

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

2008 JUL 17 AM 10 35

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JUL / 8 2008

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

Case No. 39576

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)
)
)
)

Water Rights: 63-3065, 63-3315,
63-3547, 63-3581, 63-9279
**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

XX IC § 42-222 transfer

XX Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

XX Other – Conditions & Remarks

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 16, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 16, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Gregory Troost	☐ overnight mail
Joyce Troost	☒ regular mail
30540 Sabin Rd.	☐ hand-delivered
Parma ID 83660	☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

COPY

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

RIGHT NUMBER: 63-3065

NAME AND ADDRESS: JOYCE TROOST
30540 SABIN RD
PARMA ID 83660

GREGORY TROOST
30540 SABIN RD
PARMA ID 83660

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.910 CFS
639.000 AFY

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DISTRICT COURT - SEBA
TWIN FALLS CO., IDAHO

Diversion of water from the additional well authorized under Transfer 34917 located in the SWNE, Sec. 36, T6N, R5W shall not exceed a maximum diversion rate of 7.00 cfs.

The rights listed below are limited to a total combined diversion rate of 12.28 cfs and to a total maximum combined annual diversion volume of 3051.5 AF at the field headgate for the irrigation of 678.1 acres. Combined Right Nos.: 63-3065, 63-3315, 63-3547, 63-3581 and 63-9279.

The total instantaneous diversion of water from all points of diversion under ~~Transfer 5546~~ this right shall not exceed 14.83 cfs nor a total combined annual diversion volume of 3451.3 af for all uses.

PRIORITY DATE: 11/01/1955

POINT OF DIVERSION:

T06N R05W S25 SWSE Within PAYETTE County
T06N R05W S35 NENE Within CANYON PAYETTE County
T06N R05W S36 SWNE Within PAYETTE County
T06N R05W S36 SWSW Within PAYETTE County
T06N R05W S36 NWSE Within PAYETTE County
T06N R05W S36 NWSE Within PAYETTE County

Right Nos. 63-3315, 63-3547, 63-3581 and 63-9279 are also diverted through points of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	1.910 CFS 639.00 AFY

PLACE OF USE: IRRIGATION in PAYETTE County

T06N R05W S25	NESW	40.00	T06N R05W S25	NWSW	40.00
T06N R05W S25	SESW	24.50	T06N R05W S25	SWSE	33.00
T06N R05W S25	SESE	30.00	T06N R05W S36	NENE	30.00

T06N R05W S36	NWNE	40.00	T06N R05W S36	SWNE	27.50
T06N R05W S36	SENE	40.00	T06N R05W S36	NENW	40.00
T06N R05W S36	NWNW	29.00	T06N R05W S36	SWNW	40.00
T06N R05W S36	SENW	31.00	T06N R05W S36	NESW	21.00
T06N R05W S36	NWSW	40.00	T06N R05W S36	SWSW	39.00
T06N R05W S36	SESW	36.00	T06N R05W S36	NESE	40.00
T06N R05W S36	SWSE	31.00	T06N R05W S36	SESE	30.00

682 ACRES TOTAL

This right is limited to the irrigation of 142.0 acres in 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

~~Prior to diversion of water under Transfer 5546, 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.~~

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall accomplish the change authorized by Transfer 74917 5546 within one year of the date of the approval.

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 the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality.~~

Failure of the right holder to comply with the conditions of Transfer 74917 5546 is cause for the Director to rescind approval of the transfer.

~~Right Nos. 63-3315, 63-3547, 63-3581 and 63-9279 are also diverted through points of diversion described above.~~

COPY

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

RIGHT NUMBER: 63-3315

NAME AND ADDRESS: GREGORY TROOST
30540 SABIN RD
PARMA ID 83660

JOYCE TROOST
30540 SABIN RD
PARMA ID 83660

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.340 CFS
2,743.300 AFY

Diversion of water from the additional well authorized under Transfer 74917 located in the SWNE, Sec. 36, T6N, R5W shall not exceed a maximum diversion rate of 7.00 cfs

The rights listed below are limited to a total combined diversion rate of 2.55 cfs and to a total combined annual diversion volume of 399.8 AF for stockwater and commercial uses at the dairy facility. Combined Right Nos.: 63-3315, 63-3547, 63-3581 and 63-9279.

The rights listed below are limited to a total combined diversion rate of 12.28 cfs and to a total combined annual diversion volume of 3051.5 AF at the field headgate for the irrigation of 678.1 acres. Combined Right Nos.: 63-3065, 63-3315, 63-3547, 63-3581 and 63-9279.

