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OCT 01 2008

Should questions arise during the processing of this application please contact:
Steve Hannula - ERO Resources Corp. (208) 373-7983

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

Telephone is for Moore
Smith Buxton & Turcke
c/o Bruce Smith

I, Van Ess Dairy LLC hereby assign to P & L Doornenbal Dairy LLP

of, 13146 Galloway Road, Caldwell, ID 83605

(208) 331-1800

(Full Address)

(Phone)

All my right, title, and interest in and to Application for Permit No. 63-12519 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 Permit No. _____ to appropriate the public waters of the State of Idaho.

(Describe portion of the application for permit 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.)

Made this 26 day of September, 20 08.

Harry Coan
Permit Holder(s)

State of Idaho)
County of O'Brien) SS

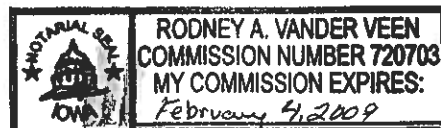
On this 26th day of September, 20 08, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Rod Vander Veen 5879 200th St
Notary Public residing at

SEAL

Sibley Ia 51249

My commission expires: February 4, 2009



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UCL 01 2008

FORM 202 10/07

WATER RESOURCES
WESTERN REGION

Ident. No. _____

AMENDED 63-12519

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant Van Ess Dairy LLC Phone (208) 585-3288
Mailing address 26956 Cemetery Road, Middleton, ID 83644 Email _____

2. Source of water supply Ground Water which is a tributary of N/A

3. Location of point of diversion is Township T5N Range R3W Sec. 23 in the _____ ¼,
SE ¼, SE ¼, Govt. Lot _____ B.M., Canyon County;
additional points of diversion if any: Total of 3 wells in the SE SE Section 23 T5N, R3W, Canyon County

4. Water will be used for the following purposes:

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

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

Amount 0.1 cfs for Domestic 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)

5. Total quantity to be appropriated is (a) 1 cfs and/or (b) _____
Cubic feet per second acre feet per year

6. Proposed diverting works: - See Remarks

a. Describe type and size of devices used to divert water from the source _____

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85° F being sought? N/A

e. If well is already drilled, when? See Remarks; Drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity if kW. _____

b. Stockwatering; list number and kind of livestock. 1000 dairy cows

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. One house

e. Other; describe fully. Commercial for dairy operations

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	3W	23																S/ C/ D	

Total number of acres to be irrigated: N/A

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

63-21476, Some landscape irrigation

- Who owns the property at the point of diversion? P&L Doornenbal Dairy LLP
- Who owns the land to be irrigated or place of use? P&L Doornenbal Dairy LLP
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: This amended application for permit is assigned to the P&L Doornenbal Dairy LLP in accordance with the sales documents and agreement between the VanEsses and the Doornenbal Trust.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above, attach additional pages if necessary. It was discovered that the existing water right at the 5 Star Dairy (63-21476) was recommended in the SRBA with an annual volume short of what is needed for operations. To resolve this issue, the Van Ess Dairy LLC desires to amend application for permit 63-12519 to move the place of use and point of diversion to the 5 Star Dairy. The amendment described here is to identify the facility at the 5 Star Dairy. In a separate document the application for permit will be assigned to the new owner. The 5 Star Dairy has 3 wells: one 6-inch domestic well drilled in 1978 to 105 feet deep under the name of Robert Whitmier; one 8-inch well is thought to have been drilled in 1979-80 when the dairy was built, but has no driller report available; a second 8-inch well was drilled in 1990 to 141 feet deep in the name of Hank Loman.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.) - See Attachment A

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

Harvey Van Ess
Signature of Applicant

HARVEY VAN ESS PRESIDENT
Print Name (and title, if applicable)

For Department Use:

Received by [Signature] Date 08.1.08 Time 11:16 Preliminary check by _____
 Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____
 Publication prepared by DB Date 11/13/2008 Published in PRESS TRIBUNE
 Publication approved _____ Date _____ Dates Published NOV. 20 & 27, 2008

see orig. →

Attachment A - Location Map of 5 Star Dairy Relative to the VanEss Dairy - for Amended Application for Permit 63-12519 - Canyon County



- Home Dairy
- 5 Star Dairy
- Townships
- Sections



FILED EFFECTIVE



STATEMENT OF QUALIFICATION OF LIMITED LIABILITY PARTNERSHIP

AUG 18 PM 4:48

(Instructions on back of application)

SECRETARY OF STATE

The undersigned elects to be a Limited Liability Partnership, and submits the following information to the Secretary of State pursuant to Idaho Code § 53-3-1001

1. The name of the limited liability partnership is: P & L DOORNENBAL DAIRY, LLP
2. If previously filed a statement of partnership, the name used in that statement is: _____
The date it was filed with the Idaho Secretary of State's Office was: _____
3. The street address of the limited liability partnership's chief executive office is:
13146 GALLOWAY ROAD, CALDWELL, IDAHO 83607
4. If the partnership does not have an office in the state of Idaho, the name and address of the registered agent is: _____
5. The mailing address for future correspondence is: ATTN: PETE DOORNENBAL
13146 GALLOWAY ROAD, CALDWELL, IDAHO 83607
6. The above-named partnership elects to be a limited liability partnership.
7. Future effective date (optional): _____

8. Signature of at least 2 partners:

1) Pete Doornenbal

Typed Name PETE DOORNENBAL

2) Lana Doornenbal

Typed Name SEE ATTACHED

3) _____

Typed Name SEE ATTACHED

Secretary of State use only

e:\top\msh\qualif.pds Revised 01/2001

Web Form

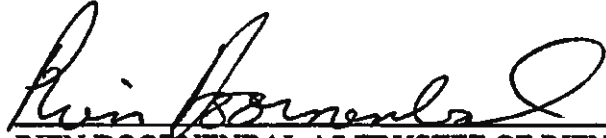
IDAHO SECRETARY OF STATE
08/19/2008 05:00
CK: 1010 CT: 226925 BH: 1132163
1 @ 100.00 = 100.00 QUALIF LLP # 2
1 @ 20.00 = 20.00 EXPEDITE C # 3

J1774

ATTACHMENT

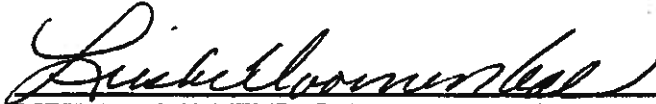
STATEMENT OF QUALIFICATION OF
LIMITED LIABILITY PARTNERSHIP

8.

A handwritten signature in black ink, appearing to read 'Rien Doornenbal', written over a horizontal line.

- 2) RIEN DOORNENBAL AS TRUSTEE OF RIEN AND
LIEKSE DOORNENBAL TRUST DATED DECEMBER 23, 2004

3)

A handwritten signature in black ink, appearing to read 'Liekse Doornenbal', written over a horizontal line.

- LIEKSE DOORNENBAL AS TRUSTEE OF RIEN AND
LIEKSE DOORNENBAL TRUST DATED DECEMBER 23, 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant VAN ESS DAIRY Phone 585-3288
Mailing address 26956 CEMETARY RD MIDDLETON 83644
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is Township 5N Range 2W Sec. 19, in the _____ 1/4, SW 1/4, NW 1/4, Govt. Lot #02 *, B.M., CANYON County; *
additional points of diversion if any: 5N 2W 19 NW NW (2 pts) LOT #1
4. Water will be used for the following purposes:
- | | | |
|-----------------------------------|--|------------------------|
| Amount <u>1.0</u> for <u>COMM</u> | purposes from <u>1/1</u> to <u>12/31</u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u>.10</u> for <u>DOM</u> | purposes from <u>1/1</u> to <u>12/31</u> | (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) | | |
| Amount _____ for _____ | purposes from _____ to _____ | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
5. Total quantity to be appropriated is (a) 1.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source 3 wells (2 existing, one proposed) pumps, pipes
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 1250 dry stock, 1250 milkers
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. 1250 milking cow dairy

Added LOT Number Per Review, DAN 5-6-99

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	2W	19						LT-1 C	LT-2 D										
								LT-1 D											

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. BLACK CANYON
SHARES (69 SHARES)

11. a. Who owns the property at the point of diversion? APPLICANT

b. Who owns the land to be irrigated or 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: _____

12. Remarks: Processing delayed pending Back 40% Reduction. *
COMMENTS DAN.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

