

ATTACHMENT "C"  
Location Map - Moo-Riah Dairy  
Section 16, T1N, R2W

41

T 3971

H/NW

1  
37.7

T 3811

H/NW

34

H/NW

3  
16.8

MICROFILMED  
OCT 27 1998

H/NW

6  
37.5

5  
38.5

2  
8.8

H/NW

H/NW

N/NW

N/NW

16  
26.8

17  
32.5

T 3734

H/NW

P/D #2

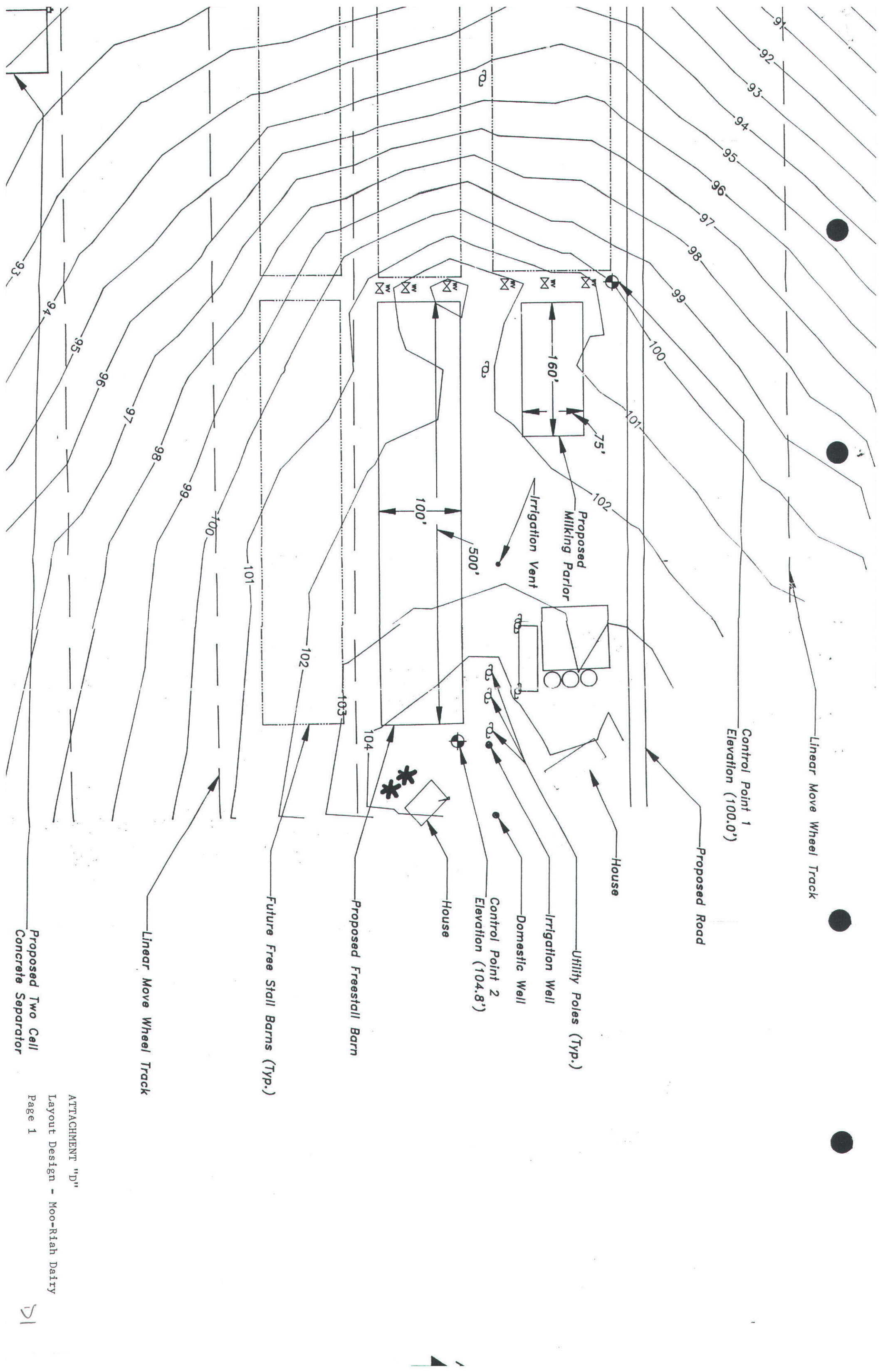
Dairy

P/D #3

P/D #1

3

4  
49.1



Proposed Two Cell  
Concrete Separator

Linear Move Wheel Track

Future Free Stall Barns (Typ.)

Proposed Freestall Barn

House

Control Point 2  
Elevation (104.8')

Domestic Well

Irrigation Well

Utility Poles (Typ.)

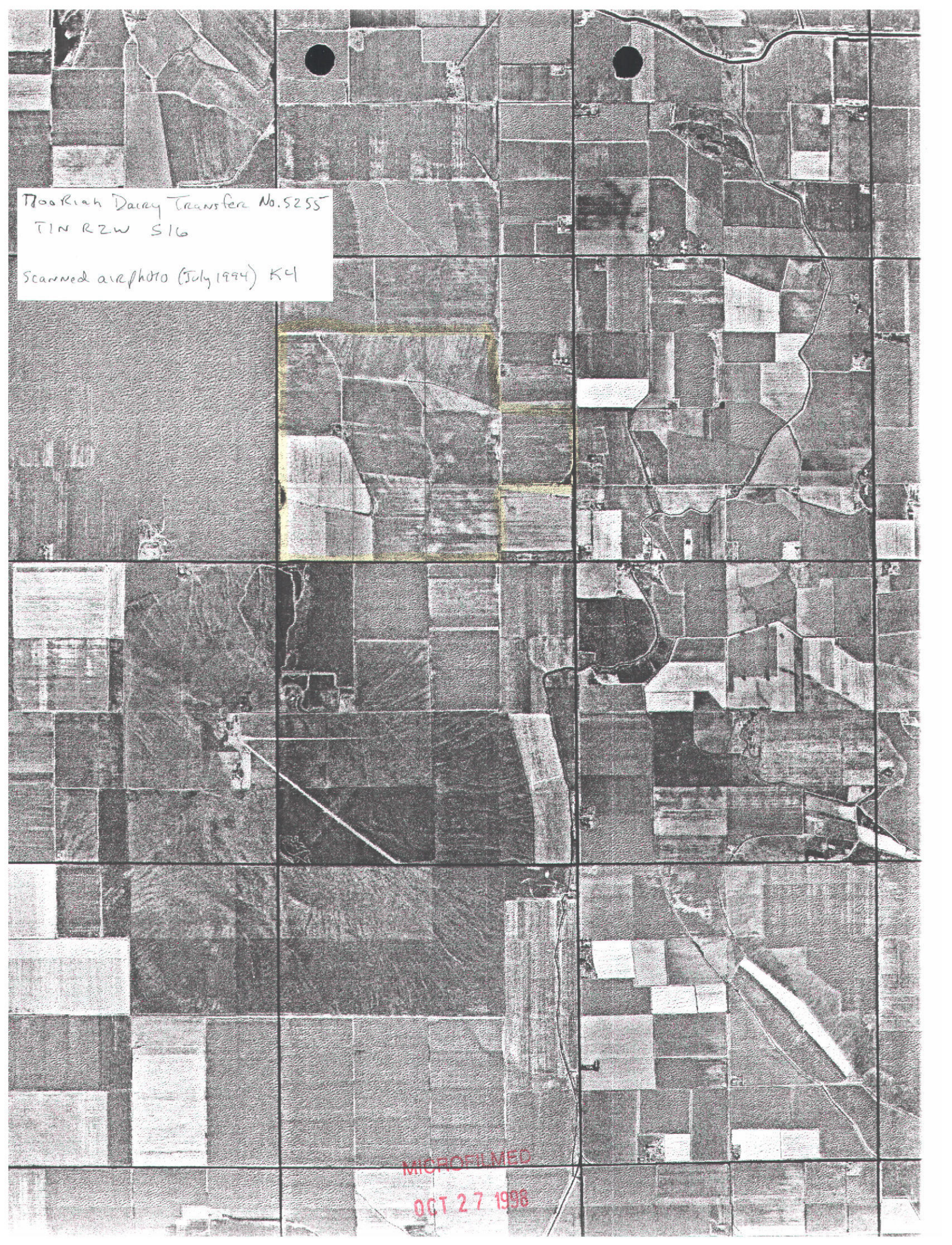
House

Proposed Road

Control Point 1  
Elevation (100.0')

Linear Move Wheel Track





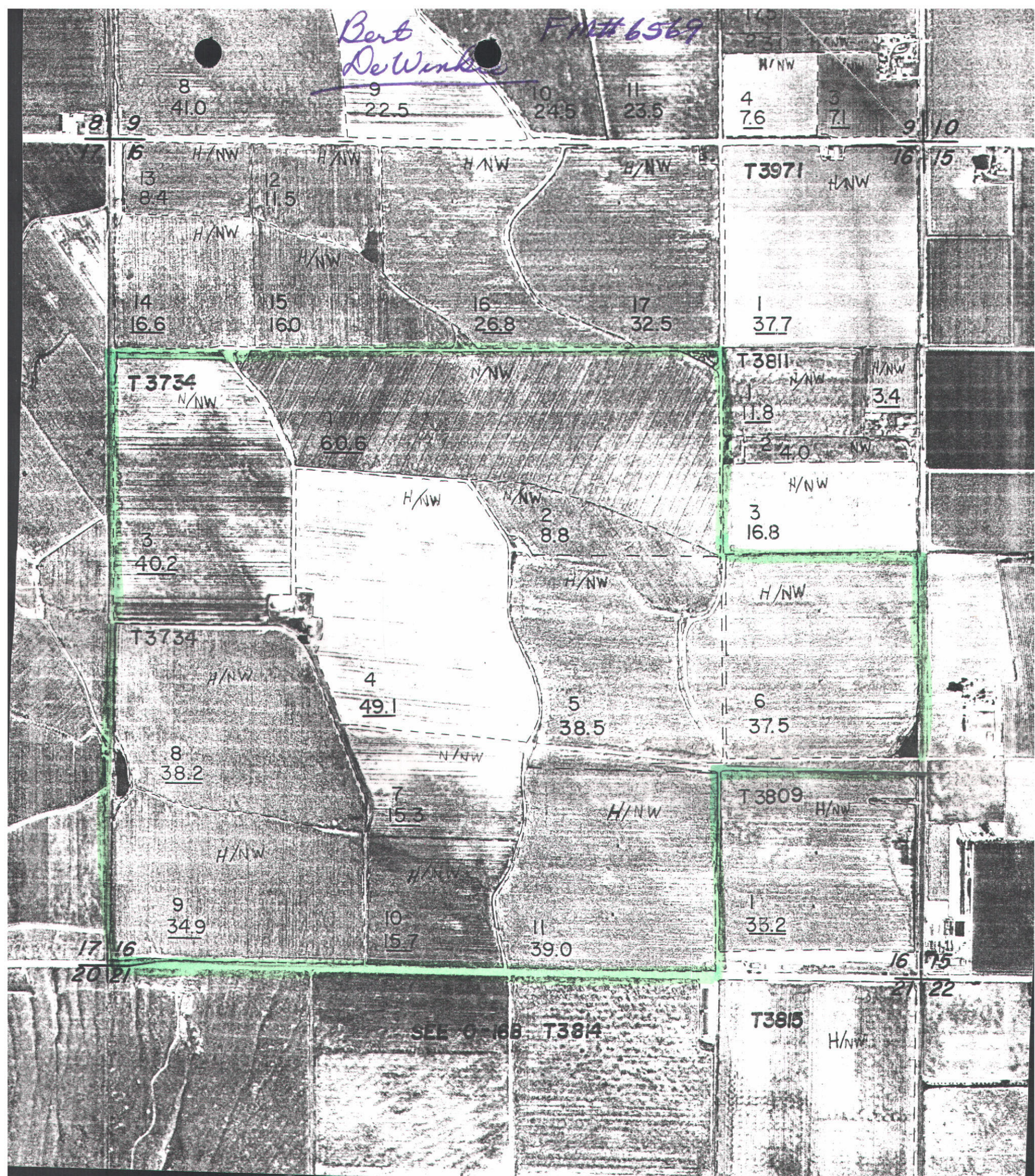
Thos Riah Dairy Transfer No. 5255  
TIN RZW S16

Scanned airphoto (July 1994) K4

MICROFILMED  
OCT 27 1998

Bert  
DeWink

F# 6569

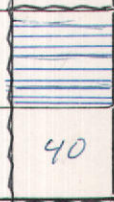


R-2W.

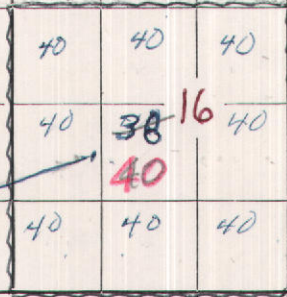
STATE HWY. NO. 45 → NAMPA

T.  
1  
N.

8



40



120

160  
~~158~~

120

Subdivisions 11

area

440 RT.  
~~438~~ acres

3.79 CFS OR 189 1/2 inches

Same land as G-25789

No B/U Fee

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. 21621

REPORT ON PROOF OF Beneficial Use

Herbert A. & Opal L. Tiegs, Rt. #2, Nampa, Idaho

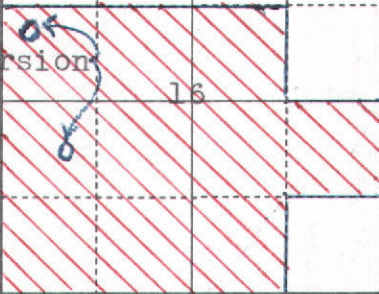
Amended map to accompany application for amendment Permit 21621

Twp. 1.N. R. 2.W.

9

10

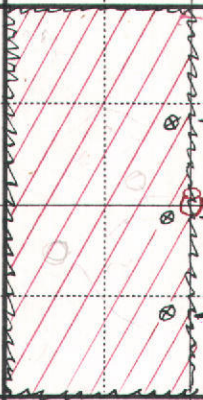
Points of amended diversion  
Wella,



16

15

TIN, R2W

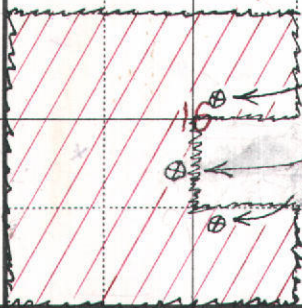


9

10

Points of Diversion - 6 Wells

17



15

Permit Map No. 21621

As Approved  
JUL 26 1950  
MARK R. KULP  
State Reclamation Engineer

21621

Transfer No. 2021  
Application No. 63-2824  
63-3054

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**To Change the Point of Diversion and/or the Place of Use**

**Amended**

**APPROVED**

Name of applicant Dale H. Tiegs Phone 466-2234  
Post office address Route 1, Box 142, Melba, Idaho 83641 Western Regional Office

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:
- a. Decree to \_\_\_\_\_ (Name)  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)
- b. License No. (1) 63-2824  
(2) 63-3054 issued by the Idaho Department of Water Resources
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant \_\_\_\_\_  
Purchased from mother, Opal L. Tiegs
3. Source of water ground water tributary to \_\_\_\_\_
4. Date of priority (1) July 24, 1950 (2) June 24, 1955
5. Water is used for the following purposes:
- (1) amount 3.79 cfs for Irrigation purposes from March 15 to Nov. 15
- (2) amount 2.30 cfs for Irrigation purposes from March 15 to Nov. 15
- amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day - both dates inclusive)
6. Total amount of water under right: a. 6.09 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
7. Location of original point of diversion is \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_  
Township \_\_\_\_\_ Range \_\_\_\_\_, B.M., in \_\_\_\_\_ County  
Additional points of diversion, if any (1) NW 1/4 SW 1/4, Sec. 16, Twp. 1 N, Rge. 2 W, B.M.  
(2) SW 1/4 NW 1/4, Sec. 16, Twp. 1 N, Rge. 2 W, B.M.
8. Lands irrigated or place of use:

| TWP. | RANGE | 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 |        |
| 1 N  | 2 W   | 8    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 40     | 40     |
|      |       | 16   |        |        | 40     |        |        |        | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     |        | 400    |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 440

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. \_\_\_\_\_ cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$ , Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_, B.M., \_\_\_\_\_ County
- Additional points \_\_\_\_\_

3. Place of use:

[illegible]

**C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

- ### 1. Change in point of diversion

a. Amount of water to be diverted 6.09 cfs c.f.s. &/or \_\_\_\_\_ acre feet

b. Point(s) of diversion ~~SE~~  $\frac{1}{4}$  ~~SE~~  $\frac{1}{4}$ , Section ~~8~~ Township ~~1 N~~  
Range ~~2 W~~, B.M., Canyon County  
Additional points NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 16, Twp. 1 N, Rge. 2 W, B.M.

c. Description of diverting works

d. Describe the reasons for applying for a change in the point(s) of diversion The 400 acres in  
Sec. 16 are being sold; ~~the new well in SE<sup>1</sup><sub>4</sub> SE<sup>1</sup><sub>4</sub> of Sec. 8 will irrigate that 40~~  
~~acres in Sec. 8.~~ All of the water right will be used on  
the 400 acres being sold.

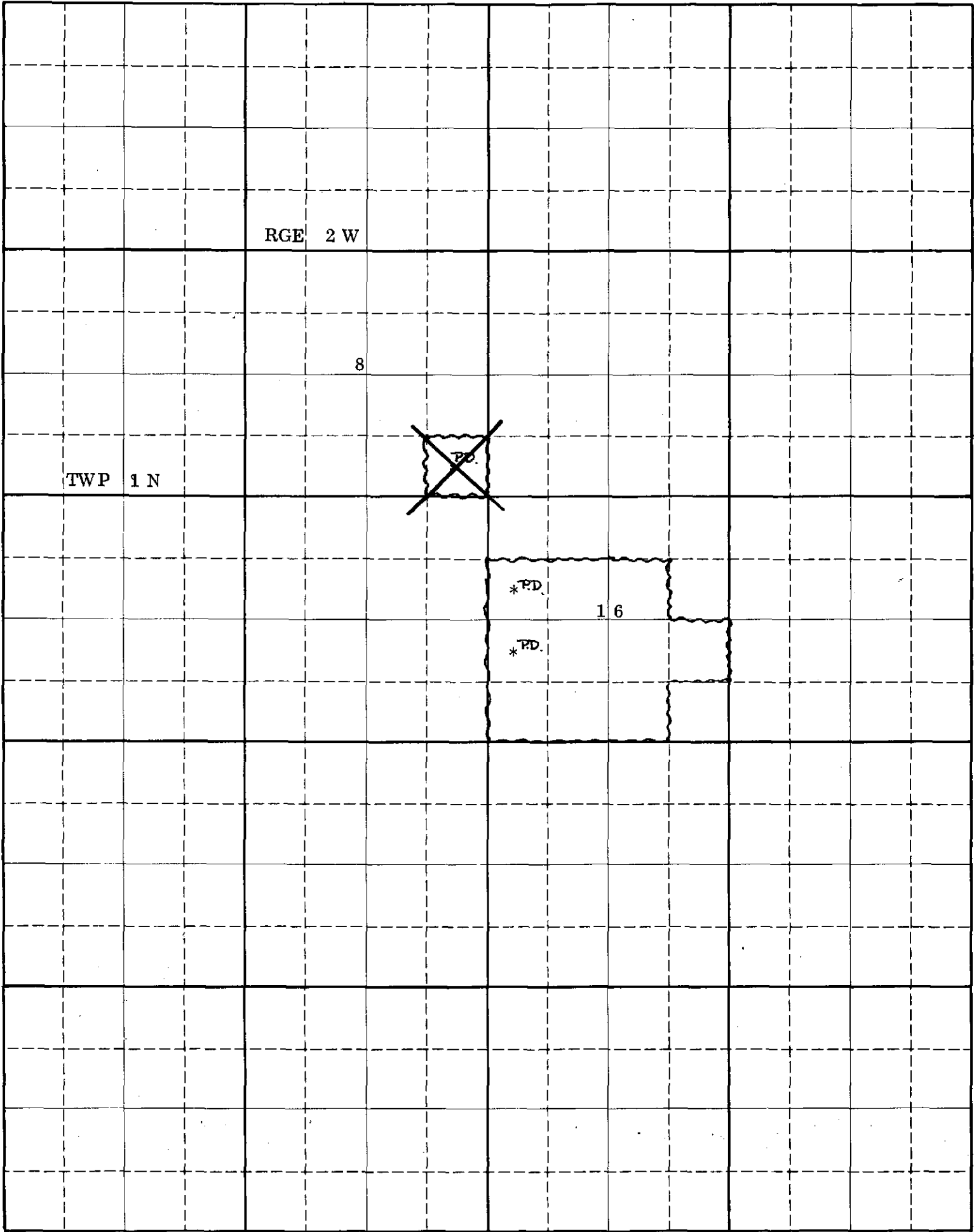
- ## 2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

[illegible]

Total number of acres to be irrigated 400  
~~440~~

b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby assert that no one will be injured by such change and 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.

Dave H. Fries  
(Signature of applicant)

Subscribed and sworn to before me this 29<sup>th</sup> day of October, 19 76

D. Pauline Rich  
(Notary public)

My commission expires 10-20-1980

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-2824/63-3054, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

\_\_\_\_\_  
\_\_\_\_\_

2. Denial of said application is for the following reasons: \_\_\_\_\_

\_\_\_\_\_

Witness my hand this 8 day of January, 19 77

R. Keith Higin

### FOR DEPARTMENT USE ONLY

Received by AK Date 10-29-76 Protest filed by \_\_\_\_\_

Prelim. check by BDF Fee 30.00 #6099

Receipted by AK Date 10-29-76 #5928

Published in Idaho Free Press Copies of protest forwarded by \_\_\_\_\_

Pub. dates November 17, 1976 + November 18, 1976 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

re-ad. December 9 + 16 Watermaster recommendation requested on \_\_\_\_\_

\_\_\_\_\_ rec'd. \_\_\_\_\_ Recommended for approval denial

by THS

# APPLICATION FOR PERMIT

## To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 29334  
 PERMIT No. 21621  
 DISTRICT No.

*Opal L. Tiegs*

1. Name of Applicant: HERBERT A. & OPAL L. TIEGS

Postoffice address: Route 2, Namps

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 12.80 cubic feet per second.

3. Source of water supply: Subterranean flow from wells which is a tributary of

4. Location of point of diversion: See Remarks feet distant from the

corner of Section , T. , R. , B.M., and is in the

of Sections 8 & 16 T. 1 N. , R. 2 W. , B.M., County of Canyon

5. Water is to be used for Irrigation and domestic purposes.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the

of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 50,000.00

8. Kind of works: Wells, pumps and ditches

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Five (5) years.

13. The time required for the complete application of the water to the proposed use is Six (6) additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:  
 (b) Name of Reservoir and number of Storage Permit:  
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

HERBERT A. TIEGS & OPAL L. TIEGS *Applicant.*

By **Herbert A. Tiegs** *Agent.*

Date of first receipt at Department of Reclamation: 11:00 A. M. July 24, 1950

Returned to applicant for correction:

Corrected application received:

## Approval of State Reclamation Engineer

The number of this permit is 21621

Recorded in Book 77 Page 21621 Approved July 26, 1950

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ \_\_\_\_\_ to be filed on or before \_\_\_\_\_

Work to begin on or before **September 26, 1950** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **January 26, 1953**

The whole of said work to be completed on or before **July 26, 1955**

Beneficial use of water appropriated in accordance herewith, to be made on or before **July 26, 1961**

WITNESS My hand this 26th day of July, 1950

**MARK R. KULP**  
*State Reclamation Engineer.*

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,  
and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 26th

day of July, 19 50.

STATE OF IDAHO

Countersigned:

(SEAL)

By.....C. A. ROBINS.....  
Governor.

By J. D. "CY" PRICE  
*Secretary of State.*

REMARKS: Points of diversion or location of wells: Well No. 1- SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 16; Well No. 2- NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 16; Well No. 3- SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 16; Well No. 4- SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 8; Well No. 5- NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 8; Well No. 6- SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 8; Township 1 N. Range 2 W., B.M.

14. Applicant reserves the right to drill one or more of these wells as may be necessary to obtain the required amount of water under this filing.

| Twp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Range | Sec.    | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|---------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |       |         | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 1 N.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 2 W.  | 16<br>8 | 40               |                  |                  |                  | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               |                  |                  |                  | 320    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |       |         |                  |                  |                  |                  | 40               | 40               | 40               | 40               | 40               | 40               | 40               |                  |                  |                  |                  | 320              |        |
| Total Number of Acres to be Irrigated - -                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 640              |                  |        |
| APPLICATION FOR AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| To Permit to appropriate the Public Waters of the State of Idaho, No. 21621                                                                                                                                                                                                                                                                                                                                                                                                                      |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| Comes, now Herbert A. Tiegs, and represents to the State Reclamation Engineer of the State of Idaho.                                                                                                                                                                                                                                                                                                                                                                                             |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21621 and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: $\frac{1}{2}$ Section 8; SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16; All in Twp. 1 N. Range 2 W., B. M. making a total of 720 acres. |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.                                                                                                                                                                                                                                                                                                                                                                |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| Signed at Boise, Idaho, this 15th day of January, 1954                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| HERBERT A. TIEGS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| Date of receipt at Office of Department of Reclamation January 15, 1954.                                                                                                                                                                                                                                                                                                                                                                                                                         |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| APPROVAL OF STATE RECLAMATION ENGINEER                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21621. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.                  |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| MARK R. KULP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
| State Reclamation Engineer                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

**State of Idaho**  
**License and Certificate of Water Right**

Water License No. 21621

Amount 3.79 c.f.s.

