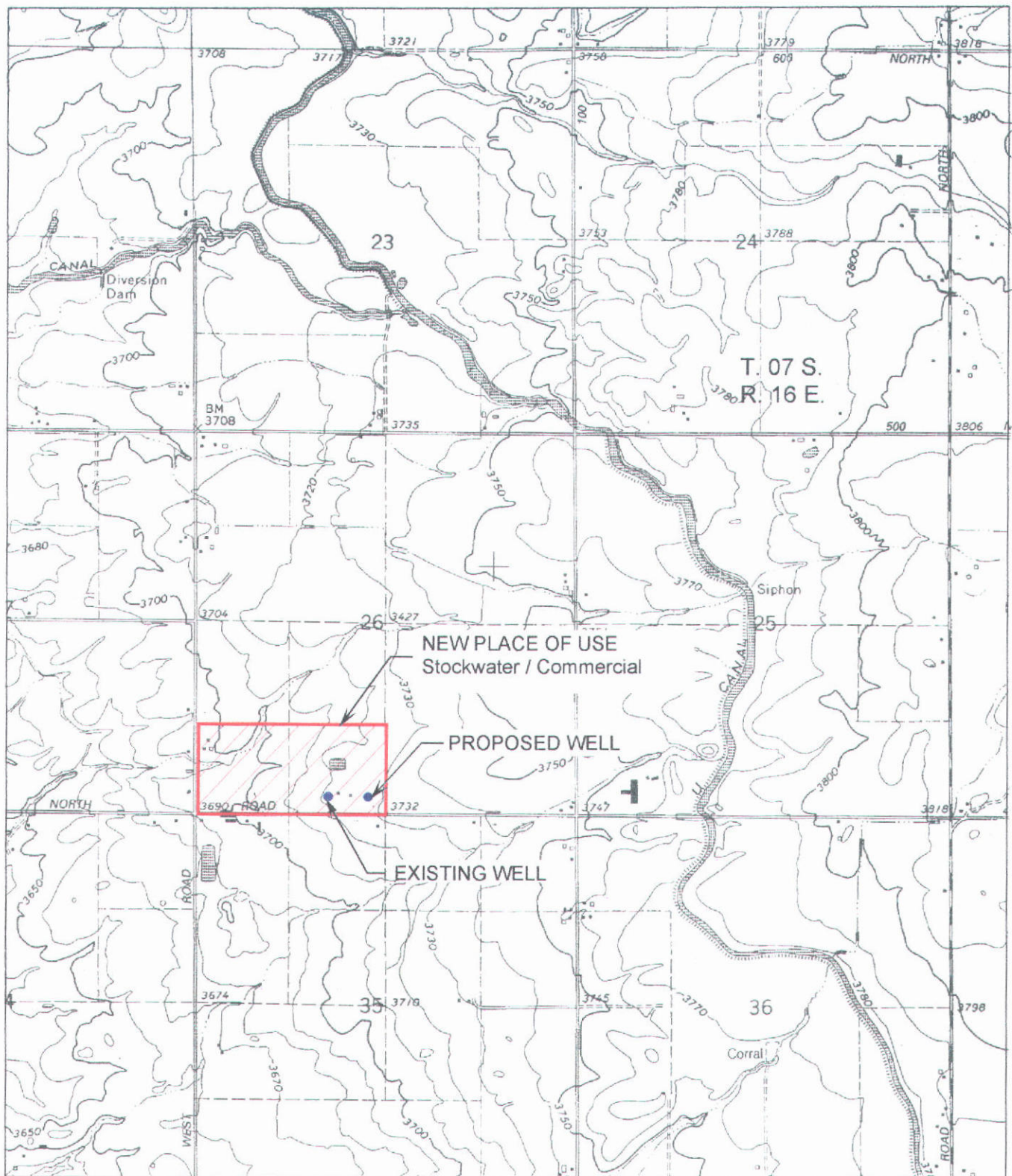
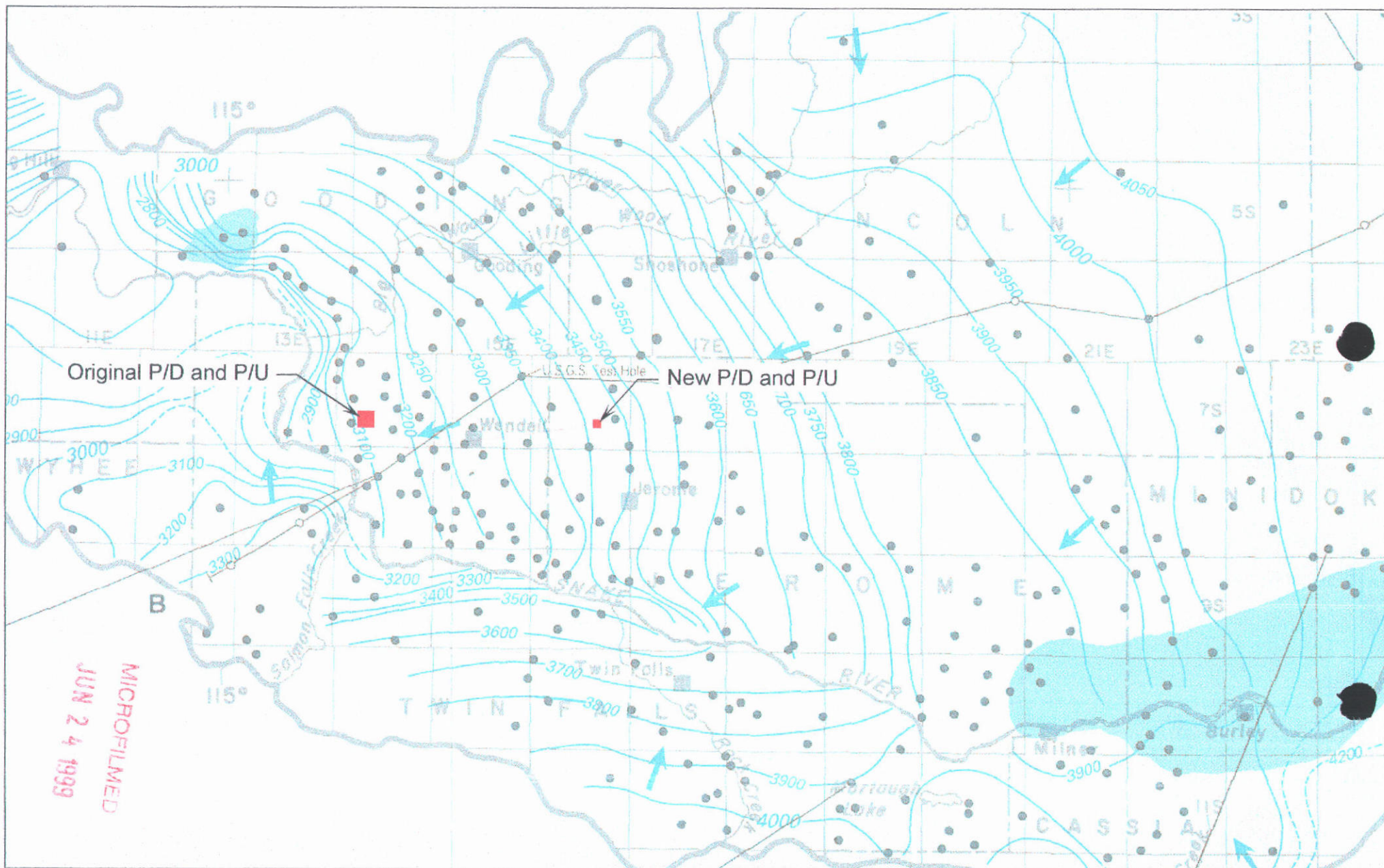




