

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83814**

This is to certify that: **BERANNA DAIRY**
9166 PERCH RD
CALDWELL, ID 83607

SUPPORT DATA
IN FILE # 63-2839

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-10268	WR/LICENSE	10/3/1984	1.540 cfs	347.0 af	77.0	865.0	GROUND WATER
63-2839	WR/DECREED	9/14/1955	1.350 cfs	355.5 af	79.0	865.0	GROUND WATER
63-29025	WR/DECREED	8/15/1960	0.640 cfs	144.0 af	32.0	865.0	GROUND WATER
63-3329	WR/DECREED	2/16/1963	2.060 cfs	738.0 af	164.0	865.0	GROUND WATER
63-3366	WR/DECREED	8/26/1963	2.090 cfs	720.0 af	144.3	865.0	GROUND WATER
63-3396	WR/DECREED	12/13/1963	1.200 cfs	270.0 af	54.1	865.0	GROUND WATER
63-8232	WR/DECREED	10/28/1975	2.730 cfs	1228.3 af	250.1	865.0	GROUND WATER
63-8253	WR/DECREED	1/16/1976	1.160 cfs	563.7 af	139.0	865.0	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>
63-10268	NO	NO	NO	YES	NO	NO
63-2839	NO	NO	NO	YES	NO	NO
63-29025	NO	NO	NO	YES	NO	NO
63-3329	NO	NO	NO	YES	NO	NO
63-3366	NO	NO	NO	YES	NO	NO
63-3396	NO	NO	NO	YES	NO	NO
63-8232	NO	NO	NO	YES	NO	NO
63-8253	NO	NO	NO	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>
63-10268	63-10268	1.540 cfs	347.0 af	77.0	865.0	N/A	N/A	N/A	N/A	N/A
63-2839	63-2839	1.350 cfs	355.5 af	79.0	865.0	N/A	N/A	N/A	N/A	N/A
63-29025	63-29025	0.640 cfs	144.0 af	32.0	865.0	N/A	N/A	N/A	N/A	N/A
63-3329	63-3329	2.060 cfs	738.0 af	164.0	865.0	N/A	N/A	N/A	N/A	N/A
63-3366	63-3366	2.090 cfs	720.0 af	144.3	865.0	N/A	N/A	N/A	N/A	N/A
63-3396	63-3396	1.200 cfs	270.0 af	54.1	865.0	N/A	N/A	N/A	N/A	N/A
63-8232	63-8232	2.730 cfs	1228.3 af	250.1	865.0	N/A	N/A	N/A	N/A	N/A
63-8253	63-8253	1.160 cfs	563.7 af	139.0	865.0	N/A	N/A	N/A	N/A	N/A

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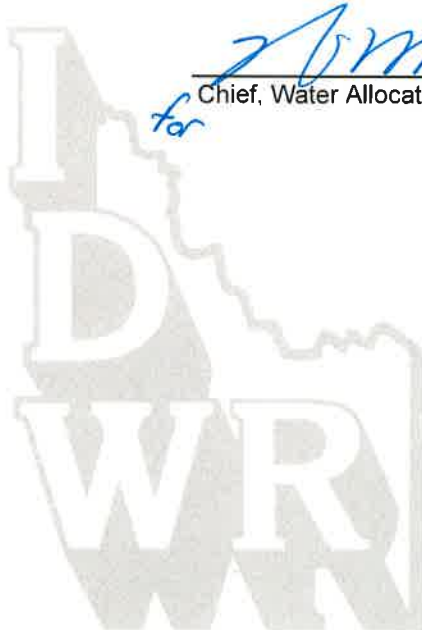
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COMBINED TOTALS 8.980 cfs 3620.0 af 780.0 864.0 N/A N/A N/A N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 29th day of January, 2020.


[Signature]
for Chief, Water Allocation Bureau

WATER RIGHT NO. 63-2839**As Modified by Transfer No. 83814**

In accordance with the approval of Transfer No. 83814, Water Right No. 63-2839 is now described as follows:

Right Holder: BERANNA DAIRY
9166 PERCH RD
CALDWELL, ID 83607

Priority Date: 9/14/1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	1.350 cfs	355.5 af
			1.350 cfs	355.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NESE	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	SWSW	Sec 9 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															40.0	40.0	80.0
02N	03W	9											40.0	39.0			32.0		111.0
02N	03W	16	38.0	37.0	40.0	39.0	39.0	40.0	40.0	40.0	40.0	28.0	32.0	37.0	39.0	20.0	30.0	40.0	579.0
02N	03W	17	18.0	36.0	26.0	15.0													95.0

Right Acre Limit: 79.0
POU Total Acres: 865.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
2. Rights 63-2839 and 63-29025 when combined shall not exceed a total diversion rate of 1.35 cfs.
3. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3620 af and the irrigation of 780 acres in a single irrigation season.

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WATER RIGHT NO. 63-2839
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CONDITIONS OF APPROVAL

4. 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 place of use.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. Right 63-29025 is an enlargement of Right 63-2839 pursuant to Section 42-1426, Idaho Code.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-3329**As Modified by Transfer No. 83814**

In accordance with the approval of Transfer No. 83814, Water Right No. 63-3329 is now described as follows:

Right Holder: BERANNA DAIRY
9166 PERCH RD
CALDWELL, ID 83607

Priority Date: 2/16/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	2.060 cfs	738.0 af
			2.060 cfs	738.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NESE	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	SWSW	Sec 9 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															40.0	40.0	80.0
02N	03W	9											40.0	39.0			32.0		111.0
02N	03W	16	38.0	37.0	40.0	39.0	39.0	40.0	40.0	40.0	40.0	28.0	32.0	37.0	39.0	20.0	30.0	40.0	579.0
02N	03W	17	18.0	36.0	26.0	15.0													95.0

Right Acre Limit: 164.0

POU Total Acres: 865.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 164 acres within the place of use described above in a single irrigation season.
2. Rights 63-3329 and 63-8253 when combined shall not exceed the irrigation of 164 acres.
3. Rights 63-3329, 63-8253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1090 af at the field headgate for the irrigation of 241 acres.

