STATE OF IDAHO
WATER DISTRICT 130
C/O IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST., STE. 200
TWIN FALLS, ID 83301-3380
TELEPHONE NUMBER (208) 736-3033
FACSIMILE NUMBER (208) 736-3037

IDWR DIRECTOR
KARL J. DREHER

WATERMASTER
CINDY YENTER
Cindy.Yenter@idwr.idaho.gov

November 8, 2005

JOHN WAGNER
NORTHSIDE DAIRY
243 WEST 200 NORTH
JEROME ID 83338

RE: Notice of Excessive Diversions and Order to Replace Defective Flow Meter

Dear Mr. Wagner:

It has come to my attention that total diversions at the Ciocca Dairy located in NENE Section 10, T08S R16E (Northside Dairy #1) are in excess of the appurtenant water right. Water right no. 36-8490 authorizes up to 96.4 acre-feet for stockwater, commercial and domestic uses, from three wells all located within the above legal description. Readings collected from the installed flow meter over the past several years indicate total withdrawals at the dairy of 100 to 130 acre-feet per year or greater. Immediate action from you is required in order to avoid regulatory action from Water District 130 (WD130).

The measuring device on the Northside Dairy #1 in NENE Section 10, T08S R16E, must be replaced within 30 days. The existing device must be replaced with a *magnetic-type flow meter* which is compatible with a data logger, in accordance with 2002 revised Department of Water Resources (IDWR) guidelines. The present configuration of the distribution system allows flows from all three wells to be measured by a single meter. This configuration is still acceptable, provided that flow from all wells, including the replacement well constructed earlier this year, is still routed directly through the meter.

The discovery of excess diversions occurred during review of an application for transfer which was filed in September. This application proposes the addition of both a place of use and a point of diversion to water right 36-8490. A new milking barn and well would be situated in SENE Section 10. Expansions of this kind, without the acquisition of additional water rights, can lead to illegal enlargements in use of a water right. Because use under right no. 36-8490 may already be in violation of total volume limits, and there has been no additional water acquired, I will not issue a Watermaster's recommendation of approval of this transfer at this time.

It is possible that flow meter errors and an apparent lapse in proper reporting of diversions, are contributing to overly high records of withdrawals. The existing flow meter was installed in about 1997, pursuant to water measurement requirements. The meter was tested in 2004 and was found to be reading approximately 14% lower than a standard flow meter. This is greater than the allowable variance of ±10%. Based on the 2004 meter test, this meter is failing and must be replaced. This device also is not properly sized for the dairy, and it has a history of multiple totalizer "roll overs" per year. IDWR's meter criteria specify that meter volume totalizers be of sufficient capacity that they will not turn or roll over more than once every two years.

Also since 1997, commercial water users in WD130 have been required to report annual diversions, comprised of monthly flow meter totalizer readings. I have received no reported diversions from or on behalf of this facility since 2001. Northside Dairy is not in compliance with measuring and reporting requirements of Idaho Code §§ 42-701. All recent data on file have been collected by Water District 130 staff during end-of-year audits, although this did not relieve Northside Dairy of their obligation to file reports. When monthly data are not reported, any suspected meter rollovers per year will be estimated by the water district, which usually results in indicated withdrawals which are higher than actual use.

Please contact me immediately once the new measuring device is installed, so that it may be tested. After the new meter is certified and has operated for a minimum of 60 days, I will review the total accumulated volume and make a projected estimate of annual diversions based on the initial device readings. If this estimate is within the allowable water right volume for 36-8490, IDWR will resume review and processing of the transfer application. If this estimate is at or above the water right volume, I will continue to recommend that the transfer be held pending acquisition of additional water rights. Continued or future excessive diversions at Northside Dairy will be subject to immediate curtailment by Water District 130.

