

1000



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

(Applicant

AFFIDAVIT of PUBLICATION

State of Idaho,)
) SS.
 County of Gooding)

Patty Nance, being first duly sworn,
 deposes and says that he is the printer (publisher) of the Gooding
 County Leader, a newspaper published every week in Gooding, County
 of Gooding, State of Idaho, that said newspaper has been continuous-
 ly and uninterruptedly published for a period of seventy-eight consecu-
 tive weeks prior to the first publication of the annexed notice, and is
 a newspaper qualified to publish legal notices as provided by act of
 the 1919 session of the legislature of the State of Idaho, known as
 House Bill 145; that the annexed advertisement was published once
 each week for 2 consecutive issues in said newspaper
 proper and not in a supplement; that the date of the first publication
 of said advertisement was on the 19th day of Dec.
 19 90, and the date of the last publication was on the 26th
 day of Dec., 19 90.

Patty Nance

Subscribed and sworn to before me this _____
 day of _____, 19 _____.
 (SEAL)

NOTARY PUBLIC

GOODING COUNTY LEADER
 Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice _____
 Number of Insertions 2X

— Lines tabular at _____ 6¢/Pica
 — 309.3 Lines straight at 15.47 5¢/Pica
 — Subsequent lines at 12.38 4¢/Pica
 TOTAL COST 27.85

COPY OF NOTICE (Paste Here)

Not. Appl. for Trust Water Rt.
Aardeema & Heida Dairy
36-08305

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

J. D. W. R. Bore
 BILL TO

NOTICE OF APPLICATION
 FOR TRUST WATER RIGHT
 36-08305
 AARDEMA & HEIDA DAIRY
 1646 BOB BARTON HWY.
 WENDELL, ID 83355
 Source: GROUNDWATER
 Diversion Pt: NESWSE Sec 11 T 08S R
 14E
 Use: IRRIGATION (2,400 CFS)
 Total Diversion: (2,400 CFS)
 Date Filed: 2/14/1986
 In: T08S R14E S11 NESW SESW SWSE
 120.0 ACRES TOTAL
 The permit(s) will be subject to all prior
 water rights. Protests may be submitted
 based on the criteria of Sec. 42-203A,
 Idaho Code and/or the new public in-
 terest criteria of Sec. 42-203C, Idaho
 Code. Protests must be filed with the
 Director, Dept. of Water Resources,
 Statehouse Mail, Boise, Idaho 83720 on
 or before January 7th, 1991.
 -s- R. Keith Higginson
 Director
 G3421
 Pub: 12-19, 26

PUBLICATION RATES
 (Idaho Code, Rev. Statutes 1984)
 7-8 pt. per line straight.....5¢/Pica
 7-8 pt. per line tabular.....6¢/Pica
 7-8 pt. per line successive
 insertions.....4¢/Pica

No 847

3421

OK
 TGL
 12-31-90

MICROFILMED
OCT 0 2 2001

14E-511
36-08305



HEL

231
T-989

2
37.2
HEL

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107.9
HEL

1106
T-1350

1
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HEL

2
13.4
HEL

3
26.6
HEL

PID

Well

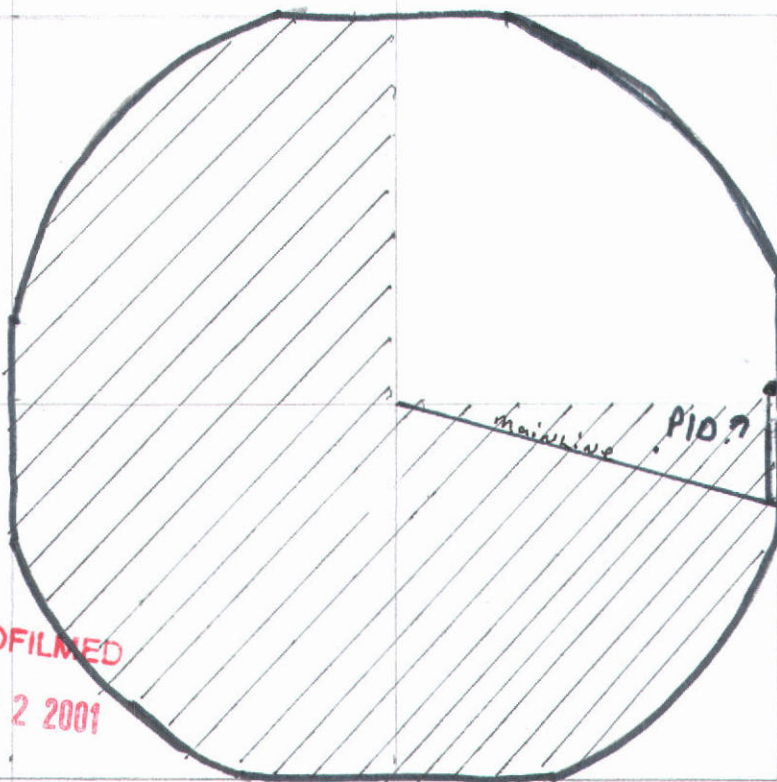
mainline

33 Ac

33 Ac

33 Ac

MICROFILMED
OCT 02 2001



MICROFILMED
OCT 02 2001

DIVERSION WORKS

DIVERSION
WORKS

2
37.2
HEL

1
107.9
HEL

1106
T-1350

1
17.3
HEL

2
13.4
HEL

3
26.6
HEL

Center
Pond

PID
Well

mainline

MICROFILMED
OCT 02 2001



well.

Water is Drawn From well with a
100 Hp Pump into a mainline That
Travels South approximately 100 FT Then
Turns Northeast To The center Pivot.

