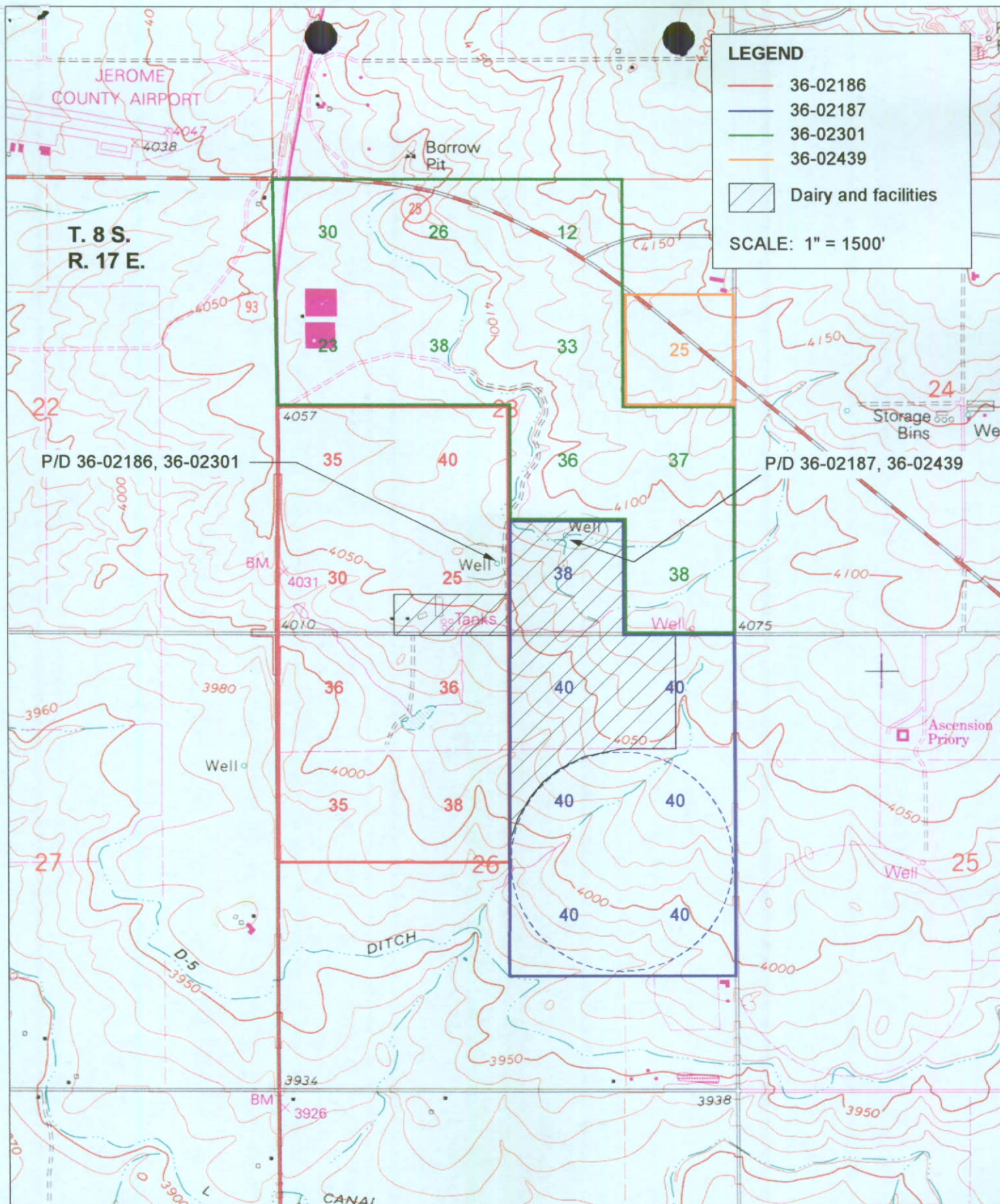






**DIAGRAM SHOWING EXISTING WATER RIGHT COVERAGE
AND PROPOSED DAIRY FACILITY LOCATION**

C. J. MARSHALL / GILTNER DAIRY, LLC

Brockway Engineering, PLLC 3/15/99

MICROFILMED
MAR 22 2000

AFFIDAVIT of PUBLICATION

RECEIVED

JUL 21 1999

Department of Water Resources
Southern Region

State of Idaho } ss.
County of Jerome

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

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 8th day of July, 1999, and the date of the last publication was on the 15th day of July, 1999

On this 15th day of July, in the year of 1999, before me, a Notary Public, personally appeared Patty Nance, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Norma De Voe

Notary Public for Idaho

Residing at Jerome, Id

My commission expires: 3/6/01

#8036/27002

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 7¢/Pica

736.31 Lines straight at 44.18 6¢/Pica

736.31 Subsequent lines at 36.82 5¢/Pica

Affidavit Fee: 2.25

TOTAL COST 83.25

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MAR 22 2000

COPY OF NOTICE

(Paste Here)

T#5480-Marshall
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF PROPOSED CHANGE TO WATER RIGHT, T# 5480

Notice is hereby given that C.J. MARSHALL, PO BOX 288; JEROME ID 83338 has applied to the Department of Water Resources for changes to the rights listed below. The purpose of Transfer No. 5480 is to split a portion of one right and change the use from irrigation to use in a new dairy (aka Giltner Dairy, LLC) by drying up 104 acres with the remainder rights to be used on an irrigated permissible place of use. PRESENTLY, the following listed water rights divert a combined 12.23 cfs from groundwater within SE1/4SW1/4 & SW1/4SE1/4 for irrigation of 851 acres within parts of Sections 23 & 26, all T08S, R17E; Jerome County:

Rt No.	Priority	Amt (cfs)
36-02186	02/06/1953	4.88
36-02187	02/06/1953	5.56
36-02301	05/29/1956	5.56
36-02439	06/24/1960	0.50

PROPOSED CHANGE

The applicant wishes to use designated Right No. 36-02187B to divert 1.10 cfs from two new wells within NW1/4NE1/4, S26 for Stockwater/ Commercial use within SE1/4SW1/4 & SW1/4SE1/4, S23 and NE1/4NE1/4, NW1/4NE1/4, SW1/4NE1/4, S26, all T08S, R17E. The applicant also wishes to use designated Right 36-02187A (4.46 cfs) to be combined with Right No. 36-02186 (4.88 cfs), Right No. 36-02301 (5.46 cfs) and Right No. 36-02439 (0.50 cfs) for irrigation of a 747 acre permissible place of use within parts of Sections 23 & 26, T08S, R17E; Jerome County. Land application of dairy waste will be on these 747 acres.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before July 26, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant. Karl J. Dreher, Director

PUB: 7/8 - 7/15

N27002

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-02186	MARSHALL, JOSEPH P.	C	02/06/1953	L/	GROUNDWATER	IRR	WR
X36-02186	MARSHALL, C J	C	02/06/1953	L/	GROUNDWATER	IRR	WR

36-02186	MARSHALL, C J	C	02/06/1953	D/	GROUNDWATER	P DECR	AJ
A36-02186	MARSHALL, CJ	C	02/06/1953	L/	GROUNDWATER	IRR	AJ
R36-02186	MARSHALL, C J	C	02/06/1953	D/	GROUNDWATER	P DECR	AJ

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MAR 22 2000

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

August 27, 2001

C J MARSHALL
PO BOX 288
JEROME, ID 83338

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-02186. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on January 15, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

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

In Re SRBA)

Water Right 36-02186

Case No. 39576)

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on January 15, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

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

Dated August 27, 2001


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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

1998 JAN 15 AM 10:42

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-02186

FILED
TWIN FALLS CO., IDAHO

NAME & ADDRESS: C J MARSHALL
PO BOX 288
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 4.88 CFS
1100.0 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 12.23 CFS.
COMBINED RIGHT NOS.: 36-02187, 36-02301 & 36-02439.

PRIORITY DATE: 02/06/1953

POINT OF DIVERSION: T08S R17E S23 NESEW Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	4.88 CFS 1100.0 AFY

PLACE OF USE:	IRRIGATION	Within JEROME County			
	T08S R17E S23	NESW 40	NWSW 35	SWSW 30	SESW 25
	S26	NENW 36	NWNW 36	SWNW 35	SENW 38
	275 ACRES TOTAL				

RULE 54(b) CERTIFICATE

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



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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5480
WATER RIGHT NO(S). 36-02186/36-02187A/36-02187B
36-02301/36-02439

This is to certify that: **C J MARSHALL**
PO BOX 288
JEROME ID 83338

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-02186 :			
IRRIGATION	03/15 to 11/15	4.88 CFS	1100.0 AF
Priority: 02/06/1953			
Right No. 36-02187A :			
IRRIGATION	03/15 to 11/15	4.46 CFS	892.0 AF
Priority: 02/06/1953			
Right No. 36-02301 :			
IRRIGATION	03/15 to 11/15	5.46 CFS	1092.0 AF
Priority: 05/29/1956			
Right No. 36-02439 :			
IRRIGATION	03/15 to 11/15	0.50 CFS	100.0 AF
Priority: 06/24/1960			
	SUBTOTAL:	* 11.13 CFS	* 2988.0 AF
Right No. 36-02187B :			
STOCKWATER	01/01 to 12/31	1.10 CFS	165.0 AF
COMMERCIAL	01/01 to 12/31	1.10 CFS	165.0 AF
Priority: 02/06/1953			
	SUBTOTAL:	** 1.10 CFS	** 165.0 AF
	TOTAL:	12.23 CFS	3153.0 AF

SOURCE

GROUNDWATER

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TRANSFER NO. 5480
WATER RIGHT NO(S) . 36-02186/36-02187A/36-02187B
36-02301/36-02439

