

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 63-3366
Date Received: 3/1/1990
Receipt No: W010333
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BERANNA DAIRY Phone: (208)454-7705
9166 PERCH AVE
CALDWELL ID USA 83607

2. Date of Priority: 08/26/1963

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	03W	16	NE NW	CANYON	
02N	03W	16	NE NW	CANYON	
02N	03W	17	NE NE	CANYON	
02N	03W	16	NE SE	CANYON	
02N	03W	16	NW SW	CANYON	
02N	03W	16	NW SW	CANYON	
02N	03W	9	NW SW SW	CANYON	
02N	03W	17	NE NE	CANYON	

5. Description of diverting works:

IR3

IR2

D2

IR4

D1

IR5

IR1

IR6

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	2.09	649.4
STOCKWATER	01/01	12/31	0.22	56.5
COMMERCIAL	01/01	12/31	0.22	14.1

7. Total Quantity Appropriated is:
2.09 C.F.S. and/or 720 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	03W	8	SW	SE	IRRIGATION	40
					Section Acres	40
02N	03W	9	SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	39
			SW	SE	IRRIGATION	32
					Section Acres	111
02N	03W	16	NE	NE	IRRIGATION	38
			NW	NE	IRRIGATION	37
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	39
			NE	NW	IRRIGATION	39
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	28
			SW	SW	IRRIGATION	32
			SE	SW	IRRIGATION	37
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	20

			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	40
					Section Acres	579
02N	03W	17	NE	NE	IRRIGATION	18
			NW	NE	IRRIGATION	36
			SW	NE	IRRIGATION	26
			SE	NE	IRRIGATION	15
			NE	NE	COMMERCIAL	
			NW	NE	COMMERCIAL	
			SW	NE	COMMERCIAL	
			SE	NE	COMMERCIAL	
			NE	NE	STOCKWATER	
			NW	NE	STOCKWATER	
			SW	NE	STOCKWATER	
			SE	NE	STOCKWATER	
					Section Acres	95
					Total Acres	825

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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

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.

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 water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.

The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.

The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.

Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.

Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.

Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.

Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.

This right is limited to the irrigation of 144.3 acres within the place of use described above in a single irrigation season.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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.

Commercial use is for a dairy barn.

Rights 63-2839, 63-3329, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 are also diverted through the points of diversion described above.

15. Basis of Claim: License

WATER RIGHT NO. 63-3366
As Modified by Transfer No. 71280

In accordance with the approval of Transfer No. 71280, Water Right No. 63-3366 is now described as follows.

Right Holder: BERANNA DAIRY
 9166 PERCH AVE
 CALDWELL ID 83607

Priority Date: August 26, 1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to 12/31		0.22 CFS	14.1 AF
STOCKWATER	01/01 to 12/31		0.22 CFS	56.5 AF
IRRIGATION	03/15 to 11/15		2.09 CFS	649.4 AF
			2.09 CFS	720.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSWSW	Sec. 9 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec. 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec. 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec. 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec. 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NESE	Sec. 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec. 17 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec. 17 Twp 02N Rge 03W CANYON County

PLACE OF USE: 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 03W 8															40.0		40.0
02N 03W 9											40.0	39.0			32.0		111.0
02N 03W 16	38.0	37.0	40.0	39.0	39.0	40.0	40.0	40.0	40.0	28.0	32.0	37.0	39.0	20.0	30.0	40.0	579.0
02N 03W 17	18.0	36.0	26.0	15.0													95.0

Total Acres: 825

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 03W 17	X	X	X	X													

WATER RIGHT NO. 63-3366
As Modified by Transfer No. 71280

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 03W 17	X	X	X	X													

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. 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.
5. 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.
6. The water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.
7. The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.
8. The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.
9. Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.
10. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
11. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.

WATER RIGHT NO. 63-3366
As Modified by Transfer No. 71280

CONDITIONS OF APPROVAL

12. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.
13. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
14. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
15. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
16. This right is limited to the irrigation of 144.3 acres within the place of use described above in a single irrigation season.
17. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- ~~18. 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.~~
19. Commercial use is for a dairy barn.
20. Rights 63-2839, 63-3329, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 are also diverted through the points of diversion described above.

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 3rd day of January, 2005


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71280

This is to certify that: BERANNA DAIRY
9166 PERCH AVE
CALDWELL ID 83607
(208)454-7705

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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-2839	AJC/License	09/14/1955	1.35 cfs	N/A	N/A	80.0	GROUND WATER
63-29025	AJC/Beneficial Use	08/15/1980	0.64 cfs	N/A	N/A	32.0	GROUND WATER
63-3329	AJC/License	02/16/1963	2.06 cfs	865.0 af	N/A	205.0	GROUND WATER
63-8253	AJC/License	01/16/1976	1.16 cfs	563.7 af	N/A	139.0	GROUND WATER
✕ 63-3366	AJC/License	08/26/1963	2.09 cfs	720.0 af	144.3	428.0	GROUND WATER
✕ 63-3396	AJC/License	12/13/1963	1.20 cfs	270.0 af	54.1	428.0	GROUND WATER
✕ 63-8232	AJC/License	10/28/1975	2.73 cfs	1228.3 af	250.1	428.0	GROUND WATER
63-10268	WR/License	10/03/1984	1.54 cfs	347.0 af	N/A	77.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-2839	NO	NO	YES	YES	NO	NO
63-29025	NO	NO	YES	YES	NO	NO
63-3329	NO	NO	YES	YES	NO	NO
63-8253	NO	NO	YES	YES	NO	NO
63-3366	NO	NO	YES	YES	NO	NO
63-3396	NO	NO	YES	YES	NO	NO
63-8232	NO	NO	YES	YES	NO	NO
63-10268	NO	NO	YES	YES	NO	NO

SUPPORT DATA

IN FILE # 63-2839

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71280

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
63-2839	63-2839	1.35 cfs	355.5 af	79.0	825.0		N/A	N/A	N/A	N/A
63-29025	63-29025	0.64 cfs	144.0 af	32.0	825.0		N/A	N/A	N/A	N/A
63-3329	63-3329	2.06 cfs	738.0 af	164.0	825.0		N/A	N/A	N/A	N/A
63-8253	63-8253	1.16 cfs	563.7 af	139.0	825.0		N/A	N/A	N/A	N/A
63-3366	63-3366	2.09 cfs	720.0 af	144.3	825.0		N/A	N/A	N/A	N/A
63-3396	63-3396	1.20 cfs	270.0 af	54.1	825.0		N/A	N/A	N/A	N/A
63-8232	63-8232	2.73 cfs	1228.3 af	250.1	825.0		N/A	N/A	N/A	N/A
63-10268	63-10268	1.54 cfs	347.0 af	77.0	825.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		8.98 cfs	3622.7 af	780.0	825.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of January, 20 05



Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 71280

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVEDName of applicant: Beranna DairyPhone: (208) 455-7705**JUN 11 2003**Post Office address: 9166 Perch Ave Caldwell IDWATER RESOURCES
WESTERN REGION**A. PURPOSE OF TRANSFER**

1. ☒ X Change point of diversion ☐ Add diversion point(s) ☒ X Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes: Applicant has joined three farms wishes to create a single irrigation system for the entire farm. This is necessary to allow efficient field application of effluent. This application adds all existing POD and all existing PU to each existing water right with no new use.

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use

63-10268	10/03/1984	1.6 cfs	irrigation	03/15 to 11/15
63-8253	01/16/1976	1.16 / 563.7	irrigation	03/15 to 11/15
63-3329	02/16/1963	2.06 / 865	irrigation	04/01 to 10/31
63-2839	12/21/1950	1.35 cfs	irrigation	03/15 to 11/15
63-29025	08/15/1960	.64/	irrigation	03/15 to 11/15
63-8232	10/28/1975	2.73 / 1125.5	irrigation	03/15 to 11/15
		.32 / 82.2	Stockwater	01/01 to 12/31
		.32 / 20.6	Commercial	01/01 to 12/31
63-3396	12/13/1963	1.2 / 243.4	irrigation	03/15 to 11/15
		.08 / 21.3	Stockwater	01/01 to 12/31
		.08 / 5.3	Commercial	01/01 to 12/31
63-3366	08/26/1963	2.09 / 649.4	irrigation	03/15 to 11/15
		.22 / 56.5	Stockwater	01/01 to 12/31
		.22 / 14.1	Commercial	01/01 to 12/31
63-20932	10/01/1971	.07	Stockwater	01/01 to 12/31
		.04	Domestic	01/01 to 12/31

2. Total amount of water being transferred 14.18 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion
	NW	SW	SW	9	T02N	R03W	Canyon	Irrigation Well 1 (IR1)
		NE	NW	16	T02N	R03W	Canyon	Irrigation Well 2 (IR2)
		NE	NW	16	T02N	R03W	Canyon	Irrigation Well 3 (IR3)
		NE	SE	16	T02N	R03W	Canyon	Irrigation Well 4 (IR4)
		NW	SW	16	T02N	R03W	Canyon	Emerg. Dairy Well & Irrig Well 5 (IR5)
		NW	SW	16	T02N	R03W	Canyon	Dairy Well 1 (D1)
		SW	SW	16	T02N	R03W	Canyon	Domestic Well (D)
		NE	NE	17	T02N	R03W	Canyon	Dairy Well 2 (D2)
		NE	NE	17	T02N	R03W	Canyon	Irrigation Well 6 (IR6)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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	
63-10268																			
02N	03W	8												40					40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
																		PPU =	826
															Acres Irrigated =				80
63-8253																			
02N	03W	8															40		40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
																		PPU =	826
															Acres Irrigated =				139
63-3329																			
02N	03W	8															40		40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
																		PPU =	826
															Acres Irrigated =				204
63-2839																			
02N	03W	8															40		40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
																		PPU =	826
															Acres Irrigated =				80
63-29025																			
02N	03W	8															40		40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
																		PPU =	826
															Acres Irrigated =				32
63-8232																			
02N	03W	8															40		40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
		17	S,C	S,C	S,C	S,C												PPU =	826
															Acres Irrigated =				250.1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

63-3396																			
02N	03W	8															40		40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
		17	S,C	S,C	S,C	S,C												PPU	826
																		=	
																		Acres Irrigated =	54.1
63-3366																			
02N	03W	8															40		40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
		17	S,C	S,C	S,C	S,C												PPU	826
																		=	
																		Acres Irrigated =	144.3
63-20932																			
02N	03W	17	S,C	S,C	S,C	S,C													
		16				D													

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

PART 1

6. General Information:

- a. Description of diversion system: No changes or additions to the diversion system.
- 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:
No changes in the total number of acres irrigated.
- d. Remarks: The dairy consists of 3 farms joined under common ownership. Liquid waste is diluted with irrigation water and land applled through the irrigation system, and this has required the connection of all three irrigation systems into a common system. By placing all points of diversion and all places of use on each water right, while respecting the permissible flows and volumes from each point of diversion, the applicant will be better able to comply with the conditions of each license, while operating the farm efficiently.

See attachments:A. Proof of ownership and lienholder permission .

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 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right) PROOF REPORTS ATTACHED

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2839

WATER RIGHT NUMBER: 63-2839

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GEORGE M WALKER 12203 WALKER LAKE RD CALDWELL, ID 83605 (208)459-9107
Current Owner	BERANNA DAIRY BERNARD TEUNISSEN JR 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	BERNARD TEUNISSEN FAMILY TRUST 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	BERNARD TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000
Original Owner	SAM GROVE , ID
Original Owner	WANDA M WALKER 12203 WALKER LAKE RD CALDWELL, ID 83605 (208)459-9107
Current Owner	BERANNA DAIRY ANNA TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	JANE TEUNISSEN FAMILY TRUST 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	JANE TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Attorney	ANGELA D SCHAEER KAUFMANN MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2839

Priority Date: 09/14/1955

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

3/15 to 10/15

1.350 CFS

Total Diversion: 1.350 CFSLocation of Point(s) of Diversion

GROUND WATER

NW1/4SW1/4SW1/4

Sec. 9, Twp 02N, Rge 03W, B.M.

CANYON County

Place of Use

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	03W	9											40.0	40.0					80.0

Total Acres: 80

Conditions of Approval:Remarks:

- General Ownership change by DB 2/12/2002

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2839

Dates and Other Information:

Claim Received Date: 3/13/1990
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:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3329

WATER RIGHT NUMBER: 63-3329

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TEUNISSEN FAMILY TRUST C/O BERNARD TEUNISSEN TRUSTEE 9166 PERCH AVE CALDWELL, ID 83607
Current Owner	TEUNISSEN FAMILY TRUST C/O JANE TEUNISSEN TRUSTEE 9166 PERCH AVE CALDWELL, ID 83607
Original Owner	BERANNA DAIRY BERNARD J TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Original Owner	BERANNA DAIRY BERNARD TEUNISSEN JR 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Attorney	ANGELA D SCHAEER KAUFMANN MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000
Original Owner	GEORGE R JOHNSON 16494 MARSING RD CALDWELL, ID 83605 (208)459-2701
Original Owner	BERANNA DAIRY ANNA TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Original Owner	BERANNA DAIRY JANE TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Original Owner	CHARLOTTE L JOHNSON 16494 MARSING RD CALDWELL, ID 83605 (208)459-2701
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3329

Priority Date: 02/16/1963

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.060 CFS	865.00 AF
	<u>Total Diversion:</u>	2.060 CFS	865.00 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4NW1/4

Sec. 16, Twp 02N, Rge 03W, B.M.

CANYON County

Place of Use

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	03W	16					39.0				39.0	40.0			37.0		20.0	30.0	205.0

Total Acres: 205

Conditions of Approval:Remarks:

1. SEE RIGHT NO. 63-8253
Ownership changed by DB 9/5/2001
2. General SEE RIGHT NO. 63-8253
3. General Name correction by DH 10/22/2003

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3329

Dates and Other Information:

Claim Received Date: 11/27/1989
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:
OLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3366

WATER RIGHT NUMBER: 63-3366

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH AVE CALDWELL, ID 83607 (208)454-7705

Priority Date: 08/26/1963

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	0.220 CFS	14.10 AF
STOCKWATER	01/01 to 12/31	0.220 CFS	56.50 AF
IRRIGATION	03/15 to 11/15	2.090 CFS	649.40 AF
	<u>Total Diversion:</u>	2.090 CFS	720.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NE1/4	Sec. 17, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4SE1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NE1/4	Sec. 17, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON 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	03W	8															X		
02N	03W	16	X	X	X	X					X	X			X			X	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3366

02N 03W 17	X	X	X	X		X			
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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	03W	8																X	
02N	03W	16	X	X	X	X						X	X		X				X
02N	03W	17	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	03W	8															40.0		40.0
02N	03W	16	38.0	37.0	40.0	39.0					32.0	28.0		39.0				40.0	293.0
02N	03W	17	18.0	36.0	26.0	15.0													95.0

Total Acres: 428

Conditions of Approval:

1. The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.
2. The water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.
3. Water diverted and used for the dairy operation authorized under approved Transfer 4961, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
4. The proposed well shall be drilled in the NENE S17 T2N R3W hydrologically upgradient from the milking facility and any associated structure, lagoon, waste storage area, holding pens or any other waste producing or holding facility related to the dairy as approved by the Department of Water Resources.
5. Commercial use is for a dairy barn located in the NE S17 T2N R3W.
6. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3366

7. Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.
8. Prior to diversion of water for stockwater and commercial uses under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion for these uses.
9. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
10. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
12. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
13. 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.
14. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. 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.
16. T17 Prior to diversion of water for irrigation use under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion or enter into an agreement with the Department to determine the amount of water diverted from power records which will allow determination of the total rate of diversion for irrigation use.
17. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-3366, 63-3396 and 63-8232 shall not exceed 4.41 cfs, nor total combined annual volume of 2038.2 af for all authorized uses.
18. WD8 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
19. X27 This right is limited to the irrigation of 144.3 acres within the place of use described above in a single irrigation season.
20. X35 Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af.

Remarks:

1. General Claim amended per Transfer 68964 approved 5/28/03.

Comments:

1. pskaggs 5/28/2003 3:36:11 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 68964

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3366

Dates and Other Information:

Claim Received Date: 3/1/1990
 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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.09		

Combined Water Rights:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.41	2038.2	408.5

Combined Water Rights:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	1768.2	354.4

Combined Water Rights:

Element Reviewed/Verified Dates:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3396

WATER RIGHT NUMBER: 63-3396

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH AVE CALDWELL, ID 83607 (208)454-7705

Priority Date: 12/13/1963

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	0.080 CFS	21.30 AF
COMMERCIAL	1/01 to 12/31	0.080 CFS	5.30 AF
IRRIGATION	3/15 to 11/15	1.200 CFS	243.40 AF
	<u>Total Diversion:</u>	1.200 CFS	270.00 AF

Location of Point(s) of Diversion

GROUND WATER CANYON County	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
GROUND WATER CANYON County	NE1/4NE1/4	Sec. 17, Twp 02N, Rge 03W, B.M.
GROUND WATER CANYON County	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
GROUND WATER CANYON County	NE1/4SE1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
GROUND WATER CANYON County	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
GROUND WATER CANYON County	NE1/4NE1/4	Sec. 17, Twp 02N, Rge 03W, B.M.

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	03W	8															X		
02N	03W	16	X	X	X	X					X	X			X			X	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3396

02N 03W 17	X	X	X	X		X			
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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	03W	8															X		
02N	03W	16	X	X	X	X						X	X		X				X
02N	03W	17	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	03W	8															40.0		40.0
02N	03W	16	38.0	37.0	40.0	39.0						32.0	28.0		39.0			40.0	293.0
02N	03W	17	18.0	36.0	26.0	15.0													95.0

Total Acres: 428

Conditions of Approval:

1. The water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.
2. Water diverted and used for the dairy operation authorized under approved Transfer 4961, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
3. The proposed well shall be drilled in the NENE S17 T2N R3W hydrologically upgradient from the milking facility and any associated structure, lagoon, waste storage area, holding pens or any other waste producing or holding facility related to the dairy as approved by the Department of Water Resources.
4. Commercial use is for a dairy barn located in the NE S17 T2N R3W.
5. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
6. Prior to diversion of water for stockwater and commercial uses under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion for these uses.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3396

7. The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.
8. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
9. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
11. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
12. 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.
13. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. 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.
15. T17 Prior to diversion of water for irrigation use under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion or enter into an agreement with the Department to determine the amount of water diverted from power records which will allow determination of the total rate of diversion for irrigation use.
16. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-3366, 63-3396 and 63-8232 shall not exceed 4.41 cfs, nor total combined annual volume of 2038.2 af for all authorized uses.
17. WD8 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
18. X27 This right is limited to the irrigation of 54.1 acres within the place of use described above in a single irrigation season.
19. X35 Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1638.2 af.

Remarks:

1. General Claim amended per Transfer 68964 approved 5/28/03.

Comments:

1. psdaggs 5/28/2003 3:36:11 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 68964

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3396

Dates and Other Information:

Claim Received Date: 3/1/1990
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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.09		
Combined Water Rights:		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.41	2038.2	408.5
Combined Water Rights:		

Element Reviewed/Verified Dates:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8232

WATER RIGHT NUMBER: 63-8232

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH AVE CALDWELL, ID 83607 (208)454-7705

Priority Date: 10/28/1975

Basis: License

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>
COMMERCIAL	1/01 to 12/31	0.320 CFS	20.60 AF
IRRIGATION	3/15 to 11/15	2.730 CFS	1,125.50 AF
STOCKWATER	1/01 to 12/31	0.320 CFS	82.20 AF
	<u>Total Diversion:</u>	2.730 CFS	1,228.30 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NE1/4	Sec. 17, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4SE1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NE1/4	Sec. 17, Twp 02N, Rge 03W, B.M.
CANYON 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	03W	8															X		
02N	03W	16	X	X	X	X						X	X		X				X

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8232

02N 03W 17	X	X	X	X		X			
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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	03W	8															40.0	40.0	
02N	03W	16	38.0	37.0	40.0	39.0					32.0	28.0		39.0			40.0	293.0	
02N	03W	17	18.0	36.0	26.0	15.0												95.0	

Total Acres: 428

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	03W	8															X		
02N	03W	16	X	X	X	X					X	X		X				X	
02N	03W	17	X	X	X	X			X										

Conditions of Approval:

1. The water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.
2. Water diverted and used for the dairy operation authorized under approved Transfer 4961, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
3. The proposed well shall be drilled in the NENE S17 T2N R3W hydrologically upgradient from the milking facility and any associated structure, lagoon, waste storage area, holding pens or any other waste producing or holding facility related to the dairy as approved by the Department of Water Resources.
4. Commercial use is for a dairy barn located in the NE S17 T2N R3W.
5. Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.
6. Prior to diversion of water for stockwater and commercial uses under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion for these uses.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8232

7. The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.
8. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
9. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
11. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
12. 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.
13. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. 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.
15. T17 Prior to diversion of water for irrigation use under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion or enter into an agreement with the Department to determine the amount of water diverted from power records which will allow determination of the total rate of diversion for irrigation use.
16. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-3366, 63-3396 and 63-8232 shall not exceed 4.41 cfs, nor total combined annual volume of 2038.2 af for all authorized uses.
17. WD8 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
18. X27 This right is limited to the irrigation of 250.1 acres within the place of use described above in a single irrigation season.
19. X35 Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af.

Remarks:

1. General Claim amended per Transfer 68964 approved 5/28/03.

Comments:

1. pskaggs 5/28/2003 3:36:12 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 68964

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-8232

Dates and Other Information:

Claim Received Date: 3/1/1990
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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.41	2038.2	408.5

Combined Water Rights:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	1768.2	354.4

Combined Water Rights:

Element Reviewed/Verified Dates:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8253

WATER RIGHT NUMBER: 63-8253

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BERANNA DAIRY BERNARD J TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Original Owner	BERANNA DAIRY ANNA TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000
Original Owner	BERANNA DAIRY JANE TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Attorney	ANGELA D SCHAEER KAUFMANN MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000
Original Owner	GEORGE R JOHNSON 16494 MARSING RD CALDWELL, ID 83605 (208)459-2701
Original Owner	CHARLOTTE L JOHNSON 16494 MARSING RD CALDWELL, ID 83605 (208)459-2701
Current Owner	TEUNISSEN FAMILY TRUST C/O JANE TEUNISSEN TRUSTEE 9166 PERCH AVE CALDWELL, ID 83607
Original Owner	BERANNA DAIRY BERNARD TEUNISSEN JR 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	TEUNISSEN FAMILY TRUST C/O BERNARD TEUNISSEN TRUSTEE 9166 PERCH AVE CALDWELL, ID 83607

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8253

Priority Date: 01/16/1976

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

3/15 to 11/15

1.160 CFS

563.70 AF

Total Diversion:

1.160 CFS

563.70 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4NE1/4NW1/4

Sec. 16, Twp 02N, Rge 03W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	03W	16	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							39.0			40.0	40.0					20.0			139.0

Total Acres: 139

Conditions of Approval:

1. 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.

