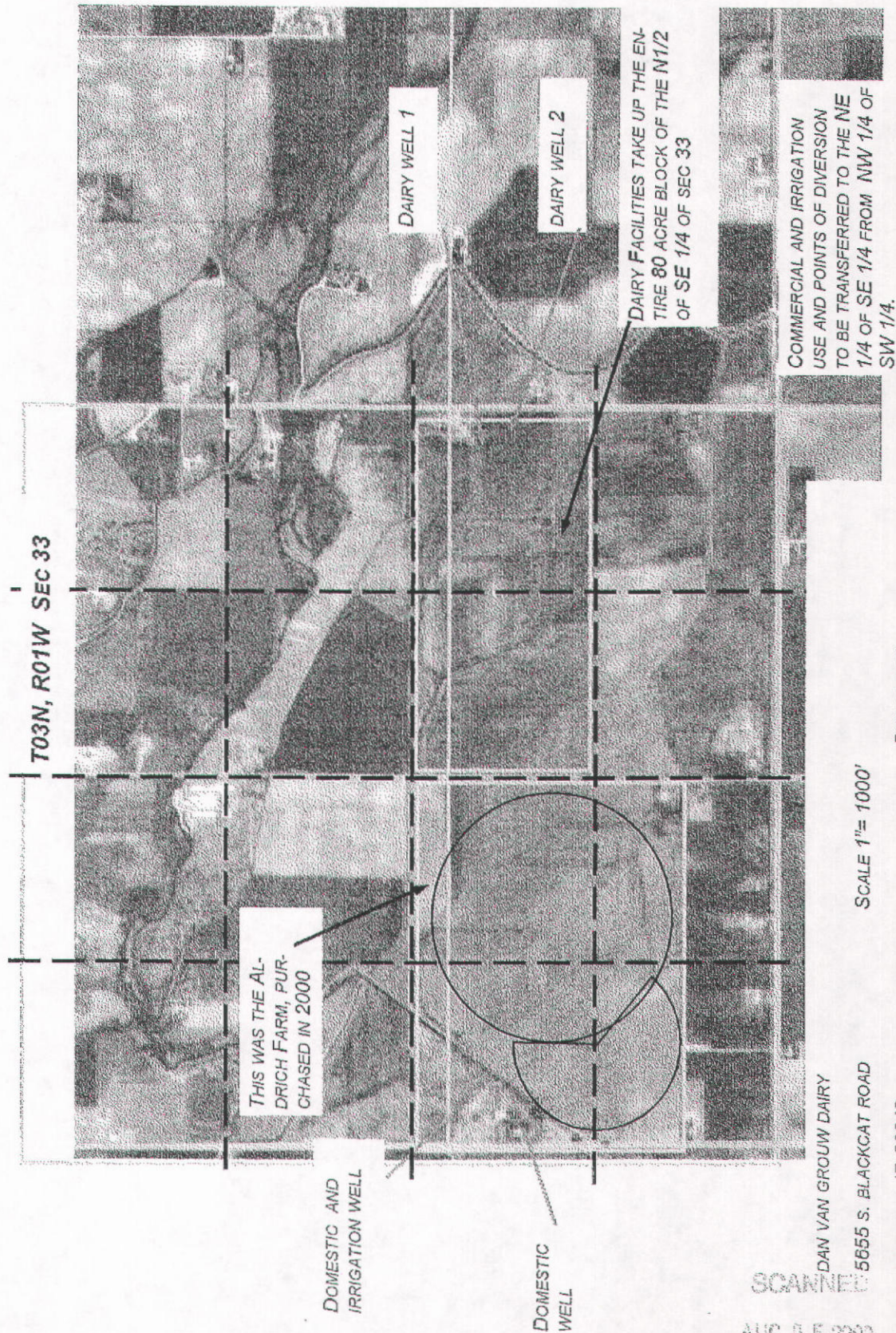




SCANNED

AUG 05 2008

SECTION 33

MICROFILMED

SEP 11 1964

Idaho Department of Water Resources

T03N, R01W,
S33

Claim No: 63-31748

Prepared By: Kimberly Brown

Date: May 25 , 2005



Place of Use



Section Lines



1/4 1/4



Point of Diversion



1987 NAPP

63-18444

Photo 173393a



An aerial photograph of a rural landscape, heavily tinted in red. The terrain is divided into numerous rectangular and irregular fields by thin, light-colored lines representing roads or fences. In the lower-left and lower-right areas, there are small clusters of buildings, likely farmhouses or small villages. The overall texture is grainy, typical of older aerial photography.

1987
Photo

33

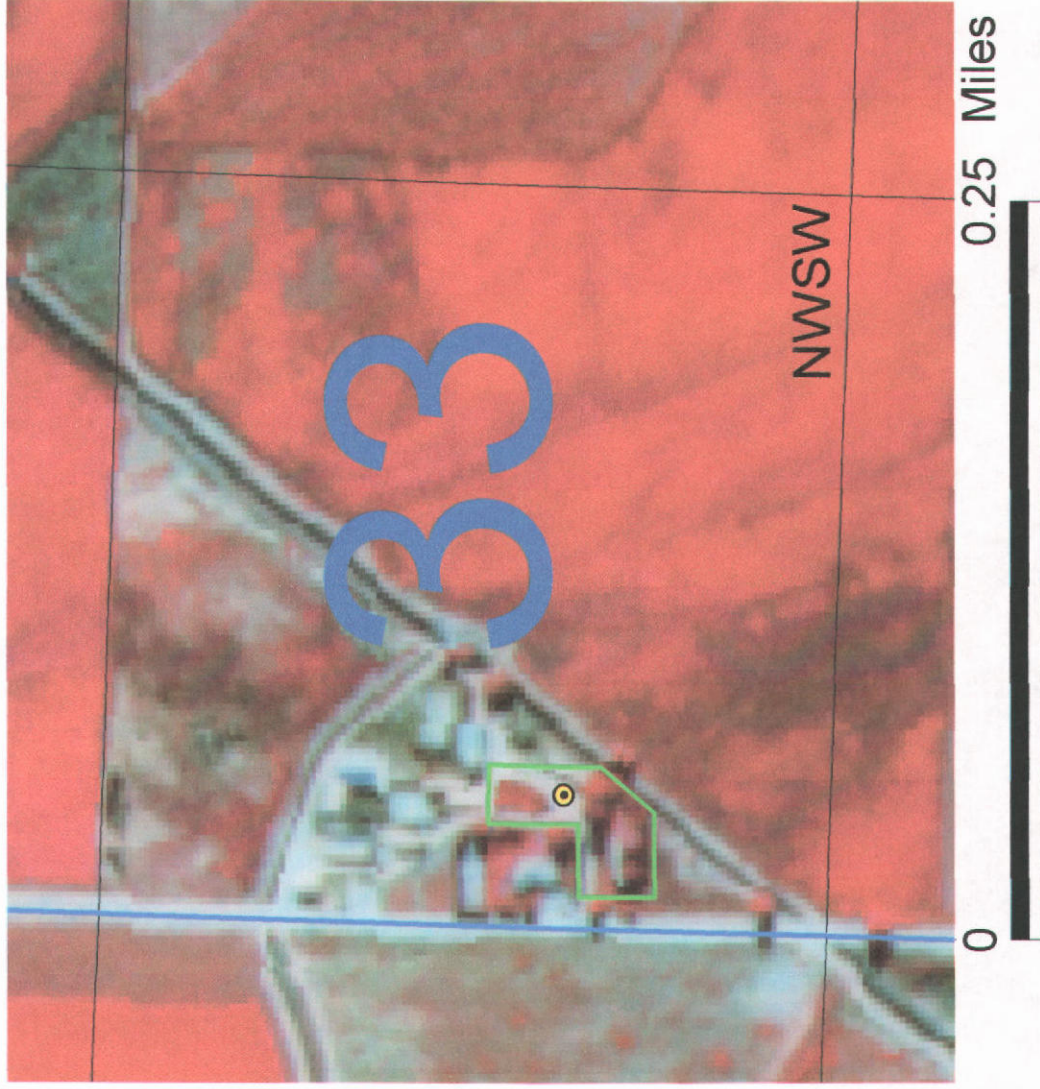


33

Idaho Department of Water Resources

Claim Number: 63-18444
Legal: T3N, R1W, S33
Reviewed By:

1987 Napp Photo



● Point of Diversion



Place of Use



Section Lines



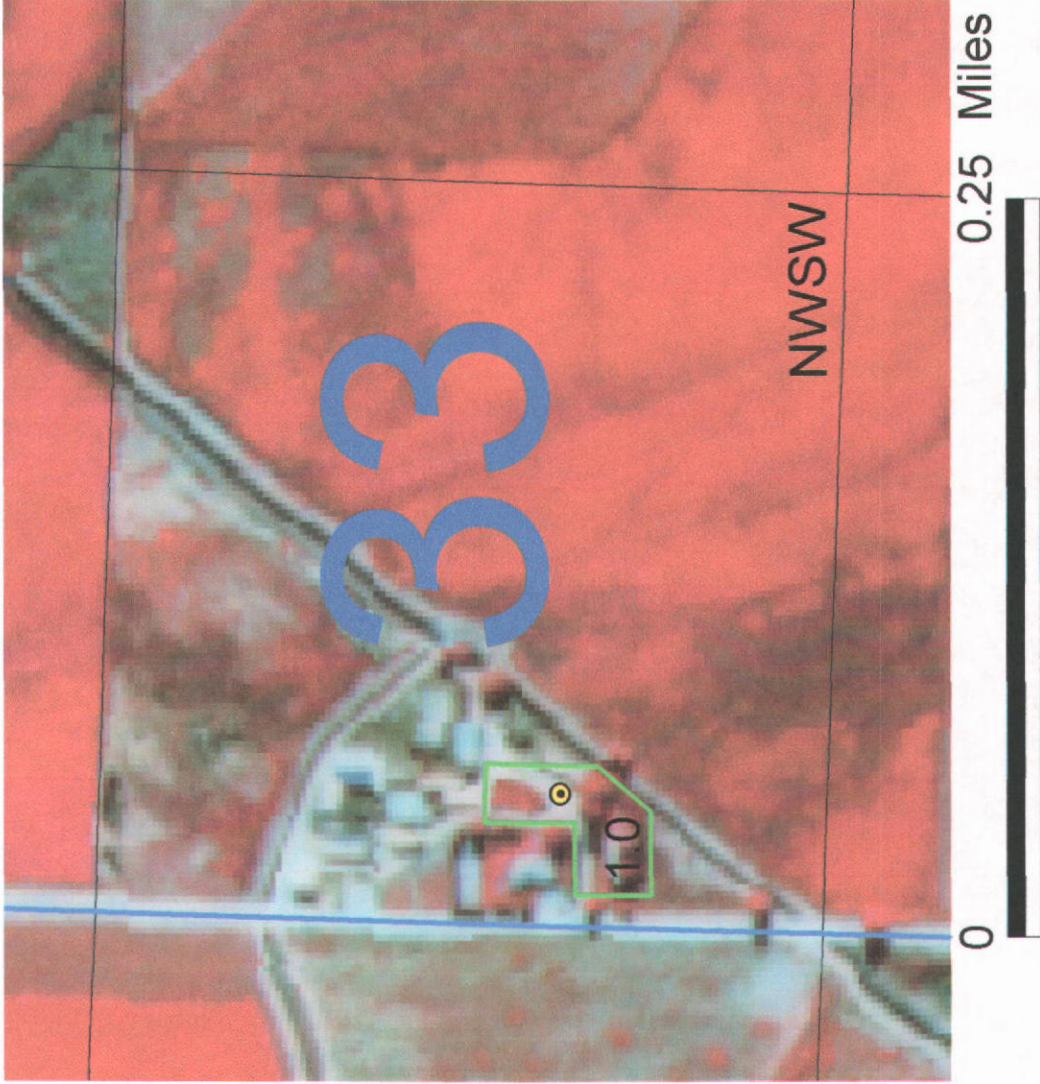
Quarter Quarter Lines



Idaho Department of Water Resources

Claim Number: 63-18444
Legal: T3N, R1W, S33
Reviewed By:

1987 Napp Photo



● Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines



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 63-31748
Date Received: 9/5/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KIMBERLY S VAN GROUW Phone:
5655 S BLACKCAT RD
MERIDIAN ID USA 83642

DANIEL S VAN GROUW Phone: (208)887-9259
5655 S BLACKCAT RD
MERIDIAN ID USA 83642

2. Date of Priority: 03/01/1954

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	01W	33	NW SW	ADA	

5. Description of diverting works:

WELL, 80' DEEP, 6" CASING, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.2	
COMMERCIAL	01/01	12/31	0.2	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01W	33	NW	SW		DOMESTIC	
			NW	SW		COMMERCIAL	
			NW	SW		STOCKWATER	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Beneficial Use

WATER RIGHT NO. 63-31748
As Modified by Transfer No. 70742

In accordance with the approval of Transfer No. 70742, Water Right No. 63-31748 is now described as follows.

Right Holder: DANIEL S VAN GROUW And
 KIMBERLY S VAN GROUW
 5655 S BLACKCAT RD
 MERIDIAN ID 83642

Priority Date: March 01, 1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01 to	12/31	0.04 CFS	
COMMERCIAL	01/01 to	12/31	0.20 CFS	
STOCKWATER	01/01 to	12/31	0.20 CFS	
			0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSW Sec. 33 Twp 03N Rge 01W ADA County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	01W	33	NE	NW	SW	SE	
					X		

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	01W	33	NE	NW	SW	SE	
					X		

PLACE OF USE: STOCKWATER

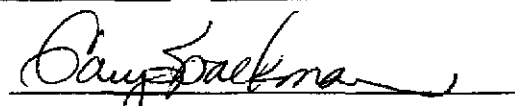
Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	01W	33	NE	NW	SW	SE	
					X		

CONDITIONS OF APPROVAL

1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24th day of October, 2003


 Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70742

This is to certify that: DANIEL S VAN GROUW
5655 S BLACKCAT RD
MERIDIAN ID 83642
(208)887-9259

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
63-18444	AJC/Beneficial Use	03/01/1954	0.20 cfs	N/A	N/A	1.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-18444	YES	YES	YES	NO	NO	YES

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-18444	63-31749	0.02 cfs	3.1 af	N/A	N/A	63-31748	0.20 cfs	N/A	N/A	N/A
COMBINED										
TOTALS		0.02 cfs	3.1 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24th day of October, 20 03



Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

PART 1**6. General Information:**

- a. Description of diversion system: The existing wells have adequate capacity to provide for dairy use.
- b. _____
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes ___ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The pasture is dried up. The old dairy buildings on the purchased farm were demolished, and no cattle are housed on the purchased farm.
- d. Remarks: The farms are two separate legal parcels under common ownership, with no connection between the water systems.

See attachments:

- A. Proof of ownership and lienholder permission .
- C. Flow calculations

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

APPLICATION FOR TRANSFER OF WATER RIGHT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

PART 2

(Attach one copy for each right) *see attached proof*

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____
dated _____ in _____ county of _____
- b. License No. _____
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other

3. Source of water

4. Date or priority

5. Water is used for the following purpose:

Amount (cfs/ac-ft)					
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion

8. 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	

9. Describe any other water right used for the same purpose as described above: None

pg 3a of 6
Page 1

02/24/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-18444

WATER RIGHT NUMBER: 63-18444

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEON E ALDRICH 5868 S MC DERMOTT NAMPA, ID 83687 (208)888-6309
Current Owner	KATHE C ALDRICH 5868 S MC DERMOTT NAMPA, ID 83687 (208)888-6309

Priority Date: 03/01/1954
Basis: Beneficial Use
Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
IRRIGATION	3/15 to 11/15	0.030 CFS	
COMMERCIAL	1/01 to 12/31	0.200 CFS	
STOCKWATER	1/01 to 12/31	0.200 CFS	
<u>Total Diversion:</u>		0.200 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 33, Twp 03N, Rge 01W, B.M.
ADA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01W	33																	

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	
03N	01W	33																	

Total Acres: 1

COMMERCIAL

pg 36 of 6

Page 2

02/24/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-18444

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	01W	33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
												X							

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	01W	33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
												X							

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 9/5/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 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

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
---------	--------------------	----------	--------------------	----------	--------

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
---------	-----------------	----------	----------

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non use? No If yes, describe:

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1.

Amount (cfs/ac-ft)						
.03/3.05	for	Irrigation	purposes from	3/15	to	11/15
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	

2. Point(s) of Diversion: N/C

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion

3. 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	
3N	1W	33										1							1

C. Description of unchanged portion of right

1.

Amount (cfs/ac-ft)						
.20 cfs	for	Stockwater	purposes from	1/1	to	12/31
.20 cfs	for	Commercial	purposes from	1/1	to	12/31
.04 cfs	for	Domestic	purposes from	1/1	to	12/31
	for		purposes from		to	

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion
		NW	SW	33	3N	1W	Ada	Domestic/Stockwater Well

3. 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	
3N	1W	33										X							

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

The grid is a large rectangle divided into a 10x10 grid of squares. Each square is further divided into a 4x4 grid of smaller squares by dashed lines. In the upper center of the grid, the handwritten text "see attachments" is written in a cursive script. Below it, the handwritten text "A1 + A2" is written in a similar script.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use		
Stockwater	02/3.05	365	1/1	to	12/31
				to	

2. Quantity and quality of return flows and location of discharge:

Used process and runoff waters to be contained in the lagoon on the NE 1/4 SE 1/4 sec 33 T03N R01W and land applied as appropriate to approximately 113 ac cropland.