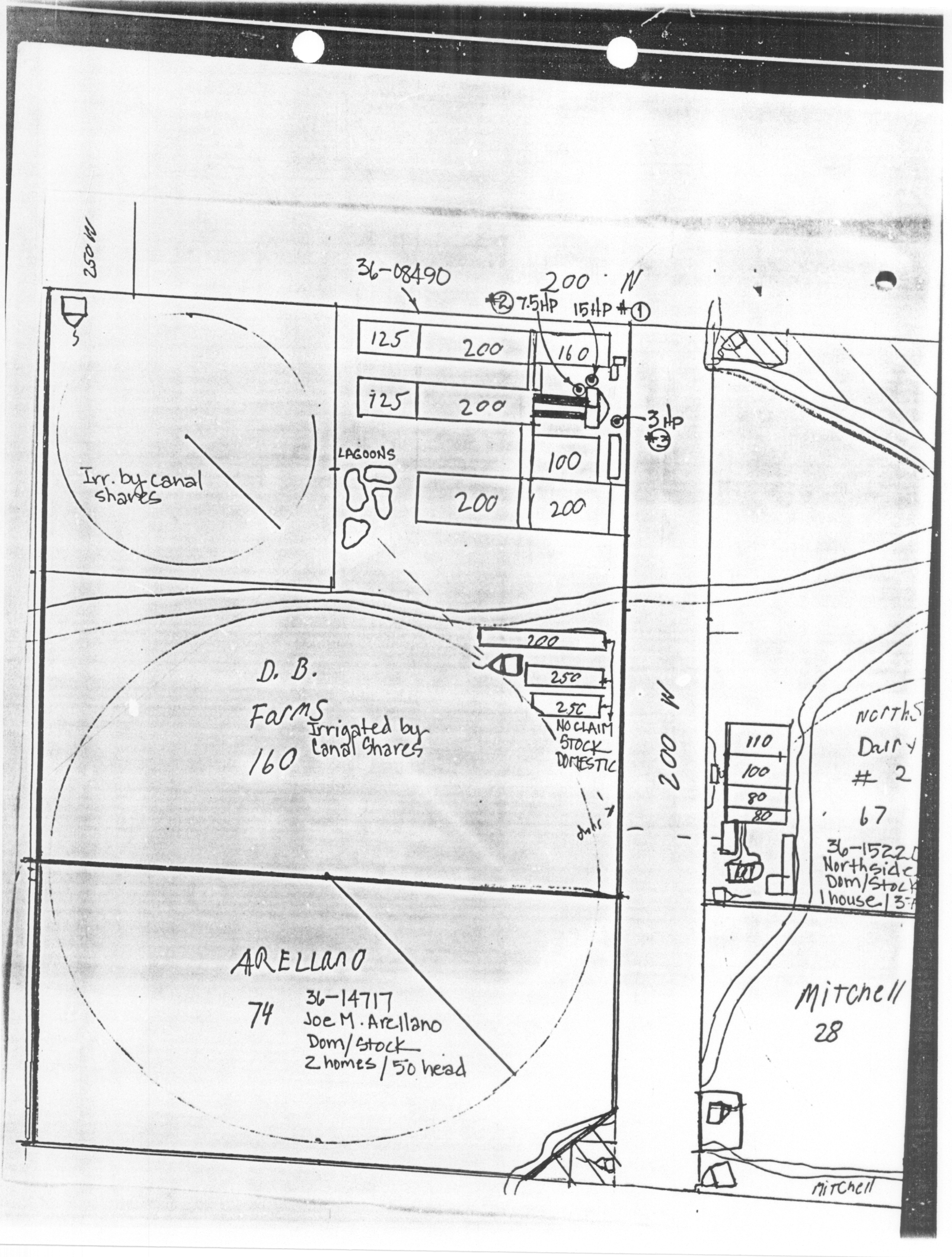
Thank you for your cooperation. I may be reached at my office at 208-736-3033 or by cell phone at 208-731-0901. Please don't hesitate to call if you have any questions.