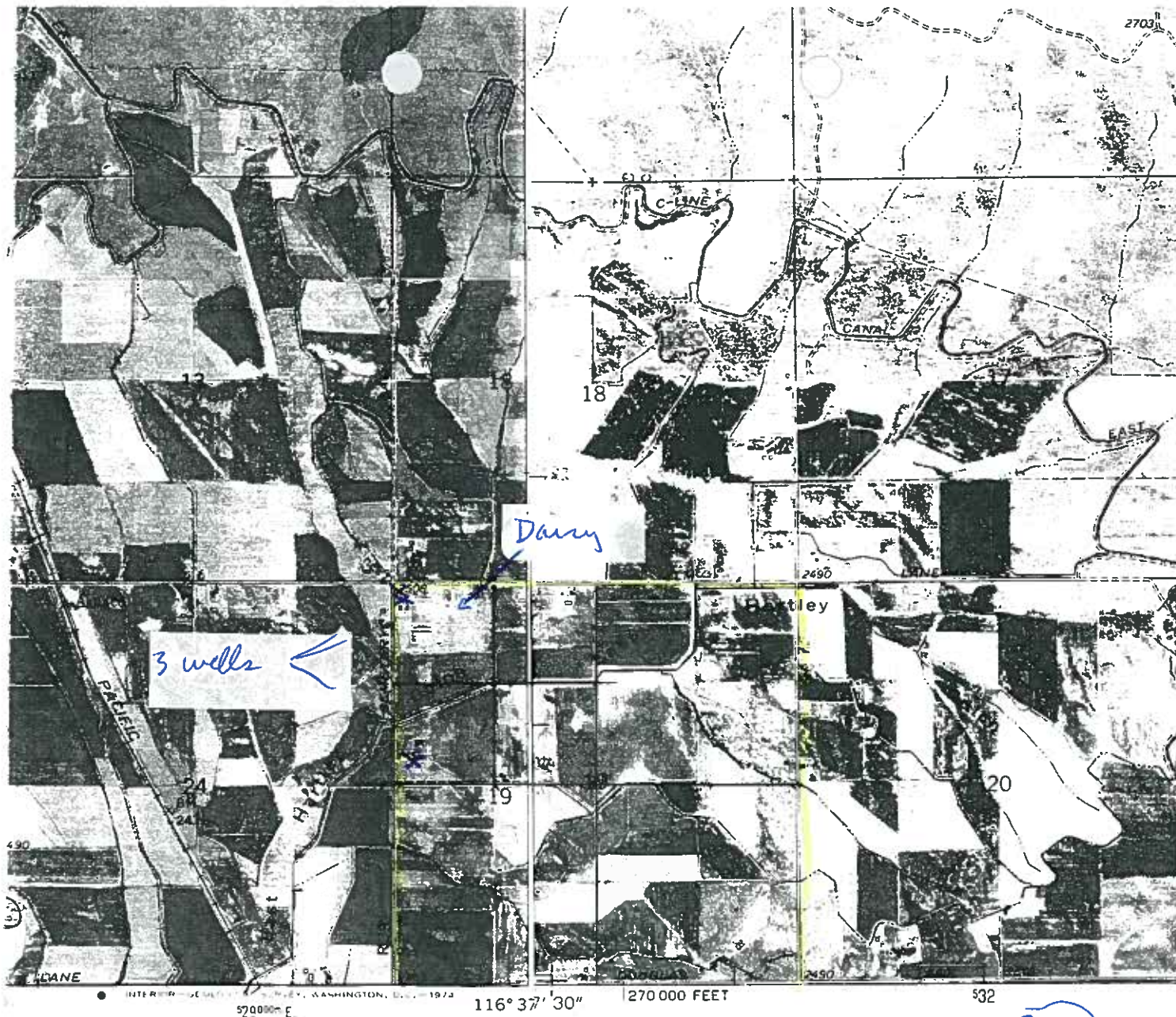
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Lisa Janess
PLANNING ENGR

Signature of Applicant (and title, if applicable)

Received by g Date 3/23/99 Time 10 AM Preliminary check by DAN
Fee \$ 100 Receipted by g # W024905 Date 3/23/99
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ADDED LOT NUMBERS PER GOVERNMENT PLAT MAP. COMMENT added
PER IDWA Standards, DAN 6-6.



ROAD CLASSIFICATION

Primary highway hard surface	—————	Light duty road, hard or improved surface
Secondary highway hard surface	- - - - -	Unimproved road
○ Interstate Route	○ U S Route	○ State Route

SAND HOLLOW, IDAHO
N4345-W11637.5/7.5
1970

Produced by the Geological Survey
Orthophotograph prepared from 1:80,000-scale aerial
photographs taken July 8, 1981
Projection and 10,000-foot grid ticks: Idaho
coordinate system, west zone
(Transverse Mercator)
1000-meter Universal Transverse Mercator grid, zone 11
1927 North American Datum
To place on the predicted North American Datum 1983 move
the projection lines 16 meters north and 78 meters east
as shown by dashed corner ticks
Photoimagery rectified by optical scanning
Where double or mismatched image occur use the
mean of image position for map point
Land lines from Southwest Emmett, Idaho
1:24,000-scale topographic map dated 1970
There may be discrepancies between positions on land lines
and photoimagery

T5N
R2W
Sec 19
W1/2 NW

This map has been prepared
under Idaho Code §42-1410, et seq.
River Basin Adjudication
responsibility is assumed
therein, particularly as to the
completeness or usefulness

THERE ARE GOV'T LOTS
~~THE~~ NW1/4 NW1/4 IS LOT #1
SW1/4, NW1/4 IS LOT #2

TOWNSHIP No 5 NORTH, RANGE No 2

DEPENDENT RESURVEY AND SUBDIVISION OF

N. 0° 05' E.									
9.965	20.00	20.00	20.05	20.05	S. 89°	35' W.	S. 89°	38' W.	S. 89°
19.95	4	3	2	1	19.88	20.01	20.01	20.02	20.05
19.98	20.00	20.00	20.04	20.04	29' W.	20.01	32' W.	20.01	19.81
19.99	20.00	20.00	20.035	20.035	20.01	20.02	20.00	20.00	20.05
20.00	20.00	20.00	20.02	20.02	32' W.	20.01	35' W.	20.00	20.05
20.00	20.00	20.00	20.00	20.00	43' W.	20.06	49' W.	20.06	20.05
20.02	20.00	20.00	19.99	19.99	45' W.	20.06	50' W.	20.05	20.05
20.03	20.00	20.00	19.98	19.98	46' W.	20.07	48' W.	20.06	19.97
20.04	20.00	20.00	19.97	19.97	44' W.	20.07	42' W.	20.08	20.05
20.06	20.005	20.005	19.96	19.96					

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: VAN ESS DAIRY
Address: 26956 CEMETARY RD
MIDDLETON ID 83644
208-585-3288
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: Lot 1(NWNW), Sec. 19, Township 05N, Range 02W
Lot 2(SWNW), Sec. 19, Township 05N, Range 02W
CANYON County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
COMMERCIAL	01/01	12/31	1.000		
DOMESTIC	01/01	12/31	0.100		
5. Total quantity to be appropriated is:
1.000 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
3 WELLS (2 EXISTING) PUMPS AND PIPES TO DAIRY
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).
8. Place of Use: COMMERCIAL

TWN RGE SEC
05N 02W 19 Lot 1(NWNW)

This is File COPY use ORIGINAL FOR PROCESSING

DAW 5-6-99

Place of Use: DOMESTIC

TWN RGE SEC
05N 02W 19 Lot 1(NWNW) Lot 2(SWNW)

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

10. Remarks:

11. Map of proposed point of diversion and place of use attached? []

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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 100.00 Receipted by _____ #W024905 Date 3/23/1999

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Ident. No. 63-12519

Comments: Date: 5/ 6/1999 User-ID: DNELSON

Subject: ADDITIONAL INFORMATION

Processing delayed pending backlog reduction. Application is for a dairy with 1250 milking cows and 1250 dry cows.

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, November 13, 2008 11:57 AM
To: legals@idahopress.com
Subject: Legal Notices
Attachments: Canyon County Ads - Cover Letter.RTF; 63-12519 Ad.RTF; 63-33084 Ad.RTF; 63-33086 Ad.RTF

Attached please find (3) legal notices being submitted for publication in the Press Tribune. Please contact me if you have any questions or are not able to run the ads on the dates listed.

Thank you,

Denise Buffington
Idaho Dept of Water Resources
Western Region

11/13/2008

November 13, 2008

Legal Notice Department
PRESS-TRIBUNE
PO BOX 9399
NAMPA ID 83652

RE: Application for Permit No. 63-12519, 63-33084 & 63-33086

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 12/08/2008. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-12519

P&L DOORNENBAL DAIRY LLP
13146 GALLOWAY RD
CALDWELL ID 83605

Point(s) of Diversion SESE S23 T05N R03W CANYON County Source GROUND WATER

Point(s) of Diversion SESE S23 T05N R03W CANYON County Source GROUND WATER

Point(s) of Diversion SESE S23 T05N R03W CANYON County Source GROUND WATER

Use: STOCKWATER 01/01 To 12/31 1 CFS

Use: COMMERCIAL 01/01 To 12/31 1 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 1 CFS

Date Filed: 03/23/1999

Place Of Use: COMMERCIAL

T05N R03W S23 SESE

Place Of Use: DOMESTIC SAME AS COMMERCIAL

Place Of Use: STOCKWATER SAME AS COMMERCIAL

Remark: Water bearing zone to be appropriated is from 136 to 141 feet.
3 points of Diversion (wells) in the SESE, Section 23, T05N, R03W
Commercial and Stockwater use is for a dairy

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/08/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on November 20th & 27th, 2008

Consultants
natural
resources and
the environment

Denver • Boise • Durango • Western Slope



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Boise, ID 83703
(208) 373-7983
Fax: (208) 373-7985
www.eroresources.com
eroboise@eroresources.com

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WATER RESOURCES
WESTERN REGION

**WELL INVENTORY AND
PUBLIC INTEREST ANALYSIS FOR
VAN ESS DAIRY
APPLICATION FOR PERMIT (63-12519)**

Prepared for—

Harvey and Lisa Van Ess
2996 Sorrel Ave
Sanborn, IA 51248

Prepared by—

ERO Resources Corporation
3314 Grace Street
Boise, Idaho 83713
(208) 373-7983

October 27, 2008

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FIGURES

- Figure 1. Location Map of 5 Star Dairy with Nearby Wells and Potential Drawdown Effects (Section 23 T5N, R3W, Canyon County)
- Figure 2. Hydrograph of Well 5N3W-12CCA1; total depth = 314 feet; 2 miles from applicant.
- Figure 3. Hydrograph of Well 5N3W-15DDC1; total depth = 152 feet; 1.5 miles from applicant.
- Figure 4. Hydrograph of Well 5N3W-19AAD1; total depth = 143 feet; 4 miles from applicant.
- Figure 5. Hydrograph of Well 5N3W-30AAD1; total depth = 180 feet; 4 miles from applicant.
- Figure 6. Step Drawdown Test – Paramount Well (Section 25 T4N, R1W Ada County)
- Figure 7. Jacob Straight Line Method – Paramount Well (Section 25 T4N, R1W, Ada County)

