

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: A36-07445
Date Received: 3/21/1989
Receipt No: S006623
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

AND/OR

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

2. Date of Priority: FEB 21, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	14E	1	NW	NW		4	GOODING
		2	NE	NE		1	GOODING
			NE	NW		3	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	2.830		

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

8. Total consumptive use is 424.7 Acre Feet Per Annum.

9. Non-irrigation uses:

A36-07445

Page 1

Date: 03/22/89

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FEB 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	14E	1	NE		NE	1	IRR	32.0
			NW		NE	2	IRR	32.0
			NE		SE		IRR	38.0
			NW		SE		IRR	40.0
							Section Acres	142.0
							Total Acres	142.0

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:

AC. IRR.=141.56.

THE MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 15.71 CFS WHEN
COMBINED WITH LICENSES NO. 36-2671, 36-7367 & 36-7381.

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 A36-07445Date Received 9/1/88Receipt Number 5006623

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) FEBRUARY 21, 1974

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

4. a. Location of existing point of diversion is: Township 07S Range 14E Section 1,
_____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot, 4 B.M., County of GOODING

Additional points of diversion if any: Section 2: 1/4 of NE 1/4 of NE 1/4, Lot 1, GOODING COUNTY

b. If instream flow, beginning point of claimed instream flow is: NE 1/4 of NW 1/4, Lot 3, GOODING COUNTY

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 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.

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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 2.830 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.830 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is ~~400~~ 424.68 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	14E	1	~~17.1~~ 31.76	31.80	~~11.2~~	~~40~~									38	40			141.56
07S	14E																		

Total number of acres irrigated 141.56

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 (X)

14. Remarks:
AC. IRR.=141.56
THE MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 15.71 CFS WHEN
COMBINED WITH LICENSES NO. 36-2671, 36-7367 & 36-7381.

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Last Name MC FARLAND Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

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 _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

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 Public~~ Signature of claimant. I hereby incorporate by reference all of #16 above. Notice is hereby given that I, N/A 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.

Address DATE 8/31/88

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

SUBSCRIBED AND SWORN before me this 15th day of September, 1988.

Last Name MC FARLAND Ident. Number _____

NOTARY PUBLIC

Residing in: Twin Falls

My Commission Expires: 10-31-88

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FEB 03 1993

McFARLAND

IRRIGATION claims - GROUP #II Basin 36

	<u>receipt #</u>	<u>filing fees</u>	<u>acre fees</u>	<u>total</u>
1.	A36-02671 ✓	50	overlap (199)	(50)
2.	A36-07366 ✓	50 ^{TS 156 Sec 8}	150	200
3.	A36-07157B ✓	50	310	360
4.	A36-07402 ✓	50 ^{TS 156 Sec 6}	160	210
5.	A36-07480A ✓	50	381.2	432
6.	A36-07445 ✓	50	~~overlap~~ (78 AC) 63.6	~~192~~ ~~114~~
7.	A36-07367 ✓	50	616	666
8.	A36-07381 ✓	50 ✓	80	130
		<u>400</u>	<u>1959.8</u>	<u>2112</u>
			<u>-199</u>	
		400	1760.8	\$ <u>2161</u>
				2239

TOTALS

filing fees acre fees total

IRRIG. 1250 4081 \$5331
DOMESTIC

FINAL #s

8 claims @ \$50 ea = \$400
2038 acrs @ \$1 ea = \$2038
\$2438

total
\$2239

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BASIN

36

Errors

07445 - parcel of 40 + 38 AC - wrong 1/4
07480A - 7 AC lap not counted

85 ACRE total error

TOTAL ACRES

199

02671

overlap 199

310

07157B

150

07366

616

07367

80

07381

160

07402

141.6

07445

381.2

07480A

No
overlap 7

~~1910.8~~

- 206 = ~~1704.80~~

2037.80

- 206 = 1838.80

8 Claims @ \$50 ea = \$400
2038 acres @ \$1 ea = 2038
\$2438

400

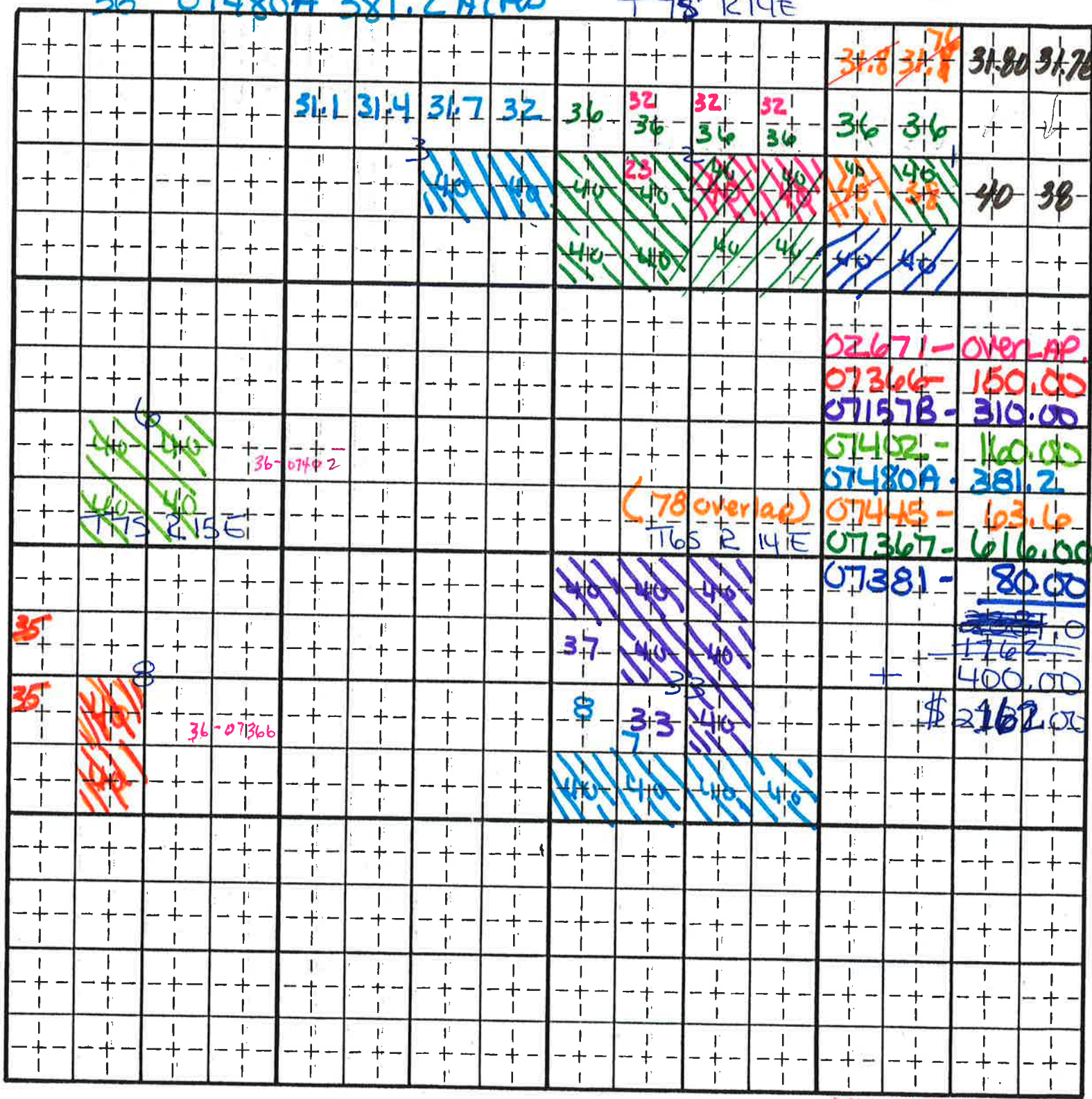
1838.8

2239

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100% overlap 36-02671 - 199 acres 23 + 80 + 32 + 32 + 32
 36-07366 - 150 acres
 36-07157B 310 ACRES
 36-07402 160 ACRES
 36-07480A 381.2 ACRES
 36-07445 - 141.6 ACRES (38 + 40)
 36-07367 - 616 ACRES
 36-07381 80 ACRES
 T78 R14E
 Map of Project: show clearly the place of diversion, place of use, section number, township, and range number.
 Scale: 2 inches equals 1 mile



MICROFILMED
 FEB 03 1993

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

McFARLAND IRRIG MAINS BASIN 36

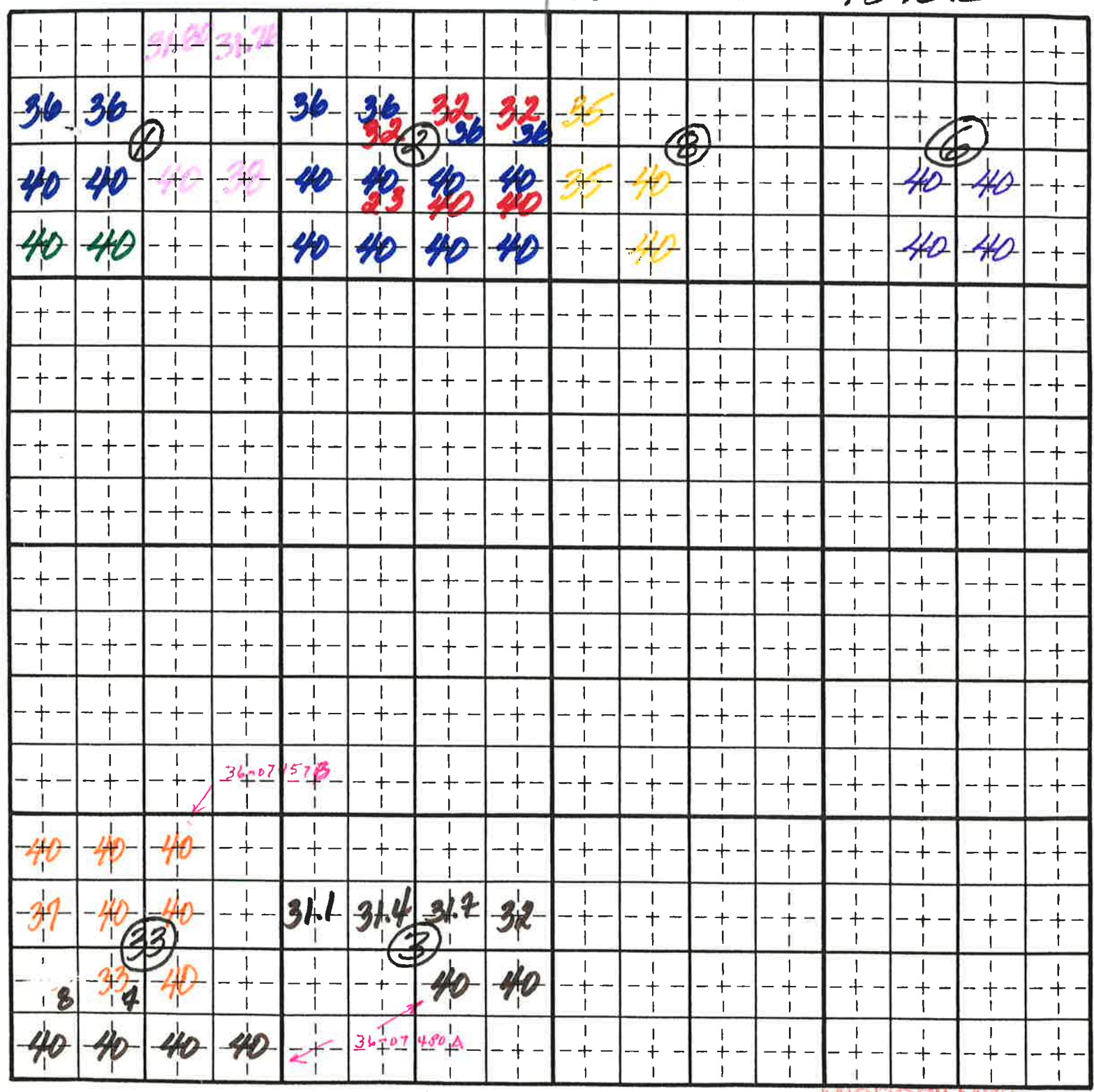
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

7S 14E

7S 15E

7S 15E



6S 14E

7S 14E

MICROFILMED
FEB 03 1993

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

RECEIVED

DEC 06 1991

Department of Water Resources
Southern Region Office

November 19, 1991

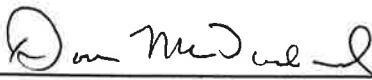
Attention: Judy Givens
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Amendment of Notice of Appearance

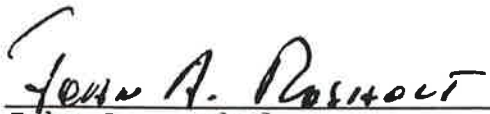
Dear Mrs. Givens:

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.

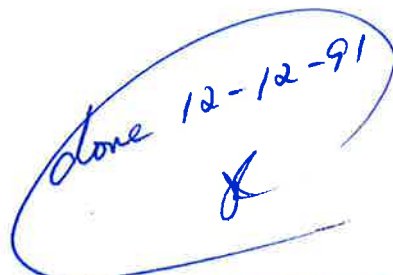
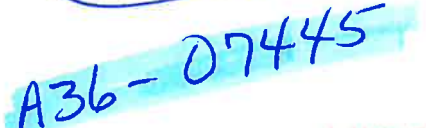
DATED this 25th day of November, 1991.



Don McFarland, Claimant



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

MICROFILMED

FEB 03 1993

RECEIVED

STATE OF IDAHO

DEC 06 1991

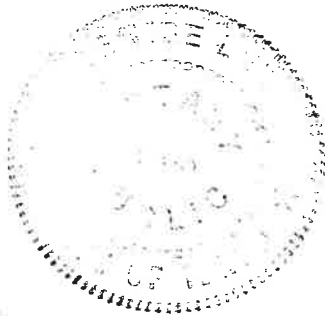
County of Twin Falls

) ss.

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.



