

ORIGINAL**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of applicant: De Ruyter Dairy, Nicolaas J. De Ruyter

Phone: (208) 896-5402

Post Office address: P.O. Box 580, Marsing ID 83639-0580

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: Applicant wishes to adjust water rights to reflect changes in his operation which have occurred since construction in 1996.

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

57-2335	01/25/1961	3.27/ 1111.5	Irrigation	03/15 to 11/15
		.6/ 116.12	Stock water	01/01 to 12/31
57-7047	03/01/1971	.38 / 184.7	Irrigation	03/15 to 11/15
		.18/31	Stock water	01/01 to 12/31
57-2292	04/14/1996	.89/57.98	Commercial	01/01 to 12/31
		.89/	Stockwater	01/01 to 12/31

2. Total amount of water being transferred 5.32_ cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Ground water tributary to

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion
		SW	SE	19	03N	04W	Owyhee	
		NE	NE	30	03N	04W	Owyhee	
		SW	NE	30	03N	04W	Owyhee	
		NE	NW	30	03N	04W	Owyhee	
		NW	SE	30	03N	04W	Owyhee	

5. Lands irrigated or place of use:

TWP.	RGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
03N	04W	19											15	26			11	16	68
													S,C				S,C	S,C	
		30				33	28	19	13	2	17						37	39	188
			S,C	S,C	S,C	S,C	S		S	S									
																			256

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WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

PART 1

6. General Information:

- a. Description of diversion system: Wells with pressure tanks and piping to provide stockwater and process water. Cooling water recycled to stockwater tanks. Irrigation wells pressurize sprinkler irrigation lines.
- 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: The land formerly irrigated has been used for corrals, structures and buildings associated with the dairy operation.
- d. Remarks: See Attached Documents:
- Attachments:** **A. Proof of Ownership / Lien holder permission**
 B. Daily fresh water requirement for Dairy
 C. Crop history and calculation of historic consumptive use and annual diversion
 D. Flow, Volume, and Allocation Calculations

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

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

b. License No. **57-2335**

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

4. Date or priority

5. Water is used for the following purpose:

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

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

7. Point(s) of Diversion:

[illegible]

8. Lands irrigated or place of use:

[illegible]

9. Describe any other water right used for the same purpose as described above: 57-7047

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 57-2335

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

1.

Amount (cfs/ac-ft)						
.6 / 202.5	for	Irrigation	purposes from	03/15	to	11/15
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local Name for diversion
No change in POD's								

3. Lands irrigated or place of use:

[illegible]

C. Description of unchanged portion of right

1.

Amount (cfs/ac-ft)						
3.27 /1111.5	for	Irrigation	purposes from	3/15	to	11/15
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local Name for diversion
No change in POD's								

3. Lands irrigated or place of use:

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**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 _____
dated _____ in _____ county of _____

b. License No. **57-7047**

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 _____

4. Date or priority _____

6. Water is used for the following purpose:

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

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

8. Point(s) of Diversion:

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

9. Lands irrigated or place of use:

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

9. Describe any other water right used for the same purpose as described above: 57-2335

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 57-7047

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

1.

Amount (cfs/ac-ft)						
.04 / 87.4	for	Irrigation	purposes from	03/15	to	11/15
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	

3. Point(s) of Diversion:

[illegible]

4. Lands irrigated or place of use:

[illegible]

D. Description of unchanged portion of right

1.

Amount (cfs/ac-ft)						
.38 /184.7	for	irrigation	purposes from	3/15	to	11/15
.14/ 8	for	stockwater	purposes from	01/01	to	12/31
	for		purposes from		to	
	for		purposes from		to	

3. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local Name for diversion
No change in POD's								

4. Lands irrigated or place of use:

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**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 _____
dated _____ in _____ county of _____

b. License No. **57-2292**

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 _____

4. Date or priority _____

7. Water is used for the following purpose:

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

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

9. Point(s) of Diversion:

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

10. Lands irrigated or place of use:

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

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

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 57-2292

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

1.

Amount (cfs/ac-ft)						
.89 / 93.92	for	Commercial	purposes from	01/01	to	12/31
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

E. Description of unchanged portion of right

1.

Amount (cfs/ac-ft)						
.89 / 57.98	for	Commercial	purposes from	01/01	To	12/31
.89/ 117.6	for	Stockwater	purposes from	01/01	To	12/31
	for		purposes from		To	
	for		purposes from		to	

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use		
Stockwater	.6 / 116.12	365	01/01	to	12/31
Stockwater	.89 / 93.92	365	01/01	to	12/31

2. Quantity and quality of return flows and location of discharge: Process water will be collected and stored in a lagoon and land applied on the total irrigation PPU. Wastewater will be applied to growing crops.