Water District No. \_\_\_\_\_

Priority July 24, 1950

**THIS IS TO CERTIFY** that **HERBERT A. TIEGS AND OPAL L. TIEGS**  
of Nampa, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated July 24, 19 50; that Permit No. 21621  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
5.0 second feet, was issued thereunder on June 30, 19 55, showing that said works  
were completed on the 24th day of June, 19 55; and that on the 12th  
day of June, 19 61,

OPAL L. TIEGS, Assignee by Court Decree

of Nampa, State of Idaho, made proof to the satisfaction of the  
State Reclamation Engineer of Idaho, of the right to use the waters of a well  
, a tributary of subterranean flow, for the purpose of irrigation &  
domestic use, under Use Permit No. 21621 of the Department of Reclamation  
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume  
12 of Licenses at page 7375, on the 3 day of August, 19 62;  
The right hereby confirmed dates from July 24, 19 50;

The Point of Diversion is located

in the NW 1/4 SW 1/4, Sec. 16, Tp. 1 N., R. 2 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall  
not exceed 3.79 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec.    | Forty-acre Tract                       | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|---------|----------------------------------------|----------------------------------|---------------------------------|
| 1 N. | 2 W.  | 8<br>16 | SE 1/4 SE 1/4                          | 40                               | 40                              |
|      |       |         | SW 1/4 NE 1/4                          | 40                               | 40                              |
|      |       |         | SE 1/4 NW 1/4                          | 40                               | 40                              |
|      |       |         | SW 1/4 NW 1/4                          | 40                               | 40                              |
|      |       |         | NE 1/4 SW 1/4                          | 40                               | 40                              |
|      |       |         | NW 1/4 SW 1/4                          | 40                               | 40                              |
|      |       |         | SW 1/4 SW 1/4                          | 40                               | 40                              |
|      |       |         | SE 1/4 SW 1/4                          | 40                               | 40                              |
|      |       |         | NE 1/4 SE 1/4                          | 40                               | 40                              |
|      |       |         | NW 1/4 SE 1/4                          | 40                               | 40                              |
|      |       |         | SW 1/4 SE 1/4                          | 40                               | 40                              |
|      |       |         | Total number of acres to be irrigated: |                                  | 440                             |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place  
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

3rd day of August, 19 62.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

63 2824

APPLICATION FOR AMENDMENT  
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS  
OF THE STATE OF IDAHO, NO. 21621

Comes now Herbert A. & Opal L. Tiegs, and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21621.

That the point of diversion is described in said permit as being located SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 16, Twp. 1 N., R. 2 W.

That he now requests that the point of diversion be changed to a point located SW $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 16, Twp. 1 N. R. 2 W.

That his reasons for desiring to make such change are as follows: Mistake made in location wells sites in original application.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.  
Signed at Boise, Idaho, this 24 day of June, 1955.

HERBERT A. TIEGS

Date of receipt at Department of Reclamation June 24, 1955

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21621. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP  
State Reclamation Engineer

Permit No. 21621

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that HERBERT A. TIEGS & OPAL L. TIEGS Of Nampa, County of Canyon, and State of Idaho, the holders of Permit No. 21621, issued upon Application No. 29334 bearing date of priority of July 24, 1950, authorizing the diversion of 12.80 second feet of the waters of subterranean flow from wells, County of Canyon, State of Idaho, for irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use five (5) second feet of the waters of one well; that the point of diversion of said waters is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 16, Township 1 North, Range 2 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 16, Twp. 1 North, Range 2 West, B. M.

Witness my hand this 30th day of June, A. D. 1955.

MARK R. KULP  
State Reclamation Engineer

Proof of Completion of Works made June 24, 1955  
Certificate of Completion of Works issued June 30, 1955.

APPLICATION FOR AMENDMENT  
POINT OF DIVERSION  
Permit No. 21621

Comes now HERBERT A. and OPAL L. TIEGS and represents to the State Reclamation Engineer of the State of Idaho:

That they are the owners and holders of Permit to appropriate the Public Waters of the State of Idaho, No. 21621.

That the points of diversion is described in said Permit as being located: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 16, T. 1 N., R. 2 W., B. M.

That they now request that the point of diversion be changed to a point located: NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 16, T. 1 N., R. 2 W., B. M.

That the reason for desiring to make such change is as follows: Proof of completion of works inadvertently described the wrong location of the one well.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 23rd day of May, 1960.

s/ HERBERT A. TIEGS

Date of receipt at Dept. of Reclamation 5-23-60

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21621. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

GEO. N. CARTER  
State Reclamation Engineer

Recorded: May 25, 1960

Application for Amendment ✓  
LAND LIST  
Permit No. 21621

Comes now HERBERT A. & OPAL L. TIEGS, and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21621, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

$E\frac{1}{2}SE\frac{1}{4}$ , Sec. 8;  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$ , Sec. 16, T. 1 N., R. 2 W., B. M., making a total of 480 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 15th day of May, 1961.

s/ HERBERT A. TIEGS

Date of receipt at office of Department of Reclamation May 18, 1961

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21621. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

GEO. N. CARTER  
State Reclamation Engineer

Recorded: May 19, 1961

\_\_\_\_\_  
A S S I G N M E N T ✓

SEE PROBATE COURT DECREE IN FILE Permit No. G-25789, assigning Permit No. 21621 to: OPAL L. TIEGS

LICENSE ISSUED FOR 3.72 SEC. FT.  
page 7375

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**Notice of Security Interest in a Water Right**

And Request for Notification of a Change in Ownership or Any Proposed Or Final Action  
to Amend, Transfer, or Otherwise Modify a Water Right

1. Water Right No(s): 63-2824, Priority Date July 24, 1950  
63-3054, Priority Date June 24, 1955

Adjudication Claim No(s):

2. The following **REQUIRED** information must be submitted with this form:

- (A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in questions, **WITH ATTACHED LEGAL DESCRIPTION**.
- (B) A **FEE** of \$25.00 per water right or adjudication claim.

3. Name and Mailing Address or Company holding Security Interest:

American AgCredit, PCA  
P.O. Box 1120  
Santa Rosa, California 95402

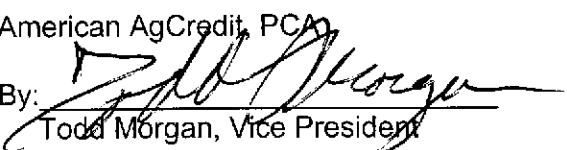
4. Name of Water Right Owner/Claimant(s):

Bert DeWinkle and Tryntje De Winkle

5. Expiration Date of Notification Period is January 1, 2007.

6. Is this a Renewal of Request for Notification: ☐ Yes ☒ No

7. Signature(s) (and title if applicable) American AgCredit, PCA

By:   
Todd Morgan, Vice President

**For Office Use Only**

Received by T. Morgan Date 2/19/02 Fee \$50.00  
Received by T. Morgan Date 2/19/02 Receipt No. 0260024  
Processed by T. Morgan AJ Date            WR            Date           

MICROFILMED

MAR 27 2002

Recording Requested by:

WHEN RECORDED MAIL TO:

American AgCredit, PCA  
P.O. Box 706  
Turlock, California 95381

### REAL ESTATE MORTGAGE

THIS MORTGAGE is made this January 10, 2002 between Bert DeWinkle and Tryntje DeWinkle, husband and wife, whose address is 3438 Lynwood Road, Melba, Idaho 83641 hereinafter called "Mortgagor", and American AgCredit, PCA hereinafter called "Mortgagee", a corporation, existing and operating under the Farm Credit Act of 1971, as amended, having its principal place of business at P.O. Box 1120, Santa Rosa, California 95402-1120.

WITNESSETH: That Mortgagor IRREVOCABLY GRANTS, BARGAINS, SELLS, CONVEYS AND ASSIGNS unto Mortgagee together with right of entry and possession the following described real property situated in the County of Canyon, State of Idaho:

The North Half of the Southeast Quarter; the South Half of the Northwest Quarter; the Southwest Quarter of the Northeast Quarter; the Southwest Quarter; and the Southwest Quarter of the Southeast Quarter, all in Section 16, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

TOGETHER WITH: All fixtures, including but not limited to the following: All pumps, motors, columns, tubes, shafts, bowls, panels and all electrical appurtenances, mainline, laterals, wheel lines, pivot/circle irrigation systems, risers, heads, couplers, end plugs, valves, valve openers, reducers, joints, tees and wyes, all livestock handling, feeding, and milking equipment, manure separating systems, cow wash systems, stalls, lockups, stanchions, milk metering systems, automated feed systems, pipeline milking systems, milk storage tanks, cooling systems, pre-heaters, milk discharge lines, washlines, automatic takeoffs, computers and computer systems, responders, collars, claws, claw hangers, inflations, shells, air tubes, pulsators, crowd gates, pumps, motor (compressors, controllers, filters, and auxiliary equipment, as well as all additions and replacements thereof, which are hereby declared appurtenant thereto.

TOGETHER WITH: Idaho Department of Water Resources License Number 63-2824, Priority Date July 24, 1950

TOGETHER WITH: Idaho Department of Water Resources License Number 63-3054, Priority Date June 24, 1955

This real estate mortgage is also intended to be a fixture filing and to be indexed not only as a mortgage but also as a fixture filing.

TOGETHER WITH: all buildings, structures, equipment, fixtures (including trees, vines and shrubs) and improvements of every kind and description now or hereafter constructed or placed thereon; all standing timber and timber to be cut located thereon; all existing and future water rights, however evidenced, to the use of water for irrigation, livestock and domestic purposes, including irrigation and watering equipment and systems, ditches, laterals, conduits, and rights-of-way used to convey such water or to drain the above-described property, all of which rights are hereby made appurtenant to the property, and all pumping plants, electrical generators, wind machines, and fencing and storage tanks, now or hereafter used in connection with the property, all of which are hereby declared to be fixtures; all grazing rights, leases, permits and licenses; all oil, gas, and mineral leases, permits and rights used with the property; and all tenements, hereditaments, easements, rights-of-way and appurtenances to the property (hereafter collectively referred to as the "Property").

MORTGAGOR ABSOLUTELY AND UNCONDITIONALLY ASSIGNS, transfers, conveys and sets over to Mortgagee all the rents, royalties, issues, profits, revenue, income and other benefits of the property arising from the use or enjoyment of all or any portion thereof or from any lease, mineral lease, or agreement pertaining thereto (collectively the "Rents"); SUBJECT, HOWEVER, to the right, power and authority given to and conferred upon Mortgagor by Paragraph B.3 hereof.

FOR THE PURPOSE OF SECURING: (1) payment of the indebtedness or obligations evidenced by the following promissory note(s) and/or guaranties executed by Mortgagor and/or others to the Mortgagee at the times, in the manner and with interest as therein set forth (notes may contain variable or adjustable rate provisions):

DATE OF NOTE  
January 10, 2002

MATURITY DATE  
January 1, 2007

AMOUNT OF NOTE  
\$2,289,004.00

(2) the payment of such additional loans or advances, including advances under a revolving line of credit, with interest thereon, hereafter may be made to Mortgagor, or Mortgagor's successors or assigns, and/or to parties whose obligation Mortgagor guaranteeing, evidenced by a promissory note or otherwise and any obligations evidenced by any guaranties executed by Mortgagor in favor of Mortgagee; PROVIDED HOWEVER, THAT, such additional loans, advances, guaranty obligations shall be secured this Mortgage only if the promissory note, guaranty, or other document evidencing such loans or advances shall recite that it is be secured by this Mortgage; (3) the payment of any substitute notes, renewals, reamortizations, and extensions of all indebtedness secured by this Mortgage; (4) the performance of every obligation and agreement of Mortgagor whether contained or incorporated by reference in this Mortgage, or contained in any loan document or guaranty executed by Mortgagor in favor of Mortgagee, with respect to any loan, advance, or guaranty secured by this Mortgage; and (5) the payment of all sums expended or advanced

MICROFILMED  
MAR 27 2002

MICROFILMED *Realty*  
APR 15 2002

Mortgagee under or pursuant to the terms of this Mortgage, together with interest thereon as herein provided. The continuing valid and priority of this Mortgage as security for future loans, advances or guaranties shall not be impaired by the fact that at certain times hereafter there may exist no outstanding indebtedness from Mortgagor to Mortgagee or no commitment to make loans or advances

A. TO PROTECT THE SECURITY OF THIS MORTGAGE, MORTGAGOR AGREES:

1. To use loan proceeds solely for the purposes set forth in the loan application(s) or agreements; to comply with the Farm Credit Act of 1971, as amended, and/or the regulations of the Farm Credit Administration, now existing or as hereafter amended.
2. To keep the Property in good condition, working order and repair; care for the Property in accordance with standards of good husbandry and to keep all trees, vines and crops on said land properly cultivated, irrigated, fertilized, sprayed, and fumigated; not to remove, destroy or suffer the removal or destruction of any building, fence, canal, well or other improvements or fixtures thereon; not to remove, replace or alter any horticultural or viticultural tree, vine or shrub planted thereon without the prior written consent of Mortgagee, except in the ordinary course of business; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon; to comply with all laws, covenants and restrictions affecting the Property; not to commit or permit waste thereof; not to commit, suffer or permit any act upon the Property in violation of law; to do all other acts which from the character or use of the Property may be reasonably necessary, the specific enumerations herein not excluding the general; to observe and perform all obligations of Mortgagor under any lease of the Property.
3. To provide, maintain and deliver to Mortgagee fire and all other types of insurance of the type and in amounts as Mortgagee may require, with loss payable clauses solely in favor of Mortgagee. In the event of loss, the insurance proceeds, or any part thereof may be applied by Mortgagee, at its option, to the reduction of the indebtedness hereby secured or to the restoration or repair of the property damaged. In the event that the Mortgagor shall fail to provide satisfactory hazard insurance, Mortgagee may procure, on Mortgagor's behalf, insurance in favor of Mortgagee alone. If insurance cannot be secured by Mortgagor to provide the required coverage, such inability shall constitute an event of default hereunder.
4. To appear in and litigate any action or proceeding purporting to affect the security hereof, the title to the Property, or the rights or powers of Mortgagee; Mortgagee may appear in and litigate any such action or proceedings, including any bankruptcy, partition or condemnation proceeding, affecting the Property, or Mortgagee's interest therein, in which event Mortgagor agrees to pay all costs and expenses thereof, including attorney's fees and costs of securing evidence of title.
5. To pay on or before the due date all taxes and assessments affecting the Property, including all assessments upon water company stock and all rents, assessments and charges for water, appurtenant to or used in connection with the Property; to pay, when due all encumbrances, charges, and liens, on the Property or any part thereof, which at any time appear to be prior or superior hereto.
6. In case of any suit to foreclose this Mortgage or to collect any charge arising out of the debt hereby secured, or of any suit which the Mortgagee may deem necessary to prosecute or defend to effect or protect the lien herein, including any proceeding in bankruptcy or if Mortgagee retains an attorney to advise Mortgagee in connection with this Mortgage or any other agreement related to the indebtedness secured by this Mortgage, Mortgagor agrees to pay a reasonable sum as attorney's fees and all costs and legal expenses in connection with said suit, and further agrees to pay the reasonable costs of searching the records and abstracting or insuring the title, and such sums, costs and expenses shall be secured hereby and shall be included in any decree of foreclosure. The fees and costs described herein and elsewhere in this Mortgage shall be in addition to those set forth in the loan agreement or any other written agreement between Mortgagor and Mortgagee.
7. Should Mortgagor fail to make any payment or to do any act as provided for in this Mortgage, then Mortgagee, but without obligation to do so and without notice to or demand upon Mortgagor and without releasing Mortgagor from any obligation hereof, may: make or do the same in such manner and to such extent as either may deem necessary to protect the Property, Mortgagee being authorized to enter upon the Property for such purposes; commence, appear in and litigate any action or proceeding purporting to affect the security hereof or the rights or powers of Mortgagee, including any bankruptcy proceeding affecting the Property; pay purchase, contest, or compromise any encumbrance, charge or lien which in the judgement of either appears to be prior or superior hereto; and in exercising any such powers, incur any liability, expend whatever amounts in its absolute discretion it may deem necessary therefore, including attorney's, accountant's, appraisal, and environmental fees, and costs of securing evidence of title, and all amounts so expended shall be obligations of Mortgagor secured by this Mortgage. Nothing contained herein shall prohibit Mortgagee from entering the Property, at a reasonable time and upon reasonably notice to Mortgagor, without incurring or assuming any obligations or liabilities whatsoever, for the sole purpose of inspecting the Property.
8. To pay immediately and without demand all sums expended by Mortgagee pursuant to the provisions hereof, with interest from date of expenditure at the same rate as is provided for in the note or notes secured by this Mortgage. In the event that such sums are not immediately paid, they shall be added, along with the appropriate amount of capital stock or participation certificates, to the principal balance of the indebtedness secured hereby and shall accrue interest as herein set forth. All such sums shall be secured hereby.
9. Environmental Representations, Warranties and Covenants.
  - (a) Except as disclosed in writing to Mortgagee, or except as otherwise provided in any loan agreement between Mortgagee and Mortgagor which specifically refers to the Property, to the best knowledge of Mortgagor after due inquiry, Mortgagor hereby further represents, warrants and covenants as follows:
    - (i) No pollutants, contaminants (including oil or other petroleum products), toxic or hazardous substances, or solid or hazard wastes, as such terms are defined under any federal, state or local Environmental Law, regulation or ordinance (hereinafter "Contaminants") have been, are being or will be generated, manufactured, produced, stored, disposed of, discharged, released, threatened to be released, or

MICROFILMED  
MAR 27 2002

otherwise allowed to migrate or escape on, under or from the Property in such quantities or concentrations as would violate any federal, state or local Environmental Law, regulation or ordinance or as would require Mortgagor to report such condition to any governmental authority or to undertake removal or remedial action to clean up such contaminants;

(ii) No Contaminants are located on, in or under any property located adjacent to the Property in such quantities or concentrations as would constitute a violation of any Environmental Law or as would require the owner of the adjacent property to report such condition to any governmental authority or to undertake removal or remedial action to clean up such Contaminants.

(iii) Neither the Property, nor any portion thereof, nor any adjacent property or portion thereof, has been or is proposed to be listed under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. Section 9601, et seq.), or any analogous state law. Mortgagor shall immediately notify Mortgagee if Mortgagor acquires any information concerning the listing or proposed listing of the Property or any adjacent property and shall provide Mortgagee with any documents in Mortgagor's possession relative thereto;

(iv) No hazardous wastes, as defined under the Federal Resource Conservation and Recovery Act (42 U.S.C. Section 6 et seq.), or any analogous state law ("Hazardous Wastes"), have been, are being or will be stored or treated in surface impoundments or other structures or facilities located on the property that are partially or entirely below the ground surface;

(v) No litigation, investigation, administrative order, consent order, agreements, or other action, proceeding or settlement (hereinafter "Action") has previously been brought, is now pending, or to the best knowledge of Mortgagor threatened against or anticipated by Mortgagor, with respect to Mortgagor's use or management of Hazardous Materials or Hazardous Wastes or the environmental condition of the Property, including any underlying groundwater. Upon learning thereof, Mortgagor shall immediately notify Mortgagee of any such Action or threatened Action and provide Mortgagee with copies of all documentation relative thereto; and

(vi) Except as disclosed in writing to Mortgagee, no underground tanks, wells (except domestic water wells), septic tanks, ponds, pits or any other storage tanks ("Tanks") (whether currently in use or abandoned) are or were located on or under the Property and no Tanks are or were serving the Property described herein. With respect to any Tanks disclosed in writing to Mortgagee, Mortgagor shall comply with all federal, state and local laws, regulations and ordinances and any requirements of city or county fire departments, applicable to the maintenance and use of such Tanks, including, without limitation, Title 40 of the Code of Federal Regulations Part 112.

b) Nothing herein shall be deemed to prohibit Mortgagor from (i) using, handling or storing hazardous materials or substances, as defined under any federal, state or local law, regulation or ordinance ("Hazardous Materials") or (ii) storing or treating non-hazardous wastes, so long as such activities are carried out (a) in a good and husbandlike manner in the ordinary course of business, and (b) in compliance with all applicable environmental laws, regulations, permits, orders or other requirements.

c) In the event that Mortgagor is in breach of any of its representations, warranties or covenants as set forth above, Mortgagor, at its sole expense, shall take all action required, including environmental cleanup of the Property, to comply with the representations, warranties and covenants herein or applicable legal requirements and, in any event, shall take all action deemed necessary by appropriate governmental authorities. Mortgagee shall have the right, but not the obligation, to advise appropriate governmental authorities of any environmental condition on or affecting the Property that constitutes or may constitute a breach of Mortgagor's obligations hereunder.

d) Mortgagor and its successors and assigns shall indemnify, defend, protect, and hold harmless Mortgagee, its directors, officers, employees, agents, shareholders, successors and assigns and their officers, employees or agents, from and against any and all claims, suits, damages, liens, losses, liabilities, interest, judgments, response and cleanup costs, demands, actions, causes of action, injuries, administrative proceedings and orders, consent agreements and orders, penalties, costs and expenses (including any fees and expenses incurred in enforcing this indemnity, any out-of-pocket litigation costs and the reasonable fees and expenses of counsel) of any kind whatsoever ("Claims") paid, incurred or suffered by, or asserted against Mortgagee, including but not limited to Claims arising out of loss of life, injury to persons, trespass or damage to or contamination of property or natural resources, or injury to business in connection with or arising out of the activities of Mortgagor on the Property, Mortgagor's predecessors in interest, third parties who have been invited, permitted or trespassed on the Property, or parties in a contractual relationship with Mortgagor, or any of them or which directly or indirectly arise out of or result from or in any way connected with the Property, whether or not caused by Mortgagor or within the control of Mortgagor, including without limitation: (i) the presence, use, generation, treatment, storage, disposal, release, threatened release, or discharge of any Hazardous Material or Contaminant at or from the Property and/or the cleanup of Hazardous Materials or Contaminants within, on or under the Property; (ii) Mortgagor's breach of any of the representations, warranties and covenants contained herein; and (iii) Mortgagor's violation or alleged violation of any applicable Environmental Law, regulation or ordinance.

(e) Mortgagor's representations, warranties, covenants and indemnities contained herein shall survive the occurrence of any event whatsoever, including without limitation the payoff of any promissory note(s) secured hereby, the release or foreclosure of this Mortgage, the acceptance by Mortgagee of a deed in lieu of foreclosure, or any transfer or abandonment of the Property.

(f) The term "Environmental Law" shall mean any federal, state or local law, statute, ordinance, or regulation, now in effect or hereinafter enacted, pertaining to health, industrial hygiene, or the environmental conditions on, under or about the Property, including but not limited to enactments requiring the removal or containment of asbestos-containing materials in private buildings.

(g) Mortgagor shall permit, or cause any tenant of Mortgagor to permit, Mortgagee or its agents, or independent contractors to enter and inspect the Property at any reasonable time for purposes of determining, as Mortgagee deems necessary or desirable: (i) the existence, location and nature of any Hazardous Materials or Hazardous Wastes on, under or about the Property, (ii) the existence, location, nature, magnitude and spread of any Hazardous Materials or Hazardous Waste that has been spilled, disposed of, discharged

MICROFILMED

MAY 17 2001

or released on, under or about the Property, or (iii) whether or not Mortgagor and any tenant of Mortgagor is in compliance with applicable Environmental Law. If Mortgagor or its tenants fail to comply fully with the terms of this subdivision (g), Mortgagee may obtain affirmative injunctive relief to compel such compliance.

10. Grazing Rights. If any portion of the Property described in this Mortgage is used by Mortgagor as the basis for obtaining grazing permits or other grazing rights issued by any governmental agency, including without limitations the Forest Service, U.S. Department of Agriculture or the Bureau of Land Management, U.S. Department of Interior, Mortgagor covenants and agrees as follows:

(a) Said grazing permits or other rights are in good standing and have not been modified, reduced or limited in any other respect, except as fully disclosed in writing to Mortgagee;

(b) Mortgagor will perform all obligations imposed as a requirement of exercise of said grazing permits or other rights and comply with all laws, rules and regulations applicable thereto;

(c) Mortgagor will take such timely action as may be required to cause the renewal or reissuance of said grazing permits or other rights from time to time as they expire during the term thereof. Mortgagor agrees and acknowledges that the failure to renew cause the reissuance of any said permits for any reason, whether the result of an act or omission of Mortgagor or for reasons beyond Mortgagor's control, is an event of default hereunder and Mortgagee shall have the right to exercise the rights hereinafter set forth in this Mortgage; and

(d) Mortgagor agrees to pay all fees, charges, rents or other payments accruing under said permits or any renewals thereof prior to delinquency. In the event Mortgagor fails to pay any such payment, the amount unpaid shall become a part of the indebtedness secured by this Mortgage and shall be immediately due and payable.

#### B. IT IS MUTUALLY AGREED THAT:

1. Any award of damages in connection with any taking or condemnation or injury to the Property by reason of public use, or for damages resulting from private trespass or injury to the Property, is absolutely and unconditionally assigned and shall be paid to Mortgagee, under the terms and conditions of this Mortgage pertaining to Rents. Upon receipt of such money Mortgagee may apply the same on the indebtedness secured hereby. Mortgagor agrees to execute such further documents as may be required to effect the assignments herein made as Mortgagee may require.

2. At any time, without affecting the liability of any person for the payment of the indebtedness secured hereby, and without otherwise affecting the security hereof, Mortgagee may (a) consent to or join in the making of any map or plat of the Property; (b) grant any easement or create any restriction thereof; (c) subordinate this Mortgage; (d) extend or modify the term of the loan or loans secured hereby; and (e) release without warranty, all or any part of the Property.

3. Prior to any default by Mortgagor in the payment, observance, performance and discharge of any condition, obligation, covenant, or agreement of Mortgagor contained herein, Mortgagor may, for collection and distribution purposes only, collect and receive the Rents as they come due and payable; the Rents are to be applied by Mortgagor to the payment of the principal and interest and all other sums due or payable on any promissory note or guaranty secured by this Mortgage and to the payment of all other sums payable under this Mortgage and, thereafter, so long as the aforesaid has occurred, the balance shall be distributed to the account of Mortgagor. Upon any such default, Mortgagee may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of the Property or any part thereof, in his own name, sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Mortgagee may determine; also perform such acts of repair, cultivation, irrigation or protection, as may be necessary or proper to conserve the value of the Property; also lease the same or any part thereof for such rental, term, and upon such conditions as its judgment may dictate; also prepare for harvest, remove, and sell any crops that may be growing upon the Property, and apply the proceeds thereof upon the indebtedness secured hereby.