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

MICROFILMED

FEB 03 1993

NONE

Water Right Number - A36-07445

Adj. Flag Translation: Adjudication Temporary Work Area

Old ID Number -

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

*** C - CURRENT OWNER ***

MC FARLAND

DON

1 - P.O. BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

1 - P.O. BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

MC FARLAND

CAROL

+ - - Priority Date - - +

02/21/1974

+ - - - Region - - - +

17

+ - - - Stage - - - +

L - LICENSE

+ - - - Status - - - +

+ - - - - Source - - - - - +

GROUNDWATER

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

+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

07S 14E 1 NW NW 4 (47) GOODING

07S 14E 2 NE NE 1 (47) GOODING

07S 14E 2 NE NW 3 (47) GOODING

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

01 - IRRIGATION

03/15

11/15

2.830

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.830 424.7+ - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S 14E 1 NE NE 1 32.0 01 IRRIGATION (47) GOODING

07S 14E 1 NW NE 2 32.0 01 IRRIGATION (47) GOODING

07S 14E 1 NE SE 38.0 01 IRRIGATION (47) GOODING

07S 14E 1 NW SE 40.0 01 IRRIGATION (47) GOODING

Total Acres: 142.0

+ - - Diversion Means - WELL AND PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

Water right number - A36-07445 Adj. flag translation: Adjudication Temporary Work Area

+ - - - - - Remarks - - - - - +
AC. IRR.=141.56.
THE MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 15.71 CFS WHEN
COMBINED WITH LICENSES NO. 36-2671, 36-7367 & 36-7381.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +
R01 - A measuring device of a type approved by this Department shall be
- maintained as a part of the diverting works.

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

+ - - - - -Comments- - - - - +
No Comments Found

+ - - Audit Fields - 03/22/89 CLELLAND

+ - - - - - 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	- 05/06/1985	Old Judicial District	-
Claim Received Date	- 03/21/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Claims Tape Error Flg	-	Receipt Number	- S006623	Water District	-
Fee Exempt Flag	-	POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-

	Remarks
	AC. IRR.=141.56.
	THE MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 15.71 CFS WHEN COMBINED WITH LICENSES NO. 36-2671, 36-7367 & 36-7381.
	Z.67

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

Water right number - 36-07445 Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - - +
016 - See remarks for additional conditions of approval.
R01 - A measuring device of a type approved by this Department shall be
- maintained as a part of the diverting works.

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

+ - - Audit Fields -

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 05/06/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 05/03/1979	Appl Received	- 00/00/0000	Transfer/Amended	- T
Decree Date	- 00/00/0000				

FIELD REPORT

3. Water will be used for the following purposes:

Other uses: _____

- Measuring device required: yes ☒ no ☐

- TOTAL ACTIONS**

Permit No. 36-7445
Examination for _____

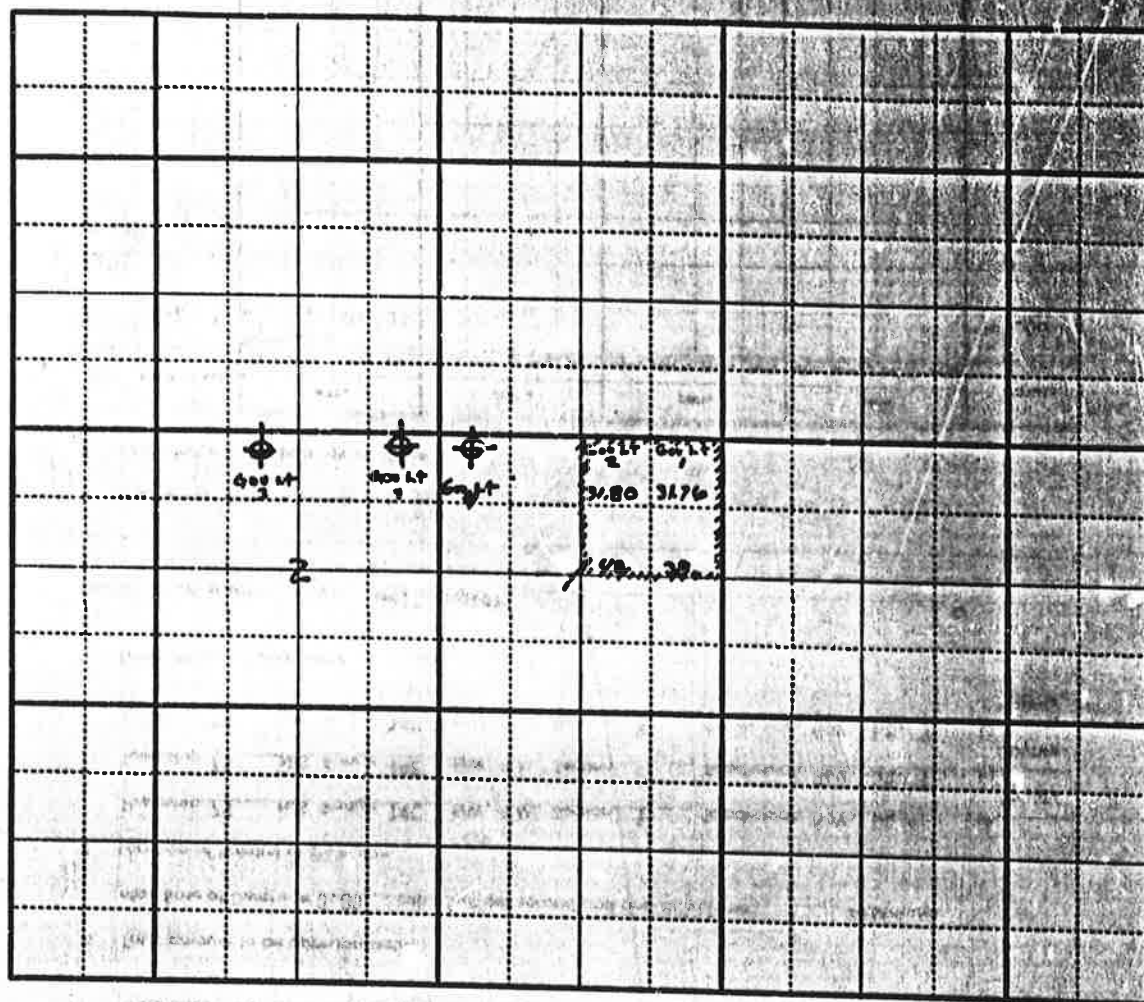


Diagram of System

DATE OF EXAM 9-12-74

ACREAGE
Found 141.56
Recommended 141.56

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 2.83 c.f.s. V = 566.24 AF/Ann. from March 15 to Nov 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 15.71 c.f.s. Method of measurement (1) No Compensator (2) Budget Meters

Total Q recommended 2.83 c.f.s. Meter No. _____ Type ✓ Condition New

Total V recommended 566.24 Ac Ft/ANN. ① - 1-73-12258
② - 2a-M0588360
b-M0588356

Recommended Amendments:

P.D. _____ X
Place of Use _____ X
Other _____ X
None _____ X

MEASUREMENT CALCULATION:

Q = 2.83 c.f.s. Amount Applied For.

V = 566.24 Ac Ft/ANN. (Irr Reg) (Acres Irr)

SYSTEM DESCRIPTION:

① GE Motor 250 Hp L1111423 Layne & Bowler
② GE Motor 250 Hp J11926131 Verti-Line LB
③ GE Motor 250 Hp J11926132 Layne & Bowler

REMARKS:

All wells tie into together to sprinkle this
ground and other Permits for Irr. 36-7367 36-7387

Examiner's Signature Mary Tanderburg Date 9-27-74

Checked by Bob Snyder Date 10-23-74

Approved by _____ Date _____

DEC 02 1999
Department of Water Resources
Southern Region

**NOTICE OF
COMPLETED
ADMINISTRATIVE
PROCEEDINGS**

36-02524, 36-02667, 36-02671D,
36-07157B, 36-07367D, 36-07381D,
36-07445D, 36-07480E, 37-12903,
37-12904 and 37-12905

CHANGE OF ADDRESS

Claimant's Water Rights:
See Above

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

DATED:
10/15/99.

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-5-99, 1999, 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
P.O. Box 2707
Twin Falls, ID 83303-2707
2. One copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449
3. One copy to:
United States Dept. Of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724
4. One copy to:
Don and Carol McFarland
P.O. Box 5178
Twin Falls, ID 83303-5178



Signature of Person or Attorney Mailing the Form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: AUG-31-1999
PAGE: A-44

RIGHT NUMBER: 36-07445D

NAME & ADDRESS: DON MC FARLAND
CAROL MC FARLAND
PO BOX 5178
TWIN FALLS ID 83303-5178

SOURCE: GROUNDWATER

QUANTITY: 2.42 CFS
487.6 AFY

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

PRIORITY DATE: 02/21/1974

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

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 03-15 11-15 2.42 CFS
487.6 AFY

PLACE OF USE: IRRIGATION Within GOODING County

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

992 ACRES TOTAL

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 121.9 ACRES WITHIN

AJ5856NP

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

DATE: AUG-31-1999
PAGE: A-45

RIGHT NUMBER: 36-07445D (CONT)

PLACE OF USE: (CONT)

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

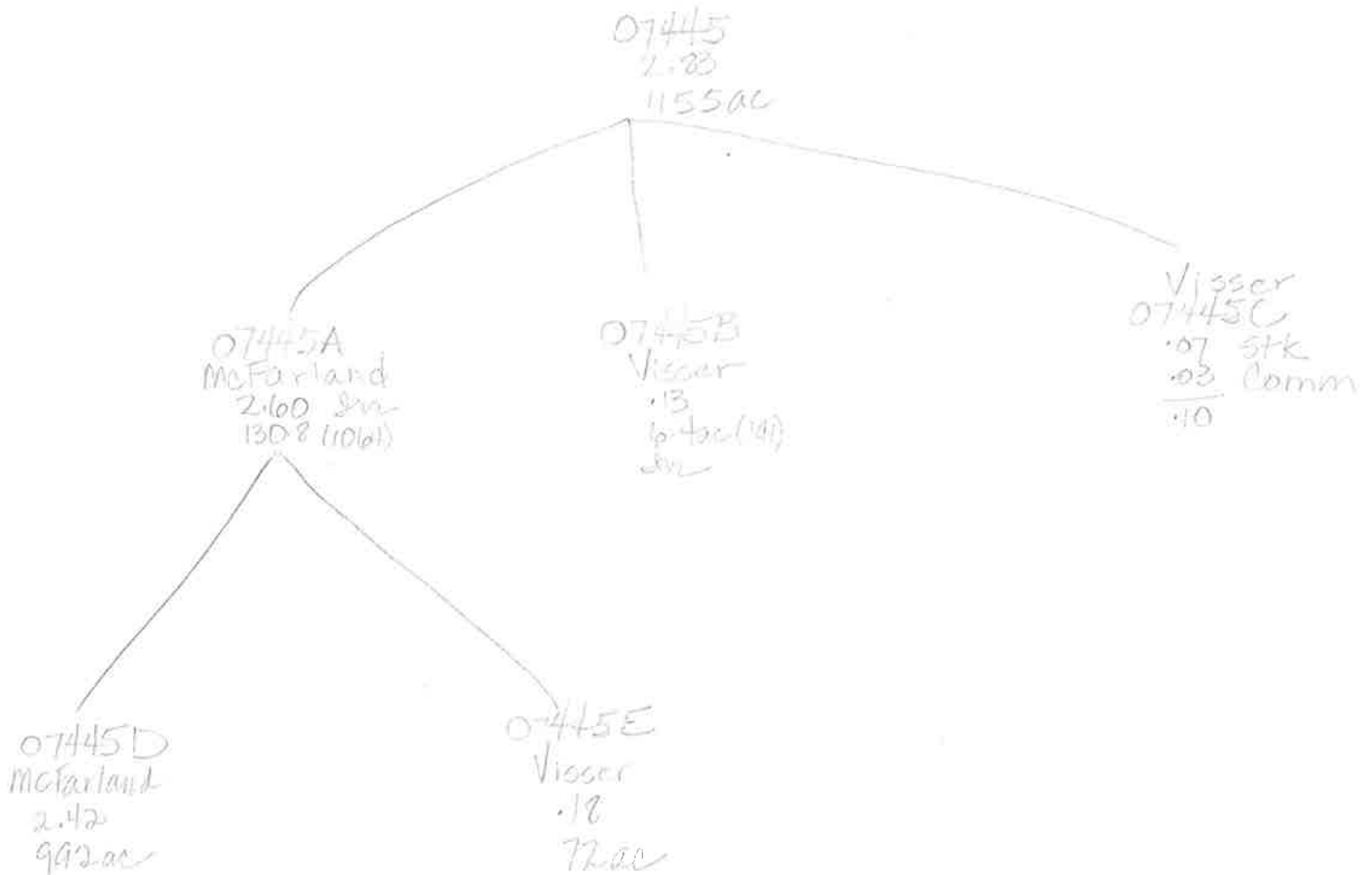
EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

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

SD-0611-2 Basin: 36 Starting Water Right: 07445

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
	36-07445	TWIN V RANCH INC.	C	02/21/1974	L/	GROUNDWATER	IRR	WR
	X36-07445A			00/00/0000	/Z			WR
	X36-07445B	J & T DAIRY	C	02/21/1974	L/	GROUNDWATER	IRR	WR
	X36-07445C	MC FARLAND, DON	C	02/21/1974	L/	GROUNDWATER	STOCK COMMER	WR
	X36-07445D	MC FARLAND, CAROL	C	02/21/1974	L/	GROUNDWATER	IRR	WR
		MC FARLAND, DON	C					
	X36-07445E	J & T DAIRY	C	02/21/1974	L/	GROUNDWATER	IRR	WR
	36-07445	MC FARLAND, DON	C	02/21/1974	L/	GROUNDWATER	IRR	AJ
		MC FARLAND, CAROL	C					
	A36-07445	MC FARLAND, DON	C	02/21/1974	L/	GROUNDWATER	IRR	AJ
		MC FARLAND, CAROL	C					

(GOLD6=Print Profile Rpt For All Rights/Claims on Screen)
(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 4, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

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

Dear Special Master Dolan:

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

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

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

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

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Attachments

COPY

1997 JUN 27 PM 2: 33

DISTRICT COURT-SRBA

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. 36-07445

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

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):
Don McFarland
Carol McFarland
PO Box 268
Eden ID 83325
Phone: 825-8258

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

Tony Visser
1700 E 2428 S
Gooding ID
83330

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

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

DATED: 6/27/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

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

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
J Walter Sinclair
Benoit Alexander Sinclair
Harwood & High
PO Box 366
Twin Falls ID 83303-0366
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Tony Visser
1700 E 2418 S
Gooding ID 83330
J & T Dairy
c/o Tony Visser
4205 S Graves Rd
Roswell NM 84201
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5859NP

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

DATE: JUN-27-1997
PAGE: A-4

RIGHT NUMBER: 36-07445

SPLIT RIGHT: SEE RIGHT NOS. 36-07445B, 36-07445C, 36-07445D AND
36-07445E.

