

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77534

RECEIVED

SEP 12 2011

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGIONName of Applicant(s) BERANNA DAIRYPhone (208)454-7705Mailing address 9166 PERCH RD, CALDWELL, ID 83607Email bernieteunissen@gmail.com

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

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

☐ No RepresentativeName of Representative Darwin Vander SteltPhone 208-465-9496Mailing address 16931 Star Road, ampa, ID 83687Email dvs1@cableone.net☐ Send all correspondence for this application to the representative and not to the applicant.

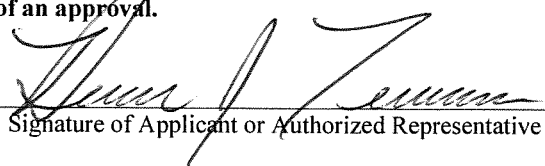
OR

☒ Send original correspondence to the applicant and copies to the representative.☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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



Signature of Applicant or Authorized Representative

Bernard Teunissen, President

Print Name and Title if applicable

9/12/11
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Applicant has the right to irrigate 780 acres in an 825 acre PPU. The terrain is hilly and use of pivots has limited actual irrigation to approximately 684 acres. The applicant wishes to add an additional 40 acre parcel to the PPU so as to make more efficient use of his water rights.

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 continued**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>

2. Total amount of water being transferred 8.92 cubic feet per second and/or 3622.7 acre-feet per annum.3. Point(s) of Diversion: **No Change**

Lot	1/4	1/4	1/4	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)

4. 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	80
		9											40	39			32		111
		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= 865
																			Acres Irrigated = 80
63-8253																			
02N	03W	8															40	40	80
		9											40	39			32		111
		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= 865
																			Acres Irrigated = 139

4. Lands irrigated or place of use (continued)

63-3329																			
02N	03W	8															40	40	80
		9										40	39				32		111
		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=	865
																	Acres Irrigated =		204
63-2839																			
02N	03W	8															40	40	80
		9										40	39				32		111
		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=	865
																	Acres Irrigated =		80
63-29025																			
02N	03W	8															40	40	80
		9										40	39				32		111
		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=	865
																	Acres Irrigated =		32
63-8232																			
02N	03W	8															40	40	80
		9										40	39				32		111
		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=	865
																	Acres Irrigated =		250.1
63-3396																			
02N	03W	8															40	40	80
		9										40	39				32		111
		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=	865
																	Acres Irrigated =		54.1
63-3366																			
02N	03W	8															40	40	80
		9										40	39				32		111
		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=	865
																	Acres Irrigated =		144.3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Nine wells, an associated mainlines, handlines, and pivots. Measuring devices are already installed. No new POD required, new mainline and pivot will be added to the new POU.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

NA

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Nothing is being transferred from the existing rights. Only the PPU is being expanded on land with the same lien holder.

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No effect.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

There is a single system, as the irrigation system is used to distribute dairy wastewater to the entire farm. Each of the above listed rights list every POD and the same PPU.

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

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

Total Acres (for irrigation use)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

NA

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 5 attachments. - 31 PAGES

Received by JPH Date 9-12-11 Prelim. Check by VLM Date 11-28-11

Fee Paid 181140 Date 9-15-11 Received by JRF Receipt # C093959

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

RECEIVED

SEP 12 2011

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

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

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/18/2011

WATER RIGHT NO. 63-10268

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERANNA DAIRY 9166 PERCH RD CALDWELL, ID 83607 (208)454-7705
Attorney	MOFFATT THOMAS BARRETT ROCK & FIELD CHTD C/O SCOTT L CAMPBELL PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000
Attorney	ANGELA D SCHAER-KAUFMANN 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 Transferred

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	1.54 CFS	347 AFA
Total Diversion			1.54 CFS	

Location of Point(s) of Diversion:

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

IRRIGATION Use:

Acre Limit: 77

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

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

Total Acres: 825

Conditions of Approval:

1.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3.	01Q	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.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5.	WB4	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.	X27	This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
7.	X35	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.	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.
9.	X36	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.

