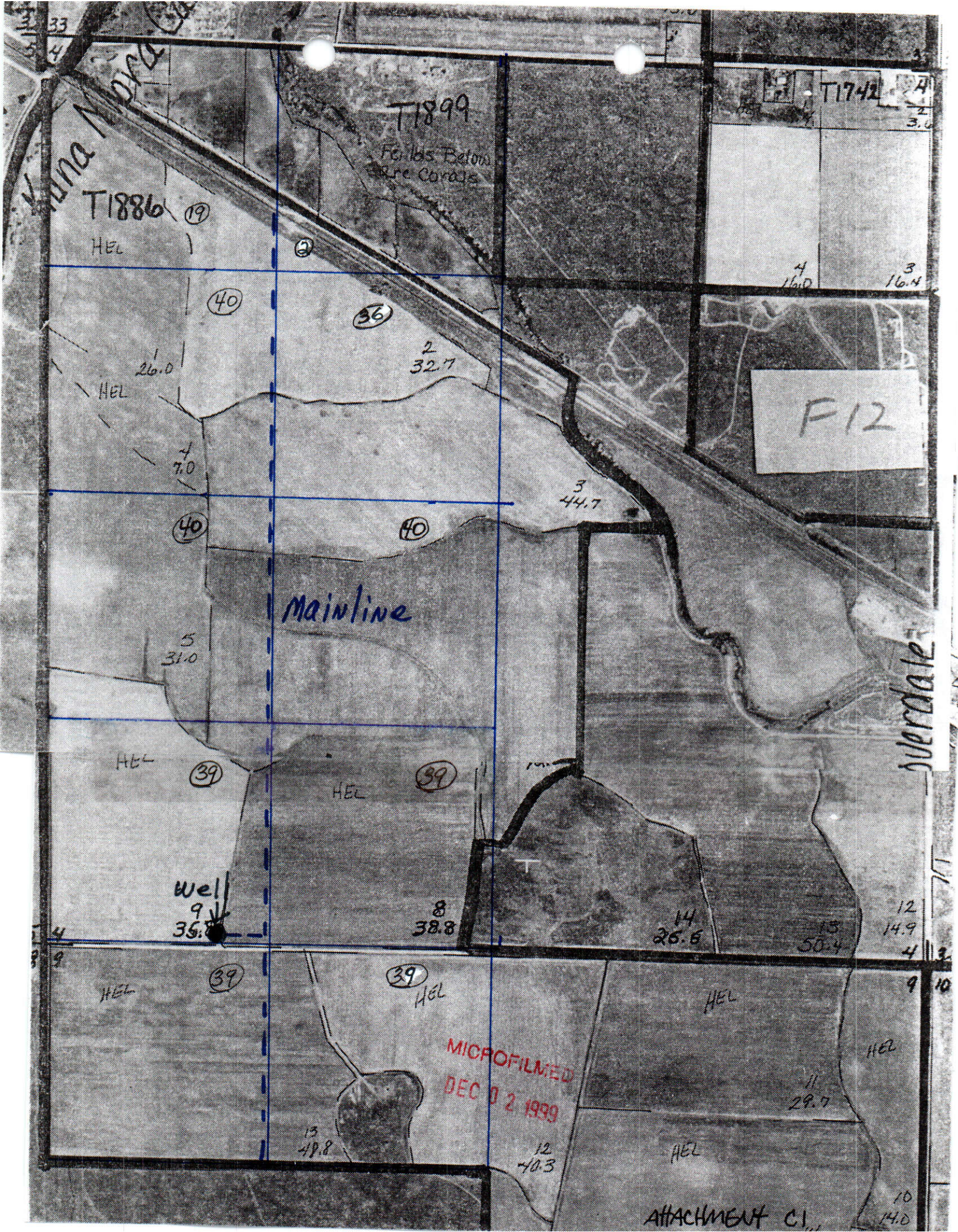
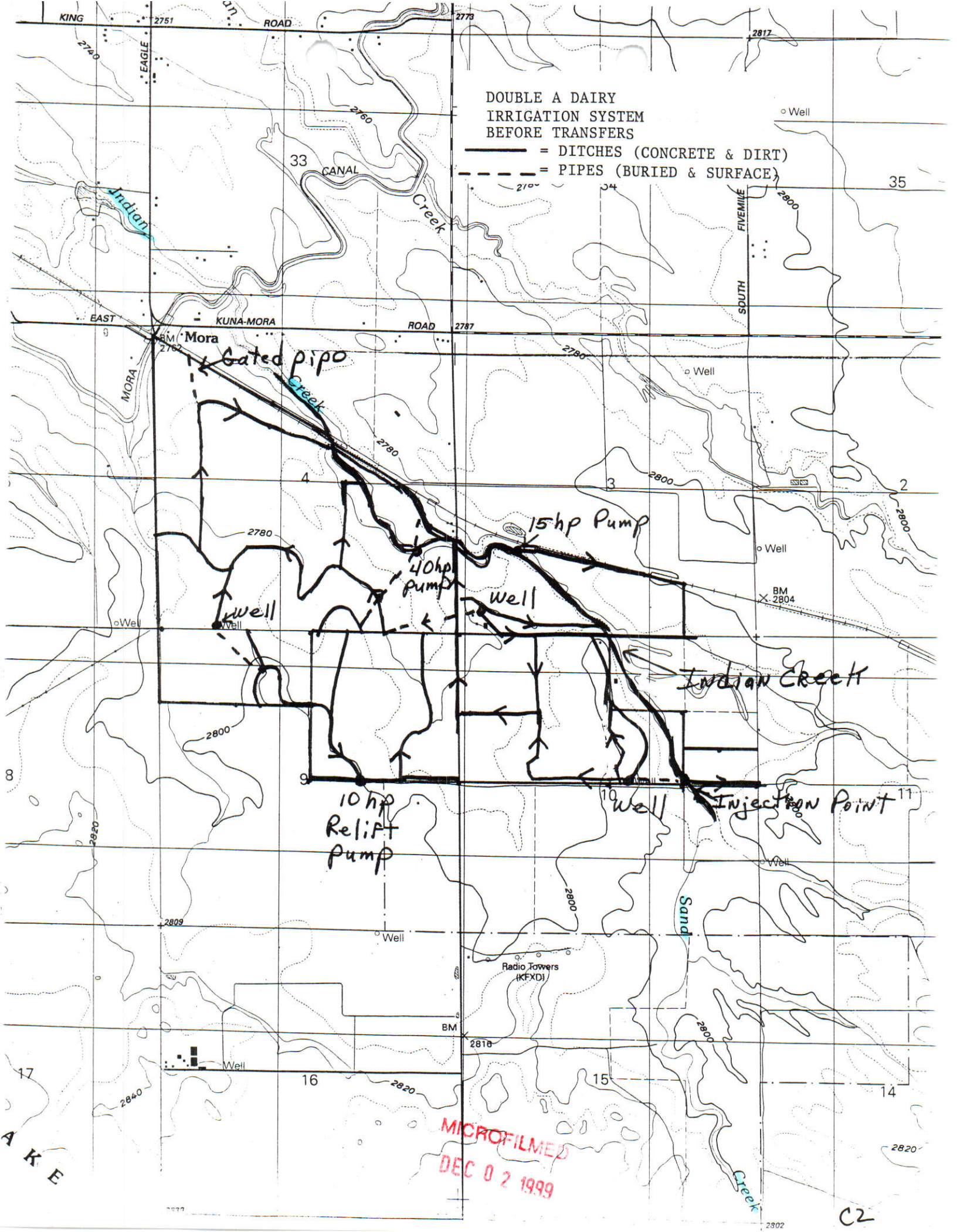
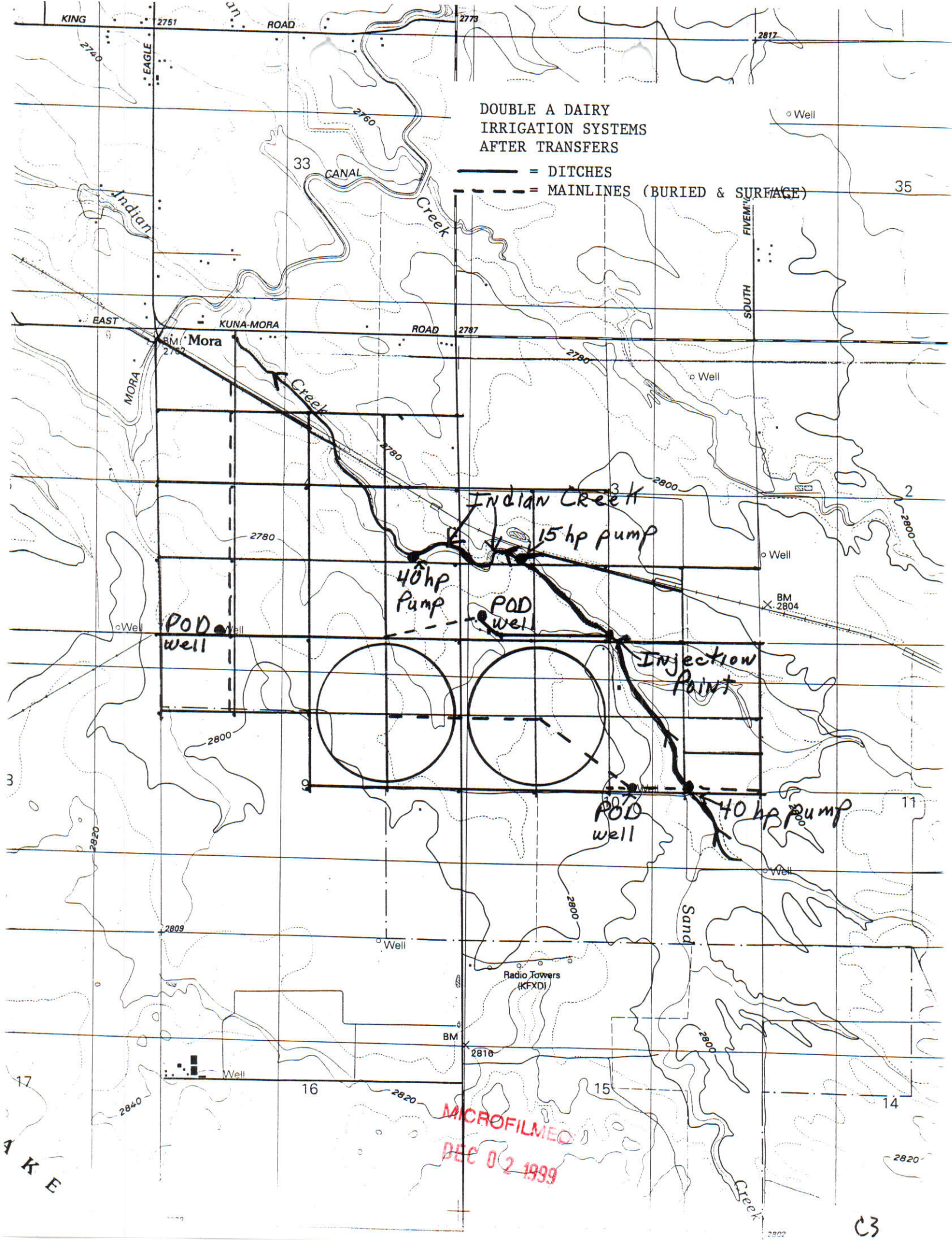