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WATER RIGHT NO. 63-3329
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CONDITIONS OF APPROVAL

4. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3620 af and the irrigation of 780 acres in a single irrigation season.
5. 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 place of use.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2009.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-3396**As Modified by Transfer No. 83814**

In accordance with the approval of Transfer No. 83814, Water Right No. 63-3396 is now described as follows:

Right Holder: BERANNA DAIRY
9166 PERCH RD
CALDWELL, ID 83607

Priority Date: 12/13/1963

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	0.080 cfs	5.3 af
IRRIGATION	03/15	to 11/15	1.200 cfs	243.4 af
STOCKWATER	01/01	to 12/31	0.080 cfs	21.3 af
			1.200 cfs	270.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NESE	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	SWSW	Sec 9 Twp 02N Rge 03W CANYON County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	17	X	X	X	X													

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															40.0	40.0	80.0
02N	03W	9											40.0	39.0			32.0		111.0
02N	03W	16	38.0	37.0	40.0	39.0	39.0	40.0	40.0	40.0	40.0	28.0	32.0	37.0	39.0	20.0	30.0	40.0	579.0
02N	03W	17	18.0	36.0	26.0	15.0													95.0

Right Acre Limit: 54.1
POU Total Acres: 865.0

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WATER RIGHT NO. 63-3396**As Modified by Transfer No. 83814****PLACE OF USE: STOCKWATER**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	17	X	X	X	X													

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 54.1 acres within the place of use described above in a single irrigation season.
2. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
3. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2040 af.
4. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1840 af and the irrigation of 428 acres.
5. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3620 af and the irrigation of 780 acres in a single irrigation season.
6. 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 place of use.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 5/7/2009.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. Commercial use is for a dairy barn.
10. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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.

WATER RIGHT NO. 63-3396

As Modified by Transfer No. 83814

CONDITIONS OF APPROVAL

13. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 63-3366**As Modified by Transfer No. 83814**

In accordance with the approval of Transfer No. 83814, Water Right No. 63-3366 is now described as follows:

Right Holder: BERANNA DAIRY
9166 PERCH RD
CALDWELL, ID 83607

Priority Date: 8/26/1963

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	0.220 cfs	14.1 af
IRRIGATION	03/15	to 11/15	2.090 cfs	649.4 af
STOCKWATER	01/01	to 12/31	0.220 cfs	56.5 af
			2.090 cfs	720.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NESE	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	SWSW	Sec 9 Twp 02N Rge 03W CANYON County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	17	X	X	X	X													

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8																40.0	80.0
02N	03W	9											40.0	39.0			32.0		111.0
02N	03W	16	38.0	37.0	40.0	39.0	39.0	40.0	40.0	40.0	40.0	28.0	32.0	37.0	39.0	20.0	30.0	40.0	579.0
02N	03W	17	18.0	36.0	26.0	15.0													95.0

Right Acre Limit: 144.3

POU Total Acres: 865.0

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WATER RIGHT NO. 63-3366
As Modified by Transfer No. 83814

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	17	X	X	X	X													

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 144 acres within the place of use described above in a single irrigation season.
2. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
3. Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1590 af at the field headgate and the irrigation of 354 acres.
4. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2040 af.
5. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.
6. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3620 af and the irrigation of 780 acres in a single irrigation season.
7. 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 place of use.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 5/7/2009.
9. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
10. Commercial use is for a dairy barn.
11. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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WATER RIGHT NO. 63-3366

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CONDITIONS OF APPROVAL

14. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 63-8232**As Modified by Transfer No. 83814**

In accordance with the approval of Transfer No. 83814, Water Right No. 63-8232 is now described as follows:

Right Holder: BERANNA DAIRY
9166 PERCH RD
CALDWELL, ID 83607

Priority Date: 10/28/1975

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	0.320 cfs	20.6 af
IRRIGATION	03/15	to 11/15	2.730 cfs	1125.5 af
STOCKWATER	01/01	to 12/31	0.320 cfs	82.2 af
			2.730 cfs	1228.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NESE	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	SWSW	Sec 9 Twp 02N Rge 03W CANYON County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	17	X	X	X	X													

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8																	80.0
02N	03W	9											40.0	39.0			32.0	40.0	111.0
02N	03W	16	38.0	37.0	40.0	39.0	39.0	40.0	40.0	40.0	40.0	28.0	32.0	37.0	39.0	20.0	30.0	40.0	579.0
02N	03W	17	18.0	36.0	26.0	15.0													95.0

Right Acre Limit: 250.1
POU Total Acres: 865.0

Transfer No. 83814

WATER RIGHT NO. 63-8232**As Modified by Transfer No. 83814****PLACE OF USE: STOCKWATER**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	17	X	X	X	X													

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 250 acres within the place of use described above in a single irrigation season.
2. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2040 af.
3. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1840 af and the irrigation of 428 acres.
4. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3620 af and the irrigation of 780 acres in a single irrigation season.
5. 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 place of use.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 5/7/2009.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. Commercial use is for a dairy barn.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 83814

WATER RIGHT NO. 63-8253**As Modified by Transfer No. 83814**

In accordance with the approval of Transfer No. 83814, Water Right No. 63-8253 is now described as follows:

Right Holder: BERANNA DAIRY
9166 PERCH RD
CALDWELL, ID 83607

Priority Date: 1/16/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1,160 cfs	563.7 af
			1,160 cfs	563.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NESE	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	SWSW	Sec 9 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															40.0	40.0	80.0
02N	03W	9											40.0	39.0			32.0		111.0
02N	03W	16	38.0	37.0	40.0	39.0	39.0	40.0	40.0	40.0	40.0	28.0	32.0	37.0	39.0	20.0	30.0	40.0	579.0
02N	03W	17	18.0	36.0	26.0	15.0													95.0

Right Acre Limit: 139.0

POU Total Acres: 865.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 139 acres within the place of use described above in a single irrigation season.
2. Rights 63-3329 and 63-8253 when combined shall not exceed the irrigation of 164 acres.
3. Rights 63-3329, 63-8253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1085.0 af at the field headgate for the irrigation of 241 acres.

