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MAY 15 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

DEPT. OF WATER RESOURCES
SOUTHERN REGION

GENERAL INFORMATION

Permit No.: 37-8813

Phone No.: (208) 886-7716

1. Owner: North Valley Milk Inc

Current Address: 425 N. 250 W. Shoshone, Idaho 83352

2. Accompanied by: _____

Exam Date: _____

Address: _____

Phone No.: _____

Relationship to Permit Holder: _____

3. Source: Ground Water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

- 1. Point(s) of Diversion:**

[illegible]

- 2. Place(s) of Use:**

Indicate Method of Determination: Field/Aerial Verified

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ ditch size/ pipe i.d. as applicable.

See Attached Grid sheet

- ☐ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use *(required)*.
☒ Aerial photo attached *(required for irrigation of 10+ acres)*.
☒ Photo of diversion and system attached.

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Heifer Well	Stayright	5	30p4j02h	SUBMERSIBLE	?

(Information provided by Eaton Drilling)

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calibration

2. Measurements: Volume measurement w/calibrated 55 gallon drum/timed intervals

E. NARRATIVE / REMARKS / COMMENTS

See attached narrative

Have conditions of permit approval been met? ☒ Yes ☐ No

F. **FLOW CALCULATIONS**

☐ Additional Computation Sheets Attached

Measured Method: _____

G. **VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. **RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Stockwater</u>	<u>1/1</u>	<u>12/31</u>	<u>.13</u>	<u>39.2</u>
_____	—	—	—	—
_____	—	—	—	—
TOTALS:			_____	_____

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

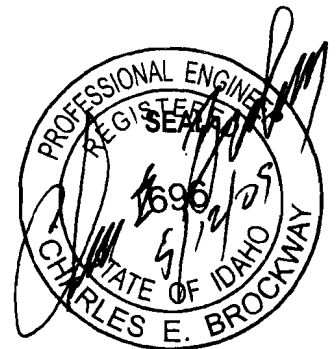
I. **AUTHENTICATION**

Field Examiner's Name: Charles E. Brockway

Date: 5/12/09

Reviewer: _____

Date: _____





**FOUR BROTHERS
PERMITS 37-8813, T. 05S., R. 17E.
NAIP 2006 AERIAL**

BROCKWAY ENGINEERING, PLLC.
ALR - May 4, 2009

Legend

● 37, 8813	Water_Lines_&_Corrals
□ t05s17e	Layer
■ 37, 8813,	— CORRALS
□ Sections	— water lines



**BENEFICIAL USE FIELD EXAM NARRATIVE
FOUR BROTHERS DAIRY INC.**

PERMIT 37-8813

BROCKWAY ENGINEERING, PLLC.

ALR – May 5, 2009

Permit 37-8813 has a 10/14/1983 priority date; Ground water Source (confirmed); & commercial use which is unconfirmed. The two ground water POD listed on permit in SWSW Sec. 09, T.05S., R.17E. are incorrect. The actual Point of Diversion is located in T. 05S., R. 17E. Section 9 SWSESW, (-114.449167, 42.997017). Place of Use in SWSW of Section 9 (confirmed), as well as additional use in SESW of Section 9; permits list stockwater use for 950 dairy cattle, on proof of beneficial use there list 1,000 head. Commercial use not found. This well is referred to by the applicant as the 'Heifer well'

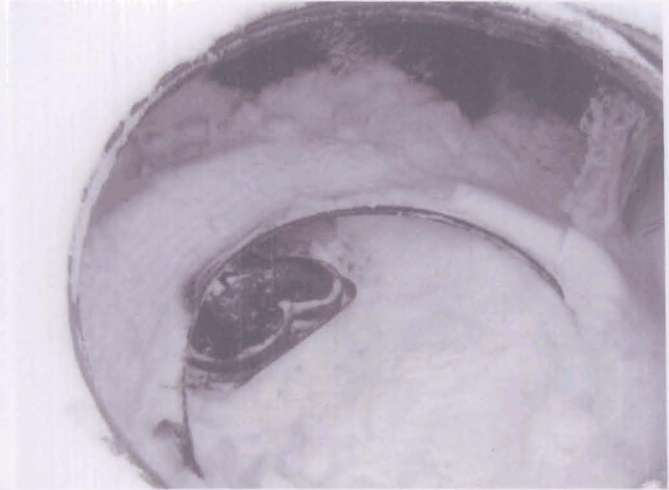
FIELD VISIT 12-23-2008

Charles E. Brockway & Amy Runser of Brockway Engineering PPC, as well as Mr. Andrew Fitzgerald where present at the December 23, 2008 field visit. The points of diversion are incorrectly described on the permit, the actual location of a single well is in the SWSESW Section 9 of T.05S., R.17E (see attached map and photos. The actual place of use for this permit is in the SWSW of section 9 as well as the SESW of Section 9, see attached map and photo. There is currently no flow meter in place at this well. The Well was GPSd & photographed during visit, see attached map & photos. The submersible pump in the well is reported to be a 5 hp pump as per the owner. The well is 8" diameter and 280 feet per day (see drillers log by Eaton drilling).

