

Transfer No. 72441
Receipt No. S028193

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

RECEIVED

NOV 28 2005

Department of Water Resources
Southern Region

1. Applicant Information BOOT JACK DAIRY PARTNERSHIP
PO BOX 856
SHOSHONE ID 83352
(208)886-7540

Will this transfer result in an ownership change? No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
37-2626	WR/Decreed	1.63	620.0		155.0	GROUND WATER
37-20395	WR/Decreed	2.10	489.6		122.4	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
37-2626	NO	NO	YES	YES	NO	NO
37-20395	NO	NO	YES	YES	NO	NO

Describe the reason for the proposed changes

We previously replaced our original well with a new well just a few feet away. The new well did not produce the allowed flow rate, so we need to use both wells; this transfer adds the second well to the system, and also ties both properties together in a permissible place of use.

4. FOR CHANGES IN NATURE OF USE ONLY

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

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

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
37-2626	1.63 cfs		277.4	620.0 af
37-20395	2.10 cfs		277.4	489.6 af
TOTAL	2.48 cfs		277.4	1109.6 af

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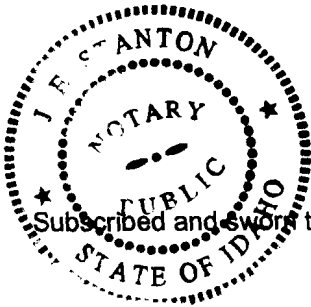
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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

Hershel Kerner

(Signature of Applicant)

Sharon Kerner



Subscribed and sworn to before me this 28th day of November, 2005.

J. E. Stanton

(Notary Public)

My commission expires Nov 10-25-2006

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

Current Water Right No. 37-2626

Priority Date: December 01, 1959
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.63 CFS	620.0 AFA	
Total Diversion		1.63 CFS	620.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NENESW Sec. 3 Twp 05S Rge 15E GOODING County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 15E 3									39.0	40.0	37.0	39.0					155.0

Total Acres: 155

Conditions/Remarks:

1. Use of this right with Right No. 37-20395 is limited to a total combined diversion rate of 2.48 cfs.
2. Use of this right is combined with water from American Falls Reservoir District No. 2.
3. Use of this right is combined with water from Big Wood Canal Co.
4. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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Documentation of Ownership of the Current Place of Use

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

YES

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

Both farms will continue to be irrigated as before.

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

NO

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

Current Water Right No. 37-20395

Priority Date: March 16, 1982
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	2.10 CFS	489.6 AFA	
Total Diversion		2.10 CFS	489.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER NENESW Sec. 3 Twp 05S Rge 15E GOODING County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 15E 4				23.4													
													33.0		28.0	38.0	122.4

Total Acres: 122.4

Conditions/Remarks:

1. Use of this right with Right No. 37-2626 is limited to a total combined diversion rate of 2.48 cfs.
2. Use of this right is combined with water from American Falls Reservoir District No. 2.
3. Use of this right is combined with water from Big Wood Canal Co.
4. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12-11-2002.

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Documentation of Ownership of the Current Place of Use

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

YES

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

Both farms will continue to be irrigated as they are now.

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

NO

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

Proposed Water Right No. 37-2626

Priority Date: December 01, 1959

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.63 CFS	620.0 AFA	
Total Diversion		1.63 CFS	620.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NENESW Sec. 3 Twp 05S Rge 15E GOODING County

GROUND WATER NENESW Sec. 3 Twp 05S Rge 15E GOODING County

Describe the proposed diversion system

Point of Diversion # 1 Existing original well, new motor & pump to be installed, mainline to pond, relift

pump to sprinklers

Point of Diversion # 2 Existing well, motor, pump, mainline to pond, relift pump in pond to sprinklers

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
05S	15E	3																		
05S	15E	4				23.4														

Total Acres: 277.4

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

Proposed Water Right No. 37-20395

Priority Date: March 16, 1982

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	2.10 CFS	489.6 AFA	
	Total Diversion	2.10 CFS	489.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER NENESW Sec. 3 Twp 05S Rge 15E GOODING County

GROUND WATER NENESW Sec. 3 Twp 05S Rge 15E GOODING County

Describe the proposed diversion system

Point of Diversion # 1 Existing original well, new motor & pump to be installed, mainline to pond, relift

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Point of Diversion # 2 Existing well, motor, pump, mainline to pond, relift pump in pond to sprinklers

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
05S	15E	3																	155.0	
05S	15E	4				23.4											33.0	28.0	38.0	122.4

Total Acres: 277.4

Sec. 3

PODs

T72441 POU

Sec. 4