3. Describe effects on other water uses resulting from the proposed change:

None. See Attachment B.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

David M. Howe
(Signature of Applicant)

Subscribed and sworn to before me this 10th day of Oct, 2006

Ron Howerton

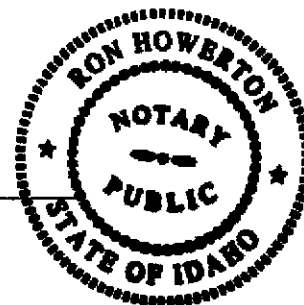
(Notary Public)

Ron Howerton

Residing at Boise, Idaho

My commission expires _____

My Commission Expires December 8, 2006



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DAN Date 10-10-02 Protest filed by _____

Prelim. check by g Fee \$100.00 42029789

Received by DAN Date 10-10-02

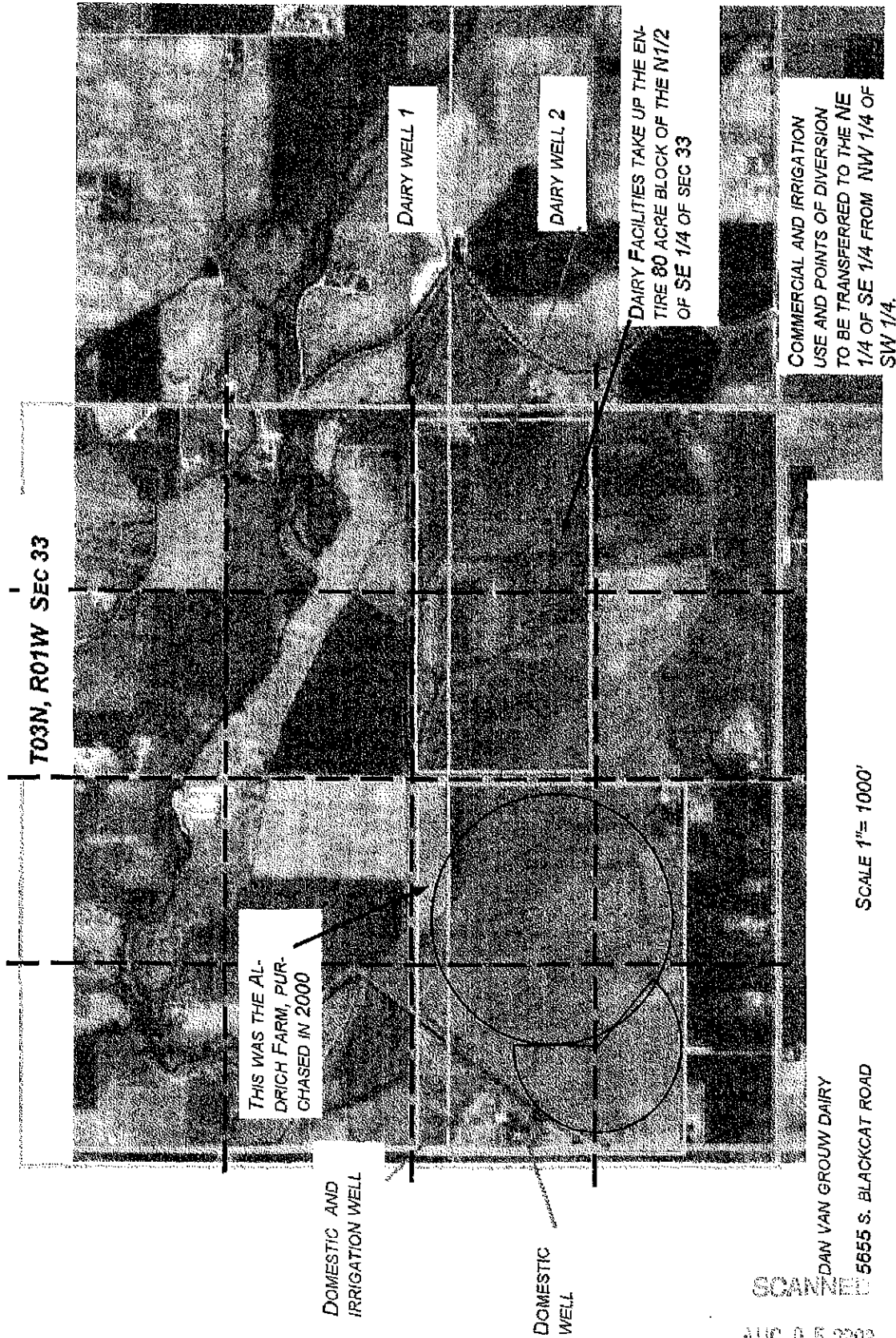
Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

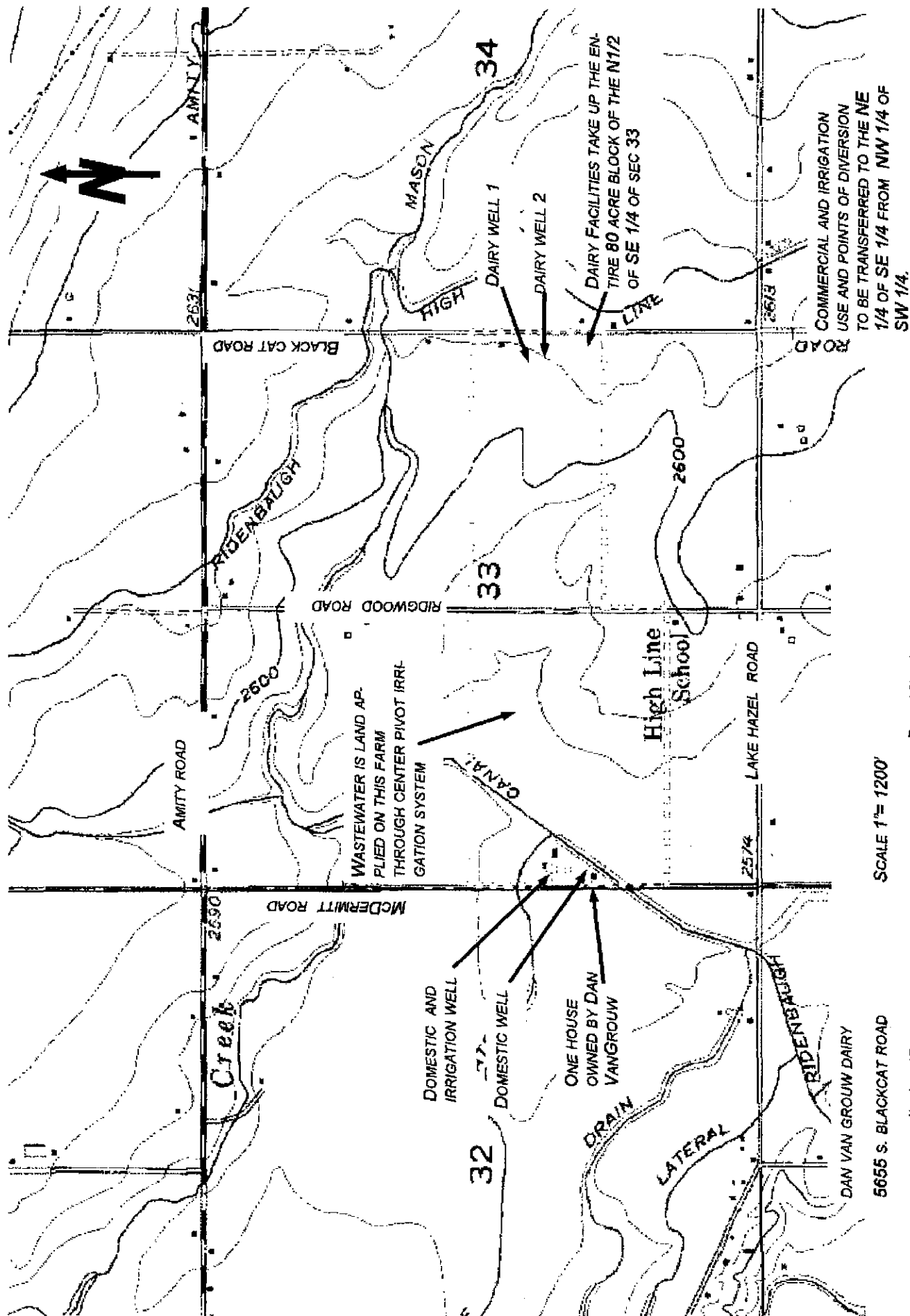
Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____



SCANNED
AUG 05 2003



SCALE 1"= 1200'

PREPARED BY

DARWIN VANDER STELT

5655 S. BLACKCAT ROAD

MERIDIAN, ID 83642

T03N R01W N1/2 OF S1/2 SEC 33

COMMERCIAL AND IRRIGATION
USE AND POINTS OF DIVERSION
TO BE TRANSFERRED TO THE NE
1/4 OF SE 1/4 FROM NW 1/4 OF
SW 1/4.

WARRANTY DEED

For Value Received

EDWARD G. VAN GROUW and JEANETTE VAN GROUW, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

DANIEL S. VAN GROUW AND KIMBERLY S. VAN GROUW, husband and wife

hereinafter referred to as Grantee, whose current address is

5655 S. BLACKCAT, MERIDIAN, ID 83642

the following described premises, to-wit:

NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 33, RANGE 3 NORTH, TOWNSHIP 1
WEST OF THE BOISE MERIDIAN, RECORDS OF ADA COUNTY, IDAHO.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 28, 2000.

