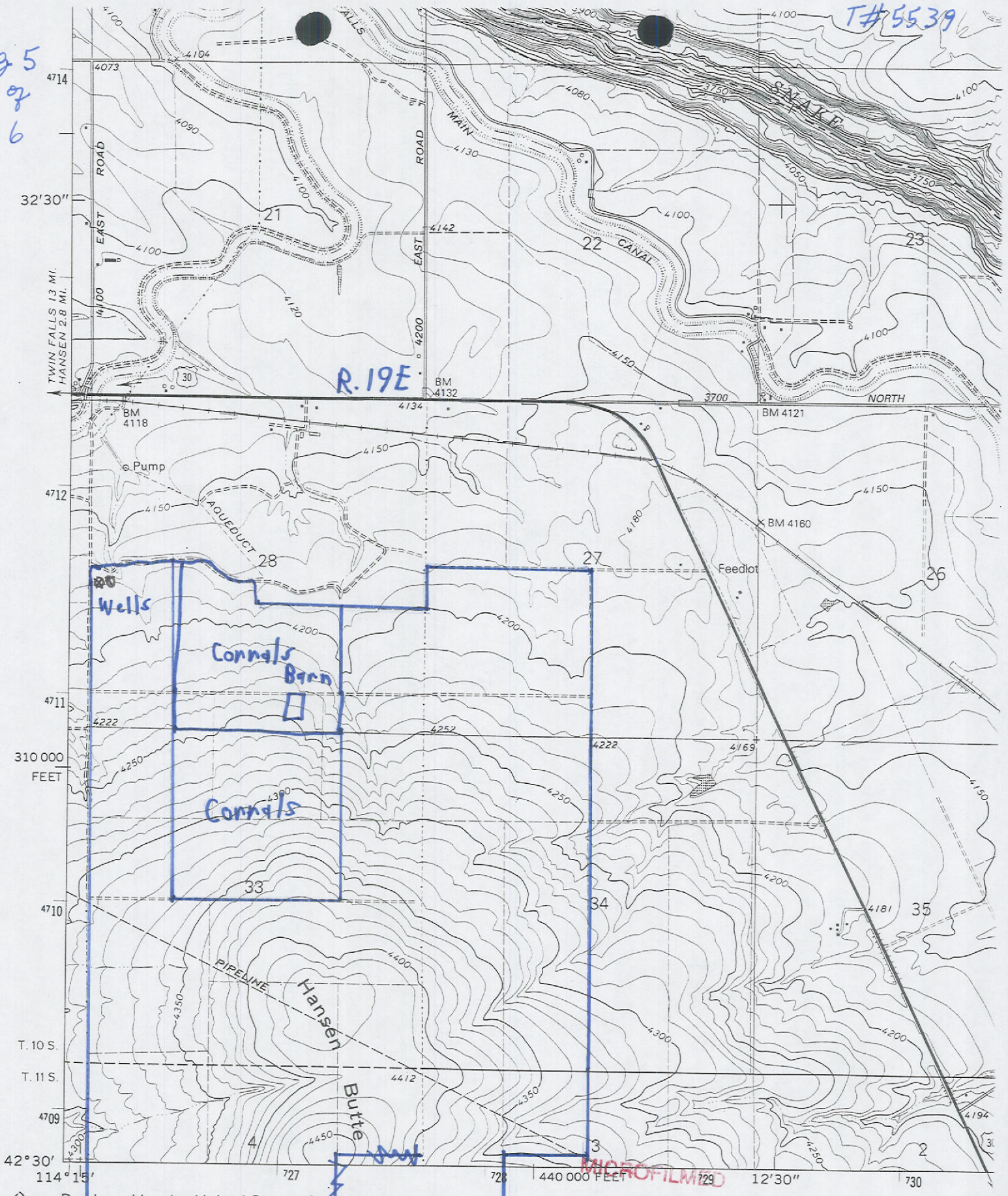
Pg 5 of 6

T#5539




Produced by the United States Geological Survey

Control by USGS and NOS/NOAA

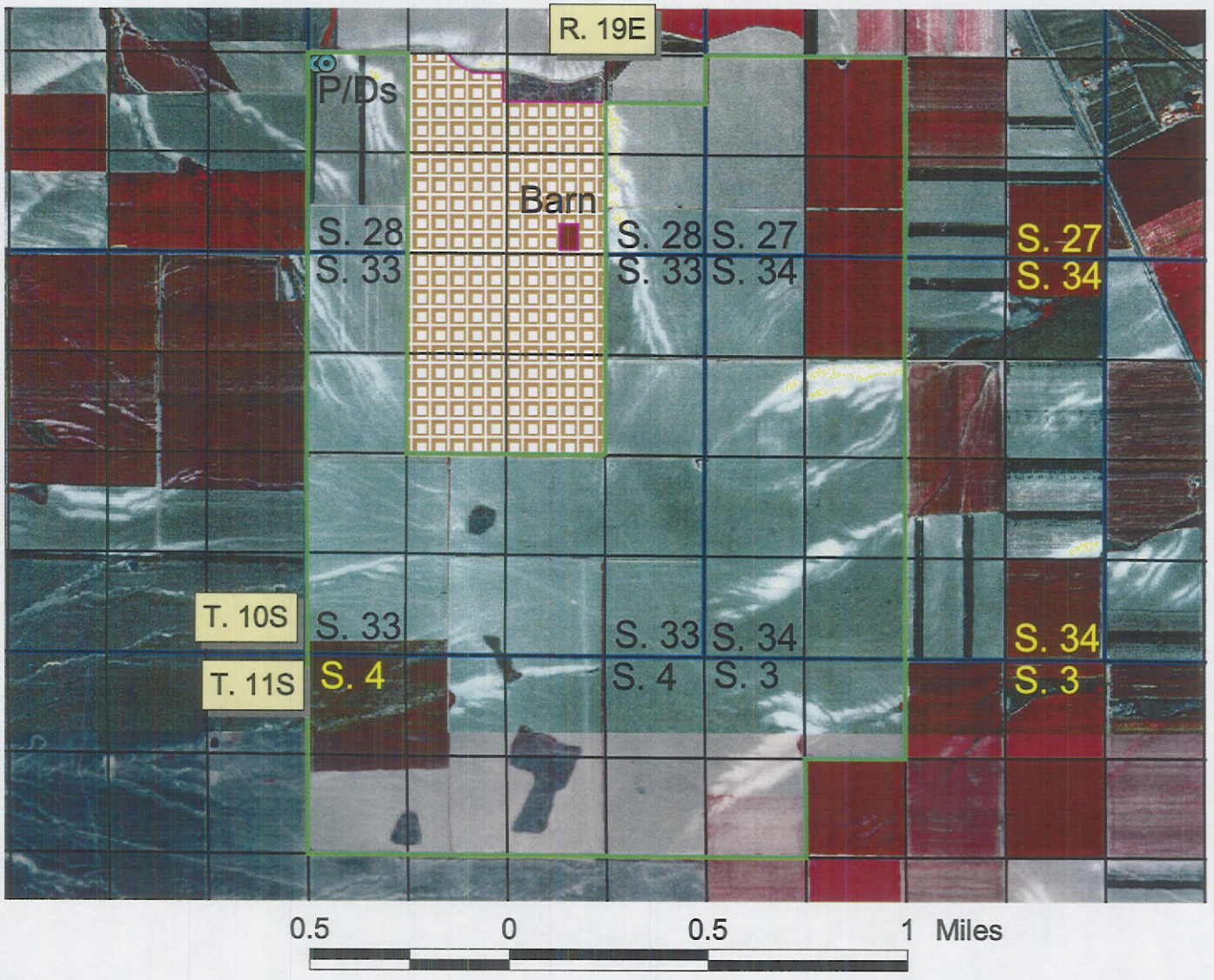
Compiled from aerial photographs taken 1962. Information shown in purple has been updated from aerial photographs taken 1987 and field checked. Map edited 1992. Conflicts may exist between some updated features and previously mapped contours

North American Datum of 1927 (NAD 27). Projection and

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OCT 0 2 2002

KER BUTTE)
3168 IV NE

# APPLICATION FOR TRANSFER - C & B CATTLE




Proposed Dairy Site

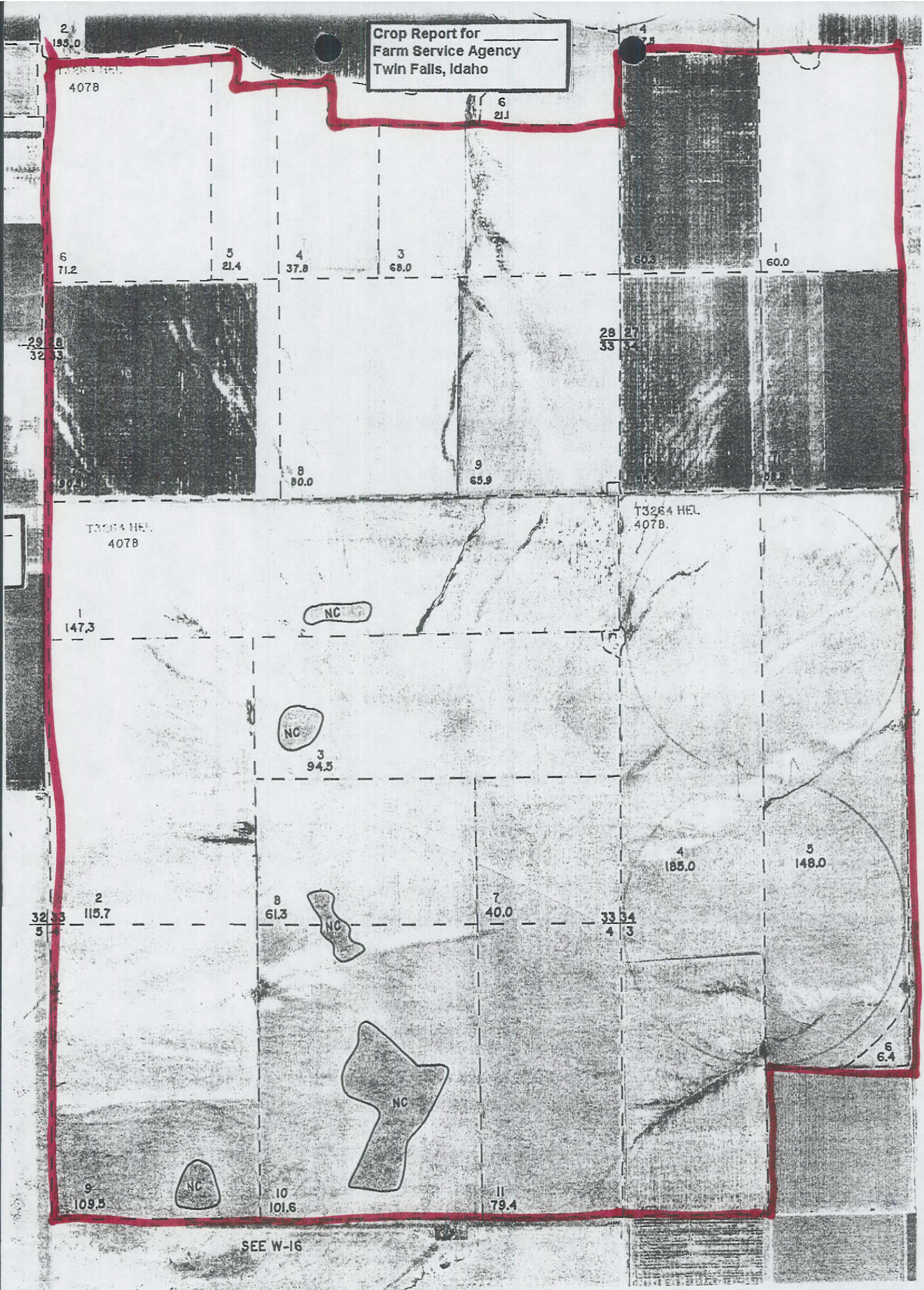
Land Application Area

N
W
E
S

Prepared By J E Stanton
8-10-1999

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OCT 0 2 2002

Transfer No. 5331

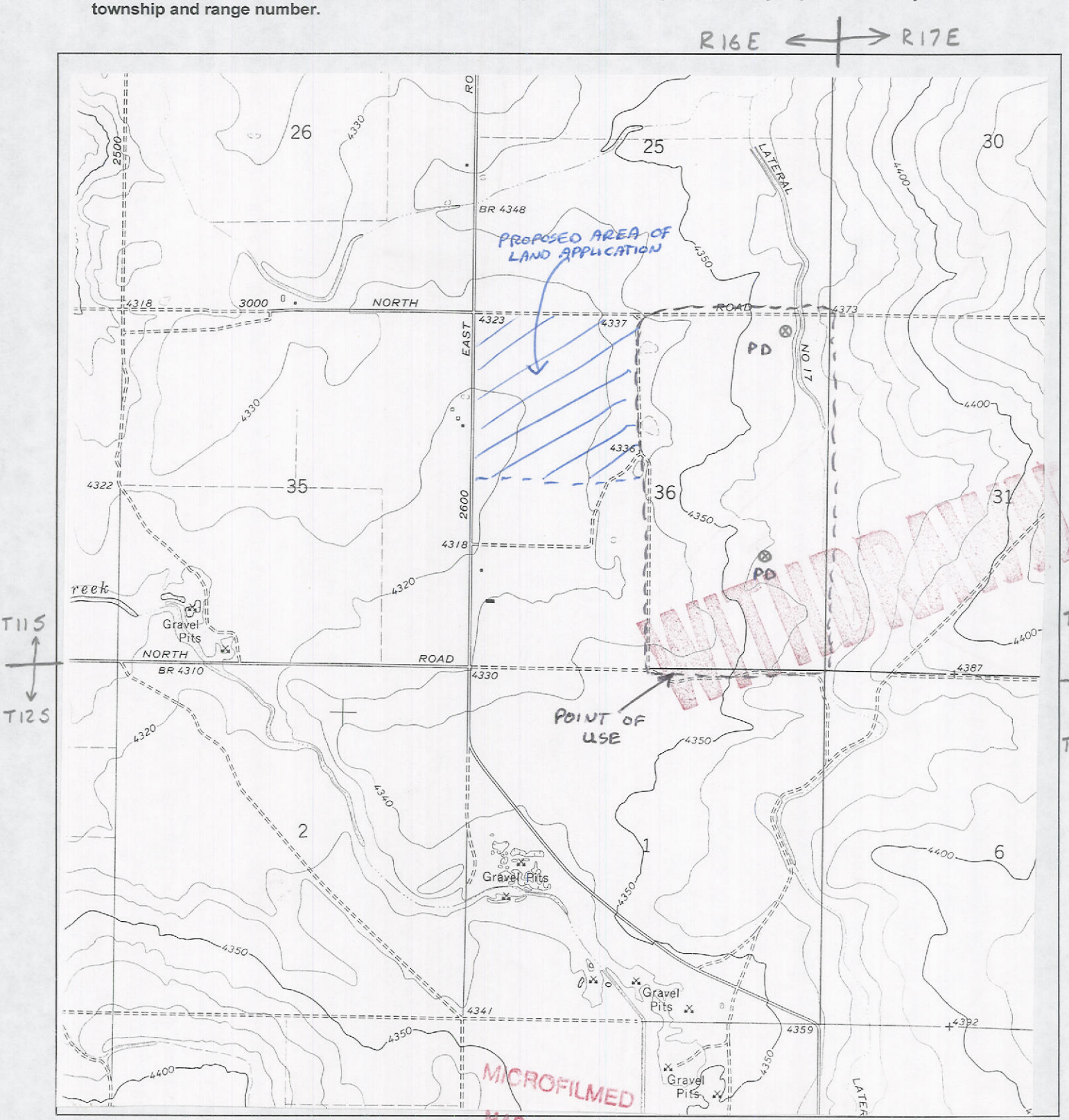
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

A. Draw a map or attach a USGS map indicating the new

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 3

**point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**




SCALE: ~~2 inches equals 1 mile~~. Draw plan in ink.

1:24000

i. X Existing rights from same source, on land water is being transferred to; right number(s): _____

NONE (SOME SRCC CLAIMS IN NW 1/4 SECTION 36)

j. X SRBA claim(s) - Comments (***NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain***) THREE WELLS LISTED ON SRBA CLAIM, ALSO CLAIM A47-02396 LISTS A47-12335 AS A RIGHT FOR SAME USE

k. X Comment letters ___ Yes X No
If yes ___ Water District #
___ Lienholder, others, see #2 below for name and address

**INITIAL ALLOCATION REVIEW BY** C. SKINNER **DATE** 10/21/98
**SRBA SUPERVISOR REVIEW BY** _____ **DATE** _____
**PUBLICATION REVIEW BY** _____ **DATE** _____

1. Legal Notice electronically sent to DWR03::VAULT ✓ Yes @ 2:20 pm (10/22/98)

2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 10/22/98

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

_____

3. Transfer published correctly? ___ Yes ___ No

4. Affidavit of publication received? ___ Yes ___ No

5. Protests received? ___ Yes ___ No; Acknowledgement sent? ___ Yes

6. Copies made for Region file (see attached supplemental page)? ___ Yes

**RECOMMENDED ACTION**

1. ___ Approve

2. ___ Deny due to _____

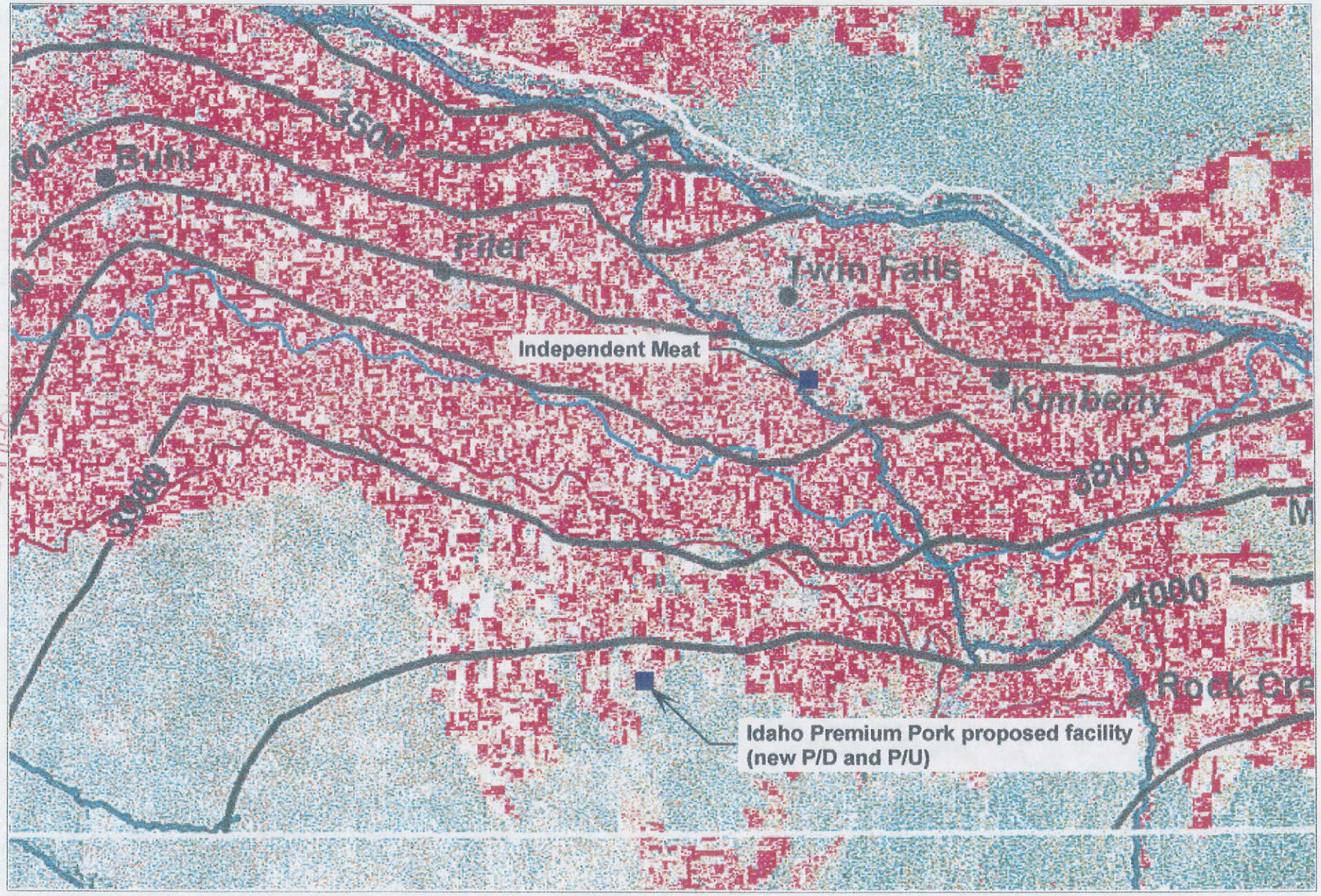
_____

3. Conditions (special conditions in Water Districts) _____

_____

___ Also see attached memo for recommendation dated: _____

4. By _____ Date _____




Average water level contours created from observational data, overlain on Landsat composite map of irrigated areas
Water right transfer 47-02396

Brockway Engineering, PLLC 10/5/98

# Well Interference Analysis Idaho Premium Pork Well(s)

DRAFT PRELIMINARY

## Estimated Well Drawdown

THEISwellintceb

C.E. BROCKWAY October 4, 1998 Brockway Engineering P.L.L.C.

AQUIFER PROPERTIES BASED ON USBR GROUNDWATER MANUAL-FRACTURED IGNEOUS ROCK

EST. HOLE DIA. 8 INCHES

USING THEIS FORMULA S=114.6*Q/T*W(U)
S= DRAWDOWN IN FT
Q= PUMPING RATE GPM
T= COEFFICIENT OF TRANSMISSIBILITY GPD/FT
W(U)= WELL FUNCTION OF 'U'

W(U)=-.5772-LOGeU +U-U^2/(2*2!)+U^3/(3*3!)-U^4/(4*4!) .....
U=1.87*r^2*S/(T*t)
r=DISTANCE IN FT. FROM CENTER OF PUMPED WELL TO DRAWDOWN POINT
S=COEFFICIENT OF STORAGE
T=COEFFICIENT OF TRANSMISSIBILITY, GPD/FT
t= TIME SINCE PUMPING STARTED, DAYS

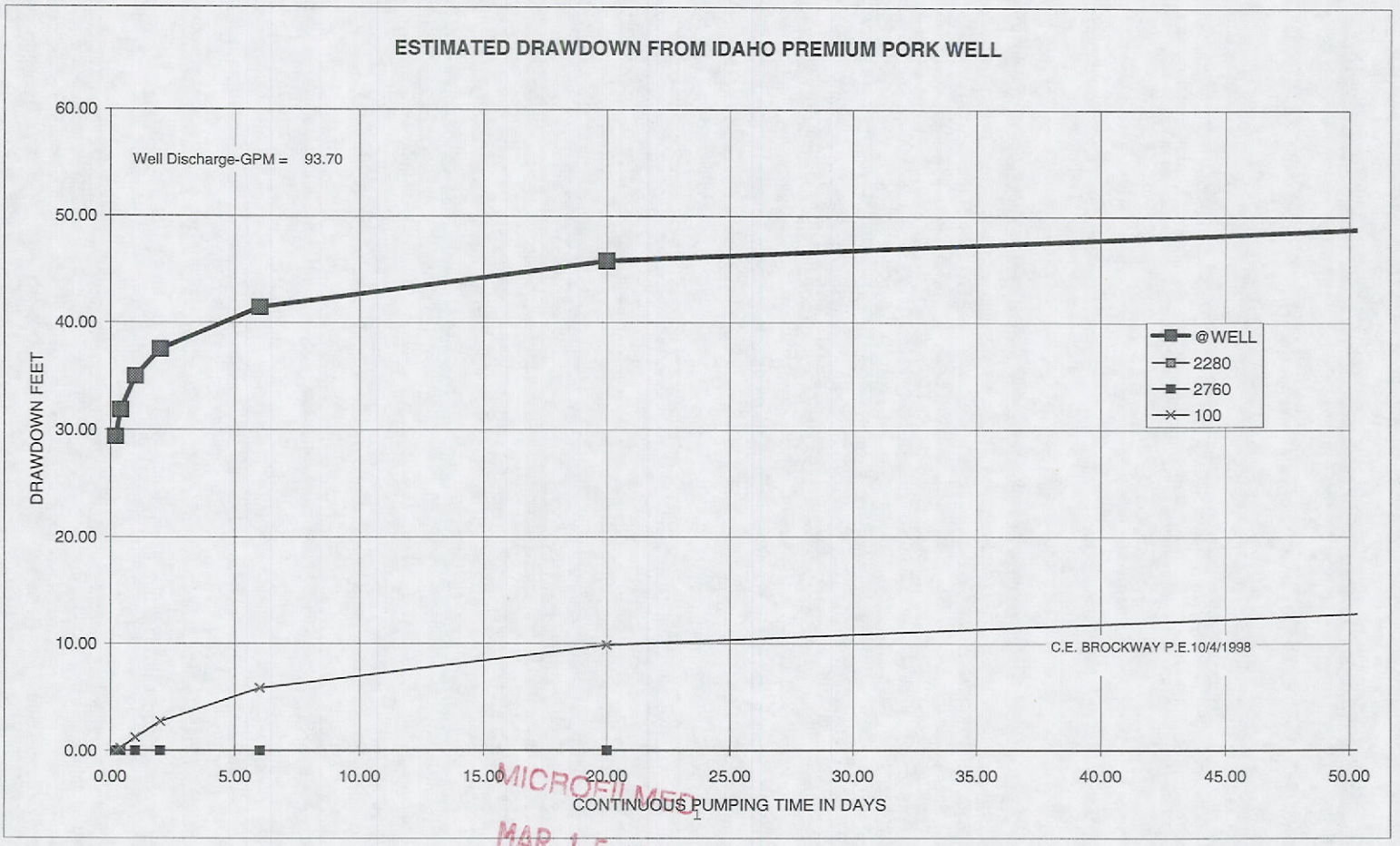
INPUT

| | | | | | |
|---|---|---|---|---|---|
| r1= | 0.667 FT | K= | 1.00 | FT/DAY |
| r2= | 100 FT | K= | 1.1574E-05 | CFS/FT^2 |
| r3= | 2280 FT | K= | 7.46E+00 | GPD/FT^2 |
| r4= | 2760 FT | WRIGHT SAT. DEPTH EST.= | 400 | FT |
| r5= | 4440 FT | TRANSMISSIVITY= | 2984 | GPD/FT |
| S= | 0.12 | TRANSMISSIVITY= | 4.62E-03 | FT^2/SEC |
| T= | 2984 GPD/FT | TRANSMISSIVITY= | 398.9 | FT^2/DAY |
| Q/WELL | 93.70 GPM = | 0.209 CFS | | |

Avg Diversion 78615 gpd=55gpm

| TIME HOURS | TIME t DAYS | U w/r1 0.66666667 | WELL FUNCT. W(U)1 | DRAW DOWN @WELL | SPEC. CAP GPM/FT | U W/r2 100 | WELL FUNCT. W(U)2 | DRAW DOWN @ 100 | U W/r3 2280 | WELL FUNCT. W(U)3 | DRAW DOWN @ 2280 | U W/r4 2760 | WELL FUNCT. W(U)4 | DRAW DOWN @ 2760 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 5 | 0.21 | 1.604E-04 | 8.1606 | 29.37 | 3.2 | 3.610E+00 | 0.0037 | 0.01 | 1.876E+03 | 0.0000 | 0.00 | 2.750E+03 | 0.0000 | 0.00 |
| 10 | 0.42 | 8.021E-05 | 8.8537 | 31.86 | 2.9 | 1.805E+00 | 0.0643 | 0.23 | 9.382E+02 | 0.0000 | 0.00 | 1.375E+03 | 0.0000 | 0.00 |
| 24 | 1.00 | 3.342E-05 | 9.7291 | 35.01 | 2.7 | 7.520E-01 | 0.3391 | 1.22 | 3.909E+02 | 0.0000 | 0.00 | 5.729E+02 | 0.0000 | 0.00 |
| 48 | 2.00 | 1.671E-05 | 10.4222 | 37.50 | 2.5 | 3.760E-01 | 0.7444 | 2.68 | 1.955E+02 | 0.0000 | 0.00 | 2.864E+02 | 0.0000 | 0.00 |
| 144 | 6.00 | 5.570E-06 | 11.5208 | 41.46 | 2.3 | 1.253E-01 | 1.6211 | 5.83 | 6.515E+01 | 0.0000 | 0.00 | 9.548E+01 | 0.0000 | 0.00 |
| 480 | 20.00 | 1.671E-06 | 12.7248 | 45.79 | 2.0 | 3.760E-02 | 2.7408 | 9.86 | 1.955E+01 | 0.0000 | 0.00 | 2.864E+01 | 0.0000 | 0.00 |
| 1440 | 60.00 | 5.570E-07 | 13.8234 | 49.74 | 1.9 | 1.253E-02 | 3.8146 | 13.73 | 6.515E+00 | 0.0000 | 0.00 | 9.548E+00 | 0.0000 | 0.00 |

| HOURS | DAYS | @WELL | 100 | 2280 | 2760 DISTANCE FEET |
|---|---|---|---|---|---|
| 0 | 0.00 | 0 | 0 | 0 | 0 |
| 5 | 0.21 | -29.37 | -0.01 | 0.00 | 0.00 |
| 10 | 0.42 | -31.86 | -0.23 | 0.00 | 0.00 |
| 24 | 1.00 | -35.01 | -1.22 | 0.00 | 0.00 |
| 48 | 2.00 | -37.50 | -2.68 | 0.00 | 0.00 |
| 144 | 6.00 | -41.46 | -5.83 | 0.00 | 0.00 |
| 480 | 20.00 | -45.79 | -9.86 | 0.00 | 0.00 |
| 1440 | 60.00 | -49.74 | -13.73 | 0.00 | 0.00 |




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MAR 15 1999

## Brent Dame - Swine Operation Waste Plan

# ESTIMATED MANURE PRODUCTION/STORAGE FOR ONE 1200 SOW UNIT

### Gestation / Farrowing Site

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day |
|---|---|---|---|
| Gestating Sows | 0.15 | 1,320 | 41,580 Cubic Feet |
| Boars | 0.19 | 60 | 2,394 |
| Sows with Litter | 0.54 | 200 | 22,680 |
| | | | 66,654 Cubic Feet |
| Miscellaneous Water | 201 cu.ft. | 180 days | 36,096 Cubic Feet |
| Fresh Water Recharge Every 26 wks | | | 13,789 Cubic Feet |
| | | | 49,886 Total Storage Required |

### Nursery Site

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day |
|---|---|---|---|
| Nursery Pigs | 0.04 | 2000 | 16,800 Cubic Feet |
| Miscellaneous Water | 180 cu.ft | 180 days | 32,487 Cubic Feet |
| Fresh Water Recharge Every 26 weeks | | | 16,238 Cubic Feet |
| | | | 65,524 Total Storage Required |

### Finishing Site

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day |
|---|---|---|---|
| Finishing Pigs | 0.16 | 8000 | 268,800 Cubic Feet |
| Miscellaneous Water | 180 cu.ft | 180 days | 32,487 Cubic Feet |
| Fresh Water Recharge Every 26 weeks | | | 39,106 Cubic Feet |
| | | | 340,393 Total Storage Required |

### Summary

| | | |
|---|---|---|
| Total Manure Production Annually | | 612,251 Cubic Feet |
| Total Miscellaneous Water Used Annually | 202,000 | 175,668 Cubic Feet |
| Total Fresh Water Used to Recharge Pits | 138,000 | 120,160 Cubic Feet |
| | | 908,080 Total One 1200 Sow Site |

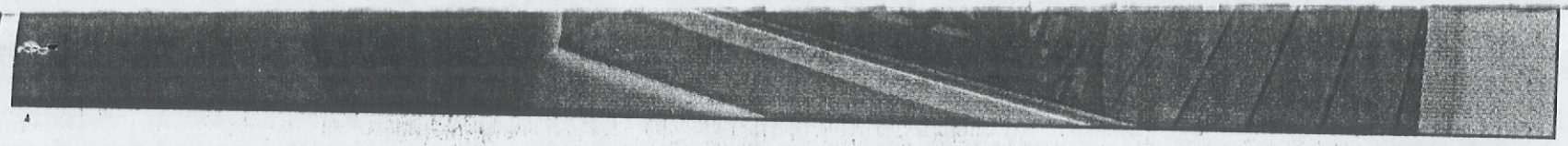
MICROFILMED
MAR 1 5 1999

| Year | Month | Monthly Use (1000 CF) | Water Use (Million CF) | Monthly Discharge (1000 CF) | Yearly Water Use (1000 CF) | Yearly Discharge (1000 CF) | |
|---|---|---|---|---|---|---|---|
| 1989 | Oct | 962 | 0.000 | 962 | | | |
| | Nov | 928 | 0.521 | 407 | | | |
| | Dec | 909 | 2.610 | -1,701 | | | |
| 1990 | Jan | 1,015 | 2.750 | -1,735 | | | |
| | Feb | 1,425 | 2.142 | -717 | | | |
| | Mar | 1,062 | 0.422 | 640 | | | |
| | Apr | 1,631 | 2.121 | -490 | | | |
| | May | 2,232 | 3.603 | -1,371 | | | |
| | Jun | 3,129 | 3.474 | -345 | | | |
| | Jul | 3,576 | 0.914 | 2,662 | | | |
| | Aug | 2,456 | 4.532 | -2,076 | | | |
| | Sep | 1,666 | 3.397 | -1,731 | | | |
| | Oct | 3,453 | 4.171 | -718 | | | |
| | Nov | 3,356 | 3.948 | -592 | | | |
| | Dec | 3,000 | 4.017 | -1,017 | 28,001 | 35,491 | discharged 749,000 gallons more (2.3 acre-feet) |
| 1991 | Jan | 5,131 | 4.456 | 675 | | | |
| | Feb | 1,170 | 3.076 | -1,906 | | | |
| | Mar | 811 | 2.876 | -2,065 | | | |
| | Apr | 923 | 3.165 | -2,242 | | | |
| | May | 1,359 | 3.557 | -2,198 | | | |
| | Jun | 1,523 | 4.376 | -2,853 | | | |
| | Jul | 3,156 | 3.697 | -541 | | | |
| | Aug | 2,128 | 7.720 | -5,592 | | | |
| | Sep | 1,074 | 4.211 | -3,137 | | | |
| | Oct | 1,465 | 4.394 | -2,929 | | | |
| | Nov | 822 | 4.907 | -4,085 | | | |
| | Dec | 695 | 4.896 | -4,201 | 20,257 | 51,331 | discharged 31,074,000 gallons more (95.4 acre-feet) |
| 1992 | Jan | 811 | 4.391 | -3,580 | | | |
| | Feb | 987 | 2.497 | -1,510 | | | |
| | Mar | 1,461 | 3.128 | -1,667 | | | |
| | Apr | 2,712 | 3.334 | -622 | | | |
| | May | 2,846 | 3.214 | -368 | | | |
| | Jun | 4,661 | 3.240 | 1,421 | | | |
| | Jul | 2,712 | 3.565 | -853 | | | |
| | Aug | 2,593 | 3.186 | -593 | | | |
| | Sep | 4,564 | 3.365 | 1,199 | | | |
| | Oct | 4,521 | 3.675 | 846 | | | |
| | Nov | 6,504 | 3.320 | 3,184 | | | |
| | Dec | 6,032 | 3.656 | 2,376 | 40,404 | 40,571 | discharged 167,000 gallons more (0.5 acre-feet) |
| 1993 | Jan | 5,130 | 3.720 | 1,410 | | | |
| | Feb | 5,251 | 3.119 | 2,132 | | | |
| | Mar | 6,734 | 4.758 | 1,976 | | | |
| | Apr | 5,112 | 2.838 | 2,274 | | | |
| | May | 5,356 | 3.230 | 2,126 | | | |
| | Jun | 7,322 | 3.169 | 4,153 | | | |
| | Jul | 5,168 | 2.658 | 2,510 | | | |
| | Aug | 6,031 | 2.593 | 3,438 | | | |
| | Sep | 5,672 | 1.519 | 4,153 | | | |
| | Oct | 5,679 | 3.257 | 2,422 | | | |
| | Nov | 6,586 | 3.451 | 3,135 | | | |
| | Dec | 6,814 | 4.210 | 2,604 | 70,855 | 38,522 | USED 32,333,000 gallons more (99.2 acre-feet) |
| 1994 | Jan | 5,786 | 2.969 | 2,817 | | | |
| | Feb | 5,621 | 2.940 | 2,681 | | | |
| | Mar | 6,866 | 3.150 | 3,716 | | | |
| | Apr | 5,812 | 4.068 | 1,744 | | | |
| | May | 6,788 | 4.902 | 1,886 | | | |
| | Jun | 6,016 | 4.616 | 1,400 | | | |
| | Jul | 7,952 | 5.975 | 1,977 | | | |

MICROFILMED MAR 15 1999

| Year | Month of Use | Water Use (CF) | Discharge (MG) | Water Use - Discharge (MG) | Yearly Sum of Water Use ×1000 | Yearly Sum of Discharge × 1000 | |
|---|---|---|---|---|---|---|---|
| | Aug | 6,248 | 6.833 | -585 | | | |
| | Sep | 6,436 | 5.733 | 703 | | | |
| | Oct | 5,155 | 5.732 | -577 | | | |
| | Nov | 6,006 | 6.043 | -37 | | | |
| | Dec | 8,295 | 2.684 | 5,611 | 76,981 | 55,645 | USED 21,336,000 gallons more (65.5 acre-feet) |
| 1995 | Jan | 4,161 | 1.743 | 2,418 | | | |
| | Feb | 4,955 | 1.333 | 3,622 | | | |
| | Mar | 5,921 | 2.615 | 3,306 | | | |
| | Apr | 5,529 | 4.233 | 1,296 | | | |
| | May | 5,306 | 4.248 | 1,058 | | | |
| | Jun | 6,269 | 3.905 | 2,364 | | | |
| | Jul | 5,159 | 5.168 | -9 | | | |
| | Aug | 6,566 | 5.054 | 1,512 | | | |
| | Sep | 5,376 | 4.773 | 603 | | | |
| | Oct | 5,861 | 5.561 | 300 | | | |
| | Nov | 7,719 | 7.004 | 715 | | | |
| | Dec | 8,118 | 6.780 | 1,338 | 70,940 | 52,417 | USED 18,523,000 gallons more (56.8 acre-feet) |
| 1996 | Jan | 4,266 | 6.274 | -2,008 | | | |
| | Feb | 5,191 | 5.757 | -566 | | | |
| | Mar | 6,289 | 6.321 | -32 | | | |
| | Apr | 5,117 | 5.070 | 47 | | | |
| | May | 5,849 | 5.430 | 419 | | | |
| | Jun | 5,328 | 5.300 | 28 | | | |
| | Jul | 6,769 | 6.330 | 439 | | | |
| | Aug | 8,108 | 6.730 | 1,378 | | | |
| | Sep | 5,163 | 6.440 | -1,277 | | | |
| | Oct | 7,111 | 7.785 | -674 | | | |
| | Nov | 7,406 | 7.414 | -8 | | | |
| | Dec | 7,142 | 8.120 | -978 | 73,739 | 76,971 | DISCHARGED 3,232,000 gallons more (9.9 acre-feet) |
| 1997 | Jan | 6,310 | 5.770 | 540 | | | |
| | Feb | 5,567 | 4.827 | 740 | | | |
| | Mar | 6,932 | 5.950 | 982 | | | |
| | Apr | 5,189 | 5.155 | 34 | | | |
| | May | 5,612 | 5.737 | -125 | | | |
| | Jun | 7,567 | 4.866 | 2,701 | | | |
| | Jul | 7,753 | 5.676 | 2,077 | | | |
| | Aug | 5,393 | 4.681 | 712 | | | |
| | Sep | 5,457 | 4.593 | 864 | | | |
| | Oct | 5,169 | 5.612 | -443 | | | |
| | Nov | 8,577 | 5.164 | 3,413 | | | |
| | Dec | 4,804 | 6.288 | -1,484 | 74,330 | 64,319 | USED 10,011,000 gallons more (30.7 acre-feet) |
| 1998 | Jan | 6,732 | 6.195 | 537 | | | |
| | Feb | 5,080 | 5.314 | -234 | | | |
| | Mar | 6,864 | 6.240 | 624 | | | |
| | Apr | 6,689 | 5.890 | 799 | | | |
| | May | 5,353 | 6.223 | -870 | | | |
| | Jun | 6,818 | 7.016 | -198 | | | |
| | Jul | 6,769 | 6.126 | 643 | | | |
| | Aug | 7,003 | 4.680 | 2,323 | | | |
| | Sep | 8,226 | 5.305 | 2,921 | | | |
| | Oct | | | | | | |
| | Nov | | | | | | |
| | Dec | | | | 59,534 | 52,989 | USED (PENDING) 6,545,000 gallons more (20 acre-feet) |

MICROFILMED
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DARIN OSWALD/The Times-News

Kay Basham peers through her front window at a country landscape that may include a commercial pig farm. Basham is upset over a proposed pig farm that would be built near her new house south of Twin Falls, and is upset over the stench that she says will accompany the farm.

FROM 10/16/98 EDITION OF TIMES NEWS

# PROTESTING PORK

## Neighbors fear their quality of life and investments will suffer

By N.S. Nokkentved
Times-News writer

TWIN FALLS – Kay Basham fears the value of her 4-year-old home will drop like the level of her well if the county allows construction of a hog production facility nearby.

About a dozen homes are within a mile of the proposed hog facility. Residents fear the facility would degrade their quality of life, reduce property values and suck their wells dry.

"There's not enough water," Basham said.

But she and her neighbors live in the agricultural zone of the county, and a hog production facility is considered an agricultural operation under state law.

### Idaho Premium Pork proposal at a glance

- **Number of hogs:** 3,600 sows, capable of raising 72,000 market-size pigs annually.
- **Size:** 558.5 acres.
- **Operation:** Each of three units will house about 1,200 sows; each would give birth to about 20 piglets a year. Piglets weigh a few pounds at birth and within 5 1/2 months grow to 250 pounds.
- **Water use:** 87,000 gallons per day total.
- **Location:** Private land 10 miles south of Twin Falls southwest of the county landfill at Hub Butte.
- **Financing:** Startup costs are estimated at $4.15 million plus about $350,000 in hogs for the first of three units.
- **Status:** Zoning permit under appeal, application to transfer an industrial water right is pending with the Idaho Department of Water Resources. The outcome of the appeal can be brought to District Court. Opponents also can protest the water right application.

The Twin Falls County Planning and Zoning Commission last month approved a proposal by Brent Dame of Idaho Premium Pork for a 3,600-sow operation with a capacity to raise more than 72,000 pigs annually.

Nearby residents have appealed. Those homes all rely on wells – most of them about 600 feet deep.

### Odor questions

Meanwhile Dame has put his proposal on hold and is doing some engineering work. He is working through the process, and hopes it all works out OK, he said this week.

He understands neighbors'

Please see **PORK**, Page A2

pitch his company's request to have the plot annexed as retail property, commission Chairman Bill Allred said.

Jay Schneider was questioned at length by planners about what is in store for the property, but he would say only that developers hope to open at least one large retail outlet there, Allred said. The developer would not say which company or co might build, he said.

Rick Bernsen, preside Jerome Chamber of C said he got a chance thi query Schneider but almost nothing.

"That property is o greatest mysteries of a he said.

Wal-Mart is among th nies Schneider rep

Please see **JEROM**

MAR 15 1999

# Key programs get funding hikes in budget deal

The Associated Press

WASHINGTON — The White House and congressional leaders struck agreement Thursday on a $500 billion spending package showering money on school systems, farmers and the Pentagon, ending a week of election-season budget brinkmanship.

The deal produced a bipartisan finale to a 105th Congress that in recent months has been riven

### Who gets what – A2

ing lawmakers to go home for the Nov. 3 congressional elections.

Despite the cooperation it took over a week of high-level bargaining to reach the pact, neither side pulled any punches in touting victory claims.

Announcing the deal with Democratic leaders at the White

# Idaho delegation: Accord is good for farm

By Robin Brown
States News Service

WASHINGTON – After months of partisan debate, emergency farm assistance looks like it will make it out of Washington after all.





"All together this is agriculture package," s Larry Craig, R-Idaho, w much of the week cra bill. "I am very pleased package will include a sig amount for lost market sation payments and c

hat that will be I don't said Lee Wagner, Plus II chairman and general manager.
t Clear Shield to Twin city offered tax incre- cing for site improve- d the chamber paid ,000 for land to donate t.
declined to talk ut he said he didn't expansion considered up would require as ding by the chamber.
nomic Development Dave McAlindin y comment.
inesses donated $1.6 Business Plus II to conomic development. g expenses and other nts, $1.3-1.4 million ailable for business recruitment and the work-force pool, d. The program's goal rage development of obs from existing and sses within five years.
Cup discussion was

seeking help to come here or to an existing business wanting to expand.

The case of Clear Shield would be recruiting an expansion that could go elsewhere, and helping retain an existing company, Wagner said.

"The more likely they are to invest in Twin Falls, the more likely they're here for the long haul," he said.

Becker said support from the city and chamber – financial and otherwise – was a plus in Twin Falls' favor.

Less than two months after the Clear Shield plant held its grand opening last spring, Solo Cup announced its purchase of the Clear Shield division from its corporate parent, Envirodyne Industries Inc. of Wheeling, Ill. Solo Cup paid $140 million for five factories, including the Twin Falls one, bringing its total up to 14 manufacturing plants.

*Times-News staff writer Pat Marcantonio can be reached at 733-0931, Ext. 242.*

# gress

m A1

ternational Monetary orts to stabilize the nomy and funds for tal programs.
so, the president took dig at a Republican- Congress he has derided for doing

u compare where we eight months with are today and how for America ..., these victories for the eople," Clinton said.
ans cited their own phs. These included l officials broader ow they would use lion Clinton won to g 100,000 teachers; nton's plans for vol- onal testing of stu- elping communities chools; winning close n more for military nd blocking family d to countries that ion.
e, they said, reflect- osophies.
ed the government to " Senate Majority t Lott, R-Miss., said epublican leaders at "We wanted less n Washington. We e decisions being made back home with the people."

## Who gets what?

The budget deal contains routine funding for scores of government agencies, but it also became the vehicle for reviving a host of unrelated legislative initiatives. These include a measure heavily lobbied by high-technology companies to increase immigration ceilings for high-tech workers and a GOP-backed ban on pornography on the Internet.

**Funding includes:**

- ❑ **$6.4 billion** for improving military readiness and for U.S. peacekeeping troops in Bosnia.
- ❑ **$2.4 billion** for anti-terrorism initiatives, including improvement of embassy security in the wake of the bombing of two U.S. Embassies in Africa this summer.
- ❑ **$3.4 billion** to remedy the year 2000 glitch in government computers.
- ❑ **$5.9 billion** for farmers hard hit by this year's sagging agricultural economy.
- ❑ **$690 million** for an anti-drug initiative that was a top GOP priority.

Among the many initiatives attached to the legislation at the last minute was a modest package of tax relief, a pale shadow of the $80 billion tax cut that passed the House last month, only to die in the Senate.

not sit on our hands," said Rep. Barbara Cubin, R-Wyo., sponsor consider a similar measure on today.

# Pork

Continued from A1

apprehension, but said if they put aside their emotions and listen to what he is proposing they would see they have nothing to fear. He plans many improvements beyond the basic requirements and wants to be a good neighbor.

The neighbors, some with more than $125,000 invested in land and homes, are reluctant to believe him. Hog factories have a reputation for odor and water pollution problems across the country.

"Why should his be any different," Basham asked.

Because they use old technology, he said. Inside hog barns that use only natural ventilation, the smell can be overpowering. The odor gets in your hair and your clothes and stays there after you leave the barn.

Dame says his plant would use continuous forced-air ventilation that draws fresh air down through the building and out the sides, making the air inside pleasant for workers and animals alike.

Unlike a much larger hog facility near Milford, Utah, which collects manure in outdoor lagoons, all hog manure at Dame's facility would be kept in basins under the barns, and ventilators keep odors from building up in the barns, he said.

On the worst day the odors would be detectable a couple of hundred yards away, unlike local sugar factories whose odors carry several miles, Dame said.

In the spring and the fall, manure would be pumped into trucks to be "knifed" into nearby fields with shanks that inject the waste into the soil rather than spreading it on the surface.

State Division of Environmental Quality officials would inspect Dame's operation to ensure waste is properly applied to fields at rates needed by crops. But it's uncertain how often those inspections would take place, said Mike McMasters of DEQ.

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## Other concerns

Basham and her husband, Wes, and other neighbors got a letter two days before the first hearing notifying them on the proposal. But if neighbors had known the landowner was considering selling the land to a hog producer, they might have made an offer.

When the Bashams bought their property three years ago, they were told the area was zoned for 20-acre residential parcels, she said. The owner had sold off the water and split his land into 20 acre parcels, the smallest allowed without a special permit under the county zoning ordinance.

They built a $125,000 home on their $15,000 parcel.

Residents also are concerned about groundwater quality, noting that it doesn't take a leaking lagoon to taint groundwater. In 1996, at a hog factory in Utah a mistakenly attached hose siphoned as much as 80,000 gallons of hog waste into a well.

Dame said liquid waste would be mixed with canal water, not well water. No hoses connected to a well would be used for liquid waste.

## Farms or factories?

Basham knows she's moved into an agricultural area. But 70,000 pigs is not agriculture, it's industry, she said. She and her husband question whether it is appropriate to put an industrial animal factory in the agricultural zone.

A North Dakota judge recently ruled that a 5,000 sow operation, with a capacity to produce about 100,000 pigs annually, near Larimore, N.D., was not a farming operation. The judge termed the operation an "industrial enterprise" that produces waste in amounts that should be regulated by state waste laws, according to the Grand Forks Herald.

But farm or factory, Twin Falls County commissioners will have to rule on the record upon which zoning officials based their approval.

Anyone who spoke at the review hearing last month will be allowed to speak at an appeal hearing to be set in the next three to four weeks, Twin Falls County Commissioner Dennis Maughan said.

He recognized the intensely emotional question that balances the quality of some people's lives with the livelihoods of others.

It's going to be a hard decision, he said.

*Times-News staff writer N.S. Nokkentved can be reached at 733-0931, Ext. 237.*

LETTER TO THE EDITOR
FROM 10/05/98 EDITION
OF TIMES NEWS.

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MAR 15 1999

The members of the editorial board and ...
artgen, Clark Walworth, Steve Crump, Kevin Richert and Kurt Friedemann

# LETTERS

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BILL AND PAULA JENSEN
Twin Falls

## Pork farm would hog water supply

This is in response to the editorial written Sept. 29.

First, I'd like to say, get all your facts straight, before you write an editorial. Idaho Premium Pork is not bending over backward to be a responsible neighbor. Their only concerns are for the bottom line on their profit and loss sheet.

Folks, there is a moratorium on all commercial wells in this area. So our good future neighbor drops a domestic well of more than 800 feet. This wasn't enough water for Mr. Dame's operation so he is also transferring water well rights, from Falls Brand Meats. A well that hasn't been in use since 1989. All wells in the proposed area are 500 to 600 feet deep.

This is a dry part of Twin Falls County. Just wait until we have a couple of dry years. Mr. Dame will need lots of water, so he'll just drill deeper and deeper. The small property owner will not be able to afford to drill his well deeper. We'll just be out of water. What's land without water?

Just look what this hog farm does for our community. All these wonderful low-paying jobs. Folks, it's a hog farm; they might say high tech, but it's still a large hog farm with the same smells, water problems, land contamination, as any hog farm! Hog waste damage to the land lasts for years and years. Their lagoons have all been known to overflow, damaging land, water, wildlife, streams, fish, the works. These are facts, studies of hog facilities in Kentucky, North Carolina and Indiana.

These states don't want these facilities so they are moving west, first Utah and now Idaho. Property values in the area will be ruined. Oh well, anything for money!People of Twin Falls County, do we want this pollution, smell, etc.? People from other parts of the country will know us for our hog farm. This facility must be stopped before it's too late. The smells alone have been known to travel 15 miles; this means, Twin Falls city, you too, will have a new smell in the near future.

LEONA JOHNSON
Twin Falls

## Write to us

**The Times-News** welcomes letters from readers on subjects of public interest.

- **Letters may** be brought to our Twin Falls office, mailed to P.O. Box 548, Twin Falls, ID 83303, or sent by fax to (208) 734-5538.
- other publications will not be reprinted.
- **Because of** space constraints, please limit letters to 400 words.

## Investigation wastes tax dollars

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By Garry Trudeau | Mallard Fillmore

# Hog facility proposal keys on water

By N.S. Nokkentved
Times-News writer

TWIN FALLS – The future of a proposed hog production facility may lie in the transfer of water rights.

Idaho Premium Pork does not yet have an approved commercial and stock water right for its proposed hog production facility south of Twin Falls.

The Twin Falls County Planning and Zoning Commission late last week approved the proposal by Brent Dame of Idaho Premium Pork for a 3,600-sow operation with a capacity to raise more than 72,000 pigs annually.

DAILY NewsLinks

For more on water issues and the hog industry, visit *The Times-News Online* at http://www.magicvalley.com and click on NewsLinks.

But without an approved water right, that county permit would not be valid, county civil attorney Mark Guerry said. Dame estimates the facility would use a maximum of 29,000 gallons per day.

Some neighbors of the proposed operation say they are concerned about water supply in the area.

And the county's recently adopted livestock ordinance requires Idaho Department of Water Resources approval for a water source.

County planning director Bill Crafton said he approved Dame's application based on three points:

- Dame has an approved domestic well.
- The land he is buying for the operation comes with 250 Salmon River Canal Co. water shares that would be transferred when the sale is final.
- He has a July 2 letter from Independent Meat, expressing intent to transfer an industrial water right to Idaho Premium Pork.

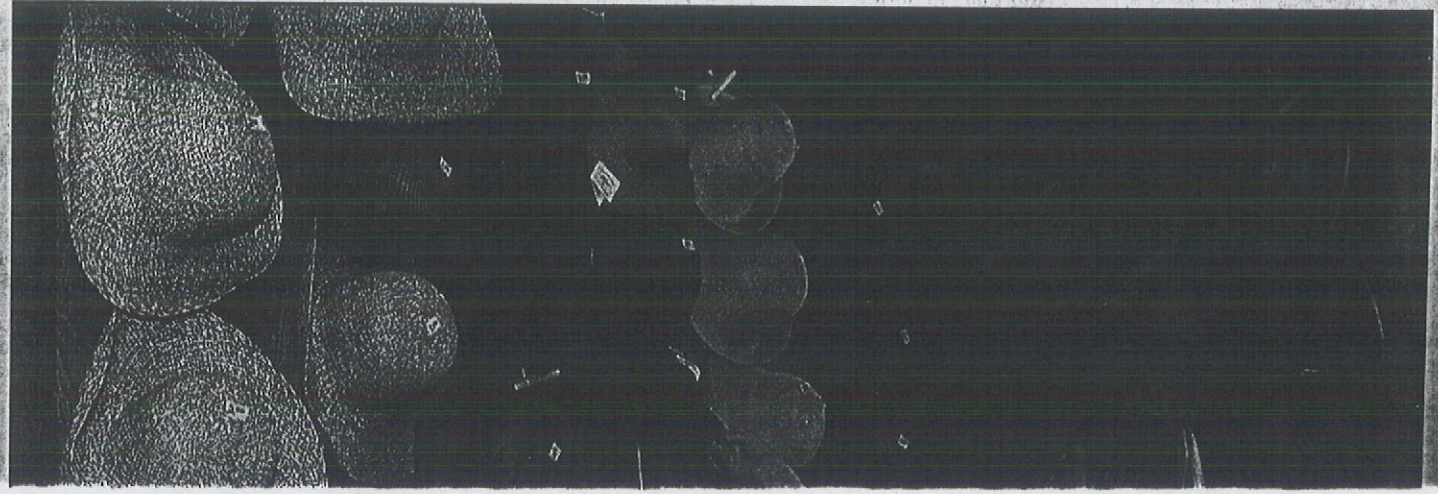
Because of a moratorium on new groundwater sources in Twin Falls County, the Idaho Department of Water Resources would not automatically approve a transfer of the irrigation water rights to a commercial stock water right. And state law prohibits running an operation of this size on a domestic water right.

Water Resources has not yet approved Independent Meat's transfer application.

Independent Meat – which

Please see HOG, Page B3

## NOT YOUR AVERAGE GARAGE SALE



# Law firm: Judge is biased

## Charge baffles magistrate, letter says

By Mark Heinz
Times-News writer

GOODING – Members of a prominent Gooding law firm claim the local magistrate is biased against them and want the judge to recuse himself from

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side of prison," he said.

On the other hand the Mini-Cassia area doesn't have enough treatment programs to deal with the problem, Carlson said.

During his first days as judge, Carlson will also deal with the legacy left by the popular Judge George Granata Jr, who died in June.

Carlson does not plan to make changes and is eager to work with Granata's staff, he said.

Carlson has heard cases are stacking up. He has asked his secretary to prepare status conferences for upcoming civil cases and plans to dive right in to the criminal calendar.

"I plan to come over, roll up my sleeves and go to work," Carlson said.

*Times-News staff writer Lorraine Cavener can be reached in Burley at 677-4042.*

# SA dies in Utah

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lunar landing sites led to his transfer to the Mars Viking project, and he was among those who helped determine the Viking landing site in 1976.

Moore retired from the Geological Survey in 1994, but continued to work for the agency as a scientist emeritus.

with civil cases, the motion says.

In a letter sent in March 1997 from Arkoosh to Idaho Bar counsel Michael Oths and filed with court documents, Arkoosh wrote that he recalled Oths telling him Brown's work on civil cases was not a conflict of interest. The Arkoosh firm handles only misdemeanor criminal cases in Gooding County, according to the letter. Misdemeanors are handled by

apparent bias against the Arkoosh firm, according to Arkoosh's motion.

Arkoosh claims that in one case, Cassidy moved not to pay his firm for public defender work.

"In another case, he prohibited the firm from conducting discovery, but chastised the firm a week later for not conducting the very discovery his order disallowed," Arkoosh's motion says.

# Hog

Continued from B1

would process the pigs raised at the proposed facility – submitted the transfer application Sept. 18 – the same day county planners approved Dame's proposal.

Independent Meat seeks to transfer the water right from a well at its facility on Orchard Drive north of Rock Creek to Dame's proposed hog operation on the Salmon Tract south of the High Line Canal.

The facility would be on 558.5 acres between 2900 and 3000 North and between 2600 and 2700 East, south of Twin Falls and two miles west of the county dump at Hub Butte.

The water right for one-third of a cubic foot per second – about 150 gallons per minute – also would have to be changed from industrial to commercial and stock water.

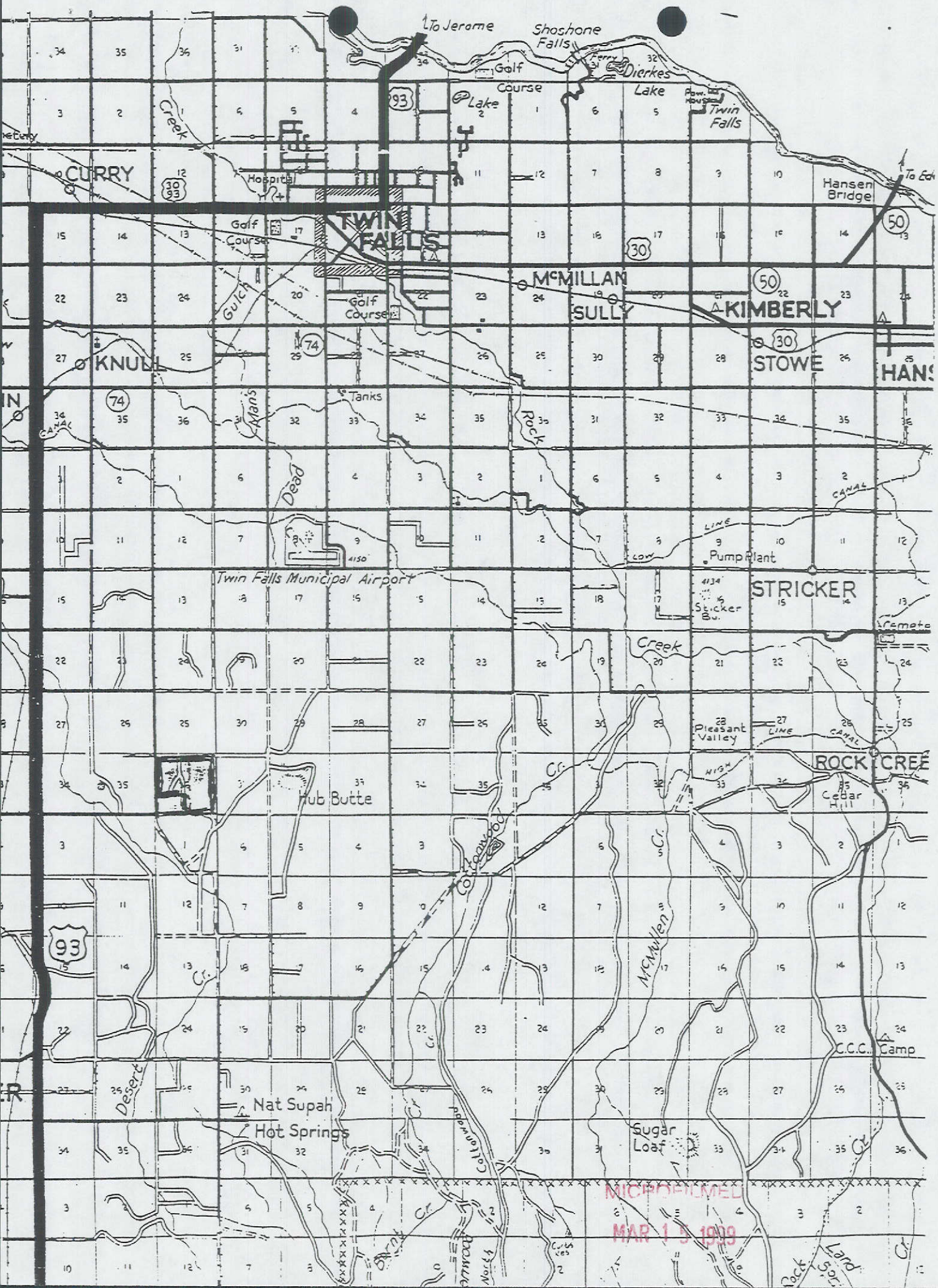
The right is one of several valid rights that belong to Independent Meat, company President Patrick Florence said. The meat-processing company was hooked up to city water in 1989 and has been using more and more city water instead of water from several deep wells.

Anyone who would be affected by the transfer may file a protest with the Department of Water Resources when the proposed water right transfer is advertised. If such a protest is filed a public hearing would be held.

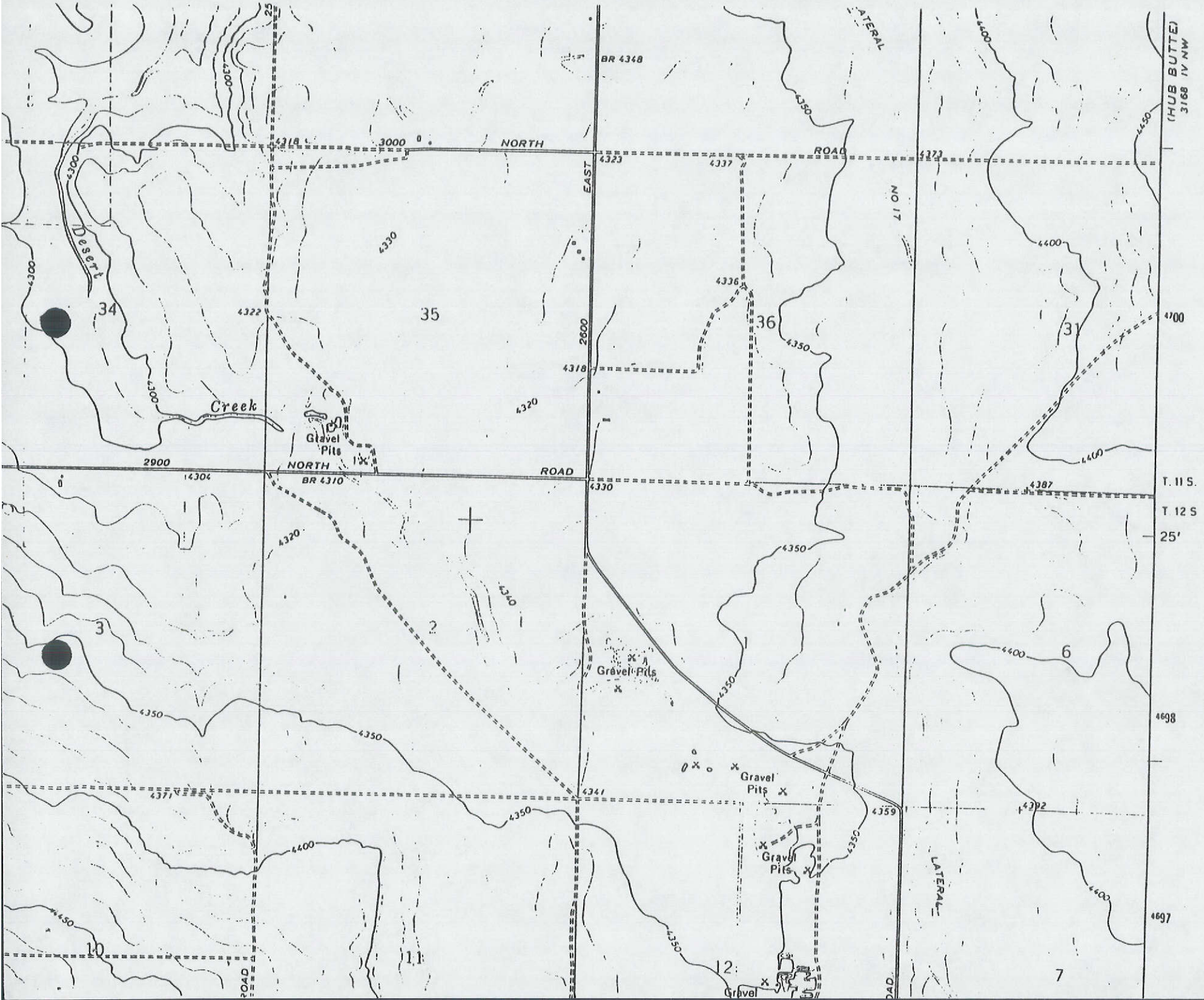
The department office is at 1341 Fillmore St., Suite 200, Twin Falls.