Remarks:

1. This right when combined with all other rights shall provide no more than 4.5 afa per acre for irrigation of the lands above.
Ownership changed by DB 9/5/2001
2. This right when combined with all other rights shall provide no more than 4.5 afa per acre for irrigation of the lands above.
3. General Name correction by DH 10/22/2003

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10268

WATER RIGHT NUMBER: 63-10268

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	BERANNA DAIRY ANNA TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Previous Owner	BERANNA DAIRY BERNARD J TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Previous Owner	BERANNA DAIRY JANE TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Original Owner	CHARLOTTE L JOHNSON 16494 MARSING RD CALDWELL, ID 83605 (208)459-2701
Original Owner	GEORGE R JOHNSON 16494 MARSING RD CALDWELL, ID 83605 (208)459-2701
Current Owner	TEUNISSEN FAMILY TRUST C/O JANE TEUNISSEN TRUSTEE 9166 PERCH AVE CALDWELL, ID 83607
Current Owner	TEUNISSEN FAMILY TRUST DTD 1-8-1990 BERNARD TEUNISSEN TTE 12350 WHITECHAPEL WY NAMPA, ID 83686-8030 (208) 442-7445
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000

Priority Date: 10/03/1984

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>
IRRIGATION	03/01 to 11/15	1.540 CFS	347.00 AF
	<u>Total Diversion:</u>	1.540 CFS	347.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4NW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10268

GROUND WATER
CANYON County

SE1/4NE1/4NW1/4

Sec. 16, Twp 02N, Rge 03W, B.M.

Place of Use

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	03W	16						38.0	39.0										77.0

Total Acres: 77

Conditions of Approval:

1. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 af/a per acre at the field headgate for irrigation of the lands above.
2. X35 Rights 63-03329, 63-08253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1660.0 af at the field headgate.
3. X36 Rights 63-03329 and 63-08253 are also diverted through the points of diversion described above.

Remarks:Comments:

1. kwalker 1/23/2004 License Request

Comment: Western Region has received an application for transfer which includes this permit. They have requested an expedited license for this reason.

2. kwalker 1/26/2004 Capacity of Wells

Comment: Rt. 63-3329 was licensed from well in NWNENW with a capacity of 2.06 cfs. Rt. 63-8253 was licensed from well in SENENW with a capacity of 1.16 cfs. Examiner recommended only 1.0 cfs for well in SENENW but I am recommending we use capacity as licensed under 63-8253. System capacity from both wells will be shown as 3.22 cfs on this license.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10268

Dates and Other Information:

Licensed Date: 2/18/2004
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: And/Or
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4.5
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.22	1880	

Combined Water Rights: 63-3329 , 63-8253 , 63-10268

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-29025

WATER RIGHT NUMBER: 63-29025

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GEORGE M WALKER 12203 WALKER LAKE RD CALDWELL, ID 83605 (208)459-9107
Original Owner	WANDA M WALKER 12203 WALKER LAKE RD CALDWELL, ID 83605 (208)459-9107
Current Owner	JANE TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	BERNARD TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	BERNARD TEUNISSEN FAMILY TRUST 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	JANE TEUNISSEN FAMILY TRUST 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	BERANNA DAIRY ANNA TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	BERANNA DAIRY BERNARD TEUNISSEN JR 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000
Attorney	ANGELA D SCHAER KAUFMANN MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000

Priority Date: 08/15/1960

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-29025

Total Diversion: 0.640 CFSLocation of Point(s) of Diversion

GROUND WATER

NW1/4SW1/4SW1/4

Sec. 9, Twp 02N, Rge 03W, B.M.

CANYON County

Place of Use

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	03W	9															32.0		32.0

Total Acres: 32

Conditions of Approval:Remarks:

- General EXPANSION OF RIGHT 63-2839, BUT IS NOT IN VIOLATION OF THE MANDATORY PERMIT STATUTE.

Comments:Dates and Other Information:

Claim Received Date: 3/13/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND/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

Combined Use Limits:Element Reviewed/Verified Dates:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-29025

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-20932 V1

WATER RIGHT NUMBER: 63-20932 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN R JOHNSON 9168 PERCH LN CALDWELL, ID 83605 (208)459-7893
Current Owner	CATHERINE JOHNSON 9168 PERCH LN CALDWELL, ID 83605 (208)459-7893

Priority Date: 10/01/1971

Basis: Beneficial Use

Status: Closed

<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>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.070 CFS	
	<u>Total Diversion:</u>	0.110 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON 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	
02N	03W	16																	

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	03W	17																	

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-20932 V1

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.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory STOCKWATER, 300 RANGE CATTLE PARCEL NO. 1R30130-010-0

Comments:Dates and Other Information:

Decreed Date: 3/24/2000
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Notice of Error Flag: NONE RECEIVED
 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:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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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)						
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

C. Description of unchanged portion of right

1.

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

2. Point(s) of Diversion:

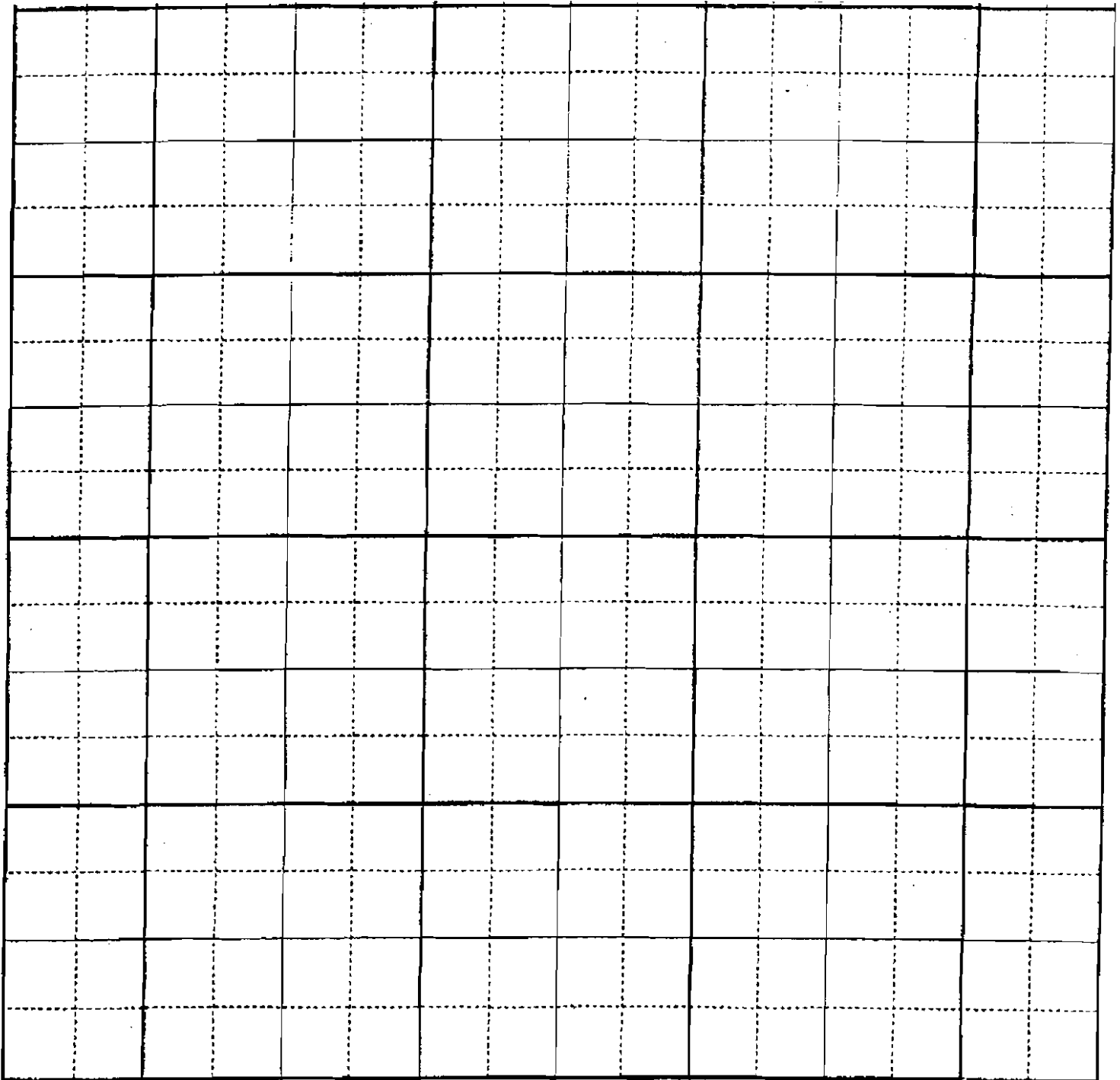
[illegible]

3. Lands irrigated or place of use:

[illegible]

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

- 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.



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		
				to	
				to	

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

No changes

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

None.

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.

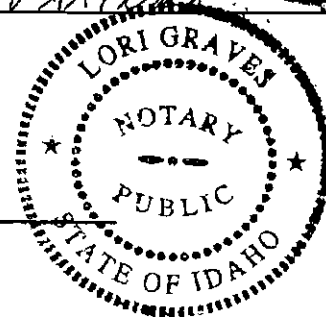
James J. Louder
(Signature of Applicant)

Subscribed and sworn to before me this 17th day of June, 2003

Lori Graves
(Notary Public)

My commission expires

6/18/04



FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachmentsReceived by *lg* Date 6/17/03 Protest filed by _____Prelim. check by *lg* Fee \$810Receipted by *lg* Date 6/17/03 # W030601

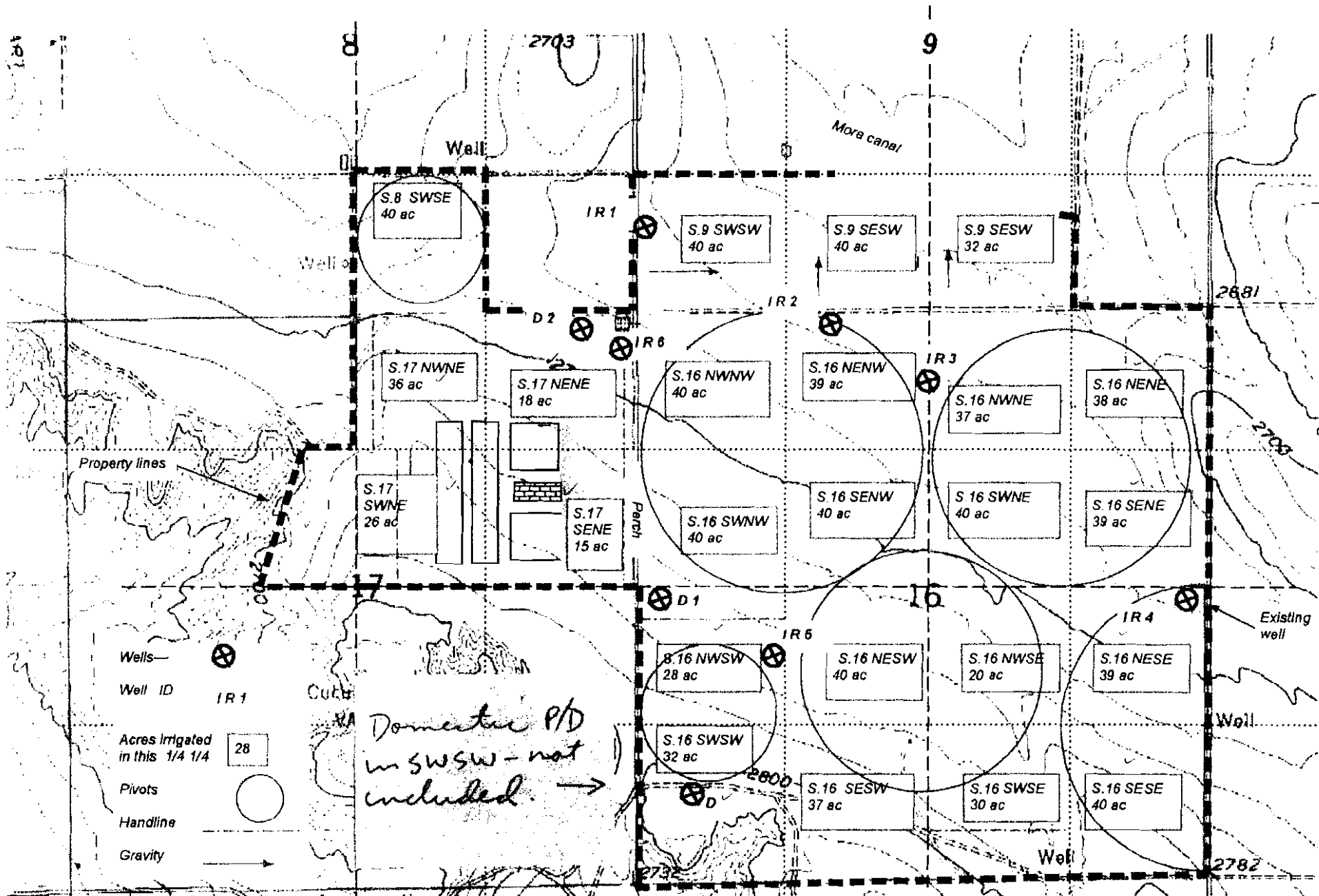
Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____



Map Showing POD and PPU after Transfer	T2N R3W S.8, 9, 16, 17	June 10, 2003
Beranna Dairy	Not to Scale	Prepared by
Caldwell, Idaho		Darwin Vander Stelt



NORTHWEST

FARM CREDIT SERVICES

1363 Fillmore Street
P.O. Box 5059
Twin Falls, Idaho 83303-5059
(208) 732-1000

August 15, 2003

Lori Graves
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RECEIVED

AUG 18 2003

WATER RESOURCES
WESTERN REGION

Re: Beranna Dairy

Dear Lori,

I have reviewed a copy of Beranna Dairy's Application For Transfer of Water Right to modify the points of diversion and places of use for the water rights appurtenant to the land on which Northwest Farm Credit Services has a mortgage. Please be advised that NWFCS consents to the changes requested in this application.

When complete, please forward a copy of the final, signed application to my attention at:

NWFCS
P.O. Box 5059
1363 Fillmore Street
Twin Falls ID 83305-5059

If you require anything further from NWFCS, please let me know. Thank you.

Sincerely,

Brian L. Parks
Vice President - Corporate Accounts

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 63-3366
Date Received: 3/1/1990
Receipt No: W010333
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BERANNA DAIRY Phone: (208) 454-7705
9166 PERCH AVE
CALDWELL ID USA 83607

2. Date of Priority: 08/26/1963

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
02N	03W	16	NW	SW		CANYON	
02N	03W	17	NE	NE		CANYON	
02N	03W	16	NW	SW		CANYON	
02N	03W	16	NE	SE		CANYON	
02N	03W	17	NE	NE		CANYON	
02N	03W	16	NW	SW		CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	2.09	649.4
STOCKWATER	01/01	12/31	0.22	56.5
COMMERCIAL	01/01	12/31	0.22	14.1

7. Total Quantity Appropriated is:
2.09 C.F.S. and/or 720 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
02N	03W	8	SW	SE		COMMERCIAL	
			SW	SE		STOCKWATER	
			SW	SE		IRRIGATION	40
						Section Acres	40
02N	03W	16	NE	NE		IRRIGATION	38
			NW	NE		IRRIGATION	37
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	39
			NW	SW		IRRIGATION	32
			SW	SW		IRRIGATION	28
			NE	SE		IRRIGATION	39
			SE	SE		IRRIGATION	40
			NE	NE		STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			NE	SE		STOCKWATER	
			SE	SE		STOCKWATER	
			NE	NE		COMMERCIAL	
			NW	NE		COMMERCIAL	
			SW	NE		COMMERCIAL	
			SE	NE		COMMERCIAL	
			NW	SW		COMMERCIAL	
			SW	SW		COMMERCIAL	
			NE	SE		COMMERCIAL	
			SE	SE		COMMERCIAL	
						Section Acres	293
02N	03W	17	NW	NE		COMMERCIAL	
			SW	NE		COMMERCIAL	
			SE	NE		COMMERCIAL	
			SE	NW		COMMERCIAL	
			NE	NE		COMMERCIAL	
			NE	NE		STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			SE	NW		STOCKWATER	
			NE	NE		IRRIGATION	18
			NW	NE		IRRIGATION	36

SW	NE	IRRIGATION	26
SE	NE	IRRIGATION	15
Section Acres			95
Total Acres			428

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Claim amended per Transfer 68964 approved 5/28/03.

Use of water under this right may be affected by an agreement between the protestant and the right holder.

This right is limited to the irrigation of 144.3 acres within the place of use described above in a single irrigation season.

Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.

Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.

Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af.

The total instantaneous diversion of water from all points of diversion under Rights 63-3366, 63-3396 and 63-8232 shall not exceed 4.41 cfs, nor total combined annual volume of 2038.2 af for all authorized uses.

Prior to diversion of water for irrigation use under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion or enter into an agreement with the Department to determine the amount of water diverted from power records which will allow determination of the total rate of diversion for irrigation use.

Prior to diversion of water for stockwater and commercial uses under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion for these uses.

The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous

flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.

The water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

Water diverted and used for the dairy operation authorized under approved Transfer 4961, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.

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

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

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

The proposed well shall be drilled in the NENE S17 T2N R3W hydrologically upgradient from the milking facility and any associated structure, lagoon, waste storage area, holding pens or any other waste producing or holding facility related to the dairy as approved by the Department of Water Resources.

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.

Commercial use is for a dairy barn located in the NE S17 T2N R3W.

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

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

15. Basis of Claim: License

WATER RIGHT NO. 63-3366
As Modified by Transfer No. 68964

In accordance with the approval of Transfer No. 68964, Water Right No. 63-3366 is now described as follows.

Right Holder: BERANNA DAIRY
 9166 PERCH AVE
 CALDWELL ID 83607

Priority Date: August 26, 1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to	12/31	0.22 CFS	14.1 AF
STOCKWATER	01/01 to	12/31	0.22 CFS	56.5 AF
IRRIGATION	03/15 to	11/15	2.09 CFS	649.4 AF
			2.09 CFS	720.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSW	Sec. 16 Twp 02N	Rge 03W CANYON County
GROUND WATER	NWSW	Sec. 16 Twp 02N	Rge 03W CANYON County
GROUND WATER	NWSW	Sec. 16 Twp 02N	Rge 03W CANYON County
GROUND WATER	NESE	Sec. 16 Twp 02N	Rge 03W CANYON County
GROUND WATER	NENE	Sec. 17 Twp 02N	Rge 03W CANYON County
GROUND WATER	NENE	Sec. 17 Twp 02N	Rge 03W CANYON 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 03W 8															X		
02N 03W 16	X	X	X	X					X	X			X			X	
02N 03W 17	X	X	X	X				X									

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 03W 8															X		
02N 03W 16	X	X	X	X					X	X			X			X	
02N 03W 17	X	X	X	X				X									

PLACE OF USE: 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 03W 8															40.0		40.0
02N 03W 16	38.0	37.0	40.0	39.0					32.0	28.0			39.0		40.0		293.0
02N 03W 17	18.0	36.0	26.0	15.0													95.0

Total Acres: 428

WATER RIGHT NO. 63-3366
As Modified by Transfer No. 68964

CONDITIONS OF APPROVAL

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. This right is limited to the irrigation of 144.3 acres within the place of use described above in a single irrigation season.
3. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
4. Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.
5. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af.
6. The total instantaneous diversion of water from all points of diversion under Rights 63-3366, 63-3396 and 63-8232 shall not exceed 4.41 cfs, nor total combined annual volume of 2038.2 af for all authorized uses.
7. Prior to diversion of water for irrigation use under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion or enter into an agreement with the Department to determine the amount of water diverted from power records which will allow determination of the total rate of diversion for irrigation use.
8. Prior to diversion of water for stockwater and commercial uses under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion for these uses.
9. The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.
10. The water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.
11. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
12. Water diverted and used for the dairy operation authorized under approved Transfer 4961, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
13. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.

WATER RIGHT NO. 63-3366
As Modified by Transfer No. 68964

CONDITIONS OF APPROVAL

14. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
15. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
16. The proposed well shall be drilled in the NENE S17 T2N R3W hydrologically upgradient from the milking facility and any associated structure, lagoon, waste storage area, holding pens or any other waste producing or holding facility related to the dairy as approved by the Department of Water Resources.
17. 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.
18. Commercial use is for a dairy barn located in the NE S17 T2N R3W.
19. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
20. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
21. 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 28 day of May, 2003


For Chief Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68964

This is to certify that: BERANNA DAIRY
 9166 PERCH AVE
 CALDWELL ID 83607
 (208) 454-7705

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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-8232	AJC/License	10/28/1975	2.73 cfs	1228.3 af	250.1	428.0	GROUND WATER
63-3366	AJC/License	08/26/1963	2.095 cfs	720 af	144.3	428.0	GROUND WATER
63-3396	AJC/License	12/13/1963	1.2 cfs	270 af	54.1	428.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-8232	NO	NO	YES	YES	NO	NO
63-3366	NO	NO	YES	YES	NO	NO
63-3396	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-8232	63-8232	2.73 cfs	1228.3 af	250.1	428.0		N/A	N/A	N/A	N/A
63-3366	63-3366	2.09 cfs	720.0 af	144.3	428.0		N/A	N/A	N/A	N/A
63-3396	63-3396	1.20 cfs	270.0 af	54.1	428.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.41 cfs	2038.2 af	408.5	428.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 28 day of May, 2003

For

Chief Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 68964

RECEIVED

MAR 19 2001

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant WATER RESOURCES 87 and Anna Teunissen -
Anna Dairy - Bernard and Vane Teunissen Phone 208-454-7705

Post Office address 9166 Perch Ave., Caldwell, Id 83607

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 Existing well ⑥ at NW corner NW 1/4 SW 1/4 section 16,
T. 2N., R. 3W., B.M. has failed due to heavy mineral deposit built up on screens
and other problems which has made it too costly to maintain and too unreliable for Dairy
operations. Two existing wells in NE 1/4 NE 1/4 section 17 plus one more proposed well in
NE 1/4 NE 1/4 section 17 is needed in order to provide Dairy with a reliable water source. No
increase in permi. w. water is requested.