Transfer No. 83814

WATER RIGHT NO. 63-8253
As Modified by Transfer No. 83814

CONDITIONS OF APPROVAL

4. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3620 af and the irrigation of 780 acres in a single irrigation season.
5. 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 place of use.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 4/3/2009.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-10268**As Modified by Transfer No. 83814**

In accordance with the approval of Transfer No. 83814, Water Right No. 63-10268 is now described as follows:

Right Holder: BERANNA DAIRY
9166 PERCH RD
CALDWELL, ID 83607

Priority Date: 10/3/1984

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	1.540 cfs	347.0 af
			1.540 cfs	347.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NESE	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	SWSW	Sec 9 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															40.0	40.0	80.0
02N	03W	9											40.0	39.0			32.0		111.0
02N	03W	16	38.0	37.0	40.0	39.0	39.0	40.0	40.0	40.0	40.0	28.0	32.0	37.0	39.0	20.0	30.0	40.0	579.0
02N	03W	17	18.0	36.0	26.0	15.0													95.0

Right Acre Limit: 77.0

POU Total Acres: 865.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 77.0 acres within the place of use described above in a single irrigation season.
2. Rights 63-3329, 63-8253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1085.0 af at the field headgate for the irrigation of 241 acres.

Transfer No. 83814

WATER RIGHT NO. 63-10268
As Modified by Transfer No. 83814

CONDITIONS OF APPROVAL

3. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3620 af and the irrigation of 780 acres in a single irrigation season.
4. 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 place of use.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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 83814 Transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-29025**As Modified by Transfer No. 83814**

In accordance with the approval of Transfer No. 83814, Water Right No. 63-29025 is now described as follows:

Right Holder: BERANNA DAIRY
9166 PERCH RD
CALDWELL, ID 83607

Priority Date: 8/15/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.640 cfs	144.0 af
			0.640 cfs	144.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NESE	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	NENE	Sec 17 Twp 02N Rge 03W CANYON County
GROUND WATER	SWSW	Sec 9 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															40.0	40.0	80.0
02N	03W	9											40.0	39.0			32.0		111.0
02N	03W	16	38.0	37.0	40.0	39.0	39.0	40.0	40.0	40.0	40.0	28.0	32.0	37.0	39.0	20.0	30.0	40.0	579.0
02N	03W	17	18.0	36.0	26.0	15.0													95.0

Right Acre Limit: 32.0

POU Total Acres: 865.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 32.0 acres within the place of use described above in a single irrigation season.
2. Rights 63-2839 and 63-29025 when combined shall not exceed a total diversion rate of 1.35 cfs.
3. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3620 af and the irrigation of 780 acres in a single irrigation season.

Transfer No. 83814

WATER RIGHT NO. 63-29025

As Modified by Transfer No. 83814

CONDITIONS OF APPROVAL

4. This right is based upon an enlargement of Right No. 63-2839 pursuant to Section 42-1426, Idaho Code.
5. 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 place of use.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources






Attachment to Water Right Transfer No. 83814

63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268, 63-29025

This map depicts the IRRIGATION, and COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

03W



-  Points of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.225 0.45 0.9 Miles



WATER RESOURCES
EASTERN REGION

Transfer No. **83814**

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:

Multi-well integrated irrigation system. Measuring devices and lockable controlling works will be accommodated upon Department request.

- b. Who owns the property at the point(s) of diversion? Applicant

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. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

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.

Bernie J. Tennissen Bernie Tennissen owner 12-12-2019
Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8, require a filing fee of \$50 per water right. All other application fees are 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 _____ pages of attachments. Received by KT Date 12/23/2019

Fee paid \$1,140.00 Date 12/23/19 Received by KT Receipt # W047947

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

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

IDAHO Department of Water Resources



WATER RIGHT REPORT

12/11/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-2839

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH RD CALDWELL, ID 83607 2084845489

Priority Date: 09/14/1955

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	1.35 CFS	355.5 AFA
Total Diversion			1.35 CFS	355.5 AFA

Location of Point(s) of Diversion:

GROUND WATER	NWSWSW	Sec. 09	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NESE	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County

IRRIGATION Use:

Acre Limit: 79

Place(s) of use:

83814

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	8		SWSE	40		SESE	40						
		9		SWSW	40		SESW	39						
				SWSE	32									
		16		NENE	38		NWNE	37		SWNE	40		SENE	39
				NENW	39		NWNW	40		SWNW	40		SENW	40
				NESW	40		NWSW	28		SWSW	32		SESW	37
				NESE	39		NWSE	20		SWSE	30		SESE	40
		17		NENE	18		NWNE	36		SWNE	26		SENE	15

Total Acres: 865

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. T19 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.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. X27 This right is limited to the irrigation of 79 acres within the place of use described above in a single irrigation season.
6. X35 Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.
7. Rights 63-2839 and 63-29025 when combined shall not exceed a total diversion rate of 1.35 cfs.
8. K01 Right 63-29025 is an enlargement of Right 63-2839 pursuant to Section 42-1426, Idaho Code.
9. 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 place of use.
10. F06 The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.

