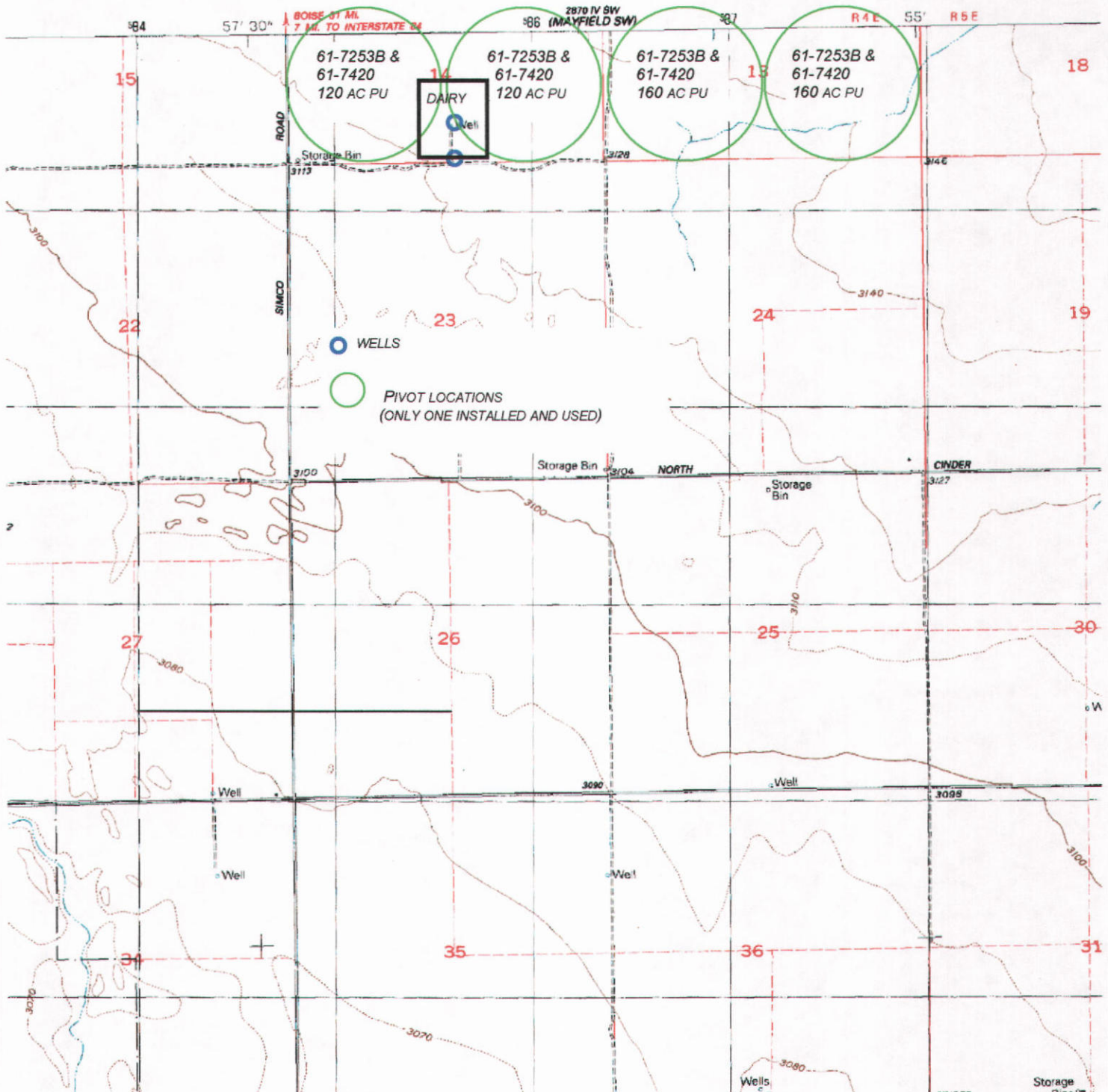


CINDER CONE BUTTE QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)

30° 14' NE
(MAYFIELD SE)

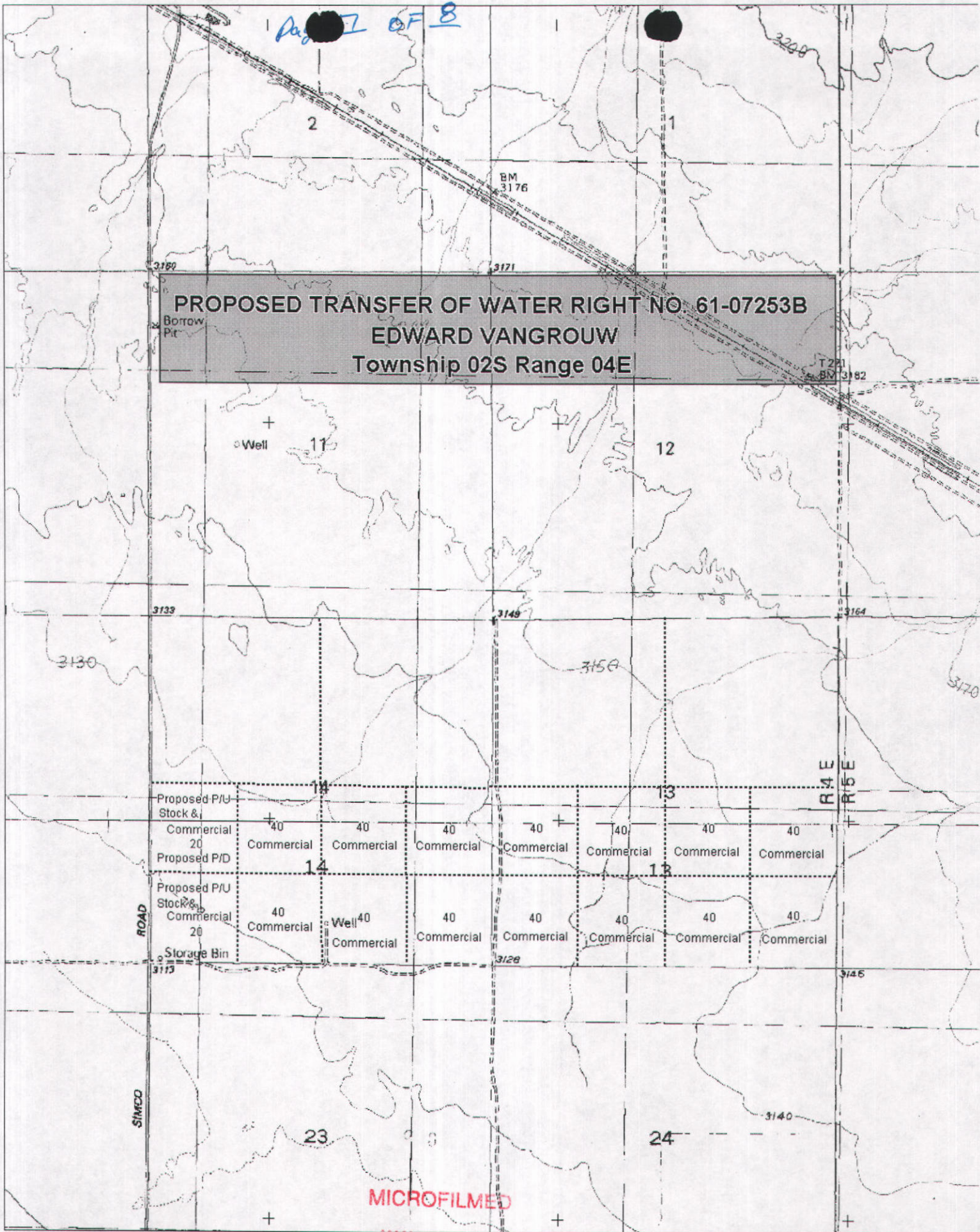
115° 52' 30"



EDWARD G. VAN GROUW	TOPO MAP	MICROFILMED
T 02S, R 04 E, PARTS OF SEC 13, 14, 24, 25, 36	SCALE 1" = 2413'	SEP 03 2003
	PREPARED BY: DARWIN VANDER STELT	

Page 7 of 8

PROPOSED TRANSFER OF WATER RIGHT NO 61-07253B
EDWARD VANGROUW
Township 02S Range 04E



NOTICE OF PROPOSED
CHANGE OF WATER RIGHTS,
TRANSFER NO. 5821

Notice is given that EDWARD VAN GROUW of 5089 South Debonair Lane, Meridian, ID 5089 has applied to the Department of Water Resources to add a point of diversion and change the period, nature, and place of use pursuant to I.C. § 42-222 for 2 irrigation rights recorded as follows in T2S R4E, Elmore County:

LICENSE # 61-07253B, priority 1/23/1976, 2.32 cfs, Groundwater diverted in SESW S14 and used in SW S14, 139 acres.

LICENSE # 61-07420, priority 9/30/1980, 2.27 cfs, Groundwater diverted in SESW S14 and used in SE S14 & W 1/2 SE S13, 140 acres.

**PROPOSED CHANGE
FOR ALL RIGHTS**

Retire 58.5 acres of irrigation from license 61-07253B and use this water for a new dairy in W 1/2 of the SW S14, approximately 6 miles south of Interstate 84 on Simco Road. A proposed well in the NESW S14 will supply water for 3000 milking cows, 450 dry cows, and 3000 replacement heifers. Wastewater from the dairy will be land applied on the remaining acres in the S 1/2 of S13 and S14. New uses will be described as .76 cfs for stockwater and .03 cfs for commercial use to be used year round. The remaining 80.5 acres of irrigation will be combined with license 61-07420 to irrigate 220.5 acres within a 600-acre permissible place of use covering the S 1/2 of S13 and S14, excluding the 40-acre dairy site.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before September 25, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

First Publication: September 6, 2000.

Last Publication: September 13, 2000.

MICROFILMED

JUN 14 2001



RECEIVED

SEP 15 2000

WATER RESOURCES
WESTERN REGION

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publi-

cation having been made on 4 day of

September, 192000, and the last publi-

cation having been made on the 13 day of

September, 192000, every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 13 day of

September, 192000

Cynthia A. Roberson
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 09-09-2002.

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM			
		NE		NW		SW		SE		NE		NW		SW		SE					
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
6107420	T02S R04E S13	GROUNDWATER																			
	:													01	01					2	
*6107420	GROUNDWATE :													01	01					2	
A6107420	GROUNDWATE :													01	01					2	
6107420	T02S R04E S14	GROUNDWATER																			
	:					01	01											35	35	33	33 : 138
6107253B	GROUNDWATE :									01	01			36	35	33	35				141
*6107253B	GROUNDWATE :									01	01			35	35	34	35				141
A6107253B	GROUNDWATE :									01	01			36	35	33	35				141
R6107253B	GROUNDWATE :													35	35	34	35				139
*6107420	GROUNDWATE :					0	0											35	34	33	34 : 136
A6107420	GROUNDWATE :					01	01											35	35	33	33 : 138

MICROFILMED

JUN 14 2001

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM		
		NE		NW		SW		SE		NE		NW		SW		SE				
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
6107253B	T02S R04E S14	GROUNDWATER						01	01	:	36	35	33	35	:			:	141	
*6107253B	GROUNDWATE	:				:		01	01	:	35	35	34	35	:			:	141	
A6107253B	GROUNDWATE	:				:		01	01	:	36	35	33	35	:			:	141	
R6107253B	GROUNDWATE	:				:				:	35	35	34	35	:			:	139	
6107420	GROUNDWATE	:			01	01	:			:					:	35	35	33	33	138
*6107420	GROUNDWATE	:			0	0	:			:					:	35	34	33	34	136
A6107420	GROUNDWATE	:			01	01	:			:					:	35	35	33	33	138
6107253B	T02S R04E S23	GROUNDWATER						01	01	:					:			:	2	
6107246A	GROUNDWATE	:				:				:					:	34	34	34	34	136
*6107246A	GROUNDWATE	:				:				:					:	35	33	32	36	136
A6107246A	GROUNDWATE	:				:				:					:	34	34	34	34	136
*6107253B	GROUNDWATE	:				:		01	0	:					:					1
A6107253B	GROUNDWATE	:				:		01	01	:					:					2
6107283A	GROUNDWATE	:				:				:	35			40	:					75
*6107283A	GROUNDWATE	:				:				:	35			40	:					75
A6107283A	GROUNDWATE	:				:				:	35			40	:					75

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JUN 14 2001

OWNERSHIP DOCUMENTATION.

SECTION 14

SECTION 13

OWNERSHIP OK.