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

	1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
No	<u>63-03366</u>	<u>08-26-63</u>	<u>2.09</u>	<u>Irr. - ST - Com</u>	<u>01/01 to 12/31</u>
Change	<u>63-03396</u>	<u>12-13-63</u>	<u>1.20</u>	<u>Irr. - ST - Com</u>	<u>01/01 to 12/31</u>
	<u>63-08232</u>	<u>10-28-75</u>	<u>2.73</u>	<u>Irr. - ST - Com</u>	<u>01/01 to 12/31</u>
					to _____

2. Total amount of water being transferred 4.41 cubic feet per second and/or 2038.2 acre-feet per annum.

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	SW	16	02N	03W	Canyon	3 wells (existing)
		NE	SE	16	02N	03W	"	1 well (existing)
		NE	NE	17	02N	03W	"	3 wells - (1 existing + licensed 16" + Proposed 8" 16"

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															40/ S/C		40
02N	03W	16	38/ S/C			39/ S/C						32/ S/C	28/ S/C		39/ S/C			40/ S/C	216
02N	03W	17	18/ S/C	36/ S/C	26/ S/C	15/ S/C				23/ S/C						14/ S/C		40/ S/C	172
			X	X	X	X													

Total Acres 428

PART 1**6. General Information:**

a. Description of diversion system 6 wells under same ownership - all
connected to control flows to various locations on
permitted property.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 Yes X 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:

d. Remarks:

Request is needed promptly in order to insure that
enough water is available to water livestock
and continue operating dairy.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No.

And the said application is hereby , subject to the following conditions:

Witness my hand this day of , 20

For the Director

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 63-03366

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.09 CFS	649.4 AF
STOCKWATER	01/01 to 12/31	0.22 CFS	56.5 AF
COMMERCIAL	01/01 to 12/31	0.22 CFS	14.1 AF
Totals		2.09 CFS	720.0 AF

SOURCE

GROUNDWATER

Priority: 08/26/1963

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 16, Township 02N, Range 03W
 NESE , Sec. 16, Township 02N, Range 03W
 NENE , Sec. 17, Township 02N, Range 03W
 CANYON County

PLACE OF USE:**IRRIGATION**

				NE				NW				SW				SE				
				MENE	MNE	SWNE	SENE	MENW	MNW	SWNW	SENW	MESW	MWSW	SWSW	SESW	WESE	WNSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
02N	03W	8	:															40		40.0
02N	03W	16	:	38			39						28	32		39			40	216.0
02N	03W	17	:	18	36	26	15				23					40	14			172.0
TOTAL ACRES																			428.0	

STOCKWATER

02N	03W	17	:	S	S	S	S	:		:		:		:
-----	-----	----	---	---	---	---	---	---	--	---	--	---	--	---

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

CONDITIONS/REMARKS:

- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Water Right No. 63-03366

CONDITIONS/REMARKS:

2. 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.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. Prior to diversion of water under this approval, the right holder shall provide a permanent measuring device and lockable controlling works of a type acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion and annual volume. The total instantaneous diversion of water from all points of diversion under Transfer No. 4961 shall not exceed 4.41 cfs, nor total combined annual volume of 2038.2 af.
6. The proposed well shall be drilled in the NENE, S17, T02N, R03W, hydrologically upgradient from the milking facility and any associated structure, lagoon, waste storage area, holding pens or any other waste producing or holding facility related to the dairy as approved by the Department of Water Resources.
7. The water right holder shall annually report diversion of water to the Department of Water Resources as required by the Director. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
8. Wells which are no longer intended for use must be abandoned pursuant to rules and regulations of the Department of Water Resources.
9. Right 63-03366 is limited to the irrigation of 144.3 acres in the place of use described above in a single irrigation season.
10. Rights 63-03366 and 63-03396 when combined shall not exceed the total combined diversion rate of 2.09 cfs.
11. Rights 63-03366 and 63-08232 when combined shall not exceed the total combined annual diversion volume of 1594.8 af for the irrigation of 354.4 total acres.
12. Irrigation use under Rights 63-03366, 63-03396 and 63-08232 when combined shall not exceed the total combined diversion rate of 4.41 cfs, a total combined annual diversion volume of 1838.2 af, for the irrigation of 408.5 total acres.
13. Commercial use is for a dairy.
14. Three (3) points of diversion are located within NWSW, S16, T02N, R03W.
15. The right holder of Transfer 4961 is granted an extension to December 16, 1999 to accomplish the transfer.

Page 9 of

TRANS NO.

Water Right No. 63-03366

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? N If yes, describe:

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

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 63-03396

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.20 CFS	243.4 AF
STOCKWATER	01/01 to 12/31	0.08 CFS	21.3 AF
COMMERCIAL	01/01 to 12/31	0.08 CFS	5.3 AF
	Totals	1.20 CFS	270.0 AF

SOURCE

GROUNDWATER

Priority: 12/13/1963

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 16, Township 02N, Range 03W
 NESE , Sec. 16, Township 02N, Range 03W
 NENE , Sec. 17, Township 02N, Range 03W
 CANYON County

PLACE OF USE:

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	:	SUM
02N	03W	8	:									:							:						:									
02N	03W	16	:	38			39					:			28	32			:	39					:			40						
02N	03W	17	:	18	36	26	15					:			23				:	40	14				:									
																TOTAL ACRES												428.0						

STOCKWATER

02N	03W	17	:	S	S	S	S	:			:			:			:																
-----	-----	----	---	---	---	---	---	---	--	--	---	--	--	---	--	--	---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Water Right No. 63-03396

CONDITIONS/REMARKS:

2. 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.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. Prior to diversion of water under this approval, the right holder shall provide a permanent measuring device and lockable controlling works of a type acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion and annual volume. The total instantaneous diversion of water from all points of diversion under Transfer No. 4961 shall not exceed 4.41 cfs, nor total combined annual volume of 2038.2 af.
6. The proposed well shall be drilled in the NENE, S17, T02N, R03W, hydrologically upgradient from the milking facility and any associated structure, lagoon, waste storage area, holding pens or any other waste producing or holding facility related to the dairy as approved by the Department of Water Resources.
7. The water right holder shall annually report diversion of water to the Department of Water Resources as required by the Director. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
8. Wells which are no longer intended for use must be abandoned pursuant to rules and regulations of the Department of Water Resources.
9. Right 63-03396 is limited to the irrigation of 54.1 acres in the place of use described above in a single irrigation season.
10. Rights 63-03366 and 63-03396 when combined shall not exceed the total combined diversion rate of 2.09 cfs.
11. Irrigation use under Rights 63-03366, 63-03396 and 63-08232 when combined shall not exceed the total combined diversion rate of 4.41 cfs, a total combined annual diversion volume of 1838.2 af, for the irrigation of 408.5 total acres.
12. Commercial use is for a dairy.
13. Three (3) points of diversion are located within NWSW, S16, T02N, R03W.
14. The right holder of Transfer 4961 is granted an extension to December 16, 1999 in which to accomplish the transfer.

Describe any other water rights used for the same purpose as described above:

Water Right No. 63-03396

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? N If yes, describe:

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 _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 63-08232

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.73 CFS	1125.5 AF
STOCKWATER	01/01 to 12/31	0.32 CFS	82.2 AF
COMMERCIAL	01/01 to 12/31	0.32 CFS	20.6 AF
	Totals	2.73 CFS	1228.3 AF

SOURCE

GROUNDWATER

Priority: 10/28/1975

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 16, Township 02N, Range 03W
 NESE , Sec. 16, Township 02N, Range 03W
 NENE , Sec. 17, Township 02N, Range 03W
 CANYON County

PLACE OF USE:**IRRIGATION**

				<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>												
				NESE	NWSE	SWSE	SESE					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	SUM
02N	03W	8	:																									
02N	03W	16	:	38				39						28	32			39								40		216.0
02N	03W	17	:	18	36	26	15					23						40	14									172.0
																								TOTAL ACRES			428.0	

STOCKWATER

02N	03W	17	:	S	S	S	S	:					:															
-----	-----	----	---	---	---	---	---	---	--	--	--	--	---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Water Right No. 63-08232

CONDITIONS/REMARKS:

2. 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.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. Prior to diversion of water under this approval, the right holder shall provide a permanent measuring device and lockable controlling works of a type acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion and annual volume. The total instantaneous diversion of water from all points of diversion under Transfer No. 4961 shall not exceed 4.41 cfs, nor total combined annual volume of 2038.2 af.
6. The proposed well shall be drilled in the NENE, S17, T02N, R03W, hydrologically upgradient from the milking facility and any associated structure, lagoon, waste storage area, holding pens or any other waste producing or holding facility related to the dairy as approved by the Department of Water Resources.
7. The water right holder shall annually report diversion of water to the Department of Water Resources as required by the Director. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
8. Wells which are no longer intended for use must be abandoned pursuant to rules and regulations of the Department of Water Resources.
9. Right 63-08232 is limited to the irrigation of 250.1 acres in the place of use described above in a single irrigation season.
10. Rights 63-03366 and 63-08232 when combined shall not exceed the total combined annual diversion volume of 1594.8 af for the irrigation of 354.4 total acres.
11. Irrigation use under Rights 63-03366, 63-03396 and 63-08232 when combined shall not exceed the total combined diversion rate of 4.41 cfs, a total combined annual diversion volume of 1838.2 af, for the irrigation of 408.5 total acres.
12. Commercial use is for a dairy.
13. Three (3) points of diversion are located within NWSW, S16, T02N, R03W.
14. The right holder of Transfer 4961 is granted an extension to December 16, 1999 in which to accomplish the transfer.

Describe any other water rights used for the same purpose as described above:

Page 11 of

TRANS NO.

Water Right No. 63-08232

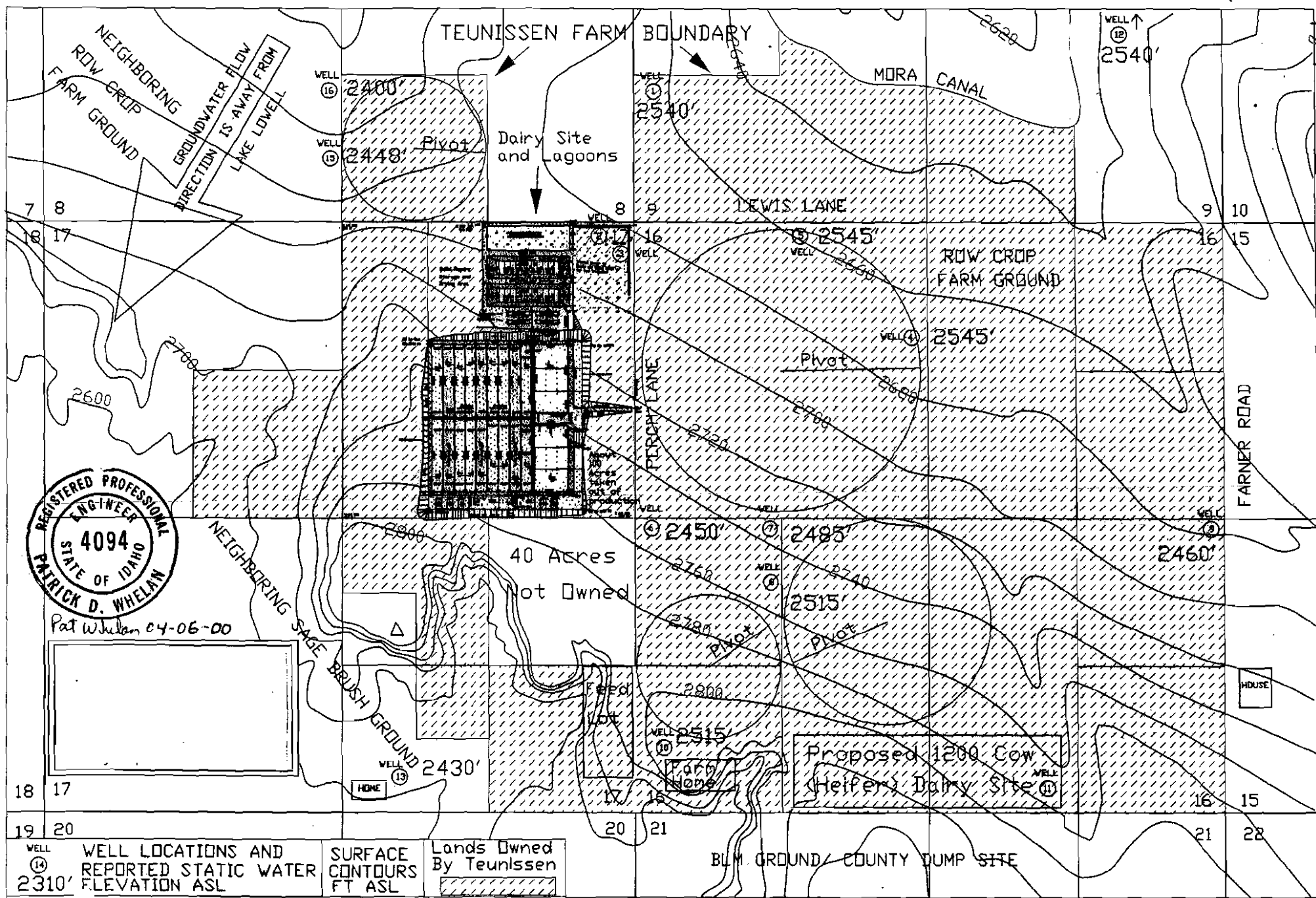
To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? N If yes, describe:

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

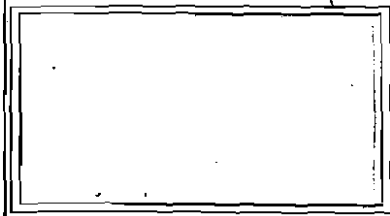
☒ Warranty Deed

☐ Other



REGISTERED PROFESSIONAL
ENGINEER
STATE OF IDAHO
4094
PATRICK D. WHELAN

Pat Whelan 04-06-00

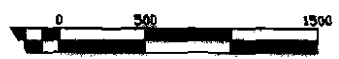


WELL 19 2310' ELEVATION ASL

SURFACE CONTOURS FT ASL

Lands Owned By Teunissen

Drawn March, 2000



? N., R. 3 W., B.M.

GENERAL WELL LOCATIONS AND LAND OWNERSHIP

Teunissen Dairy - Canyon County - SW Idaho

BY: PAT WHELAN, P.E., P.GEO., P.L.S., G.R.I.
REGISTERED PROFESSIONAL
MINING/ENVIRONMENTAL ENGINEER-GEOLOGIST-SURVEYOR-BROKER
WHELAN'S REALTY AND ENGINEERING, INC.
BOX 2782 BOISE, IDAHO 83701 (208) 454-3787

PART 3

B. CHANGES IN NATURE OF USE

1.

New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
<u>Irrigation-Livestock-cow/pasture</u>	<u>4.41</u>		<u>01-01</u> to <u>12-31</u>
			to
2. Quantity and quality of return flows and location of discharge: _____
3. Describe effects on other water uses resulting from the proposed change:
No increase in permitted water useage.

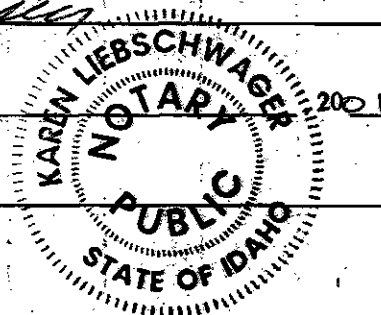
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

[Signature]
 (Signature of Applicant)

Subscribed and sworn to before me this 15 day of March

[Signature]
 (Notary Public)



My commission expires 3-6-06

FOR DEPARTMENT USE ONLY

Transfer contains 13 pages and 3 attachments

Received by SO Date 12/13/99 Protest filed by _____

Prelim. Check by 6 Fee \$100 C047420

Received by herib/kooch Date 12/13/99

Published in Press Tribune Copies of protest forwarded by _____

Pub. Dates 4-5-12-81 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD
BOISE, ID 83706-2237
(208) 327-7900

Date 12-12-99

Name Pat Wheelan

Address _____

No. of Copies	Materials	Cost
<u> </u>	<u>Received 2 copy OF</u>	<u>\$</u>
<u> </u>	<u>Notice OF change OF</u>	
<u> </u>	<u>Water Right ownership.</u>	
<u> </u>	<u>From Johnson &</u>	
<u> </u>	<u>Beranna Dairy</u>	
<u> </u>		
TOTAL		<u>\$ 0.00</u>

Please find enclosed the form(s) and/or information you requested. The charge, if any, is indicated above.

If we may be of further assistance, please contact us.

Sincerely,

Ayes Roach

ATTACHMENT

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

DEC 17 1999
WATER RESOURCES
WESTERN REGION

1. Water Right Number(s) _____
Adjudication Claim Number(s) A-63-03366, A 63-03396, A63-08232, (Transfer 4961)
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Johnson Land Co.
9168 Perch Lane, Caldwell, Id 83605
BT and Anna Teunissen
4. New Owner/Claimant(s) Beranna Dairy - Bernard and Jane Teunissen
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 9166 Perch Ave, Caldwell, Id 83607
City, State and ZIP Code _____
New Telephone Number (208) 455-7705
5. Date you acquired the property 4-15-99
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Bernard Teunissen Date 12-10-99
not _____ Date _____
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 4-15-99

All right in
Sec 8-SE-SW-SE
Sec 16-SW W1/2 SW 1/4
Sec 16-NE E1/2 SE, E1/2 NE
Sec 17-NE-NE-NE, S1/2 NE
Sec 17-NWSE NW N1/2 NWSE
Sec 17-NE-NW NW NE
Totaling about 557 acres

LEGAL DESCRIPTION OF PROPERTY: Township 2 N Range 3 W

Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

(see attached transfer 4961)

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: 63-03366, 63-03396, 63-08232, (Transfer 4961)
63-2269

☐ Name and Address of Former Owner/Claimant(s)(Seller): Johnson Land Co. - John Johnson - Catherine Johnson
9168 Perch Lane
Caldwell, Id 83605

☐ New Owner/Claimant (Purchaser): BERNARD & ANNA TENNISSEN
BERNARD & JANE TENNISSEN

☐ New Mailing Address: 9166 PERCH AVE
CALDWELL, IDAHO 83607

☐ New Telephone Number: (208) 455-7705

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Bernard & Anna Tennesen Date 12-9-99

Date _____

☐ Signature of Former Owner/Claimant(s): John R. Johnson Date 4-15-99
Catherine Johnson Date 4-15-99

(Johnson Land Co.)

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

A

PC 30930

9943448

Transmutation Properties, Inc.
 c/o William A. Van Dyk, Esq.
 3535 Island Empire Boulevard
 Ontario, CA 91764

***** SPACE ABOVE FOR RECORDER *****

WARRANTY DEED

FOR VALUE RECEIVED TRANSMUTATION PROPERTIES, INC., a California Corporation, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto BERANNA DAIRY, a general partnership, hereinafter called the Grantee, whose address is: 16015 Mountain Avenue, Chino 91710, the following described premises, in Canyon County, Idaho, to wit:

PARCEL I

Southwest Quarter of the Southeast Quarter, Section 8, Township 2 North, Range 3 West, Boise Meridian, Canyon County Idaho.

PARCEL II

West Half of the Southwest Quarter, Section 16, Township 2 North, Range 3 West, Bois Meridian, Canyon County Idaho.

EXCEPTING THEREFROM that portion lying within that property Deeded to Canyon County in Warranty Deed, Instrument No. 847182, as follows:

This parcel is situated in the Southwest Quarter of the Southwest Quarter of Section 16, Southeast Quarter of the Southeast Quarter of Section 17, all in Township 2 North, Range 3 West of the Boise Meridian and is more particularly described as follows:

BEGINNING at the Southeast corner of said Southeast Quarter of the Southeast Quarter of Section 17, Township 2 North, Range 3 West, the REAL POINT OF BEGINNING, thence

South 89°29'30" West along the South boundary of said Southeast Quarter of the Southeast Quarter, a distance of 728.30 feet; thence

Northwesterly, a distance of 142.38 feet along the arc of a curve to the right having a radius of 326.50 feet, a central angle of 15°29'39" and a long chord which bears North 65°47'15" West, a distance of 141.94 feet; thence

North 31°57'30" East, a distance of 80.00 feet; thence

Southeasterly, a distance of 261.71 feet along the arc of a curve to the left having a radius of 446.50 feet, a central angle of 33°35'00" and a long chord which bears South 74°50'00" East, a distance of 257.98 feet; thence

North 88°22'30" East, a distance of 561.83 feet; thence

North 9°44'16" West, a distance of 166.50 feet; thence

Northwesterly, a distance of 154.82 feet along the arc of a curve to the left having a radius of 777.37 feet, a central angle of 11°24'40" and a long chord which bears North 15°26'36" West, a distance of 154.57 feet; thence

Northwesterly, a distance of 301.58 feet along the arc of a curve to the right having a radius of 516.73 feet, a central angle of 33°26'24" and a long chord which bears North 4°25'44" West, a distance of 297.32 feet; thence

North 12°17'28" East a distance of 216.51 feet; thence

Northeasterly, a distance of 88.62 feet along the arc of a curve to the left having a radius of 410.00 feet, a central angle of 12°23'02" and a long chord which bears North 6°05'57" East, a distance of 88.44 feet; thence

North 89°54'26" East, a distance of 80.00 feet; thence

Southwesterly, a distance of 105.91 feet along the arc of a curve to the right having a radius of 490.00 feet, a central angle of 12°23'02" and a long chord which bears South 6°05'57" West, a distance of 105.71 feet; thence

South 12°17'28" West, a distance of 216.51 feet; thence

Southeasterly a distance of 254.89 feet along the arc of a curve to the left, having a radius of 436.73 feet, a central angle of 33°26'24" and a long chord which bears South 4°24'44" East, a distance of 251.29 feet; thence

Southeasterly, a distance of 170.76 feet along the arc of a curve to the right having a radius of 857.37 feet, a central angle of $11^{\circ}24'40''$ and a long chord which bears South $15^{\circ}26'36''$ East, a distance of 170.47 feet; thence

South $9^{\circ}44'16''$ East, a distance of 248.60 feet to a point on the South boundary of the Southwest Quarter of the Southwest Quarter of said Section 16; thence

South $89^{\circ}31'10''$ West along the South boundary of said Southwest Quarter of the Southwest Quarter, a distance of 87.95 feet to the REAL POINT OF BEGINNING.