4. The entering upon and taking possession of the Property, the collection of such rents, issues, and profits, or the proceeds of fire and other insurance policies, or compensation or awards for any taking of or damage to the Property, and the application or release thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

5. Upon default by Mortgagor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the Mortgagee and in accordance with applicable state law. In the event of default, Mortgagee may employ counsel to enforce payment of the obligations secured hereby, may foreclose and, if applicable, sell the Property by advertisement and sale, and in accordance with other applicable state law, and may exercise such other rights and remedies granted by law and equity, which rights and remedies shall be cumulative and not exclusive. Mortgagee may resort to and realize upon the security hereunder and any other real or personal property security now or hereafter held by Mortgagee for the obligations secured hereby in such order and manner as Mortgagee may, in its sole discretion, determine. Resort to any or all such security may be taken concurrently or successively and in one or several consolidated or independent judicial actions or lawful nonjudicial proceedings, or both. If the obligation secured by this Mortgage is also secured by personal property fixtures or crops, Mortgagee may enforce its security interest in the personal property, fixtures and crops and its lien under this Mortgage in any manner and in any order or sequence permitted by applicable law. All remedies are cumulative and none are exclusive; no election by Mortgagee to pursue one remedy or item of collateral shall be deemed to be a release or waiver of any other item of collateral or a release or modification of the liability of Mortgagor or any guarantor to pay and perform in full all obligations to Mortgagee. The procedures governing the enforcement by Mortgagee of its foreclosure and provisional remedies against Mortgagor shall be governed by the laws of the state in which the Property is located. Nothing contained herein shall be construed to provide that the substantive law of the state in which the Property is located shall apply to Mortgagee's rights and Mortgagor's obligations hereunder or under the promissory note(s) or guaranties described herein, which are and shall continue to be governed by the substantive law of the state in which the promissory note(s) or guaranties were executed.

MICROFILMED  
MAR 27 2002

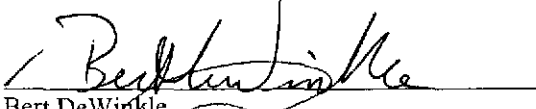
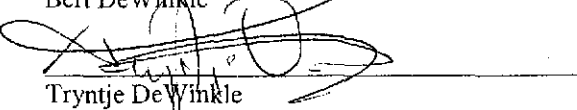
6. The failure on the part of the Mortgagee to promptly enforce any right hereunder shall not operate as a waiver of such right and the waiver by Mortgagee of any default shall not constitute a waiver of any other subsequent defaults. Subsequent acceptance of any payment by the holder hereof shall not be deemed a waiver of any default by Mortgagor, or of Mortgagee's rights hereunder as the result of any sale, agreement to sell, conveyance, or alienation, regardless of holder's knowledge of such default, sale, agreement to sell, conveyance, or alienation at the time of acceptance of such payment.

7. This Mortgage applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Mortgagee shall mean the holder and owner of any note secured hereby; or, if the note has been pledged, the pledgee thereof. In this Mortgage, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural. All obligations of Mortgagor hereunder are joint and several.

8.(a) In the event the herein-described Property, or any part thereof, or any interest therein, is sold, agreed to be sold, conveyed, alienated or transferred, including any water transfer as defined in subsection (b) below, by Mortgagor, or by operation of law or otherwise, except by inheritance, without Mortgagee's prior written consent, all obligations secured hereby, irrespective of maturity dates, at the option of the holder hereof, and without demand or notice, shall immediately become due and payable. Failure to exercise such option shall not constitute a waiver of the right to exercise this option in the event of subsequent sale, agreement to sell, conveyance or alienation.

(b) A water transfer is any transfer, assignment, sale, exchange, gift, encumbrance, pledge, hypothecation, alienation, grant of option to purchase, or other disposition of, directly, indirectly or in trust, voluntarily or involuntarily, by operation of law or otherwise, or the entry into a binding agreement to do any of the foregoing with respect to all or any part of (i) the groundwater on, under, pumped from or otherwise available to the Property, (ii) Mortgagor's right to remove and extract any such groundwater including any permits, rights or licenses granted by any governmental authority or agency and any rights granted or created by easement, covenant, agreement or contract with any person or entity, (iii) any rights to which the Property is entitled with respect to surface water, whether such right is appropriative, riparian, prescriptive or otherwise and whether or not pursuant to permit or other governmental authorization, or the right to store any such water, (iv) any water, water right, water allocation, distribution right, delivery right, water storage right, water allocation, or other water-related entitlement appurtenant or otherwise applicable to Property by virtue of the Property's being situated within the boundaries of any district, agency, or other governmental entity or within the boundaries of any private water company, mutual water company, or other non-governmental entity, or (v) any shares (or any rights under such shares) of any private water company, mutual water company, or other non-governmental entity pursuant to which Mortgagor or the Property may receive any rights.

9. In the event any one or more of the provisions contained in this Mortgage or in any promissory note(s) hereby secured shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Mortgage or said promissory note(s), but this Mortgage and said promissory note(s) shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein or therein.

  
Bert DeWinkle  
  
Tryntje DeWinkle

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

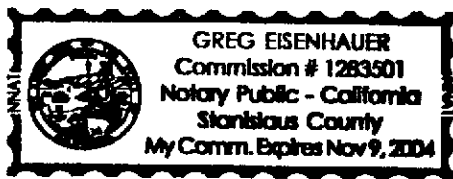
State of California

County of Stanislaus

On 2/12/02, before me, Greg Eisenhauer, Notary Public,  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Bert De Winkle and Tryntje De Winkle,  
Names(s) of Signer(s)

- ☒ personally known to me  
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

  
Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: Real Estate Mortgage

Document Date: 1/10/02 Number of Pages: 5

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- ☒ Individual  
☐ Corporate Officer--Title(s): \_\_\_\_\_  
☐ Partner--- ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

MICROFILMED

MAR 27 2002

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5255  
WATER RIGHT NO(S). 63-02824/63-03054

This is to certify that: **BERT DE WINKLE**  
**TRYNTJE DE WINKLE**  
**DBA MOO RIAH DAIRY**  
**3438 LYNWOOD**  
**MELBA ID 83641**

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> |
|-----------------------------|----------------------|-----------------------|----------------------|
| <b>Right No. 63-02824 :</b> |                      |                       |                      |
| IRRIGATION                  | 03/15 to 11/15       | 3.49 CFS              | * 1615.1 AF          |
| STOCKWATER                  | 01/01 to 12/31       | 0.30 CFS              | 59.6 AF              |
| COMMERCIAL                  | 01/01 to 12/31       | 0.30 CFS              | 7.8 AF               |
| <b>Priority: 07/24/1950</b> |                      |                       |                      |
| <b>SUBTOTAL:</b>            |                      | <b>3.79 CFS</b>       | <b>1682.5 AF</b>     |
| <b>Right No. 63-03054 :</b> |                      |                       |                      |
| IRRIGATION                  | 03/15 to 11/15       | 2.12 CFS              | * 1030.2 AF          |
| STOCKWATER                  | 01/01 to 12/31       | 0.18 CFS              | 36.5 AF              |
| COMMERCIAL                  | 01/01 to 12/31       | 0.18 CFS              | 4.8 AF               |
| <b>Priority: 06/24/1955</b> |                      |                       |                      |
| <b>SUBTOTAL:</b>            |                      | <b>2.30 CFS</b>       | <b>1071.5 AF</b>     |
| <b>TOTAL:</b>               |                      | <b>** 6.09 CFS</b>    | <b>** 1723.8 AF</b>  |

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 16, Township 01N, Range 02W  
NWSW , Sec. 16, Township 01N, Range 02W  
CANYON County  
MICROFILMED

OCT 27 1998

TRANSFER NO. 5255  
WATER RIGHT NO(S). 63-02824/63-03054

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------|--------------|--------------|--------------|
| 01N 02W 16         | SWNE 40.0    | SWNW 39.0    | SENE 40.0    |              |
|                    | NESW 40.0    | NWSW 5.9     | SWSW 37.0    |              |
|                    | SESW 39.0    | NESE 39.0    | NWSE 40.0    |              |
|                    | SWSE 39.0    |              |              | 358.9        |

Total number of acres irrigated: \* 358.9

PLACE OF USE: STOCKWATER

| <u>TWN RGE SEC</u> |      |
|--------------------|------|
| 01N 02W 16         | NWSW |

PLACE OF USE: COMMERCIAL

| <u>TWN RGE SEC</u> |      |      |      |
|--------------------|------|------|------|
| 01N 02W 16         | SWNE | SWNW | SENE |
|                    | NESW | NWSW | SWSW |
|                    | SESW | NESE | NWSE |
|                    | SWSE |      |      |

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.
3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
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 total instantaneous diversion of water from all points of diversion under Transfer 5255 shall not exceed 6.09 cfs, nor a total combined annual volume of 1723.8 af.
- \* 9. Rights 63-02824 and 63-03054 when combined shall not exceed a total annual maximum diversion volume of 1615.1 af at the field headgate for the irrigation of 358.9 acres.

MICROFILMED

OCT 27 1982

TRANSFER NO. 5255  
WATER RIGHT NO(S). 63-02824/63-03054

CONDITIONS OF APPROVAL AND REMARKS

10. Commercial use under Rights 63-02824 and 63-03054 is for a dairy.
11. The water used for commercial use under this transfer 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 for dairy purposes as authorized by these water rights.
12. Two points of diversion are located within NWSW, S16, T01N, R02W.

Dated this 22<sup>nd</sup> day of

September, 1998

*A. Glen Saylor*  
Chief, Water Allocation Bureau

MICROFILMED

OCT 27 1998

Should questions arise during the processing of this application please contact:

SHERL L. CHAPMAN  
410 S. Orchard, Suite 144  
Boise, ID 83705  
344-6690

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Transfer No. 5255  
RECEIVED

JUN 19 1998

Department of Water Resources  
Phone 208-495-2992

Name of Applicant Bert or Tryntje DeWinkle dba Moo-riah Dairy

Postal address 3438 Lynwood

City Melba

St. ID 83641

A. PURPOSE OF THE 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 reason for the proposed changes: To provide water for a 2,000 head dairy. Water will be converted from an existing irrigation water right to commercial and stockwater uses.

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☐ see Attachment \_\_\_\_\_)

| 1. | Right No.              | Priority       | Amount<br>(cfs, ac-ft) | Nature of<br>use  | Period of Use        |
|----|------------------------|----------------|------------------------|-------------------|----------------------|
|    | <u>63-03054</u>        | <u>6-24-55</u> | <u>1.86</u>            | <u>Irrigation</u> | <u>3/15 to 11/15</u> |
|    | <u>63-03054</u>        | <u>6-24-55</u> | <u>.44</u>             | <u>Commercial</u> | <u>1/1 to 12/31</u>  |
|    | <u>63-03054</u>        | <u>6-24-55</u> | <u>.44</u>             | <u>Stockwater</u> | <u>1/1 to 12/31</u>  |
|    | <u>* 63-0284 02824</u> | <u>7-24-50</u> | <u>3.35</u>            | <u>Irrigation</u> | <u>3/15 to 11/15</u> |
|    | <u>63-0284 02824</u>   | <u>7-24-50</u> | <u>.44</u>             | <u>Commercial</u> | <u>1/1 to 12/31</u>  |
|    | <u>63-0284 02824</u>   | <u>7-24-50</u> | <u>.44</u>             | <u>Stockwater</u> | <u>1/1 to 12/31</u>  |

2. Total diversion rate/volume being transferred: 6.09 cfs and/or 1400 ac-ft per annum

3. Source of water: Groundwater, tributary to: N/A (or ☐ see Attachment \_\_\_\_\_)

4. Points of diversion (or ☐ see Attachment \_\_\_\_\_):

| Twp. | Rge. | Sec. | 1/4 | 1/4 | 1/4 | Lot | County | Local diversion name / Local landmark |
|------|------|------|-----|-----|-----|-----|--------|---------------------------------------|
| 1N   | 2W   | 16   |     | NW  | SW  |     | Canyon | Well #1 (existing)                    |
| 1N   | 2W   | 16   |     | SW  | NW  |     | Canyon | Well #2 (existing)                    |
| 1N   | 2W   | 16   |     | NW  | SW  |     | Canyon | Well #3 (New P/d)                     |

5. Lands irrigated or place of use (or ☐ see Attachment \_\_\_\_\_):

| Twp. | Rge. | Sec. | NE |    |    |    | NW |    |    |    | SW |     |    |    | SE |    |    |    | Total |
|------|------|------|----|----|----|----|----|----|----|----|----|-----|----|----|----|----|----|----|-------|
|      |      |      | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW  | SW | SE | NE | NW | SW | SE |       |
| 1N   | 2W   | 16   |    |    | 40 |    |    |    | 40 | 40 | 40 | 11  | 40 | 40 | 40 | 40 | 40 |    | 371   |
| 1N   | 2W   | 16   |    |    | C  |    |    |    | C  | C  | C  | C/S | C  | C  | C  | C  | C  |    |       |
|      |      |      |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    |    |       |
|      |      |      |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    |    |       |
|      |      |      |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    |    |       |
|      |      |      |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    |    |       |
|      |      |      |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    |    |       |

Total acres 371

☐ Permissible place of use, actual acreage irrigated not to exceed 371 acres per year

\*\* Commercial use involved land application of dairy waste water on entire pov. As per S. Chapman 4/23/1998.  
\* Water right number corrected as per IDWR records. DA 06/20/1998  
N.D.

## PART 1, CONTINUED

## 6. General information:

a. Description of new diversion system (or ☐ see Attachment \_\_\_\_\_): One new well will be drilled and equipped with a submersible turbine pump and piping to carry water to the dairy facilities.

b. Remarks (or ☐ see Attachment \_\_\_\_\_): The portion of the water right converted to stockwater and commercial use is the consumptive portion of the irrigation right. Historical crops on the 29 acres were 75% alfalfa hay and 25% sugarbeets. (Agrimet data - Attachment A.) Zoning for the dairy has been completed.

## PLEASE READ THIS SECTION CAREFULLY

Is there a current lien, mortgage or deed of trust on the property? XX Yes \_\_\_\_\_ No  
If yes, please complete Part 2, item 6.

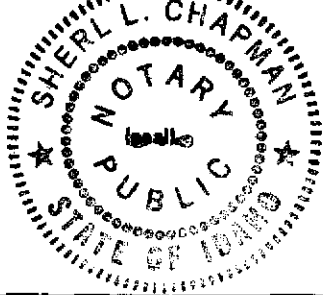
Has any portion of this right(s) undergone a period of 5 or more consecutive years of non-use? \_\_\_\_\_ Yes XXX No  
If yes, please attach an explanation of circumstances and label it as noted in Part 2, item 9(g).

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 right(s), and that the information contained in this application is true to the best of my knowledge. I understand that I am responsible for the accuracy and completeness of the application even though I may have been assisted in the preparation of the application. (NOT IDWR language in last sentence).

I understand that any willful misrepresentation made in this application may result in voiding the transfer approval.

Beth Linklee (Signature and Title of Applicant) Owner

Subscribed and sworn before me on this 30 day of March, 19 98.



Sherill L. Chapman  
(Signature of Notary Public)

My commission expires: 6/14/2000

## FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 7 attachments A1-A5, B1-B7, C1, D1-D2, E1-E2, F1, G1  
Received by g Date 3/31/98 Fee 100  
Receipted by g Date 3/31/98 # W023632 MICROFILMED  
OCT 27 1998

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-02824

STAGE: LICENSE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 03/15 to 11/15       | 3.79 CFS              |

SOURCE

GROUNDWATER

Priority: 07/24/1950

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 16, Township 01N, Range 02W  
NWSW , Sec. 16, Township 01N, Range 02W  
CANYON County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u>                         |
|------------|------------|------------|--------------|--------------|--------------|--------------------------------------|
| 01N        | 02W        | 16         | SWNE 40      | SWNW 40      | SENE 40      |                                      |
|            |            |            | NESW 40      | NWSW 40      | SWSW 40      |                                      |
|            |            |            | SESW 40      | NESE 40      | NWSE 40      |                                      |
|            |            |            | SWSE 40      |              |              | 400                                  |
|            |            |            |              |              |              | Total number of acres irrigated: 400 |

CONDITIONS/REMARKS:

1. P/D & P/U COMBINED W/63-3054 BY TRANS. 2021.

MICROFILMED

OCT 27 1998

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-03054

STAGE: LICENSE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 03/15 to 11/15       | 2.30 CFS              |
| DOMESTIC              | to                   | .04                   |
|                       | Totals               | 2.30 CFS              |

SOURCE

GROUNDWATER

Priority: 06/24/1955

LOCATION OF POINT(S) OF DIVERSION:SWNW , Sec. 16, Township 01N, Range 02W  
NWSW , Sec. 16, Township 01N, Range 02W  
CANYON CountyPLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u>                         |
|------------|------------|------------|--------------|--------------|--------------|--------------------------------------|
| 01N        | 02W        | 16         | SWNE 40      | SWNW 40      | SENW 40      |                                      |
|            |            |            | NESW 40      | NWSW 40      | SWSW 40      |                                      |
|            |            |            | SESW 40      | NESE 40      | NWSE 40      |                                      |
|            |            |            | SWSE 40      |              |              | 400                                  |
|            |            |            |              |              |              | Total number of acres irrigated: 400 |

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

1. P/D & P/U COMBINED W/63-2824 BY TRANS. 2021.

MICROFILMED

OCT 27 1998

**APPLICATION FOR TRANSFER OF WATER RIGHT  
ADDITIONAL DOCUMENTATION  
PART 2**

**ATTACHED (Required)**

- XXX 1. Copy of each right as presently recorded with IDWR (printout of water right or other acceptable record must include Conditions/Remarks). *NOR ATTACHED. RECORD produced by IDWR Reviewer*

*Complete the following items: prior consultation with IDWR staff is encouraged to simplify preparation (see "IDWR Information Sheet - Filing An Application For Transfer") as necessary for your transfer application. Label each supporting document as an attachment (A, B, etc.). Place a check mark by each item completed.*

**ATTACHED (enter "✓" or "N/A" for each item as advised by IDWR staff)**

- XXX 2. Describe any other water rights used for the same purposes described in Part 2, item 1.
- XXX 3. Written description of present system and changes required to accommodate the proposed transfer.
4. Map(s) identifying township, range, section and 1/4-1/4 locations of pertinent items as follows:
- XXX a) *proposed* water system showing the point of diversion, place of use, and any water conveyances such as ditches or pipelines; show irrigated acres per 1/4-1/4 if proposed; and
- XXX b) *unchanged portion* of water system showing point of diversion, place of use and any water conveyances such as ditches or pipelines.
- XXX c) include a system diagram of the items in 3a and 3b if this is not clear on the map(s).
- XXX 5. Evidence of water right ownership for entire right or portion of right being transferred. If transferring a portion of right, provide the name and address of the owner (if not the applicant) of the unchanged portion of the right.
- XXX 6. Notarized statement from holder of lien, mortgage, contract, deed of trust or any other encumbrance on the property agreeing to the transfer.
- N/A 7. Comments from county planning and zoning organization for county in which proposed water use will occur.
- XXX 8. Comparison between water right as recorded, Snake River Basin Adjudication (SRBA) claim as recorded or current water use practices if any differences exist between any of these three categories. Explain any differences and submit supporting evidence and/or affidavits to substantiate your explanation.

- continued on reverse side

MICROFILMED

OCT 27 1998

**PART 2, CONTINUED**

**9. Verification of diversion and beneficial use of water within the previous five year period. Some or all of the following items might apply:**

XXX

a) most recent agricultural program crop map or aerial photo showing irrigated land before the proposed change      Attachment C

b) pump power records

c) water master records and/or comments if use is within a water district

d) irrigation crop reports

e) reports from other government agencies and/or qualified consultants

f) affidavits from knowledgeable third parties familiar with the history of water use for the water right being transferred

g) describe any defenses to forfeiture - CRP, extension of time, etc

h) other....list other verification documentation for the water right below:

---

---

---

---

XXX

**10. For a change in nature of use of part or all of the water right, complete and attach Part 3 of the transfer application.**

**11. Identify any other documentation that clarifies the transfer application:**

---

---

---

---

MICROFILMED

OCT 27 1998

**APPLICATION FOR TRANSFER OF WATER RIGHT  
CHANGE IN NATURE OF USE DESCRIPTION  
PART 3**

**A. CHANGE IN NATURE OF USE**

| 1. New Nature of Use | Period of Use       | Diversion Rate<br>(cfs) | Annual Diversion<br>Volume<br>(acre-feet) | Annual Consumptive<br>Use Volume<br>(acre-feet) |
|----------------------|---------------------|-------------------------|-------------------------------------------|-------------------------------------------------|
| <u>Commercial</u>    | <u>1/1 to 12/31</u> | <u>0.44</u>             | <u>11.5</u>                               | <u>11.5</u>                                     |
| <u>Stockwater</u>    | <u>1/1 to 12/31</u> | <u>0.44</u>             | <u>76.5</u>                               | <u>76.5</u>                                     |
|                      | <u>to</u>           |                         |                                           |                                                 |

2. ☐ If present water use is other than irrigation, attach an estimate of the annual volume of water that has been consumptively used. Also, provide justification for the estimate.
3. ☒ Attach copy of design report or system design supporting required water flow rates and volumes for the new use. Describe attachment(s):

\_\_\_\_\_  
\_\_\_\_\_

4. If water or waste will be discharged from project, describe quantity, quality and location of the discharge:

See Attachment B  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Describe measures that will be taken to prevent impacts to other water uses and water users:

The annual consumptive use will not be changed. All waste water will be contained pursuant  
to State regulations and the system design (Attachment D).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MICROFILMED

OCT 27 1998

## AGRIMET CHART CROP KEY

| Chart<br>Code | Crop                     | Chart<br>Code | Crop                       |
|---------------|--------------------------|---------------|----------------------------|
| ALFM          | - ALFALFA (MEAN) *       | LBAR          | - BARLEY (LATE HARVEST)    |
| ALFN          | - ALFALFA (NEW PLANT)    | MBAR          | - BARLEY (MID HARVEST)     |
| ALFP          | - ALFALFA (PEAK) *       | MELN          | - MELONS                   |
| ANDJ          | - ANDJOU PEARS           | NMNT          | - NEW MINT                 |
| APPL          | - APPLES                 | ONYN          | - ONION                    |
| ASPA          | - ASPARAGUS              | ORCH          | - ORCHARDS                 |
| BARL          | - BARLEY                 | PAST          | - PASTURE                  |
| BEAN          | - DRY BEANS              | PEAR          | - PEARS                    |
| BEET          | - SUGAR BEETS            | PEAS          | - PEAS                     |
| BLGR          | - BLUEGRASS SEED         | PLMT          | - FLOWED MINT              |
| BLUB          | - BLUEBERRIES            | POTA          | - POTATOES                 |
| BOSC          | - BOSC PEARS             | POTE          | - POTATOES (EARLY HARVEST) |
| BROC          | - BROCCOLI               | POTL          | - POTATOES (LATE HARVEST)  |
| CABG          | - CABBAGE                | POTS          | - POTATOES (SHEPODY)       |
| CGRP          | - CONCORD GRAPES         | PPMT          | - PEPPERMINT               |
| CHRY          | - CHERRIES               | SBAR          | - SPRING BARLEY            |
| CRAN          | - CRANBERRIES            | SBRY          | - STRAWBERRY               |
| CRTS          | - CARROT SEED            | SCRN          | - SWEET CORN               |
| EBAR          | - BARLEY (EARLY HARVEST) | SGRN          | - SPRING GRAIN             |
| FCRN          | - FIELD CORN             | SPMT          | - SPEARMINT                |
| GARL          | - GARLIC                 | TBER          | - TRAILING BERRIES         |
| GRAP          | - GRAPES                 | WGRN          | - WINTER GRAIN)            |
| GRAS          | - GRASS HAY              | WGRP          | - WINE GRAPE               |
| LAWN          | - LAWN                   | WWHT          | - WINTER WHEAT             |

\* Note: "Peak" chart values represent the "maximum" daily consumptive use for "mature" (uncut) stages of alfalfa growth. "Mean" values represent an "average" daily use that takes seasonal cuttings into consideration.

