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MAY 13 2004

Ident. No. 57-11626FORM 202
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JAN 30 2003

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WATER RESOURCES
WESTERN REGIONWATER RESOURCES
WESTERN REGIONDepartment of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Tom Wilke Phone (208) 337-5500
 Mailing address 6420 Johnstone Rd. Homedale, ID. 83628

2. Source of water supply groundwater which is a tributary of n/a

3. Location of point of diversion is Township 2N Range 5W Sec. 9, in the NW $\frac{1}{4}$,
SW $\frac{1}{4}$, Govt. Lot , B.M., Owyhee County;

additional points of diversion if any: II Sec. 9 NE1/4SW1/4; III Sec. 9 SW1/4NW1/4

4. Water will be used for the following purposes:

Amount 2.0 cfs for stockwater purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount .04 cfs for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per annum)

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) 2.0 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 3 wells currently
used each with 5 hp. submersible pumps

b. Height of storage dam feet; active reservoir capacity acre-feet; total
 reservoir capacity acre-feet

c. Proposed well diameter is 16 inches; proposed depth of well is 1000 feet

d. Is ground water with a temperature of greater than 85°F being sought? no

e. If well is already drilled, when? **; Drilling firm ;
 Well was drilled for (well owner) ; Drilling Permit No.

7. Time required for completion of works and application of water to proposed beneficial use is 65 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. 9000 heifers or 3000 dairy cows

c. Municipal; show name of municipality.

d. Domestic; show number of households. 2 in-house only

e. Other; describe fully.

**	when	firm	owner	permit no.
I.	9/18/02	Ed Holder Drilling	Tom Wilke	20371
II.	6/14/01	Clearwater Drilling	Tom Wilke	18547
III.	7/25/92	Riverside Drilling	Ted Carner	057-92-W-10

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	
2N	5W	4							S	S	S	S		S			S		
2N	5W	9		S	S	S	S	S	S	S	S	S	S	S		S	S		
2N	5W	16		S	S		S			S									
2N	5W	9							D		D								

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. _____

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

b. Who owns the land to be irrigated or place of use? Tom Wilke

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

12. Remarks: water right 57-10344 is not on my property
and would most likely not be accessible for this
project. WD 4-1-03

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.

Tom Wilke
 Signature of Applicant (and title, if applicable)

Received by KL Date 11/30/03 Time 12:46 Preliminary check by _____
 Fee \$ 290.00 Received by KL # W030021 Date 11/30/03
 Publication prepared by AF Date 4-16-23-03 Published in OWYHEE AVALANCHE
 Publication approved AF Date 5-5-03

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11626

Priority: January 30, 2003

Maximum Diversion Rate: 2.00 CFS

This is to certify, that TOM WILKE
6420 JOHNSTONE RD
HOMEDALE ID 83628

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>
STOCKWATER	01/01 to 12/31	1.96 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NW¼SW¼	Sec. 9, Twp 02N, Rge 05W, B.M., OWYHEE County
GROUND WATER	NE¼SW¼	Sec. 9, Twp 02N, Rge 05W, B.M., OWYHEE County
GROUND WATER	SW¼NW¼	Sec. 9, Twp 02N, Rge 05W, B.M., OWYHEE 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	
02N 05W 4							X	X	X	X	X	X			X		
02N 05W 9		X	X	X	X	X	X	X	X	X	X	X		X	X		
02N 05W 16		X	X		X			X									

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 05W 9							X		X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2006**.
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 the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 57-11626

5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
7. Stockwater use is for 9000 heifers or 3000 dairy cows in a feed lot and does not include any use for a dairy operation.
8. Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.
9. 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.
10. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17th day of May, 2004.



KARL J DREHER, Director

CEMETARY ROAD 2336

T2N
R5W

KEY

II EXISTING WELLS

PLACE OF USE

JOHNSTONE ROAD

A LINE

4

SPOIL BANK

NO GOVT
LOTS
DAN
3-20-03

CANAL

Caner

Poison Creek

16

REQUEST TO PROCESS

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

Name of Applicant Tom Wilke
Mailing Address 6420 Johnstone Rd.
Homedale, Id. 83628
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.

