**Copy to:
The Mutual Life Insurance Company of New York
1740 Broadway
New York, NY 10019**

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Idaho Department of Water Resources

October 18, 1994

Page 2 of 2 Pages

done 10-28-94

Upon receipt of this letter I request that you return one copy of the legal description and appurtenant water rights with your date stamp attached in the enclosed self-addressed, stamped envelope, for our records. If there is anything further you require to register MONY's lienholder's interest in these water rights please contact me at your earliest convenience.

Thank you for your cooperation and assistance in this regard.

Yours very truly,



David M. Brown
Senior Counsel
MONY Agricultural Investment

Enclosures

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EXHIBIT A

PARCEL NO. 1:

TOWNSHIP 6 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 33: W $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ S $\frac{1}{4}$

EXCEPTING THEREFROM the following described parcel
of land:

Beginning at the West quarter section corner of
said Section 33, said point marked by a 5/8 inch
rebar and shall be the Point of Beginning;
Thence North 0°01'48" East along section line for
343.32 feet to a P.K. nail;
Thence South 75°29'15" East for 612.31 feet to a $\frac{1}{4}$
inch rebar;
Thence South 67°21'00" East for 782.75 feet to a $\frac{1}{4}$
inch rebar;
Thence South 1°19'23" West for 345.98 feet to a $\frac{1}{4}$
inch rebar;
Thence South 71°59'00" West for 644.29 feet to a $\frac{1}{4}$
inch rebar;
Thence South 83°18'04" West for 298.53 feet to a $\frac{1}{4}$
inch rebar;
Thence North 83°44'14" West for 400.55 feet to a
P.K. nail on section line;
Thence North 0°00'00" East (Basis of Bearing) along
said section line for 647.85 feet to the Point of
Beginning.

EXCEPTING THEREFROM a parcel of land located in the
SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 6 South,
Range 14, East Boise Meridian, described as
follows:

Commencing at the Northwest corner of said Section
33;
Thence South 0°01'48" West along the West boundary
of Section 33 for a distance of 1348.60 feet to
THE TRUE POINT OF BEGINNING;
Thence North 87°51'57" East for a distance of
565.08 feet;
Thence North 80°33'29" East for a distance of
722.06 feet;
Thence South 89°12'26" East for a distance of 65.96
feet;
Thence South 1°40'52" West for a distance of 667.03
feet;
Thence South 0°33'45" West for a distance of 886.16
feet;

- Continued -

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Thence North 67°21'00" West for a distance of
782.75 feet;
Thence North 75°29'15" West for a distance of
612.31 feet to a point on the West boundary of
the NW¼ of Section 33;
Thence North 0°01'48" East along the West boundary
of the NW¼ of Section 33 for a distance of
959.40 feet to THE TRUE POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 3: Lots 1, 2, 3 and 4, N½SE¼.

PARCEL NO. 3:

TOWNSHIP 6 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 35: N½;

EXCEPT THEREFROM approximately 10 acres more or less thereof
lying South and East of the Northside Canal Company, Ltd.
lateral.

EXCEPTING THEREFROM a parcel of land located in the
NE¼ of Section 35, Township 6 South, Range 14, East
Boise Meridian, described as follows:

Commencing at the Northeast corner of said Section 35;
Thence South 0°03'30" East along the East boundary
of Section 35 for a distance of 27.12 feet to a
point on the South Right of Way boundary of
Tuttle Road and being THE TRUE POINT OF BEGINNING;
Thence continuing South 0°03'30" East along the
East boundary of Section 35 for a distance of
702.88 feet;
Thence South 89°56'30" West for a distance of 25.0
feet;
Thence North 49°59'34" West for a distance of
541.34 feet;
Thence North 43°31'58" West for a distance of
124.38 feet;
Thence North 48°55'22" West for a distance of
126.62 feet;
Thence North 55°29'31" West for a distance of
303.38 feet to a point on the South Right of Way
boundary of Tuttle Road;

- Continued -

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Thence South 89°55'15" East along the South Right of Way boundary of Tuttle Road for a distance of 460.00 feet to a point of curvature of a 0°59'41" curve to the left;
Thence continuing along the Southerly Right of Way boundary on the Arc of the Curve Left for a distance of 201.05 feet, said Arc having a Long Chord Bearing and Distance North 89°04'45" East, 201.04 feet to THE POINT OF TANGENCY of said Curve;
Thence continuing along the Southerly Right of Way boundary on a bearing of North 88°04'45" East for a distance of 209.14 feet to the intersections with the Easterly boundary of Section 35 and being THE TRUE POINT OF BEGINNING.

SUBJECT TO a 25.00 foot wide county road easement along the Easterly boundary of the described parcel.

PARCEL NO. 4:

TOWNSHIP 7 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 6: E½SW¼; W½SE¼; and Lot 6;

PARCEL NO. 5:

TOWNSHIP 9 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 21: SE¼SE¼; SW¼SE¼; SE¼SW¼; EXCEPTING THEREFROM railroad right-of-way and that portion lying North of the railroad right-of-way.

Section 28: N¼NE¼; NE¼NW¼; EXCEPTING THEREFROM railroad right-of-way and that portion lying North of the railroad right-of-way.

Section 27: NW¼NW¼; EXCEPTING THEREFROM railroad right-of-way and that portion lying North of the railroad right-of-way.

Section 27: S½NW¼; All of the SW¼

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WATER RIGHT LIST - BIG SKY-A TENANCY IN COMMON**SAN TAN UNIT (Gooding County, Idaho):**

<u>Water Right #</u>	<u>Stage</u>	<u>Priority Date</u>	<u>Subject Acres</u>	<u>Total Acres</u>	<u>Total CFS</u>	<u>Subject Approx CFS</u>
36-02671	Lic.	1/9/67	381	1155	2.670 =	0.8800 CFS
36-07367	Lic.	8/13/73	381	1155	9.650 =	3.1825 CFS
36-07381	Lic.	9/19/73	381	1155	1.60 =	0.5276 CFS
36-07445	Lic.	2/21/74	381	1155	2.830 =	0.9333 CFS
36-07480A	Lic.	5/31/74	381	1155	6.350 =	2.0940 CFS

			.3298% of total acres			7.6200 CFS

SHOESTRING 1 & 2 UNIT (Gooding County, Idaho):

<u>Water Right #</u>	<u>Stage</u>	<u>Priority Date</u>	<u>Subject Acres</u>	<u>Total Acres</u>	<u>Total CFS</u>	<u>Subject Approx CFS</u>
36-07157B	Lic.	2/16/71	282	282	4.130	4.130
37-07470	Lic.	12/9/75	156	156	3.120	3.120
37-07315	Lic.	11/7/73	160	160	3.200	3.200
37-07806	Per.	10/25/79	4	4	0.080	0.080
			-----	-----	-----	-----
			602	602	10.530	10.530

SHOESTRING 3 UNIT (Gooding County, Idaho):

<u>Water Right #</u>	<u>Stage</u>	<u>Priority Date</u>	<u>Subject Acres</u>	<u>Total Acres</u>	<u>Total CFS</u>	<u>Subject Approx CFS</u>
36-07402	Lic.	11/8/73	139	139	2.780	2.780
			-----	-----	-----	-----
			139	139	2.780	2.780

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EDEN-LAKE UNIT (Jerome County, Idaho):

NorthSide Canal Company

Water Stock Certificate No. 18191

Section 27, Township 9 South, Range 19 East

80 shares - N $\frac{1}{2}$ SW $\frac{1}{4}$

80 shares - S $\frac{1}{2}$ SW $\frac{1}{4}$

40 shares - SE $\frac{1}{4}$ NW $\frac{1}{4}$

40 shares - SW $\frac{1}{4}$ NW $\frac{1}{4}$

Water Stock Certificate No. 19524

Section 21, Township 9 South, Range 19 East

20 shares - SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 28

80 shares - N $\frac{1}{2}$ NE $\frac{1}{4}$

Water License No R36-02667:

These water rights, with a priority date of November 1, 1966, supply 1 miner inch to the acre on the following lands:

Section 28, Township 9 South, Range 19 East

NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 37 acres

NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 40 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 acres

Section 27

NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 28 acres

Section 21

SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 10 acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 20 acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 23 acres

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

November 17, 1994

DAVID M BROWN
THE MUTUAL LIFE INSURANCE CO OF NEW YORK
ONE MID RIVERS MALL DR
SUITE 120
ST PETERS MO 63376

RE: Lienholder Addition to SRBA Records (see attached sheet)

Dear Mr. Brown:

In response to your November 1, 1994 letter, our office has changed the electronic record for the above-listed Snake River Basin Adjudication (SRBA) claims as you requested. Please find enclosed copies of proof reports for these changed records.

Please note that the Director's report for Basin 36 has been filed with the court and the recommendations for the attached adjudication claims will remain as was listed, until that is settled. Should you have any questions, you can contact this office or the SRBA District Court at 736-3011.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Technical Records Specialist

/jg

Enclosures: Proof Reports

c.c. Don and/or Carol McFarland PO Box 268 Eden ID 83325
J Walter Sinclair, Attorney, PO Box 366 Twin Falls ID
833030366

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-07402
Date Received: 9/01/1988
Receipt No: S006623
Received By: See

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: NOV 08, 1973
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	15E	6	NE	SW			GOODING
5. Description of diverting works:
WELL AND PUMP
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.200		640.00
7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or) 640.00 A.F.A.
8. Total consumptive use is 480.0 Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	15E	6	NE		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
							Section Acres	160.0
							Total Acres	160.0

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:
NONE

14. Remarks:

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
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A36-07402

Date Received 9/1/88

Receipt Number 500 66 23

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 1 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) DON and/or CAROL MC FARLAND Phone (208) 825-5258

Mailing Address P. O. Box 268, Eden, Idaho Zip 83325

2. Date of Priority (Only one (1) per claim) NOVEMBER 08, 1973

3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 07S Range 15E Section 6,
1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of GOODING

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

MICROFILMED
FEB 03 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 03/15 to 11/15 amount 3.200 or 640.00

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.200 (cfs) and/or (b) 640.00 (acre feet)

8. Total consumptive use claimed is 480 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
07S	15E	6									40			40		40	40		160.0