Edward G. Van Grouw
EDWARD G. VAN GROUW

Jeanette Van Grouw
JEANETTE VAN GROUW

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2000 MY -1 AM 10:34

STATE OF IDAHO

COUNTY OF ADA

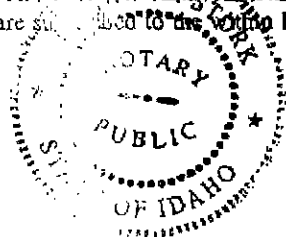
PIONEER TITLE

RECORDED - REQUEST OF

FEE 3.00 DEPUTY McDon

100032823

On This 28 day of April, in the year 2000, before me, a Notary Public in and for said State, personally appeared EDWARD G. VAN GROUW AND JEANETTE VAN GROUW, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.



Daniel S. Van Grouw
Notary Public of Idaho
Residing at MERIDIAN
Commission expires: 1/23/2002

Warranty Deed

For Value Received CORNELIUS HOUWELING AND ARLENE HOUWELING, HUSBAND AND WIFE

the grantor s do hereby grant, bargain, sell and convey unto DANIEL STEVE VAN GROUW AND KIMBERLY VAN GROUW, HUSBAND AND WIFE

whose current address is

5850 MCDERMOTT ROAD , MERIDIAN, IDAHO 83642

the grantee s the following described premises, in ADA

County Idaho, to wit:

SEE ATTACHED EXHIBIT A

EXHIBIT A

(CONTINUED)

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1999 AP - 9 PM 3:37

RECORDED - REQUEST OF

FEE 6.00 DEPUTY *M. Papil*

99034809

AMERICAN LAND TITLE CO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S, THEIR heirs and assigns forever. And the Grantors do hereby covenant to and with the said Grantee S, that they the owner s in fee simple of said premises; that they are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee S ; and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, includes irrigation and utility assessments, (if any) for the current year, which are not due and payable, and that Grantor S will warrant and defend the same from all lawful claims whatsoever.

Dated: April 9, 1999

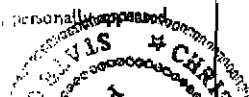
C. Houweling
CORNELIUS HOUWELING

A. Houweling
ARLENE HOUWELING

STATE OF IDAHO, COUNTY OF ADA

On this 9 TH day of APRIL, 19 99,

before me, a notary public in and for said State, personally appeared
CORNELIUS HOUWELING
ARLENE HOUWELING



B2

(CONTINUED)

SEE ATTACHED EXHIBIT A

EXHIBIT A

THE NORTH HALF OF THE SOUTHWEST QUARTER AND THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO.

EXCEPT THEREFROM A PARCEL BEING ONE SQUARE ACRE IN THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER CONVEYED TO TRUSTEES OF SCHOOL DISTRICT NO. 47, ADA COUNTY IDAHO, BY DEED RECORDED IN BOOK 38 OF DEEDS AT PAGE 247, RECORDS OF ADA COUNTY, IDAHO.

ALSO EXCEPT THEREFROM:

BEGINNING AT THE QUARTER CORNER COMMON TO SECTION 32 AND 33, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN; THENCE SOUTH ON THE SECTION LINE BETWEEN SECTION 32 AND 33, AFORESAID 316.6 FEET TO THE REAL POINT OF BEGINNING; THENCE CONTINUING SOUTH ON THE SECTION LINE 550.8 FEET; THENCE SOUTH 87°0' EAST 176.0 FEET; THENCE NORTH 3°0' EAST 198.9 FEET; THENCE NORTH 33°51' WEST 198.2 FEET; THENCE NORTH 0°31' EAST 170.5 FEET; THENCE NORTH 71°10' WEST 81.5 FEET TO THE SECTION LINE AND THE REAL POINT OF BEGINNING.

*Blackcat property
on Mc Dermitt*

Attachment C Flow and Volume Calculations

Amount of water (afa) to be transferred 3.05
 Volume Acres to dry
 Stockwater 3.05 1.0 (volume needed/consumptive use/acre)

Historic consumptive use per acre 3.05

Allen and Brockway Kuna:

	Acres	Method	App. Eff. %**	IR for Crop nm/season	Crop Div Vol AF/Ann	Crop CU AF/Ann
Irrigated Pasture	1	sprinkler	70%	931	4.36	3.05 afa

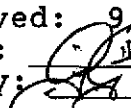
Total Flow for each license stays same:

63-18446	domestic	0.04	} limited to .2 cfs and 13000 gals per day. No element changed. Current use is water for 2 dwellings
	stockwater	0.2	
63-18444	irrigation	0.02	non-exempt commercial portion of the right limited to .02 cfs by statute
	Stockwater	0.2	} The exempt domestic license
	Domestic	0.04	

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: A63-18444
Date Received: 9/05/1989
Receipt No: W005448
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEON E. ALDRICH 208-888-6309
Address: 5868 SOUTH MC DERMOTT
NAMPA, ID 83687

OR

Name: KATHE C. ALDRICH 208-888-6309
Address: 5868 SOUTH MC DERMOTT
NAMPA, ID 83687

2. Date of Priority: MAR 01, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01W	33	NW	SW			ADA

5. Description of diverting works:
WELL, 80' DEEP, 6" CASING, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.030		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.200		
COMMERCIAL	01/01	12/31	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
1/D HOUSEHOLD, 250 DAIRY COWS, 4 HORSES, DAIRY FACILITIES

A63-18444

Page 1

Date: 09/05/89

MICROFILMED
SEP 01 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	01W	33	NW		SW		IRR	1.0
			NW		SW		DOMEST	
			NW		SW		STOCK	
			NW		SW		COMMER	
Section Acres								1.0
Total Acres								1.0

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:
IRRIGATION DISTRICT WATER

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Leon E. Aldrich Date: 9-5-89
Kathe C. Aldrich Date: 9-5-89

State of Idaho)
County of ADA) SS.

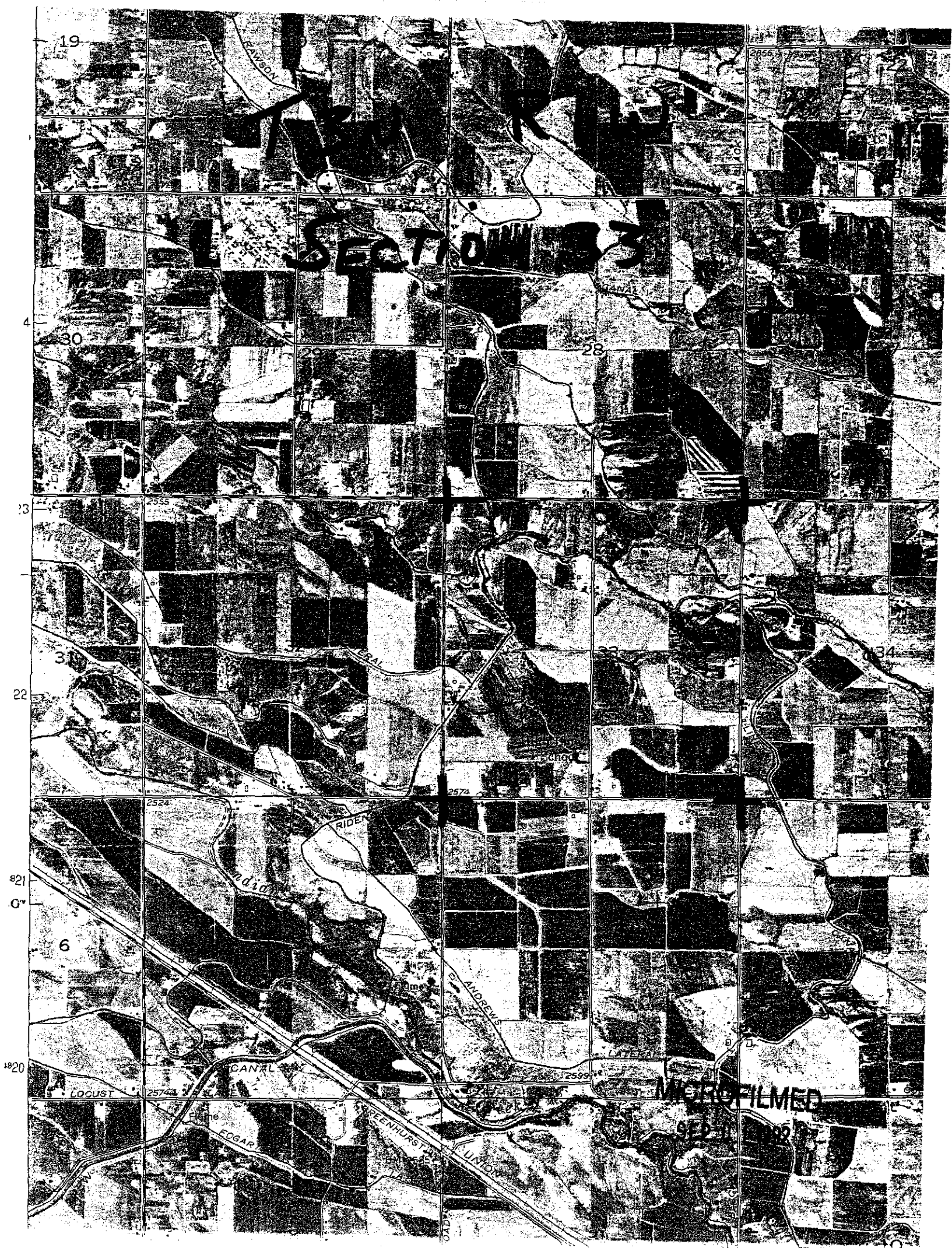
Subscribed and sworn (or affirmed) before me this 5th day
of Sept 19 89