Dates:

Licensed Date: 02/18/2004

Decreed Date:

Permit Proof Due Date: 1/1/1990

Permit Proof Made Date: 11/27/1989

Permit Approved Date: 1/25/1985

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 10/03/1984

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit: 241

Combined Volume Limit: 1085

Combined Rate Limit: 3.22

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/18/2011

WATER RIGHT NO. 63-8253

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

Priority Date: 01/16/1976

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.16 CFS	563.7 AFA
Total Diversion			1.16 CFS	

Location of Point(s) of Diversion:

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

IRRIGATION Use:
Acre Limit: 139

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

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

Total Acres: 825

Conditions of Approval:

1.	T07	The right holder shall accomplish the change authorized by Transfer 71280 within one year of the date of the approval.
2.	T08	Failure of the right holder to comply with the conditions of Transfer 71280 is cause for the Director to rescind approval of the transfer.
3.	01Q	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.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5.	WB4	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.	X27	This right is limited to the irrigation of 139 acres within the place of use described above in a single irrigation season.
7.	X35	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.		Rights 63-3329 and 63-8253 when combined shall not exceed the irrigation of 164 acres.
9.	X36	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.
10.	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.

11.	S39	The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
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Dates:

Licensed Date:

Decreed Date: 04/03/2009

Permit Proof Due Date: 2/1/1986

Permit Proof Made Date: 10/3/1984

Permit Approved Date: 2/24/1976

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 01/13/1976

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/18/2011

WATER RIGHT NO. 63-3329

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

Priority Date: 02/16/1963

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.06 CFS	738 AFA
Total Diversion			2.06 CFS	

Location of Point(s) of Diversion:

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

IRRIGATION Use:
Acre Limit: 164

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

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

Total Acres: 825

Conditions of Approval:

1.	T07	The right holder shall accomplish the change authorized by Transfer 71280 within one year of the date of the approval.
2.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4.	WB4	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.
5.	X27	This right is limited to the irrigation of 164 acres within the place of use described above in a single irrigation season.
6.	X35	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.
7.		Rights 63-3329 and 63-8253 when combined shall not exceed the irrigation of 164 acres.
8.	01Q	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.	X36	Rights 63-2839, 63-3366, 63-3396, 63-8232, 63-08253, 63-10268 and 63-29025 are also diverted through the points of diversion described above.
10.	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.

11.	S39	The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
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Dates:

Licensed Date:

Decreed Date: 02/06/2009

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/18/2011

WATER RIGHT NO. 63-2839

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

Priority Date: 09/14/1955

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	1.35 CFS	355.5 AFA
Total Diversion			1.35 CFS	

Location of Point(s) of Diversion:

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

IRRIGATION Use:

Acre Limit: 79

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

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

Total Acres: 825

Conditions of Approval:

1.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
2.	WB4	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.
3.	X27	This right is limited to the irrigation of 79 acres within the place of use described above in a single irrigation season.
4.	X35	Rights 63-2839 and 63-29025 when combined shall not exceed a total diversion rate of 1.35 cfs.
5.	K01	Right 63-29025 is an enlargement of Right 63-2839 pursuant to Section 42-1426, Idaho Code.
6.	X36	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.
7.	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.

Dates:

Licensed Date:

Decreed Date: 02/06/2009

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 1.35

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/17/2011

WATER RIGHT NO. 63-29025

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

Priority Date: 08/15/1960

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.64 CFS	144 AFA
Total Diversion			0.64 CFS	

Location of Point(s) of Diversion:

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

IRRIGATION Use:

Acre Limit: 32

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

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

Total Acres: 825

Conditions of Approval:

1.	T07	The right holder shall accomplish the change authorized by Transfer 71280 within one year of the date of the approval.
2.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4.	WB4	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.
5.	X27	This right is limited to the irrigation of 32 acres within the place of use described above in a single irrigation season.
6.	K02	Right 63-29025 is an enlargement of Right 63-2839 pursuant to Section 42-1426, Idaho Code.
7.	X35	Rights 63-2839 and 63-29025 when combined shall not exceed a total diversion rate of 1.35 cfs.
8.	01Q	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.	X36	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.
10.	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.
		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

