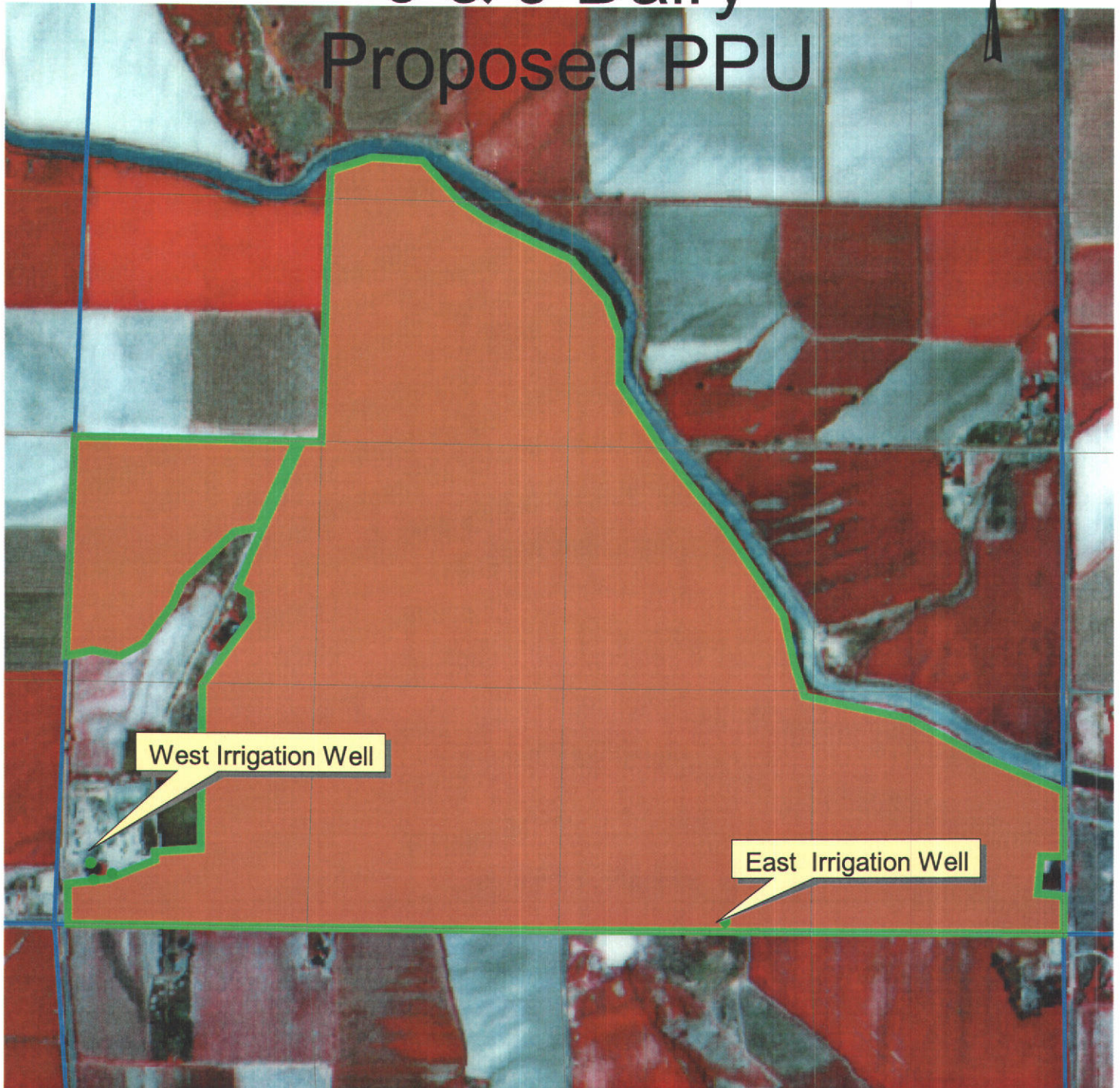
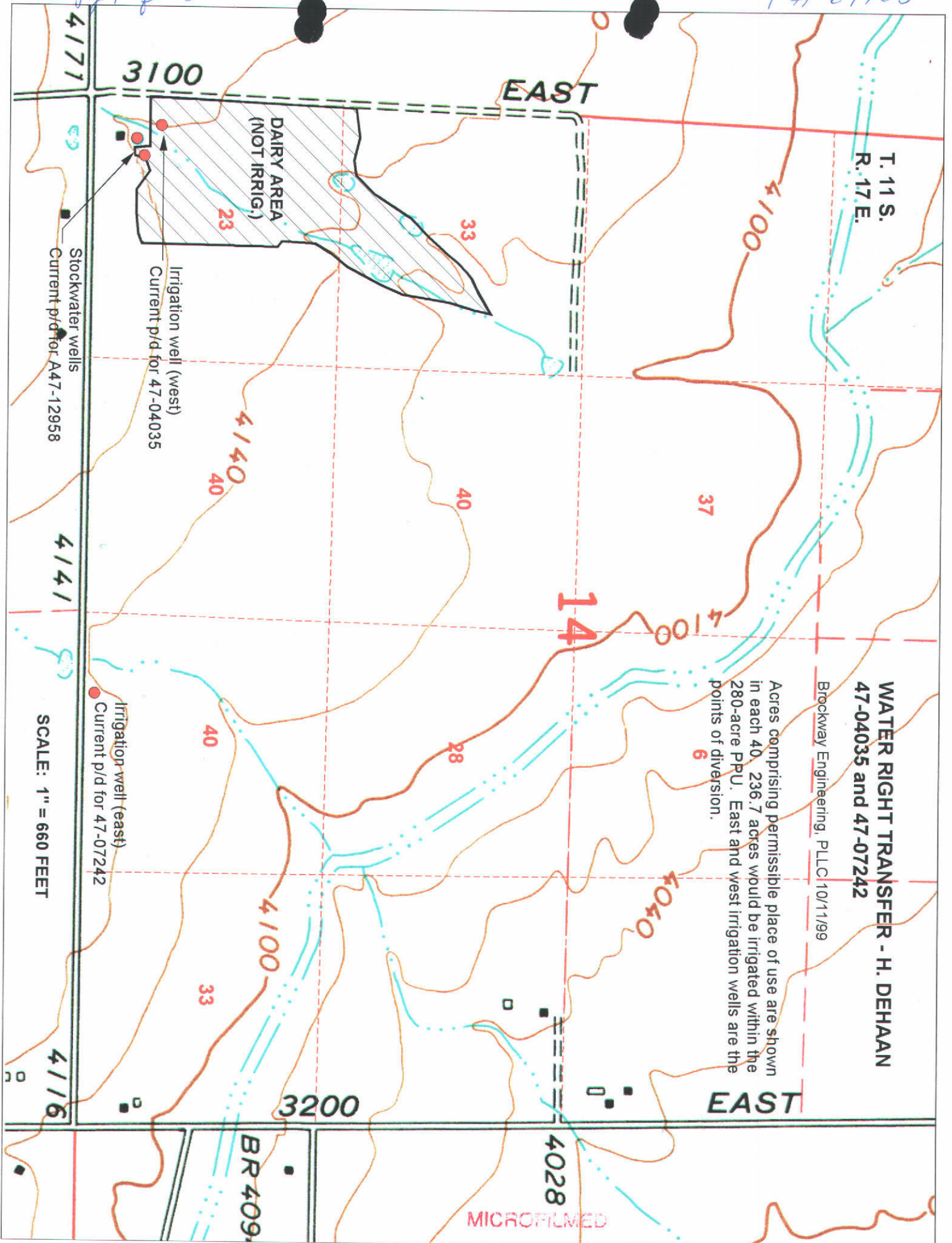


T69105  
J & J Dairy  
Proposed PPU



Total Acres in PPU = 293.2  
Ground water use limited to  
supplement 253.6 acres.  
PPU also has shares in SRCC

APR 12/02  
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MAR 06 2003



**WATER RIGHT TRANSFER - H. DEHAAN**  
**47-04035 and 47-07242**

Brockway Engineering, PLLC 10/11/99

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## PART 3

## B. CHANGES IN NATURE OF USE

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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



(Signature of Applicant) (Patrick Brown as attorney for applicant)  
see attached power of attorney

Subscribed and sworn to before me this 11th day of October, 1999.

Patricia J. Fahrenholz  
(Notary Public)

My commission expires 11-09-2004

## FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 3 attachments

Received by J. Stanton Date 10-12-99 Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee \$100.5022599

Receipted by JS Date 10-12-99

Published in Times News Copies of protest forwarded by \_\_\_\_\_

Pub. dates 6/21 + 6/28/01 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on N/A Recommended for ☐ Approval ☐ Denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

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T. 11 S.  
R. 17 E.

WATER RIGHT TRANSFER - H. DEHAAN  
47-04035 and 47-07242

Brockway Engineering, PLLC 10/11/99

Acres comprising permissible place of use are shown  
in each 40. 236.7 acres would be irrigated within the  
280-acre PPU. East and west irrigation wells are the  
points of diversion.

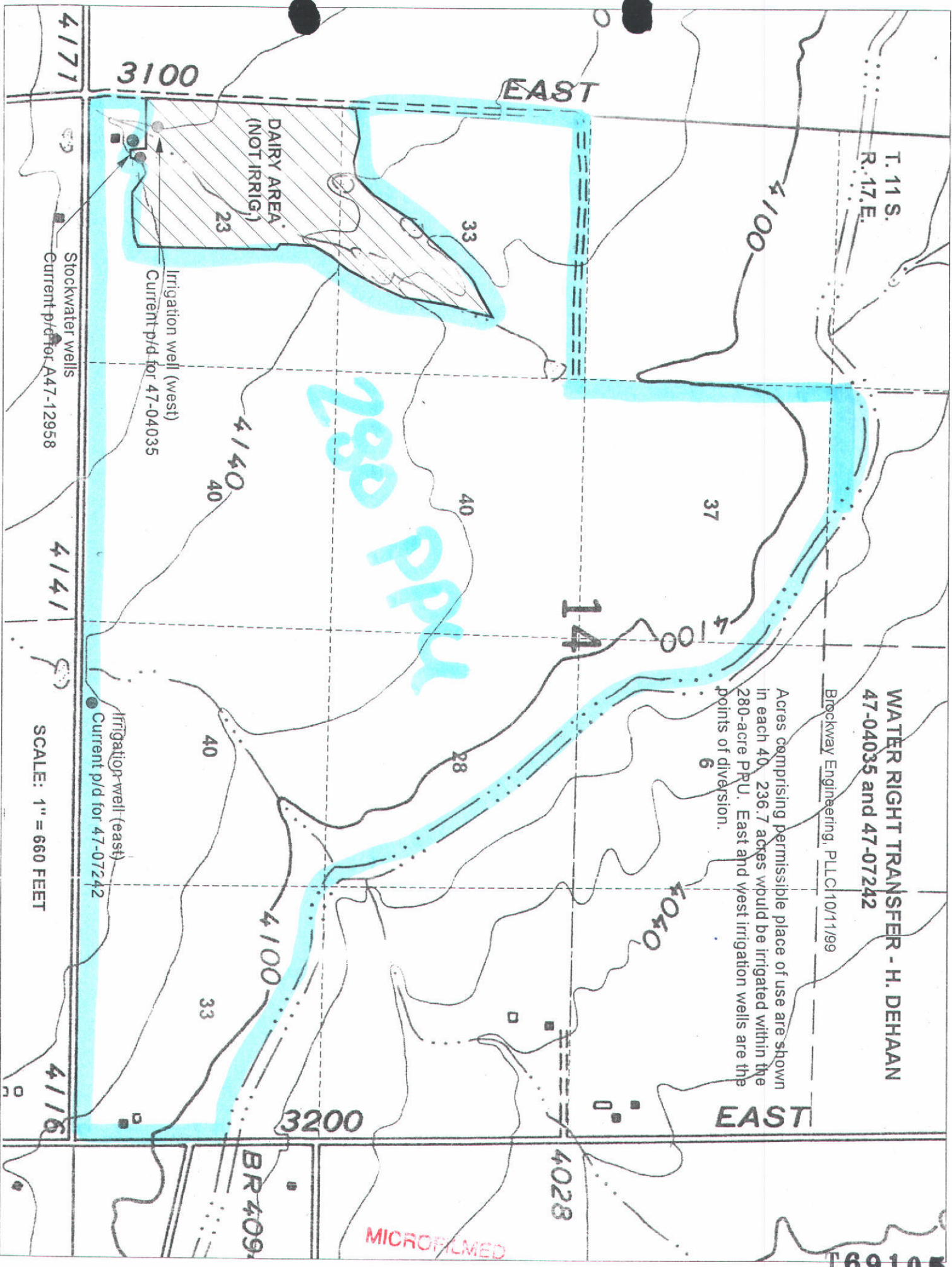
EAST

EAST

280 PPU

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MAR 06 2003

169105



3100

3200

DAIRY AREA  
(NOT IRRIG.)

23

33

37

14

40

28

4140

40

33

BR 409

4028

4100

4040

4171

Stockwater wells  
Current p/d for 47-12958

4141

SCALE: 1" = 660 FEET

Irrigation well (east)  
Current p/d for 47-07242

Irrigation well (west)  
Current p/d for 47-04035

4116

# APP FOR TRANSFER - HARRY DEHAAN

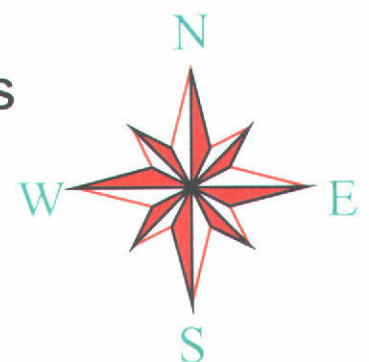


T. 11S R. 17E Sec. 14

Existing Irrigation Well



Land Irrigated During Last 5 Years



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MAR 06 2003

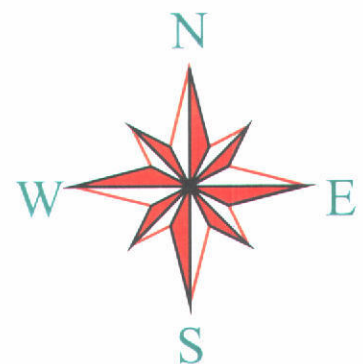
T69106

# HISTORIC P/U - HARRY DEHAAN PROPERTY

Sec. 14 T. 11S R. 17E



Land Irrigated During Last 5 Seasons



Prepared By J E Stanton  
2-10-2000

MICROFILMED  
MAR 06 2003

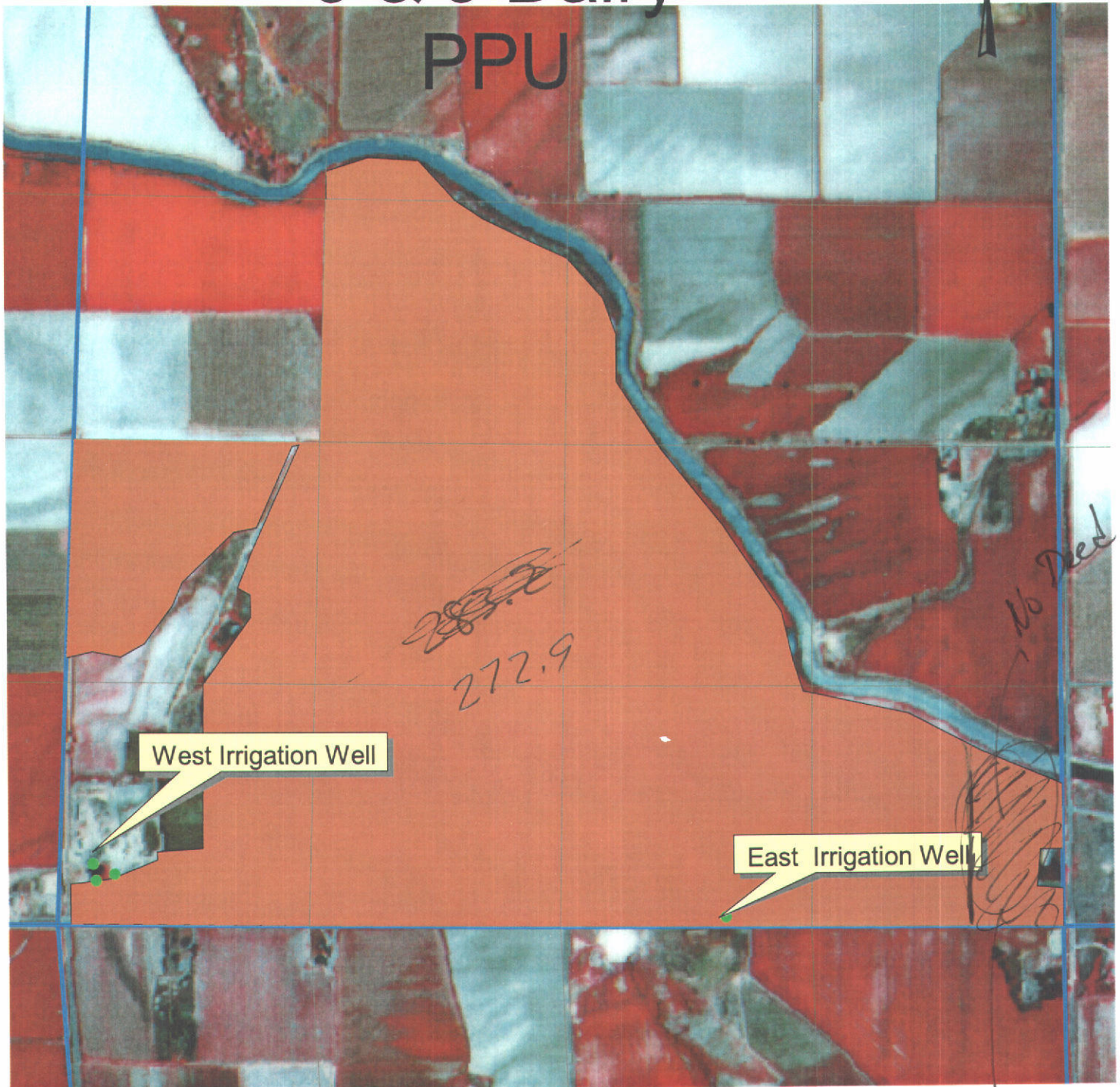
T69105

T69105  
J & J Dairy  
PPU

RECEIVED

DEC 21 2002

Department of Water Resources



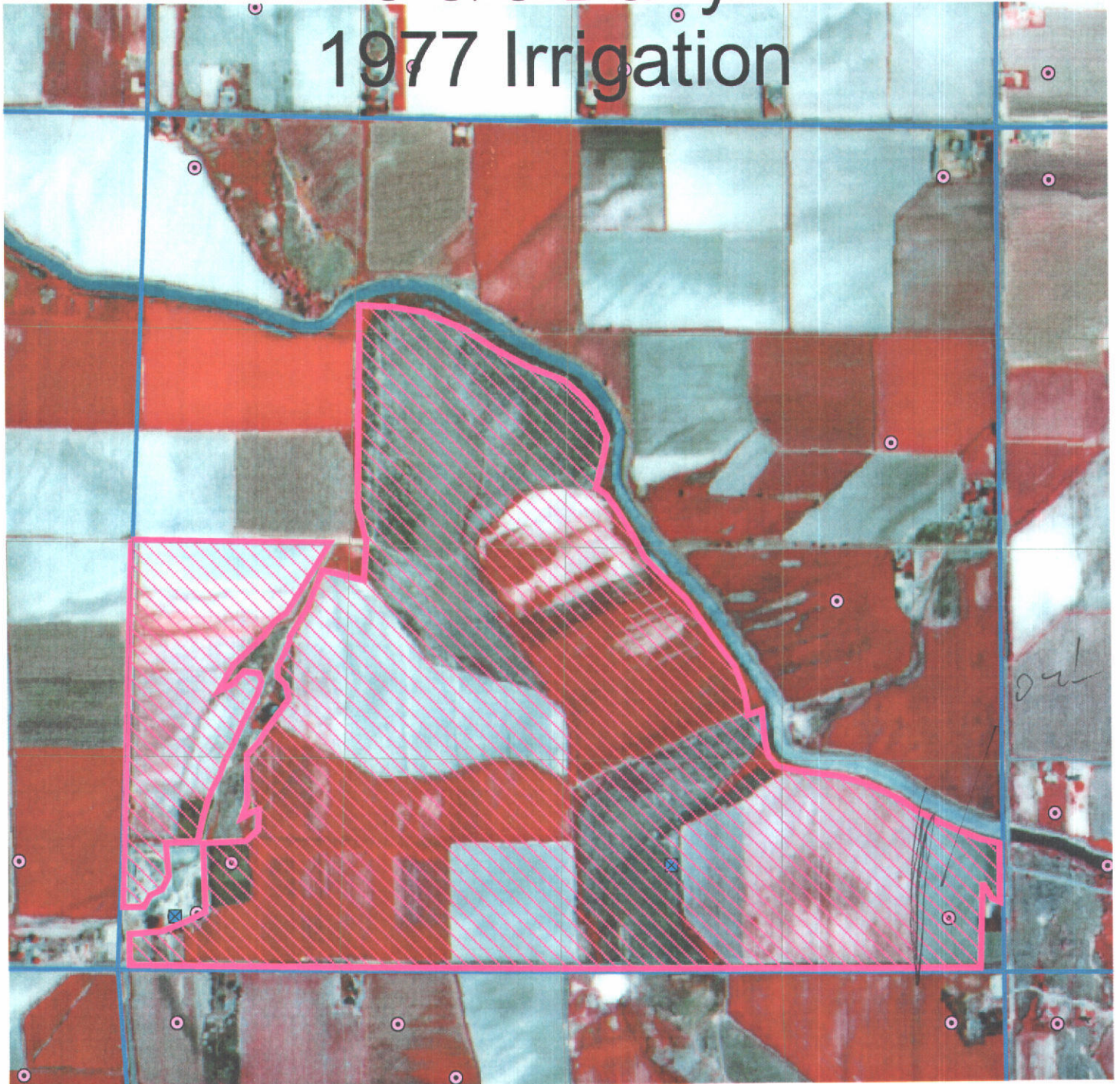
Total Acres in PPU = ~~293.2~~  
Ground water use limited to  
supplement 253.6 acres.  
PPU also has shares in SRCC