ATTACHMENTS

- Attachment A. 5 Star Dairy Well Log
- Attachment B. Paramount Subdivision Well Log and Step Drawdown Pump Test
- Attachment C. Grade A Raw Milk Permit for Doornenbal Dairy

**WELL INVENTORY AND
PUBLIC INTEREST ANALYSIS FOR
VAN ESS DAIRY
APPLICATION FOR PERMIT (63-12519)**

OCTOBER 27, 2008

1.0 Introduction

This report has been prepared in response to the October 2, 2008 letter from Idaho Department of Water Resources (IDWR) requesting additional information to support the amended application for permit 63-12519 (application) in the name of Van Ess Dairy LLC. Van Ess Dairy LLC assigned the amended application to the P&L Doornenbal Dairy LLP, in an agreement to provide water to the 5 Star Dairy located in the SE SE Section 23, T5N, R3W, Canyon County. This report will consider P&L Doornenbal Dairy LLP as the applicant. P&L Doornenbal Dairy LLP had the Idaho Department of Agriculture (IDA) inspect and permit the dairy operation in 2008. The 5-Star Dairy was renamed the Doornenbal Dairy by the applicant, but will be referred to as the 5-Star Dairy in this report to remain consistent with the Application for Permit.

One of the requested items is to evaluate the effects of the proposed diversion on the local aquifer and on neighboring wells. Also, because this application concerns a dairy, public interest criteria must be met and additional information is needed regarding communications with other state agencies.

2.0 Effects on Local Aquifer

To determine the potential impacts to the aquifer due to pumping, several efforts were made, including:

- Well Inventory
- Review of Statewide Monitoring Wells for water level data
- This analysis

These are described below.

2.1 Well Inventory

A well inventory was conducted by reviewing the 2004 and 2006 National Agriculture Imagery Program (NAIP) aerial photographs to identify the location of homes within ½-mile radius of the point of diversion. Approximately 20 wells not owned by the applicant are within a ½-mile radius of the 5 Star Dairy (Figure 1). The well inventory assumes that for each home identified in the aerial photograph, there is an associated domestic well. A review of the IDWR electronic database of well logs in the

area confirms that there are domestic wells within a ½-mile radius of the 5 Star Dairy; not all wells identified in Figure 1 had driller reports on file with IDWR.

All of the wells listed in the IDWR database that are within the ½-mile radius are 6-inch domestic wells. No irrigation wells were listed, which is expected because this area is irrigated by the Black Canyon Irrigation District. The domestic wells and the applicant's wells are generally less than 200 feet deep, with many less than 100 feet deep. The nearest well is less than 500 feet away from the applicant.

2.2 Statewide Monitoring Wells

IDWR maintains a database of ground water level information collected at monitoring wells throughout the state. There are several monitoring wells within a few miles of the 5 Star Dairy. Figures 2 through 5 show the hydrographs of the four closest monitoring wells. The monitoring well in Section 15 T5N, R3W (1.5 miles from applicant) shows about a 10 foot decline in the past 35 years. However, the other wells show no declines, suggesting that there may be a localized overdraft in Section 15. With no evidence of overdraft in the other monitoring wells, the decline observed in Section 15 is interpreted to be a localized trend and not representative of the general aquifer.

Stable ground water levels in the area indicate that the aquifer is capable of supporting existing diversions, and that there is sufficient supply for the additional appropriation requested in this application. This is consistent with the IDWR February 22, 2008 memorandum that provides instruction on the processing of applications to appropriate water in the Lower Boise River Basin.

2.3 Theis Analysis

A Theis analysis is used to estimate potential impacts due to pumping. A Theis analysis relates discharge and drawdown in unsteady state conditions with a factor for storativity. To estimate the impact resulting from the proposed use, drawdown at ¼-mile and ½-mile radius was calculated using the Theis analysis. The parameters discussed below are needed for the Theis analysis, including transmissivity, aquifer thickness, and storativity.

2.3.1 Specific Capacity and Transmissivity

There are no site specific aquifer testing data available to characterize the local aquifer. In the absence of site-specific data, aquifer characteristics from the lower Treasure Valley are used.

The City of Eagle conducted an aquifer test in 2006 using wells that are generally between 200 and 400 feet deep and centered in Section 11 T4N, R1W Ada County, which is approximately 12 miles east of the subject property. According to the report prepared by Holladay Engineering (Holladay, 2006), the average aquifer transmissivity was computed to be 1.87×10^4 ft²/day (139,886 gal/day/ft) and the average storativity is 5.31×10^{-3} (unitless). Because this aquifer test was conducted in wells greater than 200 feet deep, the results may be more indicative of the middle water bearing zone of the

Treasure Valley aquifer, whereas the shallow wells near the applicant's property are likely utilizing the shallowest portion of the aquifer.

A step drawdown test was conducted at the Paramount Subdivision well shortly after installation in 2006. This well is located in Section 25 T4N, R1W and is about 14 miles southeast from the subject property. The Paramount well has an open interval from 142 to 212 feet, which is closer to the depths associated with the wells surrounding the applicant's property (see Attachment B).

The test demonstrated that at a pumping rate of 360 gpm, the pumping well had a 24.4 foot drawdown from static conditions (see Figure 6). This is a specific capacity of 14.8 gpm/ft. Similarly, at a rate of 250 gpm, there was a drawdown of 14.5 feet, yielding a specific capacity of 17.2 gpm/ft (see Figure 6).

These drawdown data are not ideal for a drawdown analysis due to the short duration of the test. Nevertheless, they were plotted on a logarithmic scale and a Jacob's straight line analysis was made (Figure 7). Using the portion of the curve related to the pumping rate of 360 gpm, the drawdown per log cycle is 3.1 feet. Using Jacob's straight line method (Driscoll, 1989), the transmissivity was calculated to be 30,658 gpd/ft. Similarly, for the portion of the curve at 250 gpm, the drawdown per log cycle is 2.0 feet, corresponding to a transmissivity value of 30,000 gpd/ft.

Transmissivity can be also approximated from specific capacity using equation 1 (Driscoll, 1989):

$$T \text{ (ft}^2\text{/day)} = 0.134 * \text{Specific Capacity (gpm)} * 2000 \quad (1)$$

For a specific capacity of 14.8 gpm/ft, the transmissivity is estimated to be 3,966 ft²/day (29,669 gpd/ft), which is close to the transmissivity value determined from the Jacob straight line analysis.

For the following Theis analysis, a range of transmissivity values from 30,000 gpd/ft (4,010 ft²/day) to 139,886 gpd/ft (1.87×10^4 ft²/day) will be used because of the uncertainty.

2.3.2 Aquifer Thickness

One of the applicant's wells has a total depth of 141 feet and is an open pipe construction with no sand pack or screen. The other primary dairy well has an unknown construction. Without a specific open interval and filter pack, the actual contributing thickness of the aquifer is unknown. For modeling purposes, an aquifer thickness of 100 feet is used to correspond to the distance between the static water level and the bottom of the well (see well log in Attachment A).

2.3.3 Hydraulic Conductivity

Hydraulic conductivity is calculated from Transmissivity by equation 2:

$$K \text{ (ft/day)} = T \text{ (ft}^2\text{/day)} / \text{aquifer thickness (ft)} \quad (2)$$

Using the range of transmissivity values of 4,010 to 18,700 ft²/day, K is estimated to be between 40 and 187 ft/day (0.014 to 0.066 cm/sec). This K value is within the

textbook range for sands. For comparison purposes, this K value is within the range of the model parameter values used in the Treasure Valley Hydrologic Project that uses a range from 10 to 100 ft/day for the area near the subject property (Petrich, 2004).

2.3.4 Storativity

No site-specific aquifer storage data are available. The heterogeneous nature of the geology here will create a range of storage characteristics. Typical of the Lower Boise Valley, the well logs of the applicant's wells shows interbedded sands and clays. The presence of clays can create confined or partially confined aquifer conditions.

Because this Theis analysis is predicting impacts up to ½-mile away, average or representative values of storage is appropriate. Without site-specific data available, textbook values are the appropriate choice.

The value of storativity for confined aquifers is on the order of 0.005 or less (Fetter 1988). A storativity value 0.005 will be used to describe the storage of the confined to partially confined sands, gravels, and clays. This value is very similar to what was computed in the City of Eagle aquifer test (0.0053 unitless) (Holladay, 2006).

If the local aquifer were partially confined or unconfined, the storativity value would be larger and hence the predicted drawdown due to pumping would be less. Using the parameter value representative of confined systems generates a larger predicted drawdown and is therefore considered a more conservative prediction.

2.3.5 Method

The Theis analysis is used to predict the unsteady state drawdown at various radii from the pumping well. This method is valid for partially confined as well as unconfined systems, as long as the drawdown is not significant relative to the aquifer thickness, which would induce vertical flow.

The Theis analysis assumes steady pumping throughout the modeled timeframe, which does not reflect seasonal variations in use. The application seeks 1 cfs. The diversion rate of 1 cfs is not expected to be continuous for 365 days; rather, as listed in the dairy water requirements worksheet included with the application, the annual volume of water anticipated is 38 ac-ft. A continuous pumping rate of 0.06 cfs can generate 38 ac-ft per year.

The total time period modeled is one year (365 days) and the rate of pumping is 0.06 cfs. This assumption is for modeling purposes only and is not meant to be a condition of the permit.

