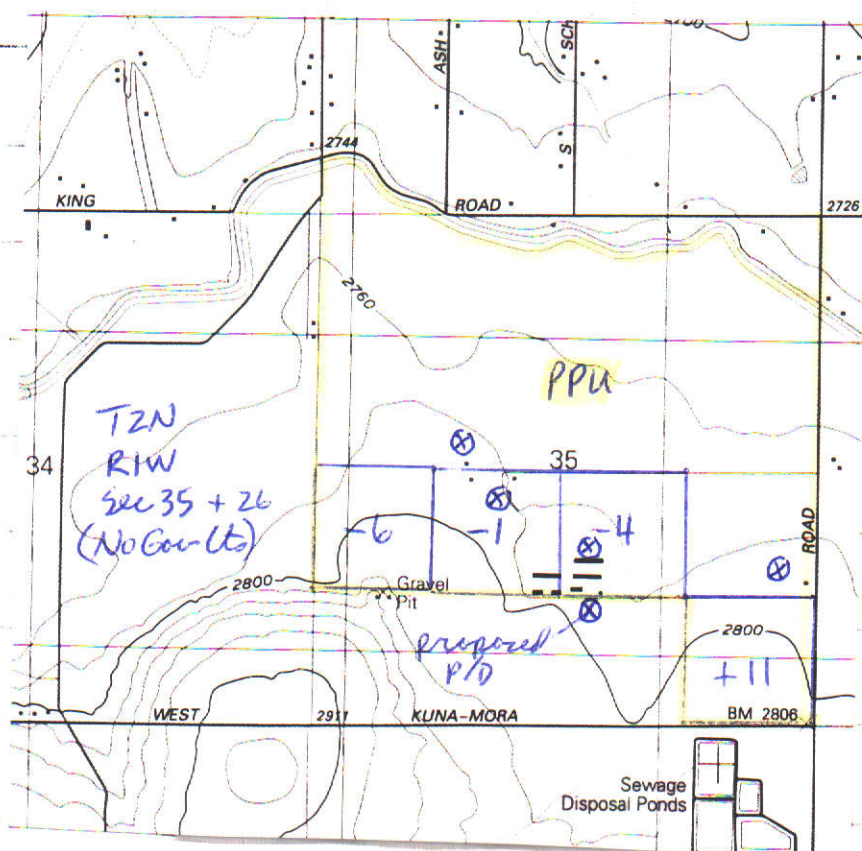


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

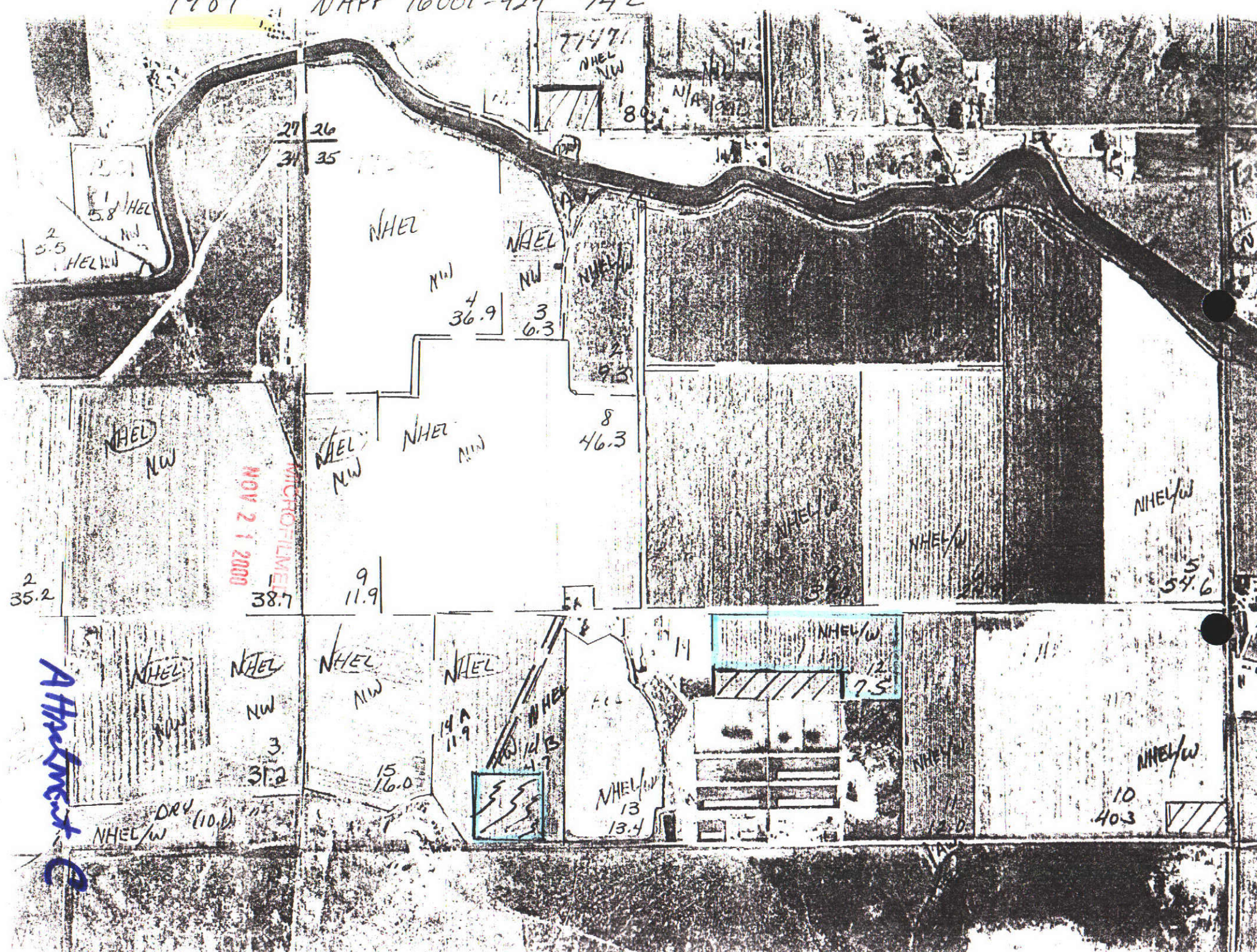
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



⊗ all existing wells except as noted

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NOV 21 2000

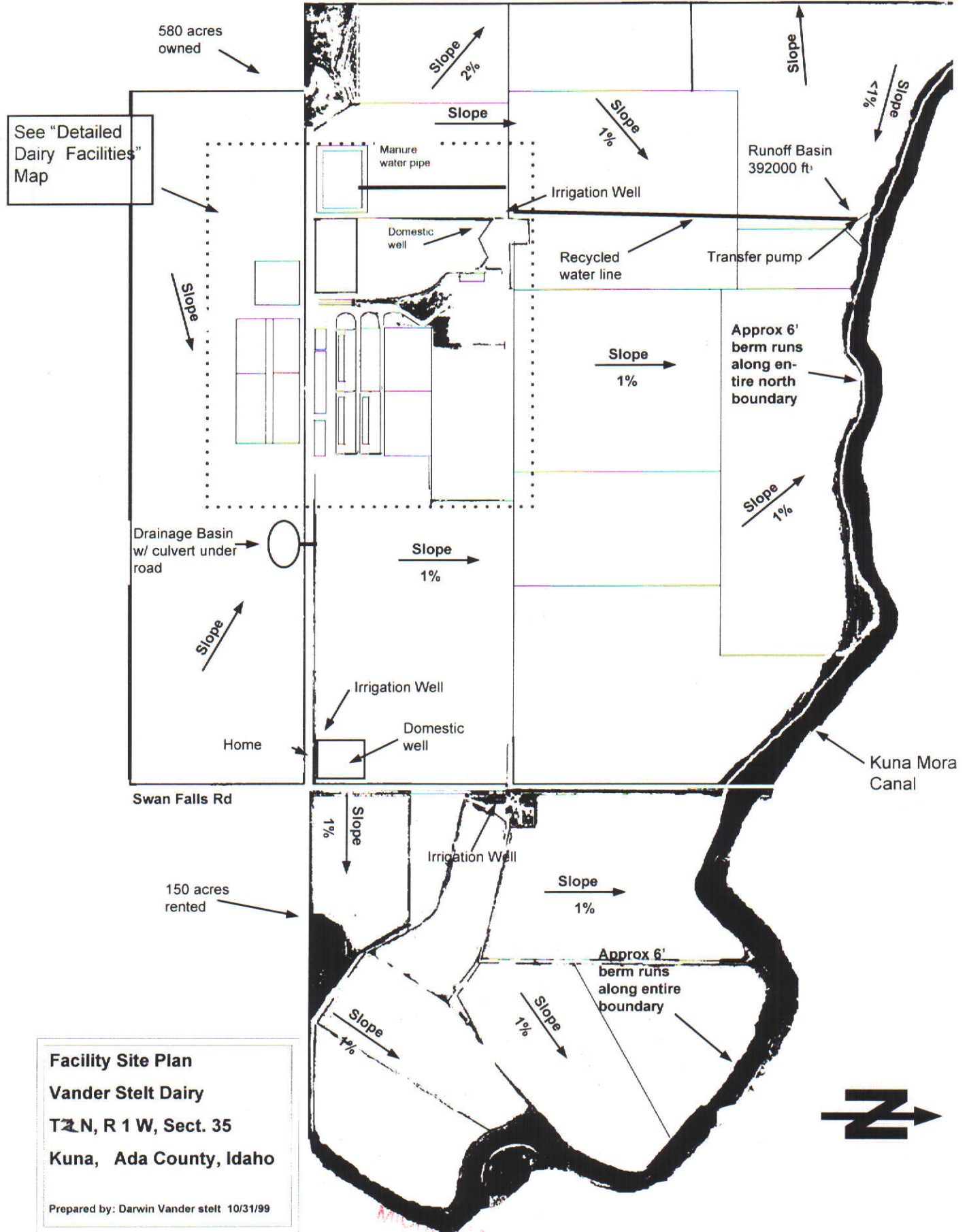
1987 NAPP 16001-424 74L



LT = Laval + Thornton
KC = Kuna City
Res = Residential
H.V. = Henry Vander Stelt

EXHIBIT B

Facility Site Plan



Facility Site Plan
Vander Stelt Dairy
T2N, R1W, Sect. 35
Kuna, Ada County, Idaho

Prepared by: Darwin Vander stelt 10/31/99

NOV 21 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

APPLICANT VANDER STELT Mining

TRANSFER NO. 5460

INITIAL ALLOCATION REVIEW BY RZ

DATE 5/11/99

1. Right number(s) 63-03093 -03170 -08087 -18592 -18594

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 Period ☐ Split Right
☐ Other: _____

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

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

- a. ☒ Analysis memo (always - unless justify why not needed)
- b. ☒ All of right
- c. N/A Part of right (**NOTE!** Part B should be filled in only if part of right is owned by the applicant)
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing P/D & P/U after transfer
- g. ☒ Correct notarized signature and \$100 fee
- h. ☒ Proof of ownership of right &/or land from which water is transferred
- i. ☒ Expansion in use of right - check rate of flow, diversion volume and consumptive use volume. Comments:

NOV 21 2000



SCALE 1:24,000

1 inch represents 0.38 miles

0

0

1 Kilometer

MICROFILMED

NOV 21 2000

DAIRY



IDAHO DEPARTMENT OF WATER RESOURCES

1801 North Orchard Street

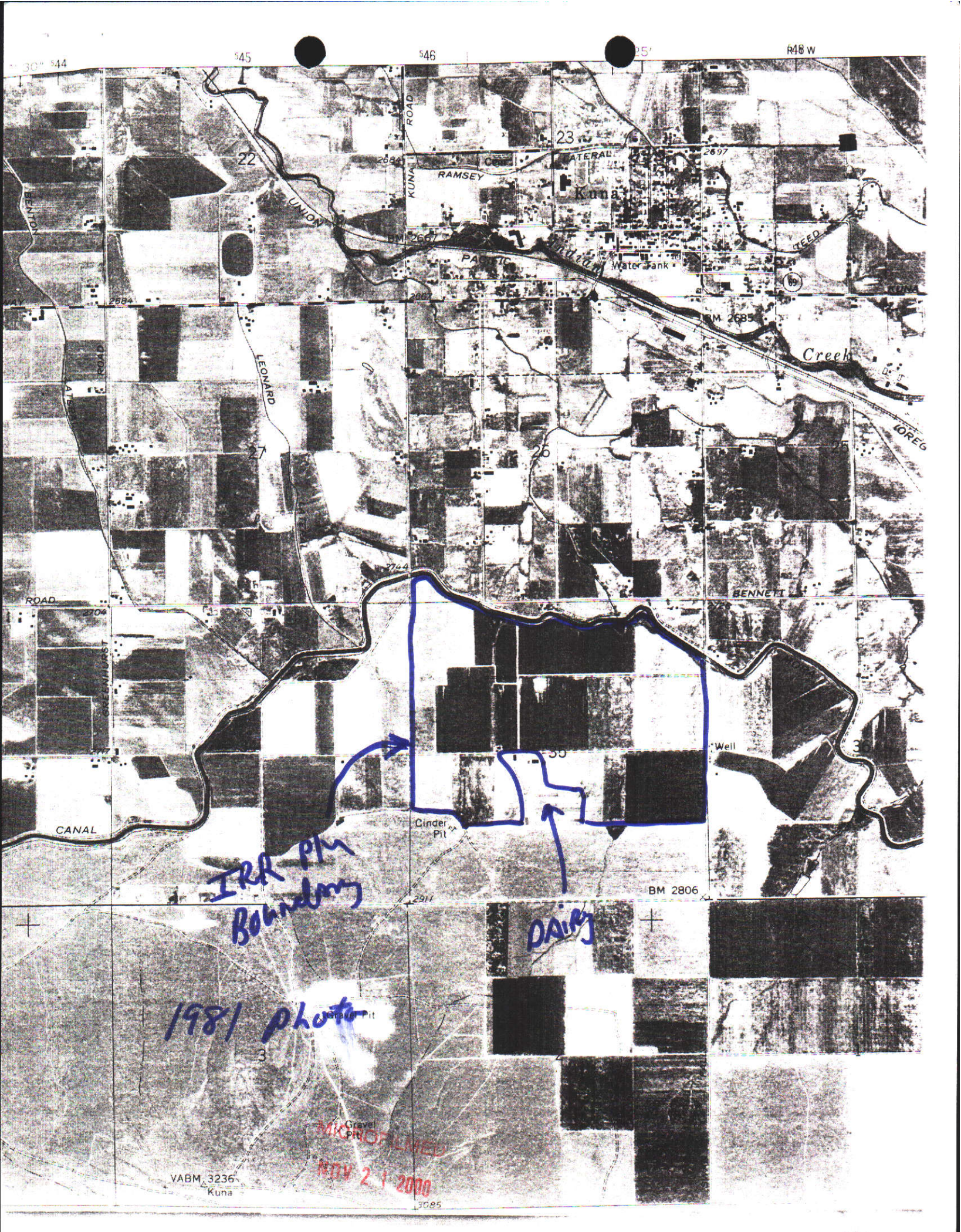
Boise, Idaho 83725

(208) 327-7800

WJK 9/6/95-t2nr1wap.aml

July 1987 NAPP Y7NE





IRR PM
Boundary

DAIRY

1981 photo

NOV 21 2000

VABM 3236
Kuna

BM 2806

3085

Prepared By DAN NELSON
8-19-99

PLACE OF USE COMPARISON CHART

TWP	RGE	SEC	N E			N W			S W			S E			Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	35			40	20	23				30	28	36	40	113
			19	25		40	28	39	39	40	28	-15	-6	-2	363
			18	26	40	40	30	38	40	40	23	33	40	40	408
02N	01W	26													4
															TOT
															412
02N	01W	26													4
		35	19	26	40	40	30	39	40	40	28	36	40	40	418
															TOT
															422
02N	01W	26													4
		35	19	26	40	40	30	39	40	40	13	30	38	12	378
															TOT
															382

- 29 acres
WR # 63-03170

- 32 acres
WR # 63-08087

- 40 acres
TOT 91 Being
Dried up
FROM LICENSED
ACRES

TOTAL LICENSED VOLUMES AND DIVERSION RATES

63-03093

63-03170

63-08087

CFS	DIV AFA	CON AFA	ACRES	DIV AFA/ACRE
8.79	1899	1477	422	4.5 AFA/ACRE

MICROFILMED
NOV 21 2000

1987 irrigated acres vs. Licensed acres.

Prepared By
DAN NELSON
8-19-99
DAN.

