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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2726D

WATER RIGHT NUMBER: 36-2726D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD J AARDEMA 144 W 400 S JEROME, ID 83338 (208) 324-3438

Priority Date: 05/23/1962

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	0.220 CFS	35.50 AF
STOCKWATER	1/01 to 12/31	0.220 CFS	35.50 AF
	<u>Total Diversion:</u>	0.220 CFS	35.50 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 35, Twp 08S, Rge 15E, B.M.
GOODING County		

Place of UseSTOCKWATER Within GOODING County

T08S R15E S35 SESE

COMMERCIAL same as STOCKWATERConditions of Approval:

1. 067 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.
2. 081 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.
3. 082 The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. 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.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2726D

Remarks:

1. General Rights 36-02726D and 36-15256D when combined shall not exceed a total diversion rate of 0.22 cfs.
Commercial use is for a dairy.
The water used for commercial purposes under this approval is applied to and irrigates land to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by these water rights.
Right 36-15256D is an expansion of Right 36-02726D pursuant to Section 42-1426, Idaho Code.
Right 36-15256D is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to section 42-1426, Idaho Code, the earlier priority right is the superior right.
Two points of diversion are located within SESE, S35, T08S, R15E.

Comments:

1. TFAWCETT 9/18/1997 OWNERSHIP CHANGE
Comment: OWNERSHIP CHANGED SCHMIDT TO AARDEMA PER WARRANTY DEED.
2. PSKAGGS 12/14/1999 TRANSFER 5294
Comment: Transfer 5294 changes & adds points of diversion, changes the place, nature & season of use under a portion of Rights 36-02726, 36-11075, 36-11076 & 36-15256, splitting each right into Parts A & B.
3. PSKAGGS 12/17/1999 TRANSFER 5295
Comment: Transfer 5295 adds & changes the points of diversion, changes the place, nature & season of use under a portion of Rights 36-02726A & 36-15256A, splitting each right into Parts C & D.

Dates and Other Information:

Decreed Date: 12/29/1997

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Important Information About Your Water Right

August 27, 2001

DONALD AARDEMA
144 W 400 S
JEROME, ID 83338

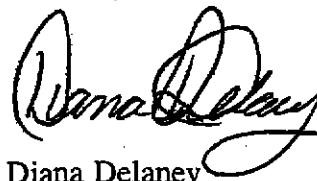
Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-02726. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on December 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

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MAR 24 2003

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)
)

Water Right 36-02726

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

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

PERIOD OF USE: 04-01 10-31

THE USE OF 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.ccc

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned 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 at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which 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 August 27, 2001

Roger Burdick
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.

1997 DEC 29 PM 3: 25

DISTRICT COURT - SRB,
TWIN FALLS CO., IDAHO

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-02726

FILED _____

NAME & ADDRESS: DON AARDEMA
144 W 400 S
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 2.32 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-15256 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.32 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 928 AF.

PRIORITY DATE: 05/23/1962

POINT OF DIVERSION: T09S R15E S02 SWNWSE Within GOODING County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 2.32 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T09S R15E S02 Lot 2 (NWNE)39 Lot 3 (NENW)39 Lot 4 (NWNW)35 SWNW 39
SESW 40 NESW 40 NWSW 37 SWSW 37
SES 39 NWSE 7 SWSE 23
S03 Lot 1 (NENE)36 SENE 39 NESE 37 SWSE 24
SESE 38
S11 Lot 1 (NWNE) 9 Lot 2 (NENW) 9 Lot 3 (NWNW) 6
573 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 116 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-15256 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 232 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE AND WITH WATER
SUPPLIED BY THE NORTH SIDE CANAL CO. FOR USE ON THE PLACE OF USE
DESCRIBED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL
OF 573 ACRES IN A SINGLE IRRIGATION SEASON.

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 36-02726

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