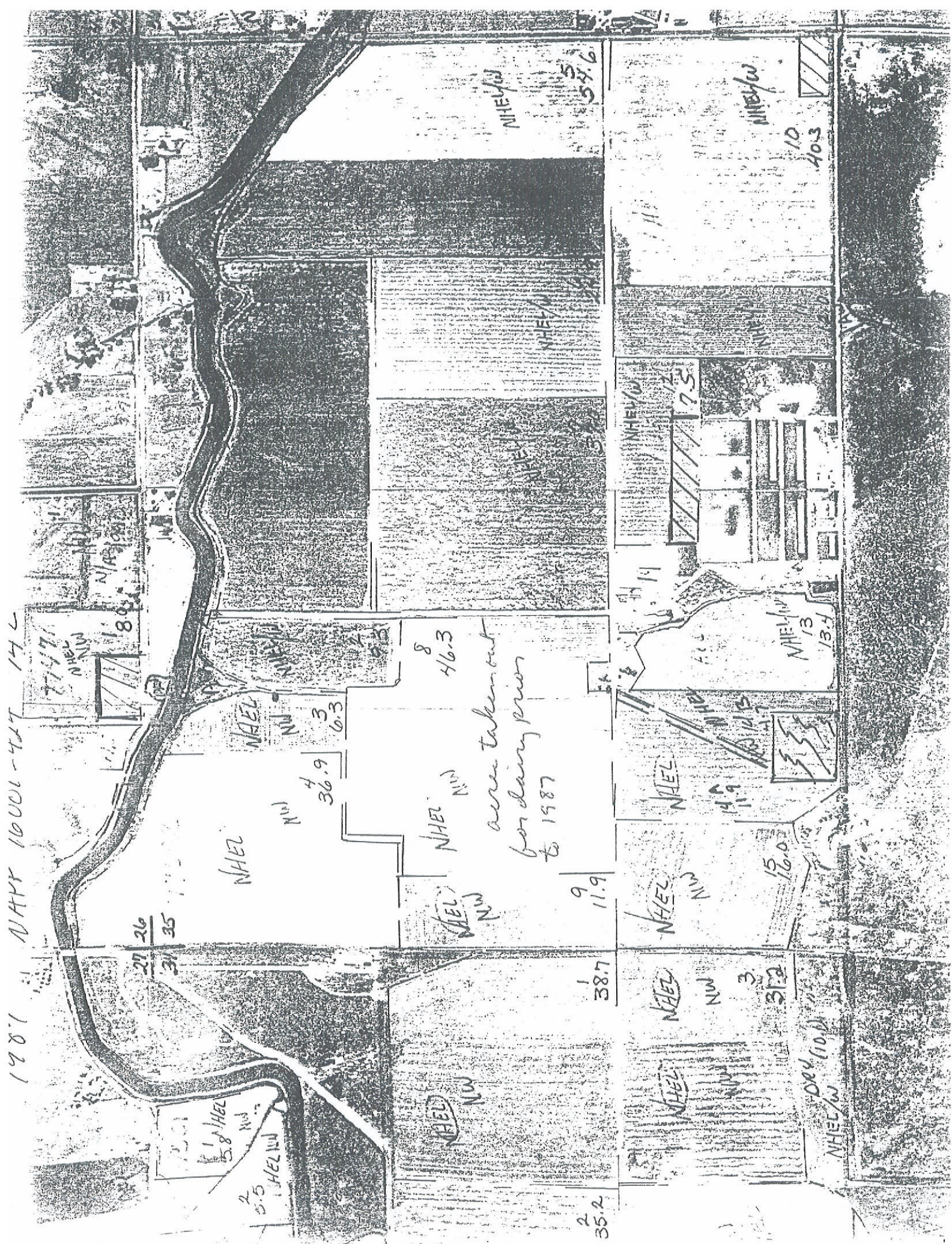


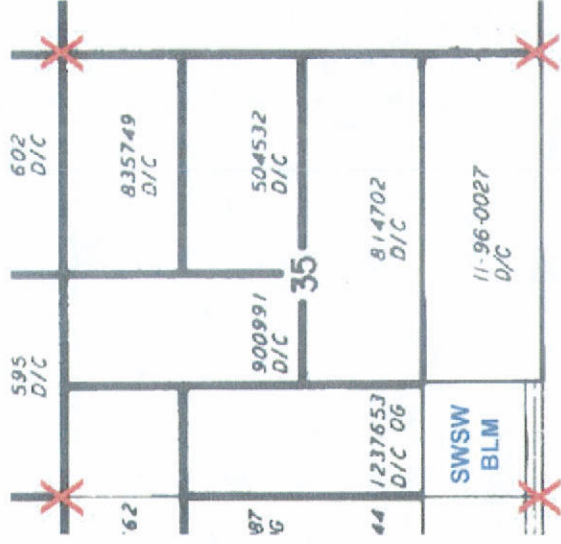
1.221 NHR 10001-427 141



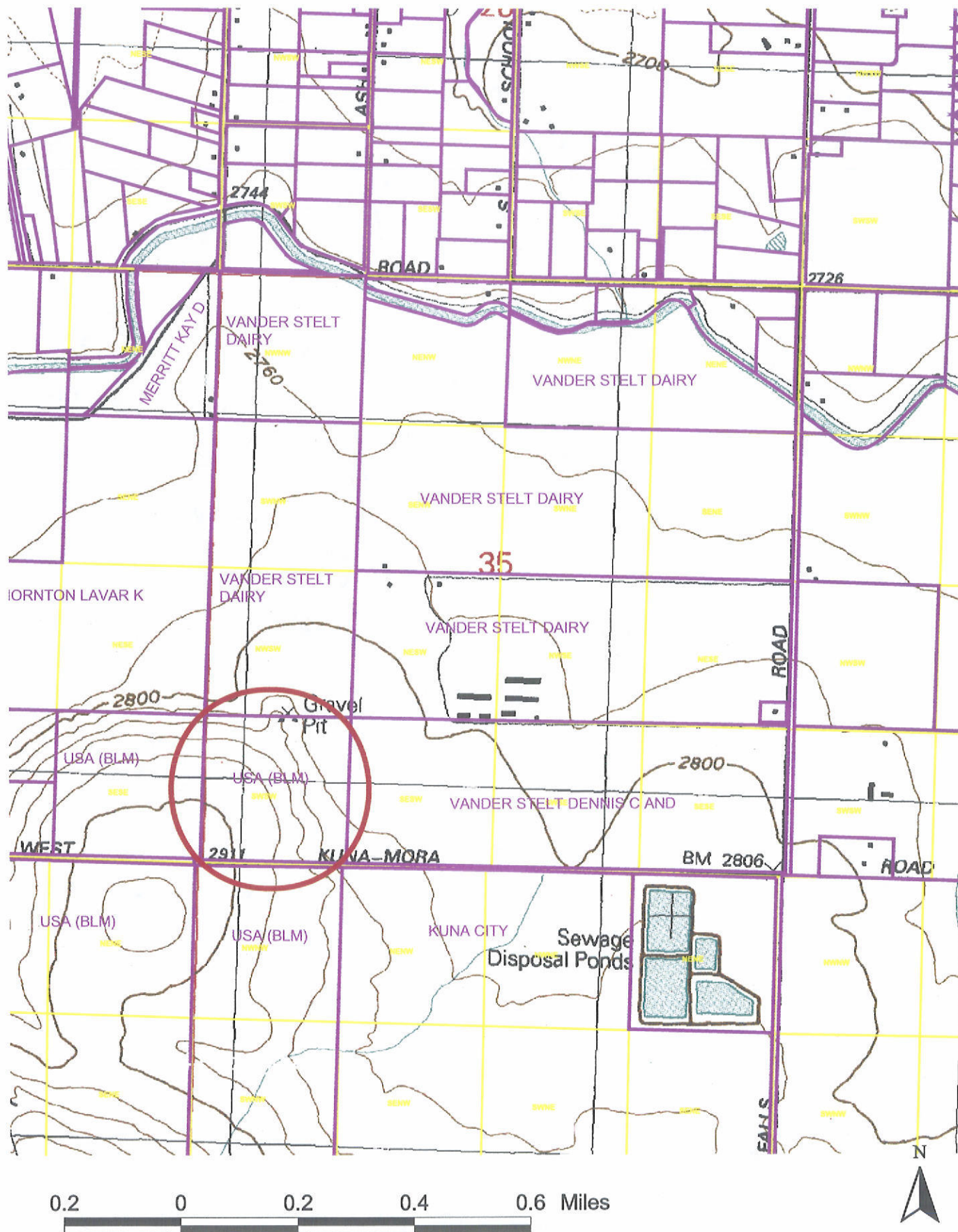


63-03170

Remove T02N R01W S35 SWSW from recommendation and adjust shapefile accordingly.



63-3170



Idaho Department of Water Resources

63-3170

T02N R01W S35



- Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter



IDWR
Prepared by: Sandy Egbert
Date: 4-4-05
1987 NAPP Photography



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-03170
Date Received: 9/ 7/1989
Receipt No: W005591
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: VANDER STELT DAIRY
Address: 2777 SWAN FALLS RD
KUNA ID 83634 208-922-1179

2. Date of Priority: SEP 17, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	01W	35		SE	NW		ADA
				NE	SW		ADA
				NE	SE		ADA

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.670		1175.50
COMMERCIAL	01/01	12/31	0.390		131.60

7. Total Quantity Appropriated is:
4.060 C.F.S. (and/or) 1854.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DAIRY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01W	35	NE	NE		IRR	19.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	01W	35	NW		NE		IRR	25.0
			SE		NE		IRR	38.0
			SE		NE		COMMER	
			NE		NW		IRR	28.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SW		IRR	14.0
			NE		SW		COMMER	
			NW		SW		IRR	36.0
			NE		SE		IRR	40.0
			NW		SE		IRR	16.0
			NW		SE		COMMER	

Section Acres 334.0

Total Acres 334.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

CLAIM NO.'S A63-03093 AND A63-08087.

14. Remarks:

LICENSE INCORRECTLY LISTS TOTAL AC. IRR. = 290. TOTAL ADDS UP TO 363 ACRES.

DESC. OF DIVERTING WORKS - THREE WELLS, 1-447' DEEP W/100 HP PUMP AND 1-325' DEEP WITH A 75 HP PUMP, 1-480' DEEP WITH A 125 HP PUMP ALL USED FOR FLOOD IRRIGATION.

40 ACRES WERE RETIRED FOR A 2000 COW DAIRY PRIOR TO 1987. SEE ATTACHED DAIRY REQUIREMENT SHEET, CFS/VOL CALCULATION SHEET, AND 1987 CFSA MAP. APPLICANT FILED TRANSFER 2/4/99 TO ADD A P/D AND SHOW PPU FOR A63-03093, THIS RIGHT, AND A63-08087.

15. Basis of Claim: LICENSE

Water Right Number: 28169

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do X do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Partner of

Vander Stelt Dairy, that I have signed the foregoing
Organization

document in the space below as Partner of

Vander Stelt Dairy and that the statements contained in the
Organization

foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Partner Vander Stelt Dairy
Title and Organization

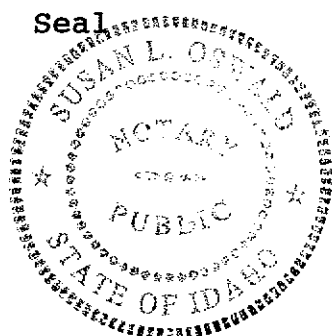
March 25, 1999
Date

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 25th day

of March 19 99

[Signature]
Notary Public



Residing at Mendocino, Id

My Commission Expires 4/26/2000

VANDER STELT FARM + DAIRY

* NOTE: - A63-03093 proposed for PPA ^{per 2/4/99 X-FER} but not licensed
to retired acres used for Dairy
- Volume assumed for A63-03093 + A63-03170

@ 4.5 af/ac

	CFS	%	AC' ^(not overlapped)	VOL	%
* A63-03093	1.73	—	113	508.5	—
- 03170	4.06	58	290	1305	94
- 08087	3.0	42	19	85.5	6
	7.06		309	1390.5	

used for
Dairy

Dairy Vol:

$$140 \text{ afa} \times 94\% = 131.6 \text{ afa A63-03170}$$

$$6\% = 8.4 \text{ afa - 08087}$$

Dairy CFS: $140 / 3.5 = 40 \text{ acres}$

$$7.06 \text{ CFS} / 422 \times 40 = .67 \text{ CFS}$$

$$.67 \text{ CFS} \times 58\% = .39 \text{ CFS A63-03170}$$

$$42\% = .28 \text{ CFS - 08087}$$

Irrig Vol: $422 \text{ ac} \times 4.5 = 1899 \text{ afa}$

$$- 508.5 \text{ afa A63-03093}$$

$$1390.5$$

$$- 140 \text{ afa Dairy}$$

$$1250.5$$

$$1250.5 \text{ afa} \times 94\% = 1175.5 \text{ afa A63-03170}$$

$$6\% = 75.0 \text{ afa A63-08087}$$

Irrig CFS: $4.06 - .39 = 3.67 \text{ CFS A63-03170}$

$$3.0 - .28 = 2.72 \text{ CFS A63-08087}$$

SRBA
1987

4			
39	30	26	19
40	40	40	40
36	14	16	38

X-FER
1999

4			
39	30	26	19
40	40	40	40
30	13	12	38
			11

40 acres per worksheet
needed to meet
dairy needs

422 Total licensed

377.4 CFSA acres 1987

compared to 382 licensed on same
area not dried up for dairy

within 5% - OK per Jan

11 additional acres dried
up in 1994 for lagoon: NWSW
and corrals: NESW, NWSE
transferred to SESE

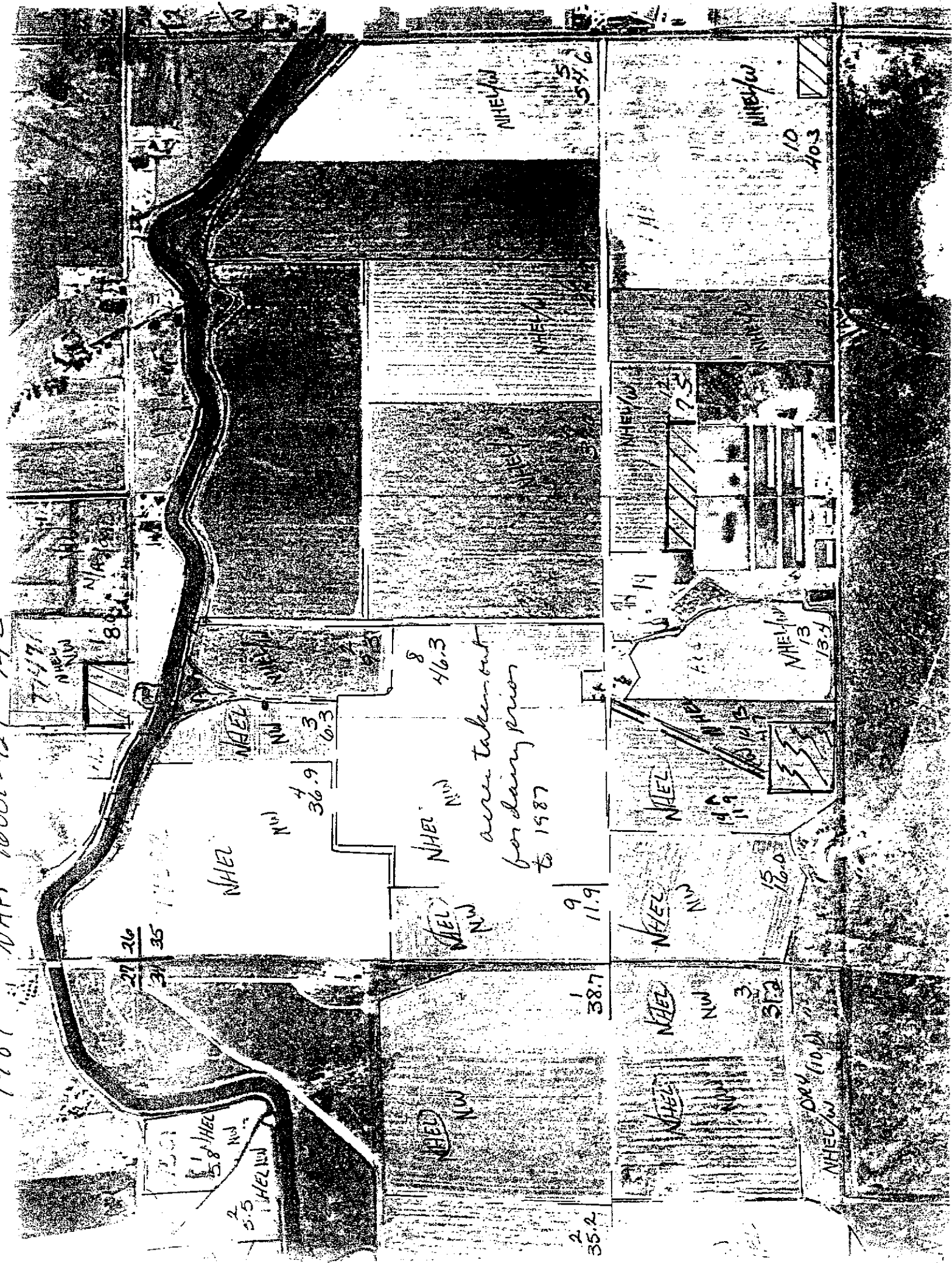
licensed

TOTAL
ACRES

IRRIG 63-03043 63-03170 63-08087

4			4
19		19	
26		25	1
40	40		
40	20	20	
30	23	5	2
39		39	
40		39	1
40	30	10	
28		28	
36		36	
40		40	
40		29	11
		290	19

1.2261



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-03170
Date Received: 9/07/1989
Receipt No: W005591
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VANDER STELT DAIRY 208-922-1179
Address: 2777 SWAN FALLS RD.
KUNA, ID 83634

2. Date of Priority: SEP 17, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	01W	35	SE	NW			ADA
			NE	SW			ADA
			NE	SE			ADA

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.060		

7. Total Quantity Appropriated is:
4.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01W	35	NE	NE		IRR	19.0

A63-03170

Page 1

Date: 09/07/89

MICROFILMED
AUG 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01W	35	NW	NE		IRR	25.0
			SE	NE		IRR	40.0
			NE	NW		IRR	28.0
			NW	NW		IRR	39.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0
			NE	SW		IRR	28.0
			NW	SW		IRR	36.0
			NE	SE		IRR	40.0
			NW	SE		IRR	29.0
Section Acres							363.0
Total Acres							363.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
CLAIM NO.'S A63-03093 AND A63-08087.