Piping at well is to tightly configured to use an acoustic flow meter such as the Fuji flow meter available to Brockway Engineering As a result a volume test was preformed to determine flow. On February 11, 2009 Erick Powell, & Amy Runser of Brockway Engineering, & Mr. Andrew Fitzgerald where on site to perform the volume test. A 55 gallon drum was calibrated on site with a calibrated 6 gallon bucket. Timed measurements where taken multiple times. The results are as follows:

Heifer Well produced 0.1458 CFS (65.61 gpm) 105.55 AFA

Brockway Engineering, PLLC.
Field Visit 12/23/2008
Four Brothers
Permit # 37-8813



Well House & Well head under tractor tire (Heifer Well)



Piping & pressure tanks inside well house

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

5/4/2009

WATER RIGHT NO. 37-8813

Owner Type	Name and Address
Current Owner	NORTH VALLEY MILK INC 425 N 250 W SHOSHONE, ID 83352 (208)886-7716
Original Owner	DELBERT KOHTZ 1135 VALLEY RD S EDEN, ID 83325 (208)825-5617

Priority Date: 10/14/1983

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	1/01	12/31	0.13 CFS	
COMMERCIAL	1/01	12/31	0.13 CFS	
Total Diversion			0.13 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSW	Sec. 09	Township 05S	Range 17E	LINCOLN County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER LINCOLN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05S	17E	9		SWSW										

Place of Use Legal Description: COMMERCIAL same as STOCKWATER

Conditions of Approval:

1.	026	Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
2.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3.		Two points of diversion are located within SWSW, S09, T05S, R17E. Stockwater use is for 950 dairy cattle. Commercial use is for dairy.
4.	46B	The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.

Dates:

Proof Due Date: 10/01/1993

Proof Made Date: 12/17/1993

Approved Date: 09/21/1990

Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Application Received Date: 06/29/1983

Protest Deadline Date:

Number of Protests: 0

Field Exam Date::

Date Sent to State Off:

Date Received at State Off:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Form 238-7
6/93 KC C

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter
or
Ball Point Pen

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1. DRILLING PERMIT NO. 37-93-S-0160-000
Other IDWR No. 37-08813

2. OWNER: North Valley Milk, Inc.
Name North Valley Milk, Inc.
Address 425 250 W
City Shashone State Id Zip 83752

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.


 T. 5 North ☐ or South ☒
 E. R. 17 East ☒ or West ☐
 Sec. 9 10 acres 1/4 SW 1/4 SW 1/4
 Gov't Lot _____ County Lincoln

Address of Well Site 180 4-Mile Rd Sheshone

(Give at least Direction + Distance to Road or Landmark)

Lot No. _____ Block No. _____ Subd. Name _____

4. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other Stock

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	19	300 lbs	

Was drive shoe seal tested? Y ☐ N ☒ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Coating	Liner	Steel	Plastic	Welded	Threaded
8	1	19	25			☒	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes _____

Top Packer or Headpipe _____ Bottom Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

☐ Screens Type _____ Material _____

From	To	Slot Size	Number	Diameter	Tape/Tube Size	Casting	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

10. WELL TESTS:

☐ Pump ☐ Bailer ☐ Department of Water Resources

Yield gal./min.	Drawdown	Pumping Depth	Time

Temperature of water - 85 Was a water analysis done? Yes ☐ No ☒

By whom?

Water Quality (odor, etc.)

Bottom Hole Temperature

11. STATIC WATER LEVEL:

192 ft. below surface Depth artesian flow found

Artesian pressure _____ lb. Describe access port Well Cap

Describe Controlling Devices:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM	SWL
10	0	4	Top Soil		
10	4	9	Br Lava		
10	9	11	Br Clay		
10	11	19	Gray Lava		
8	19	36	" "		
	36	39	Broken bl Lava		
	39	74	Bl Lava		
	74	76	Red + bl Cinders		
	76	157	Sl. Lava		
	157	162	Red Lava		
	162	187	Bl Lava		
	187	193	Cinders		
	193	195	Hard		
	195	197	Greysie		
	197	199	Broken		X
	199	216	Hard		X
	216	222	Broken		X
	222	246	Hard		
	246	252	Soft Broken (Sand)		X
	252	266	Hard		
	266	268	Soft		
	268	273	Soft Sand		X
	273	241	Hard		
	241	244	Broken		X
	244	280	Mud Hard		

NOV 11 1993
Department of Water Resources
San Antonio Field Office

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Date: Started 11-28-93 Completed 11-6-93

Date: Started 11-3-93 Completed 11-6-93

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Eaton Drilling Firm No. 26

Firm Official L. J. [Signature] Date 11-8-93

Supervisor or Operator David Lock Date 11-9-93

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

APPROVED

RECEIVED
STATE OF IDAHO
MAY 21 1993

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now North Valley Milk Inc.of (address) 425 N. 250 W., Shoshone, ID 83352, and represents to the

Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 36-082206, and requests that the permit and permit map be changed as follows:

1. Point of diversion: ^{2 points} SW ¼ SW ¼, Section 9, Township 5S, Range 19E, B.M.,
County of Lincoln. Other points of diversion: _____
(new wells to be drilled)

