

COPY

1998 JUN 15 PM 2:24
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUB CASE NO. 36-07379,
36-07379A, 36-07379B

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☒ Change in Ownership
☒ Point of Diversion
☒ Period of Use

☒ Split of Water Right
☒ Place of Use
☒ Nature of Use

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):
Agnelo Matos
Helen Matos
1659 E. 3200 S
Wendell ID 83355

TO: Claimant/Purchaser(s):

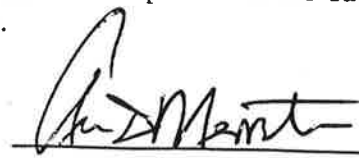
Name and Address of Claimant/Purchaser(s):
Agnelo Matos
Helen Matos
1659 E 3200 S
Wendell ID 83355

Matos Dairy
1659 E 3200 S
Wendell ID 83355
Phone: 536-4669

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

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

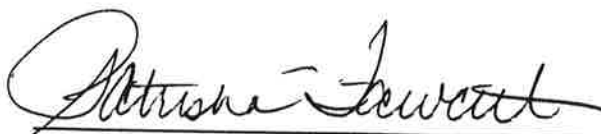
DATED: 6/15/98


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6-15, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Agnelo Matos
Helen Matos
1659 E 3200 S
Wendell ID 83355
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Matos Dairy
1659 E 3200 S
Wendell ID 83355
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5859NP

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

DATE: JUN-15-1998
PAGE: A-1

RIGHT NUMBER: 36-07379

SPLIT RIGHT: SEE RIGHT NOS. 36-07379A AND 36-07379B.

AJ5856NP

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

DATE: JUN-15-1998
PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07379A

NAME & ADDRESS: AGNELO J MATOS
HELEN MATOS
1659 E 3200 S
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 1.96 CFS
528.0 AFY

PRIORITY DATE: 09/18/1973

POINT OF DIVERSION: T08S R14E S13 SESWNW Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		04-01 10-31	1.96 CFS
			528.0 AFY

PLACE OF USE:	IRRIGATION	Within GOODING County			
	T08S R14E S13	NENW 5	NWNW 31	SWNW 31	SENW 32
		NESW 33			
	132 ACRES TOTAL				

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM
NORTH SIDE CANAL CO. LTD.

AJ5856NP

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

DATE: JUN-15-1998
PAGE: A-2

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07379B

NAME & ADDRESS: MATOS DAIRY
1659 E 3200 S
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.27 CFS
72.0 AFY

PRIORITY DATE: 09/18/1973

POINT OF DIVERSION: T08S R14E S13 NWNE Within GOODING County
NENW

TWO POINTS OF DIVERSION LOCATED IN T08S, R14E, S13, NENW.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01-01 12-31	0.27 CFS
COMMERCIAL	01-01 12-31	33.5 AFY
		0.27 CFS
		38.5 AFY

PLACE OF USE: STOCKWATER Within GOODING County
T08S R14E S13 NWNE NENW

COMMERCIAL Within GOODING County
T08S R14E S13 NWNE NENW

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

June 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MATOS DAIRY
AGNELO MATOS
HELEN MATOS
1659 E 3200 S
WENDELL ID 83355

RE: SRBA Claim(s) 36-07379

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4877
WATER RIGHT NO. 36-07379B

RECEIVED

DEC 15 1997

This is to certify that: **MATOS DAIRY**
1659 E 3200 S
WENDELL ID 83355

Department of Water Resources
Boise, Idaho

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>
STOCKWATER	01/01 to 12/31	0.27 CFS	33.5 AF
COMMERCIAL	01/01 to 12/31	0.27 CFS	38.5 AF
Totals		* 0.27 CFS	* 72.0 AF

SOURCE
GROUNDWATER

Priority: 09/18/1973

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 13, Township 08S, Range 14E
NENW , Sec. 13, Township 08S, Range 14E
GOODING County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08S 14E 13

NWNE

NENW

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 4877
WATER RIGHT NO. 36-07379B

