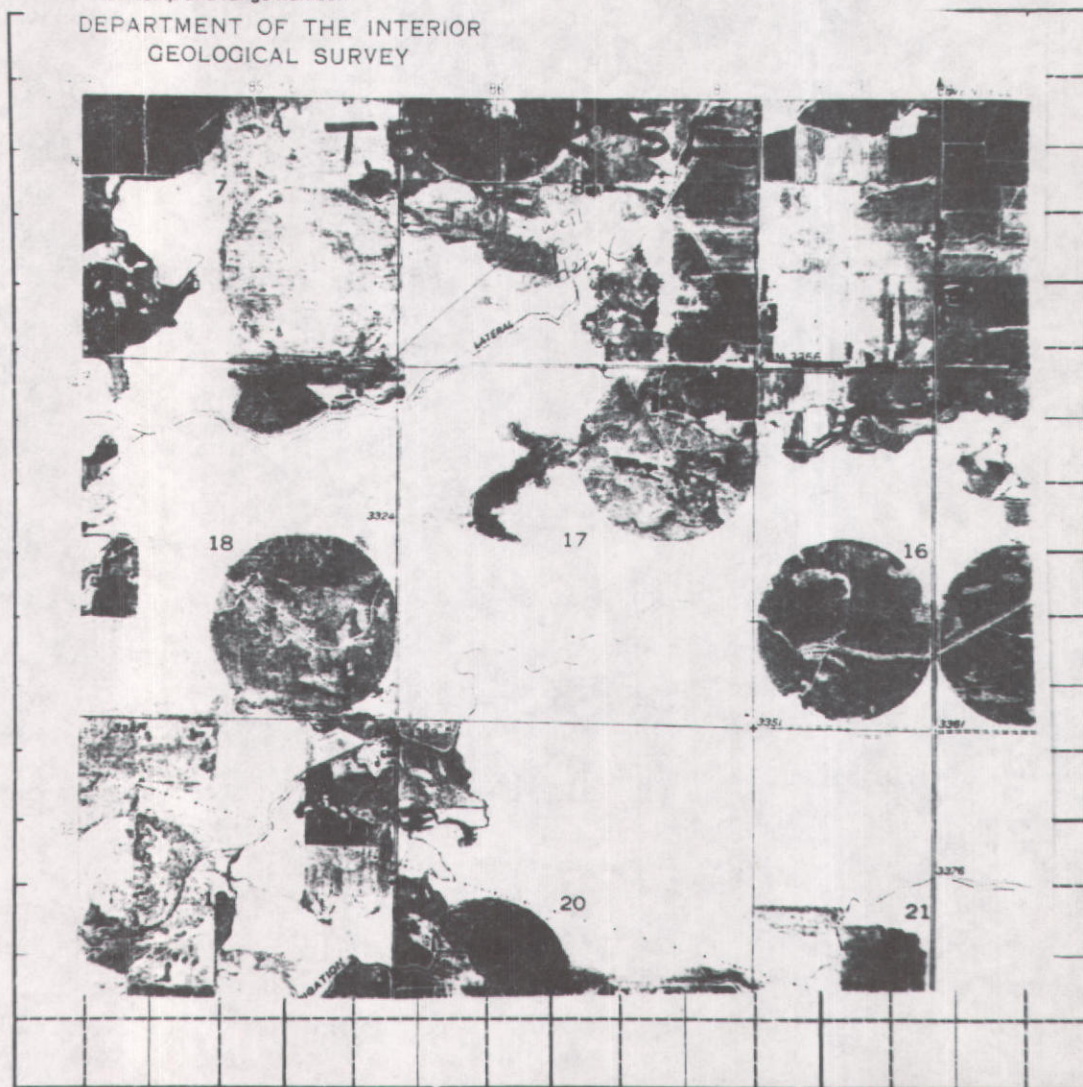


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile

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.

*Walter A. Smith*  
(Applicant)

topo BB20

114°45'

BB21

NORTH

FEET 582

12  
WAYNE HAWKINS OWNS  
ALL OF THIS LAND  
WILL APPLY WASTE WATER  
TO ALL OF IT.

BS

18

17

24

19

20

25

29

MICROFILMED

APR 03 2002

Storage Feedlot  
Bins

Cedar

BARTON

HIGHWAY

3242

3265

BOB

ROAD

Feedlot

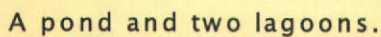
Idaho Dept. of Water Resources  
Place of Use Comparison Report



| Type   | WR #     | Owner                                                       | Source       | TRS      | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | Total |
|--------|----------|-------------------------------------------------------------|--------------|----------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Permit | 36-8396  | MAGIC VALLEY DAIRY SUPPLY,                                  | GROUND WATER | 08S15E18 | X    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0     |
| Rec    | 36-7345A | JOHN REITSMA, SUSAN REITSMA,                                | GROUND WATER | 08S15E18 |      |      |      |      |      |      |      |      | 34   |      |      |      | 34   | 21.7 | 34   | 34   | 191.7 |
| Rec    | 36-7533  | SOUTHFIELD DAIRY,                                           | GROUND WATER | 08S15E18 |      |      |      |      |      |      |      |      |      | 40   |      |      |      |      |      |      | 40    |
| Rec    | 36-7533B | SOUTHFIELD DAIRY PARTNERSHIP,                               | GROUND WATER | 08S15E18 |      |      |      |      | 33   |      | 15   | 33   |      |      |      |      |      |      |      |      | 81    |
| Rec    | 36-7533C | SOUTHFIELD DAIRY PARTNERSHIP,                               | GROUND WATER | 08S15E18 |      |      |      |      |      |      |      |      | 3    | 27   |      |      |      |      |      |      | 30    |
| Rec    | 36-7847  | MAGIC VALLEY DAIRY SUPPLY INC, WAYNE HAWKINS, DEAN HAWKINS, | GROUND WATER | 08S15E18 | 2    | 26   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 28    |
| Right  | 36-10203 | LAVERLE KURTZ,                                              | GROUND WATER | 08S15E18 |      |      |      |      |      |      |      |      |      |      | X    |      |      |      |      |      | 0     |
| Right  | 36-10206 | WESLEY TRACY, NADINE TRACY,                                 | GROUND WATER | 08S15E18 |      |      |      |      |      |      | X    |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 36-10206 | WESLEY TRACY, NADINE TRACY,                                 | GROUND WATER | 08S15E18 |      |      |      |      |      |      | X    |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 36-10396 | VIDA E DOTY, CHARLEY F DOTY,                                | GROUND WATER | 08S15E18 |      |      |      |      |      | X    |      |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 36-10396 | VIDA E DOTY, CHARLEY F DOTY,                                | GROUND WATER | 08S15E18 |      |      |      |      |      | X    |      |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 36-10424 | LARRY BAY, LINDA BAY,                                       | GROUND WATER | 08S15E18 |      |      |      |      |      |      | X    |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 36-10424 | LARRY BAY, LINDA BAY,                                       | GROUND WATER | 08S15E18 |      |      |      |      |      |      | X    |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 36-11402 | MAGIC VALLEY DAIRY SUPPLY INC,                              | GROUND WATER | 08S15E18 | X    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 36-11402 | MAGIC VALLEY DAIRY SUPPLY INC,                              | GROUND WATER | 08S15E18 | X    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 36-14755 | MAGIC VALLEY DAIRY SUPPLY INC,                              | GROUND WATER | 08S15E18 | X    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 36-7533  | SOUTHFIELD DAIRY,                                           | GROUND WATER | 08S15E18 |      |      |      |      |      |      |      |      |      | 40   |      |      |      |      |      |      | 40    |
| Right  | 36-7847  | DEAN HAWKINS, WAYNE HAWKINS, MAGIC VALLEY DAIRY SUPPLY INC, | GROUND WATER | 08S15E18 | 2    | 26   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 28    |
| Right  | 5-Jan    | NORTH SIDE CANAL CO,                                        | SNAKE RIVER  | 08S15E18 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 16-Jan   | NORTH SIDE CANAL CO,                                        | SNAKE RIVER  | 08S15E18 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 1-212    | TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO,    | SNAKE RIVER  | 08S15E18 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 1-213    | NORTH SIDE CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO, | SNAKE RIVER  | 08S15E18 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 1-215    | TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO, | SNAKE RIVER  | 08S15E18 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0     |
| Right  | 1-220    | TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO, | SNAKE RIVER  | 08S15E18 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0     |



## T08S



- MICROFILMED  
APR 03 2002



Point of Diversion Presentation  
1987/1988 NAPP Photography  
Data Entry By: Amanda Folsom

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

MAGIC VALLEY RY SUPPLY

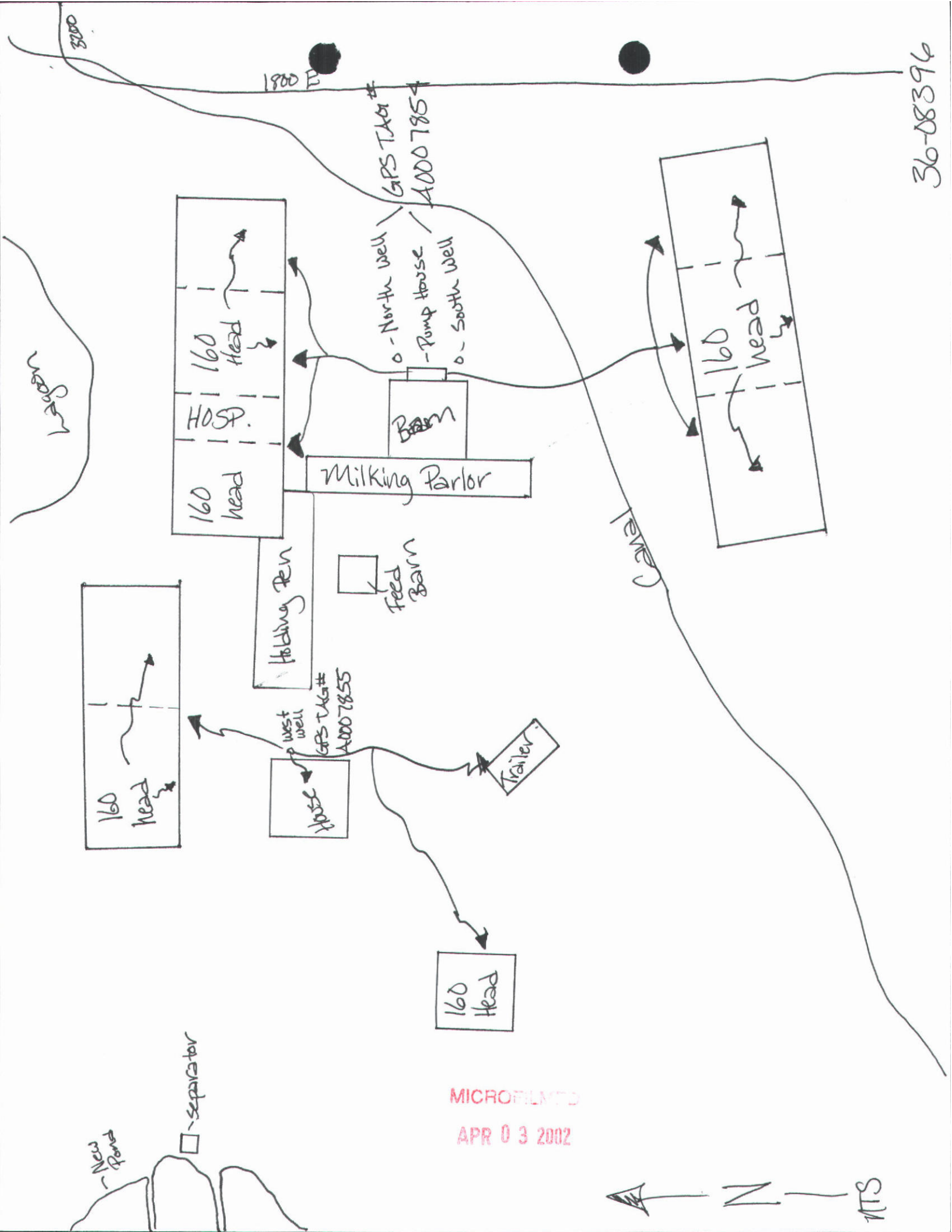
R 15 E



T  
8  
S

CLAIM A36-07847A INIT SW  
T. R. S. Q/Q  
P/D 8S 15E 18  
PHOTO BB 21 NW  
DT. & ID. 1976

MICROFILMED



36-08396

MICROFILMED  
APR 03 2002



Looking NW'ly

GPS A0005527

Irrigation Pump

OVER FOR DAIRY

MAGIC VALLEY DAIRY Supply

ASG-07847A

View EAST

BARNS & CORALS

PHOTOS TAKEN 12-6-91

BY STEVE CLECCAO



View EAST  
MICROFILMED  
APR 03 2002

MICROFILMED

APR 03 2002

Looking NW'ly



2 Corrals Behind House



Looking SW'ly



Trailer

House



House  
Well

APR 03 2002



Looking NE'ly

House

6-14-99



Milking Barn

6-14-99



Looking SE'ly

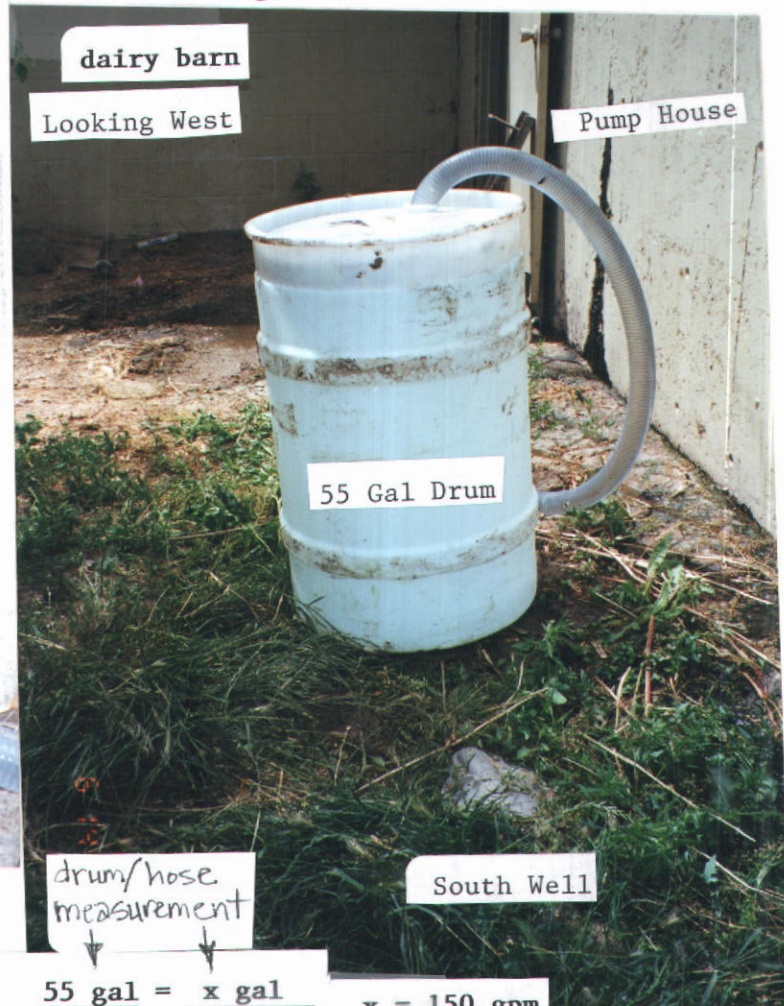
One Corral

6-14-99



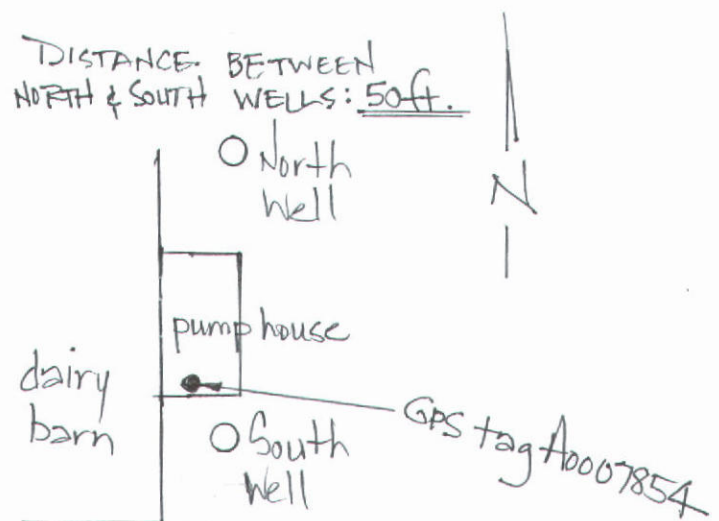
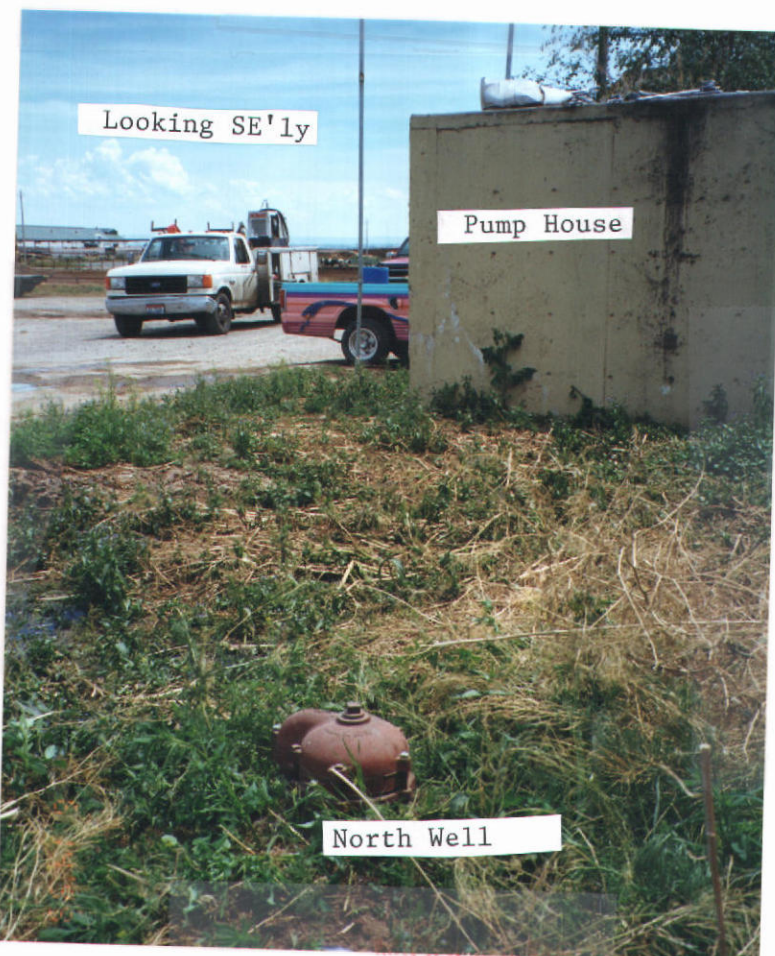
Magic Valley Dairy Supply  
c/o Wayne Hawkins  
FE GLS AF  
10:00 5-28-99

MICROFILM ED  
APR 03 2002  
36-08396



$$\frac{55 \text{ gal}}{22 \text{ sec}} = \frac{x \text{ gal}}{60 \text{ sec}} \quad x = 150 \text{ gpm}$$

