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SEP 08 2016
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. **81191**

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Nederend Farms, LLLP dba Nederend Dairy 1

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☒ ☐ #10 Other. Please describe: Well logs for existing wells; Attachments 10a through 10c

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Nederend Farms, LLLP dba Nederend Dairy 1 Phone 208-880-4937

Mailing address 4998 Hogg Rd, Homedale, ID 83628 Email hansnederend@aol.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative SPF Water Engineering Phone 208-383-4140

Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Hans Nederend
Print Name and Title if applicable

8-23-16
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☒ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other update water right ownership
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
Applicant wishes to (1) add up to 2 additional wells to serve an existing dairy; (2) clarify/correct the commercial place of use for land application of dairy wastewater on water right 57-7045; (3) clarify/correct the stockwater place of use on water right 57-10655; and (3) update water right ownership

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

AMENDED

WATER RESOURCES
WESTERN REGION

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	57-7045	0.61/137.3	Irrigation	3/15 to 11/15	Ground Water
☐ ☐		0.87/171.2	Stockwater	1/1 to 12/31	Ground Water
☐ ☐		1.06/186	Commercial	1/1 to 12/31	Ground Water
☒ ☐	57-10855	0.09/5.3	Stockwater	1/1 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.63 cfs and/or 499.8 acre-feet.2. Total amount of water proposed to be transferred or changed 2.63 cubic feet per second and/or 499.8 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

6/14/17

New ?	Lot	%	%	%	Sec	Twp	Rge	County	Source	Local name or tag #
y			NW	NE	31	3N	4SW	Owyhee	Ground Water	
y			NW	NE	31	3N	4SW	Owyhee	Ground Water	
n	3		NW	SW	30	3N	4SW	Owyhee	Ground Water	Log Attached
n	4		SW	SW	30	3N	4SW	Owyhee	Ground Water	Log Attached
n			SE	NE	25	3N	5W	Owyhee	Ground Water	Log Attached

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	4W	30						C	C		C	C, S	C	C			C		
													30.5						30.5
								L1	L2			L3	L4						
3N	5W	24											C	C			C		
3N	5W	25	C	C	C	C	C	C	C	C	C	C	C	C	C, S	C	C	C	
Total Acres (for irrigation use)																			30.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	57-7045	0.61/137.3	Irrigation	3/15 to 11/15	Ground Water
☐ ☐		0.87/171.2	Stockwater	1/1 to 12/31	Ground Water
☐ ☐		1.06/186	Commercial	1/1 to 12/31	Ground Water
☒ ☐	57-10655	0.09/5.3	Stockwater	1/1 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.63 cfs and/or 499.8 acre-feet.

2. Total amount of water proposed to be transferred or changed 2.63 cubic feet per second and/or 499.8 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
y			NW	NE	31	3N	5W	Owyhee	Ground Water	
y			NW	NE	31	3N	5W	Owyhee	Ground Water	
n	3		NW	SW	30	3N	5W	Owyhee	Ground Water	Log Attached
n	4		SW	SW	30	3N	5W	Owyhee	Ground Water	Log Attached
n			SE	NE	25	3N	5W	Owyhee	Ground Water	Log Attached

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	4W	30						C	C		C	C, S	C	C			C		
													30.5						30.5
								L1	L2			L3	L4						
3N	5W	24											C	C			C		
3N	5W	25	C	C	C	C	C	C	C	C	C	C	C	C	C, S	C	C	C	
Total Acres (for irrigation use)																			30.5

✶ THIS PAGE SUPERCEDED BY AMENDED PAGE 3
RECEIVED 1-4-2017.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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:

Three existing wells, up to two new wells to serve existing dairy. Measuring devices and controlling works will be accommodated per water right conditions.

- 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. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Applicants have never owned property in the W1/2NE, S30 as indicated in the ownership and documents provided for original transfer Nos. 5313 & 68994 authorizing dairy uses. Applicants wish to correct/clarify the commercial place of use listed on water right 57-7045 to reflect land they own and apply dairy wastewater. Also*
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Gem irrigation District surface water for irrigation.

- g. 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 leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 57-7045

Current Owner: NEDEREND DAIRY
Priority Date: 12/14/1970
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.61 CFS	137.3 AF
STOCKWATER	01/01 to 12/31	0.87 CFS	171.2 AF
COMMERCIAL	01/01 to 12/31	1.06 CFS	186 AF
	<u>Total Diversion</u>	2.54 CFS	494.5 AF

Location of Point(s) of Diversion

GROUND WATER	L4(SW1/4SW1/4)	Sec. 30,	Twp 03N,	Rge 04W B.M.
OWYHEE County				
GROUND WATER	SE1/4NE1/4	Sec. 25,	Twp 03N,	Rge 05W B.M.
OWYHEE County				
GROUND WATER	L3(NW1/4SW1/4)	Sec. 30,	Twp 03N,	Rge 04W B.M.
OWYHEE County				

