

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 37-20857
Date Received: 1/22/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

BIG SKY DAIRY Phone: (208)934-9072
2395 S 1500 E
GOODING ID 83330

2. Date of Priority: 08/10/1925

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	18E	20	NE NE	LINCOLN	

5. Description of diverting works:

3 HP PUMP

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	
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 25 CATTLE AND HORSES
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	18E	20	NE	NE	STOCKWATER	
			NE	NE	DOMESTIC	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

FILED 1925. USED WITH 37-20721

1/31/03, DJ: CLAIM RECEIVED WITH FEE, RECEIPT #S025483.

15. Basis of Claim: Beneficial Use



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 18, 2005

BIG SKY DAIRY
2395 S 1500 E
GOODING ID 83330

Re: SRBA Claim #37-20857

Dear Claimant,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copy of the computer record of the claim noting the change in claimant. Review this record and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Hahn', written over a faint, circular official stamp.

Carrie Hahn
Office Specialist

Enc.

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

RECEIVED

MAR 16 2005

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-7488					
37-20720					
37-20721					
37-20857					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**. -

3. Name and Address of Former Owner/Claimant(s) Harold and Audrey Huyser
173 Millard Road, Dietrich, ID 83324
4. New Owner/Claimant(s) Big Sky Dairy, an Idaho General Partnership
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
2395 South 1500 East, Gooding, ID 83330
New Mailing Address
City, State and ZIP Code
New Telephone Number ()
5. Date you acquired the property March 8, 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Big Sky Dairy

Tony Visser

Russell Visser

Michael Bosma

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by H. West

Date

3/16/05

Fee

75.00

Received by H. West

Date

3/16/05

Receipt No.

