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IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERYDATE: 08/16/00
TIME: 09:05:29
PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
57-01205	BURGHARDT CO INC	C	04/01/1948	D/	SHOOFLY CREEK	DIV S	WR	
						IRR S		
						IRR FS		
						STOC S		
						STO FS		
X57-01205	OWYHEE CALCIUM PRODUCTS INC	C	04/01/1948	D/	SHOOFLY CREEK	IRR S	WR	
						IRR FS		
						STOC S		
						STO FS		
						DIV S		
57-01205	OWYHEE CALCIUM PRODUCTS INC	C	04/01/1948	D/	SHOOFLY CREEK	P DECR	AJ	
A57-01205	BURGHARDT CO INC	C	04/01/1948	S/	SHOOFLY CREEK	DIV S	AJ	
						IRR S		
						IRR FS		
						STOC S		
						STO FS		
R57-01205	OWYHEE CALCIUM PRODUCTS INC	C	04/01/1948	D/	SHOOFLY CREEK	P DECR	AJ	

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JUG 22 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5665
WATER RIGHT NO(S). 57-01202/57-02285A/57-02285B
57-01205/57-01207

This is to certify that: **OWYHEE CALCIUM PRODUCTS INC**
PO BOX 159
GRAND VIEW ID 83624

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. 57-01202 :			
Priority: 03/15/1954			
IRRIGATION	03/15 to 11/15	0.50 CFS	256.9 AF
STOCKWATER	01/01 to 12/31	<u>0.04 CFS</u>	<u>4.7 AF</u>
		0.50 CFS	261.6 AF
Right No. 57-02285A :			
Priority: 06/05/1965			
IRRIGATION	03/15 to 11/15	1.40 CFS	364.5 AF
Right No. 57-02285B :			
Priority: 06/05/1965			
IRRIGATION	03/15 to 11/15	1.42 CFS	378.0 AF
Right No. 57-01205 :			
Priority: 04/01/1948			
IRRIGATION STORAGE	01/01 to 12/31		49.3 AF
IRRIGATION FROM ST	03/15 to 11/15		49.3 AF
STOCKWATER STORAGE	01/01 to 12/31		4.7 AF
STOCKWATER FROM ST	01/01 to 12/31		4.7 AF
DIVERSION TO STORA	01/01 to 12/31	<u>7.00 CFS</u>	
		7.00 CFS	49.3 AF
Right No. 57-01207 :			
Priority: 04/01/1943			
IRRIGATION	03/15 to 11/15	1.34 CFS	301.5 AF
STOCKWATER	01/01 to 12/31	<u>0.09 CFS</u>	<u>4.7 AF</u>
		1.43 CFS	306.2 AF

Total * 10.41 CFS

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864.2 AF *

AUG 22 2000

TRANSFER NO. 5665
 WATER RIGHT NO(S). 57-01202/57-02285A/57-02285B
 57-01205/57-01207

SOURCE

Right Nos. 57-01202/57-02285A/57-2285B :
 GROUND WATER

Right Nos. 57-01205/57-01207 :
 SHOOFLY CREEK SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 57-01202/57-02285A/57-2285B :
 SESESW , Sec. 34, Township 06S, Range 03E
 SENE , Sec. 4, Township 07S, Range 03E
 SWSW , Sec. 4, Township 07S, Range 03E
 OWYHEE County

Right Nos. 57-01205/57-01207 :
 SWNW , Sec. 8, Township 07S, Range 03E
 OWYHEE County

PLACE OF USE: IRRIGATION, IRRIGATION FROM STORAGE & STOCKWATER

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
07S	03E	3	NENW 5	NWNW 20		25
		4	NENE 9	SENE 1		10
		34	NESW 17	SESW 16	NESE 19	
			NWSE 36	SWSE 40	SESE 16	144
Total number of acres irrigated:						179 **

PLACE OF USE: STOCKWATER FROM STORAGE

TWN	RGE	SEC
07S	03E	8
		NENE

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall measure the 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.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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TRANSFER NO. 5665
WATER RIGHT NO(S). 57-01202/57-02285A/57-02285B
57-01205/57-01207

