

R-14E

Louisa
place

↑ N
↑ E

1611
T-1023

PIVOTS

764
T-1024

Irrigation
Pump
Stock
Pump
(part B)

MICROFILMED
DEC 11 2003

Recycled
water
pump

6
24.1
HE

3532

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4463
WATER RIGHT NO. 36-04151B

This is to certify that: **AARDEMA HEIDA DAIRY**
1646 BOB BARTON RD
WENDELL ID 833550140

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	0.56 CFS	109.0 AF
COMMERCIAL	01/01 to 12/31	0.48 CFS	97.0 AF
	Totals	* 1.04 CFS	206.0 AF

SOURCE

GROUNDWATER

Priority: 08/15/1954

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 25, Township 08S, Range 14E
SESW , Sec. 25, Township 08S, Range 14E
GOODING County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08S 14E 25	SWSW	SESW	SWSE
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PLACE OF USE: COMMERCIAL

TWN RGE SEC

08S 14E 25	SWSW	SESW
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CONDITIONS OF APPROVAL AND REMARKS

1. Prior to diversion of water under this approval, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

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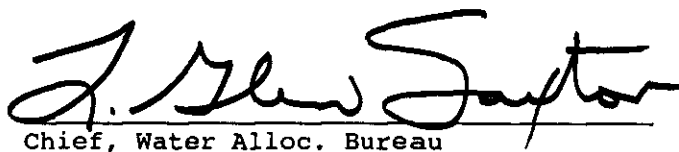
TRANSFER NO. 4463
WATER RIGHT NO. 36-04151B

CONDITIONS OF APPROVAL AND REMARKS

- * 2. The total instantaneous diversion of water from all points of diversion under Transfer No. 4463 shall not exceed 1.04 cfs, nor total combined annual volume of 206.0 af.
- 3. The remainder of Claim No. 36-04151 is identified as 36-04151A and is limited to the diversion rate of 0.36 cfs, an annual volume of 72.0 af and irrigation of 18.0 acres each year.
- 4. The acres which are no longer authorized for irrigation under Right No. 36-04151 are specifically described as follows: 33 acres within SWSE, 19 acres within SESE, S25, T08S, R14E.
- 5. The total combined rate of diversion under this right and Right No. 36-08362 shall not exceed 1.50 cfs.
- 6. Approval of this transfer in no way confirms the right(s) claimed.
- 7. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 8. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- 9. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- 10. Two (2) points of diversion are located within SWSW and three (3) points of diversion are located within SESW, S25, T08S, R14E.
- 11. Stockwater use is for 1,800 milking and 2,800 dry cows.
- 12. Commercial use is for a dairy.

Dated this 13th day of

September, 1995


Chief, Water Alloc. Bureau

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OCT 09 1995

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-04151

1997 DEC 29 PM 3:29

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: FRANS AARDEMA
CORNELIA AARDEMA
THOMAS HEIDA
MARY JANE HEIDA
DBA AARDEMA HEIDA DAIRY
PO BOX 140
WENDELL ID 83355-0140

SOURCE: GROUNDWATER

QUANTITY: 1.4 CFS
280.0 AFY

PRIORITY DATE: 08/15/1954

POINT OF DIVERSION: T08S R14E S25 NESWE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	1.4 CFS 280.0 AFY

PLACE OF USE:	IRRIGATION	Within GOODING County
	T08S R14E S25	SWSE 33 SESE 37
	70 ACRES TOTAL	

RULE 54(b) CERTIFICATE

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



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

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MEMORANDUM

Date: November 7, 1995
From: Jim Johnson
To: Glen Saxton
Subject: Arrdema Dairy

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In follow-up to your memo dated October 13, 1995 I don't think we can do anything until one year after the transfer approval.

One of the approval conditions state "The changes authorized by this transfer shall be accomplished within one (1) year of the date of this approval." The transfer application was approved on September 13, 1995. Therefore, violation of transfer conditions would not occur until after September 13, 1996.

It may be appropriate at that time to perform an on-site examination to determine if the conditions that were observed by Scott King have changed. If the situation has not changed can we deny a request for additional time, if we get one?

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MEMORANDUM

To: Jim Johnson
From: L. Glen Saxton *LS*
RE: WATER USE - AARDEMA HEINA DAIRY
Date: October 13, 1995

I have reviewed Scott King's memo dated October 11, 1995, relative to responsibility within Water Allocation Bureau to follow-up the alleged deficiencies.