Regards,

Cindy Yenter

Cindy Yenter
Watermaster, Water District 130

Cc: Gary Funderburg


250 W
36-08490
200 N
#2 7.5HP
15HP #1
125
200
160
125
200
3HP #3
100
LAGOONS
200
200
Irr. by canal shares
200
250
250
NO CLAIM STOCK DOMESTIC
D. B. Farms
Irrigated by Canal Shares
160
200 W
110
100
80
80
North
Dairy
2
67
36-1522
Northside
Dom/Stock
1 house
ARELLANO
74
36-14717
Joe M. Arellano
Dom/Stock
2 homes / 50 head
Mitchell
28
Mitchell

FILE NUMBER —— 36-08490
REVIEWER —— Setterlee

EXISTING CONDITIONS

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE	1200
NUMBER OF NONMILKING CATTLE	180
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES; IF ANAEROBIC, ENTER ZERO	1.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR)	4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS	3
NUMBER OF MILKINGS PER DAY	3

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD	
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	0.78
NONMILKING CATTLE @12 GPD/HD	0.78
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	0.04
TOTAL (BASED UPON ROUNDED NUMBERS)	0.04
	0.82

DIVERSION VOLUME (AFA):

STOCKWATER	
MILKING CATTLE @35 GPD/HD	
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	47.0
NONMILKING CATTLE @12 GPD/HD	46.0
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	2.4
TOTAL (BASED UPON ROUNDED NUMBERS)	2.7
	50.7
COMMERCIAL	
WASHING OF BULK TANK AND RELATED EQUIPMENT	0.5
PARLOR FLOOR AND MILKHOUSE FLOOR	0.1
CATTLE WASHING BASED UPON METHOD OF WASHING	0.1
TOTAL	0.7
TOTAL DIVERSION VOLUME	118.4 = 0.58 cfs

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER	
MILKING	7.0
NONMILKING	0.0
TOTAL	7.0
COMMERCIAL	4.0
TOTAL CONSUMPTIVE USE	11.0

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP)	15.00	7.50	3.00
LIFT (FT)	215	215	215
DISCHARGE PRESSURE (PSI)	50	50	50
FRICTION LOSSES (FT)	10.0	10.0	10.0

CALCULATIONS

Σ = 0.48 cfs

THEORETICAL FLOW RATE (CFS) *	0.28	0.14	0.06
DIVERSION VOLUME (AFA) **	202.4	98.2	40.5

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.
** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY DAY OF THE YEAR.

9 gpm / 0.02 cfs ≠ 120 gpm / 0.27 cfs MEASURED RATE

FILE NUMBER —— 36-08490
REVIEWER —— Satterlee

AS PERMIT STATES

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE	1000
NUMBER OF NONMILKING CATTLE	0
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES; IF ANAEROBIC, ENTER ZERO	
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR)	1.0
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS	4
NUMBER OF MILKINGS PER DAY	3
	3

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD	
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	0.65
NONMILKING CATTLE @12 GPD/HD	0.65
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	0.00
TOTAL (BASED UPON ROUNDED NUMBERS)	0.00
	0.65

DIVERSION VOLUME (AFA):

STOCKWATER	
MILKING CATTLE @35 GPD/HD	
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	39.2
NONMILKING CATTLE @12 GPD/HD	40.0
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	0.0
TOTAL (BASED UPON ROUNDED NUMBERS)	0.0
	40.0
COMMERCIAL	
WASHING OF BULK TANK AND RELATED EQUIPMENT	0.5
PARLOR FLOOR AND MILKHOUSE FLOOR	0.1
CATTLE WASHING BASED UPON METHOD OF WASHING	54.6
TOTAL	55.2
TOTAL DIVERSION VOLUME	95.2

95.2 = 0.48 cfs

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER	
MILKING	5.8
NONMILKING	0.0
TOTAL	5.8
COMMERCIAL	4.0
TOTAL CONSUMPTIVE USE	9.8

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP)	15.00	7.50	3.00
LIFT (FT)	215	215	215
DISCHARGE PRESSURE (PSI)	50	50	50
FRICTION LOSSES (FT)	10.0	10.0	10.0

CALCULATIONS

$\Sigma = 0.48$ cfs

THEORETICAL FLOW RATE (CFS) *	0.28	0.14	0.06
DIVERSION VOLUME (AFA) **	202.4	98.2	40.5

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.
* DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY DAY OF THE YEAR.

$\frac{9 \text{ gpm}}{0.02 \text{ cfs}} = \frac{120 \text{ gpm}}{0.27 \text{ cfs}}$

DAIRY SPREADSHEET