

Transfer No. 73349
Receipt No. S029297

Amended

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

1. Applicant Information AMERICAN COW MILKING ENTERPRISE DAIRY INC
PO BOX 189
OAKLEY ID 83346
(208)862-2263

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MAY 12 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? _____ Yes X No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-12909B	AJC/Beneficial Use	0.04	9.2			GROUND WATER
45-2434B	AJC/License	0.32	74.8			GROUND WATER
45-10454	AJC/Beneficial Use	0.04	14.6			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
45-12909B	NO	NO	NO	YES	NO	NO
45-2434B	NO	NO	NO	YES	NO	NO
45-10454	NO	NO	NO	YES	NO	NO

Describe the reason for the proposed changes

To drill a new well for a back-up source of water for an existing dairy.

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

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
45-12909B	0.04 cfs			9.2 af
45-2434B	0.32 cfs			74.8 af
45-10454	0.04 cfs			14.6 af
TOTAL	0.36 cfs			98.6 af

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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.

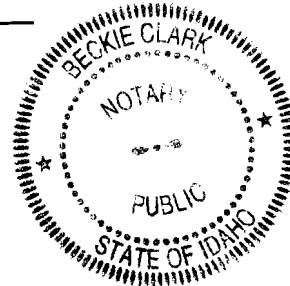
ACME DAIRY INC
By [Signature]
(Signature of Applicant)

President
(Title or Office)

Subscribed and sworn to before me this 30 day of April, 2007.

[Signature]
(Notary Public)

My commission expires 7-8-2011



Current Water Right No. 45-12909B

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SOUTHERN REGION

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.04 CFS	9.2 AFA	
COMMERCIAL	01/01 12/31	0.04 CFS	9.2 AFA	
	Total Diversion	0.04 CFS	9.2 AFA	

GROUND WATER	SWSWSE	Sec. 31 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SWNWSW	Sec. 32 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SESW	Sec. 32 Twp 13S	Rge 22E	CASSIA County

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
13S	22E	31									X								

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>		
13S	22E	31			X	X							X				X	X		

1. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-12909.

2. 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.
3. Commercial use is for a dairy located in the NESW, S31, T13S, R22E.
4. 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.
5. Rights 45-2434B and 45-12909B when combined shall not exceed a total diversion rate of 0.32 cfs.
6. The total instantaneous diversion of water from all points of diversion under Rights 45-2434B, 45-10454, and 45-12909B shall not exceed 0.36 cfs, nor a total combined annual volume of 98.6 af.
7. 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.
8. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
9. After specific notification by the Department, the right holder shall record the quantity of water diverted and shall annually report the information to the Department.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
11. 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. The right holder shall accomplish the change authorized by transfer 71793 by April 13, 2006.
13. 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

Warranty Deed

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

YES

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

N/A

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

NO

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

Current Water Right No. 45-2434B

Priority Date: January 27, 1953
Origin: Water Right
Basis: Decreed
Status: Active

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SOUTHERN REGION

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	0.32 CFS	74.8 AFA	
STOCKWATER	01/01 12/31	0.32 CFS	74.8 AFA	
Total Diversion		0.32 CFS	74.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSWSE	Sec. 31 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SWNWSW	Sec. 32 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SESW	Sec. 32 Twp 13S	Rge 22E	CASSIA County

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	
13S	22E	31			X	X					X				X	X	X	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	
13S	22E	31									X								

Conditions/Remarks:

- THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-2434.

2. 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.
3. Commercial use is for a dairy located in the NESW, S31, T13S, R22E.
4. 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.
5. Rights 45-2434B and 45-12909B when combined shall not exceed a total diversion rate of 0.32 cfs.
6. The total instantaneous diversion of water from all points of diversion under Rights 45-2434B, 45-10454, and 45-12909B shall not exceed 0.36 cfs, nor a total combined annual volume of 98.6 af.
7. 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.
8. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
9. After specific notification by the Department, the right holder shall record the quantity of water diverted and shall annually report the information to the Department.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
11. 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. The right holder shall accomplish the change authorized by transfer 71793 by April 13, 2006.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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Documentation of Ownership of the Current Place of Use

Warranty Deed

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

YES

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

N/A

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

NO

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Receipt No. S029297

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

Current Water Right No. 45-10454

Priority Date: January 01, 1955
Origin: Water Right
Basis: Decreed
Status: Active

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SOUTHERN REGION

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	0.04 CFS	14.6 AFA	
	Total Diversion	0.04 CFS	14.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSWSE	Sec. 31 Twp 13S Rge 22E CASSIA County
GROUND WATER	SWNWSW	Sec. 32 Twp 13S Rge 22E CASSIA 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	
13S 22E 31																	
14S 22E 6		X	X												X		
		L 2															

Conditions/Remarks:

1. 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.
2. The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. The quantity of water under this right shall not exceed 13,000 gallons per day.
4. The total instantaneous diversion of water from all points of diversion under Rights 45-2434B, 45-10454, and 45-12909B shall not exceed 0.36 cfs, nor a total combined annual volume of 98.6 af.
5. 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.

6. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted and shall annually report the information to the Department.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
9. 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.
10. The right holder shall accomplish the change authorized by transfer 71275 by December 2, 2005.
11. 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

Warranty Deed

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

YES

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

N/A

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. 73349
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-12909B

Priority Date: April 01, 1961

Origin: Water Right

Basis: Decreed

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	0.04 CFS	9.2 AFA	
COMMERCIAL	01/01 12/31	0.04 CFS	9.2 AFA	
	Total Diversion	0.04 CFS	9.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSE Sec. 31 Twp 13S Rge 22E CASSIA County

GROUND WATER SWNWSW Sec. 32 Twp 13S Rge 22E CASSIA County

GROUND WATER NESENE Sec. 5 Twp 14S Rge 22E CASSIA County

Describe the proposed diversion system

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
13S 22E 31									X								

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
13S 22E 31			X	X					X				X	X	X	X	

Proposed Water Right No. 45-10454

Origin: Water Right

Basis: Decreed

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	0.04 CFS	14.6 AFA	
	Total Diversion	0.04 CFS	14.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSE Sec. 31 Twp 13S Rge 22E CASSIA County

GROUND WATER SWNWSW Sec. 32 Twp 13S Rge 22E CASSIA County

GROUND WATER NESENE Sec. 5 Twp 14S Rge 22E CASSIA County

Describe the proposed diversion system

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
13S	22E	31															X		
14S	22E	6		X L 2	X														