Dates:

Licensed Date:

83814

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: S

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 1.35

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: N

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

State of Idaho
Department of Water Resources






Water Right
63-2839

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

03W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.225 0.45 0.9 Miles



IDAHO Department of Water Resources



WATER RIGHT REPORT

12/11/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-3329

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH RD CALDWELL, ID 83607 2084845489
Representative	DARWIN VANDER STELT 16931 STAR RD NAMPA, ID 83687 2084659496

Priority Date: 02/16/1963

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	04/01	10/31	2.06 CFS	738 AFA
Total Diversion			2.06 CFS	738 AFA

Location of Point(s) of Diversion:

GROUND WATER	NWSWSW	Sec. 09	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NESE	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County

83814

IRRIGATION Use:

Acre Limit: 164

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	8		SWSE	40		SESE	40						
		9		SWSW	40		SESW	39						
				SWSE	32									
		16		NENE	38		NWNE	37		SWNE	40		SENE	39
				NENW	39		NWNW	40		SWNW	40		SENW	40
				NESW	40		NWSW	28		SWSW	32		SESW	37
				NESE	39		NWSE	20		SWSE	30		SESE	40
		17		NENE	18		NWNE	36		SWNE	26		SENE	15

Total Acres: 865

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. T19 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.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2009.
6. X27 This right is limited to the irrigation of 164 acres within the place of use described above in a single irrigation season.
7. 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 place of use.
8. X35 Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.

9. Rights 63-3329, 63-8253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1085.0 af at the field headgate for the irrigation of 241 acres.
10. Rights 63-3329 and 63-8253 when combined shall not exceed the irrigation of 164 acres.
11. F06 The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.

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: S

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit: 241

Combined Volume Limit: 1085

Combined Rate Limit: 3.22

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: N

Swan Falls Dismissed:

DLE Act Number:

83814

State of Idaho
Department of Water Resources






Water Right
63-3329

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

03W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.225 0.45 0.9 Miles



IDAHO Department of Water Resources



WATER RIGHT REPORT

12/11/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-3366

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH RD CALDWELL, ID 83607 2084845489

Priority Date: 08/26/1963

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	2.09 CFS	649.4 AFA
STOCKWATER	01/01	12/31	0.22 CFS	56.5 AFA
COMMERCIAL	01/01	12/31	0.22 CFS	14.1 AFA
Total Diversion			2.09 CFS	720 AFA

Location of Point(s) of Diversion:

GROUND WATER	NWSWSW	Sec. 09	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NESE	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County

IRRIGATION Use:

Acre Limit: 144.3

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	8		SWSE	40		SESE	40						
		9		SWSW	40		SESW	39						
				SWSE	32									
		16		NENE	38		NWNE	37		SWNE	40		SENE	39
				NENW	39		NWNW	40		SWNW	40		SENW	40
				NESW	40		NWSW	28		SWSW	32		SESW	37
				NESE	39		NWSE	20		SWSE	30		SESE	40
		17		NENE	18		NWNE	36		SWNE	26		SENE	15

Place of Use Legal Description: STOCKWATER CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	17		NENE			NWNE			SWNE			SENE	

Place of Use Legal Description: COMMERCIAL CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	17		NENE			NWNE			SWNE			SENE	

Total Acres: 865

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. T19 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.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
7. X27 This right is limited to the irrigation of 144.3 acres within the place of use described above in a single irrigation season.

8. Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.
9. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
10. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.
11. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.
12. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/7/2009.
13. X35 Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.
14. 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 place of use.
15. F06 The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.
16. Commercial use is for a dairy barn.

Dates:

Licensed Date:

Decreed Date: 05/07/2009

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: S

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit: 428

Combined Volume Limit: 1838.2

Combined Rate Limit: 4.41

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: N

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

State of Idaho
Department of Water Resources

Water Right
63-3366

COMMERCIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.225 0.45 0.9 Miles



State of Idaho
Department of Water Resources

Water Right
63-3366

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

03W



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.225 0.45 0.9 Miles



State of Idaho
Department of Water Resources






Water Right
63-3366

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

03W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.225 0.45 0.9 Miles



IDAHO Department of Water Resources



WATER RIGHT REPORT

12/11/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-3396

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH RD CALDWELL, ID 83607 2084845489

Priority Date: 12/13/1963

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	1.2 CFS	243.4 AFA
STOCKWATER	01/01	12/31	0.08 CFS	21.3 AFA
COMMERCIAL	01/01	12/31	0.08 CFS	5.3 AFA
Total Diversion			1.2 CFS	270 AFA

Location of Point(s) of Diversion:

GROUND WATER	NWSWSW	Sec. 09	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NESE	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County

IRRIGATION Use:

Acre Limit: 54.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	8		SWSE	40		SESE	40						
		9		SWSW	40		SESW	39						
				SWSE	32									
		16		NENE	38		NWNE	37		SWNE	40		SENE	39
				NENW	39		NWNW	40		SWNW	40		SENW	40
				NESW	40		NWSW	28		SWSW	32		SESW	37
				NESE	39		NWSE	20		SWSE	30		SESE	40
		17		NENE	18		NWNE	36		SWNE	26		SENE	15

Place of Use Legal Description: STOCKWATER CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	17		NENE			NWNE			SWNE			SENE	

Place of Use Legal Description: COMMERCIAL CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	17		NENE			NWNE			SWNE			SENE	

Total Acres: 865

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. T19 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.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
7. X27 This right is limited to the irrigation of 54.1 acres within the place of use described above in a single irrigation season.

8. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
9. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.
10. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.
11. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/7/2009.
12. X35 Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.
13. 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 place of use.
14. F06 The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.
15. Commercial use is for a dairy barn.