Total number of acres irrigated 160.0

11. In which county (ies) are lands listed above as place of use located? GOODING

12. Do you own the property listed above as place of use? Yes XX No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

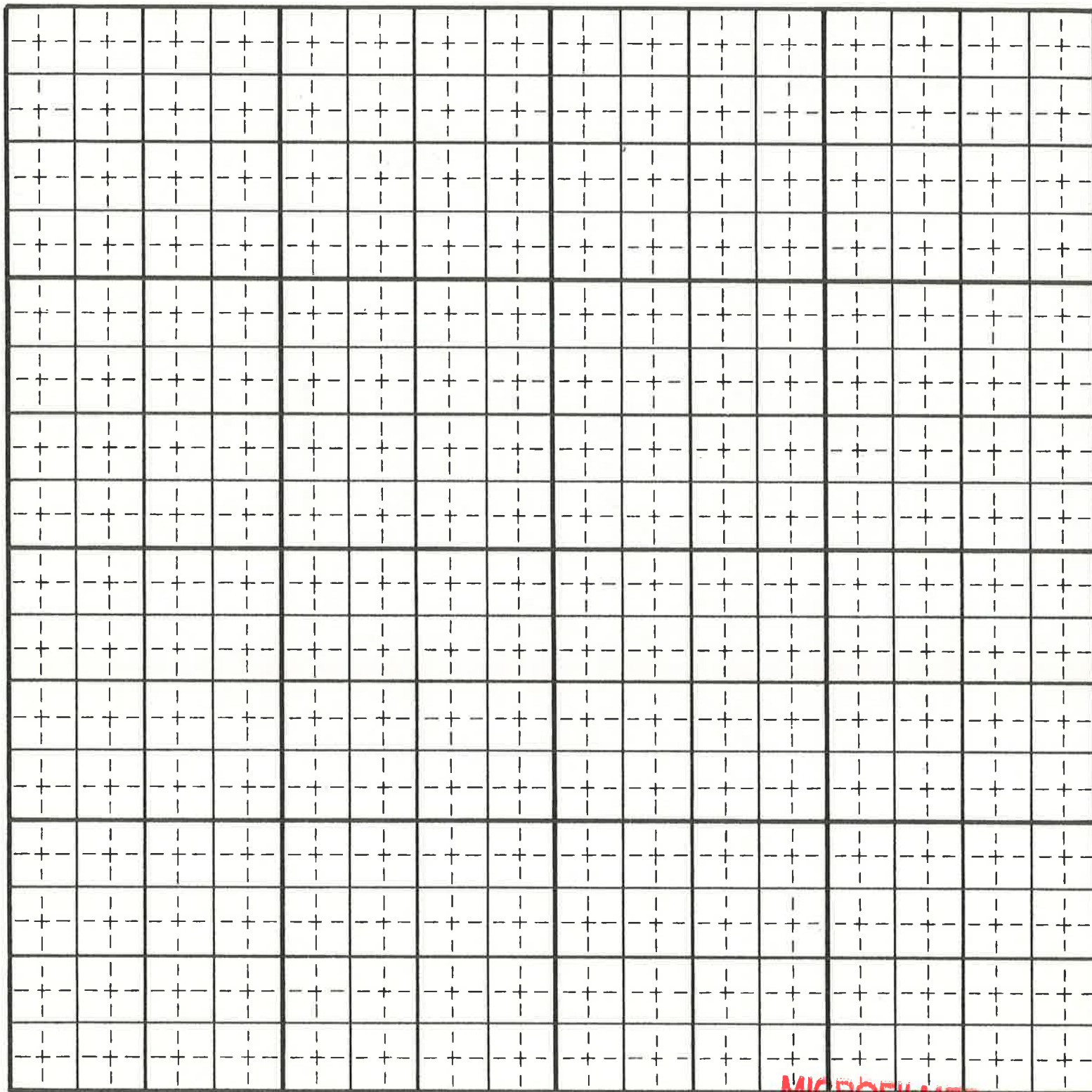
MICROFILMED
FEB 03 1993

Last Name MC FARLAND Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED
FEB 03 1993

Last Name MC FARLAND Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License XX Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s) *(see #17 below)*

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____ Organization _____, that I have signed the foregoing

document in the space below as _____ Title _____ of _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. ~~Notary Appearance~~ Signature of claimant. I hereby incorporate by reference all of #16 above. Notice is hereby given that I, _____ will be acting as attorney 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 me at the address listed below.

Signature *Don McFarland* CLAIMANT SIGNATURE
DATE 8/31/88

Address _____

MICROFILMED

FEB 03 1993

~~DATA~~ STATE OF IDAHO, _____ } ss.
County of Twin Falls.

SUBSCRIBED AND SWORN before me this 1st day of September, 1988.

Last Name MC FARLAND Ident. Number _____

Chris K. Hernandez
NOTARY PUBLIC
Residing at Twin Falls
My Commission Expires: 12-31-88

RECEIVED

DEC 06 1991

Department of Water Resources
Southern Region Office

November 19, 1991

Attention: Judy Givens
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Amendment of Notice of Appearance

Dear Mrs. Givens:

This will serve as notice to remove the law firm of Nelson, Rosholt, Robertson, Tolman & Tucker as acting attorneys on behalf of the undersigned claimant, and that all notices required by law hereafter to be mailed by the director to the undersigned should be mailed to the address of J. Walter Sinclair, P.O. Box 366, Twin Falls, Idaho 83303-0366.

DATED this 25th day of November, 1991.

Don McFarland
Don McFarland, Claimant

John A. Rosholt
John A. Rosholt
NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER
P.O. Box 1906
Twin Falls, Idaho 83303-1906

done 12-12-91
J

A36-07402

MICROFILMED
FEB 03 1993

RECEIVED

STATE OF IDAHO)
) ss.
County of Twin Falls)

DEC 06 1991

Department of Water Resources
Southern Region Office

On this 25th day of November, 1991, before me, a Notary Public, in and for said County and State, personally appeared Don McFarland, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Debra Lee
NOTARY PUBLIC
Residing at: Twin Falls
My commission expires: 1-4-94

MICROFILMED

FEB 03 1993

DISTRICT COURT-SRBA
OF THE 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

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDINGS

SUB CASE NO. 36-07402

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

☐	Split of Water Right
☒	Place of Use
☒	Nature of Use

FROM: Claimant/Seller(s):
Name and Address of Claimant/Seller(s):

TO: Claimant/Purchaser(s):
Name and Address of Claimant/Purchaser(s):

Phone:

Phone:

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: 10/30/97

Signature of IDWR Representative

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
5/21/96

Water Right(s): 36-07402

CERTIFICATE OF MAILING

I certify that on 7-1, 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:
Tony Visser
1700 E 2428 S
Gooding ID 83330

3. One Copy to:

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

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

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

DATE: JUL-1-1997

PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07402

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

SOURCE: GROUNDWATER

QUANTITY: 2.78 CFS
556.0 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.

PRIORITY DATE: 11/08/1973

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	2.78 CFS 556.0 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	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 139.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINTS 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.



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 1, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TONY VISSER
1700 E 2428 S
GOODING ID 83330

RE: SRBA Claim(s) 36-07402

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4790
WATER RIGHT NO(S). 36-02671B/36-02671E/36-07367B/36-07367E
36-07381B/36-07381E/36-07402/36-07445B/36-07445E/36-07480C
36-07480F

This is to certify that: J & T DAIRY
C/O TONY VISSER
4205 S GRAVES RD
ROSWELL NM 84201

RECEIVED

OCT 08 1996

Department of Water Resources
Southern Region

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: 00/00/0000	04/01 to 10/31	0.08 CFS	33.8 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
SUBTOTAL:		0.99 CFS	208.0 AF
** Right No. 36-02671E : IRRIGATION Priority: 01/09/1967	04/01 to 10/31	0.17 CFS	49.6 AF
** Right No. 36-07367E : IRRIGATION Priority: 08/13/1973	04/01 to 10/31	0.60 CFS	137.6 AF

TRANSFER NO. 4790
 WATER RIGHT NO(S). 36-02671B/36-02671E/36-07367B/36-07367E
 36-07381B/36-07381E/36-07402/36-07445B/36-07445E/36-07480C
 36-07480F

CONDITIONS OF APPROVAL AND 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. Prior to the diversion and use of water under this approval, the right holder shall install a suitable measuring device at each point of diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The total instantaneous diversion of water from all points of diversion under Transfer No. 4790 shall not exceed 5.15 cfs, nor total combined annual volume of 1052.0 af.
- * 7. Combined Right Nos. 36-02671B, 36-07367B, 36-07381B, 36-07445B and 36-07480C are limited to a total combined rate of diversion of 0.99 cfs, a total combined annual diversion volume of 208.0 af, a total combined annual consumptive use volume of 156.0 af, and to the irrigation of a combined total of 52 acres in a single irrigation season.
- ** 8. Combined Right Nos. 36-02671E, 36-07367E, 36-07381E, 36-07445E and 36-07480F are limited to a total combined rate of diversion of 1.38 cfs, a total combined annual diversion volume of 288.0 af, a total combined annual consumptive use volume of 216.0 af, and to the irrigation of a combined total of 72 acres in a single irrigation season.
- *** 9. Right No. 36-02671B is limited to the irrigation of 9.0 acres in the place of use described above in a single irrigation season.
- *** 10. Right No. 36-07367B is limited to the irrigation of 24.8 acres in the place of use described above in a single irrigation season.
- *** 11. Right No. 36-07381B is limited to the irrigation of 3.6 acres in the place of use described above in a single irrigation season.
- *** 12. Right No. 36-07445B is limited to the irrigation of 6.4 acres in the place of use described above in a single irrigation season.
- *** 13. Right No. 36-07480C is limited to the irrigation of 17.2 acres in the place of use described above in a single irrigation season.
- *** 14. Right No. 36-02671E is limited to the irrigation of 12.4 acres in the place of use described above in a single irrigation season.

TRANSFER NO. 4790
 WATER RIGHT NO(S). 36-02671B/36-02671E/36-07367B/36-07367E
 36-07381B/36-07381E/36-07402/36-07445B/36-07445E/36-07480C
 36-07480F

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
** Right No. 36-07381E :			
IRRIGATION	04/01 to 10/31	0.10 CFS	20.0 AF
Priority:	09/19/1973		
** Right No. 36-07445E :			
IRRIGATION	04/01 to 10/31	0.18 CFS	35.6 AF
Priority:	02/21/1974		
** Right No. 36-07480F :			
IRRIGATION	04/01 to 10/31	0.40 CFS	94.8 AF
Priority:	05/31/1974		
SUBTOTAL:		<u>1.38 CFS</u>	<u>288.0 AF</u>
 Right No. 36-07402 :			
IRRIGATION	04/01 to 10/31	2.78 CFS	556.0 AF
Priority:	11/08/1973		
TOTAL:		<u>5.15 CFS</u>	<u>1052.0 AF</u>

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 1, Township 07S, Range 14E
 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	14E	1	Lot 2(SWNE) 2	Lot 1(ENE) 2	NESE 34	
			NWSE 34			72
	15E	6	NESW 33	Lot 5(NWSW) 29	Lot 6(SWSW) 23	
			SESW 40	NWSE 33	SWSE 33	191
Total number of acres irrigated:						*** 263

TRANSFER NO. 4790

WATER RIGHT NO(S). 36-02671B/36-02671E/36-07367B/36-07367E
36-07381B/36-07381E/36-07402/36-07445B/36-07445E/36-07480C
36-07480F

CONDITIONS OF APPROVAL AND REMARKS

- *** 15. Right No. 36-07367E is limited to the irrigation of 34.4 acres in the place of use described above in a single irrigation season.
- *** 16. Right No. 36-07381E is limited to the irrigation of 5.0 acres in the place of use described above in a single irrigation season.
- *** 17. Right No. 36-07445E is limited to the irrigation of 8.9 acres in the place of use described above in a single irrigation season.
- *** 18. Right No. 36-07480F is limited to the irrigation of 23.7 acres in the place of use described above in a single irrigation season.
- *** 19. Right No. 36-07402 is limited to the irrigation of 139.0 acres in the place of use described above in a single irrigation season.

Dated this 3rd day of

October

, 19

96

J. Glen Saylor

Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. X36-02671A & B/07367A & B/07381A & B/
07445A & B/07480B & C & 36-07402

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4790

DATE: July 25, 1996

Transfer No. 4790 was filed to change the point of diversion and place of use under all of Right Nos. X36-02671B/07367B/07381B/07445B/07480C & 36-07402, and a portion of Right Nos. X36-02671A (D & E)/07367A (D & E)/07381A (D & E)/07445A (D & E)/07480B (E & F), splitting each right as shown.

The transfer moves irrigated acres from two separate parcels of land and combines their use on a single permissible place of use system. This transfer is based on these rights as recommended in the SRBA Basin 36 Director's report or subsequent Transfer No. 4543.