WATER RIGHT TRANSFER APPLICATION
 DON GERMAN
 T X36-07460 & A C

BROCKWAY ENGINEERING, PLLC 7/28/98

MICROFILMED
 JUN 24 1999



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5321
WATER RIGHT NO. 36-07460X

This is to certify that: **DON GERMAN**
162A W 400 N
JEROME ID 83338

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.25 CFS	30.7 AF
COMMERCIAL	01/01 to 12/31	0.25 CFS	11.9 AF
Totals		* 0.25 CFS	* 42.6 AF

SOURCE

GROUNDWATER

Priority: 03/25/1974

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 26, Township 07S, Range 16E
JEROME County

PLACE OF USE: STOCKWATER

TWN RGE SEC

07S 16E 26 SWSW SESW

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.

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TRANSFER NO. 5321
WATER RIGHT NO. 36-07460X

CONDITIONS OF APPROVAL AND REMARKS

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer 5321 shall not exceed 0.25 cfs, nor a total combined annual volume of 42.6 af.
9. Commercial use is for a dairy.
10. Two points of diversion are located within SESW, S26, T07S, R16E.

Dated this 8th day of June, 1999.


Chief, Water Allocation Bureau

MICROFILMED
JUN 24 1999

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

OCT 26 1998

PART 1

Department of Water Resources

Name of applicant Don German Phone 324-8938Post Office address 162-A W 400 N, Jerome, ID 83338

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 Split right

2. Describe the reason for the proposed changes
- Convert a portion of an irrigation right to commercial and stockwater use in an existing dairy that is being enlarged. Transfer will provide water for the entire facility.

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

1. Right Number T36-07460A ^B_F Priority 3-25-1974 Amount (cfs/ac-ft) 0.25 cfs 30.7 AFA Nature of Use Stockwater Period of Use 1-1 to 12-31
- 0.25 cfs 11.8 AFA Commercial " to "
2. Total amount of water being transferred 0.25 cubic feet per second and/or 42.5 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	SW	26	7S	16E	Jerome	Existing Well
	SE	SE	SW	"	"	"	"	New well to be drilled

5. Lands irrigated or place of use:
- * Barn Location

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	
7S	16E	26											SC	SC					
													*						

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JUN 24 1999

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system Wells and pumps to dairy barn and stock troughs.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
14.2 acres would no longer be irrigated.
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 19 _____.

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 JUN 24 1999

DATE: 06/07/99
PAGE: 1

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JUN 24 1999

Comments: Date: 12/23/1991 User-ID: CLELLAND Subject: TRANSFER 3767 INFO 1991 AND THE TRANSFER WAS FILED IN 1990. IT APPEARS THAT IS THE LAST PENDING TRANSFER AGAINST THE FORFEITED/ABANDONED PORTION OF THIS RIGHT. ANY FURTHER TRANSFERS ON THE NON-IRRIGATED PORTION OF THIS RIGHT SHOULD NOT BE ALLOWED.

Date: 03/18/1994 User-ID: SKAGGS Subject: TRANSFER NO. 4051
Transfer No. 4051 was filed to change the point of diversion and the place of use under a portion of Right No. 36-07460C, splitting the right into parts H and J. The transfer was processed using the SRBA Claim as recommended to the court and will be stored under an X prefix on the water right database pending conclusion of the adjudication.

Date: 01/31/1996 User-ID: MBALDWIN Subject: TRANSFER NO. 4761
T# 4761 filed on 12/22/95 proposes to add diversion point(s), change place of use, change nature of use, change period of use, under a portion of Right 36-07460H, splitting the right into Parts K & L. Based on adjusted rates per SRBA stipulation agreement. SEE X36-07460K & X36-07460L.

Date: 02/08/1996 User-ID: MBALDWIN Subject: TRANSFER NO. 4765
T# 4765 filed on 1/29/96 proposes to to add diversion point(s), change place of use, change nature of use, change period of use, under a portion of Right X36-07460K, splitting the right into parts M & N. SEE X36-07460M & X36-07460N.

Date: 10/01/1997 User-ID: PSKAGGS Subject: TRANSFER NO. 5114
Transfer No. 5114 changes the point of diversion, place, season & nature of use under a portion of Right No. X36-07460M, splitting the right into Parts P & Q. SEE RIGHTS X36-07460P & X36-07460Q.

Date: 12/16/1997 User-ID: PSKAGGS Subject: TRANSFER 5160
Transfer 5160 adds a point of diversion, changes the nature, season & place of use under all of Right 36-10656 & a portion of Right X36-07460P, splitting the right into parts R & S. SEE RIGHTS X36-07460R, X36-07460S & X36-10656.

Date: 10/16/1998 User-ID: PSKAGGS Subject: TRANSFER 5098
Transfer 5098 changes & adds points of diversion, changes the place, nature & season of use of a portion of Right 34-07460R identified as Part V. The remaining unchanged portion of Part R was split into Parts T & U by ownership as identified by SRBA stipulation agreement.

Audit: 10/21/98 PSKAGGS

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JUN 24 1999

PART 2

TRANS NO. 5321

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. T36-07460AC

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	1.00 CFS

SOURCE

GROUNDWATER

Priority: 03/25/1974

LOCATION OF POINT(S) OF DIVERSION:

SWNWSE , Sec. 21, Township 07S, Range 14E
SWNWNE , Sec. 28, Township 07S, Range 14E
NWSWSE , Sec. 28, Township 07S, 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>
07S	14E	28	SWNE 0.2	SENE 7.7	NESE 34.1	
			SWSE 14.5			56.5
				Total number of acres irrigated:		56.5

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes If yes, describe Land is no longer irrigated, but right is recognized as valid by IDWR.

