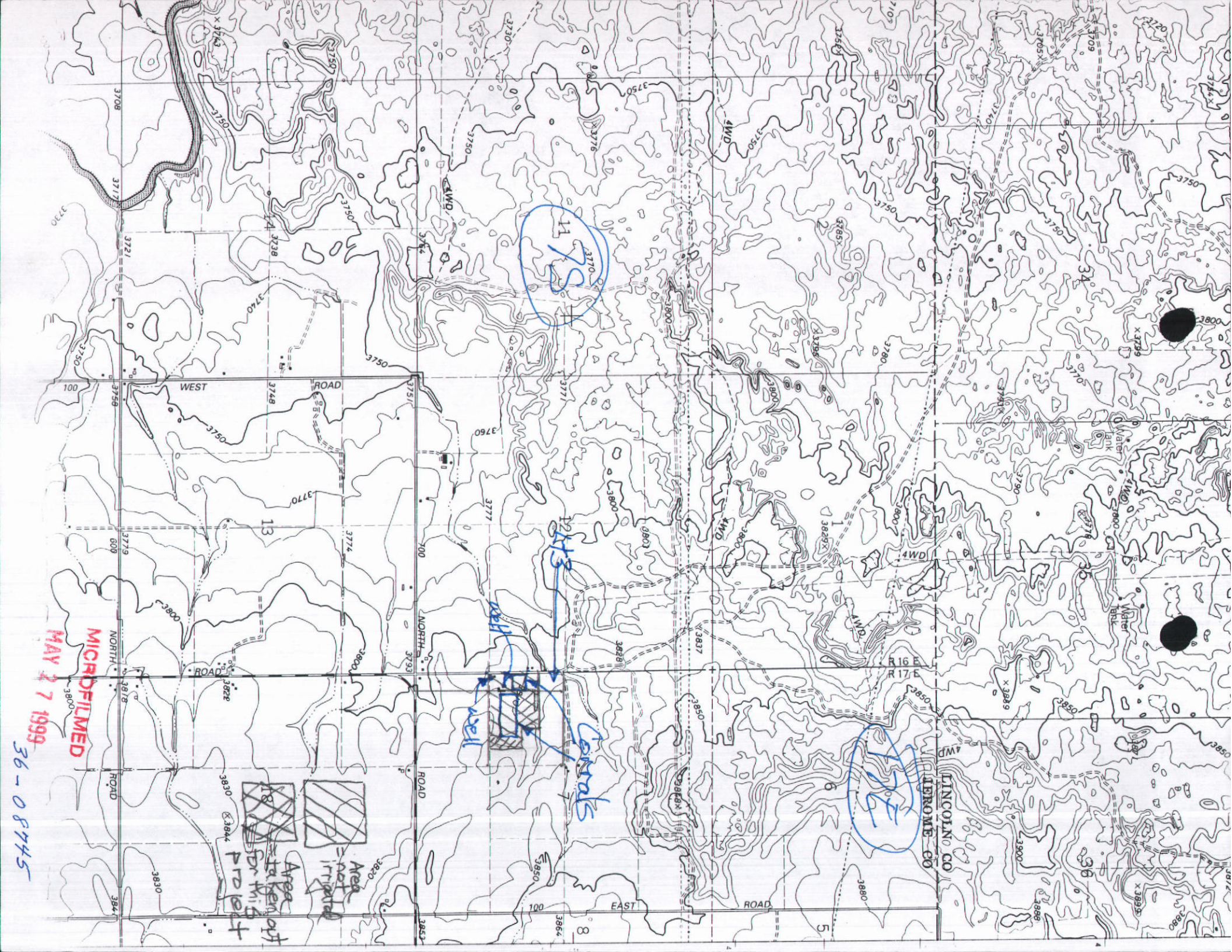




11 75

1243

Corrals

15E

well

Area
= not
irrigated

Area
taken up
for the
project

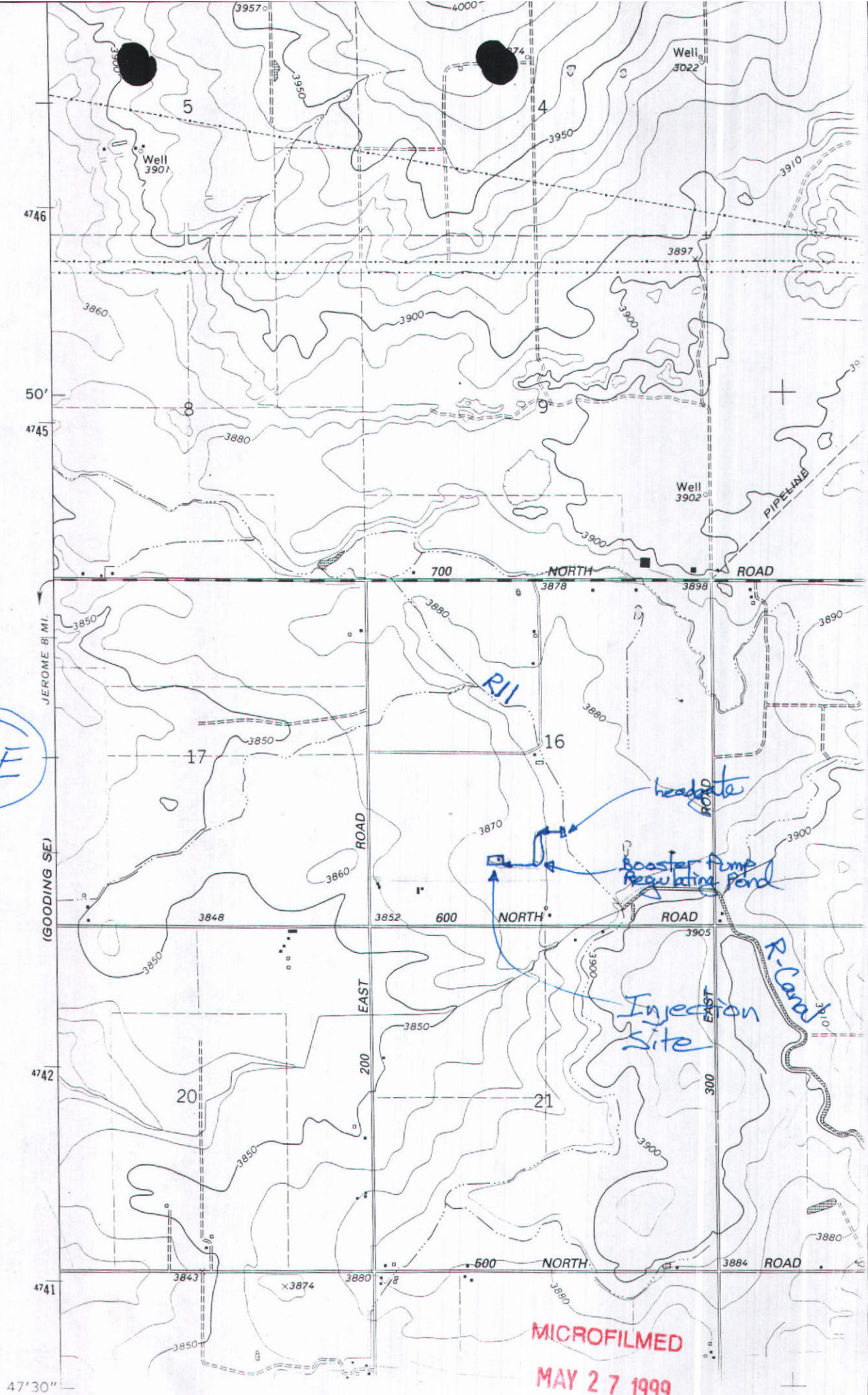
MICROFILMED

MAY 27 1999

36-08745

LINCOLN CO
JEROME ID

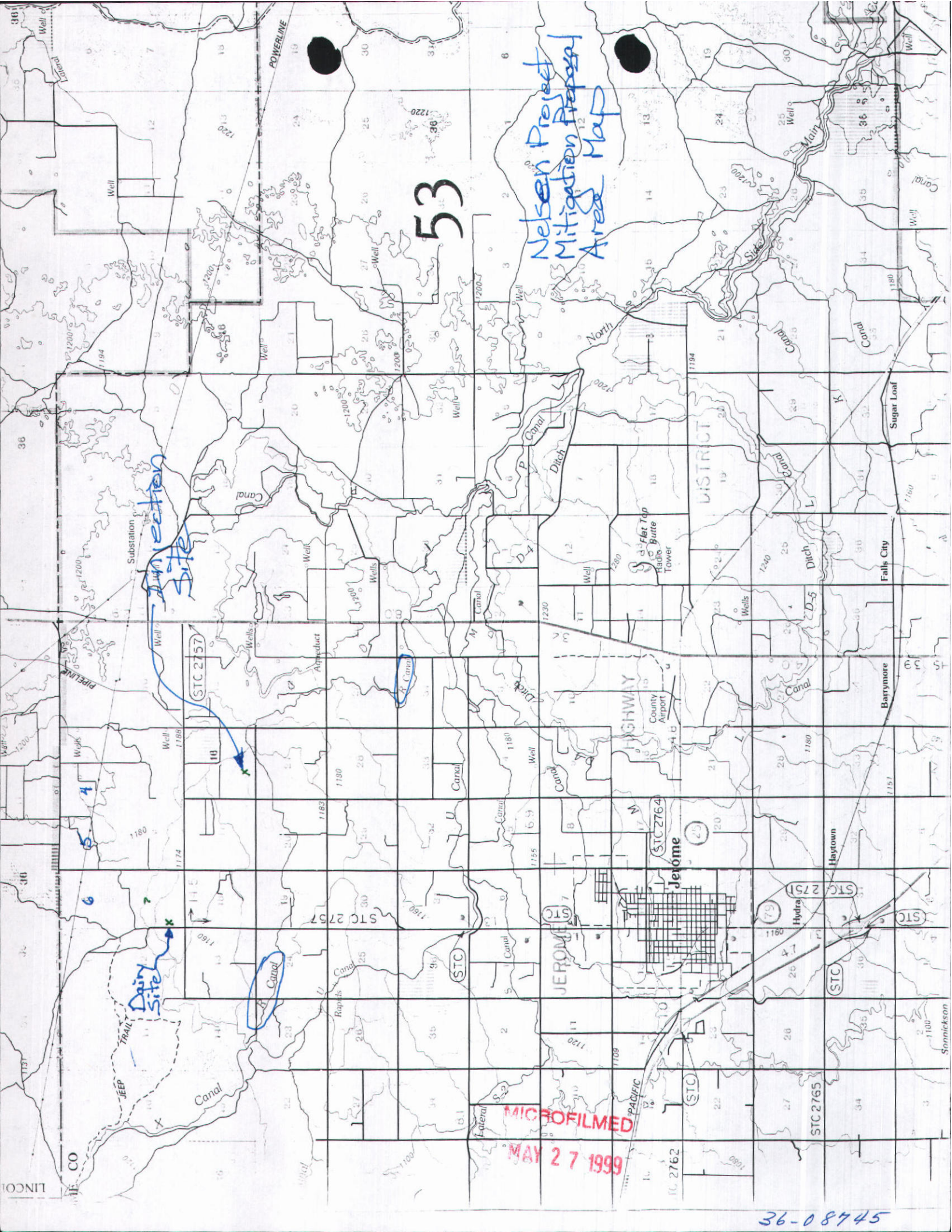
7S 17E



MICROFILMED

MAY 27 1999

36-08745



Nelson Project
Mitigation Proposal
Area Map

53

Substation
Mitigation
Site

Dairy
Site

MICROFILMED
MAY 27 1999

36-08745



Nelson Dairy
3533 6/8/94

Nelson, Jan
3526 3/8/93

Goodhart
3569 1/25/86

Injection point

Raher 3567
12/24/86

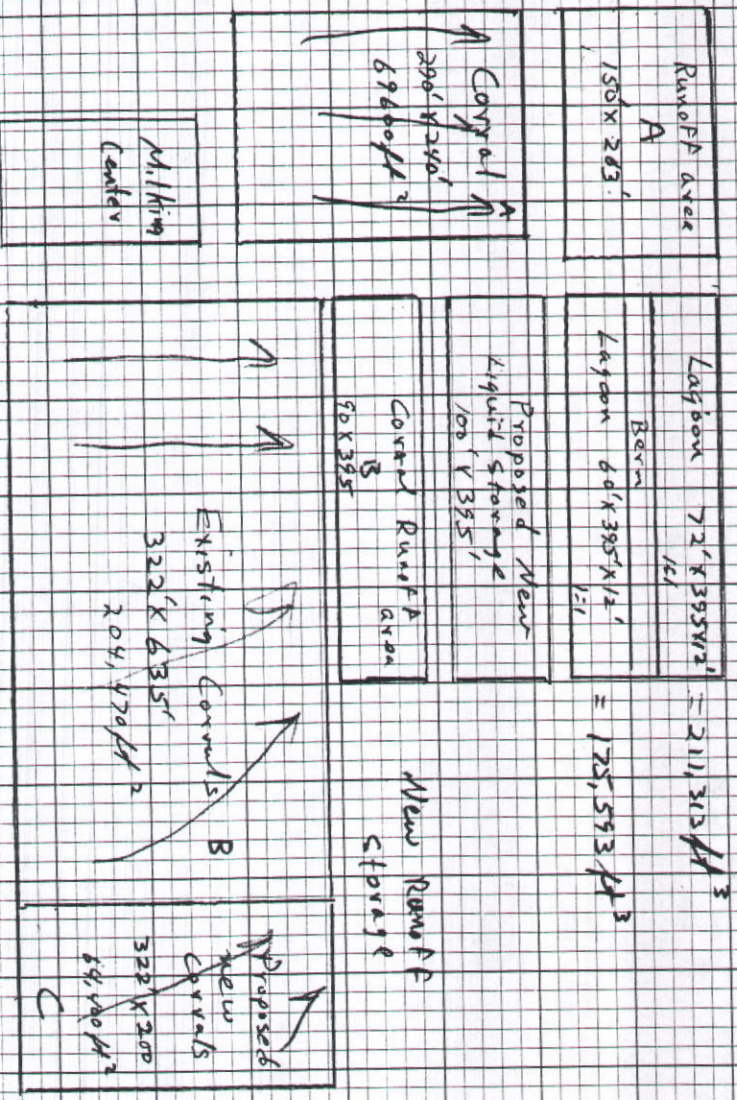
T.75.
R.17E.

NELSEN DAIRY 36-08745
Brockway Engineering, PLLC
2/27/98
MICROFILMED
MAY 27 1999

Not to scale

North

MAY 27 1999
MICROFILMED



Nelson Dairy
725 N
Jerome Co.

Runoff 25 yr 24 hour storm
and 1 in 5 year winter

Corral A $89,600 \text{ ft}^2$ or 1.6 ac.
 $1.6 \text{ ac} \times 1.99 \text{ in} = 3.184 \text{ ac in or } 11,558 \text{ ft}^3$

Corral B $204,470 \text{ ft}^2$ or 4.7 ac
 $4.7 \text{ ac} \times 1.99 \text{ in} = 9.353 \text{ ac in or } 33,951 \text{ ft}^3$

New Corral C $64,400 \text{ ft}^2$ or 1.5 ac
 $1.5 \text{ ac} \times 1.99 = 2.985 \text{ ac in or } 10,636 \text{ ft}^3$

36-08745

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECEIVED
REQUEST FOR EXTENSION OF TIME RECEIVED
JAN - 9 2001

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT
JAN 04 2001
Department of Water Resources

Department of Water Resources
Southern Region

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 36-8745
Name(s) of Permit Holder: Nelson Dairy
Address: 600 N 120 E City Jerome State ID Zip 83338
Telephone No. 324-4240 on 2546 message # Date Proof is Due: 3-1-2001

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Two wells are drilled & in use. There are 370 dairy cows & about 30 dry stock

Costing \$ 300,000. +

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

County P&Z office has not yet issued the permit needed for herd expansion.

Permit holder(s) request an extension to 3-1-2006, 2006

(Signature)*

Paul Nelson - owner/partner
*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

REINSTATED with no advance in priority. IT IS FURTHER ORDERED that the time within which to submit proof of beneficial use is extended to March 1, 2006.

Signed this 23 day of March, 2001

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale – storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

NOTE that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.

MICROFILM

MAR 11 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08745

Proposed Priority: November 7, 1995

Maximum Diversion Rate:

0.14 CFS

This is to certify, that NELSEN DAIRY

600 N 120 E

JEROME ID 83338

has applied for a permit to appropriate water from: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.09 CFS
COMMERCIAL	01/01 to 12/31	0.05 CFS
	Totals	0.14 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 3 (NWSW), Sec. 7, Township 07S, Range 17E
JEROME County

PLACE OF USE: STOCKWATER

TWN RGE SEC

07S 17E 7 NESW Lot 3 (NWSW)

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 2001.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Two points of diversion are located within Lot 3 (NWSW), S07, T07S, R17E.
6. Stockwater use is for 1260 cattle.
7. Commercial use is for a dairy.
8. 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.
9. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy and shall annually report the amount of water diverted to the department. The right holder shall obtain prior approval of the department relative to the type of measuring device installed on each point of diversion.

MICROFILMED

MAY 27 1999