MICROFILMED

MAR 06 2003

AD-  
12/12/02

T69056  
J & J Dairy  
1977 Irrigation



Total Acres Irrigated = 298.5

MICROFILMED  
MAR 06 2003

AD~  
12/12/02



T69105

By J E Stanton  
2-10-2000

26.2

9.4

27.7

5.3

20.9

40.4

3.5

2.9

26.0

2.2

14.4

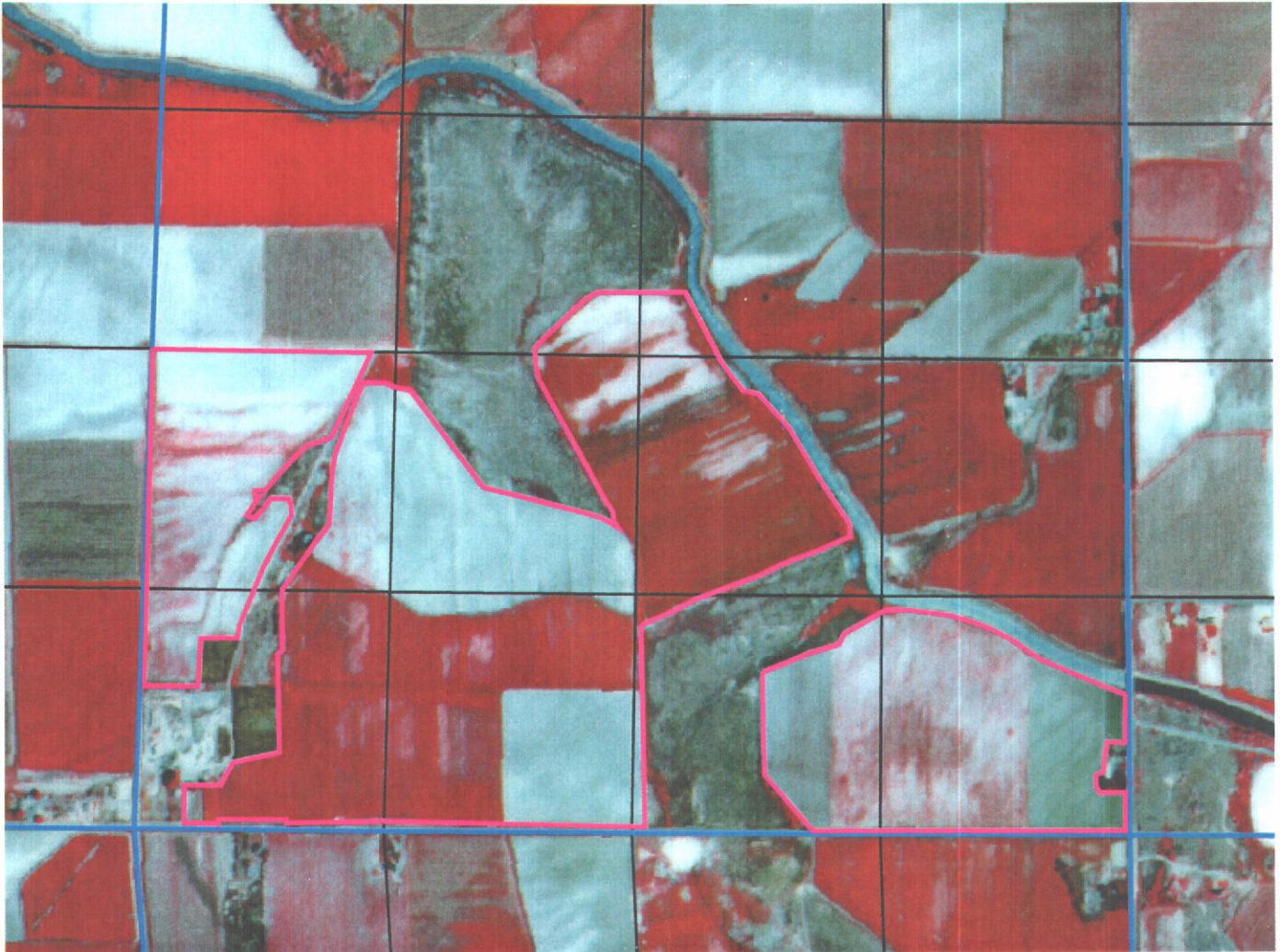
31.7

In  
up  
1/2

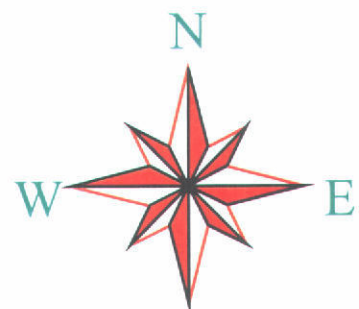
0 6 20

# HISTORIC P/U - HARRY DEHAAN PROPERTY

Sec. 14 T. 11S R. 17E



Land Irrigated During Last 5 Seasons



Prepared By J E Stanton  
2-10-2000

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MAR 06 2003

T69105

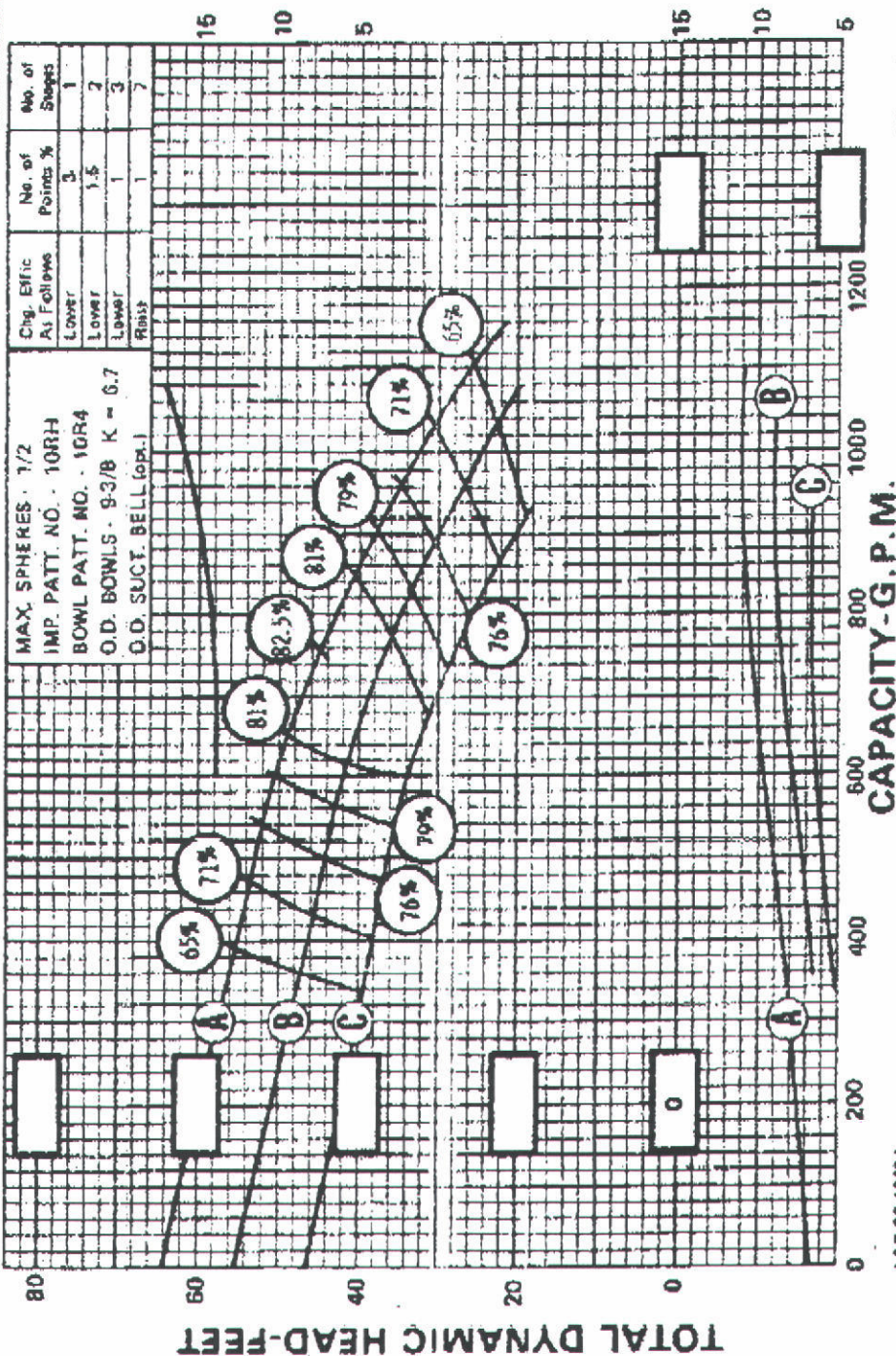
**10RH SERIES 1110**  
**Verti-Line PUMP**

SECTION 1110 PAGE 433

DATED **MARCH 1988**

SUPERSEDES PAGE 535  
DATED DECEMBER 1981

|                            | Chg. Effic<br>As Follows | No. of<br>Points % | No. of<br>Subjects |
|----------------------------|--------------------------|--------------------|--------------------|
| MAX. SPHERES - 7/2         |                          |                    |                    |
| PMP. PATT. NO. - 10RH      |                          |                    |                    |
| BOWL PATT. NO. - 10R4      |                          |                    |                    |
| O.D. BOWLS - 9-3/B K = 6.7 |                          |                    |                    |
| D. SUBJECT BELL (cop.)     |                          |                    |                    |



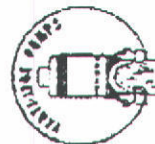
WPC-118368

(A) = 7,750  
(B) = 7,375  
(C) = 7,900

B. J. VERTILINE PLUMBS, INC.

1970 HIGHLAND AVE E,  
P.O. BOX 892  
WYMIN FALLS, IN 46781

(200)-733-4278



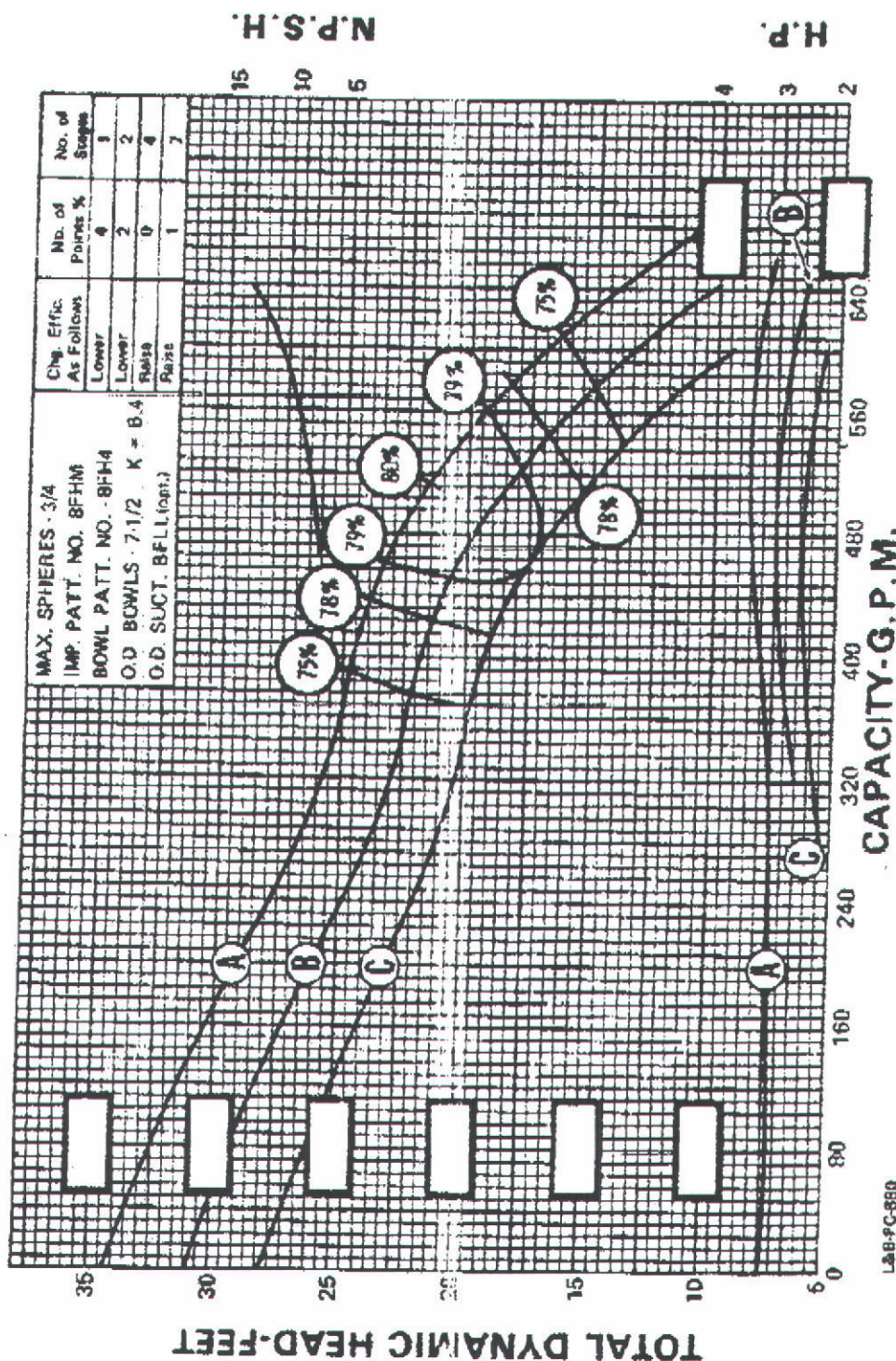
~~MICROFILMED~~

MAR 06 2003

West well

SECTION 1110  
DATED MARCH 1988  
SUPERSEDES PAGE 512  
DATED DECEMBER 1981

# PAGE 422 — 8FHM SERIES 1110 Verti-Line PUMP



90C-118351

**VERTI-LINE PUMP**

**B. J. VERTI-LINE PUMPS, INC.**  
 1970 HIGHLANDS AVE. E.  
 P.O. BOX 892  
 TWIN FALLS, ID 83301  
 (208) 733-4278

MICROFILMED  
MAR 06 2003

**HARRY DEHAAN IRRIGATION AND DAIRY WELLS  
POWER RECORDS FROM IDAHO POWER COMPANY**

| Date     | Meter #5978377W<br>WEST IRRIGATION WELL |          |  | Meter #01526427A<br>WEST IRRIGATION WELL |          |  | Meter #57590090W<br>EAST IRRIGATION WELL |          |  | Meter #40151409G<br>Well west of 3100E |          |  | Meter #91326293G<br>Doom/Dairy Well - West |          |  | Meter #02730337A<br>Well west of 3100E |          |  | Meter #27414954S<br>Dairy Well - East |          |  |
|----------|-----------------------------------------|----------|--|------------------------------------------|----------|--|------------------------------------------|----------|--|----------------------------------------|----------|--|--------------------------------------------|----------|--|----------------------------------------|----------|--|---------------------------------------|----------|--|
|          | KWH                                     | Bill Amt |  | KWH                                      | Bill Amt |  | KWH                                      | Bill Amt |  | KWH                                    | Bill Amt |  | KWH                                        | Bill Amt |  | KWH                                    | Bill Amt |  | KWH                                   | Bill Amt |  |
| 6/10/93  |                                         | 0        |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 7/2/93   | 18962                                   |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 8/3/93   | 10510                                   |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 8/26/93  |                                         |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 9/2/93   | 87                                      |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 10/4/93  | 1125                                    |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 10/15/93 | 204                                     |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 3/8/94   | 0                                       | \$0.00   |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 5/8/94   | 0                                       | \$0.00   |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 6/3/94   | 7001                                    | \$301.83 |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 7/5/94   | 2237                                    | \$184.34 |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 8/3/94   | 884                                     | \$35.77  |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 9/1/94   | 7911                                    | \$368.33 |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 8/15/94  | 0                                       | \$7.00   |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 5/31/95  | 0                                       | \$0.00   |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 6/2/95   | 0                                       | \$2.50   |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 7/3/95   | 1                                       | \$13.56  |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 8/3/95   | 17922                                   | \$733.41 |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 9/1/95   | 8645                                    | \$465.51 |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 10/3/95  | 22659                                   | \$841.20 |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 10/16/95 | 0                                       | \$4.33   |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 6/4/96   |                                         |          |  | 29                                       | \$20.95  |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 7/3/96   |                                         |          |  | 8304                                     | \$394.14 |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 8/2/96   |                                         |          |  | 17347                                    | \$634.64 |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 9/3/96   |                                         |          |  | 23447                                    | \$796.87 |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 9/30/96  |                                         |          |  | 1373                                     | \$54.00  |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 5/28/97  |                                         |          |  | 0                                        | \$0.00   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 6/2/97   |                                         |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 7/1/97   |                                         |          |  | 15880                                    |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 7/31/97  |                                         |          |  | 33440                                    |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 8/29/97  |                                         |          |  | 47080                                    |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 9/30/97  |                                         |          |  | 30480                                    |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 10/28/97 |                                         |          |  | 6960                                     |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 11/28/97 |                                         |          |  | 0                                        |          |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 1/28/98  |                                         |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 2/27/98  |                                         |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 3/31/98  |                                         |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 4/30/98  |                                         |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 6/1/98   |                                         |          |  | 0                                        | \$10.00  |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 6/30/98  |                                         |          |  | 0                                        | \$10.00  |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 7/30/98  |                                         |          |  | 20691                                    | \$790.15 |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 8/31/98  |                                         |          |  | 11759                                    | \$223.98 |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 9/30/98  |                                         |          |  | 7272                                     | \$275.38 |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 10/30/98 |                                         |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 12/1/98  |                                         |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 12/30/98 |                                         |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 1/28/99  |                                         |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 3/1/99   |                                         |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 3/31/99  |                                         |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 4/30/99  |                                         |          |  | 250                                      | \$11.88  |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 6/1/99   |                                         |          |  | 0                                        | \$10.04  |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 6/30/99  |                                         |          |  | 15894                                    | \$588.75 |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 7/30/99  |                                         |          |  | 11568                                    | \$478.68 |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 8/31/99  |                                         |          |  | 10861                                    | \$539.28 |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 9/30/99  |                                         |          |  | 3840                                     | \$126.50 |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 10/28/99 |                                         |          |  | 204                                      | \$9.44   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 11/30/99 |                                         |          |  | 187                                      | \$8.88   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |
| 2/29/99  |                                         |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  |                                            |          |  |                                        |          |  |                                       |          |  |

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7208 \$367.27  
8947 \$455.53  
6593 \$336.34  
8155 \$314.16  
4574 \$225.66  
3045 \$183.84  
4106 \$186.35  
4467 \$213.97  
3989 \$185.51  
4100 \$185.81  
5885 \$279.80