Place of Use

IRRIGATION Within OWYHEE County

T03N R04W S30 Lot 4 SWSW 30.50

Total Acres: 30.5

STOCKWATER Within OWYHEE County

T03N R04W S30 Lot 3 NWSW T03N R05W S25 NESE

COMMERCIAL Within OWYHEE County

T03N R04W S30		NWNE	T03N R04W S30		SWNE
T03N R04W S30	Lot 3	NWSW	T03N R04W S30	Lot 4	SWSW
T03N R05W S24		SWSE	T03N R05W S25		NENE
T03N R05W S25		NENE	T03N R05W S25		NWNE
T03N R05W S25		SWNE	T03N R05W S25		SENE
T03N R05W S25		NENW	T03N R05W S25		NENW
T03N R05W S25		NWNW	T03N R05W S25		NWNW
T03N R05W S25		SWNW	T03N R05W S25		SENW
T03N R05W S25		SWSW	T03N R05W S25		SESW
T03N R05W S25		NESE	T03N R05W S25		NWSE
T03N R05W S25		SWSE	T03N R05W S25		SESE

Conditions of Approval:

1. Use and disposal of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality and the Idaho Department of Agriculture. The dairy operation authorized under this approval shall also comply with applicable county zoning and use ordinances.
2. The Department of Water Resources shall retain jurisdiction over the transfer for a period of ten (10) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards.
3. The meters installed shall have a minimum manufacturers design accuracy of +/- 2% of the meter reading and shall be installed and maintained in accordance with the manufacturers procedures to have an accuracy of at least +/- 10%. The accuracy of the meters shall be checked and calibrated when installed and at least once every three years in accordance with procedures approved by the department.
4. THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION FOR THIS RIGHT AND RIGHT NO. 57-10655 SHALL NOT EXCEED 2.63 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 499.8 AF
5. X02 STOCKWATER USE IS FOR 3,850 MILKING COWS, 800 NON-MILKING COWS, AND 2,500 HEIFERS.
6. F05 RIGHT NO.57-10655 IS ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE.
7. A water quality monitoring program shall be conducted by Nederend Dairy for a period of ten (10) years. The sampling shall include analyses of ammonia as N, nitrate, total coliform, total dissolved solids, pH, and sodium. A report of the analyses and conclusions shall be provided to the Idaho Department of Water Resources annually or as needed if significant water quality anomalies occur.

8. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
9. The meter shall record volume with a non-volatile memory (loss of electrical energy to the meter does not erase or change the reading), the totalizer shall not be capable of being reset and the totalizer shall have sufficient digits to assure rollover of the dial readings does not occur within two (2) years at the authorized flow rate.
10. THE PLACE OF COMMERCIAL USE FOR THIS RIGHT INCLUDES LAND UPON WHICH WASTEWATER MAY BE APPLIED FOR IRRIGATION PURPOSES TO SATISFY WATER QUALITY REQUIREMENTS. WATER DIVERTED UNDER THIS RIGHT SHALL NOT BE USED FOR IRRIGATION UNLESS THE WATER IS FIRST USED IN THE DAIRY AS AUTHORIZED BY THIS WATER RIGHT.
11. The wells included on transfer no. 68994 as points of diversion shall be equipped with inline flow meters. The meters shall be equipped with mechanisms that display instantaneous rate of flow and record total volume accumulated. The meters shall be read monthly, the readings recorded, and reported to IDWR on or before January 15 of the next year on department reporting forms.
12. COMMERCIAL USE IS FOR A DAIRY.
13. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN NOVEMBER 8, 2001.

Decreed Date: 2/20/2003

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 57-10655

Current Owner: HANS NEDEREND JR
Priority Date: 7/1/1930
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.09 CFS	5.3 AF
	<u>Total Diversion</u>	0.09 CFS	5.3 AF

Location of Point(s) of Diversion

GROUND WATER	L4(SW1/4SW1/4)	Sec. 30,	Twp 03N,	Rge 04W B.M.
OWYHEE County				
GROUND WATER	SE1/4NE1/4	Sec. 25,	Twp 03N,	Rge 05W B.M.
OWYHEE County				
GROUND WATER	L3(NW1/4SW1/4)	Sec. 30,	Twp 03N,	Rge 04W B.M.
OWYHEE County				

Place of Use

STOCKWATER Within OWYHEE County

T03N R05W S25	NWSW	T03N R05W S25	NESE
---------------	------	---------------	------

Conditions of Approval:

1. The meter shall record volume with a non-volatile memory (loss of electrical energy to the meter does not erase or change the reading), the totalizer shall not be capable of being reset and the totalizer shall have sufficient digits to assure rollover of the dial readings does not occur within two (2) years at the authorized flow rate.
2. The total instantaneous diversion of water from all points of diversion shall not exceed 2.63 cfs, nor a total combined annual volume of 499.8 af.
3. Failure to adhere to the conditions of approval of authorization is cause for the department to revoke transfer no. 68994. An action to revoke shall be initiated in accordance with the provisions of Section 42-350, Idaho Code or other applicable law.
4. The meters installed shall have a minimum manufacturers design accuracy of +/- 2% of the meter reading and shall be installed and maintained in accordance with the manufacturers procedures to have an accuracy of at least +/- 10%. The accuracy of the meters shall be checked and calibrated when installed and at least once every three years in accordance with procedures approved by the department.
5. A water quality monitoring program shall be conducted by Nederend Dairy for a period of ten (10) years. The sampling shall include analyses of ammonia as N, nitrate, total coliform, total dissolved solids, pH, and sodium. A report of the analyses and conclusions shall be provided to the Idaho Department of Water Resources annually or as needed if significant water quality anomalies occur.
6. The Department of Water Resources shall retain jurisdiction over the transfer for a period of ten (10) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards.
7. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Use of water under these water rights is contingent upon compliance by Nederend with the Nederend Dairy Water Quality and Quantity Monitoring Plan, dated August 27, 2001.
9. The wells included on transfer no. 68994 as points of diversion shall be equipped with inline flow meters. The meters shall be equipped with mechanisms that display instantaneous rate of flow and record total volume accumulated. The meters shall be read monthly, the readings recorded, and reported to IDWR on or before January 15 of the next year on department reporting forms.
10. Use and disposal of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality and the Idaho Department of Agriculture. The dairy operation authorized under this approval shall also comply with applicable county zoning and use ordinances.
11. The department can exercise its authority to revise the frequency of measuring and reporting after notice to the permit holder.
12. X62 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.

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Decreed Date: 12/3/1996

81191

Instrument # 276539

MURPHY, OWYHEE, IDAHO

1-11-2012 01:53:07 No. of Pages: 3

Recorded for : AHRENS DEANGELI LAW GROUP, LLP

CHARLOTTE SHERBURN

Fee: 16.00

Ex-Officio Recorder Deputy

Index to: DEED, BARGAIN AND SALE

Recording Requested By And
When Recorded Mail To:

Edward D. AhrensAhrens DeAngeli Law Group LLPP.O. Box 9500Boise, Idaho 83707-9500

Bargain and Sale Deed

Hans Nederend, Jr. and Janene Nederend, Trustees of The Hans Nederend Jr. Family Trust established November 10, 1995, Grantors, for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, and convey to Nederend Farms, LLLP, an Idaho limited liability limited partnership, Grantee, whose current address is 4998 Hogg Road, Homedale, Idaho 83628, the following described real property located in Owyhee County, Idaho, more particularly described as follows, to wit:

See Exhibit "A" attached hereto and made a part hereof.

TOGETHER WITH all improvements, easements, hereditaments, and appurtenances thereto, and all tenements, reversions, remainders, rights-of-way and water rights in anywise appertaining to the property herein described.

SUBJECT TO taxes and assessments for the year 2011 and all subsequent years, and to such rights, easements, liens, encumbrances, covenants, rights-of-way, reservations, restrictions, and zoning regulations as appear of record or based upon the premises, and to any state of facts an accurate survey or inspection of the premises would show.

SCANNED
INDEXED

The Grantors execute this instrument solely in their fiduciary capacity. Any further recourse hereunder is to be only against the aforementioned trust.

IN WITNESS WHEREOF, the Grantors have executed this instrument on this 27 day of December, 2011.

The Hans Nederend Jr. Family Trust established
November 10, 1995

By: Hans Nederend Jr. co trustee
Hans Nederend, Jr., Co-Trustee

By: Janene Nederend Co-trustee
Janene Nederend, Co-Trustee

STATE OF IDAHO)
 : ss.
County of Ada)

On this 27th day of December, in the year 2011, before me, Kellie D. Kuster, a Notary Public, personally appeared Hans Nederend, Jr. and Janene Nederend, Trustees of The Hans Nederend Jr. Family Trust established November 10, 1995, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same for and on behalf of said trust.

(SEAL)



Kellie D. Kuster
Notary Public for Idaho
Commission expires: 11-25-2017

Exhibit "A"

That part of the NE1/4 SW1/4 lying North of the Horstman Lateral, and that part of the NW1/4 SE1/4 lying North and East of the Horstman Lateral, all in Section 25, Township 3 North, Range 5 West, B.M., Owyhee County, Idaho

EXCEPTING THEREFROM a portion of the NW1/4 SE1/4 of Section 25, Township 3 North, Range 5 West, Boise Meridian, Owyhee County, Idaho, and more particularly described as follows:

BEGINNING at an Aluminum monument marking the Southeast corner of Section 25, Township 3 North, Range 5 West, Boise Meridian; thence along the Southerly boundary of said Section 25, which is also the centerline of Thompson Road,

North 88° 49' 02" West 1316.52 feet to a P.K. nail and washer marking the Southeast corner of the SW1/4 SE1/4 of Section 25; thence leaving said Southerly boundary and centerline, and along the Easterly boundary of the said SW1/4 SE1/4 of Section 25,

North 00° 51' 37" East 1323.33 feet to an Iron pin marking the Southeast corner of the NW1/4 SE1/4 of said Section 25, said iron pin also being the REAL POINT OF BEGINNING; thence along the Easterly boundary of said NW1/4 SE1/4 of Section 25, and continuing

North 00° 51' 37" East 498.00 feet to an iron pin; thence leaving said Easterly boundary,

South 89° 28' 55" West 112.18 feet to a point; thence

South 04° 54' 09" West 495.55 feet to a point on the Southerly boundary of the said NW1/4 SE1/4 of Section 25; thence along said Southerly boundary,

South 88° 45' 17" East 147.08 feet to the POINT OF BEGINNING.

