

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68994

This is to certify that: HANS NEDEREND
RT 1 BOX 1126
HOMEDALE ID 83628
(208)337-5878

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>
57-10655	WR/Decreed	07/01/1930	0.09 cfs			N/A	GROUND WATER
57-7045	AJC/License	12/14/1970	2.54 cfs	571.4 af	83.5	83.5	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>
57-10655	NO	YES	YES	YES	NO	NO
57-7045	NO	NO	YES	NO	YES	YES

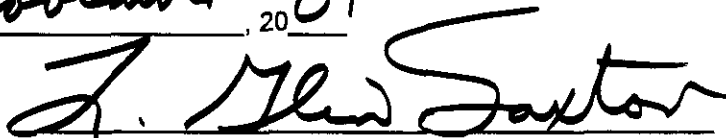
Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
57-10655	57-10655	0.09 cfs	5.3 af	N/A	N/A		N/A	N/A	N/A	N/A
57-7045	57-7045	2.54 cfs	494.5 af	N/A	30.5		N/A	N/A	N/A	N/A
TOTALS		2.63 cfs	499.8 af	N/A	30.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this

9th day of November, 2001



Chief, Water Allocation Bureau

MICROFILMED
MAY 16 2002

WATER RIGHT NO. 57-10655
As Modified by Transfer No. 68994

In accordance with the approval of Transfer No. 68994, Water Right No 57-10655 is now described as follows.

Right Holder: HANS NEDEREND
 RT 1 BOX1126
 HOMEDALE ID 83628

Priority Date: 07/01/1930

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	12/31	0.09 CFS	5.3 AF
			0.09 CFS	5.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	Lot 3 NWSW	Sec. 30 Twp 03N	Rge 04W OWYHEE County
GROUND WATER	Lot 4 SWSW	Sec. 30 Twp 03N	Rge 04W OWYHEE County
GROUND WATER	Lot 4 SENE	Sec. 25 Twp 03N	Rge 05W OWYHEE County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 05W 25										X				X			

CONDITIONS OF APPROVAL

- 1 The wells included on transfer no. 68994 as points of diversion shall be equipped with inline flow meters. The meters shall be equipped with mechanisms that display instantaneous rate of flow and record total volume accumulated. The meters shall be read monthly, the readings recorded, and reported to IDWR on or before January 15 of the next year on department reporting forms.
- 2 The department can exercise its authority to revise the frequency of measuring and reporting after notice to the permit holder
- 3 The meters installed shall have a minimum manufacturers design accuracy of +/- 2% of the meter reading and shall be installed and maintained in accordance with the manufacturers procedures to have an accuracy of at least +/- 10%. The accuracy of the meters shall be checked and calibrated when installed and at least once every three years in accordance with procedures approved by the department.
- 4 The meter shall record volume with a non-volatile memory (loss of electrical energy to the meter does not erase or change the reading), the totalizer shall not be capable of being reset and the totalizer shall have sufficient digits to assure rollover of the dial readings does not occur within two (2) years at the authorized flow rate.

MICROFILMED
 MAY 16 2002

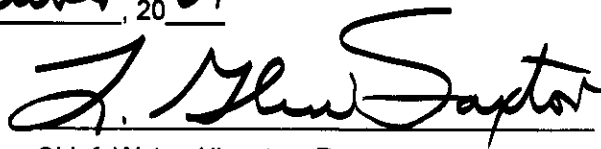
WATER RIGHT NO. 57-10655
As Modified by Transfer No. 68994

CONDITIONS OF APPROVAL

- 5 The Department of Water Resources shall retain jurisdiction over the transfer for a period of ten (10) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards.
- 6 A water quality monitoring program shall be conducted by Nederend Dairy for a period of ten (10) years. The sampling shall include analyses of ammonia as N, nitrate, total coliform, total dissolved solids, pH, and sodium. A report of the analyses and conclusions shall be provided to the Idaho Department of Water Resources annually or as needed if significant water quality anomalies occur.
7. Use and disposal of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality and the Idaho Department of Agriculture. The dairy operation authorized under this approval shall also comply with applicable county zoning and use ordinances.
8. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
9. The total instantaneous diversion of water from all points of diversion shall not exceed 2.63 cfs, nor a total combined annual volume of 499.8 af.
10. Failure to adhere to the conditions of approval of authorization is cause for the department to revoke transfer no. 68994. An action to revoke shall be initiated in accordance with the provisions of Section 42-350, Idaho Code or other applicable law.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Use of water under these water rights is contingent upon compliance by Nederend with the Nederend Dairy Water Quality and Quantity Monitoring Plan, dated August 27, 2001.

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 9th day of November, 2001



Chief, Water Allocation Bureau

MICROFILMED

MAY 18 2002

WATER RIGHT NO. 57-7045
As Modified by Transfer No. 68994

In accordance with the approval of Transfer No. 68994, Water Right No 57-7045 is now described as follows.

