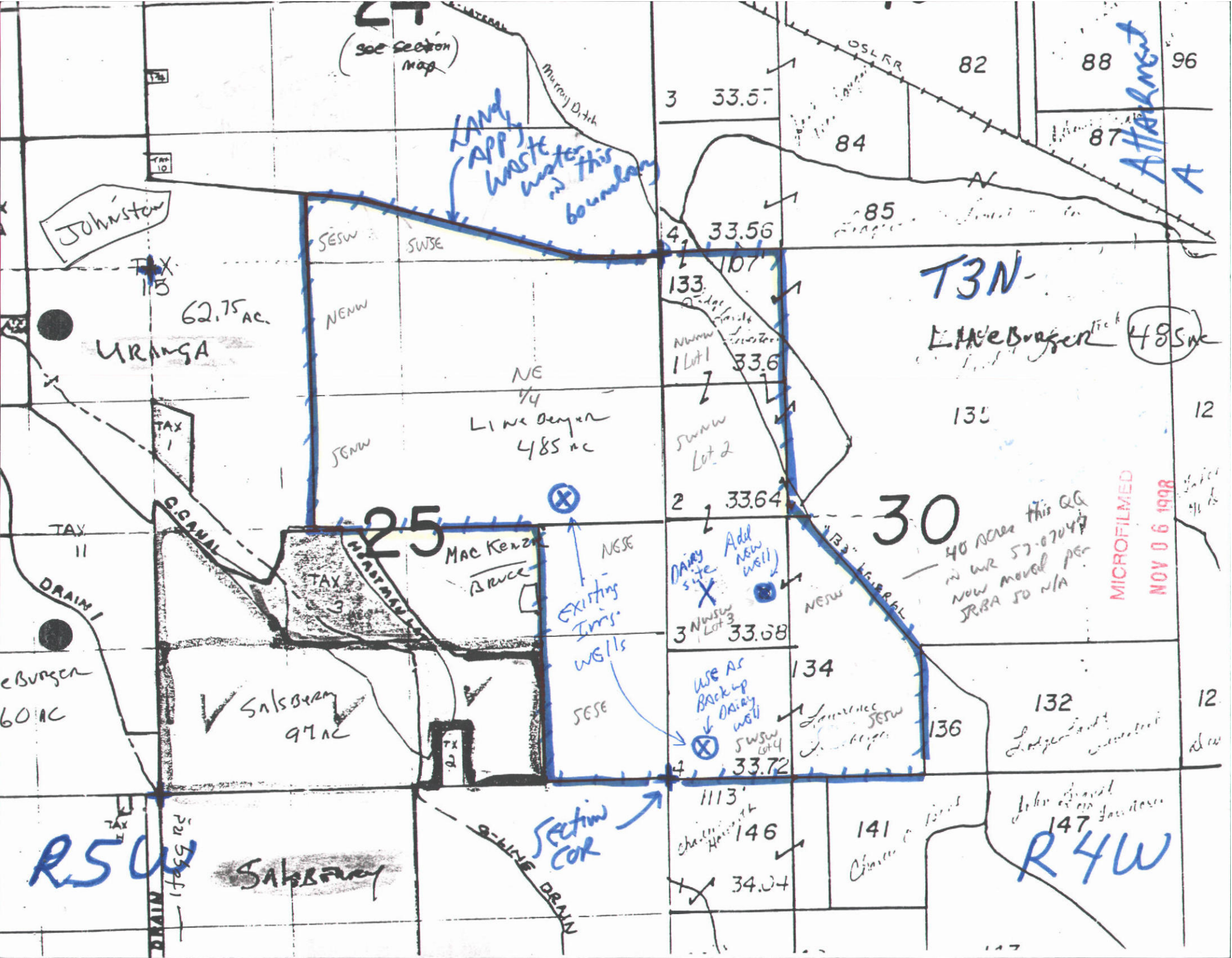

27
(see section map)
Murray Ditch
OSLRR
82
88
96
3
33.57
84
87
Attachment A
Land App. waste water in this boundary
Johnston
TAX 10
SESW
SWSE
4
33.56
107'
85
T3N
133
Cedar
NWNW
Lot 1
33.6
L. McBurgen Tr. 485 AC
62.75 AC.
URANGA
NENW
NE 1/4
L. McBurgen
485 AC
SENW
SWNW Lot 2
135
12
TAX 1
2
33.64
25
MAC KENZIE
BRUCE
NESE
Dairy site
Add new well
30
40 acres this QQ in WR 57-07047 now moved per JRBA SO N/A
MICROFILMED
NOV 06 1998
TAX 11
C. CANAL
MARATHAN LN
TAX 3
Existing Irrig. wells
3
NWSW Lot 3
33.68
NESW
IB LATERAL
DRAIN 1
Salsberry
97 AC
Use As Back up Dairy well
134
SESE
SWSW Lot 4
4
33.72
Lawrence
136
132
12
TX 2
1113'
Section COR
9-MILE DRAIN
146
141
147
34.04
R5W
Salsbury
Hess Rd
R4W

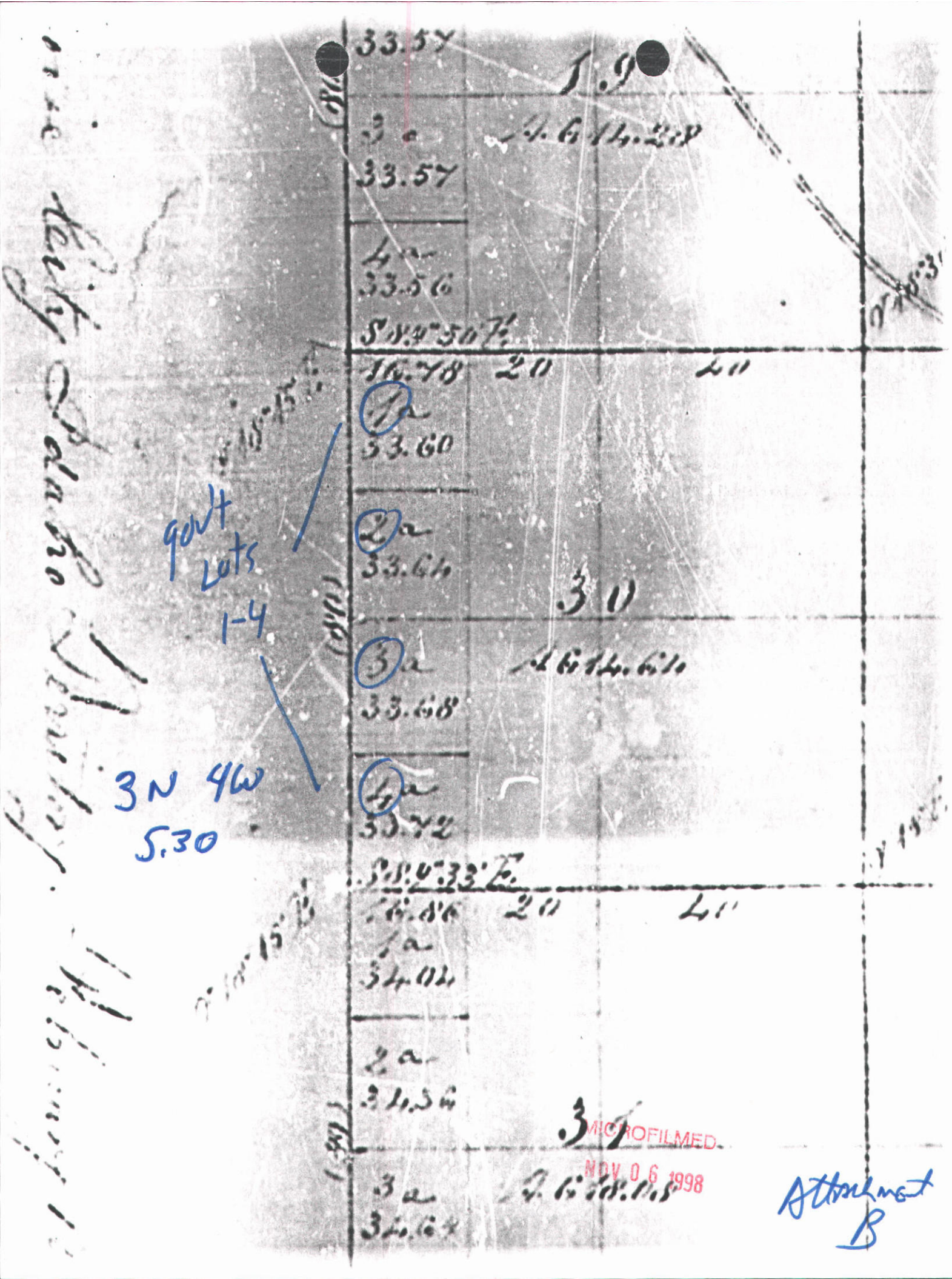

33.57
33.57
33.56
16.78
20
33.60
33.64
govt
Lots
1-4
3N 4W
5.30
33.68
33.72
16.86
20
34.02
34.04
MICROFILMED
NOV 06 1998
Attachment
B

Table 1. Herd Makeup

Category	Number	% of Herd	Average Weight (lbs)
Milking Cows	83	83	1400
Dry Cows	17	17	1550
Total Mature Cows	100		
Heifers			
16-24 mo	42	38	1050
13-15 mo	13	12	800
9-12 mo	19	17	600
5-8 mo	19	17	400
3-4 mo	9	8	250
0-2 mo	9	8	150
Total Replacements	111		

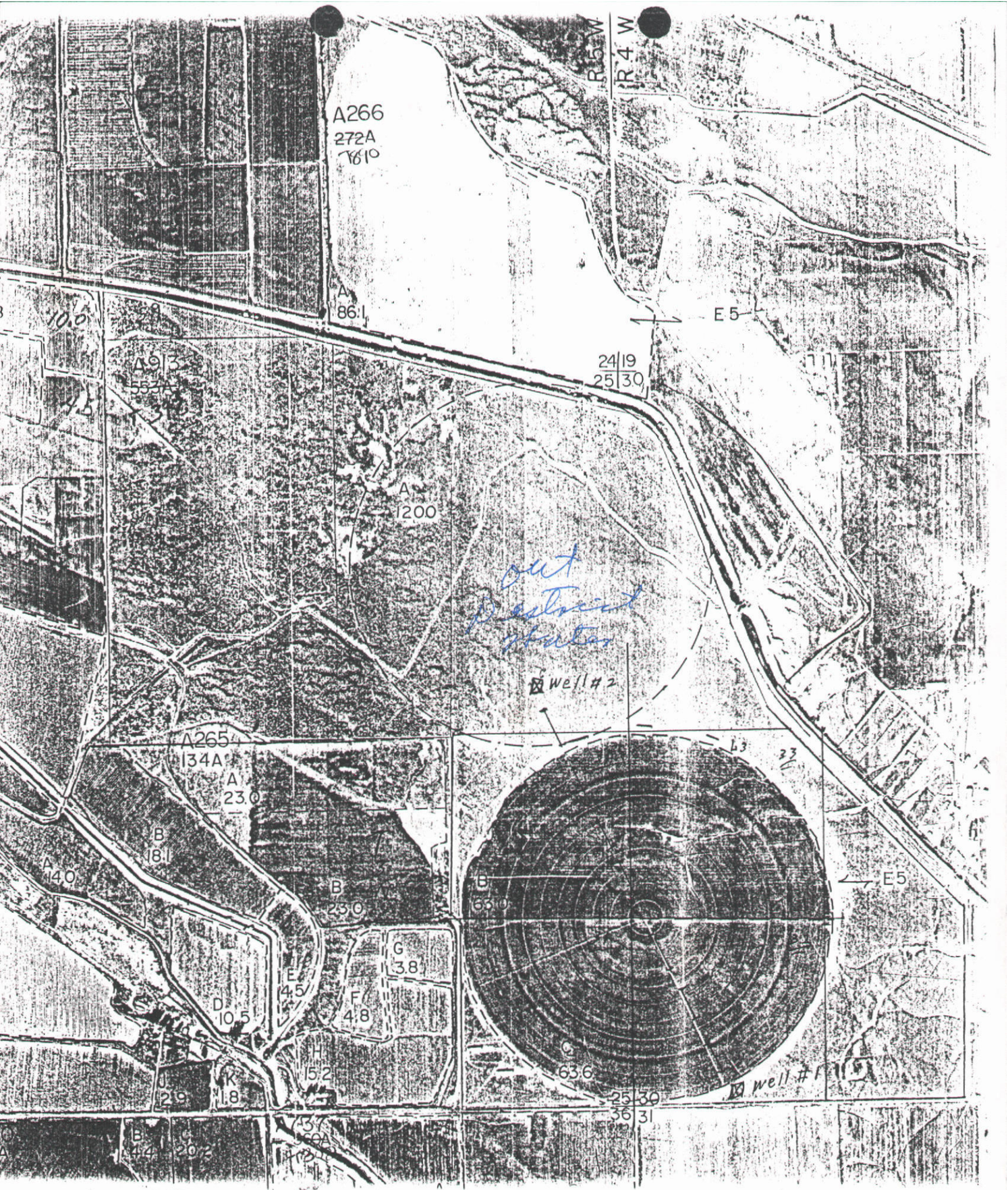
Table 2. Water Intake for Dairy Cattle

Weight (lb)	Milk (lb)	Temperature (F) 40° & below	60°	80°
		gallons/day		
(Lactating cows)				
1400	20[2]	12.0	14.5	17.9
	60[2]	22.0	26.1	24.7
	80[2]	27.0	31.9	38.1
	100[2]	32.0	37.7	45.7
(Dry cows)				
1400[1]	-	9.7	12.0	16.7
1600[1]	-	10.4	12.8	17.3
(Heifers)				
1200[1]	-	8.7	10.8	14.5
800	-	6.3	7.9	10.6
400	-	3.7	4.6	6.1
200	-	2.0	2.5	3.3

[1]Maintenance and pregnancy.
[2]Maintenance and milk production.

gpd: milking 32, dry 12, heifers 8
ok for PS C, JR 8/5/98

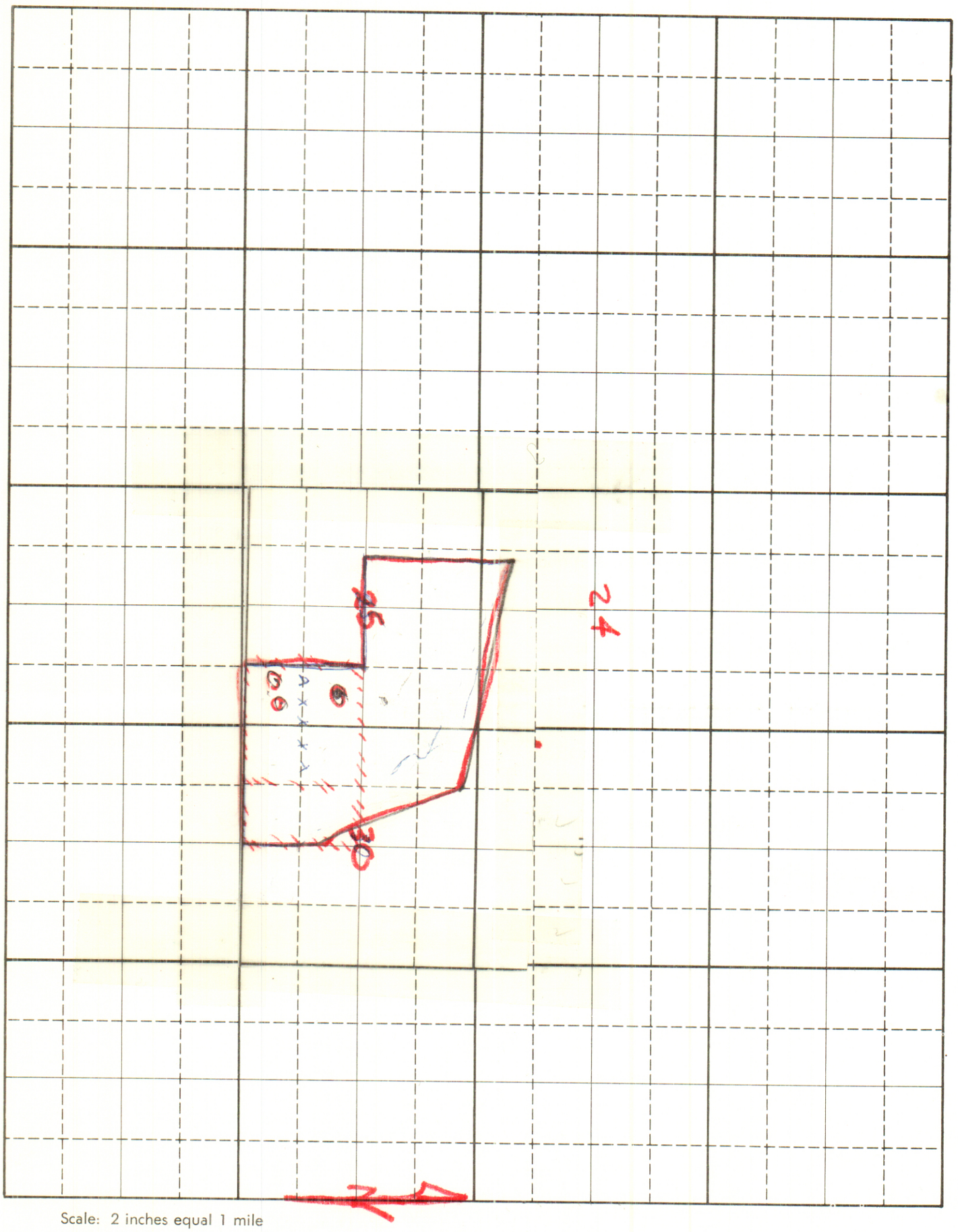
MICROFILMED
NOV 0 6 1998



Lineberger Inc. A57-07045

SEP 0 5 1985
MICROFILMED

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Lauberger Farms Inc.
(Applicant)
Lawrence Lauberger Pres.

57 7045

PROOF OF PUBLICATION

STATE OF IDAHO
County of Owyhee } s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 7 day of Jan., 1971, and the last publication being on the 14 day of Jan., 1971;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 14 day of Jan., 1971.

Lorna A. Hawes
NOTARY PUBLIC

My commission expires 9-16-72

(SEAL)

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Lineberger Farms, Inc., Homedale, Idaho, has on December 14, 1970 submitted Application No. 57 - 7045 to appropriate the public waters of a ground water source.

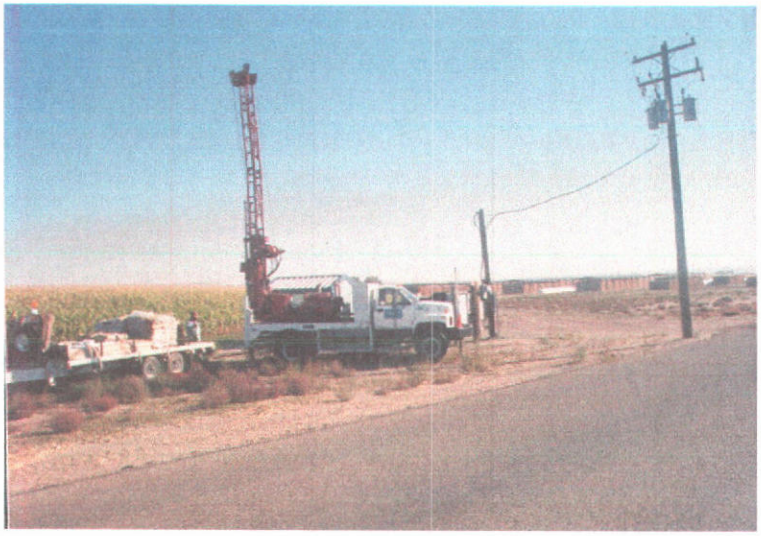
The application proposes a a maximum diversion and appropriation of 10.9 cubic feet per second of water to be diverted by sprinkler system within the NE¼SE¼, SE¼SE¼, Sec. 25, T. 3 N., R. 5 W., B. M., Owyhee County, and is to be used within the SE¼SW¼, SW¼SE¼, Sec. 24; NE¼, E½NW¼, E½-SE¼, Sec. 25, T. 3 N., R. 5 W., and in the W½NW¼, SE¼NW¼, SW¼, Sec. 30, T. 3 N., R. 4 W., B. M. for the irrigation of 544 acres from March 15 to October 15.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, on or before January 18, 1971.

R. KEITH HIGGINSON,
Director

Published in the Owyhee Nugget, Marsing, Idaho, on January 7, 1971 and January 14, 1971.

57 7045



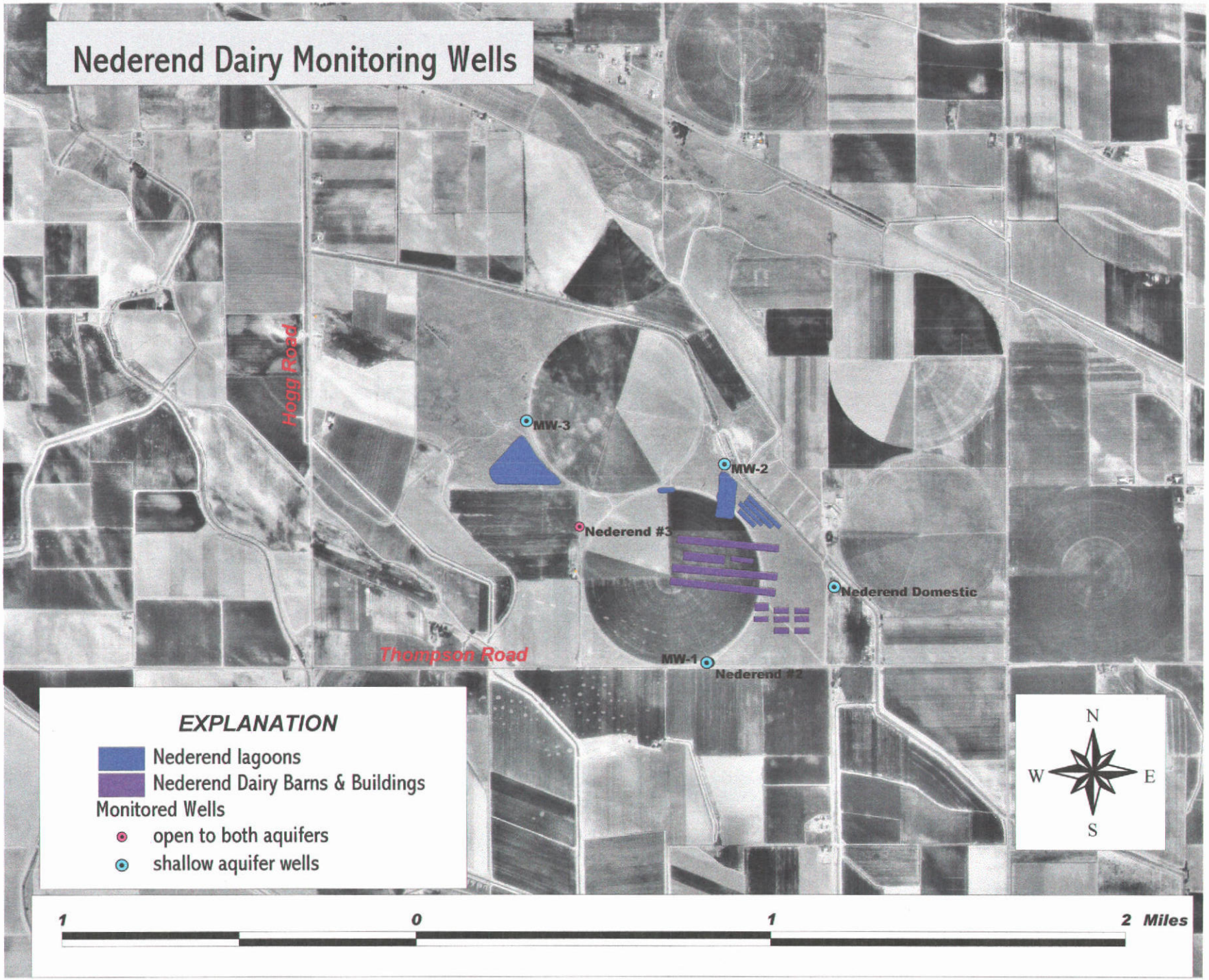
Drilling MW-1 just north of Thompson Road. Control panel and well house for well Nederend #2 are visible behind the drill rig.



Drilling MW-2 at the northwest corner of the main wastewater lagoon. Dairy barns in background. Sand pit visible just above the drill rig.



Drilling MW-3 alongside road leading down from the embankment for the mixing pond.


Nederend Dairy Monitoring Wells
Hogg Road
Thompson Road
MW-3
MW-2
Nederend #3
Nederend Domestic
MW-1
Nederend #2
EXPLANATION
Nederend lagoons
Nederend Dairy Barns & Buildings
Monitored Wells
open to both aquifers
shallow aquifer wells
N
W
E
S
1
0
1
2 Miles

The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED
APR 30 2001
WATER RESOURCES
WESTERN REGION

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

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):

April 18 & 25, 2001

SIGNED: Joe Aman

STATE OF IDAHO)
COUNTY OF)
)

On this 25th day of April in the year of 2001 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.

Shirley L. Whinnery
Notary Public for Idaho

SHIRLEY L. WHINNERY NOTARY PUBLIC STATE OF IDAHO

Residing at Homedale, Idaho

My commission expires: 10/10/06

MICROFILMED
MAY 16 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 68994

HANS NEDEREND of Rt 1 Box 1126, Homedale ID 83628 has applied to the Department of Water Resources to change the Nature, Place and Period of Use and Point of Diversion pursuant to I.C. § 42-222 for the following ground water rights in T3N, Owyhee County:

Decree 57-7045, priority 12/14/1970, diverted in Lot 3 NWSW and Lot 4 SWSW S30 R4W and SENE S25 R5W, 1.67 cfs for irrigation of 83.5 acres and .87 cfs for commercial/stockwater uses in S30 R4W and S24, S25 R5W

Decree 57-10655, priority 7/1/1930, .09 cfs, diverted and used for stockwater in the NWNWNW S25 R5W.

PROPOSED CHANGE

Retire 53 acres from irrigation on decree 57-7045 and transfer the ground water appurtenant to those acres to the existing Nederend Dairy for additional commercial use. Uses will be described as .61 cfs for irrigation and 1.93 cfs for year around commercial/stockwater uses. Applicant also wishes to transfer stockwater decree 57-10655 to the dairy, allowing all stockwater and commercial uses to be diverted from the three existing wells serving the dairy. The well in the NWNWNW S25 will no longer be used. Nederend Dairy consists of 3850 milking cows, 800 dry cows and 2500 replacement heifers and is located about 3 miles northwest of Marsing.

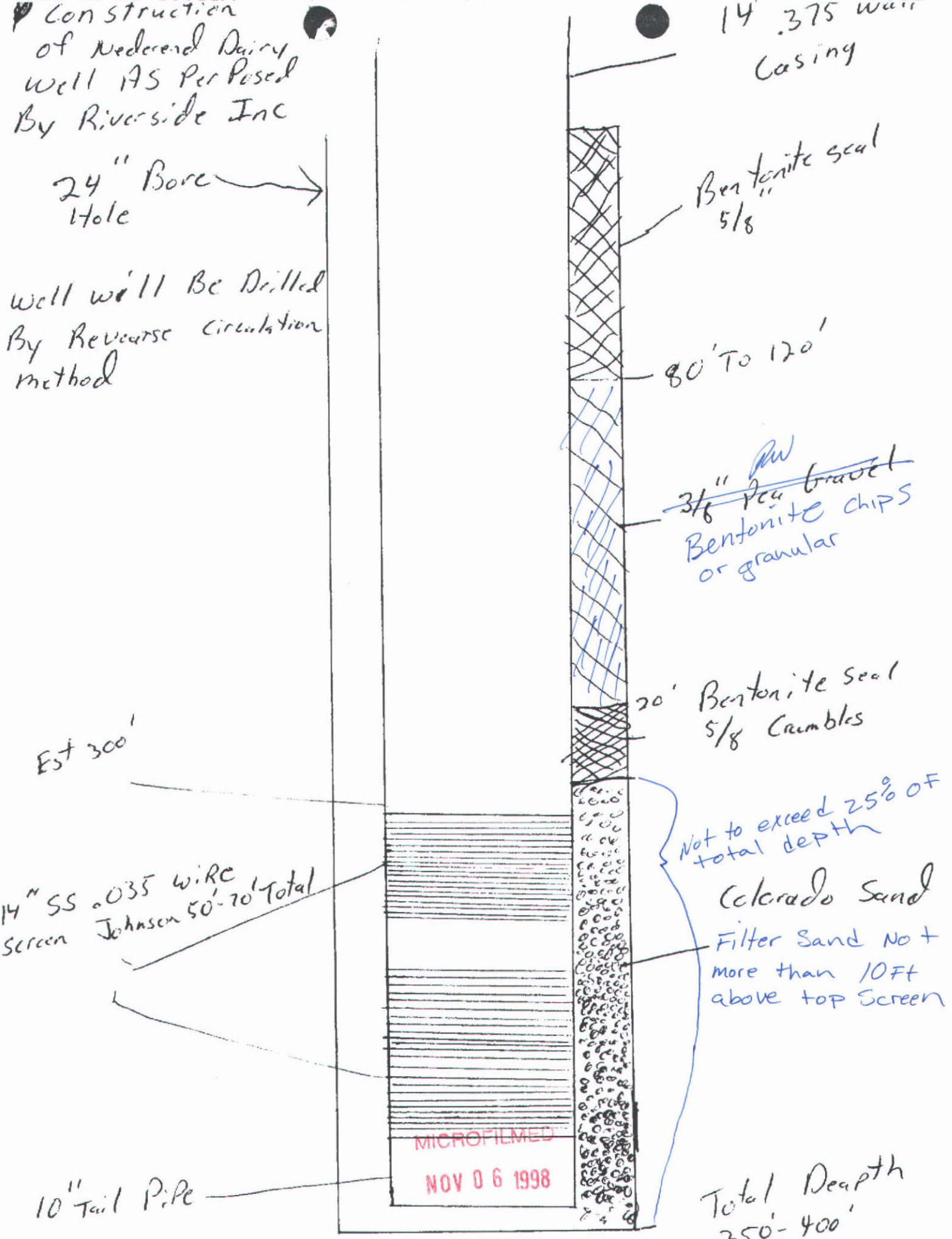
Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of $25 for each application on or before May 7, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

4/18 & 25/01

D.P.# 57-98-W-0074-000

Construction of Nedereud Dairy Well AS Per Posed By Riverside Inc



MICROFILMED
NOV 0 6 1998

The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

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

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 Three (3)

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

August 19, 26,September 2, 1998

Signed Joe E. Aman

Subscribed and sworn to me this 02nd day of September A.D., 19 98

Jan Roesberry

Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 05/04/2004

MICROFILMED
NOV 06 1998

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 5313

Notice is given that NEDEREND DAIRY of 13752 Bon View, Chino CA 91710 has applied to the Department of Water Resources to change the Point of Diversion and the Place/Nature/Season of Use pursuant to I.C. § 42-222 for the following right in Owyhee County:

License #57-07045, priority 12-14-1970, 2.54 cfs from ground water diverted from 2 wells in SWSW S30 T3N R4W and SENE S25 T3N R5W. Water is used to irrigate 127 acres in portions of the south half of the 2 sections.

PROPOSED CHANGE

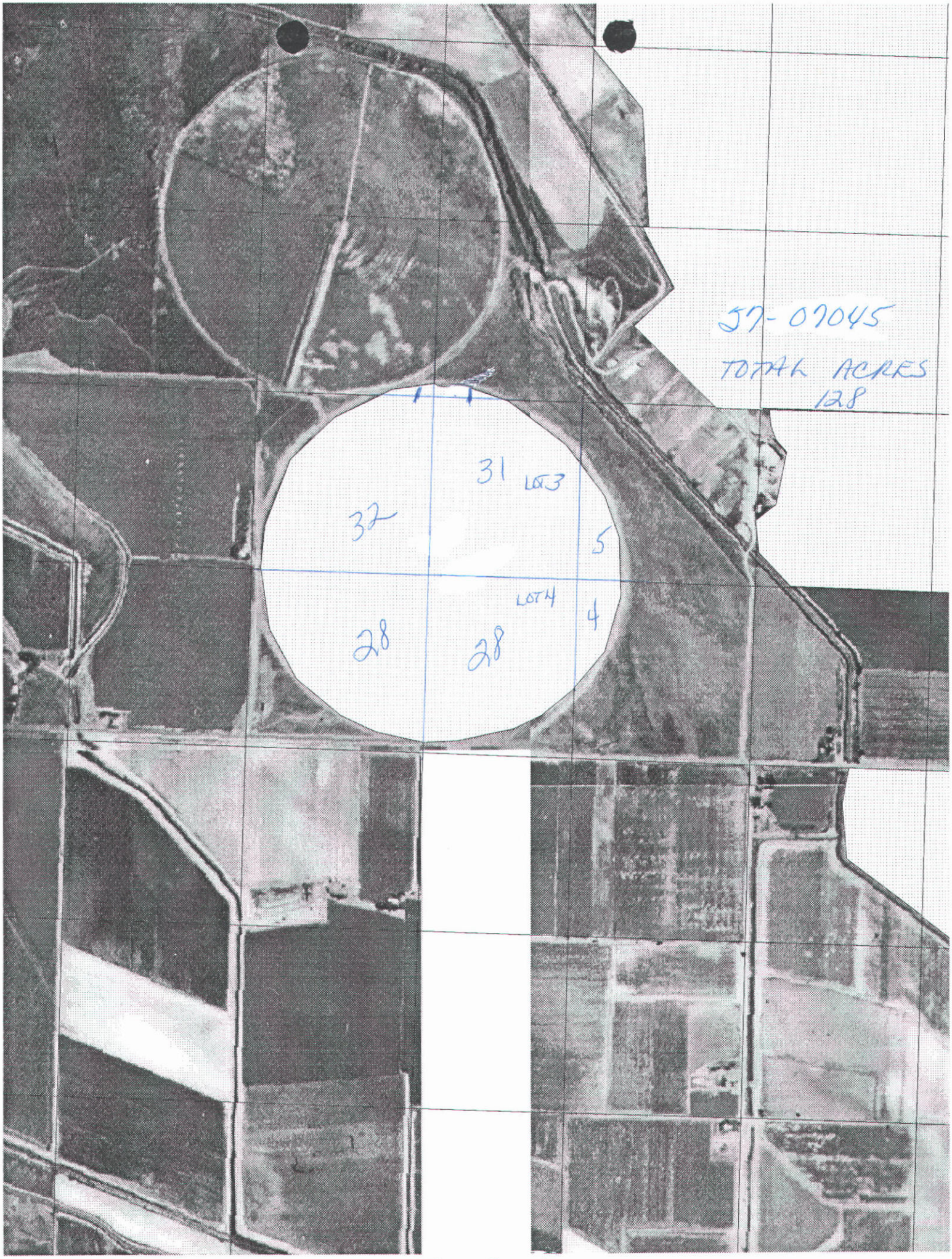
Retire 43.5 acres from irrigation and use water from those acres for a dairy to be built in NWSW S30. Existing well in SWSW S30 and proposed well in NWSW S30 will serve 3850 milking and 3300 replacement animals for the dairy. The 2 existing wells will continue to irrigate 83.5 acres in the licensed place of use. Waste water from dairy will be land applied in portions of S24 & S25 T3N R5W and S30 T3N R4W. New uses will be described as .87 cfs commercial and stockwater to be used year around. Site is about 3 miles northwest of Marsing. Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 on or before September 7, 1998. The Protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

8/19,26/98

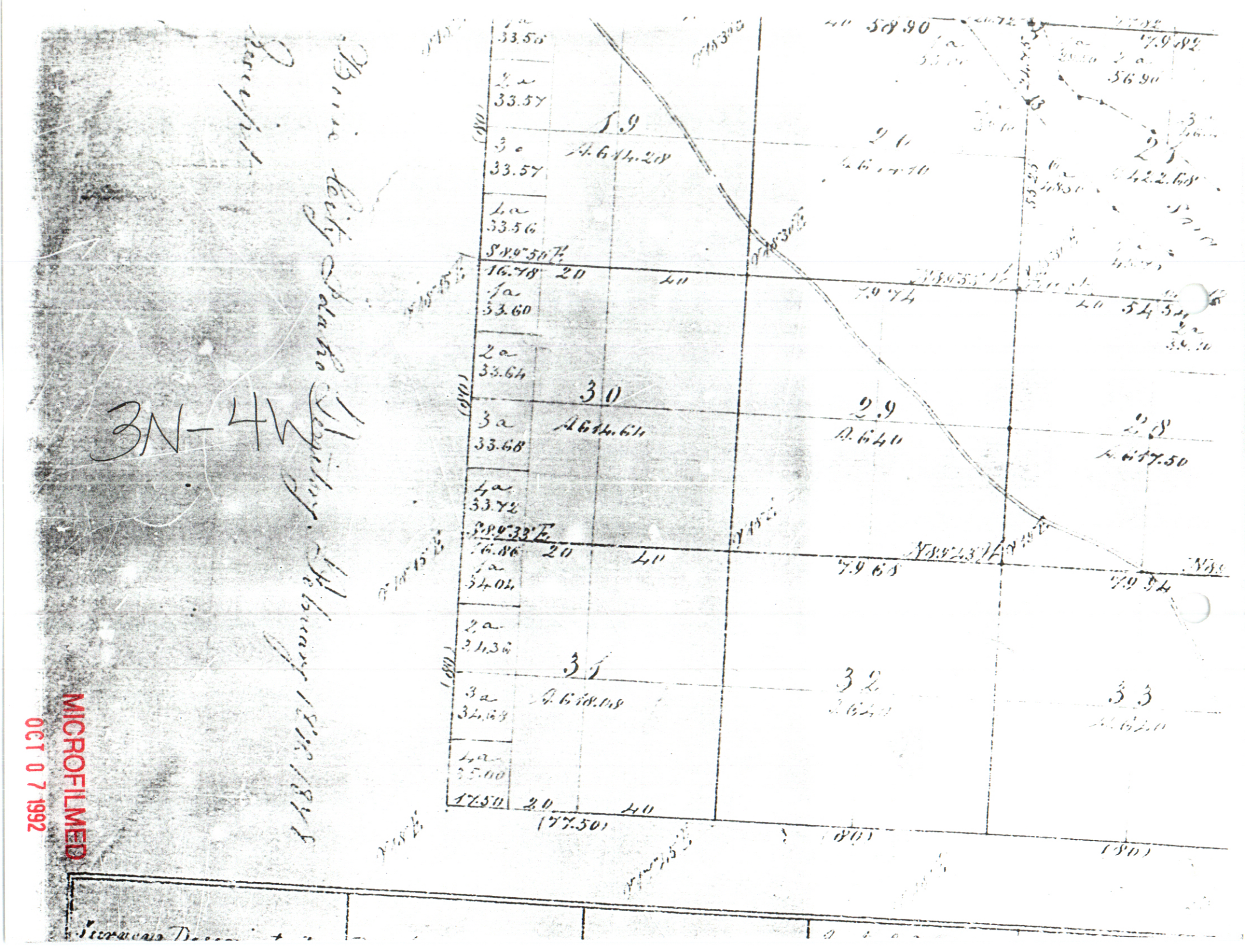
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SEP 04 1998
WATER RESOURCES
WESTERN REGION

921
T274
NHEL
1
73
2
10.8
3
17.3
23
33.8 HEL
NHEL
3
12
4
7.2
HEL
2
5
22.3 HEL
5
8.7 HEL
20.0
1308
T925
346
T398
HEL
6
49
28.5 NHEL
346
T397
13.5 HEL
1
13.1 HEL
HEL
8
17.4
NHEL
3
10.0
NHEL
4
10.7
HEL
9.6
HEL
7
29.2
NHEL
9
25.2
NHEL
10.5
24 19
25 30
346
T398
HEL
25.5
30.8
3
36.4
134
T887
HEL
921
T274
YELLOW = NEDERLAND OWNERSHIP
919
T916
6
18.3
2
14.9
44.3
22.3
10.2
4
30.1
LICENSED P/L =
E½SE¼ S.25
W½SW¼ S.30
6
61.4
2
40.4 HEL
HEL
10.9
3
19.3
28.0
NHEL
28.7 HEL
1296
T948
1158
T1145
THOMPSON ROAD
25 30
36 31
44
NOV 06 1998



57-07045

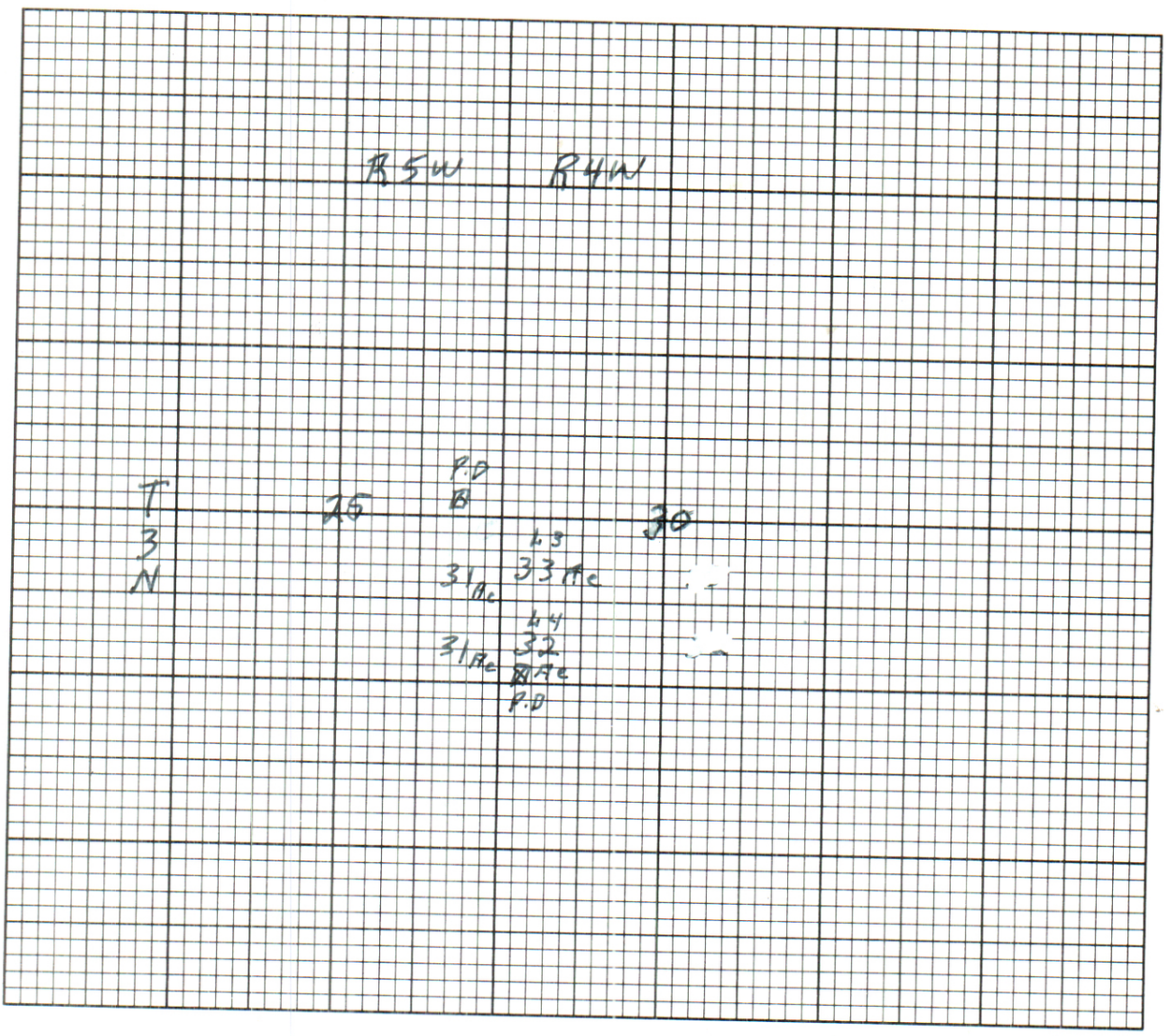
NHEL
1 73
2 10.8 HEL
3 17.3
23
33.8 HEL
NHEL 3 12.3
3 22
HEL 2.6
4 7.2
5 8.7 HEL
20.0
1308 T925
346 T399
28.5 NHEL
346 T397
13.5 HEL
1 13.1 HEL
2 40.4 HEL
28.0
3 19.3
1158 T1145
921 T274
HEL 9.6
NHEL 3 10.0
4 NHEL 10.7
5 22.3 HEL
6 49
HEL 7 29.2
HEL 8 17.4
NHEL 9 25.2
NHEL 10.5
921 T276
HEL 530
919 T916
6 18.3
2 14.9
NHEL 0.9
NHEL 0.2
NHEL 3 27.1 NHEL 19
4.4
THOMPSON ROAD
NOV 06 1998
346 T398
HEL 2 25.5
30.6
3 56.4
134 T887 HEL
YELLOW = NEDERLAND OWNERSHIP
44.3
22.3
28.7 HEL
1296 T948
4 30.1
6 61.4
LICENSED P/L = E½SE¼ S.25 W½SW¼ S.30
24 19 25 30
25 30 36 31


3N-4W
MICROFILMED
OCT 07 1992

10. Other water rights on these lands none

11. Other water right diverted from same p.d. none

12. **Diversion and Delivery System Diagram**: Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ **Photo of Diversion & System Attached** ☑ **Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached**

14. Remarks _____

15. Recommended Amendments

☑ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

16. Examiner's/Consultant's Signature John K Moyle Date 11/7/89

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date _____ CONSULTANT SEAL

MICROFILMED
NOV 14 1989

R 5 W
R 4 W
A266
272A
T610
A
86.1
E 5
24 19
25 30
A913
553A
T 392
A
1200
well #2
A265
134A
A
23.0
B
18.1
A
14.0
T
3
N
B
23.0
B
63.0
E 5
G
3.8
E
4.5
F
4.8
D
10.5
H
15.2
C
63.6
well #1
J
2.9
K
1.8
25 30
36 31
B
4.4
C
20.2
37
360A
T 302
10.0
45
T 392
31
43
33
44
32

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 68994

This is to certify that HANS NEDEREND
RT 1 BOX1126
HOMEDALE ID 83628
(208)337-5878

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
57-10655	WR/Decreed	07/01/1930	0 09 cfs			N/A	GROUND WATER
57-7045	AJC/License	12/14/1970	2 54 cfs	571 4 af	83 5	83 5	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
57-10655	NO	YES	YES	YES	NO	NO
57-7045	NO	NO	YES	NO	YES	YES

Summary of Water Rights After the Approved Change

Existing Right	New No (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
57-10655	**57-10655**	0.09 cfs	5.3 af	N/A	N/A		N/A	N/A	N/A	N/A
57-7045	**57-7045**	2.54 cfs	494 5 af	N/A	30.5		N/A	N/A	N/A	N/A
TOTALS		**2.63 cfs**	**499.8 af**	**N/A**	**30.5**		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 9th day of November, 2001

L. Glen Saxton

Chief, Water Allocation Bureau

MICROFILMED

WATER RIGHT NO. 57-10655
As Modified by Transfer No. 68994

In accordance with the approval of Transfer No. 68994, Water Right No. 57-10655 is now described as follows

Right Holder: HANS NEDEREND
RT 1 BOX1126
HOMEDALE ID 83628

Priority Date: 07/01/1930

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Volume
STOCKWATER	01/01	12/31	0 09 CFS	5.3 AF
			0 09 CFS	5.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	Lot 3 NWSW	Sec 30 Twp 03N	Rge 04W OWYHEE County
GROUND WATER	Lot 4 SWSW	Sec. 30 Twp 03N	Rge 04W OWYHEE County
GROUND WATER	Lot 4 SENE	Sec 25 Twp 03N	Rge 05W OWYHEE County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 05W 25										X			X				

CONDITIONS OF APPROVAL

1. The wells included on transfer no. 68994 as points of diversion shall be equipped with inline flow meters. The meters shall be equipped with mechanisms that display instantaneous rate of flow and record total volume accumulated. The meters shall be read monthly, the readings recorded, and reported to IDWR on or before January 15 of the next year on department reporting forms

2 The department can exercise its authority to revise the frequency of measuring and reporting after notice to the permit holder

3 The meters installed shall have a minimum manufacturers design accuracy of +/- 2% of the meter reading and shall be installed and maintained in accordance with the manufacturers procedures to have an accuracy of at least +/- 10% The accuracy of the meters shall be checked and calibrated when installed and at least once every three years in accordance with procedures approved by the department

4 The meter shall record volume with a non-volatile memory (loss of electrical energy to the meter does not erase or change the reading), the totalizer shall not be capable of being reset and the totalizer shall have sufficient digits to assure rollover of the dial readings does not occur within two (2) years at the authorized flow rate.

