

Should questions arise during the processing of this application please contact:
Steve Hannula ERO Resources Corp. (208) 373-7983

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FEB 22 2006

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Charles and/or Janice DeGroot

Phone (208) 495-2131

Post Office address 10394 Melmont Rd. Melba, ID 83641

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 the reason for the proposed changes Adjust the stock water POU to allow final buildout to progress south instead of west. Add a POD because well #4 is not producing sufficient water. Adjust irrigation POU to a Permissible Place of Use.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-2823C</u>	<u>7/24/1950</u>	<u>5.0/2407.5</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
<u>63-2823C</u>	<u>7/24/1950</u>	<u>0.78/123.4</u>	<u>Stockwater</u>	<u>1/1 to 12/31</u>
<u>63-2823C</u>	<u>7/24/1950</u>	<u>0.78/167.1</u>	<u>Commercial</u>	<u>1/1 to 12/31</u>
<u>63-2823C</u>	<u>7/24/1950</u>	<u>0.06/2.4</u>	<u>Domestic</u>	<u>1/1 to 12/31</u>
<u>63-3049C</u>	<u>5/31/1955</u>	<u>2.3/1117.7</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
<u>63-3049C</u>	<u>5/31/1955</u>	<u>0.35/72.3</u>	<u>Stockwater</u>	<u>1/1 to 12/31</u>
<u>63-3049C</u>	<u>5/31/1955</u>	<u>0.35/97.8</u>	<u>Commercial</u>	<u>1/1 to 12/31</u>

No Change

2. Total amount of water being transferred 8.43 cubic feet per second and/or 2700.4 acre-feet per annum.
3. Source of water Groundwater tributary to N/A
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NE	17	1N	2W	CANYON	#1 (irrig)
	NE	NE	SE	17	1N	2W	CANYON	#4 and #5
	SE	NE	SE	17	1N	2W	CANYON	#2
	SW	SW	SE	17	1N	2W	CANYON	#3 (irrig)
		SE	SE	17	1N	2W	CANYON	PROPOSED WELL

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	2W	17	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	535
			C	C	C	C	C	C	C	C	C	C	C	C	C/S	C/S	C/S/D	C/S	

Total acres 535 acres

Superseded by Amended Transfer 01-08-2009

6. General Information:

- a. Description of diversion system Currently three wells (200 hp, 100 hp, and a 100 hp) serve the irrigation needs of 3 pivots and hand lines. 2 wells (30 hp and two 25 hp pumps in second well) serve the dairy. Well #2 is cross connected to both irrigation and dairy.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: Land will remain in irrigation and the new POU for Stockwater will be retired from irrigation.
- d. Remarks: SEE ATTACHED

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 20 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-2823C issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:

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

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

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

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

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-3049C

PART 2 (63-2823C)

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*1. Amount 0.78/123.4 for STOCKWATER purposes from 1/1 to 12/31

(cfs/ac-ft)

Amount 5.0/2407.5 for IRRIGATION purposes from 3/15 to 11/15

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NE	17	1N	2W	CANYON	#1 (irrig)
	NE	NE	SE	17	1N	2W	CANYON	#4 and #5
	SE	NE	SE	17	1N	2W	CANYON	#2 (irrig and dairy)
	SW	SW	SE	17	1N	2W	CANYON	#3 (irrig)

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	2W	17	40	40	40	40	33	32	40	40	37/	40	40	40			37	36	535
											S								

Total acres 535**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*1.. Amount 0.78/167.1 for COMMERCIAL purposes from 1/1 to 12/31

(cfs/ac-ft)

Amount 0.06/2.4 for DOMESTIC purposes from 1/1 to 12/31

(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	2W	17	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C/D	C	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-3049C issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:

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

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

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

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

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-2823C

PART 2 (63-3049C)