PARCEL III

The East Half of the Northeast Quarter and the East Half of the Southeast Quarter, Section 16, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

PARCEL IV

The Northeast Quarter of the Northeast Quarter and the South Half of the Northeast Quarter, Section 17, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

PARCEL V

The Southeast Quarter of the Northwest Quarter, the North Half of the Northwest Quarter of the Southeast Quarter, the Southeast Quarter of the Northwest Quarter of the Southeast Quarter, the Northeast Quarter of the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter, Section 17, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

EXCEPTION THEREFROM that portion of said Southeast Quarter of the Southeast Quarter lying within that property Deeded to Canyon County in Warranty Deed, Instrument No. 847188, as follows:

This parcel is situated in the Southwest Quarter of the Southwest Quarter of Section 16, Southeast Quarter of the Southeast Quarter of Section 17, all in Township 2 North, Range 3 West of the Boise Meridian and is more particularly described as follows:

BEGINNING at the Southeast corner of said Southeast Quarter of the Southeast Quarter of Section 17, Township 2 North, Range 3 West, the REAL POINT OF BEGINNING; thence

South $89^{\circ}29'50''$ West along the South boundary of said Southeast Quarter of the Southeast Quarter, a distance of 728.30 feet; thence

Northwesterly, a distance of 142.38 feet along the arc of a curve to the right having a radius of 526.50 feet, a central angle of $15^{\circ}29'39''$ and a long chord which bears North $65^{\circ}47'19''$ West, a distance of 141.94 feet; thence

North $31^{\circ}57'30''$ East, a distance of 80.30 feet; thence

Southeasterly, a distance of 261.71 feet along the arc of a curve to the left having a radius of 446.50 feet, a central angle of $33^{\circ}35'00''$ and a long chord which bears South $74^{\circ}50'00''$ East, a distance of 257.98 feet; thence

North $88^{\circ}22'30''$ East, a distance of 561.83 feet; thence

North $9^{\circ}44'16''$ West, a distance of 166.50 feet; thence

Northwesterly, a distance of 154.82 feet along the arc of a curve to the left having a radius of 777.37 feet, a central angle of $11^{\circ}24'40''$ and a long chord which bears North $15^{\circ}26'36''$ West, a distance of 154.57 feet; thence

Northwesterly, a distance of 301.58 feet along the arc of a curve to the right having a radius of 516.73 feet, a central angle of $33^{\circ}26'24''$ and a long chord which bears North $4^{\circ}25'44''$ West, a distance of 297.32 feet; thence

North $12^{\circ}17'28''$ East a distance of 216.51 feet; thence

Northeasterly, a distance of 88.62 feet along the arc of a curve to the left having a radius of 410.00 feet, a central angle of $12^{\circ}3'02''$ and a long chord which bears North $6^{\circ}05'57''$ East, a distance of 88.44 feet; thence

North $89^{\circ}54'26''$ East, a distance of 80.00 feet thence ~~thence~~

Southwesterly, a distance of 105.91 feet along the arc of a curve to the right having a radius of 490.00 feet, a central angle of $12^{\circ}23'02''$ and a long chord which bears South $6^{\circ}05'57''$ West, a distance of 105.71 feet; thence

South $12^{\circ}17'28''$ West, a distance of 216.51 feet; thence

Southeasterly a distance of 254.89 feet along the arc of a curve to the left, having a radius of 436.73 feet, a central angle of $33^{\circ}26'24''$ and a long chord which bears South $4^{\circ}24'44''$ East, a distance of 251.29 feet; thence

Southeasterly, a distance of 170.76 feet along the arc of a curve to the right having a radius of 857.37 feet, a central angle of $11^{\circ}24'40''$ and a long chord which bears South $15^{\circ}26'36''$ East, a distance of 170.47 feet; thence

South $9^{\circ}44'16''$ East, a distance of 248.60 feet to a point on the South boundary of the Southwest Quarter of the

Southwest Quarter of said Section 16; thence

South 89°31'10" West along the South boundary of said Southwest Quarter of the Southwest Quarter, a distance of 87.95 feet to the REAL POINT OF BEGINNING.

PARCEL VI

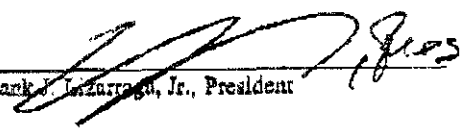
The Northwest Quarter of the Northeast Quarter, Section 17, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the successors, heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises, that they are free from all encumbrances except as above described and except as reflected within the public record and that Grantor will warrant and defend the same from all lawful claims whatsoever.

TRANSMUTATION PROPERTIES, INC.,
a California Corporation

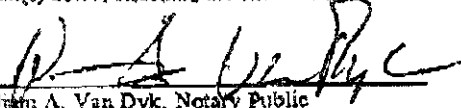
Dated: October 14, 1999.

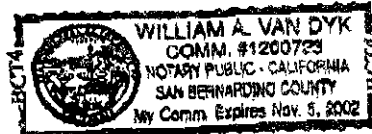
by:

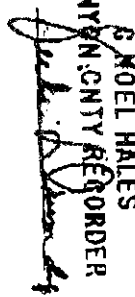

Frank J. Lizarraga, Jr., President

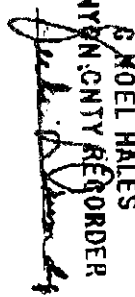
STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

On October 14, 1999, before me, a Notary Public in and for said State, personally appeared FRANK J. LIZARRAGA, JR., personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.


William A. Van Dyk, Notary Public
Residing at: 3535 Inland Empire Boulevard
Ontario, CA 91764
My Commission Expires: November 5, 2002



RECORDED
PIONEER - CALDWELL


NOEL HALES
CANYON COUNTY RECORDER
BY 

29 NOV 1 PM 4 31

RECORDED

009943448

pn 44578

7914490

WARRANTY DEED

FOR VALUE RECEIVED John R. Johnson and Catherine J. Johnson, husband and wife and Johnson Land Company, a Limited Partnership

the Grantors, do hereby grant, bargain, sell and convey unto Transmutation Properties, Inc.

the Grantee, whose address is 40355 Inland Empire Blvd

the following described premises, to-wit: Ontario, CA 91764

See Exhibit "A" attached hereto and made a part hereof by this reference:

All of the described real property is transferred and conveyed TOGETHER WITH all water, and water rights and interest, appurtenant to or inuring to the benefit of said real property or any part thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances, except for general taxes and assessments for the year 1999 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: April 14, 1999

John R. Johnson

Catherine J. Johnson
Catherine J. Johnson

Johnson Land Company

By Catherine J. Johnson

By: John R. Johnson

STATE OF IDAHO

COUNTY OF CANYON

On this 14 day of April, 1999, before me a notary public, personally appeared John R. Johnson and Catherine J. Johnson, known to me to be the person(s) whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Notary Public

Residing at Greenleaf, Idaho

My commission expires: 9-1-99

STATE OF IDAHO

COUNTY OF CANYON

On this 14 day of April, 1999, before me a notary public personally appeared John R. Johnson and Catherine J. Johnson, known to me to be the person(s) whose names are subscribed to the within instrument as general partners of Johnson Land Company and acknowledged to me that they executed the same as general partners.

Notary Public

Residing at Greenleaf, Idaho

My commission expires: 9-1-99

PN48578

EXHIBIT "A"

PARCEL I:

Southwest Quarter of the Southeast Quarter, Section 8, Township 2 North, Range 3 West, Boise Meridian, Canyon County Idaho.

PARCEL II:

West Half of the Southwest Quarter, Section 16, Township 2 North, Range 3 West, Boise Meridian, Canyon County Idaho.

EXCEPTING THEREFROM that portion lying within that property Deeded to Canyon County in Warranty Deed, Instrument No. 847188, as follows:

This parcel is situated in the Southwest Quarter of the Southwest Quarter of Section 16, Southeast Quarter of the Southeast Quarter of Section 17, all in Township 2 North, Range 3 West of the Boise Meridian and is more particularly described as follows:

BEGINNING at the Southeast corner of said Southeast Quarter of the Southeast Quarter of Section 17, Township 2 North, Range 3 West, the REAL POINT OF BEGINNING; thence

South 89° 29'50" West along the South boundary of said Southeast Quarter of the Southeast Quarter, a distance of 728.30 feet; thence Northwesterly, a distance of 142.38 feet along the arc of a curve to the right having a radius of 526.50 feet, a central angle of 15° 28'38" and a long chord which bears

North 65° 47'19" West, a distance of 141.94 feet; thence

North 31° 57'30" East, a distance of 60.00 feet; thence Southeasterly, a distance of 251.71 feet along the arc of a curve to the left having a radius of 446.50 feet, a central angle of 33° 35'00" and a long chord which bears

South 74° 50'00" East, a distance of 257.88 feet; thence

North 88° 22'30" East, a distance of 561.88 feet; thence

North 9° 44'18" West, a distance of 166.50 feet; thence Northwesterly, a distance of 154.82 feet along the arc of a curve to the left having a radius of 777.37 feet, a central angle of 11° 24'40" and a long chord which bears

North 15° 26'36" West, a distance of 154.57 feet; thence Northwesterly, a distance of 301.38 feet along the arc of a curve to the right having a radius of 516.73 feet; a central angle of 33° 26'24" and a long chord which bears

North 4° 25'44" West, a distance of 297.32 feet; thence

North 12° 17'28" East a distance of 216.51 feet; thence Northeasterly, a distance of 88.62 feet along the arc of a curve to the left having a radius of 410.00 feet, a central angle of 12° 23'02" and a long chord which bears

North 6° 05'57" East, a distance of 85.44 feet; thence

North 88° 54'26" East, a distance of 80.00 feet; thence Southwesterly, a distance of 105.91 feet along the arc of a curve to the right having a radius of 480.00 feet, a central angle of 12° 23'02" of a long chord which bears

South 6° 05'57" West, a distance of 105.71 feet; thence

South 12° 17'28" West, a distance of 216.51 feet; thence Southeasterly a distance of 254.88 feet along the arc of a curve to the left, having a radius of 436.73 feet, a central angle of 33° 26'24" and a long chord which bears

South $4^{\circ} 24' 44''$ East, a distance of 251.28 feet; thence Southeasterly, a distance of 170.76 feet along the arc of a curve to the right having a radius of 857.37 feet, a central angle of $11^{\circ} 24' 40''$ and a long chord which bears

South $15^{\circ} 26' 36''$ East, a distance of 170.47 feet; thence

South $9^{\circ} 44' 16''$ East, a distance of 248.60 feet to a point on the South boundary of the Southwest Quarter of the Southwest Quarter of said Section 16; thence

South $88^{\circ} 31' 10''$ West along the South boundary of said Southwest Quarter of the Southwest Quarter, a distance of 87.95 feet to the REAL POINT OF BEGINNING.

PARCEL III:

The East Half of the Northeast Quarter and the East Half of the Southeast Quarter, Section 16, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

PARCEL IV:

The Northeast Quarter of the Northeast Quarter and the South Half of the Northeast Quarter, Section 17, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

PARCEL V:

The Southeast Quarter of the Northwest Quarter, the North Half of the Northwest Quarter of the Southeast Quarter, the Southeast Quarter of the Northwest Quarter of the Southeast Quarter, the Northeast Quarter of the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter, Section 17, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM that portion of said Southeast Quarter of the Southeast Quarter lying within that property Deeded to Canyon County in Warranty Deed, Instrument No. 647188, as follows:

This parcel is situated in the Southwest Quarter of the Southwest Quarter of Section 16, Southeast Quarter of the Southeast Quarter of Section 17, all in Township 2 North, Range 3 West of the Boise Meridian and is more particularly described as follows:

BEGINNING at the Southeast corner of said Southeast Quarter of the Southeast Quarter of Section 17, Township 2 North, Range 3 West, the REAL POINT OF BEGINNING; thence

South $88^{\circ} 28' 50''$ West along the South boundary of said Southeast Quarter of the Southeast Quarter, a distance of 728.30 feet; thence Northwesterly, a distance of 142.38 feet along the arc of a curve to the right having a radius of 526.50 feet, a central angle of $15^{\circ} 28' 39''$ and a long chord which bears

North $65^{\circ} 47' 19''$ West, a distance of 141.94 feet; thence

North $31^{\circ} 57' 30''$ East, a distance of 80.00 feet; thence Southeasterly, a distance of 261.71 feet along the arc of a curve to the left having a radius of 446.50 feet, a central angle of $33^{\circ} 35' 00''$ and a long chord which bears

South $74^{\circ} 50' 06''$ East, a distance of 257.98 feet; thence

North $88^{\circ} 22' 30''$ East, a distance of 561.83 feet; thence

North $9^{\circ} 44' 16''$ West, a distance of 166.50 feet; thence Northwesterly, a distance of 154.82 feet along the arc of a curve to the left having a radius of 777.37 feet, a central angle of $11^{\circ} 24' 40''$ and a long chord which bears

North 15° 26'36" West, a distance of 154.57 feet; thence Northwesterly, a distance of 301.58 feet along the arc of a curve to the right having a radius of 516.73 feet; a central angle of 33° 26'24" and a long chord which bears

North 4° 25'44" West, a distance of 297.32 feet; thence

North 12° 17'28" East, a distance of 216.51 feet; thence Northeasterly, a distance of 88.62 feet along the arc of a curve to the left having a radius of 410.00 feet, a central angle of 12° 23'02" and a long chord which bears

North 6° 05'57" East, a distance of 88.44 feet; thence

North 89° 54'26" East, a distance of 80.00 feet; thence Southwesterly, a distance of 105.91 feet along the arc of a curve to the right having a radius of 480.00 feet, a central angle of 12° 23'02" of a long chord which bears

South 6° 05'57" West, a distance of 105.71 feet; thence

South 12° 17'28" West, a distance of 216.51 feet; thence Southeasterly a distance of 254.88 feet along the arc of a curve to the left, having a radius of 436.73 feet, a central angle of 33° 26'24" and a long chord which bears

South 4° 24'44" East, a distance of 251.29 feet; thence Southeasterly, a distance of 170.76 feet along the arc of a curve to the right having a radius of 857.37 feet, a central angle of 11° 24'40" and a long chord which bears

South 15° 26'36" East, a distance of 170.47 feet; thence

South 9° 44'16" East, a distance of 248.80 feet to a point on the South boundary of the Southwest Quarter of the Southwest Quarter of said Section 18; thence

South 89° 31'10" West along the South boundary of said Southwest Quarter of the Southwest Quarter, a distance of 87.95 feet to the REAL POINT OF BEGINNING.

PARCEL VI:

The Northwest Quarter of the Northeast Quarter, Section 17, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

RECEIVED
PIONEER TITLE CO.
CANYON COUNTY RECORDER
BY *John D. Hales*
12/10/99

39 APR 15 AM 11 01
C. NOEL HALES
CANYON COUNTY RECORDER
BY *John D. Hales*

RECORDED

9814490



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 12, 2000

DIRK KEMPTHORNE
GOVERNOR

Re: Notice of Change of Water right Ownership
Water Right Nos. A63-03366, A63-03396
& A63-08232 Transfer 4961

KARL J. DREHER
DIRECTOR

BERANNA DAIRY
BJ & ANNA TEUNISSEN
BERNARD & JANE TEUNISSEN
9166 PERCH AVE
CALDWELL ID 83607

Dear Water users,

Our office received your Notice of Change of Water Right Ownership for the above Water Rights. Because of the following reasons we are delaying changing the ownership. We also cannot process your new application for transfer to add a point of diversion. You may be able to modify this new transfer application if necessary to include items 3 and 6.

The legal documentation you supplied does not show your ownership of the 40 acres in T02N, R03W, S17, NESE tract.

1. If you own this property, please supply us with documentation of this ownership.
2. If you do not own this property, please supply documentation of any agreements made by you and the owner allowing you to irrigate this property.
3. If the 408.5 acres is being irrigated outside the place of use you will need to file an application for transfer to correct the place of use.
4. If you are not irrigating this property please show where the 408.5 acres of irrigation associated with this water right transfer is being used. (See enclosed photo of approved tracts and irrigated acres).
5. If this tract isn't a part of the system and no acres developed by groundwater in his tract, you may request the current owner to sign a letter of release. Stating that the system recorded in transfer 4961 doesn't irrigate his property and has no claim to irrigation developed from this transfer.
6. A transfer would then need to be filed to correct the legal description to the actual place of use. It is my understanding that you recently filed a transfer to add

a domestic well to your dairy operation. This transfer is on hold until the ownership discrepancy is corrected.

7. Lori Graves, the reviewing agent, stated that you could modify the transfer with any changes that may be necessary with no additional fees.

CHANGE OF OWNERSHIP:

If the transfer is approved, as mentioned in the cases listed in items 3 & 6, then the approved transfer will change the ownership for these rights.

If no transfer is filed, then we are required to split these rights based upon evidence of ownership as shown on your Warranty deed and prorate accordingly.

Please respond to this letter and let me know what your intentions are by February 14, 2000. If we do not hear from you we may split and prorate these rights as mentioned above.

Sincerely,



Ron Howerton
Lori Graves *LG*
Senior Water Right Agents

Enclosures:

Copy of approved transfer 4961
NAPP Photo

RECEIVED

MAR 29 2001

WATER RESOURCES
WESTERN REGION

Idaho Dept of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

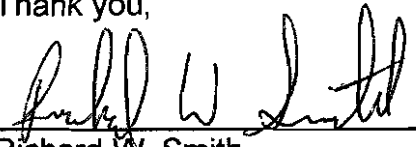
Re: Transfer 4961 - Johnson Land Company for irrigation and dairy usage

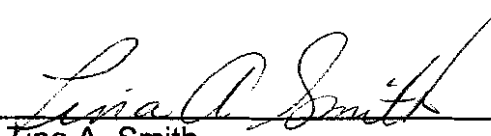
To whom it may concern:

We understand that the John Johnson/Johnson Land Company Transfer 4961, Dated December 22, 1997, by the Idaho Dept of Water Resources issued a right to transfer and use water from the Johnson well in Section 16 for irrigation and dairy usage on 40 acres located in the NE 1/4 of the SE 1/4, Section 17, T.2N., R.3W., B.M., Canyon County, Idaho.

We own said 40 acres now, at, and prior to the time of said transfer. Said Johnson's well system and transfer do not supply water to our land; we have no rights to use the Johnson well system, which is now owned by the Teunissen Dairy, and we should not have been included in said transfer.

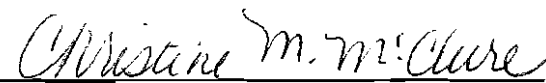
Thank you,


Richard W. Smith

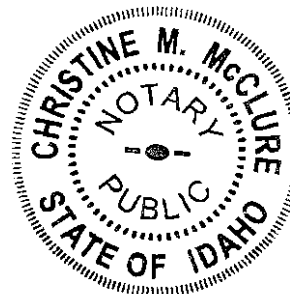

Tina A. Smith

STATE OF Idaho)
) SS
COUNTY OF Canyon)

On this 22 day of March 2001, before me, personally appeared Richard W. Smith and Tina A. Smith, husband and wife, residing at 211 Maple St., Nampa, Idaho 83686, Phone: 208-466-8771, and acknowledged that they were of sound mind, and freely executed this instrument and release for the purposes so stated and are the owners of said 40 acre property.


Notary Public for the State of Idaho
My Commission Expires 11-17-2005

Seal



ATTACHMENT B1

WARRANTY DEED

FOR VALUE RECEIVED HARMON H. JOHNSON and ELIZABETH L. JOHNSON,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto RICHARD W. SMITH and TINA A.
SMITH, husband and wife

the Grantees, whose address is 211 Maple Street, Nampa, ID 83686

the following described premises, to-wit:

The Northeast Quarter of the Southeast Quarter of Section 17,
Township 2 North, Range 3 West of the Boise Meridian, Canyon
County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners
in fee simple of said premises; that said premises are free from all encumbrances, except for general taxes and assessments for
the year 1992 and subsequent years, covenants, conditions, restrictions and easements of record;
and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: October 27, 1992

HARMON H. JOHNSON

ELIZABETH L. JOHNSON

STATE OF IDAHO
COUNTY OF CANYON

On this 28th day of October, 1992, before me
a Notary Public, personally appeared HARMON H.
JOHNSON, known or identified to me to be the person(s)
whose name(s) is/are subscribed to the within instrument,
and acknowledged to me that he/she/they have executed the
same.

Notary Public
Residing at Nampa, Idaho
My commission expires 3-9-94

STATE OF IDAHO
COUNTY OF CANYON

On this 28th day of October, 1992, before me
a Notary Public, personally appeared HARMON H.
JOHNSON, known or identified to me to be the person
whose name is subscribed to the within instrument as
attorney in fact of ELIZABETH L. JOHNSON and
acknowledged to me that he/she subscribed the name of
ELIZABETH L. JOHNSON thereto as principal, and
his/her own name as attorney in fact.

Notary Public
Residing at Nampa, Idaho
My commission expires 3-9-94

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL ID 83605

RECORDED

92 OCT 28 AM 11:53

9224359

PIONEER - NAMPA

RECEIVED
CANYON CO. RECORDER
BY C. H. H. 30



P.O. Box 1005

Nampa, Idaho 83651

208-466-7376

February 20, 2001

Pat Whelen

RE: Bernard Teunsion, Accumulated costs for 60 HP
Deep Well Turbine on Perch road, 1/2 mile south of Lewis
Lane.

All work was performed by Layne of Idaho, Inc. for
Teunsion Dairy.