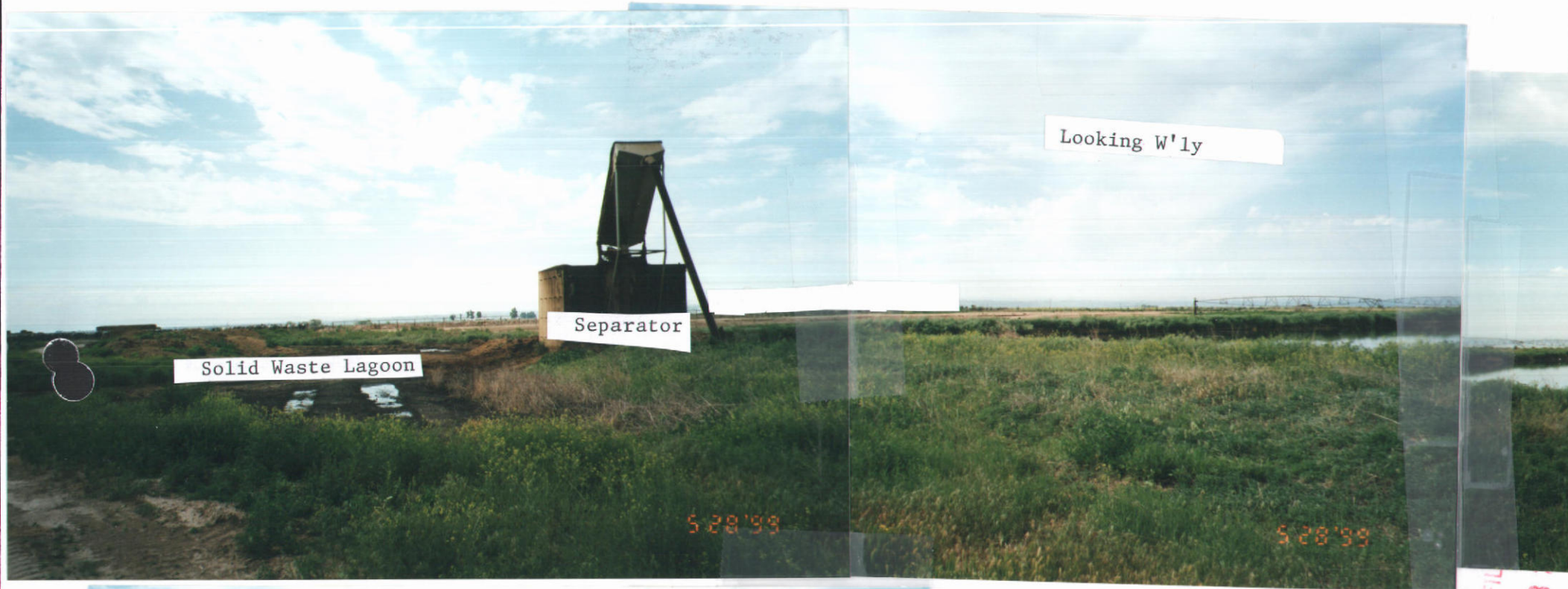
$$\frac{150}{450} = 0.33 \text{ cfs}$$



Magic Valley Dairy Supply  
28 May, 14 June 1999

36-14755, -11402, -08396

APR 03 2002



Solid Waste Lagoon

Separator

Looking W'ly

5 28 '99

5 28 '99



Separator

House

New Pond

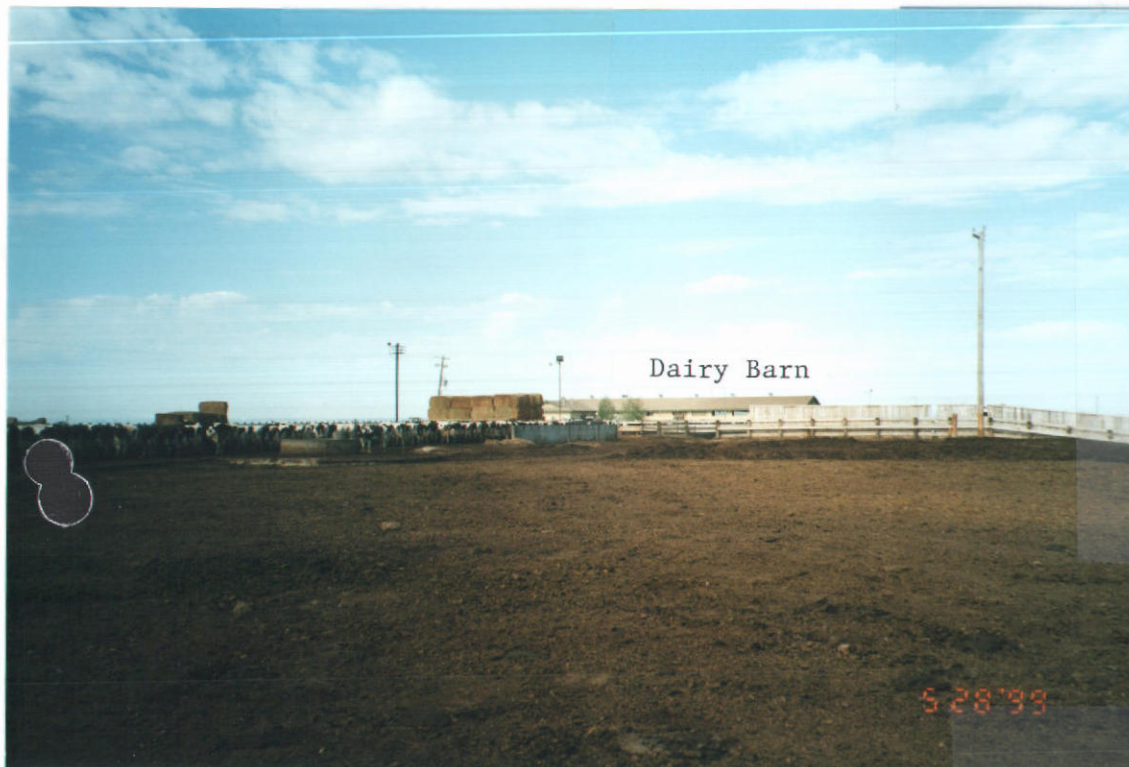
Looking SE'ly

5 28 '99

Magic Valley Dairy Supply  
C/O Wayne Hawkins  
28 May 1999

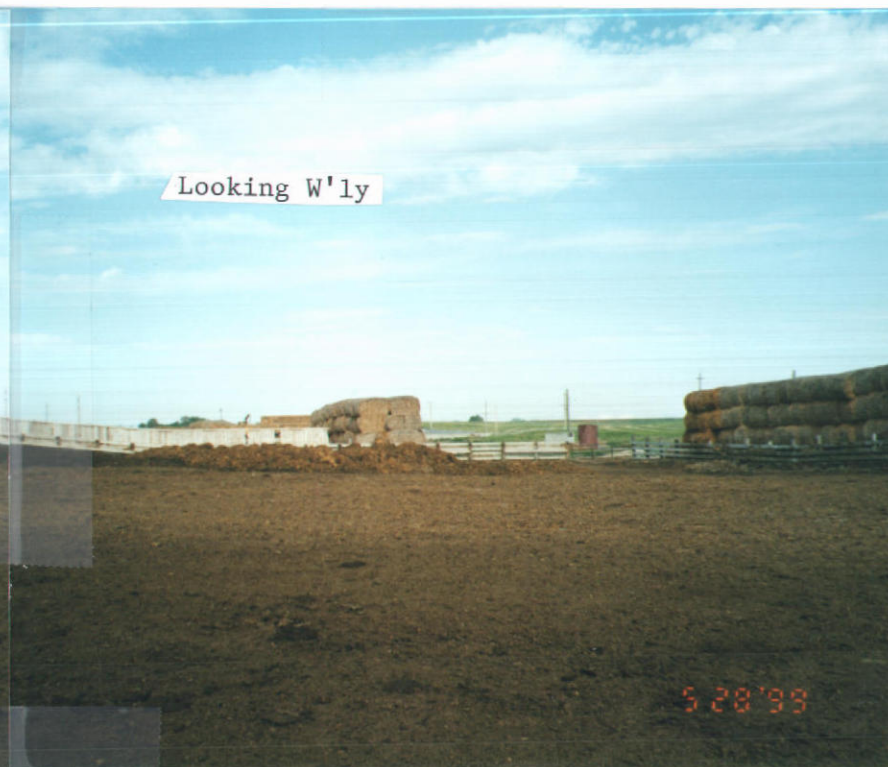
MICROFIL  
APR 03

36-08396



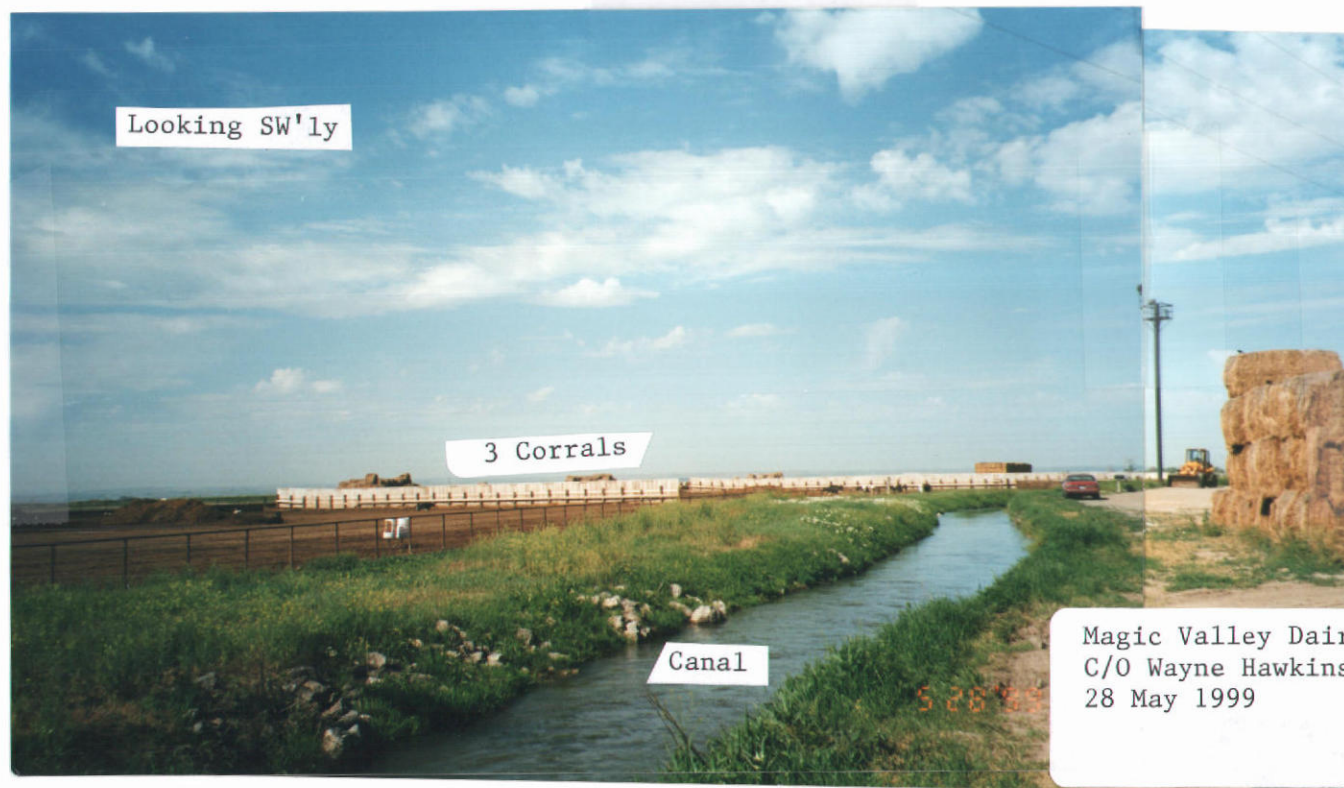
Dairy Barn

5-28-99



Looking W'ly

5-28-99



Looking SW'ly

3 Corrals

Canal

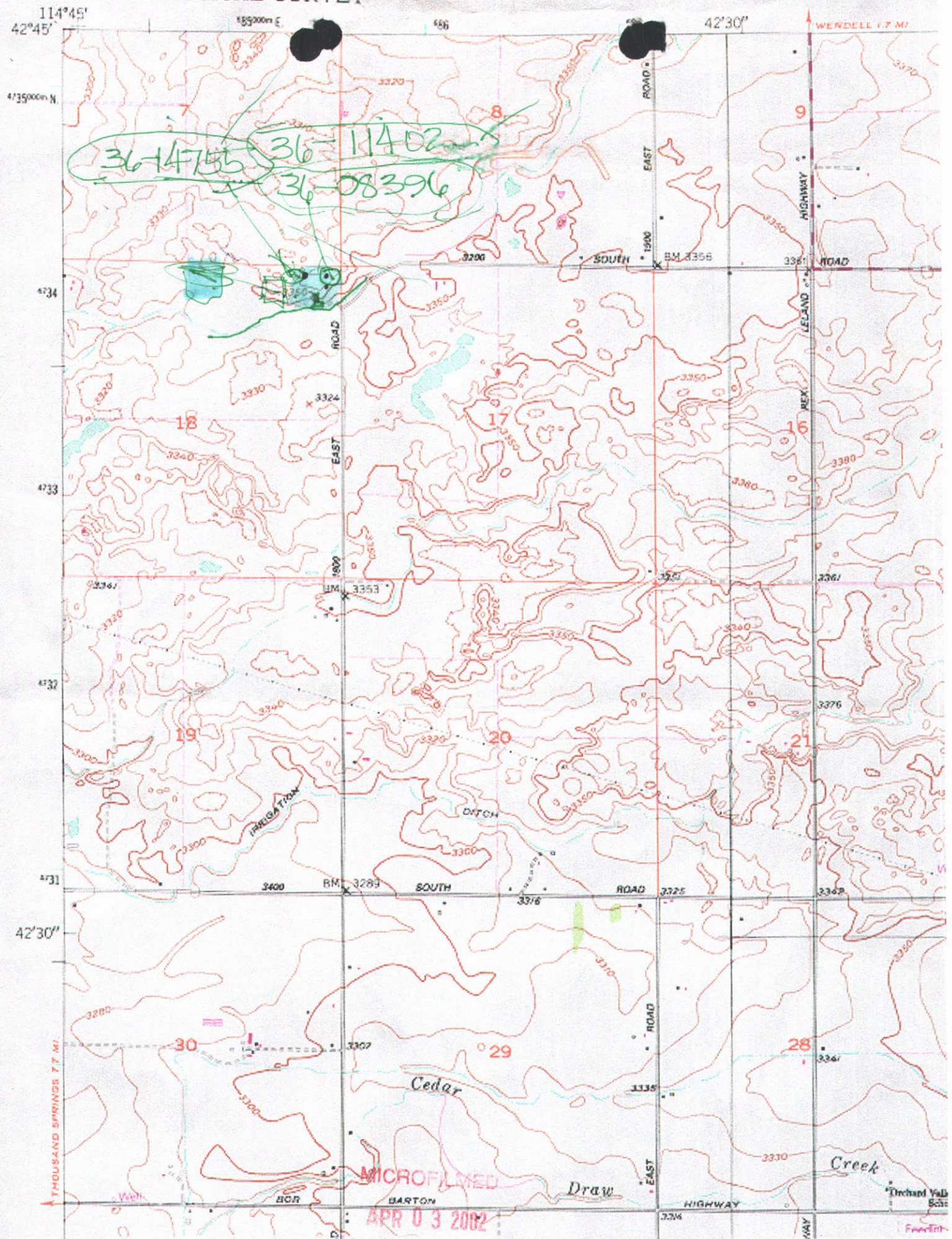
5-28-99

Magic Valley Dairy Supply  
C/O Wayne Hawkins  
28 May 1999

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APR 03 2002

36-08396

GEOLOGICAL SURVEY



FE R-15 E

160

7/8  
17



House

K-17

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APR 03 2002

659  
F-899

2  
54.6  
HEL

14.6  
HEL

13/18  
14/19

18/17  
19/20

4  
24.7  
HEL

3  
37.5  
HEL

35.8

2  
37.8  
HEL

R-14E R-15E

MICROFILMED  
APR 03 2002

2  
54.6  
HEL

114.6  
HEL

13/18  
24/19

3  
37.5  
HEL

4  
24.7  
HEL

5  
55  
HEL

35

-14E R-15E

NAPP 1604 17

MICROFILMED  
APR 03 2002

2  
54.6  
HEL

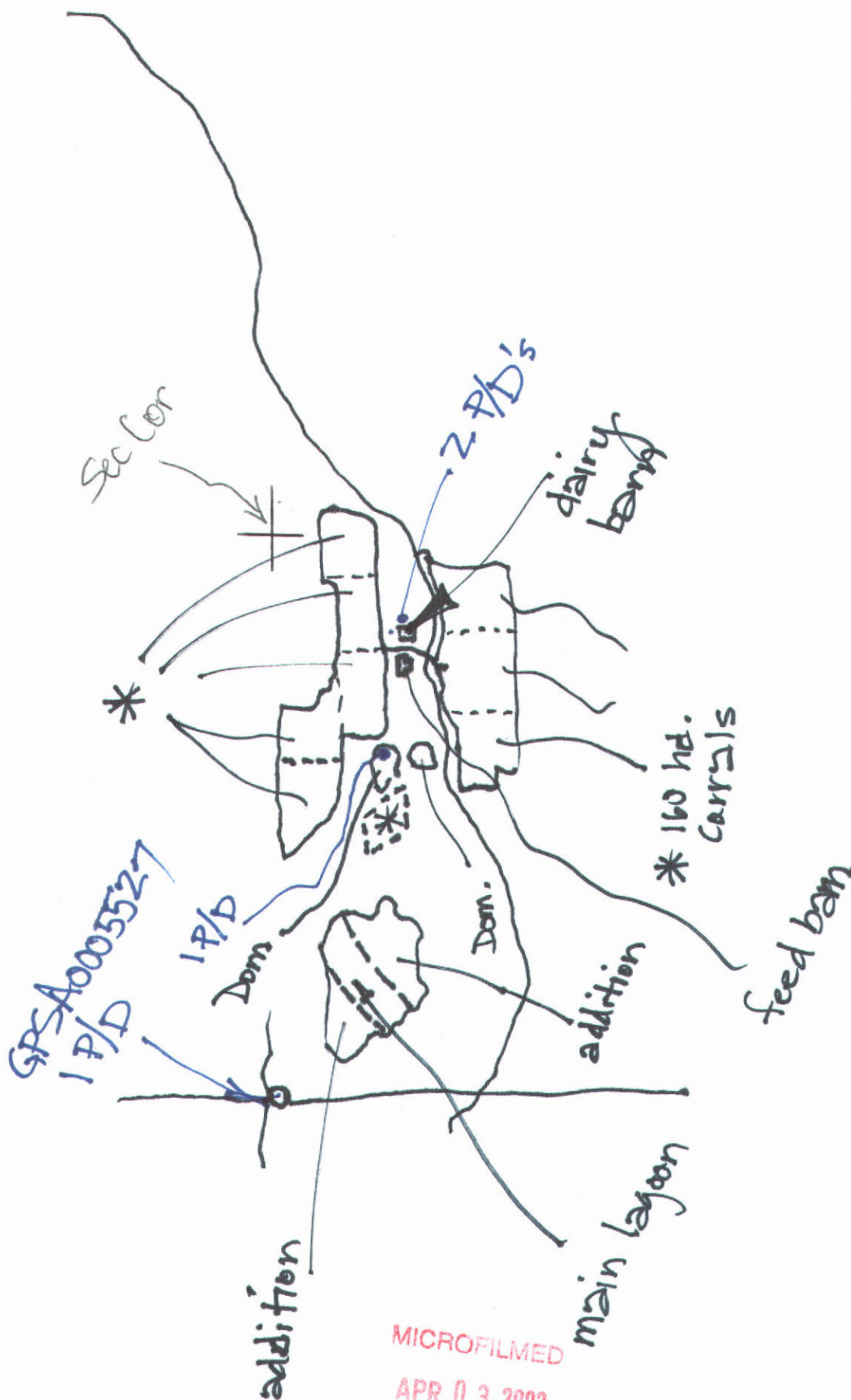
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114.6  
HEL

13/18  
24/19

4  
24.7  
HEL

3  
37.5  
HEL

35.8

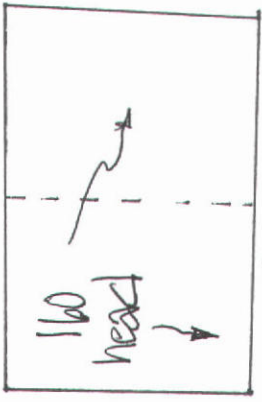
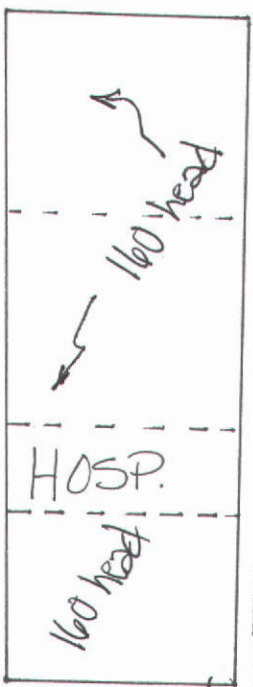


MICROFILMED  
APR 03 2002

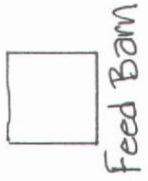


3200

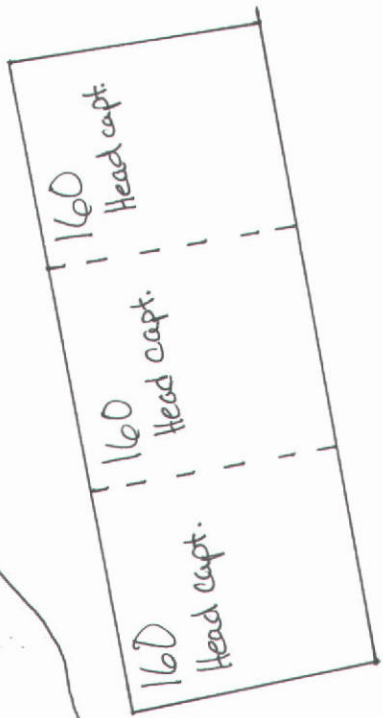
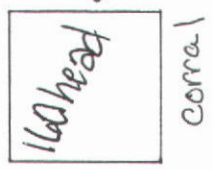
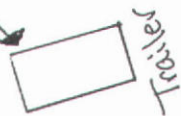
1800 EAST



North Well  
- Pump House  
- South Well



West Well  
(House, trailer, &  
three corrals)  
GPS TAG#  
40005527



CANAL

- New Pond

Liquid waste

Solid waste

MICROFILMED  
APR 03 2002



N

NTS

# GEOLOGICAL SURVEY



Niagara Springs, Idaho  
 BB- 21  
 1979  
 Revised 1992

State of Idaho  
Department of Water Resources

Amended

## Water Right License

Amended

WATER RIGHT NO. 36-08396

Priority: October 20, 1992

Maximum Diversion Rate: 0.20 CFS  
Maximum Diversion Volume: 71.6 AF

It is hereby certified that MAGIC VALLEY DAIRY SUPPLY  
C/O WAYNE HAWKINS  
304 S 230 W  
JEROME ID 83338

has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated September 9, 1988; and has submitted Proof of Beneficial Use on October 20, 1992. An examination indicates that the works have a diversion capacity of 0.33 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| COMMERCIAL            | 01/01 to 12/31       | 0.20 CFS              | 71.6 AF                            |
| STOCKWATER            | 01/01 to 12/31       | 0.20 CFS              | 71.6 AF                            |

**LOCATION OF POINT(S) OF DIVERSION:**GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 18, Twp 08S, Rge 15E, B.M. GOODING CountyGROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 18, Twp 08S, Rge 15E, B.M. GOODING County**PLACE OF USE:** COMMERCIAL

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 08S 15E 7   | X  |    | X  | X  |    |    |    |    |    |    |    |    | X  | X  | X  | X  |        |
| 08S 15E 18  | X  | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 08S 15E 18  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

- Commercial use is for a dairy.

MICROFILMED

JUN 05 2002

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 36-08396

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

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 19<sup>th</sup> day of APRIL, 2002.

Acting for

  
KARL J. DREHER  
Director

MICROFILMED  
JUN 05 2002

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 36-08396

Priority: October 20, 1992

Maximum Diversion Rate: 0.20 CFS  
Maximum Diversion Volume: 45.4 AF

It is hereby certified that MAGIC VALLEY DAIRY SUPPLY  
C/O WAYNE HAWKINS  
304 S 230 W

JEROME ID 83338 has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated September 09, 1988; and has submitted Proof of Beneficial Use on October 20, 1992. An examination indicates that the works have a diversion capacity of 0.33 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| COMMERCIAL            | 01/01 to 12/31       | 0.20 CFS              | 45.4 AF                            |
| STOCKWATER            | 01/01 to 12/31       | 0.20 CFS              | 45.4 AF                            |

**LOCATION OF POINTS OF DIVERSION:**

GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 18, Twp 08S, Rge 15E, B.M., GOODING County  
GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 18, Twp 08S, Rge 15E, B.M., GOODING County

**PLACE OF USE: COMMERCIAL**

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 08S 15E 7   | X  |    | X  | X  |    |    |    |    |    |    |    |    | X  | X  | X  | X  |        |
| 08S 15E 18  | X  | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE: STOCKWATER**

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 08S 15E 18  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Commercial use is for a dairy.

**SUPERSEDED**

**SUPERSEDED**

MICROFILMED

APR 03 2002

State of Idaho  
Department of Water Resources  
**Water Right License**

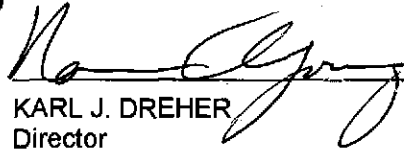
WATER RIGHT NO. 36-08396

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

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 22<sup>ND</sup> day of MARCH, 2002.

**SUPERSEDED**  
Acting for

  
KARL J. DREHER  
Director

MICROFILMED

APR 03 2002

RECEIVED

MAR - 4 2002

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

Department of Water Resources

(For Licensing Purposes)

WATER RIGHT NO. 36-08396

Date of Priority: October 20, 1992

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:

~~30.6 AF~~

45.4

s. Kern

Comes now MAGIC VALLEY DAIRY SUPPLY  
C/O WAYNE HAWKINS  
304 S 230 W

JEROME ID 83338 and represents to the Director of the Idaho Department  
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the  
State of Idaho No. 36-08396, and requests that the permit be changed as follows:

Source: GROUND WATER

| BENEFICIAL USE | PERIOD OF USE  | RATE OF DIVERSION | ANNUAL VOLUME                  |
|----------------|----------------|-------------------|--------------------------------|
| COMMERCIAL     | 01/01 to 12/31 | 0.20 CFS          | 45.4 <del>4.8 AF</del> s. Kern |
| STOCKWATER     | 01/01 to 12/31 | 0.20 CFS          | <del>25.8 AF</del><br>45.4     |

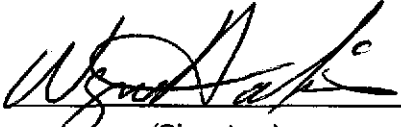
**LOCATION OF POINT(S) OF DIVERSION:**GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 18, Twp 08S, Rge 15E, B.M., GOODING CountyGROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 18, Twp 08S, Rge 15E, B.M., GOODING County**PLACE OF USE: COMMERCIAL**

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 08S 15E 18  | X  | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 08S 15E 17  | X  |    | X  | X  |    |    |    |    |    |    |    |    | X  | X  | X  | X  | 440    |

**PLACE OF USE: STOCKWATER**

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 08S 15E 18  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Permit holder asserts that no one will be injured by such change and that such change will be made at  
permit holder's own risk. Signed this 27 day of FEBRUARY, 2002

  
(Signature)

MICROFILMED

APR 03 2002

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
WATER RIGHT NO. 36-08396

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

Preliminary check by Swiggen Fee = 50<sup>00</sup> Received by jm # C060347 Date 3/4/02

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, Karl J. Dreher, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 36-08396 with the following:

**CONDITIONS OF APPROVAL**

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

Witness my hand this 22<sup>nd</sup> day of MARCH, 2002.

Acting for

  
KARL J. DREHER  
Director

MICROFILMED  
APR 03 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-08396 )  
IN THE NAME OF MAGIC VALLEY DAIRY SUPPLY )

ORDER OF  
REINSTATEMENT

This matter having come before the Idaho Department of Water Resources (Department), the Department finds as follows:

FINDINGS OF FACT

1. On November 30, 1989, the Director of the Department of Water Resources issued Permit No. 36-08396 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before December 1, 1990.

2. On September 30, 1990, the Department sent a proof due notice to the permit holder.

3. On February 27, 1991, the Department sent a lapse notice to the permit holder.

4. On October 20, 1992, the permit holder submitted Proof of Beneficial Use to the Department.

5. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

6. The permit holder has submitted evidence to confirm that water has been put to beneficial use prior to the proof due date. Evidence includes a receipt from D & G Pump's and Well's dated May 18, 1989 indicating that a pump had been installed in the well on that date. Evidence also included a statement from field examiner Gary Funderburg, of IDWR Regional Office, who indicates that on previous exams he has personally observed the well in use.

7. The permit holder stated, in correspondence to the Department, that the original paperwork had been misfiled. Therefore, they did not submit in a timely manner.

**MICROFILMED**

NOV 17 1992

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used as identified on the permit.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 36-08396 is REINSTATED.

IT IS FURTHER ORDERED that the date of priority of this permit is advanced to October 20, 1992.

Dated this 23<sup>rd</sup> day of October, 1992.

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

RECORDED  
INDEXED

NOV 17 1992

RECEIVED

OCT 12 1990

No \$ received  
Department of Water Resources

Attn: KAREN

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

## PROOF OF BENEFICIAL USE

From: G. Funderburg  
(1) pump receipt  
(1) letter why late  
submitted.

For Office Use Only

Amt. of Fee \$

Date 10-26-90

Receipt No. 0025798

Received by ALK

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 36-08396 Telephone No. 208-324-4381Name(s) of Permit Holder(s): MAGIC VALLEY DAIRY SUPPLYPost Office Address: 304 SO 230 W JEROME ID.Source of Water: GROUND (EXISTING WELL)If ground water, well driller's name: UNKNOWN Date drilled: UNKNOWN

Extent of Use:

Domestic \_\_\_\_\_ (No. of households)

Irrigation 00 (No. of acres)Stockwater 700 (No. and type of stock)Other COMMERCIALTotal rate and/or volume for which proof is submitted 20 cfs \_\_\_\_\_ acre/feetShow date water was first diverted and beneficially used under this permit: 3/1/77

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes ✓ No Installed? Yes ✓ No

OR

Flow Measurement Port: Required? Yes ✓ No Installed? Yes ✓ NoFee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Name WAYNE HAWKINS Telephone No. 324-4381Address 304 SO 230 W. JEROME ID.

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.

NOV 17 1992

Date 10/10/90Signature Wayne Hawkins (and title if on behalf of a company or organization)

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

NO. 35-08396

Proposed Priority: September 9, 1988      Maximum Diversion Rate: 0.20 CFS

This is to certify, that **WILLIAM HENKINS**  
**DEA MAGIC VALLEY DAIRY SUPPLY**  
**DEAN HENKINS**  
304 S. 230 W.  
JEROME, ID 83338

has applied for a permit to appropriate water from: **GROUNDEWATER**  
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       | 0.20 CFS                 |
| COMMERCIAL            | 01/01 to 12/31       | 0.20 CFS                 |
|                       | Totals               | 0.20 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:      **NENENE**      Sec. 18, Township 08S, Range 15E  
GOODING County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08S 15E 18      NENE

PLACE OF USE: COMMERCIAL, 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 December 1, 1990.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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

30<sup>th</sup> day of November, 1989

*R. Keith Higginson*  
for R. Keith Higginson, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTEST OF  
CHUCK SHIRLEY AGAINST GRANTING  
OF APPLICATION FOR PERMIT NO. 36-8396  
IN THE NAME OF WAYNE &/OR DEAN HAWKINS,  
DBA MAGIC VALLEY DAIRY SUPPLY INC.

ORDER DISMISSING PROTEST

FINDINGS OF FACT

On December 30, 1988, Application for Permit No. 36-8396 was protested by Chuck Shirley.

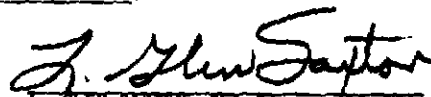
The Department scheduled a hearing in the matter of the application for September 14, 1989. The protestant failed to appear at the hearing.

On September 14, 1989, the Department issued an Order to Show Cause why the protest should not be dismissed. The Department received no response to the order.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the protest of Chuck Shirley be DISMISSED.

Dated this 30<sup>th</sup> day of November, 1989.