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07445B

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

SOURCE: GROUNDWATER

QUANTITY: 0.13 CFS
25.6 AFY

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

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

PRIORITY DATE: 02/21/1974

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.13 CFS 25.6 AFY

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

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 6.4 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

AJ5856NP

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

DATE: JUN-27-1997

PAGE: A-21

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07445B (CONT)

EXPLANATORY MATERIAL: (CONT)

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

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07445C

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

SOURCE: GROUNDWATER

QUANTITY: 0.1 CFS
20.7 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.75 CFS, 0.52 CFS FOR STOCKWATER USE AND 0.23
CFS FOR COMMERCIAL USE; AND A TOTAL COMBINED DIVERSION VOLUME OF
156 AF, 108 AF FOR STOCKWATER USE AND 48 AF FOR COMMERCIAL USE.
COMBINED RIGHT NOS.: 36-02671C, 36-07367C, 36-07381C, 36-07445C,
AND 36-07480D.

PRIORITY DATE: 02/21/1974

POINT OF DIVERSION: T07S R14E S01 NESE Within GOODING County

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.07 CFS
			14.5 AFY
	COMMERCIAL	01-01 12-31	0.03 CFS
			6.2 AFY

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

STOCKWATER USE IS FOR 2,200 MILK COWS, 451 DRY COWS AND 982
REPLACEMENT HEIFERS.

COMMERCIAL USE IS FOR A DAIRY OPERATION.

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

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

DATE: JUN-27-1997
PAGE: A-23

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07445D

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

SOURCE: GROUNDWATER

QUANTITY: 2.42 CFS
487.6 AFY

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

PRIORITY DATE: 02/21/1974

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	2.42 CFS 487.6 AFY

PLACE OF USE:	IRRIGATION	Within GOODING County
	T06S R14E S33	NESW 17 NWSW 20 SWSW 40 SESW 40 SWSE 36 SESE 32
	T07S R14E S01	Lot 4 (SWNW)32 Lot 3 (SENW)32 NESW 40 NWSW 40 SWSW 33 SESW 33
	S02	Lot 2 (SWNE)32 Lot 1 (SENE)32 Lot 4 (SWNW)32 Lot 3 (SENW)32 NESW 40 NWSW 33 SWSW 30 SESW 31 NESE 40 NWSE 40 SWSE 30 SESE 29
	S03	Lot 2 (SWNE)32 Lot 1 (SENE)32 Lot 4 (SWNW)32 Lot 3 (SENW)31 NESE 39 NWSE 30
	992 ACRES TOTAL	

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 121.9 ACRES WITHIN

AJ5856NP

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

DATE: JUN-27-1997
PAGE: A-24

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07445D (CONT)

PLACE OF USE: (CONT)

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

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

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

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

DATE: JUN-27-1997

PAGE: A-25

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07445E

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

SOURCE: GROUNDWATER

QUANTITY: 0.18 CFS
35.6 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.38 CFS AND TO A TOTAL COMBINED DIVERSION
VOLUME OF 288.0 AF. COMBINED RIGHT NOS.: 36-02671E, 36-07367E,
36-07381E, 36-07445E, AND 36-07480F.

PRIORITY DATE: 02/21/1974

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.18 CFS 35.6 AFY

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

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 8.9 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 27, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TONY VISSER
1700 E 2428 S
GOODING ID 83330

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

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

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

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

RECEIVED

OCT 08 1996

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

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.

MEMORANDUM

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

FROM: PAM SKAGGS²⁸/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

TIAL REVIEW BY: J SKINNER

Date:

1. Right number 200 + 4 Applicant J-T
BASIN 36 RECOMMENDED
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.
- 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

AL 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

COMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* I concur with Corey's 3/11/96 memo.
Approve with similar conditions as Trus. # 4543

4. By Adm Date 4/23/96

uses within Watermaster Districts require special conditions.

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.

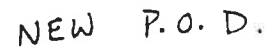
(GOODING)

47'30" 290 000 FEET

683

1-14°45'

-42°52'30"



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	"	"
36-07480F	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
<u>See Attachment A</u>				
				to
				to
				to
				to

2. Total amount of water being transferred 4,175.16 cubic feet per second and/or 1052 acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	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 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	
7S	14E	1			142	141									34	34			72
7S	15E	6									33	29	23	40		33	33		191
											145	147							
											5	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 ~~775~~ 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	30			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	28	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							17	4	40	40	33	33					210
		2			32	32			32	32	40	33	30	31	40	40	30	26	401
					42	41			17	4									
		3			32	32			32	31					39	30			196

42 41

17 4 17

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	:	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: A36-07367, 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
PAGE: 2

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
4	NW	SW	NW	1	7S	14E	Gooding	
3	NE NW	SE SE	NE NW	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 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
					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) _____
 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 8.29 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>44</u>	<u>43</u>	<u>32</u>	<u>32</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>
					<u>42</u>	<u>41</u>			<u>44</u>	<u>43</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

WR5809NP
No. X36-07367B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/08/96
PAGE: 4

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: 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. 36-07381A 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 9-19-1973

5. Water is used for the following purpose:

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

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	
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 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									

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>41</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>36</u>	<u>32</u>	<u>185</u>
<u>75</u>	<u>14E</u>	<u>1</u>							<u>42</u>	<u>41</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>42</u>	<u>41</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

WR5809NP
No. X36-07381B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/08/96
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON MC FARLAND	09/19/1973	IRRIGATION	04-01 10-31	0.070 CFS	14.40 AFA
TOTAL DIVERSION:					0.070 CFS	14.40 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	Lt	Ac	Lt	Ac	:	
07S	15E	6	:					:						:	33	05-29	06-23	40	:					:		
																							TOTAL ACRES		191.0	

Pou County: GOODING

Other Rights: A36-02671, A36-07367, A36-07445

Other Water Rights with Same Point(s) of Diversion and Source:
36-07402 X36-02671B X36-07367B X36-07445B X36-07480C

Other Water Rights Listing Overlapping Place(s) of use:
36-07402 X36-02671B X36-07367B 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. 36-07381B 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
PAGE: 6

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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	

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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	

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	
3	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
					142	141			144	143									
		2			32	32			32	32	40	33	30	31	40	40	30	22	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, 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)
 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>

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)
 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>26</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	:	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 X36-07480C

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

WR5809NP
No. X36-07445B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/08/96
PAGE: 8

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	20			282
					142	141			144	143									
		2			32	32			32	32	40	33	30	31	40	40	30	26	401
					142	141			144	143									
		3			32	32			32	31					39	30			196
					142	141			144	143									

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>112</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>112</u>	<u>41</u>	<u>32</u>	<u>32</u>	<u>40</u>	<u>40</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>112</u>	<u>111</u>			<u>114</u>	<u>113</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>

112 111

114 113

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

WR5809NP
No. X36-07480C

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/08/96
PAGE: 10

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:

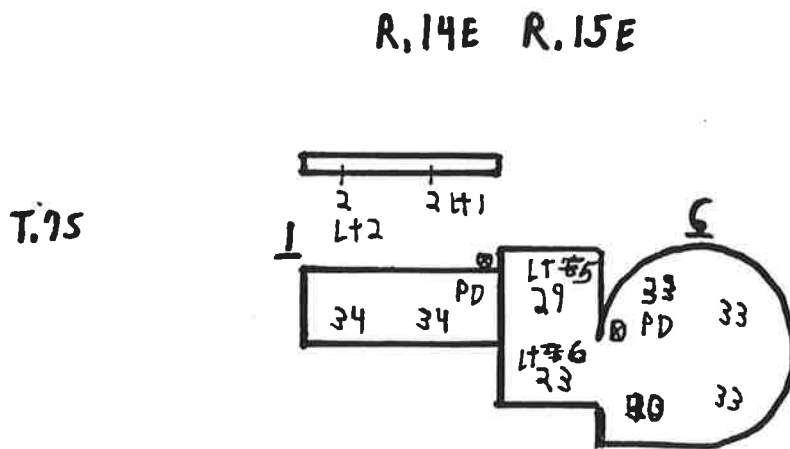
Comments: Date: 01/24/1995 User-ID: MBALDWIN Subject: TRANSFER NO. 4543
T#4543 filed on 12/16/94 proposes change point of diversion, add diversion point(s), change place of use, change nature of use, period of use and split water rights.
Rights involved in this transfer are 36-02671, 36-07367, 36-07381, 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 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.



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

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				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 [Signature]
(Signature of Applicant)

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

Cherie [Signature]
(Notary Public)

My commission expires October 5, 1997

FOR DEPARTMENT USE ONLY

Transfer contains 16 pages and 2 attachments

Received by J. P. Stanton Date 5-4-95

Protest filed by _____

Prelim. check by CS Fee \$100. 50/8052

Receipted by CS Date 5-4-95

Published in Living Co. Leader

Copies of protest forwarded by _____

Pub. dates 3/27/94 4/3/94

Hearing held by _____ Date _____

Watermaster recommendation requested on N/A

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

RECEIVED

MAY 05 1995

Department of Water Resources
Southern Region



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 ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
36-02671C, 36-07367C, 36-07381C, 36-07445C, 36-07480D, 36-02671B,
36-07367B, 36-07381B, 36-07445B, 36-07480C.

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

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

RECEIVED

FEB 14 1996

Department of Water Resources
Southern Region

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
Suzanne Vance

Kristi Lucas
Kristi Lucas

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 Dennoen
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____
RICK DENNOEN
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT JEROME, ID
MY COMMISSION EXPIRES 7-30-97

Carol McFarland

Kelly Human

Lori Human

Suzanne Vance
Suzanne Vance - Partner

NOL-4539446
5/93 5/97

Kristi Lucas
Kristi Lucas - Partner

Maurisa McFarland
Maurisa McFarland - Partner

STATE OF IDAHO)

County of Ada)

ss.

On this 2nd 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

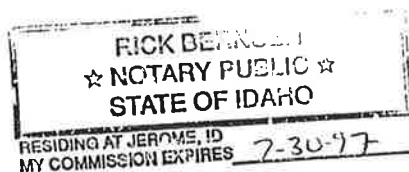
Residing at: 2110 S. Huntington Blvd - Boise

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.

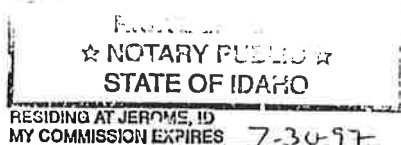


[Signature]
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

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.

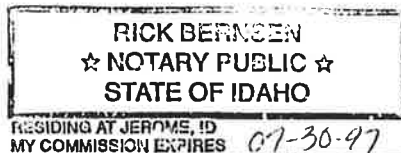


[Signature]
NOTARY-PUBLIC
Residing at: _____
My Commission Expires: _____

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.

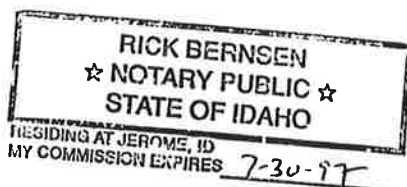


[Signature]
NOTARY PUBLIC
Residing at: _____
My Commission Expires: 7-30-97

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.

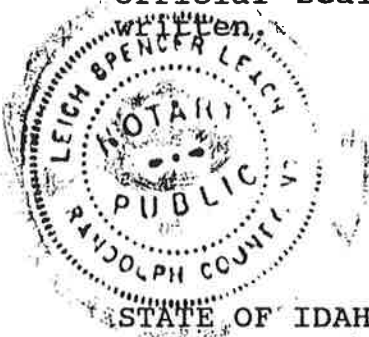


[Signature]
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

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 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 Jerome) ss.
Twin Falls)

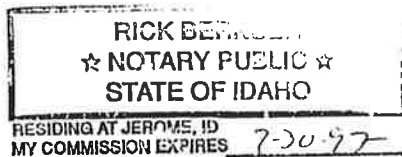
On this 30th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared DON McFARLAND, known to me to be the President of McFARLAND AGRICULTURAL COMPANY, the corporation whose name is subscribed to the foregoing instrument, and acknowledged to me that he 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-4539946
5/87

McFARLAND AGRICULTURAL COMPANY

By Don McFarland
Don McFarland - President

Don McFarland
Don McFarland

161091

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

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

HELENA 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:

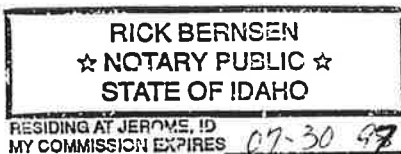
- 36-02671B - Irrigation
- 36-07367B - Irrigation
- 36-07381B - Irrigation
- 36-07445B - Irrigation
- 36-07480C - Irrigation

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

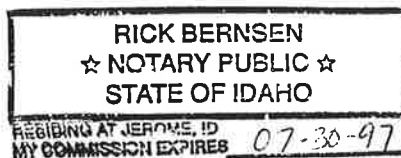
Residing at: _____

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: _____

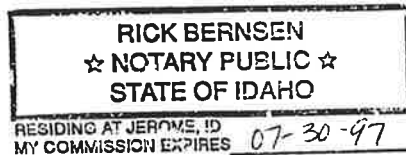
STATE OF IDAHO)

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 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: _____

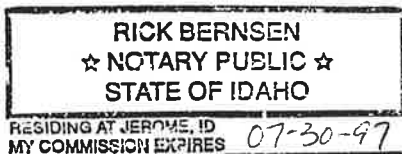
STATE OF IDAHO)

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 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

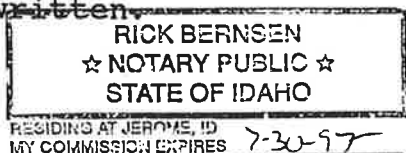
Residing at: _____

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.