Items 1,2 and 4 in King's memo clearly indicate that the conditions of approval of transfer no. 4463 are not being complied with. Approval of the transfer and the consequences of not complying with the conditions of approval(cond. 8) are also directly associated with the transfer approval. Item 3 in King's memo perhaps is within the jurisdiction of DEQ or Ground Water Protection section of the department. Suggest Permits section check into this jurisdiction question, since it likely will arise again.

After checking out water rights of record for the dairy operation including SRBA claims, Permits Section should correspond with the water right holder, advise of the reported deficiencies, ask if the department has overlooked any existing water rights and ask that the deficiencies be rectified in order to maintain the transfer in a valid status. Water measurement then should again be conducted as appropriate by Water Distribution section to determine compliance.

You should also call the drilling permit fee matter to the attention of Ground Water Protection section so they can check it out and follow it up if appropriate.

This is an excellent example of how traditional activities within the department will be more and more affected by distribution and measurement of water activities. While violation of conditions of approval have always been the responsibility of the section giving the approval, we usually would not know of a violation, since field presence was limited in the past and measurements usually were not taken. This type of changed activity is precisely what can be used to justify the need for existing appropriation staff as new appropriation activity diminishes.

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SEP 11 2003

MEMORANDUM

To: Shelley Keen
From: Scott King
Date: October 11, 1995

Subject: Aardema Heida Dairy transfer #4463

Due to measurement activities in Basin 36, I had the opportunity to measure and/or inspect the two wells owned by Aardema Heida Dairy included in transfer number 4463. It appears there may be a few problems:

*Permit
See*
1) A new well had been drilled for part B of the transfer (X36-04151B). The transfer indicates that this well is located in the SW quarter of section 25. However, the new well is located in the SE quarter of section 25, about 20 feet south of the original well (X36-04151A) in the NESWSE of section 25.

*Permit
See*
2) The irrigation portion of the transfer (X36-04151A) includes only 18 acres in the SESE of section 25. The well currently supplies irrigation water to two pivots, one in the SESE of section 25, and the other in NESW and SESW of section 25 (which is not included in the transfer). It appears to cover more than 18 acres. Per the operator, this well is now a supplemental source for irrigation of this land, and the main source is recycled water from the dairy operation.

*G.W. 50
1 pivot
DEQ?*
3) The irrigation well (X36-04151A) is connected to the same system delivering the recycled dairy water to the two pivots. The well does not have a check valve to automatically prevent recycled water from entering the well, and butterfly valve must be manually closed to isolate the recycled water from the well. It appears that the current system has an increased potential for ground water contamination and a check valve should be installed.

*Permit
See*
4) I measured a flow rate of 1.15 cfs from the irrigation well operating the two pivots. The "A" portion of the transfer limits the rate to 0.36 cfs.

The water diverted for the main dairy operation is included in 36-08362.

*Also,
Drilling permit 36-92-S-0414-000
is for only \$35.00.*

11-17-E

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place

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↑ E

1611
T. 1023

Pivots

water
in
the
middle

264
T. 1024

Irrigation
Pump
Stock
Pump
(part B)

24.1
HEL

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Recycled
Water
pump



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SEPTEMBER 14, 1995

AARDEMA HEIDA DAIRY
1646 BOB BARTON RD
WENDELL ID 83355-0140

Transfer of Water Right No. 36-04151B

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4463). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

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RECEIVED
OCT 03 1995

MEMORANDUM

TO: FILE NO. 36-04151

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4463

DATE: September 6, 1995

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Transfer No. 4463 was filed to add a point of diversion and change the nature of use of a portion of Right No. 36-04151, splitting the right into parts A and B. The applicant wants to increase the size of an existing dairy.

The evaluation of the change in nature of use from irrigation use to stockwater and commercial uses for the dairy shows a reduction in total consumptive use. 52 acres are being taken out of irrigation to compensate for the dairy uses described under this transfer.

Right No. 36-08362 shares 4 of the same points of diversion as the proposed dairy and when these rights are combined diversion is limited to 1.50 cfs which has been identified as the system capacity. Season of use and diversion volume were adjusted to reflect the change from irrigation use to dairy uses. The full volume for the proposed dairy uses was available under the shorter irrigation season and full volume for all uses described under these two rights can be provided under the existing system.

Four (4) additional points of diversion are added under this transfer and the place of use for stockwater and commercial uses has been specified. The place of use was split, removing 52 acres of irrigation and leaving the remainder of the right unchanged.

Recommended conditions include stock limits, p/d overlap, multiple points of diversion, future reporting, non-confirmation of claim and standard transfer conditions.

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OCT 03 1995