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 36-08745

CONDITIONS OF APPROVAL AND REMARKS

10. Each year the right holder shall recharge the aquifer from which water is diverted pursuant to this right with a volume of water equal to or exceeding the volume diverted under this right.
11. Prior to the diversion and use of water under this right, the right holder shall either install a measuring device to measure the amount of water diverted for recharge of the aquifer or shall otherwise provide for measurement of the recharge volume in a manner acceptable to the department.
12. The right holder shall annually report to the department the volume of water recharged to the aquifer.
13. Prior to diversion of water under this right the right holder shall submit to the department written notice from the Division of Environmental Quality that the recharge procedure is in conformance with water quality requirements.
14. Any change or adjustment to the recharge procedure must be approved by the department prior to implementation.
15. The Director retains jurisdiction over this permit and any subsequent license to adjust the mitigation requirement.
16. Failure to comply with any condition of approval is cause for the Director to cancel this right.

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

24th day of

May, 1999

Karl J. Dreher

Karl J. Dreher, Director

MICROFILMED

MAY 27 1999

RECEIVED

RECEIVED

MAR 05 1996

Form 202
10/92

NOV 07 1995

Department of Water Resources
State of IdahoIdent. No. 36-08745Department of Water Resources
Southern Region

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Nelsen Dairy Phone 324-4158Post office address 600 N 120 E Jerome, ID 833382. Source of water supply North Ground water which is a tributary of _____3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot 3Sec. 7 Township 7S Range 12E B.M. Jerome County; additional
points of diversion if any: 2 wells

4. Water will be used for the following purposes:

Amount 0.09 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 0.05 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) 0.14 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Two wells, pumps (7 1/2, 7 1/2),* Main well & backup wellPer telecon w/ Jack Nelsen 1-17-96b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:

_____ to _____ inclusive.

c. ~~Existing~~ Proposed well diameter is 6" inches; ~~proposed~~ depth of well is 330' & 440' feet.d. Is ground water with a temperature of greater than 85°F being sought? No
1920's ?e. If well is already drilled, when? 19; Drilling firm _____ MICROFILMED:Well was drilled for (well owner) Nelsen MAY 27 1999

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

3

years (minimum 1 year).

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

- a. Hydropower; show total feet of head and proposed capacity in KW. 324 ¹⁻¹²⁻⁹⁶ 593 ¹⁻¹²⁻⁹⁶
- ☒ b. Stockwatering; list number and kind of livestock. 600 Dairy Cows + 600 Dairy Heifers
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- ☒ e. Other; describe fully. Dairy Barn - cleaning & washing + cooling

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	17E	7									S	S							
											C	C							

Total number of acres to be irrigated _____

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

File A36-14563 & A36-14564

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

☒ 12. Remarks: have an existing dairy of 380 dairy cows & 380 dairy heifers. The expansion is to 600 dairy cows & 600 dairy heifers. Increased water use above present rights will be 28 acre ft or 8 shares. Two existing wells are adequate for this expansion. Applicant is a limited partnership - Jack Nelsen, Jack Jr, & Jonathan Nelsen.