14. Remarks:
LICENSE INCORRECTLY LISTS TOTAL AC. IRR. = 290. TOTAL ADDS UP TO 363 ACRES.
DESC. OF DIVERTING WORKS - THREE WELLS, 1-447' DEEP W/100 HP PUMP AND 1-325' DEEP WITH A 75 HP PUMP, 1-480' DEEP WITH A 125 HP PUMP ALL USED FOR FLOOD IRRIGATION.

15. Basis of Claim: LICENSE
Water Right Number: 28169

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0 See map in A63-08087

For Organizations:

I do solemnly swear or affirm that I am PARTNER of Title

VANDER STEEL DAIRY, that I have signed the foregoing Organization

document in the space below as PARTNER of Title

VANDER STEEL DAIRY and that the statements contained in the Organization foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

PARTNER VANDER STEEL DAIRY
Title and Organization

9-7-89

Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 7th day

of September 19 89

[Signature]
Notary Public

Seal

Residing at Meridian ID

My Commission Expires 9-14-94

Water Right Number - 63-03170

Prefix Translation: WATER RIGHT

Old (D) Number - 28169

+ - - - - Last Name - - - - + + - - - First Name - - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
COME

JOHN RUSSELL

1 - 1514 LONGMONT AVE.

2 -

3 -

City- BOISE

Phone -

State- ID Zip- 83706

+ - - - - Priority Date - - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
09/17/1959 14 WESTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - Diversion Name Diversion Rate Diversion No.

| TwN | Rng | Sec | Tract | Lot | Rflg | County |
|-----|-----|-----|-------|-------|------|--------|
| 02N | 01W | 35 | SE NW | (1) | ADA | |
| | | | NE SE | (1) | ADA | |

+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

4.060

+ - - - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - +
4.060

| TwN | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County |
|-----|-----|-----|-------|------|-------|--------------|-------|-------------|--------|
| 02N | 01W | 35 | NE NE | 19.0 | 01 | IRRIGATION | (1) | ADA | |
| 02N | 01W | 35 | NW NE | 25.0 | 01 | IRRIGATION | (1) | ADA | |
| 02N | 01W | 35 | SE NE | 40.0 | 01 | IRRIGATION | (1) | ADA | |
| 02N | 01W | 35 | NE NW | 28.0 | 01 | IRRIGATION | (1) | ADA | |
| 02N | 01W | 35 | NW NW | 39.0 | 01 | IRRIGATION | (1) | ADA | |
| 02N | 01W | 35 | SW NW | 39.0 | 01 | IRRIGATION | (1) | ADA | |
| 02N | 01W | 35 | SE NW | 40.0 | 01 | IRRIGATION | (1) | ADA | |
| 02N | 01W | 35 | NE SW | 28.0 | 01 | IRRIGATION | (1) | ADA | |
| 02N | 01W | 35 | NW SW | 36.0 | 01 | IRRIGATION | (1) | ADA | |
| 02N | 01W | 35 | NE SE | 40.0 | 01 | IRRIGATION | (1) | ADA | |
| 02N | 01W | 35 | NW SE | 29.0 | 01 | IRRIGATION | (1) | ADA | |

Total Acres: 363.0

+ - - - - Diversion Means -

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

Prefix Translation:

----- Remarks -----
 LICENSE INCORRECTLY LISTS TOTAL AC. IRR. = 290.

- - Old Water Right Numbers - -
No Old Water Right Numbers found.

- - - Conditions of Approval - - -
No Conditions of Approval found.

+ - - - Decree Defendant - - - +

- - -Comments- - -
No Comments Found

Water Rights Dates and Flags Area

| | | | | | | | |
|-------------------|---|------------|-----------------|---|------------|--------------------|---|
| Proof Due Date | - | 00/00/0000 | Field Exam Made | - | 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - | 00/00/0000 | Protested Date | - | 00/00/0000 | Swan Falls | - |
| Proof Made Date | - | 00/00/0000 | Hearing Date | - | 00/00/0000 | Temporary Right | - |
| Exam to S.O. Date | - | 00/00/0000 | Verified Date | - | 05/06/1985 | DLE/Carey Act | - |
| Order Show Cause | - | 00/00/0000 | Receipt Number | - | | Water District | - |
| Licensed Date | - | 08/28/1979 | Appl Received | - | 00/00/0000 | Transfer/Amended | - |
| Decree Date | - | 00/00/0000 | Name Connector | - | | POU Ownership Flag | - |
| Presumption Flag | - | | | | | | |

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-03170

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 30 2007

By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634

SOURCE: GROUND WATER

QUANTITY: 4.06 CFS
1605.20 AFY

The total instantaneous diversion of water from all points of
diversion under water right nos. 63-3093, 63-3170, 63-8087,
63-18592 and 63-18594 shall not exceed 9.25 cfs, nor a total
combined annual volume of 3620.6 af for irrigation of 382.0
total acres.

PRIORITY DATE: 09/17/1959

POINT OF DIVERSION: T02N R01W S35 NESE Within Ada County
SENW
NESW
NWSE
SWSE

| PURPOSE AND
PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|----------------|-------------------------|
| | Irrigation | 03-01 TO 11-15 | 3.57 CFS
1503.00 AFY |
| | Stockwater | 01-01 TO 12-31 | 0.49 CFS
51.60 AFY |
| | Commercial | 01-01 TO 12-31 | 0.49 CFS
50.60 AFY |

| PLACE OF USE: | Irrigation | Within Ada County |
|---------------|---------------|-------------------|
| | T02N R01W S26 | SWSW 4.0 |
| | S35 | NENE 19.0 |
| | | SWNE 40.0 |
| | | NENW 30.0 |
| | | SWNW 40.0 |
| | | NESW 13.0 |
| | | NESE 38.0 |
| | | SESE 11.0 |
| | | NWNE 26.0 |
| | | SENE 40.0 |
| | | NWNW 39.0 |
| | | SENW 40.0 |
| | | NWSW 30.0 |
| | | NWSE 12.0 |

382.0 Acres Total

| Stockwater | Within Ada County |
|---------------|-------------------|
| T02N R01W S26 | SWSW |
| S35 | NENE |
| | SWNE |
| | NENW |
| | SWNW |
| | NESW |
| | SESW |
| | NWSE |
| | SESE |

| Commercial | Within Ada County |
|---------------|-------------------|
| T02N R01W S35 | NESW |
| | NWSE |

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

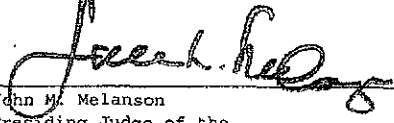
This right is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR; I.R.C.P. 60(A) was mailed on August 30, 2007, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634
Phone: 208-922-1179

ORDER

Page 1 8/30/07

FILE COPY FOR 01184

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 30 2007

By _____ Clerk
L DISTRICT OF THE _____ Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

Case No. 39576

**ORDER OF AMENDED PARTIAL DECREE
TO CORRECT CLERICAL ERROR; I.R.C.P
60(a)**

For Water Right: 63-03170

A *Partial Decree* was issued for the above-captioned water right on May 14, 2007. On July 2, 2007, the Court issued a *Notice of Court's Intent to Issue Amended Partial Decree and Notice of Hearing Thereon* to correct a clerical error. A hearing was held on the *Court's Notice of Intent* on August 23, 2007. The United States appeared through counsel and objected to the Court adding the description of T02N R01W S35 SWSW as a place of use for stockwater because the description was previously deleted pursuant to a *Standard Form 5*. The Court concurs with the United States.

Therefore, IT IS HEREBY ORDERED that pursuant to I.R.C.P. 60(a) the *Partial Decree* previously issued for water right **63-03170** is hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED:

August 30, 2007


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER OF AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR; I.R.C.P 60(a)

RECEIVED

JUL 06 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 JUL 5 PM 4 19

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

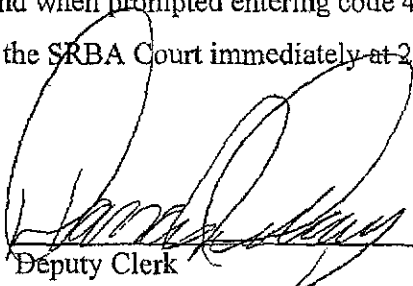
Case No. 39576

Subcase 63-3170

NOTICE RESETTING HEARING ON
COURT'S INTENT TO ISSUE AMENDED
PARTIAL DECREE

NOTICE IS GIVEN that hearing on the *Court's Intent to Issue Amended Partial Decree* in the above subcase, currently set for Tuesday, August 21, 2007, is reset and will be heard on **Thursday, August 23, at 1:30 pm Pacific Time**, at the United States District Courthouse, Main Floor Courtroom, 205 North 4th Street, Coeur d'Alene, ID 83814. Parties may participate by telephone by dialing the number 1-918-583-3445 and when prompted entering code 406128. If you have any difficulty connecting to this call, call the SRBA Court immediately at 208-736-3011.

Dated July 5, 2007.


Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE RESETTING HEARING ON COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE was mailed on July 05, 2007, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634
Phone: 208-922-1179

RECEIVED

JUL 03 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL - 2 2007

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

) Subcase 63-03170
)
)

Case No. 39576

) NOTICE OF COURT'S INTENT TO ISSUE
) AMENDED PARTIAL DECREE AND
) NOTICE OF HEARING THEREON

A *Partial Decree* was issued for water right 63-03170 on May 14, 2007. On May 29, 2007, the Court received correspondence from the Idaho Department of Water Resources identifying certain clerical errors in the *Special Master's Report on & Recommendation* that were carried over into the *Partial Decree*. Specifically, the place of use element should include entries for stockwater at T02N R01W S35 SWSW and commercial at T02N R01W S35 NWSW. The Court finds that this was a clerical error.

Accordingly, it is the Court's intent to issue an *Amended Partial Decree* pursuant to IRCP 60(a) to correct the errors in accordance with the attached.

Therefore, IT IS ORDERED, that a hearing be set for the above subcase at 1:30 p.m. on August 21, 2007, at the Snake River Basin Adjudication Courthouse, 253 - 3rd Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimants is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted.

Dated July 2, 2007.


JOHN M. MELANSON

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

AMENDED

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-03170

NAME AND ADDRESS: VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634

SOURCE: GROUND WATER

QUANTITY: 4.06 CFS
1605.20 AFY

The total instantaneous diversion of water from all points of
diversion under water right nos. 63-3093, 63-3170, 63-8087,
63-18592 and 63-18594 shall not exceed 9.25 cfs, nor a total
combined annual volume of 3620.6 af for irrigation of 382.0
total acres.

PRIORITY DATE: 09/17/1959

POINT OF DIVERSION: T02N R01W S35 NESE Within Ada County
SENE
NESW
NWSE
SWSE

| PURPOSE AND
PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|----------------|-------------------------|
| | Irrigation | 03-01 TO 11-15 | 3.57 CFS
1503.00 AFY |
| | Stockwater | 01-01 TO 12-31 | 0.49 CFS
51.60 AFY |
| | Commercial | 01-01 TO 12-31 | 0.49 CFS
50.60 AFY |

| PLACE OF USE: | Irrigation | Within Ada County |
|---------------|-------------------|---|
| | T02N R01W S26 | SWSW 4.0 |
| | S35 | NENE 19.0
SWNE 40.0
NENW 30.0
SNNW 40.0
NESW 13.0
NESE 38.0
SESE 11.0 |
| | | NWNE 26.0
SENE 40.0
NWNW 39.0
SENE 40.0
NWSW 30.0
NWSE 12.0 |
| | 382.0 Acres Total | |

| | Stockwater | Within Ada County |
|--|---------------|--|
| | T02N R01W S26 | SWSW |
| | S35 | NENE
SWNE
NENW
SNNW
NESW
SWSW
NESE
SWSE |
| | | NWNE
SENE
NWNW
SENE
NWSW
SESW
NWSE
SESE |
| | Commercial | Within Ada County |
| | T02N R01W S35 | NESW
NWSE |

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

This right is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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.

DRAFT

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE AND NOTICE OF HEARING THEREON was mailed on July 02, 2007, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634
Phone: 208-922-1179

NOTICE

Page 1 7/02/07

FILE COPY FOR 01184


Deputy Clerk

RECEIVED

JUL 03 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL - 2 2007

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Subcase 63-03170

Case No. 39576

NOTICE OF COURT'S INTENT TO ISSUE
AMENDED PARTIAL DECREE AND
NOTICE OF HEARING THEREON

A *Partial Decree* was issued for water right 63-03170 on May 14, 2007. On May 29, 2007, the Court received correspondence from the Idaho Department of Water Resources identifying certain clerical errors in the *Special Master's Report on & Recommendation* that were carried over into the *Partial Decree*. Specifically, the place of use element should include entries for stockwater at T02N R01W S35 SWSW and commercial at T02N R01W S35 NWSW. The Court finds that this was a clerical error.

Accordingly, it is the Court's intent to issue an *Amended Partial Decree* pursuant to IRCP 60(a) to correct the errors in accordance with the attached.

Therefore, IT IS ORDERED, that a hearing be set for the above subcase at 1:30 p.m. on August 21, 2007, at the Snake River Basin Adjudication Courthouse, 253 - 3rd Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimants is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted.

Dated July 2, 2007.

JOHN M. MELANSON

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

AMENDED

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-03170

NAME AND ADDRESS: VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634

SOURCE: GROUND WATER

QUANTITY: 4.06 CFS
1605.20 AFY

The total instantaneous diversion of water from all points of
diversion under water right nos. 63-3093, 63-3170, 63-8087,
63-18592 and 63-18594 shall not exceed 9.25 cfs, nor a total
combined annual volume of 3620.6 af for irrigation of 382.0
total acres.

PRIORITY DATE: 09/17/1959

POINT OF DIVERSION: T02N R01W S35 NENE Within Ada County
 SENE
 NESW
 NWSE
 SWSE

| PURPOSE AND
PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|----------------|-------------------------|
| | Irrigation | 03-01 TO 11-15 | 3.57 CFS
1503.00 AFY |
| | Stockwater | 01-01 TO 12-31 | 0.49 CFS
51.60 AFY |
| | Commercial | 01-01 TO 12-31 | 0.49 CFS
50.60 AFY |

| PLACE OF USE: | Irrigation | | Within Ada County |
|---------------|-------------------|-----------|-------------------|
| | T02N R01W S26 | SWSW 4.0 | |
| | S35 | NENE 19.0 | NWNE 26.0 |
| | | SWNE 40.0 | SENE 40.0 |
| | | NENW 30.0 | NWNW 39.0 |
| | | SWNW 40.0 | SENW 40.0 |
| | | NESW 13.0 | NWSW 30.0 |
| | | NESE 38.0 | NWSE 12.0 |
| | | SESE 11.0 | |
| | 382.0 Acres Total | | |

| Stockwater | | Within Ada County |
|---------------|------|-------------------|
| T02N R01W S26 | SWSW | |
| S35 | NENE | NWNE |
| | SWNE | SENE |
| | NENW | NWNW |
| | SWNW | SENW |
| | NESW | NWSW |
| | SWSW | SESW |
| | NESE | NWSE |
| | SWSE | SESE |

| Commercial | | Within Ada County |
|---------------|------|-------------------|
| T02N R01W S35 | NESW | NWSW |
| | NWSE | |

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

This right is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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.