CONDITIONS OF APPROVAL AND REMARKS

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 means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 4877 shall not exceed 0.27 cfs, nor total combined annual volume of 72.0 af.
8. The right holder shall retain ownership of the shares of North Side Canal Co. Ltd. surface water which has historically been used on the 18 acres to be dried up and shall use the shares only on existing irrigated land adjacent to the dairy site.
9. The remainder of Right 36-07379 is identified as 36-07379A and is limited to a diversion rate of 1.96 cfs, an annual diversion volume of 528.0 af, and irrigation of 132 acres each year.
10. Prior to use of water for irrigation purposes under Right 36-07379A the right holder shall install a measuring device to measure the amount of water diverted and shall annually report the diversion to the department. The right holder shall obtain prior approval from the department of the type of measuring device to install.
11. The acres which are no longer authorized for irrigation under Right 36-07379A are specifically described as follows: 8 acres in NWNW, 9 acres in SWNW and 1 acre in SENW, S13, T08S, R14E.
12. Two (2) points of diversion are located within both NWNE and NENW, S13, T08S, R14E.

Dated this 10th day of December, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 36-07379

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER 4877

DATE: December 9, 1997

ok

=====

Transfer 4877 adds and changes the point of diversion, changes the nature, season and place of use under a portion of Right 36-07379, splitting the right into parts A & B.

The applicant is changing 18 acres of irrigation to stockwater and commercial use to expand an existing dairy. Since the right holder has purchased this property only the pivot has been used and the corners are being transferred for additional dairy use. Region review found that less than 5 years of non-use had passed prior to filing this transfer.

Permit 36-08554 (priority 05-13-1990) and SRBA beneficial use claim 36-10801 (priority 01-01-1980) with 13,000 gpd limit identify stockwater use for the existing dairy. When the junior permit is licensed, Right 36-07379B under this transfer approval should be considered as the expansion of the existing development, not a senior overlapping right for the original development. The approval includes the full rate and diversion volume associated with the 18 acres of irrigation.

Change in nature of use evaluation identifies a reduction of consumptive use through this transfer approval.

36-07379	2.23 cfs	IRR	150 acres	Div.Vol./C.U.Vol. 600 afa/450 afa
A)	1.96 cfs	IRR	132 acres	528 afa/396 afa
B)	0.27 cfs	STOCK & COMMERCIAL	(18 acres)	72 afa/4.4 afa
	2.23 cfs		132 acres	600 afa/400.4 afa

Season of use and diversion volume were adjusted to correspond with the new uses and expansion requirements identified through dairy worksheets and region review. (See memo dated 04-29-96.)

Recommended conditions include multiple points of diversion/measuring devices, annual reporting, water quality, overlapping surface shares, remaining irrigation portion limits and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant MATOS DAIRY Phone (208) 536-4669
Post Office address 1659 E 3200 S WENDELL ID 83355

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 SPLIT RIGHT
2. Describe the reason for the proposed changes TO CONVERT IRRIGATION WATER TO STOCKWATER AND COMMERCIAL USE FOR A DAIRY EXPANSION.

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 |
|---|-----------------------------|---|------------------------------|--|
| <u>36-07379B</u> | <u>09/18/1973</u> | <u>0.27 cfs</u> | <u>STOCKWATER</u> | <u>01/01</u> to <u>12/31</u> |
| <u> </u> | <u> </u> | <u>33.2 AFA</u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u>0.27 cfs</u> | <u>COMMERCIAL</u> | <u>01/01</u> to <u>12/31</u> |
| <u> </u> | <u> </u> | <u>38.1 AFA</u> | <u> </u> | <u> </u> to <u> </u> |
| 2. Total amount of water being transferred | | <u>0.27</u> | cubic feet per second and/or | <u>71.3</u> acre-feet per annum. |
| 3. Source of water | | <u>GROUNDWATER</u> tributary to <u> </u> | | |
| 4. Point(s) of Diversion: <u> </u> | | | | |

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	NE	13	08S	14E	GOODING	EXISTING WELL
	NE	NW	NE	13	08S	14E	GOODING	EXISTING WELL
	NE	NE	NW	13	08S	14E	GOODING	EXISTING WELL
	NE	NE	NW	13	08S	14E	GOODING	EXISTING WELL

