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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5480/66900
WATER RIGHT NO(S). 36-02186/36-02187A/36-02187B
36-02301/36-02439

This is to certify that: C J MARSHALL
PO BOX 288
JEROME ID 83338

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. 36-02186 :			
IRRIGATION	03/15 to 11/15	4.88 CFS	1100.0 AF
Priority: 02/06/1953			
Right No. 36-02187A :			
IRRIGATION	03/15 to 11/15	4.46 CFS	892.0 AF
Priority: 02/06/1953			
Right No. 36-02301 :			
IRRIGATION	03/15 to 11/15	5.46 CFS	1092.0 AF
Priority: 05/29/1956			
Right No. 36-02439 :			
IRRIGATION	03/15 to 11/15	0.50 CFS	100.0 AF
Priority: 06/24/1960			
	SUBTOTAL:	* 11.13 CFS	* 2988.0 AF
Right No. 36-02187B :			
STOCKWATER	01/01 to 12/31	1.10 CFS	165.0 AF
COMMERCIAL	01/01 to 12/31	1.10 CFS	165.0 AF
Priority: 02/06/1953			
	SUBTOTAL:	** 1.10 CFS	** 165.0 AF
	TOTAL:	12.23 CFS	3153.0 AF

SOURCE

GROUNDWATER

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TRANSFER NO. 5480
WATER RIGHT NO(S). 36-02186/36-02187A/36-02187B
36-02301/36-02439

LOCATION OF POINT(S) OF DIVERSION:

Right No. 36-02186/36-02187A/36-02301/36-02439 :

SESW , Sec. 23, Township 08S, Range 17E
SWSE , Sec. 23, Township 08S, Range 17E
JEROME County

Right No. 36-02187B :

NWNE , Sec. 26, Township 08S, Range 17E
JEROME County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	17E	23	NWNE 11	SWNE 33	SENE 23	
			NENW 27	NWNW 33	SWNW 23	
			SENE 38	NESW 39	NWSW 36	
			SWSW 30	SESW 25	NESE 37	
			NWSE 36	SESE 38		429
	26		NENE 19	SWNE 32	SENE 39	
			NENW 36	NWNW 37	SWNW 37	
			SENE 39	NESE 39	NWSE 40	318
Total number of acres irrigated:						747 ***

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
08S	17E	23	SESW	SWSE	
	26		NENE	NWNE	SWNE

PLACE OF USE: COMMERCIAL

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
08S	17E	23	NWNE	SWNE	SENE
			NENW	NWNW	SWNW
			SENE	NESW	NWSW
			SWSW	SESW	NESE
			NWSE	SWSE	SESE
	26		NENE	NWNE	SWNE
			SENE	NENW	NWNW
			SWNW	SENE	NESE
			NWSE		

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.

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TRANSFER NO. 5480
WATER RIGHT NO(S). 36-02186/36-02187A/36-02187B
36-02301/36-02439

CONDITIONS OF APPROVAL AND REMARKS

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. Right 36-02186 is limited to the irrigation of 275.0 acres in the place of use described above in a single irrigation season.
- *** 6. Right 36-02187A is limited to the irrigation of 223.0 acres in the place of use described above in a single irrigation season.
- *** 7. Right 36-02301 is limited to the irrigation of 273.0 acres in the place of use described above in a single irrigation season.
- *** 8. Right 36-02439 is limited to the irrigation of 25.0 acres in the place of use described above in a single irrigation season.
- * 9. Rights 36-02186, 36-02187A, 36-02301 and 36-02439 when combined
*** shall not exceed a total diversion rate of 11.13 cfs, a total annual maximum diversion volume of 2988.0 af at the field headgate, and the irrigation of 747.0 acres.
10. Use of water under Right 36-02187B shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
11. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
- ** 12. The total instantaneous diversion of water from all points of diversion under Right 36-02187B shall not exceed 1.10 cfs, nor a total combined annual volume of 165.0 af.
13. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized under Right 36-02187B.
14. Two points of diversion are located within NWNE, S26, T08S, R17E.
15. The dairy is located within the SESW and SWSE, S23 and NENE, NWNE and SWNE, S26, T08S, R17E.