DRAFT

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE AND NOTICE OF HEARING THEREON was mailed on July 02, 2007, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634
Phone: 208-922-1179

NOTICE

Page 1 7/02/07

FILE COPY FOR 01184


Deputy Clerk

DISTRICT COURT - SRBA
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 19576)
)
) Water Right 63-03170

2007 MAR 27 AM 11 43

NAME AND ADDRESS: VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634

SOURCE: GROUND WATER

QUANTITY: 4.06 CFS
1605.20 AFY

The total instantaneous diversion of water from all points of diversion under water right nos. 63-3093, 63-3170, 63-8087, 63-18592 and 63-18594 shall not exceed 9.25 cfs, nor a total combined annual volume of 3620.6 af fro irrigation of 382.0 total acres.

PRIORITY DATE: 09/17/1959

POINT OF DIVERSION: T02N R01W S35 NESE Within Ada County
SENE
NESW
NWSE
SWSE

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------------------|----------------|----------------|-------------------------|
| Irrigation | | 03-01 TO 11-15 | 3.57 CFS
1503.00 AFY |
| Stockwater | | 01-01 TO 12-31 | 0.49 CFS
51.60 AFY |
| Commercial | | 01-01 TO 12-31 | 0.49 CFS
50.60 AFY |

| PLACE OF USE: | Irrigation | Within Ada County |
|---------------|------------|-------------------|
| T02N R01W S26 | SWSW 4.0 | NWNE 26.0 |
| S35 | NENE 19.0 | SENE 40.0 |
| | SWNE 40.0 | NWNW 39.0 |
| | NENW 30.0 | SENN 40.0 |
| | SWNW 40.0 | NWSW 30.0 |
| | NESW 13.0 | NWSE 12.0 |
| | NESE 38.0 | |
| | SESE 11.0 | |

382.0 Acres Total

| Stockwater | Within Ada County |
|---------------|-------------------|
| T02N R01W S26 | SWSW |
| S35 | NENE |
| | SWNE |
| | NENW |
| | SWNW |
| | NESW |
| | NESW |
| | NESE |
| | SWSE |

| Commercial | Within Ada County |
|---------------|-------------------|
| T02N R01W S35 | NESW |
| | NWSE |

This right is limited to the irrigation of 334 acres within the

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

place of use described above in a single irrigation season.

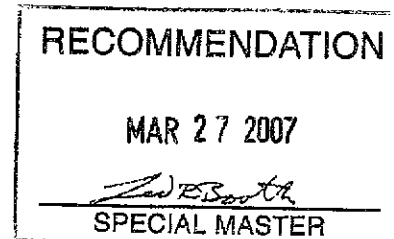
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



Due 3/20/07

Shurte, Jan

From: Shurte, Jan
Sent: Friday, March 02, 2007 3:15 PM
To: 'Fredric_Price@blm.gov'; 'Larry.Brown@usdoj.gov'
Cc: Harvey, Becky; Favreau, Danielle
Subject: RE: 63-03170; Claimant: Vander Stelt Dairy

Fred & Becky,

Sandy has completed correcting all 3 rights to match the transfer previously approved. The stock water pou in the SWSW, S. 35, T2N, Rge. 1W has been left out of 63-3170 & 63-8087. 63-3093 was for irrigation only and did not include stock water. The other two water rights 63-18592 & 63-18594 were decreed in 2000 and I do not believe anything can be done about them at this time. The decrees were issued in 2/2000 and the transfer approved in 5/2000 which did include the SWSW, S35, T2n R. 1W. It did not appear to be protested and was approved, however, if you wish to speak further with the allocations staff you could contact Shelly Keen.

On another subject, I (with help from Danielle Favreau) am putting together the large places of use for 63-183, Pioneer Ditch Co., (aka Little Pioneer Ditch Co.) to delete Lot 7 (now known as Lot 9 (NWSE), S17, T1N, R1W) to handle BLM's settlement portion of this right although there are other objections. On the Pleasant Valley Irrigation Co. it looks like we need to delete the SESE, S. 19, T2N, R2E. Removing it from the claim data is not necessary since it will not be decreed and the recommendation is the only one to be decreed. It does not matter if the claim has that 1/41/4 on it - it will not give the claimant any further ground. As far as the stock water place of use goes, it was claimed in the 5 1/41/4's you spoke of. Mel put it on only 63-329B and it was also claimed on all the others. It appears to me that he meant to put it on all of the others, however, the large place of use data entry wiped it out. If you would like we can put those 5 1/41/4's on as a part of the settlement - which you may have already done. Otherwise we do assume it covers the entire place of use for irrigation as it is listed with no pou.

On Farmer's Union Ditch Co. it appears we need to delete the NWSW, S26; SESW, SESE, S27, NESE, NWSE, S31, T5N, R1W as a part of the large place of use. Please let us know on all of these if it is the entire 1/41/4, a portion or if it is a snapping issued.

If you agree with this memo we should be able to settle these prior to the hearings. We will complete the changes and send you a CD of the large places of use to go with the SF5's for signature as soon as we hear from you.

Thank you for your patience in this time of transition for the Department.

Jan Shurte
Water Rights Supervisor
Adjudication Section
Western Region
(208) 334-2190

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Friday, March 02, 2007 12:16 PM
To: Harvey, Becky; Spencer, Nick; Shurte, Jan
Cc: larry.brown@usdoj.gov
Subject: Fw: 63-03170; Claimant: Vander Stelt Dairy

*No change
in total area
on any of
these.*

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

Subcase No. 63-3170

STANDARD FORM 5

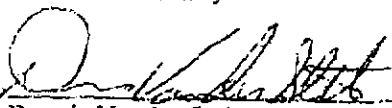
STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):
Vander Stelt Dairy

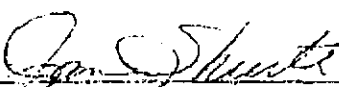
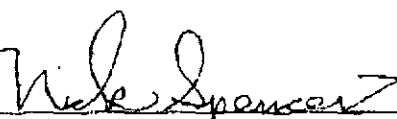

Dennis Vander Stelt Date 3-19-07

OBJECTOR(s):
USDI-BLM


Larry Brown FWP Date 3/20/07
Trial Attorney, General Litigation Section
U.S. Dept. of Justice

STANDARD FORM 5 - 63-3170

IDWR Concurrence:

| | |
|---|--|
|  |  |
| <u>Jan Shurtz</u> | <u>Nicholas B. Spender</u> |
| Adjudication Supervisor | Deputy Attorney General |
| <u>3-14-07</u> | <u>3-14-07</u> |
| Date | Date |

SF5 Right No. 63-3170

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3170

NAME AND ADDRESS:

VANDER STELT DAIRY
2777 SWAN FALLS RD
KONA ID 83634

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

4.060 CFS
1,605.200 AFY

The total instantaneous diversion of water from all points of diversion under water right nos. 63-3023, 63-3170, 63-8087, 63-18594 and 63-18594 shall not exceed 9.25 cfs, nor a total combined annual volume of 3520.6 af for irrigation of 302.0 total acres.

PRIORITY DATE: 09/17/1959

POINT OF DIVERSION:

T02N R01W S35 SEW4
Within ADA County

T02N R01W S35 NEW4
Within ADA County

T02N R01W S35 NESE
Within ADA County

T02N R01W S35 N4SE
Within ADA County

T02N R01W S35 SWSE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use: Quantity:

IRRIGATION

03/01 11/15
03/15 11/15

3.570 CFS 1,503.00 AFY

STOCKWATER

01/01 12/31

0.490 CFS 51.60 AFY

COMMERCIAL

01/01 12/31

0.490 CFS 50.60 AFY

~~THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 16 UNDER THIS RIGHT IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATE EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DEPTH IS ENTERED FOR THIS RIGHT.~~

SF5 Right No. 63-3170

SF5 Right No. 63-3170

PG. 22 OF 388

IRRIGATION

T02N R01W S26 SWSW 4.0
T02N R01W S35 NENE 10.0
T02N R01W S35 NENE 25.0
T02N R01W S35 SENE 43.0
T02N R01W S35 SENE 40.0
T02N R01W S35 NENE 30.0
T02N R01W S35 NENE 39.0
T02N R01W S35 SWNW 40.0
T02N R01W S35 SWNW 40.0
T02N R01W S35 SWNW 40.0
T02N R01W S35 NENE 13.0
T02N R01W S35 NENE 30.0
T02N R01W S35 NESE 32.0
T02N R01W S35 NWSE 12.0
T02N R01W S35 SESE 11.0

STOCKWATER

T02N R01W S26 SWSW
T02N R01W S35 NENE
T02N R01W S35 NENE
T02N R01W S35 SWNE
T02N R01W S35 SENE
T02N R01W S35 SENE
T02N R01W S35 NENE
T02N R01W S35 SWNW
T02N R01W S35 SENE
T02N R01W S35 NENE
T02N R01W S35 NWSE
T02N R01W S35 NWSE

T02N R01W S35 SENE
T02N R01W S35 SESE
T02N R01W S35 NWSE
T02N R01W S35 NWSE
T02N R01W S35 SENE

COMMERCIAL

T02N R01W S35 NENE
T02N R01W S35 NWSE

T02N R01W S35 NWSE

382 ACRES TOTAL

within ADA County

~~T02N R01W S35 NENE 25.0~~

~~T02N R01W S35 NENE 30.0~~

~~T02N R01W S35 SWNW 40.0~~

~~T02N R01W S35 NENE 14.0~~

~~T02N R01W S35 SWNW 40.0~~

~~T02N R01W S35 NWSE 16.0~~

within ADA County

~~T02N R01W S35 SWSW~~

within ADA County

~~T02N R01W S35 NESE~~

334 ACRES TOTAL

This right is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.

SF5 Right No. 63-3170

Mar 19 07 02:51p

Vendor Stelt Dairy

208 922 3592

p.7

SF5 Right No. 63-3170

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. Section 42-1412(6), Idaho Code.

~~The combined instantaneous diversion of water from all points of diversion under Transfer 5460 shall not exceed 9.25 cfs, nor total combined annual volume of 3624.6 ac-ft for irrigation of 382.0 total acres.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM: License

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The right holder shall accomplish the change authorized by Transfer 5460 within one (1) year of the date of approval.

~~Commercial use is for 2000 dairy cows~~

~~This right when combined with all other rights shall provide no more than 34 cfs per acre not more than 4.5 cfs per acre for irrigation of the lands above.~~

JK
NBS

D/S
FUP

DN

SF5 Right No. 63-3170

CERTIFICATE OF MAILING

I certify that on 3-20, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

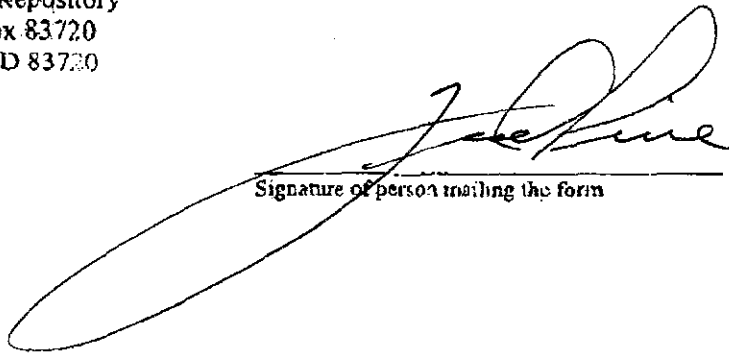
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

USDI Bureau of Reclamation
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Vander Stelt Dairy
2777 Swan Falls Rd.
Kuna, ID 83634

IDWR Repository
P.O. Box 83720
Boise, ID 83720


Signature of person mailing the form

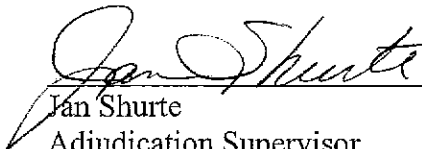
| | | |
|----------------|---|---------------------------------|
| In Re SRBA |) | Subcase No. 63-3170 |
| |) | |
| Case No. 39576 |) | |
| |) | STANDARD FORM 5 |
| |) | |
| |) | STIPULATED ELEMENTS OF A |
| |) | WATER RIGHT |

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR(s):
USDI-BLM

Larry Brown
Trial Attorney, General Litigation Section
U.S. Dept. of Justice

IDWR Concurrence:

 3-14-07
Jan Shurte Date
Adjudication Supervisor

Nicholas B. Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on _____, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

USDI Bureau of Reclamation
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Vander Stelt Dairy
2777 Swan Falls Rd.
Kuna, ID 83634

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Signature of person mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3170

NAME AND ADDRESS:

VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA ID 83634

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

4.060 CFS

1,605.200 AFY

The total instantaneous diversion of water from all points of diversion under water right nos. 63-3093, 63-3170, 63-8087, 63-18592 and 63-18594 shall not exceed 9.25 cfs, nor a total combined annual volume of 3620.6 af for irrigation of 382.0 total acres.

PRIORITY DATE:

09/17/1959

POINT OF DIVERSION:

T02N R01W S35 SENW
Within ADA CountyT02N R01W S35 NESW
Within ADA CountyT02N R01W S35 NESE
Within ADA CountyT02N R01W S35 NWSE
Within ADA CountyT02N R01W S35 SWSE
Within ADA CountyPURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use: Quantity:

IRRIGATION

03/01 11/15

3.570 CFS

1,503.00 AFY

~~03/15 11/15~~

STOCKWATER

01/01 12/31

0.490 CFS

51.60 AFY

COMMERCIAL

01/01 12/31

0.490 CFS

50.60 AFY

~~THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.~~

PLACE OF USE:

IRRIGATION

T02N R01W S26 SWSW 4.0
T02N R01W S35 NENE 19.0
T02N R01W S35 NWNE 26.0
T02N R01W S35 SWNE 40.0
T02N R01W S35 SENE 40.0
T02N R01W S35 NENW 30.0
T02N R01W S35 NWNW 39.0
T02N R01W S35 SWNW 40.0
T02N R01W S35 SENW 40.0
T02N R01W S35 NESW 13.0
T02N R01W S35 NWSW 30.0
T02N R01W S35 NESE 38.0
T02N R01W S35 NWSE 12.0
T02N R01W S35 SESE 11.0

within ADA County

~~T02N R01W S35 NWNE 25.0~~

~~T02N R01W S35 NENW 28.0~~

~~T02N R01W S35 SWNW 39.0~~

~~T02N R01W S35 NESW 14.0~~

~~T02N R01W S35 NWSW 36.0~~

~~T02N R01W S35 NWSE 16.0~~

STOCKWATER

T02N R01W S26 SWSW
T02N R01W S35 NENE
T02N R01W S35 NWNE
T02N R01W S35 SWNE
T02N R01W S35 SENE
T02N R01W S35 NENW
T02N R01W S35 NWNW
T02N R01W S35 SWNW
T02N R01W S35 SENW
T02N R01W S35 NESW
T02N R01W S35 NWSW

within ADA County

~~T02N R01W S35 SWSW~~

T02N R01W S35 SESW
T02N R01W S35 NESE
T02N R01W S35 NWSE
T02N R01W S35 SWSE
T02N R01W S35 SESE

COMMERCIAL

T02N R01W S35 NESW
T02N R01W S35 NWSW

Within ADA County

~~T02N R01W S35 NESE~~

T02N R01W S35 NWSE

382 ACRES TOTAL

~~334 ACRES TOTAL~~

This right is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. Section 42-1412(6), Idaho Code.

~~The total instantaneous diversion of water from all points of diversion under Transfer 5460 shall not exceed 9.25 cfs, nor total combined annual volume of 3620.6 af for irrigation of 382.0 total acres~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The right holder shall accomplish the change authorized by Transfer 5460 within one (1) year of the date of approval.

~~Commercial use is for 2000 dairy cows~~

~~This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.~~

02/22/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3170

NAME AND ADDRESS: VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA ID 83634

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.060 CFS
1,605.200 AFY

The total instantaneous diversion of water from all points of diversion under water right nos. 63-3093, 63-3170, 63-8087, 63-18592 and 63-18594 shall not exceed 9.25 cfs, nor a total combined annual volume of 3620.6 af for irrigation of 382.0 total acres.