Recommended Amounts Each Right/Split

<u>Right No.</u>	<u>Original</u> cfs/acres	<u>Transferred</u> cfs/acres	<u>Remaining</u> cfs/acres
X36-02671A	2.53/ 183.3	0.17/ 12.4	2.36/170.9
X36-07367A	8.89/ 508.6	0.60/ 34.4	8.29/474.2
X36-07381A	1.48/ 73.7	0.10/ 5.0	1.38/ 68.7
X36-07445A	2.60/ 130.8	0.18/ 8.9	2.42/121.9
X36-07480A	5.86/ 350.9	0.40/ 23.7	5.46/327.2
Combined			
Limits:	20.32/1064.0	1.38/ 72.0	18.94/992.0
36-07402	2.78/ 139.0	2.78/139.0	
X36-02671B	0.08/ 9.0	0.08/ 9.0	
X36-07467B	0.43/ 24.8	0.43/ 24.8	
X36-07381B	0.07/ 3.6	0.07/ 3.6	
X36-07445B	0.13/ 6.4	0.13/ 6.4	
X36-07480C	0.28/ 17.2	0.28/ 17.2	
Combined			
Limits:	0.99/ 52.0	0.99/ 52.0	
Transfer Totals:		5.15/263.0 cfs acres	

Recommended Conditions include irrigation overlap, multiple points of diversion, measuring devices, annual reporting, permissible place of use, combined limits and standard transfer conditions.

TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J SKINNER Date: 4/23/96

1. Right number Basin 36 Applicant J & T Dairy
 2. Type of right: ☐ Decree ☐ License ☒ Claim(s)
 3. Purpose of transfer: ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Other CREATE PPU

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 b. ☒ Description of original point of diversion. Basin 36
 c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

- a. ☒ All of right.
 b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 c. ☒ Check description of point(s) of diversion.
 d. ☒ Check description of place of use.
 e. ☒ Check map (shows p.d. and p.u. after transfer).
 f. ☒ Check for correct signature, notarization, and fee.
 g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 h. ☒ Check for expansion in use of right. Comments NONE IF APPROPRIATE LIMITS ARE PART OF THE APPROVAL CONDITIONS.
 i. ☒ Check for existing water rights from same source, on land water is being transferred to.
 Right number(s) ONLY THOSE INVOLVED WITH THIS TRANSFER
 j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No GROUNDWATER
 If yes, what district? N/A

FINAL PROCESSING REVIEW BY: Adm

1. Watermaster recommendation requested on N/A Received on _____
 2. Is transfer published correctly? ☒ Yes ☐ No
 3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
 2. ☐ Deny
 3. Conditions* I concur with Corey's 3/11/96 memo.
Approve with similar conditions to Trus. # 4543
 4. By Adm Date 4/23/96

* All uses within Watermaster Districts require special conditions.

36-02671 B, ex. al. 1 # 4790

MEMORANDUM

TO: J & T Dairy (c/o Tony Visser) Transfer File (11 rights)
FROM: Corey Skinner
DATE: March 11, 1996
SUBJECT: Staff Review

The enclosed transfer application filed by J & T Dairy proposes to modify eleven different water rights that have been recommended in the Basin 36 Director's Report. Ten of these rights were produced by transfer #4543, approved March 13th of last year.

The enclosed transfer proposes to create a permissible place of use on, and to change diversion points to, property now owned by Tony Visser. This will be accomplished by transferring portions of rights 36-02671A, 36-07367A, 36-07381A, 36-07445A, and 36-07480B and by transferring all of rights 36-02671B, 36-07367B, 36-07381B, 36-07445B, 36-07480C, 36-07402. As of this date, a summary of the rights involved with this transfer would be as follows...

36-02671A	for	2.53 cfs	limited to	183.3 acres
36-07367A	for	8.89 cfs	limited to	508.6 acres
36-07381A	for	1.48 cfs	limited to	73.7 acres
36-07445A	for	2.60 cfs	limited to	130.8 acres
36-07480B	for	5.86 cfs	limited to	350.9 acres

The combined use of these five rights is limited to a combined diversion rate of 20.32 cfs and the irrigation of 1064 acres in a single irrigation season.

36-02671B	for	0.08 cfs	limited to	9.0 acres
36-07367B	for	0.43 cfs	limited to	24.8 acres
36-07381B	for	0.07 cfs	limited to	3.6 acres
36-07445B	for	0.13 cfs	limited to	6.4 acres
36-07480C	for	0.28 cfs	limited to	17.2 acres

The combined use of these five rights is limited to a combined diversion rate of 0.99 cfs and the irrigation of 52 acres in a single irrigation season.

36-07402	for	2.78 cfs	limited to	139.0 acres
----------	-----	----------	------------	-------------

This transfer proposes to create a permissible place of use of 263 acres by transferring all or portions of the rights listed above. Since nearly all of these rights are currently in a permissible place of use, appropriate limits and approval

conditions should be required to insure that no expansion occurs if the transfer is approved. After this proposed transfer, a summary of the involved water rights and their appropriate limits should probably be as follows...

36-02671E	for	0.11 cfs	limited to	12.4 acres
36-07367E	for	0.60 cfs	limited to	34.4 acres
36-07381E	for	0.10 cfs	limited to	5.0 acres
36-07445E	for	0.18 cfs	limited to	8.9 acres
36-07480F	for	0.40 cfs	limited to	23.7 acres

The combined use of these five rights is limited to a combined diversion rate of 1.32 cfs and the irrigation of 72.0 acres in a single irrigation season.

36-02671B	for	0.08 cfs	limited to	9.0 acres
36-07367B	for	0.43 cfs	limited to	24.8 acres
36-07381B	for	0.07 cfs	limited to	3.6 acres
36-07445B	for	0.13 cfs	limited to	6.4 acres
36-07480C	for	0.28 cfs	limited to	17.2 acres

The combined use of these five rights is limited to a combined diversion rate of 0.99 cfs and the irrigation of 52.0 acres in a single irrigation season.

36-07402	for	2.78 cfs	limited to	139.0 acres
----------	-----	----------	------------	-------------

It should also be noted that one of the new proposed points of diversion, located in Section 1 (T07S, R14E), may or may not be described correctly on Part 1, B4. The well is an existing well that is either located in the NENESE $\frac{1}{4}$ of Section 1 or the SESENE $\frac{1}{4}$ (Lot 1) of Section 1. The well appears to be located directly west of the East $\frac{1}{4}$ Corner of Section 1 (T07S, R14E) and may fall in either tract. Scott King, from the state office, recently GPSed the well, Site Tag ID # A0003638, so the department does have this particular well identified. Mr. King had not yet refined the GPS data, so as of this date the exact well location is not known. Upon final processing, someone may want to clarify the exact well location.

Overall, this transfer is fairly straight forward. The rights were recommended in the director's report, and created by transfer #4543 which was approved last year. It is obvious that forfeiture is not an issue, so a field investigation was not required. The only possible problems are minor (requiring appropriate limits and approval conditions, determining the exact location of the Section 1 well, etc.), so this particular transfer could be approved without much difficulty.

TUTTLE QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)

(GOODING)

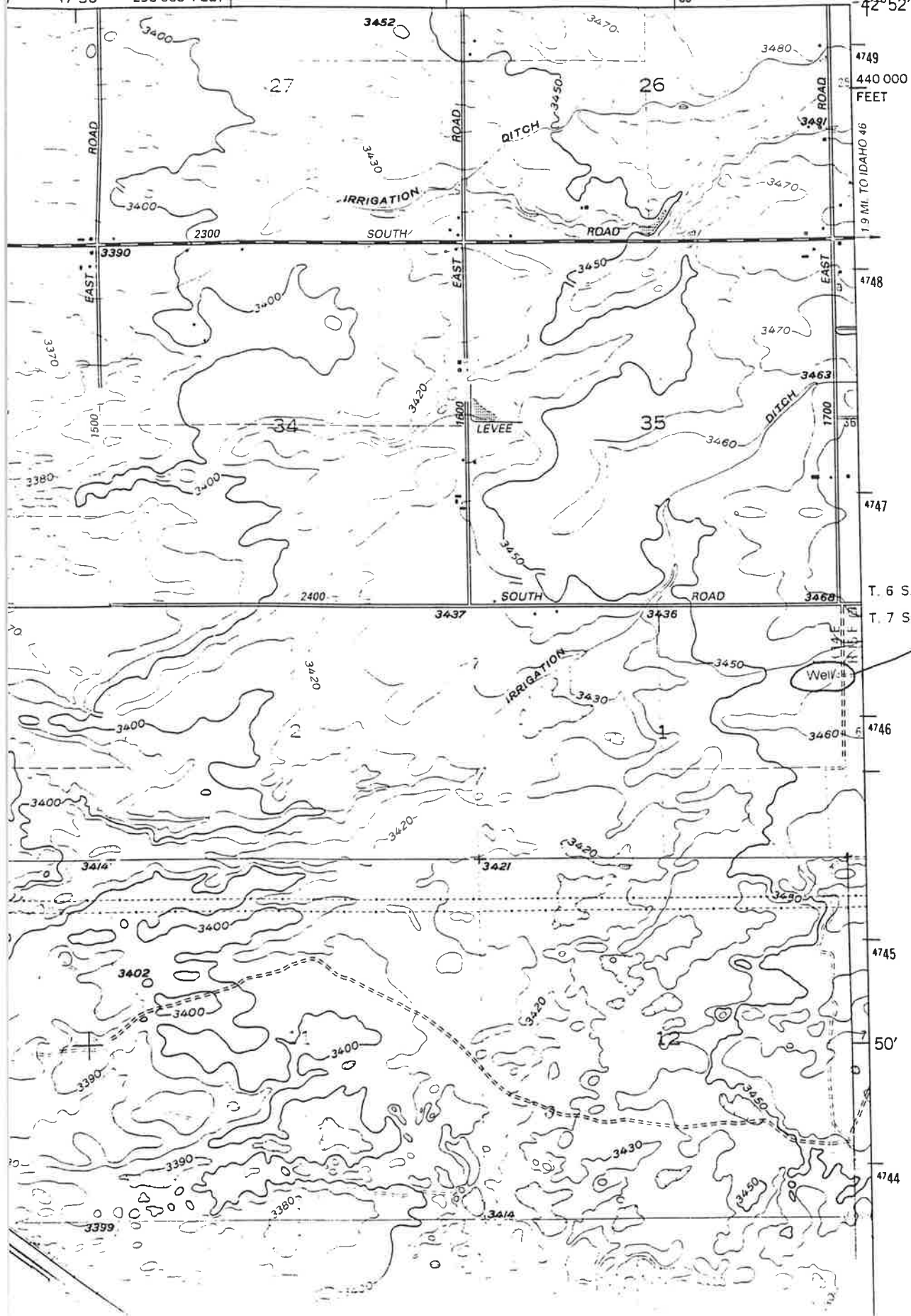
3.4 MI. TO US 26

47°30' 290 000 FEET

83

114°45'

42°52'30"



NEW P.O.D.

EXISTING
WELL
LOCATION

T07S, R14E
SECTION 1

G.P.S. #
A0003638

RECEIVED

MEMORANDUM

MAR 23 1995

Department of Water Resources
Southern Region

TO: FILES 36-02671/07367/07381/07445 & 07480A

FROM: PAM SKAGGS^{CS}/STATE OFFICE

SUBJECT: TRANSFER NO. 4543

DATE: March 7, 1995

=====

Transfer No. 4543 was filed to change a portion of Right Nos. 36-02671, 36-07367, 36-07381, 36-07445 and 36-07480A, splitting each transferred portion into two parts. The first part will be to change the point of diversion and place of use for irrigation. The second part will be to change and add points of diversion, change the nature and period of use to commercial and stockwater use for a dairy.

The transfer approval was prepared based on the rights as recommended in the Snake River Basin Adjudication and splits assigned from that record. The splits result in parts A, B and C for all the rights, except 36-07480A, which will result in parts B, C and D. The first portion is the remaining unchanged irrigation acres, part As and B; the second portion is the transferred irrigation acres, part Bs and C; and the third portion is the transferred portion changed to stockwater and commercial use for a dairy, part Cs and D.