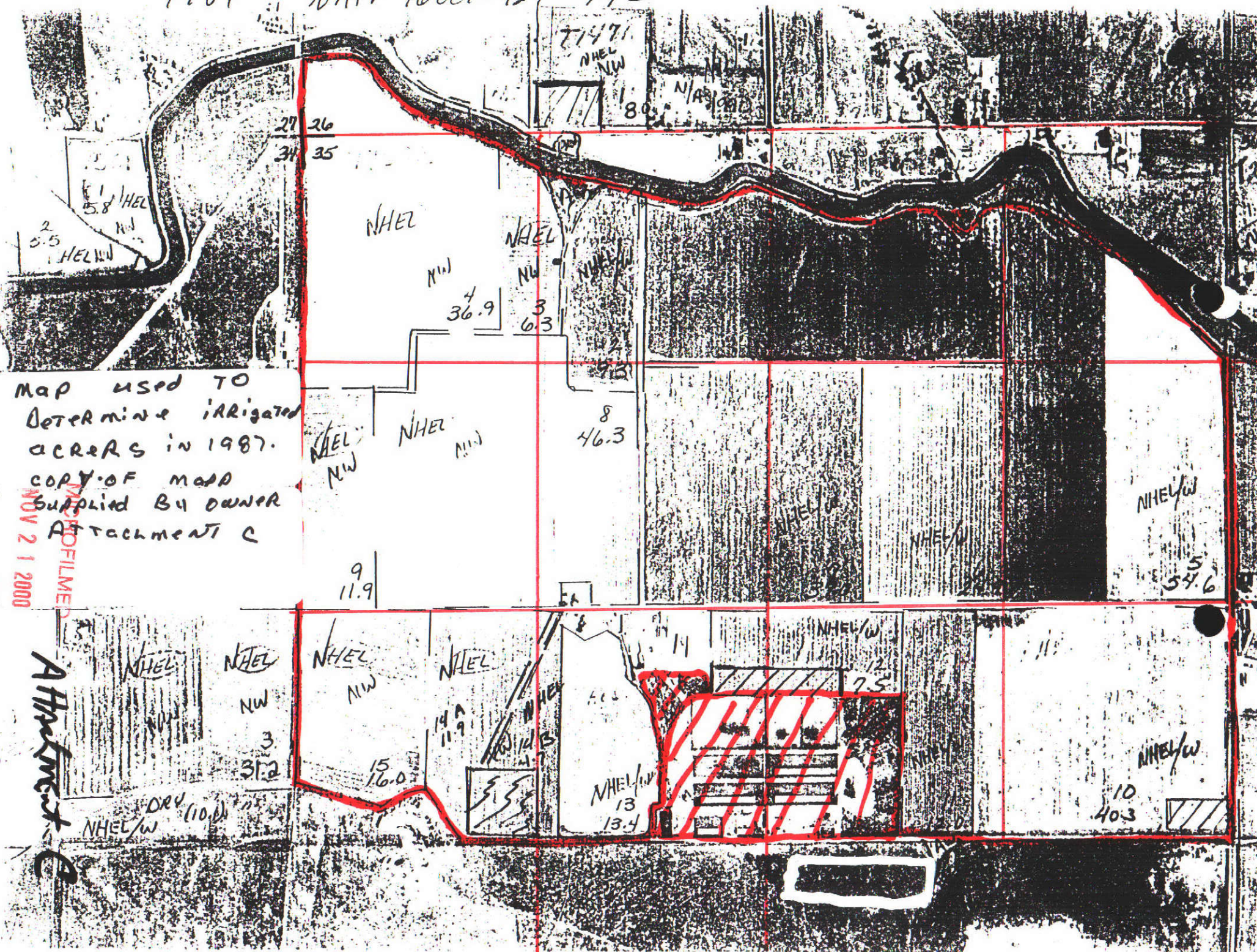
		Sec 26	
4 4			
39 39	30 30	26 26	19 19
40 40	40 40	40 40	40 40
		Sec. 26	
		(15)	
36 36.	28 28	40 25	40 40

MICROFILMED
NOV 21 2000

Licensed acres - 422 acres
1987 actual irrigated acres - 407 acres
TOTAL NUMBER OF acres Associated
with Accomplished Transfer - 15 acres.

copy

1701 NHT 10001-427 142



Map used to
determine irrigated
acres in 1987.
COPY OF MAP
SUPPLIED BY OWNER
ATTACHMENT C

NOV 21 2000

Attachment C

5 Rev. 4 minutes 50 Sec.

$\frac{290}{1500} \times 1.726 \text{ cfs.}$ no correction factor $\approx 1.73 \text{ cfs or } 8\frac{1}{2}"$

R-1W.

KUNA

T.
2
N.

P.D.

10 Acres out



23

90

113

Subdivisions 4

Area 113

Q

1.73 cfs or $8\frac{1}{2}"$ inches

4.80

6.53

Potter Land Co.
Wayne E. Davis, Agent
Caldwell, Idaho, 1520 Blaine

Permit No. Q-26493

Completion of Works
Examination for and Beneficial Use

County Ada

Sec. 35 T. 2N R. 1W

Quantity: 3.0 c.f.s.

Source: Well

P.D.: SENN., Sec. 35, T. 2N, R. 1W, B.M.

Use: Irrigation

Filed: Aug. 21, 1956

Due: Aug. 23, 1961

Extension: —

Completion of Works: —

Other Rights: 13 acre feet from

Base - Kuna Irrig. Dist. for

4 1/4 acres (most claim - 1/2)

water (except 1/2 Dec)

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
SEP 5 1961

Department of Reclamation

9-3932 Davidson
9-2883

Mr. McClellan
66829

RECEIVED

AUG 4 1961

Department of Reclamation

AFFIDAVIT OF PUBLICATION

I, Clyde Cornell, printer and co-publisher of The Kuna Herald, published weekly for more than 78 consecutive weeks at Kuna, Idaho, do solemnly swear that the notice as per clipping attached, was published weekly in the regular and entire issue of said newspaper and not in

any supplement thereof, for Four consecutive weeks as follows:

Commencing with the issue dated

July 14, 1961

and ending with the issue dated

August 4, 1961

Clyde Cornell

Subscribed and sworn to before me this

4th day of August, 1961 196

St. M. Ward

Notary Public for Idaho.

Residing at Kuna, Idaho.

NOTICE OF PROOF OF COMPLETION OF WORKS

and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M., on the 14th day of August 1961, at Caldwell, County of Canyon, State of Idaho, before Lloyd C. McClintick, Notary Public, at 107½ Kimball Avenue, proof will be submitted of the completion of works for the diversion of three cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26493, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Potter Land Co., 1520 Blaine, Caldwell, Idaho.
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is Three cubic feet per second.
3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is three cubic feet per second.
4. The point of diversion of said water is 200 feet East and 100 feet North of the Southwest corner of the SE¼ of the NW¼ of Section 35, Twp. 2 N., Range 1 West of the Boise Meridian in Ada County, Idaho.
5. The place where said water is used is the S½ of the NE¼ and alla; that portion of the East half of the Northwest Quarter lying South of the Boise-Kuna District Mora Canal, all in Section 35, Twp. 2 N., Range 1 West of the Boise Meridian.
6. The date of priority which said user is prepared to establish is August 21, 1956.

GEO. N. CARTER

State Reclamation Engineer
July 14, 21, 28; Aug. 4, 1961

826493

NAME OF APPLICANT *Potter Land Co.*

Form No. 0

R-1 W.

7

40

2

40 40 40

71

well

Permit Map No. *9-26493*
As Approved
MARK R. KULP
State Reclamation Engineer
AUG 23 1956

State of Idaho

License and Certificate of Water Right

Water License No. G-26493

Amount 1.73 c.f.s.

Water District No. _____

Priority August 21, 1956

THIS IS TO CERTIFY that **POTTER LAND COMPANY**
of **Caldwell, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **August 21, 1956**; that Permit No. **G-26493**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.73 second feet, was issued thereunder on **September 13, 1961**, showing that said works
were completed on the **11th** day of **August, 1961**; and that on the **11th**
day of **August, 1961**, **POTTER LAND COMPANY**

of **Caldwell**, State of **Idaho**, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of **a well**
, a tributary of **subterranean flow**, for the purpose of **irrigation**
, under Use Permit No. **G-26493** of the **Department of Reclamation**
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page **7161**, on the **13** day of **September, 1961**;
The right hereby confirmed dates from **August 21, 1956**;

The Point of Diversion is located
in the **SE 1/4 NW 1/4, Sec. 35, Tp. 2 N., R. 1 W., B. M. Ada County**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed **1.73** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N.	1 W.	35	SE 1/4 NE 1/4	40	20
			SE 1/4 NW 1/4	40	40
			NE 1/4 NW 1/4	40	23
			SE 1/4 NW 1/4	40	<u>30</u>
			Total number of acres to be irrigated: 113		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
13th day of **September, 1961**.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

63 3093

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

63-3093

Application No. G- 34405
Permit No. G- 26493
District No.

Potter Land Company
P.O. 1520 Blaine St.,
Caldwell, Idaho

1. Name of Applicant: POTTER LAND COMPANY
Postoffice address: 1520 Blaine, Caldwell County: Canyon State: Idaho
2. Quantity of water claimed: 150 Miner's Inches
(a) Rate of withdrawal in cubic feet per second. 3.0 or Idaho
Miners' inches or gallons per minute.
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean flow from a well
4. Location of point of diversion or well is in the SE 1/4 of the NW 1/4 of Section 35
Twp. 2 N , Rge. 1 W , B.M., County of Ada
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Turbine pump and ditches
8. Estimated cost of works: \$ 10,000.00
9. (a) Is reservoir to be used? None
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 4 1/4 acres of the 160 has
about 13 acre feet of water from the Boise-Kuna Irrigation District
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplementary to the existing water rights.
(b) (cubic feet per second, inches or gallons per minute) is for new lands.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

Agent.

Corrected application received:

MARK R. KULP
State Reclamation Engineer.

By ROBERT E. SMYLIE
Governor

Twp.	Range	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	
2 N	1 W	35	40 40	40	40	Approximately 150 acres out of the 160 will be irrigated.	160
			Permit No. G-26493 CERTIFICATE OF COMPLETION OF WORKS				
TO ALL WHOM IT MAY CONCERN: This is to certify that POTTER LAND COMPANY of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. G-26493, issued upon Application No. G-34405 bearing date of priority of August 21, 1956, authorizing the diversion of 3.0 second feet of waters of a well, County of Ada, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.0 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters is SE ¹ / ₄ NW ¹ / ₄ , Sec. 35, T. 2 N., R. 1 W., B. M.; and that the lands proposed to be irrigated by the use of said waters are described as follows: 113 acres in S ¹ / ₂ NE ¹ / ₄ , E ¹ / ₂ NW ¹ / ₄ , Sec. 35, T. 2 N., R. 1 W., B. M. Witness my hand this 13th day of September, A. D. 1961. Proof of Completion of Works Made: August 14, 1961							
			s/ RALPH W. THOMAS, Deputy State Reclamation Engineer				
LICENSE ISSUED FOR 1.73 SEC. FL. Page 7/61							

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5460
WATER RIGHT NO(S). 63-03093/63-03170/63-08087
63-18592/63-18594

This is to certify that: **VANDER STELT DAIRY**
2777 SWAN FALLS RD
KUNA ID 83642

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>
Right No. 63-03093 :			
Priority: 08/21/1956			
IRRIGATION	03/01 to 11/15	1.73 CFS	508.5 AF
Right No. 63-03170 :			
Priority: 09/17/1959			
IRRIGATION	03/01 to 11/15	3.57 CFS	1503.0 AF
STOCKWATER	01/01 to 12/31	0.49 CFS	51.6 AF
COMMERCIAL	01/01 to 12/31	0.49 CFS	50.6 AF
		4.06 CFS	1605.2 AF
Right No. 63-08087 :			
Priority: 02/19/1975			
IRRIGATION	03/01 to 11/15	2.82 CFS	1451.7 AF
STOCKWATER	01/01 to 12/31	0.18 CFS	19.1 AF
COMMERCIAL	01/01 to 12/31	0.18 CFS	18.7 AF
		3.00 CFS	1489.5 AF
Right No. 63-18592 :			
Priority: 08/30/1978			
STOCKWATER	01/01 to 12/31	0.23 CFS	14.6 AF
Right No. 63-18594 :			
Priority: 04/01/1985			
STOCKWATER	01/01 to 12/31	0.23 CFS	2.8 AF
TOTAL:		9.25 CFS *	3620.6 AF *

SOURCE

GROUNDWATER

TRANSFER NO. 5460
WATER RIGHT NO(S). 63-03093/63-03170/63-08087
63-18592/63-18594

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 35, Township 02N, Range 01W
 NESW , Sec. 35, Township 02N, Range 01W
 NESE , Sec. 35, Township 02N, Range 01W
 NWSE , Sec. 35, Township 02N, Range 01W
 SWSE , Sec. 35, Township 02N, Range 01W
 ADA 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>
02N	01W	26	SWSW 4			4
		35	NENE 19	NWNE 26	SWNE 40	
			SENE 40	NENW 30	NWNW 39	
			SWNW 40	SENW 40	NESW 13	
			NWSW 30	NESE 38	NWSE 12	
			SESE 11			
						378
						382 **

Total number of acres irrigated:

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>
02N	01W	26	SWSW		
		35	NENE	NWNE	SWNE
			SENE	NENW	NWNW
			SWNW	SENW	NESW
			NWSW	SWSW	SESW
			NESE	NWSE	SWSE
			SESE		

PLACE OF USE: COMMERCIAL, same as STOCKWATER use**CONDITIONS OF APPROVAL AND REMARKS**

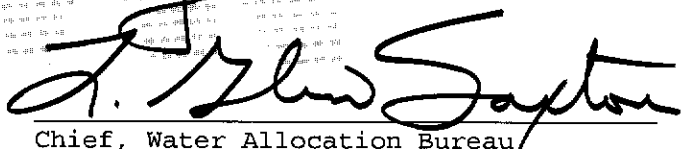
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5460
WATER RIGHT NO(S). 63-03093/63-03170/63-08087
63-18592/63-18594

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
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 5460 shall not exceed 9.25 cfs, nor total combined annual volume of 3620.6 af for irrigation of 382.0 total acres.
- ** 9. Right 63-03093 is limited to the irrigation of 113 acres within the place of use described above in a single irrigation season.
- ** 10. Right 63-03170 is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.
11. Commercial use for the dairy is located in the NESW, NWSW, and NWSE, S35, T2N, R1W.
12. The quantity of water decreed for stockwater use under Right 63-18592 is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
13. The quantity of water decreed for stockwater use under Right 63-18594 is not a determination of historical beneficial use and shall not exceed 2,500 gallons per day.

Dated this 15th day of May, 2000.


Chief, Water Allocation Bureau

Page 1 of 14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5460

REVISIONS

APPROVED BY: Daniel Vander Stelt

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

DEC 3 1999

Department of Water Resources

Name of applicant VANDER STELT DAIRY Phone 922-4649

Post Office address 2777 SWAN FALLS RD KUNA ID 83642

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 Applicant wishes to add a new well to the vring/dairy system and update water rights to reflect recent dairy expansion (corrals + ponds, not cows) and combined system

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
~~AG3-03093~~	~~8/21/1956~~	~~1.73/508.5~~	~~Irrig~~	~~3/15 to 11/15~~
~~AG3-03170~~	~~9/17/1959~~	~~3.67/1175.5~~	~~Irrig~~	~~3/15 to 11/15~~
		~~.34/131.6~~	~~Comm~~	~~1/1 to 12/31~~
~~AG3-08087~~	~~2/19/1975~~	~~2.72/75~~	~~Irrig~~	~~3/15 to 11/15~~
			~~Comm~~	~~1/1 to 12/31~~

2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Ground water tributary to _____

4. Point(s) of Diversion: NWSE 5.35 T2N R1W existing

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		Se	Nw	35	2N	1W	ADA	existing
		Ne	Se					"
		Ne	SW					"
	NW	SW	Se					proposed

5. 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	
2N	1W	26										4						4	
		35	19	26	40	40	30	39	40	40	13	30		38	12		11	378	
											C	C			C			Dairy	
			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	land appl	
		(NOTE)																	
			COMMERCIAL & STOCK WATER USES OCCUR IN																
			ALL OF S. 35 plus SWSW S. 26																

Total acres

382

PART 1

6. General Information:

a. Description of diversion system New well to be drilled + cased per health dept. reg. Engineers to determine appropriate size of submersible pump.

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 affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Place of use is changed for land taken out of production by lagoon, separator + corrals

d. Remarks:
Lagoon size: 360' x 360' x 12' deep (existing)

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
NOV 21 2000

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 63-03093

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	1.73 CFS

SOURCE

GROUNDWATER

Priority: 08/21/1956

LOCATION OF POINT(S) OF DIVERSION:SENW , Sec. 35, Township 02N, Range 01W
ADA CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
02N	01W	35	:			40	20	:	23			30	:					:						:	113.0	
																							TOTAL ACRES	113.0		

CONDITIONS/REMARKS:

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? ____ If yes, describe:

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 _____

MICROFILMED

APR 2 1 2000

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. _____ 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 _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

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

7. Point(s) of Diversion:

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

8. 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	

Total acres _____

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?

N If yes, describe _____**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 _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

MICROFILMED
NOV 21 2000

Total acres _____

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-03170

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	4.06 CFS

SOURCE

GROUNDWATER

Priority: 09/17/1959

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 35, Township 02N, Range 01W
 NESE , Sec. 35, Township 02N, Range 01W
 ADA County

PLACE OF USE:

IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
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	Lt Ac	Lt Ac	Lt Ac	SUM
02N	01W 35	19	25		40	28	39	39	40	28	36			40	29			363.0
																	TOTAL ACRES	363.0

CONDITIONS/REMARKS:

- LICENSE INCORRECTLY LISTS TOTAL AC. IRR. = 290.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? ____ If yes, describe:

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

NOT 2 1 80

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. _____ 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 _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

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

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

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	

Total acres _____

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?

N

If yes, describe _____

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 _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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	

Total acres _____

MICROC
NOV 21 2009

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-08087

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.00 CFS	1267.5 AF

SOURCE

GROUNDWATER

Priority: 02/19/1975

LOCATION OF POINT(S) OF DIVERSION:NESW , Sec. 35, Township 02N, Range 01W
ADA CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																						
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE							
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	Lt	Ac	Lt	Ac	:	SUM
02N	01W	26	:									:									:									:							:	4.0
02N	01W	35	:	18	26	40	40	:	30	38	40	40	:	23	33					:	40	40							:							:	408.0	
																												TOTAL ACRES	412.0									

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than 4.5 afa per acre for irrigation of the lands above.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? ____ If yes, describe:

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

Micro
201 2 1 32

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. _____ 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 _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

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

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

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	

Total acres _____

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?

N If yes, describe _____

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 _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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	

Total acres _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. 63-18592

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.23 CFS

SOURCE

GROUNDWATER

Priority: 08/30/1978

LOCATION OF POINT(S) OF DIVERSION:NWSE , Sec. 35, Township 02N, Range 01W
ADA CountyPLACE OF USE:

STOCKWATER

				NE				NW				SW				SE																			
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE				
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	Lt	Ac				
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
02N	01W	35	:																	S								S							

CONDITIONS/REMARKS:

1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. STOCKWATER, 1000 DAIRY CATTLE
PARCEL NO. S1335314800

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? ____ If yes, describe:

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. _____ 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 _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

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

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

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	

Total acres _____

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?

