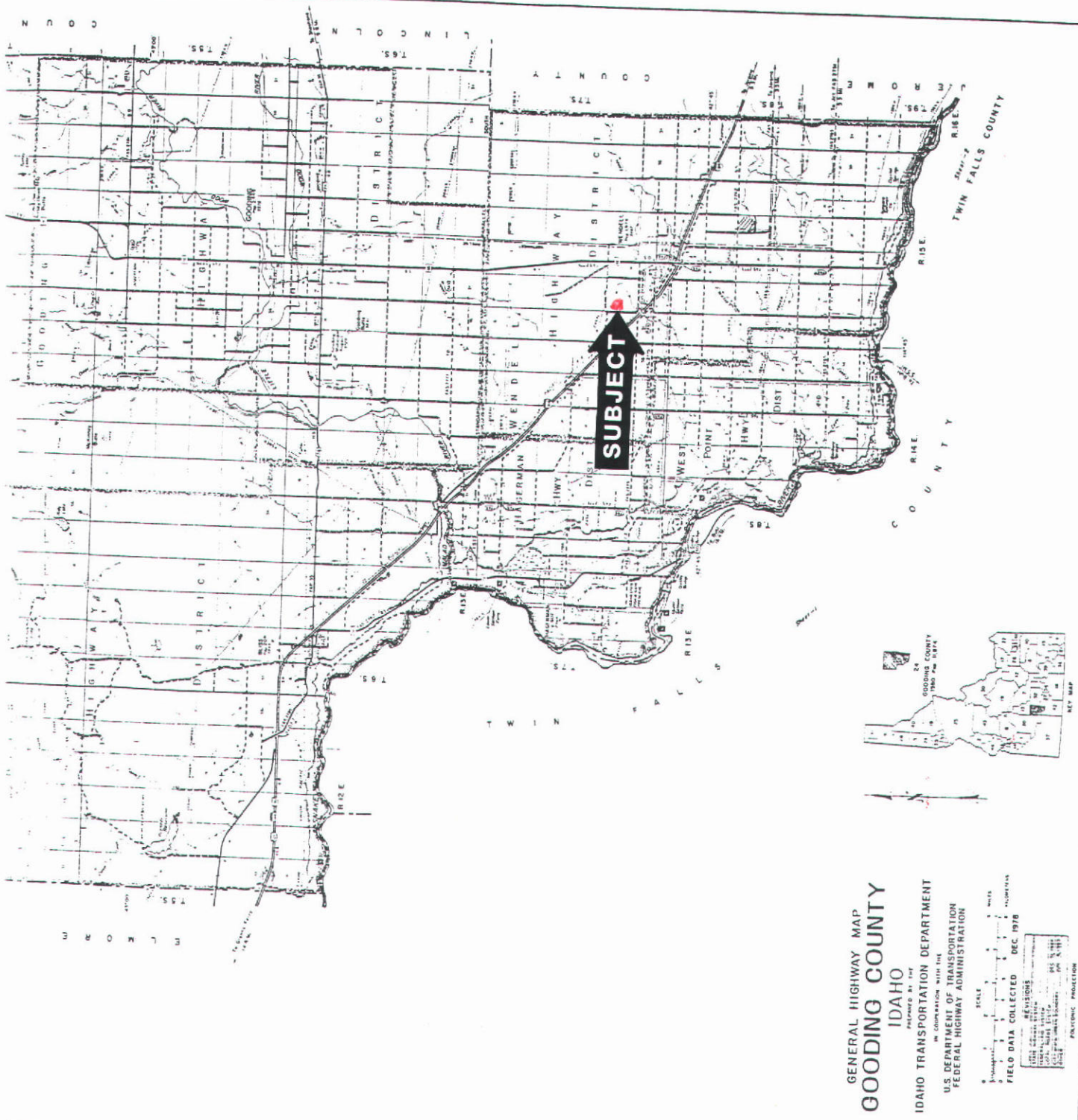


Pg 576

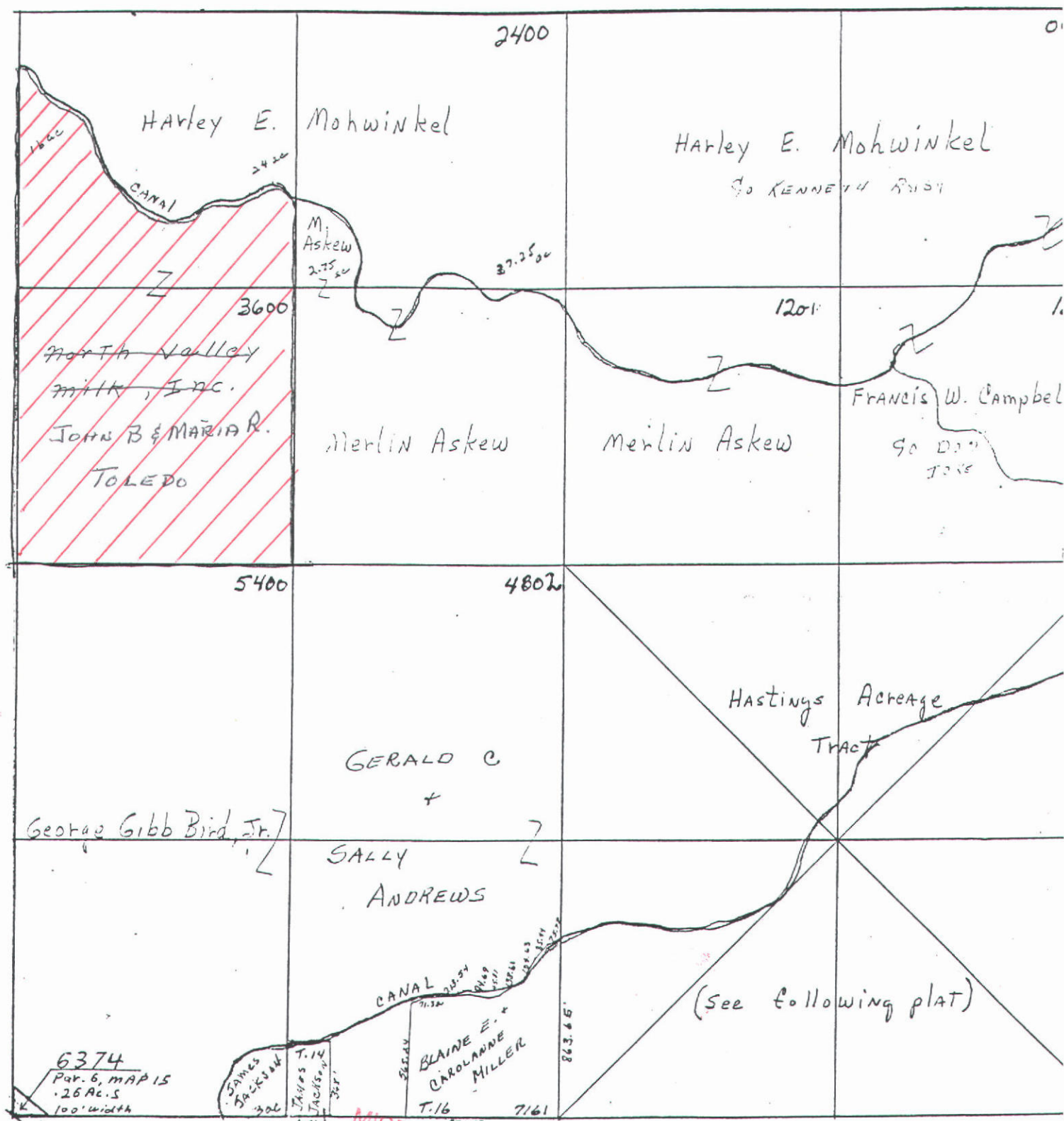
T#5367



MICROFILMED
JUN 24 1999

Cem. Dist. W Fire Dist. W

07S 15E 29_____



T.16
730.77
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JUN 24 1999

T # 5367

JOHN B. & MARIA R. TOLEDO

TOWNSHIP 7 SOUTH

RANGE 15 EAST BOISE MERIDIAN

SECTION 29: SW 1/4 NW 1/4,

THAT PART OF THE NW 1/4 NW 1/4

LYING SOUTH OF THE CANAL,

GOODING COUNTY, IDAHO.

↑
N

1" = 146'

NORTH SIDE CANAL "W" LATERAL

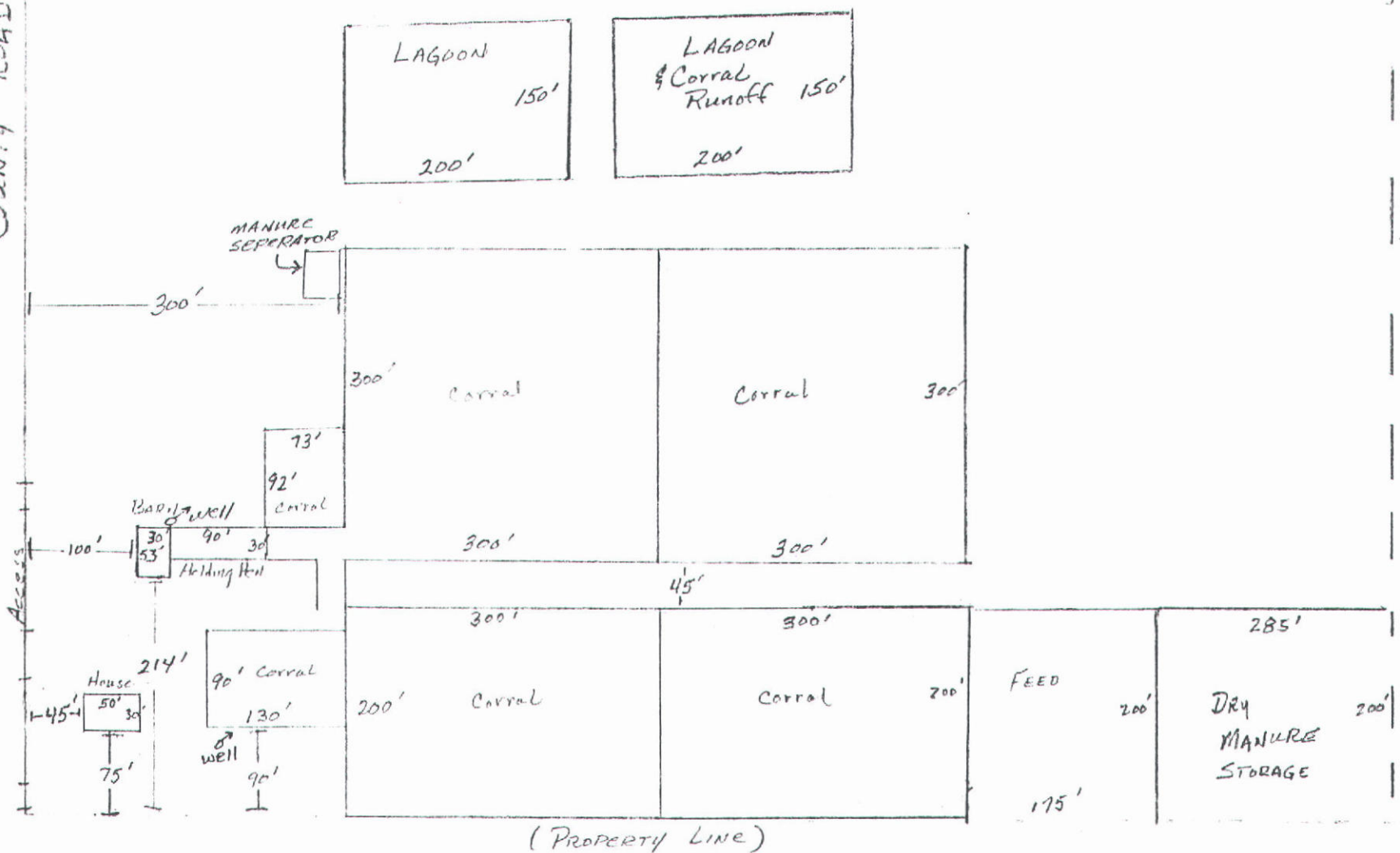
(Property Line)

PIVOT / LIQUID WASTE DISPOSAL

HANDLINES / LIQUID WASTE DISPOSAL

COUNTY ROAD 1800 E
(PROPERTY LINE)

(PROPERTY LINE)



T#5367

Keran V. = 736-2933
736-2938 fax

When 10 April 1998
From Georgia @ IDWR

Keran - There is a permit (rescinded)
that possibly can be
resurrected. Call me...

403 98092/1007
" 6/2/98
" 6/2/98
" 6/2/98

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP)	0.00	0.00
LIFT (FT)	0.00	0.00
DISCHARGE PRESSURE (PSI)	0.00	0.00
FRICTION LOSSES (FT)	0.00	0.00

CALCULATIONS

THEORETICAL FLOW RATE (CFS)	0.00	0.00	0.00
-----------------------------	------	------	------

THEORETICAL FLOW RATE (CFS) =

DIVERSION VOLUME (AFY)	0.00	0.00	0.00
------------------------	------	------	------

* 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.

