

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31599

Priority: December 16, 2002

Maximum Diversion Rate: 0.33 CFS

This is to certify, that NORMAN VERMEER
18883 FRIENDS RD
CALDWELL ID 83605

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.33 CFS
COMMERCIAL	01/01 to 12/31	0.33 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER NW¼SW¼NW¼ Sec. 33, Twp 04N, Rge 04W, B.M., CANYON County
GROUND WATER NW¼SW¼NW¼ Sec. 33, Twp 04N, Rge 04W, B.M., CANYON County
GROUND WATER SW¼SW¼NW¼ Sec. 33, Twp 04N, Rge 04W, B.M., CANYON County

PLACE OF USE: STOCKWATER & COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 04W 33							X										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2004**.
2. Subject to all prior water rights.
3. Water bearing zone to be appropriated is from 30 to 225 feet.
4. Commercial use is for an existing dairy operation.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

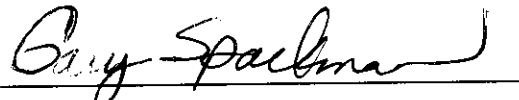
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-31599

9. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
10. Stockwater use is for 212 dairy cattle and 82 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of May, 2004.


FOR KARL J DREHER, Director

RECEIVED

FEB 24 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

RECEIVED

NOV 13 2002

WATER RESOURCES
WESTERN REGIONRECEIVED
MAY 1 2003
Department of Water ResourcesID# 63-31599Phone (208) 459-77981. Name of Applicant Norman VermeerMailing address 18883 Friends Road, Caldwell ID 836053. Source of water supply Groundwater which is a tributary of NA4. Location of point of diversion is Township 04N Range 04W Sec. 33, in the NW 1/4,
of the SW 1/4, of the NW 1/4, Govt. Lot _____, B.M., _____ Owyhee County;
additional points of diversion if any: NW1/4SW1/4NW1/4, SW1/4SW1/4NW1/4

5. Water will be used for the following purposes:

Amount .33 for stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount .33 for commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)6. Total quantity to be appropriated is (a) .33 (cfs) and/or (b) _____ (acre-feet per annum)

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Three wells with 5 hp submersible pumps already in use.

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

c. Proposed well diameter is NA inches; proposed depth of well is NA feetd. Is ground water with a temperature of greater than 85°F being sought? Noe. If well is already drilled, when? NA; Drilling firm; NA Well was drilled for (well owner) NA; Drilling Permit No. NA8. Time required for completion of works and application of water to proposed beneficial use is 1 years (min. 1 year)

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

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

b. Stockwatering; list number and kind of livestock. 650 dairy cows, 150 head young stock (see att. A)
(current operation)

c. Municipal; show name of municipality.

d. Domestic; show number of households.

e. Other; describe fully. Commercial (see attachment A)

STATE OF IDAHO
APPLICATION FOR PERMIT

PAGE 2 OF _____

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

ID. NO. _____

10. Description of place of use:

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

TWP.	RGE.	SEC.	NE 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	
04N	04W	33							C										8.19 afa

11. Describe any other water rights used for the same purposes as described above. 63-28988, 63-28989, and 63-28990 are used for stockwater, commercial, and domestic uses on the same farm.

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

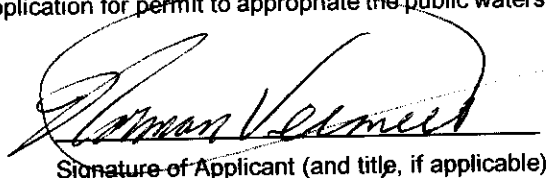
13. Remarks: The purpose of this application is to obtain a license which reflects the actual beneficial use on this farm as of 1987. The owner will provide proof that the dairy was operating at the stated level during 1987.

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

A Quantity calculations

B Maps

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


Signature of Applicant (and title, if applicable)

Received by g Date 11/13/02 Time 1:00 PM Preliminary check by g

Fee \$ 250 Receipted by # W029610 Date * 8/21/02

Publication prepared by AT Date 7-15-22-03 Published in

Publication approved AK-AT Date 8-15-03

PRESS TRIBUNE

~~ON THE AVAILANCHE~~

7-15-22-04

* Replaces application that was not advertised + withdrawn.

Attachment A

Daily Fresh Water Requirement For Dairy Facility Worksheet

10/18/02

For: **Norman Vermeer Dairy as of November 1987**

Drinking Water Estimates (see Table 1 & 2):

			Number	Use/day	Size Adjustment NA	Use/day	Total Gal/Day	Total Gals/Yr.	Acre-feet/Yr (AF/a)
Milking Cows			180		35	6300	6300		
Dry Cows			32		12	384	384		
Total Cows			212			0	6684	2,439,660	7.49
Heifers:	Age	% of Herd	Number	Use/day	NA		Total		
	16-24 mo.	0.38			10		0.0		
	13-15 mo.	0.12			8		0.0		
	9-12 mo.	0.17			6		0.0		
	5-8 mo	0.17	40		5		200.0		
	3-4 mo	0.08	40		4		160.0		
	0-2 mo	0.08			2.5		0.0		
Total Heifers			80				360.0	131,400	0.40

Total Herd Drinking Water (less than 13000 gals per day) **7.89**

Wash Pen Estimate:

GPM discharge/nozzle 5
 Number of Nozzles 60
 Minutes run/day: 30
 groups 3)
 mins/group 5
 x/day 2
days per year 365

Total Wash Pen Water Used: 9000 3,285,000 **10.08**

Milk House and Parlor Estimate (see Table 4)

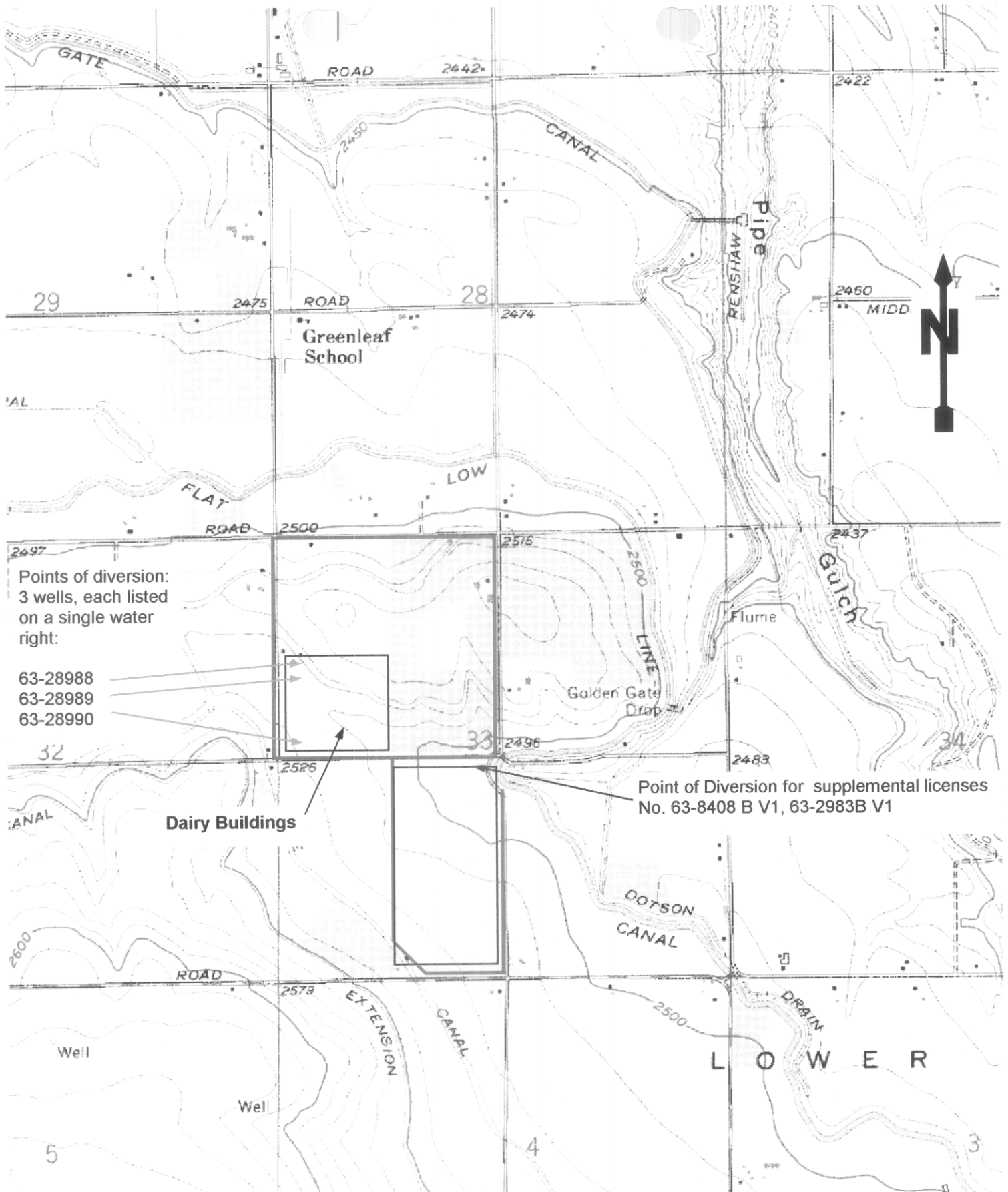
Item	Gals/Op	x's/day	Gals/day		
Bulk Tank	200	0.5	100		
Pipeline	200	2	400		
Backflush	0.5	2	180		
Cleanup	1500	2	3000		
Cow Prep	0.25	2	90		
Plate Cooler(ignore if recycled)					
Total Milk House and Parlor Water Used:			3770	1,376,050	4.22

Total Groundwater Diverted Annually (af/a consumptive use) **22.2 Af/a**

deduct:

13000 Gals/day as per 63-28988, 63-28989, 63-28990 (13,000) (4,745,000) (14.56) Af/a
 less 500 gal/day domestic 500 182,500 0.56 (14.00)

Total amount of water requested in application for license as per 1987: **8.19**



Norman Vermeer Dairy	Site map	
T 04N, R 04 W, sec 33		Scale 1" = 1508'
		Prepared by: Darwin Vander Stelt

1000 FEET

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

Mailing Address

Application No.
(if known)

NORMAN VERMEER
18883 FRIENDS RD
CAIDWELL ID 83605

RECEIVED

DEC 16 2002

WATER RESOURCES
WESTERN REGION

IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

PROPOSE MITIGATION NOW

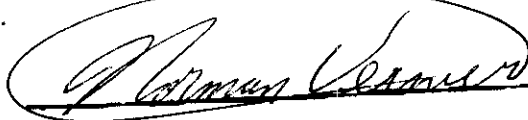
Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Date


12-14-02

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

PREPARED BY	INITIALS	DATE	REFERENCE
CHECKED BY	ap	2/28/87	
APPROVED BY			

Norm Newman
Cattle Information
1987

11/5/88

LINE No.	(1)	(2)	(3)	(4)	(5)	(6)	LINE No.
	Cattle at 1/1/88: 281 head	Cows	Sept 179	50% LTC	Net Basis	Dec 31/87	Dep Exp 12/31/88
1	x 10 Cows 4/1/84	7471	(658)	890	6813	5381	59 sold 1-1-88
2	x 18 ✓ 2/23/85	13875		(694)	13181	7645	to 6-30-88
3	x 10 ✓ 3/28/85	7990		(400)	7590	4403	
4	x 2 ✓ 6/17/85	1058		(53)	1005	583	
5	x 13 ✓ 7/12/85	8870		(444)	8426	4887	
6	x 6 ✓ 8/24/85	4105		(205)	3900	2262	Sold 6-30-88
7	x 6 ✓ 9/16/85	4515		(226)	4289	2488	
8	x 6 ✓ 11/18/85	4350		(217)	4133	2397	
9	x 10 ✓ 12/11/85	6650		(332)	6318	3664	0
10	1 3 ✓ 1/7/86	2175			2175	805	
11	3 ✓ 2/17/86	2300			2300	851	
12	8 ✓ 2/26/86	5050			5050	1869	
13	1 ✓ 2/28/86	750			750	278	
14	8 ✓ 3/14/86	5300			5300	1961	
15	11 ✓ 4/9/86	7240			7240	2679	
16	1 ✓ 6/27/86	840			840	311	
17	1 ✓ 7/7/86	442			442	163	
18	10 ✓ 7/28/86	6705			6705	2481	
19	1 Bull 8/6/86	1685			1685	624	Sold 2 BULLS
20	1 Bull 9/18/86	2600			2600	740	
21	1 Cow 10/14/86	699			699	259	1 Cow Sold
22	6 Cows 10/14/86	4196			4196	1552	881
23	11 Cows 10/31/86	7935			7935	2936	1666
24	1 Cow 11/1/86	700			700	259	147
25	3 Cows 12/29/86	2220			2220	821	466
26	5 Cows 1/18/87	3800			3800	475	1429 543
27	8 Cows 7/5/87	6370			6370	341	910
28	5 Cows 7/11/87	3935			3935	211	562
29	8 Cows 10/19/87	6940			6940	124	992
30	13 Cows 11/2/87	11035			11035	198	1577
31	14 Cows 11/13/87	12450			12450	223	1779
32	10 Cows 11/19/87	8525			8525	153	1218
33	9 Cows 11/27/87	7756			7756	139	1108
34	16 Cows 12/11/87	14340			14340	257	2049
35	7 Cows 12/19/87	6105			6105	109	872
36	35 Cows 12/30/87	32710			32710	586	4674
37	281 (279 Cows, 2 Bull)	223087	(658)	(2571)	219858	55115	19444
38							
39	Less 1988 sales	(94070)	(658)	(2571)	(90841)	(46731)	
40							
41	(151 cows) Balance 12/31/88	129017			129017	8384	21
42							
43							

	INITIALS	DATE	REFERENCE
PREPARED BY			
CHECKED BY	OP	5/1/89	
APPROVED BY			

Norman Vermeer
Cattle Information
12-31-88

mf 5-3-89

LINE No.	(1)	(2)	(3)	(4)	(5)	(6)
	Cost	Sec. 179	50% ITC	Net Basis	Accum. Depr. 12/31/87	Depreciation Jan - June 1991
1	Cattle @ 6-30-88					
2	498 head	441,124		7.75 00 3503.34	29954.00	24,233.00
3	16 heifers 7-6	140.00				
4	(1 cow died) 24 heifers + cows 7-11	2184.0				
5	(5) beef (3306.30) 7-12					
6	(1 cow died) (4) cows (1) bull (3773.27) 7-27	X				
7	(1 cow died) 7 heifers 7-29	595.0				
8	11 heifers 8-5	960.0				
9	(3 cows died) 3 heifers - 8-18	275.0				
10	6 heifers 9-2	445.0				
11	4 heifers 9-8	342.5				
12	(1 cow died) (7) beef (4589.85) 9-6					
13	(1) bull (3) cows (2261.11) 9-10	X				
14	(1 cow died) 14 heifers 9-13	1285.5				
15	(1) cow (407.19) 9-14					
16	4 heifers 2 bulls 9-22	520.0 X				
17	34 heifers 9-30	3000.0				
18	(7) beef (3695.67) 10-5					
19	(3) cows (1690.45) 10-12					
20	(1 cow died) 5 heifers 2 bulls 10-19	539.5 X				
21	(5) heifers (2959.12) 10-30					
22	(1 cow died) 3 heifers 10-30	267.5				
23	(3 cows died) 11 heifers 11-16	1000.0				
24	4 heifers 11-20	369.0				
25	(5) cows (1) bull (4096.31) 11-11	X				
26	6 cows (3746.46) 12-9	X				
27	4 heifers 12-20	320.0				
28	(10) cows (5781.64) 12-23					
29	593 per transactions					
30	(13) death loss					
31	580 (per Norm - 571 cows - 9 bulls)					
32	2^					
33						
34						
35						
36						
37						
38						
39						
40						
41						
42						
43						

	INITIALS	DATE	REFERENCE
PREPARED BY	OP	2/28/89	
CHECKED BY			
APPROVED BY			

Norman Vermeer
Cattle Information
1988

MP 5.389

LINE No.	(1)	(2)	(3)	(4)	(5)	(6)	LINE No.
	Cost	Sect 179	50% LTC	Net Basis		Dep Exp	
1	1988 purchases:					75L 112	1
2	17 Hfro 1-9-88	15000		15000		7.142 1071	2
3	24 ✓ 1-18-88	22000		22000		1571	3
4	14 ✓ 1-25-88	13000		13000		928	4
5	32 ✓ 2-1-88	30000		30000		2142	5
6	23 ✓ 2-9-88	21391		21391		1527	6
7	2 Cows 2-20-88	2000		2000		143	7
8	16 ✓ 2-29-88	15000		15000		1071	8
9	12 Hfres 3-7-88	12000		12000		857	9
10	18 ✓ 3-14-88	18000		18000		1285	10
11	12 ✓ 3-21-88	12000		12000		857	11
12	x 1 Bull 3-27-88	1000		1000	SOLD 1988		12
13	10 Hfro 3-28-88	10000		10000		714	13
14	x 4 Bulls 4-21-88	3230		3230		231	14
15	9 Cows 4-28	8325		8325		594	15
16	6 Cows 4-28	4700		4700		336	16
17	6 Hfres 5-2	6000		6000		428	17
18	5 ✓ 5-9	5000		5000		357	18
19	10 ✓ 5-16	10500		10500		750	19
20	12 ✓ 5-23	12000		12000		857	20
21	4 ✓ 6-6	4000		4000		286	21
22	1 hfr 6-7	1000		1000		71	22
23	x 1 bull 6-7	760		760		54	23
24	23 hfra 6-20	22000		22000		1571	24
25	14 hfra 6-27	12500		12500		893	25
26	16 hfra 7-6	14000		14000		1000	26
27	24 cows 7-11	21840		21840		1559	27
28	7 hfras 7-29	5950		5950		425	28
29	11 ✓ 8-3	9600		9600		685	29
30	3 ✓ 8-18	2750	Cows + Bulls 2-11-129,017. ✓	2750		196	30
31	6 ✓ 9-2	4450	12/31/88 395,436. ✓	4450		318	31
32	4 ✓ 9-8	3425	C [REDACTED] ✓	3425		245	32
33	14 ✓ 9-15	12855	1987 # Head 151. + Cows	12855		918	33
34	4 hfra 9-22	3700	420. + 1	3700		264	34
35	x 2 bulls ✓	1500	9. + Bulls	1500		107	35
36	34 hfras 9-30	30000	1988 21,580. *	30000		2142	36
37	5 hfra 10-19	3895	8,384. +	3895		278	37
38	x 2 bulls ✓	1500	19,444. +	1500		107	38
39	3 hfra 10-30	2675	28,234. +	2675		191	39
40	11 ✓ 11-16	10000	AC Depr [REDACTED]	10000		714	40
41	4 ✓ 11-26	3690	A-1	3690		263	41
42	4 ✓ 12-20	3200		3200		228	42
43	430 (420 cows, 10 Bulls)	396436		396436			43
	429 (420 cows, 9 Bulls) - 1 Bull	61000		61000			
		395436 ✓		395436		228 234 21	

**NOW
STARTING
RIGHT
SIDE OF
FILE**

May 31, 2004

NORMAN VERMEER
18883 FRIENDS RD
CALDWELL, ID 83605

PROOF DUE NOTICE

RE: PERMIT NO. 63-31599

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

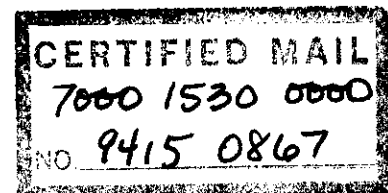
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 12, 2004

NORMAN VERMEER
18883 FRIENDS RD
CALDWELL ID 83605

RE: Permit No. 63-31599

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

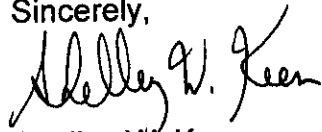
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

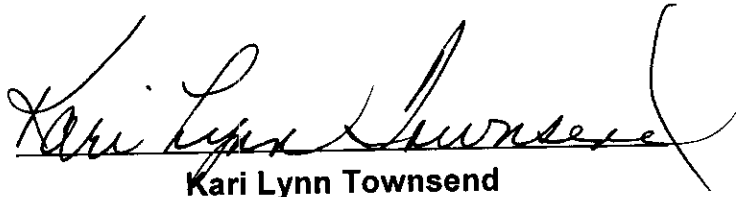
CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-31599

**NORMAN VERMEER
18883 FRIENDS RD
CALDWELL ID 83605**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

SCANNED
11/1/00

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Comment Report

63-31599

RECEIVED

MAY 06 2004

Department of Water Resources

1. Imattson 12/20/2002 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

2. Imattson 12/20/2002 Legal Notice Remarks

Comment: Development completed by November 1987.

3. Imattson 12/20/2002 Legal Notice Remarks

Comment: Water bearing zone to be appropriated is from 30 to 225 feet.

