

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81376**

This is to certify that: **DE RUYTER DAIRY LLC**
PO BOX 580
MARSING, ID 83639-0580

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>
57-2292	WR/DECREED	4/14/1966	0.890 cfs	269.5 af	N/A	N/A	GROUND WATER
57-7047	WR/DECREED	3/1/1971	0.560 cfs	280.1 af	N/A	301.0	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>
57-2292	NO	NO	NO	YES	NO	NO
57-7047	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>
57-2292	57-2292	0.890 cfs	269.5 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
57-7047	57-7047	0.560 cfs	280.1 af	N/A	301.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.450 cfs	N/A	N/A	N/A		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 22nd day of September, 2017.



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE #

57-2292

Transfer No. 81376

WATER RIGHT NO. 57-2292**As Modified by Transfer No. 81376**

In accordance with the approval of Transfer No. 81376, Water Right No. 57-2292 is now described as follows:

Right Holder: DE RUYTER DAIRY LLC
NICOLAAS J DE RUYTER
SUZANNE M DE RUYTER
PO BOX 580
MARSING, ID 83639-0580

Priority Date: 4/14/1966

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	0.890 cfs	151.9 af
STOCKWATER	01/01	to 12/31	0.890 cfs	117.6 af
			0.890 cfs	269.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 19 Twp 03N Rge 04W OWYHEE County
GROUND WATER	NENE	Sec 30 Twp 03N Rge 04W OWYHEE County
GROUND WATER	NENE	Sec 30 Twp 03N Rge 04W OWYHEE County
GROUND WATER	SWNE	Sec 30 Twp 03N Rge 04W OWYHEE County
GROUND WATER	NENW	Sec 30 Twp 03N Rge 04W OWYHEE County
GROUND WATER	NWSE	Sec 30 Twp 03N Rge 04W OWYHEE County
GROUND WATER	SESE	Sec 30 Twp 03N Rge 04W OWYHEE 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	
03N	04W	30	X	X			X			X									

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	
03N	04W	30	X	X			X			X									

CONDITIONS OF APPROVAL

1. Transfer no. 81376 authorizes two additional points of diversion, one in the NENE and the other in the SESE of Sec 30, Twp 03N, Rge 04W, for the stockwater and commercial uses only.
2. Rights 57-2292, 57-2335, and 57-7047 when combined shall not exceed a total diversion rate of 5.32 cfs and a total annual maximum diversion volume of 1632.0 af.

Transfer No. 81376

WATER RIGHT NO. 57-2292

As Modified by Transfer No. 81376

CONDITIONS OF APPROVAL

3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
4. Prior to the diversion and use of water under Transfer approval 81376, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. After specific notification by the Department, the right holder shall record the quantity of water diverted 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 Section 42-235, Idaho Code 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 this transfer is cause for the Director to rescind approval of the transfer.
9. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 57-7047**As Modified by Transfer No. 81376**

In accordance with the approval of Transfer No. 81376, Water Right No. 57-7047 is now described as follows:

Right Holder: DE RUYTER DAIRY LLC AND
NICOLAAS J DE RUYTER AND
SUZANNE M DE RUYTER
PO BOX 580
MARSING, ID 83639-0580

Priority Date: 3/1/1971

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	0.560 cfs	272.1 af
STOCKWATER	01/01	to 12/31	0.140 cfs	8.0 af
			0.560 cfs	280.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 19 Twp 03N Rge 04W OWYHEE County
GROUND WATER	NENE	Sec 30 Twp 03N Rge 04W OWYHEE County
GROUND WATER	NENE	Sec 30 Twp 03N Rge 04W OWYHEE County
GROUND WATER	SWNE	Sec 30 Twp 03N Rge 04W OWYHEE County
GROUND WATER	NENW	Sec 30 Twp 03N Rge 04W OWYHEE County
GROUND WATER	NWSE	Sec 30 Twp 03N Rge 04W OWYHEE County
GROUND WATER	SESE	Sec 30 Twp 03N Rge 04W OWYHEE 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	
03N	04W	19											15.0	26.0			27.0	16.0	84.0
03N	04W	30			40.0	39.0	19.0	13.0	7.0	23.0					39.0	37.0			217.0

POU Total Acres: 301.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	04W	30	X	X			X			X									