Dated this 13th day of March, 2000

J. Glen Saylor
Chief, Water Allocation Bureau
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MAR 20 2000

OCT 17 2002

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 36-02187

1998 JAN 15 AM 10:42

DISTRICT COURT
TWIN FALLS, IDAHO
FILED

NAME & ADDRESS: C J MARSHALL
PO BOX 288
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 5.56 CFS
1112.0 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 12.23 CFS.
COMBINED RIGHT NOS.: 36-02186, 36-02301 & 36-02439.

PRIORITY DATE: 02/06/1953

POINT OF DIVERSION: T08S R17E S23 NESWSE Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	5.56 CFS 1112.0 AFY

PLACE OF USE:	IRRIGATION	Within JEROME County
	T08S R17E S23	SWSE 38
	S26	NENE 40
		NESE 40
		NWNE 40
		NWSE 40
		SWNE 40
		SENE 40
	278 ACRES TOTAL	

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 36-02187

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DEC-29-1997

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OCT 17 2002

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 36-02187

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 January 15, 1998. 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: 03-15 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 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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OCT 17 2002

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

Important Information About Your Water Right

August 27, 2001

C J MARSHALL
PO BOX 288
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 36-02187. 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 January 15, 1998, 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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OCT 17 2002

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only			
Inspected by _____			
Twp _____	Rge _____	Sec _____	
_____ 1/4	_____ 1/4	_____ 1/4	
Lat: _____		Long: _____	

1. WELL TAG NO. D 0008551

DRILLING PERMIT NO. 36-99-s-0165-000

Other IDWR No. T36-02187B

2. OWNER:

Name Giltner Dairy's

Address 100 S. 79 E.

City Jerome State ID Zip 83338

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N	
W	E
S	

Twp. 8 North ☐ or South ☒
Rge. 17 East ☒ or West ☐
Sec. 26 1/4 NW 1/4 NE 1/4
Gov't Lot _____
County Jerome
Lat: _____ Long: _____
Address of Well Site aap. 100 S. 450 E.
City Jerome
(Give at least name of road + Distance to Road or Landmark)
Lt. _____ Btk. _____ Sub. Name _____

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☒ Other dairy

5. TYPE OF WORK: check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD:

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES:

Seal/Filter Pack			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
bentonite	0	19	650lbs.	dry pour

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) _____

Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8	+1	19	.25	steel	☒	☐	☐	☐

Length of Headpipe 1' Length of Tailpipe _____

9. PERFORATIONS/SCREENS:

☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

448 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: well cap

11. WELL TESTS:

Yield gal./min.	Drawdown	Pumping Level	Time
no returns			

Water Temp: <85 Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encounter _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	N
12	0	9	top soil		
12	9	19	black lava		
8	19	29	black lava		
8	29	32	broken black lava		
8	32	44	black lava		
8	44	46	broken cinders		
8	46	48	medium hard & breaks		
8	48	83	hard lava		
8	83	84	broken cinders		
8	84	112	hard lava		
8	112	115	cinders		
8	115	117	medium hard & breaks		
8	117	122	hard lava		
8	122	124	broken		
8	124	172	hard lava		
8	172	179	medium hard & breaks		
8	179	202	hard lava		
8	202	205	soft, broken cinders		
8	205	287	hard lava		
8	287	294	medium hard lava		
8	294	296	soft, broken cinders		
8	296	298	medium hard & breaks		
8	298	361	hard lava		
8	361	365	soft, broken cinders		
8	365	407	hard lava		
8	407	414	medium hard & breaks		
8	414	417	soft, broken cinders		
8	417	429	hard lava		
8	429	432	broken cinders		X
8	432	436	medium hard & breaks		
8	436	469	hard lava		
8	469	470	medium hard & breaks		X
8	470	471	broken		
8	471	472	medium hard lava		
8	472	473	soft, broken cinders		X
8	473	481	hard lava		

Continued on next page

Completed Depth 501' (Measurable)
Date: Started 11/13/99 Completed 11/16/99

13. DRILLER'S CERTIFICATION:

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Eaton Drilling & Pump Service, Inc. Firm No. 26

Firm Official _____ Date 11/18/99

and _____

Driller or Operator _____ Date 11/17/99

(Sign once if Firm Official & Operator)

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

1. WELL TAG NO. D 008552

DRILLING PERMIT NO. 36-99-S-0166-000

Other IDWR No. J36-02187B

2. OWNER:

Name Giltner Dairy's

Address 100 S. 79 E.

City Jerome State ID Zip 83338

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

Map grid showing well location. Township 8 North, Range 17 East, Section 26. Corner NW 1/4 NE 1/4. Address of Well Site app. 100 S. 450 E. City Jerome.

