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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5487
WATER RIGHT NO(S). 36-02671G/36-07367G/36-07381G/36-07445G
36-07480H/36-07157D

This is to certify that: TONY VISSER
C/O BIG SKY DAIRY
1700 E 2428 S
GOODING ID 83330

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. 36-02671G :			
STOCKWATER	01/01 to 12/31	0.19 CFS	40.5 AF
COMMERCIAL	01/01 to 12/31	0.19 CFS	40.5 AF
Priority: 01/09/1967			
		0.19 CFS	40.5 AF
Right No. 36-07367G :			
STOCKWATER	01/01 to 12/31	0.66 CFS	112.8 AF
COMMERCIAL	01/01 to 12/31	0.66 CFS	112.8 AF
Priority: 08/13/1973			
		0.66 CFS	112.8 AF
Right No. 36-07381G :			
STOCKWATER	01/01 to 12/31	0.11 CFS	16.2 AF
COMMERCIAL	01/01 to 12/31	0.11 CFS	16.2 AF
Priority: 09/19/1973			
		0.11 CFS	16.2 AF
Right No. 36-07445G :			
STOCKWATER	01/01 to 12/31	0.19 CFS	29.1 AF
COMMERCIAL	01/01 to 12/31	0.19 CFS	29.1 AF
Priority: 02/21/1974			
		0.19 CFS	29.1 AF
Right No. 36-07480H :			
STOCKWATER	01/01 to 12/31	0.43 CFS	77.7 AF
COMMERCIAL	01/01 to 12/31	0.43 CFS	77.7 AF
Priority: 05/31/1974			
		0.43 CFS	77.7 AF
SUBTOTAL:		1.50 CFS	235.8 AF
Right No. 36-07157D :			
STOCKWATER	01/01 to 12/31	0.83 CFS	159.3 AF
COMMERCIAL	01/01 to 12/31	0.83 CFS	159.3 AF
Priority: 02/16/1971			
		0.83 CFS	159.3 AF
TRANSFER TOTAL:		2.33 CFS	395.1 AF

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TRANSFER NO. 5487
 WATER RIGHT NO(S). 36-02671G/36-07367G/36-07381G/36-07445G
 36-07480H/36-07157D

SOURCE
 GROUNDWATER

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

PLACE OF USE: STOCKWATER

TWN RGE SEC

06S 14E 33	SWSE	SESE
07S 14E 3	Lot 1(SENE)	

PLACE OF USE: COMMERCIAL

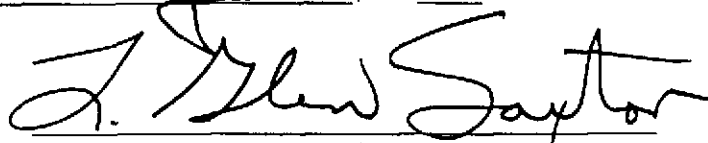
TWN RGE SEC

06S 14E 33	SENE	NESW	NWSW
	SWSW	SESW	NESE
	SWSE	SESE	
34	NWNW	SWNW	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		
07S 14E 3	Lot 2(SWNE)	Lot 1(SENE)	Lot 4(SWNW)
	Lot 3(SENW)	NESE	NWSE

CONDITIONS OF APPROVAL AND REMARKS

Rights 36-02671G, 36-07367G, 36-07381G, 36-07445G, 36-07480H and 36-07157D
 are subject to the conditions of the Preliminary Order in the matter of
 Application for Transfer No. 5487.

Dated this 25th day of February, 2000


 Chief, Water Allocation Bureau

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 MAR 20 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:

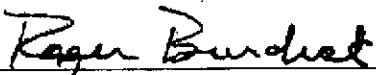
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

December 12, 2001

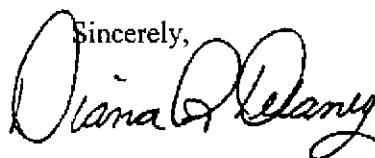
Don Mc Farland
Carol Mc Farland
PO Box 5178
Twin Falls, ID 83303-5178

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

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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	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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MAR 20 2000

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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