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 0.25 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) 42.5 AFA for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
2. Point(s) of Diversion: Same as licensed

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>7S</u>	<u>14E</u>	<u>28</u>													<u>8.2</u>		<u>6</u>		<u>14.2</u>

Total acres 14.2

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

1. amount 0.75 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) 167.2 AFA for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
2. Point(s) of Diversion: Same as licensed

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>7S</u>	<u>14E</u>	<u>28</u>			<u>0.2</u>	<u>7.7</u>									<u>259</u>		<u>8.5</u>		<u>42.3</u>

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JUN 24 1999

Total acres 42.3



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JUN 24 1999

PART 3**B. CHANGES IN NATURE OF USE**

- | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|------------------------------|------------------------|----------------------|
| Stock/comm. | ~~0.19/42.0~~ | As needed | 1/1 to 12/31 |
| | <u>0.25/42.5</u> | | to |
- Quantity and quality of return flows and location of discharge:
None.
- Describe the effects on other water uses resulting from the proposed change:
N/A

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

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

Don Aremson
(Signature of Applicant)

Subscribed and sworn to before me this 28th day of July, 19 98.

Mary Baldner
(Notary Public)

My commission expires 10/16/1998

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by MB Date 7/28/98 Protest filed by None

Prelim. check by J.F. Stanton Fee 100.00 CK # 1883

Receipted by JF Date 7-28-98 5021382

Published in Gooding Co. Leader & Northside News Copies of protest forwarded by _____

Pub. dates 10/01 & 10/8/98 Hearing held by _____ Date _____

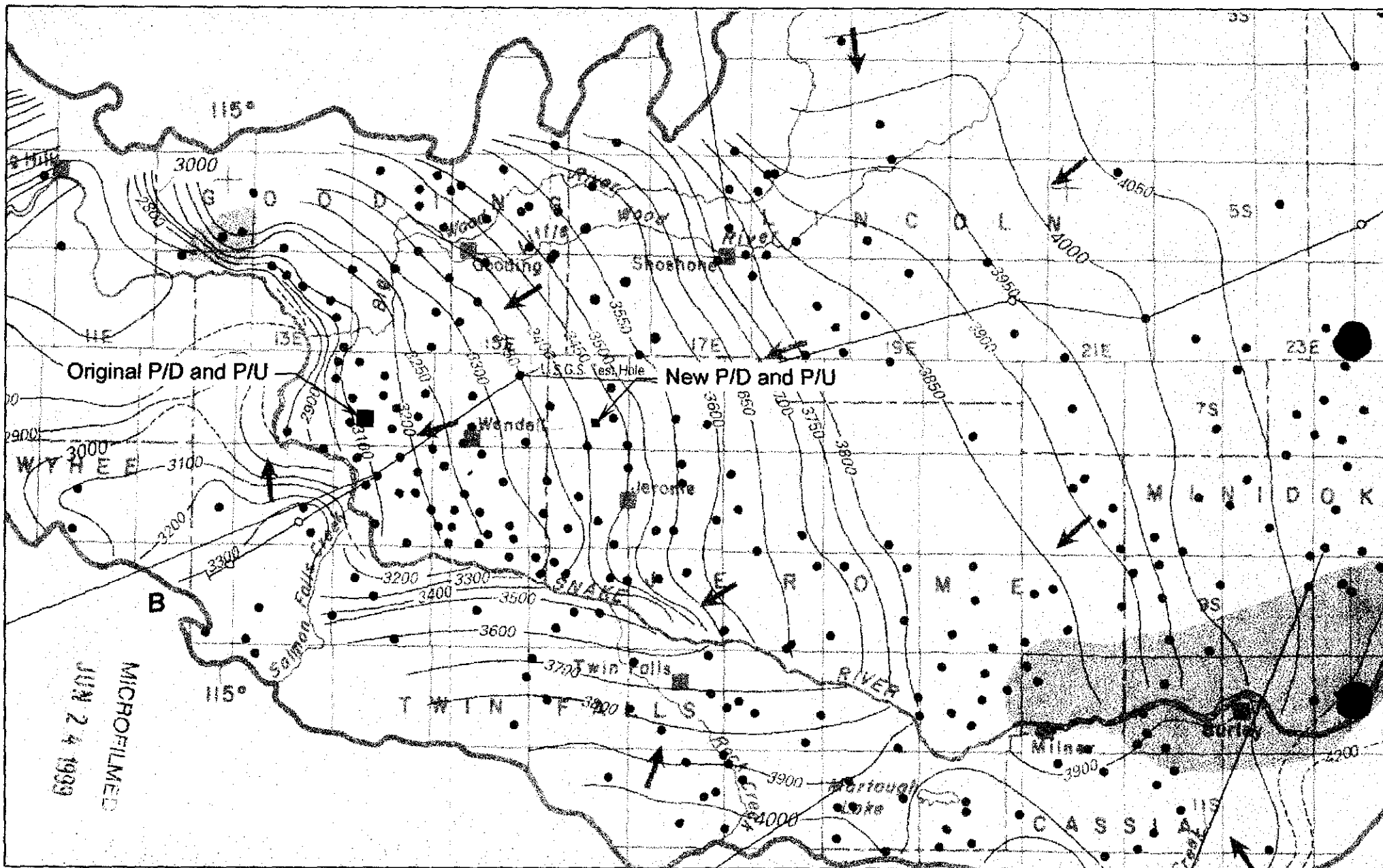
Watermaster recommendation requested on N/A Recommended for ☒ Approval ☐ Denial

_____ rec'd. _____ by AL

Copy of transfer sent to lien holder _____

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JUN 24 1999



CONTOURS OF GROUNDWATER LEVELS
 USGS Atlas HA-703 (1980)
 WATER RIGHT TRANSFER APPLICATION - DON GERMAN
 X36-07460

August 4, 1998

For sufficient consideration, I, Michael Branchflower, hereby transfers to Don German
14.2 acres of water Right No. 36-07460R.

Twp. 7S. Rge. 14E. Sec. 28 NE. 1/4.

SW. 1/4 NE. 1/4

6.0 8.2

Total

14.2



Michael Branchflower

MICROFILMED

JUN 24 1999

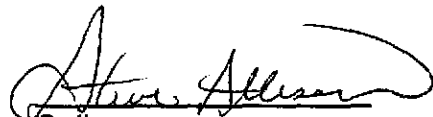
T # 5321

July 21, 1998

Don and Theresa German
162 W 400 N
Jerome, ID 83338

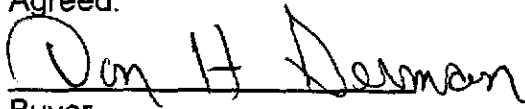
Dear Don and Theresa:

After our discussion the past few weeks, this is a confirmation on the purchase of our land. The agreed upon price is \$120,000. The property description is the SW1/4 SW1/4, Township 7 South, Range 16 East of the Boise Meridian, Section 26. The property has 40 shares of Northside Canal Company water.