These rights are used together in a combined system under all portions and limits for each combined part were identified along with specific individual right limits. There is no apparent overlap of surface water rights at the original location as noted by the region staff (5.h Review Sheet), no use of surface water was noted in the SRBA recommendation of these rights and an overlap report reflects possible use of surface water (Basin 01) under old decreed rights that have not been claimed for current use at this location.

The change in nature of use from irrigation to stockwater and commercial results in a net reduction of consumptive use. Recommended conditions include drilling permit requirements, irrigation overlap, measuring devices and multiple points of diversion limits, permissible place of use limits, combined right limits and standard transfer conditions. The transfer was approved on two separate approval documents for clarity.

ATTACHMENT A

Part 1.B.1.

Right Number	Priority	Amount	Nature of Use	Period of Use
36-02671E	1-9-1967	0.11 cfs	Irrigation	4-1 to 10-31
36-07367E	8-13-1973	0.60 cfs	"	"
36-07381E	9-19-1973	0.10 cfs	"	"
36-07445E	2-21-1974	0.18 cfs	"	"
36-07480EF	5-31-1974	0.40 cfs	"	"
36-07402	11-8-1973	2.78 cfs	"	"
X36-02671B	1-9-1967	0.08 cfs	"	"
X36-07367B	8-13-1973	0.43 cfs	"	"
X36-07381B	9-19-1973	0.07 cfs	"	"
X36-07445B	2-21-1974	0.13 cfs	"	"
X36-07480C	5-31-1974	0.28 cfs	"	"

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant J & T Dairy Phone _____
 Post Office address c/o Tony Visser, 4205 S. Graves Rd., Roswell, NM 84201

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create PPU
2. Describe the reason for the proposed changes Split rights due to land sale. Change P/Ds to 2 wells on new owner's property. Tie all of new owner's land together in PPU. Change PPU in Sec. 1 slightly due to change in plans for construction of dairy approved in previous transfer.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number _____ Priority _____ Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use _____
See Attachment A _____ to _____
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 4,175.16^{cs} cubic feet per second and/or 1052 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
~~1~~	NE	NE	SE	1	7S	14E	Gooding	Existing irrigation well
	SW	NE	SW	6	7S	15E	"	" " "

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	14E	1			142 2	171 2									34	34			72
7S	15E	6									33	29	23	40		33	33		191
											145 5	147 6							

Total acres 263

PART 1

6. General Information:

a. Description of diversion system Two connected wells & pumps, mainline, sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Land will be converted to corn & dairy barn, etc.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 36-02671A on file with the Idaho Department of Water Resources.
- d. Transfer No. 4543 which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Groundwater tributary to _____
4. Date or priority 1-9-1967
5. Water is used for the following purpose:
- amount 2.53 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right 2.53 cubic feet per second and/or 296 733.2 acre-feet per annum.
7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
4	NW	SW	NW	1	75	14E	Gooding	
1	NE	SE	NE	2	"	"	"	
3	NW	SE	NW	2	"	"	"	
1	NE	SE	NE	3	"	"	"	183.3

8. Lands irrigated or place of use: PPU not to exceed 183 acres/annum

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	14E	33									17	20	40	40			36	32	185
75	14E	1			22	32			32	32	40	40	33	33	10	30			282
					17	17			17	17									
		2			32	32			32	32	40	33	30	31	40	40	30	24	401
					17	17			17	17									
		3			32	32			32	31					39	30			196
					17	17			17	17									

Total acres 1064

9. Describe any other water rights used for the same purpose as described above 36-07381A, 7367A, 7445A
7480C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.12 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same as 2, A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
75	14E	1			22	10									10	30			72
					42	41													

Total acres 72

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.36 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) 42
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same as 2, A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
65	14E	33									17	20	40	40			36	32	185
75	14E	1							44	43	40	40	33	33					210
		2			32	32			32	32	40	33	30	31	40	40	30	26	401
					42	41			44	43									
		3			32	32			32	31					39	30			196
					42	41			44	43									

Total acres 992

WR5809NP
No. X36-02671B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/08/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON MC FARLAND	01/09/1967	IRRIGATION	04-01 10-31	0.080 CFS	36.00 AFA
TOTAL DIVERSION:					0.080 CFS	36.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R15E S06

NESW

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:		
07S	15E	6	:					:					:	33	05-29	06-23	40	:	33		33		:	191.0	
																							TOTAL ACRES		191.0

Pou County: GOODING

Other Rights: A36-07367, A36-07445

Other Water Rights with Same Point(s) of Diversion and Source:
36-07402 X36-07367B X36-07381B X36-07445B X36-07480C

Other Water Rights Listing Overlapping Place(s) of use:
36-07402 X36-07367B X36-07381B X36-07445B X36-07480C

Conditions of Approval:

- R31 - 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.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - 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.
- T09 - 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.

Remarks: 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.

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.

WR5809NP
No. X36-02671B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/08/96
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Remarks: 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.
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.

Dates: App. Received: 12/16/1994 Priority Date: 01/09/1967
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 01/24/1995 User-ID: MBALDWIN Subject: TRANSFER NO. 4543
T#4543 filed on 12/16/94 proposes change point of diversion, add diversion point(s), change place of use, change nature of use, period of use and split water rights.
Rights involved in this transfer are 36-02671, 36-07367, 36-07381, 36-07445, 36-07480.
Water rights 36-02671, 36-07367, 36-07381, 36-07445 will be split into Parts A, B, (irrigation use) and C (dairy use).
Water right 36-07480A will be split into Parts B, C, D (irrigation use) and E (dairy use.)
Purpose of T#4543 is to convert some water from irrigation to dairy use. Also to move some water to a separate farm to create permissible place of use with water right 36-07402.

Date: 03/02/1995 User-ID: PSKAGGS Subject: TRANSFER NO. 4543
Transfer No. 4543 was filed to change a portion of Right Nos. 36-02671, 36-07367, 36-07381, 36-07445 and 36-07480A, splitting each transferred portion into two parts. The first part will be to change the point of diversion and place of use for irrigation. The second part will be to change & add points of diversion, change the nature & period of use to commercial & stockwater use for a dairy.

Audit: 03/20/95 PSKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. 36-07367A on file with the Idaho Department of Water Resources.

d. Transfer No. 4543 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 8-13-1973

5. Water is used for the following purpose:

amount 8.89 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 8.89 cubic feet per second and/or 2034.4 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
4	NW	SW	NW	1	7S	14E	Gooding	
13	NE	SE	NE	2	"	"	"	
1	NE	SE	NE	3	"	"	"	

8. Lands irrigated or place of use: ppu not to exceed 508.6 acres/annum

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	14E	33									17	20	40	40			36	32	185
7S	14E	1			22	10			32	32	40	40	33	33	10	30			282
					142	141			144	143									
		2			32	32			32	32	40	33	30	31	40	40	30	28	401
					142	141			144	143									
		3			32	32			32	31					39	30			196
					142	141			144	143									

142 141

144 143

Total acres 1064

9. Describe any other water rights used for the same purpose as described above 36-02671A, 7381A, 7445A,
7480C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.60 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as 2, A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>75</u>	<u>14E</u>	<u>1</u>			<u>22</u>	<u>10</u>									<u>10</u>	<u>30</u>			<u>72</u>
					<u>42</u>	<u>41</u>													

Total acres 72

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 8.29 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as 2, A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>65</u>	<u>14E</u>	<u>33</u>									<u>17</u>	<u>20</u>	<u>40</u>	<u>40</u>			<u>36</u>	<u>32</u>	<u>185</u>
<u>75</u>	<u>14E</u>	<u>1</u>							<u>44</u>	<u>43</u>	<u>40</u>	<u>40</u>	<u>32</u>	<u>33</u>					<u>210</u>
		<u>2</u>			<u>32</u>	<u>32</u>			<u>32</u>	<u>32</u>	<u>40</u>	<u>33</u>	<u>30</u>	<u>31</u>	<u>40</u>	<u>40</u>	<u>30</u>	<u>26</u>	<u>401</u>
					<u>42</u>	<u>41</u>			<u>44</u>	<u>43</u>									
		<u>3</u>			<u>32</u>	<u>32</u>			<u>32</u>	<u>31</u>					<u>39</u>	<u>30</u>			<u>196</u>

42 41

44 43

Total acres 992

WR5809NP
No. X36-07367B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/08/96
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON MC FARLAND	08/13/1973	IRRIGATION	04-01 10-31	0.430 CFS	99.20 AFA
TOTAL DIVERSION:					0.430 CFS	99.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R15E S06

NESW

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
07S	15E	6	:											33	05-29	06-23	40	:	33	33	:	191.0	
																				TOTAL ACRES			191.0

Pou County: GOODING

Other Rights: A36-02671, A36-07381, A36-07445

Other Water Rights with Same Point(s) of Diversion and Source:
36-07402 X36-02671B X36-07381B X36-07445B X36-07480C

Other Water Rights Listing Overlapping Place(s) of use:
36-07402 X36-02671B X36-07381B X36-07445B X36-07480C

Conditions of Approval:

- R31 - 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.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - 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.
- T09 - 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.

Remarks: 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.
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.
Prior to the diversion and use of water under this approval, the

Remarks: 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.

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.

Dates: App. Received: 12/16/1994 Priority Date: 08/13/1973
Proof Due Date:
Exam Made Date: Proof Made Date:
Licensed Date: Exam Sent to S.O.:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 01/24/1995 User-ID: MBALDWIN Subject: TRANSFER NO. 4543
T#4543 filed on 12/16/94 proposes change point of diversion, add diversion point(s), change place of use, change nature of use, period of use and split water rights.
Rights involved in this transfer are 36-02671, 36-07367, 36-07381, 36-07445, 36-07480.
Water rights 36-02671, 36-07367, 36-07381, 36-07445 will be split into Parts A, B, (irrigation use) and C (dairy use).
Water right 36-07480A will be split into Parts B, C, D (irrigation use) and E (dairy use.)
Purpose of T#4543 is to convert some water from irrigation to dairy use. Also to move some water to a separate farm to create permissible place of use with water right 36-07402.

Date: 03/02/1995 User-ID: PSKAGGS Subject: TRANSFER NO. 4543
Transfer No. 4543 was filed to change a portion of Right Nos. 36-02671, 36-07367, 36-07381, 36-07445 and 36-07480, splitting each transferred portion into two parts. The first part will be to change the point of diversion and place of use for irrigation. The second part will be to change & add points of diversion, change the nature & period of use to commercial & stockwater use for a dairy.

Audit: 03/20/95 PSKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 36-07381A on file with the Idaho Department of Water Resources.
- d. Transfer No. 4543 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 7-19-1973

5. Water is used for the following purpose:

amount 1.48 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 1.48 cubic feet per second and/or 294.8 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
4	NW	SW	NW	1	75	14E	Gooding	
3	NE	SE	NE	2	"	"	"	
1	NE	SE	NE	3	"	"	"	

8. Lands irrigated or place of use: PPU not to exceed 73.7 acres per annum

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
65	14E	33									17	20	40	40			36	32	185
75	14E	1			22	10			32	32	40	40	33	33	10	30			282
					172	171			174	173									
		2			32	32			32	32	40	33	30	31	40	40	30	26	401
					172	171			174	173									
		3			32	32			32	31					39	30			196
					172	171			174	173									

Total acres 1064

9. Describe any other water rights used for the same purpose as described above 36-02671A, 7367A, 7445A, 7480C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.10 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same as 2.A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>75</u>	<u>14E</u>	<u>1</u>			<u>22</u>	<u>10</u>									<u>10</u>	<u>30</u>			<u>72</u>
					<u>42</u>	<u>11</u>													

Total acres 72

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.38 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same as 2.A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>65</u>	<u>14E</u>	<u>33</u>									<u>17</u>	<u>20</u>	<u>40</u>	<u>40</u>			<u>26</u>	<u>32</u>	<u>185</u>
<u>75</u>	<u>14E</u>	<u>1</u>						<u>44</u>	<u>32</u>	<u>32</u>	<u>40</u>	<u>40</u>	<u>33</u>	<u>33</u>					<u>210</u>
		<u>2</u>			<u>32</u>	<u>32</u>			<u>32</u>	<u>32</u>	<u>40</u>	<u>33</u>	<u>30</u>	<u>31</u>	<u>40</u>	<u>40</u>	<u>30</u>	<u>22</u>	<u>401</u>
					<u>42</u>	<u>11</u>			<u>44</u>	<u>32</u>									
		<u>3</u>			<u>32</u>	<u>32</u>			<u>32</u>	<u>32</u>					<u>39</u>	<u>30</u>			<u>196</u>

Total acres 992

DATE: 01/08/96
PAGE: 5

Remarks: 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.
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.
Prior to the diversion and use of water under this approval, the

WR5809NP
No. X36-07381B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/08/96
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Remarks: 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.
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.