4. Imattson 12/20/2002 Comment/Analysis

Comment: Priority date was advanced to date additional info received. Applicant has SRBA claims 63-28988, 63-28989 and 63-28990 for exempt stockwater use from the three wells. Applicant also has application 63-12347 that he tried to file in 1996 for his existing operation (as of 1996) and application 63-12348 for a second expansion. Because the applicant could not show that the dairy was beyond the size of an exempt operation in 1987 and due to the moratorium, both applications were placed on processing hold. Applicant then purchased adjoining property with a supplemental ground water right and hired Darwin Vanderstelt to file the necessary paperwork to cover the current and proposed dairy operation. Although the dairy consisted of less than 350 cows in 1987, Darwin calculated that the dairy used 8.19 afa in excess of their 14 afa exempt amount (based on 13000 GPD and 1987 records), which is what this application represents. An accompanying transfer application was filed to cover the current and proposed operation which was later withdrawn due to problems found in the review process. Applicant filed the necessary well upgrade fees in 1996 per receipt W021472. Water bearing zone was confirmed per telephone call with the applicant 12/16/02.

Certified records showed that the dairy consisted of 212 cows and 2 bulls in 1987.

The records did not include replacement heifers. The applicant estimated that he raised an average of 80 replacement heifers in 1987 because he had one pen designated for replacement heifers and each pen can hold 112 animals.

Once the application is approved, applicant will withdraw application 63-12347.

5. Igraves 1/21/2003 Comment/Analysis

Comment: Application was filed in the wrong county and as a result, advertised in the wrong paper. Application data entry corrected and submitted for advertising to the Idaho Press Tribune 1/21/2003.

4/07/2004 Update: Application was advertised in the Owyhee Avalanche by mistake and sent to SO for approval. SO returned the application 4/2/2004 for correct advertising in the Idaho Press Tribune. The application was advertised 4/15 and 4/22 without protest.

6. kwalker 4/2/2004 Permit Review

Comment: In review of this application, which I located on vault shelves, I found it to be for development that had occurred in 1987. The number of animals on the front page of the application form is the number in the current operation according to Lori Graves. I have changed the number of stock on the water use screen to those that were watered in 1987 since this application is for pre-SRBA development. Recommend approval with only 3 months before proof is due.

RECEIVED
DEC 13 2004
DEPARTMENT OF
WATER RESOURCES

MEMORANDUM

TO: Gary Spackman
FROM: Steve Lester 
DATE: December 9, 2004
RE: Dairy Size approved in Permit 63-31599, Vermeer

Vermeer has Permit 63-31599 approved in May 2004 for development completed by November 1987 under current Basin 63 approval guidelines. As you probably recall, this has a long and confusing history. Paralegal Sharon Strickland from Rosholt's office called me yesterday to discuss the situation. The following summary of the research related to this call is provided for your consideration whether Rosholt's office makes further contact with IDWR in this matter or not.

1. Vermeer filed Application 63-12347 in July 1996 to cover the dairy to that date.
2. Vermeer filed Application 63-12348 in July 1996 to cover post-1996 expansions.
3. Both applications remained on hold while additional information was sought to document the dairy size as of late 1987. This would allow possible approval of "pre-1987 development."
4. Nothing happened for several years.
5. Vermeer filed another application for permit and a companion transfer application in 2002. Darwin VanderStelt assisted with those. The proposed permit addressed development through 1996, about 650 milkers. A number was not issued for that application, and obviously the filing was not advertised. The transfer addressed post-1996 expansions. Transfer 70326 for 63-2983B and 63-8408B was data entered but not advertised. 
6. Regional staff (you and Lori) discussed the 2002 applications with Vermeer. The transfer application did not appear viable based on available information. Lori recalls some discussion about Sorrento Lactalis information supporting Vermeer dairy size of about 600 milkers by late 1987. This was reflected in the first paragraph of her draft memo (see attached copy). Lori recalls it was agreed that IDWR probably could approve a new permit for about that level of development completed by late 1987.

7. Vermeer filed Application 63-31599 in December 2002. Apparently this covered the pre-1987 dairy but not any additional use. Original application information is not available to Western in hard copy, microfiche or PowerDocs yet. But the database indicates the application listed a pre-1987 dairy of 212 milkers. Again, Lori recalls discussion regarding about 600 milkers possibly recognized for pre-1987 development.
8. Vermeer withdrew the 2002 applications by March 2004¹. IDWR approved Permit 63-31599 shortly after that but only allowed 212 dairy cattle and 82 range cattle. The closed application record includes a database comment dated April 2, 2004. That comment notes a reduction in animal numbers. The reduced numbers were subsequently approved in 63-31599.
9. Apparently Vermeer did not appeal approval of 63-31599.
10. Vermeer has several exempted rights and this permit to cover development through 1987. Applications 63-12347 and 63-12348 are somewhat outdated but might serve some good in the long run if Basin 63 guidelines change. Holding those applications does no harm. Vermeer can continue to look for post-1987 dairy coverage.
11. But was 63-31599 approved with too few animals? There is some reason to think that IDWR and Vermeer expected to cover about 600 dairy cattle in this pre-1987 permit, although it sounds like the application was not amended to that effect. Maybe the department overlooked something in this one, or maybe I am misinterpreting the available information.

Strickland indicated the law firm might send a letter seeking IDWR clarification on this point. I faxed her a copy of Lori's draft memo from Vermeer's withdrawn filings of 2002 for that reason. I reminded Strickland of the preliminary nature of that memo ... it is not written in stone but reflects department thinking at that time.

It is not clear to me why 63-31599 was filed when other approaches could have worked: revisit 63-12347 or continue with the 2002 application for permit that was eventually withdrawn. But it does not matter too much in the long run if we don't lose track of duplication and so forth.

¹ Apparently the transfer withdrawal form and acknowledgment letter were not previously routed to the SO file but will be soon. The regional office recently implemented a better tracking method for voided or withdrawn items (using scanning). This should avoid cases in which a withdrawn transfer application is not noted in the SO file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 5, 2004

NORMAN VERMEER
18883 FRIENDS RD
CALDWELL ID 83605

Re: Application for Permit in the Name of Norman Vermeer and
Application for Transfer of Water Right Nos. 63-2983B and 63-8408B in the Name of
Norman Vermeer

Dear Applicant:

This office acknowledges the withdrawal of the above-referenced application for water right permit and application for transfer.

By copy of this letter we are authorizing Debbie Allen of our fiscal department to refund your \$500 filing fee (receipt no. W029610).

If you have any questions concerning this matter, please contact this office.

Sincerely,

Lori Graves

LG/sk

CC: Debbie Allen



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348DIRK KEMPTHORNE
GovernorKARL J. DREHER
Director

RECEIVED

MAR 31 2004

WATER RESOURCES
WESTERN REGIONW I T H D R A W A L

TO WHOM IT MAY CONCERN:

I hereby withdraw Application for Transfer of Water

Right No(s). 63-2983B
63-8408BI understand that the withdrawal does not adversely
affect the above-referenced water right(s).Signed at CALDWELL TO
city stateon this 3 day of 30 1992 2004
Applicant Holder

WITNESSED BY _____

T. 70326

MEMORANDUM

TO: Lori Graves

FROM: Darwin Vander Stelt, preparer

DATE: 17-Jul-02

RE: Norm Vermeer, Application for Transfer of Water Right.
Current rights: 63-2983B V1 and 63-8408B V1

This revision to the transfer request is based on the following:

1. A conversation with Jeff Peppersack around 7/1 in which he indicated that a year's use of the supplemental right "sets" the right.
2. A letter from the Wilder Irrigation district indicating only one af was delivered in 2001.
3. A simple calculation of the total consumptive use of an average crop, reduced by the amount provided by the primary right in 2001.

This seems reasonable to me, and I hope it works! I am happy to answer any further questions about this application. Thank You!


Darwin

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

T. 70326Name of applicant: Norman VermeerPhone: (208) 459-7798Post Office address: 18883 Friends Road, Caldwell ID 83605**A. PURPOSE OF TRANSFER**

1. ☒ X Change point of diversion ☐ Add diversion point(s) ☒ X Change place of use
☒ X Change nature of use ☒ X Change period of use ☐ Other

2. Describe the reason for the proposed changes: Applicant wishes to expand an existing dairy facility on the site, and supply the needed stockwater and process water from existing wells on the dairy. Waste water will be land applied on the irrigated farmground which remains. In addition, applicant wishes to expand the permissible place of use of the remaining irrigation water.

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		
<u>63-2983B V1</u>	<u>02/25/1954</u>	<u>.20 / 57.8</u>	<u>irrigation</u>	<u>03/15</u>	<u>to</u>	<u>10/31</u>
		<u>.09 / 16.6</u>	<u>stockwater</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
		<u>.09 / 14.3</u>	<u>commercial</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
<u>63-8408B V1</u>	<u>01/24/1977</u>	<u>.09 / 49.8</u>	<u>irrigation</u>	<u>03/15</u>	<u>to</u>	<u>10/31</u>
		<u>.05 / 16.6</u>	<u>stockwater</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
		<u>.04 / 14.3</u>	<u>commercial</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>

2. Total amount of water being transferred _____ cubic feet per second and/or _____ 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	SW	NW	33	T04N	R04W	Canyon	Existing dairy and domestic well
	NW	SW	NW	33	T04N	R04W	Canyon	Existing dairy well
	SW	SW	NW	33	T04N	R04W	Canyon	Existing dairy well
	NE	NE	SW	33	T04N	R04W	Canyon	Supplemental irrigation well

5. 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	
04N	04W	33									6.4			6.4					12.8
							C	C	C	C	C		C						
									S	S									

Total acres

12.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

PART 1

6. General Information:

- a. Description of diversion system: **No change in the diversion system**
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X 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:
The water right is supplemental and will continue to be used in emergencies, but to a lesser degree.

d. Remarks:

See attachments:

- A. Daily Fresh Water Requirement For Dairy Facility Worksheet
 B. Flow, Volume, and Allocation Calculations
 C. Crop history and calculation of consumptive use
 D. Calculation of PCC and power records.
 E. Memorandum addressing the four issues raised in the Idaho code 42-222
 F. Proof of ownership
 G. Letter from lender
 H. Topo Map with list of wells in 1 mile radius.

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 _____.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-2983B V1

WATER RIGHT NUMBER: 63-2983B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRUCE C BARTLETT 22166 HOMEDALE RD CALDWELL, ID 83605 (208)459-7965

Priority Date: 02/25/1954

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.380 CFS	112.50 AF
	<u>Total Diversion:</u>	0.380 CFS	112.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SW1/4	Sec. 33, Twp 04N, Rge 04W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	33									16.0				9.0				25.0

Total Acres: 25

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to

rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2983B V1

7. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

1. General The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Comments:

1. PSKAGGS 5/17/2001 11:35:55 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 66100

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector: 0
Water District Number:
Generic Max Rate Per Acre: 4.5
Generic Max Volume Per Acre: 112.5
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-8408B V1

WATER RIGHT NUMBER: 63-8408B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRUCE C BARTLETT 22166 HOMEDALE RD CALDWELL, ID 83605 (208)459-7965

Priority Date: 01/24/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.180 CFS	92.50 AF
	<u>Total Diversion:</u>	0.180 CFS	92.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SW1/4	Sec. 33, Twp 04N, Rge 04W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	33									16.0				9.0				25.0

Total Acres: 25

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to

rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8408B V1

7. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Comments:

1. PSKAGGS 5/17/2001 11:36:01 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 66100

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector: 2.85
Water District Number:
Generic Max Rate Per Acre: 4.5
Generic Max Volume Per Acre: 92.5
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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
	for		purposes from		to
	for		purposes from		to
	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	

C. Description of unchanged portion of right

1.