MICROFILMED

WATER RIGHT NO. 57-10655
As Modified by Transfer No. 68994

CONDITIONS OF APPROVAL

5. The Department of Water Resources shall retain jurisdiction over the transfer for a period of ten (10) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards

6 A water quality monitoring program shall be conducted by Nederend Dairy for a period of ten (10) years. The sampling shall include analyses of ammonia as N, nitrate, total coliform, total dissolved solids, pH, and sodium A report of the analyses and conclusions shall be provided to the Idaho Department of Water Resources annually or as needed if significant water quality anomalies occur.

7. Use and disposal of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality and the Idaho Department of Agriculture The dairy operation authorized under this approval shall also comply with applicable county zoning and use ordinances.

8 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.

9 The total instantaneous diversion of water from all points of diversion shall not exceed 2.63 cfs, nor a total combined annual volume of 499.8 af.

10. Failure to adhere to the conditions of approval of authorization is cause for the department to revoke transfer no 68994 An action to revoke shall be initiated in accordance with the provisions of Section 42-350, Idaho Code or other applicable law.

11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval

12. Use of water under these water rights is contingent upon compliance by Nederend with the Nederend Dairy Water Quality and Quantity Monitoring Plan, dated August 27, 2001.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 9th day of November, 2001

Chief, Water Allocation Bureau

MICROFILMED

WATER RIGHT NO. 57-7045
As Modified by Transfer No. 68994

In accordance with the approval of Transfer No 68994, Water Right No 57-7045 is now described as follows.

Right Holder: HANS NEDEREND
RT 1 BOX1126
HOMEDALE ID 83628

Priority Date: 12/14/1970

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.61 CFS	137 3 AF
STOCKWATER	01/01	12/31	0.87 CFS	171 2 AF
COMMERCIAL	01/01	12/31	1.06 CFS	186 0 AF
			2.54 CFS	494 5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	Lot 3 NWSW	Sec 30 Twp 03N	Rge 04W OWYHEE County
GROUND WATER	Lot 4 SWSW	Sec 30 Twp 03N	Rge 04W OWYHEE County
GROUND WATER	Lot 4 SENE	Sec. 25 Twp 03N	Rge 05W OWYHEE 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	
03N 04W 30											30 5						30 5

Total Acres: 30.5

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 04W 30										X							
03N 05W 25													X				

PLACE OF USE: 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	
03N 04W 30		X	X							X	X				X		
03N 05W 25	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	

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WATER RIGHT NO. 57-7045
As Modified by Transfer No. 68994

CONDITIONS OF APPROVAL

1 The wells included on transfer no 68994 as points of diversion shall be equipped with inline flow meters The meters shall be equipped with mechanisms that display instantaneous rate of flow and record total volume accumulated. The meters shall be read monthly, the readings recorded, and reported to IDWR on or before January 15 of the next year on department reporting forms

2 The department can exercise its authority to revise the frequency of measuring and reporting after notice to the permit holder.

3 The meters installed shall have a minimum manufacturers design accuracy of +/- 2% of the meter reading and shall be installed and maintained in accordance with the manufacturers procedures to have an accuracy of at least +/- 10% The accuracy of the meters shall be checked and calibrated when installed and at least once every three years in accordance with procedures approved by the department.

4. The meter shall record volume with a non-volatile memory (loss of electrical energy to the meter does not erase or change the reading), the totalizer shall not be capable of being reset and the totalizer shall have sufficient ditgits to assure rollover of the dial readings does not occur within two (2) years at the authorized flow rate

5. The Department of Water Resources shall retain jurisdiction over the transfer for a period of ten (10) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards

6. Use and disposal of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality and the Idaho Department of Agriculture. The dairy operation authorized under this approval shall also comply with applicable county zoning and use ordinances

7. A water quality monitoring program shall be conducted by Nederend Dairy for a period of ten (10) years The sampling shall include analyses of ammonia as N, nitrate, total coliform, total dissolved solids, pH, and sodium A report of the analyses and conclusions shall be provided to the Idaho Department of Water Resources annually or as needed if significant water quality anomalies occur

8. The total instantaneous diversion of water from all points of diversion shall not exceed 2.63 cfs, nor a total combined annual volume of 499.8 af

9 Failure to adhere to the conditions of approval of authorization is cause for the department to revoke transfer no. 68994. An action to revoke shall be initiated in accordance with the provisions of Section 42-350, Idaho Code or other applicable law

10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

11 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right

MICROFILMED

WATER RIGHT NO. 57-7045
As Modified by Transfer No. 68994

CONDITIONS OF APPROVAL

12 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

13. 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

14 Use of water under these water rights is contingent upon compliance by Nederend with the Nederend Dairy Water Quality and Quantity Monitoring Plan, dated August 27, 2001

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 9th day of November, 2001

Chief, Water Allocation Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 68994

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant: Hans Nederend **Phone:** (208) 337-5878

Post Office address: Rt 1 Box 1126, Homedale, ID 83628

A. PURPOSE OF TRANSFER

1. 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: **The original transfer (Transfer 5313) for this dairy did not transfer an adequate amount of irrigation water to commercial use.**

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		
57-07045	12/14/1970	.61 / 137.3	irrigation	04/10	to	10/31
		.87 / 171.2	stockwater	01/01	to	12/31
		1.06 / 186	commercial	01/01	to	12/31
57-10655	07/01/1930	.09 / 5.3	Commercial	01/01	To	12/31

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	30	T03N	R04W	Owyhee	Dairy Well
		SW	SW	30	T03N	R04W	Owyhee	Dairy and Irrigation well
		SE	NE	25	T03N	R05W	Owyhee	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	
57-07045																			
03N	04W	30											30.5						
				C	C							S/X	C				C		
03N	05W	25																	30.5
			C	C	C	C	C	C	C	C	C		C	C	S/X	C	C	C	
57-10655																			
03N	05W	25										S/X			S/X				

Total Acres irrigated 30.5

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Prepared by: Darwin Vander Stelt

68994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system: **No new diversion required**

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:
Land now irrigated (53 acres) will no longer be irrigated with groundwater. When available, surplus water may be purchased from Gem Irrigation District to continue irrigating dried up land.

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. Memorandum addressing the four issues raised in the Idaho code 42-222

ACTION OF THE DIRECTOR, DEPARTIUENT 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 end conditions:

_____

_____

_____

_____

_____

_____

_____

_____

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

_____

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Pg 3A of 7

WR5809NP — IDAHO DEPARTMENT OF WATER RESOURCES — DATE: 02/14/01
No. 57-07045 — WATER RIGHT PROFILE REPORT — PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	NEDEREND DAIRY	12/14/1970	IRRIGATION	03/15	11/15	1.670 CFS	375.80 AFA
	13752 BON VIEW		STOCKWATER	01/01	12/31	0.870 CFS	171.20 AFA
	CHINO CA 91710		COMMERCIAL	01/01	12/31	0.870 CFS	24.40 AFA
	(909) 628-6109					---	---
				TOTAL DIVERSION:		2.540 CFS	571.40 AFA

Water Source: GROUNDWATER — Tributary to: — Stage: DECREED

Point(s) of Diversion: T03N R04W S30 Lot 03(NWSW) Lot 04(SWSW) — OWYHEE County
R05W S25 SENE — OWYHEE County

Point of Diversion Name(s):

					Name	Rate	Number
T03N	R04W	S30	Lot 03 (	NW SW)	DAIRY WELL		
		S30	Lot 04 (	SW SW)	IRR WELL & DAIRY BACKUP		
	R05W	S25		SE NE	IRR WELL		

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03N 04W 30											04-32						32.0
03N 05W 25													20			31	51.5
															TOTAL ACRES		83.5

Place of use Legal Description for: STOCKWATER

03N 04W 30						01-S	02-S			S	03-S	04-S	S				
03N 05W 24													S			S	
03N 05W 25	S	S	S	S	S			S						S			S

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

Pou County: OWYHEE

Conditions of Approval:

046 - *Right holder shall comply with the drilling permit*
- requirements of Section 42-235, Idaho Code.

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.

T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.

Remarks: GEN The wells included on Transfer 5313, as points of diversion.

MICRO

Remarks:

shall be equipped with inline flow meters. The meters shall be equipped with a sweep hand indicating instantaneous rate of flow and a totalizing indicator. The meters shall be read monthly and the readings provided to the Idaho Department of Water Resources on a monthly basis.

The Department can exercise its authority to revise the frequency of measuring and reporting after notice to the permit holder and COCOA (Citizens of Owyhee County Organized Association). The notice to COCOA will be sent to the name and address of a representative designated by COCOA and on file with the Department.

The meters installed shall have a minimum manufacturer's design accuracy of +/- 2% of the meter reading and shall be installed and maintained in accordance with the manufacturer's procedures to have an accuracy of at least +/- 10%. The accuracy of the meters shall be checked and calibrated when installed and at least once every three years in accordance with procedures approved by the department.

The meter shall record volume with a non-volatile memory (loss of electrical energy to the meter does not erase or change the reading), the totalizer shall not be capable of being reset and the totalizer shall have sufficient digits to assure rollover of the dial readings does not occur within two (2) years at the authorized flow rate.

The Department of Water Resources shall retain Jurisdiction over the transfer for a period of ten (10) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards.

Use and disposal of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality, Idaho Department of Health and Welfare, and the Idaho Department of Agriculture. The dairy operation authorized under this approval shall also comply with applicable county zoning and use ordinances.

A water quality monitoring program shall be conducted jointly by COCOA and Nederend Dairy (applicant) and/or its successors for a period of ten (10) years. The sampling shall include analyses of at least Nitrate, Ammonia as N and Coliform bacteria. A report of the analyses and conclusions shall be provided the Idaho Department of Water Resources annually or as needed if significant water quality anomalies occur.

The right holder shall submit a detailed plan for the monitoring program to the Department for review and approval prior to diversion and use of water under this approval. The plan shall provide for analyzing water from at least one well hydrologically up-gradient and one well down-gradient from the dairy operation.

The quantity of water allowed under this approval is based upon a dairy operation of 3,850 milking cows, 800 non-milking cattle and 2,500 heifers. Regulation of this right will not be based on the number of animals, but upon, and in accordance with, the authorized maximum diversion rate and maximum annual diversion

MICRO

3C

Remarks: volume.
The total instantaneous diversion of water from all points of diversion under Transfer 5313 shall not exceed 2.54 cfs, nor a total combined annual volume of 571.4 af.
Failure to adhere to the conditions of approval of authorization is cause for the department to revoke Transfer 5313. An action to revoke shall be initiated in accordance with the provisions of Section 42-0350, Idaho Code or other applicable law.
The water used for commercial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy barn facility as authorized by the water right.

Dates: App. Received: Priority Date: 12/14/1970
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/27/1998 User-ID: PSKAGGS Subject: TRANSFER 5313
Transfer 5313 adds a point of diversion, and changes the nature, place & season of use under a portion of Right 57-07045 for a dairy (3850 milk, 800 dry & 2500 heifers @ 8 gpd.)

Audit: 09/22/87 05/01/88 CONVERT 02/27/89 JOHNSON 05/16/89 CURTIS
06/27/89 CURTIS 10/05/89 CURTIS 08/22/96 MSCHULTE 12/09/97 KWALKER
10/27/98 PD-DSHAF 10/27/98 DECREED 10/27/98 PSKAGGS 10/27/98 PSKAGGS
10/27/98 PSKAGGS

MICRO

4a of 7

03/27/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO 57-10655

Owner Type	Name and Address
Current Owner	CARROLL JOHNSTONE
Current Owner	LA VILA JOHNSTONE
	RT 1 BOX 224
	MARSING, ID 83639
	(208)337-4195

Priority Date 07/01/1930
Basis Decreed
Status Active

Source: GROUND WATER
Tributary to:

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
STOCKWATER	1/01	12/31	0.09 CFS		
Total Diversion			0 09 CFS		

Location of Point(s) of Diversion.

GROUND WATER NWNWNW Sec. 25 Township 03N Range 05W OWYHEE County

Place(s) of use

Place of Use Legal Description: STOCKWATER OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	05W	25		NWNW										

Conditions of Approval

1 N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE

Remarks:

1. Explanatory PARCEL NO RP0042104
STOCKWATER, 400 RANGE CATTLE

Comments

Author	Date	Subject	Comment
STK-PROD	10/30/96	D&S STK-BLM UPDATE	USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12

Dates:
Licensed Date
Decreed Date 12/03/1996
Enlargement Use Priority Date

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46

Enlargement Statute Priority Date.
Application Received Date
Protest Deadline Date
Number of Protests 0

Other Information:

Receipt Number(s)
State or Federal S
Owner Name Connector AND
Water District Number.
Generic Max Rate per Acre
Generic Max Volume per Acre
Civil Case Number
Old Case Number.
Decree Plantiff
Decree Defendant
Swan Falls Trust or Nontrust
Swan Falls Dismissed
DLE Act Number
Cary Act Number
Mitigation Plan False

MICRO

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	¼	¼	¼	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	¼	¼	¼	Sec.	Twp	Rge.	County	Local Name for diversion

3 Lands irrigated or place of use

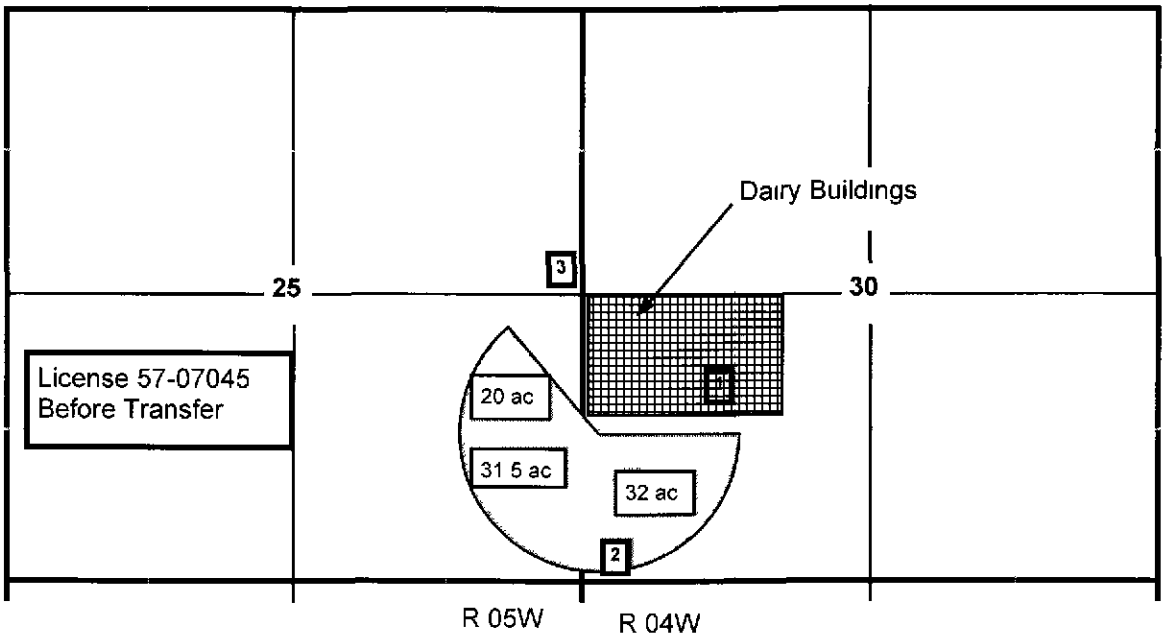
TWP.	RGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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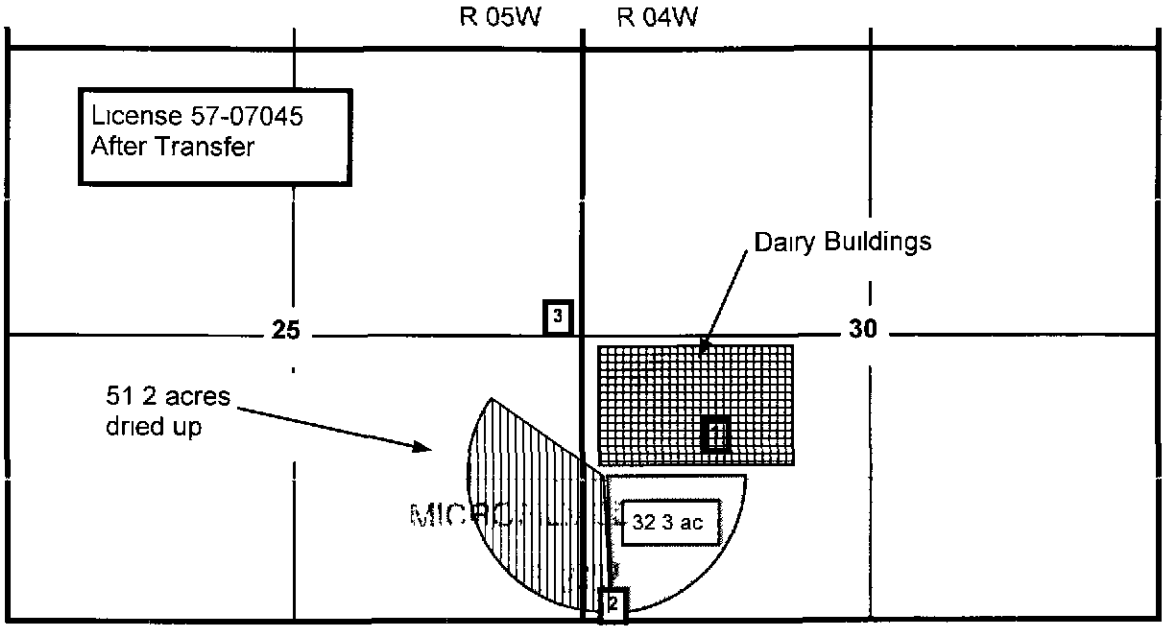
Prepared by: Darwin Vander Stelt

State of Idaho Dept of Water Resources
Application for Transfer of Water Right Part 3

Transfer no _____



WELLS	
1	Dairy
2	Dairy and Irrigation
3	Irrigation and Dairy backup



Hans Nederend	Site map	
T 03N, R 04 W, sec 30 and T03N, R05 W sec 25		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		
Commercial	**1.06 / 161.6**	**365**	**01/01**	**to**	**12/31**
Commercial	**.09 / 4.48**	**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 30 T03N R04W
Estimated volume of return flow is 76 acre feet to be land applied during the growing season.
3. Describe effects on other water uses resulting from the proposed change:
See Attachment D.

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 of Applicant)

Subscribed and sworn to before me this day of , 19

_____
(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____ _____

Receipted by _____ Date _____ _____

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 _____

MICRO

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		
Commercial 1.06	~~1.02 / 157.1~~ 1616	365	01/01	to	12/31
~~Commercial~~	~~.09 / 4.48~~	~~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 30 T03N R04W
Estimated volume of return flow is 76 acre feet to be land applied during the growing season.

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

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 of Applicant)

Subscribed and sworn to before me this 5th day of March ~~19~~ 2001

_____
(Notary Public)

My commission expires 6/18/04

LORI GRAVES NOTARY PUBLIC STATE OF IDAHO

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 5 attachments

Received by LG Date 3/5/01 Protest filed by _____

Prelim check by LG Fee 250 W0Z7400

Receipted by LG Date 2/23/01 _____

Published in Cuyhee Avalanche Copies of protest forwarded by _____

Pub Dates 4-18 & 25-01 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

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Prepared by Darwin Vander Stelt

Attachment A

Daily Fresh Water Requirement For Dairy Facility Worksheet

For: **Hans Nederend**

Stockwater Estimates (see Table 1 & 2, *"Fresh Water Considerations for Dairy Farms"*. Dean Falk Univ.of Idaho)):

	Number	Use/day	Total Gal/Day	Total Gals/Yr.	Acre-feet/Yr (AF/a)
Milking Cows	3850	32	123200		
Dry Cows	800	12	9600		
Heifers	2500	8	20000		
Total Herd Drinking Water	7150		152800	55,772,000	171.16
		Stockwater right		57-07045	**171.20**

Commercial Estimate:

All plate cooler water is available for either stockwater use or Deck Flush

Plate pre-cooler 1.1 ratio with milk 1 gal/gal milk

Refrigeration units.

Main	runs during milking (instant cool system)	3600	gal/hour
Back-up	runs during very high demand periods (Est. 10%)	360	gal/hour
		3960	gal/hour

Plate cooler use is a function of quantity of milk cooled and parlor running time @ 78 lbs/cow and 400 cows per hour .

Running time =	9.625	x2=	19 25	Hrs	76230	gal/day
Gals milk	34919	x 1 gal water			34919	gal/day
					111148.6	gal/day

Stockwater will easily cover the demands of the cooling system. Cooling system water not counted in commercial use.

Deck Flush Estimate.

Deck flush consists of a mechanism to spray the cow platforms which is used every other load and a holding pen flush which is used once each group of cows.

Cow platforms

25 nozzles each side, 10 gpm		250	gpm	
times run per Milking	77	(38 times each side)		
duration each flush	0.5	min		19250 gals/day

Holding pen flushpen

Measured by observing water drop in tank during flush

Gal/flush	18'x10'x 28" =	419.4	cf=	3145.5	gals/group
groups	11				
x's per day	2			69201	gals/day
				88451	

Milk House and Parlor Estimate

Item	Gals/Op	x's/day	Gals/day		
Bulk Tank	126	2	252		
Pipeline	150	4	600		
Parlor wash-up	1200	2	2400		
Cow Prep	0.25	2	1925		
Plate Cooler(ignore if recycled)					
Total Milk House and Parlor Water Used.				5177	gals/day
				93628	

Total gals per year parlor 34,174,220

MICRO

(continued next page)

Prepared by
Darwin Vander Stelt

Misters- used to cool cows in summer

123 days (June-September)
9 hours/day

6 lines @ 1585 feet/line 1 nozzle/ 5 ft= 1902 nozzles

2 gal/hour/nozzle = 3804 gals/hour 4211028

Dust Control 4- 1/4 mile lines between buildings (will be planted to alfalfa)

Water to apply each irrigation 312,533 gals/4 days (see next page for analysis)

times to irrigate in 214 day season 53 5

total per season 16720515.5

Commercial water needed	55105764	**Gals /year**
Add 10% for unknown factors	5510576	
	60616340	**Gals /year**
	186.0	**afa**
amount in license 57-07045	**24.4**	afa
Amount needed	**161.63**	afa
Acres to dry @ **3.07** afa CU	**52.6**	acres

Prepared by
Darwin Vander Stelt

Field No 1

No. Acres **7.3**

Soil Type & code nos **Nyssaton silt loam**

Crop **Alfalfa Hay**

Rooting Depth(in): **48** **Hardpan**

Max ET for crop (Allen and Brockway, Parma):

mm/day **6.99** in/day **0.28**

Available water capacity (AWC):

depth	inches	AWC (in/in)	in/in
0-27	27	0 19	0.107
27-48	21	0 19	0.083
			0 000
			0 000
Total	**48**	**AWC**	**0.19**

Source Soil Survey Canyon and Owyhee County Area,

Management Allowable Depletion (MAD): **55%**

Irrigation Method **Handline** 316800

Irrigation efficiency **70%** 7 3

Theoretical frequency to irrigate:

available water (in)	**5.02**		
days until depleted	**18.2**		
Days between irrigation	**4**		
Water to apply each irrigation (in):	**1.57**		
Application Rate in inches /hr	**0 22**	Miner's	
Flow calculations		inches	
System flow (Gal/Min)	**741.3**	**82**	
Row length (ft)	**1320**		
Distance between sets (ft)	**60**		
Gal water to apply(field)	**312,533**		
Flow rate per sprinkler	**5.62**	6 00	
Set time (hrs)	**7**		
No sprinkler heads/line	**33**		
No sets/line	**1**		
No laterals this field	**4**		

Permeability			Maximum
depth	inches	Perm* (in/hr	Rate**
0-27	27	2	**0.38**
27-48	21	0 6	**0.11**
			0.00
			0.00
Total	**48**	**1.39**	

Source Soil Survey Canyon and Owyhee County Area,

*max permeability in inches of travel per hour

** uptake in inches of water/hr

Permeability Class **Moderately slow**

Recommendations

(Hottest week in July, Alfalfa)
Set Time: 7 hrs
Frequency = 4 days
6 gpm nozzles, 4 lines, permanent set

Attachment B Flow, Volume, and Allocation Calculations

Volume of water (afa) to be transferred: (From Dairy worksheet, Attachment A)

Use	Volume	Acres to dry	
Commercial	161.6	53 0	(volume needed/consumptive use/acre)
Historic consumptive use per acre		3.07	(volume needed/consumptive use/acre)
			(From Attachment C. Crop history etc)
			(From Dairy worksheet, Attachment A)

Total Flow for license:

No.	Use	Priority	Acres	Flow (cfs)	Flow/acre (cfs)
57-07045	Irrigation	**12/14/70**	83.5	1.67	0.020
Stockwater and commercial				0.87	
			83.5	2 54	

Allocation of flow under license	**57-07045**	**after transfer:**	
Total licensed flow	2 54	cfs	
Acres irrigable	83.5	before transfer	
acres irrigable (after transfer)	30.5	(83.5- 53 acres out of production)	
flow for irrigation	0.61	(acres irrigable X's licensed flow(.02 cfs)/acre)	
acres out for stockwater	0.0	(from dairy worksheet)	
flow for stock water	0.87	no change	
acres out for Commercial	53 0	(from dairy worksheet)	
flow for Commercial	1.06	(acres out X's licensed flow/acre)	
Total stockwater and commercial flow	1.93		
total flow after transfer	2.54	**cfs**	(total of the three flows)

Allocation of Volume after transfer:

Total Diversion:

Total before transfer	**571.4**	**ac-ft/year**	(from license)
Tot. diversion/irrigation	137 3	(4.5 acre-ft/annum x's 30 5 acres)	
Tot. diversion/ commercial	186.0	(161 6 new commercial + 24 4 existing commercial)	
Tot. diversion/ stockwater	176.6	add 5.4 afa	
Total allowable diversion after transfer	**499.9**	**ac-ft/year**	

MICR

Prepared by:
Darwin Vander Stelt

Attachment C

Transfer No. **Hans Nederend Transfer**

Crop history, 1999,2000

Date: **04/09/01**

Source: Owner records

Field	Acres	1998 Crop	% Total	1999 Field No	Acres	Crop	%
1	83.5	Alfalfa	100.0%	1	83.5	Alfalfa	100 0%
	83.5				**83.5**		

Crop History Evaluation for estimation of Diversion Volume and Consumptive Use

Allen and Brockway Data

Allen and Brockway report site: **Caldwell**

Year	Crop	Acres	Method	App. Eff. %**	IR for Crop mm/season	Crop Div Vol AF/Ann	Crop CU AF/Ann
99-2000	Alfalfa Hay	83.50	sprinkler	70%	936	366.31	256.42
Totals		**83.5**				**366**	**256.42**

Summary for 2 year period:

Average Acres Irrigated	**83.5**	**Acres**	**Average Diversion Vol/acre**	**4.39**
Total Diversion	**366**	**AF/ann**	**Average Consumptive Use/acre**	**3.07**
Total Consumptive Use	**256**	**AF/ann**		

Prepared by
Darwin Vander Stelt

Attachment D

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 will not injure any other water user because there will be a net decrease in water consumption as a result of this request Land has been removed from irrigation to compensate for the water used by the dairy 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. The cattle numbers are identical to those used in the original transfer request Any nuisance relating to the number of animals on the farm will not be increased in any way by this transfer.

The proposed transfer will not increase the quantity of waste produced. The only effect on waste will be a slight dilution of the effluent, which should reduce odor levels

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

MICR

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

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 Nederend Dairy has an annual budget of approximately $12,000,000, 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. If we use a modest multiplier of 3, the impact for the local area approaches $30,000,000 annually

Since the purpose of the transfer is to repair an error made in the earlier transfer application (5313), and since no expansion of cattle numbers is desired, there will be no increase in any nuisance normally associated with dairy cows. This transfer is in the local public interest.

4.) Consistent with conservation of water

The reduction of consumptive use demonstrated on the attached page is conservation of water 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.

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Attachment D

Analysis of consumptive water use and annual diversion before and after this transfer.

The nutrient management plan will require that effluent be applied to growing crops at times when there is available water-holding capacity in the root zone Effectively, this means that effluent application will replace irrigation water on land remaining in crop production.

Use before Transfer (1999,2000 data)

Allen & Brockway Site: **Caldwell**

Average crops last 2 years.

Crop			Acres	Method	App. Eff. %	Average Water Use: IR for Crop MM/season	Average Water Use: Crop Div Vol AF/Ann	Average Water Use: Crop CU AF/Ann
Alfalfa Hay			83.5	sprinkler	0 7	936.0	366.3	256.4
Total acres in crop			**83.5**	**Total water use**			**366**	**256**

Summary for 2 year period:

Average Acres Irrigated	**83.5**	Acres	Average Diversion Vol/acre	**4.39**
Total Diversion	**366**	AF/ann	Average Consumptive Use/acre	**3.07**
Total Consumptive Use	**256**	AF/ann		

Use after construction of Dairy:

Acres currently licensed less **53.0** Acres dried up = **30.5** acres to be farmed

Using the irrigation efficencies and consumptive use figures above, actual use now will be

Irrigation:	**Consumptive use**	**Total diversion**	
Irrigation	93 7	133.8	
less lagoon water used to irrigate*	(113)	(161.6)	(Process water from attachment A)
Commercial:			
Add water transferred by this application	161.6	161.6	
Total use (afa)	**142.1**	**133.8**	
Total reduction in consumptive use		**114.3**	**afa**
Total reduction in annual diversion		**232.5**	**afa**

1. Assumes waste water applied is subject to same efficiency factors as irrigation water.

2. Assumes all process water ends up in the lagoon and is applied with irrigation water.

Prepared by
Darwin Vander Stelt

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5313
WATER RIGHT NO. 57-07045

This is to certify that: **NEDEREND DAIRY**
13752 BON VIEW
CHINO CA 91710

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	1.67 CFS	375.8 AF
STOCKWATER	01/01 to 12/31	0.87 CFS	171.2 AF
COMMERCIAL	01/01 to 12/31	0.87 CFS	24.4 AF
	Totals	* 2.54 CFS	* 571.4 AF

SOURCE

GROUNDWATER

Priority: 12/14/1970

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NWSW), Sec. 30, Township 03N, Range 04W
Lot 4(SWSW), Sec. 30, Township 03N, Range 04W
SENE , Sec. 25, Township 03N, Range 05W
OWYHEE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES	ACRES	TOTAL
03N	04W	30.0	Lot 4(SWSW)	32.0				32.0
	05W	25.0	NESE	20.5	SESE	31.0		51.5
					Total number of acres irrigated:			83.5

PLACE OF USE: STOCKWATER

TWN	RGE	SEC				
03N	04W	30	Lot 1(NWNW)	Lot 2(SWNW)	NESW	
			Lot 3(NWSW)	Lot 4(SWSW)	SESW	
	05W	24	SESW	SWSE		
		25	NENE	NWNE	SWNE	
			SENE	NENW	SENW	
			NESE	SESE		

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

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TRANSFER NO. 5313
WATER RIGHT NO. 57-07045

CONDITIONS OF APPROVAL AND REMARKS

1. The wells included on Transfer 5313, as points of diversion, shall be equipped with inline flow meters. The meters shall be equipped with a sweep hand indicating instantaneous rate of flow and a totalizing indicator. The meters shall be read monthly and the readings provided to the Idaho Department of Water Resources on a monthly basis.
2. The Department can exercise its authority to revise the frequency of measuring and reporting after notice to the permit holder and COCOA (Citizens of Owyhee County Organized Association). The notice to COCOA will be sent to the name and address of a representative designated by COCOA and on file with the Department.
3. The meters installed shall have a minimum manufacturer's design accuracy of +/- 2% of the meter reading and shall be installed and maintained in accordance with the manufacturer's procedures to have an accuracy of at least +/- 10%. The accuracy of the meters shall be checked and calibrated when installed and at least once every three years in accordance with procedures approved by the department.
4. The meter shall record volume with a non-volatile memory (loss of electrical energy to the meter does not erase or change the reading), the totalizer shall not be capable of being reset and the totalizer shall have sufficient digits to assure rollover of the dial readings does not occur within two (2) years at the authorized flow rate.
5. The Department of Water Resources shall retain jurisdiction over the transfer for a period of ten (10) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards.
6. Use and disposal of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality, Idaho Department of Health and Welfare, and the Idaho Department of Agriculture. The dairy operation authorized under this approval shall also comply with applicable county zoning and use ordinances.
7. A water quality monitoring program shall be conducted jointly by COCOA and Nederend Dairy (applicant) and/or its successors for a period of ten (10) years. The sampling shall include analyses of at least Nitrate, Ammonia as N and Coliform bacteria. A report of the analyses and conclusions shall be provided the Idaho Department of Water Resources annually or as needed if significant water quality anomalies occur.

MICROFILMED

TRANSFER NO. 5313
WATER RIGHT NO. 57-07045

CONDITIONS OF APPROVAL AND REMARKS

8. The right holder shall submit a detailed plan for the monitoring program to the Department for review and approval prior to diversion and use of water under this approval. The plan shall provide for analyzing water from at least one well hydrologically up-gradient and one well down-gradient from the dairy operation.
9. The quantity of water allowed under this approval is based upon a dairy operation of 3,850 milking cows, 800 non-milking cattle and 2,500 heifers. Regulation of this right will not be based on the number of animals, but upon, and in accordance with, the authorized maximum diversion rate and maximum annual diversion volume.
* 10. The total instantaneous diversion of water from all points of diversion under Transfer 5313 shall not exceed 2.54 cfs, nor a total combined annual volume of 571.4 af.
11. Failure to adhere to the conditions of approval of authorization is cause for the department to revoke Transfer 5313. An action to revoke shall be initiated in accordance with the provisions of Section 42-350, Idaho Code or other applicable law.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. The water used for commercial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy barn facility as authorized by the water right.
14. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
15. 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.

Dated this 30th day of October, 1998.

L. Glenn Saxton
Chief, Water Allocation Bureau

2-97

Page 1 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5313

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Nederend Dairy (Daniel Nederend 8-1998 ← changes approved by)

Dairy - 208-896-6092
909-627-6829
Office Phone 909-628-6109

Postal address 13752 Bon View City Chino St Ca Zip 91710

A. PURPOSE OF THE TRANSFER

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

2. Describe reason for the proposed changes: Retire acres irrigated only by ground water. Replace irrigation with dairy for year around use. Add a well for dairy. Land apply waste water per water quality standards. Continue to irrigate balance of acres with existing system (new well will not be used in irrigation).

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☐ see Attachment ____)

1.

Right No.	Priority	Amount (cfs) ac-ft	Nature of use	Period of Use
57-07045	12/14/1920	.87 1.42	Commercial	1/1 to 12/31
		.87 1.42	Stockwater	to
		1.67 1.42	Irrigation	3/15 to 11/15
				to

2. Total diversion rate/volume being transferred: 2.54 cfs and/or ____ ac-ft per annum

3. Source of water: groundwater, tributary to: ____ (or ☐ see Attachment ____)

4. Points of diversion (or ☐ see Attachment ____):

Twp.	Rge.	Sec.	1/4	1/4	1/4	Lot	County	Local diversion name / Local landmark
3N	4W	30	–	NW	SW	03	Orange	NEW well for dairy
		30	–	SW	SW	04	"	irrigation well & dairy backup
	5W	25	SW	SE	NE	–	"	irrigation well
								2 existing wells

5. Lands irrigated or place of use (or ☐ see Attachment ____): (Govt lot #)

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	4W	30						X 1	X 2		X	X 3	X 4	X					
													32						32
3N	5W	24												X			X		
3N	5W	25	X	X	X	X	X			X					X			X	
															8			31	39 51.5

x = commercial (dairy + land appl.) & stockwater

20.5

Total acres 47 83.5 71

☐ Permissible place of use, actual acreage irrigated not to exceed ____ acres per year.

Transfer No. _____

PART 1, CONTINUED

6. General information:

a. Description of new diversion system (or ☐ see Attachment ____): New well, pump & pipeline e delivery in NWSW 5,30. Irrig. well in SWSW 5,30 will be backup for domestic. Continue irrigating balance of acres from existing irrigation system only.

b. Remarks (or ☐ see Attachment ____): 3850 milking (wet) & 3300 replacement (dry) animals. ~~Number of acres to ratios is based on consumptive use per acre (2.5 afa/ac.).~~ Stockwater flow is based on IDWR standards but limited to max. rate associated with retired acres.

PLEASE READ THIS SECTION CAREFULLY

Is there a current lien, mortgage or deed of trust on the property? X Yes ____ No
If yes, please complete Part 2, item 6.

Has any portion of this right(s) undergone a period of 5 or more consecutive years of non-use? ____ Yes X No
If yes, please attach an explanation of circumstances and label it as noted in Part 2, item 9(g).

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 right(s), and that the information contained in this application is true to the best of my knowledge. I understand that I am responsible for the accuracy and completeness of the application even though I may have been assisted in the preparation of the application.

I understand that any willful misrepresentation made in this application may result in voiding the transfer approval.

MARIA MINICUCCI NOTARY PUBLIC STATE OF IDAHO

(seal)

_____ partner
(Signature and Title of Applicant)

Subscribed and sworn before me on this 7th day of July, 1998.

_____
(Signature of Notary Public)

My commission expires: 6/25/1999

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and ____ attachments

Received by _____ Date 7/7/98 Fee $100

Receipted by _____ Date 7/7/98 # 1 1024110

Transfer No. _____

PART 1, CONTINUED

6. General information:

a. Description of new diversion system (or ☐ see Attachment ____): New well, pump & pipeline & diversion in NWSW 5:30. Irrig. well in SWSW 5:30 will be backup for diversion. Continue irrigating balance of acres from existing irrigation system only.

b. Remarks (or ☐ see Attachment ____): 3850 milking (wet) & 3300 replacement (dry) animals. ~~Number of acres to petition is based on consumptive use per acre (2.5 afa/ac.).~~ Flow rate is based on IDWR standards but limited to max rate associated with petitioned acres.

PLEASE READ THIS SECTION CAREFULLY

Is there a current lien, mortgage or deed of trust on the property? X Yes ____ No
If yes, please complete Part 2, item 6.

Has any portion of this right(s) undergone a period of 5 or more consecutive years of non-use? ____ Yes X No
If yes, please attach an explanation of circumstances and label it as noted in Part 2, item 9(g).

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 right(s), and that the information contained in this application is true to the best of my knowledge. I understand that I am responsible for the accuracy and completeness of the application even though I may have been assisted in the preparation of the application.

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MARIA MINICUCCI NOTARY PUBLIC STATE OF IDAHO

(seal)

_____ partner
(Signature and Title of Applicant)

Subscribed and sworn before me on this 7th day of July, 1998.

_____
(Signature of Notary Public)

My commission expires: 6/25/1999

FOR DEPARTMENT USE ONLY

MICROFILMED NOV 06 1998

Transfer contains 7 pages and ____ attachments

Received by _____ Date 7/7/98 Fee $100

Receipted by _____ Date 7/7/98 # 1 1024110

APPLICATION FOR TRANSFER OF WATER RIGHT
ADDITIONAL DOCUMENTATION
PART 2

ATTACHED (Required)

✓ 1. Copy of each right as presently recorded with IDWR (printout of water right or other acceptable record must include Conditions/Remarks). = pgs 6 + 7

Complete the following items: prior consultation with IDWR staff is encouraged to simplify preparation (see "IDWR Information Sheet - Filing An Application For Transfer") as necessary for your transfer application. Label each supporting document as an attachment (A, B, etc.). Place a check mark by each item completed.

ATTACHED (enter "✓" or "N/A" for each item as advised by IDWR staff)

GEM I.D. H2O Not used on Acres in license but is used in some of Appl. Area

NONE 2. Describe any other water rights used for the same purposes described in Part 2, item 1.

N/A 3. Written description of present system and changes required to accommodate the proposed transfer.

4. Map(s) identifying township, range, section and 1/4-1/4 locations of pertinent items as follows: Attachment A & B

✓ a) ***proposed*** water system showing the point of diversion, place of use, and any water conveyances such as ditches or pipelines; show irrigated acres per 1/4-1/4 if proposed; and

✓ b) ***unchanged portion*** of water system showing point of diversion, place of use and any water conveyances such as ditches or pipelines.

