

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71280

This is to certify that: BERANNA DAIRY
9166 PERCH AVE
CALDWELL ID 83607
(208)454-7705

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-2839	AJC/License	09/14/1955	1.35 cfs	N/A	N/A	80.0	GROUND WATER
63-29025	AJC/Beneficial Use	08/15/1960	0.64 cfs	N/A	N/A	32.0	GROUND WATER
63-3329	AJC/License	02/16/1963	2.06 cfs	865.0 af	N/A	205.0	GROUND WATER
63-8253	AJC/License	01/16/1976	1.16 cfs	563.7 af	N/A	139.0	GROUND WATER
63-3366	AJC/License	08/26/1963	2.09 cfs	720.0 af	144.3	428.0	GROUND WATER
63-3396	AJC/License	12/13/1963	1.20 cfs	270.0 af	54.1	428.0	GROUND WATER
63-8232	AJC/License	10/28/1975	2.73 cfs	1228.3 af	250.1	428.0	GROUND WATER
63-10268	WR/License	10/03/1984	1.54 cfs	347.0 af	N/A	77.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-2839	NO	NO	YES	YES	NO	NO
63-29025	NO	NO	YES	YES	NO	NO
63-3329	NO	NO	YES	YES	NO	NO
63-8253	NO	NO	YES	YES	NO	NO
63-3366	NO	NO	YES	YES	NO	NO
63-3396	NO	NO	YES	YES	NO	NO
63-8232	NO	NO	YES	YES	NO	NO
63-10268	NO	NO	YES	YES	NO	NO

SUPPORT DATA

IN FILE # 63-2839

SCANNED

JAN 05 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71280

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-2839	63-2839	1.35 cfs	355.5 af	79.0	825.0		N/A	N/A	N/A	N/A
63-29025	63-29025	0.64 cfs	144.0 af	32.0	825.0		N/A	N/A	N/A	N/A
63-3329	63-3329	2.06 cfs	738.0 af	164.0	825.0		N/A	N/A	N/A	N/A
63-8253	63-8253	1.16 cfs	563.7 af	139.0	825.0		N/A	N/A	N/A	N/A
63-3366	63-3366	2.09 cfs	720.0 af	144.3	825.0		N/A	N/A	N/A	N/A
63-3396	63-3396	1.20 cfs	270.0 af	54.1	825.0		N/A	N/A	N/A	N/A
63-8232	63-8232	2.73 cfs	1228.3 af	250.1	825.0		N/A	N/A	N/A	N/A
63-10268	63-10268	1.54 cfs	347.0 af	77.0	825.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		8.98 cfs	3622.7 af	780.0	825.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of January, 20 05



Chief, Water Allocation Bureau

SCANNED

JAN 05 2005

WATER RIGHT NO. 63-10268
As Modified by Transfer No. 71280

In accordance with the approval of Transfer No. 71280, Water Right No. 63-10268 is now described as follows.

Right Holder: BERANNA DAIRY
 9166 PERCH AVE
 CALDWELL ID 83607

Priority Date: October 03, 1984

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	1.54 CFS	347.0 AF
			1.54 CFS	347.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

Total Acres: 825

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED
 JAN 11 5 2005

WATER RIGHT NO. 63-10268
As Modified by Transfer No. 71280

CONDITIONS OF APPROVAL

3. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
4. 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.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.
6. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
7. Rights 63-3329, 63-8253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1085.0 af at the field headgate for the irrigation of 241 acres.
8. 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.
9. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-08253 and 63-29025 are also diverted through the points of diversion described above.

This water right 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.

Dated this 3rd day of January, 20 05



Chief, Water Allocation Bureau

SCANNED

JAN 05 2005

WATER RIGHT NO. 63-8253
As Modified by Transfer No. 71280

In accordance with the approval of Transfer No. 71280, Water Right No. 63-8253 is now described as follows.

Right Holder: BERANNA DAIRY
 9166 PERCH AVE
 CALDWELL ID 83607

Priority Date: January 16, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.16 CFS	563.7 AF
			1.16 CFS	563.7 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

Total Acres: 825

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED

JAN 11 5 2005

WATER RIGHT NO. 63-8253
As Modified by Transfer No. 71280

CONDITIONS OF APPROVAL

3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
5. 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. The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.
7. This right is limited to the irrigation of 139 acres within the place of use described above in a single irrigation season.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. Rights 63-3329, 63-8253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1085.0 af at the field headgate for the irrigation of 241 acres.
10. Rights 63-3329 and 63-8253 when combined shall not exceed the irrigation of 164 acres.
11. 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.
12. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-10268 and 63-29025 are also diverted through the points of diversion described above.

This water right 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.

Dated this 3rd day of January, 20 05


Chief, Water Allocation Bureau

SCANNED
JAN 05 2005

WATER RIGHT NO. 63-3329
As Modified by Transfer No. 71280

In accordance with the approval of Transfer No. 71280, Water Right No. 63-3329 is now described as follows.

Right Holder: BERANNA DAIRY
 9166 PERCH AVE
 CALDWELL ID 83607

Priority Date: February 16, 1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	2.06 CFS	738.0 AF
			2.06 CFS	738.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

Total Acres: 825

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED

JAN 11 5 2005

WATER RIGHT NO. 63-3329
As Modified by Transfer No. 71280

CONDITIONS OF APPROVAL

3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. 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.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.
6. This right is limited to the irrigation of 164 acres within the place of use described above in a single irrigation season.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. Rights 63-3329, 63-8253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1085.0 af at the field headgate for the irrigation of 241 acres.
9. Rights 63-3329 and 63-8253 when combined shall not exceed the irrigation of 164 acres.
10. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
11. 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.
12. Rights 63-2839, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 are also diverted through the points of diversion described above.

This water right 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.

Dated this 3rd day of January, 20 05


Chief, Water Allocation Bureau

SCANNED

JAN 05 2005

WATER RIGHT NO. 63-2839
As Modified by Transfer No. 71280

In accordance with the approval of Transfer No. 71280, Water Right No. 63-2839 is now described as follows.

Right Holder: BERANNA DAIRY
 9166 PERCH AVE
 CALDWELL ID 83607

Priority Date: September 14, 1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	1.35 CFS	355.5 AF
			1.35 CFS	355.5 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

Total Acres: 825

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED

JAN 05 2005

WATER RIGHT NO. 63-2839
As Modified by Transfer No. 71280

CONDITIONS OF APPROVAL

3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. 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.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.
6. This right is limited to the irrigation of 79 acres within the place of use described above in a single irrigation season.
7. Rights 63-2839 and 63-29025 when combined shall not exceed a total diversion rate of 1.35 cfs.
8. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
9. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10. Right 63-29025 is an enlargement of Right 63-2839 pursuant to Section 42-1426, Idaho Code.
11. 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.
12. Rights 63-3329, 63-3366, 63-3396, 63-8232, 63-08253, 63-10268 and 63-29025 are also diverted through the points of diversion described above.

This water right 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.

Dated this 3rd day of January, 20 05


Chief, Water Allocation Bureau

SCANNED

JAN 05 2005

WATER RIGHT NO. 63-29025
As Modified by Transfer No. 71280

In accordance with the approval of Transfer No. 71280, Water Right No. 63-29025 is now described as follows.

Right Holder: BERANNA DAIRY
 9166 PERCH AVE
 CALDWELL ID 83607

Priority Date: August 15, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.64 CFS	144.0 AF
			0.64 CFS	144.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

Total Acres: 825

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED
 JAN 05 2005

WATER RIGHT NO. 63-29025
As Modified by Transfer No. 71280

CONDITIONS OF APPROVAL

3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. 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.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.
6. This right is limited to the irrigation of 32 acres within the place of use described above in a single irrigation season.
7. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
8. Right 63-29025 is an enlargement of Right 63-2839 pursuant to Section 42-1426, Idaho Code.
9. Rights 63-2839 and 63-29025 when combined shall not exceed a total diversion rate of 1.35 cfs.
10. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
11. 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.
12. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-08253 and 63-10268 are also diverted through the points of diversion described above.

This water right 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.

Dated this 3rd day of January, 20 05



Chief, Water Allocation Bureau

SCANNED
JAN 05 2005

WATER RIGHT NO. 63-8232
As Modified by Transfer No. 71280

In accordance with the approval of Transfer No. 71280, Water Right No. 63-8232 is now described as follows.

Right Holder: BERANNA DAIRY
 9166 PERCH AVE
 CALDWELL ID 83607

Priority Date: October 28, 1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	1/01 to	12/31	0.32 CFS	20.6 AF
IRRIGATION	3/15 to	11/15	2.73 CFS	1,125.5 AF
STOCKWATER	1/01 to	12/31	0.32 CFS	82.2 AF
			2.73 CFS	1,228.3 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

Total Acres: 825

PLACE OF USE: STOCKWATER

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

SCANNED

JAN 05 2005

WATER RIGHT NO. 63-8232
As Modified by Transfer No. 71280

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
02N 03W 17	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
	X	X	X	X													

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. 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.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.
6. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
7. The water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.
8. The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.
9. Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.
10. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.
11. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.

SCANNED

JAN 15 2005

WATER RIGHT NO. 63-8232
As Modified by Transfer No. 71280

CONDITIONS OF APPROVAL

12. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
13. 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.
14. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
15. This right is limited to the irrigation of 250.1 acres within the place of use described above in a single irrigation season.
16. 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 the date of this approval.
17. 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.
18. Commercial use is for a dairy barn.
19. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8253, 63-10268 and 63-29025 are also diverted through the points of diversion described above.

This water right 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.

Dated this 3rd day of January, 20 05



Chief, Water Allocation Bureau

SCANNED
JAN 05 2005

WATER RIGHT NO. 63-3396
As Modified by Transfer No. 71280

In accordance with the approval of Transfer No. 71280, Water Right No. 63-3396 is now described as follows.

Right Holder: BERANNA DAIRY
 9166 PERCH AVE
 CALDWELL ID 83607

Priority Date: December 13, 1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.08 CFS	21.3 AF
COMMERCIAL	01/01 to	12/31	0.08 CFS	5.3 AF
IRRIGATION	03/15 to	11/15	1.20 CFS	243.4 AF
			1.20 CFS	270.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

Total Acres: 825

PLACE OF USE: STOCKWATER

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

SCANNED
 JAN 11 5 2005

WATER RIGHT NO. 63-3396
As Modified by Transfer No. 71280

PLACE OF USE: COMMERCIAL

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

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. 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.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.
6. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
7. The water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.
8. The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.
9. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
10. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.
11. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.

SCANNED

JAN 11 5 2005

WATER RIGHT NO. 63-3396
As Modified by Transfer No. 71280

CONDITIONS OF APPROVAL

12. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
13. 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.
14. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
15. This right is limited to the irrigation of 54.1 acres within the place of use described above in a single irrigation season.
16. 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 the date of this approval.
17. 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.
18. Commercial use is for a dairy barn.
19. Rights 63-2839, 63-3329, 63-3366, 63-8232, 63-8253, 63-10268 and 63-29025 are also diverted through the points of diversion described above.