NO

If yes, describe _____

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 _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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	

MICROFILMED
NOV 21 2009

Total acres _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. 63-18594

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.23 CFS

SOURCE

GROUNDWATER

Priority: 04/01/1985

LOCATION OF POINT(S) OF DIVERSION:NWSE , Sec. 35, Township 02N, Range 01W
ADA CountyPLACE OF USE:

STOCKWATER

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
02N 01W 35	:		:		:		:		:		:		:		:	

CONDITIONS/REMARKS:

1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500 GALLONS PER DAY.
3. STOCKWATER, 500 DAIRY CATTLE
PARCEL NO. S1335314800

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? ____ If yes, describe:

MICHO
MAY 1 1987

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. _____ 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 _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

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

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

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	

Total acres _____

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?
No If yes, describe _____

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 _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

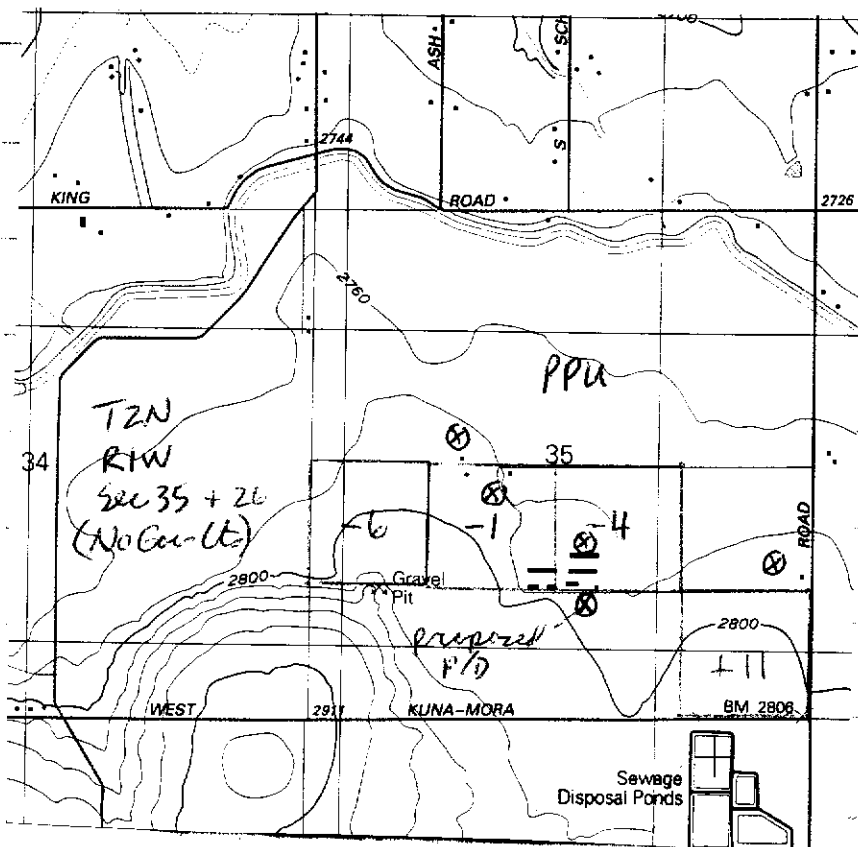
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED

NOV 21 2000
Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



⊗ all existing wells except as noted

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

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>See Attachment B Dairy Facility Worksheet</u>	<u>11</u>		<u>"</u>

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

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

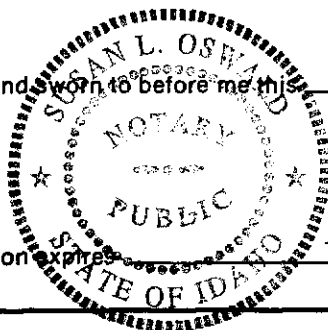
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

Subscribed and sworn to before me this

Dennis C. Vander Stelt for Vander Stelt Dairy
 (Signature of Applicant)
25th day of March, 1999.

My commission expires



Susan L. Oswald
 (Notary Public)

FOR DEPARTMENT USE ONLYTransfer contains 14 pages and 4 attachmentsReceived by lg Date 2/4/99

Protest filed by _____

Prelim. check by lg Fee \$100 W024775Receipted by lg Date 2/4/99

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

2000
 2000

ITEM B1 FOR PAGE 1

DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs)	Nature of Use	Period of Use
63-03093	08-21-1956	1.73	Irrigation	03-15 to 11-15
63-03170	09-17-1959	3.74	Irrigation	03-15 to 11-15
		.32	Commercial	01-01 to 12-31
		.32	Stockwater	01-01 to 12-31
63-08087	02-19-1975	2.75	Irrigation	03-15 to 11-15
		.25	Commercial	01-01 to 12-31
		.25	Stockwater	01-01 to 12-31
63-18592	08-30-1978	.23	Stockwater	01-01 to 12-31
63-18594	04-01-1985	.23	Stockwater	01-01 to 12-31

ATTACHMENT A

Daily Fresh Water Requirement For Dairy Facility Worksheet

For: **Vander Stelt Dairy**

Drinking Water Estimates (see Table 1 & 2):

			Number	Use/day	Total Gal/Day	Total Gals/Yr.	afa
Milking Cows			1700	35	59500		
Dry Cows			300	12	3600		
Total Cows			2000		63100	23,031,500	70.68
Heifers:	Age	% of Herd	Number	Use/day	Total		
	16-24 mo.	0.38	760	10	7600		
	13-15 mo.	0.12	240	8	1920		
	9-12 mo.	0.17	340	6	2040		
	5-8 mo	0.17	340	5	1700		
	3-4 mo	0.08	160	4	640		
	0-2 mo	0.08	160	2.5	400		
Total Heifers			2000		14300	5,219,500	16.02
Less amount covered by existing Stock water rights							
	Right No.	63-18594		2500			
	Right No.	63-18592		13000			
				15500		5,657,500	-17.36
Total Herd Drinking Water not covered by stock water rights:(afa)							69.34

Wash Pen Estimate (see table 3):

GPM discharge/nozzle				5.39			
Number of Nozzles				83			
Minutes run/day:				130			
groups	13						
mins/group	5						
x/day	2						
Total Wash Pen Water Used:					58158	21,227,707	65.15

Milk House and Parlor Estimate (see Table 4)

Item	Gals/Op	x's/day	Gals/day			
Bulk Tank	126	1	126			
Pipeline	140	2	280			
Backflush	0.5	2	1700			
Cleanup	1000	2	2000			
Cow Prep	0.25	2	850			
Plate Cooler(ignore if recycled)						
Total Milk House and Parlor Water Used:			4956		1,808,940	5.55
Total Gals/Day			140514			
Total Fresh Water Diverted Annually						140.0
Acres to be taken out of production @ 3.5 allowable afa/acre						40.0

Attachment B

74 L



BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL NUMBER S1335314800

TAX YEAR 1997

FULL 2ND HALF AMOUNT	LESS PAYMENTS	AMOUNT DUE BY
\$261.53	\$.00	\$261.53

-> 6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDER STELT DAIRY
RR 1
KUNA ID 83634-9801

PAR #4800 OF S2
SEC 35 2N 1W
#220000 8
#95015106
02N01W354800

2N 1W 35

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S SWAN FALLS

BILL NUMBER 1-0102838

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL NUMBER R5070500400

TAX YEAR 1997

FULL 2ND HALF AMOUNT	LESS PAYMENTS	AMOUNT DUE BY
\$39.60	\$.00	\$39.60

-> 6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDERSTELT DAIRY
% GABIOLA EUSEBIO
RR 1

LOT 4
KUNA ORCHARD TRACT
010570000040

2N 1W 26

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S TEN MILE

MAKE CHECKS PAYABLE TO BARBARA BAUER, ADA
COUNTY TREASURER. PAYMENTS BY CHECK
SUBJECT TO BANK CLEARANCE.

FOR MORE INFORMATION CALL 364-2233.

IF ANY PORTION OF THE SECOND HALF TAX
BECOMES DELINQUENT, YOU WILL BE CHARGED
2 PERCENT LATE CHARGE & 1 PERCENT PER MONTH
INTEREST DATING BACK TO JANUARY 1ST.

WE WILL ACCEPT MAILED PAYMENTS AS CURRENT
IF POSTMARKED ON OR BEFORE THE DUE DATE.

PAYMENTS POSTMARKED AFTER THE DUE DATE
WILL BE APPLIED & A DELINQUENT NOTICE WILL BE
SENT FOR THE REMAINING AMOUNT DUE, INCLUDING
LATE CHARGE & INTEREST.

BILL NUMBER 1-0046447

Attachment D
(3 pgs)

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL NUMBER S1335214200
TAX YEAR 1997

FULL 2ND HALF AMOUNT	LESS PAYMENTS	AMOUNT DUE BY
\$4198.83	\$0.00	\$4198.83

6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDER STELT DAIRY
RR 1
KUNA ID 83634-9801

S2NE4 E2NW4 EXC 5A N
OF MORA HILINE CANAL
SEC 35 2N 1W
#314200R
#95015106
02N01W350000

2N 1W 35

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 02399 S SWAN FALLS

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL NUMBER S1335233600
TAX YEAR 1997

FULL 2ND HALF AMOUNT	LESS PAYMENTS	AMOUNT DUE BY
\$171.77	\$0.00	\$171.77

6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDER STELT DAIRY
RR 1
KUNA ID 83634-9801

SW4NW4 & NW4SW4
SEC 35 2N 1W
#231000R
#95015106
02N01W351000

2N 1W 35

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S SWAN FALLS

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL NUMBER S1335223000
TAX YEAR 1997

FULL 2ND HALF AMOUNT	LESS PAYMENTS	AMOUNT DUE BY
\$133.67	\$0.00	\$133.67

6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDER STELT DAIRY
RR 1
KUNA ID 83634-9801

NW4NW4
SEC 35 2N 1W
#220000 B
#95015106
02N01W353000

2N 1W 35

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S SWAN FALLS

MAKE CHECKS PAYABLE TO BARBARA BAUER, ADA
COUNTY TREASURER. PAYMENTS BY CHECK
SUBJECT TO BANK CLEARANCE.

FOR MORE INFORMATION CALL 364-2233.

IF ANY PORTION OF THE SECOND HALF TAX
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SENT FOR THE REMAINING AMOUNT DUE, INCLUDING
LATE CHARGE & INTEREST.

BILL NUMBER 1-0102836

02

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL
NUMBER

S1335346610

TAX YEAR

1997

FULL 2ND HALF AMOUNT	LESS PAYMENTS	AMOUNT DUE BY
\$28.35	\$0.00	\$28.35

6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDER STELT DENNIS C AND
VANDER STELT HENRY D
% VANDER STELT DAIRY

SE4SW4 SE2SE4
SEC 35 2N 1W
#346600-S
#96069487
02N01W356610

2N 1W 35

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S SWAN FALLS

BILL NUMBER

1-0102840

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL
NUMBER

P2VANDAIRO1

TAX YEAR

1997

FULL 2ND HALF AMOUNT	LESS PAYMENTS	AMOUNT DUE BY
\$1471.20	\$0.00	\$1471.20

6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDER STELT DAIRY
2777 S SWAN FALLS
KUNA ID 83634-9801

KUNA ORCHARD TRACT

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S TEN MILE

BILL NUMBER

1-0010441

BARBARA BAUER
ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

PARCEL
NUMBER

S1335110500

TAX YEAR

1997

FULL 2ND HALF AMOUNT	LESS PAYMENTS	AMOUNT DUE BY
\$197.10	\$0.00	\$197.10

6/22/98

KEEP THIS HALF FOR YOUR RECORDS.

VANDER STELT DAIRY
RR 1
KUNA ID 83634-9801

N2NE4 S OF MORA CANAL
SEC 35 2N 1W
#110800R
#95015106
02N01W352400

2N 1W 35

PAYMENTS RECEIVED AFTER 5/14/98 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 00000 S SWAN FALLS

BILL NUMBER

1-0102833

MAKE CHECKS PAYABLE TO BARBARA BAUER, ADA
COUNTY TREASURER. PAYMENTS BY CHECK
SUBJECT TO BANK CLEARANCE.

FOR MORE INFORMATION CALL 364-2233.

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INTEREST DATING BACK TO JANUARY 1ST.

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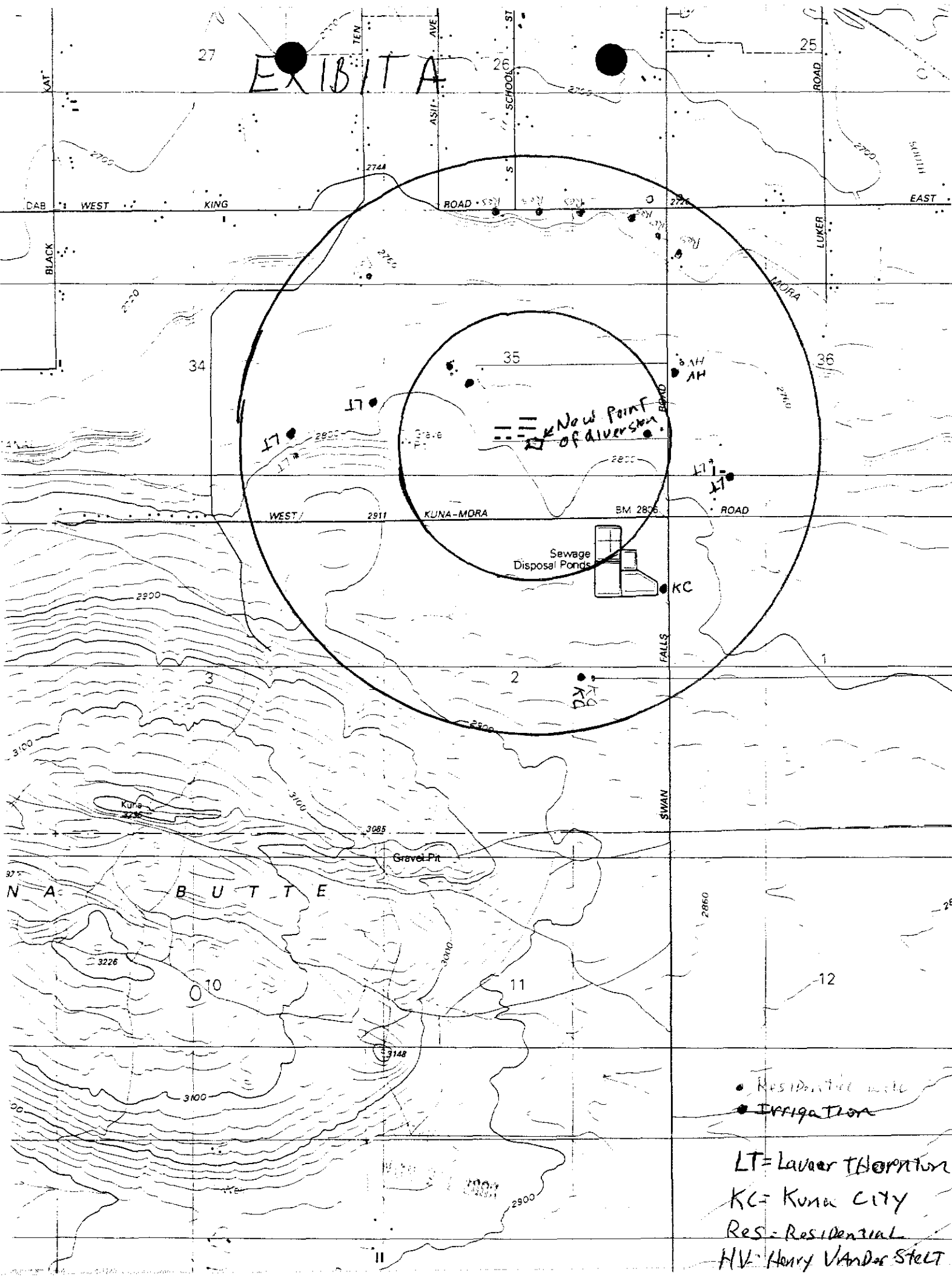
D3

