

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 63-32223
Date Received: 12/1/2005
Receipt No: W033642
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PETE BAARDA Phone: (208)466-4056
3895 N STAR RD
MERIDIAN ID USA 83642

2. Date of Priority: 11/30/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01W	31	NE SE	ADA	
04N	01W	31	SE SE	ADA	

5. Description of diverting works:

Artesian well 444 ft. deep with a 6 inch casing to 400 ft. Second well drilled in 1977 that is 208 ft. deep located in the SESE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.26	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	01W	31	NE	SE		DOMESTIC	
			NW	SE		DOMESTIC	
			SE	SE		DOMESTIC	

11. Place of use in counties: ADA

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

13. Other Water Rights Used: Beneficial use claim for stockwater and commercial for 1962 dairy.

14. Remarks:

Domestic use is for stockwater for additional dairy growth since 1962 and the future (13,000 gpd).

Approximately 280 milking cows in 1980 (see attached milk production record 45 lbs/cow).

15. Basis of Claim: Beneficial Use

Should questions arise during the processing of this application please contact:
Steven Hannula - ERO Resources Corp. (208) 373-7983

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
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CIVIL CASE NUMBER: 39576

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Date Received

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AL-3-32223

12-1-05

WD33642

RECEIVED

DEC 01 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) Pete Baarda Phone (208) 466-4056
Mailing Address 3895 N. Star Road Meridian, ID Zip 83642
2. Date of Priority (Only one (1) per claim) 11-30-1980
3. Source of water supply (a) Ground water
Which is tributary to (b) N/A
4. a. Location of point of diversion is: Township T4N Range R1W Section 31, _____ $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$,
Govt. Lot _____, B.M., County of Ada
Additional points of diversion if any: SESE T4N, R1W section 31
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of
_____ $\frac{1}{4}$, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Artesian well 444 feet deep with a 6-inch casing to 400 feet. Second
well drilled in 1977 that is 208 feet deep located in the SESE.

Claimed
"Domestic" use,
but put "S"
for POE description?

It was stipulated
in the Nov. 2005
conversation that
S. Hannula claim
stockwater use!

6. Water is claimed for the following purposes:

For Domestic purposes from 1/1 to 12/31 (both dates are inclusive) amount 0.26 cfs or _____
(cfs) (acre feet)
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.26 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Stockwater for additional dairy growth since 1962 and the future (13,000 gpd). Approximately 280 milking cows in 1980 – see attached milk production record (45 lbs/cow).

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	
4N	1W	31													S	S		S	

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Ada

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Beneficial Use Claim was filed for stockwater and commercial for 1962 dairy or None (X)

14. Remarks:

Beneficial Use claim for the domestic use (13,000 gpd) associated with livestock watering.

Last Name _____ Ident. Number _____

15. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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." I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 1 map

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) [Signature] Date 11 29 05
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing

Organization _____ of _____
document in the space below as _____ Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 29 day of November 20 05

SEAL

Notary Public Lori Harris

Residing at Boise, Idaho

My Commission Expires 12-8-06

17. Notice of Appearance

Please Print Name _____

Notice is hereby given that I _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

317	11/30/80	30	11.977	395.241*	382.058	*MONTHS	BASE AT 1108
BASE	MILK LBS.	SKIM VALUE	SKIM AMOUNT	BUTTERFAT LBS.	B.F. VALUE	B.F. AMOUNT	QUALITY BONUS AMOUNT
OVERBASE	382,058	7.250	27,699.21	14,071.96	1.700	23,922.33	305.65
PRICE	B.F. TEST	BASE	OVER BASE	STANDARD DEDUCTIONS RATE AMOUNT	ADMINISTRATIVE	PROMOTION	CAPITAL
AT TEST	3.683200	13.511	12.831	229.06	12.6.P	12.6.P	18.596.51
STANDARD	3,500000	13.200	12.520	229.23	516.22	516.22	18.596.51