11.	C11	rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
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Dates:

Licensed Date:

Decreed Date: 04/29/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 1.35

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/18/2011

WATER RIGHT NO. 63-8232

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

Priority Date: 10/28/1975

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	2.73 CFS	1125.5 AFA
STOCKWATER	1/01	12/31	0.32 CFS	82.2 AFA
COMMERCIAL	1/01	12/31	0.32 CFS	20.6 AFA
Total Diversion			2.73 CFS	

Location of Point(s) of Diversion:

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

GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County
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IRRIGATION Use:
Acre Limit: 250.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

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

Place of Use Legal Description: STOCKWATER CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	03W	17		NENE			NWNE			SWNE			SENE	

Place of Use Legal Description: COMMERCIAL CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	03W	17		NENE			NWNE			SWNE			SENE	

Total Acres: 825

Conditions of Approval:

1.	T07	The right holder shall accomplish the change authorized by Transfer 71280 within one year of the date of the approval.
2.	T08	Failure of the right holder to comply with the conditions of Transfer 71280 is cause for the Director to rescind approval of the transfer.
3.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4.	WB4	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.
5.	01Q	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.
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.		Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.
9.	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 and the irrigation of 428 acres.
10.		Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.
11.	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.		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.
14.	X27	This right is limited to the irrigation of 250.1 acres within the place of use described above in a single irrigation season.
15.		Commercial use is for a dairy barn.
16.	X36	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.
17.	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.
18.	S39	The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Dates:

Licensed Date:

Decreed Date: 04/03/2009

Permit Proof Due Date: 12/1/1980

Permit Proof Made Date: 10/20/1980

Permit Approved Date: 12/2/1975

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 10/28/1975

Protest Deadline Date:

<http://www.idwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=63&Sequen...> 8/18/2011

(19 of 21)

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 428

Combined Volume Limit: 1838.2

Combined Rate Limit: 4.41

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

Lessor Name(s): BERANNA DAIRY

Lease Status: Active

Lease Amount: Part

Rental Availability: All

Date Received: 5/30/2003

Lease Begin Date: 5/30/2003

Expiration Date: Indefinite

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/18/2011

WATER RIGHT NO. 63-3396

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

Priority Date: 12/13/1963

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.2 CFS	243.4 AFA
STOCKWATER	01/01	12/31	0.08 CFS	21.3 AFA
COMMERCIAL	01/01	12/31	0.08 CFS	5.3 AFA
Total Diversion			1.2 CFS	

Location of Point(s) of Diversion:

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

GROUND WATER	NENE	Sec. 17	Township 02N	Range 03W	CANYON County
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IRRIGATION Use:
Acre Limit: 54.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

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

Place of Use Legal Description: STOCK WATER CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	03W	17		NENE			NWNE			SWNE			SENE	

Place of Use Legal Description: COMMERCIAL CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	03W	17		NENE			NWNE			SWNE			SENE	

Total Acres: 825

Conditions of Approval:

1.	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.
2.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3.	WB4	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.
		After specific notification by the Department, the right holder shall record the quantity of water

4.	01Q	diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5.		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.
6.		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.
7.		Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
8.	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 and the irrigation of 428 acres.
9.		Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.
10.	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.		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.
13.	X27	This right is limited to the irrigation of 54.1 acres within the place of use described above in a single irrigation season.
14.		Commercial use is for a dairy barn.
15.	X36	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.
16.	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.
17.	S39	The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Dates:

Licensed Date:

Decreed Date: 02/06/2009

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit: 428

Combined Volume Limit: 1838.2

Combined Rate Limit: 4.41

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

Lessor Name(s):BERANNA DAIRY

Lease Status: Active

Lease Amount: Part

Rental Availability: All

Date Received: 5/31/2003

Lease Begin Date: 5/31/2003

Expiration Date: Indefinite

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/18/2011

WATER RIGHT NO. 63-3366

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

Priority Date: 08/26/1963
Basis: Decreed
Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	2.09 CFS	649.4 AFA
STOCKWATER	01/01	12/31	0.22 CFS	56.5 AFA
COMMERCIAL	01/01	12/31	0.22 CFS	14.1 AFA
Total Diversion			2.09 CFS	

Location of Point(s) of Diversion:

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

IRRIGATION Use:
Acre Limit: 144.3

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

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

Place of Use Legal Description: STOCKWATER CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	03W	17		NENE			NWNE			SWNE			SENE	

Place of Use Legal Description: COMMERCIAL CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	03W	17		NENE			NWNE			SWNE			SENE	

Total Acres: 825

Conditions of Approval:

1.	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.
2.	01Q	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.
3.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4.		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.
5.		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.
6.	WB4	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.		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.		Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
9.	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 and the irrigation of 428 acres.
10.		Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.
11.	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.		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.
14.	X27	This right is limited to the irrigation of 144.3 acres within the place of use described above in a single irrigation season.
15.		Commercial use is for a dairy barn.
16.	X36	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.
17.	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.
18.	S39	The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Dates:

Licensed Date:

Decreed Date: 05/07/2009

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit: 428

Combined Volume Limit: 1838.2

Combined Rate Limit: 4.41

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

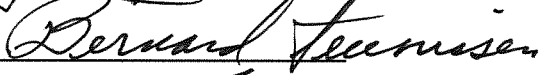
Cary Act Number:

Mitigation Plan: False

BERANNA DAIRY

August 26, 2011

Beranna Dairy ; A General Partnership, Is hereby notifying the Idaho Department of Water Resources, that Bernie Teunissen ; Son of Bernard And Jane Teunissen, And Husband of Anna Teunissen is acting as Manager for Beranna Dairy. He may act individually in making decisions regarding water issues for Beranna Dairy

Bernie Teunissen 
 Anna Teunissen 
 Bernard Teunissen 
 Jane Teunissen 



16034 Equine Drive
Nampa, Idaho 83687
208.468.1600

September 6, 2011

Bernard Jr. & Anna Teunissen
Beranna Dairy
9166 Perch Rd.
Caldwell, ID 83607

Dear Mr. and Mrs. Teunissen,

You recently requested that Northwest Farm Credit Services "NWFCFS" provide a letter to you indicating our approval for the expanded use area on certain existing water rights that we hold as security on several of your loans. It is further our understanding that you intend to specifically expand the use area of these water rights to include a 40 +/- acre parcel of land that you intend to purchase located in Canyon County, Idaho which is located off Perch Road near your dairy/farm (Brief Legal: 08 2N 3W SE SE SE).

The specific water rights that NWFCFS holds a security interest in that you are requesting our approval on are detailed below:

63-20932
63-29025
63-8253
63-8232
63-3396
63-3366
63-3329
63-2839

In accordance with your request, **please accept this letter as our written approval of the limited expansion of the water use area.** By providing this approval, NWFCFS is simply agreeing to allow you to expand the water use area to include the identified parcel, and is not in any way implying or otherwise indicating that it is releasing any security interest that it holds concerning the aforementioned water rights.

If upon reviewing this letter you have any questions or concerns, please contact me at 208-468-1600 so that I can address any potential issues.