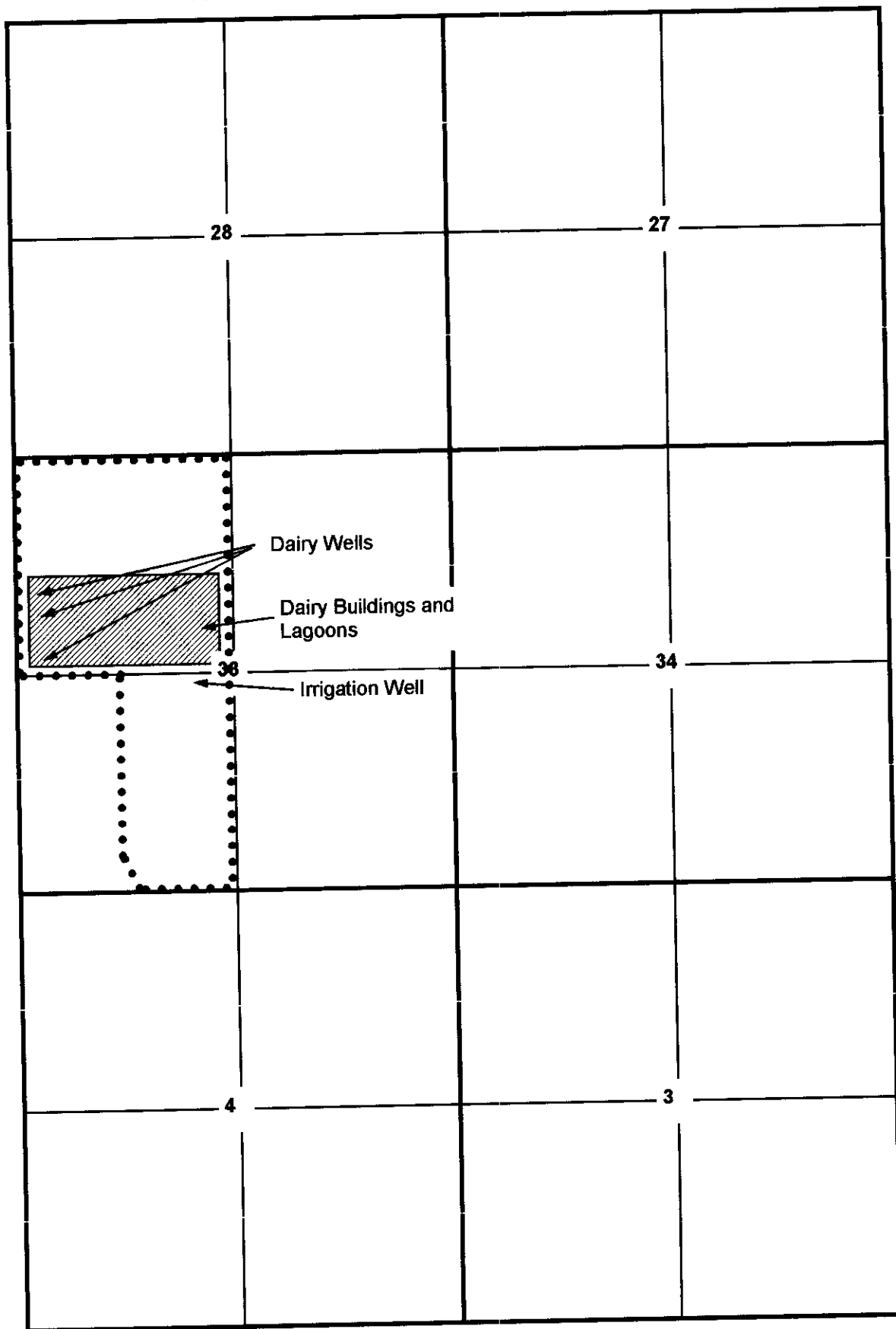
Amount (cfs/ac-ft)					
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to

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	



Norman Vermeer	Site map	
T 04N, R 04 W, sec 33		Scale 3" = 1 mile
		Prepared by: Darwin Vander Stelt

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use		
				to	
Stockwater	.14 / 16.6	365	01/01	to	12/31
Commercial	.13 / 14.3	365	01/01	to	12/31

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

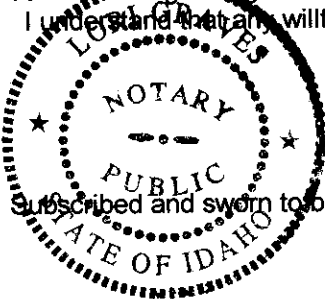
Used process and runoff to be contained in the lagoon on the SW ¼ sec 33 T04N R04W

Estimated volume of return flow is 41.64 acre feet to be land applied during the growing season.

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

See Attachment E.

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.



[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this

21st day of Aug, 19 2002

[Signature]
(Notary Public)

My commission expires

6/18/04

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by *[Signature]* Date 8/21/02 Protest filed by _____Prelim. check by _____ Fee 250Receipted by *[Signature]* Date 8/21/02 #W029610

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

Attachment A

Daily Fresh Water Requirement For Dairy Facility Worksheet

For: **Norman Vermeer Dairy**

Drinking Water Estimates (see Table 1 & 2):

			Size					
		Number	Use/day	Adjustment	Use/day	Total Gal/Day	Total Gals/Yr.	Acre-feet/ (AF/a)
Milking Cows		950	35	NA	33250	33250		
Dry Cows		150	12	NA	1800	1800		
Total Cows		1100			0	35050	#####	39.26
Heifers:	Age	% of Herd	Number	Use/day	NA	Total		
	16-24 mo.	0.38		10		0.0		
	13-15 mo.	0.12		8		0.0		
	9-12 mo.	0.17		6		0.0		
	5-8 mo	0.17	100	5		500.0		
	3-4 mo	0.08	100	4		400.0		
	0-2 mo	0.08		2.5		0.0		
Total Heifers			200			900.0	328,500	1.01

Deduct: 13000 Gals/day as per 63-28988, 63-28989, 63-28990
Application for license for stockwater used per 1987

(13,000) (4,745,000) (14.56)
(9.10)
16.61

Total Stockwater to be transferred from irrigation

Wash Pen Estimate:

GPM discharge/nozzle 5
Number of Nozzles 80
Minutes run/day: 80
groups 8
mins/group 5
x/day 2
days per year 365

Total Wash Pen Water Used:

32000 ##### **35.84**

Milk House and Parlor Estimate (see Table 4)

Item	Gals/Op	x's/day	Gals/day		
Bulk Tank	250	1	250		
Pipeline	250	2	500		
Backflush	0.5	2	950		
Cleanup	1500	2	3000		
Cow Prep	0.25	2	475		
Plate Cooler(ignore if recycled)					
Total Milk House and Parlor Water Used:			5175	1,888,875	5.80

Total Commercial use

41.64

Deduct:: Application for license for commercial use per 1987

(27.36)

Stock water needed

16.61

Commercial water needed

14.28

Total

30.89

Acres out for stock water **6.5**

Acres out for Commercial **5.6**

Attachment B Flow, Volume, and Allocation Calculations

Amount of water (afa) to be transferred			31	(From Dairy worksheet, Attachment A)
	%	Volume	Acres to dry	
Stockwater	54%	16.6	6.5	(volume needed/consumptive use/acre)
Commercial	46%	14.3	5.6	(volume needed/consumptive use/acre)
Historic consumptive use per acre			2.54	(From Attachment C. Crop history etc)
Acres to dry up in Section 33			12.16	(From Dairy worksheet, Attachment A)

To determine acres irrigated and flow under each license:

Total flow from notation on right: 0.50 (max flow .02 x 25 ac.).

Total Flow for each license:

Priority	Acres	Flow (cfs)	Flow/acre (cfs)	Diversion
2/25/54 63-2983B V1	25	0.38	0.015	112.5 earliest priority date license limited to .38 cfs
1/24/77 63-8408B V1	25	0.18	0.007	92.5 next priority date license limited to .18 cfs

Allocation of flow under license 63-2983B V1 after transfer:

Total licensed flow	0.38	cfs
Acres irrigable	25	
acres irrigable (after transfer)	12.8	(25-12.16 acres out of production)
flow for irrigation	0.20	(acres irrigable X's licensed flow/acre)
acres out for stockwater	6.5	(from dairy worksheet)
flow for stock water	0.10	(acres out X's licensed flow/acre)
acres out for Commercial	5.6	(from dairy worksheet)
flow for Commercial	0.09	(acres out X's licensed flow/acre)
total flow after transfer	0.38	cfs (total of the three flows)

Allocation of Volume

Total Diversion under license: 63-2983B V1 after transfer:

Total diversion	112.5	ac-ft	(from license)
deduct dairy water	54.7	(4.5 ac-ft x 12.16 acres out)	
Tot. diversion/irrigation	57.8	acre-ft/annum	
Tot. diversion/ commercial	14.3	(from dairy worksheet)	
Tot. diversion/ stockwater	16.6	(from dairy worksheet)	
Total allowable diversion after transfer	89		

Allocation of flow under license 63-8408B V1 after transfer:

Total licensed flow	0.18	cfs
Acres irrigable	25	
acres irrigable (after transfer)	12.8	(25-12.18 acres out of production)
flow for irrigation	0.09	(acres irrigable X's licensed flow/acre)
acres out for stockwater	6.5	(from dairy worksheet)
flow for stock water	0.05	(acres out X's licensed flow/acre)
acres out for Commercial	5.6	(from dairy worksheet)
flow for Commercial	0.04	(acres out X's licensed flow/acre)
total flow after transfer	0.18	cfs (total of the three flows)

Allocation of Volume

Attachment B Flow, Volume, and Allocation Calculations (continued)

Total Diversion under license:	63-8408B V1	after transfer:
Total diversion	92.5	ac-ft (from license)
deduct dairy water	54.7	(4.5 ac-ft x 12.18 acres out)
Tot. diversion/irrigation	37.8	acre-ft/annum
Tot. diversion/ commercial	14.3	(from dairy worksheet)
Tot. diversion/ stockwater	16.6	(from dairy worksheet)
Total allowable diversion after transfer		69

Total flows under both licenses limited to .50 cfs.**Total volume limited to : 88.66 afa**