N/A c) include a system diagram of the items in 3a and 3b if this is not clear on the map(s).

Attachment D

✓ 5. Evidence of water right ownership for entire right or portion of right being transferred. If transferring a portion of right, provide the name and address of the owner (if not the applicant) of the unchanged portion of the right.

~~N/A~~ 6. Notarized statement from holder of lien, mortgage, contract, deed of trust or any other encumbrance on the property agreeing to the transfer. ← to be supplied, will be Attachment E

N/A 7. Comments from county planning and zoning organization for county in which proposed water use will occur.

N/A 8. Comparison between water right as recorded, Snake River Basin Adjudication (SRBA) claim as recorded or current water use practices if any differences exist between any of these three categories. Explain any differences and submit supporting evidence and/or affidavits to substantiate your explanation.

SRBA Recommendation has been forwarded to court. SRBA = Wtr Right per pgs. 6-7

- continued on reverse side -

Transfer No._____

N/A Since verified per Director's Report for Bk. 57

PART 2, CONTINUED

9. Verification of diversion and beneficial use of water within the previous five year period. Some or all of the following items might apply:

a) most recent agricultural program crop map or aerial photo showing irrigated land before the proposed change

b) pump power records

c) water master records and/or comments if use is within a water district

d) irrigation crop reports

e) reports from other government agencies and/or qualified consultants

f) affidavits from knowledgeable third parties familiar with the history of water use for the water right being transferred

g) describe any defenses to forfeiture - CRP, extension of time, etc

h) other....list other verification documentation for the water right below:

_____

_____

_____

_____

✓ 10. For a change in nature of use of part or all of the water right, complete and attach Part 3 of the transfer application.

✓ 11. Identify any other documentation that clarifies the transfer application:

See worksheets for dairy use: Attachment C

_____

_____

_____

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
CHANGE IN NATURE OF USE DESCRIPTION
PART 3

A. CHANGE IN NATURE OF USE

1. New Nature of Use	Period of Use	Diversion Rate (cfs)	Annual Diversion Volume (acre-feet)	Annual Consumptive Use Volume (acre-feet)
Commercial Irrigation	1/1 to 12/31	~~1.2~~ .87	~~196~~ 195.6	~~196~~ 46.7 *
	to			
	to			

2. ☐ If present water use is other than irrigation, attach an estimate of the annual volume of water that has been *consumptively used. Also, provide justification for the estimate.* — N/A

3. ☑ Attach copy of design report or system design supporting required water flow rates and volumes for the new use. Describe attachment(s):
See Attachment C for dairy details

4. If water or waste will be discharged from project, describe quantity, quality and location of the discharge:
to be land applied in entire boundary of land purchased, see Attachment A

5. Describe measures that will be taken to prevent impacts to other water uses and water users:
43.5
Proposes to use water from 56 acres but distributed throughout entire year so no change should be noticed in the local area.
Note that Gem I.D. water is not used on licensed acres but does serve part of the balance of property bought by applicant.

* assumes that ~~entire CU, consumptive per land application~~ ~~of water~~ land application portion only use is ± fully consumptive.

WR5809NP | IDAHO DEPARTMENT OF WATER RESOURCES | DATE: 08/06/98
No. 57-07045 | WATER RIGHT PROFILE REPORT | PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	LINEBERGER INC.	12/14/1970	IRRIGATION	03/15	10/15	2.540 CFS	571.50 AFA
					TOTAL DIVERSION:	2.540 CFS	571.50 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 2.650 CFS

Point(s) of Diversion: T03N R04W S30 Lot 04(SWSW) OWYHEE County
R05W S25 SENE OWYHEE County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03N 04W 30											03-~~33~~ 04-32						~~65.0~~ 32
03N 05W 25													~~31~~ 20.5			31	~~62.0~~ 51.5
																TOTAL ACRES	~~127.0~~ 83.5

Pou County: OWYHEE

reduce by: -33 -10.5 = 43.5 ACRE Reduction

Conditions of Approval:

R32 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.5 afa per acre for
- irrigation of the lands above.

Dates: App. Received: 12/14/1970 Priority Date: 12/14/1970
Proof Due Date: 02/01/1981 Proof Made Date: 12/02/1980
Exam Made Date: 11/01/1985 Exam Sent to S.O.:
Licensed Date: 11/02/1989

Misc: Water District Number: Field Exam Fee:

Audit: 09/22/87 05/01/88 CONVERT 02/27/89 JOHNSON 05/16/89 CURTIS
06/27/89 CURTIS 10/05/89 CURTIS

Lic e .02 cfs
4.5 AFA div. vol.
3.5 AFA cons. vol.
per acre

Ps. 6 & 7

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	LINEBERGER INC	12/14/1970	IRRIGATION	03-15	11-15	2.54 CFS	571.50 AFA
					TOTAL DIVERSION:	2.54 CFS	571.50 AFA
					CONSUMPTIVE USE:		444.50 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T03N R04W S30 Lot04(SWSW) OWYHEE County
R05W S25 SWSENE OWYHEE County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03N 04W 30										03-33	04-32						65.0
03N 05W 25													31			31	62.0
															TOTAL ACRES		127.0

POU County: OWYHEE

Other Rights: NONE

Dates: Exam Made Date: Verified Date: 01/09/1992 Objection Filed Date:

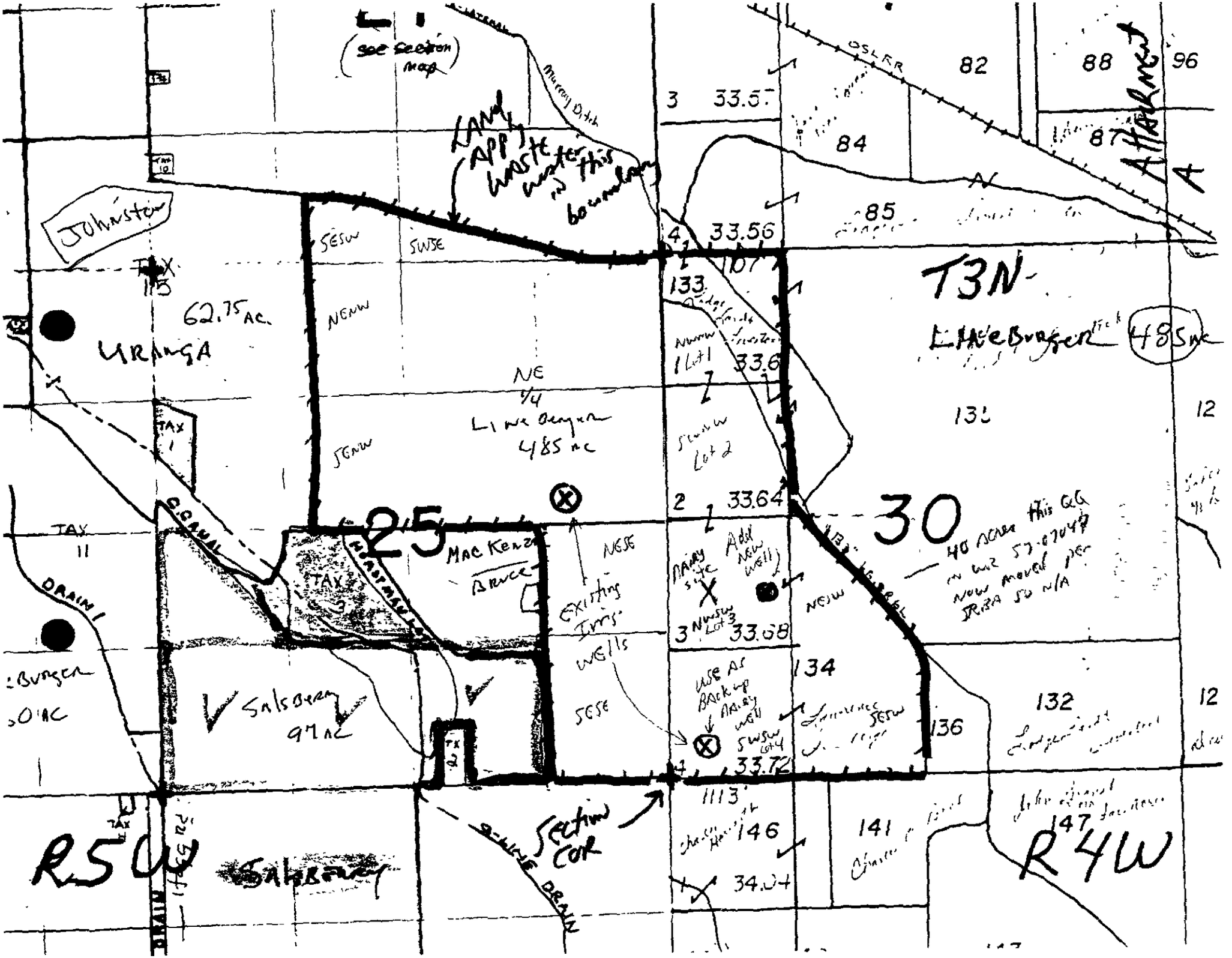
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

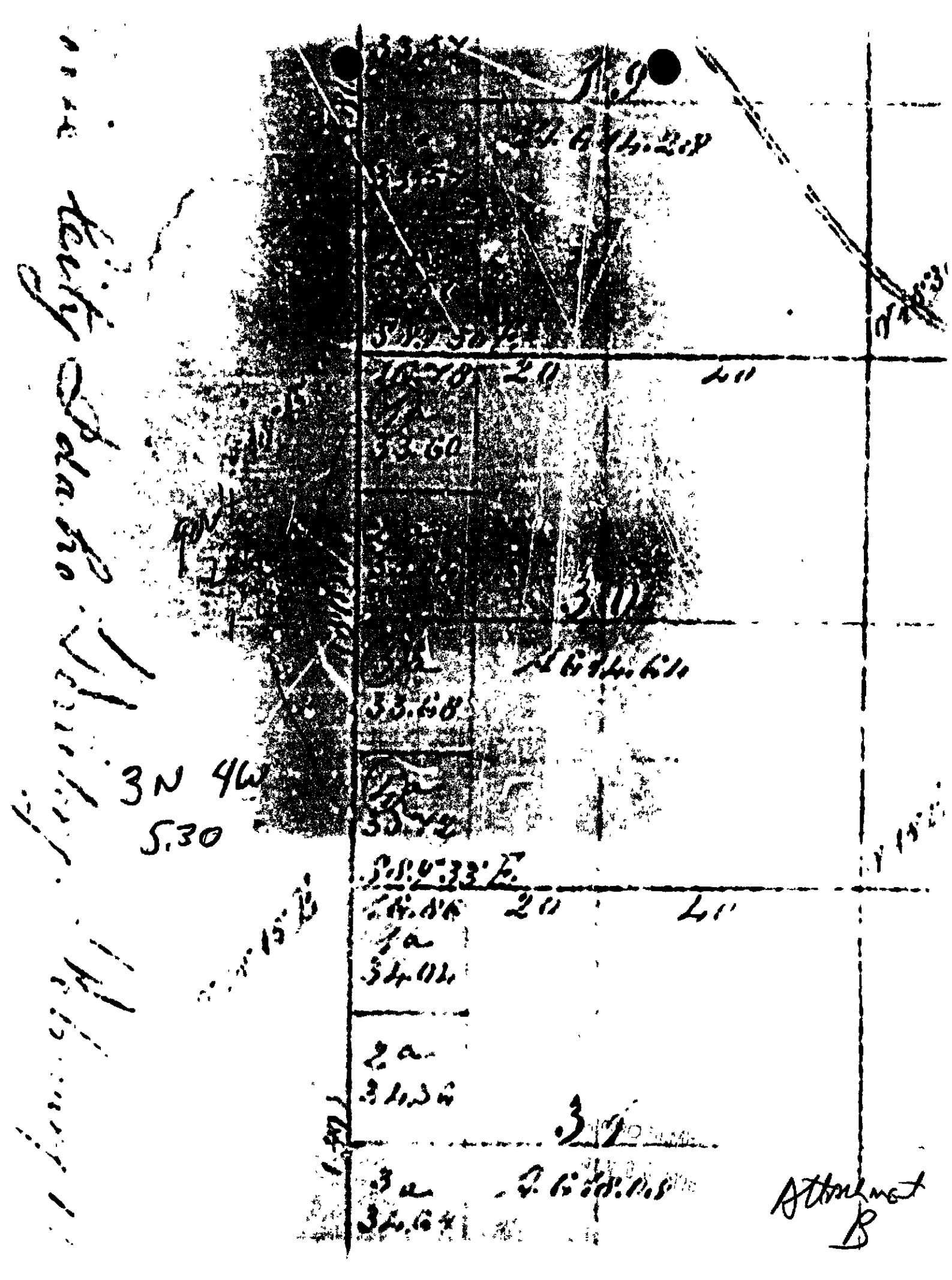
Comments: Date: 10/31/1991 User-ID: WALKER Subject: COPIED FROM REMARKS
2 WELLS-FIELD EXAM 11/1/85
CAPACITY OF SYSTEM 2.65 CFS.

Audit: 07/31/91 WALKER 10/31/91 WALKER 01/09/92 WALKER 07/29/92 PR-PRODM
10/13/92 CPSHAW 12/05/92 ADT-SHAW 03/29/95 POST-STD

Right as Recommended in Director's Report to SRBA Court.

Bs 7 of 7


(see Section Map)
LAND APP WASTE water in this boundary
Johnston
TAX 15
62.75 AC.
URANGA
SESW
SWSE
NENW
NE 1/4
Liwe Burger
485 ac
SENW
TAX 1
TAX 11
C. CANAL
DRAIN I
Burger
20 AC
Salsbery
97 AC
TAX 2
25
MacKenz
Bruce
NESE
EXISTING IRRIG. WELLS
SESE
Abd NEW WELL
NENW
3 NWSW Lot 3
33.68
USE AS BACK UP IRRIG WELL
SWSW Lot 4
33.72
2
33.64
1 Lot 1
33.6
SENW Lot 2
30
40 acres this QQ in WR 57-07047 Now moved per IRRIGA SU N/A
134
132
136
12
1113'
146
141
147
34.04
Section COR
SCHULTE DRAIN
DRAIN I
R5W
Salsbery
R4W
T3N
Liwe Burger
485 ac
4
33.56
3
33.57
OSLER
82
88
96
84
87
85
A
A HARMONY
133
131
12


3N 4W
5.30
Attachment
B

[redacted] Nederend Dairy - worksheet [redacted] (as per "sample 1")

milking	3850 × 32 gpd =	123200	← see attached, Table 2 exp. p 85 CH *
dry	800 × 12 gpd =	9600	
heifers	2500 × 8 gpd =	20000	
		152800 gpd	
backflush - no		0	stalls w/ sand beds, these uses N/A *
washpen - no		0	
manual prep	3850 × 2.5 gpd	9625	ISDA 1/14/98 info, see attached *
bulk tank - auto wash		500	
misc. equipment.		250	
pipelines		900	
milkhouse + parlor		4500	
holding area		6000	
		174575 gallons per day	

174575 × 365 = 63,719,875 gallons per year

$\frac{63719875}{325850}$ = 195.55 AF

$\frac{195.55}{3.5}$ = 55.87 acres to retire to supply full water needs to entire dairy operation ** ≈ 56 acres

* notes for 7/7/98 office visit by Hans Nederend -SK

** REFINED to 43.5 acres per IDWR worksheet dated 8/6/98 -SK

MICROFILMED

Attachment C, (6 pgs.)

Sample #1

Fresh Water Considerations for Dairy Farms

Dean E. Falk
Extension Dairy Specialist
University of Idaho

Dairy cows and milking facilities require a reliable high quality water supply. Dairy production is changing with larger production units being planned and constructed. These dairy facilities require a water supply that can deliver high quality water to the cows at all times in sufficient amounts to meet both physiological and sanitation needs of the facility.

The data reported in the literature for water consumption for dairy facilities varies considerably. For example, in three different studies the water needs for lactating cow consumption and milking center cleaning range between 40 to 50 gallons fresh water per cow per day. In these studies the free stall units were flushed with recycled lagoon water in all areas except the milk parlor and milk room. This concept reduces the amount of water that is introduced into the waste management system.

Texas data illustrates that water use on eleven dairy farms varied widely, depending on the type of manure removal system and other factors. The greatest variable was the use of sprinkler cow wash systems and/or flush systems versus manual manure removal. The total amount of fresh water used for sanitation and manure removal averaged 39.6 gallons per cow per day. The mean value for each farm ranged from 12.3 to 69.2 gallons per cow per day. The water used for cattle drinking water troughs on seven of the dairies studied averaged 28.7 ∓ 12.0 gallons per cow per day. Thus the Texas data average fresh water use per cow per day for sanitation and drinking was 68.3 gallons. Their data showed wide differences in water use for facilities that flushed or had cow sprinklers versus those that used manual cleanup. The average water use for milking parlors and holding pens without flush or cow sprinklers averaged 19.9 ∓ 14.0 gallons per cow per day. In contrast, milking parlors and holding pens with sprinkler cow washers used an average of 47.1 ∓ 17.7 gallons per cow per day.

Calculating Herd Requirements for Fresh Water

It is possible to estimate fresh water use on individual dairies, even with the wide variation reported in the literature. Estimates for total requirements can be developed for drinking water, wash pen sprinklers (if used), and milk house and parlor. Water needs can be estimated by completing Worksheet 1 with information found in Tables 1-4.

Drinking Water Needs

Drinking water needs can be determined by using the information found in Table 1 and Table 2. Table 1 shows a typical herd makeup assuming a uniform year around calving, 13 month calving interval, a 33% replacement rate (1/2 supplying a calf), 50% female calves and males sold at birth for a 100 lactating cow herd.

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NOV 0 6 1998

C2

Water intakes for dairy cattle are influenced by several factors including dry matter intake, milk production, ambient temperature, and sodium intake. However, Table 2 provides a good estimate of water intake based upon size, milk production and temperature. The data from the water intake table when matched with the herd makeup table will estimate herd drinking water.

Wash Pen Needs

The wash pen can be a large user of fresh water on typical dairies. The amount used is dependent on line pressure, sprinkler orifice, number of sprinklers and minutes per day used. Table 3 shows the gallons per minute per sprinkler with different line pressure in pounds per square inch. The number of sprinklers in the wash pen, the minutes used per day and the nozzle discharge will determine water used in the wash pen.

Milk House and Parlor Needs

Milk house and parlor waste can be estimated from data found in Table 4.

Summary

Dairies under construction or expanding must evaluate their water needs to ensure that a water source is capable of supplying the production needs of the facility. The information provided in this article can aid in that estimation.

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Table 1. Herd Makeup

Category	Number	% of Herd	Average Weight (lbs)
Milking Cows	83	83	1400
Dry Cows	17	17	1550
Total Mature Cows	100		
Heifers			
16-24 mo	42	38	1050
13-15 mo	13	12	800
9-12 mo	19	17	600
5-8 mo	19	17	400
3-4 mo	9	8	250
0-2 mo	9	8	150
Total Replacements	111		

Table 2. Water Intake for Dairy Cattle

Weight (lb)	Milk (lb)	Temperature (F) 40° & below	60°	80°
(Lactating cows)		gallons/day		
1400	20[2]	12.0	14.5	17.9
	60[2]	22.0	26.1	29.7
	100[2]	32.0	37.7	45.7
(Dry cows)				
1400[1]	-			
1600[1]	-	10.4	12.8	17.3
(Heifers)				
1200[1]	-	8.7	10.8	14.5
800	-			
400	-	3.7	4.6	6.1
200	-	2.0	2.5	3.3

[1]Maintenance and pregnancy.
[2]Maintenance and milk production.

gpd: milking 32, dry 12, heifers 8
ok for 15 C,
, sc 8/5/98

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NOV 0 6 1998

QUITCLAIM DEED

FOR VALUE RECEIVED **MARGARET J. SCOTT, FORMERLY MARGARET J. LINEBERGER**

do hereby convey, release, remise and forever quit claim

unto **RALPH LINEBERGER, A MARRIED MAN**

whose address is **BOX 991, HOMEDALE, ID 83628**

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE:

together with their appurtenances.

Dated: **MAY 15, 1998**

Margaret J. Scott

MARGARET J. SCOTT

224934

STATE OF IDAHO
COUNTY OF CANYON
On this 11th day of May, 1998, before me a notary public, personally appeared **MARGARET J. SCOTT**, known or identified to me to be the person(s) who(se) name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they have executed the same.

Christy Cowan

Notary Public
Residing at ~~GREENLEAF~~ Boise, Idaho
My commission expires: 9-1-99

CHRISTY COWAN NOTARY PUBLIC STATE OF IDAHO

FILED - RECORDED
98 MAY 19 PM 4:59
JIM HURTLEY JR.
OWYHEE COUNTY RECORDER
BY Jim Hurtley
DEPUTY
REQUEST OF Business Title
FEE

ATTACHMENT D
(6 pgs.)

Parcel II

The East Half of the Southeast Quarter of Section 25 in Township 3 North, Range 5 West of the Boise Meridian, Owyhee County, Idaho and all that part of the Southwest Quarter of Section 30 in Township 3 North, Range 4 West of the Boise Meridian, Owyhee County, Idaho, lying South and West of the Gem Irrigation District drain ditch as located May 31, 1950.

Parcel III

That part of the Northwest Quarter of Section 30 in Township 3 North, Range 4 West of the Boise Meridian, Owyhee County, Idaho, lying South and West of the Gem Irrigation District drain ditch as located March 24, 1952.

INITIAL

INITIAL

WARRANTY DEED

FOR VALUE RECEIVED LAWRENCE LINEBERGER AND BEATRICE LINEBERGER, HUSBAND AND WIFE AND NORRIS LINEBERGER AND FREDA LINEBERGER, HUSBAND AND WIFE AND RALPH LINEBERGER AND HARRIETTE LINEBERGER, HUSBAND AND WIFE

the Grantors, do hereby grant, bargain, sell and convey unto NEDEREND DAIRY #1, A CALIFORNIA GENERAL PARTNERSHIP

the Grantees, whose address is _____

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances, except for general taxes and assessments for the year 1998 and subsequent years, covenants, conditions, restrictions and easements of record, and that they will warrant and defend the same from all lawful claims whatsoever

DATED: May 12, 1998

Lawrence Lineberger
LAWRENCE LINEBERGER

Norris Lineberger
NORRIS LINEBERGER

Beatrice Lineberger
BEATRICE LINEBERGER

Freda Lineberger
FREDA LINEBERGER

Ralph Lineberger
RALPH LINEBERGER

Harriette Lineberger
HARRIETTE LINEBERGER

219935

STATE OF IDAHO
COUNTY OF CANYON

On this 19 day of May, 1998, before me a notary public, personally appeared LAWRENCE LINEBERGER, BEATRICE LINEBERGER, NORRIS LINEBERGER, FREDA LINEBERGER, RALPH LINEBERGER AND MARGARET LINEBERGER, known or identified to me to be the person(s) who(se) name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they have executed the same.

Notary Public
Residing at GREENLEAF, Idaho
My commission expires: 9-1-99

NOTARY PUBLIC STATE OF IDAHO

FEE 6.00
REQUESTED
JIM HURTLEY JR.
OWYHEE COUNTY RECORDER
BY _____ DEPUTY

98 MAY 19 PM 4:55
FILED - RECORDED

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

D3

Parcel II

The East Half of the Southeast Quarter of Section 25 in Township 3 North, Range 5 West of the Boise Meridian, Owyhee County, Idaho andall that part of the Southwest Quarter of Section 30 in Township 3 North, Range 4 West of the Boise Meridian, Owyhee County, Idaho, lying South and West of the Gem Irrigation District drain ditch as located May 31, 1950. *

Parcel III

That part of the Northwest Quarter of Section 30 in Township 3 North, Range 4 West of the Boise Meridian, Owyhee County, Idaho, lying South and West of the Gem Irrigation District drain ditch as located March 24, 1952.

* p/n of 57-07045 within this parcel

D4

WARRANTY DEED
(CORPORATE FORM)

LINEBERGER FARMS, INC., a corporation organized and existing under the laws of the State of Idaho, with its principal office at RT 1 Box 216, Marsing, Id 83639 of County of **OWYHEE** grantor, hereby CONVEYS or GRANTS and WARRANTS TO **NEDEREND DAIRY #1, A CALIFORNIA PARTNERSHIP** grantee of _____ for the sum of — TEN AND OTHER GOOD AND VALUABLE CONSIDERATION DOLLARS, the following described tract(s) of land in **OWYHEE** County, State of Idaho.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE:

Location of above described property ,

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this May 12, 1998.

LINEBERGER FARMS, INC.

BY Norris Lineberger
ITS PRESIDENT

224936

STATE OF IDAHO
COUNTY OF CANYON

On this 19 day of May, 1998 before me, a notary public, appeared Norris Lineberger who, being duly sworn did say, that he/she, the said Norris Lineberger is the president of **LINEBERGER FARMS, INC.**, a corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its board of directors and said Norris Lineberger duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

NOTARY PUBLIC STATE OF IDAHO

Notary Public
Residing in GREENLEAF, Idaho
My commission expires: 9-1-99

FILED - RECORDED
98 MAY 19 PM 5:00
JIM HUNTLEY JR.
OWYHEE COUNTY RECORDER
BY _____ DEPUTY
REQUEST OF Pioneer Title
FEE 6.00

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

05

PO 2125

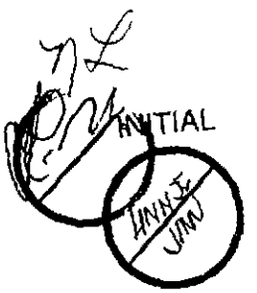


Exhibit "A"

Parcel I

The Northeast Quarter South of the the Drain and the East Half of the Norhwest Quarter, except the West 300 feet thereof in Section 25 and the South Half of the Southeast Quarter South of the Drain and the the Southeast Quarter of the Southwest Quarter South of the Drain, except the West 300 feet thereof in Section 24 all in Township 3 North, Range 5 West of the Boise Meridian, Owyhee County, Idaho.

D6

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR

Water Right 57-07045

1998 FEB -9 PM 1:09

DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO

FILED

NAME & ADDRESS: LINEBERGER INC
RT 1 BOX 1127
HOMEDALE ID 83628

SOURCE: GROUNDWATER

QUANTITY: 2.54 CFS
571.5 AFY

PRIORITY DATE: 12/14/1970

POINT OF DIVERSION: T03N R04W S30 LOT 4 (SWSW)
R05W S25 SWSENE
Within OWYHEE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	2.54 CFS 571.5 AFY

PLACE OF USE: IRRIGATION Within OWYHEE County
T03N R04W S30 Lot 3 (NWSW)33 Lot 4 (SWSW)32
R05W S25 NESE 31 SESE 31
127 ACRES TOTAL

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

ENTERED IN MED

SRBA
SUBCASE SUMMARY REPORT 57-07045

Return to SRBA Home Page

SRBA SUBCASE SUMMARY REPORT HTML12
10-26-1998

SUBCASE: 57-07045 FILE#: 00000
CLAIMANT: LINEBERGER INC
STATUS: PD ISSUED
WATER SOURCE: GROUNDWATER,

****** PARTIES INVOLVED ******

LINEBERGER INC PRO SE

****** ROA ENTRIES ******

02-09-1998	PARTIAL DECREE FILED	02-09-1998
02-09-1998	CERTIFICATE OF MAILING - PARTIAL DECREE	

Return to SRBA Home Page

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A57-07045
Date Received: 12/06/1988
Receipt No: C003884
Received By: DE JAL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LINEBERGER INC. 208-337-4285
   Address: RT. 1 BOX 1127
   HOMEDALE, ID 83628

2. Date of Priority: DEC 14, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
03N	04W	30		SW	SW		OWYHEE
	05W	25	SW	SE	NE		OWYHEE

5. Description of diverting works:
   SPRINKLER, WELLS & PUMPS. 60 HP PUMP & 75 HP PUMP, CENTER PIVOT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/15	2.540		571.50

7. Total Quantity Appropriated is:
   2.540 C.F.S. (and/or) 571.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
03N	04W	30	NW	SW	3	IRR	33.0
			SW	SW	4	IRR	32.0
						Section Acres	65.0

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OCT 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
03N	05W	25	NE	SE		IRR	31.0
			SE	SE		IRR	31.0
						Section Acres	62.0
						Total Acres	127.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
2 P/D IN SESE, S25, T3N, R5W. 2 WELLS-FIELD EXAM 11/1/85
CAPACITY OF SYSTEM 2.65 CFS.

15. Basis of Claim: PERMIT

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OCT 0 7 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____ _____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 07 1992

Ferm No. 42-1409(2) a 1/88

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 57-07045
Date Received 12-6-88
Receipt Number C003884

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
DEC 06 1988
Department of Water Resources

Please type or print clearly

1 Name of Claimant (s) Lineberger Inc. Phone (208) 337-4285

Mailing Address RT 1, Box 1127 Homedale, Ida Zip 83628

2. Date of Priority (Only one (1) per claim) 12/14/1970

3 Source of water supply (a) Ground water

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 3N Range 4W Section 30,

_____ 1/4 of SW 1/4 of SW 1/4, Govt. Lot, 4 B.M., County of Owyhee

Additional points of diversion if any: SW SENE Sec 25 T3N R5W

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 16 inch casings -

#1 G.E. 60 HP Berkley pumps
#2 G.E 75 HP Berkley pumps.
center pivot.

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OCT 07 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

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6. Water is claimed for the following purposes:

		(both dates are inclusive)			(cfs)		(acre feet)
For	Irrigation	purposes from	3/15	to 11/15	amount 2.54	or	571.5
For		purposes from		to	amount	or	
For		purposes from		to	amount	or	
For		purposes from		to	amount	or	

7. Total quantity claimed (a) 2.54 (cfs) and/or (b) 571.5 (acre feet)

8. Total consumptive use claimed is 446.54 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
												43	44						
3N	4W	30										33	32						65
3N	5W	25													31			31	62

Total number of acres irrigated 127

11. In which county (ies) are lands listed above as place of use located? owyhee

12 Do you own the property listed above as place of use? Yes ✓ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (✓)

14 Remarks:

2 wells - Field exam 11/1/85 capacity of system 2.65 cfs.

Last Name Lineburger Ident No. 57-02045 Owner Claimant

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OCT 07 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

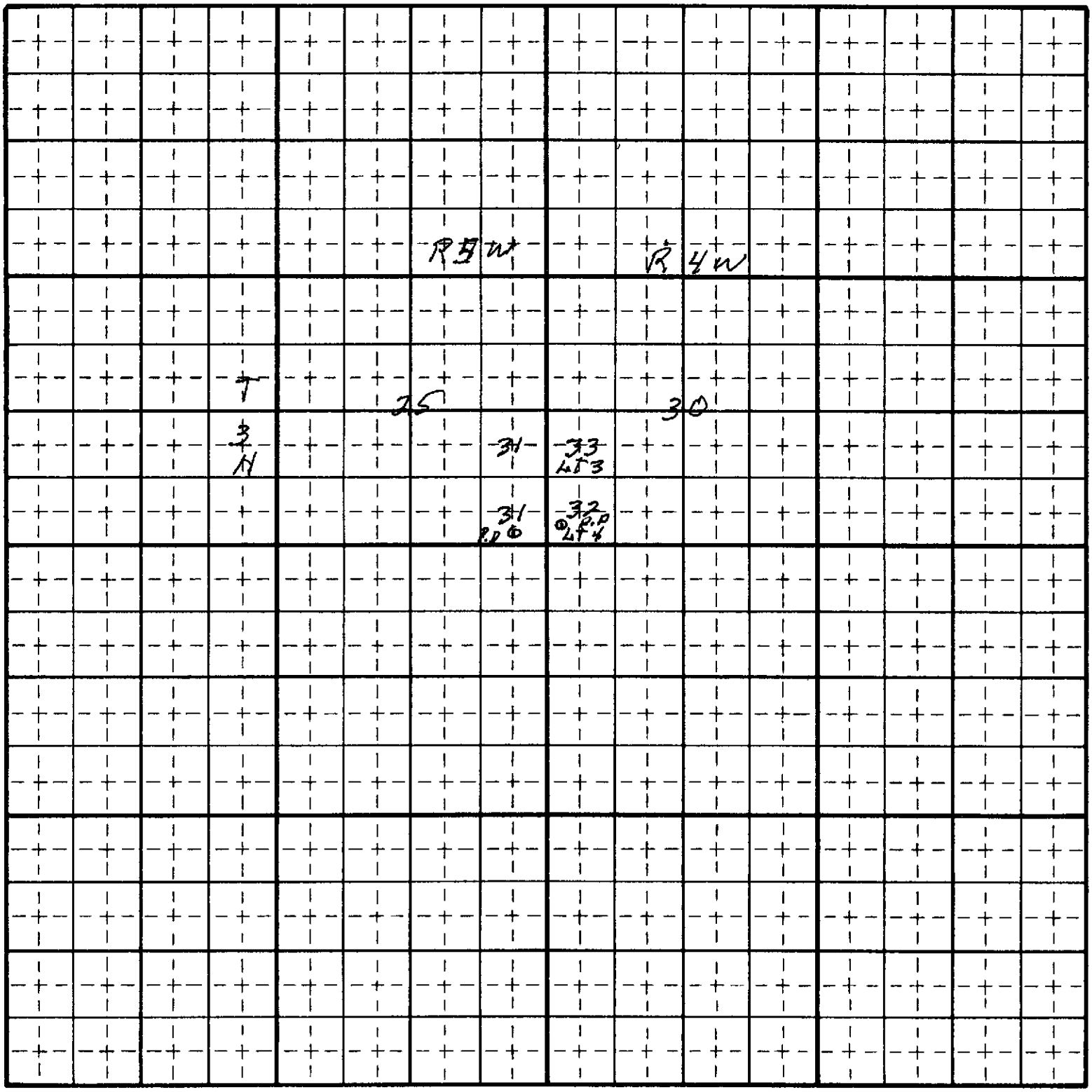
The cost of the subscription to the docket sheet is $7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Linebarger Ident No. 57-07045

MICROFILMED
Copies: White-State, Yellow-Claimant
OCT 07 1992

15. Basis of Claim (check one) Beneficial Use ____ Posted Notice ____ License ____ Permit ✓
Decree ____
If applicable provide IDWR Water Right Number 57-07045
Court ____ Case Number ____ Decree Date ____
Plaintiff vs Defendant ____

16. Signature (s)
(a) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) ____ Date ____

____ Date ____

For Organizations: I do solemnly swear or affirm that I am Sec-Treas (Title) of Lineberger Inc. (Organization), that I have signed the foregoing document in the space below as Sec Treas. (Title) of Lineberger Inc. (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Lawrence Lineberger

Title and Organization Lineberger Inc. Date 12/3/88

State of Idaho/or Idaho)
) SS.
County of Canyon)

Subscribed and sworn (or affirmed) before me this 3 day of December 19 88

SEAL

Notary Public John K Nogen.
Residing at 15470 Homedale Rd ⇔ Caldwell, Idaho 83605
My Commission Expires Sept. 21, 1994
Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, ____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature ____

Address ____

Date ____

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OCT 07 1992

Last Name Lineburger Ident. Number 57-07045

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 57-07045

Priority: December 14, 1970

Maximum Diversion Rate: 2.54 CFS
Maximum Diversion Volume:[1] 571.5 AF

This is to certify, that LINEBERGER INC.
C/O LAWRENCE LINEBERGER
RT. 1 BOX 1127
HOMEDALE, ID 83628 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 14, 1970; and has submitted Proof of Beneficial Use on December 2, 1980. An examination indicates that the works have a diversion capacity of 2.650 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/15 to 10/15	2.54 CFS	571.5 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 4(SWSW), Sec. 30, Township 03N, Range 04W
SENE , Sec. 25, Township 03N, Range 05W
OWYHEE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES	ACRES	TOTAL
03N	04W	30	LOT 3(NWSW)	33	LOT 4(SWSW)	32		65
	05W	25	NESE	31	SESE	31		62
					Total number of acres irrigated:			127

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 57-07045

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 2nd day of November, 1989.

Betty D Fleenor, for
R. Keith Higginson, Director

State of Idaho
Department of Water Resources

RECEIVED
SEP 26 1989
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 57-07045

Date of Priority: December 14, 1970

Maximum Diversion Rate: 2.54 CFS
Maximum Diversion Volume: 571.5 AF

APPROVED

Comes now LINEBERGER INC.
C/O LAWRENCE LINEBERGER
HOMEDALE, ID 83628
and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 57-07045, and requests that the permit be changed as follows:

Source: GROUNDWATER

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/15 to 10/15	2.54 CFS	571.5 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 4(SWSW), Sec. 30, Township 03N, Range 04W
SENE , Sec. 25, Township 03N, Range 05W
OWYHEE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES	ACRES	TOTAL
03N	04W	30	LOT 3(NWSW)	33	LOT 4 SWSW	32		65
	05W	25	NESE	31	SESE	31		62
					Total number of acres irrigated:			127

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

Signed at Homedale, Ida, this 21 day of Sept, 1989.

Lawrence Lineberger
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 57-07045

****

FOR DEPARTMENT USE ONLY #C011812

Preliminary check by _____ Fee = $20.00 ✓ Receipted by dk Date 9-27-89

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 57-07045 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this 2nd day of November, 1989.

Dolly D. Fleenor, for
R. Keith Higginson, Director

Form 219A
2/84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
MAR 25 1986
DEC 06 1988
Department of Water Resources

Permit No. 57-7045
Department of Water Resources

1. Owner: Lineberger Farms Inc. Phone No. 337-4285
Current Address: Homedale, Idaho 83628
c/o Lawrence Lineberger

2. Accompanied by: applicant EXAM. DATE: 11/1/85
Address: _____ Phone No. _____
Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

4.

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1 16"	GE	60	5KG257X115A	Peerless	2626 no plate
#2 16"	GE	75	5KG258X115A	Peerless	2626

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

2 wells located #1 SWSW Sec 30 T3N R4W #2 SENE Sec 25 T3N R5W - pipelines to center pivot.

6.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Eagle eye &	#1	Eagle eye	10-80	091476		
amanta		amanta	6.065	091402	6.065	
	#	Eagle eye	10-80	091476		
		amanta		091404	6.0	

7. Measurements ☐ Additional data/computation sheets attached

#1

#2

127 acres X .02 = 2.54 127 X 4.5 AF = 571.5 AFA

8. Point(s) of Diversion: Indicate Method of Determination

Ident #	¼	¼	¼	Sec.	Twp.	Rge.	Survey Information from Known Corner	County	Remarks
#1	4	SW	SW	30	3N	4W		owyhee	
#2		SE	NE	25	3N	5W		owyhee	

9. Place(s) of Use: Irrigation - give acres served by system at time of exam.
Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
												4.3	4.4						
3N	4W	30										3.3	3.2						6.5
3N	5W	25													3.1			3.1	6.2

Total Acres 12.7

Lineberger Inc 457-07045

RECOMMENDED AMOUNTS

3.

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
57-7045		2.54			2.65

4. Permit Holder: Lineberger Farms Inc. c/o Lawrence Lineberger

   Address: Homedale, Idaho 83628

5. Source: Groundwater tributary to

6.

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	3/15	11/15	2.54	571.5
Allowable Maximums:			2.54	571.5

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
1	4		SW	SW	30	3N	4W	Owyhee
2			SE	NE	25	3N	5W	Owyhee

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
												43	44						
3N	4W	30										33	32						65
3N	5W	25													31			31	62
																			Total Acres 127

9. Recommended Conditions/Remarks:

10. Recommended Amendments

☑ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

11 Examiner's Signature John K Noyes Date 11/7/85

Checked in Regional Office by LHS Date 3/20/86

Approved in State Office by Date

Lineberger, Inc. A57-07045

10/27/1988 SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Lineberger Inc. CLAIM IDENT. NO. 41J-07045

DATE RECEIVED 12-06-88 CK # 422 AMOUNT $ 227

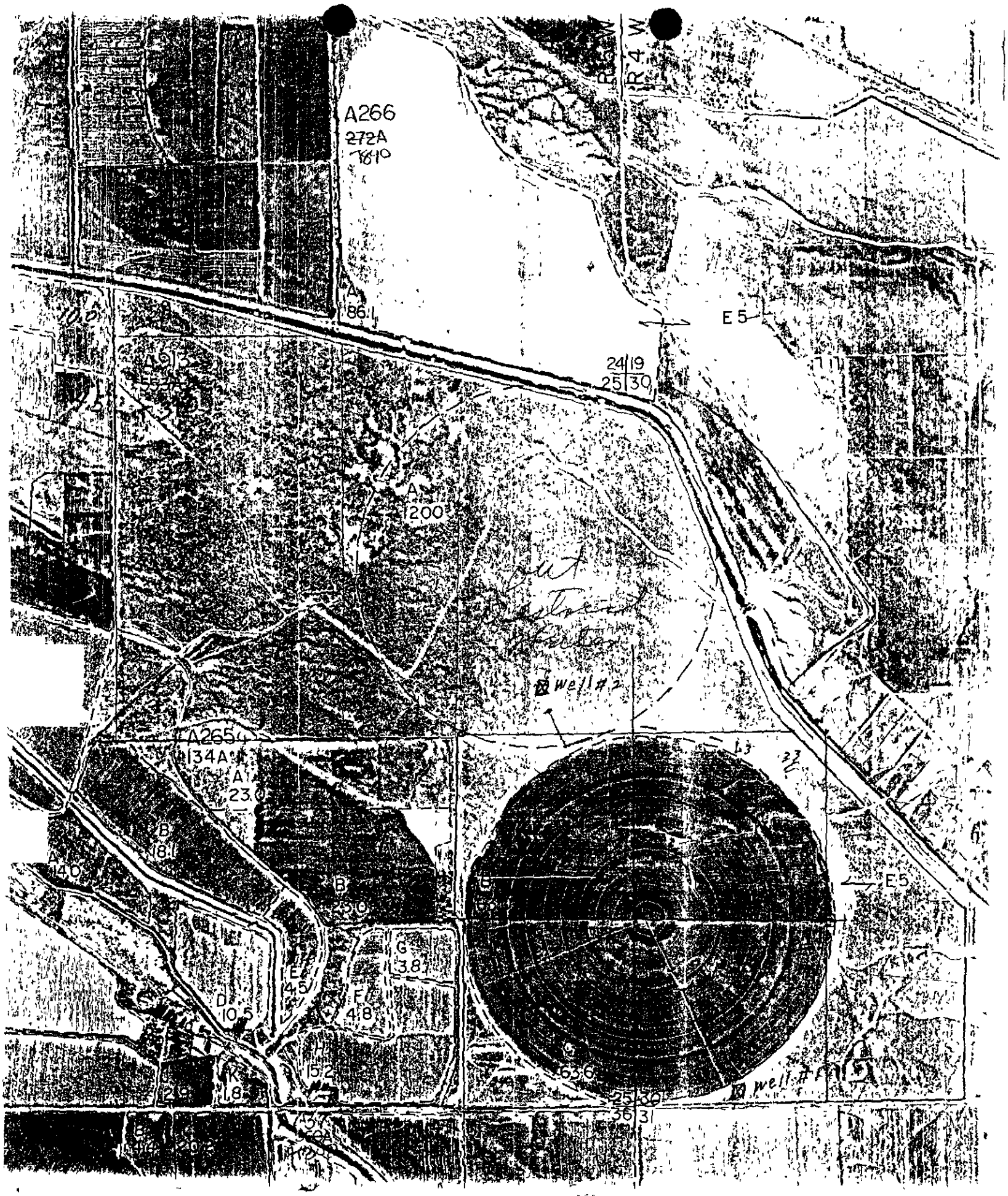
	YES	NO
1. Is the name and address complete with zip code?	✓	
2. Is a priority date entered?	✓	
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.	✓	
3. (a) Is a source entered?	✓	
(b) Is a tributary to entered? (if required) N/A ✓		
4. Is the legal description of the p.d. sufficient?	✓	
5. Is there a description of the diverting works? 2 wells	✓	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	✓	
Is the period of use included?	✓	
Is a quantity claimed for each use?	✓	
7. Is a total quantity claimed entered?	✓	
8. If required is a consumptive use entered? N/A	12/12 OK	✓
Is the consumptive use correct? N/A	12/12	✓
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ✓		
10. Is (are) the place(s) of use and purpose(s) indicated?	✓	
11. Is (are) the county(ies) entered?	✓	
12. Is the ownership of p.u. checked?	✓	
13. Are other water rights listed or "none" indicated?	✓	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A	✓	
15. Is the basis of the claim indicated?	✓	
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	✓	
Has the claim been signed, sealed, and dated by a notary?	✓	
Was this claim filed on time, or was an extension granted?	✓	
Is the fee enclosed correct? Exempt	✓	
If this claim is based on an existing water right, has the identification number been entered? N/A	✓	
Should this claim be receipted and data entered?	✓	

Claim checked by: [signature]

Comments:

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OCT 07 1992



Lineberger Inc. A57-07045

Table 3. Nozzle discharge - Gallons per minute

	Nozzle diameter in inches				
psi	1/8	9/64	5/32	11/64	3/16
40	2.96	3.74	4.61	5.54	6.64
45	3.13	3.99	4.91	5.91	7.03
50	3.30	4.18	5.15	6.19	7.41
55	3.46	4.37	5.39	6.48	7.77

Table 4. Standard Volumes of Milk house and Parlor Waste

Washing operation	Water volume
Bulk tank	
450-2000 gallon	46 gallons/wash
3000-4000 gallon	78 gallons/wash
5000 + gallon	116 gallons/wash
~~Silo tank~~ N/A	~~126 gallons/wash~~
Pipeline	
<16 parlor stalls	60 gallons/wash
16> parlor stalls	140 gallons/wash
~~Backflush~~ N/A	~~.5 gal/cow/milking~~
Parlor/milk house/holding pen cleanup	400 - 900 gallons/wash
Cow prep	
automatic	1-4 gal/wash/day
manual	.25 - 5 gal/wash/day
Plate cooler (ignore if water is recycled)	8 gal/cow/day

MICROFILMED
NOV 10 6 1998

C5

Landowner/Operator- Hans Nederend Dairy
Location- Mountain Home - Elmore County
Assisted by- Michael Mitchell - ISDA

Date- 01-14-1998

VOLUME OF WASH WATER

REF: IAWMG page 63

DESCRIPTION	RANGE	SELECTED GAL/DAY	SELECTED CF/DAY
Cow Preparation-			
Manual	(.5-7Gal or 0.06-1CF /Cow-Day)	2.5	0.334
Automatic- Stall Wash	(5-15Gal or 1-2CF /Cow-Day)		
Sprinkler Wash	(25-40Gal or 3-5.5CF /Cow-Day)		
Total Daily Volume = 5260 Cows X Total Selected Amount=		13,150	1,756.84
Bulk Tank- Automatic	(60-110Gal or 8-15CF /Wash)	500	66.845
Manual	(30-50Gal or 4-7CF /Wash)		
Miscellaneous Equipment	(25-35Gal or 3-5CF /Wash)	250	33.422
Pipelines	(75-150Gal or 10-20CF /Wash)	900	120.32
Milkhouse and Parlor	(300-700Gal or 40-90CF /Wash)	4500	601.60
Holding Area	(500-1200Gal or 70-160CF /Wash)	6000	802.13
Total Daily Volume= 2 Washes X Total Selected Amount=		24,300	3,248.63

RAINFALL RUNOFF AREA CONTRIBUTING TO STORAGE

DESCRIPTION	AREA IN SQUARE FEET
Roof	
Concrete Slab, Scraped Daily, (Y/N)- YES	
Unsurfaced Lot	5227200
Total-	5,227,200 SF

CLIMATIC AND HYDROLOGIC DATA

REF: IAWMG Pages 64 & 66-67

CLIMATIC STATION- MT HOME 25YR-24HR STORM RAINFALL- 1.60 Inches

Month	Average Monthly in Inches Precipitation	Evaporation	% Lot Runoff Factors Concrete	Unpaved
JAN	1.66	0.20	100	21
FEB	1.14	0.30	100	21
MAR	1.30	0.50	100	20
APR	0.95	2.10	100	10
MAY	0.73	4.60	100	10
JUN	0.88	6.20	100	10
JUL	0.40	8.20	100	10
AUG	0.67	6.50	100	10
SEP	0.67	3.80	100	10
OCT	0.67	1.20	100	10
NOV	1.43	0.40	100	10
DEC	1.80	0.30	100	21
ANNUAL	12.30	34.30		

For Dec thru March the 1 in 5 year Precip Values are used
Average Precip Values used for other months.

MICROFILMED

NOV 06 1998

This data proposal for 5260 milkers in another scenario but adapted to 3850 milkers in NEDEREND scenario - per 7/7/98 office visit of HANS NEDEREND. -SL

C6

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING DEVICE REQUIREMENT FOR PERMIT NO. 57-7045

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

L. Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

NOV 14 1989

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT #	NAME	AMOUNT C.F.S.
~~App. for Permit~~	~~57-7045~~	~~Lineberger Farms, Inc.~~	~~10.88~~
Assignment	57-7045	Lineberger Inc.	10.88

MICROFILMED

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

We

XX Lineberger Farms, Inc., hereby assign to Lineberger Inc.

of c/o Lawrence Lineberger, Homedale, ID 83628
Address

CHECK ONE

☑ All my right, title, and interest in and to Permit No. 57-7045 to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

_____

_____

_____

_____

Made this 2nd day of December, 19 80.

X Lawrence Lineberger
Permit Holder

Ralph Lineberger
Spouse of Permit Holder

State of Idaho)
ss.
County of Ada)

On this 2nd day of December, 19 80, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Lyle Glen Saxton

seal

Notary Public residing at Boise, Idaho

My commission expires:
11-25-82

MICROFILMED

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 57-7045 Name Lineberger Farms, Inc.

Source ground water

Point of Diversion NE¼SE¼, SE¼SE¼ (2 points), Sec. 25, T. 3N, R. 5W, B.M., Owyhee County

Quantity 10.9 Use irrigation Period March 15 - Oct. 15

Quantity _____ Use _____ Period _____

Quantity _____ Use _____ Period _____

Well Size _____ Diameter 16 Proposed Depth 300 Feet

Use 544 acres

Date Forwarded 12-23-70 Date Returned _____ Received by _____

COMMENTS: Gravels: Sand Clay & silt. Yields from the formation in wells 250-308' deep generally are in the 7-8 gpm range with extreme drawdowns & water level fluctuations from -5' to +1' have been experienced for the last 3 years. It is unlikely that they will be able to derive this quantity of water from 2 wells

RECOMMENDED:

Applied:	Qty. 10.9	Use Irr	Period 4-15/10-15	AF/A 4.5	AF 2448
	Qty. _____	Use _____	Period _____	AF/A _____	AF _____
	Qty. _____	Use _____	Period _____	AF/A _____	AF _____
Maximum:	Qty. 10.9	Use Irr	Period 4-15/11-15	AF/A 405	AF 2448
	Qty. _____	Use _____	Period _____	AF/A _____	AF _____
	Qty. _____	Use _____	Period _____	AF/A _____	AF _____

ACTION: Approved X Denied _____

Conditions of approval or reason for denial: _____

INVESTIGATION By Sheila Chapman Title WRIA II

Date 12/24/70

57 7045

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 16 1976
Department of Water Resources

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of _____)

Permit No. 57-7045

Lineberger Farms, Inc. (name) of Homedale, Idaho (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 57-7045.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before February 1, 1976.

That he has heretofore performed the following work described under said permit:
Two wells have been drilled with a combined capacity of about 1000 gpm. A pivot sprinkler system has been installed and about 125 acres have been irrigated

Costing $47,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Insufficient time

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to February 1, 1981.

Lawrence Lineberger - Treas.
(signature) *

Subscribed and sworn before me this 19 day of January, 1976.

seal

Marcia L. Brown
Notary Public residing at
Boise

My commission expires 8-10-79

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, Administrator, Operations Division of the Idaho Department of Water Resources, hereby approve the above application for extension of time and extend the time within which to submit proof of beneficial use to February 1, 1981.

Witness my hand this 27 day of January, 1976.

A. Kenneth Dunn
A. KENNETH DUNN
Administrator, Operations Division

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Resources, State Capitol, Boise, Idaho 83720.

ASSIGNED TO:
Lineberger Inc.
% Lawrence Lineberger
Homedale, Idaho 83628
Dec. 2, 1980

Identification No. 57-7045

Application No _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Lineberger Farms, Inc.
   post office address Homedale, Idaho 83628
2. Source of water supply ground water which is a tributary of _____
3. a Location of point of diversion is NE ¼ of SE ¼ of Section 25 Township 3N
   Range 5W B.M Owyhee County; additional points of diversion if any:
   2 pts. - SE¼SE¼, Sec. 25, T. 3N, R. 5W, B.M.

   b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼
   of _____ ¼ of Section _____ Township _____ Range _____ B.M _____
4. Water will be used for the following purposes.
   Amount 10.88 (cfs or acre-feet per annum) for irrigation purpose from Mar. 15 to Oct. 15 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated.
   a 10.88 cubic feet per second and/or
   b _____ acre feet per annum.
6. Proposed diverting works.
   a Description of ditches, flumes, pumps, headgates, etc sprinkler system --- details unknown at present

   b Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir capacity _____ acre feet, materials used in storage dam _____
   Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo Day) inclusive.
   c Proposed well diameter is 16 inches; proposed depth of well is 300 feet.
7. a Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years
   b Estimated construction cost is $ 50,000.00 .
8. Description of proposed uses
   a If water is **not** for irrigation
   (1) Give the place of use of water _____ ¼ of _____ ¼ of Section _____ Township _____
   Range _____ B M
   (2) Amount of power to be generated _____ hp under _____ feet of head
   (3) List number of each kind of livestock to be watered _____
   (4) Name of municipality to be served _____ , or number of families to be supplied with domestic water _____
   (5) If water is to be used for other purposes describe. _____

57 7015

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

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	5W	25	40	40	40	40	30			30					40			40	300
3N	4W	30						30	40	5	40	40	40	40					235
3N	5W	24												6			3		9

Total number of acres to be irrigated 544 TOTAL

c. Describe any other water rights used for the same purposes as described above _____

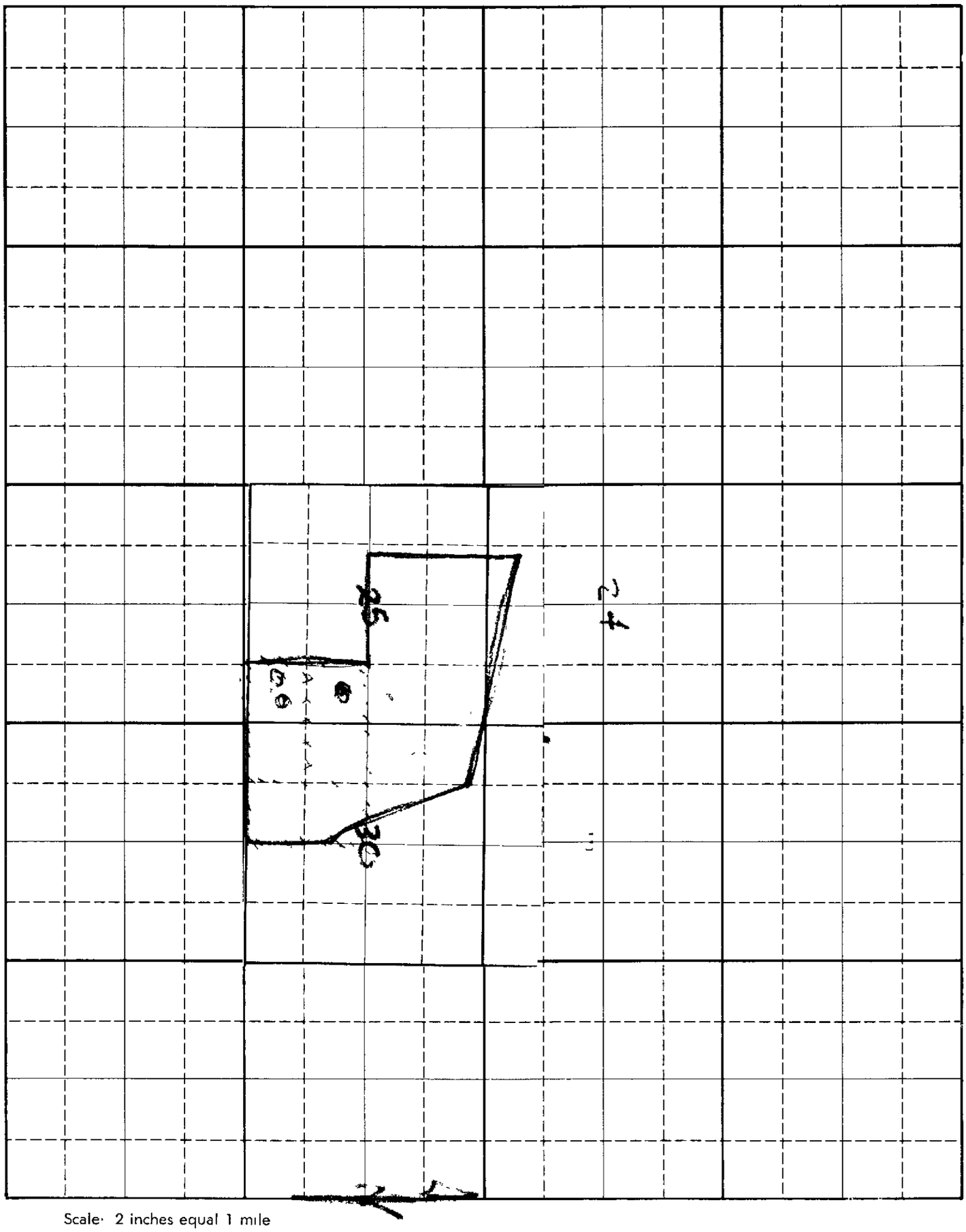
9 a Who owns the property at the point of diversion Lawrence Norris & Ralph Lineberger

b. Who owns the land to be irrigated or place of use Lawrence Norris & Ralph Lineberger

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing The owners of the Corp. are Lawrence Norris, and Ralph Lineberger.

10. Remarks We are making application for three wells, hoping to get 50-100 inches of water from each of them. The amount of land we propose to irrigate depends on the amount of water. It is our intention to sprinkle 80 acres from crop in 1971.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

(Applicant)

57 7045

57 7045

Received by ej Date 12-14-70 Time 3:30

Preliminary check by [illegible] Fee $ 70.00

Receipted by ej Date 12-14-70

Publication prepared by dg Date 12-22-70

Published in Owyhee Nugget

Publication dates 12-31-70 & 1-7-71

Publication approved dg Date 1-20-71

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by Reg Bidlack

APPROVED

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 57-7045, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 76.

   c. Other: That the permit holder shall permanently install and maintain as part of the diverting works measuring devices at the points of diversion of a type approved by this department.

2. Denial of said application is for the following reasons: _____

Witness my hand this 1st day of February 19 71.

R. Keith Higginson
Director

PROOF OF PUBLICATION

STATE OF IDAHO
County of Owyhee } s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 7 day of January, 1971, and the last publication being on the 14 day of January, 1971;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

PUBLISHER

Subscribed and sworn to before me this 14 day of January, 1971.

NOTARY PUBLIC

My commission expires

(SEAL)

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Lineberger Farms, Inc., Homedale, Idaho, has on December 14, 1970 submitted Application No. 57 - 7045 to appropriate the public waters of a ground water source.

The application proposes a a maximum diversion and appropriation of 10.9 cubic feet per second of water to be diverted by sprinkler system within the NE¼SE¼, SE¼SE¼, Sec. 25, T. 3 N., R. 5 W., B. M., Owyhee County, and is to be used within the SE¼SW¼, SW¼SE¼, Sec. 24; NE¼, E½NW¼, E½SE¼, Sec. 25, T. 3 N., R. 5 W., and in the W½NW¼, SE¼NW¼, SW¼, Sec. 30, T. 3 N., R. 4 W., B. M. for the irrigation of 544 acres from March 15 to October 15.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, on or before January 18, 1971.

R. KEITH HIGGINSON,
Director

Published in the Owyhee Nugget, Marsing, Idaho, on January 7, 1971 and January 14, 1971.

57 7045

13 November, 2003
John F. Westra, Western Regional Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

MONKS HYDRO-GEOSCIENCE
Hydrogeological Consulting
P.O. Box 362, Sandpoint, ID 83864

RECEIVED
NOV 17 2003
WATER RESOURCES
WESTERN REGION

RE: October 2003 water meter and water quality report

Dear Mr. Westra:

This letter reports the monthly water meter measurements from the wells at Nederend Dairy #1 as required by the Conditions of Approval and Remarks for Transfer No. 5313 of Water Right No. 57-07045. Water meter measurements through October 19, 2003 are summarized in the table below.

	Nederend #3			Nederend #2			Total
Date	Meter	Gallons:	Acre-Feet	Meter:	Gallons	Acre-Feet.	Acre-Feet
13-Jan-03	59268500	41,700	0 13	123688300	9,280,800	28.48	28 61
13-Feb-03	59329400	60,900	0 19	130803500	7,115,200	21 84	22 02
20-Mar-03	60019000	689,600	2 12	139309100	8,505,600	26.10	28 22
16-Apr-03	60074350	55,350	0 17	145546500	6,237,400	19.14	19 31
14-May-03	60200650	126,300	0.39	151994300	6,447,800	19 79	20.18
11-Jun-03	63217700	3,017,050	9.26	157733400	5,739,100	17 61	26.87
22-Jul-03	71199900	7982200	24 50	165251100	7517700	23.07	47 57
21-Aug-03	75835300	4,635,400	14.23	171555000	6303900	19 35	33 57
25-Sep-03	75835300	0	0.00	180811400	9256400	28.41	28 41
19-Oct-03	75835300	0	0 00	186726200	5914800	18.15	18 15
						year-to-date total:	***272.91***

Nitrogen water quality data from the past three months of samples are summarized in the following table. The nitrate levels in all five of the wells open to the shallow aquifer exceeded the EPA mcl of 10.0 mg/L nitrate as N.

Summary of Nitrate and Ammonia Levels over Past Three Months						
Well Name:	August 03 ammonia	September 03 Ammonia	October 03 Ammonia	August 03 nitrate	September 03 Nitrate	October 03 Nitrate
Nederend Domestic	<0 01	<0.01	<0 01	23 1**	40 3	46 9*
Nederend #2	0 5	0.03	NS	15 0	16.5	NS
Nederend #3	NS	NS	NS	NS	NS	NS
MW-1	NS	<0 01	<0 01	NS	20 6*	23.1*
MW-2	NS	<0 01	<0 01	NS	40 1	36 2
MW-3	NS	<0 01	<0 01	NS	18.9	18.1*
*NS = not sampled, *= coliform bactena detected, **= fecal coliform bactena detected*						

Nitrate levels in well Nederend Domestic continue to climb. Coliform bacteria were detected in the October 2003 Nederend Domestic sample. Nederend Dairy collected water samples from the kitchen sink faucets at the two residences served by well Nederend Domestic on November 6, 2003. Coliform and fecal coliform bacteria were both present in one of the samples. Coliform bacteria were not present in the other sample, but confluent bacterial growth may have interfered with the test procedure.

Nitrate levels in MW-1 increased from September to October. Coliform bacteria were also detected in October. Nitrate levels in MW-2 and MW-3 decreased from September to October. Coliform bacteria were present in MW-3 in October 2003.

The increasing levels of nitrate and presence of coliform and fecal coliform bacteria in well Nederend Domestic are cause for concern. The first and foremost concern is the health of the people using water from the well. Weekly bacteriology sampling has been initiated at the two homes served by the well. Mr. Nederend and I are considering the two options available to provide a safe water supply for the two homes: treatment of the well water, or replacing the well with a new well drilled into the deeper aquifer. The second concern is determining the contamination source and then identifying and modifying the land use practices that have led to the degradation of water quality in the shallow aquifer. As an initial step in determining the source of the nitrate and bacteria contamination, the elevations of the monitoring wells will be surveyed so that ground water flow direction can be estimated. I'm also working with the ISDA Water Quality Program staff to coordinate additional sampling and analysis at the well to determine the source of contamination. I'm hoping that we will be able to analyze samples for nitrogen isotopes and for antibiotics/hormones.

Sincerely,

John Monks, P.G.
Hydrogeologist

Cc: Hans Nederend, Ilene Dobbin (COCOA), Gary Bahr (ISDA)

TG · Water Rt 57-7045

RECEIVED
DEC - 9 20

Southern Idaho Water Resources

27 October, 2003
John F. Westra, Western Regional Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

MONKS
HYDRO-GEOSCIENCE
Hydrogeological Consulting
P.O. Box 362, Sandpoint, ID 83864

RECEIVED

RE: September 2003 water meter and water quality report

Dear Mr. Westra:

This letter reports the monthly water meter measurements from the wells at Nederend Dairy #1 as required by the Conditions of Approval and Remarks for Transfer No. 5313 of Water Right No. 57-07045. Water meter measurements through September 25, 2003 are summarized in the table below.

	Nederend #3			Nederend #2			Total
Date	Meter:	Gallons:	Acre-Feet:	Meter	Gallons.	Acre-Feet.	Acre-Feet
13-Jan-03	59268500	41,700	0 13	123688300	9,280,800	28 48	28 61
13-Feb-03	59329400	60,900	0.19	130803500	7,115,200	21 84	22 02
20-Mar-03	60019000	689,600	2 12	139309100	8,505,600	26 10	28 22
16-Apr-03	60074350	55,350	0 17	145546500	6,237,400	19 14	19 31
14-May-03	60200650	126,300	0.39	151994300	6,447,800	19 79	20 18
11-Jun-03	63217700	3,017,050	9 26	157733400	5,739,100	17 61	26 87
22-Jul-03	71199900	7982200	24 50	165251100	7517700	23.07	47 57
21-Aug-03	75835300	4,635,400	14 23	171555000	6303900	19.35	33.57
25-Sep-03	75835300	0	0 00	180811400	9256400	28 41	28.41
						year-to-date total:	*254.76*

Nitrogen water quality data from the past three months of samples are summarized in the following table. The nitrate levels in all five of the wells open to the shallow aquifer exceeded the EPA mcl of 10.0 mg/L nitrate as N.

Summary of Nitrate and Ammonia Levels over Past Three Months						
Well Name.	July 03 ammonia	August 03 ammonia	September 03 Ammonia	July 03 nitrate	August 03 nitrate	September 03 Nitrate
Nederend Domestic	0.04	<0 01	<0.01	19 5	23 1	40.3
Nederend #2	NS	0 5	0 03	NS	15 0	16.5
Nederend #3	1.42	NS	NS	19 0	NS	NS
MW-1	NS	NS	<0 01	NS	NS	20 6
MW-2	NS	NS	<0 01	NS	NS	40 1
MW-3	NS	NS	<0 01	NS	NS	18 9
NS = not sampled						

Nitrate levels in well Nederend Domestic have more than doubled since July 2003 and have reached the highest levels recorded since sampling began in February 1999. Coliform and fecal coliform bacteria were not detected in the September 2003 Nederend Domestic sample. The Nederend Domestic well is upgradient of Nederend Dairy's waste handling and storage facilities. Therefore, it is unlikely that water quality in the well is being influenced by on-site activities.

Nitrate in well Nederend #2 has also gone up significantly since the well was last sampled, going from 8.32 mg/L in May of 2003 to 16.5 mg/L in September. This well is also upgradient of the waste handling and storage facilities at Nederend Dairy. Water quality at Nederend #2 is probably being influenced by up-gradient off-site activities. The cone of depression in the shallow aquifer from pumping well Nederend #2 probably is drawing water

from beneath the cornfield just north of the well, thus waste and/or fertilizer application on the cornfield could also be influencing water quality.

Three new monitoring wells were constructed at Nederend Dairy during September 2003. Hiddleston Drilling, Inc constructed the wells using a hollow-stem auger rig. The locations of these wells and other wells open to the shallow aquifer with water quality data are shown on the attached map. All of the wells are constructed of 2-inch PVC with threaded connections. Screens are size 0.010" slotted PVC. Colorado silica sand was used to sand pack the screens, and bentonite was used for the surface seal. The 2" diameter wells are enclosed inside 6" steel casing with a locking cap set in a concrete pad.

Well MW-1 was drilled near production well Nederend #2, just north of Thompson Road. MW-1 was drilled to a depth of 50' and is screened from 35'-50' below ground surface (bgs). From 0'-43' bgs was brown sand with some clayey-sand layers. A spit-spoon sample taken at 35'-37' was brown, silty-clay. Coarse-grained sand & gravel were encountered from 43'-49'. Depth to water at MW-1 was 33.63' below casing top (bct) on September 25, 2003.

Well MW-2 was drilled northwest of the solids separator ponds and wastewater storage lagoon. MW-2 is 40' feet deep, with 10' of screen from 30'-40' bgs. From 0'-33' was brown sand with a few clayey, clumpy layers. From 33'-40' bgs was sand & gravel. Depth to water in MW-2 was 28.12' bct on September 25, 2003.

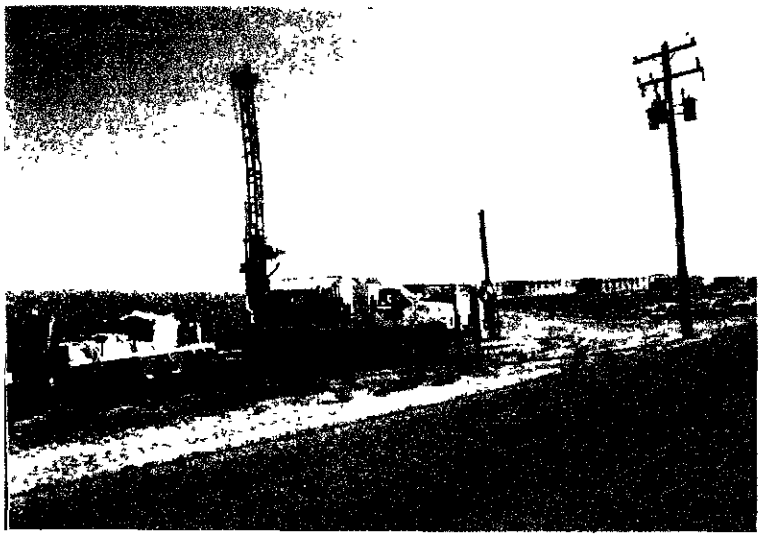
Well MW-3 was drilled just north of the mixing pond to a depth of 30' and 10' of screen was installed. From 0'-15' was brown sand, from 15'-19' was clayey, clumpy sand, and from 19'-30' was sand and gravel. Depth to water in MW-3 was 18.80' bct on September 25, 2003.

Water samples from the drainage ditch just north of well Nederend Domestic and from Nederend Domestic were submitted to Source Molecular, Inc.'s DNA analysis lab in Gainesville Florida to try to determine the source of the fecal coliform bacteria and increasing nitrate concentrations in the well. No fecal coliform bacteria were detected in the sample from the well. Analysis of the ditch sample indicates animal and human waste as probable sources. The ditch sample was also analyzed for the same constituents as are routinely analyzed for well samples. Ammonia, nitrate, chloride and sulfate in the ditch sample were considerably lower than in the well sample. Comparison of analytical results from the drainage ditch and Nederend Domestic suggest that the drainage ditch is not a likely source for the nitrate and fecal coliform bacteria detected in Nederend Domestic.

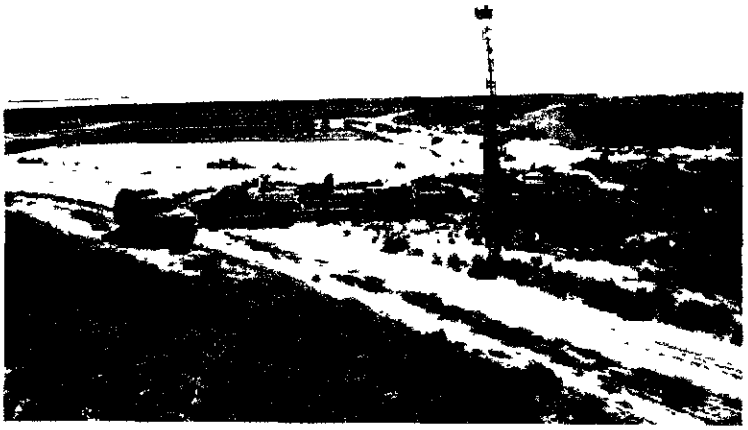
Sincerely,

John Monks, P.G.
Hydrogeologist

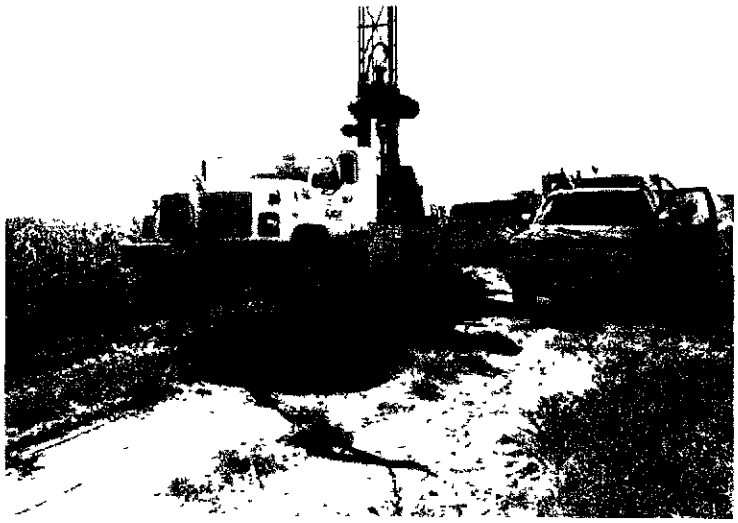
Cc. Hans Nederend, Ilene Dobbin (COCOA), Gary Bahr (ISDA)



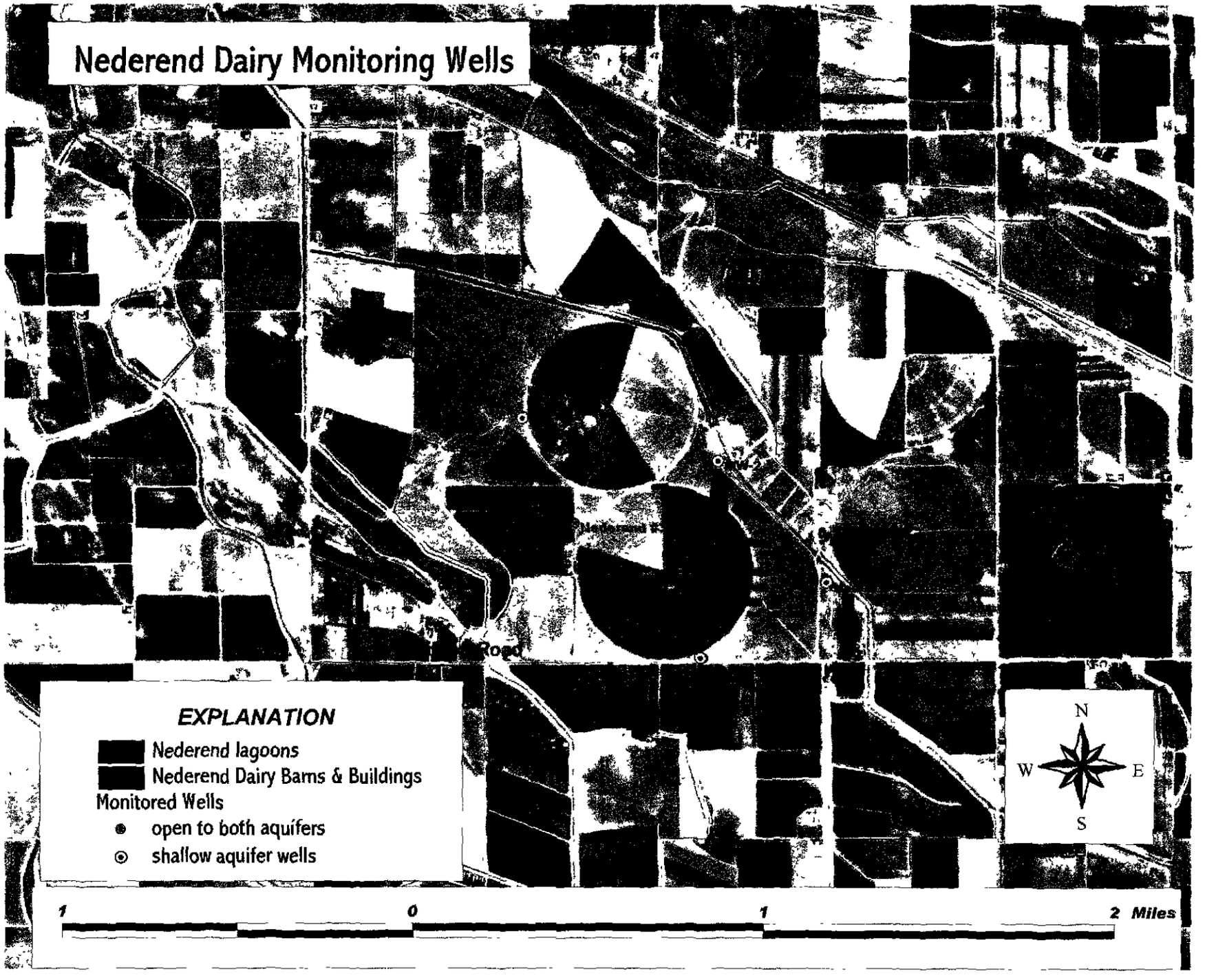
Drilling MW-1 just north of Thompson Road. Control panel and well house for well Nederend #2 are visible behind the drill rig.



Drilling MW-2 at the northwest corner of the main wastewater lagoon. Dairy barns in background Sand pit visible just above the drill rig.



Drilling MW-3 alongside road leading down from the embankment for the mixing pond.


Nederend Dairy Monitoring Wells
EXPLANATION
Nederend lagoons
Nederend Dairy Barns & Buildings
Monitored Wells
open to both aquifers
shallow aquifer wells
N
W
E
S
1
0
1
2 Miles

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

November 13, 2001

HANS NEDEREND
RT 1 BOX1126
HOMEDALE ID 83628

RE: Transfer No.:68994 - Water Right 57-10655, 57-7045 - Transfer Approval Notice

Dear Water Right Holder(s)

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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 208-327-7940.

Sincerely,

Pamela S. Skaggs

for Jeff Peppersack, Manager
Water Rights Permits Section

MICROFILMED

JP:klt

Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on November 13, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below

RE: TRANSFER NO. 68994 - WATER RIGHTS 57-10655, 57-7045

HANS NEDEREND
RT 1 BOX1126
HOMEDALE ID 83628

Kari Lynn Townsend
Secretary

MICROFILMED

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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 Idaho Water Resource Board (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.

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).

MICROFILMED

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.

MICROFILMED
MAY 15 2007

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 68994 DATE REVIEWED 11-6-2001 CS

SPLIT ___ POD ✓ ADD POD ___ POU ✓ PERIOD ✓ or NATURE ✓ of USE

ALL OF RIGHT(S) (W)=Water Right C=SRBA Claim (R)=SRBA Recommendation

R/ 57-7045	/	/	/ Partial Decrees	/ Supplemental D.R. 57-7045
W/ 57-10655	/	/	/	/
/	/	/	/	/
/	/	/	/	/

PART OF RIGHTS(S)

		(Unchanged)	(Changed)
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/

Standard Season 3-1 to 11-15 Standard Volume 4.5/3.5

(1) ✓ Priority (2) ___ Use (3) ___ Season (W61) (4) ✓ Rate (5) ___ Volume

(6) ✓ Source (7) ___ P/D (8) ___ P/U (9) ✓ Proof/Owner per Owyhee Co. Assessor (10) ✓ Map NWNW, 525, 3N, 5W 57-10655

(11) NA Water District WM/Rcvd ___ (12) Yes Pertinent Conditions Per T 5313 (13) No Expansion w/conditions

(2) 53 Acres IRR under 57-7045 to COMM.
(3) Allow extended season to begin 3-1 for IRR
(5) Change N/U limited to C.U. Vol. - STOCK = 400 x 12 gpd
(7) Change/Add P/Ds of dairy system to 57-10655
(8) Change P/U under both rts to reflect current + proposed system

Conditions/Remarks Per previous T 5313 + G. Spackman's Memo 9-1-01.
57-7045) W61
57-10655) W62

WRs for Update Comments 57-7045 ✓

Database Updated to Reflect Final Action 11-9-2001 CS

RECEIVED

Form 222a
January 2001

IDWR WESTERN REGION TRANSFER ANALYSIS

Applicant Nederend Transfer No. 68994

Reviewed by G Date 3/27/01

Data entered by G

1. Right number(s) 57-7045, 57-10655

2. Type of right ✓ Decree ___ License ___ Stat. Claim ___ BU Claim

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

4. Check Existing Right
✓ Source ✓ Priority ✓ Amount
✓ Purpose ✓ Period ✓ SRBA Claim
✓ Description of original point(s) of diversion
✓ Description of original place of use
✓ Overlapping rights for original P/D &/or P/U

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

a. ✓ Analysis memo – *always include unless justify why not needed*

b. ✓ All of right

c. N/A Part of right – *Note: Part B should normally be completed only if part of right is owned by applicant*

d. ✓ Description of point(s) of diversion

e. ✓ Description of place of use

f. ✓ Map showing proposed P/D &/or P/U

g. ✓ Correct notarized signature and fee – *see Transfer Memo #23 about fees if necessary*

h. ___ Proof of ownership of right &/or land from which water is transferred

i. ✓ Expansion in use of right: check rate of flow, diversion volume and consumptive volume. Discuss in memo.

j. N/A Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

68994

k. ✓ Overlapping rights for current & proposed scenarios

Current irrigation district water
1r 1r 1r

Proposed _____

l. ✓ SRBA Claim(s) —

_____

m. ✓ Comment letters ____ No ✓ Yes as follows.

____ Water District # ____ IDFG ✓ Other per attached

COCOA c/o Ilene Dobben
Sheri Chapman ✓
Please send 2+1 box 392 carrying 3639 a copy of my memo with the comment letters. Thx

PUBLICATION REVIEW

1. Comment Letters

Watermaster comments requested on _____, received

Other comment letters received ____ Yes ____ No

2. Affidavit of publication received: ✓ Yes

3. Published correctly: ✓ Yes ____ No

If No, re-publication required: ____ Yes ____ No

4. Protests received: ____ Yes ____ No ____ *If yes*, acknowledgement sent

RECOMMENDATIONS

1. ✓ Approve ____ See attached memo

2. ____ Deny due to _____

3. Conditions of Approval See attached memo

_____

4. Recommended by _____ Date 9/17/2001

FORWARDING FILE TO S.O.

1. Copies made for Region file (see attached supplemental page): ____ Yes

2. File forwarded to S.O. by _____ Date _____

MEMORANDUM

To: File nos. 57-7045, 57-10655; Transfer no. 68994 in the name of Hans Nederend
From: Gary Spackman
Date: September 1, 2001

Re: Conditions of Approval

Application for transfer no. 68994 is a follow-up transfer to transfer no. 5313, approved in October 1998. Transfer no. 68994 seeks to add some additional commercial and stock water for the earlier approved uses in Nederend's Dairy. The transfer was also filed to resolve a notice of violation determination that Nederend had diverted more water for commercial and stock water purposes than authorized by transfer no. 5313. Because the previous transfer contained conditions negotiated as a settlement with protestants, this approval should contain the same conditions with some slight modifications to incorporate the terms of a consent agreement to resolve the notice of violation. I recommend the following conditions:

1. The wells included on transfer no. 68994 as points of diversion shall be equipped with inline flow meters. The meters shall be equipped with mechanisms that display instantaneous rate of flow and record total volume accumulated. The meters shall be read monthly, the readings recorded, and reported to IDWR on or before January 15 of the next year on department reporting forms.

2. The department can exercise its authority to revise the frequency of measuring and reporting after notice to the permit holder.

3. The meters installed shall have a minimum manufacturer's design accuracy of +/- 2% of the meter reading and shall be installed and maintained in accordance with the manufacturer's procedures to have an accuracy of at least +/- 10%. The accuracy of the meters shall be checked and calibrated when installed and at least once every three years in accordance with procedures approved by the department.

4. The meter shall record volume with a non-volatile memory (loss of electrical energy to the meter does not erase or change the reading), the totalizer shall not be capable of being reset and the totalizer shall have sufficient ditgits to assure rollover of the dial readings does not occur within two (2) years at the authorized flow rate.

5. The Department of Water Resources shall retain jurisdiction over the transfer for a period of ten (10) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards.

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6. Use and disposal of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality and the Idaho Department of Agriculture. The dairy operation authorized under this approval shall also comply with applicable county zoning and use ordinances.

7. A water quality monitoring program shall be conducted by Nederend Dairy for a period of ten (10) years. The sampling shall include analyses of ammonia as N, nitrate, total coliform, total dissolved solids, pH, and sodium. A report of the analyses and conclusions shall be provided to the Idaho Department of Water Resources annually or as needed if significant water quality anomalies occur.

8. The total instantaneous diversion of water from all points of diversion shall not exceed 2.54 cfs, nor a total combined annual volume of 571.4 af.

2.03 4616

9. Failure to adhere to the conditions of approval of authorization is cause for the department to revoke transfer no. 68994. An action to revoke shall be initiated in accordance with the provisions of Section 42-350, Idaho Code or other applicable law.

10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

11. The water used for commercial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy barn facility as authorized by the water right.

12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 acre feet per acre at the field headgate for irrigation of the lands above.

13. Use of water under these water rights is contingent upon compliance by Nederend with the Nederend Dairy Water Quality and Quantity Monitoring Plan, dated August 27, 2001.

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RECEIVED
AUG 29 2001
WATER RESOURCES
WESTERN REGION

WATER QUALITY AND QUANTITY MONITORING PLAN
NEDEREND DAIRY

AUGUST 27, 2001

Mr. Hans Nederend, dba Nederend Dairy, received an approved Application for Transfer no 5313 for Water Right no. 57-07045 on October 30, 1998. There are 15 separate conditions of approval and remarks, which include among other things, requirements that the wells included in the transfer application be equipped with inline flow meters, that the flow meters are to be read on a monthly basis, and that they are to be calibrated every three years. In addition to the monitoring of the flow and volume of water diverted, a water quality monitoring program is to be conducted by Nederend Dairy and the organization known as COCOA for a period of ten consecutive years. Monitoring parameters are to include at least nitrate, ammonia, and coliform bacteria. Mr. Nederend is required to submit a detailed plan for monitoring water quality, which is to include a well both up gradient and down gradient from the dairy. In addition, an annual water quality report is to be provided to the Idaho Department of Water Resources and interim reports are to be provided as may be required by the Department. The inline flow meter measurements are to be provided to the Department on a monthly basis

As of January 1, 2001 the requirements of the approved transfer had not been met and Mr. Nederend initiated actions to insure that the requirements of the transfer were met in the future. Sherl L. Chapman of ERO Resources Corp. of Boise was contacted, and met with Mr. Nederend on January 9, 2001 to verify that the conditions of the transfer had been met to the extent possible at that time and to coordinate preparation of a water quality monitoring plan which was to be initiated for the full term of the transfer requirements. On April 18, 2001 a consent agreement was signed by the Department and Mr. Nederend specifying certain actions necessary to comply with the transfer conditions and subsequent orders of the Department. A detailed monitoring plan for both water quality and water quantity as required by the transfer and order was submitted to the Department on June 4, 2001 for review, comment, and approval. The Department provided suggested changes in a letter dated August 1, 2001 from Gary Spackman. Those recommendations have been incorporated in the revised monitoring plan.

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Water Quantity Monitoring

It is proposed that the inline McCrometer flow meters presently installed on the Nederend wells 1 through 3 be considered sufficient to satisfy the requirements of the transfer. The meters have been inspected at their installed locations and found to be within the criteria set by McCrometer Corp. The meters have been documented to be in place, photographed, and are adequate to provide an accurate determination of water pumped from each well. The meters will be read on a monthly basis and the flow rates and volumes tabulated on a spreadsheet to be maintained continuously by ERO Resources Corp. The record will become a part of the water quality report submitted to the Department of Water Resources as required by the consent agreement. The meters have been calibrated at their installed locations and a report has been submitted to the Department. Future calibration of the meters will occur every three years in the field using a Collins Air/Water Monometer or equivalent operated by ERO Resources Corp. personnel. Flow rates will be recorded as the meters are read and if the cumulative flow rates or volumes exceed the limits set by the approved transfer, Mr. Nederend and the Department of Water Resources will be notified.

