

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90282**

This is to certify that: **BERT DE WINKLE**
3438 LYNWOOD RD
MELBA, ID 83641-5020

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-2824	WR/DECREED	7/24/1950	3.790 cfs	1682.5 af	N/A	358.9	GROUND WATER
63-3054	WR/DECREED	6/24/1955	2.300 cfs	1071.5 af	N/A	358.9	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-2824	NO	NO	NO	YES	NO	NO
63-3054	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-2824	63-2824	3.790 cfs	1682.5 af	N/A	358.9	N/A	N/A	N/A	N/A	N/A
63-3054	63-3054	2.300 cfs	1071.5 af	N/A	358.9	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.090 cfs	1723.8 af	N/A	358.9		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 14th day of May, 2026

SUPPORT DATA

IN FILE # 63-2824


SCOTT STORMS, Water Resources Supervisor

Transfer No. 90282

WATER RIGHT NO. 63-2824**As Modified by Transfer No. 90282**

In accordance with the approval of Transfer No. 90282, Water Right No. 63-2824 is now described as follows:

Right Holder: BERT DE WINKLE
3438 LYNWOOD RD
MELBA, ID 83641-5020

TRYNTJE DE WINKLE
DBA MOO RIAH DAIRY
3438 LYNWOOD
MELBA, ID 83641

Priority Date: 7/24/1950

Source: GROUND WATER

BENEFICIAL USE

	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	0.300 cfs	7.8 af
IRRIGATION	03/01	to 11/15	3.490 cfs	1615.1 af
STOCKWATER	01/01	to 12/31	0.300 cfs	59.6 af
			3.790 cfs	1682.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 16 Twp 01N Rge 02W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 01N Rge 02W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 01N Rge 02W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 01N Rge 02W CANYON County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02W	16			X				X	X	X	X	X	X	X	X	X		

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02W	16			40.0				30.0	40.0	40.0	16.9	35.0	39.0	39.0	40.0	39.0		358.9

POU Total Acres: 358.9

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02W	16										X							

Transfer No. 90282

WATER RIGHT NO. 63-2824
As Modified by Transfer No. 90282

CONDITIONS OF APPROVAL

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 dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
3. Rights 63-2824 and 63-3054 when combined shall not exceed a total diversion rate of 6.09 cfs and a total annual maximum diversion volume of 1723.8.
4. Right Nos. 63-2824 and 63-3054 when combined shall not exceed a total annual maximum diversion volume of 1615.1 AF at the field headgate for the irrigation of 358.9 acres.
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. Diversion of water from the additional well authorized under Transfer 90282 located in NWSW of Sec. 16, T01N, R02W shall not exceed a maximum diversion rate of 2.13 cfs.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-3054**As Modified by Transfer No. 90282**

In accordance with the approval of Transfer No. 90282, Water Right No. 63-3054 is now described as follows:

Right Holder: BERT DE WINKLE
3438 LYNWOOD RD
MELBA, ID 83641-5020

TRYNTJE DE WINKLE
DBA MOO RIAH DAIRY
3438 LYNWOOD
MELBA, ID 83641

Priority Date: 6/24/1955

Source: GROUND WATER

BENEFICIAL USE

	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	0.180 cfs	4.8 af
IRRIGATION	03/01	to 11/15	2.120 cfs	1030.2 af
STOCKWATER	01/01	to 12/31	0.180 cfs	36.5 af
			2.300 cfs	1071.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 16 Twp 01N Rge 02W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 01N Rge 02W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 01N Rge 02W CANYON County
GROUND WATER	NWSW	Sec 16 Twp 01N Rge 02W CANYON County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02W	16			X				X	X	X	X	X	X	X	X	X		

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02W	16			40.0				30.0	40.0	40.0	16.9	35.0	39.0	39.0	40.0	39.0		358.9

POU Total Acres: 358.9

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02W	16										X							

Transfer No. 90282

WATER RIGHT NO. 63-3054
As Modified by Transfer No. 90282

CONDITIONS OF APPROVAL

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. Diversion of water from the additional well authorized under Transfer 90282 located in NWSW of Sec. 16, T01N, R02W shall not exceed a maximum diversion rate of 2.13 cfs
3. Rights 63-2824 and 63-3054 when combined shall not exceed a total diversion rate of 6.09 cfs and a total annual maximum diversion volume of 1723.8.
4. Right Nos. 63-2824 and 63-3054 when combined shall not exceed a total annual maximum diversion volume of 1615.1 AF at the field headgate for the irrigation of 358.9 acres.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



May 14, 2026

BERT DE WINKLE
3438 LYNWOOD RD
MELBA ID 83641-5020

Re: Transfer No: 90282
Water Right No(s): 63-2824, 63-3054

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of

the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,

A handwritten signature in blue ink that reads "Marina Bozdog". The signature is written in a cursive style with a large initial 'M'.