MICROFILMED

Received by DJ Date 11/7/95 Time 4:05 Preliminary check by J. G. Stanton
Fee \$ 50 Receipted by DJ # 5018647 Date 11/7/95
Publication prepared by MB Date 1/18/96 Published in North Side News
Publication approved MB Date 2/15/96

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

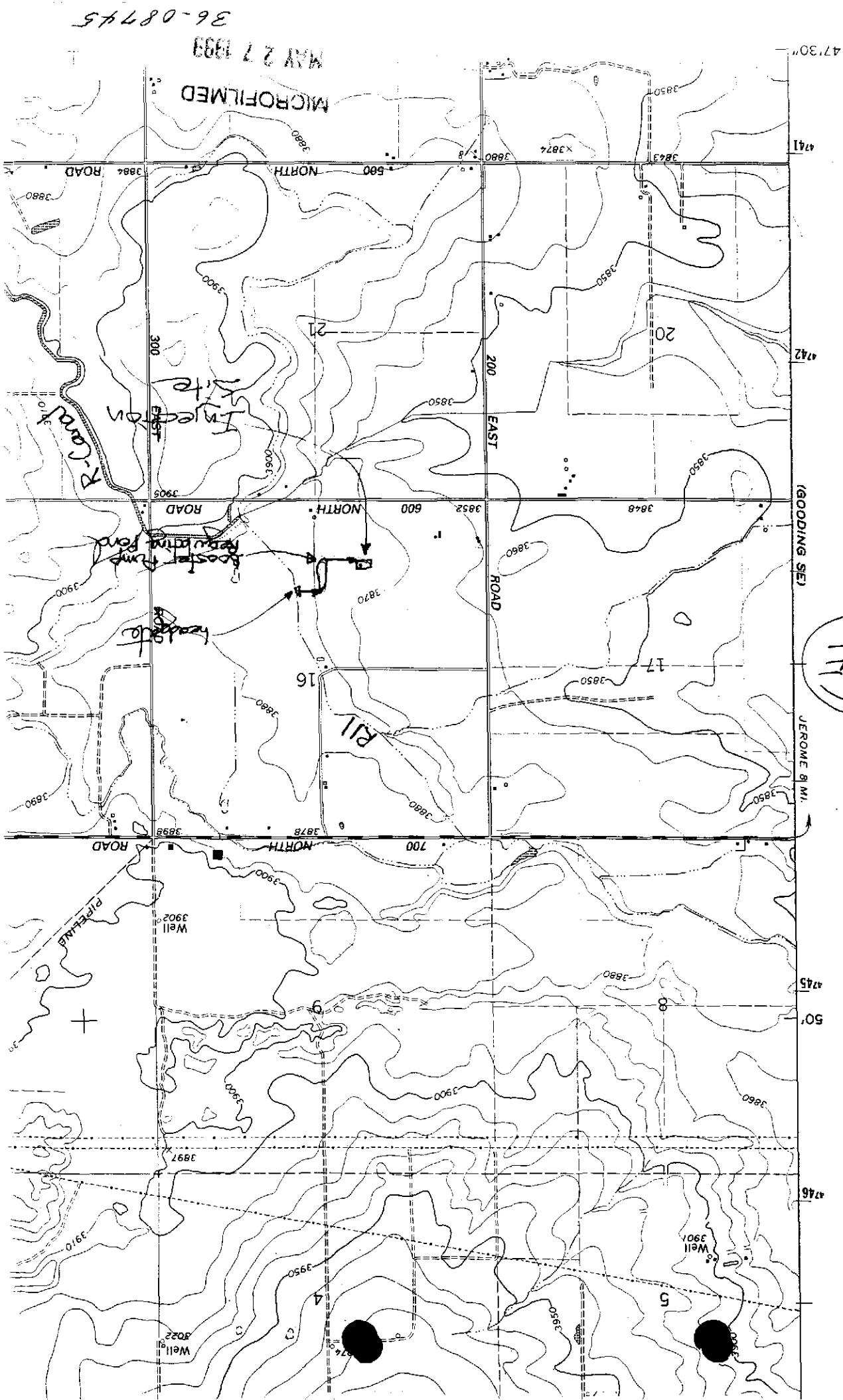
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED
MAY 27 1999



MEMORANDUM

January 15, 2003

RECEIVED

JAN 16 2003

TO: Water Right File ~~30-8745~~, Jack Nelson Dairy
FROM: Cindy Yenter, Watermaster WD130
RE: Attached Report of Mitigation

Department of Water Resources

The attached report was received from Mr. Nelson. WD130 is presently tracking and reporting Mr. Nelson's annual withdrawals under the above permit and also will verify the recharge made pursuant to this statement. All related records are on file at the WD130 office at Southern Region.

MICROFILMED

JAN 16 2003

Idaho Department of Water Resources
1341 Fillmore St. STE 200
Twin Falls, ID 83301-3380

Jack Nelsen
600 N 120 E
Jerome, ID 83338
Phone (208) 324-2546

January 14, 2003

RE: Recharge for Permit No. 36-08745

Dear Sirs,

Nelsen Dairy recharged the aquifer as per the requirement of our permit as follows:

September 2-30

October 1-3

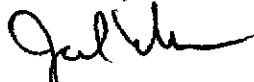
Total days: 31 Flow Rate: .5 CFS= .99 acre-foot/day

31 Days X .99 acre-foot/day = 30.69 acre-feet total recharge.

Nelsen Dairy's water use for 2002 (as reported to West ESPA) was 12 acre-feet.
30.69 acre-feet (2002 total recharge) - 12 acre-feet (2002 use) = 18.69 acre-feet net
recharge.

If you have questions or comments please contact me at the above address or phone
number.

Thank You,


Jack Nelsen

RECEIVED

JAN 14 2003

Department of Water Resources
Southern Region

REC

JAN

Department of Water Resources
Southern Region

RECEIVED

JAN 16 2003

Department of Water Resources

MICROFILMED

MAR 11 2003



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

March 23, 2001

NELSEN DAIRY
600 N 120 E
JEROME ID 83338

RE: PERMIT NO. 36-08745

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use of water to **March 1, 2006**.

Please note that the department granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department may not be able to grant additional extensions based on due diligence.

Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please feel free to contact the department if you have questions.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

MAR 1 1 2002

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 36-8745

Reviewed By: dgibson

Date: March 23, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?		X	Is delay by a government agency?	X	
Appropriate fee	X		Is supporting documentation needed to support the file?		X
Additional Amount Due:					
Receipt No.:			Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	01/04/2001	New proof due date	03/01/2006
Date proof due	- 03/01/2001		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 11/07/1995		
New priority date	= 11/07/1995		

Action Taken

Acknowledge request for extension of time and approve extension to 3/1/2006 based on due diligence.

Glen Saxton
Dept of Water Resources
Statehouse
Boise, ID

March 21, 2001

RECEIVED

MAR 21 2001

Department of Water Resources
Southern Region

RECEIVED

MAR 22 2001

Department of Water Resources

RE: Water Permit 36-8745, Pending Extension of Time

Dear Mr. Saxton;

This letter is being written as a follow-up of our conversation earlier today regarding my pending extension request. I have drilled two wells, built a dairy barn and an approved wastewater lagoon. Of the 1260 cows covered by the permit, 370 animals are being milked. We are also watering 30 dry adults. Daily water usage exceeds the 13,000 gallons allowed under the domestic exemption. Our P & Z permit allows 400 animals to be on the property.

We need P & Z approval to put additional animals on the property, as allowed by the water permit, and are in the process of developing a nutrient-management plan so that application can be made with them. We can milk the full 800 cows in the existing barn, and are proceeding as quickly as possible to complete the development allowed by our water permit. A large sum of money has already been spent, and we have proceeded as dilligently as circumstances will allow. Hopefully this information will allow IDWR to approve our extension so that work on the project can continue.

Regards,



Jack Nelson

MICROFILMED

MAR 11 2001

MEMORANDUM

To: File 36-08745
From: L. Glen Saxton 
RE: TELEPHONE CONFERENCE
Date: March 21, 2001

On this date, Allen Merritt and the permit holder, Mr. Nelson, called me in connection with the lapse notice sent on March 8, 2001 for the permit. During the conversation, the permit holder clarified that he has developed part of the water use and would like the extension request considered for approval under due diligence. I asked Mr. Nelson to send me a letter to that effect and that the department likely could reinstate the permit and extend the proof due date based on due diligence.

MICROFILMED

MAR 11 2001

March 8, 2001

NELSEN DAIRY
600 N 120 E
JEROME, ID 83338

LAPSE NOTICE

RE: PERMIT NO. 36-8745

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated December 31, 2000. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

L. Glen Saxton , Chief
Water Allocation Bureau

Enclosures

MICROFILMED
MAR 11 2003

CERTIFICATION OF MAILING
I hereby certify that on 3/8/01
a copy of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

dy



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

January 10, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

NELSEN DAIRY
600 N 120 E
JEROME, ID 83338

RE: Permit No. 36-8745

Dear Permit Holder(s):

The Department acknowledges receipt of your Request for Extension of Time submitted in connection with the above referenced permit. Your request states the "County P&Z office has not yet issued the permit needed for herd expansion." Before the department can act upon your request, I need detailed, written documentation, as to (1) when you applied to P&Z for their approval; (2) where you are in their process of this development; (3) do you have any future dates for hearings, etc.; and (4) how has their involvement prevented you from diverting and beneficially using water for the uses authorized by this permit. I would appreciate receiving copies of documents such as correspondence between you and P&Z showing me evidence that you have worked with them to resolve any issues and that they have caused delay of your expansion.

