Mr. Zora Mullins
Rt. 1, Gooding, Idaho

G- 28201

APPLICATION FOR PERMIT

37-2622

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36164
Permit No. G- 28201
District No.

1. Name of Applicant: Zora Mullins and Blanche Mullins, husband and wife

   Postoffice address: Rt. 1, Gooding County: Gooding State: Idaho

2. Quantity of water claimed:

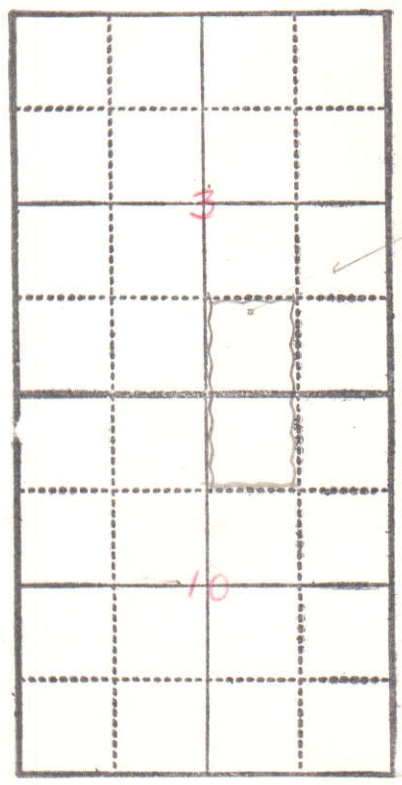
   (a) Rate of withdrawal in cubic feet per second 1.6 or Idaho Miners' inches 80 or gallons per minute

   (b) Annual withdrawal in acre feet per annum

3. Source of water supply: Underground

4. Location of point of diversion or well is in the SW ¼ of the SE ¼ of Section 3

   Twp. 5 S , Rge. 15 E , B.M., County of Gooding



5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

   (a) Point of use of water is in the ¼ of the ¼ of Section , Twp. Rge. , B. M.

   (b) Waste water or sewage effluent is to be returned to at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B. M.

7. Kind of works: Well, pump and ditches

8. Estimated cost of works: $7,000.00

9. (a) Is reservoir to be used? No

   (b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is five years.

11. If applicant is a corporation, give:

   I. (a) Date and place of incorporation:

   (b) Amount of capital stock: $ (c) Amount paid in: $

   (d) Names and addresses of directors:

   II. The financial resources of the applicant are (a) Cash on hand: $

   (b) Treasury stock: (c) Bonds to be issued:

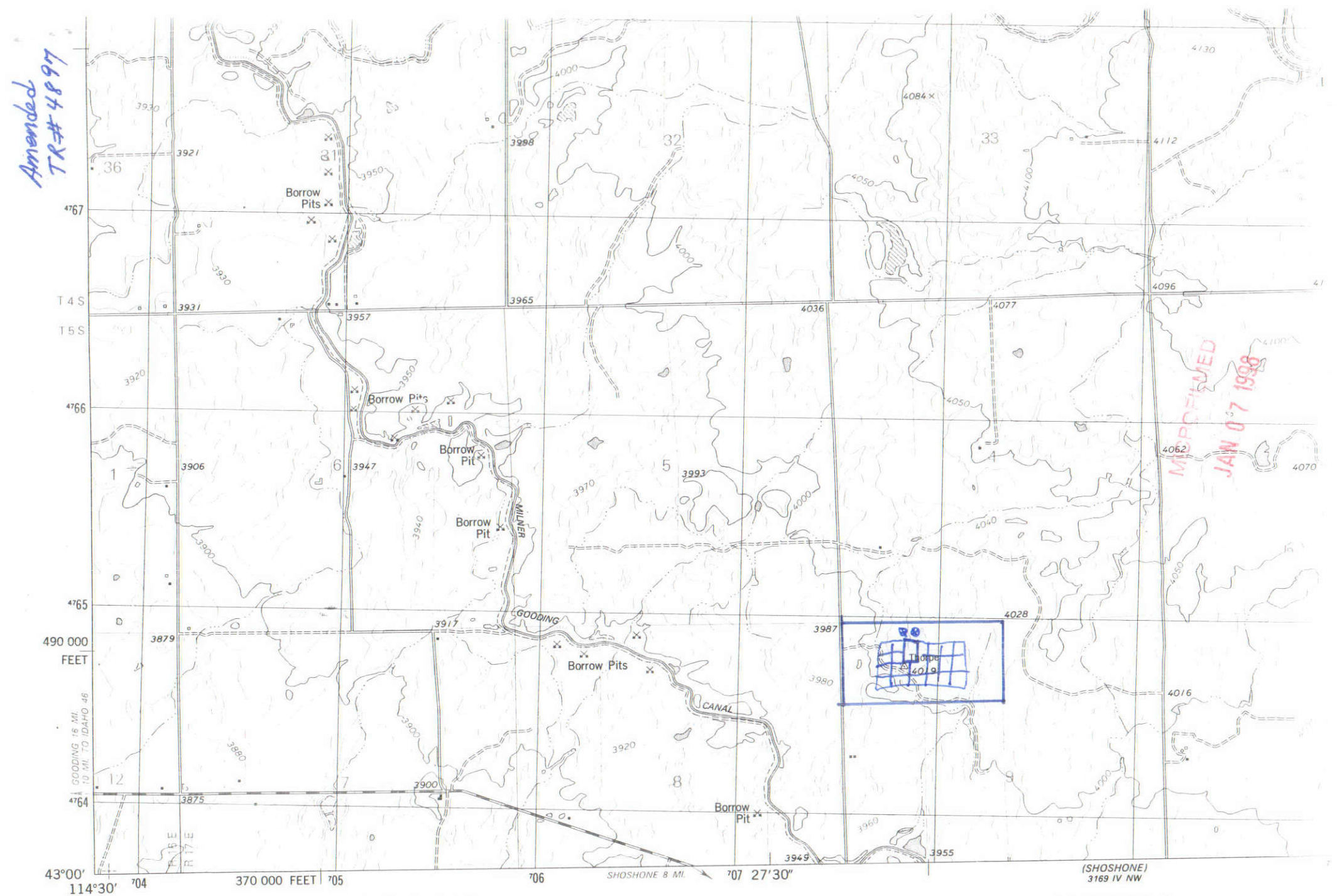
   (d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 75 shares of water in the American Falls Reservoir District

   (a) 1.6 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

   (b) (cubic feet per second, inches or gallons per minute) is for new lands.



Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1971. Field checked 1973

Ma[illegible] edited 1979

[illegible]jection and 10,000-foot grid ticks: Idaho coordinate

GN MN

1°45' 31 MILS

17½° 311 MILS

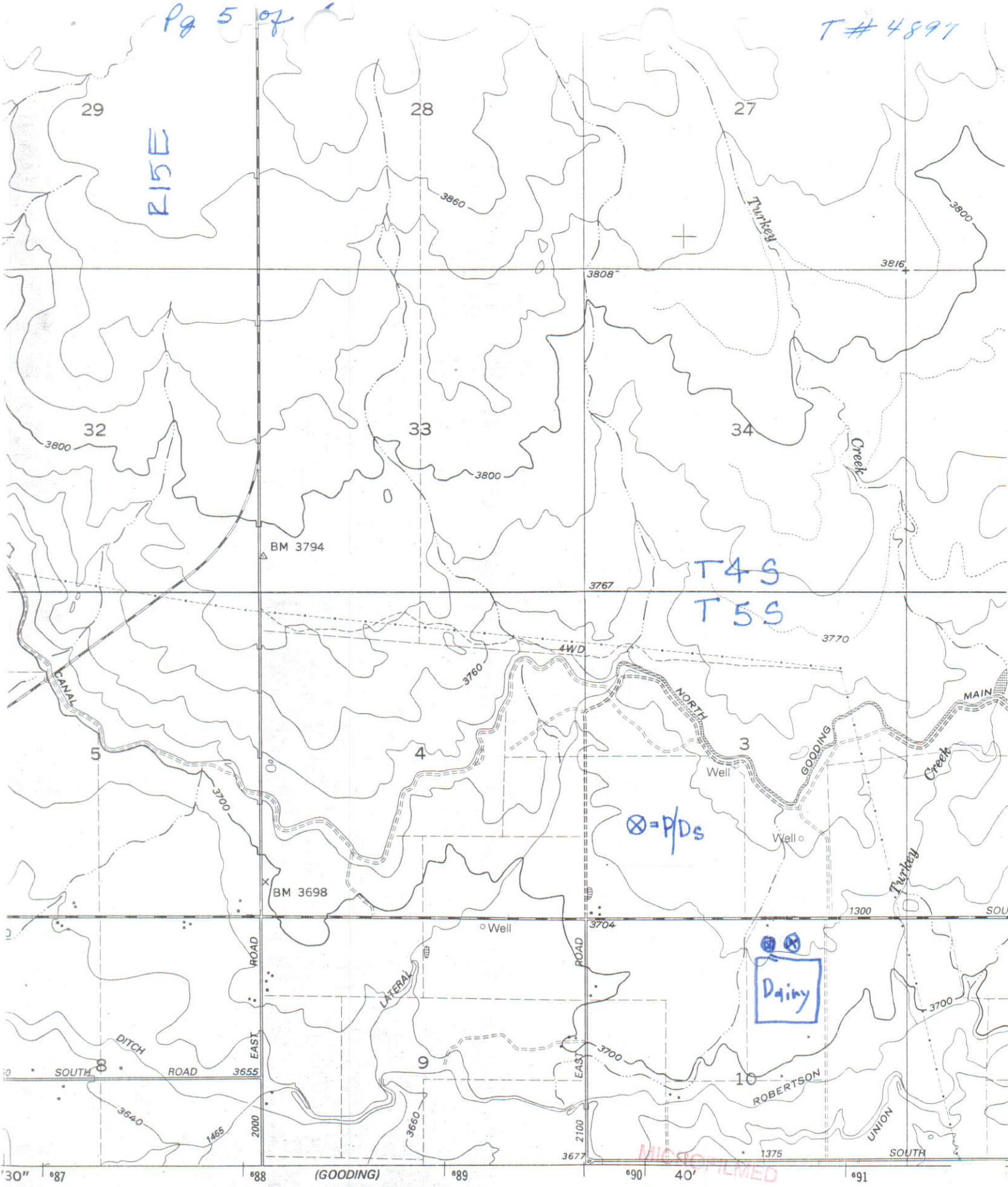
SCALE 1:24 000

1 0 1000 0 1000 2000 3000 4000 5000 6000

1 .5 0 1 KI

CONTOUR INTERVAL 10 FEET

NATIONAL GEODETIC VERTICAL DATUM OF 1929



MICROFILMED
JAN 07 1998

THORN CRK SW
1957 REVISED 1992

AFFIDAVIT of PUBLICATION

RECEIVED

JUN 16 1997

Department of Water Resources
Southern Region

State of Idaho
County of Gooding } ss.

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 4 day of June, 1997, and the date of the last publication was on the 11 day of June, 1997.

Patty Nance

Subscribed and sworn to before me this 12th day of June, 1997.

(SEAL)

Norma DeVoe
NOTARY PUBLIC

#16190/6510
GOODING COUNTY LEADER
Gooding, Idaho

OK
MB
6/17/97

COST OF PUBLICATION

Number of Picas per Line
Number of Lines in Notice
Number of Insertions 2
Affidavit Fee $2.25

569.25 Lines tabular at 7¢/Pica
Lines straight at 34.16 6¢/Pica
569.25 Subsequent lines at 38.46 5¢/Pica
TOTAL COST 64.87

MICROFILMED
JAN 07 1998

COPY OF NOTICE

(Paste Here)

4 Pubs.
Chg. Pts. - Nancy
TITLE OF NOTICE 37-02622

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
AMENDED T# 4897

Notice is hereby given that NORTH VALLEY MILK & FOUR BROTHERS DAIRY, 425 N 250 W; SHOSHONE ID 83352 have applied to the Department of Water Resources for changes to a water right. The purpose of Amended Transfer No. 4897 is to split an irrigation right by drying up 26.4 acres and using the water for commercial dairy use.

PRESENTLY, this Licensed Water Right No. 37-02622 with a priority date of 10/06/1959 is authorized to divert 1.39 cfs from groundwater within SW1/4SE1/4, S03, T05S, R15E; Gooding County for irrigation of 80 acres within parts of Sections 03 and 10, T05S, R15E; Gooding County.

PROPOSED CHANGE

The applicant wishes to divert 0.46 cfs of water from two new wells within NW1/4NW1/4, S09, T05S, R17E; Lincoln County for commercial dairy use within NW1/4NW1/4 and stockwater use within N1/2NW1/4, S09, T05S, R17E; Lincoln County. A total of 0.46 cfs of water is being transferred for Proposed Water Right No. 37-02622B. Any protest against approval of 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 June 23, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader & Lincoln County Journal on 6/4 & 6/11/97.

AFFIDAVIT of PUBLICATION

RECEIVED
JUN 16 1997
Department of Water Resources
Southern Region

State of Idaho } ss.
County of Lincoln }

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, County of Lincoln, 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 4 day of June, 1997, and the date of the last publication was on the 11 day of June, 1997.

Patty Nance

On this 12th day of June in the year of 1997, 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 executed the same.

Norma DeVoe
Notary Public for Idaho
Residing at Jerome, Id
My commision expires: 3/6/01

#6187
LINCOLN COUNTY JOURNAL
Shoshone, Idaho

OK
mb
6/17/97

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2
Applicant's Fee $2.25

_____ Lines tabular at _____ 7¢/Pica
569.25 Lines straight at 34.16 6¢/Pica
569.25 Subsequent lines at 28.41 5¢/Pica
TOTAL COST 64.87

MICROFILMED
JAN 07 1998

COPY OF NOTICE

(Paste Here)

Chg. Pts. - 4 Bros Dairy
TITLE OF NOTICE 37-02622

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DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

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Published in the Gooding County Leader & Lincoln County Journal on 6/4 & 6/11/97.

AFFIDAVIT of PUBLICATION

State of Idaho } ss.
County of Gooding }

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Patty Nance

Subscribed and sworn to before me this 11th day of September, 19 96.
(SEAL)

Rosmarie Doe
NOTARY PUBLIC

#13648/6309

GOODING COUNTY LEADER
Gooding, Idaho

OK MB 9/17/96

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2
Affidavit Fee $2.25

_____ Lines tabular at _____ 6¢/Pica
56.3.06 Lines straight at 28.15 5¢/Pica
56.3.06 Subsequent lines at 22.52 4¢/Pica
TOTAL COST 52.92

COPY OF NOTICE

(Paste Here)

No. Valley Milk Chg. Wtr. Rts. - 4 Bros. Dairy
TITLE OF NOTICE 37-02622B

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that NORTH VALLEY MILK, INC. & FOUR BROS. DAIRY, INC., 425 N 250 W; SHOSHONE ID 83352 have filed two transfer applications pursuant to Section 42-222 of IDAHO CODE. The purpose of these transfers is to split an irrigation right by drying up 38.3 acres and using the water for commercial dairy use.

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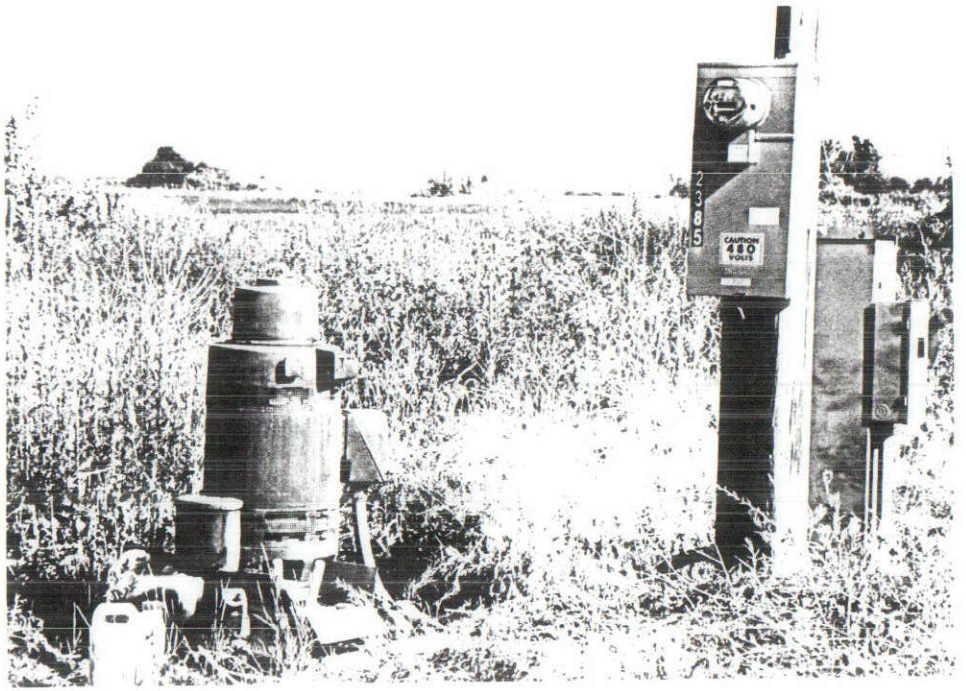
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Karl J. Dreher, Director

Published in the Gooding County Leader on 9/4 & 9/11/96.

MICROFILMED
JAN 07 1998

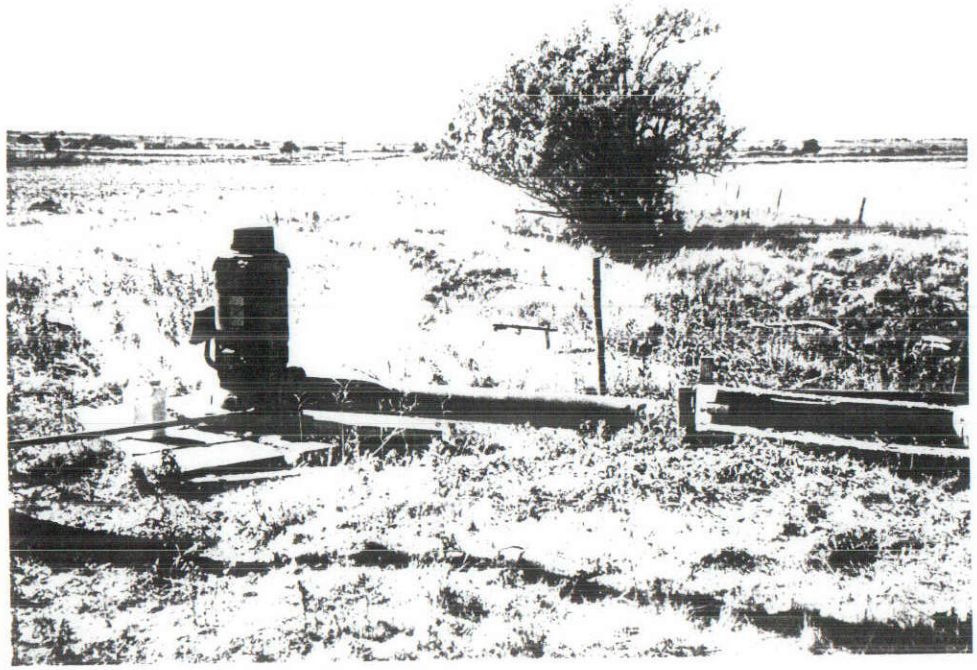




Lands presently being irrigated by well in background. Blue pipeline is from pump diverting ditch water. Systems not connected.

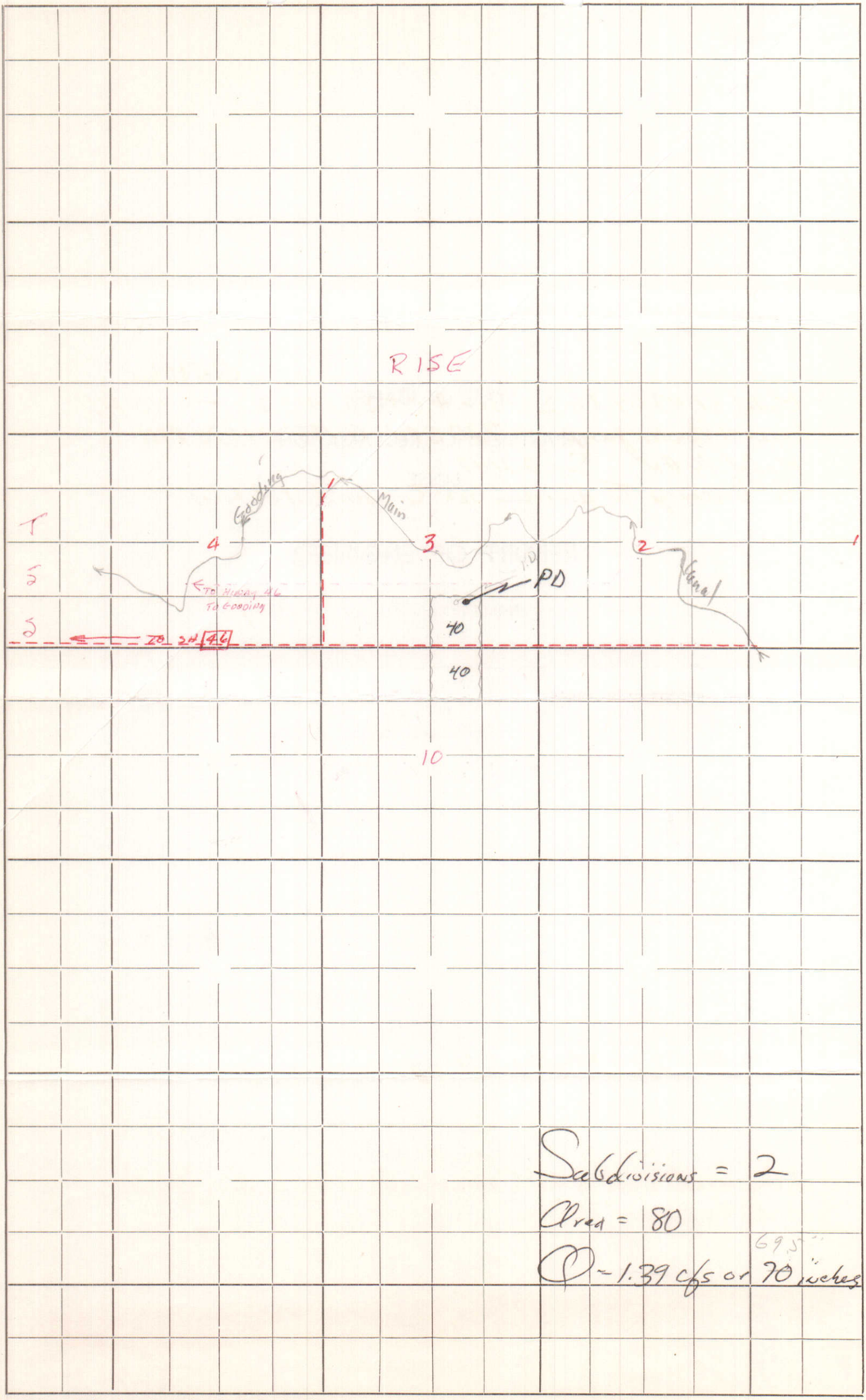
well associated with transfers # 4722 & # 4723.

MICROFILMED
JAN 07 1998



Well associated with new transfers
4897 & # 4898.

MICROFILMED
JAN 07 1998



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

28201

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 24 1964
Department of Reclamation

STATE OF IDAHO,
COUNTY OF GOODING } ss.

I, *Leland G. Burress,* do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was published in said newspaper four consecutive weeks, the first publication having been made on the 13th day of August, 1964, and the last publication having been made on the 3rd day of September, 1964 that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho,* for a period of more than 78 weeks prior to the first publication of the attached notice.

Leland G. Burress

Subscribed and sworn to before me this

3rd *day of* September, 1964

Ruth Burress

Notary Public

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a.m., on the 23rd day of September, 1964, at Gooding, County of Gooding, State of Idaho, before Andrew F. James, Notary Public, at 115 3rd Avenue West, Gooding, Idaho, proof will be submitted of the completion of works for the diversion of 1.6 cubic feet per second of underground water from a well, and of the application of beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28201, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Zora Mullins and Blanche Mullins, husband and wife, Route 1, Gooding, Idaho.
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 1.6 cubic feet per second.
3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 1.6 cubic feet per second.
4. The point of diversion of said water is SW¼SE¼ of Section 3, Twp. 5 S., Rge. 15 E.B.M., County of Gooding.
5. The place where said water is used is the NW¼ of the NE¼, Section 10, and the SW¼ of the SE¼, Section 3, Township 5 South, Range 15 E.B.M., Gooding County.
6. The date of priority which said user is prepared to establish is October 6, 1959.

CARL E. TAPPAN,
State Reclamation Engineer

42-45

28201

RECEIVED
SEP 9 1964
Department of Reclamation

AFFIDAVIT OF PUBLICATION

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STATE OF IDAHO, }
COUNTY OF GOODING } ss.

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Leland G Burress

Subscribed and sworn to before me this

3rd *day of* September, 196 4

Andrew F James

Notary Public

28201

NAME OF APPLICANT Zora ...ns and Blanche Mullins, husb... ...nd wife
Gooding, Idaho

Form No. 0

NORTH

Southwest Quarter of the Southeast Quarter
Section 3, Twp. 5 S. R. 15 E.B.M.
Gooding, Gooding County, Idaho

WEST

EAST

Section 3

well

Section 10

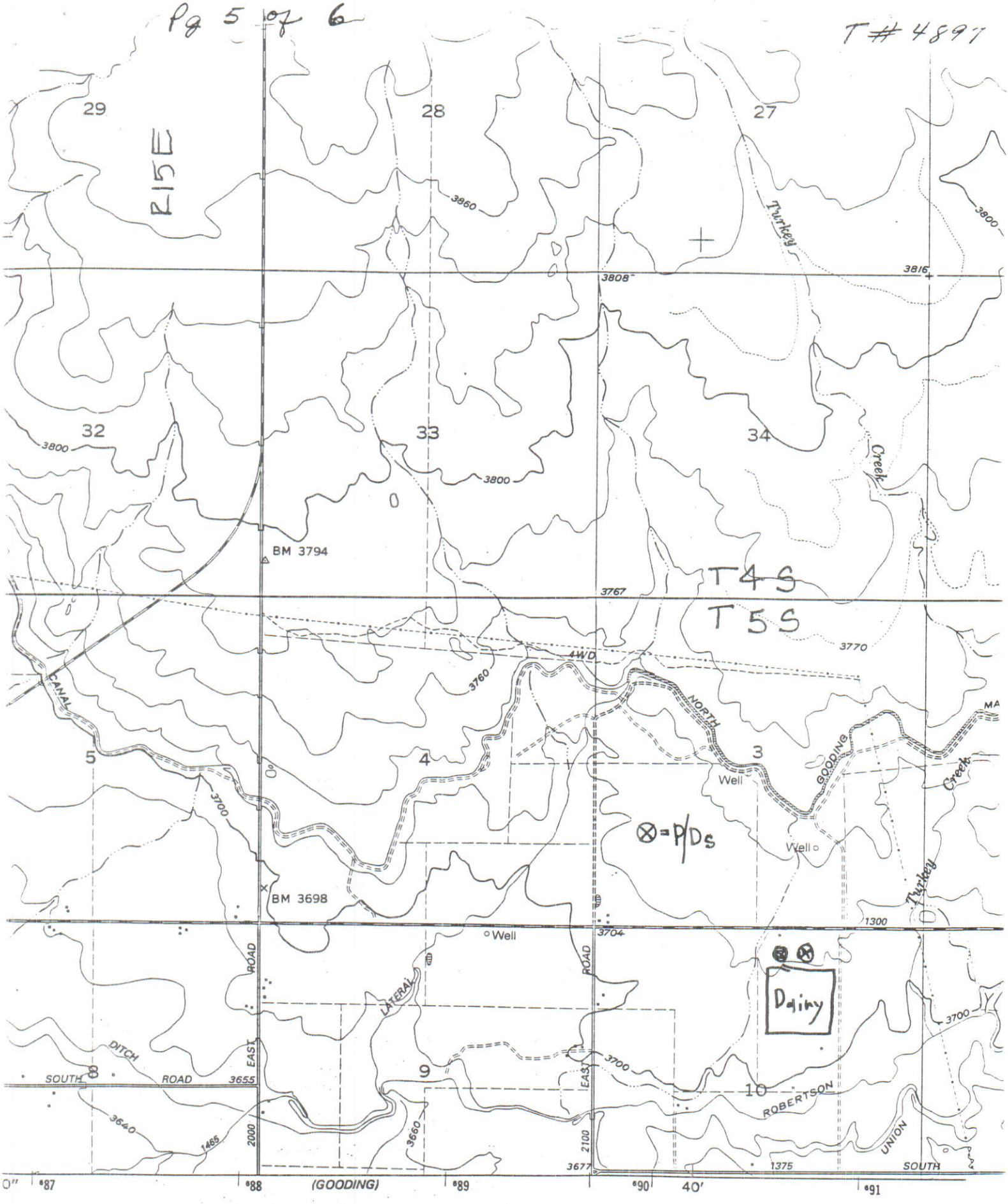
Northwest Quarter of the Northeast Quarter
Section 10, Twp. 5 S. R. 15 E.B.M., Gooding
County, Idaho

SOUTH

Permit Map No. G 28201
As Approved
OCT 15 1959
GEO. N. CARTER
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

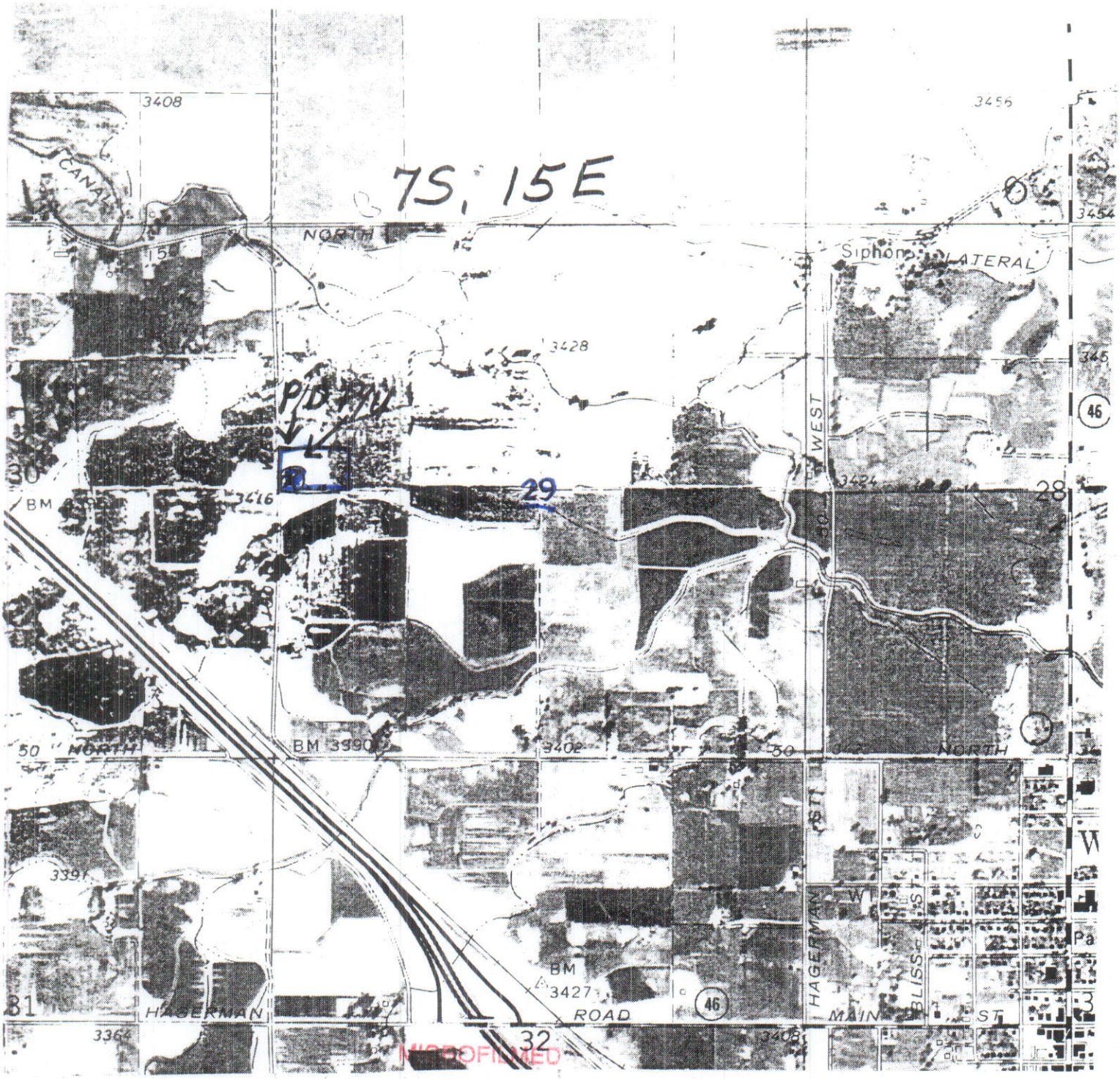
28201


Pg 5 of 6
T# 4897
R15E
29
28
27
32
33
34
3860
3800
3808
3816
3794
3767
T4S
T5S
3770
3760
4WD
CANAL
NORTH
GOODING
MA
Creek
Turkey
Well
⊗=P/Ds
BM 3698
3704
1300
ROAD
LATERAL
Dairy
DITCH
EAST
SOUTH
ROAD
3655
3700
3640
1465
2000
3660
2100
3677
ROBERTSON
UNION
1375
SOUTH
87
88
(GOODING)
89
90
40'
91
SCALE 1:24 000
1 MILE
7000 FEET
1 KILOMETER
CONTOUR INTERVAL 20 FEET
THORN CRK SW
1957 REVISED 1992

Transfer No. 4898

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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.



MICROFILMED
JUN 24 1999

SCALE: 2 inches equal 1 mile. Draw plan in ink.


7 25 96




37-02622
A0053664
3-25-96

AFFIDAVIT of PUBLICATION

State of Idaho
County of Gooding } ss.

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GOODING COUNTY LEADER
Gooding, Idaho

OK MB 9/17/96

COST OF PUBLICATION

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Number of Insertions 21
Affidavit Fee $2.25

_____ Lines tabular at _____ 6¢/Pica
56.3.06 Lines straight at 28.15 5¢/Pica
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TOTAL COST 52.92

MICROFILMED
JUN 24 1999

COPY OF NOTICE
(Paste Here)

No. Valley Milk
Chg. Wtr. Rts. - 4 Bros. Dairy
TITLE OF NOTICE 37-02622B

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

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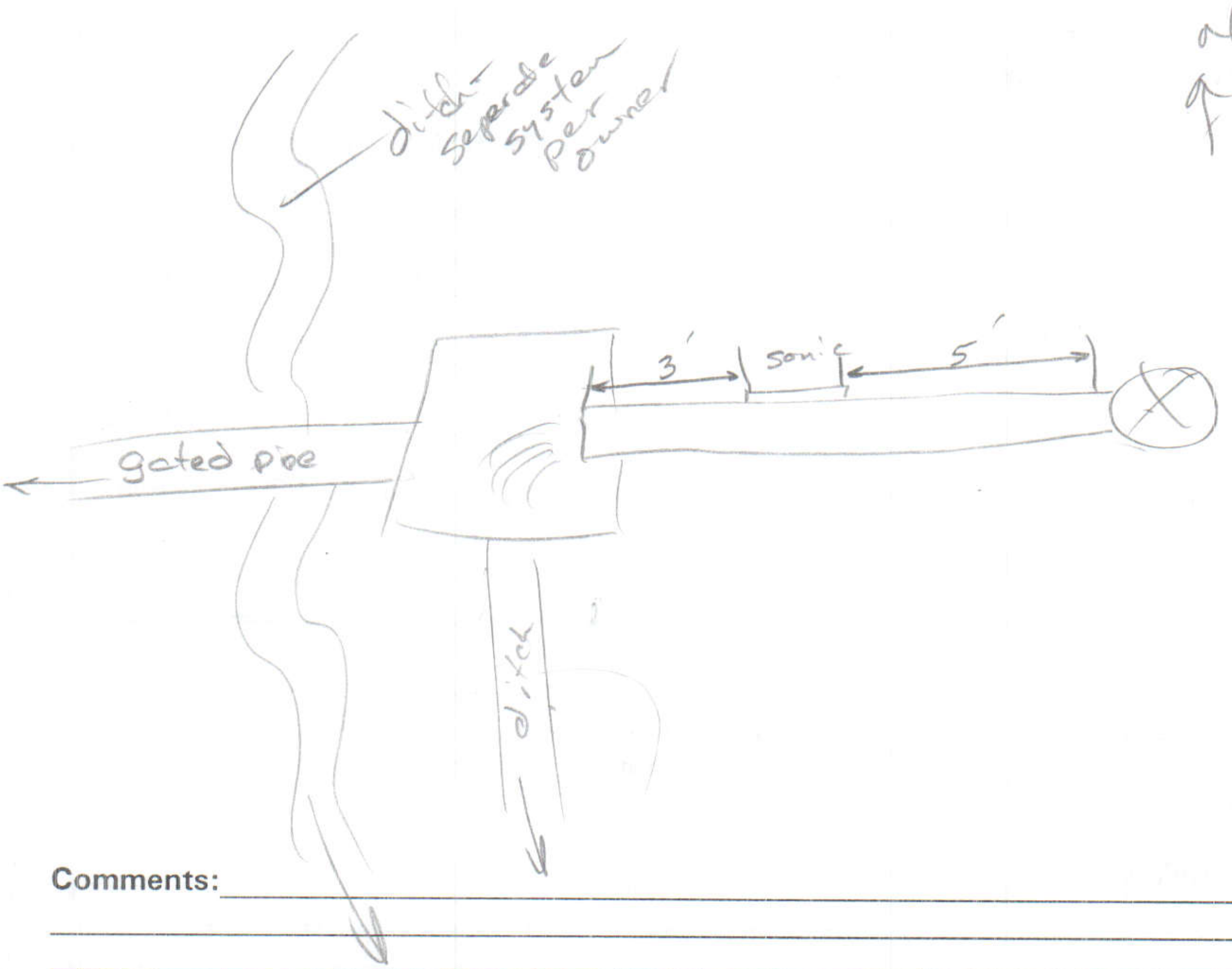
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Karl J. Dreher, Director

Published in the Gooding County Leader on 9/4 & 9/11/96.

Sketch of pumping plant layout or attach photograph of pumping plant and piping:



Comments: ____________________

____

____

____

= =

I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature Scott King Date 7/25/96
(person performing measurements)

For Department Use Only

Received by ____________ Date ____________

Reviewed by ____________ Date ____________

Data Entry by ____________ Date ____________

MICROFILMED JUN 24 1999

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT NO. 37-02622 IN THE NAME OF NORTH VALLEY MILK, INC.	)))))	**SUBPOENA**

THE STATE OF IDAHO TO:

BONNIE ARKOOSH

YOU ARE HEREBY COMMANDED to appear as a witness in the above entitled matter before the Director of the Department of Water Resources at the Gooding City Hall, Multi-purpose Room, 308 5th Avenue West, Gooding, Idaho, on the 22nd day of October, 1997, at 9:00 a.m.

Dated this 14th day of October, 1997.

for KARL J. DREHER, Director

MICROFILMED
JUN 24 1999

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 14th day of October, 1997, a true and correct copy of the foregoing **SUBPOENA** was forwarded, by regular U.S. Mail, to the parties listed:

C TOM ARKOOSH
ARKOOSH LAW OFFICES
PO BOX 32
116 FOURTH AVE W
GOODING ID 83330

ROBERT E WILLIAMS III
FREDERICKSEN WILLIAMS
AND MESERVY
117 S ADAMS ST
PO BOX 168
JEROME ID 83338-0168

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

MICROFILMED
JUN 24 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT NO. 37-02622 IN THE NAME OF NORTH VALLEY MILK, INC.	**ORDER AUTHORIZING DISCOVERY**

On July 14, 1997, Bonnie Arkoosh (protestant) by and through her attorney, Tom Arkoosh, by motion requested the department to issue an order Authorizing Discovery pursuant to IDAPA Rules 37.01.01521-531 (Rules of Procedure 521 through Rule 531). The applicant did not respond to the motion.

The Director of the department of Water Resources (Director) hereby authorizes the parties to engage in discovery commencing with the date of this order. The parties shall complete discovery five days prior to the date of the hearing in this matter which has been scheduled on August 26, 1997. Discovery shall be conducted pursuant to IDAPA 37.01.01520-532 (Rules of Procedure 520 through 532). The parties are directed to answer or otherwise respond to discovery in accordance with the department's Rules of Procedure and the Idaho Rules of Civil Procedure, as appropriate.

In accordance with Rule 520, the scope of discovery shall be governed by Rule 26(b) of the Idaho Rules of Civil Procedure, unless otherwise provided by statute, rule or order of the Director.

DATED this 21st day of July, 1997.

L. Glen Saxton

L. GLEN SAXTON
Hearing Officer

MICROFILMED

JUN 2 4 1999

CERTIFICATE OF MAILING

I hereby certify that on the **21st** day of **July, 1997,** I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER AUTHORIZING DISCOVERY** to the person(s) listed below:

Water Right No. 37-02622

ROBERT E WILLIAMS III
PO BOX 168
JEROME ID 83338-0168

C. TOM ARKOOSH
ARKOOSH LAW OFFICES
PO BOX 32
GOODING ID 83330-0032

Kari Lynn Townsend
Secretary

MICROFILMED
JUN 2 4 1999

J-822

State of Idaho
License and Certificate of Water Right

Water License No. G-28201 Amount 1.39 c.f.s.

Water District No. Priority October 6, 1959

THIS IS TO CERTIFY that ZORA MULLINS and BLANCHE MULLINS of Gooding, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 6, 19 59; that Permit No. G-28201 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.39 second feet, was issued thereunder on August 18, 19 65, showing that said works were completed on the 23rd day of September, 19 64; and that on the 23rd day of September, 19 64, ZORA MULLINS and BLANCHE MULLINS of Gooding, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-28201 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses at page 8225, on the 18 day of August, 19 65;

The right hereby confirmed dates from October 6, 19 59;

The Point of Diversion is located

in the SW ¼ SE ¼, Sec. 3, Tp. 5 S, R. 15 E, B. M. Gooding County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.39 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 S	15 E	3	SW¼ SE¼	40	40
		10	NW¼ NE¼	40	40
			Total number of acres to be irrigated:		80

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 18th day of August, 19 65.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

37 0022

Mr. Zora Mullins
Rt. 1, Gooding, Idaho

G- 28201

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36164
Permit No. G- 28201
District No.

1. **Name of Applicant:** Zora Mullins and BlancheMullins, husband and wife

   Postoffice address: Rt. 1, Gooding **County:** Gooding **State:** Idaho

2. **Quantity of water claimed:**

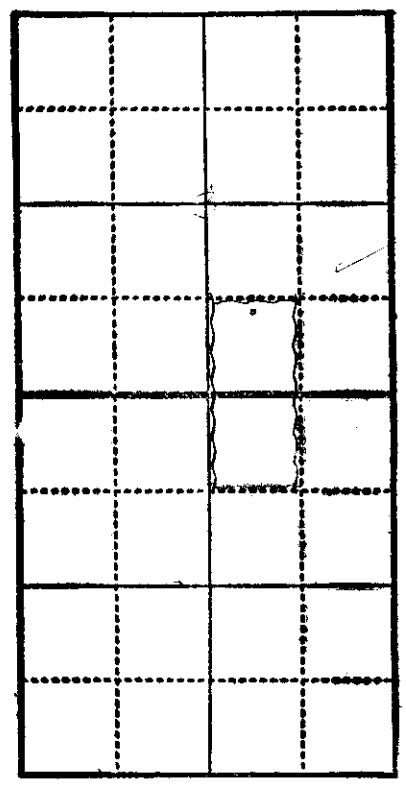
   (a) **Rate of withdrawal in cubic feet per second** 1.6 or Idaho
   Miners' inches 80 or gallons per minute

   (b) **Annual withdrawal in acre feet per annum**

3. **Source of water supply:** Underground

4. **Location of point of diversion or well is in the** SW ¼ of the SE ¼ of Section 3

   Twp. 5 S , Rge. 15 E , B.M., County of Gooding



5. **Water is to be used for:** Irrigation

6. **If for municipal, industrial or recreational purposes, give:**

   (a) **Point of use of water is in the** ¼ of the ¼ of Section , Twp.
   Rge. , B. M.