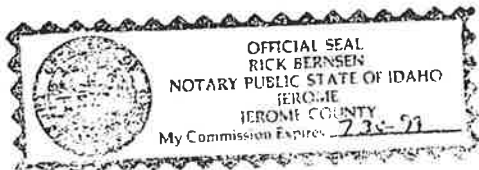


[Signature]
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO)
) ss.
County of Jerome)

On this 28th 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.

Heigh 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.

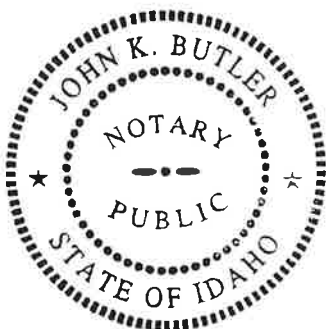
On this 29th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared MAURISA MCFARLAND, known to me to be a general partner in BIG SKY PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that she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

John K. Butler
NOTARY PUBLIC

Residing at: Twin Falls, ID

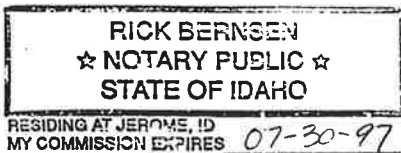
My Commission Expires: 5-26-2000



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.

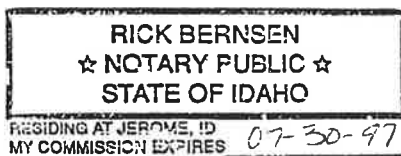


Rick Bernsen
NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____

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 March, 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: _____

RICK BERNSEN
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

RESIDING AT JEROME, ID
MY COMMISSION EXPIRES

07-30-97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 10 1995

TRANSFER OF WATER RIGHT

TRANSFER NO. 4543 (PART)
WATER RIGHT NO(S). 36-02671B/36-07367B/36-07381B
36-07445B/36-07480C
Department of Water Resources
Southern Region

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

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

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

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

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

CONDITIONS/REMARKS:

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

Dated this 13th day ofMarch, 1995

J. Glen Saxton

Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

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

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

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

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

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

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: STOCKWATER

TWN RGE SEC

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

PLACE OF USE: COMMERCIAL

TWN RGE SEC

07S 14E 1 NESE

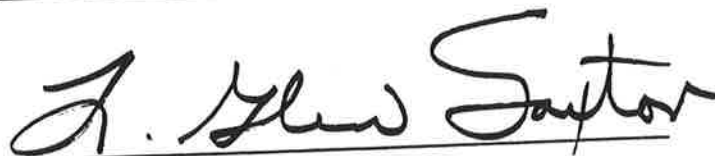
CONDITIONS/REMARKS:

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

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

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

Dated this 13th day of March, 19 95


Chief, Water Alloc. Bureau

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.

FROM: Allen Merritt

DATE: February 23, 1995

TO: Transfer File #4543 (Don McFarland)

SUBJECT: Review and Recommendation

The transfer proposes to split existing licenses which are presently recommended in Basin 36 Director's Report as a PPU of 1155 acres into essentially three components.

1. PPU of 1064 acres.
2. Move 52 acres into separate PPU of 191 acres combined with license 36-07402.
3. Dry up 39 acres and convert use to dairy needs.

I recommend that the transfer be approved as follows:

PPU of 1064 acres

Water Right Number	Amt. (CFS)	Acre Limit
36-02671A	2.53	183.3
36-07367A	8.89	508.6
36-07381A	1.48	73.7
36-07445A	2.60	130.8
36-07480C	5.86	350.9

- The total diversion capacity of the above rights is limited to 20.32 cfs to be diverted from the four wells identified in parts 2,A,7 of application.
- The PPU is as listed on parts 2,C,3 of application.
- These rights are subject to SRBA review.
- Measuring devices required.
- Total diversion volume limited to 4.0 AFA/acre.

PPU of 191 acres

Water Right Number	Amt. (CFS)	Acre Limit
36-02671B	0.08	9.0
36-07367B	0.43	24.8
36-07381B	0.07	3.6
36-07445B	0.13	6.4
36-07480D	0.28	17.2

- The above rights are limited to a total of 52.0 acres.
- Right 36-07402 is combined in the same system.
- The PPU is as listed on part 1,B,5(1) of the application.
- These rights are subject to SRBA review.
- Measuring device required.
- Total diversion volume is limited to 4.0 AFA/acre.

Dairy

Water Right Number	Stockwater (CFS)	Stockwater (AFA)	Commercial (CFS)	Commercial (AFA)
36-02671C	0.04		0.02	
36-07367C	0.23	51.5	0.10	22.9
36-07381C	0.03	7.5	0.02	3.3
36-07445C	0.07	13.3	0.03	5.9
36-07480E	0.15	35.7	0.06	15.9

- Stockwater is limited to watering 2200 milking cows, 451 dry cows and 982 replacement heifers at a total rate of 0.52 CFS and a total diversion volume of 108 AFA.
- Commercial use is limited to dairy barn use associated with above described animals at a total rate of 0.23 CFS and a total diversion volume of 48 AFA.
- The P/U is as described on part 1,B,5(2) of the application.
- The new wells as described on part 1,B,4(2) are required to be drilled pursuant to drilling permit requirements.
- The dairy must meet all federal, state & county permit requirements and environmental concerns.
- These rights are subject to SRBA review.
- Measuring devices with volume totalizers must be installed on both wells.

Don McFarland Transfer Attachment A

Part 1

B.1. Description of Rights After Requested Change

1) 36-02671B	1-9-1967	0.08 cfs	Irrig.	4-1 to 1
36-07367B	8-13-1973	0.43 cfs/99.2 AFA	"	"
36-07381B	9-19-1973	0.07 cfs/14.4 AFA	"	"
36-07445B	2-21-1974	0.13 cfs/25.6 AFA	"	"
36-07480D	5-31-1974	0.28 cfs/68.8 AFA	"	"
		0.99 cfs/208 AFA		

2) 36-02671C	1-9-1967	0.04 cfs	Stockwater	1-1 to
		0.02 cfs	Commercial	"
36-07367C	8-13-1973	0.23 cfs/51.5 AFA	Stockwater	"
		0.10 cfs/22.9 AFA	Commercial	"
36-07381C	9-19-1973	0.03 cfs/7.5 AFA	Stockwater	"
		0.02 cfs/3.3 AFA	Commercial	"
36-07445C	2-21-1974	0.07 cfs/13.3 AFA	Stockwater	"
		0.03 cfs/5.9 AFA	Commercial	"
36-07480E	5-31-1974	0.15 cfs/35.7 AFA	Stockwater	"
		0.06 cfs/15.9 AFA	Commercial	"
		0.52 cfs/108 AFA	Stockwater	"
		0.23 cfs/48 AFA	Commercial	"

Diversion rate calculations Don McFarland Transfer Attachment B

1. 36-2671	2.67 cfs	on	199 ac.
36-7367	9.65 cfs	on	552 ac.
36-7381	1.60 cfs	on	80 ac.
36-7445	2.83 cfs	on	142 ac.
36-7480A	<u>6.35 cfs</u>	on	<u>381 ac</u>
	22.06 cfs		1155 ac.
$\Sigma = 23.10 \text{ cfs}$			
$\Sigma = 1354 \text{ ac.}$			
Capacity?			

2. Move water from 39 ac. for dairy + 52 ac. to new P/U for irr

3. $91 \text{ ac.} \div 1155 \text{ ac.} = 7.88\%$ of land (3.38% for dairy, 4.50% ;

4. $7.88\% \times 22.06 \text{ cfs} = 1.74 \text{ cfs}$

* 5. 36-2671	$\times \frac{3.38}{1155} = \frac{*0.06}{0.09}$	cfs	on	(6.7 ac)
36-7367	$\times "$	= 0.33 cfs	on	18.36 ac
36-7381	$\times "$	= 0.05 cfs	on	2.7 ac
36-7445	$\times "$	= 0.10 cfs	on	4.8 ac
36-7480A	$\times "$	= <u>0.21 cfs</u>	on	<u>12.9 ac</u>
		0.75 cfs	on	39 ac

Dairy

* 6. 36-2671	$\times \frac{4.50}{1155} = \frac{*0.08}{0.12}$	cfs	on	(9 ac)
36-7367	$\times "$	= 0.43 cfs	on	24.8 ac
36-7381	$\times "$	= 0.07 cfs	on	3.6 ac
36-7445	$\times "$	= 0.13 cfs	on	6.4 ac
36-7480A	$\times "$	= <u>0.28 cfs</u>	on	<u>17.2 ac</u>
		0.99 ~~1.03~~ cfs		52 ac

Irrig.

* Adjustment due to overlap (100% overlap w/other rights)

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Don McFarland Phone 825-8258
Post Office address PO Box 268, Eden, ID 83352

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
 ☒ Add diversion point(s)
 ☒ Change place of use
 ☒ Change nature of use
 ☒ Change period of use
 ☒ Other Split rights
- Describe the reason for the proposed changes Convert some water from irrigation to dairy use. Also to move some water from this farm to a separate farm a little east of the present P/U. This will create permissible place of use with Rt. 36-07402. East farm will then be put up for sale

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

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-------------------------|----------|--------------------|---------------|---------------|
| <u>See Attachment A</u> | | | | |
| | | | | |
| | | | | |
| | | | | |
- Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
- Source of water Groundwater tributary to _____
- 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	Existing irrigation well
	NE	NE	SE	1	7S	14E	Gooding	Two new dairy wells to be drilled

5. Lands irrigated or place of use: * PPU not to exceed 52 acres/annum w/36-07402

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	29	23	40		33	33		191 *
											145	146							
7S	14E	1					S	S							C.S	S			
							143	141											

Total acres * 191

PART 1**6. General Information:**

a. Description of diversion system 1) Existing irrigation well & sprinklers.
2) 2 connected wells & pumps to be developed for dairy.

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 no longer be irrigated - will be covered by barn, corrals, etc.

d. Remarks:

Dairy will serve 2200 milk cows, 451 dry adults, & 982 young heifers.

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 RESOURCESTransfer No. 4543

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. 36-02671 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 1-9-1967

5. Water is used for the following purpose:

amount 2.67 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 2.67 cubic feet per second and/or 796 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	
1	NE	SE	NE	2	"	"	"	
3	NW	SE	NW	2	"	"	"	
1	NE	SE	NE	3	"	"	"	

8. Lands irrigated or place of use: * Permissible place of use not to exceed 199 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	
65	14E	33									17	20	40	40			86	32	185
75	14E	1			32	32			32	32	40	40	40	40	38	40			366
					142	141			144	143									
		2			32	32			32	32	40	33	30	31	40	40	30	36	408
					142	141			144	143									
		3			32	32			32	31					39	30			196

142 141

144 143

Total acres 1155 *

9. Describe any other water rights used for the same purpose as described above 36-07367, 7381, 7445, 7480 A

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 0.14 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>7S</u>	<u>14E</u>	<u>1</u>			<u>10</u>	<u>22</u>						<u>7</u>	<u>7</u>	<u>28</u>	<u>10</u>				<u>84</u>
					<u>142</u>	<u>141</u>													
		<u>2</u>															<u>7</u>		<u>7</u>

Total acres 91

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

1. amount 2.53 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: PPU not to exceed 199 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	
<u>6S</u>	<u>14E</u>	<u>33</u>									<u>17</u>	<u>20</u>	<u>40</u>	<u>40</u>	<u>40</u>		<u>36</u>	<u>32</u>	<u>185</u>
<u>7S</u>	<u>14E</u>	<u>1</u>			<u>22</u>	<u>10</u>			<u>32</u>	<u>32</u>	<u>40</u>	<u>40</u>	<u>33</u>	<u>33</u>	<u>10</u>	<u>30</u>			<u>282</u>
					<u>142</u>	<u>141</u>			<u>144</u>	<u>143</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>142</u>	<u>141</u>			<u>144</u>	<u>143</u>									<u>196</u>

3

32
142 141

32 31
144 143

Total acres 1064

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. 36-07367 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 8-13-1973

5. Water is used for the following purpose:

amount 9.65 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 9.65 cubic feet per second and/or 2208 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	
13	NE	SE	NE	2	"	"	"	
1	NE	SE	NE	3	"	"	"	

8. Lands irrigated or place of use: * Permissible place of use not to exceed 552 acres per 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	
635	14E	33									17	20	40	40			36	32	185
75	14E	1			32	32			32	32	40	40	40	40	38	40			366
					172	171			174	173									
		2			32	32			32	32	40	33	30	31	40	40	30	36	408
					172	171			174	173									
		3			32	32			32	31					39	30			196
					172	171			174	173									

172 171

174 173

Total acres 1155 *

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

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 0.76 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>10</u>	<u>22</u>							<u>7</u>	<u>7</u>	<u>28</u>	<u>10</u>			<u>84</u>
					<u>12</u>	<u>11</u>													
		<u>2</u>																<u>7</u>	<u>7</u>

Total acres 91

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

1. 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) _____
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: 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	
<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>22</u>	<u>10</u>			<u>32</u>	<u>32</u>	<u>40</u>	<u>40</u>	<u>33</u>	<u>33</u>	<u>10</u>	<u>30</u>			<u>282</u>
					<u>12</u>	<u>11</u>			<u>14</u>	<u>13</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>12</u>	<u>11</u>			<u>14</u>	<u>13</u>									<u>196</u>

3

3 32
12 11

32 31
14 13

Total acres 1064

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4543

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. 36-07381 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 9-19-1973

5. Water is used for the following purpose:

amount 1.60 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 1.60 cubic feet per second and/or 320 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	
3	NE	SE	NE	2	"	"	"	
1	NE	SE	NE	3	"	"	"	

8. Lands irrigated or place of use: * Permissible place of use not to exceed 80 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	
6S	14E	33									17	20	40	40			36	32	185
7S	14E	1			32	32			32	32	40	40	40	40	38	40			366
					172	171			174	173									
		2			32	32			32	32	40	33	30	31	40	40	30	36	408
					172	171			174	173									
		3			32	32			32	31					39	30			196

172 171

174 173

Total acres 1155 *9. Describe any other water rights used for the same purpose as described above 36-02671, 7367, 7445, 7480