MICROFILMED

JUN 14 2001

MICROFILMED
JUN 14 2001

14

13

Township 2S Range 4E

Water Supply Bank No. _____

Water Right No. _____

RECEIVED

JUN 13 2003

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Edward G Van Grouw Sr. Phone 288-2298

Post office address 5089 S Debonair Lane, Meridian ID 83642

1. DESCRIPTION OF WATER RIGHT.

Right evidenced by

a Decree No. _____ Decreed to _____
(Name)

in case of _____ vs _____

dated _____ in _____ county of _____
(Name of court)

b. License No(s) 61-7253B, 61-7420 issued by the Idaho Department of Water Resources.

c. Permit No _____ issued by the Idaho Department of Water Resources

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE. (If the entire right is for sale or lease, show "all" on line a. below and skip the remainder of part 2.)

a Amount of water under right: 2.47 cubic feet per second &/or

521.4 acre-feet per annum

b. Point of diversion: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14 Township 2S Range

4E, B.M. in Elmore County.

Additional points SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sect. 14 in T2S R4E B.M. in Elmore County

MICROFILMED

JUN 13 2003

c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right

The right is from a ground water source

d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe

The owner will continue to operate one pivot on a ppu of 600 acres.

e. If the water right is a permit, describe the work accomplished toward developing the right.

NA

f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached

Not Applicable

4. REMARKS:

Mr Van Grouw is currently irrigating only one pivot, or about 126 acres with these two water rights. The new dairy construction has been postponed indefinitely, and he wishes not to lose the water right. He will put all the stock water and the unused irrigation water in the water bank. The well used for the one pivot is equipped with a variable speed pump and a meter, and only one pivot is installed. The practice is to move the one pivot to a new quarter of the ppu listed in the water rights.

5 SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board

_____ For sale;

_____ For lease for a period from 06/5/03 to 10/31/03
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown), or

_____ As a gift to the state of Idaho

2 Show the minimum payment acceptable to the Seller/Lessor Include the method of determining the minimum payment The minimum payment may be shown as the "current rental rate".

_____ \$11/acre foot or amount to be negotiated _____

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1 Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.

2 While a right is in the bank, the owner of the right may not use the right even if the right is not rented.

3 A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.

4. While a water right is in the bank, forfeiture provisions are stayed

5 Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Edward J. Van Grown
Date _____ Signature of Applicant _____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

MICROFILMED

APR 13 2003

Analysis of water Rights and flows and volumes to be placed in the water bank:

		Irrigation ac	Irrigation flow	Irrigation vol	Stock flow	Stock/Comm Vol	flow/ac
Rights	61-7253B	80.5	1.53	322	0.79	143.4	0.0190
	61-7420	140	2.27	560			0.0162
		<u>220.5</u>	<u>3.8</u>	<u>882</u>			

Total system flow cfs 4.58 (from note 3 on 61-7253B)
 Total allowable volume afa 1025.4

Currently used cfs: 2.11 (one pivot irrigating 126 acres at 950 gpm)
 Currently used volume af/a 504 (126 x's 4 afa)

Desire to place in the water bank:

2.47	cfs (4.58 - 2.11)
521.4	afa (1025.4 - 504)
94.5	acres if use 220.5 - 126
130.35	acres if use 521.4 /4

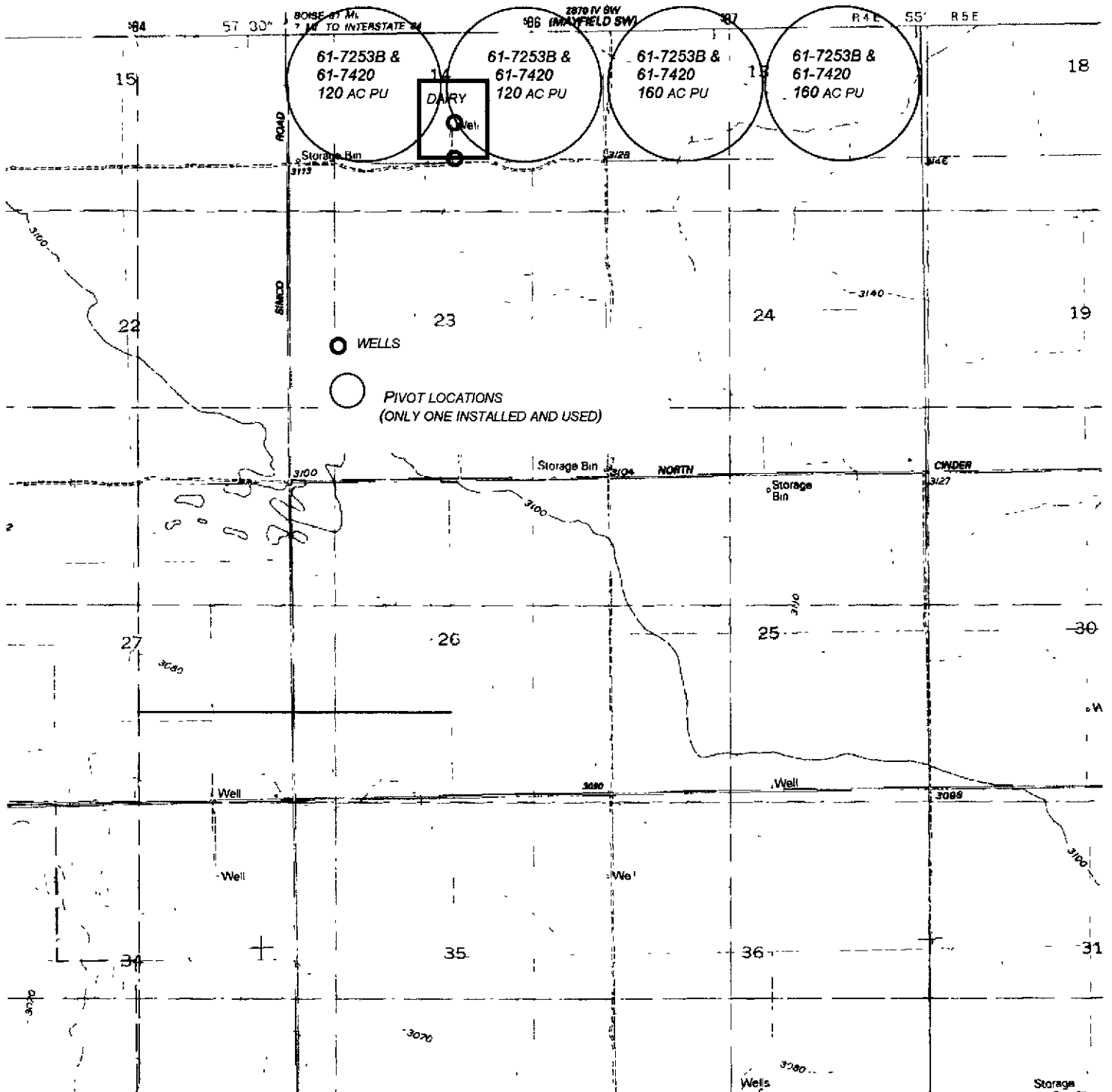
Mr Van Grouw is currently irrigating only one pivot, or about 126 acres with these two water rights. The new dairy construction has been postponed indefinitely, and he wishes not to lose the water right. He will put all the stock water and the unused irrigation water in the water bank. The well used for the one pivot is equipped with a variable speed pump and a meter, and only one pivot is installed. The practice is to move the one pivot to a new quarter of the ppw listed in the water rights.

MICROFILMED

SEP 13 1988

CINDER CONE BUTTE QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)

200' V.E.
(NATURAL SET)



EDWARD G. VAN GROUW	TOPO MAP	MICROFILMED
T 02S, R 04 E, PARTS OF SEC 13, 14, 24, 25, 36	SCALE 1" = 2413'	SEP 3 3 1999
	PREPARED BY: DARWIN VANDER STELT	

WARRANTY DEED

CUNNINGHAM FAMILY LIMITED PARTNERSHIP, an Idaho Limited Partnership, Grantor, hereby conveys, grants and warrants to EDWARD G. VanGROUW and JEANETTE VanGROUW, husband and wife, Grantees, whose address is 5089 S. Debonair Ln., Meridian, ID 83642, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 14: S1/2

SUBJECT TO taxes and assessments for the year 2000 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantees that it is the owner in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that it will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 1st day of May, 2000.

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.

Time 4:08 P.

Date May 1, 2000

GAIL L. BEST Recorder

By [Signature] Deputy

Fee 46.00

321741

CUNNINGHAM FAMILY LIMITED PARTNERSHIP

By [Signature]
Gertrude Cunningham
General Partner

WARRANTY DEED - 1

MICROFILMED

SEP 03 2003

WARRANTY DEED

FOR VALUE RECEIVED

Paul Allison and Janet B. Allison, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Edward G. VanGrouw and Jeanette VanGrouw, husband and wifeGRANTEE(S), whose current address is: 5089 S Debonair Ln Meridian, Id 83642
the following described real property in Elmore County, State of Idaho,
more particularly described as follows, to wit:

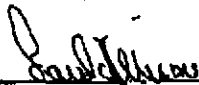
Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

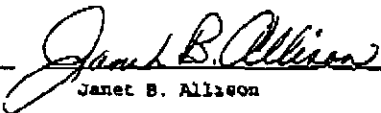
Section 13: SW1/4

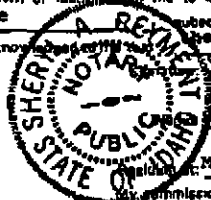
TOGETHER with any and all water rights and ditch rights appurtenant
to said property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever, except those of record.

Dated: May 1, 2000


 Paul Allison


 Janet B. Allison
STATE of Idaho, County of Elmore, ss.
 On this 1st day of May
 in the year of 2000, before me, the undersigned, a Notary
 Public in and for said State, personally appeared SAL
Paul Allison, Janet B. Allison

 known or identified to me to be the person(s) whose name
 are subscribed to the within instrument, and
 acknowledged to me that they executed the same


Cheryl A. Reymont

(Print or print)

Mountain Home

My commission expires: 12/27/05

321737

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.

Time: 4:04 PMDate: May 1, 2000

GAIL L. BEG, Recorder

By: 
Fee: 13.00 Deputy

MICROFILMED

SEP 23 2003

WARRANTY DEED

FOR VALUE RECEIVED

Ellomae Holden Demond, a married woman

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Edward G. Vangrouw and Jeanette Vangrouw, husband and wife

GRANTEE(S), whose current address is: 5089 S Debonair Ln Meridian, Id 83642
the following described real property in Elmore County, State of Idaho,
more particularly described as follows, to wit:

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho.

Section 13: SE1/4

TOGETHER with any and all water rights and ditch rights appurtenant
to said property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all
encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done
by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements,
(if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the
current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all
lawful claims whatsoever, except those of record.

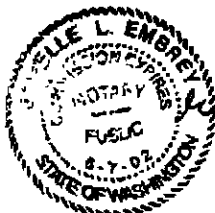
Dated: April 26, 2000

Ellomae Holden Demond
Ellomae Holden Demond

STATE OF WA County of SPOKANE ss.
On this 28th day of April
in the year of 2000, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Ellomae Holden Demond

known or identified to me to be the person whose name
subscribed to the within instrument, and
acknowledged to me that she executed the same.
Signature: Janelle Embrey
Name: Janelle Embrey
Residing at SPOKANE, WA
My commission expires: 10/1/02

321735



ELMORE COUNTY, IDAHO ss
Request of
GUARANTY TITLE, INC.
Time: 4:02 PM
Date: May 1, 2000
GAIL L. BEST, Recorder
BY [Signature] Deputy
Fee: \$3.00

MICROFILMED

SEP 03 2000

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

06/04/2003

WATER RIGHT NO. 61-7420

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEANETTE VAN GROUW
Current Owner	EDWARD G VAN GROUW SR 5089 S DEBONAIR LN MERIDIAN, ID 83642 (208)288-2298
Directors Report Owner	GERALD J CUNNINGHAM
Directors Report Owner	GERTRUDE L CUNNINGHAM HC 85 BOX 230 GRAND VIEW, ID 83642 (208)834-2244
Original Owner	CUNNINGHAM FAMILY LIMITED PARTNERSHIP 909 HEARTLAND DR NAMP, ID 83686 (208)467-7274

Priority Date: 09/30/1980

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.27 CFS	560 AFA
Total Diversion			2.27 CFS	560 AFA

MICRO

Location of Point(s) of Diversion

GROUND WATER	NESW	Sec. 14	Township 02S	Range 04E	ELMORE County
GROUND WATER	SESW	Sec. 14	Township 02S	Range 04E	ELMORE County

Place(s) of use.

Place of Use Legal Description: IRRIGATION ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	04E	13	✓	NESW	40		NWSW	40		SWSW	40		SESW	40
			✓	NESE	40		NWSE	40		SWSE	40		SESE	40
		14	✓	NESW	40		NWSW	20		SWSW	20		SESW	40
			✓	NESE	40		NWSE	40		SWSE	40		SESE	40

Total Acres: 600

Conditions of Approval:

1.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2.	T17	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.	WB4	The total instantaneous diversion of water from all points of diversion under Transfer 68504 shall not exceed 4 58 cfs, nor total combined annual volume of 1025 4 af.
4.	01Q	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
5.	X27	Right 61-7420 is limited to the irrigation of 140 0 acres within the place of use described above in a single irrigation season.
6.	X61	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 07-17-2000
7.	R64	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
8.	T07	The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval

9	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10	T19	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.

Dates:

Licensed Date:

Decreed Date: 10/25/2000

Permit Proof Due Date: 11/1/1985

Permit Proof Made Date: 9/15/1984

Permit Approved Date: 11/10/1980

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted.

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/30/1980

Protest Deadline Date:

Number of Protests: 0

Other Information.

State or Federal.

Owner Name Connector: And

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 220.5

Combined Volume Limit: 1025.4

Combined Rate Limit: 4.58

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

MICROFILM

977 14 237

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68504

This is to certify that: EDWARD G VAN GROUW
5089 S DEBONAIR LANE
MERIDIAN ID 83642
(208)288-2298

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>
61-7253B	AJC/License	01/23/1976	2 32 cfs	572 af	143.0	143 0	GROUND WATER
61-7420	AJC/License	09/30/1980	2 27 cfs	560 af	140.0	140.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

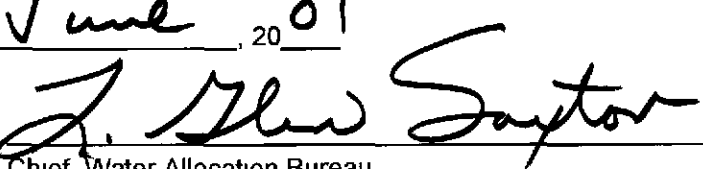
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-7253B	NO	NO	YES	YES	YES	YES
61-7420	NO	NO	YES	YES	NO	NO

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>
61-7253B	61-7253B	2.32 cfs	465.4 af	80 5	600.0		N/A	N/A	N/A	N/A
61-7420	61-7420	2.27 cfs	560 0 af	140.0	600.0		N/A	N/A	N/A	N/A
TOTALS		4.58 cfs	1025.4 af	220.5	600.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of June, 2001


Chief, Water Allocation Bureau

MICROFILMED

WATER RIGHT NO. 61-7253B
As Modified by Transfer No. 68504

In accordance with the approval of Transfer No 68504, Water Right No. 61-7253B is now described as follows.

Right Holder: EDWARD G VAN GROUW And
 JEANETTE VAN GROUW
 5089 S DEBONAIR LANE
 MERIDIAN ID 83642

Priority Date: 01/23/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.53 CFS	322.0 AF
COMMERCIAL	01/01	to 12/31	0.79 CFS	143.4 AF
STOCKWATER	01/01	to 12/31	0.79 CFS	143.4 AF
			2.32 CFS	465.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 14 Twp 02S	Rge 04E	ELMORE County
GROUND WATER	NESW	Sec. 14 Twp 02S	Rge 04E	ELMORE 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	
02S	04E	13									40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	320.0
02S	04E	14									40.0	20.0	20.0	40.0	40.0	40.0	40.0	40.0	280.0
Total Acres			600																

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	04E	13									X	X	X	X	X	X	X	X	
02S	04E	14									X	X	X	X	X	X	X	X	

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	04E	13											X	X					

CONDITIONS OF APPROVAL

- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code
- 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.

MICROFILMED

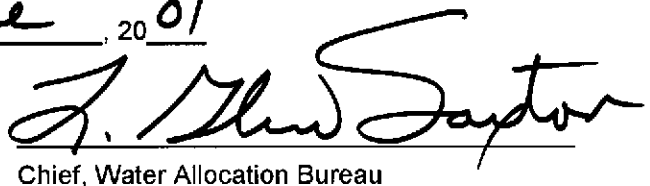
WATER RIGHT NO. 61-7253B
As Modified by Transfer No. 68504

CONDITIONS OF APPROVAL

- 3 The total instantaneous diversion of water from all points of diversion under Transfer 68504 shall not exceed 4.58 cfs, nor total combined annual volume of 1025 4 af.
- 4 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.
5. Commercial use is for a dairy located within W1/2 SW, Section 14, T2S, R4E
- 6 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights
7. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality
8. Right 61-7253B is limited to the irrigation of 80 5 acres within the place of use described above in a single irrigation season.
9. 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 07-17-2000
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
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 13 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 5th day of June, 2001


Chief, Water Allocation Bureau

MICROFILMED

WATER RIGHT NO. 61-7420
As Modified by Transfer No. 68504

In accordance with the approval of Transfer No 68504, Water Right No. 61-7420 is now described as follows.

Right Holder: JEANETTE VAN GROUW And
 EDWARD G VAN GROUW
 5089 S DEBONAIR LANE
 MERIDIAN ID 83642

Priority Date: 09/30/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	2 27 CFS	560.0 AF
		2 27 CFS	560.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 14 Twp 02S	Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 14 Twp 02S	Rge 04E	ELMORE 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	
02S	04E	13									40 0	40 0	40 0	40 0	40 0	40 0	40 0	40 0	320 0
02S	04E	14									40 0	20 0	20 0	40 0	40 0	40 0	40 0	40 0	280 0
Total Acres			600																

CONDITIONS OF APPROVAL

- 1 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code
- 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 The total instantaneous diversion of water from all points of diversion under Transfer 68504 shall not exceed 4 58 cfs, nor total combined annual volume of 1025.4 af.
- 4 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
- 5 Right 61-7420 is limited to the irrigation of 140 0 acres within the place of use described above in a single irrigation season.
- 6 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 07-17-2000.

MICROFILMED

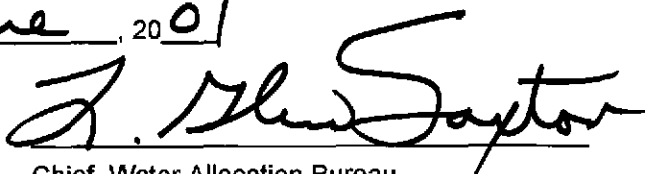
WATER RIGHT NO. 61-7420
As Modified by Transfer No. 68504

CONDITIONS OF APPROVAL

- 7 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.
- 8 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval
- 9 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 5th day of June, 2001


Chief, Water Allocation Bureau

MICROFILMED

JUN 15 2001

Page 1 of 8

Transfer No 5821
68504

RECEIVED
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
OCT 26 2000 APPLICATION FOR TRANSFER OF WATER RIGHT

Department of Water Resources

Part 1

Name of applicant Edward Van Grouw Phone (208) 288-2298

Post Office address 5089 South Debonair Lane, Meridian, Idaho 83642

A. Purpose of Transfer

- 1 ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other
- 2 Describe the reason for the proposed changes The proposed changes seek to add a point of diversion, change the nature of use of a portion of an irrigation water right for stock water and commercial purposes, and secure a permissible place of use (PPU) for the remaining irrigation use.

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

- 1 Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|------------------|------------------|-------------------|--------------------|-------------------------------------|
| <u>61-07253B</u> | <u>1/23/1976</u> | <u>0.76/137.8</u> | <u>Stock water</u> | <u>1/1 to 12/31</u> |
| _____ | _____ | <u>0.03/5.6</u> | <u>Commercial</u> | <u>1/1 to 12/31</u> ^{DPS} |
| _____ | _____ | <u>1.53/412.6</u> | <u>Irrigation</u> | <u>4/10 to 10/31</u> |
| <u>61-07420</u> | <u>9/30/1980</u> | <u>2.27/560</u> | <u>Irrigation</u> | <u>4/10 to 10/31</u> ^{DPS} |
- 2 Total amount of water being transferred 4.59 cubic feet per second and/or 1116 acre-feet per annum
- 3 Source of water Ground water tributary to _____
- 4 Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	SW	14	2S	4E	Elmore	
		SE	SW	14	2S	4E	Elmore	

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	
2S	4E	14									8/C	S/C	40	40	40	40	40	40	
		13									20	20	C/S	C	C	C	C	C	
											40	40	40	40	40	40	40	40	
											C	C	C	C	C	C	C	C	

Total acres 220.5

5821/68504

PART 1

Transfer No _____

6 General Information.

- a Description of diversion system New well, pump and piping, and existing system.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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 affect on the land now irrigated if the place of use is changed pursuant to this transfer The land currently irrigated will be used for the dairy that this transfer will provide water to Remaining irrigation water will be rotated, year-to-year, on all of applicant's property at this location.
- d Remarks This transfer is for the purpose of providing a water supply to a dairy that will be constructed on the land that was formerly irrigated by that same water supply. See Water Use Worksheet attached. The remaining irrigation water rights for 220.5 acres under these rights will be used within the 600-acre PPU shown on this Application for Transfer.

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 _____, 20 _____

MICROFILMED

SEP 14 2004

**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: See attached Special Master Recommendation dated March 22, 2000 for 61-07253B and Director's Report for 61-07420.

a. Decree No _____ Decreed to _____

in case of _____ vs _____

dated _____ in _____ county of _____

b License No _____ 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 _____ tributary to _____

4 Date of priority _____

5 Water is used for the following purpose:

Amount _____ for _____ purposes from _____ to _____

(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 _____ 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

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	

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Total acres _____

9 Describe any other water rights used for the same purpose as described above None

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-072538

200 MAR 22 PM 1:48
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

NAME AND ADDRESS: CUNNINGHAM FAMILY LIMITED
PARTNERSHIP
909 HEARTLAND DR
NAMPA, ID 83686

SOURCE: GROUNDWATER

QUANTITY: 2.32 CFS
556.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 61-07420 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.58 CFS.

PRIORITY DATE: 01/23/1975

POINT OF DIVERSION: TQ2S R04E S14 SESW Within Elmore County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.32 CFS 556.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation		Within Elmore County
	TQ2S R04E S14	NESW 35.0	NWSW 35.0
		SWSW 34.0	SESW 35.0
	139.0 Acres Total		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT.

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. I.R.C. SECTION 42-1412(6)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

MAR 22 2000

SPECIAL MASTER

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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Page 5 of 10

SRBA DIRECTORS REPORT 61-07420

Return to SRBA Home Page

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 61-07420

Name and Address: GERALD J CUNNINGHAM
GERTRUDE L CUNNINGHAM
HC 85 BOX 230
GRAND VIEW, ID 83642

Source: GROUNDWATER

Quantity: 2.27 CFS
560.00 AFYUSE OF THIS RIGHT WITH RIGHT NO. 61-07253B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.58 CFS.