Seller


Seller

Agreed:


Buyer


Buyer

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JUN 24 1999

T # 5321

MEMORANDUM

TO: File 36-07460U

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 5321

DATE: June 8, 1999

Transfer 5321 changes the points of diversion, place, nature and season of use under a portion of Right 36-07460U, splitting the right into Parts W and X. The applicant has purchased 14.2 acres of water right in order to provide water for an existing dairy and planned expansion of the dairy.

The stockwater and commercial needs were evaluated by the applicant's consultant, Chuck Brockway and by region staff. The water requirement was used to identify the number of acres required to provide 42.6 af and a transaction was made to purchase that portion of the water right. The net result of the transfer is a reduction of diversion volume.

Recommended conditions include drilling permit requirements, multiple points of diversion/measuring devices, measuring & annual reporting, water quality, county zoning, diversion limits and standard transfer conditions.

Change in Nature of Use Evaluation

36-07460U	Rate 2.08 cfs	Use IRR	Acres 117.4 acres	Div. Vol./C.U. Vol. (469.6 af/352.2 af)
Part W	1.83 "	"	103.2 acres	(412.8 af/309.6 af)
Part X	0.25 "	STOCK	(10.2 acres)	30.7 af/ 30.7 af
	0.25 "	COMMER	(4.0 acres)	11.9 af/ 11.9 af
	0.25 cfs	DAIRY	(14.2 acres)	42.6 af/ 42.6 af
After the Transfer	2.08 cfs	IRR/DAIRY	103.2 acres	455.4 af/ 352.2 af

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TRANSFER REVIEW SHEET

(07-98)

Transfer # 5321

Date Reviewed 6-8-99

CS

Right(s) X 36-07460U

☒ WRQ/Split Summary ☒ SRBA Status ☒ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use ☒ Other Add P/D H:Change P/D & Add P/D
I:Change P/D & P/U Change P/U, Nature & Season J:Add P/D & Change P/U

Proof of Ownership Purchase agreement for land SWSW, S26 & water from 14.2 acres of Branch Flowers rt. (See previous transfers.)

Transfer All of Right ☒ Portion of Right

Resulting Split(s) U split < X

W) 1.83 cfs 103.2 acres
X) .25 cfs (14.2 acres) Stock 35.7 Comm 11.9 = 42.6 cfs

Check Transfer Against Recorded Right

Season/Vol. C/4.0-Original

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

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

North Snake GWD Dist./West ESTA

(11) NO Water District (12) NO Pertinent Conditions (13) NO Expansion
Reduced Div Vol.

- (2) IRR to STOCK + COMM for dairy.
- (3) Allow yr. round use for dairy.
- (5) Volume limited to C.V Vol. for 14.2 acres or $3 \times 14.2 = 42.6$ cfs for dairy use.
- (7) Change P/D - 2 wells (1 existing & 1 proposed)
- (8) Change P/U

COMM use for dairy.

Transfer Remarks 2 P/Ds SWSW W34

Conditions 046, 067, 081, 082, T07, T08, T17

Database/Processing Notes Standard Non-Standard ☒

Copy approved version to an "X" until Part C updated in AJ database.

Both Parts W & X Deleted T3 - Cleared Part U.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

36-074600	2.08 cts	117.4 acres	(469.6 af / 352.2 af)
W	1.83 "	103.2 "	(412.8 af / 309.6 af)
X	.25 "	(14.2 ")	42.6 af / <u>42.6 af</u>
After —	2.08 cts	↓ 103.2 acres	↓ 455.4 af / 352.2 af

(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												
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac										
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac									
T07S R14E S 28		Acres Dried-up for Transfer 5321																8.2		6.0		14.2								
0100005	SNAKE RIVE :																													
0100016	SNAKE RIVE :																													
0100212	SNAKE RIVE :																													
0100213	SNAKE RIVE :																													
0100215	SNAKE RIVE :																													
0100220	SNAKE RIVE :																													
A3607460A	GROUNDWATE :		7		40		40		40		40		40		37		28		39		40		40		39		39		500	
I3607460AA	GROUNDWATE :				2		39															34				14			89	
I3607460AB	GROUNDWATE :				0		7															34				14			55	
I3607460AE	GROUNDWATE :				0		7															25				8			40	
I3607460AB	GROUNDWATE :				0		7															22				8			37	
I3607460C	GROUNDWATE :				17		39		40		40		40		40		38		35		39		40		35		39		39	521
*3607460C	GROUNDWATE :								33		35		13		35		38		26		26				7		9			222
A3607460C	GROUNDWATE :						19		40		40		40		40		37		28		39		40		40		39		39	481
R3607460C	GROUNDWATE :						39		33		35		13		35		38		26		26		40		35		39		39	415
X3607460T	GROUNDWATE :								33		35		13		35		38		26		26				7		9			222
X3607460U	GROUNDWATE :				2		39																34		14		27			116
I3607460W	GROUNDWATE :				2		39																34		14		17			106
--86 MAP--	C47Q-AA 70 :		33		37		42		36		41		40		40		40		43		41		29		25		14		13	553

X36-07460U < ^w
X - Don German (T5321)