Additionally, your Request for Extension of Time asks for an extension until March 1, 2006. I am limited to allow you only the amount of time that P&Z has caused you delays. That is why it is important to give me as much evidence of the time frame of the delay. You may be able to apply for an additional extension if while cooperating with P&Z you find you have be unable to complete your development before the next proof deadline.

Please return your response to my attention within fifteen (15) days of the date of this mailing. Upon my review of your response, I will notify you of the decision reached.

If you have any question regarding this matter, please contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

MICROFILMED

MAR 11 2003

Encl.

c: IDWR - Regional Office

December 31, 2000

NELSEN DAIRY
600 N 120 E
JEROME, ID 83338

PROOF DUE NOTICE

RE: PERMIT NO. 36-8745

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

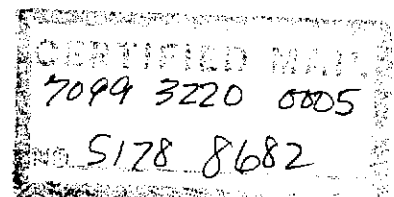
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAR 1 1 2003





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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 24, 1999

NELSEN DAIRY
600 N 120 E
JEROME ID 83338

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08745

Dear Permit Holder:

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

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

MICROFILMED

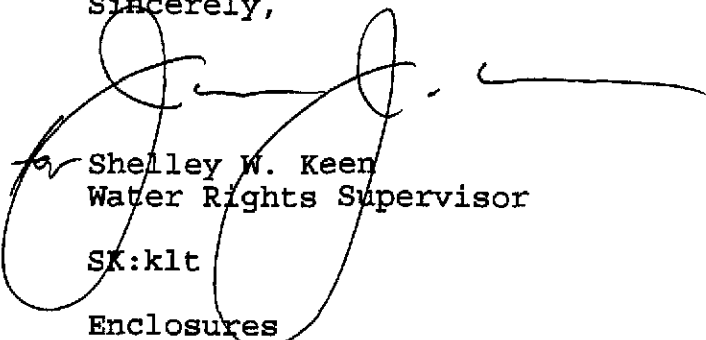
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure

MAY 27 1999

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 reporting form.

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

Sincerely,



for Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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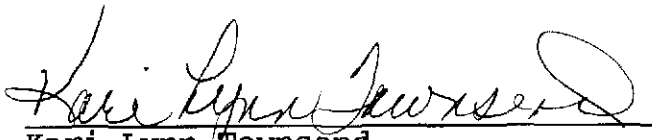
MAY 27 1999

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of May, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 36-08745

NELSEN DAIRY
600 N 120 E
JEROME ID 83338


Kari Lynn Townsend
Secretary

MICROFILMED

MAY 27 1999

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.

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MAY 27 1999

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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MAY 27 1999

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*

No.: 36-8745 Name: Nelson Dairy Date: 3/3/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN:**PROTESTED:****SYSTEM COMPLETED:**

- > 1 year
- ≤ 1 year/no proof

GROUNDWATER: (✓ FLO-CH)

West WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD Supplemental use

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

DRILLING PERMIT:

All wells (✓ WDQ3)

Included w/permit

irr. in WD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

> 0.10 cfs

≤ 0.10 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

USE:

Domestic surface

>1 in rest. area

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓ 3 compo.)

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Irr Dist/Canal Co.

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

OWNERSHIP:**OTHER CONDITIONS:****STANDARD REMARKS:****BENEFICIAL USE DUE:****COMMENTS:**- No/Yes: ESRP Mor / _____ GWMA / Trust / Non-trust

- 020 (Protest Agreement) or *W19 (Order)

- 26A-P17

- P16

- 067 or No MD (in-stream stock or power)

- No MD

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- 01M (report when notified)

- No MD

- 046-P23

- Permit No. _____ P99

- P05 (new well location)

- *WB9

- R04 (WD # _____)

- 01J-P08 (MD & LD)

- 01H-P01 (LD) or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)

- No MD

- 01M or No MD (in-stream stock or power)

- No MD

- *W22 -P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 071-070

- 029-007-042(req)-081 (WQ)-P10

- R07 (injection well)

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- 054(req)-081-P10

- 022, 075, 004 (+memo?), NA (not in restricted area)

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18

- R37 (BLM/USFS); NA

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

- P84 (in 20/30/40/50/60/70/80 (87) basin)

- 058 (<85° GW temp only)

- P52 (stream channel alteration)

- 023 (Twin Falls area)

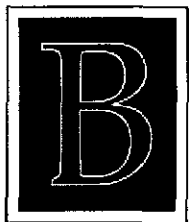
- C

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

- 1) W35 (2) See 1st draft & memos.- 3/1/ 2001



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 02 1998

Department of Water Resources

February 27, 1998

Mr. Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Re: Application for permit 36-08745
Nelsen Dairy

Dear Mr. Dreher:

The above-referenced permit application contemplates diversion of groundwater via two wells to supply commercial and stockwater usage in a dairy approximately 7 miles north of Jerome, Idaho. As mitigation to allow issuance of the permit under the existing groundwater moratorium, the applicant is proposing to recharge a sufficient quantity of water from the Northside Canal Company system via an existing crevice in the basalt.

It is my understanding that the Department is in concurrence that the concept of such a recharge program is appropriate, and that the details of the program including annual volume, season of recharge, etc. have been agreed upon with the applicant. It is also my understanding that before the application can be processed further, the Department requires evidence that the proposed point of recharge is "tributary to" the dairy wells.

The recharge point is a natural crevice in the basalt, surfacing at a point approximately 2.3 miles east-southeast of the dairy wells in NE1/4 SW1/4 Sec. 16, T. 07S R. 17 E. Well driller's reports were obtained for 5 wells in the vicinity, including the two dairy wells. These reports are included with this letter, and the attached map shows their locations relative to the dairy.. The reported lithology indicates that the composition of the aquifer is highly fractured basalt interlain with minor deposits of sand and clay. No perched aquifer system is indicated by any of the logs. Regional static water levels range from 285 to 307 feet. The two logs nearest the recharge point (the Goedhart and Rhuter domestic wells) both show very permeable strata from approximately 30 feet to 340 feet below ground, with the water table near the bottom of these strata.

The lithologic evidence indicates that water injected via the crevice will recharge the same aquifer from which the dairy wells divert. Injection at the

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938
208•734•2580

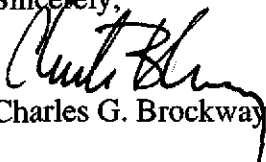
FAX: 736•1746

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MAY 27 1999

proposed site will raise the water table in the vicinity and benefit groundwater users in the area.

Sincerely,



Charles G. Brockway

enclosure

cc: Jack Nelsen

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MAY 27 1999

NELSEN DAIRY 36-08745
Breckway Engineering, LLC
MICROFILMED
2/27/98
MAY 27 1999

T.75.
R.17E.

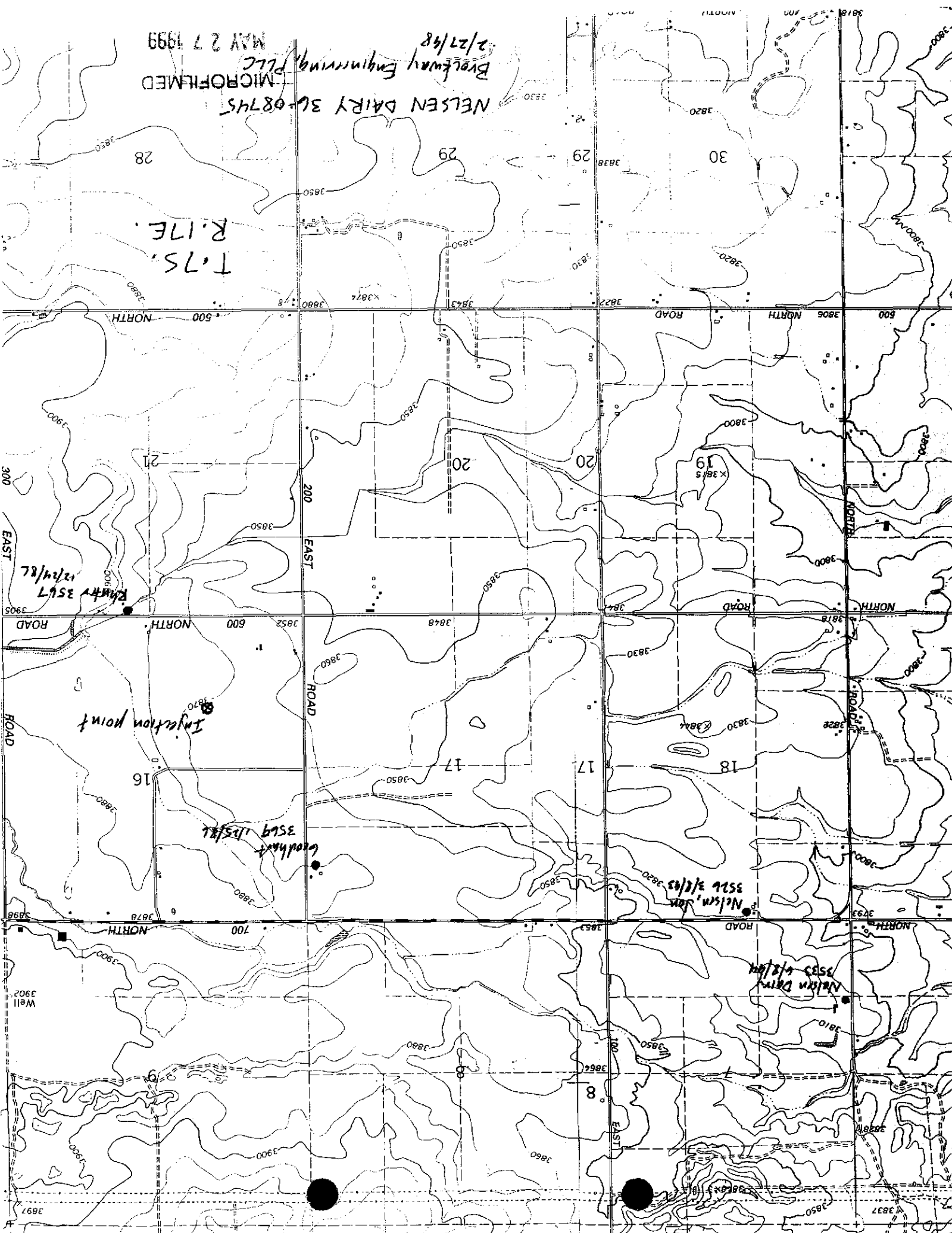
KMNTV 3567
12/24/86

Injection point

brockway 3569
1/5/86

Nelson, John
3526 3/8/83

NELSON DAIRY
3533 4/8/84



Form 200-7
1/94IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

JUN 15 1994

Use Typewriter
or
Ball Point Pen1. DRILLING PERMIT NO. 95-94-S-0088-001

Other IDWR No. _____

2. OWNER:

Name Jack Nelson
Address 600 N. 120 E
City Jerome State Idaho Zip 83328

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

Twp. 3S North ☐ or South ☐
Rgn. 1E East ☒ or West ☐
Sec. 7 1/4 - 14 1/4 - 14 1/4
Govt. Lot _____ County TetonAddress of Well Site 26 North Rd.
City Jerome

