

JUL 14 2016

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

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

Check all that apply:

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

1. APPLICANT(S) Hans Nederend Jr. Family Trust Phone 208-571-60592. MAILING ADDRESS 4998 Hogg Rd City HomedaleState ID Zip 83628 Email hansthefourth@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

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

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 57-2341

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

4. TOTAL AMOUNT OF WATER transferred is 1.71 cfs cubic feet per second and/or 722.9 afa acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

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

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NW	NE	31	3N	4W	Owyhee	Ground Water	
Y			NW	NE	31	3N	4W	Owyhee	Ground Water	
N			NW	NW	32	3N	4W	Owyhee	Ground Water	0019749
N			NW	NW	32	3N	4W	Owyhee	Ground Water	0039212

JUL 20 2016

WATER RESOURCES
WESTERN REGION

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:

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

Yes No

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

If yes, describe:

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

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

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

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

Hans Nederend Jr.
 Signature of applicant or authorized agent

Hans Nederend Jr.
 Print name and title if applicable

7-14-16
 Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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

FOR DEPARTMENT USE ONLY

Transfer includes 0 pages of attachments.

Received by CJ

Date 7/14/16

* Fee paid \$580.00 Date 7/14/16

Received by CJ

Receipt # W044421

Preliminary review by P. Kelly

Date 7-21-2016

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)

* RECEIVED w/ ORIGINAL FILING - COPY OF SIGNATURE. THIS ATTENDED PAGE REC. 7/20/16
 INSERTED CONTAINS ORIGINAL SIGNATURE OF APPLICANT. -AB 7/21/16.

6. GENERAL INFORMATION

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Hans Nedereend Jr.
Signature of applicant or authorized agent

Hans Nedereend Jr.
Print name and title if applicable

7-14-16
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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FOR DEPARTMENT USE ONLY

Transfer includes 8 pages of attachments.

Received by CS

Date 7/14/16

Fee paid \$580.00

Date 7/14/16

Received by CS

Receipt # WD44421

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)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/30/2016

WATER RIGHT NO. 57-2341

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HANS NEDEREND JR FAMILY TRUST 4998 HOGG RD HOMEDALE, ID 83628
Directors Report Owner	FAIR ACRES INC PO BOX 506 HOMEDALE, ID 83628 (208)337-3528

Priority Date: 09/09/1962

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	1.14 CFS	499.5 AFA
STOCKWATER	01/01	12/31	0.57 CFS	102.4 AFA
COMMERCIAL	01/01	12/31	0.57 CFS	121 AFA
Total Diversion			1.71 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNW	Sec. 32	Township 03N	Range 04W	OWYHEE County
GROUND WATER	NWNW	Sec. 32	Township 03N	Range 04W	OWYHEE County

STOCKWATER Use:
Number of stock: 2200

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE 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>
03N	04W	31		NENE	36		NWNE	9		SENE	7			
		32		SWNW	19		SENE	36						
				NESW	4									

Place of Use Legal Description: STOCKWATER OWYHEE 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>
03N	04W	32		NWNW			SWNW							

Place of Use Legal Description: COMMERCIAL OWYHEE 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>
03N	04W	32		NENW			NWNW			SWNW			SENE	
				NESW			NWSW							

Total Acres: 111

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. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
 5. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
 6. WB4 The total instantaneous diversion of water from all points of diversion under Right 57-2341 shall not exceed 1.71 cfs, nor a total combined annual volume of 722.9 af.
 7. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
- If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any

8. 105 other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. W01 Use of this right for irrigation purposes is combined with water from Gem Irrigation District. After specific notification by the Department, the right holder shall record the quantity of water
10. 01Q diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
11. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
12. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
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 lands above.
14. WD8 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
15. 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 February 2, 2002.
16. 020 The diversion and use of water described in Transfer 71191 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

Dates:

Licensed Date:

Decreed Date: 02/07/2002

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:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Civil Case Number:

Old Case Number:

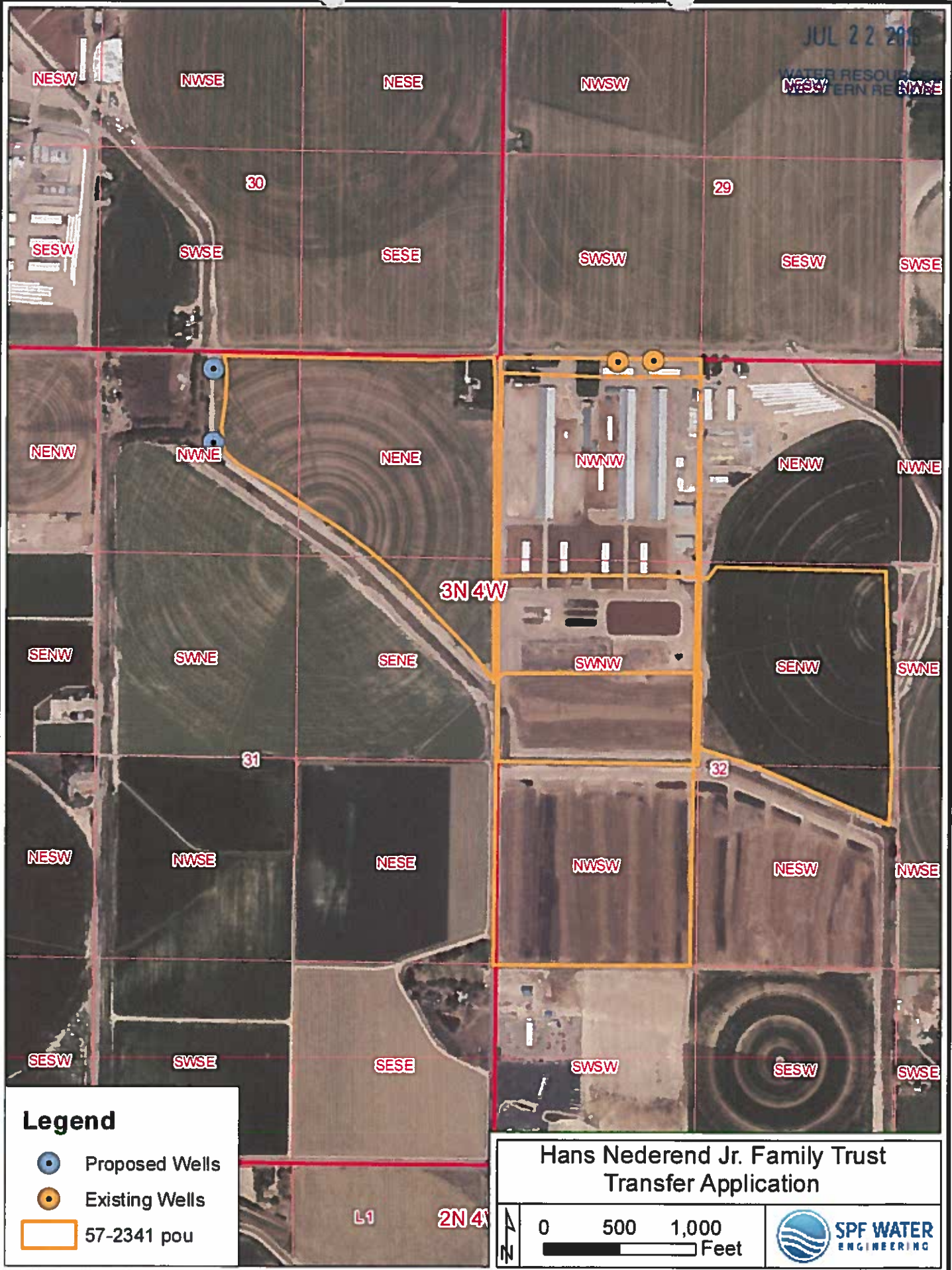
Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

JUL 22 2015

WATER RESOURCES
SOUTHERN REGION



State of Idaho
Department of Water Resources

Water Right
57-2341

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.

04W



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

0 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources

Water Right 57-2341

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.