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 06/08/99

TIME: 08:08:07

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-07460			00/00/0000	/Z			WR
36-07460A			00/00/0000	/Z			WR
36-07460B	BRANCHFLOWER, MICHAEL G	C	03/25/1974	D/	GROUNDWATER	P DECR	WR
36-07460C	JANSS INVESTMENT CORP.	C	03/25/1974	L/	GROUNDWATER	IRR	WR
36-07460D			00/00/0000	/Z		P DECR	WR
36-07460E	BRANCHFLOWER, MIKE	C	03/25/1974	D/	GROUNDWATER	P DECR	WR
36-07460F	BRANCHFLOWER, MIKE	C	03/25/1974	D/	GROUNDWATER	P DECR	WR
36-07460G	BRANCHFLOWER, MIKE	C	03/25/1974	D/	GROUNDWATER	P DECR	WR
T36-07460AA	BRANCHFLOWER, KATHY	C	03/25/1974	L/	GROUNDWATER	IRR	WR
	BRANCHFLOWER, MICHAEL G	C					
T36-07460AB	HILT, DARYL	C	03/25/1974	L/	GROUNDWATER	STOCK	WR
	HILT, ELAINE	C				COMMER	
T36-07460AC	BRANCHFLOWER, KATHY	C	03/25/1974	L/	GROUNDWATER	IRR	WR
	BRANCHFLOWER, MICHAEL G	C					
T36-07460AD	ROCHA DAIRY	C	03/25/1974	L/	GROUNDWATER	STOCK	WR
						COMMER	
						DOMEST	
T36-07460AE	BRANCHFLOWER, KATHY	C	03/25/1974	L/	GROUNDWATER	IRR	WR
	BRANCHFLOWER, MICHAEL G	C					
T36-07460AF	GERMAN, DON	C	03/25/1974	L/	GROUNDWATER	STOCK	WR
						COMMER	
T36-07460AG	BRANCHFLOWER, MICHAEL G	C	03/25/1974	L/	GROUNDWATER	IRR	WR
	BRANCHFLOWER, KATHY	C					
T36-07460AH	GOEDHART, HUGO C	C	03/25/1974	L/	GROUNDWATER	STOCK	WR
	GOEDHART, MARY	C				COMMER	
T36-07460AJ	PETTERSON, REBECCA L	C	03/25/1974	L/	GROUNDWATER	STOCK	WR
	PETTERSON, TIM	C				COMMER	
T36-07460AK	TOLEDO, JOHN B	C	03/25/1974	L/	GROUNDWATER	STOCK	WR
	TOLEDO, MARIA R	C				COMMER	
T36-07460B	BRANCHFLOWER, MICHAEL G	C	03/25/1974	D/	GROUNDWATER	IRR	WR
	BRANCHFLOWER, KATHY	C					
T36-07460W	BRANCHFLOWER, KATHY	C	03/25/1974	L/	GROUNDWATER	IRR	WR
	BRANCHFLOWER, MICHAEL G	C					
T36-07460Y	BULL, ANTHONY	C	03/25/1974	L/	GROUNDWATER	STOCK	WR
						COMMER	
X36-07460H			00/00/0000	/Z		COMMER	WR
X36-07460J	BRANCHFLOWER, MIKE	C	03/25/1974	L/	GROUNDWATER	IRR	WR
X36-07460K			00/00/0000	/Z		IRR	WR
X36-07460L	WHITESIDES, STEVE	C	03/25/1974	L/	GROUNDWATER	STOCK	WR
	WHITESIDES, BRENT	C				COMMER	
X36-07460M			00/00/0000	/Z		COMMER	WR
X36-07460N	FIFE, BRAD	C	03/25/1974	L/	GROUNDWATER	STOCK	WR
	FIFE, SALLY	C				COMMER	
X36-07460P			00/00/0000	/Z		COMMER	WR
X36-07460Q			00/00/0000	/Z		COMMER	WR
X36-07460R			00/00/0000	/Z		COMMER	WR
X36-07460S	DINIS, MANUEL	C	03/25/1974	L/	GROUNDWATER	STOCK	WR
	DINIS, MARIA	C				COMMER	
X36-07460T	JANSS FARMS	C	03/25/1974	L/	GROUNDWATER	IRR	WR
X36-07460U	BRANCHFLOWER, KATHY	C	03/25/1974	L/	GROUNDWATER	IRR	WR
	BRANCHFLOWER, MICHAEL G	C					
X36-07460V			00/00/0000	/Z		IRR	WR
36-07460	SPLIT RIGHT	C	03/25/1974	/Z	GROUNDWATER	IRR	AJ

Pending transfer
records

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
						SPLIT RIGHT		
36-07460A	JANSS FARMS	C		03/25/1974	/Z	GROUNDWATER	IRR	AJ
*36-07460B	BRANCHFLOWER, MICHAEL G	C		03/25/1974	D/	GROUNDWATER	P DECR	AJ
36-07460C	TRANSFERRED CLAIM	C		03/25/1974	L/	GROUNDWATER	IRR	AJ
*36-07460D	BRANCHFLOWER, MICHAEL G	C		03/25/1974	D/	GROUNDWATER	P DECR	AJ
A36-07460	SPLIT RIGHT	C		03/25/1974	/Z	GROUNDWATER	IRR	AJ
						SPLIT RIGHT		
A36-07460A	JANSS FARMS	C		03/25/1974	L/	GROUNDWATER	IRR	AJ
A36-07460B	BRANCHFLOWER, MIKE	C		03/25/1974	L/	GROUNDWATER	IRR	AJ
A36-07460C	SPLIT RIGHT	C		03/25/1974	L/	GROUNDWATER	IRR	AJ
A36-07460D	SPLIT RIGHT - TRANSFERRED RIGHT	C		03/25/1974	L/	GROUNDWATER	IRR	AJ
R36-07460C	JANSS FARMS	C		03/25/1974	L/	GROUNDWATER	IRR	AJ
R36-07460P	SPLIT CLAIM	C		03/25/1974	/Z	GROUNDWATER	IRR	AJ
						SPLIT CLAIM		
X36-07460H	JANSS FARMS	C		03/25/1974	L/	GROUNDWATER	IRR	AJ
X36-07460J	VANDER VEGT, IRENE	C		03/25/1974	L/	GROUNDWATER	IRR	AJ

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

German, Don

TRANSFER NO.

5321

1. Right number(s) _____

2. Type of right

☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☒ Add P/D ☒ Change P/U
☒ Change N/U ☐ Change Source ☒ Split Right
☒ Other: Change season of use

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: Standard transfer on this right based on remaining
portion not covered by other pending or approved transfers.
No site inspection planned.

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

 Also see attached memo for more analysis information

- a. ☐ All of right
- b. ☒ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: None requested

RECEIVED

OCT 26 1998

Department of Water Resources

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): _____

j. ☒ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

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

INITIAL ALLOCATION REVIEW BY J. J. J. J.
 SRBA SUPERVISOR REVIEW BY J. J. J. J.
 PUBLICATION REVIEW BY _____

DATE 9-15-98
 DATE 10/21/98
 DATE _____

1. Legal Notice electronically sent to DWR03::VAULT ☒ Yes @ 11:24 (9/25/98)

2. COMMENT LETTERS Copy of Pg 1 to AJ ☒ Yes 9/17/98

Watermaster recommendation requested on _____, Received on _____

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

3. Transfer published correctly? ☒ Yes _____ No

4. Affidavit of publication received? ☒ Yes _____ No

5. Protests received? _____ Yes ☒ No; Acknowledgement sent? _____ Yes

6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated: 10/21/98

4. By AD

Date 10/21/98

FROM: Allen Merritt *AM*

DATE: October 21, 1998

TO:

Transfer File No. 5320
Water Right(s): 36-07460 Part
36-08379
In the Name of: ROCHA DAIRY

Transfer File No. 5321
Water Right: 36-07460 Part
In the Name of: GERMAN

SUBJECT: Review and Recommendation

These transfers convert portions of the Branchflower right (36-07460 Part) from irrigation to uses in existing dairies.

The Rocha Dairy is presently partially covered by 37-08379. The transfer is based on drying up 34.0 acres of the Branchflower right to allow expanded use at the dairy. The transfer was filed based on allowing 3.0 af consumptive use for each acre dried up.