This water right 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.

Dated this 31st day of January, 20 05



Chief, Water Allocation Bureau

SCANNED
JAN 11 5 2005

WATER RIGHT NO. 63-3366
As Modified by Transfer No. 71280

In accordance with the approval of Transfer No. 71280, Water Right No. 63-3366 is now described as follows.

Right Holder: BERANNA DAIRY
 9166 PERCH AVE
 CALDWELL ID 83607

Priority Date: August 26, 1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to	12/31	0.22 CFS	14.1 AF
STOCKWATER	01/01 to	12/31	0.22 CFS	56.5 AF
IRRIGATION	03/15 to	11/15	2.09 CFS	649.4 AF
			2.09 CFS	720.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

Total Acres: 825

PLACE OF USE: STOCKWATER

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

SCANNED

JAN 11 5 2005

WATER RIGHT NO. 63-3366
As Modified by Transfer No. 71280

PLACE OF USE: COMMERCIAL

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

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
5. 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. The water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.
7. The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.
8. The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season.
9. Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.
10. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
11. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.

SCANNED
JAN 11 5 2005

WATER RIGHT NO. 63-3366
As Modified by Transfer No. 71280

CONDITIONS OF APPROVAL

12. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.
13. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
14. 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.
15. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
16. This right is limited to the irrigation of 144.3 acres within the place of use described above in a single irrigation season.
17. 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 the date of this approval.
18. 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.
19. Commercial use is for a dairy barn.
20. Rights 63-2839, 63-3329, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 are also diverted through the points of diversion described above.

This water right 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.

Dated this 3rd day of January, 20 05



Chief, Water Allocation Bureau

SCANNED
JAN 05 2005

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

Name of applicant: Beranna Dairy

RECEIVED

Phone: (208) 455-7705

JUN 11 2003

Post Office address: 9166 Perch Ave Caldwell ID DEC 22 2004
A. PURPOSE OF TRANSFER

WATER RESOURCES
WESTERN REGION

A. PURPOSE OF TRANSFER

1. XChange point of diversion ☐ Add diversion point(s) X Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes: Applicant has joined three farms wishes to create a single irrigation system for the entire farm. This is necessary to allow efficient field application of effluent. This application adds all existing POD and all existing PU to each existing water right with no new use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
<u>63-10268</u>	<u>10/03/1984</u>	<u>1.6 cfs</u>	<u>irrigation</u>	<u>03/15</u>	<u>to</u>	<u>11/15</u>
<u>63-8253</u>	<u>01/16/1976</u>	<u>1.16 / 563.7</u>	<u>irrigation</u>	<u>03/15</u>	<u>to</u>	<u>11/15</u>
<u>63-3329</u>	<u>02/16/1963</u>	<u>2.06 / 865</u>	<u>irrigation</u>	<u>04/01</u>	<u>to</u>	<u>10/31</u>
<u>63-2839</u>	<u>12/21/1950</u>	<u>1.35 cfs</u>	<u>irrigation</u>	<u>03/15</u>	<u>to</u>	<u>11/15</u>
<u>63-29025</u>	<u>08/15/1960</u>	<u>.64/</u>	<u>irrigation</u>	<u>03/15</u>	<u>to</u>	<u>11/15</u>
<u>63-8232</u>	<u>10/28/1975</u>	<u>2.73 / 1125.5</u>	<u>irrigation</u>	<u>03/15</u>	<u>to</u>	<u>11/15</u>
		<u>.32 / 82.2</u>	<u>Stockwater</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
		<u>.32 / 20.6</u>	<u>Commercial</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
<u>63-3396</u>	<u>12/13/1963</u>	<u>1.2 / 243.4</u>	<u>irrigation</u>	<u>03/15</u>	<u>to</u>	<u>11/15</u>
		<u>.08 / 21.3</u>	<u>Stockwater</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
		<u>.08 / 5.3</u>	<u>Commercial</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
<u>63-3366</u>	<u>08/26/1963</u>	<u>2.09 / 649.4</u>	<u>irrigation</u>	<u>03/15</u>	<u>to</u>	<u>11/15</u>
		<u>.22 / 56.5</u>	<u>Stockwater</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
		<u>.22 / 14.1</u>	<u>Commercial</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
<u>63-20932</u>	<u>10/01/1974</u>	<u>.07</u>	<u>Stockwater</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
		<u>.04</u>	<u>Domestic</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>

2. Total amount of water being transferred 12.83 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water **groundwater** tributary to

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local Name for diversion
	NW	SW	SW	9	T02N	R03W	Canyon	Irrigation Well 1 (IR1)
		NE	NW	16	T02N	R03W	Canyon	Irrigation Well 2 (IR2)
		NE	NW	16	T02N	R03W	Canyon	Irrigation Well 3 (IR3)
		NE	SE	16	T02N	R03W	Canyon	Irrigation Well 4 (IR4)
		NW	SW	16	T02N	R03W	Canyon	Emerg. Dairy Well & Irrig Well 5 (IR5)
		NW	SW	16	T02N	R03W	Canyon	Dairy Well 1 (D1)
		SW	SW	16	T02N	R03W	Canyon	Domestic Well (D)
		NE	NE	17	T02N	R03W	Canyon	Dairy Well 2 (D2)
		NE	NE	17	T02N	R03W	Canyon	Irrigation Well 6 (IR6)

SCANNED
JUN 09 2004 PM

71280

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

5. Lands irrigated or place of use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
63-10268																			
02N	03W	8															40		40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
																		PPU =	826
															Acres Irrigated =				80
63-8253																			
02N	03W	8															40		40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
																		PPU =	826
															Acres Irrigated =				139
63-3329																			
02N	03W	8															40		40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
																		PPU =	826
															Acres Irrigated =				204
63-2839																			
02N	03W	8															40		40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
																		PPU =	826
															Acres Irrigated =				80
63-29025																			
02N	03W	8															40		40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
																		PPU =	826
															Acres Irrigated =				32
63-8232																			
02N	03W	8															40		40
		9											40	40			32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40	579
		17	18	36	26	15													95
		17	S,C	S,C	S,C	S,C												PPU =	826
															Acres Irrigated =				2504

SCANNED
JUN 09 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

63-3396																		
02N	03W	8														40		40
		9											40	40		32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40
		17	18	36	26	15												95
		17	S,C	S,C	S,C	S,C											PPU	826
																	=	
																Acres Irrigated =		54.1
63-3366																		
02N	03W	8														40		40
		9											40	40		32		112
		16	38	37	40	39	39	40	40	40	40	28	32	37	39	20	30	40
		17	18	36	26	15												95
		17	S,C	S,C	S,C	S,C											PPU	826
																	=	
																Acres Irrigated =		144.3
63-20932																		
02N	03W	17	S,C	S,C	S,C	S,C												
		16			D													

SCANNED
JUN 09 2004

PART 1

6. General Information:

- a. Description of diversion system: **No changes or additions to the diversion system.**
- b.
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes ___ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No changes in the total number of acres irrigated.
- d. Remarks: **The dairy consists of 3 farms joined under common ownership. Liquid waste is diluted with irrigation water and land applied through the irrigation system, and this has required the connection of all three irrigation systems into a common system. By placing all points of diversion and all places of use on each water right, while respecting the permissible flows and volumes from each point of diversion, the applicant will be better able to comply with the conditions of each license, while operating the farm efficiently.**

See attachments:A. Proof of ownership and lienholder permission.**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

APPLICATION FOR TRANSFER OF WATER RIGHT**PART 2**

(Attach one copy for each right) PROOF REPORTS ATTACHED

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
 in case of _____
 dated _____ in _____ county of _____

b. License No. _____

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ X Tax Notice ☐ Warranty Deed ☐ Other

3. Source of water _____

4. Date or priority _____

5. Water is used for the following purpose:

Amount (cfs/ac-ft)					
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion

8. Lands irrigated or place of use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

9. Describe any other water right used for the same purpose as described above:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2839

WATER RIGHT NUMBER: 63-2839

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GEORGE M WALKER 12203 WALKER LAKE RD CALDWELL, ID 83605 (208)459-9107
Current Owner	BERANNA DAIRY BERNARD TEUNISSEN JR 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	BERNARD TEUNISSEN FAMILY TRUST 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	BERNARD TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000
Original Owner	SAM GROVE , ID
Original Owner	WANDA M WALKER 12203 WALKER LAKE RD CALDWELL, ID 83605 (208)459-9107
Current Owner	BERANNA DAIRY ANNA TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	JANE TEUNISSEN FAMILY TRUST 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	JANE TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Attorney	ANGELA D SCHAEER KAUFMANN MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000

SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2839

Priority Date: 09/14/1955

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

3/15 to 10/15

1.350 CFS

Total Diversion:

1.350 CFS

Location of Point(s) of Diversion

GROUND WATER

NW1/4SW1/4SW1/4

Sec. 9, Twp 02N, Rge 03W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	9											40.0	40.0					80.0

Total Acres: 80

Conditions of Approval:Remarks:

- General Ownership change by DB 2/12/2002

Comments:

SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2839

Dates and Other Information:

Claim Received Date: 3/13/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3329

WATER RIGHT NUMBER: 63-3329

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TEUNISSEN FAMILY TRUST C/O BERNARD TEUNISSEN TRUSTEE 9166 PERCH AVE CALDWELL, ID 83607
Current Owner	TEUNISSEN FAMILY TRUST C/O JANE TEUNISSEN TRUSTEE 9166 PERCH AVE CALDWELL, ID 83607
Original Owner	BERANNA DAIRY BERNARD J TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Original Owner	BERANNA DAIRY BERNARD TEUNISSEN JR 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Attorney	ANGELA D SCHAER KAUFMANN MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000
Original Owner	GEORGE R JOHNSON 16494 MARSING RD CALDWELL, ID 83605 (208)459-2701
Original Owner	BERANNA DAIRY ANNA TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Original Owner	BERANNA DAIRY JANE TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Original Owner	CHARLOTTE L JOHNSON 16494 MARSING RD CALDWELL, ID 83605 (208)459-2701
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000

SCANNED
JUN 04 2014

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3329

Priority Date: 02/16/1963

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

3/15 to 11/15

2.060 CFS

865.00 AF

Total Diversion:

2.060 CFS

865.00 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4NW1/4

Sec. 16, Twp 02N, Rge 03W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	03W	16	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							39.0			39.0	40.0			37.0		20.0	30.0		205.0

Total Acres: 205

Conditions of Approval:Remarks:

1. SEE RIGHT NO. 63-8253
Ownership changed by DB 9/5/2001
2. General SEE RIGHT NO. 63-8253
3. General Name correction by DH 10/22/2003