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OCT 02 2001



ALGAE EF USE

THIS CORN FIELD IS IRRIGATED BY 132 ACRES PIVOT.
99 ACRES ARE ASSOCIATED WITH THIS PERMIT.

MICROFILMED
OCT 02 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08305

Priority: February 14, 1986

Maximum Diversion Rate: 1.90 CFS
Maximum Diversion Volume: 380.0 AF

It is hereby certified that BOX CANYON DAIRY And
FRANS AARDEMA And
CORNELIA AARDEMA And
THOMAS HEIDA And
MARY JANE HEIDA
PO BOX 140
WENDELL ID 83355-0140 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated February 14, 1986; and have
submitted Proof of Beneficial Use on January 31, 1994. An examination indicates that the works have a
diversion capacity of 2.03 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	3/15 to 11/15	1.90 CFS	380.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, Twp 8S, Rge 14E, B.M. GOODING County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S 14E 11									31.0			33.0				31.0	95.0

Total Acres: 95

CONDITIONS OF APPROVAL

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. Right 36-2232 is also diverted through the point of diversion described above.
3. Rights 36-2232 and 36-8305 when combined shall not exceed a total diversion rate of 2.03 cfs.
4. 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.
5. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.

MICROFILMED

FEB 14 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08305

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 1st day of FEBRUARY, 2002.


Acting for KARL J. DREHER
Director

MICROFILMED

FEB 04 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 36-08305

JAN 25 2002

Date of Priority: February 14, 1986

Maximum Diversion Rate:

1.90 CFS

Maximum Diversion Volume:

380.0 AF

Comes now **BOX CANYON DAIRY**
PO BOX 140
WENDELL ID 83355-0140

And

FRANS AARDEMA
PO BOX 140
WENDELL ID 83355-0140

And

CORNELIA AARDEMA
PO BOX 140
WENDELL ID 83355-0140

And

THOMAS HEIDA
PO BOX 140
WENDELL ID 83355-0140

And

MARY JANE HEIDA
PO BOX 140

WENDELL ID 83355-0140 and represents to the Director of the Idaho Department of Water Resources that they are the owners and holders of Permit to Appropriate the Public Waters of the State of Idaho No. 36-08305, and request that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.90 CFS	380.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE1/4NW1/4SE1/4	Sec. 11, Twp 08S, Rge 14E, B.M.
GOODING County		

MICROFILMED

JAN 25 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08305

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$50⁰⁰ Received by J. Masi # 6059499 Date 1/28/02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 36-08305 with the following:

CONDITIONS OF APPROVAL

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. Right 36-2232 is also diverted through the point of diversion described above.
3. Rights 36-2232 and 36-8305 when combined shall not exceed a total diversion rate of 2.03 cfs.
4. 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.
5. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.

Witness my hand this 1st day of FEBRUARY, 2002.

Acting for 
KARL J. DREHER
Director

MICROFILMED
FEB 23 2002

S.D.

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
DBA
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

FEB 23 1998

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 36-08362; X36-04151B; X36-04151A; 36-08021 (36-08305); 36-08517

Adjudication Claim No(s): _____

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Frans and Cornelia Aardema and Thomas and Mary Jane
Heida dba Aardema-Heida Dairy

4. New Owner/Claimant(s) Frans and Cornelia Aardema and Thomas and Mary Jane
Heida dba Box Canyon Dairy

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 140

City, State and ZIP Code

Wendell, ID 83355

New Telephone Number

(208) 536-2189

5. Date you acquired the property

N/A See cover L

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Frans Aardema *Mary Jane Heida*
Frans Aardema *Cornelia Aardema*

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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APR 15 2008

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

CERTIFICATE OF ASSUMED BUSINESS NAME

To the SECRETARY OF STATE, STATE OF IDAHO

Pursuant to Section 53-504, Idaho Code, the undersigned gives notice of adoption of an Assumed Business Name.

1. The assumed business name which the undersigned use(s) in the transaction of business is:

Box Canyon Dairy

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name is/are:

Name	Address
<u>Frans and Cornelia Aardema</u>	<u>P O Box 140 Wendell, ID 83355</u>
<u>Tom and Mary Jane Heida</u>	<u>P O Box 140 Wendell, ID 83355</u>

3. The general type of business transacted under the assumed business name is:

Agriculture

See categories on the reverse

4. The name and address to which correspondence should be addressed:

Box Canyon Dairy, c/o Tom Heida, P O Box 140, Wendell, ID 83355

Signed Box Canyon Dairy

By

Tom Heida
Tom Heida

Submit Certificate of Assumed
Business Name and \$20.00 fee to:

Secretary of State
700 West Jefferson
PO Box 83720
Boise ID 83720-0080

Customer #

Secretary of State uses only
IDAH0 SECRETARY OF STATE

08/28/1997 09:08
CK: 3328 CT: 47068 IM: 31325

1 @ 20.00 = 20.00 ASSUM NAME

07380

RECEIVED

JUN 3 - 97

MICROFILMED

NOV 2 2001

Department of Water Resources

RECEIVED

REC- VED
FEB 01 1994
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee \$ 125.00
Date 1-31-94
Receipt No. 5016516
Receipt by J. F. Stanton

JAN 31 1994

Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-08305 Telephone No. 536-2189
2. Name(s) of Permit Holder(s): Aardema & Heidi Dairy
3. Mailing Address: PO Box 140, Wendell, ID 83355
4. Source of Water: Groundwater

If GROUNDWATER, Well Driller's Name: Eaton Drilling Date Drilled: 1953

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 99 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 1.98 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No Will be installed
OR
Flow Measurement Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No within 30 days
or 50

8. Fee Enclosed: \$ 125.00 (See License Fee Schedule on back of Instruction Sheet)
9. Person to contact to accompany the Department representative during field examination of the water system.

Tom Heidi 536-2189
Name Telephone No.

Same
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

1-31-94 Tom Heidi 536-2189
Date Signature (and title, if on behalf of a company or organization) FEB 22 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08305

Proposed Priority: February 14, 1986 Maximum Diversion Rate: 2.40 CFS

This is to certify, that **AARDEMA & HEIDA DAIRY**
1646 BOB BARTON HWY.
WENDELL, ID 83355

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	03/15 to 11/15	2.40 CFS
------------	----------------	----------

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	NESWSE	Sec. 11, Township 08S, Range 14E GOODING County
---	--------	--

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	14E	11	NESW 40	SESW 40	SWSE 40	120

Total number of acres irrigated: 120

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1994**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.

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MAR 18 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

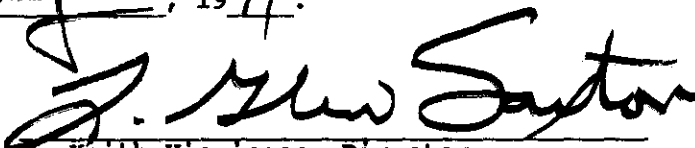
NO. 36-08305

CONDITIONS/REMARKS:

9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

20th day of February, 1991.

for 
R. Keith Higginson, Director

RECORDED

INDEXED

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application for Permit	36-8305	Sandy, John A.	2.40
Full Assignment	36-8305	Aardema & Heida Dairy	2.40

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MAR 18 1991

RECEIVED

State of Idaho
Department of Water Resources

NOV 10 1990

ASSIGNMENT OF PERMIT

Department of Water Resources

Southern Region John A. Sandy

; hereby assign to

Aardema & Heida Dairy

of 1646 Bob Barton Hwy., Wendell, ID 83355

Address

CHECK ONE



Application for
All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

36-88305



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 5th day of June, 19 90

John A. Sandy
Permit Holder

RECEIVED

NOV 10 1990

Department of Water Resources
Southern Region Office

Spouse of Permit Holder

State of Idaho)
County of Gooding) ss.

On this 5th day of June, 19 90, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

s e a l

Thomas J. Prince
Notary Public residing at

Gooding, Idaho

My commission expires:
10/20/93

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MAR 18 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant John A. Sandy Phone 837-6680
Post office address Rt. 1 Box 258A Hagerman, ID 83332

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 11 Township 8S Range 14E B.M. Gooding County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.40 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 2.40 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

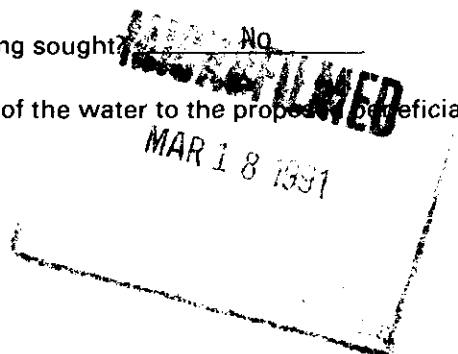
a. Description of ditches, flumes, pumps, headgates, etc. Well & pump

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 16 inches; proposed depth of well is 100 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).



8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	14E	11									40			40			40		120

Total number of acres to be irrigated 120

10. Describe any other water rights used for the same purposes as described above. N. Side Canal Co.

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

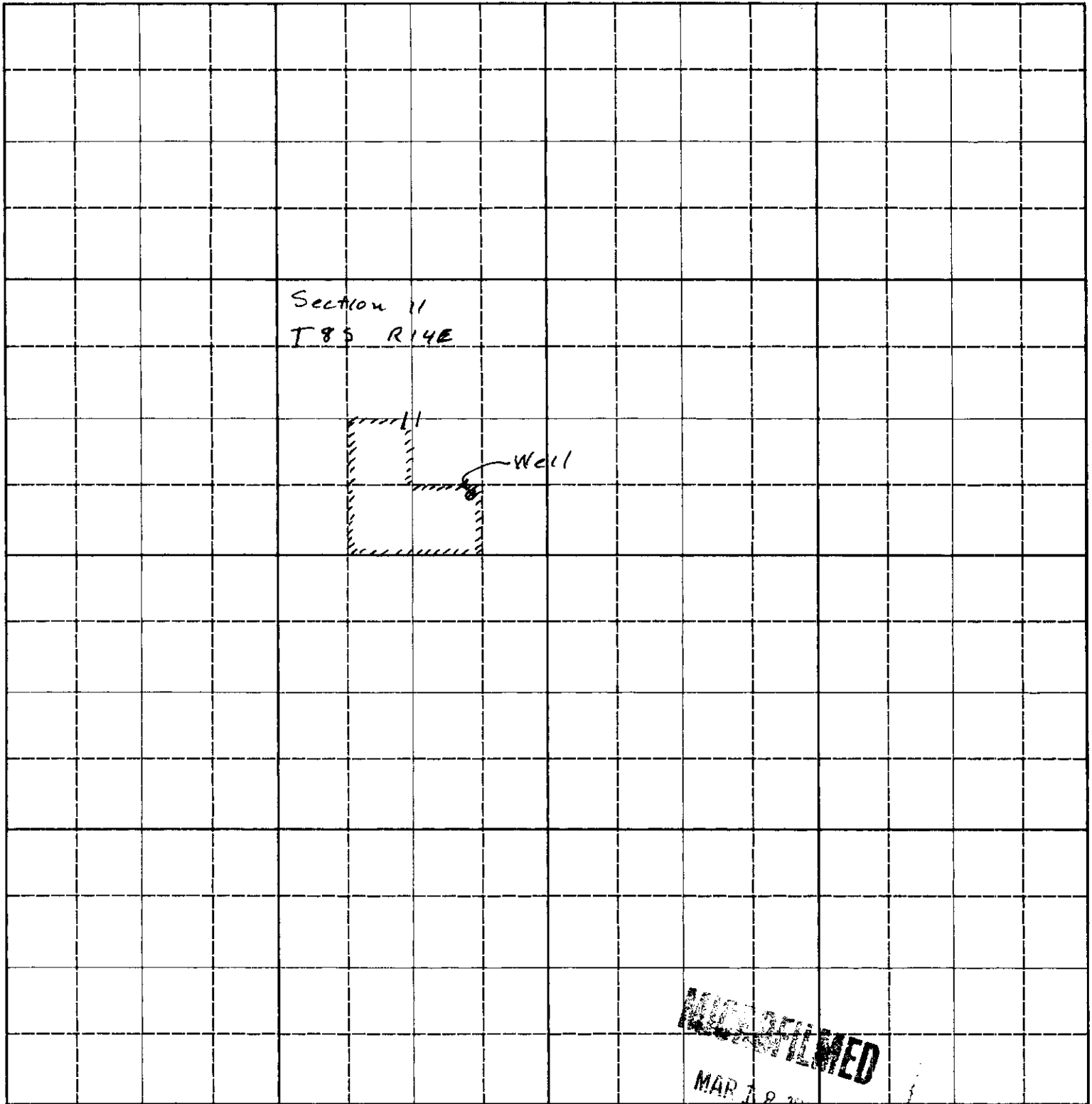
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

RECEIVED

12. Remarks: _____

MAR 18 1991

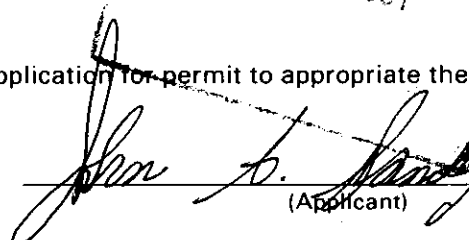
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



RECEIVED
MAR 18 1991

Scale: 2 inches equal 1 mile.

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


(Applicant)

Received by LH Date 2/14/86 Time 4:30 Preliminary check by JS
Fee \$ 85.00 Receipted by LH # 46025 Date 2/14/86
Publication prepared by B. Miller Date 12/19 & 12/26 Published in Gooding Co Ledger
Publication approved TJZ Date 1-8-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

AFFIDAVIT of PUBLICATION

State of Idaho,)
) SS.
 County of Gooding)

Patty Mance, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 19th day of Dec. 1990, and the date of the last publication was on the 26th day of Dec., 1990.

Patty Mance

Subscribed and sworn to before me this _____

day of _____, 19____.
 (SEAL)

NOTARY PUBLIC

GOODING COUNTY LEADER
 Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice _____

Number of Insertions 2X

— Lines tabular at _____ 6¢/Pica
 — 309.5 Lines straight at 15.47 5¢/Pica
 — Subsequent lines at 12.35 4¢/Pica
 TOTAL COST 27.85

COPY OF NOTICE (Paste Here)

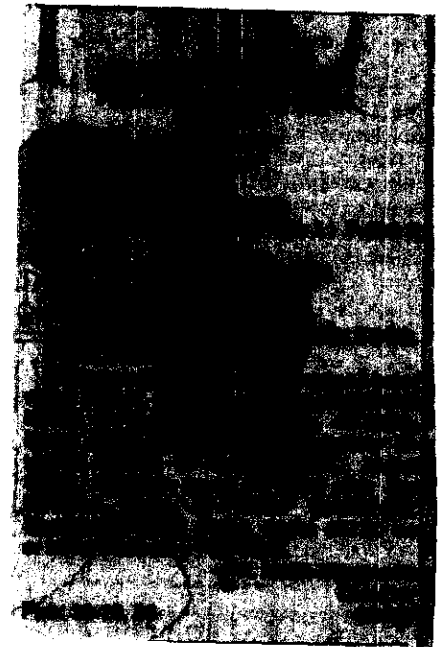
1. first
Not. Appl. for Not. R.
Cardman & Heide Dairy
36-08305

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

J. D. W. R. Davis
 BILL TO



PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight.....5¢/Pica
 7-8 pt. per line tabular.....6¢/Pica
 7-8 pt. per line successive
 insertions.....4¢/Pica

OK
 TJD

12-31-90

No 847

3421



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

February 4, 2002

BOX CANYON DAIRY
PO BOX 140
WENDELL ID 83355-0140

RE: License No. 36-8305 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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 a party 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

.Enclosed is a copy of the approved Application for Amendment.

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 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

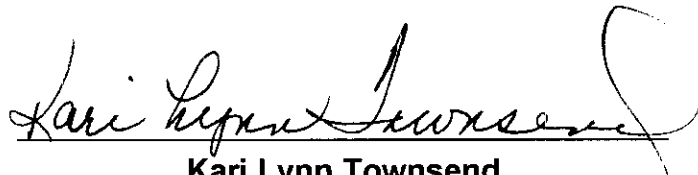
MICROFILMED
SEP 4 2002

CERTIFICATE OF MAILING

I hereby certify that on February 4, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 36-8305

**BOX CANYON DAIRY
PO BOX 140
WENDELL ID 83355-0140**


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 6 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED
FEB 04 2002

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.

MICROFILMED

SEP 9 4 2002

MEMORANDUM

DATE: January 31, 2002
TO: Water Right File 36-8305
FROM: Shelley W. Keen
RE: Not supplemental use

Today I spoke with Terry at Northside Canal Co. (324-2319) about the canal company shares that may have been appurtenant to the place of use for 36-8305. She told me that there were shares appurtenant, but they were moved off on March 3, 1997.

2/1/2002 Dan Nelson recalls this examination. He says there was no way, when he was there in 1996, for NSCC water to be used in this irrigation system.

S. Keen

Daniel A. Nelson

MICROFILMED

JAN 31 2002

INTER-DEPARTMENT MEMO--1

FROM S. Keen

DATE January 17, 2002

TO Water Right File 36-8305

SUBJECT Phone Call from Right Holder

Today Scott ^{Haag} ~~Haag~~ from Box Canyon Dairy called today to tell me that he'll respond to my amendment request. Also, note that contrary to my 1/11/2002 letter, the amendment fee has not yet been paid.

MICROFILMED

FEB 04 2002

Shelly Keen

SIGNATURE



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

January 11, 2002

BOX CANYON DAIRY
PO BOX 140
WENDELL ID 83355-0140

RE: Water Right Permit 36-08305

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within 14 days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the \$50.00 filing fee for this amendment has been paid.

If you have any questions regarding this matter, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure

MICROFILMED
JAN 11 2002



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

12/20/2001

BOX CANYON DAIRY
PO BOX 140
WENDELL ID 83355-0140

RE: Water Right Permit No. 36-08305

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ **Point(s) of Diversion**

☐ **Place(s) of Use**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosure(s)

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DEC 24 2002

Comment Report

36-8305

1. S. Keen 12/20/2001 License Review

Comment: License review and data entry by S. Keen on 12/20/2001. Point of diversion overlap is decreed right 36-2232. Although the place of use was apparently irrigated with water from Northside Canal Co. in the past, this right was not developed as a supplemental use. See the Trust Water questionnaire received on 11/8/1990.

When I digitized the place of use, the shape covered 95 acres. In this case, the GIS is a more precise tool than the estimate of the field examiner.

2. skeen 01/30/2002 Field Examiner

Comment: The beneficial use field report for this right is not signed, but according to Allen Merritt, it was almost certainly completed by Dan Nelson. I have asked Dan Nelson to come by and sign the field report.

3. VAULT 02/09/1994 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

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FEB 04 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 11 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-08305

1. Owner: Aardema & Heida Dairy Phone No. (208) 536-2189

Current Address: P.O. Box 140, Wendell, Idaho 83355

2. Accompanied by: Marke Haag EXAM DATE : 8-12-96

Address: P.O. Box 140, Wendell, Idaho 83355 Phone No. (208) 536-2928

Relationship to Permit Holder: FOREMAN

3. Source: GROUNDWATER tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: 36-02232

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge	County	Method of Determination/Remarks
WELL		S E	N W	S E	11	08S	14E	GOODING	Visual inspection with measurement using Measuremaster series Rolotape (model # MM-50) and ASCS maps.

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	11									33			33			33		99 AC

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE ATTACHED SHEET

YES Copy of USGS Quadrangle Attached showing location(s) of point(s) of diversion and place(s) of use (required).

YES Aerial Photo attached (required for irrigation of 10+ acres).

YES Photo of Diversion and Systems attached.

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
P/D WELL	US ELECTRIC	100 Hp	ID # 6347A/ U11U21 9R085R -10	WELLLINE	LP92045

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonic Portable Flowmeter	Tyme Flyte	149744	TF*P	N7H5506		April 1996

2. Measurements: SEE ATTACHED READING SHEET

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5 / 2004

E. NARRATIVE/REMARKS/COMMENTS

The water from this well is pumped by a 100 Hp pump and diverted into a mainline that travels south for approximately 100 feet then turns northwest to feed a center pivot. The well is located in the SE 1/4 - NW 1/4 - SE 1/4 of section 11 in township 08S - range 14E. The center pivot is located in the eastern 1/2 of the SW 1/4 and the western 1/2 of the SE 1/4 of section 11.

PLEASE NOTE:

The 33 acres covered in the NW 1/4 of the SE 1/4 of section 11 is covered under water right # 36-02232 which uses the same well as a point of diversion.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

NOV 9 2 1988

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

911 gpm / 448.8 = 2.03 cfs (see attached sheet for polysonic readings)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 99 \times 4.0 = 396 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.98 \times 214 \times 1.9835 = 840 \text{ afa}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 396 \text{ afa}$$

B

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
<u>IRRIGATION</u>	<u>APRIL 01</u>	<u>OCT. 31</u>	<u>1.98 cfs</u>	<u>396 afa</u>

Totals: 1.98 cfs 396 afa

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Daniel A. Nelson

Field Examiner's Name

Daniel A. Nelson

Date

2-1-2002

Reviewer _____

Date _____

SEAL

MICROFILMED

1999 02 01

RECOMMENDATIONS:

I RECOMMEND THAT THIS PERMIT BE LICENSED UNDER THE FOLLOWING CONDITIONS:

1. That this permit be licensed for 1.98 cfs which will give this permit .02 cfs/acre. Water right # 36-02232 is licensed for .80 cfs which is at the .02 cfs/acre maximum requirement. Although the combination of these two permits is 2.78 cfs which is higher than the capacity of the well of 2.03 cfs, both water rights are under the same center pivot. Therefore the entire pivot should be licensed equally at .02 cfs/acre with a maximum diversion rate of 2.03 cfs. This will allow Aardema & Heida Dairy to irrigate all of the lands equally without an increase in diversion rate.
2. That this permit is for only the 99 acres described under this exam. This will prevent confusion between this water right and water right # 36-02232.
3. That when combined with this water right and all other water rights can not exceed .02 cfs/acre on the lands described in this exam.

MICROFILMED

SEP 6 2 2001

POLYSONIC READINGS

PERMIT #: 36-08305

WELL

FIRST SET OF INFORMATION:

SET - UP IMPUTE DATA USED DURING
PREPARATION FOR FLOW MEASUREMENTS

SECOND SET OF INFORMATION:

THESE ARE THE READINGS TAKEN FOR
THE WELL.