PRIORITY DATE: 09/17/1959

POINT OF DIVERSION:

T02N R01W S35 SENW Within ADA County
T02N R01W S35 NESW Within ADA County
T02N R01W S35 NESE Within ADA County
T02N R01W S35 NWSE Within ADA County
T02N R01W S35 SWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|----------------------------------|---------------------------|
| COMMERCIAL | 01/01 12/31 | 0.490 CFS
50.60 AFY |
| STOCKWATER | 01/01 12/31 | 0.490 CFS
51.60 AFY |
| IRRIGATION | 03/15 11/15 3/1 11/15 | 3.570 CFS
1,503.00 AFY |

~~THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.~~

PLACE OF USE: IRRIGATION in ADA County

| | | | | | |
|---------------|------|-------|---------------|------|-------|
| T02N R01W S26 | SWSW | 4.00 | T02N R01W S35 | NENE | 19.00 |
| T02N R01W S35 | NWNE | 26.00 | T02N R01W S35 | SWNE | 40.00 |
| T02N R01W S35 | SENE | 40.00 | T02N R01W S35 | NENW | 30.00 |
| T02N R01W S35 | NWNW | 39.00 | T02N R01W S35 | SWNW | 40.00 |
| T02N R01W S35 | SENE | 40.00 | T02N R01W S35 | NESW | 13.00 |

| | | | | | |
|---------------|------|-------|---------------|------|-------|
| T02N R01W S35 | NWSW | 30.00 | T02N R01W S35 | NESE | 38.00 |
| T02N R01W S35 | NWSE | 12.00 | T02N R01W S35 | SESE | 11.00 |

STOCKWATER in ADA County

| | | | | | |
|---------------|------|--|---------------|------|--|
| T02N R01W S26 | SWSW | | T02N R01W S35 | NENE | |
| T02N R01W S35 | NWNE | | T02N R01W S35 | SWNE | |
| T02N R01W S35 | SENE | | T02N R01W S35 | NENW | |
| T02N R01W S35 | NWNW | | T02N R01W S35 | SWNW | |
| T02N R01W S35 | SENW | | T02N R01W S35 | NESW | |
| T02N R01W S35 | NWSW | | T02N R01W S35 | SESW | |
| T02N R01W S35 | NESE | | T02N R01W S35 | NWSE | |
| T02N R01W S35 | SWSE | | T02N R01W S35 | SESE | |

COMMERCIAL in ADA County

| | | | | | |
|---------------|------|--|---------------|------|--|
| T02N R01W S35 | NESW | | T02N R01W S35 | NWSW | |
| T02N R01W S35 | NWSE | | | | |

382 ACRES TOTAL

This right is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The right holder shall accomplish the change authorized by Transfer 5460 within one (1) year of the date of approval.

~~This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.~~

Western

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 17 2000

WATER RESOURCES
WESTERN REGION

TRANSFER OF WATER RIGHT

TRANSFER NO. 5460
WATER RIGHT NO(S). 63-03093/63-03170/63-08087
63-18592/63-18594

This is to certify that: VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA ID 83642

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. 63-03093 : | | | |
| Priority: 08/21/1956 | | | |
| IRRIGATION | 03/01 to 11/15 | 1.73 CFS | 508.5 AF |
| Right No. 63-03170 : | | | |
| Priority: 09/17/1959 | | | |
| IRRIGATION | 03/01 to 11/15 | 3.57 CFS | 1503.0 AF |
| STOCKWATER | 01/01 to 12/31 | 0.49 CFS | 51.6 AF |
| COMMERCIAL | 01/01 to 12/31 | 0.49 CFS | 50.6 AF |
| | | <hr/> 4.06 CFS | <hr/> 1605.2 AF |
| Right No. 63-08087 : | | | |
| Priority: 02/19/1975 | | | |
| IRRIGATION | 03/01 to 11/15 | 2.82 CFS | 1451.7 AF |
| STOCKWATER | 01/01 to 12/31 | 0.18 CFS | 19.1 AF |
| COMMERCIAL | 01/01 to 12/31 | 0.18 CFS | 18.7 AF |
| | | <hr/> 3.00 CFS | <hr/> 1489.5 AF |
| Right No. 63-18592 : | | | |
| Priority: 08/30/1978 | | | |
| STOCKWATER | 01/01 to 12/31 | 0.23 CFS | 14.6 AF |
| Right No. 63-18594 : | | | |
| Priority: 04/01/1985 | | | |
| STOCKWATER | 01/01 to 12/31 | 0.23 CFS | 2.8 AF |
| TOTAL: | | <hr/> 9.25 CFS * | <hr/> 3620.6 AF * |

SOURCE

GROUNDWATER

TRANSFER NO. 5460
WATER RIGHT NO(S) . 63-03093/63-03170/63-08087
63-18592/63-18594

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 35, Township 02N, Range 01W
 NESW , Sec. 35, Township 02N, Range 01W
 NESE , Sec. 35, Township 02N, Range 01W
 NWSE , Sec. 35, Township 02N, Range 01W
 SWSE , Sec. 35, Township 02N, Range 01W
 ADA 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> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 02N | 01W | 26 | SWSW 4 | | | 4 |
| | | 35 | NENE 19 | NWNE 26 | SWNE 40 | |
| | | | SENE 40 | NENW 30 | NWNW 39 | |
| | | | SWNW 40 | SENE 40 | NESW 13 | |
| | | | NWSW 30 | NESE 38 | NWSE 12 | |
| | | | SESE 11 | | | 378 |
| Total number of acres irrigated: | | | | | | 382 ** |

PLACE OF USE: STOCKWATER

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | | | |
|------------|------------|------------|------|---------------------|--------|
| 02N | 01W | 26 | SWSW | NWNE | SWNE |
| | | 35 | NENE | NENW | NWNW |
| | | | SENE | SENE | NESW |
| | | | SWNW | SWSW MIT | SESW - |
| | | | NWSW | NWSE | SWSE - |
| | | | NESE | | |
| | | | SESE | | |

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5460
WATER RIGHT NO(S). 63-03093/63-03170/63-08087
63-18592/63-18594

CONDITIONS OF APPROVAL AND REMARKS

- X 5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- + 6. 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.
- / 7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- / * 8. The total instantaneous diversion of water from all points of diversion under Transfer 5460 shall not exceed 9.25 cfs, nor total combined annual volume of 3620.6 af for irrigation of 382.0 total acres.
- ** 9. Right 63-03093 is limited to the irrigation of 113 acres within the place of use described above in a single irrigation season.
- / ** 10. Right 63-03170 is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.
- / 11. Commercial use for the dairy is located in the NESW, NWSW, and NWSE, S35, T2N, R1W.
- 12. The quantity of water decreed for stockwater use under Right 63-18592 is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
- 13. The quantity of water decreed for stockwater use under Right 63-18594 is not a determination of historical beneficial use and shall not exceed 2,500 gallons per day.

Dated this 15th day of May, 2000.


Chief, Water Allocation Bureau

Page 1 of 14STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5460

APPLICATION FOR TRANSFER OF WATER RIGHT

REVISIONS

APPROVED BY: Daniel Vander Stelt PART 1Name of applicant VANDER STELT DAIRY Phone 922-4649
Post Office address 2777 SWAN FALLS RD KUNA ID 83642

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant wishes to add a new well to the vander stelt system and update water rights to reflect recent dairy expansion (cows + ponds, not cows) and combined system

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE SEE ATTACHMENT A

| 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|----------------------|----------------------|------------------------|------------------|--------------------------|
| ALB-03097 | 8/21/1956 | 1.73/508.5 | Irrig | 3/15 to 11/15 |
| ALB-03170 | 9/17/1954 | 3.67/1175.5 | Irrig | 3/15 to 11/15 |
| | | .39/131.6 | Comm | 1/1 to 12/31 |
| ALB-08087 | 2/19/1975 | 2.72/75 | Irrig | 3/15 to 11/15 |
| | | | Comm | 1/1 to 12/31 |

2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.

3. Source of water ground water tributary to _____4. Point(s) of Diversion: NW SE S.35 T2N R1W existing

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | SE | NW | 35 | 2N | 1W | ADA | existing |
| | | NW | SE | | | | | " |
| | | NW | SW | | | | | " |
| | NW | SW | SE | | | | | proposed |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|---|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-----------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 2N | 1W | 26 | | | | | | | | | | | 4 | | | | | | 4 |
| | | 35 | 19 | 26 | 40 | 40 | 30 | 39 | 40 | 40 | 13 | 30 | | | 38 | 12 | | 11 | 378 |
| | | | | | | | | | | | C | C | | | C | | | | Dairy |
| | | | | | | | | | | | C | C | C | C | C | C | C | C | land appl |
| NOTE | | | | | | | | | | | | | | | | | | | |
| COMMERCIAL & STOCK WATER USES DECIDE IN | | | | | | | | | | | | | | | | | | | |
| ALL OF S.35 plw SW SW S.26 | | | | | | | | | | | | | | | | | | | |

WR5809NP
No. 63-03093

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/10/99
PAGE: 1

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|-----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C | POTTER LAND CO. | 08/21/1956 | IRRIGATION | 00/00 00/00 | 1.730 CFS | |
| TOTAL DIVERSION: | | | | | 1.730 CFS | |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02N R01W S35 SENW ADA County

Place of use Legal Description for: IRRIGATION

| NE | | | | NW | | | | SW | | | | SE | | | | | | | |
|-------------|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-------|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM |
| 02N | 01W | 35 | : | | | 40 | | 20 | : | 23 | | | | 30 | : | | | : | 113.0 |
| TOTAL ACRES | | | | | | | | | | | | | | | | | | 113.0 | |

Pou County: ADA

| | | | |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received: | Priority Date: | 08/21/1956 |
| | Proof Due Date: | Proof Made Date: | |
| | Exam Made Date: | Exam Sent to S.O.: | |
| | Licensed Date: | | 08/28/1979 |

Misc: Water District Number: Field Exam Fee:

Audit: 05/06/85 05/01/88 CONVERT

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WR5809NP
No. 63-03170

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/10/99
PAGE: 2

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|-------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C | JOHN RUSSELL COWE | 09/17/1959 | IRRIGATION | 00/00 00/00 | 4.060 CFS | |
| TOTAL DIVERSION: | | | | | 4.060 CFS | |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02N R01W S35 SENW NESE ADA County

Place of use Legal Description for: IRRIGATION

| NE | | | | NW | | | | SW | | | | SE | | | | | | | | | | | | |
|-------------|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|-------|-------|
| T | R | S | | NENE | NWNE | SWNE | SENE | : | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : | SUM |
| | | | | Lt | Ac | Lt | Ac | | Lt | Ac | Lt | Ac | | Lt | Ac | Lt | Ac | | Lt | Ac | Lt | Ac | | |
| 02N | 01W | 35 | : | 19 | 25 | | 40 | : | 28 | 39 | 39 | 40 | : | 28 | 36 | | | : | 40 | 29 | | | : | 363.0 |
| TOTAL ACRES | | | | | | | | | | | | | | | | | | | | | | | 363.0 | |

Pou County: ADA

Remarks: GEN LICENSE INCORRECTLY LISTS TOTAL AC. IRR. = 290. - ?

Dates: App. Received: Priority Date: 09/17/1959
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 05/06/85 05/01/88 CONVERT

By 5 of 14

WR5809NP
No. 63-08087

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/10/99
PAGE: 3

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|--------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C | VANDER STELT DAIRY | 02/19/1975 | IRRIGATION | 04/01 10/31 | 3.000 CFS | 1267.50 AFA |
| TOTAL DIVERSION: | | | | | 3.000 CFS | 1267.50 AFA |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02N R01W S35

NESW

ADA County

Place of use Legal Description for: IRRIGATION

| NE | | | | NW | | | | SW | | | | SE | | | | | | | | | | | | | | | | | | | | |
|-------------|-----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|-------|----|------|-------|--|
| NENE | | NWNE | | SWNE | | SENE | | NENW | | NWNW | | SWNW | | SENW | | NESW | | NWSW | | SWSW | | SESW | | NESE | | NWSE | | SWSE | | SESE | | |
| T | R | S | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | SUM | |
| 02N | 01W | 26 | : | | | | | | : | | | | | | | | | | | | | | | | | | | | | | | |
| 02N | 01W | 35 | : | 18 | 26 | 40 | 40 | : | 30 | 38 | 40 | 40 | : | 23 | 33 | | | | | | | | | 40 | 40 | | | | | | 408.0 | |
| TOTAL ACRES | | | | | | | | | | | | | | | | | | | | | | | | | | | | 412.0 | | | | |

Pou County: ADA

Conditions of Approval:

- R27 - This right when combined with all other rights shall provide no
- more than 4.5 afa per acre for irrigation of the lands above.

Dates: App. Received: Priority Date: 02/19/1975
Proof Due Date: 03/01/1980 Proof Made Date: 01/01/1900
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 06/20/1983

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/01/88 CONVERT 02/08/98 CLEARFLD

P. 7 of 14

SRBA DIRECTORS REPORT 63-18592

Return to SRBA Home Page

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 63-18592

Name and Address: VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634

Source: GROUNDWATER

Quantity: .23 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

Priority Date: 08-30-1978

Diversion Point: T02N R01W S35 NWSE Within Ada County

| Purpose and
Period of Use: | Purpose of Use | Period of Use | Quantity |
|-------------------------------|----------------|----------------|----------|
| | Stockwater | 01-01 TO 12-31 | .23 CFS |

| | | |
|---------------|---------------|-------------------|
| Place of Use: | Stockwater | Within Ada County |
| | T02N R01W S35 | NWSE NESW |

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - Beneficial Use

STOCKWATER, 1000 DAIRY CATTLE
PARCEL NO. S1335314800

Return to SRBA Home Page

13,000 g/d per SRBA recommendation

Pg 9 of 14

SRBA

DIRECTORS REPORT 63-18594

Return to SRBA Home Page

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 63-18594

Name and Address: VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634

Source: GROUNDWATER

Quantity: .23 CFS

Priority Date: 04-01-1985

Diversion Point: T02N R01W S35 NWSE Within Ada County

| Purpose and
Period of Use: | Purpose of Use | Period of Use | Quantity |
|-------------------------------|----------------|----------------|----------|
| | Stockwater | 01-01 TO 12-31 | .23 CFS |

| | | |
|---------------|---------------|-------------------|
| Place of Use: | Stockwater | Within Ada County |
| | T02N R01W S35 | NWSE NESW |

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - Beneficial Use

STOCKWATER, 500 DAIRY CATTLE
PARCEL NO. S1335314800

Return to SRBA Home Page

2,500 g/d per SRBA recommendation.

pg 11 of 14

SCALE: 2 inches equal 1 mile. Draw plan in ink.

ITEM B1 FOR PAGE 1

DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGE

| Right Number | Priority | Amount (cfs) | Nature of Use | Period of Use |
|--------------|------------|--------------|---------------|----------------|
| 63-03093 | 08-21-1956 | 1.73 | Irrigation | 03-15 to 11-15 |
| 63-03170 | 09-17-1959 | 3.74 | Irrigation | 03-15 to 11-15 |
| | | .32 | Commercial | 01-01 to 12-31 |
| | | .32 | Stockwater | 01-01 to 12-31 |
| 63-08087 | 02-19-1975 | 2.75 | Irrigation | 03-15 to 11-15 |
| | | .25 | Commercial | 01-01 to 12-31 |
| | | .25 | Stockwater | 01-01 to 12-31 |
| 63-18592 | 08-30-1978 | .23 | Stockwater | 01-01 to 12-31 |
| 63-18594 | 04-01-1985 | .23 | Stockwater | 01-01 to 12-31 |

ATTACHMENT A

Daily Fresh Water Requirement For Dairy Facility Worksheet

For: **Vander Stelt Dairy**

Drinking Water Estimates (see Table 1 & 2):

| | | | Number | Use/day | Total
Gal/Day | Total
Gals/Yr. | afa |
|---|-----------|-----------|--------|---------|------------------|-------------------|--------------|
| Milking Cows | | | 1700 | 35 | 59500 | | |
| Dry Cows | | | 300 | 12 | 3600 | | |
| Total Cows | | | 2000 | | 63100 | 23,031,500 | 70.68 |
| Heifers: | Age | % of Herd | Number | Use/day | Total | | |
| | 16-24 mo. | 0.38 | 760 | 10 | 7600 | | |
| | 13-15 mo. | 0.12 | 240 | 8 | 1920 | | |
| | 9-12 mo. | 0.17 | 340 | 6 | 2040 | | |
| | 5-8 mo | 0.17 | 340 | 5 | 1700 | | |
| | 3-4 mo | 0.08 | 160 | 4 | 640 | | |
| | 0-2 mo | 0.08 | 160 | 2.5 | 400 | | |
| Total Heifers | | | 2000 | | 14300 | 5,219,500 | 16.02 |
| Less amount covered by existing Stock water rights | | | | | | | |
| | Right No. | 63-18594 | | 2500 | | | |
| | Right No. | 63-18592 | | 13000 | | | |
| | | | | 15500 | | 5,657,500 | -17.36 |
| Total Herd Drinking Water not covered by stock water rights:(afa) | | | | | | | 69.34 |

Wash Pen Estimate (see table 3):

| | | | | | | | |
|----------------------------|----|------|--|--|-------|------------|--------------|
| GPM discharge/nozzle | | 5.39 | | | | | |
| Number of Nozzles | | 83 | | | | | |
| Minutes run/day: | | 130 | | | | | |
| groups | 13 | | | | | | |
| mins/group | 5 | | | | | | |
| x/day | 2 | | | | | | |
| Total Wash Pen Water Used: | | | | | 58158 | 21,227,707 | 65.15 |

Milk House and Parlor Estimate (see Table 4)

| Item | Gals/Op | x's/day | Gals/day | | | |
|--|---------|---------|---------------|--|-----------|--------------|
| Bulk Tank | 126 | 1 | 126 | | | |
| Pipeline | 140 | 2 | 280 | | | |
| Backflush | 0.5 | 2 | 1700 | | | |
| Cleanup | 1000 | 2 | 2000 | | | |
| Cow Prep | 0.25 | 2 | 850 | | | |
| Plate Cooler(ignore if recycled) | | | | | | |
| Total Milk House and Parlor Water Used: | | | 4956 | | 1,808,940 | 5.55 |
| Total Gals/Day | | | 140514 | | | |
| Total Fresh Water Diverted Annually | | | | | | 140.0 |
| Acres to be taken out of production @ 3.5 allowable afa/acre | | | | | | 40.0 |

Attachment B

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL NUMBER S1335314800

TAX YEAR 1997

| FULL 2ND HALF AMOUNT | LESS PAYMENTS | AMOUNT DUE BY |
|----------------------|---------------|---------------|
| \$261.53 | \$.00 | \$261.53 |

> 6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

MAKE CHECKS PAYABLE TO BARBARA BAUER, ADA COUNTY TREASURER. PAYMENTS BY CHECK SUBJECT TO BANK CLEARANCE.