FILE NUMBER
REVIEWER

SPERIANO
K. WARD
DAMES: WATER USE WORKSHEET

REQUIRED INPUT DATA

NUMBER OF MILKING CATTLE
NUMBER OF NONMILKING CATTLE
IF LAQUON IS AEROSOL, ENTER ITS SURFACE AREA IN ACRES.
IF AEROSOL, ENTER ZERO
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FEET-1/2)
ENTER 1 FOR MANUAL COM WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COUS
NUMBER OF MILKINGS PER DAY

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE (GROSS GPM)	0.37
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP)	0.39
NONMILKING CATTLE (GROSS GPM)	0.00
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP)	0.04
TOTAL (BASED UPON ROUNDED NUMBERS)	0.43

DIVERSION VOLUME (AFY):

STOCKWATER	22.2
MILKING CATTLE (GROSS GPM)	24.8
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP)	1.5
NONMILKING CATTLE (GROSS GPM)	2.7
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP)	26.7
TOTAL (BASED UPON ROUNDED NUMBERS)	

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT	0.4
PARTIAL FLOOR AND MILKHOUSE FLOOR	0.1
CATTLE WASHING BASED UPON METHOD OF WASHING	5.7
TOTAL	6.2

TOTAL DIVERSION VOLUME

CONSUMPTIVE USE VOLUME (AFY):

STOCKWATER	3.5
BIRLING	0.0
NONMILKING	3.5
TOTAL	0.8
COMMERCIAL	3.5
TOTAL CONSUMPTIVE USE	

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

$32.9 * \frac{395,850}{365 \text{ dy/yr.}} = \frac{10,720,465}{365 \text{ dy/yr.}} = 29,371 \text{ gal/day}$

$\frac{29,371}{645,315} = .0455 \text{ cfs} = 2.28 \text{ inches}$

$1.016 \text{ M cu ft} \quad 23.28 \text{ Ac ft}$
 $\frac{22}{55}$

45

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5367
WATER RIGHT NO. 36-07460AF

This is to certify that: JOHN B TOLEDO
MARIA R TOLEDO
2852 E 1800 S
WENDELL ID 83355

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	0.20 CFS	23.7 AF
COMMERCIAL	01/01 to 12/31	0.20 CFS	10.2 AF
	Totals	* 0.20 CFS	* 33.9 AF

SOURCE
GROUNDWATER

Priority: 03/25/1974

LOCATION OF POINT(S) OF DIVERSION: SWNW, Sec. 29, Township 07S, Range 15E
GOODING County

PLACE OF USE: STOCKWATER
TWN RGE SEC
07S 15E 29 SWNW

PLACE OF USE: COMMERCIAL
TWN RGE SEC
07S 15E 29 NWNW SWNW

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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JUN 24 1999

TRANSFER NO. 5367
WATER RIGHT NO. 36-07460AF

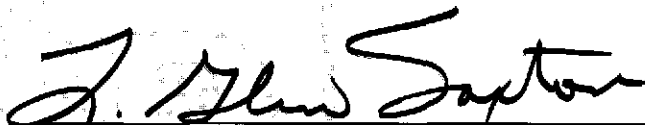
CONDITIONS OF APPROVAL AND REMARKS

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. Two (2) points of diversion are located within SWNW, S29, T07S, R15E.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5367 shall not exceed 0.20 cfs, nor a total combined annual volume of 33.9 af.
8. The water used for commercial purposes under this approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by this water right.
9. Commercial use is for a dairy located within SWNW, S29, T07S, R15E.

Dated this 16th day of

June

, 1999.



Chief, Water Allocation Bureau

MICROFILMED
JUN 24 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5367

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

FEB 18 1999

PART 1

Department of Water Resources

Name of applicant John B. &/or Maria R. Toledo Phone 536-581/5511
Post Office address 2852 E 1800 S, Wendell, ID 83355

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 Provide water for an existing dairy. Water right purchased will be converted from irrigation to stockwater & commercial uses

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

1. Right Number H AK 36-07460A Priority 3-25-1974 Amount (cfs/ac-ft) 0.20/23.7 Nature of Use Stockwater Period of Use 1-1 to 12-31
0.20/10.2 Commercial " to "
to
to
2. Total amount of water being transferred 0.20 cubic feet per second and/or 33.9 acre-feet per annum.
3. Source of water Groundwater tributary to
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	NW	29	7S	15E	Gooding	Two wells

5. Lands irrigated or place of use: * Location of dairy barn. Land application of waste in both tracts

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	
7S	15E	29					C	C	S										

MICROFILMED
JUN 24 1999

PART 1

6. General Information:

a. Description of diversion system MAIN WELL AND BACK-UP WELL, MAINLINES TO DAIRY BARN AND CORRALS.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NONE, LAND IS NO LONGER 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 _____.

MICROFILMED
JUN 24 1999

PART 2

TRANS NO.

T# 5367

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. T36-07460AG

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	0.69 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 RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S 14E 28	SWNE 0.2	SENE 7.7	NESE 22.6	39
	SWSE 8.5			39

Total number of acres irrigated:

39

CONDITIONS/REMARKS:

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

MICROFILMED
JUN 24 1999

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. T 36-07460 A# 5 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other Water Sale Agreement

3. Source of water Groundwater tributary to _____

4. Date or priority 3-25-1974

5. Water is used for the following purpose:

amount 0.69 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft)
amount 156.8 AFA for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.69 cubic feet per second and/or 156.8 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	SE	28	7S	14E	Gooding	
	SW	NW	NE	28	"	"	"	
	NW	SW	SE	"	"	"	"	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7S	14E	28			0.2	7.7									22.8		8.5		39.2

Total acres 39.2

9. Describe any other water rights used for the same purpose as described above _____

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 0.20 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft) 33.9 AFA for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as 2.A.7.