 X 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

Tom Wilke

Date

1/25/03

Please return this form to:

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



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

May 18, 2004

TOM WILKE
6420 JOHNSTONE RD
HOMEDALE ID 83628

RE: Permit No. 57-11626

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.

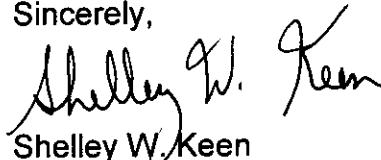
Upon review of your application, we found that the drilling permit fees, submitted for the three existing wells you will be utilizing, are not sufficient for this right. The fees paid were for domestic wells for one home. The correct fee for a drilling permit for a well used for purposes other than single family domestic is \$200.00. When Drilling Permit 720577 was issued in 1992 the fee submitted was only \$35.00 so you will need to submit an additional \$165.00 to upgrade that permit. The fees submitted for Drilling Permits 769404 and 785881 were \$75.00 each. In order to upgrade those permits you will need to submit an additional \$250.00, for a total of \$415.00. Please note on your check that the money is for "Drilling Permits 720577, 769404 and 785881 Upgrades". If you do not upgrade the drilling permit fees, we may withhold licensing of your development in the future.

*Paid \$125.00
for #785881
5/28/04 Receipt
#C074009-
xw
6/1/04*

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,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

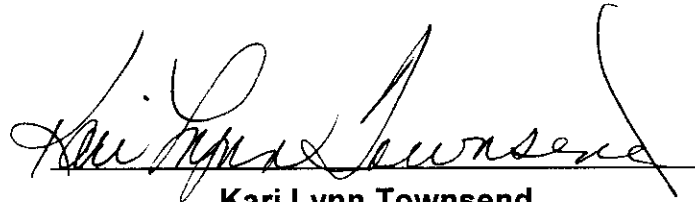
CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2004 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.

57-11626

**TOM WILKE
6420 JOHNSTONE RD
HOMEDALE ID 83628**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**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).

Comment Report

57-11626

1. dnelson 4/7/2003 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed. Domestic use is for 2 homes with no yards irrigation.

2. dnelson 4/7/2003 Comment/Analysis

Comment: The domestic use for this application is for in-house use only for 2 homes. The stockwater component for this right is for 9,000 heifers or 3,000 dairy cows. This application is for a feedlot and is not for commercial dairy operation. Therefore, there is no commercial use required. All three wells were drilled as domestic wells, and will need to be upgraded to commercial wells with a \$125.00 well upgrade fee per well.

3. kwalker 5/14/2004 Permit Review

Comment: Region recommends only 2 years for development of this use. They also requested we condition permit to show no new well drilling is authorized. We did not include this condition in approval; if a drilling permit is requested the drilling permit section should discuss with regional manager prior to approval.

4. kwalker 5/14/2004 Drilling Permit Fees Due

Comment: The wells under this application were previously drilled for domestic purposes. Permit 720577 issued in 1992 was submitted with a \$35.00 fee. Need additional \$165.00 to upgrade drilling permit. Permits 769404 and 785881 were submitted with \$75.00 fees. Need additional \$250.00 to update those permits. Permit holder should submit a total of \$415.00 to upgrade the drilling permits for uses more than single family domestic.

Receipt Details for ID W014981

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/29/1992 2:46:45 PM	6/29/1992	Western	\$35.00	Check
Payer	RIVERSIDE ELECTRIC & PUMP			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1635			
Card Expiration Date	Credit Card Transaction #		

Comment DRILLING PERMIT**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$35.00	DRILLING PERMIT	62115	229	21	0	1205

Refund(s):

Amount	Payee	Date	Document Number
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Well Proof Report

Permit No. 720577
Metal Tag No.
Well ID # 308179
Water Right No.