  
L. GLEN SAXTON, Chief  
Water Allocations Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR PERMIT TO APPROPRIATE )  
WATER NO. 36-08396 )

ORDER TO SHOW CAUSE

Magic Valley Dairy Supply Inc. )

Applicant )

Chuck Shirey )

Protestant )

FINDINGS OF FACT

1. On August 28, 1989, the Department served notice that a pre-hearing conference had been scheduled for September 14, 1989, at 10:00 AM in Twin Falls.
2. The protestant, Chuck Shirey, failed to appear at the time and place for the conference.

CONCLUSIONS OF LAW

1. Pursuant to rule 9.2 of the Department's Rules of Practice and Procedure, the protest may be dismissed for failure to appear.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the protestant, Chuck Shirey, shall show cause on or before September 25, 1989 why the protest should not be dismissed for failure to appear at the conference.

Dated this 14 day of September, 1989.

  
Loren O. Holmes  
Southern Region Manager

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho  
Wayne Hawkins f/w Dean Hawkins

1. Name of applicant DBA Magic Valley Dairy Supply Inc. Phone 324-4381  
Post office address 304 South 230 West, Jerome, Ida, 83338
2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_
3. Location of point of diversion is NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  Govt. Lot \_\_\_\_\_  
Sec. 18 Township 8S Range 15E B.M. Gooding County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.20 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)  
Amount 0.20 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)
5. Total quantity to be appropriated is (a) 0.20 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. Existing well & pump  
delivering to dairy barn & stock tanks
  - 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. Existing proposed well diameter is 8" inches; proposed depth of well is ? feet.
  - d. Is ground water with a temperature of greater than 90°F being sought? \_\_\_\_\_
7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
1 years (minimum 1 year).

- 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.

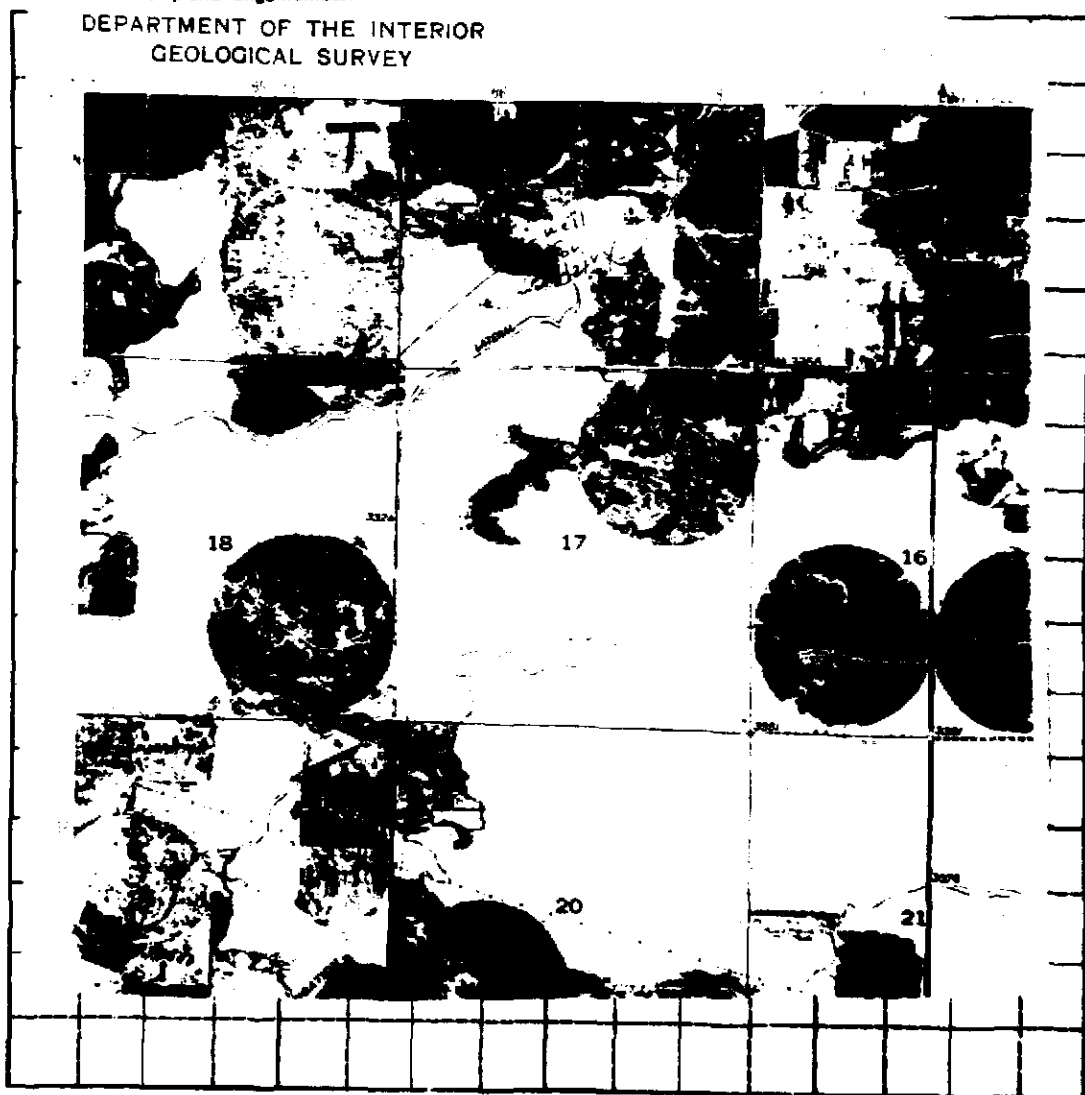
[illegible]

**Total number of acres to be irrigated** \_\_\_\_\_

- 10) Describe any other water rights used for the same purposes as described above. None
- 11) a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Applicant
- 12) Remarks This well was constructed & used since 1979 for the uses described on this application.

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

DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY



Scale 2 inches equal 1 mile.

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

*W. J. A. Smith*  
(Applicant)

Received by M. Baldwin Date 9/9/88 Time 3:13 p Preliminary check by LA  
Fee \$ 30<sup>00</sup> Received by M. Baldwin # 5002129 Date 9/9/88  
Publication prepared by M. Baldwin Date 12/18/88 Published in Gooding Co. Leader  
Publication approved TJ Date 12/29/88

**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 any other 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:

# AFFIDAVIT of PUBLICATION

RECEIVED

DEC 30 1988

State of Idaho )  
County of Gooding ) SS

Department of Water Resources  
Southern Region Office

Mike Tharaburg, 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 19th 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 21 day of Nov 19 88, and the date of the last publication was on the 28 day of December, 19 88.

Mike Tharaburg  
Subscribed and sworn to before me this 29th  
day of Dec, 1988  
(SEAL)

Laura M. Rasmussen  
NOTARY PUBLIC

GOODING COUNTY LEADER  
Gooding, Idaho  
COST OF PUBLICATION

Number of Lines in Notice 30  
Number of Insertions 2

Lines subject to 30 50¢/line  
Lines subject to 15.60 40¢/line  
Subsequent lines at 17.65 1.50¢/line  
TOTAL COST 28.25

## COPY OF NOTICE (Paste Here)

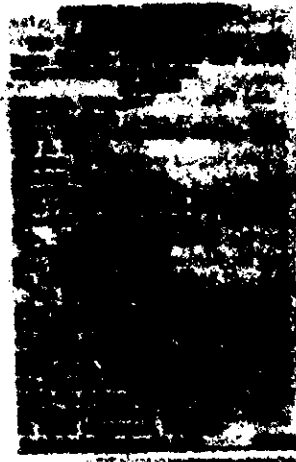
Department of Water Resources  
Notice of Notice  
Hawkins

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Department of Water Resources  
2148 4th Ave East  
Gooding



| PUBLICATION RATES             |          |
|-------------------------------|----------|
| Idaho Code, Sec. 1-100 (1980) |          |
| 7-8 ps. per line straight     | 40¢/line |
| 7-8 ps. per line subject      | 50¢/line |
| 7-8 ps. per line consecutive  | 50¢/line |
| Insertions                    | 50¢/line |

NO 1366

8891



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 22, 2002

MAGIC VALLEY DAIRY SUPPLY  
C/O WAYNE HAWKINS  
304 S 230 W  
JEROME ID 83338

RE: Water Right License 36-8396

Dear Mr. Hawkins:

The Department of Water Resources (IDWR) received your petition for reconsideration of Water Right License 36-8396 on April 12, 2002. IDWR's Rules of Procedure require the petition to be submitted within fourteen days of the service date of the preliminary order issuing the license. To be timely, the petition would have to have been received by April 8, 2002. Therefore, the petition for reconsideration cannot be acknowledged.

However, under Rule 760 of IDWR's Rules of Procedure (IDAPA 37.01.01.760), the agency can modify an order on its own initiative at any time before the opportunity to appeal to the district court has expired. An amended Water Right License for water right 36-8396 is enclosed. The amended license is a final order. Please see the enclosed information sheet for a description of the procedure for appealing a final order.

If you have any questions, please call me at 208-327-7946, or email me at [skeen@idwr.state.id.us](mailto:skeen@idwr.state.id.us).

Sincerely,

Shelley Walter Keen  
Water Rights Supervisor

Enclosure

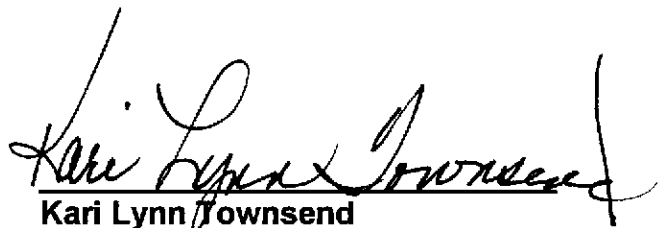
MICROFILMED  
JUN 05 2002

## CERTIFICATE OF SERVICE

I hereby certify that on **April 22, 2002**, I mailed a true and correct copy, postage prepaid, of the foregoing **FINAL ORDER** to the person(s) listed below:

**RE: Water Right License 36-8396**

**MAGIC VALLEY DAIRY SUPPLY  
C/O WAYNE HAWKINS  
304 S 230 W  
JEROME ID 83338**

  
**Kari Lynn Townsend**  
**Secretary**

**MICROFILMED**

**JUN 05 2002**

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER  
(Required by Rule of Procedure 740.02)

This is a final order of the agency. Any party may file a petition for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5246(4), Idaho Code. (7-1-93)

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department or the Board is otherwise provided by statute, any person aggrieved by any decision, determination, order or action of the director of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the director, who is aggrieved by a denial or conditional approval ordered by the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the denial or conditional approval upon filing with the director, within fifteen (15) days after receipt of the denial or conditional approval, a written petition stating the grounds for contesting the action by the director and requesting a hearing. (4-5-00)

Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this final order or orders previously issued in this case may appeal this 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: (7-1-93)

- i. A hearing was held; (7-1-93)
- ii. The final agency action was taken; (7-1-93)
- iii. The party seeking review of the order resides; or (7-1-93)
- iv. The real property or personal property that was the subject of the agency action is located. (7-1-93)

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code, and Rule 84 of the Idaho Rules of Civil Procedure. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

JUN 05 2002

## MEMORANDUM

**DATE:** April 19, 2002

**TO:** Water Right File 36-8396

**FROM:** Shelley W. Keen *SK*

**RE:** Petition for reconsideration of License 36-8396

---

Wayne Hawkins submitted additional information in support of Water Right 36-8396. The information he provided shows that during the authorized development period for Permit 36-8396 Joe Giltner, who operated the permitted dairy at that time, washed 6 pens of 160 cows three times each day. The information submitted by Mr. Hawkins also includes two liquid storage system plans prepared by Robert Ohlensehlen in the early 1990s. The plans are intended to show that sprinklers in a dairy holding pen typically discharge 6 to 7 gpm, and that the operating time was about 80 to 90 minutes each day, or about 5 minutes per pen.<sup>1</sup>

60 sprinklers \* 6 gpm \* 6 pens \* 3 milkings \* 5 min. \* 365 days = 11826000 gal., or 36.3AF

I called Wayne Hawkins to ask if the 700 cattle indicated on the application would have meant fewer pens or fewer cattle per pen. He said there have always been 6 pens. The number of animals in each pen has been increased from 700 to 960 by adding more stanchions to each pen.

Adding 36.3AF of wash water to the 11.1 AF for other commercial uses results in 47.4 AF for the commercial component. Adding that to the 24.2 AF already calculated for stock watering results in a total annual use of 71.6AF.

---

<sup>1</sup> Mr. Hawkins told me that it is standard procedure in dairies to have the sprinkler on for one minute, off for three minutes, on for another minute, off for three more minutes, then on for three minutes.

JUN 05 2002

## HAWKINS LAND INVESTMENTS

304 SOUTH 230 WEST  
JEROME, ID 83338  
PHONE (208)324-4382 FAX(208)324-4369

RECEIVED

APR 19 2002

Department of Water Resources

TO: Shelly Keen FROM: Wayne  
COMPANY: IDWR DATE: 18 Apr 2002  
FAX NUMBER: 208-327-7866  
TOTAL PAGES INCLUDING COVER: 7  
MESSAGE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MICROFILMED  
JUN 05 2002

Hawkins Land Investments  
304 South 230 West  
Jerome, ID 83338  
(208) 324-4382  
Fax (208) 324-4369

18 April 2002

To: Shelley Keen

Re: Water Right 36-8396

In regards to our telephone conversation 17 April 2002 about your letter dated 16 April 2002.

When I talked to you on 8 April 2002, you said that you would put a note in my file stating we talked about reconsideration and to get a letter off to you with proof of the wash pen history. Nothing was said that it had to be in writing, you gave me the impression that the note in my file was fine. I wrote my letter 9 April 2002 showing GPM and minutes per day. The letter from Joe Giltner shows he milked 960 cows, the corrals hold 160 cows each, that means we washed 6 pens of cows 3 times a day. The wash pen has to run 80-90 minutes a day.

I enclosed 2 Liquid Storage Designs by Robert Ohlensehlen. He shows 6-7 GPM and 80-84 minutes per day. The Liquid Storage Designs are for reference showing GPM and minutes per day. The letter from Joe Giltner proves we wash that many cows in 1988-1990. With the enclosed information I have provided, the math adds up to an additional 36 AFA. Reconsider my Water Right 36-8396.

Sincerely,



Wayne Hawkins

MICROFILMED

JUN 05 2002

8 March 2002

Idaho Department of Water Resources:

Re: Magic Valley Dairy Supply Dairy #2 Water right #36-08396 Legal OBSISE18NENE

I rented the dairy belonging to Wayne and Dean Hawkins from Oct 1988 to Feb 1990. I milked 960 cows 3 times a day and washed the cows with sprinklers in the holding pen. I had 200 dry cows with a few heifers.

Sincerely,

Joe Giltner

A handwritten signature in cursive script, appearing to read "Joe Giltner", written in dark ink.

MICROFILMED

JUN 05 2002

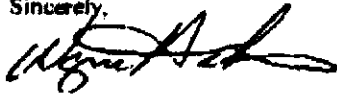
Hawkins Land Investments  
304 S 230 W  
Jerome, ID 83338

8 March 2002

Shelley Keen.

In regards to our telephone conversation, Friday 8 March 2002, about proof of having sprinklers in the hold pen for washing cows. Enclosed is a letter from Joe Giltner who rented the dairy from October 1988 until February 1990.

Sincerely,



Wayne Hawkins

MICROFILMED

JUN 05 2002

Hawkins Land Investments  
304 South 230 West  
Jerome, ID 83338  
(208) 324-4382  
Fax (208) 324-4369

9 April 2002

To: Shelley Keen

Re: Water Right 36-8396

In regards to our telephone conversation 8 April 2002 about the amount of water used to wash cows in holding/wash pen. I have included a copy of a Liquid Storage System Design prepared by Robert Ohlenschlen. He shows a total of 84 minutes per day for the wash pen. If you take 84 minutes divide by 3 times a day gives you 28 minutes per shift. Divide that by 6 milking pens. That is only 4.67 minutes per milking pen. I have built dairies and designed milking barns since 1975; 4.67 minutes per milking pen are very minimal.

Also enclosed is a price list of sprinkler heads with gal/min, as you can see, a full circle double set is 6.4 gal/min. We installed this rainbird because it cleaned itself and had fewer problems because it went in a full circle. The wash pen has a 20 h.p. booster pump that delivers 490gpm. If you take 60 rainbirds times 6.4gpm (Ohlenschlen said 7 gpm) gives 384 gpm times 84 min per day gives 32256 gals per day times 365 equals 36 AF per year.

I am asking that you please reconsider this water right based on the facts given, and add these 36 AF to my original water right of 30.6 AF for a total of 66.6 AF.

Sincerely,

Wayne Hawkins

MICROFILMED

APR 05 2002

## Liquid Storage System Design

\*\*\*\*\*

## PLAN PREPARED FOR:

WAYNE HAWKINS

Date Prepared: 07/25/94

JEROME, ID

## PLAN PREPARED BY:

Robert Ohlenschlaen  
Extension Ag Agent

## GENERAL INFORMATION:

|                                                                   |            |
|-------------------------------------------------------------------|------------|
| Manure Reduction due to Solid Separation.....                     | 0 %        |
| Times Per Day Cows Are Being Milked.....                          | 2          |
| % of Milking Herd Manure Produced Being Stored as Liquid.....     | 15 %       |
| Daily Manure From Milking Herd Stored in Lagoon.....              | 276 cu.ft. |
| % of Replacement Herd Manure Produced Being Stored as Liquid..... | 0 %        |
| Daily Manure From Replacement Herd Stored in Lagoon.....          | 0 cu.ft.   |
| Total Manure Stored from Herd Stored in Lagoon.....               | 276 cu.ft. |

## PARLOR WASTE BEING STORED:

|                                                              |             |        |
|--------------------------------------------------------------|-------------|--------|
| Number of Sprinklers in Holding Pen.....                     | 59          | } NOTE |
| Sprinkler Output in Gallons Per Minute.....                  | 6 gal.      |        |
| Minutes Per Day Spinklers Are Being Used.....                | 80 min.     |        |
| Total Gallons of Water Used in Holding Pen (Daily).....      | 29320 gal.  |        |
| Enter Amount of Water Used to Clean Bulk Tank.....           | 60 gal.     |        |
| Enter Amount of Water Used to Clean Pipeline.....            | 250 gal.    |        |
| Enter Amount of Water Used for Miscellaneous Cleanup.....    | 30 gal.     |        |
| Enter Amount of Water Used for Cow Prep.....                 | 480 gal.    |        |
| Enter Amount of Water Used to Wash the Parlor Floor.....     | 75 gal.     |        |
| Enter Amount of Water Used to Wash Milk House Floor.....     | 20 gal.     |        |
| Enter Amount of Water From Cooling Systems Added To Lagoon.. | 0 gal.      |        |
| TOTAL WATER USED IN BARN AND HOLDING PEN PER DAY.....        | 30234 gal.  |        |
| TOTAL CU.FT. OF WATER USED IN BARN AND HOLDING PEN PER DAY.. | 4031 cu.ft. |        |
| TOTAL CU.FT. OF WATER PLUS MANURE STORED PER DAY.....        | 4307 cu.ft. |        |

## RUNOFF CONTRIBUTING TO STORAGE:

|                            |             |                       |
|----------------------------|-------------|-----------------------|
| AREA 1 - 210 ft. x 750 ft. | Slope - 3 % | Runoff - 23625 cu.ft. |
| AREA 2 - 275 ft. x 320 ft. | Slope - 3 % | Runoff - 13200 cu.ft. |
| AREA 3 - 325 ft. x 960 ft. | Slope - 1 % | Runoff - 25757 cu.ft. |
| AREA 4 - 120 ft. x 280 ft. | Slope - 3 % | Runoff - 5040 cu.ft.  |
| AREA 5 - 425 ft. x 250 ft. | Slope - 2 % | Runoff - 8772 cu.ft.  |

|                                                         |               |
|---------------------------------------------------------|---------------|
| Total Runoff from 25 year 24 hour Storm Event.....      | 76394 cu.ft.  |
| Winter Precipitation From 1 in 5 Year to Be Contained.. | 63924 cu.ft.  |
| TOTAL Runoff From Winter Precip. + Storm Event.....     | 140318 cu.ft. |

## SUMMARY OF LIQUIDS TO BE STORED:

|                                                   |               |
|---------------------------------------------------|---------------|
| Total Number of Days of Storage Required.....     | 180 days      |
| Total Process Water Being Stored in Lagoon.....   | 725626 cu.ft. |
| Percent of Runoff Being Stored in Lagoon.....     | 100 %         |
| Total of Runoff Water To Be Stored In Lagoon..... | 140318 cu.ft. |
| Manure To Be Stored in Lagoon.....                | 49715 cu.ft.  |

|                                               |               |
|-----------------------------------------------|---------------|
| LAGOON STORAGE REQUIRED (PRIMARY LAGOON)..... | 915658 cu.ft. |
| ADDITIONAL RUNOFF STORAGE REQUIRED.....       | 0 cu.ft.      |

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JUN 05 2002

## Liquid Storage System Design

## PLAN PREPARED FOR:

WAYNE HAWKINS DAIRY  
300 S 100 W  
JEROME, ID

Date Prepared: 06/30/93

## PLAN PREPARED BY:

Robert Ohlenschlaeg  
Extension Ag Agent

## GENERAL INFORMATION:

|                                                                   |            |
|-------------------------------------------------------------------|------------|
| Manure Reduction due to Solid Separation.....                     | 50 %       |
| Times Per Day Cows Are Being Milked.....                          | 3          |
| % of Milking Herd Manure Produced Being Stored as Liquid.....     | 15 %       |
| Manure From Milking Herd Stored in Lagoon.....                    | 145 cu.ft. |
| % of Replacement Herd Manure Produced Being Stored as Liquid..... | 0 %        |
| Manure From Replacement Herd Stored in Lagoon.....                | 0 cu.ft.   |

## PARLOR WASTE BEING STORED:

|                                                              |            |
|--------------------------------------------------------------|------------|
| Number of Sprinklers in Holding Pen.....                     | 50         |
| Sprinkler Output in Gallons Per Minute.....                  | 7 gal.     |
| Minutes Per Day Sprinklers Are Being Used.....               | 84 min.    |
| Total Gallons of Water Used in Holding Pen (Daily).....      | 27800 gal. |
| Enter Amount of Water Used to Clean Bulk Tank.....           | 60 gal.    |
| Enter Amount of Water Used to Clean Pipeline.....            | 375 gal.   |
| Enter Amount of Water Used for Miscellaneous Cleanup.....    | 30 gal.    |
| Enter Amount of Water Used for Cow Prep.....                 | 420 gal.   |
| Enter Amount of Water Used to Wash the Parlor Floor.....     | 75 gal.    |
| Enter Amount of Water Used to Wash Milk House Floor.....     | 20 gal.    |
| Enter Amount of Water From Cooling Systems Added To Lagoon.. | 0 gal.     |

|                                                              |             |
|--------------------------------------------------------------|-------------|
| TOTAL WATER USED IN BARN AND HOLDING PEN PER DAY.....        | 28780 gal.  |
| TOTAL CU.FT. OF WATER USED IN BARN AND HOLDING PEN PER DAY.. | 3837 cu.ft. |

## RUNOFF CONTRIBUTING TO STORAGE:

|                             |             |                       |
|-----------------------------|-------------|-----------------------|
| AREA 1 - 304 ft. x 1216 ft. | Slope - 1 % | Runoff - 19073 cu.ft. |
| AREA 2 - 304 ft. x 912 ft.  | Slope - 3 % | Runoff - 41587 cu.ft. |
| AREA 3 - 304 ft. x 304 ft.  | Slope - 1 % | Runoff - 4768 cu.ft.  |
| AREA 4 - 300 ft. x 600 ft.  | Slope - 1 % | Runoff - 9287 cu.ft.  |
| AREA 5 - 0 ft. x 0 ft.      | Slope - 0 % | Runoff - 0 cu.ft.     |

|                                                         |               |
|---------------------------------------------------------|---------------|
| Total Runoff from 25 year 24 hour Storm Event.....      | 74716 cu.ft.  |
| Winter Precipitation From 1 in 5 Year to Be Contained.. | 114916 cu.ft. |
| TOTAL Runoff From Winter Precip. + Storm Event.....     | 189632 cu.ft. |

## SUMMARY OF LIQUIDS TO BE STORED:

|                                                   |               |
|---------------------------------------------------|---------------|
| Total Number of Days of Storage Required.....     | 180 days      |
| Total Process Water Being Stored in Lagoon.....   | 690720 cu.ft. |
| Percent of Runoff Being Stored in Lagoon.....     | 0 %           |
| Total of Runoff Water To Be Stored In Lagoon..... | 0 cu.ft.      |
| Manure To Be Stored in Lagoon.....                | 26157 cu.ft.  |

|                                               |               |
|-----------------------------------------------|---------------|
| LAGOON STORAGE REQUIRED (PRIMARY LAGOON)..... | 716877 cu.ft. |
| ADDITIONAL RUNOFF STORAGE REQUIRED.....       | 189632 cu.ft. |

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JUN 05 2002



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 16, 2002

HAWKINS LAND INVESTMENTS  
304 SOUTH 230 WEST  
JEROME ID 83338

RE: Water Right 36-8396

Dear Mr. Hawkins:

On April 12, 2002, IDWR received your letter asking that Water Right License 36-8396 be modified to authorize an annual diversion volume of 66.6 AF. Water Right License 36-8396 was issued as a preliminary order on March 22, 2002, and mailed to you on March 25, 2002. As stated on the information sheet sent to you with the license, a petition for reconsideration of a preliminary order must be filed with IDWR within 14 days of the service date of the order. All pleadings, including petitions for reconsideration, must be submitted in writing. While you telephoned IDWR on April 5, 2002, your written request did not reach IDWR until after the April 8, 2002, deadline. Therefore, your request is not timely, and it cannot be considered as a petition for reconsideration of the preliminary order issuing the license. After April 8, 2002, the preliminary order became a final order.