5027465

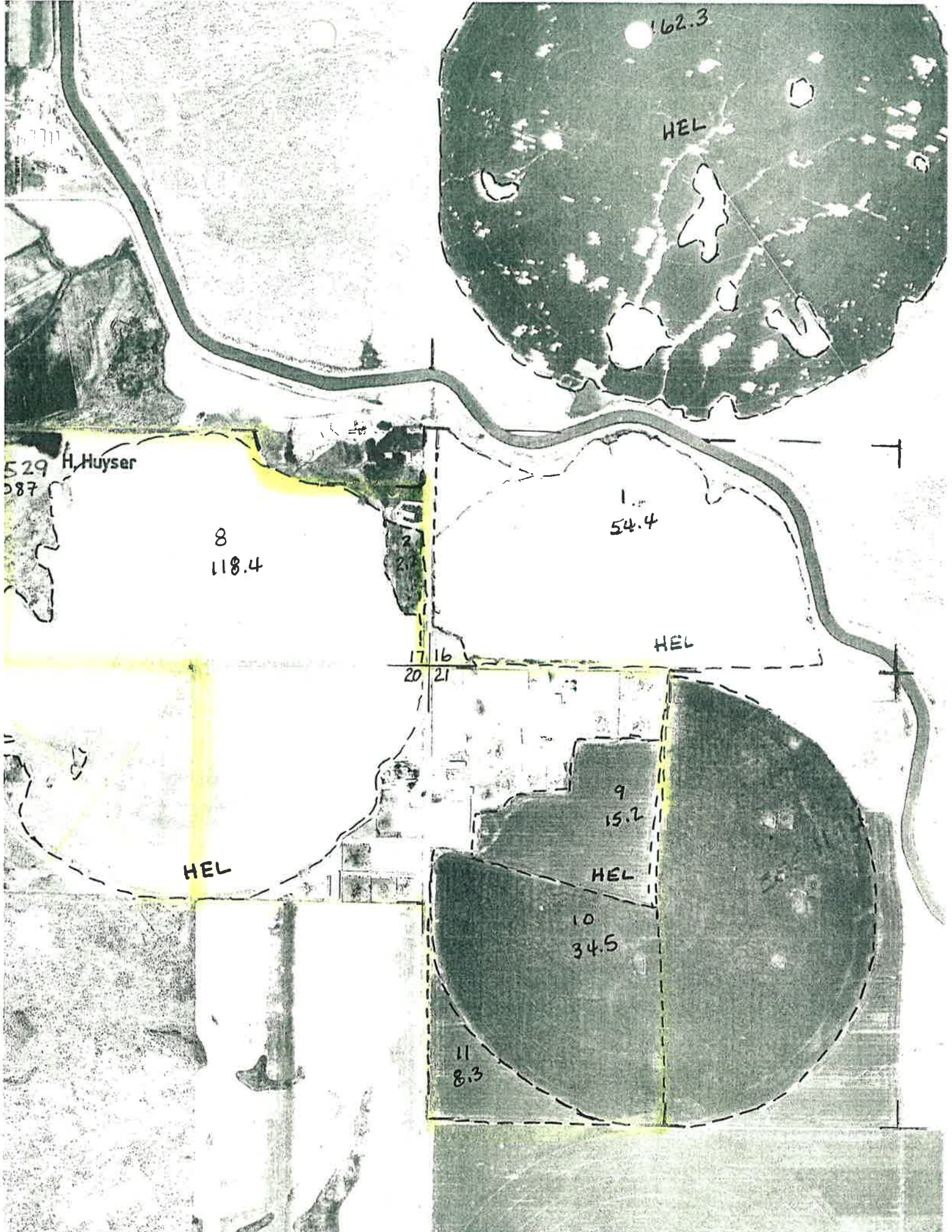
Processed by _____

AJ

Date

WR

Date



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529 H. Huyser
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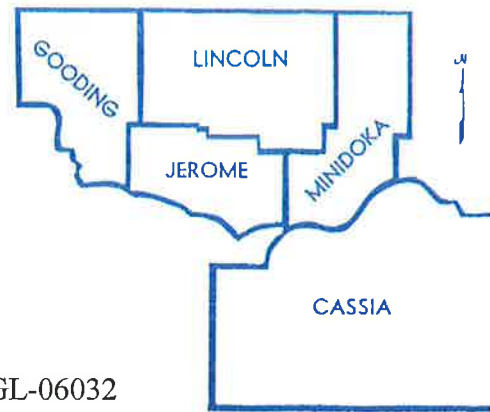
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Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



March 14, 2005

REFER TO:
OFFICE:

GL-06032
Gooding

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RE: Big Sky Dairy/H & A Land and Cattle, Inc.

Dear Sir/Madam:

Please find enclosed our check #20173 in the amount of \$75.00 representing fees on the above referenced. I have also enclosed the Change of Ownership paperwork, a copy of the Recorded Warranty Deed and a copy of the Plat. Please complete transfer and mail to Big Sky Dairy. Thanks.

If you have any questions, please do not hesitate to call.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.


Becky Shubert
(208)934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

RECEIVED
MAR 16 2005
Department of Water Resources
Southern Region

GL-06032

WARRANTY DEED

STATE OF IDAHO COUNTY OF LINCOLN Recorded at the request of LAND TITLE & ESCROW	178419
MAR 10 2005	
at <u>42</u> minutes past <u>3 P.</u> M.	
recorded by <u>Nelson Jackson</u>	
Fee: <u>15.00</u> Return to <u>above</u>	

By hand.

FOR VALUE RECEIVED,

/ also shown as Harold P. Huyser, aka H & A Land and Cattle Co.

HAROLD HUYSER and AUDREY HUYSER, husband and wife, and H. & A. LAND AND CATTLE, an Idaho Corporation, the "Grantors", do hereby grant, bargain, sell and convey unto **BIG SKY DAIRY**, an Idaho General Partnership, TONY VISSER, RUSSELL VISSER and MIKE BOSMA, General Partners, whose address is 2395 South 1500 East, Gooding, Idaho 83330, the "Grantee", the following described premises located in Lincoln County, Idaho, to wit:

See **Exhibit A** attached hereto.

Together with all water rights appurtenant thereto, including but not limited to the following:

Water Rights Nos. 37-7488; 37-20720; 37-20721; 37-20857; and
70 ~~100~~ shares of American Falls Reservoir District #2 surface water,
and 30 shares of Big Wood Canal Company Water Shares.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. The said Grantors do hereby covenant to and with the said Grantees, that they are the owners of said premises; that they will warrant and defend the same from all lawful claims whatsoever, except as hereinabove specifically provided, and the specific exceptions listed below:

DATED THIS 8th day of March, 2005.