U. _____ SW. _____ Sub. Name _____

4. PROPOSED USE:

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

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK	From	To	AMOUNT Bags or Pounds	METHOD
Bentonite	0	-18		

Was drive shoe used? ☒ Yes ☐ No
Was drive shoe seal tested? ☒ Yes ☐ No How? _____

8. CASING/LINER:

Outer	Inner	To	Length	Material	Casing	Unr	Unr	Unr	Revised
8 1/2	7 1/2	-38	1250	Steel	☒	☐	☐	☐	☐
					☐	☐	☐	☐	☐
					☐	☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Overline	Material

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

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

11. WELL TESTS:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Test	From	To	Flowing Level	Flow

Water Test: _____ Bottom hole temp. _____
Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Depth	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10	0	84	Top Soil & Clay		X
	84	18	Gray Basalt		
	18	20	Pink Basalt		
	20	21	Broken		
	21	37	Med Hard Gray w/sm. seams		
	37	39	Pinkish Gray		
	39	43	Gray Basalt		
	43	50	Med Hard		
	50	55	Med Hard small breaks Gray Basalt		
	55	62	Med Hard		
	62	64	Med Hard breaks Gray Basalt		
	64	69	Med Hard Gray Basalt		
	69	71	Med Hard Gray Basalt small breaks		
	71	73	Med Hard Pink Basalt		
	73	75	Med Hard Pink Basalt sm. breaks		
	75	80	Med Hard Gray - Pink Basalt		
	80	87	Gray Basalt lg. breaks & Tan clay		
	87	90	Gray Basalt Brown Clay		
	90	96	Gray Basalt		
	96	100	Med Hard		
	100	108	Gray Basalt		
	108	113	Gray Basalt small breaks		
	113	115	Gravel		
	115	121	Med Hard lg. breaks		
	121	122	Gravel		
	122	124	Med Hard large breaks		
	124	125	Med Hard small breaks		
	125	128	Med Hard		
	128	150	Med Hard small breaks		
	150	155	Med Hard large breaks		
	155	159	Med Hard		
	159	164	Med Hard small breaks		
	164	178	Med Hard large breaks		
Completed Depth	436		(Measurable)		
Date Started	5/10/96		Completed	6/3/96	

13. DRILLER'S CERTIFICATION

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

SMITH DRILLING & PUMP CO., INC.

Firm Name _____ Firm No. 11

Firm Official: William J. Smith Date 6-8-96
and
Supervisor or Operator: Robert Smith Date 6-8-96
(Sign only for Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

P 1 of 3

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MAY 27 1999

Form 238-7
1/84IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUse Typewriter
or
Ball Point Pen1. DRILLING PERMIT NO. 36-94-5-0088-001
Other IDWR No. _____

2. OWNER:

Name _____
Address _____
City _____ State _____ Zip _____

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

Twp. <u>7</u>		North ☐ or South ☒
Rge. <u>17</u>		East ☐ or West ☒
Sec. <u>27</u>	1/4 <u>NW</u> 1/4 <u>SW</u> 1/4	
Govt Lot _____	County _____	City _____

Address of Well Site _____

City of local jurisdiction - dependent to Road or Landmark _____

Lt. _____ Bk. _____ Sub. Name _____

4. PROPOSED USE:

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

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☒ Mud Rotary ☐ Air Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK				METHOD
Material	From	To	Sealant or Grout	

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

8. CASING/LINER:

Outer	Inner	To	Obd.	Material	Casing	Inner	Welded	Pressure

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Size	Number	Character	Material

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Test duration	Drawdown	Pumping level	Time

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Row	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
187	183	190	Crevice		X
190	190	207	Med Hard		
207	207	209	Med Hard small breaks		
209	209	211	Med Hard large breaks		
211	211	212	Med Hard small breaks		
212	212	215	Crevice & breaks		
215	215	217	large breaks		
217	217	218	Med Hard small breaks		
218	218	222	Soft spots		
222	222	229	Med Hard large breaks		
229	229	230	Med Hard small breaks		
230	230	243	Med Hard large breaks		
243	243	249	Med Hard small breaks		
249	249	254	Med Hard large breaks		
254	254	256	Med Hard small breaks		
256	256	259	Med Hard large breaks		
259	259	266	Med Hard small breaks		
266	266	290	Med Hard large breaks		
290	290	293	Med Hard small breaks		
293	293	302	Med Hard		
302	302	307	Gray Basalt		
307	307	316	Broken & loose		
316	316	327	Med Hard		
327	327	331	Broken		
331	331	336	Med Hard small breaks		
336	336	346	Med Hard broken spots		
346	346	349	Med Hard small & lg. breaks		
349	349	352	Med Hard		
352	352	354	Broken		
354	354	359	Med Hard		
359	359	369	Med Hard small breaks		

Completed Depth _____ (Measureable)

Date: Banded _____ Completed _____

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 _____ Firm No. _____

Firm Official _____ Date _____

and _____

Supervisor or Operator _____ Date _____

(Sign once if Firm Owner & Operator)

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MAY 27 1999

P 2 of 3

FEB-26-98 THU 11:30 AM

Use Typewriter
or
Ball Point Pen

11. WELL TESTS:

● 2015年11月1日起

☐ Pump ☐ Baler ☐ Air ☐ Flowing Artesian

Name _____
Address _____
City _____ State _____ Zip _____

Yield (g/L)	Shadows	Pumping Level	Time

3. LOCATION OF WELL by legal description:

Water Temp. _____ Bottom hole temp. _____

Sketch map location must agree with written location.

Water Quality test or comments:


 Twp. 7 North ☐ or South ☒
 Rge. 17 East ☒ or West ☐
 Sec. 7 $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Gov't Lot _____ County Jefferson

Address of Work Site _____
City _____

U. _____ S. _____ Sub Name _____

4. PROPOSED USE:

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

5. TYPE OF WORK

☐ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. FULL METHOD

☐ Mud Rotary ☐ Air Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

[illegible]

Was drive shoe used? Y ☐ N ☐
Was drive shoe seal tested? Y ☐ N ☐ How?

B. CASING/LINER:

CARTRIDGE	FROM	TO	Gauge	Magnet	Easing	Liner	Welded	Thompson
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

Screen	Screen Type
--------	-------------

SPIN	TP	Shot Size	Number	Signature	Remarks	Chasing	Line
						0	0
						0	0
						0	0

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

Depth flow encountered _____ ft. Describe access port or control devices: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Core No.	From	To	Remarks: Lithology, Water Quality & Temperature	V	N
10	860	372	Soft		X
	272	37	Med Hard		X
8	272	385	Gray Basalt		X
	385	395	Gray Basalt sm. breaks		7
	395	405	Gray Basalt Breaks		5
	405	408	Gray Basalt large breaks		X
	408	470	Gray Basalt small breaks		X
	470	476	Gray Basalt Hard		
	476	427	Gray Basalt sm. breaks		5
	427	433	Hard Hard Gray Basalt sm. break		
	433	438	Gray Basalt lg. breaks		X
	438	435	Red Sand		

RECEIVED

JUN 28 1994

Department of Water Resources
Southern Region Office

Completed Depth _____

Date Started _____

Completed _____

(Measurable)

13. DRILLER'S CERTIFICATION

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

Film Name _____ Film No. _____

Firm Official: _____ Date: _____

200

Supervisor or Director: _____ Date: _____

Sign your name: _____ Operator

FORWARD WHITE COPY TO WATER RESOURCES

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MAY 27 1999

P 3 of 3

Form 238-7
1/78STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESUSE 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 <u>Jack Nelson</u> Address <u>Jerome</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>280</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF. Quality _____																																																																																																																																					
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA NONE ☐ Pump ☐ Bailor ☐ Air ☐ Other _____																																																																																																																																					
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type) _____		<table border="1"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																																																																	
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MICROFILMED

MAY 27 1981

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

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.

1. WELL OWNER Name <u>Jon Neisen</u> Address <u>31 E 700 N Jerome, ID 83338</u> Owner's Permit No. <u>36-93-S-0039-001</u>	7. WATER LEVEL Static water level <u>294'</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF. Quality _____ <i>Describe artesian or temperature zones below</i>																																																																																		
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FEB 4 1987

5 North
9 1/2 East

1. WELL OWNER

Name Abel Eugene #1 Rubler

Address Jerome

Owner's Permit No. _____

7. WATER LEVEL

Department of Water Resources
Southern Region Office

Static water level 315 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 _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

Discharge G.P.M.	Pumping Level	Hours Pumped

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal

☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

☐ Other _____ (specify type)

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
8	0	4	TOP Soil		X
↑	4	12	Gray Lava		X
	12	15	Black Lava		X
	15	18	Gray Lava		X
	18	28	Black Lava		X
↓	28	32	Gray Lava		X
8	32	330	No Returns	X	
↓	330	334	Red Cinders	X	
8	334	337	Black Lava	X	
	337	350	Brown Sand	X	
	350	352	Brown Clay	X	
	352	355	Black Lava	X	
	355	369	Black Lava	X	
	369	372	Brown Sand	X	
	372	376	Brown Clay	X	
	376	380	Brown Lava	X	

4. METHOD DRILLED

☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary

☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>.025</u> inches	<u>6 5/8</u> inches	<u>1</u> feet	<u>330</u> 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 19 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 _____

10. Work started 12-16-86 finished 12-24-86

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name _____

Lot No. _____ Block No. _____

County Jerome

NW 1/4 NE 1/4 Sec. 21, T. 7 N, R. 17 E.