FLOWS IN GALLONS PER MINUTE (GPM)

THE AVERAGE IS 911 gpm.

SECOND
SET OF
INFORMATION

09:40+906.902E 0GPM 00R
+00000 *10 G 00R
-00000 *10 G 00R

09:41+914.299E 0GPM 00R
+00009 *10 G 00R
-00000 *10 G 00R

09:42+918.526E 0GPM 00R
+00182 *10 G 00R
-00000 *10 G 00R

09:43+905.846E 0GPM 00R
+00273 *10 G 00R
-00000 *10 G 00R

09:44+909.280E 0GPM 00R
+00365 *10 G 00R
-00000 *10 G 00R

09:45+900.834E 0GPM 00R
+00454 *10 G 00R
-00000 *10 G 00R

09:46+926.979E 0GPM 00R
+00545 *10 G 00R
-00000 *10 G 00R

09:47+921.168E 0GPM 00R
+00638 *10 G 00R
-00000 *10 G 00R

09:48+908.487E 0GPM 00R
+00728 *10 G 00R
-00000 *10 G 00R

09:49+905.853E 0GPM 00R
+00819 *10 G 00R
-00000 *10 G 00R

09:50+921.960E 0GPM 00R
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MICROFILMED

MODE SELECT
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WALL THICKNESS
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KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
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AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

09/21/96 11:07:24
Page 1

Water Right Number - 36-02232

Prefix Translation: WATER RIGHT

Old (D) Number - 24354

+ - - - - Last Name - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BERRY

BRUCE A

1 - 3106 S 1500 E
2 -
3 -

City- WENDELL
Phone - 208-536-6251
State- ID Zip- 83355

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/21/1953 17 SOUTHERN L - LICENSE

+ - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name

08S 14E 11 SE NW SE (47) GOODING

+ - - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume
Code 01 - IRRIGATION 04/01 10/31 0.800 160.00

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - +
0.800 160.00 160.00 120.0

+ - - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
08S 14E 11 NW SE 40.0 01 IRRIGATION (47) GOODING

Total Acres: 40.0

+ - - Diversion Means - WELL 100' DEEP, 10HP PUMP, CENTER PIVOT

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - - +
00/00/0000

MICROFILMED
100-26-2000

Prefix Translation: WATER RIGHT

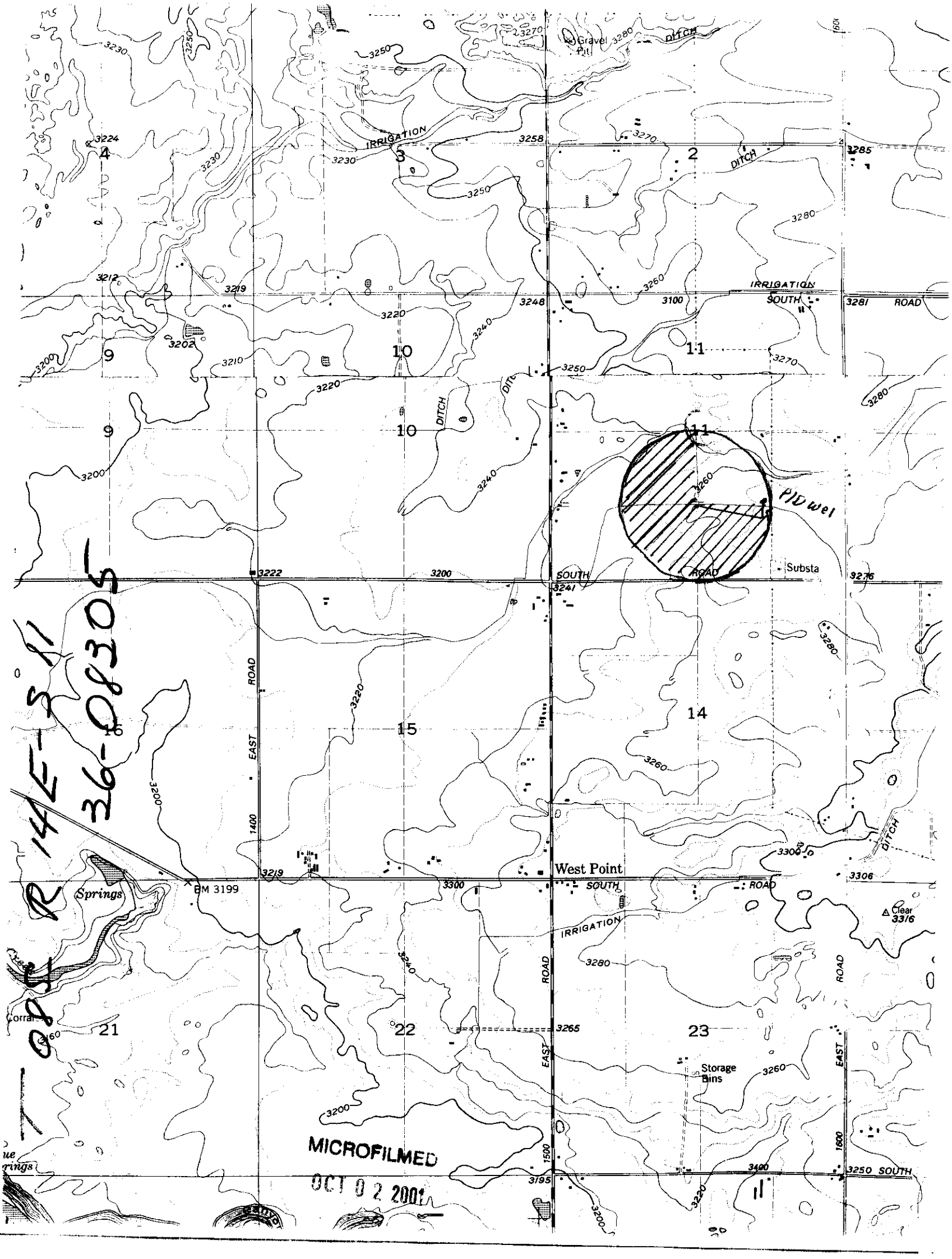
+ - - Certified Numbers & Date Mailed - 258238 08/24/92