Marina Bozdog
Technical Records Specialist 1

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2026, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 90282
Water Right No(s): 63-2824, 63-3054

BERT DE WINKLE
3438 LYNWOOD RD
MELBA ID 83641-5020

JUSTIN REECE (Representative)
3438 LYNWOOD RD
MELBA ID 83641-5020

RABO AGRIFINANCE LLC (Security Interest)
14767 NORTH OUTER 40 RD STE 400
CHESTERFIELD MO 63017-2003



Marina Bozdog
Technical Records Specialist 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

The accompanying document is a “**Preliminary Order**” issued by the Idaho Department of Water Resources (“Department”) pursuant to Idaho Code § 67-5243. **This preliminary order can and will become a final order without further action of the Department, unless a party petitions for reconsideration, petitions for review, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5243(3))

Any party may file a petition for reconsideration of this preliminary order with the Department within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer will issue a written order disposing of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

PETITION FOR REVIEW (EXCEPTIONS)

(See Idaho Code § 67-5245)

Within fourteen (14) days after: (a) the service date of this preliminary order, (b) the service date of a denial of a petition for reconsideration of this preliminary order, or (c) the failure of the presiding officer to dispose of a petition for reconsideration of this preliminary order within twenty-one (21) days, any party may petition the Director in writing to review any part of this preliminary order by filing exceptions, and any supporting brief, with the Department.¹ Any parties opposing the exceptions shall have fourteen (14) days from the service date of the exceptions to file a brief. If the Director determines that oral argument is necessary, the Director will provide reasonable notice to the parties of the place, date, and hour for the argument.

The Director will issue a final order on exceptions within fifty-six (56) days of receipt of the final written brief or oral argument, whichever is later, unless extended for good cause. The Director may remand the matter for or hold an evidentiary hearing if further factual development of the record is necessary before issuing a final order.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless the right to a hearing before the Director or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order,

¹ The Director may decide to review this preliminary order upon his own motion. Should the Director decide to do so, the Director will provide written notice to the parties within the period the parties are allowed to petition the Director for review of the preliminary order.

or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing. **Note: The request must be received by the Department within this fifteen (15) day period.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration, petition for review, or a request for hearing of this preliminary order shall be served on all other parties to the proceeding in accordance with Rules 53 and 202 of the Department's Rules of Procedure.

MEMORANDUM

TO: Transfer No. 90282
FROM: Scott Storms
DATE: May 13, 2026
RE: Evaluation of Application

Purpose of this transfer proposal is to add a new well as a point of diversion (POD) in the NWSW of Sec. 16, T01N, R02W. The new well would be limited to a maximum rate of 2.13 cfs.

Summary of Information Submitted

Authority to File:

The application was submitted and signed by Bert DeWinkle, who is the owner of record on all rights involved in the transfer. There are no concerns of authority to file.

Water Right Validity: The partial decree for water rights no(s). 63-2824 & 63-3054 were issued on 2/6/2009. These/the right(s) is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Injury to Other Water Rights:

Although the rights are located in the newly establishe South Lake Lowell moratorium area, these rights were established well before the issuance of the moratorium order and have been historically used to their full extent. The proposal would not increase the use of water, therefore no injury to other rights is anticipated.

Enlargement of Use:

The proposal would not increase the rate or volume of water diverted, nor increase the number of aces irrigated or the size of the dairy operations. Because of no enlargement of uise is anticipated.

Local Public Interest:

No impacts to recreational uses, or fish and wildlife are anticipated. The right is conditioned such that the right holder must comply with all related DEQ requirements. Therefore, there are no concerns related to the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

If approved the following changes should be made to the conditions of water right nos. 63-2824 & 63-3054:

Update C18 to T19, update 046 to current language, update o81 to R65, update E60 to X35. Remove C05 and old T08. Add condition 186 to restrict the new well to 2.13 cfs. Add standard transfer conditions T07 & T08.