11. DRILLERS CERTIFICATION

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

Firm Name C.B. Eaton Firm No. 26

Address Wendell Date Feb 3-87

Signed by (Firm Official) Larry Fisher

and (Operator) Bill McFarlane

MICROFILMED
MAY 27 1998

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.

APR 23 1986

1. WELL OWNER

Name Hugo Goodhart (Jerry)
Address Jerome
Owner's Permit No. _____

7. WATER LEVEL

Static water level 301 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 _____
Describe artesian or temperature zones below.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
8	0	7	Top Soil		X
8	7	14	Brown Lava		X
8	14	16	Black Lava		X
8	16	33	Gray Lava		X
8	33	36	Black Lava		X
6	36	335	No Returns	X	

4. METHOD DRILLED

☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>0.05</u> inches	<u>6 5/8</u> inches	<u>0</u> feet	<u>19</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ NoWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow 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

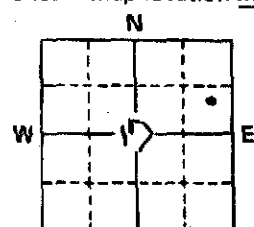
Surface seal depth 19 Material used in seal: ☒ Cement grout☐ Bentonite ☐ Puddling clay ☒ Drill cuttingSealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☐ Welded ☐ Solvent

Weld

☐ Cemented between strata

Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name _____

Lot No. _____ Block No. _____

County Jerome
SE 1/4 NE 1/4 Sec. 17, T. 7, S. R. 17 E

10.

Work started 1-24-86 finished 1-25-86

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name C. B. Farnsworth Firm No. 26Address Wendell Date 2-20-86Signed by (Firm Official) [Signature]

and

(Operator) [Signature]

From: DWR03::SKEEN 15-SEP-1997 08:15:40.73
To: DWR60::DJONES
CC: SKEEN
Subj: Application 36-08745 (Nelsen Dairy)

Doug,

Last March the director asked us to have Mr. Nelsen provide information to demonstrate that running water into a lava tube would recharge the specific aquifer from which he proposes to withdraw water. This was communicated to Mr. Nelsen, and he has not responded.

Since we have the original documents and related correspondence, please forward all inquiries here.

Thanks,

Shelley Keen

Nelson Dany
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY J. J. Stanton DATE 1-16, 1996
APPLICATION NO. 36-08745

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt
- ++++PROPOSED PRIORITY DATE
11-7-95 1995

RECEIVED
MAR 05 1996
Department of Water Resources

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion.
☐ Yes ☒ No Field check required
☐ Yes ☒ No Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical Ground water area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send Dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit.
☐ Yes ☒ No Power efficiency form
☒ Yes ☐ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

PROCESSING ☒ Yes ☐ No In form for Advertising
☐ Yes ☒ No No Statewide Advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare ☐ USDI BLM
☐ Idaho Dept of Fish & Game ☐ USFS
☐ Idaho Dept of Lands ☐ Water Dist.
☐ Adjudication Bureau Unit ☒ Other Jerome County
P 92

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received.
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates and paper, recorded on App.
☐ Yes ☒ No Protests received
Final date for Protest
N/A ☐ Yes ☐ No Protests, dates, resolution of protest, recorded on app.
☒ Yes ☐ No Recommendations attached
☒ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist.
☐ Yes ☐ No Special conditions of approval or cover letter below.

See Memo 3/4/96

See below for additional information

Date of priority recommended 11/7, 1995
By Alm Date 3/2, 1996

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19 ____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST

Comments recieved from:

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & welfare	_____ Canal Company
_____ Reservations	_____ Div. of Enviromental Quality	_____ Other _____

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

DATE _____, 19____

AFFIDAVIT of PUBLICATION

RECEIVED

FEB 13 1996

State of Idaho } ss.
County of Jerome }

Department of Water Resources
Southern Region

Patty Nance

being first duly sworn, deposes and says that she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

7 day of Feb., 1996.

and the date of the last publication was on the 14 day of

Feb., 1996.

Patty Nance

Subscribed and sworn to before me this 14th day of

February, 1996.

(SEAL)

Norma De Voe

NOTARY PUBLIC

#6742/2379
NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 28

Affidavit Fee \$2.25

581.63 Lines tabular at _____ 6¢/Pica

581.63 Lines straight at 29.08 5¢/Pica

581.63 Subsequent lines at 23.27 4¢/Pica

TOTAL COST 54.60

COPY OF NOTICE

(Paste Here)

Water Permit #36-08745

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

36-08745

NELSEN DAIRY

600 N 120 E

JEROME ID 83338

Source: groundwater

Diversion Pt: Lot 3
(SE1/4NW1/4SW1/4), S7, T7S, R17E
(Two wells); Jerome County.

Use: 1/1-12/31

Stockwater (0.09 cfs)

Commercial (0.05 cfs)

Total Diversion: 0.14 cfs

Date Filed: 11/7/1995

In: N1/2SW1/4, S7, T7S, R17E.

The application proposes to divert groundwater from the "Eastern Snake Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted a mitigation plan as part of the application. The permit, if approved, will be subject to all prior water rights and to the mitigation plan. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before February 26, 1996. The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director

Published in North Side News on 2/7 & 2/14/96.

MICROFILMED

2/17/96

**NOTICE OF APPLICATION FOR
WATER PERMIT**

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to appropriate the public waters of the
State of Idaho:

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The protestant must also send a copy of
the protest to the applicant.

Karl J. Dreher, Director

Published in North Side News on 2/7 &
2/14/96.

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MAY 27 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

January 18, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

MAGIC VALLEY PUBLISHING CO
ATTN North Side News
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

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MAY 27 1999

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

36-08745

NELSEN DAIRY
600 N 120 E
JEROME ID 83338

Source: groundwater

Diversion Pt: Lot 3 (SE1/4NW1/4SW1/4), S7, T7S, R17E (Two wells);Jerome County.

Use: 1/1-12/31
Stockwater (0.09 cfs)
Commercial (0.05 cfs)

Total Diversion: 0.14 cfs

Date Filed: 11/7/1995

In: N1/2SW1/4, S7, T7S, R17E.

The application proposes to divert groundwater from the "Eastern Snake Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted a mitigation plan as part of the application. The permit, if approved, will be subject to all prior water rights and to the mitigation plan. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before February 26, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in North Side News on 2/7 & 2/14/96.

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MAY 27 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

January 18, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JACK NELSEN
NELSEN DAIRY
600 N 120 E
JEROME ID 83338

Re: Application for Permit No. 36-08745

Dear Mr. Nelsen:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the North Side News for 2/7 & 2/14/96. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

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MAY 27 1999

Nelsen Dairy Mitigation Plan

Background

Nelsen Dairy consists of approximately ⁵⁶⁰~~30~~ dairy cows, heifers, and 900 acres of farm land. All the farm land has North Side Canal Company water.

Nelsen Dairy is applying for a permit to expand to ⁶⁶⁰600 dairy cows plus heifers. The increase in water usage will be eight shares or 28 acre feet of water above present usage.

Mitigation Proposal

Nelsen Dairy will inject waste irrigation flows into the aquifer by use of an existing lava tube. This tube has handled flows up to two cfs. (See enclosed statements by North Side Canal officials) When the center pivot is not in use, water will be diverted from the sprinkler pond to the lava tube. (Map enclosed) The injection site is located two and one half miles from the dairy facility, with livestock having no access to the area.

Proposal Strengths

- * A dairy is a temporary facility. This proposal retains canal water shares with the land currently occupied by the dairy. In the future this water could be used to farm the land once more.
- * The canal system will continue delivery water to the same point as before.
- * Water is recharged to the aquifer within two and one half miles of use.
- * Dairy expansion to 600 cows will take at least 7 acres for corrals, lagoons, feed storage, and calf raising areas. This proposal takes land out of irrigated production and uses the water for recharge.

MICROFILMED
MAY 27 1993

Jan L. H. 11-7-95

36-08745



University of Idaho Cooperative Extension System

Animal and Veterinary Science Department

Twin Falls Research and Extension Center
PO Box 1827

Twin Falls, ID 83303-1827

Telephone: (208) 734-3600

FAX: (208) 736-0843

September 8, 1995

Jack Nelson
600N, 120 E
Jerome, ID 83338

Dear Mr. Nelson:

The following is my evaluation of the dairy waste system on your dairy. The dairy is located at 725 N in Jerome County. It is my understanding you are applying for a loan to increase lactating cow numbers and need this evaluation as part of the loan application and the Planning & Zoning permit for Jerome County.

The expansion will include new corrals for the added lactating cows. It is proposed the existing waste storage and runoff areas will be used after the expansion. This evaluation is based on 600 lactating dairy cows and with typical herd distribution would include 666 replacements heifers. For the evaluation I assumed an average of 516 cows (86 percent) would be in milking at any time. Standard procedures and water use in the parlor are assumed.

The facility currently has two liquid storage ponds with a combined capacity of 396,906 cubic feet. The following provides dimensions and capacities. (1 to 1 side slopes and 2 feet of freeboard included)

72ft by 395ft by 12ft =	221,313ft ³
60ft by 395ft by 12ft =	175,593 ft ³
Total =	396,906 ft ³

Based on our discussion of milking and cleaning procedures I estimate your expanded operation will generate 813 cubic feet of waste daily from the milking center. If only milking center waste is directed to the storage ponds the length of storage would be 488 days. (evaporation and precipitation are disregarded)
 $396,906\text{ft}^3 / 813\text{ft}^3/\text{day} = 488\text{ days}$.