The Theis Equation is as follows:

$$h_0 - h = \frac{Q}{4\pi T} W(u) \quad *60*60*24 \quad (3)$$

$$u = \frac{r^2 S}{4Tt} \quad (4)$$

where

Q = the constant pumping rate, 0.06 cfs

h = the hydraulic head at time t since pumping began, feet

h₀ = is the hydraulic head before the start of pumping, feet

r = the radial distance from the pumping well, 2,640 ft and 1,320 ft

T = the aquifer transmissivity, 4,010 to 18,700 ft²/day

t = time, 365 day

S = aquifer storativity, 0.005 unitless

W(u) = well function, unitless

2.3.6 Analysis Results

Using the assumptions and aquifer characteristics discussed above in the Theis equation, the predicted drawdown at ¼-mile and ½-mile radius from the proposed wells is 0.61 feet and 0.47 feet, respectively using the lower transmissivity value (4,010 ft²/day) as illustrated in Figure 1. The potential drawdown is 0.16 and 0.13 at ¼ and ½-mile radius, respectively using the higher transmissivity value (18,700 ft²/day).

3.0 Public Interest

Because the 5 Star Dairy is a permitted dairy and no expansions are planned with this new water appropriation, communications with Idaho Department of Environmental Quality (IDEQ) have not been needed. There are no reporting requirements to the IDEQ.

Because the ownership of the dairy has been transferred to the applicant, the Idaho Department of Agriculture (IDA) has conducted a site inspection in 2008 and has granted a permit in the name of the new owner/operator. A copy of the previous (5 Star Dairy) and the current permits are in Attachment C.

4.0 Conclusions

Based on the available hydrograph data maintained by IDWR's statewide monitoring program, the ground water levels are generally stable in the project area, but with notes that certain areas of the shallow aquifer have experienced small declines of approximately 10 feet in the past 35 years. ERO is not aware of supply inadequacies in this part of the aquifer.

A Theis analysis was conducted using representative aquifer characteristics and textbook values, which are consistent with pump tests conducted in the Treasure Valley. The results of the analysis show that the impacts to the ground water levels are potentially 0.61 feet at ¼-mile and 0.47 feet at ½-mile using conservative aquifer transmissivity and storativity values. The potential impacts are lower when a larger transmissivity value or a larger storativity value is considered. This modeling technique does not consider annual recharge, either natural or artificial. Because Black Canyon Irrigation District water is used in the area for irrigation purposes, infiltration of surface water is expected to mask the drawdown due to pumping.

The IDA had conducted a site inspection and has issued an operating permit in 2008 to the applicant to continue to operate the 5-Star Dairy (now Doornenbal Dairy LLP).

5.0 References

- Driscoll, F.G. 1989. Groundwater and Wells. 2nd edition. Johnson Filtration Systems Inc. St. Paul, MN.
- Fetter, C.W. 1988. Applied Hydrogeology, 2nd edition, Macmillan Publishing, NY.
- Holladay, 2006, City of Eagle, Idaho 7-Day Aquifer Test, report dated June 2006, Holladay Engineering Company, Payette, Idaho.
- Idaho Department of Water Resources. 2008. February 22, 2008 memorandum RE: Amended Application Processing No. 59.
- Petrich, C. 2004. Simulation of the Ground Water Flow in the Lower Boise River Basin. IWRRI 2004-02.
- Petrich, C. and S. Urban. 2004. Characterization of Ground Water Flow in the Lower Boise River Basin. IWRRI 2004-01.
- Kruseman, G.P., and N.A. deRidder, 1994, Analysis and Evaluation of Pumping Test Data, 2nd edition, International Institute for Land Reclamation and Improvement, Wageningen, Netherlands.

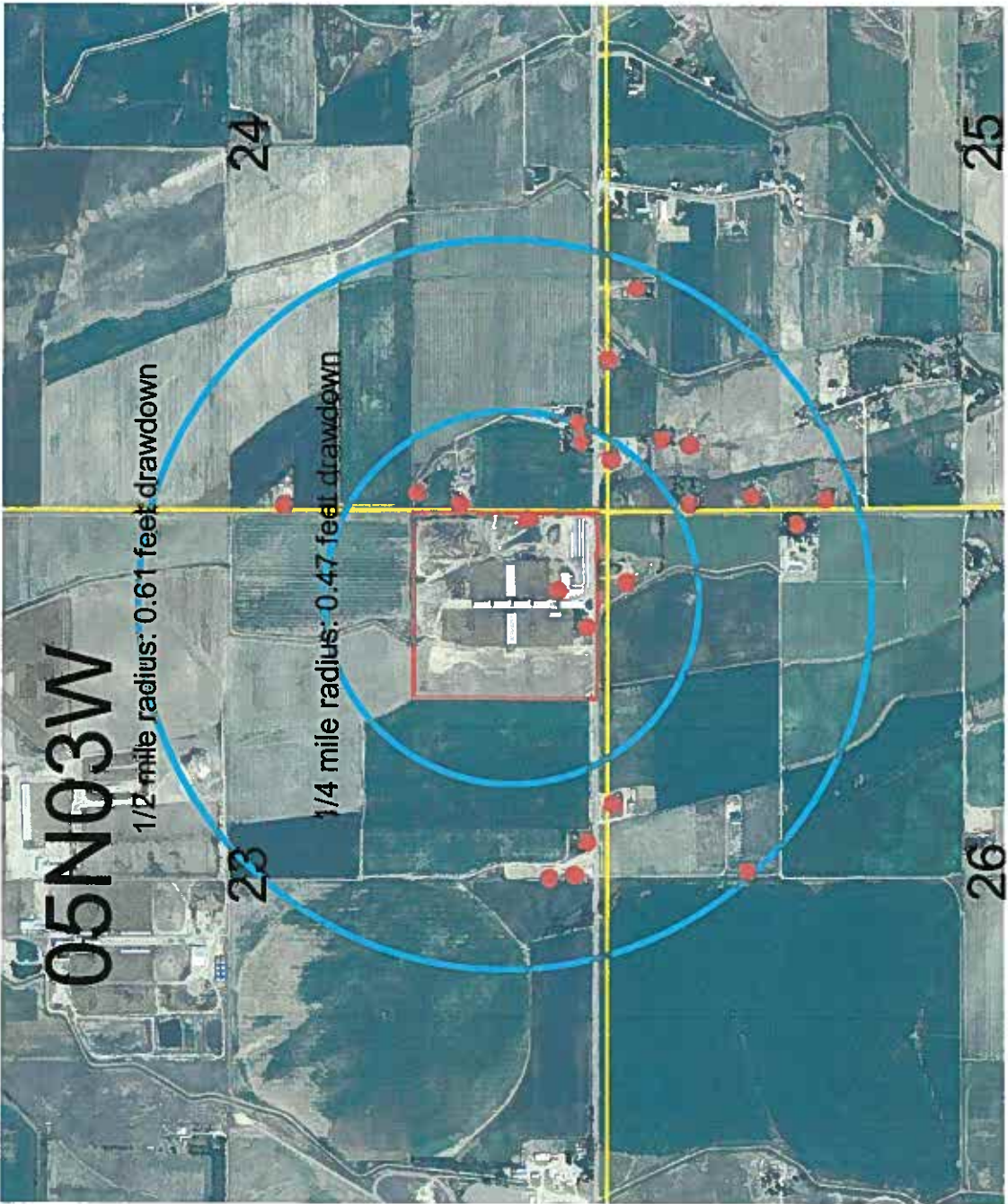
ATTACHMENTS

Attachment A. 5 Star Dairy Well Log

Attachment B. Paramount Subdivision Well Log and Step Drawdown Pump Test

Attachment C. Grade A Raw Milk Permit for Doornenbal Dairy

**Figure 1 Location Map of 5 Star Dairy with
Nearby Wells and Potential Drawdown Effects
(Section 23 T5N, R3W, Canyon County)**



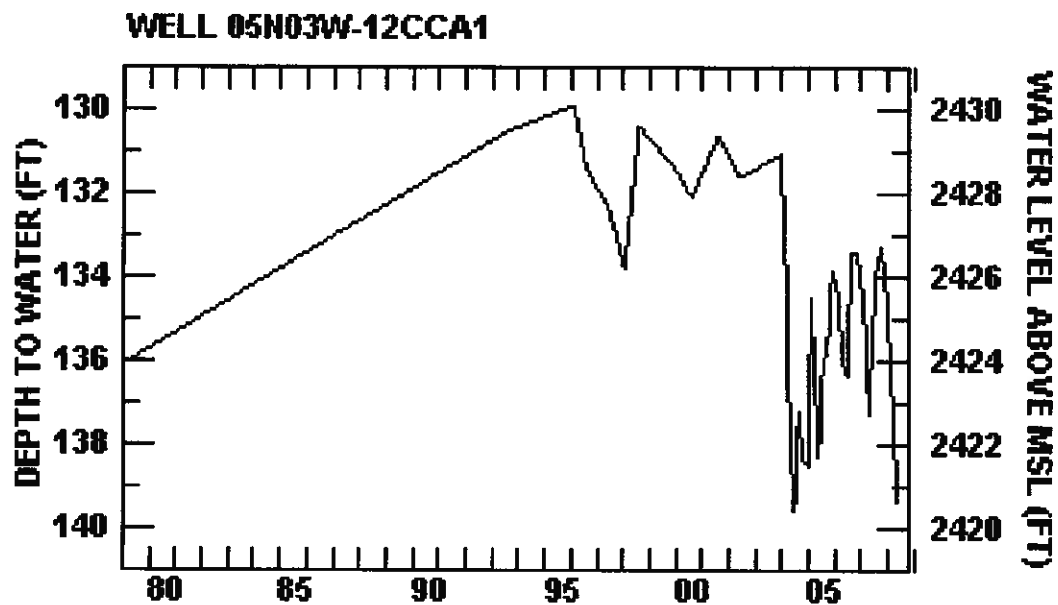


Figure 2. Hydrograph of Well 5N3W - 12 CCA-1; total depth = 314 feet;
2 miles from applicant