5. Lands irrigated or place of use:

[illegible]

Total acres _____

PART 1

6. General Information:

a. Description of diversion system FOUR EXISTING WELLS, PIPELINES TO DAIRY BARNS AND CORRALS

b. 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:
LAND WILL NO LONGER BE IRRIGATED.

d. Remarks:
PERMIT 36-08554 IS ALSO USED ON THE DAIRY OPERATION.
↑
FIELD EXAM MADE 04/18/96

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
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 36-07379 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 GROUNDWATER tributary to _____

4. Date or priority 09/18/1973

5. Water is used for the following purpose:

amount 2.23 cfs for IRRIGATION purposes from 04/01 to 10/31
(cfs/ac-ft) ,
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.23 cubic feet per second and/or 600 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	13	08S	14E	GOODING	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
08S	14E	13					5	39	40	33	33								150

Total acres 150

9. Describe any other water rights used for the same purpose as described above _____

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 0.27 cfs for IRRIGATION purposes from 04/01 to 10/31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: SAME AS ZA7

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
08S	14E	13						8	9	1									18

Total acres 18**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.96 cfs for IRRIGATION purposes from 04/01 to 10/31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: SAME AS ZA7

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
08S	14E	13					5	31	31	32	33								132

132

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

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 36-07379 issued by the Idaho Department of Water Resources.
- 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 GROUNDWATER tributary to _____4. Date or priority 09/18/1973

5. Water is used for the following purpose:

amount 2.23 cfs for IRRIGATION purposes from 03/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.23 cubic feet per second and/or 600 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	13	08S	14E	GOODING	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
08S	14E	13						40	40	40	30								150
08S	14E	13					5	39	40	33	33								150

ACRES ACTUALLY IRRIGATED AND RECOMMENDED IN SRBA. Total acres 150

9. Describe any other water rights used for the same purpose as described above _____

AS
RECORDED

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 0.27 cfs for IRRIGATION purposes from 04/01 to 10/31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: SAME AS 2A7

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
08S	14E	13					8	9	1										18

Total acres 18**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.96 cfs for IRRIGATION purposes from 04/01 to 10/31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