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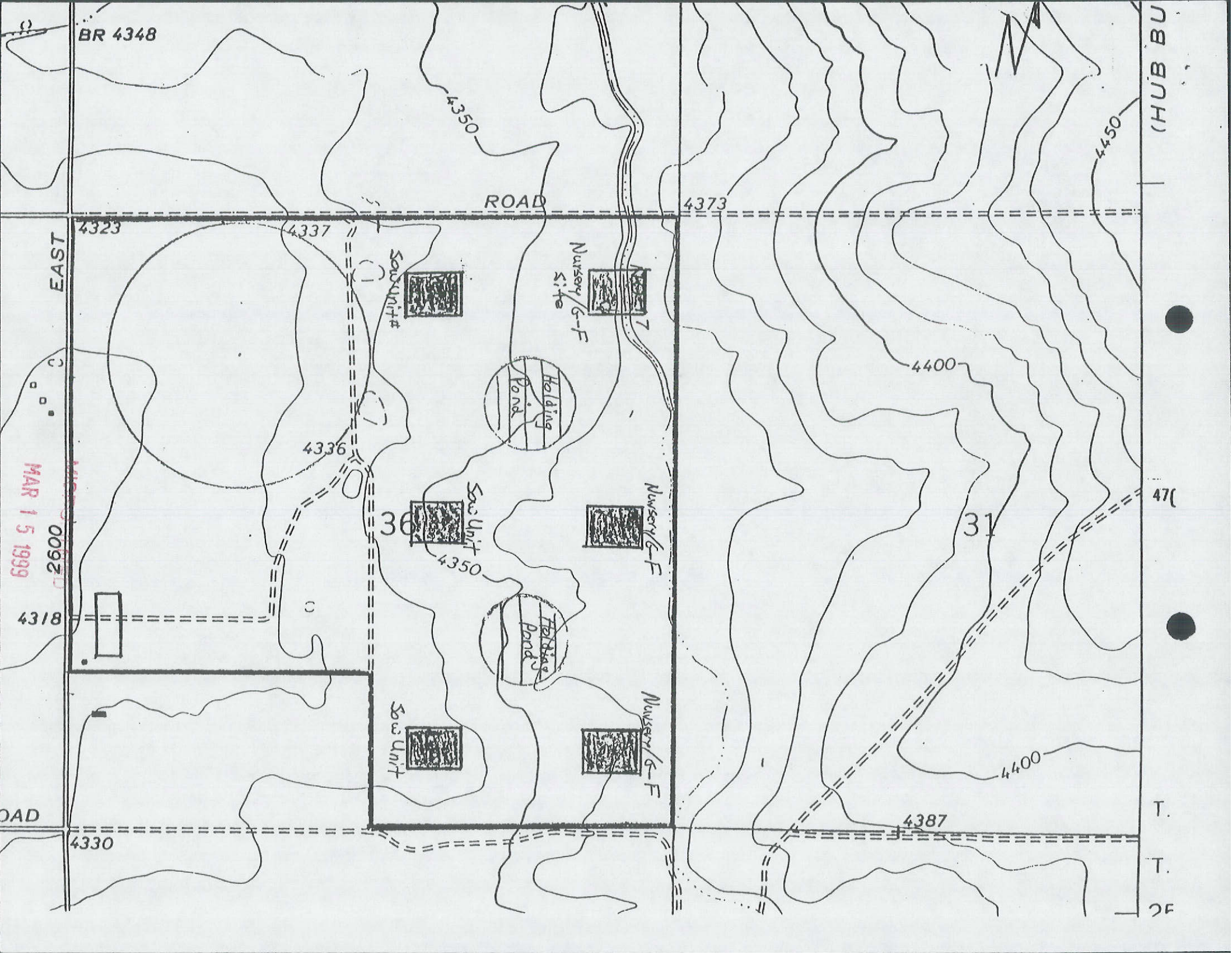
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Did you know Misty's does
Payday Advance Check Loans
Pawn Loans of most things of value
New Lower Pawn Rate
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Burley
750 Overland
678-2299
Overstock Sidewalk Sale
Friday Sept. 25 & Saturday Sept 26
MANY ITEMS AT COST
OVER 750 USED MOVIES (Rupert store only)

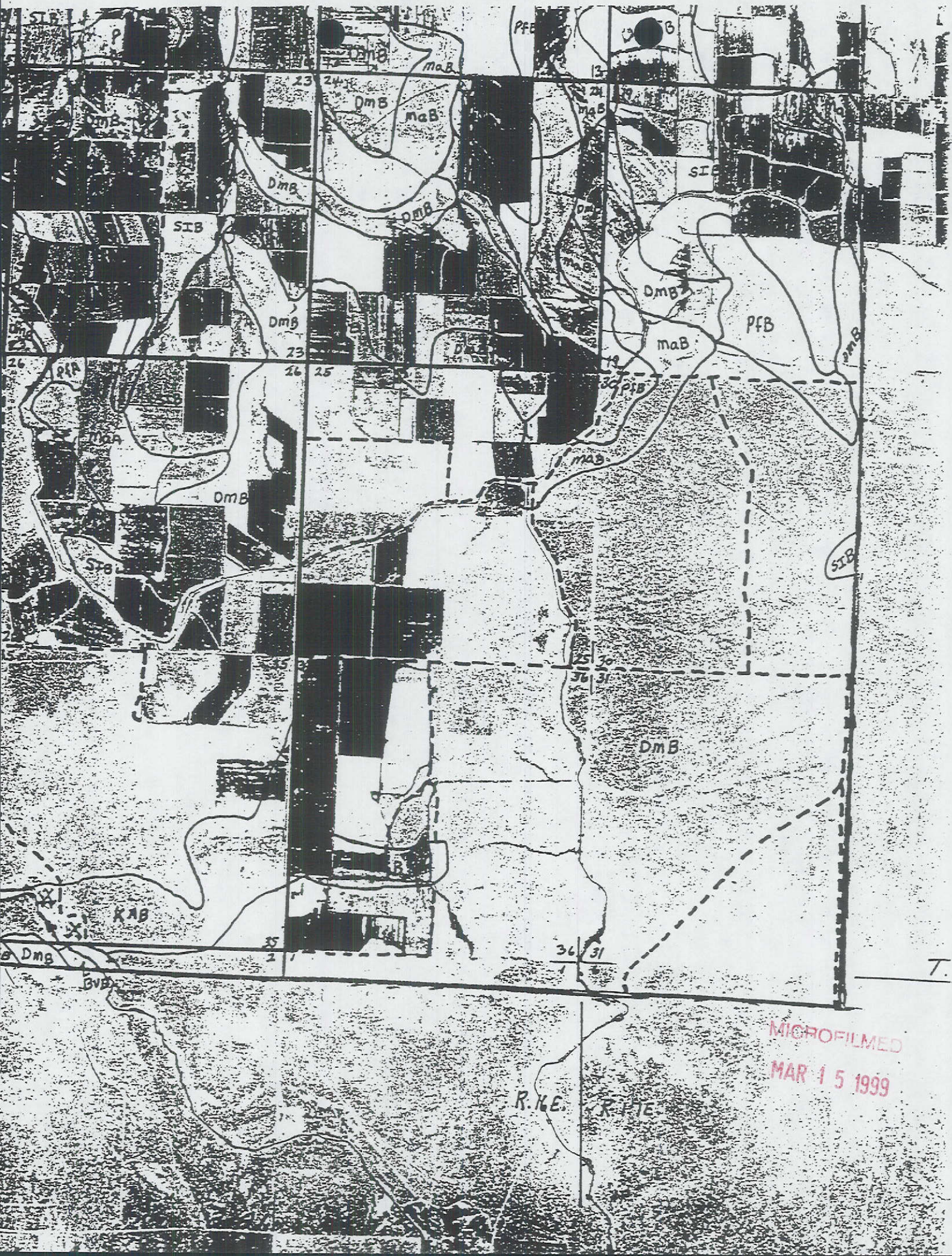



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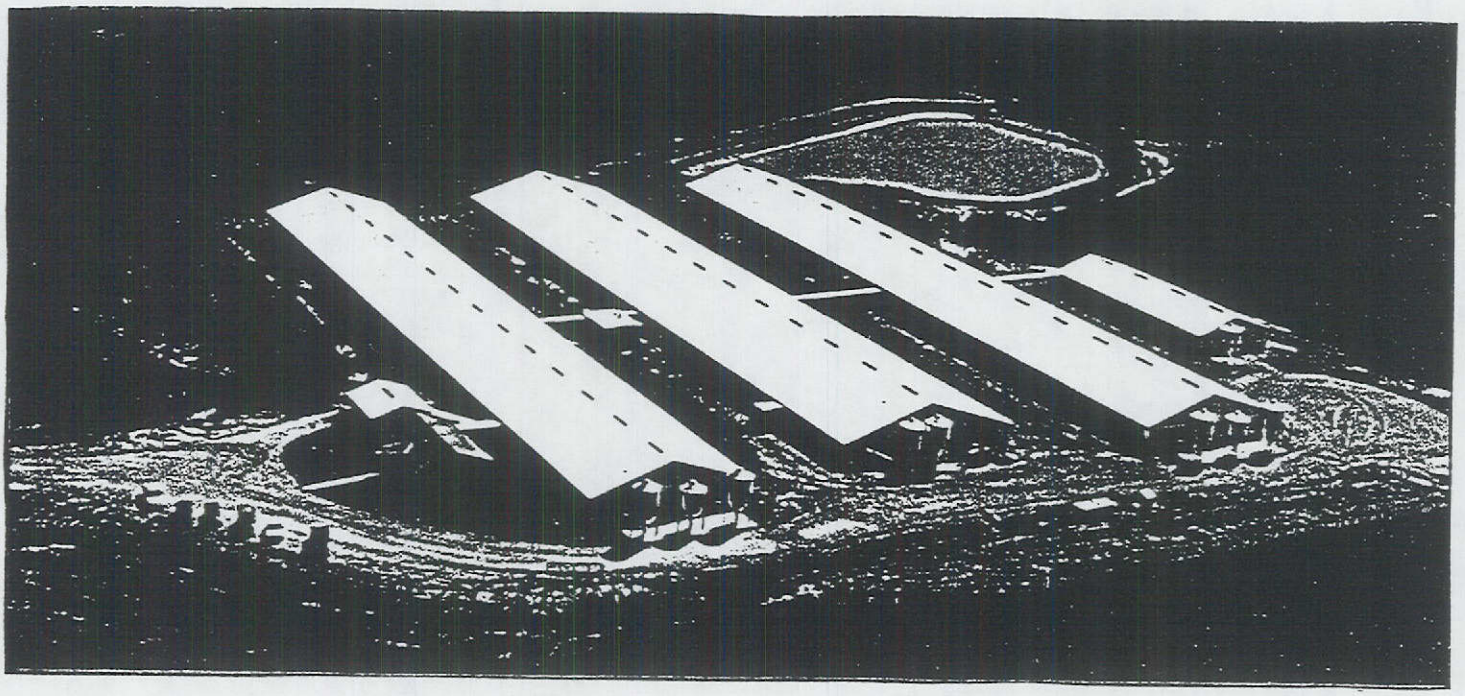



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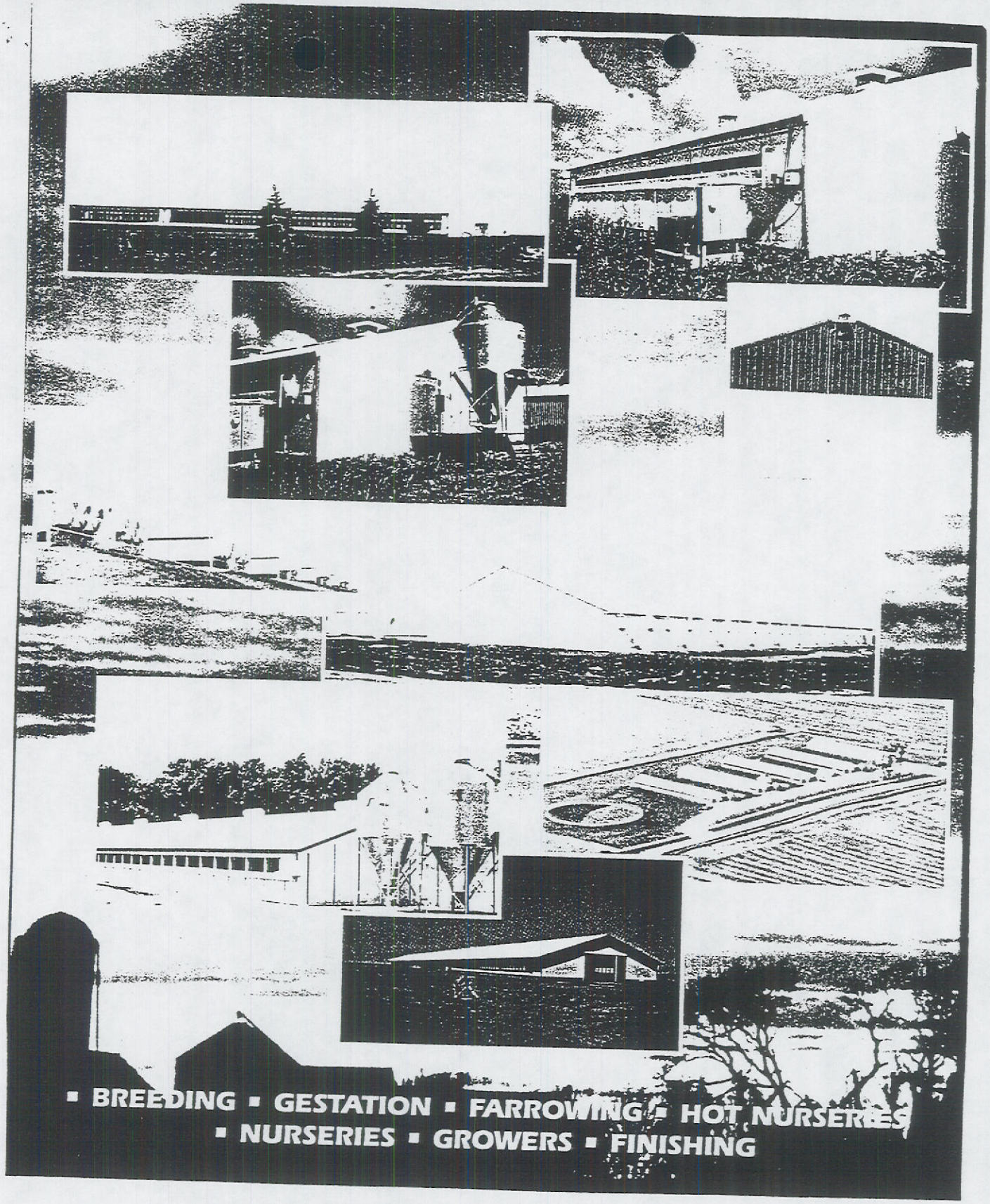
# PRO-AG, INC.

# PORK PRODUCTION PROJECT

# TWIN FALLS, ID

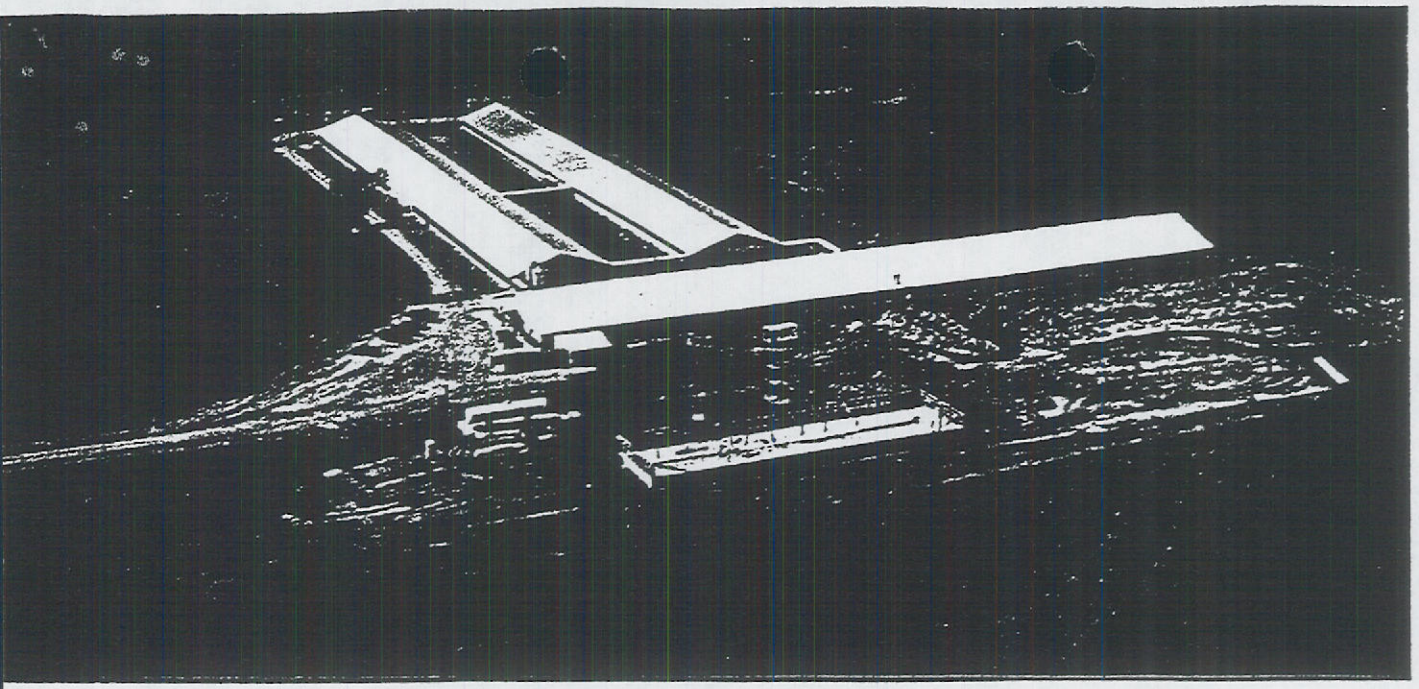


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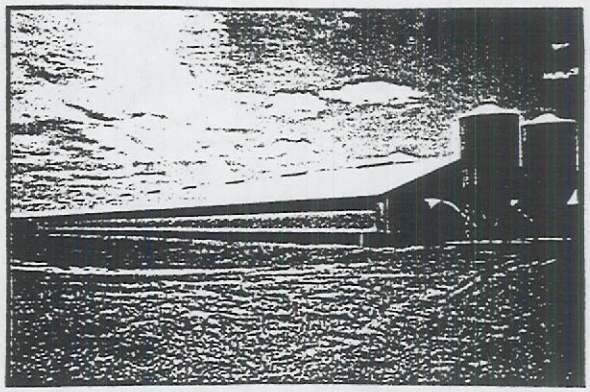



**Turn-Key Swire Production Facilities**

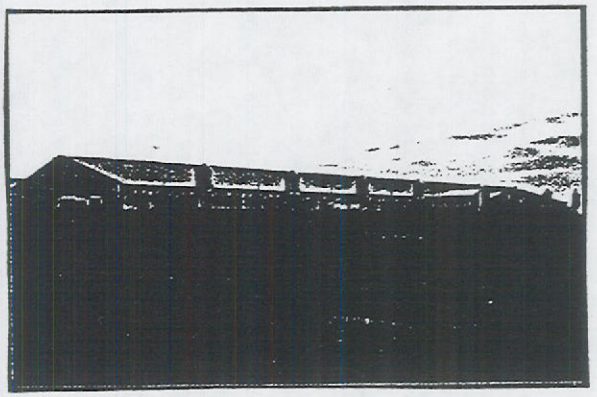
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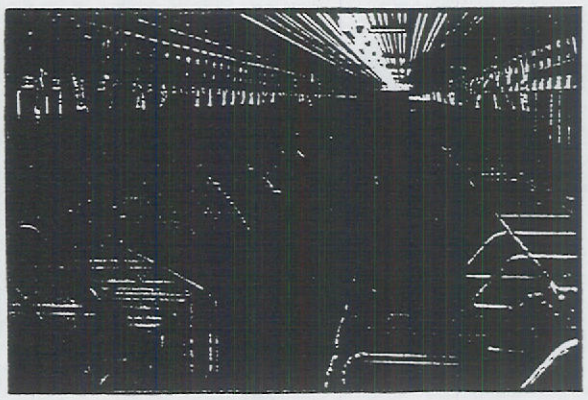
**Breeding/Gestation and Farrowing Complex**



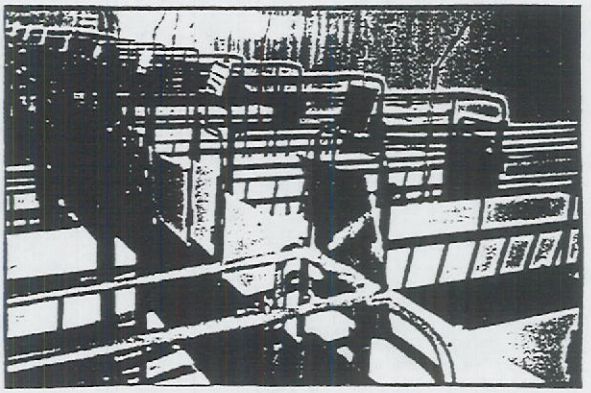
**Breeding/Gestation Exterior**



**Farrowing Exterior**

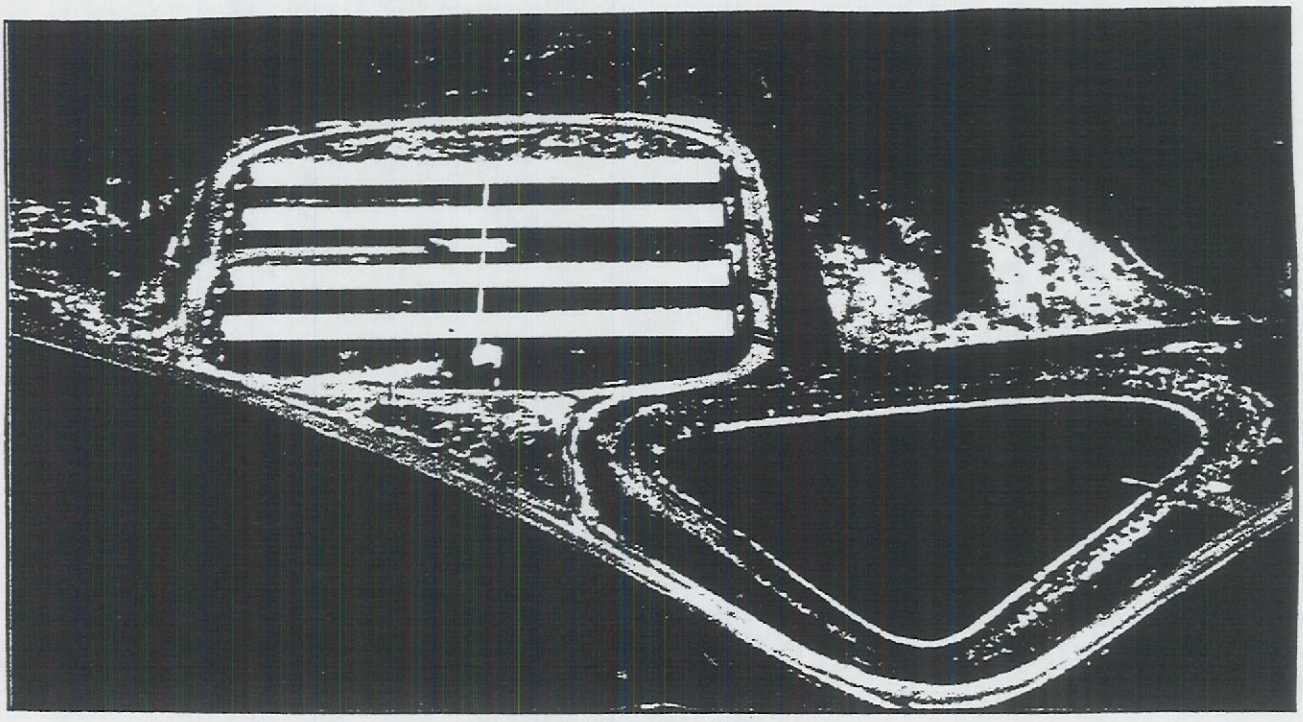


**Breeding/Gestation Interior**

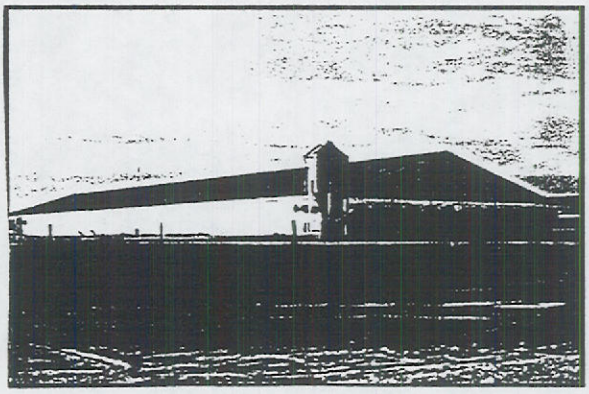


**Farrowing Interior**

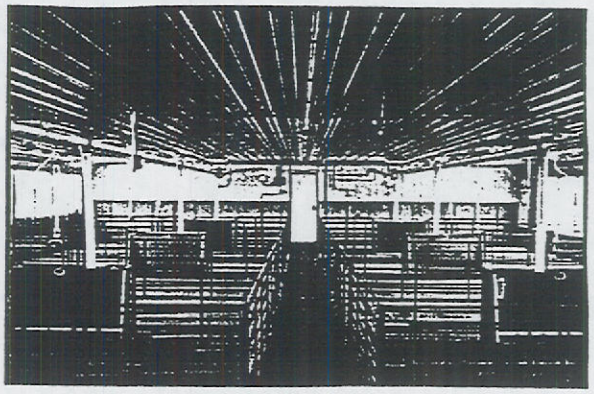
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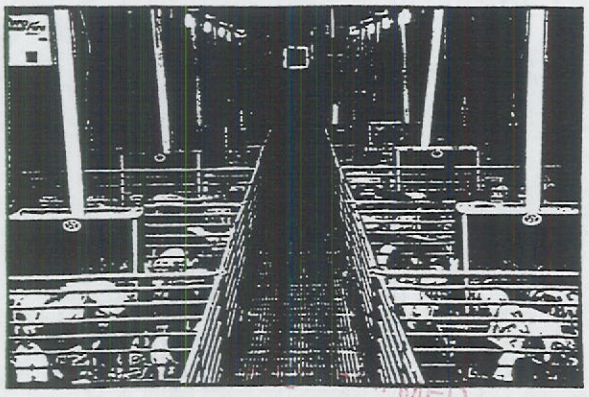
Grower/Finisher Complex



Grower/Finisher Exterior

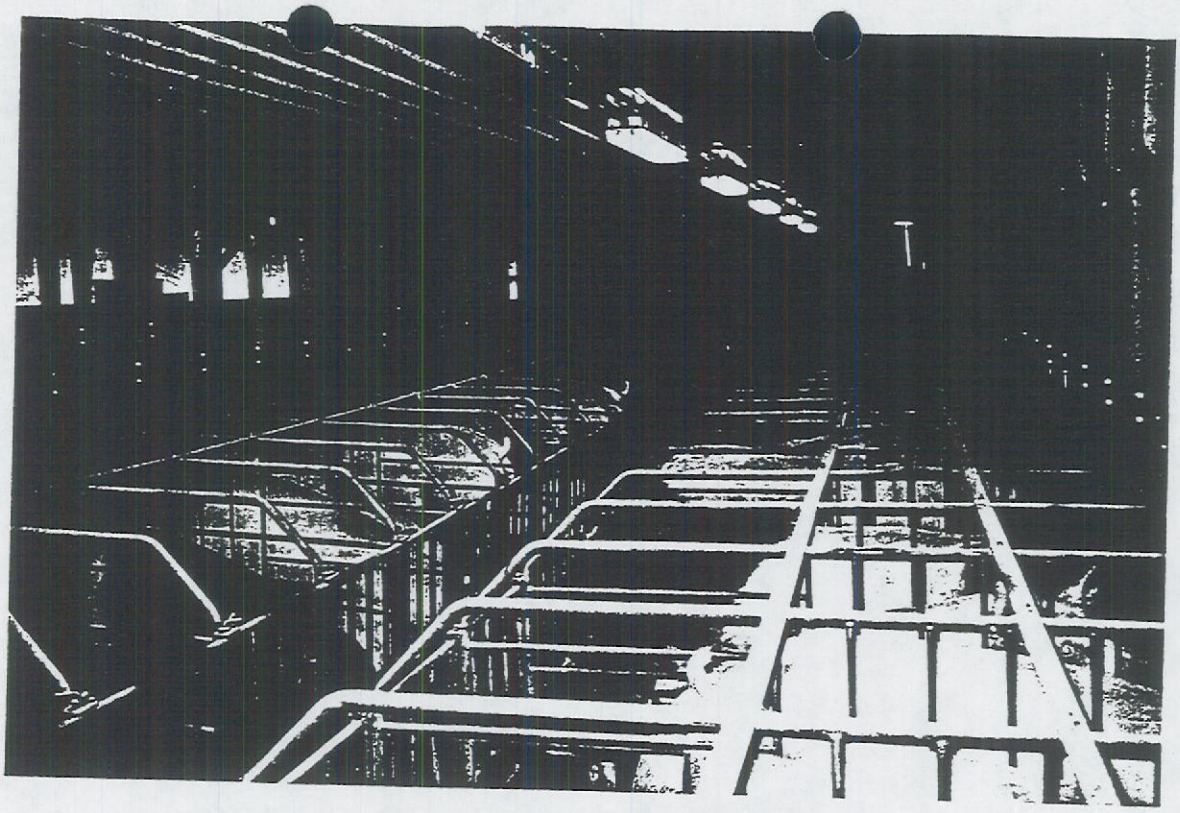


Grower/Finisher Interior

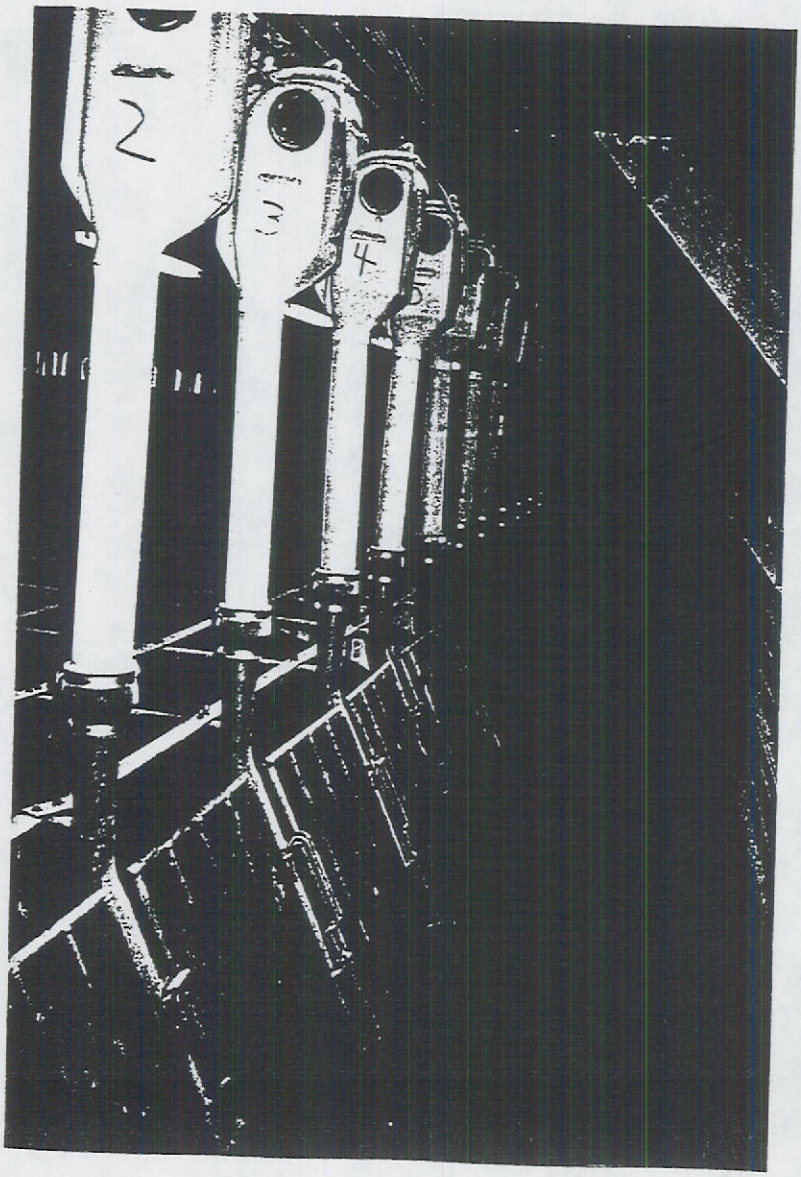


Nursery Interior

MAR 15 1999

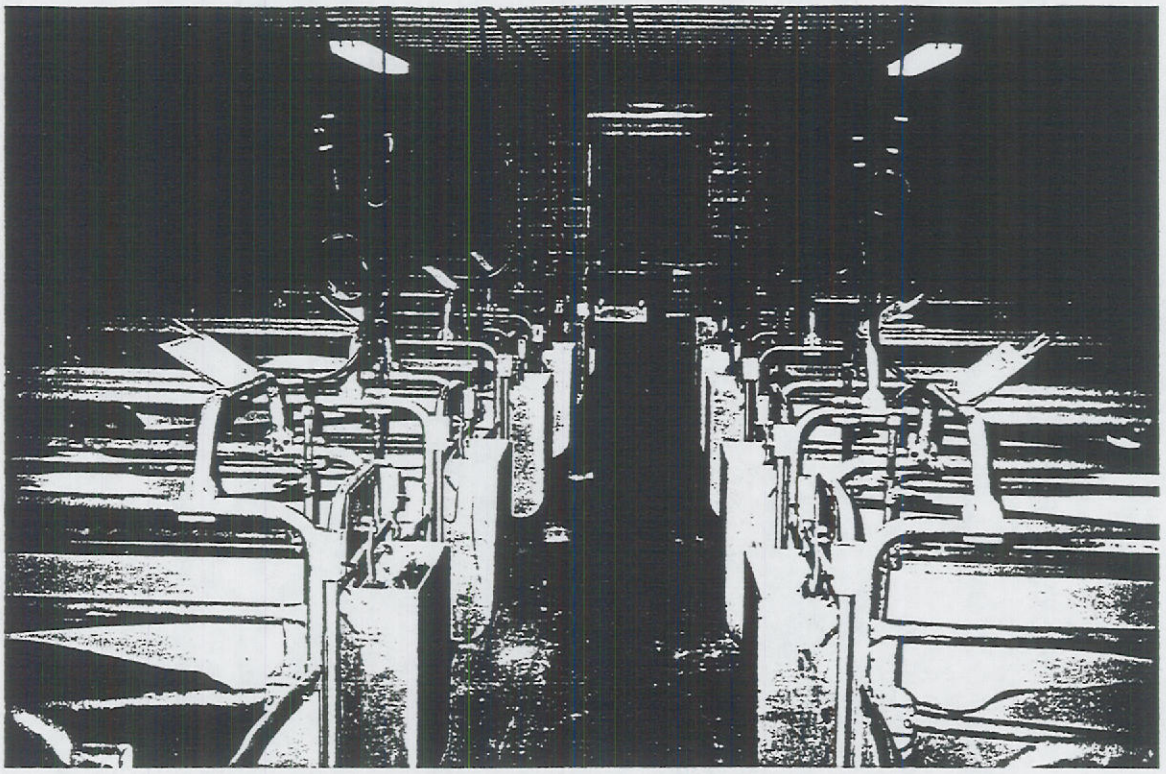


**Breeding/Gestation Facility in Production**

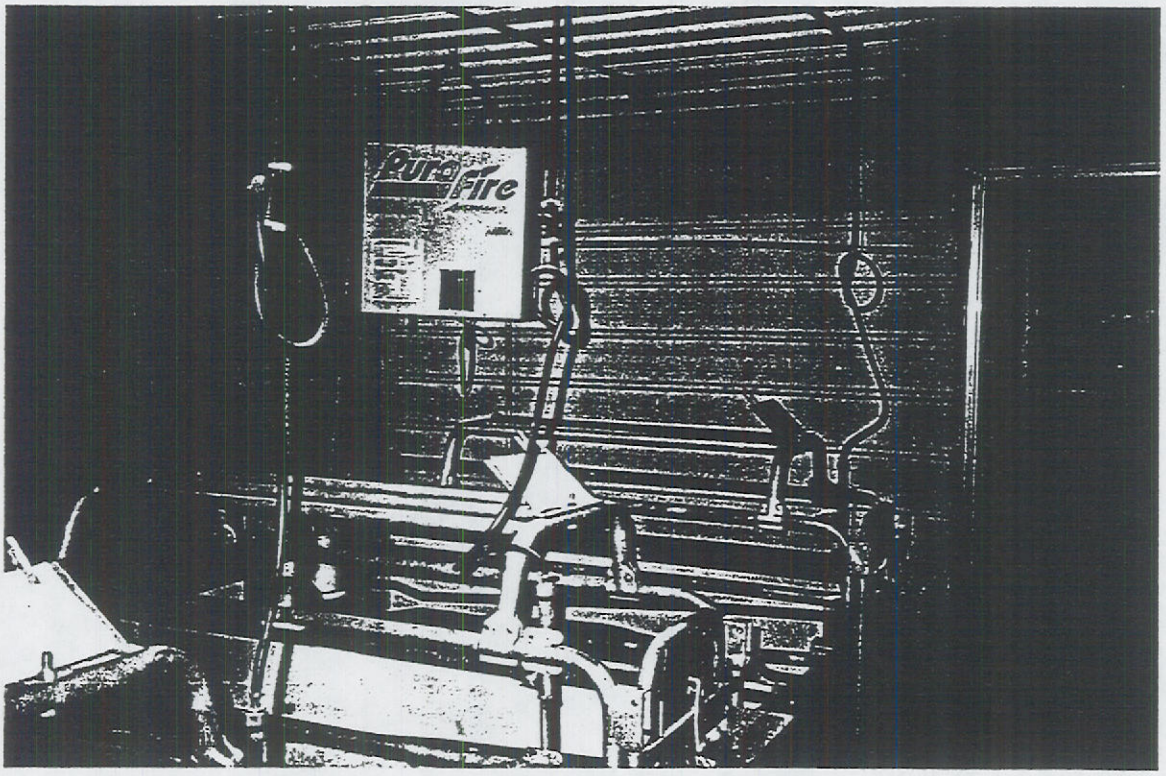




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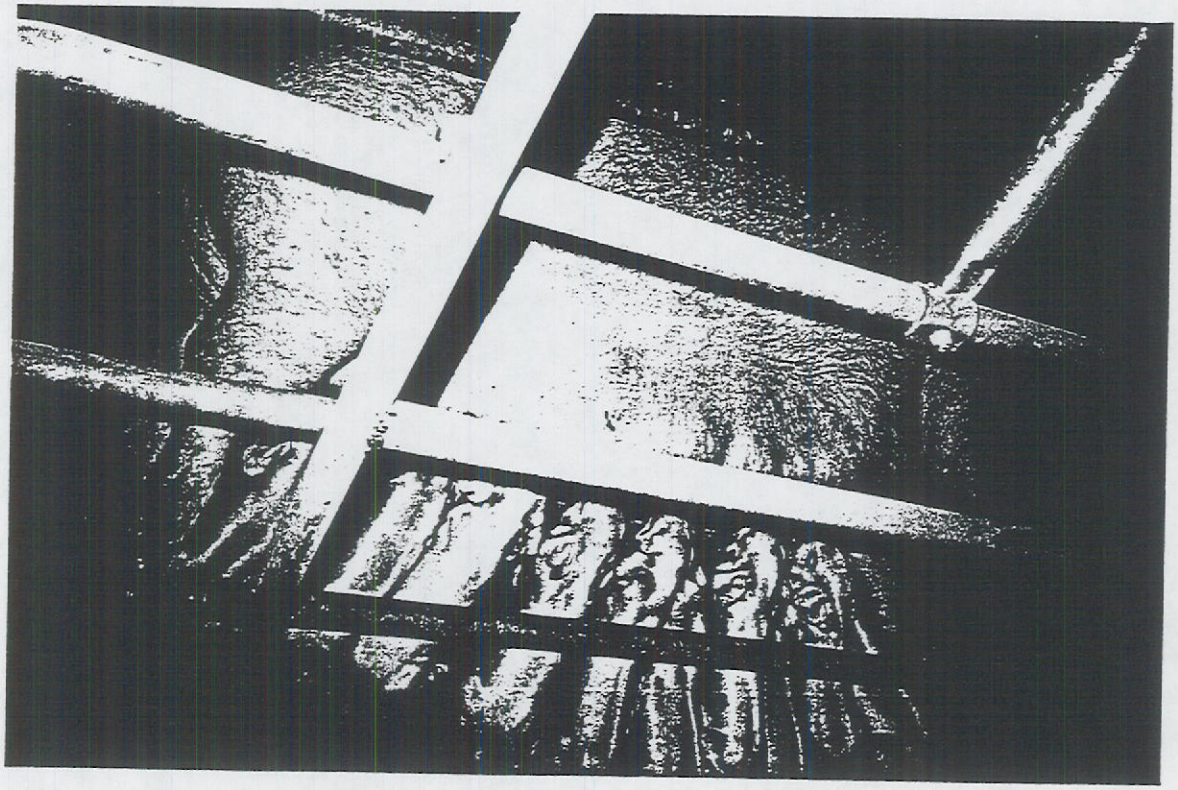
**Farrowing Room in Production**



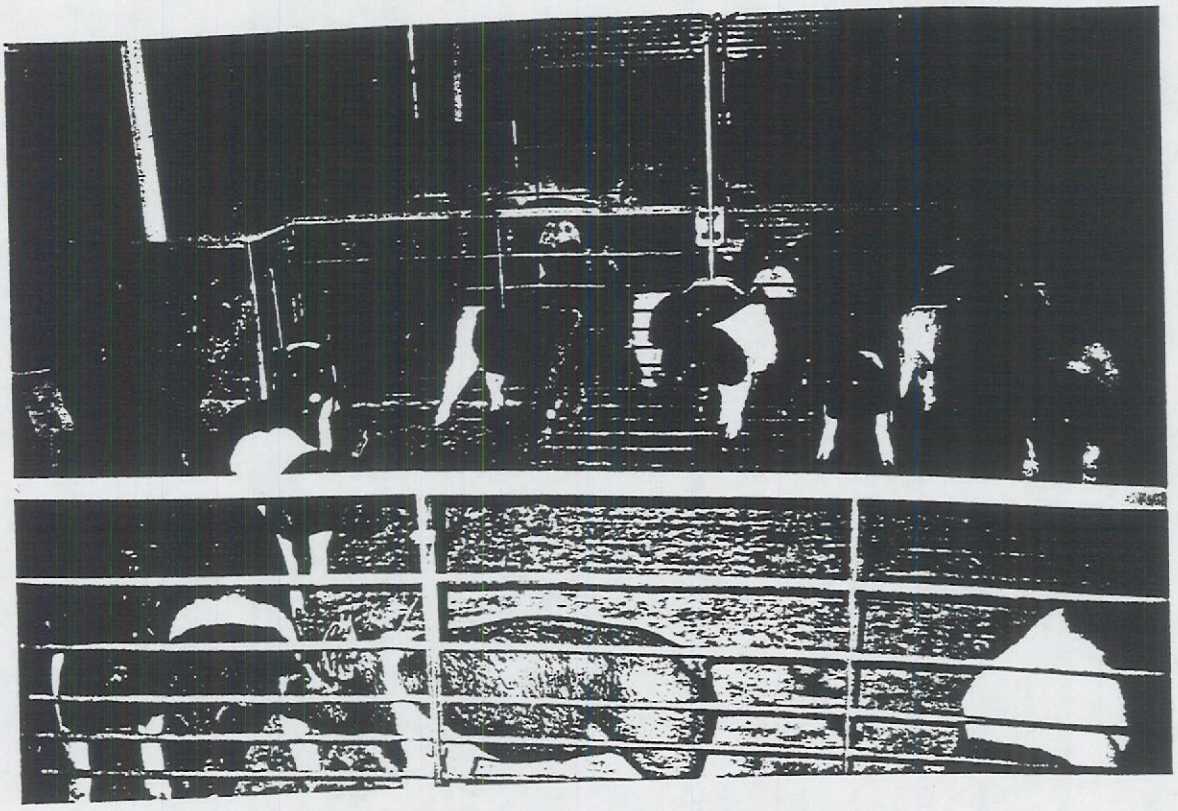

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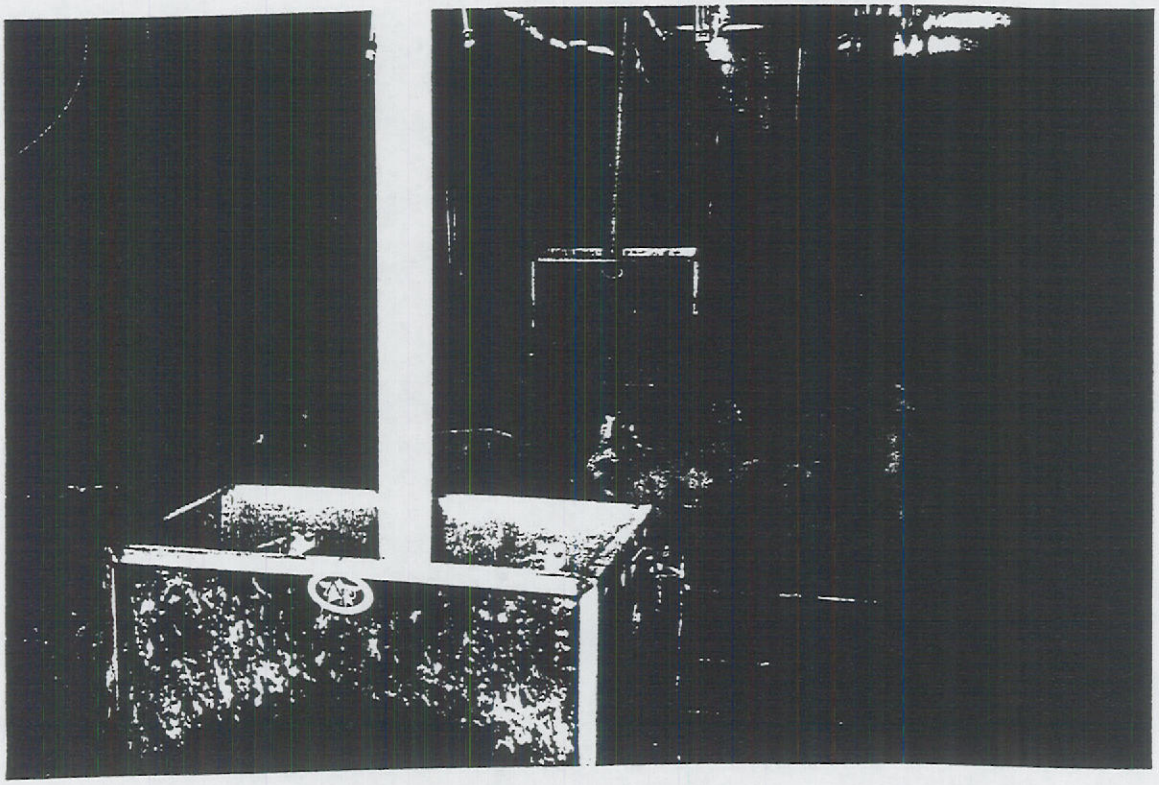
**Newborn Pigs in Farrowing Rooms**



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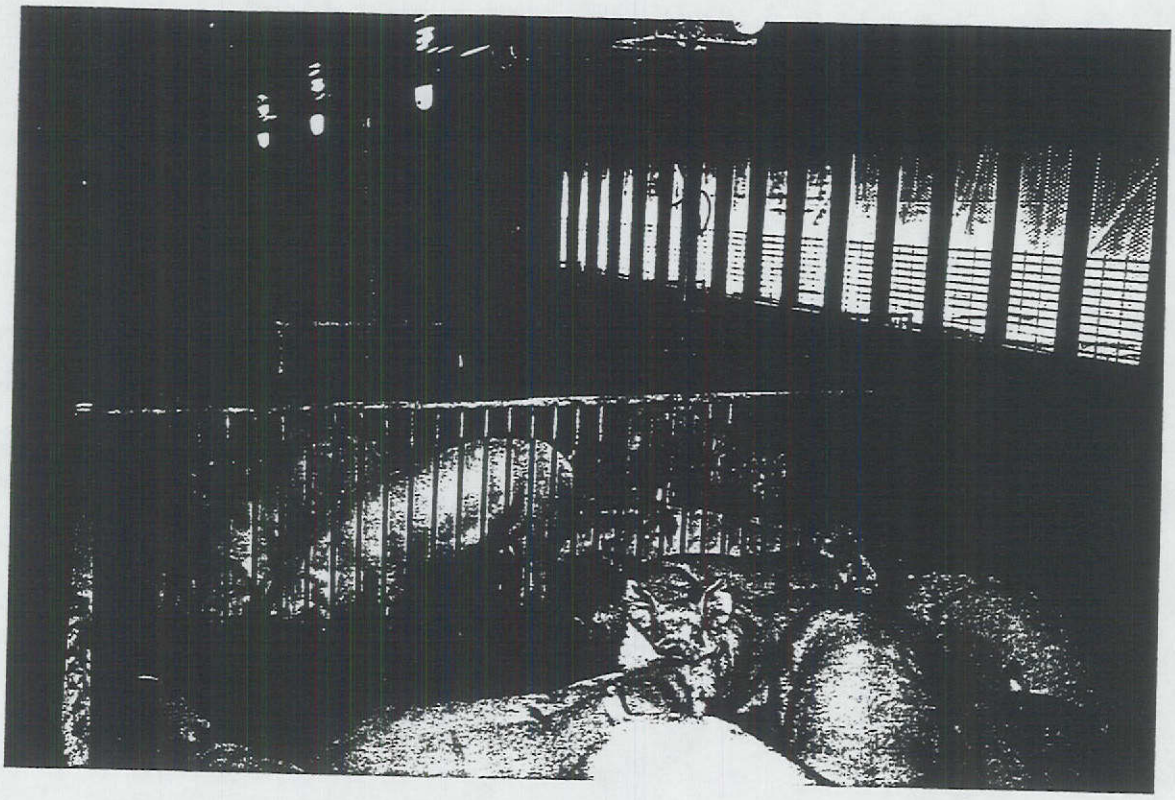
Grower/Finisher Facility in Production



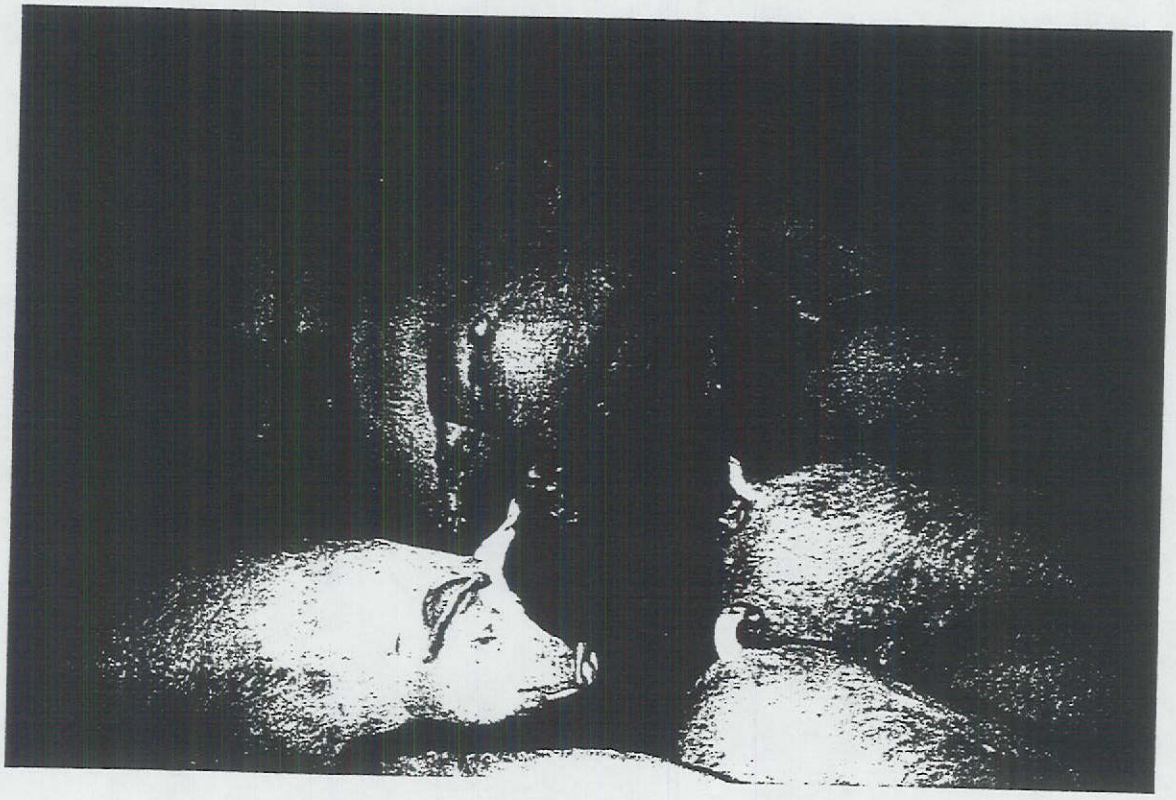
Hot Nursery in Production

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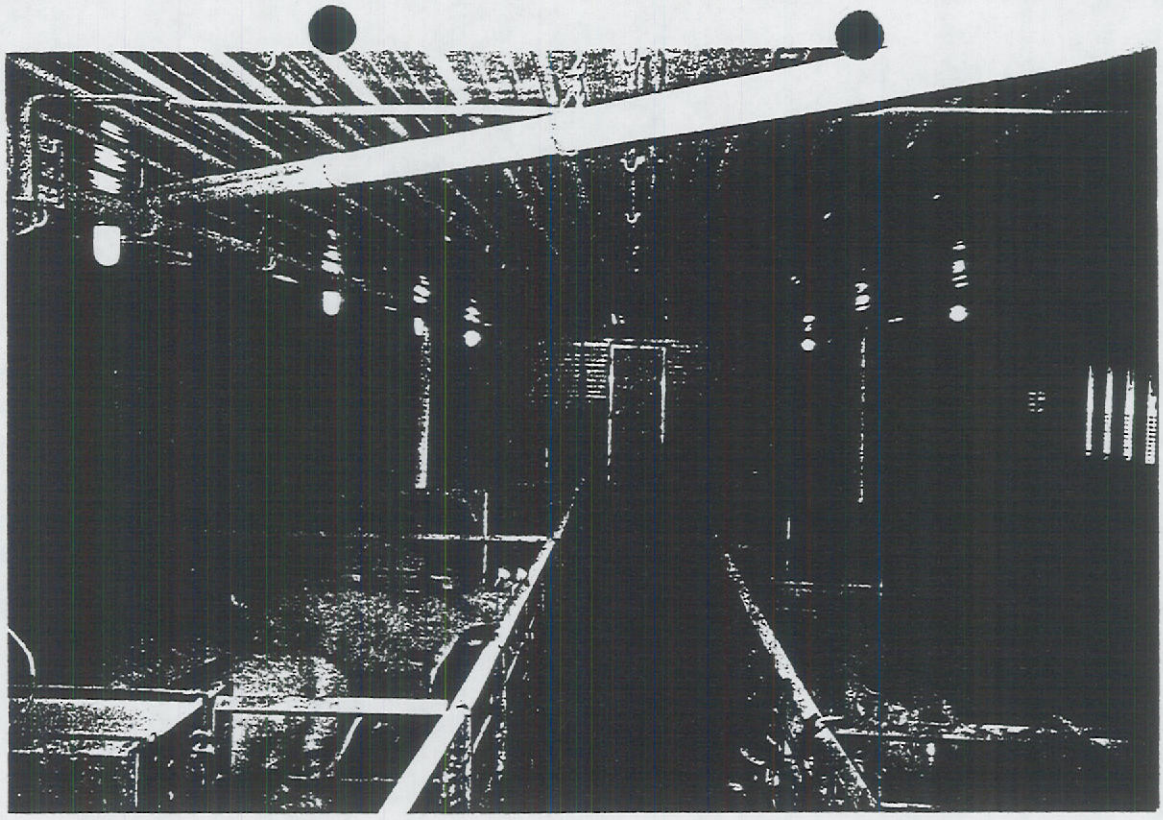
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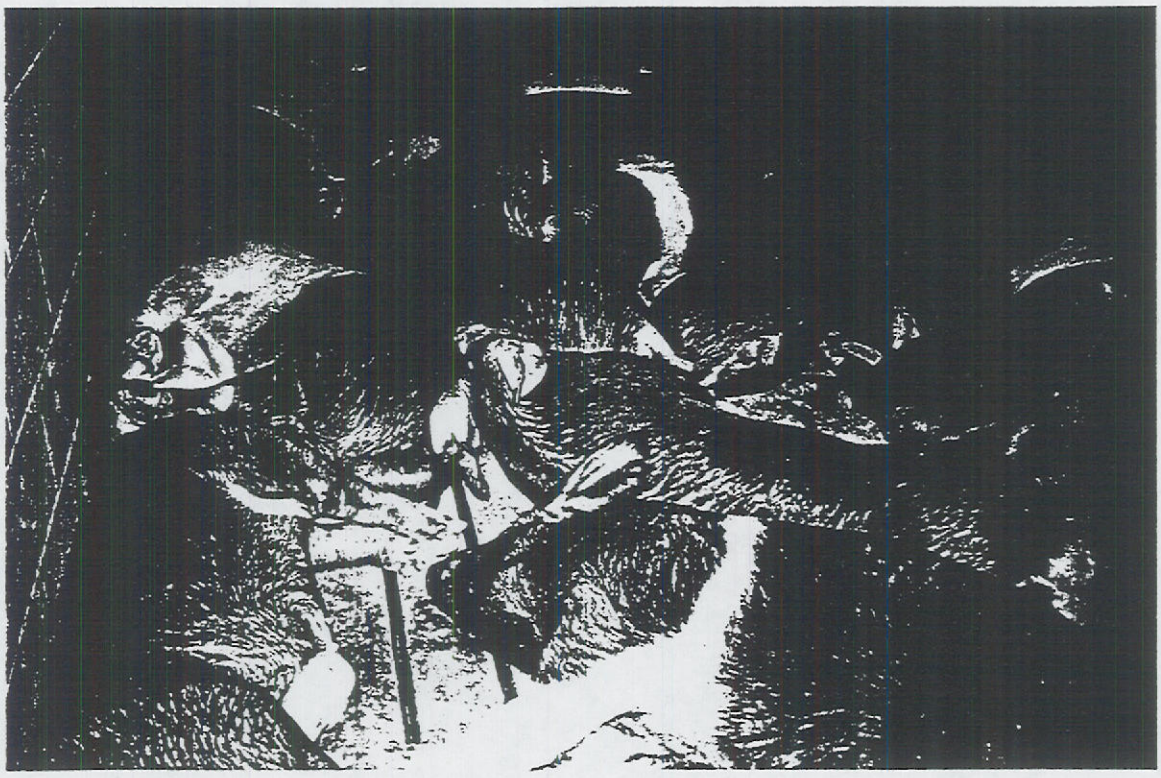
**Whiteline Gilts Segregated in Grower/Finisher**



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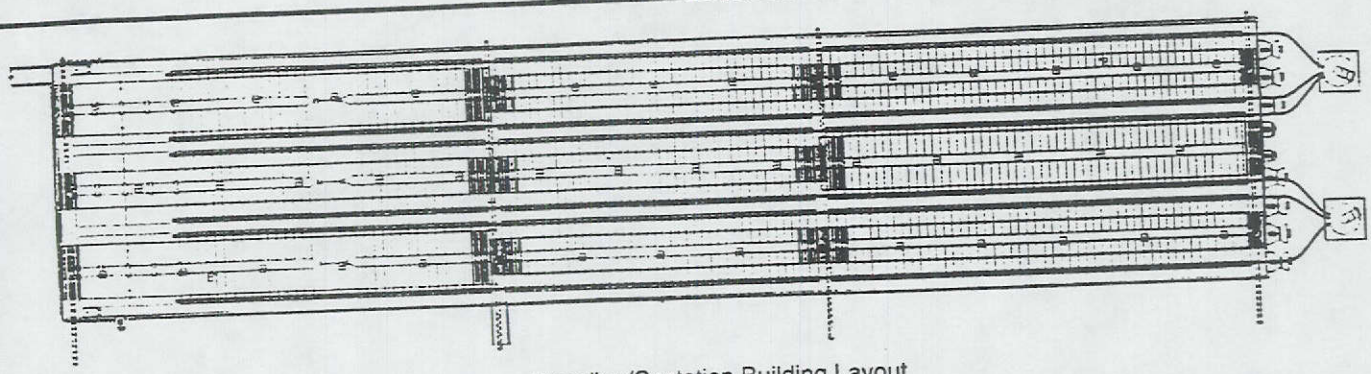
**Segregated Barrows and Gilts Developing in Grower/Finisher**



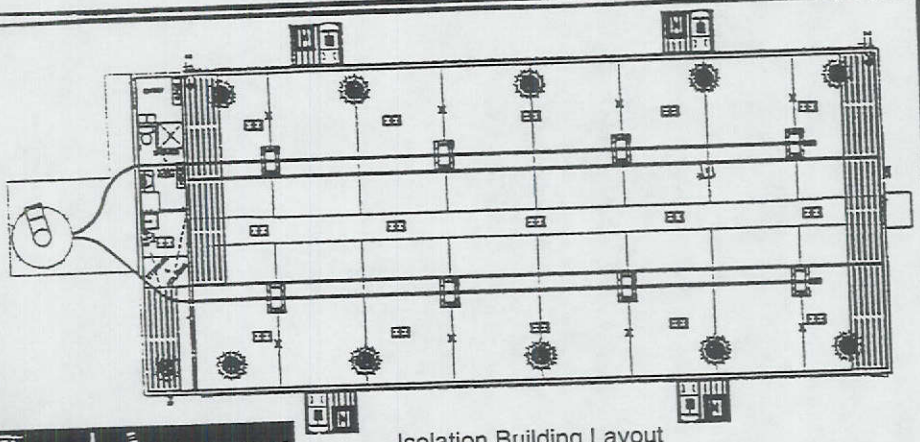
**Terminal Line Boars in Pre-Conditioning Pen**

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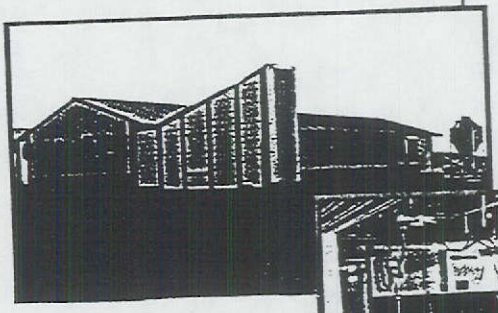
# Breeding/Gestation Building

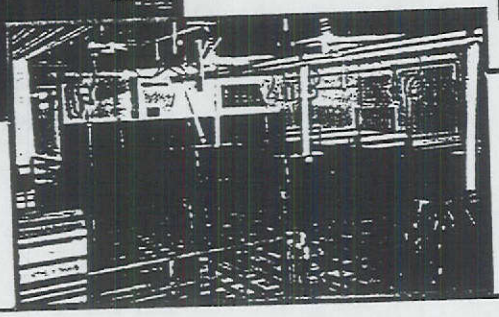


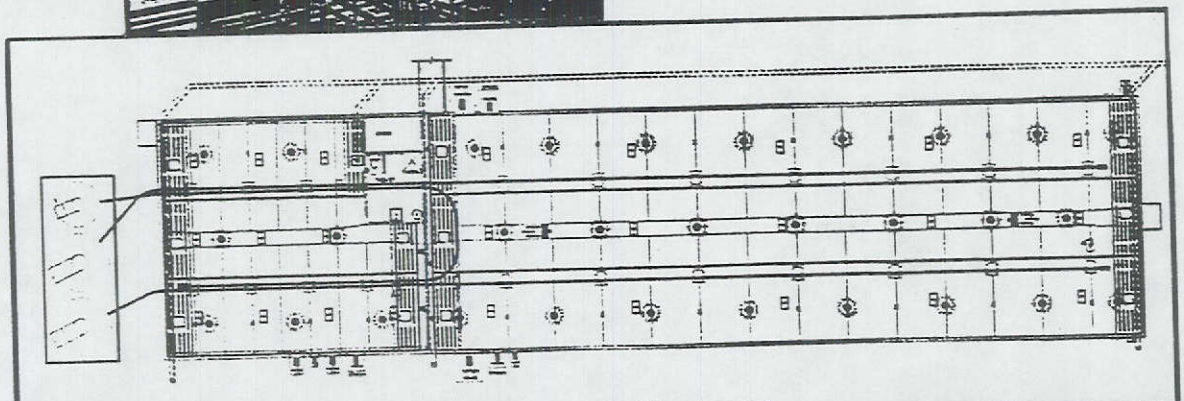
Breeding/Gestation Building Layout



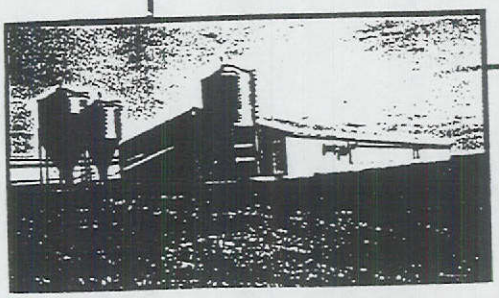
Isolation Building Layout



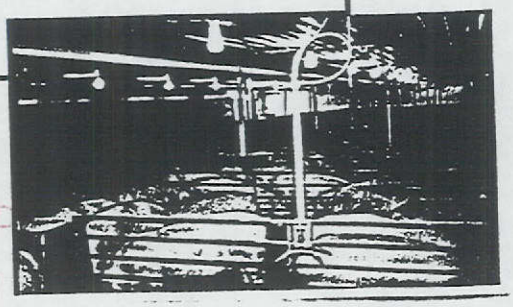




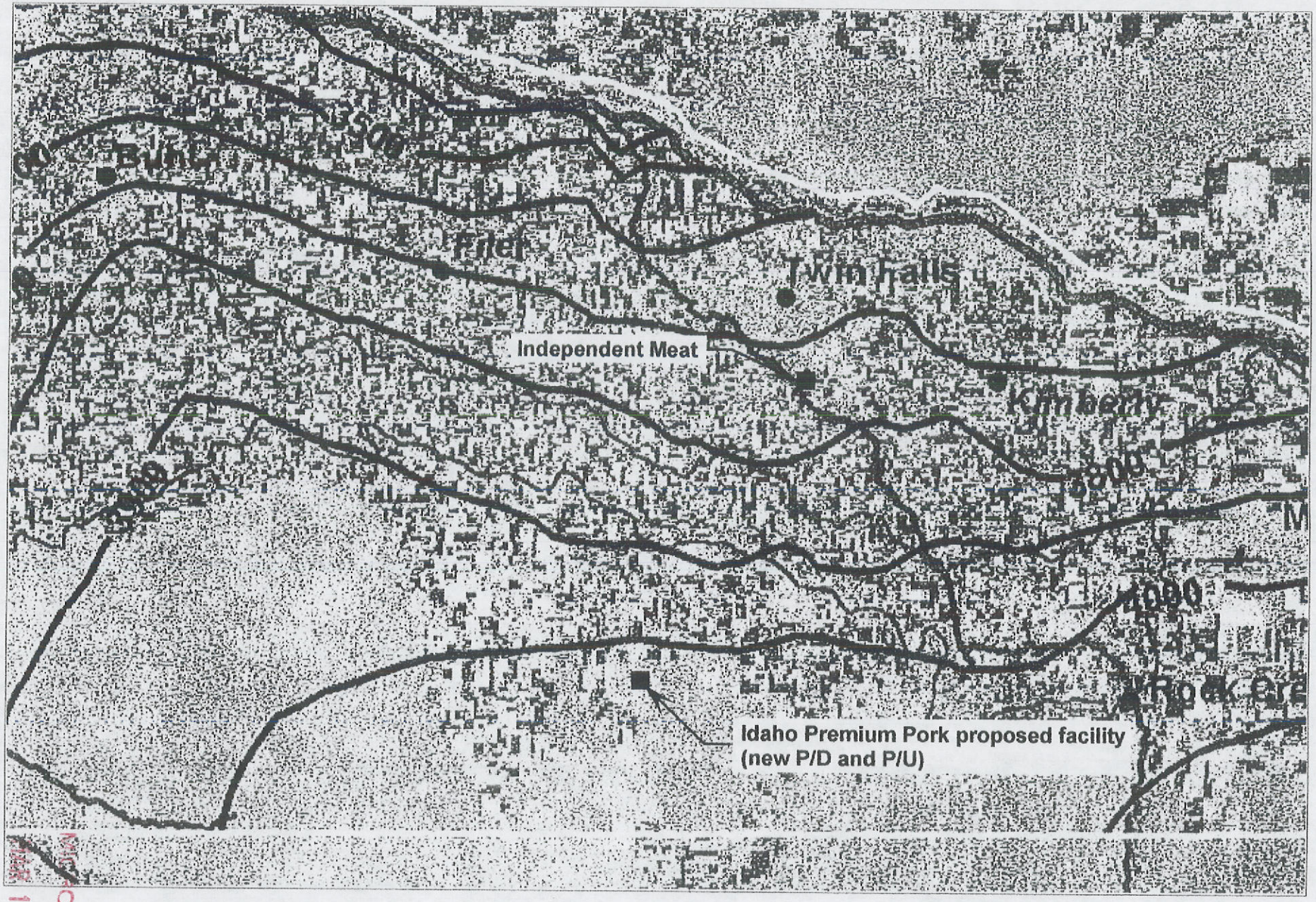
Gilt Development Building Layout



Gilt Development



MICROFILMED
MAR 15 1999




Average water level contours created from observational data, overlain on Landsat composite map of irrigated areas
Water right transfer 47-02396

Brockway Engineering, PLLC 10/5/98

RECEIVED
OCT 15 1999
WATER RIGHTS

# Well Interference Analysis Idaho Premium Pork Well(s)

DRAFT PRELIMINARY

**Estimated Well Drawdown**

C.E. BROCKWAY October 4, 1998 Brockway Engineering P.L.L.C. THEISwellintceb

AQUIFER PROPERTIES BASED ON USBR GROUNDWATER MANUAL-FRACTURED IGNEOUS ROCK
EST. HOLE DIA. 8 INCHES

USING THEIS FORMULA S=114.6*Q/T*W(U)
S= DRAWDOWN IN FT
Q= PUMPING RATE GPM
T= COEFFICIENT OF TRANSMISSIBILITY GPD/FT
W(U)= WELL FUNCTION OF 'U'

W(U)=-.5772-LOGeU +U-U^2/(2*2!)+U^3/(3*3!)-U^4/(4*4!) .....
U=1.87*r^2*S/(T*t)
r=DISTANCE IN FT. FROM CENTER OF PUMPED WELL TO DRAWDOWN POINT
S=COEFFICIENT OF STORAGE
T=COEFFICIENT OF TRANSMISSIBILITY, GPD/FT
t= TIME SINCE PUMPING STARTED, DAYS

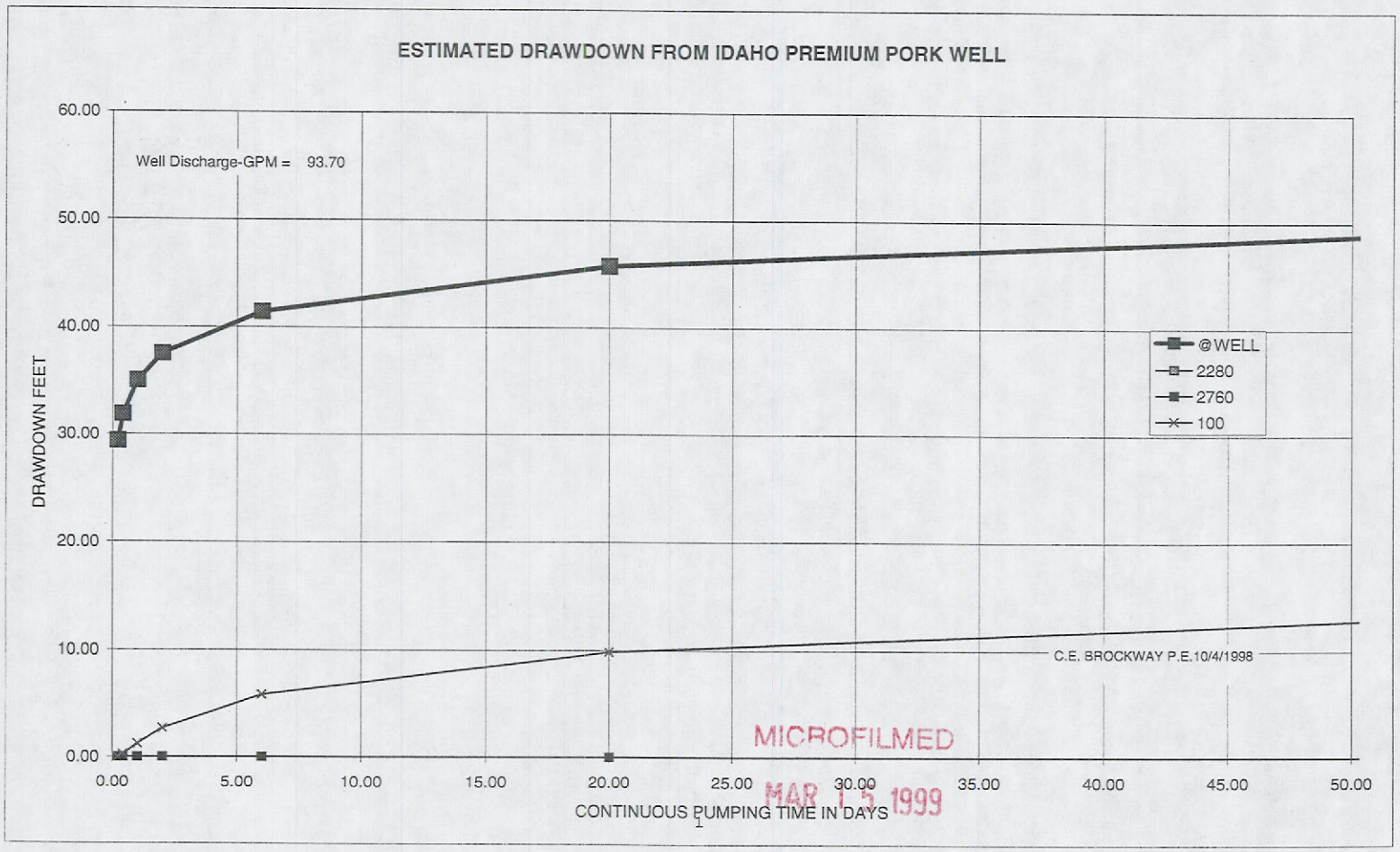
INPUT

| | | | | | |
|---|---|---|---|---|---|
| r1= | 0.667 | FT | K= | 1.00 | FT/DAY |
| r2= | 100 | FT | K= | 1.1574E-05 | CFS/FT^2 |
| r3= | 2280 | FT | K= | 7.46E+00 | GPD/FT^2 |
| r4= | 2760 | FT | WRIGHT SAT. DEPTH EST.= | 400 | FT |
| r5= | 4440 | FT | TRANSMISSIVITY= | 2984 | GPD/FT |
| S= | 0.12 | | TRANSMISSIVITY= | 4.62E-03 | FT^2/SEC |
| T= | 2984 | GPD/FT | TRANSMISSIVITY= | 398.9 | FT^2/DAY |
| Q/WELL | 93.70 | GPM = | 0.209 CFS | | |

Avg Diversion 78615 gpd=55gpm

| TIME HOURS | TIME t DAYS | U w/r1 0.66666667 | WELL FUNCT. W(U)1 | DRAW DOWN @WELL | SPEC. CAP GPM/FT | U W/r2 100 | WELL FUNCT. W(U)2 | DRAW DOWN @ 100 | U W/r3 2280 | WELL FUNCT. W(U)3 | DRAW DOWN @ 2280 | U W/r4 2760 | WELL FUNCT. W(U)4 | DRAW DOWN @ 2760 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 5 | 0.21 | 1.604E-04 | 8.1606 | 29.37 | 3.2 | 3.610E+00 | 0.0037 | 0.01 | 1.876E+03 | 0.0000 | 0.00 | 2.750E+03 | 0.0000 | 0.00 |
| 10 | 0.42 | 8.021E-05 | 8.8537 | 31.86 | 2.9 | 1.805E+00 | 0.0643 | 0.23 | 9.382E+02 | 0.0000 | 0.00 | 1.375E+03 | 0.0000 | 0.00 |
| 24 | 1.00 | 3.342E-05 | 9.7291 | 35.01 | 2.7 | 7.520E-01 | 0.3391 | 1.22 | 3.909E+02 | 0.0000 | 0.00 | 5.729E+02 | 0.0000 | 0.00 |
| 48 | 2.00 | 1.671E-05 | 10.4222 | 37.50 | 2.5 | 3.760E-01 | 0.7444 | 2.68 | 1.955E+02 | 0.0000 | 0.00 | 2.864E+02 | 0.0000 | 0.00 |
| 144 | 6.00 | 5.570E-06 | 11.5208 | 41.46 | 2.3 | 1.253E-01 | 1.6211 | 5.83 | 6.515E+01 | 0.0000 | 0.00 | 9.548E+01 | 0.0000 | 0.00 |
| 480 | 20.00 | 1.671E-06 | 12.7248 | 45.79 | 2.0 | 3.760E-02 | 2.7408 | 9.86 | 1.955E+01 | 0.0000 | 0.00 | 2.864E+01 | 0.0000 | 0.00 |
| 1440 | 60.00 | 5.570E-07 | 13.8234 | 49.74 | 1.9 | 1.253E-02 | 3.8146 | 13.73 | 6.515E+00 | 0.0000 | 0.00 | 9.548E+00 | 0.0000 | 0.00 |

| HOURS | DAYS | @WELL | 100 | 2280 | 2760 DISTANCE FEET |
|---|---|---|---|---|---|
| 0 | 0.00 | 0 | 0 | 0 | 0 |
| 5 | 0.21 | -29.37 | -0.01 | 0.00 | 0.00 |
| 10 | 0.42 | -31.86 | -0.23 | 0.00 | 0.00 |
| 24 | 1.00 | -35.01 | -1.22 | 0.00 | 0.00 |
| 48 | 2.00 | -37.50 | -2.68 | 0.00 | 0.00 |
| 144 | 6.00 | -41.46 | -5.83 | 0.00 | 0.00 |
| 480 | 20.00 | -45.79 | -9.86 | 0.00 | 0.00 |
| 1440 | 60.00 | -49.74 | -13.73 | 0.00 | 0.00 |




MICROFILMED
MAR 15 1999

# Fax

| | |
|---|---|
| Please deliver immediately to: | Corey Skinner |
| of: | IDWR |
| Fax number: | 736-3037 |
| Voice number: | |
| Fax received from: | Denise Allred |
| of: | Salmon River Cananl Company |
| Fax number: | (208) 655-4288 |
| Voice number: | (208) 655-4220 |
| Date: | 10/14/98 |
| Time: | 11:12:41 AM |
| Number of Pages: | 1 |
| Subject: | Water Allortments |

# Message:

Corey,

If you have any questions, give me a call.