Priority Date: 09-30-1980

Diversion Point: T02S R04E S14 SESW Within Elmore County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-01 TO 10-31	2.27 CFS 560.00 AFY

Place of Use:	Irrigation	Within Elmore County
	T02S R04E S13	NWSW 1.2 SWSW 1.1
	S14	SWNE 0.9 SENE 0.8
		NESE 35 NWSE 34
		SWSE 33 SESE 34
	140 Acres Total	

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

RIGHT NO. 61-07253B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.Return to SRBA Home Page

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JUN 1 1997

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 _____
For Both Rights D75

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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:

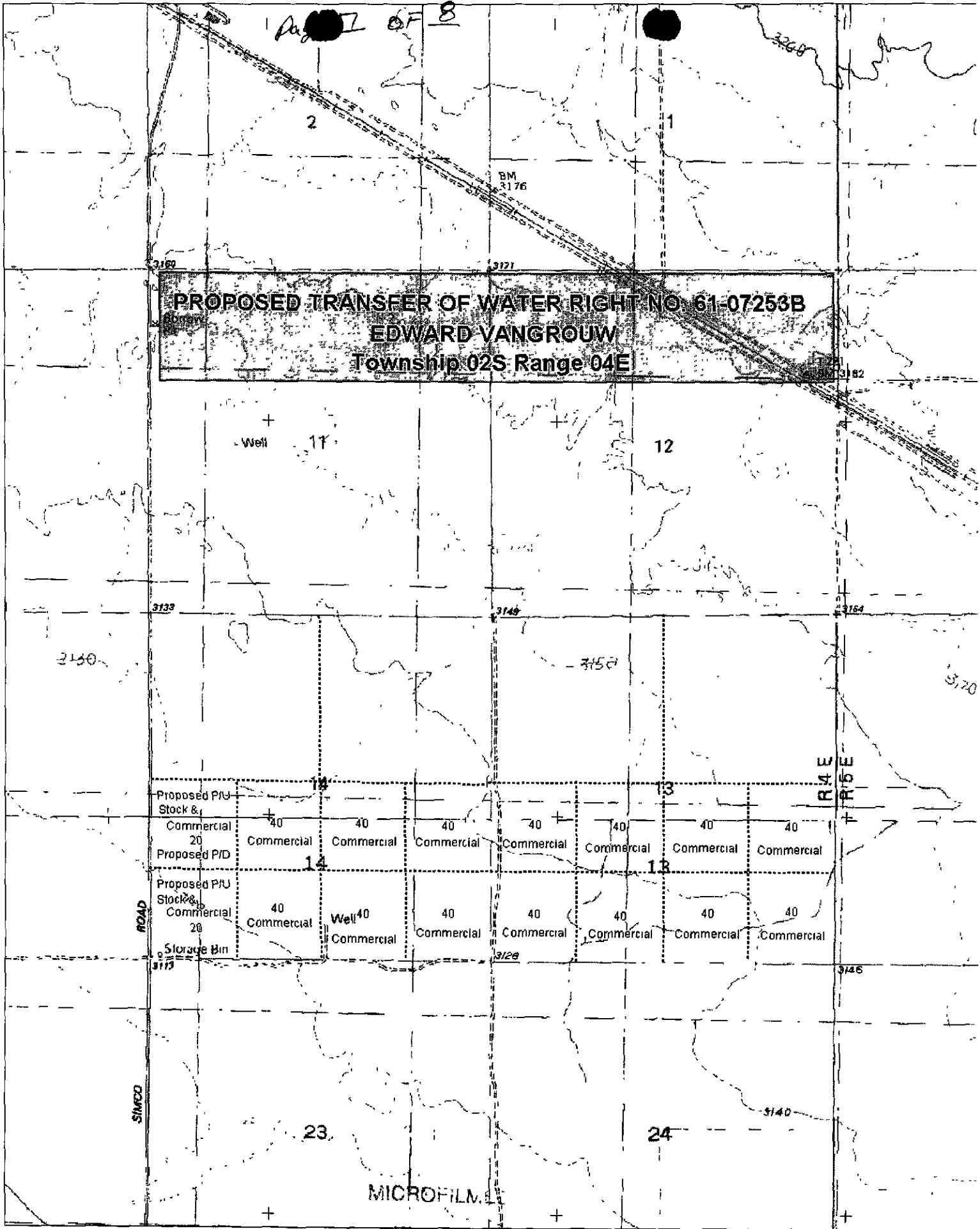
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

PROPOSED TRANSFER OF WATER RIGHT NO. 61-07253B
EDWARD VANGROUW
Township 02S Range 04E



PART 3

B. CHANGES IN NATURE OF USE

- | 1 | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|--------------------|-----------------------|------------------|---------------------|
| | <u>Stock water</u> | <u>0.76/137.8</u> | <u>7.2 hr/da</u> | <u>1/1 to 12/31</u> |
| | <u>Commercial</u> | <u>0.03/5.6</u> | <u>7.2hr/da</u> | <u>1/1 to 12/31</u> |
- 2 Quantity and quality of return flows and location of discharge. There will be no discharge to other waters
- 3 Describe effects on other water uses resulting from the proposed change. The change will extend the diversion of ground water, at a reduced daily rate, from the irrigation season to year around. Annual diversion volume from the aquifer will be reduced since only the consumptive use portion of the right is being transferred.

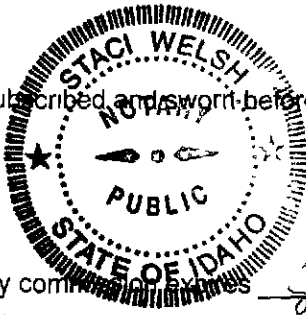
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application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

Subscribed and sworn before me this 8th day of June, 2000

Edward H. Kiser
(Signature of Applicant)

Dan Welsh
(Notary Public)

My commission expires January 27, 2005



FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 5 attachments

Received by Kh Date 6/13/00 Protest filed by _____

Prelim check by DAN Fee 100.00

Receipted by Kh Date 6/13/00 W026587

Published in Min Idaho News Copies of protest forwarded by _____

Pub. Dates 9-20 + 27-00 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MICROFILMED

7-2-00

WARRANTY DEED

CUNNINGHAM FAMILY LIMITED PARTNERSHIP, an Idaho Limited Partnership, Grantor, hereby conveys, grants and warrants to EDWARD G. VanGROUW and JEANETTE VanGROUW, husband and wife, Grantees, whose address is 5089 S. Debonair Ln., Meridian, ID 83642, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 14: S1/2

SUBJECT TO taxes and assessments for the year 2000 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantees that it is the owner in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that it will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 1st day of May, 2000.

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.
Time 4:08 P.M.
Date May 1, 2000
GAIL L. BEST, Recorder

By [Signature] Deputy
Fee 16.00

321741

MICROFILM...

CUNNINGHAM FAMILY LIMITED
PARTNERSHIP

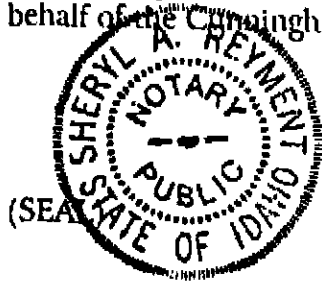
By [Signature]
Gertrude Cunningham
General Partner

WARRANTY DEED - 1

Attachment
A - 1

STATE OF IDAHO)
)
 :ss
 County of Elmore)

On this 1st day of May, in the year 2000, before me,
SHERYL A. REYMENT, a Notary Public, personally appeared
 Gertrude Cunningham, the General Partner of the CUNNINGHAM FAMILY
 LIMITED PARTNERSHIP, an Idaho Limited Partnership, known or identified to me
 to be the person whose name is subscribed to the within instrument, and
 acknowledged to me that she executed the same as the General Partner for and on
 behalf of the Cunningham Family Limited Partnership, an Idaho Limited Partnership.



Sheryl A. Rayment
 Notary Public for Idaho
 Commission expires: 12-27-05

ja/Z Work/Cunningham, Gertrude's warranty deed published on 05/01/00

MICROFILM
 WARRANTY DEED - 2

Attachment
 A-2

WARRANTY DEED

FOR VALUE RECEIVED

Ellomae Holden Demond, a married woman

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Edward G. VanGrouw and Jeanette VanGrouw, husband and wifeGRANTEE(S), whose current address is: 5089 S Debonair Ln Meridian, Id 83642
the following described real property in Elmore County, State of Idaho,
more particularly described as follows, to wit:

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho.

Section 13, SE1/4

TOGETHER with any and all water rights and ditch rights appurtenant
to said property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever, except those of record.

Dated: April 26, 2000

Ellomae Holden Demond
Ellomae Holden Demond

STATE OF WA, County of SPOKANE
On this 29th day of April
in the year of 2000, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Ellomae Holden Demond

known or identified to me to be the person / whose name
subscribed to the within instrument, and
acknowledged to me that she executed the same.

Signature: Janelle Embrey
Name: Janelle Embrey
(type or print)

Residing at SPOKANE, WA
My commission expires: 12/7/02

321735



ELMORE COUNTY, IDAHO 83
Request of
GUARANTY TITLE, INC.
Time 4:02 PM
Date May 1, 2000
WILL L. COLE, Recorder

By [Signature] Deputy
Fee \$5.00

Attachment
A-3

WARRANTY DEED

FOR VALUE RECEIVED

Elizabeth A. Holden, a widow

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Edward G. Vangrouw and Jeanette Vangrouw, husband and wife

GRANTEE(S), whose current address is: 5089 S Debonair Ln Meridian, Id 83642
the following described real property in Elmore County, State of Idaho.
more particularly described as follows, to wit:

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho.

Section 13; SE1/4

TOGETHER with any and all water rights and ditch rights appurtenant
to said property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises, that said premises are free from all
encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done
by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements,
(if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the
current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all
lawful claims whatsoever, except those of record

Dated: April 26, 2000

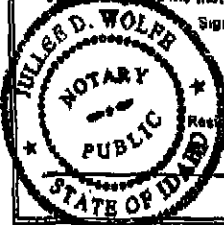
Elizabeth A. Holden
Elizabeth A. Holden

STATE OF Idaho, County of Ada, ss.
On this 27th day of April
in the year of 2000, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Elizabeth A. Holden

known or identified to me to be the person whose name
is subscribed to the within instrument, and
acknowledged to me that she executed the same

Signature: [Signature]
Name: Jules D. Woler
Type or Print

Residing at: Nampa, Idaho
Commission expires: 7-21-04



321736

ELMORE COUNTY, IDAHO ss
Request of
GUARANTY TITLE, INC.
Time: 4:03 P.M.
Date: May 1, 2000
GAIL L. BELL, Recorder

By: [Signature] Deputy
Fee: \$3.50

Attachment
A-4

WARRANTY DEED

FOR VALUE RECEIVED

Paul Allison and Janet B. Allison, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Edward G. VanGrouw and Jeanette VanGrouw, husband and wife

GRANTEE(S), whose current address is: 5089 S Debonair Ln Meridian, Id 83642
the following described real property in Elmore County, State of Idaho,
more particularly described as follows, to wit:

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 13, SW1/4

TOGETHER with any and all water rights and ditch rights appurtenant
to said property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all
encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done
by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements,
(if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the
current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all
lawful claims whatsoever. , except those of record.

Dated: May 1, 2000

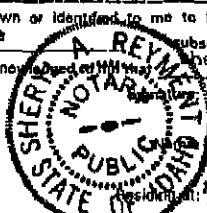
Paul Allison

Janet B. Allison

STATE OF Idaho, County of Elmore, ss.

On this 1st day of May
in the year of 2000, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Paul Allison, Janet B. Allison

known or identified to me to be the person(s) whose name
are subscribed to the within instrument, and
acknowledged to me that they executed the same.



Cheryl A. Reymont

(type or print)

Mountain Home

My commission expires: 12/31/05

MICROFILM

321737

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE INC.

Time 4:04 PM

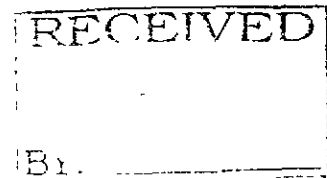
Date May 1, 2000

GAIL L. BLO, Recorder

By 
Fee \$3.00 Deputy

Attachment
A-5

Flying H Farms
1130 South Hiway 30
Mountain Home, Idaho 83647



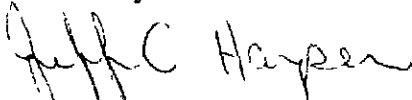
David Shaw
1006 North Cole Rd.
Boise, Idaho 83704

Mr. Shaw;

Enclosed is the crop rotation for the years 1992 through 2000 on the Gerald Cunningham Farm. The acres are fairly close depending on whether endgun were used or not.

2000 125acres of potatoes
1999 fallow
1998 fallow
1997 125 acres wheat & 125 acres dry beans
1996 250 acres wheat
1995 125 acres potatoes & 125 acres wheat
1994 125 acres potatoes & 125 acres wheat
1993 125 acres potatoes & 125 acres wheat
1992 125 acres potatoes & 125 acres wheat

Sincerely


Jeff C Harper

MICROFILMED
JUN 14 2000

ATTACHMENT
B

Water Use Assessment on Section 14, Township 2S Range 4E, B M

Year	Acres					Consumptive Use (inch) Agrimet ¹				Mean CU per Irrigated Acre (inch)	Consumptive Use (inch) Brockway				Mean CU per Irrigated Acre (inch)
	Fallow ²	Spring Grain	Fall Grain	Beans	Potatoes	Spring Grain	Fall Grain	Beans	Potatoes		Spring Grain	Fall Grain	Beans	Potatoes	
2000	154				125										
1999	279					26.0	23.4	21.5	27.3		23.8	28.4	18.8	27.1	
1998	279					23.0	19.7	18.9	24.2		23.8	28.4	18.8	27.1	
1997	29		125	125		23.3	21.0	18.2	26.1	19.6	23.8	28.4	18.8	27.1	23.6
1996	29		250			23.9	22.5	18.6	26.6	22.5	23.8	28.4	18.8	27.1	28.4
1995	29		125		125	22.1	18.5	17.4	24.2	21.4	23.8	28.4	18.8	27.1	27.8
1994	29		125		125	22.8	21.4	20.9	29.2	25.3	23.8	28.4	18.8	27.1	27.8
1993	29		125		125	22.7	21.2	17.8	22.4	21.8	23.8	28.4	18.8	27.1	27.8
1992	29	125			125	28.6			30.1	29.4	23.8	28.4	18.8	27.1	25.5

¹ 1993 - 1999 values based on the Grandview Agrimet Station, 1992 values based on the Parma Agrimet Station indexed to Grandview based on 1993 - 1999 averages

² In 1997 and prior years the number of fallow acres is estimated based on endguns not being used. The actual number of fallow acres was zero in those years in which endguns were used. Recent SRBA recommendations by IDWR assume endguns will be used.

