

1990年12月15日

MICROFILMED

JAN 15 1991

George H. Humes
(Applicant)
Partner

AFFIDAVIT of PUBLICATION

RECEIVED

SEP 14 1990

State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources
Southern Region Office

Patty Nance, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, 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 5th day of Sept. 1990, and the date of the last publication was on the 12th day of Sept., 1990.

Patty Nance

Subscribed and sworn to before me this 13th day of Sept., 1990.
(SEAL)

Vivian J. Anderson
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

MICROFILMED

Number of Lines in Notice JAN 15 1991
Number of Insertions 2X

Lines tabular at 365.6 6¢/Pica
Lines straight at 18.28 5¢/Pica
Subsequent lines at 14.43 4¢/Pica
TOTAL COST 32.91

COPY OF NOTICE (Paste Here)

Not Appl. Wat Rt.
TITLE OF NOTICE
Nunes Bros. DAIRY

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO TF

NOTICE OF APPLICATION
FOR WATER RIGHT
The Following application(s) have been filed to appropriate the public waters of the State of Idaho:
36-08552
NUNES BROTHERS DAIRY
2933A SOUTH 1500 EAST
WENDELL, ID 83355
Source: GROUNDWATER
Diversion Pt: SENE Sec 34 T 07S R 14E
Use: COMMERCIAL (.120 CFS)
STOCKWATER (.120 CFS)
DOMESTIC (.110 CFS)
Total Diversion: (.120 CFS)
Dated Filed: 6/28/1990
In: T07S R14E S34 SENE
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301 on or before SEPTEMBER 24, 1990.
-s- Keith Higginson
Director
G1560X
Pub: 9-5, 12

PUBLICATION RATES (Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

Nº 708

1560X

WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
~~ORIGINAL APPLICATION~~	~~36-08552~~	~~NUNES BROTHERS~~ ~~-DAIRY~~	~~0.12~~
~~FULL ASSIGNMENT~~	~~36-08552~~	~~NUNES BROTHERS~~ ~~DAIRY/NORTHWEST~~ ~~FARM CREDIT~~ ~~SERVICES ACA~~	~~0.12~~
FULL ASSIGNMENT	36-08552	NUNES BROTHERS DAIRY	0.12

APRIL 7, 1998

RECORDED
APR 15 1998

APR 02 1998

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

NORTHWEST FARM CREDIT SERVICES, ACA, hereby assigns to NUNES BROTHERS
DAIRY PARTNERSHIP, 2933B S 1500 E, Wendell ID 83355

All our right, title and interest in and to Permit No. 36-08552 to appropriate the public waters of
the State of Idaho.

DATED this 31 day of March, 1998.

NORTHWEST FARM CREDIT SERVICES, ACA

By *David Hunt*
Authorized Agent

STATE OF IDAHO)
SS
County of Twin Falls)

On this 31 day of March, 1998, personally appeared before me the signer of the above
instrument, and duly acknowledged to me that said corporation executed the same.

Cassidy Hoover

Notary Public for Idaho

Residing at *Twin Falls ID*

My commission expires 6-12-98

RECEIPT # 5020980
DATE 04/02/98
P. SKINNER

RECORDED
APR 15 1998

RECEIVED
MAY 12 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Department of Water Resources

ASSIGNMENT OF PERMIT

RECEIVED

MAY 10 1994

De. Resources
Source Region Office

We, NUNES BROTHERS DAIRY PARTNERSHIP

hereby assign to (name and address)

NUNES BROTHERS DAIRY PARTNERSHIP, and NORTHWEST FARM
CREDIT SERVICES, ACA, 129 Eastland Drive, P. O. Box 288, Twin Falls ID
83303-0288

All our right, title and interest in and to Permit No. 36-08552 to
appropriate the public waters of the State of Idaho.

or (for partial assignments)

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

Describe portion of the application assigned listing the number of acres
in each 40 acre subdivision, point of diversion location, and the amount
of water in cubic feet per second.

Made this 5th day of May, 1994.