"GRANTORS"

Harold Huyser
HAROLD HUYSER

Audrey Huyser
AUDREY HUYSER

H. & A. LAND AND CATTLE, INC.,
an Idaho Corporation

Harold Huyser
HAROLD HUYSER, President

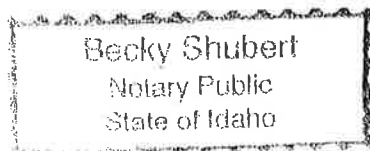
Audrey Huyser
AUDREY HUYSER, Secretary

STATE OF IDAHO)

County of Gooding SS:
Jerome

I, Becky Shubert, a Notary Public, do hereby certify that on this 8th day of March, 2005, personally appeared HAROLD HUYSER and AUDREY HUYSER, husband and wife, individually and as the President and Secretary of H. & A. Land and Cattle, Inc., an Idaho corporation, who, being by me first duly sworn, declared that signed the foregoing document individually and as President and Secretary of the corporation, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.



Becky Shubert
NOTARY PUBLIC for Idaho
Residing at: Wendell ID
Commission Expires: 02-23-2011

EXHIBIT A

Parcel No. 1:

TOWNSHIP 6 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 16: S½SW¼

Section 17: SW¼SE¼; S½SE¼SE¼; and S½N½SE¼SE¼, EXCEPTING therefrom the following described parcel.

A parcel of land located in the S½N½SE¼SE¼, more particularly described as follows:

Commencing at the Southeast corner of said Section 17;
Thence North 00°00'00" West along the East boundary of the SE¼ of said Section 17 for a distance of 787.29 feet to the TRUE POINT OF BEGINNING;
Thence continuing South 88°37'12" West for a distance of 209.54 feet;
Thence North 00°00'00" East parallel with the East boundary of the SE¼ of said Section 17 for a distance of 210.43 feet;
Thence North 89°58'33" East for a distance of 209.48 feet to a point on the East boundary of the SE¼ of said Section 17;
Thence South 00°00'00" East along the East boundary of the SE¼ of said Section 17 for a distance of 205.47 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING a parcel of land located in a portion of S½N½SE¼SE¼, being more particularly described as follows:

Commencing at the Southeast corner of Section 17, said point lies South 00°00'54" West 2647.64 feet from the East Quarter corner of Section 17;
Thence North 00°00'54" East 787.40 feet along the East boundary of Section 17;
Thence South 88°37'53" West 209.54 feet to the REAL POINT OF BEGINNING;
Thence North 00°00'54" East 210.43 feet;
Thence South 89°59'16" West 30.03 feet along the North boundary of S½N½SE¼SE¼, Section 17;
Thence South 05°38'45" East 122.24 feet;
Thence South 06°43'43" East 89.57 feet;
Thence North 88°37'51" East 7.45 feet to the REAL POINT OF BEGINNING.

Section 20: NW¼NE¼

CONTINUATION

EXHIBIT A

Parcel No. 2:

TOWNSHIP 6 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 17: A parcel of land located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ more particularly described as follows:

Commencing at the Southeast corner of said Section 17;
Thence N0°03'02" W along the East boundary of Section 17 for a distance of 992.76 feet to the Southeast corner of the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence S89°55'31" W along the South boundary of the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 473.53 feet to the TRUE POINT OF BEGINNING;
Thence S89°55'31" W along the South boundary of the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 844.42 feet to the Southwest corner of the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence N0°02'27" W along the West boundary of the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 330.46 feet to the Northwest corner of the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence 89°54'19"E along the North boundary of the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 327.81 feet;
Thence S38°09'30" E for a distance of 241.26 feet;
Thence S69°08'01" E for a distance of 393.60 feet to the TRUE POINT OF BEGINNING.

Parcel No. 3:

TOWNSHIP 6 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 17: S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPTING therefrom the following described parcel:

A parcel of land located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ more particularly described as follows:

Commencing at the Southeast corner of said Section 17;
Thence N0°03'02" W along the East boundary of Section 17 for a distance of 1323.68 feet to the Southeast corner of the S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and being the TRUE POINT OF BEGINNING;
Thence S89°54'19" W along the South boundary of the S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 990.08 feet;
Thence N0°02'27" W for a distance of 330.57 feet to the North boundary of the S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence N89°53'07" E along the North boundary of the S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 990.02 feet to the Northeast corner of the S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence S0°03'02" E along the East boundary of Section 17 for a distance of 330.92 feet to the TRUE POINT OF BEGINNING.