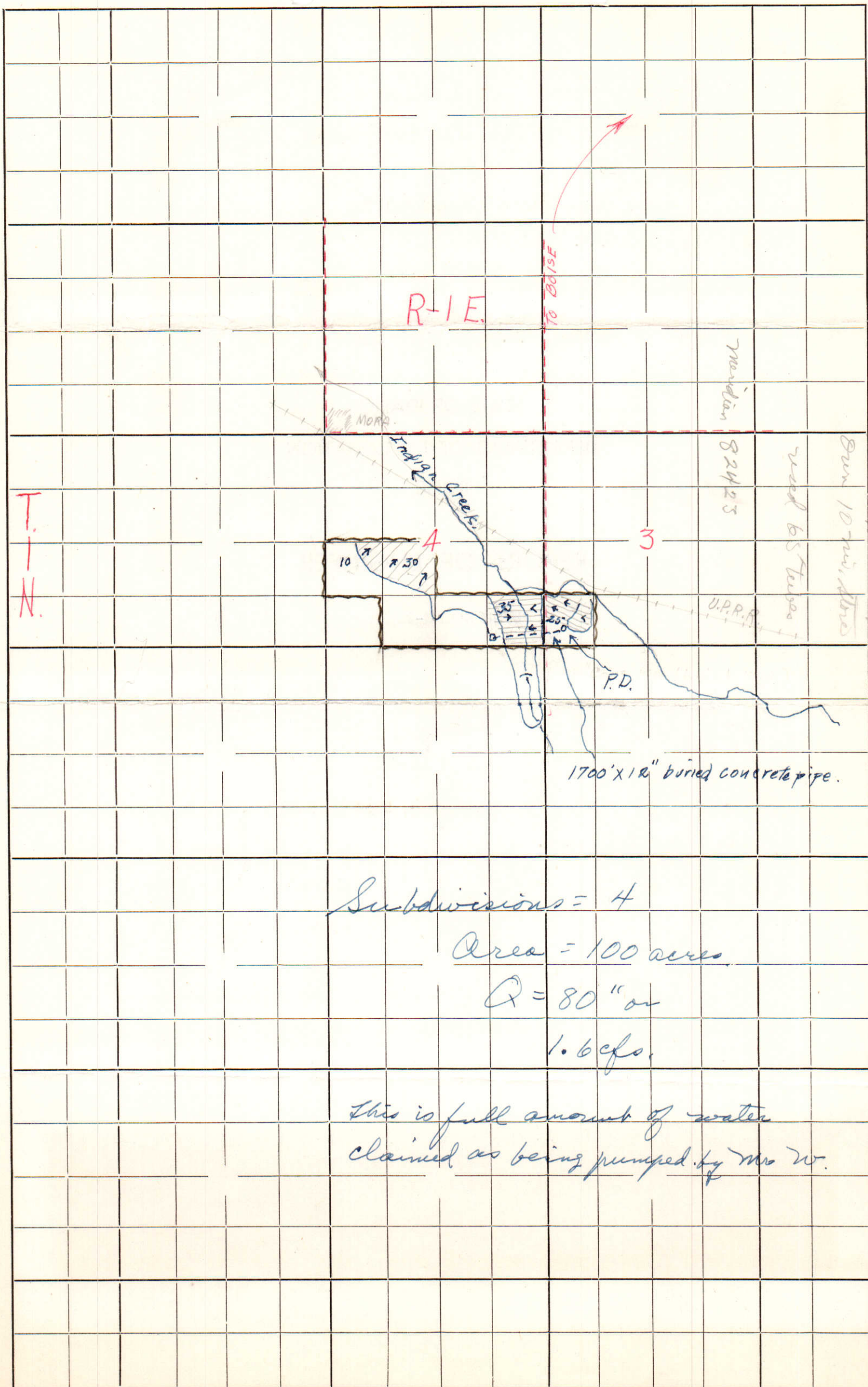


DOUBLE A DAIRY
IRRIGATION SYSTEM
BEFORE TRANSFERS

- = DITCHES (CONCRETE & DIRT)
- - - = PIPES (BURIED & SURFACE)







Subdivisions = 4

Area = 100 acres

Q = 80" or
1.6 cfs.

This is full amount of water
claimed as being pumped by Mrs W.

Rec'd.
11/21/58

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

October 31, 1958

and ending with the issue dated

November 21, 1958

Clyde Cornell

Subscribed and sworn to before me

this 21st day of November 1958

J. H. Ward
Notary Public for Idaho.

Residing at Kuna, Idaho.

Legal Notices

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

Notice is hereby given that 1:00 P. M., on the 25th day of November, 1958, at Boise, County of Ada, State of Idaho, before Vera Powers, Notary Public, at Power Realty, 5702 Fairview, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 4.8 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-24554 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 N. E. Wheeler Rt. 2, Meridian 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 4.8 cubic feet per second.

3. The use to which said water has been applied is Irrigation and domestic purposes, and the amount applied to beneficial use is 4.8 cubic feet per second.

4. The point of diversion of said water is SW 1/4 SW 1/4 Sec. 3, Twp. 1 No., Rge. 1 East, B. M.

5. The place where said water is used is SW 1/4 SW 1/4 Sec. 3, N 1/2 SW 1/4, SE 1/4 SW 1/4, S 1/2 SE 1/4 Sec. 4 all in Twp. 1 North, Rge. 1 East, B. M.

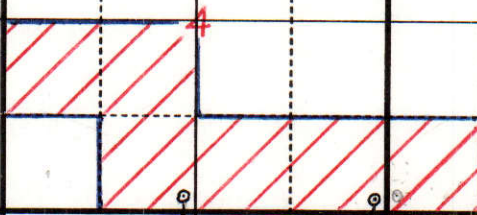
5. The date of priority which said user is prepared to establish is November 5, 1953.

Oct. 31; Nov. 7, 14, 21, 1958
GEO. N. CARTER,
State Reclamation Engineer
all in Twp. use 2deeB eyf.Ulvn6)

G24554

T.
I.
N.

R-1E.



Points of Diversion - WELLS

Permit Map No. 24554
 As Approved
 NOV 9 1953
 MARK R. KULP
 State Reclamation Engineer

State of Idaho
License and Certificate of Water Right

Water License No. G-24554

Amount 1.6 c.f.s.

Water District No. _____

Priority Nov. 5, 1953

THIS IS TO CERTIFY that **N. E. WHEELER**
of Meridian, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 5, 1953; that Permit No. G-24554
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on March 10, 1959, showing that said works
were completed on the 25 day of November, 1958; and that on the 25
day of November, 1958, **N. E. WHEELER**

of Meridian, 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, for the purpose of irrigation & domestic
use, under Use Permit No. G-24554 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 6617, on the 10 day of March, 1959;

The right hereby confirmed dates from November 5, 1953;

The Point of Diversion is located

in the SW 1/4 SW 1/4, Sec. 3, Tp. 1 N., R. 1 E., 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 1.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 N.	1 E.	3	SW 1/4 SW 1/4	40	25
			NE 1/4 SW 1/4	40	30
			NW 1/4 SW 1/4	40	10
			SE 1/4 SW 1/4	40	35
			Total Number of Acres Irrigated:		100

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
10 day of March, 1959.

s/ **GEO. N. CARTER**

State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 32354
Permit No. G- 24554
District No.

1. Name of Applicant: N. E. WHEELER
Postoffice address: Rt. 2, Meridian County: Ada State: Idaho
2. Quantity of water claimed: 4.80 cubic feet per second
 - (a) Rate of withdrawal in cubic feet per second. 4.80 or Idaho
Miners' inches 240 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean flow (Well)
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4
Twp. 1 N. , Rge. 1 E. , B.M., County of Ada
5. Water is to be used for: Irrigation and domestic purposes
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Wells, pumps and ditches
8. Estimated cost of works: \$ 8,000.00
9. (a) Is reservoir to be used?
(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 Five 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: Application filed as of this date on the waters of Indian Creek
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: Supplemental to Indian Creek rights provided same may be made available.

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

N. E. WHEELER Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 3:00 p.m. November 5, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-24554

Recorded in Book 87 Page 24554 Approved November 9, 1953

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before January 9, 1954 and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before May 9, 1956

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before November 9, 1958.

Witness my hand this 9th day of November, 1953

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th day of November, 1953.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS

Secretary of State.

By LEN JORDAN

Governor

12.

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	
1 N.	1 E.	3 4									40	40	40			40	40		40 200 240

APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. G-24554

Comes now N. E. Wheeler and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-24554. That the points of diversion are described in said permit as being located in SE¹/₄SW¹/₄ & SE¹/₄SE¹/₄ Section 4, Twp 1 N., Rge 1 E. BM. That he now requests that the point of diversion be changed to a point located in SW¹/₄SW¹/₄ Section 3, Twp 1 N., Rge 1 E. That the reason for desiring to make such change is as follows: the latter is higher & better location. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 1st day of October, 1958

/s/ N. E. Wheeler

Date of receipt at Department of Reclamation
October 1, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-24554. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Geo. N. Carter

State Reclamation Engineer

Recorded: October 23, 1958.

PERMIT NO. G-24554
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that N. E. WHEELER of Meridian, County of Ada, and State of Idaho, the holder of Permit No. G-24554, issued upon application No. G-32354 bearing date of priority of November 5, 1953, authorizing the diversion of 4.80 second feet of waters of subterranean flow from a well, County of Ada, State of Idaho, for irrigation and domestic 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 1.6 second feet of the waters of subterranean flow from a well, that the point of diversion of said waters SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 1 N., R. 1 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 100 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3; N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 1 N., R. 1 E., B. M.

Witness my hand this 10th day of March, A. D. 1959.

s/ GEO. N. CARTER
State Reclamation Engineer

Proof of Completion of Works Made: November 25, 1958

LICENSE ISSUED FOR 1.6 SEC. FT.
Page 6617

TRANSFER NO. 5206
WATER RIGHT NO(S). 63-02966/63-03219A/63-03337D

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
- * 6. Right 63-02966 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
- * 7. Right 63-03219A is limited to the irrigation of 325.0 acres in the place of use described above in a single irrigation season.
- * 8. Right 63-03337D is limited to the irrigation of 8.0 acres in the place of use described above in a single irrigation season.
- ** 9. Rights 63-02966, 63-03219A and 63-03337D when combined shall not exceed a total diversion rate of 5.85 cfs, a total annual maximum diversion volume of 1498.5 af at the field headgate, and the irrigation of 333.0 acres.

Dated this 29th day of November, 1999


Chief, Water Allocation Bureau

MICROFILMED
DEC 02 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 5204 (WATER RIGHT NO.)
63-04630) AND 5205 (WATER RIGHT NOS.)
63-03219B, 63-03337A, 63-03337C, AND)
63-03577) IN THE NAME OF DOUBLE A DAIRY)
_____)

**ORDER DENYING
PETITION FOR
RECONSIDERATION**

On August 5, 1999, a Preliminary Order was served on Double A Dairy by the Idaho Department of Water Resources (IDWR). On August 19, 1999, Double A Dairy requested in writing further clarification of the Preliminary Order. The document will be viewed as a petition for reconsideration.

In the letter, Double A Dairy raises two issues:

1. Double A Dairy asks how water right no. 63-04630 owned by Double A Dairy, bearing a priority date of March 3, 1966, can be delivered when the point of diversion for water right No. 63-099937, owned by Hayes Family Farm, bearing a priority of June 3, 1983, is located above the Double A Dairy diversion. The application for transfer was filed to change a point of diversion, add diversion points, and change the place of use. Double A Dairy's water rights were not subject to the decision. As a result, the Department did not have jurisdiction in the transfer process to force a plan of distribution upon Hayes Family Farm. Other remedies for distribution are available to Double A Dairy outside of the transfer hearing process.
2. Double A Dairy asked IDWR to clarify the requirements for measuring water and information concerning submittal of an annual report. A preliminary order need not spell out the exact measuring devices that must be employed. Some flexibility is given to the water right holder to determine the measuring devices to be installed. IDWR personnel can assist with providing information. Furthermore, the order does not require reporting of diversions at the present time. The preliminary order does not need to be changed to provide the additional information to Double A Dairy.

IT IS HEREBY ORDERED that Double A Dairy's petition for reconsideration is DENIED.

Dated this 7th day of September, 1999.



GARY SPACKMAN, Hearing Officer

MICROFILMED

DEC 02 1999

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 13th day of September, 1999, the foregoing Petition for Reconsideration was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

Boyd Anderson
Double A Dairy
17220 South Cloverdale
Kuna, ID 83634

H. John Hayes
Hayes Family Farm
11399 W. Barker Road
Kuna, ID 83634


JULIE L. YARBROUGH
Administrative Assistant, Water Allocations

MICROFILMED
DEC 02 1999

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)	
TRANSFER NOS. 5204 (WATER RIGHT NO.)	
63-04630) AND 5205 (WATER RIGHT NOS.)	PRELIMINARY ORDER
63-03219B, 63-03337A, 63-03337C, AND)	
63-03577) IN THE NAME OF DOUBLE A)	
DAIRY)	
_____)	

Double A Dairy filed application for transfer nos. 5204 and 5205 with the Idaho Department of Water Resources (IDWR). The applications were protested by Hayes Family Farm. A hearing was conducted on May 19, 1999. Boyd Anderson (Anderson) appeared on behalf of Double A Dairy. John Hayes appeared on behalf of Hayes Family Farm (Hayes).

During settlement discussions before the hearing, Double A Dairy agreed to remove from application for transfer no. 5205 a proposal to inject ground water into Sand Creek and redirect it from Sand Creek upstream of a reservoir owned by Hayes. Hayes withdrew its protest to application for transfer no. 5205 upon Double A Dairy's agreement to withdraw its proposal to inject ground water into Sand Creek and redirect it downstream.

A hearing was conducted regarding the protest to application for transfer no. 5204. In addition, the withdrawal of a portion of application for transfer no. 5205 and the withdrawal of the protest against application for transfer no. 5205 were incorporated into the record. IDWR finds, concludes, and orders as follows for application for transfer nos. 5204 and 5205:

FINDINGS OF FACT

1. Application for transfer no. 5204 proposes to change the point of diversion, add another point of diversion, and change the place of use for claimed water right no. 63-04630. Claim no. 63-04630 asserts the right to divert 6.0 cubic feet per second (cfs) from Indian Creek for the irrigation of 240 acres located in Sections 4 and 9, T01N, R01E, B. M.

2. Application for transfer no. 5204 proposes two points of diversion in Sections 3 and 4, T01N, R01E. Because of field work conducted by IDWR, the application proposes a reduction in the place of use to 181 acres, and a reduction in the flow rate to 3.62 cfs.