Right Holder: HANS NEDEREND
 RT 1 BOX1126
 HOMEDALE ID 83628

Priority Date: 12/14/1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.61 CFS	137.3 AF
STOCKWATER	01/01	to 12/31	0.87 CFS	171.2 AF
COMMERCIAL	01/01	to 12/31	1.06 CFS	186.0 AF
			2.54 CFS	494.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	Lot 3 NWSW	Sec. 30 Twp 03N	Rge 04W OWYHEE County
GROUND WATER	Lot 4 SWSW	Sec. 30 Twp 03N	Rge 04W OWYHEE County
GROUND WATER	Lot 4 SENE	Sec. 25 Twp 03N	Rge 05W OWYHEE 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	
03N 04W 30																	30.5

Total Acres. 30.5

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	
03N 04W 30											X						
03N 05W 25													X				

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	
03N 04W 30			X	X							X	X			X		
03N 05W 25	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	

MICROFILMED

MAY 16 2002

WATER RIGHT NO. 57-7045
As Modified by Transfer No. 68994

CONDITIONS OF APPROVAL

1. The wells included on transfer no. 68994 as points of diversion shall be equipped with inline flow meters. The meters shall be equipped with mechanisms that display instantaneous rate of flow and record total volume accumulated. The meters shall be read monthly, the readings recorded, and reported to IDWR on or before January 15 of the next year on department reporting forms.
2. The department can exercise its authority to revise the frequency of measuring and reporting after notice to the permit holder.
3. The meters installed shall have a minimum manufacturers design accuracy of +/- 2% of the meter reading and shall be installed and maintained in accordance with the manufacturers procedures to have an accuracy of at least +/- 10%. The accuracy of the meters shall be checked and calibrated when installed and at least once every three years in accordance with procedures approved by the department.
4. The meter shall record volume with a non-volatile memory (loss of electrical energy to the meter does not erase or change the reading), the totalizer shall not be capable of being reset and the totalizer shall have sufficient digits to assure rollover of the dial readings does not occur within two (2) years at the authorized flow rate.
5. The Department of Water Resources shall retain jurisdiction over the transfer for a period of ten (10) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards.
6. Use and disposal of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality and the Idaho Department of Agriculture. The dairy operation authorized under this approval shall also comply with applicable county zoning and use ordinances.
7. A water quality monitoring program shall be conducted by Nederend Dairy for a period of ten (10) years. The sampling shall include analyses of ammonia as N, nitrate, total coliform, total dissolved solids, pH, and sodium. A report of the analyses and conclusions shall be provided to the Idaho Department of Water Resources annually or as needed if significant water quality anomalies occur.
8. The total instantaneous diversion of water from all points of diversion shall not exceed 2.63 cfs, nor a total combined annual volume of 499.8 af.
9. Failure to adhere to the conditions of approval of authorization is cause for the department to revoke transfer no. 68994. An action to revoke shall be initiated in accordance with the provisions of Section 42-350, Idaho Code or other applicable law.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. 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 this water right.

MICROFILMED

MAY 16 2002

WATER RIGHT NO. 57-7045
As Modified by Transfer No. 68994

CONDITIONS OF APPROVAL

- 12 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- 13 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- 14 Use of water under these water rights is contingent upon compliance by Nederend with the Nederend Dairy Water Quality and Quantity Monitoring Plan, dated August 27, 2001.

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 9th day of November, 2001


Chief, Water Allocation Bureau

MICROFILMED

MAY 16 2002

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 57-10655

1996 DEC -3 AM 10:49

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: CARROLL JOHNSTONE
LA VILA JOHNSTONE
RT 1 BOX 224
MARSING ID 83639

SOURCE: GROUNDWATER

QUANTITY: 0.09 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/01/1930

POINT OF DIVERSION: T03N R05W S25 NWNNW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE STOCKWATER	PERIOD OF USE 01-01 12-31	QUANTITY 0.09 CFS
-------------------------------	------------------------------	------------------------------	----------------------

PLACE OF USE: STOCKWATER Within Owyhee County
T03N R05W S25 NNNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

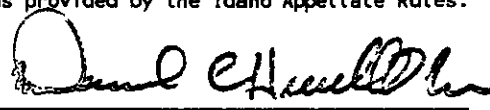
DATED: DEC - 3 1996


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

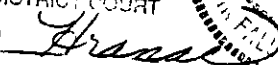
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.

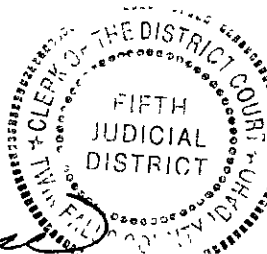
DATED: DEC - 3 1996


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-10655

State of Idaho
County of Twin Falls ss
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action

ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



PAGE 1
NOV-18-1996

MICROFILMED
MAY 16 2002

MEMORANDUM

TO: FILE 57-10655

FROM: PAM SKAGGS CS

RE: TRANSFER # 68994

DATE: 11-7-2001

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 57-7045.

MICROFILMED

MAY 16 2002