CONTINUATION

EXHIBIT A

Parcel No. 4

TOWNSHIP 6 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, LINCOLN
COUNTY, IDAHO

Section 20: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 21: W $\frac{1}{2}$ NW $\frac{1}{2}$

Parcel No. 5:

TOWNSHIP 6 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, LINCOLN
COUNTY, IDAHO

Section 20: A parcel of land located in a portion of SE $\frac{1}{4}$ NE $\frac{1}{4}$, being more particularly described
as follows:

Commencing at the Northeast corner of Section 20, said point lies North
00°16'07" West 2634.10 feet from the East Quarter corner of Section 20;
Thence South 00°16'07" East 1317.05 feet to the Northeast corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Section 20 and being the REAL POINT OF BEGINNING;
Thence North 89°57'42" West 1320.57 feet to the Northwest corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Section 20;
Thence South 00°09'51" East 42.58 feet along the West boundary of said
SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence South 89°05'21" East 1320.91 feet to a point on the East boundary of said
SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence North 00°16'07" West 62.70 feet along the East boundary of said
SE $\frac{1}{4}$ NE $\frac{1}{4}$, to the REAL PONT OF BEGINNING.

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 37-20857
Date Received: 1/22/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HAROLD HUYSER Phone: (208)886-2087

173 MILLARD RD
DIETRICH ID USA 83324

AUDREY HUYSER Phone: (208)886-2087

173 MILLARD RD
DIETRICH ID USA 83324

2. Date of Priority: 08/10/1925

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	18E	20	NE NE	LINCOLN	

5. Description of diverting works:

3 HP PUMP

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	
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 25 CATTLE AND HORSES

Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	18E	20	NE	NE	STOCKWATER	
			NE	NE	DOMESTIC	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

FILED 1925. USED WITH 37-20721

1/31/03, DJ: CLAIM RECEIVED WITH FEE, RECEIPT #S025483.

15. Basis of Claim: Beneficial Use

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Identification No. 37-26857
Date Received 1/31/03
Receipt Number 5025483

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Harold & Audrey Nyser Phone (208) 886-2087
Mailing Address 173 MILLARD RD. Dietrich. Zip 83324

2. Date of Priority (Only one per claim) 8-10-25 Month/Day/Year

3. Source of water supply (Check one) (☒) Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 6 S Range 18 E
Section 20 , _____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____, BM.,
County of LINCOLN

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. 3 HP

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1-1 Month/Day to 12-31 Month/Day amount 0.04 (cfs)
(Both dates are inclusive)
For Stock purposes from 1-1 to 12-31 amount 0.04

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 Home 25 Cattle & Horse

10. Place of use is: Township: 65 Range 18 E
Section 20, NE 1/4 of NE 1/4, Govt. Lot _____, B.M.,
County of LINCOLN for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____
11. In which county (ies) are lands listed above as place of use located? _____

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

14. Remarks: Filed- 1925

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court _____ Decree Date _____ Plaintiff vs Defendant _____
If applicable provide IDWR Water Right Number _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 _____

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

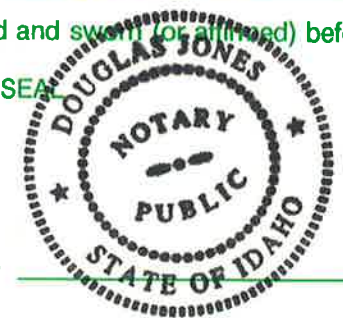
Signature of Claimant (s) Harold Haysen Date 1-22-03
Audrey Haysen Date 1-22-03

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 _____ Organization _____
Title _____ of _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____
Title and Organization _____

