

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 70872

This is to certify that: VAN ESS DAIRY LLC  
26956 CEMETERY RD  
MIDDLETON ID 83644  
(208)585-3288

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 63-31782     | AJC/                | 05/09/1977      | 0.99 cfs    | 288 af        | N/A               | 64.0               | GROUND WATER  |
| 63-31784     | AJC/                | 12/09/1983      | 0.6 cfs     | 135 af        | N/A               | 30.0               | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-31782              | NO           | YES        | YES        | YES            | YES                  | YES                  |
| 63-31784              | NO           | YES        | YES        | YES            | YES                  | YES                  |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-31782               | <b>63-31782</b>                  | 0.37 cfs             | 69.3 af                | N/A               | N/A                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-31784               | <b>63-31784</b>                  | 0.04 cfs             | 6.4 af                 | N/A               | N/A                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.41 cfs</b>      | <b>75.7 af</b>         | <b>N/A</b>        | <b>N/A</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 22nd day of March, 2004

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

# **WATER RIGHT NO. 63-31782**

**As Modified by Transfer No. 70872**

In accordance with the approval of Transfer No. 70872, Water Right No. 63-31782 is now described as follows.

**Right Holder:** VAN ESS DAIRY LLC  
26956 CEMETERY RD  
MIDDLETON ID 83644

**Priority Date:** May 09, 1977

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| COMMERCIAL            | 01/01       | to 12/31  | 0.11 CFS              | 20.8 AF       |
| STOCKWATER            | 01/01       | to 12/31  | 0.26 CFS              | 48.5 AF       |
|                       |             |           | 0.37 CFS              | 69.3 AF       |

## **LOCATION OF POINT(S) OF DIVERSION:**

|              |           |                 |                    |
|--------------|-----------|-----------------|--------------------|
| GROUND WATER | L1 (NWNW) | Sec. 19 Twp 05N | Rge 02W ADA County |
| GROUND WATER | L1 (NWNW) | Sec. 19 Twp 05N | Rge 02W ADA County |
| GROUND WATER | L2 (SWNW) | Sec. 19 Twp 05N | Rge 02W ADA County |

**PLACE OF USE:** COMMERCIAL, same as Stockwater

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|             | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> |        |
| 05N 02W 19  |           |           |           |           |           | X         | X         |           |           |           |           |           |           |           |           |           |        |
|             |           |           |           |           |           | L1        | L2        |           |           |           |           |           |           |           |           |           |        |

## **CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.

**WATER RIGHT NO. 63-31782**  
**As Modified by Transfer No. 70872**

**CONDITIONS OF APPROVAL**

6. 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.
7. The total instantaneous diversion of water from all points of diversion under Rights 63-31782 and 63-31784 shall not exceed 0.41 cfs, nor total combined annual volume of 75.7 af.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
9. Right 63-31784 is also diverted through the points of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22<sup>nd</sup> day of March, 2004



Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-31784**  
**As Modified by Transfer No. 70872**

In accordance with the approval of Transfer No. 70872, Water Right No. 63-31784 is now described as follows.

**Right Holder:** VAN ESS DAIRY LLC  
 26956 CEMETERY RD  
 MIDDLETON ID 83644

**Priority Date:** December 09, 1983

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| COMMERCIAL            | 01/01       | to 12/31  | 0.01 CFS              | 1.9 AF        |
| STOCKWATER            | 01/01       | to 12/31  | 0.03 CFS              | 4.5 AF        |
|                       |             |           | 0.04 CFS              | 6.4 AF        |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |           |                                    |
|--------------|-----------|------------------------------------|
| GROUND WATER | L1 (NWNW) | Sec. 19 Twp 05N Rge 02W ADA County |
| GROUND WATER | L1 (NWNW) | Sec. 19 Twp 05N Rge 02W ADA County |
| GROUND WATER | L2 (SWNW) | Sec. 19 Twp 05N Rge 02W ADA County |

**PLACE OF USE:** COMMERCIAL, same as Stockwater

**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 |        |
| 05N 02W 19  |    |    |    |    |    | X   | X   |    |    |    |    |    |    |    |    |    |        |
|             |    |    |    |    |    | L 1 | L 2 |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.

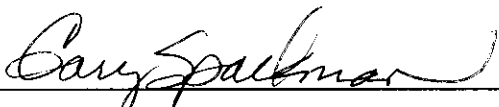
**WATER RIGHT NO. 63-31784**  
**As Modified by Transfer No. 70872**

**CONDITIONS OF APPROVAL**

6. 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.
7. The total instantaneous diversion of water from all points of diversion under Rights 63-31782 and 63-31784 shall not exceed 0.41 cfs, nor total combined annual volume of 75.7 af.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
9. Right 63-31782 is also diverted through the points of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22<sup>nd</sup> day of March, 2004

  
\_\_\_\_\_  
Chief, Water Allocation Bureau