

NOV 01 2016

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Dry Lake Dairy LLC Phone 208-495-9840
2. MAILING ADDRESS 12492 Big Foot Road City Nampa
State ID Zip 83686 Email drylakedairy@gmail.com

☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 63-3142, 63-7083

☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 2.76 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			NW	NE	13	01N	03W	Canyon	Ground Water	D0020133
N			NE	NE	13	01N	03W	Canyon	Ground Water	
Y			NE	NE	13	01N	03W	Canyon	Ground Water	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Main Well in NENE, backup well in NENE, Dairy Well in NWNE. Pumps and pipes to dairy and irrigation system.

- b. Who owns the property at the point(s) of diversion? Dry Lake Dairy LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

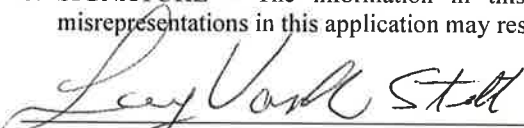
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Larry Vander Stelt
Print name and title if applicable

10-28-16
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 9 pages of attachments.

Received by BS Date 11/1/16

Fee paid \$200.- Date 11/1/2016

Received by (BS) Receipt # W044760

Preliminary review by PH

Date 5/22/18

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☒ Name on W-9 N/A

W-9 forwarded to fiscal? Yes ☐ No ☒

(Do NOT scan the W-9 - confidential information is held by fiscal only)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/28/2016

WATER RIGHT NO. 63-3142

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DRY LAKE DAIRY LLC 12492 BIGFOOT RD NAMPA, ID 83686 (208) 495-9840
Original Owner	M O CLEMENTS 15451 MIDWAY RD NAMPA, ID 83651 (208)466-1606

Priority Date: 01/07/1959

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.69 CFS	143.8 AFA
STOCKWATER	01/01	12/31	1.94 CFS	247 AFA
COMMERCIAL	01/01	12/31	1.94 CFS	247 AFA
Total Diversion			2.63 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENE|Sec. 13|Township 01N|Range 03W|CANYON County
 GROUND WATER|NENE|Sec. 13|Township 01N|Range 03W|CANYON County

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GROUND WATER|NENE|Sec. 13|Township 01N|Range 03W|CANYON County

IRRIGATION Use:

Acre Limit: 63.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	03W	13		SWNE	31		SENE	31						
				NESW	1		SESW	40						
				NESE	40		NWSE	40		SWSE	40		SESE	39

Place of Use Legal Description: STOCKWATER CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	03W	13		NENE			NWNE			SWNE			SENE	

Place of Use Legal Description: COMMERCIAL CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	03W	12		NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		13		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENW	
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	

Total Acres: 262

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | WB4 | The total instantaneous diversion of water from all points of diversion under Transfer 67018 shall not exceed 2.76 cfs, nor total combined annual volume of 419.5 af for irrigation and dairy uses. |
| 2. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 3. | 01Q | |

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- After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. Commercial use is for a dairy.
 5. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
 6. X27 Right 63-3142 is limited to the supplemental irrigation of 63.2 acres within the place of use described above in a single irrigation season.
 7. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
 8. X35 Rights 63-3142 and 63-7083 when combined shall not exceed a total diversion rate of 2.76 cfs and a total annual maximum diversion volume of 172.5 af at the field headgate for the supplemental irrigation of 183.2 acres.
 9. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
 10. WD8 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this right.
 11. 100 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under this right and shall only divert groundwater under this right for irrigation purposes when water from the appurtenant surface water rights cannot be delivered to the right holder.
 12. 106 Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
 13. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
 14. T17 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.
 15. 105 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
 16. E60 Right Nos. 63-3142 and 63-7083 are limited to a total combined diversion rate of 2.76 cfs and to a total combined annual diversion volume of 419.5 AF.
 17. Right Nos. 63-3142 and 63-7083 are limited to the supplemental irrigation of 183.2 acres within the place of use described above in a single irrigation season.
 18. E56 The rights listed below are limited to the irrigation of a combined total of 262 acres in a single irrigation season. Combined Right Nos.: 2-2172, 63-3142 and 63-7083.