3. Application for transfer no. 5205 proposes a change in the point of diversion and place of use for ground water right nos. 63-03219B, 63-03337A, 63-03337C, and 63-03577. The application seeks authorization to divert ground water from a well located in the SW1/4SW1/4NE1/4 of Section 10, T01N, R01E, inject the ground water into Sand Creek in the SE1/4SW1/4NE1/4 of Section 10, T01N, R01E, and redivert the water from Sand Creek in the SE1/4SW1/4NE1/4 of Section 10, T01N, R01E. The application also seeks a change in the place of use because of conversion from a gravity irrigation system to a sprinkler irrigation system.

4. Hayes owns water right no. 63-09937, which authorizes diversion of 0.62 cfs from Sand Creek, and storage of 21.7 acre-feet annually in a reservoir located on Sand Creek. Water right no. 63-09937 authorizes irrigation of 37 acres located in Section 10, T01N, R01E. License no. 63-09937 bears a priority date of June 3, 1983. Although Indian Creek and Sand Creek are both listed as sources of water for license no. 63-09937, most of the water for the right is derived from Sand Creek because waste water from upstream irrigation maintains flows in Sand Creek.

5. The injection and rediversion points for the ground water rights proposed by application for transfer no. 5205 would be located above the impoundment and point of diversion described by Hayes' water right no. 63-09937. Double A Dairy recognized the need for an easement through Hayes property to deliver the water to Sand Creek, and determined that placing ground water into Sand Creek and rediverting it would be impractical at the present time. Double A Dairy agreed to withdraw its proposal for an injection and rediversion of ground water into Sand Creek, and Hayes withdrew its protest to application for transfer no. 5205.

6. The points of diversion proposed by application for transfer no. 5204 are located downstream from Hayes' impoundment and point of diversion described by license no. 63-09937.

7. Water users who traditionally wasted water into Sand Creek in prior years provided water to both Hayes and Double A Dairy. These upstream water users have converted their irrigation system to sprinklers, and use their water more efficiently, diminishing flows in Sand Creek. The current flows in Sand Creek are seldom sufficient to satisfy Hayes' or Double A Dairy's surface water rights.

8. Lands owned by Double A Dairy and irrigated by water diverted pursuant to claim no. 63-04630 were placed in the Conservation Reserve Program (CRP) in the late 1980's. The lands owned by Double A Dairy have now been removed from CRP. Hayes feels that diversion of water by Double A Dairy under claim 63-04630 will injure his water rights.

9. IDWR personnel investigated the historical delivery of surface water to Double A Dairy lands in 1996. Even though the land was enrolled in the CRP, IDWR personnel found delivery ditches and relift pumps capable of irrigating in excess of 181 acres.

10. Double A Dairy submitted information showing that the lands described as a place of use by 63-04630 grew crops from 1973 until the enrollment of the lands in the CRP.

Evidence of growing crops coupled with evidence of the delivery systems is sufficient proof that claim no. 63-04630 is a valid water right.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. With respect to the issues as set forth in Idaho Code § 42-222, the applicant bears the burden of proof regarding all of the criteria contained therein.

3. Claim no. 63-04630 is a valid water right if recognized within the limitations proposed by application for transfer no. 5204.

4. Diversion of water authorized by water right no. 63-04630 will not injure other water users if diverted below the Hayes points of diversion.

5. Diversion of the ground water rights proposed by application for transfer no. 5405 will not injure Hayes if the ground water is not placed into Sand Creek above the Hayes diversion.

6. Applications for transfer no. 5204 and 5205 do not propose an enlargement of use.

7. Approval of application for transfer nos. 5204 and 5205 is in the public interest.

8. Because Double A Dairy proposes to convert a gravity delivery system to a sprinkler delivery system, the application for transfer is consistent with principles of conservation of the water of the state of Idaho.

ORDER

IT IS HEREBY ORDERED that application for transfer no. 5204 is **APPROVED** subject to the following conditions:

1. 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 place of use.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. 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.
7. The total instantaneous diversion of water from all points of diversion under Transfer 5204 shall not exceed 3.62 cfs, nor a total combined annual volume of 814.5 af.
8. Right 63-04630 when combined with rights 63-03219C, 63-03337E, and 63-07388 shall not exceed a total diversion rate of 4.90 cfs, a total annual maximum diversion volume of 1102.5 af at the field headgate, and the irrigation of 245.0 acres.

IT IS FURTHER ORDERED that application for transfer no. 5205 is **APPROVED** subject to the following conditions:

1. The points of injection and redirection described in application for transfer no. 5205 are not recognized in the transfer approval.
2. 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 place of use.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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DEC 02 1993

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

5. 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.

6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

7. 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.

8. Right 63-03219B is limited to the irrigation of 163.0 acres in the place of use described above in a single irrigation season.

9. Right 63-03337A is limited to the irrigation of 38.0 acres in the place of use described above in a single irrigation season.

10. Right 63-03337C is limited to the irrigation of 13.0 acres in the place of use described above in a single irrigation season.

11. Right 63-03577 is limited to the irrigation of 170.0 acres in the place of use described above in a single irrigation season.

12. Right 63-03219B, 63-03337A, 63-03337C, and 63-03577, when combined, shall not exceed a total diversion rate of 6.44 cfs, a total annual maximum diversion volume of 1638.0 af at the field headgate, and the irrigation of 364 acres.

13. The portion of right 63-03337A in excess of this transfer approval in the amount of 0.04 cfs and 2.0 acres shall be considered abandoned through approval of transfer 5205.

DATED this 29th day of July, 1999.



GARY SPACKMAN
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the following:

Double A Dairy
17220 Cloverdale Rd
Kuna, ID 83634

H. John Hayes
Hayes Family Farm
11399 W. Barker Rd.
Kuna ID 83634


JULIE L. YARBROUGH
Administrative Assistant, Water Allocations

Page 1 of 12STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5206

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Double A Dairy Phone 208-362-4649
 Post Office address 17220 Cloverdale Rd.; Nuna ID 83634

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 We are redesigning our irrigation system from gravity to sprinklers. The changes in this transfer describes a mainline with handlines from our well in the SWSW, 54.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-02966</u>	<u>11-5-1953</u>	<u>1.60 cfs</u>	<u>Irrigation</u>	<u>3-15</u> to <u>11-15</u>
<u>-03219A</u>	<u>1-16-1961</u>	<u>4.06</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>-03337D</u>	<u>6-4-1963</u>	<u>.14</u>	<u>"</u>	<u>"</u> to <u>"</u>

2. Total amount of water being transferred 5.80 cubic feet per second and/or _____ acre-feet per annum.
 3. Source of water Groundwater tributary to _____
 4. Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	SW	4	1N	1E	Ada	existing well.

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	
1N	1E	4					2	19	40	36	40	40	39	39					255
		9					39	39											78

MICROFILMED
DEC 02 1999Total acres 333

PART 1

6. General Information:

a. Description of diversion system Well with 200hp pump to a mainline that serves a handline sprinkler system.

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:

all of our farm will be irrigated from wells and Indian Creek. The approval of this transfer may result in the loss of some acres previously licensed to roads and streams and this transfer will become the recommendation to the Snake River Adjudication Court.

d. Remarks:

There are three other transfers that are companions to this one.

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 _____.

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DEC 02 1999

PART 2

TRANS NO.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-02966

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	1.60 CFS

SOURCE

GROUNDWATER

Priority: 11/05/1953

LOCATION OF POINT(S) OF DIVERSION:SWSW , Sec. 3, Township 01N, Range 01E
ADA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	01E	3	SWSW 25			25
		4	NESW 30	NWSW 10	SESE 35	75
Total number of acres irrigated:						100

CONDITIONS/REMARKS:MICROFILMED
DEC 02 1999

PART 2

TRANS NO.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-03337B

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	3.20 CFS

SOURCE

GROUNDWATER

Priority: 06/04/1963

LOCATION OF POINT(S) OF DIVERSION:SWSW , Sec. 3, Township 01N, Range 01E
ADA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	01E	3	SWSW 38 - 3	NWSE 41		38
		4	SWNE 11 ✓	NESW 8	NESE 26 - 3	
			NWSE 37 + 1	SWSE 12 - 1	SESE 39 - 1	133
		9	NENE 13 - 2	SENE 3 - 1		16
Total number of acres irrigated:						187

CONDITIONS/REMARKS:

1. TRANS. 2297.

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pg 5 of 12

63-03337 B

Split tree

63-03337 B

QR: 3.20 of

POB: 1N, 1E, S3, SWSW

POU: 187 acres

-03337C

QR: .22 of

POB: 1N, 1E, S10, SWSWSE

POU: 1N, 1E, S9, NENE - 38 NWNE - 39

SWSE - 40 SESE - 39 156

S10, NENW - 36 NWNW - 38

SWNW - 39 SENW - 40

SWSE - 35 SESE - 20 208

Limited to 13 acres in PPU of 364 ac. 364

-03337D

QR: .14 of

POB: 1N, 1E, S4, SESWSW

POU: 1N, 1E, S4, NENW - 2 NWNW - 19

SWNW - 40 SENW - 36

NESW - 40 NWSW - 40

SWSW - 39 SESW - 39 255

S9, NENW - 39 MINNENW - 39 78

Limited to 8 acres in PPU of 333 acres

DEC 02 1999

MINNENW FILMED

pg 6 of -

-03337E

QR: 2.62 cfs

POB: 1N, 1E, S3, SWSWSW

POU: 1N, 1E, S3, NWSW -1 SWSW -35

SESW -30 SWSE -30 96

S4, NESE -23 NWSE -38

SWSE -39 SESE -38

SWNE -11

149

Limited to 157 acres in PPU of 242 acres 245

Summary:

63-03337C .22 cfs 13 acres

-03337D .14 8 "

-03337E 2.67 157 "

3.03 cfs 178

Loss from roads + stream .17 9 acres

3.20 cfs 187 acres

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DEC 02 1999

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-03219

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	6.50 CFS <i>6.45</i>

SOURCE

GROUNDWATER

Priority: 01/16/1961

LOCATION OF POINT(S) OF DIVERSION:SWSW , Sec. 4, Township 01N, Range 01E
ADA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	01E	4	NENW 2 ✓	NWNW 19 ✓	SWNW 40 ✓	
			SENE 36 ✓	NESW 32 ✓	NWSW 40 ✓	
			SWSW 40 -1	SESW 40 -1	SWSE 28 ✓	
			SESE 1 -1			278
		9	NENE 27 ✓	NWNE 40 -1	SWNE 40 ✓	
			SENE 37 ✓	NENW 40 -1	NWNW 40 -1	224
		10	SWNW 20 ✓			20

Total number of acres irrigated: 522

- 6
516CONDITIONS/REMARKS:MICROFILMED
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pg 8 of 12

Split Tree 63-03219

63-03219

DR: 6.50 cfs

POB: 1N, 1E, S4, SWSW

PO4: 522 acres

-03219A

DR: 4.06 cfs

POB: 1N, 1E, S4, SESWSW

PO4: 1N, 1E, S4, NENW-2 NWNW-19

SWNW-40 SENW-36

NESW-40 NWSW-40

SWSW-39 SESW-39 255

S9, NENW-39 NWNW-39 -78

333

Limited to 325 acres in PPU of 333 acres

-03219B

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DR: 2.04 cfs

POB: 1N, 1E, S10, SWSWSE

PO4: 1N, 1E, S9, NENW-38 NWNW-39

SWNW-40 SENW-39 156

S10, NENW-36 NWNW-38

SWNW-39 SENW-40

SWNE-35 SENE-20 208

364

Limited to 163 acres in PPU of 364 acres

pg 9 of 12

- 03219C

QR: .35 cfs

POB: 1N, 1E, S3, SWSWSW

POU: 1N, 1E, S3, SWSE-30 SESW-30

SWSW-32 NWSW-1 93

S4. SWNE-11.

NESE-23 NWSE-38

SWSE-39 SESE-38 149

Limited to 28 acres in PPU of 242 acres. 242

Summary: 63-03219A - 4.06 cfs - 325 ac.

- 03219B 2.04 " 163 "

- 03219C .35 " 28 "

6.45 516

Loss from roads

.05 4

6.50 520 acres

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PART 2Transfer No. 5206

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	

Total acres _____

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DEC 02 1999

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.

See Attached ASCS map

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DEC 02 1999

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

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.

Donna H. Fair & Boyd Anderson
(Signature of Applicant)

Subscribed and sworn to before me this 11th day of December, 19 97.