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>2.8</u>		<u>8.5</u>		

Total acres 11.3

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) T36-07460AJ

1. amount 0.49 cfs for Irrig purposes from _____ to _____
(cfs/ac-ft) 111.6 AFA for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

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

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JUN 24 2009

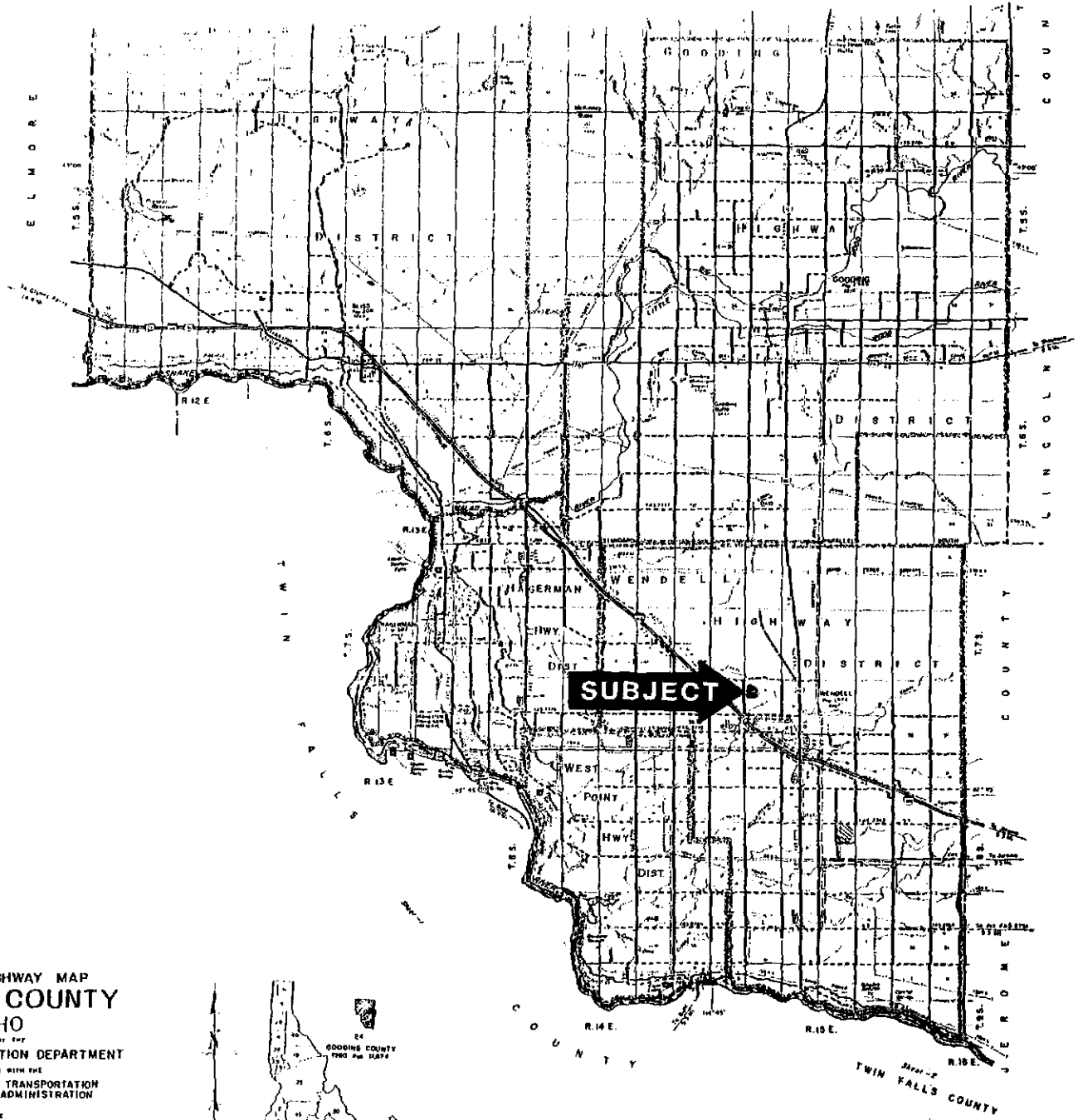
3. Lands irrigated or place of use:

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>19.8</u>				<u>27.7</u>

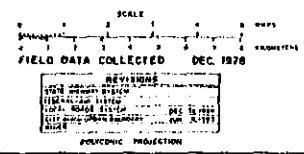
Total acres 27.7

Pg 5 of 6

T#5367



GENERAL HIGHWAY MAP
GOODING COUNTY
 IDAHO
 PREPARED BY THE
 IDAHO TRANSPORTATION DEPARTMENT
 IN COOPERATION WITH THE
 U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION



MICROFILMED
 JUN 24 1989

GOODING COUNTY IDAHO
 SHEET 1 OF 1
 24

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	COMMERCIAL	0.20/23.7	~~0.20/27.7 cfs~~ AS NEEDED	1-1 to 12-31
	STOCKWATER	0.20/10.2	~~0.16/2.3 cfs~~ AS NEEDED	1-1 to 12-31

2. Quantity and quality of return flows and location of discharge:

LAGOON SYSTEM. EXCESS WATER WILL BE LAND APPLIED THROUGH SPRINKLERS.

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

NONE

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.

x John B. Tolik x Maria R. Tolik
(Signature of Applicant)

Subscribed and sworn to before me this 22nd day of September, 1998.

M. W. Wain

(Notary Public)

My commission expires 8-30-03

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 6 attachments

Received by J. P. Stanton Date 9-22-98

Protest filed by None

Prelim. check by JS Fee \$100, 5021509

Receipted by JS Date 9-23-98

Published in Reading Co. Leader

Pub. dates 1/14 + 1/21/99

Watermaster recommendation requested on N/A

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial

by AD

Copy of transfer sent to lien holder _____

MICROFILMED
JUN 24 1999

RECEIVED

SEP 22 1998

Department of Water Resources
Southern Region

August 20, 1998

For sufficient consideration, I, Michael Branchflower, hereby transfers to John B. &/or
Maria R. Toledo 11.3 acres of water Right No. 36-07460W.