It is also important to note that when issuing a water right license, IDWR must look at the diversion and beneficial use of water accomplished prior to the date that proof of beneficial use is submitted for the permit to appropriate water. Proof of beneficial use was submitted for Permit 36-8396 on October 20, 1992. The licensed annual diversion volume of 45.4 AF for Water Right 36-8396 is based in large part on a spreadsheet you provided to IDWR on March 4, 2002. In that spreadsheet, you described the use of 5 gpm sprinklers for 30 minutes each day in your holding pen. The annual volume on the license was also based in part on a letter from Joe Giltner about his use of water in the dairy before 1992. The design information from Robert Ohlensehlen that you submitted with your letter describes a holding pen use of 84 minutes, but it is dated June 30, 1993. The pump and sprinkler price list you submitted shows sprinklers that produce 6.4 gpm, but the list is dated January 1, 1996. Because the documentation enclosed with your request to modify the license is from the period after proof of beneficial use was submitted, it could not have formed the basis for a change to the license unless it somehow describes events that occurred before proof of beneficial use was submitted. Additional development after the authorized development period would be considered a new appropriation requiring another water right to cover the use.

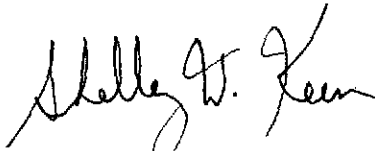
MICROFILMED

JUN 6 5 2002

Hawkins Land Investments  
April 15, 2002  
Page 2

I have enclosed an information sheet that describes how a preliminary order that has become a final order can be appealed. If you have any further questions about your water right, please call me at 208-327-7946, or email me at [skeen@idwr.state.id.us](mailto:skeen@idwr.state.id.us).

Sincerely,

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

Shelley Walter Keen  
Water Rights Supervisor

Enclosure

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JUN 05 2002

RECEIVED

APR 12 2002

Department of Water Resources

Hawkins Land Investments  
304 South 230 West  
Jerome, ID 83338  
(208) 324-4382  
Fax (208) 324-4369

9 April 2002

To: Shelley Keen

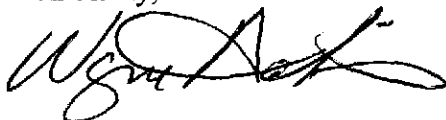
Re: Water Right 36-8396

In regards to our telephone conversation 8 April 2002 about the amount of water used to wash cows in holding/wash pen. I have included a copy of a Liquid Storage System Design prepared by Robert Ohlensehlen. He shows a total of 84 minutes per day for the wash pen. If you take 84 minutes divide by 3 times a day gives you 28 minutes per shift. Divide that by 6 milking pens. That is only 4.67 minutes per milking pen. I have built dairies and designed milking barns since 1975; 4.67 minutes per milking pen are very minimal.

Also enclosed is a price list of sprinkler heads with gal/min, as you can see, a full circle double set is 6.4 gal/min. We installed this rainbird because it cleaned itself and had fewer problems because it went in a full circle. The wash pen has a 20 h.p. booster pump that delivers 490gpm. If you take 60 rainbirds times 6.4gpm (Ohlensehlen said 7 gpm) gives 384 gpm times 84 min per day gives 32256 gals per day times 365 equals 36 AF per year.

I am asking that you please reconsider this water right based on the facts given, and add these 36 AF to my original water right of 30.6 AF for a total of 66.6 AF.

Sincerely,



Wayne Hawkins

MICROFILMED  
JUN 05 2002

# Liquid Storage System Design

## PLAN PREPARED FOR:

WAYNE HAWKINS DAIRY  
300 S 100 W  
JEROME, ID

Date Prepared: 06/30/93

## PLAN PREPARED BY:

Robert Ohlensehlen  
Extension Ag Agent

## GENERAL INFORMATION:

|                                                                   |            |
|-------------------------------------------------------------------|------------|
| Manure Reduction due to Solid Separation.....                     | 50 %       |
| Times Per Day Cows Are Being Milked.....                          | 3          |
| % of Milking Herd Manure Produced Being Stored as Liquid.....     | 15 %       |
| Manure From Milking Herd Stored in Lagoon.....                    | 145 cu.ft. |
| % of Replacement Herd Manure Produced Being Stored as Liquid..... | 0 %        |
| Manure From Replacement Herd Stored in Lagoon.....                | 0 cu.ft.   |

## PARLOR WASTE BEING STORED:

|                                                              |             |
|--------------------------------------------------------------|-------------|
| Number of Sprinklers in Holding Pen.....                     | 50          |
| Sprinkler Output in Gallons Per Minute.....                  | 7 gal.      |
| Minutes Per Day Spinklers Are Being Used.....                | 84 min.     |
| Total Gallons of Water Used In Holding Pen (Daily).....      | 27800 gal.  |
| Enter Amount of Water Used to Clean Bulk Tank.....           | 60 gal.     |
| Enter Amount of Water Used to Clean Pipeline.....            | 375 gal.    |
| Enter Amount of Water Used for Miscellaneous Cleanup.....    | 30 gal.     |
| Enter Amount of Water Used for Cow Prep.....                 | 420 gal.    |
| Enter Amount of Water Used to Wash the Parlor Floor.....     | 75 gal.     |
| Enter Amount of Water Used to Wash Milk House Floor.....     | 20 gal.     |
| Enter Amount of Water From Cooling Systems Added To Lagoon.. | 0 gal.      |
| TOTAL WATER USED IN BARN AND HOLDING PEN PER DAY.....        | 28780 gal.  |
| TOTAL CU.FT. OF WATER USED IN BARN AND HOLDING PEN PER DAY.. | 3837 cu.ft. |

## RUNOFF CONTRIBUTING TO STORAGE:

|                                                         |             |                       |
|---------------------------------------------------------|-------------|-----------------------|
| AREA 1 - 304 ft. x 1216 ft.                             | Slope - 1 % | Runoff - 19073 cu.ft. |
| AREA 2 - 304 ft. x 912 ft.                              | Slope - 3 % | Runoff - 41587 cu.ft. |
| AREA 3 - 304 ft. x 304 ft.                              | Slope - 1 % | Runoff - 4768 cu.ft.  |
| AREA 4 - 300 ft. x 600 ft.                              | Slope - 1 % | Runoff - 9287 cu.ft.  |
| AREA 5 - 0 ft. x 0 ft.                                  | Slope - 0 % | Runoff - 0 cu.ft.     |
| Total Runoff from 25 year 24 hour Storm Event.....      |             | 74716 cu.ft.          |
| Winter Precipitation From 1 in 5 Year to Be Contained.. |             | 114916 cu.ft.         |
| TOTAL Runoff From Winter Precip. + Storm Event.....     |             | 189632 cu.ft.         |

## SUMMARY OF LIQUIDS TO BE STORED:

|                                                   |               |
|---------------------------------------------------|---------------|
| Total Number of Days of Storage Required.....     | 180 days      |
| Total Process Water Being Stored in Lagoon.....   | 690720 cu.ft. |
| Percent of Runoff Being Stored in Lagoon.....     | 0 %           |
| Total of Runoff Water To Be Stored In Lagoon..... | 0 cu.ft.      |
| Manure To Be Stored in Lagoon.....                | 26157 cu.ft.  |

|                                               |               |
|-----------------------------------------------|---------------|
| LAGOON STORAGE REQUIRED (PRIMARY LAGOON)..... | 716877 cu.ft. |
| ADDITIONAL RUNOFF STORAGE REQUIRED.....       | 189632 cu.ft. |

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JUN 05 2002

BOOSTER PUMPS: 3 PHASE, 3600 RPM  
INLET/OUTLET/GAL.

|          |    |        |     |         |
|----------|----|--------|-----|---------|
| 5 HP     | 2" | 1 1/2" | 110 | 2386.00 |
| 7 1/2 HP | 2" | 1 1/2" | 190 | 2555.00 |
| 10 HP    | 3" | 2 1/4" | 245 | 2945.00 |
| 15 HP    | 3" | 2 1/4" | 375 | 3079.00 |
| 20 HP    | 4" | 3"     | 490 | 3670.00 |
| 25 HP    | 4" | 3"     | 600 | 3945.00 |

CENTRIFUGAL SUMP PUMP, STD.: 3 PHASE

| (WITH/(WITHOUT))        |         |      |                 |  |
|-------------------------|---------|------|-----------------|--|
| 3 HP                    | 3" STD. | 1800 | 2080.00/1887.00 |  |
| 5 HP                    | 3" STD. | 1800 | 2265.00/2070.00 |  |
| 7 1/2 HP                | 4" STD. | 1800 | 2858.00/2560.00 |  |
| WITHOUT MOUNTING PLATES |         |      |                 |  |

WITH MOUNTING PLATES

|       |         |      |         |  |
|-------|---------|------|---------|--|
| 10 HP | 4" HVY. | 1800 | 3675.00 |  |
| 15 HP | 4" HVY. | 1800 | 3975.00 |  |
| 20 HP | 4" HVY. | 1800 | 4376.00 |  |
| 10 HP | 6" HVY. | 1200 | 4565.00 |  |
| 20 HP | 6" HVY. | 1800 | 5100.00 |  |

PONTOON PUMPS: 3 PHASE  
DISCHARGE RPM

|          |         |      |         |
|----------|---------|------|---------|
| 3 HP     | 3" STD. | 1800 | 1580.00 |
| 5 HP     | 3" STD. | 1800 | 1825.00 |
| 7 1/2 HP | 4" STD. | 1800 | 2300.00 |
| 10 HP    | 4" HVY. | 1800 | 3385.00 |
| 15 HP    | 4" HVY. | 1800 | 3656.00 |
| 20 HP    | 4" HVY. | 1800 | 4085.00 |
| 10 HP    | 6" HVY. | 1200 | 4260.00 |
| 20 HP    | 6" HVY. | 1800 | 4795.00 |

AGITATORS: 3 PHASE 900 RPM

|                          |         |
|--------------------------|---------|
| 3 HP WITH MOUNTING PLATE | 2325.00 |
| 3 HP WITHOUT PLATE       | 2125.00 |

ADDITIONAL PUMP LENGTH:

| FULL TUBE - 30" HALF TUBE - 15" |        |
|---------------------------------|--------|
| AGITATOR                        | 260.00 |
| 3 - 5 - 7 1/2 HP                | 280.00 |
| 10 - 15 (1800) 4"               | 308.00 |
| 10 - 20 HP (1200 RPM) 6"        | 325.00 |

SPRINKLER HEADS:GAL/MIN

|                                 |     |       |
|---------------------------------|-----|-------|
| FULL CIRCLE SINGLE JET          | 4.9 | 13.40 |
| FULL CIRCLE DOUBLE JET          | 6.4 | 16.40 |
| PART CIRCLE SINGLE JET          | 5.4 | 23.60 |
|                                 |     |       |
| SPRINKLER GUARD, BLACK          |     | 28.50 |
| SPRINKLER GUARD, ZINC           |     | 35.50 |
| SPRINKLER GUARD, SADDLED, BLACK |     | 32.00 |

SPRINKLER MOUNTING BASE:

|                  |        |
|------------------|--------|
| WHEEL MOUNT BASE | 236.00 |
| WHEEL ONLY       | 73.40  |

NELSON SPRINKLER GUN M100 703.00

SINGLE PHASE MOTORS ARE NOT AVAILABLE  
FOR USE WITH PUMPS. "ADD A PHASE" UNIT  
AVAILABLE THRU SOME DEALERS, BUT NOT US.

WASH PEN CYCLE TIMER 864.00 (ADJUSTABLE)

FLOATING PONTOON: 875.00

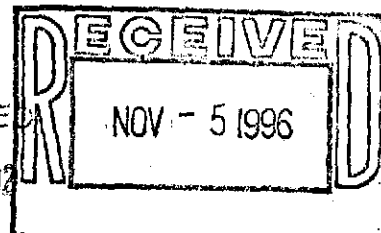
4" PONTOON HOSE + FITTINGS 10.00/FT.  
6" PONTOON HOSE ON REQUEST  
LESS THAN 50' LENGTH 11.00/FT.FLOAT SWITCH ASSEMBLY:

|                        |        |
|------------------------|--------|
| 6' ASSEMBLY COMPLETE   | 365.00 |
| LONGER LENGTH ASSEMBLY | 380.00 |
| FLOAT SWITCH ONLY      | 288.00 |
| FLOAT ONLY             | 41.00  |

ALL MOTORS ARE HEAVY DUTY U FRAME STERLING  
WITH SEALED BEARINGS. T FRAME MOTORS  
AVAILABLE WITH 6 - 8 WEEK ORDER TIME

MICROFILMED

JUN 05 2002



CHINO OFFICE: 909/597-3412

fax 909/597-4957

artesia 1/800 88 dairy

**VANDENBERG MFG. CO., INC.**

17306 ROSETON AVENUE ARTESIA, CALIFORNIA 90701

310

865-6000

FAX 310

865-7924

## MEMORANDUM

**DATE:** April 9, 2002

**TO:** Water Right File 36-8396

**FROM:** Shelley W. Keen *SKK*

**RE:** Phone call from Wayne Hawkins

---

Yesterday I returned a phone call to Wayne Hawkins to discuss the annual volume limitation on Water Right License 36-8396, which was issued to him on March 22, 2002. Mr. Hawkins said that he thinks the volume figure is too low. When discussed how the volume was determined, he questioned the use of 30 minutes as the length of time his washing sprinklers operated each day. Mr. Hawkins said there are six rotations operating three minutes each and that each rotation is milked three times a day, for a total of 48 minutes. Mr. Hawkins is aware that the deadline for petitioning for reconsideration of the license was yesterday. Nevertheless, he said he plans to submit a petition and hope that IDWR allows for the fact that he telephoned on April 5, 2002.

(Note: On March 4, 2002, IDWR received a spreadsheet signed by Mr. Hawkins. The purpose of the spreadsheet was to provide information about the annual volume of water used in his dairy. On the spreadsheet Mr. Hawkins used 30 minutes as the length of time his washing sprinklers operated each day. The annual volume figure on the license was based in part on the 30-minute figure supplied by Mr. Hawkins on March 4.)

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JUN 05 2002

Keen, Shelley

SLK

**From:** Unity Messaging System - A009  
**Sent:** Friday, April 05, 2002 12:04 PM  
**To:** Keen, Shelley  
**Subject:** Wayne Hawkins re: 36-08396 208-280-4382



VoiceMessage

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JUN 05 2002



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

March 25, 2002

MAGIC VALLEY DAIRY SUPPLY  
C/O WAYNE HAWKINS  
304 S 230 W  
JEROME ID 83338

RE: License No. 36-8396 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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

Enclosed is a copy of the approved Application for Amendment.

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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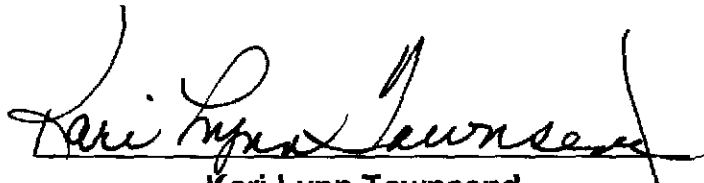
APR 03 2002

## CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 36-8396

MAGIC VALLEY DAIRY SUPPLY  
C/O WAYNE HAWKINS  
304 S 230 W  
JEROME ID 83338



Kari Lynn Townsend  
Secretary

MICROFILMED

APR 6 3 2002

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

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

**PETITION FOR RECONSIDERATION**

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

**EXCEPTIONS AND BRIEFS**

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

**REQUEST FOR HEARING**

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

**ORAL ARGUMENT**

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

**CERTIFICATE OF SERVICE**

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

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

FILE NUMBER 36-08396  
REVIEWER kw  
DATE March 4, 2002

DAIRIES: WATER USE WORKSHEET

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE 700  
NUMBER OF DRY CATTLE  
NUMBER OF REPLACEMENT CATTLE: 0-2 MONTHS  
3-4 MONTHS  
5-8 MONTHS  
9-12 MONTHS  
13-15 MONTHS  
16-24 MONTHS  
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC COW WASHING,  
OR 3 IF SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS  
IF SPRINKLERS ARE USED: NUMBER OF SPRINKLERS IN HOLDING PEN  
NOZZLE DISCHARGE (USE 5.0 GPM IF UNKNOWN)  
TOTAL OPERATION TIME OF SPRINKLERS (MIN/DAY)  
NUMBER OF MILKINGS PER DAY  
AVG. LBS. OF MILK PRODUCED PER DAY PER ANIMAL (IDAHO AVG IS 70 LBS.)  
ARE THERE SEPARATE PUMPS FOR COMMERCIAL AND STOCKWATER USES?  
IF SO: HOW MANY HOURS PER DAY DOES THE STOCKWATER PUMP RUN?  
HOW MANY HOURS PER DAY DOES THE COMMERCIAL PUMP RUN?  
IF ONLY ONE PUMP, HOW MANY TOTAL HOURS PER DAY DOES IT RUN?  
IS A PLATE COOLER USED?  
IS PLATE COOLER WATER LATER RECYCLED FOR OTHER USES? (IF NO PLATE  
COOLER, LEAVE BLANK)  
ARE CORRAL MISTERS USED IN HOLDING PEN?  
IF USING CORRAL MISTERS: NUMBER OF MISTERS (IF UNKNOWN,  
ASSUME 1 MISTER FOR EVERY 5 COWS)  
NOZZLE DISCHARGE (USE 5 GPH IF UNKNOWN)  
SPRAY INTERVAL (EX - 2 MIN ON EVERY 5 MIN = 2/5)  
OPERATION TIME OF MISTERS (HRS/DAY)  
DAYS PER YEAR MISTERS ARE USED  
ENTER A TOTAL VOLUME IN GPD FOR MISCELLANEOUS WATER USES NOT  
INDIVIDUALLY CALCULATED BELOW (EX - RESTROOMS, WASHING MACHINES)

CALCULATIONS

DIVERSION RATE (CFS):

STOCKWATER  
MILKING CATTLE (BASED ON MILK PRODUCTION)  
DRY CATTLE @17.0 GPD/HD  
REPLACEMENT CATTLE  
TOTAL 6.13

COMMERCIAL  
TOTAL 6.13

TOTAL DIVERSION RATE 6.13

DIVERSION VOLUME (AFA):

STOCKWATER  
MILKING CATTLE 24.2  
DRY CATTLE 0.0  
REPLACEMENT CATTLE 0.0  
TOTAL 24.2

COMMERCIAL  
WASHING OF BULK TANK AND RELATED EQUIPMENT 0.6  
BACKFLUSH 1.2  
PARLORMILKHOUSEHOLDING PEN CLEANUP 3.0  
CATTLE WASHING BASED UPON METHOD OF WASHING 10.1  
PLATE COOLER 6.3  
CORRAL MISTERS 0.0  
MISCELLANEOUS USES 0.0  
TOTAL 21.2

TOTAL DIVERSION VOLUME 45.4

CONSUMPTIVE USE VOLUME (AFA)(assuming 100% consumptive):

STOCKWATER 24.2  
COMMERCIAL 21.2  
TOTAL CONSUMPTIVE USE 45.4

REQUIRED PUMP INFORMATION

|                             | PUMP 1 | PUMP 2 | PUMP 3 | PUMP 4 | PUMP 5 |
|-----------------------------|--------|--------|--------|--------|--------|
| PUMP HORSEPOWER (HP)        | 25.00  |        | 0.00   | 0.00   | 0.00   |
| PUMP EFFICIENCY (%)         | 70     |        | 70     | 70     | 70     |
| LIFT (FT)                   | 230    |        | 0      | 0      | 0      |
| DISCHARGE PRESSURE (PSI)    | 40     |        | 0      | 0      | 0      |
| FRICTION LOSSES (FT)        | 3.0    |        | 0.0    | 0.0    | 0.0    |
| HOURS PER DAY PUMP OPERATES | 12.0   |        | 0.0    | 0.0    | 0.0    |

CALCULATIONS

|                               | PUMP 1 | PUMP 2 | PUMP 3 | PUMP 4 | PUMP 5 |
|-------------------------------|--------|--------|--------|--------|--------|
| THEORETICAL FLOW RATE (CFS) * | 0.47   | 0.00   | 0.00   | 0.00   | 0.00   |
| DIVERSION VOLUME (AFA) **     | 171.3  | 0.0    | 0.0    | 0.0    | 0.0    |

\* IF PUMP EFFICIENCY IS UNKNOWN, 70% MAY BE ASSUMED.

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

EVALUATION OF EQUIVALENT IRRIGATED ACREAGE

IRRIGATION RIGHT (BEFORE CHANGE)

|                                                                                                                               |              |
|-------------------------------------------------------------------------------------------------------------------------------|--------------|
| DIVERSION RATE                                                                                                                | 4.80 CFS     |
| ACRES OF IRRIGATION                                                                                                           | 240.0 ACRES  |
| DIVERSION VOLUME                                                                                                              | 4.0 AC-FT/AC |
| CONSUMPTIVE USE VOLUME                                                                                                        | 3.0 AC-FT/AC |
| IRRIGATION IS BEING CONVERTED FOR WHICH PORTION OF THE<br>DAIRY OPERATION - STOCKWATER (S), COMMERCIAL (C), OR<br>BOTH (B)? B |              |

CALCULATIONS

|                                                   |              |
|---------------------------------------------------|--------------|
| IRRIGATION DIVERSION RATE PER ACRE                | 0.020 CFS/AC |
| REDUCTION OF IRRIGATION BASED ON DIVERSION RATE   | 6.5 ACRES    |
| REDUCTION OF IRRIGATION BASED ON DIVERSION VOLUME | 11.4 ACRES   |
| REDUCTION OF IRRIGATION BASED ON CONSUMPTIVE USE  | 15.1 ACRES   |

per info  
used by  
Mr. Hawkins  
& Jeff Martin  
see this  
work sheet  
in file also -

RECEIVED

MAR 21 2002

Department of Water Resources

March 20, 2002

Kay Walker  
Sr. Water Resource Agent  
State of Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Kay:

Please find enclosed documentation that Double H Dairy was using sprinklers to wash the cattle prior to the field examination. Therefore, please re-evaluate the volume of water to be licensed for our commercial use.

Sincerely,



Wayne Hawkins  
Double H Dairy

Encl.

MICROFILMED

APR 03 2002

8 March 2002

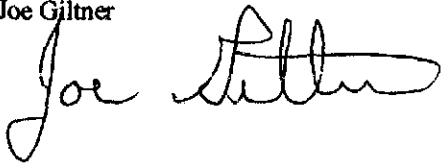
Idaho Department of Water Resources:

Re: Magic Valley Dairy Supply Dairy #2 Water right #36-08396 Legal 08S15E18NENE

I rented the dairy belonging to Wayne and Dean Hawkins from Oct 1988 to Feb 1990. I milked 960 cows 3 times a day and washed the cows with sprinklers in the holding pen. I had 200 dry cows with a few heifers.

Sincerely,

Joe Giltner

A handwritten signature in cursive script, appearing to read "Joe Giltner". The signature is written in dark ink and is positioned to the right of the printed name "Joe Giltner".

MICROFILMED

APR 03 2002

Hawkins Land Investments  
304 S 230 W  
Jerome, ID 83338

8 March 2002

Shelley Keen:

In regards to our telephone conversation, Friday 8 March 2002, about proof of having sprinklers in the hold pen for washing cows. Enclosed is a letter from Joe Giltner who rented the dairy from October 1988 until February 1990.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Hawkins", with a stylized, flowing script.

Wayne Hawkins

MICROFILMED

APR 8 3 2002

## MEMORANDUM

TO: File 36-08396

FROM: KAY WALKER *KW*

RE: 3/5 Request for more information

Date: March 8, 2002  
.....

Mr. Wayne Hawkins called the office this morning in regard to my March 5<sup>th</sup> request for more information. Mr. Hawkins does not like the proposed volumes that our examiner found when she conducted her exam. He stated that he could show me the cement floor that has sprinkler heads in it for washing the cattle. He said that when the exam was done he was not using the sprinklers to wash the cows in order to conserve water but the washing pen is, and has always been set up to do so.

Mr. Hawkins requested 30 days (from today) to gather some documentation in regard to the sprinklers for washing the cows.

MICROFILMED  
APR 03 2002



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](http://www.idwr.state.id.us)

March 5, 2002

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

MAGIC VALLEY DAIRY SUPPLY  
C/O WAYNE HAWKIINS  
304 S 230 W  
JEROME ID 83338

RE: Permit No. 36-08396

Dear Mr. Hawkins:

We are in receipt of the licensing amendment, filing fee and dairy worksheet that you and Jeff Martin prepared. We will be adding the place of use for your waste water to this right, pursuant to the map and changes to the amendment as submitted.

Please note that I have reviewed the dairy worksheet that you and Jeff prepared. I found that you included cattle in the worksheet that were not permitted under this right. This permit was issued for the use of 700 dairy cattle, therefore, we cannot include the additional cattle that you have identified on the dairy worksheet. I also noticed that when our examiner conducted her field examination on May 28, 1999, you were manually washing the cows, which accounts for the lower volume of 4.8 af for your commercial use. The sprinklers that you are now using take a lot more water than washing the cows manually. Since you accompanied our examiner when she conducted her examination, we assume that you gave her the information she used on her dairy worksheet. When did you change your system to washing the cattle with sprinklers instead of manually washing them? If this change occurred after our field examination was completed, adding more water for this purpose now would consist of an expansion of this water right.

If you have some documentation that shows you were using sprinklers to wash the cattle prior to our field examination, please submit that documentation so that we can re-evaluate the volume of water to be licensed for your commercial use. We will not take any further action towards licensing this permit for the next 10 days. If you have documentation you would like to submit, please submit it within this 10-day period. Otherwise we will prepare the water right license with the volumes shown on the licensing amendment. If you have any questions in regard to this matter, please feel free to contact me at (208)327-7944.