ATTACHMENT
C

CONSUMPTIVE USE ESTIMATION USING AGRIMET
FROM AGRICULTURE CROP WATER USE SUMMARY 1988-1994
US BUREAU OF RECLAMATION PACIFIC NORTHWEST REGION FEBRUARY 1995

EVALUATION FOR TRANSFER : Edward VanGrouw
BY: David Shaw
DATE: 8/8/2000
AGRIMET REPORTING SITE Grandview, Idaho

1992 IRRIGATION YEAR

Crop	Acres	Method	Application EFF. %	IR for Crop in/season	Crop Div. Vol AF/Ann	Crop CU AF/Ann
POTATO	125.00	SPRINKLER	70	30 10	447.92	313.54
SPR GRN	125 00	SPRINKLER	70	28.60	425.60	297.92
			70		-	0.00
			70		-	0.00
			70		-	0.00
TOTALS	250.00				873.51	611.46

SUMMARY OF CONSUMPTIVE USE PER AGRIMET STATION

NUMBER OF ACRES IRRIGATED:	250.00
ACRE FEET VOLUME DIVERTED PER ANNUM	873.51
ACRE FEET VOLUME CONSUMED PER ANNUM	611 46

AVERAGE ACRE FEET VOL DIVERTED PER ACRE:	3 49
AVERAGE ACRE FEET VOL CONSUMED PER ACRE	2 45

ATTACHMENT
D

FILE NUMBER ----- Van Grouw
PREPARED BY ----- David Shaw

DAIRIES WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE ----- 3000
NUMBER OF DRY CATTLE ----- 450
NUMBER OF REPLACEMENT CATTLE 0-2 MONTHS ----- 500
3-4 MONTHS ----- 500
5-8 MONTHS ----- 500
9-12 MONTHS ----- 500
13-15 MONTHS ----- 500
16-24 MONTHS ----- 500
ENTER 1 FOR MANUAL COW WASHING 2 FOR AUTOMATIC OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS ----- 1
IF SPRINKLERS ARE USED NUMBER OF SPRINKLERS IN HOLDING PEN -----
NOZZLE DISCHARGE (USE 5.0 GPM IF UNKNOWN) -----
OPERATION TIME OF SPRINKLERS (MIN/DAY) -----
NUMBER OF MILKINGS PER DAY ----- 3
AVG LBS OF MILK PRODUCED PER DAY PER ANIMAL (IDAMO AVG IS 70 LBS) ----- 80
HOURS PER DAY PUMP OPERATES FOR STOCKWATER USE ----- 7.2
HOURS PER DAY PUMP OPERATES FOR COMMERCIAL USE ----- 7.2
IS RECYCLED WATER USED TO FLUSH MILKHOUSE AND PARLOR FLOORS? ----- Y
IS RECYCLED WATER USED TO WASH COWS? ----- N
IS A PLATE COOLER USED? ----- Y
IS RECYCLED WATER USED FOR PLATE COOLER? (IF NO PLATE COOLER
LEAVE BLANK) ----- Y
IF CORRAL MISTERS ARE USED NUMBER OF MISTERS IN HOLDING PEN -----
NOZZLE DISCHARGE (GPM) -----
OPERATION TIME OF MISTERS (MIN/DAY) -----
DAYS PER YEAR MISTERS ARE USED -----

CALCULATIONS

DIVERSION RATE (CFS)

STOCKWATER
MILKING CATTLE (BASED ON MILK PRODUCTION) ----- 0.60
DRY CATTLE @17.0 GPD/HO ----- 0.04
REPLACEMENT CATTLE ----- 0.12
TOTAL ----- 0.76

COMMERCIAL
TOTAL ----- 0.03

TOTAL DIVERSION RATE ----- 0.79

DIVERSION VOLUME (AFU)

STOCKWATER
MILKING CATTLE ----- 110.8
DRY CATTLE ----- 6.8
REPLACEMENT CATTLE ----- 20.2
TOTAL ----- 137.8

COMMERCIAL
WASHING OF BULK TANK AND RELATED EQUIPMENT ----- 0.6
BACKFLUSH ----- 0.0
PARLOR/MILKHOUSE/HOLDING PEN CLEANUP ----- 0.0
CATTLE WASHING BASED UPON METHOD OF WASHING ----- 5.0
PLATE COOLER ----- 0.0
CORRAL MISTERS ----- 0.0
TOTAL ----- 5.6

TOTAL DIVERSION VOLUME ----- 143.4

CONSUMPTIVE USE VOLUME (AFU) (assuming 100% consumptive)

STOCKWATER ----- 137.8
COMMERCIAL ----- 5.6
TOTAL CONSUMPTIVE USE ----- 143.4

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3	PUMP 4	PUMP 5
PUMP HORSEPOWER (HP) -----	0.00		0.00	0.00	0.00
LIFT (FT) -----	0		0	0	0
DISCHARGE PRESSURE (PSI) -----	0		0	0	0
FRICTION LOSSES (FT) -----	0.0		0.0	0.0	0.0
HOURS PER DAY PUMP OPERATES -----	0.0		0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * -----	0.00	0.00	0.00	0.00	0.00
DIVERSION VOLUME (AFU) ** -----	0.0	0.0	0.0	0.0	0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%

** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS EVERY DAY OF THE YEAR

EVALUATION OF EQUIVALENT IRRIGATED ACREAGE

IRRIGATION RIGHT (BEFORE CHANGE)

DIVERSION RATE -----	2.32 CFS
ACRES OF IRRIGATION -----	139.0 ACRES
DIVERSION VOLUME -----	4.0 AC FT/AC
CONSUMPTIVE USE VOLUME -----	2.5 AC FT/AC
IRRIGATION IS BEING CONVERTED FOR WHICH PORTION OF THE DAIRY OPERATION STOCKWATER (S) COMMERCIAL (C) OR BOTH (B)? ----- B	

CALCULATIONS

IRRIGATION DIVERSION RATE PER ACRE -----	0.017 CFS/AC
REDUCTION OF IRRIGATION BASED ON DIVERSION RATE -----	47.3 ACRES
REDUCTION OF IRRIGATION BASED ON DIVERSION VOLUME -----	35.9 ACRES
REDUCTION OF IRRIGATION BASED ON CONSUMPTIVE USE -----	58.5 ACRES

MICROFILM

Attachment
E

RECEIVED

JUL 18 2000

Department of Water Resources

270 JUL 17 AM 9:50

TWIN FALLS, IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

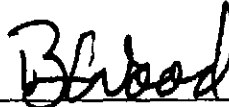
For Water Right 61-07253B

On March 22, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 61-07253B is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUL 17 2000



BARRY WOOD

Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-072538

200 JUL 17 AM 8:50
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CUNNINGHAM FAMILY LIMITED
PARTNERSHIP
909 HEARTLAND DR
Nampa, ID 83686

SOURCE: GROUNDWATER

QUANTITY: 2.32 CFS
556.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 61-07420 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.58 CFS.

PRIORITY DATE: 01/23/1976

POINT OF DIVERSION: T02S R04E S14 SESW Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.32 CFS 556.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Elmore County
	T02S R04E S14	NESW 35.0 SWSW 34.0 SESW 35.0
	139.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

B. Wood

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

2000 JUL 17 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 61-07253B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 61-07253B was mailed
on July 17, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CUNNINGHAM FAMILY LIMITED

Represented by:
JULIE K. FISCHER
PO BOX 247
NAMPA, ID 83651
Phone: 208-466-9272

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIANA DELANEY
Chief Deputy Clerk

MICROFILMED

CERTIFICATE OF MAILING

PAGE 1
07/17/00



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 12, 2004

EDWARD G VAN GROUW
5089 S DEBONAIR LN
MERIDIAN ID 83642-6869

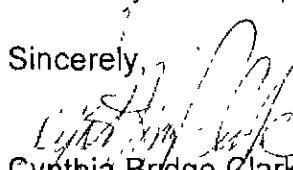
RE: WATER SUPPLY BANK LEASE TERM. WATER RIGHT NO(S). 61-7253B AND 61-7420

Dear Lessor(s).

As requested in your letter, received by the Department of Water Resources ("department") on March 10, 2004, the department will retain the water right number(s) referenced above in Water Supply Bank. The right(s) will remain in the bank for an "indefinite" lease term unless the rights are released earlier by the Water Resource Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department.

If you have questions, please feel free to contact me.

Sincerely,


Cynthia Bridge Clark
Water Allocation Bureau

c: John Westra -- IDWR Western Region

RECEIVED

MAR 10 2004

Department of Water Resources

Dear Cynthia,

Please extend the lease of
my water rights that are on the
bank. Just extend them indefinitely -
as we talked about. Thanks you
very much.

Sincerely Ed H.

Right NCS1 61-7453B + 61-7420

MICROFILM

JUN 02 2004



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

DIRK KEMPTHORNE
Governor

February 24, 2004

KARL J. DREHER
Director

EDWARD G VAN GROUW SR
5089 S DEBONAIR LANE
MERIDIAN ID 83642

**RE: TERMINATION OF LEASE TO THE WATER SUPPLY BANK – WATER
RIGHT NO(S). 61-7253B, & 61-7420**

Dear Sir or Madam:

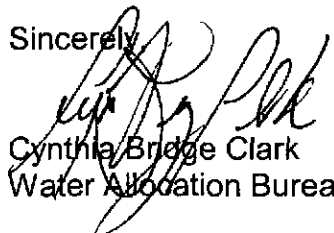
Department records show that the above referenced water right(s) has been leased through December 31, 2003 to the Water Supply Bank ("bank") operated by the Idaho Water Resource Board. This letter is notice that the right will be considered released from the bank unless you advise me, in writing, within fourteen (14) days of the date of this letter that you want to extend the period of the lease.

If you would like the right(s) to remain leased to the bank, please specify the date to which you want the lease extended. You may also request the right(s) remain leased to the bank for an "indefinite" period. In this case, the right(s) will remain in the bank indefinitely unless released earlier by the Board or until the water right owner or lease applicant contacts the department in writing to request the release of the right(s) from the bank.

Please consider that the five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the bank. If a written request is not received within fourteen (14) days, the right(s) will be considered released from the bank as of December 31, 2003.

If you have questions, feel free to contact me directly at (208) 327-7898.

Sincerely,


Cynthia Bridge Clark
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

FEB 24 2004



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 6, 2003

EDWARD G VAN GROUW SR
5089 S DEBONAIR LANE
MERIDIAN ID 83642

RE: APPLICATION TO LEASE PART OF WATER RIGHT NOS. 61-7253B AND 61-7420 TO THE WATER SUPPLY BANK

Dear Mr. Van Grouw:

The department has completed its review of the Applications to Sell or Lease Water Rights to the Water Supply Bank ("bank") that you submitted to this office. Please consider that a portion of irrigation use under both rights, and all of the stockwater and commercial uses under water right no. 61-7253B are accepted into the bank.

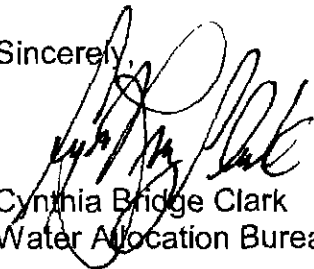
Several items to keep in mind in connection with the lease of a water right to the bank are as follows:

1. There is no rental payment to the owner of the water right if the right or a part thereof is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. The owner must comply with the conditions of the water rights with regard to the portion of the rights withheld from the bank.
4. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.
7. The lessor may be required to provide evidence of availability of the surface water source prior to rental of the right.