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| Date     | Meter #59783377W<br>WEST IRRIGATION WELL |          |  | Meter #01526427A<br>WEST IRRIGATION WELL |          |  | Meter #57590090W<br>EAST IRRIGATION WELL |          |  | Meter #40151409G<br>Well west of 3100E |          |  | Meter #91326293G<br>Dairy Well - West |          |  | Meter #02730337A<br>Well west of 3100E |          |  | Meter #27414954S<br>Dairy Well - East |          |  |
|----------|------------------------------------------|----------|--|------------------------------------------|----------|--|------------------------------------------|----------|--|----------------------------------------|----------|--|---------------------------------------|----------|--|----------------------------------------|----------|--|---------------------------------------|----------|--|
|          | KWH                                      | Bill Amt |  | KWH                                      | Bill Amt |  | KWH                                      | Bill Amt |  | KWH                                    | Bill Amt |  | KWH                                   | Bill Amt |  | KWH                                    | Bill Amt |  | KWH                                   | Bill Amt |  |
| 1/28/00  |                                          |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  | 2311                                  | \$106.78 |  | 0                                      | \$2.50   |  | 3019                                  | \$181.63 |  |
| 2/29/00  |                                          |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  | 2056                                  | \$99.47  |  | 0                                      | \$2.50   |  | 6114                                  | \$290.85 |  |
| 3/29/00  |                                          |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  | 1824                                  | \$79.10  |  | 0                                      | \$2.50   |  | 4770                                  | \$221.46 |  |
| 4/27/00  |                                          |          |  | 0                                        | \$7.50   |  |                                          |          |  |                                        |          |  | 1468                                  | \$72.73  |  | 0                                      | \$2.50   |  | 4347                                  | \$212.48 |  |
| 5/28/00  |                                          |          |  | 0                                        | \$10.07  |  |                                          |          |  |                                        |          |  | 1402                                  | \$70.24  |  | 0                                      | \$10.07  |  | 4768                                  | \$241.76 |  |
| 6/27/00  |                                          |          |  | 143                                      | \$177.96 |  |                                          |          |  |                                        |          |  | 1775                                  | \$81.58  |  | 1400                                   | \$281.14 |  | 4256                                  | \$216.07 |  |
| 7/27/00  |                                          |          |  | 562                                      | \$183.96 |  |                                          |          |  |                                        |          |  | 1875                                  | \$94.55  |  | 890                                    | \$288.01 |  |                                       |          |  |
| 8/2/00   |                                          |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                       |          |  |                                        |          |  |                                       |          |  |
| 8/2/00   |                                          |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                       |          |  |                                        |          |  |                                       |          |  |
| 8/11/00  |                                          |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                       |          |  |                                        |          |  |                                       |          |  |
| 8/25/00  |                                          |          |  | 440                                      | \$183.99 |  |                                          |          |  |                                        |          |  | 1721                                  | \$88.87  |  | 7960                                   | \$481.84 |  | 2918                                  | \$194.11 |  |
| 8/31/00  |                                          |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                       |          |  |                                        |          |  |                                       |          |  |
| 9/3/00   |                                          |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                       |          |  |                                        |          |  |                                       |          |  |
| 9/5/00   |                                          |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                       |          |  |                                        |          |  |                                       |          |  |
| 9/25/00  |                                          |          |  | 0                                        | \$2.50   |  |                                          |          |  |                                        |          |  | 1732                                  | \$89.42  |  | 0                                      | \$2.50   |  | 4056                                  | \$206.03 |  |
| 10/2/00  |                                          |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                       |          |  |                                        |          |  |                                       |          |  |
| 10/15/00 |                                          |          |  |                                          |          |  |                                          |          |  |                                        |          |  |                                       |          |  |                                        |          |  |                                       |          |  |
| 10/25/00 |                                          |          |  | 88                                       | \$5.75   |  |                                          |          |  |                                        |          |  | 1535                                  | \$79.51  |  | 0                                      | \$2.50   |  | 4213                                  | \$213.91 |  |

MICROFILMED  
MAR 06 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 69105

This is to certify that: J & J DAIRY

C/O JOHN REITSMA  
738 CANYON RIM RD  
TWIN FALLS ID 83301

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Total</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 47-16786     | AJC/Statutory Claim | 06/29/1959      | 0.9 cfs     | N/A           | 51.3         |              | GROUND WATER  |
| 47-16788     | AJC/License         | 01/28/1974      | 2.06 cfs    | N/A           | 235.1        |              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 47-16786              | NO           | NO         | NO         | NO             | NO                   | NO                   |
| 47-16788              | NO           | NO         | NO         | NO             | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 47-16786              | 47-16786                         | 0.9 cfs              | 205.2 af               | 51.3              | 272.9              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 47-16788              | 47-16788                         | 2.06 cfs             | 940 af                 | 235.1             | 272.9              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>TOTALS</b>         |                                  | <b>2.98 cfs</b>      | <b>1014.4 af</b>       | <b>253.6</b>      | <b>272.9</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 24<sup>th</sup> day of December, 2002

  
Chief, Water Allocation Bureau

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MAR 26 2003

69105

**WATER RIGHT NO. 47-16788**  
**As Modified by Transfer No. 69105**

In accordance with the approval of Transfer No. 69105, Water Right No. 47-16788 is now described as follows.

**Right Holder:** J & J DAIRY  
 C/O JOHN REITSMA  
 738 CANYON RIM RD  
 TWIN FALLS ID 83301

**Priority Date:** January 28, 1974

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 2.06 CFS              | 940.0 AF      |
|                       |             |           | 2.06 CFS              | 940.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                         |                   |
|--------------|--------|-------------------------|-------------------|
| GROUND WATER | SWSWSW | Sec. 14 Twp 11S Rge 17E | TWIN FALLS County |
| GROUND WATER | SESWSW | Sec. 14 Twp 11S Rge 17E | TWIN FALLS County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |     |    | NW  |    |    |      | SW   |      |      |      | SE |      |      |      | Totals |
|-------------|----|----|-----|----|-----|----|----|------|------|------|------|------|----|------|------|------|--------|
|             | NE | NW | SW  | SE | NE  | NW | SW | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW   | SE   |        |
| 11S 17E 14  |    |    | 5.7 |    | 2.2 |    |    | 39.0 | 41.0 | 31.0 | 21.0 | 40.0 |    | 31.0 | 40.0 | 22.0 | 272.9  |

Total Acres: 272.9

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. 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.
5. The total instantaneous diversion of water from all points of diversion under Rights 47-16786 and 47-16788 shall not exceed 2.96 cfs, nor total combined annual volume of 1014.4 af for the irrigation of 253.6 acres.
6. This right is limited to the irrigation of 235.1 acres within the place of use described above in a single irrigation season.
7. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

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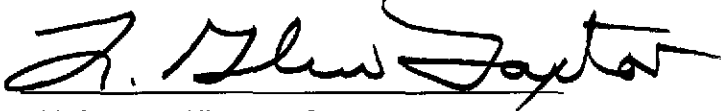
**WATER RIGHT NO. 47-16788**  
**As Modified by Transfer No. 69105**

**CONDITIONS OF APPROVAL**

9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24<sup>th</sup> day of December, 2002



Chief, Water Allocation Bureau

**WATER RIGHT NO. 47-16786**  
**As Modified by Transfer No. 69105**

In accordance with the approval of Transfer No. 69105, Water Right No. 47-16786 is now described as follows.

**Right Holder:** J & J DAIRY  
 C/O JOHN REITSMA  
 738 CANYON RIM RD  
 TWIN FALLS ID 83301

**Priority Date:** June 29, 1959

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.90 CFS              | 205.2 AF      |
|                       |             |           | 0.90 CFS              | 205.2 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                         |                   |
|--------------|--------|-------------------------|-------------------|
| GROUND WATER | SWSWSW | Sec. 14 Twp 11S Rge 17E | TWIN FALLS County |
| GROUND WATER | SESWSE | Sec. 14 Twp 11S Rge 17E | TWIN FALLS County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |    |     | NW |    |    |     | SW |    |    |      | SE   |      |      |      | Totals |      |      |      |       |
|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|------|------|------|------|------|--------|------|------|------|-------|
|     |     |     | NE | NW | SW | SE  | NE | NW | SW | SE  | NE | NW | SW | SE   | NE   | NW   | SW   | SE   |        |      |      |      |       |
| 11S | 17E | 14  |    |    |    | 5.7 |    |    |    | 2.2 |    |    |    | 39.0 | 41.0 | 31.0 | 21.0 | 40.0 |        | 31.0 | 40.0 | 22.0 | 272.9 |

Total Acres: 272.9

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. 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.
5. The total instantaneous diversion of water from all points of diversion under Rights 47-16786 and 47-16788 shall not exceed 2.96 cfs, nor total combined annual volume of 1014.4 af for the irrigation of 253.6 acres.
6. This right is limited to the irrigation of 51.3 acres within the place of use described above in a single irrigation season.
7. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

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MAR 3 8 2003

**WATER RIGHT NO. 47-16786**  
**As Modified by Transfer No. 69105**

**CONDITIONS OF APPROVAL**

9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24<sup>th</sup> day of

December, 2002



Chief, Water Allocation Bureau

MICROFILMED

MAR 6 8 2003

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Page 1

Department of Water Resources

Transfer No. 69105

Receipt No. S022599

AMENDED  
12/5/2002

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

1. Applicant Information J & J DAIRY  
C/O JOHN REITSMA  
738 CANYON RIM RD  
TWIN FALLS ID 83301

Will this transfer result in an ownership change? \_\_\_\_\_ Yes \_\_\_\_\_ No

2. Current Water Right

Part 2 Attached for Each Right

|         | Origin/Basis       | Rate | Volume | Acres | Total | Source       |
|---------|--------------------|------|--------|-------|-------|--------------|
| 47-4035 | WR/Statutory Claim | 1.20 |        | 80.0  |       | GROUND WATER |
| 47-7242 | WR/License         | 2.14 | 976.0  | 244.0 |       | GROUND WATER |

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

| Right   | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|---------|-------|-----|-----|---------|---------------|---------------|
| 47-4035 | NO    | YES | YES | NO      | YES           | YES           |
| 47-7242 | NO    | YES | YES | NO      | YES           | YES           |

Describe the reason for the proposed changes

A portion of the base rights are being converted to dairy use under T69056. The rights remaining are described on this transfer. These rights are being described to a common irrigation system supplied by two existing wells. The PPU is the irrigable acres but the rights are limited to 253.6 acres within the 293.2 acre described PPU. The irrigation system is also supplied water from Salmon River Canal Co. ( 209.8 shares).

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

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

5. Total Amounts Transferred

|         | Rate     | Acres | Total | Volume |
|---------|----------|-------|-------|--------|
| 47-4035 | 0.90 cfs | 51.3  | 293.2 |        |
| 47-7242 | 2.06 cfs | 235.1 | 293.2 |        |
| TOTAL   | 2.98 cfs | 253.6 | 293.2 |        |

MICROFILMED  
MAR 16 2003

Transfer No. 69105  
Receipt No. S022599

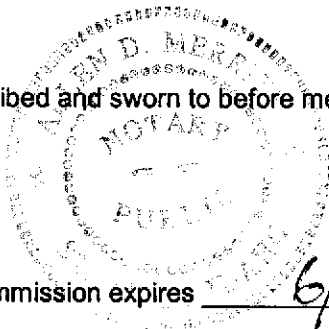
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Ch. G. Blum  
(Signature of Applicant)

Power of Attorney  
(Title or Office)

Subscribed and sworn to before me this 5<sup>th</sup> day of December, 2002.



[Signature]  
(Notary Public)

My commission expires 6/30/06

MICROFILMED  
MAR 06 2003

**Current Water Right No. 47-4035**

**Source:** GROUND WATER

**Source and Point(s) of Diversion:**

GROUND WATER                      SWSWSW                      Sec. 14 Twp 11S    Rge 17E    TWIN FALLS  
County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           |               |
|-----|-----|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------|
|     |     |     | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>Totals</u> |
| 11S | 17E | 14  |           |           |           |           |           |           |           |           |           |           | 40.0      | 40.0      |           |           |           |           | 80.0          |

**Total Acres: 80**

**Conditions/Remarks:**

### Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?  
NO

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

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

NO

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Transfer No. 69105  
Receipt No.S022599

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

**Current Water Right No. 47-7242**

Priority Date: January 28, 1974  
Origin: Adjudication Recommendation  
Basis: License  
Status: Active

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 3/15 11/15     | 2.14 CFS              | 976.0 AFA     |                    |
| Total Diversion       |                | 2.14 CFS              | 976.0 AFA     |                    |

Source and Point(s) of Diversion:

GROUND WATER      SWSE      Sec. 14 Twp 11S   Rge 17E   TWIN FALLS  
County

PLACE OF USE:    IRRIGATION

| Twp Rge Sec | NE |    |    | NW   |    |    | SW   |    |      | SE   |      |      | Totals |      |      |       |
|-------------|----|----|----|------|----|----|------|----|------|------|------|------|--------|------|------|-------|
|             | NE | NW | SW | SE   | NE | NW | SW   | SE | NE   | NW   | SW   | SE   |        |      |      |       |
| 11S 17E 14  |    |    |    | 10.0 |    |    | 30.0 |    | 40.0 | 10.0 | 36.0 | 39.0 | 28.0   | 38.0 | 13.0 | 244.0 |

Total Acres: 244

Conditions/Remarks:

Documentation of Ownership of the Current Place of Use  
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?  
NO

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

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?  
NO

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MAR 06 2003

Transfer No. 69105  
Receipt No. S022599

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

**Proposed Water Right No.** 47-4035

**Priority Date:** June 29, 1959  
**Origin:** Adjudication  
Recommendation  
**Basis:** License  
**Status:** Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u>  | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15 11/15     | 0.90 CFS              |               |                    |
|                       | Total Diversion | 0.90 CFS              |               |                    |

Source and Point(s) of Diversion:

GROUND WATER      SWSWSW      Sec. 14 Twp 11S    Rge 17E    TWIN FALLS  
County

GROUND WATER      SESWSE      Sec. 14 Twp 11S    Rge 17E    TWIN FALLS  
County

Describe the proposed diversion system

Point of Diversion # 1 Well and 60 HP pump to mainlines and sprinklers (West Well)

Point of Diversion # 2 Well and 125 HP pump to mainline and sprinklers (East Well)

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |     |    | NW  |    |    |      | SW   |      |      |      | SE |      |      |      | Totals |
|-----|-----|-----|----|----|-----|----|-----|----|----|------|------|------|------|------|----|------|------|------|--------|
|     |     |     | NE | NW | SW  | SE | NE  | NW | SW | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW   | SE   |        |
| 11S | 17E | 14  |    |    | 6.3 |    | 2.9 |    |    | 39.0 | 41.0 | 33.0 | 24.0 | 42.0 |    | 30.0 | 42.0 | 33.0 | 293.2  |

Total Acres: 293.2

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MAR 6 5 2003

Transfer No. 69105  
Receipt No. S022599

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

**Proposed Water Right No. 47-7242**

Priority Date: January 28, 1974  
Origin:       Adjudication  
              Recommendation  
Basis:       License  
Status:      Active

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From To</u>  | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15 11/15     | 2.06 CFS              |               |                    |
|                       | Total Diversion | 2.06 CFS              |               |                    |

Source and Point(s) of Diversion:

GROUND WATER       SWSWSW       Sec. 14 Twp 11S   Rge 17E   TWIN FALLS  
County

GROUND WATER       SESWSE       Sec. 14 Twp 11S   Rge 17E   TWIN FALLS  
County

Describe the proposed diversion system

Point of Diversion # 1 Well and 60 HP pump to mainlines and sprinklers (West Well)

Point of Diversion # 2 Well and 125 HP pump to mainline and sprinklers (East Well)

**PLACE OF USE:   IRRIGATION**

| Twp Rge Sec | NE |    |     |    | NW  |    |    |      | SW   |      |      |      | SE |      |      |      | Totals |
|-------------|----|----|-----|----|-----|----|----|------|------|------|------|------|----|------|------|------|--------|
|             | NE | NW | SW  | SE | NE  | NW | SW | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW   | SE   |        |
| 11S 17E 14  |    |    | 6.3 |    | 2.9 |    |    | 39.0 | 41.0 | 33.0 | 24.0 | 42.0 |    | 30.0 | 42.0 | 33.0 | 293.2  |

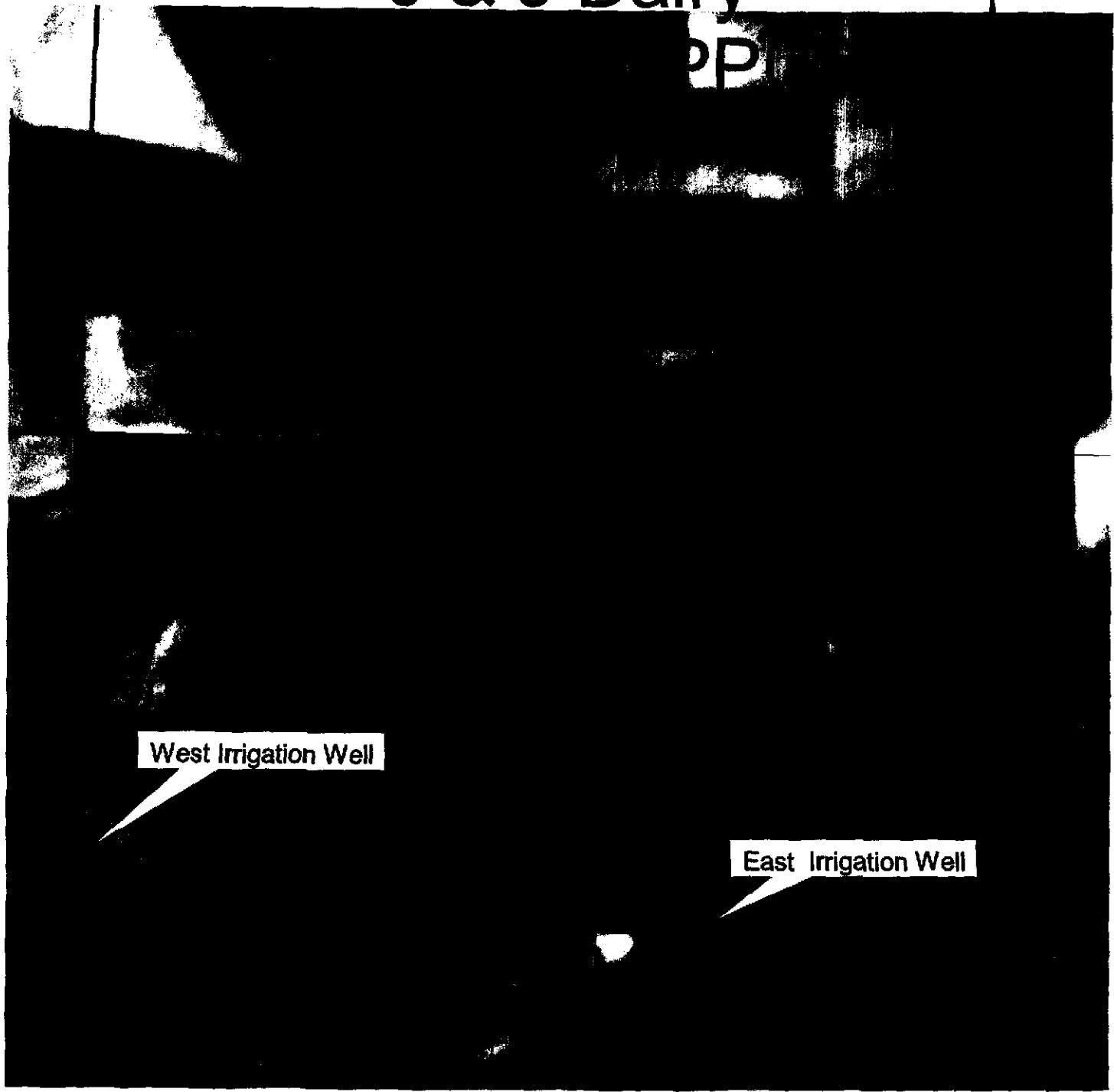
Total Acres: 293.2

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# T69105

## J & J Dairy



Total Acres in PPU = 293.2  
Ground water use limited to  
supplement 253.6 acres.  
PPU also has shares in SRCC

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Transfer No. 69105  
Receipt No.S022599

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

**1. Applicant Information** J & J DAIRY  
C/O JOHN REITSMA  
738 CANYON RIM RD  
TWIN FALLS ID 83301

Will this transfer result in an ownership change? \_\_\_\_\_ Yes \_\_\_\_\_ No

**2. Current Water Right****Part 2 Attached for Each Right**

|         | Origin/Basis       | Rate | Volume | Acres | Total | Source       |
|---------|--------------------|------|--------|-------|-------|--------------|
| 47-4035 | WR/Statutory Claim | 1.20 |        | 80.0  |       | GROUND WATER |
| 47-7242 | WR/License         | 2.14 | 976.0  | 244.0 |       | GROUND WATER |

**3. Purpose of Transfer (Change Proposed)****Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

| Right   | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|---------|-------|-----|-----|---------|---------------|---------------|
| 47-4035 | NO    | NO  | YES | YES     | NO            | NO            |
| 47-7242 | NO    | NO  | YES | YES     | NO            | NO            |

**Describe the reason for the proposed changes**

A portion of the base rights are being converted to dairy use under T69056. The rights remaining are described on this transfer. These rights are being described to a common irrigation system supplied by two existing wells. The PPU is the irrigable acres but the rights are limited to 236.1 acres within the 280 acre described PPU.