Denise

MICROFILMED
MAR 15 1999

# Salmon River Canal Co., Ltd.——Allotments in Acre Feet per Share

| Year | Allotment |
|---|---|
| 1924 | 0.67 |
| 1925 | 0.81 |
| 1926 | 0.35 |
| 1927 | 0.76 |
| 1928 | 0.70 |
| 1929 | 0.60 |
| 1930 | 0.27 |
| 1931 | 0.175 |
| 1932 | 0.85 |
| 1933 | 0.50 |
| 1934 | 0.10 |
| 1935 | 0.50 |
| 1936 | 0.66 |
| 1937 | 0.35 |
| 1938 | 0.72 |
| 1939 | 0.61 |
| 1940 | 0.37 |
| 1941 | 0.30 |
| 1942 | 1.00 |
| 1943 | 1.167 |
| 1944 | 1.10 |
| 1945 | 1.07 |
| 1946 | 0.82 |
| 1947 | 0.48 |
| 1948 | 0.59 |
| 1949 | 0.93 |
| 1950 | 0.93 |
| 1951 | 1.1 |
| 1952 | 1.167 |
| 1953 | 0.8 |
| 1954 | 0.265 |
| 1955 | 0.34 |
| 1956 | 0.80 |
| 1957 | 0.95 |
| 1958 | 0.80 |
| 1959 | 0.335 |

| Year | Allotment |
|---|---|
| 1960 | 0.555 |
| 1961 | 0.21 |
| 1962 | 1.025 |
| 1963 | 0.65 |
| 1964 | 0.89 |
| 1965 | 1.167 |
| 1966 | 0.42 |
| 1967 | 0.64 |
| 1968 | 0.32 |
| 1969 | 1.00 |
| 1970 | 1.01 |
| 1971 | 1.167 |
| 1972 | 1.167 |
| 1973 | 1.167 |
| 1974 | 1.167 |
| 1975 | 1.167 |
| 1976 | 1.167 |
| 1977 | 0.82 |
| 1978 | 0.94 |
| 1979 | 1.05 |
| 1980 | 1.167 |
| 1981 | 0.52 |
| 1982 | 1.167 |
| 1983 | 1.167 |
| 1984 | 1.167 |
| 1985 | 1.167 |
| 1986 | 1.167 |
| 1987 | 0.94 |
| 1988 | 0.57 |
| 1989 | 0.89 |
| 1990 | 0.405 |
| 1991 | 0.36 |
| 1992 | 0.15 |
| 1993 | 1.05 |
| 1994 | 0.33 |
| 1995 | 1.00 |

| Year | Allotment |
|---|---|
| 1996 | 1.167 |
| 1997 | 1.167 |
| 1998 | 1.167 |

Total shares on the Salmon Tract = 60,050.65

| | |
|---|---|
| 5 year average allotment 1994-1998 | 0.81 |
| 10 year average allotment 1989-1998 | 0.80 |
| 25 year average allotment 1974-1998 | 0.95 |
| 50 year average allotment 1949-1998 | 0.84 |

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MAR 1 5 1999

Range 17E

P.O.

Twp. 10S

27

Priority June 26, 1964

Area

Q = .33 CFS

industrial use

V = 151.2 AC. FT./Season

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

# Affidavit of Publication

№ 14116

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Mabel L. Clark, being first duly sworn upon oath depose and say that I am Office Mgr. of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Thursdays, commencing with the issue dated June 12, 1969, and ending with the issue dated June 19, 1969.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Mabel L. Clark

Subscribed and sworn to before me this 19th day of June, 1969.

M Westergren

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho.

31969

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Independent Meat Company, P.O. Box EE, Twin Falls, Idaho, has received an approved permit No. G-31969, issued by the Idaho State Reclamation Department authorizing the diversion of 0.33 cubic feet per second of water from groundwater source, subject to all prior rights. The priority to be established under this permit is June 26, 1964, and the permit was approved July 2, 1964. Water is to be diverted by well from a point within the NE¼NE¼, Sec. 27, T. 10S, R. 17 E, B.M., Twin Falls County to be used for industrial in the NE¼NE¼, Sec. 27, T. 10 S, R. 17 E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before July 2, 1969. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Times-News, Twin Falls, Idaho, on June 12 and June 19, 1969.

**NOTICE OF EXISTING WATER PERMIT**

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R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Times-News, Twin Falls, Idaho, on June 12 and June 19, 1969.

June 3, 1969

Re: Permit No. G-31969
Independent Meat Company

Times News
Twin Falls,
Idaho

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by Independent Meat Company, P.O. Box E E, Twin Falls, Idaho, to whom you should furnish an affidavit of publication.

Very truly yours,

Gary L. Page
Survey Examiner

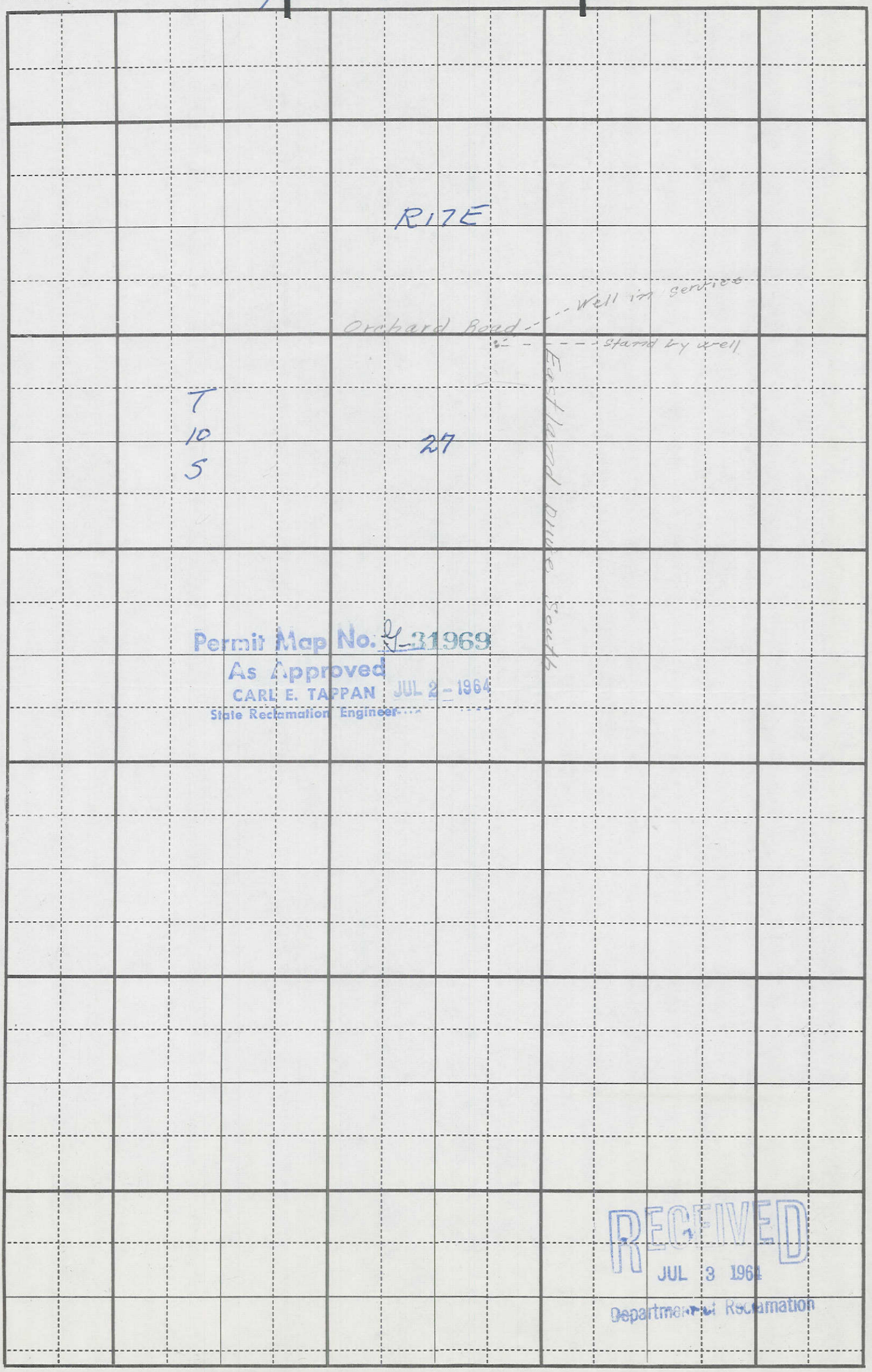
GLP:DR
Enc: Legal notice
cc: Independent Meat Co.

NOTE: The permit holder is required to obtain an affidavit of publication from the above referenced newspaper and to submit it to the Department at once.

3196 9

NAME OF APPLICANT Independent Meat Co

Form No. 0




Permit Map No. 4-31969
As Approved
CARL E. TAPPAN JUL 2 - 1964
State Reclamation Engineer

RECEIVED
JUL 3 1964
Department of Reclamation

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

4-31969

RECEIVED
JUL - 5 2002
Department of Water Resources

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION )
FOR TRANSFER NO. 66959/5539 )
IN THE NAME OF C & B CATTLE CO. )
_____)

**DEFAULT ORDER**

This matter having come before the Idaho Department of Water Resources ("Department") as Application for Transfer, the Department makes the following Findings of Fact, Conclusions of Law and Order:

## FINDINGS OF FACT

1. On July 12, 1999 C & B CATTLE CO. ("applicant) filed Application for Transfer No. 66959/5539 ("application") with the Department proposing to modify water rights associated with lands in Twin Falls County, Idaho.

2. The Department advertised the application on October 7 and 14, 1999. Application No. 66959/5539 was subsequently protested by Bill Chisholm. The Department has held the application pending resolution of the contested case.

3. On February 25, 2002 the Department corresponded with the applicants inquiring of their continuing interest in the application. The contact was made in an effort to schedule a formal hearing for the protested application. The applicants did not respond to the inquiry.

## CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01700 (Rule of Procedure 700) authorizes the Department to issue a Notice of Proposed Default for Failure to Respond to a written inquiry.

2. On June 21, 2002 the Department sent a Notice of Proposed Default Order to the applicant; the applicant did not respond.

## ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer **No. 66959/5539 is SET ASIDE and DISMISSED** without further consideration by the Department as provided in IDAPA Rule 37.01.01702 (Rule of Procedure 702).

Dated this 2nd day of July, 2002.

ALLEN MERRITT, PE
Southern Region Manager (Presiding Officer)

MICROFILMED
OCT 0 2 2002

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of July, 2002 a true and correct copy of the above and foregoing Default Order was forwarded with all required charges prepared, to the parties as listed:

Mary Baldwin

Secretary

C & B CATTLE CO
4384 E 3500 N
MURTAUGH ID 83344

Hand delivered ____
U.S. Mail-Regular __x__
U.S. Mail-Certified ____
Fax ____

BILL CHISHOLM
19073 E HWY 30
BUHL ID 83316

Hand delivered ____
U.S. Mail-Regular __x__
U.S. Mail-Certified ____
Fax ____

MICROFILMED
OCT 0 2 2002

12-92

66959

APPENDIX XI-E

Page 1 of 6

**STATE OF IDAHO**
**DEPARTMENT OF WATER RESOURCES**

Transfer No. 5539

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant C & B Cattle Co. Phone 432-5472

Post Office address 4384 E 3500 N, Murtaugh, ID 83344

### A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
   ☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Convert water from industrial usage in a meat-packing plant to commercial and stockwater uses in a new dairy.

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

1.

| Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|---|---|---|---|---|
| 47-02396 | 6-26-1964 | 0.33/151.2 | ~~Industrial~~ Stock/Comm. | 1-1 to 12-31 |
| | | | | to |
| A47-12335 | 12-31-1950 | 0.33/64.4 | " | " to " |
| | | | | to |

2. Total amount of water being transferred 0.66 cubic feet per second and/or 215.6 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|---|---|---|---|---|---|---|---|---|
| | NW | NW | SW | 28 | 10S | 19E | Twin Falls | Two wells |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

5. Lands irrigated or place of use: * Barn Site. Other commercial uses are for land application of waste

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 10S | 19E | 28 | | | | | | | | | S | C | C | S | C | S | C*,S | C | |
| | | 27 | | | | | | | | | C | C | C | C | | | | | |
| | | 33 | C | S | S | C | S | C | C | S | C | C | C | C | C | C | C | C | |
| | | 34 | | | | | C | C | C | C | C | C | C | C | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| 11S | 19E | 3 | | * | | | C | C | C | * | | | | | | | | | |
| | | 4 | C | C | C | C | C | C | C | C | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres _____

5539/66959
Default Order dated 7-2-2002 Set Aside & Dismiss transfer.

MICROFILMED OCT 02 2002

APPENDIX XI-E (cont.

Transfer No. 5539

## PART 1

6. General Information:

a. Description of diversion system Two wells & pumps, storage tank, mainlines to barn & corrals (2 main wells).

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ✓ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Meat plant will continue to operate with Twin Falls city water.

d. Remarks:
We plan to milk 3000 cows, & water 700 dry adults & 2500 young animals.

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

MICROFILMED
OCT 0 2 2002

TRANS NO. 5539

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 47-02396

STAGE: LICENSE

| BENEFICIAL USE | PERIOD OF USE | DIVERSION RATE | ANNUAL VOLUME |
|---|---|---|---|
| INDUSTRIAL | 01/01 to 12/31 | 0.33 CFS | 151.2 AF |

SOURCE

GROUNDWATER

Priority: 06/26/1964

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 27, Township 10S, Range 17E
TWIN FALLS County

PLACE OF USE: INDUSTRIAL

| TWN | RGE | SEC | |
|---|---|---|---|
| 10S | 17E | 27 | NENE |

CONDITIONS/REMARKS:

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OCT 0 2 2002

TRANS NO. 5539

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. **A47-12335**

STAGE: **BENEFICIAL USE**

| BENEFICIAL USE | PERIOD OF USE | DIVERSION RATE | ANNUAL VOLUME |
|---|---|---|---|
| INDUSTRIAL | 01/01 to 12/31 | 0.33 CFS | 151.2 AF |

**SOURCE**

GROUNDWATER

**Priority:** 12/31/1950

**LOCATION OF POINT(S) OF DIVERSION:** NWNENE , Sec. 27, Township 10S, Range 17E
TWIN FALLS County

**PLACE OF USE:** INDUSTRIAL

| TWN | RGE | SEC | |
|---|---|---|---|
| 10S | 17E | 27 | NENE |

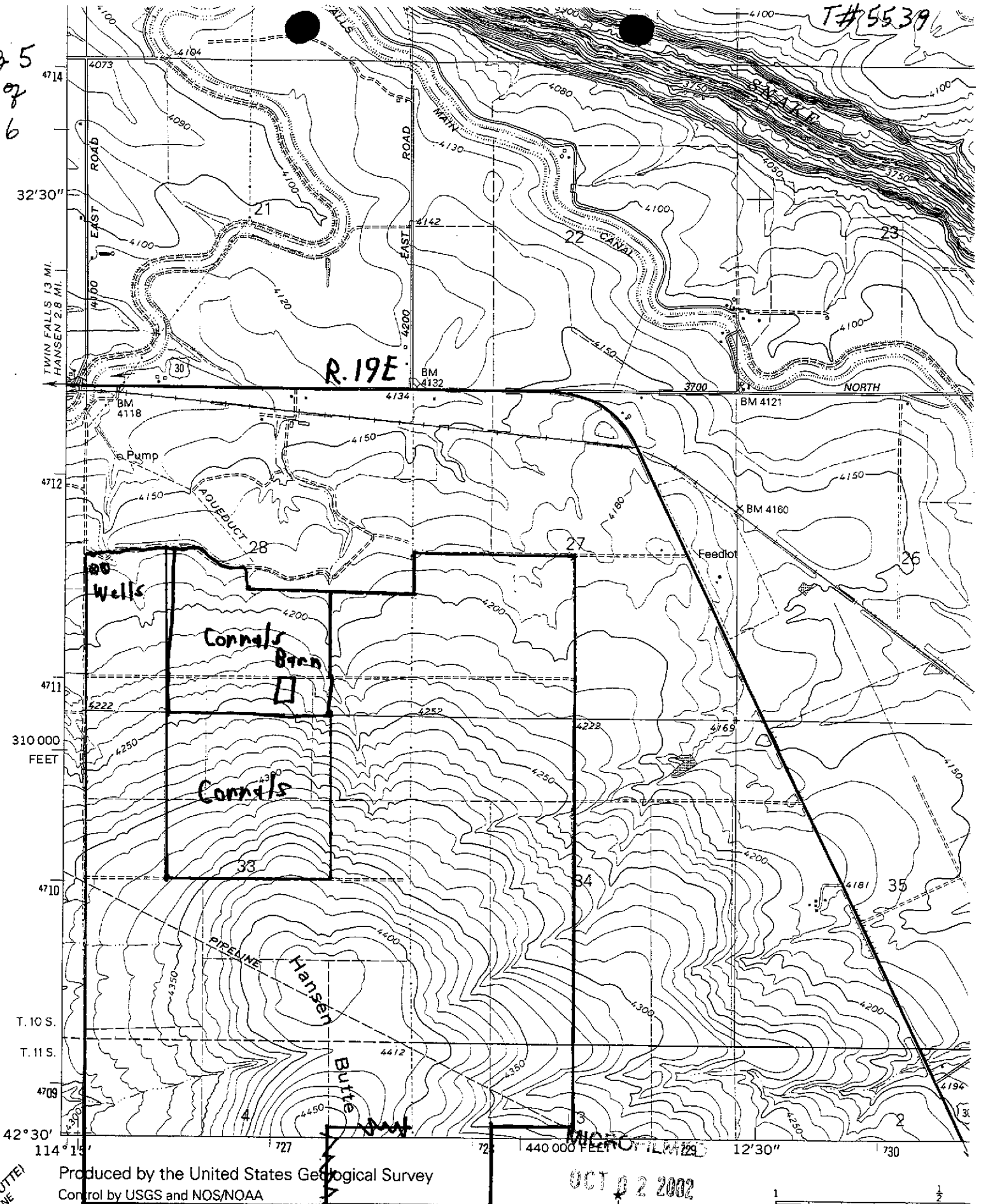
**CONDITIONS/REMARKS:**

1. 3 WELLS USED FOR INDEP. MEAT. SYSTEM CAPACITY=300 GPM.

MICROFILMED
OCT 0 2 2002

Pg 5 of 6

T#5539




Produced by the United States Geological Survey

Control by USGS and NOS/NOAA

Compiled from aerial photographs taken 1962. Information shown in purple has been updated from aerial photographs taken 1987 and field checked. Map edited 1992. Conflicts may exist between some updated features and previously mapped contours

North American Datum of 1927 (NAD 27). Projection and

MICROFILMED
OCT 0 2 2002

GN MN 1°54' 34 MILS 15½° 276 MILS

1 1/2 1000 0 1 1

Transfer No. 5539

## PART 3

**B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount (cfs/ac-ft) | Hours/days/year | Period of Use |
|---|---|---|---|---|
| | Stockwater/Commercial | 0.66/215.6 | as needed | 1-1 to 12-31 |
| | | | | to |

2. Quantity and quality of return flows and location of discharge:
Will be ponded & land applied as needed

3. Describe effects on other water uses resulting from the proposed change:
Unknown

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Mel McConnell, Owner
(Signature of Applicant)

Subscribed and sworn to before me this 12th day of July, 1999

J F Stanton
(Notary Public)

My commission expires 10-25-2000

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 4 attachments

Received by JF Stanton Date 7-12-99 Protest filed by

Prelim. check by JS Fee $100, 5022354

Receipted by JS Date 7-12-99

Published in Times News Copies of protest forwarded by

Pub. dates 10/7 & 10/14/99 Hearing held by Date

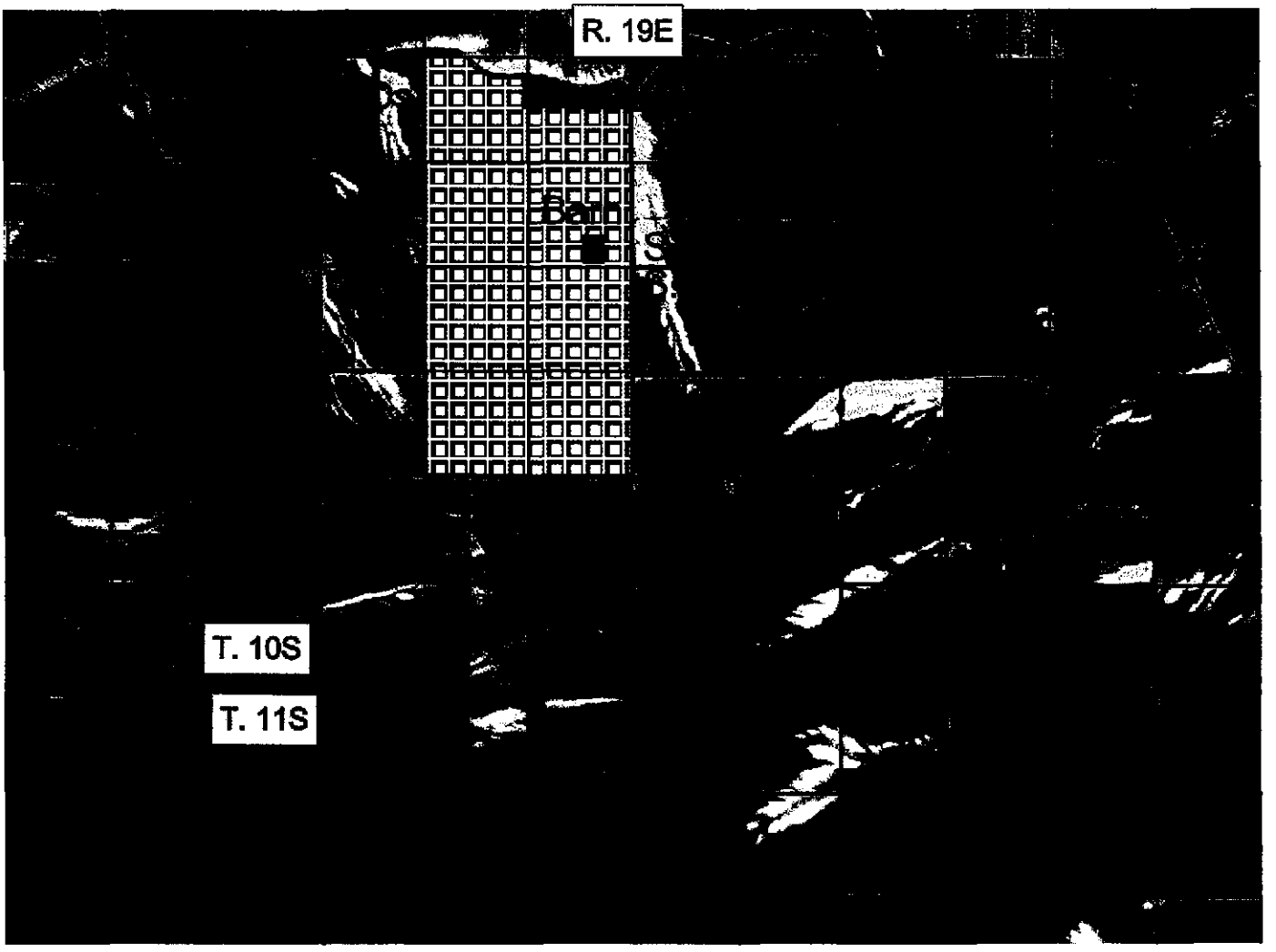
Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

rec'd. by

Copy of transfer sent to lien holder

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OCT 02 2002

# APPLICATION FOR TRANSFER - C & B CATTLE




Proposed Dairy Site

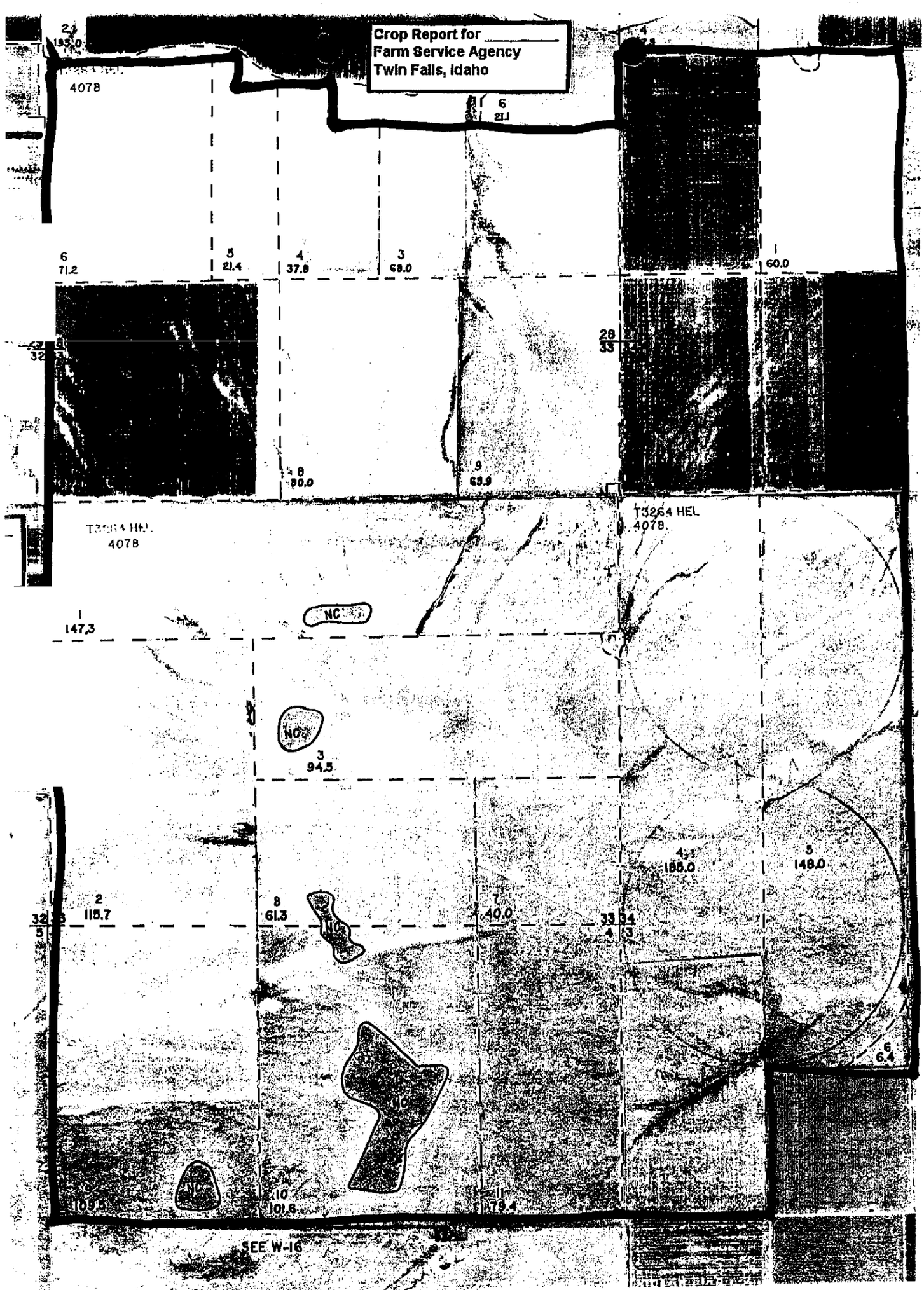
Land Application Area

N
W
E
S

Prepared By J E Stanton
8-10-1999

MICROFILMED
OCT 0 2 2002

T# 5539




T#5539

MICRO
DEC 0 2 2002

# Purchase Agreement _____ Date 7/7/99

**BUYER:** C & B Cattle Co., an Idaho partnership, agrees to purchase, and the undersigned SELLER agrees to sell the following described Water Rights:

Water Right #47-02396 for .33 CFS industrial use with diversion volume of 151.20 acre/ft.

Water Right #47-12335 for .33 CFS industrial use with diversion volume of 151.20 acre/ft.

**SELLER:** Independent Meat Co., and Idaho corporation, currently owns the above referenced Water Rights.

This purchase is subject to the satisfactory transfer by the Idaho Department of Water Resources, of the above rights to the C & B Cattle Co. lands in Twin Falls County, Idaho, for a commercial and stockwater change of use and change of point of diversion.

**PURCHASE PRICE:** of $33,000 will be due and payable upon the approval of the Idaho Department of Water Resources for the above referenced transfer in its entirety.

This agreement will be in effect for one (1) year from the date of this agreement.

**BUYER SIGNATURE:** Walt Conner

**DATE:** 7/7/99 **ADDRESS:** 4243E 3800N
HANSEN ID 83334

**SELLER SIGNATURE:** _____

**DATE:** 7/7/99 **ADDRESS:** BOX EE
Twin Falls, Id
83303

MICRO...
OCT 0 2 2002

T# 5539

State of Idaho

# WATER LICENSE

Water License No. G-31969/47-2396 Priority June 26, 1964 Amount 0.33 c.f.s.

THIS IS TO CERTIFY, that Independent Meat Company of Twin Falls, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 26, 1964; that Permit G-31969/47-2396 was issued pursuant to said application; that the proposed works were completed on or about May 27, 1969, with a storage/or carrying capacity of 0.36 c.f.s., said works consisting of well, pump, and motor; and that on May 28, 1969, proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 151.2 acre feet per season, with a maximum rate of diversion of 0.33 cubic feet per second of the waters of ground-water, tributary of _____, for the purpose of Industrial from January 1 to December 31; and for _____ from _____ to _____; and for _____ from _____ to _____; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in NE ¼ NE ¼, Sec. 27, T. 10 S, R. 17 E, B.M., and other additional points _____, in the County of Twin Falls; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 151.2 acre feet per year.

Description and location of place of use:

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 10 S | 17 E | 27 | X | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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Total number of acres irrigated _____

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 6th day of August, 1970.

State Reclamation Engineer

47 2396 31969 47-2396

G- 31969

47-

# APPLICATION FOR PERMIT

## To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 40099
Permit No. G- 31969
District No.

1. Name of Applicant: Independent Meat Company
   P. O. Box EE
   Postoffice address: Twin Falls County: Twin Falls State: Idaho

2. Quantity of water claimed: 150 gal per minute or 0.33 cfs

   (a) Rate of withdrawal in cubic feet per second or Idaho
   Miners' inches or gallons per minute

   (b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the NE ¼ of the NE¼ of Section 27
   Twp. 10 S , Rge. 17 E , B.M., County of Twin Falls

5. Water is to be used for: Industrial

6. If for municipal, industrial or recreational purposes, give:

   (a) Point of use of water is in the NE ¼ of the NE ¼ of Section 27 , Twp. 10 S.
   Rge. 17 E. , B.M.

   (b) Waste water or sewage effluent is to be returned to settling pond SE of well
   at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B. M.

7. Kind of works: Industrial (stand by well)

8. Estimated cost of works: $6,500.00

9. (a) Is reservoir to be used? no

   (b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

   I. (a) Date and place of incorporation:

   (b) Amount of capital stock: $ (c) Amount paid in: $

   (d) Names and addresses of directors:

   II. The financial resources of the applicant are (a) Cash on hand: $

   (b) Treasury stock: (c) Bonds to be issued:

   (d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

   (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

   (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: This is a stand by well to used in case our other well should need repairs. Well in use was drilled in 1960.

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

Independent Meat Company *Applicant.*

By s/ Emmett Lyda *Agent.*
Bookkeeper

Date of first receipt at Department of Reclamation: 9:00 A.M. June 26, 1964

Returned to applicant for correction:

Corrected application received:

## Approval of State Reclamation Engineer

The number of this permit is G— 31969

Recorded in Book 112 Page 31969 Approved July 2, 1964

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

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

Work to begin on or before and to continue deligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before January 2, 1967

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before July 2, 1969

Witness my hand this 2nd day of July, 1964

s/ CARL E. TAPPAN
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 2nd day of July, 1964

Countersigned: STATE OF IDAHO

(SEAL)

By ARNOLD WILLIAMS By s/ ROBERT E. SMYLIE
*Governor*

s/ By: Paula L. Fleenor *Secretary of State.*
Deputy Secretary of State

12.

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | | | | | | | | | | | | | |

LICENSE ISSUED FOR 0.33 SEC. FT.
LICENSE PAG. NO.

RECEIVED
JUL - 5 2002
Department of Water Resources

# Comment Report

## Application ID 66959

1. mbaldwin 7/3/2002 Comment/Analysis
Comment: Default Order issued 7/2/02-no response to continued interest inquiry.

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OCT 0 2 2002

Lot # 5539

FILE PROGRESS SUMMARY

APPLICANT: C & B Cattle Co WATER RIGHT NO. 47-02396

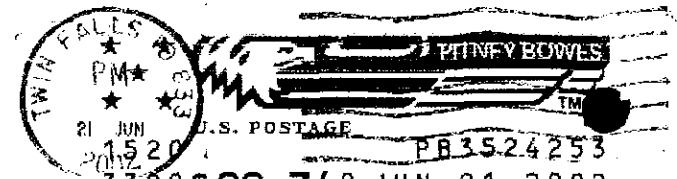
| INIT. | DATE | COMMENT |
|---|---|---|
| ceb | 7/12/99 | Staffed to Jim Stanton |
| JP | 8-18-99 | To Mary for advertising |
| MR | 9/13/99 | Protest identified |
| MF | 11/12/99 | Notice of Prot. & Prot. Ack. Ltr. Sent |
| AM | 3/25/02 | LTR Inquiring about cont. int. |
| AM | 6/27/02 | LTR. Proposed Default Order & Order |
| AM | 7/2/02 | Issued Default Order |

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OCT 07 2002

*STATE OF IDAHO*
*DEPARTMENT OF WATER RESOURCES*
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

RECEIVED
JUL 01 2002
Department of Water Resources
Southern Region




MICROFILMED
OCT 22 2002

WALT COINER
C & B CATTLE CO
4384 E 3500 N
MURTAUGH ID 83344

COIN384 833442017 1602 17 06/28/02
RETURN TO SENDER
COINER
4243 E 3800 N
HANSEN ID 83334-5023

RETURN TO SENDER

# State of Idaho
# DEPARTMENT OF WATER RESOURCES
**1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380**
**Phone: (208) 736-3033 FAX: (208) 736-3037**

**SOUTHERN REGION**


June 21, 2002


**DIRK KEMPTHORNE**
**GOVERNOR**

**KARL J. DREHER**
**DIRECTOR**


WALT COINER
C & B CATTLE CO.
4384 E 3500 N
MURTAUGH ID 83344

Re: **Protested** Application for Transfer No. 66959 (5539) filed on 7/12/99

Dear Mr. Coiner:

The enclosed "Notice of Proposed Default Order" has been prepared pursuant to Rules of Procedure 700 through 702 listed below. Pursuant to Rule of Procedure 701 the applicant must petition within seven (7) days from the date of service to prevent the issuance of the default order. Rules of Procedure 053 through 057 may have bearing on responding to this notice.

**700. NOTICE OF PROPOSED DEFAULT AFTER FAILURE TO APPEAR OR RESPOND (Rule 700).** If an applicant or claimant or appellant, petitioner, protestant, complainant, or moving party fails to appear at the time and place set for hearing, or prehearing conference, on an application or claim or appeal, petition, complaint, or motion, or fails to respond to a written information inquiry, the presiding officer may serve upon all parties a notice of a proposed default order denying the application or claim or appeal, petition, complaint, or motion. The notice of a proposed default order shall include a statement that the default order is proposed to be issued because of a failure of the applicant or claimant or appellant, petitioner, complainant or moving party to appear at the time and place set for hearing or prehearing conference, or to respond to the information inquiry. The notice of proposed default order may be mailed to the last known mailing address of the party proposed to be defaulted. (4-5-00)

**701. SEVEN DAYS TO CHALLENGE PROPOSED DEFAULT ORDER (Rule 701).** Within seven (7) days after the service of the notice of proposed default order, the party against whom it was filed may file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered. (7-1-93)

**702. ISSUANCE OF DEFAULT ORDER (Rule 702).** The agency shall promptly issue a default order or withdraw the notice of proposed default order after expiration of the seven (7) days for the party to file a petition contesting the default order or receipt of a petition. If a default order is issued, all further proceedings necessary to complete the contested case shall be conducted without participation of the party in default (if the defaulting party is not a movant) or upon the results of the denial of the motion (if the defaulting party is a movant). All issues in the contested case shall be determined, including those affecting the defaulting party. Costs may be assessed against a defaulting party. (7-1-93)

**053. COMMUNICATIONS WITH AGENCY (Rule 53).** All written communications and documents that are intended to be part of an official record for a decision in a contested case must be filed with the officer designated by the agency. Unless otherwise provided by statute, rule, order or notice, documents are considered filed when received by the officer designated to receive them, not when mailed, or otherwise transmitted. (7-1-93)

**054. IDENTIFICATION OF COMMUNICATIONS (Rule 54).** Parties' communications addressing or pertaining to a given proceeding should be written under that proceeding's case caption and case number, if applicable. General communications by other persons should refer to case captions, case numbers, permit or license numbers, or the like, if this information is known. (7-1-93)

**055. SERVICE BY AGENCY (Rule 55).** Unless otherwise provided by statute or these rules, the officer designated by the agency to serve rules, notices, complaints, and orders issued by the agency may serve these documents by regular mail or by certified mail, return receipt requested, to a party's last known mailing address or by personal service. Unless otherwise provided by statute, these rules, order or notice, service of orders and notices is complete when a copy, properly addressed and stamped, is deposited in the United States mail, or the Statehouse mail if the party is a State employee or State agency. The officer designated by the agency to serve documents in a proceeding must serve all orders and notices in a proceeding on the representatives of each party designated pursuant to these rules for that proceeding and upon other persons designated by these rules or by the agency. (4-5-00)

**056. COMPUTATION OF TIME (Rule 56).** Whenever statute, these or other rules, order, or notice requires an act to be done within a certain number of days of a given day, the given day is not included in the count, but the last day of the period so computed is included in the count. If the day the act must be done is Saturday, Sunday or a legal holiday, the act may be done on the first day following that is not Saturday, Sunday or a legal holiday. (7-1-93)

**057. ADDITIONAL TIME AFTER SERVICE BY MAIL (RULE 57).** Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party and the notice or paper is served upon the party by mail, three (3) days shall be added to the prescribed period. This rule, however, shall not extend the time for filing a protest, a petition for reconsideration of a preliminary, recommended or final order before the agency, the time for filing exceptions with the agency head to a preliminary or recommended order, or the time for filing an appeal with the district court from a final decision of the agency. (4-5-00)

All "Administrative Rules" of the Department may be found at the following internet address:
http://www2.state.id.us/adm/adminrules/rules/idapa37/37index.htm

If you have any questions regarding this matter please feel free to contact me at this office.

Sincerely,



Allen Merritt, PE
Southern Region Manager

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION )
FOR TRANSFER NO. 66959/5539 )
IN THE NAME OF C & B CATTLE CO. )
_____ )

**NOTICE OF PROPOSED DEFAULT ORDER**

This matter having come before the Idaho Department of Water Resources ("Department") as Application for Transfer, the Department makes the folowing Findings of Fact, Conclusions of Law and Order:

## FINDINGS OF FACT

1. On July 12, 1999 C & B CATTLE CO. ("applicant) filed Application for Transfer No. 66959/5539 ("application") with the Department proposing to modify water rights associated with lands in Twin Falls County, Idaho.

2. The Department advertised the application on October 7 and 14, 1999. Application No. 66959/5539 was subsequently protested by Bill Chisholm. The Department has held the application pending resolution of the contested case.

3. On February 25, 2002 the Department corresponded with the applicants inquiring of their continuing interest in the application. The contact was made in an effort to schedule a formal hearing for the protested application. The applicants did not respond to the inquiry.

## CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01700 (Rule of Procedure 700) authorizes the Department to issue a Notice of Proposed Default for Failure to Respond to a written inquiry.

2. The Department should enter a Notice of Proposed Default for Failure to Respond to a written request for information about the application and for failure to show a continuing interest in the application.

## ORDER

IT IS THEREFORE, HEREBY ORDERED that the Department plans to enter a Default Order **SETTING ASIDE** Application for Transfer No. 66959/5539 as provided in IDAPA Rule 37.01.01702 (Rule of Procedure 702).

Dated this 21st day of June, 2002.

ALLEN MERRITT, PE
Southern Region Manager (Presiding Officer)

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of June, 2002 a true and correct copy of the above and foregoing Notice of Proposed Default Order was forwarded with all required charges prepared, to the parties as listed:

Mary Baldwin

Secretary

| | | |
|---|---|---|
| WALT COINER<br>C & B CATTLE CO<br>4384 E 3500 N<br>MURTAUGH ID 83344 | Hand delivered<br>U.S. Mail-Regular<br>U.S. Mail-Certified<br>Fax | _____<br>__x__<br>__x__<br>_____ |
| BILL CHISHOLM<br>19073 E HWY 30<br>BUHL ID 83316 | Hand delivered<br>U.S. Mail-Regular<br>U.S. Mail-Certified<br>Fax | _____<br>__x__<br>_____<br>_____ |

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

June 21, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WALT COINER
C & B CATTLE CO.
4384 E 3500 N
MURTAUGH ID 83344

Re: **Protested** Application for Transfer No. 66959 (5539) filed on 7/12/99

Dear Mr. Coiner:

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**702. ISSUANCE OF DEFAULT ORDER (Rule 702).** The agency shall promptly issue a default order or withdraw the notice of proposed default order after expiration of the seven (7) days for the party to file a petition contesting the default order or receipt of a petition. If a default order is issued, all further proceedings necessary to complete the contested case shall be conducted without participation of the party in default (if the defaulting party is not a movant) or upon the results of the denial of the motion (if the defaulting party is a movant). All issues in the contested case shall be determined, including those affecting the defaulting party. Costs may be assessed against a defaulting party. (7-1-93)

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OCT 0 2 2002

**054. IDENTIFICATION OF COMMUNICATIONS (Rule 54).** Parties' communications addressing or pertaining to a given proceeding should be written under that proceeding's case caption and case number, if applicable. General communications by other persons should refer to case captions, case numbers, permit or license numbers, or the like, if this information is known. (7-1-93)

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If you have any questions regarding this matter please feel free to contact me at this office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

MICROFILMED
OCT 0 2 2002

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION )
FOR TRANSFER NO. 66959/5539 )
IN THE NAME OF C & B CATTLE CO. )
_____ )

**NOTICE OF PROPOSED DEFAULT ORDER**

This matter having come before the Idaho Department of Water Resources ("Department") as Application for Transfer, the Department makes the folowing Findings of Fact, Conclusions of Law and Order:

## FINDINGS OF FACT

1. On July 12, 1999 C & B CATTLE CO. ("applicant) filed Application for Transfer No. 66959/5539 ("application") with the Department proposing to modify water rights associated with lands in Twin Falls County, Idaho.

2. The Department advertised the application on October 7 and 14, 1999. Application No. 66959/5539 was subsequently protested by Bill Chisholm. The Department has held the application pending resolution of the contested case.

3. On February 25, 2002 the Department corresponded with the applicants inquiring of their continuing interest in the application. The contact was made in an effort to schedule a formal hearing for the protested application. The applicants did not respond to the inquiry.

## CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01700 (Rule of Procedure 700) authorizes the Department to issue a Notice of Proposed Default for Failure to Respond to a written inquiry.

2. The Department should enter a Notice of Proposed Default for Failure to Respond to a written request for information about the application and for failure to show a continuing interest in the application.

## ORDER

IT IS THEREFORE, HEREBY ORDERED that the Department plans to enter a Default Order **SETTING ASIDE** Application for Transfer No. 66959/5539 as provided in IDAPA Rule 37.01.01702 (Rule of Procedure 702).

Dated this 21st day of June, 2002.

ALLEN MERRITT, PE
Southern Region Manager (Presiding Officer)

MICROFILMED
OCT 0 2 2002

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of June, 2002 a true and correct copy of the above and foregoing Notice of Proposed Default Order was forwarded with all required charges prepared, to the parties as listed:

Mary Baldwin

Secretary

| | | |
|---|---|---|
| WALT COINER<br>C & B CATTLE CO<br>4384 E 3500 N<br>MURTAUGH ID 83344 | Hand delivered<br>U.S. Mail-Regular<br>U.S. Mail-Certified<br>Fax | _____<br>__x__<br>__x__<br>_____ |
| BILL CHISHOLM<br>19073 E HWY 30<br>BUHL ID 83316 | Hand delivered<br>U.S. Mail-Regular<br>U.S. Mail-Certified<br>Fax | _____<br>__x__<br>_____<br>_____ |

MICROFILMED
OCT 0 2 2002

U.S. Postal Service
**CERTIFIED MAIL RECEIPT**
*(Domestic Mail Only; No Insurance Coverage Provided)*

7002 0460 0000 7276 2399

OFFICIAL USE

MURTAUGH, ID 83344

| | |
|---|---|
| Postage | $ 0.34 |
| Certified Fee | 2.10 |
| Return Receipt Fee (Endorsement Required) | 1.50 |
| Restricted Delivery Fee (Endorsement Required) | |
| **Total Postage & Fees** | $ 3.94 |

UNIT ID: 0372

Postmark Here
Clerk: [illegible]
06/21/02

Sent To: WALT COINER
Street, Apt. or PO Box: C & B CATTLE CO
4384 E 3500 N
City, State: MURTAUGH ID 83344

PS Form 3800, January 2001 — See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: AM/T# 66959

WALT COINER
C & B CATTLE CO
4384 E 3500 N
MURTAUGH ID 83344

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name): WALT COINER C. Date of Delivery: 6-27-02

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED
JUN 28 2002
Department of Water Resources
Southern Region

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service)* 7002 0460 0000 7276 2399

PS Form 3811, August 2001 — Domestic Return Receipt — 102595-01-M-0381

## Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

***Important Reminders:***

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "*Return Receipt* Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

**PS Form 3800, January 2001 (Reverse)** **102595-M-02-0451**

UNITED STATES P[illegible]L SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box •

RECEIVED
JUN 28 2002
Department of Water Resources
Southern Region

MICROFILMED
OCT 02 2002

STATE OF IDAHO
DEPT OF WATER RESOURCES
1341 FILLMORE-SUITE 200
TWIN FALLS ID 83301-3380

**SENDER:** *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: AM / T# 66959

WALT COINER
C & B CATTLE CO
4384 E 3500 N
MURTAUGH ID 83344

*COMPLETE THIS SECTION ON DELIVERY*

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *( Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
*(Transfer from service* 7002 0460 0000 7276 2399

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-0381

MICROFILMED
OCT 0 2 2002

FORM 222a
9/96

# IDWR TRANSFER ANALYSIS SHEET

APPLICANT C & B Cattle Co. TRANSFER NO. 5539/44959

1. Right number(s) 47-02396 - 47-12335

2. Type of right
___ Decree ✓ License ___ Statutory Claim
✓ SRBA Beneficial Use Claim

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

4. Check Existing Right:
✓ Source ✓ Priority ✓ Amount ✓ Purpose
✓ Period ✓ SRBA Claim
✓ Description of original point(s) of diversion
✓ Description of original place of use
✓ Overlapping rights on original place of use

Comments: _____

5. Check Proposed Right for amount of land &/or water transferred:

✓ Also see attached memo for more analysis information

a. ✓ All of right

b. ___ Part of right (*NOTE! Part B should be filled in only if part of right is owned by the applicant*)

c. ✓ Description of point(s) of diversion

d. ✓ Description of place of use

e. ✓ Map showing P/D & P/U after transfer

f. ✓ Correct notarized signature and $100 fee

g. ✓ Proof of ownership of right &/or land from which water is transferred

h. ✓ Expansion in use of right - Comments: See memo

5539/44959

i. ✓ Existing rights from same source, on land water is being transferred to; right number(s): _____

None

j. ✓ SRBA claim(s) - Comments (*NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain*) _____

k. ✓ Comment letters ___ Yes ✓ No
If yes ___ Water District #
___ Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY J.S. Linton DATE 8-18-99
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWR03::VAULT ✓ Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 9/20/99

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

_____

3. Transfer published correctly? ___ Yes ___ No

4. Affidavit of publication received? ___ Yes ___ No

5. Protests received? ___ Yes ___ No; Acknowledgement sent? ___ Yes

6. Copies made for Region file (see attached supplemental page)? ___ Yes

RECOMMENDED ACTION

1. ___ Approve Default Order dated 7-2-2003 Set Aside + Dismissed transfer.

2. ___ Deny due to _____

_____

3. Conditions (special conditions in Water Districts) _____

_____

___ Also see attached memo for recommendation dated: _____

4. By _____ Date _____

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 25, 2002

C&B Cattle Co.
4384 E 3500 N
Murtaugh, ID 83344

RE: Transfer Application No. 5539

Gentlemen:

As you may recall several years ago you filed an application to transfer ground water rights to a new use of stockwater and commercial use associated with a dairy. A protest was filed against the application by Bill Chisholm. To date no conference or hearing has been held regarding this protested matter.

The purpose of this letter is to inquire of your continued interest in your application. Please let me know within **30 days** of your continued interest.

Do you want to withdraw the application? Do you want our office to continue to hold the application? Do you want to schedule a conference and/or a hearing? What dates are you available to hold a conference?

If you have questions, please feel free to contact me at this office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

MICROFILMED
OCT 0 2 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 12, 1999

WALT COINER
C & B CATTLE CO
4384 E 3500 N
MURTAUGH ID 83344

RE: APPLICATION FOR TRANSFER NO. 5539

Dear Mr. Coiner:

Enclosed is a copy of a protest filed against the above referenced application. The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

Please note that your application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

http://www.idwr.state.id.us/apa/idapa37/0101.htm

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)
cc:
JEFFREY S RAU P E
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

Disregard

MICROFILMED
OCT 0 2 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 10, 1999

BILL CHISHOLM
19073 E HWY 30
BUHL ID 83316

RE: APPLICATION FOR TRANSFER NO. 5539 (C & B Cattle Co.) & NO. 5500 (Box Canyon Dairy)

Dear Mr. Chisholm:

Your protest against the approval of the above referenced applications has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protests and, if possible, to resolve the matter without action by the Department.

Please note that the applications are considered as contested cases and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

http://www.idwr.state.id.us/apa/idapa37/0101.htm

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED
OCT 0 2 2002

V96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
OCT 20 1999
Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B; 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer No. 5539
2. Name of protestant Bill Chisholm
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 19073E Hwy 30 Buhl Id 83316
5. Service telephone no. 208-543-4418
6. Basis of protest (including statement of facts and law upon which the protest is based)

Pursuant to Idaho Code Rules on water transfer endangerment, expansion, conservation & public interest / also questions of water right abandonment & speculation

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Address by $DWR of water right abandonment & speculation issues - change by applicant to pastured operation

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 20th day of October, 19 99.

William K Chisholm
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
OCT 12 2002

NOTE:

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

---

## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

---

## FOR DEPARTMENT USE ONLY

Received by alb Date 10/20/99 Time 13:12:21

$25.00 fee Receipted by alb # SD22618 Date 10/20/99

MICROFILMED
OCT 0 2 2002

RECEIVED

OCT 22 1999

Department of Water Resources
Southern Region

## it of Publication

IDAHO
OF TWIN FALLS } SS.

No 32288

Ruby Aufderheide being first duly sworn upon oath, depose
I am Principal Clerk of the TIMES-NEWS, published daily, at
s, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
tached, was published in the regular and entire issue of said newspaper, and not in any
it thereof, for Two consecutive weeks,
ng with the issue dated Oct 7, 1999,
g with the issue dated Oct 14, 1999.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
nes, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except
ith of which newspapers prior to consolidation had been published under said names in said city and county
y and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since
idation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said
began daily publication under said name in said city and county continuously and uninterruptedly.
And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
n which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be
eekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each
f, Thursday is announced as the day on which said legal notices will be published.

IDAHO
OF TWIN FALLS

21st day of Oct in the year of 1999, before me,

ublic, personally appeared Ruby Aufderheide,
identified to me to be the person whose name subscribed to the within instrument, and being by me first duly
clared that the statements therein are true, and acknowledged to me that he executed the same.

Ineva R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000

OK
MB
11/1/99

**NOTICE OF APPLICATION FOR WATER PERMIT AND PROPOSED CHANGES TO WATER RIGHTS**

Notice is hereby given that one application for water right permit and three transfer applications have been filed with the Department of Water Resources as follows:

Application for Permit No. 47-08433 filed 2/10/1999 by the US Bureau of Land Management (15 E 200 S, Burley, ID 83318) requests development of a spring which sinks. Intended uses are for stockwater and wildlife purposes at a rate of 0.02 cfs. The spring is located in the SW¼ of Section 33 and uses will be from troughs located in Sections 31 and 32, all T12S, R17E, Twin Falls County.

Transfer No. 5527 by Alvin & Patricia Harris (2932 E 3400 N, Twin Falls, ID 83301) requests modification of right 47-11769 (priority of 9/28/1915; 0.06 cfs) used for domestic and stockwater purposes. The right is currently diverted from a well within SESW Section 9 and used within SESW Section 4, all T11S, R17E, Twin Falls County. The transfer proposes to change the point of diversion to a well at the place of use (SESW Section 4).

Transfer No. 5533 by Arnold Pruett (1298 E 4400 N, Buhl, ID 83316) requests modification of right 47-11786 (priority of 3/20/1967; 0.04 cfs) used and diverted from a well for domestic purposes recorded within SESW Section 14, T09S, R14E, Twin Falls County. The transfer proposes to record the place of use and point of diversion within SWSW Section 14, (No physical change to actual use will be made).

Transfer No. 5539 by C & B Cattle Co (4384 E 3500 N, Murtaugh, ID 83344) requests modification of rights 47-02396 (priority of 6/26/1964; 0.33 cfs) and A47-12335 (priority of 12/31/1950; 0.33 cfs). These rights are recorded as being diverted from a well and used at Independent Meat Co. within NENE Section 27, T10S, R17E, Twin Falls County for industrial purposes at the meat processing plant. The transfer proposes to move the rights so that new dairy may be developed. The rights are requested to be used for stockwater and commercial use (total of 1.66 cfs) to be diverted from two new wells within NWSW Section 28, T10S, R19E. Stockwater and commercial use for the dairy including land disposal of waste will be within Sections 27, 28, 33, 34, T10S, R19E and Sections 3 & 4, T11S, R19E, all in Twin Falls County. The meat processing plant will continue to be served by Twin Falls City municipal water works.

Any protest against the proposed applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of $25.00 on or before October 25, 1999 to be considered by the Department in the decision to grant or deny any part of the proposed applications. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

/s/ J. Dreher, Director

PUBLISH: October 7 and 14, 1999

MICROFILMED

OCT 0 2 2002

RETAIN THIS PORTION FOR YOUR RECORDS

| REMITTANCE ADDRESS | BILL TO |
|---|---|
| THE TIMES-NEWS - LEGAL<br>P.O. BOX 548, TWIN FALLS, ID 83303-0548 | DEPT WATER RESOURCES |

| AD NUMBER | CLASS | SALESPERSON | BILLING DATE | LINES |
|---|---|---|---|---|
| 240305 | 0050 LEGAL | 5 | 10/20/99 | 114 * 2 |

| AD DESCRIPTION | START DATE | STOP DATE |
|---|---|---|
| NOTICE OF APPLICATION FOR WATER PER | 10/07/99 | 10/14/99 |

| PUBLICATION | INSERTIONS | RATE | NET AMOUNT | GROSS AMOUNT |
|---|---|---|---|---|
| 4 THE TIMES NEWS LEGAL | 2 | LGL | 100.32 | |
| TOTAL AD CHARGE | | | 100.32 | |
| 4 AFFIDAVIT CHARGE | | AFFID | 2.00 | |
| 47-08433<br>T# 5527, 5533, 5539 | | | | |
| DAYS RUN | | | | |
| PURCHASE ORDER<br>legal | PAY THIS AMOUNT | | 102.32 | 102.32* |

OK MP 11/1/99

MESSAGE:

RECEIVED
OCT 22 1999
Department of Water Resources
Southern Region

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

THE TIMES-NEWS - LEGAL
P.O. BOX 548, TWIN FALLS, ID 83303-0548

legal

| AD NUMBER | CLASS | START DATE | STOP DATE |
|---|---|---|---|
| 240305 | 050 LEGAL | 10/07/99 | 10/14/99 |
| AD DESCRIPTION<br>NOTICE OF APPLICATION FOR WATER PER | | BILLING DATE<br>10/20/99 | TELEPHONE NUMBER<br>208-736-3033 |

GROSS AMOUNT OF 102.32
DUE AFTER

__ VISA __ MASTERCARD

CREDIT CARD NUMBER | EXPIRATION DATE: ___/___ | SIGNATURE: _____

| TOTAL AMOUNT DUE |
|---|
| 102.32 |
| ENTER AMOUNT ENCLOSED |

DEPT WATER RESOURCES
1341 FILLMORE, SUITE 200
TWIN FALLS, ID 83301

MICROFILMED
OCT 0 2 2002

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AND PROPOSED CHANGES TO WATER RIGHTS

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Karl J. Dreher, Director

Published in the Times News on 10/7& 10/14/99

MICROFILMED
OCT 0 2 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 18, 1999

ATTN LEGALS
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303-0548

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED
OCT 0 2 2002

# MEMORANDUM

**TO:** Independent Meat Transfer (47-02396) Application File

**FROM:** Corey Skinner /s

**DATE:** October 21, 1998

**SUBJECT:** Meeting with Brockway Engineering

This day, Jeff Rau and Chuck Brockway Sr. of Brockway Engineering came by the office to discuss the Independent Meat transfer application that they submitted. The main focus of the meeting was to discuss potential concerns with the proposed transfer that I had raised in my 10/20/98 memo and to make a couple of minor corrections to the application so that it could be advertised correctly.

We discussed the various concerns raised in my 10/20/98 memo and Mr. Rau and Mr. Brockway said that they would provide information to address these concerns after conducting some additional research. The issue raised in my 10/20/98 memo regarding the possible need for additional water for dilution of waste water for land application at the new place of use was discussed in detail. Mr. Brockway said that the 10:1 ratio was probably quite a bit on the high side for a waste water dilution ratio. I expressed concern that if the Salmon Tract water was inadequate to supply the water needs for diluting the waste water for land application, then additional water would be needed. **If** the wells are capable of supplying water to the waste water storage facility(s), then the **potential** for diversion of well water to satisfy waste water dilution needs **could** exist. We all agreed that if the proposed transfer was approved, measuring and reporting of well water diversion(s) would help insure that additional water uses not accounted for in the transfer, or authorized by the water right, would not occur.

After discussing the proposed transfer, a couple of corrections to the application were made (initialed by Jeff Rau) so that the application could be advertised correctly for the public notice.

MICROFILMED

OCT 0 2 2002

T #5539

# MEMORANDUM

**TO:** Independent Meat Transfer (47-02396) Application File

**FROM:** Corey Skinner CS

**DATE:** October 20, 1998

**SUBJECT:** Staff Review

The enclosed transfer application was filed by Brockway Engineering on behalf of the applicant, Independent Meat Company. The water right involved with the proposed transfer is licensed right 47-02396. This particular right was licensed on August 6, 1970. The license was issued for a maximum diversion of 0.33 cfs of groundwater, with a maximum diversion volume of 151.2 acre-feet per year, for industrial use. The licensed point of diversion and place of use are listed as the NENE ¼ of Section 27, Township 10 South, Range 17 East. This particular legal description describes property located southwest of the Orchard Drive and Eastland Drive intersection, along Rock Creek, near the south edge of the City of Twin Falls.

The transfer application proposes changing the point of diversion, place of use, and nature of use of water right 47-02396. The application proposes diverting the water right from two wells (one existing, one proposed) located in the east ½ of Section 36, Township 11 South, Range 16 East. The water is to be used for stockwater and commercial purposes for a proposed pig production facility located in Section 36, Township 11 South, Range 16 East (a couple miles west of Hub Butte, south of Twin Falls).

The proposed change in the point of diversion(s) and place of use will result in diverting and using groundwater about 8½ miles to the southwest of where water right 47-02396 is currently licensed to be diverted and used. However, this 8½ mile change crosses Rock Creek and moves from within the boundaries of the Twin Falls Canal Company system to an area above (outside) the Twin Falls Canal Company system.

The proposed change in the nature of use results from changing water right 47-02396 from an industrial right to a stockwater and commercial water right. The stockwater component of the water right will be utilized to provide drinking water for the pigs at the new proposed place of use. The commercial aspect of the water right will be utilized to provide water for the other water uses (cleaning, land application, etc.) associated with the proposed pig production facility.

MICROFILMED

MICROFILMED 0 2 2002

Brockway Engineering has submitted a narrative along with the application discussing the proposed transfer. The narrative includes some estimates of the consumptive use(s) of water at the existing Independent Meat Company facility and the proposed pig production facility. The narrative contends that based on the estimated water use(s) at the current place of use and the new proposed place of use, no increase in consumptive use of the water right will result from the proposed change. The water use requirements at the proposed pig production facility are based off of a swine operation waste plan prepared by Bob Ohlensehlen. In addition, Brockway Engineering has performed an analysis of the potential impact on the aquifer at the proposed pig production facility.

After reviewing the proposed transfer, and examining the supporting information the following items/issues probably need further clarification before the Department considers acting on the application:

**USE OF WATER AT THE CURRENT PLACE OF USE**

The water right that is proposed to be transferred was licensed for industrial use at the Independent Meat facility. The 1969 licensing exam for this particular water right indicates that "Q conveyed is estimated at .36 cfs based upon design capacity". The water right license was issued for the permitted diversion rate of 0.33 cfs. There is no other information regarding how the flow rate for the water right was determined. In addition, there is no information regarding how the licensed diversion volume of 151.20 acre-feet per annum was determined.

The Independent Meat facility is currently receiving water from the City of Twin Falls' water supply system. According to City of Twin Falls' records, the city has supplied water in varying amounts to the Independent Meat facility since October of 1989. Since the Independent Meat facility has been using water supplied by the City of Twin Falls for over five years, it appears that the extent of the past use of the water right involved with the proposed transfer should be thoroughly investigated. The Department may want to consider measuring the capacity of the Independent Meat Company well(s), examining power records, and examining City of Twin Falls records regarding water delivery to, and waste water treatment from, the Independent Meat facility. This should help determine the extent of the past use of the right involved with the enclosed transfer.

OCT 0 2 2002

## OVERLAPPING WATER RIGHTS AT CURRENT PLACE OF USE

Examination of the Department's records indicate that there may be some water rights/claims that overlap with the water right that is involved with the proposed transfer. Independent Meat has a water right license (47-07026) and SRBA claim (A47-07026) for surface water, tributary to Rock Creek. This license and claim list cooling and irrigation as uses of the water. Independent Meat also has a beneficial use claim, A47-12335, filed in the Snake River Basin Adjudication. This particular claim is for industrial use of groundwater and the diversion rate and volume amounts claimed match the amounts licensed under 47-02396 (the right involved with the enclosed transfer). In addition, there are four "domestic & stock" beneficial use claims filed in the Snake River Basin Adjudication in the name of Independent Meat. None of these other rights &/or claims were addressed in the enclosed transfer application.

These other rights &/or claims should be investigated to determine if they overlap with the right being transferred. If they do, they may impact the amount(s) of water available for transfer under right 47-02396. In addition, some of these rights &/or claims may need to be included in the transfer, or somehow addressed if the transfer is approved.

## WATER USE AT THE NEW PLACE OF USE

The transfer proposes using the water right being transferred at a pig production facility. The uses of water covered under the proposed transfer are drinking water for the pigs and cleaning water. The stockwater (drinking) component was estimated by a daily amount of water per animal. The total estimate for stockwater amounts to 62,940 gallons per day. The commercial aspect of water use was determined by estimating the number of uses and water requirement per use for various cleaning operations at the facility. The total of estimated commercial water uses at the facility amounts to 15,675 gallons per day. This brings the grand total of estimated water usage at the facility to 78,615 gallons per day, or about 0.24 acre-feet per day.

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MEMORANDUM

TO: File

DATE: August 18, 1999

FROM: Jim Stanton

SUBJECT: App. For Transfer, C & B Cattle Co.

This appears to be another case of Independent Meat Co. selling its unused water license and SRBA claim so that someone else can develop a large CAFO. Data developed by Corey during the last transfer of these rights (which was later withdrawn) indicated that IMC has been operating on City of Twin Falls municipal water for the last 10 years. The previous transfer application was held up by numerous protests, so this matter was not investigated further after it was withdrawn. In order for us to approve this new transfer without allowing a blatant expansion of existing uses, IMC should be required to prove its historic use of these rights by supplying pumping records or power records. If these records show some usage, then IMC should be required to specify exactly what they will give up in order to avoid an expansion of existing usage. If there has been no use of the well since 1989, the license should be declared forfeited and the claim should be recom-Mended for disallowal in the SRBA. If there has been some usage, the application could be approved only for that amount; however, it appears doubtful that partial approval would do the applicant any good in relation to the large amount of water needed for the proposed dairy.

With regard to the volume shown in Part 1 for the SRBA claim, the claim is for the same volume as the license. The volume in Part 1 is the difference between the licensed volume and what is needed for the dairy.

Due to Corey's previous work, I do not plan to do any additional field work. It is up to the applicant and IMC to provide supporting data.

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OCT 0 7 2002

T#5539

# Dairy Waste System Calculations
## University of Idaho
## College of Agriculture
07/09/99

Prepared by:
Robert Ohlensehlen

## General Dairy Information

Date Plan Prepared
07/09/99

Dairy Owner/Operator... Coiner Proposal

Address...

Comments or Location... Dairy with Replacements High Water Usage

## Dairy Herd Information

| | | | |
|---|---|---|---|
| Milking Cows..... | 3000 | Heifers 100 to 300 lbs..... | 700 |
| Dry Cows..... | 700 | 300 to 500 lbs.... | 700 |
| Average Weight of Cows... | 1400 | 500 to 700 lbs.... | 700 |
| | | 700 to 900 lbs.... | 700 |
| | | 900 to 1100 lbs... | 700 |

| | Number of Animals | Animals Units |
|---|---|---|
| Cows.... | 3,700 | 5,180 |
| Heifers.. | 3,500 | 2,450 |
| Total..... | 7,200 | 7,630 |

## Herd Waste Information

| | Milking Herd: | | Replacements: | |
|---|---|---|---|---|
| Daily Manure Produced..... | 7097 | ..... | 3357 | Cu.Ft. |
| Daily Bedding per Cow..... | 1.47 | ..... | 0.74 | Cu.Ft. |
| % of Manure Stored as Liquid..... | 15 | ..... | 0 | Percent |
| Volume of Manure Stored as Liquid... | 1065 | ..... | 0 | Cu.Ft. |

## Milk Parlor Water Volumes

Milkings per Day..... 2

Gallons of Water for:

| | | | | | |
|---|---|---|---|---|---|
| Cleaning Parlor Floor..... | 300 | gallons | Cleaning Equipment..... | 100 | gallons |
| Cleaning Milkroom..... | 100 | gallons | Cleaning Cows (per hd)..... | 0.50 | gallons |
| Cleaning Bulk Tank..... | 300 | gallons | Total Used to Clean Cows..... | 3000 | gallons |
| Cleaning Pipeline..... | 400 | gallons | Total Water Used in Parlor..... | 4200 | gallons |

## Holding Pen Water Volumes

Number of Sprinklers in Holding Pen..... 125

Output of Sprinklers in G.P.M..... 4.98

Minutes Sprinklers Operated Daily..... 72

Water Used to Flush Holding Pen..... 2,000 gallons

Total Water in Holding Pen..
46,820 gallons

Total Water in the Parlor..
51,021 gallons

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T#5539

## *Runoff Information and Volumes*

**Corral Areas and Runoff**

| | Length | Width | Slope | Runoff Vol. (Storm+Winter) |
|---|---|---|---|---|
| Area 1 | 2,590 | 1,000 | 3 | 1,036,000 |
| Area 2 | 1,480 | 1,000 | 3 | 592,000 |
| Area 3 | 0 | 0 | 0 | 0 |
| Area 4 | 0 | 0 | 0 | 0 |
| Area 5 | 0 | 0 | 0 | 0 |

| | | |
|---|---|---|
| 25 Year 24 Hour Storm Value in Inches..... | 1.8 | inches |
| One in 5 Year Winter Precipitation Value in Inches..... | 3.00 | inches |
| Total Area for Which Runoff Calculations Are Being Made..... | 4,070,000 | sq.ft. |
| Total Volume of All 25 yr. Storm Runoff..... | 610,500 | cu.ft. |
| Total Volume of Winter Precipitation Runoff.. | 1,017,500 | cu.ft. |
| Total of All Runoff..... | 1,628,000 | cu.ft. |
| Total Barn Water to be Stored..... | 1,227,780 | cu.ft. |
| Total Manure to be Stored..... | 191,700 | cu.ft. |
| All Storage Required..... | 3,047,480 | cu.ft. |

## *Lagoon Storage Information*

**Primary Storage**

| | | |
|---|---|---|
| Percent of Runoff Stored in Primary Lagoon..... | 100 | % |
| Days of Storage Provided in Primary Lagoon..... | 180 | days |
| Number of Cells in the Primary Lagoon..... | 2 | |
| Length of the Cells in the Primary Lagoon..... | 728 | ft. |
| Width of the Cells in the Primary Lagoon..... | 300 | ft. |
| Depth of the Cells in the Primary Lagoon..... | 10 | ft. |
| Freeboard Provided for Cells in the Primary Lagoon..... | 2 | ft. |
| Side Slope of the Cells in the Primary Lagoon..... | 2 | to 1 |
| Total Volume of Waste Stored in Primary Lagoon..... | 3,047,480 | cu.ft. |

**Secondary Storage**

| | | |
|---|---|---|
| Percent of Runoff Stored in Secondary Lagoon..... | 0 | % |
| Days of Storage Provided in Secondary Lagoon..... | 180 | days |
| Length of the Cells in the Secondary Lagoon..... | 0 | ft. |
| Width of the Cells in the Secondary Lagoon..... | 0 | ft. |
| Depth of the Cells in the Secondary Lagoon..... | 0 | ft. |
| Freeboard Provided for Cells in the Secondary Lagoon..... | 2 | ft. |
| Side Slope of the Cells in the Secondary Lagoon..... | 2 | to 1 |
| Total Volume of Waste Stored in Secondary Lagoon..... | 0 | cu.ft. |

**Conatainment Berm**

| | | |
|---|---|---|
| Percentage of Runoff Stored in Containment Berm..... | 0 | % |
| Length of Runoff Containment Berm..... | 0 | ft. |
| Width of Runoff Containment Berm..... | 0 | ft. |
| Depth of Runoff Containment Berm..... | 0 | ft. |
| Volume of Runoff Conatainment Berm..... | 0 | cu.ft. |

| | | |
|---|---|---|
| Total Storage Provided..... | 3,047,480 | cu.ft. |
| Total Storage Required..... | 3,047,480 | cu.ft. |

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## Solid Separator Information

| | | | |
|---|---|---|---|
| Percent of Solids Retained by Separator... | 0 % | Separator Cell Width..... | 0 ft. |
| Days Between Cleanout of Cells..... | 0 days | Separator Cell Length..... | 0 ft. |
| Number of Cells in the Separator..... | 0 | Separator Cell Depth..... | 0 ft. |
| Separator Apron Slope..... | 0 to 1 | Separator Apron Length..... | 0 ft. |
| Separator Freeboard..... | 0 in. | Separator Floor Length..... | 0 ft. |
| Separator Volume..... | 0 cu.ft. | | |

## Solid Storage Information

| | | Storage Area | One | Two |
|---|---|---|---|---|
| Percent of Milking Herd Solids Stored..... | 0 % | Length | 0 ft. | 0 ft. |
| Percent of Replacements Solids Stored.... | 0 % | Width | 0 ft. | 0 ft. |
| Days of Storage Provided..... | 0 days | Depth | 0 ft. | 0 ft. |
| Percent Stored in Area One..... | 0 % | | | |
| Percent Stored in Area Two..... | 0 % | | | |

Storage Required.... 0 cu.ft.

Storage Provided.... 0 cu.ft.