27

EXHIBIT A

26

25



• Residential well
• Irrigation

LT= Lauer Thornton

KC= Kuna City

Res= Residential

HV= Henry Vander Stelt

EXHIBIT B

Facility Site Plan

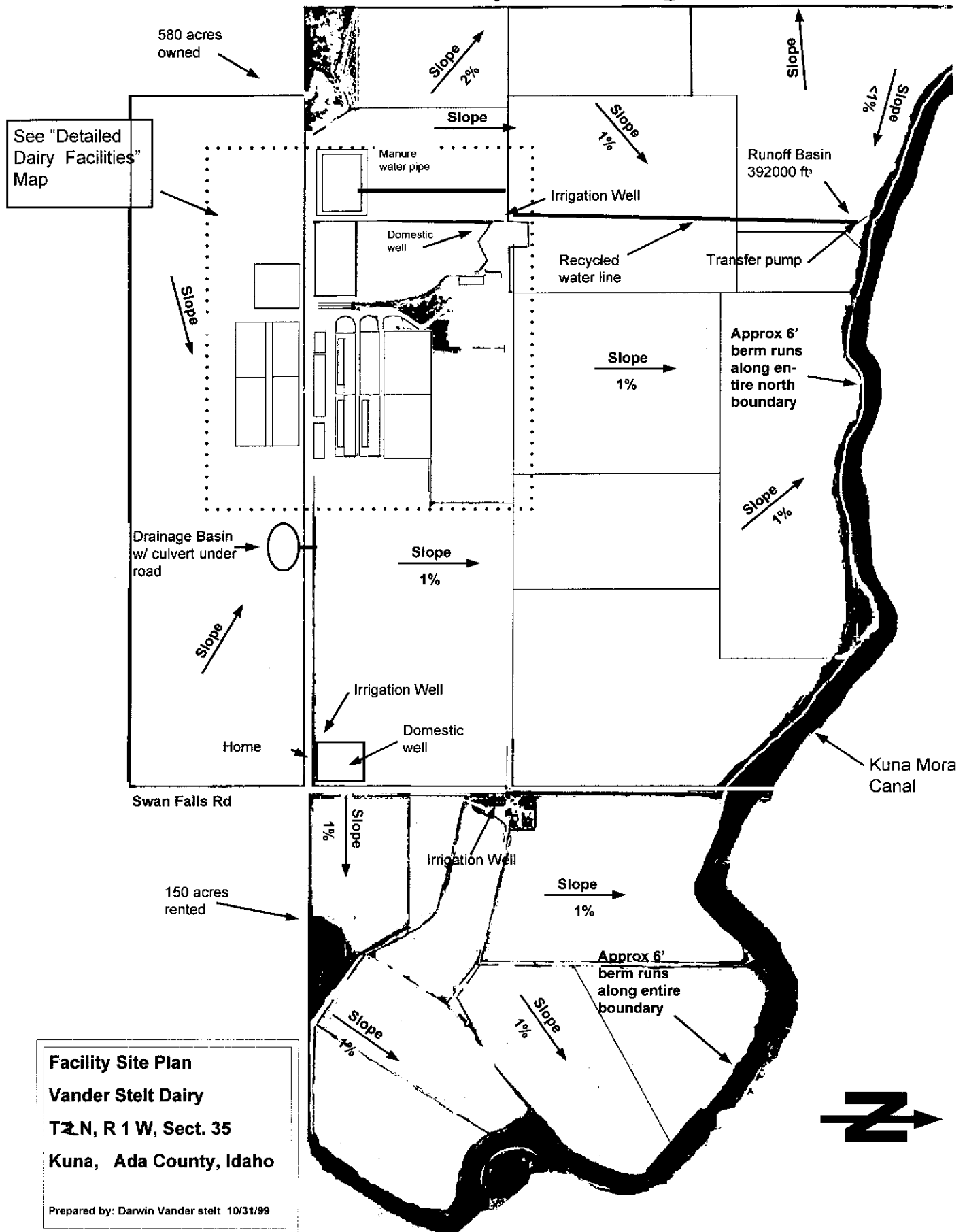
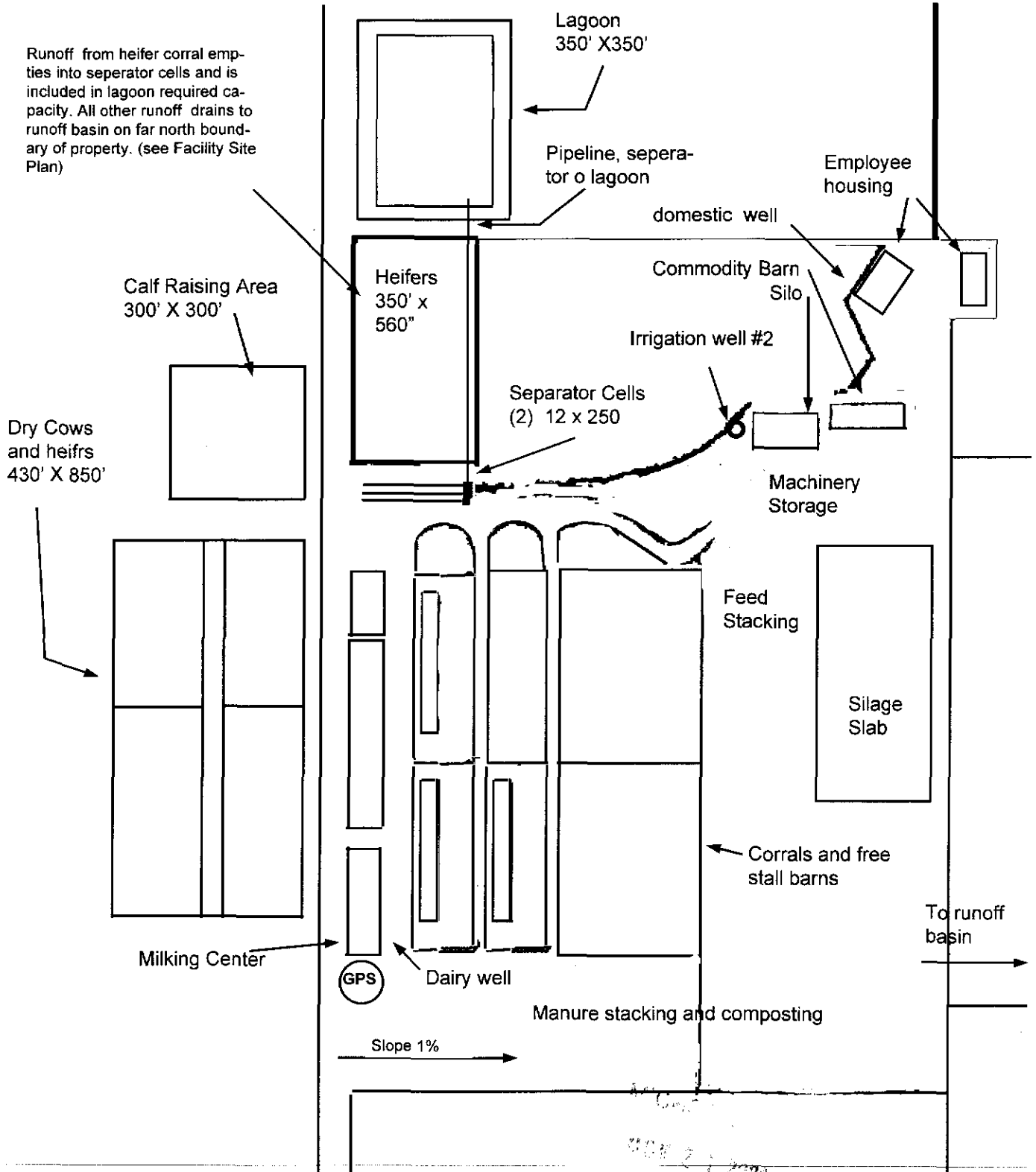


EXHIBIT C

Facility Site Plan Detailed Dairy Facilities



Detailed Dairy Facilities Map

Vander Stelt Dairy T1N, R 1 W, Sect. 35 Kuna, Ada County, Idaho

Prepared by: Darwin Vander Stelt 10/31/99

EXHIBIT

IDAHO DEPARTMENT OF AGRICULTURE
BUREAU OF DAIRYING
PO BOX 790, BOISE ID 83701-0790
(208) 332-8550

DAIRY FARM WASTE FACILITY INSPECTION REPORT

DAIRY NAME/OWNER/ADDRESS/CITY
Vanderstelt Dairy
2777 So. Swan Falls Rd., Kuna

DATE: *10-29-99*

TIME: *4:47 pm*

OF ANIMAL UNITS: *~ 1300 Holstein*

PLANT SHIPPING TO

DFA

PERMIT #:

209513

A dairy farm waste facility inspection was conducted at your facility on this date. Items found to be in non-compliance with IDAPA 02.04.14 are identified below. Please be aware that repeat non-compliance items found to exist on the next inspection may be cause for revocation of your permit to sell milk.

ITEM/DESCRIPTION	COMPLIANCE	NON-COMPLIANCE	REMARKS
I. MILKING CENTER FACILITIES			
a. Properly constructed and maintained			
b. Animals properly confined			
c. Waterways protected			
II. WASTE CONTAINMENT FACILITIES			
a. Properly designed/constructed/ located			
b. Adequate storage capacity			
c. Facility properly maintained to prevent nuisance conditions			
III. OPERATING PLAN			
a. Adequate general description of the waste management plan available			
b. Are solids/liquids handled and disposed of properly			
c. Appropriate schedules/rates of land application provided (If applicable)			
d. Agreement available if disposal involves other land owners			
e. Changes in plan since last inspection			
f. Evidence of a past discharge			
IV. COMPLIANCE SCHEDULE IF APPLICABLE	TIME FRAME FOR REMEDIAL ACTION		
a. Issue notice of:			
1. Non-compliance			
2. Discharge/violation			
b. Repeat notice*			
1. Non-compliance			
2. Discharge/Violation			
c. Revoke milk permit			

Waste handling appears to be properly managed at the time of this inspection.
Thanks!

INSPECTOR SIGNATURE

Bill Shelton

PRODUCER SIGNATURE

[Signature]

*If non-compliance or violation is not promptly corrected, a detailed inspection checklist will be completed.

IDAHO DEPARTMENT OF AGRICULTURE
BUREAU OF DAIRYING
PO BOX 790, BOISE ID 83701
(208)332-8550

GRADE A DAIRY FARM INSPECTION REPORT

DAIRY NAME/OWNER/ADDRESS/CITY

Vanderstelt Dairy
2777 So. Swan Hills Rd.
Kuna

INSPECTION TYPE:

REGULAR ☒ FOLLOW-UP ☐

MILKING AT TIME OF INSPECTION

YES ☒ NO ☐

SCORE (100 less weight of items violated)

95

PLANT SHIPPING TO

DFA

PERMIT #

209513

LBS SOLD DAILY

72,000

Inspection of your farm today showed violations existing in the items checked below. You are further notified that this inspection sheet serves as notification of the intent to suspend your permit if the violations noted are not in compliance at the time of the next inspection. (See Sections 3 and 5 of the Grade A Pasteurized Milk Ordinance - Recommendations of the U.S. Public Health Service/Food and Drug Administration as amended.)

DESCRIPTION		ITEM	X	PTS
MILKING BARN	Abnormal milk	1	a-c	5/5
	Floors	2	a	1
	Walls & ceilings	2	b	1
	Separate stalls	2	c	1
	Lighting	2	d	1
	Ventilation	2	e	1
	Cleanliness	3	a-b	3
MILKHOUSE	Cow yards	4	a-d	3
	Floors	5-F	a-c	1
	Walls & ceilings	5-W	a-b	1
	Lighting & ventilation	5-L	a-d	2
	Miscellaneous requirements	5-M	a-f	2
	Cleaning facilities	5-C	a-c	2
	Cleanliness	6	a-b	4
EQUIPMENT	Toilets	7	a-d	4
	Water supply	8	a-c	2 or 5
	Construction	9	a-e	4
	Cleaning	10	a	5
MILKING	Sanitization	11	a	5
	Storage	12	a-c	2
	Flanks, udders, teats	13	a-e	5
PER. SON- NEL	Protection from contamination	14	a-g	3
	Drug and Chemical Control	15	a-c d-e	2 or 7
	Handwashing facilities	16	a-b	2
PEST CONTROL	Personnel cleanliness	17	a-b	1
	Cooling	18	a-b	5
	Flies, manure pack	19	a-b	3
	Milkhouse openings	19	c-d	~~3~~
	Approved pesticides	19	e-f	2
	Surroundings, Feed Storage	19	g-h	2

REMARKS

Please correct the following items:
3(a) - The parlor needs to be cleaned more thoroughly after every milking (manure on walls + doors)
12(a) - Milker unit extensions must be stored in a sanitizer solution when in the parlor.

DATE

10-29-99

INSPECTOR

Bill Shelton

PRODUCER

Don Vaden

RECEIVED

NOV 2 1 1999

EXHIBIT E

LAGOON STORAGE VOLUME WORKSHEET

1	Number of animals' waste to be stored	1700
2	Average weight of animals in herd	1350
3	Manure volume per day (NRCS Table 4-5)	2984
4	Percent of manure being stored (NRCS Table 4-5)	15%
5	Manure into separator per day in cubic feet (line 4 x line 3)	448
	Separator efficiency	60%
6	Manure into lagoon in cu.ft./day	179

Wash Pen:

7	Number of sprinklers in holding pen	88
8	Sprinkler output in gallons per minute (gpm)	5.39
9	Minutes per day sprinklers are used:	130
	No. of Strings	13
	Minutes/String	5
	Number of milkings per day	2
10	Days run per year	270
11	Total wash pen water in Gals/day (Lines 7 X 8 X 9 X (line 10/365))	45,613

Milkhouse and parlor:

	gals/optn.	x's/day	Gals/day
Bulk Tank	126	2	252
Pipeline	140	2	280
Backflush	0.5	2	1700
Cleanup	1000	2	2000
Cow Prep	0.25	2	850
Plate Cooler (ignore if recycled)			
12	Total Milkhouse and parlor in Gals/day :		5082
13	Total Milking Center Water in Gals/day		50,695
14	Total Milking Center water in cu.ft/day		6,759
	Days storage required	180	
15	Total storage required for Manure and barnwater (Cu.ft)		1,248,894

Runoff Calculations :

(Do not include in lagoon storage req'mt if runoff is stored in separate basin)

Area 1 length in ft	1320
Area 1 width in ft	1320
Area 2 length in ft	430
Area 2 width in ft	1100
Runoff area in Sq. ft. and acres	2,215,400 50.86

Precipitation in 25 yr 24hr storm from map (inches)	2	
Runoff /1000 sq.ft. from Table 6 (Cu.ft)	96.92	
16	Cu. ft. of storage required by 25 yr/24hr. storm	214,717
Precipitation from 1 in 5 yr winter from Table 7 (in)	5.4	
Runoff /1000 sq.ft. from Table 7 (Cu.ft)	75	
17	Cu. ft. of storage required by 1 in 5 yr winter precipitation	166,155
18	Total Storage required (cu. ft.)	1,629,766

Note: Because the wash pen is turned off during the period 11/30 - 2/28, lagoon loading during the winter runoff period is substantially less than these figures indicate, resulting in considerable available space in the lagoon during periods when runoff is most likely to occur. All runoff is contained in runoff basins on the dairy.

(continued)

LAGOON SIZE REQUIREMENTS

Lagoon Size**Only process water in lagoon (no runoff):**

No. of Cells	1
Slope	0.33
Depth (ft)	12
Width of lagoon at top (ft)	350
Width of lagoon at bottom (ft)	314
Avg Width	332
Length at top	350
Length at bottom	314
Avg. Length	332
Actual Capacity in Cu. Ft.	1,323,402
Required Capacity in Cu. Ft.	1,248,894
Reserve Capacity :	
Size	74,507
Freeboard (1/2 of 2' available)	122,500
Total reserve capacity (cu. ft.)	197,007
Reserve as % of total storage Req'd	16%

Runoff Basins

No. of Basins	3
Basin 1 (South of driveway)	
Width	100
Length	200
Depth	3
Cu.ft Storage	60,000
Basin 2 (North boundary)	
Width	280
Length	140
Depth	6
Cu.ft Storage	235,200
Basin 3 (North boundary)	
Width	12
Length	3,960
Depth	3
Cu.ft Storage	142,560
Total runoff storage (cu. ft.)	437,760
Required storage (cu. ft.)	380,872
Reserve Capacity :	
Size	56,888
Freeboard along ditch (1')	47,045
Total reserve capacity (cu. ft.)	103,933
Reserve as % of total storage Req'd	27%

Prepared by:
 Darwin Vander Stelt 11/5/99

Approved: _____
 Date: 11/1/99

Exhibit "F"

Valid
11/05/1999
THRU
11/05/2000

ADAMS COUNTY DEVELOPMENT SERVICE
ZONING DIVISION
650 MAIN ST.
BOISE, IDAHO 83702
(208) 364-2277

ZONING CERTIFICATE
No. 99-01794

OWNER
VANDER STELT DAIRY
2777 S SWAN FALLS RD
KUNA

APPLICANT
VANDER STELT DAIRY

ID
83634

PARCEL: S1335214200 ADDRESS: 02399 S SWAN FALLS
LOT: 000 BLOCK: 000 SUBDIVISION: 2N 1W
QUARTER; SECTION 35 TOWNSHIP 2N RANGE 1W ZONE RR
SETBACKS (in ft): Front-30 Rear-25 Side-25 Flank-30

PROPOSED USES:
PRINCIPAL PERMITTED AGRICULTURE

USE DESCRIPTION: DOCUMENT TO CERTIFY THAT THE DAIRY IS A PERMITTED USE ON THIS PROPERTY.

Zoning X-references: 1- 00-000- 2- 00-000-

Flood Zone FP- STREET CLASS: Local

LOT SIZE .1510 Acre MAX LOT COV 25% MAX BLDG HGT 35 ft

WATER SERVICE Well SEWER SERVICE Septic Tank

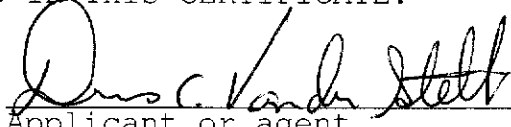
This certificate is issued subject to the regulations contained in the zoning ordinance and all other applicable laws, regulations, codes and ordinances; and that the work will be done in accordance with the plans specifications and in compliance with all such applicable laws, regulations, codes and ordinances.

The Director may, in writing, suspend or revoke a certificate issued under provisions of said regulations, codes or ordinances, whenever the certificate is issued in error; or on the basis of incorrect information supplied; or in violation of the provisions of any law, regulation, code or ordinance.

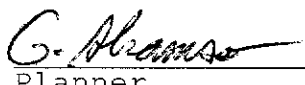
When application is made for service from public agencies or utilities they may require proof of issuance of this certificate.

IN ACCORDANCE WITH SECTION 8-19-3-D ADA COUNTY CODE, THIS CERTIFICATE EXPIRES ONE YEAR FROM THE DATE OF ISSUE. I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND FURTHER, I WILL ABIDE BY THE TERMS AND CONDITIONS CONTAINED IN THIS CERTIFICATE.

Date 11-5-99


Applicant or agent

Posted on map: Y
Zoning certificate fee: \$31.00


Planner

CHAPTER 4

RURAL AREA DISTRICTS

ARTICLE B. RR RURAL RESIDENTIAL ZONE

SECTION:

- 8-4B- 1: Purpose
- 8-4B- 2: Planned Development - Residential (PDR)
- 8-4B- 3: Principal Permitted Uses
- 8-4B- 4: Accessory Uses
- 8-4B- 5: Conditional Uses
- 8-4B- 6: Prohibited Uses
- 8-4B- 7: Nonfarm Development - Residential
- 8-4B- 8: Nonfarm Development - Commercial And/Or Industrial
- 8-4B- 9: Standards For Rezone To RR Zone
- 8-4B-10: Design And Dimensional Standards

8-4B-1: **PURPOSE:** The purpose of this Article is to identify lands lying in those unincorporated portions of Ada County which are agricultural lands and which have some basic public services, such as public street access and fire protection. These areas are not suitable for urban development. However, this Article will allow limited residential development which maintains a rural environment. The RR Zone is within the designated Rural Areas on the Ada County Comprehensive Plan Map.

Further, the Zone is intended to provide flexibility by allowing both limited residential development and farm operations. The flexibility is intended to encourage nonfarm development when it is of a rural character and is not unduly disruptive to agricultural pursuits. (Ord. 212, 12-4-1989; amd. Ord. 240, 7-25-1991)

8-4B-2: **PLANNED DEVELOPMENT - RESIDENTIAL (PDR):** Subdivisions of land, which result in more than five (5) lots, where the minimum lot size is ten (10) acres, may be permitted in this Zone, only through the planned development (PD) procedure established in

Chapter 9 of this Title. When processing the PD, the Board and Commission shall also make the findings as provided in subsection 8-4B-7C of this Article. (Ord. 212, 12-4-1989; amd. Ord. 240, 7-25-1991)

8-4B-3: PRINCIPAL PERMITTED USES:

Agricultural purposes

Dairy farm
(Ord. 212, 12-4-1989)

Single-family dwelling or
manufactured home

One per lot (except as provided by
other provisions of this Title). (Ord.
212, 12-4-1989; amd. Ord. 306,
6-5-1996)

8-4B-4: ACCESSORY USES:

Agricultural outbuildings
(Ord. 212, 12-4-1989)

Amateur radio antenna

(See subsection 8-13-12-2H of this
Title). (Ord. 302, 3-20-1996)

Automotive hobby

(See subsection 8-13-12-2F of this
Title). (Ord. 265, 4-21-1994)

Garage or storage building

Private (any size less than 900
square feet).

Greenhouse or nurseries

Private. (Ord. 212, 12-4-1989)

Group day care home

(See subsections 8-13-12-1B and 2B
of this Title).

Home occupations

(See subsections 8-13-12-1B and 2C
of this Title). (Ord. 212, 12-4-1989;
amd. Ord. 266, 9-23-1993)

Kennel, hobby

(See subsections 8-13-12-1B and 2G
of this Title). (Ord. 266, 9-23-1993)

Roadside stands

Shop

Private. For repair of machinery, equipment and vehicles in connection with agricultural purposes.

Signs

(See Chapter 11 of this Title).