Dates: App. Received: 12/16/1994 Priority Date: 09/19/1973
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 01/24/1995 User-ID: MBALDWIN Subject: TRANSFER NO. 4543
T#4543 filed on 12/16/94 proposes change point of diversion, add diversion point(s), change place of use, change nature of use, period of use and split water rights.
Rights involved in this transfer are 36-02671, 36-07367, 36-07381, 36-07445, 36-07480.
Water rights 36-02671, 36-07367, 36-07381, 36-07445 will be split into Parts A, B, (irrigation use) and C (dairy use).
Water right 36-07480A will be split into Parts B, C, D (irrigation use) and E (dairy use.)
Purpose of T#4543 is to convert some water from irrigation to dairy use. Also to move some water to a separate farm to create permissible place of use with water right 36-07402.

Date: 03/02/1995 User-ID: PSKAGGS Subject: TRANSFER NO. 4543
Transfer No. 4543 was filed to change a portion of Right Nos. 36-02671, 36-07367, 36-07381, 36-07445 and 36-07480, splitting each transferred portion into two parts. The first part will be to change the point of diversion and place of use for irrigation. The second part will be to change & add points of diversion, change the nature & period of use to commercial & stockwater use for a dairy.

Audit: 03/20/95 PSKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 36-07402 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 11-8-1973

5. Water is used for the following purpose:

amount 2.78 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.78 cubic feet per second and/or 556 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	SW	6	7S	15E	Gooding	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	15E	6									33			40		33	33		139

Total acres 139

9. Describe any other water rights used for the same purpose as described above PPU with several rights
under T, 4543

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 36-07445A issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 4543 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 2-21-1974

5. Water is used for the following purpose:

amount 2.60 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 2.60 cubic feet per second and/or 523,2 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
4	NW	SW	NW	1	7S	14E	Gooding	
5	NE	SE	NE	2	"	"	"	
1	NE	SE	NE	3	"	"	"	

8. Lands irrigated or place of use: PPU not to exceed 130.8 acres/annum

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	14E	33									17	20	40	40			36	32	185
7S	14E	1			22	10			32	32	40	40	33	33	10	30			282
					172	171			174	173									
		2			32	32			32	32	40	33	30	31	40	40	30	26	401
					172	171			174	173									
		3			32	32			32	31					39	30			196
					172	171			174	173									

Total acres 1064

9. Describe any other water rights used for the same purpose as described above 36-02671A, 7367A, 7381A,
7480C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.18 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as 2.A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>75</u>	<u>14E</u>	<u>1</u>			<u>22</u>	<u>10</u>									<u>10</u>	<u>30</u>			<u>72</u>

Total acres 72

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.42 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as 2.A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>65</u>	<u>14E</u>	<u>33</u>									<u>17</u>	<u>20</u>	<u>40</u>	<u>40</u>			<u>36</u>	<u>32</u>	<u>185</u>
<u>75</u>	<u>14E</u>	<u>1</u>							<u>32</u>	<u>32</u>	<u>40</u>	<u>40</u>	<u>33</u>	<u>33</u>					<u>210</u>
		<u>2</u>			<u>32</u>	<u>32</u>			<u>32</u>	<u>32</u>	<u>40</u>	<u>33</u>	<u>30</u>	<u>31</u>	<u>40</u>	<u>40</u>	<u>30</u>	<u>21</u>	<u>401</u>
					<u>17</u>	<u>17</u>			<u>17</u>	<u>17</u>									<u>401</u>
		<u>3</u>			<u>32</u>	<u>32</u>			<u>32</u>	<u>31</u>					<u>39</u>	<u>30</u>			<u>196</u>

172 171

174 173

Total acres 992

WR5809NP
No. X36-07445B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/08/96
PAGE: 7

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON MC FARLAND	02/21/1974	IRRIGATION	04-01 10-31	0.130 CFS	25.60 AFA
TOTAL DIVERSION:					0.130 CFS	25.60 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R15E S06

NESW

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	15E	6	:					:					:	33	05-29	06-23	40	:					:	
																				33	33		191.0	
																				TOTAL ACRES		191.0		

Pou County: GOODING

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion and Source:
36-07402 X36-02671B X36-07367B X36-07381B X36-07480C

Other Water Rights Listing Overlapping Place(s) of use:
36-07402 X36-02671B X36-07367B X36-07381B X36-07480C

Conditions of Approval:

- R31 - 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.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - 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.
- T09 - 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.

Remarks: 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.
Right No. 36-07445B is limited to the irrigation of 6.4 acres within the place of use described above in a single irrigation season.
Prior to the diversion and use of water under this approval, the

Remarks: 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.
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.

Dates: App. Received: 12/16/1994 Priority Date: 02/21/1974
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 01/24/1995 User-ID: MBALDWIN Subject: TRANSFER NO. 4543
T#4543 filed on 12/16/94 proposes change point of diversion, add diversion point(s), change place of use, change nature of use, period of use and split water rights.
Rights involved in this transfer are 36-02671, 36-07367, 36-07381, 36-07445, 36-07480.
Water rights 36-02671, 36-07367, 36-07381, 36-07445 will be split into Parts A, B, (irrigation use) and C (dairy use).
Water right 36-07480A will be split into Parts B, C, D (irrigation use) and E (dairy use.)
Purpose of T#4543 is to convert some water from irrigation to dairy use. Also to move some water to a separate farm to create permissible place of use with water right 36-07402.

Date: 03/02/1995 User-ID: PSKAGGS Subject: TRANSFER NO. 4543
Transfer No. 4543 was filed to change a portion of Right Nos. 36-02671, 36-07367, 36-07381, 36-07445 and 36-07480, splitting each transferred portion into two parts. The first part will be to change the point of diversion and place of use for irrigation. The second part will be to change & add points of diversion, change the nature & period of use to commercial & stockwater use for a dairy.

Audit: 03/20/95 PSKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. X 36-07480B on file with the Idaho Department of Water Resources.
- d. Transfer No. 4543 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 5-31-1974

5. Water is used for the following purpose:

amount 5.86 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 5.86 cubic feet per second and/or 1403.6 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
4	NW	SW	NW	1	7S	14E	Gooding	
1	NE	SE	NE	2	"	"	"	
3	NW	SE	NW	2	"	"	"	
1	NE	SE	NE	3	"	"	"	

8. Lands irrigated or place of use: PPU not to exceed 350.9 acres/annum

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	14E	33									17	20	40	40			36	32	185
7S	14E	1			22	10			32	32	40	40	33	33	10	30			282
					42	11			44	43									
		2			32	32			32	32	40	33	30	31	40	40	30	26	401
					12	11			14	13									
		3			32	32			32	31					39	30			196
					12	11			14	13									

12 11 14 13

Total acres 1064

9. Describe any other water rights used for the same purpose as described above 36-02671A, 7367A, 7381A,
7445A

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.40 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same as 2.A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>75</u>	<u>14E</u>	<u>1</u>			<u>22</u>	<u>10</u>									<u>10</u>	<u>30</u>			<u>72</u>
					<u>42</u>	<u>41</u>													

Total acres 72

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 5.46 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same as 2.A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>65</u>	<u>14E</u>	<u>33</u>									<u>17</u>	<u>20</u>	<u>40</u>	<u>40</u>			<u>36</u>	<u>32</u>	<u>185</u>
<u>75</u>	<u>14E</u>	<u>1</u>							<u>32</u>	<u>32</u>	<u>40</u>	<u>40</u>	<u>33</u>	<u>33</u>					<u>210</u>
		<u>2</u>			<u>32</u>	<u>32</u>			<u>32</u>	<u>32</u>	<u>40</u>	<u>33</u>	<u>30</u>	<u>31</u>	<u>40</u>	<u>40</u>	<u>30</u>	<u>28</u>	<u>401</u>
					<u>42</u>	<u>41</u>			<u>44</u>	<u>43</u>									
		<u>3</u>			<u>32</u>	<u>32</u>			<u>32</u>	<u>31</u>					<u>39</u>	<u>30</u>			<u>196</u>

42 41

44 43

Total acres 992

WR5809NP
No. X36-07480C

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/08/96
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON MC FARLAND	05/31/1974	IRRIGATION	04-01 10-31	0.280 CFS	68.80 AFA
TOTAL DIVERSION:					0.280 CFS	68.80 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R15E S06

NESW

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:	---	
07S	15E	6	:											33	05-29	06-23	40			:		
																			33	33	:	191.0
																			TOTAL ACRES		:	191.0

Pou County: GOODING

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion and Source:
36-07402 X36-02671B X36-07367B X36-07381B X36-07445B

Other Water Rights Listing Overlapping Place(s) of use:
36-07402 X36-02671B X36-07367B X36-07381B X36-07445B

Conditions of Approval:

- R31 - 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.
- T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.
- T08 - 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.
- T09 - 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.

Remarks: 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.
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.
Prior to the diversion and use of water under this approval, the

Remarks: 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.
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.

Dates: App. Received: Priority Date: 05/31/1974
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 01/24/1995 User-ID: MBALDWIN Subject: TRANSFER NO. 4543
T#4543 filed on 12/16/94 proposes change point of diversion, add diversion point(s), change place of use, change nature of use, period of use and split water rights.
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Purpose of T#4543 is to convert some water from irrigation to dairy use. Also to move some water to a separate farm to create permissible place of use with water right 36-07402.

Date: 03/02/1995 User-ID: PSKAGGS Subject: TRANSFER NO. 4543
Transfer No. 4543 was filed to change a portion of Right Nos. 36-02671, 36-07367, 36-07381, 36-07445 and 36-07480, splitting each transferred portion into two parts. The first part will be to change the point of diversion and place of use for irrigation. The second part will be to change & add points of diversion, change the nature & period of use to commercial & stockwater use for a dairy.

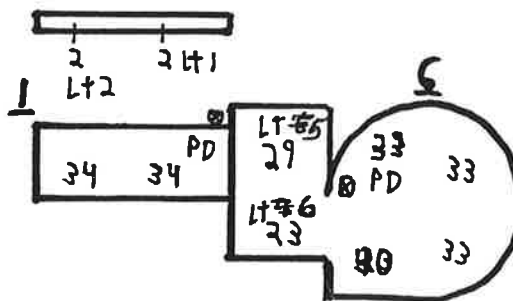
Audit: 03/20/95 PSKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

T.7S

R.14E R.15E



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Tony Vess
(Signature of Applicant)

Subscribed and sworn to before me this 27th day of April, 19 95.