FOR MORE INFORMATION CALL 364-2233.

IF ANY PORTION OF THE SECOND HALF TAX BECOMES DELINQUENT, YOU WILL BE CHARGED 2 PERCENT LATE CHARGE & 1 PERCENT PER MONTH INTEREST DATING BACK TO JANUARY 1ST.

WE WILL ACCEPT MAILED PAYMENTS AS CURRENT IF POSTMARKED ON OR BEFORE THE DUE DATE.

PAYMENTS POSTMARKED AFTER THE DUE DATE WILL BE APPLIED & A DELINQUENT NOTICE WILL BE SENT FOR THE REMAINING AMOUNT DUE, INCLUDING LATE CHARGE & INTEREST.

VANDER STELT DAIRY
RR 1
KUNA ID 83634-9801

PAR #4800 OF S2
SEC 35 2N 1W
#220000 B
#95015106
02N01W354800

2N 1W 35

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S SWAN FALLS

BILL NUMBER 1-0102838

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL NUMBER R5070500400

TAX YEAR 1997

| FULL 2ND HALF AMOUNT | LESS PAYMENTS | AMOUNT DUE BY |
|----------------------|---------------|---------------|
| \$39.60 | \$.00 | \$39.60 |

> 6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

MAKE CHECKS PAYABLE TO BARBARA BAUER, ADA COUNTY TREASURER. PAYMENTS BY CHECK SUBJECT TO BANK CLEARANCE.

FOR MORE INFORMATION CALL 364-2233.

IF ANY PORTION OF THE SECOND HALF TAX BECOMES DELINQUENT, YOU WILL BE CHARGED 2 PERCENT LATE CHARGE & 1 PERCENT PER MONTH INTEREST DATING BACK TO JANUARY 1ST.

WE WILL ACCEPT MAILED PAYMENTS AS CURRENT IF POSTMARKED ON OR BEFORE THE DUE DATE.

PAYMENTS POSTMARKED AFTER THE DUE DATE WILL BE APPLIED & A DELINQUENT NOTICE WILL BE SENT FOR THE REMAINING AMOUNT DUE, INCLUDING LATE CHARGE & INTEREST.

VANDERSTELT DAIRY
1/2 GABIOLA EUSEBIO
RR 1

LOT 4
KUNA ORCHARD TRACT
010570000040

2N 1W 26

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S TEN MILE

BILL NUMBER 1-0046447

Attachment D
(3 pgs)

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL NUMBER S1335214200
TAX YEAR 1997

| FULL 2ND HALF AMOUNT | LESS PAYMENTS | AMOUNT DUE BY |
|----------------------|---------------|---------------|
| \$4198.83 | \$.00 | \$4198.83 |

-> 6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDER STELT DAIRY
RR 1
KUNA ID 83634-9801

S2NE4 E2NW4 EXC 5A N
OF MORA HILINE CANAL
SEC 35 2N 1W
#314200R
#95015106
02N01W350000

2N 1W 35

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 02399 S SWAN FALLS

BILL NUMBER 1-0102835

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL NUMBER S1335233600
TAX YEAR 1997

| FULL 2ND HALF AMOUNT | LESS PAYMENTS | AMOUNT DUE BY |
|----------------------|---------------|---------------|
| \$171.77 | \$.00 | \$171.77 |

-> 6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDER STELT DAIRY
RR 1
KUNA ID 83634-9801

SW4NW4 & NW4SW4
SEC 35 2N 1W
#231000R
#95015106
02N01W351000

2N 1W 35

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S SWAN FALLS

BILL NUMBER 1-0102837

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL NUMBER S1335223000
TAX YEAR 1997

| FULL 2ND HALF AMOUNT | LESS PAYMENTS | AMOUNT DUE BY |
|----------------------|---------------|---------------|
| \$133.67 | \$.00 | \$133.67 |

-> 6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDER STELT DAIRY
RR 1
KUNA ID 83634-9801

NW4NW4
SEC 35 2N 1W
#220000 B
#95015106
02N01W353000

2N 1W 35

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S SWAN FALLS

BILL NUMBER 1-0102836

MAKE CHECKS PAYABLE TO BARBARA BAUER, ADA
COUNTY TREASURER. PAYMENTS BY CHECK
SUBJECT TO BANK CLEARANCE.

FOR MORE INFORMATION CALL 364-2233.

IF ANY PORTION OF THE SECOND HALF TAX
BECOMES DELINQUENT, YOU WILL BE CHARGED
2 PERCENT LATE CHARGE & 1 PERCENT PER MONTH
INTEREST DATING BACK TO JANUARY 1ST.

WE WILL ACCEPT MAILED PAYMENTS AS CURRENT
IF POSTMARKED ON OR BEFORE THE DUE DATE.

PAYMENTS POSTMARKED AFTER THE DUE DATE
WILL BE APPLIED & A DELINQUENT NOTICE WILL BE
SENT FOR THE REMAINING AMOUNT DUE, INCLUDING
LATE CHARGE & INTEREST.

02

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

2ND HALF TAX BILL

PARCEL NUMBER S1335346610
TAX YEAR 1997

| FULL 2ND HALF AMOUNT | LESS PAYMENTS | AMOUNT DUE BY |
|----------------------|---------------|---------------|
| \$28.35 | \$0.00 | \$28.35 |

6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDER STELT DENNIS C AND
VANDER STELT HENRY D
% VANDER STELT DAIRY

SE4SW4 SE2SE4
SEC 35 2N 1W
#346600-S
#96069487
02N01W356610

2N 1W 35

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S SWAN FALLS

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL NUMBER P2VANDAIRD1
TAX YEAR 1997

| FULL 2ND HALF AMOUNT | LESS PAYMENTS | AMOUNT DUE BY |
|----------------------|---------------|---------------|
| \$1471.20 | \$0.00 | \$1471.20 |

6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDER STELT DAIRY
2777 S SWAN FALLS
KUNA ID 83634-9801

KUNA ORCHARD TRACT

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S TEN MILE

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL NUMBER S1335110500
TAX YEAR 1997

| FULL 2ND HALF AMOUNT | LESS PAYMENTS | AMOUNT DUE BY |
|----------------------|---------------|---------------|
| \$197.10 | \$0.00 | \$197.10 |

6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDER STELT DAIRY
RR 1
KUNA ID 83634-9801

N2NE4 S OF MORA CANAL
SEC 35 2N 1W
#110800R
#95015106
02N01W352400

2N 1W 35

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S SWAN FALLS

MAKE CHECKS PAYABLE TO BARBARA BAUER, ADA
COUNTY TREASURER. PAYMENTS BY CHECK
SUBJECT TO BANK CLEARANCE.

FOR MORE INFORMATION CALL 364-2233.

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BECOMES DELINQUENT, YOU WILL BE CHARGED
2 PERCENT LATE CHARGE & 1 PERCENT PER MONTH
INTEREST DATING BACK TO JANUARY 1ST.

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IF POSTMARKED ON OR BEFORE THE DUE DATE.

PAYMENTS POSTMARKED AFTER THE DUE DATE
WILL BE APPLIED & A DELINQUENT NOTICE WILL BE
SENT FOR THE REMAINING AMOUNT DUE, INCLUDING
LATE CHARGE & INTEREST.

BILL NUMBER 1-0102833

12

Shurte, Jan

From: Harvey, Becky
Sent: Friday, January 19, 2007 7:51 AM
To: Shurte, Jan; Spencer, Nick
Subject: FW: 63-02046, 63-03170 and 63-04397



63-02046 Change
Ownership.pdf



63-03170 sf5.pdf



63-04397 email
05-18-06.pdf

fyi

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Thursday, January 18, 2007 5:20 PM
To: Harvey, Becky
Cc: larry.brown@usdoj.gov
Subject: Re: 63-02046, 63-03170 and 63-04397

Becky,

63-02046, Two Plus Ranch:

Bruce Smith has not filed Change of Ownership documents with IDWR, even though BLM sent him the form (mostly filled out) on 11-03-06. I've got a call into him.

(See attached file: 63-02046 Change Ownership.pdf)

63-03170, Vander Stelt Dairy:

Larry reached a settlement with the claimant on 05-22-06. I just sent out the attached SF-5 to the claimant.

(See attached file: 63-03170 sf5.pdf)

63-04397, W A Sheperd:

Larry reached a settlement with the claimant on 05-18-06. The claimant agreed to delete the 0.5 acre POU on BLM for irrigation and take the proportionate reduction in quantity (if there is one). We need an SF-5 from IDWR.

(See attached file: 63-04397 email 05-18-06.pdf)

Fred

"Harvey, Becky"

<Becky.Harvey@id

wr.idaho.gov>

To

<Fredric_Price@blm.gov>

01/18/2007 04:05

cc

PM

RECEIVED

APR 21 2006

DEPARTMENT OF
WATER RESOURCES

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)

A. Subcase 63-03170
(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Vander Stelt Dairy
Address: 2777 Swan Falls Road; Kuna, Idaho 83634

Name:
Address: ;

Name:
Address: ;

Name:
Address: ;

SCANNED
OCT 04 2006

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

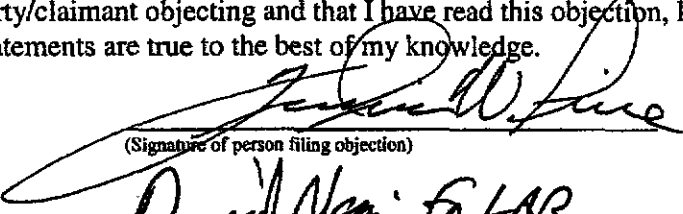
) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

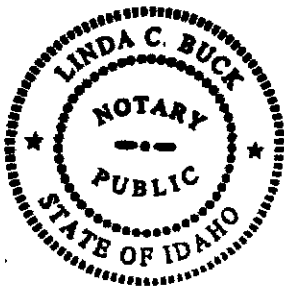

(Signature of person filing objection)

David Nagi for LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 19, 2006
Linda C. Buck

Linda C. Buck



Notary Public for Idaho
Residing at: Mountain Home,
My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on 4-19-, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

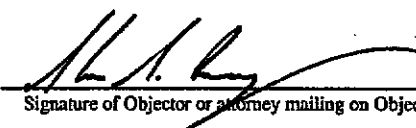
Name: Vander Stelt Dairy
Address: 2777 Swan Falls Road; Kuna, Idaho 83634
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

12/12/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3170

NAME AND ADDRESS: VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA ID 83634

POU on BLM:

-Claimant is not authorized to graze public lands.

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.060 CFS
1,605.20 AFY

PRIORITY DATE: 09/17/1959

POINT OF
DIVERSION: T02N R01W S35 SENW Within ADA County
T02N R01W S35 NESW Within ADA County
T02N R01W S35 NESE Within ADA County

PURPOSE AND
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|---------------|---------------------------|
| COMMERCIAL | 01/01 12/31 | 0.490 CFS
50.60 AFY |
| STOCKWATER | 01/01 12/31 | 0.490 CFS
51.60 AFY |
| IRRIGATION | 03/15 11/15 | 3.570 CFS
1,503.00 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

| | | | | | |
|---------------|------|-------|---------------|------|-------|
| T02N R01W S35 | NENE | 19.00 | T02N R01W S35 | NWNE | 75.00 |
| T02N R01W S35 | SENE | 40.00 | T02N R01W S35 | NENW | 28.00 |
| T02N R01W S35 | NWNW | 39.00 | T02N R01W S35 | SNW | 39.00 |
| T02N R01W S35 | SESW | 40.00 | T02N R01W S35 | NESW | 14.00 |
| T02N R01W S35 | NWSW | 36.00 | T02N R01W S35 | NESE | 38.00 |
| T02N R01W S35 | NWSE | 16.00 | | | |

STOCKWATER Within ADA County

| | | | | | |
|---------------|------|--|---------------|------|--|
| T02N R01W S26 | SWSW | | T02N R01W S35 | NENE | |
| T02N R01W S35 | NWNE | | T02N R01W S35 | SENE | |
| T02N R01W S35 | SENE | | T02N R01W S35 | NENW | |
| T02N R01W S35 | NWNW | | T02N R01W S35 | SNW | |
| T02N R01W S35 | SESW | | T02N R01W S35 | NESW | |
| T02N R01W S35 | NWSW | | T02N R01W S35 | SWSW | |
| T02N R01W S35 | SESW | | T02N R01W S35 | NESE | |
| T02N R01W S35 | NWSE | | T02N R01W S35 | SWSE | |
| T02N R01W S35 | SESE | | | | |

COMMERCIAL Within ADA County

| | | | | | |
|---------------|------|--|---------------|------|--|
| T02N R01W S35 | NESW | | T02N R01W S35 | NESE | |
| T02N R01W S35 | NWSE | | | | |

334 ACRES TOTAL

This right is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.