Melvin D. Schultz
(Notary Public)

My commission expires 7-24-2001

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and _____ attachments

Received by MTS Date 12-11-97 Protest filed by _____

Prelim. check by _____ Fee \$100 W023303

Receipted by MTS Date 12-11-97

Published in Idaho Statesman Copies of protest forwarded by _____

Pub. dates 2-4-27-98 8-20-27-98 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MICROFILM
DEC 02 1999

QUIT CLAIM DEED

For Value Received, **ANDERSON BROTHERS, a Partnership,**

do es hereby convey, release, remise and forever quit claim unto **DOUBLE A DAIRY**, an Idaho corporation ✓

the following described premises, in **Ada County, Idaho**

, to wit:

See attached Exhibit A

Double A Dairy
5455 Kuna Area
Kuna Id 83634

9225989

Anderson Brothers
ADA COUNTY ID. FOR
J. DAVID NAVARRO
RECORDER BY *[Signature]*

Gap
'92 APR 24 PM 1 58

together with the appurtenances thereto, and to its heirs and assigns forever.
ANDERSON BROTHERS

Dated: *3-31-92*

By *Anderson Bros* (SEAL)
B.W. Anderson (SEAL)

STATE OF IDAHO, COUNTY OF

On this *31st* day of *March*, 19*92*,
before me, a notary public in and for said State, personally
appeared

B.W. Anderson

known to me to be the person whose name
is subscribed to the foregoing instrument, and
acknowledged to me the same.

[Signature]
Notary Public
Residing at *Kuna* Idaho
Comm. Expires *6-15-93*

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for
record at the request of

at _____ minutes past _____ o'clock
m., this _____ day of _____
19____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____
Fees \$ _____
Mail to: _____

Deputy. *DEC 02 1993*

ATTACHMENT A1

The North half of the Northwest quarter and all the Northeast quarter of Section 9, Township 1 North, Range 1 East, Boise-Meridian, Ada County, Idaho. ✓

The Northwest quarter; the Southwest quarter of the Northeast quarter; the South half of the Southeast quarter of the Northeast quarter; all in Section 10, Township 1 North, Range 1 East, Boise-Meridian, Ada County, Idaho.

The Southwest quarter of the Southwest quarter and the Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter all in Section 3, Township 1 North, Range 1 East, Boise-Meridian, Ada County, Idaho.

The North half of the Southwest quarter; the Southeast quarter of the southwest quarter; the Southwest quarter of the Southwest quarter; the Southeast quarter; the Northwest quarter and Southwest quarter of the Northeast quarter of Section 4, Township 1 North Range 1 East, Boise-Meridian, Ada County, Idaho.

And also that portion of the land in the North half of the Southwest quarter of Section 3, Township 1 North, Range 1 East, Boise-Meridian, Ada County, Idaho lying South and West of the Southwesterly right-of-way line of the Oregon Short line Railroad.

And that portion of the Southeast quarter of the Northeast quarter of Section 4 Township 1 North, Range 1 East, Boise-Meridian, Ada County, Idaho, lying Southwesterly of the Southwesterly right-of-way line of the Oregon Short Line Railroad.

EXCEPT:

That part of the Southeast quarter of the Northwest quarter of said Section 4 as follows:

Commencing at a point in the center line of the present main tract of the Oregon Short Line Railroad 2445 feet Southeasterly measured along said center line from its intersection with the West line of Section 4, Township 1 North, Range 1 East, Boise-Meridian; thence Southwesterly at right angles 100 feet to a point in the Southwesterly boundary of the present right-of-way of said railroad, which point is the POINT OF BEGINNING; thence Northwesterly along said right-of-way boundary, being 100 feet from and parallel to said center line of tract, for a distance of 50 feet; thence Southwesterly at right angles 50 feet; thence Southeasterly at right angles 50 feet; thence Northeasterly at right angles 50 feet to the POINT OF BEGINNING.

AND EXCEPT:

All rights-of-way to the Oregon Short Line Railroad affecting said property in said Sections; all rights-of-way to Indian Creek in said Sections; the Boise-Mora Canal rights-of-way in the Northwest quarter of said Section 4; and all Road and Ditch rights-of-way in said Sections.

DEC 02 1993

AJ5809NP
No. A63-02966

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/11/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DOUBLE A DAIRY 17220 CLOVERDALE RD KUNA ID 83634 (208) 362-4649	11/05/1953	IRRIGATION	03-15 11-15	1.60 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	1.60 CFS 350.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01N R01E S03
S04

SWSWSW
SESWSW

ADA County
ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
01N	01E	4	:							01	19	40	:			40	:			100.0
																			TOTAL ACRES	100.0

POU County: ADA

Non-Irrigation Uses: NONE

Other Rights: 63-04630, WASTEWATER, G-29306

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-03219 A63-0337A A63-0337B

Other Water Rights Listing Overlapping Place(s) of Use:
A63-03219 A63-04630 A63-18697

Remarks: GEN CHANGE OF OWNERSHIP BY MTS 8/31/1995

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: 0

Audit: 09/07/89 PEPPERSA 03/30/95 POST-STD 08/31/95 MSCHULTE

MICROFILMED
DEC 02 1999

ATTACHMENT B1

AJ5809NP
No. A63-03219

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/11/97
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DOUBLE A DAIRY 17220 CLOVERDALE RD KUNA ID 83634 (208) 362-4649	01/16/1961	IRRIGATION	03-15 11-15	6.50 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	6.50 CFS 1827.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01N R01E S03
S04

SWSWSW
SESWSW

ADA County
ADA County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE															
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		SUM
			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			
01N	01E	4	:								:	02	19	40	36	:	32	40	40	40	:												278.0		
01N	01E	9	:	27		40		40		37	:	40	40			:																	224.0		
01N	01E	10	:								:			20		:																	20.0		
																												TOTAL ACRES	522.0						

POU County: ADA

Non-Irrigation Uses: NONE

Other Rights: 63-03577, 63-03337, 63-02966, 63-04630, WASTEWATER

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-02966 A63-03337A A63-03337B

Other Water Rights Listing Overlapping Place(s) of Use:
A63-02966 A63-03337B A63-03577 A63-04630 A63-18697

Remarks: GEN CHANGE OF OWNERSHIP BY MTS 8/31/1995

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: C

Audit: 09/07/89 PEPPERSA 03/30/95 POST-STD 08/31/95 MSCHULTE

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DEC 02 1999

ATTACHMENT B2

AJ5809NP
No. A63-03337B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/11/97
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DOUBLE A DAIRY 17220 CLOVERDALE RD KUNA ID 83634 (208) 362-4649	06/04/1963	IRRIGATION	03-15 11-15	3.20 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					3.20 CFS	654.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:	T01N R01E S03	SWSWSW	ADA County
	S04	SESWSW	ADA County
	S10	SWSWNE	ADA County

Place of use Legal Description for: IRRIGATION

NE										NW										SW										SE										
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	SUM											
01N	01E	3	:								:											:							38.0											
01N	01E	4	:					11	:		:					08						:		26	37	12	39	:	133.0											
01N	01E	9	:	13					03	:												:						:	16.0											
																												TOTAL ACRES	187.0											

POU County: ADA

Non-Irrigation Uses: NONE

Other Rights: G-29306, 63-04630, WASTEWATER

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-02966 A63-03219 A63-03337A A63-03577 A63-07388 A63-09184A

Other Water Rights Listing Overlapping Place(s) of Use:
A63-03219 A63-04630 A63-18697

Remarks: GEN TRANS. 2297.
POINTS OF DIVERSION IN SEC 3 AND 4 ARE INTERCONNECTED; PLACE OF
USE IN NENE OF SEC 9 CAN BE IRRIGATED FROM POINT OF DIVERSION IN
SEC 3, 4, OR 10
CHANGE OF OWNERSHIP BY MTS 8/31/1995

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	C
Audit:	09/07/89 PEPPERSA	03/30/95 POST-STD	08/31/95 MSCHULTE

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DEC 02 1999

1886 (19)

EL

(40)

26.0

EL

(36)

2
32.7

3
44.7

(10)

5
31.0

HEL

(39)

Well
9
35.8

8
38.8

(39)

HEL

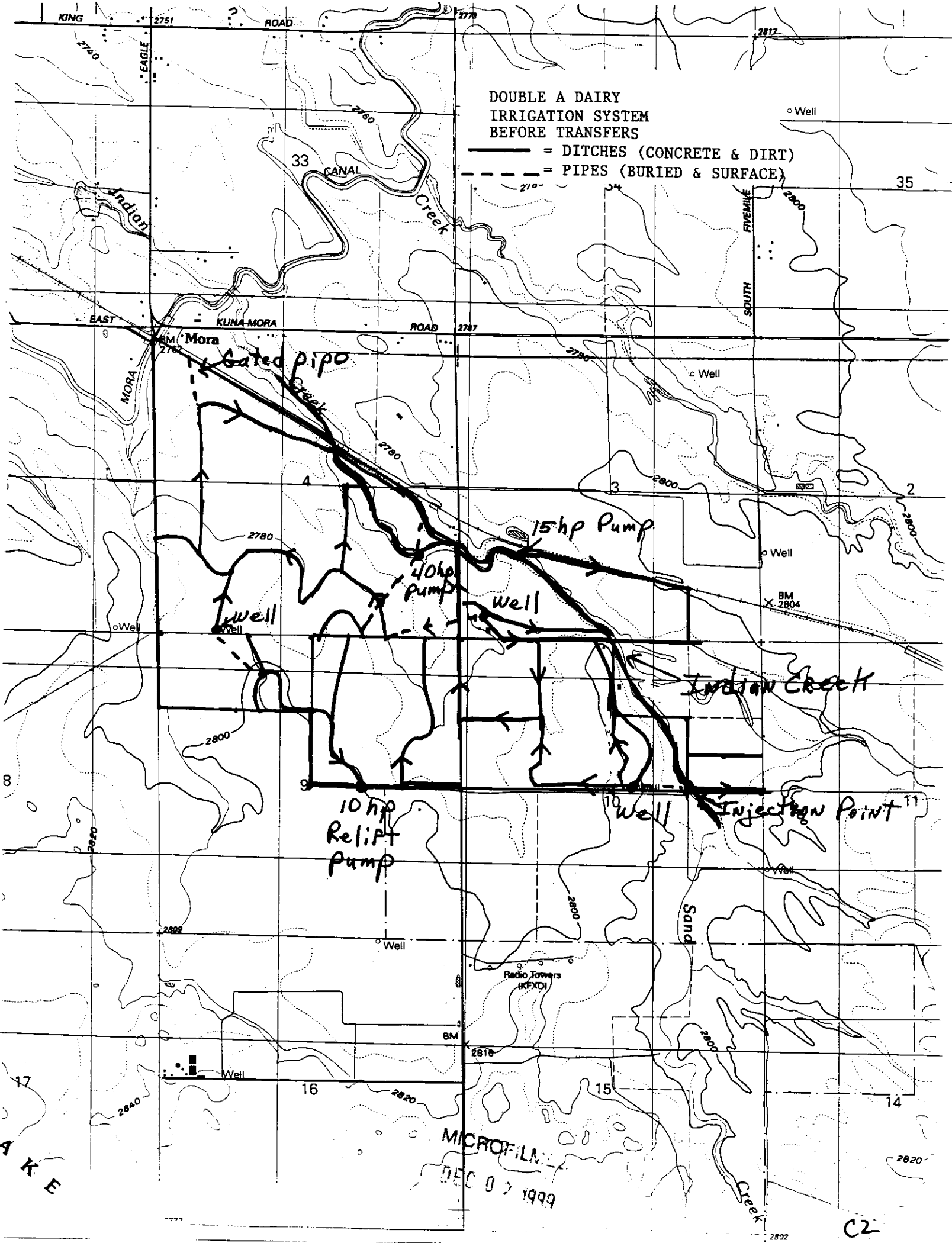
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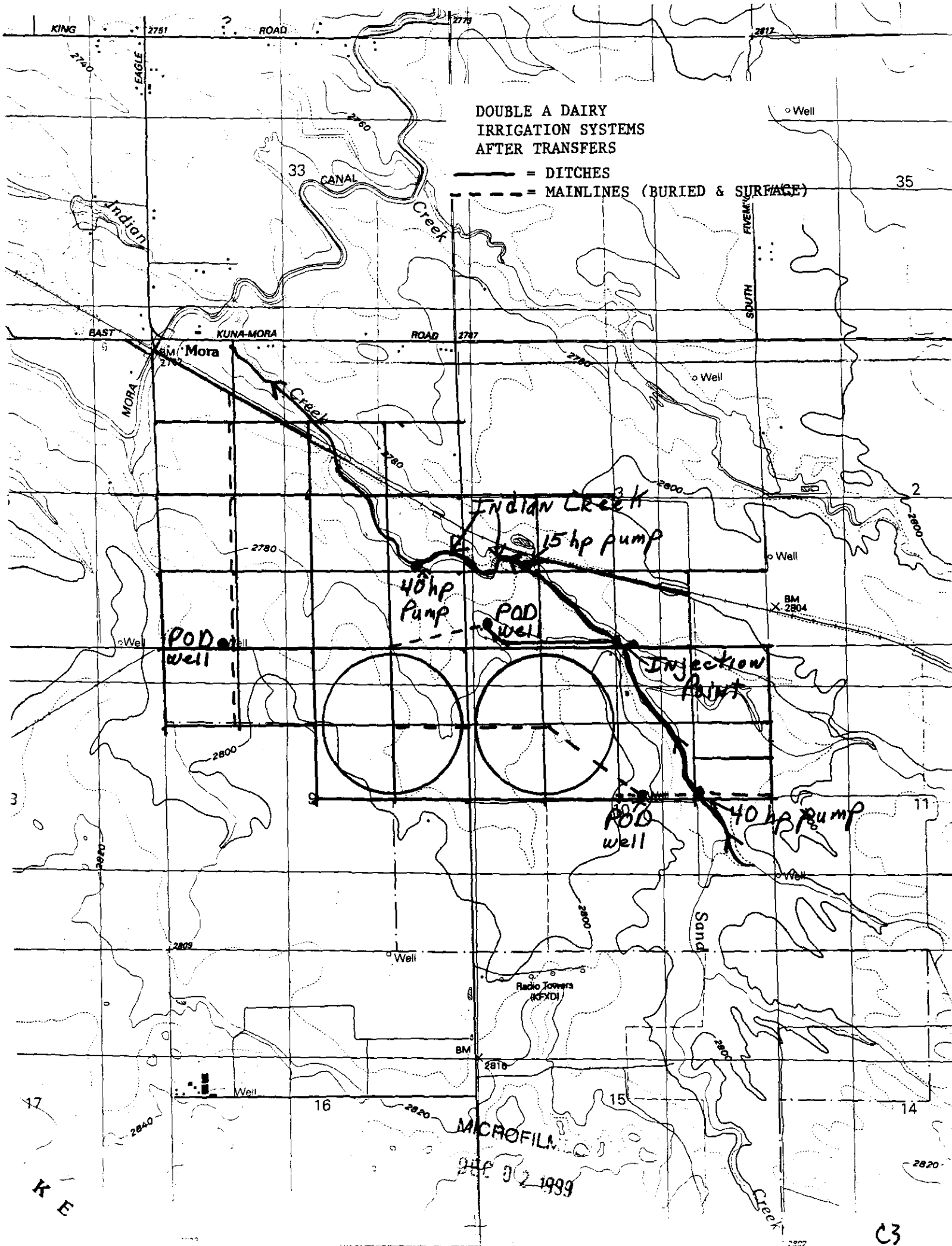
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ATTACHED