Sincerely,

KAY WALKER  
Sr. Water Resource Agent

MICROFILMED

APR 03 2002

*3/5  
Wayne Hawkins -  
always had  
the cow washers in -  
see tel. con. - kw*

MAR -4 2002

Department of Water Resources

FILE NUMBER \_\_\_\_\_ Wayne Hawkins 35-8398  
 REVIEWER \_\_\_\_\_ NSGWD  
 DATE \_\_\_\_\_ February 27, 2002

## DAIRIES: WATER USE WORKSHEET

## REQUIRED DAIRY DATA

|                                                                                                                                        |      |
|----------------------------------------------------------------------------------------------------------------------------------------|------|
| NUMBER OF MILKING CATTLE _____                                                                                                         | 700  |
| NUMBER OF DRY CATTLE _____                                                                                                             | 200  |
| NUMBER OF REPLACEMENT CATTLE: 0-2 MONTHS _____                                                                                         | 0    |
| 3-4 MONTHS _____                                                                                                                       | 0    |
| 5-8 MONTHS _____                                                                                                                       | 0    |
| 9-12 MONTHS _____                                                                                                                      | 250  |
| 13-15 MONTHS _____                                                                                                                     | 270  |
| 16-24 MONTHS _____                                                                                                                     | 180  |
| ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC COW WASHING,<br>OR 3 IF SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS _____   | 3    |
| IF SPRINKLERS ARE USED, NUMBER OF SPRINKLERS IN HOLDING PEN _____                                                                      | 80   |
| NOZZLE DISCHARGE (USE 5.0 GPM IF UNKNOWN) _____                                                                                        | 5.00 |
| TOTAL OPERATION TIME OF SPRINKLERS (MIN/DAY) _____                                                                                     | 30   |
| NUMBER OF MILKINGS PER DAY _____                                                                                                       | 3    |
| AVG. LBS. OF MILK PRODUCED PER DAY PER ANIMAL (IDAHO AVG IS 70 LBS.) _____                                                             | 75   |
| ARE THERE SEPARATE PUMPS FOR COMMERCIAL AND STOCKWATER USE? _____                                                                      | N    |
| IF SO, HOW MANY HOURS PER DAY DOES THE STOCKWATER PUMP RUN? _____                                                                      |      |
| HOW MANY HOURS PER DAY DOES THE COMMERCIAL PUMP RUN? _____                                                                             |      |
| IF ONLY ONE PUMP, HOW MANY TOTAL HOURS PER DAY DOES IT RUN? _____                                                                      | 12.0 |
| IS A PLATE COOLER USED? _____                                                                                                          | Y    |
| IS PLATE COOLER WATER LATER RECYCLED FOR OTHER USES? (IF NO PLATE<br>COOLER, LEAVE BLANK) _____                                        | N    |
| ARE CORRAL MISTERS USED IN HOLDING PEN? _____                                                                                          | N    |
| IF USING CORRAL MISTERS: NUMBER OF MISTERS (IF UNKNOWN,<br>ASSUME 1 MISTER FOR EVERY 5 COWS) _____                                     | 400  |
| NOZZLE DISCHARGE (USE 5 GPH IF UNKNOWN) _____                                                                                          | 5.00 |
| SPRAY INTERVAL (EX - 2 MIN ON EVERY 5 MIN = 2/5) _____                                                                                 | 2/5  |
| OPERATION TIME OF MISTERS (HRS/DAY) _____                                                                                              | 10   |
| DAYS PER YEAR MISTERS ARE USED _____                                                                                                   | 45   |
| ENTER A TOTAL VOLUME IN GPD FOR MISCELLANEOUS WATER USES NOT<br>INDIVIDUALLY CALCULATED BELOW (EX - RESTROOMS, WASHING MACHINES) _____ | 0    |

## CALCULATIONS

## DIVERSION RATE (CFS):

|                                                 |      |
|-------------------------------------------------|------|
| STOCKWATER                                      |      |
| MILKING CATTLE (BASED ON MILK PRODUCTION) _____ | ---  |
| DRY CATTLE @ 17.0 GPD/HD _____                  | ---  |
| REPLACEMENT CATTLE _____                        | ---  |
| TOTAL _____                                     | 0.17 |

|             |      |
|-------------|------|
| COMMERCIAL  |      |
| TOTAL _____ | 0.17 |

|                            |      |
|----------------------------|------|
| TOTAL DIVERSION RATE _____ | 0.17 |
|----------------------------|------|

## DIVERSION VOLUME (AFA):

|                          |      |
|--------------------------|------|
| STOCKWATER               |      |
| MILKING CATTLE _____     | 24.2 |
| DRY CATTLE _____         | 3.0  |
| REPLACEMENT CATTLE _____ | 8.5  |
| TOTAL _____              | 33.7 |

|                                                   |      |
|---------------------------------------------------|------|
| COMMERCIAL                                        |      |
| WASHING OF BULK TANK AND RELATED EQUIPMENT _____  | 0.8  |
| BACKFLUSH _____                                   | 1.2  |
| PARLOR/MILKHOUSE/HOLDING PEN CLEANUP _____        | 3.0  |
| CATTLE WASHING BASED UPON METHOD OF WASHING _____ | 10.1 |
| PLATE COOLER _____                                | 8.3  |
| CORRAL MISTERS _____                              | 0.0  |
| MISCELLANEOUS USES _____                          | 0.0  |
| TOTAL _____                                       | 21.2 |

|                              |      |
|------------------------------|------|
| TOTAL DIVERSION VOLUME _____ | 54.9 |
|------------------------------|------|

## CONSUMPTIVE USE VOLUME (AFA)(assuming 100% consumptive):

|                             |      |
|-----------------------------|------|
| STOCKWATER _____            | 33.7 |
| COMMERCIAL _____            | 21.2 |
| TOTAL CONSUMPTIVE USE _____ | 54.9 |

Kay, Wayne & I FILLED  
 OUT THIS SPREADSHEET WITH HIS  
 NUMBERS. WE CAME OUT WITH  
 ABOUT 55. AFA. PLEASE CONTACT  
 WAYNE @ 208-280-4382 IF YOU  
 HAVE QUESTIONS OR YOU CAN  
 CALL ME AT 208-324-8995.

THANKS,  
 JEFF MARTIN  
 WAYNE HAWKINS

3/21/02  
 They have  
 included  
 828 "dry"  
 cows which  
 were not  
 under permit.  
 all other info is  
 same on my new <sup>work</sup> sheet  
 kw

MICROFILMED

APR 03 2002

RECEIVED

MAR - 4 2002

Department of Water Resources

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

|                                   | PUMP 1 | PUMP 2 | PUMP 3 | PUMP 4 | PUMP 5 |
|-----------------------------------|--------|--------|--------|--------|--------|
| PUMP HORSEPOWER (HP) _____        | 5.00   | 5.00   | 0.00   | 0.00   | 0.00   |
| PUMP EFFICIENCY (%) _____         | 70     | 70     | 70     | 70     | 70     |
| LIFT (FT) _____                   | 117    | 117    | 0      | 0      | 0      |
| DISCHARGE PRESSURE (PSI) _____    | 40     | 40     | 0      | 0      | 0      |
| FRICTION LOSSES (FT) _____        | 1.5    | 1.5    | 0.0    | 0.0    | 0.0    |
| HOURS PER DAY PUMP OPERATES _____ | 12.0   | 0.0    | 0.0    | 0.0    | 0.0    |

CALCULATIONS

|                                     |      |      |      |      |      |
|-------------------------------------|------|------|------|------|------|
| THEORETICAL FLOW RATE (CFS) * _____ | 0.15 | 0.15 | 0.00 | 0.00 | 0.00 |
| DIVERSION VOLUME (AFA) ** _____     | 52.9 | 0.0  | 0.0  | 0.0  | 0.0  |

\* IF PUMP EFFICIENCY IS UNKNOWN, 70% MAY BE ASSUMED.

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

EVALUATION OF EQUIVALENT IRRIGATED ACREAGE

IRRIGATION RIGHT (BEFORE CHANGE)

|                              |              |
|------------------------------|--------------|
| DIVERSION RATE _____         | 0.00 CFS     |
| ACRES OF IRRIGATION _____    | 0.0 ACRES    |
| DIVERSION VOLUME _____       | 0.0 AC-FT/AC |
| CONSUMPTIVE USE VOLUME _____ | 0.0 AC-FT/AC |

IRRIGATION IS BEING CONVERTED FOR WHICH PORTION OF THE DAIRY OPERATION - STOCKWATER (S), COMMERCIAL (C), OR BOTH (B)? \_\_\_\_\_

\$

CALCULATIONS

|                                                         |         |        |
|---------------------------------------------------------|---------|--------|
| IRRIGATION DIVERSION RATE PER ACRE _____                | #DIV/0! | CFS/AC |
| REDUCTION OF IRRIGATION BASED ON DIVERSION RATE _____   | #DIV/0! | ACRES  |
| REDUCTION OF IRRIGATION BASED ON DIVERSION VOLUME _____ | #DIV/0! | ACRES  |
| REDUCTION OF IRRIGATION BASED ON CONSUMPTIVE USE _____  | #DIV/0! | ACRES  |

MICROFILM

APR 03 2002

topo BB20

114°45'

BB21

NORTH

FEET 582

12  
WAYNE HAWKINS OWNS  
ALL OF THIS LAND &  
WILL APPLY WASTE WATER  
TO ALL OF IT.

BS

13

24

25

18

19

30

17

20

29

Storage  
Feedlot

MICROTUNCE

APR 8 3 2012

Cedar

BARTON

Dr



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 22, 2002

MAGIC VALLEY DAIRY SUPPLY  
C/O WAYNE HAWKINS  
304 S 230 W  
JEROME ID 83338

RE: Water Right Permit No. 36-08396

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

✓ Point(s) of Diversion – Add 2<sup>nd</sup> well to this right

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER  
Sr. Water Resource Agent

Enclosure

MICROFILMED

APR 03 2002



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 28, 2002

MAGIC VALLEY DAIRY SUPPLY  
C/O WAYNE HAWKINS  
304 S 230 W  
JEROME ID 83338

RE: Permit No. 36-08396

Dear Permit Holders:

Permit 36-08396 is currently being reviewed for licensing. Since you received your permit, the Department has taken a position that it is necessary to clarify the place of use for land application of waste from dairies as part of the water right. We would like to give you the opportunity to include the description of the place of use for this waste water on your water right license. Please submit information, by 40-acre tract descriptions, that describes where the waste water is used and the ownership of the lands that this water is applied. Enclosed, for your convenience, is a copy of a topographical map that you can use to identify these lands. Please mark on the map where your waste water is being applied. If land application is found to be in tracts not included on your permit, we will request that you amend your permit before licensing to include this information on the license. If the waste water is not land applied, please advise us by telephone, e-mail ([kwalker@idwr.state.id.us](mailto:kwalker@idwr.state.id.us)) or a letter.

Please submit the requested information within the next 14 days so we can proceed with licensing your permit. If you have any questions, please feel free to contact me at (208) 327-7944.

Sincerely,

  
KAY WALKER  
Sr. Water Resource Agent

KW:k  
Enclosure

MICROFILMED  
APR 03 2002

no response -  
KW  
2/20/02

LICENSE REVIEW CHECKLIST

Permit No. 36-8396 Date: 2-21-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: add

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): 36-11402 (stock, unspecified)

File reviewed 2 Profile reports printed 2

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.20 cfs

Fee Limit 0.20 cfs

Measured 0.33 cfs

Theoretical 0.33 cfs

Recommended Total Diversion Rate 0.20 as permitted

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation

cfs

af

Stockwater 0.20 cfs

cfs

af

Domestic 0.20 cfs

cfs

af

Comm 0.20 cfs

cfs

af

Total 0.20 cfs

cfs

af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

0.20 cfs x 1.9835 x 30 days = 11.8 af (vs) 30 acres x 0.24 (FHR) = 7.2 af

Remarks:

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048)

GW Dist?

Water Msmt. Dist? NO - < 0.24

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim?

NO - not req'd

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

P44 S06

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-11402

WATER RIGHT NUMBER: 36-11402

| <u>Owner Type</u> | <u>Name and Address</u>                                                                  |
|-------------------|------------------------------------------------------------------------------------------|
| Current Owner     | MAGIC VALLEY DAIRY SUPPLY INC<br>304 SOUTH 230 WEST<br>JEROME, ID 83338<br>(208)324-4381 |
| Original Owner    | WASHINGTON FEDERAL SAVINGS AND LOAN<br>PO BOX 1460<br>BOISE, ID 83702<br>(208)343-1833   |

Priority Date: 03/01/1977

Basis: Decreed

Status: Active

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

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| DOMESTIC                | 1/01 to 12/31         | 0.040 CFS             |                      |
| STOCKWATER              | 1/01 to 12/31         | 0.030 CFS             |                      |
| <u>Total Diversion:</u> |                       | 0.070 CFS             |                      |

Location of Point(s) of DiversionGROUND WATER  
GOODING County

NE1/4NE1/4

Sec. 18, Twp 08S, Rge 15E, B.M.

Place of Use

DOMESTIC

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
| 08S | 15E | 18  | X  |    |    |    |        |

## STOCKWATER

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
| 08S | 15E | 18  | X  |    |    |    |        |

Conditions of Approval:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-11402

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

Remarks:

1. Explanatory PARCEL NO. RP 08S15E180000.  
STOCKWATER, UNSPECIFIED

Comments:

1. SMITH 9/6/1991 COPIED FROM REMARKS  
Comment: THIS CLAIM WAS ORIGINALLY NUMBERED A71-10014 BY MISTAKE.
2. SMITH 7/31/1992 CORRECTION  
Comment: CHANGED NON-IRRIGATION USE TO MEET DATA ENTRY STANDARDS
3. D&S-DSHA 10/2/1996 D&S CONDITION CODE UPDATE  
Comment: CONDITION CODE N11 ADDED CONDITION CODE N13 ADDED

Dates and Other Information:

Licensed Date:  
Decreed Date: 1/15/1998  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7847

WATER RIGHT NUMBER: 36-7847

| <u>Owner Type</u> | <u>Name and Address</u>                                                           |
|-------------------|-----------------------------------------------------------------------------------|
| Current Owner     | DEAN HAWKINS<br>304 S 230 W<br>JEROME, ID 83338<br>(208)324-4381                  |
| Current Owner     | WAYNE HAWKINS<br>304 S 230 W<br>JEROME, ID 83338<br>(208)324-4381                 |
| Current Owner     | MAGIC VALLEY DAIRY SUPPLY INC<br>304 S 230 W<br>JEROME, ID 83338<br>(208)324-4381 |

Priority Date: 03/28/1979

Basis: Decreed

Status: Active

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

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 10/31           | 0.560 CFS             | 112.00 AF            |
|                       | <u>Total Diversion:</u> | 0.560 CFS             | 112.00 AF            |

Location of Point(s) of Diversion

GROUND WATER

GOODING County

NW1/4NW1/4NE1/4

Sec. 18, Twp 08S, Rge 15E, B.M.

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE  |      |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE  | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 08S | 15E | 18  | 2.0 | 26.0 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 28.0   |

Total Acres: 28

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 36-7847

Comments:

1. SHAFF 1/15/1991 RECORD MAINTENANCE

Comment: This right was claimed in total as A36-07847A by Magic Valley Dairy Supply/Hawkins. .56 cfs., 28 ac.

Dates and Other Information:

Licensed Date:

Decreed Date: 12/29/1997

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-14755

WATER RIGHT NUMBER: 36-14755

Owner Type                      Name and Address  
 Current Owner                  MAGIC VALLEY DAIRY SUPPLY INC  
                                          304 S 230 W  
                                          JEROME, ID 83338  
                                          (208)324-4382

Priority Date: 03/28/1979

Basis: Decreed

Status: Active

Source                                      Tributary  
 GROUND WATER

Beneficial Use                      From   To                      Diversion Rate                      Annual Volume  
 DOMESTIC                              1/01 to 12/31                      0.040 CFS  
                                          Total Diversion:                      0.040 CFS

Location of Point(s) of Diversion  
 GROUND WATER                      NW1/4NE1/4NE1/4                      Sec. 18, Twp 08S, Rge 15E, B.M.  
                                          GOODING County

Place of Use  
 DOMESTIC

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
| 08S | 15E | 18  | X  |    |    |    |        |

Conditions of Approval:

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

Remarks:

1. Explanatory PARCEL NO. RP 08S15E180000.

Comments:

1. DS1-PROD 10/14/1996 D&S 1 HOME UPDATE  
 Comment: USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME". CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD. ANY GEN REMARK CHANGED TO AN EXP REMARK.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-14755

Dates and Other Information:

Licensed Date:  
Decreed Date: 11/26/1996  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

[illegible]

P/U OL in VAX

1/25/02

| SD-0604-2 Township: 08S |       | Range: 15E |           | Section: 18            |   | Tract: NENE |         | Lot:       |           |
|-------------------------|-------|------------|-----------|------------------------|---|-------------|---------|------------|-----------|
| S                       | L     | STATE      | Name      | O                      | S | Max #       | Records | 35         |           |
| E                       | O     | Water      | Name      | W                      | T | Priority    | Use     |            |           |
| L                       | Tract | T          | Right No. | Last, First            | N | AC          | G       | Date       | Code Desc |
|                         |       |            | 01-00005  | NORTH SIDE CANAL CO.   | C |             | D       | 12/23/1915 | 01 IRR    |
|                         |       |            | 01-00016  | NORTH SIDE CANAL CO.   | C |             | D       | 12/23/1915 | 01 IRR    |
|                         |       |            | 01-00212  | NORTH SIDE CANAL CO.   | C |             | D       | 10/07/1905 | 01 IRR    |
|                         |       |            |           | TWIN FALLS NORTH SIDE  | C |             |         |            |           |
|                         |       |            | 01-00213  | NORTH SIDE CANAL CO.   | C |             | D       | 06/16/1908 | 01 IRR    |
|                         |       |            |           | TWIN FALLS NORTH SIDE  | C |             |         |            |           |
|                         |       |            | 01-00215  | NORTH SIDE CANAL CO.   | C |             | D       | 06/02/1909 | 01 IRR    |
|                         |       |            |           | TWIN FALLS NORTH SIDE  | C |             |         |            |           |
|                         |       |            | 01-00220  | NORTH SIDE CANAL CO.   | C |             | D       | 06/29/1910 | 01 IRR    |
|                         |       |            |           | TWIN FALLS NORTH SIDE  | C |             |         |            |           |
|                         | NENE  |            | 36-07847  | MC NUTT, EDWIN         | O | 2           | L       | 03/28/1979 | 01 IRR    |
|                         |       |            |           | SHIREY, CHARLES        | C |             |         |            |           |
|                         |       |            |           | SHIREY, LINDA          | C |             |         |            |           |
|                         | NENE  |            | 36-08396  | MAGIC VALLEY DAIRY SUP | C |             | P       | 10/20/1992 | 10 COMMER |
|                         |       |            |           |                        |   |             |         |            | 04 STOCK  |
|                         | NENE  |            | 36-14755  | MAGIC VALLEY DAIRY SUP | C |             | D       | 03/28/1979 | 43 DOMEST |

(Enter=Continue)

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(Menu \_\_\_\_\_)

1/25/02

(Menu \_\_\_\_\_)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED  
APR 13 2000  
DEPARTMENT OF WATER RESOURCES

**A. GENERAL INFORMATION**

Permit No. 36-08396

1. Owner: Magic Valley Dairy Supply Phone No. 324-4382

Current Address: 304 S 230W Jerome ID 83338

2. Accompanied by: Wayne Hawkins EXAM DATE: May 28, 1999

Address: Same Phone No. Same

Relationship to Permit Holder: Owner

3. Source: Groundwater tributary to \_\_\_\_\_

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: 36-07847; 36-14755; 36-11402

2. Other water rights with the same point of diversion: None

**C. DIVERSION AND DELIVERY SYSTEM**

**1. Point(s) of Diversion:**

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Method of Determination/Remarks  |
|-----------|-----------|-----|-----|-----|------|------|------|---------|----------------------------------|
|           |           | NE  | NE  | NE  | 18   | 08S  | 15E  | Gooding | GPS TAG# A0007854<br>for 2 wells |
|           |           |     |     |     |      |      |      |         |                                  |
|           |           |     |     |     |      |      |      |         |                                  |
|           |           |     |     |     |      |      |      |         |                                  |

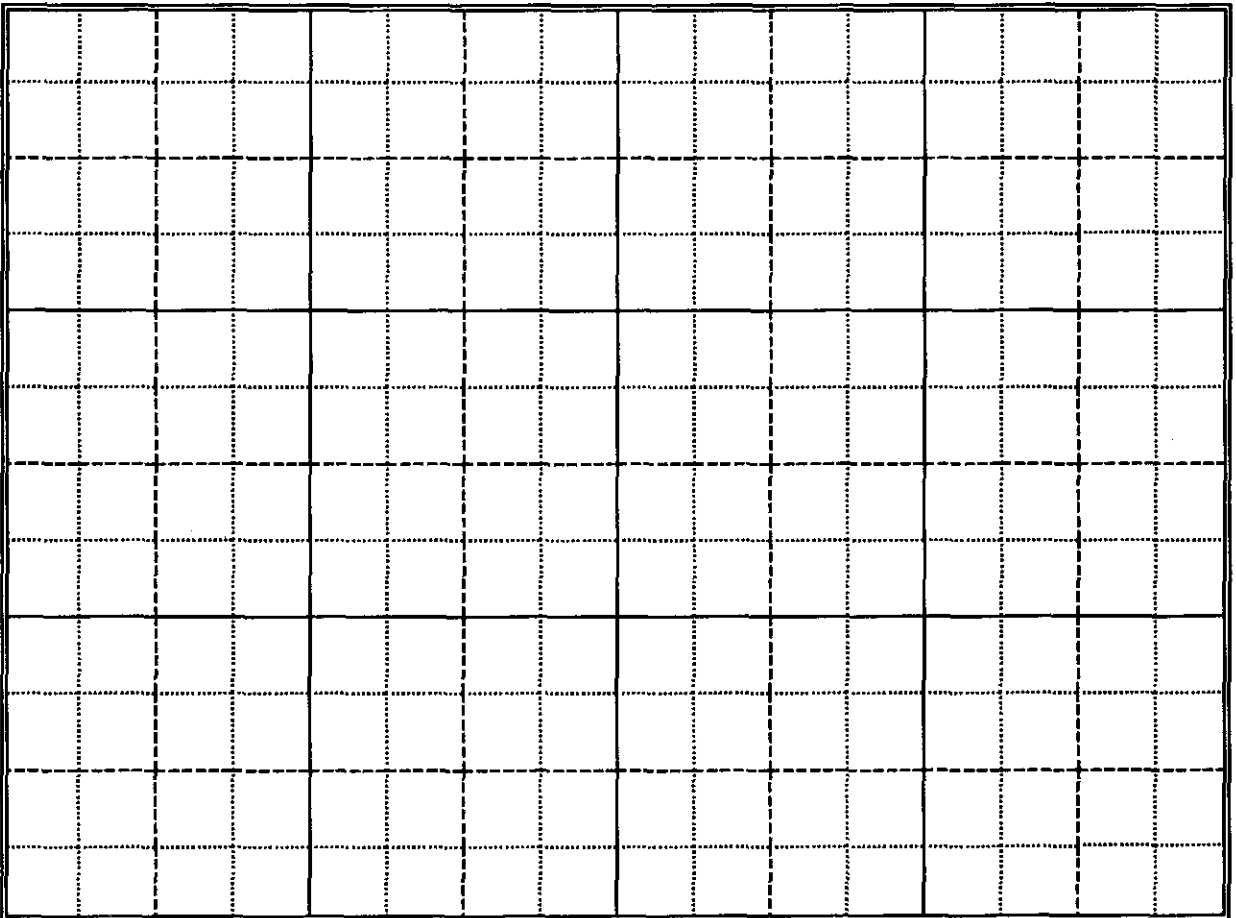
**2. Place(s) of Use:**

Indicate Method of Determination Onsite exam

| TWP | RGE | SEC | NE  |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 08S | 15E | 18  | S/C |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
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APR 13 2000

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe l.d. as applicable.



\_\_\_\_\_  
Copy of USGS Quadrangle Attached Showing location(s) of  
point(s) of diversion and place(s) of use (required).  
\_\_\_\_\_  
Aerial Photo Attached  
(required for irrigation of 10+ acres)  
\_\_\_\_\_  
Photo of Diversion and System Attached

4.

| Well or Diversion Identification No. * | Motor Make     | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|----------------------------------------|----------------|----|------------------|-----------|-----------------------------------|
| North Well                             | Franklin Elect | 5  | 2340177004       | STA-RITE  |                                   |
| South Well                             | Franklin Elect | 5  | 2343177004       | STA-RITE  |                                   |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements:

A 1/2" hose & a 55 gal drum was used to measure flow rate. \*Flow rate variable \* 55 gal per 22 sec or 0.33 cfs

**E. NARRATIVE/REMARKS/COMMENTS**

**FILE:** 36-08396  
**FROM:** AMANDA FOLSOM  
**DATE:** DECEMBER 21, 1999

The field exam for Magic Valley Dairy Supply was conducted on May 28, 1999. Mr. Wayne Hawkins, the owner, met with Georgia Satterlee and myself at the dairy in Gooding. Mr. Hawkins owns two dairies; the other is in Jerome. This field exam was conducted for the Gooding Dairy.

There are four wells total on the dairy. The west or old well is located in the NWNENE  $\frac{1}{4}$  of Sec 18, Twn 8S, Rng 15E. This well is associated with decreed water rights 36-14755 and 36-11402. The West well was decreed for two home uses and stock use. The Irrigation well is located in the NWNWNE  $\frac{1}{4}$  of Sec 18. This well is associated with decreed right 36-07847. Upon examination, one home and a trailer are connected to the West well, along with three 160 head capacity corrals.

In the Application for Permit for 36-08396, which the exam was conducted for, Mr. Hawkins describes his P/D as an existing well and pump delivering to dairy barn and stock tanks. However, two new wells have been drilled, the North and South wells, and are being used for the dairy barn and remaining three 160 head corrals and hospital. These two wells are connected together and are approximately ten feet apart. The North and South well are not connected to the West well.