Water Quality Monitoring Program

The water quality monitoring program will be more sophisticated and complex. The approved transfer requires that certain water quality parameters be monitored on a monthly basis, not only on the Nederend wells, but also on one up gradient and one down gradient well. Mr. Nederend has indicated that ERO Resources Corp. personnel will conduct the monthly sampling collection and reporting to satisfy requirements of the transfer and agreement. Samples for water quality analysis will be collected on the Nederend wells 2, 3, the existing domestic well at the dairy, and a new well known as the "Johnstone" well located in the NW1/4, NW1/4, NW1/4, Section 25, Township 3 North, Range 5 West. Pumps are installed in wells 2, 3, and the existing domestic well and water quality samples will be collected using a sampling pump from the Johnstone well. The Johnstone well will be pumped sufficiently to purge three casing volumes of water from the well before sampling. In addition to the water quality samples, depth to water measurements will be collected monthly on the Johnstone well to provide an indicator of water level fluctuations in the area. It is proposed that the up gradient well be located in the SW1/4, SW1/4, SE1/4, Section 25, Township 3 North, Range 5 West (Mackenzie) and the down gradient

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well located in the NW1/4, NE1/4, SW1/4, Section 19, Township 3 North, Range 4 West (Larsen). Both of these wells are presently included in a water quality monitoring program operated by COCOA but samples are now collected on a quarterly basis. These two wells will be monitored on a monthly basis as a part of the Nederend water quality monitoring program with the owner's permission. Samples will be collected on a monthly basis and analyzed for ammonia as N, nitrate, total coliform, total dissolved solids, pH, and sodium. The analysis will be conducted by a certified laboratory and the resulting data will be compiled on a spreadsheet to be included in the monitoring report. Interim reports will be provided on a monthly basis until July 2001. After that the reports will be made annually. The annual report, which will include both water quality and quantity data, will be prepared in January of each year. As outlined in condition 5 of the consent agreement, reports will be submitted to the Idaho Department of Water Resources and the Idaho Department of Agriculture, Dairy Bureau. The Idaho Department of Environmental Quality will be briefed on a regular basis

Exceptions

Nederend well no. 3 is presently used primarily for irrigation purposes. It is equipped with a 75 horsepower vertical turbine, line shaft pump, several hundred yards from the dairy in an irrigated field. Intermittent operation of this pumping unit during the winter months, solely for the purposes of collecting a water quality sample, appears to be unreasonable if the well is not used during the non-irrigation season. It is proposed that water quality measurements be collected on well no. 3 only during the irrigation season or when the well is operated as a part of the dairy supply. The inline flow meter will be read on a monthly basis to ensure that the well is not operated as a part of the dairy supply without the volume of water being recorded. However, water quality samples will only be collected when the well is being operated either for irrigation or as a part of the dairy supply and it will not be required to be turned on solely for the collection of a water quality sample.

Well no. 1, located immediately adjacent to the dairy barns, is presently unused due to turbidity and sediment problems. Mr. Nederend has indicated that the well will not be used as a part of the commercial or dairy supply except in extreme emergency or perhaps in the future as a stock water well. Since meter calibration and water quality sample collection is relatively expensive, Mr. Nederend has rendered the well inoperable by installing a set of blind flanges in

the pipeline to eliminate the possibility of the well being used at this time. Meter calibration would only occur if the use of the well is to be resumed for any approved purpose. Mr. Nederend will notify the Department of Water Resources prior to the resumption of use of this well and the meter would be calibrated before the well could be turned on. Again, the meter will be examined monthly with the totalizing register and sweep hand readings being recorded to ensure non-operation of the well.

It is believed that this monitoring program will meet the requirements of approved transfer no. 5313 and the consent agreement. If during the monitoring process it is determined that modification of the program is deemed necessary, a request will be made in writing to the Idaho Department of Water Resources for modification of the program. The principal operating the monitoring program for ERO Resources Corp. will be Steven Hannula.

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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 18, 2001

Hans Nederend
Nederend Dairy
Rt. 1 Box 1126
Homedale, ID 83628

Re: Notice of Violation – Consent Agreement

Dear Mr. Nederend:

Enclosed is a signed, original consent agreement resolving the Notice of Violation dated February 26, 2001. The verbal consent agreement represents the results of a compliance conference conducted on March 15, 2001.

Please note the deadlines in the agreement. All wells delivering water to the dairy must be equipped with a measuring device, and the measuring device must be calibrated onsite by another independent measuring device by May 18, 2001. The calibration results should be sent to IDWR along with the first monthly measurement report to be submitted with the May 2001 water measurement report. You should begin submitting monthly reports to this office at the end of April 2001.

You must submit an acceptable monitoring plan containing a procedure for coordinating with and reporting information to the Idaho Department of Environmental Quality &/or the Idaho Department of Agriculture by June 18, 2001.

Neither the consent agreement nor a pending application for transfer allows you to divert water in excess of your water right. Future violations of law within IDWR's jurisdiction will prompt another notice of violation. In addition, if the conditions of the consent agreement are not satisfied, IDWR will seek additional penalties.

Thank you for your cooperation in resolving the Notice of Violation.

Respectfully,

Gary Spackman

Gary Spackman

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cc: COCOA

CONSENT AGREEMENT FOR NOTICE OF VIOLATION ISSUED TO NEDEREND DAIRY

On February 26, 2001, the Idaho Department of Water Resources (IDWR) issued a Notice of Violation to Nederend Dairy and/or Hans Nederend, asserting violations of Idaho Code § 42-351 and seeking penalties pursuant to Idaho Code § 42-1701B. After discussions between IDWR and Hans Nederend in the offices of IDWR, the parties agreed to the following consent order:

1. Measuring devices associated with all wells presently delivering water to the dairy shall be calibrated by an independent flow measurement device within 30 days of the execution of this agreement. Readings of the installed measuring devices shall be adjusted based on the calibrations.

2. Any measuring devices associated with wells not presently delivering water to the dairy must be calibrated by an independent measuring device prior to delivery of water from the well to the dairy.

3. All measuring devices associated with wells delivering water to the dairy shall be recalibrated by an independent measuring device every three years.

4. Volumetric measurements from the measuring devices associated with wells delivering water to the dairy shall be submitted to IDWR on a monthly basis until July 2001. Thereafter, the volumes shall be read monthly but may be submitted to IDWR annually, unless IDWR requests a more frequent report.

5. A water quality monitoring plan has been prepared and submitted to IDWR. The plan proposes water quality analysis from four wells owned by Nederend and one upgradient and one downgradient well. The plan also proposes monthly measurement of depth to ground water in the "Johnstone" well. The framework of this plan is acceptable to the parties. The plan must also contain, however, a procedure for coordination and reporting information to the Idaho Department of Environmental Quality &/or the Idaho Department of Agriculture. A final plan must be in place within 60 days of the execution of this agreement.

6. Nederend shall pay a civil penalty of $10,000. Nederend agrees that upon any further violations of the terms and conditions of his water rights for the dairy on any violation of law at the dairy within IDWR's jurisdiction he will pay an additional $40,000, plus whatever additional penalties will be assessed as a result of the future violation.

7. The Notice of Violation and the penalties sought by the notice are resolved upon completion of the conditions set forth above.

Dated this 18th day of April 2001.

ID Department of Water Resources

Dated this 3 day of April 2001.

Hans Nederend, Nederend Dairy

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The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED
APR 30 2001
WATER RESOURCES
WESTERN REGION

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

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):

April 18 & 25, 2001

SIGNED: Joe E. Aman

STATE OF IDAHO)
COUNTY OF)

On this 25TH day of April in the year of 2001 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

Shirley McKinney
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

SHIRLEY K. McKINNEY NOTARY PUBLIC STATE OF IDAHO

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 68994

HANS NEDEREND of Rt 1 Box 1126, Homedale ID 83628 has applied to the Department of Water Resources to change the Nature, Place and Period of Use and Point of Diversion pursuant to I.C. § 42-222 for the following ground water rights in T3N, Owyhee County.

Decree 57-7045, priority 12/14/1970, diverted in Lot 3 NWSW and Lot 4 SWSW S30 R4W and SENE S25 R5W, 1.67 cfs for irrigation of 83.5 acres and .87 cfs for commercial/ stockwater uses in S30 R4W and S24, S25 R5W

Decree 57-10655, priority 7/1/1930, .09 cfs, diverted and used for stockwater in the NWNWNW S25 R5W.

PROPOSED CHANGE

Retire 53 acres from irrigation on decree 57-7045 and transfer the ground water appurtenant to those acres to the existing Nederend Dairy for additional commercial use. Uses will be described as .61 cfs for irrigation and 1.93 cfs for year around commercial/ stockwater uses. Applicant also wishes to transfer stockwater decree 57-10655 to the dairy, allowing all stockwater and commercial uses to be diverted from the three existing wells serving the dairy. The well in the NWNWNW S25 will no longer be used. Nederend Dairy consists of 3850 milking cows, 800 dry cows and 2500 replacement heifers and is located about 3 miles northwest of Marsing.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of $25 for each application on or before May 7, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

4/18 & 25/01

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 18, 2001

SHERL CHAPMAN
1106 N COLE RD
SUITE C
BOISE ID 83704-8661

Re: Application for Transfer No. 68994 in the Name of Hans Nederend.

Dear Sir and/or Madam:

Enclosed are copies of the above-referenced applications for permit which may be of interest to you. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by May 7, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

Gary Spackman

GS:lm

Encl: Copy of Application

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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 18, 2001

COCOA
C/O ILENE DOBBIN
ROUTE 1 BOX 392
MARSING ID 83639

Re: Application for Transfer No. 68994 in the Name of Hans Nederend.

Dear Sir and/or Madam:

Enclosed are copies of the above-referenced applications for permit which may be of interest to you. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by May 7, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

Gary Spackman

GS:lm

Encl: Copy of Application

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MEMORANDUM

DATE: 3/27/01

FROM: Lori Graves LG

TO: Transfer File

RE: Review

Attachments

A. Daily Fresh Water Requirement For the Dairy
B. Crop History and Historic Consumptive Use
C. Proposed Flow, Volume, and Allocation Calculations
D. Memo Addressing I. C. § 42-222
E. Ownership Documentation for 57-10655

Brief

The transfer proposes to retire 53 acres from irrigation on right 57-7045 and transfer the groundwater to commercial use for an existing dairy. It also requests that stockwater right 57-10655 (aka the Johnstone right) be moved to the existing P/D's serving the dairy. No increase in cow numbers or new wells are proposed, only an increase in the water used for the dairy from existing wells.

Background

Transfer 5313 was approved for 3850 milking cows, 800 dry cows, and 2500 heifers. Based on calculations submitted by the applicant, .87 cfs and 24.4 afa were approved for the dairy's commercial uses. After analyzing the dairy operation in response to a recent non-compliance complaint and violation, IDWR found that the commercial needs for the dairy exceeded the amounts approved by transfer 5313.

Since transfer 5313 was issued, applicant purchased additional property that included a well, aka the Johnstone well, used for stockwater. This well is associated with partial decree 57-10655 for 400 beef cattle.

Decree 57-07045 originally covered 127 acres. After transfer 5313 was approved in 1998, 83.5 acres remained licensed for irrigation with the balance being applied towards stockwater/commercial uses for a new dairy.

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Overlaps

Except for irrigation district water on applicant's non-licensed acres within the proposed P/U, no other water is used on the property. Both rights listed are considered valid since they were recently issued partial decrees in the SRBA.

Ownership

Ownership documentation was sufficiently supplied for transfer 5313, involving right 57-7045, resulting in an ownership change of the right into applicant's name. Ownership documentation for right 57-10655 has been requested per 3/27/01 telecon with applicant's consultant.

Required Dairy Amounts

As proposed, 171.16 afa stockwater is needed for the dairy. 171.2 afa was approved for stockwater on transfer 5313. As a result, no additional volume is necessary for the dairy's stockwater needs.

As proposed, 186 afa commercial water is needed for the dairy, which includes a 10% fudge factor added in. 24.4 afa was approved for commercial uses on transfer 5313. Applicant's failure to include water for dust control and cooling misters, and also using conservative estimates for milk-parlor needs were the primary reasons why transfer 5313 did not adequately cover the dairy's commercial uses. As a result, 161.6 afa additional volume is necessary to adequately cover the dairy's commercial needs.

Partial decree 57-10655 was issued in 1996 for 400 beef stock, with volume unspecified. Applicant figured 12 gpd/cow or 5.4 afa based on department standards.
Although stockwater has been adequately covered under the right 57-7045, applicant wishes to apply this water towards the dairy's stockwater needs to make sure he does not over-appropriate in the future. The stockwater p/d will be transferred to the three wells listed on right 57-7045 and the Johnstone well in the NWNWNW S25 will be used for monitoring purposes only.

Partial decree 57-7045 was issued in 1998 reflecting approved transfer 5313. The evaluation of crop history was based on 83.5 acres planted in alfalfa hay during the 1999/2000 irrigation seasons. Using the Allen/Brockway data, average consumptive use/acre was calculated at 3.07 afa.

To summarize applicant's calculations:
161.6 afa needed commercial water/ 3.07 afa = 53 acres that must be retired from irrigation to meet the dairy's needs.

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The acres were licensed at a field headgate volume of 4.5 afa/ac, not the 3.07 afa/ac historic consumptive use volume, resulting in a 76 afa reduction of total licensed volume.

As a yardstick for determining if a dairy's commercial and stockwater amounts are reasonable, IDWR estimates that 100 afa (stockwater & commercial combined volume) is needed per 1000 milkers. Applicant's proposal will result in 176.6 afa stockwater + 186 afa commercial = 362.6 afa for 3850 milkers, which appears reasonable.

Recommendations

The transfer calculations appear reasonable. Advertise transfer as proposed, but do not approve or forward to SO until ownership documentation is received for right 57-10655.

This transfer should be subject to the same conditions applied to transfer 5313.

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MEMORANDUM

TO: Lori Graves and IDWR
FROM: Darwin Vander Stelt, preparer

DATE: 2/12/2001

RE: Hans Nederend Transfer, Right No. 57-07045 & 57-10655

The transfer proposes to retire 53 acres from irrigation and transfer the ground water rights to commercial use. It also requests that a stockwater right for 400 head of cattle be transferred to stockwater use.

DOCUMENTS AND APPLICATION PREPARATION
Attachments:

A. Daily fresh water requirement for Dairy
B. Crop history and calculation of historic consumptive use and annual diversion
C. Flow, Volume, and Allocation Calculations
D. Memorandum addressing the four issues raised in the Idaho code 42-222

CURRENT RECORDS & PROPOSED CHANGE

The Nederend Dairy was built in 1998 on portions of section 30, T3N, R4W, and section 25, T3N, R5W, in Owyhee County. Prior to construction of the dairy the applicant made application for a transfer of water from irrigation to commercial use. This transfer (5313) was granted on October 30, 1998. Since completion of the dairy and after operating for approximately 2 years the applicant finds that the amounts of water transferred to commercial use in transfer 5313 are not adequate for the operation of the milking parlor. As a result, Applicant wishes to remove irrigation from an additional 53 acres and transfer the water to commercial use.

Also, a subsequent purchase of additional property has resulted in the applicant owning a small stockwater right which applicant also wishes to transfer to commercial use.

The rights as currently licensed consist of 57-07045, priority 12/14/1970 and 57-10655, priority 7/01/30.

The dairy fresh water requirement is calculated assuming that most of the stockwater is first run through the refrigeration system. The applicant is making that change now. The animal numbers used to calculate water needed are identical to the numbers used in the original transfer request, and no additional stockwater is requested. This request is made because an error was made in the original determination of water needed.

When calculating the volume of water licensed by right no. 57-10655, it was assumed that 400 range cattle consumed 12 gals per day each.

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Should there be additional information required, I remain at your disposal. Thanks!

Darwin Vander Stelt
preparer

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 12, 2001

OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated. 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. Your cooperation is appreciated.

Please send the affidavits of publication and publication billing to this office before May 7, 2001.

Sincerely,

Sue Taylor
Senior Secretary

Enc.

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 68994

HANS NEDEREND of Rt 1 Box 1126, Homedale ID 83628 has applied to the Department of Water Resources to change the Nature, Place and Period of Use and Point of Diversion pursuant to I.C. § 42-222 for the following ground water rights in T3N, Owyhee County:

Decree 57-7045, priority 12/14/1970, diverted in Lot 3 NWSW and Lot 4 SWSW S30 R4W and SENE S25 R5W, 1.67 cfs for irrigation of 83.5 acres and .87 cfs for commercial/stockwater uses in S30 R4W and S24, S25 R5W

Decree 57-10655, priority 7/1/1930, .09 cfs, diverted and used for stockwater in the NWNWNW S25 R5W.

PROPOSED CHANGE

Retire 53 acres from irrigation on decree 57-7045 and transfer the ground water appurtenant to those acres to the existing Nederend Dairy for additional commercial use. Uses will be described as .61 cfs for irrigation and 1.93 cfs for year around commercial/stockwater uses. Applicant also wishes to transfer stockwater decree 57-10655 to the dairy, allowing all stockwater and commercial uses to be diverted from the three existing wells serving the dairy. The well in the NWNWNW S25 will no longer be used. Nederend Dairy consists of 3850 milking cows, 800 dry cows and 2500 replacement heifers and is located about 3 miles northwest of Marsing.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 for each application on or before May 7, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Owyhee Avalanche on April 18 and 25, 2001.

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State of Idaho
DEPARTMENT OF WATER RESOURCES
2735 Airport Way, Boise, Idaho 83705
Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 12/20/2000

TO: Norm Young

FROM: Gary Spackman

DOCUMENT DESCRIPTION: COCOA Agreement - Nederend Dairy

TOTAL PAGES SENT: _____ + COVER SHEET

CONTACT:

MICROFILMED

NEIGHBORHOOD AGREEMENT WITH NEDEREND DAIRY AND COCOA

October 30, 1998

Water Quality

- To conduct the water testing monthly as stated in the contract with IDWR and COCOA. If and when IDWR states that they do not need to have monthly testing the Nederend Dairy will continue to do the testing and submit the data to COCOA
- Operation of the CAFO will not cause, either alone or in conjunction with other causes, contamination of ground water and drinking water.
- There will be no discharge of pollutants into surface or ground water except as permitted by the appropriate state and federal agency with jurisdiction.

Property Issues

- The maximum density of animals shall not exceed five (5) Animal Units per acre on the contiguous real property on which the CAFO is operated
- That the CAFO will not be a nuisance as defined by Section 52-101, Idaho Code.

Site Requirements

- Lights for the CAFO shall be placed and shielded to direct the light source down and inside the property lines of the CAFO.
- The lagoon shall be vinyl lined. The grade of vinyl liner shall be appropriate for manure management.
- Settling ponds must be lined in vinyl or concrete.
- All manure storage structures will employ the best available odor controlling practices.
- The total capacity of manure storage structures is sufficient to store the waste generated by the one-time maximum design capacity (animal units) for at least 180 days
- All manure storage facilities have adequate diversions, dike walls or curbs to contain any spillage or rupture of the facility by directing the runoff to appropriately-sized disposal, holding, or storage areas.
- All manure storage facilities have a clean-up plan in place and approved by EPA in the event of spillage or rupture of the facility, all such facilities are also required to give public notice (within 24 hours) in the event of spillage or rupture of the facility
- Animal parts and afterbirth may not be deposited in the manure storage structures
- The water consultant will select the monitoring wells and determine if a test well is to be required

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Facility Closure

- Should the Nederend Dairy production facility cease operation, the facility must submit to the US EPA a closure plan for the facility, including a plan for the removal and disposal of all livestock waste, to include that contained in livestock waste handling facilities, manure storage structures or lagoons. Said removal and disposal of livestock waste shall be completed within ninety (90) days of the final day of operation of the facility.

- The owner/operator shall follow US EPA regulations for the closure and clean up of large-scale (CAFO) livestock production facilities.

- The owner/operator must submit to the Idaho DEQ, Owyhee County Public Health Department, Idaho Soil Conservation District, and COCOA a duplicate of the facility closure plan as submitted to US EPA.

- In the event that this Dairy is sold or leased to another individual or entity, the Nederend Dairy agrees to require this agreement to remain in effect as a condition of the sale.

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General Requirements

- Nederend Dairy agrees to pay Chapman Inc two (2) years in advance for the monthly water testing as stated in the contract with IDWR item 2. Thereafter The Nederend Dairy will pay a hydrologist as selected by COCOA on an annual basis.
- Facilities shall be designed and located with full consideration proximity to adjacent uses, effect upon adjacent and surrounding properties, and reduction of such nuisance factors as odor, noise, traffic, and other impacts.
- The owner or operator shall have a continuous obligation to maintain adequate housekeeping practices to prevent the creation of a nuisance, and shall also be subject to the health authority as to the elimination of waste materials and the maintenance of water quality control.
- All other applicable State, Federal, or local agencies having jurisdiction or other regulation over such facility shall be informed of such proposal and submit appropriate approvals for such facility.
- Dead animal pick-up shall be no more than three 48 hours. A pick-up storage area shall not be within 500 feet of a public road. A panel shall be constructed to block public view of the storage area. (See Attachment #1)
- The ratio for liquid manure application will be five (5) parts water to one (1) part lagoon mixture.

Nutrient Management Plan

- Incorporate waste into the ground within 48 hours when no growing crops are present. No frozen ground application of any waste will be allowed.
- Fly control shall be practiced. The fly control practices will be explained to COCOA.
- Live enzymes shall be added to the lagoon to control the odor.
- Planned animal units on the site and acreage available for waste disposal. Together with a plan which demonstrates that sufficient acreage is available for nutrient loading and that the application rate for the manure management plan will be based on the most limiting agronomic nitrogen, phosphorus, and potash usage rates for the crops grown. (See Attachment #2)
- Agronomic Calculations for waste utilization based on soil test values, crop and yield levels expected and manure values, etc. (See Attachment #2)
- Large-scale (CAFO) livestock production facilities shall keep a log record of all livestock waste applied: such record shall be in sufficient detail to determine the type of waste, application rate, date, weight and or volume, destination and acreage over which the livestock waste was applied These records will be open to COCOA.
- Sprinkling of livestock waste is prohibited unless the application area is berm
- Large-scale (CAFO) livestock production facilities shall provide landowners with appropriate printed educational material on long-term impact of over-fertilization of farm land and build up of heavy metal deposits before concluding waste application agreements with them.
- Heavy metal testing shall be conducted on the ground where waste is applied. The results shall be shared with COCOA.
- COCOA will issue cards to all surrounding neighbors so that the neighbors will be able to notify the Nederend Dairy when the are effected by the odor. When the Nederend Dairy receives three (3) notices from the neighbors of the odor, the Nederend Dairy shall adjust the chemicals/enzymes to the lagoon to control the odor.

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Entered into on this 30th day of October 1998 this Neighborhood Agreement between Citizens of Owyhee County Organized Association and Hans Nederend aka Nederend Dairy:

Hans Nederend-AKA Nederend Dairy Hans Nederend

Ilene Dobbin-COCOA President Ilene Dobbin

Noval Larsen-COCOA Vice President Noval M Larsen

Connie Clapier-COCOA Treasurer Connie Clapier

Angie Corta-COCOA Secretary Angie Corta

State of Idaho
County of Owyhee

Linda E Noyce

LINDA E. NOYCE
STATE OF IDAHO
NOTARY — PUBLIC

Notary exp. 9-21-2004

MICROfilmed

RECEIVED
NOV 0 5 1998
Department of Water Resources

Charles W. Bryan
Senior Appraiser
Farm Credit Services
PO Box 730
Caldwell, Idaho 83606

Pam Skaggs
Senior Water Resource Agent
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

Re: Water Right #57-07045

October 29, 1998

Dear Ms Skaggs,

Water Right #57-07045 filed by Hans Nederend has transfer #5313 pending with Farm Credit Services listed as lien holder. Farm Credit Services agrees to the proposed change and transfer #5313.

Thank you for your consideration. Please call if there are any questions or concerns.

Sincerely yours,

Charlie Bry

Charles W. Bryan
Senior Appraiser
Farm Credit Services

UNPROCESSED

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 30, 1998

NEDEREND DAIRY
13752 BON VIEW
CHINO CA 91710

RE: Water Right 57-07045 (Transfer 5313)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5313). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

> If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.
>
> If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a $100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

RECEIVED

CERTIFICATE OF MAILING

I hereby certify that on the **30th** day of **October, 1998,** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 57-07045 (Transfer 5313)

NEDEREND DAIRY
13752 BON VIEW
CHINO CA 91710

Kari Lynn Townsend
Secretary

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

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Ident. No. 57-98-W-0074-000
Well Tag No. D0007845
Water Right No. 57-07045

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR DRILLING PERMIT

1. **Name:** **NEDEREND DAIRY** O 208-896-6092
   Address: BOX 202 RT 1
   MARSING ID 83635

2. **Proposed Well Location:** Township 03N, Range 04W, Sec. 30, NWSW
   OWYHEE County

   Street Address of Well Site: THOMPSON RD 1/4 MILE N
   MARSING ID

3. **Proposed Use of Well:** Non-Domestic Stock

4. **Well Construction Information:**
   A. NEW WELL
   B. Proposed Surface Diameter 14 In. Proposed Maximum Depth 350 Ft.
   C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)
   (NOTE: Construction diagrams and/or other information may be requested for monitor, low temperature geothermal, municipal and artesian wells.)

5. **Construction Start Date:** 11/ 1/1998

6. **Anticipated Well Driller:** RIVERSIDE INC (No. 0333)
   NOTE: The actual well driller must be identified to IDWR prior to drilling commencement.

7. **Applicant's Signature** _____ Date _____

   Title _____
   (Owner, Firm Representative, Other)

****

Fee $ 200.00 Receipted by _____ No. C043723 Date 10/20/1998

(Continued)

Ident. No. 57-98-W-0074-000
Well Tag No. D0007845

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is **APPROVED** Date: **10/30/1998**

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

CONDITIONS OF APPROVAL:

1. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.
3. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is 1-800-342-1585.
9. The screened, perforated, filterpacked or otherwise open and commingled strata shall not exceed 25% of the total well depth as measured from the bottom of the open interval to the top of the open interval(s). If, however, through geophysical logging of the well (or other means), it can be demonstrated the aquifers to be produced from are under similiar hydraulic head, temperature and quality and are not subject to waste or contamination this may be waived and a greater open (screened or filterpacked section) may be approved.

(Continued)

Ident. No. 57-98-W-0074-000
Well Tag No. D0007845

CONDITIONS OF APPROVAL:

10. If an annular space of at least 4 inches greater than the outside diameter of the casing is provided a granular bentonite or bentonite chips may be poured at the manufacturer's recommended rate or no greater than 50 pounds in five minutes. The pour shall also be presifted through 1/4 inch mesh screen to reduce the introduction of fines unless the annular space is free of water, ie.(above the water table and there is no cascading water). The top of the seal shall be tagged at regular intervals, ie. (30' intervals) during placement with a sinker bar or other appropriate device to ensure the seal is reaching the intended depth. If bridging occurs, the seal shall be tamped to its intended position or the Department will be contacted for evaluation.
11. The screened, perforated, filterpacked or otherwise open and commingled strata which are to be produced from, shall be of similiar hydraulic head, temperature and quality. If there are notable variations encountered as the well is drilled and/or developed, the Department will be notified for evaluation.
12. Applicant requests issuance of this Drilling Permit prior to approval of a Water Right or Transfer of a Water Right. Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the diversion of water from this well may not ultimately be approved for use.
13. The filter pack in this well shall not extend more than 10 ft. above the top of the screened interval.
14. The surface seal shall extend from the top of the filter pack to land surface and consist entirely of chip or granular bentonite. No gravel or fill is allowed above the screened/filter packed interval.
* 15. Construction of this well shall be consistent with the attached constructio n plan.

Signature of Authorized Dept. Representative

Title

****

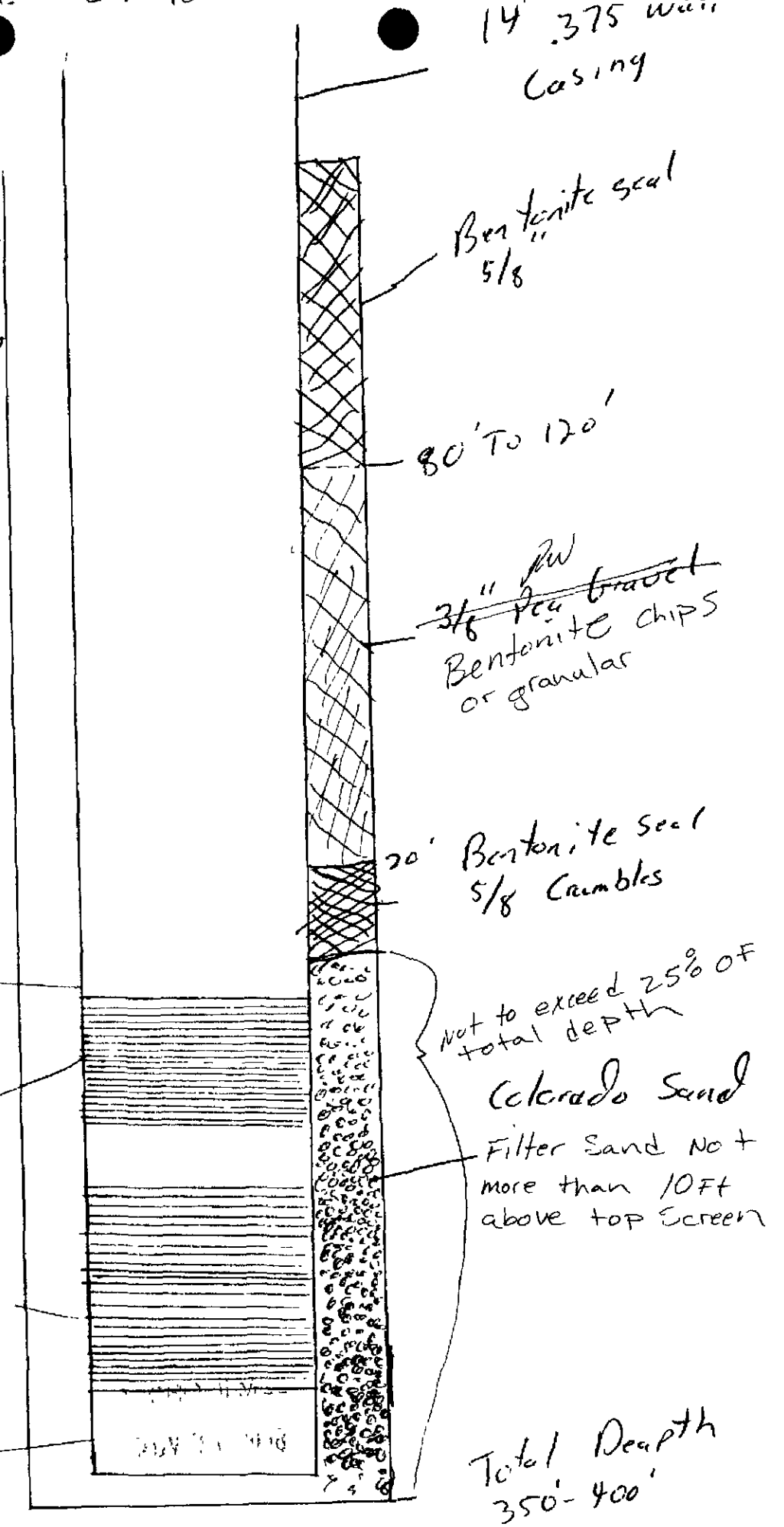
EXTENSION OF DRILLING PERMIT

Extension Approved by: _____ Approval Date: _____

Expires On: _____

D.P.# 57-98-W-0074-000

Construction of Nedereend Dairy Well AS Per Posed By Riverside Inc



Well will Be Drilled By Reverse circulation method

1. *The wells included on transfer #5313, as points of diversion, shall be equipped with inline flow meters. The meters shall be equipped with a sweep hand indicating instantaneous rate of flow and a totalizing indicator The meters shall be read monthly and the readings provided to the Idaho Department of Water Resources on a monthly basis.*

   The Department can exercise its authority to revise the frequency of measuring and reporting after notice to the permitholder and COCOA (Citizens of Owyhee County Organized Association). The notice to COCOA will be sent to the name and address of a representative designated by COCOA and on file with the Department.

   The meters installed shall have a minimum manufacturer's design accuracy of +/- 2% of the meter reading and shall be installed and maintained in accordance with the manufacturer's procedures to have an accuracy of at least +/- 10%. The accuracy of the meters shall be checked and calibrated when installed and at least once every three years in accordance with procedures approved by the department.

   The meter shall record volume with a non-volatile memory (loss of electrical energy to the meter does not erase or change the reading), the totalizer shall not be capable of being reset and the totalizer shall have sufficient digits to assure rollover of the dial readings does not occur within two (2) years at the authorized flow rate.

2. *The Department of Water Resources shall retain jurisdiction over the transfer for a period of ten (10) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards.*

   Use and disposal of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality, ~~of the~~ Idaho Department of Health and Welfare, and the Idaho Department of Agriculture. ~~(???~~ ~~How can we leave determination of compliance and enforcement to these agencies, rather than cancellation of the transfer????)~~

   No 4

   The dairy operation authorized under this approval shall also comply with applicable county zoning and use ordinances.

3. *A water quality monitoring program shall be conducted jointly by COCOA and Nederend Dairy (applicant) and/or its successors for a period of ten (10) years. The sampling shall include analyses of at least Nitrate, Ammonia as N and Coliform bacteria. A report of the analyses and conclusions shall be provided the Idaho Department of Water Resources annually or as needed if significant water quality anomalies occur*

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NOV 0 6 1998

The rightholder shall submit a detailed plan for the monitoring program to the Department for review and approval prior to diversion and use of water under this approval. The plan shall provide for analyzing water from at least one well hydrologically up-gradient and one well down-gradient from the dairy operation.

4. Failure to adhere to the conditions of approval of authorization is cause for the department to revoke transfer no 5313. An action to revoke shall be initiated in accordance with the provisions of Section 42-350, Idaho Code or other applicable law ~~establishing a contested case.~~

5. The quantity of water allowed under this approval is based upon a dairy operation of 2500 cows, but administration of the use of water under this right shall be based upon rate of diversion and annual volume. Historical Beneficial

6. Use of water under this transfer shall be accomplished in one year.

MICROFILMED

1. The parties shall request the district court to remand the action on appeal to IDWR for the purpose of permitting the Director of IDWR to amend the conditions of Water Right License No. 47-08252B in accordance with the provisions of this Stipulated Agreement.

2. On remand, IDWR shall make the following amendments to Water Right License No. 47-08252B:

a. The annual volume of water authorized for domestic use under the license shall be changed to reflect an adequate water supply for two residences in accordance with documentation to be provided by Hafligers to IDWR on remand.

b. Condition no. 10 of the license shall be changed to read: "Determination of the beneficial use developed under this right was based upon a dairy operation of 1,800 milking cows and 1,400 non-milking cattle. Regulation of this right will not be based on the number of animals but upon, and in accordance with, the authorized maximum diversion rate and maximum annual diversion volume."

c. Condition no. 12 of the license shall be changed to read: "The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under the right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used."

3. All other provisions and conditions of Water Right License No. 47-08252B shall remain unchanged.

4. Upon the Director of IDWR issuing an Amended Water Right License No. 47-08252B consistent with the provisions of this Stipulated Agreement, the parties shall move to dismiss the appeal pending before the district court in this action.

5. Each party to this action shall bear its own costs and attorney fees.

From Stipulated Agreement
Dist. Court
No Amended License Issued yet.

Farm Credit Services

411 Blaine Street
P.O. Box 730
Caldwell, Idaho 83606-0730
800/819-3312
FAX 208/459-4858

FAX COVER PAGE

Date: 10-29-98

Time: 10:40

To: Pam Skaggs
Idaho Dept of Water Resources

From: Dennis Fulcher

Total Number of Pages (including this page) 2

Special instructions or comments:

I hope this will provide ample notice of the Farm Credit lien. Please advise if I need to proceed further. Please forward a copy of any documentation regarding the transfer to My attention. Thank You —

MICROFILMED

Charles W. Bryan
Senior Appraiser
Farm Credit Services
PO Box 730
Caldwell, Idaho 83606

Pam Skaggs
Senior Water Resource Agent
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

Re: Water Right #57-07045 October 29, 1998

Dear Ms Skaggs,

Water Right #57-07045 filed by Hans Nederend has transfer #5313 pending with Farm Credit Services listed as lien holder. Farm Credit Services agrees to the proposed change and transfer #5313.

Thank you for your consideration. Please call if there are any questions or concerns.

Sincerely yours,

Charles W. Bryan
Senior Appraiser
Farm Credit Services

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P.01

TRANSACTION REPORT

OCT-27-98 TUE 03:07 PM

DATE START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#
OCT-27 03:05 PM	6-93442744	1'38"	4	SEND	OK	

Sheri Chapman 10-30-98 Responded OK per LGS
COCOA group representative

P.01

TRANSACTION REPORT

OCT-27-98 TUE 03:12 PM

DATE START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#
OCT-27 03:09 PM	6-919096286109--8093	2'41"	4	SEND	OK	

Nederend / CA 10-29-98 Responded OK

SCANNED

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 27, 1998

Nederend Dairy
13752 Bon View
Chino, CA 91710

Sherl Chapman
410 S Orchard
Boise, ID 83705

The attached document is a draft of the proposed approval of Transfer 5313. Upon receipt of evidence of the lienholder's approval of the transfer, we are prepared to complete the processing by issuing the signed approved transfer

Please review the conditions of approval and remarks carefully and respond to Glen Saxton at (208) 327-7955 by the end of the day. The department has made the effort to process this application in a timely manner and would like to resolve any questions as soon as possible.

Thank you for your assistance in this matter.

Pamela S. Skaggs
Sr Water Resource Agent

MICROFILMED

FAXED
10-27-98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5313
WATER RIGHT NO. 57-07045

DRAFT

This is to certify that: **NEDEREND DAIRY**
13752 BON VIEW
CHINO CA 91710

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	1.67 CFS	375.8 AF
STOCKWATER	01/01 to 12/31	0.87 CFS	171.2 AF
COMMERCIAL	01/01 to 12/31	0.87 CFS	24.4 AF
	Totals	* 2.54 CFS	* 571.4 AF

DRAFT

SOURCE

GROUNDWATER

Priority: 12/14/1970

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NWSW), Sec. 30, Township 03N, Range 04W
Lot 4(SWSW), Sec. 30, Township 03N, Range 04W
SENE , Sec. 25, Township 03N, Range 05W
OWYHEE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES	ACRES	TOTAL
03N	04W	30.0	Lot 4(SWSW)	32.0				32.0
	05W	25.0	NESE	20.5	SESE	31.0		51.5
					Total number of acres irrigated:			83.5

PLACE OF USE: STOCKWATER

TWN	RGE	SEC					
03N	04W	30	Lot 1(NWNW)	Lot 2(SWNW)	NESW		
			Lot 3(NWSW)	Lot 4(SWSW)	SESW		
	05W	24	SESW	SWSE			
		25	NENE	NWNE	SWNE		
			SENE	NENW	SENW		
			NESE	SESE			

DRAFT

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

MICROFILMED

TRANSFER NO. 5313
WATER RIGHT NO. 57-07045

DRAFT

CONDITIONS OF APPROVAL AND REMARKS

1. The wells included on Transfer 5313, as points of diversion, shall be equipped with inline flow meters. The meters shall be equipped with a sweep hand indicating instantaneous rate of flow and a totalizing indicator. The meters shall be read monthly and the readings provided to the Idaho Department of Water Resources on a monthly basis.
2. The Department can exercise its authority to revise the frequency of measuring and reporting after notice to the permit holder and COCOA (Citizens of Owyhee County Organized Association). The notice to COCOA will be sent to the name and address of a representative designated by COCOA and on file with the Department.
3. The meters installed shall have a minimum manufacturer's design accuracy of +/- 2% of the meter reading and shall be installed and maintained in accordance with the manufacturer's procedures to have an accuracy of at least +/- 10%. The accuracy of the meters shall be checked and calibrated when installed and at least once every three years in accordance with procedures approved by the department.
4. The meter shall record volume with a non-volatile memory (loss of electrical energy to the meter does not erase or change the reading), the totalizer shall not be capable of being reset and the totalizer shall have sufficient digits to assure rollover of the dial readings does not occur within two (2) years at the authorized flow rate.
5. The Department of Water Resources shall retain jurisdiction over the transfer for a period of ten (10) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards.
6. Use and disposal of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality, Idaho Department of Health and Welfare, and the Idaho Department of Agriculture. The dairy operation authorized under this approval shall also comply with applicable county zoning and use ordinances.
7. A water quality monitoring program shall be conducted jointly by COCOA and Nederend Dairy (applicant) and/or its successors for a period of ten (10) years. The sampling shall include analyses of at least Nitrate, Ammonia as N and Coliform bacteria. A report of the analyses and conclusions shall be provided the Idaho Department of Water Resources annually or as needed if significant water quality anomalies occur.

COPY

MICROFILMED

TRANSFER NO. 5313
WATER RIGHT NO. 57-07045

DRAFT

CONDITIONS OF APPROVAL AND REMARKS

8. The right holder shall submit a detailed plan for the monitoring program to the Department for review and approval prior to diversion and use of water under this approval. The plan shall provide for analyzing water from at least one well hydrologically up-gradient and one well down-gradient from the dairy operation.
9. The quantity of water allowed under this approval is based upon a dairy operation of 3,850 milking cows, 800 non-milking cattle and 2,500 heifers. Regulation of this right will not be based on the number of animals, but upon, and in accordance with, the authorized maximum diversion rate and maximum annual diversion volume.
* 10. The total instantaneous diversion of water from all points of diversion under Transfer 5313 shall not exceed 2.54 cfs, nor a total combined annual volume of 571.4 af.
11. Failure to adhere to the conditions of approval of authorization is cause for the department to revoke Transfer 5313. An action to revoke shall be initiated in accordance with the provisions of Section 42-350, Idaho Code or other applicable law.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. The water used for commercial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy barn facility as authorized by the water right.
14. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
15. 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.

Dated this _____ day of _____.

DRAFT

_____
Chief, Water Allocation Bureau

MICROFILMED

MEMORANDUM

TO: File 57-07045

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5313

DATE: October 27, 1998

Transfer 5313 adds a point of diversion, and changes the nature, season and place of use under a portion of Right 57-07045 to provide for a new dairy. The applicant will continue to irrigate the remaining irrigated acres and land apply wastewater within the property boundaries.

The application was protested and an agreement reached between parties The agreement and withdrawal of protest proposed specific conditions as part of the approval. These concerns have been incorporated in the transfer approval.

Recommended conditions include measuring devices, water quality monitoring, reporting, department retaining jurisdiction for 10 years, drilling permit requirements, water quality, county zoning & use ordinances, irrigation overlap, land application, multiple points of diversion limits and standard transfer conditions

Change in Nature of Use Evaluation

				Div.Vol./C.U.Vol.
Before:	**2.54 cfs**	**IRR**	**127.0 acres**	**571.5 afa/444.5 afa**
After:	1.67 cfs	IRR	83.5 acres	375.8 afa/292.3 afa
	0.87 cfs	STOCK	(43.5 acres)	171.2 afa/ 22 3 afa
	0 87 cfs	COMMERCIAL	" "	24 4 afa/ 24.4 afa
	2.54 cfs	**IRR & Dairy**	**83.5 acres**	**571.4 afa/339.0 afa**

MICROFILMED
NOV 3 0 1998

TRANSFER REVIEW SHEET
(07-98)

Transfer # 5313 Date Reviewed 10-26-98 CB

Right(s) 57-07045 - SRBA Decreed - Need to bring over to WR d'base.

✓ WRQ/Split Summary P D SRBA Status ✓ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use (G)Other H:Change P/D & Add P/D
I:Change P/D & P/U Add P/D-Change P/U use, season J:Add P/D & Change P/U

Proof of Ownership Warranty Deed Linebergers to Nederend Dairy 5-12-98
→ Lienholder's Approval(?) ✓

Transfer ✓ All of Right ____ Portion of Right
Resulting Split(s) NONE

Check Transfer Against Recorded Right Season/Vol. D/4.5

(1) ✓ Priority (2) ___ Use (3) ___ Season (4) ✓ Rate (5) ___ Volume

(6) ✓ Source (7) ___ P/D (8) ___ P/U (9) ✓ Proof/Owner Lienholder ? (10) ✓ Map

(11) NA Water District (12) ND Pertinent Conditions (13) ND Expansion

(2) Change 43.5 Acres IRR to STOCK & COMM - (see Change Eval.)
(3) Amend yr. round use.
(6) Volume per STOCK & Dairy Calculations.
(7) Add new P/D
(8) Modify P/U - Specific acres

Amended Land Application P/U per Attachment A 1 of NCY. 10-28-98
Protested/Protest Agreement w/conditions - Recommended Conditions per GS+NY.
2 Existing Wells & 1 New Well No Overlapping cfs.

Transfer Remarks Land App./Comm/Dairy Trans w/84
Conditions 046, 082, 081, R65, T07, T68, T11 special condition MD
— modified per special condition NCY.

Database/Processing Notes Standard ✓ Non-Standard ____
Decreed file (WR D'Base) ✓ "T" file SRBA Decreed version - CS to Update ✓

"T" Files Update Complete ✓ Approval Form ✓ Transfer Memo ✓
Database Updated Following Approval ✓ Memo/Form Files Deleted ✓

Change Nature of Use
NV

10-30-98 CB

Dairy — 3850 Milkers 800 dry + 2500 heifers @ 8gpd. = 171.2 afa
Stockwater - 22.3 afa for milk w/ balance to ponds + landapplicaten } 195.6 afa
Commercial - 24.4 afa for barn use + land applied
46.7 afa

Divert 195.6 afa ÷ 4.5 = (43.5 acres) C.U. = 46.7 afa ÷ 3.5 = 13.3 acres

		Div. Vol. / C.U. Vol.
2.54 cfs	127.0 acres	571.5 afa / 444.5 afa
.87 cfs	(43.5 acres)	195.6 afa / 46.7 afa
1.67 cfs	83.5 acres	375.8 afa 292.3 afa
2.54 cfs	83.5 acres	571.4 afa / 339.0 afa

SPLIT RIGHT SUMMARY
10/26/98
TRANSFER 5313

SD-0611-2 Basin: 57 Starting Water Right: 07045

SEL	Water Right No.	Name Last, First	OWN	Priority Date	STG/STS	Source	Use Desc	SYS
_	57-07045	LINEBERGER INC.	C	12/14/1970	L/	GROUNDWATER	IRR	WR
_	T57-07045			12/14/1970	L/	GROUNDWATER	IRR	WR
_							STOCK	
_							COMMER	
_	57-07045	LINEBERGER INC	C	12/14/1970	L/	GROUNDWATER	IRR	AJ
_	A57-07045	LINEBERGER INC	C	12/14/1970	P/	GROUNDWATER	IRR	AJ
_	R57-07045	LINEBERGER INC	C	12/14/1970	L/	GROUNDWATER	IRR	AJ

Partial Decree issued 02-09-98 / Bring to WR database.

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

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 10-23-98

TO: Karl Dreher

FROM: Gary Spackman
Western Region

DOCUMENT DESCRIPTION: Memo - re: Nederend Dairy

TOTAL PAGES SENT: 3 **+ COVER SHEET**

CONTACT:

Karl, May we issue a drilling permit for Nederend?

MICROFILMED
NOV 0 5 1998

MEMORANDUM

To: File no. 57-07045 in the name of Nederend Dairy
From: Gary Spackman
Date: October 19, 1998

Re: Analysis of Application and Conditions of Approval

I have reviewed an application for transfer of water right no. 57-07045 and recommend that it be approved. The application was protested by Citizens of Owyhee County Organized Association (COCOA). After the protest was received, the applicant negotiated an agreement with the protestant to withdraw the protest. The agreement contains conditions of approval for the water right permit

Prior to withdrawing the protest, COCOA sent a letter to the governor's office complaining about Nederend's proposed dairy and two other dairies situated near the Nederend site. While preparing a response for the governor's office, Karl Dreher (the director) reviewed ground water quality data indicating elevated levels of nitrates and ammonia.

After withdrawal of the protest, Hans Nederend requested expedited approval of a drilling permit. I asked the director whether approval of a drilling permit would be appropriate before the transfer was approved. He told me we should not approve the drilling permit until the ground water quality concerns had been addressed.

I requested a letter from the Idaho Dept. of Agriculture describing the waste storage and disposal methods that will be employed by the dairy Mike Mitchell of the Dept. of Agriculture wrote a letter and enclosed a management plan specifically for the Nederend Dairy. The Nederend Dairy will be placing an extra fabric seal in the waste lagoons that is not required by Dept. of Agricultural Mike also told me that the new waste application rates are limited by phosphorus not nitrogen, and the nitrogen application rates will only be 20% of crop requirements.

Riverside Drilling has submitted a drilling permit application. Rob Whitney has reviewed a drawing of the proposed well construction and recommends approving a drilling permit that requires a surface seal down to the screened interval, which will require a 300 foot surface seal for the 400 foot well depicted in the drawing.

I reviewed the agreement between the applicant and the protestant and feel the proposed conditions require too much of IDWR. I recommend the following conditions of approval:

1. An inline flow meter shall be installed to measure the flow rate diverted from each point of diversion. The meter shall be equipped with a sweep hand reading instantaneous rate of flow and a totalizing odometer. The meters shall be maintained in good repair at all times.

MICROFILMED
NOV 0 4 1998

2. The right holder shall read the measuring devices at least monthly and annually report the quantities of water diverted to IDWR on IDWR report forms. IDWR may also request additional diversion information to be reported, and may change the duration and frequency of the reports.

3. (081, modified) Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare and the Idaho Department of Agriculture.

4.* The water right holder shall analyze the quality of ground water diverted from a well located hydrologically up gradient from the dairy operation and one well located hydrologically down gradient from the dairy operation for a period of ten years after the date of final approval of transfer no. 5313. Water samples shall be tested for nitrate, ammonia as nitrogen, and coliform bacteria. A report of the analyses and conclusions shall be provided to IDWR annually or as needed if significant water quality anomalies occur.

5. (082) The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.

6. (046, amended) The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code, and the conditions of approval of the drilling permit.

7. Failure to adhere to the conditions of approval is cause for the department to revoke transfer no 5313.

8. (020) Use of water under this right may be affected by an agreement between the protestant and the right holder.

*I spoke to Ken Neeley, and he told me they'd would accept the info if there is some assurance of accuracy. He is not certain how the info would be used in the future.

FROM : Nederend* TAD/F

Post-it® Fax Note 7671	Date 10-23	# of pages ▶ 1
To Gary Spackman	From Pam Skaggs	
Co./Dept.	Co	
Phone #	Phone #	
Fax #	Fax #	

02 1998 12:31PM P1

P.02

TRANSFER CONDITIONS - HANS NEDEREND
APPLICATION FOR TRANSFER #6313
October 2, 1998

1. **The wells included on transfer #6313, as points of diversion, shall be equipped with inline flow meters. The meter shall be equipped with a sweep hand indicating instantaneous rate of flow and a totalizing indicator. The meters shall be read monthly and the readings provided to the Idaho Department of Water Resources on a monthly basis.**

2. **The Department of Water Resources shall retain jurisdiction over the transfer for a period of ten (10) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards.**

3. **A water quality monitoring program shall be conducted jointly by COCOA and Nederend Dairy (applicant) and/or its successors for a period of ten (10) years. The sampling shall include analyses of at least Nitrate, Ammonia as N and Coliform bacteria. A report of the analyses and conclusions shall be provided the Idaho Department of Water Resources annually or as needed if significant water quality anomalies occur.**

Accepted by:

Ilene Dobbin
President
COCOA

Hans Nederend
Applicant
dba Nederend Dairy

MICROFILMED

FORM 222a
8/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

APPLICANT NEDGREN DAIRY TRANSFER NO. 57313

INITIAL ALLOCATION REVIEW BY SL DATE 8/12/98

1. Right number(s) 57-07045

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

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

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

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

a. ✓ Analysis memo (*always* - unless justify why not needed) = 8/18/98 MGM

b. ✓ All of right

c. N/A Part of right (***NOTE!*** *Part B should be filled in only if part of right is owned by the applicant*)

d. ✓ Description of point(s) of diversion

e. ✓ Description of place of use

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

g. ✓ Correct notarized signature and $100 fee

NOTE Headwaters comments pending →

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

i. ✓ Expansion in use of right - check rate of flow, diversion volume and consumptive use volume. Comments:

NO EXPANSION APPARENT.

See review memo

NOTE TRANSFER APPROVAL will: change ownership (Attach D); Require REVISED shape file (?).

j. ✓ Overlapping rights - check current & proposed scenarios:

Current NONE (Gen Im Dist. water NOT on license of decree)

Proposed NO ground water but Gen Im Dist water used on portions of new p/u

k. ✓ SRBA claim(s) See pg. 7 of Appl. for recommended right in director's report. SAME as license.

l. ✓ Comment letters ___ Yes ✓ No

If yes ___ Water District #

___ Other, see #2 below for name and address

PUBLICATION REVIEW

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

2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

Other comments letters: ___ See attached information

3. Transfer published correctly? ✓ Yes ___ No

4. Affidavit of publication received? ✓ Yes ___ No

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

6. Data entry of application completed? ✓ Yes

RECOMMENDED ACTION

1. ✓ Approve ___ See attached memo

2. ___ Deny due to _____

3. Conditions (special conditions in Water Districts) See memo dated 10/13/98

4. By Gary S Date 10/21/98

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? ✓ Yes pam

2. File forwarded to S.O.: by _____ date _____

MEMORANDUM

To: File no. 57-07045 in the name of Nederend Dairy
From: Gary Spackman
Date October 19, 1998

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MICROFILMED

2. (020) Use of water under this right may be affected by an agreement between the protestant and the right holder.

3. After specific notification by the department, the right holder shall measure and annually report the quantities of water diverted to IDWR. The notice will request the information to be reported, and will determine the duration and frequency of the reports.

4. (081, modified) Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare and the Idaho Department of Agriculture

5. (082) The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances

6. (046, amended) The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code, and the conditions of approval of the drilling permit.

7 Failure to adhere to the conditions of approval is cause for the department to revoke transfer no. 5313, or, alternatively, to cancel water right no. 57-07045.

MICROFILMED



Riverside, Inc.

- Electrical Apparatus - Sales & Repairs
- All type pumps Sales & Repair
- Complete machine shop
- Design & installations
- Well drilling

111 South Roswell Blvd. · P.O. Box 720 · Parma, Idaho 83660
(208) 722-6731 · Fax (208) 722-6736

DATE:	10/15/98
ATTENTION:	Gary Spackman
COMPANY:	I.D.W.R.
FROM:	Dave Cleaver
FAX NO:	208 334 2348
REGARDING:	Ordered Dairy Well
NO. OF PAGES:	6

If You Have Any ? Please call

208-722-6730 OR

208-880-9814

THANK YOU Dave Cleaver

MICROFILMED

A FAX FROM RIVERSIDE, INC.

m 238-7
4/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

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

1. WELL OWNER
Name Owner - Deborah Hofstra
Address Jay Rd. Mesa, Idaho
Drilling Permit No. 57-94-W-0062-000
Water Right Permit No.

2. NATURE OF WORK
☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

3. PROPOSED USE
☒ Domestic ☐ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED
☐ Rotary ☐ Air ☐ Auger ☐ Reverse rotary
☒ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION
Casing schedule: ☒ Steel ☐ Concrete ☐ Other

Thickness	Diameter	From	To
.250 inches	6 inches	+ 2 feet	129 feet
.258 inches	5 inches	129 feet	144 feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☒ Yes ☐ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☒ Yes ☐ No
Manufacturer Hamilton Type 304 SS
Top Packer or Headpipe packer
Bottom of Tailpipe

Diameter 5 Slot size 10 Set from 129 feet to 139 feet
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 20 Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata

Describe access port well cap

6. LOCATION OF WELL
Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____
County Owyhee
Address of Well Site Jay Rd - Mesa, Idaho (give at least name of road)
SE ¼ SW ¼ Sec 30 T 3 N ☐ or S ☐ R 4 E ☐ or W ☒

7. WATER LEVEL
Static water level 35 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 59 °F. Quality Regular
Describe artesian or temperature flows below.

8. WELL TEST DATA
☐ Pump ☐ Bailer ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
78	45	1

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
6	0	3	Top Soil		X
6	3	20	gravel		X
6	20	45	gravel	X	
6	45	25	gray shale		X
6	25	84	blackish gray shale layers	X	
6	84	128	blue clay		X
6	128	139	black-shale/coal	X	
6	139	145	gray shale		X

RECEIVED
DEC 28 1994
WATER RESOURCES WESTERN REGION

10.
Work started 11-16-94 finished 12-6-94

11. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
Firm Name Dan Wall Drilling Firm No. 399
Address Mesa, Idaho Date 12-12-94
Signed by Drilling Supervisor [signature] MICROFILMED
and
(Operator) _____
(if different than the Drilling Supervisor)

ph 238-7
82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE WATER OR BA... GIVEN

AUG 6 1984

WELL DRILLER'S REPORT

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

1. WELL OWNER

Name JACK WALFORD

Address Rt 4 Bx 875 Caldwell, ID 83605

Owner's Permit No. 57-84-C-0005-000

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials plug depths etc in lithologic log)

3 PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☒ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4 METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5 WELL CONSTRUCTION

Casing schedule ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	6 inches +	1 feet	150 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number		From	To
_____	perforations	_____ feet	_____ feet
_____	perforations	_____ feet	_____ feet
_____	perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ___ Slot size ___ Set from _____ feet to _____ feet
Diameter ___ Slot size ___ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 18 Material used in seal ☐ Cement grout
☐ Bentonite ☒ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld
☐ Cemented between strata
Describe access port _____

7 WATER LEVEL

Static water level 80 feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality 35 GRNS
Describe artesian or temperature zones below

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
15	700	2

9 LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
6	0	1	BROWN CLAY		✓
	1	20	BROWN SAND		✓
	20	60	BROWN CLAY		✓
	60	65	BROWN SAND		✓
	65	85	BROWN CLAY		✓
	85	90	BROWN SAND	✓	
			VERY LITTLE WATER		
	90	112	BROWN CLAY		✓
	112	113	WHITE SAND		✓
	113	115	BROWN CLAY		✓
	115	120	BROWN SAND		✓
	120	125	BROWN CLAY		✓
	125	145	CAVING BROWN CLAY		✓
	145	160	BROWN CLAY		✓
16a			WHITE SAND	✓	

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APR 15 1998
WATER RESOURCES
WESTERN REGION

GW LOG SCAN

10
Work started 7-7-84 finished 7-11-84

6. LOCATION OF WELL

Sketch map location must agree with written location

N / W / E / S

Subdivision Name _____
Lot No _____ Block No. _____

County CANYON

SE ¼ SW ¼ Sec. 30, T. 5 N R. 4 W.

11. DRILLERS CERTIFICATION

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

Firm Name REWARD HEITZER DRL. Firm No. 78
Address RT-2 HAMMONDALE IDA Date 7-25-8
Signed by (Firm Official) Kenneth Heitzer
and
(Operator) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

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

Department of Water Resources

1 WELL OWNER

Name William M. Lodge

Address P.O. Box 128, Caldwell, ID 83605

Owner's Permit No

2 NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3 PROPOSED USE

Domestic ☒ Irrigation ☐ Test ☐ Municipal
Industrial ☐ Stock ☐ Waste Disposal or Injection
Other (specify type)

4 METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☒ Reverse rotary
Cable ☐ Dug ☐ Other

5 WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other

Thickness	Diameter	From	To
.250 inches	16 inches	2 feet	50 feet
.250 inches	16 inches	90 feet	120 feet
inches	inches	feet	feet
inches	inches	feet	feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☒ Yes ☐ No
Manufacturer's name Roscoe Moss
Type Model No
Diameter 16 Slot size 80 Set from 90 feet to 90 feet
Diameter Slot size Set from feet to feet
Gravel packed? ☒ Yes ☐ No ☐ Size of gravel: 3/8 inches
Placed from 32 feet to 122 feet
Surface seal depth 22 Material used in seal ☐ Cement grout ☒ Puddling clay ☐ Well cuttings
Sealing procedure used. ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port 2" pipe welded on side of casing

6 LOCATION OF WELL

Sketch map location must agree with written location

N / W / E / S / X

Subdivision Name
Lot No. Block No.
County Gwyhee
NE ¼ SE ¼ Sec 30 T 3S N/S R 4E E/W

7 WATER LEVEL

Static water level 35 feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow
Artes an closed-in pressure psi
Controlled by ☐ Valve ☐ Cap ☐ Plug
Temperature °F Quality

8 WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other

Discharge G.P.M.	Pumping Level	Hours Pumped

9 LITHOLOGIC LOG

Hole Diam	Depth From	Depth To	Material	Water Yes	Water No
22	0	4	Sandy Topsoil		
	4	31	Brn. & Gray Sand		
	31	50	Brn. Clay		
	50	64	Sand & Gravel		
	64	65	Brn. Clay		
	65	68	Blue Clay		
	68	79	Blue Sand		
	79	83	Blue Clay		
	83	91	Blue Sand-Fine		
	91	110	Blue Clay		
	110	121	Blue Sand w/Streaks of Stringers		
	121	128	Blue Clay		

DEC 23 1980
Department of Water Resources
Western Regional Office

10. Work started 12-3-80 finished 12-6-80

11. DRILLERS CERTIFICATION

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

Firm Name Pete Cope Drilling & Inc. Firm No. 213
Address P.O. Box 561 Meridian, ID 83642 Date 12-8-80
Signed by (Firm Official)
and
(Operator)

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

Form 238-7
3/95

C

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp ____ Rge ____ Sec ____
____1/4 ____1/4 ____1/4
Lat. ° ' " Long: ° ' "

1. DRILLING PERMIT NO. 57 - 97 - W - 0043 - 000
Other IDWR No. _____

2. OWNER:
Name Nick Deruder
Address Rt. # 1 Box 197
City Marsing State ID Zip 83869

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location

N / W / E / S

Twp 3 North ☒ or South ☐
Rge 4 East ☐ or West ☒
Sec. 30 SE 1/4 SE 1/4 ____ 1/4
Govt Lot ____ County Owyhee
Lat. ° ' " Long: ° ' "
Address of Well Site Rt. # 1 Box 197
City Marsing
(Give at least name of road + Distance to Road or Landmark)

Lt _____ Blk _____ Sub Name _____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	0	35	500	overbore

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
5 5/8	+2	271	250	STEEL	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe N/A Length of Tailpipe N/A

9. PERFORATIONS/SCREENS
☐ Perforations Method _____
☐ Screens Screen Type N/A

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
27 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft Describe access port or control devices: _____

11. WELL TESTS:
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min	Drawdown	Pumping Level	Time
60			

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____
Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	Water N
10 5/8	0	2	Top soil		
10 5/8	2	18	Sand tan		
10 5/8	18	35	Brown clay & sand seam		
6 5/8	35	270	Gray clay hard & soft		
6 5/8	270	272	Gray sand	X	

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JUL 29 1997
WATER RESOURCES
WESTERN REGION

Completed Depth 272' (Measurable)
Date: Started July 16, 1997 Completed July 21, 1997

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

Firm Name Hiddleston Drilling Firm No. #35
Firm Official _____ Date 7/28/97
and
Supervisor or Operator _____ Date 7/25/97
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

INCORRECT

STATE OF IDAHO

DEPARTMENT OF AGRICULTURE

PHILIP E. BATT
Governor

PATRICK A. TAKASUGI
Director

October 14, 1998

VIA FACSIMILE

Gary Spackman
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Dear Mr. Spackman:

I would like to follow-up our phone conversation this morning regarding the Nederend Dairy in Marsing. I hope that this information will clarify the Idaho State Department of Agriculture's (ISDA's) responsibility in this matter.

The dairy waste containment system, manure separators and ponds, are designed to meet the Idaho Waste Management Guidelines for Confined Feeding Operations, amended in 1997. These structures are designed to hold all liquid waste generated by the facility for a minimum of 180 days. The storage pond on most facilities consists of a compacted clay liner meeting SNTC-716 Rev. 1. The Nederend Dairy will have an impermeable synthetic liner installed in addition to the compacted clay liner. The separators will be constructed similarly, with a concrete bottom and side skirt. All concrete joints will be sealed to prevent leakage. Construction inspections are conducted throughout the construction process. I have completed five construction reviews of the Nederend facility to date.

The land application of the wastewater and manure is regulated by the facility's Nutrient Management Plan (NMP) prepared by a certified planner. These NMP's are prepared specifically for each individual facility. Regulatory soil tests are required to verify compliance with the NMP. The plan is based on applying manure/wastewater at the phosphorus loading rate which will only supply about 20% of the crop's nitrogen requirement. I have enclosed a preliminary NMP for the Nederend Dairy, prepared by Jenifer Beddoes. I have also included the Natural Resources Conservation Service Nutrient Management Standard.

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The ISDA is responsible for the design and construction review of all dairy waste systems in addition to regular compliance inspections throughout the year. The ISDA's primary responsibility in the dairy waste program is to insure surface and groundwater quality using its authority to revoke the producer's permit to ship milk if there is a discharge from the facility. This rigorous inspection schedule and quick and effective enforcement mechanism have been very successful in regulating the dairy industry the last several years.

If you have any questions, please give me a call at 208-332-8550.

Sincerely,

Michael Mitchell, PE
Dairy Program Manager

cc: Marv Patten, Chief-Bureau of Dairying
Travis Kator, Land Application Specialist
Bill Shelton, State Dairy Inspector
Hans Nederend

MICROFILMED
NOV 0 6 1998

STATE OF IDAHO

DEPARTMENT OF AGRICULTURE

PHILIP E. BATT
Governor

PATRICK A. TAKASUGI
Director

September 27, 1998

Hans Nederend
Nederend Dairy

Dear Hans:

The following letter contains preliminary data for the nutrient management plan on your dairy in Marsing. The numbers represented in this document are based on book values taken from the Natural Resources Conservation Service's Agricultural Waste Handbook. Because the waste containment system utilized by this dairy is complex, liquid effluent testing must be conducted to finalize the nutrient management plan.

All solid waste generated from the milking herd is flushed from the freestalls and milking parlor through primary and secondary settling basins and then to the lagoon. It is assumed that the primary settling basin will remove 60% of the solids, while the secondary settling basin will remove an additional 30% of the solids. Therefore, the primary and secondary settling basins operated in series will theoretically remove 70% of the solids from the waste stream. I feel this assumed efficiency maybe a low estimate and could be increased to 80% upon testing. Due to the nature of the separator system, around 60% of the nitrogen in the solids will be lost through the separator basins due to denitrification and volatilization. 75% of the nitrogen stored in the lagoon will be lost through circulation in the flush system and residence time in the lagoon. Again, nutrient testing of the effluent will determine actually efficiency of the gravity separators and nitrogen losses through denitrification and volatilization.

Liquid effluent will be land applied onto farm ground through three pivots. Solids will be taken from the separators, when capacity has been met, and land applied through manure spreaders. Table 1 shows the total amount of nutrients produced on the facility for 3000 cows. Table 2 illustrates the same information for 4000 cows.

Table 1. Nutrient Balance for 3000 Milking Head

Description	Volume ft^3	N	P Lbs	K
Solid Waste	2,379,676	156059	87819	338048
Lagoon	3,342,836	37252	32193	119574

Table 2. Nutrient Balance for 4000 Milking Head

Description	Volume ft^3	N	P	K
			Lbs	
Solid Waste	3,168,047	207771	116946	449855
Lagoon	3,629,494	49669	42924	159432

As shown in Table 1, 193,331 lbs of nitrogen, 120,012 lbs of phosphorus and 457,622 lbs of potassium will be produced each year for land application when milking 3000 cows. When 4000 cows are milked 257,440 lbs of nitrogen, 159,870 lbs of phosphorus, and 609,287 lbs of potassium will be produced each year for land application. Phosphorus and potassium numbers represented in this document are those of elemental phosphorus and elemental potassium.

A sizing was completed for your facility to determine 180-day storage for liquid wastes. Numbers were calculated for 3000 and 4000 mature Holstein cows on the dairy with an additional 16% of the herd dry and 50 heifers.
The enclosed sizing estimates the water usage from the milk barn as well as runoff from storm events over 50 acres. Waste generated for 3000 milking cows for your facility is equal to 1,671,418 ft^3. Waste generated for 4000 milking cows is 1,814,747 ft^3. Currently, Showalter Construction is building a lagoon capable of holding 2,324,250 ft^3 of liquid storage. This volume does not account for the four separator basins located on your facility.

Crop rotation and nutrient uptake are shown in Table 3. The crop rotation was assumed and maybe altered at a later date.

Table 3. Crop Rotation and Nutrient Uptake

Crop	Years	Yield	N	P	K
				lbs/acre	
Corn Silage	2	30 T	169	39	168
Wheat	1	100 Bu	76	16	19
Alfalfa	4	6 T	270	26	224

Table 4 shows the same crop rotation with nutrient application rates based on the University of Idaho Crop Fertilization Guides. It was assumed that between 3 and 5 ppm plant available phosphorus will be found in the soil and between 0 and 10 ppm nitrogen. Again, soil testing will determine the validity of these assumptions and the nutrient management plan will be altered in accordance to soil testing completed in the spring.

Table 4. Crop Rotation and Fertilization Rates Based on U of I

Crop	Years	Yield	N	P	K
				lbs/acre	
Corn Silage	2	30	150-210	45	200
Wheat	1	100	170	55	200
Alfalfa	4	6	0	55	200

As illustrated in Table 4, University of Idaho Crop Fertilization Guides would allow 55 lbs/acre of phosphorus to be applied based on the crop rotation. Crop uptake would allow 30 lbs/acre of phosphorus to be applied based on the crop rotation as shown in Table 3.

Table 5 shows the nutrients supplied by the liquids and solids when applied to crop uptake rates and University of Idaho Crop Fertilization Guides.

Table 5. Nutrient Applied Through Waste Application

		N	P	K
Solids	ft3		lb/acre	
Crop Uptake	815	53	30	116
University of Idaho	1500	98	55	213
Liquids				
Crop Uptake	2125	35	30	112
University of Idaho	3900	64	55	205

As illustrated in Table 5, if University of Idaho Crop Fertilization Guides were utilized to determine application rates, 98 lb/acre of nitrogen would be supplied through solids application while 64 lb/acre of nitrogen would be supplied through liquid application. The least amount of nitrogen the crops would need is 75 lbs/acre for crop uptake on wheat. Therefore, commercial nitrogen fertilizer should be applied to obtain the deficit.

Table 6 shows the total acres that should be utilized to land apply the liquid and solid waste from 3000 and 4000 milking cows based on the above assumptions.

Table 6. Acres Needed for Land Application

U of I	**3000**	**4000**
Liquids	585	780
Solids	1597	2126
Crop Uptake		
Liquids	1073	1431
Solids	2927	3898

Effluent testing and spring soil samples must be evaluated to determine whether to apply to crop uptake or University of Idaho Crop Fertilization Guides. It is assumed that application rates will initially be based upon University of Idaho Crop Fertilization Guides. Application rates over time will go to crop uptake rates when the soil profile has an adequate phosphorus bank. The soil utilized for land application on this dairy will benefit greatly through waste application to increase the available water holding capacity and soil tilth.

I hope this preliminary nutrient report will help you to plan your waste handling and application procedures. The Dairy Bureau does not require that you own the land that your nutrients are applied on. However, it is required that a written contract be supplied for any liquid effluent that leaves your facility for land application.

If I can be of further assistance or answer any questions please call me at 332-8550. A final nutrient management plan should be completed in the near future.

Sincerely,

Jenifer Beddoes

Jenifer Beddoes, EIT
Land Application Specialist

Cc: Marv Patten, Chief – Dairy Bureau
Michael Mitchell, Program Manager
Bill Shelton, State Dairy Inspector

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION PRACTICE STANDARD

DRAFT DATED 10/6/98

NUTRIENT MANAGEMENT

(Acre)

CODE 590

DEFINITION

Managing the amount, source, placement, form, and timing of the application of nutrients and soil amendments to ensure adequate soil fertility for plant production and to minimize the potential for environmental degradation, particularly water quality impairment.

PURPOSES

This practice may be applied as part of a Conservation Management System to support one or more of the following purposes:

- Budget and supply nutrients for plant production
- Protect water quality
- Maintain or improve the physical, chemical and biological condition of soil
- Utilize all sources of organic material including animal waste as a plant nutrient source
- Minimize the potential for environmental damage
- Prevent or reduce concentrations of P beyond the threshold concentration.

CONDITIONS WHERE PRACTICE APPLIES

This practice applies to all lands where plant nutrients and soil amendments are applied regardless of origin (generated on-site or transported to it), or form (organic materials including animal waste, or commercial fertilizer).

CRITERIA

General Criteria Applicable to All Purposes

- Nutrient management plans shall be developed as per NRCS policy contained within the National Agronomy Manual Subpart B, Nutrient Management.
- Nutrient management plans shall be developed in accordance with provisions of the National Planning Procedures Handbook and shall be part of an overall conservation plan that achieves the Resource Management System (RMS) level of planning.
- The threshold (TH) Phosphorus concentrations is the soil test Phosphorus concentration beyond which there is no agronomic advantage to increase phosphorus applications.
- Nutrient management plans specify the form (liquid, gas or solid), source (dairy, feedlot, commercial fertilizer, etc.), amount, timing, and method of application of nutrients on each field or Conservation Treatment Unit (CTU).
- Nutrient budgets will be developed as part of a nutrient management plan. Budgets will be developed using the approved programs, forms and procedures.
- Nutrient budgets shall use current University of Idaho Fertilizer Guides or recommendations with an equivalent research database approved by the University of Idaho approved by the University of Idaho; tables, values and guides generated from Idaho Animal Waste Management Program (IDAWM), and those contained in the NRCS Agricultural Waste Management Field Handbook, (AWMPH)
- All nutrient management plans that address land application of animal waste shall comply with the State of Idaho Waste Management Guidelines for Confined Feeding Operations

- Irrigation Water Management shall be a component of a nutrient management plan if nutrients are applied on irrigated cropland.

Soil Testing

- The initial nutrient management plan shall be developed using soil tests taken in the spring prior to seeding of the first crop(s) in the rotation or in the spring following a fall seeded crop
- If soil tests are not available when the RMS plan or contract is being developed, then development of the nutrient management plan shall be delayed until soil tests can be taken prior to seeding of the next crop in the rotation. The implementation date for the nutrient management plan will be included in the plan or contract.
- Soil tests for development of the initial nutrient management plan will be taken in the 0 – 12" and 12 – 24" zone for NO_3-N and NH_4-N and the 0 – 12" zone for P, K. To meet local requirements, a soil test from the 0 – 12" zone will also be taken for organic matter and micronutrients as identified in the fertilizer guide or recommendations with an equivalent research database approved by the University of Idaho. Non-inversion cropping systems (ie. notill or pasture) or areas where resource problems dictate closer management may require soil samples in zones less than 0 - 12".
- Soil samples shall be collected and prepared according to the University of Idaho CES no. 704, Soil Sampling.
- In situations where specialty crops are raised, or environmental considerations have been identified, (high water tables, leaching vulnerability, tile drains, fractured bedrock etc.), other sampling techniques will be required. The production system and environmental considerations will determine soil-sampling depth Soil samples will represent the field or CTU being planned.
- Soil test analysis will be performed using accepted methods by the University of Idaho. Soil test P will be determined using the Bray 1 method for soils with no free lime (pH<6.5) and the Olsen method ($NaHCO_3$) method for soils with free lime (pH>6.5).
- Mixed soil samples for comparison to the threshold P values will be taken as follows:

Primary Resource Concern	Threshold P Soil Sample Depth
Surface Water Runoff*	0 – 12"
Ground Water, fractured Bedrock, cobbles or gravel	18 – 24"

* Surface water runoff concerns exist when runoff leaves the contiguous operating unit from average storm events, rain on snow or frozen ground or irrigation. Subsoil samples for P will be collected from 18 – 24" due to variations in tillage depth.

- Phosphorus Threshold Values (TH) shall be established according to the following table based on soil sample depths previously described:

Primary Resource Concern	P Threshold Concentration	
	Olsen	Bray 1
Surface Water Runoff	30 ppm	50 ppm
Ground Water, fractured bedrock, cobbles or gravel		
< 5 feet of soil	15 ppm	20 ppm
> 5 feet of soil	25 ppm	40 ppm

- After development of the initial nutrient management plan, soil samples will be taken as follows

Surface Water Runoff Concern: For the purpose of nutrient budgeting, residual soil nitrogen will be accounted for by annual soil tests taken at 0-12" and 12-24" for NO_3-N and NH_4-N.

When soil test P is deficient based on the University of Idaho Fertilizer Guide or recommendations with an equivalent research database approved by the University of Idaho, a 0 - 12" soil test will be taken annually to budget phosphorus.

When soil test P is in excess of crop needs (> U of I Fertilizer Guide or recommendations with an equivalent research database approved by the University of Idaho) a 0 -12" soil test will be taken once in the crop rotation, not to exceed every third year, to track phosphorus movement and storage.

Ground Water Concern: For the purpose of nutrient budgeting, residual soil nitrogen will be accounted for by annual soil tests taken at 0 - 12" and 12 - 24" for NO_3-N and NH_4-N.

When soil test P is deficient based on the University of Idaho Fertilizer Guide or recommendations with an equivalent research database approved by the University of Idaho, a 0 - 12" soil test should be taken annually to budget phosphorus.

When soil test P is in excess of crop needs in the 0 - 12" zone, then an 18 – 24" soil test will be taken once in the crop rotation, not to exceed every third year, to track phosphorus movement and storage.

Plant Tissue Testing

- Tissue sampling and testing is recommended during the growing season to monitor crop nutrient concentrations.
- Tissue sampling shall be done in accordance with University of Idaho guidelines or local County Extension Service.

Realistic Yield Goals

- Yield goals for the crops included in the analysis shall be based on proven yield by the producer or shall not exceed 110% of the accepted county average.
- Yield goals shall be established for every crop in the rotation

Cropping System Details

- Shall be documented in the nutrient management plan.
- Rotations included in a nutrient management plan shall meet the criteria of the Conservation Crop Rotation standard.

Nutrient Application Rates

- Acceptable Nitrogen application rates for an RMS shall be established according to the University of Idaho Fertilizer Guide or recommendations with an equivalent research database approved by the University of Idaho and will be based on soil tests as identified in the previous section under Soil Testing. Nitrogen application rates will be determined by single crop.
- Acceptable Phosphorus application rates for a RMS shall be based on soil tests as identified in the previous section under Soil Testing. Phosphorus application rates will be determined for a single crop or crop rotation.

The following table includes P application rates based on soil test P TH values:

Soil Test P	P Application Rate
Surface Water	
< TH ppm	Recommended rates or Crop P uptake
> TH ppm*	Crop P uptake
Ground Water	
< TH ppm	Nitrogen based
> TH ppm*	Crop P uptake

* *Note: When soil test P concentrations are above the TH, the planner, in cooperation with the producer, will design a nutrient management plan that reduces soil test P concentrations below the TH and minimizes potential offsite transport This may require adjustments in crop rotation and/or P application rates less than crop P uptake.*

- Nitrogen based Phosphorus application rates shall only apply to the use of waste products, where wastes are applied according to nitrogen recommendations. When soil test P concentrations reach 75% of the TH, phosphorus application rates will be reduced to crop P uptake.
- With the exception of starter fertilizer, commercial phosphorus shall not be applied to fields with soil test phosphorus concentrations above the TH.
- Potassium application shall not exceed the rate recommended by the University of Idaho or with an equivalent research database approved by the University of Idaho except when concentrations in the soil are determined not to cause unacceptable nutrient imbalance in crops and forage quality, and do not become limiting to crop growth and sustainability.
- Nutrient applications are recommended when plant tissue tests indicate a nutrient deficiency.
- Calibrate manure and fertilizer application equipment to ensure recommended rates are applied.

Nutrient Application Timing

- Application of solid wastes. Solid waste shall be incorporated unless applications are made on frozen ground or perennial crops. In that case emergency tillage like chiseling and disking cross slope, construction of berms or

other containment practices will be applied to prevent surface runoff.

- Application of liquid wastes. Application of liquid waste shall not be made outside the active growing period of the crop, unless a water budget for the site shows that deep percolation of wastewater will not occur prior to the next crop-growing season. Liquid waste shall be applied to crops at amounts not exceeding soil water holding capacity in the crop-rooting zone. Liquid wastes applied with surface or sprinkler irrigation systems shall be designed to prevent deep percolation or runoff of wastewater. The number of applications will be based on the volume of waste to be disposed of as well as related concerns with surface runoff and deep percolation. When liquid wastes are applied using sprinkler irrigation systems, system design and management shall not allow discharge or runoff.
- Application of commercial fertilizer. Split applications shall be made on fall seeded crops. Rates shall be sufficient to provide adequate plant establishment, while avoiding surface runoff and/or leaching.

Nutrient Sources

- A nutrient budget shall consider all potential significant sources of nutrients such as animal manure and organic by-products, waste water, commercial fertilizer, crop residues, green manure crops, legume credits, sludge, irrigation water and atmospheric deposition.
- If actual analysis data is available then these values will be used in lieu of standard values. If actual analysis data is not available, nutrient content of manure, organic by-products, septage, and cover crops shall be determined using standard values contained in NRCS Animal Waste Management Field Handbook (AWMFH) Chapter 4, ASAE D-384

Site Vulnerability

- If the CTU lies within a hydrologic unit area that has been designated as having impaired water quality associated with nutrients, nutrient management plans shall include an assessment of the potential risk for Nitrogen or Phosphorus to adversely impact water quality The Nitrogen Leaching Index and/or the Phosphorus Index (PI), or other acceptable assessment tools may be used to make these assessments. Nutrient management plans shall include a record of site vulnerability ratings for each field or CTU and information about conservation practices and management actions that can reduce the potential for nutrient movement from the field

Additional Criteria Applicable to Utilizing Organic Waste Resources as a Plant Nutrient Source

- Organic by-products, (i.e waste from food processing facilities), other than manure shall be analyzed for nutrients. These materials shall be applied as prescribed by federal, state, or local regulations. The applicator or other responsible party as permitted by the state shall maintain application documentation.

Additional Criteria for Maintenance or Improvement of Physical, Chemical or Biological Condition of Soil

- Organic by-products, biosolids, and sewage sludge shall be tested for heavy metal content prior to land application (40 CFR, parts 403 & 503). With repeated applications of sludge to agricultural land, arsenic, cadmium, copper, lead, mercury, selenium and zinc can build to pollutant concentrations.
- Organic biosolids and by-products shall be applied to the soil as prescribed by federal, state and local regulations. Records of application and content of biosolids must be maintained as required by the state.

Additional Criteria Applicable to Protection of Water Quality

- Utilize nutrient placement to reduce Nitrogen and Phosphorus pollution of ground and surface waters. Special consideration will be given to application and placement of nutrients on sensitive areas (i.e. Highly Erodible Lands (HEL), within flood plains, near sensitive water bodies) Methods should include:
  (1) Split applications of Nitrogen to provide nutrients at the times of maximum crop uptake.
  (2) Avoid winter nitrogen application for spring seeded crops.
  (3) Band or place applications of phosphorus near the seed row

(4) When broadcasting nutrients, apply them evenly over crop fields to reduce potential of transport to gullies, ditches, surface inlets, sinkhole areas, or wellhead area.

- Farm on the contour or cross slope on all fields adjacent to wetlands if nutrient runoff appears to pose a more significant hazard than leaching.
- Utilize fall cover crops whenever possible to immobilize residual Nitrogen and retain for spring crops.
- Utilize Conservation Cover, Conservation Crop Rotation, Grassed Waterway, Irrigation Water Management, Vegetative Buffer Strips and other conservation practices to protect or improve water quality
- Animal wastes shall not be applied to sites where soil loss leaving the contiguous operating unit exceeds "T".

Additional Criteria Applicable to Minimizing the Potential for Environmental Damage

- Protect commercial fertilizer and agricultural waste storage facilities from weather and accidental leakage or spillage.
- Dispose of nutrient containers according to state and local instructions.
- When cleaning nutrient application equipment, collect and dispose of material in an appropriate manner. Keep waste material from areas of high potential risk for runoff and leaching.

CONSIDERATIONS

- Consider applying liquid wastes mixed with irrigation water during the last 1/4 to 1/3 of the irrigation set to minimize deep percolation and runoff.
- Consider induced deficiencies of nutrients due to excessive concentrations of other nutrients.
- Consider routine mineral and nitrate status testing of forages produced from land with long term and/or heavy nutrient application rates. Heavy manure applications tend to increase soil potassium concentrations which can be reflected in plant uptake. Plants with high levels of potassium and low levels of magnesium can cause grass tetany.
- Consider the application of crop residues and the effect of soil pH on the availability of both soil and applied sources of plant nutrients and the optimum pH range of the crop to be grown.
- Consider limited application of organic materials with high heavy metal concentrations.

PLANS AND SPECIFICATIONS

- Field or CTU concentration plans and specifications shall be developed based on the purpose of this practice. As a minimum, information and specifications will be given to the producer to cover the following:

1. Aerial site photograph or map and a soil map.
2. Current and/or planned plant production sequence or crop rotation.
3. Results of soil, plant, water and organic sample analyses.
4. Realistic yield goals for the crops in the rotation.
5. Quantification of all significant nutrient sources (this could include but not be limited to commercial fertilizer, legumes, animal manure and other organic by-products, irrigation water, atmospheric deposition, etc.).
6. Recommended nutrient rates, timing, and method of application.
7. Location of designated sensitive areas or resources and the associated nutrient management restriction.
8. Guidance for implementation, operation and maintenance of the nutrient management component of the conservation plan.

- When nutrient management plans are expected to increase soil phosphorus concentrations, plans shall include:

1. A caution that phosphorus accumulation in the soil can occur and that the potential for such accumulation can contribute to water quality impairment, animal health, or crop production problems.
2. A discussion of the time interval after which it may be necessary to convert to phosphorus based manure or nutrient application rates for plan implementation.

- In environmentally sensitive areas, plans shall be developed incorporating any special requirements that are applicable within these areas.

OPERATION AND MAINTENANCE

Nutrient Management Plan Review and Revision

- Nutrient management plans shall be reviewed annually by the producer or his representative to determine if adjustments or modifications are needed. Annual reviewers need not be certified, nor NRCS employees, but a certified nutrient management specialist must approve revisions to the plan.
- A certified nutrient management specialist shall do a thorough review of the nutrient management plan on a five-year cycle. The plan shall be revised, as needed, to reflect significant changes in the operation that affect the overall nutrient management plan or upon change in landowner or tenant. Significant changes include:
  - increase in livestock by 10%;
  - major changes to manure handling and storage system;
  - increase or decrease in application area by 10%;
  - change in crop or crop rotation;
  - change in irrigation system;
  - new designation as a sensitive area.
- NRCS or third party vendors with review and approval authority shall be certified in accordance with certification provisions outlined in Section 503 21 of the National Agronomy Manual.

Field level records

The producer will maintain field level records for a minimum of three years to document the following:

1. Soil, plant tissue, organic, and water test results and recommendations for nutrient application;
2. Quantities and sources of nutrients applied;
3. Specific dates and timing of nutrient application;
4. Crop rotation and sequence;
5. Irrigation Water Management records, (if applicable);
6. Methods of nutrient application;
7. Crop harvest, including dates, yield, and crop residue removed;
8. Dates of annual review and person performing the review;
9. Recommended conservation practices and management actions that can reduce the potential for nutrient movement.; and
11. Any additional information as required by this standard, (i.e. Site Vulnerability, Site Risk Assessment, Biosolid application records, and other appropriate cautions and discussions).

Safety

- Avoid unnecessary contact with chemical fertilizers and organic biosolids. Wear protective clothing when working with plant nutrients. Precaution must be taken when handling ammonia sources of nutrients.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

MEMORANDUM

RECEIVED
OCT 13 1998
WATER RESOURCES
WESTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

To: Governor Philip E. Batt **Date:** October 9, 1998

From: Karl J. Dreher **cc:** Gary Spackman
IDWR Western Region Office

Subject: Letter from Citizens of Owyhee County Organized Association
Constituent Affairs Tracking Memorandum No. 24740

At your request, I have reviewed the water issues described in a letter from the Citizens of Owyhee County Organized Association ("COCOA") expressing concerns regarding confined animal feeding operations near Marsing, which your office received on August 31, 1998. The letter from COCOA does not identify the three dairies which are of concern. However, based on discussions between COCOA members and staff of the Department of Water Resources (the "Department"), I believe that the three dairies of concern are known as the Mirada Farms, Lodge Livestock, and Nederend dairies.

COCOA is correct that often when dairies are sited on lands that were previously used for irrigated agriculture, the associated water rights are changed from providing for irrigation typically during a six or seven month period to providing for use at the dairies on a year-round basis. This requires that an application to change the water rights be filed with the Department and that an opportunity to protest the proposed change be provided, at least for dairies which have more than about 350 animals. Whether or not a proposed change in a water right from use for irrigation to use for a dairy is protested, the Department must find the following before a proposed change can be approved:

(1) the proposed change will not injure other water rights;
(2) the proposed change does not constitute an enlargement of the original water right;
(3) the proposed change is in the local public interest; and
(4) the proposed change is consistent with the conservation of water resources in Idaho.

With respect to determining whether a proposed change to a water right is in the local public interest, the Department will consider effects on any locally important factor including water quality, air quality, and others important to the quality of life in an area. While the Department has some independent responsibility for determinations regarding water quality, the Department's other determinations regarding public interest factors will be in accord with the actions of other state and local agencies with permitting responsibilities.

MICROFILMED

Regarding ground water quality in the vicinity of Marsing, members of COCOA state in their letter to you their belief that dairies, which began operations during the past several years, have adversely impacted ground water quality. That belief is not supported by data currently available. As part of the Statewide Ground Water Quality Monitoring Program, the Department monitors water quality parameters in two wells near the Mirada Farms and Lodge Livestock dairies. While the water quality data show that ground waters in this area have elevated levels of nitrates and ammonia, the levels have not increased since the Mirada Farms and Lodge Livestock dairies began operation. The elevated levels do indicate that the ground waters in this area are susceptible to contamination. Consequently, scrutiny of proposed water right changes is warranted to ensure that ground water contamination is not worsened by future changes in water use.

A review of the water right records of the Department shows the following water rights for the Mirada Farms, Lodge Livestock, and Nederend dairies:

Mirada Farms. Water use is authorized by water right no. 57-02341 in accordance with terms of transfer no. 4341. The water right has a priority date of September 9, 1962. The Department approved the transfer on August 3, 1994. The diversion of 1.71 cfs of ground water is authorized for irrigation, stockwater and commercial purposes. The stockwater use is for 2,200 dairy cattle and 1,200 range cattle in Section 32, T3N, R4W (about 1 mile northwest of Marsing).

Lodge Livestock. Water use is authorized by water right nos. 57-02292, 57-02335, and 57-07047, in accordance with terms of transfer no. 5007. The Department approved the transfer on June 19, 1998. The diversion of 5.32 cfs of ground water is authorized for irrigation, stockwater and commercial purposes. The stockwater use is for 3,000 dairy cattle in Section 30, T3N, R4W (about 2 miles northwest of Marsing). Ownership of the Lodge Livestock Dairy is being conveyed to the DeRuyter Dairy

Nederend Dairy. Application for transfer no. 5313 in the name of Nederend Dairy is currently pending before the Department. The dairy is being constructed about 2 miles northwest of Marsing. The Department published notice of the proposed transfer, and COCOA filed a protest against approval of the transfer. However, COCOA withdrew its protest on October 6, 1998, based on an agreement between the Nederend Dairy and COCOA setting forth conditions to be included should the Department approve the transfer.

Other areas for which the Department has responsibility and which could be associated with a dairy include waste disposal wells, water storage dams, and stream channel alterations. To the extent that any of these are associated with a dairy in Owyhee County, the Department will ensure compliance with state laws. However, the Department can not enforce local ordinances.

MICROFILMED

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MICROFILMED

NOV 0 6 1998

Form 235-1 (2/94)

Drilling Permit No. 57-98-42-0074-000
Water Right Permit No. 57-07045
Injection Permit No. _____

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

RECEIVED
OCT 07 1998
WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

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

1. **Applicant (please print):** Nederend Dairy

2. **Mailing Address:** Box 202 Rt 1

City & State Marsing Id Zip Code 83635 Telephone 208-896-6092

[X] Well Owner [ ] Well Operator [ ] Contractor or Other, specify _____

3. **Proposed Well Location:** Twp. 3 S, Rge. 4 W, Sec. 36, NW 1/4 SW 1/4

Gov't Lot No. 3 County Owyhee

Street Address of Well Site Thompson Rd ¼ mile N. City Marsing
Give at least name of road + Distance to Road or Landmark

Lot, block and subdivision _____

4. **Proposed Use of Well:**

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

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

NON-DOMESTIC: [ ] Irrigation [ ] Municipal [ ] Industrial
[X] Stock (Over 1,000 Head) [ ] Test [ ] Other _____ (Describe)

[ ] INJECTION

[ ] MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

5. **Well Construction Information:**

A. [X] New well [ ] Modify [ ] Replace

B. Proposed Casing Diameter 14" Proposed Maximum Depth 350

C. Anticipated bottom hole temperature:
[X] 85°F or less (Cold Water Well) [ ] 85°F to 212°F (Low Temp. Geo. Well) [ ] 212° F. or more (Geothermal Well)

6. **Construction Start Date:** ASAP

7. **Anticipated Well Driller:** Riverside Inc Driller's Lic. No. 333
NOTE: The actual well driller must be identified prior to drilling

8. **Applicant's Signature** Dave Clean Date 10/9/98

Title Driller
(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is _____. Date _____.

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

GENERAL CONDITIONS:

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

SPECIFIC CONDITIONS: CO2 CO4 C12 I01

- The filter pack in this well shall not extend more than 10 ft above the top of the screened interval.
- The surface seal shall extend from the top of the filter pack to land surface and consist entirely of chip or granular Bentonite. No gravel or fill is allowed above the screened/filter packed interval

Signature of Authorized Department Representative _____ Title _____

Receipt No. 043723 Receipted by LS Fee 200.00 Date 10/20/98

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

MICROFILMED
NOV 06 1998

orm 235-1 (LDT)
/25/96

Drilling Permit No. _____
Water Right Permit No. _____
Injection Permit No _____

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

Hans Calisterra
909-628-6109
Local
Phil Luthern
208-249-2182
Farmer Dave Clapper
880-0038

State of Idaho
Department of Water Resources

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

1. **Applicant (please print):** Nederend Dairy

2. **Mailing Address:** Box 202 Rt 1

City & State Marsing Id Zip Code 83639 Telephone 208 896-6092

[ ] Well Owner [ ] Well Operator [ ] Contractor or Other, specify _____

3. **Proposed Well Location:** Twp. 2 N. Rge. 4 W. Sec. 30 NW 1/4 SW 1/4 ____ 1/4 ____ 1/4;

Gov't Lot No. 3 County Owyhee Lat. ____:____:____ Long ____:____:____

Street Address of Well Site Thompson Rd 1/4 mile City Marsing
Give at least name of road + Distance to Road or Landmark

Lot, block and subdivision _____

4. **Proposed Use of Well:**

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

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

NON-DOMESTIC: [X] Irrigation [ ] Municipal [ ] Industrial
[X] Stock [ ] Test [ ] Other _____
(Over 1,000 Head) (Describe)

[ ] INJECTION

[ ] MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

5. **Well Construction Information:**

A. [X] New well [ ] Modify [ ] Replace

B. Proposed Casing Diameter _____ Proposed Maximum Depth _____

C. Anticipated bottom hole temperature:
[ ] 85°F or less (Cold Water Well) [ ] 85°F to 212°F (Low Temp Geo. Well) [ ] 212°F or more (Geothermal Well)

6. **Construction Start Date:** _____

7. **Anticipated Well Driller:** _____ Driller's Lic. No. _____
NOTE: The actual well driller must be identified prior to drilling.

8. **Applicant's Signature** Hans Nederend Date 10-7-98

Title owner
(Owner, Firm Representative, Other)

Gary Speckman

hori Graves
334-2190

Drilling Permit No. _____

Water Right No. _____

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

Nederend Dairy, Applicant, requests issuance of Drilling Permit prior to approval of a water right. The request is made for the following reason(s):

1) dairy is to be completed Nov 15 1998,
2) & there needs to be water for the dairy barn & animals.

Applicant understands that the drilling permit does not constitute a water right and does not authorize diversion or use of water from the well.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

10-7-98
Date

Applicant's Signature

Owner
Applicant's Title

MICROFILMED

Drilling Permit No. _____

Water Right No. _____

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1) dairy is to be completed Nov 15 1998,
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Applicant understands that the drilling permit does not constitute a water right and does not authorize diversion or use of water from the well.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

10-7-98
Date

Ken Nederend
Applicant's Signature

owner
Applicant's Title

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

October 6, 1998

COCOA
NOVAL LARSEN &/OR ILENE DOBBIN
RT 1 BOX 392
MARSING ID 83630

Re: Application for Transfer of Permit No. 57-07045 in the Name of Nederend Dairy

Dear Protestants:

This letter is to acknowledge the withdrawal of protest of the above-referenced application for water right transfer.

The department will now continue to process the application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

Gary Spackman

GS:st

CC: Applicant

RECEIVED
OCT 0 6 1998
WATER RESOURCES
WESTERN REGION

P. O. Box 463
Marsing, ID 83639
October 5, 1998

Mr. Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Mr. Spackman:

Members of the COCOA have met with Mr. Hans Nederend regarding his transfer of water right #57-07045. We have jointly agreed on conditions, which we believe must be attached to the application for transfer if the Department feels it should be approved. The applicant has agreed to abide by the attached conditions, which will be made a part of the water right issued based on the above referenced application for transfer. Accordingly, the undersigned protestant agrees to withdraw the protest to the approval of this application. I have enclosed a copy of the recommended conditions with my signature as President of COCOA and that of Mr. Hans Nederend, applicant.

If you have any questions or the Department has difficulty with these conditions, please either contact me or our representative Mr. Sherl L. Chapman at 344-6690. Our withdrawal of protest is contingent upon inclusion of these conditions on the approved application.

Sincerely yours,

Ilene Dobbin

Ilene Dobbin
President

ID:kje
enclosure

TRANSFER CONDITIONS - HANS NEDEREND
APPLICATION FOR TRANSFER #5313
October 2, 1998

1. The wells included on transfer #5313, as points of diversion, shall be equipped with inline flow meters. The meter shall be equipped with a sweep hand indicating instantaneous rate of flow and a totalizing indicator. The meters shall be read monthly and the readings provided to the Idaho Department of Water Resources on a monthly basis.

2. The Department of Water Resources shall retain jurisdiction over the transfer for a period of ten (10) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards.

3. A water quality monitoring program shall be conducted jointly by COCOA and Nederend Dairy (applicant) and/or its successors for a period of ten (10) years. The sampling shall include analyses of at least Nitrate, Ammonia as N and Coliform bacteria. A report of the analyses and conclusions shall be provided the Idaho Department of Water Resources annually or as needed if significant water quality anomalies occur.

Accepted by:

Ilene Dobbin
President
COCOA

Hans Nederend
Applicant
dba Nederend Dairy

[redacted]ER-DEPARTMENT MEMO--1

FROM Lg

DATE 9/10/98

TO Gary Spackman

SUBJECT Nederend transfer

Hans is in a hurry for a well. 3000 cows will be here Nov 9. His transfer was protested I sent Hans a copy and told him to contact the protestants and try to resolve their issues prior to a pre-hearing conference. Hans was going to talk with Ilene Dobbin today. If a conference is necessary, Hans will be in Idaho 9/18. His phone number is 909-628-6109

Lori Gearen
SIGNATURE

MICROFILMED
NOV 06 1998

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

September 18, 1998

COCOA
ILENE DOBBIN &/OR NOVAL LARSEN
RT 1 BOX 392
MARSING ID 83639

Re: Application for Transfer of Water Right No 57-07045

Dear Protestant:

This office acknowledges receipt of your protest opposing the above-referenced application for transfer. The following are the criteria we consider when either approving or denying an application for transfer:

1. Will other water rights be injured by the transfer?

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

3. Will the proposed change conflict with the local public interest?

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

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be assistance, please contact us

Sincerely,

Gary Spackman

Gary Spackman

MICROFILMED

GS:st

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

September 18, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NEDEREND DAIRY
13752 BONVIEW
CHINO CA 91710

Re: Application for Transfer of Water Right No. 57-07045

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application for transfer. You should be aware that the following are the criteria we consider when either approving or denying an application for transfer:

1. Will other water rights be injured by the transfer?

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

3 Will the proposed change conflict with the local public interest?

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

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

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If we may be assistance, please contact us.

Sincerely,

Gary Spackman

Gary Spackman

GS:st

Enclosure

CONSTITUENT AFFAIRS TRACKING MEMO
OFFICE OF THE GOVERNOR
Philip E. Batt

RECEIVED
SEP 0 8 1998
Department of Water Resources

Number: 24740
Name: COCOA
Org: Citizens, Owyhee Co Organ
Address: POB 463
Address:
Zip: 83639 City: Marsing

Date: 08/31/98
Class: SFG
Type: Letter
Phone: (208) SSN:
Phone: (208) Case:
State: County: Owyhee

Assigned To	Current Referral
John Chatburn Date: 08/31/98	Karl Dreher Date: 08/31/98
Org.: Office Of Governor	Org.: Water Resources
Phone: (208) 334-2100 Due: 09/30/98	Phone: (208) 327-7910 Due: 09/16/98

Subject

Owhyee Co citizens group on ag operations, large dairies, comprehensive plans, citizen issues w/county commissioners

Notes

09/04/98 9:51 AM Tracking memo: Governor Report, Your Letterhead, Via Your Director.
08/31/98 Referred to Water Resources, Karl Dreher
09/04/98 9:48 AM Tracking memo: Governor Report, Your Letterhead, Via Your Director.
08/31/98 Referred to DEQ, Wally Cory
08/31/98 Referred to Agriculture, Pat Takasugi
09/04/98 9:46 AM Tracking memo: Governor Report, Your Letterhead, Via Your Director.
08/31/98 Referred to Agriculture, Pat Takasugi
09/02/98 Completed

****

ACTION:
Please look into the attached matter and send a report directly to the Governor on your department's letterhead, bearing in mind that the Governor may send it on to the constituent with his own letter and return this form and all documentation, via your director's office, to the Governor's office.

MICROFILMED
NOV 3 0 1998

SEP 0 8 1998
Department of Water Resources

Citizens of Owyhee County Organized Association

COCOA P.O. Box 463 Marsing, Idaho 83639

RECEIVED
AUG 3 1 1998
OFFICE OF THE GOVERNOR

Governor Phil Batt
State Capitol Bldg. 2nd Floor
West Wing
Boise, Idaho 83720

The *Citizens of Owyhee County Organized Association* (COCOA) is a non-profit grassroots citizens group. We have several issues that we have been involved with that we need your assistance.

The first issue is:

Confined Animal Feeding Operations (CAFO).

We have had three large dairies move in the Marsing area over the past 2 years. The first was a 2000 head milking dairy, the second is milking 2000 cows now and proposing to expand to 4500 head and, the third is projecting to milk 4000 head. There will be approximately 25000 livestock with-in a mile radius and approximately 2 miles from the town of Marsing. Marsing will be directly in the wind patterns of the dairies and will be impacted also

The Owyhee County comprehensive plan has a land use ordinance, 91-04. This ordinance states "The following uses shall be permitted in the unincorporated area of Owyhee County only after issuance of a conditional use permit by the Board of County Commissioners": 1 "Solid waste site" which means any land area for storage, transfer, processing, separation, incineration, composting, treatment, recycling, reuse salvage or disposal of solid material that is considered to be useless, unwanted or discarded by the person in possession of it. The term "solid waste" therefore means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant ,or pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, **agricultural operations,** and from community activities".

Our Commissioners are ignoring the ordinance that has been in effect since October 3, 1991. The dairies mentioned above, should under this ordinance, be required to obtain a conditional use permit to a "Solid Waste Site". Why are they being given preferential treatment? These ordinances need to be enforced!

MICROFILMED

The dairies have dramatically affected many families and individuals. These households have been in the community for many years. The dairies are new commercial sized entities that have moved into an older established farm community. The following are a few of the concerns that the local community addressed to the County Commissioners:

Water Issues:

-Domestic wells in the area West of Marsing where the dairies (two existing and one is being proposed) are in a very shallow aquifer. The well depths range from 40 feet to 100 feet.

-Water quality has been altered dramatically in at least two wells (Corta and Smith) since the building of the two existing dairies. The water is murky and sand is being noticed in the water. This occurred after the second dairy was constructed. It is the belief of our group that the volume of water and the location of the dairy site have a direct relation to the problems of these two separate domestic wells. The two existing dairies are using water in an untraditional way in our community. The dairies convert irrigation water that was being utilized in their water rights from typically April through October, into a "commercial" use, which utilizes high volumes of water 12 months out of the year. Pumping in the sandy soils during winter months when water in the aquifer may not be replenished as fast, may be causing a potential draw down affect on the surrounding domestic wells. Another indication that the aquifer is being affected is the presence of sulfur in at least two domestic wells that has never experience Sulfur in the past (until the dairies began pumping water year round).

Many articles exist about the health and hazard problems of Nitrates and Nitrites contaminating water sources.

Our group has at our own expense, hired a water consultant who is beginning a study of these issues for us. A moratorium would allow us some of the critical time needed to help make these type of assessment Owyhee County has had very few water studies completed on the aquifer We have contacted most of the State and Federal Agencies involved with such issues and have received empathy but none have a program that will assist us. We are asking the Owyhee County Commissioner to allow the moratorium to help insure that the public is protected.

-The dairies that are presently built and the proposed dairies to be built are located in an area of sandy soils that have a high leaching and "rapid permeability in substratum" (see the Soil Survey Book prepared by the Soil Conservation Service now known as the Natural Resource and Conservation Service (NRCS). Contaminating particles such as Nitrates and Nitrites will in all probability move rapidly through these soils. Given the shallow well depth in the area, it is the opinion of the group that these domestic wells may be affected not only by water draw downs but also by potential contamination from surface applications of the manure from the large concentration of livestock being proposed.

MICROFILMED

Odor and Air Quality

The State of Idaho has a section in their Waste Management Handbook that addresses Odor and Air Quality However, no enforcement or measurement has been developed to our knowledge. We have one family in the community that has an asthmatic child. According to the family their child has had more symptoms of asthma since the air quality, due to odors from the dairies have entered our community. We understand that this is very hard to substantiate. However, drive by the dairies and you will know that something is happening to the air quality. We believe that air quality could be improved by better dairy practices.

Home Values

-It is our contention that the value of our homes is a part of the "welfare" of the community that is being affected by the dairies. It is our opinion that the values of homes in the area may be drastically affected by the large number of livestock concentrated in the area. Farmland values presently have been escalated since the dairies are offering high values for the proposed sites However, individual homesites may be experiencing an adverse affect from the large livestock sites

Last spring COCOA approached the County Commissioners about a special use permit for CAFOs, since they were taking no action. On May 18th the signed an emergency conditional use ordinance for CAFOs stating they admitted emergency action was needed. The third and newest dairy moving in (Nederend) had financial representatives at the Commissioners meeting. On May 19th the Nederend's close the land purchase of the proposed dairy site. On May 20th the emergency ordinance was published in the Owyhee Avalanche newspaper Since that date the County Commissioners have not made a decision that we are aware of about requiring the Nederend dairy to obtain a conditional use permit either under 91-04 number 1 nor the new ordinance for CAFOs. The dairy claims they had started building prior to the new CAFO ordinance and did not have to comply with it. We would agree that pre planning was completed but in no way was construction of any magnitude completed as of May 20th!

We still have not seen any formal resolution from the commissioners We are asking them to enforce the older "Solid Waste site " ordinance or the new CAFO ordinance. Don't they have a legal obligation to carry out the rules that the County is governed by?

Are citizens suppose to enter into costly legal encounters to get the local government to enforce the rules of the counies? Please assist us.

We have been in contact with the State of Idaho Department of Agriculture. Including the Secretary Pat Tagasuki Mr Tagasuki agreed to come out and look at the dairy sites. He agreed to get back to representatives of the COCOA group Since he was contacted in May, we are still waiting for his telephone call.

MICROFILMED

The Idaho Dairy Bureau have been contacted also. They have limited us access to information in the file, claiming that the Ags office advised them to do so. They failed to inform us that we had right under the "Freedom of Information Act" to access additional information, this forces citizens to make additional trips to the Boise area to exercise their right to review records that effect their lives. The Dairy Management Guidelines that the dairies are suppose to follow, indicate that dairy sites should "Avoid soils with high permeability such as sands and gravels, rock outcrops or soils with high leaching potential". The three large commercial dairies built in the Marsing area are on extremely sandy soils. The Soil Conservation Service soils books attest to this. They are projecting to have 25,000 head of livestock (calves through cows) with-in a mile radius. We have contacted DEQ, IDWR, EPA, and the Dept. of Ag. They all have indicated that this is not a good situation, however, they all stated they could not help.

Our group membership were living and farming in this community a long time before the CAFOs moved here. These are large commercial entities and should be administered accordingly.

Sincerely

Citizens of Owyhee County Organized Association

Members and Supporters of COCOA

Logged

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W024337

Date: 9/ 3/1998
Time: 08:02:56

Received
From: COCOA (CITIZENS ORGANIZ.)

Type of Payment	Program Acct	Amount
PROTEST FEE - 57-07045	62103 229 21 1155	25.00

Total $ 25.00

CHECK 106

Region: WESTERN Signature: D Buffington

BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

RECEIVED
SEP 0 3 1998
WATER RESOURCES
WESTERN REGION

Application of Nederend Dairy	)	
13752 Bondview	)	
Chino, CA 91710	)	PROTEST
For Transfer of Water Right	)	
Number 57-07045; Transfer	)	
Number 5313	)	

Pursuant to Rule 250 of the Department's Rules of Procedure the Citizens of Owyhee County, Organized Association ("Protestants") protest the Application of Nederend Dairy ("Applicant") for Transfer of Water Right Number 57-07045; Transfer Number 5313 to add a point of diversion, change the place, nature and season of use pursuant to Idaho Code Section 42-222.

Interests of Protestant
The COCOA represent a number of individuals holding water rights for domestic and irrigation purposes from wells generally located adjacent to and near the proposed development In many cases these wells are the sole source of both irrigation and domestic water for the residents of the area

Reduction in Quantity of Water for Existing Rights
The protestant is concerned that the use of water for the extended period of use and the change in nature of use will affect the protestants ability to divert enough water under existing water rights

Local Public Interest
Construction and operation of the dairy facility is in addition to existing large dairies in the area and conflicts with the local public interest and quality of life

Water Quality
Utilization of water as outlined in the transfer application creates a significant potential for a reduction and degradation of water quality, which may exceed the Idaho Water Quality Standards Protestants are concerned that existing beneficial uses of water will be adversely impacted.

Conclusion
For the reasons stated above, the Applicant's Application for Transfer of Water Right should be denied, or, in the alternative, granted with conditions sufficient to prevent the above impacts from occurring.

Respectfully submitted this 3rd day of September, 1998

MICROFILMED
NOV 06 1998

Citizens of Owyhee County, Organized Association

By: Ilene S. Dobbin Noval M. Larsen

Ilene Dobbin, President Noval Larsen, Vice President

W024337 93 $25- 9-3-98

RECEIVED
SEP 0 3 1998
WATER RESOURCES
WESTERN REGION

Route 1, B ox 392
Marsing, ID 83639
August 31, 1998

Mr. Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Mr. Spackman:

Please find enclosed a protest against the transfer of water right #57-07045, transfer #5313. If there are any questions, please contact me directly.

Sincerely yours,

Ileen J. Dobbin

Ileen Dobbin
President

ID:kje
Enclosure

MICROFILMED
NOV 3 5 1998

The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

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

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 Three (3)

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

August 19, 26, September 2, 1998

Signed Joe E. Aman

Subscribed and sworn to me this 02nd day of September A D. 19 98

Janice Rousseau

Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 05/04/2004

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 5313

Notice is given that NEDEREND DAIRY of 13752 Bon View, Chino CA 91710 has applied to the Department of Water Resources to change the Point of Diversion and the Place/Nature/Season of Use pursuant to I.C. § 42-222 for the following right in Owyhee County:

License #57-07045, priority 12-14-1970, 2.54 cfs from ground water diverted from 2 wells in SWSW S30 T3N R4W and SENE S25 T3N R5W. Water is used to irrigate 127 acres in portions of the south half of the 2 sections.

PROPOSED CHANGE

Retire 43.5 acres from irrigation and use water from those acres for a dairy to be built in NWSW S30. Existing well in SWSW S30 and proposed well in NWSW S30 will serve 3850 milking and 3300 replacement animals for the dairy. The 2 existing wells will continue to irrigate 83.5 acres in the licensed place of use. Waste water from dairy will be land applied in portions of S24 & S25 T3N R5W and S30 T3N R4W. New uses will be described as .87 cfs commercial and stockwater to be used year around. Site is about 3 miles northwest of Marsing. Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 on or before September 7, 1998. The Protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

8/19,26/98

RECEIVED
SEP 04 1998
WATER RESOURCES
WESTERN REGION

MEMORANDUM

TO: FILE

FROM: STEVE LESTER

DATE: AUGUST 18, 1998

RE: NEDEREND DAIRY TRANSFER, RIGHT 57-07045

The transfer proposes to retire 43.5 acres irrigated by ground water. The "retired ground water" will be used all year for a large dairy (3850 milking and 3300 dry cattle). The applicant hopes to resolve the application before November 1, 1998.

DOCUMENTS

The application consists of 7 pages and 5 attachments utilizing the transfer pilot program form. Note the location of the following application items:

Pg. 3 & 4 - checklist to advise applicant in filing

Pg. 6 & 7 - water right and adjudication ("R file") records

Attach. A - map showing uses after transfer

Attach. C - applicant's water needs for dairy

Attach. D - ownership document

Attach. E - lienholder's consent (pending - last mentioned in applicant's 8-14-98 office visit).

The application was prepared via several office visits, telephone calls and faxes involving the applicant, consultant (Charlie Bryant of Farm Credit Services) and IDWR.

Other information used in this review includes the attached August 6 worksheet, attached CFSA 1987 and 1995 aerial photos, and overlap printouts noted in the file.

CURRENT RECORDS & PROPOSED CHANGE

The right is recommended in the SRBA as licensed, confirming beneficial use through late 1987. Two wells irrigate 127. That is the only water on the acres. Gem Irrigation District water is delivered to the applicant but used on other acres within the applicant's overall P/U.

The two existing wells will be used to irrigate 83.5 residual acres south, southwest and west of the dairy, which will be placed in NWSW S30 (where 33 of the acres to be retired are found). A new well just for dairy use will be drilled in the dairy tract. The irrigation well south of the dairy will serve as a backup for the dairy. Waste water will be land applied in an irrigation routine throughout varying portions of the entire place purchased by Nederend.

MICROFILMED

VERIFICATION & OTHER ANALYSIS

Except for irrigation district water on the non-licensed acres within the proposed P/U, no other water is involved with the entire property. The license is considered valid since it was recently recommended to the court. Also, the CFSA 1987 to 1995 aerial photos comparison shows no change in the licensed P/U (see attached photos), indicating that full irrigation has occurred in the last five years.

The applicant owns the right as evidenced by Attachment D.

The applicant modified some dairy literature supplied by IDWR (see Attachment C). The applicant demonstrated that no increase in rate of flow, diversion volume or consumptive volume will occur. Sufficient information is provided to confirm that water from 43.5 acres is adequate to run the dairy operation. No information about lagoons was submitted regarding the land application method.

RECOMMENDATIONS

1. The transfer looks approvable.

2. Transfer approval will include an ownership change for the right.

3. Transfer approval should include a revised shape file, which can be done at the regional office.

4. Since approval will not specify the number of animals, the new use should require flow and annual volume measurement requirements. The owner should keep these records for IDWR review should such a need occur (this method is preferred to invoking the reporting requirement, in my opinion). IDWR should retain the information about the number of animals in database comments.

5. The applicant should submit the lienholder's comments right away. The applicant knows about this requirement.

6. IDWR should expedite the transfer to the extent possible to meet the applicant's November 1, 1998 time frame request.

AS 1 & 2

NEDERGND DAIRY WORKSHEET

-SL 8/6/98

Use Applicant's Attach. C for data to determine # acres to retire & provide water for all dairy needs.

Stockwater: milkers @ 32 gpd, dry @ 12 gpd, heifer @ 8 gpd; all year

DIVERSION VOLUME

$$\frac{[(3850 \times 32) + (800 \times 12) + (2500 \times 8)] \times 365}{325,580 \text{ gallons/AF}} = 171.2 \text{ AFA}$$

CONSUMPTIVE VOLUME

milkers @ .0058 AF/cow = 22.3 AFA

3850 x .0058 (Adjudication Memo #36, 1992)

COMMERCIAL: "manual prep through holding area" @ Attach C

DIVERSION VOLUME

$$\frac{21,775 \text{ g/d} \times 365 \text{ days/yr.}}{325,850 \text{ g/AF}} = 24.4 \text{ AFA}$$

CONSUMPTIVE VOLUME

assume @ 100% consumptive = 24.4 AFA

(Land application method; no info that lagoons involved)

		ACRES to DRY up ↓	
TOTAL DIVERT	171.2 + 24.4 = 195.6 AFA ÷ 4.5 AFA/AC	= 43.5	} Select greater = 43.5
CONSUME	22.3 + 24.4 = 46.7 AFA ÷ 3.5 AFA/AC	= 13.3	

43.5 acres x Irrigated Rate: MICRO=.02; SPRINKLER=4.5

43.5 x .02 = .87 AFA

43.5 x 4.5 = 195.8 AFA div. vol.

43.5 x 3.5 = 152.3 AFA cons. vol

(Some minor differences due to rounding factors)

15292

Worksheet continued

	Acres	cfs	Div. Vol. (Acre-ft.-Annum)	Cons. Vol.
LICENSE →	127 ✓	2.54 ✓	571.5 ✓	444.5
TRANSFER to:				
Stockwater	—	.87	171.2	22.3
Commercial	—	.87	24.4	24.4
DAIRY TOTAL		.87	195.6	46.7
IRRIGATION	83.5	1.67	375.8	292.3
NEW TOTAL	83.5 acres irrigation plus ENTIRE dairy operation including land apply waste water	2.54	571.4	339

add to get ↓

COMPARE top & bottom lines above:

a) No expansion in rate of flow, diversion or consumptive use volume.

b) assumes no cons. use for volume needed for drinking water for dairy & heifer stock.

c) retires 83.5 acres from irrigation, leaving a full quantity of water for 83.5 acres.

d) land apply all waste water from dairy.


NHEL
33.8 HEL
NHEL
10.0
NHEL
24 19
25 30
346
20.0
T925
T393
HEL
17.4
28.5 NHEL
NHEL
25.2
134
T8E
HEL
YELLOW = NEDERLAND OWNERSHIP
346
397
13.5 HEL
HEL
40.4 HEL
18.3
14.9
44.3
30.1
LICENSED P/L =
E½SE¼ S. 25
W½SW¼ S. 30
61.4
28.0
19.3
28.7 HEL
1296
948
4.4

R5W R4W

19 20
30 29

NO Apparent change
in licensed plm
1987 - 1995
photos

Section Corner

WR5810NP
(OD-12)

✓ = proposal QQ's for land apply & dairy sites

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 06/15/98
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

		NE						✓ NW ✓				✓	✓ SW ✓		✓	SE				
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
WR-NUMBER	SOURCE	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
5707045	T03N R04W S30	GROUNDWATER																
							GEM I.R.R. DIST WATER				03-33 04-32							65
A0200064	SNAKE RIVE					40		23	12				01			31	40	147
A0200065	SNAKE RIVE					40		23	12				01			31	40	147
0202276	SNAKE RIVE												01			27	38	66
5702335	GROUNDWATE	39	40	40	27	30			28	12				39	37			292
*5702335	GROUNDWATE	39	40	40	39	30			28					39	37			292
A5702335	GROUNDWATE	39	40	40	39	30			28					39	37			292
R5702335	GROUNDWATE	39	40	40	39	30			28					39	37			292
*5707045	GROUNDWATE										03-33 04-32							65
A5707045	GROUNDWATE					NEGEREND					03-33 04-32							65
R5707045	GROUNDWATE										03-33 04-32							65
5707047	GROUNDWATE	38	40	40	38	40			40	40				38	40			354
*5707047	GROUNDWATE	39	40	40	39	30			28					39	37			292
A5707047	GROUNDWATE	39	40	40	39	30			28					39	37			292
R5707047	GROUNDWATE	39	40	40	39	30			28					39	37			292
5707045	T03N R05W S25	GROUNDWATE																
			✓	✓	✓	✓	GEM I.R.R. DIST WATER		✓						✓		✓	62
A0200064	SNAKE RIVE	32	30	30	30		08	34	0	30	22	36	22		12	35		321
A0200065	SNAKE RIVE	32	30	30	30		08	34	0	30	22	36	22		12	35		321
0202014	SNAKE RIVE											40	40			40		120
0202276	SNAKE RIVE	02					08	31	01	23	11	32	22					130
*5707045	GROUNDWATE													31			31	62
A5707045	GROUNDWATE					NEGEREND								31			31	62
R5707045	GROUNDWATE													31			31	62
*5710208	GROUNDWATE												01					1
A5710208	GROUNDWATE												01					1

Dairy To BE in

Moved Stocker per Lodge Limit; Bk SRBA Limit + Adjoining Acreage #5707

No Gem Irr Dist H2o on licensed area in 57-07045 as above & per Nedrow's office visit

NO other g.w. Rights involved or for Nedrow in 3N 4W 5. SW 5. (see nex

No water currently used in Nedrow

No overlap on 57-07045 Acres; Some QQ Apply

NEGEREND DAIRY TRANSFER

OVERLAP INFO 8/18/98

WR5810NP
(OD-12)

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 06/15/98
PAGE: 1

✓ = proposal QQ's for land apply sites (dairy)

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

		NE								NW ✓				SW ✓				SE								
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
WR-NUMBER	SOURCE	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
5707045	T03N R04W S30	GROUNDWATER																								
																										65
A0200064	SNAKE RIVE									40		23	12											31	40	147
A0200065	SNAKE RIVE									40		23	12											31	40	147
0202276	SNAKE RIVE																							27	38	66
5702335	GROUNDWATE	39	40	40	27					30			28							39	37					292
*5702335	GROUNDWATE	39	40	40	39					30			28							39	37					292
A5702335	GROUNDWATE	39	40	40	39					30			28							39	37					292
R5702335	GROUNDWATE	39	40	40	39					30			28							39	37					292
*5707045	GROUNDWATE																									65
A5707045	GROUNDWATE																									65
R5707045	GROUNDWATE																									65
(5707047	GROUNDWATE	38	40	40	38					40			40							38	40					354
*5707047	GROUNDWATE	39	40	40	39					30			28							39	37					292
A5707047	GROUNDWATE	39	40	40	39					30			28							39	37					292
R5707047	GROUNDWATE	39	40	40	39					30			28							39	37					292
5707045	T03N R05W S25	GROUNDWATE																								
		✓	✓	✓	✓					✓			✓							31 ✓				31 ✓		62
A0200064	SNAKE RIVE	32	30	30	30					08	34		0					30	22	36	22			12	35	321
A0200065	SNAKE RIVE	32	30	30	30					08	34		0					30	22	36	22			12	35	321
0202014	SNAKE RIVE																			40	40				40	120
0202276	SNAKE RIVE	02								08	31		01					23	11	32	22					130
*5707045	GROUNDWATE																							31	31	62
A5707045	GROUNDWATE																							31	31	62
R5707045	GROUNDWATE																							31	31	62
*5710208	GROUNDWATE																				01					1
A5710208	GROUNDWATE																				01					1

Dairy To BE IN

03-33 04-32

GEM IRR DIST WATER

Not on Nederend's land

12

NEDEREND

03-33 04-32
03-33 04-32
03-33 04-32

40

Moved C/Sweden per Lodge Land & Livestock SRBA Approval & Transfer #5007

GEM IRR DIST WATER

No GEM Irr Dist Hrs on licensed Acres in 57-07045 per above & per Nederend's office visits.

NO other g.w. Rights involved on any of proposed plan for Nederend in 3N 4W 5.30
SW 5.24 or 5.25
(see next pg for 5.24 info)

No water currently used on Nederend's 5.24 land.

No overlap on 57-07045 Acres; some GEM I.D. Hrs on some of "land Apply" acres

SD-0604-2 Township: 03N Range: 05W Section: 24 Tract: SESW Lot:

SEL	Tract	LOT	Water Right No.	STATE Name Last, First	OWN	AC	STG	Max # Records Priority Date	Use Code	Use Desc
	SESW		57-02276	KOTSCHEVAR, BEN	C	23	L	07/13/1964	01	IRR

WR

SD-0604-2 Township: 03N Range: 05W Section: 24 Tract: SESW Lot:

SEL	Tract	LOT	Water Right No.	STATE Name Last, First	OWN	AC	STG	Max # Records Priority Date	Use Code	Use Desc
	SESW		A57-02276	KOTSCHEVAR, BEN	O	23	L	07/13/1964	01	IRR
				KOTSCHEVAR, RANDOLPH B	C					
				CAMPBELL, SCOTT R	A					
AJ	SESW		A02-00064	GEM IRRIGATION DISTRIC	C	19	J	12/01/1911	01	IRR
				FLINDERS, BRAD A	A					
	SESW		A02-00065	FLINDERS, BRAD A	A	19	J	04/01/1956	01	IRR
				GEM IRRIGATION DISTRIC	C					
	SESW		57-02276	KOTSCHEVAR, BEN	O	23	D	07/13/1964	01	IRR
				KOTSCHEVAR, RANDOLPH B	O					
				CAMPBELL, SCOTT L	A					
				FARRELL, TIMOTHY S	C					

SD-0604-2 Township: 03N Range: 05W Section: 24 Tract: SWSE Lot:

SEL	Tract	LOT	Water Right No.	STATE Name Last, First	OWN	AC	STG	Max # Records Priority Date	Use Code	Use Desc
	SWSE		57-02276	KOTSCHEVAR, BEN	C	12	L	07/13/1964	01	IRR

WR

SD-0604-2 Township: 03N Range: 05W Section: 24 Tract: SWSE Lot:

SEL	Tract	LOT	Water Right No.	STATE Name Last, First	OWN	AC	STG	Max # Records Priority Date	Use Code	Use Desc
	SWSE		A57-02276	KOTSCHEVAR, BEN	O	12	L	07/13/1964	01	IRR
				KOTSCHEVAR, RANDOLPH B	C					
				CAMPBELL, SCOTT R	A					
AJ	SWSE		A02-00064	GEM IRRIGATION DISTRIC	C	27	J	12/01/1911	01	IRR
				FLINDERS, BRAD A	A					
	SWSE		A02-00065	FLINDERS, BRAD A	A	27	J	04/01/1956	01	IRR
				GEM IRRIGATION DISTRIC	C					
	SWSE		57-02276	KOTSCHEVAR, BEN	O	12	D	07/13/1964	01	IRR
				KOTSCHEVAR, RANDOLPH B	O					
				CAMPBELL, SCOTT L	A					
				FARRELL, TIMOTHY S	C					

NONE of this is on Rockwood land 5.24 per Rockwood's info

WRQ4 & AJQ4
6/25/98 -SZ

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	TIMOTHY S FARRELL	07/13/1964	IRRIGATION	03-15	11-15	1.00 CFS	
					TOTAL DIVERSION:	1.00 CFS	

Water Source: DRAIN NUMBER FOUR Tributary to: JUMP CREEK Stage: DECREED

Point(s) of Diversion: T03N R05W S24 SWSE OWYHEE County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03N 05W 24									15			2[illegible]		02	12		52.0
																TOTAL ACRES	52.0

POU County: OWYHEE

Other Rights: GEM IRR. DIST., SOUTH BOARD OWYHEE PROJ.

Conditions of Approval:
W01 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- GEM IRRIGATION DISTRICT.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 02/08/1996 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE.
*ATTY NAME/ADDRESS STANDARDIZED TO AVOID DUPLICATE MAILING LABELS

Date: 09/09/1996 User-ID: LHARRIS Subject: NAME CHANGE - OWNERSHIP CHANGE
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN OWNERSHIP CHANGE.

Audit: 08/21/96 KWALKER 08/22/96 KWALKER 09/09/96 LHARRIS 05/20/97 DSHAFF
07/02/97 PD-DSHAF

N/A other than 6/25 visit

Only NON-irrig district right in 3N 5W 5.24 SESW & SWSE is 57-02276 (decreed in SRBA).

~~File change in ownership if new owner.~~ ← N/A to Nez Perce

WR5809NP | IDAHO DEPARTMENT OF WATER RESOURCES | DATE: 06/25/98
No. 57-02276 | WATER RIGHT PROFILE REPORT | PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	BEN KOTSCHEVAR	07/13/1964	IRRIGATION	00/00	00/00	1.000 CFS	
					TOTAL DIVERSION:	1.000 CFS	

Water Source: DRAIN NO. 4 Tributary to: JUMP CREEK Stage: LICENSE

Point(s) of Diversion: T03N R05W S24 SWSE OWYHEE County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03N	05W 24									15			23		02	12		52.0
															TOTAL ACRES			52.0

Pou County: OWYHEE

Dates: App. Received: Priority Date: 07/13/1964
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 06/07/1979

Misc: Water District Number: Field Exam Fee:

Audit: 02/20/85 05/01/88 CONVERT 10/18/91 CURTIS

WR5809NP
No. 57-07047

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/16/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	LODGE LAND & LIVESTOCK INC.	03/01/1971	IRRIGATION	03/15	11/30	0.560 CFS	289.00 AFA
			STOCKWATER	01/01	12/31	0.140 CFS	8.00 AFA
					TOTAL DIVERSION:	0.560 CFS	297.00 AFA

Water Source: GROUNDWATER *Tributary to:* *Stage:* LICENSE

Point(s) of Diversion: T03N R04W S30 NENW OWYHEE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03N	04W	19												20			30	30	80.0
03N	04W	30	38	40	40	38	40			40	* (40)				38	40			354.0
																	TOTAL ACRES		434.0

Place of use Legal Description for: STOCKWATER

03N	04W	30					S	S	S	S	S								

Pou County: OWYHEE

Conditions of Approval:
016 - See remarks for additional conditions of approval.

Remarks: GEN SUBJECT TO THE CONDITION THAT THE MAX. VOLUME PER YEAR SHALL NOT EXCEED 4.5 AF/AC. WHEN COMBINED WITH LICENSES 57-2292 & 57-2335.

Dates: App. Received: Priority Date: 03/01/1971
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 06/07/1979

Misc: Water District Number: Field Exam Fee:

Audit: 02/26/85 05/01/88 CONVERT 02/08/98 CLEARFLD

N/A other land 6 pts. U15-7 etc.

* not here now per T5007 Approval to N/A + Nederend

N/A to N.'s diversion site - this is for Lodge Land & Livestock, separate land + owner

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	LODGE LAND & LIVESTOCK CO	03/01/1971	IRRIGATION	03-15	11-15	0.56 CFS	
			STOCKWATER	01-01	12-31	0.14 CFS	
					TOTAL DIVERSION:	0.56 CFS	

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T03N R04W S30 SENENW OWYHEE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03N	04W	19												26			27	16	69.0
03N	04W	30	39	40	40	39	30			28					39	37			292.0
																TOTAL ACRES			361.0

Place of use Legal Description for: STOCKWATER

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
03N	04W	30					S	S	S	S	S								

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 600 HEAD RANGE CATTLE.

Other Rights: 57-02292, 57-02335

Conditions of Approval:

W01 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- GEM IRRIGATION DISTRICT.

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: GEN USE OF THIS RIGHT WITH RIGHT NOS. 57-02292 AND 57-02335 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1624.5 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1263.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 361 ACRES IN A SINGLE IRRIGATION SEASON.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/05/1991 User-ID: WALKER Subject: COPIED FROM REMARKS
LOCATION MAP IN 57-02335

Audit: 07/31/91 WALKER 11/05/91 WALKER 01/08/92 WALKER 02/19/92 HARRIS
07/29/92 PR-PRODM 10/13/92 CPSHAW 12/05/92 ADT-SHAW 03/29/95 POST-STD

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 5313

Notice is given that **NEDEREND DAIRY** of 13752 Bon View, Chino CA 91710 has applied to the Department of Water Resources to change the Point of Diversion and the Place/Nature/Season of Use pursuant to I.C. § 42-222 for the following right in Owyhee County:

License #57-07045, priority 12-14-1970, 2.54 cfs from ground water diverted from 2 wells in SWSW S30 T3N R4W and SENE S25 T3N R5W. Water is used to irrigate 127 acres in portions of the south half of the 2 sections.