NUNES BROTHERS DAIRY PARTNERSHIP

By George H. Nunes

By John B. Nunes

By Joe S. Nunes

STATE OF IDAHO)

County of IDAHO)

SS

On this 5th day of May, 1994, personally appeared
before me the signers of the above instrument, duly acknowledged to me that
they executed the same.

Notary Public for Idaho
Residing at TWIN FALLS, ID
My Commission Expires 12/8/94

RECEIVED

JUN 10 1994

OFFICE USE ONLY
Amt. of Fee \$ 50.00
Date 11-24-93
Receipt No. C-29061
Receipt by ju

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE NOV 24 1993

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-08552 Telephone No. 536-6106
2. Name(s) of Permit Holder(s): NUNES BROTHERS DAIRY
3. Mailing Address: 2933S 1500E, WENDELL, IDAHO 83355
4. Source of Water: GROUND WATER

If **GROUNDWATER**, Well Driller's Name: EATON'S DRILLING Date Drilled: 06-29-90

OPTIONAL: 2 WELLS

Pump horsepower: 3.0&5.0 Pressure (psi): 40 Dynamic pumping level (ft.): 87

5. Extent of Use (as authorized by the permit):

Domestic 5 (No. of households) Stockwater 600 DAIRY COWS (No. and type of stock)

Irrigation _____ (No. of acres) Other DAIRY BARN

6. Total rate and/or volume for which proof is submitted .12 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes / No Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? _____ Yes / No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

GEORGE M. NUNES

536-6106

Name

Telephone No.

2933S 1500E WENDELL, IDAHO 83355

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date

Signature (and title, if on behalf of a company or organization)

736-3033

11-22-1993 George H. Nunes GENERAL PARTNER JAN 11 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08552

Proposed Priority: June 28, 1990 Maximum Diversion Rate: 0.12 CFS

This is to certify, that **NUNES BROTHERS DAIRY**
2933A S. 1500 E.
WENDELL, ID 83355

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	0.12 CFS
COMMERCIAL	01/01 to 12/31	0.12 CFS
DOMESTIC	01/01 to 12/31	0.11 CFS
	Totals	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION: SENE Sec. 34, Township 07S, Range 14E
GOODING County

PLACE OF USE: STOCKWATER
TWN RGE SEC

07S 14E 34 SENE

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1994.
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. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
5. Domestic use is for 5 homes.
6. Stockwater is for 500 dairy and 200 range cattle.
7. Commercial use is for a dairy barn.

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

11th day of January, 1991.

MICROFILMED

JAN 15 1991

[Signature]
for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Nunes Brothers Dairy Phone 536-6106
Post office address 2933A S. 1500 E., Wendell, ID 83355

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____
Sec. 34 Township 7S Range 14E B.M. Gooding County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.12 for Commercial purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.12 for Stockwater purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.11 for Domestic 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) 0.12 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well & pump, storage tank

b. 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. Proposed well diameter is 6 inches; proposed depth of well is 200 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water for beneficial use is
Four years (minimum 1 year).

MICROFILMED

JAN 15 1991

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 500 dairy, 200 range
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. Five
- e. Other; describe fully. Commercial use in dairy barn

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	14E	34				X													

X is P/U for all uses

Total number of acres to be irrigated _____

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

Existing well producing 30 gpm

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? "

