



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

December 30, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CHARLES E BROCKWAY
BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST SUITE 4
TWIN FALLS ID 83301

RE: Permit Nos. 37-8813 & 37-8814 Field Examinations, Four Brothers Dairy

Dear Mr. Brockway,

The Department's Twin Falls office has routed the above mentioned permits to me to continue processing. Upon review of the field examinations and later revisions, I have several questions pertaining to both examinations that need addressed before moving forward with licensing.

Permit No. 37-8813: In the revised field report under herd information on page 1 of the Water Requirement and Consumptive Use Worksheet, 1350 dry cows, 150 other adult dry animals, 1650 heifers ages 5 months, and 550 heifers ages 15-18 months are given as the herd size to determine the stockwater acre-feet component. It is unclear in the field report as to whether this was the herd size at the time proof of beneficial use was filed. The proof of beneficial use lists 1000 dairy stock. The permit allows for a total of 950 dairy stock. Please provide further evidence as to the number of stock that was present when proof of beneficial use was filed in December of 1993.

As recommended by the SRBA, Right 37-22326 is for domestic and stockwater purposes appurtenant to the SESW of Section 9, T05S, R17E. Is this right used for the same herd as 37-8813? The amended claim, submitted in April of 2008, lists non-irrigation use of 1000 dairy heifers.

Permit No. 37-8814: In the revised field report under herd information on page 1 of the Water Requirement and Consumptive Use Worksheet, 1200 milking cows is given as a component of the stockwater acre-feet requirement. Similar to the question posed above regarding 37-8813, it is unclear as to whether this was the herd size at the time proof of beneficial use was filed in October of 1993. Please submit supporting evidence as to the number of stock that was present when proof of beneficial use was filed.

Right 37-10446 was decreed in 2002 for stockwater purposes within the same $\frac{1}{4}$ $\frac{1}{4}$ as the field report recommends 37-8814. Is this right used for the same herd of animals as 37-8814 or for an additional increment to the 1200 allowed under the 37-8814?

December 30, 2009

Page 2

If you have any questions regarding this letter, please call me at (208) 287-4949, or email me at nick.vandyke@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Van Dyke".

Nicholas Van Dyke
Water Resource Agent, Sr.

cc: Andrew Fitzgerald (Four Brothers Dairy)