MICROFILMED

If you have questions, please feel free to contact me.

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

c: IDWR – Western Region
61-7253B, 61-7420

Darwin Vander Stelt
16931 Star Rd
Nampa, ID 83687

MICROFILMED
JUN 14 2005

MEMORANDUM

To: Files 61-7253B and 61-7420

From: Cynthia Bridge Clark

Date: August 5, 2003

Re: Leasing a Right to the State Water Supply Bank

Mr. Grouw submitted an application to lease a portion of two rights to the bank. The applicant noted that the rights are being placed in the bank to protect against forfeiture, and that he plans to continue irrigation of a single 126-acre pivot within the authorized 600-acre permissible place of use. The applicant has leased a portion of the irrigation use from both rights, and all of the stockwater and commercial use under water right no. 61-7253B. Commercial use is associated with a Dairy that has yet to be constructed.

The permissible place of use was created under transfer no. 68504. The rights can be rented independently though they are associated with the same place of use, however, the lessor should understand the reduction of acres, rate and volume under each right :

	<u>Lease application</u>	Portion available for Rent: <u>Under WR 61-7253B</u>	<u>Under WR 61-7420</u>
Rate (cfs)	2.47 cfs	0.68 (irr) + 0.79 (stock) = 1.47 cfs	1.0 cfs (irr)
Volume (af)	521.4 af	138 (irr) + 143.4 (stock) = 281.4 af	240 af
Acres	94.5 ac	34.5 ac	60 ac

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SEP 11 2003

Nutrient Management Service

Memo

RECEIVED

JUN 11 2003

Department of Water Resources

RECEIVED

JUN 11 2003

WATER RESOURCES
WESTERN REGION

To: Cynthia Bridges Clark
From: Darwin Vander Stelt
CC: Ed Van Grouw
Date: 6/6/2003
Re: Mr Van Grouw wishes to place water in the water bank

Rights 61-7253B and 61-7420 (attached)

The applicant transferred water under transfer 68504 from irrigation to dairy use. Because of unforeseen events, the dairy construction was postponed, perhaps indefinitely, and the applicant does not wish to lose the affected water rights. In addition, the applicant is now leasing the land, one quarter each year, to a potato farmer, with only one pivot running in the 600 acre allowable place of use each year.

The included documents are as follows:

Application to sell or lease water

Attached analysis of flows and volumes

Attached topo map

Attached proof of ownership

Attached evidence of use

If more information is needed, please call me at 465-9496 and I will be happy to answer any questions. Thank You!

Darwin Vander Stelt

ENCLOSURE



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 7, 2001

EDWARD G VAN GROUW
JEANETTE VAN GROUW
5089 S DEBONAIR LN
MERIDIAN ID 83642

RE. Transfer No : 68504 - Water Rights 61-7253B, 61-7420
Transfer Approval Notice

Dear Water Right Holder:

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,

Camela S. Skaggs

for Jeff Peppersack, Manager
Water Right Permits Section

MICROFILMED

JP:klt
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on June 7, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below

RE: TRANSFER NO. 68504 - WATER RIGHTS 61-7253B & 61-7420

**EDWARD G VAN GROUW
JEANETTE VAN GROUW
5089 S DEBONAIR LN
MERIDIAN ID 83642**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

2002 JUL 25

**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).

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.

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 5821/68504

DATE REVIEWED 6-4-01 PS

SPLIT POD ADD POD ☒ POU ☒ PERIOD ☒ or NATURE ☒ of USE

ALL OF RIGHT(S)	W=Water Right	C=SRBA Claim	R=SRBA Recommendation	IRR to Dairy
<u>W/61-7253B</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>W/61-7420</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>

PART OF RIGHTS(S)	(Unchanged)	(Changed)
<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>

Standard Season 3-15 to 11-15

Standard Volume 4.0/3.0

2.5 af/acre Historic C.U.

(1) ☒ Priority (2) Use (3) Season W61 (4) ☒ Rate (5) Volume

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

M+timeGrowth/Cinderlane COWMA

per region review

(11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion

WM/Rcvd

Partial Decree

Reduced Div. Vol + C.U. Vol.

90.6 + 2.8

(2) Change 58.5 Acres IRR to STOCK + COMM use for a dairy under 61-7253B

Before: 2.32 cfs 139.0 acres 556.4 ac/347.5 ac (at 2.5 af/acre)

After: .79 cfs STOCK + COMM 143.4 ac/143.4 ac (58.5 x 2.5)

1.53 " 80.5 " 322.6 " / 201.3 " (80.5 x 2.5)

= 2.32 cfs = Dairy + 80.5 acres + 465.4 ac/344.7 ac

(3) allow yr. round dairy use. Extended IRR season w/condition 101 to Standard

(5) IRR to Dairy uses limited to 2.5 af/acre historic crop use C.U. Vol.

(7) Add 2nd P/D

(8) Stock at dairy site - Commercial includes land app. acres (same as IRR)

Create 100 acre RP/D. 61-7253B = 80.5 acres + 61-7420 = 140 acres = 220.5 acres total

Combined Rt Limit - 4.58 cfs

Conditions/Remarks 046, WB4, T17, T19, W161, C10, 106, R64, W27, 4235, W108

Commercial use for a dairy located in W12 SW, Sec 14, 2S, 4E. T07, T08.

* Send Copy to Dave Shaw, Consultant

WRs for Update Comments NA

Database Updated to Reflect Final Action 6-8-01 PS

SRBA

SUBCASE SUMMARY REPORT 61-07253B

[Return to SRBA Home Page](#)

SRBA
06-01-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-07253B FILE#: 00146

CLAIMANT: CUNNINGHAM FAMILY LIMITED

STATUS: PD ISSUED

WATER SOURCE: GROUNDWATER,

ISSUES: PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.

****** PARTIES INVOLVED ******

CUNNINGHAM FAMILY LIMITED	C ATTY: JULIE K. FISCHER
USDI BLM	O ATTY: US DEPARTMENT OF JUSTICE

****** ROA ENTRIES ******

06-15-1999	OBJ 01 F/B USDI BLM	RB	10-14-1999 0001
12-14-1999	NOTICE SETTING INITIAL HEARING	1S	02-17-2000 0900
12-14-1999	ORDER OF REFERENCE APPOINTING THOMAS R CUSHMAN SPECIAL MASTER FOR IRRIGATION AND OTHER CLAIMS IN REPORTING AREA 6, BASIN 61		
12-21-1999	RETURNED MAIL - CUNNINGHAM FORWARD ORDER EXP		
02-17-2000	HEARING HELD - INITIAL HEARING	1H	02-17-2000 0900
02-17-2000	MINUTES - INITIAL HEARING		
02-17-2000	ORDER SETTING STATUS CONFERENCE - PHONE	UV	03-22-2000 1000
03-15-2000	NTC OF APPEARANCE - FISHER FOR CUNNINGHAM		
03-22-2000	STANDARD FORM 5 FILED		03-22-2000
03-22-2000	ORDER VACATING EVENT ON 03222000 AT 1000		
03-22-2000	REPORT & RECOMMENDATION OF MASTER	CB	04-28-2000
03-22-2000	NOTICE OF ISSUANCE - MASTERS R&R		
03-22-2000	CERTIFICATE OF MAILING - MASTER R&R		
03-27-2000	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING		03-27-2000
03-27-2000	NCAP - AMENDED DIRECTOR'S REPORT FILED SUBSTITUTE PARTY - CUNNINGHAM FAMILY TRUST FOR GERALD CUNNINGHAM		
07-17-2000	ORDER OF PARTIAL DECREE		
07-17-2000	CERTIFICATE OF MAILING - PARTIAL DECREE		
07-17-2000	PARTIAL DECREE FILED		07-17-2000

[Return to SRBA Home Page](#)

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SRBA

SUBCASE SUMMARY REPORT 61-07420

[Return to SRBA Home Page](#)

SRBA
06-01-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-07420 FILE#: 00221
CLAIMANT: CUNNINGHAM, GERALD J
STATUS: PD UNDELIVERED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

GERALD J CUNNINGHAM	C PRO SE
GERTRUDE L CUNNINGHAM	C PRO SE

**** ROA ENTRIES ****

10-26-2000	PARTIAL DECREE FILED
11-02-2000	PARTIAL DECREE RETURNED UNDELIVERABLE

10-26-2000
11-02-2000

[Return to SRBA Home Page](#)

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10/1/01

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OCT 26 2000

Department of Water Resources

WESTERN REGION TRANSFER ANALYSIS

Applicant EDWARD VAN GROUW Transfer No. 5831/68504
Reviewed by DAN Date 7-21

1. Right number(s) 61-07253 B & 61-07420
(SRBA Partial Decree)
2. Type of right ☒ Decree ☒ License ☐ Stat. Claim ☐ BU Claim
3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☒ Change P/U
☒ Change N/U ☒ Change Period ☐ Split Right
☐ Other: _____
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 for original P/D &/or P/U

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

- a. ☒ Analysis memo – always include unless justify why not needed
- b. ☒ All of right
- c. ☐ Part of right – Note: Part B should normally be completed only if part of right is owned by applicant
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing proposed P/D &/or P/U
- g. ☒ Correct notarized signature and fee – new fees effective July 1, 2000
- h. ☒ Proof of ownership of right &/or land from which water is transferred
- i. ☒ Expansion in use of right: check rate of flow, diversion volume and consumptive volume. Discuss in memo.
- j. ☒ NO Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

IN CINDER CONE BUTT
CRITICAL GWA.

5821/68504

k. ☒ Overlapping rights for current & proposed scenarios

Current TRANSFER 5034 MAY RESULT IN SOME
OVERLAP / BUT LAND HAS BEEN SOLD
 Proposed SAME AS ABOVE

l. ☐ SRBA Claim(s) RECOMMENDATIONS BEING USED
FOR TRANSFER

m. ☒ Comment letters ☐ Yes (also see #2 below) ☐ No

☐ Water District #
☒ Other

MT HOME
 GUMA COMMITTEE
 IN CINDER CONE BATTE

PUBLICATION REVIEW

1. Legal Notice electronically sent to S.O. ☒ Yes

2. Comment Letters

Watermaster comments requested on _____, received on _____

Other comment letters: ☐ See attached information

3. Affidavit of publication received: ☒ Yes

4. Published correctly: ☒ Yes ☐ No

If No, re-publication required: ☐ Yes ☐ No

5. Protests received: ☐ Yes ☒ No ☐ If yes, acknowledgement sent

RECOMMENDATIONS

1. ☒ Approve ☐ See attached memo

2. ☐ Deny due to _____

3. Conditions of Approval Standard xfer conditions, 046

4. Recommended by Barry S

Date 10/25/00

FORWARDING FILE TO S.O.

1. Copies made for Region file (see attached supplemental page): ☐ Yes

2. File forwarded to S.O. by _____

Date _____ pgm

Mountain Home Area Groundwater Advisory Committee

"Planning Today for Water Tomorrow"

October 13, 2000

EDWARD VAN GROUW
5089 S DEBONAIR LN
MERIDIAN ID 83642

Re: Application for Permit No. 61-07573

Dear Sir:

On Thursday, October 19, 2000, at 8:00 a.m. the Mountain Home Groundwater Advisory Committee will hold its monthly meeting at the Mountain Home City Hall. At this meeting we will be reviewing new applications for water rights in the Mountain Home Area. The above-referenced application in the name of Edward Van Grouw will be presented to the committee at this time. You are welcome to attend this meeting.

If you have any questions please call Gary Spackman at the Department of Water Resources at 334-2190.

Sincerely,



Gary Spackman

GS:st

cc Dave Shaw

MICROFILMED

NOTICE OF PROPOSED
CHANGE OF WATER RIGHTS,
TRANSFER NO. 5821

Notice is given that EDWARD VAN GROUW of 5089 South Debonair Lane, Meridian, ID 5089 has applied to the Department of Water Resources to add a point of diversion and change the period, nature, and place of use pursuant to I C § 42-222 for 2 irrigation rights recorded as follows in T2S R4E, Elmore County:

LICENSE # 61-07253B, priority 1/23/1976, 2.32 cfs, Groundwater diverted in SESW S14 and used in SW S14, 139 acres.

LICENSE # 61-07420, priority 9/30/1980, 2.27 cfs, Groundwater diverted in SESW S14 and used in SE S14 & W 1/2 SE S13, 140 acres.