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

SW. 1/4	NE 1/4
---------	--------

8.5	2.8
-----	-----

Total

11.3



Michael Branchflower

MICROFILMED
JUN 24 1999

T # 5367

John B. and Maria R. Toledo

Legal Description of Dairy

**Township 7 South, Range 15 East Boise Meridian,
Section 29: SW1/4NW1/4, Gooding County, Idaho.**

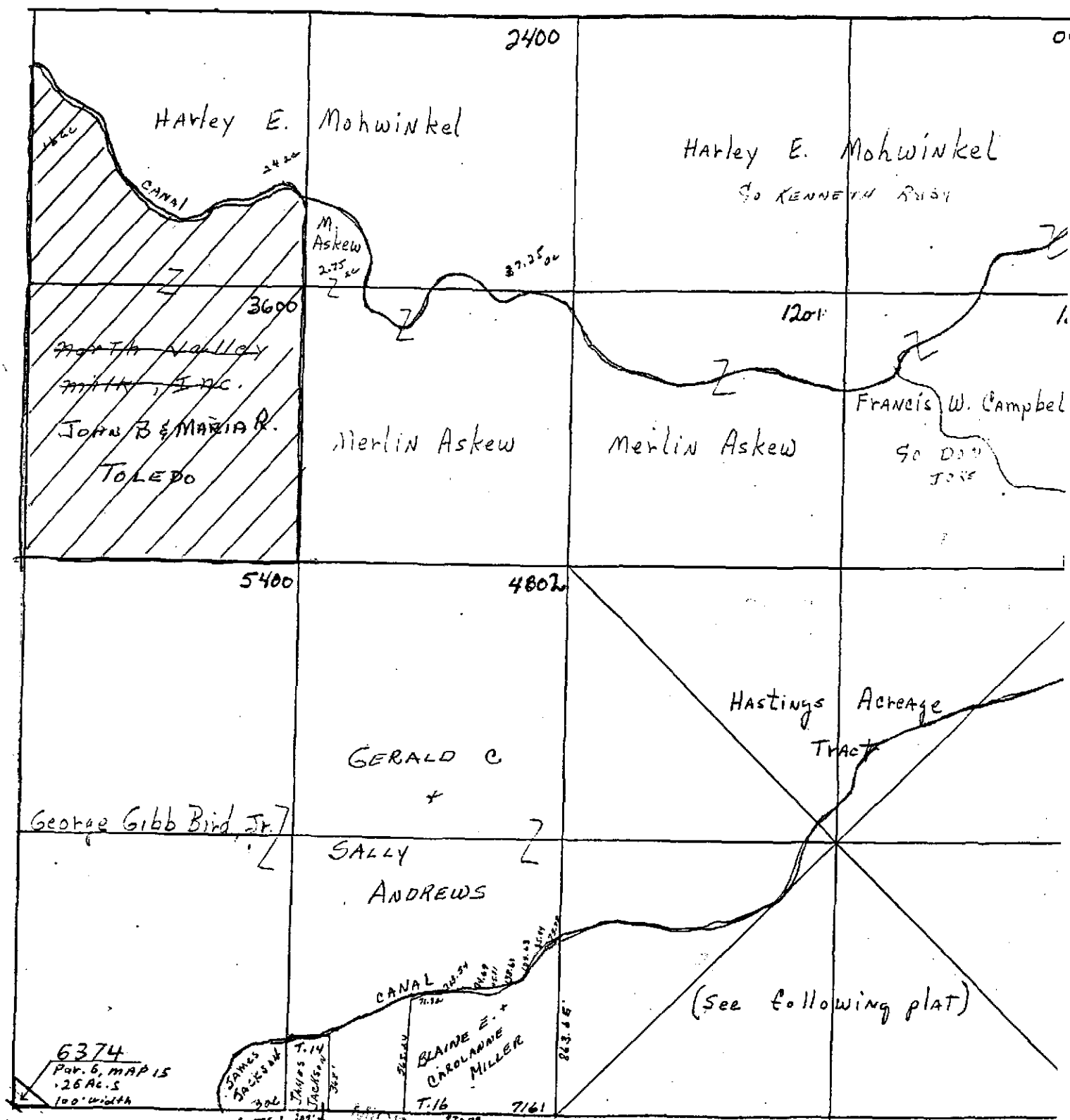
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JUN 24 1999

T# 5367

Cem. Dist. W Fire Dist. W

Sec. 29 Twp. 7 Rng.

075 15E 29_____



T.16
130.79
MICROFILMED
JUN 24 1999

T # 5367

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED.

4 BROS. DAIRY, INC., an Idaho corporation, who acquired title as NORTH VALLEY MILK, INC., in which corporations merged on July 10, 1996

a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant, bargain, sell and convey unto

JOHN B. TOLEDO and MARIA R. TOLEDO, husband and wife
Whose address is: 28 South 300 West Jerome, Idaho 83338

GRANTEE, the following described real estate, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO:

TOGETHER WITH 114 SHARES OF NORTH SIDE CANAL COMPANY WATER STOCK

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GRANTEE, and the successors and assigns of the GRANTEE forever, except as aforesaid.

IN WITNESS WHEREOF, The GRANTOR, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 3RD day of MARCH, 1997.

4 BROS. DAIRY, INC.

BY: Clement Fitzgerald
VICE PRESIDENT

ATTEST: Andrew Fitzgerald
SECRETARY

STATE OF IDAHO)
COUNTY OF JEROME)

On this 3RD day of MARCH, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared CLEMENT FITZGERALD AND ANDREW FITZGERALD, known or identified to me to be the VICE PRESIDENT AND SECRETARY of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

[Signature]
Notary Public
Residing at:
My Commission expires:

169832

STATE OF IDAHO COUNTY OF GOODING

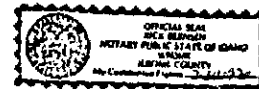
Filed for record at the recorder's office of Title & Escrow Inc.

512 min. paid 4 probat. P. in this 374
March 1997 900

By Penny Watson

RECORDED
Idaho Title & Escrow, Inc.
Mar 3 4 03 PM '97
JEROME, IDAHO
FEE \$200.00

970767



JUN 24 1999

T# 5367

EXHIBIT "A"

Order Number: GJ-24659

PARCEL NO. 1

TOWNSHIP 7 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHOSection 29: SW $\frac{1}{4}$ NW $\frac{1}{4}$; That part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying South of the Main "W" Lateral.

PARCEL NO. 2

TOWNSHIP 7 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHOA parcel of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, described as follows:

Commencing at the Southeast corner of Section 29;
Thence North 0°03'00" West, 2937.58 feet along the section line common to Sections 28 and 29, to a point on said line which is the TRUE POINT OF BEGINNING;
Thence South 60°48'59" East, 225.22 feet to the edge of the county road;
Thence North 0°55'06" West, 1129.90 feet along said county road to a point on said road;
Thence North 89°49'00" West, 25.00 feet to the edge of said road;
Thence North 89°49'00" West, 154.68 feet to a point on the section line common to both Sections 28 and 29;
Thence North 89°49'00" West, 1319.51 feet along the North boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ to the Northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said section;
Thence South 0°03'00" East, 465.34 feet along the West boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ to a point in the center of an existing North Side Irrigation Canal;
Thence North 84°43'37" East, 141.14 feet along the center line of said canal;
Thence Northeast 75.05 feet along the arc of a curve left following the canal centerline, with a chord bearing of North 22°33'09" East, and a chord length of 71.96 feet, to a point in the center of said canal;
Thence Northeast 74.57 feet along the arc of a curve right following the canal centerline, with a chord bearing of North 52°21'02" East, and a chord length of 67.85 feet, to a point in the center of said canal;
Thence Southeast 100.30 feet along the arc of a curve left following the canal centerline with a chord bearing of South 35°04'23" East and chord length of 96.15 feet to a point in the center of said canal;
Thence Southeast 193.65 feet along the arc of a curve right following the canal center line with a chord bearing of South 60°15'23" East, and chord length of 192.45 feet to a point in the center of said canal;
Thence Southeast 193.42 feet along the arc of a curve right following the canal centerline with a chord bearing of South 15°54'37" East, and chord length of 190.09 feet to a point in the canal center;

- Continued -

JUN 24 1999

T# 5367

CONTINUATION

SCHEDULE A

Order Number: GJ-24659

Thence Northeast 170.18 feet along the arc of a curve left with a chord bearing of North 86°40'37" East, and chord length of 165.09 feet along canal center to a point in the canal center;
Thence Southeast 316.58 feet along the arc of a curve right with a chord bearing of South 41°14'37" East, and chord length of 284.56 feet along canal center to a point in the canal center;
Thence Southeast 308.66 feet along the arc of a curve left with a chord bearing of South 80°41'49" East, and chord length of 301.06 feet along canal center to a point in the canal center;
Thence leaving the centerline of said canal and proceeding South 73°45'55" East, 105.97 feet to a point;
Thence South 60°49'00" East, 83.25 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO a 25 foot county road easement on the East boundary.