3. Describe effects on other water uses resulting from the proposed change: No effect on other users.

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.

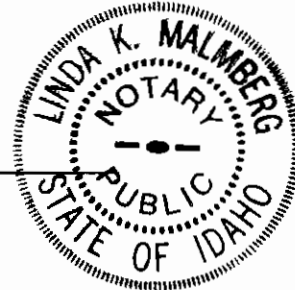
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Mintan J. Doe
(Signature of Applicant)

Subscribed and sworn to before me this 12 day of Jan, 2005

Linda K. Malmberg
(Notary Public)

My commission expires 9-28-11



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DP Date 1-13-06 Protest filed by _____

Prelim. check by _____ Fee \$290-

Receipted by DP W033748 Date 1-13-06

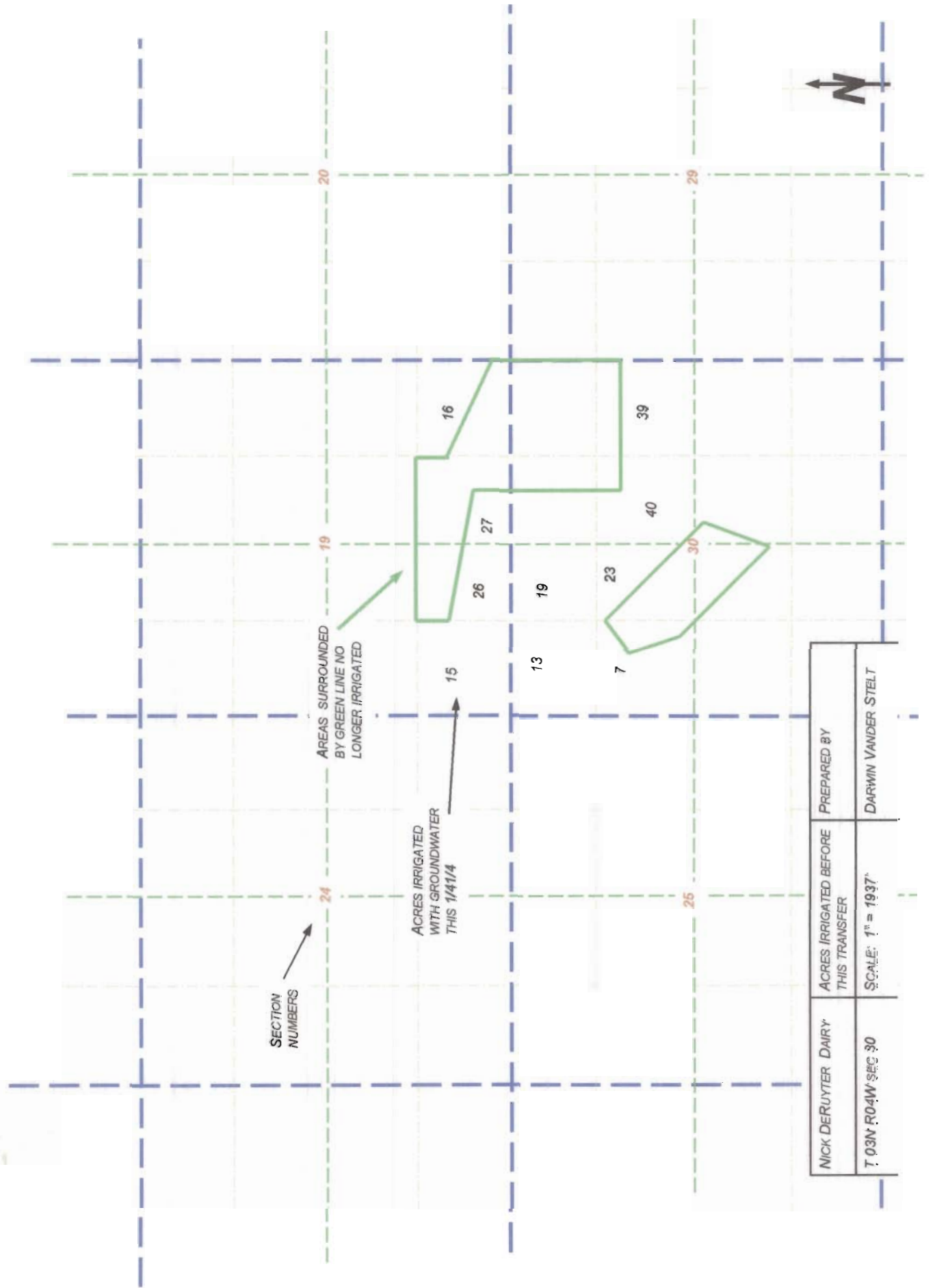
Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

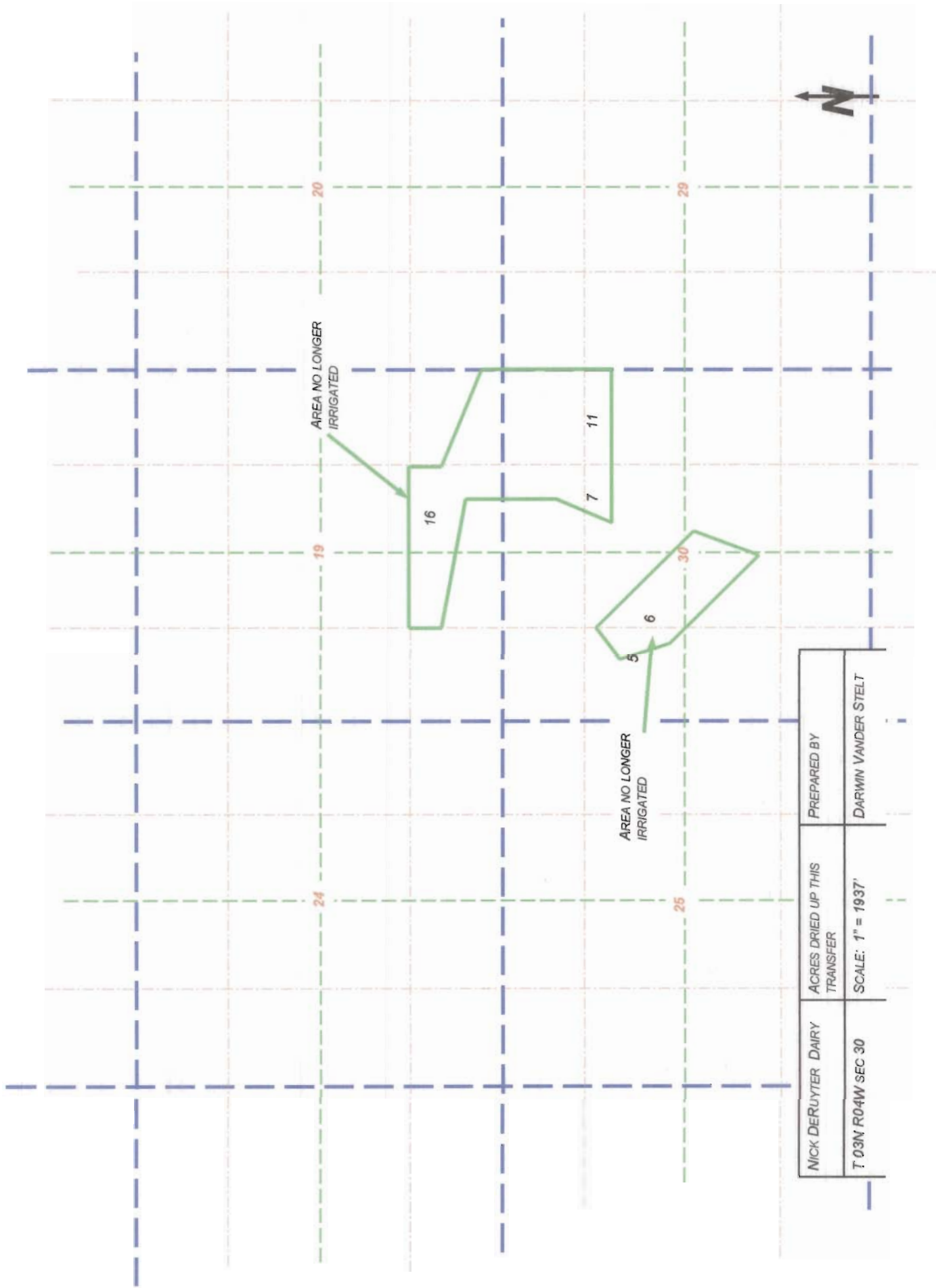
Watermaster recommendation requested on _____ Recommended for approval denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____



NICK DERUYTER DAIRY	ACRES IRRIGATED BEFORE THIS TRANSFER	PREPARED BY
T 03N R04W SEC 30	SCALE: 1" = 1937'	DARWIN VANDER STELT