MICROFILMED

OCT 27 1998

A1

```

*****
*
* ESTIMATED CROP WATER USE - OCT 11, 1996 NMPI
*
*****
*
* DAILY
* CROP WATER USE-(IN) * DAILY*
* CROP START* PENMAN ET - OCT * FORE *COVER* TERM* SUM * 7 * 14 *
* DATE*-----* CAST * DATE* DATE* ET * USE* USE *
* 7 8 9 10 * * * *
*-----*-----*-----*
* ALFP 305 * 0.17 0.15 0.14 0.00 * 0.00 * 505 *1010 * 45.5 * 0.9* 2.1 *
*-----*-----*-----*
* ALFM 305 * 0.14 0.13 0.12 0.00 * 0.00 * 505 *1010 * 39.0 * 0.8* 1.8 *
*-----*-----*-----*
* ALFN 415 * 0.17 0.15 0.14 0.00 * 0.00 * 601 *1010 * 40.8 * 0.9* 2.1 *
*-----*-----*-----*
* PAST 301 * 0.08 0.06 0.06 0.00 * 0.00 * 425 *1010 * 30.7 * 0.4* 1.0 *
*-----*-----*-----*
* LAWN 301 * 0.14 0.12 0.11 0.00 * 0.00 * 415 *1010 * 37.3 * 0.8* 1.7 *
*-----*-----*-----*
* WGRN 225 * 0.00 0.00 0.00 0.00 * 0.00 * 510 * 715 * 21.4 * 0.0* 0.0 *
*-----*-----*-----*
* SGRN 325 * 0.00 0.00 0.00 0.00 * 0.00 * 615 * 801 * 24.0 * 0.0* 0.0 *
*-----*-----*-----*
* SGRN 310 * 0.00 0.00 0.00 0.00 * 0.00 * 605 * 715 * 20.8 * 0.0* 0.0 *
*-----*-----*-----*
* BEET 410 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 930 * 32.1 * 0.0* 0.3 *
*-----*-----*-----*
* ONYN 401 * 0.00 0.00 0.00 0.00 * 0.00 * 710 * 820 * 27.0 * 0.0* 0.0 *
*-----*-----*-----*
* POTS 515 * 0.00 0.00 0.00 0.00 * 0.00 * 615 * 901 * 23.5 * 0.0* 0.0 *
*-----*-----*-----*
* POTA 505 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 910 * 26.0 * 0.0* 0.0 *
*-----*-----*-----*
* POTA 515 * 0.00 0.00 0.00 0.00 * 0.00 * 710 * 920 * 26.1 * 0.0* 0.0 *
*-----*-----*-----*
* BEAN 525 * 0.00 0.00 0.00 0.00 * 0.00 * 710 * 901 * 20.2 * 0.0* 0.0 *
*-----*-----*-----*
* BEAN 615 * 0.00 0.00 0.00 0.00 * 0.00 * 715 * 905 * 17.5 * 0.0* 0.0 *
*-----*-----*-----*
* FCRN 510 * 0.00 0.00 0.00 0.00 * 0.00 * 720 * 915 * 26.0 * 0.0* 0.0 *
*-----*-----*-----*
* FCRN 525 * 0.00 0.00 0.00 0.00 * 0.00 * 801 * 925 * 24.3 * 0.0* 0.0 *
*-----*-----*-----*
* SCRN 510 * 0.00 0.00 0.00 0.00 * 0.00 * 720 * 825 * 21.1 * 0.0* 0.0 *
*-----*-----*-----*
* SCRN 525 * 0.00 0.00 0.00 0.00 * 0.00 * 801 * 905 * 20.7 * 0.0* 0.0 *
*-----*-----*-----*
* ASPA 415 * 0.00 0.00 0.00 0.00 * 0.00 * 810 * 930 * 31.0 * 0.0* 0.4 *
*-----*-----*-----*
* PEAS 401 * 0.00 0.00 0.00 0.00 * 0.00 * 605 * 710 * 13.1 * 0.0* 0.0 *
*-----*-----*-----*
* NMNT 410 * 0.00 0.00 0.00 0.00 * 0.00 * 620 * 815 * 24.8 * 0.0* 0.0 *
*-----*-----*-----*
* PPMT 315 * 0.00 0.00 0.00 0.00 * 0.00 * 601 * 725 * 22.2 * 0.0* 0.0 *

```

MICROFILMED

OCT 27 1998

```

*-----*-----*-----*-----*
* WGRP 410 * 0.00 0.00 0.00 0.00 * 0.00 * 620 * 925 * 24.7 * 0.0* 0.0 *
*-----*-----*-----*-----*
* APPL 425 * 0.00 0.00 0.00 0.00 * 0.00 * 605 *1005 * 34.9 * 0.1* 0.6 *
*****

```

MICROFILMED

OCT 27 1998

A3

```

*****
*
* ESTIMATED CROP WATER USE - OCT 16, 1997   NMPI
*
*****
*
*          DAILY
*      * CROP WATER USE-(IN) * DAILY*
* CROP START* PENMAN ET - OCT * FORE *COVER* TERM* SUM * 7 * 14 *
*   DATE*-----* CAST * DATE* DATE* ET * USE* USE *
*       * 12  13  14  15 *      *      *      *
*-----*
* ALFP  301 * 0.00 0.00 0.00 0.00 * 0.00 * 501 *1010 * 49.3 * 0.1* 1.5 *
*-----*
* ALFM  301 * 0.00 0.00 0.00 0.00 * 0.00 * 501 *1010 * 42.4 * 0.1* 1.2 *
*-----*
* ALFN  401 * 0.00 0.00 0.00 0.00 * 0.00 * 520 * 920 * 41.4 * 0.0* 0.0 *
*-----*
* PAST  301 * 0.00 0.00 0.00 0.00 * 0.00 * 425 *1010 * 33.1 * 0.1* 0.7 *
*-----*
* WGRN  305 * 0.00 0.00 0.00 0.00 * 0.00 * 515 * 715 * 24.1 * 0.0* 0.0 *
*-----*
* SGRN  320 * 0.00 0.00 0.00 0.00 * 0.00 * 610 * 725 * 24.9 * 0.0* 0.0 *
*-----*
* SGRN  405 * 0.00 0.00 0.00 0.00 * 0.00 * 620 * 805 * 25.7 * 0.0* 0.0 *
*-----*
* BEET  405 * 0.00 0.00 0.00 0.00 * 0.00 * 705 *1001 * 33.8 * 0.0* 0.0 *
*-----*
* ONYN  401 * 0.00 0.00 0.00 0.00 * 0.00 * 710 * 820 * 28.1 * 0.0* 0.0 *
*-----*
* POTS  510 * 0.00 0.00 0.00 0.00 * 0.00 * 615 * 901 * 24.5 * 0.0* 0.0 *
*-----*
* POTA  501 * 0.00 0.00 0.00 0.00 * 0.00 * 701 * 915 * 28.2 * 0.0* 0.0 *
*-----*
* POTA  510 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 915 * 26.7 * 0.0* 0.0 *
*-----*
* POTA  520 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 915 * 25.0 * 0.0* 0.0 *
*-----*
* BEAN  520 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 825 * 19.9 * 0.0* 0.0 *
*-----*
* BEAN  601 * 0.00 0.00 0.00 0.00 * 0.00 * 705 * 901 * 19.8 * 0.0* 0.0 *
*-----*
* FCRN  510 * 0.00 0.00 0.00 0.00 * 0.00 * 720 * 915 * 26.3 * 0.0* 0.0 *
*-----*
* FCRN  525 * 0.00 0.00 0.00 0.00 * 0.00 * 801 * 925 * 24.2 * 0.0* 0.0 *
*-----*
* SCRN  510 * 0.00 0.00 0.00 0.00 * 0.00 * 720 * 825 * 21.7 * 0.0* 0.0 *
*-----*
* SCRN  525 * 0.00 0.00 0.00 0.00 * 0.00 * 801 * 905 * 20.4 * 0.0* 0.0 *
*-----*
* ASPA  415 * 0.00 0.00 0.00 0.00 * 0.00 * 810 * 930 * 32.2 * 0.0* 0.0 *
*-----*
* PEAS  401 * 0.00 0.00 0.00 0.00 * 0.00 * 605 * 710 * 14.0 * 0.0* 0.0 *
*-----*
* NMNT  415 * 0.00 0.00 0.00 0.00 * 0.00 * 625 *1010 * 34.0 * 0.1* 1.2 *
*-----*
* PPMT  401 * 0.00 0.00 0.00 0.00 * 0.00 * 610 *1010 * 35.4 * 0.1* 1.2 *

```

MICROFILMED

OCT 27 1998

A4

```

*-----*-----*-----*-----*-----*
* WGRP 410 * 0.00 0.00 0.00 0.00 * 0.00 * 620 * 925 * 25.6 * 0.0* 0.0 *
*-----*-----*-----*-----*-----*
* APPL 425 * 0.00 0.00 0.00 0.00 * 0.00 * 605 *1005 * 35.7 * 0.0* 0.3 *
*****

```

MICROFILMED

OCT 27 1998

AS

Attachment B

Landowner/Operator- Bert and Tina DeWinkle  
 Location- Melba, ID  
 Assisted by- Jenifer Beddoes

Date- 01-22-1998

VOLUME OF WASH WATER

REF: IAWMG page 63

| DESCRIPTION                                             | RANGE                           | SELECTED |          |
|---------------------------------------------------------|---------------------------------|----------|----------|
|                                                         |                                 | GAL/DAY  | CF/DAY   |
| Cow Preparation-                                        |                                 |          |          |
| Manual.....                                             | (.5-7Gal or 0.06-1CF /Cow-Day)  | 0.5      | 0.067    |
| Automatic- Stall Wash...                                | (5-15Gal or 1-2CF /Cow-Day)     |          |          |
| Sprinkler Wash.....                                     | (25-40Gal or 3-5.5CF /Cow-Day)  |          |          |
| Total Daily Volume = 2000 Cows X Total Selected Amount= |                                 | 1,000    | 134.00   |
|                                                         |                                 |          |          |
| Bulk Tank- Automatic.....                               | (60-110Gal or 8-15CF /Wash)     | 125      | 16.711   |
| Manual.....                                             | (30-50Gal or 4-7CF /Wash)       |          |          |
| Miscellaneous Equipment.....                            | (25-35Gal or 3-5CF /Wash)       | 100      | 13.369   |
| Pipelines.....                                          | (75-150Gal or 10-20CF /Wash)    | 400      | 53.476   |
| Milkhouse and Parlor.....                               | (300-700Gal or 40-90CF /Wash)   | 1500     | 200.53   |
| Holding Area.....                                       | (500-1200Gal or 70-160CF /Wash) | 3000     | 401.07   |
| Total Daily Volume= 2 Washes X Total Selected Amount=   |                                 | 10,250   | 1,370.31 |

RAINFALL RUNOFF AREA CONTRIBUTING TO STORAGE

| DESCRIPTION                                    | AREA IN SQUARE FEET |
|------------------------------------------------|---------------------|
| Roof.....                                      |                     |
| Concrete Slab, Scraped Daily, (Y/N)- YES ..... |                     |
| Unsurfaced Lot.....                            | 657986              |
| Total-                                         | 657,986 SF          |

CLIMATIC AND HYDROLOGIC DATA

REF: IAWMG Pages 64 & 66-67

CLIMATIC STATION- KUNA 25YR-24HR STORM RAINFALL- 2.00 Inches

| Month  | Average Monthly in Inches |             | % Lot Runoff Factors |         |
|--------|---------------------------|-------------|----------------------|---------|
|        | Precipitation             | Evaporation | Concrete             | Unpaved |
| JAN    | 1.56                      | 0.20        | 100                  | 17      |
| FEB    | 1.08                      | 0.30        | 100                  | 17      |
| MAR    | 1.26                      | 0.50        | 100                  | 16      |
| APR    | 1.03                      | 2.10        | 100                  | 10      |
| MAY    | 1.04                      | 4.60        | 100                  | 10      |
| JUN    | 0.79                      | 6.20        | 100                  | 10      |
| JUL    | 0.27                      | 8.20        | 100                  | 10      |
| AUG    | 0.46                      | 6.50        | 100                  | 10      |
| SEP    | 0.63                      | 3.80        | 100                  | 10      |
| OCT    | 0.66                      | 1.20        | 100                  | 10      |
| NOV    | 1.28                      | 0.40        | 100                  | 10      |
| DEC    | 1.49                      | 0.30        | 100                  | 17      |
| ANNUAL | 11.55                     | 34.30       |                      |         |

For Dec thru March the 1 in 5 year Precip Values are used  
 Average Precip Values used for other months.

MICROFILMED

OCT 27 1998

B2

Date- 01-22-1998

## RAINFALL RUNOFF ENTERING LIQUID STORAGE FACILITY

|       | <<<<<<<<<<<<<<<RUNOFF IN CUBIC FEET>>>>>>>>>>>>>> |                      |                               |                             |                |
|-------|---------------------------------------------------|----------------------|-------------------------------|-----------------------------|----------------|
|       | OSF                                               | OSF<br>Concrete Slab | * 657,986SF<br>Unsurfaced Lot | 80,359SF<br>Storage Surface | Monthly Totals |
| Month | Roof                                              |                      |                               |                             |                |
| JAN   | 0                                                 | 0                    | 15,397                        | 10,447                      | 25,844         |
| FEB   | 0                                                 | 0                    | 11,252                        | 7,232                       | 18,484         |
| MAR   | 0                                                 | 0                    | 11,054                        | 8,438                       | 19,492         |
| APR   | 0                                                 | 0                    | 16,943                        | 6,897                       | 23,841         |
| MAY   | 0                                                 | 0                    | 19,959                        | 6,964                       | 26,923         |
| JUN   | 0                                                 | 0                    | 12,995                        | 5,290                       | 18,286         |
| JUL   | 0                                                 | 0                    | 4,441                         | 1,808                       | 6,249          |
| AUG   | 0                                                 | 0                    | 8,828                         | 3,080                       | 11,908         |
| SEP   | 0                                                 | 0                    | 12,090                        | 4,219                       | 16,309         |
| OCT   | 0                                                 | 0                    | 12,666                        | 4,420                       | 17,086         |
| NOV   | 0                                                 | 0                    | 24,565                        | 8,572                       | 33,136         |
| DEC   | 0                                                 | 0                    | 15,523                        | 9,978                       | 25,501         |

\* - Unsurfaced lot area includes surface area of solid stacking facility.

## TOTAL MONTHLY INFLOWS ENTERING LIQUID STORAGE FACILITY

|        | <<<<<<<<<<<<<<<<<<<INFLOW IN CUBIC FEET>>>>>>>>>>>>>>>> |             |         |               |         |         |
|--------|---------------------------------------------------------|-------------|---------|---------------|---------|---------|
| Month  | Surface<br>Runoff                                       | Evaporation | Seepage | Wash<br>Water | Manure  | Totals  |
| JAN    | 25,844                                                  | -1,339      | 0       | 46,634        | 30,912  | 102,050 |
| FEB    | 18,484                                                  | -2,009      | 0       | 42,121        | 27,921  | 86,516  |
| MAR    | 19,492                                                  | -3,348      | 0       | 46,634        | 30,912  | 93,690  |
| APR    | 23,841                                                  | -14,063     | 0       | 45,129        | 29,915  | 84,822  |
| MAY    | 26,923                                                  | -30,804     | 0       | 46,634        | 30,912  | 73,665  |
| JUN    | 18,286                                                  | -41,519     | 0       | 45,129        | 29,915  | 51,811  |
| JUL    | 6,249                                                   | -54,912     | 0       | 46,634        | 30,912  | 28,883  |
| AUG    | 11,908                                                  | -43,528     | 0       | 46,634        | 30,912  | 45,927  |
| SEP    | 16,309                                                  | -25,447     | 0       | 45,129        | 29,915  | 65,907  |
| OCT    | 17,086                                                  | -8,036      | 0       | 46,634        | 30,912  | 86,596  |
| NOV    | 33,136                                                  | -2,679      | 0       | 45,129        | 29,915  | 105,502 |
| DEC    | 25,501                                                  | -2,009      | 0       | 46,634        | 30,912  | 101,038 |
| ANNUAL | 243,059                                                 | -229,693    | 0       | 549,074       | 363,967 | 926,408 |

**Total Liquids Entering Liquid Storage Facility Based on 180 Day Storage-**

2.00 Inch 25YR-24HR Storm Rainfall= 13,393 CF or 0.3 AF

180 Day Precipitation - Evaporation= 26,117 CF or 0.6 AF

Roof, Slab and Lot Runoff= 94,734 CF or 2.2 AF

25Yr-24Hr Rainfall Runoff= 63,804 CF or 1.5 AF

Seepage= 0 CF or 0.0 AF

Washwater= 270,776 CF or 6.2 AF

Manure= 179,491 CF or 4.1 AF

0 Year Sludge Accumulated= 0 CF or 0.0 AF

Existing Storage= 0 CF or 0.0 AF

Existing Storage Surface Area= 0 SF or 0.0 AC

MICROFILMED

007 27 1998

63

Landowner/Operator- Bert and Tina DeWinkle  
 Location- Melba, ID  
 Assisted by- Jenifer Beddoes

Date- 01-22-1998

=====

DESCRIPTION OF LIQUID WASTE MANAGEMENT SYSTEM

=====

STORAGE METHOD>>> Storage Pond(>50% Dilution)

Inside Top Width= 163 ft.  
 Inside Top Length= 493 ft.  
 Bottom Width= 120 ft.  
 Bottom Length= 450 ft.  
 Slope Ratio= 2 : 1  
 Pond Depth= 9.9 ft.  
 Freeboard Not Included in Pond Depth= 1.0 ft.  
 Volume of Liquids to Store= 14.9 AF  
 Volume of Facility= 15.0 AF

APPLICATION METHOD>>> Sprinkling

Moderately Well Drained Soil Drainage Class  
 Location- CENTRAL IDAHO

NUTRIENT ACCOUNTING FOR LIQUIDS>>>

| Loss<br>Category | Nitrogen<br>Remaining |                  | Phosphorous(P2O5)<br>Remaining |                  | Potassium(K2O)<br>Remaining |                  |
|------------------|-----------------------|------------------|--------------------------------|------------------|-----------------------------|------------------|
|                  | Percent               | Pounds<br>98,584 | Percent                        | Pounds<br>39,724 | Percent                     | Pounds<br>68,967 |
| Storage          | 30                    | 29,575           | 45                             | 17,876           | 60                          | 41,380           |
| Application      | 75                    | 22,181           | 100                            | 17,876           | 100                         | 41,380           |
| Denitrification  | 91                    | 20,185           | 100                            | 17,876           | 100                         | 41,380           |

MANAGEMENT CRITERIA FOR Sprinkling APPLICATION OF LIQUIDS>>>

Sprinkler Flowrate= 300 GPM  
 Wetted Diameter= 250 FEET  
 Application Rate= 0.59 INCHES/HOUR

NITROGEN Concentration in Storage= 512 PPM OR 4.27 LBS/1000 GAL

To apply 6,929,531 gallons of liquids generated from the operation, it will take approximately 385 hours of pumping annually. Based on applying NITROGEN at the agronomic rate, use the application depths, set times and travel rates listed below for each crop:

| CROP                  | Application |       |          | Set Time<br>(HOURS) | Travel Rate<br>(FEET/MINUTE) |
|-----------------------|-------------|-------|----------|---------------------|------------------------------|
|                       | (NO)        | (LBS) | (INCHES) |                     |                              |
| Alfalfa, Hay          | 1.0         | 460   | 5.81     | 9.8                 | 0.3                          |
| Corn, Ensilage (w.b.) | 1.0         | 196   | 2.48     | 4.2                 | 0.8                          |

MICROFILMED  
 OCT 27 1996

B4

Landowner/Operator- Bert and Tina DeWinkle

Location- Melba, ID

Assisted by- Jenifer Beddoes

Date- 01-22-1998

=====

DESCRIPTION OF SOLIDS WASTE MANAGEMENT SYSTEM

=====

STORAGE METHOD>>> Solids Storage(Unroofed)

Length of Facility= ft.  
Width of Facility= ft.  
Wall Height of Facility= ft.  
Total Stacking Height of Facility= ft.  
Side Slopes of Stack= 2 : 1  
Is the Facility Covered, (Y/N)?- NO  
Volume of Solids to Store= 401,036 CF  
Volume of Facility= 0 CF

APPLICATION METHOD>>> Broadcast

Moderately Well Drained Soil Drainage Class  
Location- CENTRAL IDAHO

NUTRIENT ACCOUNTING FOR SOLIDS>>>

| Loss<br>Category | Nitrogen             |                   | Phosphorous (P2O5)   |                  | Potassium (K2O)      |                   |
|------------------|----------------------|-------------------|----------------------|------------------|----------------------|-------------------|
|                  | Remaining<br>Percent | Pounds<br>219,429 | Remaining<br>Percent | Pounds<br>88,417 | Remaining<br>Percent | Pounds<br>153,507 |
| Storage          | 70                   | 153,600           | 80                   | 70,734           | 80                   | 122,806           |
| Application      | 80                   | 122,880           | 100                  | 70,734           | 100                  | 122,806           |
| Denitrification  | 91                   | 111,821           | 100                  | 70,734           | 100                  | 122,806           |

MANAGEMENT CRITERIA FOR Broadcast APPLICATION OF SOLIDS>>>

Tractor Spreader Capacity= 160 BUSHELS or 199 CF  
Width of Application= 15 FEET

NITROGEN Concentration in Storage= 3,027 PPM OR 18.89 LBS/100CF

To apply 813,211 cubic feet of solids generated from the operation, it will take approximately 4,086 trips annually using a tractor spreader. Based on applying NITROGEN at the agronomic rate, use the application depths, travel lengths and loads per acre listed below for each crop:

| CROP                  | Application |       | Travel Length |        | Loads per<br>Acre (NO) |
|-----------------------|-------------|-------|---------------|--------|------------------------|
|                       | (NO)        | (LBS) | (INCHES)      | (FEET) |                        |
| Alfalfa, Hay          | 1.0         | 460   | 0.92          | 173    | 16.8                   |
| Corn, Ensilage (w.b.) | 1.0         | 196   | 0.39          | 405    | 7.2                    |

Date- 01-22-1998

STORAGE METHOD>>> None (grazing)

Location- CENTRAL IDAHO

| Loss Category   | Nitrogen Remaining |        | Phosphorous (P2O5) Remaining |        | Potassium (K2O) Remaining |        |
|-----------------|--------------------|--------|------------------------------|--------|---------------------------|--------|
|                 | Percent            | Pounds | Percent                      | Pounds | Percent                   | Pounds |
| Storage         | 100                | 0      | 100                          | 0      | 100                       | 0      |
| Application     | 85                 | 0      | 100                          | 0      | 100                       | 0      |
| Denitrification | 91                 | 0      | 100                          | 0      | 100                       | 0      |

| Crops                 | Yield<br>Units | Target<br>Yield | Nutrients Utilized<br>Pounds/Acre |       |       | Allowable<br>Application<br>Inches/Acre |       |
|-----------------------|----------------|-----------------|-----------------------------------|-------|-------|-----------------------------------------|-------|
|                       |                |                 | N                                 | P2O5  | K2O   | Liquid                                  | Solid |
| Alfalfa, Hay          | (Ton)          | 6               | 460.8                             | 105.7 | 443.9 | 5.83                                    | 0.92  |
| Corn, Ensilage (w.b.) | (Ton)          | 28              | 196.0                             | 83.3  | 222.7 | 2.48                                    | 0.39  |

| Crop                       | Liquids  | Solids    | Grazing |
|----------------------------|----------|-----------|---------|
| Alfalfa, Hay               | 70 / 31  | 70 / 170  | 70 / 0  |
| Corn, Ensilage (w.b.)      | 30 / 31  | 30 / 171  | 30 / 0  |
| TOTALS>>>>>>>>>>>>>>>>>>>> | 100 / 62 | 100 / 341 | 100 / 0 |

## MICROFILMS

OCT 27 1938

66

Date- 01-22-1998

NUTRIENTS TO BE UTILIZED AND VALUE IN DOLLARS PER POUND

| Nutrient Form        | Nutrients in Pounds |                                             |                             |
|----------------------|---------------------|---------------------------------------------|-----------------------------|
|                      | Nitrogen            | Phosphorous(P <sub>2</sub> O <sub>5</sub> ) | Potassium(K <sub>2</sub> O) |
| Liquid-              | 20,185              | 17,876                                      | 41,380                      |
| Solid-               | 111,821             | 70,734                                      | 122,806                     |
| Grazing-             | 0                   | 0                                           | 0                           |
| TOTAL>>>>>>>>>>>>    | 132,006             | 88,609                                      | 164,186                     |
| Nutrient Value>>>>>> | \$0.25/Lb           | \$0.21/Lb                                   | \$0.14/Lb                   |

## NUTRIENT MANAGEMENT COSTS AND NUTRIENT BALANCE

System Life = 20 YEARS

Annual Percentage Rate = 10 %

Fertilizer Application Cost = \$6.25 /Acre

**Manure Application Cost = \$20.00 /Acre**

| Utilization Area Acres | Cost Savings \$/Yr | Breakeven Cost \$/Life | Nutrients Utilized Lbs |        |        | Nutrient Balance Lbs |        |        |
|------------------------|--------------------|------------------------|------------------------|--------|--------|----------------------|--------|--------|
|                        |                    |                        | N                      | P2O5   | K2O    | N                    | P2O5   | K2O    |
| ***403                 | \$54,213           | \$461,546              | 132006                 | 38025  | 134013 | -0                   | -50585 | -30173 |
| 544                    | \$59,678           | \$508,073              | 199771                 | 53166  | 198939 | 67765                | -35444 | 34753  |
| 725                    | \$60,908           | \$518,546              | 266361                 | 70888  | 265252 | 134355               | -17722 | 101066 |
| ***906                 | \$62,138           | \$529,019              | 332951                 | 88609  | 331565 | 200945               | 0      | 167379 |
| 1,087                  | \$59,647           | \$507,808              | 399542                 | 106331 | 397878 | 267536               | 17722  | 233692 |
| 1,268                  | \$57,156           | \$486,597              | 466132                 | 124053 | 464191 | 334126               | 35444  | 300005 |

NOTE: Negative values under Nutrient Balance indicate excess nutrients available. Positive values under Nutrient Balance indicate additional nutrients may be needed to meet target yields.

## NUTRIENT APPLICATION CALENDAR

N - Application Not Recommended

Y - Application Recommended

MONTH&gt;&gt;&gt;&gt;&gt; ---JAN--- --FEB-- ----MAR---- ----APR----

WEEK>>>> 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17

APPLY>>>>> N N N N N Y Y Y Y Y Y Y Y Y Y Y Y Y

MONTH>>>>> -----MAY----- -----JUN----- -----JUL----- -----AUG-----

WEEK>>>> 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35

APPLY>>>>> Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y

MONTH&gt;&gt;&gt;&gt;&gt; ----SEP-----OCT-----NOV-----DEC-----

WEEK>>>>> 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52

APPLY>>>>> Y Y Y Y Y Y Y Y Y Y Y Y Y Y N N N

IDAWM Version 2.0

PAGE 7 OF 7

September 1996

MICROFILMING

OCT 27 1998

B7





## STATE OF IDAHO

PHILIP E. BATT  
GovernorPATRICK A. TAKASUGI  
DirectorDEPARTMENT OF AGRICULTURE  
DIVISION OF ANIMAL INDUSTRIES2270 Old Penitentiary Rd.  
P.O. Box 7249  
Boise, Idaho 83707  
(208)332-8540

January 22, 1998

Bert and Tina DeWinkle  
6613 Woodland Ave.  
Modesto, CA 95358

Dear Bert and Tina:

The sizing worksheet and site plan has been revised as you requested. I would like to summarize the changes that you asked me to make. In my experience, back flush systems use between one-half gallon to three gallons per milking, per unit. This can add up to a sizable amount of wastewater. Therefore, I took out the back flush water, as your request. I also reduced the amount of water used to clean the milk house, parlor, and holding area. You will need to verify that you can keep the milk house, parlor and holding area clean using no more than 4500 gallons per milking.

I decreased the area of runoff to be held in the waste lagoon to 15 acres. In essence, this will account for feed storage area, replacement heifer corral, and manure storage area. Runoff from these areas must be held in the lagoon. Clean water runoff will need to be diverted from entering the lagoon. This can be accomplished by diverting runoff from the south of the free stalls, around and south of the lagoon. Additional open corrals for dry cows or heifers will not be permitted based on this pond sizing.

