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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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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5480/66960
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	
			SESW 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	
			SESW 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
			SESW	NESW	NWSW
			SWSW	SESW	NESE
			NWSE	SWSE	SESE
	26		NENE	NWNE	SWNE
			SENE	NENW	NWNW
			SWNW	SESW	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

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 - SRBA
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

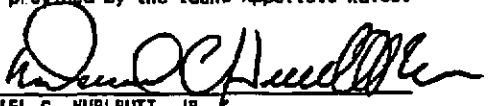
POINT OF DIVERSION: T08S R17E S23 NESWSE Within JEROME County

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
		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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