CONDITIONS OF APPROVAL AND REMARKS

5. 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.
- * 6. The total instantaneous diversion of water from all ground water points of diversion shall not exceed 3.32 cfs, nor a total combined annual volume of 810.2 af; the total instantaneous diversion of water from the surface water point of diversion shall not exceed 8.43 cfs, nor a total combined annual volume of 355.5 af; and the total instantaneous diversion under Transfer 5665 shall not exceed 10.41 cfs, nor a total combined annual volume of 864.2 af for the irrigation of 179.0 acres, stockwater and storage uses as described under each right.
- ** 7. Right 57-01202 is limited to the irrigation of 69.0 acres in the place of use described above in a single irrigation season.
- ** 8. Right 57-01205 is limited to the irrigation of 67.0 acres in the place of use described above in a single irrigation season.
- ** 9. Right 57-01207 is limited to the irrigation of 67.0 acres in the place of use described above in a single irrigation season.
- ** 10. Right 57-02285A is limited to the irrigation of 81.0 acres in the place of use described above in a single irrigation season.
- ** 11. Rights 57-01202, 57-01205, 57-01207 and 57-02285A when combined shall not exceed the irrigation of 95.0 acres and a total annual diversion volume of 427.5 af at the field headgate for irrigation use.
- ** 12. Right 57-02285B is limited to the irrigation of 84.0 acres in the place of use described above in a single irrigation season.
13. Rights 57-01202, 57-02285A and 57-01207 when combined shall not exceed the total combined diversion rate of 1.99 cfs.
14. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 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.
15. The quantity of water decreed for stockwater use under Rights 57-01202, 57-01205 and 57-01207 is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day under each right.
16. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under Rights 57-01202 and 57-02285A, and shall only divert groundwater under these rights for irrigation purposes when water from the appurtenant surface water rights cannot be delivered to the right holder.

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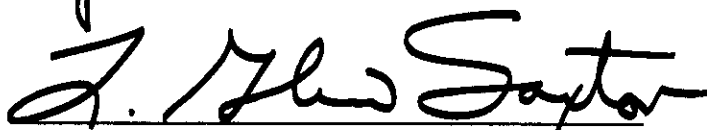
AUG 22 2000

TRANSFER NO. 5665
WATER RIGHT NO(S). 57-01202/57-02285A/57-02285B
57-01205/57-01207

CONDITIONS OF APPROVAL AND REMARKS

17. If the surface water right(s) appurtenant to the place of use under Rights 57-01202 and 57-02285A is sold, transferred, leased or used on any other place of use, these rights to divert ground water shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
18. The irrigation storage pond is located within the S1/2SW, S4, and the stockwater storage pond is located within the NENE, S8, T07S, R03E.

Dated this 15th day of August, 2000.


Chief, Water Allocation Bureau

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AUG 22 2000

MAIL 12946



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1998 MAR -2 PM 2:48

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 57-01205

RECEIVED

MAR - 6 1998

Department of Water Resources
Adjudication Bureau

On January 7, 1998, 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 57-01205 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 2, 1998.

DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

MICROFILMED
AUG 22 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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-01205

1998 MAR -2 PM 2: 48

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS: OWYHEE CALCIUM PRODUCTS INC
PO BOX 159
GRAND VIEW ID 83624

SOURCE: SHOOFLY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 7.00 CFS
49.3 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1948

POINT OF DIVERSION: T07S R03E S08 SWNW Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION STORAGE	01-01 12-31	49.3 AFY
	IRRIGATION FROM STORAGE	Irrigation Season	49.3 AFY
	STOCKWATER STORAGE	01-01 12-31	4.7 AFY
	STOCKWATER FROM STORAGE	01-01 12-31	4.7 AFY
	DIVERSION TO STORAGE	01-01 12-31	7.00 CFS

PLACE OF USE: IRRIGATION STORAGE Within OWYHEE County
T07S R03E S04 SWSW

IRRIGATION FROM STORAGE Within OWYHEE County
T07S R03E S03 Lot 4 (NWNW) 4
S04 Lot 1 (NENE) 9 SWNE 21 SENE 16 NESW 12
NWSE 5

67 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-01202, 57-01207 AND
57-02285A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 95
ACRES IN A SINGLE IRRIGATION SEASON.

STOCKWATER STORAGE Within OWYHEE County
T07S R03E S08 NENE

STOCKWATER FROM STORAGE Within OWYHEE County
T07S R03E S08 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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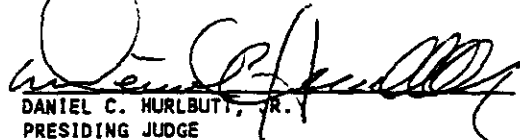
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PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-01205

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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

1998 MAR 03 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): 57-01205

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 57-01205 was mailed
on March 03, 1998, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

OWYHEE CALCIUM PRODUCTS INC
Represented by:
DANIEL V. STEENSON
599 W SANNOCK ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

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AUG 22 2000

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CERTIFICATE OF MAILING

USDI BLM

Represented by:
U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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AUG 22 2000

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03/03/98

MEMORANDUM

TO: FILE 57-01205
FROM: VAULT
RE: TRANSFER # 5665
DATE: 3/14/00

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Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:

FILE # ~~57-02205~~ 57-01202

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