   (b) **Waste water or sewage effluent is to be returned to**
   at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B. M.

7. **Kind of works:** Well, pump and ditches

8. **Estimated cost of works:** $7,000.00

9. (a) **Is reservoir to be used?** No

   (b) **Capacity of reservoir:**

10. **The time required for the completion of such work and complete application of the water to the proposed use is** five **years.**

11. **If applicant is a corporation, give:**

   I. (a) **Date and place of incorporation:**

   (b) **Amount of capital stock: $** (c) Amount paid in: $

   (d) **Names and addresses of directors:**

   II. **The financial resources of the applicant are** (a) Cash on hand: $

   (b) **Treasury stock:** (c) Bonds to be issued:

   (d) **Other resources:**

12. **The land to be irrigated is described in the following tabulation:**

13. **Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:** 75 shares of water in the American Falls Reservoir District

   (a) 1.6 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

   (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ Zora Mullins *Applicant.*
s/ Blanche Mullins

By Applicant ~~Agent~~

Date of first receipt at Department of Reclamation: 2:00 P.M. October 6, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 28201

Recorded in Book 99 Page 28201 Approved October 15, 1959

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of $ to be filed on or before

Work to begin on or before and to continue deligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before April 15, 1962

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before October 15, 1964

Witness my hand this 15th day of October, 1959

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 15th day of October, 19 59

Countersigned:

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

STATE OF IDAHO

By s/ ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 S	15 E	3													40				40
		10	40																40

Permit No. G-28201
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that ZORA MULLINS AND BLANCHE MULLINS of Gooding, County of Gooding, and State of Idaho, the holders of Permit No. G-28201, issued upon Application No. G-36164 bearing date of priority of October 6, 1959, authorizing the diversion of 1.6 second feet of waters of a well County of Gooding, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.39 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters SW¼SE¼, Sec. 3, T. 5 S., R. 15 E.,B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:

SW¼SE¼, Sec. 3; NW¼NE¼, Sec. 10, T. 5 S., R. 15 E.,B.M.

Witness my hand this 18 day of August, A. D. 1965

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: September 23, 1964

LICENSE ISSUED FOR 1.39 SEC. FT.
LICENSE PAGE NO. 8225

C. TOM ARKOOSH
ARKOOSH LAW OFFICES
301 Main Street
Post Office Box 32
Gooding, ID 83330
Telephone: 208-934-8872

ATTORNEY FOR PROTESTANT

ORIGINAL

RECEIVED
OCT 20 1997
Department of Water Resources
Southern Region

RECEIVED
OCT 21 1997
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622B IN THE NAME OF NORTH VALLEY MILK, INC.	AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS

COMES NOW, C. Tom Arkoosh, and on his oath and by his personal knowledge deposes and says:

1. That the Department of Water Resources, through its Hearing Officer issued its Order Authorizing Discovery on the 21st day of July, 1997 providing, among other things, that:

> "The parties are directed to answer or otherwise respond to discovery in accordance with the Department's Rules of Procedure and the Idaho Rules of Civil Procedure, as appropriate".

2. That hearing in the above matter is scheduled for August 22, 1997.

3. That on or about the 6th day of August, 1997, the Protestant herein propounded and served Interrogatories and Requests for Production in the above

entitled matter, a copy of which is attached hereto and incorporated herein by this reference as though the same were set forth in full.

4. That as of the date of this Affidavit, no answer has been made to the same.

5. That your Affiant is moving to dismiss based on the warning given to Applicant's counsel on or about October 9, 1997, a copy of which is attached hereto and incorporated herein by this reference as though the same were set forth in full.

Dated this 15th day of October, 1997.

C. TOM ARKOOSH

SUBSCRIBED AND SWORN To before me this 15th day of October, 1997.

Brenda S. Butler
Notary Public for Idaho
Residing at Gooding, Idaho
Comm. Expires 3/5/98

C. Tom Arkoosh
ARKOOSH LAW OFFICES
Post Office Box 32
116 Fourth Avenue West
Gooding, Idaho 83330

COPY

ATTORNEY FOR PROTESTANT

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622B IN THE NAME OF NORTH VALLEY MILK, INC.	INTERROGATORIES AND REQUEST FOR PRODUCTION

TO THE ABOVE NAMED CLAIMANT AND CLAIMANT'S ATTORNEY:

INTERROGATORIES: Request is hereby made by the undersigned that you answer the interrogatories attached hereto under oath within fifteen (15) days after the date of service hereof as provided by the Federal Rules of Civil Procedure.

REQUEST FOR PRODUCTION: Request is hereby made by the undersigned pursuant to Rule 34 of the applicable Rules of Civil Procedure, that you produce each document and thing identified in your answers to the interrogatories, except any such document and thing attached to your answers to the interrogatories, in the manner following:

(1) either by copying such items for production and then mailing or delivering such copies to the undersigned so that such copies are received by the undersigned not less than five days before the date specified in subparagraph (2) hereof in which case the undersigned will forthwith reimburse you through your counsel for such copies at the rate of ten cents per page of such copies;

(2) or, (if at your option you elect not to produce the items for production in the manner specified in subparagraph (1) hereof) by producing such items for production and permitting the undersigned, or someone acting on behalf of the undersigned, to inspect by reading and examining the same and to copy and photograph the same at the time and place hereinafter designated.

TIME AND PLACE OF PRODUCTION: The production above requested shall take place at:

Time: 9:00 A.M.
Date:
Place: the law office of the undersigned counsel at
116 4th Avenue West
Gooding, Idaho 83330

Notice

ANSWERS UNDER OATH: You are hereby informed that you are answering these interrogatories under oath under the penalties of perjury and that your answers may be used as evidence in the event of a trial of this action.

DEFINITIONS: Some terms used in these interrogatories shall have the specific meaning which is set forth below. There shall be no difference in such meaning between the singular and the plural of any such term except that the number referred to by the plural shall be more than one. These terms are as follows:

(a) "you" means Claimant.

(b) "person" means a natural person and every kind of legal entity known to or recognized by law.

© "representative" means every person acting on behalf of the person designated and includes but is not limited to officers, employees, agents, attorneys, independent contractors, fiduciaries and each representative as heretofore defined of each insurer of the person designated.

(d) "third party" means a person who is not now a party to this action.

(e) "identify each communication" means:

--- with respect to a written communication, a complete statement setting forth the following: the date thereof; the name and address of the person who initiated the communication; the name and address of each person to whom the communication was directed; a description thereof sufficient to identify it; the present location of the original thereof and of each copy thereof; and the name, address, job title and relationship to the parties of each person having custody or possession of the original thereof and of each copy thereof.

--- with respect to a verbal communication by personal meeting, a complete statement setting forth the following: the date thereof; the approximate time thereof; the place thereat; the substance of what was said by each person present thereat; whether any conversation thereat was recorded and if so the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording and of each copy thereof; and whether any notes or memorandum were made of any conversation thereat and if so the name and address of the person who made such notes or memorandums and the name and address of each person who has custody or possession of the original of such notes or memorandum and of each copy thereof.

--- with respect to a telephone conversation, a complete statement setting forth the following: the date thereof; the approximate time thereof; the name of the person initiating the call; the location from which the call was placed; the name of the person called; the location to which the call was placed; the words spoken or the substance of what was said by the person initiating the call and by the person called; whether anyone else listened in on one or both sides of such telephone conversation and if so the name and address of such person; whether such conversation was recorded and if so the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording and of each copy thereof; and whether any notes or memorandums were made of such conversation and if so the name and address of each person who has custody or possession of the original of such notes or memorandum and of each copy thereof.

(f) "document" means anything: which is written or printed or typed; or which is graphic matter of any kind or nature or pictures however produced or reproduced; or which is recorded mechanically or electronically; or which is a copy or transcript of any of the foregoing.

(g) "identify each document" means with respect to each such document a complete description thereof sufficient to identify it, the present location of the original thereof, the present location of each copy thereof and the name and address and job title and relationship to the parties to this action of the person who has custody or possession of the original thereof and of each copy thereof.

(h) "identify each person" means with respect to such person and insofar as applicable to such person his or her name, last known address, last known residence telephone number, last known business telephone number, last known business or occupation or profession, address of last known employer or place of business, actual (or estimated) age, and the relationship to any party to this action.

(I) "identify each exhibit" means with respect to each such exhibit a complete description thereof sufficient to identify it, the present location of the original thereof, the present location of each copy thereof and the name and address and job title and relationship to the parties to this action of the person who has custody or possession of the original thereof and of each copy thereof.

(j) "knowledge" includes first-hand knowledge and information derived from any other source, including but not limited to hearsay knowledge.

INTERROGATORIES

INTERROGATORY NO. 1: Communications which are relevant, etc.: Please separately identify each communication which you contend is relevant to any issue in this action or which you intend to offer in evidence at the trial of this action for any purpose. The communications referred to by this interrogatory include but are not limited to:

--- those which you or your representative conducted or participated in with the Protestant or a representative of the Protestant, and

--- those which the Claimant or a representative of the Claimant conducted or participated in with a third party or such third party's representative, and

--- those which you or your representative conducted or participated in with a third party or such third party's representative, and

--- those which one third party or such third party's representative conducted and participated in with another third party or such other third party's representative.

INTERROGATORY NO. 2: Documents - the Claimant: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by you and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the trial of this action for any purpose. This specifically includes documents regarding the waste disposal system as the proposed place of use.

INTERROGATORY NO. 3: Documents - the Protestant: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by the Protestant and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the trial of this action for any purpose.

INTERROGATORY NO. 4: Documents - Third Parties: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by any third party and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the trial of this action for any purpose.

INTERROGATORY NO. 5: Persons interviewed by you, etc.: Please identify each person with whom you or your representatives have communicated or who you or your representatives have interviewed seeking information relating to this action or any issue in this action.

INTERROGATORY NO. 6: Witnesses with relevant knowledge of the issues, etc.: Please separately identify each person who, according to your information or knowledge or the information or knowledge of your representatives, has relevant knowledge of any of the issues or any of the occurrences which are relevant to this action and state the substance of the facts and opinions which constitute such relevant knowledge.

INTERROGATORY NO. 7: Lay witnesses for trial: Please separately identify each person who you may call as a lay witness at the trial of this action and state the substance of the facts and opinions to which such lay witness is expected to testify.

INTERROGATORY NO. 8: Experts retained but not expected to testify: Please separately identify each person retained or specially employed by you as an expert in anticipation of this litigation or in preparation for the trial of this action whom you do not expect to call as a witness at the trial of this action and state with respect to any reports made to you by the expert the subject matter thereof and the location of each such report.

INTERROGATORY NO. 9: Expert witnesses for trial: Please separately identify each person whom you may call as an expert witness at the trial of this action and state the subject matter on which such expert witness is expected to testify, the substance of the facts to which such expert witness is expected to testify and the substance of the opinions to which such expert witness is expected to testify.

INTERROGATORY NO. 10: Exhibits for trial: Please separately identify each exhibit which you may offer into evidence at the trial of this action and as to each such exhibit which consists of more than 15 pages or more than 3,000 words, quote or otherwise specifically designate each portion of such exhibit which you contend is the relevant portions thereof.

INTERROGATORY NO. 11: Persons supplying answer hereto: Please separately identify each person who supplied answers to these interrogatories and designate the answer or part thereof supplied by such person. (This interrogatory is intended to discover principal sources of information and does not seek to ascertain the identity of mere draftsmen or persons responsible for the mechanical preparation of these

answers.)

DATED this 10 day of August, 1997.

C. TOM ARKOOSH

CERTIFICATE OF MAILING

I hereby certify that on the 10 day of August, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid:

FREDERICKSEN, WILLIAMS & MESERVY
Robert E. Williams III
117 South Adams Street
P.O. Box 168
Jerome, ID 83338-0168

Idaho Department of Water Resources
222 Shoshone Ave. E
Twin Falls, ID 83301

North Valley Milk, Inc. & Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

C. TOM ARKOOSH

COPY

C. Tom Arkoosh
ARKOOSH LAW OFFICES
116 4th Ave. W.
P.O. Box 32
Gooding, ID 83330
Telephone: 208-934-8872

ATTORNEY FOR PROTESTANT

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622B IN THE NAME OF NORTH VALLEY MILK, INC.	NOTICE OF SERVICE

COMES NOW the Protestant in the above entitled action and hereby gives notice pursuant to Idaho Rules of Civil Procedure 33 and 34 that a true and correct copy of the following pleadings were served:

Title of Pleadings	Date Served	Upon Whom Served
Interrogatories and Request for Production	August 6, 1997	Robert E. Williams III 117 South Adams Street P.O. Box 168 Jerome, ID 83338-0168

Idaho Department of
Water Resources
222 Shoshone Ave. E.
Twin Falls, ID 83301

North Valley Milk, Inc. &
Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

DATED this 6 day of August, 1997.

for C. Tom Arkoosh

CERTIFICATE OF MAILING

I hereby certify that on the 6 day of August, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid:

for C. Tom Arkoosh

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

October 14, 1997

OCT 16 1997

Department of Water Resources
Southern Region

RE: In the Matter of Application for Transfer No. 4897 of Water Right No. 37-02622 in the name of North Valley Milk, Inc.

Dear Mr. Williams:

I have enclosed an original **Subpoena** to be issued to Bonnie Arkoosh, in connection with the above referenced application for transfer.

If you have any questions concerning the enclosure, please contact me at (208)327-7953.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH, Sr. Secretary
Water Allocation Bureau

Enclosure

cc: IDWR Southern Region

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT NO. 37-02622 IN THE NAME OF NORTH VALLEY MILK, INC.	)))))	**SUBPOENA**

THE STATE OF IDAHO TO:

BONNIE ARKOOSH

YOU ARE HEREBY COMMANDED to appear as a witness in the above entitled matter before the Director of the Department of Water Resources at the Gooding City Hall, Multi-purpose Room, 308 5th Avenue West, Gooding, Idaho, on the 22nd day of October, 1997, at 9:00 a.m.

Dated this 14th day of October, 1997.

for KARL J. DREHER, Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 14th day of October, 1997, a true and correct copy of the foregoing **SUBPOENA** was forwarded, by regular U.S. Mail, to the parties listed:

C TOM ARKOOSH
ARKOOSH LAW OFFICES
PO BOX 32
116 FOURTH AVE W
GOODING ID 83330

ROBERT E WILLIAMS III
FREDERICKSEN WILLIAMS
AND MESERVY
117 S ADAMS ST
PO BOX 168
JEROME ID 83338-0168

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

IDWR

C. TOM ARKOOSH
ARKOOSH LAW OFFICES
301 Main Street
Post Office Box 32
Gooding, ID 83330
Telephone: 208-934-8872

ORIGINAL

RECEIVED
OCT 20 1997
Department of Water Resources
Southern Region

ATTORNEY FOR PROTESTANT

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622B IN THE NAME OF NORTH VALLEY MILK, INC.	MOTION TO DISMISS

COMES NOW the Protestant in the above entitled action and hereby respectfully moves the Agency for its Order pursuant to Rule 531 of its Rules of Procedure dismissing the above entitled matter for the failure of the Applicant herein to provide its answers to discovery five (5) days prior to hearing as ordered in the Hearing Officer's Order of July 21, 1997. This Motion is supported by the Affidavit on file herein.

Dated this 15 day of October, 1997.

C. TOM ARKOOSH

CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of October, 1997, I caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

Robert Williams, III
FREDERICKSEN, WILLIAMS & MESERVY
Post Office Box 168
Jerome, Idaho 83338

__x__ U.S. Mail
_____ Hand Delivered
_____ Overnight Mail
__x__ Telecopy (FAX)

C. TOM ARKOOSH

ORIGINAL

Arkoosh Law Offices

LAWYERS
POST OFFICE BOX 32
301 MAIN STREET
GOODING, IDAHO 83330

C. TOM ARKOOSH
LUVERNE E. SHULL
ERIC J. WILDMAN

E-MAIL tarkoosh@northrim.net
TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873

RECEIVED
OCT 14 1997
Department of Water Resources

October 9, 1997

VIA FACSIMILE & U.S. MAIL

L. Glenn Saxton, Hearing Officer
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

In Re: Applicant's correspondence of October 6, 1997.

Dear Mr. Saxton:

The Applicant in this matter clings to the idea that a Protestant must know, and be a factual witness to, the four (4) types of injuries set forth in the statute in order to be a Protestant. Quite the contrary, I think the general law of standing is that an injured party has standing whether or not the party knows they are injured. In that vein, I think it would behoove the Applicant to complete their discovery so that we might complete our assessment of this matter. By copy of this letter to the Applicant I desire to put it on notice that we will be moving to dismiss the application in the event that we do not receive timely discovery response.

Sincerely,

C. Tom Arkoosh

CTA:bsb
cc: Robert E. Williams, III
A:\ARKOOSH.BON\PRO4897.AM\SAXTON4.LTR

MEMORANDUM

To: File

From: L. Glen Saxton

RE: **STATUS OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT NO. 37-02622B**

Date: October 20, 1997

The purpose of this memo is to leave a clear record of the status of Application for Transfer No. 4897 filed in connection with water right No. 37-02622B.

- The department scheduled protested Application for Transfer No. 4897 for hearing on October 22, 1997.

- On November 14, 1997 at the request of the applicant, the department issued a subpoena to Bonnie Arkoosh. Issuance of the subpoena made moot the need for the department to rule on whether Bonnie Arkoosh was a proper protestant in the matter. Clearly Bonnie Arkoosh was a proper party or the department would not have issued a subpoena for the applicant to serve to her.

- On October 16, 1997, the applicant withdrew the application from further consideration before the department.

- The withdrawal of the application made it unnecessary to act on the Motion to Dismiss filed by Protestant C. Tom Arkoosh on October 15, 1997.

C. TOM ARKOOSH
ARKOOSH LAW OFFICES
301 Main Street
Post Office Box 32
Gooding, ID 83330
Telephone: 208-934-8872

ORIGINAL

RECEIVED
OCT 20 1997
Department of Water Resources
Southern Region

ATTORNEY FOR PROTESTANT

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622B IN THE NAME OF NORTH VALLEY MILK, INC.	AFFIDAVIT OF BONNIE ARKOOSH

COMES NOW, Bonnie Arkoosh, and on her oath and by her personal knowledge deposes and says:

1. That I am the Protestant in the above entitled matter.

2. My initial concerns regarding the placement of the North Valley Milk dairy directly north of my home was that it would pollute both surface and subsurface waters.

3. That since the amendment to the application, I have not been given any facts indicating how the waste will be disposed of in surface and subsurface waters and I have no specific facts to which I can testify. In fact, it is my understanding we have not been advised as to how the waste disposal system will operate.

4. Also, my purpose was to ascertain that irrigation waste water continued to

FILED
OCT 27 1997

flow on the pasture north of the house. I have been told, although I do not personally know this, that waters from the well at its current point of diversion were wasted on that pasture and removal of that water will decrease available irrigation waste water under the waste water right for the pasture.

5. My purpose remains the same: That surface and subsurface waters in the Wood River drainage not be polluted.

6. I am traveling to Portland on October 19, 1997, to stay with my daughter and do not have a return date.

MORE YOUR AFFIANT SAYETH NAUGHT.

Dated this 15 day of October, 1997.

Bonnie Arkoosh
Bonnie Arkoosh

Subscribed and Sworn to this 15 day of October, 1997.

Brenda S. Butler
Notary Public for Idaho
Residing at: Gooding
Comm. Expires: 3/5/98

JAN 07 1998

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

October 20, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

Re: Application for Transfer No. 4897 (37-02622B)-North Valley Milk, Inc. & 4 Bros. Dairy

Dear Mr. Williams:

This office acknowledges receipt of the request to withdraw the above referenced application for permit on behalf of your clients.

This action classifies the Application as null, void and of no further consideration by the Idaho Department of Water Resources.

By copy of this letter, the protestant(s), have been informed of this action.

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

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

Enclosures

cc: BONNIE ARKOOSH
C TOM ARKOOSH ESQ
PO BOX 32
GOODING ID 83330

FREDERICKSEN, WILLIA . . MESERVY
ATTORNEYS AT LAW
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168

Telephone: (208) 324-2303
Telecopier: (208) 324-3135

Eugene D. Fredericksen
Robert E. Williams
James C. Meservy

October 16, 1997

RECEIVED
OCT 17 1997
Department of Water Resources
Southern Region

Allen D. Merritt, P.E.
Southern Region Manager
Department of Water Resources
1341 Fillmore St. #200
Twin Falls, ID 83301

RE: 4 Bros. Dairy, Inc./North Valley Milk
Application for Transfer No. 4897, as amended
Protest of Bonnie Arkoosh

Dear Allen:

My client 4 Bros. Dairy, Inc., and formerly North Valley Milk, Inc., wishes at this time to withdraw its application now pending in the above-referenced matter. Thank you for your consideration and courtesies.

Sincerely,

FREDERICKSEN, WILLIAMS & MESERVY

ROBERT E. WILLIAMS

REW:rlw
cc: C. Tom Arkoosh
cc: Clients

Form 1-222
12-92

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4897

RECEIVED
OCT 21 1997
Department of Water Resources

Amended

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

WITHDRAWN

Name of applicant North Valley Milk + 4 Bros. Dairy Phone 886-7716

Post Office address 425 N 250 W, Shoshone, ID 83352

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
   ☒ Change nature of use ☒ Change period of use ☒ Other Split right
2. Describe the reason for the proposed changes To provide water for a new dairy to be built in Lincoln County.

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
37-02623B	10-6-1959	0.46/77.7	Stockwater	1-1 to 12-31
		0.46/27.8	Commercial	" to "
				to
				to

2. Total amount of water being transferred 0.46 cubic feet per second and/or 105.5 acre-feet per annum.
3. Source of water Groundwater tributary to
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	9	5S	17E	Lincoln	2 wells + pumps

5. 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	
5S	17E	9					S	E,S											

WITHDRAWN

Total acres

 Amended Transfer No. 4897

PART 1

6. General Information:

a. Description of diversion system Two connected wells & pumps

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:

Land will no longer be irrigated

d. Remarks:

Dairy will milk 1800 cows, with 500 dry adults.
If this transfer is approved, the cond/ shares will be moved from Sec. 3 to Sec. 10.

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:

WITHDRAWN

Witness my hand this _____ day of _____, 19____.

_____

JAN 07 1993

Form 222.1
12-92

Page 3 of 6

STATE OF IDAHO Amended Transfer No. 4897
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 37-02622 issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water Groundwater tributary to _____
4. Date or priority 10-6-1959
5. Water is used for the following purpose:
   amount 1.39 cfs (cfs/ac-ft) for Irrig. purposes from * to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 1.39 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	3	5S	15E	Gooding	

8. 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	
5S	15E	3															40		40
		10		40															40

Total acres 80

9. Describe any other water rights used for the same purpose as described above 39 AFR #2 Shares on SW/SE Sec. 3

Amended

PART 2

Transfer No. 4897

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 (cfs/ac-ft) 0.46 cfs for Irrig. purposes from _____ to _____
amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as 2.A.7

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	
5S	15E	3															26.4		26.4

Total acres 26.4

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

1. amount (cfs/ac-ft) * 0.72 cfs for Irrig. purposes from 4-1 to 10-31
amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as 2.A.7.

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

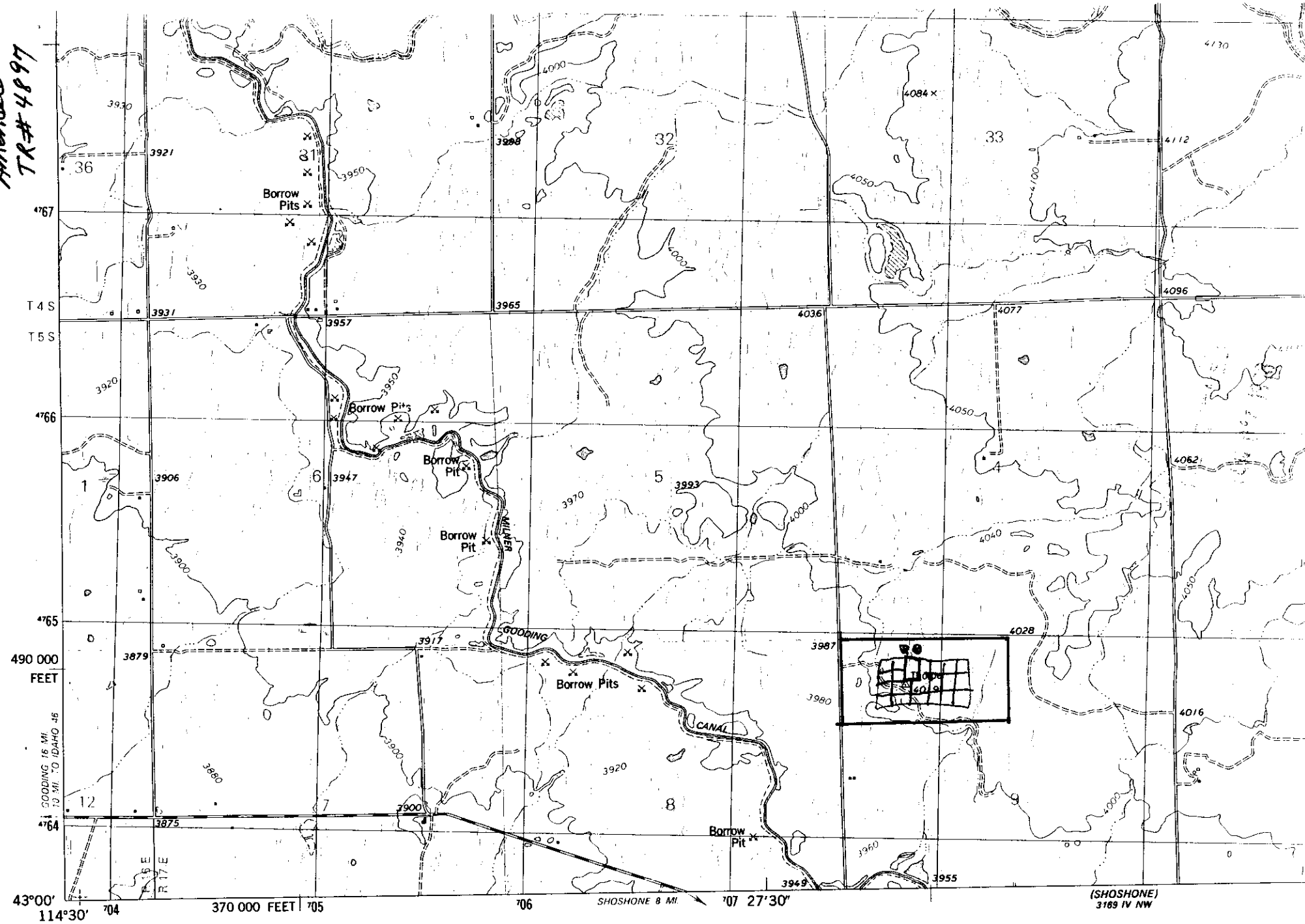
3. Lands irrigated or place of use: * Assumes both pending transfers are approved

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	
* 5S	15E	3															13.6		13.6
		10		28.1															28.1

MICRO FILMED
JAN 0 7 1993

Total acres 41.7

Amended TR#-4897



Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1971. Field checked 1973
Map edited 1979

...section and 10,000-foot grid ticks: Idaho coordinate

GN MN

1°45' 31 MILS

17½' 311 MILS

SCALE 1:24 000

1 0 1/2 1

1000 0 1000 2000 3000 4000 5000 6000

1 .5 0 1 KI

CONTOUR INTERVAL 10 FEET

...GEODETIC VERTICAL DATUM OF 1929

Amended

Transfer No. 4897

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

WITHDRAWN

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.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

Amended.

Transfer No. 4897

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Stockwater	0.46/77.7	as needed	1-1 to 12-31
	Commercial	0.46/27.8	"	to

2. Quantity and quality of return flows and location of discharge:
Water will be ponded and land applied as needed on land south of dairy

3. Describe effects on other water uses resulting from the proposed change:
Unknown. There are no wells nearby except those we own.

UNTIMELY PROTEST

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.

Andrew F. Tyndall SEC-TRES
(Signature of Applicant)

Subscribed and sworn to before me this 29th day of May, 1997.

J.F. Stanton
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 0 attachments

Received by J.F. Stanton Date 5-29-97 Protest filed by

Prelim. check by JA Fee $50, S020206

Receipted by JA Date 5-29-97

Published in Gooding Co. Leader & Lincoln Co. Journal Copies of protest forwarded by

Pub. dates 6/4 & 6/11/97 Hearing held by Date

Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

rec'd. by

Copy of transfer sent to lien holder

RECEIVED
JAN 17 2003

12-92

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4897

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant North Valley Milk Inc. & 4 Bros. Dairy Inc Phone 886-7716

Post Office address 425 N 250 W, Shoshone, ID 83352

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
   ☒ Change nature of use ☒ Change period of use ☐ Other Split right
2. Describe the reason for the proposed changes Transfer #4722 was filed to cover this new dairy, but has been protested. So we are applying for an alternate transfer in the event that T. 4722 is denied.

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
37-02622B	10-6-1959	~~0.46~~/77.7	Stockwater	1-1 to 12-31
		~~0.46~~ 0.98		to
		~~0.46~~/27.8	Commercial	" to "
		0.98		to

2. Total amount of water being transferred ~~0.46~~ 0.98 cubic feet per second and/or 105.5 acre-feet per annum.
3. Source of water Groundwater tributary to
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	10	5S	15E	Gooding	Two new wells

5. 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	
5S	15E	10		C,S	C,S														

Total acres

PART 1

6. General Information:

a. Description of diversion system Two connected wells & pumps

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:
Land will no longer be irrigated

d. Remarks:

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____.

_____

Form 1-222

Transfer No. 4897

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 37-02622 issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Groundwater tributary to _____
4. Date or priority 10-6-1959
5. Water is used for the following purpose:
   amount 1.39 cfs (cfs/ac-ft) for Irrig. purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 1.39 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	3	5S	15E	Gooding	

8. 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	
5S	15E	3															40		40
		10		40															40

Total acres 80

9. Describe any other water rights used for the same purpose as described above Canal shares

PART 2

Transfer No. 7897

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 0.23 cfs for Irrig. purposes from _____ to _____
(cfs/ac-ft) amount 0.46 for _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion: Same as 2, A, 7

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	
5S	15E	10		26.4															26.4

Total acres 26.4

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

1. amount 0.23 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft) amount *0.72 for _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

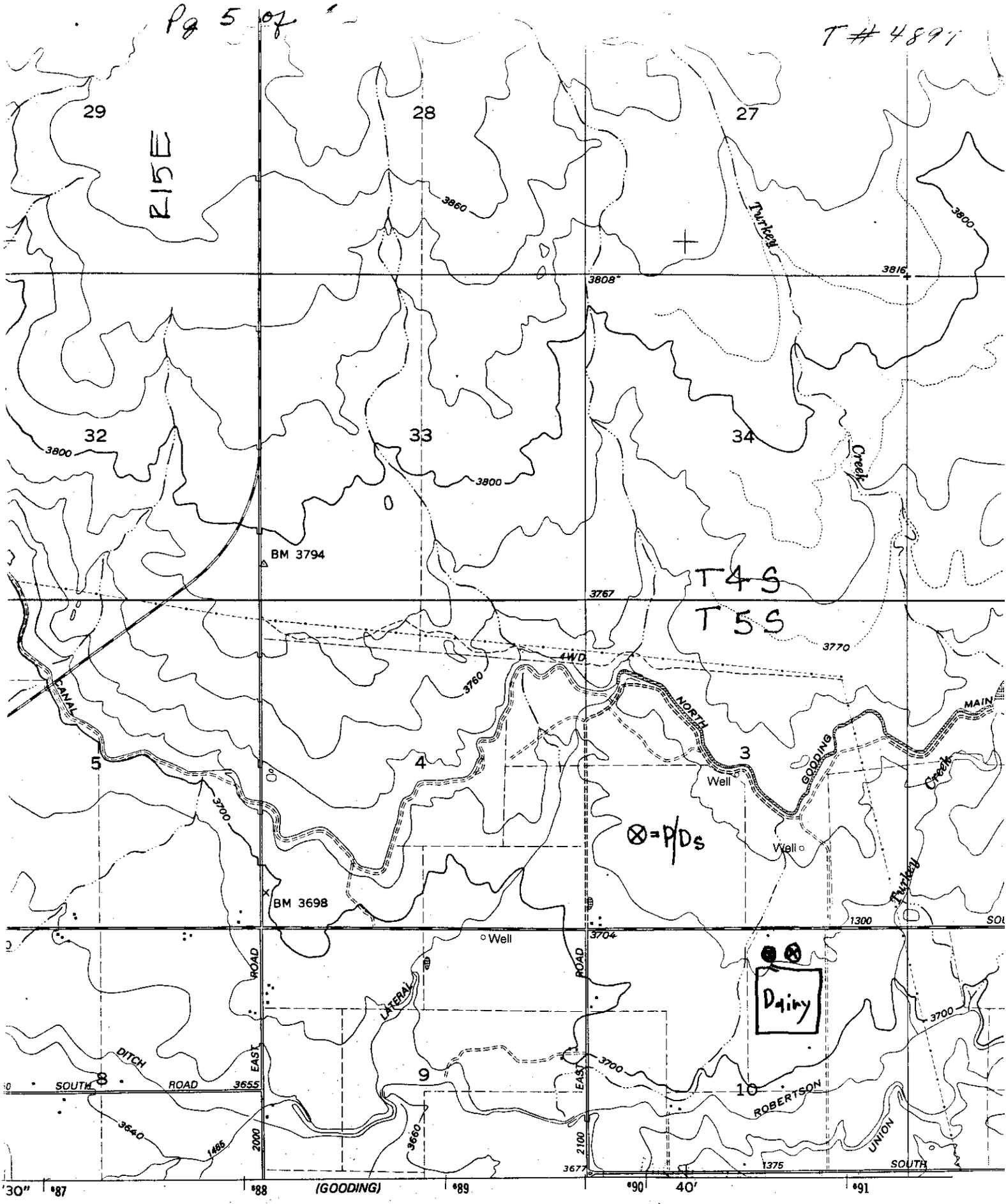
2. Point(s) of Diversion: Same as 2, A, 7.

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

3. Lands irrigated or place of use: * Assumes both transfers are approved

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	
5S	15E	3															40		40
		10		#															
				1.7															# 1.7

Total acres 54 41.7*


Pg 5 of
T# 4891
R15E
29
28
27
32
33
34
3860
3800
3816
3808
3794
BM 3794
T4S
T5S
3767
3770
4WD
3760
CANAL
NORTH
MAIN
GOODING
Creek
Well
5
4
3
3700
⊗=P/Ds
BM 3698
Well
1300
3704
ROAD
LATERAL
Dairy
DITCH
EAST
SOUTH
ROAD
3655
8
9
10
3700
ROBERTSON
UNION
3640
1485
2000
3660
2100
3677
1375
SOUTH
'30"
87
88
(GOODING)
89
90
40'
91
SCALE 1:24 000
1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 KILOMETER
CONTOUR INTERVAL 20 FEET
THORN CRK SW
1957 REVISED 1992
Southern Region

Transfer No. 4897

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Stockwater	0.46/77.7	all year as needed	1-1 to 12-31
	Commercial	0.46/27.8	"	" to "

2. Quantity and quality of return flows and location of discharge:
Water will be ponded on the property as required

3. Describe effects on other water uses resulting from the proposed change:
Water not used for irrigation will be used in the dairy.

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.

Andrew Fitzgerald Sec-Tres
(Signature of Applicant)

Subscribed and sworn to before me this 13th day of August, 19 96.

J F Stanton
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by J Stanton Date 8-13-96 Protest filed by

Prelim. check by GLS 26AUG96 Fee $100.50 19423

Receipted by QD Date 8-13-96

Published in Gooding Co. Leader Copies of protest forwarded by

Pub. dates 9/4 & 9/11/96 Hearing held by Date

Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

rec'd. by

Copy of transfer sent to lien holder

RECEIVED
AUG 13 1996
Department of Water Resources
Southern Region

WARRANTY DEED

#G-22325

For Value Received

WALTER ADAMS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF FLORA BELLE ADAMS, DECEASED, PURSUANT TO LETTERS TESTAMENTARY DATED MAY 11, 1995 AND RECORDED MAY 19, 1995 AS INSTRUMENT NUMBER 161330, RECORDS OF GOODING COUNTY, IDAHO, AND WALTER ADAMS AS TRUSTEE OF THE TESTAMENTARY TRUST OF CHARLIE ADAMS

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

NORTH VALLEY MILK, INC., AN IDAHO CORPORATION
Address: 425 NORTH 250 WEST, SHOSHONE, IDAHO 83352

Hereinafter called the Grantee, the following described premises situated in GOODING County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumberances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: **OCTOBER 3, 1995**

Walter Adams PR Flora Adams estate
WALTER ADAMS AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF FLORA BELLE ADAMS, DECEASED

Walter Adams Trustee Charlie Adams Trust
WALTER ADAMS AS TRUSTEE OF THE TESTAMENTARY
TRUST OF CHARLIE ADAMS

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

On this 3RD day of OCTOBER, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared **Walter Adams as Personal Representative of the estate of Flora Belle Adams and**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as such personal representative.

NOTARY PUBLIC STATE OF IDAHO

Notary Public Jayne Shepard
Residing at: Buhl, Idaho
My Commission expires: 8-21-99

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

ON THIS 3RD DAY OF OCTOBER, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTER ADAMS AS TRUSTEE OF THE TESTAMENTARY TRUST OF CHARLIE ADAMS, and known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as such trustee.

NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at Buhl, Idaho
My commission expires: 8-21-99

T# 4577

Exhibit "A"

TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 3: SW¼SE¼; EXCEPTING THEREFROM that portion deeded to the State of Idaho by Highway Right of Way Deed as recorded November 5, 1947 as Instrument Number 102926, Gooding County records.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 38 acres American Falls water and Water Right Number A37-02622 wil

TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 10: NW¼NE¼; EXCEPTING THEREFROM that portion deeded to the State of Idaho by Right of Way Deed as recorded January 30, 1969 as Instrument Number 27585, Gooding County Records.

Water Right Number A37-10931

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1995 and subsequent years, a lien, but not yet due and payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Assessments levied or to be levied by the Gooding County Solid Waste Department.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Power Line Easement given by Zora Mullins and Blanche Mullins, his wife to Idaho Power Company, a corporation, dated February 8, 1960, recorded May 31, 1960 as Instrument Number 140978, Gooding County records, affecting SW¼SE¼ of Section 3, Township 5 South, Range 15, East Boise Meridian.

162910

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Land Title & Escrow Inc

55 min. past 4 o'clock P m. this 3

of Oct 19 95 6.00

Calista Sells Deputy

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: Glenn Saxton

TOTAL PAGES SENT: 2

DOCUMENT DESCRIPTION: Withdrawal of T#4897

FROM: IDAHO DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls ID 83301-3380
PHONE: 736-3033
FAX: 736-3037

SENDER: Mary

CHARGES:

One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost $0.25 per page. ($0.50 minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____
Please remit to the above address.

COMMENTS: Mtg. Room at Gooding City Hall cancelled for 10/22 + 10/23/97, with Carmen.

FREDERICKSEN, WILLIA & 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

RECEIVED
OCT 0 7 1997
Department of Water Resources

October 6, 1997

L. Glen Saxton, Chief
Water Allocation Bureau
Department of Water Resources
1301 North Orchard St.
P. O. Box 83720
Boise, ID 83720-0098

RE: IN THE MATTER OF APPLICATION OFR TRANSFER NO. 4897 IN THE NAME OF NORTH VALLEY MILK, INC.

Dear Mr. Saxton:

In reference to your letter to C. Tom Arkoosh dated September 29, 1997, if it is admitted that Mrs. Arkoosh has no specific facts relevant to this matter, why should she be considered or allowed to be a protestant at all? Would you please formally rule as per previous requests as to whether Mrs. Arkoosh can be a protestant in this proceeding.

Sincerely,

FREDERICKSEN, WILLIAMS & MESERVY

ROBERT E. WILLIAMS III

REW:rlw
cc: Client
cc: C. Tom Arkoosh, Esq.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED
OCT 01 1997
Department of Water Resources
Southern Region

September 29, 1997

C. Tom Arkoosh
P.O. Box 32
116 Fourth Ave W.
Gooding, ID 83330

RE: IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 IN THE NAME OF NORTH VALLEY MILK, INC.

Dear Mr. Arkoosh:

I have reviewed your letter dated September 23, 1997 in connection with the above referenced matter and have discussed it with Phil Rassier of the Attorney General's office. Phil suggests that you document with an affidavit of Mrs. Arkoosh that she has no specific facts relevant to the contested matter. Your letter implies that Mrs. Arkoosh should not be required to attend the hearing due to health reasons, but does not specifically describe her attendance relative to her health. The affidavit of Mrs. Arkoosh should perhaps also address this matter.

If protestant Mrs. Arkoosh is not required to attend and/or does not attend the hearing, do you plan to call witnesses on behalf of the protestant? If so, please advise me and the applicant of your intent and of the names of the witnesses.

I would appreciate an expedited response to this inquiry.

Sincerely,

L. GLEN SAXTON
Hearing Officer

c: Robert E. Williams
Allen Merritt
Phil Rassier

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 29, 1997

C. Tom Arkoosh
P.O. Box 32
116 Fourth Ave W.
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I would appreciate an expedited response to this inquiry.

Sincerely,

L. GLEN SAXTON
Hearing Officer

c: Robert E. Williams
Allen Merritt
Phil Rassier

ORIGINAL

Arkoosh Law Offices

LAWYERS
POST OFFICE BOX 32
116 FOURTH AVENUE WEST
GOODING, IDAHO 83330

C. TOM ARKOOSH
LUVERNE E. SHULL
ERIC J. WILDMAN

E-MAIL tarkoosh@northrim.net
TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873

September 23, 1997

RECEIVED
SEP 25 1997
Department of Water Resources

VIA FACSIMILE & U.S. MAIL

L. Glenn Saxton, Hearing Officer
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

In re: Applicant's Motion for Subpoena for Bonnie Arkoosh

Dear Mr. Saxton:

Please consider this as a response to Applicant's Motion for Subpoena for Bonnie Arkoosh.

In summary, Mrs. Arkoosh is an elderly woman without knowledge of the factual issues you must decide, whom respondents wish to subpoena in order to seek to bully, hoping that pressure will in turn cause the protest to be dropped.

Prior to the amendment of the application, applicants wished to move well water from directly north of the county road to a dairy site directly south of the county road. This site would spill waste through the property of Arkoosh Produce, Inc., and Bonnie Arkoosh. Further, it would have been a large mess for the residents living in the area. As a consequence, the Department has, following your proposed order, denied a sister application to transfer. Neither side called Mrs. Arkoosh at that hearing.

Since the denial in the sister application, applicants amended the application seeking to move the well north of the county road to Lincoln County. Once again, the risk exists that the waste system will dump into the Wood River drainage and end up adjacent to Mrs. Arkoosh's property. As you know, these operators were fined by EPA for dumping directly into the Gooding/Milner Canal.

Further, these operators have contracted not to change the farming methods in the area north of Mrs. Arkoosh's house, owned by Arkoosh Produce, Inc., but used by Mrs. Arkoosh, so that waste water will continue to be available. We understand this well, once owned by Z. Mullans, provided some of that waste water. Mrs. Arkoosh has no facts regarding this issue.

I asked to take the deposition of a representative of the applicant so that we could determine whether the water quality or quantity issues concerning movement of this well to Shoshone had any affect north of Gooding. Counsel for applicant said unless we scheduled Mrs. Arkoosh's deposition, his clients would not be made available to explain their proposed application. I explained to counsel that Mrs. Arkoosh could not elaborate on the facts; her only interest was not to be subjected to the waste and have irrigation in the pasture as was there historically. She does not know what needs to occur to make that happen. I further informed counsel that Mrs. Arkoosh has spent the last two summers in cancer treatment. He responded that he did not care regarding any of that; but, if we wanted to take his client's deposition, he was going to take hers and show her what it was like.

Consequently, I have not done depositions, but have relied upon written discovery to learn what the new application proposes to do. Applicant will not answer that discovery, nor can I obtain a hearing on a request for an order to compel. There exist no facts of which I am aware which Mrs. Arkoosh can offer that are relevant to the pending proceeding, other than to say she desires no further pollution of the Wood River drainage and aquifer, and that the pasture be irrigated. This is why we requested that applicant support its request for subpoena with some indication of what they wanted other than bully an elderly woman.

I hope this satisfies the inquiry. If we can be of further assistance, please do not hesitate to contact me.