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. Amount 0.35/72.3 for STOCKWATER purposes from 1/1 to 12/31
 (cfs/ac-ft)
 Amount 2.3/1117.7 for IRRIGATION purposes from 3/15 to 11/15
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NE	17	1N	2W	CANYON	#1 (irrig)
	NE	NE	SE	17	1N	2W	CANYON	#4 and #5
	SE	NE	SE	17	1N	2W	CANYON	#2
	SW	SW	SE	17	1N	2W	CANYON	#3 (irrig)

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	2W	17	40	40	40	40	33	32	40	40	37/	40	40	40			37	36	535
											S								

Total acres 535**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. Amount 0.35/72.3 for COMMERCIAL purposes from 1/1 to 12/31
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

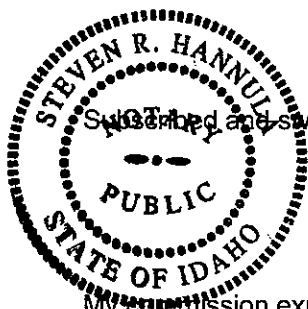
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	2W	17	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

Total acres _____

PART 3**B. CHANGES IN NATURE OF USE**

- | 1. | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|----|-------------------|-----------------------|-----------------|----------------|
| | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |
2. Quantity and quality of return flows and location of discharge: _____
3. Describe effects on other water uses resulting from the proposed change: _____

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.



Charles De Hart

(Signature of Applicant)

Subscribed and sworn before me this 16th day of February, 20 06.

Steven R. Hannul

(Notary Public)

My commission expires 8-18-11

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by AK Date 2-22-06 Protest filed by _____

Prelim. check by _____ Fee 570.00 W033879

Receipted by AK Date 2-22-06

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial
_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

**Remarks
for Application for Transfer
Charles DeGroot**

This Application for Transfer seeks to change the Place of Use for the stockwater to a different quarter-quarter than what was approved in transfer 5409. Currently, the dairy is constructed in the NESE and NWSE section 17, T1N, R2W Canyon County, with final buildout planned for the NESW. The applicant now seeks to complete the final buildout in the SESE section 17 (not the NESW). The final buildout is in pursuit of an approved Canyon County Conditional Use Permit.

One of the dairy wells is a poor producer and the applicant is seeking an additional point of diversion. The new POD is planned for the SESE of section 17. No additional diversion rate or annual volume is sought, only the ability to divert the authorized amount. This proposed well will be connected to the dairy. The new well is a new diversion to the aquifer, but no additional diversion rate or annual volume is being sought, therefore, the new POD poses no injury to nearby water users.

A Permissible Place of Use is proposed for the irrigation. Currently, the water rights authorized 535 acres of irrigation. The future build out of the dairy will shift a portion of the irrigation practices. A PPU will offer flexibility to the irrigator.

There will be no change in the diversion rate or annual volume resulting from this transfer. There will be no impact to the agricultural base in the area, other than an increase in demand for agricultural products and services resulting from the future build out of the permitted dairy. The build out is within the conditions of the Conditional Use Permit approved by Canyon County. The public interest issues have already been met through the County process. The conditions of the CUP allow this shift in the footprint of the dairy and no modifications to the approved CUP are needed (personal communication with Joshua Johnson, Canyon County Developmental Services Department Feb 1, 2006). Also, Idaho State Department of Agriculture indicated that no changes are needed to build in the SESE instead of the NESW. The construction of the dairy in the SESE is not an expansion of the dairy, but rather is the final build out of a phased construction for the permitted amount of cows.

