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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5488
WATER RIGHT NO(S). 36-02671L/36-07367L/36-07381L/36-07445L
36-07480M/37-02687A/37-07419C/37-07435A/37-07440A/37-07639A

This is to certify that: **BIG SKY DAIRIES**
1700 E 2428 S
GOODING ID 83330

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. 36-02671L :			
IRRIGATION	04/01 to 10/31	0.72 CFS	208.8 AF
Priority: 01/09/1967			
Right No. 36-07367L :			
IRRIGATION	04/01 to 10/31	2.52 CFS	578.4 AF
Priority: 08/13/1973			
Right No. 36-07381L :			
IRRIGATION	03/15 to 11/15	0.42 CFS	84.8 AF
Priority: 09/19/1973			
Right No. 36-07445L :			
IRRIGATION	04/01 to 10/31	0.74 CFS	148.8 AF
Priority: 02/21/1974			
Right No. 36-07480M :			
IRRIGATION	04/01 to 10/31	1.66 CFS	398.8 AF
Priority: 05/31/1974			
	SUBTOTAL:	** 5.77 CFS	1209.6 AF **
Right No. 37-02687A :			
IRRIGATION	04/01 to 11/01	2.13 CFS	441.6 AF
Priority: 03/08/1963			
Right No. 37-07419C :			
IRRIGATION	03/15 to 11/15	2.02 CFS	405.6 AF
Priority: 01/29/1975			
Right No. 37-07435A :			
IRRIGATION	03/15 to 11/15	0.74 CFS	147.2 AF
Priority: 04/22/1975			
Right No. 37-07440A :			
IRRIGATION	03/15 to 11/15	1.47 CFS	294.4 AF
Priority: 05/31/1974			
Right No. 37-07639A :			
IRRIGATION	04/01 to 11/01	2.76 CFS	552.0 AF
Priority: 07/08/1977			
	SUBTOTAL:	*** 5.13 CFS	1840.8 AF ***
	TOTAL:	**** 10.90 CFS	3050.8 AF

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SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESESW, Sec. 34, Township 06S, Range 14E
Lot 1 (NESENE), Sec. 3, Township 07S, Range 14E
GOODING County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	ACRES	TOTAL
06S	14E	33	SENE 37.0	NESW 4.9	NWSW 20.0		
			SWSW 40.0	SESW 40.0	NESE 37.0		
			SWSE 16.2	SESE 3.3			198.4
		34	NWNW 37.0	SWNW 39.0	NESW 40.0		
			NWSW 40.0	SWSW 40.0	SESW 40.0		
			NESE 30.2	NWSE 40.0	SWSE 40.0		
			SESE 40.0				386.2
07S	14E	3	Lot 2 (SWNE) 27.9	Lot 1 (SENE) 18.1	Lot 4 (SWNW) 32.0		
			Lot 3 (SENE) 31.0	NESE 39.0	NWSE 30.0		178.0
			Total number of acres irrigated:				762.6 *

CONDITIONS OF APPROVAL AND REMARKS

1. 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. 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. Pursuant to Section 42-1412(6), Idaho Code, this water right is 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.
- * 6. Right 36-02671L is limited to the irrigation of 52.2 acres in the place of use described above in a single irrigation season.
- * 7. Right 36-07367L is limited to the irrigation of 144.6 acres in the place of use described above in a single irrigation season.
- * 8. Right 36-07381L is limited to the irrigation of 21.2 acres in the place of use described above in a single irrigation season.
- * 9. Right 36-07445L is limited to the irrigation of 37.2 acres in the place of use described above in a single irrigation season.

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CONDITIONS OF APPROVAL AND REMARKS

- * 10. Right 36-07480M is limited to the irrigation of 99.7 acres in the place of use described above in a single irrigation season.
- ** 11. Rights 36-02671L, 36-07367L, 36-07381L, 36-07445L and 36-07480M when combined shall not exceed a total diversion rate of 5.77 cfs from all points of diversion, a total annual maximum diversion volume of 1209.6 af at the field headgate, and the irrigation of 302.4 acres.
- * 12. Right 37-02687A is limited to the irrigation of 110.4 acres in the place of use described above in a single irrigation season.
- * 13. Right 37-07419C is limited to the irrigation of 101.4 acres in the place of use described above in a single irrigation season.
- * 14. Right 37-07435A is limited to the irrigation of 36.8 acres in the place of use described above in a single irrigation season.
- * 15. Right 37-07440A is limited to the irrigation of 73.6 acres in the place of use described above in a single irrigation season.
- * 16. Right 37-07639A is limited to the irrigation of 138.0 acres in the place of use described above in a single irrigation season.
- *** 17. Rights 37-02687A, 37-07419C, 37-07435A, 37-07440A and 37-07639A when combined shall not exceed a total diversion rate of 5.13 cfs from all points of diversion, a total annual maximum diversion volume of 1840.8 af at the field headgate, and the irrigation of 460.2 acres.
- **** 18. The total instantaneous diversion of water from all points of diversion under Transfer 5488 shall not exceed 10.90 cfs, nor a total combined annual volume of 3050.4 af for the irrigation of 762.6 total acres.
- 19. The period of use for the irrigation described under Rights 36-02671L, 36-07367L, 36-07445L, 36-07480M, 37-02687A and 37-07639A may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 and 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- 20. Approval of this transfer does not preclude the opportunity for review of the validity of the Basin 37 water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 22nd day of May, 2000.

J. Shaw Saxton
Chief, Water Allocation Bureau

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1997 DEC 29 AM 9: 52

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

) ORDER OF PARTIAL DECREE
)
)

Case No. 39576
_____)

) For Water Right 36-02671D
)
)

On September 11, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-02671D is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED December 29, 1997.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

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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

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