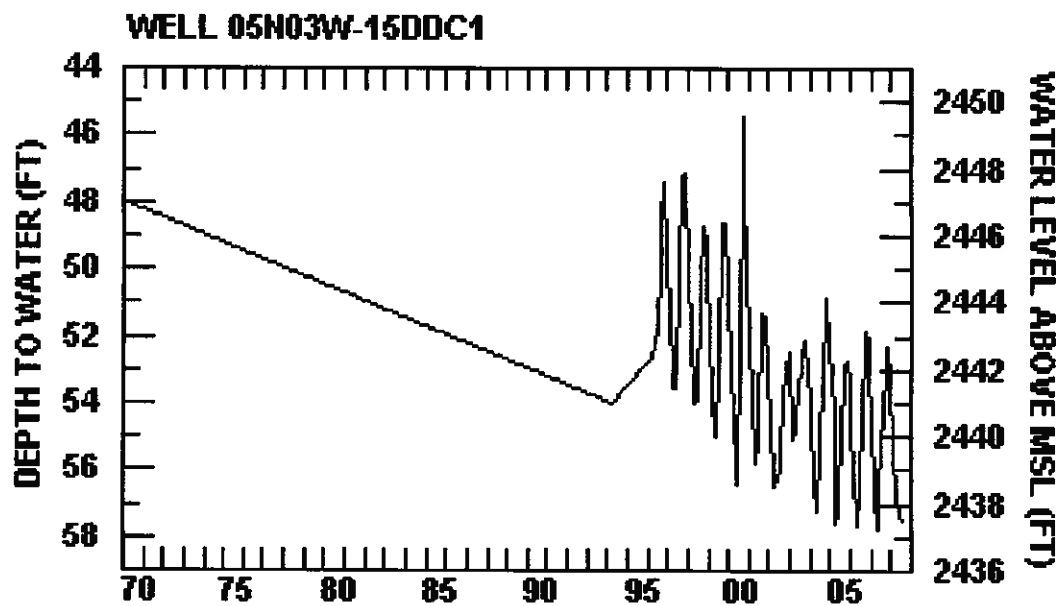


Figure 3. Hydrograph of Well 5N3W - 15DDC1; total depth = 152 feet
1.5 miles from applicant

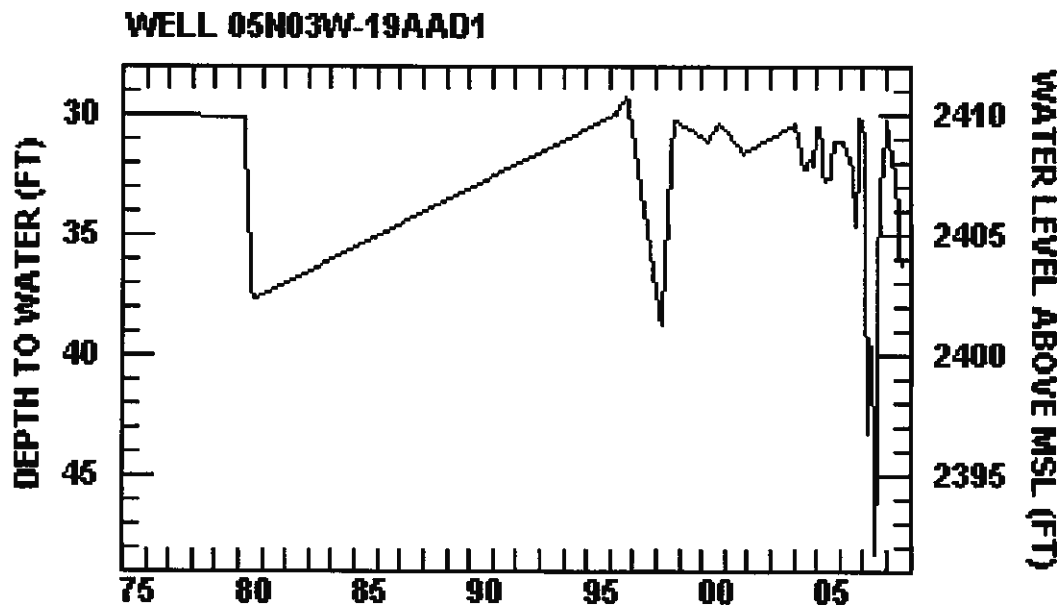


Figure 4. Hydrograph of Well 5N3W - 19AAD1; total depth = 143 feet
4 miles from applicant

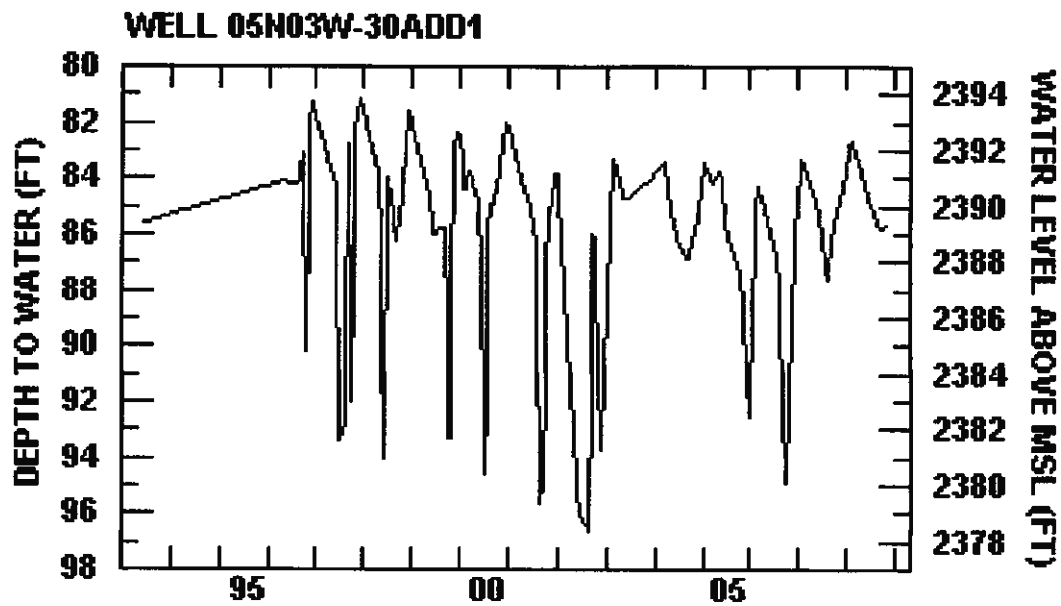


Figure 5. Hydrograph of Well 5N3W - 30AAD1; total depth = 180 feet
4 miles from applicant

Figure 6 Step Drawdown Test - Paramount Well
(Section 25 T4N, R1W Ada County)