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

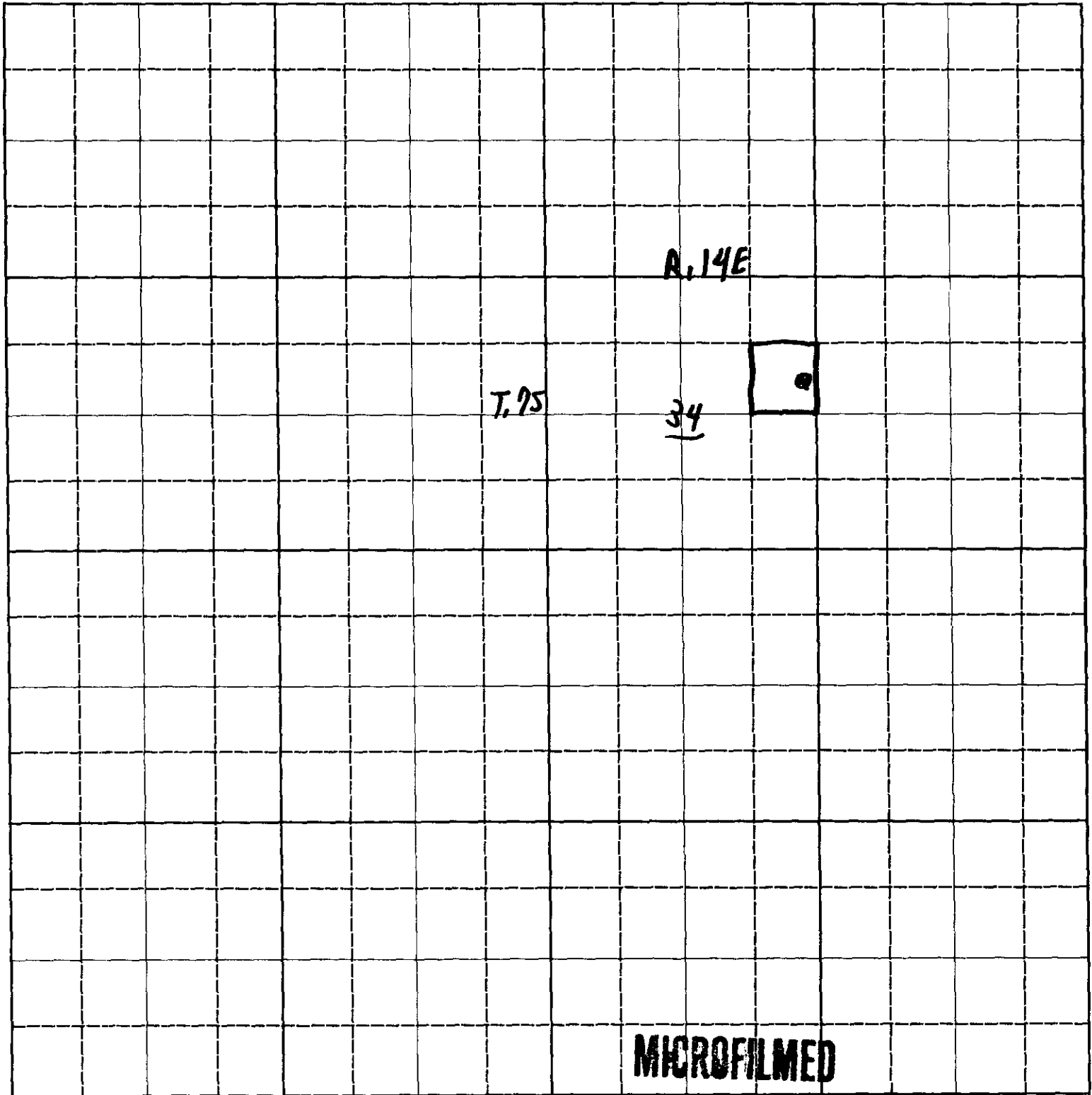
12. Remarks: Partners are George, John, & Jose Nunes, same address as above.

Additional water is needed to cover existing uses and future ~~herd~~ herd expansion.

MICROFILMED

JAN 15 1971

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



Scale: 2 inches equal 1 mile.

JAN 15 1991

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

George H. Jones
Partner (Applicant)

Received by J. F. Stanton Date 6-28-90 Time 4:40 pm Preliminary check by S.D.
Fee \$ 30.00 Receipted by S.D. # 5012454 Date 6-28-90
Publication prepared by M. Baldwin Date 8/15/90 Published in Gooding Leader Co.
Publication approved M. Baldwin Date 10/1/90

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

JAN 15 1991

AFFIDAVIT of PUBLICATION

RECEIVED

SEP 14 1990

State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources
Southern Region Office

Patty Maurice, being first duly sworn,
deposes and says that he is the printer (publisher) of the Gooding
County Leader, a newspaper published every week in Gooding, County
of Gooding, State of Idaho, that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive 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 5th day of Sept.
19 90, and the date of the last publication was on the 12th
day of Sept., 19 90.