Instrument # 276541

MURPHY, OWYHEE, IDAHO

1-11-2012 02:01:56 No. of Pages: 3

Recorded for : AHRENS DEANGELI LAW GROUP, LLP

CHARLOTTE SHERBURN

Ex-Officio Recorder Deputy Person Fee: 16.00

Index to: DEED, BARGAIN AND SALE

Recording Requested By And
When Recorded Mail To:

Edward D. AhrensAhrens DeAngeli Law Group LLPP.O. Box 9500Boise, Idaho 83707-9500

Bargain and Sale Deed

Hans Nederend, Jr. and Janene Nederend, Trustees of The Hans Nederend Jr. Family Trust established November 10, 1995, Grantors, for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, and convey to Nederend Farms, LLLP, an Idaho limited liability limited partnership, Grantee, whose current address is 4998 Hogg Road, Homedale, Idaho 83628, the following described real property located in Owyhee County, Idaho, more particularly described as follows, to wit:

See Exhibit "A" attached hereto and made a part hereof.

TOGETHER WITH all improvements, easements, hereditaments, and appurtenances thereto, and all tenements, reversions, remainders, rights-of-way and water rights in anywise appertaining to the property herein described.

SUBJECT TO taxes and assessments for the year 2011 and all subsequent years, and to such rights, easements, liens, encumbrances, covenants, rights-of-way, reservations, restrictions, and zoning regulations as appear of record or based upon the premises, and to any state of facts an accurate survey or inspection of the premises would show.

SCANNED
INDEXED

The Grantors execute this instrument solely in their fiduciary capacity. Any further recourse hereunder is to be only against the aforementioned trust.

IN WITNESS WHEREOF, the Grantors have executed this instrument on this 27 day of December, 2011.

The Hans Nederend Jr. Family Trust established
November 10, 1995

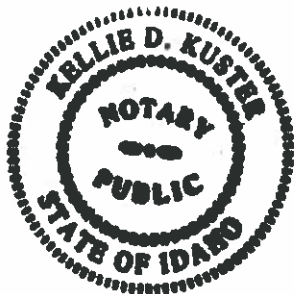
By: Hans Nederend Jr. Co-Trustee
Hans Nederend, Jr., Co-Trustee

By: Janene Nederend Co-Trustee
Janene Nederend, Co-Trustee

STATE OF IDAHO)
 : ss.
County of Ada)

On this 27th day of December, in the year 2011, before me, Kellie D. Kuster a Notary Public, personally appeared Hans Nederend, Jr. and Janene Nederend, Trustees of The Hans Nederend Jr. Family Trust established November 10, 1995, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same for and on behalf of said trust.

(SEAL)



Kellie D. Kuster
Notary Public for Idaho
Commission expires: 11-25-2017

Exhibit "A"

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER LYING WEST OF THE DRAIN IN SECTION 30, TOWNSHIP 3 NORTH, RANGE 4 WEST, BOISE MERIDIAN, OWYHEE COUNTY; EXCEPTING THEREFROM:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SOUTH QUARTER CORNER); THENCE

NORTH 89° 31' 54" EAST, A DISTANCE OF 477.16 FEET ALONG THE SOUTHERLY BOUNDARY OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER TO THE POINT OF BEGINNING; THENCE CONTINUING

NORTH 89° 31' 54" EAST, A DISTANCE OF 228.04 FEET ALONG SAID SOUTHERLY BOUNDARY TO A POINT ON A CANAL COMPANY DRAIN; THENCE

NORTH 01° 03' 13" WEST, A DISTANCE OF 269.83 FEET ALONG THE CENTERLINE OF SAID DRAIN; THENCE LEAVING THE CENTERLINE OF SAID DRAIN

NORTH 89° 13' 57" WEST, A DISTANCE OF 214.62 FEET; THENCE

SOUTH 01° 46' 02" WEST, A DISTANCE OF 274.65 FEET TO THE POINT OF BEGINNING.

Instrument # 276543

MURPHY, OWYHEE, IDAHO

1-11-2012 02:06:28 No. of Pages: 3

Recorded for : AHRENS DEANGELI LAW GROUP, LLP

CHARLOTTE SHERBURN

Fee: 16.00

Ex-Officio Recorder Deputy 

Index to: DEED, BARGAIN AND SALE

Recording Requested By And
When Recorded Mail To:

Edward D. AhrensAhrens DeAngeli Law Group LLPP.O. Box 9500Boise, Idaho 83707-9500

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See Exhibit "A" attached hereto and made a part hereof.