## Water Use Information

| | Gallons | Cu. Ft. | Acre Ft. |
|---|---|---|---|
| Milking Herd Daily Drinking Water..... | 119,000 | | |
| Milking Herd Annual Drinking Water..... | 43,435,000 | 5,806,818.1 | 133.31 |
| Replacement Herd Daily Drinking Water..... | 22,400 | | |
| Replacement Herd Annual Drinking Water... | 8,176,000 | 1,093,048.1 | 25.09 |
| Daily Barn Water Usage..... | 51,021 | 6,821 | |
| Annual Barn Water Usage..... | 18,622,694 | 2,489,665.0 | 57.15 |
| Total of All Water Used Annually..... | 70,233,694 | 9,389,531.3 | 215.55 |

## Nutrient Management Information

| | | | | | |
|---|---|---|---|---|---|
| Annual Excretion of Nitrogen..... | 1,030,431 | lbs. | Annual Excretion of Potassium..... | 556,990 | lbs. |
| Percent Nitrogen Loss (Volatilization).. | 50 % | | Annual Excretion of $K_2O$..... | 668,388 | lbs. |
| Annual Excretion of Phosphorus..... | 192,161 | lbs. | Approximate Tons of Solids Excreted.... | 1,392 | tons |
| Annual Excretion of $P_2O_5$ ..... | 445,592 | lbs. | Approximate Tons of Bedding Used..... | 6,746 | tons |
| | | | Annual Nitrogen to be Applied..... | 515,215 | lbs. |

| Crop | Yield | Acres | N Used | $P_2O_5$ Used | $K_2O$ Used |
|---|---|---|---|---|---|
| Corn Silage | 35.0 ton | 600 | 164,010 | 68,880 | 164,010 |
| Alfalfa | 10.0 ton | 600 | 360,000 | 71,250 | 360,000 |
| Barley | 130.0 bu | 600 | 117,000 | 42,900 | 117,000 |
| | 0.0 | 0 | 0 | 0 | 0 |
| | 0.0 | 0 | 0 | 0 | 0 |
| Total Acres and Pounds of Nutrients..... | | 1,800 | 641,010 | 183,030 | 641,010 |

MICROFILMED DEC 2002

Nitrogen Decay Schedule

| | % | lbs. |
|---|---|---|
| Year1 | 50 | 257,607 |
| Year 2 | 25 | 128,803 |
| Year 3 | 15 | 77,282 |
| Year 4 | 10 | 51,521 |
| Year 5 | 0 | 0 |

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

January 14, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN PATRICK FLORENCE
INDEPENDENT MEAT CO
PO BOX EE
TWIN FALLS ID 83301

Re: Application for Transfer No. 5331 (47-02396)

Dear Mr. Florence:

This office acknowledges receipt of your request to withdraw the above referenced application.

This action classifies the Application as null, void and of no further consideration by the Idaho Department of Water Resources.

By separate correspondence, the protestants have been informed of the withdrawal of the application.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

cc: Jeffrey S. Rau PE
Brockway Engineering

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MAR 15 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

January 14, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

See attached List

Re: Application for Transfer No. 5331 (Independent Meat Co.)

Dear Protestant:

This office has received a letter of withdrawal of the above referenced application; a copy is enclosed for your information.

This action classifies the above numbered Application as null, void and of no further consideration by the Idaho Department of Water Resources; therefore, no further contact with you is anticipated regarding your protest.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

MICROFILMED
MAR 15 1999

MAILING LIST FOR TR# 5331
47-02396

Applicant:

ATTN PATRICK FLORENCE
INDEPENDENT MEAT CO
PO BOX EE
TWIN FALLS ID 83301

Representative for Applicant:

JEFFREY S RAU P.E.
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

PROTESTANTS:

1 MAYOR BARBARA A GIETZEN
CITY OF BUHL
203 NORTH BROADWAY
BUHL ID 83316

2 DOC & ERMA LEE CALLEN
2120 E 2200 N
TWIN FALLS ID 83301

3 JERRY &/OR MARSHA YOUNG
2140 E 2200 N
TWIN FALLS ID 83301

4 BILL &/OR PAULA JENSEN
2560 E 3100 N
TWIN FALLS ID 83301

5 KEITH W FULLMER
3344 HWY 93
TWIN FALLS ID 83301

6 VIC & JEAN FISCHER
3250 E 3219 N
TWIN FALLS ID 83301

7 DENNIS HENSON
3289 N 2300 E
TWIN FALLS ID 83301

8 MIKE & TWILA BRIDGES
3170 N 2800 E
TWIN FALLS ID 83301

9 ROD BERRY
3043 N 2600 E
TWIN FALLS ID 83301

10 CHARLES R & PATRICIA W ROSE
373 EDWARDS DR
TWIN FALLS ID 83301

11 ELAINE GAYLE SHUMWAY
3263 E 3225 N
TWIN FALLS ID 83301

12 MONIE L SMITH
559 E 300 S
JEROME ID 83338

13 ARCHIE & LAVELLE ADAMSON
1257 HARMONY RD
TWIN FALLS ID 83301

14 BUCK & MAXINE BLANKENSHIP
3127 E 3200 N
TWIN FALLS ID 83301

15 MELBA WERNICKE MC CLURE
3126 E 3100 N
TWIN FALLS ID 83301



MICROFILMED
MAR 15 1999

16 C MARIE WEBB
3231 N 3250 E
TWIN FALLS ID 83301

17 PATTY MORROW
1530 9TH AVE EAST
TWIN FALLS ID 83301

18 CARLYNN & DICK NOH
2840 E 2500 N
TWIN FALLS ID 83301

19 MARGARET J PRATT
472 JEFFERSON ST
TWIN FALLS ID 83301

20 BRUCE COOPER
CATHY ECHEITA
PO BOX 1101
TWIN FALLS ID 83303-1101

21 GARY & JANET G ELLER
PO BOX 1093
KIMBERLY ID 83341

22 CAROLYN CUTLER
1445 ADDISON AVE EAST
TWIN FALLS ID 83301

23 ROBERT & CYNTHIA FLOYD
3482 N 2983 E
TWIN FALLS ID 83301

24 IMPACT ZONE LANDOWNERS
LLOYD J WALKER ESQ
PO BOX 1923
TWIN FALLS ID 83303-1923

25 TOM & DEB PROCTOR
3267 E 3225 N
TWIN FALLS ID 83301

26 WILLIAM K CHISHOLM
19073 E HWY 30
BUHL ID 83316

27 WALLACE D JOHNSON
3627 N 1900 E
FILER ID 83328

28 CARL C &/OR BARBARA A ROSENBAUM
3127 N 2600 E
TWIN FALLS ID 83301

29 WESLEY BASHAM
3069 N 2600 E
TWIN FALLS ID 83301

30 GARY EARL
3255 N 3000 E
TWIN FALLS ID 83301

31 MARK HASSELBRING
3485 N 3000 E
TWIN FALLS ID 83301



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MAR 15 1999

RECEIVED
JAN 19 1999
Department of Water Resources

FILE PROGRESS SUMMARY

APPLICANT: ~~Independent Meat Co.~~ WATER RIGHT NO. 47-02396

| INIT. | DATE | COMMENT |
|---|---|---|
| ars | 9/21/98 | Routed to Cary |
| CS | 10/01/98 | JEFF RAU OF BROCKWAY ENGINEERING CALLED INQUIRING ABOUT INITIAL THOUGHTS/CONCERNS REGARDING APPLICATION. SAID THEY ARE STILL PUTTING TOGETHER ADDITIONAL INFORMATION TO COMPLEMENT APPLICATION |
| MB | 9/30/98 | RECEIVED AND RECEIPTED PROTEST FROM CITY OF BUHL. |
| CS | 10/08/98 | JEFF RAU BROUGHT BY ADDITIONAL INFORMATION TO COMPLEMENT APPLICATION. |
| CS | 10/19/98 | SPOKE WITH JEFF RAU VIA TELECOM, ARRANGED MEETING FOR 10/21/98 TO MAKE MINOR CORRECTIONS TO APPLICATION. JEFF REQUESTED COPY OF STAFF REVIEW MEMO BE FAXED TO BROCKWAY ENGINEERING FOR REVIEW PRIOR TO 10/21/98 MEETING. |
| CS | 10/20/98 | FAXED COPY OF 10/20/98 MEMO (IN DRAFT FORM) TO BROCKWAY ENGINEERING PER JEFF'S REQUEST |
| CS | 10/21/98 | MET WITH JEFF RAU AND CHUCK BROCKWAY SR. REGARDING 10/20/98 MEMO, DISCUSSED APPLICATION, MADE A COUPLE OF MINOR CHANGES TO APPLICATION (INITIALED BY JEFF RAU) AND GAVE APPLICATION TO MARY FOR ADVERTISING. |
| MB | 10/21/98 | Data entry; Adv. sch 10/29 & 11/5; 11/16/98 |
| MB | 11/12/98 | Pub. aff rec. 11/6/98. |
| AM | 11/19/98 | Prot. ack. ltr sent to 33 protestants; notice of Protest ltr sent to applicant's rep. & c.c. to applicant. |
| ADM | 1/13/99 | Rec'd Withdrawal of app. |
| ADM | 1/14/99 | LTR. signed ack. withdrawal & notified protestants. |
| | | |
| | | MICROFILMED |
| | | MAR 15 1999 |

12-90

Page 1 of 6

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

Transfer No. 5331

RECEIVED
JAN 19 1999
Department of Water Resources

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1

Name of applicant Independent Meat Company Phone 208-733-0980

Post Office address P.O. Box EE, Twin Falls, Idaho 83301

### A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point ☒ Change place of use
   ☒ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Trasfer water right and change use from Industrial to Commercial and Stockwater.

WITHDRAWN

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

| 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|---|---|---|---|---|
| ~~47-02396~~ | ~~06/26/1964~~ | ~~0.33/151.2~~ | ~~Stock/comm.~~ | ~~01-01~~ to ~~12-31~~ |
| JSR 10/21/98 47-02396 | 06/26/1964 | 0.065 CFS | COMMERCIAL | 01-01 to 12-31 |
| 47-02396 | 06/26/1964 | 0.265 CFS | STOCKWATER | 01-01 to 12-31 |
| | | | | to |

2. Total amount of water being transferred 0.33 cubic feet per second and/or 151.20 acre-feet per annum.

3. Source of water Groundwater tributary to N/A

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | JSR 10/21/98 Local name for diversion |
|---|---|---|---|---|---|---|---|---|
| | NE | NE | NE | 36 | 11S | 16E | Twin Falls | (EXISTING) Well & Pump |
| | NE | SE | | 36 | 11S | 16E | Twin Falls | (PROPOSED) Well & Pump |
| | | NE | SE | | | | | |
| | | | | | | | | |

5. Lands irrigated or place of use:

| | | | NE 1/4 | | | | ER 10/21/98 NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp. | Rge. | Sec. | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 11S | 16E | 36 | C/S | C/S | C/S | C/S | C | C | C | C | | | | | C/S | C/S | C/S | C/S | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

WITHDRAWN 01-13-1999

MICROFILMED MAR 15 1999

Printed 9/17/98 17:18

Total acres N/A

Transfer No. 5331

## PART 1

6. General Information:

a. Description of diversion system Wells & Electric Pumps to Livestock Facility

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

No Effect - Land currently served by this right will be served by Twin Falls Municipal Water System.

d. Remarks:

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions.

WITHDRAWN

Witness my hand this _____ day of _____, 19 _____.

_____

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MAR 15 1999

Page _____ of _____ TRANS NO.

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. **47-02396**

STAGE: **LICENSE**

| BENEFICIAL USE | PERIOD OF USE | DIVERSION RATE | ANNUAL VOLUME |
|---|---|---|---|
| INDUSTRIAL | 01/01 to 12/31 | 0.33 CFS | 151.2 AF |

**SOURCE**

GROUNDWATER

**Priority:** 06/26/1964

**LOCATION OF POINT(S) OF DIVERSION:** NENE , Sec. 27, Township 10S, Range 17E
TWIN FALLS County

**PLACE OF USE:** INDUSTRIAL

| TWN | RGE | SEC | |
|---|---|---|---|
| 10S | 17E | 27 | NENE |

**CONDITIONS/REMARKS:**

WITHDRAWN

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MAR 15 1999

Transfer No. 5331

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

*(Attach one copy for each right)*

WITHDRAWN

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 47-02396 issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.

WITHDRAWN

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.
   ☒ Tax notice ☐ Warranty Deed ☐ Other _____
3. Source of water Groundwater tributary to N/A
4. Date of priority 06/26/1964
5. Water is used for the following purpose:
   Amount (cfs/ac-ft) 0.33 cfs for Industrial purposes from 01-01 to 12-31
   Amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____
   Amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____
6. Total amount of water under right 0.33 cubic feet per second and/or 151.20 acre-feet per annum.
7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|---|---|---|---|---|---|---|---|---|
| X | | NE | NE | 27 | 10S | 17E | Twin Falls | Well @ Independent Meat Co. |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 10S | 17E | 27 | I | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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MAR 15 1999

Total acres _____

9. Describe any other water rights used for the same purpose as described above None

## PART 2

Transfer No. 5331

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

*(if the entire right is to be changed by the applicant, omit part B and C)*

1. Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres _____

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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MAR 15 1999

Total acres _____

Transfer No. 5331

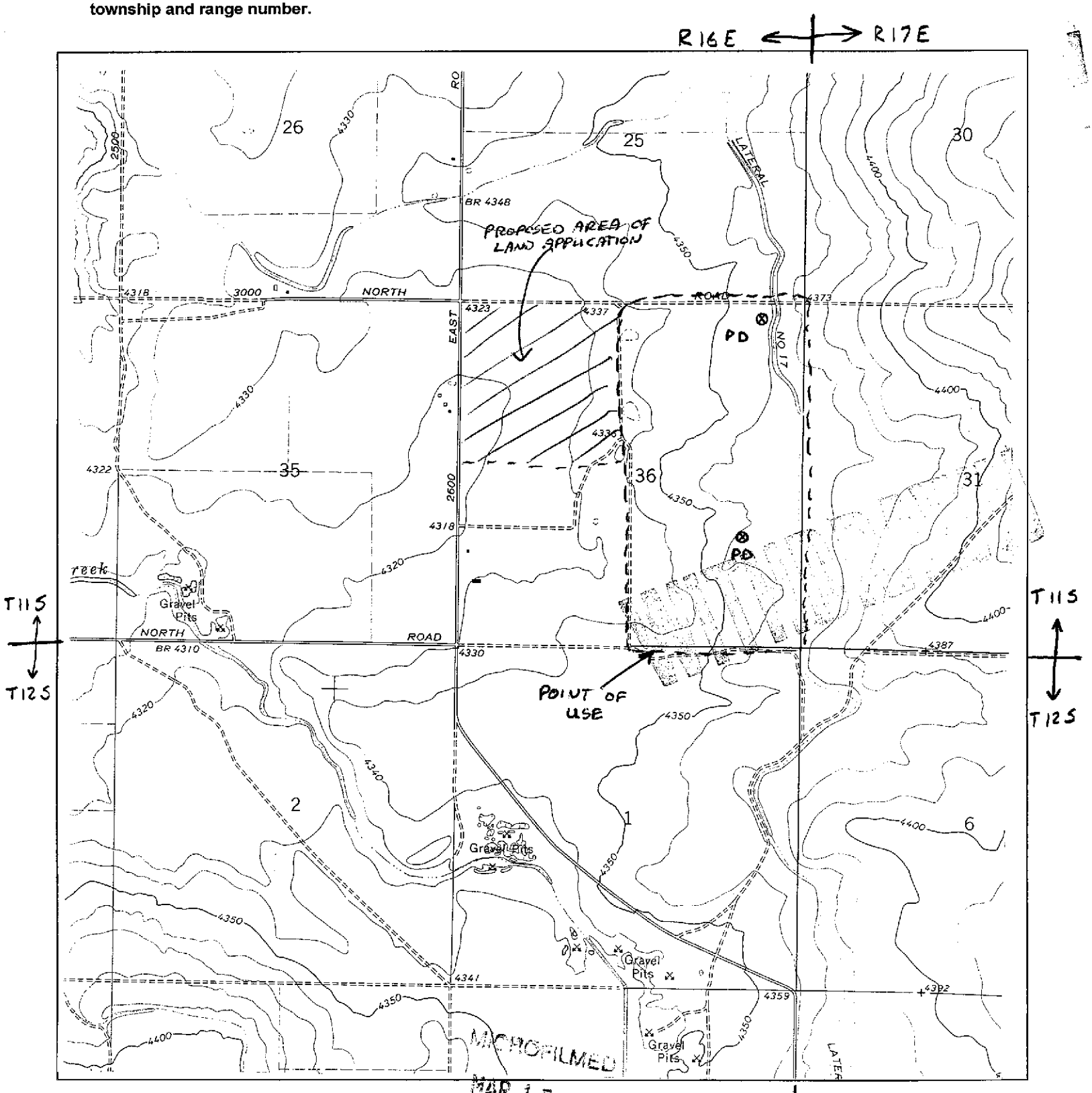
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

A. Draw a map or attach a USGS map indicating the new

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 3

**point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**




SCALE: ~~2 inches equals 1 mile.~~ Draw plan in ink.
1:24000

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MAR 15 1999

Transfer No. 5331

## PART 3

### B. CHANGES IN NATURE OF USE

| 1. New Nature of Use | Amount (cfs/ac-ft) | Hours/days/year | Period of Use |
|---|---|---|---|
| Stock/comm. | 0.33/151.2 | As Needed | 01-01 to 12-31 |
| | | | to |

2. Quantity and quality of return flows and location of discharge:

Wastewater from the growing faciltiy to be collected in concrete holding basins or lined lagoons pumped to land disposal.

3. Describe the effects on other water uses resulting from the proposed change:

None.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Independent Meat Co.

(Signature of Applicant)

Subscribed and sworn to before me this 18th day of September, 19 98.

(Notary Public)

My commission expires 10-9-98

WITHDRAWN

### FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by C. SKINNER Date 9/18/98 Protest filed by

Prelim. check by C. SKINNER Fee $100.00

Receipted by C. SKINNER Date 9/18/98 $021500

Published in Times News Copies of protest forwarded by

Pub. dates 10/29 & 11/05/98 Hearing held by Date

Watermaster recommendation requested on N/A Recommended for [ ] Approval [ ] Denial

rec'd. by

Copy of transfer sent to lien holder MICROFILMED

MAR 15 1999

RECEIVED

SEP 18 1998

Department of Water Resources
Southern Region

HECK PAYABLE TO:
ALLS COUNTY TREASURER
.BRUNING, BOX 88
ALLS, ID 83303-0088

# 1997 TAX BILL/RECEIPT

BILL# 25581 CODE AREA 43-00

PARCEL NUMBER
RP10S17E270041A

| | |
|---|---|
| L | 160,815 |
| I | 2,364,540 |
| P | 1,748,357 |
| TOT MV | 4,273,712 |
| TOT ACS | 107.210 |

| 1ST HALF DUE | 2ND HALF DUE | FULL DUE |
|---|---|---|
| 28,184.90 | TAX 28,184.90 | TAX 56,369.80 |
| | LATE | LATE |
| | INT | INT |
| | COST | COST |
| | TOT | TOT |

| TAXING DISTRICT | RATE | AMOUNT |
|---|---|---|
| COUNTY | .004034698 | 17,243.14 |
| COLLEGE SO.ID | .001363203 | 5,825.94 |
| SCHL DIST 411 | .004569604 | 19,529.16 |
| TWIN FALLS-HGWY | .000973201 | 4,159.18 |
| TF RURAL FIRE | .002333594 | 9,597.82 |
| DISTRICT TOTAL | .013274300 | 56,355.24 |
| AM FALLS RES. | | 14.56 |
| AMOUNT DUE | | 56,369.80 |

INDEPENDENT MEAT CO
BOX EE
TWIN FALLS ID 83303-0028

SEC 27 T 10 R 17
NE1/4, EXC TAX #'S 323, 2.05A
322, 1173, HWY, W1/2 NW NE,
W1/2 E1/2 NW NE, SW 5.68A,
2.95A ADJ TO TAX #1173, SE 5A;
N 172.66' E1/2 SE NW

670400
MAY 26 1998
Rec 6/16
DUE DATE DISC 3490
ACCT NO
EXT MNGR
DATE PROD RECD INV
GEN MNGR 5/27
A/P DATE 6/16/98
PAID DATE
CHECK NO 99647

2072 ORCHARD DR E 83301

[redacted]

★ ★ ★IMPORTANT★ ★ ★
**PLEASE READ BOTH FRONT AND BACK**
**★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★**
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

NDENT MEAT CO 1997
25581

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

INDEPENDENT MEAT CO 1997
25581

| 2ND HALF | 1ST HALF | FULL |
|---|---|---|
| AMOUNT DUE 28,184.90 | AMOUNT DUE ~~28,184.90~~ pd | 56,369.80 |

ALLS COUNTY
7E270041A
0

TWIN FALLS COUNTY
RP10S17E270041A
43-00

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MAR 1 1999

| | | | |
|---|---|---|---|
| LATE | | LATE | LATE |
| INT | | INT | INT |
| COST | | COST | COST |
| TOT | | TOT | TOT |

IF NOT PAID ON OR BEFORE [redacted]
PAID
BY
CHECK #
CASH

DELINQUENT IF NOT PAID ON OR BEFORE [redacted]
DATE PAID
PAID BY
CHECK #
CASH

T#5331

TYNT 1-97

To: STATE OF IDAHO
DEPT OF WATER RESOURCES
1341 FILLMORE-SUITE 200
TWIN FALLS ID 83301-3380

RECEIVED
JAN 13 1999
Department of Water Resources
Southern Region

Gentlemen:

I/we wish to withdraw Application ~~for Permit~~ to Transfer No. 5331 to the Public Waters of the State of Idaho, filed in the name of Independent Meat Co.

Dated this 12th day of January, 1999.

Independent Meat Co.
By PATRICK FLORENCE
Name
PRESIDENT
Title
BOX EE
Address
Twin Falls, Id. 83303
Address

MICROFILMED
MAR 15 1999

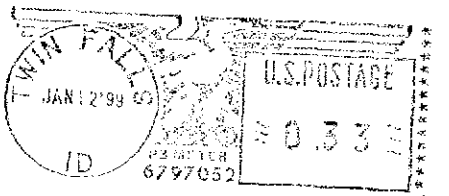
FALLS BRAND

INDEPENDENT MEAT COMPANY, P.O. BOX EE, TWIN FALLS, IDAHO 83303-0028

RECEIVED

JAN 13 1999

Department of Water Resources
Southern Region




State of Idaho
Dept. of Water Resources
Twin Falls, Idaho 83301-3380

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MAR 15 1999

...Used in Burley, Nampa and increasingly around the Salt Lake City area, these low-pressure systems use untreated canal water, saving the clean supplies for in-home use.

Please see **WATER**, Page B3

BRUCE SHIELDS/The Times-News

**Shawn Shropshire tamps dirt over a new water connection to a house on Bracken Street North. Engineers say an increasing demand could spell water-supply problems for the city if action isn't taken now.**

# Hog farm water transfer draws protest

**By N.S. Nokkentved**
**Times-News writer**

TWIN FALLS – Thirty-three protests have been filed against transferring a groundwater right that would supply a proposed hog production facility south of Twin Falls.

Each protest requires a $25 fee.

On a local water transfer, that's a significant number, said Dick Larsen, spokesman for the Idaho Department of Water Resources.

The water right in question is for 148 gallons per minute.

It would supply Brent Dame's proposed 3,600-sow hog production facility, which could produce 72,000 pigs per year. The county planning and zoning commission in September approved a permit for the operation.

That permit is under appeal.

The transfer was filed on behalf of Independent Meat by Brockway Engineering. It was filed the same day ...unty planners approved Dame's per-...it.

The water right would be transferred from the south edge of the city to a site 8 1/2 miles southwest, across Rock Creek and above the Twin Falls Canal Co. system, Corey Skinner of Water Resources said in an Oct. 20 memo to Brockway Engineering.

For more online: **Newslink** www.magicvalley.com

The right is licensed for industrial use at Independent Meat and would be changed to a commercial and stock water use.

Independent Meat, however, has been getting water from Twin Falls for more than five years and should be thoroughly investigated by comparing company power records and Twin Falls city records to determine past use, Skinner noted.

It also may overlap with other water rights as well, he wrote. And that may affect the amount of water available under the right being transferred.

Jeffrey S. Rau of Brockway Engineering wrote in an application that the pumping would have a negligible effect on the nearest well, 2,280 feet away. The water at both locations is part of the same aquifer that flows toward Rock Creek and the Snake River.

Rau also said 5.26 cubic feet per second of water flow beneath the square mile where Dame would produce hogs. Dame would take less than one-third of a cubic foot per second.

Idaho water law allows water users to transfer to a place of diversion, and transfer the place and nature of use, if the applicant can show that the transfer won't injure the rights of other water users, does not increase the amount of use and that the use of the water is in the public interest.

The state constitution gives preference to domestic water rights over other purposes.

When protests are filed, a public hearing may be held. The department has not set a hearing. But it is sending out letters to protestants and to the applicant asking if they are interested in a preconference hearing to explain the process.

*Times-News staff writer N.S. Nokkentved can be reached at 733-0931, Ext. 237.*

...acre site for the ... architectural fees and other ex... Classroom equipment such as d... tables would cost an estimolve t... of the district's overcrowding p... The freshman class would be m... of the high school and into the... school.

It would take about $933,000 ... the old middle school and ... Elementary School into a single ... for grades four to six. That ... include sinking $400,000 into i... parking, a new school bus drop... and better drainage in the school...

Building a new gym/multi... room and expanding the lib... Jefferson Elementary School w... included in bond-funded proje... carries an estimated price tag ... $422,000.

Giving voters a more detailed ... of what the district wants shou... Layne Jackson of Jerome said ... Tuesday's meeting.

"Now we can see everythi... that's a big part of what people ... Jackson said. "Now we can ... our dollars will go."

Roger Morley of Jerome sa... issue promoters will have to b... ful of the tight budgets of ma... dents.

"You've got to break this dow... old couple living in a little house ... a month of Social Security," he s...

*Times-News staff writer Mark H... ers the North Side and Twin F... Hall. He can be reached at 324-696...*

# Students hope to increase seat-belt use among peers

**By Brian Haynes**
**Times-News writer**

TWIN FALLS – Some Twin Falls High School students want to increase seat-belt use among their peers, and they're ready to bribe them with money, food and whatever else it takes.

With a goal of doubling the 38 percent

Other students believe they won't be in an accident because they're careful drivers, said sophomore Brandi Alldritt.

And other students are "just too lazy to put the thing on," junior Joel Barker said.

The bottom line is getting students to buckle up and lowering the number of deaths and serious injuries among teen drivers every year.

# Head Start plays host t... literacy program in Bul...

**By Kelly J. Selzle**
**Times-News correspondent**

BUHL – Literacy can mean the difference between your child having a career or just doing a job, say promoters of a literacy program.

West End Head Start is hosting a free

...so important."

Head Start's Edith Mace will ... on helping your child succeed i... and Buhl School District's R... McCauley will discuss family litera...

"I think it's wonderful that so m... ple are willing to help and get tog... promote literacy," Mace said. "Li...

LLOYD J. WALKER
ATTORNEY AT LAW
131 Second Street West
P.O. Box 1923
Twin Falls, ID. 83303-1923
Telephone: (208) 733-3083
Facsimile: (208) 733-3084
LJW/rw/CLIENT/Farm.hog/Objection1

ORIGINAL

RECEIVED
NOV 18 1998
Department of Water Resources
Southern Region

**STATE OF IDAHO**
**DEPARTMENT OF WATER RESOURCES**

**SUPPLEMENTAL TO THE OBJECTION TO APPLICATION FOR TRANSFER OF WATER RIGHT PERMIT NO. 47-02396**

**********

An objection to the application for transfer of water right permit no. 47 was filed by the neighbors as listed in the objection. The persons are a part of an Association know as "Concerned Citizens Against Hog Factories". The Association is recognized by Idaho Law, and each of the persons listed has paid a membership fee.

Dated this 17th day of November, 1998.

LLOYD J. WALKER

Lloyd J. Walker
Attorney at Law



MICROFILMED
MAR 15 1999

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the foregoing **OBJECTION TO APPLICATION FOR TRANSFER OF WATER RIGHT** was placed in the U.S. mail, postage prepaid to the following on this 14th day of November, 1998:

T.F. County Commissioners
425 Shoshone Street North
Twin Falls, ID 83301

Mark Guerry
Twin Falls County Attorney
425 Shoshone Street North
Twin Falls, ID 83301

John Hohnhorst
HEPWORTH, LEZAMIZ & HOHNHORST
133 Shoshone Street North
Twin Falls, ID 83301

Independent Meat
2072 Orchard Drive East
Twin Falls, ID 83301

Ramona Woratsch
Ramona Woratsch



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MAR 15 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

November 17, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JEFFREY S RAU P.E.
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

RE: APPLICATION FOR TRANSFER NO. 5331 (47-02396)-Independent Meat Co.

Dear Mr. Rau:

Enclosed are copies of protests filed against the above referenced application filed on behalf of your client.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

Please note that your application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

http://www.idwr.state.id.us/apa/idapa37/0101.htm

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

cc:
ATTN PATRICK FLORENCE
INDEPENDENT MEAT CO
PO BOX EE
TWIN FALLS ID 83301

MICROFILMED
MAR 15 1999

## CONFERENCE AND HEARING PROCEDURE

### APPLICATION FOR TRANSFER ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer:

1. Will the proposed transfer injure other water rights?

2. Will the proposed transfer constitute an enlargement in the use of the original right?

3. Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?

4. Is the proposed use contrary to conservation of water resources within the state of Idaho?

### BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, and 4 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

### PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

### CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. The department may issue a "pre-conference statement order" which requires response to the inquiries.

### HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape. The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director. Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

### EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer. As part of the conference a date may be set by which exchange of exhibits and witness lists must occur.

### EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing party.

### AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

MICROFILMED
MAR 15 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 17, 1998

RE: APPLICATION FOR TRANSFER NO. 5331 (47-02396) filed in the name of Independent Meat Company

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

http://www.idwr.state.id.us/apa/idapa37/0101.htm

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

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MAR 15 1999

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of November, 1998, a true and correct copy of the foregoing letter acknowledging receipt of Protest was forwarded with all required charges prepared, by Regular U.S. Mail, to the parties listed:

Mary Baldwin
Secretary

BARBARA A GIETZEN
MAYOR, CITY OF BUHL
203 NORTH BROADWAY
BUHL ID 83316

DOC & ERMA LEE CALLEN
2120 E 2200 N
TWIN FALLS ID 83301

JERRY &/OR MARSHA YOUNG
2140 E 2200 N
TWIN FALLS ID 83301

BILL &/OR PAULA JENSEN
2560 E 3100 N
TWIN FALLS ID 83301

KEITH W FULLMER
3344 HWY 93
TWIN FALLS ID 83301

VIC & JEAN FISCHER
3250 E 3219 N
TWIN FALLS ID 83301

DENNIS HENSON
3289 N 2300 E
TWIN FALLS ID 83301

MIKE & TWILA BRIDGES
3170 N 2800 E
TWIN FALLS ID 83301

ROD BERRY
3043 N 2600 E
TWIN FALLS ID 83301

CHARLES R ROSE &
PATRICIA W ROSE
373 EDWARDS DR
TWIN FALLS ID 83301

ELAINE GAYLE SHUMWAY
3263 E 3225 N
TWIN FALLS ID 83301

MONIE L SMITH
559 E 300 S
JEROME ID 83338

ARCHIE ADAMSON &
LAVELLE ADAMSON
1257 HARMONY RD
TWIN FALLS ID 83301

BUCK BLANKENSHIP &
MAXINE BLANKENSHIP
3127 E 3200 N
TWIN FALLS ID 83301

MELBA WERNICKE MC CLURE
3126 E 3100 N
TWIN FALLS ID 83301

C MARIE WEBB
3231 N 3250 E
TWIN FALLS ID 83301

PATTY MORROW
1530 9TH AVE EAST
TWIN FALLS ID 83301

CARLYNN & DICK NOH
2840 E 2500 N
TWIN FALLS ID 83301

MARGARET J PRATT
472 JEFFERSON ST
TWIN FALLS ID 83301

BRUCE COOPER
CATHY ECHEITA
PO BOX 1101
TWIN FALLS ID 83303-1101

GARY & JANET G ELLER
PO BOX 1093
KIMBERLY ID 83341

CAROLYN CUTLER
1445 ADDISON AVE EAST
TWIN FALLS ID 83301

ROBERT & CYNTHIA FLOYD
3482 N 2983 E
TWIN FALLS ID 83301

IMPACT ZONE LANDOWNERS
LLOYD J WALKER ESQ
PO BOX 1923
TWIN FALLS ID 83303-1923

TOM & DEB PROCTOR
3267 E 3225 N
TWIN FALLS ID 83301

WILLIAM K CHISHOLM
19073 E HWY 30
BUHL ID 83316

WALLACE D JOHNSON
3627 N 1900 E
FILER ID 83328

CARL C ROSENBAUM &/OR
BARBARA A ROSENBAUM
3127 N 2600 E
TWIN FALLS ID 83301

WESLEY BASHAM
3069 N 2600 E
TWIN FALLS ID 83301

GARY EARL
3255 N 3000 E
TWIN FALLS ID 83301

MARK HASSELBRING
3485 N 3000 E
TWIN FALLS ID 83301

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MAR 15 1999

RECEIVED

3/96 NOV 16 1998

Department of Water Resources
Southern Region

33

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for transfer # 5331
2. Name of protestant Mark Hasselbring (HASSELBRING)
3. Protestant's representative for service (If different than protestant)

   _____

4. Service mailing address 3485 N 3000 E, Twin Falls Id.
5. Service telephone no. 208 734 4210
6. Basis of protest (including statement of facts and law upon which the protest is based)

   Transfer will result in injury to the rights of others. This transfer is not in the best interest of the Public.

   _____

   *(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Transfer water right to the City of Twin Falls where they are getting water now.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 16 day of Nov, 19 98.

Mark Hasselbring
PROTESTANT

_____
PROTESTANT'S REPRESENTATIVE

MICROFILMED

MAR 15 1999

**NOTE:**

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

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## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by MB Date 11/16/98 Time 1242

$25.00 fee Receipted by MB # SO 21624 Date 11/16/98

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NOV 16 1998
Department of Water Resources
Southern Region

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

**This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.**

1. Matter being protested: Application for Transfer No 5331 in the name of Independent Meat Co.
2. Name of protestant: Gary Earl
3. Protestant's representative for service (If different than protestant):
4. Service mailing address: 3255 N 3000 E, Twin Falls, Idaho 83301
5. Service telephone no.: 208 733 2597
6. Basis of protest (including statement of facts and law upon which the protest is based)

Will result in injury to the rights of other water users. It is not in the ~~local public interest.~~
Question if Permit is valid Amount of water applied for is not enough to supply the animals indicated on permit

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Independent meat should transfer permit to the City of Twin Falls ~~as~~ since the City is experiencing shortages + Independent Meat is using City Water now

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 16 day of November, 19 98.

Gary Earl
PROTESTANT

PROTESTANT'S REPRESENTATIVE

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MAR 15 1999

**NOTE:**

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

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## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by MB Date 11/16/98 Time 12:42

$25.00 fee Receipted by MB # So 21625 Date 11/16/98

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# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

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Department of Water Resources
Southern Region

nis form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 2-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same ıformation.

. Matter being protested Transfer #5331

. Name of protestant Wesley Basham

. Protestant's representative for service (If different than protestant)

Service mailing address 3069 N. 2600E Twin Falls IDAHO

5. Service telephone no. (208) 735-1107

:. Basis of protest (including statement of facts and law upon which the protest is based)

End use contamination of existing wells
Depletion of Domestic water level at existing wells

*(additional pages may be attached to describe the nature of the protest)*

'. What would resolve your protest? Denial of Transfer

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 16 day of November, 1998.

Wesley E Basham
PROTESTANT

PROTESTANT'S REPRESENTATIVE

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MAR 15 1999

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MAR 15 1999

**NOTE:**

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

---

## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by NB Date 11/6/98 Time 1:02 pm

$25.00 fee Receipted by NB # S021626 Date 11/6/98

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MAR 15 1999

3/96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 16 1998
Department of Water Resources
Southern Region

30

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for transfer #5331 in the name of Independent Meat Company.
2. Name of protestant Carl C. and/or Barbara A. Rosenbaum
3. Protestant's representative for service (If different than protestant)

   _____

4. Service mailing address 3127N. 2600E., Twin Falls, ID 83301
5. Service telephone no. 208-733-3335
6. Basis of protest (including statement of facts and law upon which the protest is based)

We protest Independent Meat Company transferring a commercial well water right from our area that has plenty of water, to the Salmon Tract, which is, and always has been short on water. We are very concerned about what will happen to our well water level if the transfer takes place and

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? Not to transfer any water right from Independent Meat Company or anyone else to the Salmon Tract area

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 16th day of November, 1998.

Carl C. Rosenbaum  Barbara A. Rosenbaum
PROTESTANT

_____
PROTESTANT'S REPRESENTATIVE

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MAR 15 1999

**NOTE:**

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

---

## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by CC Date 11/16/98 Time 4:06 pm

$25.00 fee Receipted by CC # 502630 Date 11/16/98

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MAR 15 1999

Also the pollution which is bound to occur in our water.

The attached copies of Idaho's Water Rights lists specific reasons why this transfer would be a very bad decision. They are underlined and high lighted! How can you go against your own rules!?

See Attached Pages

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MAR 15 1999

# Idaho Water Rights

**Water has always been a critical element of Idaho's economic and social development history. One indicator of its importance is the fact that Idaho's constitution specifically addresses the issue of water.**

**Article 15, Section 3, of the Idaho Constitution states:** ***The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied, except that the state may regulate and limit the use thereof for power purposes.***

**A complex system of water rights has been developed over the years by which appropriation and use of Idaho's public waters can be managed. Article 15, Section 3 of the Idaho Constitution provides:** ***Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose; and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district those using the water for mining purposes or milling purposes connected with mining have preference over those using the same for manufacturing or agriculture purposes.***

## AN IDAHO WATER RIGHT PRIMER

**The general rule of thumb for Idaho water rights is: if you intend to put public waters to some form of beneficial use, it is against the law to do so without a valid water right. The exception is water for domestic use where, under specific conditions, a recorded water right is not required. Idaho law provides for civil penalties for appropriating water without a valid water right.**

### What is a water right?

The constitution and statutes of the State of Idaho declare all the waters of the state, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the state, and ground waters of the state, to **be public waters.**

The constitution and statutes of the State of Idaho **guarantee the right** to appropriate the public waters of the State of Idaho. When a private right to the use of public waters is established by appropriation, a water right is established that is a real property right much like property rights in land. The constitution and statutes of the state of Idaho protect private property rights, including water rights.

MAR 1 5 1999

A water right is the right to **divert** the **public waters** of the state of Idaho and put them to a **beneficial use,** in accordance with one's **priority date.**

**A priority date** is the date the water right was established. How this date is determined is described

in the section below. The priority date is important because the priority date determines who gets water when there is a shortage. If there is not enough water available to satisfy all of the water rights, then the persons with the oldest (or senior) water rights get their water rights satisfied first and so on in order until there is no water left. It is the persons with the new (or junior) water rights who do not get water when there is not enough to satisfy all the water rights.

**Beneficial uses** include such uses as domestic use, irrigation, stock watering, manufacturing, mining, hydro power, municipal use, aquaculture, recreation, fish and wildlife, among others. The amount of the water right is the amount of water put to beneficial use. Due to the **beneficial use requirement,** a water right (or a portion of a water right) **may be lost if it is not used** for a continuous five-year period.

A **diversion** is a structure for capturing the water before it is put to use. Typical diversion structures include pumps, head gates, ditches, pipelines, and dams, or some combination. A diversion is generally required to establish a water right. Some public agencies are authorized to acquire water rights without diversions. These water rights are called 'instream flow' water rights, and are typically authorized for purposes of protecting some public interest in a natural stream or lake, such as recreation, wildlife, or natural beauty. A water right may also be acquired to water livestock directly from the stream, which are called "instream livestock" water rights.

Water law in Idaho is called the **appropriation doctrine**, because water rights in Idaho are based upon diversion and beneficial use of water. The appropriation doctrine has also been called **"first in time is first in right,"** because the priority date determines who gets water when there is not enough to go around. The water night is also called an "appropriation", and someone who has a water right is said to have appropriated" water.

You may also have heard of something called "riparian rights." In some states, an owner of land has the right to make a "reasonable use" of ground water underneath his land, or water naturally flowing on, through, or along the borders of her land. A riparian right to make use of the water is not limited by priority date and it cannot be lost by non-use. **Idaho law does not recognize a "riparian right" to divert and use water.**

**A water right under the law of the state of Idaho can be established only by appropriation, and once established, it can be lost if it is not used.**

## How is a water right established?

### Surface Water

Prior to May 20, 1971, there were two ways in which a right to surface water could be established. The first way was to simply divert water and apply it to beneficial use. These water rights are called 'beneficial use', 'historic use' or 'constitutional' water rights. The priority date for a water night established by this method is the date water was first put to beneficial use.

The second way to establish a night to surface water was to comply with the statutory method in effect at the time the water night was established. The current statutory method is an application/permit/ license procedure that is described further below. The priority date for a water night established by this method is the date of filing the application with IDWR,and this priority date is shown on the license that is issued when the process is completed.

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Prior to 1903, Idaho had a "posted notice" statute, which provided for posting of a notice at the point of diversion and recording the notice at the county recorder's office, followed by actual diversion and beneficial use of water, among other things. If the statutory requirements were met then the priority date for a water night established under the posted notice statute was the date of posting the notice. Water rights established under the old statutory method are called "Posted Notice" water rights, but are considered beneficial use rights because they are not confirmed by a permit, license, or decree.

As of May 20, 1971, there is only one way to establish a right to and that is by following the application/ permit/ license that is described further below. The one exception to this rule is for water rights used solely for instream watering of domestic livestock.

**Ground Water**

Prior to March 25, 1963, there were two ways to establish rights to ground water, which are the methods described above. As of March 25,1963, there is only one way to establish a right to groundwater. That is by following the application/ permit/ license procedure that is described further below.

There is one exception to this rule. A " beneficial us"' right to ground water may still be established for domestic purposes. "Domestic purposes" is defined by statute as "water for household use or livestock all other purposes including irrigation of up to one-half acre of land in connection with said household where total use is not in excess of thirteen thousand (13,000) gallons per day"' Domestic purposes does not include "water for multiple ownership subdivisions, mobile home parks, commercial or business establishments." The rules and regulations of IDWR interpret the domestic exception as limited to single-family domestic purposes.

## Can a water right be changed?

The point of diversion, place of use, period of use or nature of use of a water right may be changed so long as the change does not result in injury to the rights of other appropriators.

However, after May 26,1969, any person wishing to make a change in use of the water right must file an application with IDWR for approval of the change. IDWR may approve the proposed change if it:

- will not result in injury to the rights of other water users;
- does not constitute an enlargement of the original water right; and
- is in the local public interest.

IDWR may approve the change in part, or approve it subject to conditions where necessary to meet those three requirements. If the proposed change does not meet those three requirements, then the proposed change is not approved and the application for change is denied.

## How do I get a water right?

If you are currently diverting the public waters of the state and putting the water to beneficial use, then you may already have a valid water right established either by the statutory method or by beneficial use. If water was used on your property before you acquired it, and the person you acquired the property from did not reserve the water right in the deed conveying the property to you, and you continued the use of water, you may have acquired a valid water right along with your land. Also,

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MAR 1 5 1999

some water rights (including both water rights established by the statutory method and water rights established by beneficial use) have been confirmed by a decree of a state or federal court. IDWR keeps records of water right decrees and licenses, and these records are available for public inspection.

You may need a new water right for an existing use of water if a water right was not properly established for the existing use. (For example, if a use of surface water was initiated after 1971 without applying to IDWR for a permit.) A new water right is also needed for a new use of water. If you wish to establish a new water right, then there are certain procedures you will need to follow.

First, an application for a permit must be filed with IDWR. Application forms and assistance are available at all IDWR offices. The information that must be included in the application is described by statute and in rules and regulations of IDWR.

IDWR is required to publish notice of the application, and other persons may file protests to the application with IDWR. If protests are filed, then IDWR must hold a hearing.

IDWR must then review the application (including any hearing record), and if the application meets the requirements of the statute and the rules and regulations, a permit is issued. The permit describes the appropriation to be made and the deadline within which the appropriation must be completed.

Prior to the end of the period in which the appropriation must be completed, IDWR sends the permit holder a notice that the deadline is approaching and that the permit holder must submit proof of beneficial use. 'Proof of beneficial use' is a form sent to the permit holder by IDWR, that the permit holder fills out and returns to IDWR. In the proof form, the permit holder states that he has completed his appropriation.

After filing the proof form, a field examination must be made. The permit holder may request that the field examination be made by IDWR, in which case an examination fee is required to be paid to IDWR. The permit holder may instead have the field examination completed by a certified field examiner not associated with IDWR, in which case the field examiner submits a report to IDWR after the examination is completed. The purpose of the field examination is to insure that water is in fact being used as described in the permit. If so, then IDWR issues a license that describes the appropriation that has been completed.

## What is a claim?

There are two different types of filings that are often called "claims." The first is a "statutory claim" that was filed with IDWR to make a record of an **existing** beneficial use right. In 1978, a statute was enacted requiring persons with beneficial use rights (other than water rights used solely for domestic purposes as defined above) to record their water rights with IDWR. The purpose of the statute was to provide some means to make records of water rights for which there were previously no records. However, these records are merely affidavits of the water users, and do not result in a license, decree, or other confirmation of the water right.

The other type of claim is a "notice of claim" to a water right that is filed with IDWR in water rights adjudications. An adjudication is a court action for the determination of **existing** water rights, which results in a decree that confirms and defines each water right. (The application/permit/ and license procedure described above is for purposes of establishing **new** water rights.)

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MAR 1 5 1999

When an adjudication of a particular source is commenced, IDWR is required to notify the water users of the commencement of the adjudication, and notify the water users that they are required to file notices of claims for their water rights with IDWR. IDWR then investigates the notices of claims and prepares a report that is filed with the court. Claimants of water rights are notified of the filing of the report, and objections to the report may be filed with the court by anyone who disagrees with the findings in the report.

If no objection is filed to a water right described in the report, then the court decrees the water right as described in the report. If an objection is filed to a water right described in the report, then the court determines the water right after a hearing and decrees the water right. A general adjudication of the Snake River Basin in Idaho is currently ongoing.

## Other kinds of water "rights"

Some persons have a right to receive water that is not an appropriation. For example, some persons have the right to receive water that is represented by shares in a ditch company. In such cases, the ditch company has the appropriation, and the water users have a right to receive water from the ditch company.

Other examples are persons who receive water from a city, an irrigation district, or a water utility company (such as United Water Idaho.). Again, the water user may have a right to receive water from the city, district, or utility, (usually contingent upon payment of a fee), but does not have an actual appropriation.

## If You Need More Information

You can find much more comprehensive information about Idaho water rights in the official IDWR rules governing water appropriation. Select the word RULES if you want to review this detailed technical information.

If you have specific questions regarding water rights, you also can speak to a water rights agent at any of the five IDWR offices. To find the location and phone number of the nearest IDWR office, select the word OFFICES.

If you would like more information about the Idaho Department of Water Resources, please contact IDWR Public Information.

Last Modified: Mar. 13, 1997
By: dlarsen@idwr.state.id.us

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MAR 15 1999

36

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 16 1998
Department of Water Resources
Southern Region

his form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 2-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same formation.

. Matter being protested Transfer # 53311

.. Name of protestant Wallace D Johnson

. Protestant's representative for service (If different than protestant)

Service mailing address Wallace D Johnson 3627N 1900E Filer Id 83328

. Service telephone no. 326-3708

. Basis of protest (including statement of facts and law upon which the protest is based)

I am Protesting the use of to much water being taken from the ground around me.

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Denied transfer of water Rights to Land of Hagerman.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 8th day of November, 1998.

Wallace D Johnson
PROTESTANT

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MAR 15 1999

PROTESTANT'S REPRESENTATIVE

NOTE:

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

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## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by AB Date 11/16/98 Time 2:45 pm

$25.00 fee Receipted by AB # SO 21629 Date 11/16/98

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MAR 15 1999

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3/96 NOV 13 1998

Department of Water Resources
Southern Region

2.8

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Transfer # 5331 In the name of Independent Meat Co.
2. Name of protestant William K. Chisholm
3. Protestant's representative for service (If different than protestant)

   _____

4. Service mailing address 19073E Hwy 30 Buhl, Idaho 83316
5. Service telephone no. 208-543-4418
6. Basis of protest (including statement of facts and law upon which the protest is based)

   Change of use from commercial to domestic
   transfer of water uphill 8 miles
   abandonment of water right - critical water area
   #1- 42-203A #1 - 42-222 - Vad policy

   *(additional pages may be attached to describe the nature of the protest)*
7. What would resolve your protest? denial of transfer

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 12th day of November, 1998.

William K Chisholm
PROTESTANT

_____
PROTESTANT'S REPRESENTATIVE

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MAR 15 1999

**NOTE:**

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## INSTRUCTIONS

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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by MB Date 11/13/98 Time 3:28 pm

$25.00 fee Receipted by MB # S021621 Date 11/13/98

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NOV 13 1998

Department of Water Resources
Southern Region

27

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Applicant #53331 - Independent Dist
2. Name of protestant Tom & Deb Proctor
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 3267 E 3225 N, Twin Falls, ID 83301
5. Service telephone no. 208-734-3679
6. Basis of protest (including statement of facts and law upon which the protest is based)

Well was abanded long ago
City of TF needs water more than hog farm

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Denial of transfer

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 12th day of Nov, 19 98.

Tom & Deb Proctor
PROTESTANT

PROTESTANT'S REPRESENTATIVE

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MAR 15 1999

**NOTE:**

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

---

## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

---

## FOR DEPARTMENT USE ONLY

Received by MB Date 11/13/98 Time 3:28 pm

$25.00 fee Receipted by MB # SO 21620 Date 11/13/98

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MAR 15 1999

LLOYD J. WALKER
ATTORNEY AT LAW
131 Second Street West
P.O. Box 1923
Twin Falls, ID. 83303-1923
Telephone: (208) 733-3083
Facsimile: (208) 733-3084
LJW/rw/CLIENT/Farm.hog/Objection

RECEIVED
NOV
Department of Water
Southern
ORIGINAL

26

**STATE OF IDAHO**
**DEPARTMENT OF WATER RESOURCES**

**OBJECTION TO APPLICATION FOR TRANSFER OF WATER RIGHT**
**PERMIT NO. 47-02396**

**********

COMES NOW, Lloyd J. Walker, Attorney at Law, representing the landowners within the impact zone as set out below: Rod Berry, Kay Bashem, Corine Dunlap, Neel D. Birkey, Wes and Kay Basham, Shirrel and Carol Silvester, Curtis and Tresa Hansen, Billy and Stormi McCarthey, Jack D. and Candie L. Jones, Wally Johnson, Dale Canterberry, and Elmer Ihler represented by Michael W. Ihler, and objects to application for transfer of water right which is a well, Permit No. 47-02396, with a Priority of 06-26-1964.

1. The application is for a transfer to the Township 10S Range 17E, Section 27 NE 1/4. The well right as it exists describes the water use to be industrial. The application then states that the current permit is for industrial use, and it is to be changed to commercial and stockwater. The Idaho Water Law together with the policies of the Department of Water Resources do not permit the change in use of an existing permit, and in particular it does not allow an industrial



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| Post-it® Fax Note 7671 | Date | # of pages ▶ 4 |
|---|---|---|
| To Rita Fleck | From Jim, Southern | |
| Co./Dept. | Co. | |
| Phone # | Phone # | |
| Fax # | Fax # | |

permit transferred to an area zoned agricultural, and then characterize the use as in part commercial, which would be non-conforming in region zoned agricultural. *See Exhibit 1, attached hereto.*

2. The application for transfer does not have any record of well pumping to indicate that the water required is available for industrial or commercial uses at the transfer site. There is no pumping record available as a part of the application for transfer, nor is there any indication that the new well site will not infringe upon currently existing domestic wells. All of which are 600 feet in depth or deeper.

3. There is nothing of record indicating that the permit to be transferred has not been abandoned. There is a reference to "no effect - Land currently served by this right will be served by Twin Falls Municipal Water System." It is reported and indicated that the well has not been used by the owner since 1989 when the Independent Meat Company went on the Twin Falls Municipal Water System.

4. PART 3 requires a description of the disposition of waste water. The waste water is to be used in creating a slurry of pig manure, in the holding basements under the stock buildings, and or from three (3) lagoons, all of which are characterized as storage facilities. The description of the "pumped to land disposal" is completely inadequate in that the application under the Livestock Containment Act states that the total manure production annually is 680,871 cubic feet,



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MAR 15 1999

and that when mixed with water to create a slurry, there will be a total of 4,359,857 cubic fee of material for disposal. The statement "pumped to land disposal" is completely inadequate.

The transfer of the well permit shall be denied for the above stated reasons.

Dated this 12th day of November, 1998.

LLOYD J. WALKER

Lloyd J. Walker
Attorney at Law



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MAR 15 1999

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the foregoing **OBJECTION TO APPLICATION FOR TRANSFER OF WATER RIGHT** was placed in the U.S. mail, postage prepaid to the following on this 24th day of November, 1998:

T.F. County Commissioners
425 Shoshone Street North
Twin Falls, ID 83301

Mark Guerry
Twin Falls County Attorney
425 Shoshone Street North
Twin Falls, ID 83301

John Hohnhorst
HEPWORTH, LEZAMIZ & HOHNHORST
133 Shoshone Street North
Twin Falls, ID 83301

Ramona Woratsch
Ramona Woratsch



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# EXHIBIT 1

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MAR 15 1999

# FALLS BRAND®

July 2, 1998

Mr. Brent Dame
Idaho Premium Pork
% Box EE
Twin Falls, Idaho
83303

Re: Water Permits

Dear Brent:

As you know we are making application to transfer adequate water rights from Independent Meat Co. to Idaho Premium Pork. I have retained Jack McCall of Clear Creek Properties/Consulting to assist us in the application process.

These water rights (three seperate) are Industrial Use . I am confident that the transfers will be approved for your swine production facility.

Sincerely,

Patrick Florence

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IDS INDEPENDENT MEAT

**RECEIPT**
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 8021606

Date: 11/12/1998
Time: 15:15:13

Received
From: LLOYD WALKER, ATTORNEY

| Type of Payment | | Program Acct | Amount |
|---|---|---|---|
| BJECTION | 64103 | 229 21 1155 | 25.00 |

CHECK 1389

Total $ 25.00

Region: SOUTHERN

Signature: Cheryl Cather

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MAR 15 1999

TRANSMISSION VERIFICATION REPORT

TIME : 11/12/1998 17:06
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

| | |
|---|---|
| DATE,TIME | 11/12 17:05 |
| FAX NO./NAME | IDWR SO |
| DURATION | 00:01:39 |
| PAGE(S) | 04 |
| RESULT | OK |
| MODE | STANDARD |

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3/96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 12 1998
Department of Water Resources
Southern Region

25

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested APPLICATION FOR TRANSFER #5331 IN THE NAME OF INDEPENDANT MEAT CO.
2. Name of protestant Robert & Cynthia Floyd
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 3482 N 2983E TWIN FALLS ID 83301
5. Service telephone no. (208) 733-7589
6. Basis of protest (including statement of facts and law upon which the protest is based)

Transferring permit from the Twin Falls track to the Salmon track. Change of use from a Domestic well to a commercial well.

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Denial of the transfer.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11th day of November, 19 98.

Robert Floyd Cynthia Floyd
PROTESTANT

PROTESTANT'S REPRESENTATIVE

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MAR 15 1999

**NOTE:**

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---

## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

---

## FOR DEPARTMENT USE ONLY

Received by J.P. Stanton Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JD # S021594 Date 11-12-98

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3/96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
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Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested # 5331 In the name of Independent Meat
2. Name of protestant Carolyn Cutler
3. Protestant's representative for service (If different than protestant)
   Na
4. Service mailing address 1445 Addison Ave. E, Twin Falls, Id. 83301
5. Service telephone no. 208-737-3913
6. Basis of protest (including statement of facts and law upon which the protest is based)
   Inappropriate change of well designation and use of water. Not in the local public interest.

   *(additional pages may be attached to describe the nature of the protest)*
7. What would resolve your protest? Denial of proposed transfer.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11 day of November, 1998.

Carolyn Cutler
PROTESTANT

PROTESTANT'S REPRESENTATIVE

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MAR 15 1999

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---

## INSTRUCTIONS

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2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

---

## FOR DEPARTMENT USE ONLY

Received by JEstenson Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JJ # 502595 Date 11-12-98

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# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

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Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for TRANSFER # 15331 in the name of Independent Meat Co
2. Name of protestant Janet G. EILER
3. Protestant's representative for service (If different than protestant)

4. Service mailing address P.O. Box 1093 Kimberly ID 83341
5. Service telephone no. 208-420-1431
6. Basis of protest (including statement of facts and law upon which the protest is based)

1) Protest change of designation of well 4) TRANSFER TO A different Recharge area (shorter area) IN Groundwater
2) Protest ~~add~~ Draw of industrial well rights from area where only domestic wells are allowed due to critical water area designation
3) Well to be [redacted] transferred has been abandoned since 1989.

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Denial of Transfer - Transfer the water rights to the City of Twin Falls, an area struggling with water service when Independent meat do Draws from their city resources.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11TH day of November, 1998.

Janet G. Eiler
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

**NOTE:**

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---

## INSTRUCTIONS

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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

---

## FOR DEPARTMENT USE ONLY

Received by J Celaston Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JP # 5021596 Date 11-12-98

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MAR 15 1999

3/96

RECEIVED
NOV 12 1998
Department of Water Resources
Southern Region

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

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1. Matter being protested #5331, In The Name of Independent MEAT Company
2. Name of protestant GARY ELLER
3. Protestant's representative for service (If different than protestant)

4. Service mailing address P.O. Box 1093, Kimberly, Idaho
5. Service telephone no. 208-420-1431
6. Basis of protest (including statement of facts and law upon which the protest is based)

Change of use from industrial well to domestic/commercial/stock well. IC 42-203A, IC 42-222. Indepent meat company is now on city water. Water right should be transfered back to City of T.F. Salmon tract is critical water area.

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Return water rights to TF and don't transfer to Salmon tract, which draws from a different water source, Locate proposed hog farm adjacent to Independent meat company and near water rights source to negate need to transfer.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11 day of November, 1998.

Gary Eller
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

---

## FOR DEPARTMENT USE ONLY

Received by J F Kinton Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JJ # 5021597 Date 11-12-98

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Department of Water Resources
Southern Region

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Transfer number 5331 In the name of Independent Meat Co.
2. Name of protestant Cathy Echerta
3. Protestant's representative for service (If different than protestant)

4. Service mailing address P.O. Box 1101 Twin Falls ID 83303
5. Service telephone no. 208-731-5458
6. Basis of protest (including statement of facts and law upon which the protest is based)

Change of use - Industrial Commercial to Commercial Stock.
Lack of Water on Salmon Tract moving water from T-F Canal to Salmon Tract.
~~Code~~ 42-203A Code 42-222

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Denial of their water transfer - NO Industrial or Commercial wells drilled.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11 day of November, 1998.

Cathy Echerta
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

**NOTE:**

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---

## INSTRUCTIONS

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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by J E Stanton Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JJ # 5021598 Date 11-12-98

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MAR 15 1999

36

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 12 1998
Department of Water Resources
Southern Region

2-0

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Transfer Number 5331 In the Name of Independant Meat Co.
2. Name of protestant Bruce Cooper
3. Protestant's representative for service (If different than protestant)

4. Service mailing address P.O Box 1101 Twin Falls, Id 83303
5. Service telephone no. 731-5458
6. Basis of protest (including statement of facts and law upon which the protest is based)
Lack of water on Salmon Tract

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? No Industrial or Commercial Wells drilled in this area. (Deny Mr. Dame his water Transfer)

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11 day of November, 19 98.

Bruce Cooper
PROTESTANT

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MAR 15 1999

PROTESTANT'S REPRESENTATIVE

NOTE:

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---

## INSTRUCTIONS

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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by J Pethtinton Date 11-12-98 Time 2pm

$25.00 fee Receipted by JD # S021599 Date 11-12-98

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MAR 15 1999

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Department of Water Resources
Southern Region

3/96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Transfer #5331 in the name of Independent Meat Co.
2. Name of protestant Margaret J. Pratt
3. Protestant's representative for service (If different than protestant)

_____

4. Service mailing address 472 Jefferson St., Twin Falls, ID 83301
5. Service telephone no. (208) 734-5341
6. Basis of protest (including statement of facts and law upon which the protest is based)

1. Change from "domestic" well to "commercial" well - Idaho Code 42-203A & 42-222
2. The water will be leaving T. Falls Tract & going to Salmon Falls Tract. These hog factory folks are ~~fixing with our present rules~~ !!

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? Deny Mr. Dame & Mr. Florence's requests & give this water to City of Twin Falls — We need the water! More than a greedy corporation, who will degrade, ultimately, our Magic Valley.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11th day of November, 1998.

Margaret J. Pratt
PROTESTANT

_____
PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

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---

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6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by JG Stanton Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JG # 502160 Date 11-12-98

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MAR 15 1999

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NOV 12 1998

Department of Water Resources
Southern Region

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Applicant for Trans No. 53371 In the Name of: Independent Meat Co
2. Name of protestant Carlynn & Dick Noh
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 2840 E. 2500 N. Twin Falls, Idaho
5. Service telephone no. 1-208-655-4268
6. Basis of protest (including statement of facts and law upon which the protest is based)
Devaluation of our property & we do not approve the transfer of the well. We also feel we are in a critical area & there is a moratorium against wells due to our dry area & we feel the moratorium should continue.

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Refuse Mr. Davis request to transfer the well.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11 day of Nov., 1998.

Carlynn Noh Dick Noh
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

**NOTE:**

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

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## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. 5331 in the name of Independent"

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

---

## FOR DEPARTMENT USE ONLY

Received by JFeldkamp Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JR # 502601 Date 11-12-98

MICROFILMED
MAR 15 1999

3/96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 12 1998
Department of Water Resources
Southern Region

**This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.**

1. Matter being protested APPLICATION for Permit 5331 IN THE NAME of Independent MEAT Co.
2. Name of protestant PATTY MORROW
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 1536 9th AVE E. TWIN FALLS, ID 83301
5. Service telephone no. (208) 734-1427
6. Basis of protest (including statement of facts and law upon which the protest is based)

Change from Industrial to Commercial Stock
Future chance of depletion of existing water Volume (SEVERAL YEARS)
Code 42-203A - * Abused since 1989 more
Code 42-222 - Than 5 years -

***(additional pages may be attached to describe the nature of the protest)***

7. What would resolve your protest? Denial of Any transfers & / or
New drilling in area.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11 day of November, 19 98.

Patty Morrow
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

**NOTE:**

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---

## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by JGutierrez Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JG # 502602 Date 11-12-98

MICROFILMED
MAR 15 1999

3/96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 12 1998
Department of Water Resources
Southern Region

16

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested #5331 In the name of Indepent Meat Co.
2. Name of protestant C. Marie Webb
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 3231 N. 3250 E TWin Falls, ID 83301
5. Service telephone no. 208-733-0736
6. Basis of protest (including statement of facts and law upon which the protest is based)

Do not approve of the change of designation of domestic to a livestock/commerical well. The code #42-03A and #42-222 are the cases upon which this is based—

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Denial of transfer of water right to the hog farm - Transfer the water to the City of Twin Falls, who is needing water in the southeast section of city

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11 day of November, 19 1998.

C. Marie Webb
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

**NOTE:**

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

---

## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by JGStanton Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JG # 502603 Date 11-12-98

MICROFILMED
MAR 15 1999

3/96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 12 1998
Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for transfer #5331 in the Name of Independent Meat Co
2. Name of protestant Dreba Ubrucke DeClue & Brad DeClue
3. Protestant's representative for service (If different than protestant) Shawna Fuller

4. Service mailing address 3126 E. 3100 N. Twin Falls, ID 83301
5. Service telephone no. 208-733-2070
6. Basis of protest (including statement of facts and law upon which the protest is based)

Changing a water right from a domestic to a commercial, agriculture right.
Idaho Code 42-203A Idaho Code 42-222
This is a critical area for water.

(additional pages may be attached to describe the nature of the protest)

~~2. What would resolve your protest?~~ They are taking water rights from North side of Rock Creek; uphill; out of Twin Falls Canal into the Salmon Canal Co. which has a ruck sheets irrigating season.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11 day of November, 1998.

Dreba Ubrucke DeClue
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

**NOTE:**

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

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## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by J Feltman Date 11-12-98 Time 2pm

$25.00 fee Receipted by JJ # 5021604 Date 11-12-98

MICROFILMED

MAR 15 1999

3/96

RECEIVED

NOV 12 1998

Department of Water Resources
Southern Region

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application Transfer #5331 in the name of Independent Meat Co
2. Name of protestant Buck + Maxine Blankenship
3. Protestant's representative for service (If different than protestant)
   N/a
4. Service mailing address 3127 E. 3200 N. Twin Falls, Id 83301
5. Service telephone no. 208-734-5600
6. Basis of protest (including statement of facts and law upon which the protest is based)
   1. Changing from domestic well to Commercial well
   2. odor
   3. ground + water pollution
   4. Abandonment of well in approx 1989 by Independent Meat Co

   *(additional pages may be attached to describe the nature of the protest)*
7. What would resolve your protest?
   deny Mr Davies request for a Hog factory, transfer water right to the City of Twin Falls.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11th day of November, 1998.

Buck Blankenship
Maxine Blankenship
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

**NOTE:**

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

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**INSTRUCTIONS**

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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**FOR DEPARTMENT USE ONLY**

Received by JG Stanton Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JG # 5021605 Date 11-12-98

MICROFILMED
MAR 15 1999

3/96

RECEIVED
NOV 12 1998
Department of Water Resources
Southern Region

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

**This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.**

1. Matter being protested application for transfer #75331 in name of Independent Meat Co.
2. Name of protestant x Archie & Lavelle Adamson
3. Protestant's representative for service (If different than protestant)

4. Service mailing address x 1257 Harmony Rd TF
5. Service telephone no. x 208-733-7939
6. Basis of protest (including statement of facts and law upon which the protest is based)

going from an distrial use to domestic well for agricultural use & stock water use - its a critical water area. Independant is situated on No. side of canyon & moving it to the Salmon Trust System - ~~It is exiting~~ It will result in injury to other water users.

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? denial of the transfer of permit # 75331 & deny Mr. Dames permit for a Hog Factory Farm in the Magic Valley.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11 day of Nov, 1998.

Archie & Lavelle Adamson
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

**NOTE:**

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

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## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by JG Clinton Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JG # S021611 Date 11-12-98

MICROFILMED
MAR 15 1999

3/96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 12 1998
Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Transfer # 5331 in the name of Independent Meat Co.
2. Name of protestant Monie D. Smith
3. Protestant's representative for service (If different than protestant) ~~Michael G. Johnson & Jeanette Smith~~
4. Service mailing address 559 E. 300 S., Jerome, ID 83338
5. Service telephone no. 324-6554
6. Basis of protest (including statement of facts and law upon which the protest is based)
I do not approve of Independent Meat Co. changing their domestic well to a stock well to supply water for Idaho Premium Pork. Ref Idaho Code: 42-203A and 42-222. Also protest water leaving ~~Twin~~ Falls Tract and being diverted to the Salmon Tract. Twin
*(additional pages may be attached to describe the nature of the protest)*
7. What would resolve your protest? Denial of the transfer of well status and denial of Idaho Premium Pork's request to build a hog farm south of Twin Falls. Transfer water rights to City of Twin Falls from Independent Meat Co. instead

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11th day of November, 19 98.

Monie Smith
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

**NOTE:**

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---

## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

---

## FOR DEPARTMENT USE ONLY

Received by JoEllen Hunter Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JS # 5021608 Date 11-12-98

MICROFILMED
MAR 15 1999

3/96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 12 1998
Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application Transfer # 5331 In the name of Independent Meat Co.
2. Name of protestant Elaine Gayle Shumway
3. Protestant's representative for service (If different than protestant)

   _____

4. Service mailing address 3263 E. 3225 N. Twin Falls, I.d. 83301
5. Service telephone no. 208-734-2943
6. Basis of protest (including statement of facts and law upon which the protest is based)
   Changing from a domestic well (with a 2" variance = 8" well) To a commercial/livestock watering. Original well at Independent Meat was abandoned in 1989 They have lost their water rights. Salmon Tract water is a critical water area. ~~Goes from~~ Water right would go from Twin Falls tract to Salmon tract. This transfer is not in the Public Interest.
   *(additional pages may be attached to describe the nature of the protest)*
7. What would resolve your protest? _____
   Denial of Transfer of water right. And Transfer water right to the City of Twin Falls.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11th day of November, 19 98.

Elaine Gayle Shumway
PROTESTANT

_____
PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

**NOTE:**

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## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by J.G. Stanton Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JS # 5021609 Date 11-12-98

MICROFILMED
MAR 15 1999

3/96

RECEIVED 10

NOV 12 1998

Department of Water Resources
Southern Region

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested application for transfer # 5331 In the name of Independent Meat Co.
2. Name of protestant Charles R. and Patricia W. Rose
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 373 Edwards Dr., Twin Falls, ID. 83301
5. Service telephone no. 208-735-9516
6. Basis of protest (including statement of facts and law upon which the protest is based)

Do not approve changing designation of well from "domestic" to "commercial". Proposed site of hog farm is in a critical water area. Water leaving the Twin Falls tract to the Salmon tract.

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Denial of application for transfer.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11th day of November, 1998.

Charles R. Rose
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

**NOTE:**

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## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by J Fullerton Date 11-12-98 Time 2pm

$25.00 fee Receipted by JJ # 502610 Date 11-12-98

MICROFILMED
MAR 15 1999

3/96

RECEIVED
NOV 12 1998
Department of Water Resources
Southern Region

9

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer #15-331 in The Name of Independent Meat
2. Name of protestant Rod Berry
3. Protestant's representative for service (If different than protestant)

_____

4. Service mailing address 3043N 2600E Twin Falls, Ida. 83301
5. Service telephone no. (208) 733-1540
6. Basis of protest (including statement of facts and law upon which the protest is based)

Transfer to proposed site would dry up our domestic Well's

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Deny Transfer

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11th day of Nov., 1998.

Rod Berry
PROTESTANT

_____
PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

**NOTE:**

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

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## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by J Gallanta Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JG # 502612 Date 11-12-98

MICROFILMED
MAR 15 1999

36

53 8

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 12 1998
Department of Water Resources
Southern Region

his form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 2-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same formation.

. Matter being protested 5331

. Name of protestant Mike Bridges & Twila Bridges

. Protestant's representative for service (If different than protestant)

. Service mailing address 3170 N. 2800 E Twin Falls, Ida 83301

. Service telephone no. (208) 734 9637

. Basis of protest (including statement of facts and law upon which the protest is based)

1. A question Turning a farm well into a Commercial well. Who is going to regulate the water? 2. What will happen in a drought year when there is not ~~Enough~~ water to cover the extensive usage of a Commercial well and all goes dry? Who will be responsible if it is proven the Commercial well is the cause of water shortage Around that area to pay for drilling deeper ~~of~~ residential wells. Salmon Tract water is a precious commodity not to be Abused by Commercial use.

(additional pages may be attached to describe the nature of the protest)

. What would resolve your protest? A written guarantee that if the well at 3170 N 2800 E goes dry, and it is proven that the new wells to be used commercially are the cause of lack of water in this area, that Mr. Dome & Independent Meat Co. buy said property for the appraised value as though the property had water.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11th day of Nov., 19 98.

Mike Bridges / Twila Bridges

PROTESTANT

MICROFILMED

PROTESTANT'S REPRESENTATIVE

MAR 5 1999

NOTE:

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

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6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

---

## FOR DEPARTMENT USE ONLY

Received by J G Clinton Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JJ # 502613 Date 11-12-98

MICROFILMED
MAR 15 1999

3/96

RECEIVED 7

NOV 12 1998

Department of Water Resources
Southern Region

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested APPLICATION FOR TRANSFER # 5331 IN THE NAME OF INDEPENDENT MEAT

2. Name of protestant DENNIS HENSON

3. Protestant's representative for service (If different than protestant)

4. Service mailing address 3289 N 2300 E TWIN FALLS, IDA. 83301

5. Service telephone no. HOME 736-1665 WORK 733-1825

6. Basis of protest (including statement of facts and law upon which the protest is based)

INAPROPRIATE TRANSFER OF WELL DESIGNATION AND WATER RIGHTS. THE AQUIFER CAN NOT SUPPORT THE VOLUME OF WATER REQUIRED BY THE HOG FACTORY.

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? DENIAL OF TRANSFER

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11TH day of NOVEMBER, 19 98.

Dennis R. Henson
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

MAR 15 1999

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6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by J. Clayton Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JP # S021614 Date 11-12-98

MICROFILMED
MAR 15 1999

3/96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED 6

NOV 12 1998

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for permit 35-7391 owned by Southern Land Investment Co.

2. Name of protestant Ann Tucker & Jean Tucker

3. Protestant's representative for service (If different than protestant)

4. Service mailing address 3250 E 3219 No Twin Falls ID

5. Service telephone no. 734-7741

6. Basis of protest (including statement of facts and law upon which the protest is based)
Do not approve of changing water to other Designations / changing the Community Ditch will take water away & Restrict Legal to all people in a 8-mile Area And Tucker Ditch

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? To stop the Application for a Permit to Divert Water & Change Legal and keep Water Flowing By Applicants Property and Water for Tucker Ditch Undisturbed

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 11 day of Nov, 19 98.

Ann Tucker
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

MAR 15 1999

**NOTE:**

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## INSTRUCTIONS

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6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by JF Clinton Date 11-12-98 Time 2 pm

$25.00 fee Receipted by JF # 502615 Date 11-12-98

MICROFILMED
MAR 15 1999

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 12 1998
Department of Water Resources
Southern Region

s form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same rmation.

Matter being protested Change of water Right, T# 5331

Name of protestant Keith W. Fullmer

Protestant's representative for service (If different than protestant)

Service mailing address 3344 Hwy 93 Twin Falls, Idaho 83301

Service telephone no. 734-2177

Basis of protest (including statement of facts and law upon which the protest is based)

Change from Industrial use to Commercial + Stock water use Vicinity is Arid - Water levels approx. 400ft Deep - Additional wells + Sprinklers use will lower watertable. when another dry period comes, our domestic wells may go dry. Are you prepared to close this water use first? (cont'd)

(additional pages may be attached to describe the nature of the protest)

What would resolve your protest? Probably nothing! I believe this venture will aid a few and has the potential to do a great deal of harm to many.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 12th day of November, 1998.