503342

GROSS PAY
305.65
51,621.54

DEDUCTIONS
19,858.18CR

11/30/80 FARM HAUL RATE .220 AMOUNT 840.53 15 STOPS AT 4.00 AMOUNT 60.00

11/30/80 PAT A TRUST 9.55

900.53CR
9.55CR

MOUNTAIN EMPIRE DAIRYMEN'S ASSN.
THORNTON, COLORADO

EASTERN CO FEDERAL ORDER NOV CLASS 1 USAGE 71.828

NET AMOUNT 31,158.93

Should questions arise during the processing of this application please contact:
Steven Hannula - ERO Resources Corp. (208) 373-7983

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 63-32223

Date Received _____

Receipt Number _____

Amended

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 29 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant(s) Pete Baarda Phone (208) 466-4056
Mailing Address 3895 N. Star Road Meridian, ID Zip 83642
2. Date of Priority (Only one (1) per claim) 11-30-1980
3. Source of water supply (a) Ground water
Which is tributary to (b) N/A
4. a. Location of point of diversion is: Township T4N Range R1W Section 31, _____ $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$,
Govt. Lot _____, B.M., County of Ada
Additional points of diversion if any: SESE T4N, R1W section 31
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of
_____ $\frac{1}{4}$, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Artesian well 444 feet deep with a 6-inch casing to 400 feet. Second
well drilled in 1977 that is 208 feet deep located in the SESE.

(both dates are inclusive)

For <u>Stockwater</u> purposes from <u>1/1</u> to <u>12/31</u>	amount	(cfs)	(acre feet)
		<u>0.24 cfs</u>	or _____
For _____ purposes from _____ to _____	amount	_____	or _____
For _____ purposes from _____ to _____	amount	_____	or _____

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Stockwater for additional dairy growth since 1962 and the future (13,000 gpd). Approximately 280 milking cows in 1980 – see attached milk production record (45 lbs/cow).

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding use below. See instructions for standard symbols.

[illegible]

Beneficial Use claim for the domestic use (13,000 gpd) associated with livestock watering. This amended claim is being filed at the specific instruction of IDWR to identify stockwater as the purpose of use. The claimant maintains that the use of this water fits within the domestic use definition of 42-111, and is therefore exempt from permit requirements. The claimant recognizes that the use of this water fits within the definition of stock watering use of 42-1401A(11). The claimant asserts a right to amend this claim in the event that it is later determined that exempt rights must be identified as “domestic” use.

Last Name _____ Ident. Number _____

15. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 63-32223

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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." I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 1 map

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) [Signature] Date 8-28-06
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____
Organization Title Organization

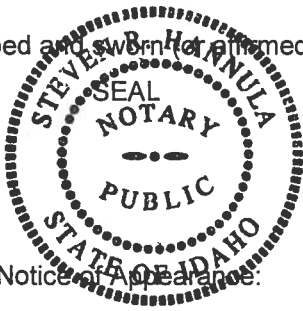
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn to (affirmed) before me this 28th day of August 20 06



Notary Public Steven Hannula

Residing at 11044 McHank Dr. Boise ID

My Commission Expires 8-18-2011

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

08/30/2006

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

RIGHT NUMBER: 63-32223

NAME AND ADDRESS: PETE BAARDA
3895 N STAR RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.240 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 11/30/1980

POINT OF DIVERSION:

T04N R01W S31 NESE Within ADA County

T04N R01W S31 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.240 CFS

PLACE OF USE:

STOCKWATER Within ADA County

T04N R01W S31 NESE

T04N R01W S31 NWSE

T04N R01W S31 SESE

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

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO: S0431417200.

Stockwater use is for 280 dairy cattle.

Idaho Department of Water Resources



S31

T04N, R01W,
S31

Claim No: 63-32223

Prepared By: Kimberly Brown

Date: August 30, 2006



Place of Use



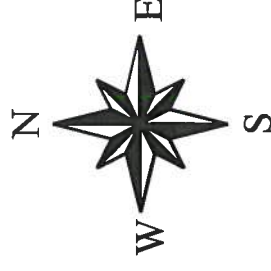
Section Lines



1/4 1/4



Point of Diversion



1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32223

WATER RIGHT NUMBER: 63-32223 ✓

Owner Type

Current Owner

Name and Address
 PETE BAARDA ✓
 3895 N STAR RD
 MERIDIAN, ID 83642
 (208)466-4056