The total instantaneous diversion rate from all authorized points of diversion under ~~Transfer 5546~~ this right is limited to 14.83 cfs and to a total combined annual diversion volume of 3451.3 AF for all uses.

PRIORITY DATE: 10/15/1962

POINT OF DIVERSION:

T06N R05W S25 SWSE Within PAYETTE CANYON County

T06N R05W S35 NENE Within CANYON County

T06N R05W S36 SWNE Within PAYETTE County

T06N R05W S36 SWSW Within PAYETTE CANYON County

T06N R05W S36 NWSE Within PAYETTE CANYON County

T06N R05W S36 NWSE Within PAYETTE CANYON County

Right Nos. 63-3065, 63-3547, 63-3581 and 63-9279 are also diverted through points of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.960 CFS 493.20 AFY
COMMERCIAL	01/01 12/31	0.960 CFS 493.20 AFY
IRRIGATION	03/01 11/15	4.380 CFS 2,250.10 AFY

Commercial use is for a dairy.

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TWIN FALLS CO., IDAHO
DISTRICT COURT - SIDA

PLACE OF USE: IRRIGATION in PAYETTE County

T06N R05W S25	NESW	40.00	T06N R05W S25	NWSW	40.00
T06N R05W S25	SESW	24.50	T06N R05W S25	SWSE	33.00
T06N R05W S25	SESE	30.00	T06N R05W S36	NENE	30.00
T06N R05W S36	NWNE	40.00	T06N R05W S36	SWNE	27.50
T06N R05W S36	SENE	40.00	T06N R05W S36	NENW	40.00
T06N R05W S36	NWNW	29.00	T06N R05W S36	SWNW	40.00
T06N R05W S36	SENW	31.00	T06N R05W S36	NESW	21.00
T06N R05W S36	NWSW	40.00	T06N R05W S36	SWSW	39.00
T06N R05W S36	SESW	36.00	T06N R05W S36	NESE	40.00
T06N R05W S36	SWSE	31.00	T06N R05W S36	SESE	30.00

STOCKWATER in PAYETTE County

T06N R05W S36	SWNE	T06N R05W S36	SENW
T06N R05W S36	NESW	T06N R05W S36	SESW
T06N R05W S36	NWSE	T06N R05W S36	SWSE

COMMERCIAL in PAYETTE County

T06N R05W S25	NESW	T06N R05W S25	NWSW
T06N R05W S25	SESW	T06N R05W S25	SWSE
T06N R05W S25	SESE	T06N R05W S36	NENE
T06N R05W S36	NWNE	T06N R05W S36	SWNE
T06N R05W S36	SENE	T06N R05W S36	NENW
T06N R05W S36	NWNW	T06N R05W S36	SWNW
T06N R05W S36	SENW	T06N R05W S36	NESW
T06N R05W S36	NWSW	T06N R05W S36	SWSW
T06N R05W S36	SESW	T06N R05W S36	NESE
T06N R05W S36	NWSE	T06N R05W S36	SWSE
T06N R05W S36	SESE		

682 ACRES TOTAL

The place of commercial use authorized by ~~Transfer 5546~~ this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. ~~Water diverted under Transfer 5546 shall not be used for irrigation unless the water is first used in the dairy as authorized by the transfer.~~

This right is limited to the irrigation of 588.5 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

Failure of the right holder to comply with the conditions of Transfer 74917 5546 is cause for the Director to rescind approval of the transfer.

~~Use of water under Transfer 5546 approval shall comply with applicable water quality standards of the Department of Environmental Quality.~~

~~Prior to diversion of water under Transfer 5546, 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.~~

Stockwater use is for 6940 dairy cattle.

The right holder shall accomplish the change authorized by Transfer 74917 5546 within one year of the date of the approval.

COPY

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

RIGHT NUMBER: 63-3547

NAME AND ADDRESS: GREGORY TROOST
30540 SABIN RD
PARMA ID 83660

JOYCE TROOST
30540 SABIN RD
PARMA ID 83660

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.630 CFS
1,351.100 AFY

Diversion of water from the additional well authorized under Transfer 74917 located in the SWNE, Sec. 36, T6N, R5W shall not exceed a maximum diversion rate of 7.00 cfs.

The rights listed below are limited to a total combined diversion rate of 2.55 cfs and to a total combined annual diversion volume of 399.8 AF for stockwater and commercial uses at the dairy facility. Combined Right Nos.: 63-3315, 63-3547, 63-3581 and 63-9279.