PROPOSED CHANGE

Retire 43.5 acres from irrigation and use water from those acres for a dairy to be built in NWSW S30. Existing well in SWSW S30 and proposed well in NWSW S30 will serve 3850 milking and 3300 replacement animals for the dairy. The 2 existing wells will continue to irrigate 83.5 acres in the licensed place of use. Waste water from dairy will be land applied in portions of S24 & S25 T3N R5W and S30 T3N R4W. New uses will be described as .87 cfs commercial and stockwater to be used year around. Site is about 3 miles northwest of Marsing.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 on or before September 7, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Owyhee Avalanche on August 19 and 26, 1998

MICROFILMED

CONVERSATION MEMORANDUM

DATE 8/11/98

FILE 57-07045 (Transfg)

NAME OF PARTY HANS NEDEGEND

EMPLOYEE FR

RE:

HAS local tel 208-896-6093

for -6092

But KEEP California address (main office).

will stop by soonest to initial changes for advertising.

MICROFILMED

NOV 0 6 1998

TRIED FOR
8/6 - 8/10 but
no luck.
SENT LETTER instead.

-M

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

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

No Luck faxing 8/6 or 8/7 so they again today = 8/10

DATE: 8/6/98

TO: HANS NEDEGRAND

Fax 909-591-9299

FROM: Steve Lester

DOCUMENT DESCRIPTION: Transfer update - have not been able to advertise yet but good news: add'l. Review shows only need to dry up 43½ acres instead of 56. Need a 196 AF for diversion w/max, of which a 97 AF consumed for dairy (See My worksheet). The Revision is due to more or less NO consumptive use for "dry + heifer" stock drinking water.

TOTAL PAGES SENT: 02 + COVER SHEET

CONTACT: Let me know:

CAN Advertise Next Session = last 2 wks. August.
will send Revised Appl. showing change ~~from~~ from 127 AC. to 83.5 Acres irrigation, with 43.5 ac. dried up for dairy use.
~~Microfilm~~ being advertised: NEED your initials on Appl. form to show OK. Call me if want to drop ~~typed~~ sign Revisions or if you want me to mail original w/ Revisions. Either way OK & Ads will Run last 2 weeks August.

TRANSMISSION VERIFICATION REPORT

TIME : 08/10/1998 08:26
NAME : IDWR WESTERN
FAX : 2083342348
TEL : 2083342348

DATE,TIME	08/10 08:26
FAX NO./NAME	919095919299
DURATION	00:00:00
PAGE(S)	00
RESULT	BUSY
MODE	STANDARD

BUSY: BUSY/NO RESPONSE

TRANSMISSION VERIFICATION REPORT

TIME : 08/07/1998 07:48
NAME : IDWR WESTERN
FAX : 2083342348
TEL : 2083342348

DATE,TIME	08/07 07:48
FAX NO./NAME	919095919299
DURATION	00:00:00
PAGE(S)	00
RESULT	BUSY
MODE	STANDARD

BUSY: BUSY/NO RESPONSE

TRANSMISSION VERIFICATION REPORT

TIME : 08/06/1998 16:47
NAME : IDWR WESTERN
FAX : 2083342348
TEL : 2083342348

DATE,TIME	08/06 16:47
FAX NO./NAME	919095919299
DURATION	00:00:00
PAGE(S)	00
RESULT	BUSY
MODE	STANDARD

BUSY: BUSY/NO RESPONSE

CONVERSATION MEMORANDUM

DATE 7/13/98

FILE

NAME OF PARTY NEGRENY DAIRY

EMPLOYEE SR

NEW Attached to 9124198 8/18/98 REVIEW'S MEMO

RE: INITIAL INFO/ANALYSIS

SEE ATTACHED TABLE - ACRES CONVERTED TO DAIRY USE : RATE & VOLUME FACTORS

Applicant HANS NEGRENY JR. made several calls/visits to provide enough info for me to assist him in preparing the transfer appl. He also worked with Charlie Bryant of Farm Credit Services (?) to customize IDNR's "dairy samples" to fit this situation.

The application was prepared based on Attachment C, dairy specs.
The map is found in Attachments A & B.

Needs to have new operation in production by 11/1/98.
Will supply lien holder's ok ASAP. That will be Attachment E.

Currently lives in CA.F. & travels to local AREA e 1 time MONTHLY. Best contact is CA tel or fax, leave msg.

NOV 06 1998

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

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 7/10/98

TO: HANS NEDEREND

FAX 909-591-9299

FROM: Steve Lester

DOCUMENT DESCRIPTION: Propose to include this page in transfer Application as we discussed. Will assume ok to do so if don't hear from you by 7/14/98.

thanks,
Steve

TOTAL PAGES SENT: 01 **+ COVER SHEET**

CONTACT:

CONVERSATION MEMORANDUM

DATE 7/9/98

FILE 57-07045

NAME OF PARTY HANS NORGREN JR.

EMPLOYEE JR

RE: Left msg for HANS JR. @

909-628-6109

work #, recording said is HANS SR.

HANS JR. is filing transfer.

Asked for FAX # so I can send:

PS 5 & today's worksheet for OK.

If ok, will include ~~AS~~ PS 5 in Appl.

as we discussed in 7/7/98 office visit.

MICROFILMED

NOV 06 1998

CONVERSATION MEMORANDUM Billing?

DATE 6/16/98

FILE 57-07045

NAME OF PARTY Nederand 909-591-6900 (fax: 909-591-9299)

EMPLOYEE SL

RE: Transfer for Dairy Use

Bought land outlined in yellow on map in T3N R4W S. 24, 25, 30, Owned 66 Co.

Owns 100% of 57-07045

→ None of 57-07047 (See SRBA Recv'd - water no longer in NESW S.30)

portion of 63-03264 (some of SESW, SWSE).

↳ Not claimed in SRBA, believes land not irrigated in many years so probably forfeited. Might pursue later, for to now don't worry about this.

also confirmed by T. Shott 6/19/98 (Lodge Land & Livestock)

Will Retire X acres in 57-07045, add well for dairy use. Use existing irrig well in SWSW S.30 as dairy back up. Land apply waste water over entire area purchased.

MAX = 950 milking (wet)

240 Replacement (dry)

use 35 gpd/wet + 12 gpd/dry per animal = Flat water dairy spreadsheet to calc. total H2O needs.

" Class II wl. (3.5 AFA/acre) to see # acres to retire since ± total cons. assumed re location of waste water.

Irrigate balance of acres w/ the 2 irrig wells.

MICROFILMED NOV 06 1998

-cont-

CONVERSATION MEMORANDUM

DATE 6/16/98

FILE 57-07045

NAME OF PARTY _____

EMPLOYEE _____

Pg 2

RE: _____

HAS IRRig. dist (GCM) Has on much of land but no surface water avail on acres zoned by 57-07045 (separate pivot from acres zoned by surface water pivot). Might obtain more surface water from GCM I.D. to irrigate other acres within boundary - this might help with flooding problems experienced on lands to west.

Provided copy of deed.

Irma can prepare Appl for signature. Will visit office Again on Thurs. 6/25 I-ew to sign & pay.

Hope to have Approval < Nov. 1, 1998.

Sail Ouyen Co is submitting Pt 3 process for conditional use permits.

MICROFILMED
NOV 0 6 1998

WESTERN REGION

CLAIM NUMBERS 57-07045 _____ _____ _____ _____ _____

AGENT _____ DATE 10-9-97

TOTAL ACRES FROM RECOMMENDATION 127

GEOGRAPHIC INFO SYSTEM ACRES 130

READY FOR DECREE ___ (YES) X(NO) SENT FOR DECREE ___ (YES)

IF NO, EXPLAIN BELOW

RIGHT NO	TNS	RNG	SEC	NE				NW				SW				SE				T & L
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
RECOM	3N	4W	30										43 33	44 32						65
GIS	11	11	11									5	43 32	44 28	4					69
RECOM	3N	5W	25													31			31	62
GIS	11	11	11													33			28	61

POLYGON CREATED ON 80___

POLYGON # ( )( )( )( ) _____ UPDATED BY

ATTRIBUTES OF B57-POU.SHP ( )( )( )( )( )

ATTRIBUTES OF B57-POD.SHP ( )( )( )( )( )

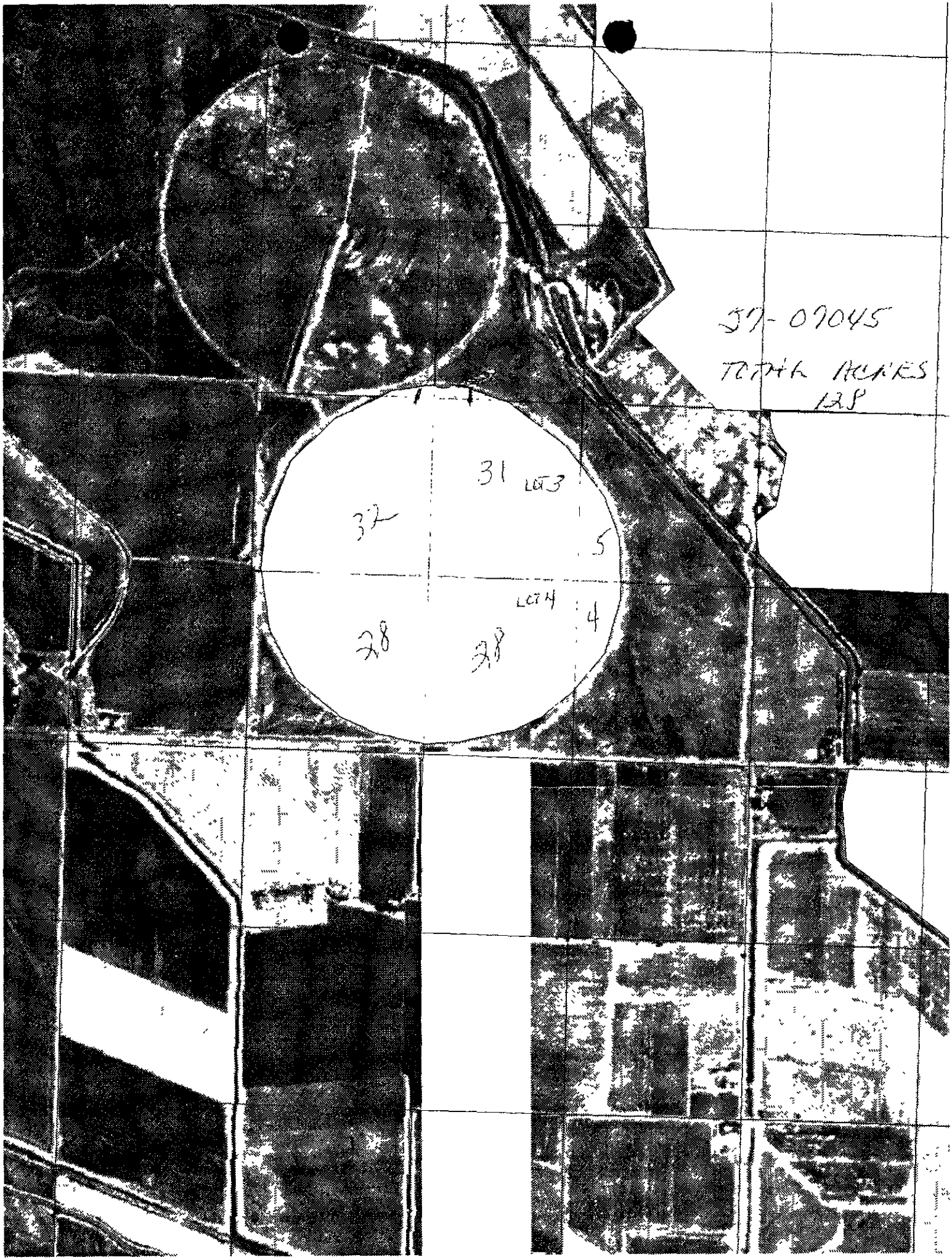
B57-DBPOU.DBF _____ UPDATED BY

B57-DBPOD.DBF _____ UPDATED BY

Needs an amendment to correct legal description. OK - accomplished transfer and nothing has changed all these years - was licensed incorrectly. 6 years done in 1985 - sheet-line in plan to 1987.

RDH OBSTABLE

DRAFT



37-07045

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	LINEBERGER INC RT 1 BOX 1127 HOMEDALE ID 83628 (208) 337-4285	12/14/1970	IRRIGATION	03-15	11-15	2.54 CFS	571.5 AFA
				TOTAL DIVERSION:		2.54 CFS	571.5 AFA
				CONSUMPTIVE USE:			444.5 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T03N R04W S30 Lot04(SWSW) OWYHEE County
R05W S25 SWSENE OWYHEE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03N	04W	30										03-33	04-32						65.0
03N	05W	25													31			31	62.0
																	TOTAL ACRES		127.0

POU County: OWYHEE

Other Rights: NONE

Dates: Exam Made Date: Verified Date: 01/09/1992

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 10/31/1991 User-ID: WALKER Subject: COPIED FROM REMARKS
2 WELLS-FIELD EXAM 11/1/85
CAPACITY OF SYSTEM 2.65 CFS.

Audit: 07/31/91 WALKER 10/31/91 WALKER 01/09/92 WALKER 07/29/92 PR-PRODM

MICROFILMED
OCT 07 1992

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A57-7045

"R" RECORD

WR ELEMENT	FIELD EXAM Y/N IF NO, DO OFFICE VERIFICATION	IN-OFFICE VERIFICATION WHOM/DATE	VERIFIED BY CODE (SEE BELOW)	FIELD EXAM BY WHOM/DATE	CLAIMANT CONTACT NEEDED - Y/N*	REVIEW COMPLETED WHOM/DATE	DATA ENTRY COMPLETED WHOM/DATE	FINAL VERIFICATION DATE ENTERED WHOM/DATE
PRIORITY		L.W. 1-17-91 OK	6				kw 10-31-91	
PT. OF DIV.		ADD 80 ut 10t	2, 1					
SOURCE		OK	6					
PL. OF USE		OK	6					
DIV. AMOUNT CFS/AF		OK	6					
CONSUMPTIVE USE		ADD C.U.			Y N			
NATURE OF USE		OK	6					
PERIOD OF USE		OK	6					
BASIS OF CLAIM		chg. to L	6					
REMARKS		ADD	6					

*IF CLAIMANT CONTACT IS NEEDED, COMPLETE CLAIMANT CONTACT CHECKLIST AND ATTACH.

VERIFICATION CODES

TOPO MAP/ORTHO-PG = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

COMMENTS: *6: Same as license
kw Acreage is correct.
No plu overlaps - no lots in Sec. 25, 3N, 5W.
kw 10-31-91

MICROFILMED
OCT 0 / 1992

GENERAL INFORMATION

CLAIM NUMBER: A57-07045

LAST: LINEBERGER FARMS INC. FIRST:
ADDRESS:
CITY: HOMEDALE STATE: ID ZIP: 83628
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: LINEBERGER INC. FIRST:
ADDRESS: RT. 1 BOX 1127
CITY: HOMEDALE STATE: ID ZIP: 83628
PHONE NUMBER: 208-337-4285

OWNER CODE: C

	DATABASE	FIELD EXAMINER
FIELD EXAM REQUIRED?		
VERIFICATION REQUIRED DUE TO REMARKS?	Y	

CLAIM REMARKS: 2 P/D IN SESE, S25, T3N, R5W. 2 WELLS-FIELD EXAM 11/1/85
CAPACITY OF SYSTEM 2.65 CFS.

MICROFILMED
OCT 07 1992

PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: A57-07045

A. AJ CLAIM: # A57-07045 PRIORITY DATE: 12-14-1970 STAGE: P

B. WR RECORD: # 57-07045 PRIORITY DATE: 12-14-1970 STAGE: L

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	N	NO

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y(__) N(X)
IF YES EXPLAIN.

REMARKS: _____

RECOMMENDED PRIORITY DATE:
12-14-1970

REVIEWED BY Linda Wiencek DATE 1-17-91

MICROFILMED
OCT 07 1992

POINT OF DIVERSION REVIEW SHEET

CLAIM NUMBER: A57-07045

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-07045	03N	04W	30		SW	SW		OWYHEE
A57-07045	03N	05W	25	SW	SE	NE		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
NONE	NONE

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-07045	03N	04W	30		SW	SW	4	OWYHEE
57-07045	03N	05W	25		SE	NE		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

NONE

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
NONE	NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

		DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY?	(Y/N)	Y	N
DUE TO SOURCE DISCREPANCY?	(Y/N)	N	N

REMARKS:

In section 25 the 10 acre parcel was added to the P.O.D. by the claimant. This was not noted when the field exam was done. The ASCS map indicates the location of the well. It can also be seen on the auto-plat to guard also.

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OCT 07 1992

 CLAIM NUMBER: A57-07045

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
3N / 3N	7W / 5W	30 / 25	— / SW	SW / SE	SW / NE	4 / —	JWY / JWY

SOURCE: GROUNDWATER TRIB:

REVIEWED BY: Linda Werner DATE: 1 17 91

MICROFILMED
OCT 07 1992

Boise City Idaho Territory, February 18th 1868

Received

MICROFILMED
OCT 07 1992

PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A57-07045

A. ROOT WATER RIGHT NUMBERS: A57-07045

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES		WR #/ACRES		LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
03N	04W	30	NW	SW	3	LINEBERGER INC.	A57-07045	/33.0	57-07045	/33.0			33
03N	04W	30	SW	SW	4	LINEBERGER INC.	A57-07045	/32.0	57-07045	/32.0			32
03N	05W	25	NE	SE		LINEBERGER INC.	A57-07045	/31.0	57-07045	/31.0	38.0		31
03N	05W	25	SE	SE		LINEBERGER INC.	A57-07045	/31.0	57-07045	/31.0	35.0		31
			TOTAL ACRES			A57-07045		127.00		127.00	73.00		127 C

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y( ) N(X)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POU DISCREPANCY? (Y/N)	Y	D

PRESUMPTION FLAG:

REMARKS:
Recommended acreages based on the license + substantiated on the 1987 Duffy & 1979 Ortho-photo

RECOMMENDATIONS:

TOTAL ACRES: 127

REVIEWED BY: Linda Weaver DATE: 1-17-91

MICROFILMED
OCT 07 1992

PURPOSES REVIEW SHEET

CLAIM NUMBER: A57-07045

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY	
A57-07045	IRRIGATION	FROM 03-15 TO 10-15	2.540 CFS	571.50 AF/A
	TOTAL DIVERSION RATE/VOLUME CLAIMED		2.540 CFS	571.50 AF/A

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY	
57-07045	IRRIGATION	FROM 03-15 TO 10-15	2.540 CFS	571.50 AF/A
	TOTAL DIVERSION RATE/VOLUME CLAIMED		2.540 CFS	571.50 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	N
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	N
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(X) N(___)

RECOMMEND TO WR STANDARDS OR OTHER? Y(X) N(___) Explain in remarks, below.

REMARKS:

MICROFILMED
OCT 07 1992

DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A57-07045

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(X) N(__)

AJ TOTAL CLAIMED DIVERSION RATE: 2.540 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.540 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?	DATABASE	FIELD EXAMINER
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)	N	

B. FLOW MEASUREMENT

MEASUREMENT METHOD n/a, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(__) N(X) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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OCT 07 1992

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 127 x 0.02 CFS/ACRE = 2.54 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(__) N(X)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(__) N(__) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 127 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 ✓ =

TOTAL CONSUMPTIVE USE 444.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 571.50 AF/A

ACRES 127 x DIVERSION VOL. AF/A FOR AREA 4.5 ✓ =

TOTAL DIVERSION VOLUME 571.5 AF/A

as of 1/6/92

YS 2.54 x 1.98 x 246 days = 1237.2 AF

KW 1/9/92

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(__) N(X)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

N/A

MICROFILMED
OCT 07 1992

DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A57-07045

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
IRRIGATION	03-15	10-15	2.540	2.54	571.50	571.5	0.0	444.5
TOTAL FOR THIS RIGHT			2.540		571.50		0.0	

REVIEWED BY: Linda Wonner DATE: 1-17-91

MICROFILMED
OCT 07 1992

BASIS OF CLAIM REVIEW SHEET CLAIM NUMBER: A57-07045

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(✓)	( )
FORFEIT/ABANDON _____	( )	( )
ADDITIONAL DIV. AMOUNT _____	( )	( )

B. SPLIT WATER RIGHT REVIEW N/A

ROOT WATER RIGHT NUMBER: 57-07045

	DATABASE	EXAMINER	
TOTAL DIVERSION RATE OF WR SPLITS	2.540	_____	CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-07045	2.540	-		57-07045	2.540
	TOTAL CFS	2.540				2.540

DIVERSION RATE REVIEW

	DATABASE	FIELD EXAMINER
DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)	Y	_____
IF NO, is the written review sheet attached? (Y/N)		_____

REMARKS:

AUTHENTICATION:

SIGNATURE: Linda Werner DATE: 1-17-91

NAME OF FIELD EXAMINER: Linda Werner TITLE: Sr. W.R. Agent

MICROFILMED
OCT 07 1992

To Karen Curtis

Date 10.27.98 Time 4:40 ☐ AM ☐ PM

WHILE YOU WERE OUT

M Hans Nederand

of

Phone Numbers

Office 709 (Area Code) 428-6109 (Number) (Ext)

Voicemail

FAX

Pager

Mobile

e-mail

- ☒ Telephoned
- ☒ Please call
- ☐ Returned your call
- ☐ Called to see you
- ☐ Wants to see you
- ☐ Will call again
- ☐ URGENT

Message

Steinhauer Fars, Mgr
411 Blaine St, PO Box 730
Caldwell, ID
459-0271
Will provide release 10-28-98 QS

X Operator

AMPAD EFFICIENCY®

Reorder #23-000

Form 3 - 10 7
3/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

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

USE TYPEWRITER OR BALLPOINT PEN

1 WELL OWNER

Name Lawerence + Ralph Linebarger

Address Homedale Idaho

Owner's Permit No 57-2045 DP. Not Required

57-92-W-0028-400

2 NATURE OF WORK

☒ Repair
☐ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials plug depths etc in lithologic log)

3 PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4 METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule ☒ Steel ☐ Concrete ☐ Other _____

Thickness		Diameter		From		To	
.250	inches	16	inches +	1	feet	33	feet
.250	inches	12	inches	0	feet	35	feet
.350	inches	12	inches	55	feet	272	feet
.250	inches	8	inches	252	feet	488	feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☒ Yes ☐ No
How perforated? ☒ Factory ☐ Knife ☐ Torch
Size of perforation 5/8 inches by 3 inches

Number		From		To	
3,349	perforations	55	feet	273	feet
2,760	perforations	252	feet	488	feet
	perforations		feet		feet

Well screen installed? ☒ Yes ☐ No
Manufacturer's name Houston
Type 304 Stainless Model No. _____
Diameter 12 Slot size 25 Set from 35 feet to 55 feet
Diameter 8 Slot size 20 Set from 448 feet to 488 feet
Gravel packed? ☒ Yes ☐ No ☐ Size of gravel 1/4 inch
Placed from 15' feet to 490' feet
Surface seal depth 20 Material used in seal. ☐ Cement grout
☒ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used ☐ Slurry pit ☐ Temp surface casing ☒ Overbore to seal depth
Method of joining casing ☐ Threaded ☒ Welded ☐ Solvent Weld
☐ Cemented between strata
Describe access port top of casing

6 LOCATION OF WELL

Sketch map location must agree with written location

N / W / E / S

Subdivision Name _____
Lot No ____ Block No. _____
County Owyhee
SE ¼ SW ¼ Sec 30 T 3 (N) S R 4 E (W)

7 WATER LEVEL

Static water level 26 feet below land surface
Flowing? ☐ Yes ☒ No GPM flow _____
Artesian closed in pressure _____ psi
Controlled by ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge GPM	Pumping Level	Hours Pumped
550		
Test pumping done by Ondo's Pump		

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
			The original well was drilled by Hallaway Drilling Co #53 work start 2-10-92 and ended 3-4-92. The Site/Tie wire location are have it in the NE¼ SE¼ of Section 25 T3N-R4W at Canyon County.		

RECEIVED
APR - 7 1992
Department of Water Resources
Western Regional Office

RECEIVED
MAY 19 1992
Department of Water Resources

10

Work started 1-13-92 finished 3-19-92

11. DRILLERS CERTIFICATION

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

Firm Name DuSoe Well Drilling Firm No 399
Address Nampa Idaho Date 3-23-92
Signed by (Firm Official) _____
and
(Operator) _____

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

November 3, 1989

LINEBERGER INC.
C/O LAWRENCE LINEBERGER
RT. 1 BOX 1127
HOMEDALE, ID 83628

RE: PERMIT NO. 57-07045

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

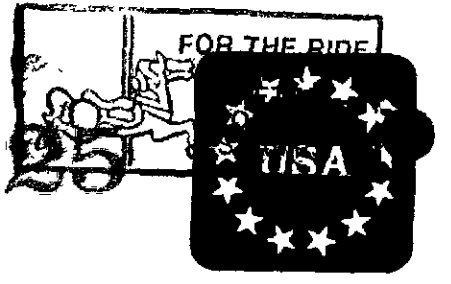
Enclosure

MICROFILMED
NOV 14 1989

LAWRENCE LINEBERGER
ROUTE 1 - BOX 1127
HOMEDALE, IDAHO 83628

NOTE UPDATED ADDRESS. EW

BOISE, ID 837
PM
22 SEP
1989



Dept. Water Resources
Statehouse Mail
Boise, Idaho
83720

August 30, 1989

LINEBERGER INC.
C/O LAWRENCE LINEBERGER
HOMEDALE, ID 83628

RE: PERMIT NO. 57-07045

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the $20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
NOV 14 19

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT 1\4	1\4	1\4	LT	#SOURCE	#NAME
5707045	03N	05W	25		NE	SE		GROUNDWATER	LINEBERGER FAR
5707045	03N	05W	25		SE	SE		GROUNDWATER	LINEBERGER FAR

MICROFILMED
NOV 14 1989

Form 219B
5/84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

LICENSING REPORT

RECEIVED
MAR 25 1986
Department of Water Resources

57-7045
Permit No.

1. **Measurement Calculations**

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

See annual report = Total 2 wells = 2.65 cfs

127 acres x .02 = 2.54 cfs Recommended.

Theoretical

$$\frac{135\ HP \times 8.8 \times .85}{200\ lift \times 4.43\sqrt{60.psi}\ (139.53)} = \frac{1009.8}{339.53\sqrt{1009.8}} = 2.97\ cfs$$

b) Volume Calculations for Irrigation:

V_{IR} = (Acres Irrigated) x (Irrigation Requirement) = 127 x 4.5' = 571.5'
V_{DR} = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 2.54 x 245 x 1.9835 = 1234
V = Smaller of V_{IR} and V_{DR} = 571.5'

c) Volume Calculations for Other Uses:

none

2 **Overlap Review**

a) Other water rights with same place of use: none

b) Other water rights with same point of diversion: none

c) Analysis:

RECOMMENDED AMOUNTS

3.

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
57-7045		2.54			2.65

4. Permit Holder: Jeneberger Farms Inc. c/o Lawrence Jeneberger

Address: Homedale, Idaho 83628

5. Source: Groundwater tributary to

6.

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	3/15	11/15	2.54	571.5
Allowable Maximums:			2.54	571.5

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
1	4		SW	SW	30	3N	4W	Owyhee
2			SE	NE	25	3N	5W	Owyhee

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
												43	44						
3N	4W	30										33	32						65
3N	5W	25													31			31	62
Total Acres 127																			

9. Recommended Conditions/Remarks:

10. Recommended Amendments

☑ Change P.D as reflected above ☐ Add P D. as reflected above ☐ None

☐ Change P U as reflected above ☐ Add P.U. as reflected above ☐ Other

11 Examiner's Signature John K Noyes Date 11/7/85

Checked in Regional Office by LHS Date 3/20/86

Approved in State Office by JDM Date 5/5/89

RECOMMENDED AMOUNTS

3.

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
57-7045		2.54			2.65

4. Permit Holder: Fineberg Farms, Inc. % Florence Fineberg

Address: Homedale, Idaho 83628

5. Source: Groundwater tributary to

6.

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	3/15	11/15	2.54	571.5
Allowable Maximums:			2.54	571.5

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
1	4		SW	SW	30	3N	4W	Owyhee
2			SE	NE	25	3N	5W	Owyhee

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
												43	44						
3N	4W	30										33	32						65
3N	5W	25													31			31	62
Total Acres 127																			

9. Recommended Conditions/Remarks:

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NOV 14 1989

10. Recommended Amendments

☑ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

11. Examiner's Signature John K Moyes Date 11/7/85

Checked in Regional Office by LHS Date 3/20/86

Approved in State Office by JDM Date 5/5/89

Form 219A
2/84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
MAR 25 1986
Department of Water Resources

Permit No. 57-7045

1. Owner: Fineberger Farms Inc. Phone No. 337-4285
Current Address: Homedale, Idaho 83628
c/o Lawrence Fineberger

2. Accompanied by: applicant EXAM. DATE: 11/1/85
Address: _____ Phone No. _____
Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

4.

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1 16"	GE	60	5K6257X115A	Peerless	26276 - no plate
#2 16"	GE	75	5K6258Z105A	Peerless	26276

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

2 wells located #1 SWSW Sec 30 T3N R4W #2 SENE Sec 25 T3N R5W - pipelines to center point.

6.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Eagle eye &	#1	Eagle eye	10-80	29476		
ammeter		ammeter	6-065	5?1?9??	6-06-1	
	#2	Eagle eye	10-80	29478		
		ammeter		7/454	5.0	

7. Measurements ☐ Additional data/computation sheets attached

#1

#2

127 gpm x .02 = 2.54 127 x 4.5 AF = 571.5 AFA

8. Point(s) of Diversion: Indicate Method of Determination

Ident #	1/4	1/4	1/4	Sec.	Twp.	Rge.	Survey Information from Known Corner	County	Remarks
#1	44	SW	SW	30	3N	4W		Owyhee	
#2		SE	NE	25	3N	5W		Owyhee	

9. Place(s) of Use: Irrigation - give acres served by system at time of exam.
Indicate Method of Determination _____

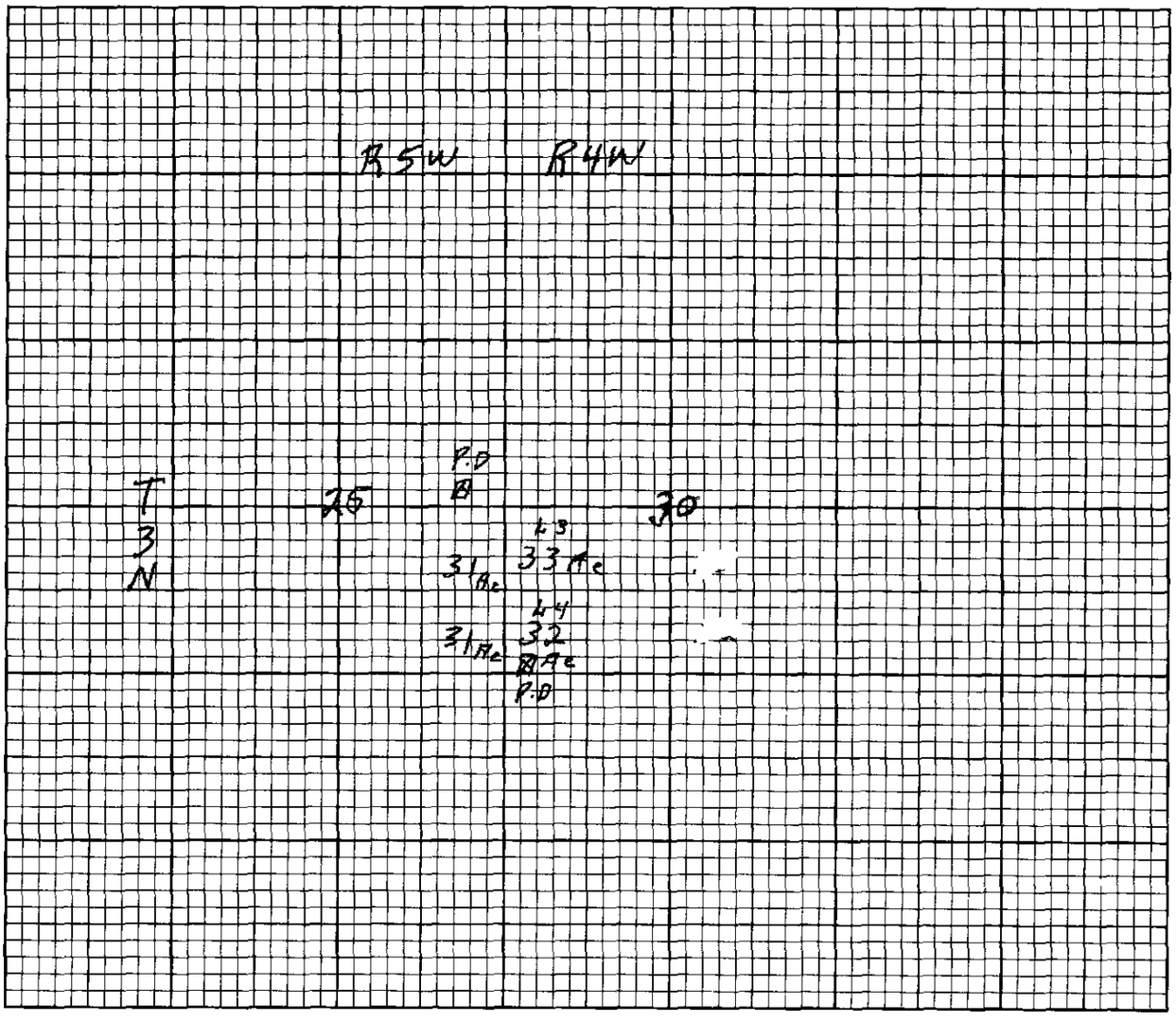
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
												43	44						
3N	4W	30										33	32						65
3N	5W	25													31			31	62

Total Acres 127

10. Other water rights on these lands none

11. Other water right diverted from same p.d. none

12. **Diversion and Delivery System Diagram**: Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ **Photo of Diversion & System Attached** ☑ **Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached**

14. Remarks _____

15. Recommended Amendments

☑ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

16. Examiner's/Consultant's Signature Josh X Moyes Date 11/7/95

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

R4W

A266
272A
1610

A
1200

A
86.1

E5

24 19
25 30

well #2

A265
134A
A
23.0

B
8.1

B
3.0

E
4.5

F
4.8

G
3.8

H
5.2

D
10.5

63.6

well #1

25 30
36 31

Form 219-Supp.
6/83

State of Idaho

DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: JOHN K. NOYES Date 11/1/1985

Owner: LINEBERGER FARMS, INC Permit No. 57-7045

Description of well &/or measuring site
- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

TWO WELLS #1 - SWSW, SEC 30, T03N, R04W & #2 - SENE, SEC. 25, T03N, R05W. ONE WELL 544' DEEP, INITIALLY 16" DIAM. ONE, 386' DEEP, INITIALLY 16" DIAM. PUMP #1 - GEM TR. S/N 5K6257X115 A - 60 H.P. WITH PEERLESS PUMP MOD. NO. 2626. PUMP #2 - GEM TR. S/N 5K6258X 5A - 75 H.P. WITH PEERLESS PUMP MOD. NO. 2626. BOTH WITH PIPELINE TO CENTER-PIVOT SPRINKLER.

Measured inside diameter of pipe in inches Pump #1 - 6.065" (A) Pump #1 - 6" / Pump #2 - 6"

Size of Annubar used in test #2 - 6.0" State ID No. Pump #1 - 091402 / #2 - 091404

Model No. of Annubar Meter Used 75
(Model No. = 75 for 6" and larger)
(Model No = 73 for 4")

Size Eagle Eye Meter Used 10-80" State ID No. 091476

Date of Last Calibration of Meter 4/27/1988

Observed inches of H_2O read on Meter (B) Pump #1 - 19" / #2 - 16"

Flow Correction Factor (From Calibration Graph) (K) Pump #1 - 1.0249 / #2 - 1.0254
(Use 1 if Error is ± 2% at observed pressure)

Select C based on Annubar Model No.

If Model No. = 75, then C = 3.85

If Model No = 73, then C = 4.14 (C) 3.85

CALCULATION: $\frac{K\ (A^2)\ (\sqrt{B})\ C}{448\ 8}$ = = 2.65 cfs measured

SKETCH (If not shown on Field Report):

Pump #1 = $\frac{1.0249 \times (6)^2 \times \sqrt{19} \times 3.85}{448.8} = 1.379 = 1.38$ cfs.

Pump #2 = $\frac{1.0254 \times (6)^2 \times \sqrt{16} \times 3.85}{448.8} = 1.266 = 1.27$ cfs

total 2.65

MICROFILMED
NOV 14 1989

February 23, 1981

Lineberger Inc.
c/o Lawrence Lineberger
Homedale, ID 83628

Gentlemen:

Re: Permit No. 57-7045

This office acknowledges receipt of the statement of beneficial use and the assignment conveying the above-referenced permit to you. The assignment has been entered into the Department's records.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our regional office in Boise at 334-2190.

Sincerely,

RITA FLECK
Sr. Secretary

Enclosure: copy of permit

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

February 12, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

LINEBERGER FARMS INC.
HOMEDALE, ID 83628

138[illegible]

NOVEMBER 30, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 57-7045 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE FEBRUARY 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF $15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECIEVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

MICROFILMED

December 1, 1975 CERTIFIED MAIL 13821

Re: Permit No. 57-7045

Lineberger Farms, Inc.
Homedale,
Idaho 83628

Gentlemen:

One of the conditions of approval of your water Permit No. 57-7045 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

PLACE
TEN CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 57-7045

Name(s) of Permit Holder: Lineberger Inc.

Post Office Address: c/o Lawrence Lineberger

Homedale, ID 83628 Tel. No. 337-4285

Source of Water: Groundwater

Extent of Use:
- ☐ Domestic ____ (number of households)
- ☐ Stockwater ____ (number and type of stock)
- ☒ Irrigation 126 (acres)
- ☐ Other ____

Measuring Device: Required? ☐ Yes ☐ No Installed? ☒ Yes ☐ No

Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

12-2-80
Date

Pres. Ralph Lineberger
Signature of Permit Holder

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300



SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below
- Complete items 1, 2, and 3 on reverse side
- Morsten gummed ends and attach to back of article.

RETURN TO

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. *The following service is requested (check one).*

- ☐ Show to whom and date delivered..... 15¢
- ☐ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY.
  Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
LINDEMANN FARMS

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	138121	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. Ralph Lindemann
DATE OF DELIVERY

POSTMARK
DEC 8 1975

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1975—O-568-047

January 27, 1976 Re: Permit No. 57-7045

Lineberger Farms, Inc.
Homedale,
Idaho 83628

Gentlemen:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to February 1, 1981.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well

1. WELL OWNER

Name Lawrence Linebarger

Address Homedale Idaho

Owner's Permit No. 57-7045

2. NATURE OF WORK

☑ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☑ Irrigation ☐ Test

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☑ Cable ☐ Rotory ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 16" 10" - 8" inches Total depth 544' feet

Casing schedule: ☑ Steel ☐ Concrete

Thickness	Diameter	From	To
1/4 inches	16 inches	16' feet	84' feet
1/4 inches	8 inches	368 feet	468 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☐ Yes ☑ No

Perforated? ☑ Yes ☐ No

How perforated? ☑ Factory ☑ Knife ☐ Torch

Size of perforation 3/16 inches by 2 inches

Number		From	To
8" 4000	perforations	368 feet	468 feet
10" 960	perforations	35' feet	55' feet
	perforations	feet	feet

Well screen installed? ☐ Yes ☑ No

Manufacturer's name

Type Model No.

Diameter Slot size Set from feet to feet

Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☑ No Size of gravel

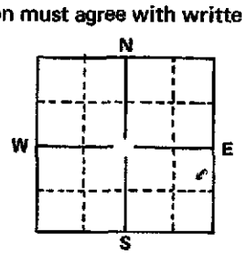
Placed from feet to feet

Surface seal? ☑ Yes ☐ No To what depth 20 feet

Material used in seal ☐ Cement grout ☑ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



57 7045

County

¼ ¼ Sec. T. N/S, R. E/W

7. WATER LEVEL

Static water level 20 feet below land surface

Flowing? ☐ Yes ☑ No G.P.M. flow

Temperature 64° F. Quality

Artesian closed-in pressure p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☑ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
400	180'	6

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
20"	0	20	SANDY CLAY BROWN		✓
16	20	35	CLAY BROWN		✓
16	35	55	SAND & GRAVEL	✓	
16	55	73	CLAY BROWN		✓
16	73	75	SAND BROWN ROCK		✓
16	75	204	CLAY BLUE		✓
16	204	206	SAND BLACK	✓	
16	206	240	CLAY BLUE		✓
10"	240	457	CLAY BLUE		✓
10"	457	467	SAND BLACK	✓	
8"	467	544	CLAY BLUE		✓

10.

Work started 2-10-71 finished 3-4-71

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

Holloway Drilling Co.
Driller's or Firm's Name Number

Address

Signed By Date

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

1. WELL OWNER

Name Lawrence Lineberger

Address Homedale Idaho.

Owner's Permit No. 57-7045

2. NATURE OF WORK

☑ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☑ Irrigation ☐ Test

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☑ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 16 4"/12" inches Total depth 386' feet

Casing schedule: ☑ Steel ☐ Concrete

Thickness	Diameter	From	To
1/4 inches	16 inches	+1 feet	69' feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was packer or seal used? ☐ Yes ☑ No

Perforated? ☑ Yes ☐ No

How perforated? ☑ Factory ☐ Knife ☐ Torch

Size of perforation 3/16 inches by 2 inches

Number		From	To
1900	perforations	99 feet	69 feet
4	perforations	feet	feet
	perforations	feet	feet

Well screen installed? ☐ Yes ☑ No

Manufacturer's name

Type Model No.

Diameter Slot size Set from feet to feet

Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☑ No Size of gravel

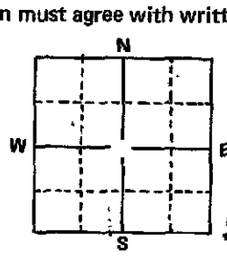
Placed from feet to feet

Surface seal? ☑ Yes ☐ No To what depth 20 feet

Material used in seal ☐ Cement grout ☑ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



57 7045

County

¼ ¼ Sec. , T. N/S, R. E/W

7. WATER LEVEL

Static water level 35 feet below land surface

Flowing? ☐ Yes ☑ No G.P.M. flow

Temperature 62° F. Quality

Artesian closed-in pressure p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☑ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
530	165	4

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
20	0	90	CLAY BROWN SANDY		✓
16	30	53	CLAY BROWN		✓
16	53	65	GRAVEL + SAND	✓	
16	65	270	CLAY BLUE		✓
16	270	278	SAND BLUE	✓	
12	278	353	CLAY BLUE		✓
12	353	369	CLAY SAND	✓	
12	369	386	CLAY BLUE		✓

10.

Work started 5-16-71 finished 5-20-71

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

Driller's or Firm's Name Number

Address

Signed By Date

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

February 4, 1971

Re: Permit No. 57-7045

Lineberger Farms, Inc.
Homedale,
Idaho 83628

Dear Sirs:

Enclosed is a copy of your approved Application for Permit No. 57-7045. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosures: Copy of permit
2 informational letters

57 7045

December 22, 1970

Re: Application No. 57-7045 - Lineberger Farms, Inc.

Owyhee Nugget
Marsing,
Idaho 83639

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

_____
(signature of claimant)

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG
Enc: legal notice

Bill submitted 1-[illegible]-71 By [illegible]

57 7045

NOTICE OF APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Lineberger Farms, Inc., Homedale, Idaho has on December 14, 1970 submitted Application No. 57-7045 to appropriate the public waters of a ground water source.

The ~~proposed uses are~~

The application proposes a maximum diversion and appropriation of 10.9 cubic feet per second ~~acre feet~~ of water to be diverted by sprinkler system within the NE¼SE¼, SE¼SE¼, Sec. 25, T. 3N, R. 5W, B. M., Owyhee County

and is to be used within the SE¼SW¼, SW¼SE¼, Sec. 24; NE¼, E½NW¼, E½SE¼, Sec. 25, T. 3N, R. 5W, and in the W½NW¼, SE¼NW¼, SW¼, Sec. 30, T. 3N, R. 4W, B.M. for the irrigation of 544 acres from March 15 to October 15.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration on or before January 18, 1971.
Statehouse, Boise, Idaho

R. KEITH HIGGINSON
Director

Published in the Owyhee Nugget, Marsing, Idaho on December 31, 1970 and January 7, 1971.

57 7045

December 15, 1970

Lineberger Farms, Inc.
Homedale,
Idaho 83628

Gentlemen:

Returned herewith is Departmental Receipt No. 5413 in the amount of $70.00 for Application for Permit, which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

57 7045