Relationship: Representative
Name: TED CARNER
Address: JOHNSTONE RD
HOMEDALE ID 83628

Relationship: Owner/Operator
Name: CCPD INC
Address: C/O TED CARNER
JOHNSTONE RD
HOMEDALE ID 83628

Permit Status: Permitted

Well Location: Township 02N, Range 05W, Section 9, SW, NW
COUNTY OWYHEE

Address of Well Site:
ID

Use of Well: ~~Domestic Single Residence~~

Activity: New Well

Region: Western

Construction Method:

Const Start Date: Jul 21 1992 Const End Date: Jul 25 1992

Well Drilling Company: RIVERSIDE INC (No. 333)

Card Hold Name: DENNIS DAUGHERTY Phone: (541)372-5590 (No. 4160)

Certifying Official:

Date Received: Aug 19 1992

Date Approved: Jun 29 1992

Date Inspected:

Completed Depth: 620 FT Drilled Depth: Surface Diameter: 8 inches

Primary Flow Depth: Overall Temp: Static Water Level: 36

Head Pipe Length: Tail Pipe Length Production Rate: 12 GPM

Closed in Pressure: 0 Psi Bottom Hole Temp: 0 F. Low Temp Geothermal: NO

Control Device Desc:

Access Port Desc:

Casing

From	To	Diam	Type	Gauge	Join Type	Material
------	----	------	------	-------	-----------	----------

Receipt NO 14981
1992 = fee was
\$35.00
now \$200. needed
due
\$165.00

From	To	Diam	Type	Gauge	Join Type	Material
1	59	6	Casing	0.25	Welded	STEEL

Seal

From	To	Material	Amount	Method
------	----	----------	--------	--------

Screen

From	To	Dia	Type	Slot Size	# of Slots	Material	Perforation Meth	Screen Type
------	----	-----	------	--------------	---------------	----------	---------------------	-------------

Lithologic Layer

From	To	Diam	Water	Color	Material	Texture
------	----	------	-------	-------	----------	---------

Drive Shoe

Depth	Test Description
-------	------------------

Receipt Details for ID W027827

Status	Adjustment Type	Version
		2

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/29/2001 11:15:04 AM	5/29/2001 3:09:02 PM	WESTERN	\$150.00	Check
Payer		RANSOM, BRAD		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
3871			
Card Expiration Date	Credit Card Transaction #		

Comment TAGS FOR CLEARWATER 18546 - 18547 = \$75.00

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$150.00	DRILLING TAGS	62134	0229	21		1205

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Well Proof Report

Permit No. 769404
Metal Tag No. D0018547,
Well ID # 341384
Water Right No.

Relationship: Applicant
Name: TOM WILKE Phone:(208)337-5500
Address: 6420 JOHNSTONE RD
HOMEDALE ID 83628

Permit Status: Closed

Well Location: Township 02N, Range 05W, Section 9, NE, SW
COUNTY OWYHEE

Address of Well Site: GO SOUTH TO THE END OF JOHNSTON ROAD TURN LEFT DO TO
END OF LANE
HOMEDALE ID

Use of Well: ~~Domestic Single Residence~~

Activity: New Well

Region: Western

Construction Method: Cable Tool

Const Start Date: Jun 11 2001 Const End Date: Jun 14 2001

Well Drilling Company: CLEARWATER DRILLING INC (No. 382)

Card Hold Name: BRADLEY C RANSOM Phone:(208)896-5240 (No. 3697)

Certifying Official: BRADLEY C RANSOM Phone:(208)896-5240 (No. 3697)

Date Received: Jun 25 2001

Date Approved:

Date Inspected:

Completed Depth: 215 FT Drilled Depth: 215 FT Surface Diameter: 6 inches

Primary Flow Depth: Overall Temp: 56 Static Water Level: 28

Head Pipe Length: Tail Pipe Length Production Rate: 40 GPM

Closed in Pressure: Bottom Hole Temp: Low Temp Geothermal: NO

Control Device Desc:

Access Port Desc: WELL CAP

Casing

From	To	Diam	Type	Gauge	Join Type	Material
1	34	6	Casing	0.25	Welded	STEEL

*Receipt #W027827
fee = \$75.00
now need
\$200.
due
\$125.00*

Seal

From	To	Material	Amount	Method
0	20	Bentonite granuals	14 SACKS	Overbore

Screen

From	To	Dia	Type	Slot Size	# of Slots	Material	Perforation Meth	Screen Type
20	150	4.5	Perforation	.60		PVC		

Lithologic Layer

From	To	Diam	Water	Color	Material	Texture
------	----	------	-------	-------	----------	---------

Drive Shoe

Depth	Test Description
-------	------------------

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

769404

Office Use Only			
Inspected by _____			
Twp _____	Rge _____	Sec _____	
1/4 _____	1/4 _____	1/4 _____	
Lat: _____	Long: _____		

1. WELL TAG NO. D 0018547
 DRILLING PERMIT NO. _____
 Other IDWR No. _____

2. OWNER: Tom Wilke
 Name _____
 Address Rt 1 Box 1155
 City Homedale State ID Zip 83428

3. LOCATION OF WELL by legal description:
 Sketch map location must agree with written location.

11. WELL TESTS:

Yield gal./min.	Drawdown	Pumping Level	Time
40	100'	215'	2 hr

Water Temp. 56 Bottom hole temp. 55
 Water Quality test or comments: good
 Depth first Water Encounter 2

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y
	0	8'	TOP SOIL	
	8'	28'	COURSE GRAVEL	✓
	28'	50'	BROWN CLAY	
	50'	170'	BLUE CLAY	
	170'	171'	FINE SAND	✓
	171'	214'	BLUE CLAY	
	214'	215'	FINE SAND	✓

RECEIVED
JUN 25 2001

WATER RESOURCES

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Department of Water Resources

Sketch map location must agree with written location.

Twp. <u>2</u>		North ☒ or South ☐	
Rge. <u>5</u>		East ☐ or West ☒	
Sec. <u>9</u>		NE 1/4 SW 1/4 1/4	
Gov't Lot _____		County <u>Oneida</u>	
Lat: _____		Long: _____	

Address of Well Site Rt 1 Box 1155
end of Johnston Rd.
turn left down to end of lane City Homedale
 (Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	18'	10	overshoe

Was drive shoe used? ☒ N Shoe Depth(s) 34'
 Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	1'	34'	250		☒	☐	☒	☐

Length of Headpipe 0 Length of Tailpipe 0

9. PERFORATIONS/SCREENS

Perforations _____ Method _____
 Screens _____ Screen Type NO SCREEN

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

28' ft. below ground Artesian pressure _____ lb.
 Depth flow encountered _____ ft. Describe access port or control devices: WELL CAP

Completed Depth 215' (Measurab
 Date: Started 6-11-01 Completed 6-14-01

13. DRILLER'S CERTIFICATION

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

Company Name Clearwater Drilling Firm No. 382

Firm Official Bruce R. Rasmussen Date 6-21-01

and
 Driller or Operator _____ Date _____
 (Sign once if Firm Official & Operator)

Receipt Details

Receipt Details for ID C064590

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
9/13/2002 2:45:36 PM	9/16/2002 3:06:24 PM	STATE	\$75.00	Check
Payer		TODD KNIE BETTY KNIE		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1550			
Card Expiration Date	Credit Card Transaction #		

Comment D.P. D20371 For driller #578

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$75.00	DRILLING PERMITS	54116	0229	21		1205

Refund(s):

Amount	Payee	Date	Document Number
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Well Proof Report

Permit No. 785881
Metal Tag No. D0020371,
Well ID # 356936
Water Right No.