The layout of your dairy is such that runoff from the corrals is directed to the north and is collected in designated runoff areas. It appears all the runoff areas have sufficient capacity to contain the runoff from the following events:

- 25 year 24 hour storm of 1.8 inches with .99 inches runoff on earthen lots.
- 1 in 5 year winter runoff of 1 inch from Jerome weather data.

The runoff area designated as A would be approximately 4 inches deep, whereas the area designated B would be approximately 1 foot deep. The new corrals will need runoff storage capacity of 10,836 ft³.

Please refer to the enclosed printout and facility layout for additional details and contact me if you have any questions.

Sincerely,

Dean E. Falk

Dean E. Falk
Extension Dairy Scientist

cc: Art Brown, Jerome Planning & Zoning
Steve Kolar, DEQ
Nick Cizmich, DEQ
Bob Zell, Nor West Ag Credit

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MAY 27 1999

Animal and
Veterinary
Science
Locations:

Moscow, Ag Sci Bldg. 885-6345
Moscow, Holm Center 885-7081
Caldwell R&E Center 459-6365
Caldwell Caine Center 454-8657

Twin Falls R&E Center 734-3600
Idaho Falls R&E Center 529-8376
Soda Springs 547-4354

College of Agriculture

36-08745

Not to scale

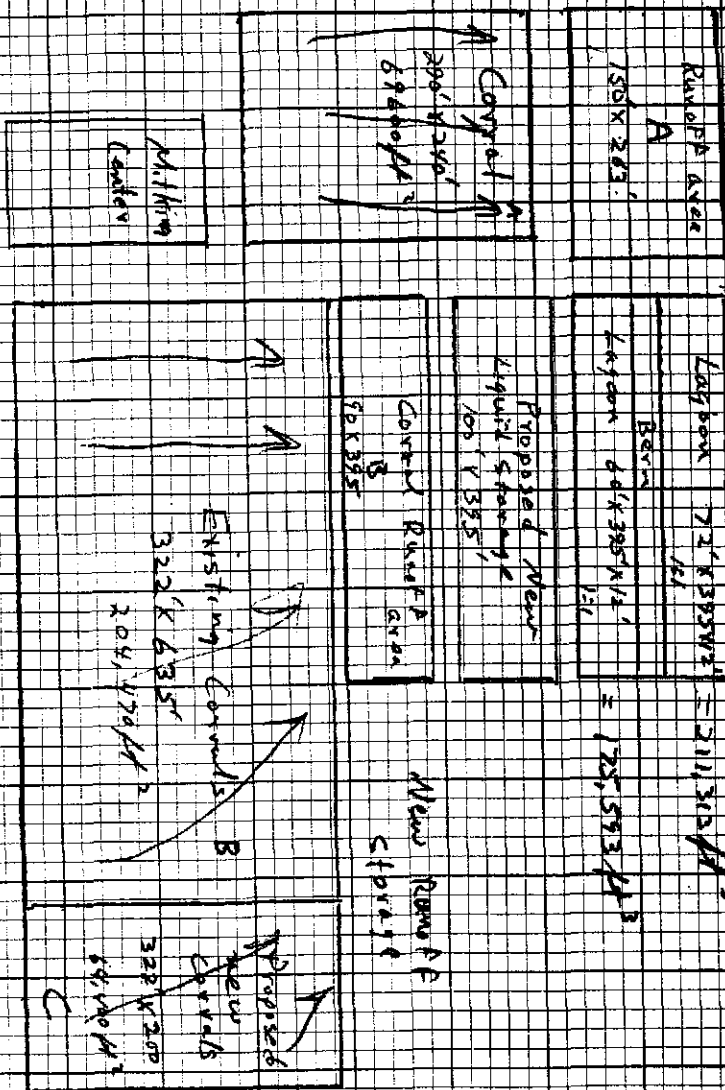
North

Nelson Dairy
725 W
Berne Co

MICROFILMED

APR 27 1993

36-08745



Runoff A 25' x 24' horse stream and 1' x 5' year water

Corral A 89,600 sq ft or 16 ac.
16 ac x 1.99 ac = 3.18 ac in or 11.558 ac

Corral B 204,470 sq ft or 4.7 ac
4.7 ac x 1.99 ac = 9.353 ac in or 33,851 sq ft

New Corral C 64,400 sq ft or 1.5 ac x 1.99 = 2.985 ac in or 10,636 sq ft

FD: Nelson

WASTE SYSTEM DESIGN FOR....Nelson Dairy

DESIGNED BY DEAN FALK UNIVERSITY OF IDAHO EXT. DAIRY SPEC.

Sep-95

600 lactating cows with 86% in milk

Number of Cows in the Herd.....	516 Head	
Average Weight of Cows in the Herd.....	1400 Pounds	
Manure Volume per Day in Cu. Ft.	990 Cu. Ft. / Day	
Number of Milkings per Day.....	2 Times	
Number of Sprinklers in the Holding Pen.....	50 Birds	
Sprinkler Output in Gallons Per Minute.....	5.4 G.P.M.	
<i>1 1/2 min per string with 4 strings</i> Minutes per Day Sprinklers are Used.....	12 Minutes	
<i>includes 1 gal / cow / milking for manual backflush</i> Gallons of Water Used to Flush Holding Pen...	916 Gallons	
Percent of Total Manure being Stored.....	15%	
Total Runoff Area in Acres.....	0 Acres	<i>Runoff is calculated separately</i>
Runoff From 25 Year, 24 Hour Storm.....	0 cu.ft.	
Runoff From Winter Precipitation.....	0 cu.ft.	
Milkhouse and Parlor Volumes.....Gallons.....Cu.ft.		
Bulk Tank.....	60	8
Pipeline.....	150	20
Misc. Equipment.....	30	4
Wash Parlor Floor.....	50	7
Wash Milkhouse Floor.....	20	3
Total Water.....	310 Gallons	41 Cu. Ft.
Number of Days Storage is Required.....	~~100 Days~~	
Holding Pen Volume per Day.....	554 Feet	
Total Water Required for Cow Prep per Day....	69 Feet	
Manure Stored per Day.....	148 Cu. Ft.	
Total Daily Estimated Volume in Cu. Ft.	613 Cu. Ft.	

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MAY 27 1999

36-08745

AGREEMENT

This Agreement is made and entered into this 11 day of January, 1996, by and between Jack H. Nelsen ("Stockholder(s)") and North Side Canal Company ("NSCC"), an Idaho corporation

WITNESSETH:

WHEREAS, the Stockholder(s) (has/have) submitted Application for Permit No. 36-08745 (herein "Permit") to the Idaho Department of Water Resources ("IDWR"), attached hereto as Exhibit "A", seeking to appropriate ground water; and

WHEREAS, approval of said application for permit requires that mitigation be provided, consistent with the provisions of the Amended Moratorium Order for the Snake River Basin, dated April 30, 1993 and attached hereto as Exhibit "B"; and

WHEREAS, the Stockholder(s) desire to use shares of NSCC water to provide such mitigation; and

WHEREAS, NSCC is agreeable to such use of its shares for mitigation, subject to certain necessary conditions.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Stockholder(s) and NSCC agree as follows:

1. USE OF NSCC WATER. NSCC will not question or contest the shareholder(s) use of 9.0 shares of NSCC stock during the irrigation seasons of 1996, 1997, 1998, and 1999 to provide mitigation for ground water pumping, consistent with the conditions imposed on IDWR's approval of that certain Application for Permit.

2. INJURY. The use of NSCC shares for mitigation shall not result in injury to other NSCC stockholders. In the event such injury occurs, the Stockholder(s) shall be required to mitigate such injury upon written or oral notice from NSCC. This mitigation shall be in addition to the mitigation required for Application for Permit.

3. INDEMNIFICATION. The Stockholder(s) agree to indemnify, defend, and hold NSCC harmless for any claim or claims of any NSCC stockholder who is in any way injured or damaged by reason of such mitigation use of NSCC water.

4. TERMINATION. The Stockholder(s) may terminate this Agreement at any time following mailed notice to NSCC. Upon termination of this Agreement, the Stockholder(s) shall be entitled to revert to the uses of NSCC water in the place and in the manner that they were authorized before the execution of this Agreement. NSCC's then existing transfer policy shall apply to said shares.

5. GOVERNMENT AUTHORIZATION. The mitigation use of NSCC shares authorized herein may require approvals, permits, transfers or other permissions from IDWR, the U.S. Bureau of Reclamation ("USBR"), or other government agencies. It is understood that NSCC will not seek written approval from IDWR and USBR. However, the Stockholder(s) agree(s) that decisions to obtain or not to obtain such permissions lies entirely within NSCC's discretion. NSCC makes no guarantees, representations or warranties as to whether they will seek such approvals or whether such agencies may seek to prevent the use as herein agreed.

6. WATER QUALITY/CLEAN WATER ACT COMPLIANCE. NSCC does not warrant that the water delivered to the Stockholder(s) shall be of a particular quality. The Stockholder(s) are responsible for compliance with any applicable state or federal water quality standards, regulations, or requirements, or violation(s) of such, resulting from the use of NSCC shares for mitigation. The Stockholder(s) agree to indemnify, defend and hold NSCC harmless for any claim or claims related to water quality, including attorney's fees, and to further indemnify, including attorney's fees, for any NSCC costs associated with meeting federal or state laws or regulations due to the delivery of water for the Stockholder(s) mitigation use. The parties agree that it is not their intent to create a wetland or riparian zone as a result of such mitigation use of NSCC shares and will consult if it appears that either a Clean Water Act Section 401 or 404 permit will be required.

