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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**

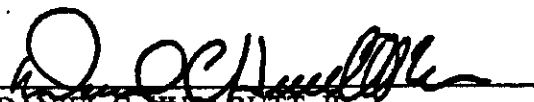
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 36-02671C
_____	)	

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 36-02671C 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

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-02671C

1997 DEC 29 AM 9: 52

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: TONY VISSER
1700 E 2428 S
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.75 CFS, 0.52 CFS FOR STOCKWATER USE AND 0.23
CFS FOR COMMERCIAL USE; AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 156 AF, 108 AF FOR STOCKWATER USE AND 48 AF FOR
COMMERCIAL USE. COMBINED RIGHT NOS.: 36-02671C, 36-07367C,
36-07381C, 36-07445C, AND 36-07480D.

PRIORITY DATE: 01/09/1967

POINT OF DIVERSION: T07S R14E S01 NESE Within GOODING County

2 POINTS OF DIVERSION LOCATED IN T07S, R14E, S01, NESE.

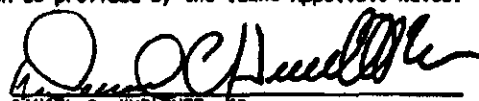
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
			8.3 AFY
	COMMERCIAL	01-01 12-31	0.02 CFS
			4.2 AFY

COMMERCIAL USE IS FOR A DAIRY OPERATION.

PLACE OF USE:	STOCKWATER	Within GOODING County		NESE	NWSE
	T07S R14E S01 Lot 2 (SWNE)	Lot 1 (SENE)			
	COMMERCIAL	Within GOODING County			
	T07S R14E S01	NESE			

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, SR.
PRESIDING JUDGE
Snake River Basin Adjudication

1997 DEC 29 PM 02:00
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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-02671C

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-02671C was mailed
on December 29, 1997, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

TONY VISSER
1700 E 2428 S
GOODING, ID 83330

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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12/29/97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4543 (PART)
WATER RIGHT NO(S). 36-02671C/36-07367C/36-07381C
36-07445C/36-07480D

This is to certify that: **DON MC FARLAND**
PO BOX 268
EDEN ID 83352

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. 36-02671C :			
Priority: 01/09/1967			
STOCKWATER	01/01 to 12/31	0.04 CFS	8.3 AF
COMMERCIAL	01/01 to 12/31	0.02 CFS	4.2 AF
SUBTOTAL:		0.06 CFS	12.5 AF
Right No. 36-07367C :			
Priority: 08/13/1973			
STOCKWATER	01/01 to 12/31	0.23 CFS	47.8 AF
COMMERCIAL	01/01 to 12/31	0.10 CFS	20.9 AF
SUBTOTAL:		0.33 CFS	68.7 AF
Right No. 36-07381C :			
Priority: 09/19/1973			
STOCKWATER	01/01 to 12/31	0.03 CFS	6.2 AF
COMMERCIAL	01/01 to 12/31	0.02 CFS	4.2 AF
SUBTOTAL:		0.05 CFS	10.40 AF
Right No. 36-07445C :			
Priority: 02/21/1974			
STOCKWATER	01/01 to 12/31	0.07 CFS	14.5 AF
COMMERCIAL	01/01 to 12/31	0.03 CFS	6.2 AF
SUBTOTAL:		0.10 CFS	20.70 AF
Right No. 36-07480D :			
Priority: 05/31/1974			
STOCKWATER	01/01 to 12/31	0.15 CFS	31.2 AF
COMMERCIAL	01/01 to 12/31	0.06 CFS	12.5 AF
SUBTOTAL:		0.21 CFS	43.7 AF
TOTAL:		* 0.75 CFS	* 156.0 AF

APR 13 1995

TRANSFER NO. 4543 (PART)
WATER RIGHT NO(S). 36-02671C/36-07367C/36-07381C
36-07445C/36-07480D

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 1, Township 07S, Range 14E
GOODING County

PLACE OF USE: STOCKWATER

TWN RGE SEC

07S 14E	1	Lot 2 (SWNE) NWSE	Lot 1 (SENE)	NESE
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PLACE OF USE: COMMERCIAL

TWN RGE SEC

07S 14E	1	NESE
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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 the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy use and shall annually report the amount of water diverted to the Department.
- * 6. The total instantaneous diversion of water from all points of diversion under combined Right Nos. 36-02671C, 36-07367C, 36-07381C, 36-07445C and 36-07480D shall not exceed 0.75 cfs, 0.52 cfs for stockwater use and 0.23 cfs for commercial use, nor a total combined annual volume of 156.0 af, 108.0 af for stockwater use and 48.0 af for commercial use.
7. Approval of Transfer No. 4543 removes 91 acres from irrigation use specifically described as 10 acres in SWNE(Lot 2), 22 acres in SENE(Lot 1), 7 acres SWSW, 7 acres in SESW, 28 acres in NESE, 10 acres in NWSE, Section 1, and 7 acres SESE, Section 2, Township 7S, Range 14E, B.M.
8. Stockwater use is for 2,200 milk cows, 451 dry cows and 982 replacement heifers.
9. Commercial use is for a dairy operation.
10. Two points of diversion are located within the NESE, S01, T07S, R14E.

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TRANSFER NO. 4543 (PART)
WATER RIGHT NO(S). 36-02671C/36-07367C/36-07381C
36-07445C/36-07480D

11. Right Nos. 36-02671B, 36-07367B, 36-07381B, 36-07445B and 36-07480C are also changed for the irrigation portion of Transfer No. 4543 and are represented on a separate transfer approval.

Dated this 13th day of March, 19 95

A. Glen Saylor
Chief, Water Alloc. Bureau

RECORDED

APR 13 1995