Comments:

SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-3329

Dates and Other Information:

Claim Received Date: 11/27/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3366

WATER RIGHT NUMBER: 63-3366

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH AVE CALDWELL, ID 83607 (208)454-7705

Priority Date: 08/26/1963

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.220 CFS	14.10 AF
STOCKWATER	01/01 to 12/31	0.220 CFS	56.50 AF
IRRIGATION	03/15 to 11/15	2.090 CFS	649.40 AF
	<u>Total Diversion:</u>	2.090 CFS	720.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NE1/4	Sec. 17, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4SE1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NE1/4	Sec. 17, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															X		
02N	03W	16	X	X	X	X					X	X			X				X

SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3366

02N 03W 17	X	X	X	X		X			
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STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 03W 8															X		
02N 03W 16	X	X	X	X						X	X		X				X
02N 03W 17	X	X	X	X				X									

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 03W 8															40.0		40.0
02N 03W 16	38.0	37.0	40.0	39.0						32.0	28.0		39.0			40.0	293.0
02N 03W 17	18.0	36.0	26.0	15.0													95.0

Total Acres: 428

Conditions of Approval:

1. The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.
2. The water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.
3. Water diverted and used for the dairy operation authorized under approved Transfer 4961, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
4. The proposed well shall be drilled in the NENE S17 T2N R3W hydrologically upgradient from the milking facility and any associated structure, lagoon, waste storage area, holding pens or any other waste producing or holding facility related to the dairy as approved by the Department of Water Resources.
5. Commercial use is for a dairy barn located in the NE S17 T2N R3W.
6. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.

SCANNED
JUN 10 9 2016

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3366

7. Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.
8. Prior to diversion of water for stockwater and commercial uses under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion for these uses.
9. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
10. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
12. 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.
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. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. 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.
16. T17 Prior to diversion of water for irrigation use under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion or enter into an agreement with the Department to determine the amount of water diverted from power records which will allow determination of the total rate of diversion for irrigation use.
17. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-3366, 63-3396 and 63-8232 shall not exceed 4.41 cfs, nor total combined annual volume of 2038.2 af for all authorized uses.
18. 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 these water rights.
19. X27 This right is limited to the irrigation of 144.3 acres within the place of use described above in a single irrigation season.
20. X35 Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af.

Remarks:

1. General Claim amended per Transfer 68964 approved 5/28/03.

Comments:

1. pskaggs 5/28/2003 3:36:11 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 68964

SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3366

Dates and Other Information:

Claim Received Date: 3/1/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.09		

Combined Water Rights:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.41	2038.2	408.5

Combined Water Rights:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	1768.2	354.4

Combined Water Rights:

Element Reviewed/Verified Dates:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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 SCANNED
 JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3396

WATER RIGHT NUMBER: 63-3396

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH AVE CALDWELL, ID 83607 (208)454-7705

Priority Date: 12/13/1963

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.080 CFS	21.30 AF
COMMERCIAL	1/01 to 12/31	0.080 CFS	5.30 AF
IRRIGATION	3/15 to 11/15	1.200 CFS	243.40 AF
	<u>Total Diversion:</u>	1.200 CFS	270.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NE1/4	Sec. 17, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4SE1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NE1/4	Sec. 17, Twp 02N, Rge 03W, B.M.
CANYON County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															X		
02N	03W	16	X	X	X	X					X	X			X			X	

SCANNED
JUN 09 2004 PK

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3396

02N 03W 17	X	X	X	X		X			
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COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															X		
02N	03W	16	X	X	X	X						X	X		X				X
02N	03W	17	X	X	X	X				X									

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															40.0		40.0
02N	03W	16	38.0	37.0	40.0	39.0					32.0	28.0		39.0				40.0	293.0
02N	03W	17	18.0	36.0	26.0	15.0													95.0

Total Acres: 428

Conditions of Approval:

1. The water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.
2. Water diverted and used for the dairy operation authorized under approved Transfer 4961, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
3. The proposed well shall be drilled in the NENE S17 T2N R3W hydrologically upgradient from the milking facility and any associated structure, lagoon, waste storage area, holding pens or any other waste producing or holding facility related to the dairy as approved by the Department of Water Resources.
4. Commercial use is for a dairy barn located in the NE S17 T2N R3W.
5. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
6. Prior to diversion of water for stockwater and commercial uses under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion for these uses.

SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3396

7. The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.
8. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
9. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
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. 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.
13. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. 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.
15. T17 Prior to diversion of water for irrigation use under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion or enter into an agreement with the Department to determine the amount of water diverted from power records which will allow determination of the total rate of diversion for irrigation use.
16. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-3366, 63-3396 and 63-8232 shall not exceed 4.41 cfs, nor total combined annual volume of 2038.2 af for all authorized uses.
17. 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 these water rights.
18. X27 This right is limited to the irrigation of 54.1 acres within the place of use described above in a single irrigation season.
19. X35 Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af.

Remarks:

1. General Claim amended per Transfer 68964 approved 5/28/03.

Comments:

1. pskaggs 5/28/2003 3:36:11 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 68964

SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3396

Dates and Other Information:

Claim Received Date: 3/1/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.09		
Combined Water Rights:		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.41	2038.2	408.5
Combined Water Rights:		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8232

WATER RIGHT NUMBER: 63-8232

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH AVE CALDWELL, ID 83607 (208)454-7705

Priority Date: 10/28/1975

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	1/01 to 12/31	0.320 CFS	20.60 AF
IRRIGATION	3/15 to 11/15	2.730 CFS	1,125.50 AF
STOCKWATER	1/01 to 12/31	0.320 CFS	82.20 AF
	<u>Total Diversion:</u>	2.730 CFS	1,228.30 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NE1/4	Sec. 17, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4SE1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NE1/4	Sec. 17, Twp 02N, Rge 03W, B.M.
CANYON County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															X		
02N	03W	16	X	X	X	X					X	X			X			X	

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JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8232

02N 03W 17	X	X	X	X		X			
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IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															40.0		40.0
02N	03W	16	38.0	37.0	40.0	39.0						32.0	28.0		39.0			40.0	293.0
02N	03W	17	18.0	36.0	26.0	15.0													95.0

Total Acres: 428

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	8															X		
02N	03W	16	X	X	X	X					X	X		X				X	
02N	03W	17	X	X	X	X			X										

Conditions of Approval:

1. The water right holder shall read the measuring devices at least monthly and record the volume readings from the meter on forms provided by the Department. The recorded diversions and year end totals shall be reported annually to the Department on forms provided by the Department prior to January 31 of the following year.
2. Water diverted and used for the dairy operation authorized under approved Transfer 4961, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
3. The proposed well shall be drilled in the NENE S17 T2N R3W hydrologically upgradient from the milking facility and any associated structure, lagoon, waste storage area, holding pens or any other waste producing or holding facility related to the dairy as approved by the Department of Water Resources.
4. Commercial use is for a dairy barn located in the NE S17 T2N R3W.
5. Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.
6. Prior to diversion of water for stockwater and commercial uses under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion for these uses.

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8232

7. The measuring devices must accumulate volume diverted, and must be constructed to prevent change of the meter reading. The meters shall also read instantaneous flow. The meters shall be calibrated when they are installed with an independent measuring device. The measuring devices must be calibrated in-line once every three years following the year of installation.
8. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
9. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
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. 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.
13. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. 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.
15. T17 Prior to diversion of water for irrigation use under this approval, the right holder shall provide a means of measurement and lockable controlling works acceptable to the Department from all authorized points of diversion or enter into an agreement with the Department to determine the amount of water diverted from power records which will allow determination of the total rate of diversion for irrigation use.
16. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-3366, 63-3396 and 63-8232 shall not exceed 4.41 cfs, nor total combined annual volume of 2038.2 af for all authorized uses.
17. 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 these water rights.
18. X27 This right is limited to the irrigation of 250.1 acres within the place of use described above in a single irrigation season.
19. X35 Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af.

Remarks:

1. General Claim amended per Transfer 68964 approved 5/28/03.

Comments:

1. pskaggs 5/28/2003 3:36:12 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 68964

SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8232

Dates and Other Information:

Claim Received Date: 3/1/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.41	2038.2	408.5

Combined Water Rights:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	1768.2	354.4

Combined Water Rights:

Element Reviewed/Verified Dates:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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SCANNED
 JUN 09 2004 *PK*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8253

WATER RIGHT NUMBER: 63-8253

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BERANNA DAIRY BERNARD J TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Original Owner	BERANNA DAIRY ANNA TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000
Original Owner	BERANNA DAIRY JANE TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Attorney	ANGELA D SCHAER KAUFMANN MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000
Original Owner	GEORGE R JOHNSON 16494 MARSING RD CALDWELL, ID 83605 (208)459-2701
Original Owner	CHARLOTTE L JOHNSON 16494 MARSING RD CALDWELL, ID 83605 (208)459-2701
Current Owner	TEUNISSEN FAMILY TRUST C/O JANE TEUNISSEN TRUSTEE 9166 PERCH AVE CALDWELL, ID 83607
Original Owner	BERANNA DAIRY BERNARD TEUNISSEN JR 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	TEUNISSEN FAMILY TRUST C/O BERNARD TEUNISSEN TRUSTEE 9166 PERCH AVE CALDWELL, ID 83607

SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8253

Priority Date: 01/16/1976

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.160 CFS	563.70 AF
	<u>Total Diversion:</u>	1.160 CFS	563.70 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4NE1/4NW1/4

Sec. 16, Twp 02N, Rge 03W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 03W 16					39.0			40.0	40.0						20.0		139.0

Total Acres: 139

Conditions of Approval:

1. R27 This right when combined with all other rights shall provide no more than 4.5 afa per acre for irrigation of the lands above.

Remarks:

1. This right when combined with all other rights shall provide no more than 4.5 afa per acre for irrigation of the lands above.
Ownership changed by DB 9/5/2001
2. This right when combined with all other rights shall provide no more than 4.5 afa per acre for irrigation of the lands above.
3. General Name correction by DH 10/22/2003

Comments:

SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8253

Dates and Other Information:

Claim Received Date: 11/27/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10268

WATER RIGHT NUMBER: 63-10268

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	BERANNA DAIRY ANNA TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Previous Owner	BERANNA DAIRY BERNARD J TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Previous Owner	BERANNA DAIRY JANE TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Original Owner	CHARLOTTE L JOHNSON 16494 MARSING RD CALDWELL, ID 83605 (208)459-2701
Original Owner	GEORGE R JOHNSON 16494 MARSING RD CALDWELL, ID 83605 (208)459-2701
Current Owner	TEUNISSEN FAMILY TRUST C/O JANE TEUNISSEN TRUSTEE 9166 PERCH AVE CALDWELL, ID 83607
Current Owner	TEUNISSEN FAMILY TRUST DTD 1-8-1990 BERNARD TEUNISSEN TTE 12350 WHITECHAPEL WY NAMPA, ID 83686-8030 (208) 442-7445
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000

Priority Date: 10/03/1984

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.540 CFS	347.00 AF
	<u>Total Diversion:</u>	1.540 CFS	347.00 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4NW1/4

Sec. 16, Twp 02N, Rge 03W, B.M.