**PROPOSED CHANGE
FOR ALL RIGHTS**

Retire 58.5 acres of irrigation from license 61-07253B and use this water for a new dairy in W 1/2 of the SW S14, approximately 6 miles south of Interstate 84 on Simco Road. A proposed well in the NESW S14 will supply water for 3000 milking cows, 450 dry cows, and 3000 replacement heifers. Wastewater from the dairy will be land applied on the remaining acres in the S 1/2 of S13 and S14. New uses will be described as .76 cfs for stockwater and .03 cfs for commercial use to be used year round. The remaining 80.5 acres of irrigation will be combined with license 61-07420 to irrigate 220.5 acres within a 600-acre permissible place of use covering the S 1/2 of S13 and S14, excluding the 40-acre dairy site.

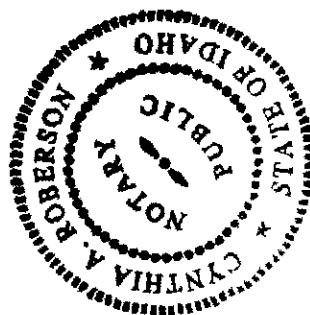
Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before September 25, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

First Publication: September 6, 2000.

Last Publication: September 13, 2000.

MICROFILMED



Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

_____ consecutive weeks, the first publication having been made on _____ day of

September, 19____, and the last publication having been made on the _____ day of

September, 19____, every Wednesday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this ^{5th} 13 day of

September, 19____.

Cynthia A. Roberson
Notary Public

Residing in Mountain Home, Elmore County, Idaho My commission expires 09-09-2002.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

8/23/2000

COPY

ERO RESOURCES CORP
ATTN DAVE SHAW
1106 N COLE RD SUITE C
BOISE ID 83704-8661

Application for Transfer no. 5821 (Water right nos. 61-07253B & 61-07420, Edward Van Grouw)

Dear Mr. Shaw:

The application for transfer no. 5821 you filed for Edward Van Grouw has been submitted for advertising. This transfer should be advertised in the Mountain Home News on 9/6/2000 and 9/13/2000. There will be a ten-day protest period after the final advertising date.

Idaho Dept. of Water Resources (IDWR) must address all of the factors in Idaho Code § 42-222 whether a transfer is protested or not. These issues are generally brought to light during the protest process. However, if the application for transfer is not protested I will send you a letter requesting the information needed to satisfy the following components of Idaho Code § 42-222:

(1) Will injure other water rights, (2) will result in an enlargement of the original water right sought to be transferred, (3) is in the local public interest, (4) is consistent with the conservation of water resources of the state of Idaho, and (5) will significantly affect the agricultural base of the local area.

This application for transfer proposes a change in use from irrigation to commercial and industrial use associated with a proposed 6,450 animal feedlot and dairy. The computations attached to the application attempt to show that the use of water authorized by the original water right will not be enlarged. The computations accompanying the application assume conservation measures employed in a modern dairy. The other factors that must be considered by IDWR are not addressed by the application.

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Van Grouw
8/11/2000
Page 2

Injury to Other Water Users

Please locate on a USGS quad map the nearest well not owned by the applicant constructed in the same water bearing zone as the proposed well will be constructed. Please evaluate the effect of the proposed diversion on the nearby well.

Local Public Interest

Water right applications related to the construction and operation of large dairies have sparked significant controversy in recent years.

Please report the status of any application required by the local governments responsible for granting permission for the dairy.

Please report on the review/approval of your proposed dairy by the Idaho Department of Agriculture and/or the Idaho Division of Environmental Quality (DEQ).

Effect on Local Agricultural Base

Please explain the positive and negative effects the proposed dairy will have on the existing agricultural economy and lifestyle of the local area.

Conclusion

This information will be requested in a formal letter if this transfer is not protested. You will need to supply this information within 30 days from the date of that letter. This advanced notice gives you the opportunity to begin compiling this information for possible protests or for our final review.

Sincerely,



Daniel A. Nelson
Sr. Water Right Agent

cc Edward Van Grouw

MICROFILMED

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHTS, TRANSFER NO. 5821**

Notice is given that **EDWARD VAN GROUW** of 5089 South Debonair Lane, Meridian, ID 5089 has applied to the Department of Water Resources to add a point of diversion and change the period, nature, and place of use pursuant to I.C. § 42-222 for 2 irrigation rights recorded as follows in T2S R4E, Elmore County:

LICENSE # 61-07253B, priority 1/23/1976, 2.32 cfs, Groundwater diverted in SESW S14 and used in SW S14, 139 acres.

LICENSE # 61-07420, priority 9/30/1980, 2.27 cfs, Groundwater diverted in SESW S14 and used in SE S14 & W ½ SE S13, 140 acres.

PROPOSED CHANGE FOR ALL RIGHTS

Retire 58.5 acres of irrigation from license 61-07253B and use this water for a new dairy in W ½ of the SW S14, approximately 6 miles south of Interstate 84 on Simco Road. A proposed well in the NESW S14 will supply water for 3000 milking cows, 450 dry cows, and 3000 replacement heifers. Wastewater from the dairy will be land applied on the remaining acres in the S ½ of S13 and S14. New uses will be described as .76 cfs for stockwater and .03 cfs for commercial use to be used year round. The remaining 80.5 acres of irrigation will be combined with license 61-07420 to irrigate 220.5 acres within a 600-acre permissible place of use covering the S ½ of S13 and S14, excluding the 40-acre dairy site.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before ~~September 25,~~ ^{20 27} 2000. The protestant must also send a copy of the protest to the applicant. 10-18

Karl J. Dreher, Director

Published in the Mountain Home News on September ^{20 27}~~6~~ and ~~13~~, 2000.

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MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON *DAN TRANSFER #5821*
DATE: 8/10/2000

RE: EDWARD VAN GROUW TRANSFER, RIGHTS 61-07253B & 61-07420

The transfer proposes to retire 58.5 acres of irrigation from license 61-07253B and use this water for a new dairy in W ½ of the SW S14 T2S R4E, approximately 6 miles south of Interstate 84 on Simco Road. A proposed well in the NESW S14 will supply water for 3000 milking cows, 450 dry cows, and 3000 replacement heifers. Wastewater from the dairy will be land applied on the remaining acres in the S ½ of S13 and S14. New uses will be described as .76 cfs for stockwater and .03 cfs for commercial use to be used year round. The remaining 80.5 acres of irrigation will be combined with license 61-07420 to irrigate 220.5 acres within a 600-acre permissible place of use covering the S ½ of S13 and S14, excluding the 40-acre dairy site. This transfer will also change the ownership of the rights into Mr. Van Grouw's name.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 8 pages and 5 attachments. Note the location of the following application items:

Attach. A – Proof of ownership documentation (A1 through A5)

Attach. B – Crop history from former lessee and CFSA office

Attach. C – Agrimet data sheet

Attach. D – Agrimet consumptive use estimation sheet

Attach. E – Dairy worksheet

Dave Shaw of ERO Resources Corp. prepared the application.

Other information used in this review includes IWATERS report of SRBA Partial Decree for water right 61-07253B, Place of Use Comparison Sheet, Map showing ownership per attachment A, 1987 NAPP aerial photo of place of use, E-mail from Steve Lester, and diversion rate calculation sheet all attached to this memo.

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NARRATIVE

Water right 61-07253B has been partially decreed in the Snake River Basin Adjudication (SRBA) and water right 61-07420 has been recommended to the SRBA. Therefore, documentation of irrigation use prior to 1987 is not necessary. Attachment B is a statement from Flying H Farms who leased this farm from the past owner Gerald Cunningham. Flying H farms gave a detailed list of the crops that were grown from 1992 to the present time. The applicant's consultant said in his letter of 8/8/2000, that the crop information was taken from CFSA records. Therefore, forfeiture should not be an issue.

Attachment C and D show the computations used to calculate the historic consumptive use of these rights using 1992 data. The 1992 data shows the consumptive use at its maximum. This data shows the most that has been used on the farm, so I feel these records should be used. This data shows a historic consumptive use of 2.5 afa per acre. The dairy worksheet (attachment E) shows that 143 afa of water will be needed for the dairy. This results in 80.5 acres of irrigation that needs to be retired.

The ownership documentation shows that Mr. Van Grouw currently owns all of the property associated with this transfer (see attachment A1 through A5 and ownership map). Mr. Van Grouw purchased this property in May of this year.

There are no overlapping water rights for this transfer before or after the transfer (see place of use comparison sheet). This transfer did overlap acres of a transfer currently being processed, but the holders of the other transfer removed these acres from their transfer (see Steve Lester's Email).

CONCERNS

I was concerned about the calculations of the diversion rates, volume, and acres on this transfer. The diversion rate calculation sheet shows that the applicant's diversion rates and annual volumes do not reflect the normal practices of splitting dairy use from an irrigation right. However, I spoke with Gary Spackman and he told me that these calculations would be acceptable as long as the total diversion rate does not exceed the decreed rates or the maximum standard of .02 cfs per acre. The only change to the applicant's calculations would be volume for irrigation and total volume. I spoke with the applicant's consultant and he said this would be acceptable.

RECORDED

11/1/00

RECOMENDATIONS

This transfer should be approved as follows:

RIGHT NUMBER	PRIORITY	AMOUNT (CFS/AC-FT)	NATURE OF USE	PERIOD OF USE
<u>61-07253B</u>	<u>1/23/1976</u>	<u>0.76/137.8</u>	<u>STOCKWATER</u>	<u>1/1 TO 12/31</u>
<u>61-07253B</u>	<u>1/23/1976</u>	<u>0.03/5.6</u>	<u>COMMERCIAL</u>	<u>1/1 TO 12/31</u>
<u>61-07253B</u>	<u>1/23/1976</u>	<u>1.53/322</u>	<u>IRRIGATION</u>	<u>4/1 TO 10/31</u>
<u>61-07420</u>	<u>9/30/1980</u>	<u>2.27/560</u>	<u>IRRIGATION</u>	<u>4/1 TO 10/31</u>

Total amount of water being transferred 4.58 cubic feet per second and/or 1025.4 acre-feet per annum.

This transfer would be for 220.5 acres within the 600-acre permissible place of use described on page one of this transfer.

I have highlighted the only change to the applicant's request in the recommendation.

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SRBA

PARTIAL DECREE 61-07253B

Issued on 07-17-2000.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: CUNNINGHAM FAMILY LIMITED
PARTNERSHIP
909 HEARTLAND DR
NAMPA, ID 83686

SOURCE: GROUNDWATER

QUANTITY: 2.32 CFS
556.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 61-07420 IS LIMITED TO
TOTAL COMBINED DIVERSION RATE OF 4.58 CFS.

PRIORITY DATE: 01/23/1976

POINT OF DIVERSION: T02S R04E S14 SESW Within Elmore County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	2.32
		556.00

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BE
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE
USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS RIGHT
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THAT
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Elmore

T02S R04E S14	NESW 35.0	NWSW 35.0
	SWSW 34.0	SESW 35.0

139.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

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SRBA SUBCASE SUMMARY REPORT 61-07420

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SRBA
07-20-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-07420 FILE#: 00000
CLAIMANT: CUNNINGHAM, GERALD J
STATUS: UNOBJECTED TO W/R
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

GERALD J CUNNINGHAM	C PRO SE
GERTRUDE L CUNNINGHAM	C PRO SE

**** ROA ENTRIES ****

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SRBA

DIRECTORS REPORT 61-07420

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IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 61-07420

Name and Address: GERALD J CUNNINGHAM
GERTRUDE L CUNNINGHAM
HC 85 BOX 230
GRAND VIEW, ID 83642

Source: GROUNDWATER

Quantity: 2.27 CFS
560.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 61-07253B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.58 CFS.

Priority Date: 09-30-1980

Diversion Point: T02S R04E S14 SESW Within Elmore County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-01 TO 10-31	2.27 CFS 560.00 AFY

Place of Use:	Irrigation	Within Elmore County
	T02S R04E S13	NWSW 1.2 SWSW 1.1
	S14	SWNE 0.9 SENE 0.8
		NESE 35 NWSE 34
		SWSE 33 SESE 34

140 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

RIGHT NO. 61-07253B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

[Return to SRBA Home Page](#)

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SRBA

DIRECTORS REPORT 61-07253B

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IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 61-07253B

* THIS DIRECTORS REPORT HAS BEEN AMENDED SINCE *
* IT WAS 1ST FILED. *
* *****

SUBSTITUTE PARTY - CUNNINGHAM FAMILY TRUST
FOR GERALD CUNNINGHAM

Name and Address: CUNNINGHAM FAMILY LIMITED PART
909 HEARTLAND DR
NAMP, ID 83686

Source: GROUNDWATER

Quantity: 2.32 CFS
556.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 61-07420 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.58 CFS.