Keith W. Fullmer
PROTESTANT

MICROFILMED
MAR 15 1999

PROTESTANT'S REPRESENTATIVE

NOTE:

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7. Describe the relief being sought by the protestant.

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**FOR DEPARTMENT USE ONLY**

Received by C. Cather Date 11/12/98 Time 3:30

$25.00 fee Receipted by CC # S021607 Date 11/12/98

MICROFILMED
MAR 15 1999

(OVER)

Basis of protest.
proposed change of water right is from Twin Falls Tract (below Rock Creek) to Salmon Tract. I don't believe there is an inexhaustible water source below ground and the chances of the existing water right + the proposed right coming from the same source are probably NON-EXISTANT.

I AM opposed to Factory-type livestock ventures.

MICROFILMED
MAR 15 1999

/96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
SEP 30 1998
Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested: Water Right License 47-02396 - Independent Meat Co. Hog Farm by Brent Dame

2. Name of protestant: City of Buhl, Idaho

3. Protestant's representative for service (If different than protestant)
Barbara A. Gietzen, Mayor

4. Service mailing address: 203 North Broadway, Buhl, ID 83316

5. Service telephone no.: 208-543-5650 FAX 208-543-2884

6. Basis of protest (including statement of facts and law upon which the protest is based)
The proposed hog farm is directly over the City of Buhl's acquifer. Three of our wells are 750 to 1000 feet deep. The well drilled on this property is 810 feet deep. There is a possibility of contamination to Buhl's water. We are also concerned about the volume of water of Mr. Dame's well depleting our water supply.

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Only if this project is constructed with ALL considerations for well head protection ordinances, ALL DEQ requirements being met and ALL EPA requirements being adhered to 100%

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 23rd day of September, 19 98

CITY OF BUHL

PROTESTANT Barbara A. Gietzen, Mayor

MICROFILMED
MAR 15 1999

Barbara A. Gietzen, Mayor City of Buhl

PROTESTANT'S REPRESENTATIVE

NOTE:

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7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by MB Date 9/30/98 Time 10:45

$25.00 fee Receipted by MB # 50 21523 Date 9/30/98

MICROFILMED
MAR 15 1999

/96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 02 1998
Department of Water Resources
Southern Region

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1. Matter being protested App. For Transfer #5331, Lic. 47-02396
2. Name of protestant Doc + Erma Lee Callen
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 2120 E 2200 N Twin Falls Id
5. Service telephone no. 655-4273
6. Basis of protest (including statement of facts and law upon which the protest is based)
transferring of a water right that has not been used for 10 years. Is no longer valid. We also think there is not enough water in our local area to supply such a operation.

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Nothing.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 2 day of Nov., 19 98.

Doc & Erma Lee Callen
PROTESTANT

MICROFILMED
MAR 15 1999

PROTESTANT'S REPRESENTATIVE

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## FOR DEPARTMENT USE ONLY

Received by JC Stanton Date 11-2-98 Time 2:40 pm

$25.00 fee Receipted by JC # S021581 Date 11-2-98

MICROFILMED

MAR 15 1999

3/96

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 02 1998
Department of Water Resources
Southern Region

3

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1. Matter being protested App. For Transfer #5331, Lic. 47-02396

2. Name of protestant Jerry &/or Marsha Young

3. Protestant's representative for service (If different than protestant)
—

4. Service mailing address 2190 E 2200 N, Twin Falls, ID 83301

5. Service telephone no. 655-4386

6. Basis of protest (including statement of facts and law upon which the protest is based)
Water right being transferred hasn't been used in 10 years, so right is no longer valid. Also, we do not think there is enough water in our local area to supply such a large operation without drying up existing wells.

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? Nothing.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 2 day of Nov., 19 98.

Jerry & Marsha Young
PROTESTANT

MICROFILMED
MAR 15 1999

PROTESTANT'S REPRESENTATIVE

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## FOR DEPARTMENT USE ONLY

Received by BE Stanton Date 11-2-98 Time 2:40 pm

$25.00 fee Receipted by [signature] # 5021580 Date 11-2-98

MICROFILMED
MAR 15 1999

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# NOTICE OF PROTEST

RECEIVED
NOV 12 1998
Department of Water Resources
Southern Region

4

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Matter being protested App. For Transfer #5331, Independent Meat Co.

Name of protestant Bill &/or Paula Jensen

Protestant's representative for service (If different than protestant)

Service mailing address 2560 E 3100 N, Twin Falls, ID

Service telephone no. 734-3346

Basis of protest (including statement of facts and law upon which the protest is based)

Our domestic well is within 1-1½ miles of the proposed hog farm. We already have problems with our water supply (our well is 650' deep), & do not think there is enough water in the local aquifer to support this project without drying up many existing wells. This is a bad idea that is not in the local public interest.

*(additional pages may be attached to describe the nature of the protest)*

What would resolve your protest? Nothing

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly cheduled conference or hearing in the matter of which I have been notified at the address above, the epartment may issue a notice of proposed default against me in this matter for failure to appear. I also erify that I have served a copy of this protest upon the applicant.

Signed this 12 day of November, 1998.

Bill Jensen Paula Jensen
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
MAR 15 1999

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7. Describe the relief being sought by the protestant.

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## FOR DEPARTMENT USE ONLY

Received by J Feltanton Date 11-12-98 Time 1:50 pm

$25.00 fee Receipted by JJ # S021593 Date 11-12-98

MICROFILMED
MAR 15 1999

FORM 222a
9/96

# IDWR TRANSFER ANALYSIS SHEET

APPLICANT Independent Meat TRANSFER NO. 5331

1. Right number(s) 3 47-02396

2. Type of right ___ Decree X License ___ Statutory Claim
___ SRBA Beneficial Use Claim

3. Purpose of transfer X Change P/D ___ Add P/D X Change P/U
X Change N/U ___ Change Source ___ Split Right
___ Other:

4. Check Existing Right: X Source X Priority X Amount X Purpose
X Period X SRBA Claim (SEE COMMENTS)
X Description of original point(s) of diversion
X Description of original place of use
X Overlapping rights on original place of use YES

Comments: CLAIM A47-02396 LISTS THREE WELLS AS POINTS OF DIVERSION. THE FOLLOWING CLAIMS &/OR RIGHTS ARE LISTED IN THE NAME OF INDEPENDENT MEAT COMPANY ON THE SAME GROUND: 47-[redacted]07026, A47-07026 (IRR., COOLING) A47-12335 (INDUSTRIAL), A47-12339 (DOMESTIC), A47-12338 (DOMESTIC), A47-12336 (DOMESTIC & STOCK), AND A47-12337 (DOMESTIC & STOCK)

5. Check Proposed Right for amount of land &/or water transferred:

X Also see attached memo for more analysis information

a. X All of right

b. ___ Part of right (*NOTE! Part B should be filled in only if part of right is owned by the applicant*)

c. X Description of point(s) of diversion

d. X Description of place of use

e. X Map showing P/D & P/U after transfer

f. X Correct notarized signature and $100 fee

g. X Proof of ownership of right &/or land from which water is transferred

h. X Expansion in use of right - Comments: SEE ATTACHED MEMO.

i. X Existing rights from same source, on land water is being transferred to; right number(s): _____

NONE (SOME SRCC CLAIMS IN NW 1/4 SECTION 36)

j. X SRBA claim(s) - Comments (*NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain*) THREE WELLS LISTED ON SRBA CLAIM, ALSO CLAIM A47-02396 LISTS A47-12335 AS A RIGHT FOR SAME USE

k. X Comment letters: ___ Yes X No
If yes ___ Water District # _____
___ Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY C. SKINNER DATE 10/21/98
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWR03::VAULT ___ Yes ✓ Yes @ 2:20 p.m. (10/22/98)
2. COMMENT LETTERS ___ Copy of Pg 1 to AJ ___ Yes 10/22/98
Watermaster recommendation requested on _____, Received on _____
Other comments letters - send to the following name(s) & address(es):
1. _____
3. Transfer published correctly? ___ Yes ___ No
4. Affidavit of publication received? ___ Yes ___ No
5. Protests received? ___ Yes ___ No; Acknowledgement sent? ___ Yes
6. Copies made for Region file (see attached supplemental page)? ___ Yes

RECOMMENDED ACTION:
1. ___ Approve
2. ___ Deny due to _____
3. Conditions (special conditions in Water Districts) _____
___ Also see attached memo for recommendation dated: _____
4. By _____ Date _____

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NOV 06 1998

Department of Water Resources
Southern Region

# Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

No 31143

I, Emily McKnight being first duly sworn upon oath, depose and say that I am Principal Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks, commencing with the issue dated Oct 29, 19 98, and ending with the issue dated Nov. 5, 19 98.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 5th day of Nov. in the year of 1998, before me, a Notary Public, personally appeared Emily McKnight, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Linda Capps McBride
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5-19-03

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MAR 15 1999

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT, T# 5331**

Notice is hereby given that INDEPENDENT MEAT COMPANY, PO BOX EE; TWIN FALLS ID 83301 has applied to the Department of Water Resources for changes to a water right. The purpose of Transfer No. 5331 is to change the point of diversion, place of use and change from industrial use to stockwater and commercial uses for a swine operation. **PRESENTLY,** Licensed Water Right No. 47-02396 (0.33 cfs) with a priority date of 06/26/1964 is diverted from groundwater within NE1/4NE1/4, S27, T10S, R17E; Twin Falls County for industrial use within NE1/4NE1/4, S27, T10S, R17E; Twin Falls County.

**PROPOSED CHANGE**

The applicant wishes to divert a combined total of 0.33 cfs from one existing well within NE1/4NE1/4 and one proposed well within NE1/4SE1/4, all S36, T11S, R16E; Twin Falls County for commercial use (0.065 cfs) and stockwater (0.265 cfs) from 01/01 to 12/31. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of $25.00 on or before November 16, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times News on 10/29 & 11/05/98.

THE TIMES-NEWS - LEGAL
P.O. BOX 548, TWIN FALLS, ID 83303-0548

DEPT WATER RESOURCES

194582 0050 LEGAL 5 11/05/98 0
TR# 5331 (47-02396)
WATER RIGHT INDEPENDENT MEAT 10/29/98 11/05/98

4 THE TIMES NEWS LEGAL 2 LGL
FLAT CHARGE FC 65.58
TOTAL AD CHARGE 65.58

OK
MB
11/12/98

legal 65.58 (65.58*)

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NOV 06 1998
Department of Water Resources
Southern Region

THE TIMES-NEWS - LEGAL
P.O. BOX 548, TWIN FALLS, ID 83303-0548

legal

050
194582 LEGAL 10/29/98 11/05/98

WATER RIGHT INDEPENDENT MEAT 11/05/98 208-736-3033

GROSS AMOUNT OF 65.58
DUE AFTER

__ VISA __ MASTERCARD

CREDIT CARD NUMBER EXPIRATION DATE: ___/___ SIGNATURE: _____

65.58

DEPT WATER RESOURCES
1341 FILLMORE, SUITE 200
TWIN FALLS, ID 83301

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MAR 15 1999

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Karl J. Dreher, Director

Published in the Times News on 10/29 & 11/05/98.

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

October 21, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION LEGALS
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

**If you cannot publish the notice on the proposed dates, please contact us immediately.**

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

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NOTICE OF PROPOSED CHANGE OF WATER RIGHT
T# 5331

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**PRESENTLY,** Licensed Water Right No. 47-02396 (0.33 cfs) with a priority date of 06/26/1964 is diverted from groundwater within NE1/4NE1/4, S27, T10S, R17E; Twin Falls County for industrial use within NE1/4NE1/4, S27, T10S, R17E; Twin Falls County.

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Karl J. Dreher, Director

Published in the Times News on 10/29 & 11/05/98.

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cs 10/21/98

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

October 21, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JEFFREY S RAU P.ED.
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

Re: Application for Transfer No. 5331 (47-02396/INDEPENDENT MEAT CO)

Dear Mr. Rau:

The Department of Water Resources acknowledges receipt of the Application for Transfer on behalf of Independent Meat Co.

This office has scheduled advertising the application in the Times News for 10/29 and 11/05/98. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

CC:
INDEPENDENT MEAT COMPANY
PO BOX EE
TWIN FALLS ID 83301

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# MEMORANDUM

**TO:** Independent Meat Transfer (47-02396) Application File

**FROM:** Corey Skinner /S

**DATE:** October 21, 1998

**SUBJECT:** Meeting with Brockway Engineering

This day, Jeff Rau and Chuck Brockway Sr. of Brockway Engineering came by the office to discuss the Independent Meat transfer application that they submitted. The main focus of the meeting was to discuss potential concerns with the proposed transfer that I had raised in my 10/20/98 memo and to make a couple of minor corrections to the application so that it could be advertised correctly.

We discussed the various concerns raised in my 10/20/98 memo and Mr. Rau and Mr. Brockway said that they would provide information to address these concerns after conducting some additional research. The issue raised in my 10/20/98 memo regarding the possible need for additional water for dilution of waste water for land application at the new place of use was discussed in detail. Mr. Brockway said that the 10:1 ratio was probably quite a bit on the high side for a waste water dilution ratio. I expressed concern that if the Salmon Tract water was inadequate to supply the water needs for diluting the waste water for land application, then additional water would be needed. **If** the wells are capable of supplying water to the waste water storage facility(s), then the **potential** for diversion of well water to satisfy waste water dilution needs **could** exist. We all agreed that if the proposed transfer was approved, measuring and reporting of well water diversion(s) would help insure that additional water uses not accounted for in the transfer, or authorized by the water right, would not occur.

After discussing the proposed transfer, a couple of corrections to the application were made (initialed by Jeff Rau) so that the application could be advertised correctly for the public notice.

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# MEMORANDUM

**TO:** Independent Meat Transfer (47-02396) Application File

**FROM:** Corey Skinner CS

**DATE:** October 20, 1998

**SUBJECT:** Staff Review

The enclosed transfer application was filed by Brockway Engineering on behalf of the applicant, Independent Meat Company. The water right involved with the proposed transfer is licensed right 47-02396. This particular right was licensed on August 6, 1970. The license was issued for a maximum diversion of 0.33 cfs of groundwater, with a maximum diversion volume of 151.2 acre-feet per year, for industrial use. The licensed point of diversion and place of use are listed as the NENE ¼ of Section 27, Township 10 South, Range 17 East. This particular legal description describes property located southwest of the Orchard Drive and Eastland Drive intersection, along Rock Creek, near the south edge of the City of Twin Falls.

The transfer application proposes changing the point of diversion, place of use, and nature of use of water right 47-02396. The application proposes diverting the water right from two wells (one existing, one proposed) located in the east ½ of Section 36, Township 11 South, Range 16 East. The water is to be used for stockwater and commercial purposes for a proposed pig production facility located in Section 36, Township 11 South, Range 16 East (a couple miles west of Hub Butte, south of Twin Falls).

The proposed change in the point of diversion(s) and place of use will result in diverting and using groundwater about 8½ miles to the southwest of where water right 47-02396 is currently licensed to be diverted and used. However, this 8½ mile change crosses Rock Creek and moves from within the boundaries of the Twin Falls Canal Company system to an area above (outside) the Twin Falls Canal Company system.

The proposed change in the nature of use results from changing water right 47-02396 from an industrial right to a stockwater and commercial water right. The stockwater component of the water right will be utilized to provide drinking water for the pigs at the new proposed place of use. The commercial aspect of the water right will be utilized to provide water for the other water uses (cleaning, land application, etc.) associated with the proposed pig production facility.

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Brockway Engineering has submitted a narrative along with the application discussing the proposed transfer. The narrative includes some estimates of the consumptive use(s) of water at the existing Independent Meat Company facility and the proposed pig production facility. The narrative contends that based on the estimated water use(s) at the current place of use and the new proposed place of use, no increase in consumptive use of the water right will result from the proposed change. The water use requirements at the proposed pig production facility are based off of a swine operation waste plan prepared by Bob Ohlensehlen. In addition, Brockway Engineering has performed an analysis of the potential impact on the aquifer at the proposed pig production facility.

After reviewing the proposed transfer, and examining the supporting information the following items/issues probably need further clarification before the Department considers acting on the application:

**USE OF WATER AT THE CURRENT PLACE OF USE**

The water right that is proposed to be transferred was licensed for industrial use at the Independent Meat facility. The 1969 licensing exam for this particular water right indicates that "Q conveyed is estimated at .36 cfs based upon design capacity". The water right license was issued for the permitted diversion rate of 0.33 cfs. There is no other information regarding how the flow rate for the water right was determined. In addition, there is no information regarding how the licensed diversion volume of 151.20 acre-feet per annum was determined.

The Independent Meat facility is currently receiving water from the City of Twin Falls' water supply system. According to City of Twin Falls' records, the city has supplied water in varying amounts to the Independent Meat facility since October of 1989. Since the Independent Meat facility has been using water supplied by the City of Twin Falls for over five years, it appears that the extent of the past use of the water right involved with the proposed transfer should be thoroughly investigated. The Department may want to consider measuring the capacity of the Independent Meat Company well(s), examining power records, and examining City of Twin Falls records regarding water delivery to, and waste water treatment from, the Independent Meat facility. This should help determine the extent of the past use of the right involved with the enclosed transfer.

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## OVERLAPPING WATER RIGHTS AT CURRENT PLACE OF USE

Examination of the Department's records indicate that there may be some water rights/claims that overlap with the water right that is involved with the proposed transfer. Independent Meat has a water right license (47-07026) and SRBA claim (A47-07026) for surface water, tributary to Rock Creek. This license and claim list cooling and irrigation as uses of the water. Independent Meat also has a beneficial use claim, A47-12335, filed in the Snake River Basin Adjudication. This particular claim is for industrial use of groundwater and the diversion rate and volume amounts claimed match the amounts licensed under 47-02396 (the right involved with the enclosed transfer). In addition, there are four "domestic & stock" beneficial use claims filed in the Snake River Basin Adjudication in the name of Independent Meat. None of these other rights &/or claims were addressed in the enclosed transfer application.

These other rights &/or claims should be investigated to determine if they overlap with the right being transferred. If they do, they may impact the amount(s) of water available for transfer under right 47-02396. In addition, some of these rights &/or claims may need to be included in the transfer, or somehow addressed if the transfer is approved.

## WATER USE AT THE NEW PLACE OF USE

The transfer proposes using the water right being transferred at a pig production facility. The uses of water covered under the proposed transfer are drinking water for the pigs and cleaning water. The stockwater (drinking) component was estimated by a daily amount of water per animal. The total estimate for stockwater amounts to 62,940 gallons per day. The commercial aspect of water use was determined by estimating the number of uses and water requirement per use for various cleaning operations at the facility. The total of estimated commercial water uses at the facility amounts to 15,675 gallons per day. This brings the grand total of estimated water usage at the facility to 78,615 gallons per day, or about 0.24 acre-feet per day.

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The waste water from the pig facility will be collected and eventually land applied. Part of the Ohlensehlen Swine Operation Waste Plan includes a water use entitled "Fresh Water Recharge" that was used to estimate the amount of waste material that would be delivered to the lagoon(s). It appears that this "Fresh Water Recharge" was not accounted for in the proposed transfer. The estimated amount of "Fresh Water Recharge" appears relatively small (less than 10 acre-feet per year). However, the original Ohlensehlen report that was filed with Twin Falls Planning and Zoning earlier this summer called for significantly larger amounts of "Fresh Water Recharge". The Ohlensehlen report was modified to smaller water requirement amounts on 08/21/98. The 08/21/98 version of the Ohlensehlen report is the version that was included with the enclosed transfer application.

The Brockway narrative states that Salmon River Canal Company water will be mixed with the waste water at a 10:1 ratio to dilute the waste water for land application. Using the figures from the Ohlensehlen report, it appears that at least 62.5 acre-feet of waste material will be generated per year at the proposed pig production facility. At the 10:1 ratio from the Brockway narrative, at least 625 acre-feet of water would need to be used to dilute the waste material for land application. This 625 acre-foot value may be somewhat high depending on the proportion of solid and liquid waste in the 62.5 acre-foot waste material estimate. However, the same values used to derive the 62.5 acre-feet of waste material were used in the Ohlensehlen report for determining possible lagoon sizes. The Brockway narrative states that IPP (Idaho Premium Pork) currently owns 250 shares of Salmon River Canal Company water that will be used for dilution, and irrigation.

Water delivery on the Salmon Tract varies considerably from year to year. At full allotment (1.167 acre-feet per share), 250 shares equates to 291.75 acre-feet of water at the "field headgate". At the fifty year average (1949-1998) allotment on the Salmon Tract of 0.84 acre-feet per share, 250 acre-feet equates to 210 acre-feet per share. The fifty year low allotment on the Salmon Tract, in 1992, was 0.15 acre-feet per share (250 shares would equate to 37.50 acre-feet of water).

If the waste material is to be diluted at the 10:1 ratio for land application, then additional water may need to be obtained to meet this estimated 625 acre-foot plus objective. The water right involved with the enclosed transfer was licensed for the diversion of 151.2 acre-feet of water per year. The 250 shares of Salmon Tract water would amount to 291.75 acre-feet per year, at the most.

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The water use amounts at the proposed pig production facility are all based on estimates, and it appears that additional water may possibly be necessary for land application needs. In addition, as far as I know, the proposed pig production facility is one of, if not the first, of its kind here in Idaho. While a reasonable attempt has been made at estimating the water use(s) at the proposed facility, I am not aware of any other similar facilities in the state to compare these water uses estimates against. For these reasons, if the enclosed application is approved, the implementation of a condition requiring measuring and reporting of the amount of water diverted would probably be a good idea. This would help ensure that amounts of water in excess of those authorized by the transfer are not diverted.

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BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

October 8, 1998

Corey Skinner
Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Dear Corey:

As discussed, following is a brief narrative to clarify issues concerning the water right #47-02396 transfer from Independent Meat to the Idaho Premium Pork (IPP) facility. The permit application proposes to transfer water right #47-02396 which is located in Section 27, T10S, R17E, to one existing well located in the NE ¼ NE ¼ Section 36, T11S, R16E and one proposed future well to be located in the NE ¼ SE ¼ Section 36, T11S, R17E . The entire water right containing a maximum diversion rate of 0.33 cfs and a total diversion volume of 151.2 ac ft is proposed to be transferred to these locations. The existing water right is an industrial water right. The application proposes a change of the nature of use from industrial to commercial/stockwater.

## CONSUMPTIVE USE CALCULATIONS

The transfer of any water right cannot result in a net gain of consumptive use of that water right. Based on our calculations included with this narrative, there will not be an increase in consumptive use. According to our calculations, the total amount of water used under the existing water right is 134,971 gallons per day (151.20 ac ft/year) with a total consumed amount of 67,345 gallons per day (75.44 ac ft/yr). Under the Idaho Premium Pork facility, this same water right would use an average of 78,615 gallons per day (88.07 ac ft/year) with 66,874 gallons per day (74.91 ac ft) consumed. The remaining 0.53 ac ft of water not consumed by the pork production facility will be utilized for minor landscaping surrounding the facility office. The end result will be a decrease in the amount of water used and a no net gain/loss of consumptive use for the water right.

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D.

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

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Our calculations are based on the 8/21/98 water use calculations by Bob Ohlensehlen for the Idaho Premium Pork facility, and a 9/30/98 plant walk through and meeting with Pat Florence of Independent Meat Company. To the best of our understanding, the numbers are accurate and represent the water use and consumptive uses of each facility.

**WATER USES/WATER PLAN**

If approved by IDWR, the transferred water right will be used for commercial and stockwater uses at the Idaho Premium Pork facility. Based on our calculations, approximately an average of 15,675 gallons per day will be used for commercial uses, and 62,940 gallons per day will be used for stockwater. Of the diversion rate of 0.33 cfs, 0.065 cfs will be apportioned to commercial uses and the remaining 0.265 cfs will be apportioned to stockwater

Commercial uses include facility sanitary uses, support uses, and production unit washdown from high pressure hoses. Stockwater uses are for livestock water only. A breakdown of the uses and amounts are shown on our consumptive use calculation spreadsheets.

The Idaho Premium Pork facility is unique as it is a fully contained facility where all of the livestock and waste is contained within the building. Livestock and facility support services are built over a large concrete containment sump. The majority of flooring over the sump is slotted which permits waste and wash water to enter directly to the sump. The sump is a fully sealed concrete sump which does not allow any infiltration into the groundwater. Since the sumps are not directly exposed to the atmosphere, there is virtually no evaporation loss.

Water not directly consumed by the animals or used in other facility uses, will pass through the floor and collect in the sump. It is IPP's intention to use the waste and waste water for land application. Under the current arrangement, IPP plans to remove the water from the upper layer of the sump and transfer it to a mixing lagoon where it will be diluted at a 10:1 ratio (10 canal water units to 1 waste water unit). The mixed water will then be pumped to an irrigation pivot located in the NW ¼, Section 36, T11S, R16E. It is likely that the crop will be alfalfa.

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IPP currently owns 250 Salmon Falls Canal Company shares for the property under consideration. This water will be used for the dilution and majority of irrigation.

While the details are still being worked out with local farmers, it is proposed that the waste sludge will be pumped from the bottom of the sump to trucks where it will be knifed in as fertilizer on nearby fields.

The below floor sumps are sized for a 9 month holding capacity. An emergency lagoon is proposed on site and will be used in the event of a wet spring or shortened irrigation season.

## LOCAL WELL INTERFERENCE

Brockway Engineering has completed an analysis on the potential interference caused by pumping the existing 8" IPP well at the full water right. The Theis equation was utilized with the attendent assumptions with that analysis. (See accompanying table and graph.) Using the soil formation and hydrologic data from local well logs and an estimated transmissivity of the aquifer consistent with the basalt system, the impact of pumping the IPP well at the average discharge of 93.7 GPM for the full water right volume will be the following:

| Distance from IPP Well | Drawdown After 40 Days |
|---|---|
| 0' | 49.7 |
| 100' | ~~3.14~~ 13.73 JSR |
| 2,280' | Negligible |
| 2,760' | Negligible |
| 4,440' | Negligible |

The majority of wells located near the proposed facility are located in Sections 35 & 36. The closest well is about 2,280 feet from the proposed southern IPP production well. The water level at this well will not be noticeably affected by the pumping of the IPP well at the average discharge for the full water right.

## GROUNDWATER HYDROLOGY

The point of diversion and place of use of this water right permit is to be two wells located in the NE ¼ NE ¼ Section 36, T11S, R16E and the NE ¼ SE ¼

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Section 36, T11S, R17E. The producing aquifer in this area consists of Banbury Basalt which underlies most of the Twin Falls tract (Ralston and Young, "Water Resources of the Twin Falls Tract", IDWA Bulletin No. 22, 1971). This aquifer contains both the existing and proposed points of diversion of the transferred water right.

Based on the Research Technical Report "Geohydrology and Development of a Steady State Ground-Water Model for the Twin Falls, Idaho Area", the groundwater flow in this area of the aquifer is toward Rock Creek and the Snake River. A contour map showing the average groundwater levels in this area depicts the direction and gradient of the groundwater flow. Based on this analysis, the cessation of diversion of groundwater from the Independent Meat site will slightly increase spring flow in Rock Creek and/or the Snake River resulting in minor but probably undetectable increased surface flows.

The maximum annual water use from the IPP proposed site is small when compared with the amount of groundwater flowing below the site. Based on the aquifer transmissivity and the hydraulic gradient from the groundwater contour map, a calculated 5.26 cfs is continually flowing below the proposed 1 mile wide parcel of land. The 0.33 cfs proposed diversion rate would only show up as a 6.3% impact to the underlying aquifer directly below the site. The estimated consumptive use of the IPP facility of 74.91 af/yr is 1.8% of the annual underflow per mile width of aquifer.

**SUMMARY**

Based on our analysis of the existing and proposed uses for the water right transfer application, there will be no net gain of consumptive use of the water right. The underlying aquifer is more than suitable to support the minimal water demand required by the full facility. The overall impact of the production facility, from a hydraulic and hydrologic standpoint will be minimal.

Sincerely,

Jeffrey S. Rau P.E.

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**Idaho Premium Pork**
**Consumptive Use Calcs**
**Prepared by Jeffrey S. Rau P.E.**

**Independent Meat Company - Existing Use**

| | | |
|---|---|---|
| Water Right Volume | 151.2 | ac ft |
| Water Right Diverstion Rate | 0.33 | cfs |
| Average Diversion Rate for Total Volume | 93.73 | gpm |

| Plant Usages | % of Total | Average GPM | Gal/Day | % Consumptive | Total Consumed |
|---|---|---|---|---|---|
| Boilers | 20% | 18.75 | 26,994 gal | 90% | 24,295 gal |
| Toilet/Sanitary Usages | 5% | 4.69 | 6,749 gal | 10% | 675 gal |
| Plant Hot Water / Equipment Cleaning & Sterilization | 30% | 28.12 | 40,491 gal | 20% | 8,098 gal |
| Process Water | 20% | 18.75 | 26,994 gal | 20% | 5,399 gal |
| Product Ingredients | 15% | 14.06 | 20,246 gal | 95% | 19,233 gal |
| Landscape Irrigation (0.93 acres) | 8% | 7.50 | 10,798 gal | 80% | 8,638 gal |
| Livestock Water | 2% | 1.87 | 2,699 gal | 37.3% | 1,007 gal |
| | | | **Total Used/Day** | | **Total Consumed/Day** |
| | | | 134,971 gal | | 67,345 gal |

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**Idaho Premium Pork**
**Consumptive Use Calcs**
**Prepared by Jeffrey S. Rau P.E.**

Idaho Premium Pork - Proposed Water Use

## Gestation/Farrowing Site

**MISCELLANEOUS WATER USAGE**

| | Uses/Day | Gal/Use | Gal/Day | % Consumptive | Total Consumed | Commercial Use | Stockwater Use |
|---|---|---|---|---|---|---|---|
| Shower | 8 | 40 | 320 | 10.0 | 32 | 320 | |
| Washing Machine | 3 | 50 | 150 | 10.0 | 15 | 150 | |
| Toilet | 12 | 5 | 60 | 10.0 | 6 | 60 | |
| Hose-Faucet | 1 hr | 5 gpm | 300 | 80.0 | 240 | 300 | |
| High Pressure Wash | 4 hr | 5 gpm | 1,200 | 80.0 | 960 | 1,200 | |

**DRINKING WATER**

| | # Head | Gal/Hd | Gal/Day | % Consumptive | Total Consumed | Commercial Use | Stockwater Use |
|---|---|---|---|---|---|---|---|
| Sows | 1,320 | 4.25 | 5,610 | 95.3 | 5,344 | | 5,610 |
| Boars | 60 | 5 | 300 | 94.8 | 284 | | 300 |
| Baby Pigs | 2,000 | 0.185 | 370 | 88.6 | 328 | | 370 |

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## Nursery Site

**MISCELLANEOUS WATER USAGE**

| | Uses/Day | Gal/Use | Gal/Day | % Consumptive | Total Consumed | Commercial Use | Stockwater Use |
|---|---|---|---|---|---|---|---|
| Shower | 4 | 40 | 160 | 10.0 | 16 | 160 | |
| Washing Machine | 1 | 50 | 50 | 10.0 | 5 | 50 | |
| Toilet | 7 | 5 | 35 | 10.0 | 4 | 35 | |
| Hose-Faucet | 0.5 hr | 5 gpm | 150 | 80.0 | 120 | 150 | |
| High Pressure Wash | 4 hr | 5 gpm | 1,200 | 80.0 | 960 | 1,200 | |

**DRINKING WATER**

| | # Head | Gal/Hd | Gal/Day | % Consumptive | Total Consumed | Commercial Use | Stockwater Use |
|---|---|---|---|---|---|---|---|
| Nursery Pigs | 2,000 | 0.474 | 948 | 88.6 | 840 | | 948 |

## Finishing Site

**MISCELLANEOUS WATER USAGE**

| | Uses/Day | Gal/Use | Gal/Day | % Consumptive | Total Consumed | Commercial Use | Stockwater Use |
|---|---|---|---|---|---|---|---|
| Shower | 4 | 40 | 160 | 10.0 | 16 | 160 | |
| Washing Machine | 1 | 50 | 50 | 10.0 | 5 | 50 | |
| Toilet | 8 | 5 | 40 | 10.0 | 4 | 40 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Hose-Faucet | 0.5 hr | 5 gpm | 150 | 80.0 | 120 | 150 | |
| High Pressure Wash | 4 hr | 5 gpm | 1,200 | 80.0 | 960 | 1,200 | |

**DRINKING WATER**

| | # Head | Gal/Hd | Gal/Day | % Consumptive | Total Consumed | Commercial Use | Stockwater Use |
|---|---|---|---|---|---|---|---|
| Finishing Pigs | 8,000 | 1.719 | 13,752 | 87.5 | 12,033 | | 13,752 |

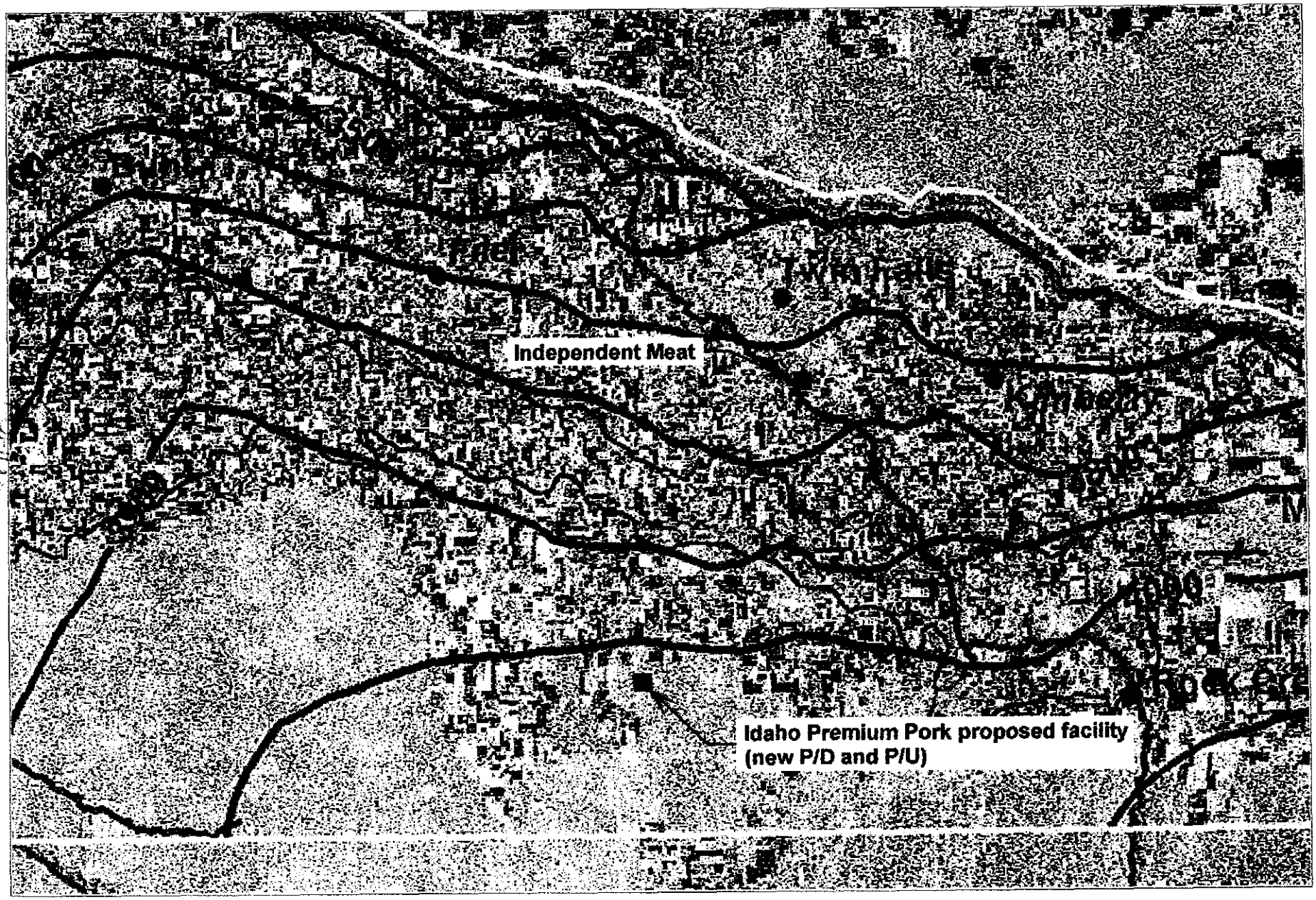
| **Total Used/Unit** | **Total Consumed/Unit** | **Total Commercial/Unit** | **Total Stockwater/Unit** |
|---|---|---|---|
| 26,205 gal | 22,291 gal | 5,225 gal | 20,980 gal |

| **Total Daily Use Full Facility** | **Total Daily Consumed Full Facility** | **Total Daily Commercial Full Facility** | **Total Daily Stockwater Full Facility** |
|---|---|---|---|
| 78,615 gal | 66,874 gal | 15,675 gal | 62,940 gal |

Notes:

1. Consumptive use of livestock accounts for the consumptive use of the animal and the consumptive use of the crop from the land application of the wastewater.
2. Estimated fresh water use for pork facility taken from data prepared by Bob Ohlensehlen, Extension Educator Livestock, Twin Falls County (8/21/98)

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Average water level contours created from observational data, overlain on Landsat composite map of irrigated areas
Water right transfer 47-02396

Brockway Engineering, PLLC 10/5/98

# Well Interference Analysis Idaho Premium Pork Well(s)

DRAFT PRELIMINARY

## Estimated Well Drawdown

THEISwellintceb

C.E. BROCKWAY October 4, 1998 Brockway Engineering P.L.L.C.
AQUIFER PROPERTIES BASED ON USBR GROUNDWATER MANUAL-FRACTURED IGNEOUS ROCK
EST. HOLE DIA. 8 INCHES

USING THEIS FORMULA S=114.6*Q/T*W(U)
S= DRAWDOWN IN FT
Q= PUMPING RATE GPM
T= COEFFICIENT OF TRANSMISSIBILITY GPD/FT
W(U)= WELL FUNCTION OF 'U'

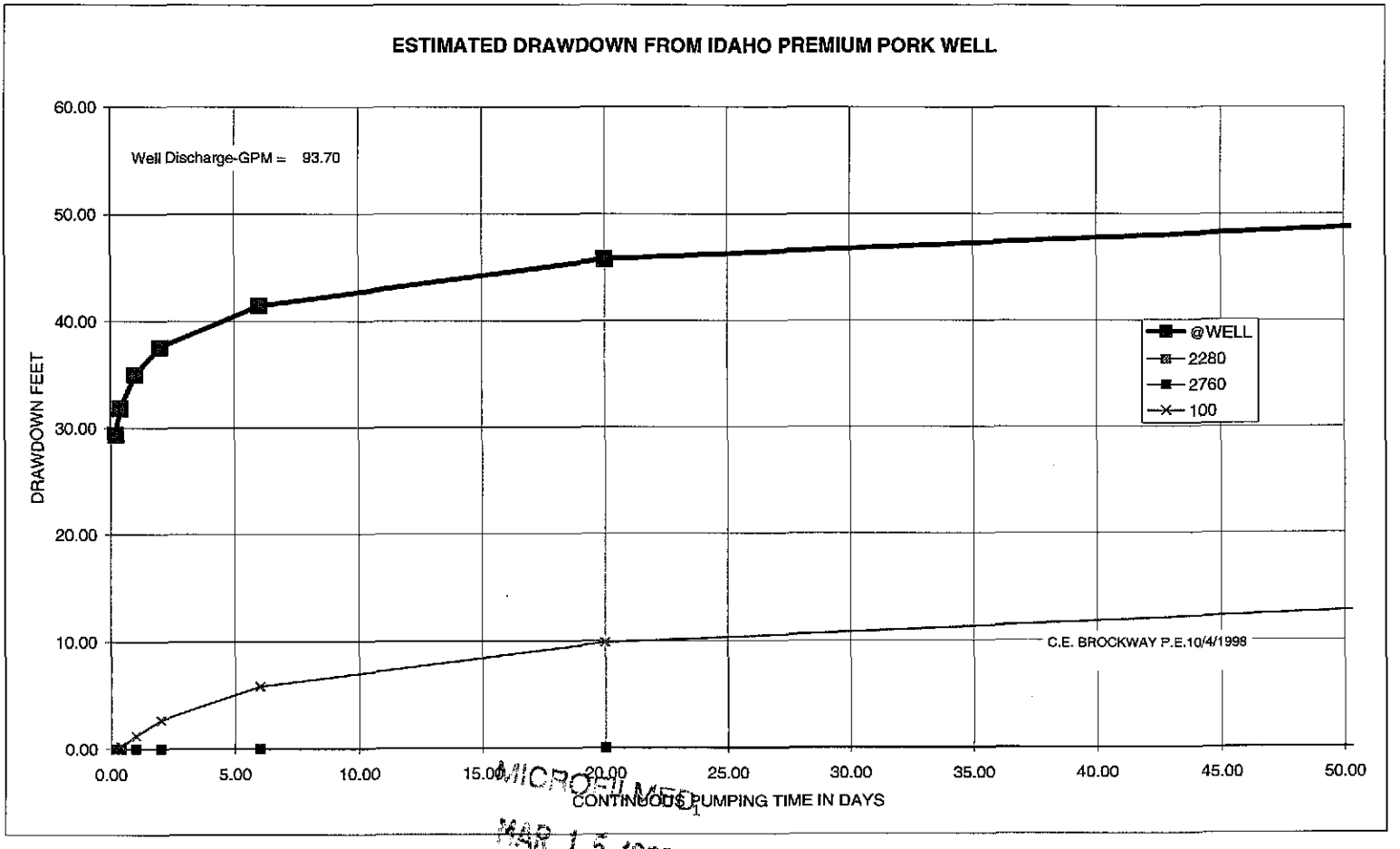
W(U)=-.5772-LOGeU +U-U^2/(2*2!)+U^3/(3*3!)-U^4/(4*4!) .....
U=1.87*r^2*S/(T*t)
r=DISTANCE IN FT. FROM CENTER OF PUMPED WELL TO DRAWDOWN POINT
S=COEFFICIENT OF STORAGE
T=COEFFICIENT OF TRANSMISSIBILITY, GPD/FT
t= TIME SINCE PUMPING STARTED, DAYS

INPUT

| | | | | | |
|---|---|---|---|---|---|
| r1= | 0.667 FT | K= | 1.00 | FT/DAY | |
| r2= | 100 FT | K= | 1.1574E-05 | CFS/FT^2 | |
| r3= | 2280 FT | K= | 7.46E+00 | GPD/FT^2 | |
| r4= | 2760 FT | WRIGHT SAT. DEPTH EST.= | 400 | FT | |
| r5= | 4440 FT | TRANSMISSIVITY= | 2984 | GPD/FT | |
| S= | 0.12 | TRANSMISSIVITY= | 4.62E-03 | FT^2/SEC | |
| T= | 2984 GPD/FT | TRANSMISSIVITY= | 398.9 | FT^2/DAY | |
| Q/WELL | 93.70 GPM = | 0.209 CFS | Avg Diversion 78615 gpd=55gpm | | |

| TIME HOURS | TIME t DAYS | U w/r1 0.66666667 | WELL FUNCT. W(U)1 | DRAW DOWN @WELL | SPEC. CAP GPM/FT | U W/r2 100 | WELL FUNCT. W(U)2 | DRAW DOWN @ 100 | U W/r3 2280 | WELL FUNCT. W(U)3 | DRAW DOWN @ 2280 | U W/r4 2760 | WELL FUNCT. W(U)4 | DRAW DOWN @ 2760 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 5 | 0.21 | 1.604E-04 | 8.1606 | 29.37 | 3.2 | 3.610E+00 | 0.0037 | 0.01 | 1.876E+03 | 0.0000 | 0.00 | 2.750E+03 | 0.0000 | 0.00 |
| 10 | 0.42 | 8.021E-05 | 8.8537 | 31.86 | 2.9 | 1.805E+00 | 0.0643 | 0.23 | 9.382E+02 | 0.0000 | 0.00 | 1.375E+03 | 0.0000 | 0.00 |
| 24 | 1.00 | 3.342E-05 | 9.7291 | 35.01 | 2.7 | 7.520E-01 | 0.3391 | 1.22 | 3.909E+02 | 0.0000 | 0.00 | 5.729E+02 | 0.0000 | 0.00 |
| 48 | 2.00 | 1.671E-05 | 10.4222 | 37.50 | 2.5 | 3.760E-01 | 0.7444 | 2.68 | 1.955E+02 | 0.0000 | 0.00 | 2.864E+02 | 0.0000 | 0.00 |
| 144 | 6.00 | 5.570E-06 | 11.5208 | 41.46 | 2.3 | 1.253E-01 | 1.6211 | 5.83 | 6.515E+01 | 0.0000 | 0.00 | 9.548E+01 | 0.0000 | 0.00 |
| 480 | 20.00 | 1.671E-06 | 12.7248 | 45.79 | 2.0 | 3.760E-02 | 2.7408 | 9.86 | 1.955E+01 | 0.0000 | 0.00 | 2.864E+01 | 0.0000 | 0.00 |
| 1440 | 60.00 | 5.570E-07 | 13.8234 | 49.74 | 1.9 | 1.253E-02 | 3.8146 | 13.73 | 6.515E+00 | 0.0000 | 0.00 | 9.548E+00 | 0.0000 | 0.00 |

| HOURS | DAYS | @WELL | 100 | 2280 | 2760 DISTANCE FEET |
|---|---|---|---|---|---|
| 0 | 0.00 | 0 | 0 | 0 | 0 |
| 5 | 0.21 | -29.37 | -0.01 | 0.00 | 0.00 |
| 10 | 0.42 | -31.86 | -0.23 | 0.00 | 0.00 |
| 24 | 1.00 | -35.01 | -1.22 | 0.00 | 0.00 |
| 48 | 2.00 | -37.50 | -2.68 | 0.00 | 0.00 |
| 144 | 6.00 | -41.46 | -5.83 | 0.00 | 0.00 |
| 480 | 20.00 | -45.79 | -9.86 | 0.00 | 0.00 |
| 1440 | 60.00 | -49.74 | -13.73 | 0.00 | 0.00 |




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MAR 15 1999

**State of Idaho**
**DEPARTMENT OF WATER RESOURCES**
**1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380**
**Phone: (208) 736-3033 FAX: (208) 736-3037**

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 8, 1998

Vicki Haffelbuing
3485 N 3000 E
Twin Falls, ID 83301

Dear Ms. Haffelbuing:

Pursuant to your recent inquiry, please find enclosed a Notice of Protest form. Submitting this completed form to our office, along with the $25.00 filing fee, will enable an individual to protest a pending water right application that has been filed with the Department. Additional attachments can be submitted along with the protest form.

Typically, an initial review is conducted on a water right application and then an application is advertised in the local newspaper. The advertising serves as the public notice, and following the advertising, a ten day period is allowed for the submittal of protests. During the initial review, and during the preparation of the public notice advertising, applications are assigned an identification number.

Apparently, you inquired about protesting the water right transfer application involving the proposed pig production facility located south of Twin Falls. This water right transfer application, involving water right 47-02396, was filed in the name of Independent Meat Company. The Department is awaiting the submittal of additional information from the applicant's consultant before processing the application, so the application has not yet been advertised, or assigned an identification number. When the application is advertised, it will appear in the legal notice section of the Thursday edition of the Times News newspaper. Protest dates and other information regarding the application will be part of this advertising. In addition, the application is available for review here in our office.

If you have any questions, or need any further assistance, feel free to contact this office at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Enclosure

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MAR 15 1999

From: DWR60::CSKINNER 18-SEP-1998 10:05:19.31
To: @STAFF
CC: CSKINNER
Subj: WATER RIGHT TRANSFER FOR PIG FARM SOUTH OF TWIN FALLS

I THOUGHT I WOULD LET EVERYONE KNOW THAT A TRANSFER APPLICATION WAS SUBMITTED THIS MORNING FOR THE PROPOSED PIG FARM LOCATED SOUTH OF TWIN FALLS, NEAR HUB BUTTE AND THE LANDFILL. RECENT NEWSPAPER ARTICLES HAVE BEEN WRITTEN AND CALLS TO THE OFFICE HAVE BEEN MADE REGARDING THIS PROPOSED PIG FARM. THE APPLICATION WAS FILED BY BROCKWAY ENGINEERING ON BEHALF OF INDEPENDENT MEAT COMPANY (THE APPLICANT). IT IS MY UNDERSTANDING THAT THE LIVESTOCK CONFINEMENT APPLICATION THAT WAS FILED WITH TWIN FALLS COUNTY FOR THE PROPOSED PIG FARM WAS FILED BY IDAHO PREMIUM PORK (c/o Brent Dame or Ken Crandall). THE TRANSFER APPLICATION THAT WE RECEIVED INVOLVES WATER RIGHT 47-02396. APPARENTLY, 47-02396 IS AN INDUSTRIAL WATER RIGHT FOR 0.33 CFS & 151.20 AFA AT INDEPENDENT MEAT COMPANY. THE TRANSFER APPLICATION PROPOSES TWO WELLS AT THE PIG FARM. ANYWAYS, I THOUGHT I WOULD LET EVERYONE KNOW IN CASE WE RECEIVE ANY MORE CALLS REGARDING THIS PIG FARM AND THEIR WATER RIGHTS.

COREY

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MAR 1 5 1999

RECEIVED
JAN 19 1999
Department of Water Resources

COPY

# Brent Dame - Swine Operation Waste Plan

## Site and Inventory Information For a 1200 Sow Site

(NOTE 3 FACILITIES ARE PLANNED)

TOTAL * 3

| Gestation / Farrowing Site | | |
|---|---|---|
| Buildings at Site | 1 | |
| Gestating Sows | 1,120 hd | |
| Boars | 60 hd | |
| Sows & Litters | 200 hd | 2,000 Baby Pigs |
| | 1,380 hd | |

| Nursery Site | |
|---|---|
| Buildings at Site | 1 |
| Nursery Pigs | 4,000 hd |

| Finishing Site | |
|---|---|
| Buildings at Site | 2 |
| Finishing Pigs | 8,000 hd |

| Summary of Animals | Head | Avg Wt Animals | Total Wt |
|---|---|---|---|
| Gestating Sows | 1,120 hd | 350 | 392,000 |
| Boars | 60 hd | 400 | 24,000 |
| Sows & Litters | 200 hd | 440 | 88,000 |
| Nursery Pigs | 4,000 hd | 30 | 120,000 |
| Finishing Pigs | 8,000 hd | 150 | 1,200,000 |
| | 13,380 | | 1,824,000 |

COPY

Prepared By:
Bob Ohlensehlen
Extension Educator Livestock
Twin Falls County 8/21/98



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## Brent Dame - Swine Operation Waste Plan

## ESTIMATED FRESH WATER USE FOR ONE 1200 SOW UNIT

(Assuming Dry Feed)

### Gestation / Farrowing Site

**MISCELLANEOUS WATER USAGE**

| | Uses/Day | Gal/Use | Gal/Day |
|---|---|---|---|
| Shower | 8 | 40 | 320 |
| Washing Machine | 3 | 50 | 150 |
| Toilet | 12 | 5 | 60 |
| Hose - Faucet | 1 hr | 5 /min | 300 |
| High Pressure Wash | 4 hr | 5 /min | 1,200 |

2,030 Total Gallons of Water Used
1,500 Daily Stored Gallons of Water ← misc. water

**DRINKING WATER USE**

| | No. /hd | Gal / Hd | Gal / Day |
|---|---|---|---|
| Sows | 1,320 | 4.25 | 5,610 |
| Boars | 60 | 5 | 300 |
| Baby Pigs | 2,000 | 0.185 | 370 |

6,280 Gallons / Day Drinking
8,310 Gallons Daily for Farrowing Site
9 Acre Ft / Year
7,780 Daily Stored Gallons of Water ← To sump

### Nursery Site

**MISCELLANEOUS WATER USAGE**

| | Uses/Day | Gal/Use | Gal/Day |
|---|---|---|---|
| Shower | 4 | 40 | 160 |
| Washing Machine | 1 | 50 | 50 |
| Toilet | 7 | 5 | 35 |
| Hose - Faucet | 0.5 hr | 5 /min | 150 |
| High Pressure Wash | 4 hr | 5 /min | 1,200 |

1,595 Total Gallons of Water Used
1,350 Daily Stored Gallons of Water ← misc. water

**DRINKING WATER USE**

| | No. /hd | Gal / Hd | Gal / Day |
|---|---|---|---|
| Nursery Pigs | 2,000 | 0.474 | 948 |

948 Gallons / Day Drinking
2,543 Gallons Daily for Nursery Site
3 Acre Ft / Year
3,893 Daily Stored Gallons of Water ←

### Finishing Site

| | Uses/Day | Gal/Use | Gal/Day |
|---|---|---|---|
| Shower | 4 | 40 | 160 |
| Washing Machine | 1 | 50 | 50 |
| Toilet | 8 | 5 | 40 |
| Hose - Faucet | 0.5 hr | 5 /min | 150 |
| High Pressure Wash | 4 hr | 5 /min | 1,200 |

1,600 Total Gallons of Water Used
1,350 Daily Stored Gallons of Water ← misc. water

**DRINKING WATER USE**

| | No. /hd | Gal / Hd | Gal / Day |
|---|---|---|---|
| Finishing Pigs | 8,000 | 1.719 | 13,752 |

13,752 Gallons / Day Drinking
15,352 Gallons Daily for Finishing Site
17 Acre Ft / Year
16,702 Daily Stored Gallons of Water ←

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## Brent Dame - Swine Operation Waste Plan

# ESTIMATED MANURE PRODUCTION/STORAGE FOR ONE 1200 SOW UNIT

**Gestation / Farrowing Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day |
|---|---|---|---|
| Gestating Sows | 0.15 | 1,320 | 41,580 |
| Boars | 0.19 | 60 | 2,394 |
| Sows with Litter | 0.54 | 200 | 22,680 |
| | | | 66,654 Cubic Feet |
| Miscellaneous Water | 201 cu.ft. | 180 days | 36,096 Cubic Feet |
| Fresh Water Recharge Every 26 wks | | | 13,789 Cubic Feet |
| | | | 49,886 Total Storage Required |

**Nursery Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day |
|---|---|---|---|
| Nursery Pigs | 0.04 | 2000 | 16,800 Cubic Feet |
| Miscellaneous Water | 180 cu.ft | 180 days | 32,487 Cubic Feet |
| Fresh Water Recharge Every 26 weeks | | | 16,238 Cubic Feet |
| | | | 65,524 Total Storage Required |

**Finishing Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day |
|---|---|---|---|
| Finishing Pigs | 0.16 | 8000 | 268,800 Cubic Feet |
| Miscellaneous Water | 180 cu.ft | 180 days | 32,487 Cubic Feet |
| Fresh Water Recharge Every 26 weeks | | | 39,106 Cubic Feet |
| | | | 340,393 Total Storage Required |

**Summary**

| | | |
|---|---|---|
| Total Manure Production Annually | | 612,251 Cubic Feet |
| Total Miscellaneous Water Used Annually | 202,000 | 175,668 Cubic Feet |
| Total Fresh Water Used to Recharge Pits | 138,000 | 120,160 Cubic Feet |
| | | 908,080 Total One 1200 Sow Site |

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Brent Dan[redacted] - Swine Operation Waste Plan

# Lagoon Sizing Information One 1200 Head Site

**Gestation / Farrowing Site** — **49,886 Cu. Ft. Total Storage Required**

Lagoon Sizes to Provide Required Storage

| Volume | Freeboard | Slope to 1 | Width | Depth | Length |
|---|---|---|---|---|---|
| 49,886 | 2 | 2 | 100 | 10 | 94 |
| 49,886 | 2 | 2 | 150 | 10 | 65 |
| 49,886 | 2 | 2 | 200 | 10 | 52 |
| 49,886 | 2 | 2 | 250 | 10 | 45 |
| 49,886 | 2 | 2 | 100 | 8 | 115 |
| 49,886 | 2 | 2 | 150 | 8 | 78 |
| 49,886 | 2 | 2 | 200 | 8 | 61 |
| 49,886 | 2 | 2 | 250 | 8 | 52 |
| 49,886 | 2 | 2 | 200 | 6 | 81 |
| 49,886 | 2 | 2 | 250 | 6 | 67 |
| 49,886 | 2 | 2 | 300 | 6 | 58 |
| 49,886 | 2 | 2 | 350 | 6 | 51 |

**Nursery Site** — **65,524 Cu. Ft. Total Storage Required**

Lagoon Sizes to Provide Required Storage

| Volume | Freeboard | Slope to 1 | Width | Depth | Length |
|---|---|---|---|---|---|
| 65,524 | 2 | 2 | 100 | 10 | 118 |
| 65,524 | 2 | 2 | 150 | 10 | 80 |
| 65,524 | 2 | 2 | 200 | 10 | 63 |
| 65,524 | 2 | 2 | 250 | 10 | 53 |
| 65,524 | 2 | 2 | 100 | 8 | 146 |
| 65,524 | 2 | 2 | 150 | 8 | 97 |
| 65,524 | 2 | 2 | 200 | 8 | 75 |
| 65,524 | 2 | 2 | 250 | 8 | 63 |
| 65,524 | 2 | 2 | 200 | 6 | 102 |
| 65,524 | 2 | 2 | 250 | 6 | 83 |
| 65,524 | 2 | 2 | 300 | 6 | 71 |
| 65,524 | 2 | 2 | 350 | 6 | 63 |

**Finishing Site** — **340,393 Cu. Ft. Total Storage Required**

Lagoon Sizes to Provide Required Storage

| Volume | Freeboard | Slope to 1 | Width | Depth | Length |
|---|---|---|---|---|---|
| 340,393 | 2 | 2 | 100 | 10 | 537 |
| 340,393 | 2 | 2 | 150 | 10 | 340 |
| 340,393 | 2 | 2 | 200 | 10 | 252 |
| 340,393 | 2 | 2 | 250 | 10 | 201 |
| 340,393 | 2 | 2 | 100 | 8 | 691 |
| 340,393 | 2 | 2 | 150 | 8 | 439 |
| 340,393 | 2 | 2 | 200 | 8 | 324 |
| 340,393 | 2 | 2 | 250 | 8 | 258 |
| 340,393 | 2 | 2 | 200 | 6 | 472 |
| 340,393 | 2 | 2 | 250 | 6 | 375 |
| 340,393 | 2 | 2 | 300 | 6 | 312 |
| 340,393 | 2 | 2 | 350 | 6 | 267 |

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## Brent Dame - Swine Operation Waste Plan
# Site and Inventory Information For One 1200 Sow Site

**Gestation / Farrowing Site**

| | |
|---|---|
| Drinking Water Usage..... | 6,280 Gallons Per Day |
| Miscellaneous Water Usage..... | 2,030 Gallons Per Day |
| Recharge Water Usage..... | 573 Gallons Per Day |

**Nursery Site**

| | |
|---|---|
| Drinking Water Usage..... | 948 Gallons Per Day |
| Miscellaneous Water Usage..... | 1,595 Gallons Per Day |
| Recharge Water Usage..... | 675 Gallons Per Day |

**Finishing Site**

| | |
|---|---|
| Drinking Water Usage..... | 13,752 Gallons Per Day |
| Miscellaneous Water Usage..... | 1,600 Gallons Per Day |
| Recharge Water Usage..... | 1,625 Gallons Per Day |

**Summary of Water Usage For Each 1200 Sow Site**

| | |
|---|---|
| Drinking Water Usage..... | 20,980 Gallons Per Day |
| Miscellaneous Water Usage..... | 5,225 Gallons Per Day |
| Recharge Water Usage..... | 2,873 Gallons Per Day |
| Total Daily Water Usage..... | 29,078 Gallons Per Day |
| Annual Water Usage..... | 10,613,424 Gallons Per Year |
| | 1,418,907 Cu.Ft. Per Year |
| | 32.57 Acre Feet Per Year |

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MAR 15 1999

**City of Twin Falls**
**321 Second Ave East**
**P.O. Box 1907**
**Twin Falls ID 83303**
**208-736-2248**
**208-736-2296 (fax)**

# Fax

**To:** Cory Skinner / PAT FLORENCE **From:** Brad Gilmore B.G.

**Fax:** 736-3037 7 **Pages:** 2 + cover

**Phone:** 736-3033 **Date:** October 19, 1998

**Re:** Independent Meat **CC:** [Click here and type name]

☐ **Urgent** x **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:** Cory here is the info you requested. The sewer bills only go back to the same time as the water hookup. I can provide you copies of the original documents if needed. Call me if you have any questions. Brad

PAT, HERE IS A COPY OF THE MATERIAL THAT WAS SENT TO IDWR

BRAD.

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MAR 15 1999

| Year | | Use | | | | | |
|---|---|---|---|---|---|---|---|
| 1989 | Oct | 962 | 0.000 | 962 | x 1000 | x 1000 | |
| | Nov | 928 | 0.521 | 407 | | | |
| | Dec | 909 | 2.610 | -1,701 | | | |
| 1990 | Jan | 1,015 | 2.750 | -1,735 | | | |
| | Feb | 1,425 | 2.142 | -717 | | | |
| | Mar | 1,062 | 0.422 | 640 | | | |
| | Apr | 1,631 | 2.121 | -490 | | | |
| | May | 2,232 | 3.603 | -1,371 | | | |
| | Jun | 3,129 | 3.474 | -345 | | | |
| | Jul | 3,576 | 0.914 | 2,662 | | | |
| | Aug | 2,456 | 4.532 | -2,076 | | | |
| | Sep | 1,666 | 3.397 | -1,731 | | | |
| | Oct | 3,453 | 4.171 | -718 | | | |
| | Nov | 3,356 | 3.948 | -592 | | | |
| | Dec | 3,000 | 4.017 | -1,017 | 28,001 | 35,491 | discharged 7490000 gallons more (23 acre-feet) |
| 1991 | Jan | 5,131 | 4.456 | 675 | | | |
| | Feb | 1,170 | 3.076 | -1,906 | | | |
| | Mar | 811 | 2.876 | -2,065 | | | |
| | Apr | 923 | 3.165 | -2,242 | | | |
| | May | 1,359 | 3.557 | -2,198 | | | |
| | Jun | 1,523 | 4.376 | -2,853 | | | |
| | Jul | 3,156 | 3.697 | -541 | | | |
| | Aug | 2,128 | 7.720 | -5,592 | | | |
| | Sep | 1,074 | 4.211 | -3,137 | | | |
| | Oct | 1,465 | 4.394 | -2,929 | | | |
| | Nov | 822 | 4.907 | -4,085 | | | |
| | Dec | 695 | 4.896 | -4,201 | 20,257 | 51,331 | discharged 31074000 gallons more (95.4 acre-feet) |
| 1992 | Jan | 811 | 4.391 | -3,580 | | | |
| | Feb | 987 | 2.497 | -1,510 | | | |
| | Mar | 1,461 | 3.128 | -1,667 | | | |
| | Apr | 2,712 | 3.334 | -622 | | | |
| | May | 2,846 | 3.214 | -368 | | | |
| | Jun | 4,661 | 3.240 | 1,421 | | | |
| | Jul | 2,712 | 3.565 | -853 | | | |
| | Aug | 2,593 | 3.186 | -593 | | | |
| | Sep | 4,564 | 3.365 | 1,199 | | | |
| | Oct | 4,521 | 3.675 | 846 | | | |
| | Nov | 6,504 | 3.320 | 3,184 | | | |
| | Dec | 6,032 | 3.656 | 2,376 | 40,404 | 40,571 | discharged 167,000 gallons more (0.5 acre-feet) |
| 1993 | Jan | 5,130 | 3.720 | 1,410 | | | |
| | Feb | 5,251 | 3.119 | 2,132 | | | |
| | Mar | 6,734 | 4.758 | 1,976 | | | |
| | Apr | 5,112 | 2.838 | 2,274 | | | |
| | May | 5,356 | 3.230 | 2,126 | | | |
| | Jun | 7,322 | 3.169 | 4,153 | | | |
| | Jul | 5,168 | 2.658 | 2,510 | | | |
| | Aug | 6,031 | 2.593 | 3,438 | | | |
| | Sep | 5,672 | 1.519 | 4,153 | | | |
| | Oct | 5,679 | 3.257 | 2,422 | | | |
| | Nov | 6,586 | 3.451 | 3,135 | | | |
| | Dec | 6,814 | 4.210 | 2,604 | 70,855 | 38,522 | USED 32,333,000 gallons more (99.2 acre-feet) |
| 1994 | Jan | 5,786 | 2.969 | 2,817 | | | |
| | Feb | 5,621 | 2.940 | 2,681 | | | |
| | Mar | 6,866 | 3.150 | 3,716 | | | |
| | Apr | 5,812 | 4.068 | 1,744 | | | |
| | May | 6,788 | 4.902 | 1,886 | | | |
| | Jun | 6,016 | 4.616 | 1,400 | | | |
| | Jul | 7,952 | 5.975 | 1,977 | | | |

MICROFILMED MAR 15 1999

| Year | Month | Use | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
|---|---|---|---|---|---|---|---|
| | Aug | 6,248 | 6.833 | -585 | x1000 | x 1000 | |
| | Sep | 6,436 | 5.733 | 703 | | | |
| | Oct | 5,155 | 5.732 | -577 | | | |
| | Nov | 6,006 | 6.043 | -37 | | | |
| | Dec | 8,295 | 2.684 | 5,611 | 76,981 | 55,645 | USED |
| 1995 | Jan | 4,161 | 1.743 | 2,418 | | | 21,336,000 gallons more |
| | Feb | 4,955 | 1.333 | 3,622 | | | (65.5 acre-feet) |
| | Mar | 5,921 | 2,615 | 3,306 | | | |
| | Apr | 5,529 | 4.233 | 1,296 | | | |
| | May | 5,306 | 4.248 | 1,058 | | | |
| | Jun | 6,269 | 3.905 | 2,364 | | | |
| | Jul | 5,159 | 5.168 | -9 | | | |
| | Aug | 6,566 | 5.054 | 1,512 | | | |
| | Sep | 5,376 | 4.773 | 603 | | | |
| | Oct | 5,861 | 5.561 | 300 | | | |
| | Nov | 7,719 | 7.004 | 715 | | | |
| | Dec | 8,118 | 6.780 | 1,338 | 70,940 | 52,417 | USED |
| 1996 | Jan | 4,266 | 6.274 | -2,008 | | | 18,523,000 gallons more |
| | Feb | 5,191 | 5.757 | -566 | | | (56.8 acre-feet) |
| | Mar | 6,289 | 6.321 | -32 | | | |
| | Apr | 5,117 | 5.070 | 47 | | | |
| | May | 5,849 | 5.430 | 419 | | | |
| | Jun | 5,328 | 5.300 | 28 | | | |
| | Jul | 6,769 | 6.330 | 439 | | | |
| | Aug | 8,108 | 6.730 | 1,378 | | | |
| | Sep | 5,163 | 6.440 | -1,277 | | | |
| | Oct | 7,111 | 7.785 | -674 | | | |
| | Nov | 7,406 | 7.414 | -8 | | | DISCHARGED |
| | Dec | 7,142 | 8.120 | -978 | 73,739 | 76,971 | 3,232,000 gallons more |
| 1997 | Jan | 6,310 | 5.770 | 540 | | | (9.9 acre-feet) |
| | Feb | 5,567 | 4.827 | 740 | | | |
| | Mar | 6,932 | 5.950 | 982 | | | |
| | Apr | 5,189 | 5.155 | 34 | | | |
| | May | 5,612 | 5.737 | -125 | | | |
| | Jun | 7,567 | 4.866 | 2,701 | | | |
| | Jul | 7,753 | 5.676 | 2,077 | | | |
| | Aug | 5,393 | 4.681 | 712 | | | |
| | Sep | 5,457 | 4.593 | 864 | | | |
| | Oct | 5,169 | 5.612 | -443 | | | |
| | Nov | 8,577 | 5.164 | 3,413 | | | |
| | Dec | 4,804 | 6.288 | -1,484 | 74,330 | 64,319 | USED |
| 1998 | Jan | 6,732 | 6.195 | 537 | | | 10,011,000 gallons more |
| | Feb | 5,080 | 5.314 | -234 | | | (30.7 acre-feet) |
| | Mar | 6,864 | 6.240 | 624 | | | |
| | Apr | 6,689 | 5.890 | 799 | | | |
| | May | 5,353 | 6.223 | -870 | | | |
| | Jun | 6,818 | 7.016 | -198 | | | |
| | Jul | 6,769 | 6.126 | 643 | | | |
| | Aug | 7,003 | 4.680 | 2,323 | | | |
| | Sep | 8,226 | 5.305 | 2,921 | | | |
| | Oct | | | | | | |
| | Nov | | | | | | |
| | Dec | | | | 59,534 | 52,989 | USED (PENDING) 6,545,000 gallons more 20 acre-feet |

MICROFILMED
MAR 15 1999

# AUTOMATIC COVER SHEET

DATE: OCT-19-32 MON 10:11

TO:

FAX #: 97363037

FROM: CITY OF TWIN FALLS

FAX #: 7362296

04 PAGES WERE SENT

(INCLUDING THIS COVER PAGE)

INFORMATION RE:
47-02396
WATER RIGHT BEING
TRANSFERRED

MICROFILMED
MAR 15 1999



DARIN OSWALD/The Times-News

Kay Basham peers through her front window at a country landscape that may include a commercial pig farm. Basham is upset over a proposed pig farm that would be built near her new house south of Twin Falls, and is upset over the stench that she says will accompany the farm.

FROM 10/16/98 EDITION OF TIMES NEWS

# PROTESTING PORK

## Neighbors fear their quality of life and investments will suffer

By N.S. Nokkentved
Times-News writer

TWIN FALLS – Kay Basham fears the value of her 4-year-old home will drop like the level of her well if the county allows construction of a hog production facility nearby.

About a dozen homes are within a mile of the proposed hog facility. Residents fear the facility would degrade their quality of life, reduce property values and suck their wells dry.

"There's not enough water," Basham said.

But she and her neighbors live in the agricultural zone of the county, and a hog production facility is considered an agricultural operation under state law.

### Idaho Premium Pork proposal at a glance

- **Number of hogs:** 3,600 sows, capable of raising 72,000 market-size pigs annually.
- **Size:** 558.5 acres.
- **Operation:** Each of three units will house about 1,200 sows; each would give birth to about 20 piglets a year. Piglets weigh a few pounds at birth and within 5 1/2 months grow to 250 pounds.
- **Water use:** 87,000 gallons per day total.
- **Location:** Private land 10 miles south of Twin Falls southwest of the county landfill at Hub Butte.
- **Financing:** Startup costs are estimated at $4.15 million plus about $350,000 in hogs for the first of three units.
- **Status:** Zoning permit under appeal, application to transfer an industrial water right is pending with the Idaho Department of Water Resources. The outcome of the appeal can be brought to District Court. Opponents also can protest the water right application.

The Twin Falls County Planning and Zoning Commission last month approved a proposal by Brent Dame of Idaho Premium Pork for a 3,600-sow operation with a capacity to raise more than 72,000 pigs annually.

Nearby residents have appealed. Those homes all rely on wells – most of them about 600 feet deep.

### Odor questions

Meanwhile Dame has put his proposal on hold and is doing some engineering work. He is working through the process, and hopes it all works out OK, he said this week.

He understands neighbors'

Please see **PORK**, Page A2

pitch his company's request to have the plot annexed as retail property, commission Chairman Bill Allred said.

Jay Schneider was questioned at length by planners about what is in store for the property, but he would say only that developers hope to open at least one large retail outlet there, Allred said. The developer would not say which company or co might build, he said.

Rick Bernsen, presid Jerome Chamber of C said he got a chance thi query Schneider but almost nothing.

"That property is o greatest mysteries of he said.

Wal-Mart is among t nies Schneider re

Please see **JERO**

# Key programs get funding hikes in budget dea

The Associated Press

WASHINGTON — The White House and congressional leaders struck agreement Thursday on a $500 billion spending package showering money on school systems, farmers and the Pentagon, ending a week of election-season budget brinkmanship.

The deal produced a bipartisan finale to a 105th Congress that in recent months has been riven

**Who gets what – A2**

ing lawmakers to go home for the Nov. 3 congressional elections.

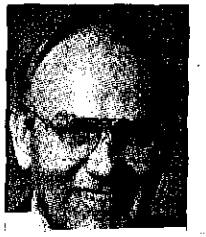
Despite the cooperation it took over a week of high-level bargaining to reach the pact, neither side pulled any punches in touting victory claims.

Announcing the deal with De

# Idaho delegation: Accord is good for farm

By Robin Brown
States News Service

WASHINGTON – After months of partisan debate, emergency farm assistance looks like it will make it out of Washington after all.





"All together this i agriculture package," Larry Craig, R-Idaho, w much of the week craf bill. "I am very pleased package will include a si amount for lost market sation payments and c

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aid Lee Wagner,
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Cup discussion was

seeking help to come here or to an existing business wanting to expand.

The case of Clear Shield would be recruiting an expansion that could go elsewhere, and helping retain an existing company, Wagner said.