The rights listed below are limited to a total combined diversion rate of 12.28 cfs and to a total combined annual diversion volume of 3051.5 AF at the field headgate for the irrigation of 678.1 acres. Combined Right Nos.: 63-3065, 63-3315, 63-3547, 63-3581 and 63-9279.

The total instantaneous diversion rate from all points of diversion under ~~Transfer 5546~~ this right is limited to 14.83 cfs and to a total combined annual diversion volume of 3451.3 AF for all uses.

PRIORITY DATE: 10/04/1966

POINT OF DIVERSION:

T06N R05W S25 SWSE Within PAYETTE County
T06N R05W S35 NENE Within CANYON PAYETTE County
T06N R05W S36 SWNE Within PAYETTE County
T06N R05W S36 SWSW Within PAYETTE County
T06N R05W S36 NWSE Within PAYETTE County
T06N R05W S36 NWSE Within PAYETTE County

Right Nos. 63-3065, 63-3315, 63-3581 and 63-9279 are also diverted through points of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.980 CFS 1,017.20 AFY
COMMERCIAL	01/01 12/31	0.650 CFS 333.90 AFY
STOCKWATER	01/01 12/31	0.650 CFS 333.90 AFY

Commercial use is for a dairy.

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FILED
DISTRICT COURT - 3A
TWIN FALLS CO., IDAHO

PLACE OF USE:

IRRIGATION in PAYETTE County

T06N R05W S25	NESW	40.00	T06N R05W S25	NWSW	40.00
T06N R05W S25	SESW	24.50	T06N R05W S25	SWSE	33.00
T06N R05W S25	SESE	30.00	T06N R05W S36	NENE	30.00
T06N R05W S36	NWNE	40.00	T06N R05W S36	SWNE	27.50
T06N R05W S36	SENE	40.00	T06N R05W S36	NENW	40.00
T06N R05W S36	NWNW	29.00	T06N R05W S36	SWNW	40.00
T06N R05W S36	SENW	31.00	T06N R05W S36	NESW	21.00
T06N R05W S36	NWSW	40.00	T06N R05W S36	SWSW	39.00
T06N R05W S36	SESW	36.00	T06N R05W S36	NESE	40.00
T06N R05W S36	SWSE	31.00	T06N R05W S36	SESE	30.00

STOCKWATER in PAYETTE County

T06N R05W S36	SWNE		T06N R05W S36	SENW	
T06N R05W S36	NESW		T06N R05W S36	SESW	
T06N R05W S36	NWSE		T06N R05W S36	SWSE	

COMMERCIAL in PAYETTE County

T06N R05W S25	NESW		T06N R05W S25	NWSW	
T06N R05W S25	SESW		T06N R05W S25	SWSE	
T06N R05W S25	SESE		T06N R05W S36	NENE	
T06N R05W S36	NWNE		T06N R05W S36	SWNE	
T06N R05W S36	SENE		T06N R05W S36	NENW	
T06N R05W S36	NWNW		T06N R05W S36	SWNW	
T06N R05W S36	SENW		T06N R05W S36	NESW	
T06N R05W S36	NWSW		T06N R05W S36	SWSW	
T06N R05W S36	SESW		T06N R05W S36	NESE	
T06N R05W S36	NWSE		T06N R05W S36	SWSE	
T06N R05W S36	SESE				

682 ACRES TOTAL

The place of commercial use authorized by ~~Transfer 5546~~ this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. ~~Water diverted under the transfer shall not be used for irrigation unless the water is first used in the dairy as authorized by the transfer.~~

This right is limited to the irrigation of 239.5 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

Stockwater use is for 6940 dairy cattle.

~~Prior to diversion of water under Transfer 5546, 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 74917 5546 within one year of the date of the approval.

~~The well previously used under this right shall be abandoned in a manner which complies with Department well abandonment rules.~~

~~Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality.~~

Failure of the right holder to comply with the conditions of Transfer 74917 5546 is cause for the Director to rescind approval of the transfer.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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.

~~Right Nos. 63-3065, 63-3315, 63-3581 and 63-9279 are also diverted through points of diversion described above.~~

COPY

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

RIGHT NUMBER: 63-3581

NAME AND ADDRESS: GREGORY TROOST
30540 SABIN RD
PARMA ID 83660

JOYCE TROOST
30540 SABIN RD
PARMA ID 83660

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.130 CFS
580.500 AFY

DISTRICT COURT - ORCA
TWIN FALLS CO., IDAHO
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2009 JUL 17 AM 10:35

Diversion of water from the additional well authorized under Transfer 74917 located in the SWNE, Sec. 36, T6N, R5W shall not exceed a maximum diversion rate of 7.00 cfs.