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: S

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit: 428

Combined Volume Limit: 1838.2

Combined Rate Limit: 4.41

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: N

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

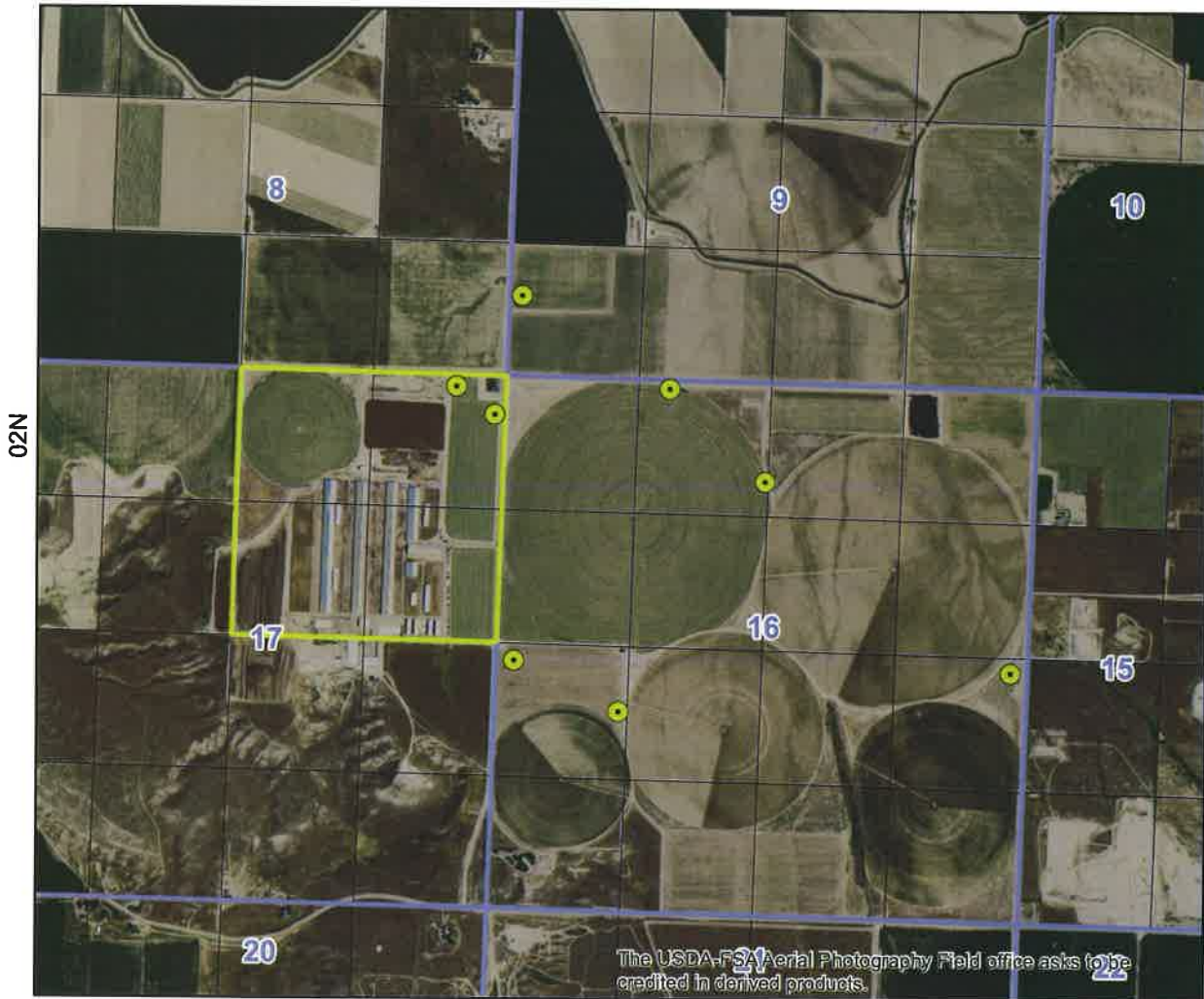
State of Idaho
Department of Water Resources

Water Right 63-3396

COMMERCIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

03W



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.225 0.45 0.9 Miles



State of Idaho
Department of Water Resources

Water Right
63-3396

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.225 0.45 0.9 Miles



State of Idaho
Department of Water Resources






Water Right 63-3396

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

03W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.225 0.45 0.9 Miles



IDAHO Department of Water Resources



WATER RIGHT REPORT

12/11/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-8232

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH RD CALDWELL, ID 83607 2084845489
Representative	DARWIN VANDER STELT 16931 STAR RD NAMPA, ID 83687 2084659496

Priority Date: 10/28/1975

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	2.73 CFS	1125.5 AFA
STOCKWATER	01/01	12/31	0.32 CFS	82.2 AFA
COMMERCIAL	01/01	12/31	0.32 CFS	20.6 AFA
Total Diversion			2.73 CFS	1228.3 AFA

Location of Point(s) of Diversion:

GROUND WATER	NWSWSW	Sec. 09	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NESE	Sec. 16	Township 02N	Range 03W	CANYON County

GROUND WATER | NENE | Sec. 17 | Township 02N | Range 03W | CANYON County

GROUND WATER | NENE | Sec. 17 | Township 02N | Range 03W | CANYON County

IRRIGATION Use:

Acre Limit: 250.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	8		SWSE	40		SESE	40						
		9		SWSW	40		SESW	39						
				SWSE	32									
		16		NENE	38		NWNE	37		SWNE	40		SENE	39
				NENW	39		NWNW	40		SWNW	40		SENW	40
				NESW	40		NWSW	28		SWSW	32		SESW	37
				NESE	39		NWSE	20		SWSE	30		SESE	40
		17		NENE	18		NWNE	36		SWNE	26		SENE	15

Place of Use Legal Description: STOCKWATER CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	17		NENE			NWNE			SWNE			SENE	

Place of Use Legal Description: COMMERCIAL CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	17		NENE			NWNE			SWNE			SENE	

Total Acres: 865

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. T19 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.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

6. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
7. X27 This right is limited to the irrigation of 250.1 acres within the place of use described above in a single irrigation season.
8. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.
9. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.
10. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/7/2009.
11. X35 Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.
12. 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 place of use.
13. F06 The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.
14. Commercial use is for a dairy barn.