As requested, I have added a second lagoon to the site plan of your facility. This will increase the amount of waste you are able to store. Based on the sizing done by myself on January 22, 1998, the waste lagoons on your facility must jointly hold 648,315 ft<sup>3</sup> of liquid plus one foot of freeboard. As shown on the site plan, the first lagoon is sized at 56' X 300' X 10.2' to hold 98,449 ft<sup>3</sup> of liquid waste. The dimensions of the larger lagoon are 490' X 160' X 10.2', and will hold 593,769 ft<sup>3</sup>. The total capacity of the lagoons shown on the site plan is 692,218 ft<sup>3</sup>, 6% more than required.

Lagoon volume can be calculated as follows:

$$V = W * L * D - S * D^2 * (W + L) + 4 * S^2 * \frac{D^3}{3}$$

Where:

- V = Volume (ft<sup>3</sup>)
- W = Top Width (ft)
- L = Top Length (ft)
- D = Total Depth (ft) - 1 foot of freeboard
- S = Slope = 2

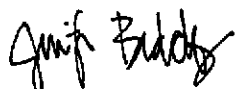
MICROFILMED

OCT 27 1998

ATTACHMENT E  
E1

If you have any problems, please feel free to contact me. I would enjoy calculating more possible lagoon dimensions based on the depth you wish to achieve. If you have any questions or comments you can contact me at (208) 332-8550.

Sincerely,



Jenifer Beddoes, EIT  
Land Application Specialist

MICROFILMED

OCT 27 1998

E2

RECEIVED  
APR 15 1998  
WATER RESOURCES  
WESTERN REGION

1892 Alturas Drive  
Twin Falls, ID 83301  
March 30, 1998

Director  
Idaho Department of Water Resources  
1301 N. Orchard  
Boise, ID 83706

Dear Director:

We the undersigned are the holders of the first mortgage on the property subject to the Application For Transfer Of Water Right for water right #63-03054 and #63-0284. We understand that the purchasers wish to change the nature of use of a portion of the water right in order to allow for operation of a dairy on the property. We have no objection to the Application For Transfer for this purpose.

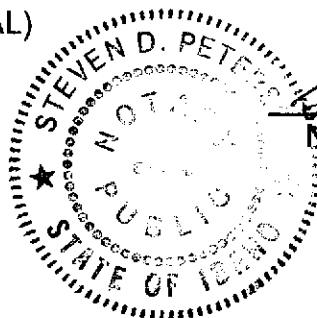
Signed: James J. Marshall  
James Marshall

Shirley Marshall  
Shirley Marshall

STATE OF IDAHO  
COUNTY OF TWIN FALLS

Subscribed and sworn to before me this 6th day of APRIL, 1998.

(NOTARY SEAL)



Steven D. Peters  
Notary Public

MICROFILMED

OCT 27 1998

ATTACHMENT F F1

RECEIVED

APR 01 1998

WATER RESOURCES  
WESTERN REGION

3438 Lynwood  
Melba, ID 83641  
March 31, 1998

Mr. Karl Dreher, Director  
Idaho Department of Water Resources  
1301 N. Orchard  
Boise, ID 83706

Dear Mr. Dreher:

I am providing this information in support of the Application For Transfer and Change In Nature Of Use for water rights #63-03054 and #63-0284. The land from which the water is to be transferred has been in irrigated alfalfa hay and sugar beets for the last several years. Typically the mix has been 25% sugar beets and 75% alfalfa over the last three to five years. I believe this is a fair characterization of the use of the property and the crops irrigated in the past and is the mix of crops used to determine the consumptive use of water on the land to be converted to stockwater and commercial purposes.

If you have any questions, please don't hesitate to contact me.

Sincerely yours,

Bert DeWinkle

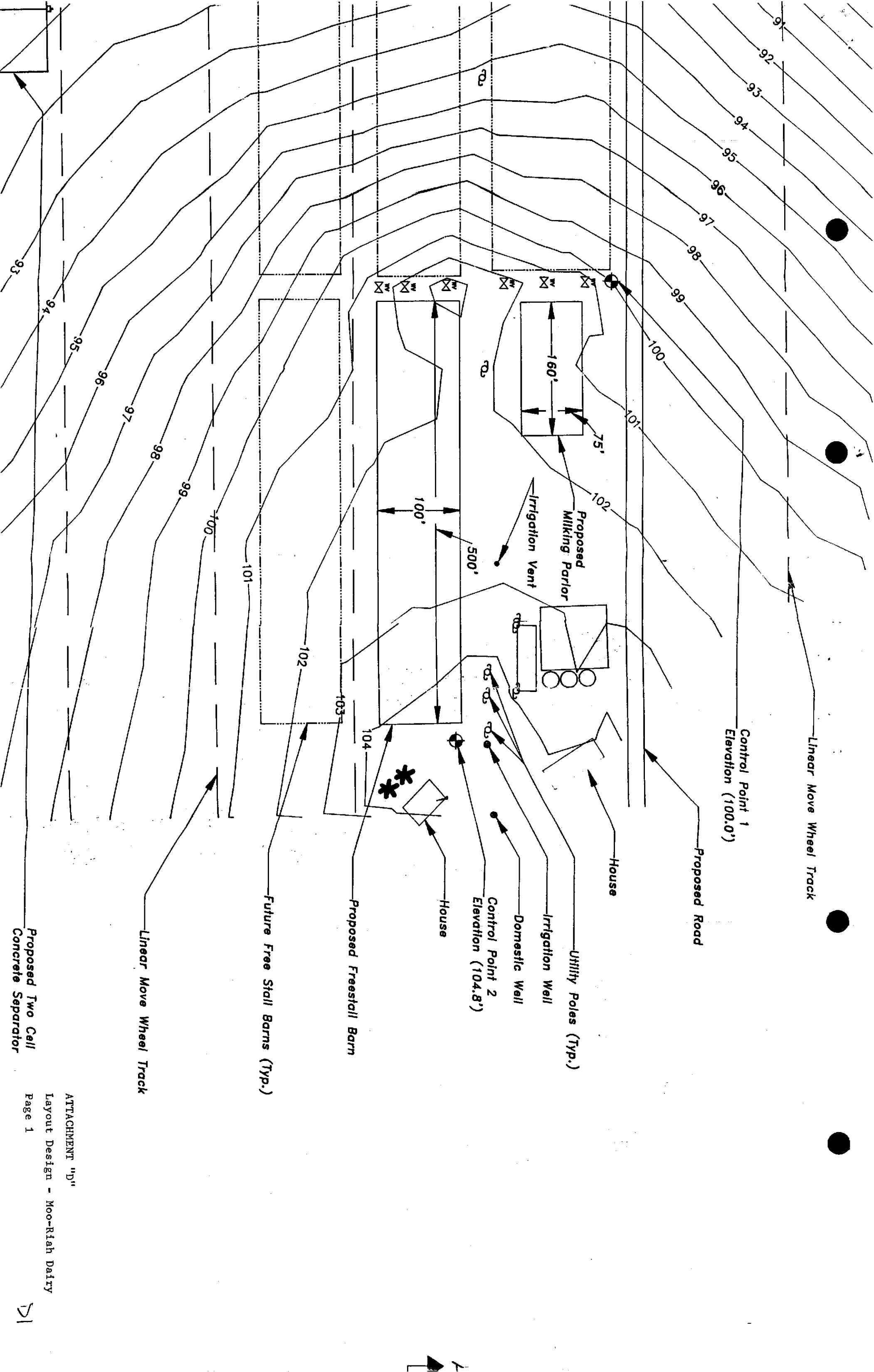


BD:kje

MICROFILMED

OCT 27 1998

"MOO-RIAH  
DAIRY"  
ATTACHMENT G 61



Proposed Two Cell  
Concrete Separator

Linear Move Wheel Track

Future Free Stall Barns (Typ.)

Proposed Freestall Barn

House

Control Point 2  
Elevation (104.8')

Domestic Well

Irrigation Well

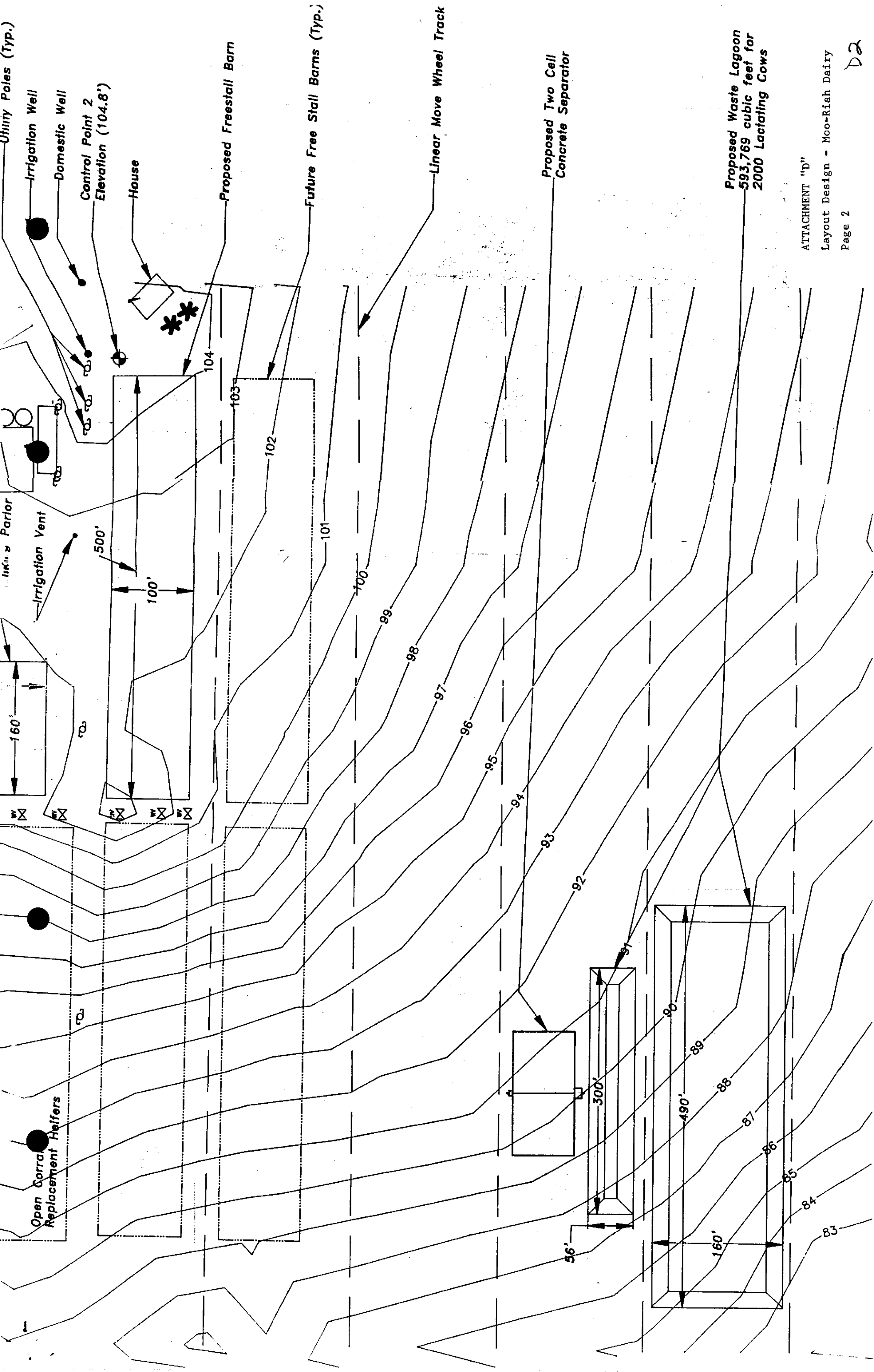
Utility Poles (Typ.)

House

Proposed Road

Control Point 1  
Elevation (100.0')

Linear Move Wheel Track





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 22, 2002

AMERICAN AG CREDIT PCA  
PO BOX 1120  
SANTA ROSA CA 95402

RE: Notice of Security Interest for Water Rights 63-2824 & 63-3054

Dear Interested Parties:

The department acknowledges receipt of correspondence adding Notice of Security Interest to the above referenced water rights to you. The department has modified its records to reflect the change in security interest and has enclosed computer-generated reports for your records. Also enclosed is a receipt for the \$50.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

*for*   
Jeff Peppersack, Manager  
Water Right Permits Section

JP:klt

Enclosures

cc: Bert & Tryntje DeWinkle

MICROFILMED

MAR 27 2002

IDAHO DEPARTMENT OF WATER RESOURCES  
WELL DRILLER'S REPORT

Office Use Only

Inspected by \_\_\_\_\_

Twp \_\_\_\_\_ Rge \_\_\_\_\_ Sec \_\_\_\_\_

\_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4

Lat: : : Long: : :

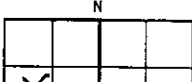
☒ Air ☐ Flowing Artesian

1. WELL TAG NO. D 0009166  
 DRILLING PERMIT NO. 63-99W 0025-000  
 Other IDWR No. WR 63-03824

2. OWNER: Bert DeWinkle  
Name Bert DeWinkle  
Address 3438 Lynwood  
City Melba State ID Zip 83641

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.



Twp. 1 North ☒ or South ☐  
 Rge. 2 East ☐ or West ☒  
 Sec. 16 NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   $\frac{1}{4}$   
10 acres 40 acres 160 acres  
 Gov't Lot \_\_\_\_\_ County Canyon  
 Lat: \_\_\_\_\_ Long: \_\_\_\_\_  
 Address of Well Site 3438 Lynwood  
 City Miller

(Give at least name of road & distance to Road or Landmark)

Lt. \_\_\_\_\_ Blk. \_\_\_\_\_ Sub. Name \_\_\_\_\_

**4. USE:**

☐ Domestic    ☐ Municipal    ☐ Monitor    ☐ Irrigation  
☐ Thermal    ☐ Injection    ☒ Other Commercial & stock

5. TYPE OF WORK check all that apply (Replacement etc.)  
☒ New Well ☐ Modify ☐ Abandonment ☐ Other \_\_\_\_\_

## 6. DRILL METHOD

☒ Air Rotary    ☐ Cable    ☐ Mud Rotary    ☐ Other

## 7. SEALING PROCEDURES

| SEAL/FILTER PACK |      |    | AMOUNT          | METHOD   |
|------------------|------|----|-----------------|----------|
| Material         | From | To | Sacks or Pounds |          |
| Bendonide        | 0    | 58 | 1800 #          | overbore |
|                  |      |    |                 |          |

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) \_\_\_\_\_

Was drive shoe seal tested? ☐ Y ☐ N How?

**8. CASING/LINER:**

| Diameter | From | To | Gauge | Material | Casing                              | Liner                    | Welded                              | Threaded                 |
|----------|------|----|-------|----------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| 8"       | 12   | 58 | 250   | Steel    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|          |      |    |       |          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
|          |      |    |       |          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Length of Headpipe \_\_\_\_\_ Length of Tailpipe \_\_\_\_\_

## 9. PERFORATIONS/SCREENS

| Perforations | Method |
|--------------|--------|
|--------------|--------|

Screens Screen Type Open

| From | To | Slot Size | Number | Diameter | Material | Casing                   | Liner                    |
|------|----|-----------|--------|----------|----------|--------------------------|--------------------------|
|      |    |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |
|      |    |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |
|      |    |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

231 ft. below ground Artesian pressure \_\_\_\_\_ lb.  
Depth flow encountered \_\_\_\_\_ ft. Describe access port or  
control devices:

## 11. WELL TESTS:

☐ Pump    ☐ Bailer    ☒ Air    ☐ Flowing Artesian

| Yield gal./min. | Drawdown | Pumping Level | Time    |
|-----------------|----------|---------------|---------|
| 50              |          |               | 2 hours |
|                 |          |               |         |
|                 |          |               |         |

Water Temp. 60° Bottom hole temp. \_\_\_\_\_

Water Quality test or comments: Iron 1.0 pH 7.5

Grains 17 Depth first Water Encounter 266

## 12. LITHOLOGIC LOG: (Describe repairs or abandonment)

## Water

| Bore Dia. | From | To  | Remarks: Lithology, Water Quality & Temperature | Y | N |
|-----------|------|-----|-------------------------------------------------|---|---|
| 12        | 0    | 6   | dusky top soil & hard pan                       |   |   |
| "         | 6    | 56  | Lava rock - black basalt                        |   |   |
| "         | 56   | 58  | Small void or crack                             |   |   |
| 8         | 58   | 67  | Small void or crack                             |   |   |
| 1         | 67   | 100 | Lava rock                                       |   |   |
|           | 100  | 101 | Small void or crack                             |   |   |
|           | 101  | 107 | Lava rock                                       |   |   |
|           | 107  | 108 | Small crack                                     |   |   |
|           | 108  | 110 | reddish lava                                    |   |   |
|           | 110  | 112 | crack - softer)                                 |   |   |
|           | 112  | 116 | softer lava                                     |   |   |
|           | 116  | 165 | lava rock                                       |   |   |
|           | 165  | 167 | crevas w/rock                                   |   |   |
|           | 167  | 195 | lava rock - some soft spots                     |   |   |
|           | 195  | 201 | lava rock                                       |   |   |
|           | 201  | 206 | crack crevas                                    |   |   |
|           | 206  | 260 | brown clay                                      |   |   |
|           | 260  | 275 | hard brown clay                                 |   | X |
|           | 275  | 306 | lava rock                                       |   |   |
|           | 306  | 308 | crevas lava rock                                |   |   |
|           | 308  | 316 | lava                                            |   |   |
|           | 316  | 321 | tan clay                                        |   |   |
|           | 321  | 326 | gravel & sand                                   |   |   |

RECEIVED RECEIVED

AUG 03 1999

AUG 02 1999

Department of Water Resources

**WATER RESOURCES  
WESTERN REGION**

Completed Depth 326' (Measurable)  
Date: Started 7.20.99 Completed 7.23.99

### 13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Adams Pump & Drill Est. No. 0457

Firm Official Steve Ledan son Date 7.27.99

Driller or Operator Steve Hank Date 1-27-99

(Sign once if Firm Official & Operator) 11



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

September 23, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

BERT DE WINKLE  
TRYNTJE DE WINKLE  
DBA MOO RIAH DAIRY  
3438 LYNWOOD  
MELBA ID 83641

RE: Water Rights 63-02824/63-03054 (Transfer 5255)

Dear Mr. & Mrs. De Winkle:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5255). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

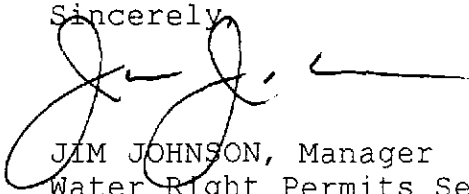
If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,

MICROFILMED

MAR 27 2002

  
JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt  
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 23<sup>rd</sup> day of **September, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

**WATER RIGHTS 63-02824/63-03054 (Transfer 5255)**

BERT DE WINKLE  
TRYNTJE DE WINKLE  
DBA MOO RIAH DAIRY  
3438 LYNWOOD  
MELBA ID 83641

  
\_\_\_\_\_  
Kari Lynn Townsend  
Secretary

MICROFILMED

OCT 27 1998

## Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

### PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

### EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

### ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

OCT 27 1998

### CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

OCT 27 1998



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

September 9, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Sherl L. Chapman  
410 S. Orchard, Ste. 144  
Boise, ID 83706

RE: DeWinkle, dba Moo-riah Dairy,  
Application for Transfer 5255  
Water Rights 63-02824 & 63-03054

Dear Sherl:

Thank you for your assistance in providing information about this transfer through telephone conversations. The transfer process can be time consuming and I appreciate your prompt assistance. As I told you, I am sending a draft of the proposed approval of this transfer for your review prior to forwarding it for signature.

You will note that the rate of diversion for the dairy uses under these two rights is 0.48 cfs when combined. This rate is slightly higher than the 0.44 cfs originally identified on the application and proportionally split between the two rights reflecting the separate flow rates associated with the 31.1 acres removed from irrigation.

The other modification I told you about is the number of acres for irrigation. The application identifies 371 remaining acres of irrigation, while the draft approval identifies 358.9 remaining acres of irrigation. 390 acres were confirmed irrigated by SRBA investigation instead of the originally licensed 400 acres.  $(390 - 31.1 = 358.9)$  The adjustment was made in the NWSW where the dairy site is located and the application identified reduced acres.

Please review the approval and notify me of any questions or concerns within 10 days of receipt. My direct phone number is 327-7943. I will withhold the approval from processing until I have either heard from you or the 10 day period has passed.

Sincerely,

*Pamela S. Skaggs*

Pamela S. Skaggs

Sr Water Rights Agent

MICROFILMED

OCT 27 1998

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5255  
WATER RIGHT NO(S). 63-02824/63-03054

This is to certify that: BERT DE WINKLE  
TRYNTJE DE WINKLE  
DBA MOO RIAH DAIRY  
3438 LYNWOOD  
MELBA ID 83641

DRAFT

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. 63-02824 :  |                      |                       |                      |
| IRRIGATION            | 03/15 to 11/15       | 3.49 CFS              | * 1615.1 AF          |
| STOCKWATER            | 01/01 to 12/31       | 0.30 CFS              | 59.6 AF              |
| COMMERCIAL            | 01/01 to 12/31       | 0.30 CFS              | 7.8 AF               |
| Priority: 07/24/1950  |                      |                       |                      |
| SUBTOTAL:             |                      | 3.79 CFS              | 1682.5 AF            |
| Right No. 63-03054 :  |                      |                       |                      |
| IRRIGATION            | 03/15 to 11/15       | 2.12 CFS              | * 1030.2 AF          |
| STOCKWATER            | 01/01 to 12/31       | 0.18 CFS              | 36.5 AF              |
| COMMERCIAL            | 01/01 to 12/31       | 0.18 CFS              | 4.8 AF               |
| Priority: 06/24/1955  |                      |                       |                      |
| SUBTOTAL:             |                      | 2.30 CFS              | 1071.5 AF            |
| TOTAL:                |                      | ** 6.09 CFS           | ** 1723.8 AF         |

DRAFT

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 16, Township 01N, Range 02W  
NWSW , Sec. 16, Township 01N, Range 02W  
CANYON County

MICROFILMED

OCT 27 1998

TRANSFER NO. 5255  
WATER RIGHT NO(S). 63-02824/63-03054

PLACE OF USE: IRRIGATION

| <u>TWN</u> <u>RGE</u> <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|--------------|--------------|--------------|--------------|
| 01N 02W 16                       | SWNE 40.0    | SWNW 39.0    | SENE 40.0    |              |
|                                  | NESW 40.0    | NWSW 5.9     | SWSW 37.0    |              |
|                                  | SESW 39.0    | NESE 39.0    | NWSE 40.0    |              |
|                                  | SWSE 39.0    |              |              | 358.9        |
| Total number of acres irrigated: |              |              |              | * 358.9      |

PLACE OF USE: STOCKWATER

| <u>TWN</u> <u>RGE</u> <u>SEC</u> |      |
|----------------------------------|------|
| 01N 02W 16                       | NWSW |

PLACE OF USE: COMMERCIAL

| <u>TWN</u> <u>RGE</u> <u>SEC</u> |      |      |      |
|----------------------------------|------|------|------|
| 01N 02W 16                       | SWNE | SWNW | SENE |
|                                  | NESW | NWSW | SWSW |
|                                  | SESW | NESE | NWSE |
|                                  | SWSE |      |      |

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.
3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
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 total instantaneous diversion of water from all points of diversion under Transfer 5255 shall not exceed 6.09 cfs, nor a total combined annual volume of 1723.8 af.
- \* 9. Rights 63-02824 and 63-03054 when combined shall not exceed a total annual maximum diversion volume of 1615.1 af at the field headgate for the irrigation of 358.9 acres.

MICROFILMED

OCT 27 1998

TRANSFER NO. 5255  
WATER RIGHT NO(S). 63-02824/63-03054

CONDITIONS OF APPROVAL AND REMARKS

10. Commercial use under Rights 63-02824 and 63-03054 is for a dairy.
11. The water used for commercial use under this transfer 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 for dairy purposes as authorized by these water rights.
12. Two points of diversion are located within NWSW, S16, T01N, R02W.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**DRAFT**  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**DRAFT**

MICROFILMED

OCT 27 1988

# MEMORANDUM

TO: Files 63-02824 & 63-03054  
 FROM: Pam Skaggs/State Office *PS*  
 SUBJECT: Transfer 5255  
 DATE: September 9, 1998

Transfer 5255 adds a point of diversion, and changes the nature and season of use under a portion of Rights 63-02824 and 63-03054. The applicant is adding a third well to the system and building a dairy on-site.

SRBA field investigation found a maximum of 390 irrigated acres under these rights instead of the licensed 400 acres. The dairy requires a reduction of 31.1 acres to provide water for commercial and stockwater uses, leaving 358.9 remaining irrigated acres. Commercial use includes the dairy barn site and all irrigated quarter-quarters for land application of wastewater from the dairy.

Season of use was adjusted to year round use at the dairy, and diversion volume was identified as current standards. Recommended conditions include drilling permit requirements, water quality, irrigation overlap, multiple points of diversion/measuring devices, combined right limits, land application limits and standard transfer conditions.