1999;	Pulled existing pump - 410' x 8" x 2 1/2" x 1 1/2" - Rebowled, reduced gallons from 500 gpm to 350 gpm	\$14,042.00
2000;	Rebuilt bowls - sand damage. installed sand separator, motor damaged	\$18,222.00
2001;	Bowl wore out - air - new bowl - labor	\$11,694.00

Well was cameraed and shows considerable casing
deterioration which lets sand in. The water level
seems to have dropped also.

Byron



Well @ That has failed in NW corner NW 1/4 Sec 16
T2N, R3W, B.M.

ATTACHMENT C

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: A63-03366
Date Received: 3/ 1/1990
Receipt No: W010333
Received By: _____

AMENDED NOTICE OF CLAIM TO A WATER RIGHT AMENDED
ACQUIRED UNDER STATE LAW

1. Name: JOHNSON LAND CO 208-459-7893
Address: 9168 PERCH LANE
CALDWELL ID 83605

2. Date of Priority: AUG 26, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03W	16		NW	SW		CANYON
				NE	SE		CANYON
		17		NE	NE		CANYON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.090		649.40
STOCKWATER	01/01	12/31	0.220		56.50
COMMERCIAL	01/01	12/31	0.220		14.10

7. Total Quantity Appropriated is:
2.095 C.F.S. (and/or) 720.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	03W	8	SW	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
		16	NE	NE	IRR	38.0
			SE	NE	IRR	39.0
			NW	SW	IRR	28.0
			SW	SW	IRR	32.0
			NE	SE	IRR	39.0
			SE	SE	IRR	40.0
					Section Acres	216.0
		17	NE	NE	IRR	18.0
			NE	NE	STOCK	
			NE	NE	COMMER	
			NW	NE	IRR	36.0
			NW	NE	STOCK	
			NW	NE	COMMER	
			SW	NE	IRR	26.0
			SW	NE	STOCK	
			SW	NE	COMMER	
			SE	NE	IRR	15.0
			SE	NE	STOCK	
			SE	NE	COMMER	
			SE	NW	IRR	23.0
			NE	SE	IRR	40.0
			NW	SE	IRR	14.0
					Section Acres	172.0
					Total Acres	428.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
A63-03396 & A63-08232.

14. Remarks:

CLAIM AMENDED PER TRANSFER NO. 4961 APPROVED 12/16/1997.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE
COPY OF APPROVED TRANSFER NO. 4961 APPROVED 12/16/1997.
PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT
HOLDER SHALL PROVIDE A PERMANENT MEASURING DEVICE AND LOCKABLE
CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPARTMENT FROM

14. Remarks: Continued

ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION AND ANNUAL VOLUME. THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER NO. 4961 SHALL NOT EXCEED 4.41 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 2038.2 AF. THE PROPOSED WELL SHALL BE DRILLED IN THE NENE, S17, T02N, R03W, HYDROLOGICALLY UPGRADIENT FROM THE MILKING FACILITY AND ANY ASSOCIATED STRUCTURE, LAGOON, WASTE STORAGE AREA, HOLDING PENS OR ANY OTHER WASTE PRODUCING OR HOLDING FACILITY RELATED TO THE DAIRY AS APPROVED BY THE DEPARTMENT OF WATER RESOURCES. THE WATER RIGHT HOLDER SHALL ANNUALLY REPORT DIVERSION OF WATER TO THE DEPARTMENT OF WATER RESOURCES AS REQUIRED BY THE DIRECTOR. WATER DIVERTED AND USED FOR THE DAIRY OPERATION, INCLUDING LAND APPLICATION OF WASTE WATER, SHALL SATISFY FEDERAL AND IDAHO STATE LAWS, REGULATIONS, AND STANDARDS RELATED TO WATER QUALITY. WELLS WHICH ARE NO LONGER INTENDED FOR USE MUST BE ABANDONED PURSUANT TO RULES AND REGULATIONS OF THE DEPARTMENT OF WATER RESOURCES. RIGHT 63-03366 IS LIMITED TO THE IRRIGATION OF 144.3 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. RIGHTS 63-03366 AND 63-03396 WHEN COMBINED SHALL NOT EXCEED THE TOTAL COMBINED DIVERSION RATE OF 2.09 CFS. RIGHTS 63-03366 AND 63-08232 WHEN COMBINED SHALL NOT EXCEED THE TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1594.8 AF FOR THE IRRIGATION OF 354.4 TOTAL ACRES. IRRIGATION USE UNDER RIGHTS 63-03366, 63-03396 AND 63-08232 WHEN COMBINED SHALL NOT EXCEED THE TOTAL COMBINED DIVERSION RATE OF 4.41 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1838.2 AF, FOR THE IRRIGATION OF 408.5 TOTAL ACRES. COMMERCIAL USE IS FOR A DAIRY. THREE (3) POINTS OF DIVERSION ARE LOCATED WITHIN NWSW, S16, T02N, R03W. THE RIGHT HOLDER OF TRANSFER 4961 IS GRANTED AN EXTENSION TO DECEMBER 16, 1999 TO ACCOMPLISH THE TRANSFER.

15. Basis of Claim: LICENSE

Water Right Number: 31350

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 20 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

WR5809NP
No. 63-03366

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/05/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		DIVERSION RATE	DIVERSION VOLUME
				FROM	TO		
C	JOHNSON LAND CD 9168 PERCH LANE CALDWELL ID 83605 (208) 459-7893	08/26/1963	IRRIGATION	03/15	11/15	2.090 CFS	649.40 AFA
			STOCKWATER	01/01	12/31	0.220 CFS	56.50 AFA
			COMMERCIAL	01/01	12/31	0.220 CFS	14.10 AFA
			TOTAL DIVERSION:			2.090 CFS	720.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02N R03W S16 NWSW NESE CANYON County
S17 NENE CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE												
				NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		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	SUM
02N	03W	8	:																									
02N	03W	16	:		38					39						28	32			39						40		40.0
02N	03W	17	:		18		36		26	15				23						40		14					40	216.0
																								TOTAL ACRES			428.0	

Place of use Legal Description for: STOCKWATER

02N	03W	17	:	S	S	S	S	:					:					:					
-----	-----	----	---	---	---	---	---	---	--	--	--	--	---	--	--	--	--	---	--	--	--	--	--

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

Pou County: CANYON

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 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.
- 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 the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN Prior to diversion of water under this approval, the right holder shall provide a permanent measuring device and lockable controlling works of a type acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion and annual volume.

Remarks: The total instantaneous diversion of water from all points of diversion under Transfer No. 4961 shall not exceed 4.41 cfs, nor total combined annual volume of 2038.2 af. The proposed well shall be drilled in the NENE, S17, T02N, R03W, hydrologically upgradient from the milking facility and any associated structure, lagoon, waste storage area, holding pens or any other waste producing or holding facility related to the dairy as approved by the Department of Water Resources. The water right holder shall annually report diversion of water to the Department of Water Resources as required by the Director. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality. Wells which are no longer intended for use must be abandoned pursuant to rules and regulations of the Department of Water Resources. Right 63-03366 is limited to the irrigation of 144.3 acres in the place of use described above in a single irrigation season. Rights 63-03366 and 63-03396 when combined shall not exceed the total combined diversion rate of 2.09 cfs. Rights 63-03366 and 63-08232 when combined shall not exceed the total combined annual diversion volume of 1594.8 af for the irrigation of 354.4 total acres. Irrigation use under Rights 63-03366, 63-03396 and 63-08232 when combined shall not exceed the total combined diversion rate of 4.41 cfs, a total combined annual diversion volume of 1838.2 af, for the irrigation of 408.5 total acres. Commercial use is for a dairy. Three (3) points of diversion are located within NWSW, S16, T02N, R03W. ²⁶ The right holder of Transfer 4961 is granted an extension to December 16, 1999 to accomplish the transfer.

Dates: App. Received: Priority Date: 08/26/1963
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/12/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/06/1997 User-ID: PSKAGGS Subject: TRANSFER 4961
Transfer 4961 adds points of diversion and changes the season & nature of use under Rights 63-03366, 63-03396 & 63-08232 to include stockwater & commercial for a new dairy.

Date: 09/28/1998 User-ID: PSKAGGS Subject: ORDER GRANTING EXTENSION
Order Granting Extension of Time to Complete Transfer dated 09-28-98 extends completion date to 12-16-99.

Audit: 05/20/85 05/01/88 CONVERT 09/06/95 CHODGES 11/18/96 CHODGES

WR5809NP
No. 63-03366

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/05/00
PAGE: 3

=====

Audit:	01/02/97 STAYLOR	11/06/97 PSKAGGS	11/12/97 PSKAGGS	11/14/97 PSKAGGS
	11/17/97 PSKAGGS	12/16/97 PSKAGGS	09/28/98 PSKAGGS	09/29/98 PSKAGGS

Western AT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

DEC 22 1997

TRANSFER NO. 4961
WATER RIGHT NO(S). 63-03366/63-03396/63-08232

WATER RESOURCES
WESTERN REGION

This is to certify that: JOHNSON LAND CO
9168 PERCH LANE
CALDWELL ID 83605

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. 63-03366 :			
IRRIGATION	03/15 to 11/15	2.09 CFS	** 649.4 AF
STOCKWATER	01/01 to 12/31	0.22 CFS	56.5 AF
COMMERCIAL	01/01 to 12/31	0.22 CFS	14.1 AF
Priority: 08/26/1963			
SUBTOTAL:		* 2.09 CFS	720.0 AF
Right No. 63-03396 :			
IRRIGATION	04/01 to 10/31	1.20 CFS	243.4 AF
STOCKWATER	01/01 to 12/31	0.08 CFS	21.3 AF
COMMERCIAL	01/01 to 12/31	0.08 CFS	5.3 AF
Priority: 12/13/1963			
SUBTOTAL:		* 1.20 CFS	270.0 AF
Right No. 63-08232 :			
IRRIGATION	03/15 to 11/15	2.73 CFS	** 1125.5 AF
STOCKWATER	01/01 to 12/31	0.32 CFS	82.2 AF
COMMERCIAL	01/01 to 12/31	0.32 CFS	20.6 AF
Priority: 10/28/1975			
SUBTOTAL:		2.73 CFS	1228.3 AF
SUBTOTAL OF USES:			
IRRIGATION		*** 4.41 CFS	*** 1838.2 AF
STOCKWATER		0.62 CFS	160.0 AF
COMMERCIAL		0.62 CFS	40.0 AF
TRANSFER TOTAL:		**** 4.41 CFS	**** 2038.2 AF

TRANSFER NO. 4961
WATER RIGHT NO(S). 63-03366/63-03396/63-08232

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 16, Township 02N, Range 03W
 NESE , Sec. 16, Township 02N, Range 03W
 NENE , Sec. 17, Township 02N, Range 03W
 CANYON 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	03W	8	SWSE 40			40
		16	NENE 38	SENE 39	NWSW 28	
			SWSW 32	NESE 39	SESE 40	216
		17	NENE 18	NWNE 36	SWNE 26	
			SENE 15	SENE 23	NESE 40	
			NWSE 14			172

Total number of acres irrigated: ***** 428

PLACE OF USE: STOCKWATER**TWN RGE SEC**

02N 03W 17	NENE	NWNE	SWNE
	SENE		

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. 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.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. Prior to diversion of water under this approval, the right holder shall provide a permanent measuring device and lockable controlling works of a type acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion and annual volume.

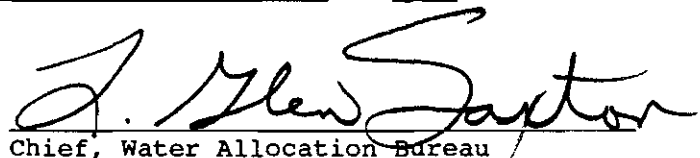
TRANSFER NO. 4961
WATER RIGHT NO(S). 63-03366/63-03396/63-08232

CONDITIONS OF APPROVAL AND REMARKS

- **** 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4961 shall not exceed 4.41 cfs, nor total combined annual volume of 2038.2 af.
8. The proposed well shall be drilled in the NENE, S17, T02N, R03W, hydrologically upgradient from the milking facility and any associated structure, lagoon, waste storage area, holding pens or any other waste producing or holding facility related to the dairy as approved by the Department of Water Resources.
9. The water right holder shall annually report diversion of water to the Department of Water Resources as required by the Director.
10. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
11. Wells which are no longer intended for use must be abandoned pursuant to rules and regulations of the Department of Water Resources.
- ***** 12. Right 63-03366 is limited to the irrigation of 144.3 acres in the place of use described above in a single irrigation season.
- ***** 13. Right 63-03396 is limited to the irrigation of 54.1 acres in the place of use described above in a single irrigation season.
- ***** 14. Right 63-08232 is limited to the irrigation of 250.1 acres in the place of use described above in a single irrigation season.
- * 15. Rights 63-03366 and 63-03396 when combined shall not exceed the total combined diversion rate of 2.09 cfs.
- ** 16. Rights 63-03366 and 63-08232 when combined shall not exceed the total combined annual diversion volume of 1594.8 af for the irrigation of 354.4 total acres.
- *****
- *** 17. Irrigation use under Rights 63-03366, 63-03396 and 63-08232 when combined shall not exceed the total combined diversion rate of 4.41 cfs, a total combined annual diversion volume of 1838.2 af, for the irrigation of 408.5 total acres.
- *****
18. Commercial use is for a dairy.
19. Three (3) points of diversion are located within NWSW, S16, T02N, R03W.

Dated this 16th day of

December, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES 63-03366, 63-03396 & 63-08232

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4961

DATE: November 17, 1997

=====

Transfer 4961 adds points of diversion and changes the season and nature of use under Rights 63-03366, 63-03396 and 63-08232. The transfer reflects a total combined irrigated system with a portion of acres removed to provide sufficient water for a dairy.

Review of the information in the water right files and provided by region staff review describes the development of these three rights to irrigate 493 licensed acres. 40 acres located in the NWSE, S17 were licensed under the original right, 63-03366. These acres were included on the application because of possible lease/purchase that didn't occur according to subsequent field exams. These acres were either never developed as described or moved to a different location as claimed in the SRBA. Under A63-03366 the 40 acres appear to be moved to NWNE, S17 and are overlapped by junior Right 63-08232.

Although only 438.0 acres were verified per recent CFSA photography by region staff, the transfer is based on the reduced acres as claimed in the SRBA or 453.0 acres. Any further adjustment will be made through the adjudication investigation. The three rights prior to transfer provide 4.41 cfs, 2038.5 afa for the irrigation of 453.0 total acres. Adjustments to the final transfer recommendation have been made as reflected on the approval.

The extent of the dairy requirements were provided by the applicant and are within department standards. The total requirement identified will be 0.62 cfs, 160.0 afa for stockwater use and 40.0 af for commercial use. The number of acres required to be removed from irrigation to provide sufficient diversion volume was found to be 44.5 acres, leaving a maximum of 408.5 acres remaining irrigated acres. Each right provided a proportionate share of the dairy needs according to their associated acres in the system. (See Change in Nature of Use Evaluation.)

The applicant proposed that rate is not a limiting factor in the change and all available flow will continue to serve irrigation use and the new uses for the dairy; individual uses being non-additive. Since the licensed rate of diversion was relatively low, the concentration of flow on reduced acres will provide 0.01 cfs/acre. Evaluation of the change identifies reduction in all parameters with an equal rate of diversion; no expansion occurs.

Transfer 4961
November 17, 1997
Pam Skaggs

Page 2 of 2

Season of use and diversion volume were adjusted to current standards. Recommended conditions include conditions of Stipulation for Withdrawal of Protests per region manager, irrigation overlap, multiple points of diversion, combined right and total limits, permissible place of use and standard transfer conditions.

A draft transfer approval was prepared and sent to the applicant for comment prior to forwarding for final approval.

Change in Nature of Use Evaluation

	<u>Rate</u>	<u>Acres</u>	<u>Div.Vol./C.U.Vol.</u>
Original:	4.41 cfs	453.0 acres	2038.5 afa/1585.5 afa
Irrigation	4.41 cfs	408.5 acres	1838.2 afa/1429.8 afa
Stockwater	0.62 "	(35.6 ")	160.0 " / 18.6 "
Commercial	0.62 "	(8.9 ")	40.0 " / 0.0 "
Total:	4.41 cfs	408.5 acres	2038.2 afa/1448.4 afa

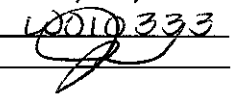
Split Rights

63-03366 Irr.	2.09 cfs	144.3 acres	649.4 afa
Stock.	0.22 "	(12.6 ")	56.5 "
Commer.	0.22 "	(3.1 ")	14.1 "
	2.09 cfs	144.3 acres	720.0 afa
63-03396 Irr.	1.20 cfs	54.1 acres	243.4 afa
Stock.	0.08 "	(4.7 ")	21.3 "
Commer.	0.08 "	(1.2 ")	5.3 "
	1.20 cfs	54.1 acres	270.0 afa
63-08232 Irr.	2.73 cfs	250.1 acres	1125.5 afa
Stock.	0.32 "	(18.3 ")	82.2 "
Commer.	0.32 "	(4.6 ")	20.6 "
	2.73 cfs	250.1 acres	1228.3 afa
Combined Rts.	4.41 cfs	408.5 acres	2038.2 afa

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: A63-03366
Date Received: ~~2/13/1990~~ 3-1-90
Receipt No: 10010333
Received By: 

RECEIVED
MAR 01 1990

Department of Water Resources
Western Regional Office

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: JOHNSON LAND CO. 208-459-7893
Address: 9168 PERCH LN.
ROUTE #4
CALDWELL, ID 83605

2. Date of Priority: AUG 26, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	03W	16	NE	NW	SW		CANYON
			NW	NW	SW		CANYON
			NE	NE	SE		CANYON

5. Description of diverting works:
SEE CLAIM NO. A63-08232 FOR DESC. OF DIVERTING WORKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.095		720.00

7. Total Quantity Appropriated is:
2.095 C.F.S. (and/or) 720.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A63-03366

Page 1

Date: 02/13/90

MICROFILMED
AUG 19 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	03W	17	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
						Section Acres	160.0
						Total Acres	160.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

CLAIM NO.'S A63-03396 & A63-08232.

14. Remarks:

NOTE - 2 P.D.'S IN THE NENWSW, SEC. 16. THE 40 ACRES SHOWN IN THE NESE, SEC. 17 ON THE ORIGINAL LICENSE ARE NOT OWNED BY THE CLAIMANT(WHO IS ALSO THE ORIG. OWNER OF THE LICENSE). THEREFORE, THOSE 40 ACRES ARE SHOWN IN A QUARTER-QUARTER(NWNE) THAT HAS HISTORICALLY USED THIS WATER. JS 2-13-1990.

15. Basis of Claim: LICENSE

Water Right Number: 31350

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: 1

For Organizations:

I do solemnly swear or affirm that I am Gen. Partner of Johnson Land Co. that I have signed the foregoing document in the space below as Gen. Partner of Johnson Land Co. and that the statements contained in the foregoing document are true and correct.

John B. Johnson
Signature of Authorized Agent

Gen. Partner
Title and Organization

2-13-90
Date

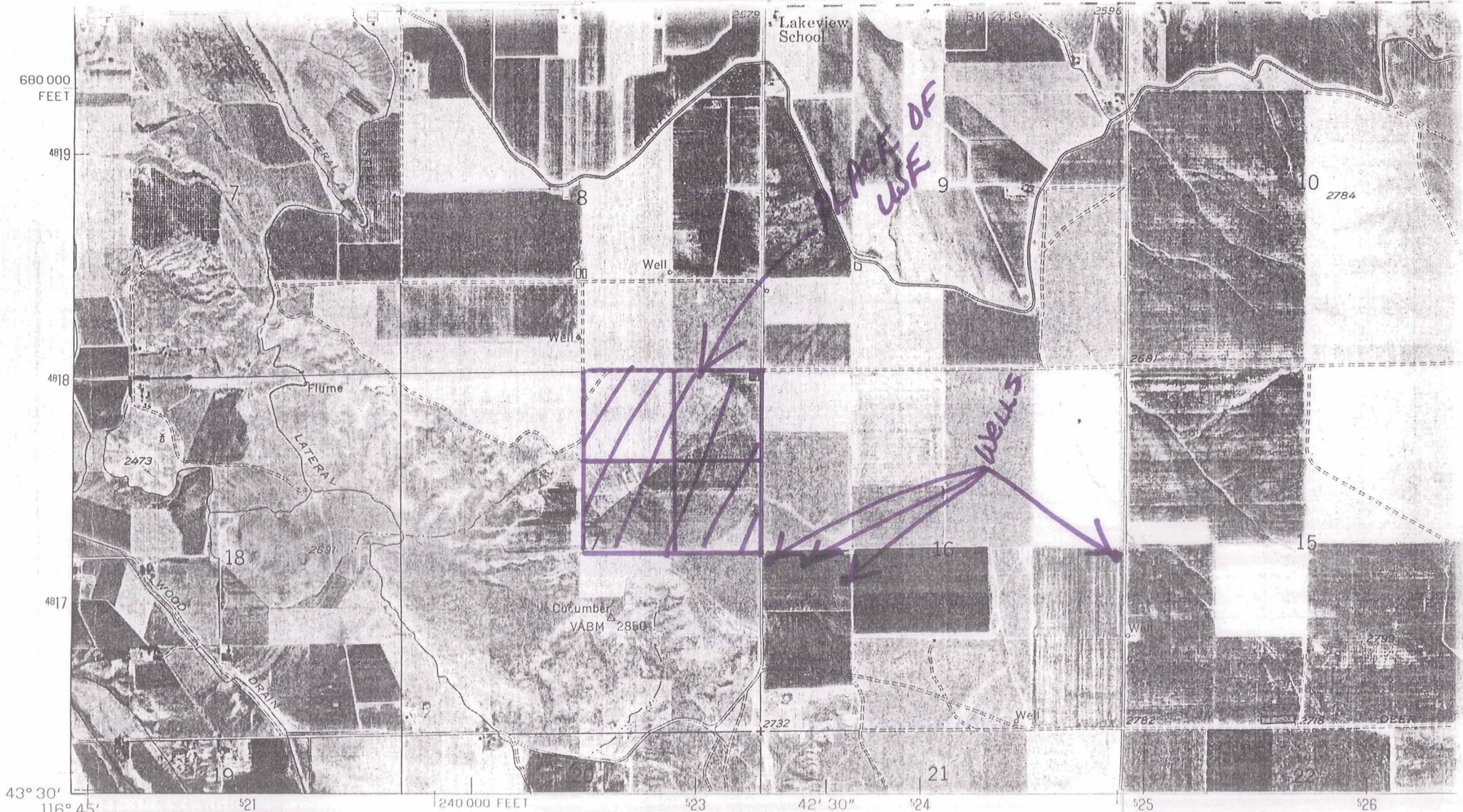
State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of February 19 90

Seal

Jan Shurte
Notary Public

Residing at Meridian ID
My Commission Expires 9-14-94



Produced by the Geological Survey

Orthophotograph prepared from 1:80,000-scale aerial photographs taken July 30, 1981

Projection and 10,000-foot grid ticks: Idaho coordinate system, west zone (Transverse Mercator)

1000-meter Universal Transverse Mercator grid, zone 11 1927 North American Datum

To place on the predicted North American Datum 1983 move the projection lines 16 meters north and 78 meters east as shown by dashed corner ticks

Photoimagery rectified by optical scanning
Where double or mismatched image occur use the mean of image position for map point

Land lines from Lake Lowell, Idaho
1:24,000-scale topographic map dated 1971

SCALE 1:24 000



NORTH

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, MENLO PARK, CALIF. 940.