Priority Date: 11/30/1980 ✓

Basis: Beneficial Use ✓

Status: Active

Source

GROUND WATER ✓

TributaryBeneficial Use

STOCKWATER ✓

From To

01/01 to 12/31 ✓

Diversion Rate

0.240 CFS ✓

Annual VolumeTotal Diversion:

0.240 CFS ✓

Location of Point(s) of Diversion

GROUND WATER

ADA County ✓

NE1/4SE1/4 ✓

Sec. 31, Twp 04N, Rge 01W, B.M. ✓

GROUND WATER

ADA County ✓

SE1/4SE1/4 ✓

Sec. 31, Twp 04N, Rge 01W, B.M. ✓

Place of Use

STOCKWATER ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
✓ 04N	01W	31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X	X		X	

Conditions of Approval:

1.

Beneficial Use claim for the domestic use (13,000 gpd) associated with livestock watering. This amended claim is being filed at the specific instruction of IDWR to identify stockwater as the purpose of use. The claimant maintains that the use of this water fits within the domestic use definition of 42-111, and is therefore exempt from permit requirements. The claimant recognizes that the use of this water fits within the definition of stock watering use of 42-1401A(11). The claimant asserts a right to amend this claim in the event that it is later determined that exempt rights must be identified as "domestic" use.

2.

Approximately 280 milking cows in 1980 (see attached milk production record 45 lbs/cow).

Remarks:

Stockwater for additional dairy growth since 1962 and the future (13,000 gpd). Approximately 280 milking cows in 1980 - see attached milk production record (lbs/cow).

ADD X02 - Stockwater use is for dairy cattle.

280 v. 50

ADD N11 & N13 - stockwater use limited to 13,000 gpd

Permit No. SN431417200.

ADD:
Comments

April 7, 1975

OPERATIONS DIVISION
ADMINISTRATOR'S MEMORANDUM

TO: District Office
FROM: A. Kenneth Dunn
SUBJECT: Annual Use of Water for Stockwater Purposes

No. of Stock (head)	RANGE CATTLE		DAIRY CATTLE	
	Rate* c.f.s. (1)	Volume AF/yr. (1)	Rate* c.f.s. (2)	Volume AF/yr. (2)
0 - 10	0.02	0.2	0.02	0.4
11 - 25	0.02	0.4	0.02	1.0
26 - 50	0.02	0.7	0.04	2.0
51 - 100	0.03	1.4	0.07	4.0
101 - 200	0.05	2.7	0.13	7.9
201 - 300	0.07	4.1	0.20	12.0
301 - 400	0.09	5.4	0.26	16.0
401 - 500	0.12	6.7	0.33	20.0
501 - 600	0.14	8.1	0.39	24.0
601 - 700	0.16	9.4	0.46	28.0
701 - 800	0.19	11.0	0.52	32.0
801 - 900	0.20	12.0	0.58	36.0
901 - 1000	0.23	14.0	0.65	40.0
1001 - up (3)				

11
12,500 gpd

12,500 gpd

(1) The amounts shown are based on 12 gpd/head with a 12 month period of use. (i.e. for range cattle, horses and mules). The amount does not include a loss (i.e. thru conveyance, etc.)

2. The amounts shown are based on 35 gpd/head with a 12 month period of use. (i.e. for dairy cattle). The amount does not include a loss. (i.e. thru conveyance, etc.).

3. For annual use calculations which involve more than 1000 head, round the number of head up to the next even one hundred, and

Volume

a) for livestock use @ 12 gpd/hd, N (0.0134).

b) for dairy use @ 35 gpd/hd, N (0.0391).

12 gal/day/head -

Rate

a) for livestock use @ 12 gpd/hd, N (0.00022).

b) for dairy use @ 35 gpd/hd, N (0.00065).

The answer should be rounded up to the nearest whole acre-foot.

*The rate is based upon approx. 2 hr/day diversion to obtain daily requirement.