TOGETHER WITH all improvements, easements, hereditaments, and appurtenances thereto, and all tenements, reversions, remainders, rights-of-way and water and ditch rights in anywise appertaining to the property herein described.

SUBJECT TO taxes and assessments for the year 2011 and all subsequent years, and to such rights, easements, liens, encumbrances, covenants, rights-of-way, reservations, restrictions, and zoning regulations as appear of record or based upon the premises, and to any state of facts an accurate survey or inspection of the premises would show.

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November 10, 1995

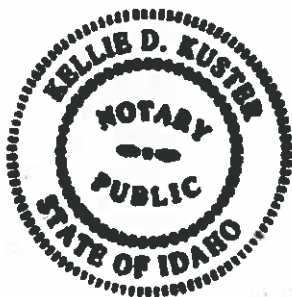
By: Hans Nederend Jr. Co-Trustee
Hans Nederend, Jr., Co-Trustee

By: Janene Nederend Co-Trustee
Janene Nederend, Co-Trustee

STATE OF IDAHO)
 : ss.
County of Ada)

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(SEAL)



Kellie D. Kuster
Notary Public for Idaho
Commission expires: 11-25-2017

Exhibit "A"

THIS PARCEL IS A PORTION OF THE SW1/4 SE1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN, OWYHEE COUNTY, IDAHO, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4 SE1/4;

THENCE 88° 48' 54" EAST ALONG THE SOUTH BOUNDARY OF SAID SW1/4 SE1/4 A DISTANCE OF 272.03 FEET;

THENCE NORTH 0° 18' 22" EAST A DISTANCE OF 202.39 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 0° 18' 22" EAST A DISTANCE OF 376.02 FEET;

THENCE SOUTH 88° 48' 54" EAST PARALLEL WITH THE SAID SOUTH BOUNDARY A DISTANCE OF 201.49 FEET;

THENCE SOUTH 0° 18' 22" WEST A DISTANCE OF 376.02 FEET;

THENCE NORTH 88° 48' 54" WEST PARALLEL WITH THE SAID SOUTH BOUNDARY A DISTANCE OF 201.49 FEET TO THE TRUE POINT OF BEGINNING.

THIS PARCEL CONTAINS 1.74 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD OR IMPLIED.

Instrument # 276546

MURPHY, OWYHEE, IDAHO

1-11-2012

02:11:52

No. of Pages: 3

Recorded for : AHRENS DEANGELI LAW GROUP, LLP

CHARLOTTE SHERBURN

Fee: 16.00

Ex-Officio Recorder Deputy

Index to: DEED, BARGAIN AND SALE

Recording Requested By And
When Recorded Mail To:

Edward D. AhrensAhrens DeAngeli Law Group LLPP.O. Box 9500Boise, Idaho 83707-9500

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By: Hans Nederend Jr. Co-Trustee
Hans Nederend, Jr., Co-Trustee

By: Janene Nederend Co-Trustee
Janene Nederend, Co-Trustee

STATE OF IDAHO)
 : ss.
County of Ada)

On this 27th day of December, in the year 2011, before me, Kellie D. Kuster, a Notary Public, personally appeared Hans Nederend, Jr. and Janene Nederend, Trustees of The Hans Nederend Jr. Family Trust established November 10, 1995, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same for and on behalf of said trust.

(SEAL)