Copies Of These Maps Can Be Obtained
At Bonneville Blue Print Boise Idaho

MICROFILMED

AUG 19 1992

AJ5809NP
No. A63-03366

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/09/00
PAGE: 78

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHNSON LAND CO 9168 PERCH LANE CALDWELL ID 83605 (208) 459-7893	08/26/1963	IRRIGATION STOCKWATER COMMERCIAL	03-15 11-15 01-01 12-31 01-01 12-31	2.090 CFS 0.220 CFS 0.220 CFS	649.40 AFA 56.50 AFA 14.10 AFA
TOTAL DIVERSION:					2.095 CFS	720.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02N R03W S16
S17

NWSW 116, 117, 118
NENE 120 NESE 119

CANYON County
CANYON 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	Lt	Ac	SUM
02N	03W	8	:															40		40.0
02N	03W	16	:	38				39						28	32			39		216.0
02N	03W	17	:	18	36	26	15			23							40	14		172.0
TOTAL ACRES																			428.0	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
02N	03W	17	:	S		S		S		S										

Place of use Legal Description for: COMMERCIAL

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
02N	03W	17	:	C		C		C		C										

POU County: CANYON

Other Rights: A63-03396 & A63-08232.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-03396 A63-08232

Other Water Rights Listing Overlapping Place(s) of Use:
A63-03396 A63-08232

Conditions of Approval:

046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.

R65 - This right when combined with all other rights shall provide no

Conditions of Approval:

- 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.
- 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 the water right(s) in the ongoing
- Snake River Basin Adjudication.

Remarks: GEN

CLAIM AMENDED PER TRANSFER NO. 4961 APPROVED 12/16/1997.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE
COPY OF APPROVED TRANSFER NO. 4961 APPROVED 12/16/1997.
PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT
HOLDER SHALL PROVIDE A PERMANENT MEASURING DEVICE AND LOCKABLE
CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPARTMENT FROM
ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW
DETERMINATION OF THE TOTAL RATE OF DIVERSION AND ANNUAL VOLUME.
THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER NO. 4961 SHALL NOT EXCEED 4.41 CFS,
NOR TOTAL COMBINED ANNUAL VOLUME OF 2038.2 AF.
THE PROPOSED WELL SHALL BE DRILLED IN THE NENE, S17, T02N, R03W,
HYDROLOGICALLY UPGRADIENT FROM THE MILKING FACILITY AND ANY
ASSOCIATED STRUCTURE, LAGOON, WASTE STORAGE AREA, HOLDING PENS OR
ANY OTHER WASTE PRODUCING OR HOLDING FACILITY RELATED TO THE
DAIRY AS APPROVED BY THE DEPARTMENT OF WATER RESOURCES.
THE WATER RIGHT HOLDER SHALL ANNUALLY REPORT DIVERSION OF WATER
TO THE DEPARTMENT OF WATER RESOURCES AS REQUIRED BY THE DIRECTOR.
WATER DIVERTED AND USED FOR THE DAIRY OPERATION, INCLUDING LAND
APPLICATION OF WASTE WATER, SHALL SATISFY FEDERAL AND IDAHO STATE
LAWS, REGULATIONS, AND STANDARDS RELATED TO WATER QUALITY.
WELLS WHICH ARE NO LONGER INTENDED FOR USE MUST BE ABANDONED
PURSUANT TO RULES AND REGULATIONS OF THE DEPARTMENT OF WATER
RESOURCES.
RIGHT 63-03366 IS LIMITED TO THE IRRIGATION OF 144.3 ACRES IN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHTS 63-03366 AND 63-03396 WHEN COMBINED SHALL NOT EXCEED
THE TOTAL COMBINED DIVERSION RATE OF 2.09 CFS.
RIGHTS 63-03366 AND 63-08232 WHEN COMBINED SHALL NOT EXCEED THE
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1594.8 AF FOR THE
IRRIGATION OF 354.4 TOTAL ACRES.
IRRIGATION USE UNDER RIGHTS 63-03366, 63-03396 AND 63-08232 WHEN
COMBINED SHALL NOT EXCEED THE TOTAL COMBINED DIVERSION RATE OF
4.41 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1838.2 AF,
FOR THE IRRIGATION OF 408.5 TOTAL ACRES.
COMMERCIAL USE IS FOR A DAIRY.
THREE (3) POINTS OF DIVERSION ARE LOCATED WITHIN NWSW, S16, T02N,
R03W.
THE RIGHT HOLDER OF TRANSFER 4961 IS GRANTED AN EXTENSION TO
DECEMBER 16, 1999 TO ACCOMPLISH THE TRANSFER.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:	
Audit:	02/13/90 SHURTE	03/06/90 HARRIS	03/30/95 POST-STD 01/05/00 RHOWERTO

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

RIGHT NUMBER: 63-3366

NAME AND ADDRESS: BERANNA DAIRY
9166 PERCH AVE
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.090 CFS
720.000 AFY

Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.

Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.

The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.

Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.

Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.

PRIORITY DATE: 08/26/1963

POINT OF DIVERSION:

T02N R03W S9 NWSWSW Within CANYON County
T02N R03W S16 NENW Within CANYON County
T02N R03W S16 NENW Within CANYON County
T02N R03W S16 NWSW Within CANYON County
T02N R03W S16 NWSW Within CANYON County
T02N R03W S16 NESE Within CANYON County
T02N R03W S17 NENE Within CANYON County
T02N R03W S17 NENE Within CANYON County

Rights 63-2839, 63-3329, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 are also diverted through the points of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.220 CFS 14.10 AFY
STOCKWATER	01/01 12/31	0.220 CFS 56.50 AFY
IRRIGATION	03/15 11/15	2.090 CFS 649.40 AFY

Commercial use is for a dairy barn.

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

T02N R03W S08	SWSE	40.00	T02N R03W S09	SWSW	40.00
T02N R03W S09	SESW	39.00	T02N R03W S09	SWSE	32.00
T02N R03W S16	NENE	38.00	T02N R03W S16	NWNE	37.00
T02N R03W S16	SWNE	40.00	T02N R03W S16	SENE	39.00
T02N R03W S16	NENW	39.00	T02N R03W S16	NWNW	40.00
T02N R03W S16	SWNW	40.00	T02N R03W S16	SENW	40.00
T02N R03W S16	NESW	40.00	T02N R03W S16	NWSW	28.00
T02N R03W S16	SWSW	32.00	T02N R03W S16	SESW	37.00
T02N R03W S16	NESE	39.00	T02N R03W S16	NWSE	20.00
T02N R03W S16	SWSE	30.00	T02N R03W S16	SESE	40.00
T02N R03W S17	NENE	18.00	T02N R03W S17	NWNE	36.00
T02N R03W S17	SWNE	26.00	T02N R03W S17	SENE	15.00

STOCKWATER in CANYON County

T02N R03W S17	NENE	T02N R03W S17	NWNE
T02N R03W S17	SWNE	T02N R03W S17	SENE

COMMERCIAL in CANYON County

T02N R03W S17	NENE	T02N R03W S17	NWNE
T02N R03W S17	SWNE	T02N R03W S17	SENE

825 ACRES TOTAL

This right is limited to the irrigation of 144.3 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.

The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.

Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

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

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 water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

WATER RIGHT NO. 63-3366
As Modified by Transfer No. 71280

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 03W 17	X	X	X	X													

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. 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.
5. 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.
6. The water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.
7. The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.
8. The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.
- * 9. Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.
- * 10. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
11. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.

WATER RIGHT NO. 63-3366
As Modified by Transfer No. 71280

CONDITIONS OF APPROVAL

12. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.
13. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
14. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
15. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
16. This right is limited to the irrigation of 144.3 acres within the place of use described above in a single irrigation season.
17. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
18. 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.
19. Commercial use is for a dairy barn.
20. Rights 63-2839, 63-3329, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 are also diverted through the points of diversion described above.

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 3rd day of January, 2005


Chief, Water Allocation Bureau

Jan Shute
Plz respond.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

NOV 01 2006

DEPARTMENT OF
WATER RESOURCES

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Angela Schaefer Kaufmann
Kimberly D. Evans Ross
Paul D. McFarlane
Jon A. Stenquist
Tyler J. Henderson

Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. Ritchie
Rebecca A. Rainey
Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*
Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

October 30, 2006

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

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NOV 06 2006

WATER RESOURCES
WESTERN REGION

David R. Tuthill Jr. 
Administrator
Resource Protection Bureau
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Right Nos. 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, and 63-29025, in the name of Beranna Dairy

Dear Dave:

I am in receipt of correspondence from Karl Dreher, Director of the Idaho Department of Water Resources, concerning water right nos. 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, and 63-29025, together with preliminary recommendations pertaining to these water rights. Please note that I no longer represent Bernie Teunissen or Beranna Dairy. Therefore, please remove my name and the firm of Moffatt, Thomas, Barrett, Rock & Fields, Chartered, as counsel of record for Bernie Teunissen and/or Beranna Dairy.

Thank you for your anticipated cooperation in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Scott L. Campbell

SLC/tmh

09/29/2006

RECEIVED

NOV 02 2006

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-3366

BERANNA DAIRY
9166 PERCH AVE
CALDWELL ID 83607
Telephone Number: (208)454-7705

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use should increase by 11 A.c.

2. Describe the changes you wish to make in the proposed recommendation:

Recommendation for NW 1/4 of SW 1/4 is 28 acres. The correct number is 39 acres.

3. Give a brief explanation as to why you disagree with these portions:

See attached affidavit

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-31-06

SIGNATURE:

Bernie Teunissen

Please print your name:

BERNIE TEUNISSEN

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

BERANNA DAIRY

9166 PERCH RD. CALDWELL ID 83607 TEL. 208 484 5489

RECEIVED

October 31, 2006

NOV 02 2006

Idaho department of water Resources

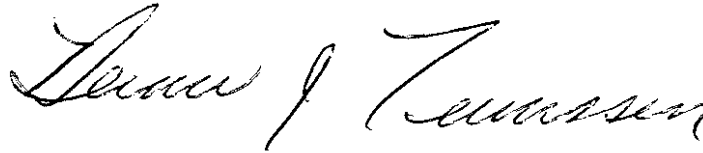
WATER RESOURCES
WESTERN REGION

Faxed October 31, 2006 are this cover sheet in addition to "notice of error reply", and an Affidavit from the previous owner of our farm. We feel an error was made on SRBA mapping

I will follow this thru mail with maps of fore mentioned errors, in addition to all reply documents

Any questions may be directed to myself 208 484 5489

Bernie Teunissen



Faxed 10-31-06

in NWSW

334 2348

only 28 acres¹ was
included in the
transfer for all these
water rights

RECEIVED

NOV 02 2006

WATER RESOURCES
WESTERN REGION

Affidavit

To: Idaho Department of Water Resources

From: John R. Johnson

RE: IDWR recommendation with respect to the place of use for WR #'s

No. Water Right

- 1 63-3329
- 2 63-3366
- 3 63-3396
- 4 63-8232
- 5 63-8253
- 6 63-10268
- 7 63-2839
- 8 63-29025

I irrigated the 39 acres in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 16, T2N R3W, from

1964 to 1999

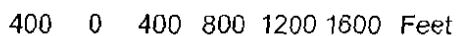
I owned the property from 1945 until 1999

The attached aerial photo shows the $\frac{1}{4}$ $\frac{1}{4}$ to which this affidavit refers.

John R. Johnson
name

10-31-06
date

T02N R03W S8, 9, 16, 17



02/16/2006

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

RIGHT NUMBER: 63-3366

NAME AND ADDRESS: BERANNA DAIRY
9166 PERCH AVE
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.090 CFS
720.000 AFY

The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.

Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.

PRIORITY DATE: 08/26/1963

POINT OF DIVERSION:

T02N R03W S9 NWSWSW Within CANYON County

T02N R03W S16 NENW Within CANYON County

T02N R03W S16 NENW Within CANYON County

T02N R03W S16 NWSW Within CANYON County

T02N R03W S16 NWSW Within CANYON County

T02N R03W S16 NESE Within CANYON County

T02N R03W S17 NENE Within CANYON County

T02N R03W S17 NENE Within CANYON County

Rights 63-2839, 63-3329, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 are also diverted through the points of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.220 CFS 14.10 AFY
STOCKWATER	01/01 12/31	0.220 CFS 56.50 AFY
IRRIGATION	03/15 11/15	2.090 CFS 649.40 AFY

Commercial use is for a dairy barn.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

02/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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 measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.

Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

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

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 water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.

PLACE OF USE:

IRRIGATION Within CANYON County

T02N R03W S08	SWSE	40.00	T02N R03W S09	SWSW	40.00
T02N R03W S09	SESW	39.00	T02N R03W S09	SWSE	32.00
T02N R03W S16	NENE	38.00	T02N R03W S16	NWNE	37.00
T02N R03W S16	SWNE	40.00	T02N R03W S16	SENE	39.00
T02N R03W S16	NENW	39.00	T02N R03W S16	NWNW	40.00
T02N R03W S16	SWNW	40.00	T02N R03W S16	SENW	40.00
T02N R03W S16	NESW	40.00	T02N R03W S16	NWSW	28.00
T02N R03W S16	SWSW	32.00	T02N R03W S16	SESW	37.00
T02N R03W S16	NESE	39.00	T02N R03W S16	NWSE	20.00
T02N R03W S16	SWSE	30.00	T02N R03W S16	SESE	40.00
T02N R03W S17	NENE	18.00	T02N R03W S17	NWNE	36.00
T02N R03W S17	SWNE	26.00	T02N R03W S17	SENE	15.00

STOCKWATER Within CANYON County

T02N R03W S17	NENE		T02N R03W S17	NWNE	
T02N R03W S17	SWNE		T02N R03W S17	SENE	

COMMERCIAL Within CANYON County

T02N R03W S17	NENE		T02N R03W S17	NWNE	
T02N R03W S17	SWNE		T02N R03W S17	SENE	

825 ACRES TOTAL

This right is limited to the irrigation of 144.3 acres within the place of use described above in a single irrigation season.

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

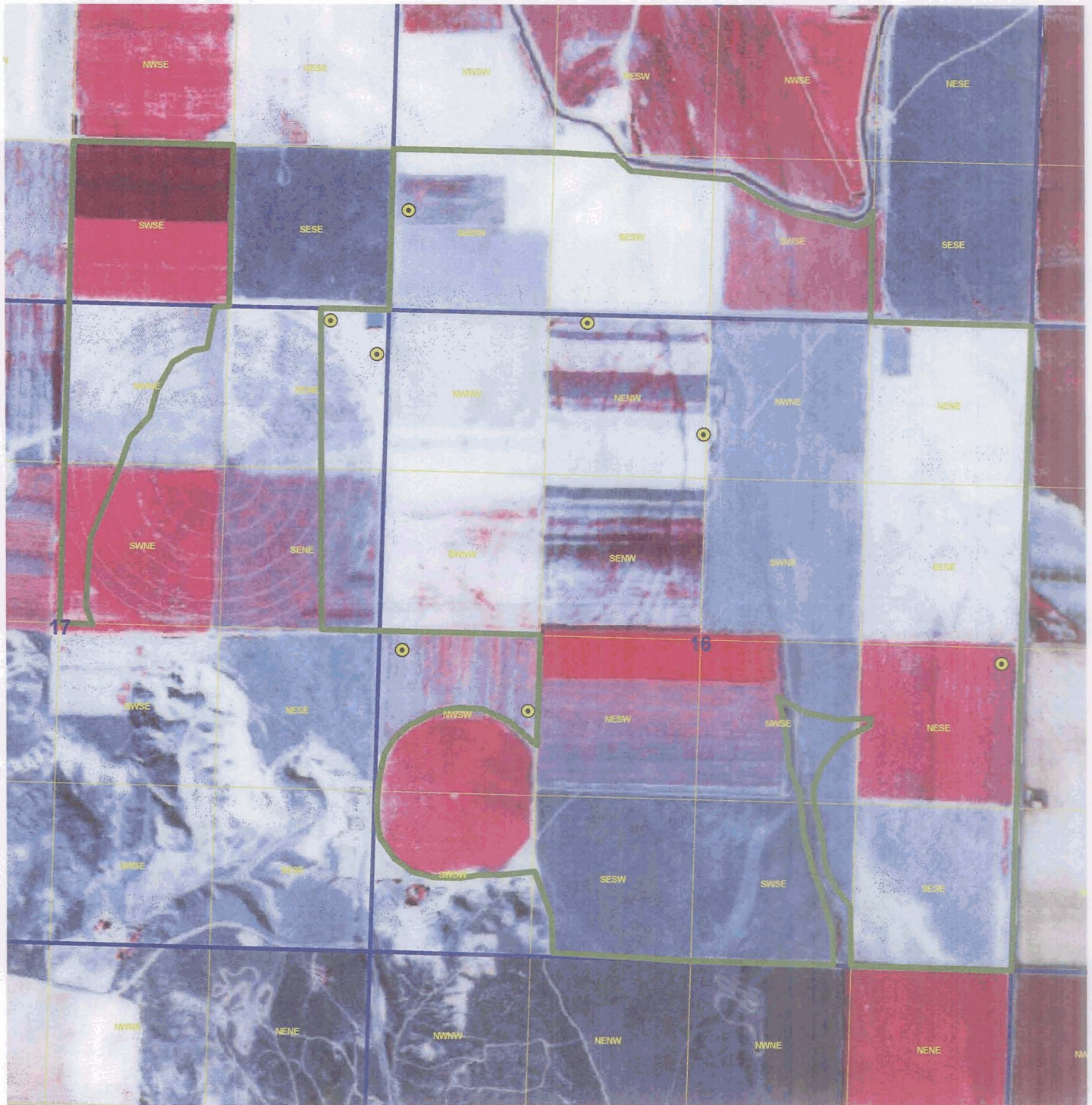
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources

63-3366

T02N R03W S8, 9, 16, 17



● Point of Diversion

▭ Place of Use

▭ Sections

▭ Quarter Quarter



400 0 400 800 1200 1600 Feet



IDWR

Prepared by: Sandy Egbert
1987 NAAP Photography

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3366**

02/15/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2839	Claim	02N	03W	8	SW	SE		IRRIGATION	40/825	BERANNA DAIRY
3329	Claim	02N	03W	8	SW	SE		IRRIGATION	40/825	BERANNA DAIRY
3366	Claim	02N	03W	8	SW	SE		IRRIGATION	40/825	BERANNA DAIRY
3396	Claim	02N	03W	8	SW	SE		IRRIGATION	40/825	BERANNA DAIRY
8232	Claim	02N	03W	8	SW	SE		IRRIGATION	40/825	BERANNA DAIRY
8253	Claim	02N	03W	8	SW	SE		IRRIGATION	40/825	BERANNA DAIRY
29025	Claim	02N	03W	8	SW	SE		IRRIGATION	40/825	BERANNA DAIRY
2839	Claim	02N	03W	9	SW	SW		IRRIGATION	40/825	BERANNA DAIRY
3329	Claim	02N	03W	9	SW	SW		IRRIGATION	40/825	BERANNA DAIRY
3366	Claim	02N	03W	9	SW	SW		IRRIGATION	40/825	BERANNA DAIRY
3396	Claim	02N	03W	9	SW	SW		IRRIGATION	40/825	BERANNA DAIRY
8232	Claim	02N	03W	9	SW	SW		IRRIGATION	40/825	BERANNA DAIRY
8253	Claim	02N	03W	9	SW	SW		IRRIGATION	40/825	BERANNA DAIRY
29025	Claim	02N	03W	9	SW	SW		IRRIGATION	40/825	BERANNA DAIRY
2839	Claim	02N	03W	9	SE	SW		IRRIGATION	39/825	BERANNA DAIRY
3329	Claim	02N	03W	9	SE	SW		IRRIGATION	39/825	BERANNA DAIRY
3366	Claim	02N	03W	9	SE	SW		IRRIGATION	39/825	BERANNA DAIRY
3396	Claim	02N	03W	9	SE	SW		IRRIGATION	39/825	BERANNA DAIRY
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8253	Claim	02N	03W	9	SE	SW		IRRIGATION	39/825	BERANNA DAIRY
29025	Claim	02N	03W	9	SE	SW		IRRIGATION	39/825	BERANNA DAIRY
2839	Claim	02N	03W	9	SW	SE		IRRIGATION	32/825	BERANNA DAIRY
3329	Claim	02N	03W	9	SW	SE		IRRIGATION	32/825	BERANNA DAIRY
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3396	Claim	02N	03W	9	SW	SE		IRRIGATION	32/825	BERANNA DAIRY
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8253	Claim	02N	03W	9	SW	SE		IRRIGATION	32/825	BERANNA DAIRY
29025	Claim	02N	03W	9	SW	SE		IRRIGATION	32/825	BERANNA DAIRY