The rights listed below are limited to a total combined diversion rate of 2.55 cfs and to a total combined annual diversion volume of 399.5 AF for stockwater and commercial uses at the dairy facility. Combined Right Nos.: 63-3315, 63-3547, 63-3581 and 63-9279.

The rights listed below are limited to a total combined diversion rate of 12.28 cfs and to a total combined annual diversion volume of 3051.5 AF at the field headgate for the irrigation of 678.1 acres. Combined Right Nos.: 63-3065, 63-3315, 63-3547, 63-3581 and 63-9279.

The total instantaneous diversion rate from all authorized points of diversion under ~~Transfer 5546~~ this right is limited to 14.83 cfs and to a total combined annual diversion volume of 3451.3 AF for all uses.

PRIORITY DATE: 02/02/1967

POINT OF DIVERSION:

T06N R05W S25 SWSE Within PAYETTE County
T06N R05W S35 NENE Within CANYON PAYETTE County
T06N R05W S36 SWNE Within PAYETTE County
T06N R05W S36 SWSW Within PAYETTE County
T06N R05W S36 NWSE Within PAYETTE County
T06N R05W S36 NWSE Within PAYETTE County

Right Nos. 63-3065, 63-3315, 63-3547 and 63-9279 are also diverted through point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.200 CFS 102.70 AFY
COMMERCIAL	01/01 12/31	0.200 CFS 102.70 AFY
IRRIGATION	03/01 11/15	0.930 CFS 477.80 AFY

PLACE OF USE: IRRIGATION in PAYETTE County

T06N R05W S25	NESW	40.00	T06N R05W S25	NWSW	40.00
T06N R05W S25	SESW	24.50	T06N R05W S25	SWSE	33.00
T06N R05W S25	SESE	30.00	T06N R05W S36	NENE	30.00
T06N R05W S36	NWNE	40.00	T06N R05W S36	SWNE	27.50
T06N R05W S36	SENE	40.00	T06N R05W S36	NENW	40.00
T06N R05W S36	NWNW	29.00	T06N R05W S36	SWNW	40.00
T06N R05W S36	SENW	31.00	T06N R05W S36	NESW	21.00
T06N R05W S36	NWSW	40.00	T06N R05W S36	SWSW	39.00
T06N R05W S36	SESW	36.00	T06N R05W S36	NESE	40.00
T06N R05W S36	SWSE	31.00	T06N R05W S36	SESE	30.00

STOCKWATER in PAYETTE County

T06N R05W S36	SWNE	T06N R05W S36	SENW
T06N R05W S36	NESW	T06N R05W S36	SESW
T06N R05W S36	NWSE	T06N R05W S36	SWSE

COMMERCIAL in PAYETTE County

T06N R05W S25	NESW	T06N R05W S25	NWSW
T06N R05W S25	SESW	T06N R05W S25	SWSE
T06N R05W S25	SESE	T06N R05W S36	NENE
T06N R05W S36	NWNE	T06N R05W S36	SWNE
T06N R05W S36	SENE	T06N R05W S36	NENW
T06N R05W S36	NWNW	T06N R05W S36	SWNW
T06N R05W S36	SENW	T06N R05W S36	NESW
T06N R05W S36	NWSW	T06N R05W S36	SWSW
T06N R05W S36	SESW	T06N R05W S36	NESE
T06N R05W S36	NWSE	T06N R05W S36	SWSE
T06N R05W S36	SESE		

682 ACRES TOTAL

This right is limited to the irrigation of 588.5 acres within the place of use described above in a single irrigation season.

The place of commercial use authorized by this right approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. ~~Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy facility as authorized by Transfer 5546.~~

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

~~Prior to diversion of water under Transfer 5546, 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.~~

~~Prior to the diversion and use of water under Transfer 5546, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality.~~

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.

Failure of the right holder to comply with the conditions of Transfer 74917 5546 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by Transfer 74917 5546 within one year of the date of the approval.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Stockwater use is for 6940 dairy cattle.

~~Right Nos. 63-3065, 63-3315, 63-3581 and 63-9279 are also diverted through points of diversion described above.~~

COPY

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

RIGHT NUMBER: 63-9279

NAME AND ADDRESS: GREGORY TROOST
30540 SABIN RD
PARMA ID 83660

JOYCE TROOST
30540 SABIN RD
PARMA ID 83660

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.820 CFS
1,962.400 AFY

The rights listed below are limited to a total combined diversion rate of 12.55 cfs and to a total combined annual diversion volume of 399.8 AF for stockwater and commercial uses at the dairy facility. Combined Right Nos. 63-3315, 63-3547, 63-3581 and 63-9279.