04W



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

0 0.125 0.25 0.5 Miles



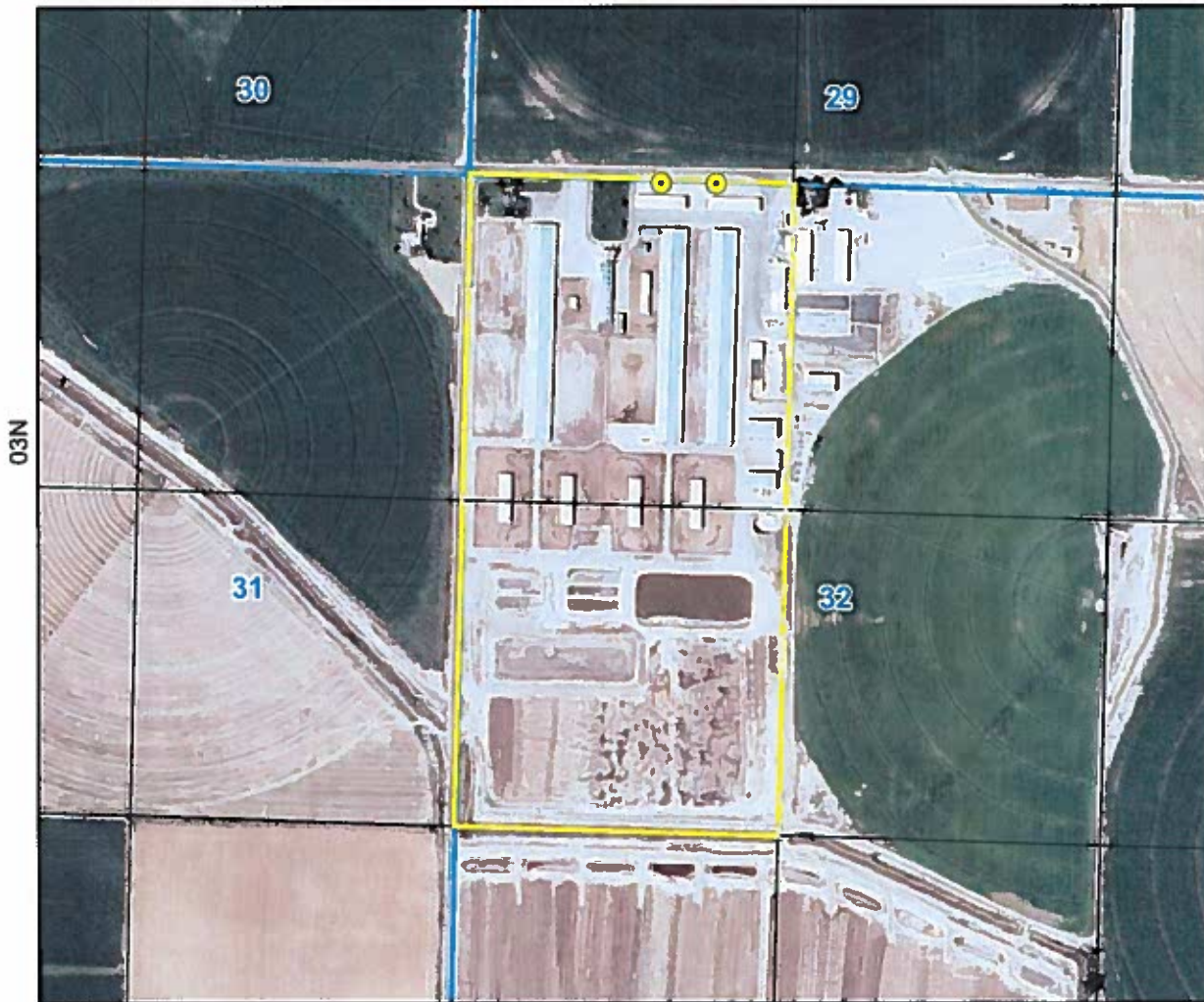
State of Idaho
Department of Water Resources

Water Right
57-2341

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.