Sincerely,

C. Tom Arkoosh

CTA/mmb
cc: Robert Williams, Jr.
A:\ARKOOSH.BON\PRO4897.AM\SAXTON3.LTR

FAX TRANSMISSION

LAW OFFICES
116 4TH AVE. W., P.O. BOX 32
GOODING, ID 83330
(208) 934-8872
FAX: (208) 934-8873

To:	L. Glen Saxton	**Date:**	September 24, 1997
Fax #:	(208) 327-7866	**Pages:**	3, including cover sheet
From:	Arkoosh Law Offices		
Subject:	North Valley Milk/Four Brothers Dairy		

COMMENTS:

CONFIDENTIALITY NOTE
The documents accompanying this telecopy transmission contain information from C. Tom Arkoosh which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this telecopied information is prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

IF ALL PAGES ARE NOT RECEIVED, PLEASE TELEPHONE (208)934-8872 OR TELECOPY MESSAGE TO US AT (208) 934-8873.

THANK YOU

TELECOPY OPERATOR: Monica Brown
TIME SENT: _____ A.M. 1:50 P.M.

Arkoosh Law Offices

LAWYERS
POST OFFICE BOX 32
116 FOURTH AVENUE WEST
GOODING, IDAHO 83330

C. TOM ARKOOSH
LUVERNE E. SHULL
ERIC J. WILDMAN

E-MAIL tarkoosh@northrim.net
TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873

September 23, 1997

VIA FACSIMILE & U.S. MAIL

L. Glenn Saxton, Hearing Officer
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

In re: Applicant's Motion for Subpoena for Bonnie Arkoosh

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Sincerely,

C. Tom Arkoosh

CTA/mmb
cc: Robert Williams, Jr.
A:\ARKOOSH.BON\PRO4897.AM\SAXTON3.LTR

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 15, 1997

RECEIVED
SEP 22 1997
Department of Water Resources
Southern Region

C. Tom Arkoosh
P.O. Box 32
116 Fourth Ave W.
Gooding, ID 83330

RE: IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 IN THE NAME OF NORTH VALLEY MILK, INC.

Dear Mr. Arkoosh:

I have reviewed your letter dated September 5, 1997. This letter will supplement my August 27, 1997 letter to you relative to past motions associated with the above referenced matter:

a) Motion for Continuance of Hearing and Motion to Compel. The department has scheduled a hearing in the above referenced matter on October 22, 1997 in Gooding, Idaho. If the applicant has not timely responded to the order of the department authorizing discovery (i.e. to complete discovery 5 days before the hearing on October 22, 1997), upon motion for such continuance from you, I will continue the hearing.

b) Subpoena for Bonnie Arkoosh. My initial assessment of the applicant's request to issue a subpoena requiring the protestant to attend the hearing appears to be reasonable, since the protestant has not responded to the motion for issuance of subpoena and/or has not otherwise shown why the protestant should not be required to appear at the hearing.

By copy of this letter to the applicant, I am advising the applicant to timely provide responses to the interrogatories of the protestant or the department will continue the hearing. I am further advising the protestant that I plan to issue a subpoena for the attendance of the protestant at the hearing unless the protestant can provide an acceptable reason within fifteen (15) days prior to the hearing why such subpoena should not be issued.

Sincerely,

L. GLEN SAXTON
Hearing Officer

c: Robert E. Williams
Allen Merritt

T1245 4897 Amended

Arkoosh Law Offices

LAWYERS
POST OFFICE BOX 32
116 FOURTH AVENUE WEST
GOODING, IDAHO 83330

C. TOM ARKOOSH
LUVERNE E. SHULL
ERIC J. WILDMAN

E-MAIL tarkoosh@northrim.net
TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873

September 5, 1997

RECEIVED
SEP 0 8 1997
Department of Water Resources

L. Glenn Saxton, Chief
Water Allocation Bureau
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

In re: North Valley Milk/Bonnie Arkoosh

Dear Mr. Saxton:

I have received and reviewed your letter of August 27th, 1997, regarding the pending motions in the above matter, and our request that you conduct a hearing to rule upon our Motion to Compel and the Applicant's Motion for Subpoena of Bonnie Arkoosh. You also ruled granting the Applicant's Motion for Continuance. I will address each of these matters in order:

A. Motion for Continuance of Hearing:

We do not object that the matter be continued. However, I think the record should be very clear that the purpose for continuance is to allow the applicant's expert to prepare. The importance of noticing this and bearing it in the foremost of our minds is you will surely receive another Motion for Continuance, as explained immediately following.

B. Motion to Compel:

The Department's Rules provide that discovery shall be provided in the time frame set forth in the Department's Order Allowing Discovery. In this case, the Discovery was to be provided five (5) days prior to August 26, 1997. That time has come and passed. As you know, the materials we have requested are necessary matters to be reviewed by our expert, and necessary to allow him time to prepare for hearing in this matter. Without those materials, he cannot begin preparation, and will not be ready for the Hearing date you have set in this matter. As the Hearing time approaches, we probably will not be able to timely prepare, and most certainly will be asking you to continue the Hearing.

At some point the applicant is going to have to tell us the design of its facility, and what it intends to do with the water transferred; and, how it hopes to not disturb other water rights by removing the well upon which those water rights are currently dependant. When that happens, we will review the material and be prepared to respond. We can only reply to your request that we "not submit" last minute promotions and request to the hearing officer in connection with this matter by saying that unless we address the issues presented to you now, I can only assure you that there will be a motion to continue immediately prior to hearing. You are demanding we prepare, but not facilitating preparation.

Once again, it is difficult for me to respond to this issue without knowing what the applicant's designs are to define with precision the factual issues in this case. What issue does the Applicant perceive Bonnie Arkoosh has evidence to offer? It is their motion and we believe that in order to require someone to attend a hearing they must have some relevant evidence to offer. What evidence does the Applicant wish to offer? Without allowing us to complete discovery, I cannot address this.

In summary, we cannot proceed forward expediently without Discovery answers. How we obtain discovery answers is in your hands. The customary practice before the Courts is to conduct a hearing compelling discovery answers. Given the current status of the record, we will await your determination on how to proceed. I would propose, though, that the department conduct a Motion Hearing and Status Conference in this

case, to assure that the matter is ready to go forward in the hearing and is ready to be heard.

Sincerely,

C. Tom Arkoosh

CTA/mmb
cc: Robert Williams
A:\ARKOOSH.BON\PRO4897.AM\SAXTON2.LTR

C. TOM ARKOOSH
ARKOOSH LAW OFFICES
116 4th Ave. W.
P.O. Box 32
Gooding, ID 83330
Telephone: 208-934-8872

RECEIVED
AUG 29 1997
Department of Water Resources
Southern Region

ATTORNEY FOR PROTESTANT

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622B IN THE NAME OF NORTH VALLEY MILK, INC.	AFFIDAVIT IN SUPPORT OF MOTION TO COMPEL

STATE OF IDAHO,)
:ss.
County of Gooding)

COMES NOW, C. TOM ARKOOSH, on his oath and to the best of his personal knowledge and belief deposes and says:

1. That I am counsel for the Protestant in the above entitled action.

2. That on the 21st day of July, 1997, Department of Water Resources Hearing Officer, L. Glen Saxton issued an Order Authorizing Discovery.

3. That on the 6th day of August, 1997, as reflected by the Department's file herein and Exhibit A attached hereto and incorporated herein by this reference as though

the same were set forth in full, I caused Discovery to be served upon the Applicant's counsel herein, which said Discovery was made up of Interrogatories and Request for Production, a true and correct copy of said Interrogatories and Request is attached hereto as Exhibit B and incorporated herein by this reference as though the same were set forth in full.

4. That as of the date of this Affidavit I have not received any response to said Discovery.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 26th day of August, 1997.

C. TOM ARKOOSH

SUBSCRIBED AND SWORN To before me this 26th day of August, 1997.

Brenda S. Butler
Notary Public for Idaho
Residing at Gooding, Idaho
Comm. Expires: 3/5/98

JAN 07 1998

COPY

C. Tom Arkoosh
ARKOOSH LAW OFFICES
116 4th Ave. W.
P.O. Box 32
Gooding, ID 83330
Telephone: 208-934-8872

ATTORNEY FOR PROTESTANT

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622B IN THE NAME OF NORTH VALLEY MILK, INC.	NOTICE OF SERVICE

COMES NOW the Protestant in the above entitled action and hereby gives notice pursuant to Idaho Rules of Civil Procedure 33 and 34 that a true and correct copy of the following pleadings were served:

Title of Pleadings	Date Served	Upon Whom Served
Interrogatories and Request for Production	August 6, 1997	Robert E. Williams III 117 South Adams Street P.O. Box 168 Jerome, ID 83338-0168

EXHIBIT A

Idaho Department of
Water Resources
222 Shoshone Ave. E.
Twin Falls, ID 83301

North Valley Milk, Inc. &
Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

DATED this 6 day of August, 1997.

for C. Tom Arkoosh

CERTIFICATE OF MAILING

I hereby certify that on the 6 day of August, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid:

for C. Tom Arkoosh

C. Tom Arkoosh
ARKOOSH LAW OFFICES
Post Office Box 32
116 Fourth Avenue West
Gooding, Idaho 83330

COPY

ATTORNEY FOR PROTESTANT

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622B IN THE NAME OF NORTH VALLEY MILK, INC.	INTERROGATORIES AND REQUEST FOR PRODUCTION

TO THE ABOVE NAMED CLAIMANT AND CLAIMANT'S ATTORNEY:

INTERROGATORIES: Request is hereby made by the undersigned that you answer the interrogatories attached hereto under oath within fifteen (15) days after the date of service hereof as provided by the Federal Rules of Civil Procedure.

REQUEST FOR PRODUCTION: Request is hereby made by the undersigned pursuant to Rule 34 of the applicable Rules of Civil Procedure, that you produce each document and thing identified in your answers to the interrogatories, except any such document and thing attached to your answers to the interrogatories, in the manner following:

(1) either by copying such items for production and then mailing or delivering such copies to the undersigned so that such copies are received by the undersigned not less than five days before the date specified in subparagraph (2) hereof in which case the undersigned will forthwith reimburse you through your counsel for such copies at the rate of ten cents per page of such copies;

EXHIBIT B

(2) or, (if at your option you elect not to produce the items for production in the manner specified in subparagraph (1) hereof) by producing such items for production and permitting the undersigned, or someone acting on behalf of the undersigned, to inspect by reading and examining the same and to copy and photograph the same at the time and place hereinafter designated.

TIME AND PLACE OF PRODUCTION: The production above requested shall take place at:

Time: 9:00 A.M.
Date:
Place: the law office of the undersigned counsel at
116 4th Avenue West
Gooding, Idaho 83330

Notice

ANSWERS UNDER OATH: You are hereby informed that you are answering these interrogatories under oath under the penalties of perjury and that your answers may be used as evidence in the event of a trial of this action.

DEFINITIONS: Some terms used in these interrogatories shall have the specific meaning which is set forth below. There shall be no difference in such meaning between the singular and the plural of any such term except that the number referred to by the plural shall be more than one. These terms are as follows:

(a) "you" means Claimant.

(b) "person" means a natural person and every kind of legal entity known to or recognized by law.

© "representative" means every person acting on behalf of the person designated and includes but is not limited to officers, employees, agents, attorneys, independent contractors, fiduciaries and each representative as heretofore defined of each insurer of the person designated.

(d) "third party" means a person who is not now a party to this action.

(e) "identify each communication" means:

--- with respect to a written communication, a complete statement setting forth the following: the date thereof; the name and address of the person who initiated the communication; the name and address of each person to whom the communication was directed; a description thereof sufficient to identify it; the present location of the original thereof and of each copy thereof; and the name, address, job title and relationship to the parties of each person having custody or possession of the original thereof and of each copy thereof.

--- with respect to a verbal communication by personal meeting, a complete statement setting forth the following: the date thereof; the approximate time thereof; the place thereat; the substance of what was said by each person present thereat; whether any conversation thereat was recorded and if so the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording and of each copy thereof; and whether any notes or memorandum were made of any conversation thereat and if so the name and address of the person who made such notes or memorandums and the name and address of each person who has custody or possession of the original of such notes or memorandum and of each copy thereof.

--- with respect to a telephone conversation, a complete statement setting forth the following: the date thereof; the approximate time thereof; the name of the person initiating the call; the location from which the call was placed; the name of the person called; the location to which the call was placed; the words spoken or the substance of what was said by the person initiating the call and by the person called; whether anyone else listened in on one or both sides of such telephone conversation and if so the name and address of such person; whether such conversation was recorded and if so the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording and of each copy thereof; and whether any notes or memorandums were made of such conversation and if so the name and address of each person who has custody or possession of the original of such notes or memorandum and of each copy thereof.

(f) "document" means anything: which is written or printed or typed; or which is graphic matter of any kind or nature or pictures however produced or reproduced; or which is recorded mechanically or electronically; or which is a copy or transcript of any of the foregoing.

(g) "identify each document" means with respect to each such document a complete description thereof sufficient to identify it, the present location of the original thereof, the present location of each copy thereof and the name and address and job title and relationship to the parties to this action of the person who has custody or possession of the original thereof and of each copy thereof.

(h) "identify each person" means with respect to such person and insofar as applicable to such person his or her name, last known address, last known residence telephone number, last known business telephone number, last known business or occupation or profession, address of last known employer or place of business, actual (or estimated) age, and the relationship to any party to this action.

(I) "identify each exhibit" means with respect to each such exhibit a complete description thereof sufficient to identify it, the present location of the original thereof, the present location of each copy thereof and the name and address and job title and relationship to the parties to this action of the person who has custody or possession of the original thereof and of each copy thereof.

(j) "knowledge" includes first-hand knowledge and information derived from any other source, including but not limited to hearsay knowledge.

INTERROGATORIES

INTERROGATORY NO. 1: Communications which are relevant, etc.: Please separately identify each communication which you contend is relevant to any issue in this action or which you intend to offer in evidence at the trial of this action for any purpose. The communications referred to by this interrogatory include but are not limited to:

--- those which you or your representative conducted or participated in with the Protestant or a representative of the Protestant, and

--- those which the Claimant or a representative of the Claimant conducted or participated in with a third party or such third party's representative, and

--- those which you or your representative conducted or participated in with a third party or such third party's representative, and

--- those which one third party or such third party's representative conducted and participated in with another third party or such other third party's representative.

INTERROGATORY NO. 2: Documents - the Claimant: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by you and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the trial of this action for any purpose. This specifically includes documents regarding the waste disposal system as the proposed place of use.

INTERROGATORY NO. 3: Documents - the Protestant: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by the Protestant and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the trial of this action for any purpose.

INTERROGATORY NO. 4: Documents - Third Parties: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by any third party and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the trial of this action for any purpose.

INTERROGATORY NO. 5: Persons interviewed by you, etc.: Please identify each person with whom you or your representatives have communicated or who you or your representatives have interviewed seeking information relating to this action or any issue in this action.

INTERROGATORY NO. 6: Witnesses with relevant knowledge of the issues, etc.: Please separately identify each person who, according to your information or knowledge or the information or knowledge of your representatives, has relevant knowledge of any of the issues or any of the occurrences which are relevant to this action and state the substance of the facts and opinions which constitute such relevant knowledge.

INTERROGATORY NO. 7: Lay witnesses for trial: Please separately identify each person who you may call as a lay witness at the trial of this action and state the substance of the facts and opinions to which such lay witness is expected to testify.

INTERROGATORY NO. 8: Experts retained but not expected to testify: Please separately identify each person retained or specially employed by you as an expert in anticipation of this litigation or in preparation for the trial of this action whom you do not expect to call as a witness at the trial of this action and state with respect to any reports made to you by the expert the subject matter thereof and the location of each such report.

INTERROGATORY NO. 9: Expert witnesses for trial: Please separately identify each person whom you may call as an expert witness at the trial of this action and state the subject matter on which such expert witness is expected to testify, the substance of the facts to which such expert witness is expected to testify and the substance of the opinions to which such expert witness is expected to testify.

INTERROGATORY NO. 10: Exhibits for trial: Please separately identify each exhibit which you may offer into evidence at the trial of this action and as to each such exhibit which consists of more than 15 pages or more than 3,000 words, quote or otherwise specifically designate each portion of such exhibit which you contend is the relevant portions thereof.

INTERROGATORY NO. 11: Persons supplying answer hereto: Please separately identify each person who supplied answers to these interrogatories and designate the answer or part thereof supplied by such person. (This interrogatory is intended to discover principal sources of information and does not seek to ascertain the identity of mere draftsmen or persons responsible for the mechanical preparation of these

answers.)

DATED this 6 day of August, 1997.

C. TOM ARKOOSH

CERTIFICATE OF MAILING

I hereby certify that on the 6 day of August, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid:

FREDERICKSEN, WILLIAMS & MESERVY
Robert E. Williams III
117 South Adams Street
P.O. Box 168
Jerome, ID 83338-0168

Idaho Department of Water Resources
222 Shoshone Ave. E
Twin Falls, ID 83301

North Valley Milk, Inc. & Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

C. TOM ARKOOSH

C. TOM ARKOOSH
ARKOOSH LAW OFFICES
116 4th Ave. W.
P.O. Box 32
Gooding, ID 83330
Telephone: 208-934-8872

ATTORNEY FOR PROTESTANT

RECEIVED
AUG 29 1997
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4897 OF WATER RIGHT)
37-02622B IN THE NAME OF NORTH)
VALLEY MILK, INC.) MOTION TO COMPEL
)

COMES NOW THE Protestant, Bonnie Arkoosh, in the above entitled matter, by and through her attorney of record, C. Tom Arkoosh of ARKOOSH LAW OFFICES and moves the Court for its order compelling answers to Protestant's Interrogatories and Request for Production, served upon the Applicant's counsel on the 6th day of August, 1997.

This motion is based upon Rule 37(a), Idaho Rules of Civil Procedure, and the Affidavit filed herewith.

C. TOM ARKOOSH

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of August, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid and via facsimile transmission:

Robert E. Williams
FREDERICKSEN, WILLIAMS & MESERVY
Post Office Box 168
Jerome, Idaho 83338

C. TOM ARKOOSH

State of Id. .o
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 27, 1997

RECEIVED
AUG 29 1997
Department of Water Resources
Southern Region

C. Tom Arkoosh
P.O. Box 32
116 Fourth Ave W.
Gooding, ID 83330

RE: IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 IN THE NAME OF NORTH VALLEY MILK, INC.

Dear Mr. Arkoosh:

I have received by FAX your letter dated August 26, 1997 in which you request a telephone hearing in connection with your Motion to Compel and the applicant's request for Subpoena for Bonnie Arkoosh. On August 26, 1997, our Twin Falls office also received a Motion for Continuance of Hearing.

This letter will responds to those motions and requests as follows:

a) Motion for Continuance of Hearing. The department plans to continue the hearing scheduled for September 5 to October 22 and/or 23, 1997. Allen Merritt will send the department's written response granting the motion.

b) Motion to Compel. At this point the department does not plan to issue such a motion. Since the hearing has been continued, the applicant should have sufficient time to respond to the discovery request of the protestant. I will assume the applicant will provide the requested information in a reasonable time frame, since the hearing officer issued the order authorizing the discovery.

c) Subpoena for Bonnie Arkoosh. The protestant needs to submit a written response to the requested subpoena describing with reasons the protestant's position.

Hence, the department declines to grant a telephone hearing to the protestant.

I specifically request that the parties purse these described matters between themselves before the rescheduled hearing is conducted and to endeavor to <u>not</u> submit "last-minute" motions and requests to the hearing officer in connection with the matter.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON
Hearing Officer

c: Robert E. Williams
Allen Merritt

RECEIVED
AUG 2 9 1997
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	ORDER GRANTING CONTINUANCE AND RE-SCHEDULING HEARING
NORTH VALLEY MILK, INC. & 4 BROS DAIRY, Applicant	
BONNIE ARKOOSH, Protestant	SOURCE: Groundwater COUNTY: Gooding

On August 11, 1997 the department sent Notice of Hearing which scheduled the matter of protest of transfer application No. 4897 for hearing on Friday-September 5, 1997.

On August 26, 1997 the deparment recieved a Motion for Continuance of Hearing from the applicant's attorney, Robert Williams.

Having considered the motion and consulted with the protestant's attorney, Tom Arkoosh, the department hereby, **GRANTS** the Motion for Continuance and hereby, **RE-SCHEDULES** the hearing for: **Wednesday- October 22, 1997 at 9:00 a.m. in the Multi-purpose Room, Gooding City Hall, 308 5th Avenue West-Gooding, ID.**

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the department. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Glen L. Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans With Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 27th day of August, 1997.

Allen D. Merritt, P.E. - Regional Manager

SEP 0 7 1997

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of August, 1997 a true and correct copy of the foregoing Order Granting Continuance and Rescheduling Hearing was forwarded with all required charges prepared, by regular U.S. Mail, to the parties listed:

Mary Baldwin
Secretary

ANDREW FITZGERALD SEC-TREAS
NORTH VALLEY MILK INC
425 N 250 W
SHOSHONE ID 83352

BONNIE ARKOOSH
C/O C TOM ARKOOSH ESQ
PO BOX 32
GOODING ID 83330

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 27, 1997

ATTN LINDA WILDEMAN
GOODING CITY HALL
308 5TH AVE WEST
GOODING ID 83330

Dear Linda:

This is a follow-up to our telephone conversation of this date to confirm changes to our reservations of the Multi-purpose Room for a meeting to be held by this office.

It is my understanding that we have the room **reserved for Wednesday & Thursday-the 22nd and 23rd of October, 1997 from 9:00 a.m. to 5:00 p.m. on both days.**

In addition, we wish to cancel the reservation previously made for September 5, 1997.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin
Senior Secretary

Robert E. Williams
FREDERICKSEN, WILLIAMS & MESERVY
Attorneys at Law
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168
Telephone (208) 324-2303
Telecopier (208) 324-3135
(rlw.\litigatn\idwr\motion.4br

RECEIVED
AUG 27 1997
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	MOTION FOR CONTINUANCE OF HEARING
NORTH VALLEY MILK, INC. & 4 BROS. DAIRY Applicant,	SOURCE: Groundwater
BONNIE ARKOOSH, Protestant.	COUNTY: Gooding

COMES NOW Applicant and moves for a continuance of hearing in this matter now scheduled for Friday, September 5, 1997, for the reason that expert reports necessary for the hearing will not be available by that date. The Applicant believes

the reports will be available by September 9, 1997. The Applicant also believes that the hearing should be set for September 22, 1997, or later to allow adequate opportunity to complete discovery. Unavailable dates for the hearing for the Applicant between September 22, 1997, and November 1, 1997, are as follows:

October 20, 1997.

DATED THIS 26th day of August, 1997.

FREDERICKSEN, WILLIAMS & MESERVY

BY: _____
ROBERT E. WILLIAMS
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing instrument was served this date, to the following persons:

Allen Merritt, P.E.
Idaho Dept. of Water Resources
1341 Fillmore St. #200
Twin Falls, ID 83301
VIA FAX 1-208-736-3037

Tom Arkoosh
Attorney at Law
P. O. Box 32
Gooding, ID 83330-0032
VIA FAX 1-208-934-8873

Dated: 8-26, 1997

_____
ROBERT E. WILLIAMS

RECEIVED
AUG 27 1997
Department of Water Resources
Southern Regior

Robert E. Williams
FREDERICKSEN, WILLIAMS & MESERVY
Attorneys at Law
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168
Telephone (208) 324-2303
Telecopier (208) 324-3135
(rlw.\litigatn\idwr\4bros.ntc

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	MOTION FOR ISSUANCE OF SUBPOENA
NORTH VALLEY MILK, INC. & 4 BROS. DAIRY Applicant,	SOURCE: Groundwater
BONNIE ARKOOSH, Protestant.	COUNTY: Gooding

COMES NOW Applicant, pursuant to Rule 525 of the Administrative Rules of the Idaho Department of Water Resources, and requests that a subpoena be issued to the Protestant BONNIE ARKOOSH to appear at the hearing of this matter now set

for Friday, September 5, 1997, at 9 a.m.

DATED THIS 25th day of August, 1997.

FREDERICKSEN, WILLIAMS & MESERVY

BY: _____
ROBERT E. WILLIAMS
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing instrument was served this date, to the following persons:

Glenn Saxton
Hearing Officer
VIA FAX 1-208-327-7866

Tom Arkoosh
Attorney at Law
P. O. Box 32
Gooding, ID 83330-0032
VIA FAX 1-208-934-8873

Dated: 8-25, 1997

_____
ROBERT E. WILLIAMS

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	)	ORDER GRANTING CONTINUANCE AND RE-SCHEDULING HEARING
NORTH VALLEY MILK, INC. & 4 BROS DAIRY Applicant	)	
BONNIE ARKOOSH, Protestant	)	SOURCE: Groundwater COUNTY: Gooding

On August 11, 1997 the department sent Notice of Hearing which scheduled the matter of protest of transfer application No. 4897 for hearing on Friday-September 5, 1997.

On August 26, 1997 the deparment recieved a Motion for Continuance of Hearing from the applicant's attorney, Robert Williams.

Having considered the motion and consulted with the protestant's attorney, Tom Arkoosh, the department hereby, **GRANTS** the Motion for Continuance and hereby, **RE-SCHEDULES** the hearing for: **Wednesday- October 22, 1997 at 9:00 a.m. in the Multi-purpose Room, Gooding City Hall, 308 5th Avenue West-Gooding, ID.**

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the department. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Glen L. Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans With Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 27th day of August, 1997.

Allen D. Merritt, P.E. - Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of August, 1997 a true and correct copy of the foregoing Order Granting Continuance and Re-scheduling Hearing was forwarded with all required charges prepared, by regular U.S. Mail, to the parties listed:

Mary Baldwin
Secretary

ANDREW FITZGERALD SEC-TREAS
NORTH VALLEY MILK INC
425 N 250 W
SHOSHONE ID 83352

BONNIE ARKOOSH
C/O C TOM ARKOOSH ESQ
PO BOX 32
GOODING ID 83330

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 27, 1997

ATTN LINDA WILDEMAN
GOODING CITY HALL
308 5TH AVE WEST
GOODING ID 83330

Dear Linda:

This is a follow-up to our telephone conversation of this date to confirm changes to our reservations of the Multi-purpose Room for a meeting to be held by this office.

It is my understanding that we have the room **reserved for Wednesday & Thursday-the 22nd and 23rd of October, 1997 from 9:00 a.m. to 5:00 p.m. on both days.**

In addition, we wish to cancel the reservation previously made for September 5, 1997.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin
Senior Secretary

Robert E. Williams
FREDERICKSEN, WILLIAMS & MESERVY
Attorneys at Law
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168
Telephone (208) 324-2303
Telecopier (208) 324-3135
(rlw.\litigatn\idwr\motion.4br

RECEIVED
AUG 27 1997
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	MOTION FOR CONTINUANCE OF HEARING
NORTH VALLEY MILK, INC. & 4 BROS. DAIRY Applicant,	SOURCE: Groundwater
BONNIE ARKOOSH, Protestant.	COUNTY: Gooding

COMES NOW Applicant and moves for a continuance of hearing in this matter now scheduled for Friday, September 5, 1997, for the reason that expert reports necessary for the hearing will not be available by that date. The Applicant believes

the reports will be available by September 9, 1997. The Applicant also believes that the hearing should be set for September 22, 1997, or later to allow adequate opportunity to complete discovery. Unavailable dates for the hearing for the Applicant between September 22, 1997, and November 1, 1997, are as follows:

October 20, 1997.

DATED THIS 26th day of August, 1997.

FREDERICKSEN, WILLIAMS & MESERVY

BY: _____
ROBERT E. WILLIAMS
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing instrument was served this date, to the following persons:

Allen Merritt, P.E.
Idaho Dept. of Water Resources
1341 Fillmore St. #200
Twin Falls, ID 83301
VIA FAX 1-208-736-3037

Tom Arkoosh
Attorney at Law
P. O. Box 32
Gooding, ID 83330-0032
VIA FAX 1-208-934-8873

Dated: 8-26, 1997

_____
ROBERT E. WILLIAMS

RECEIVED
AUG 27 1997
Department of Water Resources
Southern Region

Robert E. Williams
FREDERICKSEN, WILLIAMS & MESERVY
Attorneys at Law
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168
Telephone (208) 324-2303
Telecopier (208) 324-3135
(rlw.\litigatn\idwr\4bros.ntc

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	MOTION FOR ISSUANCE OF SUBPOENA
NORTH VALLEY MILK, INC. & 4 BROS. DAIRY Applicant,	SOURCE: Groundwater
BONNIE ARKOOSH, Protestant.	COUNTY: Gooding

COMES NOW Applicant, pursuant to Rule 525 of the Administrative Rules of the Idaho Department of Water Resources, and requests that a subpoena be issued to the Protestant BONNIE ARKOOSH to appear at the hearing of this matter now set

for Friday, September 5, 1997, at 9 a.m.

DATED THIS 25th day of August, 1997.

FREDERICKSEN, WILLIAMS & MESERVY

BY: _____
ROBERT E. WILLIAMS
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing instrument was served this date, to the following persons:

Glenn Saxton
Hearing Officer
VIA FAX 1-208-327-7866

Tom Arkoosh
Attorney at Law
P. O. Box 32
Gooding, ID 83330-0032
VIA FAX 1-208-934-8873

Dated: 8-25, 1997

_____
ROBERT E. WILLIAMS

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 27, 1997

C. Tom Arkoosh
P.O. Box 32
116 Fourth Ave W.
Gooding, ID 83330

RE: IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 IN THE NAME OF NORTH VALLEY MILK, INC.

Dear Mr. Arkoosh:

I have received by FAX your letter dated August 26, 1997 in which you request a telephone hearing in connection with your Motion to Compel and the applicant's request for Subpoena for Bonnie Arkoosh. On August 26, 1997, our Twin Falls office also received a Motion for Continuance of Hearing.

This letter will responds to those motions and requests as follows:

a) Motion for Continuance of Hearing. The department plans to continue the hearing scheduled for September 5 to October 22 and/or 23, 1997. Allen Merritt will send the department's written response granting the motion.

b) Motion to Compel. At this point the department does not plan to issue such a motion. Since the hearing has been continued, the applicant should have sufficient time to respond to the discovery request of the protestant. I will assume the applicant will provide the requested information in a reasonable time frame, since the hearing officer issued the order authorizing the discovery.

c) Subpoena for Bonnie Arkoosh. The protestant needs to submit a written response to the requested subpoena describing with reasons the protestant's position.

Hence, the department declines to grant a telephone hearing to the protestant.

I specifically request that the parties purse these described matters between themselves before the rescheduled hearing is conducted and to endeavor to <u>not</u> submit "last-minute" motions and requests to the hearing officer in connection with the matter.

JAN 0 7 1998

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON
Hearing Officer

c: Robert E. Williams
Allen Merritt

JAN 07

RECEIVED
AUG 2 7 1997
Department of Water Resources

Arkoosh Law Offices
LAWYERS
POST OFFICE BOX 32
116 FOURTH AVENUE WEST
GOODING, IDAHO 83330

C. TOM ARKOOSH
LUVERNE E. SHULL
ERIC J. WILDMAN

E-MAIL tarkoosh@northrim.net
TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873

August 26, 1997

VIA FACSIMILE AND REGULAR MAIL

L. Glenn Saxton, Chief
Water Allocation Bureau
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

In re: In the Matter of Application For Transfer No. 4897 and as Amended
In the Name of North Valley Milk, Inc.

Dear Mr. Saxton:

Pursuant to your conversation with our office on August 25, 1997, I am, with this letter, formally requesting a telephone hearing on Protestant's Motion to Compel Answers to Interrogatories and Applicant's Motion for Subpoena for Bonnie Arkoosh. Transmitted herewith is a copy of the Motion to Compel and Affidavit in Support thereof for your review.

Please advise if a telephone hearing may be held on these matters. Thank you for consideration of this Protestant's request.

Sincerely,

C. Tom Arkoosh

CTA/bsb
Encl.
cc: Robert Williams

FREDERICKSEN, WILLIAMS & MESERVY
ATTORNEYS AT LAW
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168

Eugene D. Fredericksen
Robert E. Williams III
James C. Meservy

Telephone: (208) 324-2303
Telecopier: (208) 324-3135

TELECOPIER COVER SHEET

TO Allen Merritt — FAX NO. 736-3037

IDWR — DATE 8-26-97

Matter: Motion for Continuance Transfer # 4897

From: ☐ Eugene D. Fredericksen ☒ Robert E. Williams III ☐ James C. Meservy

☒ original will follow by mail ★ ☐ original will not follow by mail

WE'RE TRANSMITTING 3 PAGES, INCLUDING THIS PAGE. IF YOU DON'T RECEIVE ALL PAGES, CALL (208) 324-2303 AND ASK FOR Robin. THE DOCUMENTS ACCOMPANYING THIS TELECOPY TRANSMISSION CONTAIN INFORMATION WHICH IS CONFIDENTIAL AND/OR PRIVILEGED. THE INFORMATION IS INTENDED FOR THE USE OF THE INDIVIDUAL/ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR USE OF THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU'VE RECEIVED THIS TELECOPY IN ERROR, PLEASE NOTIFY US BY TELEPHONE WITHOUT DELAY.

Robert E. Williams
FREDERICKSEN, WILLIAMS & MESERVY
Attorneys at Law
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168
Telephone (208) 324-2303
Telecopier (208) 324-3135
(rw.\litigatn\idwr\motion.4br

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	MOTION FOR CONTINUANCE OF HEARING
NORTH VALLEY MILK, INC. & 4 BROS. DAIRY Applicant,	SOURCE: Groundwater
BONNIE ARKOOSH, Protestant.	COUNTY: Gooding

COMES NOW Applicant and moves for a continuance of hearing in this matter now scheduled for Friday, September 5, 1997, for the reason that expert reports necessary for the hearing will not be available by that date. The Applicant believes

Post-it® Fax Note 7671	Date	# of pages ▶ 2
To Glen Sexton	From Allen Merritt	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

the reports will be available by September 9, 1997. The Applicant also believes that the hearing should be set for September 22, 1997, or later to allow adequate opportunity to complete discovery. Unavailable dates for the hearing for the Applicant between September 22, 1997, and November 1, 1997, are as follows:

October 20, 1997.

DATED THIS 26th day of August, 1997.

FREDERICKSEN, WILLIAMS & MESERVY

BY: _____
ROBERT E. WILLIAMS
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing instrument was served this date, to the following persons:

Allen Merritt, P.E.
Idaho Dept. of Water Resources
1341 Fillmore St. #200
Twin Falls, ID 83301
VIA FAX 1-208-736-3037

Tom Arkoosh
Attorney at Law
P. O. Box 32
Gooding, ID 83330-0032
VIA FAX 1-208-934-8873

Dated: 8-26, 1997

_____
ROBERT E. WILLIAMS

TRANSMISSION VERIFICATION REPORT

TIME : 08/26/1997 15:43
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

DATE,TIME	08/26 15:42
FAX NO./NAME	IDWR SO
DURATION	00:00:48
PAGE(S)	02
RESULT	OK
MODE	STANDARD

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AUG 26 1997
Department of Water Resources
Southern Region

RECEIVED
AUG 28 1997
Department of Water Resources

FREDERICKSEN, WILLIAMS & MESERVY
ATTORNEYS AT LAW
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168

Eugene D. Fredericksen
Robert E. Williams III
James C. Meservy

Telephone: (208) 324-2303
Telecopier: (208) 324-3135

TELECOPIER COVER SHEET

TO IDWR FAX NO. 1-208-736-3037

DATE 8-25-97

Matter: Interrogs / Notice of Service

From: ☐ Eugene D. Fredericksen ☐ Robert E. Williams III ☐ James C. Meservy

☒ original will follow by mail ★ ☐ original will not follow by mail

WE'RE TRANSMITTING 4 PAGES, INCLUDING THIS PAGE. IF YOU DON'T RECEIVE ALL PAGES, CALL (208) 324-2303 AND ASK FOR Kris. THE DOCUMENTS ACCOMPANYING THIS TELECOPY TRANSMISSION CONTAIN INFORMATION WHICH IS CONFIDENTIAL AND/OR PRIVILEGED. THE INFORMATION IS INTENDED FOR THE USE OF THE INDIVIDUAL/ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR USE OF THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU'VE RECEIVED THIS TELECOPY IN ERROR, PLEASE NOTIFY US BY TELEPHONE WITHOUT DELAY.

8-25-1997 5:04AM FROM P.1

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Department of Water Resources
Southern Region

Robert E. Williams
FREDERICKSEN, WILLIAMS & MESERVY
Attorneys at Law
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168
Telephone (208) 324-2303
Telecopier (208) 324-3135
trw:\litigate\idwr\interrog.4br

RECEIVED
AUG 28 1997
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	INTERROGATORIES & REQUEST FOR PRODUCTION DIRECTED TO PROTESTANT
NORTH VALLEY MILK, INC. & 4 BROS. DAIRY Applicant,	SOURCE: Groundwater
BONNIE ARKOOSH, Protestant.	COUNTY: Gooding

TO: The above named Protestant, BONNIE ARKOOSH, and her attorney of record, C. TOM ARKOOSH:

YOU WILL PLEASE TAKE NOTICE that the Applicant herein, requires you to

8-25-1997 5:05AM FROM P.2

answer, under oath, the following interrogatories within fifteen (15) days from the service hereof, and in conformance with all provisions of Rule 33 of the Idaho Rules of Civil Procedure and Rule 524 of the Administrative Rules of the Idaho Department of Water Resources.

In answering the interrogatories, furnish all information available to you, including information in the possession of your investigators, experts, etc., retained by you, not merely information known of your own personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information and knowledge you have concerning the unanswered portion.

The interrogatories are deemed continuing interrogatories and your answers thereto are to be supplemented as additional information and knowledge becomes available or known to you.

* * * * * *

REQUEST FOR PRODUCTION: Request is hereby made by the undersigned pursuant to Rule 34 of the applicable Rules of Civil Procedure and Rule 524 of the Administrative Rules of the Idaho Department of Water Resources, that you produce each document and thing identified in your answers to the interrogatories, except any such document and thing attached to your answers to the interrogatories, in the manner following:

(1) either by copying such items for production and then mailing or delivering such copies to the undersigned so that such copies are received by the undersigned not less than five days before the date specified in subparagraph (2) hereof in which case the undersigned will forthwith reimburse you through your counsel for such copies at the rate of ten cents per page of such copies;

(2) or, (if at your option you elect not to produce the items for production in the

8-25-1997 5:05AM FROM P.3

manner specified in subparagraph (1) hereof) by producing such items for production and permitting the undersigned, or someone acting on behalf of the undersigned, to inspect by reading and examining the same and to copy and photograph the same at the time and place hereinafter designated.

TIME AND PLACE OF PRODUCTION: The production of above requested shall take place at:

Time: 9:00 A.M.
Date: September 4, 1997
Place: the law office of the undersigned counsel at
117 South Adams St.
P.O. Box 168
Jerome, Idaho 83330

INTERROGATORY NO. 1: Please separately identify each communication which you contend is relevant to any issue in this action or which you intend to offer in evidence at the hearing of this action for any purpose. The communications referred to by this interrogatory include but are not limited to:

a) Those which you or your representative conducted or participated in with the Protestant, or a representative of the Protestant.

b) Those which the Applicant or a representative of the Applicant conducted or participated in with a third party or such third party's representative, and

c) Those which you or your representative conducted or participated in with a third party or such third party's representative, and

d) Those which one third party or such third party's representative conducted and participated in with another third party or such other third party's representative.

INTERROGATORY NO. 2: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or

8-25-1997 5:06AM FROM P.4

which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by you and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the hearing of this action for any purpose.

INTERROGATORY NO. 3: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by the Applicant and which in any way relates to any of the issue in this action or which you intend to offer in evidence at the hearing of this action for any purpose.

INTERROGATORY NO. 4: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authorized by any third party and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the hearing of this action for any purpose.

INTERROGATORY NO. 5: Please identify each person with whom you or your representatives have communicated or which you or your representatives have interviewed seeking information relating to this action or any issue in this action.

INTERROGATORY NO. 6: Please separately identify each person who, according to your information or knowledge or the information or knowledge of your representatives, has relevant knowledge or any of the issues or any of the occurrences which are relevant to this action and state the substance of the facts and opinions which constitute such relevant knowledge.

INTERROGATORY NO. 7: Please separately identify each person who you may call as a lay witness at the hearing of this action and state the substance of the facts and opinions to which such lay witness is expected to testify.

8-25-1997 5:06AM FROM P.5

INTERROGATORY NO. 8: Please separately identify each person retained or specially employed by you as an expert in anticipation of this litigation or in preparation for the hearing of this action and state with respect to any reports made to you by the expert the subject matter thereof and the location of each such report.

INTERROGATORY NO. 9: Please separately identify each person whom you may call as an expert witness at the hearing of this action and state the subject matter on which such expert witness is expected to testify, the substance of the facts to which such expert witness is expected to testify and the substance of the opinions to which such expert witness is expected to testify.

INTERROGATORY NO. 10: Please separately identify each exhibit which you may offer into evidence at the hearing of this action and as to each such exhibit which consists of more than 15 pages or more than 3,000 words, quote or otherwise specifically designate each portion of such exhibit which you contend is the relevant portions thereof.

INTERROGATORY NO. 11: Please separately identify each person who supplied answers to these interrogatories and designate the answer or part thereof supplied by such person. (This interrogatory is intended to discover principal sources of information and does not seek to ascertain the identity of mere draftsmen or persons responsible for the mechanical preparation of these answers.)

INTERROGATORY NO. 12: Please state every fact substantiating your contention that the pending application should not be granted because "The proposed use would reduce the quantity of water under existing rights."

INTERROGATORY NO. 13: Please state every fact substantiating your contention that the pending application should not be granted because "The water supply is insufficient for the proposed use."

INTERROGATORY NO. 14: Please state every fact substantiating your contention that the pending application should not be granted because "The proposed

8-25-1997 5:07AM FROM P.6

use conflicts with the local public interest."

INTERROGATORY NO. 15: Please state every fact substantiating your contention that the pending application should not be granted because "The proposed use is contrary to conservation of water resources within the State of Idaho."

INTERROGATORY NO. 16: Please state every fact substantiating your contention that the pending application should not be granted because "The change in use would constitute an enlargement in use."

* * * * * *

Pursuant to Rule 34(a) of the Idaho Rules of Civil Procedure and Rule 524 of the Administrative Rules of the Idaho Department of Water Resources, the Applicant hereby submits the following request for production of documents to the Protestant above named:

REQUEST NO. 1: Please produce and make available for copying and inspection all documents referred to in your answers to Interrogatories No. 1,2, 3 and 10 above.

DATED THIS 25th day of August, 1997.

FREDERICKSEN, WILLIAMS & MESERVY

BY: _____
ROBERT E. WILLIAMS
Attorney for Applicant

8-25-1997 5:07AM FROM P.7

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this date I caused a true and correct copy of the foregoing instrument to be served upon the following:

C. TOM ARKOOSH
ATTORNEY AT LAW
P. O. BOX 32
GOODING, ID 83330
via fax 1-208-934-8873

IDAHO DEPT OF WATER RESOURCES
1341 FILLMORE ST #200
TWIN FALLS ID 83301
via fax 1-208-736-3037
Original

____ By depositing copies of the same in the United States mail, postage prepaid, at the post office at Jerome, Idaho.

____ By hand delivering copies of the same to said person at _____.

xxx By telecopying copies of same to said persons at their respective telecopier numbers above set forth, and by then mailing copies of same in the United States mail, postage prepaid, at the post office at Jerome, Idaho.

DATED: 8-25, 1997

ROBERT E. WILLIAMS

8-25-1997 5:08AM FROM P.8

Robert E. Williams
FREDERICKSEN, WILLIAMS & MESERVY
Attorneys at Law
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338
Telephone: (208) 324-2303
c:\jf\libig.stn\notserve.4br

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	**NOTICE OF SERVICE**
NORTH VALLEY MILK, INC. & 4 BROS. DAIRY Applicant,	SOURCE: Groundwater
BONNIE ARKOOSH, Protestant.	COUNTY: Gooding

NOTICE IS HEREBY GIVEN that Applicant's INTERROGATORIES AND REQUEST FOR PRODUCTION OF DIRECTED TO PROTESTANT were served upon the said Protestant by Applicant on the 25th day of August, 1997, by mailing and faxing true and correct copies thereof as follows, pursuant to Rule 528 of the Administrative Rules of the Idaho Department of Water Resources:

BONNIE ARKOOSH
C/O C. TOM ARKOOSH
P. O. BOX 32
GOODING, ID 83330

NOTICE IS FURTHER GIVEN that the original of the Interrogatories and Request for Production of Documents Directed to Protestant shall be retained by Applicant's counsel at the offices of Fredericksen, Williams & Meservy, 117 South Adams, Jerome, Idaho, for a period of one (1) year after the final disposition of this action, at which time said original may be destroyed, unless this Court orders preservation thereof for a longer period of time.