Priority Date: 01-23-1976

Diversion Point: T02S R04E S14 SESW Within Elmore County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-01 TO 10-31	2.32 CFS
			556.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Place of Use:	Irrigation	Within Elmore County
	T02S R04E S14	NESW 35
		NWSW 35
		SESW 35
	139 Acres Total	

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

RIGHT NO. 61-07420 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Return to SRBA Home Page

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(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
6107420	T02S R04E S13 GROUNDWATER																	
	:											01	01					2
*6107420	GROUNDWATE :											01	01					2
A6107420	GROUNDWATE :											01	01					2
6107420	T02S R04E S14 GROUNDWATER																	
	:				01		01									35	35	33 33 : 138
6107253B	GROUNDWATE :							01	01		36	35	33	35				141
*6107253B	GROUNDWATE :							01	01		35	35	34	35				141
A6107253B	GROUNDWATE :							01	01		36	35	33	35				141
R6107253B	GROUNDWATE :										35	35	34	35				139
*6107420	GROUNDWATE :			0	0											35	34 33 34 : 136	
A6107420	GROUNDWATE :			01	01											35	35 33 33 : 138	

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JUN 14 2001

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
6107253B	T02S R04E S14 GROUNDWATER							01	01	36	35	33	35					141
*6107253B	GROUNDWATE :							01	01	36	35	34	35					141
A6107253B	GROUNDWATE :							01	01	36	35	33	35					141
R6107253B	GROUNDWATE :									35	3	34	35					139
6107420	GROUNDWATE :			01	01									35	35	33	33	138
*6107420	GROUNDWATE :			0	0									35	34	33	34	136
A6107420	GROUNDWATE :			01	01									35	35	33	33	138
6107253B	T02S R04E S23 GROUNDWATER							01	01									2
6107246A	GROUNDWATE :													34	34	34	34	136
*6107246A	GROUNDWATE :													35	33	32	36	136
A6107246A	GROUNDWATE :													34	34	34	34	136
*6107253B	GROUNDWATE :							01	0									1
A6107253B	GROUNDWATE :							01	01									2
6107283A	GROUNDWATE :									35			40					75
*6107283A	GROUNDWATE :									35			40					75
A6107283A	GROUNDWATE :									35			40					75

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JUN 14 2001

OWNERSHIP DOCUMENTATION.

SECTION 14

SECTION 13

OWNERSHIP OK.

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JUN 14 2001

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7801

4

Nelson, Dan

From: Nelson, Dan
Sent: Thursday, August 10, 2000 11:00 AM
To: 'dshaw@eroresources.com'
Subject: Edward Van Grouw Transfer

Dear Dave,

I have reviewed the diversion rates and volumes that you calculated on the Edward Van Grouw transfer. There are some variances from your calculations from the normal way that we calculate diversion rates, so I thought I should send you a copy of my review of your diversion rates. I have attached the following Microsoft Word document that has my calculations. This sheet also has my recommendation. If you decide that you would prefer to go with my calculations please contact me and we will redo the front page of the transfer. Otherwise, I will make the recommendation at the bottom of page 2.

Thank you for your time

Daniel A. Nelson
Senior Agent
Western Region
Idaho Department of Water Resources



Van Grouw diversion
rate sheet

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SEP 11 2000

DIVERSION RATE AND VOLUME CALCULATIONS

The applicant has requested:

RIGHT NUMBER	PRIORITY	AMOUNT (CFS/AC-FT)	NATURE OF USE	PERIOD OF USE
<u>61-07253B</u>	<u>1/23/1976</u>	<u>0.76/137.8</u>	<u>STOCKWATER</u>	<u>1/1 TO 12/31</u>
<u>61-07253B</u>	<u>1/23/1976</u>	<u>0.03/5.6</u>	<u>COMMERCIAL</u>	<u>1/1 TO 12/31</u>
<u>61-07253B</u>	<u>1/23/1976</u>	<u>1.53/412.6</u>	<u>IRRIGATION</u>	<u>4/1 TO 10/31</u>
<u>61-07420</u>	<u>9/30/1980</u>	<u>2.27/560</u>	<u>IRRIGATION</u>	<u>4/1 TO 10/31</u>

Total amount of water being transferred 4.58 cubic feet per second and/or 1116 acre-feet per annum.

In order to retire the needed acres for the commercial and stockwater use the applicant will need to retire 58.5 acres using 2.5-acre feet per acre of historic consumptive use per the applicant's worksheet. The following are the calculations used to determine the diversion rates and volumes after the change:

The original right => 139 acres at 2.32 cfs and 556 afa.

Diversion rate per acre => $(2.32) / (139) = .016690647$ cfs/acre

Annual diversion volume per acre => $(556) / (139) = 4.0$ afa/acre

Dairy needs 58.5 acres of use per applicant's worksheet. The consumptive use required is 137.8 afa for stockwater and 5.6 afa for commercial. This leaves 80.5 acres for irrigation.

$(137.8 \text{ afa}) / (2.5) = 55.1$ acres retired for stockwater use

$(5.6 \text{ afa}) / (2.5) = 2.2$ acres retired for commercial use

PLEASE NOTE: My calculations show that only 57.3 acres need retired. This leaves 81.7 acres for irrigation ($139 - 57.3 = 81.7$ acres).

Diversion rate calculations:

Stockwater => $(55.1) \times (.016690647) = 0.92$ cfs for Stockwater

Commercial => $(2.2) \times (.016690647) = 0.04$ cfs for Commercial

Irrigation => $(81.7) \times (.016690647) = 1.36$ cfs for Irrigation

Total diversion rate equals decreed rate of 2.32 cfs.

Annual volume for dairy has already been determined in applicant's worksheet of 137.8 afa for stockwater and 5.6 afa for commercial use. The irrigation use will receive 4.0 afa per acre for the remaining 81.7 acres for a total of 326.8 afa.

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CO PY

This transfer should be approved as follows:

RIGHT NUMBER	PRIORITY	AMOUNT (CFS/AC-FT)	NATURE OF USE	PERIOD OF USE
<u>61-07253B</u>	<u>1/23/1976</u>	<u>0.92/137.8</u>	<u>STOCKWATER</u>	<u>1/1 TO 12/31</u>
<u>61-07253B</u>	<u>1/23/1976</u>	<u>0.04/5.6</u>	<u>COMMERCIAL</u>	<u>1/1 TO 12/31</u>
<u>61-07253B</u>	<u>1/23/1976</u>	<u>1.36/326.8</u>	<u>IRRIGATION</u>	<u>4/1 TO 10/31</u>
<u>61-07420</u>	<u>9/30/1980</u>	<u>2.27/560</u>	<u>IRRIGATION</u>	<u>4/1 TO 10/31</u>

Total amount of water being transferred 4.58 cubic feet per second and/or 1030.2 acre-feet per annum.

The total allowable acres are 81.7 acres for 61-07253B and 140 acres for 61-07420. When combined we can allow 221.7 acres in a 600-acre permissible place of use.

HOWEVER,

I spoke with Gary Spackman and we can allow an increased diversion rate per acre for the lands not being retired as long as the total diversion rate and volume of the decree or maximum allowable rates per acre are not exceeded. The applicant has asked to retire 58.5 acres for the dairy use. This will leave 80.5 acres of irrigation ($139 - 58.5 = 80.5$). The applicant can have up to .02 cfs per acre for this 80.5 acres or 1.61 cfs. The applicant's request for 1.53 cfs for irrigation under right 61-07253B is acceptable. However, the maximum allowable annual volume for the 80.5 acres is still limited to 4.0 afa per acre or 322 afa per acre. Therefore, the transfer will be recommended as follows:

RIGHT NUMBER	PRIORITY	AMOUNT (CFS/AC-FT)	NATURE OF USE	PERIOD OF USE
<u>61-07253B</u>	<u>1/23/1976</u>	<u>0.76/137.8</u>	<u>STOCKWATER</u>	<u>1/1 TO 12/31</u>
<u>61-07253B</u>	<u>1/23/1976</u>	<u>0.03/5.6</u>	<u>COMMERCIAL</u>	<u>1/1 TO 12/31</u>
<u>61-07253B</u>	<u>1/23/1976</u>	<u>1.53/322</u>	<u>IRRIGATION</u>	<u>4/1 TO 10/31</u>
<u>61-07420</u>	<u>9/30/1980</u>	<u>2.27/560</u>	<u>IRRIGATION</u>	<u>4/1 TO 10/31</u>

Total amount of water being transferred 4.58 cubic feet per second and/or 1025.4 acre-feet per annum.

I have highlighted the only change to the applicant's request in the recommendation.

WILLIAM W. BAKER

COPY

ERO Resources Corp
1106 N Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985



Denver • Boise

www.eroresources.com
eroboise@eroresources.com

August 8, 2000

Dan Nelson
Western Region Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Application for Transfer in the Name of Edward VanGrouw

Dear Dan

Thank you for meeting with me recently to review the Application for Transfer by Ed VanGrouw. As a result of that meeting I have revised the Application for Transfer to comply with the Department of Water Resources standards regarding changes in nature of use. Specifically, the enclosed pages have been revised based on crops raised in 1992 and 1992 irrigation water requirements for those crops.

Enclosed is also a copy of a letter from Jeff Harper of Flying H Farms describing the crop rotation on the Joe Cunningham farm, now the Ed VanGrouw farm in Section 14, Township 2 South, Range 4 East, B M., for the years 1992 through 2000. This crop rotation information was taken from the records of the FSA for those years in which Mr. Harper did not farm this property. Along with Mr. Harper's letter is a spreadsheet showing the consumptive irrigation requirement for the Cunningham property in 1992 based upon Agrimet data from Grandview. I believe the Grandview Agrimet site is more representative of the area where this property is located than either the Parma or Glens Ferry sites.

Based upon analysis of the 1992 Agrimet data and the crop rotation, the actual consumptive use per acre was determined and used to determine the acreage reduction needed to supply water for the proposed dairy. Two spreadsheets are enclosed showing the water requirement analysis for the dairy. The first is an updated version of the spreadsheet provided with the original Application for Transfer showing 58 ½ acres of irrigation must be given up to provide water for the dairy. The second is a spreadsheet provided by you indicating 63 acres would need to be given up to supply water for the dairy. Since the original Application for Transfer sought to change 143.4 acre feet of water for dairy purposes, the analysis of the original spreadsheet will be retained and the Application for Transfer has been conformed to the need for 58 ½ acres of irrigation water to supply the dairy.

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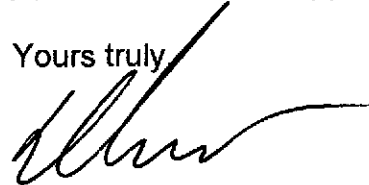
AUG 9 2000

Dan Nelson
August 8, 2000
Page 2

We have also modified the application to show commercial use in the entire permissible place of use to enable the distribution of land application wastewater across the entire property. The existing irrigation well will be connected to the dairy water system for use as a backup well.

Once again, please call if you have questions and I will be pleased to provide you with any additional information necessary for the timely processing of this application.

Yours truly,



David B. Shaw
Project Manager

Encl.

cc: Ed VanGrouw w/out enclosures

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AUG 14 2001

Nelson, Dan

From: Lester, Steve
Sent: Wednesday, July 26, 2000 2:39 PM
To: Nelson, Dan
Subject: Reynolds & Van Grouw transfers

Dan:

I talked to Carl Reynolds (the dad) about the 160 acres overlap you pointed out in the 2 transfers. Reynolds will come in and delete that 160 from his transfer so won't overlap anymore. So should be smooth sailing for that item.

-- Steve

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JUL 24 2001

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W026587

Date: 6/13/2000
Time: 10:53:12

Received
From: SAHW, DAVID

	Type of Payment	Program A cct	Amount
TRANSFER	62105	229 21 1155	100.00
CHECK	323		
		Total	\$ 100.00

Region: WESTERN

Signature: _____

Kathy Gale

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JUL 14 2001



RESOURCES CORPORATION

Consultants in Natural Resources and the Environment

RECEIVED

JUN 13 2000

WATER RESOURCES
WESTERN REGION

June 12, 2000

Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Gentlemen

Enclosed is an Application for Transfer of Water Right in the name of Edward VanGrouw

If you have any questions regarding this Application for Transfer please contact me rather than the applicant. Thank you in advance for your help

Yours truly,

A handwritten signature in cursive script, appearing to read "David".

David B. Shaw
Project Manager

Enc

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JUN 14 2000