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) _____ 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>15</u>	<u>14E</u>	<u>1</u>			<u>10</u>	<u>22</u>						<u>7</u>	<u>7</u>	<u>28</u>	<u>10</u>				<u>84</u>
					<u>12</u>	<u>11</u>													
		<u>2</u>															<u>7</u>		<u>7</u>

Total acres 91

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

1. amount 1.48 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: ppu not to exceed 73.7 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	
<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>15</u>	<u>14E</u>	<u>1</u>			<u>22</u>	<u>10</u>			<u>32</u>	<u>32</u>	<u>40</u>	<u>40</u>	<u>33</u>	<u>32</u>	<u>10</u>	<u>30</u>			<u>282</u>
					<u>12</u>	<u>11</u>			<u>14</u>	<u>13</u>									
		<u>2</u>			<u>32</u>	<u>32</u>			<u>32</u>	<u>32</u>	<u>40</u>	<u>33</u>	<u>20</u>	<u>31</u>	<u>40</u>	<u>40</u>	<u>30</u>	<u>26</u>	<u>401</u>
					<u>12</u>	<u>11</u>			<u>14</u>	<u>13</u>									<u>196</u>

3

3 32
12 11

32 31
14 13

Total acres 1064

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. 1306 issued by the Idaho Department of Water Resources.
- c. Claim No. 36-07445 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 2-21-1974

5. Water is used for the following purpose:

amount 2.83 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 2.83 cubic feet per second and/or 568 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	"	"	"	
1	NE	SE	NE	3	"	"	"	

8. Lands irrigated or place of use: * Permissible place of use not to exceed 142 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			32	32		32	32		40	40	40	40	38	40			366
					42	41		44	43						48	40			
		2			32	32		32	32		40	33	30	31	40	40	30	36	408
					42	41		44	43										
		3			32	32		32	31						39	30			196
					42	41		44	43										

42 41

44 43

Total acres 1155 *

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

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 0.23 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>10</u>	<u>22</u>							<u>7</u>	<u>7</u>	<u>28</u>	<u>10</u>			<u>84</u>
					<u>42</u>	<u>41</u>													
		<u>2</u>																<u>7</u>	<u>7</u>

Total acres 91**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 2.60 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: ppu not to exceed 130.8 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	
<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>22</u>	<u>10</u>			<u>32</u>	<u>32</u>	<u>40</u>	<u>40</u>	<u>32</u>	<u>32</u>	<u>10</u>	<u>30</u>			<u>282</u>
					<u>42</u>	<u>41</u>			<u>44</u>	<u>43</u>									
		<u>2</u>			<u>22</u>	<u>32</u>			<u>32</u>	<u>32</u>	<u>40</u>	<u>32</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>196</u>

332 32
41 4132 31
44 43Total acres 1064

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4543

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. 36-07480A 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 5-31-1974

5. Water is used for the following purpose:

amount 6.35 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 6.35 cubic feet per second and/or 1524 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	"	"	"	

8. Lands irrigated or place of use: * permissible place of use not to exceed 381 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	
65	14E	33									17	20	40	40			36	32	185
75	14E	1			32	32			32	32	40	40	40	40	38	40			366
					42	41			44	43									
		2			32	32			32	32	40	33	30	31	40	40	30	36	408
					42	41			44	43									
		3			32	32			32	31					39	30			196
					42	41			44	43									

Total acres 1155*

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

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 0.49 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>10</u>	<u>22</u>							<u>7</u>	<u>7</u>	<u>28</u>	<u>10</u>			<u>84</u>
					<u>142</u>	<u>141</u>													
		<u>2</u>																<u>7</u>	<u>7</u>

Total acres 91**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. 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) _____

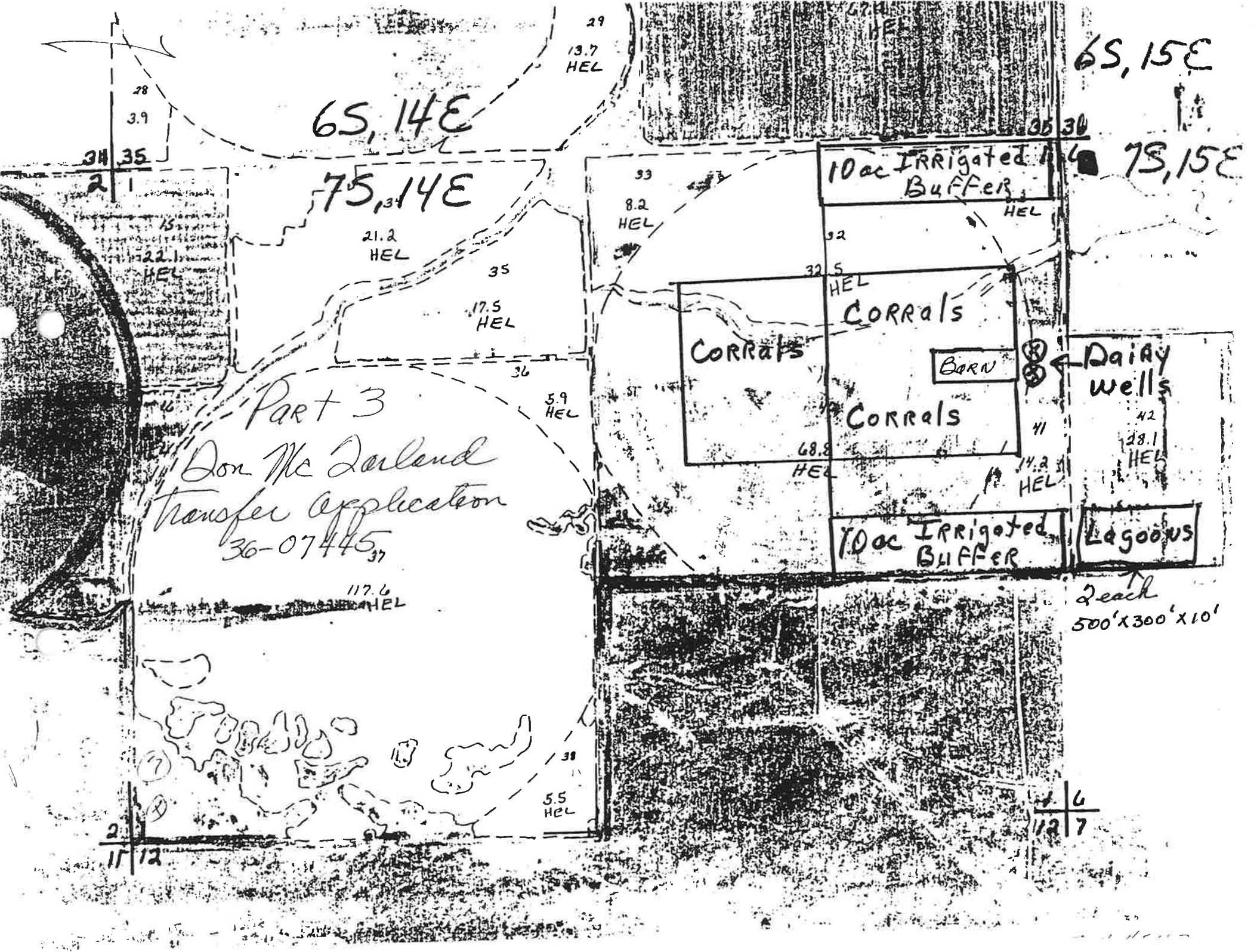
2. Point(s) of Diversion: Same as 2.A.7.

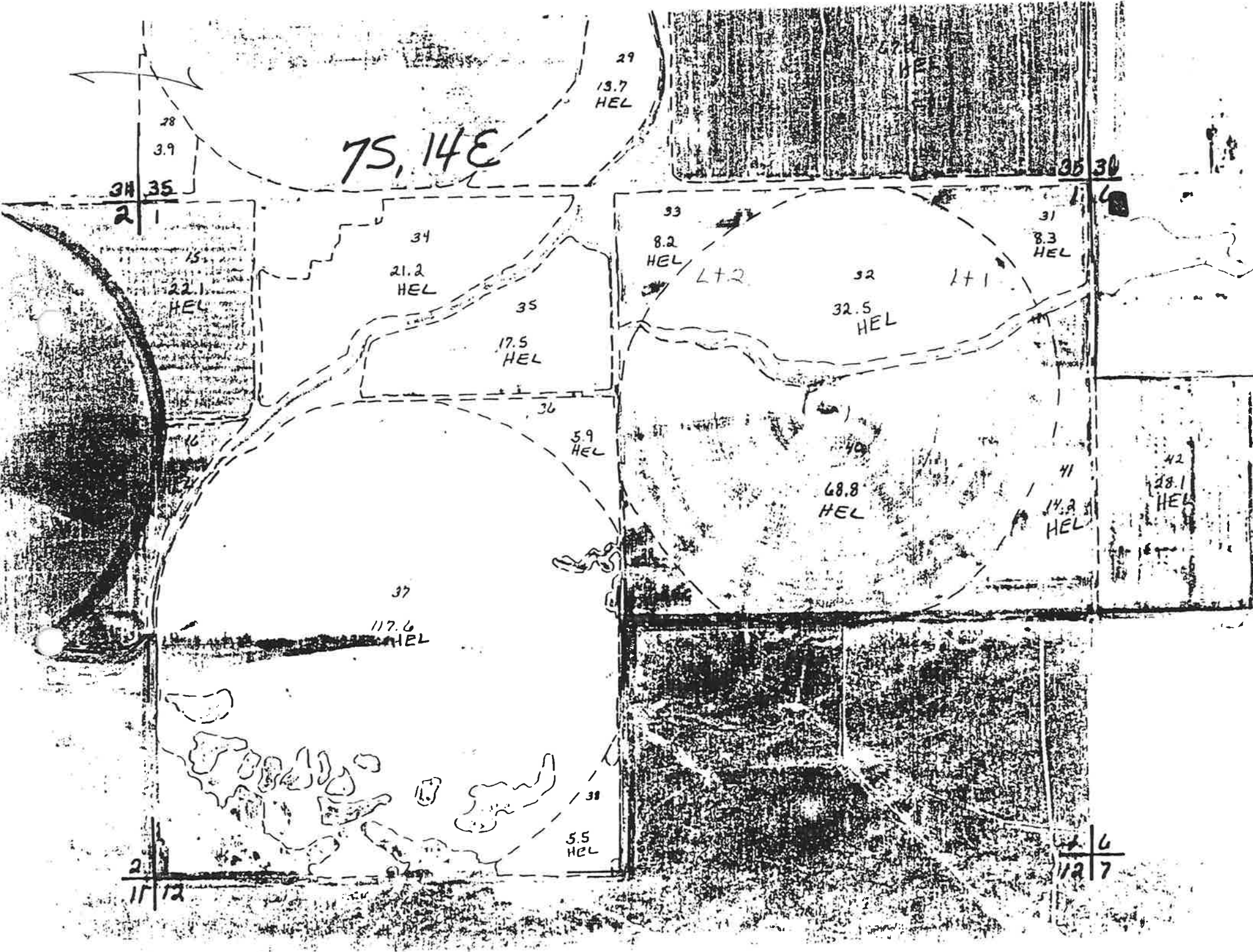
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: PPU not to exceed 350.7 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	
<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>22</u>	<u>10</u>			<u>32</u>	<u>32</u>	<u>40</u>	<u>40</u>	<u>33</u>	<u>33</u>	<u>10</u>	<u>30</u>			<u>282</u>
					<u>142</u>	<u>141</u>			<u>144</u>	<u>143</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>142</u>	<u>141</u>			<u>144</u>	<u>143</u>									<u>196</u>

33 32
142 14132 31
144 143Total acres 1064





127
16

112
2

5.5
HEL

38

117.6
HEL

37

42
28.1
HEL

41
14.2
HEL

40
68.8
HEL

59
HEL

36

35
17.5
HEL

15
22.1
HEL

34
21.2
HEL

33
8.2
HEL

32
32.5
HEL

31
8.3
HEL

16

35 36

21

34 35

28

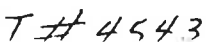
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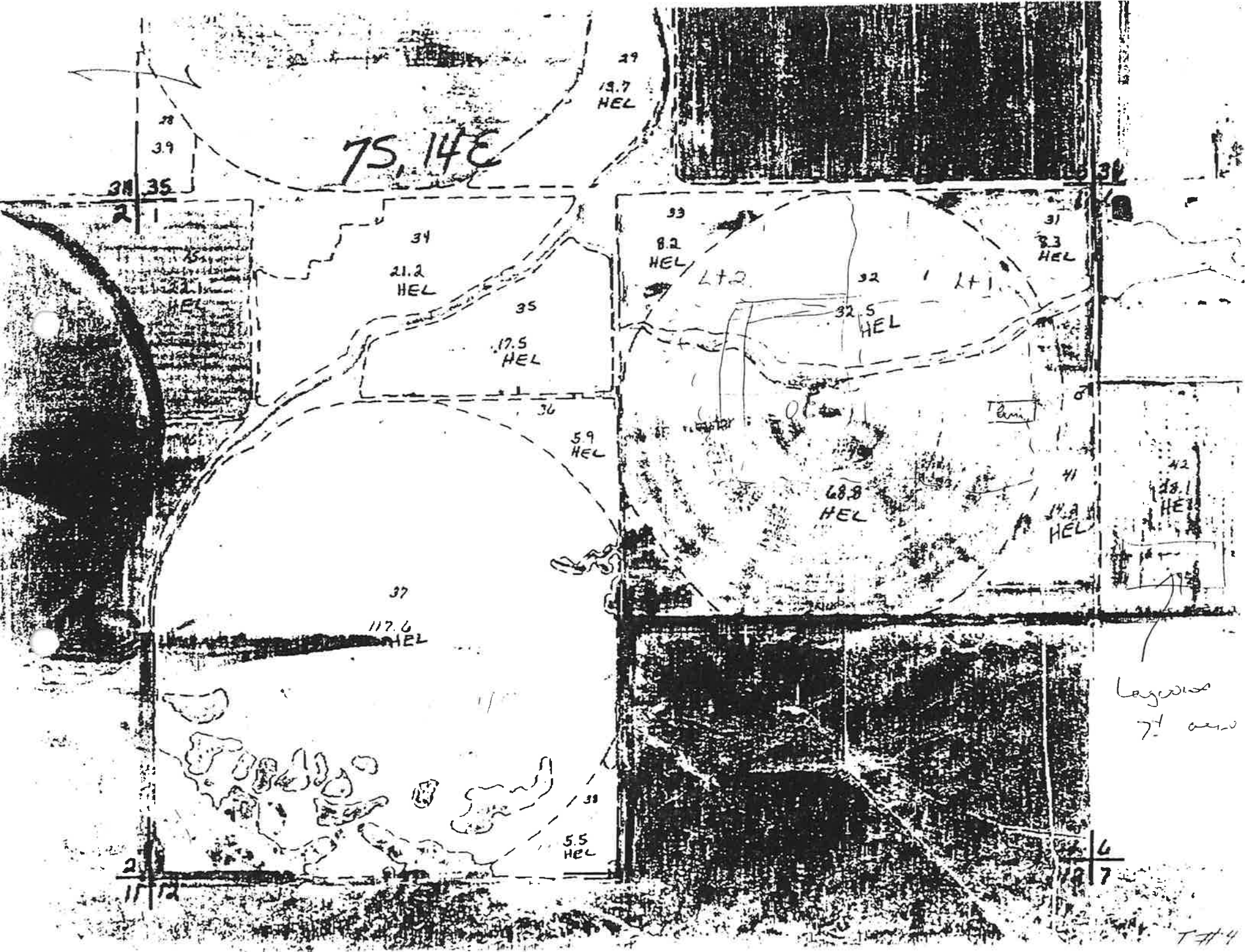
75, 143