The rights listed below are limited to a total combined diversion rate of 12.28 cfs and to a total combined annual diversion volume of 3051.5 AF at the field headgate for the irrigation of 678.1 acres. Combined Right Nos.: 63-3065, 63-3315, 63-3547, 63-3581 and 63-9279.

The total instantaneous diversion rate from all authorized points of diversion under ~~Transfer 5546~~ this right is limited to 14.83 cfs and to a total combined annual diversion volume of 3451.3 AF for all uses.

Diversion of water from the additional well authorized under Transfer 74917 located in the SWNE, Sec. 36, T6N, R5W shall not exceed a maximum diversion rate of 7.00 cfs.

PRIORITY DATE: 09/07/1979

POINT OF DIVERSION:

T06N R05W S25 SWSE Within PAYETTE County
T06N R05W S35 NENE Within CANYON PAYETTE County
T06N R05W S36 SWNE Within PAYETTE County
T06N R05W S36 SWSW Within PAYETTE County
T06N R05W S36 NWSE Within PAYETTE County
T06N R05W S36 NWSE Within PAYETTE County

Right Nos. 63-3065, 63-3315, 63-3547 and 63- 3581 are also diverted through points of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.740 CFS 380.20 AFY
IRRIGATION	03/15 11/15	3.080 CFS 1,582.20 AFY
COMMERCIAL	01/01 12/31	0.740 CFS 380.20 AFY

Commercial use is for a dairy.

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DISTRICT COURT - 3A
TWIN FALLS CO IDAHO

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 CANYON County

T06N R05W S25	NESW	40.00	T06N R05W S25	NWSW	40.00
T06N R05W S25	SESW	24.50	T06N R05W S25	SWSE	33.00
T06N R05W S25	SESE	30.00	T06N R05W S36	NENE	30.00
T06N R05W S36	NWNE	40.00	T06N R05W S36	SWNE	27.50
T06N R05W S36	SENE	40.00	T06N R05W S36	NENW	40.00
T06N R05W S36	NWNW	29.00	T06N R05W S36	SWNW	40.00
T06N R05W S36	SENW	31.00	T06N R05W S36	NESW	21.00
T06N R05W S36	NWSW	40.00	T06N R05W S36	SWSW	39.00
T06N R05W S36	SESW	36.00	T06N R05W S36	NESE	40.00
T06N R05W S36	SWSE	31.00	T06N R05W S36	SESE	30.00

STOCKWATER in CANYON County

T06N R05W S36	SWNE		T06N R05W S36	SENW	
T06N R05W S36	NESW		T06N R05W S36	SESW	
T06N R05W S36	NWSE		T06N R05W S36	SWSE	

COMMERCIAL in CANYON County

T06N R05W S25	NESW		T06N R05W S25	NWSW	
T06N R05W S25	SESW		T06N R05W S25	SWSE	
T06N R05W S25	SESE		T06N R05W S36	NENE	
T06N R05W S36	NWNE		T06N R05W S36	SWNE	
T06N R05W S36	SENE		T06N R05W S36	NENW	
T06N R05W S36	NWNW		T06N R05W S36	SWNW	
T06N R05W S36	SENW		T06N R05W S36	NESW	
T06N R05W S36	NWSW		T06N R05W S36	SWSW	
T06N R05W S36	SESW		T06N R05W S36	NESE	
T06N R05W S36	NWSE		T06N R05W S36	SWSE	
T06N R05W S36	SESE				

682 ACRES TOTAL

This right is limited to the irrigation of 670.5 acres within the place of use described above in a single irrigation season.

The place of commercial use authorized by this right ~~Transfer 5546~~ includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. ~~Water diverted under the transfer shall not be used for irrigation unless the water is first used in the dairy as authorized by the transfer.~~

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

~~Prior to diversion of water under Transfer 5546, 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.~~

Stockwater use is for 6940 dairy cattle.

The right holder shall accomplish the change authorized by Transfer 74917 5546 within one year of the date of the approval.

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.

~~Use of water under Transfer 5546 shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality.~~

Failure of the right holder to comply with the conditions of Transfer 74917 5546 is cause for the Director to rescind approval of the transfer.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

~~Right Nos. 63-3065, 63-3315, 63-3581 and 63-9279 are also diverted through points of diversion described above.~~