DATED this 25th day of August, 1997.

FREDERICKSEN, WILLIAMS & MESERVY

BY: _____
ROBERT E. WILLIAMS
Attorney for Applicant

CERTIFICATE OF MAILING

The undersigned certifies that on the 25th day of August, 1997, he caused a true and correct copy of the foregoing instrument to be served upon the following persons in the following manner:

_____
ROBERT E. WILLIAMS

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST., #200
TWIN FALLS, ID 83301

☑ U.S. Mail, postage prepaid
☐ Facsimile Transmission
☑ Federal Express
1-208-736-3037

BONNIE ARKOOSH
C/O C. TOM ARKOOSH
P.O. BOX 32
GOODING, ID 83330

☑ U.S. Mail, postage prepaid
☐ Facsimile Transmission
☑ Federal Express
1-208-934-8873

Post-it® Fax Note	Date	# of pages ▶ 2
To Glen Saxton	From Allen Merritt	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

Robert E. Williams
FREDERICKSEN, WILLIAMS & MESERVY
Attorneys at Law
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168
Telephone (208) 324-2303
Telecopier (208) 324-3135
[illegible]

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	MOTION FOR CONTINUANCE OF HEARING
NORTH VALLEY MILK, INC. & 4 BROS. DAIRY Applicant,	
BONNIE ARKOOSH, Protestant.	SOURCE: Groundwater COUNTY: Gooding

COMES NOW Applicant and moves for a continuance of hearing in this matter now scheduled for Friday, September 5, 1997, for the reason that expert reports necessary for the hearing will not be available by that date. The Applicant believes

the reports will be available by September 9, 1997. The Applicant also believes that the hearing should be set for September 22, 1997, or later to allow adequate opportunity to complete discovery. Unavailable dates for the hearing for the Applicant between September 22, 1997, and November 1, 1997, are as follows:

October 20, 1997.

DATED THIS 26th day of August, 1997.

FREDERICKSEN, WILLIAMS & MESERVY

BY: _____
ROBERT E. WILLIAMS
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing instrument was served this date, to the following persons:

Allen Merritt, P.E.
Idaho Dept. of Water Resources
1341 Fillmore St. #200
Twin Falls, ID 83301
VIA FAX 1-208-736-3037

Tom Arkoosh
Attorney at Law
P. O. Box 32
Gooding, ID 83330-0032
VIA FAX 1-208-934-8873

Dated: 8-26, 1997

_____
ROBERT E. WILLIAMS

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AUG 26 1997
Department of Water Resources
Southern Region

FREDERICKSEN, WILLIAMS & MESERVY
ATTORNEYS AT LAW
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168

Eugene D. Fredericksen
Robert E. Williams III
James C. Meservy

Telephone: (208) 324-2303
Telecopier: (208) 324-3135

TELECOPIER COVER SHEET

TO IDWR FAX NO. 1-208-736-3037

DATE 8-25-97

Matter: Interrogs / Notice of Service

From: ☐ Eugene D. Fredericksen ☐ Robert E. Williams III ☐ James C. Meservy

☒ original will follow by mail ★ ☐ original will not follow by mail

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P. 1

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Department of Water Resources
Southern Region

Robert E. Williams
FREDERICKSEN, WILLIAMS & MESERVY
Attorneys at Law
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168
Telephone (208) 324-2303
Telecopier (208) 324-3135
(rlw.\litigate\idwr\interrog.4br

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	INTERROGATORIES & REQUEST FOR PRODUCTION DIRECTED TO PROTESTANT
NORTH VALLEY MILK, INC. & 4 BROS. DAIRY Applicant,	
BONNIE ARKOOSH, Protestant.	SOURCE: Groundwater COUNTY: Gooding

TO: The above named Protestant, BONNIE ARKOOSH, and her attorney of record, C. TOM ARKOOSH:

YOU WILL PLEASE TAKE NOTICE that the Applicant herein, requires you to

8-25-1997 5:05AM FROM P.2

answer, under oath, the following interrogatories within fifteen (15) days from the service hereof, and in conformance with all provisions of Rule 33 of the Idaho Rules of Civil Procedure and Rule 524 of the Administrative Rules of the Idaho Department of Water Resources.

In answering the interrogatories, furnish all information available to you, including information in the possession of your investigators, experts, etc., retained by you, not merely information known of your own personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information and knowledge you have concerning the unanswered portion.

The interrogatories are deemed continuing interrogatories and your answers thereto are to be supplemented as additional information and knowledge becomes available or known to you.

* * * * * *

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(1) either by copying such items for production and then mailing or delivering such copies to the undersigned so that such copies are received by the undersigned not less than five days before the date specified in subparagraph (2) hereof in which case the undersigned will forthwith reimburse you through your counsel for such copies at the rate of ten cents per page of such copies;

(2) or, (if at your option you elect not to produce the items for production in the

8-25-1997 5:05AM FROM P.3

manner specified in subparagraph (1) hereof) by producing such items for production and permitting the undersigned, or someone acting on behalf of the undersigned, to inspect by reading and examining the same and to copy and photograph the same at the time and place hereinafter designated.

TIME AND PLACE OF PRODUCTION: The production of above requested shall take place at:

Time: 9:00 A.M.
Date: September 4, 1997
Place: the law office of the undersigned counsel at
117 South Adams St.
P.O. Box 168
Jerome, Idaho 83330

INTERROGATORY NO. 1: Please separately identify each communication which you contend is relevant to any issue in this action or which you intend to offer in evidence at the hearing of this action for any purpose. The communications referred to by this interrogatory include but are not limited to:

a) Those which you or your representative conducted or participated in with the Protestant, or a representative of the Protestant.

b) Those which the Applicant or a representative of the Applicant conducted or participated in with a third party or such third party's representative, and

c) Those which you or your representative conducted or participated in with a third party or such third party's representative, and

d) Those which one third party or such third party's representative conducted and participated in with another third party or such other third party's representative.

INTERROGATORY NO. 2: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or

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INTERROGATORY NO. 5: Please identify each person with whom you or your representatives have communicated or which you or your representatives have interviewed seeking information relating to this action or any issue in this action.

INTERROGATORY NO. 6: Please separately identify each person who, according to your information or knowledge or the information or knowledge of your representatives, has relevant knowledge or any of the issues or any of the occurrences which are relevant to this action and state the substance of the facts and opinions which constitute such relevant knowledge.

INTERROGATORY NO. 7: Please separately identify each person who you may call as a lay witness at the hearing of this action and state the substance of the facts and opinions to which such lay witness is expected to testify.

8-25-1997 5:06AM FROM P.5

INTERROGATORY NO. 8: Please separately identify each person retained or specially employed by you as an expert in anticipation of this litigation or in preparation for the hearing of this action and state with respect to any reports made to you by the expert the subject matter thereof and the location of each such report.

INTERROGATORY NO. 9: Please separately identify each person whom you may call as an expert witness at the hearing of this action and state the subject matter on which such expert witness is expected to testify, the substance of the facts to which such expert witness is expected to testify and the substance of the opinions to which such expert witness is expected to testify.

INTERROGATORY NO. 10: Please separately identify each exhibit which you may offer into evidence at the hearing of this action and as to each such exhibit which consists of more than 15 pages or more than 3,000 words, quote or otherwise specifically designate each portion of such exhibit which you contend is the relevant portions thereof.

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INTERROGATORY NO. 12: Please state every fact substantiating your contention that the pending application should not be granted because "The proposed use would reduce the quantity of water under existing rights."

INTERROGATORY NO. 13: Please state every fact substantiating your contention that the pending application should not be granted because "The water supply is insufficient for the proposed use."

INTERROGATORY NO. 14: Please state every fact substantiating your contention that the pending application should not be granted because "The proposed

8-25-1997 5:07AM FROM P.6

use conflicts with the local public interest."

INTERROGATORY NO. 15: Please state every fact substantiating your contention that the pending application should not be granted because "The proposed use is contrary to conservation of water resources within the State of Idaho."

INTERROGATORY NO. 16: Please state every fact substantiating your contention that the pending application should not be granted because "The change in use would constitute an enlargement in use."

* * * * * *

Pursuant to Rule 34(a) of the Idaho Rules of Civil Procedure and Rule 524 of the Administrative Rules of the Idaho Department of Water Resources, the Applicant hereby submits the following request for production of documents to the Protestant above named:

REQUEST NO. 1: Please produce and make available for copying and inspection all documents referred to in your answers to Interrogatories No. 1, 2, 3 and 10 above.

DATED THIS 25th day of August, 1997.

FREDERICKSEN, WILLIAMS & MESERVY

BY: _____
ROBERT E. WILLIAMS
Attorney for Applicant

8-25-1997 5:07AM FROM P.7

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this date I caused a true and correct copy of the foregoing instrument to be served upon the following:

C. TOM ARKOOSH
ATTORNEY AT LAW
P. O. BOX 32
GOODING, ID 83330
via fax 1-208-934-8873

IDAHO DEPT OF WATER RESOURCES
1341 FILLMORE ST #200
TWIN FALLS ID 83301
via fax 1-208-736-3037
Original

___ By depositing copies of the same in the United States mail, postage prepaid, at the post office at Jerome, Idaho.

____ By hand delivering copies of the same to said person at _____.

xxx By telecopying copies of same to said persons at their respective telecopier numbers above set forth, and by then mailing copies of same in the United States mail, postage prepaid, at the post office at Jerome, Idaho.

DATED: 8-25, 1997

ROBERT E. WILLIAMS

RECEIVED
AUG 26 1997
Department of Water Resources
Southern Region

Robert E. Williams
FREDERICKSEN, WILLIAMS & MESERVY
Attorneys at Law
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338
Telephone: (208) 324-2303
c:jll\litigatn\ntcservc.4br

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	**NOTICE OF SERVICE**
NORTH VALLEY MILK, INC. & 4 BROS. DAIRY Applicant,	SOURCE: Groundwater
BONNIE ARKOOSH, Protestant.	COUNTY: Gooding

NOTICE IS HEREBY GIVEN that Applicant's INTERROGATORIES AND REQUEST FOR PRODUCTION OF DIRECTED TO PROTESTANT were served upon the said Protestant by Applicant on the 25th day of August, 1997, by mailing and faxing true and correct copies thereof as follows, pursuant to Rule 528 of the Administrative Rules of the Idaho Department of Water Resources:

BONNIE ARKOOSH
C/O C. TOM ARKOOSH
P. O. BOX 32
GOODING, ID 83330

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DATED this 25th day of August, 1997.

FREDERICKSEN, WILLIAMS & MESERVY

BY: _____
ROBERT E. WILLIAMS
Attorney for Applicant

CERTIFICATE OF MAILING

The undersigned certifies that on the 25th day of August, 1997, ~~he caused~~ a true and correct copy of the foregoing instrument to be served upon the following persons in the following manner:

_____
ROBERT E. WILLIAMS

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST., #200
TWIN FALLS, ID 83301

☑ U.S. Mail, postage prepaid
☐ Facsimile Transmission
☑ Federal Express
1-208-736-3037

BONNIE ARKOOSH
C/O C. TOM ARKOOSH
P.O. BOX 32
GOODING, ID 83330

☑ U.S. Mail, postage prepaid
☐ Facsimile Transmission
☑ Federal Express
1-208-934-8873

FREDERICKSEN, WILLIAMS & MESERVY
ATTORNEYS AT LAW
117 South Adams Street
P. O. Box 168
Jerome, Idaho 83338-0168

Eugene D. Fredericksen
Robert E. Williams III
James C. Meservy

Telephone: (208) 324-2303

Telecopier: (208) 324-3135

TELECOPIER COVER SHEET

TO Glen Saxton
Hearing Officer

FAX NO. 1-208-327-7866

DATE Aug. 25, 1997

Matter: North Valley Milk, Inc. & 4 Bros Dairy (applicant) Bonnie Ackroyd (Protestant) * Application for transfer No 4897 water right No. 37-02622 Part * Motion for issuance of Subpoena * notice of rescheduled hearing

From: ☐ Eugene D. Fredericksen ☒ Robert E. Williams III ☐ James C. Meservy

☐ original will follow by mail ★ ☐ original will not follow by mail

WE'RE TRANSMITTING 5 PAGES, INCLUDING THIS PAGE. IF YOU DON'T RECEIVE ALL PAGES, CALL (208) 324-2303 AND ASK FOR Robin. THE DOCUMENTS ACCOMPANYING THIS TELECOPY TRANSMISSION CONTAIN INFORMATION WHICH IS CONFIDENTIAL AND/OR PRIVILEGED. THE INFORMATION IS INTENDED FOR THE USE OF THE INDIVIDUAL/ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR USE OF THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU'VE RECEIVED THIS TELECOPY IN ERROR, PLEASE NOTIFY US BY TELEPHONE WITHOUT DELAY.

8-24-1997 10:09PM FROM

P. 1

P. O. Box 168
Jerome, Idaho 38-0168
Telephone (208) 324-2303
Telecopier (208) 324-3135
(rtw.\litigatn\idwr\4bros.mtc

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	MOTION FOR ISSUANCE OF SUBPOENA
NORTH VALLEY MILK, INC. & 4 BROS. DAIRY Applicant,	
BONNIE ARKOOSH, Protestant.	SOURCE: Groundwater COUNTY: Gooding

COMES NOW Applicant, pursuant to Rule 525 of the Administrative Rules of the Idaho Department of Water Resources, and requests that a subpoena be issued to the Protestant BONNIE ARKOOSH to appear at the hearing of this matter now set

AUG 07 1997

8-24-1997 10:10PM FROM P.2

Robert E. Williams
FREDERICKSEN, WILLIAMS & MESERVY
Attorneys at Law
117 South Adams Street
P. O. Box 168

FREDERICKSEN, WILLIAMS & MESERVY

BY: _____
ROBERT E. WILLIAMS
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing instrument was served this date, to the following persons:

Glenn Saxton
Hearing Officer
VIA FAX 1-208-327-7866

Tom Arkoosh
Attorney at Law
P. O. Box 32
Gooding, ID 83330-0032
VIA FAX 1-208-934-8873

Dated: 8-25, 1997

_____
ROBERT E. WILLIAMS

8-24-1997 10:10PM FROM P.3

for Friday, September 5, 1997, at 9 a.m.

DATED THIS 25th day of August, 1997.

Applicant	)	
	)	
	)	SOURCE: Gr. ater
BONNIE ARKOOSH,	)	
Protestant	)	COUNTY: Gooding
	)	

On August 13, 1996, North Valley Milk, Inc., & 4 Bros. Dairy (applicant) filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho to which the Department assigned Transfer No. 4897. This application was Amended on May 29, 1997.

The Department has received a protest against the approval of said application from the above captioned protestant. The applicants have elected to waive a pre-hearing conference and have requested a formal Hearing in the matter.

THEREFORE, The Department has re-scheduled the matter for Hearing on **Friday-September 5, 1997 at 9:00 a.m. in the Multi-purpose Room, Gooding City Hall, 308 5th Avenue West-Gooding, ID.**

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the department. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Glen L. Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans With Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 11th day of August, 1997.

Allen D. Merritt, P.E. - Regional Manager

RECEIVED
AUG 12 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part

NORTH VALLEY MILK, INC. & 4 BROS DAIRY

NOTICE OF

RE-SCHEDULED HEARING

ANDREW FITZGERALD C-TREAS NORTH VALLEY MII C 425 N 250 W SHOSHONE ID 83352	Hand delivered U.S. Mail-lar U.S. Mail-tified Fax	____ ____ __x__ ____
ROBERT E WILLIAMS ESQ FREDERICKSEN WILLIAMS & MESERVY PO BOX 168 JEROME ID 83338	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	____ ____ __x__ ____
BONNIE ARKOOSH C/O C TOM ARKOOSH ESQ PO BOX 32 GOODING ID 83330	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	____ ____ __x__ ____

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of August, 1997 a true and correct copy of the Notice of Re-scheduled Hearing was forwarded with all required charges prepared, by the method indicated below, to the parties listed:

Mary Baldwin
Secretary

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MEMORANDUM

To: L. Glen Saxton

From: Karl J. Dreher

RE: APPOINTMENT AS HEARING OFFICER - PROCEDURE RULE 410

Date: August 18, 1997

You are hereby appointed as hearing officer and are authorized to represent the department as provided by IDAPA Rule 37.01.01410 (Procedure Rule 410) in the following matter:

In the Matter of Application for Transfer No. 4897 in the name of North Valley Milk, Inc.

The department has scheduled a hearing in the matter as follows:

Date: September 5, 1997

Time: 9:00 a.m.

Place: Gooding City Hall
308 5th Avenue
Gooding, Idaho

RECEIVED

AUG 13 1997

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	NOTICE OF RE-SCHEDULED HEARING
NORTH VALLEY MILK, INC. & 4 BROS DAIRY, Applicant	
BONNIE ARKOOSH, Protestant	SOURCE: Groundwater COUNTY: Gooding

On August 13, 1996, North Valley Milk, Inc., & 4 Bros. Dairy (applicant) filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho to which the Department assigned Transfer No. 4897. This application was Amended on May 29, 1997.

The Department has received a protest against the approval of said application from the above captioned protestant. The applicants have elected to waive a pre-hearing conference and have requested a formal Hearing in the matter.

THEREFORE, The Department has re-scheduled the matter for Hearing on **Friday-September 5, 1997 at 9:00 a.m. in the Multi-purpose Room, Gooding City Hall, 308 5th Avenue West-Gooding, ID.**

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the department. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Glen L. Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans With Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 11th day of August, 1997.

Allen D. Merritt, P.E. - Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of August, 1997 a true and correct copy of the Notice of Re-scheduled Hearing was forwarded with all required charges prepared, by the method indicated below, to the parties listed:

Mary Baldwin
Secretary

ANDREW FITZGERALD SEC-TREAS NORTH VALLEY MILK INC 425 N 250 W SHOSHONE ID 83352	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ _____ __x__ _____
ROBERT E WILLIAMS ESQ FREDERICKSEN WILLIAMS & MESERVY PO BOX 168 JEROME ID 83338	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ _____ __x__ _____
BONNIE ARKOOSH C/O C TOM ARKOOSH ESQ PO BOX 32 GOODING ID 83330	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ _____ __x__ _____

NAME AND ADDRESS OF SENDER

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☐ Insured
☐ COD
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1	1713	City of Wendell ADM - 7/31/97 Re: 36-8764	.32	1 35	1 10	2 ??		
2	1714	Craig Hobbey, ESQ						
3	1715	Robert Hegstrom, JUB						
4	1716	F. F. Gunning						
5	1717	G. C. Gunning						
6	1718 (6)	Jerome Fitzgerald ADM - 8/11/97						
7	1719	Andrew Fitzgerald TR 4897 (37-02622)	32	1 35	1 10	2 ??		
8	1720	Robert Williams, ESQ						
9	1721 (3)	Bonnie Ankoosh c/o C. Tom Ankoosh, ESQ						
10								
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as of 6/

PS Form 3877, Feb. 1982

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The maximum indemnity payable for nonnegotiable documents under Expre
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$500. The maximum indemnity payable is $25,000 for Registered Mail, $400
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parcels. Special delivery service also includes special handling service.

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

☆ U.S. GOVERNMENT PRINTING OFFICE:

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

RECEIVED
AUG 0 8 1997
Department of Water Resources
Southern Region

August 1, 1997

Allen Merritt, PE
Southern Region Manager
Department of Water Resources
222 Shoshone St. East
Twin Falls, ID 83301

RE: 4 Bros. Dairy, Inc./North Valley Milk
Application for Transfer No. 4897, as amended
Protest of Bonnie Arkoosh

Dear Allen:

This letter is prompted by Tom Arkoosh's letter to you on the above referenced matter dated July 31, 1997.

The applicants do not agree that a continuance should be granted. Mr. Arkoosh has other attorneys in his office who can handle this matter for Tom's mother whether he is available or not.

You will recall that Mr. Arkoosh unsuccessfully sought continuances on earlier transfer applications of 4 Bro. Dairy, Inc./North Valley Milk, Inc. in much the same context. It is important that this hearing proceed as soon as possible.

My clients are also requesting by this letter that the Director deny Bonnie Arkoosh's standing to protest this application. Mrs. Arkoosh does not own property in the vicinity of the real property to which this application applies. The nearest property she owns to the site of the pending application appears to be 10-15 miles away.

In Selkirk-Priest Basin Ass'n, Inc. v. State of Idaho, 919 P.2d 1032, 128 Idaho 831 (1996), the Idaho Supreme Court denied standing in a judicial review of an administrative decision to an organization which was unable to show injury defined as ". . . distinct and palpable and not . . . one suffered alike by all citizens in the jurisdiction. . . ." Selkirk-Priest, at 1034-1035.

Mrs. Arkoosh has not articulated, and the applicants believe she is unable to articulate, any injury from this pending application as defined in Selkirk-Priest. Since she would have no standing to bring judicial review of the administrative decision as an aggrieved party, it makes no sense to allow her to participate as a protestant in the first place. It appears to my clients that the only interest of Bonnie Arkoosh in this matter is to cause as much delay and inconvenience to my clients as possible. 4 Bros. Dairy, Inc. respectfully requests that the hearing officer deny Mrs. Arkoosh the right to protest this application.

Sincerely,

FREDERICKSEN, WILLIAMS & MESERVY

ROBERT E. WILLIAMS

REW:rlw
cc: C. Tom Arkoosh
cc: Clients

Arkoosh Law Offices

LAWYERS
POST OFFICE BOX 32
116 FOURTH AVENUE WEST
GOODING, IDAHO 83330

C. TOM ARKOOSH
LUVERNE E. SHULL
ERIC J. WILDMAN

E-MAIL tarkoosh@northrim.net
TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873

July 31, 1997

RECEIVED
AUG 05 1997
Department of Water Resources
Southern Region

VIA FACSIMILE & REGULAR MAIL

Allen Merritt, PE
Southern Region Manager
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301-6105

In re: Protest of Bonnie Arkoosh to Application for Transfer No. 4897 and as amended

Dear Allen:

Attached hereto please find a copy of my letter to you of July 14, 1997, wherein we requested a Status Conference be held in this matter prior to any hearing and also advised of our scheduling conflict with the hearing set in this matter. Also enclosed is the Notice of Trial Setting for the jury trial which is a scheduling conflict with the hearing date in the above entitled matter. Negotiations for settlement in the conflicting matter have ceased and as of this date, the jury trial is scheduled to proceed to trial on the date ordered, the same date on which the hearing in the above entitled matter has been set.

Again, we certainly do not waive a status conference in this matter. Indeed, we believe that a pretrial is conducted for the benefit of the Protestant as well as the Applicant to learn and expand on the issues. We request a Pretrial Conference/Status Conference be set prior to any hearing in this matter.

I believe that the time frame between the amendment and the scheduled trial,

without any further explanation regarding the proposed dairy site, leaves this matter woefully unprepared for hearing.

Please consider this request for pretrial and request for a continuance of the hearing to a date on which all parties may be present.

I await your response. Thank you.

Sincerely yours,



C. Tom Arkoosh

CTA/bsb
cc: Robert Williams
Encl.
A:\ARKOOSH.BON\PRO4898\MERRITT.LTR

FAX TRANSMISSION

ARKOOSH LAW OFFICES
116 4TH AVE. W., P.O. BOX 32
GOODING, ID 83330
(208) 934-8872
FAX: (208) 934-8873

To:	Allen Merritt	**Date:**	July 14, 1997
Fax #:	(208) 736-3037	**Pages:**	4, including cover
From:	C. TOM ARKOOSH		
In Re:	MOTION FOR DISCOVERY/ PROTEST OF TRANSFER NO. 4897		

Transmitted herewith please find Motion for Discovery and Order and Letter to Mr. Merritt. Thank you.

CONFIDENTIALITY NOTE
The documents accompanying this telecopy transmission contain information from C. Tom Arkoosh which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this telecopied information is prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

IF ALL PAGES ARE NOT RECEIVED, PLEASE TELEPHONE (208)934-8872

OR TELECOPY MESSAGE TO US AT (208) 934-8873.

THANK YOU

TELECOPY OPERATOR: Brenda Butler

TIME SENT: _____ A.M. 4:10 P.M.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT NO. 37-02622 IN THE NAME OF NORTH VALLEY MILK, INC.	**ORDER AUTHORIZING DISCOVERY**

On July 14, 1997, Bonnie Arkoosh (protestant) by and through her attorney, Tom Arkoosh, by motion requested the department to issue an order Authorizing Discovery pursuant to IDAPA Rules 37.01.01521-531 (Rules of Procedure 521 through Rule 531). The applicant did not respond to the motion.

The Director of the department of Water Resources (Director) hereby authorizes the parties to engage in discovery commencing with the date of this order. The parties shall complete discovery five days prior to the date of the hearing in this matter which has been scheduled on August 26, 1997. Discovery shall be conducted pursuant to IDAPA 37.01.01520-532 (Rules of Procedure 520 through 532). The parties are directed to answer or otherwise respond to discovery in accordance with the department's Rules of Procedure and the Idaho Rules of Civil Procedure, as appropriate.

In accordance with Rule 520, the scope of discovery shall be governed by Rule 26(b) of the Idaho Rules of Civil Procedure, unless otherwise provided by statute, rule or order of the Director.

DATED this 21st day of July, 1997.

L. Glen Saxton

L. GLEN SAXTON
Hearing Officer

RECEIVED
JUL 23 1997
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622 IN THE NAME OF NORTH VALLEY MILK, INC.	MOTION AND ORDER FOR DISCOVERY

COMES NOW, the Protestant, Bonnie Arkoosh, in the above matter, and hereby moves the Department of Water Resources for its order allowing discovery in the above matter.

DATED this 14th day of July, 1997.

By Tom Arkoosh
For C. TOM ARKOOSH

* * * * * * *

ORDER

The Department of Water Resources having reviewed the motion of protestant, and being fully advised in the premises;

IT IS HEREBY ORDERED and this does order that discovery be allowed in the above entitled matter.

DATED this 14th day of July, 1997.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid and via facsimile transmission:

Robert E. Williams, III
Post Office Box 168
Jerome, Idaho 83338-0168

Idaho Department of Water Resources
222 Shoshone Ave. E.
Twin Falls, Idaho 83301

By [signature]
For C. TOM ARKOOSH

Arkoosh Law Offices

LAWYERS
POST OFFICE BOX 32
116 FOURTH AVENUE WEST
GOODING, IDAHO 83330

C. TOM ARKOOSH
LUVERNE E. SHULL
ERIC J. WILDMAN

E-MAIL tarkoosh@northrim.net
TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873

July 14, 1997

RECEIVED
JUL 18 1997
Department of Water Resources
Southern Region

VIA FACSIMILE & REGULAR MAIL

Allen Merritt, PE
Southern Region Manager
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301-6105

In re: Motion for Discovery

Dear Allen:

I had been waiting for a decision regarding whether there would be a pre trial in this matter before sending you available dates. I am scheduled for trial in Pocatello on August 26, 1997.

We certainly do not waive a status conference in this matter. Indeed, we believe that a pretrial is conducted for the benefit of the Protestant as well as the Applicant to learn and expand on the issues.

Further, please find enclosed herewith our Request for Discovery in this matter. I believe that the time frame between the amendment and the scheduled trial, without any further explanation regarding the proposed dairy site, leaves this matter woefully unprepared for hearing.

Please advise regarding the pending motion. Thank you.

Sincerely yours,

By

For C. Tom Arkoosh

CTA/bsb
cc: Robert Williams
Encl.
A:\ARKOOSH.BON\PRO4897.AM\MERR7-14.LTR

APR 3 0 1997

SEVENTH JUDICIAL DISTRICT COURT
BINGHAM COUNTY

'97 APR 29 A11:13

CV-94-14267

JUDGE

BY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

VIOLET RICH and BUD RICH, Plaintiffs, vs. AQUALIFE INC., an Idaho corporation, Defendant.	Case No. CV-94-14267 **MINUTE ENTRY AND ORDER**

This matter came before the Court this 28th day of April, 1997, for the purpose of hearing a **TELEPHONIC STATUS CONFERENCE** before the Honorable James C. Herndon, District Judge.

John Ingelstrom, Esq., appeared for the plaintiff. Tom Arkoosh, Esq., appeared for the defendant.

Counsel advised the Court of the status of the case. They reported that the case will no doubt be settled through purchase of the property and that the prospective purchaser is reliable. Both parties requested an additional 60-90 days to complete the transaction and requested that the trial set for June 3, 1997 be vacated and continued.

IT IS HEREBY ORDERED that **JURY TRIAL** is **CONTINUED** until **August 26, 1997, at 9 a.m.**

DATED THIS 28th day of April, 1997.

JAMES C. HERNDON, District Judge

Clerk: Pat Freeman
Tape: 97-16A @ 2111-3001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED
JUL 18 1997
Department of Water Resources
Southern Region

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622 IN THE NAME OF NORTH VALLEY MILK, INC.	MOTION AND ORDER FOR DISCOVERY

COMES NOW, the Protestant, Bonnie Arkoosh, in the above matter, and hereby moves the Department of Water Resources for its order allowing discovery in the above matter.

DATED this 14th day of July, 1997.

By _____
For C. TOM ARKOOSH

* * * * * * *

O R D E R

The Department of Water Resources having reviewed the motion of protestant, and being fully advised in the premises;

IT IS HEREBY ORDERED and this does order that discovery be allowed in the above entitled matter.

DATED this 14th day of July, 1997.

_____

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid and via facsimile transmission:

Robert E. Williams, III
Post Office Box 168
Jerome, Idaho 83338-0168

Idaho Department of Water Resources
222 Shoshone Ave. E.
Twin Falls, Idaho 83301

By _____
For C. TOM ARKOOSH

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	NOTICE OF RE-SCHEDULED HEARING
NORTH VALLEY MILK, INC. & 4 BROS DAIRY, Applicant	
BONNIE ARKOOSH, Protestant	SOURCE: Groundwater COUNTY: Gooding

On August 13, 1996, North Valley Milk, Inc., & 4 Bros. Dairy (applicant) filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho to which the Department assigned Transfer No. 4897. This application was Amended on May 29, 1997.

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THEREFORE, The Department has re-scheduled the matter for Hearing on **Friday-September 5, 1997 at 9:00 a.m. in the Multi-purpose Room, Gooding City Hall, 308 5th Avenue West-Gooding, ID.**

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The hearing will be conducted in a facility which meets the accessibility requirements of the Americans With Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 11th day of August, 1997.

Allen D. Merritt, P.E. - Regional Manager

JAN 07

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of August, 1997 a true and correct copy of the Notice of Re-scheduled Hearing was forwarded with all required charges prepared, by the method indicated below, to the parties listed:

Mary Baldwin
Secretary

ANDREW FITZGERALD SEC-TREAS	Hand delivered	_____
NORTH VALLEY MILK INC	U.S. Mail-Regular	_____
425 N 250 W	U.S. Mail-Certified	__x__
SHOSHONE ID 83352	Fax	_____
ROBERT E WILLIAMS ESQ	Hand delivered	_____
FREDERICKSEN WILLIAMS & MESERVY	U.S. Mail-Regular	_____
PO BOX 168	U.S. Mail-Certified	__x__
JEROME ID 83338	Fax	_____
BONNIE ARKOOSH	Hand delivered	_____
C/O C TOM ARKOOSH ESQ	U.S. Mail-Regular	_____
PO BOX 32	U.S. Mail-Certified	__x__
GOODING ID 83330	Fax	_____

TO: Glen Saxton

FROM: John Homan

DATE: August 9, 1997

RE: Application for Transfer No. 4897 - (4 Bros. Dairy, Inc./ North Valley Milk)

The statutes at issue in the Selkirk case were I.C. §§ 58-405 and 58-407 which are drastically different from the elements of Idaho's water transfer statute. I.C. § 42-222 expressly provides that the director shall consider the local public interest as defined in I.C. § 42-203A(5). The affairs of the people in the area directly affected by the proposed use as stated in I.C. § 42-203A(5) could be construed to be quite broad and it would certainly be shortsighted and probably error for the director to summarily disregard a protest for lack of standing. The director always has the option to hear the protest and decide the merits if any in the actual agency decision.

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SENDER:

- Complete it [illegible] and/or 2 for additional services.
- Complete it[illegible], and 4a & b.
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- The Return Receipt will show to whom the article was delivered and the date delivered.

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2. ☐ Restricted Delivery

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3. Article Addressed to: TR 4897

BONNIE ARKOOSH
C/O C TOM ARKOOSH ESQ
PO BOX 32
GOODING ID 83330

4a. Article Number 1721

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery 8-12-97

5. Signature (Addressee) Brenda Bottel

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

MICROFILMED

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JAN 07 1998

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AUG 13 1997

Department of Water Resources
Southern Region

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IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-6380

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JAN 07 1998

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

NAME AND ADDRESS OF SENDER

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Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.
1	1713	City of Wendell ADM - 7/31/97 Re: 36-8764	.32	1 35	1 10	2 77		
2	1714	Craig Hobdey, ESQ						
3	1715	Robert Hegstrom, JUB						
4	1716	F.F. Gunning						
5	1717	G.C. Gunning						
6	1718 (6)	Jerome Fitzgerald						
7	1719	Andrew Fitzgerald ADM - 8/11/97 TR 4897 (37-02622)	32	1 35	1 10	2 77		
8	1720	Robert Williams, ESQ						
9	1721 (3)	Bonnie Arkoosh c/o C. Tom Arkoosh, ESQ						
10								
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12								
13								
14								
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PS Form 3877, Feb. 1982

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occurrence. The maximum indemnity payable on Express Mail merchandis
$500. The maximum indemnity payable is $25,000 for Registered Mail, $400
$400 for Insured Mail. Special handling charges apply only to Third- and
parcels. Special delivery service also includes special handling service.

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

☆ U.S. GOVERNMENT PRINTING OFFICE:

ORIGINAL

C. Tom Arkoosh
ARKOOSH LAW OFFICES
Post Office Box 32
116 Fourth Avenue West
Gooding, Idaho 83330

ATTORNEY FOR PROTESTANT

RECEIVED
AUG 07 1997
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED
AUG 11 1997
Department of Water Resources

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4897 OF WATER RIGHT)
37-02622B IN THE NAME OF NORTH) INTERROGATORIES AND
VALLEY MILK, INC.) REQUEST FOR PRODUCTION
)

TO THE ABOVE NAMED CLAIMANT AND CLAIMANT'S ATTORNEY:

INTERROGATORIES: Request is hereby made by the undersigned that you answer the interrogatories attached hereto under oath within fifteen (15) days after the date of service hereof as provided by the Federal Rules of Civil Procedure.

REQUEST FOR PRODUCTION: Request is hereby made by the undersigned pursuant to Rule 34 of the applicable Rules of Civil Procedure, that you produce each document and thing identified in your answers to the interrogatories, except any such document and thing attached to your answers to the interrogatories, in the manner following:

(1) either by copying such items for production and then mailing or delivering such copies to the undersigned so that such copies are received by the undersigned not less than five days before the date specified in subparagraph (2) hereof in which case the undersigned will forthwith reimburse you through your counsel for such copies at the rate of ten cents per page of such copies;

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AUG 07 1997

(2) or, (if at your option you elect not to produce the items for production in the manner specified in subparagraph (1) hereof) by producing such items for production and permitting the undersigned, or someone acting on behalf of the undersigned, to inspect by reading and examining the same and to copy and photograph the same at the time and place hereinafter designated.

TIME AND PLACE OF PRODUCTION: The production above requested shall take place at:

Time: 9:00 A.M.
Date:
Place: the law office of the undersigned counsel at
116 4th Avenue West
Gooding, Idaho 83330

Notice

ANSWERS UNDER OATH: You are hereby informed that you are answering these interrogatories under oath under the penalties of perjury and that your answers may be used as evidence in the event of a trial of this action.

DEFINITIONS: Some terms used in these interrogatories shall have the specific meaning which is set forth below. There shall be no difference in such meaning between the singular and the plural of any such term except that the number referred to by the plural shall be more than one. These terms are as follows:

(a) "you" means Claimant.

(b) "person" means a natural person and every kind of legal entity known to or recognized by law.

© "representative" means every person acting on behalf of the person designated and includes but is not limited to officers, employees, agents, attorneys, independent contractors, fiduciaries and each representative as heretofore defined of each insurer of the person designated.

(d) "third party" means a person who is not now a party to this action.

(e) "identify each communication" means:

--- with respect to a written communication, a complete statement setting forth the following: the date thereof; the name and address of the person who initiated the communication; the name and address of each person to whom the communication was directed; a description thereof sufficient to identify it; the present location of the original thereof and of each copy thereof; and the name, address, job title and relationship to the parties of each person having custody or possession of the original thereof and of each copy thereof.

--- with respect to a verbal communication by personal meeting, a complete statement setting forth the following: the date thereof; the approximate time thereof; the place thereat; the substance of what was said by each person present thereat; whether any conversation thereat was recorded and if so the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording and of each copy thereof; and whether any notes or memorandum were made of any conversation thereat and if so the name and address of the person who made such notes or memorandums and the name and address of each person who has custody or possession of the original of such notes or memorandum and of each copy thereof.

--- with respect to a telephone conversation, a complete statement setting forth the following: the date thereof; the approximate time thereof; the name of the person initiating the call; the location from which the call was placed; the name of the person called; the location to which the call was placed; the words spoken or the substance of what was said by the person initiating the call and by the person called; whether anyone else listened in on one or both sides of such telephone conversation and if so the name and address of such person; whether such conversation was recorded and if so the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording and of each copy thereof; and whether any notes or memorandums were made of such conversation and if so the name and address of each person who has custody or possession of the original of such notes or memorandum and of each copy thereof.

(f) "document" means anything: which is written or printed or typed; or which is graphic matter of any kind or nature or pictures however produced or reproduced; or which is recorded mechanically or electronically; or which is a copy or transcript of any of the foregoing.

(g) "identify each document" means with respect to each such document a complete description thereof sufficient to identify it, the present location of the original thereof, the present location of each copy thereof and the name and address and job title and relationship to the parties to this action of the person who has custody or possession of the original thereof and of each copy thereof.

(h) "identify each person" means with respect to such person and insofar as applicable to such person his or her name, last known address, last known residence telephone number, last known business telephone number, last known business or occupation or profession, address of last known employer or place of business, actual (or estimated) age, and the relationship to any party to this action.

(I) "identify each exhibit" means with respect to each such exhibit a complete description thereof sufficient to identify it, the present location of the original thereof, the present location of each copy thereof and the name and address and job title and relationship to the parties to this action of the person who has custody or possession of the original thereof and of each copy thereof.

(j) "knowledge" includes first-hand knowledge and information derived from any other source, including but not limited to hearsay knowledge.

INTERROGATORIES

INTERROGATORY NO. 1: Communications which are relevant, etc.: Please separately identify each communication which you contend is relevant to any issue in this action or which you intend to offer in evidence at the trial of this action for any purpose. The communications referred to by this interrogatory include but are not limited to:

--- those which you or your representative conducted or participated in with the Protestant or a representative of the Protestant, and

JAN 07 1993

--- those which the Claimant or a representative of the Claimant conducted or participated in with a third party or such third party's representative, and

--- those which you or your representative conducted or participated in with a third party or such third party's representative, and

--- those which one third party or such third party's representative conducted and participated in with another third party or such other third party's representative.

INTERROGATORY NO. 2: Documents - the Claimant: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by you and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the trial of this action for any purpose. This specifically includes documents regarding the waste disposal system as the proposed place of use.

INTERROGATORY NO. 3: Documents - the Protestant: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by the Protestant and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the trial of this action for any purpose.

INTERROGATORY NO. 4: Documents - Third Parties: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by any third party and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the trial of this action for any purpose.

INTERROGATORY NO. 5: Persons interviewed by you, etc.: Please identify each person with whom you or your representatives have communicated or who you or your representatives have interviewed seeking information relating to this action or any issue in this action.

INTERROGATORY NO. 6: Witnesses with relevant knowledge of the issues, etc.: Please separately identify each person who, according to your information or knowledge or the information or knowledge of your representatives, has relevant knowledge of any of the issues or any of the occurrences which are relevant to this action and state the substance of the facts and opinions which constitute such relevant knowledge.

INTERROGATORY NO. 7: Lay witnesses for trial: Please separately identify each person who you may call as a lay witness at the trial of this action and state the substance of the facts and opinions to which such lay witness is expected to testify.

INTERROGATORY NO. 8: Experts retained but not expected to testify: Please separately identify each person retained or specially employed by you as an expert in anticipation of this litigation or in preparation for the trial of this action whom you do not expect to call as a witness at the trial of this action and state with respect to any reports made to you by the expert the subject matter thereof and the location of each such report.

INTERROGATORY NO. 9: Expert witnesses for trial: Please separately identify each person whom you may call as an expert witness at the trial of this action and state the subject matter on which such expert witness is expected to testify, the substance of the facts to which such expert witness is expected to testify and the substance of the opinions to which such expert witness is expected to testify.

INTERROGATORY NO. 10: Exhibits for trial: Please separately identify each exhibit which you may offer into evidence at the trial of this action and as to each such exhibit which consists of more than 15 pages or more than 3,000 words, quote or otherwise specifically designate each portion of such exhibit which you contend is the relevant portions thereof.

INTERROGATORY NO. 11: Persons supplying answer hereto: Please separately identify each person who supplied answers to these interrogatories and designate the answer or part thereof supplied by such person. (This interrogatory is intended to discover principal sources of information and does not seek to ascertain the identity of mere draftsmen or persons responsible for the mechanical preparation of these

answers.)

DATED this _____ day of August, 1997.

C. TOM ARKOOSH

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of August, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid:

FREDERICKSEN, WILLIAMS & MESERVY
Robert E. Williams III
117 South Adams Street
P.O. Box 168
Jerome, ID 83338-0168

Idaho Department of Water Resources
222 Shoshone Ave. E
Twin Falls, ID 83301

North Valley Milk, Inc. & Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

C. TOM ARKOOSH

C. Tom Arkoosh
ARKOOSH LAW OFFICES
116 4th Ave. W.
P.O. Box 32
Gooding, ID 83330
Telephone: 208-934-8872

ATTORNEY FOR PROTESTANT

ORIGINAL

RECEIVED
AUG 07 1997
Department of Water Resources
Southern Region

RECEIVED
AUG 11 1997
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622B IN THE NAME OF NORTH VALLEY MILK, INC.	NOTICE OF SERVICE

COMES NOW the Protestant in the above entitled action and hereby gives notice pursuant to Idaho Rules of Civil Procedure 33 and 34 that a true and correct copy of the following pleadings were served:

Title of Pleadings	Date Served	Upon Whom Served
Interrogatories and Request for Production	August 6, 1997	Robert E. Williams III 117 South Adams Street P.O. Box 168 Jerome, ID 83338-0168

Idaho Department of
Water Resources
222 Shoshone Ave. E.
Twin Falls, ID 83301

North Valley Milk, Inc. &
Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

DATED this 6 day of August, 1997.

C. Tom Arkoosh

CERTIFICATE OF MAILING

I hereby certify that on the 6 day of August, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid:

C. Tom Arkoosh

C. Tom Arkoosh
ARKOOSH LAW OFFICES
Post Office Box 32
116 Fourth Avenue West
Gooding, Idaho 83330

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RECEIVED
AUG 07 1997
Department of Water Re
Southern Region

ATTORNEY FOR PROTESTANT

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED
AUG 11 1997
Department of Water Resources

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622B IN THE NAME OF NORTH VALLEY MILK, INC.	INTERROGATORIES AND REQUEST FOR PRODUCTION

TO THE ABOVE NAMED CLAIMANT AND CLAIMANT'S ATTORNEY:

INTERROGATORIES: Request is hereby made by the undersigned that you answer the interrogatories attached hereto under oath within fifteen (15) days after the date of service hereof as provided by the Federal Rules of Civil Procedure.

REQUEST FOR PRODUCTION: Request is hereby made by the undersigned pursuant to Rule 34 of the applicable Rules of Civil Procedure, that you produce each document and thing identified in your answers to the interrogatories, except any such document and thing attached to your answers to the interrogatories, in the manner following:

(1) either by copying such items for production and then mailing or delivering such copies to the undersigned so that such copies are received by the undersigned not less than five days before the date specified in subparagraph (2) hereof in which case the undersigned will forthwith reimburse you through your counsel for such copies at the rate of ten cents per page of such copies;

(2) or, (if at your option you elect not to produce the items for production in the manner specified in subparagraph (1) hereof) by producing such items for production and permitting the undersigned, or someone acting on behalf of the undersigned, to inspect by reading and examining the same and to copy and photograph the same at the time and place hereinafter designated.