PARCEL NO. 3

TOWNSHIP 7 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 28: A parcel of land located in the SW¼NW¼ of said Section, described as follows:

Commencing at the Southwest corner of Section 28;
Thence North 0°03'00" West, 2638.68 feet along the West section line of Section 28, to a point on said line;
Thence South 89°49'00" East, 256.72 feet to a point on the center line of a county road which is THE TRUE POINT OF BEGINNING. Said point being on the South boundary of the SW¼NW¼;
Thence North 17°33'48" West, 199.11 feet to a point on center line of said county road;
Thence North 0°55'06" West, 1141.86 feet to a point on center line of said county road;
Thence South 89°49'00" East, 100.00 feet to a point on the East boundary of an old Idaho Southern Railroad Company easement;
Thence South 0°03'00" East, 209.71 feet along said easement to a point;
Thence South 89°49'00" East, 1038.51 feet to a point;
Thence North 0°03'00" East, 44.72 feet to a point;
Thence South 89°49'00" East, 209.30 feet to a point;
Thence South 0°49'16" East, 1166.47 feet to a point on the South boundary of the SE¼NW¼;
Thence North 89°49'00" West, 1286.28 feet along the South boundary of the NW¼, to THE TRUE POINT OF BEGINNING.

SUBJECT TO a 25 foot county road easement along the West boundary, and a 20 foot easement along the Northwest boundary.

JUN 24 1900

T# 5367



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

June 21, 1999 -

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN B TOLEDO
MARIA R TOLEDO
2852 E 1800 S
WENDELL ID 83355

RE: Water Right 36-07460AF (Transfer 5367)

Dear Mr. & Mrs. Toledo:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced claim (Transfer 5367). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

LGS:klt

Enclosure

MICROFILMED
JUN 24 1999

CERTIFICATE OF MAILING

I hereby certify that on the **21st** day of **June, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 36-07460AF (Transfer 5367)

**JOHN B TOLEDO
MARIA R TOLEDO
2852 E 1800 S
WENDELL ID 83355**


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 24 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED
JUN 24 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

MEMORANDUM

TO: File 36-07460AC

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5367

DATE: June 15, 1999

Transfer 5367 changes the points of diversion, place, nature and season of use under a portion of Right 36-07460AC, splitting the right into Parts AE and AF. The applicant has purchased 11.3 acres of this water right to provide water from a valid water right for an existing dairy.

Season of use was adjusted to year round for dairy uses and diversion volume limited to the consumptive use volume associated with the 11.3 acres of irrigation. No expansion occurs through this transfer; the net result is a reduction of diversion volume.

Recommended conditions include water quality, county zoning, multiple points of diversion/measuring devices, land application and standard transfer conditions.

Change in Nature of Use Evaluation

36-07460AC	0.87 cfs	IRR	49.0 acres	(196.0 af/147.0 af)
Part AE	0.67 "	IRR	37.7 "	(150.8 af/113.1 af)
Part AF	0.20 " Dairy Uses	(11.3 ")		33.9 af/ 33.9 af
	0.87 cfs Dairy & IRR	37.7 acres		184.7 af/147.0 af

MICROFILMED

JUN 24 1999

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5367

Date Reviewed 06-15-99

38

Right(s) X3607460AC

Previous Transfers

☒ 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

G:Other

H:Change P/D & Add P/D

I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership WR Sales Agreement from Branchflower
Warranty Deed - Toledo's purchase from 4 Bros. Dairy Inc. Dairy site
land 528+29

Transfer All of Right ☒ Portion of Right

Resulting Split(s) AC < AE

AE) .67 cfs 37.7 acres (150.8 af/113.1 af)
AF) .20 " (11.3 ") 33.9/33.9 af
.87 cfs

Check Transfer Against Recorded Right

Season/Vol. C/4.0

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

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

NA - North Snake GW Dist/West ESPA WDM Dist. < 24 cfs
(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion

Reduced Div.Vol.

- (2) 11.3 acres IRR to STOCK+COMM uses at a dairy.
- (3) Allow yr. round use at dairy.
- (5) Volume limited to C.U. Vol. associated w/11.3 acres = 11.3 x 3 = 33.9 af
- (7) Change P/D to 2 existing wells
- (8) Change P/U

Transfer 4898 withdrawn by 4 Bros. Dairy 6-15-99

2 existing wells / Existing Dairy
Commercial / Dairy, SWNW

Transfer Remarks 2P/D/SWNW WB4 WDS/Land Application
Conditions 081,082 T07,T08,T17

Database/Processing Notes ☒ Standard ☒ Non-Standard ☒

Copy approved splits to "X" prefixes, delete "T"s & Clear Part AC.

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

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

38 6-16-99

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

John Tralada

TRANSFER NO.

5367

1. Right number(s)

36-07460

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 period 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: This is another transfer of 36-07460. Water is available for transfer; recommend approval. Application has been corrected to reflect the latest version of 7460.

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

RECEIVED

FEB 18 1999

Department of Water Resources

T5367

- i. — Existing rights from same source, on land water is being transferred to; right number(s): None

- 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 _____ DATE _____
 SRBA SUPERVISOR REVIEW BY _____ DATE _____
 PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWR03::VAULT ✓ Yes 1/5/99 @ 1228 pm
2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 1/4/99

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:

4. By Date 2/17/99

RECEIVED

FEB 18 1999

FROM: Allen Merritt *AM* Department of Water Resources DATE: February 17, 1999
TO: Transfer File No. 5367
Water Right(s): 36-07460 Part

In the Name of: Toledo

SUBJECT: Review and Recommendation

This transfer converts another portion of the Branchflower right from irrigation to uses in an existing dairy. The dairy currently is not covered by any water right record. The transfer is based on drying up 11.3 acres of the Branchflower right to cover the uses at the dairy. The transfer was filed based on allowing 3.0 afa CU volume for each acre dried up.