BLM

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The total instantaneous diversion of water from all points of diversion under Transfer 5460 shall not exceed 9.25 cfs, nor total combined annual volume of 3620.6 af for irrigation of 382.0 total acres.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

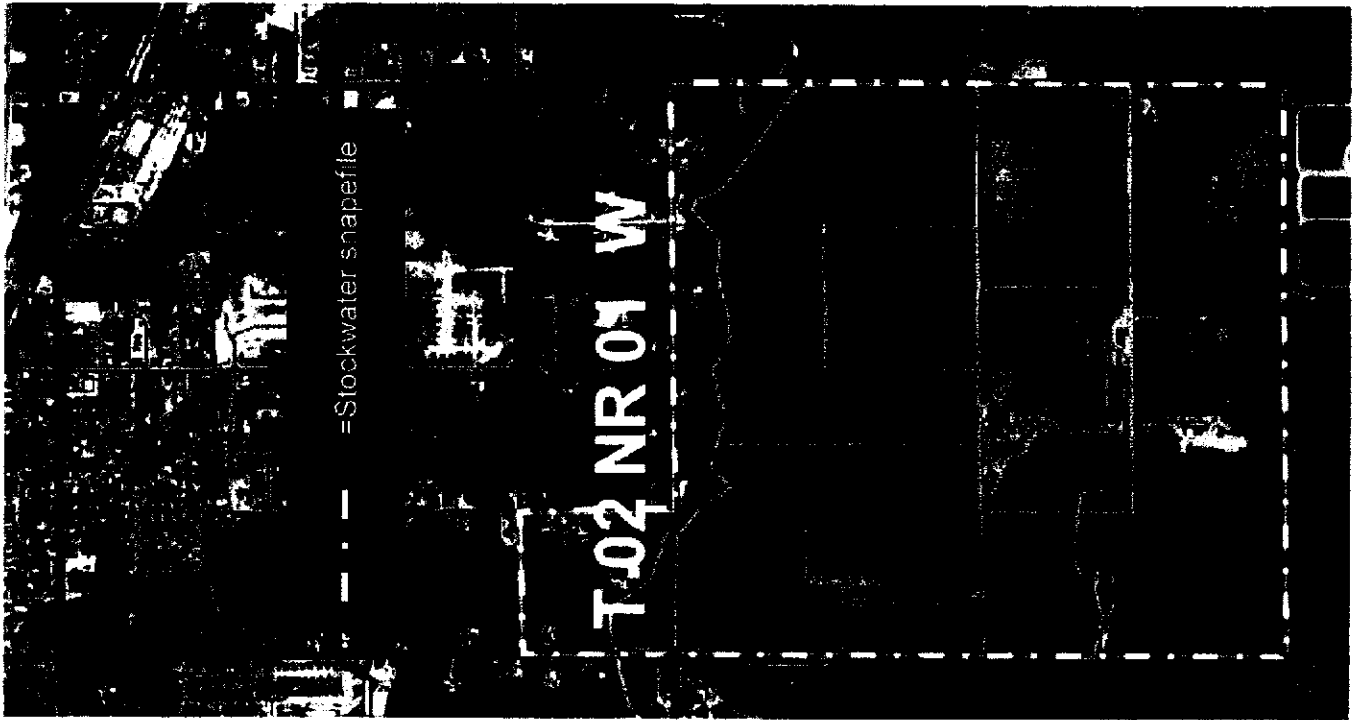
Commercial use is for 2000 dairy cows

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

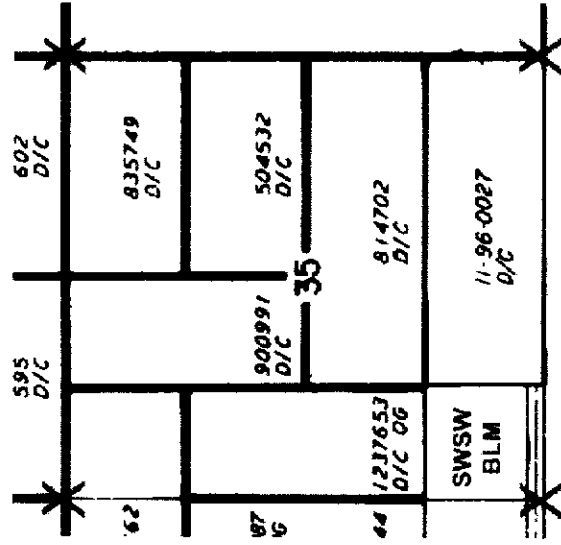
The right holder shall accomplish the change authorized by Transfer 5460 within one (1) year of the date of approval.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.



63-03170

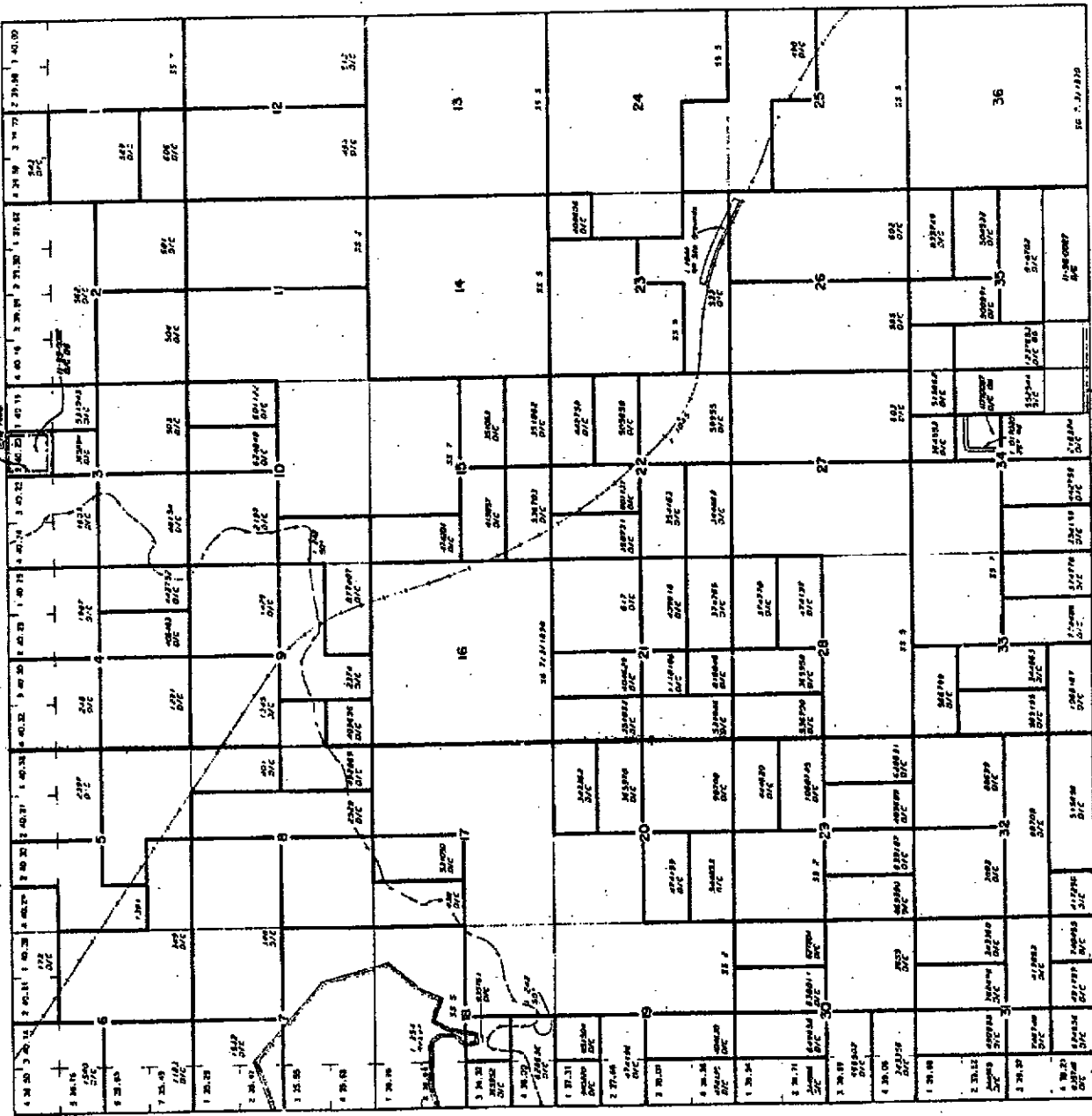
Remove T02N R01W S35 SWSW from recommendation and adjust shapefile accordingly.



TOWNSHIP 2 NORTH RANGE 1 WEST OF THE BOISE MERIDIAN, IDAHO

BOISE DISTRICT SEC. 3

CANYON COUNTY - ADA COUNTY



SCALE IN CHAINS
0 10 20 30 40

WARNING: Statement of Title and Acreage for land shown on this map is based on the original survey records and is not guaranteed by the State of Idaho. The State of Idaho does not warrant the accuracy of the information shown on this map.

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

| INDEX TO SEGREGATED TRACTS | | | |
|----------------------------|----|----|------|
| TRACT NO. | T. | R. | SEC. |
| 1 | 2 | 1 | 36 |
| 2 | 2 | 1 | 35 |
| 3 | 2 | 1 | 34 |
| 4 | 2 | 1 | 33 |
| 5 | 2 | 1 | 32 |
| 6 | 2 | 1 | 31 |
| 7 | 2 | 1 | 30 |
| 8 | 2 | 1 | 29 |
| 9 | 2 | 1 | 28 |
| 10 | 2 | 1 | 27 |
| 11 | 2 | 1 | 26 |
| 12 | 2 | 1 | 25 |
| 13 | 2 | 1 | 24 |
| 14 | 2 | 1 | 23 |
| 15 | 2 | 1 | 22 |
| 16 | 2 | 1 | 21 |
| 17 | 2 | 1 | 20 |
| 18 | 2 | 1 | 19 |
| 19 | 2 | 1 | 18 |
| 20 | 2 | 1 | 17 |
| 21 | 2 | 1 | 16 |
| 22 | 2 | 1 | 15 |
| 23 | 2 | 1 | 14 |
| 24 | 2 | 1 | 13 |
| 25 | 2 | 1 | 12 |
| 26 | 2 | 1 | 11 |
| 27 | 2 | 1 | 10 |
| 28 | 2 | 1 | 9 |
| 29 | 2 | 1 | 8 |
| 30 | 2 | 1 | 7 |
| 31 | 2 | 1 | 6 |
| 32 | 2 | 1 | 5 |
| 33 | 2 | 1 | 4 |
| 34 | 2 | 1 | 3 |
| 35 | 2 | 1 | 2 |
| 36 | 2 | 1 | 1 |

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BUREAU OF LAND MANAGEMENT
OFFICE OF THE ASSISTANT ATTORNEY GENERAL
WASHINGTON, D. C.

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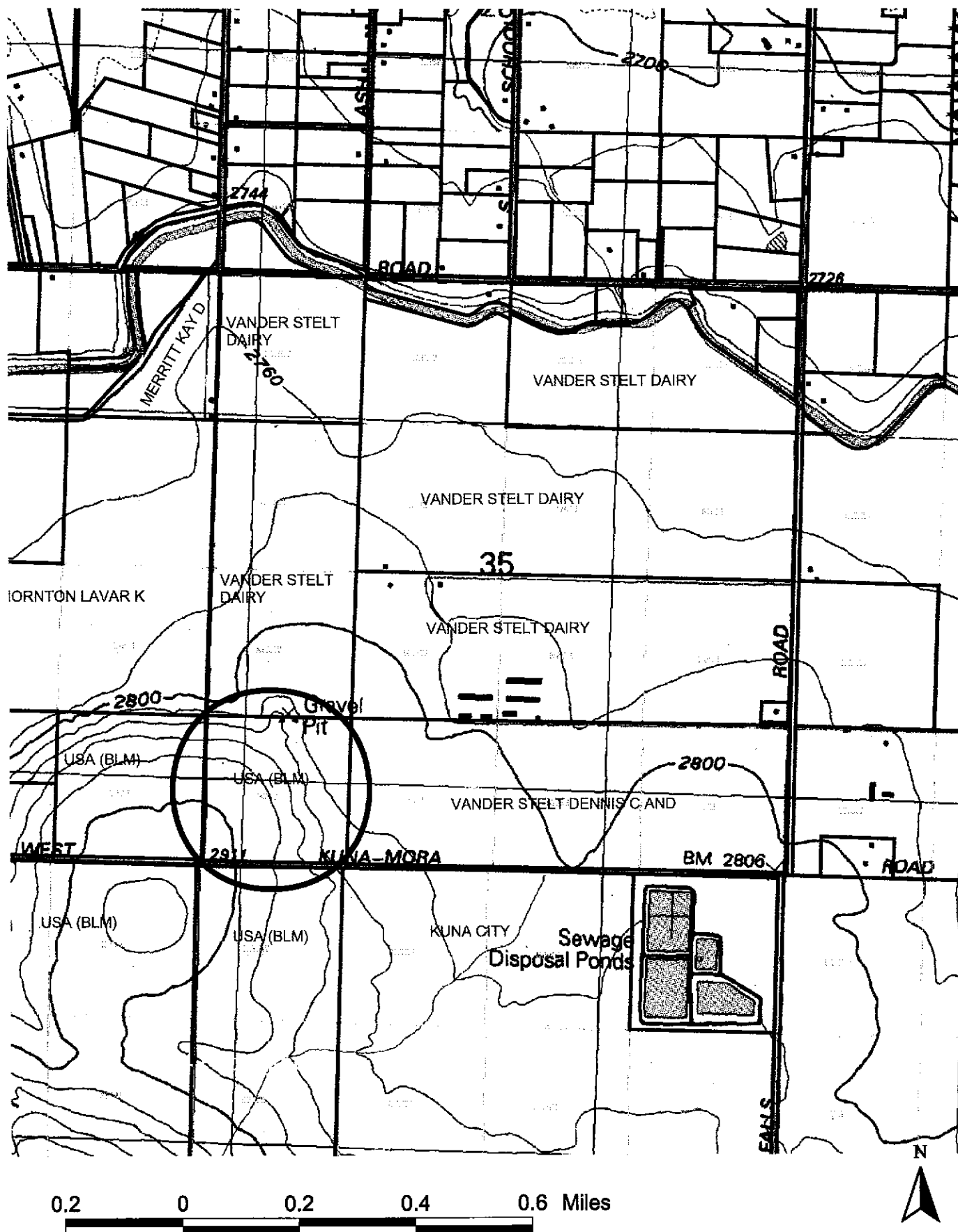
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OFFICE OF THE ASSISTANT ATTORNEY GENERAL
WASHINGTON, D. C.

DATE
Y. 29
R. 1W

63-3170



IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3170

NAME AND ADDRESS: VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA ID 83634

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.060 CFS
1,605.200 AFY

PRIORITY DATE: 09/17/1959

POINT OF DIVERSION:

T02N R01W S35 SENW Within ADA County

T02N R01W S35 NESW Within ADA County

T02N R01W S35 NESE Within ADA County

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|---------------------------|
| COMMERCIAL | 01/01 12/31 | 0.490 CFS
50.60 AFY |
| STOCKWATER | 01/01 12/31 | 0.490 CFS
51.60 AFY |
| IRRIGATION | 03/15 11/15 | 3.570 CFS
1,503.00 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: COMMERCIAL Within ADA County

| | | | |
|---------------|------|---------------|------|
| T02N R01W S35 | NESW | T02N R01W S35 | NESE |
| T02N R01W S35 | NWSE | | |

STOCKWATER Within ADA County

| | | | |
|---------------|------|--------------------------|-----------------|
| T02N R01W S26 | SWSW | T02N R01W S35 | NENE |
| T02N R01W S35 | NWNE | T02N R01W S35 | SWNE |
| T02N R01W S35 | SENE | T02N R01W S35 | NENW |
| T02N R01W S35 | NWNW | T02N R01W S35 | SWNW |
| T02N R01W S35 | SENW | T02N R01W S35 | NESW |
| T02N R01W S35 | NWSW | T02N R01W S35 | SWSW |
| T02N R01W S35 | SESW | T02N R01W S35 | NESE |
| T02N R01W S35 | NWSE | T02N R01W S35 | SWSE |
| T02N R01W S35 | SESE | | |

IRRIGATION Within ADA County

| | | | | | |
|---------------|------|------|---------------|------|------|
| T02N R01W S35 | NENE | 19.0 | T02N R01W S35 | NWNE | 25.0 |
| T02N R01W S35 | SENE | 40.0 | T02N R01W S35 | NENW | 28.0 |
| T02N R01W S35 | NWNW | 39.0 | T02N R01W S35 | SWNW | 39.0 |
| T02N R01W S35 | SENW | 40.0 | T02N R01W S35 | NESW | 14.0 |
| T02N R01W S35 | NWSW | 36.0 | T02N R01W S35 | NESE | 38.0 |

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

T02N R01W S35 NWSE 16.0

334 ACRES TOTAL

This right is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The total instantaneous diversion of water from all points of diversion under Transfer 5460 shall not exceed 9.25 cfs, nor total combined annual volume of 3620.6 af for irrigation of 382.0 total acres

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

Commercial use is for 2000 dairy cows

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

The right holder shall accomplish the change authorized by Transfer 5460 within one (1) year of the date of approval.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Idaho Department of Water Resources

63-3170

T02N R01W S35



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter



IDWR
Prepared by: Sandy Egbert
Date: 4-4-05
1987 NAPP Photography

500 0 500 1000 1500 2000 Feet

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3170 V1

WATER RIGHT NUMBER: 63-3170 V1

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|---|
| Original Owner | JOHN RUSSELL COWE
1514 LONGMONT AVE
BOISE, ID 83706 |
| Current Owner | VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634
(208)922-1179 |

Priority Date: 09/17/1959

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER | |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| COMMERCIAL | 01/01 to 12/31 | 0.490 CFS | 50.60 AF |
| STOCKWATER | 01/01 to 12/31 | 0.490 CFS | 51.60 AF |
| IRRIGATION | 03/15 to 11/15 | 3.570 CFS | 1,503.00 AF |
| | <u>Total Diversion:</u> | 4.060 CFS | 1,605.20 AF |

Location of Point(s) of Diversion

| | | |
|--------------|------------|---------------------------------|
| GROUND WATER | NE1/4SE1/4 | Sec. 35, Twp 02N, Rge 01W, B.M. |
| ADA County | | |
| GROUND WATER | SE1/4NW1/4 | Sec. 35, Twp 02N, Rge 01W, B.M. |
| ADA County | | |
| GROUND WATER | NE1/4SW1/4 | Sec. 35, Twp 02N, Rge 01W, B.M. |
| ADA County | | |

Place of Use

COMMERCIAL

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 02N | 01W | 35 | | | | | | | | | | X | | | | X | X | | |

STOCKWATER

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 02N | 01W | 26 | | | | | | | | | | | | X | | | | | |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3170 V1

| | | | | | | | | | | | | | | | | | | |
|------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 02N 01W 35 | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
|------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|

IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|------|------|----|------|------|------|------|------|------|------|----|----|------|------|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 02N | 01W | 35 | 19.0 | 25.0 | | 40.0 | 28.0 | 39.0 | 39.0 | 40.0 | 14.0 | 36.0 | | | 38.0 | 16.0 | | | 334.0 |

Total Acres: 334

Conditions of Approval:

1. The total instantaneous diversion of water from all points of diversion under Transfer 5460 shall not exceed 9.25 cfs, nor total combined annual volume of 3620.6 af for irrigation of 382.0 total acres
2. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. C18 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. Section 42-1412(6), Idaho Code.
4. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
5. T07 The right holder shall accomplish the change authorized by Transfer 5460 within one (1) year of the date of approval.
6. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. X27 This right is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.