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3366

02/15/2006

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2839	Claim	02N	03W	16	NE	NE		IRRIGATION	38/825	BERANNA DAIRY
3329	Claim	02N	03W	16	NE	NE		IRRIGATION	38/825	BERANNA DAIRY
3366	Claim	02N	03W	16	NE	NE		IRRIGATION	38/825	BERANNA DAIRY
3396	Claim	02N	03W	16	NE	NE		IRRIGATION	38/825	BERANNA DAIRY
8232	Claim	02N	03W	16	NE	NE		IRRIGATION	38/825	BERANNA DAIRY
8253	Claim	02N	03W	16	NE	NE		IRRIGATION	38/825	BERANNA DAIRY
29025	Claim	02N	03W	16	NE	NE		IRRIGATION	38/825	BERANNA DAIRY
2839	Claim	02N	03W	16	NW	NE		IRRIGATION	37/825	BERANNA DAIRY
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29025	Claim	02N	03W	16	NW	NE		IRRIGATION	37/825	BERANNA DAIRY
2839	Claim	02N	03W	16	SW	NE		IRRIGATION	40/825	BERANNA DAIRY
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8253	Claim	02N	03W	16	SE	NE		IRRIGATION	39/825	BERANNA DAIRY
29025	Claim	02N	03W	16	SE	NE		IRRIGATION	39/825	BERANNA DAIRY

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3366

02/15/2006

3

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2839	Claim	02N	03W	16	NE	NW		IRRIGATION	39/825	BERANNA DAIRY
3329	Claim	02N	03W	16	NE	NW		IRRIGATION	39/825	BERANNA DAIRY
3366	Claim	02N	03W	16	NE	NW		IRRIGATION	39/825	BERANNA DAIRY
3396	Claim	02N	03W	16	NE	NW		IRRIGATION	39/825	BERANNA DAIRY
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8253	Claim	02N	03W	16	NE	NW		IRRIGATION	39/825	BERANNA DAIRY
29025	Claim	02N	03W	16	NE	NW		IRRIGATION	39/825	BERANNA DAIRY
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8253	Claim	02N	03W	16	NW	NW		IRRIGATION	40/825	BERANNA DAIRY
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29025	Claim	02N	03W	16	SE	NW		IRRIGATION	40/825	BERANNA DAIRY

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3366**

02/15/2006

4

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2839	Claim	02N	03W	16	NE	SW		IRRIGATION	40/825	BERANNA DAIRY
3329	Claim	02N	03W	16	NE	SW		IRRIGATION	40/825	BERANNA DAIRY
3366	Claim	02N	03W	16	NE	SW		IRRIGATION	40/825	BERANNA DAIRY
3396	Claim	02N	03W	16	NE	SW		IRRIGATION	40/825	BERANNA DAIRY
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3329	Claim	02N	03W	16	SW	SW		IRRIGATION	32/825	BERANNA DAIRY
3366	Claim	02N	03W	16	SW	SW		IRRIGATION	32/825	BERANNA DAIRY
3396	Claim	02N	03W	16	SW	SW		IRRIGATION	32/825	BERANNA DAIRY
8232	Claim	02N	03W	16	SW	SW		IRRIGATION	32/825	BERANNA DAIRY
8253	Claim	02N	03W	16	SW	SW		IRRIGATION	32/825	BERANNA DAIRY
29025	Claim	02N	03W	16	SW	SW		IRRIGATION	32/825	BERANNA DAIRY
20932	Water Right	02N	03W	16	SW	SW		DOMESTIC		JOHN R JOHNSON
2839	Claim	02N	03W	16	SE	SW		IRRIGATION	37/825	BERANNA DAIRY
3329	Claim	02N	03W	16	SE	SW		IRRIGATION	37/825	BERANNA DAIRY
3366	Claim	02N	03W	16	SE	SW		IRRIGATION	37/825	BERANNA DAIRY
3396	Claim	02N	03W	16	SE	SW		IRRIGATION	37/825	BERANNA DAIRY
8232	Claim	02N	03W	16	SE	SW		IRRIGATION	37/825	BERANNA DAIRY
8253	Claim	02N	03W	16	SE	SW		IRRIGATION	37/825	BERANNA DAIRY

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3366

02/15/2006

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Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
29025	Claim	02N	03W	16	SE	SW		IRRIGATION	37/825	BERANNA DAIRY
2839	Claim	02N	03W	16	NE	SE		IRRIGATION	39/825	BERANNA DAIRY
3329	Claim	02N	03W	16	NE	SE		IRRIGATION	39/825	BERANNA DAIRY
3366	Claim	02N	03W	16	NE	SE		IRRIGATION	39/825	BERANNA DAIRY
3396	Claim	02N	03W	16	NE	SE		IRRIGATION	39/825	BERANNA DAIRY
8232	Claim	02N	03W	16	NE	SE		IRRIGATION	39/825	BERANNA DAIRY
8253	Claim	02N	03W	16	NE	SE		IRRIGATION	39/825	BERANNA DAIRY
29025	Claim	02N	03W	16	NE	SE		IRRIGATION	39/825	BERANNA DAIRY
2839	Claim	02N	03W	16	NW	SE		IRRIGATION	20/825	BERANNA DAIRY
3329	Claim	02N	03W	16	NW	SE		IRRIGATION	20/825	BERANNA DAIRY
3366	Claim	02N	03W	16	NW	SE		IRRIGATION	20/825	BERANNA DAIRY
3396	Claim	02N	03W	16	NW	SE		IRRIGATION	20/825	BERANNA DAIRY
8232	Claim	02N	03W	16	NW	SE		IRRIGATION	20/825	BERANNA DAIRY
8253	Claim	02N	03W	16	NW	SE		IRRIGATION	20/825	BERANNA DAIRY
29025	Claim	02N	03W	16	NW	SE		IRRIGATION	20/825	BERANNA DAIRY
2839	Claim	02N	03W	16	SW	SE		IRRIGATION	30/825	BERANNA DAIRY
3329	Claim	02N	03W	16	SW	SE		IRRIGATION	30/825	BERANNA DAIRY
3366	Claim	02N	03W	16	SW	SE		IRRIGATION	30/825	BERANNA DAIRY
3396	Claim	02N	03W	16	SW	SE		IRRIGATION	30/825	BERANNA DAIRY
8232	Claim	02N	03W	16	SW	SE		IRRIGATION	30/825	BERANNA DAIRY
8253	Claim	02N	03W	16	SW	SE		IRRIGATION	30/825	BERANNA DAIRY
29025	Claim	02N	03W	16	SW	SE		IRRIGATION	30/825	BERANNA DAIRY
2839	Claim	02N	03W	16	SE	SE		IRRIGATION	40/825	BERANNA DAIRY
3329	Claim	02N	03W	16	SE	SE		IRRIGATION	40/825	BERANNA DAIRY
3366	Claim	02N	03W	16	SE	SE		IRRIGATION	40/825	BERANNA DAIRY
3396	Claim	02N	03W	16	SE	SE		IRRIGATION	40/825	BERANNA DAIRY
8232	Claim	02N	03W	16	SE	SE		IRRIGATION	40/825	BERANNA DAIRY
8253	Claim	02N	03W	16	SE	SE		IRRIGATION	40/825	BERANNA DAIRY

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3366

02/15/2006

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Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
29025	Claim	02N	03W	16	SE	SE		IRRIGATION	40/825	BERANNA DAIRY
2839	Claim	02N	03W	17	NE	NE		IRRIGATION	18/825	BERANNA DAIRY
3329	Claim	02N	03W	17	NE	NE		IRRIGATION	18/825	BERANNA DAIRY
3366	Claim	02N	03W	17	NE	NE		IRRIGATION	18/825	BERANNA DAIRY
3396	Claim	02N	03W	17	NE	NE		IRRIGATION	18/825	BERANNA DAIRY
8232	Claim	02N	03W	17	NE	NE		IRRIGATION	18/825	BERANNA DAIRY
8253	Claim	02N	03W	17	NE	NE		IRRIGATION	18/825	BERANNA DAIRY
29025	Claim	02N	03W	17	NE	NE		IRRIGATION	18/825	BERANNA DAIRY
3366	Claim	02N	03W	17	NE	NE		STOCKWATER		BERANNA DAIRY
3396	Claim	02N	03W	17	NE	NE		STOCKWATER		BERANNA DAIRY
8232	Claim	02N	03W	17	NE	NE		STOCKWATER		BERANNA DAIRY
3366	Claim	02N	03W	17	NE	NE		COMMERCIAL		BERANNA DAIRY
3396	Claim	02N	03W	17	NE	NE		COMMERCIAL		BERANNA DAIRY
8232	Claim	02N	03W	17	NE	NE		COMMERCIAL		BERANNA DAIRY
2839	Claim	02N	03W	17	NW	NE		IRRIGATION	36/825	BERANNA DAIRY
3329	Claim	02N	03W	17	NW	NE		IRRIGATION	36/825	BERANNA DAIRY
3366	Claim	02N	03W	17	NW	NE		IRRIGATION	36/825	BERANNA DAIRY
3396	Claim	02N	03W	17	NW	NE		IRRIGATION	36/825	BERANNA DAIRY
8232	Claim	02N	03W	17	NW	NE		IRRIGATION	36/825	BERANNA DAIRY
8253	Claim	02N	03W	17	NW	NE		IRRIGATION	36/825	BERANNA DAIRY
29025	Claim	02N	03W	17	NW	NE		IRRIGATION	36/825	BERANNA DAIRY
3366	Claim	02N	03W	17	NW	NE		STOCKWATER		BERANNA DAIRY
3396	Claim	02N	03W	17	NW	NE		STOCKWATER		BERANNA DAIRY
8232	Claim	02N	03W	17	NW	NE		STOCKWATER		BERANNA DAIRY
3366	Claim	02N	03W	17	NW	NE		COMMERCIAL		BERANNA DAIRY
3396	Claim	02N	03W	17	NW	NE		COMMERCIAL		BERANNA DAIRY
8232	Claim	02N	03W	17	NW	NE		COMMERCIAL		BERANNA DAIRY
2839	Claim	02N	03W	17	SW	NE		IRRIGATION	26/825	BERANNA DAIRY

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3366

02/15/2006

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Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3329	Claim	02N	03W	17	SW	NE		IRRIGATION	26/825	BERANNA DAIRY
3366	Claim	02N	03W	17	SW	NE		IRRIGATION	26/825	BERANNA DAIRY
3396	Claim	02N	03W	17	SW	NE		IRRIGATION	26/825	BERANNA DAIRY
8232	Claim	02N	03W	17	SW	NE		IRRIGATION	26/825	BERANNA DAIRY
8253	Claim	02N	03W	17	SW	NE		IRRIGATION	26/825	BERANNA DAIRY
29025	Claim	02N	03W	17	SW	NE		IRRIGATION	26/825	BERANNA DAIRY
3366	Claim	02N	03W	17	SW	NE		STOCKWATER		BERANNA DAIRY
3396	Claim	02N	03W	17	SW	NE		STOCKWATER		BERANNA DAIRY
8232	Claim	02N	03W	17	SW	NE		STOCKWATER		BERANNA DAIRY
3366	Claim	02N	03W	17	SW	NE		COMMERCIAL		BERANNA DAIRY
3396	Claim	02N	03W	17	SW	NE		COMMERCIAL		BERANNA DAIRY
8232	Claim	02N	03W	17	SW	NE		COMMERCIAL		BERANNA DAIRY
2839	Claim	02N	03W	17	SE	NE		IRRIGATION	15/825	BERANNA DAIRY
3329	Claim	02N	03W	17	SE	NE		IRRIGATION	15/825	BERANNA DAIRY
3366	Claim	02N	03W	17	SE	NE		IRRIGATION	15/825	BERANNA DAIRY
3396	Claim	02N	03W	17	SE	NE		IRRIGATION	15/825	BERANNA DAIRY
8232	Claim	02N	03W	17	SE	NE		IRRIGATION	15/825	BERANNA DAIRY
8253	Claim	02N	03W	17	SE	NE		IRRIGATION	15/825	BERANNA DAIRY
29025	Claim	02N	03W	17	SE	NE		IRRIGATION	15/825	BERANNA DAIRY
3366	Claim	02N	03W	17	SE	NE		STOCKWATER		BERANNA DAIRY
3396	Claim	02N	03W	17	SE	NE		STOCKWATER		BERANNA DAIRY
8232	Claim	02N	03W	17	SE	NE		STOCKWATER		BERANNA DAIRY
3366	Claim	02N	03W	17	SE	NE		COMMERCIAL		BERANNA DAIRY
3396	Claim	02N	03W	17	SE	NE		COMMERCIAL		BERANNA DAIRY
8232	Claim	02N	03W	17	SE	NE		COMMERCIAL		BERANNA DAIRY

06/20/2005

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

RIGHT NUMBER: 63-3366

NAME AND ADDRESS: BERANNA DAIRY
9166 PERCH AVE
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.090 CFS
720.000 AFY

The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.

Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.

PRIORITY DATE: 08/26/1963

POINT OF DIVERSION:

T02N R03W S9 NWSWSW Within CANYON County

T02N R03W S16 NENW Within CANYON County

T02N R03W S16 NENW Within CANYON County

T02N R03W S16 NWSW Within CANYON County

T02N R03W S16 NWSW Within CANYON County

T02N R03W S16 NESE Within CANYON County

T02N R03W S17 NENE Within CANYON County

T02N R03W S17 NENE Within CANYON County

Rights 63-2839, 63-3329, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 are also diverted through the points of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.220 CFS 14.10 AFY
STOCKWATER	01/01 12/31	0.220 CFS 56.50 AFY
IRRIGATION	03/15 11/15	2.090 CFS 649.40 AFY

Commercial use is for a dairy barn.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION Within CANYON County

T02N R03W S08	SWSE	40.0	T02N R03W S09	SWSW	40.0
T02N R03W S09	SESW	39.0	T02N R03W S09	SWSE	32.0
T02N R03W S16	NENE	38.0	T02N R03W S16	NWNE	37.0
T02N R03W S16	SWNE	40.0	T02N R03W S16	SENE	39.0
T02N R03W S16	NENW	39.0	T02N R03W S16	NWNW	40.0
T02N R03W S16	SWNW	40.0	T02N R03W S16	SENW	40.0
T02N R03W S16	NESW	40.0	T02N R03W S16	NWSW	28.0
T02N R03W S16	SWSW	32.0	T02N R03W S16	SESW	37.0
T02N R03W S16	NESE	39.0	T02N R03W S16	NWSE	20.0
T02N R03W S16	SWSE	30.0	T02N R03W S16	SESE	40.0
T02N R03W S17	NENE	18.0	T02N R03W S17	NWNE	36.0
T02N R03W S17	SWNE	26.0	T02N R03W S17	SENE	15.0

STOCKWATER Within CANYON County

T02N R03W S17	NENE	T02N R03W S17	NWNE
T02N R03W S17	SWNE	T02N R03W S17	SENE

COMMERCIAL Within CANYON County

T02N R03W S17	NENE	T02N R03W S17	NWNE
T02N R03W S17	SWNE	T02N R03W S17	SENE

825 ACRES TOTAL

This right is limited to the irrigation of 144.3 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: License

The right holder shall accomplish the change authorized by Transfer 71280 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.

The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.

Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

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

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 water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.

CONVERSATION MEMORANDUM



CUSTOMER: PAT WHELAN

PHONE: 454-3707

Claim/WR # TRANSFER 4961 (1997)

Agent: RON HOWERTON

Date: 1/20/00 1 PM

MR. WHELAN, ENGR & REACTOR (DESIGNED DAIRY)
FOR ORIGINAL OWNER.

2nd TRANSFER IN PROCESS TO CORRECT POW
DESCRIPTION (LORI GRAVES)

I met with Mr. Whelan and Lori Graves to
resolve land ownership question. Mr. Whelan
will provide Lori with new land to transfer
all acres now taken up by Dairy, thus
saving possible forfeited irrigation. Also Lori
assured Mr. Whelan that any remaining amount
of water could be put in water bank as
part of new transfer. A new transfer
has been filed already and she will modify
it to show where current transfer 4961
had located to where they will be moved.

Ownership that can be changed with the
approval of the new transfer.

HOLD OWNERSHIP CHANGE, TRANSFER
WILL RESULT IN OWNERSHIP CHANGE, (APPROVED NEW)

MEMO

TO: FILE

FROM: Ron Howerton

DATE: January 7, 2000

Ref: Transfer 4961 Ownership Change (See Email Question to Pam Skaggs dated 1/6/2000)

Pam's response:

Pam said a transfer doesn't require proof of ownership for new lands to be irrigated. Thus, since the transfer applicants requested those lands it was approved for the non-owned tract. (The transfer applicants had an option to buy the property at the time).

Jeff Peppersack suggested that I should contact the new owner and ask if the irrigation system under the transfer irrigated any acres in that tract?

If it isn't part of the system, Beranna Dairy could contact the owner of the tract in question (Richard Smith) and ask him to sign a letter of release stating that the irrigation system doesn't irrigate their property and they have claim to it.

If this is the case then Beranna Dairy could file a transfer to move the 40-acre tract to their lands and then this may possibly allow them to retain the elements of the transfer on their lands only. This would allow us to not split the right into A & B and preventing the reduction of some elements of the right based upon ownership change information alone.

Pam said that if a split was necessary that the 40-acre tract would be prorated upon 408.5 total acres of the PPOU area of 428 acres. CFS would be based upon the prorated portion of the 40 acres.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 12, 2000

DIRK KEMPTHORNE
GOVERNOR

Re: Notice of Change of Water right Ownership
Water Right Nos. A63-03366, A63-03396
& A63-08232 Transfer 4961

KARL J. DREHER
DIRECTOR

BERANNA DAIRY
BJ & ANNA TEUNISSEN
BERNARD & JANE TEUNISSEN
9166 PERCH AVE
CALDWELL ID 83607

Dear Water users,

Our office received your Notice of Change of Water Right Ownership for the above Water Rights. Because of the following reasons we are delaying changing the ownership. We also cannot process your new application for transfer to add a point of diversion. You may be able to modify this new transfer application if necessary to include items 3 and 6.

The legal documentation you supplied does not show your ownership of the 40 acres in T02N, R03W, S17, NESE tract.

1. If you own this property, please supply us with documentation of this ownership.
2. If you do not own this property, please supply documentation of any agreements made by you and the owner allowing you to irrigate this property.
3. If the 408.5 acres is being irrigated outside the place of use you will need to file an application for transfer to correct the place of use.
4. If you are not irrigating this property please show where the 408.5 acres of irrigation associated with this water right transfer is being used. (See enclosed photo of approved tracts and irrigated acres).
5. If this tract isn't a part of the system and no acres developed by groundwater in his tract, you may request the current owner to sign a letter of release. Stating that the system recorded in transfer 4961 doesn't irrigate his property and has no claim to irrigation developed from this transfer.
6. A transfer would then need to be filed to correct the legal description to the actual place of use. It is my understanding that you recently filed a transfer to add

a domestic well to your dairy operation. This transfer is on hold until the ownership discrepancy is corrected.

7. Lori Graves, the reviewing agent, stated that you could modify the transfer with any changes that may be necessary with no additional fees.

CHANGE OF OWNERSHIP:

If the transfer is approved, as mentioned in the cases listed in items 3 & 6, then the approved transfer will change the ownership for these rights.

If no transfer is filed, then we are required to split these rights based upon evidence of ownership as shown on your Warranty deed and prorate accordingly.

Please respond to this letter and let me know what your intentions are by February 14, 2000. If we do not hear from you we may split and prorate these rights as mentioned above.

Sincerely,



Ron Howerton
Lori Graves *LG*
Senior Water Right Agents

Enclosures:

Copy of approved transfer 4961
NAPP Photo

Howerton, Ron

From: Skaggs, Pam
Sent: Thursday, January 06, 2000 1:19 PM
To: Howerton, Ron
Subject: RE: transfer 4961 question

Ron,

I got your message, but haven't been able to get into it too much today. I will get back to you tomorrow at latest.
Thanks.....no really....thanks a lot. Pam.

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

From: Howerton, Ron
Sent: Wednesday, January 05, 2000 7:42 PM
To: Skaggs, Pam
Cc: Shurte, Jan
Subject: transfer 4961 question

Pam,

We received an ownership change for the rights in transfer 4961, (63-03366, 63-03396 & 63-08232) December 17, 1999.

Johnson Land (THE APPROVED TRANSFER HOLDER) recently sold their land to new owners of Beranna Dairy. However, Beranna Dairy's warrantee deed submitted doesn't show the NESE, S17, T2N, R3W as part of the sale.

I checked history of the transfer in our microfilm and found out that it was well documented in the transfer review analysis that the Johnson's never owned the land in the NESE, S17, T2N, R3W and only had an option to buy the land and that no irrigation was ever found, yet the transfer got approved for the non-owned 40 acres in the NESE, S17, T2N, R3W.

The SRBA ownership change will surely result in splitting the rights and possibly unnecessarily reducing the specific elements in the final recommendations for decree unless I can use the same information in my question below.

What reasons allowed the transfer to be approved with the non-owned 40 acres in the NESE, S17, T2N, R3W?

Thanks,

Ron Howerton

AJ0749NP
No. A63-03366

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/05/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHNSON LAND CO 9168 PERCH LANE CALDWELL ID 83605 (208) 459-7893	08/26/1963	IRRIGATION STOCKWATER COMMERCIAL	03-15 11-15 01-01 12-31 01-01 12-31	2.090 CFS 0.220 CFS 0.220 CFS	649.40 AFA 56.50 AFA 14.10 AFA
TOTAL DIVERSION:					2.095 CFS	720.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02N R03W S16 NWSW NESE
S17 NENE

CANYON County
CANYON County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	NENE NWNE SWNE SENE : Lt Ac Lt Ac Lt Ac Lt Ac	NENW NWNW SWNW SENW : Lt Ac Lt Ac Lt Ac Lt Ac	NESW NWSW SWSW SESW : Lt Ac Lt Ac Lt Ac Lt Ac	NESE NWSE SWSE SESE : Lt Ac Lt Ac Lt Ac Lt Ac	
02N 03W 8 :	38				40.0
02N 03W 16 :	18	36	26	15	246.0
02N 03W 17 :			28	32	172.0
TOTAL ACRES					428.0

PARCEL I
PARCEL II
PARCEL III
PARCEL IV
PARCEL V
PARCEL VI

Place of use Legal Description for: STOCKWATER

	NE	NW	SW	SE
T R S	NENE NWNE SWNE SENE : Lt Ac Lt Ac Lt Ac Lt Ac	NENW NWNW SWNW SENW : Lt Ac Lt Ac Lt Ac Lt Ac	NESW NWSW SWSW SESW : Lt Ac Lt Ac Lt Ac Lt Ac	NESE NWSE SWSE SESE : Lt Ac Lt Ac Lt Ac Lt Ac
02N 03W 17 :	S	S	S	S

Place of use Legal Description for: COMMERCIAL

	NE	NW	SW	SE
T R S	NENE NWNE SWNE SENE : Lt Ac Lt Ac Lt Ac Lt Ac	NENW NWNW SWNW SENW : Lt Ac Lt Ac Lt Ac Lt Ac	NESW NWSW SWSW SESW : Lt Ac Lt Ac Lt Ac Lt Ac	NESE NWSE SWSE SESE : Lt Ac Lt Ac Lt Ac Lt Ac
02N 03W 17 :	C	C	C	C

POU County: CANYON

Other Rights: A63-03396 & A63-08232.