Dates:

Licensed Date:

Decreed Date: 04/03/2009

Permit Proof Due Date: 12/1/1980

Permit Proof Made Date: 10/20/1980

Permit Approved Date: 12/2/1975

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: 10/28/1975

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 428

Combined Volume Limit: 1838.2

Combined Rate Limit: 4.41

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: N

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

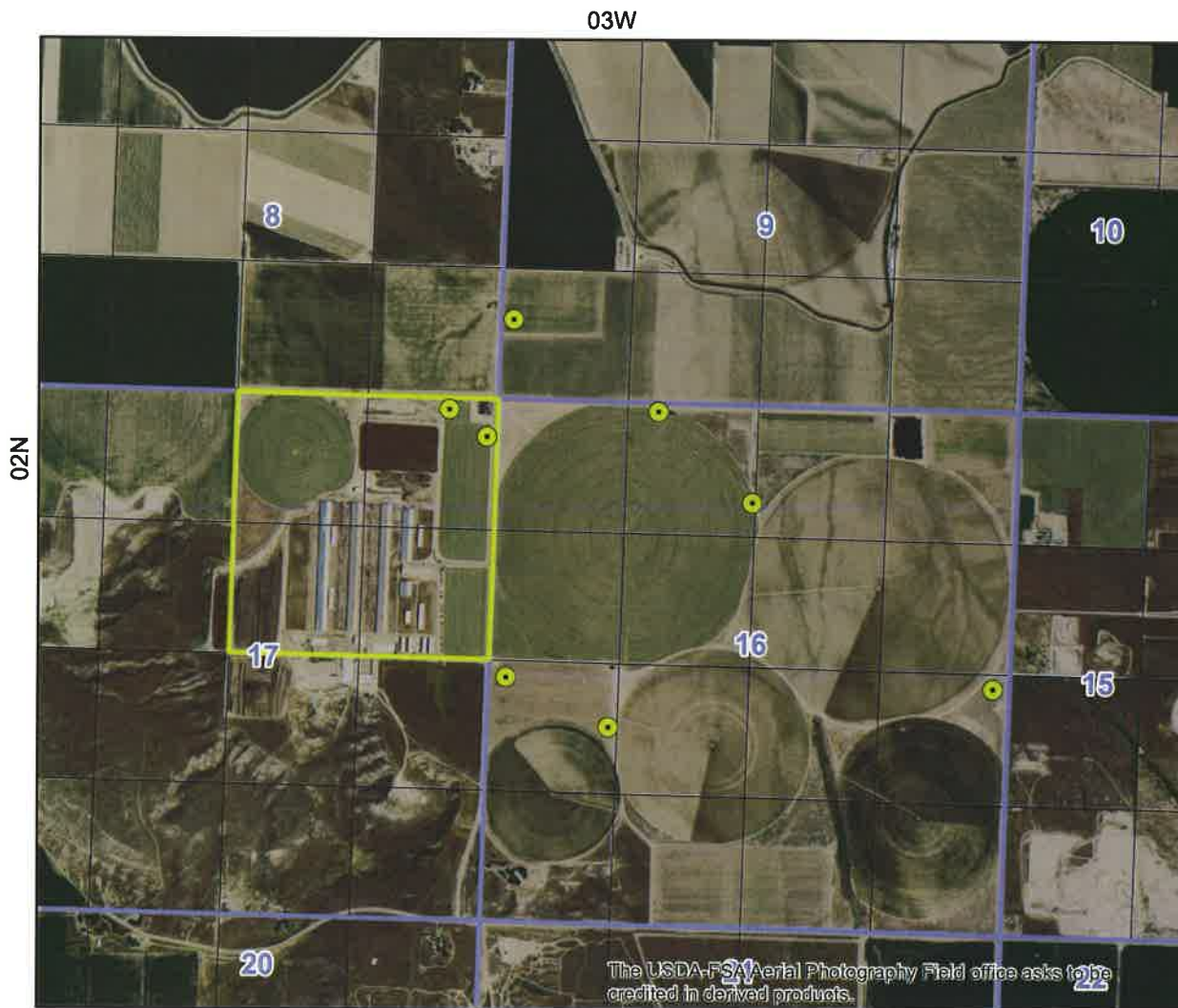
Mitigation Plan: False

State of Idaho
Department of Water Resources

Water Right 63-8232

COMMERCIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.225 0.45 0.9 Miles



State of Idaho
Department of Water Resources






Water Right
63-8232

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

03W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.225 0.45 0.9 Miles



State of Idaho
Department of Water Resources

Water Right
63-8232

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.225 0.45 0.9 Miles



IDAHO Department of Water Resources



WATER RIGHT REPORT

12/11/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-8253

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH RD CALDWELL, ID 83607 2084845489

Priority Date: 01/16/1976

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	1.16 CFS	563.7 AFA
Total Diversion			1.16 CFS	563.7 AFA

Location of Point(s) of Diversion:

GROUND WATER	NWSWSW	Sec. 09	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NESE	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County

IRRIGATION Use:

Acre Limit: 139

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	8		SWSE	40		SESE	40						
		9		SWSW	40		SESW	39						
				SWSE	32									
		16		NENE	38		NWNE	37		SWNE	40		SENE	39
				NENW	39		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	28		SWSW	32		SESW	37
				NESE	39		NWSE	20		SWSE	30		SESE	40
		17		NENE	18		NWNE	36		SWNE	26		SENE	15

Total Acres: 865

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. T19 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.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/3/2009.
6. X27 This right is limited to the irrigation of 139 acres within the place of use described above in a single irrigation season.
7. 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 place of use.
8. X35 Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.
9. Rights 63-3329, 63-8253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1085.0 af at the field headgate for the irrigation of 241 acres.
10. Rights 63-3329 and 63-8253 when combined shall not exceed the irrigation of 164 acres.

