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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5487
WATER RIGHT NO(S) . 36-02671G/36-07367G/36-07381G/36-07445G
36-07480H/36-07157D

This is to certify that: TONY VISSER
C/O BIG SKY DAIRY
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. 36-02671G :			
STOCKWATER	01/01 to 12/31	0.19 CFS	40.5 AF
COMMERCIAL	01/01 to 12/31	0.19 CFS	40.5 AF
Priority: 01/09/1967			
		0.19 CFS	40.5 AF
Right No. 36-07367G :			
STOCKWATER	01/01 to 12/31	0.66 CFS	112.8 AF
COMMERCIAL	01/01 to 12/31	0.66 CFS	112.8 AF
Priority: 08/13/1973			
		0.66 CFS	112.8 AF
Right No. 36-07381G :			
STOCKWATER	01/01 to 12/31	0.11 CFS	16.2 AF
COMMERCIAL	01/01 to 12/31	0.11 CFS	16.2 AF
Priority: 09/19/1973			
		0.11 CFS	16.2 AF
Right No. 36-07445G :			
STOCKWATER	01/01 to 12/31	0.19 CFS	29.1 AF
COMMERCIAL	01/01 to 12/31	0.19 CFS	29.1 AF
Priority: 02/21/1974			
		0.19 CFS	29.1 AF
Right No. 36-07480H :			
STOCKWATER	01/01 to 12/31	0.43 CFS	77.7 AF
COMMERCIAL	01/01 to 12/31	0.43 CFS	77.7 AF
Priority: 05/31/1974			
		0.43 CFS	77.7 AF
SUBTOTAL:		1.50 CFS	235.8 AF
Right No. 36-07157D :			
STOCKWATER	01/01 to 12/31	0.83 CFS	159.3 AF
COMMERCIAL	01/01 to 12/31	0.83 CFS	159.3 AF
Priority: 02/16/1971			
		0.83 CFS	159.3 AF
TRANSFER TOTAL:		2.33 CFS	395.1 AF

MICROFILMED
MAR 17 2000

TRANSFER NO. 5487
 WATER RIGHT NO(S). 36-02671G/36-07367G/36-07381G/36-07445G
 36-07480H/36-07157D

SOURCE
 GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (SENE), Sec. 3, Township 07S, Range 14E
 GOODING County

PLACE OF USE: STOCKWATER

TWN RGE SEC

06S 14E 33	SWSE	SESE
07S 14E 3	Lot 1 (SENE)	

PLACE OF USE: COMMERCIAL

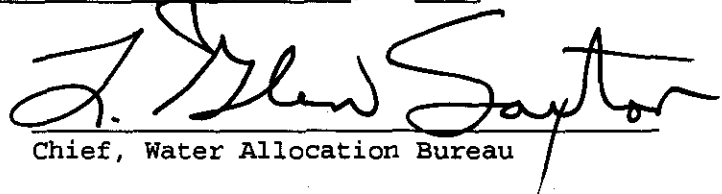
TWN RGE SEC

06S 14E 33	SENE	NESW	NWSW
	SWSW	SESW	NESE
	SWSE	SESE	
34	NWNW	SWNW	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		
07S 14E 3	Lot 2 (SWNE)	Lot 1 (SENE)	Lot 4 (SNNW)
	Lot 3 (SENW)	NESE	NWSE

CONDITIONS OF APPROVAL AND REMARKS

Rights 36-02671G, 36-07367G, 36-07381G, 36-07445G, 36-07480H and 36-07157D
 are subject to the conditions of the Preliminary Order in the matter of
 Application for Transfer No. 5487.

Dated this 25th day of February, 2000


 Chief, Water Allocation Bureau

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 MAR 17 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	)	Water Right 36-02671D
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

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, on June 24, 1999, 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 *Supplemental Director's Report*

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

PERIOD OF USE: 03-15 to 11-15

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

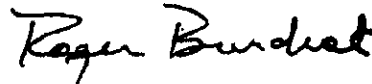
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify 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 December 12, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

December 12, 2001

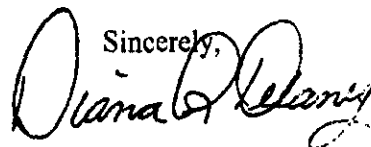
Don McFarland
Carol McFarland
PO Box 5178
Twin Falls, ID 83303-5178

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, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 36-02671D. 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 this 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 on the same date that the **Partial Decree** was originally issued.

Sincerely,


Diana Delaney
Case Administrator

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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MAR 17 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 36-02671D

1997 DEC 29 AM 9:52

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS: DON MC FARLAND
CAROL MC FARLAND
PO BOX 268
EDEN ID 83325

SOURCE: GROUNDWATER

QUANTITY: 2.36 CFS
683.6 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 18.94 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3968 AF. COMBINED RIGHT NOS.: 36-02671D,
36-07367D, 36-07381D, 36-07445D, AND 36-07480E.

PRIORITY DATE: 01/09/1967

POINT OF DIVERSION: T07S R14E S01 LOT 4 (NWSWNW) Within GOODING County
S02 LOT 1 (NESENE)
LOT 3 (NWSNW)
S03 LOT 1 (NESENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	2.36 CFS 683.6 AFY

PLACE OF USE:	IRRIGATION	Within GOODING County		
	T06S R14E S33	NESW 17	NWSW 20	SWSW 40
		SWSE 36	SESE 32	SESW 40
	T07S R14E S01	Lot 4 (SWNW)32	Lot 3 (SENW)32	NESW 40
		SWSW 33	SESW 33	NWSW 40
	S02	Lot 2 (SWNE)32	Lot 1 (SENE)32	Lot 4 (SWNW)32
		NESW 40	NWSW 33	Lot 3 (SENW)32
		NESE 40	NWSE 40	SWSW 30
	S03	Lot 2 (SWNE)32	Lot 1 (SENE)32	SESE 30
		NESE 39	NWSE 30	Lot 4 (SWNW)32
				Lot 3 (SENW)31
	992 ACRES TOTAL			

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 992 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 36-02671D, 36-07367D, 36-07381D, 36-07445D,
AND 36-07480E.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 170.9 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

MICROFILMED
MAR 17 2000

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

MICROFILMED
MAR 17 -