NICK DERUYTER DAIRY	ACRES DRIED UP THIS TRANSFER	PREPARED BY
T 03N R04W SEC 30	SCALE: 1" = 1937'	DARWIN VANDER STELT

Attachment B

Daily Fresh Water Requirement For Dairy Facility Worksheet

For: **Nick DeRuyter**

Drinking Water Estimates (see Table 1 & 2):

Holstein weight 1400
Jersey 1000

			Size	Adjustment	Use/day	Total	Total	Acre-feet/
		Number		100%		Gal/Day	Gals/Yr.	(AF/a)
Milking Cows		6000	37	37.0	222000	222000		
Dry Cows		1200	14	14.0	16800	16800		
Total Cows		7200			0	238800	87,162,000	267.49
Heifers:	Age	% of Herd	Number	Use/day	100%	Total		
	16-24 mo.	0.38	2736	12	12.0	32832.0		
	13-15 mo.	0.12	864	9	9.0	7776.0		
	9-12 mo.	0.17	1224	7	7.0	8568.0		
	5-8 mo	0.17	1224	6	6.0	7344.0		
	3-4 mo	0.08	576	5	5.0	2880.0		
	0-2 mo	0.08	576	2.5	2.5	1440.0		
Total Heifers			7200			60840.0	22,206,600	68.15

Total Herd Drinking Water **335.64**

Covered by 57-2292 **117.60**

Covered by 57-7047 **8.00**

Stockwater needed **210.04**

Wash Pen Estimate:

GPM discharge/nozzle

Number of Nozzles

Minutes run/day:

groups

mins/group

x/day

days per year **0**

Total Wash Pen Water Used: **0**

Milk House and Parlor Estimate (see Table 4)

Item	Gals/Op	x's/day	Gals/day	
Bulk Tank	600	5	3000	
Pipeline	1000	4	4000	
Backflush	0	0	0	
Cleanup 30gpm x 348 mins/ milki	10440	4	41760	Hoses only
Cow Prep	0.25	2	3000	
Plate Cooler(ignore if recycled)				
Total Milk House and Parlor Water Used:			51760	18,892,400 57.98

Commercial needs covered by 57-2292 **151.90**

Stock water needed **210.04 afa**

Commercial water needed **-93.92 afa**

Change nature of use for excess Commercial to stockwater on 57-2292

New stockwater needed/ to be obtained by drying up ground **116.12 afa**

historic Consumptive Use **2.58 afa**

Approx. no. of acres to dry up: **45.00** (volume needed/consumptive use/acre)

Prepared by

Darwin Vander Stelt

Acres actually dried up	45
Amount transferred commercial - stockwater	93.92
Stockwater 57-2292 =269.5-57.98	211.52

Attachment C

Source: Owner Estimates

Crop History Evaluation for estimation of Diversion Volume and Consumptive Use

Transfer No. Nick DeRuyter Transfer

Date: 01/11/06

Allen and Brockway report site: Caldwell

Typical Crop Mix

Year	Crop	Acres	Method	App. Eff. %**	IR for Crop mm/season	Crop Div Vol AF/Ann	Crop CU AF/Ann
	Alfalfa Hay	183.00	sprinkler	70%	879	753.92	527.75
	Silage corn	183.00	sprinkler	70%	694	595.25	416.67
Totals		366				1349	944.42

Summary for 2 year period:

Average Acres Irrigated	366	Acres	Average Diversion Vol/acre	3.69
Total Diversion	1349	AF/ann	Average Consumptive Use/acre	2.58
Total Consumptive Use	944	AF/ann		

Attachment D Flow, Volume, and Allocation Calculations

Amount of water (afa) to be transferred **116.1** (From Dairy worksheet, Attachment B)

	%	Volume	
Stockwater	100%	116.1	afa

Historic consumptive use per acre **2.58** (From Attachment C. Crop history etc)
 Acres to dry up in Section 31 **45** (From Dairy worksheet, Attachment B)

To determine acres irrigated and flow under each license:

Total flow from notation on right: **11.36** (flow is divided among 3 rights)

Total Flow for each license:

Priority	Acres	Flow (cfs)	Flow/acre (cfs)	
1/25/1961 57-2335	292	3.87	0.013	earliest priority date license limited to 3.87 cfs
3/1/1971 57-7047	301	0.56	0.002	next priority date license and is limited to .56 cfs
4/14/1966 57-2292	0	0.89		is stockwater/commercial
	301	5.32		

Allocation of flow under license	57-2335	after transfer:
Total licensed flow	3.87	cfs
Acres irrigable	292	
acres irrigable (after transfer)	247	(292-45 acres dried up)
flow for irrigation	3.27	(acres irrigable X's licensed flow/acre)
acres out for stockwater	45.0	(from dairy worksheet)
flow for stock water	0.60	(acres out X's licensed flow/acre)
acres out for Commercial	0.0	(from dairy worksheet)
flow for Commercial	0.00	(acres out X's licensed flow/acre)
total flow after transfer	3.87	cfs (total of the three flows)