The irrigation system is also supplied water from Salmon River Canal Co. ( 209.8 shares).

**4. FOR CHANGES IN NATURE OF USE ONLY**

**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

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

**5. Total Amounts Transferred**

|         | Rate     | Acres | Total | Volume |
|---------|----------|-------|-------|--------|
| 47-4035 | 0.69 cfs | 38.7  | 280.0 |        |
| 47-7242 | 1.99 cfs | 230.5 | 280.0 |        |
| TOTAL   | 2.68 cfs | 236.1 | 280.0 |        |

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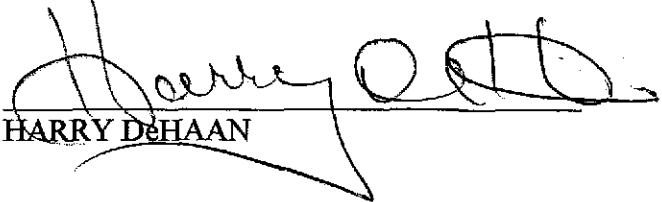
MAR 3 5 2003

RECEIVED  
DEC 14 2001  
Department of Water Resources  
Southern Region

# ASSIGNMENT

FOR VALUE RECEIVED, I, HARRY DeHAAN, do hereby assign to J&J DAIRY, an Idaho general partnership, JOHN REITSMA and JESUS HURTADO, partners, all of my right, title and interest in applications for transfer presently pending before the Idaho Department of Water Resources under Transfer No. 69056 and Transfer No. 69105.

Dated this 11<sup>th</sup> day of December, 2001.

  
HARRY DeHAAN

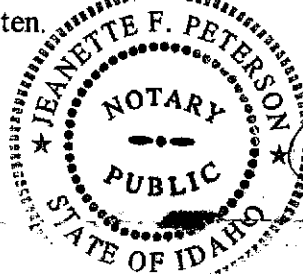
STATE OF IDAHO )

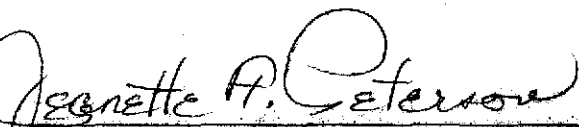
:SS

County of Twin Falls )

On this 17<sup>th</sup> day of December, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared HARRY DeHAAN, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.



  
JEANETTE F. PETERSON

NOTARY PUBLIC for Idaho

Residing at: Asler, Id.

Commission Expires: 1/17/03

MICHOCHONED

DEC 14 2001

T # 10.00

## WARRANTY DEED

For Value Received HARRY DeHAAN and SUSAN DeHAAN, husband and wife,

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto J&J DAIRY, a partnership consisting of John Reitsma and Jesus Hurtado,

Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho, to-wit:

One-half interest in the real proerty described in Exhibit "A" attached hereto.

1997015747  
State of Idaho }  
County of Twin Falls }  
I hereby certify that this  
instrument is a true and  
correct copy of the  
original as recorded in  
my office and recorded  
in Book ... Page ...  
12-20-97 this  
9-24-97  
HARRY C. DEHAAN  
Fee \$ 6.00 Deputy  
return to  
U

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 14, 1997

Harry C. DeHaan

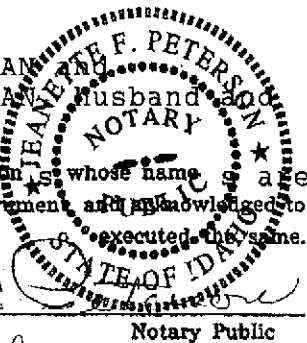
Susan DeHaan

STATE OF IDAHO, COUNTY OF Twin Falls  
On this 14th day of July, 1997,  
before me, a notary public in and for said State, personally appeared

HARRY DeHAAN  
SUSAN DeHAAN  
wife

known to me to be the persons whose names are  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.

Residing at Arden, Id.  
Comm. Expires 1/17/03



STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at  
the request of

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock m.,  
this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, in my office, and duly recorded in Book  
of Deeds at page \_\_\_\_\_

Ex-Officio Recorder

By \_\_\_\_\_ Deputy.

Fees \$  
Mail to:

MICROFILMED

INSTRUMENT No.

The Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>); the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>); the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>); and that part of the Northeast Quarter (NE<sup>1</sup>/<sub>4</sub>) of the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>), the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of the Northeast Quarter (NE<sup>1</sup>/<sub>4</sub>), the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) of the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) and the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) lying Southerly and Westerly and above the Highline Canal of the Twin Falls Canal Company, all in Section Fourteen (14), Township Eleven (11) South, Range Seventeen (17) East, Boise Meridian, Twin Falls County, Idaho.

EXCEPT a tract of land in the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of said Section Fourteen (14) described as follows: Commencing at the Southeast corner of said Section Fourteen (14), the POINT OF BEGINNING; Thence North 88°42' West along the South line of said Section Fourteen (14), 561.54 feet; Thence North parallel with the East line of said Section Fourteen (14), 1,000.56 feet to a point on the South right of way of Highline Canal; Thence South 61°27' East along the South right of way of said Highline Canal 313.90 feet; Thence South 74°07' East along South right of way 297.0 feet to a point on the East line of said Section Fourteen (14); Thence South along the East line of said Section Fourteen (14), 782.0 feet to the POINT OF BEGINNING.



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MAR 9 5 2003

Page 1 of 8

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

Transfer No. 69/05

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

Name of applicant DeHaan, Harry Phone (208) 733-0731Post Office address 3200 N. 3104 E., Twin Falls, ID 83301**RECEIVED****OCT 13 1999**Department of Water Resources  
Southern Region**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☒ Add diversion point ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☒ Other Create PPU
2. Describe the reason for the proposed changes To modify the place of use of irrigation rights

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

- | 1. Right Number | Priority         | Amount<br>(cfs/ac-ft) | Nature<br>of Use  | Period of Use               |
|-----------------|------------------|-----------------------|-------------------|-----------------------------|
| <u>47-04035</u> | <u>6/29/1959</u> | <u>0.69/184.4</u>     | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| <u>47-07242</u> | <u>1/28/1974</u> | <u>1.99/906.0</u>     | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
|                 |                  |                       |                   | to                          |
|                 |                  |                       |                   | to                          |
2. Total amount of water being transferred 2.68 cubic feet per second and/or 976.4 acre-feet per annum.
3. Source of water Groundwater tributary to
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County     | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|------------|--------------------------|
|     |     | SW  | SW  | 14   | 11S  | 17E | Twin Falls | West irrigation well     |
|     |     | SW  | SE  | 14   | 11S  | 17E | Twin Falls | East irrigation well     |
|     |     |     |     |      |      |     |            |                          |
|     |     |     |     |      |      |     |            |                          |

**5. Lands irrigated or place of use:**

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 11S  | 17E  | 14   |        |        | 6      |        |        |        |        | 37     | 40     | 33     | 23     | 40     |        | 28     | 40     | 33     | 280*   |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

MICHAEL

**PART 1**

6. General Information:

- a. Description of diversion system Two wells to mainlines and sprinkler irrigation systems.  
Salmon Falls canal shares also delivered to same mainline system (209.8 shares  
are owned).
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
☐ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:  
Acres within each 40 are being modified. The PPU represents irrigable acreage.
- d. Remarks:  
The two water rights allow 278 acres. 270 acres can be justified historically.  
The dairy removed or will remove 33.9 acres (refer to concurrent transfer app),  
leaving 236.1 acres to be irrigated under 47-04035 and 47-07242.

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

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

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

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

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 MAR 05 2003

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

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
 in case of \_\_\_\_\_ vs. \_\_\_\_\_  
 dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 47-04035 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax notice☐ Warranty Deed☐ Other \_\_\_\_\_3. Source of water Groundwater tributary to \_\_\_\_\_4. Date of priority 6/29/1959

## 5. Water is used for the following purpose:

Amount 1.20 cfs for Irrigation purposes from 3/15 to 11/15  
 (cfs/ac-ft)  
 Amount 0.03 cfs for Stockwater purposes from 1/1 to 12/31  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

6. Total amount of water under right 1.20 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County     | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|------------|--------------------------|
|     |     | SW  | SW  | 14   | 11S  | 17E | Twin Falls | Well and pump            |
|     |     |     |     |      |      |     |            |                          |
|     |     |     |     |      |      |     |            |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 11S  | 17E  | 14   |        |        |        |        |        |        |        |        |        | 40     | 40     |        |        |        |        |        | 80     |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 809. Describe any other water rights used for the same purpose as described above 47-07242

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

No \_\_\_\_\_ If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

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

1. Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     |     |     |     |      |      |     |        |                          |
|     |     |     |     |      |      |     |        |                          |
|     |     |     |     |      |      |     |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

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

1. Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     |     |     |     |      |      |     |        |                          |
|     |     |     |     |      |      |     |        |                          |
|     |     |     |     |      |      |     |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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Total acres \_\_\_\_\_

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

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
 in case of \_\_\_\_\_ vs. \_\_\_\_\_  
 dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 47-07242 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Groundwater tributary to \_\_\_\_\_4. Date of priority 1/28/1974

## 5. Water is used for the following purpose:

Amount 2.14/976. for Irrigation purposes from 3/15 to 11/15  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

6. Total amount of water under right 2.14 cubic feet per second and/or 976.0 acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County     | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|------------|--------------------------|
|     |     | SW  | SE  | 14   | 11S  | 17E | Twin Falls | Well and pump            |
|     |     |     |     |      |      |     |            |                          |
|     |     |     |     |      |      |     |            |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 11S  | 17E  | 14   |        |        | 10     |        |        |        |        | 30     | 40     | 10     | 36     | 39     |        | 28     | 38     | 13     | 244    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 2449. Describe any other water rights used for the same purpose as described above A47-04035

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

No

If yes, describe

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

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

1. Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     |     |     |     |      |      |     |        |                          |
|     |     |     |     |      |      |     |        |                          |
|     |     |     |     |      |      |     |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

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

1. Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     |     |     |     |      |      |     |        |                          |
|     |     |     |     |      |      |     |        |                          |
|     |     |     |     |      |      |     |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

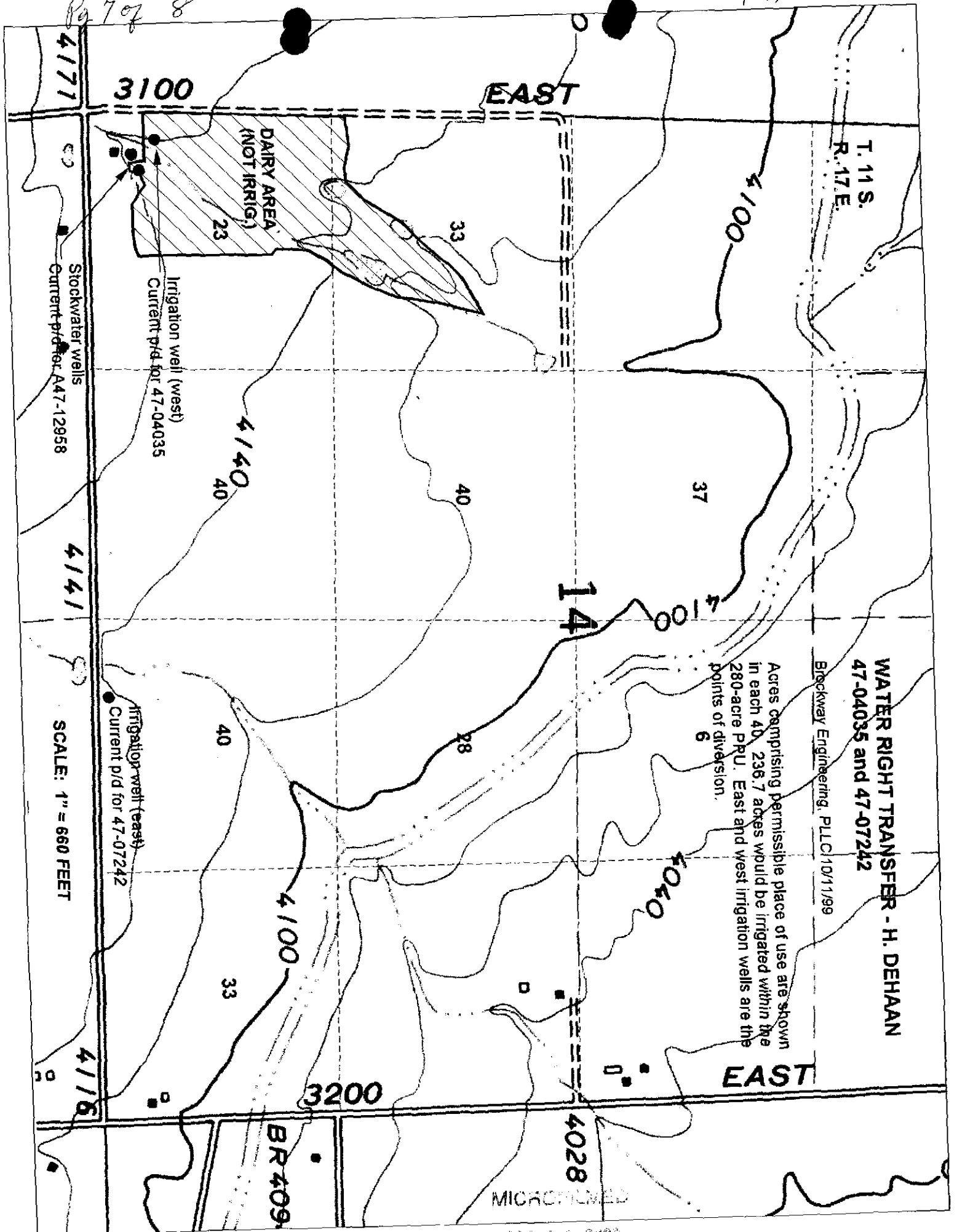
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Total acres \_\_\_\_\_

MAP 0 6 2003

T# 69105

Pa 79 8



T. 11 S.  
R. 17 E.

**WATER RIGHT TRANSFER - H. DEHAAN**  
**47-04035 and 47-07242**

Brockway Engineering, PLLC 10/1/99

Acres comprising permissible place of use are shown in each AD. 236.7 acres would be irrigated within the 280-acre PRU. East and west irrigation wells are the points of diversion.

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1999 11 2003

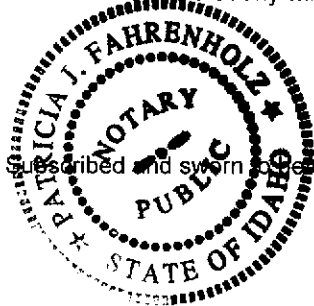
## PART 3

## B. CHANGES IN NATURE OF USE

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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



Subscribed and sworn to before me this 11<sup>th</sup> day of October, 1999.

(Signature of Applicant)

Patricia J. Fahrenholz  
(Notary Public)

My commission expires 11-09-2004

## FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 3 attachments

Received by J. Stanton Date 10-12-99 Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee \$100, 5022599

Received by JS Date 10-12-99

Published in Times News Copies of protest forwarded by \_\_\_\_\_

Pub. dates 6/21 + 6/28/01 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on N/A Recommended for ☐ Approval ☐ Denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

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MAR 06 2001

T. 11 S.  
R. 17 E.

**WATER RIGHT TRANSFER - H. DEHAAN**  
**47-04035 and 47-07242**

Blockway Engineering, PLLC 10/11/89

Acres comprising permissible place of use are shown in each 40. 236.7 acres would be irrigated within the 280-acre PRU. East and west irrigation wells are the points of diversion.

37

6

EAST

EAST

3100

3200

14

4028

BR 409

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DAIRY AREA  
(NOT IRRIG.)

Irrigation well (west)  
Current p/d for 47-04035

Irrigation well (east)  
Current p/d for 47-07242

Stockwater wells  
Current p/d for 447-12958

SCALE: 1" = 660 FEET

T69105

# APP FOR TRANSFER - HARRY DEHAAN

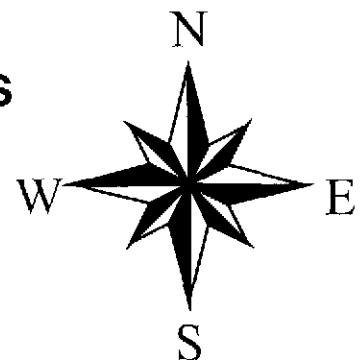


T. 11S R. 17E Sec. 14

● Existing Irrigation Well



Land Irrigated During Last 5 Years



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APR 26 2003

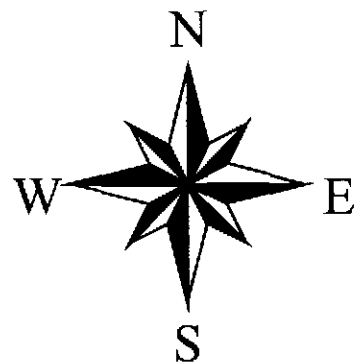
T69106

# HISTORIC P/U - HARRY DEHAAN PROPERTY

Sec. 14 T. 11S R. 17E



Land Irrigated During Last 5 Seasons



Prepared By J E Stanton  
2-10-2000

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MAR 06 2003

**T69105**

## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, Harry DeHaan, of Twin Falls, County of Twin Falls, State of Idaho, have made, constituted and appointed and by these presents do make, constitute and appoint Patrick D. Brown of the law firm of Parker, Warr & Brown, LLP of Twin Falls, Idaho, as power of attorney.

Said attorney is to act in my name, place and stead, and for my use and benefit in regard to all matters involving all water rights transfers to provide dairy water.

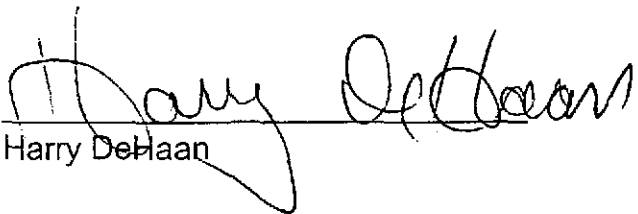
My attorney is specifically authorized to execute all necessary or proper documents on my behalf in regard to the transfer of all water rights or claim(s), and to negotiate, compromise, or settle all matters relating to the water rights.

This Power of Attorney shall remain in full force and effect until written notice of its revocation or notice of my death is received by any party relying upon this document.

This Power of Attorney shall be not be affected by my disability. It is my intent that this Power of Attorney shall continue in full force and effect in the event of our incapacity.

I further provide that photocopies of this Power of Attorney are to be given equal dignity, full affect, and recognition as if it were the original.

WITNESS my hand this 21<sup>st</sup> day of July, 1998.

  
Harry DeHaan

STATE OF IDAHO )  
County of Bovin Hills ) ss.

On this 21 day of July, 1998, before me, the undersigned, a notary public in and for said county and state, personally appeared Harry DeHaan, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Deanna A. McMillan  
NOTARY PUBLIC FOR IDAHO  
Residing at: Jerome, Id  
My Commission Expires: 8/24/2001

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69056

This is to certify that: J & J DAIRY

C/O JOHN REITSMA  
738 CANYON RIM RD  
TWIN FALLS ID 83301

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Total</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 47-12958     | WR/Decreed          | 12/31/1945      | 0.2 cfs     | N/A           |              |              | GROUND WATER  |
| 47-4035      | AJC/Statutory Claim | 06/29/1959      | 1.2 cfs     | N/A           |              | 80.0         | GROUND WATER  |
| 47-7242      | AJC/License         | 01/28/1974      | 2.14 cfs    | 976 af        |              | 244.0        | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 47-12958              | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 47-4035               | YES          | YES        | YES        | NO             | YES                  | YES                  |
| 47-7242               | YES          | YES        | YES        | NO             | YES                  | YES                  |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 47-12958              | 47-12958                         | 0.2 cfs              | 10.6 af                | N/A               |                    |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 47-4035               | 47-16787                         | 0.3 cfs              | 38.9 af                | N/A               |                    | 47-16786                           | 0.9 cfs               | N/A                     | 51.3                        | 51.3                         |
| 47-7242               | 47-16789                         | 0.08 cfs             | 13.3 af                | N/A               |                    | 47-16788                           | 2.06 cfs              | N/A                     | 235.1                       | 235.1                        |
| <b>TOTALS</b>         |                                  | <b>0.58 cfs</b>      | <b>62.8 af</b>         |                   |                    |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>253.6</b>                | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 20<sup>th</sup> day of December, 2002

  
Chief, Water Allocation Bureau

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69056

**WATER RIGHT NO. 47-12958**  
**As Modified by Transfer No. 69056**

In accordance with the approval of Transfer No. 69056, Water Right No. 47-12958 is now described as follows.