LOCATION OF POINT(S) OF DIVERSION:

Right No. 36-02186/36-02187A/36-02301/36-02439 :

SESW , Sec. 23, Township 08S, Range 17E
SWSE , Sec. 23, Township 08S, Range 17E
JEROME County

Right No. 36-02187B :

NWNE , Sec. 26, Township 08S, Range 17E
JEROME County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	17E	23	NWNE 11	SWNE 33	SENE 23	
			NENW 27	NWNW 33	SWNW 23	
			SENE 38	NESW 39	NWSW 36	
			SWSW 30	SESW 25	NESE 37	
			NWSE 36	SESE 38		429
	26		NENE 19	SWNE 32	SENE 39	
			NENW 36	NWNW 37	SWNW 37	
			SENE 39	NESE 39	NWSE 40	318
Total number of acres irrigated:						747 ***

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>
08S	17E	23	SESW	SWSE	
		26	NENE	NWNE	SWNE

PLACE OF USE: COMMERCIAL

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>
08S	17E	23	NWNE	SWNE	SENE
			NENW	NWNW	SWNW
			SENE	NESW	NWSW
			SWSW	SESW	NESE
			NWSE	SWSE	SESE
	26		NENE	NWNE	SWNE
			SENE	NENW	NWNW
			SWNW	SENE	NESE
			NWSE		

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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MAR 22 2000

TRANSFER NO. 5480
WATER RIGHT NO(S). 36-02186/36-02187A/36-02187B
36-02301/36-02439

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- *** 5. Right 36-02186 is limited to the irrigation of 275.0 acres in the place of use described above in a single irrigation season.
- *** 6. Right 36-02187A is limited to the irrigation of 223.0 acres in the place of use described above in a single irrigation season.
- *** 7. Right 36-02301 is limited to the irrigation of 273.0 acres in the place of use described above in a single irrigation season.
- *** 8. Right 36-02439 is limited to the irrigation of 25.0 acres in the place of use described above in a single irrigation season.
- * 9. Rights 36-02186, 36-02187A, 36-02301 and 36-02439 when combined
*** shall not exceed a total diversion rate of 11.13 cfs, a total annual maximum diversion volume of 2988.0 af at the field headgate, and the irrigation of 747.0 acres.
10. Use of water under Right 36-02187B shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
11. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
- ** 12. The total instantaneous diversion of water from all points of diversion under Right 36-02187B shall not exceed 1.10 cfs, nor a total combined annual volume of 165.0 af.
13. 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 under Right 36-02187B.
14. Two points of diversion are located within NWNE, S26, T08S, R17E.
15. The dairy is located within the SESW and SWSE, S23 and NENE, NWNE and SWNE, S26, T08S, R17E.

Dated this 13th day of March, 2000

J. Glen Saylor
Chief, Water Allocation Bureau

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MAR 22 2000

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

NOV 12 1999

Name of applicant CJ Marshall Phone (208) 324-4315
Department of Water Resources
Post Office address PO Box 288, Jerome, ID. 83338

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
 ☒ Add diversion point(s)
 ☒ Change place of use
☒ Change nature of use
 ☒ Change period of use
 ☒ Other Split Right, Create PPU
- Describe the reason for the proposed changes Portion of irrigation right to a proposed dairy facility;

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

	1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
Dairy	<u>36-02187B</u>	<u>02-06-1953</u>	<u>1.10</u>	<u>Com/Stock</u>	<u>1/1</u>	to <u>12/31</u>
	<u>36-02187A</u>	<u>" " "</u>	<u>4.46</u>	<u>Irrigation</u>	<u>4/1</u>	to <u>10/31</u>
	<u>36-02186</u>	<u>" " "</u>	<u>4.88</u>	<u>" " "</u>	<u>"</u>	to <u>"</u>
PPU	<u>36-02301</u>	<u>05-29-1956</u>	<u>5.46</u>	<u>" " "</u>	<u>"</u>	to <u>"</u>
	<u>36-02439</u>	<u>06-24-1960</u>	<u>0.50</u>	<u>" " "</u>	<u>"</u>	to <u>"</u>
24 200g	2. Total amount of water being transferred		<u>1.10</u>	cubic feet per second and/or <u>165</u> acre-feet per annum.		
	3. Source of water <u>Groundwater</u>		<u>11.13</u>	tributary to <u>2988 afa</u>		
	Point(s) of Diversion:		<u>12.23 LIMITED TO A COMBINED DIV. RATE</u>			

	Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
Dairy	<u>22</u>	<u>NE</u>	<u>NW</u>	<u>NE</u>	<u>26</u>	<u>08S</u>	<u>17E</u>	<u>JEROME</u>	<u>TWO DAIRY WELLS PROPOSED</u>
PPU	<u>C</u>	<u>NE</u>	<u>SW</u>	<u>SE</u>	<u>23</u>	<u>08S</u>	<u>17E</u>	<u>JEROME</u>	<u>EXISTING EAST WELL</u>
	<u>1</u>	<u>NE</u>	<u>SE</u>	<u>SW</u>	<u>23</u>	<u>08S</u>	<u>17E</u>	<u>" "</u>	<u>" " WEST "</u>

5. Lands irrigated or place of use:

	Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
				NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
Dairy	<u>08S</u>	<u>17E</u>	<u>23</u>												<u>S/C</u>			<u>S/C</u>		
	<u>08S</u>	<u>17E</u>	<u>26</u>	<u>S/C</u>	<u>S/C</u>	<u>S/C</u>														
PPU	<u>08S</u>	<u>17E</u>	<u>23</u>		<u>12</u>	<u>33</u>	<u>25</u>	<u>26</u>	<u>30</u>	<u>23</u>	<u>38</u>	<u>40</u>	<u>35</u>	<u>30</u>	<u>25</u>	<u>37</u>	<u>36</u>		<u>38</u>	<u>428</u>
	<u>08S</u>	<u>17E</u>	<u>26</u>	<u>20</u>		<u>34</u>	<u>40</u>	<u>36</u>	<u>36</u>	<u>35</u>	<u>38</u>					<u>40</u>	<u>40</u>			<u>319</u>

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* PPU limited to diversion rate 11.13 cfs Total acres * 747
 * Land applied for dairy waste will be on the 747 acres.
 T5480

PART 1

6. General Information:

a. Description of diversion system 2 existing wells divert to pressurized sprinkler system
2 proposed wells to a dairy barn & corrals

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

104 acres of land will not be irrigated

d. Remarks:

The dairy will physically occupy 104 acres = SWSE $\frac{1}{4}$ Sec 23 and NWNE $\frac{1}{4}$, W $\frac{1}{2}$, NE NE $\frac{1}{4}$, & pivot corner SWNE $\frac{1}{4}$ all in Sec 26. Only 55 acs to be converted to dairy use, 49 acres of flow rate to be applied to surrounding land.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

MICROFILMED
MAR 22 2000

PART 2

TRANS NO. 5480

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-02186

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	4.88 CFS	1100.0 AF

SOURCE

GROUNDWATER

Priority: 02/06/1953

LOCATION OF POINT(S) OF DIVERSION:NESESW , Sec. 23, Township 08S, Range 17E
JEROME CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	17E	23	NESW 40	NWSW 35	SWSW 30	130
			SESW 25			
	26		NENW 36	NWNW 36	SWNW 35	145
			SENW 38			

Total number of acres irrigated: 275

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.23 CFS.
3. COMBINED RIGHT NOS.: 36-02187, 36-02301 & 36-02439.
4. RIGHT NOS. 36-02187, 36-02301 & 36-02439 ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

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MAR 22 2000

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

MICROFILMED
MAR 22 2000

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-02187

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	5.56 CFS	1112.0 AF

SOURCE

GROUNDWATER

Priority: 02/06/1953

LOCATION OF POINT(S) OF DIVERSION:NESWSE , Sec. 23, Township 08S, Range 17E
JEROME CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	17E	23	SWSE 38			38
		26	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESE 40	NWSE 40	240
				Total number of acres irrigated:		278

CONDITIONS/REMARKS:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.23 CFS.
2. COMBINED RIGHT NOS.: 36-02186, 36-02301 & 36-02439.
3. RIGHT NOS. 36-02186, 36-02301 AND 36-02439 ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

MICROFILMED
MAR 22 2000

PART 2

Transfer No. 5480

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.08 for Irrigation purposes from 4/1 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SE	23	08S	17E	JEROME	EAST WELL

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
08S	17E	23															38		38
11	"	26	20	40	6														66

* 55 ac converted to dairy

* 49 ac flow rate to be applied to PPU

Total acres * 104

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 3.48 for Irrigation purposes from 4/1 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SE	23	08S	17E	JEROME	EAST WELL

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
08S	17E	26	20		34	40									40	40			174

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MAR 27 2003

Total acres 174

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-02301

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	5.46 CFS	1092.0 AF

SOURCE

GROUNDWATER

Priority: 05/29/1956

LOCATION OF POINT(S) OF DIVERSION:NESESW , Sec. 23, Township 08S, Range 17E
NESWSE , Sec. 23, Township 08S, Range 17E
JEROME CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	17E	23	NWNE 12	SWNE 33	NENW 26	
			NWNW 30	SWNW 23	SENW 38	
			NESE 37	NWSE 36	SESE 38	273
				Total number of acres irrigated:		273

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NOS. 36-02186, 36-02187 AND 36-02439 IS LIMITED TO THE TOTAL COMBINED RATE OF DIVERSION OF 12.23 CFS.
3. RIGHT NOS. 36-02186, 36-02187 & 36-02439 ARE ALSO DIVERTED THROUGH THE DIVERSION DESCRIBED ABOVE.