04W



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

0 0.075 0.15 0.3 Miles



IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only		
Inspected by		
Twp	Rge	Sec
1/4	1/4	1/4
Lat:	Long:	

1. WELL TAG NO. D 0019749
 DRILLING PERMIT NO. 719348
 Other IDWR No. 57-2341

MAY - 8 2002

11. WELL TESTS:

Department of Water Resources ☐ Pump ☐ Sailer ☒ Air ☐ Flowing Artesian

Drawdown	Pumping Level	Time
140	250'	1 1/4 hr

Water Temp. 75° Bottom hole temp. _____
 Water Quality test or comments: _____

2. OWNER:

Name NEDEREND DAIRY
 Address RR1 Box 1126
 City HOMEDALE State ID Zip 83628

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

	Twp. <u>3</u>	North ☒ or South ☐
	Rge. <u>4</u>	East ☐ or West ☒
	Sec. <u>32</u>	1/4 <u>1/4</u> 1/4 <u>1/4</u> 1/4 <u>1/4</u>
	Gov't Lot _____	County <u>Owyhee</u>
Lat: _____		Long: _____

Address of Well Site BUNT ROCK +
THOMPSON Rd City HOMEDALE
 (Give at least name of road + distance to road or landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

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

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK	AMOUNT	METHOD
Material	From To Sacks or Pounds	
<u>#5 BENTONITE</u>	<u>0 20</u>	<u>13 SACKS OVER BOSS TO 104' dry pour</u>

Was drive shoe used? ☒ N Shoe Depth(s) 258'
 Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>6" +3</u>	<u>258</u>	<u>2.50</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:

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

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10"	0	1	ROAD BASE		
10"	1	3	SANDY TOP SOIL		
10"	3	20	SAND w/ SOME GRAVEL		
6"	20	27	SAND w/ SOME GRAVEL		
6"	27	44	BROWN CLAY		
	44	66	GRAVEL		
	66	66	BROWN CLAY		
	66	180	BLUE CLAY		
	180	190	BLUE CLAY w/ SAND STREAKS		
	190	205	BLUE SAND - FINE		
	205	252	BLUE CLAY		
	252	256	FINE SAND		
	256	307	BLUE CLAY		
	307	380	FINE SAND - CEMENTED		
	380	380	BLUE CLAY		
	380	380	SAND w/ SANDY SANDSTONE		
	380	415	CEMENTED SAND		
	415	416	HARD BLUE CLAY		
	416	436	CEMENTED SAND		
	436	445	BLUE CLAY		
	445	500	CEMENTED SAND		

Completed Depth 500' (Measurable)
 Date: Started 4-2-02 Completed 4-7-02

13. DRILLER'S CERTIFICATION

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

Company Name RIVERSIDE, INC Firm No. 333

Firm Official _____ Date _____
 and _____
 Driller or Operator _____ Date 5-3-02
 (Sign once as Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

833169
Office Use Only
Well ID No. 403743
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat: _____ Long: _____

1. WELL TAG NO. D 0039213
DRILLING PERMIT NO. 888464-833169
Water Right or Injection Well No. 57-2341
TRANSFER # 71191

2. OWNER:

Name NEDEREND DAIRY
Address REI BOX 1126
City HOMEDALE State ID Zip 83628

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk, Sub. or Directions to well.

Twp. 3 North ☒ or South ☐
Rge. 4 East ☐ or West ☒
Sec. 32 1/4 NW 1/4 NW 1/4
Gov't Lot _____ County OWAYNEE
Lat: _____ Long: _____
Address of Well Site BUNT ROCK + THOMPSON RD
City HOMEDALE

(Give at least name of road + Distance to Road or Landmark)

LI. _____ Blk. _____ Sub. Name N/A

4. USE:

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

5. TYPE OF WORK check all that apply

(Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☒ Other REVERSE

7. SEALING PROCEDURES

Seal Material	From	To	Weight/Volume	Seal Placement Method
1" BENTONITE	0	203	42,000	DRY POUR
1" BENTONITE	325	345	2,500	