**Right Holder:** J & J DAIRY

C/O JOHN REITSMA  
 738 CANYON RIM RD  
 TWIN FALLS ID 83301

**Priority Date:** December 31, 1945

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| DOMESTIC              | 01/01       | to 12/31  | 0.04 CFS              | 1.2 AF        |
| STOCKWATER            | 01/01       | to 12/31  | 0.20 CFS              | 9.4 AF        |
|                       |             |           | 0.20 CFS              | 10.6 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                        |                   |
|--------------|--------|------------------------|-------------------|
| GROUND WATER | SWSWSW | Sec. 14Twp 11S Rge 17E | TWIN FALLS County |
| GROUND WATER | SWSWSW | Sec. 14Twp 11S Rge 17E | TWIN FALLS County |

**PLACE OF USE:** DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 11S | 17E | 14  |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |

**PLACE OF USE:** STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 11S | 17E | 14  |    |    |    |    |    |    |    |    | X  |    | X  |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. The total instantaneous diversion of water from all points of diversion under Rights 47-12958, 47-16787 and 47-16789 shall not exceed 0.58 cfs, nor total combined annual volume of 62.8 af.
2. 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.
3. Use of water under this right may be affected by an agreement between the protestants and the right holder that provides the maximum number of cattle to be served under transfer 69056 is 1,000 milking cows and 220 dry cows, and provides the right holder shall engage in certain odor management practices specified in the agreement.
4. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

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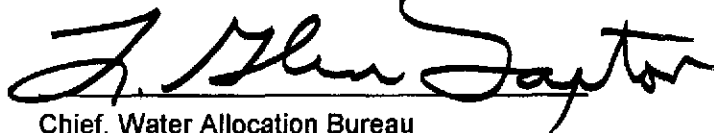
**WATER RIGHT NO. 47-12958**  
**As Modified by Transfer No. 69056**

**CONDITIONS OF APPROVAL**

5. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20<sup>th</sup> day of December, 2002

  
Chief, Water Allocation Bureau

MICROFILMED

MAR 06 2003

**WATER RIGHT NO. 47-16786**  
**As Modified by Transfer No. 69056**

In accordance with the approval of Transfer No. 69056, Water Right No. 47-16786 is now described as follows.

**Right Holder:** J & J DAIRY  
 C/O JOHN REITSMA  
 738 CANYON RIM RD  
 TWIN FALLS ID 83301

**Priority Date:** June 29, 1959

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 03/15 to    | 11/15     | 0.90 CFS              |
|                       |             |           | 0.90 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**  
 GROUND WATER      SWSWSW      Sec. 14 Twp 11S Rge 17E      TWIN FALLS County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 11S 17E 14  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 51.3   |

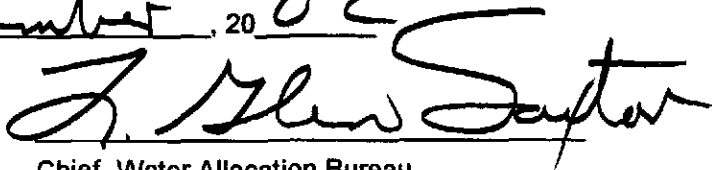
Total Acres: 51.3

**CONDITIONS OF APPROVAL**

1. Rights 47-16786 and 47-16788 when combined shall not exceed the irrigation of 253.6 acres.
2. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20<sup>th</sup> day of December, 2002

  
 Chief, Water Allocation Bureau

MICROFILMED

MAR 06 2003

**WATER RIGHT NO. 47-16789**

As Modified by Transfer No. 69056

In accordance with the approval of Transfer No. 69056, Water Right No. 47-16789 is now described as follows.

**Right Holder:** J & J DAIRY

C/O JOHN REITSMA  
738 CANYON RIM RD  
TWIN FALLS ID 83301

**Priority Date:** January 28, 1974

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| COMMERCIAL            | 01/01       | to 12/31  | 0.08 CFS              | 13.3 AF       |
| STOCKWATER            | 01/01       | to 12/31  | 0.08 CFS              | 13.3 AF       |
|                       |             |           | 0.08 CFS              | 13.3 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      SWSWSW      Sec. 14 Twp 11S Rge 17E TWIN FALLS County  
GROUND WATER      SWSWSW      Sec. 14 Twp 11S Rge 17E TWIN FALLS County

**PLACE OF USE:** COMMERCIAL, same as Stockwater

**PLACE OF USE:** STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 11S | 17E | 14  |    |    |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Commercial use is for a dairy located in the SW, S14, T11S, R17E.
2. The total instantaneous diversion of water from all points of diversion under Rights 47-12958, 47-16787 and 47-16789 shall not exceed 0.58 cfs, nor total combined annual volume of 62.8 af.
3. 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.
4. Use of water under this right may be affected by an agreement between the protestants and the right holder that provides the maximum number of cattle to be served under transfer 69056 is 1,000 milking cows and 220 dry cows, and provides the right holder shall engage in certain odor management practices specified in the agreement.
5. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

MICROFILMED

MAR 6 5 2003

**WATER RIGHT NO. 47-16789**  
**As Modified by Transfer No. 69056**

**CONDITIONS OF APPROVAL**

9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20<sup>th</sup> day of December, 2002

  
Chief, Water Allocation Bureau

MICROFILMED

MAR 26 2003

**WATER RIGHT NO. 47-16788**  
**As Modified by Transfer No. 69056**

In accordance with the approval of Transfer No. 69056, Water Right No. 47-16788 is now described as follows.

**Right Holder:** J & J DAIRY  
 C/O JOHN REITSMA  
 738 CANYON RIM RD  
 TWIN FALLS ID 83301

**Priority Date:** January 28, 1974

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 03/15 to    | 11/15     | 2.06 CFS              |
|                       |             |           | 2.06 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      SESWSE      Sec. 14 Twp 11S Rge 17E TWIN FALLS County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |    |      | NW |    |    |      | SW |    |    |      | SE  |    |      |      |        |      |      |       |
|-----|-----|-----|----|----|----|------|----|----|----|------|----|----|----|------|-----|----|------|------|--------|------|------|-------|
|     |     |     | NE | NW | SW | SE   | NE | NW | SW | SE   | NE | NW | SW | SE   | NE  | NW | SW   | SE   | Totals |      |      |       |
| 11S | 17E | 14  |    |    |    | 10.0 |    |    |    | 30.0 |    |    |    | 40.0 | 1.1 |    | 36.0 | 39.0 | 28.0   | 38.0 | 13.0 | 235.1 |

Total Acres: 235.1

**CONDITIONS OF APPROVAL**

1. Rights 47-16786 and 47-16788 when combined shall not exceed the irrigation of 253.6 acres.
2. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20<sup>th</sup> day of December, 2002

  
 Chief, Water Allocation Bureau

MICROFILMED

MAY 15 2003

**WATER RIGHT NO. 47-16787**  
**As Modified by Transfer No. 69056**

In accordance with the approval of Transfer No. 69056, Water Right No. 47-16787 is now described as follows.

**Right Holder:** J & J DAIRY

C/O JOHN REITSMA  
 738 CANYON RIM RD  
 TWIN FALLS ID 83301

**Priority Date:** June 29, 1959

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| STOCKWATER            | 01/01       | 12/31     | 0.30 CFS              | 38.9 AF       |
| COMMERCIAL            | 01/01       | 12/31     | 0.30 CFS              | 38.9 AF       |
|                       |             |           | 0.30 CFS              | 38.9 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                         |                   |
|--------------|--------|-------------------------|-------------------|
| GROUND WATER | SWSWSW | Sec. 14 Twp 11S Rge 17E | TWIN FALLS County |
| GROUND WATER | SWSWSW | Sec. 14 Twp 11S Rge 17E | TWIN FALLS County |

**PLACE OF USE:** STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 11S | 17E | 14  |    |    |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |        |

**PLACE OF USE:** COMMERCIAL, same as Stockwater

**CONDITIONS OF APPROVAL**

1. Commercial use is for a dairy located in the SW, S14, T11S, R17E.
2. The total instantaneous diversion of water from all points of diversion under Rights 47-12958, 47-16787 and 47-16789 shall not exceed 0.58 cfs, nor total combined annual volume of 62.8 af.
3. 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.
4. Use of water under this right may be affected by an agreement between the protestants and the right holder that provides the maximum number of cattle to be served under transfer 69056 is 1,000 milking cows and 220 dry cows and provides the right holder shall engage in certain odor management practices specified in the agreement.
5. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

MICROFILMED

MAR 16 2003

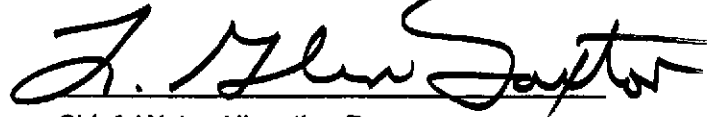
**WATER RIGHT NO. 47-16787**  
**As Modified by Transfer No. 69056**

**CONDITIONS OF APPROVAL**

9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20<sup>th</sup> day of December, 2002



Chief, Water Allocation Bureau

MICROFILMED

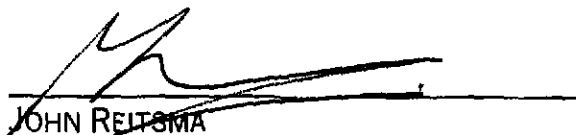
MAR 06 2003

POWER OF ATTORNEY

I, JOHN REITSMA, being one of the partners of J & J Dairy, an Idaho general partnership, do hereby appoint Charles G. Brockway, as my lawful attorney-in-fact to do any or all of the following:

- a) Execute any amendments to Water Right Transfer No. 69105 now pending before the Idaho Department of Water Resources;
- b) To execute any further and additional documents necessary to complete the water right transfer in accordance with the Settlement Agreement attached hereto as **EXHIBIT A**.
- c) To do any other acts necessary to carry into effect the provisions of the foregoing.

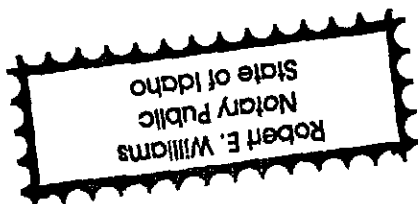
Dated: 1/13/03

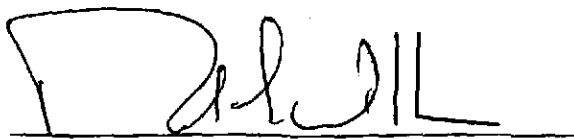
  
JOHN REITSMA

STATE OF IDAHO )  
                                  :SS  
County of Jerome )

On this 13<sup>th</sup> day of January, 2003, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JOHN REITSMA, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.



  
NOTARY PUBLIC for Idaho  
Residing at: Jerome  
Commission Expires: 1/27/05

MICROFILMED

MAR 06 2003

RECEIVED

JAN 16 2003

Department of Water Resources  
Southern Region

JAN 17 2003

RECEIVED



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

December 26, 2002

J & J DAIRY  
C/O JOHN REITSMA  
738 CANYON RIM RD  
TWIN FALLS ID 83301

RE: Transfer No.: 69105 - Water Rights 47-16786, 47-16788 Transfer Approval  
Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

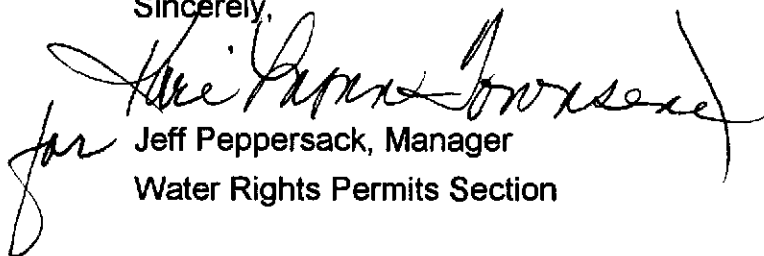
The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

  
for Jeff Peppersack, Manager  
Water Rights Permits Section

JP:klt

Enclosure(s)

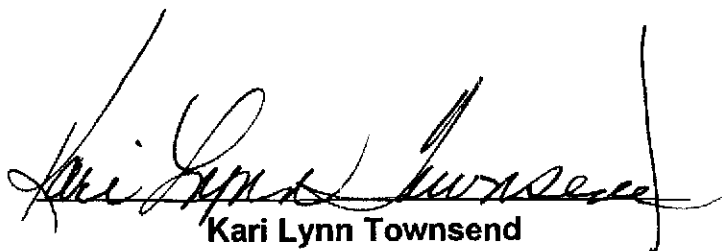
MICROFILMED  
MAR 6 5 2003

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 26, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 69105 - WATER RIGHTS 47-16786, 47-16788**

**J & J DAIRY  
C/O JOHN REITSMA  
738 CANYON RIM RD  
TWIN FALLS ID 83301**



**Kari Lynn Townsend  
Secretary**

MICROFILMED  
MAY 6 6 2003

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

**REQUEST FOR HEARING**

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

**ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

**CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED  
MAR 6 5 2003

### FINAL ORDER

The Director 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 Director 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.

## MEMORANDUM

**Date:** December 20, 2002  
**To:** Transfer 69105  
**From:** amerritt  
**Re:** evaluation and recommendation

---

Transfers 69056 and 69105 were initially filed by Harry DeHaan on the site of his dairy south of Twin Falls. T69056 was protested. During this process the site was sold to JandJ Dairy and the applications assigned to the new owners. Ultimately the protests were resolved by agreement limiting the size of the dairy to what exists currently and does not allow for expansion. As a result of the agreement the applications were amended to conform to the agreement.

Transfer 69056 deals with drying up acres on two ground water rights at the site and combining the water with an existing D and S right and associating the water with two existing wells used for the dairy and residence.

Transfer 69105 creates a PPU for the remaining ground water rights and associates these rights to the two existing irrigation wells. Note that the PPU is also supplied water from shares from the Salmon River Canal Co. (209.8 shares) Essentially the ground water rights are supplemental in nature to some extent on a portion of the property and primary to some extent on other portions.

Transfer 69056 initially proposed to dry up 33.9 acres of land providing 101.7 afa based on 3.0 afa CU/acre for the dairy needs. The land intended to be dried is covered by license 47-7242 and claim 47-4035 which partially overlap. The amendment reduces the land to be dried up to 17.4 acres. 8.9 acres of these dried up acres overlap with both rights.

### Authority to File:

Subject land was owned by Harry DeHaan but an assignment of application and deed are in the file conveying the land to JandJ Dairy (a partnership with John Reitsma and Jesus Hurtada as partners).

### Water Right Validity:

Validity of the rights involved: All rights involved have been claimed in the SRBA. Right 47-12958 has been partially decreed and the applicant agrees that the extent of use is 10.6 afa which appears reasonable. Right 47-7242 is licensed for 244 acres but review of the acres according to the tracts is somewhat questionable. Right 47-4035 is claimed for 80 acres but again all land claimed as irrigated is questionable. Review of historic photos finds that in 1977 there was approximately a total of 290 acres irrigated on the property. In 1987 there was approximately 213 acres irrigated. Field review on 12/12/2002 finds that much of the irrigated land appears to be weeds and not irrigated much. The file contains power records with an average use of approximately 276 afa used from ground water for irrigation in the years from 1993 to 1999. It is noted that the ground water use is highly variable during this period. The file also contains evidence of priority for 47-4035 to support the claim. Review of photos finds that historically no more than 68.7 acres have been watered. A portion of these acres overlap with 47-7242. Review of photos finds that no more than 271 acres would be covered by ground water based on review of the license and the acres claimed. The recommended PPU of 272.9 acres for T69105 was generated through arcview based on analysis of the 1987 photo and field review of the of 12/12/2002 taking into consideration the location of roads, parking areas, storage areas not able to be irrigated. This acreage total recognizes the maximum acres irrigated in 1977 from all sources less the 17.4 acres dried up.

MICROFILMED

MAR 6 8 2003

## MEMORANDUM

Injury to Other Water Rights:  
Does not appear to be an issue.

Enlargement of Use:  
Due to a portion of the irrigation rights being changed to stock and commercial needs and there is an element of supplemental nature to the ground water rights the shares of Salmon River Canal Co. (209.8 shares) needs to be retained on the farm so as to eliminate the potential to expand the ground water rights. The remaining ground water rights after 17.4 acres are dried up should be limited to 253.6 acres.

Local Public Interest:  
Twin Falls County has issued a CAFO permit which is attached to the agreement to resolve the protest.

Use/Conservation of Water Resources:  
No issue identified.

Review of the applications finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

The applications have been advertised and protested by Clear Springs. Negotiations continue regarding withdrawal of the protest.

Other issues: Well sites were GPSed and are what is associated with the rights in SDE.

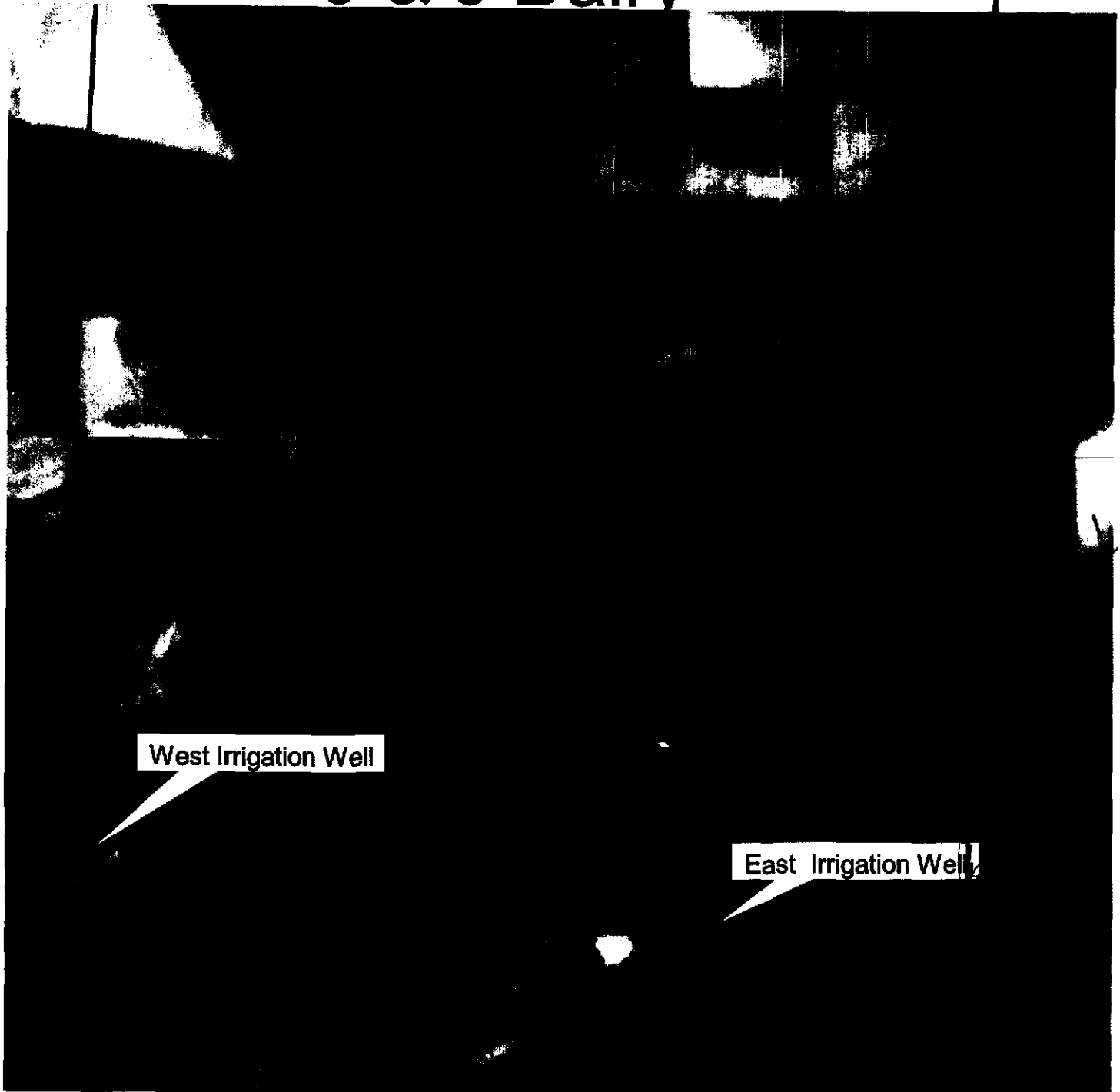
MICROFILMED  
MAR 06 2003

T69105  
J & J Dairy

RECEIVED

DEC 20 2002

Department of Water Resources



272.9  
Total Acres in PPU = ~~293.2~~  
Ground water use limited to  
supplement 253.6 acres.  
PPU also has shares in SRCC

MICROFILMED

MAR 06 2003

AD-  
12/04/02

T69056  
J & J Dairy  
1977 Irrigation



Total Acres Irrigated = 298.5

MICROFILMED

MAR 06 2003

AD-  
12/12/02



7/2/02

Met with Rob Williams and asked how they wanted to put down the application to fulfill the agreement. Brockway Jr. was called.

