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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5357
WATER RIGHT NO(S). 36-02493F/36-07681B/36-10407/36-10408

This is to certify that: FLEMING FAMILY PARTNERSHIP
DBA FLEMINGO DAIRY
BILL C FLEMING
1740A 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. 36-02493F :			
Priority: 06/28/1961			
STOCKWATER	01/01 to 12/31	0.02 CFS	3.6 AF
COMMERCIAL	01/01 to 12/31	0.02 CFS	3.6 AF
		0.02 CFS	3.6 AF
Right No. 36-07681B :			
Priority: 02/14/1977			
STOCKWATER	01/01 to 12/31	0.08 CFS	15.9 AF
COMMERCIAL	01/01 to 12/31	0.08 CFS	15.9 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
		0.08 CFS	15.9 AF
SUBTOTAL:			15.9 AF *
Right No. 36-10407 :			
Priority: 01/01/1945			
STOCKWATER	01/01 to 12/31	0.05 CFS	1.2 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
		0.05 CFS	1.2 AF
Right No. 36-10408 :			
Priority: 08/01/1978			
STOCKWATER	01/01 to 12/31	0.04 CFS	1.2 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
		0.04 CFS	1.2 AF
TOTAL:			** 0.19 CFS 18.3 AF **

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TRANSFER NO. 5357
WATER RIGHT NO(S). 36-02493F/36-07681B/36-10407/36-10408

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESESW , Sec. 31, Township 08S, Range 15E
SWSWE , Sec. 31, Township 08S, Range 15E
GOODING County

PLACE OF USE: STOCKWATER

TWN RGE SEC

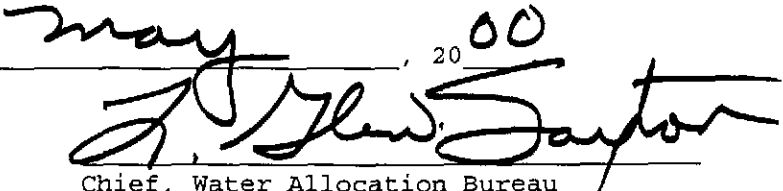
08S 15E 31 SESW

PLACE OF USE: COMMERCIAL & DOMESTIC, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
- ** 5. The total instantaneous diversion of water from all points of diversion under Transfer 5357 shall not exceed 0.19 cfs, nor a total combined annual volume of 18.3 af.
- * 6. Rights 36-02493F and 36-07681B when combined shall not exceed a total annual maximum diversion volume of 15.9 af.
7. The quantity of water decreed for Rights 36-10407 & 36-10408 for domestic and stockwater uses is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
8. Pursuant to Section 42-1412(6), Idaho Code, Rights 36-02493F and 36-07681B are 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.
9. Domestic use is for 1 home each under Rights 36-07681B, 36-10407 and 36-10408.

Dated this 4th day of May, 2000


Chief, Water Allocation Bureau

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MAY 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 36-10408

1996 NOV 26 AM 10:22
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: BILL C FLEMING
PAMELA FLEMING
1740A E 3600 S
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 08/01/1978

POINT OF DIVERSION: T08S R15E S31 SESESW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within GOODING County
T08S R15E S31 SESW

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: NOV 26 1996


DANIEL C. HURLBUTT
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.

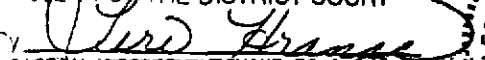
State of Idaho

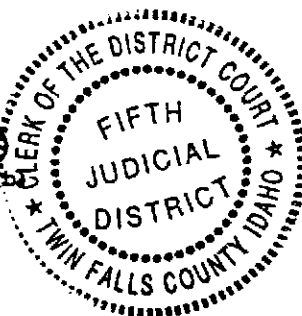
County of Twin Falls ss.

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


PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-10408



DATED: NOV 28 1998


DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

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1997
MAY 22 2000
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MEMORANDUM

TO: FILE 36-10408

FROM: PAM SKAGGS

RE: TRANSFER # 5357

DATE: 2-19-99

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Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 36-02493.

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MAY 22 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

RECEIVED

OCT 15 1998

Department of Water Resources

September 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BILL FLEMING
1740A E 3600 S
WENDELL ID 83355

RE: 36-10407

Dear Mr. Fleming:

In response to your question regarding the amount of water available for your dairy under right 36-10407, I have done some calculations based on the information which was provided:

330 dairy cattle @ 35 gpd	= 11,550 gal
183 other @ 12 gpd	= 2,196 gal
Barn usage	= 1,570 gal
Total usage	= 15,316 gal

This right is also for domestic use which includes irrigation of up to 1/2 acre of lawn. We feel these combined uses would require more water than the 13,000 gpd "di minimus" usage that 36-10407 allows.

You also have another domestic right, ~~XXXXXX~~, but it appears to be for the other house on the property and would not allow for additional water at the dairy. I have enclosed a copy of Idaho Code 42-111. Item (3) specifically addresses your situation and states that mutiple domestic uses cannot be combined to satisfy a purpose that would not itself come within the definition of a domestic use.

You may wish to investigate other options for obtaining the water that you need, possibly transferring some water from an irrigation right. This would require drying up some acres.

If you have any questions or I can be of further assistance, please feel free to call the office.

Sincerely,


Jeanie Robertson
Sr. Water Resource Agent

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MAY 22 2000

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE September 18, 1998 4:37pm CUSTOMER BILL FLEMING 36-10407, ~~36-10408~~

SUBJECT: PARTIAL DECREE SAYS 1 WELL, SHOULD BE 2...
phone call (X) walk-in (.)

He called about Partial Decree 36-10407 and said it was for only one well but there were actually two wells that have been tied together since about 1981. (I found that he also has 36-10408 which is located in the same legal and is for domestic use.) I told him they were now decreed and really couldn't be changed very easily and that we had recommended them just as he claimed them. He said the P&Z is requiring him to build a bigger waste lagoon and he needs written verification that he has a water right for the number of cattle he has, which is 300 Dairy and 141 other. He said someone had done a report for him which showed he used 1570 gpd in the barn so he didn't think he pumped anywhere near the 13,000 gpd limitation of the right. I FAX'd him Appendix IV from our Idaho Water Law Handbook which shows the gpd usages for various animals.

According to these figures he uses:

141 cows	@ 12 gpd
300 Dairy	@ 35 gpd
Barn Use	1570 gpd
	= 13,762 gpd

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SRBA

SUBCASE SUMMARY REPORT 36-10408

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SRBA
05-03-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-10408 FILE#: 00000
CLAIMANT: FLEMING, BILL C & PAMELA
STATUS: PD ISSUED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

BILL C & PAMELA FLEMING C PRO SE

**** ROA ENTRIES ****

11-26-1996 PARTIAL DECREE FILED 11-26-1996
11-26-1996 CERTIFICATE OF MAILING - PARTIAL DECREE

Return to SRBA Home Page

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