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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5483
WATER RIGHT NO(S) . 36-02671M/36-07367M/36-07381M
36-07445M/36-07480N

This is to certify that: HOWARD L MORRIS
RHONDA K MORRIS
1101 E 2900 S
HAGERMAN ID 83332

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. 36-02671M :			
IRRIGATION	04/01 to 10/31	1.00 CFS	290.0 AF
Priority: 01/09/1967			
Right No. 36-07367M :			
IRRIGATION	04/01 to 10/31	3.52 CFS	804.8 AF
Priority: 08/13/1973			
Right No. 36-07381M :			
IRRIGATION	03/15 to 11/15	0.59 CFS	115.6 AF
Priority: 09/19/1973			
Right No. 36-07445M :			
IRRIGATION	04/01 to 10/31	1.03 CFS	206.8 AF
Priority: 02/21/1974			
Right No. 36-07480N :			
IRRIGATION	04/01 to 10/31	2.32 CFS	555.6 AF
Priority: 05/31/1974			
TOTAL:		* 8.04 CFS	1684.0 AF *

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (NESENE), Sec. 2, Township 07S, Range 14E
Lot 3 (NESENW), Sec. 2, Township 07S, Range 14E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	14E	1	Lot 4 (SWNW) 15.3	NWSW 6.2		21.5
		2	Lot 2 (SWNE) 31.0	Lot 1 (SENE) 30.9	Lot 4 (SWNW) 31.2	
			Lot 3 (SENW) 31.1	NESW 39.2	NWSW 36.4	
			SWSW 30.3	SESW 31.3	NESE 39.4	
			NWSE 39.2	SWSE 30.4	SESE 29.1	399.5
Total number of acres irrigated:						* 421.0 **

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JUN 15 2000

TRANSFER NO. 5483
WATER RIGHT NO(S). 36-02671M/36-07367M/36-07381M
36-07445M/36-07480N

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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. Right 36-02671M is limited to the irrigation of 72.5 acres in the place of use described above in a single irrigation season.
- ** 7. Right 36-07367M is limited to the irrigation of 201.2 acres in the place of use described above in a single irrigation season.
- ** 8. Right 36-07381M is limited to the irrigation of 28.9 acres in the place of use described above in a single irrigation season.
- ** 9. Right 36-07445M is limited to the irrigation of 51.7 acres in the place of use described above in a single irrigation season.
- ** 10. Right 36-07480N is limited to the irrigation of 138.9 acres in the place of use described above in a single irrigation season.
- * 11. Rights 36-02671M, 36-07367M, 36-07381M, 36-07445M and 36-07480N when combined shall not exceed a total diversion rate of 8.04 cfs from all points of diversion, a total annual maximum diversion volume of 1684.0 af at the field headgate, and the irrigation of 421.0 acres.
12. The period of use for the irrigation described in this approval for Rights 36-02671M, 36-07367M, 36-07445M and 36-07480N may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 22nd day of

May

2000

[Signature]

Chief, Water Allocation Bureau

RECORDED

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JUN 15 2000

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 Right 36-07480E
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the ***Partial Decree*** was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the ***Partial Decree***.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated December 12, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

Important Information About Your Water Right

December 12, 2001

Don Mc Farland
Carol Mc Farland
PO Box 5178
Twin Falls, ID 83303-5178

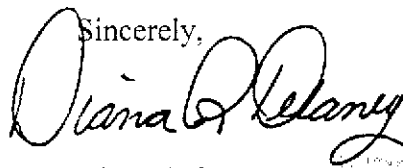
Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 36-07480E. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the ***Order*** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the ***Order***, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This ***Order*** also incorporates into the ***Partial Decree*** an express statement that the ***Partial Decree*** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This ***Order***, in combination with the ***Partial Decree*** that was issued for this water right on December 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the ***Partial Decree*** to show evidence of this water right. The original of this ***Order*** and the original of the ***Partial Decree*** for this water right are on file with SRBA Court. If you do not have a copy of the original ***Partial Decree***, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the ***Order*** is entered ***Nunc Pro Tunc***, meaning that the ***Order*** will be treated as if it were issued on the same date that the ***Partial Decree*** was originally issued.

Sincerely,



Diana Delaney
Case Administrator

RECORDED

DEC 17 2001

1997 DEC 29 AM 9: 54

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

Case No. 39576

) ORDER OF PARTIAL DECREE
)
)
) For Water Right 36-07480E
)
_____)

On November 12, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-07480E is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED December 29, 1997.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07480E

1997 DEC 29 AM 9:54

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

SOURCE: GROUNDWATER

QUANTITY: 5.46 CFS
1308.8 AFY

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

PRIORITY DATE: 05/31/1974

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	5.46 CFS 1308.8 AFY

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

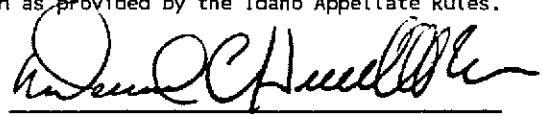
992 ACRES TOTAL

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07480E

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DEC-5-1997

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MAR 20 2000

1997 DEC 29 PM 02:00
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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-07480E

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-07480E was mailed
on December 29, 1997, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CARON & DON MCFARLAND
PO BOX 268
EDEN, ID 83325

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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MAR 20 2000

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