"The more likely they are to invest in Twin Falls, the more likely they're here for the long haul," he said.

Becker said support from the city and chamber – financial and otherwise – was a plus in Twin Falls' favor.

Less than two months after the Clear Shield plant held its grand opening last spring, Solo Cup announced its purchase of the Clear Shield division from its corporate parent, Envirodyne Industries Inc. of Wheeling, Ill. Solo Cup paid $140 million for five factories, including the Twin Falls one, bringing its total up to 14 manufacturing plants.

*Times-News staff writer Pat Marcantonio can be reached at 733-0931, Ext. 242.*

# gress

n A1

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## Who gets what?

The budget deal contains routine funding for scores of government agencies, but it also became the vehicle for reviving a host of unrelated legislative initiatives. These include a measure heavily lobbied by high-technology companies to increase immigration ceilings for high-tech workers and a GOP-backed ban on pornography on the Internet.

**Funding includes:**

- **$6.4 billion** for improving military readiness and for U.S. peacekeeping troops in Bosnia.
- **$2.4 billion** for anti-terrorism initiatives, including improvement of embassy security in the wake of the bombing of two U.S. Embassies in Africa this summer.
- **$3.4 billion** to remedy the year 2000 glitch in government computers.
- **$5.9 billion** for farmers hard hit by this year's sagging agricultural economy.
- **$690 million** for an anti-drug initiative that was a top GOP priority.

Among the many initiatives attached to the legislation at the last minute was a modest package of tax relief, a pale shadow of the $80 billion tax cut that passed the House last month, only to die in the Senate.

made back home with the people."

not sit on our hands," said Rep. Barbara Cubin, R-Wyo., sponsor

consider a similar measure on today.

# Pork

Continued from A1

apprehension, but said if they put aside their emotions and listen to what he is proposing they would see they have nothing to fear. He plans many improvements beyond the basic requirements and wants to be a good neighbor.

The neighbors, some with more than $125,000 invested in land and homes, are reluctant to believe him. Hog factories have a reputation for odor and water pollution problems across the country.

"Why should his be any different," Basham asked.

Because they use old technology, he said. Inside hog barns that use only natural ventilation, the smell can be overpowering. The odor gets in your hair and your clothes and stays there after you leave the barn.

Dame says his plant would use continuous forced-air ventilation that draws fresh air down through the building and out the sides, making the air inside pleasant for workers and animals alike.

Unlike a much larger hog facility near Milford, Utah, which collects manure in outdoor lagoons, all hog manure at Dame's facility would be kept in basins under the barns, and ventilators keep odors from building up in the barns, he said.

On the worst day the odors would be detectable a couple of hundred yards away, unlike local sugar factories whose odors carry several miles, Dame said.

In the spring and the fall, manure would be pumped into trucks to be "knifed" into nearby fields with shanks that inject the waste into the soil rather than spreading it on the surface.

State Division of Environmental Quality officials would inspect Dame's operation to ensure waste is properly applied to fields at rates needed by crops. But it's uncertain how often those inspections would take place, said Mike Masters of DEQ.

MAR 15 1999

## Other concerns

Basham and her husband, Wes, and other neighbors got a letter two days before the first hearing notifying them on the proposal. But if neighbors had known the landowner was considering selling the land to a hog producer, they might have made an offer.

When the Bashams bought their property three years ago, they were told the area was zoned for 20-acre residential parcels, she said. The owner had sold off the water and split his land into 20 acre parcels, the smallest allowed without a special permit under the county zoning ordinance.

They built a $125,000 home on their $15,000 parcel.

Residents also are concerned about groundwater quality, noting that it doesn't take a leaking lagoon to taint groundwater. In 1996, at a hog factory in Utah a mistakenly attached hose siphoned as much as 80,000 gallons of hog waste into a well.

Dame said liquid waste would be mixed with canal water, not well water. No hoses connected to a well would be used for liquid waste.

## Farms or factories?

Basham knows she's moved into an agricultural area. But 70,000 pigs is not agriculture, it's industry, she said. She and her husband question whether it is appropriate to put an industrial animal factory in the agricultural zone.

A North Dakota judge recently ruled that a 5,000 sow operation, with a capacity to produce about 100,000 pigs annually, near Larimore, N.D., was not a farming operation. The judge termed the operation an "industrial enterprise" that produces waste in amounts that should be regulated by state waste laws, according to the Grand Forks Herald.

But farm or factory, Twin Falls County commissioners will have to rule on the record upon which zoning officials based their approval.

Anyone who spoke at the review hearing last month will be allowed to speak at an appeal hearing to be set in the next three to four weeks, Twin Falls County Commissioner Dennis Maughan said.

He recognized the intensely emotional question that balances the quality of some people's lives with the livelihoods of others.

It's going to be a hard decision, he said.

*Times-News staff writer N.S. Nokkentved can be reached at 733-0931, Ext. 237.*

LETTER TO THE EDITOR
FROM 10/05/98 EDITION
OF TIMES NEWS.

MICROFILMED
MAR 1 1999

The members of the editorial board are ...
artgen, Clark Walworth, Steve Crump, Kevin Richert and Kurt Friedemann

# LETTERS

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you'll not only get rich from your hog farm but real estate too! Call for price.

**BILL AND PAULA JENSEN**
**Twin Falls**

## Pork farm would hog water supply

This is in response to the editorial written Sept. 29.

First, I'd like to say, get all your facts straight, before you write an editorial. Idaho Premium Pork is not bending over backward to be a responsible neighbor. Their only concerns are for the bottom line on their profit and loss sheet.

Folks, there is a moratorium on all commercial wells in this area. So our good future neighbor drops a domestic well of more than 800 feet. This wasn't enough water for Mr. Dame's operation so he is also transferring water well rights, from Falls Brand Meats. A well that hasn't been in use since 1989. All wells in the proposed area are 500 to 600 feet deep.

This is a dry part of Twin Falls County. Just wait until we have a couple of dry years. Mr. Dame will need lots of water, so he'll just drill deeper and deeper. The small property owner will not be able to afford to drill his well deeper. We'll just be out of water. What's land without water?

Just look what this hog farm does for our community. All these wonderful low-paying jobs. Folks, it's a hog farm; they might say high tech, but it's still a large hog farm with the same smells, water problems, land contamination, as any hog farm! Hog waste damage to the land lasts for years and years. Their lagoons have all been known to overflow, damaging land, water, wildlife, streams, fish, the works. These are facts, studies of hog facilities in Kentucky, North Carolina and Indiana.

These states don't want these facilities so they are moving west, first Utah and now Idaho. Property values in the area will be ruined. Oh well, anything for money!People of Twin Falls County, do we want this pollution, smell, etc.? People from other parts of the country will know us for our hog farm. This facility must be stopped before it's too late. The smells alone have been known to travel 15 miles; this means, Twin Falls city, you too, will have a new smell in the near future.

**LEONA JOHNSON**
**Twin Falls**

## Write to us

**The Times-News** welcomes letters from readers on subjects of public interest.

- **Letters may** be brought to our Twin Falls office, mailed to P.O. Box 548, Twin Falls, ID 83303, or sent by fax to (208) 734-5538.
- other publications will not be reprinted.
- **Because of** space constraints, please limit letters to 400 words.

## Investigation wastes tax dollars

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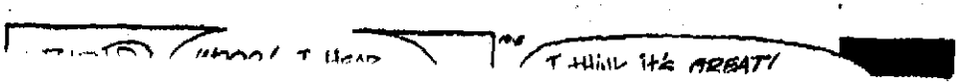
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By Garry Trudeau



Mallard Fillmore



MAGIC VALLEY

Friday, September 25, 1998 Section B

INSIDE
Obituaries ..... B2
Idaho/West ..... B5-6

City Editor: Kevin Richert – 733-0931, Ext. 234

# Hog facility proposal keys on water

By N.S. Nokkentved
Times-News writer

TWIN FALLS – The future of a proposed hog production facility may lie in the transfer of water rights.

Idaho Premium Pork does not yet have an approved commercial and stock water right for its proposed hog production facility south of Twin Falls.

The Twin Falls County Planning and Zoning Commission late last week approved the proposal by Brent Dame of Idaho Premium Pork for a 3,600-sow operation with a capacity to raise more than 72,000 pigs annually.

DAILY NewsLinks

For more on water issues and the hog industry, visit *The Times-News Online* at http://www.magicvalley.com and click on NewsLinks.

But without an approved water right, that county permit would not be valid, county civil attorney Mark Guerry said. Dame estimates the facility would use a maximum of 29,000 gallons per day.

Some neighbors of the proposed operation say they are concerned about water supply in the area.

And the county's recently adopted livestock ordinance requires Idaho Department of Water Resources approval for a water source.

County planning director Bill Crafton said he approved Dame's application based on three points:

- Dame has an approved domestic well.
- The land he is buying for the operation comes with 250 Salmon River Canal Co. water shares that would be transferred when the sale is final.
- He has a July 2 letter from Independent Meat, expressing intent to transfer an industrial water right to Idaho Premium Pork.

Because of a moratorium on new groundwater sources in Twin Falls County, the Idaho Department of Water Resources would not automatically approve a transfer of the irrigation water rights to a commercial stock water right. And state law prohibits running an operation of this size on a domestic water right.

Water Resources has not yet approved Independent Meat's transfer application.

Independent Meat – which

Please see HOG, Page B3

## NOT YOUR AVERAGE GARAGE SALE



# Law firm: Judge is biased

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side of prison," he said.

On the other hand the Mini-Cassia area doesn't have enough treatment programs to deal with the problem, Carlson said.

During his first days as judge, Carlson will also deal with the legacy left by the popular Judge George Granata Jr, who died in June.

Carlson does not plan to make changes and is eager to work with Granata's staff, he said.

Carlson has heard cases are stacking up. He has asked his secretary to prepare status conferences for upcoming civil cases and plans to dive right in to the criminal calendar.

"I plan to come over, roll up my sleeves and go to work," Carlson said.

*Times-News staff writer Lorraine Cavener can be reached in Burley at 677-4042.*

# SA dies in Utah

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lunar landing sites led to his transfer to the Mars Viking project, and he was among those who helped determine the Viking landing site in 1976.

Moore retired from the Geological Survey in 1994, but continued to work for the agency as a scientist emeritus.

with civil cases, [illegible] says.

In a letter sent in March 1997 from Arkoosh to Idaho Bar counsel Michael Oths and filed with court documents, Arkoosh wrote that he recalled Oths telling him Brown's work on civil cases was not a conflict of interest. The Arkoosh firm handles only misdemeanor criminal cases in Gooding County, according to the letter. Misdemeanors are handled by

apparent bias [illegible] Arkoosh firm, according to Arkoosh's motion.

Arkoosh claims that in one case, Cassidy moved not to pay his firm for public defender work.

"In another case, he prohibited the firm from conducting discovery, but chastised the firm a week later for not conducting the very discovery his order disallowed," Arkoosh's motion says.

# Hog

**Continued from B1**

would process the pigs raised at the proposed facility – submitted the transfer application Sept. 18 – the same day county planners approved Dame's proposal.

Independent Meat seeks to transfer the water right from a well at its facility on Orchard Drive north of Rock Creek to Dame's proposed hog operation on the Salmon Tract south of the High Line Canal.

The facility would be on 558.5 acres between 2900 and 3000 North and between 2600 and 2700 East, south of Twin Falls and two miles west of the county dump at Hub Butte.

The water right for one-third of a cubic foot per second – about 150 gallons per minute – also would have to be changed from industrial to commercial and stock water.

The right is one of several valid rights that belong to Independent Meat, company President Patrick Florence said. The meat-processing company was hooked up to city water in 1989 and has been using more and more city water instead of water from several deep wells.

Anyone who would be affected by the transfer may file a protest with the Department of Water Resources when the proposed water right transfer is advertised. If such a protest is filed a public hearing would be held.

The department office is at 1341 Fillmore St., Suite 200, Twin Falls.


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***Overstock Sidewalk Sale***
***Friday Sept. 25 & Saturday Sept 26***

**MANY ITEMS AT COST**
**OVER 750 USED MOVIES** (Rupert store only)

Farmbeat

Sunday, September 20, 1998 Times-News, Twin Falls, Idaho

## Chamber thinks hog farm is just what TF needs

TWIN FALLS – A large hog farm south of Twin Falls is just the kind of shot in the arm the Magic Valley needs, according to Kent Just, executive director of the Twin Falls Area Chamber of Commerce. At a time when agriculture is reeling from some of the worst commodity prices in 20 years, a value-added ag business is a perfect fit for this farm-based community.

The operation, Idaho Supreme Pork, is proposed for 558.5 acres 9 miles south of the city. The "state-of-the-art" facility will house three 1,200 sow units to produce about 72,000 pigs a year, according to Brent Dame, general manager.

Despite rising concerns in the Valley over livestock feeding operations and the bad press surrounding corporate hog farms, Just said the proposal defies both the perception of corporate indifference and a mudhole operation.

"This isn't a hog farm; this is a high tech facility that's decided to locate in our community. It's just as high tech as Micron," Just said. The business offers employment and a good use of local products and focuses on adding value to ag products, he said.

"It's a perfect thing for us to be supportive of in our Valley," Just added. "This is the high-tech industry that's going to be good for the Valley. We're not going to have Zilog and Micron locating in the Valley."

The company is expected to generate 53 new jobs, 23 at the facility and an additional 30 at Independent Meat – which will process the pork – a payroll of $1 million annually, and a construction cost of $14.2 million. In addition, the operation will purchase 800,000 bushels of grain annually and plans to build a feed processing facility, Dame said.

The family-owned company will be affiliated with Independent Meat of Twin Falls in a venture to supply Pacific Rim countries, in particular, Japan, with specialty cuts of pork, according to Dame.

MICRON MEL
MAR 1 6 1999

# LIVESTOCK CONFINEMENT OPERATIONS PERMIT APPLICATION

Brent's FAX#(502) 273-5267

Date: 7/2/98 c/o Ken Crandall (Pro-Ag, Inc.) (209) 597-1475 Father-In-Law

Name: Idaho Premium Pork c/o Brent Dame Telephone: (502) 733-9606 Brent's #

Address: 1005 Hatfield-Stevens Rd. Calhoun, KY 42327

General Location: 2900 N 2600 E

Legal Description: Township 11 S, Range 16 E, Boise Meridan, Twin Falls Co. ID Section 36 S½NE¼, SE¼ N½NE¼

Total amount of land held: 538 AC.

Present use and zoning of property: Cropland/pasture; Agricultural

---

This permission is granted under Twin Falls County Zoning Ordinance #21; Article 5-1.10-C. The application must be submitted with the following: A full written description of the operation and facilities used including the maximum capacities of the facilities in regards to animal units. The numbers and type of livestock currently located on the parcel. An SCS map including surface contours, soil depths and types, size and location of natural drainage points.

Existing LCO's can submit a owner drawn complete site plan; minimum size 24" X 36"; minimum scale 1" = 100'; or may be prepared by a licensed engineer, architect, contractor, USDA Soil Conservation Service, or County Extension Agent. The site plan shall include, but not be limited to, location of all structures, feed storage areas, animal confinement areas, waste storage areas, water wells, canals, ditches, injection wells, sink holes, traffic access, public thoroughfares, and existing housing.

While not required for a LCO Grandfather Permit to be issued, if available, please supply the information as follows:
A waste system design plan for solid and liquid waste which meets all state and federal requirements and is approved by the Idaho Department of Health and Welfare Division of Environmental Quality. Assistance in the design of this plan can be obtained from the USDA Soil Conservation Service or County Cooperative Extension System Office. Department of Water Resources approval for water source. South Central District Health Department approval for Grade A dairies.

Zoning Administrator
Lee Taylor (208) 734-9490

Brent O. Dame
Signature of Owner and/or Applicant

FEE: A $150 fee must accompany this application; however, filing fees for a "LCO Grandfather Permit" will be assessed after one year of the date of adoption of the ordinance.
Written comment on and approval of the proposal may also be required by the agencies as follow:

Comments: _____

Highway District: _____

Health Department: see attached - Approved.

Canal Company: Salmon Tract

Other: _____

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# Idaho Premium Pork Project

## Amendment to Facility Overview/Description:

Idaho Premium Pork will own a total of 538.5 AC. of land since the road frontage property of John Courtney's has also been procured. This parcel serves as the one-half mile set-back or buffer zone protection.

Idaho Premium Pork will operate on a weekly production schedule that allows for all-in/all-out animal flow. This means that one nursery and one grow/finish room will be empty, allowing for a reduction of 350 A.U. (100 A.U. in nursery, 250 A.U. in grow/finish). Also, approximately 20% of the animals produced at Idaho Premium Pork will be processed at 80-90 lbs. for shipment to a niche domestic market in China Town section of San Francisco, CA. This also allows for further reduction of A.U. by 800 A.U. These adjustments make the revised A.U. total equal 3,650 in the nursery through grow/finish phase of production plus 670 A.U. from the breeding herd phase; a grand total of 4,320 A.U. per production unit. Multiply this number by three (3) will represent 12,960 A.U. for Idaho Premium Pork if future plans become reality over the next 3-5 years.

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MAR 15 1999

7/2/98

## ARTICLE 14

## IMPACT STUDY

Each applicant, owner, or developer proposing a Conditional Use, Variance, Zone Change, ɔdivision, Planned Unit Development, or Mobile Home Park shall prepare and present to the ministrator an impact study, which shall show the potential effects of the proposed development upon the unty both in terms of economics and environment. It must be shown that the proposed development is harmful to the environment, that adequate transportation, fire and police protection, pollution control, other factors which may be of concern to the County and its residents are considered. If in the ement of the Commission, the proposal would have little or no impact upon such factors, the mmission may waive the requirement of an impact study except in the case of such request for elopment within the Outdoor Recreation Zone.

The impact study shall include, but may not be limited to, a study of the potential impact upon:

1. Drainage
2. Grading of slopes
3. Utilities
4. Vegetation impact and influence
5. Air quality
6. Water quality
7. Public and wildlife easements
8. Geological impact
9. Water sources
10. Sewerage facilities
11. Transportation
12. Fire protection and fire breaks
13. Police protection
14. Solid Waste
15. Schools
16. Recreation
17. Aesthetic value

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MAR 1 5 1999

## ADJACENT PROPERTY OWNERS TO APPLICANT PROPERTY WITHIN 300' OF THE PROPERTY LINE

| NAME | ADDRESS | PHONE |
|---|---|---|
| **NORTHSIDE** | | |
| Wallace D. + Leona E. Johnson | 4489 N 1900 E Buhl ID 83316 | 543-2577 |
| Edward John Yraguí | P.O. Box 975 Twin Falls, ID 83303 | 733-3988 |
| Curtis L. Hansen | 3025 N 2600 E Twin Falls, ID 83301 | N/A |
| Tori Garrison | 3361 N 1500 E Buhl ID 83316 | 543-6750 |
| John D. Courtney | 3664 E 1400 N Twin Falls, ID 83301 | N/A |
| **EASTSIDE** | | |
| United States Dept. of the Interior Bureau of Land Management | | N/A |
| | | |
| | | |
| | | |
| **SOUTHSIDE** | | |
| William Thomas McCarthy, Jr. | | |
| Stormi V. Lynn McCarthy | 2926 N 2600 E Twin Falls, ID 83301 | N/A |
| Charles H. Jensen | 2918 N 2600 E Twin Falls, ID 83301 | 733-4479 |
| Loren E. Jakubowski | Box 641 Kimberly, ID 83341 | N/A |
| Sharon J. Wright | 3326 N 3300 E Kimberly, ID 83341 | 736-8143 |
| U.S. Dept. of the Interior Bureau of Land Management | | N/A |
| **WESTSIDE** | | |
| Shivrel Silvester | 2550 E 3000 N Twin Falls, ID 83301 | 734-4081 |
| Joe M. Bertao | 2967 N 2600 E Twin Falls, ID 83301 | 735-0056 |
| Michael J. Sheehy | 103 Charlotte Moses Lake, WA 98837 | N/A |
| Lino T. Ortiz | 184 Taylor St. Twin Falls, ID 83301 | N/A |
| Tim A. Knight | 706 Locust St. Kimberly, ID 83341 | 423-6188 |

This list is to include the owners which surround the entire parcel regardless of the area to be considered. If you are unsure of the adjacent owners, the Twin Falls County Assessors Office, Third Floor of the Courthouse, 475 Shoshone Street, Twin Falls, Idaho, can provide a print out of the names and addresses. There may be a charge for this service.

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## ADJACENT PROPERTY OWNERS TO APPLICANT PROPERTY WITHIN 300' OF THE PROPERTY LINE

NAME ADDRESS PHONE

NORTHSIDE

EASTSIDE

SOUTHSIDE

WESTSIDE

This list is to include the owners which surround the entire parcel regardless of the area to be considered. If you are unsure of the adjacent owners, the Twin Falls County Assessors Office, Third Floor of the Courthouse, 475 Shoshone Street, Twin Falls, Idaho, can provide a print out of the names and addresses. There may be a charge for this service.

MAR 15 1999

# Idaho Premium Pork Project

## A 3,600 Sow Farrow-to Finish Production Facility

This description is being presented in an attempt to adequately outline a planned swine production facility in southern Twin Falls County, ID. The production generated by this facility is targeted for both domestic and international markets and will be processed through Independent Meat Company, Twin Falls, ID. Our production and marketing alliance with Independent Meat Company will have a measurable economic and employment impact on Twin Falls County, ID.

The facility plans for Idaho Premium Pork will include three (3) breeding/gestation/farrowing units with 1,200 sows (600 A.U.) present at each site. These sow units are planned to be located on the western boundary of the property procured from Tom and Miriam Garrison. This positioning allows slightly more than one-half mile set back from the nearest county road (2600 E.) and residence. This site selection is also bordered by BLM land to the east and south. All required set-backs will be met or exceeded for all buildings and waste holdings ponds or structures. Each sow unit will be separated from the next by approximately .5 mile running north along the western property line of the 320 ac parcel of land with the legal description of township ll. South, Range 16 East, Boise, Meridian, Twin Falls County, ID. Section 36: S. 1/2 N.E. 1/4 and N 1/2 N.E. 1/4. In addition to the gestating/lactating sows aforementioned, each unit will house 120 developing replacement gilts (60 A.U.) and 20 boars (10 A.U.). In total, each sow unit will house 1,320 Females (660 A.U.) and 20 boars (10 A.U.) for a total of 670 A.U. The combined production units will have 3,960 females (1,980 A.U.) and 60 boars (30 A.U.) for a breeding herd total of 2,010 A.U.

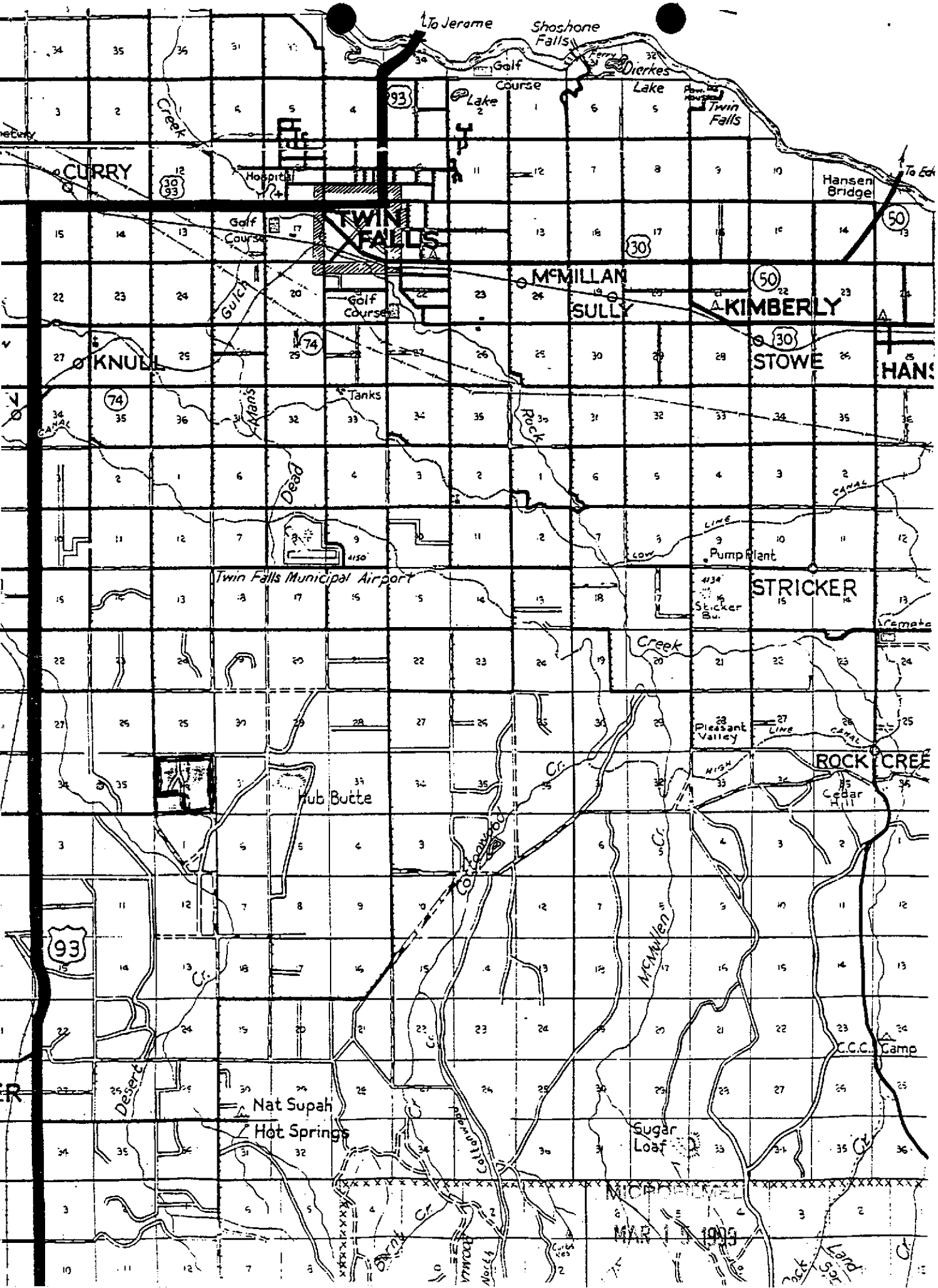
The nursery and grower/finisher buildings supporting the production from each sow unit will be located approximately .5 miles East of the respective sow facility. Each nursery/finisher site will house 4,800 A.U., For a total of 14,400 A.U. (one-time capacity) when the overall production of the three production units comprising Idaho Premium Pork is combined.

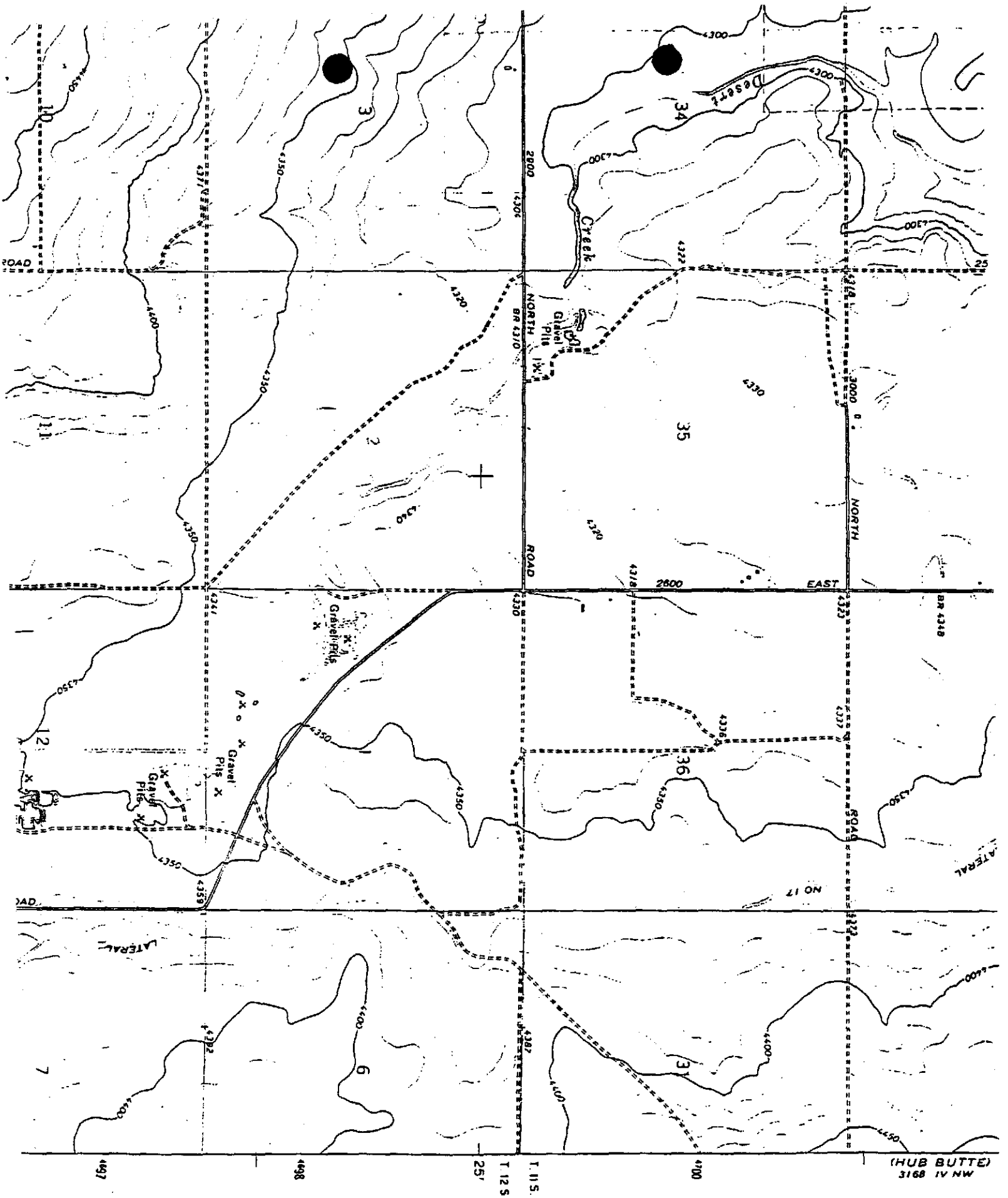
If any additional information is required, please contact Brent Dame at (502) 733-9606 or Ken Crandall at (209) 597-1475. Brent may also be reached by E-Mail @ PIGBID2@AOL.com. Brent and his family will be relocating to the Twin Falls, ID. area around the First of August 1998, and will gladly meet with you personally if needed anytime after this date. Thank you in advance for your consideration.

Submitted by Brent D. Dame 7/2/98

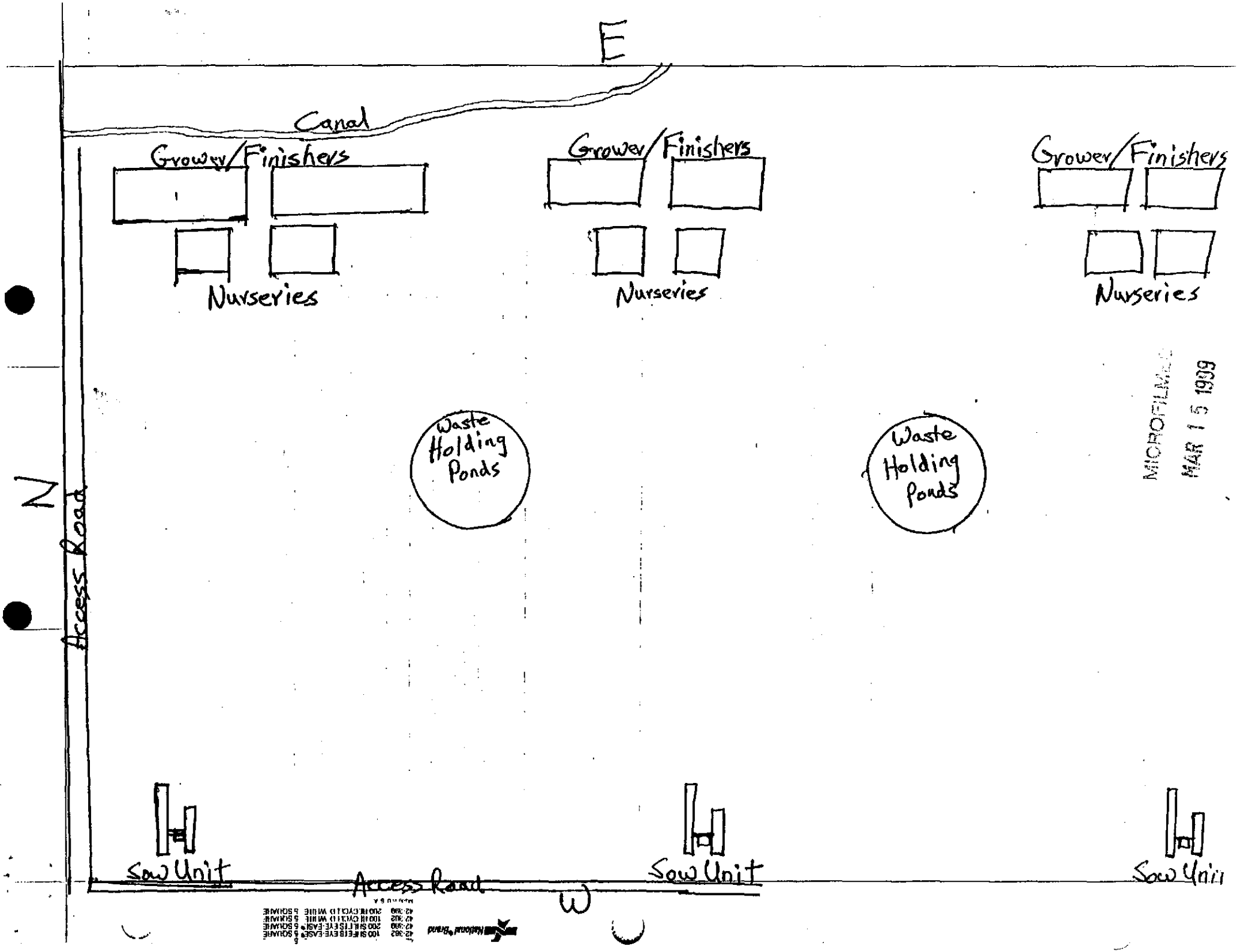
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MAR 1 5 1999

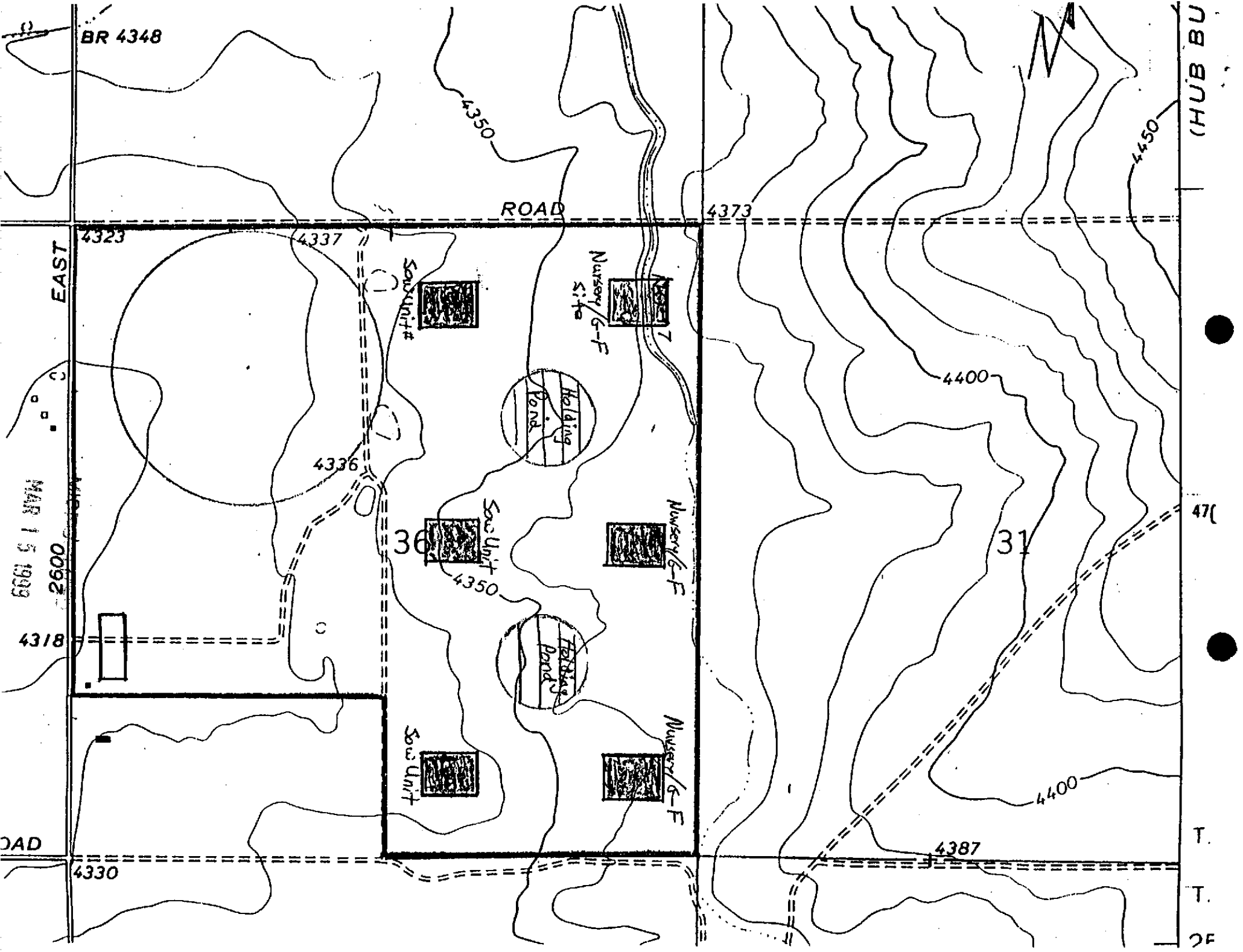

To Jerome
Shoshone Falls
Golf Course
Dierkes Lake
Twin Falls
Hansen Bridge
To Eden
CURRY
Hospital
TWIN FALLS
Golf Course
McMILLAN
SULLY
KIMBERLY
STOWE
KNULL
Golf Course
Gulch
Tanks
Main
Rock
Dead
CANAL
LINE
Pump Plant
Twin Falls Municipal Airport
STRICKER
Sticker Bu.
Creek
Pleasant Valley
ROCK CREEK
Hub Butte
Cedar Hill
Cr.
Cottonwood
McMullen
C.C.C. Camp
Nat Supah Hot Springs
Desert
Sugar Loaf
Cr.
MAR 1 5 1993
Land
93
30
50
74




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MAR 15 1999



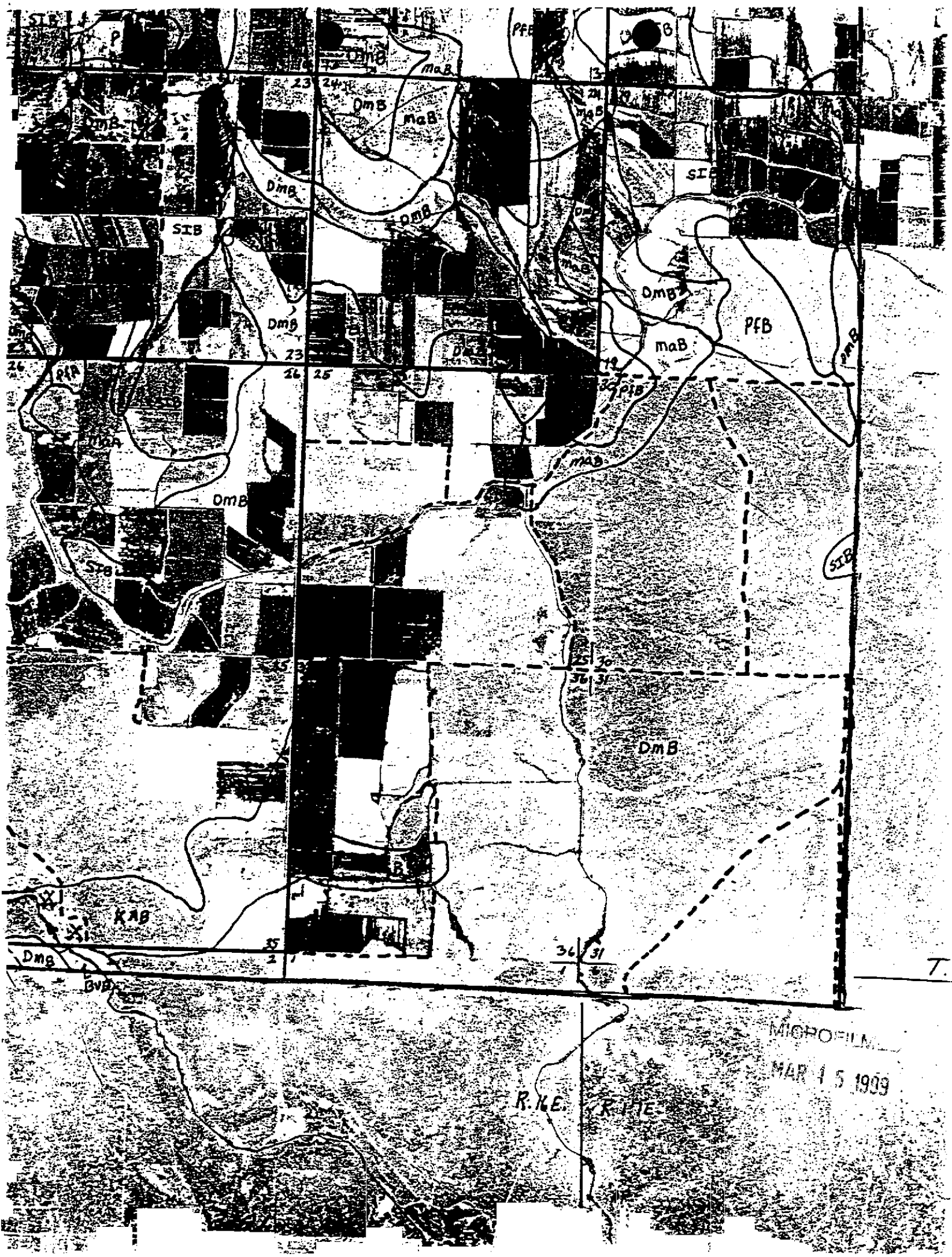

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BR 4348
4350
ROAD
4373
4323
4337
EAST
Sawmill
Nursery G-F site
Nursery G-F
Holding Pond
4400
4336
36
Saw Unit
4350
Nursery G-F
31
2600
4318
Holding Pond
Saw Unit
Nursery G-F
4400
4387
4330
4450
(HUB BU
T.
T.

BAHEM

| | | | |
|---|---|---|---|
| PTH: | Very deep------More than 60 inches | | |
| RFACE TEXTURE: | Silt loam | | |
| BSURFACE TEXTURE: | Silt loam | | |
| MITING FACTORS: | Soil Reaction, slope | | |
| TER HOLDING CAPACITY: | 10.0 to 11.0 inches | | |
| OPE, MAP UNIT: | BhB - 1-4% | BhC - 4-8% | BhD - 8-15% |
| ABILITY UNIT, IRR.: | IIe | IIIe | IVe |
| PABILITY UNIT, NIRR.: | VIc | VIe | VIe |

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MAR 15 1989




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MAR 1 5 1989

University of Idaho
Cooperative
Extension System

Twin Falls County Office
246 3rd Avenue East
Twin Falls, Idaho 83301
Phone: (208) 734-9590
Fax: (208) 733-9645

May 13, 1998

Brent:

I have put together some preliminary information for you to look at. Please play special attention to the number of animals at each of the sites Gestation/Farrowing, Nursery, and Finishing. Please check the numbers of animals as well as the time frames for recharging or flushing the various facilities.

If this information looks correct, I will finish it up as soon as I hear from you. If you want changes made please let me know.

The plan is designed for a single 1320 sow unit. The expansion to 3960 sow will require the installation of 2 additional units each with the same storage requirements as the one attached.

Sincerely yours,

Bob Ohlensehlen

Bob Ohlensehlen
Extension Educator / Dairy
Twin Falls County

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MAR 15 1999



To enrich education through diversity the University of Idaho is an equal opportunity/affirmative action employer.

Update 8/21/98

# Brent Dame - Swine Operation Waste Plan
## Site and Inventory Information For a 1200 Sow Site

**Gestation / Farrowing Site**

| | | |
|---|---|---|
| Buildings at Site | 1 | |
| Gestating Sows | 1,120 hd | |
| Boars | 60 hd | |
| Sows & Litters | 200 hd | 2,000 Baby Pigs |
| | 1,380 hd | |

**Nursery Site**

| | |
|---|---|
| Buildings at Site | 1 |
| Nursery Pigs | 4,000 hd |

**Finishing Site**

| | |
|---|---|
| Buildings at Site | 2 |
| Finishing Pigs | 8,000 hd |

**Summary of Animals**

| | Head | Avg Wt Animals | Total Wt |
|---|---|---|---|
| Gestating Sows | 1,120 hd | 350 | 392,000 |
| Boars | 60 hd | 400 | 24,000 |
| Sows & Litters | 200 hd | 440 | 88,000 |
| Nursery Pigs | 4,000 hd | 30 | 120,000 |
| Finishing Pigs | 8,000 hd | 150 | 1,200,000 |
| | 13,380 | | 1,824,000 |

Prepared By:
Bob Ohlensehlen
Extension Educator Livestock
Twin Falls County 8/21/98



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MAR 15 1999

Brent Dame - Swine Operation Waste Plan

# ESTIMATED FRESH WATER USE FOR ONE 1200 SOW UNIT

(Assuming Dry Feed)

## Gestation / Farrowing Site

### MISCELLANEOUS WATER USAGE

| | Uses/Day | Gal/Use | Gal/Day |
|---|---|---|---|
| Shower | 8 | 40 | 320 |
| Washing Machine | 3 | 50 | 150 |
| Toilet | 12 | 5 | 60 |
| Hose - Faucet | 1 hr | 5 /min | 300 |
| High Pressure Wash | 4 hr | 5 /min | 1,200 |

2,030 Total Gallons of Water Used
1,500 Daily Stored Gallons of Water

### DRINKING WATER USE

| | No. /hd | Gal / Hd | Gal / Day |
|---|---|---|---|
| Sows | 1,320 | 4.25 | 5,610 |
| Boars | 60 | 5 | 300 |
| Baby Pigs | 2,000 | 0.185 | 370 |

6,280 Gallons / Day Drinking
8,310 Gallons Daily for Farrowing Site
9 Acre Ft / Year
7,780 Daily Stored Gallons of Water

## Nursery Site

### MISCELLANEOUS WATER USAGE

| | Uses/Day | Gal/Use | Gal/Day |
|---|---|---|---|
| Shower | 4 | 40 | 160 |
| Washing Machine | 1 | 50 | 50 |
| Toilet | 7 | 5 | 35 |
| Hose - Faucet | 0.5 hr | 5 /min | 150 |
| High Pressure Wash | 4 hr | 5 /min | 1,200 |

1,595 Total Gallons of Water Used
1,350 Daily Stored Gallons of Water

### DRINKING WATER USE

| | No. /hd | Gal / Hd | Gal / Day |
|---|---|---|---|
| Nursery Pigs | 2,000 | 0.474 | 948 |

948 Gallons / Day Drinking
2,543 Gallons Daily for Nursery Site
3 Acre Ft / Year
3,893 Daily Stored Gallons of Water

## Finishing Site

| | Uses/Day | Gal/Use | Gal/Day |
|---|---|---|---|
| Shower | 4 | 40 | 160 |
| Washing Machine | 1 | 50 | 50 |
| Toilet | 8 | 5 | 40 |
| Hose - Faucet | 0.5 hr | 5 /min | 150 |
| High Pressure Wash | 4 hr | 5 /min | 1,200 |

1,600 Total Gallons of Water Used
1,350 Daily Stored Gallons of Water

### DRINKING WATER USE

| | No. /hd | Gal / Hd | Gal / Day |
|---|---|---|---|
| Finishing Pigs | 8,000 | 1.719 | 13,752 |

13,752 Gallons / Day Drinking
15,352 Gallons Daily for Finishing Site
17 Acre Ft / Year
16,702 Daily Stored Gallons of Water

## Brent Dame - Swine Operation Waste Plan

# ESTIMATED MANURE PRODUCTION/STORAGE FOR ONE 1200 SOW UNIT

**Gestation / Farrowing Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day | |
|---|---|---|---|---|
| Gestating Sows | 0.15 | 1,320 | 41,580 | |
| Boars | 0.19 | 60 | 2,394 | |
| Sows with Litter | 0.54 | 200 | 22,680 | |
| | | | 66,654 | Cubic Feet |
| Miscellaneous Water | 201 cu.ft. | 180 days | 36,096 | Cubic Feet |
| Fresh Water Recharge Every 26 wks | | | 13,789 | Cubic Feet |
| | | | 49,886 | Total Storage Required |

**Nursery Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day | |
|---|---|---|---|---|
| Nursery Pigs | 0.04 | 2000 | 16,800 | Cubic Feet |
| Miscellaneous Water | 180 cu.ft | 180 days | 32,487 | Cubic Feet |
| Fresh Water Recharge Every 26 weeks | | | 16,238 | Cubic Feet |
| | | | 65,524 | Total Storage Required |

**Finishing Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day | |
|---|---|---|---|---|
| Finishing Pigs | 0.16 | 8000 | 268,800 | Cubic Feet |
| Miscellaneous Water | 180 cu.ft | 180 days | 32,487 | Cubic Feet |
| Fresh Water Recharge Every 26 weeks | | | 39,106 | Cubic Feet |
| | | | 340,393 | Total Storage Required |

**Summary**

| | | |
|---|---|---|
| Total Manure Production Annually | 612,251 | Cubic Feet |
| Total Miscellaneous Water Used Annually | 175,668 | Cubic Feet |
| Total Fresh Water Used to Recharge Pits | 120,160 | Cubic Feet |
| | 908,080 | Total One 1200 Sow Site |

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Brent Dam Swine Operation Waste Plan

# Lagoon Sizing Information One 1200 Head Site

**Gestation / Farrowing Site** — **49,886 Cu. Ft. Total Storage Required**

Lagoon Sizes to Provide Required Storage

| Volume | Freeboard | Slope to 1 | Width | Depth | Length |
|---|---|---|---|---|---|
| 49,886 | 2 | 2 | 100 | 10 | 94 |
| 49,886 | 2 | 2 | 150 | 10 | 65 |
| 49,886 | 2 | 2 | 200 | 10 | 52 |
| 49,886 | 2 | 2 | 250 | 10 | 45 |
| 49,886 | 2 | 2 | 100 | 8 | 115 |
| 49,886 | 2 | 2 | 150 | 8 | 78 |
| 49,886 | 2 | 2 | 200 | 8 | 61 |
| 49,886 | 2 | 2 | 250 | 8 | 52 |
| 49,886 | 2 | 2 | 200 | 6 | 81 |
| 49,886 | 2 | 2 | 250 | 6 | 67 |
| 49,886 | 2 | 2 | 300 | 6 | 58 |
| 49,886 | 2 | 2 | 350 | 6 | 51 |

**Nursery Site** — **65,524 Cu. Ft. Total Storage Required**

Lagoon Sizes to Provide Required Storage

| Volume | Freeboard | Slope to 1 | Width | Depth | Length |
|---|---|---|---|---|---|
| 65,524 | 2 | 2 | 100 | 10 | 118 |
| 65,524 | 2 | 2 | 150 | 10 | 80 |
| 65,524 | 2 | 2 | 200 | 10 | 63 |
| 65,524 | 2 | 2 | 250 | 10 | 53 |
| 65,524 | 2 | 2 | 100 | 8 | 146 |
| 65,524 | 2 | 2 | 150 | 8 | 97 |
| 65,524 | 2 | 2 | 200 | 8 | 75 |
| 65,524 | 2 | 2 | 250 | 8 | 63 |
| 65,524 | 2 | 2 | 200 | 6 | 102 |
| 65,524 | 2 | 2 | 250 | 6 | 83 |
| 65,524 | 2 | 2 | 300 | 6 | 71 |
| 65,524 | 2 | 2 | 350 | 6 | 63 |

**Finishing Site** — **340,393 Cu. Ft. Total Storage Required**

Lagoon Sizes to Provide Required Storage

| Volume | Freeboard | Slope to 1 | Width | Depth | Length |
|---|---|---|---|---|---|
| 340,393 | 2 | 2 | 100 | 10 | 537 |
| 340,393 | 2 | 2 | 150 | 10 | 340 |
| 340,393 | 2 | 2 | 200 | 10 | 252 |
| 340,393 | 2 | 2 | 250 | 10 | 201 |
| 340,393 | 2 | 2 | 100 | 8 | 691 |
| 340,393 | 2 | 2 | 150 | 8 | 439 |
| 340,393 | 2 | 2 | 200 | 8 | 324 |
| 340,393 | 2 | 2 | 250 | 8 | 258 |
| 340,393 | 2 | 2 | 200 | 6 | 472 |
| 340,393 | 2 | 2 | 250 | 6 | 375 |
| 340,393 | 2 | 2 | 300 | 6 | 312 |
| 340,393 | 2 | 2 | 350 | 6 | 267 |



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## Brent Dame - Swine Operation Waste Plan
# Site and Inventory Information For One 1200 Sow Site

### Gestation / Farrowing Site

| | |
|---|---|
| Drinking Water Usage..... | 6,280 Gallons Per Day |
| Miscellaneous Water Usage..... | 2,030 Gallons Per Day |
| Recharge Water Usage..... | 573 Gallons Per Day |

### Nursery Site

| | |
|---|---|
| Drinking Water Usage..... | 948 Gallons Per Day |
| Miscellaneous Water Usage..... | 1,595 Gallons Per Day |
| Recharge Water Usage..... | 675 Gallons Per Day |

### Finishing Site

| | |
|---|---|
| Drinking Water Usage..... | 13,752 Gallons Per Day |
| Miscellaneous Water Usage..... | 1,600 Gallons Per Day |
| Recharge Water Usage..... | 1,625 Gallons Per Day |

### Summary of Water Usage For Each 1200 Sow Site

| | |
|---|---|
| Drinking Water Usage..... | 20,980 Gallons Per Day |
| Miscellaneous Water Usage..... | 5,225 Gallons Per Day |
| Recharge Water Usage..... | 2,873 Gallons Per Day |
| Total Daily Water Usage..... | 29,078 Gallons Per Day |
| Annual Water Usage..... | 10,613,424 Gallons Per Year |
| | 1,418,907 Cu.Ft. Per Year |
| | 32.57 Acre Feet Per Year |



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## Brent Dame - Swine Operation Waste Plan

# Site and Inventory Information Includes Second Unit

**Gestation / Farrowing Site**

| | | |
|---|---|---|
| Buildings at Site | 2 | See Unit Complex Plan 1 |
| Gestating Sows | 1,320 hd | |
| Boars | 60 hd | ? |
| Sows & Litters | 400 hd | |
| | 1,780 hd | |

**Nursery Site**

| | | |
|---|---|---|
| Buildings at Site | 4 | See Nursery Plans (4 Sets of Buildings as per Plan 2) |
| Nursery Pigs | 4,000 hd | |

**Finishing Site**

| | | |
|---|---|---|
| Buildings at Site | 8 | See Finishing Plans (20 Buildings as per Plan 3) |
| Finishing Pigs | 8,000 hd | |

**Summary of Animals**

| | Head | Avg Wt Animals | Total Wt | |
|---|---|---|---|---|
| Gestating Sows | 1,320 hd | 350 | 462,000 | |
| Boars | 60 hd | 400 | 24,000 | |
| Sows & Litters | 400 hd | 440 | 176,000 | |
| Nursery Pigs | 4,000 hd | 30 | 120,000 | [illegible] |
| Finishing Pigs | 8,000 hd | 150 | 1,200,000 | [illegible] |
| | 13,780 | | 1,982,000 | |

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MAR 15 1999

Prepared By:
Bob Ohlensehlen
Extension Educator Livestock
Twin Falls County

## Brent Dame - Swine Operation Waste Plan

# ESTIMATED FRESH WATER USE

(Assuming Dry Feed)

### Gestation / Farrowing Site

**MISCELLANEOUS WATER USAGE**

| | Uses/Day | Gal/Use | Gal/Day |
|---|---|---|---|
| Shower | 16 | 40 | 640 |
| Washing Machine | 5 | 50 | 250 |
| Toilet | 24 | 5 | 120 |
| Hose - Faucet | 2 hr | 5 /min | 600 |
| High Pressure Wash | 8 hr | 5 /min | 2,400 |

4,010 Gallons 4.5 AFA

**DRINKING WATER USE**

| | No. /hd | Gal / Hd | Gal / Day |
|---|---|---|---|
| Sows | 1,320 | 4.25 | 5,610 |
| Boars | 60 | 5 | 300 |
| Baby Pigs | 4,000 | 0.185 | 740 |

5380 head

6,650 Gallons / Day Drinking 7.45 AFA
10,660 Gallons Daily for Farrowing Site
12 Acre Ft / Year

### Nursery Site

**MISCELLANEOUS WATER USAGE**

| | Uses/Day | Gal/Use | Gal/Day |
|---|---|---|---|
| Shower | 7 | 40 | 280 |
| Washing Machine | 2 | 50 | 100 |
| Toilet | 14 | 5 | 70 |
| Hose - Faucet | 1 hr | 5 /min | 300 |
| High Pressure Wash | 8 hr | 5 /min | 2,400 |

3,150 Gallons 3.5 AFA

**DRINKING WATER USE**

| | No. /hd | Gal / Hd | Gal / Day |
|---|---|---|---|
| Nursery Pigs | 8,000 | 0.474 | 3,792 |

Gallons / Day Drinking 3.5 AFA
6,942 Gallons Daily for Nursery Site
8 Acre Ft / Year

### Finishing Site

| | Uses/Day | Gal/Use | Gal/Day |
|---|---|---|---|
| Shower | 8 | 40 | 320 |
| Washing Machine | 3 | 50 | 150 |
| Toilet | 17 | 5 | 85 |
| Hose - Faucet | 1 hr | 5 /min | 300 |
| High Pressure Wash | 8 hr | 5 /min | 2,400 |

3,255 Gallons 3.6 AFA

**DRINKING WATER USE**

| | No. /hd | Gal / Hd | Gal / Day |
|---|---|---|---|
| Finishing Pigs | 8,000 | 1.719 | 13,752 |

Gallons / Day Drinking 15.4 AFA
17,007 Gallons Daily for Finishing Site
19 Acre Ft / Year

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MAR 3 1999

## Brent Dame - Swine Operation Waste Plan

# ESTIMATED MANURE PRODUCTION/STORAGE FOR ONE 1200 SOW UNIT

**Gestation / Farrowing Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day | |
|---|---|---|---|---|
| Gestating Sows | 0.15 | 1,320 | 41,580 | |
| Boars | 0.19 | 60 | 2,394 | |
| Sows with Litter | 0.54 | 200 | 22,680 | |
| | | | 66,654 | Cubic Feet |
| Miscellaneous Water | 201 cu.ft. | 180 days | 36,096 | Cubic Feet |
| Fresh Water Recharge Every 26 wks | | | 13,789 | Cubic Feet |
| | | | 49,886 | Total Storage Required |

**Nursery Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day | |
|---|---|---|---|---|
| Nursery Pigs | 0.04 | 2000 | 16,800 | Cubic Feet |
| Miscellaneous Water | 180 cu.ft | 180 days | 32,487 | Cubic Feet |
| Fresh Water Recharge Every 26 weeks | | | 16,238 | Cubic Feet |
| | | | 65,524 | Total Storage Required |

**Finishing Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day | |
|---|---|---|---|---|
| Finishing Pigs | 0.16 | 8000 | 268,800 | Cubic Feet |
| Miscellaneous Water | 180 cu.ft | 180 days | 32,487 | Cubic Feet |
| Fresh Water Recharge Every 26 weeks | | | 39,106 | Cubic Feet |
| | | | 340,393 | Total Storage Required |

**Summary**

| | | |
|---|---|---|
| Total Manure Production Annually | 612,251 | Cubic Feet |
| Total Miscellaneous Water Used Annually | 175,668 | Cubic Feet |
| Total Fresh Water Used to Recharge Pits | 120,160 | Cubic Feet |
| | 908,080 | Total One 1200 Sow Site |

9-18-98

COREY,

HERE IS MY PAGE #3 FROM MY MATERIAL ON IDAHO PREMIUM PORK.

HOPE THIS IS THE ONE YOU WERE MISSING.

THX.

[redacted]
BROKEN ENGR.

MICROFILMED
MAR 15 1999

## Brent Dame - Swine Operation Waste Plan

# ESTIMATED MANURE PRODUCTION/STORAGE FOR ONE 1200 SOW UNIT

**Gestation / Farrowing Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day | |
|---|---|---|---|---|
| Gestating Sows | 0.15 | 1,320 | 41,580 | |
| Boars | 0.19 | 60 | 2,394 | |
| Sows with Litter | 0.54 | 200 | 22,680 | |
| | | | 66,654 | Cubic Feet |
| Miscellaneous Water | 201 cu.ft. | 180 days | 36,096 | Cubic Feet |
| Fresh Water Recharge Every 26 wks | | | 13,789 | Cubic Feet |
| | | | 49,886 | Total Storage Required |

**Nursery Site**

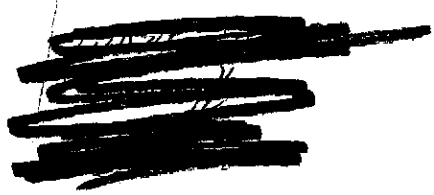
| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day | |
|---|---|---|---|---|
| Nursery Pigs | 0.04 | 2000 | 16,800 | Cubic Feet |
| Miscellaneous Water | 180 cu.ft | 180 days | 32,487 | Cubic Feet |
| Fresh Water Recharge Every 26 weeks | | | 16,238 | Cubic Feet |
| | | | 65,524 | Total Storage Required |

**Finishing Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day | |
|---|---|---|---|---|
| Finishing Pigs | 0.16 | 8000 | 268,800 | Cubic Feet |
| Miscellaneous Water | 180 cu.ft | 180 days | 32,487 | Cubic Feet |
| Fresh Water Recharge Every 26 weeks | | | 39,106 | Cubic Feet |
| | | | 340,393 | Total Storage Required |

**Summary**

| | | |
|---|---|---|
| Total Manure Production Annually | 612,251 | Cubic Feet |
| Total Miscellaneous Water Used Annually | 175,668 | Cubic Feet |
| Total Fresh Water Used to Recharge Pits | 120,160 | Cubic Feet |
| | 908,080 | Total One 1200 Sow Site |



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MAR 15 1999

## Brent Dame - Swine Operation Waste Plan

# ESTIMATED MANURE PRODUCTION/STORAGE

**Gestation / Farrowing Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day | |
|---|---|---|---|---|
| Gestating Sows | 0.15 | 1,320 | 41,580 | |
| Boars | 0.19 | 60 | 2,394 | |
| Sows with Litter | 0.54 | 400 | 45,360 | |
| | | | 89,334 | Cubic Feet |
| Miscellaneous Water | 1,072 | 210 days | 225,160 | Cubic Feet |
| Fresh Water Recharge Every 4 wks * 13 | | | 733,320 | Cubic Feet 16.8 acre-feet |
| | | | 958,480 | Total Storage Required |

**Nursery Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day | |
|---|---|---|---|---|
| Nursery Pigs | 0.04 | 4000 | 33,600 | Cubic Feet |
| Miscellaneous Water | 842 | 210 days | 176,872 | Cubic Feet |
| Fresh Water Recharge Every 7 weeks 1.4 | | | 459,429 | Cubic Feet 10.5 acre-feet |
| | | | 669,900 | Total Storage Required |

**Finishing Site**

| Waste Production Daily | CuFt/Day | Inventory | CuFt/210day | |
|---|---|---|---|---|
| Finishing Pigs | 0.05 | 8000 | 84,000 | Cubic Feet |
| Miscellaneous Water | 870 | 210 days | 182,767 | Cubic Feet |
| Fresh Water Recharge Every 7 weeks 1.4 | | | 339,129 | Cubic Feet |
| | | | 605,896 | Total Storage Required |

**Summary**

| | | |
|---|---|---|
| Total Manure Production Annually | 359,671 | Cubic Feet 23 Acre-ft |
| Total Miscellaneous Water Used Annually | 1,016,437 | Cubic Feet 61 Acre-feet |
| Total Fresh Water Used to Recharge Pits | 2,662,548 | Cubic Feet |
| | 4,038,657 | Total Storage All 3 Sites |

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MAR 15 1999

## Brent Dame - Swine Operation Waste Plan

# Lagoon Sizing Information

**Gestation / Farrowing Site** — **958,480 Cu. Ft. Total Storage Required**

Lagoon Sizes to Provide Required Storage

| Volume | Freeboard | Slope to 1 | Width | Depth | Length |
|---|---|---|---|---|---|
| 958,480 | 2 | 2 | 100 | 10 | 1,479 |
| 958,480 | 2 | 2 | 150 | 10 | 926 |
| 958,480 | 2 | 2 | 200 | 10 | 676 |
| 958,480 | 2 | 2 | 250 | 10 | 534 |
| 958,480 | 2 | 2 | 100 | 8 | 1,918 |
| 958,480 | 2 | 2 | 150 | 8 | 1,208 |
| 958,480 | 2 | 2 | 200 | 8 | 884 |
| 958,480 | 2 | 2 | 250 | 8 | 699 |
| 958,480 | 2 | 2 | 200 | 6 | 1,302 |
| 958,480 | 2 | 2 | 250 | 6 | 1,029 |
| 958,480 | 2 | 2 | 300 | 6 | 852 |
| 958,480 | 2 | 2 | 350 | 6 | 727 |

**Nursery Site** — **669,900 Cu. Ft. Total Storage Required**

Lagoon Sizes to Provide Required Storage

| Volume | Freeboard | Slope to 1 | Width | Depth | Length |
|---|---|---|---|---|---|
| 669,900 | 2 | 2 | 100 | 10 | 1,039 |
| 669,900 | 2 | 2 | 150 | 10 | 652 |
| 669,900 | 2 | 2 | 200 | 10 | 478 |
| 669,900 | 2 | 2 | 250 | 10 | 379 |
| 669,900 | 2 | 2 | 100 | 8 | 1,345 |
| 669,900 | 2 | 2 | 150 | 8 | 849 |
| 669,900 | 2 | 2 | 200 | 8 | 623 |
| 669,900 | 2 | 2 | 250 | 8 | 493 |
| 669,900 | 2 | 2 | 200 | 6 | 914 |
| 669,900 | 2 | 2 | 250 | 6 | 724 |
| 669,900 | 2 | 2 | 300 | 6 | 600 |
| 669,900 | 2 | 2 | 350 | 6 | 512 |

**Finishing Site** — **605,896 Cu. Ft. Total Storage Required**

Lagoon Sizes to Provide Required Storage

| Volume | Freeboard | Slope to 1 | Width | Depth | Length |
|---|---|---|---|---|---|
| 605,896 | 2 | 2 | 100 | 10 | 942 |
| 605,896 | 2 | 2 | 150 | 10 | 592 |
| 605,896 | 2 | 2 | 200 | 10 | 434 |
| 605,896 | 2 | 2 | 250 | 10 | 344 |
| 605,896 | 2 | 2 | 100 | 8 | 1,218 |
| 605,896 | 2 | 2 | 150 | 8 | 770 |
| 605,896 | 2 | 2 | 200 | 8 | 565 |
| 605,896 | 2 | 2 | 250 | 8 | 448 |
| 605,896 | 2 | 2 | 200 | 6 | 828 |
| 605,896 | 2 | 2 | 250 | 6 | 656 |
| 605,896 | 2 | 2 | 300 | 6 | 544 |
| 605,896 | 2 | 2 | 350 | 6 | 465 |

MAR 13 1998

orm 235-1
2/16/96 (LDT)

Drilling Permit No. _____
Drilling Permit I.D. Tag No. D0002573
Water Right Permit No. _____
Injection Permit No. _____

State of Idaho
Department of Water Resources

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

. **Owner (please print):** Pro-Ag, Inc.

. **Mailing Address:** P.O. Box 44120

City: Lemon Cove State: CA Zip Code: 93244-4120 Telephone 209-597-1475

. **Proposed Well Location:** Twp. 11 S, Rge. 16 E, Sec. 36, _____ 1/4 _____ 1/4 NE 1/4;

Gov't Lot No. _____ County Twin Falls Lat. _____:_____:_____ Long. _____:_____:_____

Street Address of Well Site 2900 North 2600 East (Approximately) City Twin Falls
Give at least name of road + Distance to Road or Landmark

Lot, block and subdivision _____

. **Proposed Use of Well:**

[x] 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 ½ 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: _____

. **Well Construction Information:**

A. [x] New well [ ] Modify [ ] Replace

B. Proposed Casing Diameter 8" Proposed Maximum Depth 500- 700 Ft.

C. Anticipated bottom hole temperature:
[x] 85°F or less (Cold Water Well) [ ] 85°F to 212°F (Low Temp. Geo. Well) [ ] 212° F. or more (Geothermal Well)

. **Construction Start Date:** July 2, 1998

. **Anticipated Well Driller:** Elsing Drilling Driller's Lic. No. 31
NOTE: The actual well driller must be identified prior to drilling.

. **Applicant's Signature:** Brent D. Daniel Date July 1, 1998

Address (if different than owner): _____

City: _____ State: ____ Zip Code: _____ Telephone _____

Title: _____
(Owner, Firm Representative, Other)

RILLING PERMIT NO. _____
/ATER RIGHT NO. _____ (IF APPLICABLE)

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

Pro-Ag, Inc., Applicant, requests the issuance of Drilling Permit for domestic (exempt) ıurposes as defined in Idaho Code Section 42-111, which authorizes construction of a well with casing size xceeding six (6) inches in diameter. The Idaho Code states, in part:

*"The phrase 'domestic' 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 one-hundreths (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: Drilling 8" hole to accommodate pump for a flow test.

Who owns the property at the point of diversion _____

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 on 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.

Brent D. Dame
Well Owner or Authorized Agent

Gen. Mgr.
Title

Signature

MAR 15 1993
Date

1998

Form 235-2, 1/97 Back of Card is Pre Addressed

Idaho Department of Water Resources
1301 North Orchard Boise ID 83706-2237

Write Tag Number Here

D0002573

(Not Valid Without Tag Number)

# Start Card/Permit for a Domestic Well

*(Cold Water 85 degrees or less)* Press Hard

1. Well Owner (please print): Pro-Ag, Inc.

2. Owner's Address: P.O. Box 44120

City Lemon Cove State CA Zip 93244 Phone (209) 597 - 1475

3. Well Location: Twp: 11 S Rge: 16 E Sec. 36 1/4 ____ 1/4 NW 1/4 NE

Gov't Lot No. ____ County Twin Falls Lat. ____ Long ____

Street Address of Well Site 2900 North 2600 East (Approximately)

City Twin Falls Lot ____ Block ____ Sub. ____

4. Well Construction Information:

[x] New Construction, [ ] Deepen, [ ] Modify, [ ] Replace Existing Well (Previous # ____)

5. Construction Start Date: 7-2-98 6. Well Driller Elsing License # 31

7. Signature of Driller or Owner: Arnold Elsing Date 7 / 1 / 98

Submit White Copy to Department of Water Resources

Applicant agrees to comply with the Underground Facilities Damage Prevention Act I.C. 55-2201 et seq. and contact the locator service telephone number Digline 1-800-342-1585 prior to commencing excavation.

RECEIVED
JUL 13 1998

# SOUTH CENTRAL DISTRICT HEALTH DEPARTMENT

| Blaine/Carnas | Cassia | Gooding/Lincoln | Jerome | Minidoka | Twin Falls |
|---|---|---|---|---|---|
| 513 N Main | 2311 Parke Ave | 202 14th Ave E | 602 S Lincoln | 1218 9th St, Ste 2 | 213 3rd Ave E |
| Hailey, ID 83333 | Unit 4, Ste. 4 | Gooding, ID 83330 | Jerome, ID 83338 | Rupert, ID 83350 | Twin Falls, ID 83301 |
| 788-4335 | Burley, ID 83318 | 934-4477 | 324-8838 | 436-9066 | 208-734-5900 |
| | 6778-8221 | | | | |

## PROPOSAL REVIEW FOR PLANNING & ZONING

pplicant: Date: 7/2/98

ddress: Phone:

ty: Work:

S½ NE¼, SE¼ N½ NE¼

JBJECT PROPERTY LEGAL: Qtr Sec ( ) Sec (36) Twn (11S) Rng (16E)

wner: Idaho Premium Pork. / Brent Dame

ldress: 2900 N. 2600 E

": Twin Falls County, Idaho

olicant's Proposal: Check where appropriate and/or describe below:

___ Review lot for suitability for septic system
___ Adding on to existing dwelling
___ Adding house or mobile to an existing septic system
___ Land division
X Other

**Description; draw diagram on back of page if applicable:**

MMENTS:

nature: Date:

### Environmental Health Specialist Evaluation:

X Proposal Allowed ____ Proposal NOT Approved

MMENTS: SCDHD No longer gives Approval for Grade A Dairies or livestock confinement. DEQ will approve final plans for wastewater disposal.