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 259'Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
16"	+2	259	315	STEEL	☒	☐	☒	☐
8"	245	358	322	STEEL	☒	☐	☒	☐
8"	428	462	322	STEEL	☒	☐	☒	☐

Length of Headpipe 5' Length of Tailpipe _____Packer ☒ Y ☐ N Type FIGURE K

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method _____

Screen Type & Method of Installation JOHNSON WIRE WRAP

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
388	428	.030		8	S.S.	☒	☐
462	492	.030		8	S.S.	☒	☐

10. FILTER PACK

Filter Material	From	To	Weight/Volume	Placement Method
3/4" SAND #20	345	500	21,000	DRY POUR

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

55 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or control devices: _____

1 1/2" PIPE ON SIDE

12. WELL TESTS:

☒ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal/min.	Drawdown	Pumping Level	Time
<u>150</u>	<u>152</u>	<u>207</u>	<u>5 hrs</u>

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encounter _____

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
28	0	8	TOP SOIL		
	8	33	SAND, SM. GRAVEL		
	33	38	FINE SAND		
	38	43	TAN CLAY		
	43	61	SAND, GRAVEL		
	61	63	TAN CLAY		
	63	73	BROWN + BLUE CLAY		
	73	103	BLUE CLAY		
	103	106	FINE SAND w/ SAND STONE		
	106	203	BLUE CLAY		
	203	215	FINE SAND		
	215	224	BLUE CLAY		
	224	250	FINE SAND		
	250	315	BLUE CLAY		
	315	323	FINE SAND		
	323	345	BLUE CLAY		
	345	354	FINE SAND		
	354	391	BLUE CLAY w/ SAND STREAMS		
	391	428	FINE SAND w/ CLAY STREAMS		
	428	457	BLUE CLAY		
	457	492	FINE SAND w/ SM CLAY STREAMS		
	492	495	BLUE CLAY		
	495	500	BLUE CLAY		

RECEIVED

AUG 31 2005

WATER RESOURCES
WESTERN REGIONCompleted Depth 497' (Measurable)Date: Started 5-31-05 Completed 8-3-05

14. DRILLER'S CERTIFICATION

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

Company Name RIVERSIDE INC Firm No. 333Principal Driller [Signature] Date 8-30-05

Driller or Operator II _____ Date _____

Operator I [Signature] Date 8-30-05Principal Driller and Rig Operator Required
Operator I must have signature of Driller/Operator II.

81050

FORWARD WHITE COPY TO WATER RESOURCES



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

July 28, 2016

HANS NEDEREND JR FAMILY TRUST
4998 HOGG RD
HOMEDALE, ID 83628

RE: Transfer No. 81050
Water Right No. 57-2341

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 8/3/2016 and 8/10/2016. 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, July 28, 2016 8:11 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 8/3/2016 & 8/10/2016.

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

July 28, 2016

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

RE: Application for Permit No. 2-10530
Application for Transfer No. 81050,
Water Right No. 57-2341

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 8/22/2016. 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:

2-10530

DALE HURLEY

GAIL HURLEY

9048 HWY 78

MELBA, ID 83641

Point of Diversion NWSE S36 T02N R04W OWYHEE County Source SNAKE RIVER Tributary COLUMBIA RIVER

Point of Diversion L3(SWSE) S36 T02N R04W OWYHEE County Source GROUND WATER

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.03 CFS

Use: IRRIGATION FROM STORAGE 03/01 to 11/15 5 AF

Use: IRRIGATION STORAGE 03/01 to 11/15 5 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 6.6 AF

Total Diversion: 0.03 CFS 11.6 AF

Date Filed: 6/20/2016

Places of Use: WILDLIFE STORAGE, IRRIGATION STORAGE, IRRIGATION FROM STORAGE

T02N R04W S36 SWSE

Total Acres: 1

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81050

HANS NEDEREND JR FAMILY TRUST, 4998 HOGG RD, HOMEDALE, ID 83628; has filed Application No. 81050 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-2341; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. Transfer proposes to drill up to two new wells on Nederend Farms dairy land and add POD's to water right 57-2341. Changes to delivery rate, volume and use are not included in the application.