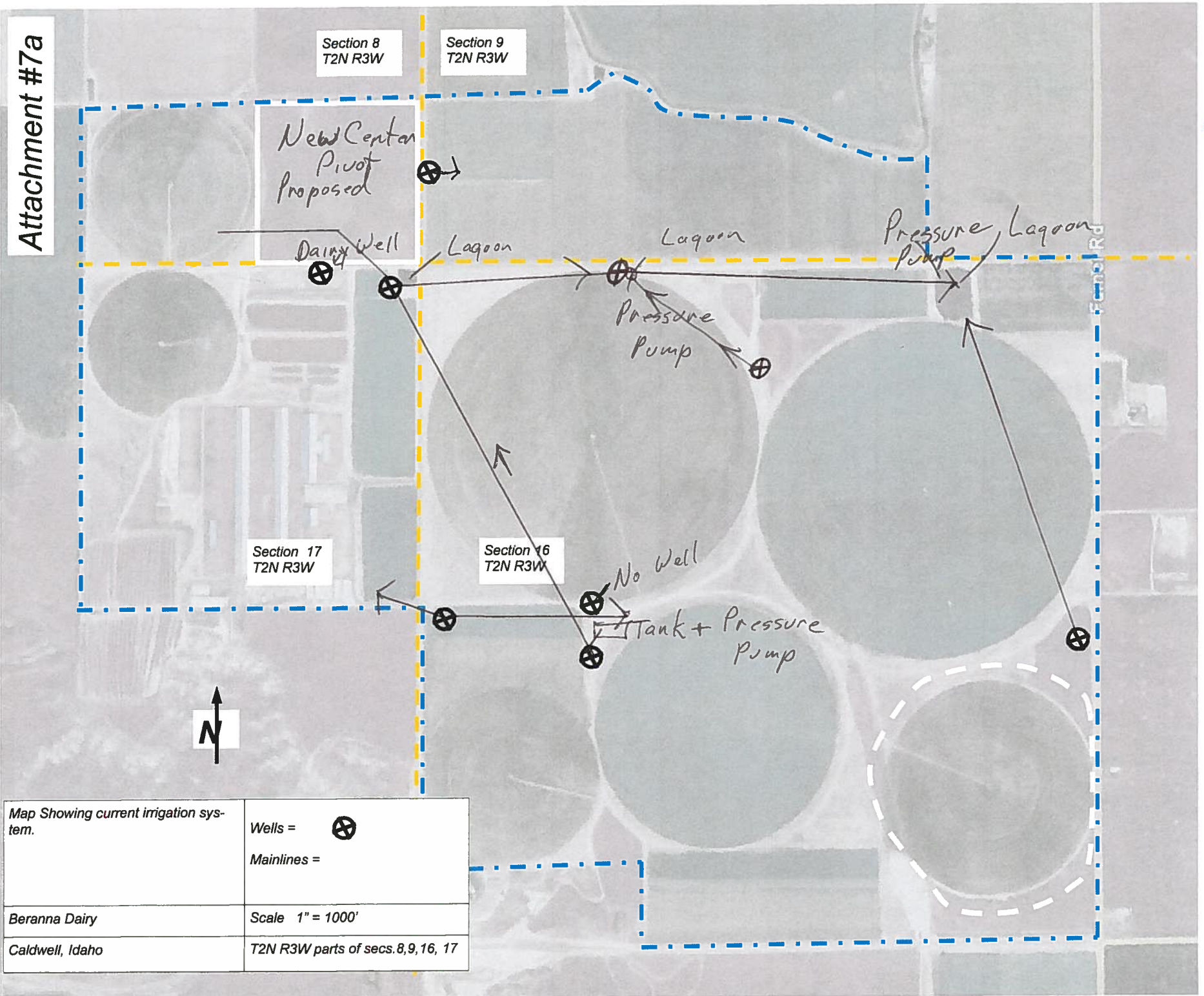
Sincerely,

Steven R. Miller
Relationship Manager, VP

Attachment # 6

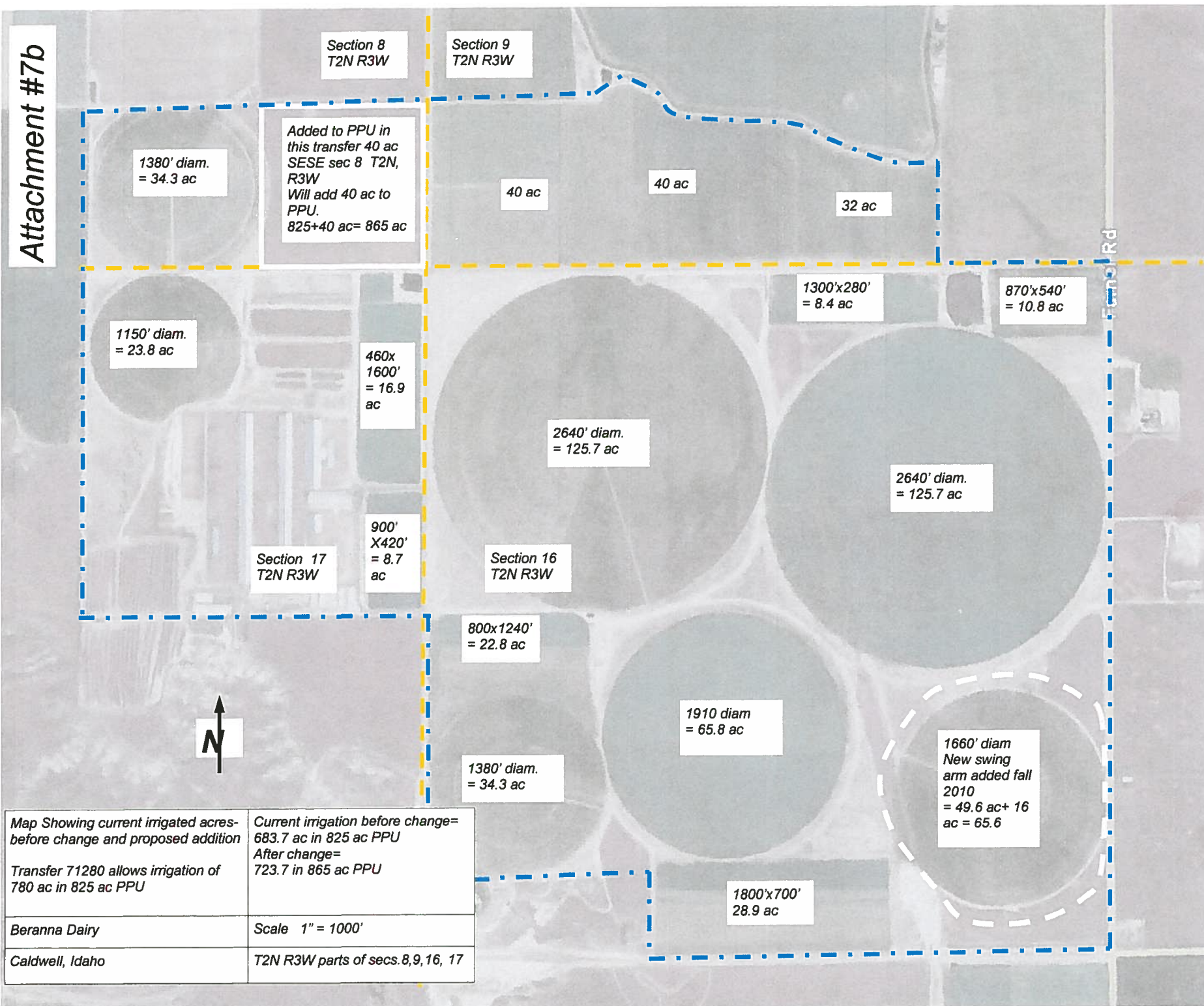
Attachment #7a

Attachment 7A



Attachment #7b

Attachment 1B



Borgeman, Sherry

From: Borgeman, Sherry
Sent: Wednesday, December 07, 2011 2:25 PM
To: 'LEGALS@IDAHO PRESS.COM'
Subject: Legal Notices
Attachments: Canyon County - Cover Letter.docx; Canyon County - Ads.docx

Attached is (1) legal notice being submitted for publication. If you have any questions regarding the attached information, or if you can not publish the ad on the dates indicated please contact me immediately.