CONDITIONS OF APPROVAL

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

Transfer No. 81376

WATER RIGHT NO. 57-7047

As Modified by Transfer No. 81376

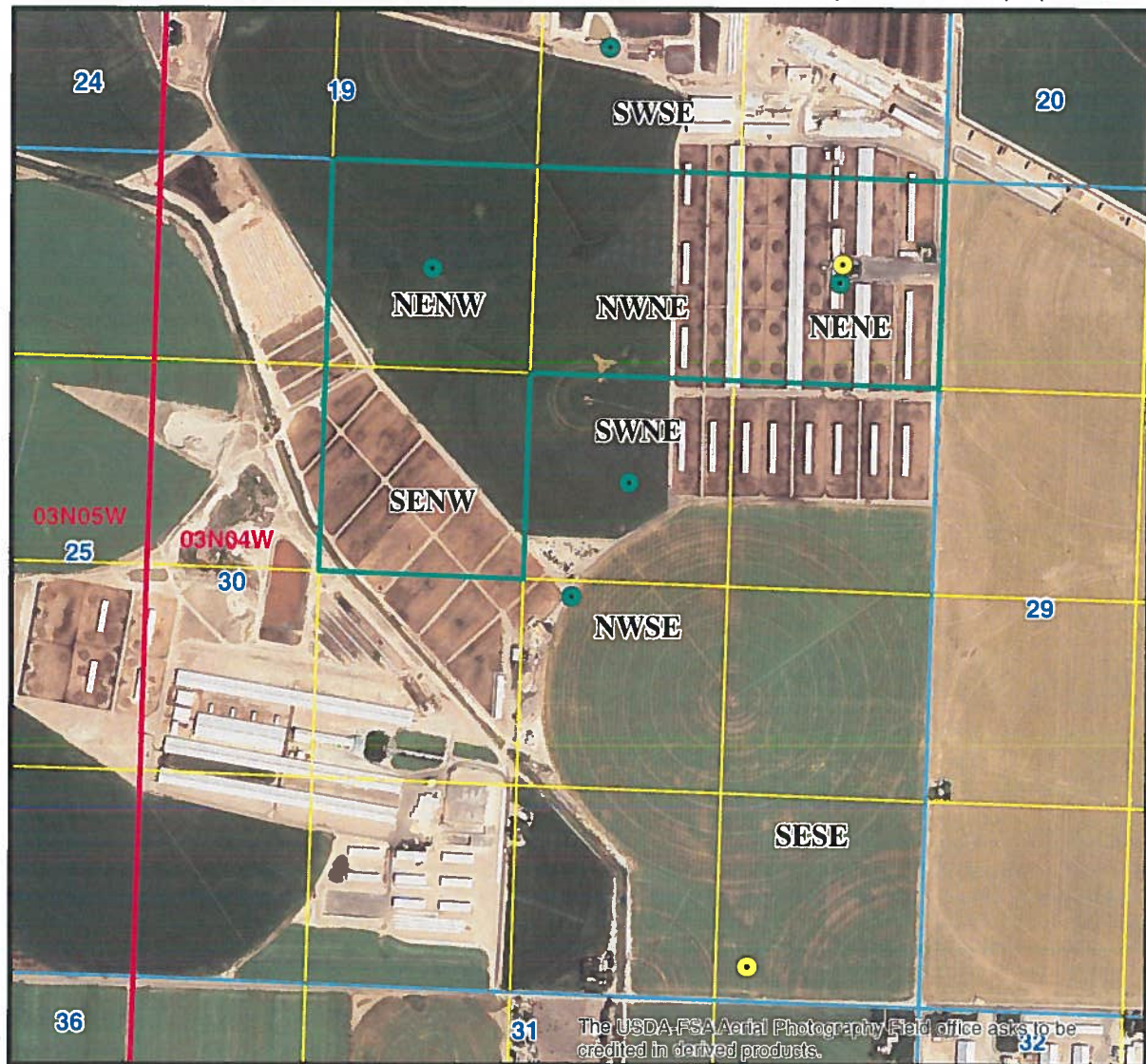
CONDITIONS OF APPROVAL

2. Rights 57-2292, 57-2335, and 57-7047 when combined shall not exceed a total diversion rate of 5.32 cfs and a total annual maximum diversion volume of 1632.0 af.
3. Rights 57-2335 and 57-7047 when combined shall not exceed a total diversion rate of 4.43 cfs, a total annual maximum diversion volume of 1362.5 af, and the irrigation of 301 acres.
4. Transfer no. 81376 authorizes two additional points of diversion, one in the NENE and the other in the SESE of Sec 30, Twp 03N, Rge 04W, for the stockwater and commercial uses only.
5. Approval of transfer no. 81376 does not confirm the validity of the irrigation portion of this water right.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 and an ending date of 11/30 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/24/2003.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. Prior to the diversion and use of water under Transfer approval 81376, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. After specific notification by the Department, the right holder shall record the quantity of water diverted 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. Use of this right is combined with water from Gem Irrigation District.
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.
14. 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 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 Transfer No. 81376

Water Right(s): 57-2292 & 57-7047

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



- Existing POD
- New/Proposed POD
- Place of Use Boundary
- Township/Range
- Sections
- QQ

0 0.325 0.65 Miles