F12





MICROFILM
286 02 1999



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 30, 1999

DOUBLE A DAIRY
17220 CLOVERDALE RD
KUNA ID 83634

RE: TRANSFERS OF WATER RIGHTS 63-03219C/63-03337E/63-07388
(Transfer 5207)
63-02966/63-03219A/63-03337D
(Transfer 5206)

Dear Water Right Holder(s):

Enclosed are the copies of your approved Transfers of Water Rights for the above referenced water rights (Transfers 5207 & 5206). Please be sure to thoroughly read the Conditions and Remarks listed on the transfers. Also, please be advised that the accompanying transfer approvals should be considered and treated as **preliminary orders** 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 transfers.

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,

Jeff Peppersack, Manager
Water Right Permits Sections

JP:klt

Enclosures

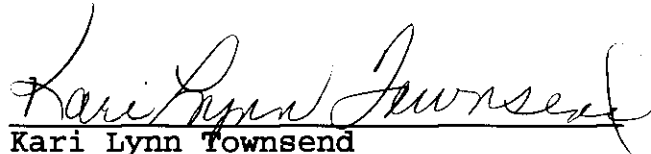
MICROFILMED
DEC 02 1999

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of November, 1999 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFERS OF WATER RIGHTS 63-03219C/63-03337E/63-07388
(Transfer 5207)
63-02966/63-03219A/63-03337D
(Transfer 5206)

DOUBLE A DAIRY
17220 CLOVERDALE RD
KUNA ID 83634


Kari Lynn Townsend
Secretary

MICROFILMED
DEC 02 1999

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

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

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

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Files 63-02966, 63-03219, 63-03337A & B, 63-03577, 63-04630 & 63-07388

FROM: Pam Skaggs/^{CS}State Office

SUBJECT: Transfers 5204, 5205, 5206 & 5207

DATE: July 8, 1999

These four transfers were filed and processed together to represent the proposed change from gravity to sprinkler systems on the applicant's property. A review of all rights by region SRBA and water allocation staff found a total of 942 acres irrigated by groundwater, 181 of which can also be irrigated from surface water diverted from Indian Creek.

The four transfer applications apportion the rights to provide for the three proposed parcels of irrigated lands under the new system. The 181 acres identified under Transfer 5204 overlaps the 245 acres identified under Transfer 5207.

Transfer 5204/181 Acres: Subject to conditions of Final Order, non-confirmation of claimed right and combined right limits with rights under Transfer 5207 on the same land.

Transfer 5205/364 Acres: Condition of Final Order not to approve points of injection & redirection from Sand Creek, permissible place of use limits, combined right limits and the portion of Right 63-03337A no longer valid.

Transfer 5206/333 Acres: Permissible place of use limits and combined right limits.

Transfer 5207/245 Acres: Measuring devices for points of injection & redirection from Indian Creek, permissible place of use limits and combined right limits with Right 63-04630 under Transfer 5204 on 181 acres of the same land.

Common Conditions under all Transfers: Irrigation overlap, future measuring and annual reporting and standard transfer conditions.

MICROFILMED
DEC 02 1999

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5206

Date Reviewed 07-07-99

Right(s) 63-02966 _____
63-03219 _____
63-03337B _____

☒ WRQ/Split Summary ☒ SRBA Status ☒ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
 F:Change Period of Use G:Other H:Change P/D & Add P/D
 I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership SRBA - Quitclaim deed & region review

Transfer ☒ 63-02966 All of Right ☒ 63-03219 + 63-03337B Portion of Right
 Resulting Split(s) 63-03219A + 63-03337D
63-03219A 4.10 cts 325 acres 1462.5 ac
63-03337D .15 cts 8 acres 36.0 ac
63-02966 1.60 cts 100 acres 456.0 ac
 5.85 cts (333 acres) 1498.5 ac

Check Transfer Against Recorded Right Season/Vol. D/4.5

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

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

(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion
 per SRBA review

(3) Allow standard season 3-15 to 11-15
 (5) Standard volume = 4.5 ac/acre VIB < VDR all rts.
 (7) Change P/D under 63-02966 + 63-03337D
 (8) Change P/U - 333 Acres P/U

Existing Well

Transfer Remarks W35 - 333 acres/1498.5 ac/5.85 cts
P/P/U each rt.
 Conditions DIM, R65, T07, T08, T09

Database/Processing Notes Standard ☒ Non-Standard ☐
 I files each split - Original 63-03219 + 63-03337B already cleared under T5005.
 Edit remarks T 63-02966 when approved.
 "T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒
 Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

11-30-99 28

WR0749NP
No. T63-02966

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/07/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DOUBLE A DAIRY 17220 CLOVERDALE RD KUNA ID 83634 (208) 362-4649	11/05/1953	IRRIGATION	03/15 11/15	1.600 CFS	450.00 AFA
TOTAL DIVERSION:					1.600 CFS	450.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R01E S04 SUSW ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
01N	01E	4	:					02	19	40	36			40	40	39	39			255.0
01N	01E	9	:					39	39											78.0
TOTAL ACRES																			333.0	

Pou County: ADA

Conditions of Approval:

- 01N - After specific notification by the department, the right holder
- shall install a suitable measuring device or shall enter into an
- agreement with the department to determine the amount of water
- diverted from power records and shall annually report the
- information to the department.
- R65 - 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.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.
- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

Remarks: GEN Right 63-02966 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
Right 63-03219A is limited to the irrigation of 325.0 acres in the place of use described above in a single irrigation season.
Right 63-03337D is limited to the irrigation of 8.0 acres in the place of use described above in a single irrigation season.
Rights 63-02966, 63-03219A and 63-03337D when combined shall not exceed a total diversion rate of 5.85 cfs, a total annual maximum diversion volume of 1498.5 af at the field headgate, and the irrigation of 333.0 acres.

*Recommended
Conditions
Initial review.
7-7-99
RB*

*Edit Remarks
when approved*

WR0749NP
No. T63-02966

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/07/99
PAGE: 2

=====
Dates: App. Received: Priority Date: 11/05/1953
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 07/07/1999 User-ID: PSKAGGS Subject: TRANSFER 5206
Transfer 5206 changes the point of diversion & place of use under
a portion of Rights 63-03219 (Part A) & 63-03337B (Part D), and
all of Right 63-02966.

Audit: 07/07/99 PSKAGGS

WR0749NP
No. T63-03219A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/07/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DOUBLE A DAIRY 17220 CLOVERDALE RD KUNA ID 83634 (208) 362-4649	01/16/1961	IRRIGATION	03/15 11/15	4.100 CFS	1462.50 AFA
TOTAL DIVERSION:					4.100 CFS	1462.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R01E S04 SWSW ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01N	01E	4	:					02	19	40	36	40	40	39	39					255.0
01N	01E	9	:					39	39											78.0
TOTAL ACRES																			333.0	

Pou County: ADA

Conditions of Approval:

- 01M - After specific notification by the department, the right holder - shall install a suitable measuring device or shall enter into an - agreement with the department to determine the amount of water - diverted from power records and shall annually report the - information to the department.
- R65 - 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.
- T07 - The right holder shall accomplish the change authorized by this - transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this - transfer is cause for the Director to rescind approval of the - transfer.
- T09 - Approval of this transfer does not preclude the opportunity for - review of the validity of the water right(s) in the ongoing - Snake River Basin Adjudication.

Remarks: GEN Right 63-03219A is limited to the irrigation of 325.0 acres in the place of use described above in a single irrigation season. Rights 63-02966, 63-03219A and 63-03337D when combined shall not exceed a total diversion rate of 5.85 cfs, a total annual maximum diversion volume of 1498.5 af at the field headgate, and the irrigation of 333.0 acres.

Dates: App. Received: Priority Date: 01/16/1961
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

WR0749NP
No. T63-03219A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/07/99
PAGE: 2

=====
Comments: Date: 07/07/1999 User-ID: PSKAGGS Subject: TRANSFER 5206
Transfer 5206 changes the point of diversion & place of use under
a portion of Rights 63-03219 (Part A) & 63-03337B (Part D), and
all of Right 63-02966.

Audit: 07/07/99 PSKAGGS 07/07/99 PSKAGGS

WR0749NP
No. T63-03337D

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/07/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DOUBLE A DAIRY 17220 CLOVERDALE RD KUNA ID 83634 (208) 362-4649	06/04/1963	IRRIGATION	03/15 11/15	0.150 CFS	36.00 AFA
TOTAL DIVERSION:					0.150 CFS	36.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R01E S04 SWSW ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01N	01E	4	:					02	19	40	36	40	40	39	39					255.0
01N	01E	9	:					39	39											78.0
																			TOTAL ACRES	333.0

Pou County: ADA

Conditions of Approval:

- 01M - After specific notification by the department, the right holder
 - shall install a suitable measuring device or shall enter into an
 - agreement with the department to determine the amount of water
 - diverted from power records and shall annually report the
 - information to the department.
- R65 - 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.
- T07 - The right holder shall accomplish the change authorized by this
 - transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
 - transfer is cause for the Director to rescind approval of the
 - transfer.
- T09 - Approval of this transfer does not preclude the opportunity for
 - review of the validity of the water right(s) in the ongoing
 - Snake River Basin Adjudication.

Remarks: GEN Right 63-03337D is limited to the irrigation of 8.0 acres in the place of use described above in a single irrigation season. Rights 63-02966, 63-03219A and 63-03337D when combined shall not exceed a total diversion rate of 5.85 cfs, a total annual maximum diversion volume of 1498.5 af at the field headgate, and the irrigation of 333.0 acres.

Dates: App. Received: Priority Date: 06/04/1963
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/12/1979

Misc: Water District Number: Field Exam Fee:

WR0749NP
No. T63-03337D

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/07/99
PAGE: 2

=====

Comments: Date: 07/07/1999 User-ID: PSKAGGS Subject: TRANSFER 5206
Transfer 5206 changes the point of diversion & place of use under
a portion of Rights 63-03219 (Part A) & 63-03337B (Part D), and
all of Right 63-02966.

Audit: 07/07/99 PSKAGGS 07/07/99 PSKAGGS

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 07/07/99

TIME: 14:04:12

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
63-02966	WHEELER, N. E.	C	11/05/1953	L/	GROUNDWATER	IRR	WR
T63-02966	DOUBLE A DAIRY	C	11/05/1953	L/	GROUNDWATER	IRR	WR

A63-02966	DOUBLE A DAIRY	C	11/05/1953	L/	GROUNDWATER	IRR	AJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

APPLICANT Double A TRANSFER NO. 5206

INITIAL ALLOCATION REVIEW BY [Signature] DATE 2/10/98
SRBA SUPERVISOR REVIEW BY [Signature] DATE 2/11/98

1. Right number(s) 63-2966, 63-03219, 63-03337B

2. Type of right ☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☒ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

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:

☒ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☒ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: reduction
in acres + CFS

- i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): see 2/9/98 Memo
-
- j. ☒ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____
-
- k. ☒ Comment letters _____ Yes ☒ No
If yes _____ Water District # _____
_____ 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 _____, 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) See Pam Stagg's analysis.
4. By Gang Date 7/29/99

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? ☐ Yes *pam*
2. File forwarded to S.O.: by _____ date _____

SUPPLEMENTAL STAFF ANALYSIS SHEET

TRANSFER NO. 5206 WORDPERFECT FILENAME Double A

COPY FOR WATER RIGHT AND ADJUDICATION FILES:

GOAL: Enough information to make filing understandable in Region file for allocation & adjudication uses. Indicate items to be copied below.
Always include first four items.