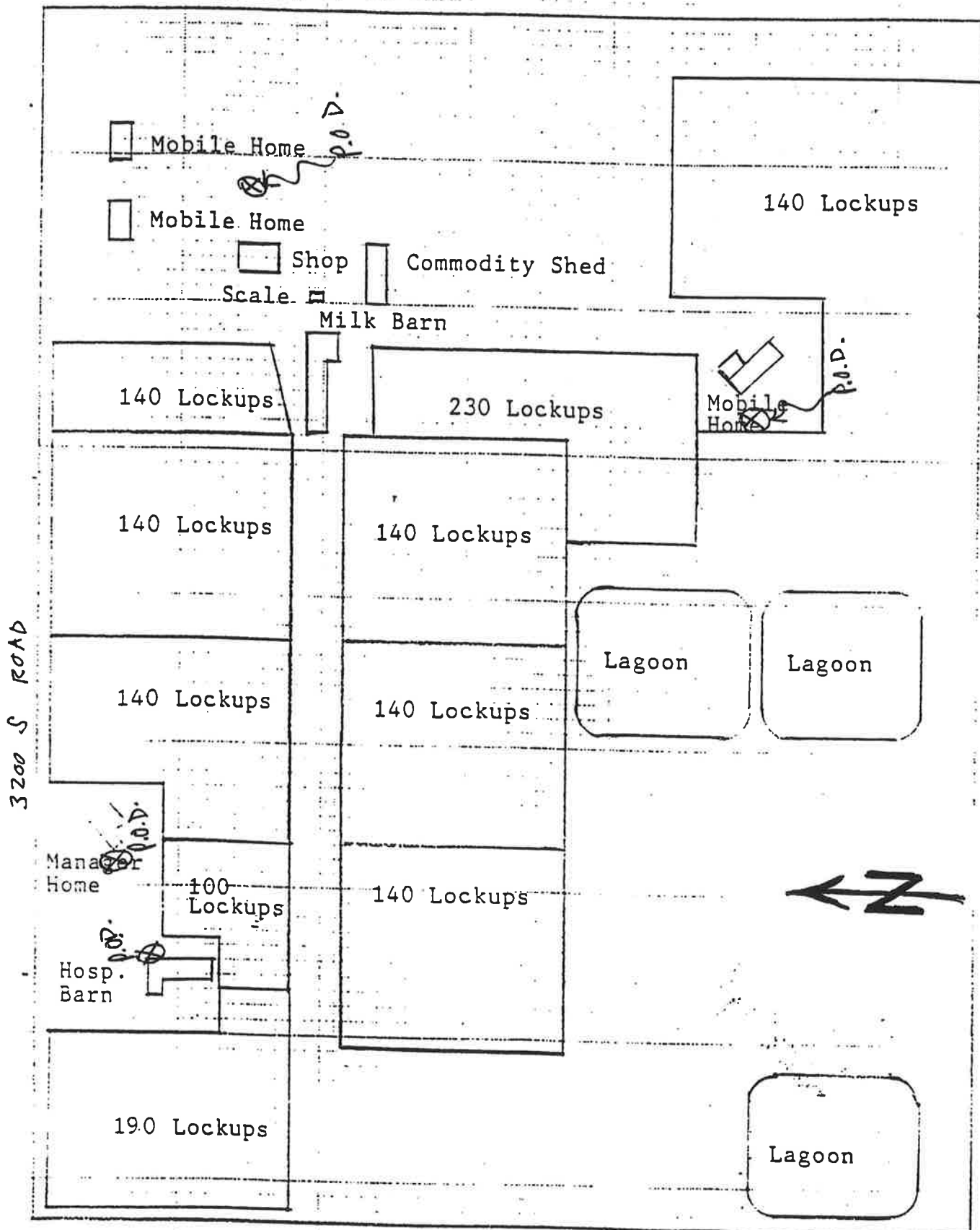
2. Point(s) of Diversion: SAME AS 2A7

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

3. Lands irrigated or place of use:

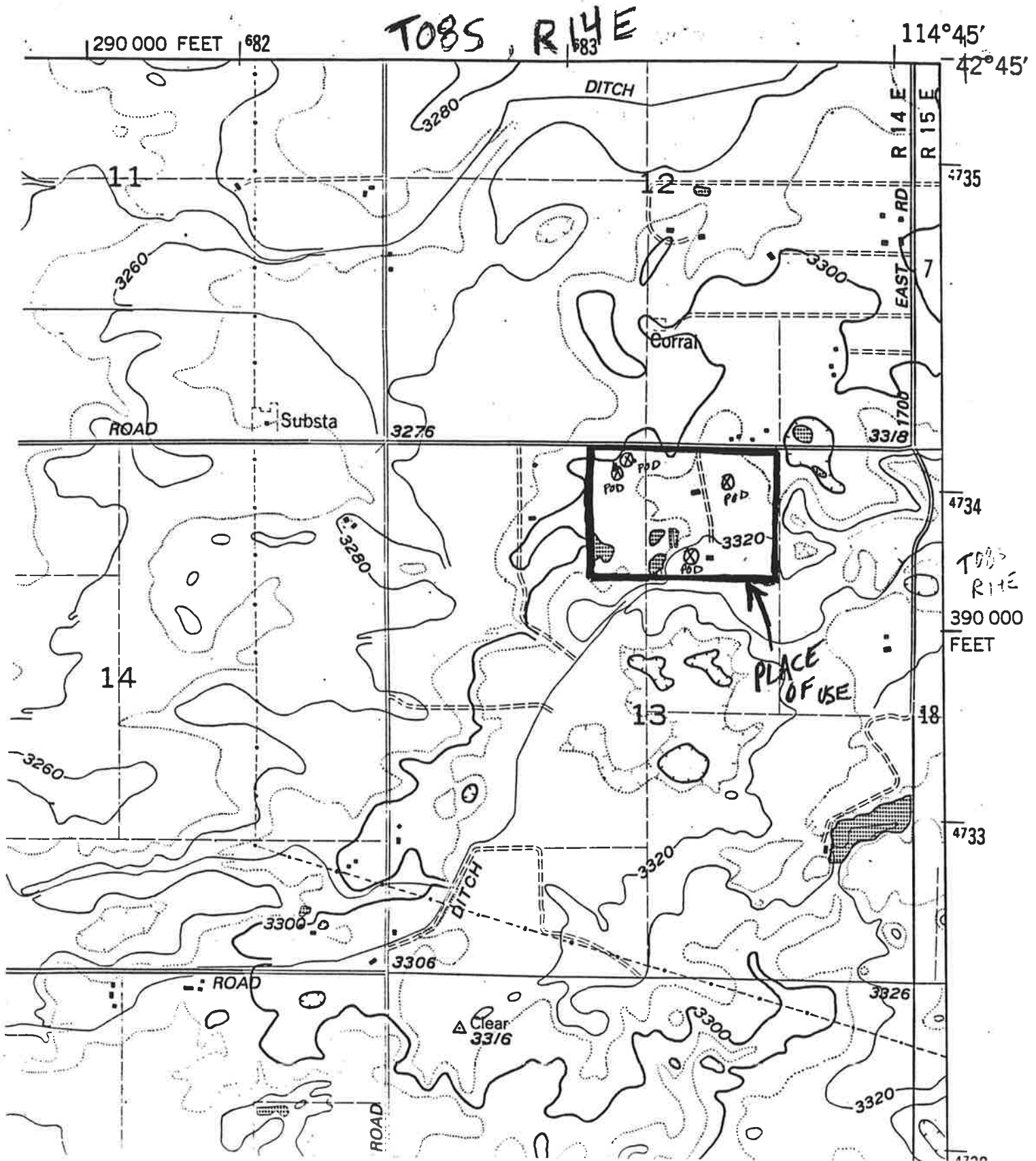
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
08S	14E	13					5	31	31	32	33								132