Business AS

Home AS

Project AS

Property AS

Public AS

Swimming pools

(See subsection 8-13-12-2D of this Title). (Ord. 212, 12-4-1989)

Temporary living quarters

(See subsections 8-13-12-1B and 2E of this Title). (Ord. 212, 12-4-1989; amd. Ord. 266, 9-23-1993)

8-4B-5: CONDITIONAL USES: The following uses may be permitted in accordance with the standards and provisions of Chapter 15 of this Title.

Agricultural service establishments

Aircraft landing fields or airports

Public or private. (Ord. 212, 12-4-1989)

Animal clinics, animal hospitals, veterinary offices
(Ord. 266, 9-23-1993)

Aquaculture farm
(Ord. 212, 12-4-1989)

Bed and breakfast facility
(Ord. 298, 10-24-1995)

Cemeteries, mausoleums and crematories

Churches and parish halls

Clubs, lodges and social halls

Commercial packing facilities

Commercial stables and riding schools

Day care centers

Distillation fuel plants

Drag strips and go-cart tracks

Explosive manufacturing and storage

Feed lot or stock yard

Flammable substance storage

Garage or storage building

Private (any size larger than 900 square feet).

Golf courses and country clubs

Public or private with related facilities.

Gravel pits, rock quarries, sand and clay pits

May include accessory rock crushers, cement batch plants and asphalt hot plants.

Greenhouses and nurseries

For commercial uses. (Ord. 212, 12-4-1989)

Kennel, commercial
(Ord. 266, 9-23-1993)

Labor camp

Mortuaries

(Associated with cemeteries).

Public and quasi-public uses

As provided in Section 8-15-3 of this Title, unless specifically prohibited therein.

Public, parochial and private schools

Race tracks

Animal or vehicle

Radio and television towers

Recreational vehicle park

Residence, additional farm
(Ord. 212, 12-4-1989)

Residential care facilities
(Ord. 240, 7-25-1991)

Sanitary landfills

Signs

Nonaccessory, off-premises signs
(Chapter 11).

Shooting ranges

Truck stop

With accessory office, restaurant and
convenience retail contained within
one facility. (Ord. 212, 12-4-1989)

8-4B-6: **PROHIBITED USES:** Occupancy certificates, zoning permits
and building permits shall not be issued authorizing the
following:

- A. Any use not permitted or specifically authorized in the Zone;
- B. Any building, other than an agricultural out-building, structure, or use
which fails to comply with the access to public street section of
Section 8-13-3 of this Title;
- C. Retail sales, unless associated with the uses provided for in
Sections 8-4B-3 through 8-4B-5 of this Article. (Ord. 212, 12-4-1989)

8-4B-7: **NONFARM DEVELOPMENT - RESIDENTIAL:** Within the RR
Zone, nonfarm development which includes residential use,
may be allowed at a gross density of one dwelling unit per five (5) acres,
provided that the applicant complies with the provisions of this Section.

- A. Purpose: The purpose of this Section is to encourage the
designation and maintenance of open-space area, which enhances

the rural environment, by authorizing the applicant to decrease building lot sizes in a limited portion of the development. The resulting increase in gross density is intended to serve as an incentive for creative site planning, the maintenance of rural character and the efficient use of rural land, in areas which have basic public services such as public street access and fire protection.

B. Minimum requirements: All nonfarm residential development shall comply with the following criteria:

1. The total area contained within the application shall be twenty (20) acres or greater.

2. No lot within the proposed development shall be smaller than one acre.

3. The proposed development shall comply with all applicable sections of Ada County Code, unless otherwise specified herein, including Title 8, Chapter 10, and the Rural Area Section, and other relevant sections, of the Ada County Comprehensive Plan.



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

May 16, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA ID 83642

RE: TRANSFER OF WATER RIGHTS 63-03093/63-03170/63-08087/63-18592/
63-18594 (Transfer 5460)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5460). 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,

Sharla Curtis
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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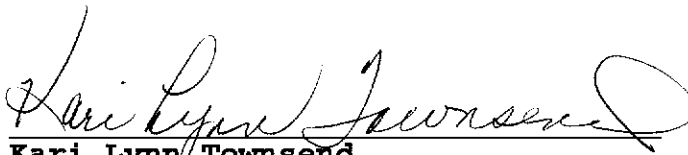
2000 7 1 1000

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of **May, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

**RE: TRANSFER OF WATER RIGHTS 63-03093/63-03170/63-08087/
63-18592/63-18594 (Transfer 5460)**

**VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA ID 83642**


**Kari Lynn Townsend
Secretary**

RECORDED

MAY 21 2000

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 fourteen (14) 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 fourteen (14) 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.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
(Signature)

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.

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.

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.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the 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 (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) 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. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Sharla Curtis on 5/11/00

Trans # 5460 WR No(s) 03093 03170 08087 18592 18594
Resulting Splits N/A N/A N/A N/A N/A

Name: VanderStelt Dairy Correct Fee Pd ☒ Ad ok ☒

AREA OF CONCERN: No/Yes TVGW study area - xfers N/A
GWMA
TRUST/NON-TRUST TRUST
B - Change p/d
C - Add p/d
D - Change p/u
E - Change use
F - Change use period
G - Other
H - Change p/d & add p/d
I - Change p/d & p/u
J - Add p/d & change p/u

GROUNDWATER:

DRILLING PERMIT
All wells 046
Basin 34 - 085
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
~~0.24 cfs/5 acres - 046~~

SURFACE WATER:

WD - R04 (WD#)
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43
WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048-049 (cons uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
~~0.02 cfs/ac~~ - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS) N/A
MINING - 054-081
FISH PROP - 029(70'S only)-007-042-081
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

USES:

POWER - 17H-17K (+uses)-025-081
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T09 - on-going Snake River Basin Adjudication
T17 - measure all p/d's (used with WB4)

W51 - 2+ yrs to develop
W54 - forfeited ac/rate (used rarely)
W55 - (transfer shrinks total water to less ac)
W57 - no right-of-way
W58 - pending claim (statutory or AJ b/u claim)
W59 - measure p/d's (source changed to original trib)
WB4 - + p/ds, cfs & afa (used with T17)
WD5 - remaining right (only if specifically requested, i.e. protest)
WD6 - measure & report "
WD7 - irr ac removed "

Protested - 020-W19
Multiple pd's per ¼/4 - W32
Non-consumptive - 027
Water Quality - 081-R07
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - 3/50 range
Single p/d intended - 076
Zoning ord. (dairys only) 002 (03170/08087)

Special T17 & R43 combined - multiple pds in WD
01Q - used instead of 01M when there is another meas. Condition (i.e. T17 & 01M)

IRRIGATION SEASON 3/1 - 11/15 (Per updated map) IRRIGATION VOLUME/AC 4.5

OTHER CONDITIONS/REMARKS WB2 (18592/18594)

COMMENTS Proof of ownership = tax bills OK

T files created/updated ☒ Approval form printed ☒ Transfer Memo spreadsheet
Post approval update ☒ drop T's 3093/3170/8087
make X's WR side (18592/18594)

TRANSFER #5460					
Calculations					
Right	Use	Rate (cfs)	Volume (af)	PPU #acres	Limitations/Comments
63-03093	Irrigation	1.73	508.5	113	
63-18592	Stockwater	0.23	14.6	n/a	1000 dairy cattle (13,000 gpd)
63-18594	Stockwater	0.23	2.8	n/a	500 dairy cattle (2500 gpd)
63-03170	Irrigation	3.57	1503.0	334	Volume = 334 ac X 4.5 af
	Stockwater	0.49	50.6		
	Commercial	0.49	51.6		
	Subtotal	4.06	1605.2		
63-08087	Irrigation	2.82	1451.7	n/a	Volume = 2.82 X 260 days X 1.98
	Stockwater	0.18	18.7		
	Commercial	0.18	19.1		
	Subtotal	3.00	1489.5		
	Total	7.06	3094.7		7.06 cfs/422 licensed acres = 0.01672 cfs/ac
					63-03170 = 0.01672 x 29 ac = 0.49 cfs
					0.49/0.67 = 73% of supply under 63-03170
					63-03170 stock volume req'd = 69.3 af x .73 = 50.6 af
					63-03170 commercial volume req'd = 70.7 af x .73 = 51.6 af
					63-08087 = 0.01672 x 11 ac = 0.18 cfs
					0.18/0.67 = 27% of supply under 63-08087
					63-08087 stock volume req'd = 69.3 af x .27 = 18.7 af
					63-08087 commercial volume req'd = 70.7 af x .27 = 19.1 af

801 2 1 2000

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

APPLICANT VANDER STELT Dairy

TRANSFER NO. 5460

INITIAL ALLOCATION REVIEW BY RZ

DATE 5/11/99

1. Right number(s) 63-03043 -03170 -05087 -18592 -18594

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 Period ☐ Split Right
☐ Other: _____

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

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

- a. ☒ Analysis memo (always - unless justify why not needed)
- b. ☒ All of right
- c. N/A Part of right (**NOTE!** Part B should be filled in only if part of right is owned by the applicant)
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing P/D & P/U after transfer
- g. ☒ Correct notarized signature and \$100 fee
- h. ☒ Proof of ownership of right &/or land from which water is transferred
- i. ☒ Expansion in use of right - check rate of flow, diversion volume and consumptive use volume. Comments:

- j. ☒ Overlapping rights - check current & proposed scenarios:
- Current _____
- Proposed } NONE _____
- k. ☒ SRBA claim(s) _____

- l. ☒ Comment letters Yes ☒ No
If yes _____ Water District # _____
Other, see #2 below for name _____
and address _____

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT? ✓ Yes
2. COMMENT LETTERS
- Watermaster recommendation requested on N/A, Received on _____
- Other comments letters: _____ See attached information
3. Transfer published correctly? ✓ Yes _____ No
4. Affidavit of publication received? ✓ Yes _____ No
5. Protests received? _____ Yes ✓ No; Acknowledgement sent? _____ Yes
6. Data entry of application completed? ✓ Yes

RECOMMENDED ACTION

1. ☒ Approve ☐ See attached memo
2. ☐ Deny due to _____
3. Conditions (special conditions in Water Districts) Must comply with state health and environmental laws and regulations
4. By Gary S Date 11/17/99

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? Yes *pam*
2. File forwarded to S.O.: by *JS* date *11-30-99*

MEMORANDUM

To: File Nos. 63-03093, 63-03170 and 63-08087 (Transfer No. 5460) in the Name of Vander Stelt Dairy

From: Gary Spackman *Gary*

Re: Review of Factors Contained in Idaho Code § 42-222

Date: November 16, 1999

I reviewed the information in the file for application for transfer no. 5460 in the name of Vander Stelt Dairy. The information also includes a memorandum written by Dan Nelson recommending approval of the application for transfer. Please see his memorandum dated August 13, 1999. After reviewing the file, I determined that information had not been submitted regarding some of the criteria IDWR must consider. As a result, I wrote a letter to Vander Stelt Dairy on November 2, 1999, requesting additional information. Darwin and Dennis Vander Stelt visited with me shortly after receiving my letter, and submitted additional information. I recommend the application for transfer be approved. My review of the information is summarized below.

Injury to other water users.

Vander Stelt submitted information showing that there are no wells located within one-half mile of the new proposed point of diversion. In addition, the dairy is an existing dairy and while there may be some increase in the number of animals (perhaps 500 head), the additional diversion of water will not be significant. I conclude that the dairy operation will not injure other water users if proper waste management techniques are employed.

Local public interest.

The applicant presented information that the dairy complies with the current zoning in the area for Ada county. As stated earlier, this dairy has been in place for some time.

Affect on local agricultural base.

The applicant submitted some information about the economic benefits of the dairy. Because the primary components of the dairy are already in place, no further analysis of the effect on local residents will be required.

I recommend that this application be approved with standard transfer conditions.

CC: Dan Nelson

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NOV 21 2000

Idaho Dept. of Water Resources
Western Region
Boise, ID

RE: Application for change in nature of use and place of use no. 5640
(Water right nos. 63-03093, 63-03170, 63-08087, 63-18592, 63-18594)

Dear Sirs:

Your letter of November 2 requests information relative to 5 criteria IDWR must consider in granting the requested change in nature and place of use.

One clarification which needs to be made at the outset is that the dairy is not planning a major expansion. The application merely attempts to bring the water rights up to date, to reflect changes in the dairy size which have occurred since 1986, and an additional amount to cover expected incremental increases for the next 5-10 years. With an additional corral currently under construction, the dairy will have the capacity to handle the cow numbers listed in the application.

This letter, along with attached exhibits, will attempt to provide the requested information

1.) Injury to other water users.

The proposed change in the nature of use will not, (and has not), increased the demand on any aquifer because there will be no net increase in water consumption as a result of this request. Land has been removed from irrigation to compensate for the water used by the dairy. In addition, all domestic or irrigation wells owned by others are at a distance greater than 1/2 mile from the new proposed point of diversion. The attached map (Exhibit "A") has all wells within 1 mile marked.

The dairy is ideally situated to prevent ground water or surface water contamination. All runoff on the site is channeled to a single runoff containment basin, which is equipped with a pump which can transfer the water for reuse in the case of irrigation wastewater, or to the lagoon, in the case of winter storm events. The dairy has never experienced a runoff event of either type in 21 years of operation. Bordered on the south by the Kuna-Mora canal which is approximately 6 feet higher than the subject property at the boundary, there is a substantial barrier to any runoff. The dairy is in the process of preparing a nutrient management plan which will address nutrient budgeting at agronomic rates. A map of the property (Exhibits "B" and "C") shows the layout, slopes and facilities.

2. Enlargement of the original right.

The application is for a change in the nature and place of use, not a change in the amount of water licensed. Calculations attached to the application demonstrate this.

3. Local public interest.

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NOV 21 2006

The dairy is currently licensed and inspected by the Idaho Department of Agriculture. The IDA currently enforces all DEQ regulations with respect to dairies. One of the conditions of the Grade A permit is an adequate size lagoon, and proper management of all waste-handling facilities. Dairies are inspected regularly to ensure compliance. A recent inspection report "Exhibit "D" is attached.

A lagoon storage volume worksheet (Exhibit "E") demonstrates that the dairy is compliant with all current regulations regarding lagoon size and runoff containment.

The dairy is an approved use in the RR Zone. Ada county does not have a permit requirement for dairies, and to request an opinion from commissioners on an expansion which is completely legal and nearly complete is irrelevant. The Ada County Commission has spoken on the issue by making dairy an approved use in the RR zone. Attached is a copy of a zoning certificate which verifies that the property is in the RR Zone, and a copy of the ADA county zoning ordinance which shows that Dairy is an approved use in this zone. ((Exhibits "F" and "G"))

4.) Consistent with conservation of water

The proposed transfer does not enlarge the use, and is therefore consistent with the conservation of water resources. There is a substantial reduction in actual use of water because the departments' classification of dairy water as a 100% consumptive use is a fiction which does not reflect the true situation. Lagoon water must be land applied, and this will definitely replace irrigation water. The nutrient management scheme requires that land application be made on growing (irrigated) crops. It is quite provable that as much 70 acre feet of water on this dairy will displace irrigation water.

5.) Effect on local land base

The expansion is a positive influence on the agricultural base of the area. Recent purchases of corn silage from neighbors exceeds \$70,000. The dairy employs 14 laborers and managers.

If any other information is required, the applicant will respond in timely fashion.

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NOV 21 2000

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040
LEGAL ADVERTISING INVOICE

RECEIVED

JUN 01 1999

WATER RESOURCES
WESTERN REGION

Identification		Amount:	
NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 5460		\$102.00	
047628 #43437			
Ordered by:	P.O. Number	Rate	Run Dates:
SUE TAYLOR		NT	MAY 20, 27, 1999
IDAHO DEPT. OF WATER RESOURCES WEST 2735 AIRPORT WAY BOISE, IDAHO 83705-5082		Estimated Inches	Real Inches
		75 LINES	
		Affadavit:	Legal Number:
		1	4076

LEGAL NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 5460

Notice is given that VANDER STELT DAIRY of 2777 Swan Falls RD., Kuna ID 83642 has applied to the Department of Water Resources to change the Point of Diversion and Place/Nature/Season of Use pursuant to I.C. § 42-222 for the following ground water rights in Ada County. All sites are in T2N R1W.

License 63-03093, priority 8-21-1956, 1.73 cfs diverted in SENW S35 to irrigate 113 acres in N1/2 S35.

License 63-03170, priority 9-17-1959, 4.04 cfs diverted in SENW & NESE S35 to irrigate 363 acres in portions of S35.

License 63-08087, priority 2-19-1975, 3.0 cfs diverted in NESW S35 to irrigate 412 acres in SWSW S26 and portions of S35.

Snake River Basin Aquiduction (SRBA) beneficial use right 63-18572, priority 8-30-1978, 23 cfs diverted and used for stock water (dairy) in NWSE S35.

SRBA beneficial use right 63-18594, priority 4-1-1985, 23 cfs diverted and used for stock water (dairy) in NWSE S35.

Total of 4 wells, 8.79 cfs for irrigation of 422 acres plus .46 cfs for stock water. Stock water use is all year. Total water use is 9.25 cfs.

Claimed in the SRBA as above except SRBA claims show 40 acres of irrigation retired to supply commercial water all year for a dairy in place by 1987. SRBA irrigation claims show 382 irrigated acres by 1987.

PROPOSED CHANGE

The applicant wants to codify the changes accomplished by 1987 plus make the following changes: add a new well in SWSE S35, move 11 acres of irrigation from NESW, NWSW & NWSE S35 (dairy site) to 11 acres in SESE S35 to accommodate the dairy, and land apply waste water from the dairy to the irrigated acres. Use all wells as diversion points for all the rights. Right 63-03170 will include 3.74 cfs for irrigation and .32 cfs for year around commercial/stock water uses. Right 63-08087 will include 2.75 cfs for irrigation and .25 cfs for year around commercial/stock water uses. Total irrigation will include 8.22 cfs for 382 acres, and total commercial/stock water will include 1.03 cfs. Total water use remains as 9.25 cfs. Use will occur in a permissible place of use in SWSW S26 and portions of S35. No increases of amount of water, number of irrigated acres or number of dairy animals are proposed.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before June 7, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended for TWO

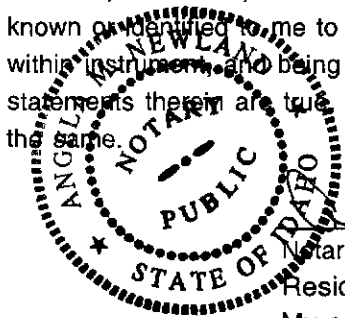
X consecutive weekly _____ single
_____ consecutive daily _____ odd skip

insertion(s) beginning with the issue of: MAY 20, 1999
and ending with the issue of: MAY 27, 1999

STATE OF IDAHO)
COUNTY OF ADA) ss.