Dates:

Licensed Date:

Decreed Date: 02/06/2009

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Permit Proof Due Date:
Permit Proof Made Date:
Permit Approved Date:
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 4.5
Combined Acres Limit: 262
Combined Volume Limit: 1426
Combined Rate Limit:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/28/2016

WATER RIGHT NO. 63-7083

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DRY LAKE DAIRY LLC 12492 BIGFOOT RD NAMPA, ID 83686 (208) 495-9840
Original Owner	M O CLEMENTS 15451 MIDWAY RD NAMPA, ID 83651 (208)466-1606

Priority Date: 04/11/1968

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	2.4 CFS	172.5 AFA
Total Diversion			2.4 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 13	Township 01N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 13	Township 01N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 13	Township 01N	Range 03W	CANYON County

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IRRIGATION Use:

Acre Limit: 120

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	03W	13		SWNE	31		SENE	31						
				NESW	1		SESW	40						
				NESE	40		NWSE	40		SWSE	40		SESE	39

Total Acres: 262

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. T17 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.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 01Q After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. X35 Rights 63-3142 and 63-7083 when combined shall not exceed a total diversion rate of 2.76 cfs and a total annual maximum diversion volume of 172.5 af at the field headgate for the supplemental irrigation of 183.2 acres.
7. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
8. WB4 The total instantaneous diversion of water from all points of diversion under Transfer 67018 shall not exceed 2.76 cfs, nor total combined annual volume of 419.5 af for irrigation and dairy uses.
9. X27 Right 63-7083 is limited to the supplemental irrigation of 120.0 acres within the place of use described above in a single irrigation season.
10. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

8 1 2 9 0

11. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
13. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Dates:

Licensed Date:

Decreed Date: 02/06/2009

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 262

Combined Volume Limit: 1426

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

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No. W 37894	Due no later than Mar 31, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. DRY LAKE DAIRY, LLC LAWRENCE J. VANDER STELT 12492 BIGFOOT RD NAMPA ID 83686		LAWRENCE VANDER STELT 12492 BIGFOOT RD NAMPA ID 83686
			3. <u>New</u> Registered Agent Signature:*
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.			
Office Held	Name	Street or PO Address	City State Country Postal Code
MEMBER	LAWRENCE VANDER STELT	12492 BIGFOOT RD	NAMPA ID 83686
MEMBER	STEVEN VANDER STELT	1807 FERRINGTON DR	CORONA CA 92880
MEMBER	RYAN VANDER STELT	12492 BIGFOOT RD	NAMPA ID USA 83686
5. Organized Under the Laws of:	6. Annual Report must be signed.*		
ID W 37894	Signature: Lawrence Vander Stelt		Date: 03/14/2016
	Name (type or print): Lawrence Vander Stelt		Title: member
Processed 03/14/2016	* Electronically provided signatures are accepted as original signatures.		

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 29, 2018

DRY LAKE DAIRY LLC
12492 BIGFOOT RD
NAMPA, ID 83686

RE: Transfer No. 81290
Water Right No(s). 63-3142, 63-7083

Dear Applicant(s)

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the PRESS TRIBUNE on 6/7/2018 and 6/14/2018. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Tuesday, May 29, 2018 9:10 AM
To: 'IDAHO PRESS TRIBUNE'
Subject: Canyon Legal Ads
Attachments: Canyon Cover Letter.docx; Canyon Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 6/7/2018 & 6/14/2018.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

May 29, 2018

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application for Permit No. 63-34503
 Application for Permit No. 63-34519
 Application for Permit No. 63-34536
 Application for Permit No. 63-34537
 Application for Transfer No. 81290

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/25/2018. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34503

DAVID TAYLOR
21212 TUCKER RD
GREENLEAF, ID 83626
Point of Diversion NENE S24 T05N R04W CANYON County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.04 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.1 CFS
Date Filed: 2/23/2018
Places of Use: DOMESTIC, STOCKWATER, IRRIGATION
T05N R04W S24 NENE
Total Acres: 2
Water bearing zone to be appropriated is from 258 to 303 feet.

63-34519

DIAMOND S FARMS LLC
23460 STAFFORD RD
CALDWELL, ID 83607
(2)Points of Diversion L1(NESE) S2 T04N R04W CANYON County Source UNNAMED STREAM Tributary BOISE RIVER
(2)Points of Diversion L3(NWSW) S1 T04N R04W CANYON County Source UNNAMED STREAM Tributary BOISE RIVER
Use: DIVERSION TO STORAGE 11/16 to 02/28 7.2 CFS
Use: IRRIGATION 03/01 to 11/15 0.96 CFS
Use: WILDLIFE 11/16 to 02/28 7.2 CFS
Use: WILDLIFE STORAGE 11/16 to 02/28 1032 AF
Total Diversion: 7.2 CFS
Date Filed: 3/2/2018
Places of Use: WILDLIFE STORAGE, IRRIGATION, WILDLIFE
T04N R04W S1 L3(NWSW)
T04N R04W S2 L1(NESE)
Total Acres: 48

63-34536

BETTE J BARRETT
25857 LANSING LN
MIDDLETON, ID 83644
Point of Diversion NENE S28 T05N R02W CANYON County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.09 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.15 CFS
Date Filed: 4/16/2018
Places of Use: IRRIGATION, STOCKWATER, DOMESTIC
T05N R02W S28 NENE
Total Acres: 3
Water bearing zone to be appropriated is from 30 to 179 ft.