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MAR 22 2000

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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MAR 22 2000

Total acres _____

PART 2

TRANS NO. 5480

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-02439

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.50 CFS	100.0 AF

SOURCE

GROUNDWATER

Priority: 06/24/1960

LOCATION OF POINT(S) OF DIVERSION:NESWSE , Sec. 23, Township 08S, Range 17E
JEROME CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	17E	23	SENE	25		25
Total number of acres irrigated:						25

CONDITIONS/REMARKS:

1. RIGHT NOS. 36-02186, 36-02187 & 36-02301 ARE ALSO DIVERTED THROUGH THE DIVERSION DESCRIBED ABOVE.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.23 CFS.
3. COMBINED RIGHT NOS.: 36-02186, 36-02187 & 36-02301.

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MAR 22 2000

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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MAR 22 2000

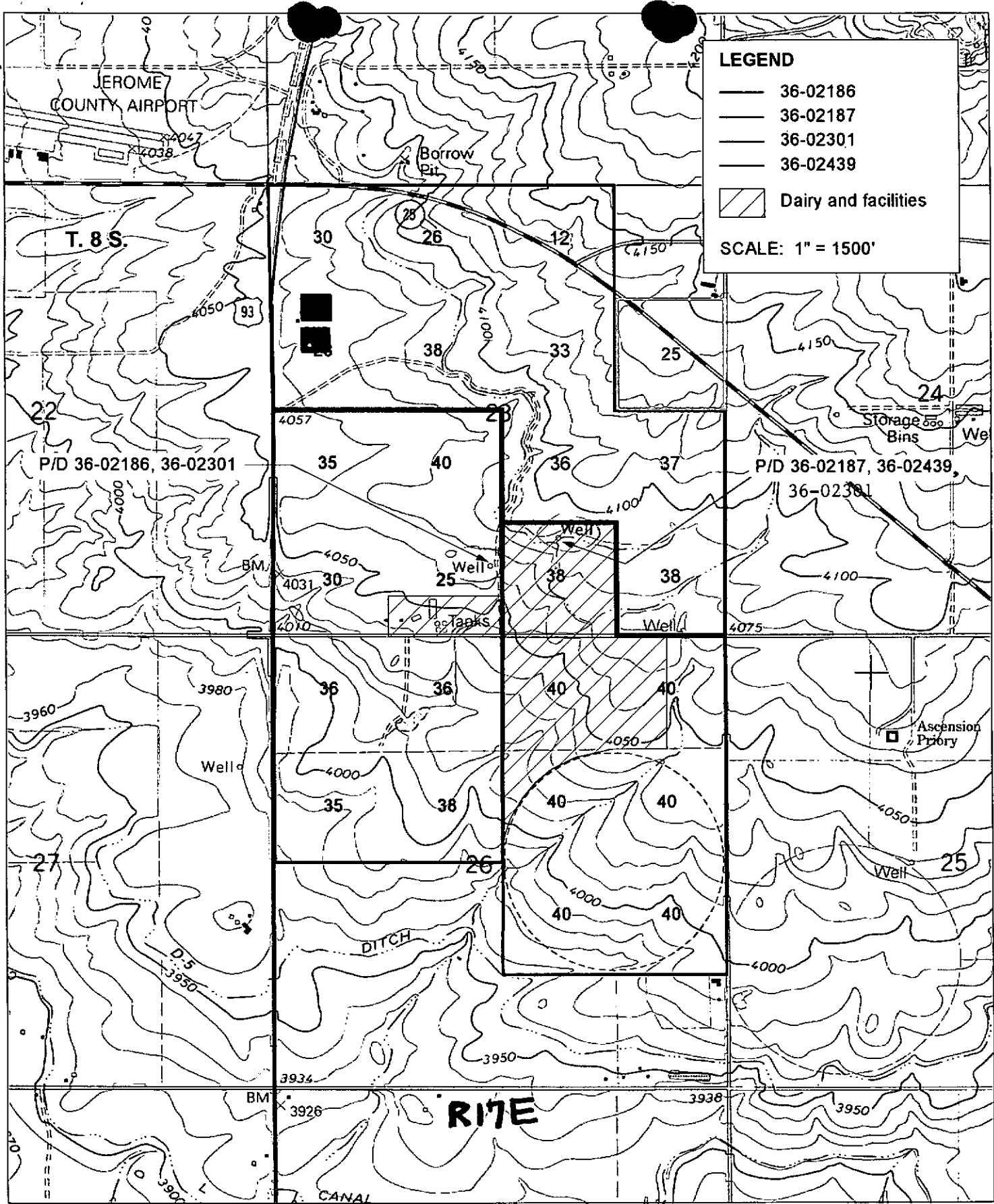


DIAGRAM SHOWING EXISTING WATER RIGHT COVERAGE AND PROPOSED DAIRY FACILITY LOCATION

C. J. MARSHALL / GILTNER DAIRY, LLC

**MICROFILMED
MAR 22 2000**

Brockway Engineering, PLLC 3/15/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5480

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

see attached

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MAR 22 2000

PART 3**B. CHANGES IN NATURE OF USE**

- | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|------------------------------|------------------------|----------------------------|
| <u>Stock/comm.</u> | <u>1.10/165.0</u> | <u>As needed</u> | <u>1/1</u> to <u>12/31</u> |
| | | | to |
- Quantity and quality of return flows and location of discharge:
No return flow.
- Describe the effects on other water uses resulting from the proposed change:
N/A

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 19th day of March, 19 99.

Shirley Rabinette
(Notary Public)

My commission expires 8/5/2000

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 3 attachments

Received by ADM Date 3/22/99, 5/4/99 Protest filed by Lee Halper Credit Bureau 9/13/99

Prelim. check by GLS 1999 April Fee \$100.00 5021914

Received by ADM Date 3/23/99

Published in Northside News Copies of protest forwarded by _____

Pub. dates 7/8 & 7/15/99 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ Approval ☐ Denial

_____ rec'd. _____ by ADM

Copy of transfer sent to lien holder _____

MICROFILMED
MAR 22 2000

RECEIVED
RECEIVED
MAY 04 1999
Department of Water
Department of Water Resources
Southern Region

NARRATIVE FOR APPLICATION FOR TRANSFER

Right No. 36-02186, 36-02187, 36-02301, 36-02439

Giltner Dairy, LLC

Brockway Engineering, PLLC

March 19, 1999 rev. May 3, 1999

A dairy facility proposed by Giltner Dairy, LLC will be constructed on land now owned by Mr. C. J. Marshall. The land is located east of Jerome, Idaho in Sections 23 and 26, T. 8 S., R. 17 E. The dairy facility will service 2400 milking cows, 450 non-lactating adult cows, and 1870 calves and heifers. A water requirements analysis was performed to compute stockwater and commercial water volumes on an annual basis. It was determined that the facility will require a total of 165 acre-feet per year. Based on IDWR's current assumption regarding the consumptive use of dairy facilities, this equates to 55 acres of irrigated land.

All irrigation is accomplished via four existing groundwater rights. No canal shares are used for irrigation on the property. The groundwater rights have been adjudicated in the SRBA and are now decrees. The attached map shows the structure of the groundwater rights. The table below provides a summary:

Right No.	Rate / Volume	Acres	P/D
36-02186	4.88 cfs / 1100 afa	275 ac.	West well
36-02187	5.56 cfs / 1112 afa	278 ac.	East well
36-02301	5.46 cfs / 1092 afa	273 ac.	East & West wells
36-02439	0.50 cfs / 100 afa	25 ac.	East well

The total combined diversion rate from all rights is limited to 12.23 cfs, based on the measured capacity of the two wells. This combined use condition is present on all rights. A total of 851 acres are allowed, so the per-acre rate allowed is $12.23 / 851 = 0.01437$ cfs / ac, or 0.72 inches / acre.

There is zero overlap between any of the rights – the places of use are mutually exclusive. There are two production wells on the property, and each rights lists only one of these as a point of diversion. Operationally, both wells can be interconnected.

EXCEPT 36-02301 CALLS TO BOTH WELLS.

The dairy will be located as shown on the attached map. The dairy and associated facilities will physically occupy 104 acres of irrigated land now covered by 36-02187. Only 55 acres need to be dried up to supply sufficient volume for the dairy. Therefore, there are $104 - 55 = 49$ acres which could be moved to another place of use. However, the applicant wishes to not irrigate

FILED
MAR 22 2000

T #5480

these 49 acres, instead applying the diversion rate which would be applicable to these acres (0.98 cfs) to the remaining acres. This would increase the total per-acre rate to 0.75 inches / acre, providing the additional flow rate required for the crop during the peak growth period.

To accomplish this, the structure of the remaining irrigation rights would be changed to a permissible place of use comprising the four rights and totaling $851 - 104 = 747$ acres.

Following are calculations for the volumes and rates in the transfer:

For Right No. 36-02187 only

Portion of right transferred to dairy = $55 \text{ ac} / 278 \text{ ac} = 0.1978$

Volume to dairy = $55 \text{ ac} \times 3.0 \text{ afa} = 165 \text{ ac-ft}$

Diversion rate for dairy = $0.1978 \times 5.56 \text{ cfs} = 1.10 \text{ cfs}$

NOTE: 1.10 cfs / 165 ac-ft will be listed for both stockwater and commercial uses, with the total diversion limited to 1.10 cfs / 165 ac-ft.

Remaining irrigation in PPU:

Acres = $278 - 55 = 223 \text{ ac}$

Rate = $5.56 - 1.10 = 4.46 \text{ cfs}$

Volume = $223 \text{ ac} \times 4.0 \text{ afa} = 892 \text{ ac-ft}$

Combined diversion rate limitation = $12.23 - 1.10 = 11.13 \text{ cfs}$ (reduce on all four rights).

Right No. 36-02186

Remaining irrigation in PPU: 275 acres, 4.88 cfs, 1100.0 afa

Right No. 36-02301

Remaining irrigation in PPU: 273 acres, 5.46 cfs, 1092.0 afa

Right No. 36-02439

Remaining irrigation in PPU: 25 acres, 0.50 cfs, 100.0 afa

**Combined use of 36-02187, 36-02186, 36-02301, 36-02439 shall not exceed 11.13 cfs or 2988.0 afa.

MICROFILMED
MAR 22 2000

TIME: 15:34:07

VALUATION SUMMARY SHEET

PAGE 1
DATE: 4/16/1999

PARCEL NUMBER: RP 08S17E260001 A PROPERTY ADDRESS:

EFFECTIVE DATE: 09/10/1991
EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 00400

NAME: MARSHALL, CHARLES J

LEGAL: NE1/4, N1/2SE, E1/2NW

TAX 7 OF W1/2NW

SEC 26 T8 R17

387.88 AC

RECEIVED

ADDRESS: P.O. BOX 288

COMMENT 1:

COMMENT 2:

JEROME ID 83338

OLD PARCEL #:

APR 19 1999
Department of Water Resources

CAT SBI RY QUANTITY UN MARKET VALUE HQ VALUE HO EXEMPT CB VALUE OTHER EXEMP

1	1998	371.700	AC	171,019			
5	1998	7.990	AC	200			
19	1998	8.190	AC				

TOTALS: 387.880 171,219

DEED REFERENCES: RELATED PARCELS: SUB-SYSTEMS: DATE: 00/00/0000

RL PHOTO NUMBER:

MAP NUMBER:

INSP YEAR: 1998

SW UNITS:

SW TYPES:

PARCEL TYPE:

LOCATION CODE: 0000

TAX SPECIALS:

MICROFILMED
MAR 22 2003

VALUATION SUMMARY SHEET

PAGE 1
DATE: 4/16/1999

TIME: 15:22:07

PARCEL NUMBER: RP 08S17E230865 A PROPERTY ADDRESS:

EFFECTIVE DATE: 09/10/1991

EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 00400

RECEIVED

APR 19 1999

NAME: MARSHALL, CHARLES J

LEGAL: TAX 5 & 16 OF NW1/4,

Department of Water Resources
Sportsmen Region

TAX 17 OF W1/2NE,
N1/2SE, SESE

SEC 23 T8 R17

C/S MARSHALL, M 254.24 AC

ADDRESS: P O BOX 288

COMMENT 1:

COMMENT 2:

JEROME

ID 83338

OLD PARCEL #:

CAT	SHI	RY	QUANTITY	UN	MARKET VALUE	HO VALUE	HO EXEMPT	CB VALUE	OTHER EXEMP
1	1998		231.660	AC		106,587			
5	1998		20.310	AC		508			
19	1993		2.270	AC					
TOTALS:			254.240			107,095			

DEED REFERENCES: RELATED PARCELS: SUB-SYSTEMS: HOMEOWNERS:

DATE: 00/00/0000

ZONING: RL

PHOTO NUMBER: MAP NUMBER: INSP YEAR: 1998

SW UNITS: SW TYPES: PARCEL TYPE: LOCATION CODE: 0000

TAX SPECIALS:

MICROFILMED
MAR 22 2000

TIME: 15:22:35

VALUATION SUMMARY SHEET

PAGE 1
DATE: 4/16/1999

PARCEL NUMBER: RP 08S17E234801 A PROPERTY ADDRESS: 424 E 100 S 83338

EFFECTIVE DATE: 09/10/1991
EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 00400

NAME: MARSHALL, CHARLES J

LEGAL:

NESW, SWSE, TAX 2 OF SESW,
TAX 18 OF NW1/4SW
SEC 23 T8 R17

187.09 RECEIVED

ADDRESS: P.O. BOX 288

COMMENT 1:

COMMENT 2:

JEROME

ID 83338

OLD PARCEL #:

Department of Water Resources
Statistical Section

APR 19 1999

CAI SHI RY QUANTITY UN MARKET VALUE HQ VALUE HQ EXEMPT CB VALUE OTHER EXEMPT

1	1998	156.300	AC	75,258				
5	1998	26.840	AC	671				
10	1998	1.000	AC	5,750				
19	1998	2.950	AC					
31	1998			61,910				
32	1998			44,049				

TOTALS: 187.090 187,638

DEED REFERENCES: DATE: 00/00/0000

RELATED PARCELS:

SUB-SYSTEMS:

HOMEOWNERS:

ZONING:

RL

PHOTO NUMBER:

RC

MAP NUMBER:

INSP YEAR: 1998

SW UNITS: 1

SM TYPES: R

PARCEL TYPE: WP

LOCATION CODE: 0000

TAX SPECIALS:

MICROFILMED
MAR 22 2003

TIME: 15:33:05

VALUATION SUMMARY SHEET

PAGE 1
DATE: 4/16/1999

PARCEL NUMBER: RP 08S17E231872 A PROPERTY ADDRESS:

RECEIVED

EFFECTIVE DATE: 09/10/1991

EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 00400

APR 19 1999

NAME: MARSHALL, CHARLES J

LEGAL: TAX 7 OF SENE

Department of Water Resources
Cartersville Division

SEC 23 T8 R17

19.01 AC

ADDRESS: P O BOX 288

COMMENT 1:

COMMENT 2:

JEROME ID 83338

OLD PARCEL #:

Revised for 25 ac!

CAT SHI BY QUANTITY UN MARKET VALUE HO VALUE HO EXEMPT CB VALUE OTHER EXEMPT

1	1998	15.600	AC	7,344				
5	1998	2.050	AC	51				
19	1998	1.360	AC					

TOTALS: 19.010 7,395

DEED REFERENCES: RELATED PARCELS: SUB-SYSTEMS: HOMEOWNERS: ZONING:

PHOTO NUMBER: RL

MAP NUMBER:

INSP YEAR: 1998

SW UNITS:

SW TYPES:

PARCEL TYPE:

LOCATION CODE: 0000

TAX SPECIALS:

MICROFILMED
MAR 22 2003

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

1998 JAN 15 AM 10:42

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02186

ENTERED IN THE OFFICE OF THE
CLERK OF DISTRICT COURT, IDAHO
FILED

NAME & ADDRESS: C J MARSHALL
PO BOX 288
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 4.88 CFS
1100.0 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 12.23 CFS.
COMBINED RIGHT NOS.: 36-02187, 36-02301 & 36-02439.

PRIORITY DATE: 02/06/1953

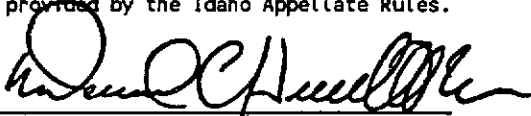
POINT OF DIVERSION: T08S R17E S23 NESESW Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	4.88 CFS 1100.0 AFY

PLACE OF USE:	IRRIGATION	Within JEROME County			
	T08S R17E S23	NESW 40	NWSW 35	SWSW 30	SESW 25
	S26	NENW 36	NWNW 36	SWNW 35	SENW 38
	275 ACRES TOTAL				

RULE 54(b) CERTIFICATE

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


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

MICROFILMED

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02186

OCT 04 2002

PAGE 1
DEC-29-1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

C J MARSHALL
PO BOX 288
JEROME ID 83338

RE: TRANSFER OF WATER RIGHTS 36-02186/36-02187A/36-02187B/
36-02301/36-02439 (Transfer 5480)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5480). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as an **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

Camela S. Skaggs

for Jeff Peppersack, Manager
Water Right Permits Sections

JP:klt

Enclosures

MICROFILMED

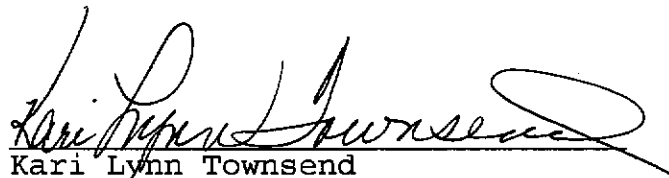
MAR 22 2000

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of **March, 2000** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHTS 36-02186/36-02187A/36-02187B/
36-02301/36-02439 (Transfer 5480)

C J MARSHALL
PO BOX 288
JEROME ID 83338


Kari Lynn Townsend
Secretary

MICROFILMED
MAR 22 2000

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Transfer 5480 C J Marshall

Jeff Peppersack - 3/10/00

	cfs	Acres	Div. Vol.	C.U. Vol.	
36-02186	4.88	275	1100	825	
36-02187	5.56	278	1112	834	
A	4.46	223	892	669	Unchanged Irr. Use
B	1.1	55	165	165	Changed to Dairy Use
	5.56	278	1057	834	
36-02301	5.46	273	1092	819	
36-02439	0.5	25	100	75	
Combined Right Limits	12.23	851.0	3404.0	2553.0	
2186/2187A/2301/2436	11.13	747	2988	2241	Unchanged Irr. Use
36-02187B	1.10	55	165	165	Changed to Dairy Use
	12.23	802.0	3153.0	2406.0	

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MAR 22 2000

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5480

Date Reviewed 3/10/00 *JP*

Right(s) 36-02186 36-02301
36-02187A B
36-02439

☒ WRQ/Split Summary ☒ ^{NAP} SRBA Status ☒ Run POU Comparison Report
 SUPPLEMENTAL DIR. RPTS.

36-02187 B: Change P/D C: Add P/D D: Change P/U E: Change Nature of Use 36-02187
E: Change Period of Use G: Other H: Change P/D & Add P/D
 I: Change P/D & P/U J: Add P/D & Change P/U PPU

Proof of Ownership Recent SRBA Decrees + tax records

2186 2187(PART) 2301 2439 2187(PART) DAIRY
 Transfer ☒ All of Right ☒ Portion of Right
 Resulting Split(s) 2 systems, dairy + irrigation (PPU)

36-02187 A - to PPU see split review sheet
B - to Dairy

Check Transfer Against Recorded Right:

Standard Season 3/15 to 11/15 Standard Volume 3.0 / 4.0

(1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) ☒ Volume
 (6) ☒ Source (7) ☒ P/D (8) ☒ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) N. Snake GWD Water District (12) ☒ Pertinent Conditions (13) ☒ Expansion
W WM Dist. Remarks + Conditions to limit

2) 2187B - change to Dairy use C/S

3) PPU - use new std. 2187B - 1/1 - 12/31 (DAIRY)

4) see split review sheet

5) " " " "

7) PPU - 2 POD's 2187B - 2 POD's in NWNE S26
existing 36-99-S-0165-000 + 36-99-S-0166-000

8) PPU - 747 acres as shown on GIS from Region review

12) from SRBA rec/dec. - accomplished change, combined limits (PPU)

Transfer Remarks 2187B - 2 POD's in 1/4, Dairy location, WB4

PPU - W27, W35, W36, acreage limitations WDB

Conditions 2187B - 067, 081, 082, T07, T08

PPU - 067, R64, T07, T08

Dairy - Land
 application on
 PPU acres

Database/Processing Notes Standard ☐ Non-Standard ☒
Create X-files Delete T's Comments to base WBA

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

JP
 3-13-99

```

0100005 SNAKE RIVE : : :
0100016 SNAKE RIVE : : :
0100212 SNAKE RIVE : : :

```

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE		NW		SW		SE		NE		NW		SW		SE		SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
A010021225	LARGE CLAI	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	59
0100213	SNAKE RIVE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
0100215	SNAKE RIVE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
0100220	SNAKE RIVE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
✓ 3602186	GROUNDWATE	:	:	:	:	40	40	40	40	:	:	:	:	:	:	:	:	160
✓ *3602186	GROUNDWATE	:	:	:	:	36	36	35	38	:	:	:	:	:	:	:	:	145
✓ A3602186	GROUNDWATE	:	:	:	:	40	40	40	40	:	:	:	:	:	:	:	:	160
✓ R3602186	GROUNDWATE	:	:	:	:	36	36	35	38	:	:	:	:	:	:	:	:	145
✓ T3602186	GROUNDWATE	20	:	:	34	40	:	36	36	35	38	:	:	:	40	40	:	319
✓ 3602187	GROUNDWATE	40	40	40	40	40	:	:	:	:	:	:	:	:	40	40	:	240
✓ *3602187	GROUNDWATE	40	40	40	40	40	:	:	:	:	:	:	:	:	40	40	:	240
✓ A3602187	GROUNDWATE	40	40	40	40	40	:	:	:	:	:	:	:	:	40	40	:	240
✓ R3602187	GROUNDWATE	40	40	40	40	40	:	:	:	:	:	:	:	:	40	40	:	240
✓ T3602187A	GROUNDWATE	20	:	:	34	40	36	36	35	38	:	:	:	:	40	40	:	319
✓ T3602301	GROUNDWATE	20	:	:	34	40	36	36	35	38	:	:	:	:	40	40	:	319
✓ T3602439	GROUNDWATE	20	:	:	34	40	36	36	35	38	:	:	:	:	40	40	:	319
3607573	GROUNDWATE	:	:	:	:	:	:	:	:	:	40	39	33	39	:	37	:	188
*3607573	GROUNDWATE	:	:	:	:	:	:	:	:	:	40	39	33	39	:	37	:	188
A3607573	GROUNDWATE	:	:	:	:	:	:	:	:	:	40	39	33	39	:	37	:	188
R3607573	GROUNDWATE	:	:	:	:	:	:	:	:	:	40	39	33	39	:	37	:	188
3608780	GROUNDWATE	:	:	:	:	:	:	:	:	:	1	:	:	:	:	:	:	1

SRBA

SUBCASE SUMMARY REPORT 36-02186

[Return to SRBA Home Page](#)

SRBA
03-08-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-02186 FILE#: 01192
CLAIMANT: MARSHALL, C J
STATUS: ADMIN PROCEED PENDNG
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

C J MARSHALL

C PRO SE

**** ROA ENTRIES ****

12-24-1994	42-1416/1416A CLAIM PER IDWR	
01-15-1998	PARTIAL DECREE FILED	01-15-1998
01-15-1998	CERTIFICATE OF MAILING - PARTIAL DECREE	
08-05-1999	SUPPLEMENTAL DIRECTOR'S REPORTS, RP 1, BASIN 36 PERIOD OF USE & CONJUNCTIVE MANAGEMENT	
11-19-1999	NOTICE OF ADMINISTRATIVE PROCEEDING	AZ 10-06-2000

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WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-02186	MARSHALL, JOSEPH P.	C	02/06/1953	L/	GROUNDWATER	IRR	WR
T36-02186	MARSHALL, C J	C	02/06/1953	D/	GROUNDWATER	IRR	WR

36-02186	MARSHALL, C J	C	02/06/1953	D/	GROUNDWATER	P DECR	AJ
A36-02186	MARSHALL, CJ	C	02/06/1953	L/	GROUNDWATER	IRR	AJ
R36-02186	MARSHALL, C J	C	02/06/1953	D/	GROUNDWATER	P DECR	AJ

SRBA

SUBCASE SUMMARY REPORT 36-02187

[Return to SRBA Home Page](#)

SRBA
03-08-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-02187 FILE#: 01193
CLAIMANT: MARSHALL, C J
STATUS: ADMIN PROCEED PENDING
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

C J MARSHALL

C PRO SE

**** ROA ENTRIES ****

01-15-1998	PARTIAL DECREE FILED	01-15-1998
01-15-1998	CERTIFICATE OF MAILING - PARTIAL DECREE	
08-05-1999	SUPPLEMENTAL DIRECTOR'S REPORTS, RP 1, BASIN 36 PERIOD OF USE & CONJUNCTIVE MANAGEMENT	
11-19-1999	NOTICE OF ADMINISTRATIVE PROCEEDING	AZ 10-06-2000

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IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 03/07/00

TIME: 08:19:26

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-02187	MARSHALL, JOHN RICHARD	C	02/06/1953	L/	GROUNDWATER	IRR	WR
T36-02187A	MARSHALL, C J	C	02/06/1953	D/	GROUNDWATER	IRR	WR
T36-02187B	MARSHALL, C J	C	02/06/1953	D/	GROUNDWATER	STOCK COMMER	WR

36-02187	MARSHALL, C J	C	02/06/1953	D/	GROUNDWATER	P DECR	AJ
A36-02187	MARSHALL, CJ	C	02/06/1953	L/	GROUNDWATER	IRR	AJ
R36-02187	MARSHALL, C J	C	02/06/1953	D/	GROUNDWATER	P DECR	AJ

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SUBCASE SUMMARY REPORT 36-02301

[Return to SRBA Home Page](#)

SRBA
03-08-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-02301 FILE#: 01194
CLAIMANT: MARSHALL, C J
STATUS: ADMIN PROCEED PENDNG
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

C J MARSHALL

C PRO SE

**** ROA ENTRIES ****

12-24-1994	42-1416/1416A CLAIM PER IDWR	
01-15-1998	PARTIAL DECREE FILED	01-15-1998
01-15-1998	CERTIFICATE OF MAILING - PARTIAL DECREE	
08-05-1999	SUPPLEMENTAL DIRECTOR'S REPORTS, RP 1, BASIN 36 PERIOD OF USE & CONJUNCTIVE MANAGEMENT	
11-19-1999	NOTICE OF ADMINISTRATIVE PROCEEDING	AZ 10-06-2000

[Return to SRBA Home Page](#)

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MAR 22 2000

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-02301	MARSHALL, MARJORIE W.	C	05/29/1956	L/	GROUNDWATER	IRR	WR
T36-02301	MARSHALL, C J	C	05/29/1956	D/	GROUNDWATER	IRR	WR

36-02301	MARSHALL, C J	C	05/29/1956	D/	GROUNDWATER	P DECR	AJ
A36-02301	MARSHALL, CJ	C	05/29/1956	L/	GROUNDWATER	IRR	AJ
R36-02301	MARSHALL, C J	C	05/29/1956	D/	GROUNDWATER	P DECR	AJ

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-02439	MARSHALL, EST. OF FRANK	C	06/24/1960	L/	GROUNDWATER	IRR	WR
T36-02439	MARSHALL, C J	C	06/24/1960	L/	GROUNDWATER	IRR	WR

36-02439	MARSHALL, C J	C	06/24/1960	L/	GROUNDWATER	IRR	AJ
A36-02439	MARSHALL, CJ	C	06/24/1960	L/	GROUNDWATER	IRR	AJ
R36-02439	MARSHALL, C J	C	06/24/1960	L/	GROUNDWATER	IRR	AJ

MEMO

RECEIVED

NOV 12 1999

Department of Water Resources

FROM: Allen Merritt 

DATE: November 2, 1999

TO: Transfer No. 5480

Right No: 36-02186, 36-02187, 36-02301, 36-02439

Name: C J Marshall (Giltner Dairy)

SUBJECT: Review and Recommendation

This transfer proposes to dry up irrigated acres (55) of a portion of right 36-02187 and converting the irrigation use to that of stockwater and commercial use associated with development of a new dairy. The remainder of the 36-02187 and the other rights are being placed in a PPU of 747 acres where the dairy liquid waste will be land applied. The new dairy will be built on lands being dried up.

The transfer was advertised and protested by Lee Halper. After a pre-hearing conference Mr. Halper withdrew his protest.

After going through the process the applicant's representative (Brockway) requested in a letter that the points of diversion legal description be changed by notation on the application. We told them that if the tracts were to be changed that they needed to file another transfer application or amend this one with additional fees and potential for further protests. As a result they decided not to change tracts but they did remove the 10 acre designation for the new dairy wells so as to allow drilling anywhere in NW1/4NE1/4 of Section 26. Our office has issued expedited approvals for drilling of the two wells for the dairy under permits 36-99-S-0165-000 and 36-99-S-0166-000.

In creating the shape files for this transfer there were shapes created for the original rights after they had been decreed. These shapes did not add up to the way the lands were decreed or recommended. I have recreated the shapes; attached is the intersect for the shapes which more correctly shows the remaining irrigation. The intersect adds up to 746.8 acres. I recommend that acres described on the map be recommended in this approval (just add in 0.2 acres anywhere) and not what is listed on the front of the application.

I recommend that transfer #5480 be approved with the following conditions:

- Measuring device(s) shall be installed and maintained on all wells associated with the dairy and is subject to the West ESPA Measurement District measuring and reporting

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MAR 22 2000

requirement.

-The remaining irrigation use is subject to North Snake Groundwater District &/or West ESPA Measurement District measuring and reporting requirements.

-Subject to all other local, state & federal requirements as needed.

-The new wells (two) authorized to be drilled under this approval for the dairy must comply with drilling permit requirements. (They already have the permits.)

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278.1

23.3

120.2

37.3

73.0

75.6

234.2

841.7

13.5

855.2

Pou

Polyson

Sup deleted

808

809

807

806

804

805

810

811

curled

814

815

816

817

Inc.

D

2187B - Div.

2187A

Inc.

2186

2301

2439

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MAR 22 2003

Pou

710

711

712

715

IDWR TRANSFER ANALYSIS SHEET

APPLICANT C. J. Marshall TRANSFER NO. 5480

1. Right number(s) 36-02187 Parts

2. Type of right ☒ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☒ Change P/D ☒ Add P/D ☒ Change P/U
☒ Change N/U ☐ Change Source ☒ Split Right
☐ Other: _____

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☐ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: _____

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

☒ Also see attached memo for more analysis information

- a. ☐ All of right
- b. ☒ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: _____

~~Plot on
GIS
19 Apr 1999
16 Apr 1999
Chuck, Jr.
will
find out.~~

~~Contradicting
Issues discussed
w/ Jr. 16 Apr 1999
19 Apr 1999~~

i. ☒

Existing rights from same source, on land water is being transferred to; right number(s): _____

j. ☒

SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

k. _____

Comment letters

If yes

N/A

Yes ☒ No

Water District #

Lienholder, others, see #2 below for name and address

DATE

DATE

DATE

INITIAL ALLOCATION REVIEW BY GLS
SRBA SUPERVISOR REVIEW BY _____
PUBLICATION REVIEW BY _____

1. Legal Notice electronically sent to DWR03::VAULT

☒ Yes @ 508pm 6/24/99

2. COMMENT LETTERS

Copy of Pg 1 to AJ

☒ Yes 6/24/99

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? ☒ Yes ☐ No4. Affidavit of publication received? ☒ Yes ☐ No5. Protests received? ☒ Yes ☐ No; Acknowledgement sent? ☒ Yes6. Copies made for Region file (see attached supplemental page)? ☒ Yes

RECOMMENDED ACTION

1. ☒ Approve2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

☒ Also see attached memo for recommendation dated: 10/12/99 - 11/2/994. By AO

Date

10/18/99

11/2/99



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

September 27, 1999

LEE HALPER
331 S 230 W
JEROME ID 83338

Re: Application for Transfer 5480 (C. J. Marshall)

Dear Mr. Halper:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

Since you were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the application without further contact with you unless information is requested.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:mb

cc:

CJ MARSHALL
PO BOX 288
JEROME ID 83338

ROBERT E WILLIAMS
FREDERICKSEN WILLIAMS & MESERVY
PO BOX 168
JEROME ID 83338

CHARLES G BROCKWAY
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

ATTN TANI GILTNER
GILTNER DAIRY LLC
328 S 300 E
JEROME ID 83338

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MAR 22 2003

Subject: giltner/marshall transfer # 5480
Date: Fri, 10 Sep 1999 13:36:02 -0600
From: slvrchst@magiclink.com
To: allen merritt <amerritt@idwr.state.id.us>

Dear Allen,
I didn't keep my word, I said I'd have this to you yesterday. Sorry.
Anyway, I officially withdraw my protest on the giltner/marshall water
transfer. I'll print this out, sign it and snail mail it today so
you'll have it Monday.
Lee Halper

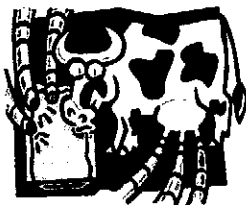


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SEP 13 1999
Department of Water Resources
Southern Region

MICROFILMED
MAR 22 2000

Lee Halper
Halper Interest
331 South 230 West
Jerome, ID 83338

DO YOU HAVE A DAIRY POOP CRISIS
NEXT TO YOUR HOME? CALL 1 877 774
4487 AND STOP THAT STINK!



Allen Meritt
IDWR
1341 Fillmore ST
Suite 200
TF ID 83301



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SEP 13 1999
Department of Water Resources
Southern Region
MICROFILMED
MAR 22 2000

Merritt, Allen

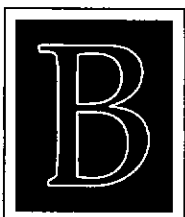
From: slvrchst@magiclink.com
Sent: Friday, September 10, 1999 1:36 PM
To: allen merritt
Subject: giltner/marshall transfer

Dear Allen,
I didn't keep my word, I said I'd have this to you yesterday. Sorry.
Anyway, I officially withdraw my protest on the giltner/marshall water
transfer. I'll print this out, sign it and snail mail it today so
you'll have it Monday.
Lee Halper

CT Marshall
5/10/99

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MAR 22 2000



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

September 8, 1999

Ms. Georgia Satterlee
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

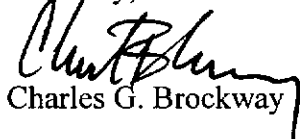
Re: C. J. Marshall transfer application – Giltner Dairy
Project No. 202-01-1999

Dear Georgia:

Mr. Giltner informed me today that the final site plan for the dairy shows the barn and two wells being 1500 feet east of the 1/2-mile road in Section 26. This would place the wells across the 40-line in the NW1/4 NE1/4 NE1/4 Section 26, T. 8 S., R. 17 E. To increase future flexibility, Mr. Giltner also desires to allow for an additional two wells in the SW1/4 SW1/4 SW1/4 Section 23, T. 8 S., R. 17 E. Please make these changes on the transfer application.

Please do not hesitate to call if you have any questions.

Sincerely,


Charles G. Brockway

cc: Giltners
Dick Marshall

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

*Talked to Chuck &
they decided not to
renew.
Ade*

RECEIVED
SEP 09 1999
Department of Water Resources
Curtis Peckham

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MAR 22 2000

T#5480

MEMO

vault file —

FROM: Allen Merritt

DATE: September 8, 1999

TO: Transfer File No. 5480
Water Right(s): T36-02186 et al
In the Name of: C J Marshall

TO: Glen Saxton *MS*

SUBJECT: Pre-hearing Conference

On this day I held a conference for this protested matter. The application was protested by Lee Halper. The applicant's son, Dick Marshall, along with attorney, Rob Williams, dairyman Robert Giltner and his daughter, Tani Giltner, and their representative, Chuck Brockway, Jr., were all present. Lee Halper was also present and represented himself.

We discussed issues and the protestant was mainly objecting on "Public Interest" but indicated the burden was for the applicant to demonstrate that all criteria were met.

After much discussion about this type of protest being political in nature, the discussion turned to the way the dairy was going to be operated and managed. Halper expressed his continued concern about dairy mismanagement in the Magic Valley and the potential to contaminate the aquifer. They discussed the specific issue of how things were going to be operated at this site. Giltner, being the person who is buying the Marshall property and the one who will build and operate the dairy, indicated that he does not plan to enlarge the dairy beyond the 2400 milking cows. He also indicated that he would abide by waste management plans to be developed and he would not be applying liquid waste to fields that did not have actively growing crops. Apparently with these assurances and after reviewing the number of cows and the number of acres the waste was going to be applied to, Mr. Halper was satisfied. He agreed to withdraw his protest and indicated he would draft a withdrawal and sign it and send it in.

MICROFILMED
MAR 22 2000

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C. J. MARSHALL WATER RIGHT TRANSFER

Pre-hearing conference

September 8, 1999

CURRENT – Irrigation only

851 acres

12.23 cfs

3404 ac-ft/yr

Total consumptive use = 2553 ac-ft/yr

PROPOSED – Irrigation + Dairy

55 acres need to be removed to supply volume, but

104 acres are being physically removed from irrigation

Irrigation

747 acres

11.13 cfs

2988 ac-ft/yr

Dairy

104 acres removed

1.10 cfs

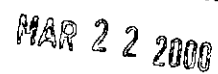
165 ac-ft/yr

Total consumptive use = 2406 ac-ft/yr

MAY 2 2 2000

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MAR 2 2 2000



FILE PROGRESS SUMMARY

APPLICANT: C J Marshall

WATER RIGHT NO. 36-2187 parts

[illegible]

MAR 22 2000

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of August, 1999 a true and correct copy of the foregoing Notice of Pre-Hearing Conference was forwarded with all required charges prepared, by the method(s) indicated below, to the parties listed:

Mary Baldwin
Secretary

CJ MARSHALL
PO BOX 288
JEROME ID 83338

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

ROBERT E WILLIAMS
FREDERICKSEN WILLIAMS & MESERVY
PO BOX 168
JEROME ID 83338

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

CHARLES G BROCKWAY
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

ATTN TANI GILTNER
GILTNER DAIRY LLC
328 S 300 E
JEROME ID 83338

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

LEE HALPER
331 S 230 W
JEROME ID 83338

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

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MAR 22 2000

Dick Marshall available after the
end of Aug.

Lee Halper Not available 8/9-8/17
9/27-9/30

Not available during time

Ros Williams OK 9/8 or 9/9

Max Neiber

Bert Stevenson

MICROFILMED

MAR 22 2003

FREDERICKSEN, WILLIAMS & MESERVY

ATTORNEYS AT LAW

117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168



EUGENE D. FREDERICKSEN
ROBERT E. WILLIAMS
JAMES C. MESERVY

TELEPHONE: (208) 324-2303
TELECOPIER: (208) 324-3135

July 29, 1999

RECEIVED

JUL 30 1999

Department of Water Resources
Southern Region

Allen Merritt
Idaho Department of Water Resources
1341 Fillmore St Suite 200
Twin Falls, ID 83301

In re: Transfer No. 5480

Dear Allen:

I represent the Applicant in the above referenced transfer. My clients have received notice of the protest of Lee Halper. Would you please set this matter for pre-hearing conference as soon as possible in order that the process may be expedited.

Very truly yours,

FREDERICKSEN, WILLIAMS & MESERVY

ROBERT E. WILLIAMS

REW/bsb
pc: Lee Halper
330 S 230 W
Jerome, Idaho 83338
C:\bsb\Docs\Data\Giltner, Inc\ldwr.ltr.wpd

MICROFILMED

MAR 22 2000

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED
JUL 26 1999
Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested TRANSFER # 5480
2. Name of protestant LEE HALPER
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 331 S 230 W JEROME ID 83338
5. Service telephone no. 208-324-2240
6. Basis of protest (including statement of facts and law upon which the protest is based)
NO PROOF OF SUBSECTIONS 1, 2, 4 AND 1/2 OF 3 OF
ID CODE 42-222 IDWR TRANSFER ISSUES - NOT IN THE
PUBLIC INTEREST ESPECIALLY
- (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? WITHDRAWAL OF TRANSFER OR POSSIBLY SOME
OTHER RESOLUTION

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 23rd day of July, 1999

Lee Halper
PROTESTANT

PROTESTANT'S REPRESENTATIVE

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MAR 22 2000

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____" in the name of _____ or "Application for Transfer No. _____" in the name of _____.

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by Chen Date 7/24/99 Time 12:20 PM
\$25.00 fee Received by CA # 8022391 Date 7/24/99

MICROFILMED
MAR 22 2000

AFFIDAVIT of PUBLICATION

RECEIVED

JUL 21 1999

State of Idaho } ss.
County of Jerome

Department of Water Resources
Southern Region

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

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

8th day of July, 1999, and the date of the last publication was on the 15th day of July, 1999

Patty Nance

On this 15th day of July

in the year of 1999, before me, a Notary Public, personally appeared

Patty Nance, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Norma De Voe

Notary Public for Idaho

Residing at Jerome, Id

My commission expires: 3/6/01

8036/27002

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 7¢/Pica

736.31 Lines straight at 44.18 6¢/Pica

736.31 Subsequent lines at 36.82 5¢/Pica

Affidavit Fee: 2.25

TOTAL COST 83.25

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MAR 22 2000

COPY OF NOTICE

(Paste Here)

T#5480-Marshall
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF PROPOSED CHANGE TO WATER RIGHT, T# 5480

Notice is hereby given that C.J. MARSHALL, PO BOX 288; JEROME ID 83338 has applied to the Department of Water Resources for changes to the rights listed below. The purpose of Transfer No. 5480 is to split a portion of one right and change the use from irrigation to use in a new dairy (aka Giltner Dairy, LLC) by drying up 104 acres with the remainder rights to be used on an irrigated permissible place of use. PRESENTLY, the following listed water rights divert a combined 12.23 cfs from groundwater within SE1/4SW1/4 & SW1/4SE1/4 for irrigation of 851 acres within parts of Sections 23 & 26, all T08S, R17E;

Jerome County:

Rt No.	Priority	Amt (cfs)
36-02186	02/06/1953	4.88
36-02187	02/06/1953	5.56
36-02301	05/29/1956	5.30
36-02439	06/24/1960	0.50

PROPOSED CHANGE

The applicant wishes to use designated Right No. 36-02187B to divert 1.10 cfs from two new wells within NW1/4NE1/4, S26 for Stockwater/ Commercial use within SE1/4SW1/4 & SW1/4SE1/4, S23 and NE1/4NE1/4, NW1/4NE1/4, SW1/4NE1/4, S26, all T08S, R17E. The applicant also wishes to use designated Right 36-02187A (4.46 cfs) to be combined with Right No. 36-02186 (4.88 cfs), Right No. 36-02301 (5.46 cfs) and Right No. 36-02439 (0.50 cfs) for irrigation of a 747 acre permissible place of use within parts of Sections 23 & 26, T08S, R17E; Jerome County. Land application of dairy waste will be on these 747 acres.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before July 26, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant. Karl J. Dreher, Director

DEC 17 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

June 24, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

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

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

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

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED

MAR 22 2000

NOTICE OF PROPOSED CHANGE TO WATER RIGHT
T# 5480

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<u>Water Right No.</u>	<u>Priority Date</u>	<u>Amount (cfs)</u>
36-02186	02/06/1953	4.88
36-02187	02/06/1953	5.56
36-02301	05/29/1956	5.46
36-02439	06/24/1960	0.50

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Karl J. Dreher, Director

Published in the North Side News on 07/08 & 07/15/99.

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MAR 22 2000



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

June 24, 1999

**DIRK KEMPTHORNE
GOVERNOR**

**CJ MARSHALL
PO BOX 288
JEROME ID 83338**

**KARL J. DREHER
DIRECTOR**

Re: Application for Transfer No. 5480 (36-02186 et al)

Dear Mr. Marshall:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in the North Side News for 7/8 and 7/15/99. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

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.

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

Very truly yours,

**Georgia Satterlee
Water Resource Agent**

GS:mb

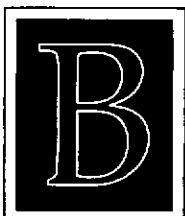
CC:

**CHARLES G BROCKWAY
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301**

**TANI GILTNER
328 S 300 E
JEROME ID 83338**

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MAR 22 2000



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAY 04 1999

Department of Water Resources
Southern Region

May 3, 1999

Ms. Georgia Satterlee
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Transfer application – C. J. Marshall (Giltner Dairy)

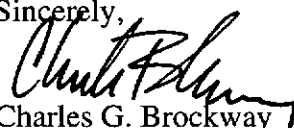
Dear Georgia:

I have reviewed your modifications to the above application to structure the remainder of the irrigation water rights in a permissible place of use. I see no problem with this approach; however, to ensure the maximum flexibility for the Giltners, I would suggest making the PPU describe the entire property, with a maximum of 747 acres of irrigation within that larger area. This would allow acres to be shifted each year as long as the maximum irrigation in a year did not exceed 747 acres. I believe transfers have been approved in the past with this type of structure.

Two other things: please make sure that the combined use condition is placed only on the irrigation rights and not on the dairy rights; also, I checked with Dick Marshall and there are no liens or mortgages on the land subject to the transfer.

Please let me know if you need further information.

Sincerely,


Charles G. Brockway

cc: Tani Giltner
Dick Marshall

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

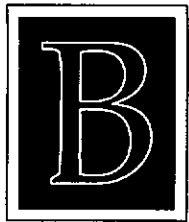
208•736•8543

FAX: 736•8506

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MAR 22 2000

T#5480



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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MAR 19 1999

Department of Water Resources
Southern Region

March 17, 1999

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

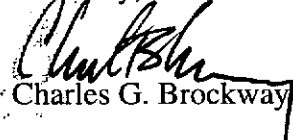
Re: Application for transfer – C. J. Marshall
Project No. 202-01-1999

Dear Allen:

Enclosed is an application for transfer from irrigation use to stock / commercial use in a dairy facility. I have prepared a narrative in support of the application, which explains in detail the requested transfer. If there is anything we should discuss to expedite the processing, please give me a call and we can set up a meeting.

Currently, a purchase agreement between Mr. Marshall and the Giltner Dairy has not been finalized. The applicant requires that this transfer not be approved until such a purchase agreement has been signed, or until the property sale has been finalized. However, normal processing of the application can proceed.

Sincerely,


Charles G. Brockway

cc: C. J. Marshall
Giltner Dairy, LLC

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

CHARLES G.
BROCKWAY,
PH.D.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

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MAR 22 2000

T #5480

Brockway Engineering

Fax

RECEIVED

MAR 22 1999

Department of Water Resources
Southern Region

To:	Allen Merritt, IDWR	From:	Chuck Brockway
Fax:	736-3037	Pages:	1
Phone:		Date:	03/22/99
Re:	Giltner Dairy (C. J. Marshall transfer)	CC:	

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply

• Comments:

Allen:

I dropped off a revised page 1 for the Marshall transfer -- you were in computer training and unavailable. We would like to structure the remaining 49 acres / 0.98 cfs as a permissible place of use encompassing the entire farm. The other irrigation rights will remain structured as they have been decreed (not a PPU). The revised page 1 reflects this: Part C is the PPU, with both wells as points of diversion.

I spoke with Tani Giltner just now. She said that you were going to try to look at this at noon, and call Art Brown to verify that the application could be processed. Could you give me a call once you review this?

Also, I have not included any places of use for waste disposal. I do not believe it is in the best interest of the client to do so, since land application sites can change from year to year. However, if there is an official IDWR policy that mandates this, please let me know and I will make that change.

Chuck



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MAR 22 2000

T #5480

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: **NEW GILTNER DAIRY**
c/o Scott Giltner
Jerome, ID

Revision: 9801
Run Date: 3/15/99

Remarks: New dairy proposed T8S R17E Sec 26, with heifer in Sec 23. All irrigated now with groundwater, no canal water. Water from 2 new dairy wells. 100 acres physically out of irrigation.

Herd Information - User Input

Number of milking cows 2400
Number of dry cows 450
Number of other adult dry animals 0

Breed: Large

Calves at age:
1 month 233
2 months 233
3 months 117
4 months 117

Heifers at age:
5 months 117
15 - 18 months 351
18 - 24 months 702

ANIMAL INFORMATION

Use defaults or enter values if known

Average body weight 1400 lbs
Milk fat percentage 3.5 %
Average days dry 60
Annual milk yield per animal 21000 lbs/year
Percent dry matter in ration 90 %

Nearest weather station Jerome
Number of milkings/day 2

Check: Total herd size based on days dry 2738
HERD SIZE OK

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	400	525	2	8	0.5	80	210000	195456	202728
2	400	525	2	8	0.5	80	210000	195456	202728
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 196422.897 9.31

Facility Information - User Input

	Holding Pen 1	Holding Pen 2	
Holding pen active	1	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?

Is this housing area flushed to lagoon?

	Barn	Feeding	Housing
Flushing recycle rate	0	0	0

CLEANING / FLUSHING VOLUMES

Use defaults or enter manufacturer volumes

Cleaning parlor floor	8300 gal	Cleaning pipeline	200 gal
Cleaning milkroom	100 gal	Cleaning equipment	50 gal
Cleaning bulk tank	150 gal		
Additional flush of holding pen (opt.)	5000 gal		

Land Application Information - User Input

Type of system

Predominant cropping

Percent of waste water which goes to meet crop irrigation requirement %

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MAR 22 2000

Stockwater Component

Drinking Water Calculation for Lactating Cows

4% fat-corrected milk yield	19425 lbs/year
Daily average FCM yield	63.69 lbs/day
Daily average milk yield	68.85 lbs/day
Estimated DMI	46.95 lbs/day

METHOD 1: Kertz

Estimated total water intake (TWI)	277.1 lbs/day or 33.2 gal/day
As-fed feed daily intake	52.2 as-fed lb/day
Water content of feed	5.22 lb/day in feed
Drinking water intake	271.9 lb/day or 32.6 gal/day

Drinking water requirement for lactating cows	78240 gal/day 87.6 ac-ft/year
--	----------------------------------

METHOD 2: Holter and Urban

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

Drinking water intake	99.5 liters/day 26.3 gal/day
-----------------------	---------------------------------

63108 gal/day 70.7 ac-ft/year

Maximum drinking water requirement 87.6 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	5850 gal/day 6.6 ac-ft/year
------------------------------------	--------------------------------

Drinking Water Calculation for Replacement Herd (Calves and Heifers)

Age	GPD	Ac-Ft/year
1 mo	384	0.43
2 mo	454	0.51
3 mo	287	0.32
4 mo	380	0.43
5 mo	491	0.55
15-18 mo	2282	2.56
18-24 mo	5932	6.65

Drinking water requirement for replacement herd	10211 gpd	11.44 ac-ft/year
--	-----------	------------------

TOTAL STOCKWATER COMPONENT 105.6 AC-FT/YEAR

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Commercial Component

Milking Parlor Water Usage Calculation

Volume needed *per milking* in each parlor for:

Cleaning parlor floor	8300 gal	Cleaning pipeline	200 gal
Cleaning milkroom	100 gal	Cleaning equipment	50 gal
Cleaning bulk tank	150 gal	Cleaning cows	1200 gal

Total milking parlor volume	20000 gal/day
Second milking parlor volume	0 gal/day
Recycled water	0 gal/day
	22.40 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	3000	0 gal
Additional flush volume	5000	0 gal
Sprinkler volume	20496	0 gal/day
Total holding pen volume	28496	0 gal/day
Recycled water	0	0 gal/day

31.92 ac-ft/year

Other Flushing Water Calculation

Daily volume needed for:

Feeding area flushing	0 gal/day
Housing area flushing	0 gal/day

Total other flushing volume	0 gal/day
Recycled water	0
	0.00 ac-ft/year

TOTAL COMMERCIAL COMPONENT 54.3 AC-FT/YEAR

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MAR 22 2000

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	420000 sq. ft.	
Total lagoon bottom area	390912 sq. ft.	
Average surface area when water is present	324365 sq. ft. =	7.45 ac

Total lagoon evaporation 30.25 ac-ft/year

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

	Milking	Dry
Waste excretion volume per cow	1.3	1.3 ft ³ /day/1000lb
Water content	87.5	88.4 %
Total water volume in excrement	28589	5415 gal/day
Percent of excrement flushed to lagoons	15 % (based on areas which are flushed)	
Consumptive use (evap.) of water in excrement	85 %	
Consumptive use (evap.) volume	28903 gal/day	
Excrement c.u. attributable to drinking water	28359 gal/day	
Total milk production - assume 100% leaves site	165246 lbs/day or	19814 gal/day
Water content of milk	17238 gal/day	
Water content attributable to drinking water	16913 gal/day	
Water use for animal metabolism	34349 gal/day	
Metabolism water attributable to drinking water	33702 gal/day	
Consumptive use - replacement herd (100%)	10211 gal/day	
Total animal consumptive use from drinking water	89185 gal/day or	99.9 ac-ft/year
Percent of drinking water intake	106.1 %	

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	0.46 ac-ft/year
Free stall evaporation volume	0.00 ac-ft/year

Total cleanup loss 0.46 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	59.6 ac-ft/year
Waste water volume available for land application	29.3 ac-ft/year

Total crop consumptive use of waste water 21.1 ac-ft/year

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MAR 22 2000

Summary

Drinking Water

Milking herd	87.6
Non-milking herd (dry cows)	6.6
Replacement herd (calves and heifers)	11.4

Total drinking water volume	105.6 ac-ft/year
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Commercial

Milking parlor	22.40
Holding pen and cleanup	31.9
Other flushing water	0.00

Total commercial volume	54.3 ac-ft/year
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TOTAL DIVERSION VOLUME REQUIREMENT	160.0 AC-FT/YR
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Consumptive Use

Lagoon evaporation	30.25
Animal milk, excretion, & metabolism	99.9
Parlor and holding pen cleanup	0.46
Crop consumptive use on land application	21.1

Total consumptive use	151.7 ac-ft/year
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Percent of diversion volume consumed	94.9 %
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Annual crop consumptive use - IDWR allowable	3.0 afa
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Equivalent irrigated acres	50.6 acres
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Diversion volume to acres conversion factor	3.16 ac-ft/ac
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MAR 22 2003

FILE NUMBER _____ Marshall/Giltner
REVIEWER _____ GLS

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

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

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD _____ 1.56
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * — 1.56
NONMILKING CATTLE @12 GPD/HD _____ 0.52
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 0.53
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 2.09

DIVERSION VOLUME (AFA):

STOCKWATER
MILKING CATTLE @35 GPD/HD _____ 94.1
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * — 95.0
NONMILKING CATTLE @12 GPD/HD _____ 31.2
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 33.0
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 128.0

COMMERCIAL
WASHING OF BULK TANK AND RELATED EQUIPMENT _____ 0.4
PARLOR FLOOR AND MILKHOUSE FLOOR _____ 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING _____ 85.0
TOTAL _____ 85.4

TOTAL DIVERSION VOLUME _____ 213.4

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER
MILKING _____ 13.9
NONMILKING _____ 0.0
TOTAL _____ 13.9

COMMERCIAL _____ 0.0

TOTAL CONSUMPTIVE USE _____ 13.9

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

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

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

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * _____	0.00	0.00	0.00
DIVERSION VOLUME (AFA).** _____	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 CONTINUOUSLY EVERY
DAY OF THE YEAR.

All non-milkers
taken in account

= 71.12c

DAIRY WORKSHEET "B"

MICROFILMED
MAR 22 2003

T # 5480

FILE NUMBER ----- Marshall/Giltner
REVIEWER ----- GLS

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE ----- 2400
NUMBER OF NONMILKING CATTLE ----- * 450
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO ----- 0.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) ----- 0
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS ----- 3
NUMBER OF MILKINGS PER DAY ----- 2

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD ----- 1.56
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 1.56
NONMILKING CATTLE @12 GPD/HD ----- 0.10
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.11
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 1.67

DIVERSION VOLUME (AFA):

STOCKWATER
MILKING CATTLE @35 GPD/HD ----- 94.1
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 95.0
NONMILKING CATTLE @12 GPD/HD ----- 6.0
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 6.7
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 101.7

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT ----- 0.4
PARLOR FLOOR AND MILKHOUSE FLOOR ----- 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING ----- 85.0
TOTAL ----- 85.4

TOTAL DIVERSION VOLUME ----- 187.2

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER
MILKING ----- 13.9
NONMILKING ----- 0.0
TOTAL ----- 13.9

COMMERCIAL ----- 0.0

TOTAL CONSUMPTIVE USE ----- 13.9

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

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

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

CALCULATIONS

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

DIVERSION VOLUME (AFA) ** ----- 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 CONTINUOUSLY EVERY
DAY OF THE YEAR.

* Not taking calves/heifers
in account

187.2 = 62 acres *

DAIRY WORKSHEET "A"

MICROFILMED
MAR 22 2000

T # 5480