29
13.7
HEL

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HEL

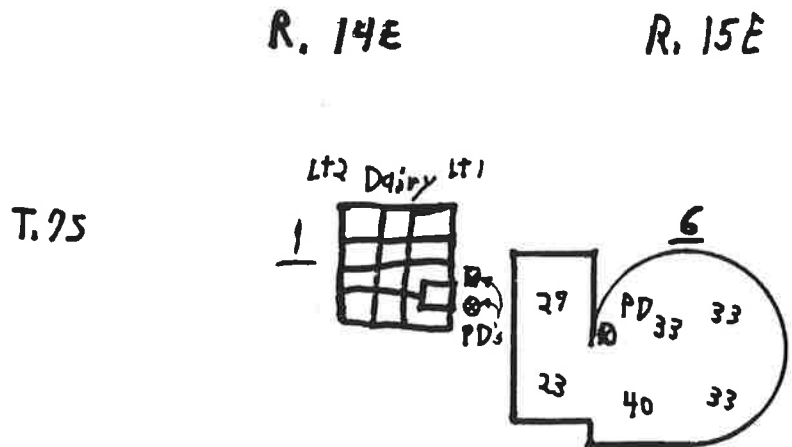
G *f* *F* *e* *E* *d* *D* *c*





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.



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Stockwater</u>	<u>0.52 cfs/108 AFA</u>		<u>1-1</u> to <u>12-31</u>
	<u>Commercial</u>	<u>0.23 cfs/48 AFA</u>		<u>"</u> to <u>"</u>

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

Dirty runoff will be ponded, then land applied.

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

Should have no effect.

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.

Don McDaniel
(Signature of Applicant)

Subscribed and sworn to before me this 16th day of December, 19 94.

J. F. Stanton
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 14 pages and 2 attachments

Received by J. F. Stanton Date 12-16-94 Protest filed by None

Prelim. check by MTS Fee \$100.00 5017554

Receipted by MTS Date 11-17-94

Published in Spokane Co. Leader Copies of protest forwarded by _____

Pub. dates 2/1 & 2/8/95 Hearing held by _____ Date _____

Watermaster recommendation requested on 2/1/94 Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by ADN

Copy of transfer sent to lien holder _____

COPY

1996 AUG -9 PM 3:20

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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)

Water Rights: 36-07445

Case No. 39576)

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above
water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated
below:

☐ Substitution of Party (waiting for documentation)

☒ Substitution of Party/Split Water Right

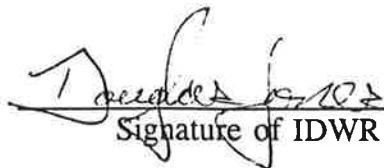
☒ I.C. § 42-222 transfer

☒ point of diversion ☒ place of use

☒ period of use ☒ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than: July 31, 1997.

DATED: 8/9/1996


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 9, 1996, 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
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Don McFarland
PO Box 268
Eden ID 83325
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
Tony Visser
1700 East 2428 South
Gooding ID 83330
4. One copy to:
Each party in the subcase, or attorney of record
J Walter Sinclair
PO Box 366
Twin Falls ID 83303-0366
5. One copy each 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

August 7, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

Don McFarland
PO Box 268
Eden ID 83325

RE: SRBA Claim(s) 36-02671, 36-07367, 36-07381, 36-07445,
36-07480A

Dear Claimant:

Please find the enclosed copy of the Notice of 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.

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Enc

cc: Tony Visser, J Walter Sinclair

RECEIVED

F 21 1996

DBS
EF

RECEIVED
DEC 28 1995
Department of Water Resources
Adjudication Bureau

RECEIVED
DEC 22 1995
OFFICE OF THE
ATTORNEY GENERAL

Department of Water Resources
Southern Region

DEC 22 PM 2:46
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

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	)	Subcase Nos.: 36-02671, 36-07367, 36-
	)	07381, 36-07445 and 36-07480A
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO
	)	FILE LATE OBJECTIONS
	)	

On September 15, 1995, claimants Don and Carol McFarland filed their *Amended Motion to File Late Objections (Amended Motion)* in the above five subcases. Amended objections were lodged in each subcase the same date. An *Amended Motion* was filed because the claimants attempted in good faith to file originals of the motion and objections on August 18, 1995. However, numbering of the claims in the Director's Report differed from the numbering on the pleadings and they were rejected.

A hearing was held on December 20, 1995, at the SRBA Courthouse in Twin Falls, Idaho. John K. Butler appeared in person for the claimants and Brent R. King appeared in person for IDWR. Mr. Butler stated that the claimants relied on the IDWR Director to defend the Director's Report, particularly the General Provision concerning season of use. Now that the Legislature has removed IDWR and its Director as parties, the claimants must file objections to protect their claims to water rights.

After considering the pleadings and hearing arguments of counsel, it is clear that the claimants have (1) timely filed their *Motion*, (2) shown good cause to file late objections, and (3) alleged facts which constitute a meritorious position.

Therefore, IT IS ORDERED that the *Amended Motion* is granted. Amended objections lodged with the *Amended Motion* are deemed filed the date of this Order. Responses to the amended objections shall be filed no later than January 19, 1996.

IT IS SO ORDERED.

DATED December 22, 1995.



TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication

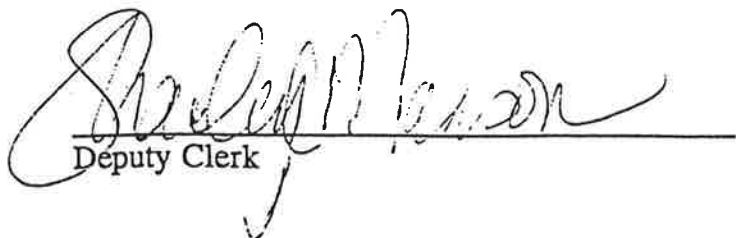
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTIONS was mailed on December 22, 1995, with sufficient first-class postage to the following:

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

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

John K. Butler
126 2nd Avenue North
Twin Falls, ID 83301


Deputy Clerk

RECEIVED

SEP 19 1995

RECEIVED

SEP 18 1995

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

* * * * *

IN RE: SRBA

Case No. 39576,

)
) AMENDED MOTION TO FILE LATE
) OBJECTIONS AS TO WATER RIGHT
) NUMBERS 36-02671; 36-07367;
) 36-07381; 36-07445; 36-07480A
)

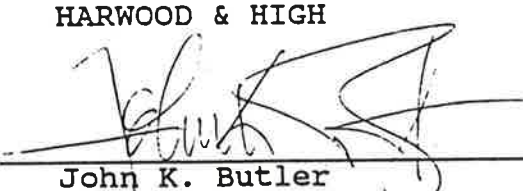
* * * * *

Don and Carol McFarland, Husband and Wife, by and through their counsel of record, Benoit, Alexander, Sinclair, Harwood & High, hereby move the Court for leave to file late objections to the Basin 36 Director's Report pursuant to the Court's Order of July 28, 1995 and/or I.R.C.P. Rule 55(c) on the grounds that there is good cause for the late objection and the moving parties named ~~herein~~ have a meritorious position to be asserted in the SRBA, as to Water Right Nos. 36-02671 (previously filed as 36-02671A); 36-36-07367 (previously filed as 36-07367A); 36-07381 (previously filed as 36-07381A); 36-07445 (previously filed as 36-07445A; and 36-07480A (previously filed as 36-07480B).

DATED this 13th day of September, 1995.

BENOIT, ALEXANDER, SINCLAIR,
HARWOOD & HIGH

By


John K. Butler
Attorneys for Don and Carol McFarland

RECEIVED

JAN 08 1996

MICROFILMED
Department of Water Resources
Southern Region
DEC 04 1996

AMENDED MOTION TO FILE LATE OBJECTIONS - 1
(Mc-17u\Motion.3\jkb\ka)

RECEIVED

DEC 28 1995

Department of Water Resources
Adjudication Bureau

RECEIVED

DEC 22 1995

OFFICE OF THE
ATTORNEY GENERAL

RECEIVED

JAN 03 1996

Department of Water Resources
Southern Region

DEC 22 PM 2:46

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

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

) Subcase Nos.: 36-02671, 36-07367, 36-
) 07381, 36-07445 and 36-07480A

Case No. 39576

) ORDER GRANTING MOTION TO
) FILE LATE OBJECTIONS
)
)
)

On September 15, 1995, claimants Don and Carol McFarland filed their *Amended Motion to File Late Objections (Amended Motion)* in the above five subcases. Amended objections were lodged in each subcase the same date. An *Amended Motion* was filed because the claimants attempted in good faith to file originals of the motion and objections on August 18, 1995. However, numbering of the claims in the Director's Report differed from the numbering on the pleadings and they were rejected.

A hearing was held on December 20, 1995, at the SRBA Courthouse in Twin Falls, Idaho. John K. Butler appeared in person for the claimants and Brent R. King appeared in person for IDWR. Mr. Butler stated that the claimants relied on the IDWR Director to defend the Director's Report, particularly the General Provision concerning season of use. Now that the Legislature has removed IDWR and its Director as parties, the claimants must file objections to protect their claims to water rights.

After considering the pleadings and hearing arguments of counsel, it is clear that the claimants have (1) timely filed their *Motion*, (2) shown good cause to file late objections, and (3) alleged facts which constitute a meritorious position.

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 126 Second Avenue North, Twin Falls, Idaho, certifies that on the 13th day of September, 1995, he caused a true and correct copy of the AMENDED MOTION TO FILE LATE OBJECTIONS to be forwarded with all required charges prepared, by the method(s) indicated below, to the following:

Don and Carol McFarland
P.O. Box 268
Eden, ID 83325-02268

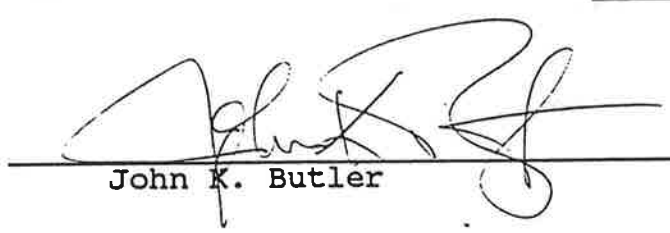
Hand Delivered _____
U.S. Mail X
Fax _____
Fed. Express _____

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 38711-4449

Hand Delivered _____
U.S. Mail X
Fax _____
Fed. Express _____

United States Department of Justice
Environment and Natural
Resource Division
550 West Fort Street, Box 33
Boise, ID 83734

Hand Delivered _____
U.S. Mail X
Fax _____
Fed. Express _____



John K. Butler

RECEIVED

SEP 18 1995

OFFICE OF THE
ATTORNEY GENERAL

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

RECEIVED

SEP 19 1995

Department of Water Resources
Adjudication Bureau

In Re the General Adjudication of Rights)
to the Use of Water from the Snake River)
Basin Water System)

The State of Idaho, ex rel. R. Keith)
Higginson in his official capacity as)
Director of the Idaho Department of)
Water Resources,)

Petitioner,)

vs.)

The United States; the State of Idaho; and)
all Claimants to the Use of Water from the)
Snake River Basin Water System,)

Respondents.)

Water Right No. 36-07445

(The water right number you are objecting to must be inserted here)

(previously filed as 36-07445A)

STANDARD FORM 1

AMENDED
OBJECTION

RECEIVED

JAN 08 1996

Department of Water Resources
Southern Region

INSTRUCTIONS

This form must be used to file an objection to a water right recommended in the director's report. *Only one party/claimant may object to one water right per objection form.* To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you do, the text must be on the front and back of each page exactly as it appears here. The objection must be received by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this objection (Page 6) or the court will not accept it for filing. This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 or more objections must make an appointment with the Clerk of the SRBA Court.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: Don and Carol McFarland

Address: P.O. Box 268

Eden, ID 83325-0268

Phone: Work: 825-5258 Home:

Briefly describe your interest in this water right: This party is
the owner of the subject water right in question.

If this objection is *filed by an attorney*:

Attorney Name: John K. Butler

Attorney Address: Benoit, Alexander, Sinclair, Harwood & High
P.O. Box 366

Twin Falls, ID 83303-0366

Attorney Phone No.: 733-5463

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. *Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:*

Name: Don and Carol McFarland

Address: P.O. Box 268

Eden, ID 83325-0268

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ *Name and Address*: I object to the name and/or address of the owner of the water right.
2. ☐ *Source*: I object to the source of water.
3. ☐ *Quantity*: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ *Priority Date*: I object to the priority date.
5. ☐ *Points of Diversion*: I object to the legal description of the point(s) of diversion.
6. ☐ *Instream Flow*: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ *Purpose(s) of Use*: I object to the purpose(s) of use.
8. ☒ *Period of Year*: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ *Place of Use*: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ *Consumptive Use*: I object to the annual volume of consumptive use.
11. ☐ *Remarks*: I object to the "remarks" listed with the water right.
12. ☐ *Water Right Recommendation*: I object to:
 - a. ☐ this water right being recommended at all; or
 - b. ☐ this water right not being recommended.