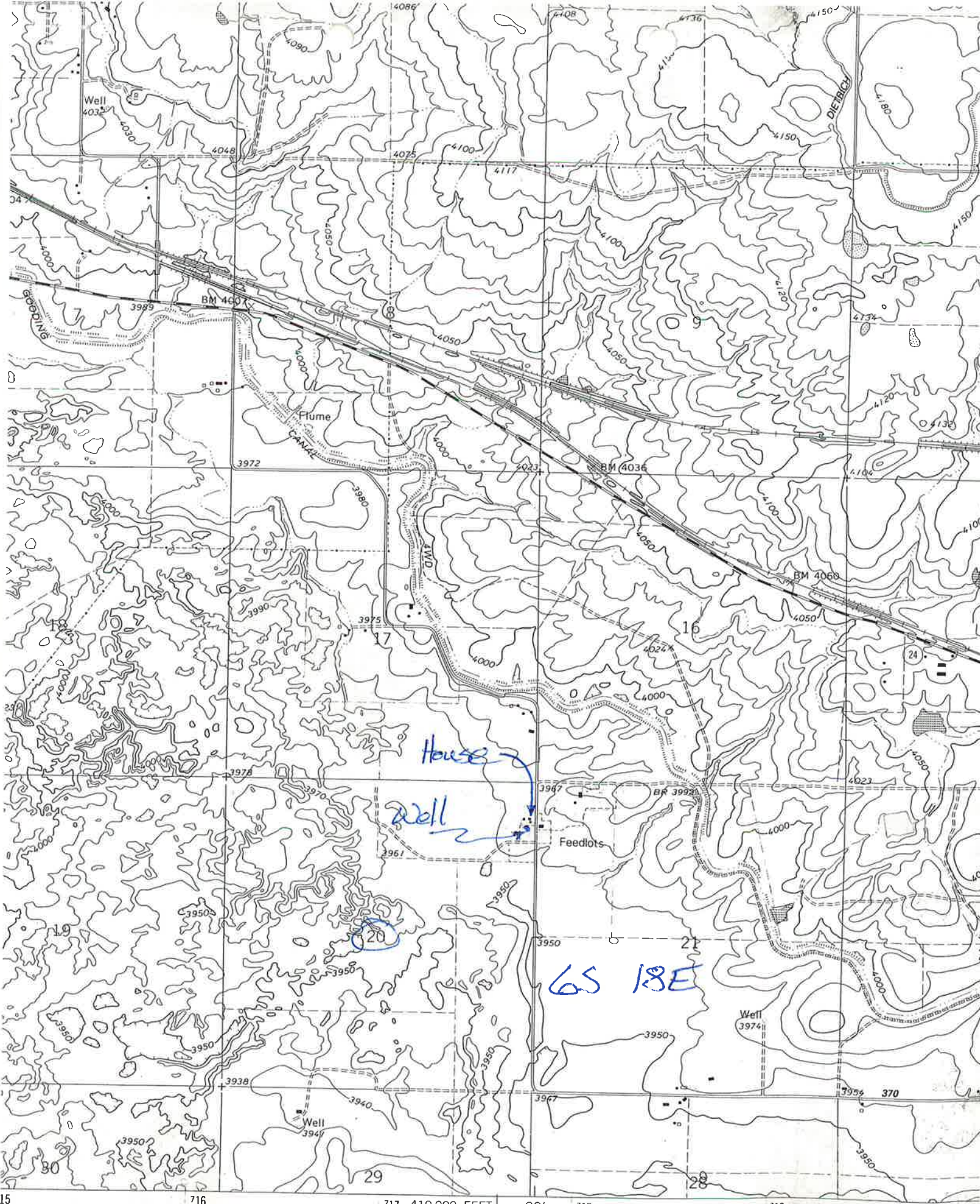
State of Idaho/or _____ }
County of Twin Falls } SS.

Subscribed and sworn (or affirmed) before me this 27th day of January 2003

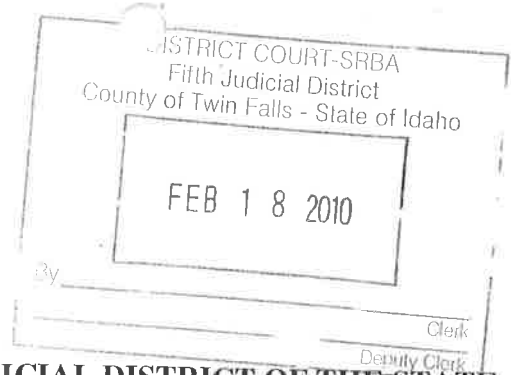


Notary Public T. Douglas Jones
Residing at Buhl ID
My Commission Expires 3/3/2006

Last Name _____ Ident No. _____



COPY



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

Subcase No: 37-20857

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

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

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: 2/17/10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2-18, 200¹⁰~~9~~, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724

Big Sky Dairy
PO Box 407
Jerome ID 83338



Signature of person or attorney mailing the form

11/19/2009

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

RIGHT NUMBER: 37-20857

NAME AND ADDRESS: BIG SKY DAIRY
PO BOX 407
JEROME ID 83338

SOURCE: GROUND WATER

TRIBUTARY:

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

QUANTITY: 0.040 CFS

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

Prior to diversion and use of water under Transfer approval 73357, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.

Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.

Rights 37-20721, 37-20857 and 37-22159 when combined shall not exceed a total diversion rate of 0.63 cfs, and a total annual maximum diversion volume of 128.5 af at the field headgate.