Seal

Melvin Gene Gibson
Notary Public
Melvin Gene Gibson, Notary Public
Residing at Boise, Idaho

Residing at My Commission Expires September 2, 1994

My Commission Expires _____



19

RAWSON

SECTION 33

30

28

31

22

21

0"

6

20

LOCUST

CANAL

RIDER

INDIAN

ANDREWS

LATERA

MICROFILMED

SEP 11 1982

UNION

11/12/2003

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

RIGHT NUMBER: 63-31748
NAME AND ADDRESS: KIMBERLY S VAN GROUW
5655 S BLACKCAT RD
MERIDIAN ID 83642

DANIEL S VAN GROUW
5655 S BLACKCAT RD
MERIDIAN ID 83642

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.200 CFS
PRIORITY DATE: 03/01/1954
POINT OF DIVERSION:

T03N R01W S33 NWSW 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	0.200 CFS
STOCKWATER	01/01 12/31	0.200 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: COMMERCIAL Within ADA County
T03N R01W S33 NWSW
STOCKWATER Within ADA County
T03N R01W S33 NWSW
DOMESTIC Within ADA County
T03N R01W S33 NWSW

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: Beneficial Use

This right is a split from former right 63-18444.

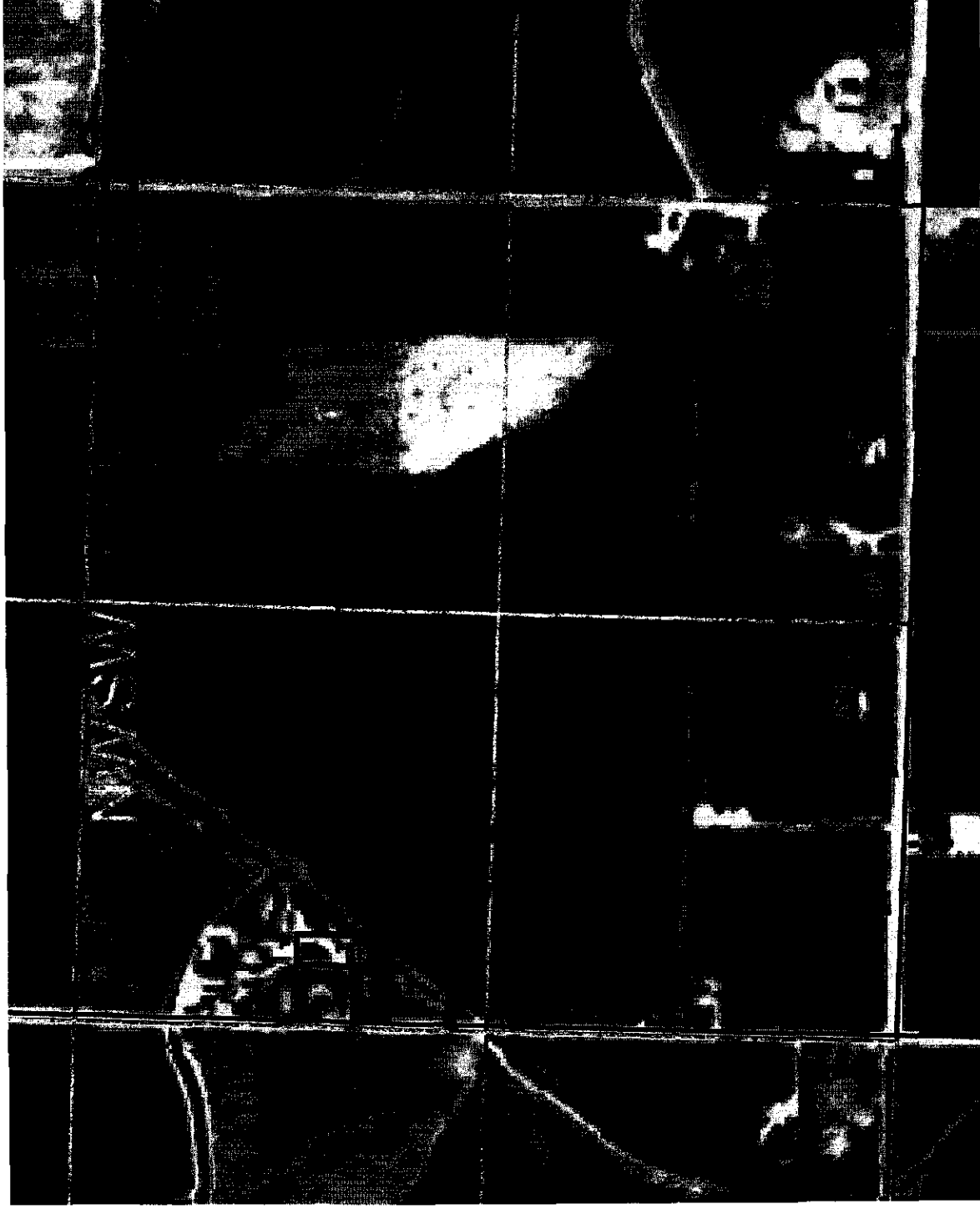
Idaho Department of Water Resources

T03N, R01W,
S33

Claim No: 63-31748

Prepared By: Kimberly Brown

Date: May 25 , 2005



Place of Use



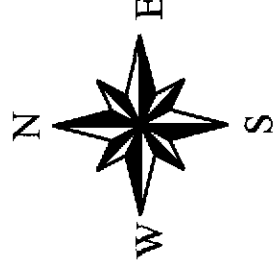
Section Lines



1/4 1/4



Point of Diversion



1987 NAPP

Adjudication Claim Report 63-31748

WATER RIGHT NUMBER: 63-31748 ✓

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KIMBERLY S VAN GROUW ✓ 5655 S BLACKCAT RD MERIDIAN, ID 83642
Original Owner	KATHE C ALDRICH ✓ 5868 S MC DERMOTT NAMPA, ID 83687 (208)888-6309
Original Owner	LEON E ALDRICH ✓ 5868 S MC DERMOTT NAMPA, ID 83687 (208)888-6309
Current Owner	DANIEL S VAN GROUW ✓ 5655 S BLACKCAT RD MERIDIAN, ID 83642 (208)887-9259

63-18444 & -18446
dairy recently demolished
& transferred to existing
dairy purchased
nearby

Priority Date: 03/01/1954 ✓
Basis: Beneficial Use ✓
Status: Active

Property Address: _____

5850 N. McDermott
Meridian

Source
GROUND WATER ✓

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC ✓	01/01	12/31 ✓	0.040 CFS ✓	
COMMERCIAL ✓	01/01	12/31 ✓	0.200 CFS ✓	
STOCKWATER ✓	01/01	12/31 ✓	0.200 CFS ✓	
Total Diversion:			0.200 CFS ✓	

Location of Point(s) of Diversion

GROUND WATER
ADA County ✓

NW1/4SW1/4 ✓

Sec. 33, Twp 03N, Rge 01W, B.M. ✓

Place of Use
DOMESTIC ✓

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	01W	33										X							

COMMERCIAL ✓

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31748

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 01W 33										X							

STOCKWATER ✓

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	01W	33										X							

Conditions of Approval:

1. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Remarks:Comments:

1. pskaggs 10/27/2003 3:07:13 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 70742

Dates and Other Information:

Claim Received Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: And
 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

ADD X01 - Domestic use is for 1 home.
ADD X02 - Stockwater use is for 250 dairy cows and 4 horses.
ADD REMARK - Commercial use is at a dairy.

Combined Use Limits:

a portion of
Parcel No: S12333 25500.

? Irrigation District water



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 63



RIGHT ID 63 18444
POD ID 173393
Quad Meridian 4
Claim Type Large
Easting 300318
Northing 275309
GPSID A0009257

Diversion Description

WELL, 80' DEEP, 6" CASING, PIPELINE, SPRINKLERS. No Inger used for agriculture.

Assumptions

Horse power, pressure head, and elevation head.

Invoice

2000-055-01

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

Photos

a Photos\173393a.JPG

EPE (ft)

20 LH

Date (M/D/Y)

11/20/01

Time

12:50

Flow Rate (CFS)

0.04

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 0

☐ Rectangular Channel

Width 0

Depth 0

Flow Calculation

☐ Continuity

Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description
Concrete lined .016
Smooth earth .025
Earth .033
Rough bed, weeds on sides .04
Smooth natural stream .033
Rough natural stream .1

Pumped System ☒

HP 1

Pressure Head (psi) 40

Elevation Head (ft) 50

Motor Mfg

Motor Serial #

Pump Type Submersible

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Service, Inc.



