

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF TRANSFER NO. 69717)
IN THE NAME OF EDWARD AND/OR)
DRUSILLA OPPEDYK)**

**ORDER GRANTING
EXTENSION OF TIME TO
COMPLETE TRANSFER**

FINDINGS OF FACT

1. On April 25, 2002, the Department of Water Resources (Department) approved Application for Transfer No. 69717 (transfer) in the name of Edward and/or Drusilla Oppedyk (right holder) with the following condition of approval:

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

2. On April 10, 2003, the right holder requested an extension of time of 18 months for completion of the transfer and has shown reasonable cause for the delay.

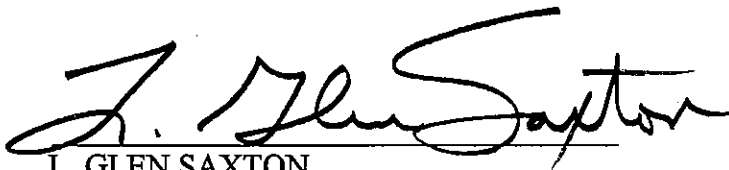
CONCLUSIONS OF LAW

3. The Department should grant an extension of time in which to complete the change authorized by the transfer.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the time period within which Transfer No. 69717 must be accomplished is extended to October 25, 2004.

Dated this 14th day of April, 2003.


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED
MAY 21 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69717

This is to certify that: EDWARD OPPEDYK AND/OR
DRUSILLA OPPEDYK
PO BOX 469
LOS BANOS CA 93635
(209) 827-9862

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
61-7003	WR/Decreed	07/10/1967	4.01 cfs			318.0	GROUND WATER
61-7075	WR/Decreed	07/09/1970	0.84 cfs			318.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

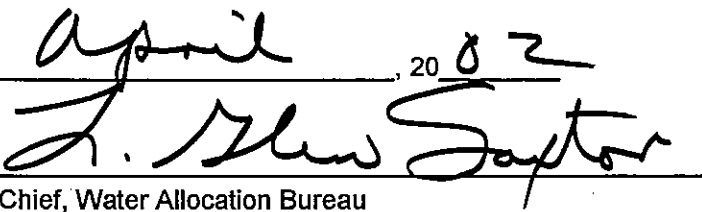
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-7003	YES	NO	YES	YES	YES	YES
61-7075	YES	NO	YES	YES	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
61-7003	61-11972	1.26 cfs	248.1 af	N/A	N/A	61-11971	2.75 cfs	N/A	N/A	218.0
61-7075	61-11970	0.26 cfs	51.9 af	N/A	N/A	61-11969	0.58 cfs	N/A	N/A	218.0
TOTALS		1.52 cfs	300.0 af	N/A	N/A		3.33 cfs	872.0 af	N/A	218.0

Detailed Water Right Description(s) attached

Dated this 25th day of April, 2002


Chief, Water Allocation Bureau

MICROFILMED

APR 23 2002

WATER RIGHT NO. 61-11969
As Modified by Transfer No. 69717

In accordance with the approval of Transfer No. 69717, Water Right No. 61-11969 is now described as follows.

Right Holder: DRUSILLA OPPEDYK AND
 EDWARD OPPEDYK
 PO BOX 469
 LOS BANOS CA 93635

Priority Date: 07/09/1970

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	0.58 CFS	
			0.58 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESESE	Sec. 31 Twp 04S	Rge 06E	ELMORE County
GROUND WATER	SESESE	Sec. 31 Twp 04S	Rge 06E	ELMORE County
GROUND WATER	SWSESW	Sec. 32 Twp 04S	Rge 06E	ELMORE 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		
04S	06E	32					40.0	40.0	40.0	40.0	25.0			4.0	29.0					218.0

Total Acres: 218

CONDITIONS OF APPROVAL

1. Rights 61-11969 and 61-11971 when combined shall not exceed a total annual maximum diversion volume of 872.0 af at the field headgate and the irrigation of 218.0 acres.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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 4/1 and after 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-26-2000.

MICROFILMED

APR 23 2002

WATER RIGHT NO. 61-11969
As Modified by Transfer No. 69717

CONDITIONS OF APPROVAL

3. Rights 61-2216, 61-7238, 61-11970, 61-11971 and 61-11972 are also diverted through a point of diversion described above.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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 25th day of April, 20 02


Chief, Water Allocation Bureau

MICROFILMED

APR 23 2002

WATER RIGHT NO. 61-11970

As Modified by Transfer No. 69717

In accordance with the approval of Transfer No. 69717, Water Right No. 61-11970 is now described as follows.

Right Holder: EDWARD OPPEDYK AND
 DRUSILLA OPPEDYK
 PO BOX 469
 LOS BANOS CA 93635

Priority Date: 07/09/1970

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	0.26 CFS	51.9 AF
COMMERCIAL	01/01 to	12/31	0.26 CFS	51.9 AF
			0.26 CFS	51.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESE	Sec. 31 Twp 04S	Rge 06E	ELMORE County
GROUND WATER	SESW	Sec. 32 Twp 04S	Rge 06E	ELMORE County
GROUND WATER	SWSESW	Sec. 32 Twp 04S	Rge 06E	ELMORE 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	
04S 06E 32									X	X	X	X					

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	
04S 06E 31													X	X	X	X	
04S 06E 32					X	X	X	X	X	X	X	X					
05S 06E 6					X	X	X	X									
					L3	L4	L5										

MICROFILMED

APR 23 2002

WATER RIGHT NO. 61-11970
As Modified by Transfer No. 69717

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The total instantaneous diversion of water from all points of diversion under Rights 61-11970 and 61-11972 shall not exceed 1.52 cfs, nor total combined annual volume of 300.0 af for stockwater and commercial uses.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. Commercial use is for a dairy located within the SW, S32, T04S, R06E.
5. 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.
6. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
7. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
8. Rights 61-2216, 61-7238, 61-11969, 61-11971 and 61-11972 are also diverted through a point of diversion described above.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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 25th day of April, 2002


Chief, Water Allocation Bureau

MICROFILMED

APR 23 2002

WATER RIGHT NO. 61-11971
As Modified by Transfer No. 69717

In accordance with the approval of Transfer No. 69717, Water Right No. 61-11971 is now described as follows.

