

CORRECTEDTransfer No. 75373
Receipt No. S030635

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information JOHN W VAN BEEK
83 W 600 S
JEROME ID 83338
(208)324-8904

And

DIANNE VAN BEEK
83 W 600 S
JEROME, ID 83338
(208)324-8904

RECEIVED**APR 06 2009**DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
36-16717	WR/Decreed	0.09	15			GROUND WATER
36-16720	WR/Decreed	0.05	15			GROUND WATER
36-8398	WR/License	0.51	121.0			GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-16717	NO	YES	YES	YES	NO	NO
36-16720	NO	YES	YES	YES	NO	NO
36-8398	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Transfer reduces water use at our Dairy #3 to provide additional water to cover the excess usage currently occurring at Dairy #2, which is immediately south of Dairy #3. Fewer cows will be milked at Dairy #3. The additional water will be pumped from the existing wells at Dairy #2. The application moves the remainder of the parent rights (30 acre feet), even though only 9 acre feet is currently needed at Dairy #2. The transfer also clarifies the commercial place of use for the existing right at this dairy as being at the dairy barn only, not in other tracts where wastewater is land applied under our nutrient-management plan.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

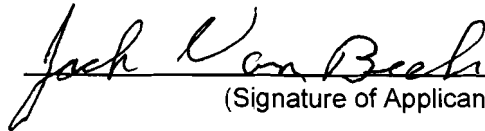
5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
36-16717	0.09 cfs			15.0 af
36-16720	0.05 cfs			15.0 af
36-8398	0.51 cfs			121.0 af
TOTAL	0.60 cfs			151.0 af

Transfer No. 75373
Receipt No.S030635

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

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)

(Title or Office)

Subscribed and sworn to before me this _____ day of _____, 20_____.

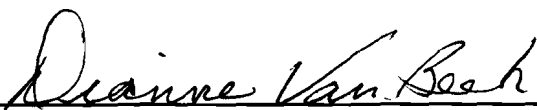
(Notary Public)

My commission expires _____

Transfer No. 75373
Receipt No. S030635

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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)

(Title or Office)

Subscribed and sworn to before me this _____ day of _____, 20____.

(Notary Public)

My commission expires _____

Transfer No. 75373
Receipt No. S030635

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

Current Water Right No. 36-16717

Priority Date: May 23, 1962
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01	12/31	0.05 CFS	7.5 AFA	Dairy
STOCKWATER	01/01	12/31	0.05 CFS	7.5 AFA	
	Total Diversion		0.05 CFS	7.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER NESE Sec. 3 Twp 09S Rge 16E JEROME 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	
09S	16E	3																X	

Conditions/Remarks:

1. Rights 36-16717 and 36-16720 when combined shall not exceed a total diversion rate of 0.05 cfs.
Commercial use is for a dairy.
The water used for commercial purposes under this approval is applied to and irrigates land to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by these water rights.
Right 36-16720 is an expansion of Right 36-16717 pursuant to Section 42-1426, Idaho Code.
The quantity of water decreed for Rights 36-11075B and 36-11076B is not a determination of historical beneficial use and each right shall not exceed 13,000 gallons per day.
Two points of diversion are located within NESE, S03, T09S, R16E.
2. 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.
3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

4. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Use will be reduced at Dairy #3 so use at Dairy #2 can be increased.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 75373
Receipt No. S030635

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

Current Water Right No. 36-16720

Priority Date: March 15, 1975
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01	12/31	0.02 CFS	7.5 AFA	Dairy
STOCKWATER	01/01	12/31	0.02 CFS	7.5 AFA	
	Total Diversion		0.02 CFS	7.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER NESE Sec. 3 Twp 09S Rge 16E JEROME 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	
09S	16E	3																X	

Conditions/Remarks:

1. The water used for commercial purposes under this approval is applied to and irrigates land to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by these water rights.
2. 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.
3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Page 7

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Commercial use is for a dairy.
9. Rights 36-16717 and 36-16720 when combined shall not exceed a total diversion rate of 0.05 cfs.
10. Right 36-16720 is an enlargement of Right 36-16717 pursuant to Section 42-1426, Idaho Code.
11. Right 36-16720 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.
12. Two points of diversion are located within NESE, S03, T09S, R16E.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Transfer reduces water use at Dairy #3 so additional water can be used at Dairy #2.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Current Water Right No. 36-8398

Priority Date: February 14, 1995
 Origin: Water Right
 Basis: License
 Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.51 CFS	121.0 AFA	Dairy
COMMERCIAL	01/01 12/31	0.51 CFS	121.0 AFA	Dairy
Total Diversion		0.51 CFS	121.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESE	Sec. 3	Twp 09S	Rge 16E	JEROME County
GROUND WATER	SESE	Sec. 3	Twp 09S	Rge 16E	JEROME 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	
09S 16E 3																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	
09S 16E 2							X		X	X	X	X		X	X		
09S 16E 3			X	X									X	X	X	X	

Conditions/Remarks:

- Commercial use is for a dairy.
- The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.

3. Use of water under this water right will be regulated by the watermaster of State Water District No. 130.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Transfer removes tracts used for land application of wastewater under a commercial use.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 75373
 Receipt No. S030635

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 36-16717

Priority Date: May 23, 1962
 Origin: Water Right
 Basis: License
 Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01 12/31	0.09 CFS	15.0 AFA	
STOCKWATER	01/01 12/31	0.09 CFS	15.0 AFA	
	Total Diversion	0.09 CFS	15.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 3	Twp 09S	Rge 16E	JEROME County
GROUND WATER	SESESE	Sec. 3	Twp 09S	Rge 16E	JEROME County

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, pipelines to barn and corrals (west well)
 Point of Diversion # 2 Existing well, motor, pump, pipelines to corrals and barn (east well)

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S 16E 3																X	

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S 16E 3																X	

Transfer No. 75373
 Receipt No.S030635

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 36-16720

Priority Date: March 15, 1975

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01 12/31	0.05 CFS	15.0 AFA	Dairy
STOCKWATER	01/01 12/31	0.05 CFS	15.0 AFA	
Total Diversion		0.05 CFS	15.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESESE Sec. 3 Twp 09S Rge 16E JEROME County

GROUND WATER SESESE Sec. 3 Twp 09S Rge 16E JEROME County

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, pipelines to barn and corrals (west well)

Point of Diversion # 2 Existing well, motor, pump, pipelines to corrals and barn (east well)

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	
09S 16E 3																X	

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	
09S 16E 3																X	

Transfer No. 75373
 Receipt No. S030635

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 36-8398

Priority Date: February 14, 1995

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.51 CFS	121.0 AFA	
COMMERCIAL	01/01 12/31	0.51 CFS	121.0 AFA	Dairy
	Total Diversion	0.51 CFS	121.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESESE Sec. 3 Twp 09S Rge 16E JEROME County

GROUND WATER SESESE Sec. 3 Twp 09S Rge 16E JEROME County

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, storage tanks (west well in tract)

Point of Diversion # 2 Existing well, motor, pump, storage tanks (east well in tract)

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		
09S	16E	3																	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		
09S	16E	3																	X	

T75373 Van Beek #2

Wells

Barn

Barn