11. F06 The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.

Dates:**Licensed Date:****Decreed Date:** 04/03/2009**Permit Proof Due Date:** 2/1/1986**Permit Proof Made Date:** 10/3/1984**Permit Approved Date:** 2/24/1976**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:** 01/13/1976**Protest Deadline Date:****Number of Protests:** 0**Other Information:****State or Federal:** S**Owner Name Connector:****Water District Number:** TBD**Generic Max Rate per Acre:** 0.02**Generic Max Volume per Acre:** 4.5**Combined Acres Limit:** 241**Combined Volume Limit:** 1085**Combined Rate Limit:** 3.22**Civil Case Number:****Old Case Number:****Decree Plaintiff:****Decree Defendant:****Swan Falls Trust or Nontrust:** N**Swan Falls Dismissed:****DLE Act Number:****Cary Act Number:****Mitigation Plan:** False






State of Idaho
Department of Water Resources

Water Right
63-8253

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.225 0.45 0.9 Miles



IDAHO Department of Water Resources



WATER RIGHT REPORT

12/11/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-10268

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH RD CALDWELL, ID 83607 2084845489
Attorney	MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD ANGELA D SCHAER-KAUFMANN PO BOX 829 BOISE, ID 83701-0829 2083452000
Attorney	SCOTT L CAMPBELL CAMPBELL LAW CHTD PO BOX 170538 BOISE, ID 83717 2089490599

Priority Date: 10/03/1984

Basis: License

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	1.54 CFS	347 AFA
Total Diversion			1.54 CFS	347 AFA

Location of Point(s) of Diversion:

GROUND WATER	NWSWSW	Sec. 09	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County

GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NESE	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County

IRRIGATION Use:

Acre Limit: 77

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
02N	03W	8		SWSE	40		SESE	40						
				SWSW	40		SESW	39						
				SWSE	32									
		16		NENE	38		NWNE	37		SWNE	40		SENE	39
				NENW	39		NWNW	40		SWNW	40		SENW	40
				NESW	40		NWSW	28		SWSW	32		SESW	37
				NESE	39		NWSE	20		SWSE	30		SESE	40
				NENE	18		NWNE	36		SWNE	26		SENE	15
		17												

Total Acres: 865

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of 71280 transfer is cause for the Director to rescind approval of the transfer.
3. T19 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.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. X27 This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
6. 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 place of use.
7. X35 Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.

8. Rights 63-3329, 63-8253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1085.0 af at the field headgate for the irrigation of 241 acres.
9. F06 The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.

Dates:

Licensed Date: 02/18/2004

Decreed Date:

Permit Proof Due Date: 1/1/1990

Permit Proof Made Date: 11/27/1989

Permit Approved Date: 1/25/1985

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: 10/03/1984

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: And

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit: 241

Combined Volume Limit: 1085

Combined Rate Limit: 3.22

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: N

Swan Falls Dismissed:

DLE Act Number:






State of Idaho
Department of Water Resources

Water Right
63-10268

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.225 0.45 0.9 Miles



IDAHO Department of Water Resources



WATER RIGHT REPORT

12/11/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-29025

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH RD CALDWELL, ID 83607 2084845489

Priority Date: 08/15/1960

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	0.64 CFS	144 AFA
Total Diversion			0.64 CFS	144 AFA

Location of Point(s) of Diversion:

GROUND WATER	NWSWSW	Sec. 09	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NWSW	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NESE	Sec. 16	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County
GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County

IRRIGATION Use:

Acre Limit: 32

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	03W	8		SWSE	40		SESE	40						
		9		SWSW	40		SESW	39						
				SWSE	32									
		16		NENE	38		NWNE	37		SWNE	40		SENE	39
				NENW	39		NWNW	40		SWNW	40		SENW	40
				NESW	40		NWSW	28		SWSW	32		SESW	37
				NESE	39		NWSE	20		SWSE	30		SESE	40
		17		NENE	18		NWNE	36		SWNE	26		SENE	15

Total Acres: 865

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. T19 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.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. X27 This right is limited to the irrigation of 32 acres within the place of use described above in a single irrigation season.
6. X35 Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.
7. Rights 63-2839 and 63-29025 when combined shall not exceed a total diversion rate of 1.35 cfs.
8. K02 This right is based upon an enlargement of Right No. 63-2839 pursuant to Section 42-1426, Idaho Code.
9. 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 place of use.
10. F06 The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.

Dates:

Licensed Date:

Decreed Date: 04/29/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

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: S

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 1.35

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: N

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

State of Idaho
Department of Water Resources






Water Right
63-29025

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

03W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.225 0.45 0.9 Miles





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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 29, 2020

BERANNA DAIRY
9166 PERCH RD
CALDWELL ID 83607

Re: Transfer No: 83814

**Water Right No(s): 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253,
63-10268, 63-29025**

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft', with a stylized, flowing script.

Kensie Thorneycroft
Administrative Assistant

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83814

Water Right No(s): 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268, 63-29025

BERANNA DAIRY
9166 PERCH RD
CALDWELL ID 83607

SPF WATER ENGINEERING
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706



Kensie Thorneycroft
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 83814

FROM: Anna Kaiser

DATE: 1/6/2020

RE: Evaluation of Application

The transfer proposes to add a point of diversion to Water Rights: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268, and 63-29025. The proposed well will be located within Beranna Dairy's existing hydraulic system. The additional well will not change Beranna Dairy's current water usage rate, volume, nor location.

The well described in the proposal will be located in Canyon county, 3 miles south of Lake Lowell, directly south of W Lewis Ln., 0.3 miles west of the intersection of W Lewis Ln and Perch Rd.