Kellie D. Kuster
Notary Public for Idaho
Commission expires: 11-25-2017

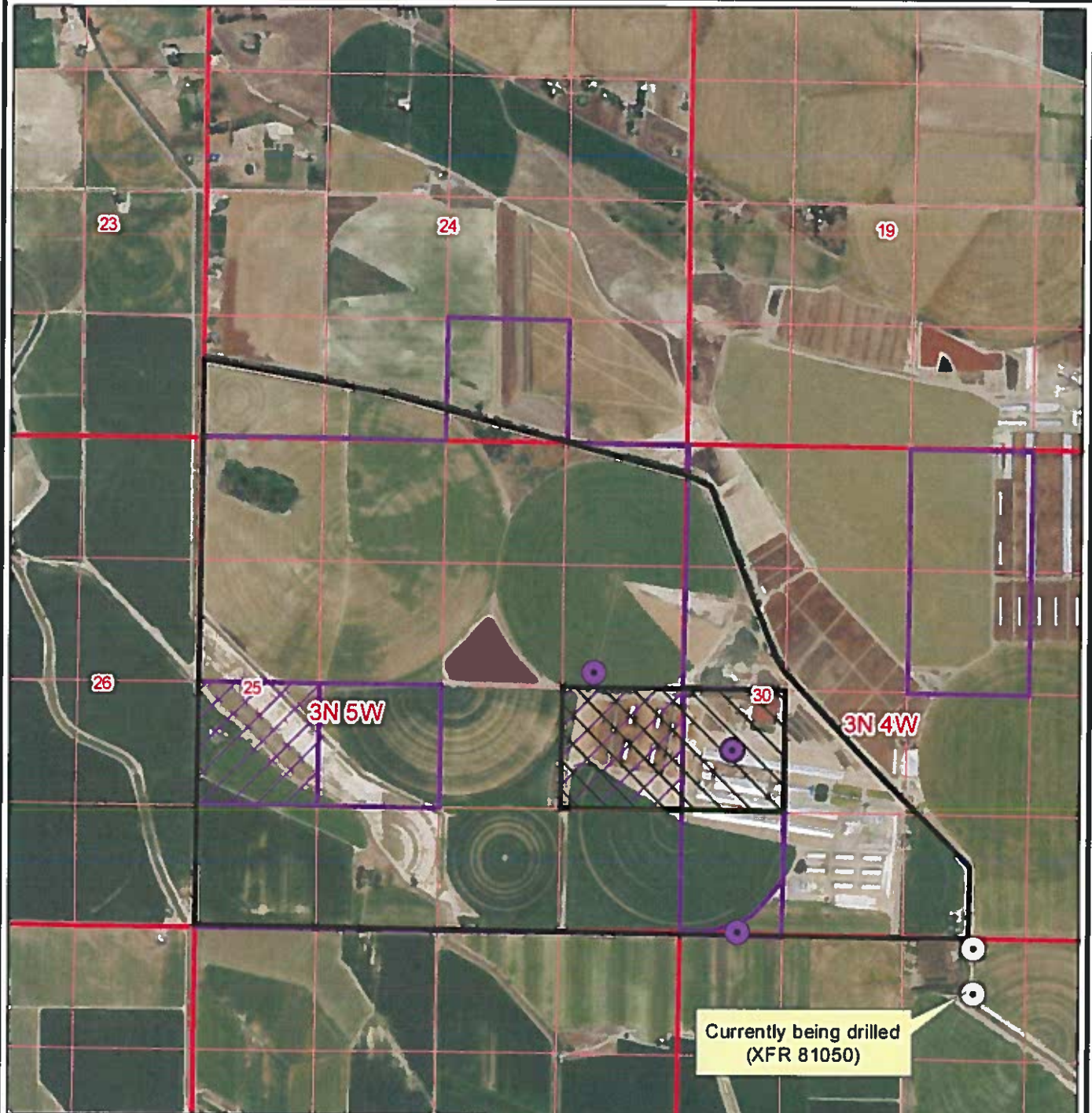
Exhibit "A"

PARCEL II:

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 25 IN TOWNSHIP 3 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN, OWYHEE COUNTY, IDAHO, AND ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 30 IN TOWNSHIP 3 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN, OWYHEE COUNTY, IDAHO, LYING SOUTH AND WEST OF THE GEM IRRIGATION DISTRICT DRAIN DITCH AS LOCATED MAY 31, 1950.

PARCEL III:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 30 IN TOWNSHIP 3 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN, OWYHEE COUNTY, IDAHO, LYING SOUTH AND WEST OF THE GEM IRRIGATION DISTRICT DRAIN DITCH AS LOCATED MARCH 24, 1952.



Currently being drilled
(XFR 81050)

Legend

-  57-7045, 57-10655 pods
-  57-7045 pou
-  57-10655 pou
-  Proposed Wells
-  Proposed Comm pou (57-7045)
-  Proposed Stockwater pou (57-10655)

Transfer Attachment 7 A & 7B



**USE TYPEWRITER OR
BALL POINT PEN**

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Department within 30 days after completion or abandonment of the work.

Location Corrected by IDWR To:

T03N R05W Sec. 25 SENE

By: segbert 2012-02-27

[illegible]

USE TYPEWRITER OR
BALL POINT PEN

State of Idaho
Department of Water Administration

Location Corrected by IDWR To:

WELL DRILLER'S REPORT

T03N R04W Sec. 30 SESWSW

State law requires that this report be filed with the State Reclamat
within 30 days after completion or abandonment of the w

By: mciscell 2012-12-27

1. WELL OWNER
Name Southern Fishbarger
Address Homedale Idaho
Owner's Permit No. 57-7045

7. WATER LEVEL
Static water level 20 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Temperature 64° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

2. NATURE OF WORK
☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

8. WELL TEST DATA
☒ Pump ☐ Bailer ☐ Other
Discharge G.P.M. 400 Draw Down 180' Hours Pumped 6

3. PROPOSED USE
☐ Domestic ☒ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

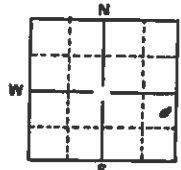
46215

4. METHOD DRILLED
☒ Cable ☐ Rotary ☐ Dug ☐ Other

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
20	0	20	SANDY CLAY BROWN		☒
16	20	35	CLAY BROWN		☒
16	35	55	SANDY GRAVEL		☒
16	55	73	CLAY BROWN		☒
16	73	75	SAND BROWN-ROCK		☒
16	75	90	CLAY BLUE		☒
16	90	96	SAND BLACK		☒
16	96	100	CLAY BLUE		☒
10	100	105	CLAY BLUE		☒
10	105	110	SAND BLACK		☒
8	110	115	CLAY BLUE		☒