## Change in Nature of Use Evaluation

|                    |                 |              |                    | Div. Vol/C.U. Vol.           |
|--------------------|-----------------|--------------|--------------------|------------------------------|
| Licensed: 63-02824 | 3.79 cfs        | IRR          | 400.0 acres        | 1800.0 afa/1400.0 afa        |
| 63-03054           | <u>2.30 "</u>   | IRR          | <u>400.0 "</u>     | <u>1117.7 "/1117.7 "</u>     |
|                    | 6.09 cfs        | IRR          | 400.0 acres        | 1800.0 afa/1400.0 afa        |
| Confirmed:         | <b>6.09 cfs</b> | <b>IRR</b>   | <b>390.0 acres</b> | <b>1755.0 afa/1365.0 afa</b> |
| Transfer: 63-02824 | 3.49 cfs        | IRR          | 358.9 acres        | 1615.1 afa/1256.2 afa        |
|                    | 0.30 "          | COM          | -----              | 7.8 " / 7.8 "                |
|                    | <u>0.30 "</u>   | <u>STOCK</u> | <u>-----</u>       | <u>59.6 " / 59.6 "</u>       |
|                    | 3.79 cfs        | IRR          | 358.9 acres        | 1682.5 afa/ 1323.6 afa       |
| 63-03054           | 2.12 cfs        | IRR          | 358.9 acres        | 1030.2 afa/1030.2 afa        |
|                    | 0.18 "          | COM          | -----              | 4.8 " / 4.8 "                |
|                    | <u>0.18 "</u>   | <u>STOCK</u> | <u>-----</u>       | <u>36.5 " / 36.5 "</u>       |
|                    | 2.30 cfs        | IRR          | 358.9 acres        | 1071.5 afa/ 1071.5 afa       |
| Combined           | 5.61 cfs        | IRR          | 358.9 acres        | 1615.1 afa/1256.2 afa        |
|                    | 0.48 "          | COM          | -----              | 12.6 " / 12.6 "              |
|                    | <u>0.48 "</u>   | <u>STOCK</u> | <u>-----</u>       | <u>96.1 " / 96.1 "</u>       |
|                    | <b>6.09 cfs</b> | <b>IRR</b>   | <b>358.9 acres</b> | <b>1723.8 afa/1364.9 afa</b> |
| <b>&amp; DAIRY</b> |                 |              |                    |                              |

MICROFILMED

OCT 27 1998

# TRANSFER REVIEW SHEET

(07-98)

Transfer # 5255

Date Reviewed 09-08-98

Right(s) 63-02824

63-03054

☒ WRQ/Split Summary

No Activity

SRBA Status ☒

No other Overlaps

Run POU Comparison Report

B:Change P/D C:Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

☒ Other

H:Change P/D & Add P/D

I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership SRBA Claims NA - Not removed from land

Leinholder's letter of Agreement 4-15-98 James + Shirley Marshall

390 - 31.1 = 358.9 Acres IRR

Transfer ☒ All of Right

Portion of Right

Resulting Split(s) None - Uses

63-02824 3.49 cfs IRR 1615.1 afu 63-03054 2.12 cfs IRR 1030.2 afu

.30 " COMM 7.8 "

.18 " COMM 4.8 "

.30 " STOCK 59.6 "

.18 " STOCK 34.5 "

3.79 cfs 1682.5 afu

2.30 cfs 1071.5 afu

Check Transfer Against Recorded Right

Season/Vol. D/4.5

(1) ☒ Priority (2) ☐ Use (3) ☐ Season (4) ☒ Rate (5) ☐ Volume

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☐ Proof/Owner (10) ☐ Map

(11) ☐ Water District (12) ☐ Pertinent Conditions (13) ☐ Expansion

(2) Remove 31.1 Acres from IRR to provide for COMM + STOCK uses @ dairy.

(3) Allow year round use COMM + STOCK

(5) Standard Vol. = 4.5 af/acre for IRR

Dairy use w/ land application 100% C.U @ 3.5 af/acre - Need 31.1 Acres

(7) Add 3rd P/D

(8) IRR Acres per SRBA Confirmation 390 - 31.1 = 358.9 Acres remaining

Dairy Need - COMM 12.6 afu } 108.7 afu ÷ 3.5 = 31.1 Acres Out of IRR

STOCK 96.1 afu } 390 - 31.1 = 358.9 Acres IRR remain

(635) IRR = 358.9 Acres / 1615.1 Both Rts = 6.09 cfs / 1723.8 afu

Transfer Remarks 2 P/Ds NWSW (WB4) Land Application

Conditions 0416, 081, R65, T07, T08, T09, T17

Database/Processing Notes

Standard ☒ Non-Standard ☐

T files each rt.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

9-22-98 CS

|       |           |                                                |
|-------|-----------|------------------------------------------------|
| COMM  | 12.6 a/c  |                                                |
| STOCK | 96.1 "    |                                                |
|       | <hr/>     |                                                |
|       | 108.7 a/c | $108.7 \text{ a/c} / 3.5 = 31.1 \text{ Acres}$ |
|       |           | $390 - 31.1 = 358.9 \text{ Acres IRR}$         |

## MEMORANDUM

**TO:** Files 63-02824 & 63-03054

**FROM:** Pam Skaggs<sup>28</sup>/State Office

**SUBJECT:** Telecon With Consultant

**DATE:** September 8, 1998

---

I spoke with Sherl Chapman today regarding questions about Transfer 5255. I discussed several areas that were in question and will adjust the transfer approval to reflect the information he has provided.

1) I informed him that 390 irrigated acres had been confirmed by SRBA investigation instead of the 400 acres licensed, and that after the transfer the irrigated acres will be reflect the adjustment of total irrigated acres. He was unaware of the reduction, but didn't object to the recommendation.

2) I discussed with him the discrepancy of the number of non-milking stock listed on the attachment B1 (1320) and the number used by the region staff reviewer (1820). Sherl said that the transfer application was based on the information provided with the application and he felt that 1320 was the correct number of non-milking stock.

3) I asked him how the rate of diversion of 0.44 cfs on the application was derived. He said that it was calculated by the rate associated with the acres being dried-up. However, the system requires at least that rate of diversion. He advised that an adjustment to the rate was acceptable as long as the total diversion rate was greater than 0.44 cfs. He also understands that each right will identify a different proportionate rate of diversion according to the original rate per acre under each right, the sum of which will provide the total system rate.

I advised Sherl that I would be sending him a draft of the final recommendation before the approval was forwarded for signature.

MICROFILMED  
OCT 27 1998

SPLIT RIGHT SUMMARY  
08-28-98  
TRANSFER 5255

SD-0611-2 Basin: 63 Starting Water Right: 03054

| S   | Water     | Name              | O | Priority   | STG/ | Use         | S      |
|-----|-----------|-------------------|---|------------|------|-------------|--------|
| L   | Right No. | Last, First       | N | Date       | STS  | Source      | Desc   |
| --- | 63-03054  | TIEGS, DALE H.    | C | 06/24/1955 | L/   | GROUNDWATER | IRR    |
| --- | T63-03054 |                   |   | 06/24/1955 | L/   | GROUNDWATER | DOMEST |
| --- |           |                   |   |            |      |             | WR     |
| --- |           |                   |   |            |      |             | IRR    |
| --- |           |                   |   |            |      |             | WR     |
| --- |           |                   |   |            |      |             | COMMER |
| --- |           |                   |   |            |      |             | STOCK  |
| --- | A63-03054 | DEWINKLE, TRYNTJE | C | 06/24/1955 | L/   | GROUNDWATER | IRR    |
| --- |           | DEWINKLE, BERT    | C |            |      |             | DOMEST |
| --- |           |                   |   |            |      |             | AJ     |

SD-0611-2 Basin: 63 Starting Water Right: 02824

| S   | Water     | Name              | O | Priority   | STG/ | Use         | S      |
|-----|-----------|-------------------|---|------------|------|-------------|--------|
| L   | Right No. | Last, First       | N | Date       | STS  | Source      | Desc   |
| --- | 63-02824  | TIEGS, DALE H.    | C | 07/24/1950 | L/   | GROUNDWATER | IRR    |
| --- | T63-02824 | TIEGS, DALE H.    | C | 07/24/1950 | L/   | GROUNDWATER | DOMEST |
| --- |           |                   |   |            |      |             | WR     |
| --- |           |                   |   |            |      |             | IRR    |
| --- |           |                   |   |            |      |             | WR     |
| --- |           |                   |   |            |      |             | COMMER |
| --- |           |                   |   |            |      |             | STOCK  |
| --- | A63-02824 | DEWINKLE, BERT    | C | 07/24/1950 | L/   | GROUNDWATER | IRR    |
| --- |           | DEWINKLE, TRYNTJE | C |            |      |             | DOMEST |
| --- |           |                   |   |            |      |             | AJ     |

*770 action per SRBA summary check.*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

RECEIVED

JUN 19 1998

Department of Water Resources

APPLICANT Noonah Dairy

TRANSFER NO. 5255

INITIAL ALLOCATION REVIEW BY TJ  
SRBA SUPERVISOR REVIEW BY [Signature]

DATE 04/14/1998  
DATE 5-17-98  
REC'D 5-13-98

1. Right number(s) 63-03054 63-002824

2. Type of right on Incorrectly identified on appl.  
☐ Decree ☒ License ☐ Statutory Claim  
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☐ Change P/U  
☒ Change N/U ☐ Change Source ☐ Split Right  
☒ Other: Change period of use

4. Check Existing Right: Not provided info from IDWR records  
☒ Source ☒ Priority ☒ Amount ☒ Purpose  
☒ Period ☐ SRBA Claim  
☒ Description of original point(s) of diversion  
☒ Description of original place of use  
☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☒ Reviewer's analysis memo completed (always include)
- b. ☒ All of right
- c. N/A Part of right (**NOTE!** Part B should be filled in only if part of right is owned by the applicant)
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing P/D & P/U after transfer
- g. ☒ Correct notarized signature and \$100 fee
- h. N/A Proof of ownership of right &/or land from which water is transferred
- i. ☒ Expansion in use of right - Comments: See Reviewer's  
Deno dated 5/14/1998

- j. ✓ Existing rights from same source, on land water is being transferred to; right number(s): N/A
- 
- k. ✓ SRBA claim(s) - Comments (*NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain*) \_\_\_\_\_
- 
- l. ✓ Comment letters \_\_\_\_\_ Yes ✓ No  
If yes \_\_\_\_\_ Water District #  
\_\_\_\_\_ Other, see #2 below for name  
\_\_\_\_\_ and address

## PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT? ✓ Yes
2. COMMENT LETTERS
- Watermaster recommendation requested on \_\_\_\_\_, Received on \_\_\_\_\_
- Other comments letters: \_\_\_\_\_ See attached information
3. Transfer published correctly? ✓ Yes \_\_\_\_\_ No
4. Affidavit of publication received? ✓ Yes \_\_\_\_\_ No
5. Protests received? \_\_\_\_\_ Yes ✓ No; Acknowledgement sent? \_\_\_\_\_ Yes
6. Data entry of application completed? ✓ Yes

### RECOMMENDED ACTION

1. ☒ Approve ☐ See attached memo
2. ☐ Deny due to \_\_\_\_\_
3. Conditions (special conditions in Water Districts) See memo by Maria Minicucci dated 5/14/98. Also 046
4. By Gary S Date 6/15/98

## FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? ✓ Yes *pam*
2. File forwarded to S.O.: by St date 6-16-98

**Moo-Riah Dairy  
Reviewer's Memo**

\*\*\*\*\*

Proposal

The applicants propose to change the nature and season of use for portions of two licensed rights from irrigation to year-round commercial and stockwater for a dairy. They also propose to add a well to both rights.

Volume requirements

The required volume for the proposed use was calculated based on information provided by the applicants which was in turn provided to them by the Idaho Department of Agriculture, and on IDWR standards for stock water for dairy and non-milking cows.

The proposed dairy use is assumed to be wholly consumptive. Irrigation reduction is based on the consumptive use of the original right. Consequently, the applicants must remove 34 acres from irrigation to meet the volume requirement of 117 AF/year for the new uses. This will require a reduction in flow of .32 cfs of right no. 63-02824 and .20 cfs of right no. 63-03054. Calculations are attached (M1).

Verification of use

The ASCS found irrigation of 377.8 acres based on a 1987 aerial photo. 1994 scanned airphoto (IDWR No. K-04) confirms irrigation of the place of use. An SRBA field exam was conducted on 8/31/1995. The resulting acreage calculation, based on the field exam and the ASCS photo, found 390 acres (POU review sheet attached). The acreage will be determined using GIS technology before the final SRBA recommendation is prepared.

The discrepancy between the license and the ASCS acres is 5.5%, and between the license and the SRBA exam is 2.5%. These percentages are within acceptable limits for the SRBA. However, it is clear that some QQs are not full 40 acre tracts because of roads, ponds, ditches, and buildings.

Additional well

An additional well is proposed to be utilized at the dairy. Specific well construction standards may be appropriate.

RECOMMENDATION

The acreage reduction should be based on the number of irrigated acres confirmed by the SRBA field exam (390).

Approve transfer as follows:

POD: T1N R2W S16 SWNW NWSW (2 wells)

POU: Irrigation & commercial:

T1N R2W S16 SWNE 40

SWNW 39 SENW 40

NESW 40 NWSW 3 SWSW 37 SESW 39

NESE 39 NWSE 40 SWSE 39

Stockwater: NWSW

MICROFILMED

OCT 27 1998

63-02824:

|             |           |          |
|-------------|-----------|----------|
| Irrigation: | 356 acres | 3.47 cfs |
| Commercial: |           | .32 cfs  |
| Stockwater: |           | .32 cfs  |

|        |  |          |
|--------|--|----------|
| Total: |  | 3.79 cfs |
|--------|--|----------|

63-03054:

|             |           |          |
|-------------|-----------|----------|
| Irrigation: | 356 acres | 2.10 cfs |
| Commercial: |           | .20 cfs  |
| Stockwater: |           | .20 cfs  |

|        |  |      |
|--------|--|------|
| Total: |  | 2.30 |
|--------|--|------|

Total diversion volume for all uses not to exceed 1,119 AF/year.

Commercial use is a dairy with 2,000 milking cows and 1,820 non-milkers located in NSW.

Commercial use includes land application of dairy waste.

Stockwater is for 2,000 milking cows and 1,820 non-milkers.

M. Minicucci  
05/14/1998

77

MICROFILMED

OCT 27 1998

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT,  
TRANSFER NO. 5255**

Notice is given that **BERT OR TRYNTJE DEWINKLE, DBA MOO-RAH DAIRY**, of 3438 Lynwood, Melba, ID 83641 have applied to the Department of Water Resources to change the Nature of Use, Period of Use, and Point of Diversion pursuant to I.C. § 42-222 for the following ground water irrigation rights in T1N R2W S16, both diverted from two wells in SWNW and NWSW, Canyon County:

**License 63-02824**, priority 07/24/1950, 3.79 cfs.

**License 63-03054**, priority 06/24/1955, 2.30 cfs.

Total of 400 acres and 6.09 cfs. 63-03054 includes domestic use.

**PROPOSED CHANGE**

Add a well and change portion of rights to year round commercial and stock water use in NWSW. 29 acres of irrigation will be retired in NWSW. Commercial use is a dairy and land application of dairy waste water on remaining 371 acres. Stock water is for 2000 milking cows and 1820 dry cows.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before May 26, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

May 7, 14, 1998

7034

RECEIVED

MAY 15 1998

WATER RESOURCES  
WESTERN REGION

MICROFILMED

OCT 27 1998

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO     )  
                          ) SS.  
County of Canyon    )

Carolyn Roberson

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper  
Twice  
— in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following dates:  
May 7, 14, 1998

RECEIVED

MAY 15 1998

WATER RESOURCES  
WESTERN REGION

Carolyn Roberson

STATE OF IDAHO     )  
                          )  
COUNTY OF CANYON    )

On this 14th day of May  
in the year of 1998 before me, a Notary  
Public, personally appeared Carolyn Roberson,  
known or identified to me to be the person whose  
name subscribed to the within instrument, and being  
by me first duly sworn, declared that the statements  
therein are true, and acknowledged to me that he/she  
executed the same.

MICROFILMED

OCT 27 1998

Jane Lusk  
Notary Public for Idaho  
Residing at Nampa

MY COMMISSION EXPIRES  
JUNE 21ST, 2003

# Moo-Riah Dairy

\*\*\*\*\*

## COMMERCIAL\*

|                     | <u>GPD</u>    |
|---------------------|---------------|
| Cow Prep            | 1,000         |
| Tanks, parlor, etc. | <u>10,250</u> |
| Total               | 11,250        |

## STOCKWATER\*\*

|                      | <u>GPD</u>    |
|----------------------|---------------|
| Milking Cows (2,000) | 70,000        |
| Feeders (1,820)      | <u>21,840</u> |
| Total                | 91,840        |

**TOTAL DAIRY VOLUME: 103,090 GPD**

## Acreage reduction based on volume

$103,090 \text{ GPD} \div 646,315 \text{ GPD/cfs} \times 1.98 \text{ AF/cfs} = .32 \text{ AF/day}$

$.32 \text{ AF/day} \times 365 \text{ days} = 116.8 \text{ AF/year}$

$116.8 \text{ AF/year} \div 3.5 \text{ AF/year/acre} = 33.4 \text{ acres}$

## Acreage reduction based on diversion rate:

$103,090 \text{ GPD} \div 646,315 \text{ GPD/cfs} = .16 \text{ cfs}$

63-02824:  $.16 \text{ cfs} \div .009475 \text{ cfs/acre} = 17 \text{ acres}$

63-03054:  $.16 \text{ cfs} \div .005750 \text{ cfs/acre} = 28 \text{ acres}$

The volume of the proposed use requires the greatest number of acres to be retired. 34 acres must be retired to offset the consumptive volume of the new use. However, land application of waste from the dairy can occur anywhere on the farm.

## Reduction in cfs of existing rights

63-02824:  $34 \text{ acres} \times .009475 \text{ cfs/acre} = .32 \text{ cfs}$

63-03054:  $34 \text{ acres} \times .005750 \text{ cfs/acre} = .20 \text{ cfs}$

\*Based on information supplied by applicants

\*\*Based on current IDWR standards

MICROFILMED

OCT 27 1998

## A. ROOT WATER RIGHT NUMBERS: A63-02824

## B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME              | AJ<br>#/ACRES    | WR<br>#/ACRES   | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|-------------------|------------------|-----------------|-----------------|----------------|------------------|
| 01N | 02W | 16  | SW  | NE  |     | DEWINKLE, BERT    | A63-02824 / 40.0 | 63-02824 / 40.0 |                 |                |                  |
|     |     |     | SW  | NE  |     | DEWINKLE, TRYNTJE | A63-03054 / 40.0 | 63-03054 / 40.0 | 40.0            | 40             | 40.0             |
| 01N | 02W | 16  | SW  | NW  |     | DEWINKLE, BERT    | A63-02824 / 40.0 | 63-02824 / 40.0 |                 |                |                  |
|     |     |     | SW  | NW  |     | DEWINKLE, TRYNTJE | A63-03054 / 40.0 | 63-03054 / 40.0 | 40.0            | 39             |                  |
| 01N | 02W | 16  | SE  | NW  |     | DEWINKLE, BERT    | A63-02824 / 40.0 | 63-02824 / 40.0 |                 |                |                  |
|     |     |     | SE  | NW  |     | DEWINKLE, TRYNTJE | A63-03054 / 40.0 | 63-03054 / 40.0 | 39.0            | 40             |                  |
| 01N | 02W | 16  | NE  | SW  |     | DEWINKLE, BERT    | A63-02824 / 40.0 | 63-02824 / 40.0 |                 |                |                  |
|     |     |     | NE  | SW  |     | DEWINKLE, TRYNTJE | A63-03054 / 40.0 | 63-03054 / 40.0 | 39.0            | 40             |                  |
| 01N | 02W | 16  | NW  | SW  |     | DEWINKLE, BERT    | A63-02824 / 40.0 | 63-02824 / 40.0 |                 |                |                  |
|     |     |     | NW  | SW  |     | DEWINKLE, TRYNTJE | A63-03054 / 40.0 | 63-03054 / 40.0 | 40.0            | 37             |                  |
| 01N | 02W | 16  | SW  | SW  |     | DEWINKLE, BERT    | A63-02824 / 40.0 | 63-02824 / 40.0 |                 |                |                  |
|     |     |     | SW  | SW  |     | DEWINKLE, TRYNTJE | A63-03054 / 40.0 | 63-03054 / 40.0 | 40.0            | 37             | 40.0             |
| 01N | 02W | 16  | SE  | SW  |     | DEWINKLE, BERT    | A63-02824 / 40.0 | 63-02824 / 40.0 |                 |                |                  |
|     |     |     | SE  | SW  |     | DEWINKLE, TRYNTJE | A63-03054 / 40.0 | 63-03054 / 40.0 | 40.0            | 39             | 40.0             |
| 01N | 02W | 16  | NE  | SE  |     | DEWINKLE, BERT    | A63-02824 / 40.0 | 63-02824 / 40.0 |                 |                |                  |
|     |     |     | NE  | SE  |     | DEWINKLE, TRYNTJE | A63-03054 / 40.0 | 63-03054 / 40.0 | 39.0            | 39             |                  |
| 01N | 02W | 16  | NW  | SE  |     | DEWINKLE, BERT    | A63-02824 / 40.0 | 63-02824 / 40.0 |                 |                |                  |
|     |     |     | NW  | SE  |     | DEWINKLE, TRYNTJE | A63-03054 / 40.0 | 63-03054 / 40.0 | 40.0            | 40             |                  |
| 01N | 02W | 16  | SW  | SE  |     | DEWINKLE, BERT    | A63-02824 / 40.0 | 63-02824 / 40.0 |                 |                |                  |
|     |     |     | SW  | SE  |     | DEWINKLE, TRYNTJE | A63-03054 / 40.0 | 63-03054 / 40.0 | 40.0            | 39             | 40.0             |

## ADDITIONAL POU FOUND

Found: 390

TOTAL ACRES A63-02824 400.00 400.00 402.00

POU COUNTY: CANYON

MICROFILMED

OCT 27 1998

CONVERSATION MEMORANDUM

DATE 4/23/1998

FILE Too-Lah Dairy  
Transfer

NAME OF PARTY Sheel Chapman

EMPLOYEE T. T. W. W. C. C.

RE: Dairy waste water will be land applied to  
entire place of use. I indicated that this would be  
reflected in the record as commercial use in each  
of the QAs.

Sheel indicated that coop information (Attachment)  
is meant to establish historical consumptive use levels of  
the water rights.

MICROFILMED

OCT 27 1998

# Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690  
Fax (208) 344-2744 / Email chapmaninc@rmci.net

RECEIVED

APR 15 1998

April 14, 1998

WATER RESOURCES  
WESTERN REGION

Ms. Lori Graves  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705

Dear Lori:

Enclosed you will find a letter of approval of the Application for Transfer on water right #63-03054 and #63-00284 in the name of Bert and Tina DeWinkle. The Application for Transfer was filed without this letter in order to get it moving through the administrative process.

If you have any questions or need additional information, please don't hesitate to call me.

Sincerely yours,



Sherl L. Chapman  
President

SLC:kje  
Enclosure  
Cc:Mr. Bert DeWinkle w/enclosure

MICROFILMED

OCT 27 1998

Specialist In  
Ground-Water Hydrology / Water Rights / Water Well Design / Geothermal Resources

AJ5809NP  
No. A63-02824

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/17/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS   | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | BERT DEWINKLE    | 07/24/1950       | IRRIGATION | 03-15 11-15           | 3.79 CFS          |                     |
| C                | TRYNTJE DEWINKLE |                  |            |                       |                   |                     |
| TOTAL DIVERSION: |                  |                  |            |                       | 3.79 CFS          |                     |
| CONSUMPTIVE USE: |                  |                  |            |                       |                   | 1400.00 AFA         |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R02W S16 SWNW NWSW CANYON County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |             |       |       |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-------|-------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :           | SUM   |       |
| 01N | 02W | 16 | : |    |    | 40 |    |    |    | 40 | 40 | :  | 40 | 40 | 40 | 40 | :  | 40 | 40 | 40          | :     | 400.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 400.0 |       |

POU County: CANYON

Non-Irrigation Uses: NONE

Other Rights: 63-3054.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A63-03054

Other Water Rights Listing Overlapping Place(s) of Use:  
A63-03054

Remarks: GEN P/D & P/U COMBINED W/63-3054 BY TRANS. 2021.  
CHANGE OF OWNERSHIP COMPLETED BY L.R.W. ON 3/27/95.

Dates: Exam Made Date: Verified Date: 03/27/1995 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

AJ5809NP  
No. A63-03054

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/17/98  
PAGE: 2

| OWNER<br>CODE    | NAME & ADDRESS   | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | TRYNTJE DEWINKLE | 06/24/1955       | IRRIGATION | 03-15 11-15           | 2.30 CFS          |                     |
| C                | BERT DEWINKLE    |                  | DOMESTIC   | 01-01 12-31           | 0.04 CFS          |                     |
| TOTAL DIVERSION: |                  |                  |            |                       | 2.30 CFS          |                     |
| CONSUMPTIVE USE: |                  |                  |            |                       |                   | 1400.00 AFA         |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R02W S16 SWNW NWSW CANYON County

Place of use Legal Description for: IRRIGATION

| NE          |     |    |   | NW   |      |      |      | SW |      |      |      | SE   |   |      |      |      |      |   |      |      |      |       |   |       |
|-------------|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|-------|---|-------|
| T           | R   | S  |   | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE  | : | SUM   |
|             |     |    |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac    |   |       |
| 01N         | 02W | 16 | : |      |      | 40   |      | :  |      |      | 40   | 40   | : | 40   | 40   | 40   | 40   | : | 40   | 40   | 40   |       | : | 400.0 |
| TOTAL ACRES |     |    |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      | 400.0 |   |       |

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: CANYON

Non-Irrigation Uses: D/ 1 HOUSEHOLD

Other Rights: A63-02824

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A63-02824

Other Water Rights Listing Overlapping Place(s) of Use:  
A63-02824

Remarks: GEN P/D & P/U COMBINED W/63-2824 BY TRANS. 2021.  
OWNERSHIP CHANGE BY MTS 07/05/95.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

## SUPPLEMENTAL STAFF ANALYSIS SHEET

TRANSFER NO. \_\_\_\_\_ WORDPERFECT FILENAME [... wp.xfer] sub dir.  
MOORIAN

### COPY FOR WATER RIGHT AND ADJUDICATION FILES:

**GOAL:** Enough information to make filing understandable in Region file for allocation & adjudication uses. Indicate items to be copied below. Always include first four items.

|            |                                                                                                                                                         |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>YES</u> | LEGAL NOTICE                                                                                                                                            |
| <u>YES</u> | TRANSFER ANALYSIS SHEET (FORM 222a)                                                                                                                     |
| <u>YES</u> | TRANSFER APPLICATION INCLUDING MAP                                                                                                                      |
| <u>YES</u> | REVIEWER'S ANALYSIS MEMO DATED <u>5/14/1998</u>                                                                                                         |
| ___        | REVIEWER'S ADDITIONAL MAPS/DIAGRAMS                                                                                                                     |
| ___        | REVIEWER'S ADDITIONAL COMPUTER REPORTS                                                                                                                  |
| ___        | OWNERSHIP VERIFICATION - <u>ALWAYS INCLUDE IF ANY QUESTIONS ABOUT OWNERSHIP ARE FOUND RE SRBA CLAIM (OWNERSHIP CHANGE, SPLITS, ODD SITUATIONS ETC.)</u> |
| ___        | OTHER ITEMS - LIST THESE BELOW OR ON BACK AS NEEDED                                                                                                     |

### AVOID COPIES -

excess profile reports; oversized documents; numerous application attachments unless are clarifying maps, explanations etc.; easements & other agreements unless are essential to understanding the application.