<u>YES</u>	LEGAL NOTICE
<u>YES</u>	TRANSFER ANALYSIS SHEET (FORM 222a)
<u>YES</u>	TRANSFER APPLICATION INCLUDING MAP
<u>YES</u>	REVIEWER'S ANALYSIS MEMO DATED <u>2/9/98 + 12/11/97</u>
<u>/</u>	REVIEWER'S ADDITIONAL MAPS/DIAGRAMS <u>split trees</u>
<u>—</u>	REVIEWER'S ADDITIONAL COMPUTER REPORTS
<u>—</u>	OWNERSHIP VERIFICATION - <u>ALWAYS INCLUDE IF ANY QUESTIONS ABOUT OWNERSHIP ARE FOUND RE SRBA CLAIM (OWNERSHIP CHANGE, SPLITS, ODD SITUATIONS ETC.)</u>
<u>—</u>	OTHER ITEMS - LIST THESE BELOW OR ON BACK AS NEEDED

AVOID COPIES -

excess profile reports; oversized documents; numerous application attachments unless are clarifying maps, explanations etc.; easements & other agreements unless are essential to understanding the application.

COPIES TO BE MADE AFTER MANAGER'S REVIEW PRIOR TO FORWARDING FILE TO S.O.

DISCARD THIS FORM BEFORE FORWARDING FILE

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHTS, TRANSFER NOS. 5204, 5205**

Notice is given that **DOUBLE A DAIRY** of 17220 Cloverdale Rd, Kuna, ID 83634 has applied to the Department of Water Resources to change the points of diversion and places of use pursuant to I.C. § 42-222 for the following irrigation rights recorded as follows in T1N R1E, Ada County:

Groundwater Licenses:

63-03219	01/16/1961	6.5	SWSW S4
63-03337A	06/04/1963	.8	SWNE S10
63-03337B	06/04/1963	3.4	SWSW S3
63-03577	01/20/1967	3.4	SWNE S10

Indian Creek Statutory Claim:

63-04630	03/03/1966	6.0	SESE S4
----------	------------	-----	---------

Total amount is 14.1 cfs ground water and 6.0 cfs surface water to irrigate 908 acres in portions of S3, 4, 9, and 10.

PROPOSED CHANGE

Applicant proposes separate irrigation systems represented by the following two transfers:

TRANSFER #5204, Indian Creek, 63-04630 for 3.62 cfs to be diverted from NWSW S3 and NESE S4 and used for 181 acres in portions of S3 and 4.

TRANSFER #5205, all of 63-03337A, 63-03577, and portions of 63-03337B, 63-03219 for 6.42 cfs to be diverted from ground water then injected and rediverted from Sand Creek in SWNE S10 for 364 acres in portions of S9 and 10.

No increase in water or acres is requested. Snake River Basin Adjudication recommendations will reflect the results of this proposal.

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 on or before September 7, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman on August 20 and 27, 1998.

MICROFILMED
DEC 02 1999

The Idaho
Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

RECEIVED

APR 13 1998

WATER RESOURCES
WESTERN REGION

LEGAL ADVERTISING INVOICE

\$138.00

Account Number/Trans. #	Identification		
047628	NOTICE OF PROPOSED CHANGE OF WATER RIGHTS, TRANSFERS		
Ordered By	P.O. Number	Rate	Run Dates
SUE TAYLOR		TT	APRIL 2, 9, 1998
STATE OF IDAHO - WESTERN REGION DEPARTMENT OF WATER RESOURCES 2735 AIRPORT WAY BOISE, IDAHO 83705		Estimated Inches	Real Inches
		# Affidavits	Legal Number
		1	1040

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

consecutive weekly ☒ single
consecutive daily odd skip
insertion(s) beginning with the issue of
APRIL 2, 1998
and ending with the issue of
APRIL 9, 1998

Janice Hildreth

STATE OF IDAHO)
)
COUNTY OF ADA) ss.

On this 9TH day of APRIL in the year of
1998, 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.

Jan English
Notary Public for Idaho
Residing at:

My commission expires:

Boise, Idaho
MICROFILMED
02/28/98
DEC 02 1999

RECEIVED

APR 13 1998

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS, TRANSFERS

Notice is given that DOUBLE A DAIRY of 17220 Cloverdale Rd, Kuna, ID 83634 has applied to the Department of Water Resources to change points of diversion and places of use pursuant to I.C. 42-222 for the following irrigation rights recorded as follows in T1N R1E, Ada County:

	PRIORITY	CFS	POINT OF DIVERSION
Groundwater Licenses (3 wells Total):			
63-02966	11/05/1953	1.3	SWSW S3
63-03219	01/16/1961	6.5	SWSW S4
63-03337A	06/04/1963	.8	SWNE S10
63-03337B	06/04/1963	3.2	SWSW S3
63-03577	01/20/1967	3.4	SWNE S10
63-07388	01/21/1971	1.2	SWNE S10
Indian Creek Statutory Claim:			
63-04630	03/03/1966	4.72	SESE S4

Total amount is 16.7 cfs groundwater and 4.72 cfs surface water to irrigate 968 total acres in portions of S3, 4 and 10.

PROPOSED CHANGE

Applicant proposes to change from gravity irrigation to three separate sprinkler systems represented by the following 4 transfers:

TRANSFER #5204, Indian Creek, 63-04630 for 4.72 cfs to be diverted from and used for 236 acres in portions of S3, 4 and 10.

TRANSFER #5205, portions of 63-03219, 63-03337A, 63-03577, for 6.42 cfs to be diverted from ground water then injected and rediverted from Indian Creek in SWNE S10 for 364 acres in portions of S9 and 10.

TRANSFER #5206, portions of 63-02966, 63-03219, 63-03337B, for 5.8 cfs to be diverted from ground water in SWSW S4 for 333 acres in portions of S4 and 9.

TRANSFER #5207, portions of 63-03219, 63-03337B, 63-07388, for 4.22 cfs to be diverted from ground water then injected and rediverted from Indian Creek in SW1/4 S3 for 245 acres in portions of S3 and 4.

No increase in water or acres is requested. Snake River Basin Adjudication recommendations will reflect the results of this proposal.

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 per protested transfer on or before April 20, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. April 2, 9, 1998

1040

MICROFILMED

APR 13 1998

MEMO

DATE: 6/17/1998

FROM: Lori Graves

TO: File

RE: **DOUBLE A DAIRY TRANSFERS FOR 63-02966, 63-03219, 63-03337A,
63-03337B, 63-03577, 63-07388 AND 63-04630**

PURPOSE

The purpose of transfer no. 5205, 5206, and 5207 is to change from gravity irrigation to three separate ground water sprinkler systems. Transfer no. 5204 describes Indian Creek water used for gravity irrigation on some of the same acres as transfer no. 5207.

REFERENCE MAPS

Attachment C1 of each transfer shows the specific CFSA acres that specific transfer irrigates. Attachment C2 of each transfer shows the previous gravity ditch system used to irrigate all the acres before development. Attachment C3 of each transfer shows the sprinkler system and acres proposed for that specific transfer after development.

SPLIT TREES

The applicant filed the transfers based on Mel's field exam findings and recommendations for the current gravity system. Rather than using part 2B and C of the transfer forms, the applicant submitted Mel's split trees, which serve the same purpose of part 2, but in a different format. Pam may choose to alter or use the recommended splits.

OVERLAPS

Overlaps have been resolved with these transfers by grouping and apportioning the ground water rights licensed p/u relative to each separate system's location.

968 acres were originally covered by the six ground water licenses and the Indian Creek claim. Due to development, 942 acres are currently irrigated. Ground water can cover all 942 acres. Both ground water and Indian Creek water can be applied to 181 acres in sections 3 and 4.

Wastewater claim A63-18697 also overlapped several acres, but was disallowed in the SRBA.

INJECTION AND REDIVERSION POINTS

Ground water is injected and rediverted in section 10 for irrigation of property on the east side of Sand Creek. Applicant does not have rights to Sand Creek water (see xfer 5205, attachment C1).

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DEC 02 1999

Ground water is injected and rediverted in section 3 for irrigation of property on the east side of Indian Creek. Applicant has claim 63-04630 for Indian Creek water that can also be diverted at this point with the injected ground water.

ADVERTISING

The transfers were advertised together 4/2 and 4/9. The applicant then acknowledged that he had given Mel some false information. Mr. Anderson considered his rediversion point in SWNE S10 to be in Indian Creek when in reality it is in Sand Creek. The applicant does not have rights to Sand Creek. As a result, Transfers 5204 and 5205 were readvertised with the correct information and Mr. Anderson was informed that he could not use this point as an additional diversion for his Indian Creek water.

RECOMMENDATIONS

Condition xfer 5205 for rediversion of ground water only...applicant does not have any rights for Sand Creek water.

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DEC 02 1999

MEMORANDUM

To: Double A Dairy transfer applications dated 12/11/1997
From: Mel Schulte *MS*
Date: December 11, 1997
Re: Additional information and maps

The property relating to these transfers was field examined on August 7, 1995 as part of the SRBA claim review process. Part of the place of use at that time was in CRP and part was being actively farmed. Some of the fields had been recently burned by a wild fire that burned through the general area within a week of my field exam. There was no evidence to indicate forfeiture was an issue that needed to be addressed.

The irrigation systems indicated that both groundwater and surface water was applied by gravity flow. Some of the points of diversion and places of use were not the same as the original licenses but can be recognized as accomplished transfers.

The adjudication files contain several affidavits relating to the priority date for 63-04630 and the accomplished transfer issue mentioned above. The files also contain ASCS maps that describe the place of use for the entire farm, a description of the gravity irrigation system and a description of how each right relates to the place of use. Any of these affidavits or maps are available to copy.

The SRBA claim files also contain a copy of a Quit Claim Deed dated 3/31/1992 conveying the subject property to Double A Dairy and pumpback measurements for two Indian Creek pumps. These documents can also be copied as needed.

MTS

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DEC 02 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 25, 1998

IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavits of publication and publication billing to this office before **APRIL 20, 1998**.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Taylor
Senior Secretary

MICROFILMED

DEC 07 1993

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHTS, TRANSFERS**

Notice is given that **DOUBLE A DAIRY** of 17220 Cloverdale Rd, Kuna ID 83634 has applied to the Department of Water Resources to change points of diversion and places of use pursuant to I.C. § 42-222 for the following irrigation rights recorded as follows in T1N R1E, Ada County:

	PRIORITY	CFS	POINT OF DIVERSION
Groundwater Licenses (3 wells Total):			
63-02966	11/05/1953	1.6	SWSW S3
63-03219	01/16/1961	6.5	SWSW S4
63-03337A	06/04/1963	.8	SWNE S10
63-03337B	06/04/1963	3.2	SWSW S3
63-03577	01/20/1967	3.4	SWNE S10
63-07388	01/21/1971	1.2	SWNE S10

Indian Creek Statutory Claim:

63-04630	03/03/1966	4.72	SESE S4
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Total amount is 16.7 cfs groundwater and 4.72 cfs surface water to irrigate 968 total acres in portions of S3, 4 and 10.

PROPOSED CHANGE

Applicant proposes to change from gravity irrigation to three separate sprinkler systems represented by the following 4 transfers:

TRANSFER #5204, Indian Creek, 63-04630 for 4.72 cfs to be diverted from and used for 236 acres in portions of S3, 4 and 10.

TRANSFER #5205, portions of 63-03219, 63-03337A, 63-03577, for 6.42 cfs to be diverted from ground water then injected and rediverted from Indian Creek in SWNE S10 for 364 acres in portions of S9 and 10.

TRANSFER #5206, portions of 63-02966, 63-03219, 63-03337B, for 5.8 cfs to be diverted from ground water in SWSW S4 for 333 acres in portions of S4 and 9.

TRANSFER #5207, portions of 63-03219, 63-03337B, 63-07388, for 4.22 cfs to be diverted from ground water then injected and rediverted from Indian Creek in SW $\frac{1}{4}$ S3 for 245 acres in portions of S3 and 4.

No increase in water or acres is requested. Snake River Basin Adjudication recommendations will reflect the results of this proposal.

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 per protested transfer on or before April 20, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman on April 2 and 9, 1998.

MICROFILMED
DEC 02 1993

● **Connecticut Mutual Life** INSURANCE COMPANY, SINCE 1846

140 Garden Street, Hartford, Connecticut 06115 Tel: (203) 549-4111

Mortgages - Agricultural

Department of Reclamation

1974

February 13, 1974

AIR MAIL

Department of Reclamation
State of Idaho
Boise, Idaho

Re: Loan No. 95513-H, Weatherby Ranches

Gentlemen:

63-2966

This loan has been paid in full. Therefore, we wish to inform you that we are no longer interested in water permit numbers G24554, G29306, G31171, and G33430 as described in mortgage deed dated May 5, 1967, given by Weatherby Ranches, Inc.