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JUN 03 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10268

GROUND WATER
CANYON County

SE1/4NE1/4NW1/4

Sec. 16, Twp 02N, Rge 03W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	03W	16	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	77.0
							38.0	39.0											

Total Acres: 77

Conditions of Approval:

1. 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.
2. X35 Rights 63-03329, 63-08253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1660.0 af at the field headgate.
3. X36 Rights 63-03329 and 63-08253 are also diverted through the points of diversion described above.

Remarks:Comments:

1. kwalker 1/23/2004 License Request

Comment: Western Region has received an application for transfer which includes this permit. They have requested an expedited license for this reason.

2. kwalker 1/26/2004 Capacity of Wells

Comment: Rt. 63-3329 was licensed from well in NWNENW with a capacity of 2.06 cfs. Rt. 63-8253 was licensed from well in SENENW with a capacity of 1.16 cfs. Examiner recommended only 1.0 cfs for well in SENENW but I am recommending we use capacity as licensed under 63-8253. System capacity from both wells will be shown as 3.22 cfs on this license.

SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10268

Dates and Other Information:

Licensed Date: 2/18/2004

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector: And/Or

Water District Number:

Generic Max Rate Per Acre: 0.02

Generic Max Volume Per Acre: 4.5

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.22	1660	

Combined Water Rights: 63-3329 , 63-8253 , 63-10268

SCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-29025

WATER RIGHT NUMBER: 63-29025

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GEORGE M WALKER 12203 WALKER LAKE RD CALDWELL, ID 83605 (208)459-9107
Original Owner	WANDA M WALKER 12203 WALKER LAKE RD CALDWELL, ID 83605 (208)459-9107
Current Owner	JANE TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	BERNARD TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	BERNARD TEUNISSEN FAMILY TRUST 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	JANE TEUNISSEN FAMILY TRUST 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	BERANNA DAIRY ANNA TEUNISSEN 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Current Owner	BERANNA DAIRY BERNARD TEUNISSEN JR 9166 PERCH AVE CALDWELL, ID 83607 (208)455-7705
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000
Attorney	ANGELA D SCHAEER KAUFMANN MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000

Priority Date: 08/15/1960

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual VolumeSCANNED
JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-29025

Total Diversion: 0.640 CFSLocation of Point(s) of Diversion

GROUND WATER NW1/4SW1/4SW1/4 Sec. 9, Twp 02N, Rge 03W, B.M.
CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	9															32.0		32.0

Total Acres: 32

Conditions of Approval:Remarks:

- General EXPANSION OF RIGHT 63-2839, BUT IS NOT IN VIOLATION OF THE MANDATORY PERMIT STATUTE.

Comments:Dates and Other Information:

Claim Received Date: 3/13/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND/OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:Status

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier
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Verification Log:

Element	Date Time Stamp	Reviewer	Log text
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JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-29025

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JUN 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-20932 V1

WATER RIGHT NUMBER: 63-20932 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN R JOHNSON 9168 PERCH LN CALDWELL, ID 83605 (208)459-7893
Current Owner	CATHERINE JOHNSON 9168 PERCH LN CALDWELL, ID 83605 (208)459-7893

Priority Date: 10/01/1971

Basis: Beneficial Use

Status: Closed

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.070 CFS	
<u>Total Diversion:</u>		0.110 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SW1/4	Sec. 16, Twp 02N, Rge 03W, B.M.
CANYON County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	16												X					

STOCKWATER

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

Conditions of Approval:

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JUN 11 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-20932 V1

1. 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.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory STOCKWATER, 300 RANGE CATTLE PARCEL NO. 1R30130-010-0

Comments:Dates and Other Information:

Decreed Date: 3/24/2000
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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SCANNED
 JUN 09 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non use? ☒ No If yes, describe:

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*

1.

Amount (cfs/ac-ft)						
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion

3. Lands irrigated or place of use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

C. Description of unchanged portion of right

1.

Amount (cfs/ac-ft)						
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion

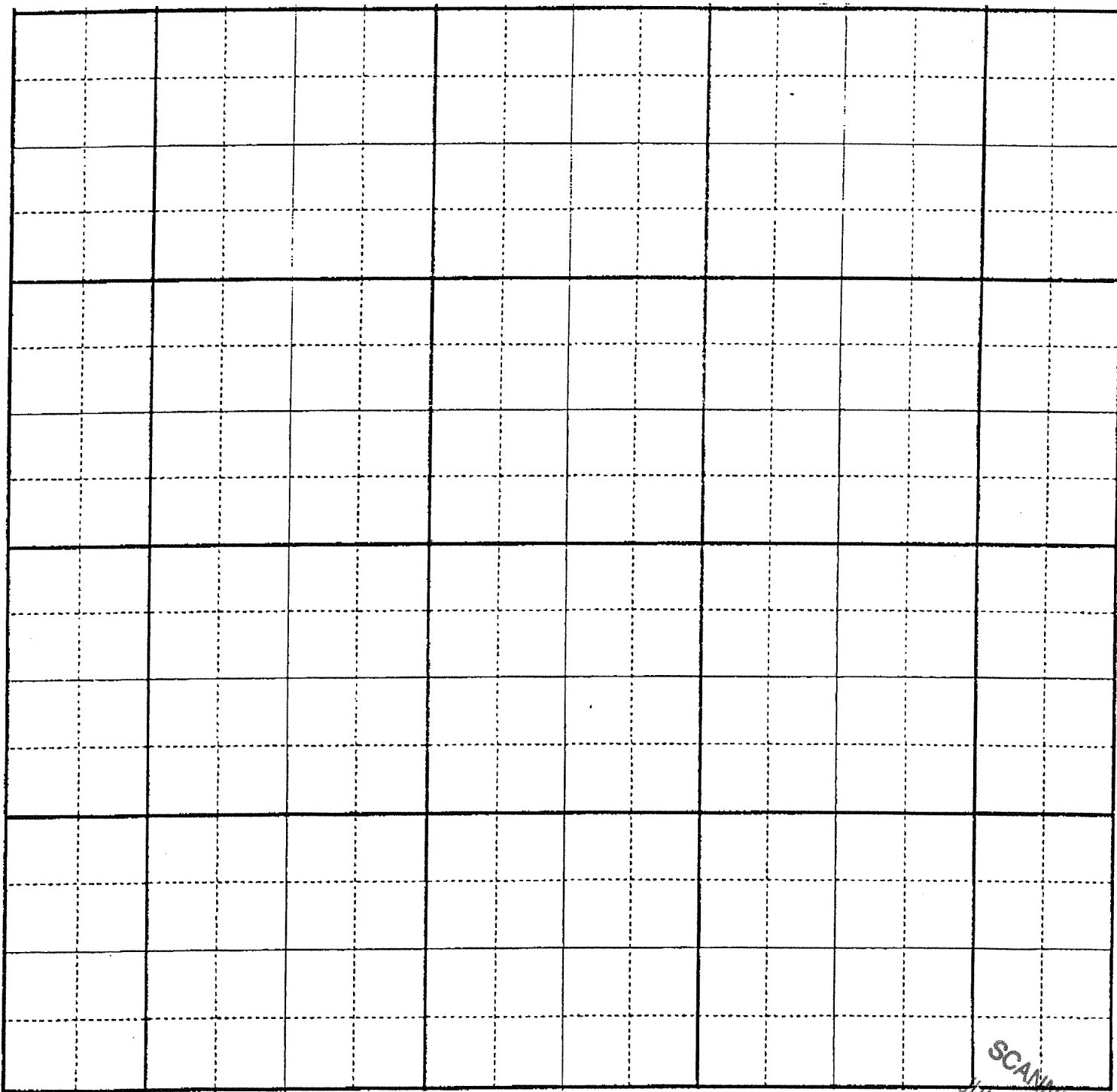
3. Lands irrigated or place of use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

SCANNED
JUN 09 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3 SEE ATTACHED MAP

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCANNED
JUN 11 9 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use		
				to	
				to	

2. Quantity and quality of return flows and location of discharge:

No changes

3. Describe effects on other water uses resulting from the proposed change:

None.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this

17th

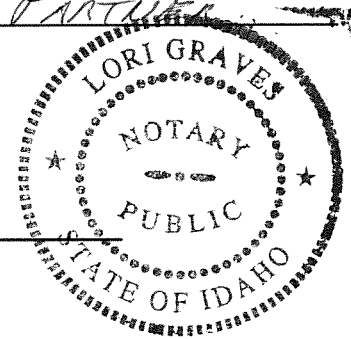
day of

June, 2003

(Notary Public)

My commission expires

6/18/04



FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachmentsReceived by lg Date 6/17/03 Protest filed by _____Prelim. check by lg Fee \$810Receipted by lg Date 6/17/03 # W030601Published in PRESS TRIBUNE Copies of protest forwarded by _____Pub. Dates 11-17 + 24-04 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

SCANNED
JUN 09 2004





1363 Fillmore Street
P.O. Box 5059
Twin Falls, Idaho 83303-5059
(208) 732-1000

August 15, 2003

Lori Graves
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RECEIVED

AUG 18 2003

WATER RESOURCES
WESTERN REGION

Re: Beranna Dairy

Dear Lori,

I have reviewed a copy of Beranna Dairy's Application For Transfer of Water Right to modify the points of diversion and places of use for the water rights appurtenant to the land on which Northwest Farm Credit Services has a mortgage. Please be advised that NWFCS consents to the changes requested in this application.

When complete, please forward a copy of the final, signed application to my attention at:

NWFCS
P.O. Box 5059
1363 Fillmore Street
Twin Falls ID 83305-5059

If you require anything further from NWFCS, please let me know. Thank you.

Sincerely,

Brian L. Parks
Vice President – Corporate Accounts

SCANNED
JUN 09 2004

State of Idaho
License and Certificate of Water Right

Water License No. 21836

Amount 1.35 c.f.s.

Water District No.

Priority December 21, 1950

THIS IS TO CERTIFY that SAM GROVE - GEORGE M. WALKER, Assignee
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 21, 1950; that Permit No. 21836
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.35 second feet, was issued thereunder on April 9, 1958, showing that said works
were completed on the 14th day of September, 1955; and that on the 14th
day of September, 1955, GEORGE M. WALKER

of Caldwell, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean, for the purpose of Irrigation and domestic
use, under Use Permit No. 21836 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page 6294, on the 9th day of April, 1958;
The right hereby confirmed dates from December 21, 1950;

The Point of Diversion is located
in the SW 1/4 SW 1/4, Sec. 9, Tp. 2 N., R. 3 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.35 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N.	3 W.	9	SE 1/4 SW 1/4 SW 1/4 SW 1/4	40 40	40 40
Total number of acres irrigated - -					80

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
9th day of April, 1958.