Total acres 132

MATOS
PROPOSED DAIRY OPERATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number. ORTHO QUAD ENLARGED 150%



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	STOCKWATER	0.27 cfs / 33.2 AFA	AS NEEDED	01/01 to 12/31
	COMMERCIAL	0.27 cfs / 38.1 AFA	AS NEEDED	01/01 to 12/31

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

WASTE WILL BE PONDED AND LAND APPLIED AS NEEDED.

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

WATER NO LONGER USED FOR IRRIGATION WILL BE USED IN THE DAIRY OPERATION.

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.

Subscribed and sworn to before me this 29th. day of April, 19 96.

(Signature of Applicant)

My commission expires 9-23-2000

(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 2 attachments

Received by CS Date 04/29/96

Protest filed by _____

Prelim. check by GHS Fee \$100.00 \$019071

Receipted by CS Date 04/29/96

Published in Gooding Co. Leader

Copies of protest forwarded by _____

Pub. dates 7/31 & 8/7/96

Hearing held by _____ Date _____

Watermaster recommendation requested on N/A

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

RECEIVED

APR 29 1996

Department of Water Resources
Southern Region

MEMORANDUM

TO: Matos Dairy Transfer (Right 36-07379B) File

FROM: Corey Skinner *CS*

DATE: April 29, 1996

SUBJECT: Pertinent Information

I assisted Helen Matos with the preparation of the enclosed transfer application filed in the name of Matos Dairy. The transfer was based on the following information...

The Matos Dairy operation currently consists of 700 milking and 200 non milking cattle. The current water rights for the Matos Dairy consist of a domestic claim (36-10801 recommended in the Director's Report for one home and stockwater for 370 dairy cows) and a permit (36-08554 for four homes and stockwater and commercial use for 500 dairy and 200 range cattle). Mr. and Mrs. Matos recently purchased an abandoned dairy, with no water rights, that adjoins their current dairy operation. They plan to connect the two dairy operations into an expanded operation that will consist of two barns (one on the east end of the dairy and another on the west end) and a total of 1,260 milking and 240 non milking cattle. The expanded dairy operation will consist of 1060 dairy cows (milked 3 times a day) on the east end of the dairy, and 200 dairy cows (milked 2 times a day) and 240 nonmilking cattle on the west end of the dairy.