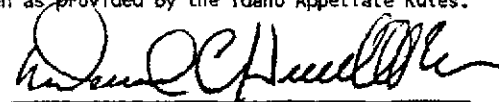
PLACE OF USE:	IRRIGATION	Within GOODING County					
	T06S R14E S33	NESW 17	NWSW 20	SWSW 40	SESW 40		
		SWSE 36	SESE 32				
	T07S R14E S01	Lot 4 (SWNW)32	Lot 3 (SENW)32	NESW 40	NWSW 40		
		SWSW 33	SESW 33				
	S02	Lot 2 (SWNE)32	Lot 1 (SENE)32	Lot 4 (SWNW)32	Lot 3 (SENW)32		
		NESW 40	NWSW 33	SWSW 30	SESW 31		
		WESE 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 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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12/29/97

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7480H

WATER RIGHT NUMBER: 36-7480H

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	J WALTER SINCLAIR PO BOX 366 TWIN FALLS, ID 83303-0366
Current Owner	BIG SKY DAIRY 1700 E 2428 S GOODING, ID 83330 (208) 934-4757
Original Owner	DON MC FARLAND PO BOX 268 EDEN, ID 83325 (208)825-5258
Original Owner	CAROL MC FARLAND PO BOX 268 EDEN, ID 83325-0268 (208)825-5258
Lienholder	THE MUTUAL LIFE INSURANCE CO OF NEW YORK ATTN DAVID M BROWN SR COUNSEL 5650 MEXICO RD #15 ST PETERS, MO 63376-1696 (636)447-5600

Priority Date: 05/31/1974

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>
COMMERCIAL	1/01 to 12/31	0.430 CFS	77.70 AF
STOCKWATER	1/01 to 12/31	0.430 CFS	77.70 AF
	<u>Total Diversion:</u>	0.430 CFS	77.70 AF

Location of Point(s) of Diversion

GROUND WATER	L1 (SE1/4NE1/4)	Sec. 3, Twp 07S, Rge 14E, B.M.
GOODING County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	14E	33				X							X	X	X	X	X		
06S	14E	34						X	X			X	X	X	X		X	X	X

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7480H

07S 14E 3	X L2	X L1	X L4	X L3	X	X
-----------	---------	---------	---------	---------	---	---

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	
06S 14E 33															X	X	
07S 14E 3				X L1													

Conditions of Approval:Remarks:

1. Explanatory The right holder shall design and construct the dairy facility to assure that it is capable of complying with the resource protection requirements of the Division of Environmental Quality of the Idaho Department of Health and Welfare and the Idaho Department of Agriculture. Within one year of this approval, the right holder shall provide evidence to the Department that the facility has been constructed to meet these compliance requirements. The Director can extend the time for demonstrating compliance upon written request of the applicant and a showing of good cause therefor.
Prior to diversion of water under this approval, the right holder shall install measuring devices acceptable to the Department and shall measure and annually report to the Department the amount (cfs and AF) of water diverted under this transfer. Reporting through a measuring district or a ground water district will suffice although the Director may require more frequent measuring and reporting.
The place of commercial use authorized by this transfer 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 beneficially used in the dairy as authorized by this transfer.
The acres which are no longer authorized for irrigation under this transfer total 131.7 as shown below: T06S, R14E, B.M.
Section 33 - SWNE - 1.7 AC, SENW - 29.5 ac, NESW - 25.1 ac NWSE - 8.9 ac, SWSE - 19.8 ac, SESE - 28.7 ac T07S, R14E, B.M.
Section 3 - Lot 1 - 13.9 ac, Lot 2 - 4.1 ac.
Rights 36-02671G, 36-07367G, 36-07381G, 36-07445G and 36-07480H when combined shall not exceed a total diversion rate of 1.5 cfs. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
The right holder is not authorized to divert water under this transfer for more dairy cattle than authorized by the county.
The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval, unless extended for cause by the Director.
Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Comments:

1. vhancock 2/5/2002 B36 2002 REVIEW
Comment: 36-7480H IS A PORTION OF 36-7480E PER TRANSFER 5487.

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MAY 21 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-7480H

Dates and Other Information:

Licensed Date:
Decreed Date: 12/12/2001
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: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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APR 29 2003