The German dairy is not presently covered by a recorded right however historically it has been watered under a domestic exempt use. The transfer application purports to cover the historical use as well as allow expansion of the dairy herd. A new well is proposed to be drilled to allow for the expansion. The transfer is based on drying up 14.2 acres and was based on allowing 3.0 af consumptive use for each acre dried up.

These transfers were advertised without protest.

RECOMMENDATION

I recommend the transfers be approved subject to the following conditions:

TRANSFER 5320

- Use subject to measuring & reporting to West ESPA Measuring District.
- No new wells authorized to be drilled under this approval.
- When 36-08379 and 36-07460 (part) are combined they are limited to 0.98 cfs and 191.4 afa for uses at the dairy for barn use and stockwater use and use for domestic purposes in 1 home.
- 3 points of diversion within NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Twp.8S, Rge.15E, B.M.
- Place of Use for Commercial dairy within Section 10, Twp.08S, Rge.15E, B.M. as identified in application. (Includes waste disposal site.)

COPIED

NOV 2 1998

-Measuring devices be installed and maintained to the satisfaction of the measuring district.

TRANSFER 5321

-Use subject to measuring & reporting to West ESPA Measuring District.

-One new well authorized to be drilled under this approval which must comply with drilling permit requirements.

-Measuring devices be installed and maintained on both wells.

MICROFILMED

JUN 24 1989

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED

OCT 13 1998

Department of Water Resources
Southern Region

Patty Mance, being first duly sworn, deposes and says that she 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 supplement; that the date of the first publication of said advertisement was on the 1st day of October, 1998

and that date of the last publication was on the 8th day of October, 1998

On this 8th day of October in the year of 1998, before me, a Notary Public, personally appeared Patty Mance, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that she executed the same.

Norma De Voe

Notary Public for Idaho
Residing at Jerome, Id

My commission expires: 3/6/01

6911 / 23524
GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2X

Lines tabular at _____ 7¢/Pica

631.13 Lines straight at 37.87 6¢/Pica

631.13 Subsequent lines at 31.56 5¢/Pica

Affidavit Fee 2.25

TOTAL COST 71.68

#5321 - German
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

COPY OF NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, T/ 5321

Notice is hereby given that DON GERMAN, 162-A WEST 400 N; JEROME ID 83338 has applied to the Department of Water Resources for changes to a water right. The purpose of Transfer No. 5321 is to make changes to a portion of a purchased right from irrigation to uses within an existing dairy by drying up 14.2 acres within NE1/4SE1/4 & SW1/4SE1/4, S28, T07S, R14E; Gooding County for an expansion of the dairy. PRESENTLY, Licensed Water Right No. T36-07460AC (1.00 cfs) with a priority date of 03/25/1974 is diverted from groundwater within NW1/4SE1/4, S21; NW1/4NE1/4 & SW1/4SE1/4 both S28; for irrigation of 56.5 acres within parts of S28, all T07S, R14E; Gooding County.

PROPOSED CHANGE

The applicant wishes to divert a combined total of 0.25 cfs year round from one existing well and one new proposed well within SE1/4SW1/4, S26, T07S, R16E for stockwater (0.25 cfs) and commercial (0.25 cfs) use within S1/2SW1/4, S26, T07S, R16E; Jerome County to be designated as Right No. 36-07460AF. The remainder, 36-07460AC (0.75 cfs) will continue to be diverted within S21 & S28 as listed above for irrigation of 42.3 acres within parts of S28, T07S, R14E; Gooding County. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before October 19, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

PUB: 10/1 - 10/8 823524

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho }
County of Jerome } ss.

OCT 13 1998

Department of Water Resources
Southern Region

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, 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 1st day of October, 1998, and the date of the last publication was on the 8th day of October, 1998.

Patty Nance
Subscribed and sworn to before me this 8th day of October, 1998
(SEAL)

Patty Nance
NOTARY PUBLIC

7722/23523
NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2X

affidavit fee 2.25

631.13 Lines tabular at _____ 7¢/Pica
631.13 Lines straight at 32.87 6¢/Pica
631.13 Subsequent lines at 31.56 5¢/Pica

MICROFILMED TOTAL COST 71.68

COPY OF NOTICE

(Paste Here)

T# 5321 - German
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

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Karl J. Dreher, Director

PUB: 10/1 - 10/8

N23523

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT, T# 5321**

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Karl J. Dreher, Director

Published in the Gooding County
Leader & North Side News on 10/01 &
10/08/98.

MICROFILMED

JUN 24 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 25, 1998 **PHILIP E. BATT**
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGALS DEPT
MAGIC VALLEY PUBLISHING CO
PO BOX 468
JEROME ID 83338

Gentlemen:

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

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

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

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED

JUN 24 1999

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
T# 5321

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Karl J. Dreher, Director

Published in the Gooding County Leader & North Side News on 10/01 & 10/08/98.

MICROFILMED

JUN 24 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 17, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DON GERMAN
162-A WEST 400 N
JEROME ID 83338

Re: Application for Transfer No. 5321 (36-07460 Part)

Dear Mr. German:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

Since the applications proposes a change in County for the point of diversion, this office has scheduled advertising the applications in both the Gooding County Leader & North Side News for 10/01 and 10/08/98. A period of ten days following the second publication will be allowed for the submittal of protests with the final protest date on October 19, 1998.

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

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

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

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

cc: Charles G. Brockway
2016 N Washington St-Ste 4
Twin Falls ID 83301

JUN 24 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 1998

FAXED THIS DATE

Art Brown
Jerome County Planning & Zoning

RE: Application for Transfer, Don German

Dear Mr. Brown;

As we discussed, the application for transfer filed by Mr. German seeks to appropriate water for a total of 800 cows in his dairy. The application covers both the existing herd and his planned increase. My letter of yesterday only mentioned the milking cows that he planned to water, so this letter is a clarification that also covers the non-milking animals.

Regards,

A handwritten signature in cursive script, appearing to read 'Jim', is written above the typed name.

James E. Stanton
Sr. Water Resource Agent

MICROFILMED

JUL 24 1999

T#5321



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 12, 1998

Art Brown
Jerome County Planning & Zoning
300 N Lincoln Room 201
Jerome, ID
83338

RE: Don German Dairy

Dear Mr. Brown;

Mr. German has asked me to correspond with you concerning the application for a water transfer that he recently filed to cover his dairy in Jerome County. The application proposes to take water from 14.2 acres of land owned by Mike Branchflower to cover both the existing dairy herd and the planned increase. A total of 688 dairy cows will be watered. If approved as filed, 42.5 acre feet of water per year will be available for stockwater and commercial uses at this facility. I am still reviewing the application, but expect to turn it over to our secretary for advertising shortly. There are several applications ahead of this one for advertising, so I cannot provide a meaningful estimate of when advertising will occur. If you have further questions, feel free to contact me.