I conducted the field exam for permit 36-08554 and looked over the current dairy operation on April 18th, 1996. I am going to recommend that permit 36-08554 be licensed for 500 milking and 200 non milking cattle. This would amount to the following diversion volumes...

500 milking cattle @ 35 gpd/hd	= 19.6 afa
200 non milking cattle @ 12 gpd/hd	= <u>2.7 afa</u>
total stockwater	= 22.7 afa

total commercial use = 28.8 afa

The planned dairy expansion would require the following diversion volumes...

East End of Dairy

1,060 milking cattle @ 35 gpd/hd	= 44.0 afa
----------------------------------	------------

total commercial use = 58.4 afa

T-# 4871



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

April 29, 1996

Judy Dobner
Planning & Zoning
P.O. Box 417
Gooding, ID 83330

Dear Ms. Dobner:

I was asked by Agnelo and Helen Matos to write a letter addressing the water right situation on their dairy. As of this date, the dairy has a domestic water right and a water right permit, which is currently in the licensing process, that will just about cover their current dairy operation of 700 milking and 200 nonmilking cattle.

Apparantly, Mr. and Mrs. Matos have purchased an adjoining dairy and plan on expanding their existing dairy operation to 1,260 milking and 240 non milking cattle. Mr. and Mrs. Matos have submitted a transfer application that will convert a portion of an existing irrigation right to stockwater and commercial use. If the transfer application is approved, it should provide enough water, when combined with their existing water right, for the current dairy operation and the proposed dairy expansion.

If you have any questions, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Hand Delivered
to Ms. Dobner
by Helen Matos
04/29/1996

FILE NUMBER _____ MATOS (NEW)
REVIEWER _____ CWS

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE _____ 200
NUMBER OF NONMILKING CATTLE _____ 240
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO _____
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) _____ 4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS _____ 3
NUMBER OF MILKINGS PER DAY _____ 2

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD _____ 0.13
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.13
NONMILKING CATTLE @12 GPD/HD _____ 0.05
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 0.07
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 0.20

DIVERSION VOLUME (AFA):

STOCKWATER

MILKING CATTLE @35 GPD/HD _____ 7.8
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 7.8
NONMILKING CATTLE @12 GPD/HD _____ 3.2
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 4.0
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 11.9

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT _____ 0.4
PARLOR FLOOR AND MILKHOUSE FLOOR _____ 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING _____ 8.0
TOTAL _____ 8.5

TOTAL DIVERSION VOLUME _____ 20.4

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER

MILKING _____ 1.2
NONMILKING _____ 0.0
TOTAL _____ 1.2

COMMERCIAL _____ 0.0

TOTAL CONSUMPTIVE USE _____ 1.2

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) _____	0.00	0.00	0.00
LIFT (FT) _____	0	0	0
DISCHARGE PRESSURE (PSI) _____	0	0	0
FRICTION LOSSES (FT) _____	0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * _____ 0.00 0.00 0.00

DIVERSION VOLUME (AFA) ** _____ 0.0 0.0 0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

* DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
DAY OF THE YEAR.

FILE NUMBER _____ MATOS (NEW)
REVIEWER _____ CWS

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE _____ 1060
NUMBER OF NONMILKING CATTLE _____ 0
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO _____
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) _____ 4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS _____ 3
NUMBER OF MILKINGS PER DAY _____ 3

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD _____ 0.69
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.71
NONMILKING CATTLE @12 GPD/HD _____ 0.00
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.00
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 0.71

DIVERSION VOLUME (AFA):

STOCKWATER

MILKING CATTLE @35 GPD/HD _____ 41.6
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 44.0
NONMILKING CATTLE @12 GPD/HD _____ 0.0
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.0
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 44.0

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT _____ 0.5
PARLOR FLOOR AND MILKHOUSE FLOOR _____ 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING _____ 57.8
TOTAL _____ 58.4

TOTAL DIVERSION VOLUME _____ 102.4

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER

MILKING _____ 6.4
NONMILKING _____ 0.0
TOTAL _____ 6.4

COMMERCIAL _____ 0.0

TOTAL CONSUMPTIVE USE _____ 6.4

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) _____	0.00	0.00	0.00
LIFT (FT) _____	0	0	0
DISCHARGE PRESSURE (PSI) _____	0	0	0
FRICTION LOSSES (FT) _____	0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * --- 0.00 0.00 0.00

DIVERSION VOLUME (AFA) ** _____ 0.0 0.0 0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

* DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
DAY OF THE YEAR.