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)

Nº 21836

63 - 2839

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 29556

PERMIT No. 21836

DISTRICT No.

1. Name of Applicant: SAM GROVE
- Postoffice address4219 Kootenai, BoiseCounty: AdaState: Idaho
- I. If applicant is a corporation, give:
- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:
- II. The financial resources of the applicant are:
- (a) Cash on hand:
- (c) Bonds to be issued:
- (d) Other resources:
2. Quantity of water claimed: 1.60cubic feet per second.
3. Source of water supply: Subterranean flow (well)which is a tributary of
4. Location of point of diversion:feet distant from the
- corner of Section , T. , R. , B. M., and is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
- of Section 9 , T. 2 N. , R. 3 W. , B.M., County of Canyon
5. Water is to be used for Irrigation and domestic purposes.
6. If for mining, milling, power or manufacturing purposes, give:
- (a) Point of use of water:feet distant from corner of Section
- T. , R. , B.M., in the of Section , T. , R. , B.M.
- (b) Amount of power generated:H.P., underfeet head.
- (c) Water is to be returned toat a pointfeet
- distant from the corner of Section , T. , R. , B.M., in the
- of Section , T. , R. , B.M.
7. Estimated cost of works: \$ 10,000.00
8. Kind of works: Well, pump and probably sprinkling system.
9. Height of damfeet; length of dam at topfeet; length of dam at bottom
- feet; material used in dam:
10. Size of headgate: Widthfeet; heightfeet.
11. Ditch: Width at bottomfeet; width at water linefeet; depth of waterfeet;
- dimensions of flume:
- Diameter of pipeinches; length of conduitmiles.
- Average grade per milefeet.
12. The time required for the completion of such work is Five (5) years.
13. The time required for the complete application of the water to the proposed use is Six (6) additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

SAM GROVE

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3:45 P. M. December 21, 1950

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21836

Recorded in Book 78

Page 21836

Approved December 26, 1950

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before February 26, 1951 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before June 26, 1953

The whole of said work to be completed on or before December 26, 1955

Beneficial use of water appropriated in accordance herewith, to be made on or before December 26, 1961

WITNESS My hand this 26th day of December, 1950

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 26th

day of December 19 50

STATE OF IDAHO

Countersigned:

(SEAL)

By

C. A. ROBINS

By J. D. "CY" PRICE

Governor.

Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Totals
2 N.	3 W.	9			40 40		80
<u>A S S I G N M E N T</u>							
For value recieved, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 21836 to George M. Walker of RR# 4, Caldwell, Idaho. <u>SAM GROVE</u> Permit holder. <u>FERN GROVE</u> Wife of Permit Holder. State of Idaho) County of Ada) ss On this 5th day of April, 1954, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared Sam Grove & Fern Grove, known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same. In witness whereof, I have hereunto set my hand and affixed my Notorial seal, the day and year in this certificate first above written. (SEAL) <u>HOPE T. GRAHAM</u> Notary Public, residing at Boise, Idaho My commission Expires August 1, 1956 Received and filed for record in the Department of Reclamation, at Boise, Idaho, April 13, 1954. MARK R. KULP State Reclamation Engineer							

Permit No. 21836
Certificate of Completion of Works

✓
TO ALL WHOM IT MAY CONCERN:

This is to certify that GEORGE M. WALKER of Caldwell, County of Canyon, and State of Idaho, the holder Assignee of Permit No. 21836, issued upon Application No. 29556 bearing date of priority of December 21, 1950, authorizing the diversion of 1.60 second feet of waters of subterranean flow (well) County of Canyon, State of Idaho, for Irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.35 second feet of the waters of subterranean flow (well) that the point of diversion of said waters SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 2 North, Range 3 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 80 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 9, Township 2 North, Range 3 West, B.M. Proof of Completion of Works made: September 14, 1955

Witness my hand this 9th day of April, A.D. 1958

/s/ Mark R. Kulp
State Reclamation Engineer

Proof of Completion of Works made: September 14, 1955
Certificate of Completion of Works issued: April 9, 1958

LICENSE ISSUED FOR 1.35 SEC. FT.
Page 6294



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 3, 2005

BERANNA DAIRY
9166 PERCH AVE
CALDWELL ID 83607

RE: Transfer No.: 71280 - Water Rights 63-10268, 63-3329, 63-29025, 63-8232,
63-3396, 63-3366, 63-8253, 63-2839 - Transfer Approval Notice

Dear Water Right Holder:

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

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

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

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

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

SCANNED
JAN 05 2005

If you have any questions, please contact me at 208-287-4948.

Sincerely,

Camila S Skaggs

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

cc: SCOTT L CAMPBELL
ANGELA D SCHAER KAUFMANN
DARWIN VANDER STELT
ANNA TEUNISSEN
BERNARD TEUNISSEN JR
TEUNISSEN FAMILY TRUST, C/O JANE TEUNISSEN TTE
BERNARD TEUNISSEN FAMILY TRUST
BERNARD TEUNISSEN TTE

SCANNED
JAN 05 2005

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 71280

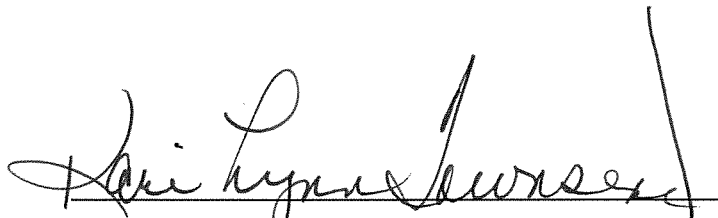
**WATER RIGHTS 63-10268, 63-3329, 63-29025, 63-8232, 63-3396, 63-3366,
63-8253, 63-2839**

**SCOTT L CAMPBELL
ANGELA D SCHAER KAUFMANN
MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD
PO BOX 829
BOISE ID 83701-0829**

**DARWIN VANDER STELT
16931 STAR RD
NAMPA ID 83687**

**BERANNA DAIRY
ANNA TEUNISSEN
BERNARD TEUNISSEN JR
TEUNISSEN FAMILY TRUST
C/O JANE TEUNISSEN TRUSTEE
BERNARD TEUNISSEN FAMILY TRUST
BERNARD TEUNISSEN TTE
9166 PERCH AVE
CALDWELL ID 83607**

**TEUNISSEN FAMILY TRUST DTD 1-8-1990
BERNARD TEUNISSEN TTE
12350 WHITECHAPEL WY
NAMPA ID 83686-8030**


**Kari Lynn Townsend
Secretary**

SCANNED
JAN 05 2005

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Corina L. Engelhart
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

e0100285 04519843
1 Idaho Dept. of Water Resourc
2735 Airport Way
BOISE ID 83705

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
11/18/2004, 11/25/2004

PROPOSED CHANGE OF WATER RIGHT

Wsk
Beranna Dairy of 9166 Perch Ave, Caldwell ID 83607 filed application no. 71280 with IDWR to transfer eight water rights with 1950 to 1984 priority dates from ground water totaling 12.83 cfs. The purpose of the transfer is to list all the existing wells on each right along with a permissible place of use for irrigation to reflect a combined water delivery system. Three of the rights are used for the dairy and are being clarified but there is no increase in dairy size proposed. The site is located one mile north of Pickles Butte, south of Lake Lowell.

For specific details regarding the application, please contact IDWR Western Region at 208-334-2190 or visit www.idwr.state.id.us with detail provided under "new water right applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before December 6, 2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

November 18, 25, 2004 04519843

Corina L. Engelhart
STATE OF IDAHO)
County of Canyon)

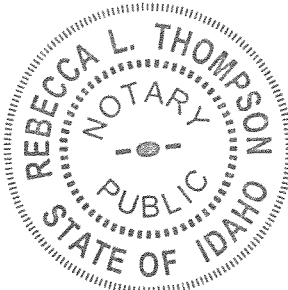
On the 25th day of November in the year of 2004
before me, a Notary Public, personally appeared.
Corina L. Engelhart,
known or identified to me to be the person
whose name is subscribed to the within
instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that he/she executed the same.

Rebecca L. Thompson
Notary Public for Idaho
Residing at Nampa
My commission expires April 19, 2008

RECEIVED

DEC 01 2004

WATER RESOURCES
WESTERN REGION



SCANNED
DEC 14 2004

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

November 10, 2004

Legal Notice Department
PRESS-TRIBUNE
PO BOX 9399
Nampa ID 83652

RE: Transfer No. 71280
Water Right No(s). 63-10268 63-3329 63-29025 63-8232 63-3396 63-3366 63-8253
63-2839

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice 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 12/06/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

SCANNED
NOV 10 2004

PROPOSED CHANGE OF WATER RIGHT

Beranna Dairy of 9166 Perch Ave, Caldwell ID 83607 filed application no. 71280 with IDWR to transfer eight water rights with 1950 to 1984 priority dates from ground water totaling 12.83 cfs. The purpose of the transfer is to list all the existing wells on each right along with a permissible place of use for irrigation to reflect a combined water delivery system. Three of the rights are used for the dairy and are being clarified but there is no increase in dairy size proposed. The site is located one mile north of Pickles Butte, south of Lake Lowell.

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KARL J DREHER, Director

Published in the Press-Tribune on November 18 and 25, 2004.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 10, 2004

To: Interested Parties on the Enclosed List

Re: Water Right Application for Transfer No. 71280 in the Name of Beranna Dairy

Dear Interested Party:

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by December 6, 2004.

If you have any questions regarding the application(s), please contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Sue Kreger'.

Sue Kreger
Administrative Assistant

Encl. Copy of Application(s)

SCANNED
DEC 21 2004

DELLA JOHNSON &/OR
NETTIE SMOOT
PO BOX 187
NAMPA ID 83653

RICHARD RAWLINGS
549 BOYHILL DR.
NAMPA ID 83686

FRANK HENNIS
10499 FARNER RD
NAMPA ID 83686

ROBERT D. GRAY
8259 LAKESHORE DR.
NAMPA ID 83686

PARRY HARRISON
11587 LAWRENCE
CALDWELL ID 83607

BOB ROGERO
12678 DEER RIDGE TRI
NAMPA ID 83686

CLAUDIA HAYNES
8830 DEERSKY RANCH TRI
NAMPA ID 83686

DENNIS LYONS
16535 LOCUST LN
CALDWELL ID 83607

*Returned - undeliverable
11/15/04*

SCANNED
DEC 21 2004

MEMORANDUM

TO: Transfer File No. 71280

FROM: Lori Graves *lg*

DATE: 1/21/04

RE: Evaluation of Sufficiency of Information Submitted

Brief: Applicant wishes his water rights to reflect a combined water distribution system. The dairy operation consists of three farms joined under common ownership. Liquid waste from the dairy is diluted with irrigation water and land applied. For more efficient operation of the farm, the three irrigation systems were connected into a common system.