PRIORITY DATE: 08/10/1925

POINT OF
DIVERSION:

T06S R18E S20 SENENE Within LINCOLN County
T06S R18E S21 SWNENW Within LINCOLN County
T06S R18E S21 NENWNW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS

Use of this right with Right 37-20721 shall not exceed the total usage described in Right 37-20721.

PLACE OF USE:

STOCKWATER in LINCOLN County

T06S R18E S21	NENW	T06S R18E S21	NWNW
T06S R18E S21	SWNW	T06S R18E S21	SENW

DOMESTIC in LINCOLN County

T06S R18E S20	NENE
---------------	------

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

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

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Domestic use is for 1 home.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 18, 2010

BIG SKY DAIRY
PO BOX 407
JEROME ID 83338

RE: SRBA Claim(s) 37-20857

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

Enclosure

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73357**

This is to certify that: BIG SKY DAIRY
PO BOX 407
JEROME ID 83338
(208) 934-9072

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>
37-20720	WR/Decreed	01/10/1973	1.96 cfs	392 af		98.0	GROUND WATER
37-20721	WR/Decreed	01/10/1973	0.44 cfs	92.8 af			GROUND WATER
37-20857	AJC/Beneficial Use	08/10/1925	0.04 cfs	N/A			GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

<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>
37-7488	WR/Decreed	04/15/1976	1.98 cfs	396 af		99.0	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>
37-20720	YES	NO	YES	YES	YES	YES
37-20721	NO	NO	YES	YES	NO	YES
37-20857	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>
37-20720	37-22159	0.19 cfs	35.7 af	N/A		37-22158	1.77 cfs	344.4 af	N/A	86.1
37-20721	37-20721	0.44 cfs	92.8 af	N/A			N/A	N/A	N/A	N/A
37-20857	37-20857	0.04 cfs	N/A	N/A			N/A	N/A	N/A	N/A
COMBINED TOTALS		0.63 cfs	128.5 af				N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 37-20720

SCANNED
NOV 17 2009

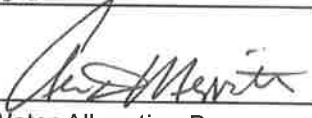
all 10 pg

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73357

Detailed Water Right Description(s) attached

Dated this 29th day of October, 20 09

For


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-22158
As Modified by Transfer No. 73357

In accordance with the approval of Transfer No. 73357, Water Right No. 37-22158 is now described as follows.

Right Holder: BIG SKY DAIRY
 PO BOX 407
 JEROME ID 83338

Priority Date: January 10, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.77 CFS	344.4 AF
			1.77 CFS	344.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESENE Sec. 20 Twp 06S Rge 18E LINCOLN County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
06S 18E 20	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	33.0
06S 18E 21																	53.1

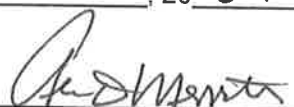
Total Acres: 86.1

CONDITIONS OF APPROVAL

1. Use of this right with Right No. 37-7488 is limited to a combined diversion rate of 2.56 cfs.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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 29th day of October, 20 09


 Ron Chief, Water Allocation Bureau

Right Holder: BIG SKY DAIRY
PO BOX 407
JEROME ID 83338

Source: GROUND WATER

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENENE Sec. 20 Twp 06S Rge 18E LINCOLN County

GROUND WATER SWNENW Sec. 21 Twp 06S Rge 18E LINCOLN County

GROUND WATER NENWNW Sec. 21 Twp 06S Rge 18E LINCOLN County

PLACE OF USE: STOCKWATER

[illegible]

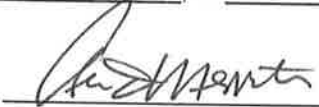
WATER RIGHT NO. 37-22159
As Modified by Transfer No. 73357

CONDITIONS OF APPROVAL

1. Rights 37-20721, 37-20857 and 37-22159 when combined shall not exceed a total diversion rate of 0.63 cfs, and a total annual maximum diversion volume of 128.5 af at the field headgate.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. Prior to diversion and use of water under Transfer approval 73357, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 29th day of October, 2009


For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20721
As Modified by Transfer No. 73357

CONDITIONS OF APPROVAL

1. Rights 37-20721, 37-20857 and 37-22159 when combined shall not exceed a total diversion rate of 0.63 cfs, and a total annual maximum diversion volume of 128.5 af at the field headgate.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. Prior to diversion and use of water under Transfer approval 73357, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 29th day of October, 2009