A. Kenneth Dunn

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32223

08/30/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3211	Claim	04N	01W	31	NE	SE		IRRIGATION	38/80	PETE BAARDA
8799	Claim	04N	01W	31	NE	SE		IRRIGATION	37/82	PETE BAARDA
3211	Water Right	04N	01W	31	NE	SE		IRRIGATION	38/98	PETE BAARDA
8799	Water Right	04N	01W	31	NE	SE		IRRIGATION	37/82	PETE BAARDA
32223	Claim	04N	01W	31	NE	SE		STOCKWATER		PETE BAARDA
32224	Claim	04N	01W	31	NE	SE		STOCKWATER		PETE BAARDA
32224	Claim	04N	01W	31	NE	SE		COMMERCIAL		PETE BAARDA
32222	Claim	04N	01W	31	NE	SE		DOMESTIC		PETE BAARDA
3211	Claim	04N	01W	31	NW	SE		IRRIGATION	20/80	PETE BAARDA
8799	Claim	04N	01W	31	NW	SE		IRRIGATION	20/82	PETE BAARDA
3211	Water Right	04N	01W	31	NW	SE		IRRIGATION	20/98	PETE BAARDA
8799	Water Right	04N	01W	31	NW	SE		IRRIGATION	20/82	PETE BAARDA
32223	Claim	04N	01W	31	NW	SE		STOCKWATER		PETE BAARDA
32224	Claim	04N	01W	31	NW	SE		STOCKWATER		PETE BAARDA
32224	Claim	04N	01W	31	NW	SE		COMMERCIAL		PETE BAARDA
32222	Claim	04N	01W	31	NW	SE		DOMESTIC		PETE BAARDA
3211	Claim	04N	01W	31	SE	SE		IRRIGATION	22/80	PETE BAARDA
8799	Claim	04N	01W	31	SE	SE		IRRIGATION	25/82	PETE BAARDA
3211	Water Right	04N	01W	31	SE	SE		IRRIGATION	40/98	PETE BAARDA
8799	Water Right	04N	01W	31	SE	SE		IRRIGATION	25/82	PETE BAARDA
32313	Claim	04N	01W	31	SE	SE		STOCKWATER		DORA J VAN BEEK
32223	Claim	04N	01W	31	SE	SE		STOCKWATER		PETE BAARDA
32313	Claim	04N	01W	31	SE	SE		COMMERCIAL		DORA J VAN BEEK
32313	Claim	04N	01W	31	SE	SE		DOMESTIC		DORA J VAN BEEK
32222	Claim	04N	01W	31	SE	SE		DOMESTIC		PETE BAARDA
32788	Water Right	04N	01W	31	SE	SE		DOMESTIC		DORA J VAN BEEK



ERO Resources Corp.
3314 Groce Street
Boise, ID 83703-5836
(208) 373-7983
Fax: 373-7985
Denver • Boise • Durango
www.eroresources.com
eroboise@eroresources.com

RECEIVED

DEC 01 2005

WATER RESOURCES
WESTERN REGION

November 30, 2005

Kimberly Brown
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Pete Baarda Claims

Dear Ms. Brown:

Enclosed, please find three (3) claims in the name of Pete Baarda and an amended claim for 63-3211.

These claims identify the stockwater, commercial, and irrigation uses of water at Mr. Baarda's farm and dairy in Meridian.

Specifically, as discussed via telephone on November 21, 2005, one claim is for the stockwater and commercial needs associated with the construction of the dairy in 1962, prior to the time when permits were needed. The claim is for the initial number of cows and commercial use documented by the milk production logs. The \$59 fee is included.

A second claim is filed for domestic water under the exempt status for up to 13,000 gpd. *should be stockwater use!*
This amount of water satisfies the stockwater needs for the dairy for growth between the initial startup and current conditions. The \$25 fee is included. (w/ P.D. of 1980)

#63-32223

A third claim is filed for domestic water under the exempt status for upto 2,500 gpd. This amount of water satisfies the commercial needs for the dairy for growth between the initial startup and current conditions. The current Nutrient Management Plan required for the dairy identifies that the commercial needs total to a daily volume less than 2,500 gpd. The \$25 fee is included.

Lastly, please find the amended claim for 63-3211. The claim is amended to identify the irrigation only as we discussed over the telephone.

Together these claims along with 63-8799 and the applicants Nampa-Meridian water fully satisfy the water demands of the farm and dairy.

Regards,

Steven R. Hannula