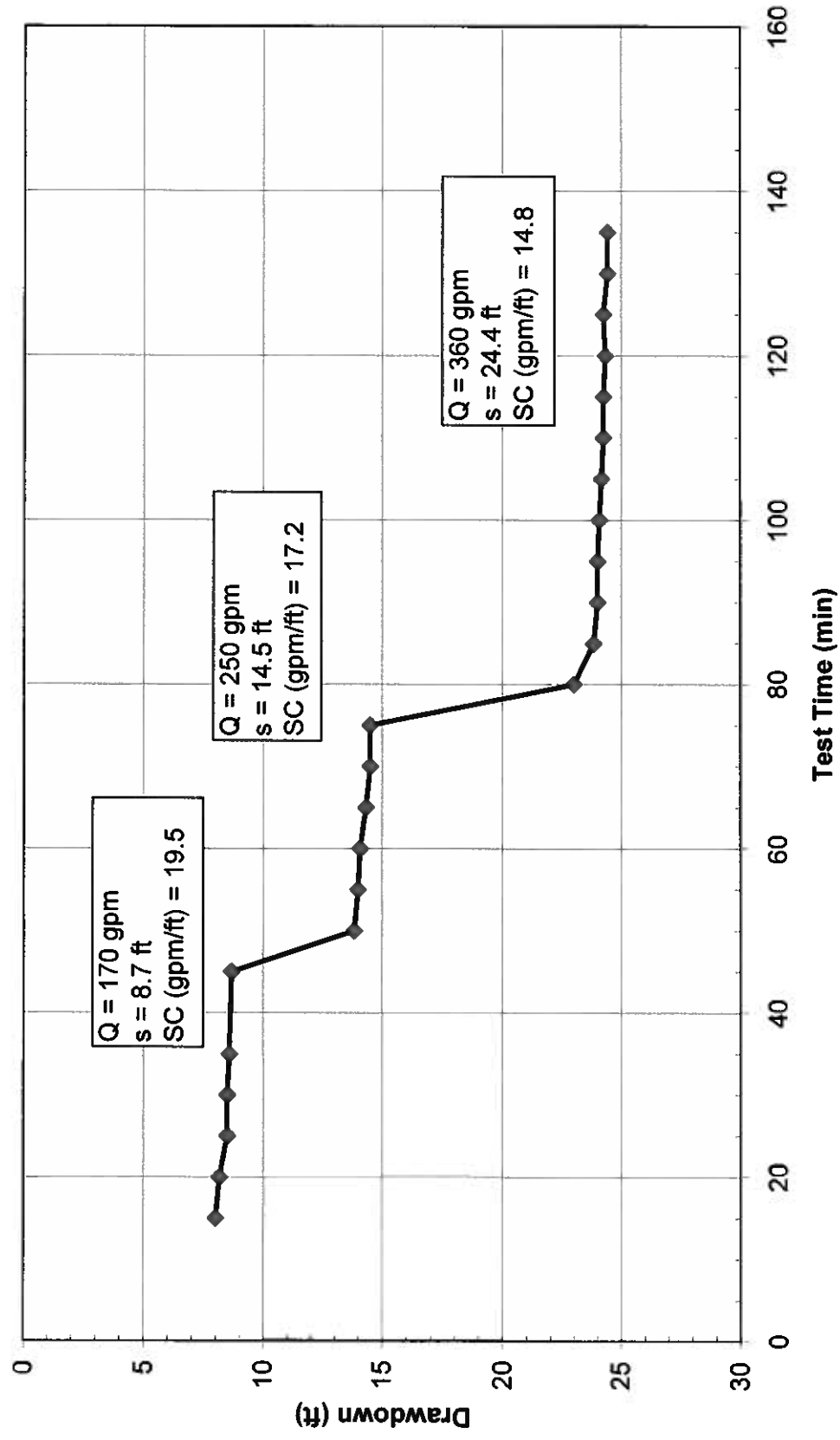
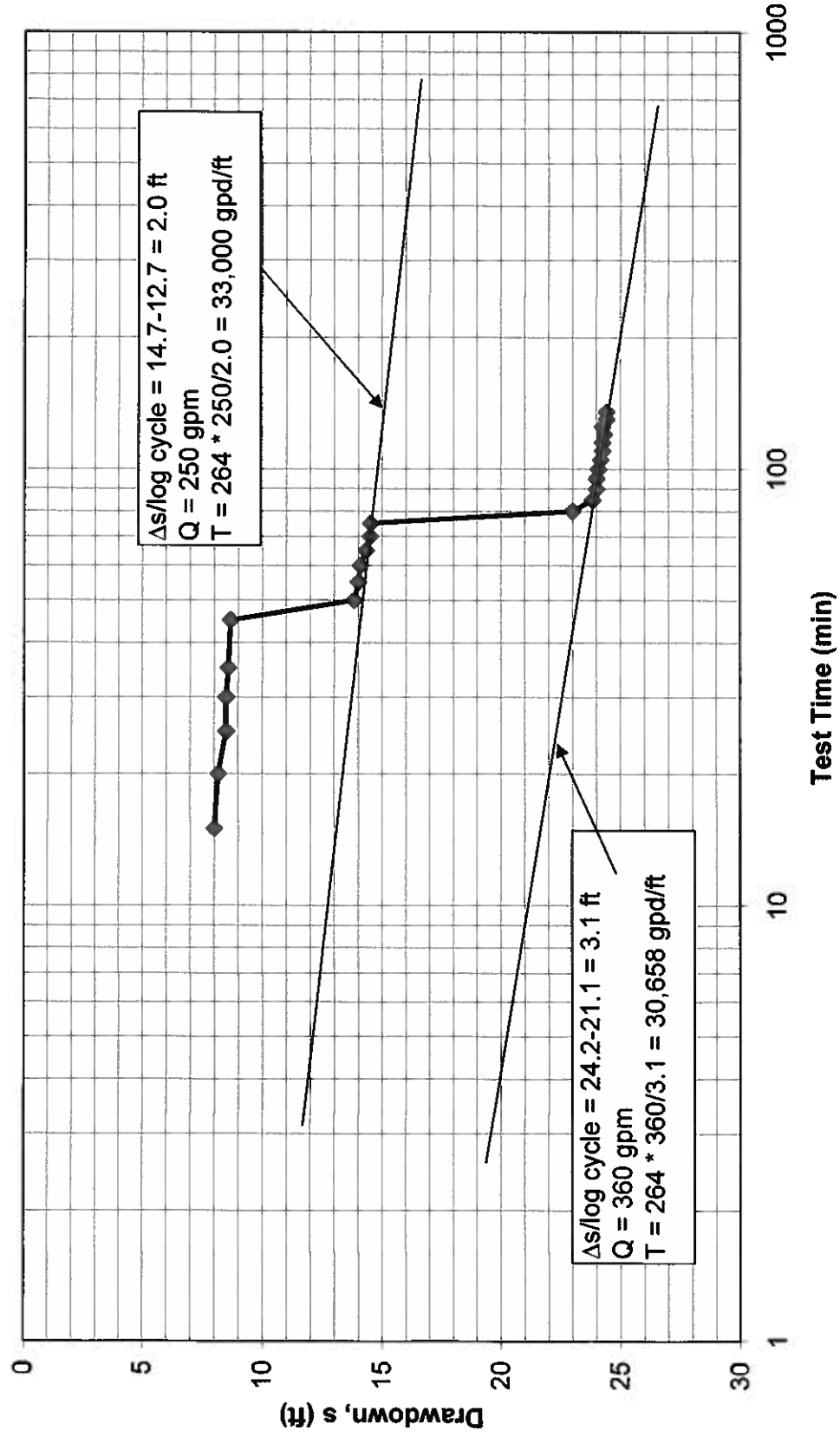


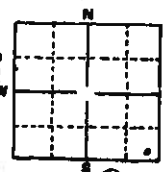
Figure 7 Jacob Straight Line Method - Paramount Well
 (Section 25 T4N, R1W, Ada County)



Attachment A.
5 Star Dairy Well Log

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

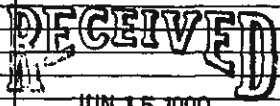
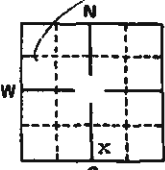
1. WELL OWNER Name <u>Robert Whitmire</u> Address <u>Notus, Idaho</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>38</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature <u>40</u> ° F. Quality <u>good</u> Artesian closed-in pressure <u>NONE</u> p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																					
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Bailor ☐ Other _____ Discharge G.P.M. _____ Draw Down _____ Hours Pumped _____																																																					
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) _____ ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection		9. LITHOLOGIC LOG 104106 <table border="1"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>8</td><td>0</td><td>28</td><td>Dirt</td><td></td><td>X</td></tr><tr><td>8</td><td>30</td><td></td><td>Sand</td><td></td><td>X</td></tr><tr><td>6</td><td>30</td><td>38</td><td>Sand & gravel</td><td>X</td><td></td></tr><tr><td>6</td><td>38</td><td>47</td><td>gravel</td><td>X</td><td></td></tr><tr><td></td><td>47</td><td>90</td><td>Sandy Clay</td><td></td><td>X</td></tr><tr><td></td><td>90</td><td>98</td><td>Hard Light Colored Clay</td><td></td><td>X</td></tr><tr><td></td><td>98</td><td>105</td><td>Sand & water</td><td>X</td><td></td></tr></tbody></table>		Hole Diam.	Depth		Material	Water		From	To	Yes	No	8	0	28	Dirt		X	8	30		Sand		X	6	30	38	Sand & gravel	X		6	38	47	gravel	X			47	90	Sandy Clay		X		90	98	Hard Light Colored Clay		X		98	105	Sand & water	X	
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4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other _____		RECEIVED JAN 17 1978 Department of Water Resources Western Regional Office																																																					
5. WELL CONSTRUCTION Diameter of hole <u>6</u> inches Total depth <u>105</u> feet Casing schedule: ☒ Steel ☐ Concrete <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>250</u> inches</td><td><u>6</u> inches</td><td><u>1</u> feet</td><td><u>96</u> feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal ☐ Cement grout ☐ Pudding clay ☒ Well cuttings Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing ☒ Overbore to seal depth				Thickness	Diameter	From	To	<u>250</u> inches	<u>6</u> inches	<u>1</u> feet	<u>96</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet																
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6. LOCATION OF WELL Sketch map location must agree with written location. 63  County <u>CANYON</u> Subdivision Name _____ Lot No. _____ Block No. _____ NE 1/4 Sec. 23 T. 5 S. R. 3																																																							
10. DRILLER'S CERTIFICATION Work started <u>1-1-78</u> finished <u>1-5-78</u> Firm Name <u>Raymond Overlin</u> Firm No. <u>340</u> Address <u>1502 N Boise Ave Caldwell</u> Date <u>1-5-78</u> Signed by (Firm Official) <u>Raymond Overlin</u> and _____ (Operator) <u>Samuel</u>																																																							

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE COPY TO THE DEPARTMENT

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Hank Loman</u> Address <u>Rte. 7 Box 256 A</u> <u>Caldwell, Idaho 83605</u> <u>63-90-W-347</u> Owner's Permit No. <u>verbal approval by Rob</u> ~~Water Rights paid for~~ <u>no permit yet</u> ~~possibly lost~~ <u>permit paid</u>	7. WATER LEVEL Static water level <u>39</u> feet below land surface. Flowing? ☐ Yes ☐ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ of. Quality _____ Describe artesian or temperature zones below.																																																																
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Well diameter increase ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Baller ☐ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																													
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<u>250</u> inches	<u>8</u> inches	<u>1 1/2</u> feet	<u>135</u> feet																																																														
Number	From	To																																																															
6. LOCATION OF WELL Sketch map location must agree with written description.  Subdivision Name <u>SEC 04 1991</u> Lot No. _____ Block No. _____ County <u>Canyon</u> SW 1/4 SE 1/4 Sec. <u>23</u> , T. <u>5</u> , N 1/2 S 1/2 R. <u>3</u> W 1/2	11. DRILLERS CERTIFICATION <i>ll</i> I/We certify that all minimum well construction standards were complied with at the time the rig was removed. DAVIS WELL & PUMP CO. Firm No. <u>101</u> Firm Name <u>595 N. PITT LANE</u> Address <u>NAMPA, IDAHO 83687</u> Date <u>6-12-90</u> Signed by (Firm Official) <u>Carol McElwain</u> and (Operator) <u>Chuck Haver</u> <u>by CMH</u>																																																																

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

Attachment B.