Cherie J. L.
(Notary Public)

My commission expires October 5, 1997

FOR DEPARTMENT USE ONLY

Transfer contains <u>16</u> pages and <u>2</u> attachments		
Received by <u>J. P. Stanton</u>	Date <u>5-4-95</u>	Protest filed by _____
Prelim. check by <u>LS</u>	Fee <u>\$100. 5018052</u>	_____
Received by <u>JS</u>	Date <u>5-4-95</u>	_____
Published in <u>Gooding Co. Leader</u>		Copies of protest forwarded by _____
Pub. dates <u>3/27 & 4/3/96</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on <u>N/A</u>		Recommended for ☐ approval ☐ denial
_____ rec'd. _____		by _____
Copy of transfer sent to lien holder _____		

RECEIVED**MAY 05 1995****Department of Water Resources
Southern Region**

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

11/22/96 16:00:02
Page 1

Water Right Number - 36-07402

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
VISSER

TONY

1 - 1700 E 2428 S

2 -

3 -

City- GOODING

State- ID Zip- 83330

Phone - 208-000-0000

*** D - DIR RPT OWNER ***
MC FARLAND

DON

1 - PO BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

MC FARLAND

CAROL

1 - PO BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

*** L - LEINHOLDER ***
MUTUAL LIFE INSURANCE CO OF NEW YORK

THE

1 - ONE MID RIVERS MALL DR #120

2 -

3 -

City- ST PETERS

State- MO Zip- 63376

Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
SINCLAIR

J WALTER

1 - PO BOX 366

2 -

3 -

City- TWIN FALLS

State- ID Zip- 833030366

Phone - 208-000-0000

+ - - Priority Date - - +
11/08/1973

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - - - Source - - - - - +
GROUNDWATER

+ - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 15E 6 SW NE SW (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31 2.780 556.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.780 556.00 417.0

Water right number - 36-07402

Prefix Translation: WATER RIGHT

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	15E	6	NE SW		33.0	01	IRRIGATION	(47) GOODING
07S	15E	6	SE SW		40.0	01	IRRIGATION	(47) GOODING
07S	15E	6	NW SE		33.0	01	IRRIGATION	(47) GOODING
07S	15E	6	SW SE		33.0	01	IRRIGATION	(47) GOODING

Total Acres: 139.0

+ - - Diversion Means - WELL AND PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - -
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + - - - - Decree Defendant - - - + - - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - -

Date: 09/06/1991 User Id: ROBERTSO Subject:
Date: 09/28/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 3/13/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/13/1992 User Id: MERRITT Subject: RESPONDED TO NOE
LETTER SENT 10/13. NO CHANGE.
Date: 01/30/1996 User Id: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE.
*NAME/ADDRESS STANDARDIZED TO AVOID DUPLICATE MAILING LABELS
Date: 11/22/1996 User Id: TFAWCETT Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGED MCFARLAND TO VISSER PER 1409(7) REC'D 2/7/96.

+ - - Audit Fields - - +
11/22/96 TFAWCETT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 03/21/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006623	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-

Notice of Error Flag - B

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

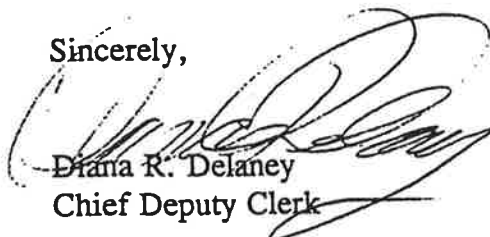
RE: Standard Form 3 Consent to Substitution of Party to Water Rights 34-07402,
36-02761C, 36-07367C, 36-07381C, 36-07445C, 36-07480D, 36-02671B,
36-07367B, 36-07381B, 36-07445B, and 36-07480C

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,



Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

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



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DATE OF CLOSING: 4/4/95

FEB 07 1996

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ Southern Region
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) 36-07402; And under Transfer 4543: 36-02671C, 36-07367C,
Assigned by IDWR: 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

[] New Mailing Address:

1700 East 2428 South

Gooding, ID 83330

[] 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 1-10-96

Date

[] Signature of Former Owner/Claimant(s) Don McFarland Date 1-10-96

Date

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

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

EXHIBIT "A"

LEGAL DESCRIPTION

TOWNSHIP 7 SOUTH, RANGE 15 EAST, BOISE MERIDIAN, GOODING COUNTY,
IDAHO.

SECTION 6: E1/2SW1/4; W1/2SE1/4; AND LOTS 5 AND 6.

TOWNSHIP 7 SOUTH, RANGE 14 EAST, BOISE MERIDIAN, GOODING COUNTY,
IDAHO.

SECTION 1: LOTS 1 & 2; AND N1/2SE1/4.

WARRANTY DEED

COPY

FOR VALUE RECEIVED, Big Sky Partnership, a general partnership, hereinafter called "Grantor" hereby grants, bargains, sells and conveys unto Tony Visser and Jess Visser d/b/a J & T Dairy, hereinafter referred to as "Grantee" whose mailing address is 4205 South Graves Road, Rosewell, NM 88201, the following described premises in the County of Gooding, Idaho, to-wit:

Township 7 South, Range 15 East, Boise Meridian,
Gooding County, Idaho.

Section 6: E $\frac{1}{2}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; Lots 5 and 6.

Township 7 South, Range 14 East, Boise Meridian,
Gooding County, Idaho.

Section 1: Lots 1 & 2; and N $\frac{1}{2}$ SE $\frac{1}{4}$.

together with all appurtenances thereto.

SUBJECT TO: Connecticut General Life Insurance Company
Mortgage, Recorded August 23, 1978 as
Instrument No. 72027

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with said Grantee, that the Grantor is the owner in fee simple of said premises; that it is free from encumbrances except existing easements and rights of way of record and mortgage referenced above, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 24th day of March, 1995.

BIG SKY PARTNERSHIP

By Don McFarland
Don McFarland

Carol McFarland
Carol McFarland

Kelly Human
Kelly Human

Lori Human
Lori Human

Suzanne Vance MDL-453-9146
Kristi Lucas 5/67

Maurisa McFarland
Maurisa McFarland

McFARLAND AGRICULTURAL COMPANY

By Don McFarland
Don McFarland - President

STATE OF IDAHO)
County of Jerome) ss.

On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared DON McFARLAND, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

RICK DENNEN
☆ NOTARY PUBLIC ☆
STATE OF IDAHO
RESIDING AT JEROME, ID
MY COMMISSION EXPIRES 7-30-97

[Signature]
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

Carol McFarland

Kelly Human

Lori Human

Suzanne Vance
Suzanne Vance - Partner

NIDOL-4534446
5/93 5/97

Kristi Lucas
Kristi Lucas - Partner

Maurisa McFarland
Maurisa McFarland - Partner

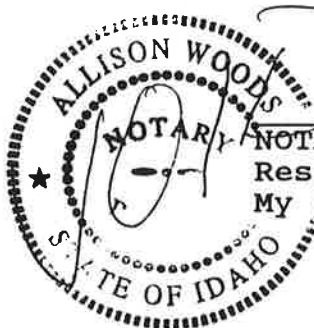
STATE OF IDAHO

County of Ada

)
) ss.

On this 22nd day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared DON MCFARLAND, known to me to be a general partner in BIG SKY RANCH, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



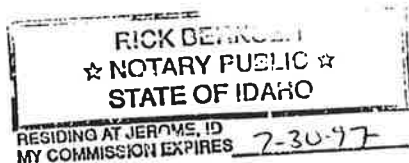
Allison Woods
NOTARY PUBLIC

Residing at: 2112 Huntington Blvd - Boise
My Commission Expires: 5-11-2000

STATE OF IDAHO)
) ss.
County of Jerome)

On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared CAROL McFARLAND, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

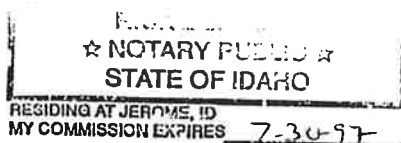


[Signature]
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO)
) ss.
County of Jerome)

On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared KELLY HUMAN, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

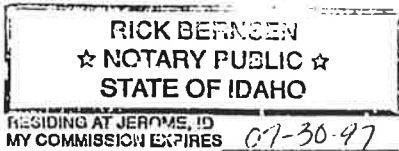


[Signature]
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO)
) ss.
County of Jerome)

On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared LORI HUMAN, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

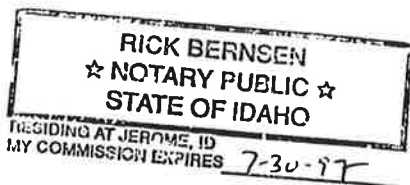


[Signature]
NOTARY PUBLIC
Residing at: _____
My Commission Expires: 7-30-97

STATE OF IDAHO)
) ss.
County of Jerome)

On this 24th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared SUZANNE VANCE, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

STATE OF NORTH CAROLINA)
County of Randolph) ss.

On this 27 day of MARCH, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared KRISTI LUCAS, ~~known to me to be~~ a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above



Leigh Spencer Leach
NOTARY PUBLIC
Residing at: Durham, NC
My Commission Expires: March 31, 1995

STATE OF IDAHO)
County of Twin Falls) ss.

On this 27th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared MAURISA McFARLAND, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



John K. Butler
NOTARY PUBLIC
Residing at: Twin Falls, ID
My Commission Expires: 5-26-2000

STATE OF IDAHO)
) ss.
County of Twin Falls)

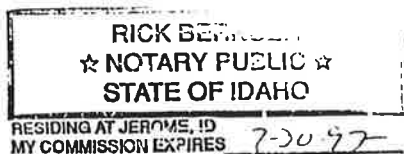
On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared DON McFARLAND, known to me to be the President of McFARLAND AGRICULTURAL COMPANY, the corporation whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
NOTARY PUBLIC

Residing at: Jerome

My Commission Expires: 7-30-97



160820

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Land Title & Escrow Inc.

38 min. past 2 o'clock p.m. this 4
of April, 1995 2:00

HELEN A. PAOLI, Recorder

By [Signature] Deputy

COPY

QUITCLAIM DEED

FOR VALUE RECEIVED, Big Sky Partnership, Don McFarland and Carol McFarland, husband and wife, hereby conveys, releases, remises and forever quitclaims unto Tony Visser and Jess Visser d/b/a J & T Dairy, the following described water rights appurtenant to the real property and situated in Gooding County, Idaho:

See Exhibit "1" attached hereto.

DATED this 27th day of March, 1995.

BIG SKY PARTNERSHIP

By

Don McFarland
Don McFarland

Carol McFarland
Carol McFarland

Kelly Human
Kelly Human

Lori Human
Lori Human

Suzanne Vance
Suzanne Vance

Kristi Lucas
Kristi Lucas

Maurisa McFarland
Maurisa McFarland

NCDL-453994's
5/87

McFARLAND AGRICULTURAL COMPANY

By

Don McFarland
Don McFarland - President

Don McFarland
Don McFarland

1610931

STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of Gayle Hill & Escrow Inc.

23 min. past 3 o'clock p.m. this 28
of April, 1995 24.00

HELEN A. PAOLI, Recorder

By Christa Stitt Deputy

(1) Water Right No. 36-07402 (Directors Recommendation is 2.78 CFS)

(2) The following water rights, subject to the conditions/remarks set forth in the Transfer of Water Right, Transfer No. 4543, dated March 13, 1995:

- 36-02671C - Stock Water - Commercial
- 36-07367C - Stock Water - Commercial
- 36-07381C - Stock Water - Commercial
- 36-07445C - Stock Water - Commercial
- 36-07480D - Stock Water - Commercial

(3) The following water rights, subject to the condition/remarks set forth in the Transfer of Water Right, Transfer No. 4543, dated March 13, 1995:

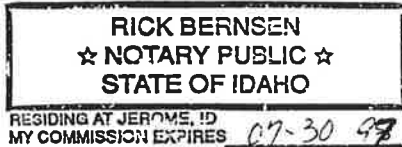
- 36-02671B - Irrigation
- 36-07367B - Irrigation
- 36-07381B - Irrigation
- 36-07445B - Irrigation
- 36-07480C - Irrigation

Carol McFarland
Carol McFarland

STATE OF IDAHO)
County of Jerome)

On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared DON McFARLAND, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
NOTARY PUBLIC

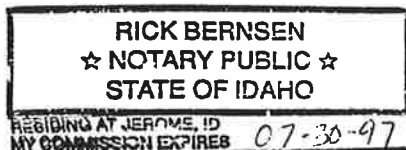
Residing at: _____

My Commission Expires: _____

STATE OF IDAHO)
County of Jerome) ss.