TIME AND PLACE OF PRODUCTION: The production above requested shall take place at:

Time: 9:00 A.M.
Date:
Place: the law office of the undersigned counsel at
116 4th Avenue West
Gooding, Idaho 83330

Notice

ANSWERS UNDER OATH: You are hereby informed that you are answering these interrogatories under oath under the penalties of perjury and that your answers may be used as evidence in the event of a trial of this action.

DEFINITIONS: Some terms used in these interrogatories shall have the specific meaning which is set forth below. There shall be no difference in such meaning between the singular and the plural of any such term except that the number referred to by the plural shall be more than one. These terms are as follows:

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(b) "person" means a natural person and every kind of legal entity known to or recognized by law.

© "representative" means every person acting on behalf of the person designated and includes but is not limited to officers, employees, agents, attorneys, independent contractors, fiduciaries and each representative as heretofore defined of each insurer of the person designated.

(d) "third party" means a person who is not now a party to this action.

(e) "identify each communication" means:

--- with respect to a written communication, a complete statement setting forth the following: the date thereof; the name and address of the person who initiated the communication; the name and address of each person to whom the communication was directed; a description thereof sufficient to identify it; the present location of the original thereof and of each copy thereof; and the name, address, job title and relationship to the parties of each person having custody or possession of the original thereof and of each copy thereof.

--- with respect to a verbal communication by personal meeting, a complete statement setting forth the following: the date thereof; the approximate time thereof; the place thereat; the substance of what was said by each person present thereat; whether any conversation thereat was recorded and if so the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording and of each copy thereof; and whether any notes or memorandum were made of any conversation thereat and if so the name and address of the person who made such notes or memorandums and the name and address of each person who has custody or possession of the original of such notes or memorandum and of each copy thereof.

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(I) "identify each exhibit" means with respect to each such exhibit a complete description thereof sufficient to identify it, the present location of the original thereof, the present location of each copy thereof and the name and address and job title and relationship to the parties to this action of the person who has custody or possession of the original thereof and of each copy thereof.

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INTERROGATORIES

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--- those which you or your representative conducted or participated in with the Protestant or a representative of the Protestant, and

--- those which the Claimant or a representative of the Claimant conducted or participated in with a third party or such third party's representative, and

--- those which you or your representative conducted or participated in with a third party or such third party's representative, and

--- those which one third party or such third party's representative conducted and participated in with another third party or such other third party's representative.

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answers.)

DATED this _____ day of August, 1997.

C. TOM ARKOOSH

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of August, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid:

FREDERICKSEN, WILLIAMS & MESERVY
Robert E. Williams III
117 South Adams Street
P.O. Box 168
Jerome, ID 83338-0168

Idaho Department of Water Resources
222 Shoshone Ave. E
Twin Falls, ID 83301

North Valley Milk, Inc. & Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

C. TOM ARKOOSH

C. Tom Arkoosh
ARKOOSH LAW OFFICES
116 4th Ave. W.
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Gooding, ID 83330
Telephone: 208-934-8872

ATTORNEY FOR PROTESTANT

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Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED
AUG 11 1997
Department of Water Resources

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4897 OF WATER RIGHT)
37-02622B IN THE NAME OF NORTH) NOTICE OF SERVICE
VALLEY MILK, INC.)
)

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Idaho Department of
Water Resources
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Twin Falls, ID 83301

North Valley Milk, Inc. &
Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

DATED this 6 day of August, 1997.

for C. Tom Arkoosh

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for C. Tom Arkoosh

ARKOOSH LAW OFFICES
P.O. BOX 32
116 FOURTH AVENUE WEST
GOODING, ID 83330

ARKOOSH LAW OFFICES
116 Fourth Avenue West
Post Office Box 32
Gooding, Idaho 83330

ORIGINAL

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ARKOOSH LAW OFFICES
Post Office Box 32
116 Fourth Avenue West
Gooding, Idaho 83330

ATTORNEY FOR PROTESTANT

RECEIVED
AUG 07 1997
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622B IN THE NAME OF NORTH VALLEY MILK, INC.	INTERROGATORIES AND REQUEST FOR PRODUCTION

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MAY [illegible] 1997
JAN 07 1998

(2) or, (if at your option you elect not to produce the items for production in the manner specified in subparagraph (1) hereof) by producing such items for production and permitting the undersigned, or someone acting on behalf of the undersigned, to inspect by reading and examining the same and to copy and photograph the same at the time and place hereinafter designated.

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Place: the law office of the undersigned counsel at
116 4th Avenue West
Gooding, Idaho 83330

Notice

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--- with respect to a telephone conversation, a complete statement setting forth the following: the date thereof; the approximate time thereof; the name of the person initiating the call; the location from which the call was placed; the name of the person called; the location to which the call was placed; the words spoken or the substance of what was said by the person initiating the call and by the person called; whether anyone else listened in on one or both sides of such telephone conversation and if so the name and address of such person; whether such conversation was recorded and if so the name and address of the person who recorded it and the name and address of the person who has custody or possession of such recording and of each copy thereof; and whether any notes or memorandums were made of such conversation and if so the name and address of each person who has custody or possession of the original of such notes or memorandum and of each copy thereof.

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(g) "identify each document" means with respect to each such document a complete description thereof sufficient to identify it, the present location of the original thereof, the present location of each copy thereof and the name and address and job title and relationship to the parties to this action of the person who has custody or possession of the original thereof and of each copy thereof.

(h) "identify each person" means with respect to such person and insofar as applicable to such person his or her name, last known address, last known residence telephone number, last known business telephone number, last known business or occupation or profession, address of last known employer or place of business, actual (or estimated) age, and the relationship to any party to this action.

(I) "identify each exhibit" means with respect to each such exhibit a complete description thereof sufficient to identify it, the present location of the original thereof, the present location of each copy thereof and the name and address and job title and relationship to the parties to this action of the person who has custody or possession of the original thereof and of each copy thereof.

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--- those which you or your representative conducted or participated in with the Protestant or a representative of the Protestant, and

--- those which the Claimant or a representative of the Claimant conducted or participated in with a third party or such third party's representative, and

--- those which you or your representative conducted or participated in with a third party or such third party's representative, and

--- those which one third party or such third party's representative conducted and participated in with another third party or such other third party's representative.

INTERROGATORY NO. 2: Documents - the Claimant: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by you and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the trial of this action for any purpose. This specifically includes documents regarding the waste disposal system as the proposed place of use.

INTERROGATORY NO. 3: Documents - the Protestant: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by the Protestant and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the trial of this action for any purpose.

INTERROGATORY NO. 4: Documents - Third Parties: Please separately identify each document known to or in possession of or under the control of you or your representatives which was or which purports to have been or which is contended by you to have been prepared or signed or approved or spoken or authored by any third party and which in any way relates to any of the issues in this action or which you intend to offer in evidence at the trial of this action for any purpose.

INTERROGATORY NO. 5: Persons interviewed by you, etc.: Please identify each person with whom you or your representatives have communicated or who you or your representatives have interviewed seeking information relating to this action or any issue in this action.

INTERROGATORY NO. 6: Witnesses with relevant knowledge of the issues, etc.: Please separately identify each person who, according to your information or knowledge or the information or knowledge of your representatives, has relevant knowledge of any of the issues or any of the occurrences which are relevant to this action and state the substance of the facts and opinions which constitute such relevant knowledge.

INTERROGATORY NO. 7: Lay witnesses for trial: Please separately identify each person who you may call as a lay witness at the trial of this action and state the substance of the facts and opinions to which such lay witness is expected to testify.

INTERROGATORY NO. 8: Experts retained but not expected to testify: Please separately identify each person retained or specially employed by you as an expert in anticipation of this litigation or in preparation for the trial of this action whom you do not expect to call as a witness at the trial of this action and state with respect to any reports made to you by the expert the subject matter thereof and the location of each such report.

INTERROGATORY NO. 9: Expert witnesses for trial: Please separately identify each person whom you may call as an expert witness at the trial of this action and state the subject matter on which such expert witness is expected to testify, the substance of the facts to which such expert witness is expected to testify and the substance of the opinions to which such expert witness is expected to testify.

INTERROGATORY NO. 10: Exhibits for trial: Please separately identify each exhibit which you may offer into evidence at the trial of this action and as to each such exhibit which consists of more than 15 pages or more than 3,000 words, quote or otherwise specifically designate each portion of such exhibit which you contend is the relevant portions thereof.

INTERROGATORY NO. 11: Persons supplying answer hereto: Please separately identify each person who supplied answers to these interrogatories and designate the answer or part thereof supplied by such person. (This interrogatory is intended to discover principal sources of information and does not seek to ascertain the identity of mere draftsmen or persons responsible for the mechanical preparation of these

answers.)

DATED this _____ day of August, 1997.

C. TOM ARKOOSH

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of August, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid:

FREDERICKSEN, WILLIAMS & MESERVY
Robert E. Williams III
117 South Adams Street
P.O. Box 168
Jerome, ID 83338-0168

Idaho Department of Water Resources
222 Shoshone Ave. E
Twin Falls, ID 83301

North Valley Milk, Inc. & Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

C. TOM ARKOOSH

C. Tom Arkoosh
ARKOOSH LAW OFFICES
116 4th Ave. W.
P.O. Box 32
Gooding, ID 83330
Telephone: 208-934-8872

ATTORNEY FOR PROTESTANT

ORIGINAL

RECEIVED
AUG 07 1997
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4897 OF WATER RIGHT)
37-02622B IN THE NAME OF NORTH) NOTICE OF SERVICE
VALLEY MILK, INC.)
)

COMES NOW the Protestant in the above entitled action and hereby gives notice pursuant to Idaho Rules of Civil Procedure 33 and 34 that a true and correct copy of the following pleadings were served:

Title of Pleadings	Date Served	Upon Whom Served
Interrogatories and Request for Production	August 6, 1997	Robert E. Williams III 117 South Adams Street P.O. Box 168 Jerome, ID 83338-0168

RECEIVED
AUG 07 1997

Idaho Department of
Water Resources
222 Shoshone Ave. E.
Twin Falls, ID 83301

North Valley Milk, Inc. &
Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

DATED this 6 day of August, 1997.

for C. Tom Arkoosh

CERTIFICATE OF MAILING

I hereby certify that on the 6 day of August, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid:

for C. Tom Arkoosh

Arkoosh Law Offices

LAWYERS
POST OFFICE BOX 32
116 FOURTH AVENUE WEST
GOODING, IDAHO 83330

C. TOM ARKOOSH
LUVERNE E. SHULL
ERIC J. WILDMAN

E-MAIL tarkoosh@northrim.net
TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873

July 31, 1997

RECEIVED
AUG 05 1997
Department of Water Resources
Southern Region

VIA FACSIMILE & REGULAR MAIL

Allen Merritt, PE
Southern Region Manager
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301-6105

In re: Protest of Bonnie Arkoosh to Application for Transfer No. 4897 and as amended

Dear Allen:

Attached hereto please find a copy of my letter to you of July 14, 1997, wherein we requested a Status Conference be held in this matter prior to any hearing and also advised of our scheduling conflict with the hearing set in this matter. Also enclosed is the Notice of Trial Setting for the jury trial which is a scheduling conflict with the hearing date in the above entitled matter. Negotiations for settlement in the conflicting matter have ceased and as of this date, the jury trial is scheduled to proceed to trial on the date ordered, the same date on which the hearing in the above entitled matter has been set.

Again, we certainly do not waive a status conference in this matter. Indeed, we believe that a pretrial is conducted for the benefit of the Protestant as well as the Applicant to learn and expand on the issues. We request a Pretrial Conference/Status Conference be set prior to any hearing in this matter.

I believe that the time frame between the amendment and the scheduled trial,

JAN 27 1998

without any further explanation regarding the proposed dairy site, leaves this matter woefully unprepared for hearing.

Please consider this request for pretrial and request for a continuance of the hearing to a date on which all parties may be present.

I await your response. Thank you.

Sincerely yours,



C. Tom Arkoosh

CTA/bsb
cc: Robert Williams
Encl.
A:\ARKOOSH.BON\PRO4898\MERRITT.LTR

COPY

Arkoosh Law Offices

LAWYERS
POST OFFICE BOX 32
116 FOURTH AVENUE WEST
GOODING, IDAHO 83330

C. TOM ARKOOSH
LUVERNE E. SHULL
ERIC J. WILDMAN

E-MAIL tarkoosh@northrim.net
TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873

July 14, 1997

RECEIVED
AUG 05 1997
Department of Water Resources
Southern Region

VIA FACSIMILE & REGULAR MAIL

Allen Merritt, PE
Southern Region Manager
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301-6105

In re: Motion for Discovery

Dear Allen:

I had been waiting for a decision regarding whether there would be a pre trial in this matter before sending you available dates. I am scheduled for trial in Pocatello on August 26, 1997.

We certainly do not waive a status conference in this matter. Indeed, we believe that a pretrial is conducted for the benefit of the Protestant as well as the Applicant to learn and expand on the issues.

Further, please find enclosed herewith our Request for Discovery in this matter. I believe that the time frame between the amendment and the scheduled trial, without any further explanation regarding the proposed dairy site, leaves this matter woefully unprepared for hearing.

O: Allen Merritt

Please advise regarding the pending motion. Thank you.

Sincerely yours,

By

For C. Tom Arkoosh

CTA/bsb
cc: Robert Williams
Encl.
A:\ARKOOSH.BON\PRO4897.AM\MERR7-14.LTR

APR 3 0 1997

DIST COURT
SEVENTH JUDICIAL DIST.
BINGHAM CO.

'97 APR 29 A11:13

CV-94-14267

JUDGE

BY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

VIOLET RICH and BUD RICH, Plaintiffs, vs. AQUALIFE INC., an Idaho corporation, Defendant.	Case No. CV-94-14267 **MINUTE ENTRY AND ORDER**

This matter came before the Court this 28th day of April, 1997, for the purpose of hearing a **TELEPHONIC STATUS CONFERENCE** before the Honorable James C. Herndon, District Judge.

John Ingelstrom, Esq., appeared for the plaintiff. Tom Arkoosh, Esq., appeared for the defendant.

Counsel advised the Court of the status of the case. They reported that the case will no doubt be settled through purchase of the property and that the prospective purchaser is reliable. Both parties requested an additional 60-90 days to complete the transaction and requested that the trial set for June 3, 1997 be vacated and continued.

IT IS HEREBY ORDERED that **JURY TRIAL** is **CONTINUED** until **August 26, 1997, at 9 a.m.**

DATED THIS 28th day of April, 1997.

JAMES C. HERNDON, District Judge

Clerk: Pat Freeman
Tape: 97-16A @ 2111-3001

FREDERICKSEN, WILLIA .S & 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

RECEIVED
AUG 0 8 1997
Department of Water Resources
Southern Region

August 1, 1997

Allen Merritt, PE
Southern Region Manager
Department of Water Resources
222 Shoshone St. East
Twin Falls, ID 83301

RE: 4 Bros. Dairy, Inc./North Valley Milk
Application for Transfer No. 4897, as amended
Protest of Bonnie Arkoosh

Dear Allen:

This letter is prompted by Tom Arkoosh's letter to you on the above referenced matter dated July 31, 1997.

The applicants do not agree that a continuance should be granted. Mr. Arkoosh has other attorneys in his office who can handle this matter for Tom's mother whether he is available or not.

You will recall that Mr. Arkoosh unsuccessfully sought continuances on earlier transfer applications of 4 Bro. Dairy, Inc./North Valley Milk, Inc. in much the same context. It is important that this hearing proceed as soon as possible.

My clients are also requesting by this letter that the Director deny Bonnie Arkoosh's standing to protest this application. Mrs. Arkoosh does not own property in the vicinity of the real property to which this application applies. The nearest property she owns to the site of the pending application appears to be 10-15 miles away.

In Selkirk-Priest Basin Ass'n, Inc. v. State of Idaho, 919 P.2d 1032, 128 Idaho 831 (1996), the Idaho Supreme Court denied standing in a judicial review of an administrative decision to an organization which was unable to show injury defined as ". . . distinct and palpable and not . . . one suffered alike by all citizens in the jurisdiction. . . ." Selkirk-Priest, at 1034-1035.

Mrs. Arkoosh has not articulated, and the applicants believe she is unable to articulate, any injury from this pending application as defined in Selkirk-Priest. Since she would have no standing to bring judicial review of the administrative decision as an aggrieved party, it makes no sense to allow her to participate as a protestant in the first place. It appears to my clients that the only interest of Bonnie Arkoosh in this matter is to cause as much delay and inconvenience to my clients as possible. 4 Bros. Dairy, Inc. respectfully requests that the hearing officer deny Mrs. Arkoosh the right to protest this application.

Sincerely,

FREDERICKSEN, WILLIAMS & MESERVY

ROBERT E. WILLIAMS

REW:rlw
cc: C. Tom Arkoosh
cc: Clients

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

Post-it® Fax Note 7671	Date	# of pages ▶ 2
To Glen Saxton	From Allen Merritt	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

Telephone: (208) 324-2303
Telecopier: (208) 324-3135

August 1, 1997

Allen Merritt, PE
Southern Region Manager
Department of Water Resources
222 Shoshone St. East
Twin Falls, ID 83301

RE: 4 Bros. Dairy, Inc./North Valley Milk
Application for Transfer No. 4897, as amended
Protest of Bonnie Arkoosh

Dear Allen:

This letter is prompted by Tom Arkoosh's letter to you on the above referenced matter dated July 31, 1997.

The applicants do not agree that a continuance should be granted. Mr. Arkoosh has other attorneys in his office who can handle this matter for Tom's mother whether he is available or not.

You will recall that Mr. Arkoosh unsuccessfully sought continuances on earlier transfer applications of 4 Bro. Dairy, Inc./North Valley Milk, Inc. in much the same context. It is important that this hearing proceed as soon as possible.

My clients are also requesting by this letter that the Director deny Bonnie Arkoosh's standing to protest this application. Mrs. Arkoosh does not own property in the vicinity of the real property to which this application applies. The nearest property she owns to the site of the pending application appears to be 10-15 miles away.

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RECEIVED
AUG 07 1997

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Sincerely,

FREDERICKSEN, WILLIAMS & MESERVY

ROBERT E. WILLIAMS

REW:rlw
cc: C. Tom Arkoosh
cc: Clients

JAN 07 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT NO. 37-02622 IN THE NAME OF NORTH VALLEY MILK, INC.	**ORDER AUTHORIZING DISCOVERY**

On July 14, 1997, Bonnie Arkoosh (protestant) by and through her attorney, Tom Arkoosh, by motion requested the department to issue an order Authorizing Discovery pursuant to IDAPA Rules 37.01.01521-531 (Rules of Procedure 521 through Rule 531). The applicant did not respond to the motion.

The Director of the department of Water Resources (Director) hereby authorizes the parties to engage in discovery commencing with the date of this order. The parties shall complete discovery five days prior to the date of the hearing in this matter which has been scheduled on August 26, 1997. Discovery shall be conducted pursuant to IDAPA 37.01.01520-532 (Rules of Procedure 520 through 532). The parties are directed to answer or otherwise respond to discovery in accordance with the department's Rules of Procedure and the Idaho Rules of Civil Procedure, as appropriate.

In accordance with Rule 520, the scope of discovery shall be governed by Rule 26(b) of the Idaho Rules of Civil Procedure, unless otherwise provided by statute, rule or order of the Director.

DATED this 21st day of July, 1997.

L. Glen Saxton

L. GLEN SAXTON
Hearing Officer

RECEIVED
JUL 23 1997
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED
JUL 18 1997
Department of Water Resource
Southern Region

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622 IN THE NAME OF NORTH VALLEY MILK, INC.	MOTION AND ORDER FOR DISCOVERY

COMES NOW, the Protestant, Bonnie Arkoosh, in the above matter, and hereby moves the Department of Water Resources for its order allowing discovery in the above matter.

DATED this 14th day of July, 1997.

By _____
For C. TOM ARKOOSH

* * * * * * *

ORDER

The Department of Water Resources having reviewed the motion of protestant, and being fully advised in the premises;

IT IS HEREBY ORDERED and this does order that discovery be allowed in the above entitled matter.

DATED this 14th day of July, 1997.

_____

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid and via facsimile transmission:

Robert E. Williams, III
Post Office Box 168
Jerome, Idaho 83338-0168

Idaho Department of Water Resources
222 Shoshone Ave. E.
Twin Falls, Idaho 83301

By _____
For C. TOM ARKOOSH

Arkoosh Law Offices

LAWYERS
POST OFFICE BOX 32
116 FOURTH AVENUE WEST
GOODING, IDAHO 83330

C. TOM ARKOOSH
LUVERNE E. SHULL
ERIC J. WILDMAN

E-MAIL tarkoosh@northrim.net
TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873

July 14, 1997

RECEIVED
JUL 18 1997
Department of Water Resources
Southern Region

VIA FACSIMILE & REGULAR MAIL

Allen Merritt, PE
Southern Region Manager
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301-6105

In re: Motion for Discovery

Dear Allen:

I had been waiting for a decision regarding whether there would be a pre trial in this matter before sending you available dates. I am scheduled for trial in Pocatello on August 26, 1997.

We certainly do not waive a status conference in this matter. Indeed, we believe that a pretrial is conducted for the benefit of the Protestant as well as the Applicant to learn and expand on the issues.

Further, please find enclosed herewith our Request for Discovery in this matter. I believe that the time frame between the amendment and the scheduled trial, without any further explanation regarding the proposed dairy site, leaves this matter woefully unprepared for hearing.

Please advise regarding the pending motion. Thank you.

Sincerely yours,

By

For C. Tom Arkoosh

CTA/bsb
cc: Robert Williams
Encl.
A:\ARKOOSH.BON\PRO4897.AM\MERR7-14.LTR

FAX TRANSMISSION

ARKOOSH LAW OFFICES
116 4TH AVE. W., P.O. BOX 32
GOODING, ID 83330
(208) 934-8872
FAX: (208) 934-8873

To: Allen Merritt **Date:** July 14, 1997

Fax #: (208) 736-3037 **Pages:** 4, including cover

From: C. TOM ARKOOSH

In Re: MOTION FOR DISCOVERY/ PROTEST OF TRANSFER NO. 4897

Transmitted herewith please find Motion for Discovery and Order and Letter to Mr. Merritt. Thank you.

CONFIDENTIALITY NOTE

The documents accompanying this telecopy transmission contain information from C. Tom Arkoosh which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this telecopied information is prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

IF ALL PAGES ARE NOT RECEIVED, PLEASE TELEPHONE (208)934-8872

OR TELECOPY MESSAGE TO US AT (208) 934-8873.

THANK YOU

TELECOPY OPERATOR: Brenda Butler

TIME SENT: _____ A.M. 4:10 P.M.

Arkoosh Law Offices

LAWYERS
POST OFFICE BOX 32
116 FOURTH AVENUE WEST
GOODING, IDAHO 83330

C. TOM ARKOOSH
LUVERNE E. SHULL
ERIC J. WILDMAN

E-MAIL tarkoosh@northrim.net
TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873

July 14, 1997

VIA FACSIMILE & REGULAR MAIL

Allen Merritt, PE
Southern Region Manager
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301-6105

In re: Motion for Discovery

Dear Allen:

I had been waiting for a decision regarding whether there would be a pre trial in this matter before sending you available dates. I am scheduled for trial in Pocatello on August 26, 1997.

We certainly do not waive a status conference in this matter. Indeed, we believe that a pretrial is conducted for the benefit of the Protestant as well as the Applicant to learn and expand on the issues.

Further, please find enclosed herewith our Request for Discovery in this matter. I believe that the time frame between the amendment and the scheduled trial, without any further explanation regarding the proposed dairy site, leaves this matter woefully unprepared for hearing.

Post-it® Fax Note 7671	Date	# of pages ▶ 4
To Glen Saxton	From Allen Merritt	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

Please advise regarding the pending motion. Thank you.

Sincerely yours,

By

For C. Tom Arkoosh

CTA/bsb
cc: Robert Williams
Encl.
A:\ARKOOSH.BON\PRO4897.AM\MERR7-14.LTR

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622 IN THE NAME OF NORTH VALLEY MILK, INC.	MOTION AND ORDER FOR DISCOVERY

COMES NOW, the Protestant, Bonnie Arkoosh, in the above matter, and hereby moves the Department of Water Resources for its order allowing discovery in the above matter.

DATED this 14th day of July, 1997.

By
For C. TOM ARKOOSH

* * * * * * * *

ORDER

The Department of Water Resources having reviewed the motion of protestant, and being fully advised in the premises;

IT IS HEREBY ORDERED and this does order that discovery be allowed in the above entitled matter.

DATED this 14th day of July, 1997.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid and via facsimile transmission:

Robert E. Williams, III
Post Office Box 168
Jerome, Idaho 83338-0168

Idaho Department of Water Resources
222 Shoshone Ave. E.
Twin Falls, Idaho 83301

By _____
For C. TOM ARKOOSH

Arkoosh Law Offices

LAWYERS
POST OFFICE BOX 32
116 FOURTH AVENUE WEST
GOODING, IDAHO 83330

C. TOM ARKOOSH
LUVERNE E. SHULL
ERIC J. WILDMAN

E-MAIL tarkoosh@northrim.net
TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873

July 14, 1997

VIA FACSIMILE & REGULAR MAIL

Allen Merritt, PE
Southern Region Manager
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301-6105

In re: Motion for Discovery

Dear Allen:

I had been waiting for a decision regarding whether there would be a pre trial in this matter before sending you available dates. I am scheduled for trial in Pocatello on August 26, 1997.

We certainly do not waive a status conference in this matter. Indeed, we believe that a pretrial is conducted for the benefit of the Protestant as well as the Applicant to learn and expand on the issues.

Further, please find enclosed herewith our Request for Discovery in this matter. I believe that the time frame between the amendment and the scheduled trial, without any further explanation regarding the proposed dairy site, leaves this matter woefully unprepared for hearing.

Post-it® Fax Note 7671	Date	# of pages ▶ 4
To Glen Saxton	From Allen Merritt	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

Please advise regarding the pending motion. Thank you.

Sincerely yours,

For C. Tom Arkoosh

CTA/bsb
cc: Robert Williams
Encl.
A:\ARKOOSH.BON\PRO4897.AM\MERR7-14.LTR

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622 IN THE NAME OF NORTH VALLEY MILK, INC.	MOTION AND ORDER FOR DISCOVERY

COMES NOW, the Protestant, Bonnie Arkoosh, in the above matter, and hereby moves the Department of Water Resources for its order allowing discovery in the above matter.

DATED this 14th day of July, 1997.

By [signature]
For C. TOM ARKOOSH

****

ORDER

The Department of Water Resources having reviewed the motion of protestant, and being fully advised in the premises;

IT IS HEREBY ORDERED and this does order that discovery be allowed in the above entitled matter.

DATED this 14th day of July, 1997.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 1997, I served a true and correct copy of the foregoing document upon the following persons, by causing to be deposited a copy thereof in the United States Mail, first class postage prepaid and via facsimile transmission:

Robert E. Williams, III
Post Office Box 168
Jerome, Idaho 83338-0168

Idaho Department of Water Resources
222 Shoshone Ave. E.
Twin Falls, Idaho 83301

By [signature]
For C. TOM ARKOOSH

RECEIVED
JUL 14 1997
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	)	NOTICE OF HEARING
NORTH VALLEY MILK, INC. & 4 BROS DAIRY Applicant	)	
BONNIE ARKOOSH, Protestant	)	SOURCE: Groundwater COUNTY: Gooding

On August 13, 1996, North Valley Milk, Inc., & 4 Bros. Dairy (applicant) filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho to which the Department assigned Transfer No. 4897. This application was Amended on May 29, 1997.

The Department has received a protest against the approval of said application from the above captioned protestant. The applicants have elected to waive a pre-hearing conference and have requested a formal Hearing in the matter.

THEREFORE, The Department has set the matter for Hearing on **Tuesday, August 26, 1997 at 10:00 a.m. in the Multi-purpose Room, Gooding City Hall, 308 5th Avenue West-Gooding, ID.**

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the department. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Glen L. Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans With Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 10th day of July, 1997.

Allen D. Merritt, P.E. - Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of July, 1997 a true and correct copy of the Notice of Hearing was forwarded with all required charges prepared, by the method indicated below, to the parties listed:

Mary A. Baldwin
Secretary

ANDREW FITZGERALD SEC-TREAS NORTH VALLEY MILK INC 425 N 250 W SHOSHONE ID 83352	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ _____ __x__ _____
ROBERT E WILLIAMS ESQ FREDERICKSEN WILLIAMS & MESERVY PO BOX 168 JEROME ID 83338	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ _____ __x__ _____
BONNIE ARKOOSH C/O C TOM ARKOOSH ESQ PO BOX 32 GOODING ID 83330	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ _____ __x__ _____

NAME AND ADDRESS OF SENDER

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☐ Insured
☐ COD
☐ Certified ☐ Express Mail

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1	1700	[illegible]	.32	1.10	1.10	2.52						
2	1701	Lee Ray — AM - 4/22/97 Re: 47.8076	.32	1.10	1.10	2.52						
3	1702	Lloyd J. Webb ESQ										
4	1703 (3)	Fred Kiggen			1.5							
5	1704	High Plains Drillers	.32	1.10	1.00	2.52						
6	1705	High Plains Drillers 5/30/97 0299-2-5-97-01	.32	1.10	1.10	252						
7	1706	High Plains Drillers 7/2/97 0299-2-5-97-01	.32	1.35	1.10	2.77						
8	1707	NV-Smith AM/ 7/10/97 Andrew Fitzgerald T# 4897	.32	1.35	1.10	2.77						
9	708	Robert E. Williams, ESQ										
10	1709 (3)	Bonnie Ankoosh c/o C. Tom Ankoosh										
11												
12												
13												
14												
15												

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)

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

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☆ U.S. GOVERNMENT PRINTING OFFICE: 1984-445-

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

RECEIVED
JUL 03 1997
Department of Water Resources
Southern Region

July 2, 1997

Idaho State Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

RE: Water Rights Transfer Application No. 4897
(North Valley Milk, Inc. and 4 Bros. Dairy, Inc.)

Gentlemen:

I represent the applicant in the Amended Application for Transfer of Water Right now pending under the above referenced number.

My clients have noted a protest regarding this proposed transfer. My clients are ready and anxious to proceed to a hearing to resolve the protest. Could you please schedule the hearing on the protest as soon as possible.

My <u>unavailable</u> dates for the month of August are the 1st, 7th and 13th.

Sincerely,

FREDERICKSEN, WILLIAMS & MESERVY

ROBERT E. WILLIAMS III

REW:rlw
cc: Client

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 11, 1996

ATTN LINDA WILDEMAN
GOODING CITY HALL
308 5TH AVE WEST
GOODING ID 83330

Dear Linda:

This is a follow-up to our telephone conversation of 8/11/97 to confirm changes to our reservations of the Multi-purpose Room for a meeting to be held by this office.

It is my understanding that we have the room **reserved for Friday-September 5th from 9:00a.m. - 5:00 p.m.** and cancelled for August 26th & 27th.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin

Mary Baldwin
Senior Secretary

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete item ' and/or 2 for additional services.
- Complete ite and 4a & b.
- Print your nam. .id address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

:o wish to receive the fol.. .ving services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: T# 4897

BONNIE ARKOOSH
C/O C TOM ARKOOSH ESQ
PO BOX 32
GOODING ID 83330

4a. Article Number 1709

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery 7-14-97

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent) X Linda Battle

PS Form **3811**, December 1991 ☆U.S. GPO: 1993—352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

U.S. MAIL

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JUL 15 1997

Department of Water Resource
Southern Region

MICROFILMED
JAN 07 1998

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

Is your RETURN ...ted on the reverse side?

SENDER:

- Complete item... 1 and/or 2 for additional services.
- Complete ite... and 4a & b.
- Print your na... ...d address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

...so wish to receive the fo... ...ving services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: TR # 4897

ROBERT E WILLIAMS III
FREDERICKSEN WILLIAMS & MES
PO BOX 168
JEROME ID 83338

4a. Article Number 1708

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☒ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form **3811**, December 1991 ☆U.S. GPO: 1993—352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

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Department of Water Resource
Southern Region

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JAN 07 1998

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: TR # 4897

ANDREW FITZGERALD SEC-TR
NORTH VALLEY MILK INC
425 N 250 W
SHOSHONE ID 83352

4a. Article Number 1707

4b. Service Type

- ☐ Registered
- ☐ Insured
- ☒ Certified
- ☐ COD
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form **3811**, December 1991 ☆U.S. GPO: 1993—352-714 **DOMESTIC RETURN RECEIPT**

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business

TWIN FALLS, ID 833
-PM
11 JUL
1997

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, $300

U.S. MAIL

JUL 14 1997

Department of Water Resources
MICROFILMED

Print your name, address and ZIP Code here

JAN 07 1938

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

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☐ Insured
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2	1701	Lee Kay — AM - 4/22/97 R: 47.8076	.32	1.10	1.10	2.52						
3	1702	Lloyd J. Webb ESQ										
4	1703 (3)	Fred Kuiper			1.5							
5	1704	High Plains Drillers	.32	1.10	1.00	2.52						
6	1705	High Plains Drillers 5/30/97 0299-2-5-97-01	.32	1.10	1.10	252						
7	1706	High Plains Drillers 7/2/97 0299-2-3-97-01	.32	1.35	1.10	2.77						
8	1707	NV - milk AM 7/10/97 Andrew Fitzgerald T# 4897	.32	1.35	1.10	2.77						
9	1708	Robert E. Williams, ESQ										
10	1709 (3)	Bonnie Ankoosh c/o C. Tom Ankoosh										
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Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER *(Name of receiving employee)*

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 4897 WATER RIGHT NO. 37-02622 Part	)	NOTICE OF HEARING
NORTH VALLEY MILK, INC. & 4 BROS DAIRY Applicant	)	
BONNIE ARKOOSH, Protestant	)	SOURCE: Groundwater COUNTY: Gooding

On August 13, 1996, North Valley Milk, Inc., & 4 Bros. Dairy (applicant) filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho to which the Department assigned Transfer No. 4897. This application was Amended on May 29, 1997.

The Department has received a protest against the approval of said application from the above captioned protestant. The applicants have elected to waive a pre-hearing conference and have requested a formal Hearing in the matter.

THEREFORE, The Department has set the matter for Hearing on **Tuesday, August 26, 1997 at 10:00 a.m. in the Multi-purpose Room, Gooding City Hall, 308 5th Avenue West-Gooding, ID.**

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the department. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Glen L. Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans With Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 10th day of July, 1997.

Allen D. Merritt, P.E. - Regional Manager

JAN 07 1998

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of July, 1997 a true and correct copy of the Notice of Hearing was forwarded with all required charges prepared, by the method indicated below, to the parties listed:

Mary A. Baldwin
Secretary

ANDREW FITZGERALD SEC-TREAS NORTH VALLEY MILK INC 425 N 250 W SHOSHONE ID 83352	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ _____ __x__ _____
ROBERT E WILLIAMS ESQ FREDERICKSEN WILLIAMS & MESERVY PO BOX 168 JEROME ID 83338	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ _____ __x__ _____
BONNIE ARKOOSH C/O C TOM ARKOOSH ESQ PO BOX 32 GOODING ID 83330	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ _____ __x__ _____

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 10, 1997

ATTENTION: Linda Wildman
GOODING CITY HALL
308 5TH AVENUE WEST
GOODING ID 83330

Dear Linda:

This is a follow-up to our telephone conversation to confirm the reservation of the Multi-purpose Room for a meeting to be held by this office on Tuesday & Wednesday- August 26 and 27, 1997 from 9:00 a.m.- 5:00 p.m.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin
Senior Secretary

FREDERICKSEN, WILLIA[illegible] & 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

RECEIVED
JUL 03 1997
Department of Water Resources
Southern Region

July 2, 1997

Idaho State Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

RE: Water Rights Transfer Application No. 4897
(North Valley Milk, Inc. and 4 Bros. Dairy, Inc.)

Gentlemen:

I represent the applicant in the Amended Application for Transfer of Water Right now pending under the above referenced number.

My clients have noted a protest regarding this proposed transfer. My clients are ready and anxious to proceed to a hearing to resolve the protest. Could you please schedule the hearing on the protest as soon as possible.

*My **unavailable** dates for the month of August are the 1st, 7th and 13th.*

Sincerely,

FREDERICKSEN, WILLIAMS & MESERVY

ROBERT E. WILLIAMS III

REW:rlw
cc: Client

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 1, 1997

Tom Arkoosh
PO Box 32
Gooding, ID 83330

Robert Williams III
PO Box 168
Jerome, ID 83338-0168

RE: North Valley Milk/ 4 Bros. Dairy Transfer #4897 of portion of right 37-02622

Gentlemen:

I recently received a request by Andrew Fitzgerald to expedite the hearing into the matter of protest of his amended transfer #4897. He requests that we forego the pre-hearing conference and schedule the hearing as soon as possible.

As you know application for transfer #4897 was originally filed to cover the development of a new dairy at the site near Gooding which was the subject of the earlier hearing conducted by the department in April for transfer #4822. In May the applicant amended transfer #4897, moving the proposed site of the new dairy to lands in Lincoln County. As you know the original application was protested by Bonnie Arkoosh and the protest was renewed for the amended transfer application.

In considering Mr. Fitzgerald's request to expedite the hearing process, I have reviewed the department's "Rules of Procedure" and discussed the matter with Glen Saxton, hearing officer. Normally the department prefers to schedule a pre-hearing conference to informally discuss settlement of the contested case or to work out the details for exchange of exhibits, witness lists, etc. prior the hearing. Since the parties have recently gone through the process of hearing a contested case, and since the pre-hearing conference is at the discretion of the department, the department asks your cooperation in scheduling the pending matter for hearing without a prior conference.

Within the next 7 days please provide me with a list of dates you may have available to attend a hearing in August. Also, please contact each other within the next 7 days to work out the details for the timely exchange of exhibits, witness lists, or other issues before August 1st and let me know of your timeframe.

Thank you for your cooperation.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton
Andrew Fitzgerald

ORIGINAL

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

JUN 13 1997
No Fee
Department of Water Resources
Southern Region

IN THE MATTER OF AMENDED APPLICATION FOR TRANSFER NO. 4897 OF WATER RIGHT 37-02622B IN THE NAME OF NORTH VALLEY MILK, INC.	)	NOTICE OF PROTEST

COMES NOW Bonnie Arkoosh, by and through her attorney of record, C. Tom Arkoosh, and file this Protest to Amended Application No. 4897. The Protestants' address for service in this matter is Post Office Box 32, Gooding, Idaho. Telephone: (208) 934-8872. This Protest is filed based upon the provisions of Idaho Code Section 42-203 (A), 42-222, and other laws of the United States and the State of Idaho. The Protest is filed upon the following grounds:

1. The proposed use would reduce the quantity of water under existing rights.

2. The water supply is insufficient for the proposed use.

3. The proposed use conflicts with the local public interest.

4. The proposed use is contrary to conservation of water resources within the State of Idaho.

5. The change in use would constitute an enlargement in use.

At hearing the Protestants will present evidence regarding the impact on both the quality and quantity of water which the proposed change would have on existing water

rights, as well as the local public interest. The protest can be resolved only by denial of the transfer application, and, consequently, Protestants pray the application be denied.

By filing this protest, the Protestants give notice to the Department of Water Resources and to the Applicant that they intend to appear at all conferences or hearings in this matter; they intend to present evidence and cross-examine; and, in order to adequately prepare to present evidence and cross-examine at hearing, it may be necessary to obtain discovery from the Applicant or others, or obtain information from the Department of Water Resources. Therefore, the Protestant requests that any hearing in this matter be scheduled in order to allow the hearing officer to take up prehearing matters.

Respectfully submitted,

DATED this 12th day of June, 1996.

C. Tom Arkoosh

CERTIFICATE OF SERVICE

We hereby certify that on the 12th day of June, 1998, we caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

✓ U.S. Mail

____ Hand Delivered

____ Overnight Mail

____ Telecopy (FAX)

Idaho Department of Water Resources
222 Shoshone Ave. E.
Twin Falls, ID 83301

Robert E. Williams, III
Post Office Box 168
Jerome, Idaho 83338

North Valley Milk, Inc. & Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

C. Tom Arkoosh

FORM 222a
9/96

IDWR TRANSFER ANALYSIS SHEET

APPLICANT North Valley Milk & 4 Bros. Dairy TRANSFER NO. 4897 Amended

1. Right number(s) 37-02622 Part

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: Transfer amendment is for the same herd size (same water requirements) as originally proposed, but at a different location. The original proposed site is still covered by a previous (protested) app. for transfer.

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: Note canal shares appurtenant to Sec 3 - will be moved to Sec. 10. AFR rules allow shares to be used anywhere on owner's land, but full head will be needed to properly irrigate south 40 (according to applicant).

i. ✓ Existing rights from same source, on land water is being transferred to; right number(s): None

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*) Claimed as licensed

k. ✓ Comment letters ___ Yes ✓ No
If yes ___ Water District #
___ Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY GStanton **DATE** 5-29-97
SRBA SUPERVISOR REVIEW BY _____ **DATE** _____
PUBLICATION REVIEW BY _____ **DATE** _____

1. Legal Notice electronically sent to DWR03::VAULT ✓ Yes 6/10/97@3:05pm

2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

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

3. Transfer published correctly? ___ Yes ___ No

4. Affidavit of publication received? ___ Yes ___ No

5. Protests received? ___ Yes ___ No; Acknowledgement sent? ___ Yes

6. Copies made for Region file (see attached supplemental page)? ___ Yes

RECOMMENDED ACTION

1. ___ Approve

2. ___ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

___ **Also see attached memo for recommendation dated:** _____

4. **By** _____ **Date** _____

AFFIDAVIT of PUBLICATION

RECEIVED

JUN 16 1997

Department of Water Resources
Southern Region

State of Idaho } ss.
County of Gooding }

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 4 day of June, 1997, and the date of the last publication was on the 11 day of June, 1997.

Patty Nance

Subscribed and sworn to before me this 12th day of June, 1997.

(SEAL)

Norma DeVoe
NOTARY PUBLIC

#16190/6510
GOODING COUNTY LEADER
Gooding, Idaho

OK NB 6/17/97

COST OF PUBLICATION

Number of Picas per Line
Number of Lines in Notice
Number of Insertions 2
Affidavit Fee $2.25

	Lines tabular at		7¢/Pica
569.25	Lines straight at	34.16	6¢/Pica
569.25	Subsequent lines at	28.46	5¢/Pica
	TOTAL COST	64.87	

COPY OF NOTICE

(Paste Here)

4 Cuts.
Chg. Pt. - Many
TITLE OF NOTICE 37-02622

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

[redacted] OF [redacted]
AMENDED TF 4007
Notice is hereby given that NORTH VALLEY MILK & FOUR BROTHERS DAIRY, 425 N 2500 W; SHOSHONE ID 83352 have applied to the Department of Water Resources for changes to a water right. The purpose of Amended Transfer No. 4007 is to split an irrigation right by drying up 25.4 acres and using the water for commercial dairy use.
PRESENTLY, this Licensed Water Right No. 37-02622 with a priority date of 10/05/1959 is authorized to divert 1.39 cfs from groundwater within SW1/4SE1/4, S03, T06S, R15E; Gooding County for irrigation of 80 acres within parts of Sections 03 and 10, T05S, R15E; Gooding County.
PROPOSED CHANGE
The applicant wishes to divert 0.46 cfs of water from two new wells within NW1/4NW1/4, S09, T05S, R17E; Lincoln County for commercial dairy use within NW1/4NW1/4 and stockwater use within N1/2NW1/4, S09, T05S, R17E; Lincoln County. A total of 0.46 cfs of water is being transferred for Proposed Water Right No. 37-02622B. Any protest against approval of 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 June 23, 1997. The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director

Published in the Gooding County Leader & Lincoln County Journal on 6/4 & 6/11/97.

AFFIDAVIT of PUBLICATION

RECEIVED

JUN 16 1997

Department of Water Resource
Southern Region

State of Idaho } ss.
County of Lincoln }

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, County of Lincoln, 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 4 day of June, 1997, and the date of the last publication was on the 11 day of June, 1997.

Patty Nance

On this 12th day of June in the year of 1997, 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 executed the same.