For Chief, Water Allocation Bureau

Right Holder: BIG SKY DAIRY
PO BOX 407
JEROME ID 83338

Source: GROUND WATER

GROUND WATER	SENENE	Sec. 20 Twp 06S	Rge 18E	LINCOLN County
GROUND WATER	SWNENW	Sec. 21 Twp 06S	Rge 18E	LINCOLN County
GROUND WATER	NENWNW	Sec. 21 Twp 06S	Rge 18E	LINCOLN County

Twp Rge Sec			NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
06S	18E	21					X	X	X	X									

[illegible]

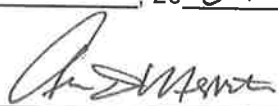
WATER RIGHT NO. 37-20857
As Modified by Transfer No. 73357

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. Use of this right with Right 37-20721 shall not exceed the total usage described in Right 37-20721.
4. Rights 37-20721, 37-20857 and 37-22159 when combined shall not exceed a total diversion rate of 0.63 cfs, and a total annual maximum diversion volume of 128.5 af at the field headgate.
5. Domestic use is for 1 home.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
7. Prior to diversion and use of water under Transfer approval 73357, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 29th day of October, 2009


For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-7488
As Modified by Transfer No. 73357

In accordance with the approval of Transfer No. 73357, Water Right No. 37-7488 is now described as follows.

Right Holder: BIG SKY DAIRY
 PO BOX 407
 JEROME ID 83338

Priority Date: April 15, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15 to 11/15	1.98 CFS	396.0 AF
		1.98 CFS	396.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESENE Sec. 20 Twp 06S Rge 18E LINCOLN County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
06S 18E 17															33.0	33.0	66.0
06S 18E 20			33.0														33.0

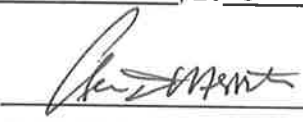
Total Acres: 99

CONDITIONS OF APPROVAL

1. Use of this right with Right No. 37-22158 is limited to a combined diversion rate of 2.56 cfs.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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 29th day of October, 2009


 For Chief, Water Allocation Bureau



Idaho Department of Water Resources

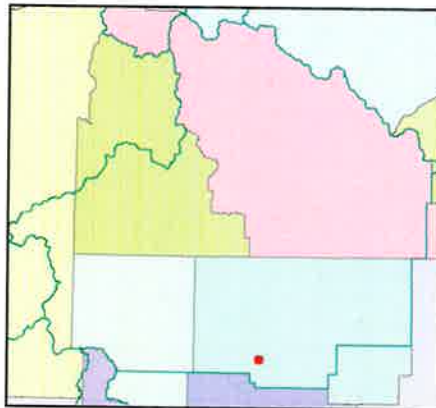
Adjudication Recommendation

37-20857

(STOCKWATER)