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 8/22/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/3/2016 and 8/10/2016



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

July 28, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

CITIZENS OF OWYHEE COUNTY ORGANIZED ASSN
PO BOX 463
MARSING ID 83639

Re: Application for Transfer No. 81050

Dear Interested Party:

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

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by August 22, 2016. A copy of the protest must also be sent to the applicant.

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

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures

Kelly, Patrick

From: Lori Graves [LGraves@spfwater.com]
Sent: Friday, July 22, 2016 9:45 AM
To: Kelly, Patrick
Subject: RE: Nederend Farms transfer 81050
Attachments: New Well XFR Map.pdf

Sorry the map was not included Patrick. Here you go...

From: Kelly, Patrick [<mailto:Patrick.Kelly@idwr.idaho.gov>]
Sent: Friday, July 22, 2016 9:35 AM
To: Lori Graves <LGraves@spfwater.com>
Subject: Nederend Farms transfer 81050

Hi Lori,

The transfer that was received did not identify where the two proposed wells will be located on a map. Could you speak with your client and mark where exactly they plan on drilling. Then mark the attached map and return it to me? I have this one mostly ready to go already.

Thank You!

Patrick Kelly

Water Resource Agent, Senior
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705
p: 208.334.2190
f: 208.334.2348
patrick.kelly@idwr.idaho.gov

MEMORANDUM

TO: Transfer No. 81050
FROM: Patrick Kelly
DATE: 7/21/2016
RE: Evaluation of Application

Summary of Information Submitted

Narrative: Transfer No, 80150 proposed to drill up to two new wells and add POD's to water right 57-2341. According to the transfer application, the 2 existing wells that currently serve the Nederend Farms Dairy are deteriorating and are in immediate need of system improvements. The transfer was completed on a POD 'short form' and does not propose to change or split beneficial use already described by the right.

Authority to File: The application was filed in the name of Hans Nederend Jr Family Trust which matches current ownership of water right 57-2341 and was signed by a Hans Nederend Jr. ID SOS records indicate Mr. Nederend is the registered agent to the dairy.

Water Right Validity: 57-2341 was decreed in 2002. Review of 2015 aerial imagery shows irrigated lands and commercial structures present associated with the POU. No forfeiture risk is found.

Overlap Analysis: No POU overlap is found for commercial or stockwater use. Large irrigation district water rights are found and should be in use since supplemental conditions are found on this right. No POD overlap is found. The new diversion(s) will be described under the existing dairy right.

Injury to Other Water Rights: None anticipated. The new points of diversion proposal being drilled a short distance from the existing wells. Delivery to the place of use is not changing. At the time of this review, there are no known ground water concerns in the immediate vicinity.

Enlargement of Use: None anticipated. Both all diversions will be limited to a total diversion of 1.71 cfs and annual volume of 722.9 af in accordance with right 57-2341. The transfer application indicates measuring devices are to be installed on all diversions per 57-2341 conditions of approval.

Local Public Interest: Review staff has no information to suggest this application is 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.



SPF WATER
ENGINEERING

July 18, 2016

RECEIVED

JUL 20 2016

WATER RESOURCES
WESTERN REGION

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

Subject: Application for Transfer

Dear Sonny and Angie,

As promised, enclosed on behalf of the Hans Nederend Jr. Trust, is the original signature page for the *Application for Transfer* we submitted July 14, 2016.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: John and Hans Nederend

Enclosures

SPF file number: 842.0050



SPF WATER
ENGINEERING

July 14, 2016

RECEIVED

JUL 14 2016

WATER RESOURCES
WESTERN REGION

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

Subject: Application for Transfer

Dear Sonny and Angie,

Enclosed on behalf of the Hans Nederend Jr. Trust, is an *Application for Transfer* seeking permission to add up to two more wells to water right 57-2341. Productivity in the two authorized wells has decreased to a level of emergency due to the fact that the wells serve as the primary source for an existing dairy.

Check No. 010761 for \$580 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,

Lori Graves
Water Rights Specialist

Cc: John and Hans Nederend

Enclosures

SPF file number: 842.0050