Because of the spaghetti network of pipes under the pump house, Mr. Hawkins objected greatly to digging up the pipes for a measurement. We took an alternate route and measured the North and South wells with a vinyl hose and a 55-gallon drum. The measurement came out to 55 gallons per 22 seconds. This equaled 0.33cfs. The theoretical calculation from the Dairy Worksheet came to 0.28cfs. The permitted rate is for 0.20cfs, which I am recommending. My calculations were compared to the Dairy Worksheet. I am also recommending the afa that was calculated from the Dairy Worksheet. My recommendation is as follows:

|            |         |         |
|------------|---------|---------|
| Stockwater | 0.17cfs | 25.8afa |
| Commercial | 0.03cfs | 4.8afa  |
| Total      | 0.20cfs | 30.6afa |

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

APR 03 2000

☒ Additional Computation Sheets Attached  
Daily Worksheet

$$\frac{55 \text{ gal}}{22 \text{ sec}} = 2.5 \text{ gps} (60 \text{ sec}) = \frac{150 \text{ gpm}}{448.83} = \boxed{0.33 \text{ cfs}}$$

### 1. Volume Calculations for Irrigation:

$$V = \text{Smaller of } V_{I.B.} \text{ and } V_{D.B.} =$$

## 2. Volume Calculations for Other Uses:

## 1. Recommended Amounts

| Beneficial Use | Period of Use |         | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|---------|------------------------------|--------------------------|
|                | From          | To      |                              |                          |
| Stockwater     | 1-1           | 12-31   | 0.17                         | 25.8                     |
| Commercial     | 1-1           | 12-31   | 0.03                         | 4.8                      |
|                |               |         |                              |                          |
|                |               |         |                              |                          |
|                |               |         |                              |                          |
|                |               |         |                              |                          |
|                |               | Totals: | 0.20                         | 30.6                     |

## 2. Recommended Amendments

Change P.D. as reflected above

~~Add P.D. as reflected above~~

None

Change P.U. as reflected above

**Add P.U. as reflected above**

**Other**

## I. AUTHENTICATION

Field Examiner's Name

Amanda Folom Date 12-21-99

Reviewer

Date \_\_\_\_\_

MICROFILMED  
APR 6 1968  
SEAL

FILE NUMBER 36-0832  
REVIEWER AF

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE 700  
NUMBER OF DRY CATTLE 0  
NUMBER OF REPLACEMENT CATTLE: 0-2 MONTHS 0  
3-4 MONTHS 0  
5-8 MONTHS 0  
9-12 MONTHS 0  
13-15 MONTHS 0  
16-24 MONTHS 0  
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF  
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS 1  
IF SPRINKLERS ARE USED: NUMBER OF SPRINKLERS IN HOLDING PEN 0  
NOZZLE DISCHARGE (USE 5.0 GPM IF UNKNOWN) 0.00  
OPERATION TIME OF SPRINKLERS (MIN/DAY) 0  
NUMBER OF MILKINGS PER DAY 2  
AVG. LBS. OF MILK PRODUCED PER DAY PER ANIMAL (IDAHO AVG IS 70 LBS.) 60  
HOURS PER DAY PUMP OPERATES FOR STOCKWATER USE 6.0  
HOURS PER DAY PUMP OPERATES FOR COMMERCIAL USE 16.0  
IS RECYCLED WATER USED TO FLUSH MILKHOUSE AND PARLOR FLOORS? N  
IS RECYCLED WATER USED TO WASH COWS? N  
IS A PLATE COOLER USED? N  
IS RECYCLED WATER USED FOR PLATE COOLER? (IF NO PLATE COOLER,  
LEAVE BLANK) N  
IF CORRAL MISTERS ARE USED: NUMBER OF MISTERS IN HOLDING PEN 0  
NOZZLE DISCHARGE (GPM) 0.00  
OPERATION TIME OF MISTERS (MIN/DAY) 0  
DAYS PER YEAR MISTERS ARE USED 6

CALCULATIONS

DIVERSION RATE (CFS):

STOCKWATER  
MILKING CATTLE (BASED ON MILK PRODUCTION) 0.17  
DRY CATTLE @ 17.0 GPM 0.00  
REPLACEMENT CATTLE 0.00  
TOTAL 0.17

COMMERCIAL

TOTAL 0.01

TOTAL DIVERSION RATE

DIVERSION VOLUME (AF/A):

STOCKWATER  
MILKING CATTLE 25.8  
DRY CATTLE 0.0  
REPLACEMENT CATTLE 0.0  
TOTAL 25.8

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT 0.6  
BACKFLUSH 1.2  
PARLOR/MILK HOUSE/HOLDING PEN CLEANUP 3.0  
CATTLE WASHING BASED UPON METHOD OF WASHING 1.2  
PLATE COOLER 0.0  
CORRAL MISTERS 0.0  
TOTAL 4.8

TOTAL DIVERSION VOLUME

CONSUMPTIVE USE VOLUME (AF/A) (assuming 100% consumptive):

STOCKWATER 25.8  
COMMERCIAL 4.8  
TOTAL CONSUMPTIVE USE 30.6

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

|                             | PUMP 1 | PUMP 2 | PUMP 3 | PUMP 4 | PUMP 5 |
|-----------------------------|--------|--------|--------|--------|--------|
| PUMP HORSEPOWER (HP)        | 5.00   | 5.00   | 0.00   | 0.00   | 0.00   |
| LIFT (FT)                   | 100    | 100    | 0      | 0      | 0      |
| DISCHARGE PRESSURE (PSI)    | 48     | 48     | 0      | 0      | 0      |
| FRICTION LOSSES (FT)        | 10.0   | 10.0   | 0.0    | 0.0    | 0.0    |
| HOURS PER DAY PUMP OPERATES | 16.0   | 16.0   | 0.0    | 0.0    | 0.0    |

CALCULATIONS

|                               | PUMP 1 | PUMP 2 | PUMP 3 | PUMP 4 | PUMP 5 |
|-------------------------------|--------|--------|--------|--------|--------|
| THEORETICAL FLOW RATE (CFS) * | 0.14   | 0.14   | 0.00   | 0.00   | 0.00   |
| DIVERSION VOLUME (AF/A) **    | 67.3   | 67.3   | 0.0    | 0.0    | 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 EVERY DAY OF THE YEAR.

0.14  
+ 0.14  
-----  
0.28 cfs → Max

→ rounded to 0.20 cfs

EVALUATION OF EQUIVALENT IRRIGATED ACREAGE

IRRIGATION RIGHT (BEFORE CHANGE)

|                                                                                                                             |              |
|-----------------------------------------------------------------------------------------------------------------------------|--------------|
| DIVERSION RATE                                                                                                              | 4.80 CFS     |
| ACRES OF IRRIGATION                                                                                                         | 240.0 ACRES  |
| DIVERSION VOLUME                                                                                                            | 4.8 AC-FT/AC |
| CONSUMPTIVE USE VOLUME                                                                                                      | 3.0 AC-FT/AC |
| IRRIGATION IS BEING CONVERTED FOR WHICH PORTION OF THE<br>DAIRY OPERATION - STOCKWATER (S), COMMERCIAL (C), OR<br>BOTH (B)? | S            |

CALCULATIONS

|                                                   |              |
|---------------------------------------------------|--------------|
| IRRIGATION DIVERSION RATE PER ACRE                | 0.020 CFS/AC |
| REDUCTION OF IRRIGATION BASED ON DIVERSION RATE   | 9.0 ACRES    |
| REDUCTION OF IRRIGATION BASED ON DIVERSION VOLUME | 7.7 ACRES    |
| REDUCTION OF IRRIGATION BASED ON CONSUMPTIVE USE  | 10.2 ACRES   |

Dairy  
spread  
sheet

MICROFILMED

APR 5 1982

# Idaho Department of Water Resource

## Recommendation for Permit 36-08396

### Magic Valley Dairy

### C/O Wayne Hawkins

T08S

R15E



● Points of Diversion

□ Quarter-quarter Lines

□ Section Lines



MICROFILMED

APR 03 2002

Point of Diversion

T08S R15E S18

Data entry on Dec 15, 1999

Point of Diversion Presentation

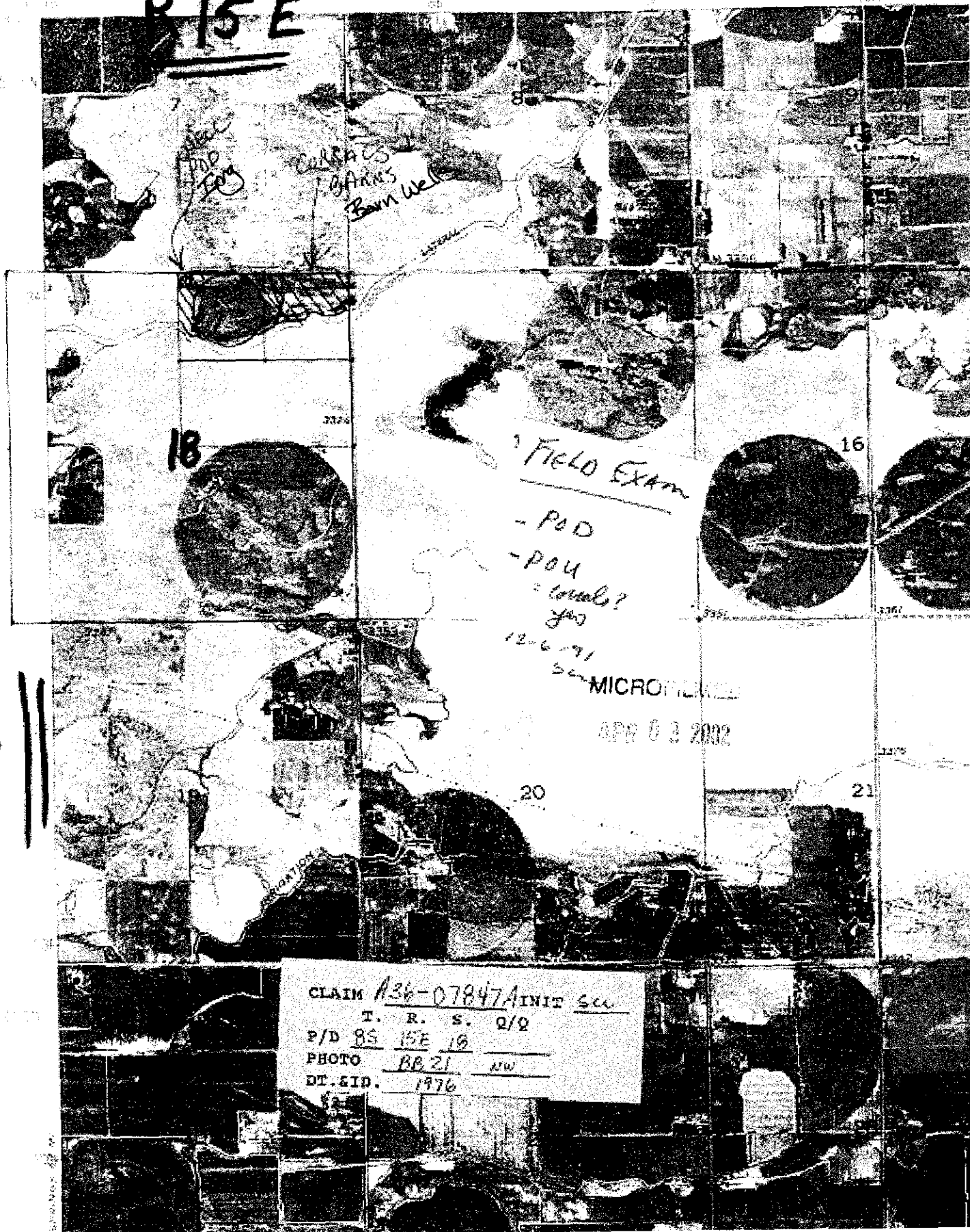
1987/1988 NAPP Photography

Data Entry By: Amanda Folsom

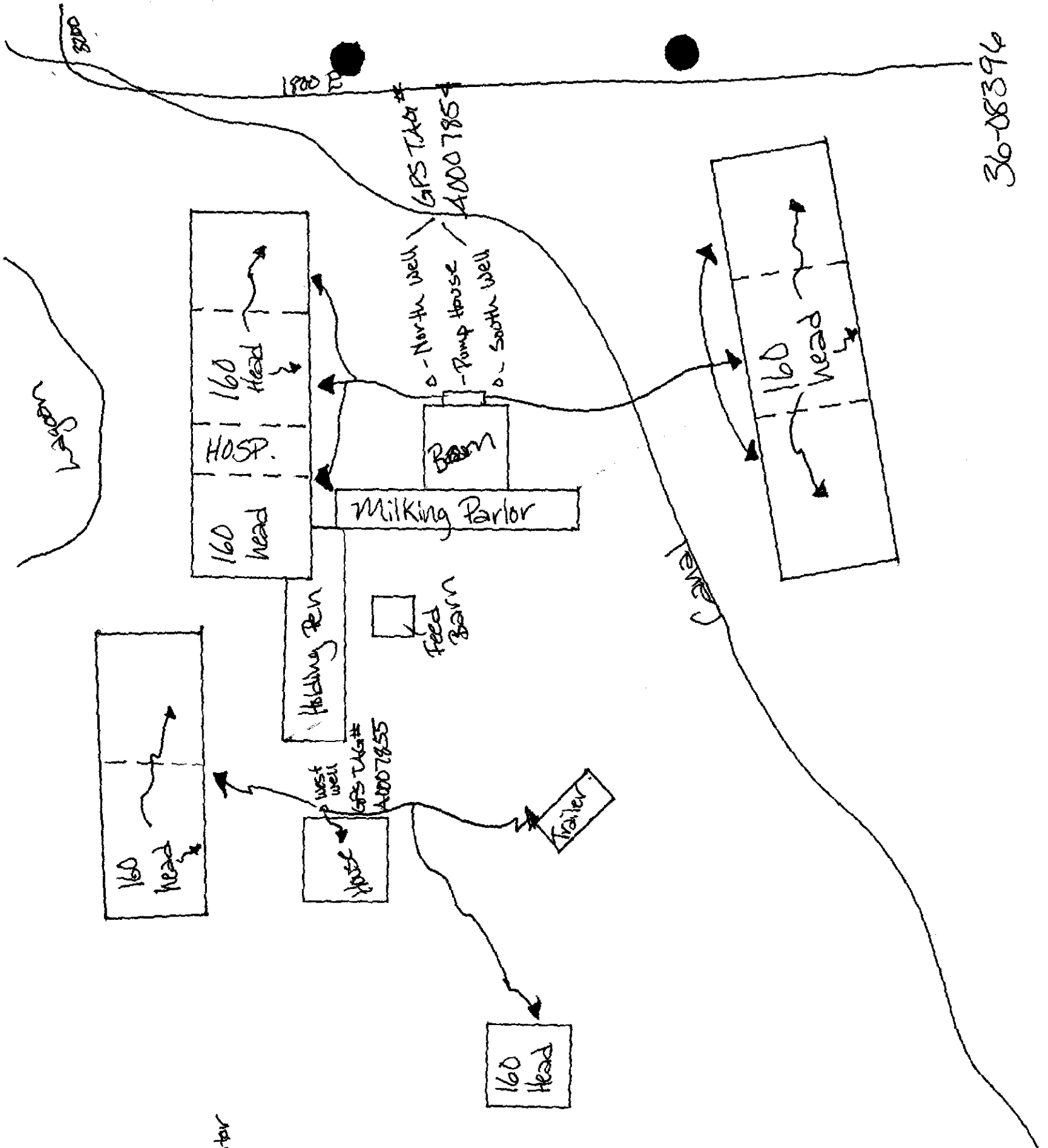
UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

MAGIC VALLEY RY Supply

R 15 E



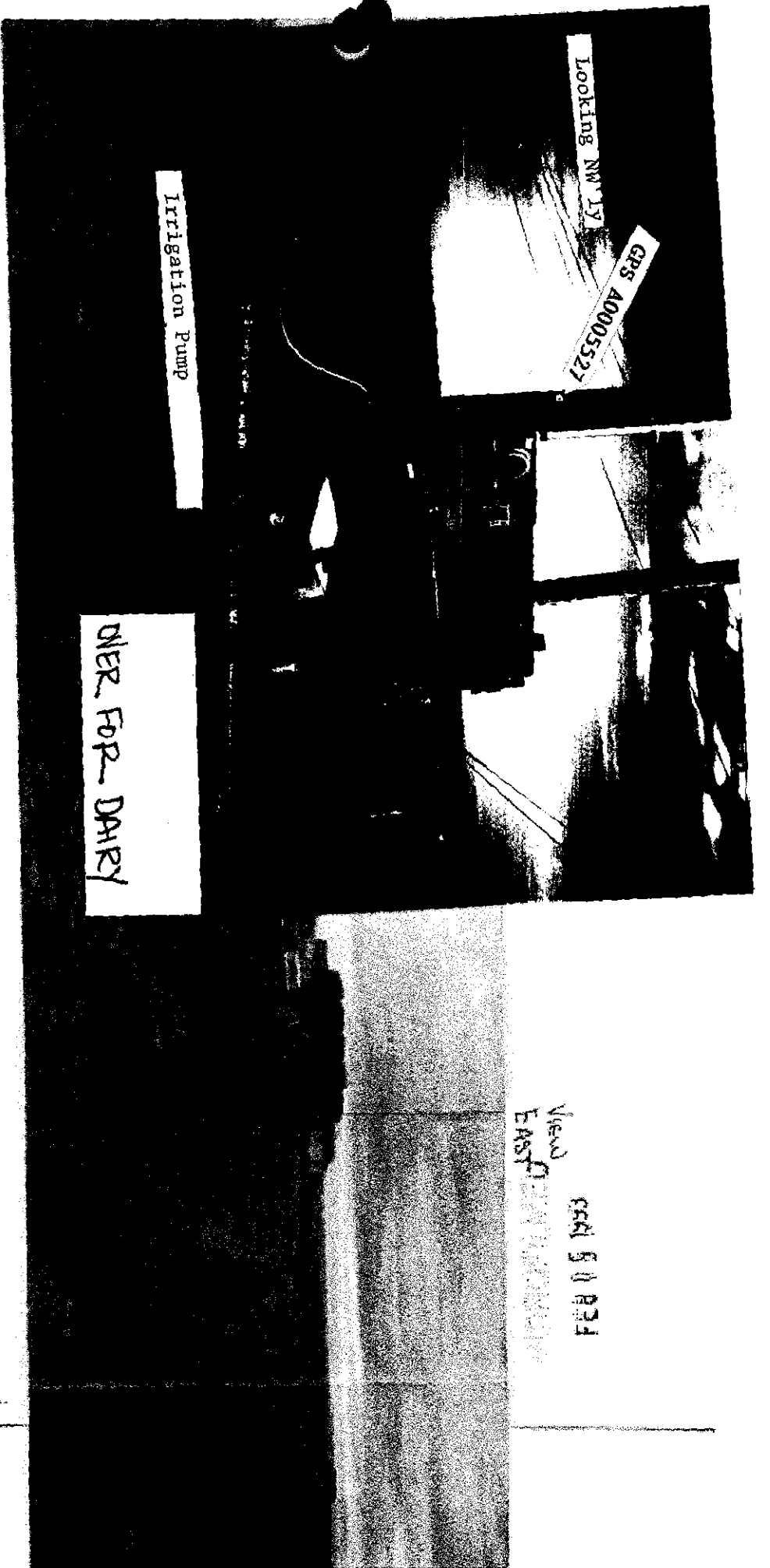
T  
8  
S



36-08396

MICROFILMED  
APR 03 2002

↑ N ↑



Looking NW 1/4

GPS A0005527

Irrigation Pump

VIEW FOR DAIRY

View  
EAST  
50 023

MAGIC VALLEY DAIRY SUPPLY

A36-07847A

VIEW EAST

GRAND & CORREALS

PHOTOS TAKEN 12-6-91  
BY STEVE CECILANO

MICROFILMED

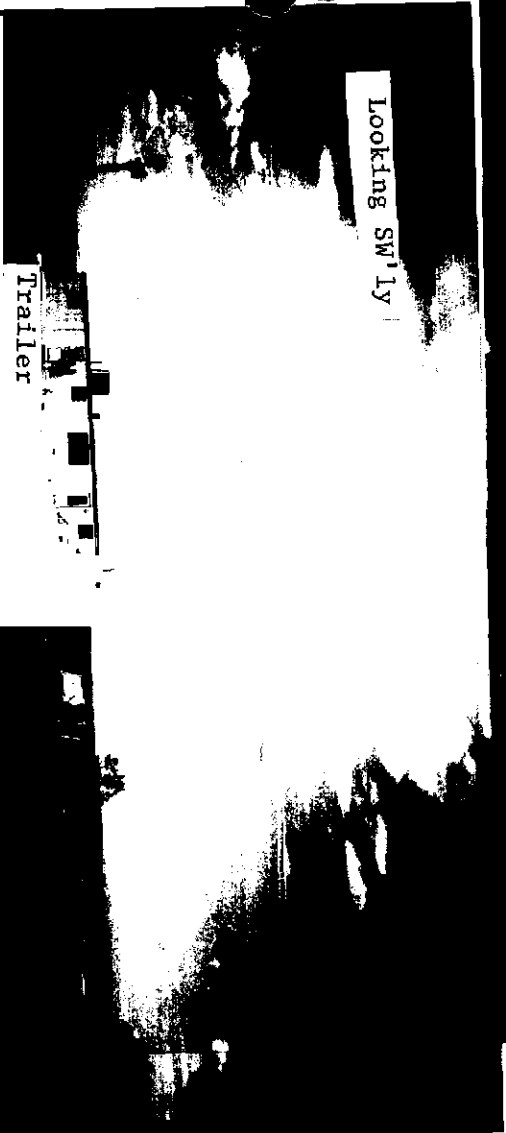
APR 13 2002

Looking NW'ly



2 Corrals Behind House

Looking SW'ly

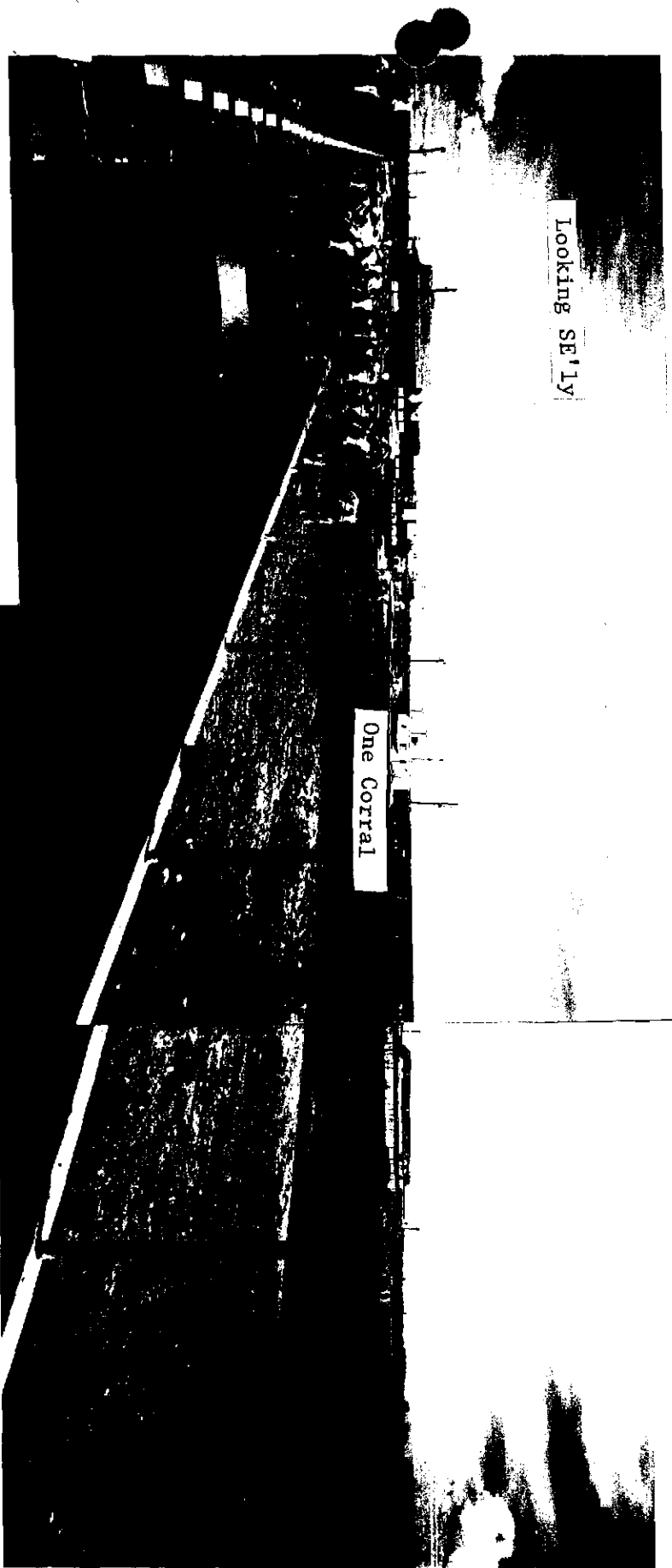


Trailer

House

House  
Well





Looking SE'ly

One Corral



House

Looking NE'ly

Magic Valley Dairy Supply  
 c/o Wayne Hawkins  
 FE GLS AF  
 10:00 5-28-99

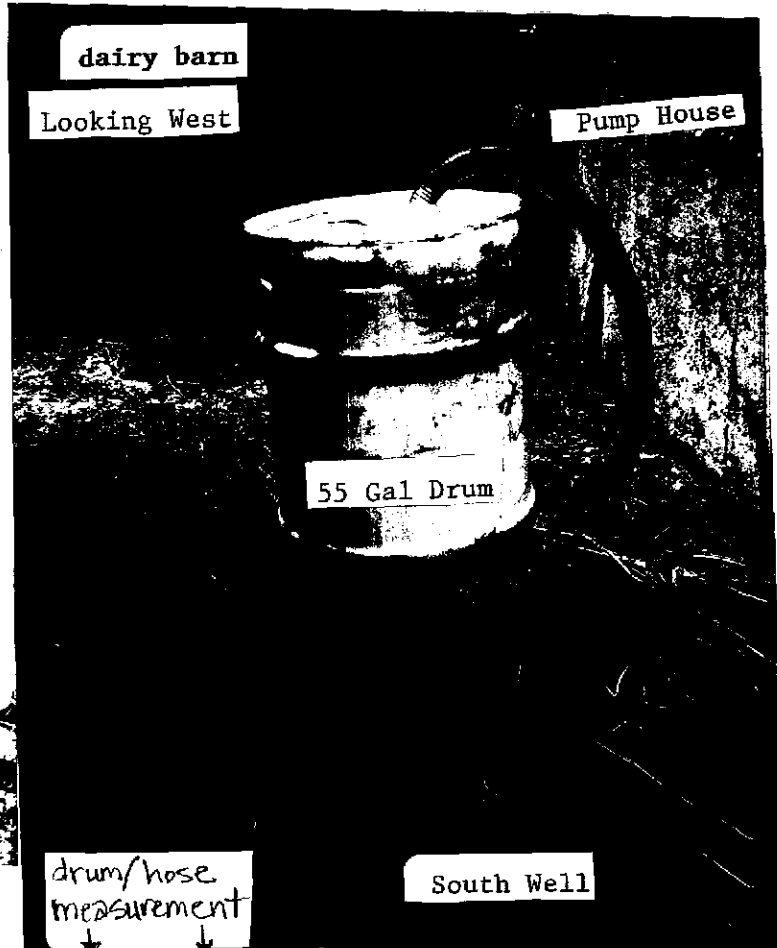
MICROFILMED  
 36-08396



GPS tag for both north and south wells

GPS A0007854

looking inside pumphouse



dairy barn

Looking West

Pump House

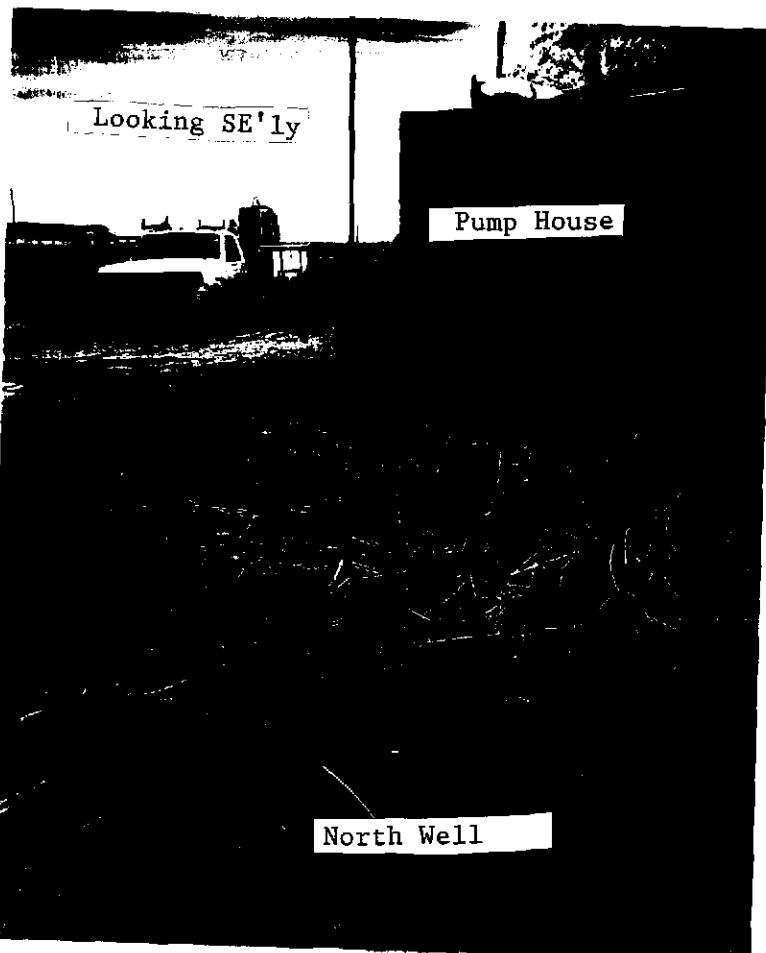
55 Gal Drum

drum/hose measurement

South Well

$$\frac{55 \text{ gal}}{22 \text{ sec}} = \frac{x \text{ gal}}{60 \text{ sec}} \quad x = 150 \text{ gpm}$$