Said mortgage was recorded in the Public Records of Ada County, in Book 413, page 679.

Sincerely,

Jean Wright

Jean Wright
Agricultural Investment Division

jw

cc: Ag-Land Mortgage Company



63 2966

March 11, 1959

Re: Permit No. G-24554

Mr. N. E. Wheeler
Route #2
Meridian, Idaho

Dear Mr. Wheeler:

We enclose Certificate of Completion of Works and
License and Certificate of Water Right issued on Permit
No. G-24554.

We also enclose departmental receipt No. G-3909
in the amount of \$13.00 covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

Chief Clerk

EPR:ew
Enc. 3

24554

Feb. 11, 1959

Re: Permit No. G-24554

Mr. N. E. Wheeler
Route #2
Meridian, Idaho

Dear Mr. Wheeler:

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-24554 shows the well is capable of conveying 80 miner's inches (1.6 c.f.s) of water for irrigation of 100 acres.

Upon receipt of the statutory fees of \$13.00, we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (\$8.00 - based on the rate of \$2.00 for each 40-acre subdivision) confirming the right with priority of November 5, 1953 to the use of 1.6 second feet of subterranean water with the point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, Twp. 1 N., Rge. 1 East, B. M. for the irrigation of 100 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Township 1 North, Range 1 East, B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

Chief Clerk

EPR:ew

24554

RT

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

Permit No. G-24554

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

1. Name of applicant N. E. Wheeler

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3

T. 1 North R. 1 East, B. M. County of Ada

4. Describe works as they exist, giving dimensions and capacities of same: well is on a ridge (high ground) no house no protection. Amarillo rt. to drive # 36234. Driven by Diesel Engine. Removed and stored for winter. 1700' x 12" d concrete pipe line extends across the forty acres to the west. Delivered to fields by gravity.

5. Water is used for: Irrigation and domestic purposes

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):

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3,; E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, all in Township 1 North, Range 1 East, 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: Much of info. Taken fr. Aerial photo 1957 flight.

Crops = corn and grain.

This place is on the edge of the desert straight south of Cloverdale Corner on Highway 30. Approx 12 miles.

No one along on inspection. Son was gone to cry an auction sale. Mr. Wheeler died recently.

This examination was made on the 4 day of February, 1959

G24554

(Signed) E. H. Humphrey Examiner.

N. E. Wheeler
Rt. # 2
Meridian, Idaho
Permit No. G-24554

Examination for... Completion of Works &
Beneficial Use Proof

County... Ada

3 - 1 N. - 1 E.

Q = 4.8 c.f.s.

S = well

P.D. = SW. SW., Sec. 3, T. 1 N. - R. 1 E.

Use = Irrigation & Domestic

Filed = Nov. 5, 1953

Due = Nov. 9, 1958

Hunt 57103

also filed on Indian Co. water as
of this date.

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
MAR 9 1959

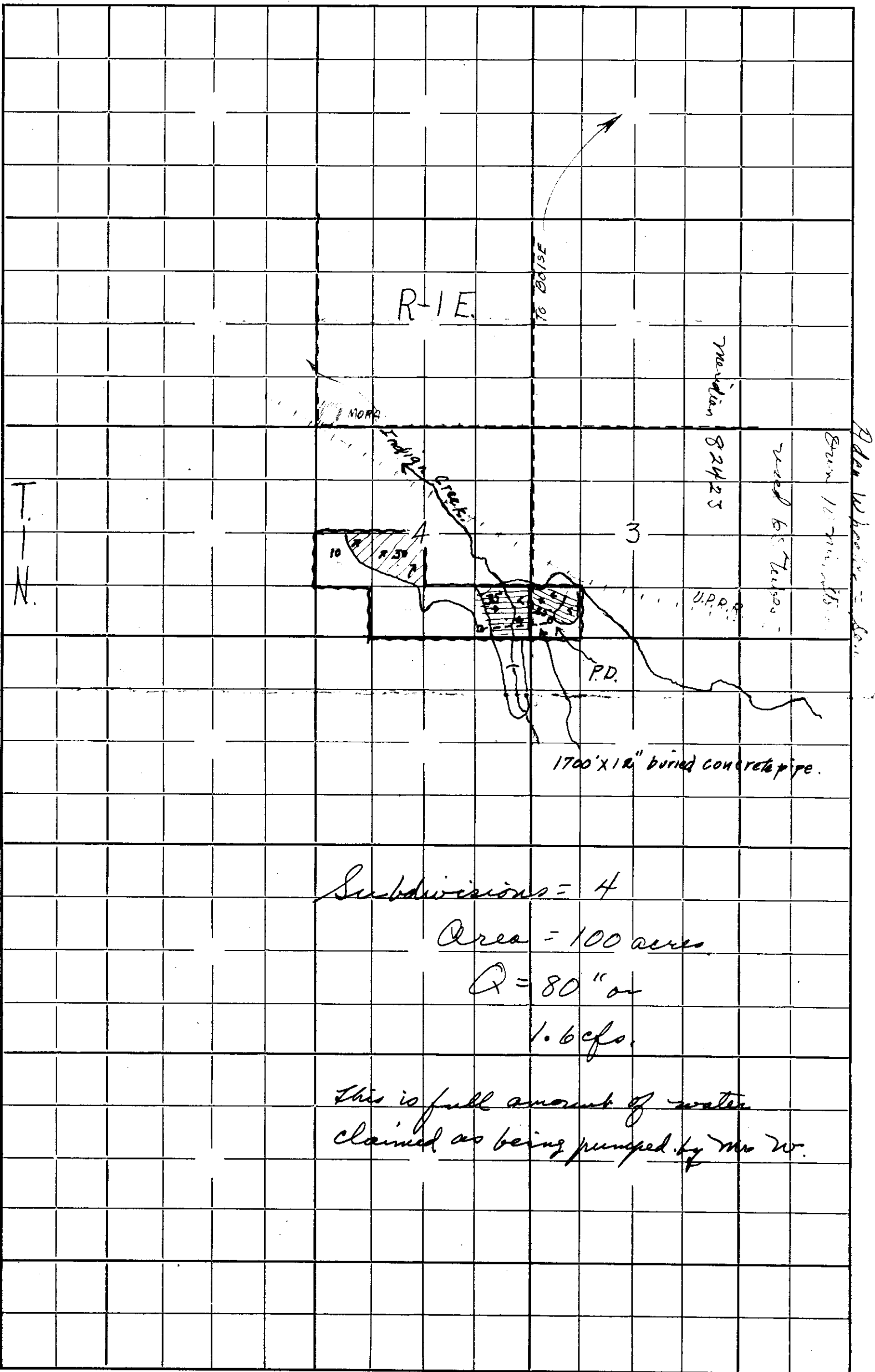
Department of Reclamation

Amarillo sp
Pump drive #36204

Ratio 1:1

Layne B. Turb

6" col. 6" del. to E.
into 3' conc. pipe on end.



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-24551

REPORT ON PROOF OF Completion of Works & Beneficial Use

N. E. Wheeler
Rt. # 2
Meridian, Idaho

November 28, 1958

Re: Permit No. G-24554

Mr. N. E. Wheeler
Rt. # 2
Meridian, Idaho

Dear Mr. Wheeler:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the Kuna Herald, all submitted in Proof of Completion of Works and Application of Water to Beneficial Use, on Permit No. G-24554.

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.

We are enclosing the statement of costs from the Kuna Herald, which you may require for your files.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Enclosure

624554

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JAN 12 1954
Department of Reclamation

Permit No. G-24554

Proof of Application of Water to Beneficial Use

Deposition of Holder and Completion of Works

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

Ans. N. E. Wheeler, Meridian, Route # 2, farmer.

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. _____

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

Ans. Permit # G-24554

11-9-53

11-5-53

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

Ans. Well, located in the center of $\frac{SW}{4}$ of the $\frac{SW}{4}$ of Section 3, Twp. 1 North Rg. 1 East. B.M.

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, 230 feet deep, 12 inch casing, 20 feet deep, It is 185 feet to water.

Pump will discharge 80 inches of water, which was ascertained by H.J. Woods well-driller. Well tester.

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. Water is used to irrigate $\frac{SE}{4}$ of Section 1 and $\frac{SW}{4}$ of the $\frac{SW}{4}$ of Section 3 and $\frac{N}{2}$ $\frac{SW}{4}$, $\frac{SE}{4}$ $\frac{SW}{4}$, $\frac{S}{2}$ $\frac{SE}{4}$, Section 4, all in Twp 1, North Rge. 1, East B. M.

APPROX. 240 acres

Land is cultivated.

The improvements made are cultivated and leveled the land and laid 1700 feet of 12 inch cement pipe line

R 24554

8

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

Ans. not used for other purposes

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

Ans. none

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. irrigation

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. _____

(Sign) N. E. Wheeler

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 Boise, Idaho, County of Ada, State of Idaho, on this 25th day of November, A. D. 1958.

Vera M. Fawcett

My commission expires June 1, 1960

824554

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

NOV 27 1958
Department of Reclamation

Permit No. G-24554

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. William D. Powers

Age 50, residing at 5702 Fairview. Real Estate Business, Boise, Idaho

Ques. 2. Are you acquainted with N. E. Wheeler, the holder of Permit No. G-24554? How long have you known him and where does he reside?

Ans. 20 years

Route # 2, Meridian, ten mile district.

Ques. 3. Have you read or heard read said Permit No. G-24554, 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. Well is the source of water supply, and is divided there and dispensed through open ditches and cement pipe line
(SW¹ SW² Sec. 3 TWP 1 N. Rge. 1 East B.M.)

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. 4.8 Cubic Feet per second

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. 80 inches
in the ditch

f 24554

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

200 acres Section 4, 40 acres section 3

(SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3 and N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 4 TWP. 1 North, Rge. 1 East
B. M.

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

Ans. irrigation only

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. The land is sandy loam soil, and requires approx. $\frac{1}{2}$ inch per acre.

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

Ans. Real estate agent

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. I have witnessed the planting, growing, irrigating and harvesting
of the crops on this piece of property.

(Signed)

William W. Towne

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 Boise, Idaho,
County of Ada, State of Idaho, on this 25th day of November,
A. D. 1958.

Clara M. Powers

Notary Public.

My commission expires June 4, 1960

f-24554

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

Department of Reclamation

Permit No. G-24554

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. Robert W. Hunter, Farmer

Age 40

Kuna, Idaho, General Delivery

Ques. 2. Are you acquainted with N. E. Wheeler, the holder of Permit No. G-24554? How long have you known him and where does he reside?

Ans. 10 years

Meridian, in the ten mile district

Ques. 3. Have you read or heard read said Permit No. G-24554, 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. The source of water is a well, the diversion place is at the well, and the water is conveyed by open ditches and cement pipeline. (SW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 3, Twp. 1 No. RGE. 1, East BM.)

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. 4.8 Cubic feet per second

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. 80 inches

in the ditch

G 24554

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 . 200 acres in Section 4 and 40 acres in Section 3
(SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3 and N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 4 all in Twp, 1 North Rge. 1 East B.M.)

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

Ans. irrigation solely

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. The soil is sandy loam soil, and its requirments is about $\frac{1}{2}$ inch per acre.

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. Hired by N. E. Wheeler to irrigate the land in question.

(Signed)

Robert W. Hunter

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 Boise, Idaho,

County of Ada, State of Idaho, on this 25 day of November,
A. D. 19 58.

Vera M. Powers
Notary Public.

My commission expires June 4, 1960

24554

Rec'd.
11/21/58

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

October 31, 1958

and ending with the issue dated

November 21, 1958

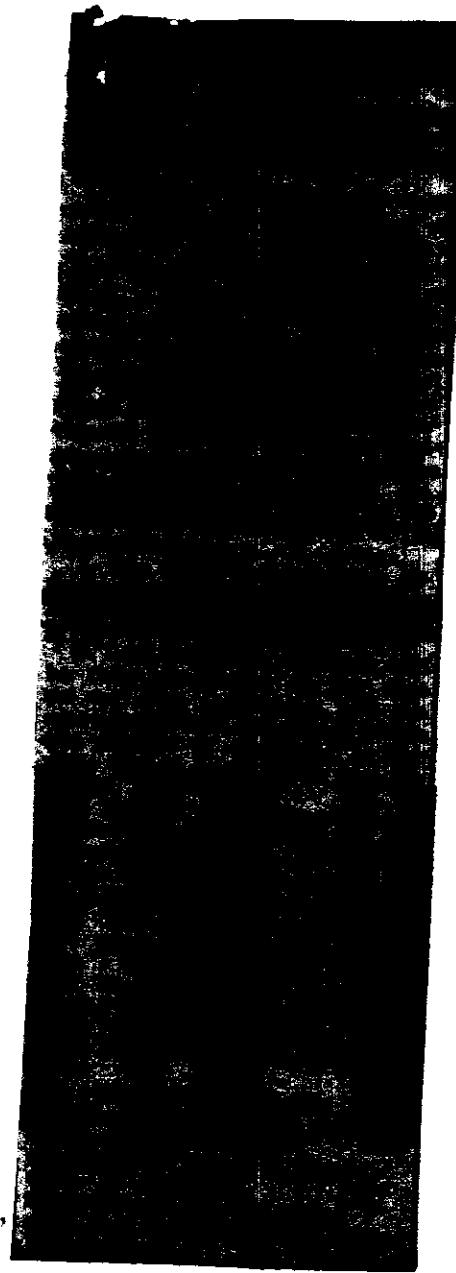
Clyde Cornell

Subscribed and sworn to before me

this 21st day of November 1958

H. H. Ward
Notary Public for Idaho.

Residing at Kuna, Idaho.



