

"COCOA"

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**BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

August 2, 2004

**To: John Westra (Regional Manager)
Idaho Department of Water Resources
Water Resources Western Regional Office
Boise, Idaho 83705**

Re: Protest of Transfer of Water Right Application Number 71191

Dear John:

COCOA has reached an agreement with the parties involved in Transfer No. 71191. We are requesting a cancellation of the pre-hearing conference scheduled for August 9, 2004.

We are requesting the Idaho Department of Water Resources (IDWR) to incorporate the conditions that are in the agreement that are under IDWRs jurisdiction (flow meters, reporting of quantities, well depths etc.) A draft copy of the conditions pertaining to water quantity issues is attached as Exhibit B.

COCOA is requesting a copy of the proposed conditions that IDWR will place in the transfer. COCOA would like to review these conditions prior to the IDWR approval of the transfer.

COCOA agrees to withdraw its protest on the "Application for Transfer of Water Right" Transfer No. 71191.



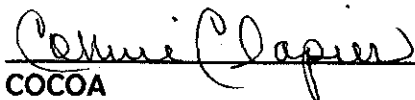
COCOA

By: Ilene Dobbin, Executive Director



COCOA

By: Beverly Edwards, Treasurer



COCOA

By: Connie Clapier, President



COCOA

By: Garland Smith, Vice President

(ATTACHMENT: B)

**CONDITIONS OF RECOMMENDED APPROVAL AND REMARKS FOR THE
PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 71191**

- Both production wells at Mirada Farms should be equipped with water meters. The meters should measure instantaneous discharge in gallons per minute and totalize the flow. The meters should be read and recorded, at a minimum, on a monthly basis. The wells included on Transfer 71191, as points of diversion, shall be equipped with inline flow meters. The following style of meters are recommended:
 1. The meters shall be equipped with a sweep hand indicating instantaneous rate of flow and a totalizing indicator. The meters shall be read monthly and the readings provided to the Idaho Department of Water Resources on a monthly basis.
 2. The meters installed shall have a minimum manufacturer's design accuracy of +/- 2% of the meter reading and shall be installed and maintained in accordance with the manufacturer's procedures to have an accuracy of at least +/- 10%. The accuracy of the meters shall be checked and calibrated when installed and at least once every year in accordance with procedures approved by the department.
 3. The meters shall record volume with non-volatile memory (loss of electrical energy to the meter does not erase or change the reading), the totalizer shall not be capable of being reset and the totalizer shall not be capable of being reset and the totalizer shall have sufficient digits to assure rollover of the dial readings does not occur within two (2) years at the authorized flow rate.
- Both production wells should be equipped with pressure transducer/data loggers to record water level. Pressure transducer/data loggers should also be installed in monitoring well MW-6, and in the multi-level monitoring wells that will be constructed when the Mirada Farms Test Well is abandoned. Water level data from the data loggers should be downloaded and evaluated on a monthly basis.
- The Department of Water Resources shall retain jurisdiction over the transfer for a period of fifteen (15) years in order to insure operation of the dairy facility does not adversely impact other water rights through impairment of water quality and violation of water quality standards.
- Use and disposal of water shall comply with applicable water quality standards of the Division of Environmental Quality, Idaho Department of Health and Welfare, and the Idaho Department of Agriculture. The dairy operation authorized under this approval shall also comply with applicable county zoning and use ordinances.
- A ground water monitoring program shall be designed to measure the effects of Transfer 71191 on water resources and existing wells shall be conducted jointly by COCOA and the applicant.