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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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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.

[Signature]
Chief, Water Allocation Bureau

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

PERIOD OF USE: 04-01 to 10-31

The use of this water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

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

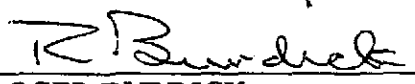
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

IT IS FURTHER ORDERED that this order is being entered *nunc pro tunc* effective as of the date the *Partial Decree* was issued and shall not supercede any subsequent administrative changes to the water right that may have 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: May 17, 2002.


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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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 36-10767

1997 DEC 29 AM 9:54

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

SOURCE: GROUNDWATER

QUANTITY: 1.03 CFS
268.0 AFY

PRIORITY DATE: 05/01/1961

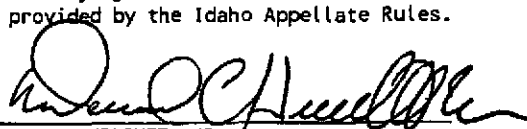
POINT OF DIVERSION: T08S R14E S35 SESESW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	1.03 CFS 268.0 AFY

PLACE OF USE:	IRRIGATION	Within GOODING County			
T08S R14E S35		NESW 4	NWSW 10	SWSW 38	SESW 15
67 ACRES TOTAL					

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 27, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GOEDHART & GOEDHART PARTNERSHIP
1548 E 3600 S
WENDELL ID 83355

RE: Water Rights 36-10767B/36-10768 (Transfer 5319) &
36-10767A/36-10769 (Transfer 5379)

Dear Water Right Holder(s):

Enclosed are the copies of your approved Transfers of Water Right for the above referenced water rights (Transfers 5319 & 5379). Please be sure to thoroughly read the Conditions and Remarks listed on the transfers. Also, please be advised that the accompanying transfer approvals should be considered and treated as **preliminary orders** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfers.

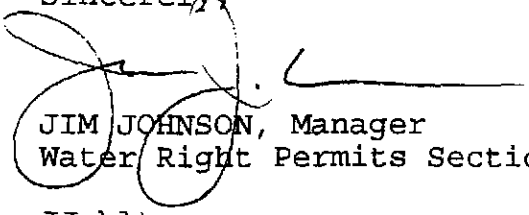
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

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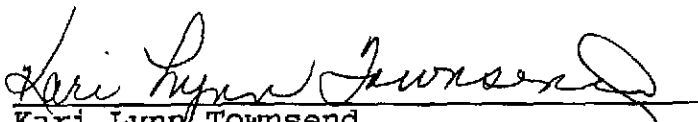
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CERTIFICATE OF MAILING

I hereby certify that on the 27th day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

**WATER RIGHTS 36-10767B/36-10768 (Transfer 5319) &
36-10767A/36-10769 (Transfer 5479)**

**GOEDHART & GOEDHART PARTNERSHIP
1548 E 3600 S
WENDELL ID 83355**


Kari Lynn Townsend
Secretary

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MEMORANDUM

TO: Files 36-10767 & 36-10768

FROM: Pam Skaggs²/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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