.S.: Date: 7/2/98

HD: 11/97

RECEIVED

MAR 15 1999

TWIN FALLS HIGHWAY DISTRICT

# APPLICATION AND PERMIT TO USE RIGHT OF WAY

Permit No. 2600E 3000N

The undersigned requests permission to construct the following item(s) on Highway District Right of Way:

☑ APPROACH

| Quantity | Width | Type—Residence, Business, Field, etc. | Type of Business |
|---|---|---|---|
| ONE | 30 feet | ✓ Dairy | Livestock Confinment Operations |

☐ UNDERGROUND UTILITY

Kind—Gas Line, Telephone Line, etc.

☐ OVERHEAD UTILITY

Kind—Power, Telephone, etc.

☐ OTHER: Explain

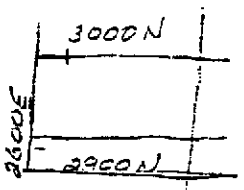
DISTANCE FROM:
- Center Line
- Right of Way Line

BURIED PIPE OR CABLE:
- Depth
- Size
- Potential or Press.

POLE LINE:
- Potential
- Vertical Clearance

A sketch of proposed work must be attached.

SPECIAL PROVISIONS:




2600E — Highway Mile No.

3000N — Milepost to Milepost

Distance and Direction to Nearest City, Town or Village

I certify that I am the owner or authorized representative of the proposed facility or property to be served and agree to do the work requested in accordance with the General Provisions printed on the reverse side and the Twin Falls Highway District Standard Approach Policy or Utility Accommodation Policy, whichever is applicable.

Date July 02, 1998

Brent Dame
Applicant—Please Type or Print

Brent Dame
Signature of Owner or Representative

1005 Hatfield-Stevens Rd Calhoun, KY 42327
(502) 733-9606 Applicant's Post Office Address

Subject to all terms, conditions and provisions shown on this form or attachments, permission is hereby granted to the above named applicant to perform the work described above.

TWIN FALLS HIGHWAY DISTRICT

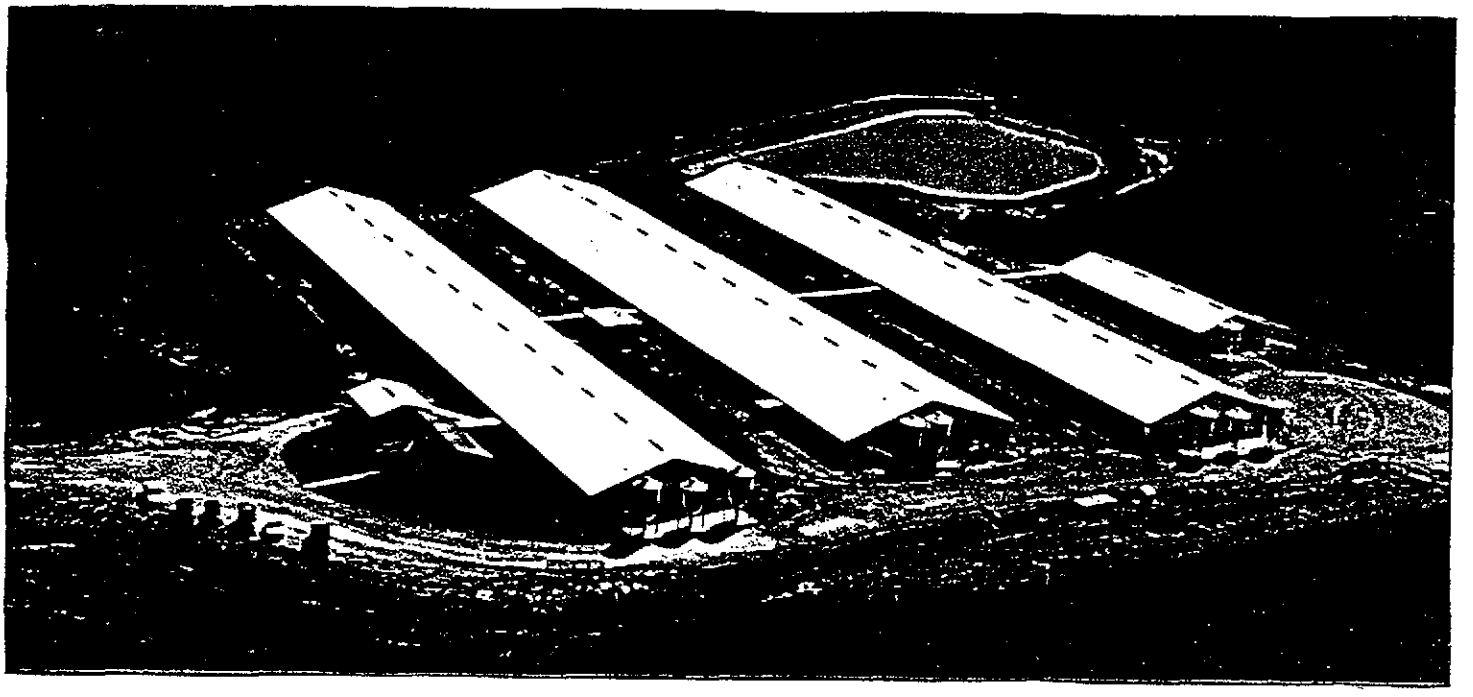
Date .....

By .....
President

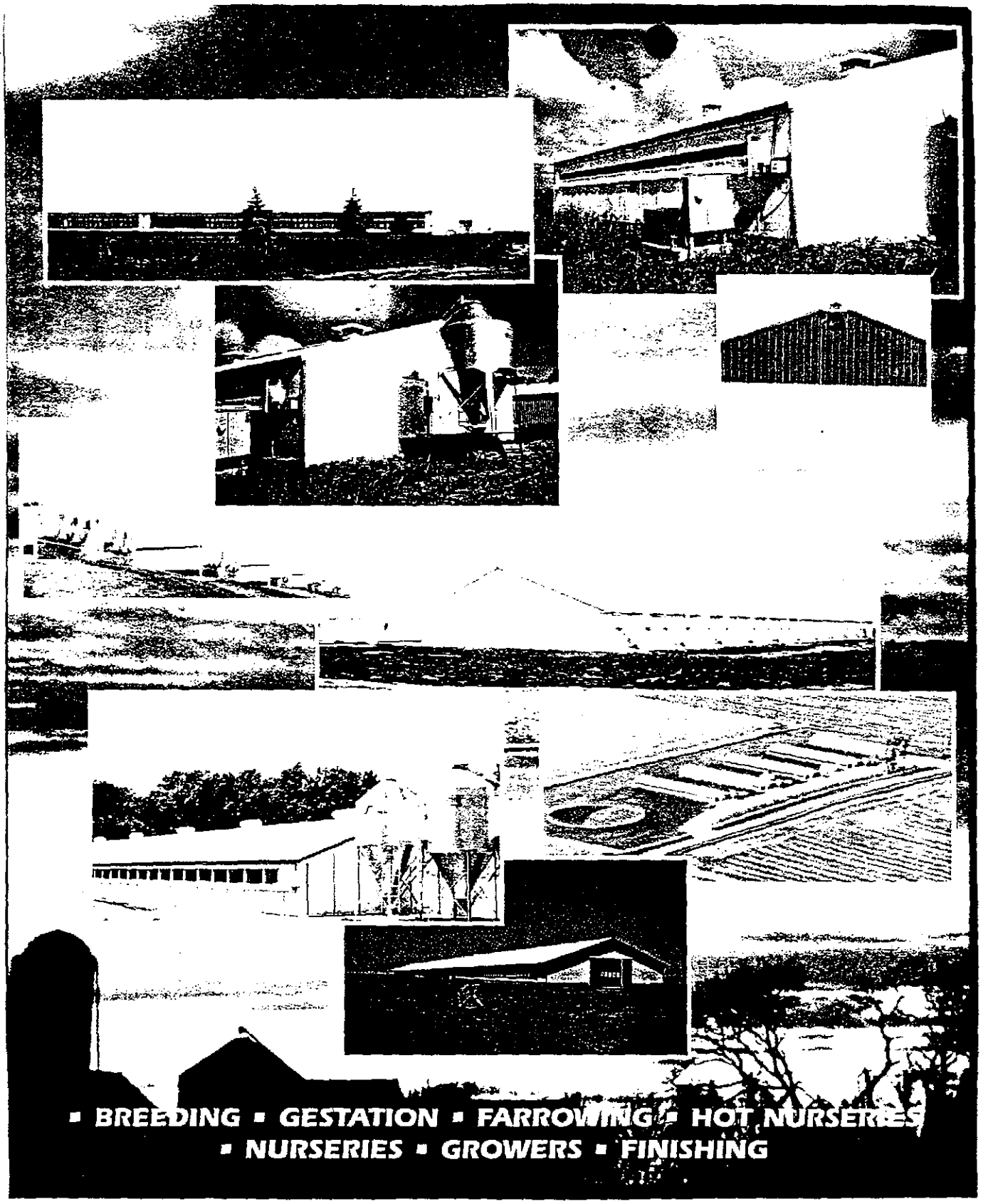
# PRO-AG, INC.

# PORK PRODUCTION PROJECT

# TWIN FALLS, ID

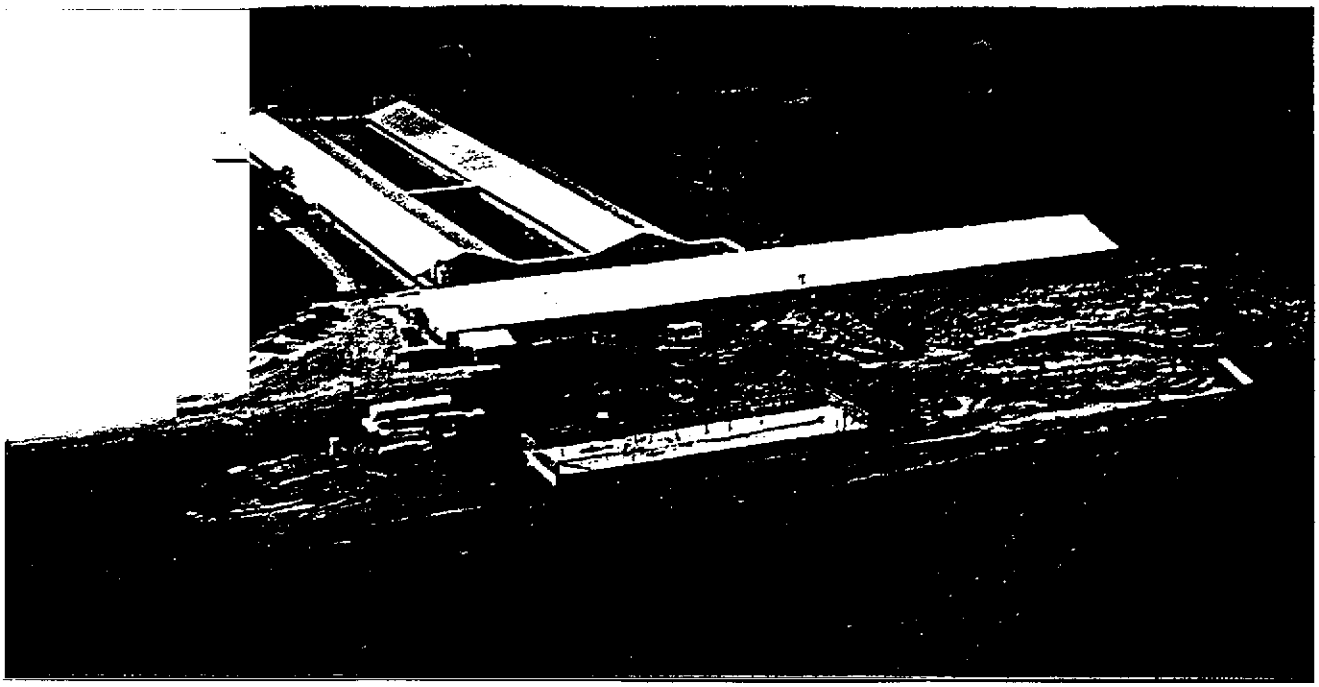


MAR 1 5 1999

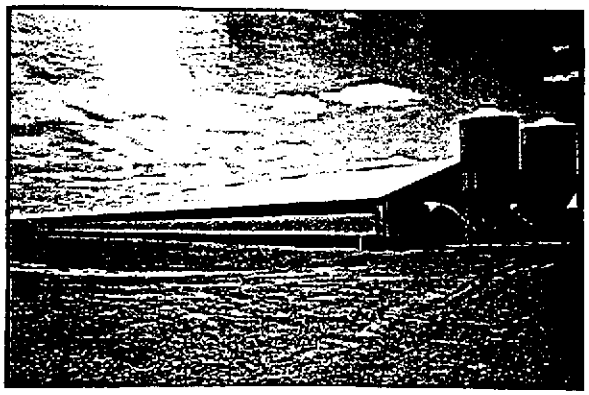



**Turn-Key Swire Production Facilities**

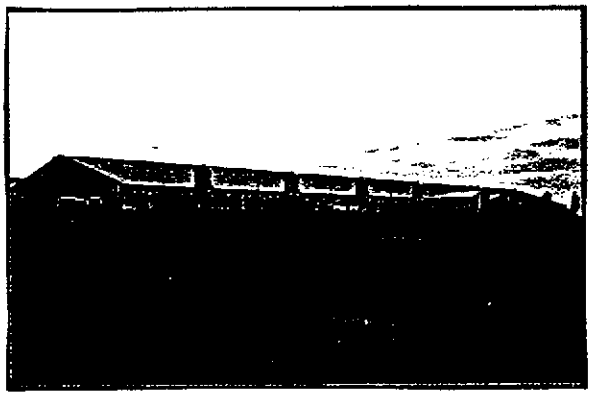
MICRO
MAR 16 1993



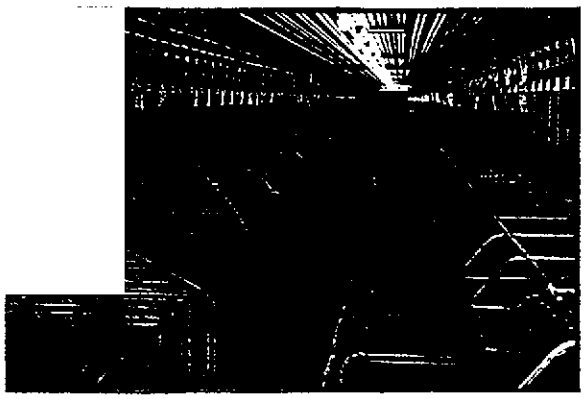
**Breeding/Gestation and Farrowing Complex**



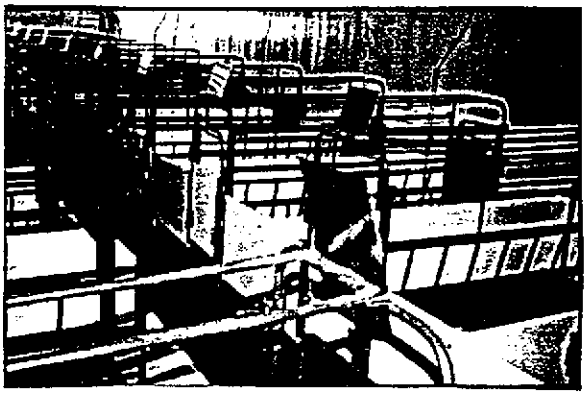
**Breeding/Gestation Exterior**



**Farrowing Exterior**

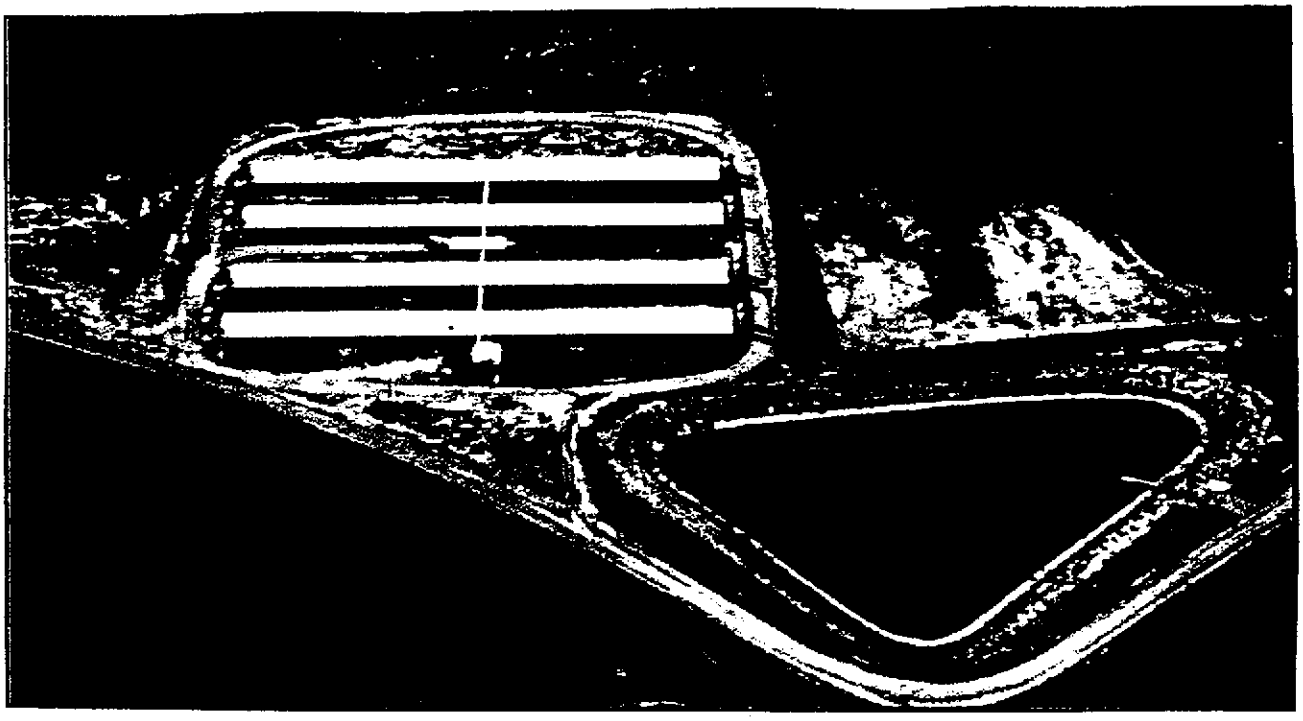


**Breeding/Gestation Interior**

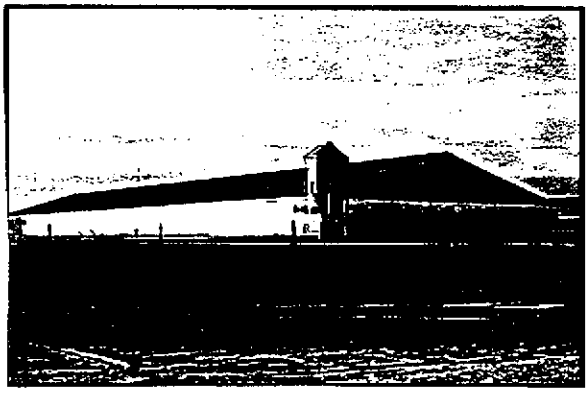


**Farrowing Interior**

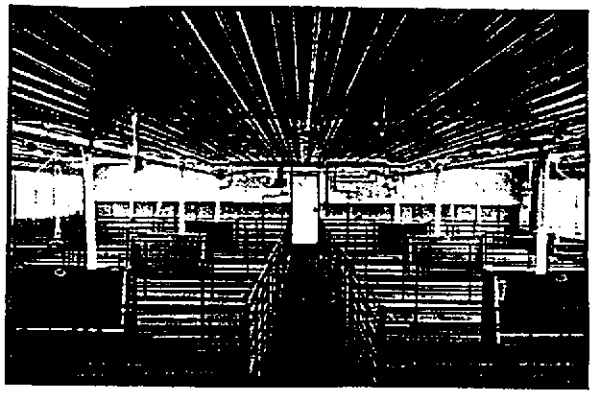
MAR 1 3 1989



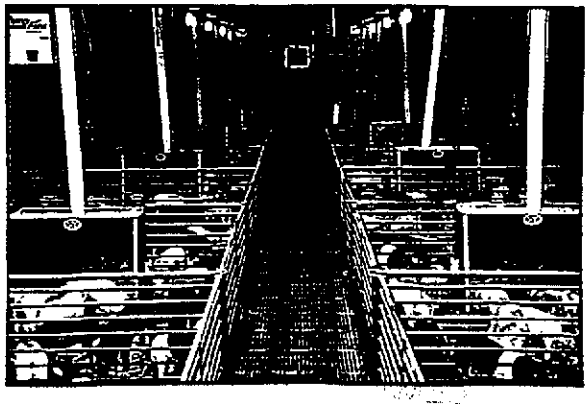
**Grower/Finisher Complex**



**Grower/Finisher Exterior**



**Grower/Finisher Interior**



**Nursery Interior**

MAR 15 1999

**BRENT D. DAME**
**GENERAL MANAGER**

## BIOGRAPHY:

Brent's work experience in swine production began at a very young age when his father constructed the first confinement farrowing house in the State of Kentucky in May 1963. Although small in scale by today's standards, this venture provided the opportunity for a young boy to assume many of the farrowing house chores. They utilized the most current technology of the early 1960's, installing time and temperature controlled ventilation and heater coil piglet creep areas. This operation sold feeder pigs for five years and then built a stationary mix-mill and a grower-finisher barn. A point of pride concerning this facility is the fact that production has continued every single day since May 3, 1963, when the first sows farrowed.

He continued his work history in swine production during his college years as he was employed as a production technician on the University of Kentucky Swine Research Farm in Lexington, Kentucky. He assisted in numerous research projects involving the addition of copper sulfate to swine rations, the incidence of porcine stress syndrome (PSS) in commercial production, and sow productivity and lactation levels obtained utilizing various breed/genetic combinations. Brent performed these duties for two years and then transferred to the UK Meats Research Laboratory where he was involved in the processing of both pork and beef as well as research projects directed toward aging of beef carcasses and the drip-loss associated with PSE pork carcasses. In addition to these activities, he also served as the student instructor of the live animal and carcass evaluation lab course. In his spare time he was a member of the Livestock and Meats Judging Teams.

The first five years following graduation, Brent managed the swine nutrition and reproductive physiology research units and swine instruction herds at Auburn University and California State University at Fresno. The nutritional trials focused on the feasibility and nutrient value of utilizing

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screen swine waste solids in gestation diets. The reproductive studies centered around the genetic/breed combination effect on overall sow productivity. This research was funded by the NPPC, purebred swine associations, and PIC. In the course of conducting these genetic evaluations, personal and professional relationships were established within the National Swine Registry. The opportunity to join the national staff of the Duroc and Hampshire Breed Associations was presented and he accepted the responsibilities as the Regional Representative for the midwestern and southeastern regions of the USA. In this position Brent worked closely with purebred Duroc and Hampshire breeders from Minnesota to Florida. They concentrated their efforts on purebred breeding programs, nutritional needs, herd health, marketing and sales promotion. This employment experience was extremely valuable to him as he had the opportunity to observe the skills and operations of the several hundred producers he services.

Due to the incompatibility of extensive travel and marriage, he chose to work much closer to home for the past 6-7 years in the swine nutrition and genetic business. He worked jointly with a major feed company and Premier Swine Breeding Systems as a Swine Production Specialist. During this period of time, Brent also assumed the responsibilities of general manager for a 600-sow gilt multiplication herd. This unit was a total confinement Sands Livestock style facility utilizing gestation stalls and a Levitz-design breeding plan. This farrow-to-finish single location production facility had been neglected and the maintenance/repair demands were extremely high. He then decided to focus strictly on swine genetics with Tempel Genetics, Inc., a midwestern regional seedstock supplier noted for their extremely high-health, and extremely high-productive females. He performed the duties of Technical Service Director for the entire production network involving 2,200 sows. He performed peak performance herd consultation visits individually and in cooperation with Dr. John Baker, DVM, Boonville, IN., with all Tempel Genetics commercial customers as well as all multiplier herds. Brent was responsible for selecting all boars placed within the nucleus herd, the AI stud, the gilt multiplication herds, and sold to commercial customers. In addition he also coordinated all seedstock sales, semen sales and deliveries.

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START UP COSTS: LAND, BUILDINGS AND EQUIPMENT

| ITEM | AMOUNT | |
|---|---|---|
| Land Purchased (640 acres @ $1,500/AC) | $ 960,000 | |
| Lagoon Construction | 75,000 | |
| Lagoon Equipment | 25,000 | |
| Well System/Water Supply | 50,000 | |
| Electric Lines/Generator/Telephone | 20,000 | |
| Building Site Preparation | 15,000 | |
| Bio-Security Fence | 15,000 | |
| Legal Fees/Office Equipment | 10,000 | |
| Home/Alarm System/Etc | 2,500 | |
| LP Tanks | 500 | |
| Subtotal | | $ 1,173,000 |
| Building (B/G, F, N, G/F) | 1,910,610 | |
| Isolation Building | 20,000 | |
| Office Building | 20,000 | |
| Equipment | 1,028,790 | |
| Subtotal | | 2,979,400 |
| Total Capitalized Cost | | 4,152,400 |
| Equity Contribution | | 2,000,000 |
| Term Loan Total | | $ 2,152,400 |

START UP COSTS: BREEDING HERD

| BREEDING STOCK LOADING | | | CUMULATIVE | $ |
|---|---|---|---|---|
| Gilt Purchases | | Head | | |
| ($250/Gilt) | 25% | 330 | 330 | 82,500 |
| | 25% | 330 | 660 | 82,500 |
| | 25% | 330 | 990 | 82,500 |
| | 25% | 330 | 1320 | 82,500 |
| | | | Total Gilts | $ 330,000 |
| Boar Purchases | | | | |
| ($850/Boar) | 50% | 20 | 20 | 17,000 |
| | 50% | 20 | 40 | 17,000 |
| | | | Total Boars | 34,000 |
| Total Breeding Stock Purchases | | | | $ 364,000 |

MICROFILMED
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**Pro-Ag Pork, 1,200 Sow FF**
**Draft for Discussion (No Premium)**

**Average Annual Profitability Estimate**
**Income Statement - Year 1**

| | | | |
|---|---|---|---|
| **Receipts** | | | |
| Select Boar Sales | $ - | | |
| Select Gilt Sales | - | | |
| Light Hogs | 25,351 | | |
| Market Animal Sales | - | | |
| Cull Boar Sales | - | | |
| Cull Sow Sales | 19,686 | | |
| Equity Contribution | 2,000,000 | | |
| New Term Loan | 2,152,400 | | |
| Land Rent | 79,000 | | |
| **Total Receipts** | | $ 4,276,437 | |
| | | | |
| **Disbursements** | | | |
| Feed-Commerical and Grain | $ 408,386 | | |
| Livestock Purchases | | | |
| Gilts | 330,000 | | |
| Sows | - | | |
| Boars | 34,000 | | |
| Feeder Pigs | - | | |
| Bldg. Maintenance | 6,322 | | |
| Equipment Maintenance | 3,035 | | |
| Utilities | 13,782 | | |
| Phone | 607 | | |
| Supplies | 4,678 | | |
| Travel | 885 | | |
| Vet | 5,058 | | |
| Products (all non-feed medicines) | 3,793 | | |
| Record-Keeping System | 215 | | |
| Rent/Pig Space ($/Head) | - | | |
| Breeding Costs | 15,173 | | |
| Marketing/Production Transport | 6,575 | | |
| Labor (incl benefits) | 65,749 | | |
| Truck/auto | 3,793 | | |
| Insurance/taxes | 4,046 | | |
| Contract Fee (monthly or annually) | - | | |
| Professional Fees (non vet) | 2,023 | | |
| Waste Management | 6,069 | | |
| Miscellaneous | 632 | | |
| New Capital Purchases | 4,152,400 | | |
| Interest on New Term Debt | 182,954 | | |
| Principal on New Term Debt | - | | |
| Principal Payments LOC METHOD | - | | |
| Interst Payments LOC METHOD | 44,000 | | |
| Income Tax-Federal | - | | |
| Income Tax-State | - | | |
| Management | - | | |
| **Total Disbursements** | | $ 5,294,175 | |
| | | | |
| **Net Cash Flow** | | | $ (1,017,738) |
| | | | |
| Depreciation, Buildings and Equipment | | | (183,541) |
| Principal, Long-Term | | | - |
| Principal, LOC | | | - |
| | | | |
| **Net Profit or (Loss)** | | | $ (1,201,279) |

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**Pro-Ag Pork, 1,200 Sow FF**
**Draft for Discussion (No Premium)**

**Average Annual Profitability Estimate**
**Income Statement - Year 2**

| | | | |
|---|---|---|---|
| **Receipts** | | | |
| Select Boar Sales | $ - | | |
| Select Gilt Sales | - | | |
| Light Hogs | 83,944 | | |
| Market Animal Sales | 2,854,119 | | |
| Cull Boar Sales | 1,145 | | |
| Cull Sow Sales | 38,880 | | |
| Equity Contribution | - | | |
| New Term Loan | - | | |
| Land Rent | 79,000 | | |
| **Total Receipts** | | $ 3,057,088 | |
| **Disbursements** | | | |
| Feed-Commerical and Grain | $ 1,604,193 | | |
| Livestock Purchases | | | |
| Gilts | 60,000 | | |
| Sows | - | | |
| Boars | 9,350 | | |
| Feeder Pigs | - | | |
| Bldg. Maintenance | 25,000 | | |
| Equipment Maintenance | 12,000 | | |
| Utilities | 54,500 | | |
| Phone | 2,400 | | |
| Supplies | 18,500 | | |
| Travel | 3,500 | | |
| Vet | 20,000 | | |
| Products (all non-feed medicines) | 15,000 | | |
| Record-Keeping System | 850 | | |
| Rent/Pig Space ($/Head) | - | | |
| Breeding Costs | 60,000 | | |
| Marketing/Production Transport | 26,000 | | |
| Labor (incl benefits) | 190,000 | | |
| Truck/auto | 15,000 | | |
| Insurance/taxes | 16,000 | | |
| Contract Fee (monthly or annually) | - | | |
| Professional Fees (non vet) | 8,000 | | |
| Waste Management | 24,000 | | |
| Miscellaneous | 2,500 | | |
| New Capital Purchases | - | | |
| Interest on New Term Debt | 182,954 | | |
| Principal on New Term Debt | 143,500 | | |
| Principal Payments LOC METHOD | 313,488 | | |
| Interst Payments LOC METHOD | 86,146 | | |
| Income Tax-Federal | - | | |
| Income Tax-State | - | | |
| Management | 122,755 | | |
| **Total Disbursements** | | $ 3,015,636 | |
| **Net Cash Flow** | | | $ 41,452 |
| Depreciation, Buildings and Equipment | | | (183,541) |
| Principal, Long-Term | | | 143,500 |
| Principal, LOC | | | 313,488 |
| **Net Profit or (Loss)** | | | $ 314,899 |

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**Pro-Ag Pork, 1,200 Sow FF**
**Draft for Discussion (No Premium)**

**Average Annual Profitability Estimate**
**Income Statement - Year 3**

| | | | |
|---|---|---|---|
| **Receipts** | | | |
| Select Boar Sales | $ - | | |
| Select Gilt Sales | - | | |
| Light Hogs | 83,944 | | |
| Market Animal Sales | 2,887,981 | | |
| Cull Boar Sales | 2,289 | | |
| Cull Sow Sales | 77,760 | | |
| Equity Contribution | - | | |
| New Term Loan | - | | |
| Land Rent | 79,000 | | |
| **Total Receipts** | | $ 3,130,974 | |
| | | | |
| **Disbursements** | | | |
| Feed-Commerical and Grain | $ 1,637,968 | | |
| Livestock Purchases | | | |
| Gilts | 120,000 | | |
| Sows | - | | |
| Boars | 18,700 | | |
| Feeder Pigs | - | | |
| Bldg. Maintenance | 25,000 | | |
| Equipment Maintenance | 12,000 | | |
| Utilities | 54,500 | | |
| Phone | 2,400 | | |
| Supplies | 18,500 | | |
| Travel | 3,500 | | |
| Vet | 20,000 | | |
| Products (all non-feed medicines) | 15,000 | | |
| Record-Keeping System | 850 | | |
| Rent/Pig Space ($/Head) | - | | |
| Breeding Costs | 60,000 | | |
| Marketing/Production Transport | 26,000 | | |
| Labor (incl benefits) | 190,000 | | |
| Truck/auto | 15,000 | | |
| Insurance/taxes | 16,000 | | |
| Contract Fee (monthly or annually) | - | | |
| Professional Fees (non vet) | 8,000 | | |
| Waste Management | 24,000 | | |
| Miscellaneous | 2,500 | | |
| New Capital Purchases | - | | |
| Interest on New Term Debt | 170,756 | | |
| Principal on New Term Debt | 143,500 | | |
| Principal Payments LOC METHOD | 350,000 | | |
| Interst Payments LOC METHOD | 59,500 | | |
| Income Tax-Federal | - | | |
| Income Tax-State | - | | |
| Management | 124,210 | | |
| **Total Disbursements** | | $ 3,117,884 | |
| | | | |
| **Net Cash Flow** | | | $ 13,090 |
| | | | |
| Depreciation, Buildings and Equipment | | | (183,541) |
| Principal, Long-Term | | | 143,500 |
| Principal, LOC | | | 350,000 |
| | | | |
| **Net Profit or (Loss)** | | | $ 323,049 |

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**Pro-Ag Pork, 1,200 Sow FF**
**Draft for Discussion (No Premium)**

**Average Annual Profitability Estimate**
**Income Statement - 10 Year Average**

| | | | |
|---|---|---|---|
| **Receipts** | | | |
| Select Boar Sales | $ - | | |
| Select Gilt Sales | - | | |
| Light Hogs | 78,085 | | |
| Market Animal Sales | 2,595,797 | | |
| Cull Boar Sales | 1,499 | | |
| Cull Sow Sales | 68,065 | | |
| Equity Contribution | 200,000 | | |
| New Term Loan | 215,240 | | |
| Land Rent | 79,000 | | |
| **Total Receipts** | | $ 3,237,685 | |
| | | | |
| **Disbursements** | | | |
| Feed-Commerical and Grain | $ 1,511,632 | | |
| Livestock Purchases | | | |
| Gilts | 135,000 | | |
| Sows | - | | |
| Boars | 19,295 | | |
| Feeder Pigs | - | | |
| Bldg. Maintenance | 23,132 | | |
| Equipment Maintenance | 11,104 | | |
| Utilities | 50,428 | | |
| Phone | 2,221 | | |
| Supplies | 17,118 | | |
| Travel | 3,239 | | |
| Vet | 18,506 | | |
| Products (all non-feed medicines) | 13,879 | | |
| Record-Keeping System | 787 | | |
| Rent/Pig Space ($/Head) | - | | |
| Breeding Costs | 55,517 | | |
| Marketing/Production Transport | 24,058 | | |
| Labor (incl benefits) | 177,575 | | |
| Truck/auto | 13,879 | | |
| Insurance/taxes | 14,805 | | |
| Contract Fee (monthly or annually) | - | | |
| Professional Fees (non vet) | 7,402 | | |
| Waste Management | 22,207 | | |
| Miscellaneous | 2,313 | | |
| New Capital Purchases | 415,240 | | |
| Interest on New Term Debt | 139,042 | | |
| Principal on New Term Debt | 129,150 | | |
| Principal Payments LOC METHOD | 101,349 | | |
| Interst Payments LOC METHOD | 21,940 | | |
| Income Tax-Federal | - | | |
| Income Tax-State | - | | |
| Management | 111,644 | | |
| **Total Disbursements** | | $ 3,042,460 | |
| | | | |
| **Net Cash Flow** | | | $ 195,225 |
| | | | |
| Depreciation, Buildings and Equipment | | | (183,541) |
| Principal, Long-Term | | | 129,150 |
| Principal, LOC | | | 101,349 |
| | | | |
| **Net Profit or (Loss)** | | | $ 242,183 |

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**PRO-AG PORK, 1,100 SOW FF**
**CASH FLOW BUDGET (10 YEAR ANNUAL)**

| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | Year 9 | Year 10 | Year 10 Average |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **RECEIPTS** | | | | | | | | | | | |
| Select Boar Sales | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| Select Gilt Sales | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| Light Hogs | $ 25,351 | $ 83,944 | $ 83,944 | $ 83,944 | $ 83,944 | $ 83,944 | $ 83,944 | $ 83,944 | $ 83,944 | $ 83,944 | $ 78,085 |
| Market Animal Sales | $ - | $ 2,854,119 | $ 2,887,981 | $ 2,887,981 | $ 2,887,981 | $ 2,887,981 | $ 2,887,981 | $ 2,887,981 | $ 2,887,981 | $ 2,887,981 | $ 2,595,797 |
| Cull Boar Sales | $ - | $ 1,145 | $ 2,289 | $ 22 | $ 69 | $ 2,289 | $ 2,289 | $ 2,289 | $ 2,289 | $ 2,289 | $ 1,499 |
| Cull Sow Sales | $ 19,686 | $ 38,880 | $ 77,760 | $ 77,760 | $ 77,760 | $ 77,760 | $ 77,760 | $ 77,760 | $ 77,760 | $ 77,760 | $ 68,065 |
| Equity Contribution | $ 2,000,000 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 200,000 |
| New Term Loan | $ 2,152,400 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 215,240 |
| Land Rent | $ 79,000 | $ 79,000 | $ 79,000 | $ 79,000 | $ 79,000 | $ 79,000 | $ 79,000 | $ 79,000 | $ 79,000 | $ 79,000 | $ 79,000 |
| **TOTAL RECEIPTS** | $ 4,276,437 | $ 3,057,088 | $ 3,130,974 | $ 3,128,707 | $ 3,128,774 | $ 3,130,974 | $ 3,130,974 | $ 3,130,974 | $ 3,130,974 | $ 3,130,974 | $ 3,237,685 |
| **DISBURSEMENTS** | | | | | | | | | | | |
| Feed-Commercial and Grain | $ 408,386 | $ 1,604,193 | $ 1,637,968 | $ 1,637,968 | $ 1,637,968 | $ 1,637,968 | $ 1,637,968 | $ 1,637,968 | $ 1,637,968 | $ 1,637,968 | $ 1,511,632 |
| Livestock Purchases | | | | | | | | | | | |
| Gilts | $ 330,000 | $ 60,000 | $ 120,000 | $ 120,000 | $ 120,000 | $ 120,000 | $ 120,000 | $ 120,000 | $ 120,000 | $ 120,000 | $ 135,000 |
| Sows | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| Boars | $ 34,000 | $ 9,350 | $ 18,700 | $ 18,700 | $ 18,700 | $ 18,700 | $ 18,700 | $ 18,700 | $ 18,700 | $ 18,700 | $ 19,295 |
| Feeder Pigs | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| Bldg. Maintenance | $ 6,522 | $ 25,000 | $ 25,000 | $ 25,000 | $ 25,000 | $ 25,000 | $ 25,000 | $ 25,000 | $ 25,000 | $ 25,000 | $ 23,152 |
| Equipment Maintenance | $ 3,035 | $ 12,000 | $ 12,000 | $ 12,000 | $ 12,000 | $ 12,000 | $ 12,000 | $ 12,000 | $ 12,000 | $ 12,000 | $ 11,104 |
| Utilities | $ 13,782 | $ 54,500 | $ 54,500 | $ 54,500 | $ 54,500 | $ 54,500 | $ 54,500 | $ 54,500 | $ 54,500 | $ 54,500 | $ 50,428 |
| Phone | $ 607 | $ 2,400 | $ 2,400 | $ 2,400 | $ 2,400 | $ 2,400 | $ 2,400 | $ 2,400 | $ 2,400 | $ 2,400 | $ 2,221 |
| Supplies | $ 4,678 | $ 18,500 | $ 18,500 | $ 18,500 | $ 18,500 | $ 18,500 | $ 18,500 | $ 18,500 | $ 18,500 | $ 18,500 | $ 17,118 |
| Travel | $ 885 | $ 3,500 | $ 3,500 | $ 3,500 | $ 3,500 | $ 3,500 | $ 3,500 | $ 3,500 | $ 3,500 | $ 3,500 | $ 3,239 |
| Vet | $ 5,058 | $ 20,000 | $ 20,000 | $ 20,000 | $ 20,000 | $ 20,000 | $ 20,000 | $ 20,000 | $ 20,000 | $ 20,000 | $ 18,506 |
| Products (all non-feed medicines) | $ 3,793 | $ 15,000 | $ 15,000 | $ 15,000 | $ 15,000 | $ 15,000 | $ 15,000 | $ 15,000 | $ 15,000 | $ 15,000 | $ 13,879 |
| Record-Keeping System | $ 215 | $ 850 | $ 850 | $ 850 | $ 850 | $ 850 | $ 850 | $ 850 | $ 850 | $ 850 | $ 787 |
| Rent/Pig Space ($/Head) | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| Breeding Costs | $ 15,173 | $ 60,000 | $ 60,000 | $ 60,000 | $ 60,000 | $ 60,000 | $ 60,000 | $ 60,000 | $ 60,000 | $ 60,000 | $ 55,517 |
| Marketing/Production Transport | $ 6,575 | $ 26,000 | $ 26,000 | $ 26,000 | $ 26,000 | $ 26,000 | $ 26,000 | $ 26,000 | $ 26,000 | $ 26,000 | $ 24,058 |
| Labor (incl benefits) | $ 65,749 | $ 190,000 | $ 190,000 | $ 190,000 | $ 190,000 | $ 190,000 | $ 190,000 | $ 190,000 | $ 190,000 | $ 190,000 | $ 177,575 |
| Truck/auto | $ 3,793 | $ 15,000 | $ 15,000 | $ 15,000 | $ 15,000 | $ 15,000 | $ 15,000 | $ 15,000 | $ 15,000 | $ 15,000 | $ 13,879 |
| Insurance/taxes | $ 4,046 | $ 16,000 | $ 16,000 | $ 16,000 | $ 16,000 | $ 16,000 | $ 16,000 | $ 16,000 | $ 16,000 | $ 16,000 | $ 14,805 |
| Contract Fee (monthly or annually) | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| Professional Fees (non vet) | $ 2,023 | $ 8,000 | $ 8,000 | $ 8,000 | $ 8,000 | $ 8,000 | $ 8,000 | $ 8,000 | $ 8,000 | $ 8,000 | $ 7,402 |
| Waste Management | $ 6,069 | $ 24,000 | $ 24,000 | $ 24,000 | $ 24,000 | $ 24,000 | $ 24,000 | $ 24,000 | $ 24,000 | $ 24,000 | $ 22,207 |
| Miscellaneous | $ 632 | $ 2,500 | $ 2,500 | $ 2,500 | $ 2,500 | $ 2,500 | $ 2,500 | $ 2,500 | $ 2,500 | $ 2,500 | $ 2,313 |
| New Capital Purchases | $ 4,152,400 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 415,240 |
| Interest on New Term Debt | $ 182,954 | $ 182,954 | $ 170,756 | $ 158,558 | $ 146,360 | $ 134,162 | $ 121,964 | $ 109,776 | $ 97,568 | $ 85,370 | $ 139,042 |
| Principal on New Term Debt | $ - | $ 143,500 | $ 143,500 | $ 143,500 | $ 143,500 | $ 143,500 | $ 143,500 | $ 143,500 | $ 143,500 | $ 143,500 | $ 129,150 |
| Principal Payments LOC METHOD | $ - | $ 313,488 | $ 350,000 | $ 350,000 | $ - | $ - | $ - | $ - | $ - | $ - | $ 101,349 |
| Interst Payments LOC METHOD | $ 44,000 | $ 86,146 | $ 59,500 | $ 29,750 | $ - | $ - | $ - | $ - | $ - | $ - | $ 21,940 |
| Income Tax-Federal | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| Income Tax-State | $ - | | | | | | | | | | |
| Management | $ - | $ 122,755 | $ 124,210 | $ 124,210 | $ 124,210 | $ 124,210 | $ 124,210 | $ 124,210 | $ 124,210 | $ 124,210 | $ 111,644 |
| **TOTAL DISBURSEMENTS** | $ 5,294,175 | $ 3,015,636 | $ 3,117,884 | $ 3,075,936 | $ 2,683,988 | $ 2,671,790 | $ 2,659,592 | $ 2,647,404 | $ 2,635,196 | $ 2,622,998 | $ 3,042,460 |
| **NET CASH FLOW** | $ (1,017,738) | $ 41,452 | $ 13,090 | $ 52,771 | $ 444,786 | $ 459,184 | $ 471,382 | $ 483,570 | $ 495,778 | $ 507,976 | $ 195,225 |
| DEPRECIATION - BLDGS & EQUIPMENT | $ (185,541) | $ (185,541) | $ (185,541) | $ (185,541) | $ (185,541) | $ (185,541) | $ (185,541) | $ (185,541) | $ (185,541) | $ (185,541) | $ (185,541) |
| PRINCIPAL-LONG TERM | $ - | $ 143,500 | $ 143,500 | $ 143,500 | $ 143,500 | $ 143,500 | $ 143,500 | $ 143,500 | $ 143,500 | $ 143,500 | $ 129,150 |
| PRINCIPAL-LOC | $ - | $ 313,488 | $ 350,000 | $ 350,000 | $ - | $ - | $ - | $ - | $ - | $ - | $ 101,349 |
| **NET PROFIT OR (LOSS)** | $ (1,201,279) | $ 314,899 | $ 323,049 | $ 362,730 | $ 404,745 | $ 419,143 | $ 431,341 | $ 443,529 | $ 455,737 | $ 467,935 | $ 242,183 |
| **LOC BALANCE** | $ 1,013,488 | $ 700,000 | $ 350,000 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 206,349 |

# Pro-Ag Pork, 1,200 Sow FF
DRAFT for Discussion

## FEED STATS AND COSTS--BREEDING STOCK

| PRODUCTION AND ECONOMIC VARIABLES | SOWS IN FARROWING | PIGS WITH SOWS | SOWS IN GESTATION | GILT POOL | BOARS | TOTAL/ WGT AVG |
|---|---|---|---|---|---|---|
| Average Daily Inventory | 216 | 2,041 | 984 | 55 | 40 | **1,295** |
| Consumption/day/animal (lbs.) | 12.00 | - | 5.00 | 6.00 | 5.00 | **6** |
| Consumption/year/animal (lbs.) | 4,380 | - | 1,825 | 2,190 | 1,825 | **2,267** |
| Consumption/day/group (lbs.) | 2,592 | - | 4,920 | 332 | 200 | **8,044** |
| Consumption/year/group (tons) | 473 | - | 898 | 61 | 37 | **1,468** |
| Average daily gain* | 0.88 | 0.62 | 0.88 | 0.88 | 0.88 | **0.88** |
| Feed per pound of gain | 13.64 | - | 5.68 | 6.82 | 5.68 | **7.06** |
| Feed cost/day/animal | $0.99 | - | $0.38 | $0.42 | $0.40 | **$0.48** |
| Feed cost/year/animal | $361.35 | - | $136.88 | $153.30 | $146.00 | **$175.29** |
| Feed cost/day/group | $213.84 | - | $369.00 | $23.26 | $16.00 | **$622.10** |
| Feed cost/year/group | $78,052 | - | $134,685 | $8,490 | $5,840 | **$227,067.06** |

TOTAL FEED COST (BREEDING STOCK) **$227,067**

*ADG for breeding herd groups is average over all for breeding animals

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## Pro-Ag Pork, 1,200 Sow FF
**DRAFT for Discussion**

**FEED STATS AND COSTS--GROW/FINISH--BARROWS/BOARS/GILTS**

| PRODUCTION AND ECONOMIC VARIABLES | BAR/BOAR GROFIN 1 | GILTS GROFIN 1 | BAR/BOAR GROFIN 2 | GILTS GROFIN 2 | BAR/BOAR GROFIN 3 | GILTS GROFIN 3 | BAR/BOAR GROFIN 4 | GILTS GROFIN 4 | BAR/BOAR GROFIN 5 | GILTS GROFIN 5 | BAR/BOAR GROFIN 6 | GILTS GROFIN 6 | TOTAL/ WGT AVG |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Average Daily Inventory | 611 | 636 | 848 | 1,236 | 879 | 706 | 1,357 | 1,824 | 0 | 0 | 0 | 0 | 7,697 |
| Consumption/day/animal (lbs.) | 3.375 | 3.375 | 4.505 | 4.290 | 5.130 | 4.900 | 6.668 | 6.600 | | | | | 5.24 |
| Consumption/year/animal (lbs.) | 1,232 | 1,232 | 1,644 | 1,566 | 1,872 | 1,788 | 2,507 | 2,409 | | | | | 1,912 |
| Consumption/day/group (lbs.) | 2,061 | 2,145 | 3,821 | 5,302 | 3,461 | 3,461 | 9,320 | 10,721 | | | | | 40,312 |
| Consumption/year/group (tons) | 376 | 392 | 697 | 968 | 635 | 632 | 1,701 | 1,957 | | | | | 7,357 |
| Average daily gain | 1.500 | 1.500 | 1.700 | 1.650 | 1.800 | 1.750 | 2.050 | 2.000 | | | | | 1.80 |
| Feed per pound of gain | 2.250 | 2.250 | 2.650 | 2.600 | 2.850 | 2.800 | 3.350 | 3.300 | | | | | 2.87 |
| Feed cost/day/animal | $0.28 | $0.28 | $0.35 | $0.33 | $0.37 | $0.36 | $0.47 | $0.46 | | | | | $0.38 |
| Feed cost/year/animal | $101.63 | $101.63 | $127.44 | $121.35 | $135.75 | $129.87 | $172.96 | $166.22 | | | | | $139.43 |
| Feed cost/day/group | $170.04 | $176.98 | $296.13 | $410.92 | $252.37 | $250.89 | $643.07 | $739.74 | | | | | $2,940 |
| Feed cost/year/group | $62,065 | $64,598 | $108,089 | $149,984 | $92,115 | $91,578 | $234,721 | $270,004 | | | | | $1,073,152 |



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Pro-Ag Pork, 1,200 Sow FF
DRAFT for Discussion

FEED STATS AND COSTS--NURSERY/GROW/FINISH
PRODUCTION AND ECONOMIC

| VARIABLES | MMEW | NURSERY 1 | NURSERY 2 | NURSERY 3 | NURSERY 4 | GROFIN 1 | GROFIN 2 | GROFIN 3 | GROFIN 4 | GROFIN 5 | GROFIN 6 | TOTAL / WGT AVG |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Average Daily Inventory | 364 | 1020 | 1675 | 671 | 0 | 1,246 | 2,077 | 1,385 | 2,977 | 0 | 0 | 11,619 |
| Consumption/day/animal (lbs ) | 0 518 | 1 238 | 1 900 | 2 460 | | 3 375 | 4 398 | 5 015 | 6 734 | | | 4 06 |
| Consumption/year/animal (lbs ) | 189 | 452 | 694 | 898 | | 1,232 | 1,605 | 1,830 | 2,458 | | | 1,480 |
| Consumption/day/group (lbs ) | 188 49 | 1,262 | 3,183 | 2,150 | | 4,200 | 9,134 | 6,945 | 20 046 | | | 47,118 |
| Consumption/year/group (tons) | 34 40 | 230 | 581 | 392 | | 766 | 1,667 | 1,267 | 3,659 | | | 8,599 |
| Average daily gain | 0 450 | 0 750 | 1 000 | 1 200 | | 1 500 | 1 675 | 1,775 | 2 025 | | | 1 51 |
| Feed per pound of gain | 1,150 | 1,650 | 1 900 | 2 050 | | 2 250 | 2 625 | 2 025 | 3 325 | | | 2 51 |
| Feed cost/day/animal | $0 21 | $0 24 | $0 24 | $0 23 | | $0 26 | $0 34 | $0 36 | $0 46 | | | $0 33 |
| Feed cost/year/animal | $75 56 | $88 06 | $86 69 | $85 30 | | $101 63 | $124 39 | $132 71 | $169 59 | | | $121 43 |
| Feed cost/day/group | $75 40 | $246 10 | $397 92 | $204 29 | | $317 02 | $707 92 | $503 49 | $1,383 34 | | | $3,865 |
| Feed cost/year/group | $27,519 | $89,826 | $145,240 | $74,565 | | $120,663 | $258 391 | $183,776 | $504,921 | | | $1,410,901 |

| | | | |
|---|---|---|---|
| Litters/sow/year | 2.35 | Farrowing rate | 84 00% |
| Number of sows | 1,200 | Cull rate (sows) | 40 00% |
| Number of boars | 40 | Cull rate (boars) | 50 00% |
| Light Weight Hogs sold/litter | 0 47 | Cull sows/year | 480 |
| Market animals sold/litter | 9 07 | Cull boars/year | 20 |
| Animals weaned/litter | 9.45 | Total animals sold | 26,648 |
| Market animals sold/year | 25,583 | Breeding Herd Mort | 5 00% |
| Nursery Mortality | 2 00% | Finisher Mortality | 1.00% |
| Grower Mortality | 1 00% | Pigs Weaned/Sow/Year | 22.21 |
| Whole Herd Feed Efficiency | 3.03 | Pigs Marketed/Sow/Year | 21 32 |

ANNUAL SALES

| | |
|---|---|
| Feeder Pigs | 1,332 |
| Select Boars | 0 |
| Select Gilts | 0 |
| Market Animals | 24,816 |
| Contracted Market Animals | 0 |
| Cull Sows | 480 |
| Cull Boars | 20 |
| TOTAL ANNUAL SALES | 26,648 |

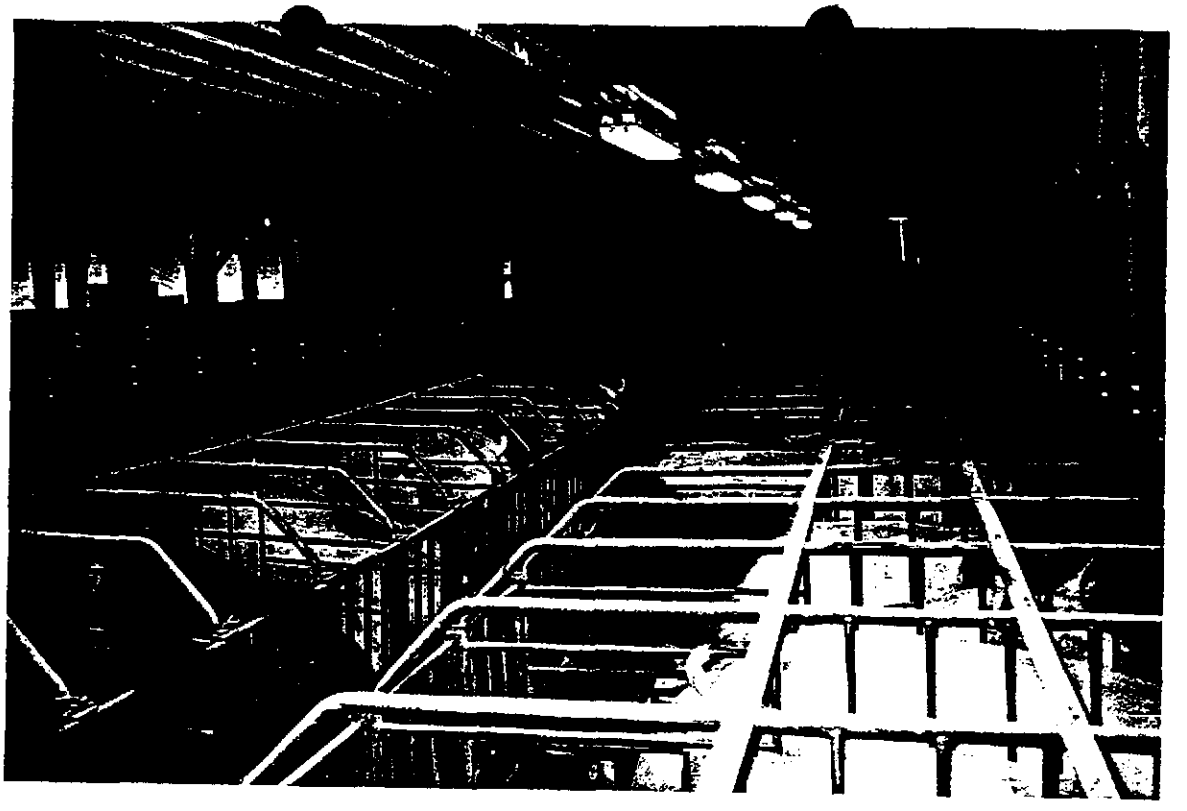


RECEIVED JAN 15 1998 Swine Extension

## AMORTIZATION SCHEDULE

| | | PRINCIPAL 15 YEAR | INTEREST 8.50% | BALANCE |
|---|---|---|---|---|
| 1 | 1998 | | $ 182,954 | $ 2,152,400 |
| 2 | 1999 | 143,500 | 182,954 | 2,008,900 |
| 3 | 2000 | 143,500 | 170,756 | 1,865,400 |
| 4 | 2001 | 143,500 | 158,558 | 1,721,900 |
| 5 | 2002 | 143,500 | 146,360 | 1,578,400 |
| 6 | 2003 | 143,500 | 134,162 | 1,434,900 |
| 7 | 2004 | 143,500 | 121,964 | 1,291,400 |
| 8 | 2005 | 143,500 | 109,766 | 1,147,900 |
| 9 | 2006 | 143,500 | 97,568 | 1,004,400 |
| 10 | 2007 | 143,500 | 85,320 | 860,900 |

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**Breeding/Gestation Facility in Production**

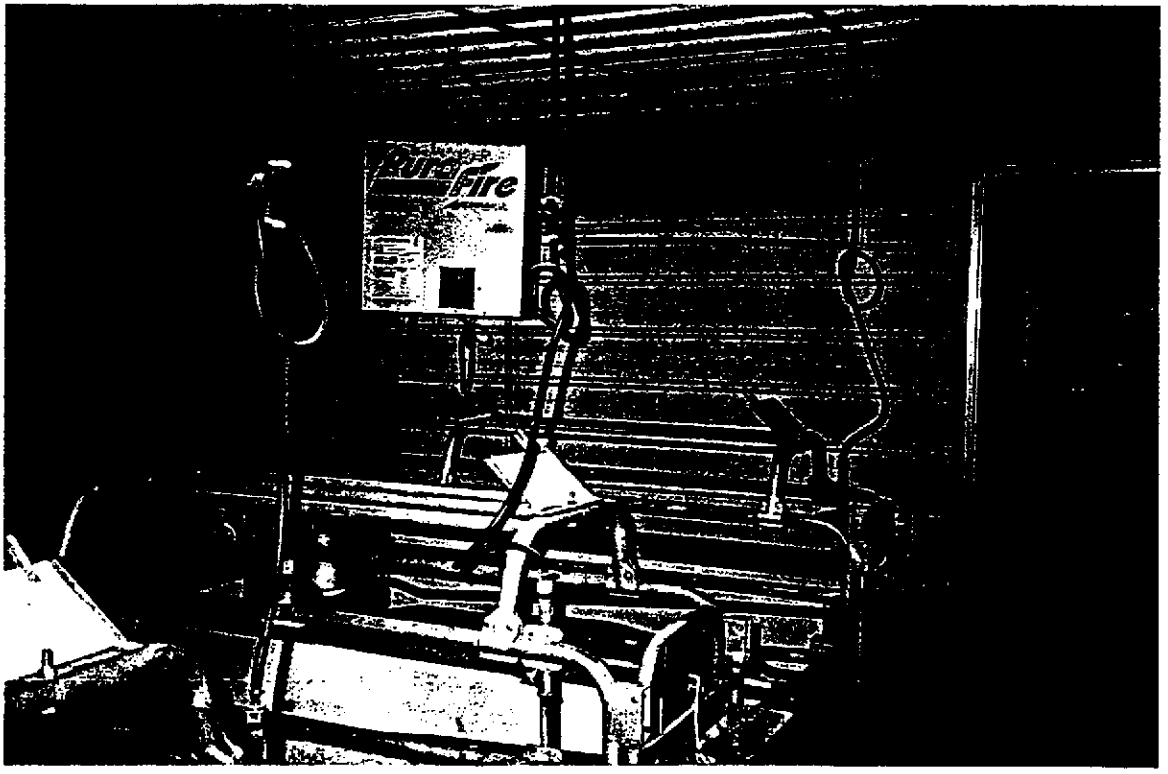




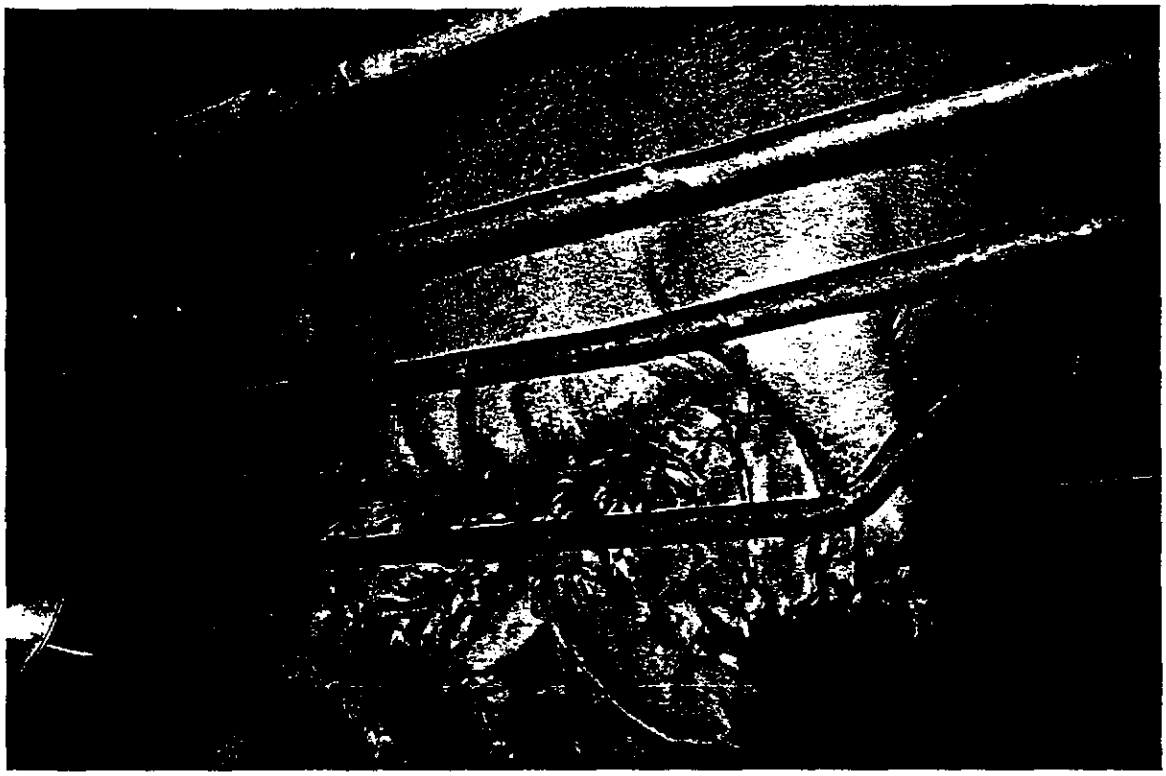
MAR 15 1999



**Farrowing Room in Production**



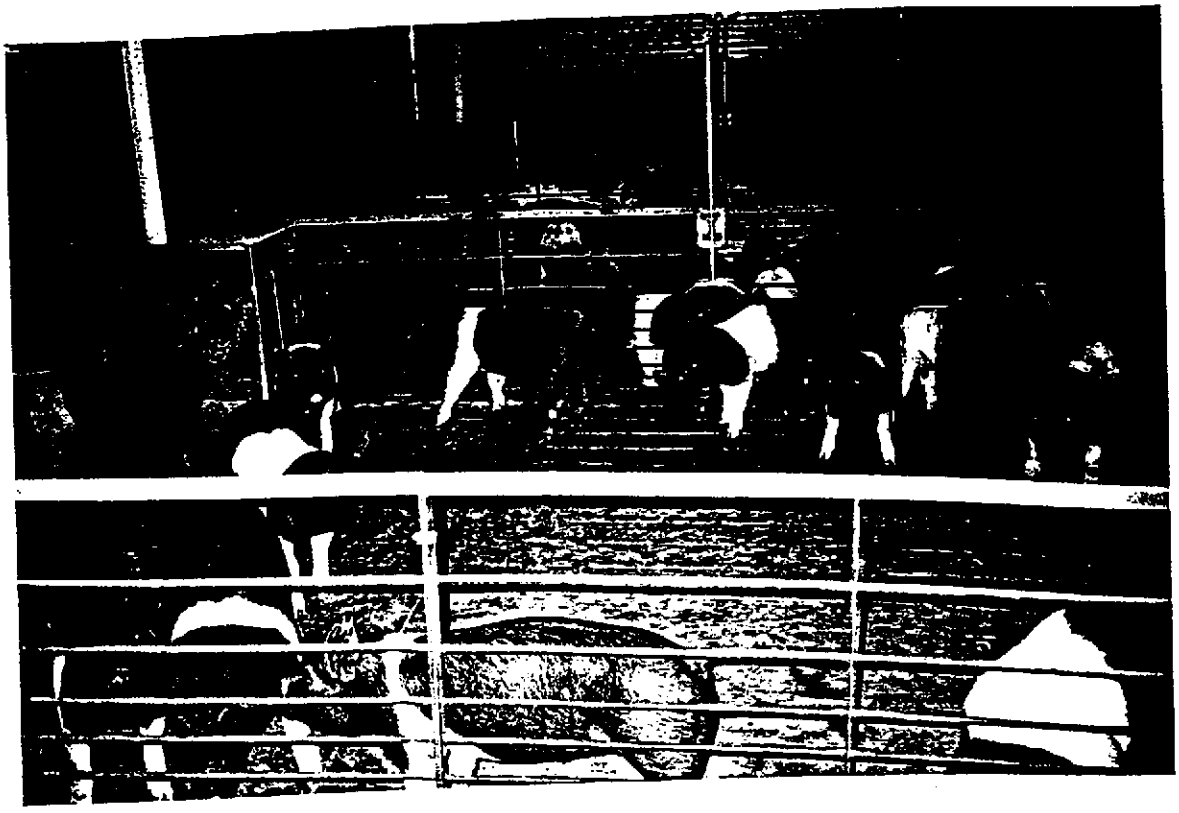

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**Newborn Pigs in Farrowing Rooms**



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**Grower/Finisher Facility in Production**



**Hot Nursery in Production**

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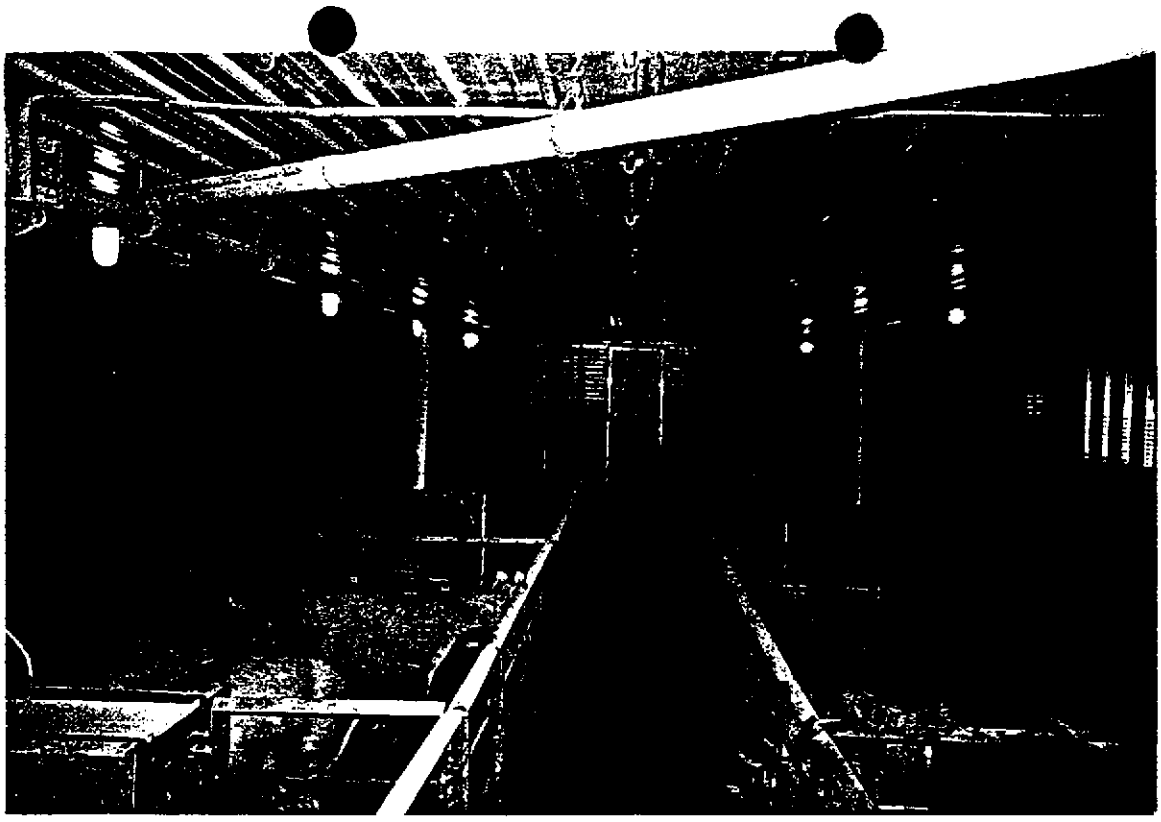
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**Whiteline Gilts Segregated in Grower/Finisher**



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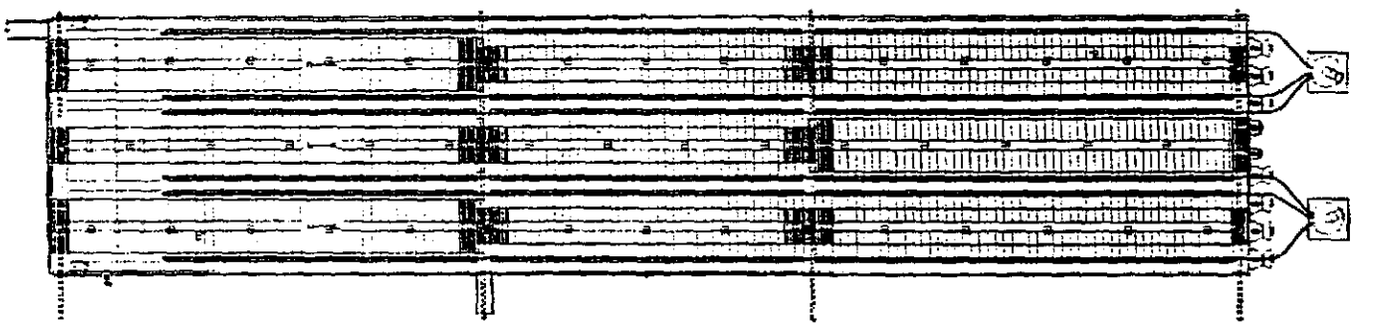
**Segregated Barrows and Gilts Developing in Grower/Finisher**



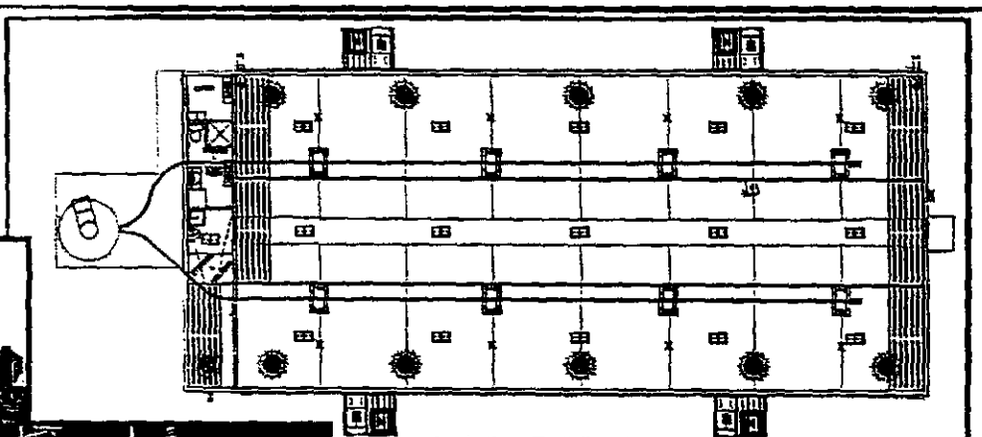
**Terminal Line Boars in Pre-Conditioning Pen**

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# Breeding/Gestation Building



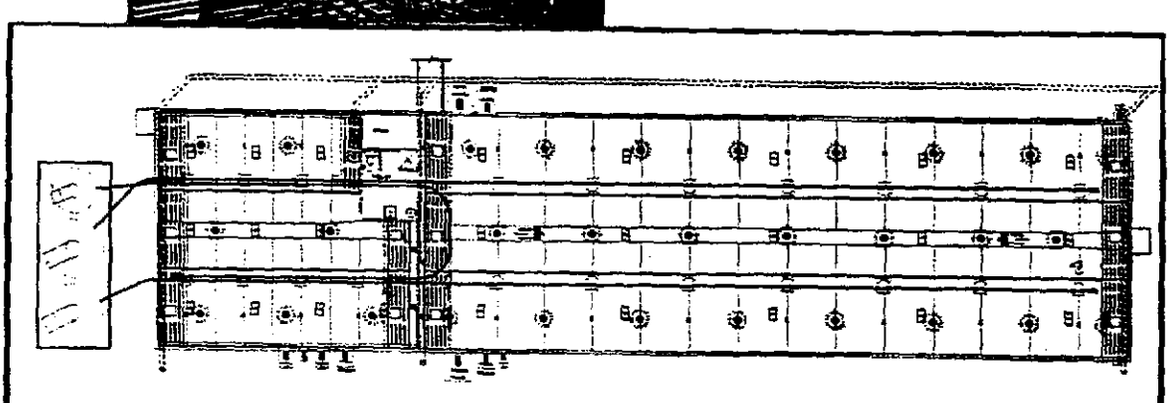
Breeding/Gestation Building Layout



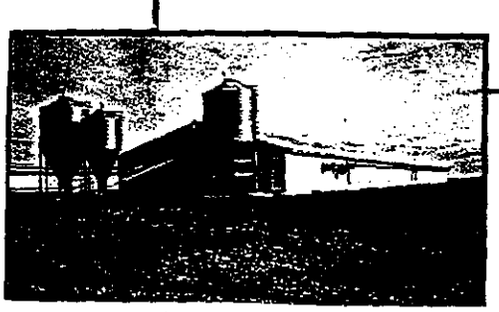
Isolation Building Layout



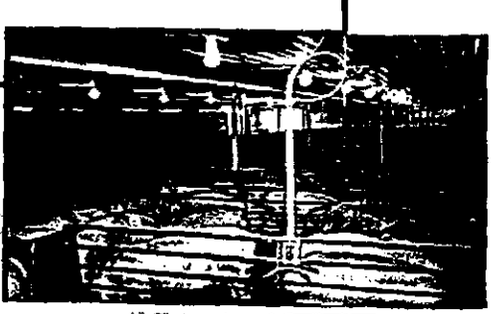




Gilt Development Building Layout



Gilt Development



MAR 15 1999

# ORDINANCE # 107

The increasing number of Livestock Confinement Operations in Twin Falls County has caused concern for the health, safety, and general welfare of the present and future inhabitants of Twin Falls County. Therefore, the Twin Falls County Planning and Zoning Commission has prepared this ordinance which establishes the regulations and restrictions for the location and operation of Livestock Confinement Operations and related structures and provides for an appeal process and enforcement procedure. This ordinance also changes building permit procedures for agricultural structures and clarifies certain set back regulations.