Remarks:

1. Explanatory Commercial use is for 2000 dairy cows
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-3170 V1

Comments:

1. segbert 4/4/2005 POD
Comment: Updated shape
2. segbert 4/4/2005 POD
Comment: Updated shape
3. segbert 4/4/2005 POD
Comment: Updated shape
4. segbert 4/4/2005 POU
Comment: Updated Shape

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary | | | 03/15/2005 | lharris | Active |
| Priority Date | 4/4/2005 10:23:03 AM | segbert | | | Active |
| POD | 4/4/2005 10:23:37 AM | segbert | | | Active |
| Source | 4/4/2005 10:24:59 AM | segbert | | | Active |
| Use | 4/4/2005 10:26:14 AM | segbert | | | Active |
| Season | 4/4/2005 10:26:57 AM | segbert | | | Active |
| Quantity | 4/4/2005 11:04:53 AM | segbert | | | Active |
| Summary | | | 04/04/2005 | segbert | Active |
| POU | 4/4/2005 11:28:11 AM | segbert | | | Active |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3170 V1

| | | | |
|----------|----------------------|---------|--|
| Summary | 3/15/2005 2:35:15 PM | lharris | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? |
| POD | 4/4/2005 10:23:38 AM | segbert | (Yes) 1. Is the basis of this claim a Decree or License?
(Yes) 4. Does the Decree or License have a POD?
(Yes) 5. Can the claimed POD be verified using the water right file?
(No) 10. Is a POD remark and/or condition required? |
| POU | 4/4/2005 9:38:49 AM | segbert | Created polygon from PLS |
| POU | 4/4/2005 10:25:52 AM | segbert | Created polygon from PLS |
| POU | 4/4/2005 11:03:08 AM | segbert | Created polygon from PLS |
| Quantity | 4/4/2005 11:04:54 AM | segbert | (Yes) 1. Is the basis of this claim a Decree or License?
(Yes) 4. Does the Decree or License have a diversion rate and/or volume?
(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
(Yes) 8. Does the parent right have an annual diversion volume limit?
(Yes) 10. Is a irrigation a purpose of use?
(No) 12. Is a Quantity remark or condition required?
Description for Question 10 - see transfer 5460 |
| POU | 4/4/2005 11:28:12 AM | segbert | (Yes) 1. Is the basis of this claim a Decree or License?
(Yes) 2a. Is the POU required?
(Yes) 5. Does the Decree or License have a POU?
(Yes) 6. Can the claimed POU be verified using the water right file?
(No) 14. Is a POU remark and/or condition required? |
| Summary | 4/4/2005 11:27:07 AM | segbert | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
(Yes) 5. Does this right have any combined use limits with other rights?
(Yes) 6. Is an additional remark and/or condition required?
(Yes) 7. Would you like to view the recommended right?
(Yes) 8. Is this a split or combined right?
(No) 9. Do you have documents you would like to attach or link to the file?
(Yes) 10. Would you like to set the verification date? |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3170 V1

| | | | |
|---------------|----------------------|---------|--|
| Source | 4/4/2005 10:24:59 AM | segbert | (Yes) 1. Is the basis of claim Decree or License?
(Yes) 4. Does the Decree or License have a source?
(Yes) 5. Can the claimed source be verified using the water right file?
(No) 11. Is a Source remark and/or condition required? |
| Use | 4/4/2005 10:26:15 AM | segbert | (Yes) 1. Is the basis of this claim a Decree or License?
(Yes) 4. Does the Decree or License have a Purpose of Use?
(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
(No) 13. Is a Purpose of Use remark and/or condition required? |
| Priority Date | 4/4/2005 10:23:04 AM | segbert | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?
(Yes) 4. Is the basis of claim decree or license?
(Yes) 5. Does the decree or license have a Priority Date?
(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?
(Yes) 15. Is the basis of claim coded correctly?
(No) 16. Is a Priority Date remark and/or condition required? |
| Season | 4/4/2005 10:26:57 AM | segbert | (Yes) 1. Is the basis of claim Decree or License?
(Yes) 4. Does the Decree or License have a Period of Use?
(Yes) 5. Can the claimed Period of Use be verified using the water right file?
(Yes) 14. Is irrigation claimed as a Purpose of Use?
(Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
(No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?
(Yes) 18. Is a Period of Use remark and/or condition required? |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3170

WATER RIGHT NUMBER: 63-3170

| | |
|-------------------|---|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Original Owner | JOHN RUSSELL COWE ✓
1514 LONGMONT AVE
BOISE, ID 83706 |
| Current Owner | VANDER STELT DAIRY ✓
2777 SWAN FALLS RD
KUNA, ID 83634
(208)922-1179 |

Priority Date: 09/17/1959 ✓

Basis: License ✓

Status: Active ✓

| | |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER | |

| | | | |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| COMMERCIAL | 1/01 to 12/31 | 0.390 CFS | 131.60 AF |
| IRRIGATION | 3/15 to 11/15 | 3.670 CFS | 1,175.50 AF |
| | <i>Sou 3-1 to 11-15</i> | | |
| | <u>Total Diversion:</u> | 4.060 CFS T | 1,854.00 AF |

Location of Point(s) of Diversion

| | | |
|--------------|--------------|---------------------------------|
| GROUND WATER | NE1/4SE1/4 ✓ | Sec. 35, Twp 02N, Rge 01W, B.M. |
| ADA County | | |
| GROUND WATER | SE1/4NW1/4 ✓ | Sec. 35, Twp 02N, Rge 01W, B.M. |
| ADA County | | |
| GROUND WATER | NE1/4SW1/4 ✓ | Sec. 35, Twp 02N, Rge 01W, B.M. |
| ADA County | | |

added to transfer 5460

Place of Use

COMMERCIAL

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 02N | 01W | 35 | | | | | | | | | X | | | | | X | X | | |

IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|------|------|----|------|------|------|------|------|------|------|----|----|------|------|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 02N | 01W | 35 | 19.0 | 25.0 | | 40.0 | 28.0 | 39.0 | 39.0 | 40.0 | 14.0 | 36.0 | | | 38.0 | 16.0 | | | 334.0 |

Total Acres: 334

Commercial for 2000 cow dairy

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-3170

Conditions of Approval:Remarks:

1. General LICENSE INCORRECTLY LISTS TOTAL AC. IRR. = 290. TOTAL ADDS UP TO 363 ACRES. DESC. OF DIVERTING WORKS - THREE WELLS, 1-447' DEEP W/100 HP PUMP AND 1-325' DEEP WITH A 75 HP PUMP, 1-480' DEEP WITH A 125 HP PUMP ALL USED FOR FLOOD IRRIGATION. 40 ACRES WERE RETIRED FOR A 2000 COW DAIRY PRIOR TO 1987. SEE ATTACHED DAIRY REQUIREMENT SHEET, CFS/VOL CALCULATION SHEET, AND 1987 CFSA MAP. APPLICANT FILED TRANSFER 2/4/99 TO ADD A P/D AND SHOW PPU FOR A63-03093, THIS RIGHT, AND A63-08087.

Comments:Dates and Other Information:

Claim Received Date: 9/7/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid 50.00
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-3176

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change –SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks
GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|---|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Description of diverting works

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES☒ No change☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only *NC*☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

| Place of Use | | | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: _____

| Well or Diversion
Identification No
GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or
Discharge size |
|--|------------|----|------------------|-----------|--------------------------------------|
| | | | | | |
| | | | | | |

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE ^{Review} EXAM CONDUCTED: 4-4-05

FIELD EXAMINER: Sandy Eglert

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3170

WATER RIGHT NUMBER: 63-3170

| | |
|-------------------|---|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Original Owner | JOHN RUSSELL COWE
1514 LONGMONT AVE
BOISE, ID 83706 |
| Current Owner | VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634
(208)922-4649 |

Priority Date: 09/17/1959

Basis: License

Status: Active

| | |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER | |

| | | | |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| STOCKWATER | 1/01 to 12/31 | 0.490 CFS | 51.60 AF |
| COMMERCIAL | 1/01 to 12/31 | 0.490 CFS | 50.60 AF |
| IRRIGATION | 3/01 to 11/15 | 3.570 CFS | 1,503.00 AF |
| | <u>Total Diversion:</u> | 4.060 CFS | 1,605.20 AF |

Location of Point(s) of Diversion

| | | |
|--------------|------------|---------------------------------|
| GROUND WATER | NE1/4SE1/4 | Sec. 35, Twp 02N, Rge 01W, B.M. |
| ADA County | | |
| GROUND WATER | NE1/4SW1/4 | Sec. 35, Twp 02N, Rge 01W, B.M. |
| ADA County | | |
| GROUND WATER | NW1/4SE1/4 | Sec. 35, Twp 02N, Rge 01W, B.M. |
| ADA County | | |
| GROUND WATER | SE1/4NW1/4 | Sec. 35, Twp 02N, Rge 01W, B.M. |
| ADA County | | |
| GROUND WATER | SW1/4SE1/4 | Sec. 35, Twp 02N, Rge 01W, B.M. |
| ADA County | | |

Place of Use

STOCKWATER

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 02N | 01W | 26 | | | | | | | | | | | X | | | | | | |
| 02N | 01W | 35 | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | |

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-3170

IRRIGATION

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|----|----|------|------|----|------|--------|
| 02N 01W 26 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | 4.0 |
| 02N 01W 35 | 19.0 | 26.0 | 40.0 | 40.0 | 30.0 | 39.0 | 40.0 | 40.0 | 13.0 | 30.0 | | | 38.0 | 12.0 | | 11.0 | 378.0 |

Total Acres: 382

COMMERCIAL same as STOCKWATERConditions of Approval:

1. 01Q After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 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.
7. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:

1. General The total instantaneous diversion of water from all points of diversion under Transfer 5460 shall not exceed 9.25 cfs, nor total combined annual volume of 3620.6 af for irrigation of 382.0 total acres.
This right is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.
Commercial use for the dairy is located in the NESW, NWSW, and NWSE, S35, T2N, R1W.

Comments:

1. STAYLOR 5/12/1999 TRANSFER NO. 5460

Comment: This transfer was filed to add diversion points, changes places of use, change nature of use, and change period of use.

2. SCURTIS 5/15/2000 STOCKWATER USE

Comment: Stockwater use is for 1700 dairy cattle, 300 dry cattle, and 2000 heifers.

Receipt Details for ID W005591

| Status | Adjustment Type | Version |
|--------|------------------|---------|
| | Adjusted Receipt | 1 |

General Information:

| Date Received | Date Deposited | Region | Total Amount | Payment Type |
|----------------------|----------------|-------------------|--------------|--------------|
| 9/7/1989 11:42:02 AM | 9/7/1989 | Western | \$637.00 | Check |
| Payer | | VANDER STELT FARM | | |

Account Information:

| Check # | Account # | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 2014 | | | |
| Card Expiration Date | Credit Card Transaction # | | |
| | | | |

Comment ADJUDICATION CLAIM FEES

Fee Detail:

| Amount | Description | PCA | Fund | Fund Detail | Subsidiary | Object |
|----------|-------------------------|--------|------|-------------|------------|--------|
| \$637.00 | ADJUDICATION CLAIM FEES | 410162 | 9337 | 0 0 | | 6490 |

Refund(s):

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

Water Right Information:

| Basin Number | Sequence Number | Split Suffix | Amount | Type |
|--------------|-----------------|--------------|----------|-------|
| 63 | 18592 | | \$25.00 | Claim |
| 63 | 18594 | | \$25.00 | Claim |
| 63 | 18598 | | \$25.00 | Claim |
| 63 | 3093 | | \$50.00 | Claim |
| 63 | 3170 | | \$50.00 | Claim |
| 63 | 8087 | | \$462.00 | Claim |

[Print Report](#)

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3170**

03/15/2005

1

| Right # | Type | Twp | Rge | Sec | QQ | Q | Lot | Purpose of Use | Acres/Total | Name |
|----------------|-------------|------------|------------|------------|-----------|----------|------------|-----------------------|--------------------|--------------------|
| 3170 | Claim | 02N | 01W | 35 | NE | NE | | IRRIGATION | 19/334 | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | NE | NE | | IRRIGATION | 18/377 | VANDER STELT DAIRY |
| 3093 | Water Right | 02N | 01W | 35 | NE | NE | | IRRIGATION | 19/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NE | NE | | IRRIGATION | 19/382 | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NE | NE | | IRRIGATION | 19/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NE | NE | | STOCKWATER | | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NE | NE | | STOCKWATER | | VANDER STELT DAIRY |
| 18463 | Water Right | 02N | 01W | 35 | NE | NE | | STOCKWATER | | DAN HAGLER |
| 18464 | Water Right | 02N | 01W | 35 | NE | NE | | STOCKWATER | | DE WAYNE E HAGLER |
| 18592 | Water Right | 02N | 01W | 35 | NE | NE | | STOCKWATER | | VANDER STELT DAIRY |
| 18594 | Water Right | 02N | 01W | 35 | NE | NE | | STOCKWATER | | VANDER STELT DAIRY |
| 18463 | Water Right | 02N | 01W | 35 | NE | NE | | DOMESTIC | | DAN HAGLER |
| 18464 | Water Right | 02N | 01W | 35 | NE | NE | | DOMESTIC | | DE WAYNE E HAGLER |
| 3170 | Claim | 02N | 01W | 35 | NW | NE | | IRRIGATION | 25/334 | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | NW | NE | | IRRIGATION | 26/377 | VANDER STELT DAIRY |
| 3093 | Water Right | 02N | 01W | 35 | NW | NE | | IRRIGATION | 26/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NW | NE | | IRRIGATION | 26/382 | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NW | NE | | IRRIGATION | 26/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NW | NE | | STOCKWATER | | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NW | NE | | STOCKWATER | | VANDER STELT DAIRY |
| 18592 | Water Right | 02N | 01W | 35 | NW | NE | | STOCKWATER | | VANDER STELT DAIRY |
| 18594 | Water Right | 02N | 01W | 35 | NW | NE | | STOCKWATER | | VANDER STELT DAIRY |
| 3093 | Claim | 02N | 01W | 35 | SE | NE | | IRRIGATION | 20/113 | VANDER STELT DAIRY |
| 3170 | Claim | 02N | 01W | 35 | SE | NE | | IRRIGATION | 40/334 | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | SE | NE | | IRRIGATION | 40/377 | VANDER STELT DAIRY |
| 3093 | Water Right | 02N | 01W | 35 | SE | NE | | IRRIGATION | 40/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | SE | NE | | IRRIGATION | 40/382 | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | SE | NE | | IRRIGATION | 40/382 | VANDER STELT DAIRY |

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3170

03/15/2005

2

| Right # | Type | Twp | Rge | Sec | QQ | Q | Lot | Purpose of Use | Acres/Total | Name |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|--------------------|
| 3170 | Water Right | 02N | 01W | 35 | SE | NE | | STOCKWATER | | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | SE | NE | | STOCKWATER | | VANDER STELT DAIRY |
| 18592 | Water Right | 02N | 01W | 35 | SE | NE | | STOCKWATER | | VANDER STELT DAIRY |
| 18594 | Water Right | 02N | 01W | 35 | SE | NE | | STOCKWATER | | VANDER STELT DAIRY |
| 3093 | Claim | 02N | 01W | 35 | NE | NW | | IRRIGATION | 23/113 | VANDER STELT DAIRY |
| 3170 | Claim | 02N | 01W | 35 | NE | NW | | IRRIGATION | 28/334 | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | NE | NW | | IRRIGATION | 30/377 | VANDER STELT DAIRY |
| 3093 | Water Right | 02N | 01W | 35 | NE | NW | | IRRIGATION | 30/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NE | NW | | IRRIGATION | 30/382 | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NE | NW | | IRRIGATION | 30/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NE | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NE | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 18592 | Water Right | 02N | 01W | 35 | NE | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 18594 | Water Right | 02N | 01W | 35 | NE | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 3170 | Claim | 02N | 01W | 35 | NW | NW | | IRRIGATION | 39/334 | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | NW | NW | | IRRIGATION | 38/377 | VANDER STELT DAIRY |
| 3093 | Water Right | 02N | 01W | 35 | NW | NW | | IRRIGATION | 39/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NW | NW | | IRRIGATION | 39/382 | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NW | NW | | IRRIGATION | 39/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NW | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NW | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 18592 | Water Right | 02N | 01W | 35 | NW | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 18594 | Water Right | 02N | 01W | 35 | NW | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 3170 | Claim | 02N | 01W | 35 | SW | NW | | IRRIGATION | 39/334 | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | SW | NW | | IRRIGATION | 40/377 | VANDER STELT DAIRY |
| 3093 | Water Right | 02N | 01W | 35 | SW | NW | | IRRIGATION | 40/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | SW | NW | | IRRIGATION | 40/382 | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | SW | NW | | IRRIGATION | 40/382 | VANDER STELT DAIRY |