$$\frac{150}{450} = 0.33 \text{ cfs}$$

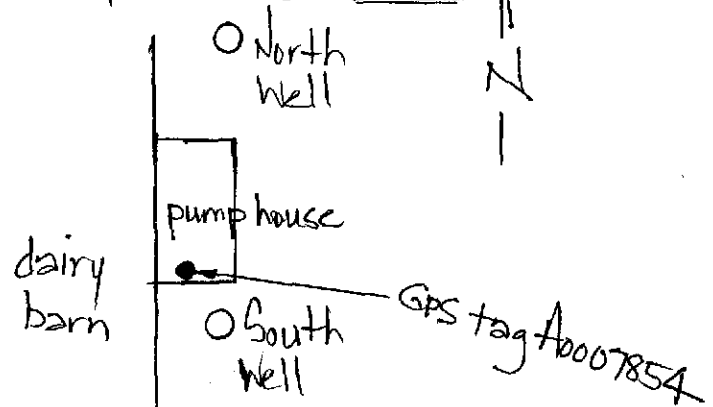


Looking SE'ly

Pump House

North Well

DISTANCE BETWEEN NORTH & SOUTH WELLS: 50 ft.



Magic Valley Dairy Supply  
28 May, 14 June 1999

36-14755, -11402, -08396

Solid Waste Lagoon

Separator

Looking SE'ly

Separator

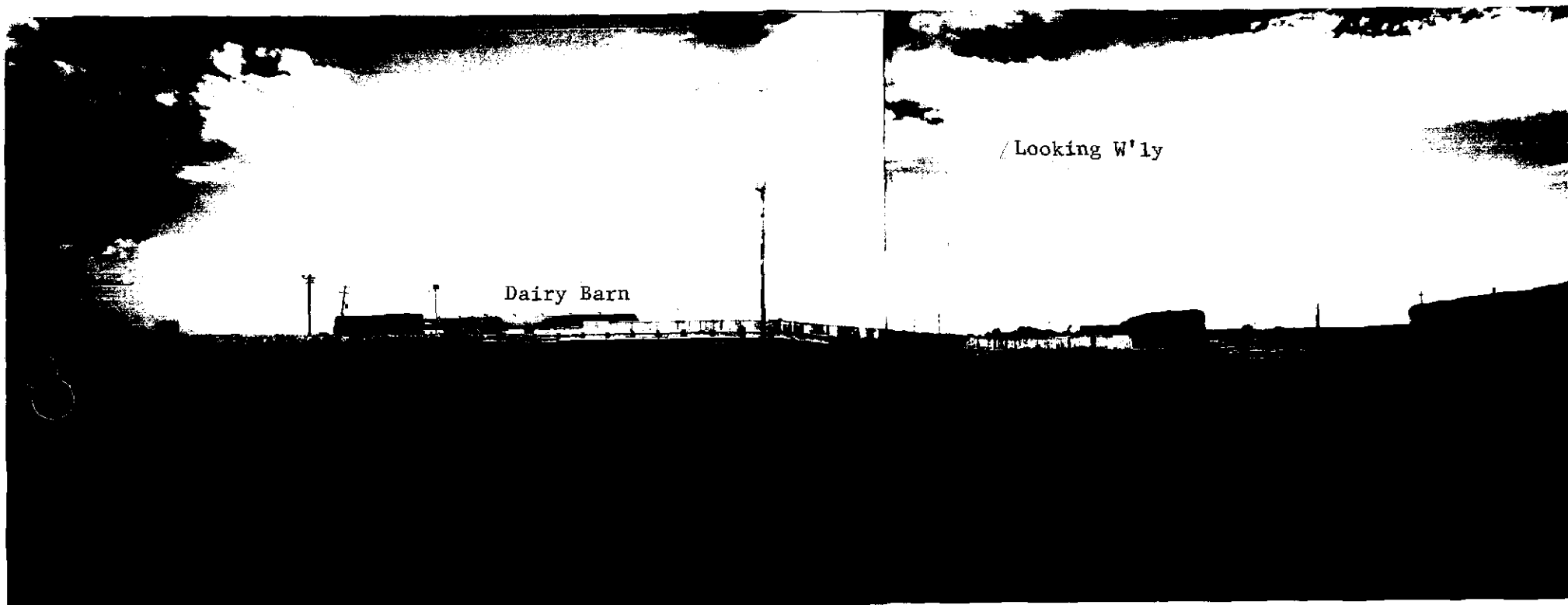
House

New Pond

Magic Valley Dairy Supply  
C/O Wayne Hawkins  
28 May 1999

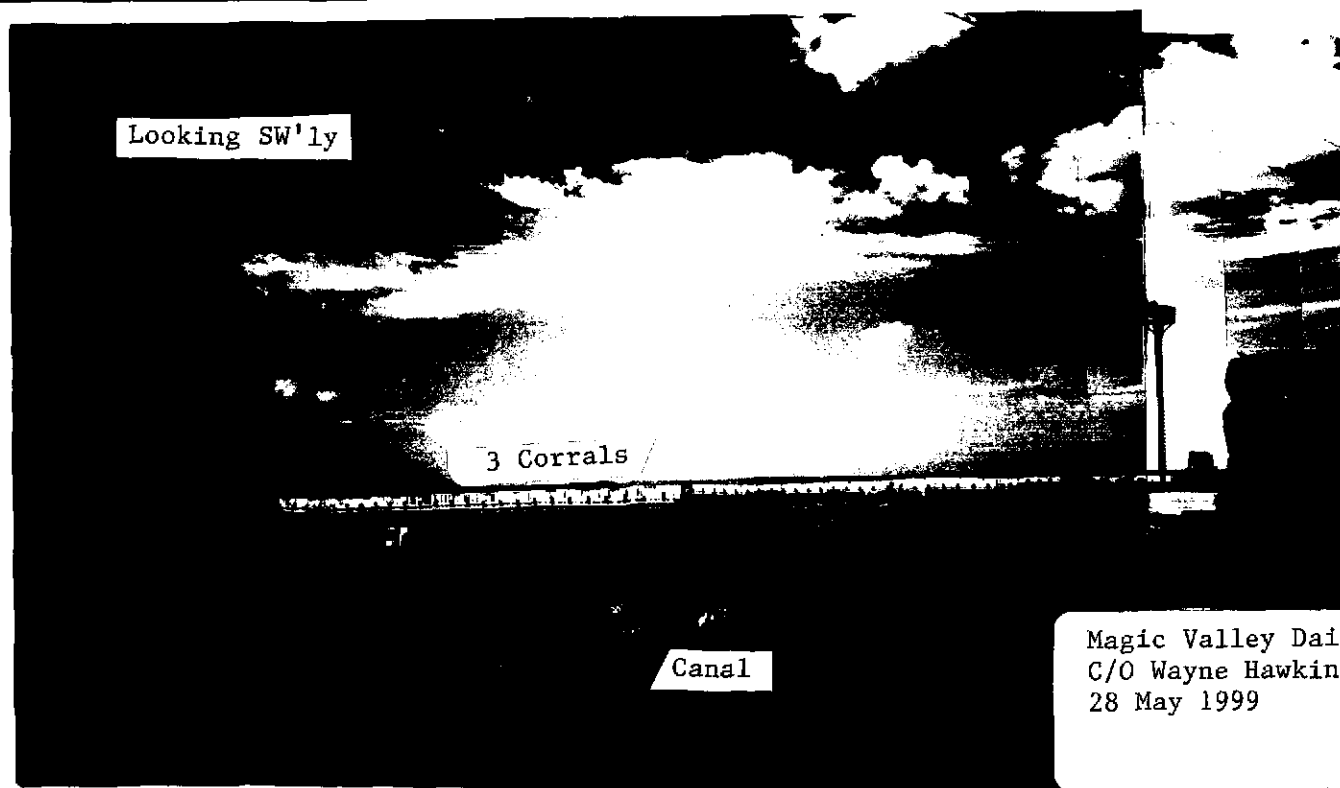
36-08396

MICROFILMED  
APR 3 3 1999



Looking W'ly

Dairy Barn



Looking SW'ly

3 Corrals

Canal

Magic Valley Dairy Supply  
C/O Wayne Hawkins  
28 May 1999

MICROFILMED  
APR 23 2002

36-08396

GEOLOGICAL SURVEY

114°45'  
42°45'

1850000 E

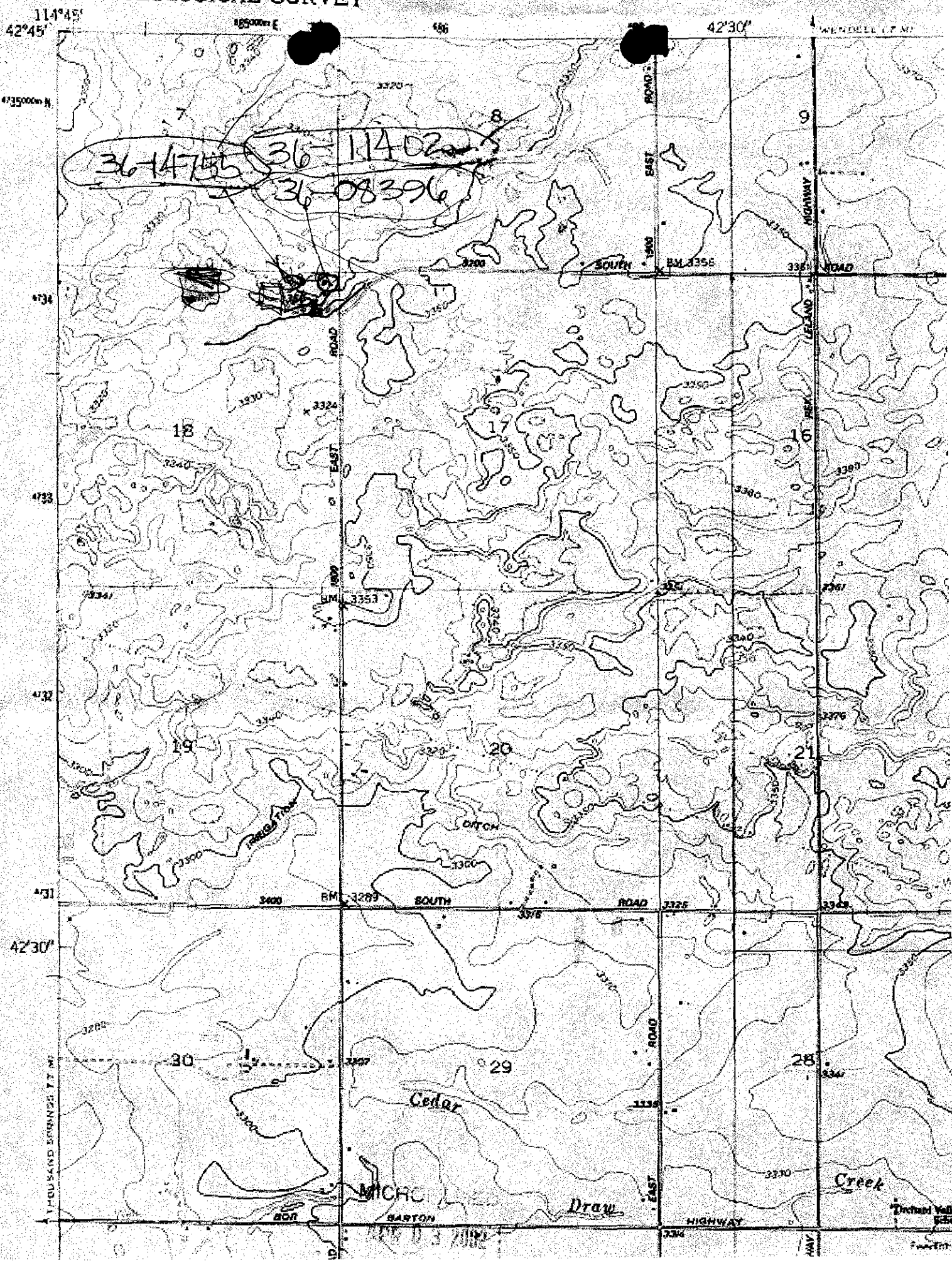
456

42°30'

WEDGELL 17 M

4735000 N

36-14745 36-11402  
36-08396



7E T-15 E

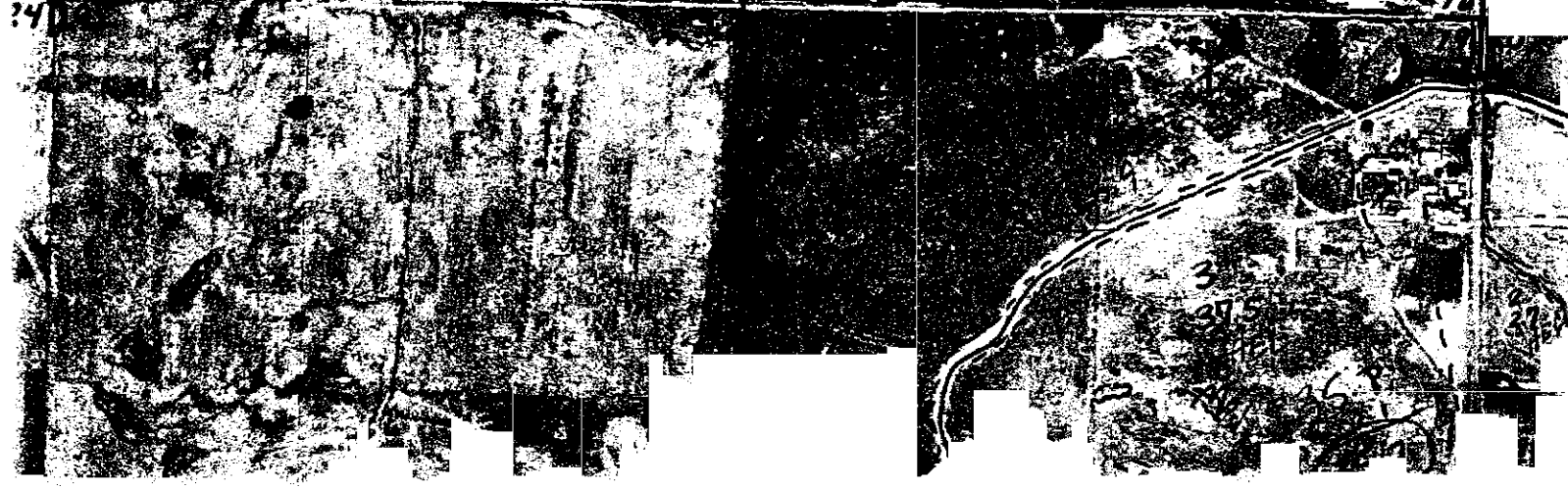


MICROFILM  
APR 03 2002

54.6  
HEL

659  
897

13/18  
24



A-14E R-15 E

MICROFILMED

SEP 23 2002

546  
HEL

13/18

24/25

3

2015

HEL

26

-14E R-15E

MAP 1604



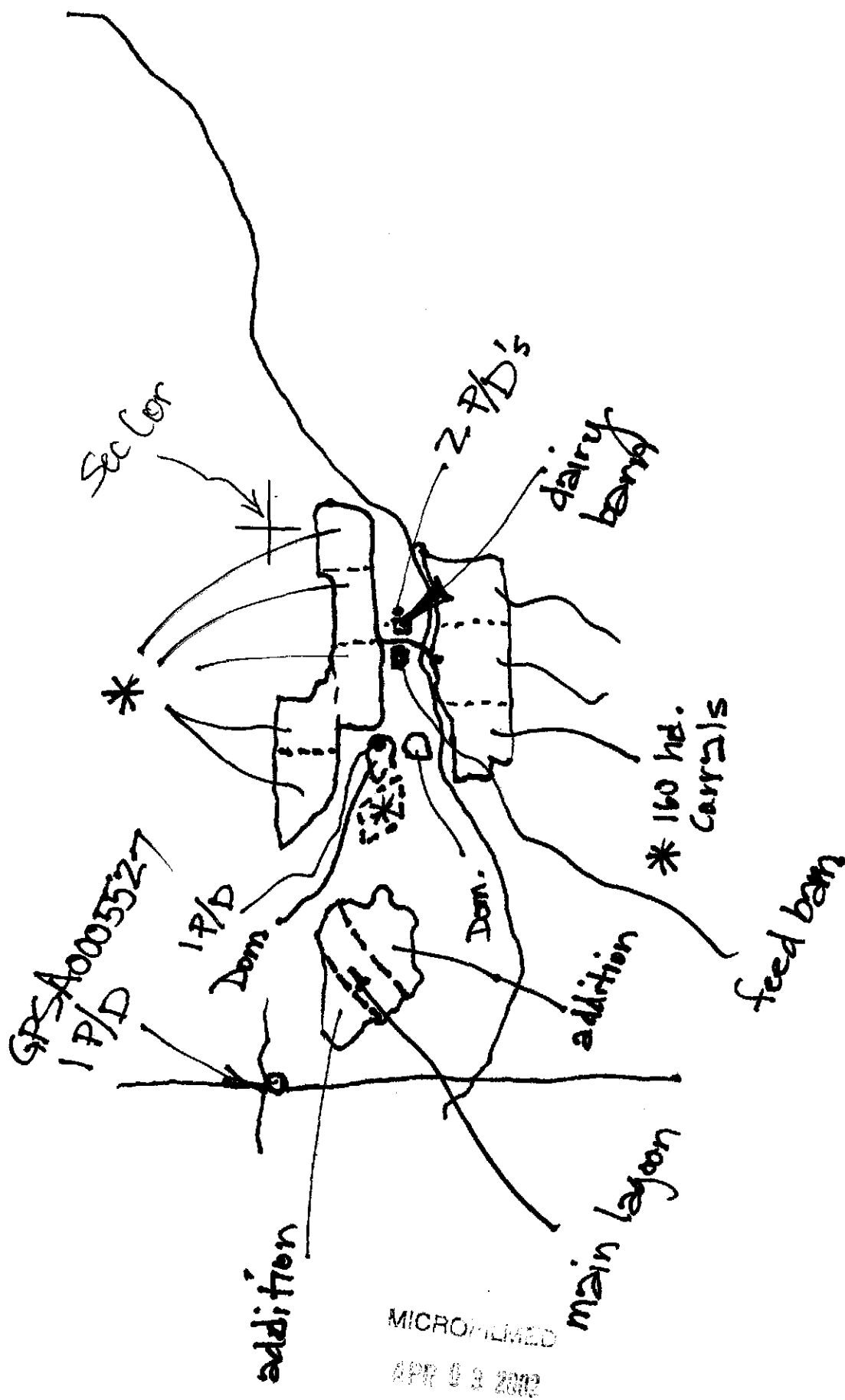
MICROFILMED  
APR 3 2002

54.6  
HEL

65  
89

13/18  
24





MICROFILMED  
APR 9 3 2012



# DOUBLE H DAIRY

Wayne Hawkins  
302 South 230 West  
Jerome, ID. 83338

Home 324-4382

Cell (208) 539-4382    Radio 324-5065 741073

Call after  
7th for GPS  
measurement  
lock in storage tank  
photo East View

MICROFILMED

APR 03 2002

New Pond

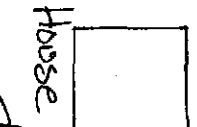
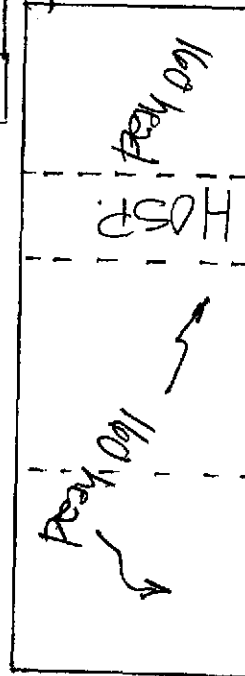
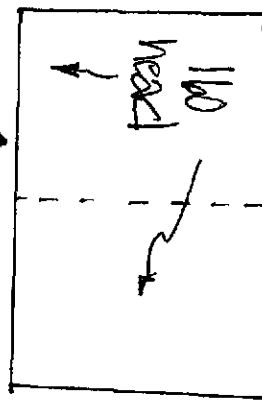
Liquid waste

Solid waste

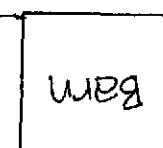
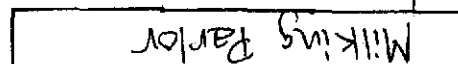
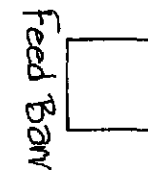
Separator

MICHO LINDO  
APR 03 2002

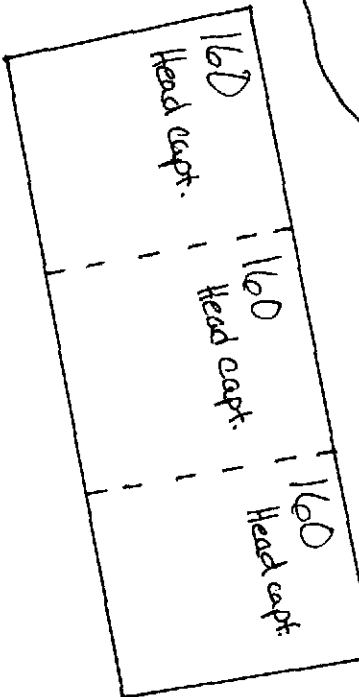
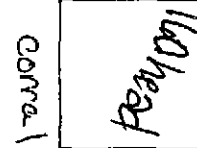
NTS  
N



Westwell  
House, trailer, &  
three corrals  
GPS TAG #  
4005527



North well  
Pump house  
South well



CANAL

1800 EAST

3200

# INFORMATION REQUIRED TO USE THE DAIRY LOTUS PROGRAM

PERMIT NO 36-08396  
 EXAMINER Amanda Folsom  
 DATE 5-25-99

\*\*\*\*\*

## REQUIRED DAIRY DATA

Number of Milking Cattle ----- 700  
 Number of Nonmilking Cattle -----  
 Type of Lagoon  
     if aerobic; determine surface area in acres  
         \_\_\_\_\_ft by \_\_\_\_\_ft by \_\_\_\_\_ft deep --  
     if anaerobic; enter zero -----  
 Evapotranspiration Factor for Area (AC-FT/AC-YR) \_\_\_\_\_  
 Method of Washing  
     if manual cow washing; ----- enter 1  
     if automatic washing; ----- enter 2  
     if sprinkler system to wash cows  
         and flush holding pen ----- enter 3 = 1  
 Number of Milkings per Day ----- 3

Comments \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\*\*\*\*\*

## INFORMATION REQUIRED FOR THEORETICAL FLOW ESTIMATION (IF NECESSARY)

|                          | Pump 1     | Pump 2     | Pump 3 |
|--------------------------|------------|------------|--------|
| Pump Horsepower (HP)     | <u>5</u>   | <u>5</u>   | _____  |
| Lift (FT)                | <u>100</u> | <u>100</u> | _____  |
| Discharge Pressure (PSI) | <u>48</u>  | <u>48</u>  | _____  |
| Friction Losses (FT)     | <u>10</u>  | <u>10</u>  | _____  |

Comments \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MICHOE LEVEL

APR 03 2002

114°45' 42°45'

42°30'

Niagara Springs, Idaho  
BB- 21  
1979

Niagra Springs, Idaho  
BB- 21  
1979  
Revised 1992

CONVECTION MEMO:

MVDS

A36-07847A

STOE CLELAND

Jerry DeVries

126-91

10:30 AM

only the small pivot is irrigated  
cords & bams cover everything  
East of the House

also mentioned a well they plan to  
develop & irrigate in the S $\frac{1}{2}$  NE $\frac{1}{2}$  of 18  
but no pump is there.

