

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 37-8911
Date Received: 11/13/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

4 BROS DAIRY INC Phone: (208)886-7716
427 N 250 W
SHOSHONE ID USA 83352

2. Date of Priority: 06/01/1956

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	17E	9	SW NW	LINCOLN	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.13	20.1
COMMERCIAL	01/01	12/31	0.13	20.1

7. Total Quantity Appropriated is:
0.13 C.F.S. and/or 20.1 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05S	17E	9	SW NW	STOCKWATER	
			NW SW	STOCKWATER	
			SW NW	COMMERCIAL	
			NW SW	COMMERCIAL	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

2 POINTS OF DIVERSION LOCATED IN T05S, R17E, S07, SWNW.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 36-4157 WHICH WAS PREVIOUSLY DECREED IN THE SRBA. THIS RIGHT HAS BEEN RENUMBERED FROM 36-5-4157B AS A RESULT OF TRANSFER TO BASIN 37.

THE PLACE OF COMMERCIAL USE AUTHORIZED BY THIS APPROVAL INCLUDES LAND UPON WHICH WASTEWATER MAY BE APPLIED FOR IRRIGATION PURPOSES TO SATISFY WATER QUALITY REQUIREMENTS. WATER DIVERTED UNDER THIS APPROVAL SHALL NOT BE USED FOR IRRIGATION UNLESS THE WATER IS FIRST USED IN THE DAIRY AS AUTHORIZED BY THIS WATER RIGHT.

15. Basis of Claim: Decreed

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.

IDAHO DEPARTMENT OF WATER RESOURCES 11/13/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: 4 BROS DAIRY INC
427 N 250 W
SHOSHONE ID 83352

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.13 CFS
20.1 AFY

PRIORITY DATE: 06/01/1956

POINT OF DIVERSION:

T05S R17E S9 SWNW Within LINCOLN County
2 POINTS OF DIVERSION LOCATED IN T05S, R17E, S07, SWNW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.130 CFS 20.10 AFY
COMMERCIAL	01/01 12/31	0.130 CFS 20.10 AFY

PLACE OF USE: STOCKWATER Within LINCOLN County

T05S R17E S09	SWNW	T05S R17E S09	NWSW
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COMMERCIAL Within LINCOLN County

T05S R17E S09	SWNW	T05S R17E S09	NWSW
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THE PLACE OF COMMERCIAL USE AUTHORIZED BY THIS APPROVAL INCLUDES LAND UPON WHICH WASTEWATER MAY BE APPLIED FOR IRRIGATION PURPOSES TO SATISFY WATER QUALITY REQUIREMENTS. WATER DIVERTED UNDER THIS APPROVAL SHALL NOT BE USED FOR IRRIGATION UNLESS THE WATER IS FIRST USED IN THE DAIRY AS AUTHORIZED BY THIS WATER RIGHT.

EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 36-4157. THIS RIGHT HAS BEEN RENUMBERED FROM 36-4157B AS A RESULT OF TRANSFER OF PLACE OF USE TO BASIN 37.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8911

WATER RIGHT NUMBER: 37-8911

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	4 BROS DAIRY INC 427 N 250 W SHOSHONE, ID 83352 (208)886-7716
Original Owner	JACK A MC ENTIRE 2327 128TH AVE SE BELLEVUE, WA 98005 (206)746-9791
Original Owner	LOIS JENSEN BELLEVUE, WA 98005

Priority Date: 06/01/1956

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.130 CFS	20.10 AF
COMMERCIAL	1/01 to 12/31	0.130 CFS	20.10 AF
	<u>Total Diversion:</u>	0.130 CFS	20.10 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 9,	Twp 05S,	Rge 17E, B.M.
LINCOLN County				

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	9							X				X						

COMMERCIAL same as STOCKWATERConditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 081 Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. 082 The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8911

4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:

1. General The total instantaneous diversion of water from all points of diversion under Transfer 5683 shall not exceed 0.13 cfs, nor total combined annual volume of 20.1 af.
- The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
- Two points of diversion are located within SWNW, S07, T05S, R17E.

Comments:

1. CLELLAND 10/3/1991 COPIED FROM REMARKS
Comment: OWNERSHIP CHANGE 5/14/91 BY JG. FORFEITURE/ABANDONMENT THIS WELL AND RIGHT WAS LAST USED IN THE SEASON OF 1985 PER POWER RECORDS. THERE IS AN APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE. EXTENSION WAS GRANTED UNTIL APRIL 1, 1996.
2. PSKAGGS 6/19/2000 Right Renumbered
Comment: This right renumbered from X36-04157B.

Dates and Other Information:

Licensed Date:
Decreed Date: 12/29/1997
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

EXP

This right is a split of
36-4157. This right
has been renumbered from
36-4157B.

NCAP.
Southern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5683
WATER RIGHT NO. ~~36-04157B~~
37-08911

RECEIVED
JUN 23 2000
Department of Water Resources
Southern Region

This is to certify that: 4 BROS DAIRY INC
427 N 250 W
SHOSHONE 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>
STOCKWATER	01/01 to 12/31	0.13 CFS	20.1 AF
COMMERCIAL	01/01 to 12/31	0.13 CFS	20.1 AF
Totals		* 0.13 CFS	20.1 AF *

SOURCE

GROUNDWATER

Priority: 06/01/1956

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 9, Township 05S, Range 17E
LINCOLN County

PLACE OF USE: STOCKWATER

TWN RGE SEC

05S 17E 9

SWNW

NWSW

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5683
WATER RIGHT NO. 36-04157B

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer 5683 shall not exceed 0.13 cfs, nor total combined annual volume of 20.1 af.
9. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
10. Two points of diversion are located within SWNW, S07, T05S, R17E.

Dated this 19th day of June, 2000.


Chief, Water Allocation Bureau

36-4157

1st Partial Decree

NAP'D 4-7-2000

A
T# 5683

B = 37-8911

C 5716 D (comm & stk) DATA ENTERED

T# 68529 4-2001 F (comm) DATA ENTERED

E

T# 69072

36-15624

36-15625

37-20617
IRR

37-20612
INDUSTRIAL