Patty Maurice

Subscribed and sworn to before me this 13th
day of Sept., 19 90.
(SEAL)

[Signature]
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

MICROFILMED

Number of Lines in Notice JAN 15 1991
Number of Insertions 2

Lines tabular at 6¢/Pica
34.56 Lines straight at 18.28 5¢/Pica
Subsequent lines at 14.43 4¢/Pica
TOTAL COST 32.91

COPY OF NOTICE (Paste Here)

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

The [redacted] have
been [redacted] the public
waters of the State of Idaho.

[redacted]

Total [redacted] (CFO CFS)
Dated [redacted]
By [redacted]
The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public in-
terest criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with the
Director, Dept. of Water Resources, 122
State Capitol, Boise, Idaho 83725 on or before September 24,
1990.

By [redacted] Director
Date [redacted] 01500X

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

No 708

1560X



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 7, 1998

NUNES BROTHERS DAIRY PARTNERSHIP
2933 S 1500 E
WENDELL ID 83355

RE: ASSIGNMENT OF PERMIT 36-08552

Dear Water Right Holder(s):

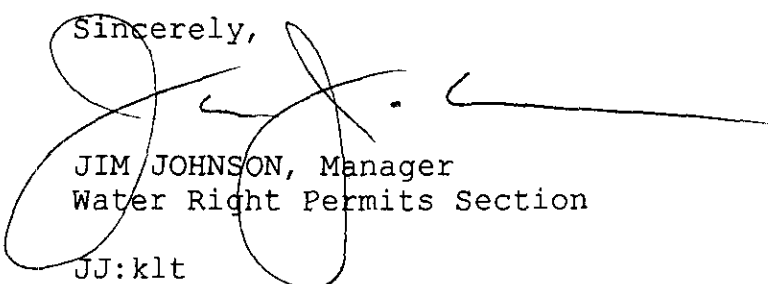
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

RECEIVED

APR 15 1998



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

RECEIVED

APR 06 1998

Department of Water Resources

April 3, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN CAROLYN HOOVER
FARM CREDIT SERVICES
PO BOX 5059
TWIN FALLS ID 83301

Re: Application of Permit No. 36-08552 (Nunes Brothers Dairy Partnership)

Dear Ms. Hoover:

This office acknowledges receipt of the executed Assignment of Permit as referenced above which has been sent to our Boise office for processing.

This office is unable to perform computer database changes for water rights in the **permit** stage.

We have enclosed a receipt for the document filing fee. If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

RECORDED

APR 15 1998



Farm Credit Services

1363 Fillmore Street
P.O. Box 5059
Twin Falls, Idaho 83303-5059
208/733-2577

RECEIVED

APR 02 1998

April 1, 1998

902

5-11-98

Department of Water Resources
1341 Fillmore St
Twin Falls ID 83301-3380

RE: Nunes Brothers Dairy Partnership
Permit No. 36-08552

Gentlemen:

The above customer has paid his loan in full, and we no longer have a security interest in the permit. We are transferring the water permit out of our name to Nunes Brothers.

I enclose a check for \$25 filing. Please advise if anything further is needed.

Sincerely,

Carolyn Hoover
Financial Specialist

RECEIVED

APR 15 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

May 17, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

NUNES BROTHERS DAIRY AND
NORTHWEST FARM CREDIT SERVICES ACA
129 EASTLAND DR
PO BOX 288
TWIN FALLS ID 83303-0288

Re: Permit No. 36-08552

Dear Permit Holders:

We acknowledge receipt of the correspondence assigning the ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

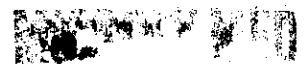
Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

c: Nunes Brothers Dairy



JUN 10 1994

WR0743NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

05/13/94 08:25:54
Page 1

Water Right Number - 36-08552

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NUNES BROTHERS DAIRY

1 - 2933 S 1500 E
2 -
3 -
City- WENDELL
Phone - 208-536-6106
1 - 129 EASTLAND DR
2 - PO BOX 288
3 -
City- TWIN FALLS
Phone - 208-000-0000