The site is located approximately a mile north of Pickles Butte, south of Lake Lowell.

Contact person for the applicant is Darwin VanderStelt.

Authority to File: Current records show the rights listed in the name of Beranna Dairy (63-3366, 63-3396, 63-8232, 63-10268) or Teunissen Family Trust (63-3329, 63-8253) or Bernard and Jane Teunissen Family Trust, Beranna Dairy, Jane Teunissen, and Bernhard Teunissen (63-2839, 63-29025). Attorneys of record are Scott Cambell and Angela Schaer Kaufmann, Moffatt Thomas Barrett Rock & Fields Chtd for claims 63-2839, 63-3329, 63-8253 and 63-29025. The IDSOS search for business entities showed Bernie, Anna, Bernard and Jane Teunissen doing business under Beranna Dairy. Because the current records are linked somewhat by name and because water is not being transferred away, ownership documentation was not requested.

Farm Credit Services has a mortgage on some of the land listed in the proposal. Their consent is attachment B. A copy of the complete transfer application has been sent to them per their request in the consent letter.

Water Right Validity:

Rights 63-3366, 63-3396 and 63-8232 are assumed valid because they were part of transfer 68964 recently approved in May, 2003.

Right 63-10268 is presumed to be valid. SRBA is not applicable to this right because it was developed after 1987. Recent beneficial use was confirmed via 1997 field exam and 2000 aerial photo. The right was still in permit stage when the transfer was filed. Applicant's consultant used the permit flow rate. Kay Walker licensed the permit so that processing could proceed. Rather than 1.6 cfs, the right was licensed for 77 acres at 1.54 cfs per the field exam findings.

Preliminary SRBA reviews involving Craig Saxton were done on rights 63-2839, 63-3329, 63-8253 and 63-29025. The results are as follows:

SCANNED
DEC 21 2004

Claim 63-2839 was licensed for with a 1955 priority date for 80 acres in S9. Because of the Mora canal, one acre in the SESW will be omitted from the proposed PPU (39 acres rather than 40).

Claim 63-29025 is an expansion claim to right 63-2839. The claim lists a 1960 priority date, which is not in violation to the mandatory permit statute. The 32 acres listed on the claim appear irrigated in 1987. George Walker provided an affidavit stating that the 32 acres were irrigated in 1960. The applicant's consultant verified that the original system had not changed since the licensing exam, which measured system capacity at 1.35 cfs. When combined, rights 63-2839 and 63-29025 are limited to 1.35 cfs.

Claim 63-3329 was licensed for 204 acres and 2.06 cfs. Of those, 37 acres in the SESW and 29 acres in the SWSE S16 do not appear irrigated in 1987. However, 15 acres in the SESW and 6 acres in the SWSE S16 were brought back into production based on the 2000 arc view photo. The 2000 photo shows 164 acres of the 204 original licensed acres currently being irrigated. 865 total afa was licensed based on system capacity and a 210 day irrigation season. SRBA will recommend 2.06 cfs and 738 afa based on the 164 acres found irrigated in 1987.

Claim 63-8253 was licensed for an additional 1.16 cfs on 139 acres that directly overlap the 164 acres found irrigated under claim 63-3329. Both claims use separate wells that were licensed at their capacity. $2.06 \text{ cfs} + 1.16 \text{ cfs} = 3.22 \text{ cfs}$. $3.22 \text{ cfs} / .02 \text{ cfs} = 161 \text{ acres}$. As mentioned above, based on resumption of use, the 164 acres found irrigated in 2000 can be recommended. Although less acres are being irrigated, total licensed flow rate does not have to be reduced. Since the transfer is proposing a combined PPU, the acre reduction is not an issue.

Injury to Other Water Rights: None anticipated. No additional wells have been proposed.

Enlargement of Use: No changes in nature of use have been proposed.

Local Public Interest: No negative impacts are anticipated.

Beneficial Use/Conservation of Water Resources: Applicant proposed beneficial use consistent with irrigation standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of this application.

Additional Information: Decree 63-20932 was also included as part of the transfer package. The decree is for domestic and stockwater use. Applicant's consultant included the right because of the stockwater, however after discussing the dynamics of the domestic system, he concluded that it was separate and should not be listed on the

SCANNED
DEC 21 2004

transfer as part of the combined system. As a result .11 cfs and the well listed in the SWSW S16 T2N R3W were not included in the transfer recommendations.

As mentioned above, claims 63-2839 and 63-29025 are limited to 1.35 cfs. The .64 cfs listed on claim 63-29025 should not be added to the system total. The cfs amount listed for right 63-10268 should be the licensed 1.54 cfs rather than 1.6 cfs. Also, flow rates for stockwater and commercial uses are not additive to the irrigation flow rates listed on the rights approved per transfer no. 68964.

Conditions on transfer 68964 limits rights 63-3366, 63-3396 and 63-8232 when combined. A condition on license 63-10268 limits rights 63-3326, 63-8253 and 63-10268 when combined. The other rights did not list special conditions. Based on the following chart, condition WB4 should limit this transfer's combined rate to 8.98 cfs and combined volume to 3623.2 afa and condition X35 should limit irrigation use to a combined rate of 8.98 cfs and combined volume of 3423.2 afa.

63-2839	79 ac	1.35 cfs	356.0 afa	(SRBA evaluation)
63-29025	32 ac	.64 cfs	144.0 afa	(expansion claim on 63-2839 p/d)
Total	111 ac	1.35 cfs	500.0 afa	
63-3329	164 ac	2.06 cfs	738.0 afa	(SRBA evaluation)
63-8253	139 ac	1.16 cfs	563.7 afa	(same p/u as 63-3329, diff p/d)
63-10268	77 ac	1.54 cfs	347.0 afa	(same p/ds as 63-3329, 63-8253, diff p/u)
Total	241 ac	3.22 cfs	1085.0 afa	
63-3366	428 ac	2.09 cfs	649.4 afa	(x-fer 68964 approved 5/28/2003)
	Stock	.22	56.5	
	Comm	.22	14.1	
63-3396	428 ac	1.20 cfs	243.4	
	Stock	.08	21.3	
	Comm	.08	5.3	
63-8232	428 ac	2.73	1125.5	
	Stock	.32	82.2	
	Comm	.32	20.6	
Total	428 ac	4.41 cfs	2038.2	(1838.2 for irrig alone)

Also, as a result of this transfer, condition X35 listed on license 63-10268 needs to be changed. This condition limited volume to 1660 afa when rights 63-3329, 63-8253 and 63-10268 were combined, which was based on flow rate (3.22 cfs x 1.9835 x 260 days). Since less acres are being recommended for right 63-3329, this condition should now limit combined volume to 1085 afa (241 acres x 4.5 afa).

Applicants listed 826 acres for their ppu. Because of the SRBA's recommended 1 acre reduction in the SESW S9 on claim 63-2839 due to the Mora Canal, applicant's consultant agreed that total PPU should list 825 acres (1 acre less in the SESW S9).

SCANNED
DEC 21 2004

In the overlap review, surface water right 63-2388 showed up, however applicant's consultant stated surface water is not used on the property because the site is located south of Mora Canal and on high ground that cannot receive surface water.

Notice is being sent to Dennis Lyons because we have received written complaints from him in the past regarding water use at the proposed site. Notice is being sent to Claudia Haynes and Rajero because they voiced their concerns regarding the applicant's dairy during the Chase hearing conducted by IDWR. Notice is also being sent to the protestants of transfer no. 68964 that was previously approved for the applicant at the proposed site involving rights 63-3366, 63-3396 and 63-8232.

Conditions: Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the conditions listed on the draft approval should be applied.

SCANNED
DEC 21 2004

February 20, 1962

RE: Permit No. 21836 *Walker*
20055 *Larney*

Federal Land Bank Association
Box 773
Caldwell, Idaho

Gentlemen:

On February 14, 1962 Wayne Parris picked up a copy of License and Certificate of Water Right No. 20055. There is a fee of \$1.00 for making this copy which you may remit to this office.

Enclosed is departmental receipt No. 30959 in the amount of \$2.50 covering the fee for making photo copies of the Engineer's Report and the License and Certificate of Water Right on Permit No. 21836.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPB:mr

Enc. receipt

~~20055~~

21836

February 14, 1962

Re: Permit No. 21836
George M. Walker

Federal Land Bank Association
214 S 5th Avenue
Caldwell, Idaho

Gentlemen:

Enclosed herewith photo copies of Engineer's Report and License and Certificate of Water Right under subject permit as requested by your office by telephone February 13, 1962.

The cost of above copy work is \$2.50. Please forward check for this amount to Department of Reclamation, 107 Statehouse, Boise, Idaho.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

H. Petri
Water Rights Clerk

HP:MR

Enc. photo copies, engineer's report
license

21836

April 9, 1958

Re: Permit No. 21836

Mr. George M. Walker
Route #4
Caldwell, Idaho

Dear Mr. Walker:

Enclosed is the Certificate of Completion of Works and the License and Certificate of Water Right issued under Permit No. 21836 confirming the right with priority of December 21, 1950, to your use of 1.35 second feet of subterranean water, with the point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, for irrigation of 80 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 9, Township 2 North, Range 3 West, B.M.

Enclosed also is departmental receipt #29037 for \$9.00, issued as receipt of the five dollar fee for the Certificate of Completion of Works and four dollars for the license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

WFR:nls
Enc.

21836



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER
BOISE

RECEIVED
MAR 24 1958
Department of Reclamation

March 17, 1958

RE: Permit No. 21836

Mr. George M. Walker
Route #4
Caldwell, Idaho

Dear Mr. Walker:

We are enclosing a copy of our letter to you as of August 1, 1956. Until the \$9.00 fee is received your Water Right is not complete. However, this will be the last reminder you will receive from this Department in regard to this fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Edna P. Rutledge
Chief Clerk

EPR

Enc. copy of letter

Dear Sir:

Thank you for billing me for the above. I cannot remember hearing from you on this matter before. I have lost thru my papers & were unable to find the letter. I remember the person taking the measurement advising me I would receive this type of letter. Anyway it's cleared up now.