Notary Public for Idaho

Residing at Jerome, Id

My commision expires: 3/6/01

#6187

LINCOLN COUNTY JOURNAL
Shoshone, Idaho

OK
mb
6/17/97

COST OF PUBLICATION

Number of Picas per Line

Number of Lines in Notice

Number of Insertions 2
Affidavit fee $2.25

Lines tabular at 7¢/Pica

569.25 Lines straight at 34.16 6¢/Pica

569.25 Subsequent lines at 28.46 5¢/Pica

TOTAL COST 64.87

JAN 07 1998

COPY OF NOTICE

(Paste Here)

Chg. Pts. - 4 Bros Dairy

TITLE OF NOTICE 37-02622

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.

BILL TO

NOTICE OF [redacted] CHANGE OF WATER RIGHT AMENDED T# 4897

Notice is hereby given that NORTH VALLEY MILK & FOUR BROTHERS DAIRY, 425 N 250 W; SHOSHONE ID 83352 have applied to the Department of Water Resources for changes to a water right. The purpose of Amended Transfer No. 4897 is to split an irrigation right by giving up 26.4 acres, and using the water for commercial dairy use.

PRESENTLY, this Licensed Water Right No. 37-02622 with a priority date of 10/06/1959 is authorized to divert 1.39 cfs from groundwater within SW1/4SE1/4, S03, T05S, R15E; Gooding County for irrigation of 80 acres within parts of Sections 03 and 10, T05S, R15E; Gooding County.

PROPOSED CHANGE

The applicant wishes to divert 0.46 cfs of water from two new wells within NW1/4NW1/4, S09, T05S, R17E; Lincoln County for commercial dairy use within NW1/4NW1/4 and stockwater use within N1/2NW1/4, S09, T05S, R17E; Lincoln County. A total of 0.46 cfs of water is being transferred for Proposed Water Right No. 37-026218. Any protest against approval of 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 June 23, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader & Lincoln County Journal on 6/4 & 6/11/97.

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AMENDED T# 4897

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Published in the Gooding County Leader & Lincoln County Journal on 6/4 & 6/11/97.

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

May 30, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGALS DEPT
MAGIC VALLEY PUBLISHING CO
ATTN Norma DeVoe
PO BOX 468
JEROME ID 83338

Post-it® Fax Note 7671	Date 5/30/97	# of pages ▶ 3
To Magic Valley Pub.	From Mary	
Co./Dept. ATTN: NORMA	Co. IDWR	
Phone #	Phone # 736-3033	
Fax # 324-3391	Fax #	

I'll have paper copy over by 5pm

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
Sr. Secretary

Norma:
This needs to go in both papers please.
thx
Mary

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
AMENDED T# 4897

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Phone: (208) 736-3033 FAX: (208) 736-3037

May 30, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ANDREW FITZGERALD SEC-TREAS
NORTH VALLEY MILK &
FOUR BROTHERS DAIRY
425 N 250 W
SHOSHONE ID 83352

Re: AMENDED Application for Transfer No. 4897

Dear Mr. Fitzgerald:

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

This office has scheduled advertising the application in The Gooding County Leader and also in The Lincoln County Journal on 6/4 & 6/11/97 since the county for the point of diversion will be changed.

The advertisement(s) 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,

James E. Stanton
Sr. Water Resource Agent

JS:MB

Form 222a
6/78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: SATTERLEE DATE 26 AUG 96

1. Right number 37-02622 B Applicant NORTH VLY MILK INC & 4 BRO. DAIRY, INC.
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change ~~place~~ PERIOD of use
   ☒ Other SPLIT 37-02622, CHANGE NATURE OF USE
4. Check:
   a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
   b. ☒ Description of original point of diversion.
   c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
   a. ☐ All of right.
   b. ☒ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☒ Check description of point(s) of diversion. 2 WELLS
   d. ☒ Check description of place of use.
   e. ☒ Check map (shows p.d. and p.u. after transfer).
   f. ☒ Check for correct signature, notarization, and fee.
   g. ☒ Check proof of ownership of right &/or land from which water is transferred.
   h. ☒ Check for expansion in use of right. Comments NONE
   i. ☒ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) 37-10931 ? CANAL SHARES? PENDING TRANSFER 37-07575B
   j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
      If yes, what district? 37—Groundwater Not Delivered By W.M.

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____
4. By _____ Date _____

* *All uses within Watermaster Districts require special conditions.*

T # 4897

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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 24, 1996

ANDREW FITZGERALD SEC-TREAS
NORTH VALLEY MILK INC
FOUR BROS DAIRY INC
425 N 250 W
SHOSHONE ID 83352

RE: APPLICATION FOR TRANSFER NOS. 4897 & 4898 (37-02622 Pt)

Dear Mr. Fitzgerald:

Enclosed is a copy of a protest filed against the above referenced applications.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

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

Very truly yours,

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

AM:MB
Enclosure(s)

MICROFILMED
JAN 0 7 1998

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 24, 1996

C TOM ARKOOSH
PO BOX 32
GOODING ID 83330

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AM:MB
Enclosure(s)

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JAN 07 1997

State Idaho
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PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 24, 1996

RECEIVED
SEP 26 1996
Department of Water Resources

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AM:MB
Enclosure(s)

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer:

1. Will the proposed transfer injure other water rights?

2. Will the proposed transfer constitute an enlargement in the use of the original right?

3. Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?

4. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, and 4 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. The department may issue a "pre-conference statement order" which requires response to the inquiries.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape. The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director. Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer. As part of the conference a date may be set by which exchange of exhibits and witness lists must occur.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing party.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 24, 1996

C TOM ARKOOSH
PO BOX 32
GOODING ID 83330

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Southern Region Manager

AM:MB
Enclosure(s)

RECEIVED
SEP 23 1996
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4897 OF WATER RIGHT)
37-02622B IN THE NAME OF NORTH) NOTICE OF PROTEST
VALLEY MILK, INC.)
)

COMES NOW Bonnie Arkoosh, by and through her attorney of record, C. Tom Arkoosh, and file this Protest to Application No. 4897. The Protestants' address for service in this matter is Post Office Box 32, Gooding, Idaho. Telephone: (208) 934-8872. This Protest is filed based upon the provisions of Idaho Code Section 42-203 (A), 42-222, and other laws of the United States and the State of Idaho. The Protest is filed upon the following grounds:

1. The proposed use would reduce the quantity of water under existing rights.

2. The water supply is insufficient for the proposed use.

3. The proposed use conflicts with the local public interest.

4. The proposed use is contrary to conservation of water resources within the State of Idaho.

5. The change in use would constitute an enlargement in use.

At hearing the Protestants will present evidence regarding the impact on both the quality and quantity of water which the proposed change would have on existing water

MICROFILMED
JAN 07 1998

Receipt # 501942
9/23/96
MB

rights, as well as the local public interest. The protest can be resolved only by denial of the transfer application, and, consequently, Protestants pray the application be denied.

By filing this protest, the Protestants give notice to the Department of Water Resources and to the Applicant that they intend to appear at all conferences or hearings in this matter; they intend to present evidence and cross-examine; and, in order to adequately prepare to present evidence and cross-examine at hearing, it may be necessary to obtain discovery from the Applicant or others, or obtain information from the Department of Water Resources. Therefore, the Protestant requests that any hearing in this matter be scheduled in order to allow the hearing officer to take up prehearing matters.

Respectfully submitted,

DATED this 19th day of September 1996.

C. Tom Arkoosh

RECEIVED
JAN 07 1998

CERTIFICATE OF SERVICE

We hereby certify that on the 19th day of September 1996, we caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

✓ U.S. Mail

_____ Hand Delivered

_____ Overnight Mail

_____ Telecopy (FAX)

Idaho Department of Water Resources
222 Shoshone Ave. E.
Twin Falls, ID 83301

North Valley Milk, Inc. & Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

C. Tom Arkoosh

JAN 07

RECEIVED
SEP 23 1996
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
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MICROFILMED
MAR 07 1997

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425 N. 250 W.
Shoshone, ID 83352

C. Tom Arkoosh

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVE
SEP 23 1996
Department of Water Resources
Southern Region

IN THE MATTER OF APPLICATION FOR)
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MB

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North Valley Milk, Inc. & Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

C. Tom Arkoosh

AFFIDAVIT of PUBLICATION

State of Idaho } ss.
County of Gooding }

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Patty Nance

Subscribed and sworn to before me this 11th day of September, 19 96.
(SEAL)

Rosmarie Doe
NOTARY PUBLIC

#13648/6309

GOODING COUNTY LEADER
Gooding, Idaho

OK MB 9/17/96

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2
Affidavit Fee $2.25

_____ Lines tabular at _____ 6¢/Pica
56.3.06 Lines straight at 28.15 5¢/Pica
56.3.06 Subsequent lines at 22.52 4¢/Pica
TOTAL COST 52.92

COPY OF NOTICE

(Paste Here)

No. Valley Milk
Chg. Wtr. Rts. - 4 Bros. Dairy
TITLE OF NOTICE 37-03622B

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

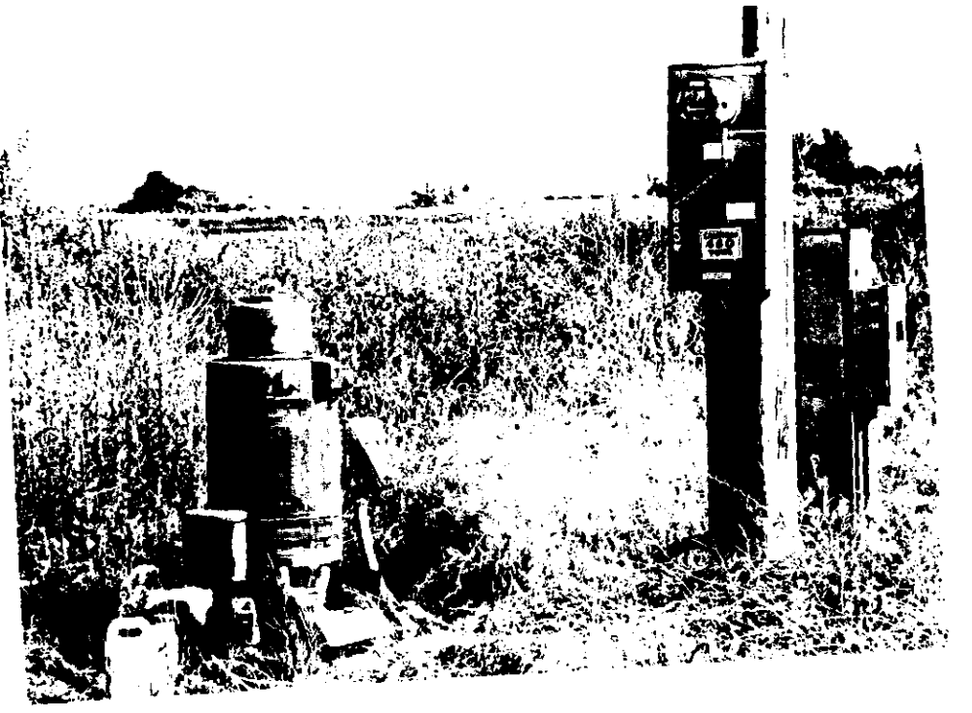
Dept. Water Res.
BILL TO

[redacted]
Notice is hereby given that NORTH VALLEY MILK, INC. & FOUR BROS. DAIRY, INC., [redacted] IDAHO [redacted] have filed two transfer applications pursuant to Section 42-222 of IDAHO CODE. The purpose of these transfers is to split an irrigation right by drying up 58.3 acres and using the water for commercial dairy use.
Proposed Transfer No. 4897: Water Right No. 37-03622B with a priority date of 10/6/1909 will be diverted from two (2) new wells to be drilled within NW1/4NE1/4, S29, T7S, R15E; Gooding County to be used 1/1-12/31 for stockwater use (0.45 cfs) and commercial dairy use (0.46 cfs) within W1/2NE1/4, S29, T7S, R15E. A total of 0.46 cfs of water is being transferred under Proposed Transfer No. 4897.
Proposed Transfer No. 4898: Water Right No. 37-03622C with a priority date of 10/6/1909 will be diverted from an existing well within SW1/4NW1/4, S29, T7S, R15E; Gooding County to be used 1/1-12/31 for stockwater use (0.21 cfs) and commercial dairy use (0.22 cfs) within SW1/4NW1/4, S29, T7S, R15E. A total of 0.21 cfs of water is being transferred under Proposed Transfer No. 4898. A protest against approval of any particular transfer must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of $25.00 on or before September 23, 1996. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director

Published in the Gooding County Leader on 9/4 & 9/11/96.

SEP 07 1996





Lands presently being irrigated by well in background. Blue pipeline is from pump diverting ditch water. Systems not connected.

well associated with transfers # 4722 & # 4723.



Well associated with new transfers
4897 & #4898.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that NORTH VALLEY MILK, INC. & FOUR BROS. DAIRY, INC., 425 N 250 W; SHOSHONE ID 83352 have filed two transfer applications pursuant to Section 42-222 of IDAHO CODE. The purpose of these transfers is to split an irrigation right by drying up 38.3 acres and using the water for commercial dairy use.

Proposed Transfer No. 4897: Water Right No. 37-02622B with a priority date of 10/6/1959 will be diverted from two (2) new wells to be drilled within NW1/4NE1/4, S10, T5S, R15E; Gooding County to be used 1/1-12/31 for stockwater use (0.46 cfs) and commercial dairy use (0.46 cfs) within W1/2NE1/4, S10, T5S, R15E. A total of 0.46 cfs of water is being transferred under Proposed Transfer No. 4897.

Proposed Transfer No. 4898: Water Right No. 37-02622C with a priority date of 10/6/1959 will be diverted from an existing well within SW1/4NW1/4, S29, T7S, R15E; Gooding County to be used 1/1-12/31 for stockwater use (0.21 cfs) and commercial dairy use (0.21 cfs) within SW1/4NW1/4, S29, T7S, R15E. A total of 0.21 cfs of water is being transferred under Proposed Transfer No. 4898. A protest against approval of any particular transfer must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of $25.00 on or before September 23, 1996. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 9/4 & 9/11/96.

JAN 0 7 1997

Stat of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 27, 1996

MAGIC VALLEY PUBLISHING CO
ATTN **Gooding County Leader**
PO BOX 468
JEROME ID 83338

Gentlemen:

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

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that NORTH VALLEY MILK, INC. & FOUR BROS. DAIRY, INC., 425 N 250 W; SHOSHONE ID 83352 have filed two transfer applications pursuant to Section 42-222 of IDAHO CODE. The purpose of these transfers is to split an irrigation right by drying up 38.3 acres and using the water for commercial dairy use.

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Proposed Transfer No. 4898: Water Right No. 37-02622C with a priority date of 10/6/1959 will be diverted from an existing well within SW1/4NW1/4, S29, T7S, R15E; Gooding County to be used 1/1-12/31 for stockwater use (0.21 cfs) and commercial dairy use (0.21 cfs) within SW1/4NW1/4, S29, T7S, R15E. A total of 0.21 cfs of water is being transferred under Proposed Transfer No. 4898.

A protest against approval of any particular transfer must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of $25.00 on or before September 23, 1996. **(Each transfer requires a separate protest).** The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 9/4 & 9/11/96.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 27, 1996

ANDREW FITZGERALD SEC-TREAS
NORTH VALLEY MILK INC
FOUR BROS DAIRY INC
425 N 250 W
SHOSHONE ID 83352

Re: Application for Transfer No. 4897 & 4898 (37-02622 Part)

Dear Mr. Fitzgerald:

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

This office has scheduled advertising the applications in The Gooding County Leader for 9/4 and 9/11/96.

The advertisement(s) 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 L.S.I.T.
Water Resource Agent

GS:mb

SCANNED

PCC2 4-1-96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water Measurement Program

POWER CONSUMPTION COEFFICIENT

WORKSHEET

Date of test 7/25/96

Person performing test S. King B. Contor

Name:	North Valley milk
Water Right No:	37-62622
Legal Description:	T 55 R 15E Sec. 3 NW ¼ SW ¼ SE ¼
Site Tag No:	A0003664
Diversion Name:	Adam's well

OD = 8.67
Thick = 0.25"

Current Owner
Name _____ Phone _____
Last, First, MI
Address _____ City _____ State ____ Zip _____

Operator *(if leased or operated by someone else)*
Name _____ Phone _____
Last, First, MI

Well Site Identification

Global Positioning System Data:

Data Collection Filename M07251 6A *Offset* _____

Uncorrected: *Latitude* _____ *Longitude* _____

Corrected: *Latitude* _____ *Longitude* _____

PLS/USGS *Locator* _____

IDWR Site Tag Identification No. A000 3664

Site Tag location description: _____

RECEIVED
JAN 07 1998

Determination of Power Consumption Coefficient

Kilowatts of Energy Consumed

KW = 3.6 × Kh × Multiplier × No. of revolutions(N) ÷ Time(T) in seconds per N

Cond.#1 N = 10 (No. of Disc Rev) Time(sec) = (59.2+(59.2)+(59.1)/3 = 59.2 Ave

3.6 × 57.6 (Kh) × 1 (Mult) × 10 (N) ÷ 59.2 (T) = 35.0 KW

47 hp

Cond.#2 N = _____ (No. of Disc Rev) Time(sec) = (____)+(____)+(____)/3 = ____ Ave

3.6 × _____(Kh) × _____(Mult) × _____(N) ÷ _____(T) = _____ KW

Cond.#3 N = _____ (No. of Disc Rev) Time(sec) = (____)+(____)+(____)/3 = ____ Ave

3.6 × _____(Kh) × _____(Mult) × _____(N) ÷ _____(T) = _____ KW

Pwc ≈ 15C

Fluid ~ 8

Measured Flow Rate

Measured Flow Rate - Enter flow rate as determined by the "standard" water measurement meter in GPM. Attach documentation to support data such as notes, printout tapes etc.

GPM Cond. #1 626 #2 _____ #3 _____

OHP = 25

IHP = 53%

LOW

AT 200' TDH

Power Consumption Coefficient (PCC) = KW × 5431 ÷ GPM

PCC Cond. #1 = 35 (KW) × 5431 ÷ 626 (gpm) = 303.7 (kWh/ac.ft)

%.67%

good

Percent of seasonal use _____

PCC Cond. #2 = _____(KW) × 5431 ÷ _____(gpm) = _____(kWh/ac.ft)

Percent of seasonal use _____

PCC Cond. #3 = _____(KW) × 5431 ÷ _____(gpm) = _____(kWh/ac.ft)

Percent of seasonal use _____

Describe system operating conditions and how percentage of seasonal use was obtained:

Well open discharges to concrete box, then gated pipe. No throttling valves or other means of controling well flow. PCC should be ~~to~~ very good.

JAN 07 1993

FAX

Date 07/17/96

Number of pages including cover sheet 7

TO: ANDREW FITZGERALD

Phone

Fax Phone 208-886-7659

FROM: IDAHO POWER COMPANY
422 MAIN ST
GOODING, ID 83330

Phone (208) 934-5661

Fax Phone (208) 934-4008

CC:

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please Comment

INCLUDED IN THE FAX IS THE IRRIGATION USEAGE FOR PUMP #250 FOR THE YEARS 1991, 1992, 1993, 1994, 1995, UNDER ADAMS' NAME ALSO TO PRESENT IN 1996 UNDER YOUR NAME.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT US.

T#4897

IDAHO POWER CO.
422 MAIN ST.
GOODING, ID 83330

JUL-17-96 WED 08:51 A
07/17/96 07:39 208 368 6912

CYCLE 07 DIST 55 SOUTHERN TOWN GOODING BILLING DATE 12/09/91

TRANSACTION

CO	ID	OR NO	MISC/A-YR	AMT / DESC
750	1	0408759	1 1291	49.34
50	100	55220	1 2691	6.00-
300	01	ZE247	820491	55.34
				0755-000193-B
				1991 ↑
				1990 ↓

READ / BILLING

MO	DA	BA	DM-KW	ENERGY-KWH	AMOUNT
01	01	61	2	0	9	600
01	00	430	38	11629	39739
00	90	430	38	19622	62897
00	80	530	38	27532	84132
00	70	530	37	16597	54508
00	60	530	37	23295	72488
00	50	613	37	5192	17793
00	00	23	0	0	
01	01	511	38	1762	6021
01	00	430	38	16871	57652
00	90	430	39	24511	76291
00	80	330	39	27748	84981
00	70	330	39	25044	77722

EL HEAT
IR USE
APT/MOB
MULT FM
UDS
HI VOLT
EST CNT
ESM
GUAR
LND LRD
LG PWR
BILL
OWN/RNT
PB/CODE
TB/CODE

DEP #	DATE	DEP AMT	T	INT PD	DATE	RATE

METER # 54085446 MDSE 0588920 PSCL 1 CONST 1 MSR DT 12/09/91 LO IN

CON/ORS RT SEQ TY COMBO SIC ARA BL TAX
10 6P 15 50 17 0 0000 60

DATE	READS	A/C	APT
10 30	8142		
10 04	8142	NO EST	

CONNECT LD
MONTH MIN
FAC CHG
GUAR - AG
SPOUSE
EMPLYR
PHONE 934 5235

RA RA DAT
24 504 80 85

GRID COORDINATE

RA	RT	UNT	ACT	KWH	CHARGE	PC CHG	UD CHG

ADV # DATE ADV AMT TRNS ACT #

WS	ACRES	LIFT	KVA	HP	# MOT
02	30	0	450	400	1

OA RATE 24

ACT STATS E ACCOUNT # 0755000 1
NAME ADAMS*CHARLIE
C/O - DBA ESTATE & KALI ADAM
SERVICE 1275 S 2178 E
LOCATION 0250
SERV - CSZ GOODING 83
MAIL LN 1 2092 E 1400 S
MAIL LN 2
MAIL - CSZ GOODING 83

BILLING - ELEC - CUR	
BILLING - NON-ELEC - CUR	
ARREARS - ELECTRIC	49
ARREARS - NON-ELECTRIC	
ACCOUNT BALANCE	49

[redacted] 017 [redacted]

JUL-17-96 WED 08:50 AM 07/17/96 07:40 208 388 6012 P.06

ACCT NO-- 0755-000196-8 NAME-- ADAMS,CHARLIE COMP-- ESTATE % WALT ADAMS
ACCT ST-- INACTIVE LOC1-- 1275 S 2170 E 0250
CON/DIS-- 10/16/92 CITY-- GOODING ID 83330

CUST: PHONE- -934-5235 EMPLOYER- SSN/TAX- 826070945E
CO-APP: PHONE- - - EMPLOYER- SSN/TAX-
MAIL LINE 1- 2092 E 5400 S MAIL LINE 2-
MAIL CITY- GOODING ST- ID ZIP- 83330

NOTES: INS: PD .5M,H UP LN

REMARKS: DT- BY-

AREA CODE-- 160 SIC CODE---- 0000 THIRD PARTY N OWN/RENT---
PREMISE CD- 2 PERM BILL-- 0 GUARANTOR-- 0
LANGUAGE--- TEMP BILL-- 0 LANDLORD--- 0

ERN	ID	BATCH/ ORDER	PROCESS DATE	ERNS AMOUNT	DESCRIPTIVE INFORMATION	ACCOUNT BALANCE
000	00	92867	10/30/92	7.00-		0.00
000	05	SY667	10/21/92	7.00		7.00
100	00	92836	10/15/92	315.35-		0.00
050	00		10/06/92	315.35	READ DATE 10/02	315.35
501	00	55815	09/28/92	993.00-		0.00
050	00		09/04/92	993.00	READ DATE 09/02	993.00
501	00	55753	08/24/92	618.74-		0.00
050	00		08/06/92	618.74	READ DATE 08/04	618.74
501	00	55673	07/14/92	513.73-		0.00
050	00		07/08/92	513.73	READ DATE 07/06	513.73
501	00	55639	06/22/92	383.70-		0.00
050	00		06/08/92	383.70	READ DATE 06/04	383.70
501	00	55579	05/22/92	513.33-		0.00
050	00		05/07/92	513.33	READ DATE 05/05	513.33

ERN YR- 92 S ACRES LIFT KVA HORSEPOWR #HOT DEMAND/HP COMP CODE--- 0
N 0 00040 0000 1 15.0 1 40.0 1
2 15.0 2 5.0
3 15.0 3
4
KWH TAX REF--
PROP TAX REF-
FINANCE CODE- N

ERN YR- 93 S ACRES LIFT KVA HORSEPOWR #HOT DEMAND/HP COMP CODE--- 0
N 0 00040 0000 1 15.0 1 40.0 1
2 15.0 2 5.0
3 15.0 3
4
KWH TAX REF--
PROP TAX REF-
FINANCE CODE-

COMBINATION NO.- HOCHECK CODE 0
EXCHANGE CREDIT--- MONTH 10/92 KWH- 8,819 TANK FACTOR- 1

DUE DATE	ACCT BAL	CURRENT	30 DAYS	60 DAYS	90 DAYS
11/05/92	.00	.00	.00	.00	.00
M-ELECTRIC		.00	.00	.00	.00

CRDT CODE-- 00 CRDT ACTION- 0 F 0 2 2 0 0 0 0 T 0 0 0 NRTRN- TAX DIST-
CONN-DATE BY-

ST	DATE	ACT	TYPE	AMOUNT	ST	DATE	ACT	TYPE	AMOUNT
C	09/23/92	TERM		493.00	V	10/02/92	DISN		493.00

LEVEL PAY AMOUNT------ START DATE CHANGE DATE
LEVEL PAY RECEIVABLE- AVERAGE KWH LEVEL PAY STATUS---

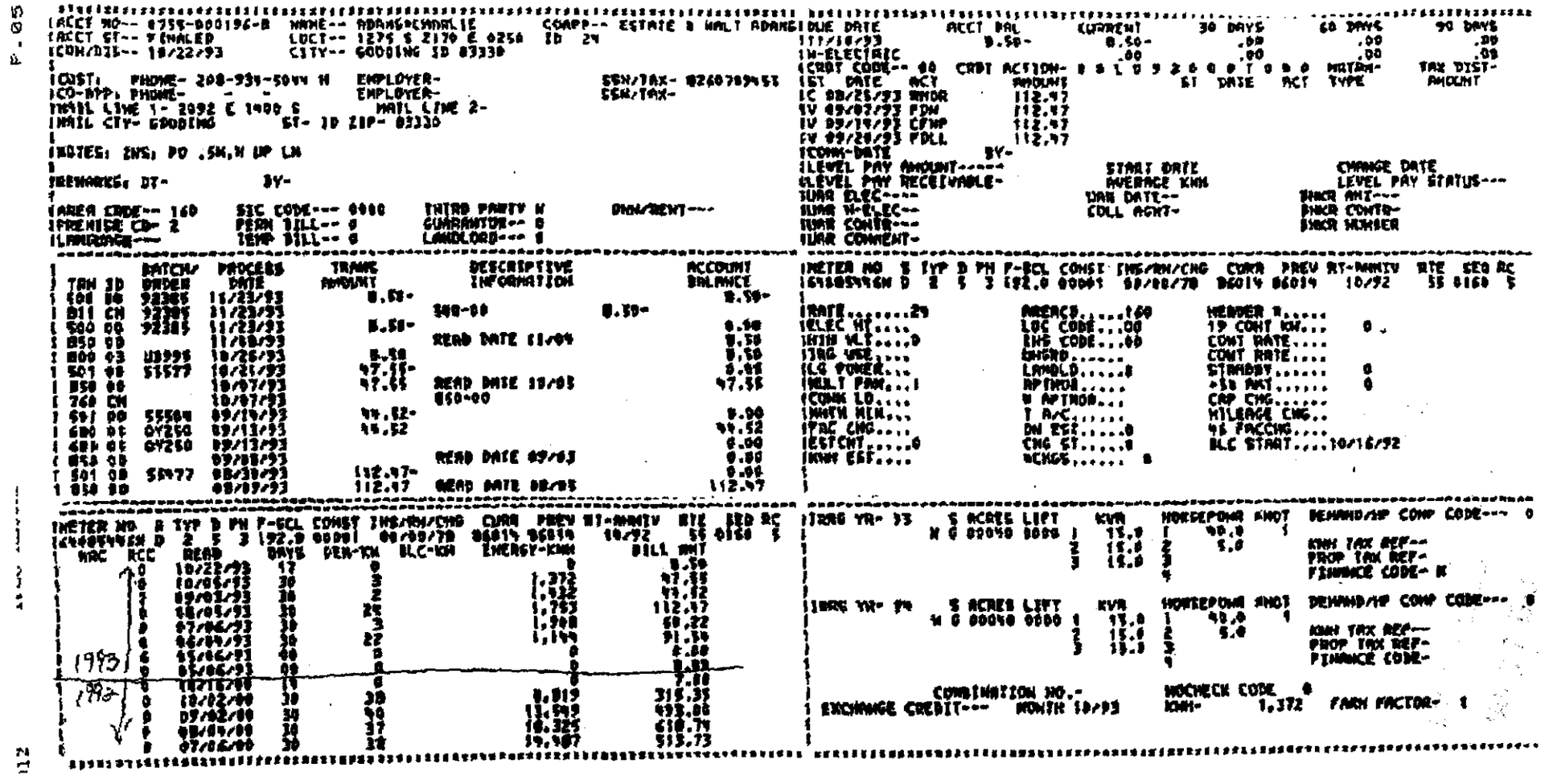
UNA ELEC----- UAR DATE-- UNBR AMT----
UNR M-ELEC-- COLL AGNT- UNBR CONTR-
UNR CONTR--- UNBR NUMBER
UNR COMMENT-

METER NO	S	TYP	D	PH	F-SCL	CONST	INS/RM/CHG	T-YR READ	CURR	PREV	DEMAND
6498$946N	0	2	5	3	192.0	0000	00/00/78		78495	78495	

	S	C	READ	DAYS	DEM-KW	ENERGY-KWH	BILL AMT-NTR	
RATE---	24		80	10/16	14	0	0	7.00
REV CLS	5		80	10/02	30	38	8,819	315.35
RATE DT	04/30/85		80	09/02	30	40	12,549	993.00
NTR LOC	00		30	08/04	30	37	18,325	618.74
MUL FAH	1		30	07/06	30	30	14,487	513.73
APTNOS-			30	06/04	30	36	10,961	383.70
RG USE			30	05/05	30	37	15,022	513.33
ELC HT-			30	04/03	00	0	0	0.00
MIN VLT	0		30	04/03	00	0	0	0.00
UNGRD--			30	10/16	12	0	0	6.00
CONN LD			30	10/04	30	38	11,629	397.39
MNTH MX			30	09/04	30	38	19,622	628.97
FAC CHG			30	08/05	30	38	27,532	841.32

1992
1991

IDAHO POWER CO.
422 MAIN ST.
GOODING, ID 83330



ACCT NO-- 0755-000196-8 NAME-- ADAMS,CHARLIE COMP-- ESTATE B WALT ADAMS
ACCT ST-- 9 ENABLED LOCT-- 1275 S 2170 E 0250 ID 24
CON/DIS-- 10/22/93 CITY-- GOODING ID 83330

CUST: PHONE- 208-934-5044 H EMPLOYER- SSN/TAX- 526078945
CO-APP: PHONE- - - EMPLOYER- SSN/TAX-
MAIL LINE 1- 2092 E 1400 S MAIL LINE 2-
MAIL CITY- GOODING ST- ID ZIP- 83330

NOTES: INS; PD .5K,N UP LN

REMARKS: DT- BY-

AREA CODE-- 160 SIC CODE--- 0000 THIRD PARTY N DNH/REWT---
PREMISE CD- 2 PERM BILL-- 0 GUARANTOR-- 0
LANDRENT--- TEMP BILL-- 0 LANDLORD--- 0

	TRN	JD	BATCH/ ORDER	PROCESS DATE	TRANS AMOUNT	DESCRIPTIVE INFORMATION		ACCOUNT BALANCE
	501	BB	92385	11/23/93	8.58-			8.58-
	811	CN	92385	11/23/93		240-00	8.58-	
	500	00	92385	11/23/93	8.58-			0.00
	850	00		11/00/93		READ DATE 11/04		0.00
	800	03	U3995	10/26/93	8.58			8.58
	501	00	51577	10/21/93	47.15-			8.58
	850	00		10/07/93	47.55	READ DATE 10/03		47.55
	760	CN		10/07/93		850-00		
	591	00	55584	09/14/93	44.52-			0.00
	600	01	GY250	09/13/93	44.52			44.52
	480	01	GY250	09/13/93				0.00
	850	00		09/03/93		READ DATE 09/03		0.00
T	501	00	51477	08/30/93	112.97-			0.00
	850	00		08/07/93	112.97	READ DATE 08/05		112.97

DUE DATE ACCT BAL CURRENT 30 DAYS 60 DAYS 90 DAYS
11/10/93 0.58- 0.58- .00 .00 .00
W-ELECTRIC .00 .00 .00
CRDT CODE-- 00 CRDT ACTION- 0 0 1 0 9 2 6 0 0 1 0 0 0 WRTRM- TAX DIST-
ST DATE ACT AMOUNT ST DATE ACT TYPE AMOUNT
IC 08/25/93 RNDR 112.97
IV 09/07/93 FDN 112.97
IV 09/14/93 CFWP 112.97
CV 09/20/93 FDLL 112.97
COMM-DATE BY-
LEVEL PAY AMOUNT------ START DATE CHANGE DATE
LEVEL PAY RECEIVABLE- AVERAGE KWH LEVEL PAY STATUS---
WAR ELEC---- WAR DATE-- BNCR AMT---
WAR W-ELEC-- COLL AGNT- BNCR CONTR-
WAR CONTR--- BNCR NUMBER
WAR COMMENT-

METER NO	S	TYP	D	PH	F-SCL	CONST	INS/RM/CHG	CURR	PREV	RT-ANNIV	RTE	SEQ	RC
6A1805A96N	D	2	5	3	192.0	00001	00/00/70	06014	06014	10/92	55	0160	5

RATE.....25 AREA CD.....160 MEMBER #.....
ELEC HT.... LOC CODE...00 19 CONT KW... 0
MIN VLT....0 INS CODE...00 CONT RATE....
TRG USE.... CHGRD..... CONT RATE....
LG POWER... LAHOLD.....0 STANDBY..... 0
WELT PAH...1 RPTNO#..... +$# AMT..... 0
CONN LO.... # RPTNO#.... CAP CHG.....
MNTH HIK... T A/C..... MILEAGE CHG..
TRC CHG.... DN EST.....0 % FACING....
ESTCNT.....0 CHG ST.....0 BLC START....10/16/92
KWH EST.... WCHGS..... 0

METER NO	S	TYP	D	PH	F-SCL	CONST	INS/RM/CHG	CURR	PREV	RT-ANNIV	RTE	SEQ	RC
6A1805A96N	D	2	5	3	192.0	00001	00/00/70	06014	06014	10/92	55	0160	5

WRC	RCC	READ	DAYS	PER-KW	BLC-KWH	ENERGY-KWH	BILL AMT
	0	10/22/93	17	0		0	8.58
	0	10/06/93	30	0		1,372	47.15
	0	09/03/93	28	0		1,322	44.52
	0	08/05/93	30	25		1,783	112.17
	0	07/06/93	30	0		1,208	68.22
	0	06/04/93	30	22		1,149	91.14
1993	0	05/06/93	00	0		0	8.58
	0	05/06/93	00	0		0	8.58
	0	10/15/00	17	0		0	7.00
1992	0	10/02/00	30	30		8,819	315.35
	0	09/02/00	30	30		11,549	433.88
	0	08/01/00	30	37		10,325	610.74
	0	07/06/00	30	36		19,987	915.73

TRG YR- 93 S ACRES LIFT KVA HORSEPOWR KNOT DEMAND/HP COMP CODE--- 0
N 0 00040 0000 1 15.0 1 40.0 1
2 15.0 2 5.0
3 15.0 3
4
KWH TAX REF--
PROP TAX REF-
FINANCE CODE- N

TRG YR- 94 S ACRES LIFT KVA HORSEPOWR KNOT DEMAND/HP COMP CODE--- 0
N 0 00040 0000 1 15.0 1 40.0 1
2 15.0 2 5.0
3 15.0 3
4
KWH TAX REF--
PROP TAX REF-
FINANCE CODE-

COMBINATION NO.- WDCHECK CODE 0
EXCHANGE CREDIT--- MONTH 10/93 KWH- 1,372 FARM FACTOR- 1

IDAHO POWER CO
422 MAIN ST.
GOODING, ID 8333(

P.05

JUL-17-96 WED 08:56 AM

PRINT REQUESTED BY PATTON J K REQUESTED AT 08:10 07/17/96

ACCT NO-- 1255-000196-8 NAME-- ADAMS*CHARLIE RATE 24S
ACCT ST-- INACTIVE COAPP- ESTATE % WALT ADAMS ID PACK
CON/DIS-- 09/26/95 LOCT-- 1275 S 2170 E 0250
ACTIVITY- NONE PENDING CITY-- GOODING ID 83330 *
SUBPAGE (MTR-1) 2

METER NO	S	U	T	D	P	F-SCL	CONST	INS/RM/CHG	CURR	PREV	RT-ANNIV	RTE	SEQ	RO
6402544&J	D	1	2	5	3	192.0	00001	00/00/78	92088	92088	10/92	21	0170	5

	MRC	ROC	READ	DAYS	DEM-KW	BLC-KW	ENERGY-KWH	BILL AMT	DATE
14		4	06/06/94	30	38	0	14,274	501.80	24
15		4	05/05/94	20	38	0	12,360	439.08	24
16	1994	0	04/15/94	00	0	0	0	0.00	24
17		0	10/22/93	17	0	0	0	8.50	24
18		0	10/05/93	30	3	0	1,372	47.55	24
19		7	09/03/93	30	2	0	1,432	44.72	24
20		6	08/05/93	30	24	0	1,753	112.47	24
21					3	0	0	0.00	
22					22	0	0	0.00	
23					0	0	0	0.00	
24					0	0	0	0.00	

SPAN CODE OR NAME/PHONE/ACCOUNT/SSN

IDAHO POWER CO.
422 MAIN ST.
GOODING, ID 83330

PRINT REQUESTED BY PATTON J K REQUESTED AT 08:19 07/17/96

ACCT NO-- 1255-000194-8 NAME-- ADAMS*CHARLIE RATE 24S
ACCT ST-- INACTIVE COAPP- ESTATE % WALT ADAMS ID PAE1
CON/DIS-- 09/26/95 LOCT-- 1275 S 2170 E 0250
ACTIVITY- NONE PENDING CITY-- GOODING ID 83330 *
SUBPAGE (MTR-1) 1

METER NO	X	U	T	D	P	F-SCL	CONST	INS/RM/CHG	CURR	PREV	RT-ANNIV	RTE	SEQ	RO
A4033445W	D	1	2	5	3	192.0	00001	00/00/78	92098	92098	10/92	21	0170	5

	MRC	RCD	READ	DAYS	DEM-KW	RLC-KW	ENERGY-KWH	BILL AMT	RATE
01		0	09/26/95	00	0	0	0	0.00	24S
02	00	8	09/26/95	14	2	0	325	16.59	24S
03	00	0	09/12/95	30	2	0	1,402	57.68	24S
04	00	8	08/11/95	30	2	0	1,479	59.59	24S
05	00	0	07/12/95	30	2	0	607	34.48	24S
06	00	0	06/12/95	30	34	0	1,401	170.09	24S
07	00	0	05/11/95	09	0	0	0	3.00	24
08	1995	0	05/02/95	00	0	0	0	0.00	24
09	00	0	10/04/94	00	0	0	0	0.00	24
10	00	0	10/04/94	30	38	0	11,639	414.59	24
11		0	09/02/94	30	38	0	15,249	533.68	24
12	1994	7	08/04/94	30	38	0	26,624	855.52	24
13		0	07/06/94	30	38	0	20,695	627.76	24

TRAN CODE OR NAME/PHONE/ACCOUNT/SSN ENTER FOR SUBPAGE

IDAHO POWER CO.
422 MAIN ST.
GOODING, ID 83330

PRINT REQUESTED BY PATTON J K REQUESTED AT 08:11 07/17/96

ACCT NO-- 1255-000196-9 NAME-- NORTH VALLEY MILK RATE 24S
ACCT ST-- ACTIVE CCAPP- % ANDREW FITZGERALD ID PAE
CON/DIS-- 04/09/96 LOCT-- 1275 S 2170 E 0250
ACTIVITY- NONE PENDING CITY-- GOODING ID 83330 *
SUBPAGE (MTR-1) 1

METER NO	S	U	T	D	P	F-SCL	CONST	INS/RM/CHG	CURR	PREV	RT-ANNIV	RTE	SEQ	RC
92660016G	A	1	2	5	3	999.9	00001	01/12/96	00019	00018	11/95	21	0190	5

	MRC	RCC	READ	DAYS	DEM-KW	BLC-KW	ENERGY-KWH	BILL AMT	RATE
01	00	0	07/12/96	30	6	0	1	31.33	24S
02	00	0	06/12/96	30	4	0	2	24.25	24S
03	00	0	05/13/96	30	31	0	16	10.59	24S
04	00	0	04/11/96	02	0	0	0	2.50	21T
05		0	04/09/96	00	0	0	0	0.00	24S

IDAHO POWER CO.
422 MAIN ST.
GOODING, ID 83330

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	ZORA MULLINS	10/06/1959	IRRIGATION	00/00	00/00	1.390 CFS	
C	BLANCHE MULLINS						
					TOTAL DIVERSION:	1.390 CFS	

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T05S R15E S03 SWSE GOODING County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
05S	15E	3															40		40.0
05S	15E	10		40															40.0
																	TOTAL ACRES		80.0

Pou County: GOODING

Other Water Rights Listing Overlapping Place(s) of use:
37-0086721 37-0087021 37-0087221

Dates: App. Received: Priority Date: 10/06/1959
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 05/15/1979

Misc: Water District Number: Field Exam Fee:

Audit: 05/06/85 05/28/88 CONVERT

IDAHO DEPARTMENT OF WATER RESOURCES

DAIRIES: WATER USE WORKSHEET

FILE # or NAME ----- NORTH VALLEY MILK
REVIEWER ---------- MTS
DATE -------------- 05-Apr-95

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE	1800
NUMBER OF NONMILKING CATTLE	500
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES; IF ANAEROBIC, ENTER ZERO	4.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR)	4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS	2
NUMBER OF MILKINGS PER DAY	3

CALCULATIONS

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

MILKING CATTLE @35 GPD/HD	1.17
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	1.17
NONMILKING CATTLE @12 GPD/HD	0.11
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	0.11
TOTAL (BASED UPON ROUNDED NUMBERS)	1.28

DIVERSION VOLUME (AFA):

STOCKWATER	
MILKING CATTLE @35 GPD/HD	70.6
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	71.0
NONMILKING CATTLE @12 GPD/HD	6.7
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	6.7
TOTAL (BASED UPON ROUNDED NUMBERS)	77.7
COMMERCIAL	
WASHING OF BULK TANK AND RELATED EQUIPMENT	0.5
PARLOR FLOOR AND MILKHOUSE FLOOR	0.1
CATTLE WASHING BASED UPON METHOD OF WASHING	27.2
TOTAL	27.8
TOTAL DIVERSION VOLUME	105.6

77.7 ÷ 2.66 = 29.2 x .00624 = .18 cfs

27.8 ÷ 2.66 = 10.5 x .00624 = .07 cfs

105.6 ÷ 2.66 = 39.7 x .00624 = .25 cfs.

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER	
MILKING	10.4
NONMILKING	0.0
TOTAL	10.4
COMMERCIAL	16.0
TOTAL CONSUMPTIVE USE	26.4

THEORETICAL FLOW ESTIMATION

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP)	7.50	7.50	
LIFT (FT)	150	150	
DISCHARGE PRESSURE (PSI)	40	40	
FRICTION LOSSES (FT)	0.0	0.0	

CALCULATIONS

THEORETICAL FLOW RATE (CFS) **	0.19	0.19	0.00
DIVERSION VOLUME (AFA) ***	138.0	138.0	0.0

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.
** PUMP EFFICIENCY WAS ASSUMED TO BE 70%.
*** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY DAY OF THE YEAR.
**** BASED ON 2 HOUR DIVERSION TO MEET VOLUME

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

T #4897

1995	17.1 AFA
1994	332.1 AFA
1993	25.1 AFA
1992	262.6 AFA
1991	342.0 AFA

Adams Irrigation Well
Pumpage 37-2622

August 18, 1965

Re: Permit No. G-28201

Zora Mullins
Route #1
Gooding, Idaho

Dear Mr. Mullins:

Enclosed are Certificate of Completion of Works and License and Certificate of Water Right issued on the above numbered permit.