On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared DON McFARLAND, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
NOTARY PUBLIC

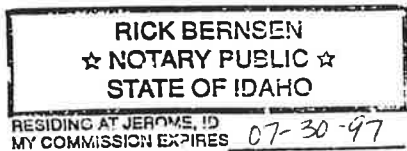
Residing at: _____

My Commission Expires: _____

STATE OF IDAHO)
) ss.
County of Jerome)

On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared CAROL McFARLAND, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

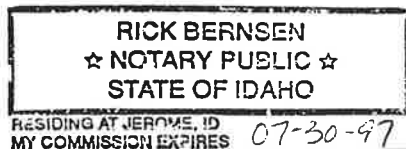


[Signature]
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO)
) ss.
County of Jerome)

On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared KELLY HUMAN, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

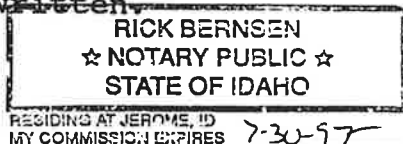


[Signature]
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO)
County of Jerome) ss.

On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared LORI HUMAN, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

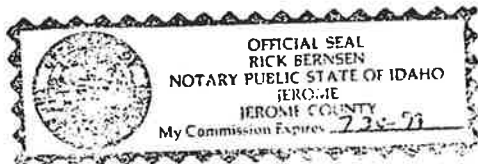


[Signature]
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO)
County of Jerome) ss.

On this 26th day of April, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared SUZANNE VANCE, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

STATE OF NORTH CAROLINA)
County of RANDOLPH) ss.

On this 27 day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared KRISTI LUCAS, ~~known to me to be~~ a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Leigh Spencer Leach

NOTARY PUBLIC

Residing at: Durham, NC

My Commission Expires: March 31, 1995

My Commission Expires March 31, 1995

STATE OF IDAHO)
County of Twin Falls) ss.

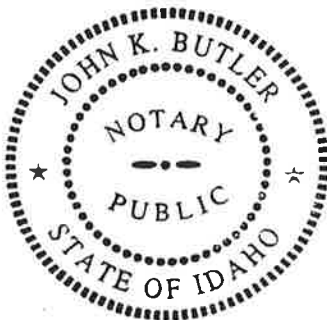
On this 29th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared MAURISA MCFARLAND, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
NOTARY PUBLIC

Residing at: Twin Falls, ID

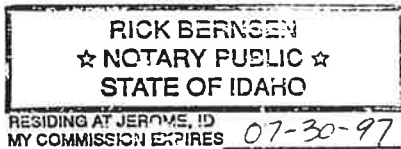
My Commission Expires: 5-26-2000



STATE OF IDAHO)
County of Twin Falls) ss.

On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared DON McFARLAND, known to me to be the President of McFARLAND AGRICULTURAL COMPANY, the corporation whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

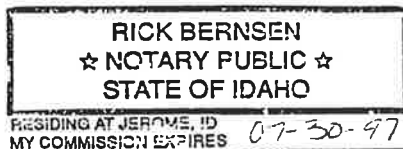


Rick Bernsen
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO)
County of Twin Falls) ss.

On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared DON McFARLAND, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Rick Bernsen
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO

County of Jerome

)
) ss.
)

On this 30th day of April, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared CAROL McFARLAND, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

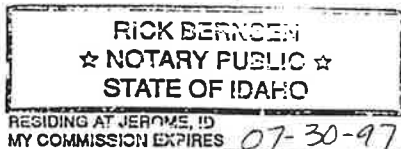
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



~~NOTARY PUBLIC~~

Residing at: _____

My Commission Expires: _____



NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED

FEB 03 1993

Water Right Number - R36-07402

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
SINCLAIR

J WALTER

1 - PO BOX 366
2 -
3 -
City- TWIN FALLS
Phone - 208-000-0000

State- ID Zip- 833030366

*** C - CURRENT OWNER ***
MC FARLAND

CAROL

1 - PO BOX 268
2 -
3 -
City- EDEN
Phone - 208-000-0000

State- ID Zip- 83325

MC FARLAND

DON

1 - PO BOX 268
2 -
3 -
City- EDEN
Phone - 208-000-0000

State- ID Zip- 83325

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
11/08/1973 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 15E 6 SW NE SW (47) GOODING+ - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 2.780 556.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.780 556.00 417.0+ - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 15E 6 NE SW 33.0 01 IRRIGATION (47) GOODING
07S 15E 6 SE SW 40.0 01 IRRIGATION (47) GOODING
07S 15E 6 NW SE 33.0 01 IRRIGATION (47) GOODING
07S 15E 6 SW SE 33.0 01 IRRIGATION (47) GOODING

Total Acres: 139.0

+ - - Diversion Means - WELL AND PUMP

MICROFILMED
FEB 03 1993

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/13/1992	Old Judicial District	-
Claim Received Date	- 03/21/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006623	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	- B

MICROFILMED
FEB 03 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

13-Oct-1992

R. KEITH HIGGINSON
Director

J. Walter Sinclair
PO Box 366
Twin Falls, ID 83303-0366

RE: Proposed Recommendation for Don McFarland (36-07157B & 36-07402)

Dear Mr. Sinclair:

This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claim(s) listed above.

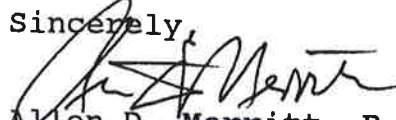
Your NOE indicates that you would like the recommendation to show a longer season of use for irrigation. For the reasons stated in my letter to you regarding 36-02667, the season of use that will be recommended in the Director's Report will remain as proposed.

Additionally your NOE indicates that you would like the recommendations to be changed back to the number of acres claimed with the associated CFS and AFY amounts. Our recommendations are based on field review, landsat data, NAPP photography and ASCS aerial photography. All evidence reviewed clearly shows that where acres have been reduced there has not been any irrigation. Based on our understanding of the law the water rights recorded for these areas have been forfeited due to non-use. The acres and associated CFS and AFY amounts recommended for the above listed rights will remain as proposed.

Your NOE also indicates that 36-07157B should also list another well in S3, T07S, R14E as a point of diversion. Our field review and also conversations with Mr. McFarland confirm that this well is not interconnected with the recommended well in S33, T06S, R14E. For this reason only one well is being recommended and will remain as proposed.

If you still disagree with IDWR's recommendations you will have an opportunity to file an objection to the Director's report with the court.

Sincerely,


Allen D. Merritt, P.E.
Water Rights Supervisor

CC: Don McFarland ,PO Box 268, Eden, ID, 83325

MICROFILMED
FEB 03 1993

Issue: Season of Use — Standard Response

Reduction in zones

AA71NW 6-22-87

Reduction in cfs

ACS Map

Contour

confirm three corners have not
been irrigated.

MICROFILMED

FEB 03 1993

RECEIVED

SEP 25 1992

Department of Water Resources

NOTICE OF ERROR FORM

August 24, 1992

Please type or print clearly, fill out completely, and return to:
Idaho Department of Water Resources
Statehouse Mail

Boise, Idaho 83720-9000

The notice of error must be received at IDWR by the deadline date printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:

September 24, 1992

1. Water right number: A36-07402

2. Name: Don McFarland
Carol McFarland

Address: P.O. Box 268
Eden, ID 83325

Weekday Telephone Number: 825-5258

3. Describe the portion of proposed recommendation with which you disagree:

Period of Use.

This is a taking without compensation.

Reduction in acreage.

Reduction in CFS and AFY.

4. Describe the changes you wish to have made in the proposed recommendation:

Change acreage back as originally filed.

Change back to 3/15 - 11/15 per water right.

Change AFY and CFS back as originally filed.

5. Describe why you disagree with the proposed recommendation:

This is a taking without compensation.

See attached.

6. Date:

SIGNATURE

Don McFarland

RECEIVED

OCT 01 1992

Department of Water Resources
Southern Region Office

MICROFILMED

FEB 03 1993

LAW OFFICES

**BENOIT, ALEXANDER, SINCLAIR,
DOERR, HARWOOD & HIGH**

HARRY BENOIT 1893-1966

EDWARD L. BENOIT
OF COUNSEL

J. ROBERT ALEXANDER

J. WALTER SINCLAIR

JOHN A. DOERR

ROBERT M. HARWOOD

THOMAS B. HIGH

FRITZ A. WONDERLICH

JACQUELINE WAKEFIELD

ROGER B. HARRIS

126 SECOND AVENUE NORTH

POST OFFICE BOX 366

TWIN FALLS, IDAHO 83303-0366

TELEPHONE (208) 733-5463

FACSIMILE No. (208) 734-1438

KETCHUM OFFICE

160 SECOND ST. E., SUITE 209

POST OFFICE BOX 2246

KETCHUM, ID 83340-2246

TELEPHONE (208) 726-4900

FACSIMILE (208) 726-3101

September 22, 1992

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

RE: LETTER TO IDWR ACCOMPANYING NOTICE OF ERROR

Dear Sirs:

We have agreed to represent Mr. Don McFarland and Sundance, Inc. in the current adjudication of water rights for Basin 36. Pursuant to the recent IDWR recommendations to the District Court, and in accordance with the Notice of Error, regarding the same and attached hereto, it is our conclusion that whereas, the recommendations are lacking any underlying basis or rationale, their effect would be only to inflict undue interference on the existing appropriations of our clients. The water rights of both McFarland and Sundance should therefore be left unchanged per licensed permit right. Additionally, we believe the recommended actions of the IDWR should be classified as a taking by the State for which compensation must be provided.

CLASSIFICATION OF OBJECTIONS

There are essentially three aspects of the IDWR proposals which are offensive to Don McFarland and Sundance, Inc. The reduced period of use is of primary concern. According to the IDWR recommendations, the pumps may not be utilized until the 1st day of April each year and must be turned off by the 31st day of October of the same year. This proposed period of use is approximately two months shorter than the established period of use in prior years and by licensed permit right. Such a reduction in utilization of water translates directly into significant consequential damages to crop yield, livestock, and general income producing activities of our clients, in addition to depreciation in property value due to the water rights being appurtenant to the land.

Secondly, the IDWR has recommended a reduction of acreage

MICROFILMED

FEB 03 1993

allegedly because, in certain areas the water was not diverted to a beneficial use. This inappropriate reduction in acreage allegedly justified the IDWR to then reduce the existing water right in terms of CFS and AFY. Under the IDWR recommendations, the existing CFS would be retained, however must be reduced due to loss of acreage. Thus, on this particular plot the recommended changes would, as above, directly result in consequential damages to crop yields, profits, and ultimately to decreased value of the relevant properties held by McFarland and Sundance, Inc.

Thirdly, the Board has reclassified certain stockwater rights as domestic rights; specifically right 36-15056. This proposed reclassification of the right would serve no practical purpose other than to detrimentally effect an existing water right which, when classified as stockwater, best serves the critical interest of maintaining water quantities for livestock watering purposes. This proposal was clearly made in an arbitrary manner. The water rights should remain as originally classified.

THE PROPOSALS WERE MADE ARBITRARILY

It is clear from the IDWR proposals generally that they were formulated in an arbitrary fashion. In consideration of the detrimental nature of the IDWR's proposed actions to the interests of Don McFarland and Sundance, Inc., it is imperative that some explanation of the underlying rationale be provided. As in this case, where such explanation is lacking, the proposals should fail by reason of that they are an arbitrary and unwarranted infringement on both McFarland's and Sundance's prior appropriations which have not been and are not now unreasonable or unduly burdensome on the water supply generally or to any aspect thereof.