State- ID Zip- 83355

NORTHWEST FARM CREDIT SERVICES ACA

State- ID Zip- 833030288

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/28/1990 17 SOUTHERN P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
07S 14E 34 SE NE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
10 - COMMERCIAL 01/01 12/31 0.120
04 - STOCKWATER 01/01 12/31 0.120
43 - DOMESTIC 01/01 12/31 0.110

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.120

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 14E 34 SE NE 04 STOCKWATER (47) GOODING

+ - - Diversion Means - WELL, PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
Domestic use is for 5 homes.
Stockwater is for 500 dairy and 200 range cattle.
Commercial use is for a dairy barn.

Water right number - 36-08552

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

- 26A - 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.
09E - Water used under this right if discharged into a natural
- channel or subsurface system shall meet Idaho Water Quality
- Standards.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 08/14/90 BALDWIN 08/28/90 CURTIS 01/03/91 SKAGGS 01/03/91 SKAGGS 01/04/91 SKAGGS
12/03/93 SKAGGS 05/12/94 CZIMMERM

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 01/01/1994	Field Exam Made - 00/00/0000	Field Exam Fee - R
Approved/Denied - 01/11/1991	Protested Date - 00/00/0000	Swan Falls - C
Proof Made Date - 11/24/1993	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - S012454	Water District -
Licensed Date - 00/00/0000	Appl Received - 06/28/1990	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

December 1, 1993

NUNES BROTHERS DAIRY
2933A S. 1500 E.
WENDELL ID 83355

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08552

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,



JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

JAN 11 1994

Permit No. 36-8552 Reviewed by WJ Date 12-1

Don, Silk, Conn

Correct Uses? yes

Well log in the file?

~~Required?~~
~~Installed?~~
~~Waiver requested?~~

Date proof received		
Date proof due	-	
No. of days late	=	
Priority Date	+	
New Priority Date		

proof is acceptable

Proof Made 11-24-93

October 31, 1993

NUNES BROTHERS DAIRY
2933A S. 1500 E.
WENDELL ID 83355

PROOF DUE NOTICE

RE: PERMIT NO. 36-08552

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 January 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

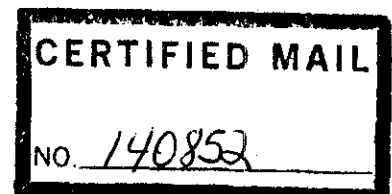
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

JAN 1 1 1994



RECEIVED

Drilling Permit 36-90-5-065
Water Right Per. No. 36-08552
Injection Permit No. _____

JUN 29 1990

Department of Water Resources
Southern Region Office

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

1. Applicant (please print) Nunes Brothers Dairy
2. Mailing Address 2933-A South 1500 East
Wendell, Id. 83354 Telephone 536-6106
(☒ Well Owner) (☐ Well Operator) (☐ Other, specify _____)
3. Proposed well location SE 1/4 NE 1/4, or Gov't Lot No. _____
Sec. 34, Twp. 7S, Rge. 14E, County Gooding
Street Address of Well Site SAME
Lot, block and subdivision _____
4. Proposed use of well:
(☐ Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.
Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.
(☒ Non-Domestic: Any beneficial use not included within the definition of domestic. Dairy)
(☐ Injection)
(☐ Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____)
5. Well construction information:
A. (☒ New well) (☐ Deepen) (☐ Replace - See Condition 9)
B. Proposed Surface Diameter 6" Proposed Maximum Depth 205'
C. Anticipated bottom hole temperature:
(☒ 85°F or less (Cold water well))
(☐ 85°F to 212°F (Low temp. geothermal well))
(☐ 212° or more (Geothermal well))
6. Construction Start Date 7-1-90
7. Anticipated Well Driller Eaton Drilling & Pump Service Midvale
NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's signature George M. Nunes Date 6-27-90 JAN 11 1994
Title Owner
(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved Date 6/29/90