Note that the previous owner of this property was North Valley Milk and they attempted transfers #4722 and #4898 to move water to this site for this dairy. Transfer #4722 was denied and transfer #4898 is protested. If this transfer is approved I recommend that #4898 be voided.

This transfer was advertised without protest.

RECOMMENDATION

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

- No new wells authorized to be drilled under this approval.
- 2 points of diversion within SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Twp.07S, Rge.15E, B.M. Also location of unrecorded domestic use.
- Place of Use for Commercial dairy within W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 29, Twp.07S, Rge.15E, B.M. (Includes waste disposal site.)
- Dairy site is location of unrecorded domestic use. This unrecorded D&S right shall provide no additional water for the dairy use.
- Transfer #4898 should be voided. *
- May require future measuring and reporting of use to IDWR or other appropriate district.

MICROFILMED

JUN 24 1999

* T4898 North Valley Milk Inc & Four Bros. Dairy
37-03622
Withdrawn 06-15-99. *CS*

~~5367~~

FILE PROGRAM

APPLICANT: John Toledo

WATER RIGHT NO. 36-07460

MICROFILMED
JUN 24 1989

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho }
County of Gooding } ss.

JAN 25 1999

Department of Water Resources
Southern Region

Patty Nance, 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
14th day of January, 1999
and that date of the last publication was on the 21st day of

January, 1999

On this 21st day of January
in the year of 1999, before me, a Notary Public, personally appeared

Patty Nance, 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 DeVan

Notary Public for Idaho
Residing at Jerome, ID

My commission expires: 3/6/01

#6985124533
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

507.38 Lines straight at 30.44 6¢/Pica

507.38 Subsequent lines at 25.37 5¢/Pica

Affidavit Fee 2.25

TOTAL COST 58.06

Toledo

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

COPY OF NOTICE

NOTICE OF PROPOSED CHANGES OF WATER RIGHT

Notice is hereby given that JOHN B. &/OR MARIA R. TOLEDO, 1852 E 1800 S; WENDELL ID 833552) have filed an application for changes to a water right with the Department of Water Resources. PRESENTLY, several pending Applications for Transfer involving portions of this water right are awaiting Departmental action &/or decisions. Licensed Water Right No. 36-07460 with a priority date of 03/25/1974 is authorized for diversion of groundwater for irrigation use within Gooding County. Transfer No. 5367 proposes to divert a combined total of 0.20 cfs from two (2) wells within SW1/4NW1/4, for stockwater use (0.20 cfs) within SW1/4NW1/4 and commercial dairy use (0.20 cfs) within W1/2NW1/4, all S29, T07S, R15E; Gooding County, the site of an existing dairy. A total of 11.3 acres will be dried up at the original place of use for this proposed change.

PUB (Ida) Any protest against the proposed changes must be filed with the 7¢/Pica
7-8 Department of Water Resources, 6¢/Pica
7-8 Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301
7-8 together with a protest fee of \$25.00 on 5¢/Pica
ins or before February 2, 1999 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: 1/14 - 1/21 G24533

24533
APPROVED

JAN 24 1999

NOTICE OF PROPOSED CHANGES
OF WATER RIGHT

Notice is hereby given that JOHN B. &/OR MARIA R. TOLEDO, 2852 E 1800 S; WENDELL ID 833552) have filed an application for changes to a water right with the Department of Water Resources. PRESENTLY, several pending Applications for Transfer involving portions of this water right are awaiting Departmental action &/or decisions. Licensed Water Right No. 36-07460 with a priority date of 03/25/1974 is authorized for diversion of groundwater for irrigation use within Gooding County. Transfer No. 5367 proposes to divert a combined total of 0.20 cfs from two (2) wells within SW1/4NW1/4, for stockwater use (0.20 cfs) within SW1/4NW1/4 and commercial dairy use (0.20 cfs) within W1/2NW1/4, all S29, T07S, R15E; Gooding County, the site of an existing dairy. A total of 11.3 acres will be dried up at the original place of use for this proposed change.

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Karl J. Dreher, Director

Published in the Gooding County
Leader on 01/14 & 01/21/99.

WICHOPELME

008 24 170



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE STREET-SUITE #200
TWIN FALLS ID 83301
(208) 736-3033 Fax 736-3037

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

January 5, 1999

LEGALS DEPT
MAGIC VALLEY PUBLISHING CO
ATTN: Gooding County Leader
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 CHANGES OF WATER RIGHT

Notice is hereby given that JOHN B. &/OR MARIA R. TOLEDO, 2852 E 1800 S; WENDELL ID 833552) have filed an application for changes to a water right with the Department of Water Resources.

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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 February 2, 1999 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

Published in the Gooding County Leader on 01/14 & 01/21/99.

MICROFILMED

JUN 24 1999

1A-



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE STREET-SUITE #200
TWIN FALLS ID 83301
(208) 736-3033 Fax 736-3037

DIRK KEMPTHORN
GOVERNOR

KARL J DREHER
DIRECTOR

January 5, 1999

JOHN B. TOLEDO &/OR
MARIA R. TOLEDO
2852 E 1800 S
WENDELL ID 83355

Re: Application for Transfer No. 5367 (36-07460 Part)

Dear Applicant(s):

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

This office has scheduled advertising the application in the Gooding County Leader for 01/14 and 01/21/99. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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:
KEVAN R VARIN
KIENLEN APPRAISALS
409 SHOSHONE ST SO-STE# 1
TWIN FALLS ID 83301

MICROFILMED
JUN 24 1999

J. JAMES KIENLEN & KEVAN R. VARIN**KIENLEN APPRAISALS**

409 SHOSHONE STREET SOUTH SUITE # 1

TWIN FALLS, IDAHO 83303

PHONE 208-736-2927 or 208-736-2933

FAX 208-736-2938

Mobile 208-731-4500

FAX MESSAGE**FAX TO: Jim Stanton**

COMPANY: IDWR

PHONE #: 736-3033

FAX #: 736-3037

FAX FROM: Kevan R. Varin**DATE: 11-3-98**NUMBER OF PAGES INCLUDING COVER LETTER 2

SUBJECT: Jim, attached is the "Dairies: Water Use Worksheet" that Georgia ran for me in April when we started this project for Toledo. This is what I have been basing my numbers on. It shows that they need to transfer 10.967 acres of water. In order to be safe, Toledo increased it to 11.3 acres from Branchflower. John Toledo can be reached at 324-4367 or his dairy partner Zeke Ferreira at 536-5511. Please let me know if the data I obtained from Georgia was incorrect. I hope not since I have already gone back to these people twice with increases in the amount.