The arbitrary nature of the IDWR recommendations is further exemplified by the reclassification of certain water rights of McFarland from Stockwater to Domestic. Although the practical effect of classifying the right as Domestic versus Stockwater may be insignificant, we believe the existing water rights should be left unchanged.

Additionally, we are advised that the proposed reduction of acreage was based on aerial photographs taken during a year in which the land in question may have been used to grow potatoes. The IDWR proposes to reduce the acreage accordingly because the rock out-croppings (blow-outs), and certain pivot-covered areas

MICROFILMED

FEB 03 1993

were not considered a "beneficial uses" of the water. In regards to the blow-out areas, when potatoes are grown, this observation may be correct. However, the IDWR failed to consider this particular land has been and will continue to be used additionally for grains and pasture in future growing seasons. In the event that either grain or pasture is planned, the blow-outs will in fact, be planted and irrigated, thus serving as a beneficial use of the water.

Additionally, in certain growing seasons the areas covered by the pivots have been and will continue to be watered by either handline or solid set, then planted and harvested, thus putting those areas to beneficial use as well. Therefore, the acreage should not be reduced by any amount because the water will in fact, be applied to beneficial uses. Furthermore, the decision was arbitrarily based on aerial photographs taken during a season in which potatoes may have happened to be the preferred crop or pivots may have been covering certain areas.

WATER RIGHTS CAN BE CONDEMNED, BUT MUST BE COMPENSATED FOR

The proposed actions of the IDWR are a "taking" of property rights by the State of Idaho, for which, under Art. I, Section 14 of the Idaho Constitution, compensation must be provided. In relevant part, the Idaho Constitution states that "private property may be taken for public use but not before compensation is paid therefore." Water rights are property rights which, if taken or infringed upon by the State, can be the subject of a condemnation proceeding. This contention is supported by 26 Am.Jur.2d Eminent Domain Section 194 where it is stated that:

In states in which the doctrine of prior appropriation has been adopted, the right of a prior appropriator to the use of the waters of a stream cannot be taken without compensation. (citations omitted).

It is further stated in 26 Am.Jur.2d Eminent Domain Section 85 that:

condemnation may be made of water rights, apart from the land to which they are appurtenant, for purposes of water supply, or of irrigation, or for the improvement of rivers. (citations omitted).

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Idaho is a state in which the doctrine of prior appropriation has been adopted. See *Idaho Code Sections 42-101 to 42-114*. Admittedly, this case involves ground water in addition to stream or flowing water. The issue however, remains the same. If the IDWR, an executive department of the State of Idaho, interferes with McFarland's and Sundance's water rights by reducing the period in which the rights may be exercised, causing loss of CFS and AFY, and by reducing the acreage which may be irrigated; the action should be classified as a "taking" by the State for which compensation must be provided.

In cases like this one, where a taking has occurred but a formal condemnation proceeding has not yet been commenced by the State, an inverse condemnation proceeding may appropriately be initiated by the land owner. See *Reisenauer v. State, Dept. of Highways*, 120 Idaho 36, ___, 813 P.2d 375, 378 (Idaho App. 1991) and *Rueth v. State*, 100 Idaho 203, ___, 596 P.2d 75, ___, appeal after remand 103 Idaho 74, 644 P.2d 1333 (1982). Inverse condemnation is essentially the same as an eminent domain proceeding, only, in this case it would be initiated by Don McFarland and Sundance, Inc. The State is clearly attempting to take or damage, for public use, the prior established rights of our clients. Therefore, inverse condemnation may serve as an appropriate means by which they could force the State to provide compensation for the consequential damages resulting from its actions.

WE BELIEVE THE GOALS OF THE IDWR HAVE NOT BEEN MET

Specifically, recommendations to shorten the period of use, reduce the CFS and AFY, and to reduce the acreage to be irrigated are issues to be considered by the owner of the water right, not the IDWR. It is our understanding that recommendations to reduce period of use are typically based on whether the existing period poses a risk greater than 75% of temperatures dropping below freezing during that time. In instances where the risk of freezing is in fact, 75% or greater, the pump turn-on dates are moved back in the spring, and turn-off dates moved forward in the fall. If this standard was indeed utilized in the IDWR's determination of the rights of McFarland and Sundance, the recommendation should be struck down. Freezing temperatures are a risk to be born solely by the holder of the right, and should not be considered by the IDWR in determining whether to infringe upon pre-existing water rights.

Additionally, our client's decisions regarding what crop to plant in a given year should not be governed by whether they will risk losing valuable water rights. They should be able to

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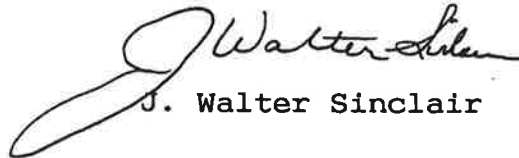
decide to plant potatoes, thus leaving the rock out-croppings unused for that season, without worry that the water won't be available for subsequent plans for pasture or grains. These decisions should be made by the holders of the water rights in the manner traditionally applied. They are not issues to be considered by the IDWR for purposes of altering pre-existing water rights.

CONCLUSION

It is our conclusion that due to the inherent arbitrary nature of the IDWR proposed actions to reduce period of use, reduce acreage, and reclassify stockwater as domestic, the recommendations should be struck down, leaving all existing water rights of Don McFarland and Sundance, Inc. as they were originally filed and licensed.

Further, it is our firm belief that in the event the recommendations are made effective, they should be considered as "takings" by the State, for which compensation must be provided to Don McFarland and Sundance, Inc.

Very truly yours,



J. Walter Sinclair

JWS:RJW:pab
(mc-17u\water.ltr)

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R PROOF

CVR

MAPS

PHOTOS

MISC

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FEB 03 1993

Water Right Number - R36-07402 Prefix Translation: RESEARCH Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MC FARLAND CAROL 1 - P.O. BOX 268
2 -
3 -
City- EDEN State- ID Zip- 83325
Phone - 208-000-0000
MC FARLAND DON 1 - P.O. BOX 268
2 -
3 -
City- EDEN State- ID Zip- 83325
Phone - 208-000-0000

*** A - ATTORNEY ***
SINCLAIR J WALTER 1 - PO BOX 366
2 -
3 -
City- TWIN FALLS State- ID Zip- 833030366
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/08/1973 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 15E 6 SW NE SW (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 2.780 556.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.780 556.00 417.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 15E 6 NE SW 33.0 01 IRRIGATION (47) GOODING
07S 15E 6 SE SW 40.0 01 IRRIGATION (47) GOODING
07S 15E 6 NW SE 33.0 01 IRRIGATION (47) GOODING
07S 15E 6 SW SE 33.0 01 IRRIGATION (47) GOODING

Total Acres: 139.0

+ - - Diversion Means - WELL AND PUMP

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FEB 03 1993

Water right number - R36-07402

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - -
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - -
Date: 09/06/1991 User Id: ROBERTSO Subject:

+ - - Audit Fields - - +
03/13/92 ROBERTSO

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/13/1992	Old Judicial District	-
Claim Received Date	- 03/21/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006623	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

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27.2

4.6

138

15

14 3.7

17 6.0

MS-15E-6

36 31

6 5

4.4

11.2

516

T-89

120.8

T-230

1
29.4

2
6.8

6 5
7 8

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FEB 03 1983

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED AS CLAIMED	NEEDS REVIEW
()	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07402

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
3.200

EXAMINER
N/A

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-07402	3.200	-		36-07402	3.200
TOTAL CFS		3.200				3.200

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

N/A

REMARKS:

AUTHENTICATION:

SIGNATURE: lw

DATE: 11/9/90

NAME OF FIELD EXAMINER: _____ TITLE: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:18:56
08/30/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07402

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N				
POINT OF DIV	Y			Y	6			
SOURCE				N				
PLACE OF USE	Y			Y	1,3,4,6,5			
DIV. AMOUNT CFS/VOLUME				Y				
CONSUMPTIVE USE				Y				
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM				N				
REMARKS				Y				

2nd review by
KCC
8-28-91
no change
made

QB

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAEP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED

FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:18:56
08/30/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07402

LAST: MC FARLAND
ADDRESS: P.O. BOX 268
CITY: EDEN
PHONE NUMBER: 208-000-0000
OWNER CODE: C

FIRST: DON
STATE: ID ZIP: 83325

LAST: MC FARLAND
ADDRESS: P.O. BOX 268
CITY: EDEN
PHONE NUMBER: 208-000-0000
OWNER CODE: C

FIRST: CAROL
STATE: ID ZIP: 83325

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

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FEB 03 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

A. AJ CLAIM: # A36-07402 PRIORITY DATE: 11-08-1973 STAGE: L
B. UR RECORD: # 36-07402 PRIORITY DATE: 11-08-1973 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:
11-08-1973

REVIEWED BY W

DATE

11/9/90

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07402	07S	15E	6	SW	NE	SW		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-07402	07S	15E	6		NE	SW		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER
X

REMARKS:

confirmed with orig lic. exam

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>72</u>	<u>152</u>	<u>6</u>	<u>SW</u>	<u>NL</u>	<u>SW</u>	<u>---</u>	<u>47</u>

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

lw

DATE:

11/9/90

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A. ROOT WATER RIGHT NUMBERS: A36-07402

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	15E	6	NE	SW	MC FARLAND, DON GOODING CAREY ACT DEVELOPMENT	A36-07402 740.0	36-07402 740.0 36-07489 /	36.0		33	33
07S	15E	6	SE	SW	MC FARLAND, DON	A36-07402 740.0	36-07402 740.0	38.0		38	40
07S	15E	6	NW	SE	MC FARLAND, DON GOODING CAREY ACT DEVELOPMENT	A36-07402 740.0	36-07402 740.0 36-07489 /	33.0		33	33
07S	15E	6	SW	SE	MC FARLAND, DON	A36-07402 740.0	36-07402 740.0	32.0		33	33
TOTAL ACRES						A36-07402	160.00	160.00	139.00		139

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

PRESUMPTION FLAG:

REMARKS:

corner out

RECOMMENDATIONS:

TOTAL ACRES:

139

REVIEWED BY:

W

DATE:

11/9/90

A. AJ CLAIMED USES:

PURPOSES
A36-07402 IRRIGATION

MONTH/DAY
FROM 03-15 TO 11-15

DIVERSION QUANTITY
3.200 CFS 640.00 AF/A

TOTAL DIVERSION RATE/VOLUME CLAIMED

3.200 CFS 640.00 AF/A

B. WR RECORDED USES:

PURPOSES
36-07402 IRRIGATION

MONTH/DAY
FROM 03-15 TO 11-15

DIVERSION QUANTITY
3.200 CFS 640.00 AF/A

TOTAL DIVERSION RATE/VOLUME CLAIMED

3.200 CFS 640.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE FIELD
EXAMINER
N N
N N
N N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☐) Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 3.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.200 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 139 x 0.02 CFS/ACRE = 2.78 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(☒) N(☐)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(☐) N(☒) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 480.0 AE/A

ACRES 139 x CONSUMPTIVE VOL. AE/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 417 AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 640.00 AE/A

ACRES 139 x DIVERSION VOL. AE/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 556 AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(☐) N(☒)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE EXAMINER ~~2.200~~ <u>2.78</u>	DATABASE EXAMINER ~~640.00~~ <u>556</u>	DATABASE EXAMINER ~~480.0~~ <u>417</u>
TOTAL FOR THIS RIGHT		~~2.200~~	~~640.00~~	~~480.0~~

REVIEWED BY: lw

DATE: 11/9/90