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 0.13 for Commercial purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre feet per annum)

Amount 0.13 for Stockwater purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Total: 0.13 cfs

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	19E	9											SC						

Total number of acres to be irrigated = _____

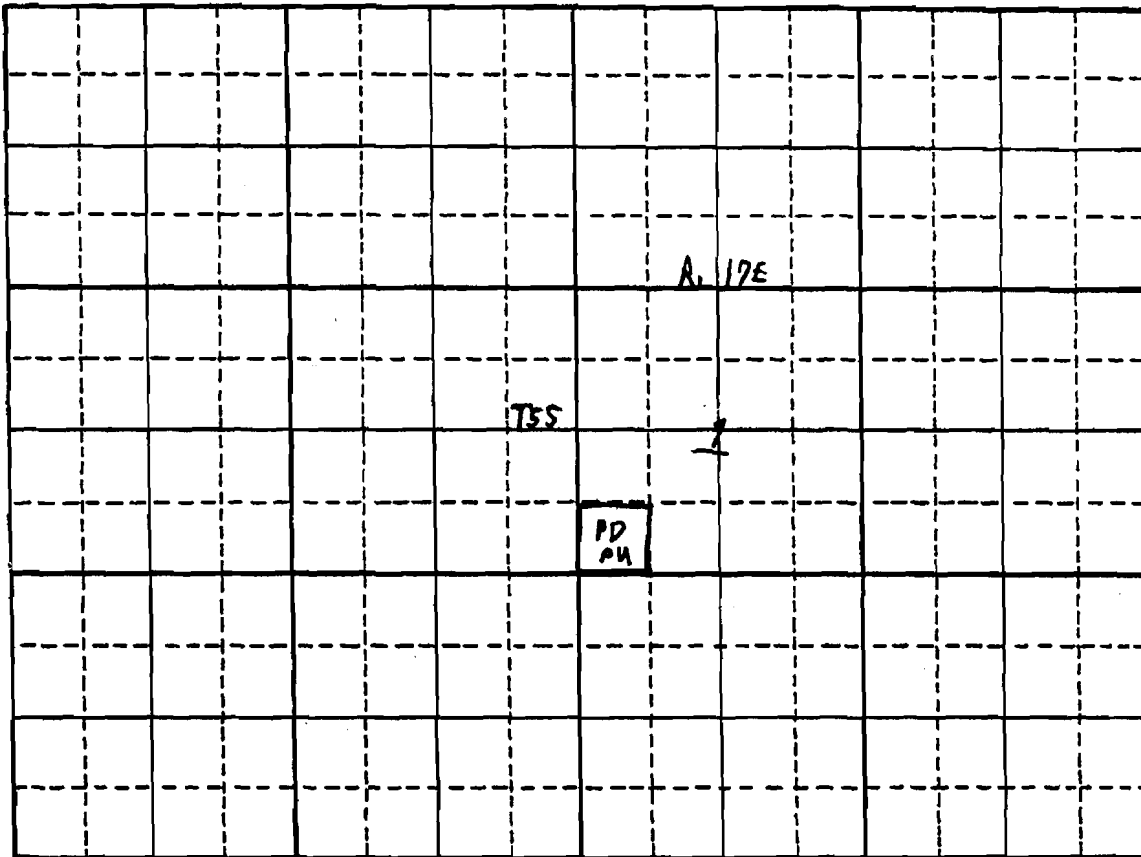
4. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or the place of use? "
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

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Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at FITZ GERALD HOME, this 25 day of FEB, 1993.

Andrew Fitzgerald Section
(Signature)

NORTH VALLEY MILK INC

FOR DEPARTMENT USE ONLY

Preliminary check by MTS Fee = \$20.00

Received by JS Date 2-26-93 5015423

Publication prepared by MB Date

Published in Lincoln Co Journal
North Side News

Publication dates 4/21 * 4/28/93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Director of the Department of Water Resources hereby
approve the above referenced application for amendment. See the
attached sheet for the conditions of approval.

Witness my hand this 12 day of

July

1993

L. Glen Saxton
Director

JAN 11 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PART 9

ASSIGNMENT OF ~~APPLICATION FOR~~ PERMIT

I, Delbert Kohle, hereby assign to North Valley Milk Inc.
of, 425 N. 250 W., Shoshone, ID 83352 886-7716
(Full Address)

All my right, title, and interest in and to Application for Permit
No. _____ to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
~~Application for Application for~~ Permit No. 36-08220A Part to appropriate the public
waters of the State of Idaho.

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

0.13 cfs appurtenant to 6.5 acres in Lot 1 (NW1/4 NW1/4) Sec. 18

T. 10S R. 20E. Point of diversion, place of use & nature of use to
be changed by amendment. Portion to be designated as 36-08220G.

Made this 24 day of Feb, 1998

Delbert Kohle
Applicant

State of Idaho)
County of Twin Falls ss

On this 24th day of February, ¹⁹⁹³~~1990~~, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

Mary G. Baldwin
Notary Public
Leanding Id

seal

My commission expires: 10/16/1998

JAN 11 1994

database updated 7/1/93 cs.