- Reitsma will give power of attorney to Brockway Jr. - Williams will prepare.
- Brockway will amend the application.

MICROFILMED

MAR 9 6 2003

✓ # 69/05

Harry Lee Haan

47-04035-07242

[illegible]

## IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Harvey H. Haan

TRANSFER NO.

69105

1. Right number(s)

47-04035-07242

2. Type of right

☐ 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: Create PPU

4. Check Existing Right:

☒ 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

Comments:

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

Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: Requests expansion of historic place of use 210.3 acres

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): SRCC share  
Both in transfer, Also has full TPCC shares

j. ☒ 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)  
Place of use & flow rate for west well

k. ☒ Comment letters \_\_\_\_\_ Yes ☒ No  
 If yes \_\_\_\_\_ Water District #  
 \_\_\_\_\_ Lienholder, others, see #2  
 \_\_\_\_\_ below for name and address

INITIAL ALLOCATION REVIEW BY JP Johnston DATE 5-3-01  
 SRBA SUPERVISOR REVIEW BY \_\_\_\_\_ DATE \_\_\_\_\_  
 PUBLICATION REVIEW BY \_\_\_\_\_ DATE \_\_\_\_\_

1. Legal Notice electronically sent to DWRO3::VAULT \_\_\_\_\_ Yes  
 2. COMMENT LETTERS Copy of Pg 1 to AJ ☒ Yes 6/18/01

Watermaster recommendation requested on \_\_\_\_\_, Received on \_\_\_\_\_

Other comments letters - send to the following name(s) & address(es):  
 \_\_\_\_\_

3. Transfer published correctly? ☒ Yes ☐ No  
 4. Affidavit of publication received? ☒ Yes ☒ No  
 5. Protests received? ☒ Yes ☒ No; Acknowledgement sent? ☐ Yes  
 6. Copies made for Region file (see attached supplemental page)? ☐ Yes

# RECOMMENDED ACTION

1. ☒ Approve  
 2. ☐ Deny due to \_\_\_\_\_

3. Conditions (special conditions in Water Districts) \_\_\_\_\_

See workflow memo  
Also see attached memo for recommendation dated:  
 4. By AD Date 12/19/02



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 11, 2002

ROBERT E. WILLIAMS  
FREDERICKSEN WILLIAMS & MESERVY  
PO BOX 168  
JEROME ID 83338

Re: Protested Application for Transfer No. 69056 and Companion Application for Transfer No. 69105 – J & J Dairy

Dear Mr. Williams:

This office acknowledges receipt of the Settlement Agreement regarding protested Application for Transfer No. 69056.

Since the issue of the protest has been resolved, the Department is now prepared to proceed with the normal processing of both applications which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the applications without further contact with the protestants unless information is requested; they have been so informed by copy of this letter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

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

Very truly yours,

Allen D. Merritt, P.E.  
Southern Region Manager

AM:mb

Cc:  
BILL CHISHOLM  
19073 E HWY 30  
BUHL ID 83316

CHARLES G BROCKWAY  
BROCKWAY ENGINEERING  
2016 NORTH WASHINGTON ST-STE 4  
TWIN FALLS ID 83301

BUCK BLANKENSHIP &  
MAXINE BLANKENSHIP  
3127 E 3200 N  
TWIN FALLS ID 83301

J & J DAIRY  
C/O JOHN REITSMA  
738 CANYON RIM RD  
TWIN FALLS ID 83301

RECEIVED  
JUN 13 2002

**FREDERICKSEN, WILLIAMS & MESERVY**

**ATTORNEYS AT LAW**

117 South Adams Street  
Post Office Box 168  
Jerome, Idaho 83338-0168

EUGENE D. FREDERICKSEN  
ROBERT E. WILLIAMS  
JAMES C. MESERVY

JOHN B. LOTHSPICH, ASSOCIATE



TELEPHONE: (208) 324-2303  
TELECOPIER: (208) 324-3135  
E-MAIL FWMATTYS@NORTHRIM.NET

December 12, 2001

RECEIVED  
DEC 14 2001  
Department of Water Resources  
Southern Region

Allen Merritt  
Idaho Department of Water Resources  
1341 Fillmore St Suite 200  
Twin Falls, ID 83301

*Re: Transfers No. 69056 and 69105*

Dear Allen:

Enclosed is an original Assignment, executed by Harry DeHaan to J & J Dairy, transferring his interest therein to my clients. I am also enclosing a copy of the last Deed of Record for the real property which was recorded in 1997. Prior to 1997, the real property was owned by South Hills Dairy, a Partnership, among Harry DeHaan and Susan DeHaan and J&J Dairy. In 1997, the partnership was dissolved and the DeHaans conveyed their interest in the real property to J&J Dairy.

Please call me or correspond to confirm this assignment is now reflected in the Department's records. If you have any questions, please call me.

Very truly yours,

FREDERICKSEN, WILLIAMS & MESERVY

ROBERT E. WILLIAMS

2.  
01/19/01  
7:00 PM  
168  
Adams  
Jerome

REW/bsb  
cc: Client  
C:\bsb\Docs\Data\Reitsma - J & Amerritt 12 10 01.wpd

MICROFILMED  
MAR 16 2003

RECEIVED

AUG 27 2001

Department of Water Resources  
Southern Region

**ROBERT E. WILLIAMS**

IDAHO STATE BAR NO. 1693

**FREDERICKSEN, WILLIAMS & MESERVY**

Attorneys at Law

117 South Adams Street

P. O. Box 168

Jerome, Idaho 83338

Telephone: (208) 324-2303

Facsimile: (208) 324-3135

Attorneys for Applicant

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR TRANSFER NO. 69105 )

Harry DeHaan,

Applicant

) SOURCE: Groundwater

) COUNTY: Twin Falls

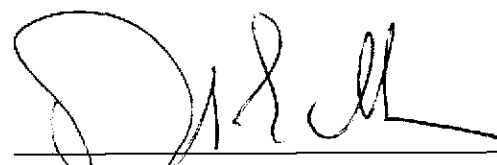
) NOTICE OF APPEARANCE

ROBERT E. WILLIAMS, of the law firm FREDERICKSEN, WILLIAMS & MESERVY, gives notice of his appearance as counsel of record for Harry DeHaan, Applicant, in the above action.

All papers in said cause are to be served on said counsel at the address above.

DATED this 24 day of August, 2001.

FREDERICKSEN, WILLIAMS & MESERVY



ROBERT E. WILLIAMS

Attorney for Applicant

MICROFILMED

AUG 28 2001

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this date I caused a true and correct copy of the foregoing instrument to be served upon the following at the address and in the manner indicated below:

IDWR Director  
PO Box 83720  
Boise, ID 83720-0099

L. Glen Saxton  
Idaho Department of Water Resources  
PO Box 83720  
Boise, Idaho 83720-0098

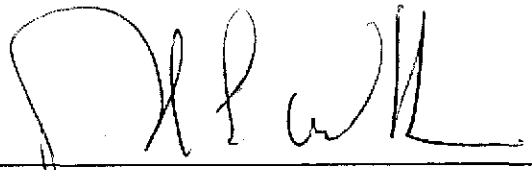
Idaho Department of Water Resources  
1341 Fillmore St Suite 200  
Twin Falls, ID 83301

  x   By depositing copies of the same in the United States mail, postage prepaid, at the post office at Jerome, Idaho.

       By hand delivering copies of the same to said person at \_\_\_\_\_.

       By telecopying copies of same to said person at telecopier number \_\_\_\_\_, and by then mailing copies of same in the United States mail, postage prepaid, at the post office at Jerome, Idaho.

DATED: 8/24, 2001

  
\_\_\_\_\_  
ROBERT E. WILLIAMS

MICROFILMED

MAR 23 2003

RECEIVED

JUL 13 2001

Department of Water Resources  
Southern Region

42951

**Affidavit of Publication**

STATE OF IDAHO  
COUNTY OF TWIN FALLS } SS.

I, Ruby Aydenheide being first duly sworn upon oath, depose  
and say that I am principal clerk of the TIMES-NEWS, published daily at  
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping  
attached, was published in the regular and entire issue of said newspaper, and not in any supplement  
thereof, for two consecutive weeks,  
commencing with the issue dated June 21, 20 01,  
and ending with the issue dated June 28, 20 01.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho  
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily  
except Monday, both of which newspapers prior to consolidation had been published under said names in said city and  
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-  
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at  
which time said newspaper began daily publication under said name in said city and county continuously and unin-  
terruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated  
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to  
be issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO  
COUNTY OF TWIN FALLS

On this 12<sup>th</sup> day of July in the year 2001, before me,  
a Notary Public, personally appeared Ruby Aydenheide,  
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 executed the same.

LINDA CAPPS-McGUIRE  
NOTARY PUBLIC  
STATE OF IDAHO

Linda Capps-McGuire  
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5-17-03

MICROFILMED

MAR 6 8 2003

RECEIVED

JUL 13 2001

Department of Water Resources  
Southern Region

42951

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STATE OF IDAHO  
COUNTY OF TWIN FALLS } SS.

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thereof, for two consecutive weeks,  
commencing with the issue dated June 21, 20 01,  
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LINDA CAPPS-McGUIRE  
NOTARY PUBLIC  
STATE OF IDAHO

Linda Capps McGuire  
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5-19-03

MICROFILMED

MAR 6 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

HARRY DE HAAN, 3200 N 3104 TWIN FALLS ID 83301, has filed Applications No. 69056 and 69105 for changes to the following Water Rights recorded within S14 T11S R17E, TWIN FALLS County:

Right No. 47-12958

Priority: 12/31/1945

Source: GROUND WATER

Use: DOMESTIC 0.20 CFS  
STOCKWATER

Total Amount: 0.20 CFS

Point(s) of Diversion: SWSWSW S14 T11S R17E

Right No. 47-4035

Priority: 6/29/1959

Source: GROUND WATER

Use: STOCKWATER 1.20 CFS  
IRRIGATION (80 acres)

Total Amount: 1.20 CFS

Point(s) of Diversion: SWSWSW S14 T11S R17E

Right No. 47-7242

Priority: 1/28/1974

Source: GROUND WATER

Use: IRRIGATION (244 acres) 2.14 CFS/976.0 AFA

Total Amount: 2.14 CFS 976.0 AFA

Point(s) of Diversion: SWSE S14 T11S R17E

The purpose of transfer 69056 is to dry up 33.9 irrigated acres and use the water for uses associated with expansion of an existing dairy. The rights are to be diverted from two existing wells within SWSW S14 T11S R17E and used within S14 T11S R17E as follows:

Proposed Right No. 47-12958

Priority: 12/31/1945

Use: DOMESTIC 0.04 CFS/1.2 AFA  
STOCKWATER 0.20 CFS/9.4 AFA

Total Amount: 0.20 CFS/10.6 AFA

Proposed Right No. 47-16787 (split from Parent Right No. 47-4035)

Priority: 6/29/1959

Use: STOCKWATER & COMMERCIAL 0.62 cfs/101.6 afa

Proposed Right No. 47-16789 (split from Parent Right No. 47-7242 )

Priority: 1/28/1974

Use: STOCKWATER & COMMERCIAL 0.12 cfs/40.5 afa  
When all rights are combined at the dairy they are limited to 0.94 CFS and 111.0 AFA. Waste water from dairy will be land applied on irrigated acres described below. The purpose of transfer 69105 is to combine the remaining unchanged irrigation rights into a permissible place of use of 280 acres within S14 T11S R17E limited to irrigation of 236.1 acres in any one year. The water will be diverted from the two existing irrigation wells within SWSWSE and SWSWSW S14 T11S R17E. Water will be commingled with Salmon River Canal Co. shares.

Proposed Right No. 47-4035 Part

Priority: 6/29/1959

Use: IRRIGATION (280 acres) 0.69 CFS

Proposed Right No. 47-7242 Part

Priority: 1/28/1974

Use: IRRIGATION 280 acres (1.99 CFS)

When these irrigation rights are combined they are limited to 2.68 CFS. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before July 09, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

MICROFILMED

MAR 15 2003

|                                                                                                |                            |                                        |                              |
|------------------------------------------------------------------------------------------------|----------------------------|----------------------------------------|------------------------------|
| REMITTANCE ADDRESS<br><b>THE TIMES-NEWS - LEGAL</b><br>P.O. BOX 548, TWIN FALLS, ID 83303-0548 |                            | BILL TO<br><b>DEPT WATER RESOURCES</b> |                              |
| AD NUMBER<br><b>312156</b>                                                                     | CLASS<br><b>0050 LEGAL</b> | SALESPERSON<br><b>5</b>                | LINES<br><b>0</b>            |
| AD DESCRIPTION<br><b>WATER RIGHT HARRY DEHAAN, T#69056, #69105</b>                             |                            | BILLING DATE<br><b>06/28/01</b>        | STOP DATE<br><b>06/28/01</b> |
| PUBLICATION<br><b>4 THE TIMES NEWS LEGAL</b>                                                   | INSERTIONS<br><b>2</b>     | START DATE<br><b>06/21/01</b>          | STOP DATE<br><b>06/28/01</b> |
| FLAT CHARGE                                                                                    |                            | RATE<br><b>LGL</b>                     | NET AMOUNT<br><b>94.76</b>   |
| TOTAL AD CHARGE                                                                                |                            | <b>FC</b>                              | <b>94.76</b>                 |
| DAYS RUN                                                                                       |                            |                                        |                              |
| PURCHASE ORDER<br><b>legal</b>                                                                 |                            | <b>PAY THIS AMOUNT</b>                 |                              |
|                                                                                                |                            | <b>94.76</b>                           | <b>94.76*</b>                |

MESSAGE:

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Priority: 6/29/1959

Source: GROUND WATER

Use: STOCKWATER 1.20 CFS  
IRRIGATION (80 acres)

Total Amount: 1.20 CFS

Point(s) of Diversion: SWSWSW S14 T11S R17E

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Priority: 1/28/1974

Source: GROUND WATER

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Use: DOMESTIC 0.04 CFS/1.2 AFA  
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KARL J DREHER, Director

Published in the Times News on 6/21 & 6/28/01.

MICROFILMED

MADE BY A. J. JENSEN

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Use: DOMESTIC 0.04 CFS/1.2 AFA  
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KARL J DREHER, Director

Published in the Times News on 6/21 & 6/28/01.

MICROFILMED  
MAY 16 2002



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 18, 2001

ATTN LEGALS DEPT  
TIMES NEWS  
PO BOX 548  
TWIN FALLS ID 83303-0548

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

**If you cannot publish the notice on the proposed dates, please contact us immediately.**

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin  
Administrative Assistant

Enclosure

MICROFILM

2001 JUN 18 2001



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 19, 2001

CHARLES G BROCKWAY  
BROCKWAY ENGINEERING  
2016 NORTH WASHINGTON ST-STE 4  
TWIN FALLS ID 83301

Re: Applications for Transfer Nos. 69056 & 69105-Harry DeHaan

Dear Mr. Brockway:

The Department of Water Resources acknowledges receipt of the Application for Transfer on behalf of Mr. DeHaan. Please refer to the above referenced numbers in all future correspondence regarding these applications. For informational purposes, the front page of each numbered application is enclosed.

This office has scheduled advertising the application in the Times News for 6/21 & 6/28/01. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests (July 9, 2001).

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

Please be advised that evidence of ownership of the land to which the water is appurtenant such as copies of deeds, tax records, etc. and a notarized statement from any lien holder on the property agreeing to the proposed change must be on file prior to completion of the Regional Review.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

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

Sincerely,

Mary A. Baldwin  
Administrative Assistant

cc:  
HARRY DE HAAN  
3200 N 3104 E  
TWIN FALLS ID 83301

MICROFILMED

JUN 26 2001

## **Merritt, Allen**

---

**From:** Young, Norm  
**Sent:** Saturday, April 14, 2001 10:25 AM  
**To:** Stanton, Jim  
**Cc:** Merritt, Allen  
**Subject:** RE: Allen's Message From Yesterday RE: Brockway Jr Dairy Question

Jim and Allen: I had another conversation with Brockway, Sr. on this matter again yesterday. I'm not sure that I fully understand this issue, and could not give him any other answer than you have given without more review and coordination with you. However, I also told him that ultimately the applicant had the right to submit and have processed a filing (assuming it is complete) to get an official answer from IDWR which he or she can appeal. He may be approaching you to get on with processing. Norm

MICROFILMED

MAR 16 2002

**Stanton, Jim**

---

**From:** Stanton, Jim  
**Sent:** Thursday, March 01, 2001 8:39 AM  
**To:** Young, Norm  
**Cc:** Stanton, Jim; Merritt, Allen  
**Subject:** Allen's Message From Yesterday RE: Brockway Jr Dairy Question

I think a little clarification is needed regarding this situation. DeHaan actually filed two transfers on his property. One would dry up about 33 acres for the dairy, while the second transfer proposes to create a PPU for all of his remaining property (including the two large gray areas on the NAPP photo that have probably never been irrigated). So even if we require that they specify which land is being dried up on the dairy transfer, the second transfer would add it right back into the PPU. I can understand why Brockway disagrees with what Allen & I have told him, as it doesn't appear to be logical when both transfers are considered together. I also disagree with Brockway's concept of a PPU as being every acre that somebody owns. They keep trying to push the limits of common sense on this issue, and I think we need to set some rules. There is one share of canal water for every acre that I found to be historically irrigated on this farm, and the wells have historically provided a supplemental water supply to these same acres. If we allow the PPU envisioned by Brockway, groundwater would become a primary water source on the historically-dry acres; this would appear to constitute an illegal expansion. DeHaan did tell Brockway that he irrigated the dry areas a couple of times during the last 10 years, but I saw no evidence of growing vegetation during the 1995-2000 seasons. I hope you find this information useful. Thanks.

MICROFILMED

MAR 8 2001  
1

T69105

**Stanton, Jim**

---

**From:** Merritt, Allen  
**Sent:** Wednesday, February 28, 2001 10:25 AM  
**To:** Young, Norm  
**Cc:** Stanton, Jim  
**Subject:** Brockway Jr. question about dairy PPU

Attached is a map of the lands historically irrigated as reviewed by Jim with well water and Salmon Falls shares (approx. 211 acres according to Jim's analysis and 270 acres according Brockway). The old licenses and BU claim on their face could be interpreted to total 276 acres with shares totaling approximately 210 shares.

Jim's review finds that they need to dry up 34 acres worth of ground water for the dairy. They have pumped approximately 128 afa from two wells on the 5 year average. In this situation the power records show substantial use in 1995 and 1999 with minimal use in 1996 through 1998. They wish to convert 101 afa to dairy needs. They have identified 11 acres thus far out of the 291 acres owned that will be covered by the dairy. They propose to place the remaining ground water rights into a 280 acre PPU with the canal shares( See attached map).

We calculate that the remaining historical use after dairy conversion would be around 177 acres Vs Brockway's 237 acres.

Issues again appear to be:

What is the extent of BU....211 Vs 270 acres.

What volume to allow....average (128 afa) during last 5 years, high year (428 afa for 1995) or pick and choose high year for each well ( 401 afa in 1993 for one well and 109 afa in 1996 for other well with total of 510 afa).

Is a PPU with mixed canal shares and supplemental ground water with more acres than have historically been irrigated a wise way to record the rights or should the PPU be limited to actual allowable acres?



dehoanbefore.jpg



Dehoan.JPG

If we need to look at this differently let us know.