Paramount Subdivision Well Log and Step Drawdown Pump Test

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

838169
Office Use Only
Well ID No. 408552
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 1/4 1/4
Lat: : : Long: : :

1. WELL TAG NO. D D0042499
DRILLING PERMIT NO. _____
Water Right or Injection Well No. 63-32097

2. OWNER:

Name Paramount LLC
Address 12601 W Explorer Dr #200
City Boise State ID Zip 83713

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk, Sub. or Directions to well.

Twp. 4 North ☒ or South ☐
Rge. 1 East ☐ or West ☒
Sec. 25 N 1/4 S 1/4 E 1/4
Gov't Lot _____
County Ada

Lat: : : Long: Ada County
Address of Well Site Fox Run Way

(Give at least name of road - Distance to Road or Landmark)
City Meridian
Lt. _____ Blk. _____ Sub. Name Paramount

4. USE:

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

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD:

☐ Air Rotary ☒ Cable ☒ Mud Rotary ☐ Other

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
5/8 bentonite chips	0	20	400#	poured

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 149'

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

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8"	+1	149	250	steel	☒	☐	☒	☐
5"	142	157	258	steel	☐	☒	☒	☐
5"	167	182	258	steel	☐	☒	☒	☐

Length of Headpipe 15 Length of Tailpipe 0

Packer ☒ Y ☐ N Type Figure K, 6" casing x 3'8" long

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method

Screen type & Method of Installation

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
157	167	25		5"	stnls	☐	☒
182	212	25		5"	stnls	☐	☒

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method
8-12 sand	142	212	12 cu'	poured

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

30 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

12. WELL TESTS:

☐ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water	Y	N
12	0	3	topsoil			X
	3	20	sand, gravel			X
8	20	32	sand, gravel			X
	32	90	sand		X	
	90	114	sand with clay streaks		X	
	114	120	sand		X	
	120	127	tan clay			X
	127	140	cemented silty sand		X	
	140	156	sand & clay streaks			X
	156	167	sand		X	
	167	182	tan clay			X
	182	212	sand		X	
	212	213	clay			X

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MAR 01 2006

WATER RESOURCES
WESTERN REGION

Completed Depth 212' (Measurable)

Date: Started Jan 16, 2006 Completed Feb 26, 2006

14. DRILLER'S CERTIFICATION

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

Company Name Stevens & Sons Firm No. 153

Principal Driller _____ Date 2/28/06

Driller or Operator II _____ Date

Operator I _____ Date

Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator II.

FORWARD WHITE COPY TO WATER RESOURCES

PARAMOUNT SUBDIVISION

static level 30'

time	GPM	drawdown
9:30	170	38'
9:35	170	38'2"
9:40	170	38'6"
9:45	170	38'6"
9:50	170	38'7"
10:00	170	38'8"
10:05	250	43'10"
10:10	250	44'
10:15	250	44'1"
10:20	250	44'4"
10:25	250	44'6"
10:30	250	44'6"
10:35	360	53'
10:40	360	53'10"
10:45	360	54'
10:50	360	54'
10:55	360	54'1"
11:00	360	54'2"
11:05	360	54'3"
11:10	360	54'3"
11:15	360	54'4"
11:20	360	54'3"
11:25	360	54'5"
11:30	360	54'5"

Set pump on 84' of pipe,
pumping level at 400 gallons will be 58'

Attachment C.
Grade A Raw Milk Permit for Doornenbal Dairy

State of Idaho
Department of Agriculture
GRADE A RAW MILK PERMIT



THIS IS TO CERTIFY that the dairy facility named below has complied with the requirements established by the Pasteurized Milk Ordinance and having agreed to comply with and abide by all terms of the ordinance and requirements of the state of Idaho Department of Agriculture, is entitled to produce Grade A raw milk.

PERMIT #: 10268 PLANT: Sorrento Lactalis Inc.

DATE ISSUED: 09/17/2008
DOORNENBAL DAIRY LLP
DOORNENBAL, PETER & LAURA
13146 GALLOWAY RD.
CALDWELL, ID 83605

Mary Patton
Chief, Bureau of Dairying

PERMIT MUST BE POSTED IN A CONSPICUOUS PLACE IN THE MILKHOUSE AND IS NOT TRANSFERRABLE

State of Idaho

Department of Agriculture

GRADE A RAW MILK PERMIT

THIS IS TO CERTIFY that the dairy facility named below has complied with the requirements established by the Pasteurized Milk Ordinance and having agreed to comply with and abide by all terms of the ordinance and requirements of the state of Idaho Department of Agriculture, is entitled to produce Grade A raw milk.



PERMIT #: 253 PLANT: Sorrento Lactalis Inc.

DATE ISSUED: 04/08/2003

FIVE STAR DAIRY
VANESS, HARVEY & LISA
13146 GALLOWAY RD
CALDWELL, ID 83605

Mary Patton
Chief, Bureau of Dairying

PERMIT MUST BE POSTED IN A CONSPICUOUS PLACE IN THE MILKHOUSE AND IS NOT TRANSFERABLE



ERO Resources Corp.
3314 Grace Street
Boise, ID 83703-5836
(208) 373-7983
Fax: 373-7985
Denver • Boise • Durango
www.eroresources.com
eroboise@eroresources.com

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NOV 03 2008

WATER RESOURCES
WESTERN REGION

November 3, 2008

Mr. John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: Application for Permit P&L Doornenbal Dairy LLP

Dear Mr. Westra,

In your October 2, 2008 letter, you requested some additional information in order to continue the processing of the subject application for permit. Please accept the enclosed report to address those questions.

If you have any additional questions, please feel free to contact me.

Regards,

Steven R. Hannula



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 2, 2008

Steven R Hannula
ERO Resources Corp
3314 Grace Street
Boise ID 83703

Re: Application For Permit # 63-12519—P & L Dommenbal Dairy LLP

Dear Mr. Hannula:

The application for permit submitted for your client is being processed by the Idaho Department of Water Resources (IDWR). Additional information is needed for complete evaluation of the proposal.

When reviewing an application for permit, *Idaho Code* § 42-203A(5) requires IDWR to consider the following information:

(a) That it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho.

Most of the above information is satisfied by the permit application. However, the following items are needed regarding the availability of water and local public interest concerns relating to large livestock feedlot or dairy operations:

1. Information evaluating the effect your proposed commercial and stockwater diversion will have on the local aquifer and on neighboring wells.
2. Public interest criteria related to the water resource must be addressed. Other government agencies may require permit approvals relating to public water pursuant to your project. Describe your correspondence and discussions to date with the Idaho Department of Environmental Quality and the Idaho Department of Agriculture concerning their water related permit requirements.

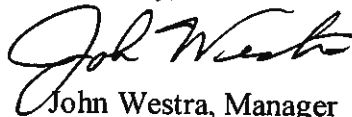
October 2, 2008

Page 2

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to delay or interrupt processing. Your written response including the requested information, or a request for more time to seek the information, must be received within thirty (30) days of the date of this letter. The application will be voided without a timely reply.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Westra".

John Westra, Manager
Western Region



ERO Resources Corp.
3314 Grace Street
Boise, ID 83703-5836
(208) 373-7983
Fax: 373-7985
Denver • Boise • Durango
www.eroresources.com
eroboise@eroresources.com

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OCT 01 2008

WATER RESOURCES
WESTERN REGION

September 26, 2008

Mr. Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: Application for Permit 63-12519 – Van Ess Dairy LLC

Dear Mr. Lester,

Enclosed, please find an Assignment of Application for Permit form to convey Application 63-12519 from Van Ess Dairy LLC to P&L Doornenbal Dairy LLP. The Van Ess Dairy LLC, located near Middleton, Idaho is comprised of two facilities 1) the home dairy located in the NW Sec 19 T5N, R2W and 2) what was known as the 5 Star Dairy, located about 1 mile west in the SESE Sec 23 T5N, R3W all in Canyon County. The P&L Doornenbal Dairy LLP is the new owner of what was formerly known as the 5 Star Dairy.

It has come to the attention of the Van Ess Dairy that the 5 Star Dairy claim for water right 63-21476 was recommended by IDWR for an annual volume less than what is needed for operations. The recommendation for water right 63-21476 provides 0.24 cfs and up to 13,000 gallons per day (14.5 acre-feet per year minus water for the house) for the 5 Star Dairy.

In an effort to get sufficient water rights to match operations, the Van Ess Dairy LLC is assigning the subject application for permit to the new owners. At the same time, as per the purchase agreement, the Van Ess Dairy is also submitting the attached amendment to the application for permit to identify the 5 Star Dairy as the place of use and points of diversion. The amendment does not change the amount of water, just the location of where it will be diverted and put to use. Also, attached is the signed Response Form indicating that the Van Ess Dairy wants to proceed with the processing of the application for permit. All of the parties involved are very anxious to have this matter settled, so if there is anything I or the applicant's can do to speed your processing along, please contact me.

Regards,

Steven R. Hannula

RECEIVED

OCT 01 2008

WATER RESOURCES
WESTERN REGION

Response Form

Name of Applicant: Van Ess Dairy
Address: 26956 Cemetary RD
Middleton ID 83644

Application No: # 63-12519

(Please read carefully and mark)

☒ **Yes, I intent to proceed with the water use development outlined in the application. I retain full possessory interest in the listed point of diversion and place of use locations on the application. I request the Department continue processing the application.** (Please describe on the back updates/changes needed on your application)

(Please fill in) **The estimated (well) water bearing zone will be**
136 ft to 141 ft below the ground surface.