Allocation of Volume after transfer:

Total Diversion:

57-2335	1314	ac-ft	(from license)
deduct	202.5	45 dried up x's 4.5	
Tot. diversion/irrigation	1111.5	acre-ft/annum	
Tot. diversion/ commercial	0	(from dairy worksheet)	
Tot. diversion/ stockwater	116.12	(from dairy worksheet)	
Total allowable diversion after transfer	1227.62		

License 57-7074 confers the right to irrigate 301 acres, and also allows for 8 afa of stockwater (domestic right). Since the stockwater right will be used continuously, I have deducted the .14 cfs from the allowable flow of .56. This leaves .42 cfs for irrigation and .14 for stockwater before the transfer. The .42 cfs will be directed first at bringing the 9 acres covered by 57-7074 and not covered by 57-2335 up to the average flow.

Average flow for 292 acres from 57-2335	0.013 cfs/acre
9acres x's .013	0.119280822
.42 - .12=	0.3 cfs for top level of irrigation
divide by 301 acres	0.000996678 =flow/acre this layer

Allocation of flow under license	57-7047	after transfer:
Total licensed flow	0.56	cfs
Acres irrigable	301	
acres irrigable (after transfer)	256	³⁰¹ (292-45 acres dried up)
flow for irrigation top layer	0.26	(acres irrigable X's licensed flow/acre)
add back 12 for bottom layer	0.12	
flow for irrigation	0.38	
acres out for stockwater	45.0	(from dairy worksheet)
new flow for stock water	0.0400	(acres out X's licensed flow/acre)
existing flow for stockwater	0.14	(from dairy worksheet)
Total flow for stockwater	0.18	(acres out X's licensed flow/acre)
total flow after transfer	0.56	cfs (total of the three flows)

Allocation of Volume after transfer:

Total Diversion:

57-7047 272.1 ac-ft for irrigation (from license)

This comes from multiplying 245 days in seconds by the total flow. Using the same technique,

Tot. diversion/irrigation **184.7** acre-ft/annum

For the appropriate stockwater volume, I decided to use the consumptive use associated with the total diversion on the dried up land.

$272.1/301 = \text{total diversion/acre} =$ **0.90**

$2.58/4.5 = \text{consumptive use as \% of TD} =$ 57.33%

45 acres x's .90 x's 57.33% = **23** afa

Add existing stockwater this right **8.00** afa

Total stockwater this right 31 afa

Total allowable diversion after transfer **215.70**

Memo

RECEIVED
JAN 13 2006
WATER RESOURCES
WESTERN REGION

To: Lori Graves, Idaho Department of Water Resources
From: Darwin Vander Stelt
CC: Nicolaas De Ruyter
Date: 1/11/2006
Re: Water Transfer for De Ruyter Dairy

The De Ruyter Dairy is an existing dairy located in Marsing Idaho. Since construction in 1996, the dairy has been expanded, with lands removed from irrigation, new buildings constructed and livestock numbers increased, so that it is necessary to shift some of the water rights from irrigation to stockwater, and also to reflect more efficient use of process water in the milking parlors.

There are 3 water rights affected by this proposed transfer. The oldest right, 57-2335, as modified by transfer 5007, allowed irrigation of 292 acres within a POU of 301 acres. Over this is right 57-7047, which allows all 301 acres of the POU to be irrigated, and adds additional flow and volume. The third right, 57-2292, was transferred to stockwater and commercial use by Transfer 5007.

Because the owner has decided to use a system which uses very little process water in the milking parlors, there is now an excess of commercial right and insufficient stockwater in 57-2292.

This application requests that 45 acres no longer irrigated be transferred to stockwater use on rights 57-2335 and 57-7074, and further that 57-2292 be changed to reflect a more accurate division between stockwater and commercial use.

The application package includes 3 aerial photos showing the irrigation acres in each 1/41/4 before the change, after the change, and the last shows the acres removed from irrigation. Attachments are as follows:

"A" contains permission from the lienholder and proof of ownership.

"B" is a worksheet with calculation of quantities needed.

"C" is a calculation of historic consumptive use.

"D" contains the calculations of flow and volume after the transfer with an explanation of the rationale for the calculations.

Please call if you have questions. Thank You!

A handwritten signature in black ink, appearing to read "Darwin". The signature is fluid and cursive, with a large initial "D" and a trailing flourish.

Darwin Vander Stelt