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3170

03/15/2005

3

| Right # | Type | Twp | Rge | Sec | QQ | Q | Lot | Purpose of Use | Acres/Total | Name |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|--------------------|
| 3170 | Water Right | 02N | 01W | 35 | SW | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | SW | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 18592 | Water Right | 02N | 01W | 35 | SW | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 18594 | Water Right | 02N | 01W | 35 | SW | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 3093 | Claim | 02N | 01W | 35 | SE | NW | | IRRIGATION | 30/113 | VANDER STELT DAIRY |
| 3170 | Claim | 02N | 01W | 35 | SE | NW | | IRRIGATION | 40/334 | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | SE | NW | | IRRIGATION | 40/377 | VANDER STELT DAIRY |
| 3093 | Water Right | 02N | 01W | 35 | SE | NW | | IRRIGATION | 40/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | SE | NW | | IRRIGATION | 40/382 | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | SE | NW | | IRRIGATION | 40/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | SE | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | SE | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 18592 | Water Right | 02N | 01W | 35 | SE | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 18594 | Water Right | 02N | 01W | 35 | SE | NW | | STOCKWATER | | VANDER STELT DAIRY |
| 18598 | Water Right | 02N | 01W | 35 | SE | NW | | DOMESTIC | | VANDER STELT DAIRY |
| 3170 | Claim | 02N | 01W | 35 | NE | SW | | IRRIGATION | 14/334 | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | NE | SW | | IRRIGATION | 14/377 | VANDER STELT DAIRY |
| 3093 | Water Right | 02N | 01W | 35 | NE | SW | | IRRIGATION | 13/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NE | SW | | IRRIGATION | 13/382 | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NE | SW | | IRRIGATION | 13/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NE | SW | | STOCKWATER | | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NE | SW | | STOCKWATER | | VANDER STELT DAIRY |
| 18592 | Water Right | 02N | 01W | 35 | NE | SW | | STOCKWATER | | VANDER STELT DAIRY |
| 18594 | Water Right | 02N | 01W | 35 | NE | SW | | STOCKWATER | | VANDER STELT DAIRY |
| 3170 | Claim | 02N | 01W | 35 | NE | SW | | COMMERCIAL | | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | NE | SW | | COMMERCIAL | | VANDER STELT DAIRY |
| 3170 | Claim | 02N | 01W | 35 | NW | SW | | IRRIGATION | 36/334 | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | NW | SW | | IRRIGATION | 33/377 | VANDER STELT DAIRY |

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3170

03/15/2005

4

| Right # | Type | Twp | Rge | Sec | QQ | Q | Lot | Purpose of Use | Acres/Total | Name |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|-----------------------|
| 3093 | Water Right | 02N | 01W | 35 | NW | SW | | IRRIGATION | 30/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NW | SW | | IRRIGATION | 30/382 | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NW | SW | | IRRIGATION | 30/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NW | SW | | STOCKWATER | | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NW | SW | | STOCKWATER | | VANDER STELT DAIRY |
| 18592 | Water Right | 02N | 01W | 35 | NW | SW | | STOCKWATER | | VANDER STELT DAIRY |
| 18594 | Water Right | 02N | 01W | 35 | NW | SW | | STOCKWATER | | VANDER STELT DAIRY |
| 3170 | Claim | 02N | 01W | 35 | NE | SE | | IRRIGATION | 38/334 | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | NE | SE | | IRRIGATION | 38/377 | VANDER STELT DAIRY |
| 3093 | Water Right | 02N | 01W | 35 | NE | SE | | IRRIGATION | 38/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NE | SE | | IRRIGATION | 38/382 | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NE | SE | | IRRIGATION | 38/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NE | SE | | STOCKWATER | | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NE | SE | | STOCKWATER | | VANDER STELT DAIRY |
| 18592 | Water Right | 02N | 01W | 35 | NE | SE | | STOCKWATER | | VANDER STELT DAIRY |
| 18594 | Water Right | 02N | 01W | 35 | NE | SE | | STOCKWATER | | VANDER STELT DAIRY |
| 3170 | Claim | 02N | 01W | 35 | NE | SE | | COMMERCIAL | | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | NE | SE | | COMMERCIAL | | VANDER STELT DAIRY |
| 18579 | Water Right | 02N | 01W | 35 | NE | SE | | DOMESTIC | | DENNIS C VANDER STELT |
| 3170 | Claim | 02N | 01W | 35 | NW | SE | | IRRIGATION | 16/334 | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | NW | SE | | IRRIGATION | 16/377 | VANDER STELT DAIRY |
| 3093 | Water Right | 02N | 01W | 35 | NW | SE | | IRRIGATION | 12/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NW | SE | | IRRIGATION | 12/382 | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NW | SE | | IRRIGATION | 12/382 | VANDER STELT DAIRY |
| 3170 | Water Right | 02N | 01W | 35 | NW | SE | | STOCKWATER | | VANDER STELT DAIRY |
| 8087 | Water Right | 02N | 01W | 35 | NW | SE | | STOCKWATER | | VANDER STELT DAIRY |
| 18592 | Water Right | 02N | 01W | 35 | NW | SE | | STOCKWATER | | VANDER STELT DAIRY |
| 18594 | Water Right | 02N | 01W | 35 | NW | SE | | STOCKWATER | | VANDER STELT DAIRY |

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3170

03/15/2005

5

| Right # | Type | Twp | Rge | Sec | QQ | Q | Lot | Purpose of Use | Acres/Total | Name |
|----------------|-------------|------------|------------|------------|-----------|----------|------------|-----------------------|--------------------|--------------------|
| 3170 | Claim | 02N | 01W | 35 | NW | SE | | COMMERCIAL | | VANDER STELT DAIRY |
| 8087 | Claim | 02N | 01W | 35 | NW | SE | | COMMERCIAL | | VANDER STELT DAIRY |

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Property Details for Parcel S1335314800

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General Information

Property Acres: 119.000
Zone Code: RR
Primary Code Area: 239 Tax Districts
Group Type: SECT
Subdivision: 2N 1W 35
Section: 2N1W35

Property Description

PAR #4800 OF S2
 SEC 35 2N 1W
 #220000 B
 #95015106

Property Address

S SWAN FALLS RD
 KUNA, ID 00000


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Assessor Links

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- [Levy Rates](#)

Parcel Valuation Details

| Assessment Roll | State Category Code | Acreage | Assessed Value | Valuation Method |
|-----------------|---------------------|---------|----------------|------------------|
| Primary | 10-IRRIGATED AG | 73.500 | \$57,000 | INCOME |
| Primary | 190-WASTE LAND | 4.500 | \$0 | INCOME |
| Primary | 100-HOMESITE ON AG | 1.000 | \$44,000 | MARKET |
| Primary | 183-FEED LOT | 40.000 | \$44,000 | MARKET |
| Primary | 320-IMPROVEMENT | 0.000 | \$325,000 | COST |

Total Assessed Value: \$470,000

Parcel Valuation History

Assessed value for year 2004 \$470,000
Assessed value for year 2003 \$464,900
Assessed value for year 2002 \$53,200
Assessed value for year 2001 \$54,100
Assessed value for year 2000 \$47,600

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- [Human Resources](#)

Property Characteristics

Residential
 Agriculture
 Land

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General Information

Property Acres: 120.000
Zone Code: RR
Primary Code Area: 239 Tax Districts
Group Type: SECT
Subdivision: 2N 1W 35
Section: 2N1W35

Property Description

SE4SW4 SE2SE4
 SEC 35 2N 1W
 #346600-S
 #96069487

Property Address

2777 S SWAN FALLS RD
 KUNA, ID 83634


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Assessor Links

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- [Exemptions and Reductions](#)
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- [Levy Rates](#)

Parcel Valuation Details

| Assessment Roll | State Category Code | Acreage | Assessed Value | Valuation Method |
|-----------------|---------------------|---------|----------------|------------------|
| Primary | 50-DRY GRAZING | 120.000 | \$4,900 | INCOME |

Total Assessed Value: \$4,900

Parcel Valuation History

Assessed value for year 2004 \$4,900
Assessed value for year 2003 \$4,200
Assessed value for year 2002 \$4,200
Assessed value for year 2001 \$3,900
Assessed value for year 2000 \$3,800

Ada County Links

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Property Characteristics
Agriculture
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Land Records

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Property Details for Parcel S1335417700

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General Information

Property Acres: 1.000
Zone Code: RR
Primary Code Area: 239 Tax Districts
Group Type: SECT
Subdivision: 2N 1W 35
Section: 2N1W35

Property Description

PAR #7985 OF NE4SE4
 SEC 35 2N 1W
 #220000 S
 #8761853
 #417985R

Property Address

2777 S SWAN FALLS RD
 KUNA, ID 83634


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Assessor Links

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Parcel Valuation Details

| Assessment Roll | State Category Code | Acreage | Assessed Value | Valuation Method |
|-----------------|-----------------------|---------|----------------|------------------|
| Primary | 120-RESIDENTIAL TRACT | 1.000 | \$44,000 | MARKET |
| Primary | 340-RES IMPROVEMENT | 0.000 | \$236,600 | COST |

Total Assessed Value: \$280,600

Parcel Valuation History

Assessed value for year 2004 \$280,600
Assessed value for year 2003 \$276,600
Assessed value for year 2002 \$275,800
Assessed value for year 2001 \$263,400
Assessed value for year 2000 \$248,400

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Property Characteristics

Residential
 Land

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State of Idaho

License and Certificate of Water Right

Water License No. G-28169 Priority September 17, 1959 Amount 4.06 c.f.s.THIS IS TO CERTIFY that JOHN RUSSELL COWE

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 17, 1959; that Permit No. G-28169 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 4.06 second feet, was issued thereunder on May 23, 1966, showing that said works were completed on the 20th day of September, 1965; and that on the 20th day of September, 1965

JOHN RUSSELL COWE

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of 2 wells

a tributary of subterranean flow for the purpose of irrigation, under Use Permit No. G-28169 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses, at Page 8472, on the 23rd day of May, 1966.

The right hereby confirmed dates from September 17, 1959.

The Point of Diversion is located SE 1/4 NW 1/4, in the NE 1/4 SE 1/4, Sec. 35, Twp. 2 N, R. 1 W., B.M. Ada County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.06 cubic feet per second.

Description and location of use:

| Twp. | Range | Section | Part-Acre Tract | No. Acres Described in Permit | No. Acres Actually Irrigated |
|--|-------|---------|-----------------|-------------------------------|------------------------------|
| 2 N | 1 W | 35 | NE¼ NE¼ | 40 | 19 |
| | | | NW¼ NE¼ | 40 | 25 |
| | | | SE¼ NE¼ | 40 | 40 |
| | | | NE¼ NW¼ | 40 | 28 |
| | | | NW¼ NW¼ | 40 | 39 |
| | | | SW¼ NW¼ | 40 | 39 |
| | | | SE¼ NW¼ | 40 | 40 |
| | | | NE¼ SW¼ | 40 | 28 |
| | | | NW¼ SW¼ | 40 | 36 |
| | | | NE¼ SE¼ | 40 | 40 |
| | | | NW¼ SE¼ | 40 | 29 |
| Total number of acres to be irrigated: 290 | | | | | 363 |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 23rd day of May, 1966.

R. Keith Higgins
Deputy State Reclamation Engineer.

63 3170

28169

| Twp. | Range | Sec. | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | Totals |
|--|-------|------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--------|
| | | | NE 1/4 NW 1/4 SW 1/4 SE 1/4 | NE 1/4 NW 1/4 SW 1/4 SE 1/4 | NE 1/4 NW 1/4 SW 1/4 SE 1/4 | NE 1/4 NW 1/4 SW 1/4 SE 1/4 | |
| 2 N | 1 W | 35 | | 40 40 | 40 40 | 40 40 | 240 |
| <p>Application for Amendment
POINT OF DIVERSION
Permit No. G-28169</p> <p>Comes now JOHN RUSSELL COWE and represents to the State Reclamation Engineer of the State of Idaho:
That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-28169.
That the point of diversion is described in said Permit as being located: NE 1/4 SW 1/4, Sec. 35, T. 2 N., R. 1 W., B. M., Ida.
That he now requests that the point of diversion be changed to a point located: NE 1/4 SE 1/4, Sec. 35, T. 2 N., R. 1 W., B. M., Ida.
That the reason for desiring to make such change is as follows: More feasible well site.
That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.
Signed at Boise, Ida. this 8 day of November, 1963.</p> <p>s/ JOHN RUSSELL COWE
By Harley M. McDowell, Agent</p> <p>Date of Receipt: at Department of Reclamation: Nov. 12, 1963</p> <p>APPROVAL OF STATE RECLAMATION ENGINEER</p> <p>I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-28169. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.</p> <p>s/ RALPH W. THOMAS
Deputy State Reclamation Engineer</p> <p>Recorded: November 13, 1963</p> | | | | | | | |

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-28169 ✓

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant: John Russell Caww ✓

2. Source of water supply: Subterranean ✓

3. Location of point of diversion: Is in the Uninc. Sec. 35 ✓ of Section 35 ✓

T. 2 N. ✓ R. 1 W. B. M. ✓ County of Ada ✓

4. Describe works as they exist, giving dimensions and capacities of same. #1 100HP F-M Motor (L.F.R. Electric Motor Repair Plate) No. Number, Wintreaths Pump # 8992, 10" discharge pipe to open concrete ditch east-west. #2 75 HP Westinghouse Motor 9-43 V 321, Peerless Pump # R 54952 8" discharge pipe 36' long to 3'x3'x3' concrete distribution box then to open concrete ditch east-west.

5. Water is used for: Irrigation ✓

6. State whether or not water has been turned into works of diversion: yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Uninc. Sec. 35, Twp. 2 N., Rge. 1 W. B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Russell Caww along

Measured by Cox flow meter. #1 - 10" ID = 82.516 X 17.4 = $\frac{1440}{2076}$ = 3.201104 = 3.33 cfs.

#2 = 8" ID = 52.449 X 19.2 = $\frac{1011}{2076}$ = 2.25 V 10.9 = 2.46 cfs.

See Permit # G-26493

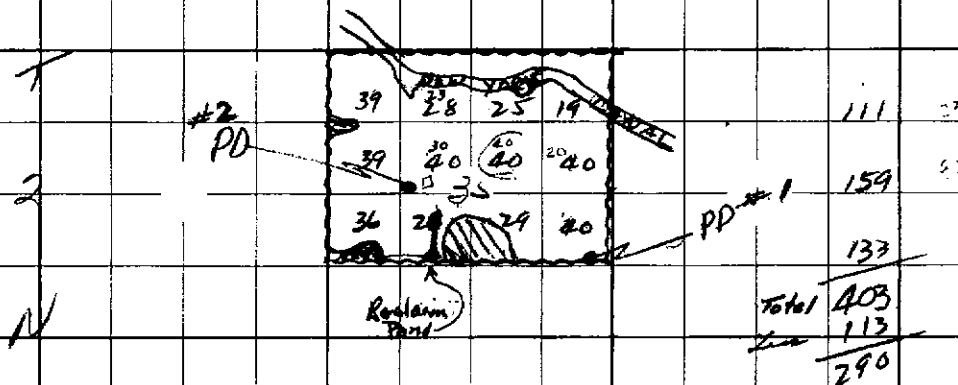
Total = $\frac{333}{242}$ = 5.79 cfs

This examination was made on the 29th day of April, 1966

(Signed) Loren Johnson Examiner.

28169

R 1 W



Permit # 26493. Lic. 1.73 cfs from
well # 2 for 113 acres.
See Red figures in map above.

#2 well 2.96 cfs
Loss 1.23
1.73 cfs
#1 well 3.33 cfs
4.06 cfs = Total available
for unlicensed portion of
above map

~~c/w 5.79 cfs.~~

Sub divisions 11

AREA 290 acres

4.06 cfs.

~~Permit allows 2.96 cfs~~