Thank you,

Sherry Borgeman
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

December 7, 2011

LEGAL NOTICE DEPARTMENT
PRESS-TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application For Permit No.(s): 63-33467, 63-33564, 63-33565, 63-33576

RE: Transfer No. 77534,
Water Right No(s): 63-10268, 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-29025

Transfer No. 77575,
Water Right No(s): 63-7140, 63-3173, 63-18509

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 1/3/2012. Your cooperation is appreciated.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33467

CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500

BOISE, ID 83701-0500

Point of Diversion	SWSNW	S36 T05N R05W	CANYON County	Source	DIXIE SLOUGH	Tributary	BOISE RIVER
Point of Diversion	NWSNW	S36 T05N R05W	CANYON County	Source	GROUND WATER	Tributary	BOISE RIVER
Point of Diversion	NWSNW	S36 T05N R05W	CANYON County	Source	GROUND WATER	Tributary	BOISE RIVER
Point of Diversion	SESNW	S36 T05N R05W	CANYON County	Source	GROUND WATER	Tributary	BOISE RIVER

Use: WATER QUALITY IMPROVEMENT 04/01 to 10/30 200 CFS

Total Diversion: 200 CFS

Date Filed: 1/5/2011

Place Of Use: WATER QUALITY IMPROVEMENT

T05N R05W S36 SENW NESW

63-33564

KEN MARTIN
ALEENA MARTIN
28071 FARMWAY RD
CALDWELL, ID 83607

Point of Diversion SESE S8 T05N R03W CANYON County Source GROUND WATER Tributary

Use: IRRIGATION 03/01 to 11/15 0.16 CFS

Total Diversion: 0.16 CFS

Date Filed: 8/23/2011

Place Of Use: IRRIGATION

T05N R03W S8 SESE

Total Acres: 8

Water bearing zone to be appropriated is from 60 to 100 feet.

63-33565

CRAIG A MOORE
GEORGENE MOORE
PO BOX 14
MELBA, ID 83641

Point of Diversion L3 (SENW) S8 T01S R02W CANYON County Source GROUND WATER Tributary

Use: IRRIGATION 03/01 to 11/15 0.15 CFS

Total Diversion: 0.15 CFS

Date Filed: 8/24/2011

Place Of Use: IRRIGATION

T01S R02W S8 L3 (SENW)

Total Acres: 4.5

Water bearing zone to be appropriated is from 90 to 440 feet.

63-33576

DANIEL KNORPP
17134 BIG SAGE CT
CALDWELL, ID 83607

Point of Diversion NENE S18 T05N R03W CANYON County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.02 CFS

Use: IRRIGATION 03/15 to 11/15 0.04 CFS

Total Diversion: 0.06 CFS

Date Filed: 9/20/2011

Place Of Use: IRRIGATION AND DOMESTIC

T05N R03W S18 NENE

Total Acres: 1.2

Water bearing zone to be appropriated is from 143 to 148 feet.

PROPOSED CHANGE OF WATER RIGHTS

Beranna Dairy of 9166 Perch Rd., Caldwell, Idaho 83607, filed Application No. **77534** to transfer eight water rights with 1950 to 1984 priority dates from ground water totaling 8.92 cfs and 3622.7 afa. The purpose of the transfer is to add a 40-acre quarter-quarter in Township 2 North, Range 3 West, Section 8, SESE, to the permissible place of use. The permissible place of use will change from 825 acres to 865 acres. There is no increase in quantity and the irrigated acres will remain unchanged at 780 acres. Water will be used at the current place of use near the intersection of Marsing Rd. and Kimball Ave. in Canyon County, approximately 5 miles west of Nampa, Idaho.

PROPOSED CHANGE OF WATER RIGHTS

Little Cattle Co. of PO Box 488, Emmett, ID, 83617, filed Application No. **77575** to transfer three water rights with 1959 to 1976 priority dates from a ground water source totaling 3.28 cfs. The purpose of the transfer is to add a point of diversion and change the place of use. Water will be used at the current place of use 8.3 miles south of Emmett and 4 miles north of Star.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the rights &/or proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222 and 42-203A. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before January 3, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 12/15/2011 and 12/22/2011