

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-12909B V1

WATER RIGHT NUMBER: 45-12909B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	OAKLEY VALLEY FARMS 1496 S 500 W OAKLEY, ID 83346 (208)862-3663
Current Owner	ACME DAIRY PO BOX 189 OAKLEY, ID 83346 (208)862-2263
Current Owner	AMERICAN COW MILKING ENTERPRISE DAIRY INC PO BOX 189 OAKLEY, ID 83346 (208)862-2263

Priority Date: 04/01/1961

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.040 CFS	9.20 AF
COMMERCIAL	01/01 to 12/31	0.040 CFS	9.20 AF
	<u>Total Diversion:</u>	0.040 CFS	9.20 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4SW1/4	Sec. 32, Twp 13S, Rge 22E, B.M.
CASSIA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	31									X								

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	31			X	X					X				X	X	X	X	

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Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. WD8 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.

Remarks:

1. Place of Use Commercial use is for a dairy located in the NESW, S31, T13S, R22E.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 45-2434B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.32 CFS.
3. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-12909.

Comments:

1. PSKAGGS 11/6/2001 1:51:47 PM Transferred Right

Comment: This is now a approved transfer, transfer number = 66104

2. jroberts 5/31/2002 Transfer conditions

Comment: WATER RIGHT NO. 45 12909B V1

046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.

01Q After specific notification by the Department, the right holder shall measure the diversion 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.

GEN Commercial use is for a dairy located in the NESW, S31, T13S, R22E.

WD8 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.

082 The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.

106 Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

3. jroberts 5/31/2002 Basis of Recommendation

Comment: Recommendation is based on approved transfer #66104.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres
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0.32		
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Combined Water Rights: 45-2434B , 45-12909B