13. ☐ *Description of Reservation:* I object to the legal description of the reservation.

14. ☐ *Other:* I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

(8) Historically, the period of use has been March 15th to
November 15th.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The party hereto requests that the Director's Report be changed
so as to allow a period of use of March 15th to November 15th or,
alternatively, a mechanism be in place so as to allow the owner
to divert early or late season irrigation water.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

VERIFICATION (Must be Completed)

State of IDAHO

County of Twin Falls

John K. Butler, being first duly sworn, upon oath, deposes and says:
(Name of party/claimant filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant Objecting"), as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

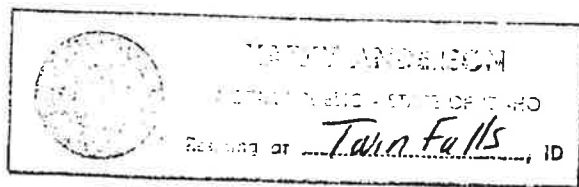
Signature of party/claimant filing objection

By:

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

September 13 1995
(Insert Date)



Kathy Anderson
Notary Public for Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 4/3/2000

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to all of the parties listed below in the Certificate of Mailing.

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

CERTIFICATE OF MAILING

I certify that on September 13, 1995, I mailed the original and copies of this objection, 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. One copy to the owner of the water right, and you must fill in the following information:

Owner name: Don and Carol McFarland

Owner's address: P.O. Box 268
Eden, ID 83325-0268

3. One copy to:

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

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of party/claimant or attorney

Water Right Number - A36-07445 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

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

*** A - ATTORNEY ***
ROSHOLT JOHN 1 - P O BOX 1906
2 -
3 -
City- TWIN FALLS State- ID Zip- 833031906
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 - - - - +
02/21/1974 17 SOUTHERN L - LICENSE

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

+ - - - - Point of Diversion - - - - - +

TwN	Rng	Sec	Tract	Lot	RFlg	County
07S	14E	1	NW NW	4	(47)	GOODING
		2	NE NE	1	(47)	GOODING
			NE NW	3	(47)	GOODING

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	2.830	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.830 424.7

+ - - - - Place of Use - - - - - +

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	14E	1	NE NE	1	32.0	01	IRRIGATION	(47) GOODING
07S	14E	1	NW NE	2	32.0	01	IRRIGATION	(47) GOODING

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DEC 04 1995

Water right number - A36-07445

Prefix Translation: ADJUDICATION CLAIM

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	14E	1	NE SE		38.0	01	IRRIGATION	(47) GOODING
07S	14E	1	NW SE		40.0	01	IRRIGATION	(47) GOODING

Total Acres: 142.0

+ - - Diversion Means - WELL AND PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
AC. IRR.=141.56.
THE MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 15.71 CFS WHEN
COMBINED WITH LICENSES NO. 36-2671, 36-7367 & 36-7381.

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

+ - - - - - Conditions of Approval - - - - - +
R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.

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

+ - - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
11/02/94 JGIVENS

+ - - - - - 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	-

Stage: LICENSE

GOODING County
GOODING County
GOODING County

Other Rights: 36-02671, 36-07367, 36-07381, 36-07480A.

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.
M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Field Inspection Flag:
Presumption Flag: C

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DEC 04 1996



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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DEC 04 1996

David M. Brown
Senior Counsel
MONY Agricultural Investment

Lucy 5.
Mutual Of New York
One Mid Rivers Drive, Suite 120
St. Peters, MO 63376
314 278-5555
Telecopier 314 278-6763

1 5 5 1 1

MONY
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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DEC 04 1996

Idaho Department of Water Resources

October 18, 1994

Page 2 of 2 Pages

*done 10-28-94
ss*

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

David M. Brown
Senior Counsel
MONY Agricultural Investment

Enclosures

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DEC 04 1996

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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DEC 04 1996

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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DEC 04 1996

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: S¼NW¼; All of the SW¼

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APR 4 1996

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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- 1396

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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DEC 04 1996

NOTICE OF ERROR



RESPONSE



CORRECTED R PROOF



MICROFILMED
FEB 03 1993

Water Right Number - R36-07445

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

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

+ - - Priority Date - - +
02/21/1974+ - - - Region - - - +
17 SOUTHERN+ - - - Stage - - - +
L - LICENSE

+ - - - Status - - - +

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

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

+ - - - - Point of Diversion - - - - - +						
Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	14E	1	NW SW NW	4	(47)	GOODING
		2	NE SE NE	1	(47)	GOODING
			NW SE NW	3	(47)	GOODING
		3	NE SE NE	1	(47)	GOODING

+ - - - - Water Use - - - - - +						
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume	
01 - IRRIGATION		04/01	10/31	2.830		

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
2.830		0.0	

+ - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
06S	14E	33	NE SW		17.0	01	IRRIGATION	(47) GOODING	
06S	14E	33	NW SW		20.0	01	IRRIGATION	(47) GOODING	
06S	14E	33	SW SW		40.0	01	IRRIGATION	(47) GOODING	
06S	14E	33	SE SW		40.0	01	IRRIGATION	(47) GOODING	
06S	14E	33	SW SE		36.0	01	IRRIGATION	(47) GOODING	
06S	14E	33	SE SE		32.0	01	IRRIGATION	(47) GOODING	
07S	14E	1	SW NE	2	32.0	01	IRRIGATION	(47) GOODING	

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FEB 03 1993

Water right number - R36-07445

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	14E	1	SE NE	1	32.0	01	IRRIGATION	(47) GOODING
07S	14E	1	SW NW	4	32.0	01	IRRIGATION	(47) GOODING
07S	14E	1	SE NW	3	32.0	01	IRRIGATION	(47) GOODING
07S	14E	1	NE SW		40.0	01	IRRIGATION	(47) GOODING
07S	14E	1	NW SW		40.0	01	IRRIGATION	(47) GOODING
07S	14E	1	SW SW		40.0	01	IRRIGATION	(47) GOODING
07S	14E	1	SE SW		40.0	01	IRRIGATION	(47) GOODING
07S	14E	1	NE SE		38.0	01	IRRIGATION	(47) GOODING
07S	14E	1	NW SE		40.0	01	IRRIGATION	(47) GOODING
07S	14E	2	SW NE	2	32.0	01	IRRIGATION	(47) GOODING
07S	14E	2	SE NE	1	32.0	01	IRRIGATION	(47) GOODING
07S	14E	2	SW NW	4	32.0	01	IRRIGATION	(47) GOODING
07S	14E	2	SE NW	3	32.0	01	IRRIGATION	(47) GOODING
07S	14E	2	NE SW		40.0	01	IRRIGATION	(47) GOODING
07S	14E	2	NW SW		33.0	01	IRRIGATION	(47) GOODING
07S	14E	2	SW SW		30.0	01	IRRIGATION	(47) GOODING
07S	14E	2	SE SW		31.0	01	IRRIGATION	(47) GOODING
07S	14E	2	NE SE		40.0	01	IRRIGATION	(47) GOODING
07S	14E	2	NW SE		40.0	01	IRRIGATION	(47) GOODING
07S	14E	2	SW SE		30.0	01	IRRIGATION	(47) GOODING
07S	14E	2	SE SE		36.0	01	IRRIGATION	(47) GOODING
07S	14E	3	SW NE	2	32.0	01	IRRIGATION	(47) GOODING
07S	14E	3	SE NE	1	32.0	01	IRRIGATION	(47) GOODING
07S	14E	3	SW NW	4	32.0	01	IRRIGATION	(47) GOODING
07S	14E	3	SE NW	3	31.0	01	IRRIGATION	(47) GOODING
07S	14E	3	NE SE		39.0	01	IRRIGATION	(47) GOODING
07S	14E	3	NW SE		30.0	01	IRRIGATION	(47) GOODING

Total Acres: 1155.0

+ - - Diversion Means - FOUR WELLS AND PUMPS DELIVERING TO SPRINKLERS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02671, 36-07367, 36-07381, 36-07480A.

Remarks
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 22.06 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4620 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 3465 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 1155 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-02671, 36-07381, 36-07367 & 36-07480A. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-07367, 36-07381, 36-02671, & 36-07480A THIS RIGHT IS LIMITED TO THE IRRIGATION OF 142 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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FEB 03 1993

Water right number - R36-07445

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION

- PURSUANT TO IDAHO CODE 42-1416A.

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO

- IDAHO CODE 42-1416A.

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE

- MAINTAINED AS A PART OF THE DIVERTING WORKS.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

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

Date: 07/11/1991 User Id: WORSTELL Subject: P/D & P/U ERRORS

P/D ORIGINALLY LICENSED IN ERROR - SEE LOT MAP.

P/U (NE FOR SE & NW FOR SW) LICENSED IN ERROR - SEE LOT MAP.

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 8/5/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/14/1992 User Id: MERRITT Subject: RESPONDED TO NOE

LETTER SENT 10/14. NO CHANGE.

+ - - Audit Fields - - +

10/14/92 MERRITT

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

Court Report Filing - 00/00/0000

Objection Filed Date - 00/00/0000

Response Filed Date - 00/00/0000

Claim Received Date - 03/21/1989

Field Inspection Made

Field Inspection Flag

Verified Date

Last Amended Date

Receipt Number

POU Ownership Flag

Name Connector

- 00/00/0000

-

- 10/14/1992

- 00/00/0000

- S006623

- Y

- AND/OR

Civil Case Number

Old Case Number

Old Judicial District

Temporary Right

Water District

Federal/State Indicator

Presumption Flag

Notice of Error Flag

- 39576

-

-

- P

-

- S

- C

- B

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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

14-Oct-1992

R. KEITH HIGGINSON
Director

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

RE: Proposed Recommendation for Don McFarland
Nos: 36-02671, 36-07367, 36-07381, 36-07445 & 36-07480A

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. Since these rights are being recommended as a permissible place of use and there are several overlaps of these rights and there exists a correction line thru the middle of this property that confuses the record I have enclosed a map of the recommended acres as well as a map with acres identified as potentially irrigated by landsat for your use.

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

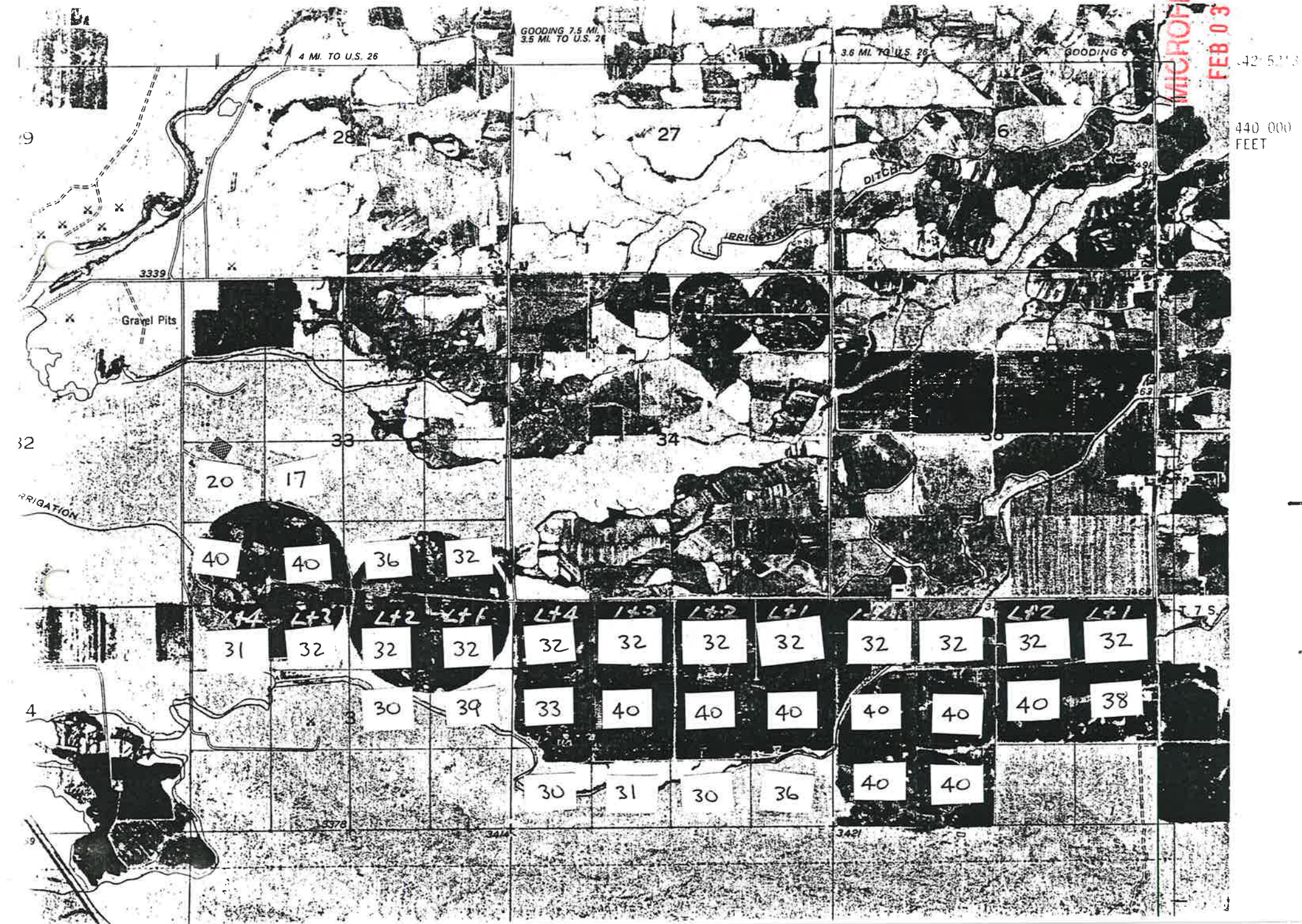
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FEB 03 1993