**COPIES TO BE MADE AFTER MANAGER'S REVIEW PRIOR TO FORWARDING FILE TO S.O.**

**DISCARD THIS FORM BEFORE FORWARDING FILE**

NOTICE OF PROPOSED CHANGE OF WATER  
RIGHT, TRANSFER NO.

5255

Notice is given that <sup>ME</sup>BERT OR TRYNTJE DEWINKLE, DBA MOO-RIAH DIARY, of 3438 Lynwood, Melba ID 83641 have applied to the Department of Water Resources to change the Nature of Use, Period of Use, and Point of Diversion pursuant to I.C. § 42-222 for the following ground water irrigation rights in T1N R2W S16, both diverted from two wells in SWNW and NWSW, Canyon County:

License 63-02824, priority 07/24/1950, 3.79 cfs.

License 63-03054, priority 06/24/1955, 2.30 cfs.

Total of 400 acres and 6.09 cfs. 63-03054 includes domestic use.

PROPOSED CHANGE

Add a well and change portion of rights to year round commercial and stock water use in NWSW. 29 acres of irrigation will be retired in NWSW. Commercial use is a dairy and land application of dairy waste water on remaining 371 acres. Stock water is for 2000 milking cows and 1820 dry cows.

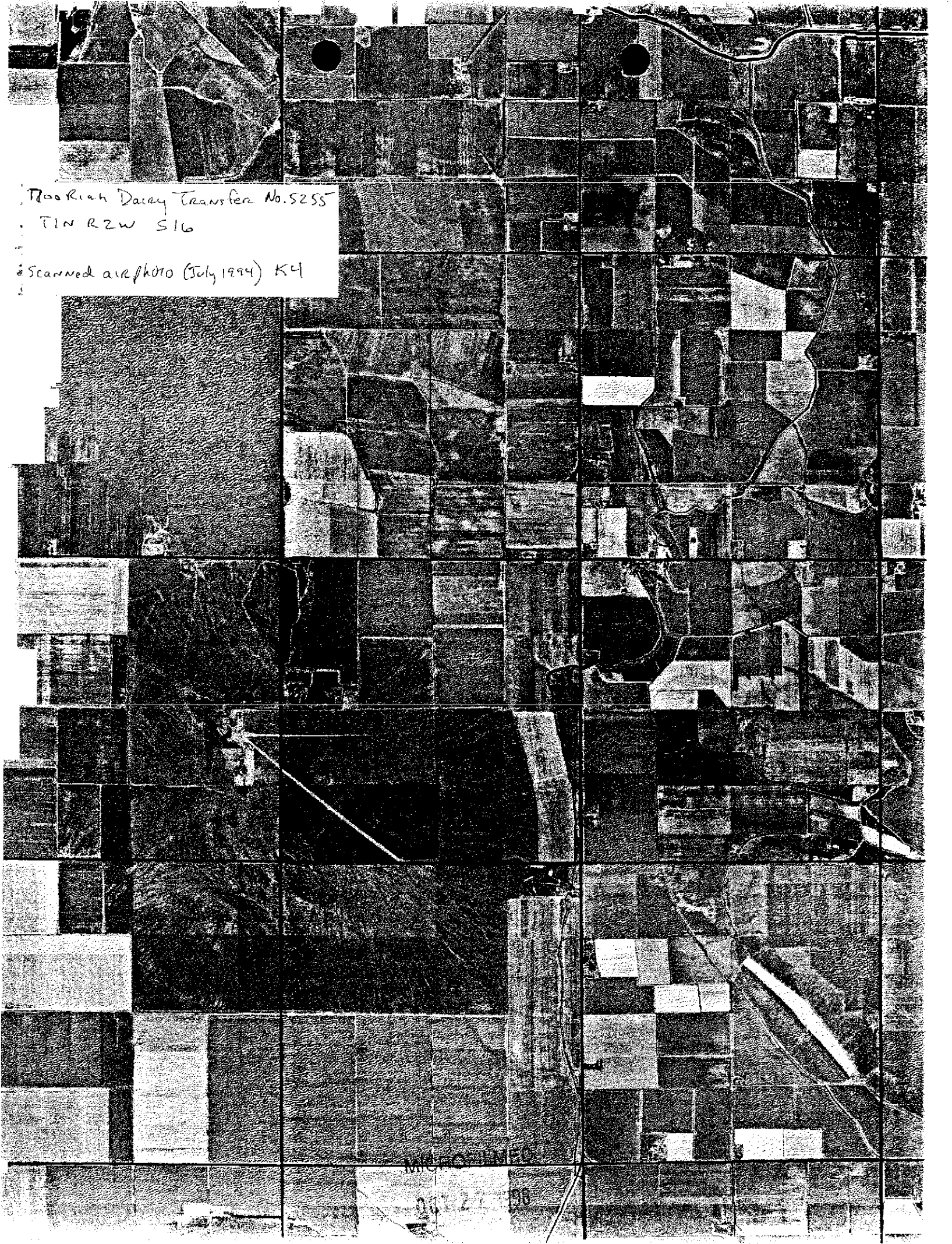
Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before May 26, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Press-Tribune on May 7 and 14, 1998.

MICROFILMED

DEC 27 1998

An aerial photograph of a rural landscape, likely a farm or agricultural area, showing a grid of fields and roads. The image is in black and white and has a grainy, high-contrast appearance. A white rectangular label is pasted on the left side, containing handwritten text. The background shows a complex pattern of rectangular fields, some with straight lines (possibly roads or ditches) running through them. The overall tone is dark, with some lighter patches representing different types of vegetation or soil.

Boorish Dairy Transfer No. 5255  
TIN RZW S16

Scanned air photo (July 1994) K4

MICROFILMED

2007-27-08

Bert  
De Wink

652

N/NW

4  
7.6

T219

6

H/NW

H/NW

H/NW

T3971

H/NW

15

H/NW

16.6

160

25.8

32.5

1  
37.7

T3734

N/NW

T3811

N/NW

3.4

T8

H/NW

3  
16.8

40.2

H/NW

H/NW

8.8

H/NW

H/NW

T3734

H/NW

4

49.1

5

38.5

6

37.5

8  
38.2

M/N

H/NW

H/NW

9  
34.9

11  
39.0

T3809

H/NW

1  
33.2

16

15

T216

12

T3814

T3815

H/NW

22

RECEIVED

MAY 08 1998

WATER RESOURCES  
WESTERN REGION

NOTED  
MAY 11 1998

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, )  
County of Canyon. ) ss.

NOTICE OF AMENDED AP-  
PLICATION FOR TRANSFER  
OF WATER RIGHT  
NO. 63-2824 & 63-3054

NOTICE is hereby given that Application for Transfer No. 63-2824 and 63-3054 in the name of DALE H. TIEGS was filed on October 29, 1976 for the diversion 6.09 cubic feet per second of water with the point of diversion within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 8; NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec 16 T1N-R2W to be used from Mar 15 to Nov. 15 for irrigation of 440 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 8 and SW $\frac{1}{4}$ NE $\frac{1}{4}$  S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 16 T1N-R2W B. M., Canyon County.

The application holder now proposes to amend Application for Transfer No. 63-2824 and 63-3054 changing the points of diversion to NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec 16 T1N-R2W B.M. and the place of use as being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 16 T1N-R2W B. M., Canyon County.

Any protests to this proposed amending of the Application for Transfer must be filed with the Director of the Department of Water Resources 92 S. Cole Road, Boise, ID 83705 on or before December 27, 1976.

R. KEITH HIGGINSON

Notary Public, State of Idaho

Verla Harker  
of Nampa, Canyon County, Idaho, being first duly sworn,  
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two Times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

December 9, 16, 1976

Subscribed and sworn to before me this

16th day of December, 1976

Notary Public, Residing at Nampa, Idaho

My Comm. Exp. Date 02, 1977

OK  
12-21-76  
JH

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, )  
County of Canyon. ) ss.

Verla Harker  
of Nampa, Canyon County, Idaho, being first duly sworn,  
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two Times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

November 11, 18, 1976

Verla Harker

Subscribed and sworn to before me this

18th day of November, 1976

Adam DeLoach

Notary Public, Residing at Nampa, Idaho  
My Commission Expires June 22, 1978.

NOTICE OF PROPOSED  
CHANGE OF WATER RIGHT  
No. 63-2824 and 63-3054

Notice is hereby given that Dale H. Tiegs of Melba, Idaho has applied to the Department of Water Resources for a change of Point of Diversion of the waters diverted from certain wells. The right sought to be changed is evidenced by licenses (1) 63-2824 and (2) 63-3054 and are recorded as follows:

Amount: (1) 3.79 cfs (2) 2.30 cfs. Priority: (1) July 24, 1950 (2) June 24, 1955. Point of Diversion: (1) NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Sec 16 T1N R2W (2) SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Sec 16 T1N R2W. The water is used for irrigation purposes on the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec 8; SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec 16, T1N R2W.

TO BE CHANGED  
ASFOLLOWS

Amount: 6.09 cfs. Points of Diversion: SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec 8; NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec 16, T1N R2W. The water will be used for irrigation purposes of same land.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources on or before November 29, 1976.

R. KEITH HIGGINSON

OK  
11-22-76  
RS



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

Statehouse  
Boise, Idaho 83720  
(208) 384-2215

January 10, 1977

Re: Permit No. 63-8381  
License No. 63-2824/63-3054 (Trans. #2021)

Dale H. Tiegs  
Route 1, Box 142  
Melba, ID 83641

Dear Mr. Tiegs:

Enclosed is a copy of your approved Application for Permit and your approved Application for Transfer. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing the different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:mef

Enclosures

RECEIVED

NOV 24 1976

Department of Water Resources  
Western Regional Office

Nov. 24, 1976

I Donald E. Tieg authorize  
my brother Dan H. Tieg to remove  
by transfer the irrigation rights  
appurtenant to approx. 10 acres more or  
less in the SE of the SE of Section 8  
T1N R2W as shown by licenses 63-2824  
and 63-3054.

Donald E. Tieg

## DEPARTMENT OF WATER RESOURCES

## TRANSFER ANALYSIS SHEET

1. Source GroundwaterName Lake H. Tieggs

2. Right Being Transferred

Right No. (1) 63-2824  
(2) 63-3054a. ☐ Decree

Transfer No. \_\_\_\_\_

☒ License☒ Useb. (1) 7-24-1950 Priority(1) 6-24-55 (1) 11-24-55 (1) 11-24-55c. Location - Original P. D.d. ☒ " - Original P. U.e. ☒ " - New P.D.f. ☒ " - New P.U. No changeg. ☒ Amount☒ All☐ Part3. OK Proof of Ownership of RightComment Checked with B. Fleener4. ☒ Expansion of RightComment OK5. ☒ Map6. ☒ Signature7. ☒ Fee8. Watermaster's Comments NA

9. Comments

10. Initial Review by R.W.H.Date 11-2-76

11. Recommended Action

☒ Approve☐ Deny☐ Conditions From deviceBy 722Date 12-28-76



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

Statehouse  
Boise, Idaho 83720  
(208) 364-2190

December 6, 1976

Re: Notice of Amended Application for Transfer No. 63-2824 & 63-3054

Notice of Amended Application for Permit No. 63-8381

Idaho Free Press  
P. O. Box 88  
Nampa, ID 83651

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear in the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

\_\_\_\_\_  
(Signature of Claimant)

Sincerely,

NOTICE OF AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 63-2824 & 63-3054

/Application for

Notice is hereby given that Transfer No. 63-2824 and 63-3054 in the name of DALE H. TIEGS was filed on October 29, 1976 for the diversion 6.09 cubic feet per second of water with the point of diversion within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 8; NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec 16 T1N-R2W to be used from Mar 15 to Nov 15 for irrigation of 440 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 8 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 16 T1N-R2W B. M., Canyon County .

The application holder now proposes to amend Application for Transfer No. 63- 2824 and 63-3054 changing the points of diversion to NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec 16 T1N-R2W B.M. and the place of use as being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , ~~SW $\frac{1}{4}$~~  SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 16 T1N-R2W B.M., Canyon County.

Any protests to this proposed amending of the Application for Transfer must be filed with the Director of the Department of Water Resources 92 S. Cole Road, Boise, ID 83705 on or before December 27, 1976.

R. Keith Higginson

Director

Published in the Idaho Free Press, Nampa, ID on December 9 & 16, 1976.

na

NOTICE OF AMENDED AP-  
PLICATION FOR TRANSFER  
OF WATER RIGHT  
NO. 63-2824 & 63-3054

NOTICE is hereby given that Application for Transfer No. 63-2824 and 63-3054 in the name of DALE H. TIEGS was filed on October 29, 1976 for the diversion 6.02 cubic feet per second of water with the point of diversion within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 8; NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec 16 T1N-R2W to be used from Mar 15 to Nov. 15 for irrigation of 440 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 8 and SW $\frac{1}{4}$ NE $\frac{1}{4}$  S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 16 T1N-R2W B. M., Canyon County.

The application holder now proposes to amend Application for Transfer No. 63-2824 and 63-3054 changing the points of diversion to NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec 16 T1N-R2W B.M. and the place of use as being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 16 T1N-R2W B. M., Canyon County.

Any protests to this proposed amending of the Application for Transfer must be filed with the Director of the Department of Water Resources 92 S. Cole Road, Boise, ID 83705 on or before December 27, 1976.

R. KEITH HIGGINSON  
Director  
December 9, 1976



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

Statehouse  
Boise, Idaho 83720  
(208) 384-2190

November 5, 1976

RE: Notice of Application for Water Permit No. 63-8381 - Dale H. Tieg  
Notice of Proposed Change of Water Right No. 63-2824 and 63-3054 -  
Dale H. Tieg

Idaho Free Press  
P. O. Box 88  
Nampa, ID 83651

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear in the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

-----  
(Signature of Claimant) -----

Sincerely,

*Bill Submitter*

*11-22-76*

*@S*

na

NOTICE OF PROPOSED  
CHANGE OF WATER RIGHT  
No. 63-2824 and 63-3054

Notice is hereby given that Dale H. Tiegs of Melba, Idaho has applied to the Department of Water Resources for a change of Point of Diversion of the waters diverted from certain wells. The right sought to be changed is evidenced by licenses (1) 63-2824 and (2) 63-3054 and are recorded as follows:

Amount: (1) 3.79 cfs (2) 2.30 cfs. Priority: (1) July 24, 1950 (2) June 24, 1955. Point of Diversion: (1) NW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec 16 T1N-R2W (2) SW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec 16 T1N-R2W. The water is used for irrigation purposes on the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec 8; SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec 16, T1N-R2W.

TO BE CHANGED  
AS FOLLOWS

Amount: 6.09 cfs. Points of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec 8; NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec 16, T1N-R2W. The water will be used for irrigation purposes of same land.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources on or before November 29, 1976.

R. KEITH HIGGINSON  
Director  
November 11, 18, 1976.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 63-2824 and 63-3054

Notice is hereby given that Dale H. Tiegs of Melba, ID has applied to the Department of Water Resources for a change of Point of Diversion of the waters diverted from certain wells. The right sought to be changed is evidenced by licenses (1) 63-2824 and (2) 63-3054 and are recorded as follows:

Amount: (1) 3.79 cfs (2) 2.30 cfs Priority: (1) July 24, 1950 (2) June 24, 1955 Point of Diversion: (1) NW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec 16 T1N-R2W (2) SW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec 16 T1N-R2W. The water is used for irrigation purposes on the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec 8; SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec 16, T1N-R2W.

TO BE CHANGED AS FOLLOWS

Amount: 6.09 cfs Points of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec 8; NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec 16, T1N-R2W. The water will be used for irrigation purposes of same land.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources on or before November 29, 1976.

R. KEITH HIGGINSON  
Director

Published in the Idaho Free Press on November 11, 1976 and November 18, 1976.

August 3, 1962

Re: Permit No. 21621  
G-25789

Mrs. Opal L. Tiegs  
Route #2  
Nampa, Idaho

Dear Mrs. Tiegs:

Enclosed are Certificate of Completion of Works and  
License and Certificate of Water Right on Permit No. G-25789 and  
License and Certificate of Water Right on Permit No. 21621.

Also enclosed is departmental receipt No. G-7217  
in the amount of 29.00 covering fees.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

BR:ew

Enc. certificates (3)  
receipt

21621

July 30, 1962

Permit No. 21621

Opal L. Tiegs,  
Route #2,  
Nampa, Idaho.

Dear Mrs. Tiegs:

Enclosed is your check for \$5.00 you wrote  
this morning.

Sorry, but I was trying to collect twice for  
the same work. The \$5.00 was paid some years ago.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

Encl.  
RWT- pmk

21621

August 16, 1961

Re: Permit No. 21621

Mrs. Opal Tiegs  
Route #2  
Nampa, Idaho

Dear Mrs. Tiegs:

Permit No. 21621 for diversion of subterranean water with diversion from a well in NW1/4, Sec. 16 to irrigate 440 acres in Sections 8 and 16, T. 1 N., R. 2 W. is in the name of Herbert A. and Opal L. Tiegs.

It will be some time in the future before we can issue the Certificates of Water Right under this permit, however such certificates would have to be <sup>made</sup> in the name of Herbert A. Tiegs Estate and Opal L. Tiegs.

The Probate Judge could probably issue an order which could show you are sole owner of the permit. Possibly your Attorney could suggest some other method to give you sole ownership of the permit.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

RT:ew

21621

NAMPA OFFICE

# The Idaho First National Bank

ESTABLISHED 1867

NAMPA, IDAHO

July 14, 1961

RECEIVED  
JUL 17 1961

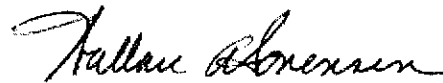
Department of Reclamation

R. W. Thomas, Deputy  
State Reclamation Engineer  
State House  
Boise, Idaho

Dear Mr. Thomas:

We are enclosing the affidavits requested in your letter of June 28th to Mrs. Opal Tiegs. It is our understanding that these affidavits were necessary in connection with proofs of use of water under permit No. 21621.

Yours very truly,



Wallace A. Sorensen  
M A N A G E R

WAS/dja

Enc.

21621

RECEIVED

JUL 17 1961

Department of Reclamation

July 12, 1961

A F F I D A V I T

STATE OF IDAHO |  
COUNTY OF CANYON | ss.

I, Don L. Shaffer, certify that I am an officer of the Idaho First National Bank, Caldwell, Idaho, and further certify that this Bank was named in the legal notice of intention to make proof of beneficial use of water under permit No. 21621 and further certify that there were no protests received in regard to the proofs of use of water under the above permit.

I further certify that Wallace A. Sorensen, who was also mentioned in the official notice, is an officer of the Idaho First National Bank, Nampa, Idaho.

*Don L. Shaffer*

Don L. Shaffer

DLS/dja

STATE OF IDAHO |  
COUNTY OF CANYON | ss.

On this 13th day of July, 1961, before me personally came Don L. Shaffer, to me known, and known to me to be the individual described in and who executed the foregoing instrument, and he thereupon duly acknowledged to me that he executed the same.

*Reussberg*

Residing at Caldwell, Idaho

My commission expires August 14, 1961

21621

RT

RECEIVED

JUL 17 1961

Department of Reclamation

July 12, 1961

A F F I D A V I T

STATE OF IDAHO        |  
                          | ss.  
COUNTY OF CANYON    |

I, Wallace A. Sorensen, hereby certify that I am an Officer of the Idaho First National Bank, Nampa, Idaho, and further certify that no protests were received by me in regard to the proofs of use of water under permit No. 21621.

Wallace A. Sorensen

Wallace A. Sorensen

WAS/dja

STATE OF IDAHO        |  
                          | ss.  
COUNTY OF CANYON    |

On this 12th day of July, 1961, before me personally came Wallace A. Sorensen, to me known, and known to me to be the individual described in and who executed the foregoing instrument, and he thereupon duly acknowledge to me that he executed the same.

Ivan E. Dunbar

Ivan E. Dunbar

Residing at Nampa, Idaho

My commission expires 9-16-62

21621

June 28, 1961

Permit No. 21621

Mrs. Opal Tiegs  
Route 2  
Nampa, Idaho

Dear Mrs. Tiegs:

The name of the Notary Public and the address was supplied by Mr. Tiegs who also checked the notice after I finished typing.

We must have an affidavit from Wally Sorenson that no protests were received in regard to the proofs of use of water under Permit No. 21621; also an affidavit from Don L. Shaffer that he is the official in The Idaho First National Bank of Caldwell who was named as Notary Public in the legal notice of intention to make proof of beneficial use of water under Permit No. 21621 and that Wally Sorenson is an official in the Idaho First National Bank at Nampa. The above may not be entirely correct as to facts, however it is the situation as we understand and shows the intent of the two affidavits we must have.

We must have legal evidence that you are the sole owner of the property involved under this permit or that you have the right to sign for the owner of the permit. (Copy of the probate of the estate or something of similar legal weight.)

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By:

Ralph W. Thomas, Deputy  
State Reclamation Engineer

RWT/mo

21621

June 27, 1962

Re: Permit No. 21621

Mrs. Opal L. Tiegs  
Route #2  
Nampa, Idaho

Dear Mrs. Tiegs:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Idaho Free Press, all submitted in proof of ~~beneficial use on Permit No. 21621~~ beneficial use on Permit No. 21621.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:

21621

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
REPORT OF ENGINEER

Permit No. 21621

This proof is for Beneficial Use In Water District No.

1. Name of applicant Herbert A. & Opal L. Tiegs

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NW 1/4 SW 1/4 of Section 16

T. 1 N. R. 2 W. B. M. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: 200 HP U.S. Motor # 1016658 Winstroath Pump # 7279 10" X 300' Column 16" X 140' Casing 11: 2 1/2' D.D. 78' Well depth 336' 10" discharge into concrete distribution box 6' X 7' X 3 1/2' into open ditches

5. Water is used for: Irrigation and domestic

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E 1/2 SE 1/4, Sec. 8., SW 1/4 NE 1/4, S 1/2 NW 1/4, SW 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4 Sec. 16., Twp 1 N., Rge. 2 W. B. M.

Making a total of 480 acres.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Dale Tiegs along

Measurement was made with Cippolletti weir .68 over 2' weir = 189 1/2 inches

This examination was made on the 24<sup>th</sup> day of July, 1962

(Signed)

Ron Heberger

Examiner.

21621

Herbert A. & Opal L. Tiegs  
Route #2, Nampa, Idaho

Permit No. 21621

Examination for Beneficial Use

County Canyon

Quantity Sec. 16 T. 1N R. 2 W. B.M.

Source: 1/2

P. D.:

Use:

Filed:

Due:

Extension:

Protest:

Completion of Works:

Other Rights:

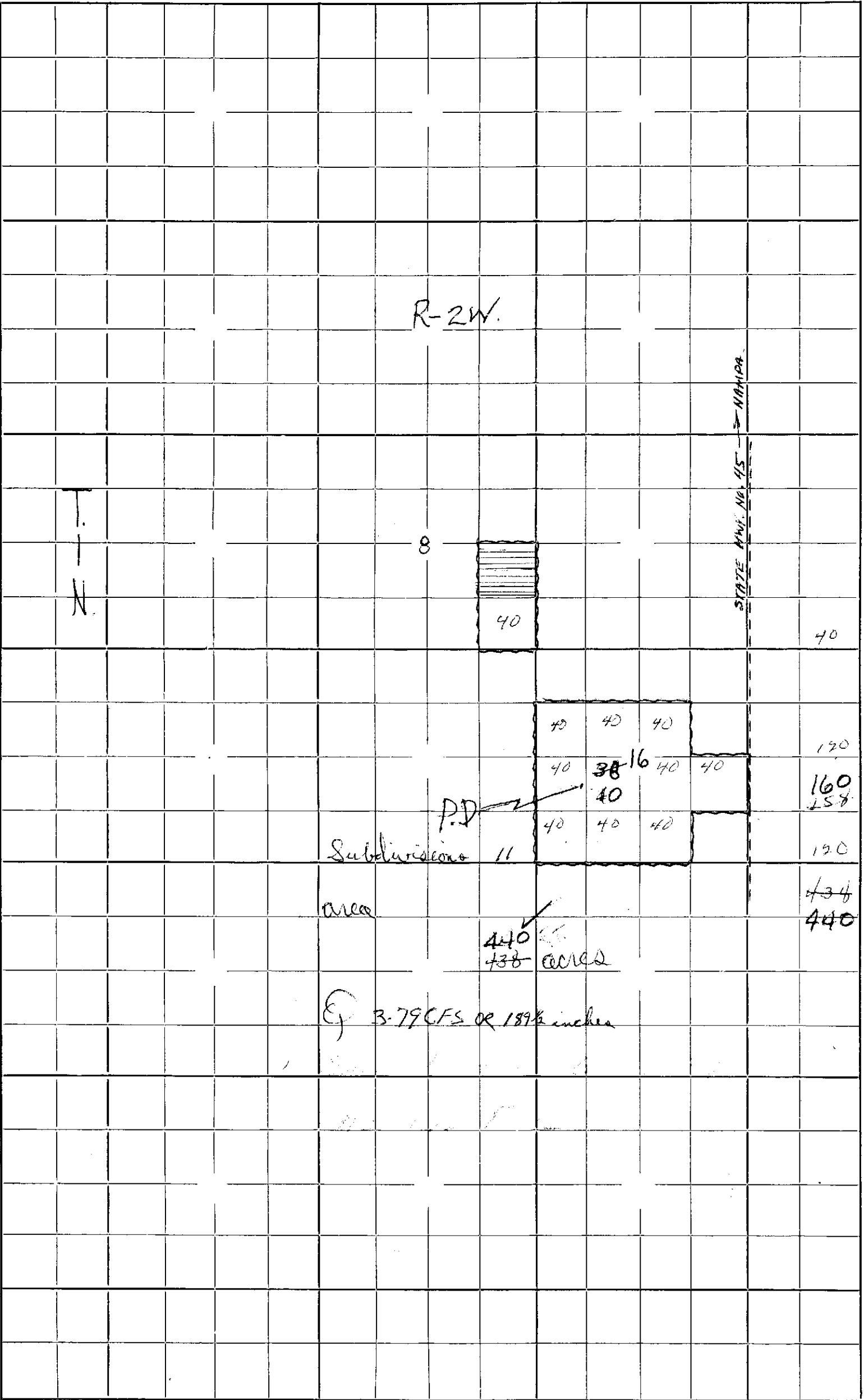
Driller - Herbert A. Tiegs

## INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED  
JUL 30 1922

Department of Reclamation



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. 21621

REPORT ON PROOF OF Beneficial Use

Herbert A. & Opal L. Tiegs, Rt. #2, Nampa, Idaho

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
JUN 18 1961  
Department of Reclamation

RECEIVED  
JUN 28 1961  
Department of Reclamation

Permit No. 21621

Proof of Application of Water to Beneficial Use  
and Completion of Works

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Opal K. Fiegg R 2 Nampa Idaho  
housewife & farmer

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. \_\_\_\_\_

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 21621 July 26, 1950

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. well NW 1/4 of SW 1/4 Sec 16 TWP 1N R 2W  
well NW 1/4 of SW 1/4 Sec 16 TWP 1N R 2W B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. well drilled about 450' deep, 16" casing about 300' to  
water before drawdown. It flows a 10" pipe full.  
measured over open weirs. Conveyance system consist  
of concrete tile lines & open ditches with appropriate  
water control structures such as checks etc.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. irrigation & domestic use on 440 acres located  
in Sec 8 & 16 TWP 1N R 2W all cultivated land  
reclaimed from sagebrush  
all of SW 1/4 and S 1/2 of NW 1/4 and SW 1/4 of NE 1/4 and W 1/2 of SE 1/4 and NE 1/4  
of SE 1/4 of Sec 16 TWP 1N R 2W SE 1/4 of SE 1/4 Sec 8 TWP 1N  
R 2W B.M. totaling 440 acres.

