

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED

JUL 14 2003

JUL 14 2003

Department of Water Resources
WATER RESOURCES
WESTERN REGION

We, Alan D. Myers and LuJean Myers, husband and wife,

hereby assign to

Alan D. Myers and LuJean Myers, husband and wife, of 4531 SE 3rd Ave., New Plymouth, ID 83655,

AND
Northwest Farm Credit Services, FLCA, of 378 West Idaho Avenue, PO Box 279, Ontario, OR 97914
(541) 823-2660

X All my right, title, and interest in and to Permit No. 65-22669 to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit No. to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage).

Made this 10th day of July, 2003.

Alan D. Myers
Alan D. Myers, Permit Holder

LuJean Myers
LuJean Myers, Spouse of Permit Holder

STATE OF OREGON)
)ss.
County of Malheur)

On this 10th day of July, 2003, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that they executed the same.

SEAL



Beryl Kowalski
Notary Public Oregon
My commission expires 10-10-2003

Receipt # W030717
\$25.00 7.15.03

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22669

Priority: 03/18/2002

Maximum Diversion Rate: 1.00 CFS

This is to certify, that ALAN MYERS
4531 SE 3RD AVE
NEW PLYMOUTH ID 83655

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS
COMMERCIAL	01/01 to 12/31	1.00 CFS
STOCKWATER	01/01 to 12/31	0.45 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW¼NW¼	Sec. 27, Twp 07N, Rge 04W, B.M.	PAYETTE County
GROUND WATER	NW¼NW¼	Sec. 27, Twp 07N, Rge 04W, B.M.	PAYETTE County
GROUND WATER	NW¼NW¼	Sec. 27, Twp 07N, Rge 04W, B.M.	PAYETTE County
GROUND WATER	NW¼NW¼	Sec. 27, Twp 07N, Rge 04W, B.M.	PAYETTE County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	04W	27						X											

PLACE OF USE: COMMERCIAL, same as Stockwater

PLACE OF USE: DOMESTIC, same as Stockwater

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2007**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

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OCT 18 2002

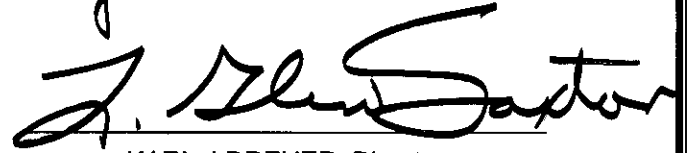
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22669

CONDITIONS OF APPROVAL

6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
8. Stockwater use is for 1200 dairy cattle and heifers.
9. Commercial use is for a dairy barn.
10. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of August, 2002


for
KARL J DREHER, Director

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OCT 02 2002

RECEIVED

JUL 23 2002 *ket*

FORM 202
12/99

Department of Water Resources
STATE OF IDAHO

Ident. No. 65-22669

RECEIVED

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

MAR 18 2002

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name of Applicant ALAN D. MYERS Phone 208-278-3650
Mailing address 4531 SE 3rd Ave. New Plymouth, Idaho 83655
2. Source of water supply ground water which is a tributary of N/A
3. Location of point of diversion is Township 07N Range 04W Sec. 27, in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot Payette County;
additional points of diversion if any: Four wells (existing)
4. Water will be used for the following purposes:

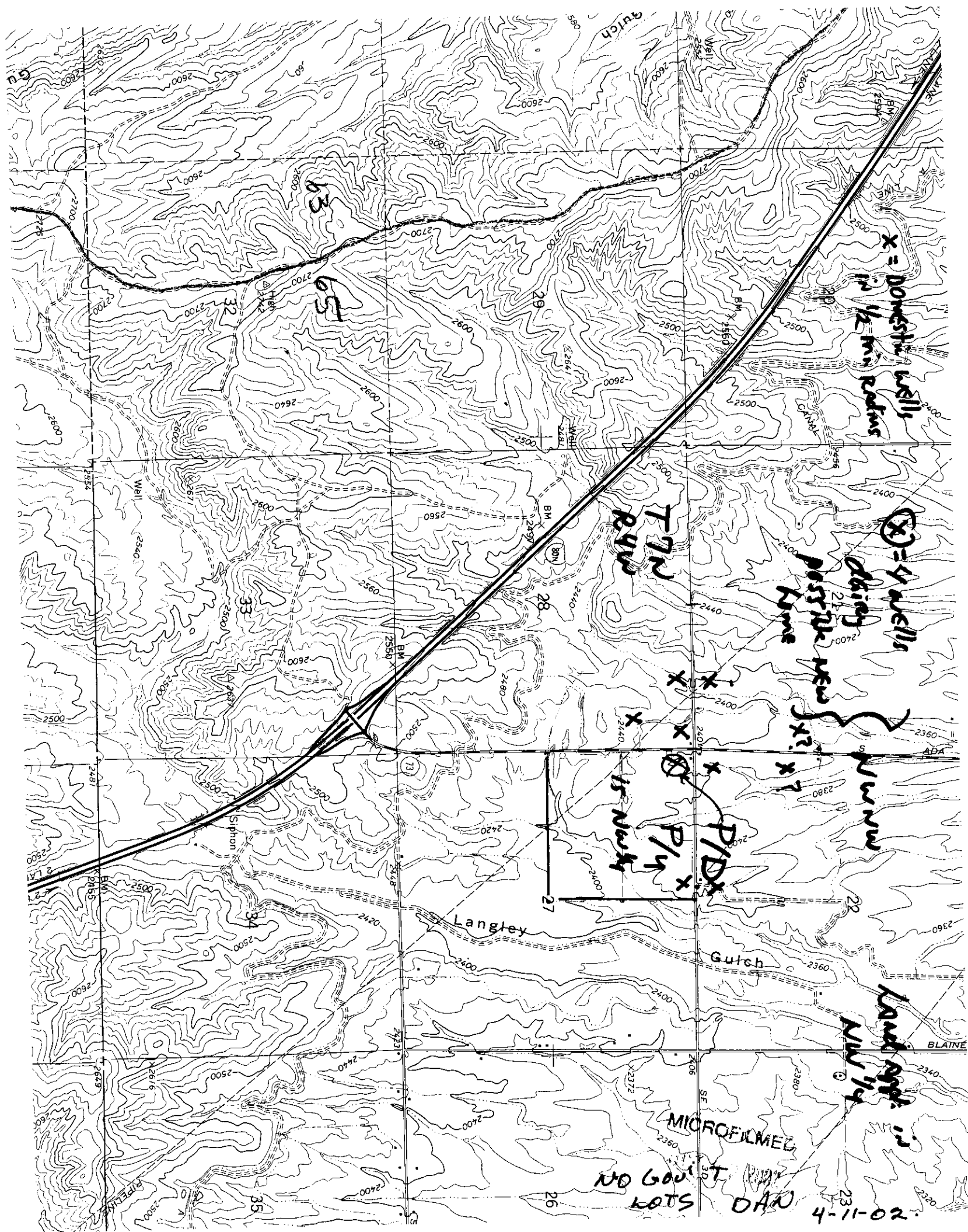
Amount <u>.45 CFS</u> for <u>stockwater</u>	purposes from <u>1/1</u> to <u>12/31</u>	(both dates inclusive)
(cfs or acre-feet per annum)		
Amount <u>1.0 CFS</u> for <u>commercial</u>	purposes from <u>1/1</u> to <u>12/31</u>	(both dates inclusive)
(cfs or acre-feet per annum)		
Amount <u>.04 cfs</u> for <u>domestic</u>	purposes from <u>1/1</u> to <u>12/31</u>	(both dates inclusive)
(cfs or acre-feet per annum)		
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)		
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)		
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)		
5. Total quantity to be appropriated is (a) 1.0 CFS and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Drill wells with Storage tank. Four wells already exist
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 6" inches; proposed depth of well is 110 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? 1930^s-1940^s; Drilling firm _____
Well was drilled for (well owner) CAXTON; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. 1200 holstein cows & heifers
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 21 (ONS)
 - e. Other; describe fully. commercial use for dairy barn

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JUL 22 2002

AMENDED

4/10/02 Am.



x = Domestic wells
in 1/2 mi radius

(X) = 4 wells
dry
possible new home

T7N
R4W

P/DX
P/4
is North

Langley

Gulch

Land apt. in
NW 1/4

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NO GOV ST LOTS
DAN

4-11-02

3. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	04W	27					C	9/16	C	C									
							D												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None 65-4889, 65-9380, 65-9383, 65-9309, 65-10564 USE SAME WELLS in some combination.

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant & Calvin Myers

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: PERSONAL AGREEMENT

12. Remarks:

Existing dairy, owner is increasing herd number 1FW 3/18/02

No new P/D's - already ext (4) wells

Land Application of waste water will be NW 1/4 S. 27.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Alan W. Myers
Signature of Applicant (and title, if applicable)

Received by Janis Fontaine Date 3/18/02 Time 1:20 pm Preliminary check by DAW
Fee \$ 250.00 Receipted by Janis Fontaine # W028901 Date 3/18/02
Publication prepared by AT Date 5-14-02 Published in INDEPENDENT ENGINEERING
Publication approved AT Date 5-17-02

* Applicant owns NW 1/4 for wells + dairy site.
Calvin Myers owns rest of NW 1/4 where majority of land appl.
of waste water will be.

MICROFILMED
MAY 22 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

July 18, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LU JEAN MYERS
ALAN MYERS
4531 SE 3RD AVE
NEW PLYMOUTH ID 83655

NORTHWEST FARM CREDIT SERVICES FLCA
PO BOX 279
ONTARIO OR 97914-0279

RE: Change of Ownership for Water Right Permit 65-22669

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

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

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

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
JUL 22 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 18, 2003

LU JEAN MYERS
ALAN MYERS
4531 SE 3RD AVE
NEW PLYMOUTH ID 83655

NORTHWEST FARM CREDIT SERVICES FLCA
PO BOX 279
ONTARIO OR 97914-0279

RE: Change of Ownership for Water Right Permit 65-22669

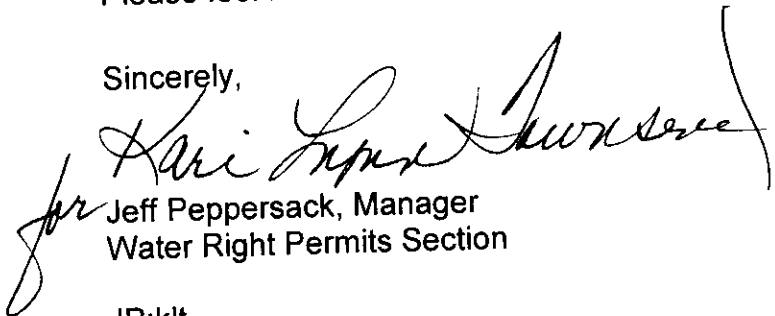
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Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
JUL 22 2003



NORTHWEST

FARM CREDIT SERVICES

378 West Idaho Avenue
P.O. Box 279
Ontario, Oregon 97914
(541) 823-2660 / Fax (541) 823-2665

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Department of Water Resources
RECEIVED

JUL 14 2003

WATER RESOURCES
WESTERN REGION

July 11, 2003

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RE: My
ers Water Permit #65-2669

Enclosed is an Assignment for Permit No. 65-22669 that transfers interest to Alan and LuJean Myers and Northwest Farm Credit Services, FLCA. These assignments are being used as security for a real estate loan and we request that all notices and correspondence relating to them be sent to our office. Please record the assignment and return with a letter acknowledging receipt.

Thank you. If there are any questions, please feel free to contact either Dick Fisher or me.

Sincerely,

Beryl Kowalski
Financial Specialist

Encl.

MICROFILMED
JUL 14 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 2, 2002

ALAN MYERS
4531 SE 3RD AVE
NEW PLYMOUTH ID 83655

RE: Permit No. 65-22669

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

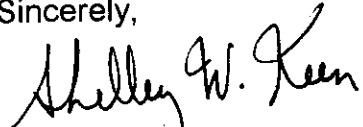
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AUG 2 2002

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

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

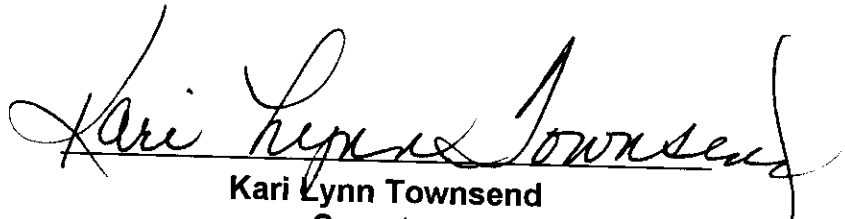
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OCT 9 2 2002

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 65-22669

ALAN MYERS
4531 SE 3RD AVE
NEW PLYMOUTH ID 83655


Kari Lynn Townsend
Secretary

MICROFILMED

AUG 9 2 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

Reviewed by Sharla Curtis on 7/26/02

No. 61-22664 Name: Myers Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes Moratorium ~~GWMA~~ ~~TRUST/NON-TRUST~~

GROUNDWATER: ($\sqrt{\text{Flow Chart}}$)

DRILLING PERMIT

All wells	- 046
Basin 34	- 084 (if necessary)
WMD	- North/East/West
≤ 0.24 cfs/5 acres	- No MD
> 0.24 cfs/5 acres	- 067

~~WMD~~

Supp irr (irr = only use)	- 065-104
Supp irr (+ other uses)	- 100-105
≤ 0.24 cfs/5 acres	- No MD
> 0.24 cfs/5 acres	- 01M

LOCATION:

Boise Front LoGeo	- 058 (<85 GW)
Mitigation	- 121

Trust	- 051(consumptive uses)
Non-Trust	- 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
 > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
 or 17M (not FERC regulated)
 025-027-R22-08A

SURFACE WATER: ($\sqrt{\text{Flow Chart}}$)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW RESPONSE
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD
 ≤ 0.24 cfs/5 acres - No MD
 >0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area	- 022,075
Irr., GW supp to SW	- 102
Future needs	- 007,109
ISH PROP	- 029 (70's only)-007-122-106
DOMESTIC	
Surface water	- WB5 (Big Wood/Boise above Star Bridge)
	- 27A (Payette R)
>1 in restricted area	- 070-071-075(no parks/common areas)
Irr separate or none allowed	- WB5
GW w/irrigation from SW evident	- 065-104
Moratorium approvable	- W03 (2500 gpd – meets domestic def i.e. D/convenience store)

BENEFICIAL USE DUE: 8 / 01 / 2007

MISC CONDITIONS/REMARKS:

Protested	- 020-W19
Development Period	
> 1 yr	- 26A
Ownership	- 004
Non-consumptive	- 027
Water Quality	- 106-R07

Multiple pd's per ¼¼ - W32
 Subd lot desc (pd) - W59
 Subd lot desc (pu) - W60
 Use definitions - W02 example - *1200 dairy cattle*
 Pre-1987 development - 068-074 (allow 120 days for proof due) *& heifers*
 Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS Older barn.

COMMENTS

RECEIVED

JUL 27 2002

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

Initial review by DAN Date 4-1-02 Application # 65-22669

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and /or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
- ☒ Signature (if applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Government Lots
NO P/D
NO P/U

ADDITIONAL INFORMATION

yes ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply
- ☐ Immediate = acceptable plan required and submitted
- ☒ Future = open areas, acceptance of condition of approval is in file
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach Large Diversion supplementary analysis sheet)
- ☒ REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Additional INFO LETTER.

Date Requested _____ Date Response Received _____

PROCESSING

APPLICATION # 65-22669

YES NO

☒

☐

In form for advertising

☐

☒

Statewide advertising (> 10 cfs &/or 1000 af)

☒

☐

Fee amount, receipt number, and date recorded on application

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

☐

☒

I.D. Environmental Quality

☐

☒

I.D. District Health

☐

☒

I.D. Fish & Game

☐

☒

I.D. Lands

YES

NO

☐

☒

US BLM

☐

☒

US Forest Service

☐

☒

Water Dist #

☐

☒

Water Planning Bureau

☐

☒

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒

☐

Affidavit of publication received

☒

☐

Application published correctly? If not, record action taken

☒

☐

Publication dates and paper recorded on application

☐

☒

Final date for protest 5-20-02

☐

☒

Protests received

☐

☒

Recommendations attached

☐

☒

Measuring device required

☐

☒

Water delivered by water master? District #

☒

☐

Special conditions of approval or cover letter

☐

☐

121, Water right holder must comply with all health & environmental
laws, rules, & regulations.

Recommended Date of Priority 3/18/02

Recommendation

☒ Approve

☐ Deny

by

Days

Date

7/19/02

ADDITIONAL INFORMATION

☒ See Attachment(s) ... always include application proof report

OVERLAPPING RIGHTS

There are 5 overlapping water rights. These rights are 65-4889, 65-9380, 65-9383, 65-9309, and 65-10564. These rights were decreed in the Payette River Basin Adjudication (PRBA). The PRBA did not recognize small dairy uses as commercial uses and some domestic type use were listed on the same dairy. Therefore, I needed to determine the total number cattle for this dairy prior to filing of this application. I used the following information to determine the total number of cattle that would be allowed on this dairy per existing water rights.

The Field Examiner's Handbook determines that the average dairy cow consumes 0.0391 afa. Therefore, I used the PRBA decreed volumes to determine the number of cattle from each right and the totals.

STOCKWATER:

65-4889 – Stockwater – 2.70 afa / 0.0391 = 69 head of dairy cattle
65-9380 – Stockwater – 4.00 afa / 0.0391 = 102 head of dairy cattle
65-9383 – Stockwater – 4.00 afa / 0.0391 = 102 head of dairy cattle

65-9309 } Combined
65-10564 } Stockwater – 3.00 afa / 0.0391 = 77 head of dairy cattle

TOTALS – STOCKWATER – 13.7 AFA / 0.391 = 350 HEAD OF DAIRY CATTLE

DOMESTIC:

All the water rights allow for domestic of one home and a dairy barn. There are 3 homes on the property and the dairy barn. Since 65-9309 and 65-10564 are combined, this would allow for coverage of the three homes and the dairy barn use. Each right allows a domestic right for 1.2 afa.

3 Homes at 1.2 afa = 3.6 afa
1 dairy barn at 1.2 afa = 1.2 afa

TOTAL DOMESTIC USE IS 4.8 AFA

COMBINED TOTALS

THE FOLLOWING ARE THE TOTAL WATER CURRENTLY ALLOCATED FROM ALL OF THE WATER RIGHTS FOR THE EXISTING DAIRY:

STOCKWATER → 13.7 AFA → 350 HEAD OF DAIRY CATTLE → 0.25 CFS
COMMERCIAL DAIRY BARN → 1.2 AFA → 0.04 CFS → ONE BARN
DOMESTIC → 3.6 AFA → 0.12 CFS → THREE HOMES
TOTAL → 18.5 AFA → 0.41 CFS

MICROFILMED

1000 1/2 2002

MEMORANDUM

TO: APPLICATION FOR PERMIT 65-22669

FROM: DANIEL A. NELSON

DATE: 6/28/02

SUBJECT: REVIEW OF ADDITIONAL INFORMATION

The applicant was sent a letter requesting additional information and this memo is a short review of the information supplied.

- 1.) **Locate wells in ½ mile area on USGS map and evaluate the effect of diversion of ground water for the dairy:** The applicant marked the wells within ½ mile on the USGS Quadrangle map supplied with the application for permit. The applicant also supplied a letter from a local well driller that states that they have drilled most of the wells in the area and that they have not seen water level declines and that the water supply seems fairly stable.
- 2.) **Contact local governments:** A letter was supplied by Payette County stating they have no objection to the approval of the water right. **Local agencies contacted:** A letter from the Department of Agriculture was submitted stating that Mr. Meyers is currently working on the dairy expansion plans and that they will ensure that the dairy is expanded within compliance with state and federal requirements. **Local people given a meaningful opportunity to comment:** The applicant has compiled signatures of approval from most of the neighbors within the same draw that the dairy where the dairy will be located.

The applicant has gone out and compiled all of this information on his own, and done a very good job. He has supplied information well beyond what most of our contractors do for dairy applications. The information supplied suggests that he is a very conscientious dairyman and will be a good steward of the water. I believe he has supplied adequate information to approve this application for permit.

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DEC 6 2 2002



STATE OF IDAHO

DEPARTMENT OF AGRICULTURE

DIRK KEMPTHORNE
Governor
PATRICK A. TAKASUGI
Director

RECEIVED

JUN 20 2002

June 19, 2002

Department of Water Resources

Dan Nelson
IDWR
1301 N Orchard
Boise, Idaho 83706

Re: Myer Dairy Water Right

Dear Mr. Nelson:

The Idaho State Department of Agriculture (ISDA) was requested by Alan Myers, 4531 SE 3rd Ave, New Plymouth, Idaho to explain ISDA responsibilities on existing, expanding, or new dairy farms. Mr. Myers is going through the process of expanding his existing dairy in New Plymouth. As part of this process, ISDA, as outlined in Title 37 Chapter 4 Idaho Code, requires certain water right information from IDWR, verification from the county the dairy is in compliance with county requirements and the proposed expansion is in compliance with ISDA requirements. ISDA approves the design construction, and operation of the sanitation requirements and waste systems on all licensed dairy farms. This includes the waste containment system and the land application of animal waste and commercial fertilizer through nutrient management plans. ISDA also has a regulatory program to insure compliance. When/if the Alan Myer Dairy expands the current operation, ISDA will insure they are in compliance with state and federal requirements.

Please call if you have any questions.

Sincerely,

Marv Patten, Chief
Bureau of Dairying

cc: Alan Myers
Allen Giacomini, State Dairy Inspector
Leo Peloquin, State Dairy Inspector
Jeni Beddoes, Engineering Services

MICROFILMED

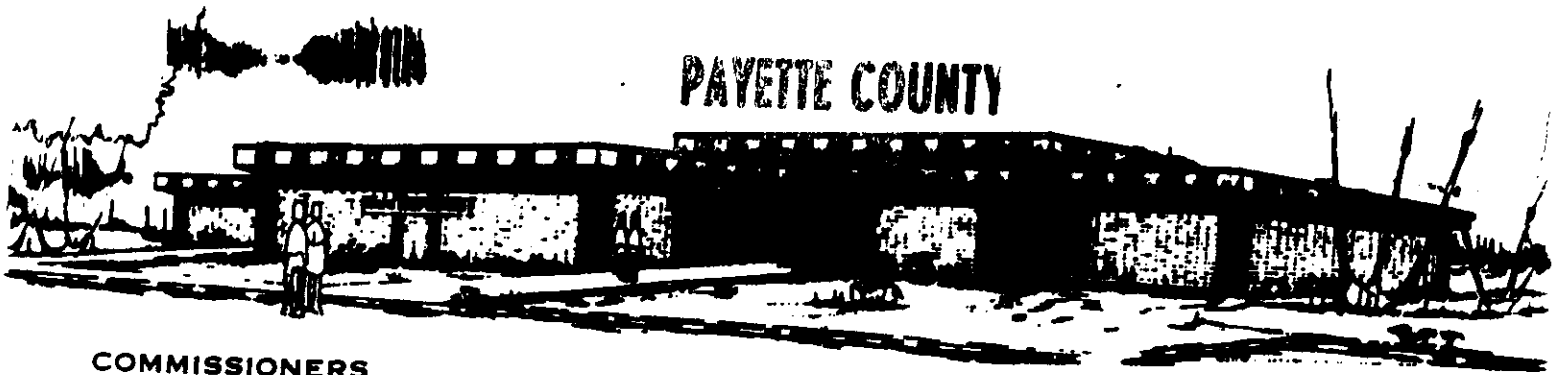
JUN 20 2002

RECEIVED

JUN 21 2002

WATER RESOURCES
WESTERN REGION

PAYETTE COUNTY



COMMISSIONERS

DISTRICT 1 RUDY ENDRIKAT

DISTRICT 2 BRENT EDWARDS

DISTRICT 3 DENNIS CODR, CHAIRMAN

PAYETTE COUNTY COURTHOUSE
PAYETTE, IDAHO 83661
PHONE (208) 642-6015

June 3, 2002

To Whom It May Concern:

The Board of Payette County Commissioners have reviewed the water rights issue involving Alan Myers' dairy and have no objection to approving his water permit.

Sincerely,

Board of Payette County Commissioners

Dennis Codr, Chairman

Brent Edwards

Rudy Endrikat

MICROFILMED

OCT 9 2 2002



Box 548
Emmett, ID 83617
Phone: 208-365-2972
1-800-246-2972
FAX 365-7431
After Hours: 208-365-4359



Allan Myers
4531 SE 3rd
New Plymouth, Id 83655

To whom it may concern:

Valley Pump & Equipment has worked extensively on wells in the area near Myers Dairy and including Myers property. We have never experienced a lack of water in these wells. The wells produce 20-400 gpm. These wells include wells directly across from the dairy and one particular well at the L-3 cattle (3000 head feed lot) operation that supplied water for the water trucks for Idaho Sand and Gravel to help build the freeway last year. As I recall, the wells range in depth from 70 ft. - 200 ft. I cannot foresee any problem with 1 cu. ft./sec extraction of water by Allan Myers Dairy, especially since it would be for intermittent use.

Sincerely

Dennis White
President of Valley Pump & Equipment

*See Application map for well
locations by Am.*

MICROFILMED

AUG 6 2002

June 17, 2002

We, the undersigned, have been notified by Alan Myers of his proposal for a stock water permit and have reviewed the proposal and have no objections to it.

Leonard Pariera 4459 SW 5th Ave
Leonard Pariera New Plymouth Id 83655

Jo Lyon
Jo Lyon
4510 S. E. 3rd Ave
New Plymouth Id 83655
208-248-5400

Johnny Brown
4487 SW 5th Ave →
New Plymouth ID 83655

John Riggs

→ Notified but ~~unable~~
UNAVAILABLE to sign.
(out of town)

These are neighbors with wells
in the same draw as dairy & Am.

MICROFILMED

OCT 12 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 28, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ALAN D MYERS
4531 SE 3RD AVE
NEW PLYMOUTH ID 83655

***RE: APPLICATION FOR PERMIT FOR A DAIRY, APPLICATION
NUMBER 65-22669***

Dear Mr. Myers:

Your application for permit for a dairy, application number 65-22669, has successfully completed advertising and was not protested. Therefore, we will need the information requested in my letter dated 4/3/2002. I have enclosed a copy of this letter for you information.

In order to process all of the applications in our office as efficiently as possible, I am required by Idaho Code § 42-204 to ask that this information be returned to my office within 30 days. Our office will be required to void the application for permit if this information is not returned. **Therefore, if the above information is not received by 6/28/2002 your applications for permit will be voided.** You will be able to re-file this application, but it will have a later priority date.

If you have any questions or concerns please contact Dan Nelson at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

ENCLOSURE

JUN 12 2002

Affidavit of Publication

Copy of Notice

STATE OF IDAHO,
COUNTY OF PAYETTE

APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-22689

Application

Resting Water

I, Viola

duly sworn, deposes and
That She is the PL
THE INDEPENDENT-ENT
at Payette, in the Count
paper has been and i
aforesaid, and in the vi
a copy of which is at
newspaper once a week
the regular and entire t
time of publication, and
and not a supplement;
regularly published fo
weeks prior to the date

Such notice was p
May 1, 2002
of May 8
STATE OF IDAHO
COUNTY OF

On this 9th day of May in the year of 2002, before me,
a Notary Public, personally appeared Viola Hawkins,
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.

Marilee J. Rhinehart
NOTARY PUBLIC for Idaho
Residing at Freeland
My commission expires: 12-1-04

STATEMENT

Independent-Enterprise
PAYETTE, IDAHO

Number of Lines 34 lines x 4 columns
Number of Insertions (2) two
34 Lines @ 2.38 ... \$ 80.92
34 Lines @ 2.04 ... \$ 69.36
TOTAL COST
WILL BE \$ 150.28

MICROFILMED

No 164

RECEIVED

MAY 13 2002

WATER RESOURCES
WESTERN REGION

May 1, 8

CONVERSATION MEMORANDUM

DATE 4/10/02

FILE _____

NAME OF PARTY Alan Myers

EMPLOYEE JZ

RE: Drinking Appl. Amended Prior to Advertising

1) USE - might build 1 more home (3 exist per older WR coverage)

2) cold water wells 1930's-1940's, no new wells to be drilled

3) currently c 300-350 hd, expand by c 1200, so total will be c 1500 ± hd.

4) P/W - all is NWW plus rest of NW 1/4 for land appl. of wastewater.

5) he filed late claims with court for older rights seeing existing dairy & homes.

6) gave him original of D.N.'s 4/3/02 letter:

a) mapped existing wells within 1/2 mi. radius (GREEN x on appl. map), all ~~are~~ domestic.

b) he will work on local public interest letters etc. (county, deer etc.)

No add'l. fee needed.

Priority addressed to today since additional volume for possible D/I.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 3, 2002

ALAN D MYERS
4531 SE 3RD AVE
NEW PLYMOUTH ID 83655

COPY

***RE: APPLICATION FOR PERMIT FOR A DAIRY, APPLICATION FOR
PERMIT 65-22669***

Dear Mr. Myers:

Your application for permit for a dairy, application for permit 65-22669, will be submitted soon for advertising in the Independent Enterprise.

When reviewing applications, our office is required by Idaho Code § 42-203A – section 5 to consider the following information whether the application is protested or not:

(a) That it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho

- 1.) Please locate on a USGS quad map all wells not owned by the applicant within a one-half mile radius of the points of diversion listed on the application and evaluate the effect diversion of ground water for the dairy will have on these neighboring wells.
- 2.) In regards to local public interest, please explain in detail the current process for approval of the dairy by local governments responsible for granting permission for the dairy. If a local jurisdiction is not required to approve the proposed dairy, please obtain a comment letter about the project from the Gem County Commissioners or from a person designated by the commissioners to act on their behalf.

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OCT 02 2002

Page 2
Meyer

Also, please explain in detail the current process of review/approval of your proposed dairy by the Department of Environmental Quality (DEQ) and Department of Agriculture. The explanation should include a showing that the proposed dairy is approved or that approval is imminent.

Please demonstrate that local residents have been notified of your proposal and have been afforded a meaningful opportunity to review the proposal.

If this application is not protested, this information will be required within 30 days of the final date of protest. If this application is protested, then you will need to have this information available for the protest settlement conference and/or protest hearing.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a long, sweeping horizontal line extending to the right.

Daniel A. Nelson
Sr. Water Right Agent

MICROFILMED

AUG 12 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 24, 2002

Legal Notice Department
Independent Enterprise
124 S MAIN
Payette ID 83661

RE: Application for Permit No. 65-22669

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 05/20/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED
OCT 22 2002

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

65-22669

ALAN MYERS
4531 SE 3RD AVE
NEW PLYMOUTH ID 83655

Point(s) of Diversion NWNW S27 T07N R04W PAYETTE County Source GROUND WATER

Point(s) of Diversion NWNW S27 T07N R04W PAYETTE County Source GROUND WATER

Point(s) of Diversion NWNW S27 T07N R04W PAYETTE County Source GROUND WATER

Point(s) of Diversion NWNW S27 T07N R04W PAYETTE County Source GROUND WATER

Use: STOCKWATER 01/01 To 12/31 0.45 CFS

Use: COMMERCIAL 01/01 To 12/31 1 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 1 CFS

Date Filed: 03/18/2002

Place Of Use: DOMESTIC

T07N R04W S27 NWNW

Place Of Use: COMMERCIAL

T07N R04W S27 NWNW

Place Of Use: STOCKWATER

T07N R04W S27 NWNW

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/20/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Independent Enterprise on May 1 and 8, 2002.

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OCT 10 2 2002

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

Alan D. Myers

Mailing Address

4531 S.E. 3rd Ave.

New Plymouth, Idaho 83655

Application No.
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Alan D. Myers

Date

2/25/02

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

MICROFILMED

NOV 12 2002