The additional point of diversion will allow the applicant to divert his authorized volume of water. The location of the new POD is farther from the nearest water user than current well that is having production problems, so no injury to nearby water users is expected.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5810
WATER RIGHT NO(S). 63-02823C/63-03049C

This is to certify that: CHARLES DE GROOT
JANICE DE GROOT
1400 PHIPPS RD
OUTLOOK WA 98938

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-02823C :			
Priority: 07/24/1950			
IRRIGATION	03/15 to 11/15	5.00 CFS	2407.5 AF
STOCKWATER	01/01 to 12/31	0.78 CFS	123.4 AF
COMMERCIAL	01/01 to 12/31	0.78 CFS	167.1 AF
DOMESTIC	01/01 to 12/31	0.06 CFS	2.4 AF
SUBTOTAL:		5.78 CFS	2700.4 AF
Right No. 63-03049C :			
Priority: 05/31/1955			
IRRIGATION	03/15 to 11/15	2.30 CFS	1117.7 AF
STOCKWATER	01/01 to 12/31	0.35 CFS	72.3 AF
COMMERCIAL	01/01 to 12/31	0.35 CFS	97.8 AF
SUBTOTAL:		2.65 CFS	1287.8 AF
Use Totals :			
* IRRIGATION	03/15 to 11/15	7.30 CFS	2407.5 AF
* STOCKWATER	01/01 to 12/31	1.13 CFS	123.4 AF
* COMMERCIAL	01/01 to 12/31	1.13 CFS	167.1 AF
DOMESTIC	01/01 to 12/31	0.06 CFS	2.4 AF
TOTAL:		** 8.43 CFS	** 2700.4 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

#4, #5 — #1
#2 — SESENE, Sec. 17, Township 01N, Range 02W
— NENESE, Sec. 17, Township 01N, Range 02W
— SENESE, Sec. 17, Township 01N, Range 02W
#3 — SWSWSE, Sec. 17, Township 01N, Range 02W
CANYON County

TRANSFER NO. 5810
WATER RIGHT NO(S). 63-02823C/63-03049C

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N 02W 17	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NENW 33	NWNW 32	
	SWNW 40	SENW 40	NESW 37	
	NWSW 40	SWSW 40	SESW 40	
	SWSE 37	SESE 36		535
Total number of acres irrigated:				535 *

PLACE OF USE: STOCKWATERTWN RGE SEC

01N 02W 17	NESW	NESE	NWSE
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PLACE OF USE: COMMERCIALTWN RGE SEC

01N 02W 17	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SWNW	SENW	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		

PLACE OF USE: DOMESTICTWN RGE SEC

01N 02W 17	SWSE
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CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.
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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

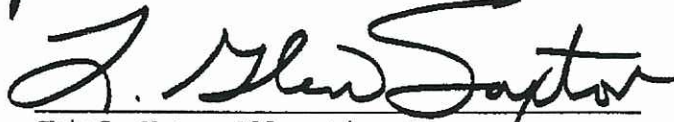
TRANSFER NO. 5810
WATER RIGHT NO(S). 63-02823C/63-03049C