Janice Hildreth

On this 28 day of MAY in the year of 1999, before me, a Notary Public, personally appeared Janice Hildreth 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 acknowledged to me that she executed the same.



Angela M. Newland
Notary Public for Idaho
Residing at: Boise, Idaho
My commission expires: 2/12/05

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NOV 2 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

November 2, 1999

KARL J. DREHER
DIRECTOR

Vander Stelt Dairy
2777 Swan Falls Rd.
Kuna, ID 83634

Application for Transfer no. 5460 (Water right nos. 63-03093, 63-03170, 63-08087, 63-18592, 63-18594)

Dear Sirs:

You filed application for transfer no. 5460 with the Idaho Department of Water Resources (IDWR), seeking to add points of diversion and change the nature of use, place of use and period of use for the water rights listed above.

When reviewing an application for transfer, IDWR must determine whether the proposed transfer: (1) will injure other water rights, (2) will result in an enlargement of the original water right sought to be transferred, (3) is in the local public interest, (4) is consistent with the conservation of water resources of the state of Idaho, and (5) will significantly affect the agricultural base of the local area.

The application for transfer proposes a change in use from irrigation to commercial and industrial use associated with a proposed 1,500 animal dairy. The computations attached to the application attempt to show that the use of water authorized by the original water right will not be enlarged. The computations accompanying the application assume conservation measures employed in a modern dairy. The other factors that must be considered by IDWR are not addressed by the application.

This letter requests information relative to criteria IDWR must consider.

Injury to Other Water Users

Please locate on a USGS quad map all wells not owned by the applicant within a one mile radius of any new wells proposed by the application. Explain the use of each well. For any wells within one-half mile, please evaluate the effect on the existing wells of pumping from the proposed new wells.

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Vander Stelt Dairy
November 2, 1999
Page 2

Please explain waste management techniques that will protect other water users from ground water contamination and surface water users from release of waste into surface channels or delivery canals. Your answer can dovetail into the response to the following request for a showing of adherence to Dept. of Agriculture or DEQ requirements.

Local Public Interest

Water right applications related to the construction and operation of large dairies have sparked significant controversy in recent years.

Please explain in detail the current process for approval of the dairy by local governments responsible for granting permission for the dairy. If a local jurisdiction is not required to approve the proposed dairy, you should obtain a comment letter about the project from the Ada County Commission or from a person designated by the Commission to act on their behalf.

Please explain in detail the current process of review/approval of your proposed dairy by the Idaho Department of Agriculture and/or the Idaho Division of Environmental Quality (DEQ). The explanation should include a showing that the proposed dairy is approved or that approval by these entities is imminent. You must demonstrate that local residents have been notified of your dairy proposal and have been afforded a meaningful opportunity to review the proposal.

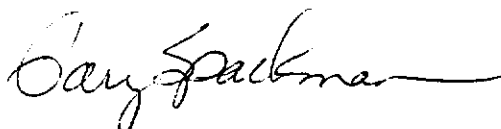
Effect on Local Agricultural Base

Please explain the positive and negative effects the proposed dairy will have on the existing agricultural economy and lifestyle of the local area.

Conclusion

Please submit the above requested information within thirty (30) days of the date of this letter. If the information is not timely submitted, IDWR will remove the application for transfer from its records.

Sincerely,



Gary Spackman

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DATE AND VOLUME CHANGE WORK SHEET

(Updated from Steve Lester's 5/11/1999 worksheet to reflect corrected acres, Attached)

DAV 8-19-99

WATER RIGHT 63-03170

RIGHT	ACRES	CFS	DIV VOL AFA	CONS VOL AFA	NOTES BASED ON WATER RIGHT (NOT SRBA) RECORDS
ORIGINAL RIGHT	363	4.06	1633.5	1270.5	LICENSED AT 1/2" PER ACRE WITH FULL VOLUME IMPLIED SINCE $V_R < V_D$
CHANGE*	- 29	- .32	- 130.5	101.5	
IRRIGATION BALANCE**	334	3.74	1503	1169	

WATER RIGHT 63-08087

RIGHT	ACRES	CFS	DIV VOL AFA	CONS VOL AFA	NOTES BASED ON WATER RIGHT (NOT SRBA) RECORDS
ORIGINAL RIGHT	412	3.00	1267.5	985.8	CONS VOL = DIV VOL x (3.5/4.5) LICENSED @ 1/2" PER ACRE FOR 3.08 AFA/ACRE DIV VOL
CHANGE*	- 32	- .23	- 98.4	76.6	
IRRIGATION BALANCE**	380	2.77	1169.1	909.2	

* This is the water to be changed to comm/stock for dairy use all year.

** This is the water left for irrigation in permissible place of use.

PLEASE NOTE: 63-3093 remains as irrigation right. Licensed at 1/2" per acre with full volume since $V_R < V_D$.

The total volume needed for the dairy and stockwater is 140 acre feet of water for a total of 40 acres of irrigation at the maximum consumptive rate of 3.5 afa per acre ($40 \times 3.5 = 140$ afa). 63-03170 and 63-08087 share some of the same acres. The combination of both water rights on these acres represent more than the maximum allowable consumptive use amount of 3.5 afa per acre. Therefore, the entire 40 acres being retired are adequately covered under these two water rights and the maximum allowable consumptive use amount of 3.5 afa/acre or 140 afa for the entire 40 acres should be used for the transfer.

130.5 afa (63-03170) + 98.4 afa (63-08087) = 228.9 afa total (this amount is greater than 140 afa allowable for the 40 acres being retired.)

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VOLUME DISTRIBUTION BETWEEN WATER RIGHTS:

Since there are shared acres for the 40 acres being retired for this transfer, it is necessary to determine the amount of consumptive volume for the dairy use each water right will have. Determining the percent each right contributed to the total consumptive use when the two rights are combined did this. The total stockwater and commercial volumes were then multiplied by the percent to show the annual volume allowed for each right.

$130.5 \text{ afa (63-03170)} / 228.9 = .57$ or 57% of the total cons vol comes from 63-03170

$98.4 \text{ afa (63-08087)} / 228.9 = .43$ or 43% of the total cons vol comes from 63-08087

STOCKWATER VOLUME CALCULATIONS:

TOTAL STOCKWATER VOLUME = 69.3 AFA (SEE ATTACHMENT B)

$63-03170 = 69.3 \text{ afa} \times .57 = 39.5 \text{ afa}$ for stockwater for this water right

$63-08087 = 69.3 \text{ afa} \times .43 = 29.8 \text{ afa}$ for stockwater for this water right

TOTAL STOCKWATER = 69.3 AFA

COMMERCIAL VOLUME CALCULATIONS:

TOTAL COMMERCIAL VOLUME = 70.7 AFA (SEE ATTACHMENT B)

$63-03170 = 70.7 \text{ afa} \times .57 = 40.3 \text{ afa}$ for commercial for this water right

$63-08087 = 70.7 \text{ afa} \times .43 = 30.4 \text{ afa}$ for commercial for this water right

TOTAL COMMERCIAL = 70.7

69.3 afa Stockwater + 70.7 afa Commercial = 140 afa Total Consumptive Volume Allowable.

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MEMORANDUM

TO: FILE

FROM: DANIEL A. NELSON

DATE: 8/13/99

RE: **VANDERSTELT DAIRY TRANSFER, RIGHT 63-3093, 63-03170, 63-08087, 63-18592, AND 63-18594**

The transfer proposes to retire 40 acres of ground and move the water to the existing Vanderstelt Dairy. The remaining irrigation right will adjust the acres to include 11 acres in the SESE of S35.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 14 pages and 4 attachments. Note the location of the following application items:

Attach. A – description of rights after requested change.

Attach. B – Water use sheet showing the total water use for dairy and number of acres to be retired.

Attach. C – 1987 NAPP aerial photo

Attach. D – Tax notices showing ownership of property. (3 pages D-D3)

The application was prepared Darwin Vanderstelt private consultant and brother of owners. This application was originally reviewed by Steve Lester and completed by myself.

Other information used in this review includes a 1994 scanned aerial photo, 1987 NAPP aerial photo, 1981 USGS Orthophoto Quadrangle Map, Place of use comparison report, Adjudication profile report A63-03093, Adjudication profile report A63-03170, Adjudication profile report A63-08087, Dairy Worksheet, Description of Rights Chart Before and After Change, Date and Volume Change Worksheet, Place of Use Comparison Chart, and 1987 Irrigated Acres VS Licensed Acres chart.. All of these documents are attached to this memo.

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CURRENT RECORDS & PROPOSED CHANGE

The lands associated with this transfer are irrigated by 3 irrigation licenses (63-03093, 63-03170, and 63-08087). These three licenses were for irrigation of 418 acres of ground in section 35 and 4 acres in section 26 for a total of 422 acres of ground. There are three wells associated with the irrigation rights. These wells are all located in section 35 in the SENW, NESE, and NESW.

Snake River Basin Adjudication (SRBA) claims have been filed on all of these water rights. The adjudication claims were amended in 1999 to reflect the transfer and represent the entire dairy use on adjudication claims 63-03170 and 63-08087. The applicants claimed that the dairy use was accounted for by an accomplished transfer. The applicants have also filed 2 stockwater adjudication claims 63-18592 and 63-18594. Both of the stockwater claims have been recommended to SRBA court by the department.

Review of the water rights and adjudication claims has revealed that there are some discrepancies in the water rights and adjudication claims. The field exam for 63-08087, performed in 1981, does set aside a certain amount of land for a new dairy. This statement and the copy of the 1987 aerial photo shows that there was a dairy prior to 1987 and an accomplished transfer did happen at that time. The 1987 aerial photo shows that approximately 15 acres were dried up for the dairy. The 15 acres dried up in the early 1980's and the two stockwater claims should have been the dairy use accounted for as an accomplished transfer in the adjudication claims. The applicants filed this transfer to ensure that their water rights were properly recorded and to account for future growth.

VERIFICATION & OTHER ANALYSIS

Attachment D verifies that the lands associated with these water rights are currently owned by the applicants, Vanderstelt Dairy. The 1994 IDWR Scanned Aerial Photo shows that dairy was constructed and the land was irrigated in 1994. The 1987 aerial photo shows that the dairy was constructed and the land was irrigated. The overlapping water rights do not seem to create a problem on this transfer.

In my review of the irrigated acres and the water rights, I discovered that only 15 acres of the 40 acres listed in this transfer had been retired under the accomplished transfer. However, the adjudication claim should reflect this transfer after it is approved.

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There are 2 water rights that cover the acres being retired for this transfer. However, they do not share the exact acres in each 40-acre track. Therefore, Steve Lester determines the number of acres that would need to be retired in each right. The review in the licenses versus the 1987 irrigated acres (see attached sheet) showed a slight discrepancy in Mr. Lester's calculation so these were adjusted in an updated worksheet (both worksheets are attached). These worksheets show a slight adjustment of the diversion rates and the acres being retired. The annual volume will not be affected because the combined consumptive use of the two rights is greater than the 3.5-acre feet maximum consumptive use per acres rate allowed by the department. The description of rights before and after the change chart shows how the rights will be affected before and after the transfer.

RECOMENDATIONS

This transfer is an effort by the applicant to update their water right to the actual current dairy use and acquire water for future expansion. Therefore, I recommend that this transfer be approved for the following amounts:

DESCRIPTION OF RIGHTS

WATER RIGHT NUMBER	USESES	DIV. RATE	DIV VOL	ACRES	COMMENTS
63-03093	IRRIG	1.73	508.5	113*	
63-03170	IRRIG	3.74	1503	334*	
	COMM	.32	40.3		
	STOCK	.32	39.5		
63-08087	IRRIG	2.77	1169.1	380*	
	COMM	.23	30.4		
	STOCK	.23	29.8		
63-18592	STOCK	.23	14.6		1000 HEAD OF CATTLE @ 35 GPD LIMITED TO 13,000 GPD
63-18594	STOCK	.23	2.8		500 HEAD OF CATTLE @ GPD LIMITED TO 2500

- * These acres are within the permissible place of use described on page 1 of this transfer with a maximum diversion rate of .02 cfs per acre and a maximum diversion volume of 4.5 afa per acre when all rights are combined.

NOV 21 2009



SCALE 1:24,000
1 inch represents 0.38 miles

July 1994

DAIRY

0 _____ 1 Kilometer MICROFILMED
0 _____ NOV 21 2000



Idaho Department of Water
201 North Owyhee Street
Boise, Idaho 83726
(208) 327-7800



U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Idaho Department of Water
201 North Owyhee Street
Boise, Idaho 83726
(208) 327-7800

WJK 9/6/95-12nr1wsp.eml

July 1987 NAPP 47NE



30" 544

545

546

25'

548 W



(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
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
6308087	T02N R01W S26 GROUNDWATER											04						4
6302388	BOISE RIVE :																	
A6302388	BOISE RIVE :																	
6304469	UNNAMED DR :			08														8
6307718	GROUNDWATE :													01				1
A6307718	GROUNDWATE :													01				1
A6308087	GROUNDWATE :											04						4
																		4
6308087	T02N R01W S35 GROUNDWATER		18	26	40	40	30	38	40	40	23	33			40	40		408
6302388	BOISE RIVE :																	
A6302388	BOISE RIVE :																	
6303093	GROUNDWATE :			40	20		23			30								113
A6303093	GROUNDWATE :			40	20		23			30								113
6303170	GROUNDWATE :	19	25		40		28	39	39	40	28	36		40	29			363
A6303170	GROUNDWATE :	19	25		40		28	39	39	40	14	36		38	16			334
A6308087	GROUNDWATE :	18	26	40	40		30	38	40	40	14	33		38	16			373

UNIQUE ACRES 19 26 40 40 30 39 40 40 14 36 38 16 **378**
By NOV. 1987 **TOTAL 382**

Compare 1987 CESA S26, most of S35; 1987 NAPP; SRBA claims showing accomplished transfer to id. max # unique acres/QQ.

PLU CHANGE By Nov. 1987 - W.R. compared to AJ Records:

- 3093 NONE
- 3170 -14 NESW -2 NESE -13 NWSE = -29
- 8087 -9 NESW -2 NESE -24 NWSE = -35
TOTAL: -14 -2 -24 = -40, converted to dairy.
(agrees w SRBA claims)

WR Record
AJ Record

NOV 21 2000

SL

DAIRY WORKSHEET

Prepared By
STEVE LESTER
DAN 8-19-97

1. Calculate the total amount of water per year for stockwater use where diversion and consumptive volume are equal:

(a) 1700 milkers x 35 g/d/milker x 365 d/yr = 69.34 ^{66.65} g/yr

(b) 2300 dry x 2.5 ^{12.0} g/d/dry x 365 d/yr = 20.05 g/yr

(c) a + b / 325850 g/af = 86.70 ^{MPA} 17.36 ^{SRGA} 69.34 ^{con} afa

2. Calculate the total amount of water per year for commercial use (washing, processing etc.) where diversion and consumptive volume are equal:

(58,158 + 4956 g/d x 365 d/yr) / 325850 g/af = 70.7 afa

3. Lagoons - this information is not needed to analyze the water use but must be documented for other issues that might occur (local ordinances etc.):

total surface area in acres for lagoons = 360 ⁴⁷⁵⁶⁰ acres

average depth of lagoons = 12 ft

volume = 3 acres x 12 ft. = 36 af

DAIRY SUMMARY TABLE

	^{max} _{40 ac} CFS RATE	ACRE - FEET - ANNUM DIV VOLUME	CON VOLUME
STOCKWATER	<u>.8</u>	<u>69.34</u>	<u>69.34</u>
COMMERCIAL	<u>.</u>	<u>70.70</u>	<u>70.70</u>
TOTAL		<u>140.04</u>	<u>140.04</u>

ACRES TO RETIRE:

total div volume / standard div volume per acre = 4.5 ^{31.1} acres required

total con volume / standard con volume per acre = 2.5 ⁴⁰ acres required

greater of the two values must be selected = 4.5 acres retired

NOTE: CFS is usually based on # of retired acres. = .80 cfs max

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OK if
(A) 63.18594
18592
are etc

WORKSHEET TO CONVERT

FROM IRRIGATION TO DAIRY USE

GOAL

Based on daily water needs identified in the application, determine the total diversion volume and consumptive volume needed for the dairy. Then determine the total number of irrigated acres that must be retired to meet this need. The total number of acres to be retired will almost always be based on the consumptive use per acre factor. Document any variations from that presumed standard at the bottom of this page.

ASSUMPTIONS

- * All water used for commercial uses (washing/processing etc.) at dairy is fully consumptive due to land application of waste water.
- * All water used for stockwater (drinking water) is also fully consumptive for the same reasons.
- * Volume attributed to milk production and to lagoons is covered by the above assumptions and does not need to be addressed separately (the fully consumptive assumptions therefore supersede portions of SRBA Admin. Memo #36).
- * Dairy use is 365 days/year.
- * Rate of flow for stockwater and commercial uses is normally based on the rate of flow provided by the retired acres of irrigation. Limit the rate of flow for stockwater to IDWR standards for milking plus dry cows if the rate supplied from the retired acres exceeds IDWR stockwater standards.

METHOD

Complete the calculations shown on the next page. Use those calculations to complete the summary table that follows the worksheet.

UNUSUAL RATE &/OR VOLUME FACTORS

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DESCRIPTION OF RIGHTS BEFORE CHANGE

WATER RIGHT NUMBER	USESES	DIV. RATE	CON VOL	ACTUAL DIV VOL	ACRES	COMMENTS
63-03093	IRRIG	1.73	395.5	508.5	113	
63-03170	IRRIG	4.06	1270.5	1633.5	363	
63-08087	IRRIG	3.00	985.8	1267.5	412	
63-18592	STOCK	.23	14.6	14.6		1000 HEAD OF CATTLE @ 35 GPD LIMITED TO 13,000 GPD
63-18594	STOCK	.23	2.8	2.8		500 HEAD OF CATTLE @ GPD LIMITED TO 2500

DESCRIPTION OF RIGHTS AFTER CHANGE

WATER RIGHT NUMBER	USESES	DIV. RATE	CON VOL	ACTUAL DIV VOL	ACRES	COMMENTS
63-03093	IRRIG	1.73	395.5	508.5	113	
63-03170	IRRIG	3.74	1169	1503	334	
	COMM	.32	40.3	40.3		
	STOCK	.32	39.5	39.5		
63-08087	IRRIG	2.77	909.2	1169.1	380	
	COMM	.23	30.4	30.4		
	STOCK	.23	29.8	29.8		
63-18592	STOCK	.23	14.6	14.6		1000 HEAD OF CATTLE @ 35 GPD LIMITED TO 13,000 GPD
63-18594	STOCK	.23	2.8	2.8		500 HEAD OF CATTLE @ GPD LIMITED TO 2500

PLEASE NOTE: See Date and Volume Change Worksheet for volume calculations.

