

Transfer No. 73404
Receipt No. S029349

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

RECEIVED

MAR 07 2007

1. Applicant Information BOX CANYON DAIRY
PO BOX 140
WENDELL ID 83355-0140
(208) 539-2887

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? Yes (name change only)

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
36-7387A	WR/License	0.44	264.0		66.0	GROUND WATER
36-7387C	AJC/License	0.29			44.0	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
36-7387A	NO	NO	YES	NO	NO	NO
36-7387C	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

This transfer moves additional 1973 water to our property, while companion transfer 72839 moves 1956 water to the Durfee property. This was our arrangement with Mr. Durfee when we bought his old dairy and the 40 west of it, and these transfers just legalize the arrangement. The transfer to expand the dairy left 11 acres of irrigated land in the NE/NE Sec. 25, but most of this land has not been irrigated for some time due to the location of the dairy facilities. The transfer shrinks the place of use down to the remaining irrigated land under the existing pivot.

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

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

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
36-7387A	0.44 cfs		33.7	134.8 af
36-7387C	0.29 cfs		33.7	
TOTAL	0.67 cfs		33.7	134.8 af

Transfer No. 73404
Receipt No. S029349

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]
(Signature of Applicant)

[Signature]
(Title or Office)

Subscribed and sworn to before me this 7th day of March, 2007.

[Signature]
(Notary Public)

My commission expires 1-12-2013

Transfer No. 73404
Receipt No. S029349

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

Current Water Right No. 36-7387A

Priority Date: October 27, 1973
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>
IRRIGATION	3/15 11/15	0.44 CFS		
	Total Diversion	0.44 CFS	264.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESENE Sec. 25 Twp 08S Rge 14E GOODING 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	
08S	14E	25			33.0	33.0													66.0

Total Acres: 66

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NOS. 36-02312A AND 36-07641 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.19 CFS AND A TOTAL ANNUAL DIVERSION VOLUME OF 264 AF.
2. USE OF THIS RIGHT WITH RIGHT NOS. 36-02312A AND 36-07641 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 66 ACRES IN A SINGLE IRRIGATION SEASON.
3. 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.
4. USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.
5. RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. OTHER RIGHT NOS.: 36-02312A, 36-02312B, 36-07387B AND 36-07641.

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?

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

This and a companion transfer trade water rights on adjacent farms served by the same well. The same land will still be irrigated, but with different water rights. The Box Canyon property will have all 1973 water after the transfer.

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. 73404
Receipt No.S029349

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

Current Water Right No. 36-7387C

Priority Date: October 27, 1973
Origin: Adjudication Recommendation
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>
IRRIGATION	3/15 11/15	0.29 CFS		
	Total Diversion	0.29 CFS		

Source and Point(s) of Diversion:

GROUND WATER SESENE Sec. 25 Twp 08S Rge 14E GOODING 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	
08S	14E	25	11.0	33.0															44.0

Total Acres: 44

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. Use of this right is combined with water from North Side Canal Co., Ltd.
3. Right Nos. 36-2312C and 36-7387C are limited to the irrigation of a combined total of 44 acres in a single irrigation season.
4. Right Nos. 36-2312A, 36-2312C, 36-7387A, 36-7387C and 36-7641 are diverted through the point of diversion described above.
5. Right Nos. 36-2312C and 36-7387C are limited to a total combined annual diversion volume of 176 AF.

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?

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

Transfer reduces pou to land that is currently irrigable under the existing pivot.

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

YES 10.3 acres in the NE/NE Sec. 25 has not been irrigated since the old dairy was expanded about 8 years ago.

Transfer No. 73404
 Receipt No.S029349

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

Proposed Water Right No. 36-7387A

Priority Date: October 27, 1973

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>
IRRIGATION	03/15 11/15	0.44 CFS	134.8 AFA	
	Total Diversion	0.44 CFS	134.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESENE Sec. 25 Twp 08S Rge 14E GOODING County

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to sprinklers

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	
08S 14E 25	.7	33.0															33.7

Total Acres: 33.7

Transfer No. 73404
 Receipt No. S029349

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

Proposed Water Right No. 36-7387C

Priority Date: October 27, 1973
 Origin: Adjudication
 Recommendation
 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>
IRRIGATION	03/15 11/15	0.29 CFS		
	Total Diversion	0.29 CFS		

Source and Point(s) of Diversion:

GROUND WATER SESENE Sec. 25 Twp 08S Rge 14E GOODING County

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to pivot sprinkler

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	
08S 14E 25	.7	33.0															33.7

Total Acres: 33.7



T73404
Box Canyon Dairy

POD

CERTIFICATE OF ASSUMED BUSINESS NAME

To the SECRETARY OF STATE, STATE OF IDAHO

Pursuant to Section 53-504, Idaho Code, the undersigned gives notice of adoption of an Assumed Business Name.

1. The assumed business name which the undersigned use(s) in the transaction of business is:

Box Canyon Dairy

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name is/are:

<u>Name</u>	<u>Address</u>
<u>Frans and Cornelia Aardema</u>	<u>P O Box 140 Wendell, ID 83355</u>
<u>Tom and Mary Jane Heida</u>	<u>P O Box 140 Wendell, ID 83355</u>

3. The general type of business transacted under the assumed business name is:

Agriculture

See categories on the reverse

4. The name and address to which correspondence should be addressed:

Box Canyon Dairy, c/o Tom Heida, P O Box 140, Wendell, ID 83355

Signed Box Canyon Dairy

By

Tom Heida
Tom Heida

Submit Certificate of Assumed
Business Name and \$20.00 fee to:

Secretary of State
700 West Jefferson
PO Box 83720
Boise ID 83720-0080

Customer #

Secretary of State use only
IDAHO SECRETARY OF STATE

08/20/1997 09:00
CX: 3328 CT: 47063 DN: 31325

1 20.00 = 20.00 ASSUM NAME

07380