21621

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. \_\_\_\_\_

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. *for top production on this type of soil & this kind of crops*

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. *you need about 1 inch per acre*

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. *all has been applied to beneficial use within*

*a year of priority date.*

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. \_\_\_\_\_

(Sign)

*Opal L. Siegel*

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed

and sworn to before me, at my office in *Caldwell*, County of *Canyon*,

State of Idaho, on this *12* day of *June*, A. D. 19 *61*.

*Bon L. Shoffner*

My commission expires *July 27, 1964*

June 13, 1961

Re: Permit No. 21621

Mrs. Opal Tiegs  
Route #2  
Nampa, Idaho

Dear Mrs. Tiegs:

We received the depositions of holder and two witnesses, affidavit of publication and statement from the paper. We are returning the statement from the paper for your file and the deposition of holder for correction and return.

The legal notice showed that the proofs were to be made before Wally Sorenson, Idaho First National Bank, Caldwell. The Notary Public on the depositions is Don L. Shaffer. We must have an affidavit from Mr. Sorensen that his office was open June 12, 1961, and that no protests were received in regard to the proofs on Permit No. 21621.

The property is now in the Estate and we must have a copy of the Court Order naming you as Administratrix.

Our copy of the permit shows that the point of diversion is NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 16, T. 1 N., R. 2 W., instead of SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, of said Sec. 16, shown on your deposition. Kindly correct the deposition or complete the enclosed amendment form for changing the point of diversion if the deposition is correct.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

RT:ew

P. S. There is a fee of \$1.00 for recording an amendment to a permit.

21621

21



ROBERT E. SMYLYE  
Governor

STATE OF IDAHO  
**DEPARTMENT OF RECLAMATION**  
GEO. N. CARTER, STATE RECLAMATION ENGINEER  
BOISE



June 13, 1961

**RECEIVED**  
JUN 26 1961

Department of Reclamation

Re: Permit No. 21621

Mrs. Opal Tiegs  
Route #2  
Nampa, Idaho

Dear Mrs. Tiegs:

We received the depositions of holder and two witnesses, affidavit of publication and statement from the paper. We are returning the statement from the paper for your file and the deposition of holder for correction and return.

The legal notice showed that the proofs were to be made before Wally Sorensen, Idaho First National Bank, Caldwell. The Notary Public on the depositions is Don L. Shaffer. We must have an affidavit from Mr. Sorensen that his office was open June 12, 1961, and that no protests were received in regard to the proofs on Permit No. 21621.

The property is now in the Estate and we must have a copy of the Court Order naming you as Administratrix.

Our copy of the permit shows that the point of diversion is NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 16, T. 1 N., R. 2 W., instead of SW $\frac{1}{4}$ NW $\frac{1}{4}$ , of said Sec. 16, shown on your deposition. Kindly correct the deposition or complete the enclosed amendment form for changing the point of diversion if the deposition is correct.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By: *Ralph W. Thomas*  
RALPH W. THOMAS, Deputy  
State Reclamation Engineer

RT:ew

P. S. There is a fee of \$1.00 for recording an amendment to a permit.

*P.S. the diversion point has been corrected; it was an error previously.*

*P.P.S. Regarding the Estate; this property is already in my Name.*

21621

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, )  
County of Canyon. ) ss.

Lucille Copple  
of Nampa, Canyon County, Idaho, being first duly sworn,  
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Four times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

May 20, 27; June 3, 10, 1961

*Lucille Copple*

Subscribed and sworn to before me this 10

day of June, 1961

*Arthur J. Tarr*  
Notary Public, Residing at Nampa, Idaho.

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE  
Notice is hereby given that at 10:00 A. M. on the 12th day of June, 1961, Caldwell, County of Canyon, Idaho, before Wally Sorenson, First National Bank, proof will be submitted of the application to beneficial use of 5.0 cubic feet per second of the waters of subterranean flow from a well in accordance with the terms and conditions of Permit No. 21621 heretofore issued by the Department of Reclamation of the State of Idaho. The name and postoffice address of the person or corporation holding said permit are: Herbert A. & Opal Adams, Rt. No. 2, Nampa, Idaho. The use to which said water has been applied is irrigation and domestic. The amount applied to beneficial use is 5.0 cubic feet per second. The place where said water is used, give full and accurate legal description: Sec. 8, SW 1/4 NE 1/4, S 1/2 NW 1/4, SW 1/4 NE 1/4, SW 1/4 SE 1/4, Sec. 16, T 1 N, R 2 W BM. The name of the canal or ditch or other works by which said water is conducted to such place of use is private ditch. The right to take water from such works is based upon Permit No. 21621. The source of supply from which such water is diverted is subterranean flow. Point of Diversion (legal description) NW 1/4 SW 1/4 Sec. 16, T 1 N, R 2 W BM. The date of priority which said user is prepared to establish is July 24, 1950. GEO. N. CARTER, State Reclamation Engineer, May 20, 27; June 3, 10, 1961.

21651

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Permit No. 21621

## Proof of Application of Water to Beneficial Use

### Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Glen E. Jewell 43 yrs Nampa Idaho P.O. #1  
Truck Driver for R & W Oil Co.

Ques. 2. Are you acquainted with Opal L. Briggs, the holder of Permit No. 21621? How long have you known him and where does he reside?

Ans. I have known her for 21 yrs.  
Nampa Idaho P.O. #2

Ques. 3. Have you read or heard read said Permit No. 21621, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Well, SW 1/4 NW 1/4 and NW 1/4 SW 1/4 Sec. 16 Twp  
14 R 2 W, conveyed by open ditches and  
dike lines.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 5 C.F.S. Approx 5 C.F.S.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. About 5 C.F.S. Flows a 10 in pipe  
of water.

21621

2  
Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation & Domestic use on approx. 440 acres of land in Sec. 8 & 16 of Twp. 1 N. 2. W. of B.M. all cultivated land, reclaimed from sage brush.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. \_\_\_\_\_

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy loam soil. It requires about 10 in per acre for good production

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Observed over the yrs as acquaintance of owner. I worked for him for 6 yrs. and I have hauled gas for the past 15 yrs.

(Signed) Glen E. Jewell

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell  
County of Canyon, State of Idaho, on this 12 day of June,  
A. D. 1961

2 Dow L. Shaffer  
Notary Public.

My commission expires July 27, 1964

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
JUN 16 1961

Department of Reclamation

Permit No. 21621

## Proof of Application of Water to Beneficial Use

### Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. JAMES DAVID FINCH 31 RT 4 BOX 168 NAMPA, IDAHO  
FIELD REPRESENTATIVE FOR PACIFIC FINANCE BOX 748 NAMPA, IDAHO

Ques. 2. Are you acquainted with OPAL L TIEGS, the holder of Permit No. 21621? How long have you known him and where does he reside?

Ans. 14 yrs Resides RT 2 NAMPA, IDAHO

Ques. 3. Have you read or heard read said Permit No. 21621, and are you familiar with its provisions and conditions?

Ans. I HAVE READ SAID PERMIT & AM FAMILIAR WITH

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. WELL, SW 1/4 NW 1/4 and NW 1/4 SW 1/4 Sec 16 TWP 1 N R 2 W  
CONVEYED VIA TILE LINES AND OPEN DITCHES

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 5 C.F.S. APPROX. 5 C.F.S.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. ABOUT 5 C.F.S. FLOWS A 10 INCH PIPE FULL  
OF WATER

21621

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. *irrigation & domestic use* <sup>on</sup> *APPROX. 440 ACRES*  
*of land in Sec 8 & 16 of Twp. 1N R2W of B.M.*  
*All cultivated land now reclaimed from*  
*Sagebrush*

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. *SANDY loam soil. It needs about 1 inch*  
*Per Acre for Profitable Production*

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. *No Interest*

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. *observed over the years as*  
*acquaintance of owner — Reclaimed from*  
*Sagebrush wasteland to producing farmland.*  
*was also employed by him in 1947 & have been well acquainted*  
*since*

(Signed) *James David Finch*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell,  
County of Canyon, State of Idaho, on this 12 day of June,  
A. D. 19 61.

*Bow L. Shaffer*  
Notary Public.

My commission expires July 27, 1964

216021

May 19, 1961

Re: Permit No. 21621

Mrs. Herbert A. Tiegs  
Route #2  
Nampa, Idaho

Dear Mrs. Tiegs:

Enclosed is the Application for Amendment to the  
land list which has been recorded in connection with Permit No.  
21621.

Also, enclosed is Departmental Receipt No. 30567  
for \$1.00 covering fee for recording.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Adna P. Rule  
Chief Clerk

EFR:ew

Enc. amendment  
receipt

21621

Application for Amendment

LAND LIST

Permit No. 21621

RECEIVED  
MAY 18 1961

Department of Reclamation

Comes now HERBERT A. & OPAL L. TIEGS, and represents  
to the STATE RECLAMATION ENGINEER of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the  
State of Idaho, No. 21621, and requests that the list of lands to be irrigated,  
as described in said permit, be changed to read as follows:

E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 8; SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 16, T. 1 N., R. 2 W., B. M.

\_\_\_\_\_, making a total of 480 acres.

That an additional amount of water is not asked for, and that the rights of others  
will not be adversely affected by such change.

Signed at Boise, Idaho this 15th day of May, 1961

X Herbert A. Tiegs

Date of receipt at office of Department of Reclamation May 18, 1961

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve  
the above and foregoing application for amendment to Permit to appropriate the Public  
Waters of the State of Idaho, No. 21621. This approval constitutes a new permit  
and is issued as an amendment to the original permit, to which it refers, and of which  
it becomes a part, and said application is approved only insofar as the rights of others  
will not be adversely affected thereby.

Recorded in Book 77 of  
Permits, at Page 21621  
May 19, 1961

G. N. Carter

State Reclamation Engineer

RT

21621

May 15, 1961

Re: Permit No. 21621

Herbert A. & Opal L. Tiegs  
Route #2  
Nampa, Idaho

Dear Mr. & Mrs. Tiegs:

The amendment to the land list drawn up in this office on the above date was improperly signed.

We are enclosing a new amendment which should be signed and returned to this office as soon as possible, at which time it will be recorded and returned to you.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:ew

Enc. amendment

21621

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

May 15, 1961

Re: Permit No. 21621

Herbert A. & Opal L. Tiegs  
Route #2  
Nampa, Idaho

Dear Mr. & Mrs. Tiegs:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 21621. The proofs are to be made at 10:00 o'clock A. M., on the 12th day of June, 1961, ~~xxxx~~, before Wally Sorensen, Idaho First National Bank, Notary Public.

As of this date we have mailed the Notice to the Nampa Free Press with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge  
Chief Clerk

EPR:

cc: Notary

21621

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

Boise, Idaho

Date:

May 15, 1961

Re: Permit No. 21621  
Herbert A. & Opal L. Tiegs

Idaho Free Press  
Nampa, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to June 12, 1961 the date set for proof; the expense of the publication is to be paid by the applicant

Herbert A. & Opal L. Tiegs of Route #2, Nampa, Idaho  
to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.\*\*

Very truly yours,



GEO. N. CARTER  
State Reclamation Engineer

\*\* If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

21621

RECEIVED  
MAY 16 1961  
BUREAU OF RECLAMATION

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 15, 1961

(P. O.) Nampa, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

~~Boise~~ Nampa Free Press of Nampa, Idaho published in  
the county in which the works are situated.

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Herbert A. Siegel  
Engineer.

RECEIVED

MAY 15 1951

Notice for Publication  
NOTICE OF PROOF OF APPLICATION OF WATER  
TO BENEFICIAL USE  
Department of Reclamation

Notice is hereby given that at . 10:00 . . . . A. M. on the . 12th . . . day of June .  
. . . . . 1961, ~~1959~~, at . Caldwell . . . . ., County of  
. . . . . Canyon . . . . ., State of Idaho, before Wally Sorensen, Idaho First National  
. Bank . . . . ., proof will be submitted of the application to beneficial use of  
. . 5.0 . cubic feet per second of the waters of . subterranean flow from a well . . . . .  
. . . . . in accordance with the terms and conditions of Permit No. 21621 . . . . .  
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are:  
✓ Herbert A. & Opal L. Tiegs, Rt. #2, Nampa, Idaho . . . . .

The use to which said water has been applied is . irrigation and domestic . . . . .

The amount applied to beneficial use is . 5.0 cubic feet per second . . . . .

The place where said water is used, give full and accurate legal description: . . . . .  
. E $\frac{1}{2}$ SE $\frac{1}{4}$  Sec. 8; SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 16, T1N, R2W BM . . . . .  
. . . . .  
. . . . .  
. . . . .

The name of the canal or ditch or other works by which said water is conducted to such  
place of use is . private ditch . . . . .

The right to take water from such works is based upon Permit No. 21621 . . . . .

The source of supply from which such water is diverted is subterranean flow . . . . .

Point of Diversion (legal description) NW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 16, T1N, R2W BM . . . . .  
. . . . .

The date of priority which said user is prepared to establish is July 24, 1950 . . . . .

State Reclamation Engineer

2162-1

18

STATE OF IDAHO  
DEPARTMENT OF RECLAMATIONRE: Permit No. 21621Date May 1, 1961

Herbert A. &amp; Opal L. Tiegs

Mr. Herbert A. Tiegs  
Route #2, Nampa, Idaho  
Dear Sir:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 21621 is due not later than July 26, 1961. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a Notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

Also enclosed is Form 11, which is the authorization for us to have the Notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

Enc. Form 10 - 11

21621

May 25, 1960

Re: Permit No. 21621  
" " G-25789

Mr. Herbert A. Tiegs  
Route #2  
Nampa, Idaho

Dear Mr. Tiegs

We enclose herewith Application for amendment to the land list on Permit No. G-25789 and Application for amendment to the point of diversion on Permit No. 21621, which have been recorded in this office.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:ew

Enc. amendments (2)

21621

Application for Amendment

POINT OF DIVERSION

Permit No. 21621

\*\*\*\*\*

Comes now Herbert A. and Opal L. Tiegs and represent        to the State Reclamation Engineer of the State of Idaho:

That ~~they~~ is (are) the owners and holders of Permit to Appropriate the Public Waters of the State of Idaho, No. 21621.

That the points of diversion is described in said Permit as being located:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 16, T1N, R2W BM

That the y now request ~~#~~ that the point        of diversion be changed to a point        located: NW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 16, T1N, R2W BM

That the reason for desiring to make such change is as follows:

Proof of completion of works inadvertently described the wrong location of the one well.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 23rd day of May 1960

Herbert A. Tiegs.

Date of Receipt at Department Of Reclamation: 5-23-60

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 21621. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 77 of  
Permits, at Page 21621  
May 25, 1960

G. N. Carter  
State Reclamation Engineer

21621

✓  
June 30, 1955

RE: Permit No. 21621

Mr. Herbert A. Tiegs  
Route # 2  
Nampa, Idaho

Dear Mr. Tiegs:

We return your Application for Amendment to the point of diversion on Permit No. 21621 which has been Approved by the State Reclamation Engineer and recorded in this Department.

We also enclose Certificate of Completion of Works issued under this Permit for the diversion of five second feet of water from a well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 16, Township 1 North, Range 2 West, B. M., for irrigation and domestic use in the same Section.

By this same mail we are sending to Donald E. Tiegs Certificate of Completion of Works on Permit No. 21622 and we enclose herewith departmental receipt No. 27410 for the \$10.00 fees for Certificates of Completion of Works on both these Permits.

Your Application for a new Permit is being processed in regular course.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:cu  
Enc.

21621

June 29, 1955

RE: Permit No. 21621

Mr. Mark R. Kulp  
State Reclamation Engineer  
State House  
Boise, Idaho

Dear Mr. Kulp:

Permit No. 21621 calls for 12.8 second feet of water but I have only been able to complete a portion of the work for the delivery of 5 second feet of water.

I, therefore, make application to amend Permit No. 21621 to reduce the amount from 12.8 cubic feet per second to 5 cubic feet per second.

Very truly yours,

*Herbert A. Tiegs*

HERBERT A. TIEGS

21621

June 27, 1955

RE: Permit No. 21621

Mr. Herbert A. Tiegs  
Route 2  
Nampa, Idaho

Dear Mr. Tiegs:

Before we can accept, without publication, your proof of completion of works on Permit No. 21621 for a smaller amount than the 12.8 second feet applied for, it will be necessary for you to apply for an amendment to the Permit reducing the amount from 12.8 second feet to the lesser amount. This could be in the form of a letter for approval by the State Reclamation Engineer and recording in this department.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:hll

21621

Permit No. 21621

STATE OF IDAHO  
Department of Reclamation

# Proof of Completion of Works

## AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada, }

ss.

Herbert A. ~~Onal~~ ~~Li~~ ~~ings~~, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 21621, and that his postoffice address is Rt. 2, Nampa, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Subterranean, by wells.

Third: That the point of diversion of said water is SW $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 16, Twp. 1, N. R. 2, W.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 26, 1955, 19.

Fifth: That the use for which said water is intended is Irrigation and domestic.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Two wells and One pump and ditches.  
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: See Below,

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction.

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit width at bottom feet, width at water line  
(State whether ditch, flume or pipe)

feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use 5.0 second feet of water.

Eighth: That water appropriated under said permit is available for 400 acres of land described as follows: SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 16, Twp., 1, N. R. 2, W. B.M.

Ninth: Remarks: That One well 16" casing, 467 feet, equipped with a Byron/Jackson Pump, and motor, 200 H.P. pumping 250 inches. The other well is drilled to a depth of 90 feet, 16" casing, not completed.

*Herbert A. Siegel*  
(Sign Here)

Subscribed and sworn to before me this 24 day of June, 19 55

My commission expires March 25-1957

*Neil Edison*  
Notary Public.

**State of Idaho**  
**DEPARTMENT OF RECLAMATION**

BOISE

May 1, 1955

**INSTRUCTIONS**

**PROOF OF COMPLETION OF WORKS**

**Herbert A. & Opal L. Tiegs**  
**Route 2,**  
**Nampa, Idaho**

Boise, Idaho,

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 21621.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before July 26, 1955. Upon receipt of the blank properly filled out, notice of publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

21621

✓  
January 18, 1954

RE: Permit No. 21621

Mr. Herbert A. Tiegs  
Route 2  
Nampa, Idaho

Dear Mr. Tiegs:

We return your application for amendment to the land list in Permit No. 21621 which has been approved by the State Reclamation Engineer and recorded in this department.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A/re  
Enc.

21621

Amended map to accompany application for amendment Permit 21621

Twp. 1.N. R. 2.W.

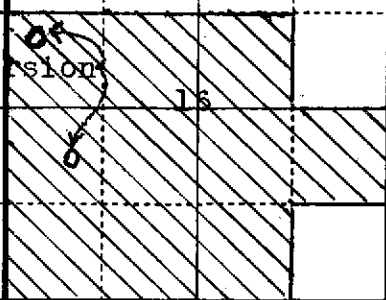
9

10

Points of amended diversion  
Wella

15

15



August 8, 1930

Re: Permits Nos. 21621 and 21622

Mr. Herbert A. Tiegs  
Route 2  
Nampa, Idaho

Dear Mr. Tiegs:

We enclose Permit No. 21621 in the name of yourself and Opal L. Tiegs; also Permit No. 21622 in the name of Donald E. Tiegs and Hellen L. Tiegs, and direct attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 22541 for the \$14.50 filing fees on these two Permits.

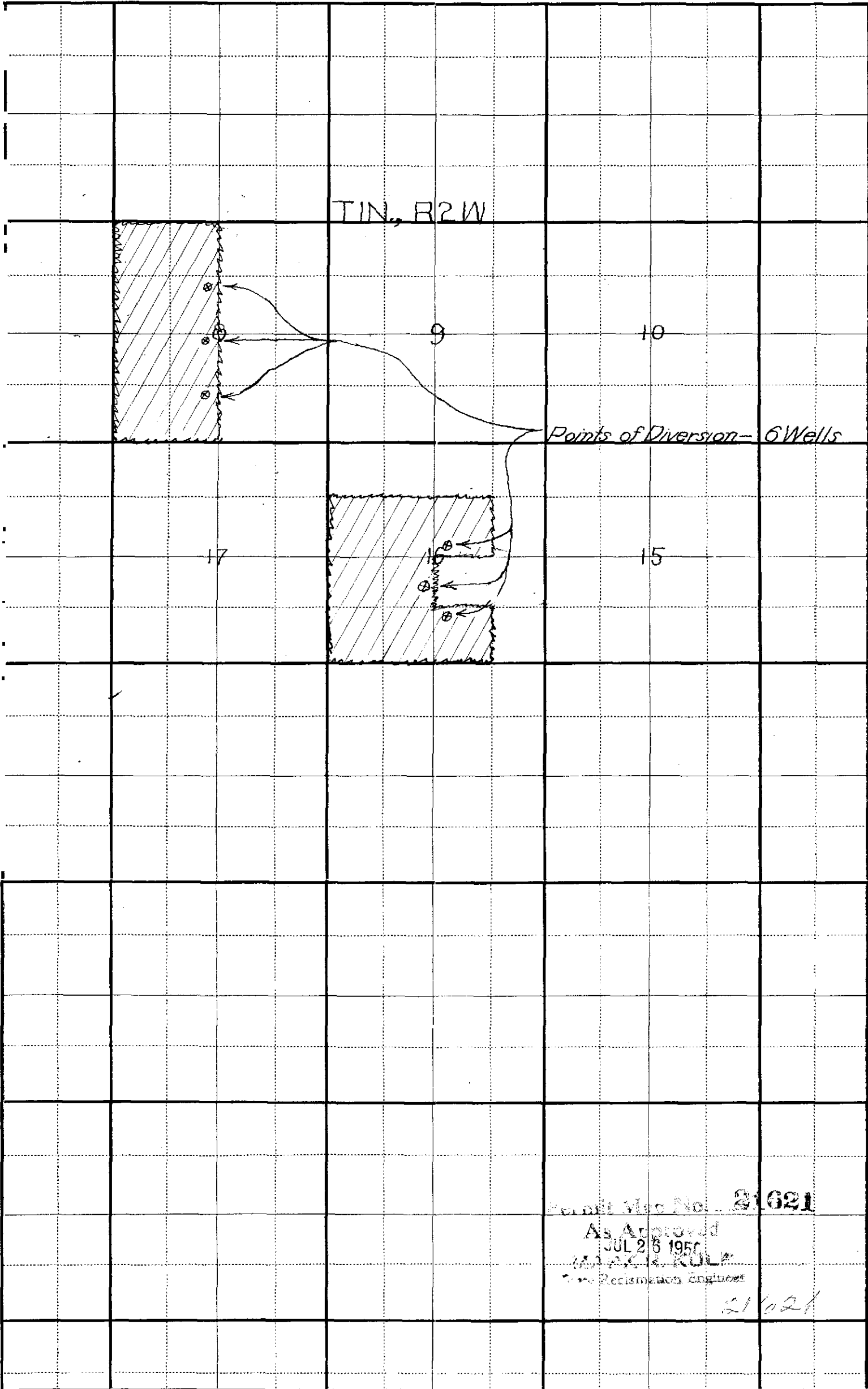
Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:bh  
Enc.

21621



Permit No. 21621  
As Approved  
JUL 26 1956  
W. A. KULP  
The Registration Engineer  
21621

**NOTICE OF PROOF OF APPLICA-  
TION OF WATER TO BENE-  
FICIAL USE**

Notice is hereby given that at 10:00 A. M. on the 12th day of June, 1961, at Caldwell, County of Canyon, State of Idaho, before Wally Sorensen, Idaho First National Bank, proof will be submitted of the application to beneficial use of 5.0 cubic feet per second of the waters of subterranean flow from a well in accordance with the terms and conditions of Permit No. 21821 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: Herbert A. & Opal L. Tiegs, Rt. No. 2, Nampa, Idaho.

The use to which said water has been applied is irrigation and domestic.

The amount applied to beneficial use is 5.0 cubic feet per second.

The place where said water is used, (give full and accurate legal description):

E $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 8; SW $\frac{1}{4}$  NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$   
SE $\frac{1}{4}$  Sec. 16, T 1 N, R 2 W BM.

The name of the canal or ditch or other works by which said water is conducted to such place of use is private ditch.

The right to take water from such works is based upon Permit No. 21821.

The source of supply from which such water is diverted is subterranean flow.

Point of Diversion (legal description) NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 16, T 1 N, R 2 W BM.

The date of priority which said user is prepared to establish is July 24, 1959.

GEO. N. CARTER,  
State Reclamation Engineer.  
May 20, 27; June 3, 10, 1961.

**CALL FOR BIDS**