63-34537

E4 PARTNERS LLLP
6152 W HALF MOON LN
EAGLE, ID 83616
Points of Diversion SWNE SENW L3(NESW) S13 T04N R02W CANYON County Source GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 1020 AF
Use: IRRIGATION FROM STORAGE 03/01 to 11/15 275 AF
Use: IRRIGATION STORAGE 01/01 to 12/31 275 AF
Total Diversion: 1300 AF
Date Filed: 4/6/2018
Places of Use: IRRIGATION STORAGE, AESTHETIC STORAGE
T04N R02W S13 SWNE SENW L3(NESW) L2(NWSE)
Place of Use: IRRIGATION FROM STORAGE
T04N R02W S13 NE(ALL) NENW SENW L3(NESW) L2(NWSE)
Total Acres: 86.9
Water bearing zone to be appropriated is from 0 to 30 ft.
This application proposes a 61 acre limit within an 87 acre permissible place of use.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81290**

DRY LAKE DAIRY LLC, 12492 BIGFOOT RD, NAMPA, ID 83686; has filed Application No. 81290 for changes to the following water rights within CANYON County(s): Right No(s). 63-3142, 63-7083. The applicant proposes to change the location of one of the three points of diversion authorized on each of these water rights. The proposed point of diversion is an existing well that was constructed in a different location. The project site is about 11 miles south of Nampa Idaho near the intersection of State Highway 45 and Big Foot Rd.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 6/25/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/7/2018 and 6/14/2018



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 29, 2018

MICHAEL LAWRENCE
GIVENS PURSLEY
601 W BANNOCK ST
BOISE ID 83702

LEE HALPER
331 S 230 W
JEROME ID 83338

Re: Application for Transfer No. 81290

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Idaho Press Tribune* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **June 25, 2018**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Rachel Neely', with a long horizontal flourish extending to the right.

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

04/03/17

DRY LAKE DAIRY LLC
12492 BIG FOOT ROAD
NAMPA ID 83686

Re: Application for Transfer of Water Rights No. 63-3142 and 63-7083

Dear Applicant:

While reviewing your application it has come to my attention that water right nos. 63-3142 and 63-7083 are at risk of forfeiture. An initial review indicates that less than 183.2 acres within the place of use has been irrigated within the last 5 years. The application for transfer is likely approvable as it is now but the right would be reduced by those acres lost due to nonuse. There are three options available:

1. Withdraw the application for transfer.
2. Submit information demonstrating any protection from forfeiture.
3. Proceed with the application for transfer with the understanding that these rights will be reduced.

Please let me know how you would like to proceed. A response or a request for more time must be received within thirty (30) days. Application processing can be suspended to allow additional time to provide a defense against forfeiture. An extension of up to 6 months can be granted upon request.

Please let me know if need more information. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in blue ink, appearing to read 'PH' followed by a wavy line.

Phill Hummer

Water Resource Agent

Idaho Department of Water Resources

Phone: (208) 334-2190

Email: phill.hummer@idwr.idaho.gov

Hummer, Phill

From: Hummer, Phill
Sent: Thursday, October 19, 2017 3:22 PM
To: Hummer, Phill
Subject: RE: Dry Lake Dairy

Michael,

Your phone call was the last time I heard from you or the applicant regarding this application for transfer. Would let me know if the applicant hired you or someone from your firm? If not I will try to get ahold of them so that we can move forward with this filing. Thanks.

Phill Hummer

*Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov*

From: Hummer, Phill
Sent: Monday, May 01, 2017 12:35 PM
To: 'mpl@givenspursley.com' <mpl@givenspursley.com>
Subject: Dry Lake Dairy

Hi Michael,

I am sorry I missed your call, attached is a copy of the application for transfer submitted by Dry Lake Dairy LLC. The main issue with the water rights involved with the transfer is that they authorize a combined total of 183.2 acres but it is clear from the satellite imagery that less than that has been irrigated (within the current place of use) in the last five years. If the place of use for the water rights are incorrect and they can show the irrigation system has been used for other locations since it was developed than they can submit a new transfer application to change the place of use to match the correct one along with fixing the points of diversion. If the system was developed and used as recorded by the water rights then they would need to provide evidence the entire 183.2 acres have been irrigated or the irrigation portion of the water rights will be reduced due to forfeiture. Just to be clear the validity of the commercial and stockwater portions of the water rights are not in question just the amount of water and acres for irrigation. Let me know if you have any questions regarding this matter.

Phill Hummer

*Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov*