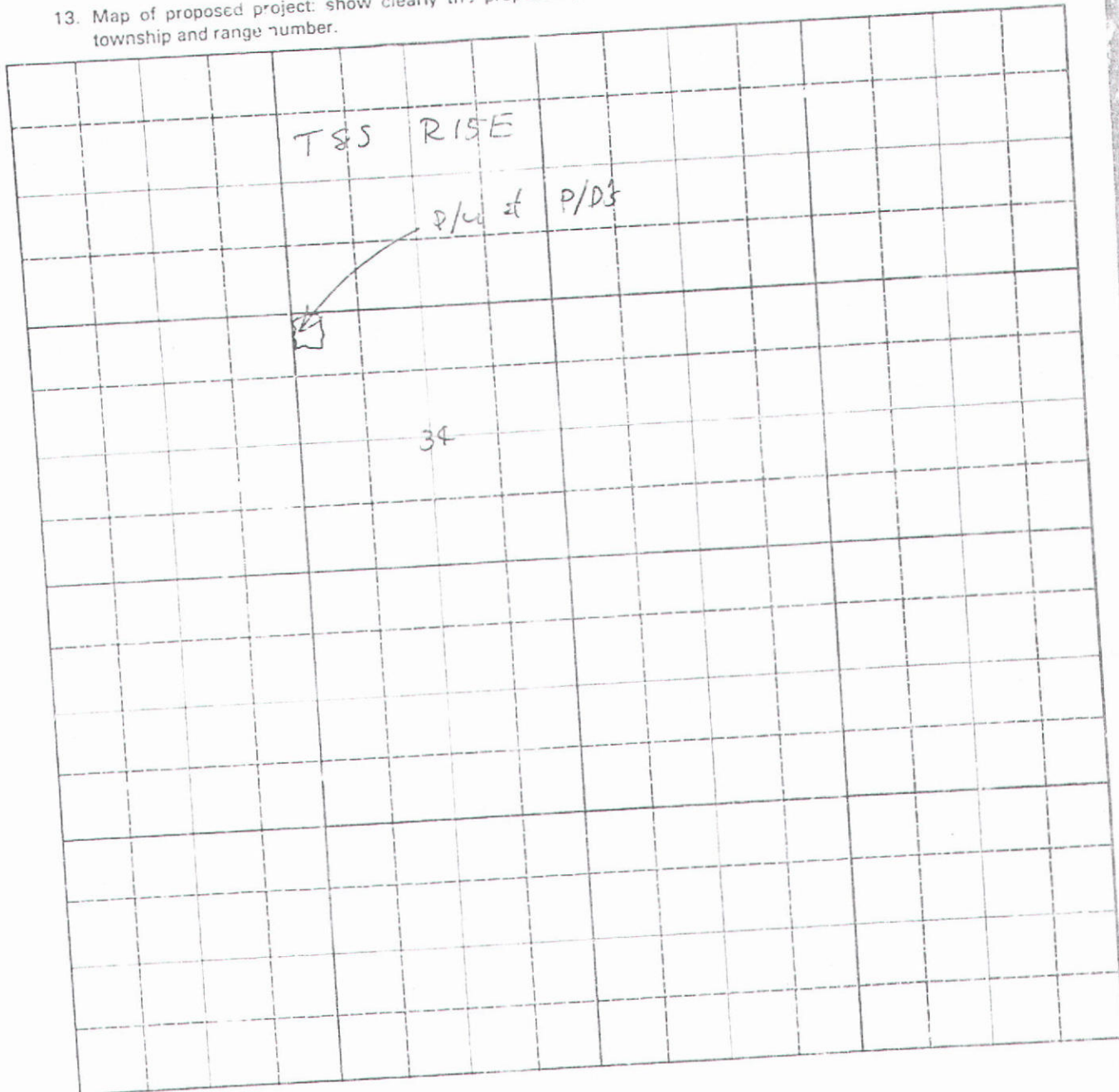


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



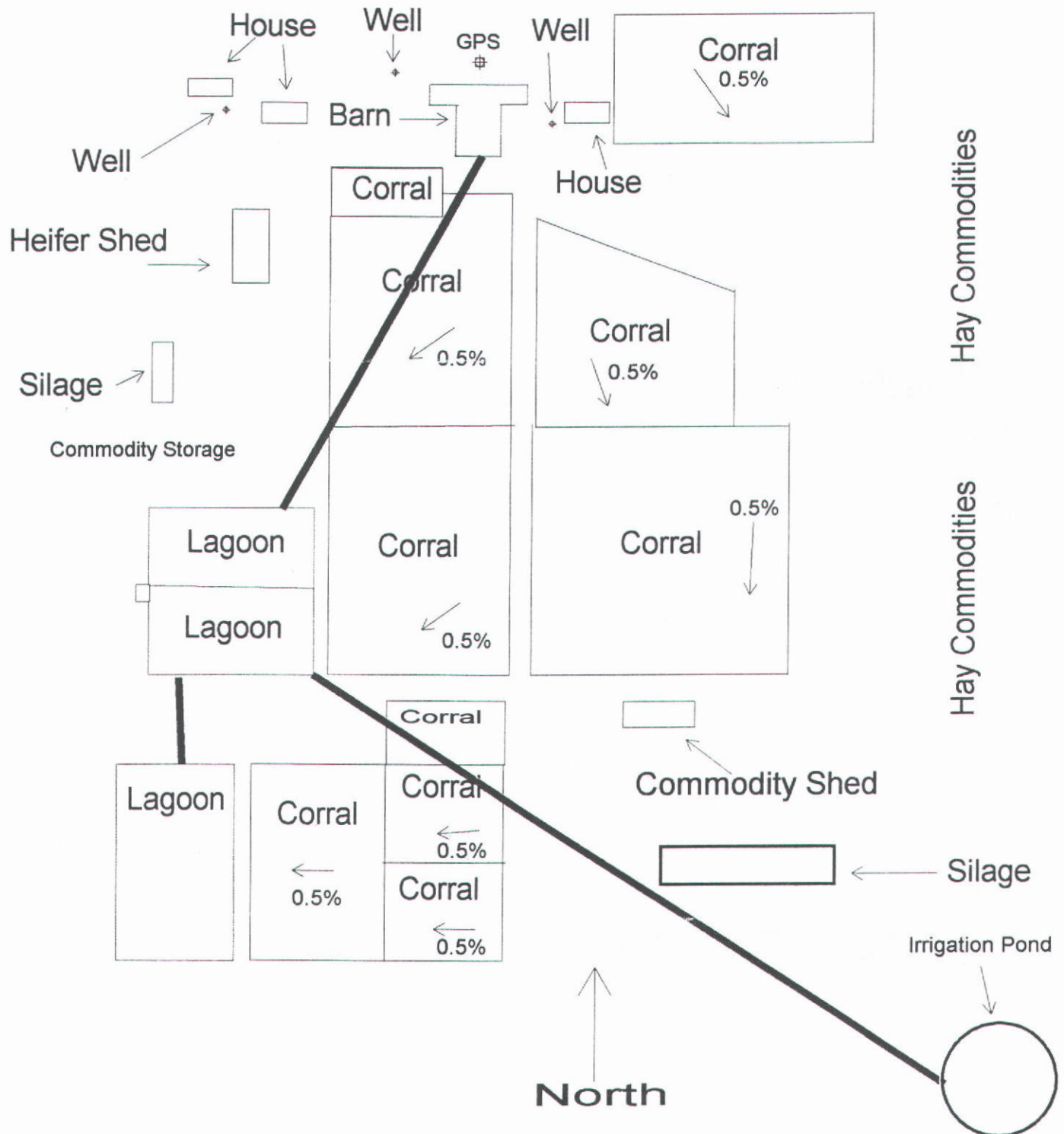
Scale 2 inches equal 1 mile

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.

Neil De Witt  
(Applicant)

# Bob Barton Road

300 East



|            |          |
|------------|----------|
| DATE       | 01-01-01 |
| JOB #      | 042      |
| DRAWN BY   | RLM      |
| CHECKED BY | RAH      |
| REVISIONS  |          |

|          |                        |
|----------|------------------------|
| PROJECT: | Dewitt Dairy #1        |
|          | 2011-b Bob Barton Road |
|          | Wendell, Id 83355      |
|          | 208-536-6541           |

|                    |                 |
|--------------------|-----------------|
| SHEET DESCRIPTION: | Property Layout |
|--------------------|-----------------|

|                     |
|---------------------|
| Tremblay Consulting |
| 394 South 335 East  |
| Jerome, Id. 83338   |
| 208-324-1148        |

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JUL 23 2003

Bob Barton

2000 E

Dairy Site

Waste Line

Pond

Anderson West  
91 Ac

Anderson East  
65 Ac

1%

1%



Waste Line



Irrigation Line



Canal



Houses/Wells

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JUL 23 2003

T08S., R15E. SECTION 34 NWNW

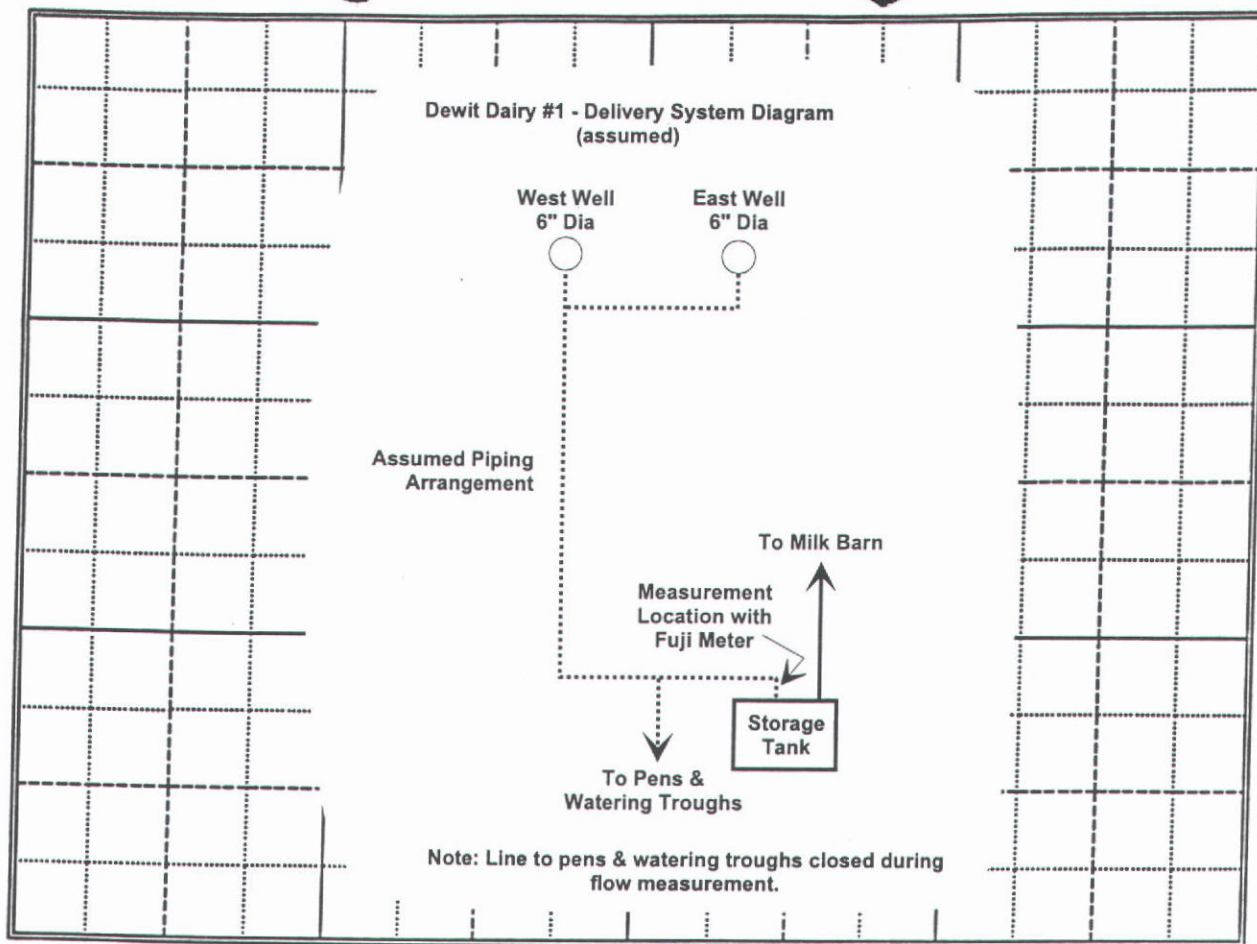


DeWit DAIRY #1  
WATER RIGHT #36-08388  
Rectified Infrared Aerial Photo 1987

BROCKWAY ENGINEERING, PLLC.  
ALR May 8, 2003



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



Scale: 1" = \_\_\_\_\_

\_\_\_\_ 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 |
|---------------------------------------|------------|------|------------------|------------|-----------------------------------|
| EAST WELL                             | STARITE    | 5 Hp |                  | 40 P4J 035 | IDWR TAG = AD011879               |
| WEST WELL                             | STARITE    | 2 Hp |                  | 20 P4J 035 | IDWR TAG = AD011878               |
|                                       |            |      |                  |            |                                   |

\*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 |
|-----------------------|------------|----------|------------|----------------------|------|-------------|
| NO METER ON SYSTEM -  | USED       | PORTABLE | ULTRASONIC | FOR SYSTEM CAPACITY. |      |             |
| FUJI ULTRASONIC       | ULTRASONIC | FUJI     |            |                      | -    | 4/03        |

2. Measurements: SEE ATTACHED NARRATIVE.

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T08S., R15E.

34

1111 2 3 2003

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DeWit DAIRY #1  
Water Right 36-08388  
FSA Aerial Photo 2001

BROCKWAY ENGINEERING, PLLC.  
ALR April 30, 2003

Sections.shp  
40's.shp



T08S., R15E. SECTION 34 NWNW



DeWit DAIRY #1  
WATER RIGHT #36-08388  
FSA Aerial Photo 2001

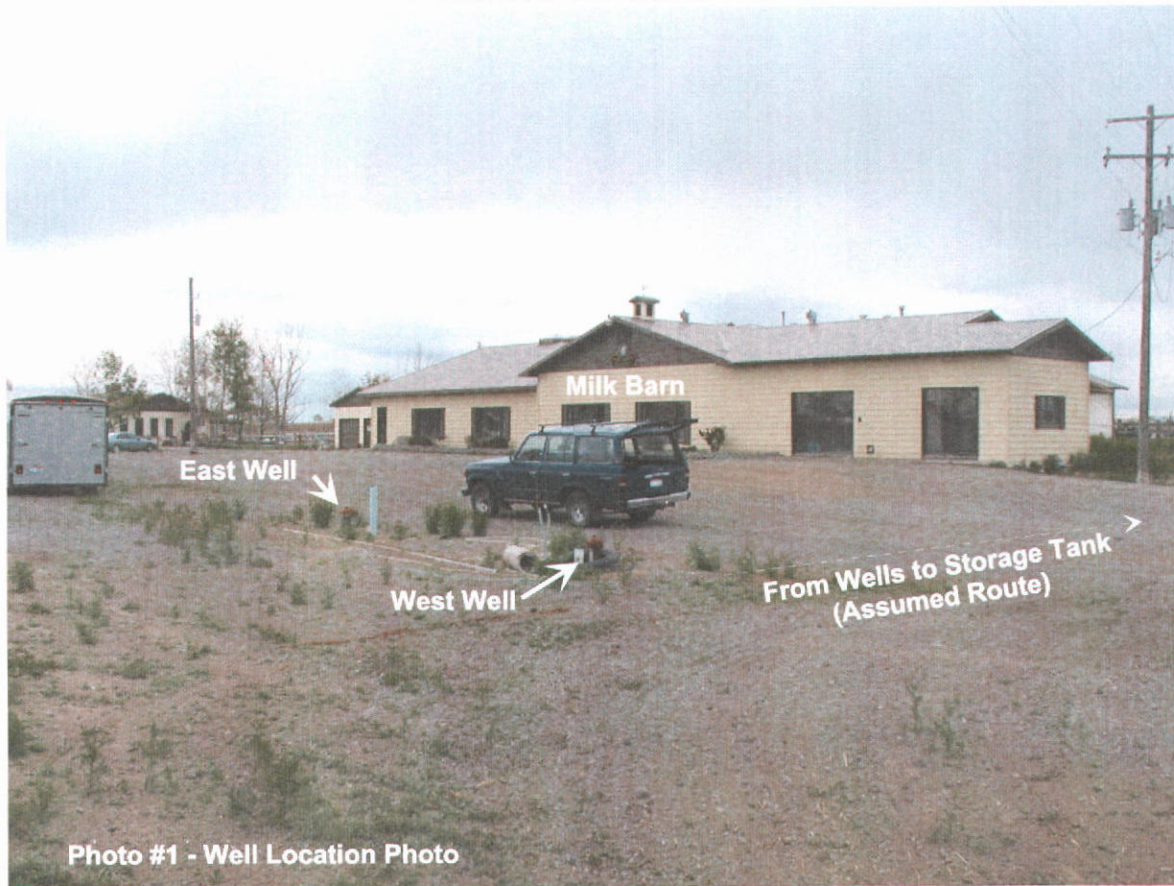
BROCKWAY ENGINEERING, PLLC.  
ALR April 30, 2003

JUL 23 2003

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**Dewit Dairy #1 - Beneficial Use Exam Photos**  
**Permit # 36-8388**



**Dewit Dairy #1 - Beneficial Use Exam Photos**  
**Permit # 36-8388**



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Brockway Engineering, PLLC - May 5, 2003 11 23 2003

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

IN THE MATTER OF LAPSED  
PERMIT NO. 36-8388 IN THE  
NAME OF NEIL DE WIT

---

**REINSTATEMENT ORDER**

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. On February 3, 1989, the Department issued Permit No. 36-8388 to Neil DeWit ("permit holder") authorizing the diversion of 0.30 cubic feet per second ("cfs") of ground water for stockwater and commercial use in the NW1/4 NW1/4, Section 34, Township 05 South, Range 15 East, B.M., Gooding County. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before February 1, 1990.

2. On November 30, 1989, the Department notified the permit holder that proof use was due and instructed the permit holder of the steps to be taken to submit the proof or a Request for Extension of Time ("extension request").

3. On February 15, 1989, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof or extension request.

4. On May 8, 2003, the permit holder submitted Proof of Beneficial Use with a completed Beneficial Use Field Exam to the Department. The permit holder submitted evidence to show that water has been applied to the authorized beneficial use during the development period and has shown sufficient cause why the beneficial use was not timely submitted.

**CONCLUSIONS OF LAW**

1. Section 42-218a.2, Idaho Code, provides as follows:

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**JUL 23 2003**

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

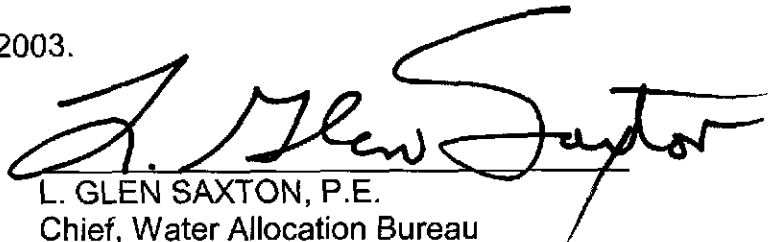
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting two affidavits verifying the construction and use of the water during the development period.

3. The Department should reinstate the permit with the priority advanced to the date that proof and the beneficial use field examination were received.

#### ORDER

IT IS HEREBY ORDERED, that Permit No. 36-8388 in the name of Neil DeWit is **REINSTATED** with the priority advanced to **May 8, 2003**.

Dated this 15<sup>th</sup> day of May, 2003.

  
L. GLEN SAXTON, P.E.  
Chief, Water Allocation Bureau

FOR OFFICE USE ONLY  
Amt. of Fee \$: N/A  
Receipt No. \_\_\_\_\_  
Receipt By: dy  
Date Received: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY - 8 2003

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 36-8388 Telephone No. 536-2166
2. Name of Permit Holder(s): DeWit Dairy
3. Mailing Address: 2011 Bob Barton Highway  
City Wendell State ID Zip 83355
4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 6/5 / yr. 1980  
Well Driller: Eaton Drilling & Pump Service Drilling Permit Number: n/a
5. Use(s) (as authorized by the water right permit):  
Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): .30 cfs - Dairy cattle  
Irrigation (No. of acres): \_\_\_\_\_ Other: Commercial - .30 cfs
6. Total rate of diversion and/or volume for which proof is submitted: .30 cfs OR \_\_\_\_\_ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)  
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)  
Measuring Device: Is a measuring device required? Yes \_\_\_\_\_ or No X  
Has the measuring device been installed? Yes \_\_\_\_\_ or No \_\_\_\_\_
8. Fee Enclosed: \$ 0 Exam Included with Submittal (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.  
Name: Tony DeWit Telephone Number: 404-1818  
Address: 2011 Bob Barton Highway, Wendell ID 83355
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: \_\_\_\_\_

Tony DeWit, Partner in DeWit Dairy

(include your title, if on behalf of company or organization)

Please see attached information establishing extent of beneficial use as of February 1, 1990 and statement of cause for filing late proof.

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JUL 23 2003

# NOTICE

This file has been REPRODUCED  
from MICROFICHE because :

The water right is being Reinstated.

---

---

---

Person Recreating File

---

Date

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Neil De Wit Phone 536-2742  
Post office address 2011 Bob Barton Hwy, Wendell, Idz, 83355
2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_  
(2 pts.)
3. Location of point of diversion is NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  Govt. Lot \_\_\_\_\_  
Sec. 34 Township 8 S. Range 15 E. B.M. Gooding County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.30 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 0.30 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.0 0.30 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. Two 5 H.P. pumps  
in wells connected to common pressure system
  - 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 6" inches; proposed depth of well is 110' 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).

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

- a. Hydropower; show total feet of head and proposed capacity in KW \_\_\_\_\_
- b. Stockwatering, list number and kind of livestock. 15 Dairy cows
- c. Municipal; show name of municipality. \_\_\_\_\_
- d. Domestic; show number of households. \_\_\_\_\_
- e. Other; describe fully. Commercial use is water for large dairy operation; use in barn, washing, ect.

9. Description of place of use:

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

| TWP | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|-----|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 35  | 15E   | 34   |        |        |        |        | S/C    |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

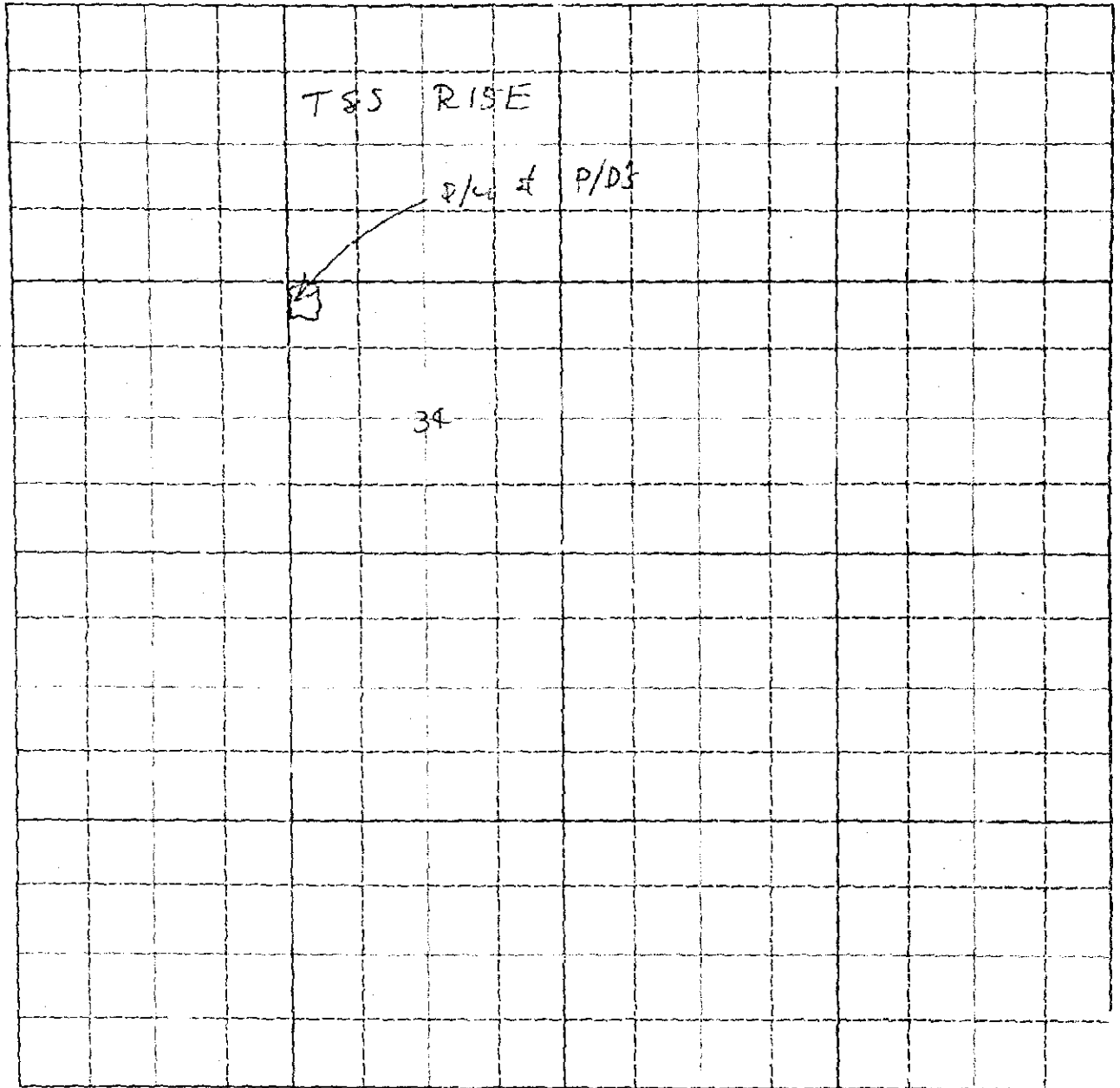
Total number of acres to be irrigated \_\_\_\_\_

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? "
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: This use was established around 1979 without any recording of the water right.

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.

Neil De Rich  
(Applicant)

Priority 8/31/88

Received by AD Date 8/31/88 Time 9:55 am Preliminary check by AD

Fee \$ 45.00 Received by AD # 5001955 Date 8/31/88

Publication prepared by M. Baldwin Date 10/20/88 Published in Geodine P. Leader

Publication approved M. Baldwin Date 11/21/88

### 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. 36-8388, and said application is hereby APPROVED

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 90

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

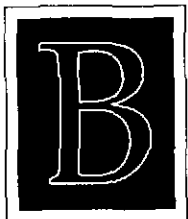
d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim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

e. Other.

Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

Witness my hand this 3<sup>rd</sup> day of February, 1989.

A. New Saylor



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

May 22, 2003

Deborah J. Gibson  
Idaho Department of Water Resources  
1301 North Orchard Street  
Boise, ID 83706

Re: Permit #36-8388  
POU for Wastewater

RECEIVED  
MAY 23 2003  
Department of Water Resources

Dear Deborah:

As requested, we have researched the place of use (POU) for the wastewater from Dewit Dairy #1. It is our understanding that IDWR includes the wastewater POU on the license to protect future use of this water on the land applied. For the purposes of this analysis, we evaluated the Nutrient Management Plan prepared for Dewit Dairy #1 by Rick Hillier & Mike Tremblay. The report is dated January 4, 2001 and is signed by Tony Dewit.

According to the nutrient management plan, the wastewater from the barn and corral areas is collected in storage lagoons and pumped to an irrigation pond located in the SE corner of the Dewit Dairy property. A property layout sheet showing this arrangement has been copied from the nutrient management plan and is included with this letter submittal. Liquid wastewater is pumped from this irrigation pond to the Anderson West Pivot which is a  $\frac{3}{4}$  sweep pivot located in the NW  $\frac{1}{4}$  of Section 34, Township 08 South, Range 15 East. A copy of the photo of this pivot from the NMP is included with this letter. According to Tony Dewit, they rotate the different  $\frac{1}{4}$   $\frac{1}{4}$  sections of this pivot with liquid and solid waste. It is my recommendation that the following POU be listed on the licensed right:

Section 34, Township 8 South, Range 15 East, NE NW, SW NW, SE NW

It is our understanding that this information should complete the requirements for licensing of this right. Please contact me if you have any questions or comments with our assessment of the POU. Thank you and have a great day.

Sincerely,

  
Jeffrey S. Rau, P.E.

Attachment: Property Layout – Dewit Dairy #1  
Anderson West Pivot Diagram

Cc: Rob Williams  
Tony Dewit

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JUL 23 2003

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

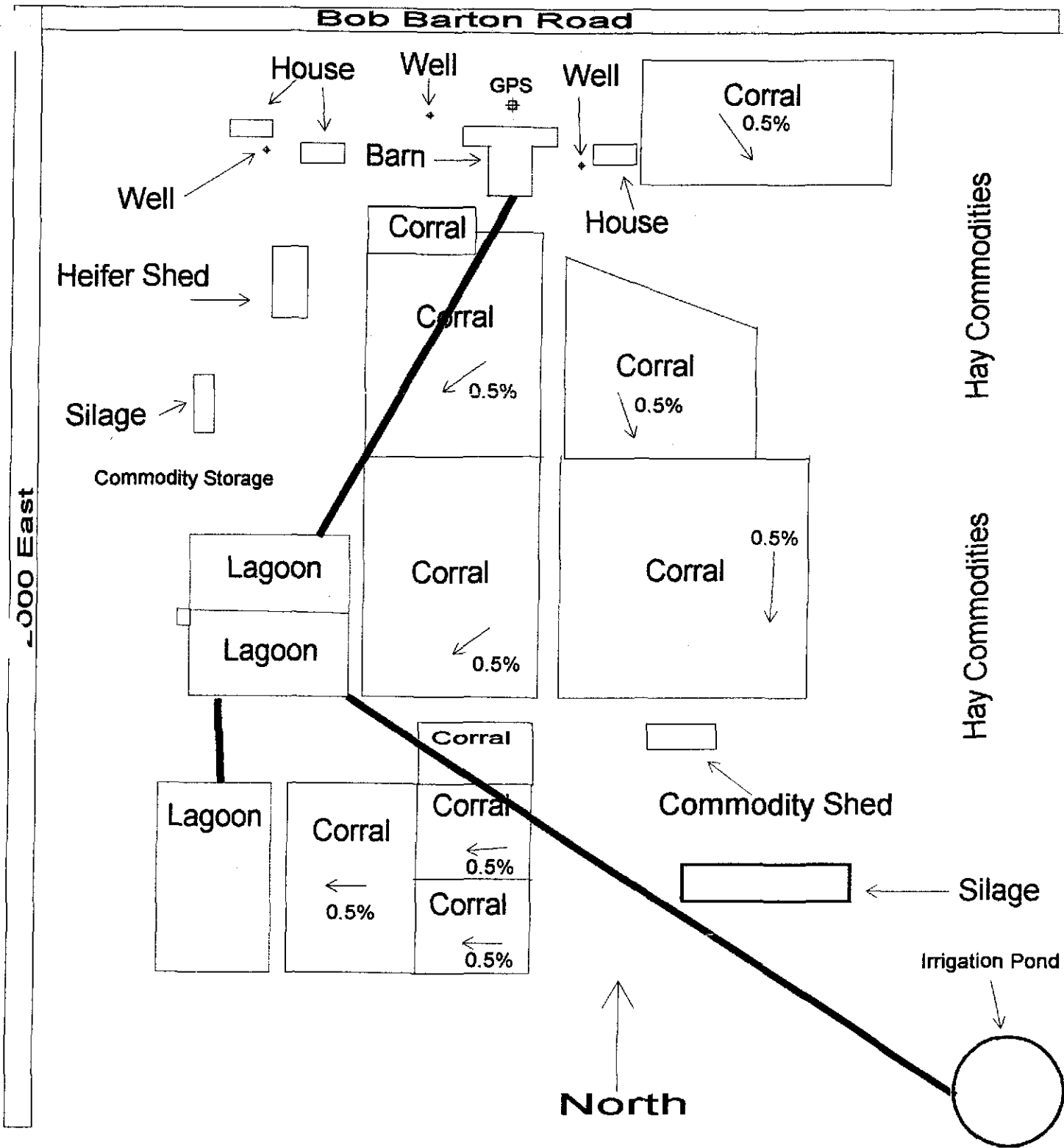
CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506



| REVISION | DATE     | JOB # | DRAWN BY | CHECKED BY |
|----------|----------|-------|----------|------------|
|          | 07-01-01 | 042   | RLM      | RAH        |

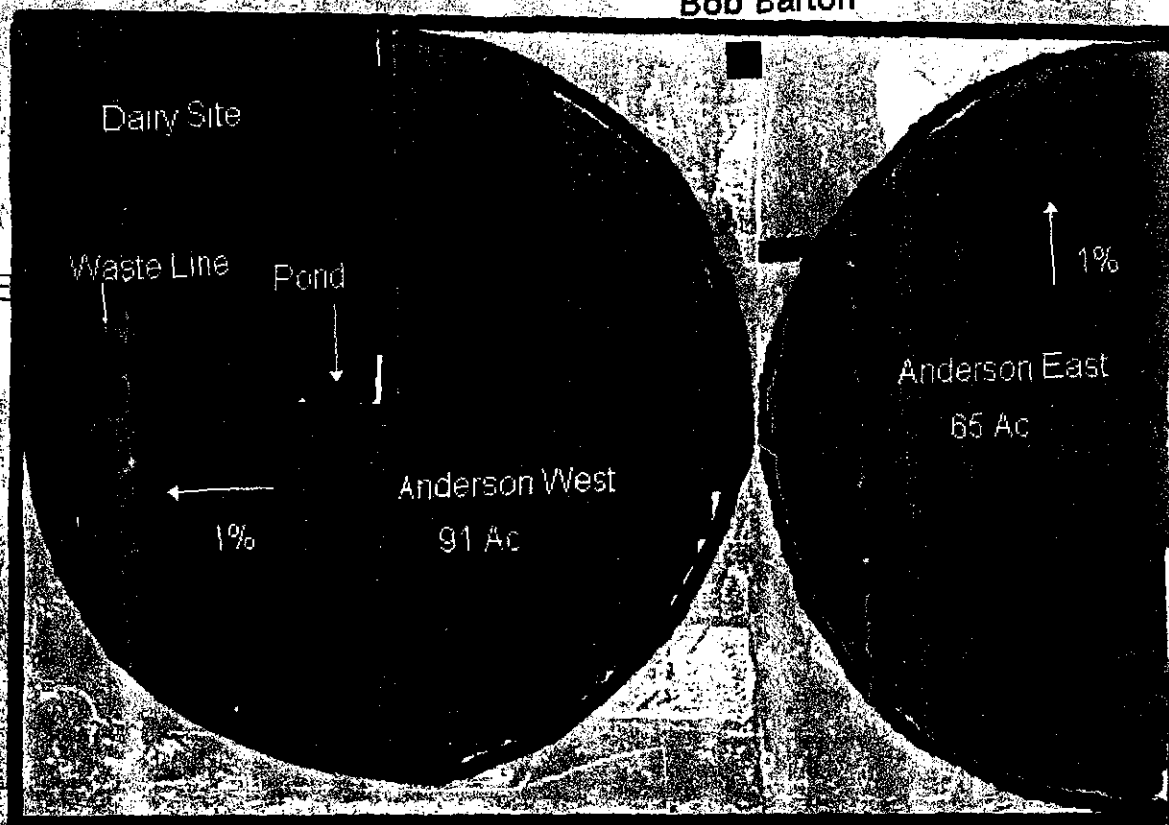
PROJECT:  
 Dewitt Dairy #1  
 2011-b Bob Barton Road  
 Wendell, Id 83355  
 208-536-6541

SHEET DESCRIPTION:  
 Property Layout

**Tremblay Consulting**  
 394 South 335 East  
 Jerome, Id. 83338  
 208-324-1148

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 JUL 23 2003

Bob Barton



North



Waste Line



Irrigation Line



Canal



Houses/Wells

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JUL 23 2003



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 16, 2003

DEWIT DAIRY  
2011 BOB BARTON HIGHWAY  
WENDELL ID 83355

### PROOF ACKNOWLEDGEMENT LETTER

**RE: PERMIT NO. 36-8388**

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and field examination submitted for the above referenced permit. The next step in the process of developing a water right is for the department to review the file for licensing. Enclosed is an order reinstating the permit advancing the priority date since proof was submitted after the proof due date.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. I understand a completed ownership change will be forthcoming to change the name of the permit holder from Neal DeWit to DeWit Dairy.

If you have questions, please contact me at (208) 327-7953, or the **Southern** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Enclosure

c: IDWR - Region (w/encl.)  
Cindy Yenter  
Jeffrey S. Rau  
Robert Williams

MICROFILMED

MAY 23 2003

## ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 36-8388

Reviewed By: dgibson

Date: May 15, 2003

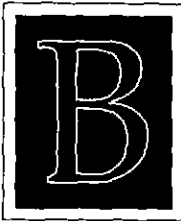
|                                   | <u>Yes</u> | <u>No</u> |                                  | <u>Yes</u> | <u>No</u> |
|-----------------------------------|------------|-----------|----------------------------------|------------|-----------|
| Proof received timely?            |            | X         | Drilling permit required?        |            | X         |
| License examination fee required? |            | X         | Drilling permit No.:             |            |           |
| Appropriate fee submitted?        | X          |           | Drilling permit upgrade needed?  |            |           |
| Receipt No.:                      |            |           | Well driller's report filed?     | X          |           |
| Additional Amount Due:            |            |           | Measuring device required?       |            | X         |
| Name and address same as permit?  |            | X         | Measuring device installed?      |            |           |
| Are the water uses correct?       | X          |           | Measure device waiver requested? |            |           |

### Priority Calculation

|                     |   |            |
|---------------------|---|------------|
| Date proof received |   | 05/08/2003 |
| Date proof due      | - | 02/01/1990 |
| Lapse notice sent   | - | 02/15/1990 |
| No. of days late    | = | 4830       |
| Holiday allowance   | + |            |
| Priority date       | + |            |
| New priority date   | = | 05/08/2003 |

### Deficiencies of Actions Items

Acknowledge proof. Reinstate permit and advance priority to 5/8/2003. Ownership change is being prepared for filing to show the current permit holder as DeWitt Dairy. ~~Neal~~ DeWit is deceased since 12/29/1997. *Neil*



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAY - 9 2003

Department of Water Resources

May 8, 2003

Idaho Department of Water Resources  
Attn: Debbie Gibson  
1301 North Orchard  
Boise, ID 83706

Re: WR Permit #36-08388  
Additional Proof of Establishment of Right

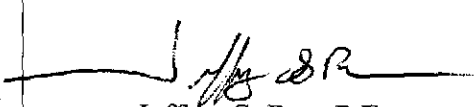
Dear Ms. Gibson:

Enclosed is additional information which should help establish the use of this right prior to the 1990 original proof date for the Dewit Dairy. As discussed, we were able to obtain clean copies of both well logs from the IDWR Southern Region office. We have included clean copies of both of these wells with this submittal. One well was completed on March 1, 1980 and the other lists a completion date of July 7, 1980. The 3-1-1980 log shows two wells close together in the NW ¼ NW ¼ and also mentions the two wells in the "subdivision name" section in the well location section of the log. These logs confirm that the wells were installed in 1980.

As additional proof, we are submitting a copy of the 1987 infra-red rectified photo which clearly shows the milk barn and corral in the exact same location as the 2001 photo submitted with the proof documents. The photo was obtained from IDWR and is what the GIS mapping people use for the adjudication. We have included the date of the photo and necessary information on the exhibit included with this submittal.

This should provide enough proof of establishment of this right. Please review the information included with this letter and contact me if you have any questions or comments. Thank you and have a great day.

Sincerely,

  
Jeffrey S. Rau, P.E.

Attachment: Well Logs - Both 6" wells  
1987 Infra-red Photo Exhibit

Cc: Tony Dewit  
Robert Williams

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

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

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

MICROFILMED

JUL 23 2003



Form 238-7  
78STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**WELL DRILLER'S REPORT**State law requires that this report be filed with the Director, Department of Water Resources, within 30 days after the completion or abandonment of the well.  
JUL 24 1980RECEIVED  
TYPEWRITER O  
BLANK POINT PEN

## 1. WELL OWNER

Name Dewitt  
Address Wendell  
Owner's Permit No. \_\_\_\_\_

## 7. WATER LEVEL

Static water level 72 feet below land surface.  
Flowing? ☐ Yes ☒ No G.P.M. flow \_\_\_\_\_  
Artesian closed-in pressure \_\_\_\_\_ p.s.i.  
Controlled by: ☐ Valve ☒ Cap ☐ Plug  
Temperature \_\_\_\_\_ °F. Quality \_\_\_\_\_

## NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement  
☐ Abandoned (describe method of abandoning) \_\_\_\_\_

## 8. WELL TEST DATA

☐ Pump ☐ Bailor ☐ Air ☐ Other \_\_\_\_\_

| Discharge G.P.M. | Pumping Level | Hours Pumped |
|------------------|---------------|--------------|
|                  |               |              |
|                  |               |              |
|                  |               |              |

## PROPOSED USE

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

## METHOD DRILLED

☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary  
☐ Cable ☐ Dug ☐ Other \_\_\_\_\_

## WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other \_\_\_\_\_

| Thickness          | Diameter        | From          | To              |
|--------------------|-----------------|---------------|-----------------|
| <u>2.60</u> inches | <u>6</u> inches | <u>1</u> feet | <u>1.5</u> feet |
| _____ inches       | _____ inches    | _____ feet    | _____ feet      |
| _____ inches       | _____ inches    | _____ feet    | _____ feet      |
| _____ inches       | _____ inches    | _____ feet    | _____ feet      |

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

Size of perforation \_\_\_\_\_ inches by \_\_\_\_\_ inches

| Number             | From       | To         |
|--------------------|------------|------------|
| _____ perforations | _____ feet | _____ feet |
| _____ perforations | _____ feet | _____ feet |
| _____ perforations | _____ feet | _____ feet |

Well screen installed? ☐ Yes ☒ No

Manufacturer's name \_\_\_\_\_

Type \_\_\_\_\_ Model No. \_\_\_\_\_

Diameter \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ feet to \_\_\_\_\_ feet

Diameter \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ feet to \_\_\_\_\_ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel \_\_\_\_\_

Placed from \_\_\_\_\_ feet to \_\_\_\_\_ feet

Surface seal depth 12 Material used in seal: ☐ Cement grout☐ Pudding clay ☒ Well cuttingsSealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☐ Welded ☐ Solvent

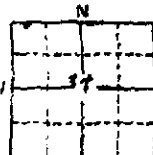
Weld \_\_\_\_\_

☐ Cemented between strata

Describe access port \_\_\_\_\_

## LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name \_\_\_\_\_

Lot No. 1 Block No. \_\_\_\_\_City GoodingCounty Blaine Sec. 34 T. 3 N. 15 E. 4W

## 10.

Work started June 4 finished June 80

## 11. DRILLERS CERTIFICATION

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

Firm Name C.B. Burton Firm No. 26Address Wendell, ID Date 7-1-80Signed by (Firm Official) James Burtonand  
(Operator) James Burton

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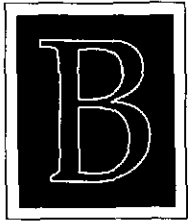
08S., RTSE, SECTION 34 NWNW

001 2 9 2003

DeWit DAIRY #1  
WATER RIGHT #36-08388  
Rectified Infrared Aerial Photo 1987

BROCKWAY ENGINEERING, PLLC.  
ALR May 8, 2003





**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAY - 8 2003

Department of Water Resources

May 6, 2003

Idaho Department of Water Resources  
Attn: Debbie Gibson  
1301 North Orchard  
Boise, ID 83706

Re: Proof of Beneficial Use & Beneficial Use Exam  
WR Permit #36-08388

Dear Ms. Gibson:

Enclosed is a proof of beneficial use and beneficial use exam for Permit #36-8388 in the name of Dewit Dairy. The following documents are submitted on behalf of our client Tony Dewit who is requesting reinstatement of the lapsed permit. A notarized statement from Mr. Dewit is included with this submittal stating the reasons for the delay in filing proof on this permit.

The exam was completed by me on May 2, 2003 and the original exam and supporting documents are included with the submittal. Please review the exam and contact me if you have any questions or comments.

Thank you for your attention to this issue. If you have any questions concerning these documents please contact our office or Mr. Rob Williams (208-324-2303) who is representing Mr. Dewit on this matter. Thank you and have a great day.

Sincerely,

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

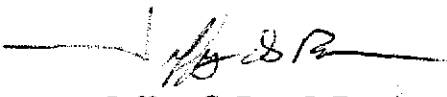
CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

  
Jeffrey S. Rau, P.E.  
Water Right Examiner #04-127

Attachment: Proof of Beneficial Use #36-08388  
Statement from Tony Dewit – Dated May 1, 2003  
Beneficial Use Exam – Dated 5/6/03

Cc: Tony Dewit  
Robert Williams

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JUL 23 2003

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

**A. GENERAL INFORMATION**

Permit No. 36-8388

1. Owner: DEWIT DAIRY Phone No. 536-2166

Current Address: 2011 BOB BARTON HIGHWAY WENDELL, ID 83355

2. Accompanied by: JEFFREY S. RAW - BROCKWAY ENGR EXAM DATE: 5/2/03

Address: 2016 NORTH WASHINGTON ST - SUITE 4 TWIN FALLS Phone No. 208-736-8543

Relationship to Permit Holder: ENGINEERING CONSULTANT

3. Source: GROUNDWATER tributary to N/A

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: 36-10782 (DOMESTIC RESIDENCE), NSCC SHARES

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

**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion: (2 WELLS)

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|--------|---------------------------------|
|           |           | NW  | NW  | NW  | 34   | 8S   | 15E  | JEROME | 2001 FSA PHOTO                  |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |

2. Place(s) of Use:

Indicate Method of Determination FSA + FIELD VISIT

| 2. Page(s) of 333. |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |        |
|--------------------|-----|-----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP                | RGE | SEC | NE |    |    |    | NW  |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|                    |     |     | NE | NW | SW | SE | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 8S                 | 15E | 34  |    |    |    |    | S/C |    |    |    |    |    |    |    |    |    |    |    |        |
|                    |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |        |
|                    |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |        |
|                    |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |        |
|                    |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |        |
|                    |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |        |
|                    |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |        |
|                    |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |        |
|                    |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |        |

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## F. FLOW CALCULATIONS

Measured Method:

2 HP PUMP ONLY = 34.0 GPM

5 HP PUMP ONLY = 57.2 GPM

BOTH PUMPS OPERATING = MAX DIVERSION RATE = 78.6 GPM = 0.18 cfs

## G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$  \_\_\_\_\_

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$  \_\_\_\_\_

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

2. Volume Calculations for Other Uses:

ANNUAL DIVERSION VOLUME = 44.9 AFA

SEE ATTACHED LCO WATER USE SPREADSHEET

## H. RECOMMENDATIONS

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 | 0.18 cfs                     | 44.9                     |
| COMMERCIAL     | 1/1           | 12/31 | 0.18 cfs                     | 44.9                     |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| Totals:        |               |       | 0.18 cfs                     | 44.9 AFA                 |

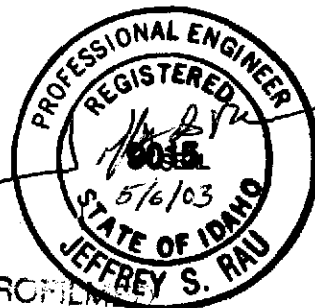
2. Recommended Amendments

\_\_\_ 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 Jeffrey S. Rau Date 5/6/03

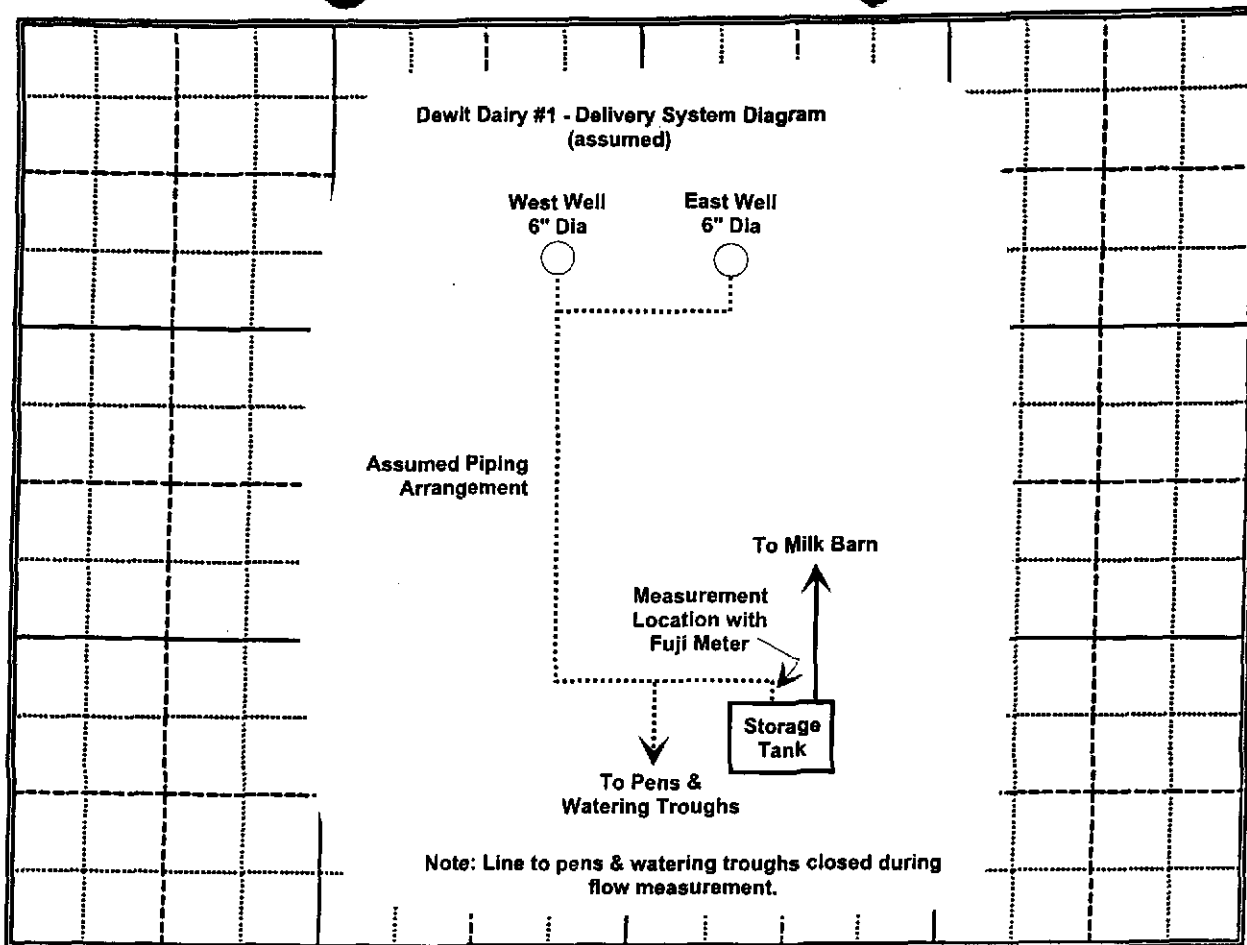
Reviewer \_\_\_\_\_ Date \_\_\_\_\_



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



Scale: 1" = \_\_\_\_\_

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 |
|---------------------------------------|------------|------|------------------|-----------|-----------------------------------|
| EAST WELL                             | STARITE    | 5 HP |                  | 40P4J035  | ID#RTAG = AD011879                |
| WEST WELL                             | STARITE    | 2 HP |                  | 20P4J035  | ID#RTAG = AD011878                |
|                                       |            |      |                  |           |                                   |

\*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 |
|-----------------------|------------|----------|------------|----------------------|------|-------------|
| NO METER ON SYSTEM -  | USED       | PORTABLE | ULTRASONIC | FOR SYSTEM CAPACITY. |      |             |
| FUJI ULTRASONIC       | ULTRASONIC | FUJI     |            |                      | -    | 4/03        |

2. Measurements: SEE ATTACHED NARRATIVE.

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**E. NARRATIVE/REMARKS/COMMENTS**

**Narrative – Beneficial Use Exam Field Report – Dewit Dairy #1 5/2/03**

**Prepared By: Jeffrey S. Rau, P.E WR Examiner #127**

Water right permit is a stockwater & commercial groundwater right from two 6" wells located in the NW ¼, NW ¼, NW ¼ of Section 34, Township 8 South, Range 15 East, B.M. The original permit allowed a diversion rate of 0.30 cfs for year-round stockwater and commercial use. The use is permitted for a dairy operation including stockwater, barn washing, and milking operations.

The west well contains a 2 hp submersible pump and the east well contains a 5hp submersible pump. No record of system construction drawings could be located so pipe routing and system layout are based on a best approximation of the layout and operation of the system. It is assumed that the discharge lines from the wells connect underground and run under the drive area to the area behind the milking barn. At this location, it is estimated that a single line tees from this main supply to provide water to the stockwater feeding troughs. The remaining water not sent to the watering troughs enters a pump house building where it discharges into pressure tanks and into a large concrete storage tank. Water is pumped from the storage tank into the milking barn for washing and milking operation.

There is not a requirement on the permit for a metering device and the system does not contain a flowmeter. Flow measurements were made using a portable Fuji ultrasonic strap-on meter on the 2" galvanized pipe from the wells. Good measurements were made with this meter and are used in determination of the flow rate recommended in this exam. Since the line to the watering troughs was upstream of the metering location, this line was closed for the duration of the test to measure the maximum system capacity with both pumps operating and discharging into the storage tank.

Annual diversion volume was calculated using the IDWR dairy water use spreadsheet and animal numbers provided in a sworn statement made by Tony Dewit (included with this exam). A copy of the analysis is included with this exam.

See the final page for diversion rate and volume recommendations.

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

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111 2 3 2003

PROPOSED

BROCKWAY ENGINEERING, PLLC.  
ALR April 30, 2003

DeWit DAIRY #1  
Water Right 36-08388  
FSA Aerial Photo 2001

Sections.shp  
40's.shp



T08S., R15E. SECTION 34 NWNW



DeWit DAIRY #1  
WATER RIGHT #36-08388  
FSA Aerial Photo 2001





BROCKWAY  
ENGINEERING  
PLLC

## Flow Meter Test

Project : DEWIT DAIRY #1 FIELD EXAM  
Date : 5/2/03 Crew : ISR / LINDY HODGES  
Location : @ SUPPLY LINE TO BARN/STORAGE TANK

### System Information

Pipe Type : GALV Lining Type : NONE Measured Circumference : 2.38 (inches)  
Fluid Type : H<sub>2</sub>O Sound Speed : 4835 Calculated Pipe Diameter : 2.38 (Cir. /  $\pi$ )  
Suggested Transducer Spacing : FL615 ~~1.33~~ 0.846 Wall Thickness : 0.154 (1) ~~0.150~~ (3)  
Adjusted Transducer Spacing :                      Average Wall Thickness : 0.154 (KCO METER)

Remarks : FLD12 OF TDWR NOT REGISTERING SIGNAL

### Test Meter

Make / Model : FOUSE  
Transducer : FL615

Signal Strength : XXXX GOOD

| Time             | Velocity       | Flow Rate       | Totalizer    |
|------------------|----------------|-----------------|--------------|
| <del>11:27</del> | <del>3.2</del> | <del>34.0</del> | <del>0</del> |
| <del>11:37</del> | <del>3.2</del> | <del>34.0</del> | <del>0</del> |
| <del>11:49</del> | <del>3.2</del> | <del>34.0</del> | <del>0</del> |
| <del>11:54</del> | <del>3.2</del> | <del>34.0</del> | <del>0</del> |
| <u>11:49</u>     | <u>7.46</u>    | <u>78.3</u>     | <u>0</u>     |
| <u>11:54</u>     | <u>7.46</u>    | <u>78.3</u>     | <u>393</u>   |
| <u>11:56</u>     | <u>5.41</u>    | <u>56.8</u>     | <u>0</u>     |
| <u>12:01</u>     | <u>5.43</u>    | <u>57.2</u>     | <u>286</u>   |

### Subject Meter

Make / Model :                       
Serial Number :                     

| Time         | Velocity    | Flow Rate   | Totalizer      |
|--------------|-------------|-------------|----------------|
| <u>12:03</u> | <u>3.24</u> | <u>33.9</u> | <u>0</u>       |
| <u>12:08</u> | <u>3.22</u> | <u>33.9</u> | <u>170 GAL</u> |

MICROTECH

### Error Analysis

Difference =  $\frac{(\text{Subject} - \text{Test}) \times 100\%}{\text{Test}}$  =                      % Calibration Multiplier =  $(\text{Test} / \text{Subject})$  :

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

In re: Permit No. 36-8388  
DeWit Dairy

STATE OF IDAHO )  
                  :SS  
County of Jerome )

1. I am Tony DeWit, son of Neil DeWit, the original applicant for Permit No. 36-08388.
2. My father passed away on the 29<sup>th</sup> day of December, 1997. In October of that year, DeWit Dairy, a general partnership composed of my father, his wife, Melinda DeWit, and myself was formed. The real property upon which we farmed and conducted our dairy operations was conveyed to the partnership in October of that year.
3. Until recently, everyone assumed that the application for Water Right No. 36-08388 had been properly perfected and a license obtained. Correspondence from the Department has made it clear that although the application was filed, the wells drilled and the water put to a beneficial use, the permit had lapsed because of failure to file proof of beneficial use.
4. Both Melinda DeWit and myself assumed that Neil DeWit had followed through with the appropriate filings to take care of the issuance of this water right. As soon as it was made clear to us that this was not the case we have been in a dialogue with the Department to rectify the situation and it is our intent that the enclosed application and this statement will bring the matter to closure.
5. The water right has been used since its inception for the use of 600 milking cows, 80 dry cows and approximately 400 replacement heifers. For over twenty (20) years, the number of milking cows going through the barn has

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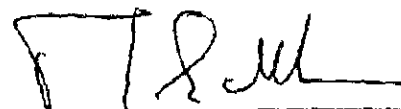
JUL 23 2003

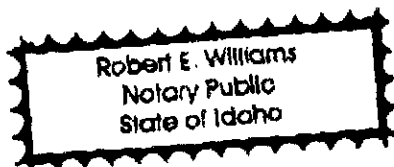
been approximately 600. The number of dry cows and replacement heifers involved with the operation has also not varied appreciably from those numbers from the date of the application to the present time. I make this statement on the basis of my own knowledge and experience in working on the dairy constantly since the date the original wells were drilled. I have also consulted Melinda DeWit in making this statement and she concurs that the number of animals involved with the water right covered by the application are consistent with this statement.

Please let me know if I can provide any further information.

  
TONY DeWIT

SUBSCRIBED AND SWORN To before me this 1<sup>st</sup> day of May, 2003.

  
NOTARY PUBLIC for Idaho  
Residing at: Idaho  
Comm. Expires: 1/27/05



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MAY 23 2003

# Livestock Confinement Operations

## Water Requirements and Consumptive Use Worksheet

Copyright 1998 by Brockway Engineering, PLLC

The information, data, or computational procedures herein may not be duplicated without the express written consent of Brockway Engineering.

COMPLETE BLUE HIGHLIGHTED SECTIONS ONLY

Prepared for: Tony Dewit  
Dewit Dairy #1  
2011 Bob Barton Highway

Revision: 9801  
Run Date: 5/6/2003

Remarks: Annual Volume Calculation for Beneficial Use Exam - Permit #36-8388

### Herd Information - User Input

Number of milking cows 600 Breed: Large  
Number of dry cows 80  
Number of other adult dry animals 0

Calves at age: Heifers at age:  
1 month 0 5 months 0  
2 months 0 15 - 18 months 200  
3 months 0 18 - 24 months 200  
4 months 0

### ANIMAL INFORMATION

Use defaults or enter values if known

Average body weight 1400 lbs Nearest weather station Jerome  
Milk fat percentage 3.5 % Number of milkings/day 3  
Average days dry 60  
Annual milk yield per animal 24000 lbs/year Check: Total herd size based on days dry 487  
Percent dry matter in ration 90 % HERD SIZE NOT CONSISTENT WITH DAYS DRY

### Lagoon Information - User Input

| Lagoon Number | Top width | Top length | SS (h:v) | Max depth | Average depth factor | % days with water | Top Area | Bottom Area | Average Area |
|---------------|-----------|------------|----------|-----------|----------------------|-------------------|----------|-------------|--------------|
| 1             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 2             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 3             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 4             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 5             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 6             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 7             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 8             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 9             | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| 10            | 0         | 0          | 0        | 0         | 0                    | 0                 | 0        | 0           | 0            |
| TOTAL ACRES   |           |            |          |           |                      |                   | 0.00     | 0.00        | 0.00         |

## Facility Information - User Input

|                                          | Holding<br>Pen 1 | Holding<br>Pen 2                         |
|------------------------------------------|------------------|------------------------------------------|
| Holding pen active                       | 0                | 0 (0 = not used or nonexistent)          |
| Number of sprinklers in pen              | 140              | 0                                        |
| Average line pressure                    | 40               | 60 psi                                   |
| Sprinkler nozzle size - primary          | 5/32             | 5/32 inches                              |
| Sprinkler nozzle size - secondary        | 3/32             | 0 (enter 0 for single-nozzle sprinklers) |
| Daily operation time of sprinklers       | 24               | 0 minutes                                |
| Percent of days per year cows are washed | 100              | 0 %                                      |
| Number of free stalls                    | 0                |                                          |
| Length of each free stall                | 1000 feet        |                                          |
| Width of each free stall                 | 50 feet          |                                          |
| Is the feeding area flushed to lagoon?   | No               |                                          |
| Is this housing area flushed to lagoon?  | Yes              |                                          |
|                                          | Barn             | Feeding    Housing                       |
| Flushing recycle rate                    | 0                | 0            0                           |

### CLEANING / FLUSHING VOLUMES

Use defaults or enter manufacturer volumes

|                                        |          |                    |         |
|----------------------------------------|----------|--------------------|---------|
| Cleaning parlor floor                  | 3000 gal | Cleaning pipeline  | 400 gal |
| Cleaning milkroom                      | 200 gal  | Cleaning equipment | 200 gal |
| Cleaning bulk tank                     | 200 gal  |                    |         |
| Additional flush of holding pen (opt.) | 0 gal    |                    |         |

## Land Application Information - User Input

|                                                                       |              |
|-----------------------------------------------------------------------|--------------|
| Type of system                                                        | Center Pivot |
| Predominant cropping                                                  | Alfalfa      |
| Percent of waste water which goes to meet crop irrigation requirement | 90 %         |

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## Stockwater Component

### Drinking Water Calculation for Lactating Cows

|                             |                |
|-----------------------------|----------------|
| 4% fat-corrected milk yield | 22200 lbs/year |
| Daily average FCM yield     | 72.79 lbs/day  |
| Daily average milk yield    | 78.69 lbs/day  |
| Estimated DMI               | 50.40 lbs/day  |

#### METHOD 1: Kertz

|                                                  |                                  |
|--------------------------------------------------|----------------------------------|
| Estimated total water intake (TWI)               | 300.0 lbs/day or<br>36.0 gal/day |
| As-fed feed daily intake                         | 56.0 as-fed lb/day               |
| Water content of feed                            | 5.60 lb/day in feed              |
| Drinking water intake                            | 294.4 lb/day or<br>35.3 gal/day  |
| Drinking water requirement<br>for lactating cows | 21178 gal/day<br>23.7 ac-ft/year |

#### METHOD 2: Holter and Urban

Regression equation with DMI, milk production, and dry matter %

|                       |                                  |
|-----------------------|----------------------------------|
| Drinking water intake | 106.1 liters/day<br>28.0 gal/day |
|                       | 16814 gal/day<br>18.8 ac-ft/year |

Maximum drinking water requirement 23.7 ac-ft/year

### Drinking Water Calculation for Dry Cows

|                               |              |
|-------------------------------|--------------|
| Estimated DMI                 | 26.6 lbs/day |
| Average drinking water intake | 13 gal/day   |

Average drinking water requirement 1040 gal/day  
1.2 ac-ft/year

### Drinking Water Calculation for Replacement Herd (Calves and Heifers)

| Age      | GPD  | Ac-Ft/year |
|----------|------|------------|
| 1 mo     | 0    | 0.00       |
| 2 mo     | 0    | 0.00       |
| 3 mo     | 0    | 0.00       |
| 4 mo     | 0    | 0.00       |
| 5 mo     | 0    | 0.00       |
| 15-18 mo | 1300 | 1.46       |
| 18-24 mo | 1690 | 1.89       |

Drinking water requirement  
for replacement herd 2990 gpd 3.35 ac-ft/year

TOTAL STOCKWATER COMPONENT 28.2 AC-FT/YEAR

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## Commercial Component

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### Milking Parlor Water Usage Calculation

Volume needed *per milking* in each parlor for:

|                       |          |                    |         |
|-----------------------|----------|--------------------|---------|
| Cleaning parlor floor | 3000 gal | Cleaning pipeline  | 400 gal |
| Cleaning milkroom     | 200 gal  | Cleaning equipment | 200 gal |
| Cleaning bulk tank    | 200 gal  | Cleaning cows      | 300 gal |

|                              |                  |
|------------------------------|------------------|
| Total milking parlor volume  | 12900 gal/day    |
| Second milking parlor volume | 0 gal/day        |
| Recycled water               | 0 gal/day        |
|                              | 14.45 ac-ft/year |

### Holding Pen Water Usage Calculation

|                             | Pen 1 | Pen 2     |
|-----------------------------|-------|-----------|
| Output of primary nozzle    | 4.49  | 5.5 gpm   |
| Output of secondary nozzle  | 1.61  | 0 gpm     |
| Holding pen flushing volume | 0     | 0 gal     |
| Additional flush volume     | 0     | 0 gal     |
| Sprinkler volume            | 0     | 0 gal/day |
| Total holding pen volume    | 0     | 0 gal/day |
| Recycled water              | 0     | 0 gal/day |

0.00 ac-ft/year

### Other Flushing Water Calculation

Daily volume needed for:

|                       |              |
|-----------------------|--------------|
| Feeding area flushing | 0 gal/day    |
| Housing area flushing | 2000 gal/day |

|                             |                 |
|-----------------------------|-----------------|
| Total other flushing volume | 2000 gal/day    |
| Recycled water              | 0               |
|                             | 2.24 ac-ft/year |

TOTAL COMMERCIAL COMPONENT      16.7 AC-FT/YEAR

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## Consumptive Use Calculation

### A. Lagoon Evaporation

|                                                |             |         |
|------------------------------------------------|-------------|---------|
| Annual reference ET (Allen & Brockway , 1983)  | 4.51 feet   |         |
| Annual open water coeff (Kohler Nordenson Fox) | 0.90        |         |
| Annual open water (lagoon) evaporation         | 4.06 feet   |         |
| Manual override: Input annual lagoon evap      | feet        |         |
| Total lagoon water surface area at full        | 0 sq. ft.   |         |
| Total lagoon bottom area                       | 0 sq. ft.   |         |
| Average surface area when water is present     | 0 sq. ft. = | 0.00 ac |

Total lagoon evaporation 0.00 ac-ft/year

### B. Animal usage: milk, metabolism, and excretion loss

|                                                  | Milking                                 | Dry                             |
|--------------------------------------------------|-----------------------------------------|---------------------------------|
| Waste excretion volume per cow                   | 1.3                                     | 1.3 ft <sup>3</sup> /day/1000lb |
| Water content                                    | 87.5                                    | 88.4 %                          |
| Total water volume in excrement                  | 7147                                    | 963 gal/day                     |
| Percent of excrement flushed to lagoons          | 60 % (based on areas which are flushed) |                                 |
| Consumptive use (evap.) of water in excrement    | 40 %                                    |                                 |
| Consumptive use (evap.) volume                   | 3244 gal/day                            |                                 |
| Excrement c.u. attributable to drinking water    | 3183 gal/day                            |                                 |
| Total milk production - assume 100% leaves site  | 47213 lbs/day or                        | 5661 gal/day                    |
| Water content of milk                            | 4925 gal/day                            |                                 |
| Water content attributable to drinking water     | 4833 gal/day                            |                                 |
| Water use for animal metabolism                  | 9586 gal/day                            |                                 |
| Metabolism water attributable to drinking water  | 9407 gal/day                            |                                 |
| Consumptive use - replacement herd (100%)        | 2990 gal/day                            |                                 |
| Total animal consumptive use from drinking water | 20414 gal/day or                        | 22.9 ac-ft/year                 |
| Percent of drinking water intake                 | 91.9 %                                  |                                 |

### C. Parlor/holding pen cleanup

|                                            |                 |            |
|--------------------------------------------|-----------------|------------|
| Average sprinkler washing system evap loss | 2 %             |            |
| Free stall total area                      | 0 sq. ft. =     | 0.00 acres |
| Length of time free stall concrete is wet  | 1 hr/day        |            |
| Average evaporation from wet concrete      | 0.15 in./day    |            |
| Sprinkler system loss volume               | 0.00 ac-ft/year |            |
| Free stall evaporation volume              | 0.00 ac-ft/year |            |

Total cleanup loss 0.00 ac-ft/year

### D. Land application site

|                                                   |                    |
|---------------------------------------------------|--------------------|
| Crop evapotranspiration                           | 3.29 ac-ft/ac/year |
| Irrigation diversion volume                       | 4.11 ac-ft/ac/year |
| System efficiency                                 | 80 %               |
| Waste water volume to lagoons                     | 22.1 ac-ft/year    |
| Waste water volume available for land application | 22.1 ac-ft/year    |

Total crop consumptive use of waste water 15.9 ac-ft/year

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## Summary

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### Drinking Water

|                                       |      |
|---------------------------------------|------|
| Milking herd                          | 23.7 |
| Non-milking herd (dry cows)           | 1.2  |
| Replacement herd (calves and heifers) | 3.3  |

|                             |                 |
|-----------------------------|-----------------|
| Total drinking water volume | 28.2 ac-ft/year |
|-----------------------------|-----------------|

### Commercial

|                         |       |
|-------------------------|-------|
| Milking parlor          | 14.45 |
| Holding pen and cleanup | 0.0   |
| Other flushing water    | 2.24  |

|                         |                 |
|-------------------------|-----------------|
| Total commercial volume | 16.7 ac-ft/year |
|-------------------------|-----------------|

|                                    |               |
|------------------------------------|---------------|
| TOTAL DIVERSION VOLUME REQUIREMENT | 44.9 AC-FT/YR |
|------------------------------------|---------------|

### Consumptive Use

|                                          |      |
|------------------------------------------|------|
| Lagoon evaporation                       | 0.00 |
| Animal milk, excretion, & metabolism     | 22.9 |
| Parlor and holding pen cleanup           | 0.00 |
| Crop consumptive use on land application | 15.9 |

|                       |                 |
|-----------------------|-----------------|
| Total consumptive use | 38.8 ac-ft/year |
|-----------------------|-----------------|

|                                      |        |
|--------------------------------------|--------|
| Percent of diversion volume consumed | 86.3 % |
|--------------------------------------|--------|

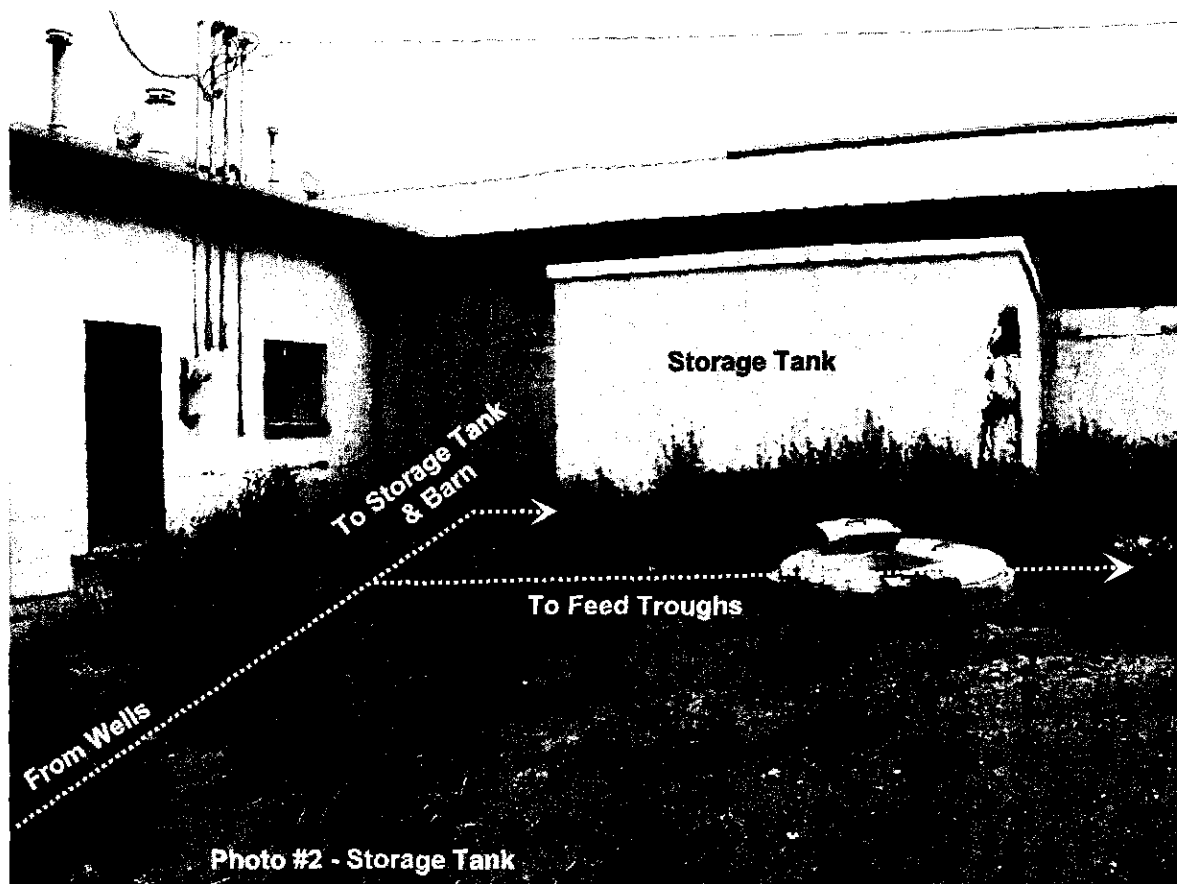
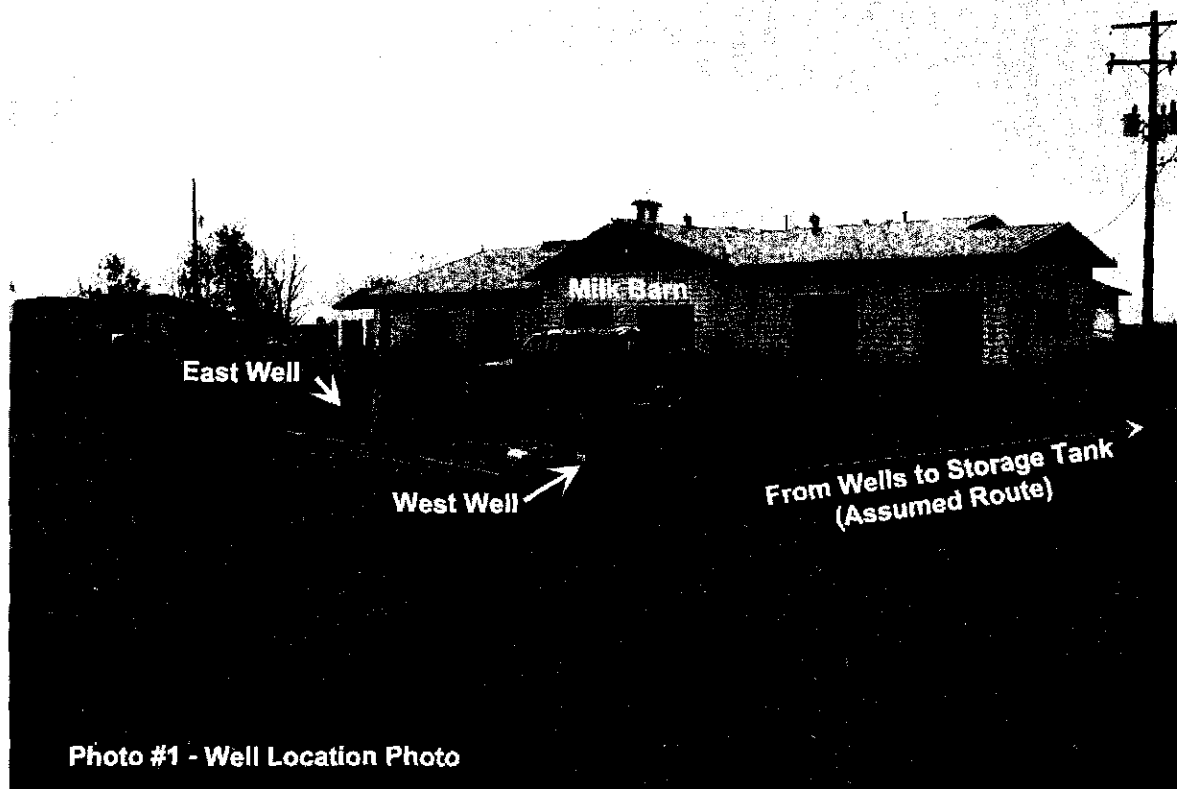
|                                              |         |
|----------------------------------------------|---------|
| Annual crop consumptive use - IDWR allowable | 3.0 afa |
|----------------------------------------------|---------|

|                            |            |
|----------------------------|------------|
| Equivalent irrigated acres | 12.9 acres |
|----------------------------|------------|

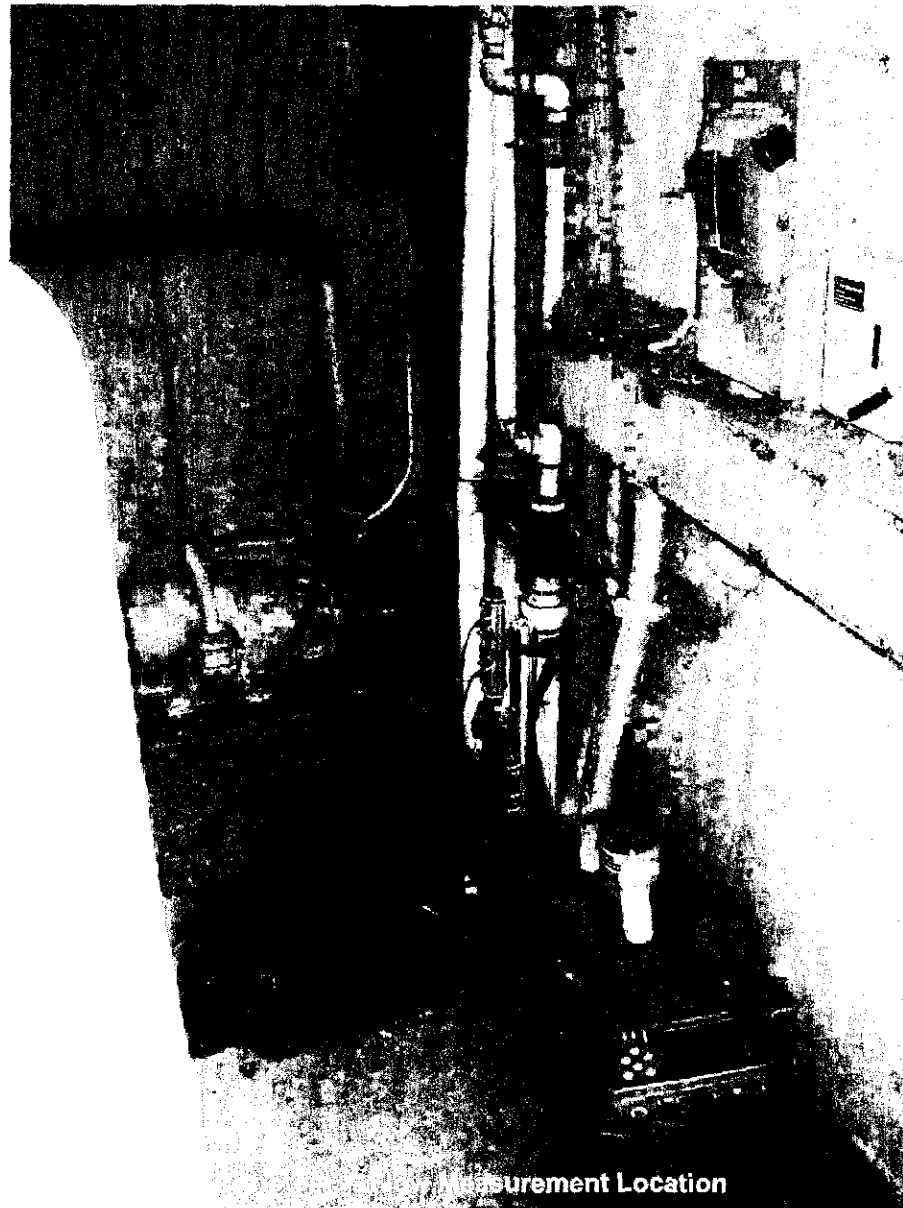
|                                             |               |
|---------------------------------------------|---------------|
| Diversion volume to acres conversion factor | 3.48 ac-ft/ac |
|---------------------------------------------|---------------|

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JUL 23 2003

**Dewit Dairy #1 - Beneficial Use Exam Photos**  
**Permit # 36-8388**



**Dewit Dairy #1 - Beneficial Use Exam Photos**  
**Permit # 36-8388**



MICROCHINE

RECEIVED

MAY - 8 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

In re: Permit No. 36-8388  
DeWit DairySTATE OF IDAHO )  
 )  
 ) :ss  
County of Jerome )

1. I am Tony DeWit, son of Neil DeWit, the original applicant for Permit No. 36-08388.
2. My father passed away on the 29<sup>th</sup> day of December, 1997. In October of that year, DeWit Dairy, a general partnership composed of my father, his wife, Melinda DeWit, and myself was formed. The real property upon which we farmed and conducted our dairy operations was conveyed to the partnership in October of that year.
3. Until recently, everyone assumed that the application for Water Right No. 36-08388 had been properly perfected and a license obtained. Correspondence from the Department has made it clear that although the application was filed, the wells drilled and the water put to a beneficial use, the permit had lapsed because of failure to file proof of beneficial use.
4. Both Melinda DeWit and myself assumed that Neil DeWit had followed through with the appropriate filings to take care of the issuance of this water right. As soon as it was made clear to us that this was not the case we have been in a dialogue with the Department to rectify the situation and it is our intent that the enclosed application and this statement will bring the matter to closure.
5. The water right has been used since its inception for the use of 600 milking cows, 80 dry cows and approximately 400 replacement heifers. For over twenty (20) years, the number of milking cows going through the barn has

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JUL 23 2003

been approximately 600. The number of dry cows and replacement heifers involved with the operation has also not varied appreciably from those numbers from the date of the application to the present time. I make this statement on the basis of my own knowledge and experience in working on the dairy constantly since the date the original wells were drilled. I have also consulted Melinda DeWit in making this statement and she concurs that the number of animals involved with the water right covered by the application are consistent with this statement.

Please let me know if I can provide any further information.

  
TONY DeWIT

SUBSCRIBED AND SWORN To before me this <sup>1st</sup> day of <sup>May</sup> April, 2003.

  
NOTARY PUBLIC for Idaho

Residing at: Idaho

Comm. Expires: 12/2/05

Robert E. Williams  
Notary Public  
State of Idaho

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JUL 23 2003

# NOTICE

This file has been REPRODUCED  
from MICROFICHE because :

*The Water right is being Reinstated*

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Person Recreating File

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Date

I certify that file No. 36-8388 has been  
reviewed and is ready to be MICROFILMED  
and DESTROYED.

*Pam Skaggs*  
Signature

*21 Aug. 90*  
Date

February 15, 1990

NEIL DE WIT  
2011 BOB BARTON HWY.  
WENDELL, ID 83355

LAPSE NOTICE

RE: PERMIT NO. 36-08388

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced water 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. You were provided the proper form in our proof due notice to you dated November 30, 1989.

Your permit cannot be reinstated unless you submit 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 the 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 might bring title to the water in question.

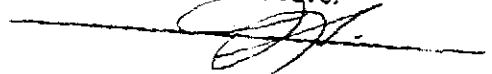
L. GLEN AXTON  
Chief, Water Allocation Bureau

Enclosures

LGS:RF

CERTIFICATION OF MAILING

I hereby certify that on 2-16-90  
a copy/an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.



138915

November 30, 1989

NEIL DE WIT  
2011 BOB BARTON HWY.  
WENDELL, ID 83355

PROOF DUE NOTICE

RE: PERMIT NO. 36-08388

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 February 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

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Statehouse  
Boise, Idaho 83720  
(208) 334-7900  
February 7, 1989

NEIL DE WIT  
2011 BOB BARTON HWY.  
WENDELL, ID 83355

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08388

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.

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.

Sincerely,

GARY SPACKMAN, Supervisor  
Water Rights Permits Section

GS: SC  
Enclosures

Not to be used by



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

28-Oct-1988

Neil De Wit  
2011 Bob Barton Hwy.  
Wendell, ID 83355

Re: Application for Permit No. 36-08388

Dear Mr. De Wit:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 36-08388. Please refer to this number in all further correspondence.

This office will be advertising the application in the Gooding County Leader on 11/2 & 11/9/88. A period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Very truly yours,

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

LH:MB

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

---

OCTOBER 20, 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 NOVEMBER 21, 1988.

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:

36-08388

DE WIT, NEIL  
2011 BOB BARTON HWY.  
WENDELL, ID 83355

Source: GROUNDWATER

Diversion Pt:

NWNWNW Sec 34 T 08S R 15E, Gooding County; At the above address.

Use: STOCKWATER  
COMMERCIAL

(.300 CFS)  
(.300 CFS)

Date Filed: 8/31/1988

In: T08S R15E S34

NWNW

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 NOVEMBER 21, 1988.

R. Keith Higginson, Director

Published 11/02/1988 & 11/09/1988

# AFFIDAVIT of PUBLICATION

RECEIVED

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

NOV 10 1988

Department of Water Resources  
Southern Region Office

Dave Lombard being first duly sworn,  
deposes and says that he is the printer (publisher) of the Gooding  
County Leader, a newspaper published every week in Gooding, County  
of Gooding, State of Idaho, that said newspaper has been continuous-  
ly and uninterruptedly published for a period of seventy-eight consecu-  
tive weeks prior to the first publication of the annexed notice, and is  
a newspaper qualified to publish legal notices as provided by act of  
the 1919 session of the legislature of the State of Idaho, known as  
House Bill 145; that the annexed advertisement was published once  
each week for 2 consecutive issues in said newspaper  
proper and not in a supplement; that the date of the first publication  
of said advertisement was on the 2nd day of Nov.  
1988, and the date of the last publication was on the 9th  
day of Nov. 1988

Subscribed and sworn to before me this 9th  
day of Nov. 1988  
(SEAL)

Louanna M. Lombard  
NOTARY PUBLIC

GOODING COUNTY LEADER  
Gooding, Idaho  
COST OF PUBLICATION

Number of Lines in Notice 27  
Number of Insertions 2

Lines tabular at 5/Pica  
27 Lines straight at 14.04 4/Pica  
27 Subsequent lines at 12.28 3/Pica  
TOTAL COST 26.32

COPY OF NOTICE  
(Paste Here)

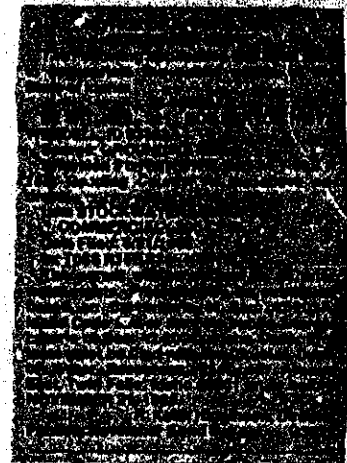
Appl. for Water  
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Appl. for Water  
FILE TO



| PUBLICATION RATES                |        |
|----------------------------------|--------|
| (Idaho Code, Rev. Statutes 1984) |        |
| 7-8 pt. per line straight        | 4/Pica |
| 7-8 pt. per line tabular         | 5/Pica |
| 7-8 pt. per line successive      |        |
| Insertions                       | 3/Pica |

No 1322

3029