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 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.
- 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.

1/5/00 PER
CANYON CITY ASSESSOR 454-7431
Says the NESE, S17, 2N, 3W
BUT...
A. Smith

Conditions of Approval:

- 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.

Remarks: GEN

CLAIM AMENDED PER TRANSFER NO. 4961 APPROVED 12/16/1997.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE
COPY OF APPROVED TRANSFER NO. 4961 APPROVED 12/16/1997.
PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT
HOLDER SHALL PROVIDE A PERMANENT MEASURING DEVICE AND LOCKABLE
CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPARTMENT FROM
ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW
DETERMINATION OF THE TOTAL RATE OF DIVERSION AND ANNUAL VOLUME.
THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER NO. 4961 SHALL NOT EXCEED 4.41 CFS,
NOR TOTAL COMBINED ANNUAL VOLUME OF 2038.2 AF.
THE PROPOSED WELL SHALL BE DRILLED IN THE NENE, S17, T02N, R03W,
HYDROLOGICALLY UPGRADIENT FROM THE MILKING FACILITY AND ANY
ASSOCIATED STRUCTURE, LAGOON, WASTE STORAGE AREA, HOLDING PENS OR
ANY OTHER WASTE PRODUCING OR HOLDING FACILITY RELATED TO THE
DAIRY AS APPROVED BY THE DEPARTMENT OF WATER RESOURCES.
THE WATER RIGHT HOLDER SHALL ANNUALLY REPORT DIVERSION OF WATER
TO THE DEPARTMENT OF WATER RESOURCES AS REQUIRED BY THE DIRECTOR.
WATER DIVERTED AND USED FOR THE DAIRY OPERATION, INCLUDING LAND
APPLICATION OF WASTE WATER, SHALL SATISFY FEDERAL AND IDAHO STATE
LAWS, REGULATIONS, AND STANDARDS RELATED TO WATER QUALITY.
WELLS WHICH ARE NO LONGER INTENDED FOR USE MUST BE ABANDONED
PURSUANT TO RULES AND REGULATIONS OF THE DEPARTMENT OF WATER
RESOURCES.
RIGHT 63-03366 IS LIMITED TO THE IRRIGATION OF 144.3 ACRES IN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHTS 63-03366 AND 63-03396 WHEN COMBINED SHALL NOT EXCEED
THE TOTAL COMBINED DIVERSION RATE OF 2.09 CFS.
RIGHTS 63-03366 AND 63-08232 WHEN COMBINED SHALL NOT EXCEED THE
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1594.8 AF FOR THE
IRRIGATION OF 354.4 TOTAL ACRES.
IRRIGATION USE UNDER RIGHTS 63-03366, 63-03396 AND 63-08232 WHEN
COMBINED SHALL NOT EXCEED THE TOTAL COMBINED DIVERSION RATE OF
4.41 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1838.2 AF,
FOR THE IRRIGATION OF 408.5 TOTAL ACRES.
COMMERCIAL USE IS FOR A DAIRY.
THREE (3) POINTS OF DIVERSION ARE LOCATED WITHIN NWSW, S16, T02N,
R03W.
THE RIGHT HOLDER OF TRANSFER 4961 IS GRANTED AN EXTENSION TO
DECEMBER 16, 1999 TO ACCOMPLISH THE TRANSFER.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:

MEMORANDUM

January 28, 1997

TO: Transfer 4961, Johnson Land Co.
63-03366, 03396, 08232

FROM: Cindy Hodges *chl*

RE: Transfer Review Analysis

Purpose of Transfer/Requested rate of flow after transfer

The application proposes to take acres from 63-03366 and 63-08232 and convert irrigation use to commercial and stockwater use in a dairy. Stockwater and commercial components have been included as non-additive elements to each of these rights but overall irrigation rates have not been decreased. Applicant's representative (Mr. Pat Whelan) explained this is because all water diverted, except that consumed in milk production, will be ultimately recycled to lagoons and then applied to crops during the irrigation season. In this case, the change in use will be reflected only in acreage and volume reduction for irrigation and not a rate of flow reduction.

The existing system rate of flow under these rights is around 0.01 cfs/acre. The physical dairy facility requires 65 acres of land. According to Mr. Whelan's calculations, licensed volume from about 50 irrigated acres is required for the facility. Evidently there are no other acres which could be irrigated in lieu of the excess 15 acres. Instead, unneeded flow and/or volume are to be concentrated onto acres remaining after transfer. At the same time, a permissible or common place of use will be created.

Land Ownership/Found Acres

Proof of ownership submitted did not include acres in NESE Section 17, licensed under 63-03366. Claim A63-03366 states that applicant does not own the acres and the license was issued in error. Total licensed acres from water right records is 493; SRBA claimed acres is 453; recent CFSA (ASCS) photography submitted with application evidences 438 total irrigated acres within the place of use. No irrigation is found in NESE S17.

On January 27, Mr. and Mrs. Johnson visited the office and explained that the acres in NESE S17 were included on the original application for permit because they had an option to purchase the land at the time. That option was not exercised and the land was never irrigated. It is unclear from the 63-03366 license exam why the acres were included. Subsequent exams (for 3396 and 8232) also note the error and confirm that no irrigation has occurred.

The Johnsons seem comfortable with the pending acreage reduction as a result of the above licensing error. There does not seem to be any reason to reduce total licensed flows. It is confirmable that the entire 4.41 cfs was developed and beneficially used, and system rate of flow could benefit from flow concentration.

The ownership of this property is subject to change contingent upon the approval of this transfer. The name of the prospective owner is not known at this time.

P/D's, Water Bearing Zones

A new well is proposed in NENE S17 which will be the primary supply for the dairy and also a supplemental irrigation well for all three rights via land applications of waste water. Water bearing zones for existing wells is 320 to 600 feet. Proposed depth of the new well is 550 feet.

Overlap/SRBA claims

There are no other appurtenant ground water rights. There is, however, an application no. 63-12269, presently on Moratorium hold, which is intended to increase irrigation rate of flow on a portion of the acres. Boise River water is shown in Sections 8 and 17. A statement received from Mr. Whelan indicated that some surface water is picked up in a relift pond in NE S16 and commingled with well water, but he did not know the source of the surface water. Applicants confirmed that they have no shares of Boise Project water, and the source of the surface water is all return flows or early season runoff.

SRBA claim A63-03396 was filed as licensed. However, claim A63-03366 does not list acres in NESE S17 (acres not owned?), and instead lists them in NWNE S17. Acres in NWNE S17 were licensed on 63-03396 and are also claimed there. Claim A63-08232 shows an acreage shift in W $\frac{1}{4}$ SW S16, but no change in total acres.

Transfer

Additional analysis:

① land ownership (check w/ Part 1)

Sec 16 $\checkmark$ E $\frac{1}{2}$ SE Sec 17 $\checkmark$ NE NE $\checkmark$ Sec 8 SW SE

$\checkmark$ E $\frac{1}{2}$ NE

$\checkmark$ S $\frac{1}{2}$ NE

$\checkmark$ W $\frac{1}{2}$ SW

$\checkmark$ SE NW

$\checkmark$ NW SE

($\checkmark$) NE SW SE

($\checkmark$) SE SE

$\checkmark$ NW NE

When will
ownership change?

* NE SE - no proof of ownership
~~SE NW~~

* Water Bearing Zone

existing wells

~320 - 600' most wells

New well

proposed depth 550'

* Overlap Review

No other appurtenant G.W. rights other than
those listed.

Assign to Ap. 63.12269 also on file, intended to increase flow
(new owner?) On some acres, held pending Moratorium

* Project water shown in Secs 8 & 17, not AQ specific
(Boiser)

Do not know about appurtenant Shares.

④ Expansion - Hb. Some concentration of flows on
remaining acres. Net reduction in consump-
tive diversion.

License acres : 493

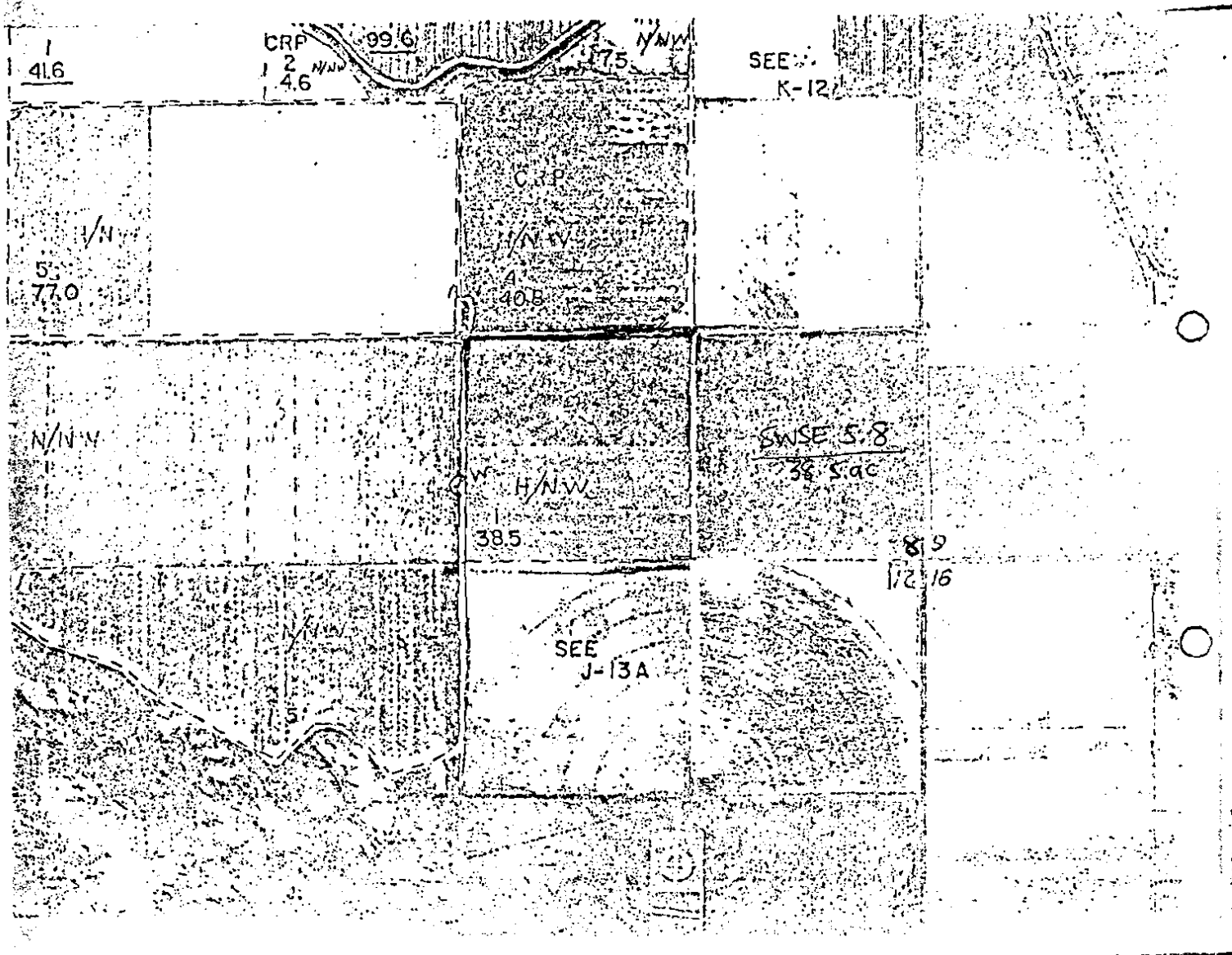
SRBA acres : 453

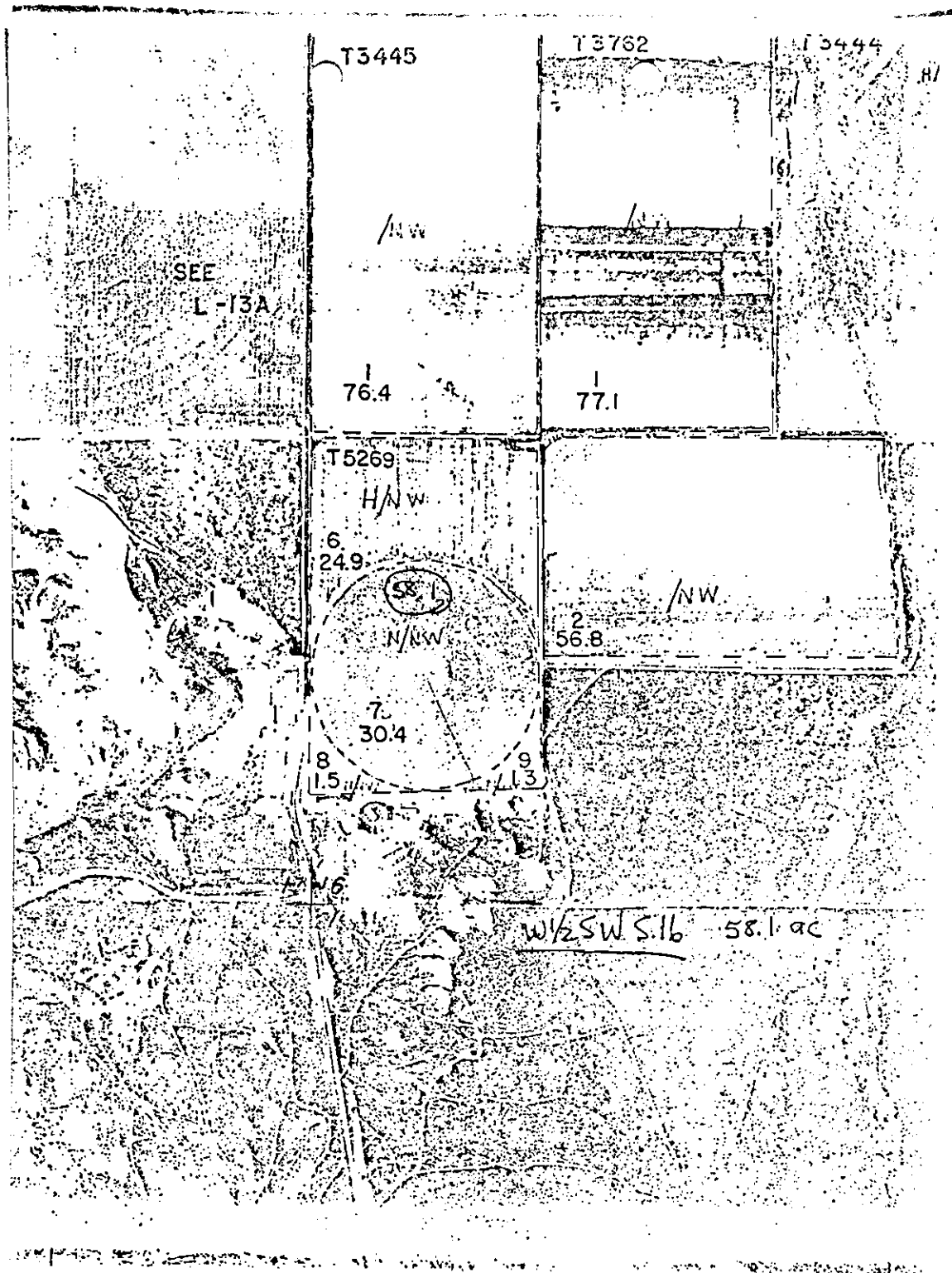
ASCS acres : ~~50~~ 439

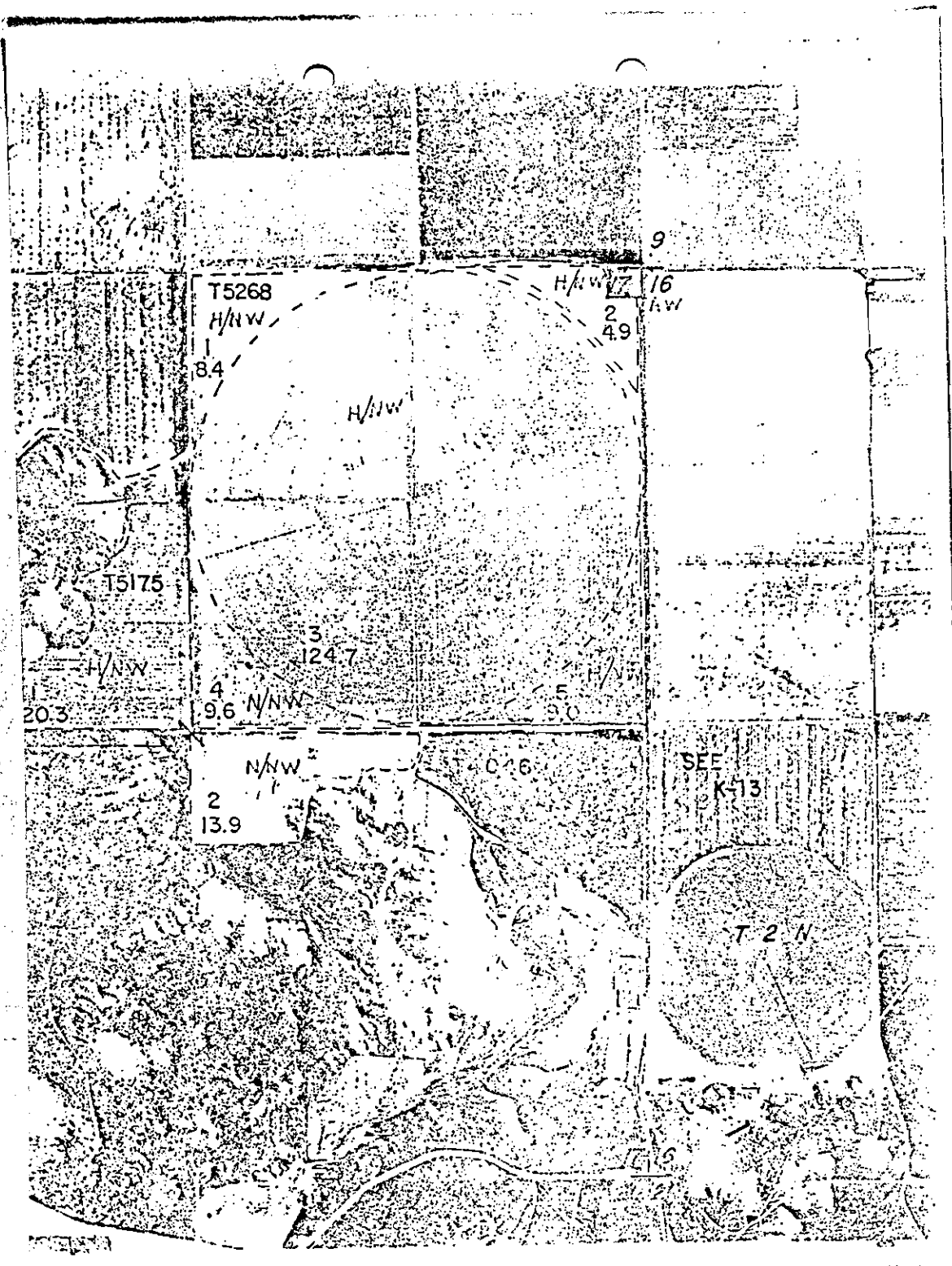
License flow limit : 4.41

System rate of flow for irr, before transfer $4.41/439$
 $= .01 \text{ cfs/ac}$

System rate of flow for irr, after transfer $4.41/374$
 $= .012 \text{ cfs/ac}$







SEE PAGE 12A

E
J-12A

T5268

N/NW

84

H/NW

T5175

CRP/NW

20.3

3
124.7

4
9.6 N/NW

H/NW

5
9.0

CRP

2
13.9

T4046

SEE
K-13

T 2 N

Sec 17 acres = 140.8

9

17 16

2
49

17 16

WARRANTY DEED

For Value Received

JOHN R. JOHNSON and CATHERINE J. JOHNSON, husband and wife, of
Caldwell, Canyon County, Idaho,

the grantors, do hereby grant, bargain, sell and convey unto

JOHNSON LAND COMPANY, a limited partnership, Route #4, Box 143,
Caldwell, Canyon County, Idaho, 83605the grantee, the following described premises, situated in Canyon
County, State of Idaho, to-wit:**PARCEL 1:**East Half of the Southeast Quarter (E 1/2 SE 1/4),
Section 16, Township 2 North, Range 3 West of the
Boise Meridian.**PARCEL 2:**Southeast Quarter of the Northwest Quarter (SE 1/4
NW 1/4), North Half of the Northwest Quarter of the
Southeast Quarter (N 1/2 SW 1/4 SE 1/4), Southeast
Quarter of the Northwest Quarter of the Southeast
Quarter (SE 1/4 NW 1/4 SE 1/4), Northeast Quarter
of the Southwest Quarter of the Southeast Quarter
(NE 1/4 SW 1/4 SE 1/4), Southeast Quarter of the
Southeast Quarter (SE 1/4 SE 1/4), Section 17,
Township 2 North, Range 3 West of the Boise Meri-
dian.**PARCEL 3:**The Northeast Quarter of the Northeast Quarter (NE 1/4
NE 1/4), and the South Half of the Northeast Quarter
(S 1/2 NE 1/4), Section 17, Township 2 North, Range 3
West of the Boise Meridian.Together with all water and ditch rights and rights
of way for water and ditches.TO HAVE AND TO HOLD the above premises, with their appurtenances unto the said Grantee,
its successors, heirs and assigns forever. And the said Grantors do hereby covenant to
and with the said Grantee, its heirs, successors and assigns, as to the title of said premises; that said
premises are free from all encumbrances.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: December 31, 1970.

STATE OF IDAHO, COUNTY OF CANYON

On this 31st day of December,

1970,

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

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the