Contact person for the applicant is representative Lori Graves of SPF Water Engineering located at 300 E Malad Dr., Ste. 350, Boise, ID, 83706, (208)-383-4140.

Transfer 83814 does not require legal notice.

Summary of Information Submitted

Authority to File:

The transfer application is filed in the name of Beranna Dairy. Beranna Dairy currently owns all water rights associated with Transfer 83814 as well as the property associated with the proposed well. Bernie Teunissen signed for the transfer application. Idaho Secretary of State Registry lists Mr. Teunissen as the current owner of Beranna Dairy.

Water Right Validity:

Water rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, and 63-29025 were partially decreed in 2009. Water right 63-10268 was licensed on 2/18/2004. All water rights are presumed valid since beneficial use occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff. All aforementioned water rights were involved in two transfers approved in 2005 and 2012.

Injury to Other Water Rights:

Transfer 83814 should not injure other water rights. The transfer does not propose change the quantity of water used. The proposed well exists within the South Canyon ground water area of concern so injury was taken into consideration. However, injury to local existing ground water rights is not a concern as no other ground water users exist within a ½ mile radius of the proposed well.

Enlargement of Use:

Enlargement should not occur. Transfer 83814 proposes no changes in volume, diversion rate, or irrigated acres. Drilling a new well within the immediate vicinity of Beranna Dairy's existing wells is not considered an improvement to the existing water source.

Local Public Interest:

No information suggests this transfer proposes a change inconsistent with the local public interest

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary**Water Right Overlap**

The overlap was analyzed for Transfer 83814. Beranna Dairy's water right 63-11865 was considered for overlap as it shares two quarter-quarter sections with water rights involved in the transfer. The acres do not overlap with rights involved in the transfer. The diversion rate, volume, and irrigated acre limit of the water rights involved in the transfer do not exceed department standards. (See overlap and combined use limit analysis attached.)

Water Supply Bank

Water rights 63-8232, 63-3366, and 63-3396 have been released from the water supply bank as of 4/1/2013. All other rights involved in the transfer have never been leased to the water supply bank.

Total volume combined use has been changed from 3622.7 af to 3620 af to match department standards for three significant figures. All conditioned combined use limits were rounded to three significant figures to reflect department standards.

Assuming other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Basin	Owner	Source	NENE	NWME	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESSW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	TotalAcres
02ND03W16	BERANNA DAIRY	GROUND WATER	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
	63-10268	BERANNA DAIRY	GROUND WATER	38	37	40	39	39	40	40	40	28	32	37	39	20	30	40	579
	63-2839	BERANNA DAIRY	GROUND WATER	38	37	40	39	39	40	40	40	28	32	37	39	20	30	40	579
	63-29025	BERANNA DAIRY	GROUND WATER	38	37	40	39	39	40	40	40	28	32	37	39	20	30	40	579
	63-3329	BERANNA DAIRY	GROUND WATER	38	37	40	39	39	40	40	40	28	32	37	39	20	30	40	579
	63-3366	BERANNA DAIRY	GROUND WATER	38	37	40	39	39	40	40	40	28	32	37	39	20	30	40	579
	63-3396	BERANNA DAIRY	GROUND WATER	38	37	40	39	39	40	40	40	28	32	37	39	20	30	40	579
	63-8232	BERANNA DAIRY	GROUND WATER	38	37	40	39	39	40	40	40	28	32	37	39	20	30	40	579
	63-8253	BERANNA DAIRY	GROUND WATER	38	37	40	39	39	40	40	40	28	32	37	39	20	30	40	579

[illegible][illegible]

[illegible]

02N03W9

[illegible]

total	865
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865

(as licensed/decreed)
water right no.

water right no.	cfs	af	acre limit	total acres
63-2839	1.35	355	79	865
63-3329	2.06	738	164	865
63-3366	2.09	649.4	144.3	865
63-3396	1.2	243.4	54.1	865
63-8232	2.73	1125.5	250.1	865
63-8253	1.16	563.7	139	865
63-10268	1.54	347	77	865
63-29025	0.64	144	32	865
	12.77	4166	939.5	865

(w/ combined use limits)

wr	cfs	af	acre limit	total acres
63-3396				865
63-3366				865
63-8232	4.41	1838.2	428	865
63-3329				865
63-8253				865
63-10268	3.22	1085	241	865
63-2839		355	79	865
63-29025	1.35	144	32	865
	8.98	3422.2	780	865

Department Standards Calculations:
0.02 cfs/ac x 780 =
4.5 off/ac x 780 =

15.6 cfs
3510 of

Dept Standards:

15.6 3510 780

BREAKDOWN OF COMBINED USE LIMITS CONDITIONS:

cfs	af	acre limit	cfs	af	acre limit	cfs	af	acre limit
63-3396	243.4	54.1	63-3329			63-2839	355	79
63-3366	2.09		63-8253		164	63-29025	144	32
63-8232	2.73	1594.8	63-10268	3.22	77		1.35	
	4.41	1838.2		3.22	241			

(conditioned for maximum 428 acres)

(conditioned for maximum 428 acres)

af		acre limit		af		acre limit	
63-3366				63-3329		63-2839	
63-8232	1594.8	354.4		63-8253	164	63-29025	1.35

cfs	af	CFS	AF
63-3366	2.09	63-3329	
63-3396		63-8253	3.22
		63-10268	1085



December 18, 2019

Patrick Kelly, Water Rights Supervisor
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

RECEIVED

DEC 23 2019

WATER RESOURCES
WESTERN REGION

Subject: Application for Transfer

Dear Patrick,

Enclosed on behalf of Beranna Dairy, is an *Application for Transfer* requesting authorization to add a new well to their integrated ground water system.

Check No. 21640 for \$1,140 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori Graves", is written over a light blue horizontal line.

Lori Graves
Water Rights Specialist

Cc: Bernie Teunissen

Enclosures

SPF file number: 1479.0020