Prepared by DAW Nelson
DAW 8-19-99

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RATE AND VOLUME CHANGES WORKSHEET

Right	ACRES	CFS	DIV VOL AFA	CONS VOL AFA
63-03170	363	4.06	1633.5	1270.5
CHANGE ^{1/}	-29	- .32	- 130.5	101.5
IRR ^{2/} BALANCE	334	3.74	1503	1169
63-08087	412	3.00	1267.5	985.8
change ^{1/}	-35 ³²	.25 ²³	107.7 ^{98.4}	83.7 ^{76.6}
IRR ^{2/} BALANCE	377	2.75 ^{2.77}	1159.8 ^{1169.1}	902.1 ^{219.8}

NOTES - BASED ON WATER
RIGHT (NOT STRA) RECORDS

Licensed @ 1/2" acre with
volume implied since $V_R < V_D$.

CONS. vol = Div vol $\times$ ($\frac{3.5}{4.5}$).

Licensed @ 1/2" acre with @ 3.08 AFA/acre
DIV vol.

- ^{1/} This is the water to be changed to comm/stock for dairy use all year.
^{2/} " " " " left for irrigation in PPOW.

NOTE 63-03093 remains as irrigation right. Licensed @ 1/2" acre with full volume
since $V_R < V_D$.

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NOV 21 2001
5/11/99

COPY

**VOLUME DETERMINATION
BY DANIEL A NELSON
FOR WATER RIGHT NUMBER 63-03093, 63-03170**

Water rights 63-03093 and 63-03170 did not have annual volumes associated with them. In order to process the transfer it is necessary to determine annual volumes for these water rights.

63-03093

DIVERSION RATE:

The diversion rate of 1.73 cfs was taken from the license issued for this water right. This diversion rate will be used to determine the annual volume for the original water right. The original water right did not record an annual volume at the time of licensing.

VOLUME CALCULATIONS:

$$V^{I.R.} = (\text{Acres Irrig.}) \times (\text{Irrig. Requirement})$$

$$V^{I.R.} = (113 \text{ Acres}) \times (4.5 \text{ af/ac})$$

$$V^{I.R.} = 508.5 \text{ afa}$$

$$V^{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrig. Season}) \times (1.9835)$$

$$V^{D.R.} = (1.73 \text{ cfs}) \times (246) \times 1.9835$$

$$V^{D.R.} = 844.1 \text{ afa}$$

$$4.5 \text{ afa/acre}$$

$V = \text{Smaller of } V^{I.R.} \text{ And } V^{D.R.} = 844.1 \text{ afa allowable irrigation volume.}$

63-03170

DIVERSION RATE:

The diversion rate of 4.06 cfs was taken from the license issued for this water right. This diversion rate will be used to determine the annual volume for the original water right. The original water right did not record an annual volume at the time of licensing.

VOLUME CALCULATIONS:

$$V^{I.R.} = (\text{Acres Irrig.}) \times (\text{Irrig. Requirement})$$

$$V^{I.R.} = (363 \text{ Acres}) \times (4.5 \text{ af/ac})$$

$$V^{I.R.} = 1633.5 \text{ afa}$$

$$V^{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrig. Season}) \times (1.9835)$$

$$V^{D.R.} = (4.06 \text{ cfs}) \times (246) \times 1.9835$$

$$V^{D.R.} = 1981.0 \text{ afa}$$

$$4.5 \text{ afa/acre}$$

$V = \text{Smaller of } V^{I.R.} \text{ And } V^{D.R.} = 1981.0 \text{ afa allowable irrigation volume.}$

$$63-08087 = 1267.5 \text{ af} / 412 \text{ acres} = 3.08 \text{ afa/acre}$$

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PLACE OF USE COMPARISON CHART

Prepared By DAN NELSON
8-19-99

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	35			40	20	23			30	28	30			40	25			113
											-15	-6			-2	-17	40	nil	
			■	■		■	■	■	■	■	■	■			■	■			■
											-10	-3			-2	-28	40	nil	
			■	■	■	■	■	■	■	■	■	■			■	■			■
02N	01W	26											■						■
																			■
																			■
							TOTAL				ACRES				LICENSED				
02N	01W	26											4						4
		35	19	26	40	40	30	39	40	40	28	36			40	40			418
																			TOT
																			422
							ACRES				AFTER				CHANGE				
02N	01W	26											■						■
		35	■	■	■	■	■	■	■	■	■	■			■	■		■	■
																			■
											-15	-6			-2	-28		+11	■

- 29 acres
WR # 63-03170

- 32 acres
WR # 63-09897

- 40 acres
TOTAL Being
Dried up
FROM licensed
ACRES

63-03093

TOTAL LICENSED VOLUMES AND DIVERSION RATES



CFS

8.79

DIV
AFA

1899

CON
AFA

1477

ACRES

422

DIV
AFA/ACRE

4.5 AFA/ACRE

MICROFILMED
JUN 2 1999

1987 IRRIGATED ACRES VS. LICENSED ACRES.

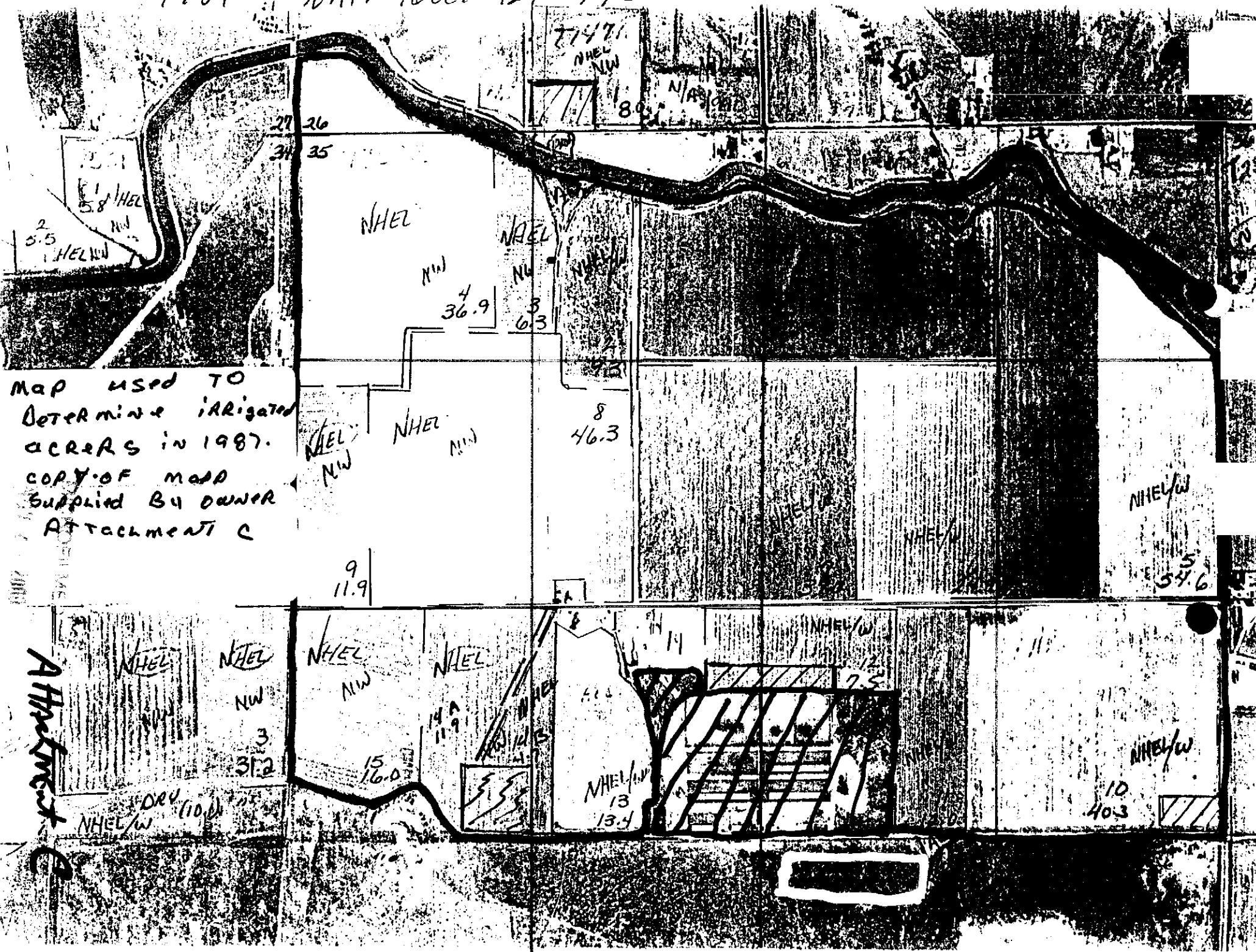
Prepared By
DAN NELSON
8-19-99
DAN.

		Sec 26	
4 4			
39 39	30 30	26 26	19 19
40 40	40 40	40 40	40 40
		Sec 26	
36 36	28 28	(15) 40 25	40 40

MICROFILMED
NOV 2 1 2002

licensed acres - 422 acres
1987 actual irrigated acres - 407 acres
TOTAL NUMBER OF ACRES ASSOCIATED
WITH ACCOMPLISHED TRANSFER - 15 acres.

COPY



MAP USED TO
DETERMINE IRRIGATED
ACRES IN 1987.
COPY OF MAP
SUPPLIED BY OWNER
ATTACHMENT C

Attachment C

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHT, TRANSFER NO. 5460**

Notice is given that **VANDER STELT DAIRY** of 2777 Swan Falls RD., Kuna ID 83642 has applied to the Department of Water Resources to change the Point of Diversion and Place/Nature/Season of Use pursuant to I.C. § 42-222 for the following ground water rights in Ada County. All sites are in T2N R1W.

License 63-03093, priority 8-21-1956, 1.73 cfs diverted in SENW S35 to irrigate 113 acres in N 1/2 S35.

License 63-03170, priority 9-17-1959, 4.06 cfs diverted in SENW & NESE S35 to irrigate 363 acres in portions of S35.

License 63-08087, priority 2-19-1975, 3.0 cfs diverted in NESW S35 to irrigate 412 acres in SWSW S26 and portions of S35.

Snake River Basin Adjudication (SRBA) **beneficial use right 63-18592**, priority 8-30-1978, .23 cfs diverted and used for stock water (dairy) in NWSE S35.

SRBA beneficial use right 63-18594, priority 4-1-1985, .23 cfs diverted and used for stock water (dairy) in NWSE S35.

Total of 4 wells, 8.79 cfs for irrigation of 422 acres plus .46 cfs for stock water. Stock water use is all year. Total water use is 9.25 cfs.

Claimed in the SRBA as above except SRBA claims show 40 acres of irrigation retired to supply commercial water all year for a dairy in place by 1987. SRBA irrigation claims show 382 irrigated acres by 1987.

PROPOSED CHANGE

The applicant wants to codify the changes accomplished by 1987 plus make the following changes: add a new well in SWSE S35, move 11 acres of irrigation from NESW, NWSW & NWSE S35 (dairy site) to 11 acres in SESE S35 to accommodate the dairy, and land apply waste water from the dairy to the irrigated acres. Use all wells as diversion points for all the rights. Right 63-03170 will include 3.74 for irrigation and .32 cfs for year around commercial/stock water uses. Right 63-08087 will include 2.75 cfs for irrigation and .25 cfs for year around commercial/stock water uses. Total irrigation will include 8.22 cfs for 382 acres, and total commercial/stock water will include 1.03 cfs. Total water use remains as 9.25 cfs. Use will occur in a permissible place of use in SWSW S26 and portions of S35. No increases of amount of water, number of irrigated acres or number of dairy animals are proposed.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before June 7, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman on May 20 and 27, 1999.

MICROFILMED

NOV 2 1999

Lien Hille

Appl D's Biol

✓ proof over

63-18592 e 13k gld } per Aj rec'ds;
63-18954 e 2.5k gld } Am in structure.

Some "doubtful" on structure of 1st Δ:
2 B.v. rights - ok, just note on file.

- Reviewer's into -

MICROFILMED

NOV 21 1985

-52

RATE & VOLUME CHANGES WORKSHEET

-82

ACRES

CFS

DIV VOL

CONS VOL

NOTES

~~63-03170~~

363

4.06

1633.5

12

REPORT OF WELL DRILLER
State of Idaho

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:
Name J. S. Potter
Address Alldwell

Owner's Permit No. _____
NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐
Water is to be used for: irrigation
METHOD OF CONSTRUCTION: Rotary ☐ Cable ☐
Dug ☐ Other _____

(explain)
CASING SCHEDULE: Threaded _____ Welded _____
14"Diam. from 2 ft. to 240 ft.
10"Diam. from 220 ft. to 325 ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
Thickness of casing: 1/4 Material: _____
Steel ☒ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☐ No ☐ Type of
perforator used: _____

Size of perforations: 3/4" by 1"
320 perforations from 170 ft. to 180 ft.
perforations from 190 ft. to 235 ft.
3/4 x 3" perforations from 220 ft. to 235 ft.
perforations from _____ ft. to _____ ft.

WAS SCREEN INSTALLED? Yes ☐ No ☐

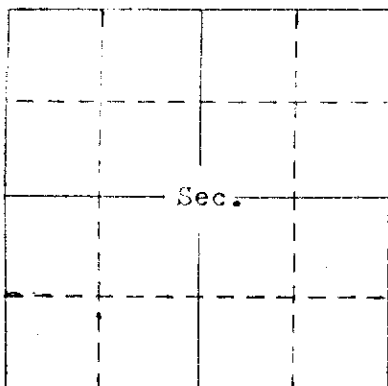
Manufacturer's name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

CONSTRUCTION: Well gravel packed? Yes ☐
No ☐ size of gravel 1/2 in. Gravel
placed from 220 ft. to 325 ft. Surface seal
provided? Yes ☐ No ☐ To what depth?
_____ ft. Material used in seal: _____

Did any strata contain unusable water? Yes ☐
No ☒ Type of water: _____
Depth of strata _____ ft. Method of sealing
strata off: _____

Surface casing used? Yes ☐ No ☐
Cemented in place? Yes ☐ No ☐

Locate well in section



LOCATION OF WELL: County ADA
B. 6 NE Sec. 35 T. 2 N/S R. 1 E/W

Use other side for additional remarks
S 1/2 NE 1/4 of E 1/2 NW 1/4 Sec 5 T 2 N of
Mora Highline Canal

Size of drilled hole: 16 Total
depth of well: 240 Standing water
level below ground: 169 Temp. _____
Fahr. 80 Test delivery: 950 gpm
or _____ cfs Pump? ☐ Bail ☐

Size of pump and motor used to make test:
8" - 12" bore 200 HP gas motor
Length of time of test: 8 Hrs. Min. _____
Drawdown: 201 ft. Artesian pressure: ft. _____
above land surface Give flow _____ cfs
or _____ gpm. Shutoff pressure: _____
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing?
Yes ☐ No ☐

DEPTH FROM	TO	MATERIAL	WATER YES OR NO
FEET	FEET		
0	6	Top soil	
6	12	clay	
12	32	lava rock	
32	33	gravel	
33	37	lava rock	
37	62	lava boulders	
62	82	lava with gravel	
82	84	gravel with gravel	
84	96	hard black rock	
96	140	gray lava rock	
140	146	gravel & boulders	
146	169	hard black lava	
169	180	gravel with water	
180	182	sand stone	
182	188	sand	
188	210	gravel	
210	215	sand stone	
215	227	sand	
227	234	gravel & sand	
234	240	coarse white sand	
		<u>Max (allowance) 132</u>	
		<u>drilled above package 1958</u>	
240	248	coarse sand	
248	261	brown clay	
261	273	coarse brown sand	
273	280	brown clay	
280	325	brown sand	

10 inch pipe plugged at
315 ft. under plug

Work started: 1958 and 62
Work finished: _____
Well Driller's Statement: This well was
drilled under my supervision and this report
is true to the best of my knowledge.
Name: Russell Corve
Address: _____
Signed by: _____
License No. 105 Date: _____

28169

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-26493

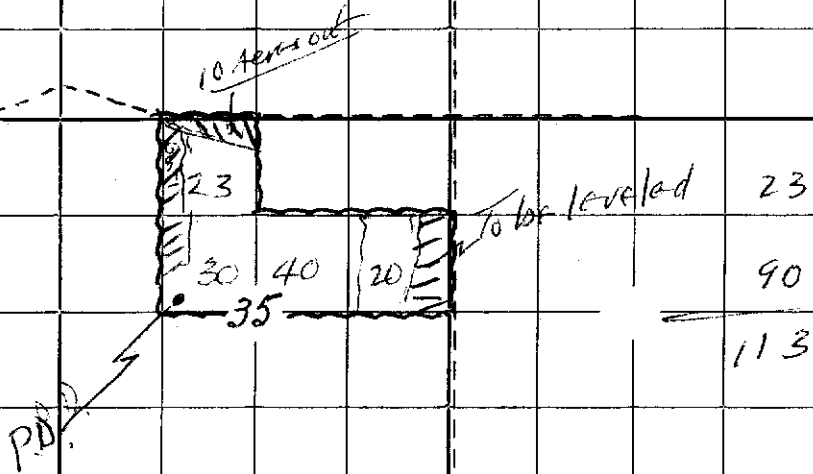
Potter Land Co., Wayne Davis, Agent
1520 Blaine, Caldwell, Idaho

REPORT ON PROOF OF Completion of Works & Beneficial Use

SRV 4 miles 50 Sec.
 $\frac{1.726 \text{ cfs}}{290/500}$ no correction factor $\hat{=} 1.73 \text{ cfs}$ or 86 1/2"

R-1W.

T.
2
N



Subdivisions 4

Area 113

Q 1.73 cfs or 86 1/2 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-26493

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Potter Land Co., Wayne E. Davis, Agent, Caldwell, Idaho

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the SE¹/₄NW¹/₄ of Section 35

T. 2 N. R. 1 W. County of Ada

4. Describe works as they exist, giving dimensions and capacities of same: 75 HP Westinghouse
Motor #431371; Peerless Pump #R-54952; 22.7 X 8" Column 12' Bore 1.5 3/4"
Well 240' X 14" - 240' X 14" csg perforated, h: 169, dd 21'

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE¹/₄NE¹/₄, E¹/₂NW¹/₄, Sec. 35, T. 2 N., R. 1 W., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Mr. A. W. McClintick along

Measured by spalling meter

This examination was made on the 1st day of September, 1961

(Signed)

L. J. Johnson

Examiner.