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

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

Loren O. Hulman
Signature of Authorized Department Representative

MANAGER, SOUTHERN REGION
Title

Receipt No. 5012454 Received by [Signature] Fee \$100, Date 6-28-90

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

RECEIVED
JAN 11 1994

RECEIVED

Drilling permit No. 86-90-5-065

JUN 29 1990

Water right No. 36-08552

Department of Water Resources
Southern Region Office

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

NUNES Bros. Drilling, Applicant, requests issuance of a drilling permit prior to approval of a water right to withdraw water from the well.

The request is made for the following reason(s):

We wish to have the well drilled now while a driller is available.

Applicant understands that the drilling permit does not constitute a water right and does not authorize diversion or use of water from the well.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

Date 6-28-90

Signature Maria Conette Nunes.

Applicant

1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 14, 1991

NUNES BROTHERS DAIRY
2933A S. 1500 E.
WENDELL, ID 83355

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08552

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

MICROFILMED

JAN 15 1991

APPLICATION FOR PERMIT REVIEW

Application #: 36-8552 Reviewer: Pam Skaggs SS
Date: 1-2-91

Existing:

No - 26A-P17
Complete in 1 year - P16

Yes

Proof not submitted - P16
Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
LT. 0.7 cfs - N/A

Drilling Permit:

Approved w/permit - P99
Not included *already approved* 046-P23(All GW, even existing wells)

Location:

Water Districts - WD No. _____
Surface water - 005, 005-01H-P01(LT.7 w/pump)
005-01J-P08(GT.7)
Groundwater - P05
Irrigation Districts - 023
Canal Co. Areas - 023
Drainage Districts - 024
Boise Front (63) - 058 (Groundwater)
Swan Falls Flag - C (1 or Blank) *NO IRR.*
Trust - ~~051-052-053-P74~~(Cons.), 041(DCMI)
Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....
Boise (63) - 11D-P72
Payette (65) - 047-P04, 059-P71
Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044
Power - (less than 25cfs P18), 01F-P19, 08A(Req.),
017K, 017G-017M(Choose One), 025
Mining - 06A, 006, 09E-P10, 010, 54
Storage - 18A-P09(In W.D.), 18B-P09(Size)
Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

Beneficial Use Due Date: - 01-01-1994

Other Conditions Recommended P10 - 09E



STATE OF IDAHO

DEPARTMENT OF HEALTH
AND WELFARE

DIVISION OF ENVIRONMENTAL QUALITY

Twin Falls Field Office
Post Office Box 1626
Twin Falls, Idaho 83303-1626

September 13, 1990

RECEIVED

SEP 17 1990

Department of Water Resources
Twin Falls Region Office

Gary Funderburg
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Water Appropriation Permit Application #36-08552

Dear Gary,

We have reviewed the above referenced permit application for water right by Nunes Brothers Dairy. The proposed use of 160,000 gpd + 43,000 existing is for commercial and stockwater. Since the proposed use is for dairy operation we request that the wastewater management facilities be reviewed by our agency to insure conformance with state wastewater treatment requirements and federal EPA permit requirements.

Should any questions arise, please contact me.

Sincerely,

M.J. McMaster

Michael J. McMaster
Water Quality Field Supervisor

MJM/ta
cc: Susan Martin

MICROFILMED
JAN 15 1991

36-08552

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

8
Nunes Bros. Dairy

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY SD DATE 8/9/90 APPLICATION NUMBER 36-08552

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 and/or volume)
- ☒ County
- ☒ Quantity (flow and/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 6-28-90

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater 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 trust water 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 Request _____

RECEIVED
NOV 14 1990

Department of Water Resources

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

SEND COPIES TO ☒ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 9/24/90
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☐ 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. _____