MICROFILMED

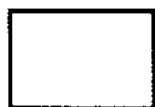
MAR 12 2003

T69105

By  
2-

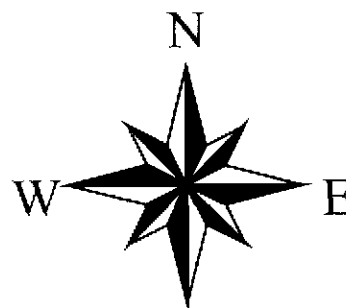
# HISTORIC P/U - HARRY DEHAAN PROPERTY

Sec. 14 T. 11S R. 17E



Land Irrigated During Last 5 Seasons

Prepared By J E Stanton  
2-10-2000



MICROFILMS

MAR 16 2000

T69105



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

January 11, 2001

Brockway Engineering  
ATTN: Charles G Brockway PE  
2016 N Washington Suite 4  
Twin Falls, ID  
83301

RE: Apps. For Transfer, Harry DeHaan; Your Letter of 12-21-00

Dear Chuck;

I have reviewed your letter and related data with Allen. We both agree that it is necessary for the application to specify exactly what land will be taken out of production to provide water for this dairy. The map that you submitted with the application appears to dry up about 11 acres, which is well short of what is required. About 1 acre of this is under the east well, so that water right appears to have little to do with this transfer (at least so far).

I have to question the flow and volume figures that you submitted for the west well. Based on the theoretical capacity of 528 gpm, this well would apply 2" per acre for the 32.3 acres that it has historically irrigated. Since this is double the standard rate and up to triple the usual application rate, it is unclear how this much water could be beneficially used on this much land. If the rate cannot be justified, then the volume figures based on this rate also cannot be justified. I was told by Mr. DeHaan's employee that the two wells are connected, but that they have been historically used separately; if you have other information, please provide it.

There seems to be a difference of opinion on what land was historically irrigated on this farm. I previously sent you of GIS map showing what I found during my field visit, which is essentially the same as what the 1987 base photo shows. Unless you can provide convincing evidence to the contrary, I have to believe that the base photo is correct.

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MAR 30 2001

T69105

Regards,

James E. Stanton  
Sr. Water Resource Agent

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SEP 8 1977



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 21, 2000

Mr. James Stanton  
Idaho Department of Water Resources  
1341 Fillmore Street, Suite 200  
Twin Falls, ID 83301

Re: H. DeHaan transfers  
Project No. 079-01-2000

*Original in  
T69056*

Dear Jim:

As you know, there are still some outstanding issues regarding these transfers. I will attempt to address your questions as outlined in our previous meetings and in your last letter.

**1. West well capacity and system.**

This well has historically irrigated lands in the NWSW and SWSW Section 14 using hand lines. More recently, the west well and the east irrigation well have been tied together so that water can be delivered anywhere from either well. This is one of the reasons for creating a PPU with these transfers.

The capacity of this well is estimated to be 540 gpm, according to information provided by Layne Pumps, with a pumping level of approximately 200 feet. The volume delivered from this well (i.e. the volume available for transfer) has not been measured, but can be estimated using power records by utilizing pump efficiency from the performance curve and an estimate of the total dynamic head delivered by the pump. Please see the attached power record tabulation and the volume withdrawal analysis. The maximum volume withdrawn from 1993 through 1999 was 109.6 ac-ft in 1996.

**2. East well capacity and system.**

The east well is the larger irrigation well on the property and can deliver approximately 830 gpm, according to a pump test conducted by G. J. Vertiline Pump Co. An estimate of total volume was made for this well using the same methodology as used for the west well. The maximum volume withdrawn from 1993 through 1999 was 401.0 ac-ft in 1995.

**2. Area already dried up or that will be dried up.**

CHARLES E.  
BROCKWAY,  
Ph.D., P.E.

CHARLES G.  
BROCKWAY,  
Ph.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

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DEC 28 2000

**T69105**

The original aerial photo analysis for the transfer indicated that within the NWSW and SWSW Sec. 14, 17.9 acres have been dried up compared to historical irrigation. A map was submitted with the transfer applications that clearly shows the existing dairy facility area. An additional 16.0 acres will be dried up in the NWSW. You requested that I draw exactly where the dried up acres will be. Unfortunately, it is not known where the expanded facility will be, or which acres will specifically be dried up. Please recall that this transfer package will create a permissible place of use, within which a certain number of acres will be allowed based on historically-justifiable acres minus the areas removed from irrigation. With this structure, the "dried up" acres could be anywhere on the property, and could be different each year.

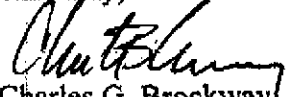
To my knowledge, the small pasture in the SW corner of Sec. 14 will continue to be irrigated.

### 3. Volume required for the dairy.

The total volume of 111 ac-ft was determined using Brockway Engineering's dairy water use worksheet, plus a 10% overage. A copy of this worksheet is enclosed.

Hopefully, this helps answer your questions. Please let me know if you need anything further.

Sincerely,

  
Charles G. Brockway P.E.

Cc: Rob Williams, Atty.  
Enc: Power record tabulation  
Pump performance curves  
Well and pump information from G. J. Vertiline  
Well volume analysis  
LCO Water Usage Worksheet

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1987-08-20

## Estimate of Well Withdrawal Volume

Brockway Engineering, PLLC  
C. G. Brockway, P.E.

20-Dec-00

### Well: DeHaan - East Irrigation Well

A power consumption coefficient (PCC) has not been developed for this well.  
Use pumping water level and efficiency to develop theoretical PCC.

|              |                                           |              |                                             |
|--------------|-------------------------------------------|--------------|---------------------------------------------|
| Motor HP:    | 125                                       | Access port: | Yes, probe will not descend below 120 feet. |
| Pump make:   | Wintroath                                 |              |                                             |
| Pump model:  | 10RH 11-stage, new 1976, refurbished 1997 |              |                                             |
| Design flow: | 900 gpm                                   |              |                                             |
| Design head: | 420 feet                                  |              |                                             |

|                          |                     |
|--------------------------|---------------------|
| SWL                      | 156 ft - June 1997  |
| Pumping level:           | 280 feet            |
| Total well depth:        | 455 feet            |
| Discharge pressure:      | 60 psi              |
| Discharge line diameter: | 10 inches           |
| Pump efficiency          | 79% from pump curve |
| Electrical efficiency    | 95%                 |

|                          |                   |         |
|--------------------------|-------------------|---------|
| Theoretical Q:           | 1.98 cfs =        | 887 gpm |
| Discharge line velocity: | 3.62 ft/s         |         |
| TDH:                     | 418.6 feet        |         |
| Theoretical PCC:         | 570.8 KWH / ac-ft |         |

| Season                | KWH     | Vol (ac-ft) |
|-----------------------|---------|-------------|
| 1993                  | 53520   | 93.8        |
| 1994                  | 157880  | 276.6       |
| 1995                  | 228880  | 401.0       |
| 1996                  | No recs | No recs     |
| 1997                  | 133840  | 234.5       |
| 1998                  | 53200   | 93.2        |
| 1999                  | 31840   | 55.8        |
| Peak Volume 1993-1999 | 401.0   | ac-ft       |

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DEC 22 2004

## Estimate of Well Withdrawal Volume

Brockway Engineering, PLLC  
C. G. Brockway, P.E.

**Well:** DeHaan - West Irrigation Well

A power consumption coefficient (PCC) has not been developed for this well.  
Use pumping water level and efficiency to develop theoretical PCC.

Motor HP: 60 Access port: None  
Pump make: Layne & Bowler  
Pump model: 8FHM 17-stage - new 1975, refurbished 1990  
Design flow: 540 gpm  
Design head: 330 feet

SWL: 155 feet - June 1990  
Pumping level: 200 feet  
Total well depth: 475  
Discharge pressure: 60 psi  
Discharge line diameter: 6 inches  
Pump efficiency: 79.3%  
Electrical efficiency: 95.0%

Theoretical Q: 1.18 cfs = 528 gpm  
Discharge line velocity: 6.00 ft/s  
TDH: 339.0 feet  
Theoretical PCC: 460.8 KWH / ac-ft

| Season                       | KWH          | Vol (ac-ft)  |
|------------------------------|--------------|--------------|
| 1993                         | 30888        | 67.0         |
| 1994                         | 18033        | 39.1         |
| 1995                         | 50227        | 109.0        |
| 1996                         | 50500        | 109.6        |
| 1997                         | 36201        | 78.6         |
| 1998                         | 39722        | 86.2         |
| 1999                         | 42424        | 92.1         |
| <b>Peak Volume 1993-1999</b> | <b>109.6</b> | <b>ac-ft</b> |

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**G.J. VERTI-LINE PUMPS, INC.**

1970 Highland Ave. East - P.O. Box 892

Twin Falls, Idaho 83303

Fax (208) 733-5009

Phone (208) 733-4278

12/20/2000

Chuck Brockway  
Fax: 738-8506

Subject: Harry DeHaan Wells

The following is the information on the two wells that we have worked on for Mr. DeHaan or Jim Griffith.

**125 HP Winthroath Pump**

Bowls: 11 stage 10 RH bowl assembly - new April 1976  
Bowls rebushed and wear ringed in 1997  
Design: 900 GPM at 420 ft. head  
Setting: 440 ft. of 8 x 2 1/2 x 1 1/2 plus bowls and suction  
Static Water Level: 156 ft. - 6-97  
Well Depth: 495 ft.

**60 HP Layne & Bowler Pump #26445**

Bowls: 17 stage 8 FHM bowl assembly - new 1975  
Bowls rebushed and wear ringed in 1990  
Design: 540 GPM at 330 ft. head  
Setting: 460 ft. of 6 x 2 x 1 3/16 plus bowls and suction  
Static Water Level: 155 ft. - 6-90  
Well Depth: 475 ft.

We are also including the bowl curves for your information.  
If you have any questions, please give me a call

Best Regards

G. J. Verti-Line Pumps, Inc.

Eric Staley  
Assistant Manager

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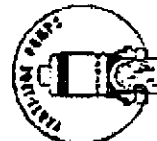
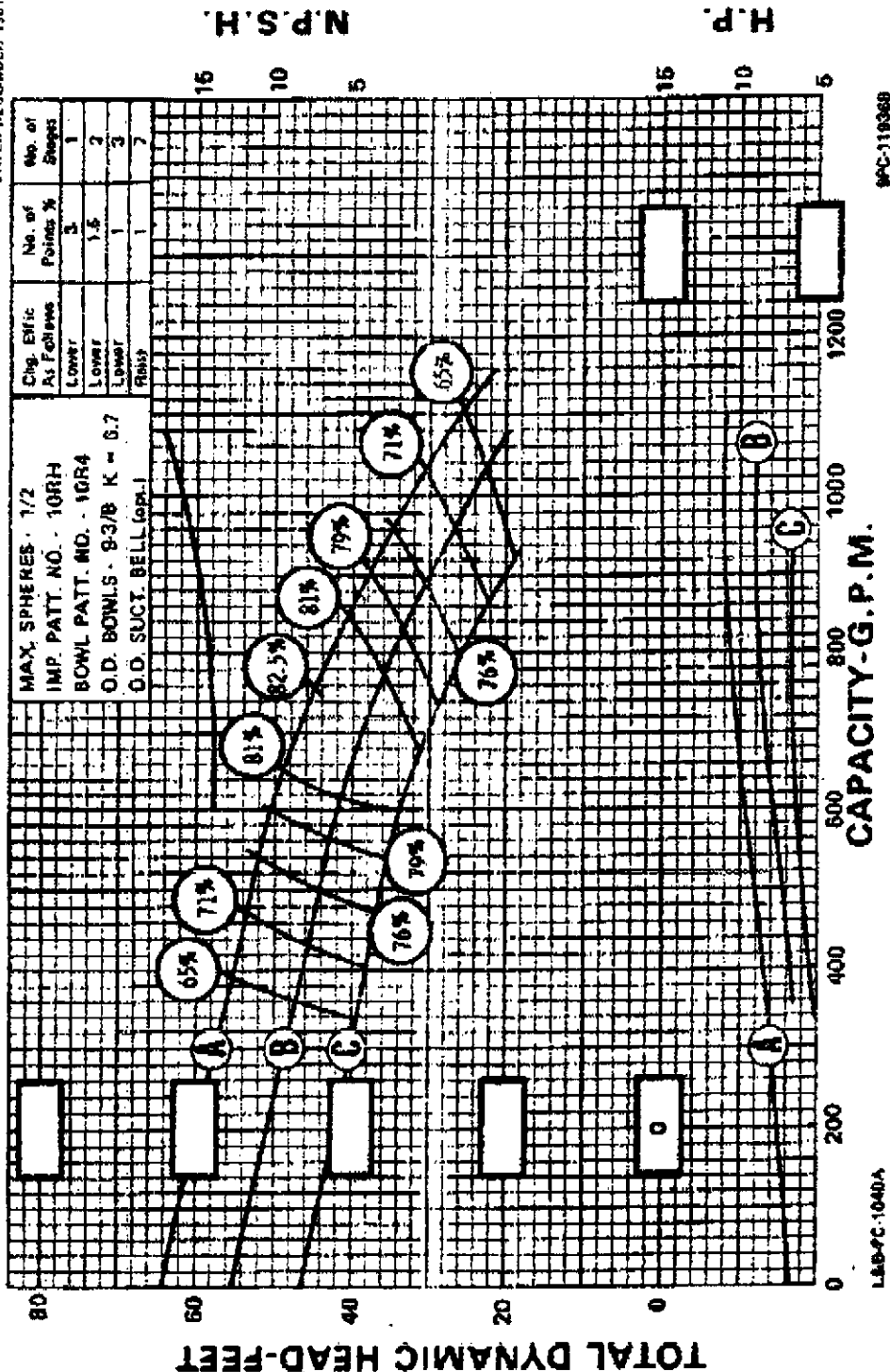
DEC 29 2000

East well

# 10RH SERIES 1110 Verfi-Line PUMP

SECTION 1110 PAGE 433  
DATED MARCH 1988  
SUPERSEDES PAGE 535  
DATED DECEMBER 1981

FROM : G. J. VERTI-LINE PUMPS, INC. FAX NO. : 208-733-5839 Dec. 28 2000 05:13PM P2



G. J. VERTI-LINE PUMPS, INC.  
1970 MIDLAND AVE. E.  
P.O. BOX 892  
TWIN FALLS, ID 83301  
(208)-733-4278

A = 7.760  
B = 7.375  
C = 7.000

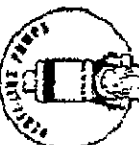
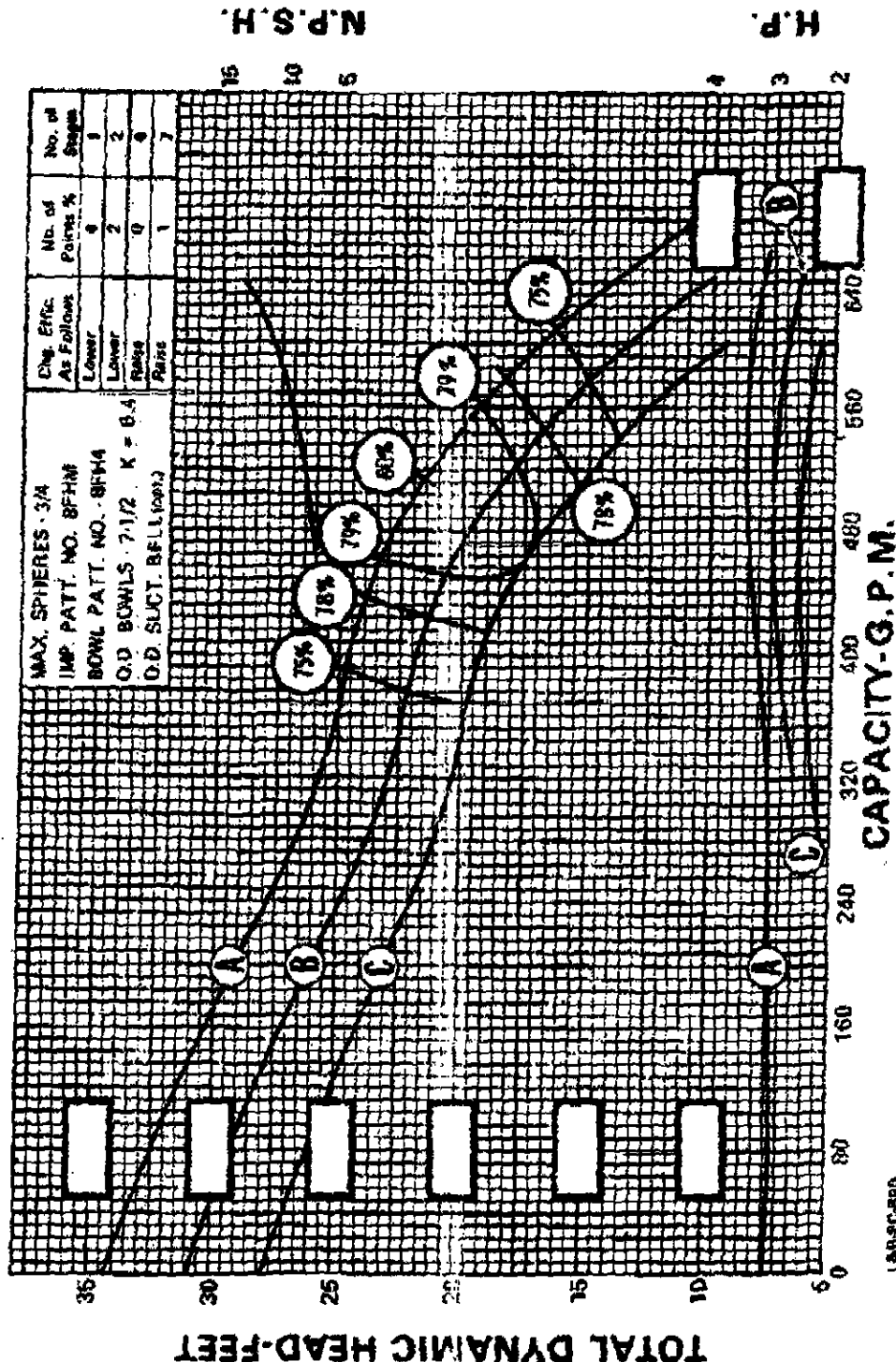
RECEIVED  
MARCH 1988

Well well

# SECTION 1110 PAGE 422 DATED MARCH 1988 SUPERSEDES PAGE 512 DATED DECEMBER 1981

8FHM SERIES 1110  
 Veri-Line PUMP

1750  
 R.P.M.



④ = 8.313  
 ⑤ = 8.125  
 ⑥ = 8.000

3. J. VERTI-LINE PUMPS, INC.  
 1976 HIGHLAND AVE. E.  
 P.O. BOX 892  
 TWIN FALLS, ID 83301  
 (208) 733-4278

**HARRY DEHAAN IRRIGATION AND DAIRY WELLS  
POWER RECORDS FROM IDAHO POWER COMPANY**

[illegible]

| Date     | Meter #578337W<br>WEST IRRIGATION WELL |          |     | Meter #0162642TA<br>WEST IRRIGATION WELL |          |  | Meter #5760090W<br>EAST IRRIGATION WELL |          |  | Meter #40151409G<br>Well west of 3100E |          |  | Meter #91326290G<br>Dom/Dairy Well - West |          |  | Meter #02730337A<br>Well west of 3100E |          |  | Meter #27414545<br>Daily Well - East |          |  |
|----------|----------------------------------------|----------|-----|------------------------------------------|----------|--|-----------------------------------------|----------|--|----------------------------------------|----------|--|-------------------------------------------|----------|--|----------------------------------------|----------|--|--------------------------------------|----------|--|
|          | KWH                                    | Bill Amt |     | KWH                                      | Bill Amt |  | KWH                                     | Bill Amt |  | KWH                                    | Bill Amt |  | KWH                                       | Bill Amt |  | KWH                                    | Bill Amt |  | KWH                                  | Bill Amt |  |
| 1/28/00  |                                        |          | 0   | \$2.50                                   |          |  |                                         |          |  |                                        |          |  | 2211                                      | \$108.76 |  | 0                                      | \$2.50   |  | 3019                                 | \$181.63 |  |
| 2/29/00  |                                        |          | 0   | \$2.50                                   |          |  |                                         |          |  |                                        |          |  | 2856                                      | \$98.47  |  | 0                                      | \$2.50   |  | 6114                                 | \$240.85 |  |
| 3/29/00  |                                        |          | 0   | \$2.50                                   |          |  |                                         |          |  |                                        |          |  | 1824                                      | \$78.16  |  | 0                                      | \$2.50   |  | 4770                                 | \$221.46 |  |
| 4/27/00  |                                        |          | 0   | \$7.50                                   |          |  |                                         |          |  |                                        |          |  | 1488                                      | \$72.73  |  | 0                                      | \$2.50   |  | 4347                                 | \$212.49 |  |
| 5/28/00  |                                        |          | 0   | \$10.07                                  |          |  |                                         |          |  |                                        |          |  | 1402                                      | \$70.24  |  | 0                                      | \$10.07  |  | 4768                                 | \$241.76 |  |
| 6/27/00  |                                        |          | 143 | \$177.56                                 |          |  |                                         |          |  |                                        |          |  | 1775                                      | \$81.56  |  | 1400                                   | \$201.14 |  | 4266                                 | \$216.07 |  |
| 7/27/00  |                                        |          | 562 | \$183.96                                 |          |  |                                         |          |  |                                        |          |  | 1876                                      | \$84.55  |  | 890                                    | \$288.01 |  |                                      |          |  |
| 8/2/00   |                                        |          |     |                                          |          |  |                                         |          |  |                                        |          |  |                                           |          |  |                                        |          |  |                                      |          |  |
| 8/2/00   |                                        |          |     |                                          |          |  |                                         |          |  |                                        |          |  |                                           |          |  |                                        |          |  |                                      |          |  |
| 8/11/00  |                                        |          |     |                                          |          |  |                                         |          |  |                                        |          |  |                                           |          |  |                                        |          |  |                                      |          |  |
| 8/23/00  |                                        |          | 440 | \$183.89                                 |          |  |                                         |          |  |                                        |          |  | 1721                                      | \$98.87  |  | 7960                                   | \$481.84 |  | 2918                                 | \$194.11 |  |
| 8/31/00  |                                        |          |     |                                          |          |  |                                         |          |  |                                        |          |  |                                           |          |  |                                        |          |  |                                      |          |  |
| 9/3/00   |                                        |          |     |                                          |          |  |                                         |          |  |                                        |          |  |                                           |          |  |                                        |          |  |                                      |          |  |
| 9/5/00   |                                        |          |     |                                          |          |  |                                         |          |  |                                        |          |  |                                           |          |  |                                        |          |  |                                      |          |  |
| 9/25/00  |                                        |          | 0   | \$2.50                                   |          |  |                                         |          |  |                                        |          |  | 1732                                      | \$89.42  |  | 0                                      | \$2.50   |  | 4058                                 | \$206.03 |  |
| 10/2/00  |                                        |          |     |                                          |          |  |                                         |          |  |                                        |          |  |                                           |          |  |                                        |          |  |                                      |          |  |
| 10/15/00 |                                        |          |     |                                          |          |  |                                         |          |  |                                        |          |  |                                           |          |  |                                        |          |  |                                      |          |  |
| 10/25/00 |                                        |          | 88  | \$5.75                                   |          |  |                                         |          |  |                                        |          |  | 1835                                      | \$79.51  |  | 0                                      | \$2.50   |  | 4213                                 | \$213.91 |  |

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# Livestock Confinement Operations

## Water Requirements and Consumptive Use Worksheet

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The information, data, or computational procedures herein may not be duplicated without the express written consent of Brockway Engineering.