☐ **No, I do not wish to proceed with final processing of this application. I hereby withdraw my Application for Permit to Appropriate the Public Water of the State of Idaho**

Signed this 18th day of August 2008

Applicant Signature VanEss Dairy / Lisa VanEss
VanEss Dairy

Printed Applicant Name VanEss Dairy / Lisa VanEss

Return Form to: J. Westra

Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705

MEMORANDUM

____ Office Visit

____ ☒ Telephone

____ Meeting

TO 63-12519
FROM JZ
DATE 8/6/08
RE RESPONSE Form

Consultant STEVE HANNUKA called about
30 day response form - Applicant does want
to proceed & is working with Attorney about
info to Amend Application.

Hopes to get response form etc in by
deadline.

Advised Applicant to seek more time if
gets close to deadline and appears won't
be able to complete in time.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

July 23, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Van Ess Dairy
26956 Cemetery RD
Middleton ID 83644

RE: Held Application for Permit #63-12519--Filed 03/23/99

Dear Applicant:

As you aware, the above reference application for permit located in the Boise River Basin has been held by our agency since the 1990s. The Department began holding new groundwater applications for consumptive use due to prolonged drought and concerns about declining aquifer levels. As a result, the Treasure Valley Ground Water Study was initiated. The study was completed in 2002, and now provides modeling for projecting future groundwater availability in the valley. Our agency will commence processing held applications as staff resources are available.

Attached is a proof profile of your application as submitted to our agency. Please check carefully the specifics on the application. You must still have full possessory interest-ownership in the listed point of diversion and place of use land locations for processing consideration. Your application will need to have public notice published in your local county newspaper. The notice will be published once per week for 2 consecutive weeks. Anyone having issue with an application may file a protest within the time allowed.

We are asking for you to convey your intentions regarding this application by completing the attached response form. *Please respond to the following:*

- If you desire to develop the water use, and wish our agency to complete the processing of your application, please mark the *YES* response, provide any updates/changes needed, and list the water bearing zone for the well source.

OR

-Mark the *NO* response to withdraw the application. The application will be removed from processing and our records. Our agency will not be able to provide refunds of fees for withdrawn applications.

-Sign, date, and return the response. Response forms need to returned to this office no later than 30 days of this letter date.

Should you have questions about further processing of this application, please contact Denise Buffington or John Westra at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra, Manager Western Region

Enclosure: Proof Renort. Response Sheet

Westra, John

From: Westra, John
Sent: Friday, August 15, 2008 10:48 AM
To: 'Steve Hannula'
Subject: RE: Van Ess application for permit 63-12519

Steve:

RE: Van Ess Application for Permit #63-12519

This email will serve as approval for your request of a 30 day extension of time--October 1, 2008

Thank you for the follow-up

John

From: Steve Hannula [mailto:shannula@erresources.com]
Sent: Friday, August 15, 2008 10:35 AM
To: Westra, John; Lester, Steve
Cc: lisavaness@msn.com; 'Julie Fischer'
Subject: Van Ess application for permit 63-12519

Mr. Westra

In a letter dated July 23, 2008, IDWR requested a response from Van Ess Dairy about how they wanted to proceed with the processing of the application for permit 63-12519. There is a 30 day response period, which is coming due next week.

The timing of the processing is great from the Van Ess's point of view, however, they have some amendments they would like to request. The amendments are currently being reviewed for compatibility with the other aspects of their property. The Van Ess's plan to submit the amended application for permit to IDWR next week and would therefore like to request some additional time to avoid conflict with the initial deadline.

Therefore, on behalf of the Van Ess's, I would like request some additional time to respond to your Response Form. I anticipate that the amendments will be submitted the week of August 18, 2008, but would like to have a little room for the unknowns. Could an additional 30 days be granted?

Thank you.

Steven Hannula
ERO Resources
3314 Grace St.
Boise, ID 83703
(208) 373-7983
(208) 373-7985 (fax)

8/15/2008

WELL DRILLER: PLEASE COMPLETE FOR VERBAL
IDWR Employee Issuing Verbal:
Verbal Issued Date: Time:

DOO 12328

RECEIVED

OCT 01 1999

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. Applicant (please print): VAN ESS DAIRY
2. Mailing Address: 26956 CEMETARY RD MIDDLETON 83644
City & State Zip Code Telephone 505-3288
☒ Well Owner ☐ Well Operator ☐ Contractor or Other, specify
3. Proposed Well Location: Twp. 5N, Rge. 2W, Sec. 19, NW 1/4 NW 1/4 NW 1/4
Gov't Lot No. 1 County CANYON Lat. : : Long. : :
Street Address of Well Site City
Lot, block and subdivision Give at least name of road + Distance to Road or Landmark

4. Proposed Use of Well:

- ☒ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

- NON-DOMESTIC: ☐ Irrigation ☐ Municipal ☐ Industrial
☐ Stock ☐ Test ☐ Other
(Over 1,000 Head) (Describe)
- ☐ INJECTION

- ☐ MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells:

5. Well Construction Information:

- A. ☒ New well ☐ Modify ☐ Replace
- B. Proposed Casing Diameter 8" Proposed Maximum Depth 150'
- C. Anticipated bottom hole temperature:
☒ 85°F or less ☐ 85°F to 212°F ☐ 212°F or more
(Cold Water Well) (Low Temp. Geo. Well) (Geothermal Well)

5. Construction Start Date: Week of Oct 4?
7. Anticipated Well Driller: Hiddleston Driller's Lic. No. 0035
NOTE: The actual well driller must be identified prior to drilling.

3. Applicant's Signature Lisa Van Ess Date 10-4-99

Title Owner
(Owner, Firm Representative, Other)

ACTION C. THE DEPARTMENT OF WATER RESOURCES

This Permit is APPROVED Date 10-4-99

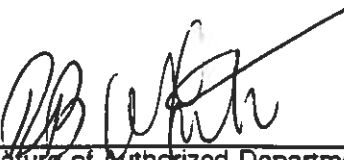
If approved, this permit authorizes the construction or modification of a well subject to the following conditions. **READ CAREFULLY!**

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

SPECIFIC CONDITIONS:

See attached

 for: MANAGER
Signature of Authorized Department Representative WESTERN REGIONAL OFFICE
Title

Receipt No. W025787 Received by Kh Fee 75⁰⁰ Date 10/4/99

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DRILLING PERMIT APPROVAL CONDITIONS

1. Name: VAN ESS DAIRY
Address: 26956 CEMETARY RD
MIDDLETON ID 83644

O

2. Proposed Well Location: Township 05N, Range 02W, Sec. 19, NWNWNW
CANYON County

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is APPROVED

Date: 10/ 1/1999

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

CONDITIONS OF APPROVAL:

1. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.
3. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is 1-800-342-1585.

(Continued)

CONDITIONS OF APPROVAL:

9. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.
10. The use of water from this well is for Domestic purposes only which includes irrigation of up to 1/2 acre of land with all combined uses not to exceed 13,000 gallons per day (42-111[A]), or for Domestic uses other than for homes, organization camps, public campgrounds or livestock where the diversion rate and volume does not exceed .04 cfs and 2500 gpd (42-111[B]).
11. If the well owner secures an approved water right permit which identifies this well as a valid point of diversion, the well owner must upgrade this drilling permit and submit an additional \$125.00 fee.

Signature of Authorized Dept. Representative

Title

Drilling Permit No. 63-99-W-0828-000
Water Right No. _____ (applicable)

D0012328

**REQUEST FOR ISSUANCE OF DOMESTIC DRILLING PERMIT
WITH CASING SIZE EXCEEDING SIX (6) INCHES**

Van Ess Dairy, Applicant, requests the issuance of Drilling Permit for domestic (exempt) purposes as defined in Idaho Code Section 42-111, which authorizes construction of a well with casing size exceeding six (6) inches in diameter. The Idaho Code states, in part:

"the phrase 'domestic purposes' or 'domestic uses' means:

- A. *The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or*
- B. *Any other uses, if the total use does not exceed a diversion rate of four onehundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.*

For purposes of these sections, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection B. of this section."

The request is made to drill a 8" inch diameter well for the following reason(s):

- ☐ A larger diameter is required because of expected limited productivity of formations expected to be encountered, or difficulties in drilling that have been experienced.
- ☐ The pumping equipment available requires a larger well diameter and will be valved to prevent excessive diversion.
- ☒ Other Will be plumbed into dairy operation once application 63-12519 is approved.

Who owns the property at the point of diversion? Applicant

Who owns the land to be irrigated or place of use? "

If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing in behalf of the well owner _____

I acknowledge that use of this well for any other purpose than domestic use as defined under Idaho Code Section 42-111 requires approval by the Idaho Department of Water Resources and that failure to comply is a violation of Sections 42-351 and 43-352, Idaho Code.

Van Ess Dairy
Well Owner or Authorized Agent

Owner

Title

Lisa Van Ess
Signature

10-4-99
Date



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

5/6/1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

VAN ESS DAIRY
26956 CEMETARY RD
MIDDLETON, ID 83644

RE: APPLICATION FOR PERMIT NO. 63-12519

Dear Applicant:

Your application for permit to appropriate ground water for a consumptive use was received on 3/23/99. Processing of the application must be delayed.

Due to continued drought and to protect existing water rights and water supplies, the Director of this agency declared a moratorium on May 15, 1992 concerning water right applications proposing new consumptive uses of public water, regardless of source. The moratorium was lifted in May 1995, but application processing was subsequently suspended until technical data are available from the Treasure Valley Hydrologic Study now underway.

This office will hold your application and will resume processing as soon as possible based on the above considerations. Applications received will be processed in priority order. Delays related to department actions do not affect the date of priority or seniority of an application.

Please contact me at 334-2190 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Daniel A. Nelson".

Daniel A. Nelson
Water Rights Agent

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