264

See below for additional information

Date of priority recommended

6/28/90

By Laren O. Halum

Date 11/5/90

STATE OFFICE REVIEW

See below for additional information

By _____

Date _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS

36-08552

NUNES BROTHERS DAIRY
2933A SOUTH 1500 EAST
WENDELL, ID 83355

Source: GROUNDWATER

Diversion Pt: SENE Sec 34 T 07S R 14E

Use: COMMERCIAL	(.120 CFS)
STOCKWATER	(.120 CFS)
DOMESTIC	(.110 CFS)
Total Diversion:	(.120 CFS)

Date Filed: 6/28/ 1990

In: T07S R14E S34 SENE

MICROFILMED

JAN 15 1991

The permit(s) will be subject to all prior water rights. Protests may be submitted base on the criteria of Sec. 4. 203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301 on or before SEPTEMBER 24, 1990.

R. Keith Higginson, Director

Published 9/ 5/1990 & 9/12/1990

RECEIVED

SEP 12 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)734-3578

AUGUST 15, 1990

GOODING COUNTY LEADER
BOX 56
GOODING, ID 83330

Gentlemen:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 24, 1990.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

JAN 15 1991

15-Aug-1990

NUNES BROTHERS DAIRY
2933A SOUTH 1500 EAST
WENDELL ID 83355

Re: Application for Permit No. 36-08552

Dear Applicant (s):

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 will be advertising the application in the Gooding County Leader on 9/5 & 9/12/90. A period of ten days following the second publication will be allowed for the submittal of protests.

If the 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 the 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,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

MICROFILMED

JAN 15 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

15-Aug-1990

R. KEITH HIGGINSON
Director

IDAHO DEPT OF HEALTH & WELFARE
PO BOX 1626
TWIN FALLS ID 83303-1626

Re: Application(s) for Permit

Gentlemen:

Please find enclosed copy(ies) of an Application(s) for Permit for your information and files.

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

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

Enclosure(s)

MICROFILMED

JAN 15 1991

RECEIVED

Drilling Permit No. 36-90-5-065
Water Right Perr. No. 36-08552
Injection Permit No. _____

JUN 29 1990

Department of Water Resources
Southern Region Office

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

1. Applicant (please print) Nunes Brothers Dairy
2. Mailing Address 2933-A South 1500 East
Everdell, Id. 83351 Telephone 536-6106
(☒ Well Owner) (☐ Well Operator) (☐ Other, specify _____)
3. Proposed well location SE 1/4 NE 1/4, or Gov't Lot No. _____
Sec. 34, Twp. 7S, Rge. 14E, County Gooding
Street Address of Well Site SAME
Lot, block and subdivision _____
4. Proposed use of well:
(☐ Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.
Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.
(☒ Non-Domestic: Any beneficial use not included within the definition of domestic. Dairy)
(☐ Injection)
(☐ Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____)
5. Well construction information:
A. (☒ New well) (☐ Deepen) (☐ Replace - See Condition 9)
B. Proposed Surface Diameter 6" Proposed Maximum Depth 205'
C. Anticipated bottom hole temperature:
(☒ 85°F or less (Cold water well))
(☐ 85°F to 212°F (Low temp. geothermal well))
(☐ 212° or more (Geothermal well))
6. Construction Start Date 7-1-90
7. Anticipated Well Driller Eaton Drilling & Pump Service
NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's signature George M. Nunes Date 6-27-90
Title Owner
(Owner, Firm Representative, Other)

MICROFILMED

JAN 15 1991

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved Date 6/29/90

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

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

RECEIVED

JAN 15 1991

Loren O. Huber
Signature of Authorized Department Representative

MANAGER, SOUTHERN REGION

Title

Receipt No. 5012454 Received by JP Fee \$/00 Date 6-28-90

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

RECEIVED

Drilling permit No. 26-90-5-065

JUN 29 1990

Water right No. 36-08552

Department of Water Resources
Southern Region Office

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

NUNES Bros. Driv, Applicant, requests issuance of a drilling permit prior to approval of a water right to withdraw water from the well.

The request is made for the following reason(s):

We wish to have the well drilled now while a driller is available.

Applicant understands that the drilling permit does not constitute a water right and does not authorize diversion or use of water from the well.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

Date 6-28-90

Signature Maria E. Nunes

Applicant