G-26493

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED

SEP 5 1961

Department of Reclamation

Potter Land Co.

Wayne E. Davis, Agent

Caldwell, Idaho, 1520 Blaine

Permit No. G-26493

Examination for Completion of Works
and Beneficial Use

County Ada

Sec. 35 T. 2N R. 1W

Quantity: 3.0 a.s.

Sources: Well

P.D.: SE 1/4, Sec. 35, T. 2N, R. 1W, B.M.

Use: Irrigation

Filed: Aug. 21, 1956

Due: Aug. 23, 1961

Extension: _____

Completion of Works: _____

Other Rights: 1.3 acre feet from

Basin-Kuma, Irig. Dist. for
4 1/4 acres land claim this
water Robert M. Decker

9-3932 Darwin Jones
9-2883

Mr. M^cClintick renter
66829

September 13, 1961

Re: Permit No. G-26493

Wayne Davis, Agent
Potter Land Co.
1520 Elaine
Caldwell, Idaho

Dear Mr. Davis:

Enclosed are Certificate of Completion of Works
and License and Certificate of Water Right issued on Permit No.
G-26493.

Also enclosed is departmental receipt No. G-6529
in the amount of \$13.00 covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:EW

Enc. certificates
receipt

26493

Sept. 10
Jordan Valley,

Mrs. Edna P. Rule;

Enclose please find check in
the amount of \$13⁰⁰ for statutory
fee. Permit No. G 26493. V

Sincerely
Potter Land Co.
Jake S. Potter Jr.

RECEIVED

SEP 12 1961

Department of Reclamation

G 26493

September 6, 1961

Re: Permit No. G-26493

Wayne Davis, Agent
Potter Land Company
1520 Blaine
Caldwell, Idaho

Dear Mr. Davis:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-26493 shows the well is (~~xxx~~) capable of conveying **66.5** miner's inches, or **1.73** c.f.s. of water for the irrigation of **113** acres.

Upon receipt of the statutory fees, totaling \$ **13.00** , we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee \$ **8.00** , based at the rate of \$2.00 for each 40-acre subdivision) confirming the right, with priority of **August 21, 1956** to the use of **1.73** second feet of subterranean water with the point of diversion in the **SE $\frac{1}{4}$ NW $\frac{1}{4}$** of Section 35, Township 2 North, Range 1 West, B.M. for irrigation of 113 acres in the **S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 35, T. 2 N., R. 1 W., B.M.**

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

26493

August 22, 1961

Re: Permit No. G-26493

Potter Land Co.
J. S. Potter, Jr.
Jordan Valley, Oregon

Dear Mr. Potter:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the The Kuna
Herald, all submitted in proof of completion of works and beneficial use on Permit No.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

P. S. We return publishers statement for your files

B26493

RECEIVED
AUG 16 1961STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. 26493

Proof of Application of Water to Beneficial Use

and Completion of Works

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans.

J. H. Potter Jr., Jordan Valley, Oregon.
Rancher P.O. Jordan Valley Oregon

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Potter Land Co., Jordan Valley, Ore.; I am the President
Oregon Corporation; Wayne E. Doms, Caldwell, Ida., Statutory Agent.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 26493; Aug. 23, 1956; Aug. 23, 1956

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Under-ground; 200 ft. East and 100 ft. North of the
SW Corner of E 1/2 NW 1/4 S35, T2N, R1W B.M. in
Ada County, Idaho

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Well, 240 ft.; casing, 240 ft. 14 inch; Water Depth
169 ft.; 135 inches determined by Parma Water Lifting
Co. by Use of Formula.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and Domestic; In S35, T2N, R1W B.M.
20 Acres in SE 1/4 NE 1/4, 40 acres in SW 1/4 NE 1/4, 40 acres
SE 1/4 NW 1/4, 25 acres NE 1/4 NW 1/4

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. Max Holloway, Ontario, Ore.

26493

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Stock water and Household use, No Power Generated.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 5 inches

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. 1958 (April 1) to date; Gravity Flow Irrigation; 135 inches; during Normal Irrigation Season.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

(Sign)

J. S. Potter Jr.

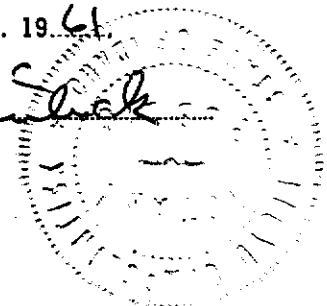
I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed

and sworn to before me, at my office in Caldwell, County of Canyon.

State of Idaho, on this 14 day of August, A. D. 1961.

✓ Dept. C. McCluskey

My commission expires 1-18-64



26493

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No.

Proof of Application of Water to Beneficial Use
Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Edd Wade; 58; Kuna, Idaho; Farmer; Rt. 1, Kuna.

Ques. 2. Are you acquainted with Potter Land Co. and J.S. Potter, Jr., ^{its President} the holder of Permit No. G-26493? How long have you known him and where does he reside?

Ans. Known as Company since 1946; Jordan Valley, Oregon.

Ques. 3. Have you read or heard read said Permit No. G-26493, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Underground; 200 ft East and 100 ft North of The SW corner of (E 1/2 NW 1/4 S35, T2N, R1 W. B. M. in Ada County, Idaho)

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Three, Three.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. Three C.ft./sec; Estimated Flow over Check box.

G26493

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation & Domestic; In S35, T2N, R1W.B.M.
20 Acres in SE 1/4 NE 1/4, 40 acres in SW 1/4 NE 1/4; 10
Acres in SE 1/4 NW 1/4; 25 acres NE 1/4 NW 1/4;
Cultivated; Ditches, Leveling of Land, Seeding of Perennial
Crops and Planting of Trees

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Not for Power. Used for Stockwater
& Household use. 5 inches.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy Loam; Three Second Feet.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. ~~Sandy Loam~~ None.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

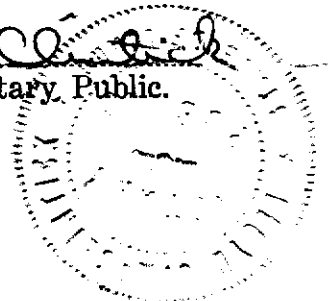
Ans. Corrugated, Helped Put up Hay and Have
Been on and Observed said Land Many Times
During 1959, 1960 and 1961 Crop Years.

(Signed) Edd Wade

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell,
County of Canyon, State of Idaho, on this 14 day of August,
A. D. 1961.

Harold C. McCutcheon
Notary Public.

My commission expires 1-18-64



26493

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. _____

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Myron Treat, 56, Meridian, Idaho, Farmer,
Rt. 3, Meridian, Ida.

Ques. 2. Are you acquainted with Potter Land Co. and J.S. Potter, its President,
holder of Permit No. 6-26493? How long have you known him and where does
he reside?

Ans. One year.

Ques. 3. Have you read or heard read said Permit No. 6-26493, and are you
familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. Under ground; 200 ft. E and 100 ft North of The
SW Corner of E 1/2 NW 1/4 S35, T2N, R1W B.M.
In Ada County, Idaho.

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. Three, Three

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount?

Ans. Three cu. ft./sec; Estimated Flow Over
Check box

626493

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation & Domestic; In S35, T2N, R1W, B.M.
20 Acres in SE 1/4 NE 1/4; 40 Acres in SW 1/4 NE 1/4; 10
Acres in SE 1/4 NW 1/4; 25 Acres in NE 1/4 NW 1/4;
Cultivated; Ditches, Leveling of Land, Seeding of
Pavement Crops and Planting of Trees.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Not for Power, Used for Stockwater
& Household Use; 5 Inches.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy Loam; Three Second Feet.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

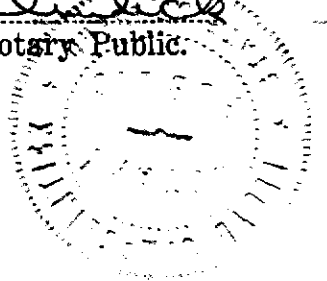
Ans. Helped Put in 1961 Crops & Irrigated
Some in 1961.

(Signed) Myron Just

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell,
County of Canyon, State of Idaho, on this 14 day of August,
A. D. 1961.

Herb S. McClintock
Notary Public.

My commission expires 1-18-64



P26493

RECEIVED

AUG 4 1961

Department of Reclamation

AFFIDAVIT OF PUBLICATION

I, Clyde Cornell, printer and co-publisher of The Kuna Herald, published weekly for more than 78 consecutive weeks at Kuna, Idaho, do solemnly swear that the notice as per clipping attached, was published weekly in the regular and entire issue of said newspaper and not in

any supplement thereof, for Four consecutive weeks as follows:

Commencing with the issue dated

July 14, 1961

and ending with the issue dated

August 4, 1961

Clyde Cornell

Subscribed and sworn to before me this

4th day of August, 1961

G. M. Wood

Notary Public for Idaho.

Residing at Kuna, Idaho.

NOTICE OF PROOF OF COMPLETION OF WORKS

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M., on the 14th day of August 1961, at Caldwell, County of Canyon, State of Idaho, before Lloyd C. McClintick, Notary Public, at 107 1/4 Kimball Avenue, proof will be submitted of the completion of works for the diversion of three cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28493, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Potter Land Co., 1520 Blaine, Caldwell, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is Three cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is three cubic feet per second.

4. The point of diversion of said water is 200 feet East and 100 feet North of the Southwest corner of the SE 1/4 of the NW 1/4 of Section 35, Twp. 2 N., Range 1 West of the Boise Meridian in Ada County, Idaho.

5. The place where said water is used is the S 1/2 of the NE 1/4 and all that portion of the East half of the Northwest Quarter lying South of the Boise-Kuna District Main Canal, all in Section 35, Twp. 2 N., Range 1 West of the Boise Meridian.

6. The date of priority which said user is prepared to establish is August 21, 1956.

GEO. N. CARTER
State Reclamation Engineer
July 14, 21, 28, Aug. 4, 1961

826493

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

Re: Permit No. G-26493

DEPOSITIONS ARE OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

IS ATTACHED

Petter Land Co.,
1520 Blaine,
Caldwell, Idaho.

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-26493. The proofs are to be made at 10:00 o'clock A.M., on the 11th day of August, 1961 before Lloyd C. McClintick, Notary Public.

As of this date we have mailed the Notice to the Kuna Herald with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. ^{Rule} ~~McClintick~~
Chief Clerk

826493

Encl.
EPR: ~~puk~~
cc: Notary

1200
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. G-26493
Potter Land Co.

Date: July 10, 1961

Kuna Herald,
Kuna, Idaho.

Gentlemen:

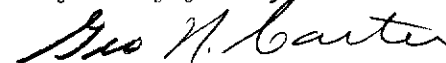
Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **August 14, 1961** the date set for proof; the expense of the publication is to be paid by the applicant

Potter Land Co. of **1520 Blaine, Caldwell, Idaho**

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.**

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

26493

RECEIVED

JUL 10 1961

Department of Reclamation

Geo W Carter
State Reclamation Engineer
Dear Sir:

I have purchased this
property on a Land Sale Agreement
from the Patten Land Co.

You may direct any correspondence
regarding this to Me at

A W McClintock
Rt 3
Meridian, Idaho
Pho Nampa 66829

26493

Form No. 11
2M - 10/60

RECEIVED

JUL 10 1956

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 1, 1956
(P. O.) RT 3 Meridian Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Kuna Herald of Kuna Idaho published in
the county in which the works are situated. Ada Co. ✓

A. W. McClintock

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

1526493

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 10:00 M., on the 14th day of August 1961, at Caldwell, County of Canyon, State of Idaho, before Lloyd C. McClintick, Notary Public, at (address) 107 1/2 Kimball Avenue, proof will be submitted of the completion of works for the diversion of three cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26493, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Potter Land Co., 1520 Blaine, Caldwell, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is Three cubic feet per second.

3. The use to which said water has been applied is Irrigation ~~agricultural and domestic~~ purposes, and the amount applied to beneficial use is three cubic feet per second.

4. The point of diversion of said water is 200 feet East and 100 feet North of the Southwest corner of the SE 1/4 of the NW 1/4 of Section 35, Twp 2 N, Range 1 West of the Boise Meridian in Ada County, Idaho.

5. The place where said water is used is The S 1/2 of the NE 1/4 and all that portion of the East Half of the Northwest Quarter lying South of the Boise-Kuna District Mora Canal, all in Section 35, Twp. 2 N., Range 1 West of the Boise Meridian.

6. The date of priority which said user is prepared to establish is Aug. 21 ~~October 27~~

1956

Geo. W. Carter

State Reclamation Engineer

G26493

1

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- **26493**

Date: June 1, 1961

Potter Land Co.
1520 Blaine St.
Caldwell, Idaho

Gentlemen:

The date for proofs of Completion of Works and Application of Water to Beneficial Use, as set out under the terms of Permit No. G **26493** are due not later than **August 23, 1961**

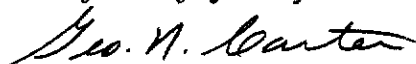
Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list which has been recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the mentioned date, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point of, or points of diversion; and the location of use of the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with Form 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

Form 36 - 11

Enclosures

826493

September 5, 1956

RE: Permit No. G-26493

Potter Land Company
1520 Blaine
Caldwell, Idaho

ATTENTION: Mr. J. S. Potter, President

Dear Mr. Potter:

We enclose Permit No. G-26493 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

You will recall that departmental receipt No. G-2084 for the \$5.50 filing fee was handed you when in the office recently.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

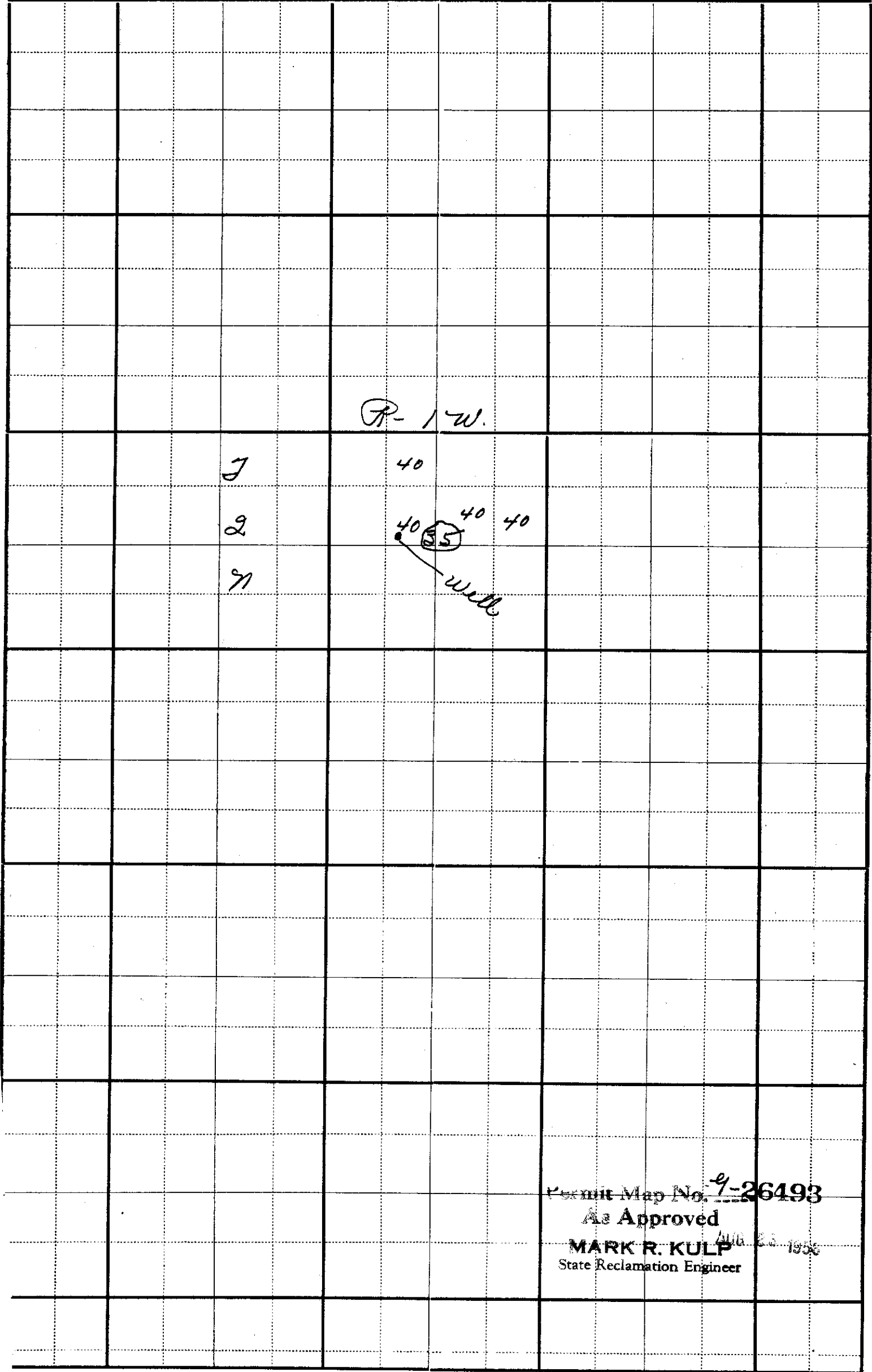
Chief Clerk

R:hll
Enc.

826493

NAME OF APPLICANT Potter Land Co.

Form No. 0



Permit Map No. 9-26493
As Approved
MARK R. KULP
State Reclamation Engineer

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

926493

NOTICE OF PROOF OF COMPLETION OF WORKS

APPLICATION ^a WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M., on the 14th day of August 1961, at Caldwell, County of Canyon, State of Idaho, before Lloyd C. McClintick, Notary Public, at 107½ Kimball Avenue, proof will be submitted of the completion of works for the diversion of three cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26493, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Potter Land Co., 1520 Blaine, Caldwell, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is Three cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is three cubic feet per second.

4. The point of diversion of said water is 200 feet East and 100 feet North of the Southwest corner of the SE¼ of the NW¼ of Section 35, Twp. 2 N, Range 1 West of the Boise Meridian in Ada County, Idaho.

5. The place where said water is used is the S½ of the NE¼ and alla; that portion of the East half of the Northwest Quarter lying South of the Boise-Kuna District Mora Canal, all in Section 35, Twp. 2 N., Range 1 West of the Boise Meridian.

6. The date of priority which said user is prepared to establish is August 21, 1956.

GEO. N. CARTER

State Reclamation Engineer
July 14, 21, 28; Aug. 4, 1961