Regards,

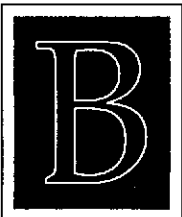
James E. Stanton
Sr. Water Resource Agent

cc: Don German

MICROFILMED

JUN 24 1999

T#5321



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

August 3, 1998

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

Re: Application for transfer – Don German
X36-07460

Dear Jim:

Thanks for your prompt review of this application. We now have more accurate water use estimates for the proposed expanded dairy, prepared by Dean Falk of the University of Idaho. This analysis is enclosed. Mr. Falk conducted a field exam of the washing system and prepared a water use estimate for commercial uses based on 2 milkings per day, 45 sprinklers at 7 gpm per sprinkler, and 5 milking strings at 5 minutes per string per milking. The total duration the sprinklers are on is therefore 50 minutes per day in this analysis.

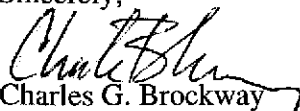
However, the actual duration of washing varies widely throughout the year. Mr. German indicated that the 50 minutes per day used by Mr. Falk is an upper bound, which only occurs during spring when the ground is excessively muddy. During hot and dry weather, a typical washing duration is about 2 minutes per string per milking. During the fall and winter, it is common to perform no cow washing.

Based on this information, our best estimate of water use for the expanded dairy assumes an annual average washing duration of 3 minutes, which yields 1408.8 cubic feet per day, or 11.8 ac-ft per year (this includes 400 gpd to flush the holding pen, and 0.5 gal/cow/milking for cow prep). Combined with the stockwater volume of 30.7 ac-ft, the total annual water usage is estimated at 42.5 ac-ft.

Mr. German indicated he is willing to accept the department's proposed new policy regarding the per-acre allowance for transfer from irrigation to dairy usage. This policy assumes a dairy facility is 100% consumptive. Thus, using the 3.0 ac-ft/ac allowance for irrigation, a total of 14.2 acres should be transferred to provide 42.5 acre-feet per year.

Revised parts 1 and 2 of the transfer application which reflect these changes are included with this letter.

Sincerely,


Charles G. Brockway

cc: Don German

MICROFILM

JUN 24 1999

T# 5321

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

CHARLES G.
BROCKWAY,
PH.D.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

IDAHO DEPARTMENT OF WATER RESOURCES

FILE # or NAME -----
 REVIEWER -----
 DATE -----

German Dairy, Jerome, Idaho
 CGB
 21-Jul-98

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE --- 680
 NUMBER OF NONMILKING CATTLE ----- 120
 IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
 IF ANAEROBIC, ENTER ZERO ----- 2.1
 EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) ----- 4
 ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, R AUTOMATIC, OR 3 IF
 SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS - 2
 NUMBER OF MILKINGS PER DAY ----- 2

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS): ****

MILKING CATTLE @35 GPD/HD ----- 0.44
 MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.45
 NONMILKING CATTLE @12 GPD/HD ----- 0.03
 NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 0.04
 TOTAL (BASED UPON ROUNDED NUMBERS) ----- 0.50

DIVERSION VOLUME (AF/YEAR):

STOCKWATER

MILKING CATTLE @35 GPD/HD ----- 26.7
 MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 28.0
 NONMILKING CATTLE @12 GPD/HD ----- 1.6
 NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 2.7
 TOTAL (BASED UPON ROUNDED NUMBERS) ----- 30.7

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT ----- 0.4
 PARLOR FLOOR AND MILKHOUSE FLOOR ----- 0.1
 CATTLE WASHING BASED UPON METHOD OF WASHING ----- 6.9
 TOTAL ----- 7.3

TOTAL DIVERSION VOLUME -----

Dev.: M Sterling
 Mod.: ADM & KKC
 Mod.: 8/5/94 DRJ
 Format only modified by C.E. Brockway P.E. 10/15/94

THEORETICAL FLOW ESTIMATION

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2 Emerg.	PUMP 3 Emerg.
PUMP HORSEPOWER (HP) -----	2.0		
LIFT (FT) -----	22		
DISCHARGE PRESSURE (PSI) -----	50		
FRICTION LOSSES (FT) -----	2.0		

CALCULATIONS

	PUMP 1	PUMP 2 Emerg.	PUMP 3 Emerg.
THEORETICAL FLOW RATE (CFS) ** -----	0.09	0	0
DIVERSION VOLUME (AFA) *** -----	63.9	0.0	0.0

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

** PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

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

**** BASED ON 2 HOUR DIVERSION TO MEET VOLUME

CONSUMPTIVE USE VOLUME (AF/YEAR):

STOCKWATER

MILKING -----	4.1
NONMILKING -----	0.0
TOTAL -----	4.1

COMMERCIAL

TOTAL CONSUMPTIVE USE -----	11.4
-----------------------------	------

EQUIVALENT IRRIGATED ACREAGE-DIVERSION

NORMAL IRRIGATION DIVERSION RATE MINERS INCHES /ACRE	1
AREA SEASONAL IRRIGATION DIVERSION VOL. AF/ACRE	4.9
EQUIVALENT IRRIGATED ACREAGE ACRES	7.76
MAXIMUM EQUIVALENT DIV. RATE	7.76 IN. OR CFS= 0.16

EQUIVALENT IRRIGATED ACREAGE-CONSUMPTIVE USE

AREA AVG. ALFALFA CONSUMPTIVE USE INCHES/YEAR	39.4
EQUIVALENT ALFALFA ACREAGE C.U. FOR DAIRY C.U.-ACRES	3.47



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 29, 1998

Don German
162-A W 400 N
Jerome, ID
83338

RE: App. for Transfer Filed 7-28-98

Dear Mr. German;

We have received your application filed to provide water for existing and expanding dairy. The data sheet supplied with the application indicates that the dairy cows will be washed with a hand-held hose rather than being dry washed or being cleaned with rainbird sprinklers in the holding pen. If this is correct, then you will need 38 acre feet of water per year to operate your dairy with 800 animals. While the volume allowance for irrigation in this area is 4.0 acre feet per year per acre, only the consumptive volume of 3.0 acre feet per year per acre is available for transfer as of May 23 of this year. This would mean that 12.7 acres need to be dried up to provide the water that you need, but your application proposes to dry up only 10.5 acres. The application would be correct under the old allowance of 4.0 acre feet per acre per year, but unfortunately this standard no longer applies. Drying up only 10.5 acres would leave you 17% short of the needed volume, which would reduce the number of animals that could be watered by about that amount.

How do wish to proceed in this matter? Mr. Branchflower appears to have plenty of water left to sell you what you need. Let me know how you want to handle this so that any needed corrections to the application can be made prior to advertising.