FILE NUMBER _____ 36-08554
REVIEWER _____ CWS

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE _____ 500
NUMBER OF NONMILKING CATTLE _____ 200
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO _____
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) _____ 4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS _____ 3
NUMBER OF MILKINGS PER DAY _____ 3

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD _____ 0.32
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.32
NONMILKING CATTLE @12 GPD/HD _____ 0.04
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 0.04
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 0.37

DIVERSION VOLUME (AFA):

STOCKWATER

MILKING CATTLE @35 GPD/HD _____ 19.6
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 20.0
NONMILKING CATTLE @12 GPD/HD _____ 2.7
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 2.7
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 22.7

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT _____ 0.6
PARLOR FLOOR AND MILKHOUSE FLOOR _____ 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING _____ 28.2
TOTAL _____ 28.8

TOTAL DIVERSION VOLUME _____ 51.5

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER

MILKING _____ 2.9
NONMILKING _____ 0.0
TOTAL _____ 2.9

COMMERCIAL

TOTAL CONSUMPTIVE USE _____ 2.9

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) _____	3.00	5.00	0.00
LIFT (FT) _____	100	100	0
DISCHARGE PRESSURE (PSI) _____	50	50	0
FRICTION LOSSES (FT) _____	0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * _____ 0.09 0.14 0.00

DIVERSION VOLUME (AFA) ** _____ 62.1 103.5 0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

* DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
DAY OF THE YEAR.

WARRANTY DEED

For Value Received JOHN H. BORCHARD and MARY CAROLYN BORCHARD, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

^{/J.}
AGNELO MATOS and HELEN ^{/M.}MATOS, husband and wife
whose address is: 1659 E 3200 S, Wendell, Idaho 83355

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

TOWNSHIP 8 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 13: W $\frac{1}{2}$ NW $\frac{1}{2}$; SE $\frac{1}{2}$ NW $\frac{1}{2}$, NE $\frac{1}{2}$ SW $\frac{1}{2}$;

TOGETHER WITH all water and water rights used thereon or appurtenant thereto including but not limited to State of Idaho Water Right License No. 36-7379 for 2.23 CFS.

SUBJECT TO THE FOLLOWING:

All Reservations in Patents or Deeds in the Chain of Title.

Taxes for 1991 and subsequent years, which are not yet due and payable.

Assessments, if any, to be levied by any local irrigation district.

The effect of Power Line Easement given by Glen C. Patheal and Helen Patheal, husband and wife, to Idaho Power Company, a corporation, dated April 21, 1976, recorded December 16, 1976 as Instrument Number 62369, Gooding County records, affecting the South 50 feet of the NW $\frac{1}{2}$ of Section 13, Township 8 South, Range 14, East Boise Meridian.

144219

STATE OF IDAHO, COUNTY OF GOODING

Filed for record at the request of Land Title & Escrow Inc

45 min. past 11 o'clock A M. on 1st

of April, 1991

JOHN A. MYERS, Recorder 143.00

Adultra Sdu Deputy

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 incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: March 26, 1991

John H. Borchard
John H. Borchard

Mary Carolyn Borchard
Mary Carolyn Borchard

CALIFORNIA
STATE OF ~~IDAHO~~ COUNTY OF Imperial

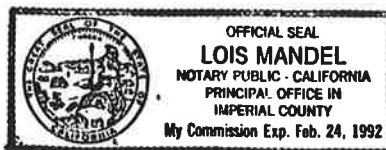
On this 28th day of March, 19 91
before me, a notary public in and for said State, personally appeared

John H. Borchard
and
Mary Carolyn Borchard

known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

Lois Mandel
Notary Public
Residing at El Centro, Calif.

My Commission Expires: 2/24/92



T # 4877