Right Holder: DRUSILLA OPPEDYK AND
 EDWARD OPPEDYK
 PO BOX 469
 LOS BANOS CA 93635

Priority Date: 07/10/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	2.75 CFS	
			2.75 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESESE	Sec. 31 Twp 04S	Rge 06E	ELMORE County
GROUND WATER	SESESE	Sec. 31 Twp 04S	Rge 06E	ELMORE County
GROUND WATER	SWSESW	Sec. 32 Twp 04S	Rge 06E	ELMORE 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	
04S 06E 32					40.0	40.0	40.0	40.0	25.0			4.0	29.0				218.0

Total Acres: 218

CONDITIONS OF APPROVAL

1. Rights 61-11969 and 61-11971 when combined shall not exceed a total annual maximum diversion volume of 872.0 af at the field headgate and the irrigation of 218.0 acres.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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 4/1 and after 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-26-2000.

MICROFILMED

APR 23 2002

WATER RIGHT NO. 61-11971

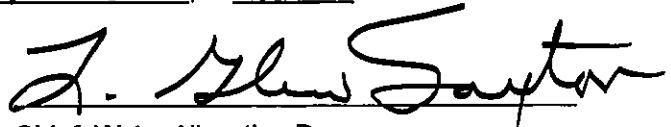
As Modified by Transfer No. 69717

CONDITIONS OF APPROVAL

3. Rights 61-2216, 61-7238, 61-11969, 61-11970 and 61-11972 are also diverted through a point of diversion described above.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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 25th day of April, 2002


Chief, Water Allocation Bureau

MICROFILMED

APR 23 2002

WATER RIGHT NO. 61-11972
As Modified by Transfer No. 69717

In accordance with the approval of Transfer No. 69717, Water Right No. 61-11972 is now described as follows.

Right Holder: EDWARD OPPEDYK AND
 DRUSILLA OPPEDYK
 PO BOX 469
 LOS BANOS CA 93635

Priority Date: 07/10/1967

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		1.26 CFS	248.1 AF
COMMERCIAL	01/01 to 12/31		1.26 CFS	248.1 AF
			1.26 CFS	248.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESE Sec. 31 Twp 04S Rge 06E ELMORE County

GROUND WATER SESW Sec. 32 Twp 04S Rge 06E ELMORE County

GROUND WATER SWSESW Sec. 32 Twp 04S Rge 06E ELMORE 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	
04S 06E 32									X	X	X	X					

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	
04S 06E 31													X	X	X	X	
04S 06E 32					X	X	X	X	X	X	X	X					
05S 06E 6					X	X	X	X									
					L3	L4	L5										

MICROFILMED

APR 23 2002

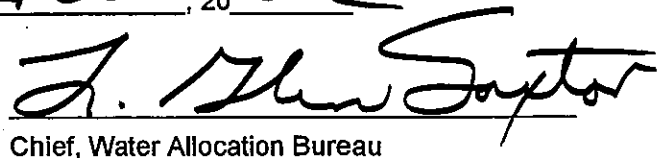
WATER RIGHT NO. 61-11972
As Modified by Transfer No. 69717

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The total instantaneous diversion of water from all points of diversion under Rights 61-11970 and 61-11972 shall not exceed 1.52 cfs, nor total combined annual volume of 300.0 af for stockwater and commercial uses.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. Commercial use is for a dairy located within the SW, S32, T04S, R06E.
5. 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.
6. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
7. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
8. Rights 61-2216, 61-7238, 61-11969, 61-11970 and 61-11971 are also diverted through a point of diversion described above.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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 25th day of April, 2002


Chief, Water Allocation Bureau

MICROFILMED

APR 23 2002

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985

ERO

Denver • Boise

www.eroresources.com
boise@eroresources.com

RECEIVED
APR 10 2003
Department of Water Resources
April 9, 2003

Mr. Jeff Peppersack
Idaho Department of Water Resources
1301 N. Orchard St
Boise, Idaho 83706

RE: Transfer 69717 – Request for Extension to Accomplish Change

Dear Mr. Peppersack:

Condition of Approval #9 for Transfer #69717 states that the change authorized by the transfer needs to be accomplished within one (1) year. Currently, the site has been graded and is ready for construction to begin. Construction is anticipated to begin in June 2003 and is expected to continue until summer 2004. Based on this time schedule, the one-year condition will be exceeded.

The applicant (Edward and Drusilla Oppedyk) would like to request that the Department of Water Resources extend the time required to accomplish this transfer. An additional 18 months is requested to allow for the lengthy construction and unforeseen contingencies.

If you have any questions or have any correspondence regarding this request, please utilize Steven Hannula at ERO Resources Corporation, 1106 N. Cole Rd, Ste C, Boise, ID 83704, telephone 373-7983.

Regards,



Steven R. Hannula



Edward Oppedyk (applicant)

MICROFILMED
MAY 21 2003

MEMORANDUM

TO: FILE 61-11972
FROM: VAULT
RE: TRANSFER # 69717
DATE: 4-25-02

=====

Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:

FILE # 61-07003

MICROFILMED

APR 23 2002