724554

October 23, 1958

Re: Permit No. G-24554
N. E. Wheeler

Vera Powers
Powers Realty
5702 Fairview
Boise, Idaho

Dear Madam:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use, under Permit No. G-24554, in the name of N. E. Wheeler. Final proof is to be made before you, as Notary, on the 25th day of November, at 1:00 P. M., at Powers Realty, 5702 Fairview, Boise, Idaho.

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.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. 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, that your Notary's seal has been placed on each and that all depositions (Holder and two witnesses) are being returned.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR/lw
Encls. (3)
cc: N. E. Wheeler

24554

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Boise, Idaho

Date: October 23, 1958

Re: Permit No. G-24554
N. E. Wheeler

Kuna Herald
Kuna, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to November 25, 1958 the date set for proof; the expense of the publication is to be paid by the applicant

N. E. Wheeler

of Rt. # 2, Meridian, 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. M. CARTER
State Reclamation Engineer
By

** 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.

G 24554

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

Notice is hereby given that 1:00P M., on the 25th day of November, 1958, at Boise, County of Ada, State of Idaho, before Vera Powers, Notary Public, at (address) Power Realty 5702 Fairview, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 4.8 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. 0-24554 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 N. E. Wheeler Rt. 2, Meridian, 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 4.8 cubic feet per second.

3. The use to which said water has been applied is Irrigation and domestic purposes, and the amount applied to beneficial use is 4.8 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, Twp. 1 No., Rge. 1 East, B. M.

5. The place where said water is used is SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 4, all in Twp. 1 North, Rge. 1 East, B. M.

6. The date of priority which said user is prepared to establish is November 5, 1953.

824554

GEO. N. CARTER
State Reclamation Engineer

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

Notice is hereby given that ^{at} 1.00 P.M., on the 3rd day of November,
19 58, at Boise, County of Ada, State of Idaho,
before _____, Notary Public, at (address) _____
_____, proof will be submitted of the completion
of works for the diversion of 4.8 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-24554 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 N. E. Wheeler, Route 2, Meridian, 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 con-
veying to the place of use is 4.8 cubic feet per second.

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

4. The point of diversion of said water is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3,
Twp. 1 North, Rge. 1 East, B. M.

5. The place where said water is used is SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3;
N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 4; All in Rwp. 1 North, Rge. 1 East, B. M.

6. The date of priority which said user is prepared to establish is
November 5, 1953.

GEO. N. CARTER

State Reclamation Engineer

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 1, 1958

(P. O.) Boise, 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.

M. E. Wheeler.

(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.

24554

*Land Department to
Notary, with copy to
applicant*

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

Notice is hereby given that ^{at} 1.00 P.M., on the 25 day of November,
1958, at Boise, County of Ada, State of Idaho,
before Vera Powers, Notary Public, at (address) Powers Realty
5702 Fairview, Boise, Idaho, proof will be submitted of the completion
of works for the diversion of 4.8 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-24554 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 N. E. Wheeler, Route 2, Meridian, 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 con-
veying to the place of use is 4.8 cubic feet per second.
3. The use to which said water has been applied is irrigation and domestic
purposes, and the amount applied to beneficial use is
4.8 cubic feet per second.
4. The point of diversion of said water is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3.
Twp. 1 North, Rge. 1 East, B. M.
5. The place where said water is used is SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3;
N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 4; All in Twp. 1 North, Rge. 1 East, B. M.
6. The date of priority which said user is prepared to establish is
November 5, 1953.

824554

GEO. N. CARTER

State Reclamation Engineer

October 23, 1958

Re: Permit No. G-24554

Mr. N. E. Wheeler
Route #2
Meridian, Idaho

Dear Mr. Wheeler:

Enclosed is the Application for Amendment to Permit No. G-24554 as approved by the State Reclamation Engineer and recorded in the Department of Reclamation in Book 87 of Permits at Page 24554 amending the points of diversion as described on record to read one point "SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, Township 1 North, Range 1 East, B.M." This amendment should now be attached to the original permit to which it refers and of which it becomes a part.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

24554

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-24554

Comes now N. E. Wheeler and
represents to the State Reclamation Engineer of the State of Idaho:

That he is (was) the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-24554.

That the point of diversion ~~is~~^{was} described in said permit as being located;
in S2'SW4 + SE'SE' Sec. 4 - Twp. 1 N. Rge. 1 E. B.M.

That he now requests that the point of diversion be changed to a point
located in SW4SW4 Sec. 3, Twp. 1 N. Rge. 1 E.

That the reason for desiring to make such change is as follows:

The latter is higher + better location -

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 15 day of October, 1958

N. E. Wheeler

Date of receipt at Department of Reclamation October 1, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-24554. This approval constitutes a new permit and is issued ~~as an amendment to the original permit~~, to which it refers and of which it becomes a ~~part~~ ^{to be approved only insofar as the} rights of others will not

Recorded in Book 87 of
Permits, at Page 24554
October 23, 1958

DEPARTMENT OF RECLAMATION

State Idaho

G-24554

GEO. N. CARTER

September 2, 1958

Re: Permits No. G-24554, G-24555 and G-24556

N. E. Wheeler
Route #2
Meridian, Idaho

Dear Mr. Wheeler:

Publication Notice of proofs may be combined in one Notice,
including all points of diversion and the land descriptions,
as irrigated, under terms of the permits.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls

P.S. If the Notice is combined to include proofs under three
permits, please furnish the original and three copies of
Form 36.

24554

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

BOISE

RE: Permit No. G-24554

Date September 2, 1958

N. E. Wheeler
Route #2
Meridian, Idaho

Dear Sir:

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-24554 are due not later than November 9, 1958.

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 above 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 or points of diversion; and the location of use or 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

Enclosures

S-24554

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

RE: Permit No. G-24554 (Well) SW⁴ SW⁴ Sec. 3 Date September 2, 1958

T. 1 N R. 1 E. B. 11

N. E. Wheeler
Route #2
Meridian, Idaho

land irrigated { SW¹/₄ SW⁴ Sec. 3
N² SW⁴ SE⁴ SW⁴ S¹/₂ SE⁴ - Sec. 4

Dear Sir:

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-24554 are due not later than November 9, 1958.

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 above 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 or points of diversion; and the location of use or 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

Enclosures

G-24554

October 17, 1956

Re: Permit No. G-24554
Newell E. Wheeler

U. S. Department of Agriculture
Farmers Home Administration
P. O. Box 2797
Boise, Idaho

ATTENTION: Mr. L. J. Bell

Dear Mr. Bell:

We acknowledge receipt of your letter regarding the Real Estate loan for Mr. Newell E. Wheeler on the land pertaining to the above captioned Permit.

The Permit has been noted as requested and the letter placed in the Permit jacket.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPK

24554

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

Box 2797
Boise, Idaho

RECEIVED
OCT 17 1956
Department of Reclamation

October 16, 1956

Mr. Mark Kulp
Commissioner of Reclamation
State of Idaho
State House
Boise, Idaho

Re: Newell E. Wheeler
Water Permit #G 24554

Dear Mr. Kulp:

Please be advised that Farmers Home Administration has made a loan of \$12000.00 to the above individual to drill an irrigation well, install a pump and motor and level the land suitable for surface irrigation and has taken a real estate mortgage for security on said land, and water right, when perfected, embraced in the above captioned Permit.

Will you please make a notation of the above transaction on your records, for future use, if necessary.

Sincerely yours,


L. J. Bell
County Supervisor

f 24554

November 12, 1953

RE: Permits Nos. G-24554, G-24555, & G-24556

Mr. N. E. Wheeler
Route 2
Meridian, Idaho

Dear Mr. Wheeler:

We enclose Permits Nos. G-24554, G-24555 & G-24556, and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. G-331 for the \$17.75 filing fees.

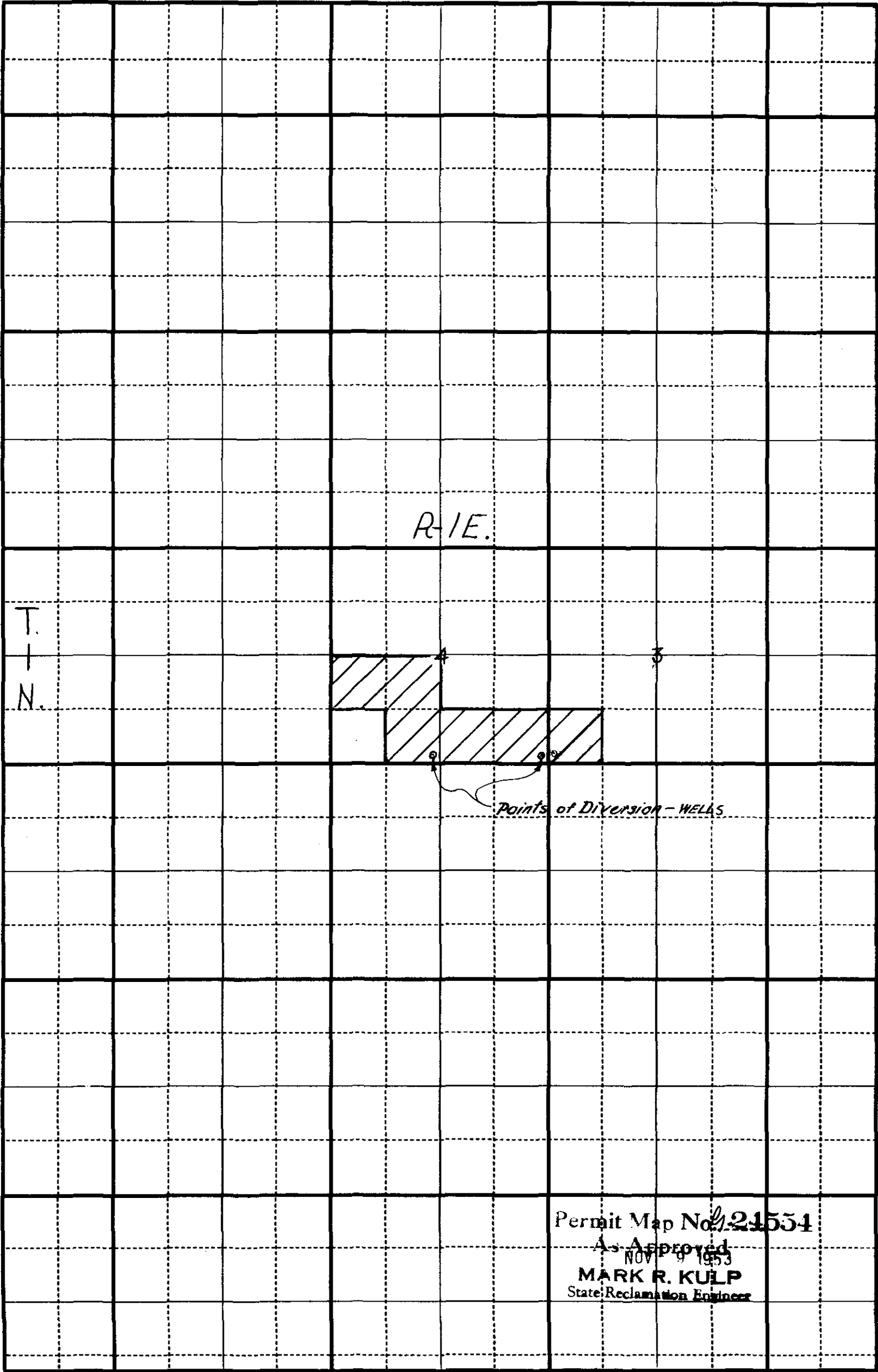
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/rc
Enc. 4

24554



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

Notice is hereby given that 1:00 P. M., on the 25th day of November, 1958, at Boise, County of Ada, State of Idaho, before Vera Powers, Notary Public, at Power Realty, 5702 Fairview, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 4.8 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-24554 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 N. E. Wheeler Rt. 2, Meridian 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 4.8 cubic feet per second.

3. The use to which said water has been applied is Irrigation and domestic purposes, and the amount applied to beneficial use is 4.8 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, Twp. 1 No., Rge. 1 East, B. M.

5. The place where said water used is SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, N $\frac{1}{4}$ W $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 4 in Twp. 1 North, Rge. 1 East, B. M.

6. The date of priority which said user is prepared to establish November 5, 1953.

CO. N. CARTER,
State Reclamation Engineer
At. 31; Nov. 7. 14. 21. 1958