RIGHT ID

63 18444

63-18444

Photo 173393a



Brown, Kimberly

From: Shurte, Jan
Sent: Tuesday, August 05, 2003 5:21 PM
To: Harris, Lori; Brown, Kimberly
Subject: FW: Pending Transfer 70742

Kimberly - if Lori Graves hasn't spoken to you maybe you should talk with her about this one. It is one of yours in 3N 1W. Lori Harris tracks the transfers to make sure we amend the claims/recommendations when they are approved (just an FYI).

Jan

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

From: Graves, Lori
Sent: Tuesday, August 05, 2003 1:42 PM
To: Shaff, Don
Cc: Shurte, Jan
Subject: Pending Transfer 70742

Transfer 70742 proposes splitting the right and changing the p/u, nature of use and p/d on the irrigation portion of the following right.

AJC 63-18444

Adjudication Recommendation Report 63-31748 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KIMBERLY S VAN GROUW 5655 S BLACKCAT RD MERIDIAN, ID 83642
Original Owner	KATHE C ALDRICH 5868 S MC DERMOTT NAMPA, ID 83687 (208)888-6309
Original Owner	LEON E ALDRICH 5868 S MC DERMOTT NAMPA, ID 83687 (208)888-6309
Current Owner	DANIEL S VAN GROUW 5655 S BLACKCAT RD MERIDIAN, ID 83642 (208)887-9259

Status: Active

Tributary

GROUND WATER

GROUND WATER NW1/4SW1/4 Sec. 33, Twp 03N, Rge 01W, B.M.
ADA County

COMMERCIALSTOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31748 V1

03N 01W 33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
									X								

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
03N 01W 33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									X								

Conditions of Approval:

1. 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.

Remarks:

1. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-18444.

Comments:

1. pskaggs 10/27/2003 3:07:14 PM Transferred Right
Comment: This is now a approved transfer, transfer number = 70742

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: And
 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:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 13, 2003

KIMBERLY & DANIEL VAN GROUW
5655 S BLACKCAT RD
MERIDIAN ID 83642

RE: Snake River Basin Adjudication Water Right Nos. A63-31748 & A63-31749

Dear Mrs. and Mr. Van Grouw,

As the current owners of 63-31748 & -31749, please read the enclosed documents and submit evidence of priority by December 18, 2003.

If you have any questions, please contact me at the Western Region office.

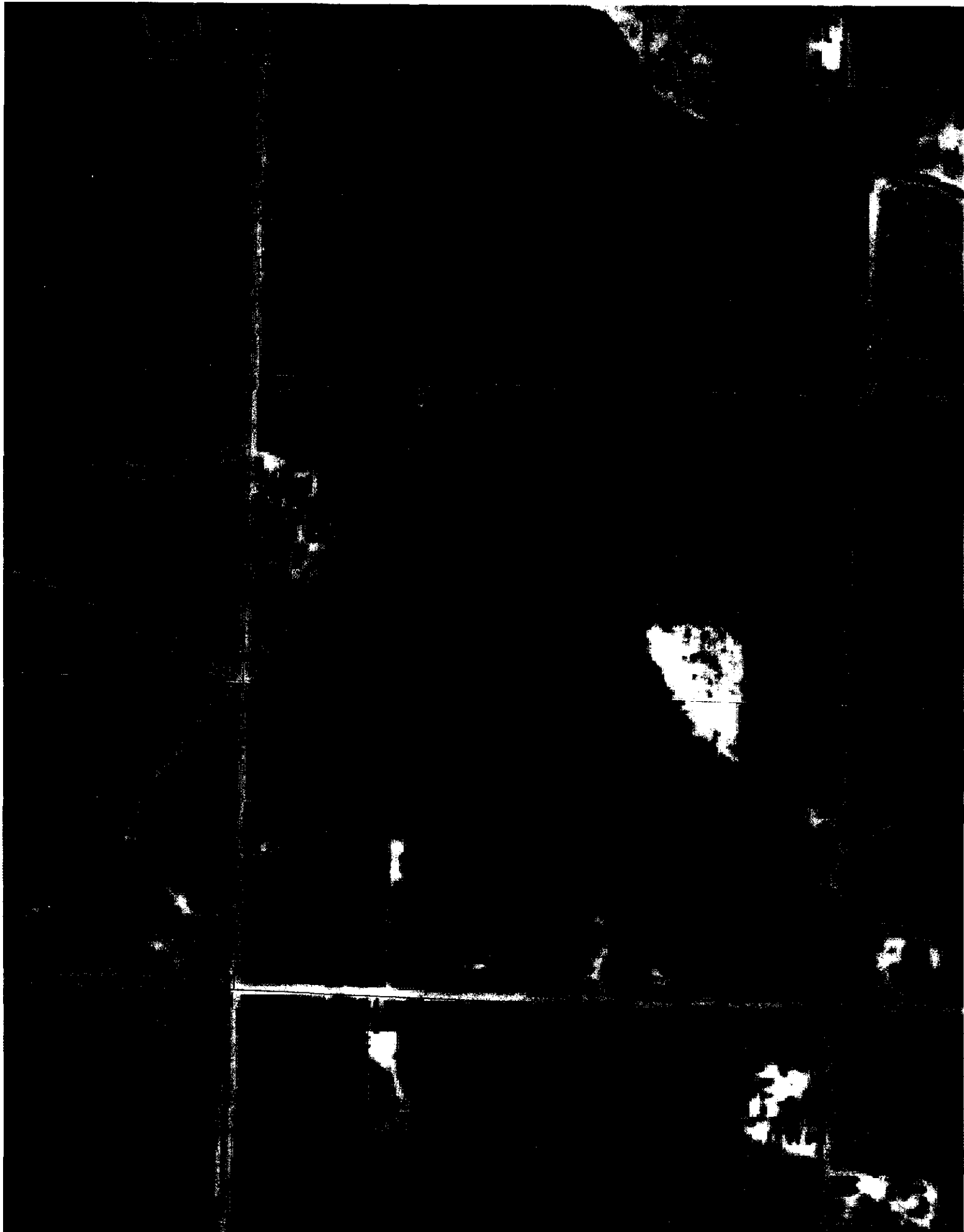
Sincerely,

Kimberly L. Brown

Kimberly L. Brown
Water Resource Agent
Western Region Office

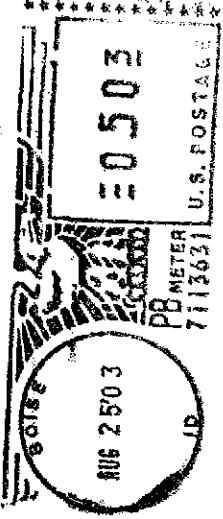
** submitted —
refer to 8.3.03
Evidence
submitted
by Vanderstelt*

1987
Photo



IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE
REQUESTED



 NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

Evidence of Priority

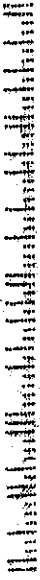
A63-18444

LEON & KATHE ALDRICH
5868 SOUTH MC DERMOTT
NAMP, ID 83687

RECEIVED

AUG 29 2003

WATER RESOURCES
WESTERN REGION



83705-5082

8.2.03 2002 Tax lot information shows no such address or
superior owners

(*) Refer to transfer documents



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 25, 2003

LEON & KATHE ALDRICH
5868 SOUTH MC DERMOTT
NAMPA, ID 83687

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-18444

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date."

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date. .

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by September 22, 2003. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

above.

Respectfully Submitted,

Kimberly L. Brown

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-18444

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: A63-18444 Date: 3-29-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	1W	33										1							1
GIS													1							1
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 1

Total GIS Acres: 1

Overlapping POU Claim #'s:

COMMENTS:

Idaho Department of Water Resources

Claim Number: 63-18444
Legal: T3N, R1W, S33
Reviewed By:

⊙ Point of Diversion



Place of Use

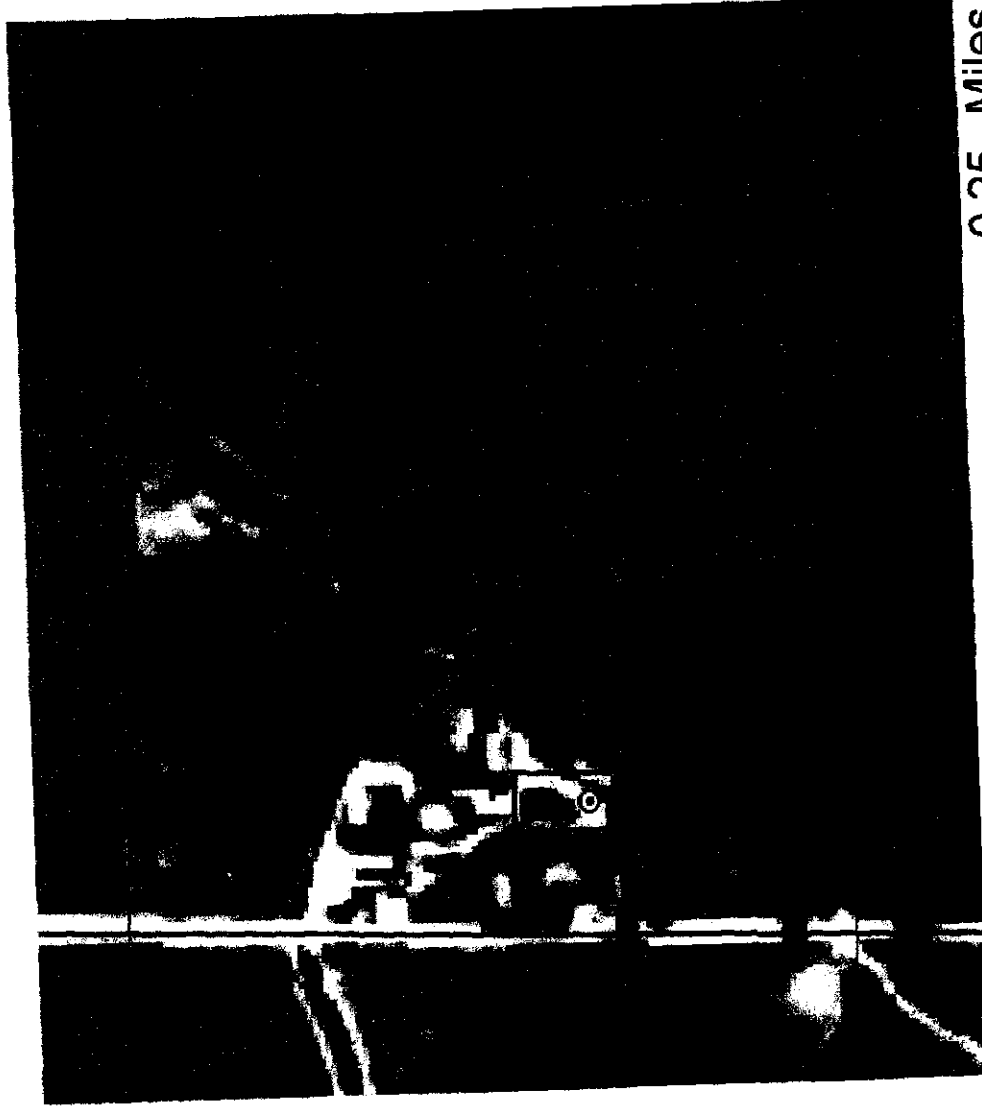


Section Lines



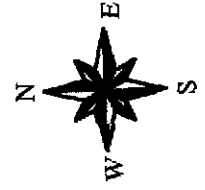
Quarter Quarter Lines

1987 Napp Photo



0.25 Miles

0



Idaho Department of Water Resources

Claim Number: 63-18444
Legal: T3N, R1W, S33
Reviewed By:

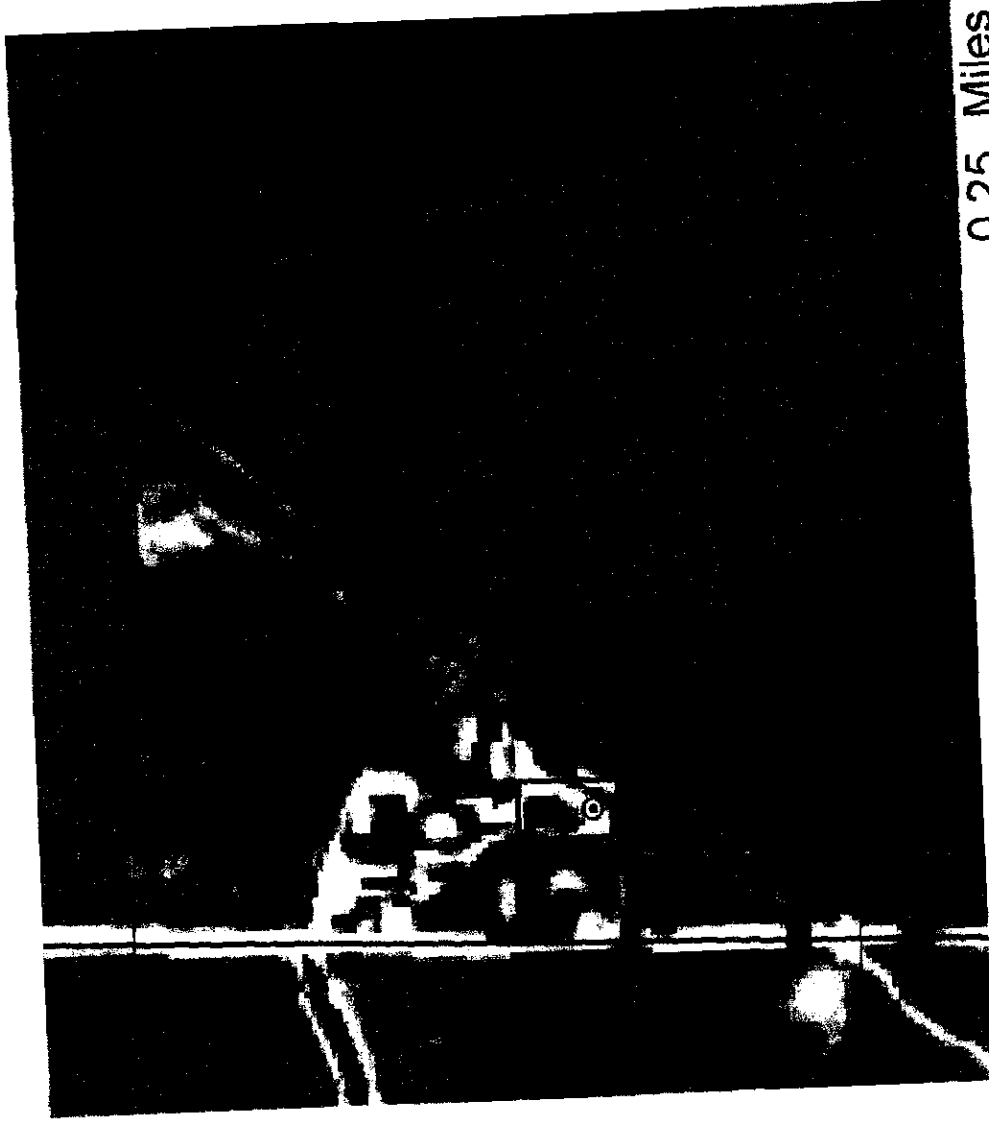
⊙ Point of Diversion

☐ Place of Use

☐ Section Lines

☐ Quarter Quarter Lines

1987 Napp Photo



0.25 Miles



63-18444
Claim File

MEMORANDUM

TO: Transfer File No. 70742

FROM: Lori Graves

DATE: 6/12/2003

RE: Evaluation of Sufficiency of Information Submitted

Brief: Applicant proposes retiring one acre of irrigation in the NWSW and diverting the water appurtenant to that acre from two existing wells in the NESE for supplemental stockwater use at a dairy located in the N1/2SE S33. The existing dairy is ½ mile North of Lake Hazel Rd, just West of Black Cat Rd.

Contact person for the applicant is Darwin Vanderstelt.

Authority to File: Ownership documentation has been provided for the existing and proposed P/U (see attachment B).

Water Right Validity: Right assumed valid because the partial decree was issued on right 63-18446, which uses the same system for the same uses as listed on right 63-18444, minus the one acre irrigation. Both rights have been listed on the transfer because of the common system and uses. The one acre of irrigation listed on 63-18444 is presumed valid since the right was claimed in 1989 and beneficial use occurred within the five year period prior to that date. Beneficial use was confirmed by a 1987 aerial photo. Ron Howerton, with the SRBA, stated that he would recommend the one acre, based on the 1987 aerial photo, once an affidavit establishing the 1954 priority date was submitted. The affidavit was requested from the applicant 6/12/03. Supporting information was submitted by Darwin Vanderstelt 8/5/2003. Ron stated that the information was sufficient to recommend the 1 acre of irrigation for claim 63-18444.

Injury to Other Water Rights: The subject properties are located in the same section, within one mile of each other. Injury to other water rights is not anticipated since the new use is already occurring. The purpose of the transfer is to obtain additional water to cover the needs of an existing dairy that is operating beyond its licensed water right.

Enlargement of Use: The Allen Brockway Report was used to determine the amount of water historically consumed by the acre of pasture. Only the consumptive use volume from irrigation of that acre will be transferred for stockwater use. The difference between the diversion volume and the consumptive use volume will be forfeited as a result of the transfer because stockwater associated with a dairy is considered fully consumptive. Measuring devices will be required at the proposed site to insure water right compliance.

Local Public Interest: No negative impacts are anticipated due to the small amount proposed for transfer.

Beneficial Use/Conservation of Water Resources: Applicant proposed beneficial use consistent with the Departments water right standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of this application.