Also enclosed is Departmental receipt No. G-9564, in the amount of $9.00 covering the fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificates
receipt

500 - July 8, 1964

August 9, 1965

RE: **Permit No. G-28201**

Zora Mullins
Rt 1
Gooding, Idaho

Dear **Mullins:**

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. **G-28201** shows the well is (~~are~~) capable of conveying **69.5** miner's inches, or **1.39** c.f.s. of water for the irrigation of **80** acres.

Upon receipt of the statutory fees, totaling $ **9.00** , we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of **October 6, 1959** , to the use of **1.39** second feet of subterranean water with the point of diversion in **the SW¼SE¼, Sec. 3 for irrigation of 80 acres in the SW¼SE¼, Sec. 3; NW¼NE¼, Sec. 10, T. 5 S., R. 15 E.,B.M.**

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

28201

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

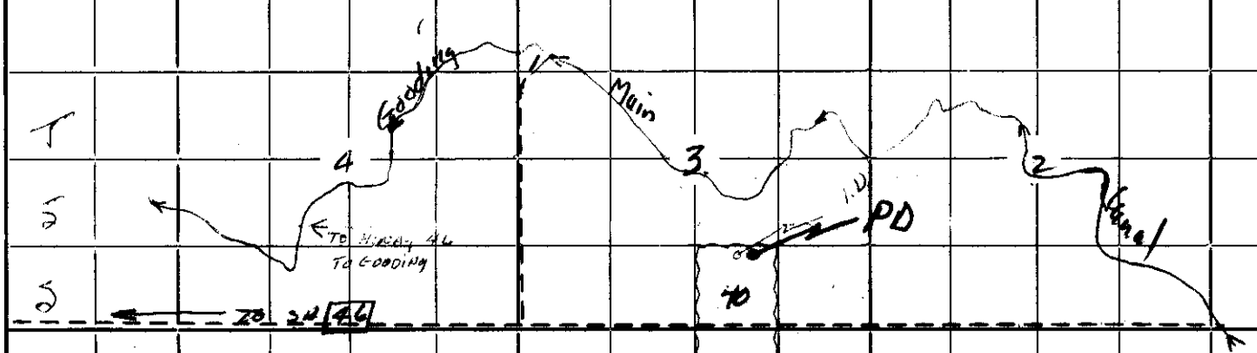
PERMIT NO G-28201

REPORT ON PROOF OF Completion of Works & Beneficial Use

Zora Mullins & Blanche Mullins
Route #1
Gooding, Idaho

28201

RISE



10

Subdivisions = 2

Area = 80

Q = 1.39 cfs or 70 (69.5) inches

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

28201

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-28201

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant ZORA MULLINS AND BLANCHE MULLINS

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the SW¼SE¼ of Section 3

T. 5 S. R. 15 E. County of Gooding

4. Describe works as they exist, giving dimensions and capacities of same: GE Motor
Model 5K4364X62 Ser. # OTJ219102 - 40 HP
Layne & Bowler pump - 720 GPM @ 185' @ 1770 RPM
Model 10RH Ser. 27147
8" Discharge to diversion box to open dirt ditches

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW¼SE¼, Sec. 3; NW¼NE¼, Sec. 10, T. 5 S., R. 15 E., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Zora Mullins Along

Measured with a McCrometer @ 3 Rev. in 3.35 (215 sec) =
1.39 cfs or ~~70~~ 69½

This examination was made on the 3 day of 8, 19 65

(Signed) Donald W. McEldowney
Examiner.

28201

OD 230' x 16'x8' 1 1200'

Zora & Blanche Mullins
Route #1
Gooding, Idaho

Permit No. G-28201

Completion of Works
Examination for and Beneficial Use

County Gooding

Quantity: 1.6 Sec. 3 T. 5S R. 15E

Source: Well

P.D.: SW SE Sec 3-5S-15E

Use: Irrigation

Filed: 6 October 59

Due: 15 October 64

Extension: —

Protest: —

Completion of Works: —

Other Rights: 75 Shares in American Falls Reservoir District

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
AUG 6 1965
Department of Reclamation

28201

July 29-1965

Dear Sir!

We wrote in spring to see why some one hadnt been here to Check our well and was informed then a man would be here soon but we havent seen any one if he come.

We would like to get it Checked and done with, we did what we were supposed to.

Sincerely

Zora + Blanche Mullins

G-28201

RECEIVED
JUL [illegible] 1965
[illegible] of Reclamation

28201

July 30, 1965

RE: Permit No. G-28201

Zora Mullins
Rt 1
Gooding, Idaho

Dear Mr. Mullins:

We regret that the field inspection could not be made according to our last letter.

There are two inspectors in the field now and one more will start work next week. They have been working on works where proofs were made prior to the 1964 irrigation season.

The inspection of works under your permit will be made as soon as possible.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

-28201

April 29,1965

Re: Permit No.G-28201

Zora Mullins
Route #1
Gooding, Idaho

Dear Mr. Mullins:

The field examiner will probably stop at your place on his return to Boise from Salmon. We do not know when that will be but probably the first part of next week.

The inspection cannot be made without the pump in operation and the fields in condition, to be able to determine where the water has been.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

COPY

28201

April 28, 1965

RECEIVED
APR 29 1965
Department of Reclamation

Mr Carl Jappan,

Dear Mr Jappan.
I am writing to see why we havent had our pump Checked
The permit no is G-28201
We recieved a letter last fall saying a man would be here to Check it & we havent seen any one or heard any more about it.

Sincerely
Zora and Blanche Mullins
Gooding
R.1 Idaho

28201

1M April 1962

September 25, 1964

Re: Permit No. G-28201

ora & Blanche Mullins
Route #1
Gooding, Idaho

Dear Mr. & Mrs. Mullins:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Gooding Leader Gooding, Idaho, all submitted in proof of completion of works and beneficial use on Permit No.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:
cc: James & Shaw
Attorneys at Law
Box 176
Gooding, Idaho

P. S. We are returning your paid statement from the Gooding Leader for your files

28201

JAMES & SHAW
ATTORNEYS AT LAW
GOODING, IDAHO

A. F. JAMES (1883-1950)
CHAS. C. SHAW
ANDREW F. JAMES

P.O. BOX 176
TELEPHONE 934-4021
AREA CODE 208

SEP 24 1964

Department of Reclamation

September 23, 1964

Department of Reclamation
Boise
Idaho

Re: Permit No. G28201

Dear Sir:

We enclose herewith in connection with the above matter Deposition of Holder Mr. and Mrs. Zora Mullins, Deposition of Witness Zern Mull and Deposition of Witness Don Fredericksen together with Affidavit of Publication and receipted statement all in connection with the above permit for which we wish you would issue license.

Very truly yours,

JAMES & SHAW

Andrew F. James

AFJ:sh
Enclosures

28201

Form 16
1.5 M - 7-31-62

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. G28201

* * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

* * * * * * *

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address: Zora Mullins and Blanche Mullins, farmer and housewife, Route 1, Gooding, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; G28201 October 15, 1959, October ~~15~~, 1959

Ques. 4. State source of water supply: Underground
Give location of point of diversion, showing subdivision, section, township and range:

SW¼SE¼, Section 3, Township 5 South, Range 15 E.B.M., Gooding County, Idaho

Ques. 5. Describe your works of diversion: well, pump, concrete receiving trough and ditches; state amount of water they are capable of conveying from point of diversion to place of use 1.6 second feet Give name of canal or ditch or other works by which water is conducted to such place of use: irrigation ditch; if a well, state depth of well 330 feet; depth and size of casing: 16 feet 8 inches; depth to water 200 feet; if pump is used, state discharge of pump: 1.6 second feet; tell how it was measured or determined: estimated; if sprinkler irrigation, give number and size of nozzles and operating pressure:

Ques. 6. State for what purpose water is used: irrigation
If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water: NW¼NE¼, Section 3, and SW¼SE¼, Section 10, Township 5 South, Range 15 E.B.M.

State nature of all improvements which have been made as a direct result of said use:

Land has been plowed, cultivated and irrigated.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: C. B. Eaton and sons, Wendell, Idaho

Ques. 7. If for other than irrigation purposes, state purpose and how used:

Ques. 8. What is the minimum amount of water required for the purpose specified above:

1.6 second feet

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: April, 1960 1.6 second feet Time used since first use:

continuously during each irrigation season thereafter.

Ques. 11. Describe all other water rights appurtenant to same place of use:

75 shares of water in the American Falls Reservoir district.

Zora Mulkins

(sign) Blanche Mulkins

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Gooding, County of Gooding

State of Idaho, on this 23rd day of September A.D. 19 64.

Notary Public

My Commission expires: November 1, 1966.

28201

Form 17A
1.5 M 7-31-62

RECEIVED
SEP 24 1964
Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. G28201

* * * * * * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case

Ques. 1. State your name, age, residence, occupation and postoffice address:

Don Fredericksen, 57, Gooding, Idaho, farmer and stockman, Route 1, Gooding, Idaho.

Ques. 2. Are you acquainted with Zora Mullins and Blanche Mullins, the holder of Permit No. G28201? How long have you known him and where does he reside:

Yes, Since 1939.

Ques. 3. Have you read or heard said Permit No. G28201 read, and are you familiar with its provisions and conditions: Yes: X No:

Ques. 4. State source of water supply: Underground

State place of diversion: SW¼SE¼, Section 3, Township 5 South, Range 15 E.B.M. Gooding County, Idaho
Describe works for conveying water to place of use: well, pump, concrete receiving trough and ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 1.6 How much water have you seen being so conveyed: 1.6 second feet

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:
NW¼NE¼, Section 3, and SW¼SE¼, Section 10, Township 5 South, Range 15 E.B.M.

28201

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

Heavy loam, 125 inches

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: No

Ques. 10. When did you first see this water used: April, 1960

Other times you have seen such use: Continuously during each irrigation season thereafter.

(Signed) [signature]

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Gooding, County of Gooding, State of Idaho, on this 23rd day of September, A. D., 1962.

[signature]

Notary Public for State of Idaho

Residing: Gooding, Idaho

My commission expires: November 1, 1966

28201

Form 17A
1.5 M 7-31-62

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. G28201

* * * * * * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case

Ques. 1. State your name, age, residence, occupation and postoffice address:

Zern Mull, 54 Gooding, Idaho, farmer and stockman, Route 1, Gooding, Idaho.

Ques. 2. Are you acquainted with Zora Mullins and Blanche Mullins, the holder of Permit No. G28201 ? How long have you known him and where does he reside:

Yes, Since 1939

Ques. 3. Have you read or heard said Permit No. G28201 read, and are you familiar with its provisions and conditions: Yes: X No:

Ques. 4. State source of water supply: Underground

State place of diversion: SW¼SE¼, Section 3, Township 5 South, Range 15 E.B.M. Gooding County, Idaho.
Describe works for conveying water to place of use: well, pump, concrete receiving trough and ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 1.6 How much water have you seen being so conveyed: 1.6 second feet

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:
NW¼NE¼, Section 3, and SW¼SE¼, Section 10, Township 5 South, Range 15 E.BM.

28201

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

Heavy loam, 125 inches

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: No

Ques. 10. When did you first see this water used: April, 1960

Other times you have seen such use: Continuously during each irrigation season thereafter.

(Signed) Jerm Mull

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Gooding, County of Gooding, State of Idaho, on this 23rd day of September, A. D., 1962.

Notary Public for State of Idaho

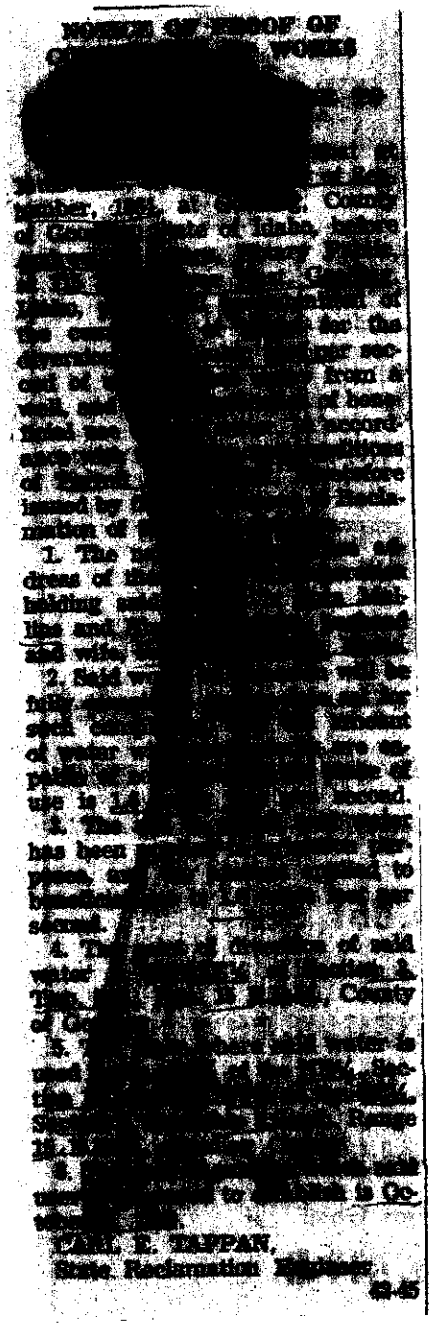
Residing: Gooding, Idaho

My commission expires: November 1, 1966

28201

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 24 1964
Department of Reclamation



STATE OF IDAHO,
COUNTY OF GOODING } SS.

I, *Leland G. Burress,* do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was published in said newspaper one consecutive weeks, the first publication having been made on the 13th day of August, 1964, and the last publication having been made on the 3rd day of September, 1964, that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho,* for a period of more than 78 weeks prior to the first publication of the attached notice.

Leland G. Burress

Subscribed and sworn to before me this

3rd *day of* September, 1964

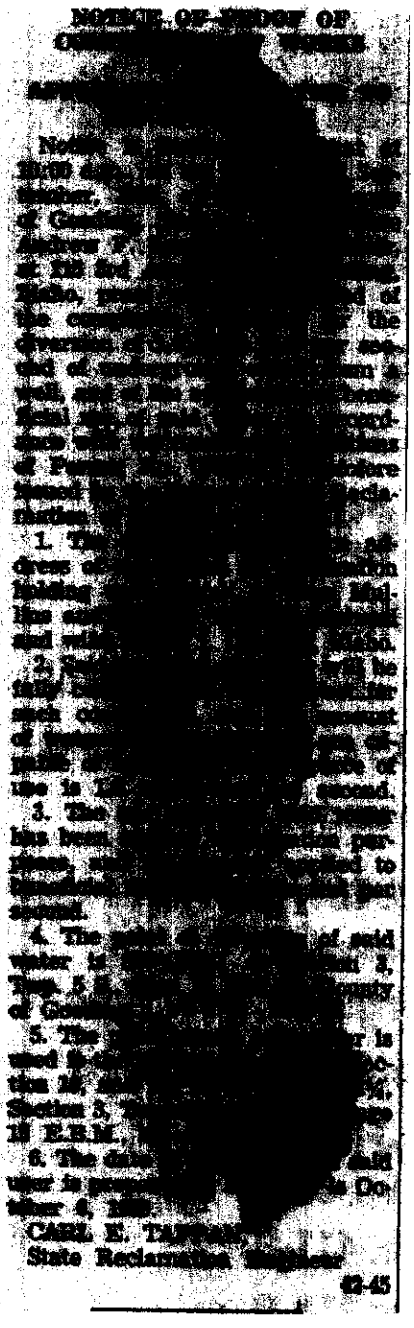
Ruth Burress

Notary Public

28201

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 9 1964
Department of Reclamation



STATE OF IDAHO,
COUNTY OF GOODING } SS.

I, *Leland G. Burress,* do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was published in said newspaper four consecutive weeks, the first publication having been made on the 13th day of August, 196 4, and the last publication having been made on the 3rd day of September, 196 4 that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho,* for a period of more than 78 weeks prior to the first publication of the attached notice.

Leland G Burress

Subscribed and sworn to before me this

3rd *day of* September, *196* 4

Reed Burress

Notary Public

28201

JAMES & SHAW
ATTORNEYS AT LAW
GOODING, IDAHO

A. F. JAMES (1883-1950)
CHAS. C. SHAW
ANDREW F. JAMES

P. O. BOX 176
TELEPHONE 934-4021
AREA CODE 208

August 4, 1964

Mrs. Edna P. Rutledge
Chief Clerk
Department of Reclamation
Boise, Idaho

Dear Mrs. Rutledge:

We enclose herewith Form No. 11 and Form No. 36 in duplicate in connection with Permit No. 28201.

Very truly yours,

JAMES & SHAW

Andrew F. James

AFJ:sh
Enclosures

28201

Form No. 11
2M 2/63

RECEIVED
AUG 5 1964

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 4, 1964

(P. O.) Gooding, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Gooding Leader of Gooding, Idaho published in the county in which the works are situated.

Zora Mullins
Blanche Mullins

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

28201

No. 36

10/1/63

RECEIVED
AUG 5 1964
Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS

and

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at **10:00A.M.**, on the **23rd** day of **September** 19**64**, at **Gooding**, County of **Gooding**, State of Idaho, before **Andrew F. James**, Notary Public, at (address) **115 3rd Avenue West, Gooding, Idaho**, proof will be submitted of the completion of works for the diversion of **1.6** cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. **G-28201**, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is **Zora Mullins and Blanche Mullins, husband and wife, Route 1, Gooding, Idaho**

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is **1.6** cubic feet per second.

3. The use to which said water has been applied is **irrigation**, purposes, and the amount applied to beneficial use is **1.6** cubic feet per second.

4. The point of diversion of said water is **SW¼SE¼ of Section 3, Twp. 5 S., Rge. 15 E.B.M., County of Gooding**

5. The place where said water is used is **the NW¼ of the NE¼, Section 10, and the SW¼ of the SE¼, Section 3, Township 5 South, Range 15 E.B.M., Gooding County.**

6. The date of priority which said user is prepared to establish is **October 15, 1959**

CARL E. TAPPAN

State Reclamation Engineer

28201

Re: Permit No. G-28201
Zora Mullins and Blanche Mullins

Date: August 5, 1964

Gooding Leader,
Gooding, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week for four consecutive weeks prior to September 23, 1964 the date set for proof; the expense of the publication is to be paid by the applicant's attorney, Andrew F. James of Box 176, Gooding, Idaho to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E Tappan

CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

28201

Re: Permit No. G-28201
Zora & Blanche Mullins

August 5, 1964

Mr. Andrew F. James,
Attorney at Law,
Box 176,
Gooding, Idaho.

Dear Mr. James:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-28201, in the name of Zora and Blanche Mullins. Final Proof is to be made before you, as Notary on the 23rd day of September, 19 64, at 10:00 o'clock A.M., at 115 3rd Avenue West, Gooding, Idaho.

As of this date, we have mailed the Notice to the Gooding Leader Gooding, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Applicant

28201

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 28201

July 31, 1964

Mr. Zora Mullins and
Mrs. Blanee Mullins
Route #1
Gooding, Idaho

Dear Mr. and Mrs. Mullins :

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 28201 are due not later than Oct. 15, 1964

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

CARL E. TAPPAN

State Reclamation Engineer

Enclosures Form 36 and 11

28201

October 23, 1959

Re: Permit No. G-28201

Mr. Zora Mullins,
Route #1,
Gooding, Idaho.

Dear Mr. Mullins:

We enclose Permit No. G-28201 in which we direct your attention to the limitations and conditions as given on the fourth page under Approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-4372 which was issued covering payment in the amount of $5.25 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
EPR:pmk

28201

NAME OF APPLICANT Zora ns and Blanche Mullins, husb nd wife
Gooding, Idaho

Form No. 0

NORTH

Southwest Quarter of the Southeast Quarter
Section 3, Twp. 5 S. R. 15 E.B.M.
Gooding, Gooding County, Idaho

WEST

EAST

Section 3

well

Section 10

Northwest Quarter of the Northeast Quarter
Section 10, Twp. 5 S. R. 15 E.B.M., Gooding
County, Idaho

SOUTH

Permit Map No. 28201
As Approved
OCT 15 1959
GEO. N. CARTER
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

28201

RECEIVED
OCT 6 1959
Department of Reclamation

Gooding, Idaho
October 2, 1959

Department of Reclamation
Boise, Idaho

Gentlemen:

Find enclosed Application for Permit for underground water use and check in the amount of $5.25 to cover filing cost.

Sincerely,

Zora Mullins

Zora Mullins

28201

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4897

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant North Valley Milk Inc. & 4 Bros. Dairy Inc Phone 886-7716

Post Office address 425 N 250 W, Shoshone, ID 83352

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
   ☒ Change nature of use ☒ Change period of use ☐ Other Split right
2. Describe the reason for the proposed changes Transfer #4722 was filed to cover this new dair but has been protested. So we are applying for an alternate transfer in the event tha T. 4722 is denied.

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
37-02622B	10-6-1959	~~0.46~~/77.7	Stockwater	1-1 to 12-31
		~~0.46~~ 0.48		to
		~~0.46~~/27.8	Commercial	" to "
		0.48		to

2. Total amount of water being transferred ~~0.46~~ 0.48 cubic feet per second and/or 105.5 acre-feet per annum.
3. Source of water Groundwater tributary to
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	10	5S	15E	Gooding	Two new wells

5. 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	
5S	15E	10		C,S	C,S														

Total acres

Transfer No. 4897

PART 1

6. General Information:

a. Description of diversion system Two connected wells & pumps

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:

Land will no longer be irrigated

d. Remarks:

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 ____.

_____

Transfer No. 4897

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 37-02622 issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Groundwater tributary to _____
4. Date or priority 10-6-1959
5. Water is used for the following purpose:
   amount 1.39 cfs (cfs/ac-ft) for Irrig. purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 1.39 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	3	5S	15E	Gooding	

8. 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	
5S	15E	3															40		40
		10		40															40

Total acres 80

9. Describe any other water rights used for the same purpose as described above Canal shares

PART 2

Transfer No. 4897

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 0.33 cfs for Irrig. purposes from _____ to _____
(cfs/ac-ft)
amount 0.46 for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion: Same as 2, A.7

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	
5S	15E	10		26.4															26.4

Total acres 26.4

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

1. amount 0.73 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft)
amount *0.72 for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

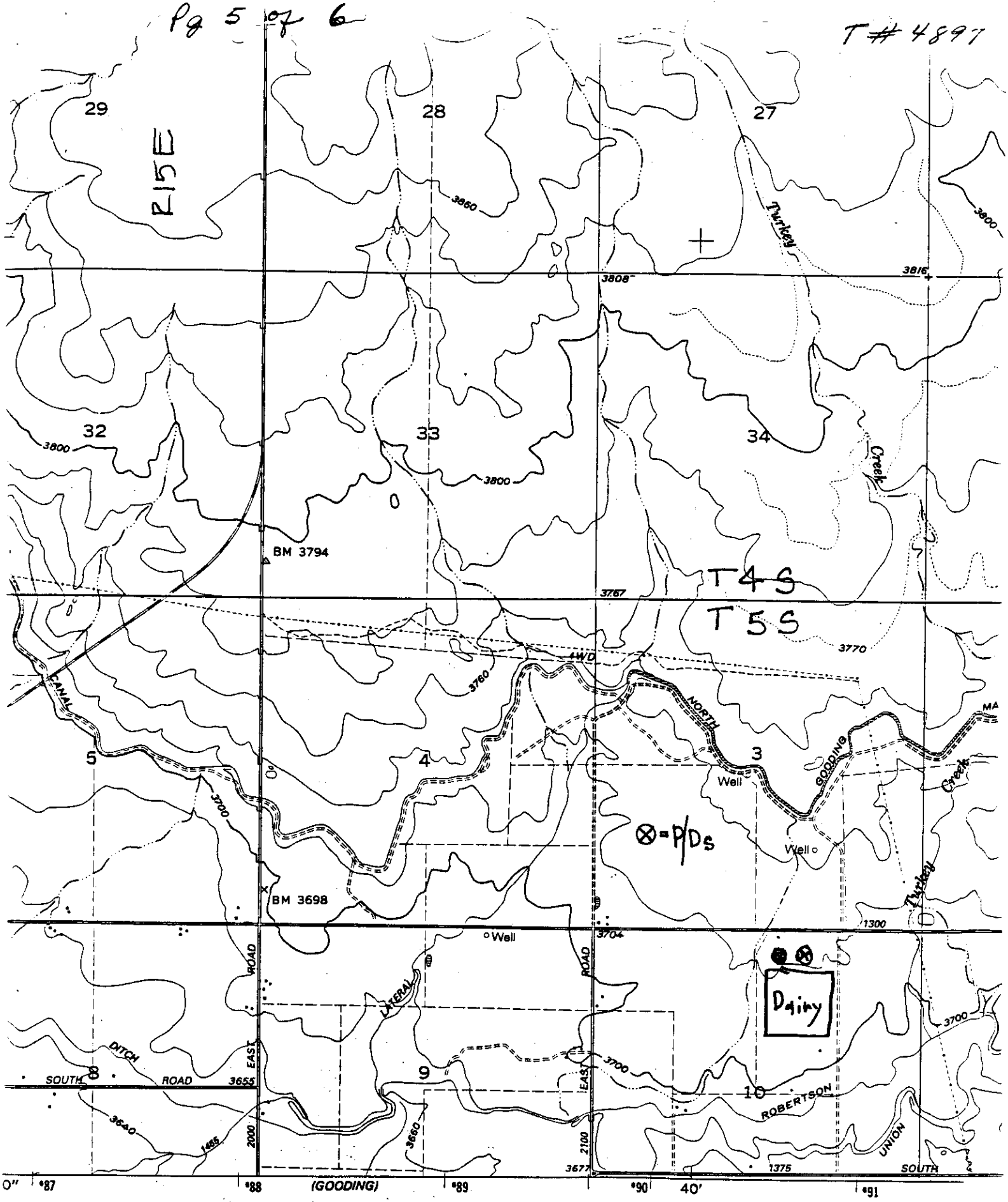
2. Point(s) of Diversion: Same as 2, A.7.

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

3. Lands irrigated or place of use: * Assumes both transfers are approved

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	
5S	15E	3															40		40
		10		#															
				1.7															# 1.7

Total acres 54 41.7*



SCALE 1:24 000

1 MILE

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 .5 0 1 KILOMETER

CONTOUR INTERVAL 20 FEET

THORN CRK SW
1957 REVISED 1992

Transfer No. 4897

PART 3

B. CHANGES IN NATURE OF USE

	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
1	Stockwater	0.46/77.7	all year as needed	1-1 to 12-31
	Commercial	0.46/27.8	"	" to "

2. Quantity and quality of return flows and location of discharge:
Water will be ponded on the property as required

3. Describe effects on other water uses resulting from the proposed change:
Water not used for irrigation will be used in the dairy.

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.

Andrew Fitzgerald Sec-Tres
(Signature of Applicant)

Subscribed and sworn to before me this 13th day of August, 1996.

J F Stanton
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by J F Stanton Date 8-13-96 Protest filed by

Prelim. check by GLS 26AUG96 Fee $100.50 19423

Receipted by JF Date 8-13-96

Published in Gooding Co. Leader Copies of protest forwarded by

Pub. dates 9/4 & 9/11/96 Hearing held by Date

Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

rec'd. by

Copy of transfer sent to lien holder

RECEIVED
AUG 13 1996
Department of Water Resources
Southern Region

IDAHO DEPARTMENT OF WATER RESOURCES

FILE # or NAME ----- NORTH VALLEY MILK
REVIEWER ---------- MTS
DATE -------------- 05-Apr-95

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE	1800
NUMBER OF NONMILKING CATTLE	500
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES; IF ANAEROBIC, ENTER ZERO	4.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR)	4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS	2
NUMBER OF MILKINGS PER DAY	3

CALCULATIONS

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

MILKING CATTLE @35 GPD/HD	1.17
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	1.17
NONMILKING CATTLE @12 GPD/HD	0.11
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	0.11
TOTAL (BASED UPON ROUNDED NUMBERS)	1.28

DIVERSION VOLUME (AFA):

STOCKWATER	
MILKING CATTLE @35 GPD/HD	70.6
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	71.0
NONMILKING CATTLE @12 GPD/HD	6.7
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	6.7
TOTAL (BASED UPON ROUNDED NUMBERS)	77.7
COMMERCIAL	
WASHING OF BULK TANK AND RELATED EQUIPMENT	0.5
PARLOR FLOOR AND MILKHOUSE FLOOR	0.1
CATTLE WASHING BASED UPON METHOD OF WASHING	27.2
TOTAL	27.8
TOTAL DIVERSION VOLUME	105.6

77.7 ÷ 2.66 = 29.2 x .00624 = .18 cfs

27.8 ÷ 2.66 = 10.5 x .00624 = .07 cfs

105.6 ÷ 2.66 = 39.7 x .00624 = .25 cfs.

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER	
MILKING	10.4
NONMILKING	0.0
TOTAL	10.4
COMMERCIAL	16.0
TOTAL CONSUMPTIVE USE	26.4

THEORETICAL FLOW ESTIMATION

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP)	7.50	7.50	
LIFT (FT)	150	150	
DISCHARGE PRESSURE (PSI)	40	40	
FRICTION LOSSES (FT)	0.0	0.0	

CALCULATIONS

THEORETICAL FLOW RATE (CFS) **	0.19	0.19	0.00
DIVERSION VOLUME (AFA) ***	138.0	138.0	0.0

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.
** PUMP EFFICIENCY WAS ASSUMED TO BE 70%.
*** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY DAY OF THE YEAR.
**** BASED ON 2 HOUR DIVERSION TO MEET VOLUME

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

Lic Providers

1.39 cfs → 800 ac

= 0.017 cfs/ac

2.5 (80) = 200 AF

1800 milkers
500 dry

stk 77.7 AF
com 27.8

105.5 AF needed

105.5 / 2.5 = Drop up 42.2 ac

42.2 ac (0.017 cfs/ac) = 0.72 cfs

have up to

& rate

+ 105.5 AF for vol.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 16, 1999

4-Bros. Dairy Inc.
425 N 250 W
Shoshone, ID 83352

RE: Transfer 4898
Right 37-02622

Dear Applicant:

The department acknowledges the withdrawal of Application for Transfer 4898 that proposed a change to Right 37-02622. The application has been voided and no further action will be taken.

Sincerely,

Pamela S. Skaggs

Pamela S. Skaggs

Sr. Water Rights Agent

MICROFILMED
JUN 2 4 1999

4-BROS. DAIRY, INC.
425 North 250 West
Shoshone, ID 83352
Telephone (208) 886-7716
Facsimile No. (208) 886-7659
Mobile No. (208) 731-7716

FACSIMILE

TO: Ken Skaggs
COMPANY: Idaho Dept. of Water Resources
FAX #: 208-327-7866
FROM: Michele Fitzgerald
DATE: 6/15/99
RE: #4898 Water Transfer
NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 2

NOTE: Please contact our office immediately in the event you fail to receive the designated number of pages or have a problem with the transmission.

MESSAGE:

Original Document Will

— follow by regular mail
— follow by express mail
X not be sent

MICROFILMED
JUN 24 1999

4-BROS. DAIRY, INC.
427 North 250 West
Shoshone, ID 83352
Office No. 208-886-7716
Fax No. 208-886-7659

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83303-3380

RE: Water Transfer #4898

To Whom It May Concern:

North Valley Milk, Inc. and 4-Bros. Dairy, Inc. request a withdrawal of the water transfer listed above.

If you have any further questions, please feel free to call our office.

Sincerely,

Jerome Fitzgerald
President

JF/maf

MICROFILMED
JUN 24 1999

12-92

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4898

RECEIVED
FEB 18 1999
Department of Water Resources

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

WITHDRAWN 06-15-99

Name of applicant North Valley Milk Inc, & 4 Bros. Dairy Inc Phone 886-7716

Post Office address 425 N 250 W, Shoshone, ID 83352

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
   ☒ Change nature of use ☒ Change period of use ☒ Other Split right

2. Describe the reason for the proposed changes Transfer #4723 was filed to cover this dairy, but has been protested. So we are applying for an alternate transfer in the event that T.4723 is denied.

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
37-02622C	10-6-1959	0.28/34.2	Stockwater	1-1 to 12-31
				to
		0.28/12.7	Commercial	" to "
				to

2. Total amount of water being transferred 0.28 cubic feet per second and/or 47.4 acre-feet per annum.

3. Source of water Groundwater tributary to

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	NW	29	7S	15E	Gooding	

5. 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	
7S	15E	29							C/S										

MICROFILMED
FEB 2 2 1999

Total acres

WITHDRAWN 06-15-99

WITHDRAWN 06-15-99

PART 1

6. General Information:

a. Description of diversion system Existing well & pump, pipelines to barn & water troughs

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:

Land will no longer be irrigated.

d. Remarks:

Use is for 800 dairy cattle & 200 dry stock.

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
JUN 24 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. _____ Decreed to _____

   in case of _____ vs. _____

   dated _____ in _____ county of _____

   b. License No. 37-02622 issued by the Idaho Department of Water Resources.

   c. Claim No. _____ on file with the Idaho Department of Water Resources.

   d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 10-6-1959

5. Water is used for the following purpose:

   amount 1.39 cfs (cfs/ac-ft) for Irrig purposes from _____ to _____

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

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

6. Total amount of water under right 1.39 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	3	5S	15E	Gooding	

8. 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	
5S	15E	3															40		40
		10		40															40

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JUN 24 1999

Total acres 80

9. Describe any other water rights used for the same purpose as described above Canal shares

PART 2

Transfer No. 4098

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

8 21 *(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount (cfs/ac-ft) 0.56 cfs for Irrig purposes from _____ to _____
amount (cfs/ac-ft) 42.4 AFA for _____ purposes from _____ to _____
amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as 2.A.1

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	
5S	15E	10		11.9															11.9

Total acres 11.9

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

1. amount (cfs/ac-ft) * 0.72 cfs for Irrig purposes from 4-1 to 10-31
amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as 2.A.1.

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

3. Lands irrigated or place of use: Assumes both Transfers are approved *

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	
5S	15E	3															40		40
		10		1.7															1.7

MICROFILMED JUN 24 1999

Total acres 41.7 *

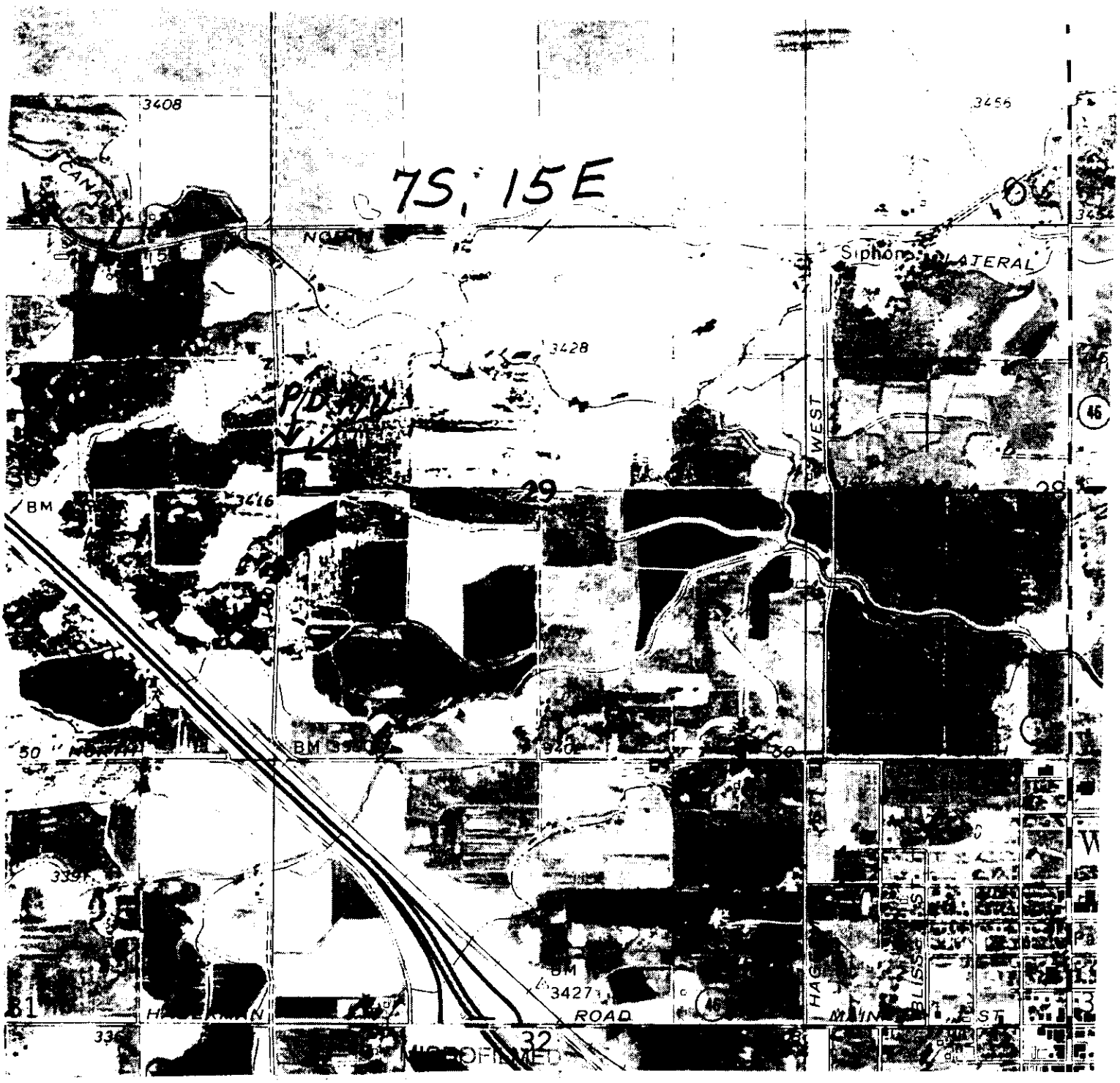
Transfer No. 4898

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Transfer No. 4898

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Stockwater	0.21/34.7	as needed	1-1 to 12-31
	Commercial	0.21/12.7	"	" to "

2. Quantity and quality of return flows and location of discharge:
Water will be ponded on the property as required

3. Describe effects on other water uses resulting from the proposed change:
Fewer acres will be irrigated

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.

(Signature of Applicant)

Subscribed and sworn to before me this 13th day of August, 19 96.

J F Stanton
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by J F Stanton Date 8-13-96 Protest filed by

Prelim. check by GLS 26 AUG 96 Fee $100.50 19423

Receipted by JO Date 8-13-96

Published in Gooding Co Leader Copies of protest forwarded by

Pub. dates 9/4 & 9/11/96 Hearing held by Date

Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

rec'd. by

Copy of transfer sent to lien holder

MICROFILMED
SEP 2 4 1996

WARRANTY DEED

#G-22325

For Value Received

WALTER ADAMS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF FLORA BELLE ADAMS, DECEASED, PURSUANT TO LETTERS TESTAMENTARY DATED MAY 11, 1995 AND RECORDED MAY 19, 1995 AS INSTRUMENT NUMBER 161330, RECORDS OF GOODING COUNTY, IDAHO, AND WALTER ADAMS AS TRUSTEE OF THE TESTAMENTARY TRUST OF CHARLIE ADAMS

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

NORTH VALLEY MILK, INC., AN IDAHO CORPORATION
Address: 425 NORTH 250 WEST, SHOSHONE, IDAHO 83352

Hereinafter called the Grantee, the following described premises situated in GOODING County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumberances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: **OCTOBER 3, 1995**

Walter Adams PR Flora Adams estate
WALTER ADAMS AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF FLORA BELLE ADAMS, DECEASED

Walter Adams Trustee Charlie Adams Trust
WALTER ADAMS AS TRUSTEE OF THE TESTAMENTARY
TRUST OF CHARLIE ADAMS

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

On this 3RD day of OCTOBER, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared **Walter Adams as Personal Representative of the estate of Flora Belle Adams and** , known or identified to me to be the person whose name
is subscribed to the within instrument, and acknowledged to me that he executed the same as such personal representative.

NOTARY PUBLIC STATE OF IDAHO

Notary Public Jayne Shepard
Residing at: Buhl, Idaho
My Commission expires: 8-21-99

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

ON THIS 3RD DAY OF OCTOBER, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTER ADAMS AS TRUSTEE OF THE TESTAMENTARY TRUST OF CHARLIE ADAMS, and known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as such trustee.

NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at Buhl, Idaho
My commission expires: 8-21-99

MICROFILMED
JUN 2 4 1999

T#4898

Exhibit "A"

TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 3: SW¼SE¼; EXCEPTING THEREFROM that portion deeded to the State of Idaho by Highway Right of Way Deed as recorded November 5, 1947 as Instrument Number 102926, Gooding County records.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 38 acres American Falls water and Water Right Number A37-02622 all C.F.F.

TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 10: NW¼NE¼; EXCEPTING THEREFROM that portion deeded to the State of Idaho by Right of Way Deed as recorded January 30, 1969 as Instrument Number 27585, Gooding County Records.

Water Right Number A37-10931 all C.F.F.

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1995 and subsequent years, a lien, but not yet due and payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Assessments levied or to be levied by the Gooding County Solid Waste Department.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Power Line Easement given by Zora Mullins and Blanche Mullins, his wife to Idaho Power Company, a corporation, dated February 8, 1960, recorded May 31, 1960 as Instrument Number 140978, Gooding County records, affecting SW¼SE¼ of Section 3, Township 5 South, Range 15, East Boise Meridian.

162910

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Land Title & Escrow Inc

55 min. past 4 o'clock P m. this 3

of Oct 19 95 6.00

Quinta Sells Deputy

MICROFILMED

JUN 2 4 1999

RECEIVED
FEB 18 1999
Department of Water Resources

FROM: Allen Merritt DATE: February 17, 1999

TO: Transfer File No. 5367
Water Right(s): 36-07460 Part

In the Name of: Toledo

SUBJECT: Review and Recommendation

This transfer converts another portion of the Branchflower right from irrigation to uses in an existing dairy. The dairy currently is not covered by any water right record. The transfer is based on drying up 11.3 acres of the Branchflower right to cover the uses at the dairy. The transfer was filed based on allowing 3.0 afa CU volume for each acre dried up.

Note that the previous owner of this property was North Valley Milk and they attempted transfers #4722 and #4898 to move water to this site for this dairy. Transfer #4722 was denied and transfer #4898 is protested. If this transfer is approved I recommend that #4898 be voided.

This transfer was advertised without protest.

RECOMMENDATION

I recommend the transfer be approved subject to the following conditions:

-No new wells authorized to be drilled under this approval.
-2 points of diversion within SW¼NW¼, Section 29, Twp.07S, Rge.15E, B.M. Also location of unrecorded domestic use.
-Place of Use for Commercial dairy within W½NW¼, Section 29, Twp.07S, Rge.15E, B.M. (Includes waste disposal site.)
-Dairy site is location of unrecorded domestic use. This unrecorded D&S right shall provide no additional water for the dairy use.
-Transfer #4898 should be voided.
-May require future measuring and reporting of use to IDWR or other appropriate district.

MICROFILMED
JUN 24 1999

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 5, 1997

Andrew Fitzgerald
North Valley Milk Inc.
425 N 250 W
Shoshone, ID 83352

RE: Transfer 4898 for Wendell Dairy

Dear Mr. Fitzgerald:

As you know our office continues to hold Transfer No. 4898 filed by you to provide water rights for the dairy near Wendell. As you know the transfer application was protested by Bonnie Arkoosh and the protest has not yet been resolved. Please update our office on your continued interest in this application.

Please also note that the department has started to process applications for permit for uses established prior to 1987 which were developed without a water right. I do not know if this dairy qualifies, but you may consider this type of approach.

If you have questions, please contact our office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton
Rob Williams

9/22/98

No Response
Transfer 5367 file
for some time

MICROFILMED
JUN 2 4 1999

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer:

1. Will the proposed transfer injure other water rights?

2. Will the proposed transfer constitute an enlargement in the use of the original right?

3. Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?

4. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, and 4 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. The department may issue a "pre-conference statement order" which requires response to the inquiries.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape. The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director. Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer. As part of the conference a date may be set by which exchange of exhibits and witness lists must occur.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing party.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

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JUN 2 4 1999

PROTEST LIST, TR# 4897 & 4898 (37-02622 PT)

Applicant:

ANDREW FITZGERALD SEC-TREAS
NORTH VALLEY MILK INC
FOUR BROS DAIRY INC
425 N 250 W
SHOSHONE ID 83352

Applicant's Legal Counsel:

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

Protestant:

BONNIE ARKOOSH

Legal counsel for Protestant:

C TOM ARKOOSH ESQ
PO BOX 32
GOODING ID 83330

MICROFILMED
JUN 2 4 1999

TO: File DATE: May 29, 1997

FROM: Jim Stanton

SUBJECT: App. for Transfer #4898, North Valley Milk

Apps. #4897 & 4898 were made at the same time to split portions of the licensed right off for two separate dairies. The untransferred portion of the right was described the same on both transfers, assuming that both would be approved. Both took land from Sec. 10, leaving Sec. 3 as licensed.