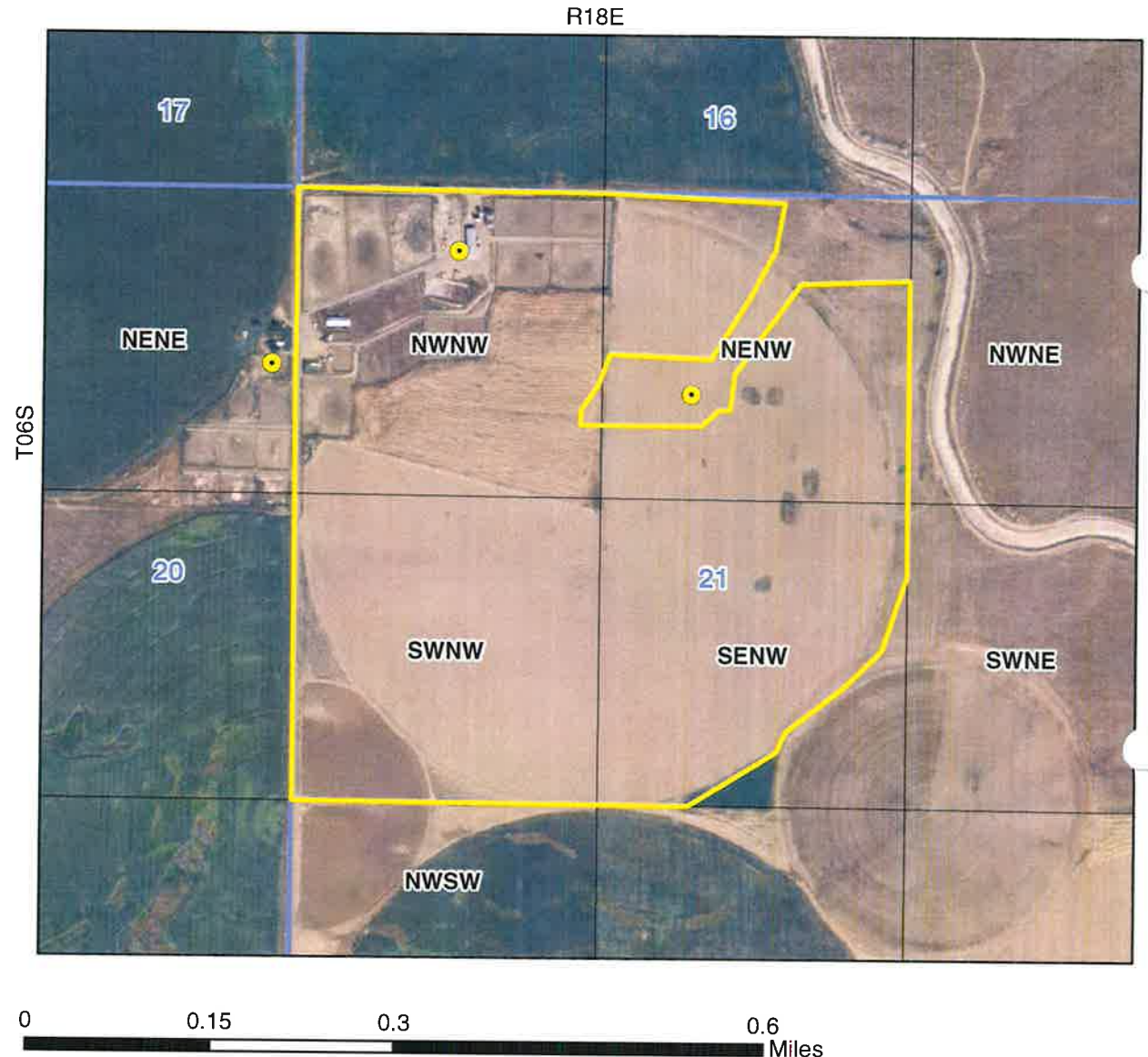
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Lincoln County
IDWR Basin 37

Prepared by Trish Fawcett
On November 19, 2009
2004 Aerial Photography



Jones, Doug

From: Stanton, Jim
Sent: Thursday, April 27, 2006 9:16 AM
To: Jones, Doug
Cc: Stanton, Jim
Subject: Claim 37-20857 Big Sky Dairy

Doug - I have obtained information from the well driller (Eaton) that the 3 hp motor presently installed in the domestic well has a diversion capacity of 0.07 cfs. The 0.44 cfs they obtained for the feedlot via a transfer in the 1980's is for a separate well with a diversion capacity of 0.55 cfs. The proposed transfer will dry up enough acres to cover the proposed capacity of 1.07 cfs for the expanded feedlot using all 3 wells, so the rate allowed for this claim will affect how many acres they will have to dry up (anything not dried up under 37-20720 will go into the water bank, as they are removing a 3/4 pivot and some handlines for the new corrals). Hopefully at least some of this will be of interest in your claim review.

01/31/2003

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

RIGHT NUMBER: 37-20857
NAME AND ADDRESS: HAROLD HUYSER
173 MILLARD RD
DIETRICH ID 83324

AUDREY HUYSER
173 MILLARD RD
DIETRICH ID 83324

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/10/1925

POINT OF DIVERSION:

T06S R18E S20 NENE Within LINCOLN 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
DOMESTIC	01/01 12/31	0.040 CFS

USE OF THIS RIGHT WITH RIGHT 37-20721 SHALL NOT EXCEED THE TOTAL USAGE
DESCRIBED IN RIGHT 37-20721.

PLACE OF USE: STOCKWATER Within LINCOLN County

T06S R18E S20 NENE

DOMESTIC Within LINCOLN County

T06S R18E S20 NENE

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:

DOMESTIC USE FOR 1 HOME AND STOCK WATER FOR 25 CATTLE AND
HORSES.