10/14/52
93 AD

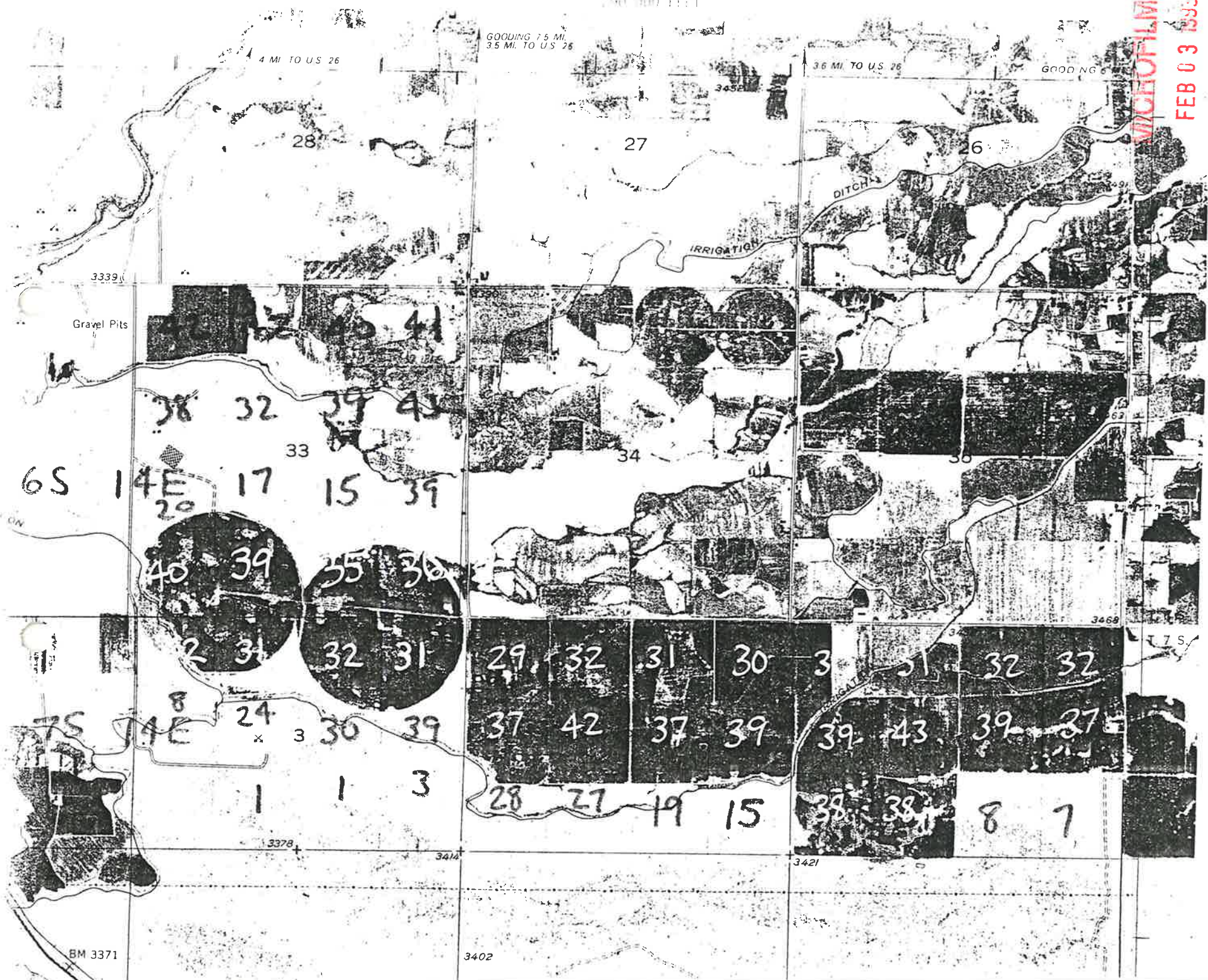
5
FEB 03 1993

114-15



240 321

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FEB 03 1993



T
T

RECEIVED

SEP 25 1992

NOTICE OF ERROR FORM

Department of Water Resources

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: 36-07445

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:

AFY - Reduction

Period of Use.

Loss of acreage.

This is a taking without compensation.

The reduction of acreage is a reduction in the value of that property without compensation.

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

Period of Use back to 3/15 - 11/15 per water right.

Acreage back as originally filed.

AFY back as originally filed.

5. Describe why you disagree with the proposed recommendation:

See attached and 3 above.

With crop rotation the entire acreage has historically been irrigated.

6. Date:

SIGNATURE

Don McFarland

RECEIVED

OCT 01 1992

Department of Water Resources
Southern Region Office

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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

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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

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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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Idaho Department of Water Resources
Page Five
September 22, 1992

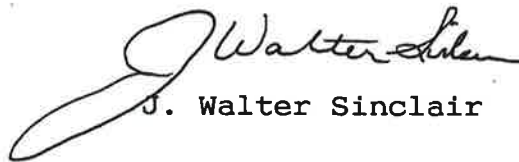
decide to plant potatoes, thus leaving the rock out-croppings unused for that season, without worry that the water won't be available for subsequent plans for pasture or grains. These decisions should be made by the holders of the water rights in the manner traditionally applied. They are not issues 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.1tr)

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FEB 03 1993

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

FEB 03 1993

VERIFIED ADM

Water Right Number - R36-07445

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

DON

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

State- ID Zip- 83325

MC FARLAND

CAROL

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

State- ID Zip- 83325

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
02/21/1974 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +						
Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	14E	1	NW SW NW	4	(47)	GOODING
		2	NE SE NE	1	(47)	GOODING
			NW SE NW	3	(47)	GOODING
		3	NE SE NE	1	(47)	GOODING

+ - - - - Water Use - - - - - +						
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume	
01 - IRRIGATION		04/01	10/31	2.830		

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.830 0.0

+ - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
06S	14E	33	NE SW		17.0	01	IRRIGATION	(47)	GOODING
06S	14E	33	NW SW		20.0	01	IRRIGATION	(47)	GOODING
06S	14E	33	SW SW		40.0	01	IRRIGATION	(47)	GOODING
06S	14E	33	SE SW		40.0	01	IRRIGATION	(47)	GOODING
06S	14E	33	SW SE		36.0	01	IRRIGATION	(47)	GOODING
06S	14E	33	SE SE		32.0	01	IRRIGATION	(47)	GOODING
07S	14E	1	SW NE	2	32.0	01	IRRIGATION	(47)	GOODING

Water right number - R36-07445

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	14E	1	SE NE	1	32.0	01	IRRIGATION	(47) GOODING
07S	14E	1	SW NW	4	32.0	01	IRRIGATION	(47) GOODING
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07S	14E	1	NE SW		40.0	01	IRRIGATION	(47) GOODING
07S	14E	1	NW SW		40.0	01	IRRIGATION	(47) GOODING
07S	14E	1	SW SW		40.0	01	IRRIGATION	(47) GOODING
07S	14E	1	SE SW		40.0	01	IRRIGATION	(47) GOODING
07S	14E	1	NE SE		38.0	01	IRRIGATION	(47) GOODING
07S	14E	1	NW SE		40.0	01	IRRIGATION	(47) GOODING
07S	14E	2	SW NE	2	32.0	01	IRRIGATION	(47) GOODING
07S	14E	2	SE NE	1	32.0	01	IRRIGATION	(47) GOODING
07S	14E	2	SW NW	4	32.0	01	IRRIGATION	(47) GOODING
07S	14E	2	SE NW	3	32.0	01	IRRIGATION	(47) GOODING
07S	14E	2	NE SW		40.0	01	IRRIGATION	(47) GOODING
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07S	14E	2	SW SW		30.0	01	IRRIGATION	(47) GOODING
07S	14E	2	SE SW		31.0	01	IRRIGATION	(47) GOODING
07S	14E	2	NE SE		40.0	01	IRRIGATION	(47) GOODING
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07S	14E	2	SE SE		36.0	01	IRRIGATION	(47) GOODING
07S	14E	3	SW NE	2	32.0	01	IRRIGATION	(47) GOODING
07S	14E	3	SE NE	1	32.0	01	IRRIGATION	(47) GOODING
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Total Acres: 1155.0

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+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02671, 36-07367, 36-07381, 36-07480A.

Remarks
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 22.06 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4620 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 3465 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 1155 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-02671, 36-07381, 36-07367 & 36-07480A. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-07367, 36-07381, 36-02671, & 36-07480A THIS RIGHT IS LIMITED TO THE IRRIGATION OF 142 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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FEB 03 1993

Water right number - R36-07445

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION

- PURSUANT TO IDAHO CODE 42-1416A.

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO

- IDAHO CODE 42-1416A.

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE

- MAINTAINED AS A PART OF THE DIVERTING WORKS.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

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

Date: 07/11/1991 User Id: WORSTELL Subject: P/D & P/U ERRORS

P/D ORIGINALLY LICENSED IN ERROR - SEE LOT MAP.

P/U (NE FOR SE & NW FOR SW) LICENSED IN ERROR - SEE LOT MAP.

+ - - Audit Fields - - +

08/05/92 MERRITT

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

Court Report Filing - 00/00/0000
Objection Filed Date - 00/00/0000
Response Filed Date - 00/00/0000
Claim Received Date - 03/21/1989Field Inspection Made - 00/00/0000
Field Inspection Flag -
Verified Date - 08/05/1992
Last Amended Date - 00/00/0000
Receipt Number - S006623
POU Ownership Flag - Y
Name Connector - AND/ORCivil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District -
Federal/State Indicator - S
Presumption Flag - C
Notice of Error Flag -MICROFILMED
FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:16:10
07/03/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07445

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	R.V.W. 9/26/91		R.V.W. 9/26/91
SOURCE				N				
PLACE OF USE	Y			Y	6			
DIV. AMOUNT CFS/VOLUME				Y	6			
CONSUMPTIVE USE	-			Y	6			
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM				N				
REMARKS	Y			N				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP 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.

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FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:16:10
07/03/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07445

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

FIRST: CAROL

STATE: ID ZIP: 83325

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: AC. IRR.=141.56.
THE MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 15.71 CFS WHEN
COMBINED WITH LICENSES NO. 36-2671, 36-7367 & 36-7381.

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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:

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A. AJ CLAIM: # A36-07445 PRIORITY DATE: 02-21-1974 STAGE: L

B. WR RECORD: # 36-07445 PRIORITY DATE: 02-21-1974 STAGE: L

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) N N

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

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
02-21-1974

REVIEWED BY lw DATE 8/13/90

=====

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07445	07S	14E	2	NE	~~NE~~ SE	NE	1	GOODING
A36-07445	07S	14E	2	NW	~~NE~~ SE	NW	3	GOODING
A36-07445	07S	14E	1	NW	~~NW~~ SW	NW	4	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
36-07445	07S	14E	2		NE	NE	1	GOODING
36-07445	07S	14E	2		NE	NW	3	GOODING
36-07445	07S	14E	1		NW	NW	4	GOODING

OTHER WR RECORDS WITH SAME WR POD
NONE

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

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

		DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y		<u>N</u>
DUE TO SOURCE DISCREPANCY? (Y/N)	N		<u>N</u>

REMARKS:

POD originally licensed in error - see enclosed
lt map (short section)

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>79</u>	<u>14e</u>	<u>01</u>	NW	SW	NW	<u>4</u>	<u>47</u>
		<u>02</u>	NE	SE	NE	<u>1</u>	<u>47</u>
		<u>02</u>	NW	SE	NW	<u>3</u>	<u>47</u>

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

DATE:

8/13/90

MICROFILMED

FEB 03 1993

A. ROOT WATER RIGHT NUMBERS: A36-07445

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	14E	1	~~NE~~ SE	NE	1	MC FARLAND , DON	A36-07445 /32.0	36-07445 /32.0			
07S	14E	1	~~NW~~ SW	NE	2	MC FARLAND , DON	A36-07445 /32.0	36-07445 /32.0			
07S	14E	1	NW	SE		MC FARLAND , DON	A36-07445 /40.0	- /	39.0		
07S	14E	1	NE	SE		MC FARLAND , DON	A36-07445 /38.0	- /	37.0		
TOTAL ACRES							A36-07445	142.00	64.00	76.00	142

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:

original tracts in error - see attached lt map

RECOMMENDATIONS:

TOTAL ACRES: 142

REVIEWED BY: LW

DATE: 8/13/90

RECEIVED
FEB 03 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-07445 IRRIGATION	FROM 03-15 TO 11-15	2.830 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.830 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-07445 IRRIGATION	FROM 03-15 TO 11-15	2.830 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.830 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	<u>N</u>

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: 2.830 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.830 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?

FIELD
DATABASE EXAMINER
N W

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (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

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 142 x 0.02 CFS/ACRE = 2.84 CFS *2.83 Licensed*
(Taken from p/u review)

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

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

1b. CALCULATIONS

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 424.7 AF/A

ACRES 142 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 426 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 142 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 568 AF/A

*(Conditions listed on)
236-07381.*

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(☒)

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

*The max rate of div. shall not exceed 15.71 cfs when
combined with A36-02671, -07362 + -07381*

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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 2.830 <u>✓</u>	DATABASE EXAMINER <u>568</u>	DATABASE EXAMINER 424.7 <u>426</u>
TOTAL FOR THIS RIGHT		2.830		424.7

REVIEWED BY:

lw

DATE:

8/13/90

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED ()
N/A ()
NEEDS
REVIEW ()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07445

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.830

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

-

A36-07445

2.830

-

36-07445

2.830

TOTAL CFS

2.830

2.830

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: 8/13/90

NAME OF FIELD EXAMINER: _____ TITLE: _____

R.V. W 9/26/91

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FEB 03 1993

Phone
CONVERSATION MEMORANDUM

NAME OF PARTY Don McFARLAND
EMPLOYEE: R. V. WORSTELL

DATE 11/6/91 8:45 am
FILE 36-07157B
36-02671
36-07367
36-07381
36-07445
36-07480A

RE: Interconnected wells on these
claims

on 11/5/91

I called Mr. McFARLAND to enquire if all these claims had the wells interconnected into a common system. He called me back to say that all the wells were connected together except for the well in T6S, R14E, Sec 33 in the NENENW. The well in the NENENE of Sec 3 T7S, R14E is interconnected with the other wells along the North Side of T7S, R14E, in sections 1 and 2.

R. V. Worstell
11/6/91

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FEB 03 1993