FILE NUMBER _____
REVIEWER _____
DRAINAGE WATER USE WORKSHEET

REQUIRED DATA

NUMBER OF MILKING CATTLE _____ 005
NUMBER OF NONMILKING CATTLE _____ 116
IF LAAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO _____ 0.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT-DAY) _____ 4
ENTER 1 FOR MANUAL CON WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH CONVS _____ 2
NUMBER OF MILKINGS PER DAY _____ 2

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @ 0.05 GPM _____ 0.51
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * _____ 0.36
NONMILKING CATTLE @ 0.12 GPM _____ 0.03
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * _____ 0.04
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 0.43

DIVERSION VOLUME (AFY):

STOCKWATER
MILKING CATTLE @ 0.05 GPM _____ 22.2
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * _____ 24.8
NONMILKING CATTLE @ 0.12 GPM _____ 1.5
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * _____ 2.7
TOTAL (BASED UPON ROUNDED NUMBERS) _____ **32.9**

COMMERCIAL
WASHING OF BULK TANK AND RELATED EQUIPMENT _____ 0.4
PARLOR FLOOR AND MILKHOUSE FLOOR _____ 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING _____ 5.7
TOTAL _____ **6.2**

TOTAL DIVERSION VOLUME _____

CONSUMPTIVE USE VOLUME (AFY):

STOCKWATER
MILKING _____ 3.5
NONMILKING _____ 0.0
TOTAL _____ 3.5

COMMERCIAL _____ 0.0
TOTAL CONSUMPTIVE USE _____ 3.5

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

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) _____	0.00	0.00	0.00
LIFT (FT) _____	0	0	0
DISCHARGE PRESSURE (PSI) _____	0	0	0
FRICTION LOSSES (FT) _____	0.0	0.0	0.0

CALCULATIONS

	PUMP 1	PUMP 2	PUMP 3
THEORETICAL FLOW RATE (CFS) * _____	0.00	0.00	0.00
DIVERSION VOLUME (AFY) ** _____	0.0	0.0	0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 75%.
** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
DAY OF THE YEAR.

Kevin V. = 736-2933
736-2938 fax

10 April 1998
from Georgia @ IDMR

Kevin - There is a permit (resubmitted)
that possibly can be
reauthorized. Call me...

$$32.9 \times \frac{325,850 \text{ gal/ac-ft.}}{365 \text{ dy/yr.}} = \frac{10,720,465}{365} = 29,371 \text{ gal/day}$$

$$\frac{29,371}{645,315} = .0455 \text{ cfs} = 2.28 \text{ inches}$$

$$1.016 \text{ M cu ft} \quad \frac{23.28 \text{ Ac ft}}{22} = 55$$

$$\frac{32.9}{3 \text{ ac-ft/ac}} = 10.967 \text{ Ac}$$

FILE NUMBER ---- example
REVIEWER ----- jes

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE ----- 565
NUMBER OF NONMILKING CATTLE ----- 115
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO ----- 4.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) ----- 4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH C
NUMBER OF MILKINGS PER DAY ----- 2

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD ----- 0.37
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * -- 0.39
NONMILKING CATTLE @12 GPD/HD ----- 0.03
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 0.04
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 0.43

DIVERSION VOLUME (AFA):

STOCKWATER

MILKING CATTLE @35 GPD/HD ----- 22.2
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * -- 24.0
NONMILKING CATTLE @12 GPD/HD ----- 1.5
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 2.7
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 26.7

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT ---- 0.4
PARLOR FLOOR AND MILKHOUSE FLOOR ----- 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING ----- 5.7
TOTAL ----- 6.2

TOTAL DIVERSION VOLUME ----- 32.9

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER

MILKING ----- 3.5
NONMILKING ----- 0.0
TOTAL ----- 3.5

COMMERCIAL ----- 6.2

TOTAL CONSUMPTIVE USE ----- 9.7

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) -----	7.50	5.00	0.00
LIFT (FT) -----	145	145	0
DISCHARGE PRESSURE (PSI) -----	40	40	0
FRICTION LOSSES (FT) -----	0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * -----	0.19	0.13	0.00
DIVERSION VOLUME (AFA) ** -----	140.9	93.9	0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

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

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

7-# 5367

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT **RECEIVED**
PART 1 **SEP 22 1998**

Department of Water Resources
 Southern Region

Name of applicant JOHN B. and/or MARIA R. TOLEDO Phone 208-536-5577
 Post Office address 2852 E. 1800 S. WENDELL, IDAHO 83355

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes PURCHASING IRRIGATION WATER FROM ANOTHER PARTY TO USE AS COMMERCIAL (DAIRY) WATER AND STOCKWATER.

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-------------------------------|------------------|--------------------|-------------------|----------------------------|
| <u>816-07460A^k</u> | <u>3-25-1974</u> | <u>0.1623 cfs</u> | <u>STOCKWATER</u> | <u>1-1</u> to <u>12-31</u> |
| | | <u>0.0377 cfs</u> | <u>Commercial</u> | <u>1-1</u> to <u>12-31</u> |
| | | | | to _____ |
| | | | | to _____ |
2. Total amount of water being transferred 0.20 cubic feet per second and/or 33.9 acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	29	7 S.	15 E.	GOODING	TWO WELLS

5. Lands irrigated or place of use: SITE OF DAIRY BARN & LAND APPLICATION OF WASTEWATER.

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	
7 S.	15 E.	29							C	C/S									—
									*										

MICROFILMED

JUN 24 1999

Total acres _____

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. T36-07460W

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	1.90 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 2.9	SENE 39	NESE 34.1	
			NWSE 14.4	SWSE 17		107.4
				Total number of acres irrigated:		107.4

CONDITIONS/REMARKS:

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

MICROFILMED
JUN 24 1999

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 PRESENT P/W IS NOT IRRIGATED, BUT RIGHT HAS BEEN RECOGNIZED AS VALID IN THE SRBA.

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 0.20 cfs for Irrigation purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount 33.9 AFA for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: SAME AS 2. A. 7.

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>7 S.</u>	<u>14 E.</u>	<u>28</u>															<u>11.3</u>		<u>11.3</u>

Total acres 11.3

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

1. amount 1.70 cfs for Irrigation purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: SAME AS 2. A. 7.

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>7 S.</u>	<u>14 E.</u>	<u>28</u>																	<u>96.1</u>

MICROFILMED
JUN 24 1999

Total acres 96.1

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, 19 83


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

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WATER RIGHT
NUMBER

NAME

CFS

T36-07460G2 BRANCHFLOWER , MIKE

0.19

pending xfer

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
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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 #	