## ARTICLE 2
## DEFINITIONS

2-2 (a)
ANIMAL UNIT(S) - A term used to establish an equivalency for various species of livestock. See Article 5-1.9, for specific animal unit restrictions and equivalencies.

ANIMAL UNIT RESTRICTIONS - Restrictions placed on animal densities in each zone district. See Article 5-1.9.B.

2-2 (c)
COLLECTION POND - Located at the end of corrals or barns and designed to drain into the main waste lagoon located on the property. Not intended for the storage of any forms of livestock wastes.

CORRAL - A fenced enclosure where livestock are confined, stabled, fed, or maintained and where crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over more than ten percent (10%) of the enclosure. See Article 5-1.10. Livestock Confinement Operations.

2-2 (e)
EMERGENCY/25 YEAR PONDS - Designed as a 25-year, 24-hour storm event lagoon system to retain normal precipitation, moisture or snow run-off.

2-2 (i)
IMPOUNDMENT - A hollow structure with sloping or curving sides typically used for holding water or other liquid.

2-2 (l)
LIVESTOCK - Hoofed domesticated animals. See Article 5-1.9. Livestock Restriction and Equivalents.

LIVESTOCK CONFINEMENT OPERATION - (L.C.O. or LCO) Is defined as being any lot, corral, or facility:

1.) Where livestock are confined and maintained for a total of 180 days, or more in any 12 month period; and

2.) Where crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over more than ten percent (10%) of the enclosure; and

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3.) Where the number of animal units per acre exceeds the animal density restriction for that zone. See Article 5-1.9 Livestock Restrictions and Equivalents. Also see Article 5-1.10.A: Livestock Confinement Operations.

2-2 (m)
MAJOR DRAINAGE - Defined as Rock Creek, Salmon Falls Creek, Deep Creek, Mud Creek, Cottonwood Creek, Dry Creek, McMullin Creek, Cedar Draw, Cedar Creek, Deadman's Gulch, Blue Gulch, Tuana Gulch, and the Snake River. See also Article 5-1.10.A: Livestock Confinement Operations; Subsection # 9.

2-2 (n)
NUISANCE - In regards to agricultural operations is defined as being flies, odors, animal noises, tractor operations or other operations that may be found to be annoying, unpleasant, or obnoxious. This definition shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation or an auxiliary to it. (Idaho Code; Section 22; Chapter 45; Right to Farm Bill).

2-2 (w)
WASTE LAGOON - An open impoundment with earthen or concrete embankments for the purpose of runoff collection for the purpose of settling or temporary storage of the following forms of livestock wastes: semi-solid, slurry, and/or liquid.

## UTILITY PROVISION

2-3 UTILITY PROVISION: Utility companies shall be prohibited from providing any service to any structure until the utility has been provided with a building permit.

EXCEPTIONS: No permit shall be required for agricultural buildings under 120 square feet; or for, 1.) corral, 2.) coop, 3.) pen, 4.) hutch, 5.) loafing shed, 6.) grain bins under 20 feet in height, 7.) feed bunks, 8.) open sided hay sheds, 9.) open bulk feed storage used exclusively for agricultural purposes.

## ARTICLE 3
## ESTABLISHMENT OF ZONES

3-3 Regulations

Within each of the zones, the height, number of stories, size of buildings and structures, percentage of lot that may be occupied, size of yards, courts and other open spaces, density of population, location and use of buildings, structures and land for trade, industry, residence, or other purposes are hereby regulated and restricted as set forth in this ordinance or as may be amended. No power granted hereby shall be construed to empower the Board of County Commissioners to enact any ordinance or resolution which deprives any owner full and complete use of agricultural land for production of any agricultural product in accordance with Idaho Code, Section 67-6529.

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ARTICLE 5
DISTRICTS OR ZONES

5-1.1 Agricultural

5-1.2 Principal Designated Uses

A. The growing of soil crops including all farming, livestock, and poultry raising activities in compliance with Articles 5-1.9 and 5-1.10.

B. One-family dwellings, accessory use buildings, and farm labor dwelling units, as related to the agricultural use of the land. See Article 7-26: Agricultural Dwelling Exemption.

1. One-family dwellings shall be discouraged in the Agricultural Zone unless such dwellings provide housing for owners, partners, or employees in an agricultural enterprise operated on that site.

2. Owners or occupants of one-family homes built subsequent to the date of adoption of this ordinance specifically waive any nuisance claims they have against agricultural operations existing at the time of construction including Livestock Confinement Operations. See Article 2; Definitions; (n).

3. One-family homes built subsequent to the date of adoption of this ordinance will not affect expansion of, or set backs of any existing agricultural operation or Livestock Confinement Operation if located within the defined set backs of said operation(s).

N. Livestock Confinement Operations in compliance with Articles 5-1.9 and 5-1.10.

5-1.3 Review Committee or Conditional Use Items

A. Planned Unit Developments, provided they are located at least 1320 feet or one-quarter (1/4) mile from a Livestock Confinement Operations waste lagoons closest inside edge of the retaining wall and at least 400 feet from a Livestock Confinement Operations corrals outside edge. See also Article 5-1.10.A Livestock Confinement Operations; Subsections # 2 and # 5.

G. Churches and monasteries, provided they are located at least 1320 feet or one-quarter (1/4) mile from a Livestock Confinement Operations waste lagoons closest inside edge of the retaining wall and at least 400 feet from a Livestock Confinement Operations corrals outside edge. See also Article 5-1.10.A Livestock Confinement Operations; Subsections # 2 and # 5.

5-1.9 LIVESTOCK RESTRICTIONS AND EQUIVALENTS

A. ANIMAL UNIT RESTRICTIONS -

1. Any parcel of land containing 20 acres or less having greater than five (5) animal units (exclusive of immature animals under three (3) months of age) per acre; or

2. Any parcel of land containing 20 acres or more having a minimum of 100 animal units (exclusive of immature animals under three (3) months of age) in a corral for more than 180 days or more in any 12 month period.

Shall comply with the regulations as set forth in Article 5-1.10 Livestock Confinement Operations.

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B. ANIMAL UNIT EQUIVALENTS

All livestock shall have the following Animal Unit Equivalents:

| | | |
|---|---|---|
| 1 Slaughter or feeder cow | = 1 Animal Units | |
| 1 Dairy heifer | = 1 Animal Units | |
| 1 Beef cow-calf pair | = 1.2 Animal Units | |
| 1 Mature dairy cow (Milked or dry) | = 1.4 Animal Units | |
| 1 Swine | = .5 Animal Units | (2 Pigs = 1 A.U.) |
| 1 Sheep or lamb | = .2 Animal Units | (5 Sheep = 1 A.U.) |
| 1 Horse | = 1 Animal Units | |
| 1 Goat | = .3 Animal Units | (3 Goats = 1 A.U.) |

For species not identified in this list, 750 pounds of livestock shall be equivalent to one animal unit; i.e.: bison, llamas, donkeys, etc. shall use the above weight equivalency unit.

5-1.10 A.) LIVESTOCK CONFINEMENT OPERATION REGULATIONS

In addition to all other regulations specified in this ordinance, Livestock Confinement Operations (LCO) shall be in compliance with the provisions as follows:

1 A. All new LCO's shall be located outside the defined Area of Impact of any incorporated municipality within Twin Falls County as identified on the Zoning Map of Twin Falls County;

B. Or, located one mile or greater from the defined city limits for any incorporated municipality within Twin Falls County not having a defined Area of Impact. See Article 5-1.10.C. Existing Livestock Confinement Operations.

2. The closest inside edge of the retaining wall of any waste lagoons shall be located at least 1320 feet or one-quarter (1/4) mile from a legal platted Subdivision or Planned Unit Development with visible improvements such as a county approved and accepted road.

3. The closest inside edge of the retaining wall of any waste lagoons shall be located at least 1000 feet from the nearest existing dwelling, church, school or other building used for human occupancy, other than the property owners dwellings.

4. The closest inside edge of the retaining wall of any waste lagoons shall be located at least 175 feet inside the existing property lines.

5. The outside edge of all corrals shall be located at least 400 feet from the nearest existing dwelling, church, school, or other building used for human occupancy other than the property owners dwellings.

6. All agricultural buildings, feed storage, feed bunks, or feed racks must conform to Highway District set back regulations.

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7. Location of waste lagoons, corrals, wells, and septic systems shall conform to Health Department regulations and specifications.

8. Lights for the LCO shall be placed and shielded to direct the light source down and inside the property lines of the Livestock Confinement Operations.

9. Any LCO desiring to locate within a quarter (1/4) mile of a Major Drainage shall obtain a variance in addition to an LCO Zoning Permit. Said permit will require notification of surrounding property owners, municipalities, and a Public Hearing.

   Any LCO desiring to locate within an area rated "severe" in regards to the water table level as determined by a soil survey map from the USDA Soil Conservation Service (SCS) shall obtain a variance in addition to an LCO Zoning Permit. Said permit will require notification of surrounding property owners, municipalities, and a Public Hearing.

B. APPLICATION PROCEDURE FOR LIVESTOCK CONFINEMENT OPERATIONS

Owners or operators of a Livestock Confinement Operation must file an application for a LCO Zoning Permit with the Office of the Administrator for Twin Falls County upon a form prescribed by the Board of County Commissioners.

A LCO Zoning Permit will require an applicant to obtain and submit the following:

1. Name, address, and telephone number of the owner/operator.

2. Legal description of the property including the amount of acreage.

3. A full description of the present use of the property including the present zoning of the property.

4. A full written description of the Livestock Confinement Operation including a description of the facilities used and their capacities.

5. A map including surface contours, soil depths and types, size and location of natural drainage points of the LCO site obtained from the Twin Falls Office of the USDA Soil Conservation Service (SCS), or other source. Changes to the existing contours shall be shown on a separate contour map prepared by an engineer or surveyor licensed in the State of Idaho.

6. A. Complete site plan of the LCO site, minimum size 24" X 36", prepared by a licensed engineer, architect, contractor, USDA Soil Conservation Service (SCS) agent, or County Extension Service Agent. Minimum site plan drawing scale shall be 1" = 100'. The site plan shall include, but not be limited to, location of all structures, feed storage areas, animal confinement areas, waste storage areas, water wells, canals, ditches, injection wells, sink holes, traffic access, and public thoroughfares.

   B. However, existing Livestock Confinement Operations can submit a owner drawn or owner submitted complete site plan to scale showing the information as listed above. See Article 5-1.10.C. Existing Livestock Confinement Operations.

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7. A waste system design plan for solid and liquid waste which meets all state and federal requirements and is approved by the Idaho Department of Health and Welfare Division of Environmental Quality. Assistance in the design of this plan can be obtained from the USDA Soil Conservation Service (SCS) or County Cooperative Extension System Office.

8. Department of Water Resources approval for water source.

9. Written comment on and approval of, if appropriate, the filed site plans from the applicable Highway District and Canal Company.

10. South Central District Health Department approval for Grade A Dairies.

Certain land parcels may not be conducive to waste system set backs due to unique locations and demographics. Where appropriate, the Zoning Commission may grant operators reductions in waste system set backs through the construction and use of technologically advanced systems. These waste systems must meet all state and federal regulations and be approved by the Idaho Department of Health and Welfare Division of Environmental Quality. See Article 11; Variances.

The items listed above are the minimum requirements for a Livestock Confinement Operation Permit. The Zoning Administrator may request additional information from the applicant relating to Article 5.1.10., as deemed necessary.

C.) EXISTING LIVESTOCK CONFINEMENT OPERATIONS AND FACILITIES

For those operations and facilities in existence at the time of this ordinance change, the owner(s)/operator(s) will be required to submit to the following:

1. All existing Livestock Confinement Operations will be given a permit, hereafter called a "LCO Grandfather Permit". This permit will be issued upon the filing of the following: A full description of the operation and facilities including location and maximum capacity of the facilities, and the numbers and type of livestock currently located on the parcel. The permit shall also include an owner drawn or owner submitted scaled site plan of the facilities and structures located on the LCO. Filing fees for a "LCO Grandfather Permit" will be assessed after one year of the date of adoption of this ordinance.

2. Alterations not intended to increase the size of the structure, or repairs may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of the ordinance. Any increase in structures or change in the location of structures must meet the LCO restrictions as outlined in Article 5-1.10.A.; Subsections 2 through 9 and Article 5-1.10.B; Subsections 1 through 10.

3. Those owner(s)/operator(s) unable to meet the zoning restrictions for LCO's may appeal to the Twin Falls County Planning and Zoning Commission for a variance from the LCO requirements as outlined in this ordinance. See Article 11; Variances.

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4. Existing Livestock Confinement Operations may be allowed to stand vacant for a period of up to two years as long as there is a clear intent to resume the operation. A one-year extension may be applied for from the Zoning Administrator. Additional extensions may be applied for through the Planning and Zoning Commission. Any Livestock Confinement Operations participating in a federal government program shall be classified as in active use.

5. A Grandfathered LCO can be transferred or sold upon application to the Zoning Administrator and filing of an LCO Grandfather Permit by the new owner(s)/operator(s).

D. LIVESTOCK CONFINEMENT OPERATIONS UNDER CONSTRUCTION

For those operations and facilities under construction at the time of this ordinance change, the owner(s)/operator(s) must meet the requirements as follow:

1. A waste system design plan for solid and liquid waste which meets all state and federal requirements, and is approved by the Idaho Department of Health and Welfare Division of Environmental quality must be submitted in order to receive a Grandfather Permit.

   Assistance in the design of this plan can be obtained from the USDA Soil Conservation Service (SCS) or County Cooperative Extension System Office.

2. Construction must be completed for the Livestock Confinement Operation in accordance with submitted plans within one (1) year of the time of this ordinance change. Any additions, alterations, or repairs, increase in structures or change in the location of structures must meet the LCO restrictions as outlined in Article 5-1.10.A; Subsections 2 through 9 and Article 5-1.10.B; Subsections 1 through 10.

3. The owner/operator of a facility under construction at the time of this ordinance change will be given a "LCO Grandfather Permit" upon the filing of a Livestock Confinement Operation Grandfather Permit Application as outlined in Article 5-1.10.C.

4. Those owner(s)/operator(s), who have completed the necessary paperwork for the construction of a Livestock Confinement Operation but whose active construction has not begun, will be given a 30 day grace period from the date of adoption of this ordinance change to file for a Livestock Confinement Operation Grandfather Permit as outlined in Article 5-1.10.C. The owner/operator must show approval of the development plans by the Idaho Department of Health and Welfare Division of Environmental Quality, and secured financing for the proposed Livestock Confinement Operation at the time of filing for the "LCO Grandfather Permit".

5-2.1 Residential Agricultural Zone (RA)

5-2.2 Principal Designated Use

A. The growing of soil crops including all farming, livestock, and poultry raising activities provided they do not exceed the animal unit restrictions as outlined in Article 5-1.9.

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5-2.3 Review Committee or Conditional Use Items

A. Planned Unit Developments, provided they are located at least 1320 feet or one-quarter (1/4) mile from a Livestock Confinement Operations waste lagoons closest inside edge of the retaining wall and at least 400 feet from a Livestock Confinement Operations corrals outside edge. See also Article 5-1.10.A Livestock Confinement Operations; Subsections # 2 and # 5.

H. Livestock Confinement Operations, in compliance with Articles 5-1.9 and 5-1.10.

5-8.1 Outdoor Recreation Zone (OR)
5-8.2 Principal Designated Uses

C. The growing of soil crops including all farming, livestock, and poultry raising activities provided they do not exceed the animal unit restrictions as outlined in Article 5-1.9.

5-8.3 Review Committee or Conditional Use Items

C. Subdivision, provided they are located at least 1320 feet or one-quarter (1/4) mile from a Livestock Confinement Operations waste lagoons closest inside edge of the retaining wall and at least 400 feet from a Livestock Confinement Operations corrals outside edge. See also Article 5-1.10.A Livestock Confinement Operations; Subsections # 2 and # 5.

D. Planned Unit Developments, provided they are located at least 1320 feet or one-quarter (1/4) mile from a Livestock Confinement Operations waste lagoons closest inside edge of the retaining wall and at least 400 feet from a Livestock Confinement Operations corrals outside edge. See also Article 5-1.10.A Livestock Confinement Operations; Subsections # 2 and # 5.

G. Livestock Confinement Operations, in compliance with Articles 5-1.9 and 5-1.10.

5-9.1 Airport Zone (AP)
5-9.2 Principal Designated Uses

J. Livestock Confinement Operations, in compliance with Articles 5-1.9 and 5-1.10.

## ARTICLE 7
## GENERAL PROVISIONS

7-21 LOCATION OF LIVESTOCK FACILITIES

On parcels containing less than twenty (20) acres where the number of animals per acre does not exceed the animal unit restrictions for the zone in which they are located and where animals and fowl are permitted, the barn, corral, pen, coop, hutch for the keeping of animal and fowl shall not be located closer than one hundred (100) feet from the nearest dwelling, church, school, or other building used for human occupancy other than the property owners. Exception: Pastured animals may graze to the fence line. However, pastured animals that are watered or supplemented with any hay, grain, or fodder, shall not be watered or supplemented in an area located closer than one hundred (100) feet from the nearest dwelling, church, school, or other building used for human occupancy other than the property owners.

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On any lot which animals and fowl are permitted, the location of the facilities necessary to house, feed, or care for such animals shall comply with all Highway District regulations in regards to set backs. Please see Article 5-1.10: Livestock Confinement Operation Regulations for more specific requirements as to the location of livestock facilities.

## ARTICLE 15
## ADMINISTRATION, COMMISSIONS, AND BOARDS

15-12 Permit required - Exceptions.

B. EXCEPTIONS: No permit shall be required for agricultural buildings under 120 square feet; or for, 1.) corral, 2.) coop, 3.) pen, 4.) hutch, 5.) loafing shed, 6.) grain bins under 20 feet in height, 7.) feed bunks, 8.) open sided hay sheds, 9.) open bulk feed storage used exclusively for agricultural purposes.

Copies of Zoning Ordinance #21, which these changes amended, are available at the Office of the Zoning Administrator, 246 3rd Avenue East, Twin Falls, Idaho, for $10.

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*1341 FILLMORE ST, STE 200*
*TWIN FALLS ID 83301-3380*
*PHONE:* *736-3033*
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MAR 15 1999

DRAFT

# MEMORANDUM

**TO:** Independent Meat Transfer (47-02396) Application File

**FROM:** Corey Skinner

**DATE:** October 20, 1998

**SUBJECT:** Staff Review

The enclosed transfer application was filed by Brockway Engineering on behalf of the applicant, Independent Meat Company. The water right involved with the proposed transfer is licensed right 47-02396. This particular right was licensed on August 6, 1970. The license was issued for a maximum diversion of 0.33 cfs of groundwater, with a maximum diversion volume of 151.2 acre-feet per year, for industrial use. The licensed point of diversion and place of use are listed as the NENE ¼ of Section 27, Township 10 South, Range 17 East. This particular legal description describes property located southwest of the Orchard Drive and Eastland Drive intersection, along Rock Creek, near the south edge of the City of Twin Falls.

The transfer application proposes changing the point of diversion, place of use, and nature of use of water right 47-02396. The application proposes diverting the water right from two wells (one existing, one proposed) located in the east ½ of Section 36, Township 11 South, Range 16 East. The water is to be used for stockwater and commercial purposes for a proposed pig production facility located in Section 36, Township 11 South, Range 16 East (a couple miles west of Hub Butte, south of Twin Falls).

The proposed change in the point of diversion(s) and place of use will result in diverting and using groundwater about 8½ miles to the southwest of where water right 47-02396 is currently licensed to be diverted and used. However, this 8½ mile change crosses Rock Creek and moves from within the boundaries of the Twin Falls Canal Company system to an area above (outside) the Twin Falls Canal Company system.

The proposed change in the nature of use results from changing water right 47-02396 from an industrial right to a stockwater and commercial water right. The stockwater component of the water right will be utilized to provide drinking water for the pigs at the new proposed place of use. The commercial aspect of the water right will be utilized to provide water for the other water uses (cleaning, land application, etc.) associated with the proposed pig production facility.

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Brockway Engineering has submitted a narrative along with the application discussing the proposed transfer. The narrative includes some estimates of the consumptive use(s) of water at the existing Independent Meat Company facility and the proposed pig production facility. The narrative contends that based on the estimated water use(s) at the current place of use and the new proposed place of use, no increase in consumptive use of the water right will result from the proposed change. The water use requirements at the proposed pig production facility are based off of a swine operation waste plan prepared by Bob Ohlensehlen. In addition, Brockway Engineering has performed an analysis of the potential impact on the aquifer at the proposed pig production facility.

After reviewing the proposed transfer, and examining the supporting information the following items/issues probably need further clarification before the Department considers acting on the application:

**USE OF WATER AT THE CURRENT PLACE OF USE**

The water right that is proposed to be transferred was licensed for industrial use at the Independent Meat facility. The 1969 licensing exam for this particular water right indicates that "Q conveyed is estimated at .36 cfs based upon design capacity". The water right license was issued for the permitted diversion rate of 0.33 cfs. There is no other information regarding how the flow rate for the water right was determined. In addition, there is no information regarding how the licensed diversion volume of 151.20 acre-feet per annum was determined.

The Independent Meat facility is currently receiving water from the City of Twin Falls' water supply system. According to City of Twin Falls' records, the city has supplied water in varying amounts to the Independent Meat facility since October of 1989. Since the Independent Meat facility has been using water supplied by the City of Twin Falls for over five years, it appears that the extent of the past use of the water right involved with the proposed transfer should be thoroughly investigated. The Department may want to consider measuring the capacity of the Independent Meat Company well(s), examining power records, and examining City of Twin Falls records regarding water delivery to, and waste water treatment from, the Independent Meat facility. This should help determine the extent of the past use of the right involved with the enclosed transfer.

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**OVERLAPPING WATER RIGHTS AT CURRENT PLACE OF USE**

Examination of the Department's records indicate that there may be some water rights/claims that overlap with the water right that is involved with the proposed transfer. Independent Meat has a water right license (47-07026) and SRBA claim (A47-07026) for surface water, tributary to Rock Creek. This license and claim list cooling and irrigation as uses of the water. Independent Meat also has a beneficial use claim, A47-12335, filed in the Snake River Basin Adjudication. This particular claim is for industrial use of groundwater and the diversion rate and volume amounts claimed match the amounts licensed under 47-02396 (the right involved with the enclosed transfer). In addition, there are four "domestic & stock" beneficial use claims filed in the Snake River Basin Adjudication in the name of Independent Meat. None of these other rights &/or claims were addressed in the enclosed transfer application.

These other rights &/or claims should be investigated to determine if they overlap with the right being transferred. If they do, they may impact the amount(s) of water available for transfer under right 47-02396. In addition, some of these rights &/or claims may need to be included in the transfer, or somehow addressed if the transfer is approved.

**WATER USE AT THE NEW PLACE OF USE**

The transfer proposes using the water right being transferred at a pig production facility. The uses of water covered under the proposed transfer are drinking water for the pigs and cleaning water. The stockwater (drinking) component was estimated by a daily amount of water per animal. The total estimate for stockwater amounts to 62,940 gallons per day. The commercial aspect of water use was determined by estimating the number of uses and water requirement per use for various cleaning operations at the facility. The total of estimated commercial water uses at the facility amounts to 15,675 gallons per day. This brings the grand total of estimated water usage at the facility to 78,615 gallons per day, or about 0.24 acre-feet per day.

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The waste water from the pig facility will be collected and eventually land applied. Part of the Ohlensehlen Swine Operation Waste Plan includes a water use entitled "Fresh Water Recharge" that was used to estimate the amount of waste material that would be delivered to the lagoon(s). It appears that this "Fresh Water Recharge" was not accounted for in the proposed transfer. The estimated amount of "Fresh Water Recharge" appears relatively small (less than 10 acre-feet per year). However, the original Ohlensehlen report that was filed with Twin Falls Planning and Zoning earlier this summer called for significantly larger amounts of "Fresh Water Recharge". The Ohlensehlen report was modified to smaller water requirement amounts on 08/21/98. The 08/21/98 version of the Ohlensehlen report is the version that was included with the enclosed transfer application.

The Brockway narrative states that Salmon River Canal Company water will be mixed with the waste water at a 10:1 ratio to dilute the waste water for land application. Using the figures from the Ohlensehlen report, it appears that at least 62.5 acre-feet of waste material will be generated per year at the proposed pig production facility. At the 10:1 ratio from the Brockway narrative, at least 625 acre-feet of water would need to be used to dilute the waste material for land application. This 625 acre-foot value may be somewhat high depending on the proportion of solid and liquid waste in the 62.5 acre-foot waste material estimate. However, the same values used to derive the 62.5 acre-feet of waste material were used in the Ohlensehlen report for determining possible lagoon sizes. The Brockway narrative states that IPP (Idaho Premium Pork) currently owns 250 shares of Salmon River Canal Company water that will be used for dilution, and irrigation.

Water delivery on the Salmon Tract varies considerably from year to year. At full allotment (1.167 acre-feet per share), 250 shares equates to 291.75 acre-feet of water at the "field headgate". At the fifty year average (1949-1998) allotment on the Salmon Tract of 0.84 acre-feet per share, 250 acre-feet equates to 210 acre-feet per share. The fifty year low allotment on the Salmon Tract, in 1992, was 0.15 acre-feet per share (250 shares would equate to 37.50 acre-feet of water).

If the waste material is to be diluted at the 10:1 ratio for land application, then additional water may need to be obtained to meet this estimated 625 acre-foot plus objective. The water right involved with the enclosed transfer was licensed for the diversion of 151.2 acre-feet of water per year. The 250 shares of Salmon Tract water would amount to 291.75 acre-feet per year, at the most.

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The water use amounts at the proposed pig production facility are all based on estimates, and it appears that additional water may possibly be necessary for land application needs. In addition, as far as I know, the proposed pig production facility is one of, if not the first, of its kind here in Idaho. While a reasonable attempt has been made at estimating the water use(s) at the proposed facility, I am not aware of any other similar facilities in the state to compare these water uses estimates against. For these reasons, if the enclosed application is approved, the implementation of a condition requiring measuring and reporting of the amount of water diverted would probably be a good idea. This would help ensure that amounts of water in excess of those authorized by the transfer are not diverted.

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Drilling Permit No. 47-48-5-0073 000
Drilling Permit I.D. Tag No. D0002573
Water Right Permit No.
Injection Permit No.

State of Idaho
Department of Water Resources

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

1. **Owner (please print):** Pro-Ag, Inc.

2. **Mailing Address:** P.O. Box 44120

   **City:** Lemon Cove **State:** CA **Zip Code:** 93244-4120 **Telephone** 209-597-1475

3. **Proposed Well Location:** Twp. 11 S, Rge. 16 E, Sec. 36, 1/4 1/4 NE 1/4,

   Gov't Lot No. _____ County Twin Falls Lat. ___:___:___ Long. ___:___:___

   Street Address of Well Site 2900 North 2600 East (Approximately) City Twin Falls
   Give at least name of road + Distance to Road or Landmark

   Lot, block and subdivision _____

4. **Proposed Use of Well:**

   [x] DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and fo any other purpose in connection therewith, including irrigation of up to ½ acre of land, if the total use is not in excess of 13,00( 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 busines 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 (Over 1,000 Head) [ ] Test [ ] Other _____ (Describe)

   [ ] INJECTION

   [ ] MONITORING: A well bore schematic and map is required for each blanket permit.
   No. of proposed wells: _____

5. **Well Construction Information:**

   A. [x] New well [ ] Modify [ ] Replace

   B. Proposed Casing Diameter 8" Proposed Maximum Depth 500- 700 Ft.

   C. Anticipated bottom hole temperature:
   [x] 85°F or less (Cold Water Well) [ ] 85°F to 212°F (Low Temp. Geo. Well) [ ] 212° F. or more (Geothermal Well)

6. **Construction Start Date:** July 2, 1998

7. **Anticipated Well Driller:** Elsing Drilling Driller's Lic. No. 31
   NOTE: The actual well driller must be identified prior to drilling.

8. **Applicant's Signature:** Brent D. Dame Date July 1, 1998

   Address (if different than owner): _____

   City: _____ State: ___ Zip Code: _____ Telephone _____

   Title: _____
   (Owner, Firm Representative, Other)

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# ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is _____. Date _____.

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.
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 "DigLine" Number for your area is 1-800-342-1585.

SPECIFIC CONDITIONS:

_____ _____

Signature of Authorized Department Representative Title

Receipt No. _____ Receipted by _____ Fee _____ Date _____

**EXTENSION OF DRILLING PERMIT**

Extension approved by _____ Approval Date _____

This extension expires: _____

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BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D.

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

October 8, 1998

Corey Skinner
Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Dear Corey:

As discussed, following is a brief narrative to clarify issues concerning the water right #47-02396 transfer from Independent Meat to the Idaho Premium Pork (IPP) facility. The permit application proposes to transfer water right #47-02396 which is located in Section 27, T10S, R17E, to one existing well located in the NE ¼ NE ¼ Section 36, T11S, R16E and one proposed future well to be located in the NE ¼ SE ¼ Section 36, T11S, R17E . The entire water right containing a maximum diversion rate of 0.33 cfs and a total diversion volume of 151.2 ac ft is proposed to be transferred to these locations. The existing water right is an industrial water right. The application proposes a change of the nature of use from industrial to commercial/stockwater.

## CONSUMPTIVE USE CALCULATIONS

The transfer of any water right cannot result in a net gain of consumptive use of that water right. Based on our calculations included with this narrative, there will not be an increase in consumptive use. According to our calculations, the total amount of water used under the existing water right is 134,971 gallons per day (151.20 ac ft/year) with a total consumed amount of 67,345 gallons per day (75.44 ac ft/yr). Under the Idaho Premium Pork facility, this same water right would use an average of 78,615 gallons per day (88.07 ac ft/year) with 66,874 gallons per day (74.91 ac ft) consumed. The remaining 0.53 ac ft of water not consumed by the pork production facility will be utilized for minor landscaping surrounding the facility office. The end result will be a decrease in the amount of water used and a no net gain/loss of consumptive use for the water right.

(134,980)

(~.13 acre (5772 ft²) worth of irrigation)

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Our calculations are based on the 8/21/98 water use calculations by Bob Ohlensehlen for the Idaho Premium Pork facility, and a 9/30/98 plant walk through and meeting with Pat Florence of Independent Meat Company. To the best of our understanding, the numbers are accurate and represent the water use and consumptive uses of each facility.

**WATER USES/WATER PLAN**

If approved by IDWR, the transferred water right will be used for commercial and stockwater uses at the Idaho Premium Pork facility. Based on our calculations, approximately an average of 15,675 gallons per day will be used for commercial uses, and 62,940 gallons per day will be used for stockwater. Of the diversion rate of 0.33 cfs, 0.065 cfs will be apportioned to commercial uses and the remaining 0.265 cfs will be apportioned to stockwater 17.6 AFA 70.5 AFA

Commercial uses include facility sanitary uses, support uses, and production unit washdown from high pressure hoses. Stockwater uses are for livestock water only. A breakdown of the uses and amounts are shown on our consumptive use calculation spreadsheets.

The Idaho Premium Pork facility is unique as it is a fully contained facility where all of the livestock and waste is contained within the building. Livestock and facility support services are built over a large concrete containment sump. The majority of flooring over the sump is slotted which permits waste and wash water to enter directly to the sump. The sump is a fully sealed concrete sump which does not allow any infiltration into the groundwater. Since the sumps are not directly exposed to the atmosphere, there is virtually no evaporation loss.

Water not directly consumed by the animals or used in other facility uses, will pass through the floor and collect in the sump. It is IPP's intention to use the waste and waste water for land application. Under the current arrangement, IPP plans to remove the water from the upper layer of the sump and transfer it to a mixing lagoon where it will be diluted at a 10:1 ratio (10 canal water units to 1 waste water unit). The mixed water will then be pumped to an irrigation pivot located in the NW ¼, Section 36, T11S, R16E. It is likely that the crop will be alfalfa.

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full allotment @ 1.167 acre-feet/share @ field headgate 291.75 acre-feet

IPP currently owns 250 Salmon Falls Canal Company shares for the property under consideration. This water will be used for the dilution and majority of irrigation.

While the details are still being worked out with local farmers, it is proposed that the waste sludge will be pumped from the bottom of the sump to trucks where it will be knifed in as fertilizer on nearby fields.

The below floor sumps are sized for a 9 month holding capacity. An emergency lagoon is proposed on site and will be used in the event of a wet spring or shortened irrigation season.

## LOCAL WELL INTERFERENCE

Brockway Engineering has completed an analysis on the potential interference caused by pumping the existing 8" IPP well at the full water right. The Theis equation was utilized with the attendent assumptions with that analysis. (See accompanying table and graph.) Using the soil formation and hydrologic data from local well logs and an estimated transmissivity of the aquifer consistent with the basalt system, the impact of pumping the IPP well at the average discharge of 93.7 GPM for the full water right volume will be the following:

| Distance from IPP Well | Drawdown After 40 Days |
|---|---|
| 0' | 49.7 |
| 100' | ~~3.14~~ 13.73 ISR |
| 2,280' | Negligible |
| 2,760' | Negligible |
| 4,440' | Negligible |

The majority of wells located near the proposed facility are located in Sections 35 & 36. The closest well is about 2,280 feet from the proposed southern IPP production well. The water level at this well will not be noticeably affected by the pumping of the IPP well at the average discharge for the full water right.

## GROUNDWATER HYDROLOGY

The point of diversion and place of use of this water right permit is to be two wells located in the NE ¼ NE ¼ Section 36, T11S, R16E and the NE ¼ SE ¼

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Section 36, T11S, R17E. The producing aquifer in this area consists of Banbury Basalt which underlies most of the Twin Falls tract (Ralston and Young, "Water Resources of the Twin Falls Tract", IDWA Bulletin No. 22, 1971). This aquifer contains both the existing and proposed points of diversion of the transferred water right.

Based on the Research Technical Report "Geohydrology and Development of a Steady State Ground-Water Model for the Twin Falls, Idaho Area", the groundwater flow in this area of the aquifer is toward Rock Creek and the Snake River. A contour map showing the average groundwater levels in this area depicts the direction and gradient of the groundwater flow. Based on this analysis, the cessation of diversion of groundwater from the Independent Meat site will slightly increase spring flow in Rock Creek and/or the Snake River resulting in minor but probably undetectable increased surface flows.

The maximum annual water use from the IPP proposed site is small when compared with the amount of groundwater flowing below the site. Based on the aquifer transmissivity and the hydraulic gradient from the groundwater contour map, a calculated 5.26 cfs is continually flowing below the proposed 1 mile wide parcel of land. The 0.33 cfs proposed diversion rate would only show up as a 6.3% impact to the underlying aquifer directly below the site. The estimated consumptive use of the IPP facility of 74.91 af/yr is 1.8% of the annual underflow per mile width of aquifer.

**SUMMARY**

Based on our analysis of the existing and proposed uses for the water right transfer application, there will be no net gain of consumptive use of the water right. The underlying aquifer is more than suitable to support the minimal water demand required by the full facility. The overall impact of the production facility, from a hydraulic and hydrologic standpoint will be minimal.

Sincerely,

Jeffrey S. Rau P.E.

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**Idaho Premium Pork**
**Consumptive Use Calcs**
**Prepared by Jeffrey S. Rau P.E.**

**Independent Meat Company - Existing Use**

| | | |
|---|---|---|
| Water Right Volume | 151.2 | ac ft |
| Water Right Diverstion Rate | 0.33 | cfs |
| Average Diversion Rate for Total Volume | 93.73 | gpm ✓ based on constant diversion, 24 hours a day, 365 days a year |

| Plant Usages | % of Total | Average GPM (TOTAL %) | Gal/Day | % Consumptive | Total Consumed |
|---|---|---|---|---|---|
| Boilers | 20% | 18.75 | 26,994 gal | 90% | 24,295 gal |
| Toilet/Sanitary Usages | 5% | 4.69 | 6,749 gal | 10% | 675 gal |
| Plant Hot Water / Equipment Cleaning & Sterilization | 30% | 28.12 | 40,491 gal | 20% | 8,098 gal |
| ? Process Water | 20% | 18.75 | 26,994 gal | 20% | 5,399 gal |
| Product Ingredients | 15% | 14.06 | 20,246 gal | 95% | 19,233 gal |
| INDUSTRIAL? Landscape Irrigation (0.93 acres) | 8% | 7.50 | 10,798 gal | 80% | 8,638 gal |
| INDUSTRIAL? Livestock Water | 2% | 1.87 | 2,699 gal | 37.3% | 1,007 gal |
| | | | **Total Used/Day** | | **Total Consumed/Day** |
| | | | 134,971 gal | | 67,345 gal |

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**Idaho Premium Pork**
**Consumptive Use Calcs**
**Prepared by Jeffrey S. Rau P.E.**

STOCKWATER C.U.

*NOTE → 81.7% CU for Sows + 75% for 80% land application
79% CU for Boars + 75% 80% for
48.2% 55% CU for little pigs + 75% for 80%
* could make 3,300+ gallons per day difference in C.U.

**Idaho Premium Pork - Proposed Water Use**

## Gestation/Farrowing Site

**MISCELLANEOUS WATER USAGE**

| | Uses/Day | Gal/Use | Gal/Day | % Consumptive | Total Consumed | Commercial Use | Stockwater Use |
|---|---|---|---|---|---|---|---|
| Shower | 8 | 40 | 320 | 10.0 | 32 | 320 | |
| Washing Machine | 3 | 50 | 150 | 10.0 | 15 | 150 | |
| Toilet | 12 | 5 | 60 | 10.0 | 6 | 60 | |
| Hose-Faucet | 1 hr | 5 gpm | 300 | 80.0 | 240 | 300 | |
| High Pressure Wash | 4 hr | 5 gpm | 1,200 | 80.0 | 960 | 1,200 | |
| | | | | | 1253 | | |

assumed? 83.5%

**DRINKING WATER**

| | # Head | Gal/Hd | Gal/Day | % Consumptive | Total Consumed | Commercial Use | Stockwater Use |
|---|---|---|---|---|---|---|---|
| Sows | 1,320 | 4.25 | 5,610 | 95.3 | 5,344 | | 5,610 |
| Boars | 60 | 5 | 300 | 94.8 | 284 | | 300 |
| Baby Pigs | 2,000 | 0.185 | 370 | 88.6 | 328 | | 370 |
| | | | | | 5956 | | |

95% 5344 351

## Nursery Site

**MISCELLANEOUS WATER USAGE**

| | Uses/Day | Gal/Use | Gal/Day | % Consumptive | Total Consumed | Commercial Use | Stockwater Use |
|---|---|---|---|---|---|---|---|
| Shower | 4 | 40 | 160 | 10.0 | 16 | 160 | |
| Washing Machine | 1 | 50 | 50 | 10.0 | 5 | 50 | |
| Toilet | 7 | 5 | 35 | 10.0 | 4 | 35 | |
| Hose-Faucet | 0.5 hr | 5 gpm | 150 | 80.0 | 120 | 150 | |
| High Pressure Wash | 4 hr | 5 gpm | 1,200 | 80.0 | 960 | 1,200 | |
| | | | | | 1105 | | |

**DRINKING WATER**

| | # Head | Gal/Hd | Gal/Day | % Consumptive | Total Consumed | Commercial Use | Stockwater Use |
|---|---|---|---|---|---|---|---|
| Nursery Pigs | 2,000 | 0.474 | 948 | 88.6 | 840 | | 948 |

400.6

## Finishing Site

**MISCELLANEOUS WATER USAGE**

| | Uses/Day | Gal/Use | Gal/Day | % Consumptive | Total Consumed | Commercial Use | Stockwater Use |
|---|---|---|---|---|---|---|---|
| Shower | 4 | 40 | 160 | 10.0 | 16 | 160 | |
| Washing Machine | 1 | 50 | 50 | 10.0 | 5 | 50 | |
| Toilet | 8 | 5 | 40 | 10.0 | 4 | 40 | |

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| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Hose-Faucet | 0.5 hr | 5 gpm | 150 | 80.0 | 120 | 150 | |
| High Pressure Wash | 4 hr | 5 gpm | 1,200 | 80.0 | 960 | 1,200 | |
| | | | | | 1105 | | |

**DRINKING WATER**

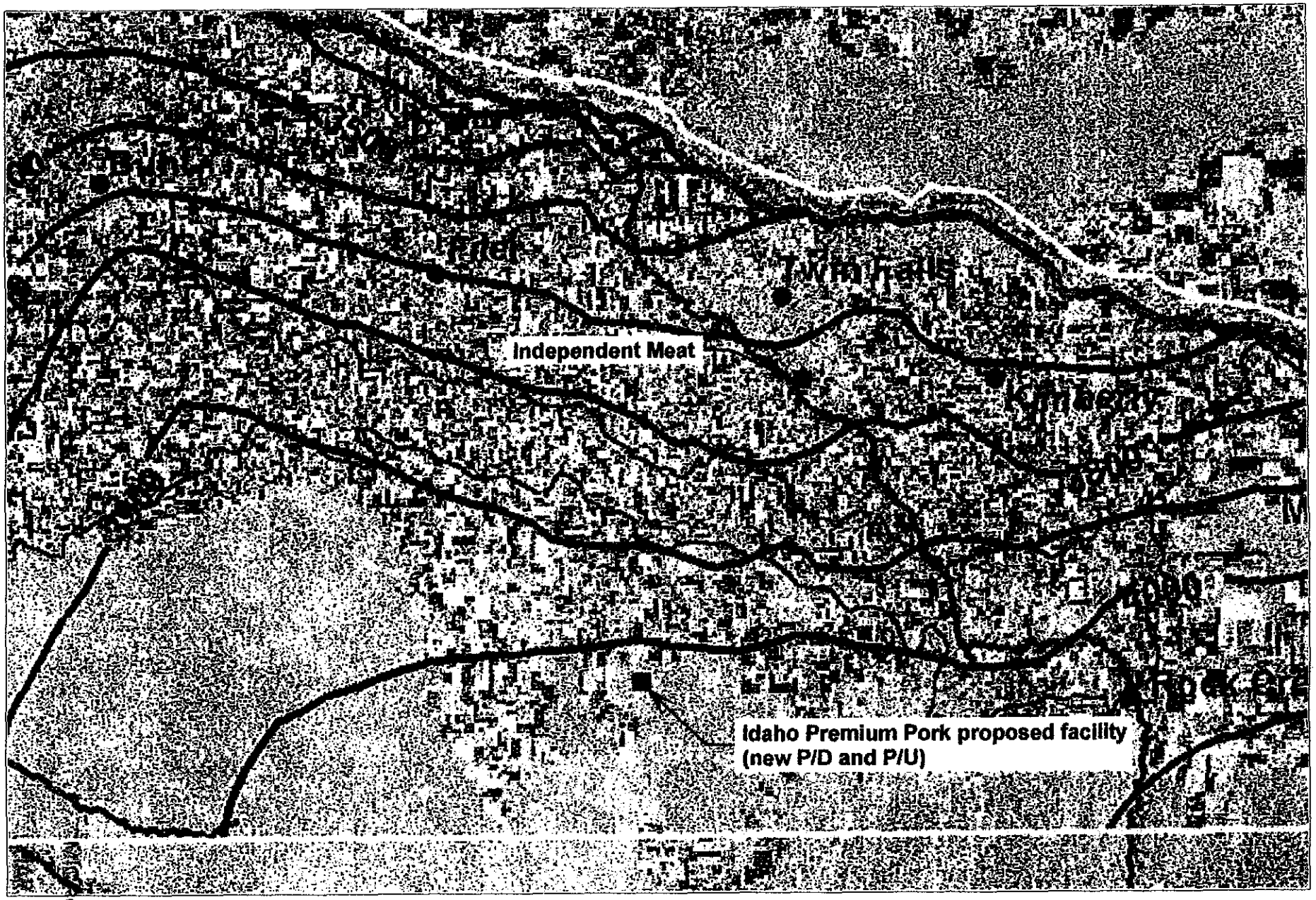
| | # Head | Gal/Hd | Gal/Day | % Consumptive | Total Consumed | Commercial Use | Stockwater Use |
|---|---|---|---|---|---|---|---|
| Finishing Pigs | 8,000 | 1.719 | 13,752 | 87.5 | 12,033 13,064 | | 13,752 |

| Total Used/Unit | Total Consumed/Unit | Total Commercial/Unit | Total Stockwater/Unit |
|---|---|---|---|
| 26,205 gal | 22,291 gal | 5,225 gal | 20,980 gal |
| **Total Daily Use Full Facility** | **Total Daily Consumed Full Facility** | **Total Daily Commercial Full Facility** | **Total Daily Stockwater Full Facility** |
| 78,615 gal | 66,874 gal | 15,675 gal | 62,940 gal |

Notes:

1. Consumptive use of livestock accounts for the consumptive use of the animal and the consumptive use of the crop from the land application of the wastewater.
2. Estimated fresh water use for pork facility taken from data prepared by Bob Ohlensehlen, Extension Educator Livestock, Twin Falls County (8/21/98)

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Average water level contours created from observational data, overlain on Landsat composite map of irrigated areas
Water right transfer 47-02396

Brockway Engineering, PLLC 10/5/98

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WATER RESOURCES

## Well Interference Analysis Idaho Premium Pork Well(s)

**DRAFT PRELIMINARY**

**Estimated Well Drawdown**

C.E. BROCKWAY October 4, 1998 Brockway Engineering P.L.L.C. THEISwellintceb

AQUIFER PROPERTIES BASED ON USBR GROUNDWATER MANUAL-FRACTURED IGNEOUS ROCK
EST. HOLE DIA. 8 INCHES

USING THEIS FORMULA S=114.6*Q/T*W(U)
S= DRAWDOWN IN FT
Q= PUMPING RATE GPM
T= COEFFICIENT OF TRANSMISSIBILITY GPD/FT
W(U)= WELL FUNCTION OF 'U'

W(U)=-.5772-LOGeU +U-U^2/(2*2!)+U^3/(3*3!)-U^4/(4*4!) .....
U=1.87*r^2*S/(T*t)
r=DISTANCE IN FT. FROM CENTER OF PUMPED WELL TO DRAWDOWN POINT
S=COEFFICIENT OF STORAGE
T=COEFFICIENT OF TRANSMISSIBILITY, GPD/FT
t= TIME SINCE PUMPING STARTED, DAYS

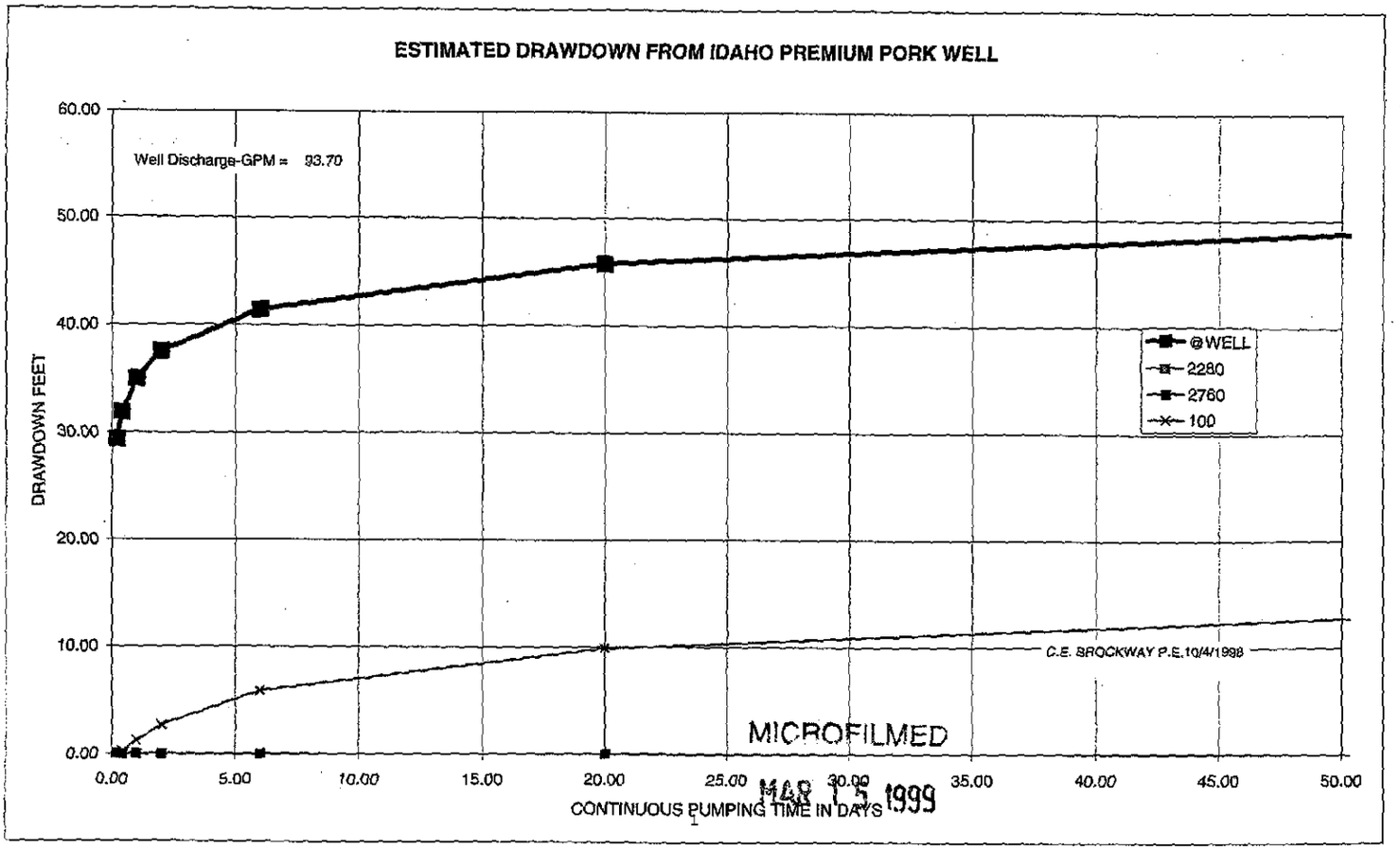
INPUT

| | | | | | |
|---|---|---|---|---|---|
| r1= | 0.667 FT | K= | 1.00 | FT/DAY | |
| r2= | 100 FT | K= | 1.1574E-05 | CFS/FT^2 | |
| r3= | 2280 FT | K= | 7.46E+00 | GPD/FT^2 | |
| r4= | 2760 FT | WRIGHT SAT. DEPTH EST.= | 400 | FT | |
| r5= | 4440 FT | TRANSMISSIVITY= | 2984 | GPD/FT | |
| S= | 0.12 | TRANSMISSIVITY= | 4.62E-03 | FT^2/SEC | |
| T= | 2984 GPD/FT | TRANSMISSIVITY= | 398.9 | FT^2/DAY | |
| Q/WELL | 93.70 GPM = | 0.209 CFS | | | |

Avg Diversion 78615 gpd=55gpm

| TIME HOURS | TIME t DAYS | U w/r1 0.66666667 | WELL FUNCT. W(U)1 | DRAW DOWN @WELL | SPEC. CAP GPM/FT | U W/r2 100 | WELL FUNCT. W(U)2 | DRAW DOWN @ 100 | U W/r3 2280 | WELL FUNCT. W(U)3 | DRAW DOWN @ 2280 | U W/r4 2760 | WELL FUNCT. W(U)4 | DRAW DOWN @ 2760 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 5 | 0.21 | 1.604E-04 | 8.1606 | 29.37 | 3.2 | 3.610E+00 | 0.0037 | 0.01 | 1.876E+03 | 0.0000 | 0.00 | 2.750E+03 | 0.0000 | 0.00 |
| 10 | 0.42 | 8.021E-05 | 8.8537 | 31.86 | 2.9 | 1.805E+00 | 0.0643 | 0.23 | 9.382E+02 | 0.0000 | 0.00 | 1.375E+03 | 0.0000 | 0.00 |
| 24 | 1.00 | 3.342E-05 | 9.7291 | 35.01 | 2.7 | 7.520E-01 | 0.3391 | 1.22 | 3.909E+02 | 0.0000 | 0.00 | 5.729E+02 | 0.0000 | 0.00 |
| 48 | 2.00 | 1.671E-05 | 10.4222 | 37.50 | 2.5 | 3.760E-01 | 0.7444 | 2.68 | 1.955E+02 | 0.0000 | 0.00 | 2.864E+02 | 0.0000 | 0.00 |
| 144 | 6.00 | 5.570E-06 | 11.5208 | 41.46 | 2.3 | 1.253E-01 | 1.6211 | 5.83 | 6.515E+01 | 0.0000 | 0.00 | 9.548E+01 | 0.0000 | 0.00 |
| 480 | 20.00 | 1.671E-06 | 12.7248 | 45.79 | 2.0 | 3.760E-02 | 2.7408 | 9.86 | 1.955E+01 | 0.0000 | 0.00 | 2.864E+01 | 0.0000 | 0.00 |
| 1440 | 60.00 | 5.570E-07 | 13.8234 | 49.74 | 1.9 | 1.253E-02 | 3.8146 | 13.73 | 6.515E+00 | 0.0000 | 0.00 | 9.548E+00 | 0.0000 | 0.00 |

| HOURS | DAYS | @WELL | 100 | 2280 | 2760 DISTANCE FEET |
|---|---|---|---|---|---|
| 0 | 0.00 | 0 | 0 | 0 | 0 |
| 5 | 0.21 | -29.37 | -0.01 | 0.00 | 0.00 |
| 10 | 0.42 | -31.86 | -0.23 | 0.00 | 0.00 |
| 24 | 1.00 | -35.01 | -1.22 | 0.00 | 0.00 |
| 48 | 2.00 | -37.50 | -2.68 | 0.00 | 0.00 |
| 144 | 6.00 | -41.46 | -5.83 | 0.00 | 0.00 |
| 480 | 20.00 | -45.79 | -9.86 | 0.00 | 0.00 |
| 1440 | 60.00 | -49.74 | -13.73 | 0.00 | 0.00 |




MICROFILMED
MAR 15 1999

# Fax

| | |
|---|---|
| Please deliver immediately to: | Corey Skinner |
| of: | IDWR |
| Fax number: | 736-3037 |
| Voice number: | |
| Fax received from: | Denise Allred |
| of: | Salmon River Canal Company |
| Fax number: | (208) 655-4288 |
| Voice number: | (208) 655-4220 |
| Date: | 10/14/98 |
| Time: | 11:12:41 AM |
| Number of Pages: | 1 |
| Subject: | Water Allotments |

# Message:

Corey,

If you have any questions, give me a call.

Denise

MICROFILMED
MAR 15 1999

## Salmon River Canal Co., Ltd.

| Year | Allotment |
|---|---|
| 1924 | 0.67 |
| 1925 | 0.81 |
| 1926 | 0.35 |
| 1927 | 0.76 |
| 1928 | 0.70 |
| 1929 | 0.60 |
| 1930 | 0.27 |
| 1931 | 0.175 |
| 1932 | 0.85 |
| 1933 | 0.50 |
| 1934 | 0.10 ← |
| 1935 | 0.50 |
| 1936 | 0.66 |
| 1937 | 0.35 |
| 1938 | 0.72 |
| 1939 | 0.61 |
| 1940 | 0.37 |
| 1941 | 0.30 |
| 1942 | 1.00 |
| 1943 | 1.167 |
| 1944 | 1.10 |
| 1945 | 1.07 |
| 1946 | 0.82 |
| 1947 | 0.48 |
| 1948 | 0.59 |
| 1949 | 0.93 |
| 1950 | 0.93 |
| 1951 | 1.1 |
| 1952 | 1.167 |
| 1953 | 0.8 |
| 1954 | 0.265 |
| 1955 | 0.34 |
| 1956 | 0.80 |
| 1957 | 0.95 |
| 1958 | 0.80 |
| 1959 | 0.335 |

| Year | Allotment |
|---|---|
| 1960 | [illegible] |
| 1961 | [illegible] |
| 1962 | [illegible] |
| 1963 | 0.85 |
| 1964 | 0.80 |
| 1965 | 1.167 |
| 1966 | 0.42 |
| 1967 | 0.64 |
| 1968 | 0.32 |
| 1969 | 1.00 |
| 1970 | 1.01 |
| 1971 | 1.167 |
| 1972 | 1.167 |
| 1973 | 1.167 |
| 1974 | 1.167 |
| 1975 | 1.167 |
| 1976 | 1.167 |
| 1977 | 0.82 |
| 1978 | 0.94 |
| 1979 | 1.05 |
| 1980 | 1.167 |
| 1981 | 0.52 |
| 1982 | 1.167 |
| 1983 | 1.167 |
| 1984 | 1.167 |
| 1985 | 1.167 |
| 1986 | 1.167 |
| 1987 | 0.94 |
| 1988 | 0.57 |
| 1989 | 0.89 |
| 1990 | 0.405 |
| 1991 | 0.36 |
| 1992 | 0.15 ← |
| 1993 | 1.05 |
| 1994 | 0.33 |
| 1995 | 1.00 |

| Year | Allotment |
|---|---|
| [illegible] | [illegible] |
| [illegible] | [illegible] |
| [illegible] | [illegible] |

Total shares on the Salmon Tract = 60,050.65

| | |
|---|---|
| 5 year average allotment 1994-1998 | 0.81 |
| 10 year average allotment 1989-1998 | 0.80 |
| 25 year average allotment 1974-1998 | 0.95 |
| 50 year average allotment 1949-1998 | 0.84 |

MICROFILMED
MAR 15 1999

August 6, 1970

Re: Permit No. 47-2396

C

O Independent Meat Company
P. O. Box EE
Twin Falls, Idaho 83301

Dear Sirs:

P Enclosed herewith is your Water License issued on the above numbered permit.

Very truly yours,

Y C. Stephen Allred
Deputy Director

CSA:kh

Enclosure

47-2396
21969

July 21, 1970

Re: Permit No. 47-2396 (G-31969)

Independent Meat Company
P.O. Box EE
Twin Falls, Idaho 83301

Gentlemen:

A representative of this department has made an examination of the works covered by your Permit No. 47-2396 and has found the following:

Quantity of water diverted: 0.36 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 0.33 c.f.s.

The maximum quantity diverted shall not exceed 151.2 acre feet per season.

Beneficial Use: Industrial use within the NE¼NE¼ Sec. 27, T. 10 S., R. 17 E., B.M.

The priority date established is : June 26, 1964

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

31969
47-2396

Form 23
2M-4-65

STATE OF IDAHO

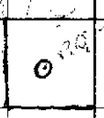
DEPARTMENT OF RECLAMATION

BOISE

# REPORT OF EXAMINER

PERMIT NO. G-31969/47-2396

REPORT ON PROOF OF _____



Priority June 26, 1964

Area

Q = .33 CFS

industrial use

V = 151.2 AC. FT./Season

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

Form 23
2M-4-65

STATE OF IDAHO

# DEPARTMENT OF RECLAMATION

BOISE, IDAHO

# REPORT OF EXAMINER

Permit No. G-31969/47-2396

This proof is for ..... In Water District No. .....

1. Name of applicant Independent Meat Company, Box EE, Twin Falls, Idaho

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NE¼NE¼, of Section 27
T. 10 S R. 17 E,B.M. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same: measuring device not required; 30 hp motor, 12" casing, well depth 500'
30 HP U.S Hollo Shaft # 3733472 L+B. VT # D10120
200 gpm @ 470'

5. Water is used for: Industrial

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
Place of use is in the meat packing Plant near well NE¼ NE¼
See # 47-7026 for Plats

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Rock Creek

Remarks: Q Conveyed is estimated at .36 cfs based upon Design Capacity

This examination was made on the ~~Nov~~ 18th day of Nov, 19 69

(Signed) Dee Clay + DR
Examiner.

AKD 6-1-70

47-2396
31969

plat

## INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Permit No. G-31969/47-2396

Examination for

County Twin Falls

Sec. 27 T. 10S R. 17E, B.M.

**Quantity:**

Permit: 0.33 c.f.s. Proof: 0.33 c.f.s.

**Source:** Subterranean

**P.D.:** NE¼NE¼, Sec. 27, T. 10S, R. 17E, B.M.

**Use:** Industrial

**Extension:**

**Protest:**

**Completion of Works:**

**Other Rights:** This well is stand by well in case other well should need repairs.

**Filed:** June 26, 1964

**Due:** July 2, 1969

Made: May 28, 1969

Priority: June 26, 1964

June 26, 1969

Re: Permit No. G-31969

Independent Meat Company
P.O. Box EE
Twin Falls, Idaho

Gentlemen:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department.

We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination. If someone other than yourself should be contacted, please advise.

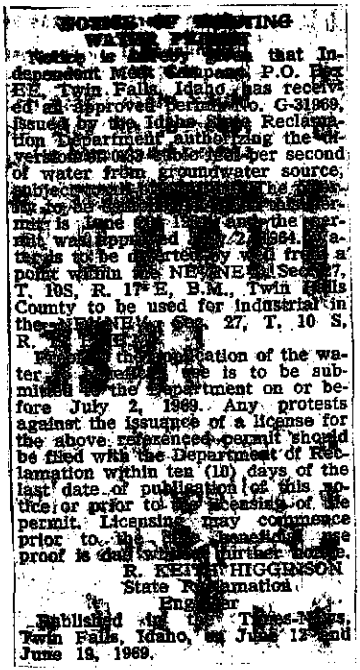
Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

11-18-69

5194



NOTICE OF PROPOSED
WATER PERMIT

Notice is hereby given that Independent Meat Company, P.O. Box EE, Twin Falls, Idaho, has received an approved permit No. G-31869, issued by the Idaho State Reclamation Department authorizing the diversion of 0.22 cubic feet per second of water from groundwater source, subject to [illegible] the permit is June 12, 1969, and the permit was approved [illegible] 22, 1964. Diversions to be diverted by well from a point within the NE¼NE¼ Sec. 27, T. 10S, R. 17E, B.M., Twin Falls County to be used for industrial in the [illegible] Sec. 27, T. 10 S, R. [illegible]

Protests to the application of the water permit [illegible] is to be submitted to the Department on or before July 2, 1969. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the [illegible] proof is due within thirty days.

R. KEITH HIGGINSON
State Reclamation
Engineer

Published in the Times-News, Twin Falls, Idaho, on June 12 and June 19, 1969.

# Affidavit of Publication

№ 14116

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Hazel L. Clark, being first duly sworn upon oath depose and say that I am Office Mgr. of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Legal Notice, commencing with the issue dated June 12, 1969, and ending with the issue dated June 19, 1969.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Hazel L. Clark

Subscribed and sworn to before me this 19th day of June, 1969.

A. Winthrop

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho.

2196

DON SAMUELSON
GOVERNOR

R. KEITH HIGGINSON
State Reclamation Engineer

# STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE — ANNEX 2
BOISE, IDAHO 83707

June 3, 1969

Re: Permit No. G-31969

Copy

Independent Meat Company
P.O. Box E E
Twin Falls, Idaho

Gentlemen:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit G-31969.

Before a license can be issued you must submit an affidavit of publication to this department. The affidavit of publication may be obtained from the Times News, Twin Falls, Idaho (after June 19, 1969) upon payment of the bill of publication.

Prior to the issuance of the license a field examination must also be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted by the examiner, please advise.

Very truly yours,

Gary L. Page
Survey Examiner

GLP:DR
Enc:Copy of letter to newspaper

31969

Identification No. _____

Permit No. _____

# STATE OF IDAHO
# DEPARTMENT OF RECLAMATION

RECEIVED

## PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder INDEPENDENT MEAT COMPANY

   b) Post Office Address P.O. BOX EE TWIN FALLS, IDAHO 83301

2. Permit Number G - 31969

3. Date of Priority that you are prepared to establish JUNE 26, 1964

4. a) Source from which water was appropriated WELL

   b) Location of the point of diversion: N.E. ¼ N.E. ¼, Section 27 Township 10 S, Range 17 E Boise Meridian, Other points of diversion: TWIN FALLS COUNTY

5. a) The amount of water and use to which the water has been applied:

   amount 0.33 for INDUSTRIAL purposes from 1-1 to 12-31 incl.
   (cfs and/or acre feet per annum) (Month-Day) (Month-Day)

   amount _____ for _____ purposes from _____ to _____ incl.
   (cfs and/or acre feet per annum) (Month-Day) (Month-Day)

   amount _____ for _____ purposes from _____ to _____ incl.
   (cfs and/or acre feet per annum) (Month-Day) (Month-Day)

   b) Total amount appropriated 0.33 cfs and/or acre feet per annum

   c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: 12" 300HP DISEL MOTOR BY LAYNE AND BOWLER PUMPING CO.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

   a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: NONE

   b) Describe the agreement or understanding by which you take water from the works: NONE

7. a) Breifly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give breif description of diversion structure and/or canal or ditch) HP 30 RPM 1770 PH3 CY60 12" CASING WELL 500'

   b) Describe the type and size of measuring device which you have installed at your point of diversion: _____

   c) Give well drillers name and address and date the well was completed _____
   MACK GRAY WELL DRILLING
   KIMBERLY, IDAHO 83341

31969

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use INDUSTRIAL

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated

10. Remarks:

The above information is a true statement of the extent to which the above numbered permit has been developed.

May 27, 1969 (Date)

Emmett Lyda (Signature) Sec. Treas.

State of )
ss.
County of )

On this 27th day of May, 19 69, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Laurabelle Brown
Notary Public residing at
Twin Falls, Idaho

My commission expires 6-6-71

31909

**NOTICE OF LICENSING WATER PERMIT**

Notice is hereby given that Independent Meat Company, P.O. Box EE, Twin Falls, Idaho, has received an approved permit No. G-31969, issued by the Idaho State Reclamation Department authorizing the diversion of 0.33 cubic feet per second of water from groundwater source, subject to all prior rights. The priority to be established under this permit is June 26, 1964, and the permit was approved July 2, 1964. Water is to be diverted by well from a point within the NE¼NE¼, Sec. 27, T. 10S, R. 17 E, B.M., Twin Falls County to be used for industrial in the NE¼NE¼, Sec. 27, T. 10 S, R. 17 E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before July 2, 1969. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Times-News, Twin Falls, Idaho, on June 12 and June 19, 1969.

June 3, 1969

Re: Permit No. G-31969
**Independent Meat Company**

Times News
Twin Falls,
Idaho

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by Independent Meat Company, P.O. Box E E, Twin Falls, Idaho, to whom you should furnish an affidavit of publication.

Very truly yours,

Gary L. Page
Survey Examiner

GLP:DR
Enc: Legal notice
cc: Independent Meat Co.

**NOTE: The permit holder is required to obtain an affidavit of publication from the above referenced newspaper and to submit it to the Department at once.**

3196 9

RECEIVED
MAY 28 1969
Department of Reclamation

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Independent Meat Company, P.O. Box EE, Twin Falls, Idaho has received an approved permit No. G-31969 issued by the Idaho State Reclamation Department authorizing the diversion ~~of~~ of 0.33 cubic feet per second ~~of water~~ of water from groundwater source, subject to all prior rights. The priority to be established under this permit is June 26, 1964 and the permit was approved July 2, 1964. Water is to be diverted by [redacted] well from a point within the NE¼NE¼, Sec. 27, T. 10S, R. 17 E, B.M., Twin Falls County to be used for industrial in the NE¼NE¼, Sec. 27, T. 10 S, R. 17 E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before July 2, 1969. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Times News, Twin Falls, Idaho on June 12 and June 19, 1969.

---

State Reclamation Engineer: Permit No. G-31969

You are hereby authorized to have the attached notice published at may expense in the Times News of Twin Falls, Idaho; published in the county in which the works are situated.

Independent Meat Company
Otto Stevens Jr.
(Signature) General Manager

P. O. Box E E Twin Falls, Idaho 83301
(Address)
May 27, 1969
(Date)

31969

May 1, 1969

Re: Permit No. G-31969

Independent Meat Company
P.O. Box EE
Twin Falls, Idaho

Gentlemen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit and are now submitting proof of beneficial use. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Order
Proof package
Proof due notice
Advertising package

31969

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-31969 )

in the name of Independent Meat Company )

P.O. Box EE, Twin Falls, Idaho )

ORDER MODIFYING REQUIREMENTS FOR COMPLETION OF PERMIT TO APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-31969 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
   a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 30th day of April, 1969.

R. KEITH HIGGINSON
State Reclamation Engineer

3 1969

May 1, 1969

Re: Permit No. G-31969

Independent Meat Company
P.O. Box EE
Twin Falls, Idaho

Gentlemen:

One of the conditions of the approval of your permit no. G-31969 was that proof of application of the water to beneficial use be submitted to this office on or before July 2, 1969.

Enclosed is an affidavit form which must be used to submit this proof. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, ICA.

Either the proof or a request for extension must be received by this department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

State Reclamation Engineer

Enclosure: Proof form
DR

Form 5

31969

July 20, 1964

Re: Permit No. G-31969

Independent Meat Co.,
P. O. Box EE
Twin Falls, Idaho.

Gentlemen:

We enclose Permit No. G-31969 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-8620 which was issued covering payment in the amount of $5.00 for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

G31969

NAME OF APPLICANT Independent Meat Co

Form No. 0

R17E

Orchard Road

Well in service

Stand by well

Eastland Drive South

T
10
S

27

Permit Map No. G-31969
As Approved
CARL E. TAPPAN JUL 2 - 1964
State Reclamation Engineer

RECEIVED
JUL 3 1964
Department of Reclamation

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

G31969

June 26, 1964

Re: Application for Permit

Independent Meat Co.
Box EE
Twin Falls, Idaho

Gentlemen:

The application for permit to divert 0.33 c.f.s. of water from a well in NE¼NE¼, Sec. 27, T. 10 S., R. 17 E., is acceptable, except the two maps were not included.

Kindly complete the maps, show both wells in the sketch maps and return to this office.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

31969

June 19, 1964

Re: Application for Permit

Independent Meat Co.
P. O. Box EE
Twin Falls, Idaho

Gentlemen:

Returned herewith is your application for permit with attached check for $5.00.

Kindly complete answer to 2, 7 and sign on page 3.

I find no record of your old well mentioned under remarks.

See filing fee charge on page 4 of the application

Complete the application and return with the proper fee.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. application with
check

B31969

May 25, 1964

Independent Meat Company
Twin Falls, Idaho

Gentlemen:

We have recently received a log on a well drilled for you by the Mack Gray Well Drilling Company in the NE¼NE¼, Sec. 27, T. 10 S., R. 17 E.,B.M. We do not find that you have a permit to divert subterranean water.

Idaho Code, 42-229, as amended by the 1963 Session of the Legislature, provides that the right to use subterranean water may only be perfected by the application, permit and license procedure.

Idaho Code, 42-237a, provides that the State Reclamation Engineer may commence action to enjoin the illegal openings or excavations of wells or withdrawal or use of water therefrom.....

Enclosed is Form 3, Application for Permit, and Instructions.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. Form 3
Instructions

B31969