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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5319
WATER RIGHT NO(S). 36-10767B/36-10768

This is to certify that: GOEDHART & GOEDHART PARTNERSHIP
1548 E 3600 S
WENDELL ID 83355

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. 36-10767B :			
STOCKWATER	01/01 to 12/31	0.24 CFS	48.0 AF
COMMERCIAL	01/01 to 12/31	0.34 CFS	66.0 AF
Priority: 05/01/1961			
	SUBTOTAL:	0.58 CFS	114.0 AF
Right No. 36-10768 :			
STOCKWATER	01/01 to 12/31	0.07 CFS	7.1 AF
DOMESTIC	01/01 to 12/31	0.07 CFS	2.4 AF
Priority: 04/01/1969			
	SUBTOTAL:	0.07 CFS	9.5 AF
	TOTAL:	* 0.65 CFS	* 123.5 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 35, Township 08S, Range 14E
GOODING County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08S 14E 35 SWSW

PLACE OF USE: COMMERCIAL

TWN RGE SEC

08S 14E 35	NESW	NWSW	SWSW
	SESW		
09S 14E 2	NENW	NWNW	SWNW
	SENW	NWSW	

PLACE OF USE: DOMESTIC

TWN RGE SEC

08S 14E 35 SWSW

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MAY 03 1993

TRANSFER NO. 5319
WATER RIGHT NO(S). 36-10767B/36-10768

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.
3. 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.
4. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 5319 shall not exceed 0.65 cfs, nor a nor total combined annual volume of 123.5 af.
9. The water used for commercial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy facility as authorized by these water rights.
10. The right holder shall maintain control of North Side Canal Co. shares associated with the 38.0 acres removed from irrigation use and continue to use the surface water as the primary irrigation source when available on the remaining irrigated acres within the place of use described above.
11. The quantity of water decreed for Right 36-10768 is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
12. Commercial use is for a dairy located in SWSW, S35, T08S, R14E.
13. Domestic use is for 2 homes.
14. Two (2) points of diversion are located in SWSW, S35, T08S, R14E.

Dated this 26th day of April, 1999.


Chief, Water Allocation Bureau

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MAY 03 1999

WR0749NP
No. 36-10768

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/14/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GOOD HART DAIRIES INC 1546 E 3600 S WENDELL ID 83355 (208) 536-2178	04/01/1969	STOCKWATER DOMESTIC	01/01 12/31 01/01 12/31	0.070 CFS 0.070 CFS	
TOTAL DIVERSION:					0.070 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T08S R14E S35 SWSWSW GOODING County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
08S	14E	35	:									S				:

Place of use Legal Description for: DOMESTIC

08S	14E	35	:									D				:
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Pou County: GOODING

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP08S14E357160
STOCKWATER 180 DAIRY WITH BARN

Dates: App. Received: Priority Date: 04/01/1969
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: 01/02/1996 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE.
*CORRECTED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS

Date: 10/02/1996 User-ID: D&S-DSHA Subject: D&S CONDITION CODE UPDATE

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WR0749NP
No. 36-10768

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/14/99
PAGE: 2

Comments: Date: 10/02/1996 User-ID: D&S-DSHA Subject: D&S CONDITION CODE UPDATE
CONDITION CODE N11 ADDED
CONDITION CODE N13 ADDED

Audit: 09/30/96 DSHAFF 10/02/96 D&S-DSHA 10/23/96 FHITCHCO 10/30/96 KCHRISTE
12/09/96 PD-DSHAF 04/30/98 DECREEED

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MAY 03 1999

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 36-10768

1996 DEC 10 PM 2:20
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: GOOD HART DAIRIES INC
1546 E 3600 S
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 04/01/1969

POINT OF DIVERSION: T08S R14E S35 SWSWSW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.07 CFS
	DOMESTIC 2 HOMES	01-01 12-31	0.07 CFS

PLACE OF USE: STOCKWATER Within GOODING County
T08S R14E S35 SWSW

DOMESTIC Within GOODING County
T08S R14E S35 SWSW

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

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

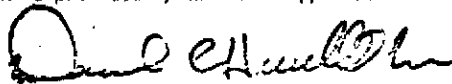
DATED: DEC 10 1996


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

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: DEC 10 1996


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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-10768

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



PAGE 1
NOV-26-1996

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MEMORANDUM

TO: Files 36-10767 & 36-10768

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5319

DATE: April 19, 1999

Transfer 5319 adds a point of diversion under Right 36-10768, and adds a point of diversion, changes the place, nature & season of use under a portion of Right 36-10767, splitting the right into Parts A & B. The applicant is using these two transferred rights to provide for construction of a dairy on the 38.0 acres being taken out of irrigation production.

Right 36-10767 was decreed as a supplemental groundwater right and the shares associated with the 38.0 acres must be retained and continue to be used on the remaining irrigated land. The dairy use is considered to be 100% consumptive allowing a total maximum annual diversion volume of 114.0 af from the 38.0 acres no longer irrigated. The transfer results in a net reduction of diversion volume.

Recommended conditions include drilling permit conditions, measuring devices, annual reporting, water quality, county zoning, land application, North Side Canal Co. shares under Right 36-10767B, non-confirmation & 13,000 gpd limits for Right 36-10768 and standard transfer conditions.

Change in Nature of Use Evaluation

	<u>Rate</u>	<u>Use</u>	<u>Acres</u>	<u>Div Vol./C.U. Vol.</u>
36-10767	1.03 cfs	Irrigation	67.0 acres	268.0 afa/201.0 afa
Part A	0.45 cfs	Irrigation	29.0 acres	116.0 afa/ 87.0 afa
Part B	0.58 cfs	Stockwater/Commercial	(38.0 acres)	114.0 afa/114.0 afa
After Transfer	1.03 cfs	Irr/Stock/Comm	29.0 acres	230.0 afa/210.0 afa

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MAY 03 1999

MEMORANDUM

TO: FILE 36-10768

FROM: PAM SKAGGS CS

RE: TRANSFER # 5319

DATE: 04-14-99

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Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 36-10767.

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MAY 03 1999