Regards,

James E. Stanton
Sr. Water Resource Agent

JUN 24 1998

T# 5321



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 28, 1998

Don German
162-A W 400 N
Jerome, ID
83338

Dear Mr. German;

It has come to our attention that you operate a 400-head dairy in the SE/SW Sec. 26 T. 7S R. 16E, Jerome County. Our records do not show any water rights or Snake River Basin Adjudication claims on this property, however. If your dairy uses more than 13,000 gallons of water per day, a water right is required. Since you are planning to double the size of your dairy, a water right may also be required for this expansion. Since there are no consumptive-use water permits available at this time, you may need to obtain a portion of an existing groundwater right and then apply for a water transfer to move it to your property for stockwater and commercial purposes. Please contact me at your earliest convenience to discuss this matter.

Regards,

James E. Stanton
Sr. Water Resource Agent

cc: Art Brown, Jerome Co. Planning & Zoning Administrator
Allen Merritt, IDWR

MICROFILMED

JUN 24 1999

T# 5321



County of Jerome Planning and Zoning

300 N. Lincoln, Room 201, Jerome, ID 83338

208-324-8811 ext 143 Fax 208-324-2719

Arthur R. Brown
Administrator

Yvette Le Mon
Secretary

FILE

JUL 14 1998

July 13, 1998

Department of Water Resources
Southern Region

Jim S.

~~Gary Funderberg~~
Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301-3380

Dear Gary:

Don German, 162^A West 400 North, Jerome, Idaho, presently has a dairy livestock confined operation of 400 milking cows. He plans to expand his operation to 800 milking cows on 80 acres.

He will be coming in to see you about a water right for an 800 milking cow operation. I request that you submit a letter to me for his file on the status of his water right.

If you have any questions, you can contact the Planning and Zoning Office between 8:30 a.m. - 4:30 p.m. Monday through Friday with the exception of holidays.

Thank you for your assistance in this matter.

Sincerely,

Art Brown

Art Brown
Planning and Zoning Administrator

AB:yl

MICROFILMED

JUN 24 1998

75 16E S. 26 E 1/2 SW no claims or permits

File German.wk3

)0000

WASTE SYSTEM SIZE FOR... Don German Proposal

PREPARED BY DEAN E. FALK, EXT. DAIRY SPECIALIST, UNIV OF ID

Jul-98

800 Lactating Cows with 86% in milk

Number of Cows in the Herd.....	688 Head
Average Weight of Cows in the Herd.....	1400 Pounds
Manure Volume per Day in Cu. Ft.	1320 Cu. Ft. / Day
Number of Milkings per Day.....	2 Times
Number of Sprinklers in the Holding Pen.....	45 Birds
Sprinkler Output in Gallons Per Minute.....	7 G.P.M.
Minutes per Day Sprinklers are Used.....	50 Minutes
Gallons of Water Used to Flush Holding Pen...	400 Gallons
Percent of Total Manure being Stored.....	15%
Total Runoff Area in Acres.....	12.17 Acres
Runoff From 25 Year, 24 Hour Storm.....	43735 cu.ft.
Runoff From Winter Precipitation.....	132531 cu.ft.
Milkhouse and Parlor Volumes.....Gallons.....Cu.ft.	
Bulk Tank.....	160 21
Pipeline.....	150 20
Misc. Equipment.....	100 13
Wash Parlor Floor.....	200 27
Wash Milkhouse Floor.....	100 13
Total Water.....	710 Gallons 95 Cu. Ft.
Number of Days Storage is Required.....	180 Days
Holding Pen Volume per Day.....	2153 Feet Cu. Ft.
Total Water Required for Cow Prep per Day....	92 Feet Cu. Ft.
Manure Stored per Day.....	198 Cu. Ft.
Total Daily Estimated Volume in Cu.Ft.....	<u>2538 Cu. Ft.</u>

MICROFILMED
JUN 24 1999

T#5321

WR5809NP
No. X36-07460U

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/22/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KATHY BRANCHFLOWER	03/25/1974	IRRIGATION	04/01 10/31	2.080 CFS	
C	MICHAEL G BRANCHFLOWER PO BOX 392 WENDELL ID 83355-0392 (208) 536-2564					
TOTAL DIVERSION:					2.080 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R14E S21 S28 SWNWSE SNNWNE NWSWSE GOODING County GOODING County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
07S	14E	28	:			02	39	:				:	34	14	27	: 117.4
															TOTAL ACRES	117.4

Pou County: LINCOLN

Conditions of Approval:

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Dates: App. Received: 05/01/1997 Priority Date: 03/25/1974
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

MICROFILMED
JUN 24 1999

RECEIVED
FEB 17 1983
Department of Water Resources
District Office

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 36-7460 Priority March 25, 1974 Amount 14.2 cfs

THIS IS TO CERTIFY, that Janss Investment Corp.
of Thousand Oaks, California, has complied with the terms and conditions of Permit
No. 36-7460 issued pursuant to Application for Permit dated March 25, 1974
and has submitted proof to the Department of Water Resources on February 2, 1979
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 14.2 of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>14.2</u> cfs and	<u>3600.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 14.2 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
3600.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21; NW $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28; Twp. 7S, Rge. 14E in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	14E	20																	33
		21											40	40	33	33	40	33	219
		28	33	40	38	39	40	40	40	40	40	38	35	39	40	35	39	39	615
		29	33																33

Total number of acres irrigated 900

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of January 1983.


Director

36-7460

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 08/08/95

PAGE: 1

WATER RIGHT
NUMBER

NAME

CFS

36-07460

Split into 36-07460A & B.

36-07460A

Split into 36-07460C & D by Trans. #3767.

36-07460B

BRANCHFLOWER , MIKE

1.04

36-07460C

JANSS INVESTMENT CORP.

12.72

36-07460D

BRANCHFLOWER , MIKE

0.44

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 08/08/95

PAGE: 1

WATER RIGHT
NUMBER

NAME

CFS

T36-07460G2 BRANCHFLOWER , MIKE

0.19

pending xfer

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 08/08/95

PAGE: 1

WATER RIGHT NUMBER	NAME	CFS
X36-07460E	BRANCHFLOWER , MIKE	0.13
X36-07460F	BRANCHFLOWER , MIKE	0.12
X36-07460G	BRANCHFLOWER , MIKE	0.19
X36-07460H	JANSS FARMS	9.06
X36-07460J	BRANCHFLOWER , MIKE	1.38

water right database (not adj.) reflection
of transfers approved since Director's report
was prepared.

Post-It® Fax Note 7671		Date 8/8	# of pages 4
To Mary	From [Signature]		
Co/Dept.	Cc.		
Phone #	Phone #		
Fax #	Fax #		