The applicant has now filed an amended transfer #4897, taking the same amount of water from Sec. 3 instead of Sec. 10. Part 2 describes a different untransferred place of use from the original application. However, T. 4898 does not reflect this change. If both these applications are approved, they should both have the same untransferred place of use as Amended Transfer #4897. This should not require T. 4898 to be amended, as this information is not advertised. I discussed this with Mr. Fitzgerald, and he does not plan to make any changes to T. 4898 at this time. He felt that it would eventually be approved.

MICROFILMED
JUN 2 4 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 24, 1996

ANDREW FITZGERALD SEC-TREAS
NORTH VALLEY MILK INC
FOUR BROS DAIRY INC
425 N 250 W
SHOSHONE ID 83352

RE: APPLICATION FOR TRANSFER NOS. 4897 & 4898 (37-02622 Pt)

Dear Mr. Fitzgerald:

Enclosed is a copy of a protest filed against the above referenced applications.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

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

Very truly yours,

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

AM:MB
Enclosure(s)

MICROFILMED
JUN 2 4 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 24, 1996

C TOM ARKOOSH
PO BOX 32
GOODING ID 83330

RE: APPLICATIONS FOR TRANSFER NOS. 4897 & 4898 (37-02622 Pt)

Dear Mr. Arkoosh:

The protests on behalf of Bonnie Arkoosh, against the approval of the above referenced applications have been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protests and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

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

Very truly yours,

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

AM:MB
Enclosure(s)

MICROFILMED
JUN 24 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVE
SEP 2 3 1996
Department of Water Resources
Southern Region

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4898 OF WATER RIGHT 37-02622C IN THE NAME OF NORTH VALLEY MILK, INC.	NOTICE OF PROTEST

COMES NOW Bonnie Arkoosh, by and through her attorney of record, C. Tom Arkoosh, and file this Protest to Application No. 4898. The Protestants' address for service in this matter is Post Office Box 32, Gooding, Idaho. Telephone: (208) 934-8872. This Protest is filed based upon the provisions of Idaho Code Section 42-203 (A), 42-222, and other laws of the United States and the State of Idaho. The Protest is filed upon the following grounds:

1. The proposed use would reduce the quantity of water under existing rights.

2. The water supply is insufficient for the proposed use.

3. The proposed use conflicts with the local public interest.

4. The proposed use is contrary to conservation of water resources within the State of Idaho.

5. The change in use would constitute an enlargement in use.

At hearing the Protestants will present evidence regarding the impact on both the quality and quantity of water which the proposed change would have on existing water

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JUN 2 4 1999

Receipt # 5019542
9/23/96
MB

rights, as well as the local public interest. The protest can be resolved only by denial of the transfer application, and, consequently, Protestants pray the application be denied.

By filing this protest, the Protestants give notice to the Department of Water Resources and to the Applicant that they intend to appear at all conferences or hearings in this matter; they intend to present evidence and cross-examine; and, in order to adequately prepare to present evidence and cross-examine at hearing, it may be necessary to obtain discovery from the Applicant or others, or obtain information from the Department of Water Resources. Therefore, the Protestant requests that any hearing in this matter be scheduled in order to allow the hearing officer to take up prehearing matters.

Respectfully submitted,

DATED this 19th day of September, 1996.

C. Tom Arkoosh

MICROFILMED
JUN 24 1999

CERTIFICATE OF SERVICE

We hereby certify that on the 19th day of September, 1996, we caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

✓ U.S. Mail

____ Hand Delivered

____ Overnight Mail

____ Telecopy (FAX)

Idaho Department of Water Resources
222 Shoshone Ave. E.
Twin Falls, ID 83301

North Valley Milk, Inc. & Four Bros. Dairy, Inc.
425 N. 250 W.
Shoshone, ID 83352

C. Tom Arkoosh

MICROFILMED
JUN 24 1999

Form 222a
6/78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: SATTERLEE **DATE** 26 AUG 96

1. Right number 37-02622 C Applicant NORTH VLY. MILK, INC. & 4 BROS. DAIRY, INC.
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change ~~point of diversion~~ PERIOD of USE ☒ Add diversion point(s) ☒ Change place of use
   ☒ Other SPLIT 37-02622, CHANGE NATURE OF USE
4. Check:
   a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
   b. ☒ Description of original point of diversion.
   c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
   a. ☐ All of right.
   b. ☒ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☒ Check description of point(s) of diversion.
   d. ☒ Check description of place of use.
   e. ☒ Check map (shows p.d. and p.u. after transfer).
   f. ☒ Check for correct signature, notarization, and fee.
   g. ☒ Check proof of ownership of right &/or land from which water is transferred.
   h. ☒ Check for expansion in use of right. Comments NONE
   i. ☒ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) Canal Shares, Pending Transfer 37-07575C
   j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
      If yes, what district? 37-Groundwater Not Delivered by W.M.

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECEIVED
FEB 18 1999
Department of Water Resources

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____
4. By _____ Date _____

T# 4898

Jim Stanton

Photos of

Basin 37

North Valley Milk

well pump. Do

you want them

for the file?

Scott K.

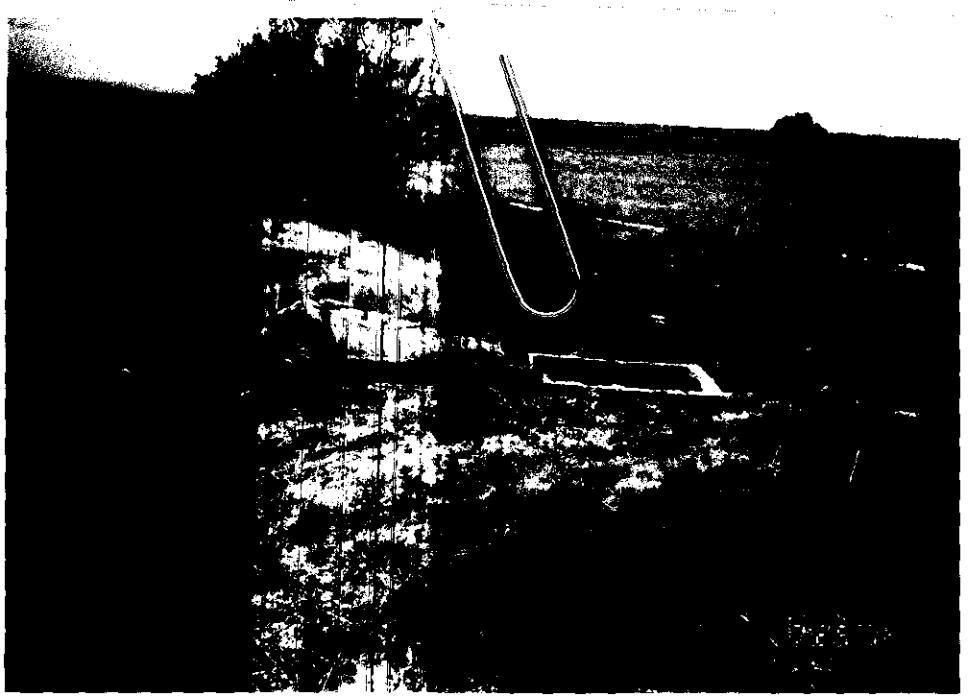
MICROFILMED

JUN 24 1999

RECEIVED

SEP 23 1996

Department of Water Resources
Southern Region





AFFIDAVIT of PUBLICATION

State of Idaho
County of Gooding } ss.

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 4 day of Sept., 19 96

and the date of the last publication was on the 11 day of Sept., 19 96

Patty Nance

Subscribed and sworn to before me this 11th day of September, 19 96.
(SEAL)

Rosmarie Voe
NOTARY PUBLIC

#13648/6309

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

OK MB 9/17/96

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2
Affidavit Fee $2.25

_____ Lines tabular at _____ 6¢/Pica
56.3.06 Lines straight at 28.15 5¢/Pica
56.3.06 Subsequent lines at 22.52 4¢/Pica
TOTAL COST 52.92

MICROFILMED
JUN 2 4 1999

COPY OF NOTICE

(Paste Here)

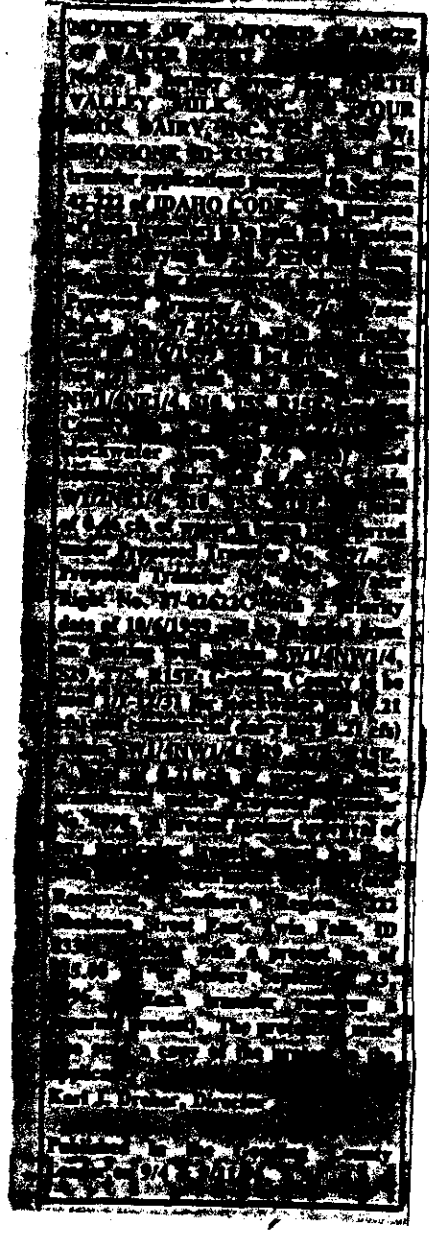
Clg. Wtr. Rts. - 4 Bros. Dairy
No. Valley Rd
TITLE OF NOTICE 37-02423B

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO



NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that NORTH VALLEY MILK, INC. & FOUR BROS. DAIRY, INC., 425 N 250 W; SHOSHONE ID 83352 have filed two transfer applications pursuant to Section 42-222 of IDAHO CODE. The purpose of these transfers is to split an irrigation right by drying up 38.3 acres and using the water for commercial dairy use.

Proposed Transfer No. 4897: Water Right No. 37-02622B with a priority date of 10/6/1959 will be diverted from two (2) new wells to be drilled within NW1/4NE1/4, S10, T5S, R15E; Gooding County to be used 1/1-12/31 for stockwater use (0.46 cfs) and commercial dairy use (0.46 cfs) within W1/2NE1/4, S10, T5S, R15E. A total of 0.46 cfs of water is being transferred under Proposed Transfer No. 4897.

Proposed Transfer No. 4898: Water Right No. 37-02622C with a priority date of 10/6/1959 will be diverted from an existing well within SW1/4NW1/4, S29, T7S, R15E; Gooding County to be used 1/1-12/31 for stockwater use (0.21 cfs) and commercial dairy use (0.21 cfs) within SW1/4NW1/4, S29, T7S, R15E. A total of 0.21 cfs of water is being transferred under Proposed Transfer No. 4898. A protest against approval of any particular transfer must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of $25.00 on or before September 23, 1996. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 9/4 & 9/11/96.

MICROFILMED
JUN 2 4 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 27, 1996

MAGIC VALLEY PUBLISHING CO
ATTN **Gooding County Leader**
PO BOX 468
JEROME ID 83338

Gentlemen:

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

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED
JUN 2 4 1999

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that NORTH VALLEY MILK, INC. & FOUR BROS. DAIRY, INC., 425 N 250 W; SHOSHONE ID 83352 have filed two transfer applications pursuant to Section 42-222 of IDAHO CODE. The purpose of these transfers is to split an irrigation right by drying up 38.3 acres and using the water for commercial dairy use.

Proposed Transfer No. 4897: Water Right No. 37-02622B with a priority date of 10/6/1959 will be diverted from two (2) new wells to be drilled within NW1/4NE1/4, S10, T5S, R15E; Gooding County to be used 1/1-12/31 for stockwater use (0.46 cfs) and commercial dairy use (0.46 cfs) within W1/2NE1/4, S10, T5S, R15E. A total of 0.46 cfs of water is being transferred under Proposed Transfer No. 4897.

Proposed Transfer No. 4898: Water Right No. 37-02622C with a priority date of 10/6/1959 will be diverted from an existing well within SW1/4NW1/4, S29, T7S, R15E; Gooding County to be used 1/1-12/31 for stockwater use (0.21 cfs) and commercial dairy use (0.21 cfs) within SW1/4NW1/4, S29, T7S, R15E. A total of 0.21 cfs of water is being transferred under Proposed Transfer No. 4898.

A protest against approval of any particular transfer must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of $25.00 on or before September 23, 1996. **(Each transfer requires a separate protest).** The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 9/4 & 9/11/96.

MICROFILMED

JUN 2 4 1999

OK
AD—

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 27, 1996

ANDREW FITZGERALD SEC-TREAS
NORTH VALLEY MILK INC
FOUR BROS DAIRY INC
425 N 250 W
SHOSHONE ID 83352

Re: Application for Transfer No. 4897 & 4898 (37-02622 Part)

Dear Mr. Fitzgerald:

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

This office has scheduled advertising the applications in The Gooding County Leader for 9/4 and 9/11/96.

The advertisement(s) 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 L.S.I.T.
Water Resource Agent

GS:mb

MICROFILMED
1999

1995 17.1 AFA

1994 332.1 AFA

1993 25.1 AFA

1992 262.6 AFA

1991 342.0 AFA

Adams Irrigation Well
Pumpage 37-2622

MICROFILMED
JUN 24 1993

T+4898

PCC2 4-1-96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water Measurement Program

POWER CONSUMPTION COEFFICIENT

WORKSHEET

Date of test 7/25/96

Person performing test S. King B. Contor

Name:	North Valley milk
Water Right No:	37-6222
Legal Description:	T 55 R 15E Sec. 3 NW ¼ SW ¼ SE ¼
Site Tag No:	A0003664
Diversion Name:	Adam's Wall

OD = 8.67
Thick = 0.25"

Current Owner
Name _____ Phone _____
Last, First, MI
Address _____ City _____ State ____ Zip _____

Operator *(if leased or operated by someone else)*
Name _____ Phone _____
Last, First, MI

Well Site Identification

Global Positioning System Data:

Data Collection Filename M072516A *Offset* _____

Uncorrected: *Latitude* _____ *Longitude* _____

Corrected: *Latitude* _____ *Longitude* _____

PLS/USGS *Locator* _____

IDWR Site Tag Identification No. A000 3664

Site Tag location description: _____

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JUN 24 1999

T#4598

Well Pump and Motor Information

PUMP DATA		MOTOR DATA	
Manufacturer	Vertiline	Manufacturer	OE
Serial Number	27147	Serial Number	OTJ219102
Model Number	10 RH	Rated Horsepower	40
Type	Vertical turbine	Rated Amps	99.4
Impeller Diameter		Rated Volts	440
Rated Speed	1770	Rated Speed	1770
Rated Discharge	720 gpm	Phase	3
Rated Head	185 ft	Service Factor	1.15

Booster Pump and Motor Information

PUMP DATA		MOTOR DATA	
Manufacturer		Manufacturer	
Serial Number		Serial Number	
Model Number		Rated Horsepower	
Type		Rated Amps	
Impeller Diameter		Rated Volts	
Rated Speed		Rated Speed	
Rated Discharge		Phase	
Rated Head		Service Factor	

Power and Water Metering Information

KILOWATT HOUR METER		WATER MEASUREMENT DEVICE AND MOUNTING PIPE INFORMATION	
Utility	Idaho Power	**METER INFORMATION**	
Pole No.	250	Manufacturer	Peek
Manufacturer	GE	Model Number	ISR-D
Meter Serial No.	92 660 016	Type	196605
Disc Constant(Kh)	57.6	**PIPE INFORMATION**	
Rated Voltage	440	Pipe material	Steel
Demand	63	Outside Diameter	8.7"
Multiplier (Mult)	1	Inside Diameter	
CTR (Current) PTR (Voltage)		Distance of straight pipe upstream and down	Upstream /Down 5 3

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JUN 24 1999

Determination of Power Consumption Coefficient

Kilowatts of Energy Consumed

KW = 3.6 × Kh × Multiplier × No. of revolutions(N) ÷ Time(T) in seconds per N

Cond.#1 **N** = 10 (No. of Disc Rev) **Time**(sec) = (59.2)+(59.2)+(59.1)/3 = 59.2 Ave

3.6 × 57.6 (Kh) × 1 (Mult) × 10 (N) ÷ 59.2 (T) = 35.0 **KW**

47 hp

Cond.#2 **N** = _____ (No. of Disc Rev) **Time**(sec) = (____)+(____)+(____)/3 = ____ Ave

3.6 × _____(Kh) × _____(Mult) × _____(N) ÷ _____(T) = _____ **KW**

Cond.#3 **N** = _____ (No. of Disc Rev) **Time**(sec) = (____)+(____)+(____)/3 = ____ Ave

3.6 × _____(Kh) × _____(Mult) × _____(N) ÷ _____(T) = _____ **KW**

PWL ≈ 150

Friction ~ 8

OHP = 25

IHP = 53% LOW

AT 200' TDH

Measured Flow Rate

Measured Flow Rate - Enter flow rate as determined by the "standard" water measurement meter in GPM. Attach documentation to support data such as notes, printout tapes etc.

GPM Cond. #1 626 **#2** _____ **#3** _____

Power Consumption Coefficient (PCC) = KW × 5431 ÷ GPM

PCC Cond. #1 = 35 (KW) × 5431 ÷ 626 (gpm) = 303.7 (kWh/ac.ft)

Percent of seasonal use _____

PCC Cond. #2 = _____(KW) × 5431 ÷ _____(gpm) = _____(kWh/ac.ft)

Percent of seasonal use _____

PCC Cond. #3 = _____(KW) × 5431 ÷ _____(gpm) = _____(kWh/ac.ft)

Percent of seasonal use _____

~8.67% good

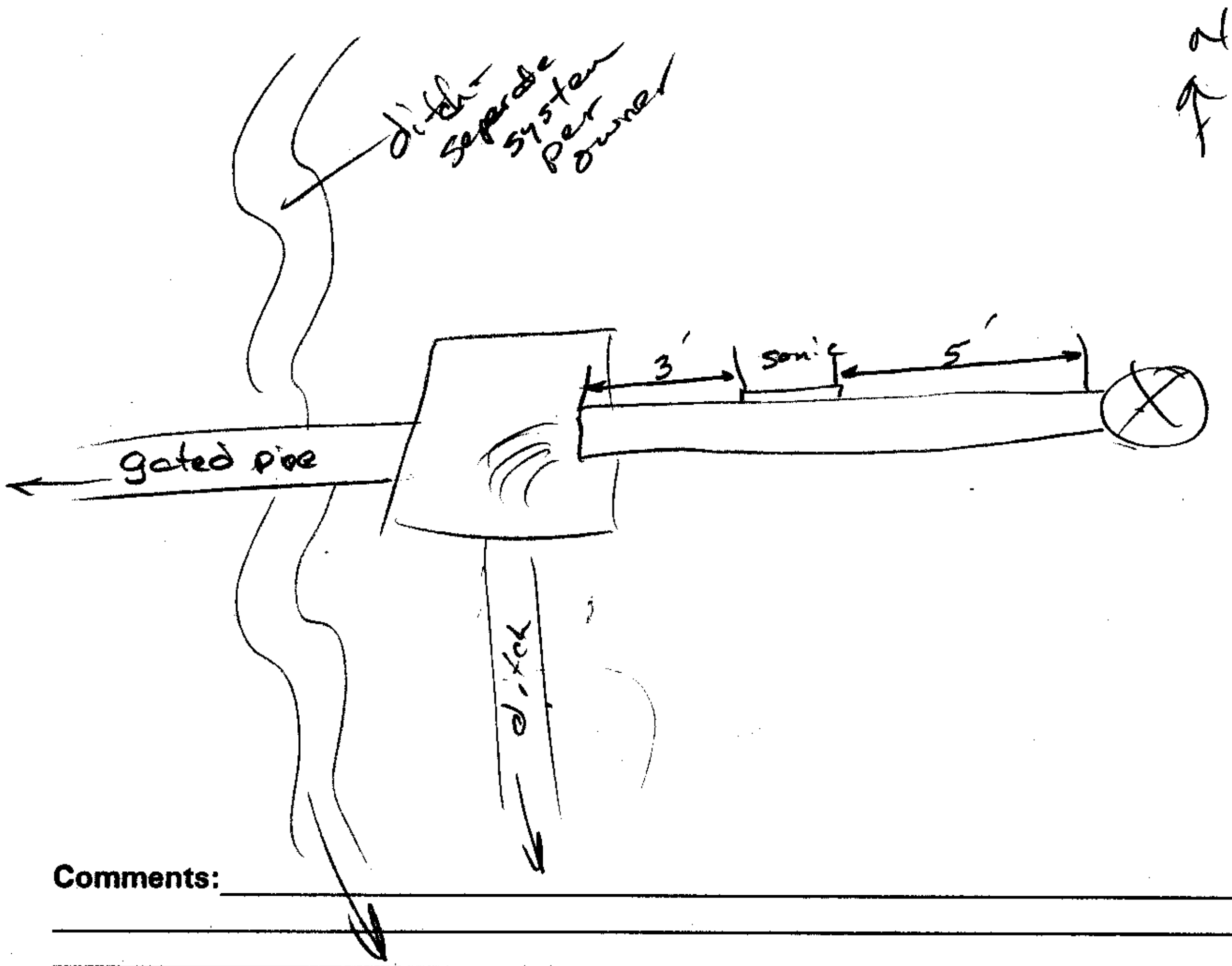
Describe system operating conditions and how percentage of seasonal use was obtained:

Well open discharges to concrete box, then gated pipe. No throttling valves or other means of controlling well flow. PCC should be ~~of~~ very good

MICROFILMED

JUN 24 1900

Sketch of pumping plant layout or attach photograph of pumping plant and piping:



Comments: ____

==

I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature Scott King (person performing measurements) Date 7/25/96

For Department Use Only

Received by ____________________ Date ____________________

Reviewed by ____________________ Date ____________________

Data Entry by ____________________ Date ____________________

MICROFILMED JUN 24 1999

FAX

Date 07 17 96

Number of pages including cover sheet 7

TO: ANDREW FITZGERALD

Phone

Fax Phone 208-886-7659

FROM: IDAHO POWER COMPANY
422 MAIN ST
GOODING, ID 83330

Phone (208) 934-5661

Fax Phone (208) 934-4008

CC:

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please Comment

INCLUDED IN THE FAX IS THE IRRIGATION USEAGE FOR PUMP #250 FOR THE YEARS 1991, 1992, 1993, 1994, 1995, UNDER ADAMS' NAME ALSO TO PRESENT IN 1996 UNDER YOUR NAME.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT US.

MICROFILMED
JUN 2 4 1999

T # 4898

IDAHO POWER CO.
422 MAIN ST.
GOODING, ID 83330

CYCLE 07 DIST 55 SOUTHERN TOWN GOODING BILLING DATE 12/09/91

TRANSACTION						READ		BILLING				METER #	M	R	FSCL	CONST	T	INS DT	LO	PI
CD	S	OR NO	MEQU	YR	AMT / DISC	MCHG	DA	DM-KW	ENERGY-KWH	AMOUNT	EL HEAT	6408544	6	0	58	1920		1P00000	85	99
750	1	3400755	11	91	42.34	010	16	12	0	600	IR USE	CON/DIS	ART	SEQ	TY	COMBO	SIC	ANA	BL	TAX
50100		5522091	12	91	6.00-	010	04	30	38	11629	APT/MOB	10	16	21	50	170		0000	60	
30001		CE2478	20	91	55.34	009	04	30	38	9622	MULT KM	DATE	RDNGS	A/C	APT	CONNECT LD				
					0755-000193-B	008	05	30	38	27532	UDG	10	16	8142		MONTH MDN				
						007	05	30	37	16597	HI VOLT	10	04	8142	NO EST	FAC CHG				
						010	05	30	37	23295	EST CNT	RAN	RA DAT			CUAR - AG				
						005	06	13	37	5192	EMP	28	504	8085		SPOUSE				
						004	23		0	0	GUAR	GRID COORDINATE				EMPLYR				
						010	15	11	38	1762	LBD LRD					PHONE	934	5235	00	
						010	04	30	38	16871	LG PWR	RA	RA	A	UNT	ACT	KWH	CHARGE	FC CHG	UD CHG
						009	04	30	39	24511	# BILL									
						008	03	30	39	27748	OWN/ANT									
						007	03	30	39	25045	PB/CODE									
											TB/CODE									

1991
1990

DEP #	DATE	DEP AMT	T	INT PD	DATE	RATE

ADV #	DATE	ADV AMT	TRNS ACT #

F	MS	ACRES	LIFT	KVA	HP	# MOT
	MF	30	0	450	400	1

RM OA

ACT STATS	E
ACCOUNT #	0755000 1968
NAME	ADAMS*CHARLIE
C/O - DBA	ESTATE % WM. T ADAMS
SERVICE	1275 S 2170 E
LOCATION	0250
SERV - CSZ	GOODING ID 83330
MAIL LN 1	2092 E 1400 S
MAIL LN 2	
MAIL - CSZ	GOODING ID 83330
BILLING - ELEC - CUR	
BILLING - NON-ELEC - CUR	
ARREARS - ELECTRIC	4934
ARREARS - NON-ELECTRIC	
ACCOUNT BALANCE	4934

RATE 24

[redacted] 017 [redacted]

ACCT NO— 0755-000196-8 NAME-- ADAMS,CHARLIE COMP?-- ESTATE % WALT ADAMS
ACCT ST-- INACTIVE LOC1-- 1275 S 2170 E 0250
CON/DIS— 10/16/92 CITY-- GOODING ID 83330

CUST: PHONE- -934-5235 EMPLOYER- SSN/TAX- 626070945E
CO-APP: PHONE- - - EMPLOYER- SSN/TAX-
MAIL LINE 1- 2092 E 4400 S MAIL LINE 2-
MAIL CITY- GOODING ST- ID ZIP- 83330

NOTES: INS: 90 .6M,N UP LN

REMARKS: DT- BY-

AREA CODE-- 160 SIC CODE--- 0000 THIRD PARTY N OWN/RENT—
PREMISE CD- 2 PERM BILL-- 0 GUARANTOR-- 0
LANGUAGE--- TEMP BILL-- 0 LANDLORD--- 0

ERN	ID	BATCH/ ORDER	PROCESS DATE	ERNS AMOUNT	DESCRIPTIVE INFORMATION	ACCOUNT BALANCE
500	00	92867	10/20/92	7.00-		0.00
800	03	SY667	10/21/92	7.00		7.00
500	00	92536	10/15/92	315.35-		0.00
850	00		10/06/92	315.35	READ DATE 10/02	315.35
501	00	55815	09/28/92	993.00-		0.00
850	00		09/04/92	993.00	READ DATE 09/02	993.00
501	00	55753	08/26/92	618.74-		0.00
850	00		08/06/92	618.74	READ DATE 08/04	618.74
501	00	55673	07/14/92	513.73-		0.00
850	00		07/08/92	513.73	READ DATE 07/06	513.73
501	00	55634	06/22/92	383.78-		0.00
850	00		06/08/92	383.78	READ DATE 06/04	383.78
501	00	55579	05/22/92	513.33-		0.00
850	00		05/07/92	513.33	READ DATE 05/05	513.33

ERRG YR- 92 S ACRES LIFT KVA HORSEPOWR WHOT DEMAND/HP COMP CODE--- 0
N G 00040 0080 1 15.0 1 40.0 1
2 15.0 2 5.0 KWH TAX REF--
3 15.0 3 PROP TAX REF-
4 FINANCE CODE- N

IRRG YR- 93 S ACRES LIFT KVA HORSEPOWR WHOT DEMAND/HP COMP CODE--- 0
N G 00040 0080 1 15.0 1 40.0 1
2 15.0 2 5.0 KWH TAX REF--
3 15.0 3 PROP TAX REF-
4 FINANCE CODE-

COMBINATION NO.- WDCHECK CODE 0
EXCHANGE CREDIT--- MONTH 10/92 KWH- 8,819 FARM FACTOR- 1

DUE DATE ACCT BAL CURRENT 30 DAYS 60 DAYS 90 DAYS
11/05/92 .00 .00 .00 .00 .00
N-ELECTRIC .00 .00 .00 .00
CRDT CODE-- 00 CRDT ACTION- 0 F 0 2 2 0 0 0 0 T 0 0 0 WATER- TAX DIST-
COMM-DATE BY-
ST DATE ACT TYPE AMOUNT ST DATE ACT TYPE AMOUNT
C 09/23/92 TERM 993.00 V 10/02/92 DISH 993.00

LEVEL PAY AMOUNT----- START DATE CHANGE DATE
LEVEL PAY RECEIVABLE- AVERAGE KWH LEVEL PAY STATUS---

VAR ELEC---- VAR RATE-- BKGR AMT---
VAR W-ELEC-- COLL AGNT- BKGR CONTR-
VAR CONTR--- BKGR NUMBER
VAR COMMENT-

METER NO S TYP D PH F-SCL CONST INS/RM/CHG T-YR READ CURR PREV DEMAND
6400S446M 0 2 5 3 192.0 0000] 08/00/78 78405 78405
S C READ DAYS DEM-KW ENERGY-KWH BILL AMT-KTR
RATE--- 24 80 10/16 14 0 0 7.00 *
REV CLS 5 80 10/02 30 38 8,819 315.35 *
RATE DT 04/30/85 80 09/02 30 40 13,549 993.00 *AREA CD 160
INTR LOC 00 80 08/04 30 37 18,325 618.74 *INSTR-- 00
MUL FAC 1 80 07/06 30 38 14,487 513.73 *ROUTE-- 55
APTNO8- 80 06/04 30 36 10,961 383.78 *SEQ----- 0150
RG MBE 80 05/05 30 37 15,022 515.33 *KWH EST
ELC WT- 80 04/03 00 0 0 0.00 *LANDLORD 0
MIN VLT 0 80 04/03 00 0 0 0.00 *LNG PHR
UNGRD-- 80 10/16 12 0 0 6.00
CONN LD 80 10/04 30 38 11,629 397.35
MNTH MK 80 09/04 30 38 19,622 628.92
FAC CHG 80 08/05 30 38 27,532 841.39

1992
1991

MICROFILMED
JUN 2 1993

IDAHO POWER CO.
422 MAIN ST.
GOODING, ID 83330

JUL-17-96 WED 02:50 PM 07/17/96 07:40 2208 388 6012 IPCO ACCTG P.06

ACCT NO-- 0755-000196-B NAME-- ADAMS,CHARLIE CORP-- ESTATE B HALT ADAMS
ACCT ST-- ENABLED LOC1-- 1275 S 2170 E 0256 ID 24
CON/DIS-- 10/22/93 CITY-- GOODING ID 83330

CUST: PHONE- 208-934-5044 H EMPLOYER- SS#/TAX- 526070945
CO-APP: PHONE- - EMPLOYER- SS#/TAX-
MAIL LINE 1- 2092 E 1400 S MAIL LINE 2-
MAIL CITY- GOODING ST- ID ZIP- 83330

NOTES: INS: PD .5M,H UP LN

REMARKS: DT- BY-

AREA CODE-- 160 SIC CODE--- 0000 THIRD PARTY N DNH/RENT---
PREMISE CD- 2 PERM BILL-- 0 GUARANTOR-- 0
LANDMARK--- TEMP BILL-- 0 LANDLORD--- 0

TRN	ID	BATCH/ ORDER	PROCESS DATE	TRANS AMOUNT	DESCRIPTIVE INFORMATION		ACCOUNT BALANCE
							0.50-
500	RB	92385	11/23/93	0.50-			
B11	CM	92385	11/23/93		500-00	0.50-	
500	00	92385	11/23/93	0.50-			0.00
850	00		11/08/93		READ DATE 11/04		0.50
800	03	U3995	10/26/93	0.50			0.50
401	00	51577	10/21/93	47.55-			0.00
850	00		10/07/93	47.55	READ DATE 10/05		47.55
760	CM		10/07/93		850-00		
401	00	55504	09/14/93	44.52-			0.00
600	01	0Y250	09/13/93	44.52			44.52
488	01	0Y250	09/13/93				0.00
850	00		09/08/93		READ DATE 09/03		0.00
501	00	55477	08/30/93	112.47-			0.00
850	00		08/09/93	112.47	READ DATE 08/05		112.47

DUE DATE ACCT BAL CURRENT 30 DAYS 60 DAYS 90 DAYS
11/10/93 0.50- 0.50- .00 .00 .00
M-ELECTRIC .00 .00 .00 .00
CRDT CODE-- 00 CRDT ACTION- 0 0 1 0 9 2 0 0 0 1 0 0 0 MAIN- TAX DIST-
ST DATE ACT AMOUNT ST DATE ACT TYPE AMOUNT
LC 08/26/93 MNOR 112.47
LV 09/07/93 FDN 112.47
LV 09/19/93 CFMP 112.47
LV 09/20/93 FDLL 112.47
COMM-DATE BY-
LEVEL PAY AMOUNT----- START DATE CHANGE DATE
LEVEL PAY RECEIVABLE- AVERAGE KWH LEVEL PAY STATUS---
LOAN ELEC---- LOAN DATE-- BNKR AMT---
LOAN W-ELEC--- COLL AGNT- BNKR CONTR-
LOAN CONTR--- BNKR NUMBER
LOAN COMMENT-

METER NO S TYP D PH F-SCL CONST INS/RN/CHG CURR PREV RT-ANNIV RATE SEQ RC
6408549468 D 2 S 3 192.0 00001 08/08/78 86014 86014 10/92 55 0160 5

RATE.....29 AREACD.....160 HEADER N.....
ELEC HT.... LOC CODE...00 19 CONT KW... 0
MIN VLT....0 INS CODE...00 CONT RATE....
IRG USE.... SWORD..... CONT RATE....
LG POWER... LANDLD.....8 STANDBY..... 0
MULT FAM...1 RPINDR..... +5% AMT..... 0
COMM LD.... R APTNDR... CAP CHG.....
MNTH MIN... T A/C..... MILEAGE CHG..
TNC CHG.... DM EST.....0 % FACTNG....
ESTCNT.....0 CHG ST.....0 BLC START....10/16/92
MMM EST.... RCHGS..... 0

METER NO	R	TYP	D	PH	F-SCL	CONST	INS/RN/CHG	CURR	PREV	RT-ANNIV	RATE	SEQ	RC
6408549468	N	D	2	S	3	192.0	00001	08/08/78	86014	86014	10/92	55	0160

	WAC	RCC	READ	DAYS	DEM-KW	BLC-KW	ENERGY-KWH	BILL AMT
		0	10/22/93	17	0		0	0.50
		0	10/06/93	30	3		1,372	47.55
		7	09/03/93	28	2		1,432	44.02
		0	08/05/93	30	24		1,793	112.47
		0	07/06/93	30	3		1,908	69.22
		0	06/04/93	30	22		1,144	91.54
1993		4	05/06/93	00	0		0	0.50
		0	05/06/93	00	0		0	0.00
1992		0	10/16/00	19	0		0	7.00
		0	10/02/00	30	38		8,819	315.35
		0	09/02/00	30	40		13,549	493.00
		0	08/04/00	30	37		10,325	410.74
		0	07/06/00	30	38		14,487	513.73

IRRG YR- 93 S ACRES LIFT KVA HORSEPOWR KHOT DEMAND/HP COMP CODE--- 0
N G 00040 0000 1 15.0 1 40.0 1
2 15.0 2 5.0 KWH TAX REF--
3 15.0 3 PROP TAX REF-
4 FINANCE CODE- N

IRRG YR- 94 S ACRES LIFT KVA HORSEPOWR KHOT DEMAND/HP COMP CODE--- 0
N G 00040 0000 1 15.0 1 40.0 1
2 15.0 2 5.0 KWH TAX REF-
3 15.0 3 PROP TAX REF-
4 FINANCE CODE-

COMBINATION NO.- WOCHECK CODE 0
EXCHANGE CREDIT--- MONTH 10/93 KWH- 1,372 FARM FACTOR- 1

RECEIVED
JUN 24 1999

IDAHO POWER CO.
422 MAIN ST.
GOODING, ID 83330

PRINT REQUESTED BY PATTON J K REQUESTED AT 08:10 07/17/96

ACCT NO-- 1255-000196-8 NAME-- ADAMS*CHARLIE RATE 24S
ACCT ST-- INACTIVE COAPP- ESTATE % WALT ADAMS ID PAGE
CON/DIS-- 07/26/95 LOCT-- 1275 S 2170 E 0250
ACTIVITY- NONE PENDING CITY--- GOODING ID 83330 *
SUBPAGE (MTR-1) 2

METER NO	S	U	T	D	P	F-SCL	CONST	INS/RM/CHG	CURR	PREV	RT-ANNIV	RTE	SEQ	SC
6402944A	3	1	2	5	3	192.0	00001	00/00/78	92988	92888	10/92	21	0170	5

	MRC	MSC	READ	DAYS	DEM-KW	BLC-KW	ENERGY-KWH	BILL AMT	DATE
14		4	06/06/94	30	38	0	14,274	501.80	24
15		4	05/05/94	28	38	0	12,388	439.08	24
16	1994	0	04/15/94	00	0	0	0	0.00	21
17		0	10/25/93	17	0	0	0	8.50	21
18		0	10/05/93	30	3	0	1,372	47.55	24
19		7	09/03/93	30	2	0	1,432	44.72	24
20		0	08/05/93	30	24	0	1,753	112.47	24
21					3	0	0	0.00	
22					22	0	0	0.00	
23					0	0	0	0.00	
24					0	0	0	0.00	

TRAN CODE OR NAME/PHONE/ACCOUNT/SSN

MICROFILMED
JUL 24 1998

IDAHO POWER CO.
422 MAIN ST.
GOODING, ID 83330

(N) REQUESTED BY PATTON J K REQUESTED AT 08:19 07/17/96

ACCT NO - 1255-000196-8 NAME-- ADAMS*CHARLIE RATE 242
ACCT ST-- INACTIVE COAPP- ESTATE % WALT ADAMS ID PAGE
CON/DIS-- 09/26/95 LOCT-- 1275 S 2170 E 0250
ACTIVITY- NONE PENDING CITY-- GOODING ID 83330 *
SUBPAGE (MTR-1) 1

METER NO	S	U	T	D	P	F-SCL	CONST	INS/RM/CHG	CURR	PREV	RT-ANNIV	RTE	SEQ	RC
6403544SM	D	1	2	S	3	192.0	00001	00/00/78	92088	92088	10/92	21	0170	D

	MRC	RCC	READ	DAYS	DEM-KW	BLC-KW	ENERGY-KWH	BILL AMT	RATE
01		0	09/26/95	00	0	0	0	0.00	24S
02	00	8	09/26/95	14	2	0	325	16.59	24S
03	00	0	09/12/95	30	2	0	1,402	57.68	24S
04	00	8	08/11/95	30	2	0	1,478	59.59	24S
05	00	0	07/12/95	30	2	0	607	34.48	24S
06	00	0	06/12/95	30	34	0	1,401	170.05	24S
07	00	0	05/11/95	09	0	0	0	3.00	24
08	00	0	05/02/95	00	0	0	0	0.00	24
09	00	0	10/04/94	00	0	0	0	0.00	24
10	00	0	10/04/94	30	38	0	11,639	414.59	24
11		0	09/02/94	30	38	0	15,349	533.68	24
12		7	08/04/94	30	38	0	26,624	855.52	24
13		0	07/06/94	30	38	0	20,695	687.76	24

1995 ↑ 1994 ↓

TRAN CODE OR NAME/PHONE/ACCOUNT/SSN ENTER FOR SUBPAGE

MICROFILMED
JUN 24 1999

IDAHO POWER CO.
422 MAIN ST.
GOODING, ID 83330

PRINT REQUESTED BY PATTON J K REQUESTED AT 08:11 07/17/96

ACCT NO-- 1253-000196-9 NAME-- NORTH VALLEY MILK RATE 24S
ACCT ST-- ACTIVE C/APP-- % ANDREW FITZGERALD ID PAE1
CON/DIS-- 04/09/96 LOCT-- 1275 S 2170 E 0250
ACTIVITY- NONE PENDING CITY-- GOODING ID 83330 *
SUBPAGE (MTR-1) 1

METER NO	S	U	I	D	P	F-SCL	CONST	INS/RM/CHG	CURR	PREV	RT-ANNIV	RTE	SEQ	RC
92660016G	A	1	2	5	3	999.9	00001	01/12/96	00019	00018	11/95	21	0190	5

	MRC	RCC	READ	DAYS	DEM-KW	BLC-KW	ENERGY-KWH	BILL AMT	RATE
01	00	0	07/12/96	30	6	0	1	31.33	24S
02	00	0	06/12/96	30	4	0	2	24.25	24S
03	00	0	05/13/96	30	31	0	16	10.59	24S
04	00	0	04/11/96	02	9	0	9	2.50	24S
05		0	04/09/96	00	0	0	0	0.00	24S

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JUL 2 3 1999

IDAHO POWER CO.
422 MAIN ST.
GOODING, ID 83330

WR5809NP
No. 37-02622

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/17/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	ZORA MULLINS	10/06/1959	IRRIGATION	00/00	00/00	1.390 CFS	
C	BLANCHE MULLINS						
					TOTAL DIVERSION:	1.390 CFS	

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T05S R15E S03 SWSE GOODING County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
05S	15E	3															40		40.0
05S	15E	10		40															40.0
																	TOTAL ACRES		80.0

Pou County: GOODING

Other Water Rights Listing Overlapping Place(s) of use:
37-00867Z1 37-00870Z1 37-00872Z1

Dates: App. Received: Priority Date: 10/06/1959
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 05/15/1979

Misc: Water District Number: Field Exam Fee:

Audit: 05/06/85 05/28/88 CONVERT

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES

FILE # or NAME ----- NORTH VALLEY MILK
REVIEWER ---------- YODA
DATE -------------- 02-May-95

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE	800
NUMBER OF NONMILKING CATTLE	200
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES; IF ANAEROBIC, ENTER ZERO	2.8
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR)	4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS	2
NUMBER OF MILKINGS PER DAY	3

CALCULATIONS

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

MILKING CATTLE @35 GPD/HD	0.52
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	0.52
NONMILKING CATTLE @12 GPD/HD	0.04
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	0.04
TOTAL (BASED UPON ROUNDED NUMBERS)	0.56

DIVERSION VOLUME (AFA):

STOCKWATER	
MILKING CATTLE @35 GPD/HD	31.4
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	32.0
NONMILKING CATTLE @12 GPD/HD	2.7
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) *	2.7
TOTAL (BASED UPON ROUNDED NUMBERS)	34.7
COMMERCIAL	
WASHING OF BULK TANK AND RELATED EQUIPMENT	0.5
PARLOR FLOOR AND MILKHOUSE FLOOR	0.1
CATTLE WASHING BASED UPON METHOD OF WASHING	12.1
TOTAL	12.7
TOTAL DIVERSION VOLUME	47.4

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER	
MILKING	4.6
NONMILKING	0.0
TOTAL	4.6
COMMERCIAL	11.0
TOTAL CONSUMPTIVE USE	15.6

THEORETICAL FLOW ESTIMATION

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP)	7.50	0.00	
LIFT (FT)	190	0	
DISCHARGE PRESSURE (PSI)	50	0	
FRICTION LOSSES (FT)	0.0	0.0	

CALCULATIONS

THEORETICAL FLOW RATE (CFS) **	0.15	0.00	0.00
DIVERSION VOLUME (AFA) ***	109.5	0.0	0.0

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.
** PUMP EFFICIENCY WAS ASSUMED TO BE 70%.
*** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY DAY OF THE YEAR.
**** BASED ON 2 HOUR DIVERSION TO MEET VOLUME

$34.7 \div 2.66 = 13\,ac = 13_{ac} \times .00624 = .08\,cfs$

$12.7 \div 2.66 = 4.8_{ac} = 5\,ac \times .00624 = .03\,cfs$

$47.4 \div 2.66 = 17.8_{ac} = 18\,ac \times .00624 = .11\,cfs$

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

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T # 4898