5. WELL CONSTRUCTION
Diameter of hole 16" inches Total depth 544' feet
Casing schedule: ☒ Steel ☐ Concrete
Thickness 1/4" inches Diameter 16" inches From 18' feet To 84' feet
1/4" inches 8" inches 368' feet 468' feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☒ Yes ☐ No
How perforated? ☒ Factory ☐ Knife ☐ Torch
Size of perforation 3/16 inches by 2 inches
Number 4000 perforations 368' feet 468' feet
960 perforations 35' feet 55' feet
_____ perforations _____ feet _____ feet
Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal? ☒ Yes ☐ No To what depth 20 feet
Material used in seal ☐ Cement grout ☒ Pudding clay

6. LOCATION OF WELL
Sketch map location must agree with written location.

County CANYON
NE 1/4 Sec. 25, T. 3 N/R. 5 E/W

10. Work started 2-10-71 finished 3-4-71

11. DRILLER'S CERTIFICATION
This well was drilled under my supervision and this report is true to the best of my knowledge.
HOLLOWAY DRILLING CO. 53
Driller's or Firm's Name Number
ONTARIO OREGON
Address
May Holloway 3-16-71
Signed By Date

Form 238-7
7/94IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUse Typewriter
or
Ball Point Pen

94942

1. DRILLING PERMIT NO. 57-98-W-0074-000
Other IDWR No. Well log # D00078452. OWNER: WR 57-07045
Name Nederend Dairy
Address Box 202 RT 1
City Marshing State ID Zip 83635

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N		Twp. <u>3</u>		North ☒ or South ☐	
E		Rge. <u>4</u>		East ☐ or West ☒	
W		Sec. <u>30</u>		T14 N42 1/4 S42 1/4	
S		Gov't Lot		County <u>owl Bcc</u>	

10 acres

1/4 mile N Address of Well Site Thompson Rd
City Marshing N
(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☒ Other Stock

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☐ Cable ☒ Other Reverse Rotary

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Bags or Pounds	
Bentonite	0	300	49000lb	over bore

 Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____
 Was drive shoe seal tested? ☐ Y ☐ N ☐ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>14"</u>	<u>12</u>	<u>300</u>	<u>375</u>	<u>Steel</u>	☒	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

46 ft. below ground Artesian pressure _____ lb.
 Depth flow encountered _____ ft. Describe access port or control devices: well cap

11. WELL TESTS:

☒ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
<u>90 GPM</u>	<u>241</u>	<u>286</u>	<u>2 hrs</u>

Water Temp. 71 Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>26</u>	<u>0</u>	<u>10</u>	<u>Top soil</u>		☒
<u>11</u>	<u>10</u>	<u>26</u>	<u>Sand & small Gravel</u>		☒
<u>11</u>	<u>26</u>	<u>31</u>	<u>Brown clay</u>		☒
<u>11</u>	<u>31</u>	<u>55</u>	<u>Sand & Gravel</u>	☒	
<u>11</u>	<u>55</u>	<u>68</u>	<u>Brown clay</u>		☒
<u>11</u>	<u>68</u>	<u>108</u>	<u>Blue sandy clay</u>		☒
<u>11</u>	<u>108</u>	<u>148</u>	<u>Blue clay stone hard</u>		☒
<u>11</u>	<u>148</u>	<u>230</u>	<u>Blue clay</u>		☒
<u>11</u>	<u>230</u>	<u>332</u>	<u>Sand stone (hard)</u>	☒	
<u>11</u>	<u>332</u>	<u>331</u>	<u>Blue clay</u>		☒
<u>11</u>	<u>331</u>	<u>340</u>	<u>Sand stone (hard)</u>	☒	
<u>11</u>	<u>340</u>	<u>475</u>	<u>Blue clay</u>		☒
<u>11</u>	<u>475</u>	<u>488</u>	<u>Sandy clay (hard)</u>	☒	☒
<u>11</u>	<u>488</u>	<u>506</u>	<u>Blue clay</u>		☒
<u>11</u>	<u>506</u>	<u>523</u>	<u>Fine sand with clay streaks</u>	☒	
<u>11</u>	<u>523</u>	<u>520</u>	<u>Blue clay</u>		☒

RECEIVED

MICROFILMED MAR 22 1999

JUN 08 1999

Department of Water Resources

 Completed Depth 530 (Measurable)
 Date: Started 11/5/98 Completed 11/20/98

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Riverside Inc Firm No. 333Firm Official Dana Chan Date 3/15/99and Supervisor or Operator Danell Date 3/15/99

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

81191



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 12, 2017

NEDEREND FARMS LLLP
4998 HOGG RD
HOMEDALE, ID 83628

RE: Transfer No. 81191
Water Right No(s). 57-10655, 57-7045

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 1/18/2017 and 1/25/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Rachel Neely
Administrative Assistant