[illegible]

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	-	39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-	
Response Filed Date	- 00/00/0000	Verified Date	- 08/07/1991	Old Judicial District	-	
Claim Received Date	- 08/08/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P	
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-	
Licensed Date	- 00/00/0000	Receipt Number	- M000896	Federal/State Indicator	- S	
		POU Ownership Flag	- Y	Presumption Flag	-	
		Name Connector	-	Notice of Error Flag	-	

REF ID: A66012

14E-S 11
36-08305
R
085



MICROFILMED

OCT 02 2001

2
37.2
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1
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T-1350

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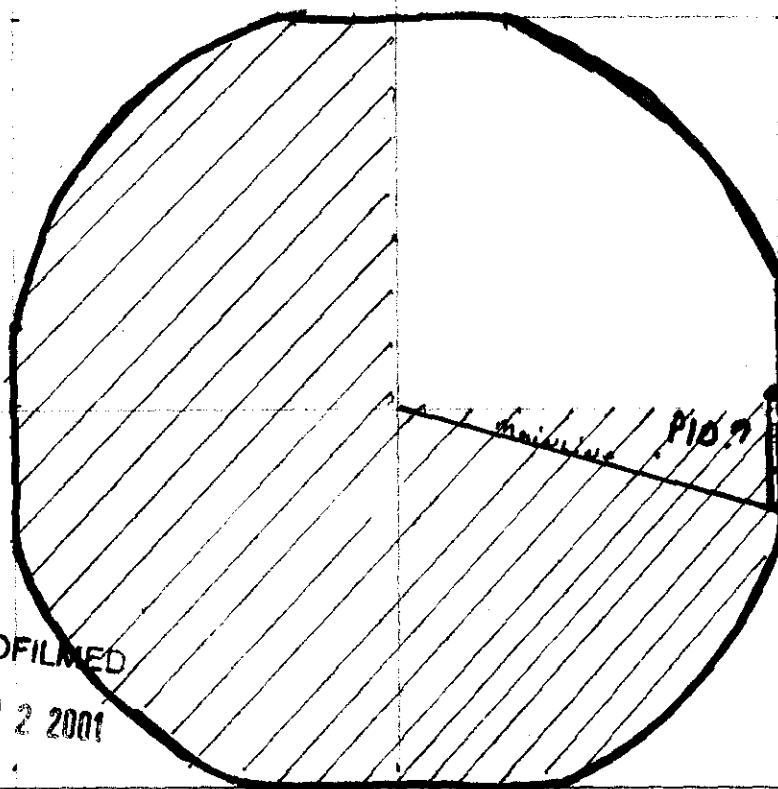
33 Ae

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MICROFILMED
OCT 02 2001

mainline



MICROFILMED
OCT 02 2001

DIVERSION WORKS

Diversion
works

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T-1350

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MICROFILMED
OCT 0 2 2001

WAINLIP



well.

WATER IS DRAWN FROM WELL WITH A
100 HP PUMP INTO A MAINLINE THAT
TRAVELS SOUTH APPROXIMATELY 100 FT THEN
TURNS NORTHEAST TO THE CENTER PIVOT.

MICROFILMED

1980

PLACE EF USE

THIS CORN FIELD IS IRRIGATED BY 132 ACRE PIVOT.
99 ACRES ARE ASSOCIATED WITH THIS PERMIT.

MICROFILMED



February 7, 1994

AARDEMA AND HEIDA DAIRY
P O BOX 140
WENDELL ID 83355

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 36-08305

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls, at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region



FEB 22 1994

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 36 8305

Reviewed by [Signature] Date 2-4-94

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

Irr.

no Address same as permit?

yes Proof timely received?

Correct Uses? yes

If not, complete calculation below.

SOURCE OF WATER

 Surface water source

✓ Ground water source

no Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit Correct?

 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?

yes Required?

125.00 Amount Submitted

no Installed?

yes Correct?

no Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>		<u> </u>
Date proof due	<u> </u>	-	<u> </u>
No. of days late	<u> </u>	=	<u> </u>
Priority Date	<u> </u>	+	<u> </u>
New Priority Date	<u> </u>		<u> </u>

DEFICIENCIES OR ACTION ITEMS

measuring devise will be installed
before exam. Proof acceptable

DATA ENTRY

New Address Po Box 140, Wendell
83355

Proof Made 1-31-94

November 30, 1993

AARDEMA & HEIDA DAIRY
1646 BOB BARTON HWY.
WENDELL ID 83355

PROOF DUE NOTICE

RE: PERMIT NO. 36-08305

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

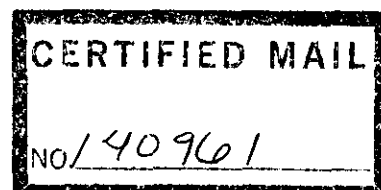
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

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FEB 22 1994





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 4, 1991

AARDEMA & HEIDA DAIRY
1646 BOB BARTON HWY.
WENDELL, ID 83355

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08305

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of

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Idaho for the use and benefit of the people within the state.
Conditions pertaining to a term review, annual use fee and
jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