Attachment C

Crop History Evaluation for estimation of Diversion Volume and Consumptive Use

Source: **Norman Vermeer Dairy**
Owner records

Date: **08/12/02**

Year	Acres	Crop	% Total years
2001	75	Field Corn	16.7%
2000	75	Potatoes	16.7%
1999	75	Alfalfa	16.7%
1998	75	Alfalfa	16.7%
1997	75	Alfalfa	16.7%
1996	75	Alfalfa	16.7%
			<u>100%</u>

SUMMARY:	Average
Crops Grown	% Grown
Alfalfa Hay	66.7%
Potatoes	16.7%
Corn Silage	16.7%
	100.0%

Allen and Brockway Data

Transfer No. **Norman Vermeer Dairy**

Allen and Brockway report site: Caldwell

%	Crop	Equiv. Acres	Method	App. Eff. %**	Yield Multiplier*	IR for Crop mm/season	Crop Div Vol AF/Ann	Crop CU AF/Ann
66.7%	Alfalfa Hay	50.00	Pivot	72%	1.2	936	255.91	184.25
16.7%	Potatoes	12.50	Pivot	72%	1.2	694	40.73	29.66
16.7%	Field Corn	12.50	Pivot	72%	1.2	708	41.53	30.24
Totals		75.0					338	244.15

Summary for 2 year period:

Average Acres Irrigated	75.0	Acres	Average Diversion Vol/acre	4.51
Total Diversion	338	AF/ann	Average Consumptive Use/acre	3.26
Total Consumptive Use	244	AF/ann	% consumptive	72%

* Yields for Alfalfa, Corn, and Potatoes have increased since 1983

Calculation to determine quantity of water available under WR # 63-2983B V1 and 63-8408B V1:

Total consumptive use, 2001	3.26 afa
Total quantity provided by Wilder irrigation district	1 afa (see letter)
% consumptive	72%
Quantity provided by WR # 63-2983B V1 and 63-8408B V1:	<u>0.72 afa</u> 2.54 x's 25 acres= 63.5

Attachment D Calculation of Power Consumption Coefficient (PCC)

Client: **Nederand Dairy**Date: **7/16/02**

Groundwater Measurement

350 hp pump

Theoretical Rate of Flow: $Q = ((8.8) * (HP) * (EFF))/TDH$

Where,

Q = flow in CFS

HP= Total Brake HP of pump including booster

EFF= pump efficiency (assume 70%)

TDH= Total dynamic Head = (Lift)+(PSI * 2.31)

Lift= Depth to water in feet

PSI = discharge pressure near the pump.

Variables		Calculated	% of of rated
Plate	Peak KWH	HP	
75	38	50.92	68%
50%			
		243.100	
220			
10	open discharge		

Theoretical Q =

0.92	CFS
414	GPM

Power Bills 2001

Date	KW
6-Jul	24002
7-Aug	22089
7-Sep	8558
9-Oct	3945
8-Nov	12981
Total	71575

Data Sources:

Lift From:

measurement

owner

area estimate

X well logs

PSI from:

measurement

owner

X estimate

owner gage

Notes on Pump

Motor make etc.

Pump make etc.

Determination of Power Consumption Coefficient

Power Consumption Coefficient (PCC) = $(KW * 5431) / GPM$

PCC Cond. #1	38	(KW) X	5431	/	414	(gpm)=	PCC	
							498.91	(kWh/ac.ft)

Actual KWH used: $\frac{2001}{71575}$ (see attached power consumption records)

Acre- Feet pumped: 143

The well has pumped more water than dairy expansion will use.

Note:

The pump efficiency has been estimated. While the motor is 75 HP by the plate, the peak load suggests it is only producing about 50 hp. The owner says that adjustments have had to be made to match the pumping capacity to the productivity of the well.

Current Charges - Electric Service

Average Daily
Use Comparison

This Month This Year:	This Month Last Year:	*
Days = 32	Days = 29	A, S, V, R = Regular Reading
kWh Billed = 17100	kWh Billed = 8628	C = Customer Reading
kWh per Day = 534.3	kWh per Day = 297.5	E, L, Y = Estimated Reading

Next Read Date: 08

Account Number: 8219621097(SA 2730091817)
Service Location: 2190 HP 75/CALDWELL, ID

Meter	Rate Sched.	* Number of Days	Previous Reading Date	Current Reading Date	Prior Meter Reading	Current Meter Reading	Meter Constant	Billing Demand	Billing Energy kWh
01612002124	I24SB R	36	05/31/2001	07/06/2001	0	24002	1	38	24002

@Bill Normalized from 36 days to 30 days
Customer Charge, per meter per month
Demand Charge 38 kW @ \$3.58 per kW
Energy Charge 24,002 kWh @ \$0.041831 per kWh \$
Current Charges - Electric Service..... \$

Agricultural
Electric Service

Current Charges - Electric Service.....\$641.54

Average Daily Use Comparison
This Month This Year: 31 Days = 30 Days =
kWh Billed = 12357 kWh Billed = 11076
kWh per Day = 398.6 kWh per Day = 369.2

Account Number: 8219621097 (SA 2730091817)
Service Location: 2190 HP 75/CALDWELL, ID
Next Read Date: 09/07/2001

Meter	Rate Sched.	* of Days	Number	Previous Reading Date	Current Reading Date	Prior Meter Reading	Current Meter Reading	Meter Constant	Billing Demand	Billing Energy kWh	Basic Load Capacity
01612002124	124SB	R	32	07/06/2001	08/07/2001	24002	46091	1	38	22089	0

Agricultural Electric Service
@07/06/2001 - 08/07/2001 32 days \$0.00
Customer Charge, per meter per month \$10.07
Demand Charge 38 kW @ \$3.58 per kW \$136.04
Energy Charge 22,089 kWh @ \$0.041831 per kWh \$924.00

Current Charges - Electric Service.....\$1,070.11

250' lift 9/7 8558 kW 41 kW
10/9 3945 kW 40.

lift - open discharge
D. Pressure

Average Daily Use Comparison

Current Charges - Electric Service..... \$2.50

This Month This Year: 32 Days = kWh Billed = kWh per Day =

This Month Last Year: 29 Days = kWh Billed = 2344 kWh per Day = 80.8

Account Number: 8219621097 (SA 2730091817)

Service Location: 2190 HP 75/CALDWELL, ID

Meter	Rate Sched.	Number of Days	Previous Reading Date	Current Reading Date	Prior Meter Reading	Current Meter Reading	Meter Constant	Billing Demand	Billing Energy kWh	Basic Load Capacity
01612002124	I24SB R	30	10/09/2001	11/08/2001	58594	71575	1	37	12981	0

Agricultural Electric Service

@ 10/09/2001 - 11/08/2001 30 days

Customer Charge, per meter per month \$0.00

Demand Charge 37 kW @ \$0.00 per kW \$2.50

Energy Charge 12,981 kWh @ \$0.053413 per kWh \$0.00

Current Charges - Electric Service..... \$693.35

Average Daily Use Comparison

This Month This Year: 30 Days = kWh Billed = 12981 kWh per Day = 432.7

This Month Last Year: 29 Days = kWh Billed = 2344 kWh per Day = 80.8

Account Number: 8219621097 (SA 2730091817)

Service Location: 2190 HP 75/CALDWELL, ID

* A, S, V, R = Regular Reading CR = Credit
C = Customer Reading MN = Minimum
E, L, Y = Estimated Reading AV = Average

Next Read Date: 12/11/2001

* A, S, V, R = Regular Reading CR = Credit
C = Customer Reading MN = Minimum
E, L, Y = Estimated Reading AV = Average

Attachment E

Section 42-222 of the Idaho Code requires that the IDWR consider 4 issues in connection with changes in the nature and place of use:

- 1) Will the proposed change injure other water rights?
- 2) Will the proposed transfer constitute an enlargement of the original right?
- 3) Is the proposed transfer in the local public interest as defined in 42-203A(5)(e)?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

This memorandum, along with attached exhibits, will attempt to provide a response to these concerns.

1.) Injury to other water users.

The proposed change in the nature of use, place of use, and time of use will not injure any other water user because there will be a net decrease in water consumption as a result of this request. Supplemental irrigation will be reduced to compensate for the water used by the dairy. In addition, there will be a net reduction of 11 acre feet per year in the licensed diversion volume (see Attachment B). The change in time of use from seasonal to year around will also be beneficial to other water users because it will reduce demand on the aquifer during the heavy irrigation season.

The proposed transfer is not an expansion of the right.

The dairy facility operating on this site is required by the Idaho Department of Agriculture rules to prevent ground water or surface water contamination. All runoff from the dairy site must be contained in lagoons or containment basins. No runoff from farmland is allowed until manure is incorporated into the soil, and manure must be applied at agronomic rates. As a condition of the Grade A permit, the proposed dairy is required to prepare and adhere to a nutrient management plan which will limit the quantities of manure which may be applied. Soil samples will be taken by the department of Agriculture soil sampler and repeated every three years to ensure that nutrient concentrations remain within environmentally sound levels.

2. Enlargement of the original right.

The application is for a change in the nature and place of use, not for a change in the amount of water licensed. Calculations attached to the application and also to this attachment demonstrate that there is in fact a reduction in both total diversion and consumptive use brought about by this transfer. The nutrient management plan will require (by IDA Rules) that the lagoon water be applied to growing crops. Wastewater must be applied with appropriate concern for hydraulic balance and the available water capacity of the soil. The convention of classifying all the process water as consumptive is a fiction because this water will replace irrigation water, gallon for gallon. This request

results in a substantial reduction in the right, and will reduce the quantity of water actually used by an even larger amount.

3. Local public interest.

The Idaho Code defines the local public interest as "the affairs of the people in the area directly affected by the proposed use."

The Vermeer Dairy will have an annual budget of approximately \$3,500,000, of which nearly half is spent locally for feed. Local farmers benefit by having an improved market for hay, corn silage and grain, and this has already produced a local increase in hay prices. An additional 30% of the operating budget is spent locally on equipment, employee wages, repairs, local property taxes, and professional fees. The University of Idaho suggests a multiplier of 5 to estimate the economic impact of a dairy because the raw materials (feed etc.) as well as the final processing (cheese production) are produced locally. The dairy has an economic impact for the local area approaching \$11,000,000 annually.

4.) Consistent with conservation of water

The reduction of total diversion is as follows:

Total potential diversion before transfer: 112.5 afa

Total potential diversion after transfer: 101 afa

Quantity of this diversion re-used to replace irrigation water: 41.6 afa (less evaporation)

Total water savings produced on this dairy is at least 50 afa.

Irrigation water not pumped because it is replaced by effluent is as surely conserved as any other means of conservation.

If any other information is required, the applicant will respond in timely fashion.

Thank You,

Darwin Vander Stelt, preparer.

VERMEER, NORMAN L
& VERMEER, MARIE-H/W
18883 FRIENDS RD
CALDWELL ID 83607

PARCEL NO. 04N04W334820
33-4N-4W SW
E 1/2 SW-N & E OF DEER FLAT HIGH
LINE CANAL LS TX 17, 95796 & 99383

USTICK RD, CA

BILL NUMBER 2001061403

CODE AREA	062-00	QTY	75.83
LAND IMPROVEMENT	50,700		
	6,700		
TOTAL VALUE	57,400		

TAXING DISTRICT	RATE	AMOUNT
PEST	APPLICABLE VALUE	57,400
AMBULANCE	.000045422	2.60
GATE HWY3	.000394955	22.68
FIRE CA	.001806117	103.68
CEM GR	.001234333	70.86
SCH 139 VV	.000212083	12.18
COUNTY	.008054507	462.32
	.004736686	271.88

Year Taxable FCV Tax Amount
2000 57,400 904.26
2001 57,400 946.20

TOTAL LEVY .016484103

IMPORTANT

PLEASE READ BOTH FRONT AND BACK
MONTHLY PAYMENTS ACCEPTED

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

KEEP TOP PORTION FOR YOUR RECORDS.

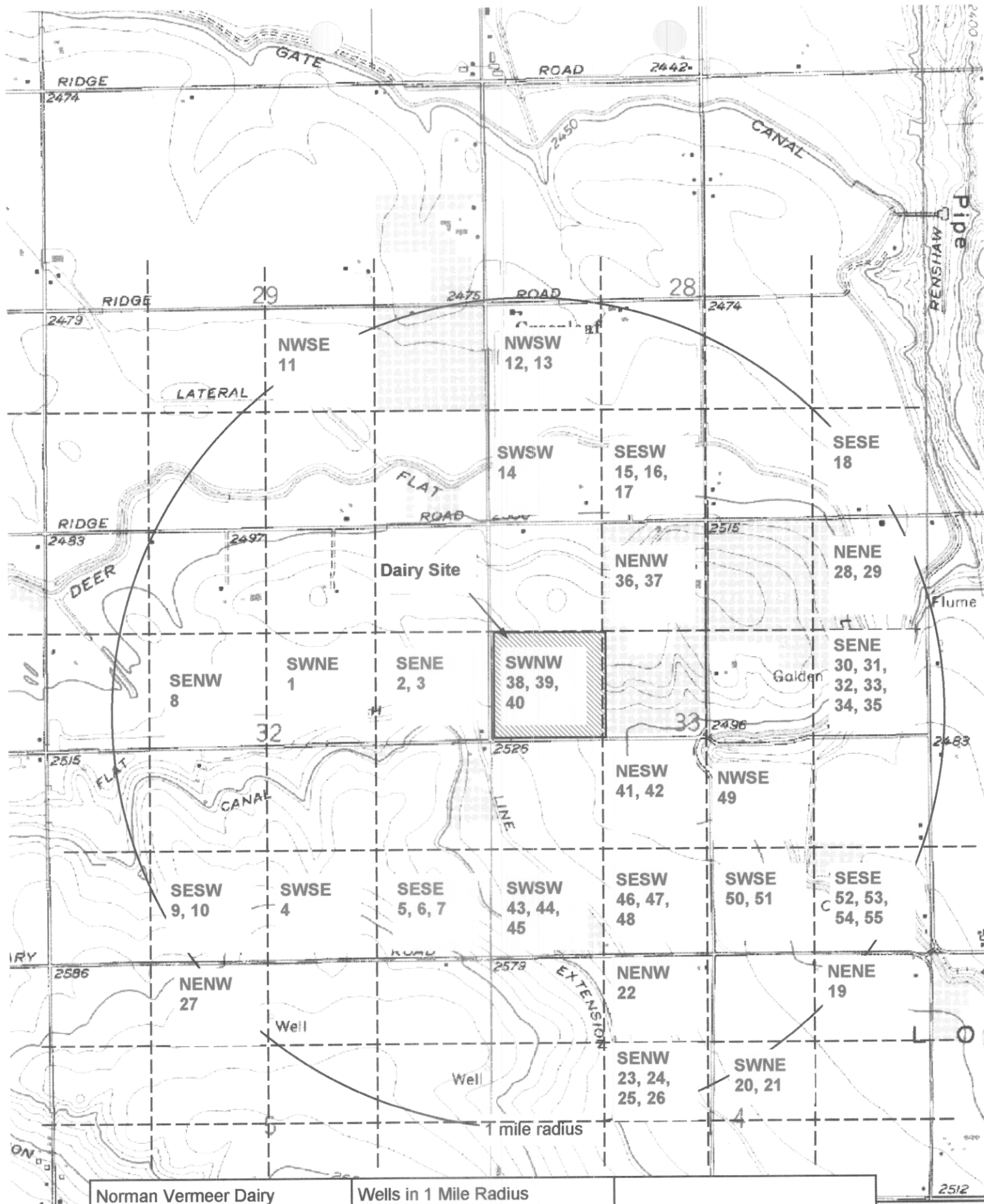
TRACIE LLOYD

Please Make Checks Payable To:
CANYON COUNTY TAX COLLECTOR

P.O. BOX 1010
CALDWELL, IDAHO 83606
(208) 454-7354

TOTAL TAX 946.20

TOTAL DUE 946.20



Norman Vermeer Dairy	Wells in 1 Mile Radius	
T 04N, R 04 W, sec 33		Scale 1" = 1508'
		Prepared by: Darwin Vander Stelt

MARSING)
671 III SF

List of Neighboring Wells

Norman Vermeer Dairy

Map No.	Contact	Use	TWP	RNG	SEC	Tract	Gov. Lot	Well Address	Gallons Per Minute	Static Water Level	Total Depth	Casing Depth	CSG. DIA.	Construction Date	Permit Number
1	VOSS, RICK	Domestic-Single Residence	04N	04W	32	SWNE		22106 BOEHNER	35	75	164	118	6	9/12/95	729673
2	PRICKETT, ROBERT L	Domestic-Single Residence	04N	04W	32	SENE		22106 BOEHNER RD	15	53	97	94	6	4/8/91	724563
3	HARDING, PAUL	Domestic-Single Residence	04N	04W	32	SENE		187637 TUCKER RD	26	43	92	86	6	1/24/93	726710
4	OSBORN, DENNIS	Domestic-Single Residence	04N	04W	32	SWSE		22660 USTICK RD	25	148	310	-300	6	7/27/00	765611
5	JOHN, RANDY	Domestic-Single Residence	04N	04W	32	SESE		22184 USTICK	60	145	300	273	8	11/1/95	729716
6	ALLEN, GEORGE H	Domestic-Single Residence	04N	04W	32	SESE		22020 USTICK RD	40	108	205	200	6	7/29/96	730528
7	BARTLETT, BRUCE C	Irrigation	04N	04W	32	SESE			0	115	200			5/16/77	774659
8	BRICKETT, ROBERT L	Domestic-Single Residence	04N	04W	32	SENW		22106 BOEHNER RD	35	77	160	138	6	8/2/96	730584
9	PICKETT, E RICHARD	Domestic-Single Residence	04N	04W	32	SESW		USTICK RD	0	160	245	245	6	12/16/94	728868
10	OSBORN, WILLIAM	Domestic-Single Residence	04N	04W	32	SESW		USTICK RD	25	133	248	248	6	3/6/95	729163
11	GREENLEAF FARMS	Irrigation	04N	04W	29	NWSE			0	0	0				722767
12	RASMUSON, JERRY	Domestic-Single Residence	04N	04W	28	NWSW			15	30	65	62	6	7/30/88	722591
13	IDAHO MIGRANT COUNCIL	Domestic-Single Residence	04N	04W	28	NWSW		18611 UPPER PLEASANT RD	75	65	162	143	6	8/26/92	726036
14	SAKO, HIROSHI	Domestic-Single Residence	04N	04W	28	SWSW		UPPER PLEASANT RD	0	0	0				725447
15	WINSLOW, CLAREN	Domestic-Single Residence	04N	04W	28	SESW			60	20	59	48	6	6/11/83	722023
16	HARRIS ORCHARD	Irrigation	04N	04W	28	SESW			0	35	385	341	16	6/11/92	725735
17	DE ROSE, ANTHONY	Domestic-Single Residence	04N	04W	28	SESW		21680 UPPER RIDGE	65	20	65	54	6	8/1/97	731452
18	WINSLOW, DALE, WINSLOW, LOUISE	Domestic-Single Residence	04N	04W	28	SESE			15	36	80	60	6	7/3/98	732350
19	ROY, STEVE	Domestic-Single Residence	03N	04W	4	NENE		106 W USTICK & KIMBALL	30	26	221	217	6	4/6/93	726881
20	WICKHAM, JAY	Domestic-Single Residence	03N	04W	4	SWNE			0	0	0				722472

21	BROWN, GREG	Domestic-Single Residence	03N	04W	4	SWNE	21415 LONKEY LN	15	58	87	86	6	7/16/91	724717
22	HINTON, ROGER	Domestic	03N	04W	4	NENW		0	38	71			10/1/73	775073
23	WAGEHAN, GARY	Domestic-Single Residence	03N	04W	4	SENE	17748 FRIENDS RD	15	50	87	86	6	4/24/92	725589
24	WAGEMAN, CINDY L, WAGEMAN, GARY L	Domestic-Single Residence	03N	04W	4	SENE	17790 FRIENDS RD GOVT LOT 3	18	34	92	91	6	9/8/99	733577
25	WILLIAMSON, JOHN A	Irrigation	03N	04W	4	SENE	4	0	80	504	281	18	4/25/90	723817
26	WILLIAMSON, JOHN A	Irrigation	03N	04W	4	SENE	4	0	80	504	281	18	4/25/90	723818
27	WILLIAMSON, JOHN A	Irrigation	03N	04W	5	NENW	USTICK ROAD	0	125	705	449	16	7/22/92	725805
28	WALLER, GLENDA	Domestic-Single Residence	04N	04W	33	NENE	UPPER PLEASANT AND PLUM	18	45	160	78	6	6/2/95	729386
29	SANDSTRUM, CARL	Domestic-Single Residence	04N	04W	33	NENE	21113 UPPER PLEASANT RIDGE RD	220	43	248	238	8	12/24/95	729897
30	HOLTON HOMES, WOODBRIDGE, DENNIS	Injection	04N	04W	33	SENE	21132 BOEHNER	100	35	140	120	6	9/9/94	727880
31	HOLTON HOMES, WOODBRIDGE, DENNIS	Injection	04N	04W	33	SENE	21132 BOEHNER RD	20	35	40	19	6	9/9/94	728646
32	HOLTON HOMES, WOODBRIDGE, DENNIS	Injection	04N	04W	33	SENE	21132 BOEHNER RD	0	0	0				729473
33	HOLTON HOMES, WOODBRIDGE, DENNIS	Domestic-Single Residence	04N	04W	33	SENE	21132 BOEHNER RD	70	30	78	68	6	6/26/95	729474
34	BOISE PROJECT BOARD OF CONTROL	Domestic-Single Residence	04N	04W	33	SENE	21752 BOEHNER RD - HOUSE 5E	0	0	0				729638
35	BOISE PROJECT BOARD OF CONTROL	Domestic-Single Residence	04N	04W	33	SENE	21752 BOEHNER RD - HOUSE 5E	20	19	50	50	6	9/1/95	729639
36	VERMEER, NORMAN	Domestic-Single Residence	04N	04W	33	NENW	18883 FRIENDS RD	100	130	356	342	6	5/26/92	725687
37	VERMEER, NORMAN	Domestic-Single Residence	04N	04W	33	NENW	18883 FRIENDS RD	50	41	142	96	8	3/19/93	726845
38	VERMEER, NORMAN	Domestic-Single Residence	04N	04W	33	SWNW		8	35	54	40	6	5/1/90	723594
39	VERMEER, NORMAN	Domestic-Single Residence	04N	04W	33	SWNW		20	28	45	39	6	5/3/90	723595
40	PICKETT, RICH	Domestic-Single Residence	04N	04W	33	SWNW	18894 TUCKER RD	60	60	215	160	6	8/13/97	731462

41	SAKO, HIROSHI	Domestic- Single Residence	04N	04W	33	NESW		0	0	0				722482
42	BARTLETT, BRUCE C	Irrigation	04N	04W	33	NESW		0	10	220			6/3/77	774658
43	ALLEN, GEORGE H	Domestic- Single Residence	04N	04W	33	SWSW		0	0	0				722984
44	VERMEER, NORMAN	Domestic- Single Residence	04N	04W	33	SWSW		30	28	84	53	6	5/26/92	725697
45	VERMEER, NORMAN	Domestic- Single Residence	04N	04W	33	SWSW	18728 TUCKER RD	40	41	83	80	6	6/1/98	732235
46	AEBISCHER, JENNIFER, AEBISCHER, JEFF	Domestic- Single Residence	04N	04W	33	SESW	12588 USTICK, 200 YRDS PAST FRIENDS	100	28	100	94	6	8/11/95	729591
47	BARTLETT, BRUCE C	Irrigation	04N	04W	33	SESW		0	35	179			5/7/77	774656
48	NELSON, ALLEN	Domestic- Single Residence	04N	04W	33	SESW	21942 USTICK ROAD	75	95	200	195	6	3/19/02	775526
49	HOEWING, DAVID L, HOWIE, NYDIA J	Domestic- Single Residence	04N	04W	33	NWSE	FRIENDS & USTICK	100	35	80	78	6	1/19/96	730126
50	ACKERMAN, DUANE	Domestic- Single Residence	04N	04W	33	SWSE	3616 S KIMBLE	30	45	85	78	6	2/15/95	728910
51	CMS INC, PORTER, WES	Domestic- Single Residence	04N	04W	33	SWSE	19630 FRIENDS RD	15	35	75	60	6	5/11/99	733220
52	WINSLOW, TERESA, WINSLOW, CLAREN	Domestic- Single Residence	04N	04W	33	SESE		0	0	0				723334
53	ADAMSON, ROD	Domestic- Single Residence	04N	04W	33	SESE	18105 PLUM RD	25	20	60	135	6	3/11/93	726805
54	POST TRUST	Domestic- Single Residence	04N	04W	33	SESE	21194 USTICK ROAD	20	15	61	58	6	12/6/93	727651
55	PIONEER HOMES	Domestic- Single Residence, Domestic- Single Residence	04N	04W	33	SESE	18123 PLUM STREET		35	110	98	6	4/30/01	768724

DIRECTORS
WARREN TOLMIE
JOHN J. HOCKBERGER
VERNON E. CASE
STEPHEN K. GARMAN
DOUGLAS NORRIS
ALFRED F. SARCEDA
NORMAN VERMEER

Wilder Irrigation District

709 CLEVELAND BOULEVARD • P.O. BOX 416

Caldwell, Idaho

83606-0416

TELEPHONE (208) 469-3421

DIANE PAULSEN
SECRETARY-TREASURER

August 7, 2002

To Whom It May Concern:

Boise Project Board of Control had set the water allotment at 1.00 acre foot per acre of ground for the 2001 delivery season.

Sincerely,

WILDER IRRIGATION DISTRICT



Diane Paulsen
Secretary Treasurer



4912 E. FRANKLIN ROAD P.O. BOX 1280 NAMPA, IDAHO 83653-1280
TEL [208] 467-4424 FAX [208] 467-9987

August 21, 2002

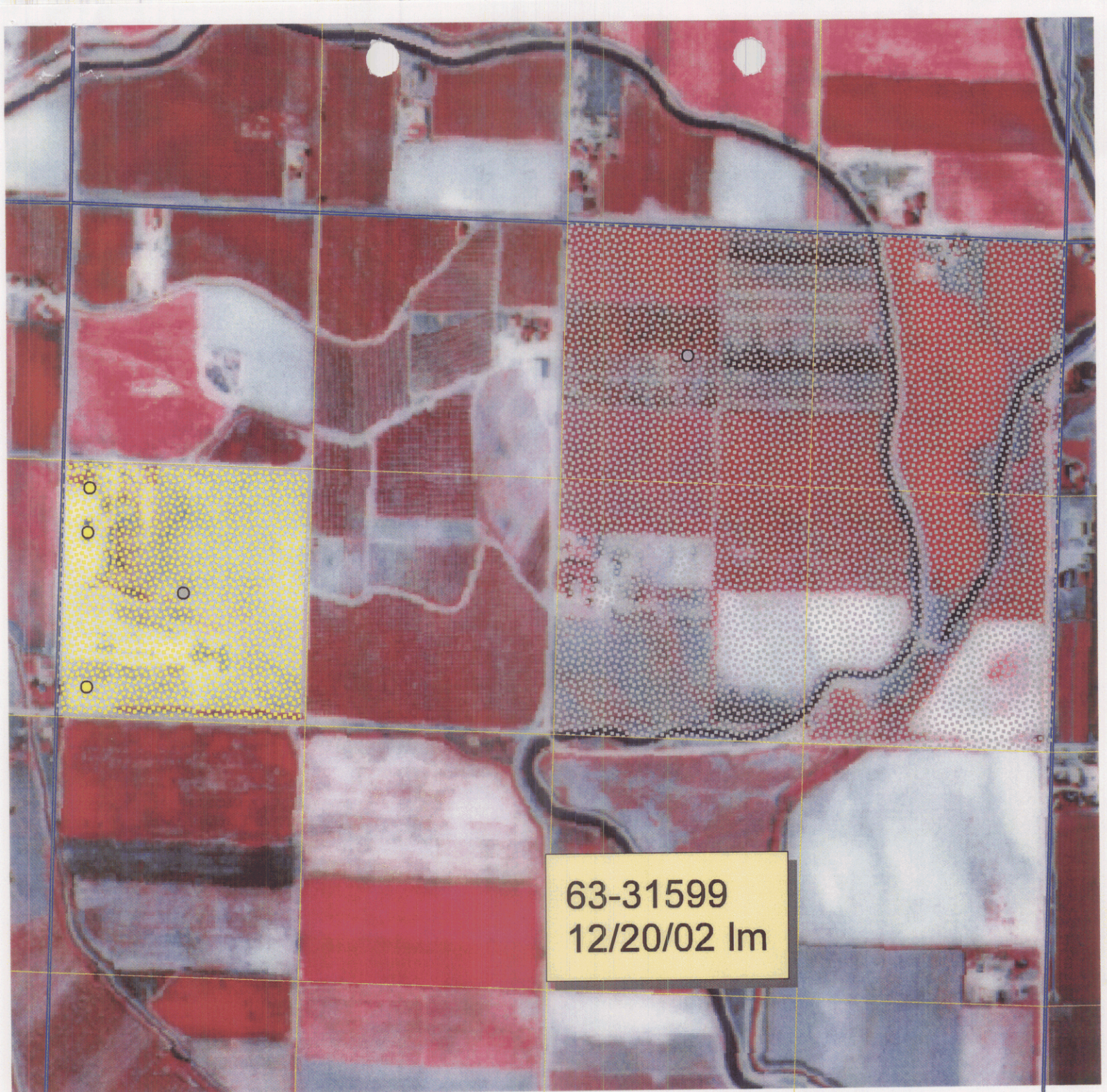
To Whom It May Concern:

In 1987 Vermeer Dairy of Caldwell ship to Swiss Village Cheese an average of 30,000 pounds of milk per day.

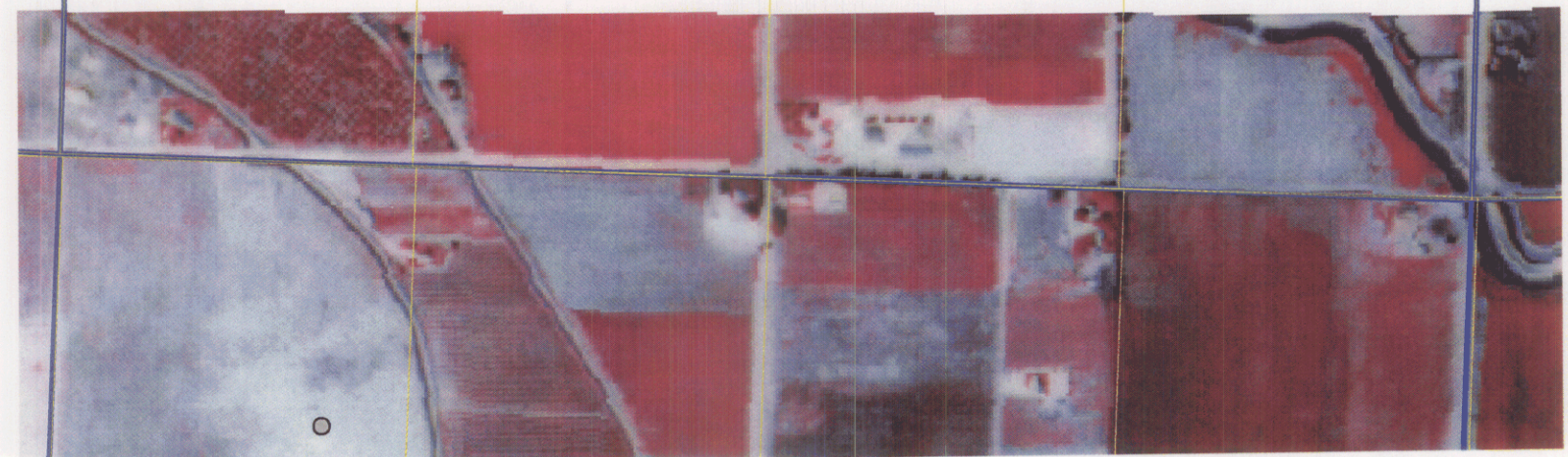
Sincerely,

A handwritten signature in black ink that reads "Taunia L. Barr". The signature is written in a cursive, flowing style.

Taunia Barr
Milk Procurement



63-31599
12/20/02 Im



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

63-31599

NORMAN VERMEER
18883 FRIENDS RD
CALDWELL ID 83605

✓ sk

Point(s) of Diversion	NWSWNW	S33	T04N	R04W	CANYON County	Source GROUND WATER
Point(s) of Diversion	NWSWNW	S33	T04N	R04W	CANYON County	Source GROUND WATER
Point(s) of Diversion	SWSWNW	S33	T04N	R04W	CANYON County	Source GROUND WATER

Use: STOCKWATER 01/01 To 12/31 0.33 CFS

Use: COMMERCIAL 01/01 To 12/31 0.33 CFS

Total Diversion: 0.33 CFS

Date Filed: 12/16/2002

Place Of Use: STOCKWATER

T04N R04W S33 SWNW

Place Of Use: COMMERCIAL

T04N R04W S33 SWNW

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Development completed by November 1987.

Water bearing zone to be appropriated is from 30 to 225 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/03/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

April 15, 22, 2004

07524611

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Corina L. Engelhart
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

e0100285 07524611
1 Idaho Dept. of Water Resourc
2735 Airport Way
BOISE ID 83705

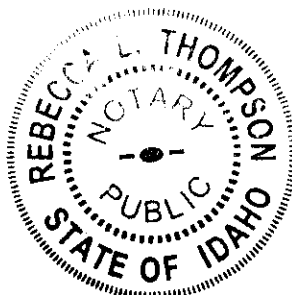
RECEIVED
APR 25 2004
WATER RESOURCES
WESTERN REGION

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
04/15/2004, 04/22/2004

Corina L. Engelhart

STATE OF IDAHO)
County of Canyon)

On the 22nd day of April in the year of 2004
before me, a Notary Public, personally appeared.
Corina L. Engelhart,
known or identified to me to be the person
whose name is subscribed to the within
instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that he/she executed the same.



Rebecca L. Thompson
Notary Public for Idaho
Residing at Nampa
My commission expires April 19, 2008

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

JAN 30 2003

I, Joe E. Aman, being first duly sworn, depose and say:

WATER RESOURCES
WESTERN REGION

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

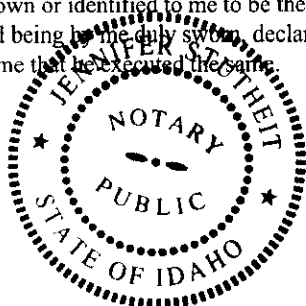
JANUARY 15, 22, 2003

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 28th day of January in the year of 2003 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me duly sworn, declared that the statements therein are true, and acknowledged
to me that he executed the same.



Jennifer Stothert
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 1-3-2009

The following
application(s) have been
filed to appropriate the
public waters of the
State of Idaho:
63-31599

NORMAN VERMEER
18883 FRIENDS RD
CALDWELL ID 83605

Point(s) of Diversion,
NWSWNW, S33 T04N R04W
OWYHEE County, Source
GROUND WATER

Point(s) of Diversion,
NWSWNW, S33 T04N R04W
OWYHEE County, Source
GROUND WATER

Point(s) of Diversion,
SWSWNW, S33 T04N R04W
OWYHEE County, Source
GROUND WATER

Use: STOCKWATER 01/01 To
12/31 0.33 CFS

Use: COMMERCIAL 01/01 To
12/31 0.33 CFS

Total Diversion: 0.33 CFS

Date Filed: 12/16/2002

Place Of Use: STOCKWATER
T04N R04W S33 SWNW

Place Of Use: COMMERCIAL
04N R04W S33 SWNW

Remark: Applicant agrees to
mitigate consumptive use in the
future as needed.

Development completed by
November 1987.

Water bearing zone to be
appropriated is from 30 to 225 feet.

Permits will be subject to all prior
water rights. Protests may be
submitted based on the criteria of
Sec 42-203A, Idaho Code.

Any protest against the approval
of this application must be filed
with the Director, Dept. of Water
Resource, Western Region, 2735
Airport Wy, Boise ID 83705
together with a protest fee of \$25.00
for each application on or before
02/03/2003. The protestant must
also send a copy of the protest to the
applicant.

KARL J DREHER, Director

1/15,22/03



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 12, 1996

Norman Vermeer
18883 Friends Rd
Caldwell ID 83605

RE; Application for Permit No. 63-12347

Dear Applicants:

Your application for permit to appropriate ground water for use in an existing dairy operation was received on 7/24/96. This filing was solicited from you in order that we might properly permit that portion of your operation that was in place as of November, 1987. A study of the information you have submitted reveals that actual use as of November 1987 does not match the uses represented on this application. The application will not be processed at this time.

Water uses for dairy operations are exempt from filing requirements if the total use of water, including stockwater, is less than 13,000 gallons per day. These uses may be claimed in the Snake River Basin Adjudication (SRBA) as a beneficial use of water. Any expansion in the dairy operation which results in total daily uses exceeding 13,000 gallons, requires that a water right permit be obtained.

Records you have submitted with your application for permit indicate that the total animals on hand in 1987 was around 214. A dairy facility of this size typically uses less than 13,000 gallons per day of fresh water. In 1987, therefore, the operation of the dairy was exempt from filing requirements. I do not have enough information to determine exactly at what time your operation exceeded the 13,000 gallon per day exemption limit, but it would have been sometime after 1987.

In 1992, the Director of this agency declared a moratorium concerning water right applications proposing new consumptive uses of public water. The moratorium has been lifted, but processing of all new or pending applications remains suspended until technical data are available from a comprehensive Treasure Valley ground water study now underway. The only exceptions to this suspension were applications for uses which were in place prior to 1987 and which did not already have a water right.

November 12, 1996

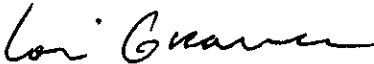
Page 2

Since your application for permit for non-exempt uses was not obtained before 1992, and since the non-exempt portion of the use began after 1987, your new application is subject to present-day processing restrictions.

The first 13,000 gallons per day of your total diversions is considered exempt and is represented on your SRBA filing. The balance of your water use remains unprotected until your application may be approved. An alternative method to the application for permit process is to obtain an existing water right (usually one established for irrigation use) and convert or transfer it for use in your dairy. Although this process can be time consuming, at this time an application for transfer can usually be completed before the delayed applications for permit are expected to be released.

Unless we hear differently from you, this office will hold your application for permit 63-12347 along with 63-12348 (future proposed expansion) and will begin processing as soon as possible. All applications received will be processed in priority order. If you have questions regarding an application for transfer, please contact me.

Sincerely,



Lori Graves
Sr. Water Resource Agent

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W021472

Date: 9/10/1996
Time: 09:04:48

Received
From: VERHEER, NORMAN OR MARIE

Type of Payment		Program A cct	Amount
UPGRADE FEE: 63-90-Z-106	62134	229 21 1205	165.0
UPGRADE FEE: 63-92-W-364	62134	229 21 1205	165.0

CHECK 7835

Total \$ 330.0

Region: WESTERN

Signature: _____

Druffington



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

August 30, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Norman Vermeer
18883 Friends Rd
Caldwell ID 83605

RE: Application for Permit No. 63-12347
Drilling Permit No. 63-90-Z-106, 63-92-W-364

Dear Mr. Vermeer:

The above application for permit to appropriate ground water for commercial and stockwater uses was received on 7/24/1996.

According to your application for permit, the three wells used for the dairy have already been constructed. The wells were constructed as exempted-use domestic wells, and their use is presently limited to diversions for a single-family home and no more than $\frac{1}{2}$ acre irrigation. Because the wells are used for purposes in excess of domestic use, the drilling permits must be upgraded to non-domestic use.

A \$35.00 drilling fee per well has been paid for domestic use, however \$200.00 drilling fee per well is required for commercial use. The well drilled in May, 1987 is exempt from this upgrade request because it was drilled prior to the implementation of Id Code 42-235, regarding drilling permit fees. The \$70.00 in fees you paid on the other two wells has been applied to the \$400.00 amount due. You must submit the balance of \$330.00 to upgrade the drilling permits for commercial use.

Your application for permit will be advertised, but will not be forwarded for possible approval until the drilling upgrade fees are received. In order to avoid further delays, please submit the additional fees ASAP.

If you have any questions or if I can be of any assistance please contact me at 208-334-2190.

Sincerely,

Lori Graves
Sr. Water Resource Agent

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 07, 2004

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

RE: Application for Permit Nos. 63-31599 and 63-31830 and
Application for Transfer No. 71086

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 05/03/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

63-31599

NORMAN VERMEER
18883 FRIENDS RD
CALDWELL ID 83605

Point(s) of Diversion NWSWNW S33 T04N R04W CANYON County Source GROUND WATER

Point(s) of Diversion NWSWNW S33 T04N R04W CANYON County Source GROUND WATER

Point(s) of Diversion SWSWNW S33 T04N R04W CANYON County Source GROUND WATER

Use: STOCKWATER 01/01 To 12/31 0.33 CFS

Use: COMMERCIAL 01/01 To 12/31 0.33 CFS

Total Diversion: 0.33 CFS

Date Filed: 12/16/2002

Place Of Use: STOCKWATER

T04N R04W S33 SWNW

Place Of Use: COMMERCIAL

T04N R04W S33 SWNW

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Development completed by November 1987.

Water bearing zone to be appropriated is from 30 to 225 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/03/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Press-Tribune on April 15 and 22, 2004.

January 08, 2003

Legal Notice Department

Owyhee Avalanche

PO Box 97

Homedale ID 83628

RE: Application for Permit Nos. 57-11623 and 63-31599

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 02/03/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor

Senior Secretary

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

63-31599

NORMAN VERMEER
18883 FRIENDS RD
CALDWELL ID 83605

Point(s) of Diversion	NWSWNW	S33	T04N R04W	OWYHEE County	Source	GROUND WATER
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Point(s) of Diversion	NWSWNW	S33	T04N R04W	OWYHEE County	Source	GROUND WATER
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Point(s) of Diversion	SWSWNW	S33	T04N R04W	OWYHEE County	Source	GROUND WATER
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Use:	STOCKWATER	01/01 To 12/31	0.33 CFS
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Use:	COMMERCIAL	01/01 To 12/31	0.33 CFS
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Total Diversion:	0.33 CFS
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Date Filed: 12/16/2002

Place Of Use: STOCKWATER

T04N R04W S33 SWNW

Place Of Use: COMMERCIAL

T04N R04W S33 SWNW

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Development completed by November 1987.

Water bearing zone to be appropriated is from 30 to 225 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/03/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee Avalanche on January 15 and 22, 2002.