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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 36-07304

1997 DEC 30 AM 9:42

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

NAME & ADDRESS: SOUTHFIELD DAIRY  
3308 S 1600 E  
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 6.24 CFS  
1548.0 AFY

PRIORITY DATE: 02/23/1973

POINT OF DIVERSION: T08S R14E S13 NWSEW Within GOODING County  
S24 NWNENE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY               |
|-------------------------------|----------------|-------------------|------------------------|
| IRRIGATION                    |                | Irrigation Season | 6.24 CFS<br>1548.0 AFY |

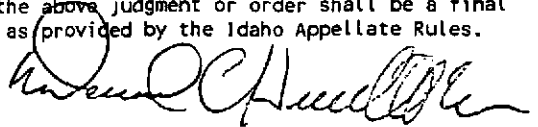
| PLACE OF USE: | IRRIGATION      | Within GOODING County |
|---------------|-----------------|-----------------------|
| T08S R14E S13 | SWSW 27         | SESW 40               |
| S24           | NENE 40         | NWNE 40               |
|               | NENW 40         | NWNW 40               |
|               |                 | SWNE 40               |
|               |                 | SWNW 40               |
|               |                 | SENE 40               |
|               |                 | SENW 40               |
|               | 387 ACRES TOTAL |                       |

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE  
MAINTAINED AS A PART OF THE DIVERTING WORKS.

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 36-07304

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4276  
WATER RIGHT NO(S). 36-07304B/36-07304C

This is to certify that: **SOUTHFIELD DAIRY PARTNERSHIP**  
**3308 S 1600 E**  
**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.

RIGHT NO. 36-07304B :

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.13 CFS              | 30.9 AF              |
| COMMERCIAL            | 01/01 to 12/31       | 0.11 CFS              | 28.1 AF              |
| SUBTOTAL:             |                      | 0.24 CFS              | 59.0 AF              |

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 24, Township 08S, Range 14E  
GOODING County

PLACE OF USE: STOCKWATER

TWN RGE SEC

|            |      |      |      |
|------------|------|------|------|
| 08S 14E 13 | SWSW | SESW |      |
| 24         | NENW | NWNW | SWNW |
|            | SENW |      |      |

PLACE OF USE: COMMERCIAL

TWN RGE SEC

08S 14E 24 NWNW

RIGHT NO. 36-07304C :

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.43 CFS              | 108.7 AF             |
| COMMERCIAL            | 01/01 to 12/31       | 0.37 CFS              | 92.3 AF              |
| SUBTOTAL:             |                      | 0.80 CFS              | 201.0 AF             |

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 13, Township 08S, Range 14E  
GOODING County

PLACE OF USE: STOCKWATER

TWN RGE SEC

|            |      |      |      |
|------------|------|------|------|
| 08S 14E 13 | SESW | NESE | NWSE |
|            | SWSE |      |      |

PLACE OF USE: COMMERCIAL

TWN RGE SEC

08S 14E 13 NESE

TOTAL:

1.04 CFS 260.0 AF

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TRANSFER NO. 4276  
WATER RIGHT NO(S). 36-07304B/36-07304C

PRIORITY

02/23/1973

SOURCE

GROUNDWATER

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
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 points of diversion under Right No. 36-07304B shall not exceed 0.24 cfs, nor a total combined annual volume of 59.0 af.
7. The total instantaneous diversion of water from all points of diversion under Right No. 36-07304C shall not exceed 0.80 cfs, nor a total combined annual volume of 201.0 af.
8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4276 shall not exceed 1.04 cfs, nor total combined annual volume of 260.0 af.
9. After specific notification by the department, the right holder shall install a suitable measuring device 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.
10. Commercial use is for dairy operation.
11. Stockwater use under Right No. 36-07304B is for 750 dairy cattle.
12. Stockwater use under Right No. 36-07304C is for 500 range and 2,600 dairy cattle.
13. Two points of diversion are located within both NESE, S13 and NWNW, S24, T08S, R14E.

Dated this 21<sup>st</sup> day of

February

19

95

*J. Glen Saylor*  
Chief, Water Alloc. Bureau

MAR 23 1995

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State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

February 21, 1995

SOUTHFIELD DAIRY PARTNERSHIP  
3308 S 1600 E  
WENDELL ID 83355

Transfer of Water Right No. 36-07304B/36-07304C

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4276). Please be sure to thoroughly review the "Conditions/Remarks:) as listed on the transfer.