MICROFILMED

MAR 18 1981

APPLICATION FOR PERMIT REVIEW

Application #: 36-8305
Date: 2-8-91

Reviewer: Pam Skaggs

- ✓ Existing:
- ✓ No - 26A-P17
 - Complete in 1 year - P16
 - Yes
 - Proof not submitted - P16
 - Proof submitted - N/A
 - ✓ Groundwater:
 - ✓ GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
 - LT. 0.7 cfs - N/A
 - ✓ Drilling Permit:
 - Approved w/permit - P99
 - ✓ Not included - 046-P23 (All GW, even existing wells)
 - ✓ Location:
 - Water Districts - WD No. _____
 - Surface water - 005, 005-01H-P01(LT.7 w/pump)
005-01J-P08(GT.7)
 - Groundwater - P05
 - Irrigation Districts - 023
 - Canal Co. Areas - 023
 - Drainage Districts - 024
 - Boise Front (63) - 058 (Groundwater)
 - ✓ Swan Falls Flag - 7 (1 or Blank)
 - ✓ Trust - 051-052-053-P74 (Cons.), 041(DCMI, w/Irr
or Irr & Dom)
 - Non Trust - 048-049
 - River Basins:
 - (Surface Water) Water District Control Condition &....
 - Boise (63) - 11D-P72
 - Payette (65) - 047-P04, 059-P71
 - SNAKE (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)
 - Use:
 - Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044
 - Power - Use Power Review
 - Mining - 06A, 006, 09E-P10, 010, 054(req.)
 - Storage - 18A-P for multiple measuring devices(In
W.D.), 18B-P09(Size)
 - Rec. & Aesthetic - 027(Non-Consumptive)
 - Domestic - 021(restricted areas)
 - Ownership:
 - Non land owner - 004
 - Protested:
 - Agreement - 020
 - Minimum Stream Flow:
 - Overlapping uses - 029-P20
 - ✓ Beneficial Use Due Date: - 02-01-1994
 - Other Conditions Recommended _____

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MAR 1 8 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

DECEMBER 11, 1990

Gooding County Leader
442 Main Box 56
Gooding, ID 83330

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 7, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

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FILMED

MAR 18 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08305

AARDEMA & HEIDA DAIRY
1646 BOB BARTON HWY.
WENDELL, ID 83355

Source: GROUNDWATER

Diversion Pt: NESWSE Sec 11 T 08S R 14E

Use: IRRIGATION (2.400 CFS)
Total Diversion: (2.400 CFS)

Date Filed: 2/14/ 1986

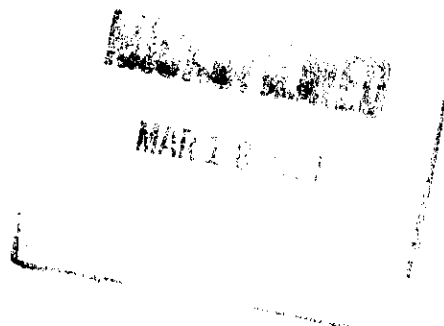
In: T08S R14E S11 NESW SESW SWSE

120.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before JANUARY 7, 1991.

R. Keith Higginson, Director

Published 12/19/1990 & 12/26/1990





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 12, 1990

RE: Application for Permit No. 36-8305

Aardema & Heida Dairy
1646 Bob Barton Hwy.
Wendell, ID 83355

Dear Water Right Holders:

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads 'Sharla Curtis'.

SHARLA CURTIS
Technical Records Specialist

SC:blm

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MAR 18 1991

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE
Department of Water Resources
Southern Region Office

NOV 8 1990

Application No. 36-8305

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes ✓ No
b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes No No
b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. None

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. 120 acres

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.
120 shares Northside Canal Co. - will be moved to other land if well permit is approved.

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant James H. Haskins Date 11-15-90

John Haskins
John Haskins

NOV 15 1990

Note: Based on comment under item 5 above, acreage under this application should count as trust acreage. T.J. Luke
3-1-91



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 23, 1990

Aardema & Heida Dairy
1646 Bob Barton Hwy.
Wendell, ID 83355

RE: Application for Permit No. 36-8305

Dear Applicants:

Our regional office in Twin Falls recently forwarded to me the assignment of the above application. This application was assigned to you by John Sandy in June of 1990. Our Twin Falls office did not receive the assignment until November 10, 1990.

Enclosed with this letter is a copy of correspondence dated October 23, 1990 which was sent to Mr. Sandy. Please review the correspondence and return the enclosed Trust Water Information Questionnaire. The questionnaire must be completed and returned to the department within 30 days of receiving this letter.

Please contact me at this office or our Twin Falls office if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Tim Luke".

Tim Luke
Sr. Water Resource Spec.

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FILMED

MAR 18 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 22, 1990

RE: APPLICATION FOR PERMIT NO. 36-8305

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

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OCT 28 1991

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: J. E. Stanton SANDY, John A.
APPLICATION NUMBER: 36-8305

CHECK:

- ☐ Source.
☐ Point of diversion.
☐ County.
☐ Quantity of water and period of use.
☐ Description of diverting works.
☐ Time required for beneficial use of water.
☐ Place of use or acres irrigated.
☐ Map.
☐ Signature.
☐ Fee.

Field check by: _____

Date: _____

Comments: _____

☐ Yes ☒ No Field check required.

☐ Yes ☐ No Critical groundwater area.

☐ Yes ☐ No Request dam safety information. Sent by: _____ Date: _____

☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

☐ Yes ☒ No Platted by: JA Map No. BB-20
☐ Yes ☒ No Other rights on same place of use. _____

☐ Yes ☐ No* In form for advertising.

Final date for protests: _____

☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. Date: _____
☐ Application published correctly. If not, record action taken: _____
☐ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☐ Recommendation & initial, recorded on application.
☐ Yes ☐ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
Date of priority recommended. _____

Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____ Date: _____

RECEIVED
OCT 04 1990
Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						