COMPLETE BLUE HIGHLIGHTED SECTIONS ONLY

Prepared for: J-J DAIRY, A PARTNERSHIP  
Harry DeHaan, Operator  
Twin Falls, Idaho

Revision: 9801

Run Date: 1/28/99

Remarks:

### Herd Information - User Input

Number of milking cows 2000 Breed: Large  
Number of dry cows 400  
Number of other adult dry animals 0

Calves at age: Heifers at age:  
1 month 60 5 months 0  
2 months 30 15 - 18 months 0  
3 months 30 18 - 24 months 0  
4 months 30

### ANIMAL INFORMATION

Use defaults or enter values if known

Average body weight 1400 lbs Nearest weather station Twin Falls  
Milk fat percentage 3.5 % Number of milkings/day 3  
Average days dry 60  
Annual milk yield per animal 21500 lbs/year Check: Total herd size based on days dry 2433  
Percent dry matter in ration 90 % HERD SIZE OK

### Lagoon Information - User Input

| Lagoon Number | Top width | Top length | SS (h:v) | Max depth | Average depth factor | % days with water | Top Area | Bottom Area | Average Area |
|---------------|-----------|------------|----------|-----------|----------------------|-------------------|----------|-------------|--------------|
| 1             | 140       | 250        | 2        | 10        | 0.5                  | 100               | 35000    | 27600       | 31300        |
| 2             | 140       | 250        | 2        | 10        | 0.5                  | 100               | 35000    | 27600       | 31300        |
| 3             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 4             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 5             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 6             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 7             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 8             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| TOTAL ACRES   |           |            |          |           |                      |                   | 1.61     | 1.27        | 1.44         |

## Facility Information - User Input

|                                                  | Holding<br>Pen 1 | Holding<br>Pen 2                         |
|--------------------------------------------------|------------------|------------------------------------------|
| Holding pen active                               | 1                | 0 (0 = not used or nonexistent)          |
| Number of sprinklers in pen (enter 0 for manual) | 0                | 0                                        |
| Average line pressure                            | 40               | 60 psi                                   |
| Sprinkler nozzle size - primary                  | 5/32             | 5/32 inches                              |
| Sprinkler nozzle size - secondary                | 3/32             | 0 (enter 0 for single-nozzle sprinklers) |
| Daily operation time of sprinklers               | 0                | 0 minutes                                |
| Percent of days per year cows are washed         | 0                | 0 %                                      |
| Number of free stalls                            | 0                |                                          |
| Length of each free stall                        | 1000 feet        |                                          |
| Width of each free stall                         | 50 feet          |                                          |
| Is the feeding area flushed to lagoon?           | No               |                                          |
| Is this housing area flushed to lagoon?          | No               |                                          |

|                       | Barn | Feeding | Housing |
|-----------------------|------|---------|---------|
| Flushing recycle rate | 0    | 0       | 0       |

## CLEANING VOLUMES

Use defaults or enter manufacturer volumes

|                       |          |                    |         |
|-----------------------|----------|--------------------|---------|
| Cleaning parlor floor | 1000 gal | Cleaning pipeline  | 400 gal |
| Cleaning milkroom     | 200 gal  | Cleaning equipment | 200 gal |
| Cleaning bulk tank    | 400 gal  |                    |         |

## Land Application Information - User Input

|                      |         |
|----------------------|---------|
| Type of system       | Flood   |
| Predominant cropping | Alfalfa |

|                                                                       |      |
|-----------------------------------------------------------------------|------|
| Percent of waste water which goes to meet crop irrigation requirement | 90 % |
|-----------------------------------------------------------------------|------|

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## Stockwater Component

### Drinking Water Calculation for Lactating Cows

|                             |                  |
|-----------------------------|------------------|
| 4% fat-corrected milk yield | 19887.5 lbs/year |
| Daily average FCM yield     | 65.20 lbs/day    |
| Daily average milk yield    | 70.49 lbs/day    |
| Estimated DMI               | 47.53 lbs/day    |

#### METHOD 1: Kertz

|                                    |                                  |
|------------------------------------|----------------------------------|
| Estimated total water intake (TWI) | 280.9 lbs/day or<br>33.7 gal/day |
| As-fed feed daily intake           | 52.8 as-fed lb/day               |
| Water content of feed              | 5.28 lb/day in feed              |
| Drinking water intake              | 275.6 lb/day or<br>33.0 gal/day  |

|                                                  |                                  |
|--------------------------------------------------|----------------------------------|
| Drinking water requirement<br>for lactating cows | 66099 gal/day<br>74.0 ac-ft/year |
|--------------------------------------------------|----------------------------------|

|                                    |                 |
|------------------------------------|-----------------|
| Maximum drinking water requirement | 74.0 ac-ft/year |
|------------------------------------|-----------------|

#### METHOD 2: Holter and Urban

Regression equation with DMI, milk production, and dry matter %

|                       |                                  |
|-----------------------|----------------------------------|
| Drinking water intake | 100.6 liters/day<br>26.6 gal/day |
|-----------------------|----------------------------------|

|                                  |
|----------------------------------|
| 53166 gal/day<br>59.6 ac-ft/year |
|----------------------------------|

### Drinking Water Calculation for Dry Cows

|                               |              |
|-------------------------------|--------------|
| Estimated DMI                 | 26.6 lbs/day |
| Average drinking water intake | 13 gal/day   |

|                                    |                                |
|------------------------------------|--------------------------------|
| Average drinking water requirement | 5200 gal/day<br>5.8 ac-ft/year |
|------------------------------------|--------------------------------|

### Drinking Water Calculation for Replacement Herd (Calves and Heifers)

| Age      | GPD | Ac-Ft/year |
|----------|-----|------------|
| 1 mo     | 99  | 0.11       |
| 2 mo     | 59  | 0.07       |
| 3 mo     | 74  | 0.08       |
| 4 mo     | 98  | 0.11       |
| 5 mo     | 0   | 0.00       |
| 15-18 mo | 0   | 0.00       |
| 18-24 mo | 0   | 0.00       |

|                                                    |            |                    |
|----------------------------------------------------|------------|--------------------|
| Drinking water requirement<br>for replacement herd | 329<br>gpd | 0.37<br>ac-ft/year |
|----------------------------------------------------|------------|--------------------|

|                            |      |            |
|----------------------------|------|------------|
| TOTAL STOCKWATER COMPONENT | 80.2 | AC-FT/YEAR |
|----------------------------|------|------------|

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## Commercial Component

---

### Milking Parlor Water Usage Calculation

Volume needed per milking in each parlor for:

|                       |          |                    |          |
|-----------------------|----------|--------------------|----------|
| Cleaning parlor floor | 1000 gal | Cleaning pipeline  | 400 gal  |
| Cleaning milkroom     | 200 gal  | Cleaning equipment | 200 gal  |
| Cleaning bulk tank    | 400 gal  | Cleaning cows      | 3000 gal |

|                              |                  |
|------------------------------|------------------|
| Total milking parlor volume  | 15600 gal/day    |
| Second milking parlor volume | 0 gal/day        |
| Recycled water               | 0 gal/day        |
|                              | 17.48 ac-ft/year |

### Holding Pen Water Usage Calculation

|                             | Pen 1 | Pen 2     |
|-----------------------------|-------|-----------|
| Output of primary nozzle    | 4.49  | 5.5 gpm   |
| Output of secondary nozzle  | 1.61  | 0 gpm     |
| Holding pen flushing volume | 3000  | 0 gal     |
| Sprinkler volume            | 0     | 0 gal/day |
| Total holding pen volume    | 3000  | 0 gal/day |
| Recycled water              | 0     | 0 gal/day |

3.36 ac-ft/year

### Other Flushing Water Calculation

Daily volume needed for:

|                             |                 |
|-----------------------------|-----------------|
| Feeding area flushing       | 0 gal/day       |
| Housing area flushing       | 0 gal/day       |
| Total other flushing volume | 0 gal/day       |
| Recycled water              | 0               |
|                             | 0.00 ac-ft/year |

TOTAL COMMERCIAL COMPONENT 20.8 AC-FT/YEAR

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MAR 6 6 2010

## Consumptive Use Calculation

### A. Lagoon Evaporation

|                                                |                 |         |
|------------------------------------------------|-----------------|---------|
| Annual reference ET (Allen & Brockway , 1983)  | 4.34 feet       |         |
| Annual open water coeff (Kohler Nordenson Fox) | 0.90            |         |
| Annual open water (lagoon) evaporation         | 3.91 feet       |         |
| Manual override: Input annual lagoon evap      | feet            |         |
| Total lagoon water surface area at full        | 70000 sq. ft.   |         |
| Total lagoon bottom area                       | 55200 sq. ft.   |         |
| Average surface area when water is present     | 62600 sq. ft. = | 1.44 ac |
| Total lagoon evaporation                       | 5.62 ac-ft/year |         |

### B. Animal usage: milk, metabolism, and excretion loss

|                                                  |                   |                                    |
|--------------------------------------------------|-------------------|------------------------------------|
|                                                  | Milking           | Dry                                |
| Waste excretion volume per cow                   | 1.3               | 1.3 ft <sup>3</sup> /day/1000lb    |
| Water content                                    | 87.5              | 88.4 %                             |
| Total water volume in excrement                  | 23824             | 4814 gal/day                       |
| Percent of excrement flushed to lagoons          | 15 %              | (based on areas which are flushed) |
| Consumptive use (evap.) of water in excrement    | 85 %              |                                    |
| Consumptive use (evap.) volume                   | 24342 gal/day     |                                    |
| Excrement c.u. attributable to drinking water    | 23884 gal/day     |                                    |
| Total milk production - assume 100% leaves site  | 140984 lbs/day or | 16905 gal/day                      |
| Water content of milk                            | 14707 gal/day     |                                    |
| Water content attributable to drinking water     | 14430 gal/day     |                                    |
| Water use for animal metabolism                  | 29221 gal/day     |                                    |
| Metabolism water attributable to drinking water  | 28672 gal/day     |                                    |
| Consumptive use - replacement herd (100%)        | 329 gal/day       |                                    |
| Total animal consumptive use from drinking water | 67315 gal/day or  | 75.4 ac-ft/year                    |
| Percent of drinking water intake                 | 94.4 %            |                                    |

### C. Parlor/holding pen cleanup

|                                            |                 |            |
|--------------------------------------------|-----------------|------------|
| Average sprinkler washing system evap loss | 2 %             |            |
| Free stall total area                      | 0 sq. ft. =     | 0.00 acres |
| Length of time free stall concrete is wet  | 1 hr/day        |            |
| Average evaporation from wet concrete      | 0.15 in./day    |            |
| Sprinkler system loss volume               | 0.00 ac-ft/year |            |
| Free stall evaporation volume              | 0.00 ac-ft/year |            |
| Total cleanup loss                         | 0.00 ac-ft/year |            |

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**D. Land application site**

|                                                   |                    |
|---------------------------------------------------|--------------------|
| Crop evapotranspiration                           | 3.15 ac-ft/ac/year |
| Irrigation diversion volume                       | 9.01 ac-ft/ac/year |
| System efficiency                                 | 35 %               |
| Waste water volume to lagoons                     | 25.7 ac-ft/year    |
| Waste water volume available for land application | 20.0 ac-ft/year    |

|                                           |                |
|-------------------------------------------|----------------|
| Total crop consumptive use of waste water | 6.3 ac-ft/year |
|-------------------------------------------|----------------|

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**Summary**

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**Drinking Water**

|                                       |                 |
|---------------------------------------|-----------------|
| Milking herd                          | 74.0            |
| Non-milking herd (dry cows)           | 5.8             |
| Replacement herd (calves and heifers) | 0.4             |
| Total drinking water volume           | 80.2 ac-ft/year |

**Commercial**

|                         |                 |
|-------------------------|-----------------|
| Milking parlor          | 17.48           |
| Holding pen and cleanup | 3.4             |
| Other flushing water    | 0.00            |
| Total commercial volume | 20.8 ac-ft/year |

|                                    |                |
|------------------------------------|----------------|
| TOTAL DIVERSION VOLUME REQUIREMENT | 101.1 AC-FT/YR |
|------------------------------------|----------------|

**Consumptive Use**

|                                          |      |
|------------------------------------------|------|
| Lagoon evaporation                       | 5.62 |
| Animal milk, excretion, & metabolism     | 75.4 |
| Parlor and holding pen cleanup           | 0.00 |
| Crop consumptive use on land application | 6.3  |

|                                              |                 |
|----------------------------------------------|-----------------|
| Total consumptive use                        | 87.3 ac-ft/year |
| Percent of diversion volume consumed         | 86.4 %          |
| Annual crop consumptive use - IDWR allowable | 3.0 afa         |
| Equivalent irrigated acres                   | 29.1 acres      |

|                                             |               |
|---------------------------------------------|---------------|
| Diversion volume to acres conversion factor | 3.47 ac-ft/ac |
|---------------------------------------------|---------------|

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**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

**1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380**

**Phone: (208) 736-3033 FAX: (208) 736-3037**

**SOUTHERN REGION**

**DIRK KEMPTHORNE  
GOVERNOR**

**KARL J. DREHER  
DIRECTOR**

November 21, 2000

Brockway Engineering  
ATTN: Charles G. Brockway  
2016 N Washington St #4  
Twin Falls, ID  
83301

RE: Apps. For Transfer, Harry DeHaan; My Letter Dated 4-26-00

Dear Chuck;

We have been holding these applications for your response to the above letter, but the required information has not yet been received. If the required information is not received by the end of the year, the applications will be returned to you; a refund of the original filing fee will be initiated. This would appear to leave Mr. DeHaan with an illegal dairy and no pending action before IDWR, so a cease-and-desist order could be issued if a violation is confirmed. If the applications are returned to you and re-filed at a later date, the filing fees that became effective July 1 of this year will be due.

Regards,

James E. Stanton  
Sr. Water Resource Agent

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MAR 06 2003

**T69105**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

April 26, 2000

Brockway Engineering  
ATTN: Charles G. Brockway  
2016 North Washington St #4  
Twin Falls, ID  
83301

RE: Apps. For Transfer, Harry DeHaan

Dear Chuck;

It has been some time since we talked about these applications, so I thought I would recap where things stand. The west well, which has only been used on the 32 acres north and west of the dairy, has a claimed flow rate of 1.2 cfs; at the rate of 1"/acre, only 0.64 cfs would be allowed. Applying 0.64 cfs to the average power consumption over the last 5 seasons gives an average pumping volume of 39.36 cfs. To verify this, we need information on the actual irrigation system on this land; size & number of sprinkler heads used, and the operating pressure. A recent flow measurement would also work. My analysis of these applications cannot proceed without this information.

Although the dairy transfer requests 111.0 AFA, there is no dairy worksheet or other data to justify this amount. Please provide this information.

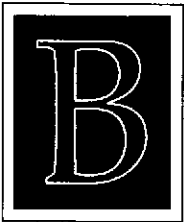
Attached is a GIS map showing the historically-irrigated land on this farm. Using a permanent marker, show what land has been or will be removed from production due to the dairy expansion. Will the small pasture in the SW corner of Sec. 14 (about 3/4 acre) continue to be irrigated? The west irrigation well appears to provide water for this parcel.

Regards,

James E. Stanton  
Sr. Water Resource Agent

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MAR 06 2003

T69105



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

**RECEIVED**

**OCT 12 1999**

**Department of Water Resources  
Southern Region**

October 11, 1999

Mr. James Stanton  
Idaho Department of Water Resources  
1341 Fillmore Street, Suite 200  
Twin Falls, ID 83301

Re: Harry DeHaan transfers 47-04035/47-07242  
Project No. 079-01-1999

Dear Jim:

We are re-submitting two transfer applications for the DeHaan property (one for the dairy and one for the remaining irrigation). Transfer #1 would remove 33.9 acres to convert from irrigation to stockwater/commercial use. Please carefully read the narrative for this application – all pertinent details and calculations may be found there. This application includes both of the irrigation rights since they are overlapping within the dairy location, and the stockwater claim A47-12958, since water allowed by this claim will be delivered from the same wells.

Transfer #2 would put the remaining acres, after removing 33.9 acres for the dairy in Transfer #1, in a permissible place of use. Obviously, the two transfers must be processed concurrently.

The following documents are included as supplementary information:

1. Well test report showing capacity of east irrigation well.
2. Report from Layne Pump showing capacity of west irrigation well.
3. Affidavits from previous owners relative to historical irrigation and well usage.
4. Assessment notice from Salmon River Canal Co., showing 209.8 shares applicable to the DeHaan property.
5. A copy of a portion of your memo estimating the volume attributable to the stockwater claim A47-12958. You estimated 9.4 ac-ft/year, and I concur with this estimate.
6. Maps detailing the places of use and points of diversion under all water rights after the transfers.

Hopefully, you now have sufficient information to process the applications. If you have any questions or comments, please do not hesitate to call. It would be

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
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IDAHO 83301

208•736•8543

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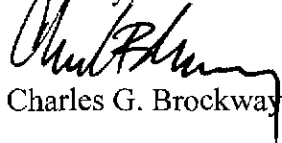
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**MAR 06 2005**

**T69105**

very beneficial to have a meeting to discuss these transfers to avoid any confusion.

Sincerely,



Charles G. Brockway, P.E.

cc: Harry DeHaan  
Pat Brown

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MAR 06 2000

**NARRATIVE FOR WATER RIGHT TRANSFER TO CREATE PPU  
47-04035 and 47-07242**

C. G. Brockway, P.E.  
Brockway Engineering, PLLC 10/7/99

This transfer application is being filed to create a permissible place of use on the DeHaan property. A concurrent transfer application is being filed to remove 33.9 acres from irrigation and convert the use to stockwater/commercial in an existing dairy. These two transfers should be processed together.

The two water rights currently authorize 278 acres when taken together. According to FSA aerial photos, a maximum of 270 acres can be justified historically. Subtracting the 33.9 acres to convert to stockwater/commercial uses leaves 236.1 acres that should be available for irrigation.

See the narrative for the dairy transfer for more information about the wells and the irrigation system.

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**T69105**

**MEMORANDUM**

**TO:** FILE 47-16786  
**FROM:** VAULT  
**RE:** TRANSFER # 69056  
**DATE:** 12.26.02

=====

**Original Transfer Application, Form and correspondence regarding the above  
referenced Transfer is located within:**

**FILE #** 47-4035

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