7. WAIVER. The parties agree that Article 15, Section 4 of the Idaho Constitution and Idaho Code Section 42-914 apply solely to the use of water for agricultural and domestic purposes, and do not apply to water used for mitigation purposes. To the extent Article 15, Section 4 of the Idaho Constitution and Idaho Code Section 42-914 may be construed or amended to apply to water used for mitigation purposes, the parties agree that the provisions of Article 15, Section 4 of the Idaho Constitution and Idaho Code Section 42-914 shall not apply to this Agreement. The Stockholder(s) expressly and knowingly waive(s) any rights that may exist under Article 15, Section 4 of the Idaho Constitution and Idaho Code Section 42-914, understand(s) and agree(s) with the interpretation herein stated, and further understand(s) that the waiver contained in this paragraph is a condition precedent to NSCC's execution of this Agreement.

8. OPTION. Stockholder(s) shall have an option to extend the use of the NSCC shares, which are the subject of this Agreement, for mitigation for two (2) additional four (4) year terms on such conditions as NSCC shall require, including making beneficial use of said water for irrigation purposes at least once in each lease term, including Stockholder(s)' order of said water to each of Stockholder(s)' headgates and ditches that serve the farm where the mitigation is proposed.

9. ATTORNEYS FEES. Should any disagreement as to the terms or conditions of this Agreement arise, the Stockholder(s) agree(s) to pay all legal fees and costs, including attorney's fees, incurred by NSCC in defending or pursuing its legal rights.

10. SUCCESSION. The provisions of this Agreement shall be binding upon the heirs, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the day and year first set forth above.

NORTH SIDE CANAL COMPANY

By: Ted Diehl, manager
Authorized Agent

Jack H. Nelson
Stockholder

Stockholder

STATE OF IDAHO)
)ss.
County of Jerome)

On this 11th day of January, 1996, before me, a Notary Public, in and for said County and State, personally appeared Ted Diehl, known or identified to me to be the Authorized Agent of the North Side Canal Company, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Reid H. Nelson
NOTARY PUBLIC FOR IDAHO
Residing at: Jerome, Idaho
My commission expires: 7-15-97

MICROFILMED

MAY 27 1999

STATE OF IDAHO)
)ss.
County of Jerome)

On the 11th day of January, 1996, before me, a Notary Public, in and for said County and State, personally appeared Jack H. Nelson known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that (s)he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Jerome, Idaho
My commission expires: 7-15-97

STATE OF IDAHO)
)ss.
County of _____)

On the _____ day of _____, 199__, before me, a Notary Public, in and for said County and State, personally appeared _____, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that (s)he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO
Residing at: _____
My commission expires: _____

12189501.NMS

MICROFILMED
MAY 27 1999

FILE NUMBER ----- 36- , Nelsen Dairy
REVIEWER ----- dj

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE ----- 324
NUMBER OF NONMILKING CATTLE ----- 593
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES: -----
IF ANAEROBIC, ENTER ZERO ----- 0.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) ----- 4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS ----- 3
NUMBER OF MILKINGS PER DAY ----- 2

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD ----- 0.21
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * -- 0.26
NONMILKING CATTLE @12 GPD/HD ----- 0.13
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 0.13
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 0.39

DIVERSION VOLUME (AFA):

STOCKWATER

MILKING CATTLE @35 GPD/HD ----- 12.7
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * -- 16.0
NONMILKING CATTLE @12 GPD/HD ----- 8.0
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 8.1
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 24.1

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT ----- 0.4
PARLOR FLOOR AND MILKHOUSE FLOOR ----- 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING ----- 12.5
TOTAL ----- 13.0

TOTAL DIVERSION VOLUME ----- 37.1

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER

MILKING ----- 2.3
NONMILKING ----- 0.0
TOTAL ----- 2.3

COMMERCIAL ----- 0.0

TOTAL CONSUMPTIVE USE ----- 2.3

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) -----	7.50	7.50	0.00
LIFT (FT) -----	290	290	0
DISCHARGE PRESSURE (PSI) -----	40	40	0
FRICTION LOSSES (FT) -----	0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * ----- 0.12 0.12 0.00

DIVERSION VOLUME (AFA) ** ----- 87.5 87.5 0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

* DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
DAY OF THE YEAR.

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

36-08745

FILE NUMBER 36-02000
REVIEWER JES 11-20-95

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE 600
NUMBER OF NONMILKING CATTLE 860
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO 0.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) 4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS 3
NUMBER OF MILKINGS PER DAY 2

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD 0.39
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 0.39
NONMILKING CATTLE @12 GPD/HD 0.15
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 0.16
TOTAL (BASED UPON ROUNDED NUMBERS) 0.55

DIVERSION VOLUME (AFA):

STOCKWATER

MILKING CATTLE @35 GPD/HD 23.6
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 24.0
NONMILKING CATTLE @12 GPD/HD 8.9
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 9.4
TOTAL (BASED UPON ROUNDED NUMBERS) 33.4

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT 0.4
PARLOR FLOOR AND MILKHOUSE FLOOR 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING 22.3
TOTAL 22.8

TOTAL DIVERSION VOLUME 56.2

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER

MILKING 3.5
NONMILKING 0.0
TOTAL 3.5

COMMERCIAL

TOTAL CONSUMPTIVE USE 3.5

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP)	7.60	46.00	0.00
LIFT (FT)	290	209	0
DISCHARGE PRESSURE (PSI)	40	40	0
FRICTION LOSSES (FT)	0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) *	0.12	0.21	0.00
DIVERSION VOLUME (AFA) **	87.6	162.5	0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

* DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
DAY OF THE YEAR.

MAY 27 1999
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* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

36-08745

MEMORANDUM

TO: Allocation Bureau, Permits Section (J Johnson, S Keen)
FROM: Douglas Jones
DATE: November 20, 1995
RE: Mitigation in Moratorium Area

Southern Region has been approached by an operator of a small dairy about modestly expanding his herd. He has previously attempted to obtain an existing right. Under the existing moratorium (amended 4/30/1993) on processing new applications for permit the Dept may evaluate applications on a case-by-case basis under Item 9b. Attached is a copy of the application and a written mitigation plan with maps.

In summary, Nelsen Dairy plans to apply Northside Canal Company (NSCC) water (for which they have shares) to a known sink - probably a lava tube or blowout. According to the submitted mitigation plan NSCC personnel have observed the trial application of up to 2.0 cfs of canal water to the sink without it overflowing, but have not yet submitted verification. The enclosed vicinity map provides information about the relative locations (about 2.5 miles apart) of the injection site and the dairy site. Nelsen Dairy, or the dairy's principals, own the property at the injection site.

Jack Nelsen, a partner, has indicated that the "injection" system would be a passive element of an existing pivot booster pump regulating pond. In the event that the booster pump goes down, or is routinely turned off, then the overflow water would be piped under gravity head to the sink. Mr Nelsen said that there would be more that 28 af sluiced to the sink under routine operation in an irrigation season. Nelsen has said that the canal water is relatively high quality in that there are no irrigation return flows which could contaminate the mitigation flow.

Allen Merritt and I have talked with Nelsen about possible further information IDWR might need to analyze this application. We have informed him that the Dept would certainly need authorization from NSCC to use their water for this purpose. Allen and I have also indicated IDWR may require comment from the IDH&W-DEQ regarding intentional routing of surface water to the subsurface. During the course of assisting Nelsen with the application I expressed concern about the ability to measure the volume of water contributed to the subsurface. Nelsen's present mitigation plan does not elaborate on the above listed items.

My initial impression is that with careful conditioning this could be a viable mitigation proposal. It would take the full 2.0 cfs routed to the insertion site for a full ~~14~~ days to meet the volume requirement. In addition to the above comments and clarifications, I think that IDWR should also require comment from neighbors in the SWSW Sec 16, SWSW Sec 17, N2NE & E2SE Sec 20, and SWNW Sec 21 T7S R17E and any other neighbors along 500 N & 600 N (between 100 E & 250 E) and along 100 E & 200 E (between 450 N & 650 N).

Please look over this proposal and contact me ASAP with your insights so that the applicant can pursue our requirements and be in position sometime this Winter.

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MAY 27 1999

36-08745

FILE # or NAME ----- Jack Nelson
REVIEWER ----- adm
DATE ----- 21-Sep-95

IDAHO DEPARTMENT OF WATER RESOURCES

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE ----- 220
NUMBER OF NONMILKING CATTLE ----- 480
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO ----- 0.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) ----- 0
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS - 3
NUMBER OF MILKINGS PER DAY ----- 2

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS): ****

MILKING CATTLE @35 GPD/HD ----- 0.14
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.19
NONMILKING CATTLE @12 GPD/HD ----- 0.11
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.11
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 0.31

DIVERSION VOLUME (AFA):

STOCKWATER
MILKING CATTLE @35 GPD/HD ----- 8.6
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 12.0
NONMILKING CATTLE @12 GPD/HD ----- 6.5
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 6.7
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 18.7

COMMERCIAL
WASHING OF BULK TANK AND RELATED EQUIPMENT ----- 0.4
PARLOR FLOOR AND MILKHOUSE FLOOR ----- 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING ----- 8.7
TOTAL ----- 9.2

TOTAL DIVERSION VOLUME ----- 27.9

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER
MILKING ----- 1.7
NONMILKING ----- 0.0
TOTAL ----- 1.7

COMMERCIAL ----- 0.0

TOTAL CONSUMPTIVE USE ----- 1.7

THEORETICAL FLOW ESTIMATION

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) -----	0.00	0.00	
LIFT (FT) -----	0	0	
DISCHARGE PRESSURE (PSI) -----	0	0	
FRICTION LOSSES (FT) -----	0.0	0.0	

CALCULATIONS

THEORETICAL FLOW RATE (CFS) ** ----- 0.00 0.00 0.00

DIVERSION VOLUME (AFA) *** ----- 0.0 0.0 0.0

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

** PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

*** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON
THE THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY
EVERY DAY OF THE YEAR.

**** BASED ON 2 HOUR DIVERSION TO MEET VOLUME

72 acres @ 42ft

Dev.: M Sterling
Mod.: ADM & KKC
Mod.: 8/5/94 DRJ

MAY 27 1999

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