CONDITIONS OF APPROVAL AND REMARKS

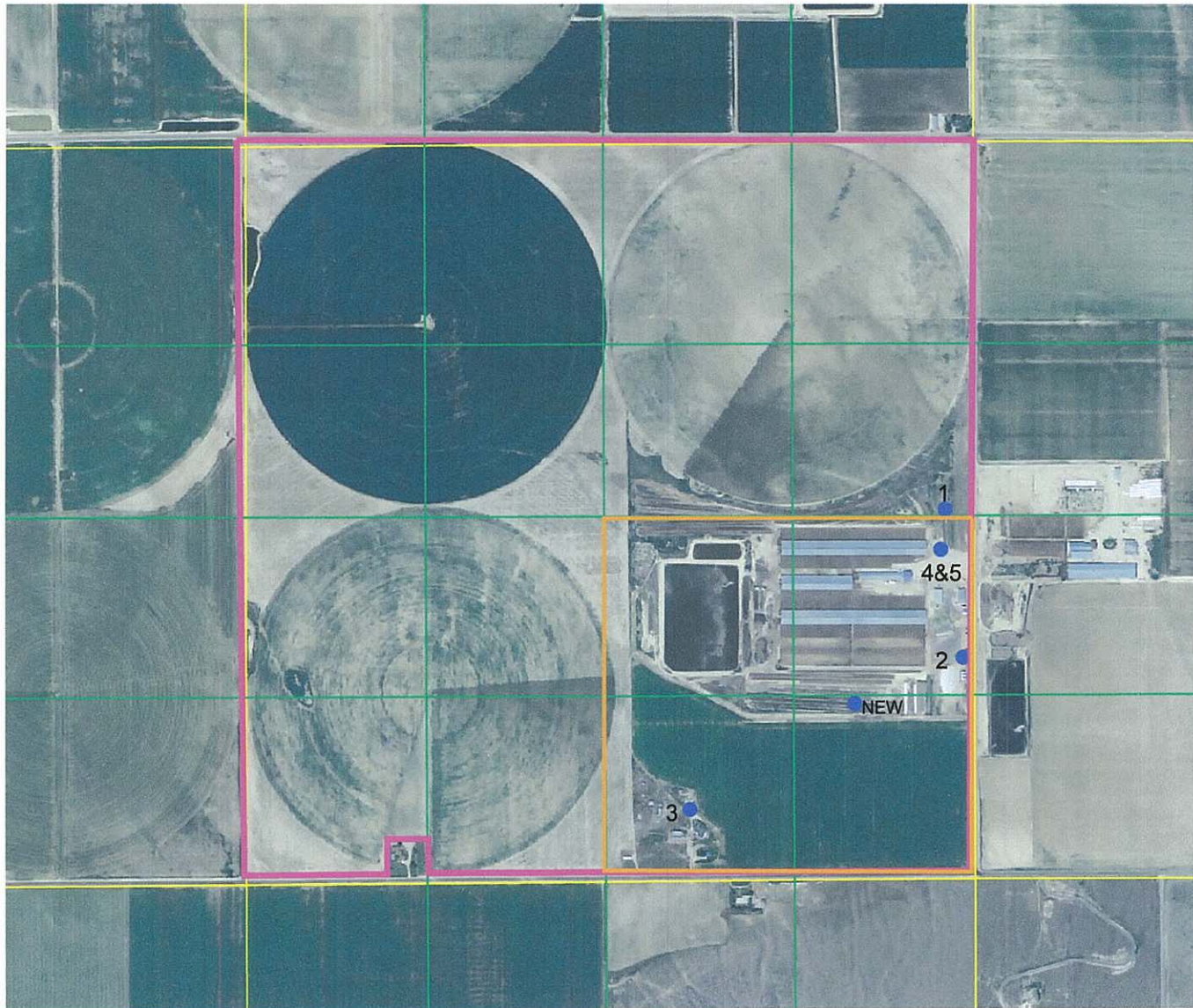
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- ** 9. The total instantaneous diversion of water from all points of diversion under Transfer 5810 shall not exceed 8.43 cfs, nor a total combined annual volume of 2700.4 af.
- * 10. Rights 63-02823C and 63-03049C when combined shall not exceed a total diversion rate of 1.13 cfs for stockwater and commercial uses at a dairy, a total annual maximum diversion volume of 123.4 af for stockwater use, 167.1 af for commercial use and 2407.5 af at the field headgate for irrigation of 535.0 acres.
11. The water used for commercial purposes under this approval is applied to and irrigates land listed in the place of use 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.
12. After specific notification by the department, the right holder shall measure the diversion 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.
13. The dairy is located within the N3SW and the N1/2SE, S17, T01N, R02W.
14. Domestic use is for two (2) homes.
15. Two points of diversion are located within NENESE, S17, T01N, R02W.

Dated this 22nd day of

September, 2000


Chief, Water Allocation Bureau

DeGroot Farm - Proposed PPU, Proposed POU for Stockwater, and New POD (T1N, R2W, section 17)



0.5 0 0.5 Miles

Stockwater
Irrigation PPU and Commercial

Wells
QQ
Section