Thanks

Sincerely

George M. Walker
Rt #4

21836

March 17, 1958

RE: Permit No. 21836

Mr. George M. Walker
Route #4
Caldwell, Idaho

Dear Mr. Walker:

We are enclosing a copy of our letter to you as of August 1, 1956. Until the \$9.00 fee is received your Water Right is not complete. However, this will be the last reminder you will receive from this Department in regard to this fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR
Enc. copy of letter

21836

August 1, 1956

RE: Permit No. 21836

Mr. George M. Walker
Route 4
Caldwell, Idaho

Dear Mr. Walker:

We now have on file the report of our field engineer on examination for completion of works and beneficial use on your Permit No. 21836 which shows that your well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, Township 2 North, Range 3 West, B.M., will deliver 67 $\frac{1}{2}$ inches or 1.35 second feet of water which has been used to irrigate 80 acres of land in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9, Township 2 North, Range 3 West B.M.

A Certificate of Completion of Works and License can, therefore, be issued for 1.35 second feet of water upon receipt of the statutory fees amounting to \$5.00 for completion of works and \$4.00 license fee or a total of \$9.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll

21836

George M. Walker
Rte. 4, Caldwell, Idaho

Permit No. 21836

Examination for Completion of works
and Beneficial use

County Canyon

9-2 N.-3 W.

Q = 1.6 c.f.s.

S = Well

P.D. = S.W. 1/4 Sec. 9, T. 2 N.-R. 3 W.

Use = Irrigation & Domestic

Priority = Dec. 21, 1950

Final = Dec. 26, 1961

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
JUL 23 1956

Department of Reclamation

well = 280'

200' x 12' - 52' x 13" 35' from top

h = 120' dd to 162'

Col. = 190' x 8"

5' bowl

Smithway notes 50 hp

440 v. 1760 rpm 60 amps

#777770

B. J. Turbine # 311258

Good shade all wood

Drum can panel around

Size 6' x 6' x 6'

Concrete base 32" x 38" x 11"

Larger base beneath.

E. M. Switch panel # 12008

on board panel 8' x 8'

400 v. 6.7 meters

22" stand pipe 23' h.

well core culvert

8" dd to 20' 4' (5 ft)

George M. Walker
Rte. 4, Caldwell, Idaho

Permit No. 21836

Examination for Completion of works
and Beneficial use

County Canyon

9-2 N.-3 W.

Q = 1.6 c.f.s.

S = Well

P.D. = S.W. 1/4, Sec. 9, T. 2 N.-R. 3 W.

Wes. Irrigation & Domestic

Well = 290'

200' x 12" - 12' x 13" 35' apart

b = 120' dd 3 162'

Col. = 190' x 8"

5' bowl

Smithway 700 ft. 50 hp.

440 ft. 1760 hp. 6000 ft.

771770

B. J. Turbine # 311258

Good shade all wood

2x can pond around

Size 6' x 6' x 6'

Concrete base 32' x 30' x 11'

Larger base beneath

E. M. Switch panel # 12038

on board panel 3 S. 8'

450 V. C. 2 meters

22" stand pipe 23' h.

well core culvert

8" dd to 20' 4' (L.S.)

Priority = Dec. 21, 1950

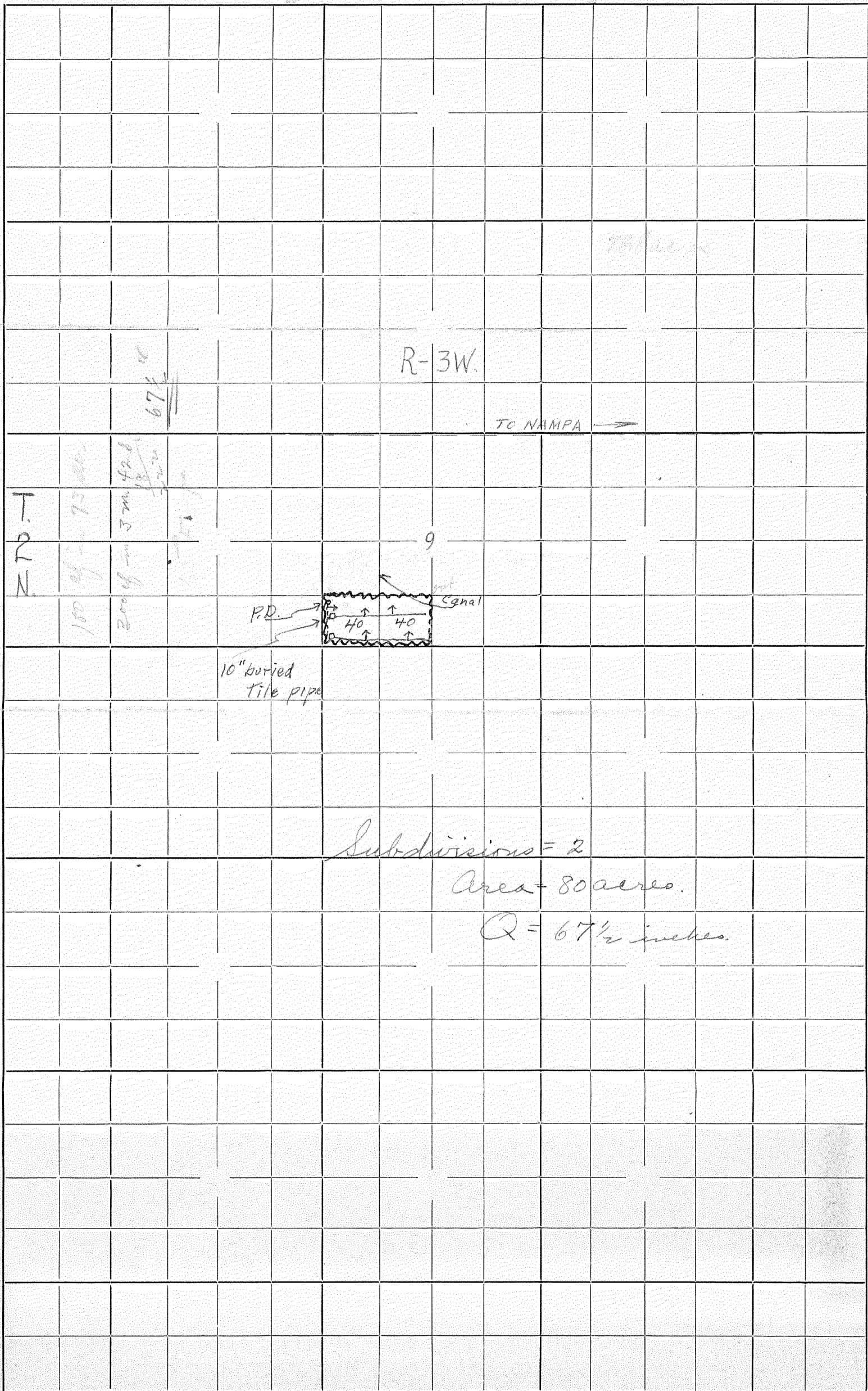
Final = Dec. 26, 1961

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
JUL 23 1956

Department of Reclamation



Subdivisions = 2

Area = 80 acres.

Q = 67 1/2 inches.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21836

REPORT ON PROOF OF Completion of Works & Beneficial Use

GROEGE M. WALKER, Route 4, Caldwell, Idaho

1.35 cfs
max

appl. 1.60 cfs
Sub 2
acres 80

June 28, 1956

RE: Permit No. 21836

Mr. George M. Walker
Route 4
Caldwell, Idaho

Dear Mr. Walker:

State law requires an inspection in connection with any water use permit being brought to license within the State of Idaho.

I intend to make inspection in connection with your permit on Monday, July 2, around 10:00 A.M.

Please be prepared to accompany me on the inspection.

I shall drive to the place where the well is located in case I do not contact you before that time.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

21836

✓
October 3, 1955

RE: Permit No. 21836

Mr. George M. Walker
Route 4
Caldwell, Idaho

Dear Mr. Walker:

We now have the Affidavit of Publication in the Caldwell News-Tribune which completes your proof of Completion of Works and Beneficial Use on Permit No. 21836.

Before final action is taken the law requires that a field examination be made by an engineer from this department.

We cannot say just when this examination will be made, but our field engineer will contact you at the time he makes the examination in order that you may arrange to show him over the ground.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu

21836

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21836

Proof of Application of Water to Beneficial Use

and Completion of Works Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. George M. Walker, R#4 Caldwell, Idaho-
Farmer

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 21836, 12-26-1950

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Well & pump NW Corner of the SW¹/₄ SW¹/₄ T2N R3W
Section 9 B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Well Depth - 280' (200'-14" x 52'-13" Cased) Depth to
water 120', Discharge of pump 80 min. Inches - measured
by orphus & over weir -

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water used for irrigation (60 acres Barley, 40
acres seeded to legumes & 20 acres Beans)
All land is cultivated or can be - Improvement
from Sage Brush to productive land - 5¹/₂ of SW¹/₄
Sec 9 T2N R3W B.M.

21836

Ans. _____

Ans. 80 to 90 mm in length -

Ans. _____

Ans. Used to Irrigated 80 acres of ground in the

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. No other water used except those mentioned above has been used.

(Sign)

and sworn to before me, at my office in Marietta County of Georgia

State of Idaho, on this 14 day of September, A. D. 1915,

My commission expires

21836

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21836

Proof of Application of Water to Beneficial Use

Deposition of Witness

and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. J. B. Nafziger 40 Rt 4 Caldwell, Farming

Ques. 2. Are you acquainted with George Walker, the holder of Permit No. 21836? How long have you known him and where does he reside?

Ans. Since 1934 Rt 4 Caldwell

Ques. 3. Have you read or heard read said Permit No. 21836, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Well, Pump, Gravity ditches

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1.6 Second feet

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 90 miner inches over a two foot
chuck.

21836

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigation on one 80 acre tract
cultivated and placed in crops S $\frac{1}{2}$ & SW $\frac{1}{4}$
Sec 9 T2N R3W B.M.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Not for power

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Land suitable for all row crops and
full requirements of 80 to 90 inches water necessary.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No Interest

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have watched this summer operation of pump,
diversion of water in ditches, and cultivation
of land.

(Signed) J. G. Nefzinger

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in

County of Caribou, State of Idaho, on this 14 day of September,
A. D. 1955.

Ray J. Norman
Notary Public.
My commission expires 1-17-57 Marsing, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21836

Proof of Application of Water to Beneficial Use
Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. L. W. Orr, 58 Rt 4 Caldwell Farming

Ques. 2. Are you acquainted with George Walker, the holder of Permit No. 21836? How long have you known him and where does he reside?

Ans. Known Mr Walker for 70 years

Ques. 3. Have you read or heard read said Permit No. 21836, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. 200 ft 14" 50 ft of 13" pipe in well using a 150 H.P. pump to deliver water to ditches under a gravity system.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1.6 Second feet

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. Approx 90 inches over a two foot check.

21836

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. This water is used on an 80 acre tract of land under cultivation for the growing of all crops. S¹/₂ of SW¹/₄ Sec 9 T2N R3E B.M.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Not for power

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. This tract suitable for all crops regularly grown in area and will need 80 to 90 inches.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None what so ever.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I live close to this farm and have watched the operation all summer and made note of pumping and division of water through the ditches.