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

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, January 12, 2017 10:20 AM
To: 'Jennifer Stutheit'
Subject: Owyhee Legal Ads
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 1/18/17 & 1/25/17.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

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

January 12, 2017

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application for Permit No. 55-13929
 Application for Permit No. 57-11885
 Application for Transfer No. 81191,
 Water Right No(s): 57-10655, 57-7045

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/6/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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

55-13929

BILL WILLARD
RORRIE WILLARD
PO BOX 2312
NYSSA, OR 97913

Points of Diversion L3(NWNENW) L9(NENWNW) S4 T05S R04W OWYHEE County Source SPRING Tributary JORDAN CREEK

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 04/01 to 10/31 0.02 CFS

Total Diversion: 0.06 CFS

Date Filed: 11/28/2016

Places of Use: DOMESTIC, IRRIGATION

T05S R04W S4 L10(NWNW)

Total Acres: 2

57-11885

HOOK LAND CO LLC
C/O CONNIE HOOK
20509 UPPER REYNOLDS CR RD
MURPHY, ID 83650

Point of Diversion L1(SESE) S36 T01N R03W OWYHEE County Source REYNOLDS CREEK Tributary SNAKE RIVER

Use: IRRIGATION 03/01 to 11/15 3 CFS

Total Diversion: 3 CFS

Date Filed: 10/3/2016

Place of Use: IRRIGATION

T01N R03W S36 L3(NESW) L3(SESW) L2(NWSE) L2(SWSE) L1(SESE)

T01S R03W S1 L2(NWNE) L3(NENW)

Total Acres: 150

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81191

NEDEREND FARMS LLLP, 4998 HOGG RD, HOMEDALE, ID 83628; has filed Application No. 81191 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-10655, 57-7045; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to add potentially two more wells and more accurately describe the existing commercial and stockwater use. Water will be used at the current place of use near the intersection of Hogg and E Thompson Rd approximately 3 miles west of Marsing.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see

www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 2/6/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/18/2017 and 1/25/2017

MEMORANDUM

TO: Transfer No. 81191
FROM: Patrick Kelly
DATE: 12/30/2016
RE: Evaluation of Application

Summary of Information Submitted

Narrative: Transfer No. 81191 proposes to add two points of diversion, amend the stockwater and commercial POU's, and change ownership to water rights 57-7045 & 57-10655. Attachment 7A & 7B clearly outlines the proposed changes.

Lori Graves of SPF Water Engineering is the representative handling the application.

Authority to File: The application was filed in the name of Nederend Farms LLLP. Ownership of the rights involved is currently in the name of Nederend Dairy and Hans Nederend Jr. The transfer application indicates an ownership change while the fee and required documents were submitted with the application. Current county taxlot data indicates Nederend Farms LLLP own property covered by the POU's.

Water Right Validity: Water rights 57-7045 & 57-10655 was decreed in 2003. Review of 2015 aerial imagery shows irrigated lands and dairy structures present associated with the POU. Forfeiture is not a concern.

Overlap Analysis: 2 new wells are being added. These wells were approved to be drilled under recent transfer 81050 for 57-2341. POU comparison finds no commercial or stockwater overlap. Irrigation overlap exists between the Gem Irrigation District and 57-7045, but that is not a concern regarding limits to the right.

Injury to Other Water Rights: None anticipated. The new points of diversion proposed have already been approved via transfer 81050. Delivery methods historically made to the place of use is not changing.

Conditions of approval applied under Transfer 5313 required COCOA and Nederend Dairy to jointly conduct a water quality monitoring program and annually report diversions for 10 years. Backfile information indicates that environmental reports were submitted to the department from 2003 through 2008. No complaints or formal actions have been taken against the rights since the latest transfer activity in 2001.

Measuring device conditions required on both rights will be maintained post transfer. It will be assumed that the 10 reporting requirements have been fulfilled and are no longer a consideration of the rights.

Conditions requiring the user to comply with DEQ, Dept of Ag and county zoning ordinances can be assume to have been complied with since the dairy has been developed for a significant period of time.

Enlargement of Use: None anticipated. Combined use limits are identified on both rights pertinent to the transfer. There are no associated rights to add. All diversions will be limited to a total rate and volume authorized by each right, including a combined use limit of 2.63 cfs and 499.8 af.

Local Public Interest: No issues identified. An announcement period will allow for the local public or any interested party to file protest.

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.



September 6, 2016

RECEIVED
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WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer; Ownership Change Notice

Dear Angie,

Enclosed on behalf of the Nederend Farms, LLLP, is a transfer application for water rights appurtenant to Nederend Dairy No. 1. Check No. 767 for \$710 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 dark ink, appearing to read "Lori Graves", is written over a light blue horizontal line.

Lori Graves
Water Rights Specialist

Cc: Hans Nederend, Jr

Enclosures

SPF file number: 842.0060