(Give at least name of road + Distance to Road or Landmark)

LI. BTK. Sub. Name

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☒ Other dairy

5. TYPE OF WORK: check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD:

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES:

Seal/Filter Pack	AMOUNT	METHOD
Material From To Sacks or Pounds		
bentonite 0 19 650lbs.		dry pour

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s)

Was drive shoe seal tested? ☐ Y ☒ N How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8	+1	19	.25	steel	☒	☐	☐	☐

Length of Headpipe 1' Length of Tailpipe

9. PERFORATIONS/SCREENS:

☐ Perforations Method
☐ Screens Screen Type

From	To	Slot Size	Number	Diameter	Material

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

448 ft. below ground Artesian pressure lb.
Depth flow encountered ft. Describe access port or control devices: well cap

11. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
no returns			

Water Temp: <85 Bottom hole temp.

Water Quality test or comments:

Depth first Water Encounter

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water
				Y N
12	0	7	top soil	
12	7	19	black lava	
8	19	26	black lava	
8	26	27	crevice	
8	27	41	hard lava	
8	41	44	broken	
8	44	81	hard lava	
8	81	171	broken cinders	
8	171	177	medium hard lava	
8	177	213	hard lava	
8	213	216	broken cinders	
8	216	217	hard lava	
8	217	218	broken	
8	218	287	hard lava	
8	287	295	medium hard lava	
8	295	297	soft & broken	
8	297	298	medium hard lava	
8	298	311	hard lava	
8	311	313	broken lava	
8	313	336	hard lava	
8	336	337	broken	
8	337	356	hard lava	
8	356	361	medium hard lava	
8	361	364	broken cinders	
8	364	387	hard lava	
8	387	391	medium hard lava	
8	391	392	crevice	
8	392	394	medium hard & breaks	
8	394	397	hard lava	
8	397	398	crevice	
8	398	401	broken cinders	
8	401	404	medium hard lava	
8	404	433	hard lava	
8	433	436	medium hard & breaks	
8	436	439	soft & broken	
8	439	446	medium hard lava	

Continued on next page

Completed Depth 504' (Measurable)
Date: Started 11/16/99 Completed 11/17/99

13. DRILLER'S CERTIFICATION:

We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Eaton Drilling & Pump Service, Inc. Firm No. 26
Firm Official Date 11/19/99
and
Driller or Operator Date 11/18/99
(Sign once if Firm Official & Operator)

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Page 2 of 2

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
_____ 1/4 _____ 1/4 _____ 1/4
Lat: _____ Long: _____

Page 2

11. WELL TESTS:

☐ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encounter _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water	Y	N
8	446	453	soft, broken lava			
8	453	457	medium hard lava			
8	457	459	broken cinders		X	
8	459	461	medium hard & breaks		X	
8	461	469	hard lava			
8	469	474	medium hard & breaks			
8	474	482	hard lava			
8	482	484	broken lava		X	
8	484	496	medium hard lava			
8	496	503	broken & cinders		X	
8	503	505	hard lava			

1. WELL TAG NO. D 008552

DRILLING PERMIT NO. 36-99-S-0166-000

Other IDWR No. J 36-02187B

2. OWNER:

Name Giltner Dairy's

Address 100 S. 79 E.

City Jerome State ID Zip 83338

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
W
E
S
Twp. 8 North ☐ or South ☒
Rge. 17 East ☒ or West ☐
Sec. 26 1/4 NW 1/4 NE 1/4
Gov't Lot _____ County Jerome
Lat: _____ Long: _____

Address of Well Site app. 100 S. 450 E.

City Jerome

(Give at least name of road - Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK: check all that apply

(Replacement etc.)

☐ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☐ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES:

Seal/Filter Pack			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____

Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS:

☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

_____ ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or control devices: _____

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FORWARD WHITE COPY TO WATER RESOURCES

RECEIVED

DEC 10 1999

Department of Water Resources

RECEIVED

DEC 07 1999

Department of Water Resources
Southern Region

Completed Depth 504' (Measurable)
Date: Started 11/16/99 Completed 11/17/99

13. DRILLER'S CERTIFICATION:

MAR 20 2000

We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Eaton Drilling & Pump Service, Inc.

Firm No. 26

Firm Official

Date 11/19/99

and

Driller or Operator

Date 11/18/99

(Sign once if Firm Official & Operator)