Additional Information: Applicant originally filed 10/10/02 seeking to transfer the water from rights 63-18444 and 63-18446 from a dairy that has been recently demolished to another existing dairy he purchased nearby. It was obvious that the transfer could not be processed because right 63-18446 was for exempt domestic uses. The transfer application was then amended 1/21/03 to exclude the water from 63-18446 and only include the non-exempt uses listed on right 63-18444. The amended transfer also could not be processed because, based on review of the documentation presented and SRBA records, the historical water use requirements of the demolished dairy did not exceed 13,000 gpd, which equates to 14.6 afa. Please see my correspondence letter dated 4/14/03 for further detail. According to IDWR Administration, only that amount in excess of 13,000 gpd/14.6 afa can be transferred for another use elsewhere. Another amendment was then received from the applicant 5/28/03 proposing to transfer only the non-exempt historical consumptive use of the acre of pasture irrigation listed on claim 63-18444.

The proposed P/U is currently operating under license 63-12109 for .23 cfs and 38.9 afa. During the field investigation for permit 63-12109, the dairy was using .33 cfs and 72.8 afa. The license was issued based on the permit limits. This transfer and another transfer, being processed by Dan Nelson, have been filed by the applicant to seek additional water to cover his existing dairy needs.

Data entry appeared to affect the correct record.

Conditions: Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the following conditions of approval should be applied:

- WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-31749 and 63-12109 shall not exceed .25 cfs, nor total combined annual volume of 42 af.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 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.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

- 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.*

Nutrient Management Service

Memo

RECEIVED

AUG 05 2003

WATER RESOURCES
WESTERN REGION

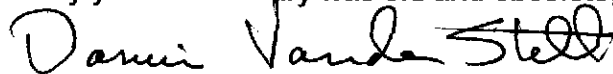
To: Lori Graves
From: Darwin Vander Stelt
CC: [Click [here](#) and type name]
Date: 8/2/2003

Re: Mr. Van Grouw wishes to transfer the irrigation component of WR No. 63-18444 from irrigation to stock water use. The remaining components are part of the domestic right associated with the homes in the NWSW of sec. 33, and are hence not transferable to the dairy in the SE ¼ of sec 33, because the dairy already has a domestic right associated with it.

The irrigation component of 63-18444 lists a flow of .03 cfs, and a place of use of only one acre. Consequently I have used .02 as the flow transferred (limit for 1 acre), and 3.05 afa (historic consumptive use) as the volume.

The transferred stockwater will be added to the water used on the dairy under license 63-12109. Another transfer is in process to further increase the water for dairy use.

You requested proof that the water was actually being used as of 1954 and all I can raise is the fact that a functioning dairy has been there since 1921. Attached is a copy of the property tax records showing that date. I can personally attest that there was a small pasture behind the milking parlor which was irrigated from the same well that supplied the dairy. I saw this in 1996, and it did not appear to have changed in many years. The dairy was old and obsolete, and was demolished around 1999.



Darwin Vander Stelt



State of Idaho

DEPARTMENT OF WATER RESOURCES

April 4, 2003 Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Darwin Vander Stelt
16931 Star Rd
Nampa ID 83687

Re: Dan Van Grouw Transfer

Dear Darwin:

We received a transfer from you January 21, 2003 for your client Dan Van Grouw. The transfer proposed moving irrigation and commercial use listed on claim 63-18444 (Aldrich Dairy) to applicant's dairy located across the road. The transfer listed rights 63-18444 and 63-18446, which used a common system. Right 63-18446 was decreed for the exempt-domestic use allowed to Aldrich Dairy and cannot be transferred. This right allowed Aldrich Dairy 13,000 gpd, which equates to 14.6 afa.

The documentation you provided in Attachment B shows that the Aldrich Dairy consisted of 200 milking cows, 50 dry cows and 250 heifers. This information coincides with the information provided on the original adjudication claims filed by Leon Aldrich in 1989. 200 milking cows require 7.82 afa based on 35 gpd/cow. 300 dry cows and heifers require 4.02 afa based on 12 gpd/cow. According to Attachment B, 2.27 afa was needed to fulfill the dairy's commercial uses. $7.82 + 4.02 + 2.27 = 14.11$ afa. This amount is covered on decree 63-18446, which cannot be transferred. According to IDWR administration, only that amount found in excess of 14.6 afa can be transferred for commercial use. Therefore, the amount that is available for transfer from the Aldrich Dairy to applicant's dairy for commercial use is the 3.05 afa CU/acre for the 1 acre of pasture irrigation.

If your client wishes to pursue this proposal for 3.05 afa, please submit a new or revised transfer application within 30 days from the date of this letter. I have enclosed the original and amended transfer application and have kept a copy for my records. If we do not hear from you by May 4, 2003, the department will proceed to void the transfer application.

Thanks Darwin.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Cc: Dan Van Grouw

RECEIVED

JAN 21 2003

WATER RESOURCES
WESTERN REGION

To: Lori Graves

From: Darwin Vander Stelt

RE: Water Transfer for Dan VanGrouw , WR# 63-18446 and 63-18444

Dan VanGrouw has owned and operated a dairy located on the North ½ of the SE ¼ of sec 33, T03N, R01W, Ada county, Idaho, since 1993. In 1999, He purchased another dairy (Aldrich dairy) on 120 acres across Ridgewood Road from his existing dairy. The Aldrich dairy was operated with approximately 350 cows up to the time of its sale to the applicant. The cows were moved off the dairy, and the dairy buildings were demolished, leaving only two homes on the Aldrich dairy site.

Two water rights were purchased with the land: 63-18446 which seems to be the exempt domestic right which is limited to 13000 gals per day, and 63-18444, which appears to incorporate the domestic right, but which is something more in addition. It includes the same flows and uses as the domestic right, but also includes a commercial right and an irrigation right.

Since the applicant already has a domestic right on his dairy in the N ½ of the SE ¼, 43-111(3) does not allow transfer of the domestic right on the Aldrich dairy to the existing dairy. It should not preclude, however, transfer of the non-exempt uses listed in 63-18444.

This Application does not request the transfer of any of the 13000 gal/day limited use. No domestic or stockwater will be transferred, only the irrigation and commercial use. This should satisfy the requirements of 42-111(3). Both the irrigation and commercial use in 63-18444 escape the definition of domestic use in 42-111(1)(a and b). The irrigation use escapes because it is greater than 1/2 acre (42-111(1) a), while the commercial use escapes because the diversion volume exceeds .04 cfs (42-111(1) b).

The applicant wishes to transfer the irrigation use to stockwater use, with the place of diversion, time of use, and place of use also changed. The one acre of pasture is dried up.

The applicant wishes to transfer the place of diversion and place of use of the commercial right incorporated in 63-18444.

The flows will still be limited as per the existing water right, with the total of flows limited to .2 cfs. The applicant does not wish to add to the system capacity of the dairy.

There is a serious problem in validating the precise quantity of water covered by the commercial portion of 63-18444. The Aldrich dairy was owned for 5 years (1994-1999) by another owner (Case Houewling), the Aldrich family is angry at that owner and the dairy business in general, and will not sign any affidavit of any kind relating to that dairy. As a consequence, I have picked the number of 200 cows milking and calculated the commercial use required for that size dairy. There could have been 300 or more cows milking in 1987, but it is impossible to prove 15 years later. The applicant is satisfied with the stipulation of 200 cows milking (dry cows have no effect on commercial use). This is likely to be very close to the real number. We could be off 50% either way and it would make less than an acre foot difference.

It should be noted that this approach results in a significant decrease in the quantity of water pumped because the domestic right was surely fully pumped with the 350 cows milking in 1994, while only 2 houses remain now, and all livestock facilities have been torn down.

Thank You for your favorable consideration.


Darwin

Attachment B

Holstein weight

140

Daily Fresh Water Requirement For Dairy Facility Worksheet (Commercial use only)

For Dan Van Grouw

Drinking Water Estimates (see Table 1 & 2):

			Size	Adjustment	Use/day	Total Gal/Day	Total Gals/Yr.	Acre-feet/Yr (AF/a)
		Number	Use/day					
Milking Cows		200	0		0	0		
Dry Cows		50	0		0	0		
Total Cows		250			0	0		
Heifers:	Age	% of Herd	Number	Use/day	0%	Total		0.0
	16-24 mo.	0.38	0	10	0.0	0.0		
	13-15 mo.	0.12	0	8	0.0	0.0		
	9-12 mo.	0.17	0	6	0.0	0.0		
	5-8 mo	0.17	0	5	0.0	0.0		
	3-4 mo	0.08		4	0.0	0.0		
	0-2 mo	0.08		2.5	0.0	0.0		
Total Heifers			0			0.0		0.0

Total Herd Drinking Water

0.0

Milk House and Parlor Estimate (see Table 4)

Item	Gals/Op	x's/day	Gals/day		
Bulk Tank	50	0.5	25		
Pipeline	100	2	200		
Deck flush (measured water)	0	4	0		
Cleanup	500	2	1000		
Cow Prep	2	2	800		
Plate Cooler(ignore if recycled)					
Total Milk House and Parlor Water Used:			2025	739,125	2.2
Total commercial use for WR# 63-18444 (afa):					2.2
Allen and Brockway Kuna:					

	Acres	Method	App. Eff. %**	IR for Crop nm/season	Crop Div Vol AF/Ann	Crop CU AF/Ann
Irrigated Pasture	1	sprinkler	70%	931	4.36	3.05 afa

Total this transfer (afa)

5.32