Sincerely,

JIM JOHNSON, Manager  
Water Right Permits Section

JJ:rl

Enclosure

**NOT RECORDED**

MAR 23 1995

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## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 36-7304C

WATER RIGHT NUMBER: 36-7304C

| <u>Owner Type</u> | <u>Name and Address</u>                                                 |
|-------------------|-------------------------------------------------------------------------|
| Current Owner     | SOUTHFIELD DAIRY<br>3308 S 1600 E<br>WENDELL, ID 83355<br>(208)536-5414 |
| Original Owner    | A N AMBROSE<br>PO BOX 247<br>WENDELL, ID 83355<br>(208)536-5332         |

Priority Date: 02/23/1973

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         | 0.370 CFS             | 92.30 AF             |
| STOCKWATER              | 1/01 to 12/31         | 0.430 CFS             | 108.70 AF            |
| <u>Total Diversion:</u> |                       | 0.800 CFS             | 201.00 AF            |

Location of Point(s) of Diversion

|                |            |                                 |
|----------------|------------|---------------------------------|
| GROUND WATER   | NE1/4SE1/4 | Sec. 13, Twp 08S, 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 |        |  |
| 08S | 14E | 13  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 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 |        |
| 08S | 14E | 13  |    |    |    |    |    |    |    |    |    |    |    |    | X  | X  | X  | X  |        |

Conditions of Approval:

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## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 36-7304C

1. 01M After specific notification by the department, the right holder shall install a suitable measuring device 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. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. T17 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.

Remarks:

1. General The total instantaneous diversion of water from all points of diversion under Right No. 36-07304C shall not exceed 0.80 cfs, nor a total combined annual volume of 201.0 af.  
The total instantaneous diversion of water from all points of diversion under Transfer No. 4276 shall not exceed 1.04 cfs, nor total combined annual volume of 260.0 af.  
Commercial use is for dairy operation.  
Stockwater use under Right No. 36-07304C is for 500 range and 2,600 dairy cattle.  
Two points of diversion are located within NESE, S13, T08S, R14E.

Comments:

1. ROBERTSO 7/14/1992 NAME STANDARD

Comment:

2. BALDWIN 1/11/1994 TRANSFER NO. 4276

Comment: T# 4276 filed on 12/22/93 proposes to add a diversion point, change place of use, change nature of use and split water right into Parts A, B & C. Part A being the unchanged portion and Parts B & C will be two different systems serving two separate dairies.

3. PSKAGGS 10/25/1994 TRANSFER PROCESSING

Comment: Transfer No. 4276 was processed using the right as recommended in the SRBA Director's Report for Basin 36. The approved versions of the right will be stored under an X prefix on the WR database pending the conclusion of the adjudication.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7304C

Dates and Other Information:

Licensed Date:  
Decreed Date: 12/19/1997  
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

Combined Use Limits:

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NOV 9 1976

State of Idaho  
Department of Water Resources

Department of Water Resources  
Southern District Office

WATER RIGHT LICENSE

License of Water Right No. 36-7304 Priority Feb. 23, 1973 Amount 6.24 cfs

THIS IS TO CERTIFY, that SAN TAN RANCHES  
of Gooding, Idaho, has complied with the terms and conditions of Permit  
No. 36-7304 issued pursuant to Application for Permit dated February 23, 1973,  
and has submitted proof to the Department of Water Resources on March 15, 1976,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 6.24 cfs of water from a ground water source,  
tributary to \_\_\_\_\_, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use         | Period of Use                          | Rate of Diversion      | Annual Volume             |
|------------------------|----------------------------------------|------------------------|---------------------------|
| <u>Irrigation</u>      | from <u>March 15</u> to <u>Nov. 15</u> | at <u>6.24</u> cfs and | <u>1,548 acre feet or</u> |
|                        | from _____ to _____                    | at _____ cfs and       | <u>4.0 af per acre</u>    |
|                        | from _____ to _____                    | at _____ cfs and       |                           |
| (both dates inclusive) |                                        |                        |                           |

Subject, however, to the condition that no more than 6.24 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
1,548 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 13 and  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 24; Twp. 8 S, Rge. 14 E, B. M. in the County of Gooding

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 8 S  | 14 E  | 13   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 27               | 40               |                  |                  |                  |                  | 67     |
|      |       | 24   | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               |                  |                  |                  |                  |                  |                  |                  |                  | 320    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 387

A measuring device of a type approved by this Department shall be permanently  
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho  
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use  
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of  
November, 19 76.

Director

36-7304

36-7304