(Signed) L. W. Orr

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in

County of Outback, State of Idaho, on this 14 day of September

A. D. 1955

Notary Public.

My commission expires

1-17-57

Ray W. Orr
Manning Idaho

21836



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

September 26, 1955

RE: Permit No. 21836

RECEIVED
OCT 3 1955
Department of Reclamation

Mr. George M. Walker
Route 4
Caldwell, Idaho

Dear Mr. Walker:

We have your letter of September 20 enclosing depositions of yourself and two witnesses also affidavit of publication in the Caldwell News Tribune all in proof of completion of works and beneficial use on Permit No. 21836.

However, these depositions should give the legal description of the land where the water has been used as called for in Question 6 of your own deposition and Question 7 of the depositions of your two witnesses.

We, therefore, return them for the necessary correction.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeanne L. Anderson
Chief Clerk

A:hll
Enc.

*I believe these have been properly
corrected.*

George M. Walker

21836

Sept. 20, 1955

State of Idaho
Dept. of Reclamation
Boise, Idaho.

RECEIVED
SEP 26 1955
Department of Reclamation

Dear Sir:

Please find enclosed Forms 17-A & Form 16 which I believe have been properly completed. The Affidavit of Publication is Also Enclosed.

My well is in operation at this date & will be until approx Oct 10th.

As I donot live at the well site you may reach me 1 mile North & 1¹/₄ miles West of the Lake View School which is one mile North of the well. We live in the Brick house.

Yours Very Truly,

Gray M. Walker

R#4

Caldwell

Idaho

21836

Affidavit of Publication

STATE OF IDAHO,

County of Canyon

} ss.

Virgil Grey
Goreman

, being first duly sworn, deposes and says;

That he is the of **WESTERN IDAHO PUBLISHERS, INC.**, publisher of **The News-Tribune**, a daily newspaper published at Caldwell, Idaho, within the meaning of Chapter 154 of the 1933 Session Laws of Idaho; published six consecutive days a week except legal holidays. And that the publisher of said **The News-Tribune**, a daily newspaper, has all the time since the 5th day of July, 1933 and in each issue thereof, at the head of the editorial column of said newspaper, announced the day of the week to-wit: Saturday, on which legal notice required by law or by order of any Court of competent jurisdiction to be published weekly, will be published; that the said paper is in general circulation in Canyon County, Idaho and has been for a period of seventy-eight weeks preceding the first publication of this advertisement, a copy of which is attached hereto, and by reference thereto made a part of this affidavit, and was published in the regular

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 10:00 A.M. on the 14th day of September, 1955, at Marsing, County of Owyhee, State of Idaho, before Ray Herman, Notary Public, proof will be submitted of the completion of works for the diversion of 1.6 cubic feet per second of the waters of a well and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 21836 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are George M. Walker, Route 4, Caldwell, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works

are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 1.6 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount

Saturday issue of The News-Tribune for *4* consecutive weeks

beginning with the issue of *August 13*,

19*55* and ending with the issue of *September*

3, 19*55*.

Virgil Grey
Subscribed and sworn to before me this *3*

day of *September*, 19*55*.

N. G. Carlsone

Notary Public for Idaho

August 15, 1955

RE: Permit No. 21836

Caldwell News-Tribune
Caldwell
Idaho

Gentlemen:

We have checked notice on Permit No. 21836 of
George M. Walker appearing in your issue of August 13 and
find one slight typographical error as follows:

In the eighth line, the word fee should be feet.
Please make this correction in your subsequent issues.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

21836

le Permit No. 21836

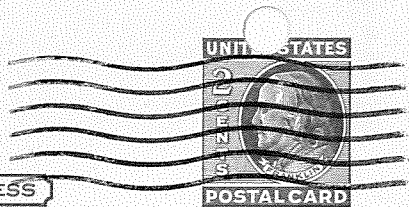
Geo. M. Walker.

Notice of Publication received and
will be published August 13-20-27 Sept
3. 1955

Very truly yours

News Tribune

C



State of Idaho

Department Reclamation

Boise Idaho

21836

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 21836

Date: August 9, 1955

News-Tribune

Caldwell, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 14, 1955 the date set for proof, the expense of the publication to be paid by the applicant, George M. Walker of Route 4, Caldwell, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

21836

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M., on the 11th day of September, 1955, at Marsing, County of Owyhee, State of Idaho, before Ray Herman, Notary Public, proof will be submitted of the completion of works for the diversion of 1.6 cubic feet per second of the waters of a well and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 21836 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are George M. Walker, Route 4, Caldwell, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 1.6 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 1.6 cubic feet per second.

4. The place where said water is used is S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9, Twp. 2 N. Range 3 W., B.M., and the well is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section.

5. The date of priority which said user is prepared to establish is December 21, 1950.

MARK R. KULP

State Reclamation Engineer

21836

✓
August 4, 1955

RE: Permit No. 21836

Mr. George M. Walker
Route # 4
Caldwell, Idaho

Dear Mr. Walker:

We shall send to the Caldwell News - Tribune notice for proof of Completion of Works and Beneficial Use to be made on your Permit No. 21836 September 14, 1955, with instructions to publish it once a week for four weeks prior to that date and to send you the Affidavit of Publication together with statement of costs.

At the time set you should appear before Mr. Ray Herman, Notary Public, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the depositions which were handed you when in the Office yesterday.

If you should be unable to obtain the original Permit from the former owner we can furnish you a copy, the fee for which will amount to \$1.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu

21836

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Aug. 3 - 1955
(P. O.) Boise, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

News-Tribune of Caldwell, Idaho published in

the county in which the works are situated.

George M. Walker

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

21836

✓
April 14, 1954

RE: Permit No. 21836

Mr. George M. Walker
Route 4
Caldwell, Idaho

Dear Mr. Walker:

We return the assignment of Permit No. 21836 from Sam Grove and wife to you, which has been recorded in this department.

We also enclose departmental receipt No. 26602 for the fifty cent recording fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

21836



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, RECLAMATION ENGINEER

BOISE

April 7, 1954

RE: Permit No. 21836

RECEIVED
APR 13 1954
Department of Reclamation

Mr. George M. Walker
Route 4
Caldwell, Idaho

Dear Mr. Walker:

We acknowledge receipt of the assignment of Permit No. 21836 from Sam Grove and wife, to you. However, you failed to enclose the fifty cent recording fee and upon receipt thereof, we shall record the assignment and return to you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeanne L. Anderson
Chief Clerk

A:hll

*Please find enclosed check for the
above services - Thank you.*

*George M. Walker
Rt 4
Caldwell.*

21836

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

B O I S E

Permit No. 21836

Date December 29, 1950

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SALE as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Sam Grove
4219 Kootenai Street, Rt. 7
Boise, Idaho

MARK R. KULP
State Reclamation Engineer

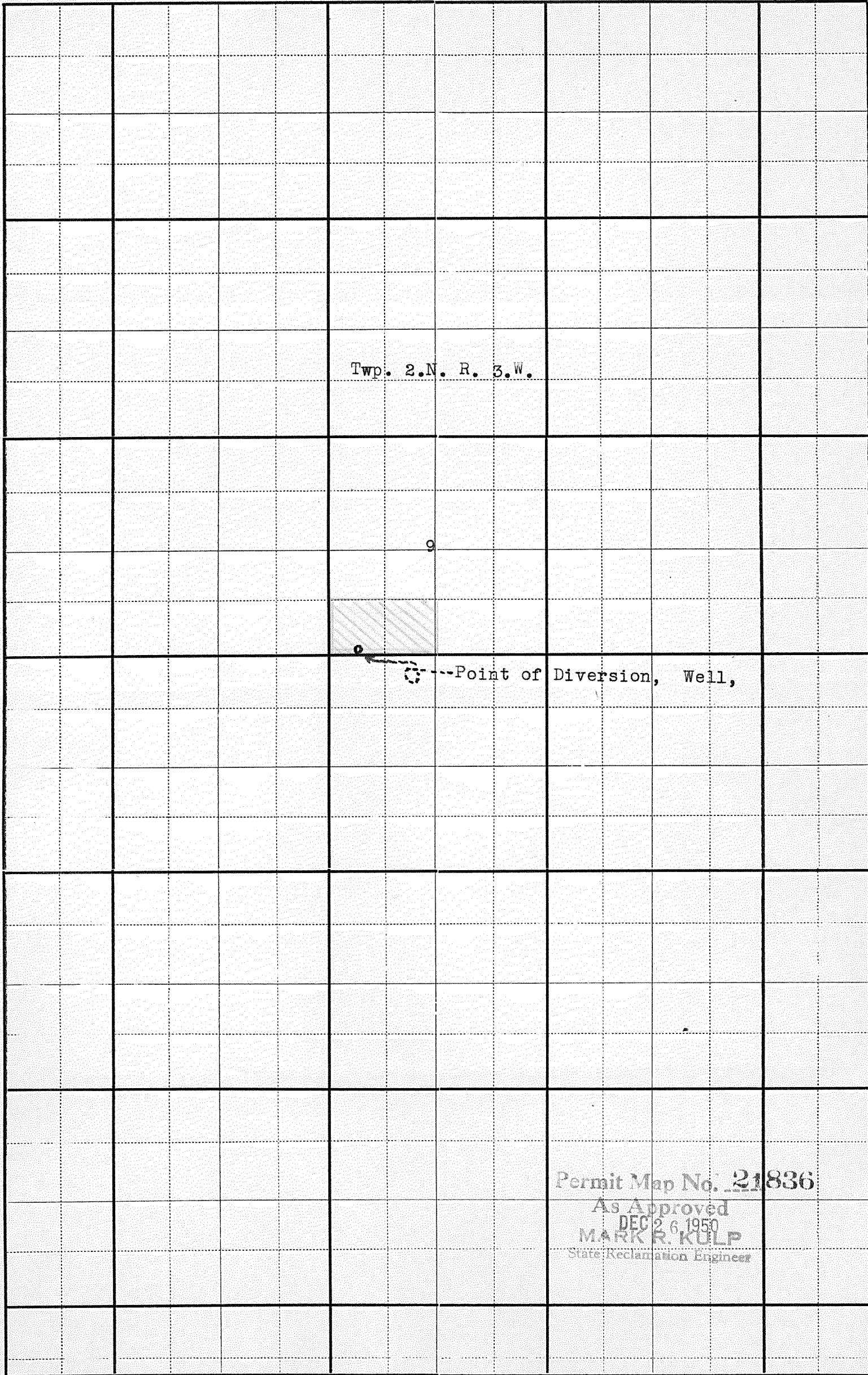
Enc. Departmental Receipt No. 22931

21836

NAME OF APPLICANT

Sam Grove,

Form No. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

21836