Sage brush is natural habitat appearance.

MICROFILMED

APR 03 2002

MICROFILMED

FEB 05 1993



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

SOUTHERN REGION

DON KEMP THORNE  
GOVERNOR

May 17, 1999

KARL J. DREHER  
DIRECTOR

Wayne Hawkins  
Magic Valley Dairy Supply  
304 S 230 W  
Jerome, ID. 83338

SECOND FIELD EXAM NOTICE

RE: Permit Number 36-08396

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of the above-referenced permit. An examination is needed to verify your water use in order to issue a water right license.

Please be advised that you will need to operate your system under normal conditions during the examination.

In order to conduct your exam as efficiently as possible, we ask that you call this office to schedule a day and time convenient for you.

If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made.

Sincerely,

*Georgia Satterlee*  
Georgia Satterlee  
Sr. Water Resource Agent

enclosure

RECEIVED

MAY 19 1999



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

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

April 27, 1999

Wayne Hawkins  
Magic Valley Dairy Supply  
304 S 230 W  
Jerome, ID. 83338

FIELD EXAM NOTICE

RE: Permit Number 36-08396

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of the above-referenced permit beginning May 10, 1999. An examination is needed to verify your water use in order to issue a water right license.

Please be advised that you will need to operate your system under normal conditions during the examination.

In order to conduct your exam as efficiently as possible, we ask that you call this office to schedule a day and time convenient for you.

If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made.

Sincerely,

Georgia Satterlee  
Sr. Water Resource Agent

enclosure

MICHO 10411

APR 28 2002

APR 12 2000

sent to S.O.

RECEIVED

APR 13 2000

DEPARTMENT OF WATER RESOURCES

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO. 36-8396

A. Items To Be Placed In Exam File (Items A & B to be Completed by Compiler)

- (X) Blank Field Report & Notice of Completed Exam
- (X) Copy of App. for Permit, Approved Permit, Amendments, Orders, Assignments, Proof of Beneficial Use, SRBA Claim (Claim Filed? \_\_\_\_\_ Required? \_\_\_\_\_)
- (X) Well Inspection Form, Dairy Water-Use Worksheet (if applicable)
- (X) Well Log(s) & Groundwater Measurement Analysis Form (if applicable)
- (X) Copy of Orthophotoquad Map
- ( ) 660-Scale Aerial Photo (Examiner Will Obtain If Applicable)
- ( ) Government Lot Plats (If Applicable)

B.1. P/D Overlap - Yes or No? If Yes, Include Copy of Overlapping Rights & Claims

If Yes, Type of Overlap: ( ) Add Acres or Uses to Existing System  
*See field report* ( ) Increase Rate of Flow or Volume

B.2. P/U Overlap - Yes or No? If Yes, Include Copies of Overlapping Rights & Claims

If Yes, Type of Overlap: ( ) Increase Rate of Flow or Volume  
*See field report* ( ) Add Supplemental Water Source  
( ) Increase Acres Within Tracts

C. Field Exam Appointment Made: *\* Rtn. 14 June for measurement*

Date 28 May 1999 Time 10am Place \_\_\_\_\_  
1800 E 3200 S, Wendell, 1 1/2 mi. S. of 1st Wendell Exit  
Contact Person & Phone \_\_\_\_\_

D. Post-Exam Review & Processing

\* *→* Exam Completed 14 June 99 Notice of Completion Turned In \_\_\_\_\_  
Field Report Completed \_\_\_\_\_ Signature of Examiner & Date G Satterlee  
Field Report Reviewed by Sr. Agent \_\_\_\_\_ (Initial & Date)  
Field Report Reviewed by Region Mgr. Am 4/6/00 (Initial & Date)  
Field Report Sent to S.O. \_\_\_\_\_ Region Card File Updated \_\_\_\_\_

October 30, 1992

MAGIC VALLEY DAIRY SUPPLY  
C/O WAYNE HAWKINS  
304 S 230 W  
JEROME ID 83338

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08396

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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,

Karen L. Gustafson  
Secretary/Records Manager

c: IDWR - Region

Enclosure

RECORDED

NOV 17 1992

ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE

Permit No. 36-08396

Reviewed by llg

Date 10/22/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?  
yes Address same as permit?  
no Proof timely received? Correct Uses? yes  
If not, complete calculation below.

SOURCE OF WATER

       Surface water source  
✓ Ground water source

per J. Jundtburg NA Drilling permit required?  
g. Jundtburg NA Copy in the file? Drilling Permit No.         
7/1/87 NA Amount paid for permit        Correct?  
NA Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?  
50 Amount Submitted  
yes Correct?  
NA Required?  
NA Installed?  
NA Waiver requested?

PRIORITY CALCULATION

Date proof received proof received Beyond 60  
Date proof due day simple reinstatement -  
No. of days late advance priority to date  
Priority Date proof received  
New Priority Date 10/25/92

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address data entry done 10/23/92

had an order  
Proof Made 10/20/92  
10/30/92 llg

# Magic Valley Dairy Supply, Inc.

ROUTE #2 · BOX 2652 · JEROME, IDAHO 83338 · (208) 324-4381

7, OCT 1992

*To Whom It May Concern;*

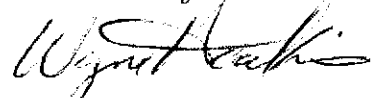
*Please find enclosed proof of beneficial use for water rights number #3608396.*

*We are sorry we are late in returning form, it was lost in filing system.*

*Please find enclosed pump receipt and letter of water measurement of Southern Region Office of the Department of Water Resources.*

*Please reinstate this permit.*

*Sincerely,*



*Wayne Hawkins*

**RECEIVED**

**NOV 17 1992**

MAGN Jolley Dairy Supply

## Pump Installation

SMITH DRILLING & PUMP  
Jerome, Idaho

Date 9-11-88

Name Wayne Thaukens

Location near 1419

Address \_\_\_\_\_

Pump Make Red Jacket Fig. No. 154 6 H 131

Motor Size 15 Type 3 Setting 3" pressure adapter

Pump No. 222 20589 Motor No. 6270298

Drop Pipe Size 3 Amount Ft. 210

Cable Size 4-3 w/g Motor Protection \_\_\_\_\_

Installed By \_\_\_\_\_ Depth \_\_\_\_\_ Water L. \_\_\_\_\_

Remarks: 2" Coaxial Valve

120 CFS

This is when the pump was installed  
by Smith Drilling & Pump Co Inc  
Well was drilled about 6 yrs earlier  
filled with I DWR

*Allen Smith*

RECORDED

NOV 17 1988

**Sales & Service**  
**Box 506**  
**WENDELL, ID 83355**  
**(208) 536-2481**

**MICROFILMED**  
NOV 17 1992

Thank You

I certify that file No. 36-8396

has been reviewed and is ready to be **MICROFILMED**  
and **DESTROYED**.

Ram Skaggs  
Signature

7-15-91  
Date

The attached proof report is the water right as it appeared in the database prior to the final status and deletion from the database.

WD000000  
(10-86)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

06/26/91 02:51:28  
Page 1

Water Right Number - 34-08396

Prefix Translation: WATER RIGHT

Old (B) Number -

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

\*\*\* C - CURRENT (AMES) \*\*\*  
HARRIS

WAYNE

1 - 304 S. 230 W.  
2 -  
3 -

City- JEROME  
Phone - 208-524-4381

State- ID Zip- 83336

RUBIC VALLEY DAIRY SUPPLY

DEA

1 - 304 S. 230 W.  
2 -  
3 -

City- JEROME  
Phone - 208-000-0000

State- ID Zip- 83336

HARRIS

DEAN

1 - 304 S. 230 W.  
2 -  
3 -

City- JEROME  
Phone - 208-324-43

ID Zip- 83336

----- Priority Date -----  
09/09/1988

----- Region -----  
17 SOUTHERN

----- Stage -----  
P - PERMIT

----- Status -----

----- Source -----  
GROUNDWATER

----- Tributary -----

----- Point of Diversion -----  
Town Ring Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

000 15E 1B NE NE NE (47) GOODING

| Code            | Description | Period From | Water Use<br>Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|------------------------|----------------|------------------|
| 10 - COMMERCIAL |             | 01/01       | 12/31                  | 0.200          |                  |
| 04 - STOCKWATER |             | 01/01       | 12/31                  | 0.200          |                  |

----- Total Div. Rate ----- + Total Div. Volume ----- + Total Div. Capacity ----- + Total Consumptive Use ----- + Old Usage -----  
0.200

| Town | Ring | Sec | Tract | Lot | Acres | Place of Use<br>Code | Description | County       |
|------|------|-----|-------|-----|-------|----------------------|-------------|--------------|
| 000  | 15E  | 1B  | NE NE |     |       | 04 STOCKWATER        |             | (47) GOODING |

----- Diversion Means ----- WELL, PUMP

----- Non-Irrigation Use ----- 5/700 DAIRY

----- Other Rights for Same Use -----

----- Remarks -----  
Commercial use is for a dairy barn.

00000000  
(00-00)

IDAH0 DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

06/26/91 02:51:38  
Page 2

Water right number - 34-00396

Pixix Translation: WATER RIGHT

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

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

No Old Water Right Numbers found.

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

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

----- Decree Plaintiff -----

----- Decree Defendant -----

----- Decree Date -----  
00/00/0000

----- Comments -----

No Comments Found

----- Audit Fields - 12/12/88 BALDWIN 01/26/89 BALDWIN 06/10/89 BALDWIN 11/20/89 CURTIS 11/22/89 CURTIS

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

|                  |              |                   |              |                  |     |
|------------------|--------------|-------------------|--------------|------------------|-----|
| Proof Due Date   | - 12/01/1990 | Field Exam Made   | - 00/00/0000 | Field Exam Fee   | -   |
| Approved/Denied  | 11/27/1989   | Protested Date    | - 00/00/0000 | Sven Falls       | - C |
| Proof Made Date  | - 00/00/0000 | Hearing Date      | - 00/00/0000 | Temporary Right  | - P |
| Start Work Date  | - 00/00/0000 | Verified Date     | - 00/00/0000 | DLE/Caray Act    | -   |
| Order Show Cause | - 00/00/0000 | Receipt Number    | -            | Water District   | -   |
| Licensed Date    | - 00/00/0000 | Appl Received     | - 09/09/1988 | Transfer/Amended | -   |
| Decree Date      | - 00/00/0000 | Microfilm Roll No | -            | Presumption Flag | -   |

February 27, 1991

WAYNE HAWKINS  
DBA MAGIC VALLEY DAIRY SUPPLY  
304 S 230 W  
JEROME ID 83338

Dear Mr. Hawkins:

Re: Permit No. 36-8396

LAPSE NOTICE

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, the above referenced permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time to our letter of September 30, 1990 or a response to Rita Fleck's letter of December 21. No further construction or additional development is authorized under this permit unless it is reinstated.

Your permit cannot be reinstated unless you submit the proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal including an examination fee or a completed field examination report or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. 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 governmental agency or by litigation which brings title to the water in question.

Sincerely,

L. GLEN SAKTON, Chief  
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 2-28-91  
a copy of this document was  
deposited in the United States mail,  
properly prepaid addressed to the  
individual(s) named above.

*[Signature]*



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mall, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR  
K. KEITH HIGGINS  
DIRECTOR

December 21, 1990

Wayne Hawkins  
DBA Magic Valley Dairy Supply  
304 S 230 West  
Jerome, ID 83338

RE: PERMIT NO. 36-08396

Dear Mr. Hawkins:

Returned is the partially completed proof of beneficial use form which you submitted on October 12, 1990 in connection with the above referenced permit. It is not acceptable since it is incomplete and was not accompanied by the required license examination fee of \$50. Among other information you need to show when the well was drilled.

The permit authorized the diversion of 0.20 cfs (90 gallons per minute) for stockwater and commercial use in a dairy barn. The proof you submitted shows the irrigation of 30 acres which was not authorized by the permit.

Please revise and/or complete the proof and resubmit it to the department together with the license examination fee within 20 days in order to keep the permit in good standing. Feel free to contact the department if you have questions.

Sincerely,

  
RITA I. FLECK  
Sec/Records Mgr

Encl: 1

15842  
September 30, 1990

DBA MAGIC VALLEY DAIRY SUPPLY  
WAYNE HAWKINS  
DEAN HAWKINS  
304 S. 230 W.  
JEROME, ID 83338

PROOF DUE NOTICE  
RE: PERMIT NO. 36-08396

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 December 1, 1990. (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,

Rita Fleck  
Secretary/Records Manager

Enclosures

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Statehouse  
Boise, Idaho 83720  
(208) 327-7900  
December 4, 1989

DBA MAGIC VALLEY DAIRY SUPPLY  
WAYNE HAWKINS  
DEAN HAWKINS  
304 S. 230 W.  
JEROME, ID 83338

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08396

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.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor  
Water Right Permits Section

GS: SC  
Enclosures

MEMORANDUM

*JA*

*The protest - prepared 11/10/89.*

*The protest should include an order dismissing & did not respond to our order to show cause.*

*The protestant failed to appear at the pre-hearing conference*

*Protest*

*to file 26-04346*

*from Loren Holmes*

*DATE 10/17/89*

*INTER-DEPARTMENT MEMO*

1. ☐ Show to whom delivered, date, and offeree's address.

2. Article Addressed to:  
 Chuck Shirey  
 2919 South 2200 East  
 Wendell, Idaho 83355

3. Signature - Addressee  
 X *Shirey Shirey*

4. Signature - Agent  
 X

5. Date of Delivery  
 9-16-89

6. Article Number  
 849

7. Always Mark with  
 name and address of  
 representative of  
 the sender.

76 Form 5011, Feb. 1985

UNITED STATES POSTAL SERVICE  
FIRST CLASS PERMIT NO. 1000  
TWIN FALLS, IDAHO  
POSTAGE WILL BE PAID BY ADDRESSEE  
NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

1001



RECEIVED  
SEP 18 1980  
Department of Water Resources  
Southern Region Office  
Idaho Department of Water Resources  
2168 4th Ave. West  
Twin Falls, Idaho 83301

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL  
PS Form 3877, Feb. 1962

NAME AND ADDRESS OF SENDER

IDWR 9/14/89

Indicate type of mail  
☐ Registered  
☐ Insured  
☐ COD  
☐ Certified ☐ Express Mail

Check appropriate block for Registered Mail:  
☐ With Postal Insurance  
☐ Without Postal Insurance

Affix stamps here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

| Line | Number of Article | Name of Addressee, Street, and Post Office Address | Postage | Fee | Handling Charge | Act. Value (if Regs.) | Insured Value | Due Sender if C.O.D. | R. R. Fee | S. D. Fee | S. H. Fee | Remarks |
|------|-------------------|----------------------------------------------------|---------|-----|-----------------|-----------------------|---------------|----------------------|-----------|-----------|-----------|---------|
| 1    | 849               | Chuck Shivey 2919 S. 2800 E. Weyden, W.            | .25     | .85 | .95             | 2.05                  |               |                      |           |           |           |         |
| 2    |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |
| 3    |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |
| 4    |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |
| 5    |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |
| 6    |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |
| 7    |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |
| 8    |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |
| 9    |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |
| 10   |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |
| 11   |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |
| 12   |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |
| 13   |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |
| 14   |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |
| 15   |                   |                                                    |         |     |                 |                       |               |                      |           |           |           |         |

Total Number of Pieces Listed by Sender  
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Total Number of Pieces Received at Post Office

POSTMASTER, PER (Name of receiving employee)

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail is \$50,000. The maximum indemnity payable for negotiable documents under Express Mail is \$100,000. The maximum indemnity payable on Registered Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for Registered Mail \$400 for C.O.D. \$400 for Insured Mail. Special handling charges apply only to Third and Fourth class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1962-445-17

Application 36-8093

Conference - 9/14/89

Party

WAYNE HAWKINS-  
Sent D. Frederick Kse-  
Dean Hawkins

Representatives

MAGIK VALLEY DAIRY SUP.  
" " " "  
MAGIK VALLEY DAIRY SUP.



UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

**RECEIVED**  
**RECEIVED**  
 Please print name, address, and ZIP Code in the space below.  
 • Postage stamps 1, 2, 3, and 4 on the front.  
 • Address on front of article if space permits, otherwise affix to back of article.  
 • Return article "Postage Payment Required" adjacent to number.



POSTAGE FOR FOREIGN  
 40¢, 50¢

RETURN  
 TO

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES  
 2148 4th AVENUE EAST  
 TWIN FALLS, IDAHO 83301

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

**RECEIVED**  
**RECEIVED**  
 Please print name, address, and ZIP Code in the space below.  
 • Postage stamps 1, 2, 3, and 4 on the front.  
 • Address on front of article if space permits, otherwise affix to back of article.  
 • Return article "Postage Payment Required" adjacent to number.



POSTAGE FOR FOREIGN  
 40¢, 50¢

AUG 31 1969

Department of Water Resources

Print Sender's name, address, and ZIP Code in the space below.

RETURN  
 TO

DEPARTMENT OF WATER RESOURCES  
 2148 4th AVENUE EAST  
 TWIN FALLS, IDAHO 83301

NAME AND ADDRESS OF SENDER  
**FDWR 8/28/89**

Indicate type of mail:  
☐ Registered  
☐ Insured  
☐ COD  
☒ Certified ☐ Express Mail

Check appropriate block for Registered Mail:  
☐ With Postal Insurance  
☐ Without Postal Insurance

ANZ stamp here if issued as certificate of mailing or for additional copies of this form.  
POSTMARK AND DATE OF RECEIPT

| Item | Number of Article | Name of Addressee, Street, and Post Office Address | Postage  | Fee | Handling Charge | Art. Value (If Regis.) | Insured Value | POSTMARK AND DATE OF RECEIPT |           |           |           | Rec. Out. For Remarks |  |
|------|-------------------|----------------------------------------------------|----------|-----|-----------------|------------------------|---------------|------------------------------|-----------|-----------|-----------|-----------------------|--|
|      |                   |                                                    |          |     |                 |                        |               | Due Sender If C.O.D.         | R. R. Fee | S. D. Fee | S. M. Fee |                       |  |
| 1    | 833               | Wayne/Dean Hawkins                                 | 36-8346  | .25 | .95             | .95                    | 2.05          |                              |           |           |           |                       |  |
| 2    | 834               | ✓ Chuck Shitel                                     |          |     |                 |                        |               |                              |           |           |           |                       |  |
| 4    | 835               | Lee Reid                                           | 47-08167 |     |                 |                        |               |                              |           |           |           |                       |  |
| 5    | 836               | Kent Jensen                                        |          |     |                 |                        |               |                              |           |           |           |                       |  |
| 7    | 837               | Jean C. Talbot                                     | 42-08157 |     |                 |                        |               |                              |           |           |           |                       |  |
| 8    | 838               | Gert Van Winkle                                    |          |     |                 |                        |               |                              |           |           |           |                       |  |
| 10   | 839               | James Jean Spillett                                |          |     |                 |                        |               |                              |           |           |           |                       |  |
|      | 840               | 7UD Ranches                                        | 41-0008B |     |                 |                        |               |                              |           |           |           |                       |  |
| 12   | 841               | U.S. Ditch Co.                                     | 41-0013B |     |                 |                        |               |                              |           |           |           |                       |  |
| 13   | 842               | Banc4 Ditch Eng Co.                                |          |     |                 |                        |               |                              |           |           |           |                       |  |
| 14   |                   |                                                    |          |     |                 |                        |               |                              |           |           |           |                       |  |
| 15   |                   |                                                    |          |     |                 |                        |               |                              |           |           |           |                       |  |

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POSTMASTER, PER (Name of receiving employee)

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Registered Mail (government reconstruction insurance) is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail (government insurance) is \$100. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for C.O.D. and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1964-545-138

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR PERMIT TO APPROPRIATE )  
WATER NO. 36-08396 )

Wayne Hawkins &/or Dean Hawkins )  
dba Magic Valley Dairy Supply )  
Inc. )

Applicant )

Chuck Shirey )

Protestant )

NOTICE OF  
PRE-HEARING CONFERENCE

SOURCE: Groundwater

COUNTY: Gooding

On September 9, 1988, Magic Valley Dairy Supply Inc., applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On December 30, 1988, the Department received a protest against the approval of said application from Chuck Shirey.

The Department has set the matter of protest for conference for September 14, 1989 at 10:00 AM at the Health & Welfare Mental Health Center, 823 Harrison St. in Twin Falls.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 28 day of August, 1989.

*Loren O. Holmes*  
Loren O. Holmes  
Southern Region Manager

07-Aug-1989

Wayne &/or Dean Hawkins  
dba Magic Valley Dairy Supply Inc.  
304 South 230 West  
Jerome, ID 83338

Re: Application for permit No. 36-08396

Dear Mr. & Mrs. Hawkins:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestant directly in an effort to determine nature of the protest and to attempt to resolve the protest. This office is tentatively scheduling the matter of protests for a pre-hearing conference for September 14, 1989. Notices formally setting the conference time and place will be mailed about August 25, 1989.

At such a conference, the following are the principal items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?

07-Aug-1989

Chuck Shirey  
2919 South 2200 East  
Wendell, ID 83355

Re: Application for permit No. 36-08396

Dear Mr. Shirey:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

This office is tentatively scheduling the matter of protests for a pre-hearing conference for September 14, 1989. Notices formally setting the conference time and place will be mailed about August 25, 1989.

At such a conference, the following are the principal items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?

Page 2  
07-Aug-1989

Re: 36-08396

The purpose of the pre-hearing conference is to determine whether the matter can be resolved without a formal hearing and, if a hearing is required, to formulate and simplify issues, obtain admission of fact and documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses and advise parties of the procedure which will be followed at the hearing to be scheduled.

If you have any questions, or if this office can be of assistance in this matter, please contact us.

Very truly yours,

Loren O. Holmes, P. E.  
Southern Region Manager

RECEIVED

DEC 30 1988

Department of Water Resources  
Southern Region Office

Chuck Shirey  
2919 South 2200 East  
Wendell, ID 83355  
December 28, 1988

R. Keith Higginson, Director  
Department of Water Resources  
2148 4th Avenue East  
Twin Falls, ID 83301

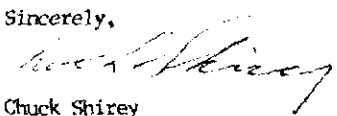
Dear Mr. Higginson:

In the matter of Wayne Hawkins and Dean Hawkins,  
dba Magic Valley Dairy Supply, requesting water rights  
I object to the application.

The property described is in bankruptcy, debtor  
Dairy Management, Inc., aka/dba DMI & Allen Dairies,  
case #87-03067-A. I am a secured creditor in the  
bankruptcy and have a secured position in the pro-  
perty described. There are several problems involv-  
ed in this bankruptcy. I believe that the water rights  
are now in my name.

Thank you for your time in this situation, if  
you have any question please contact me, 536-2630.

Sincerely,

  
Chuck Shirey

[illegible]

13-Dec-1988

Wayne & Dean Hawkins  
dba Magic Valley Dairy Supply, Inc.  
304 S. 230 W.  
Jerome, ID 83338

RE: Application for Permit No. 36-08396

Gentlemen:

This office has accepted and is currently reviewing your Application for Permit.

In reviewing the application for compliance with the requirements of the Department's Rules and Regulations for Water Appropriations, we have determined that the following information is required to make the Application complete for processing.

- 1) If the Application is filed in the name of a corporation, the names and addresses of its directors and officers shall be provided. If the application is filed by or in behalf of a partnership or joint venture, the application shall provide the names and addresses of all partners and shall designate the managing partner, if any. (Rule 3,3,2,1)

Because the required information does not appear in the legal notice, we are proceeding with advertising of your Application. Advertising and protest period should be completed by January 9, 1989. If the required information is received by that date, no additional delay should be incurred in processing.

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

Very truly yours,

Loren O. Holmes, P.E.  
Southern Region Manager

LE:MB

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region  
2148 4th Avenue East  
Twin Falls, ID 83301  
(208)734-3578

---

DECEMBER 13, 1988

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 JANUARY 9, 1989.

Yours truly,

Mary Baldwin  
Secretary/Office Coordinator

Enclosure

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-08396

HAWKINS, WAYNE  
HAWKINS, DEAN  
(DBA MAGIC VALLEY DAIRY SUPPLY  
, INC)  
304 S. 230 W.  
JEROME, ID 83338

Source: GROUNDWATER

Diversion Pt: NENENE Sec 18 T 08S R 15E ; 3 miles South & 3 miles West  
of Wendell; Gooding County.  
Use: COMMERCIAL ( .200 CFS)  
STOCKWATER ( .200 CFS)

Date Filed: 9/09/1988

In: T08S R15E S18 NENE

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before JANUARY 9, 1989.

R. Keith Higginson, Director

Published 12/21/1988 & 12/28/1988

RECEIVED

DEC 22 1988

12-20-88

MAGIC VALLEY DAIRY SUPPLY, INC.  
Route 2 Box 2652  
JEROME, IDAHO 83338

Department of Water Resources  
Southern Region Office

Department of Water Resources

Gentlemen:

In regards to your letter dated 12-13-88 the members of the board of MAGIC VALLEY DAIRY SUPPLY are as follows:

Dean Hawkins  
Rt # 3 Box 3384  
Burley, Idaho  
83318

Wayne Hawkins  
362 S. 230 W.  
Jerome, Idaho  
83338

If there is anything else we can help you with please let us know.

Thank You  
Diana A. Jones

Phone 324-4381