

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 63-32224
Date Received: 12/1/2005
Receipt No:
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: 11/20/1962

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	

5. Description of diverting works:

Artesian well 444 ft. deep with 6 inch casing to 400 ft.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.04	2.5
COMMERCIAL	01/01	12/31	0.05	1.2

7. Total Quantity Appropriated is:
0.09 C.F.S. and/or 3.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 45 Dairy Cows, 5 Dry Cows, 50 Heifer/Calves

10. Place of use:

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

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:

14. Remarks:

45 milking cows*.00065=.03 cfs; 45 milking cows*.0392=1.76 afa; 55 dry and/or heifers*.00022=.01cfs; 55 dry and/or heifers*.0134=.74 afa. Commercial considers bulk tank, pipelines, parlor clean-up, cow prep, washing, maintenance for approximately 1.14 afa rounded up to 1.2 afa and basic need to supply at least 20 gpm (.05) for hosing down milk parlor. This claim submitted to identify the original dairy built in 1962 and the associated water needs, which is prior to the March 25, 1963 date when permits were required.

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
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CIVIL CASE NUMBER: 39576

Ident. Number

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ALB-32224

12-1-05

WD33642

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 01 2005

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) 11-20-1962
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: _____
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.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)
For Stockwater purposes from 1/1 to 12/31 amount 0.04 cfs or 2.5 afa
For Commercial purposes from 1/1 to 12/31 amount 0.05 cfs or 1.2 afa
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.09 (cfs) and/or (b) 3.7 (acre feet)

8. Total consumptive use claimed is 3.7 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 45 milking cows 5 dry cows and 50 heifers/calves. Commercial use for dairy operation.

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/C	S/C			

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.

_____ or None (X)

14. Remarks:

45 milking cows * .00065 = 0.03 cfs; 45 milking cows * 0.0392 = 1.76 afa

55 dry and/or heifers * .00022 = 0.01 cfs; 55 dry and/or heifers * 0.0134 = 0.74 afa

Commercial considers bulk tank, pipelines, parlor cleanup, cow prep, washing, maintenance for approximately

1.14 afa rounded up to 1.2 afa and a basic need to supply at least 20 gpm (0.05) for hosing down milk parlor.

This claim is submitted to identify the original dairy built in 1962 and the associated water needs, which is prior to the March 25, 1963 date when permits were required.

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; 1 Dairy Requirement worksheet

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
document in the space below as _____ of _____
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



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 _____

08/29/2006

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

RIGHT NUMBER: 63-32224

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water for commercial use shall not exceed 2,500 gallons per day.

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

PRIORITY DATE: 11/20/1962

POINT OF DIVERSION:

T04N R01W S31 NESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS
COMMERCIAL	01/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER Within ADA County

T04N R01W S31 NESE T04N R01W S31 NWSE

COMMERCIAL Within ADA County

T04N R01W S31 NESE T04N R01W S31 NWSE

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

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

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 - Beneficial Use

Stockwater use is for 45 dairy cattle.

Commercial use is for a dairy.

Idaho Department of Water Resources



**T04N, R01W,
S31**

Claim No: 63-32224

Prepared By: Kimberly Brown

Date: August 29, 2006



Place of Use



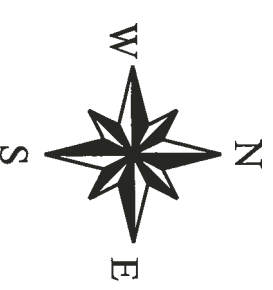
Section Lines



1/4 1/4



Point of Diversion



300 0 300 600 Feet

1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32224

WATER RIGHT NUMBER: 63-32224 ✓

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

Priority Date: 11/20/1962 ✓ (date dairy was put in)
 Basis: Beneficial Use ✓
 Status: Active

Source Tributary
 GROUND WATER ✓ (artesian)

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>	<u>AF limit to:</u>
STOCKWATER ✓	01/01	12/31 ✓	0.040 CFS ✓	~~2.50 AF~~ ✓	(13,000 gal/day)
COMMERCIAL ✓	01/01	12/31 ✓	0.04 - 0.050 CFS ✓	~~1.20 AF~~ ✓	(2,500 gal/day)
	<u>Total Diversion:</u>			~~3.70 AF~~ ✓	
			0.04		

Location of Point(s) of Diversion
 GROUND WATER NE1/4SE1/4 ✓ Sec. 31, Twp 04N, Rge 01W, B.M. ✓
 ADA County ✓

Place of Use
 STOCKWATER ✓

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

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	
✓ 04N	01W	31													X	X			

ADD X02 - Stockwater use is for 45 dairy cattle.

Conditions of Approval:

ADD - Commercial use is for a dairy.

ADD - Commercial use limited to 2,500 gal/day.
 (meets 42-111 (B-definition))

ADD N05 & N08 - Stockwater use
 (13,000 gal/day)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32224

1. 45 milking cows*.00065=.03 cfs; 45 milking cows*.0392=1.76 afa; 55 dry and/or heifers*.00022 =.01cfs; 55 dry and/or heifers*.0134=.74 afa. Commercial considers bulk tank, pipelines, parlor clean-up, cow prep, washing, maintenance for approximately 1.14 afa rounded up to 1.2 afa and basic need to supply at least 20 gpm (.05) for hosing down milk parlor. This claim submitted to identify the original dairy built in 1962 and the associated water needs, which is prior to the March 25, 1963 date when permits were required.

Remarks:

Comments:

Water Supply Bank:

Field Exam Date 8-24-06

(in-office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

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

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-32224

Owner: Pete Baarda Phone No. 466-4056

Current Address: 3895 N. Star Rd., Meridian 83642

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

Accompanied by: in-office verification

PRIORITY DATE

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

* Meets 42-111 definition -
no evidence require

* This is the date the diary
was put in.

Priority date, per claimant, is: 11/20/1962

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

Source: _____ Tributary to _____

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

POINT OF DIVERSION

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

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

Description of diverting works

Artesian well - 444 ft. deep, 6" casing**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

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

WATER USESCommercial use is for a dairy.☐ No change☐ Different UsesUse Stockwater From _____ To _____ Amount 0.04 CFS _____ AFAUse Commercial From _____ To _____ Amount 0.04 CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only*limit commercial use to 2,500 gal/day and stockwater use to 13,000 gal/day☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☒ Changes found, the new total is, Amount 0.04 CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☐ No change☐ Changes Exam found: Domestic # of homes _____ Stock # 45 dairy cattle

Types _____ Additional comments: _____

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

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

Overlap with other water rights: _____

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

Delivery System Narrative: _____

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

FLOW MEASUREMENTS: *N/A*

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Per supervisor, Jan Shurte: 11/22/05 telephone meeting w/ Steve Hannula

Total diversion = 0.04 cfs

limit: commercial use to 2,500 gal/day (meets B-definition of 42-111) and
limit: stock water use to 13,000 gal/day.

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 8.29.06 (in-office review)

FIELD EXAMINER: Kimberly Brown

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32224

08/29/2006

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
~~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
32223	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
~~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
32223	Claim	04N	01W	31	NW	SE		DOMESTIC		PETE BAARDA

- no overlap

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)				

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



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

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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. 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.

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