Relationship: Owner/Operator
Name: TOM WILKE Phone:(208)337-5500
Address: 6420 JOHNSTONE RD
HOMEDALE ID 83628

Permit Status: Closed

Well Location: Township 02N, Range 05W, Section 9, NW, SW
COUNTY OWYHEE

Address of Well Site: 1155 Johnstone Rd
HOMEDALE ID

Use of Well: ~~Domestic~~ 1

Activity: New Well

Region: Western

Construction Method: Air Rotary

Const Start Date: Sep 13 2002 Const End Date: Sep 18 2002

Well Drilling Company: ED L HOLDER DRILLING (No. 578)

Card Hold Name: EDWARD LEE HOLDER JR Phone:(208)889-0748 (No. 4206)

Certifying Official: EDWARD LEE HOLDER JR Phone:(208)889-0748 (No. 4206)

Date Received: Nov 21 2002

Date Approved: Sep 13 2002

Date Inspected:

Completed Depth: 250 FT Drilled Depth: 250 FT Surface Diameter: 8 inches

Primary Flow Depth: Overall Temp: 62 Static Water Level: 17

Head Pipe Length: Tail Pipe Length Production Rate: 40 GPM

Closed in Pressure: Bottom Hole Temp: Low Temp Geothermal: NO

Control Device Desc:

Access Port Desc:

Casing

From	To	Diam	Type	Gauge	Join Type	Material
1	59	6	Casing	0.25	Welded	STEEL

Seal

From	To	Material	Amount	Method
------	----	----------	--------	--------

C064590
fee = \$75.
now need \$200.
due \$125.00

Screen

From	To	Dia	Type	Slot Size	# of Slots	Material	Perforation Meth	Screen Type
------	----	-----	------	--------------	---------------	----------	---------------------	-------------

Lithologic Layer

From	To	Diam	Water	Color	Material	Texture
------	----	------	-------	-------	----------	---------

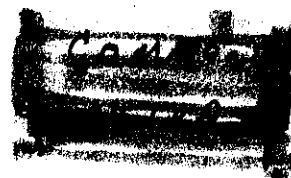
Drive Shoe

Depth	Test Description
-------	------------------

RECEIVED

MAY 13 2004

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET



Initial review by DAN Date 3-19-03 Application # 57-11626

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

~~ADVERTISE REMARKS (Yes or No)~~

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page) 57-10344 OVERLAPS PIU, BUT IS NOT ON APPLICANT'S PROPERTY
- ☒ 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 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

See LETTER DATED 3-20-03

Date Requested 3-20-03 Date Response Received 4-3-03

6125.00 Well Upgrade Fee Required For each well for a total of \$375.00. DAN 4-7-03

PROCESSINGAPPLICATION # 57-11626

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 Dep. ASG

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐ Affidavit of publication received
☒ ☐ Application published correctly? If not, record action taken _____

COCO
(CITIZENS OF OWYHEE COUNTY)

☒ ☐ Publication dates and paper recorded on application
☐ ☒ Final date for protest 5-5-03
☐ ☒ Protests received
☐ ☐ Recommendations attached
☐ ☐ Measuring device required
☐ ☐ Water delivered by water master? District # _____
☐ ☐ Special conditions of approval or cover letter

Prior to licensing, no new well drilling is authorized; 046
This permit does not authorize commercial use associated with a dam
Time required for completion 2 years.

Recommended Date of Priority 01/30/2003Recommendation ☒ Approve ☐ Deny by John Hunter Date 5/11/04**ADDITIONAL INFORMATION**☐ See attached proof report, note any Legal Notice Remarks &/or Comments☐ See attached shapefile

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 57-11626

WATER RIGHT NUMBER: 57-11626

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TOM WILKE 6420 JOHNSTONE ROAD HOMEDALE, ID 83628 (208)337-5500

Priority Date: 01/30/2003

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	1.960 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 9,	Twp 02N,	Rge 05W, B.M.
OWYHEE County				
GROUND WATER	NE1/4SW1/4	Sec. 9,	Twp 02N,	Rge 05W, B.M.
OWYHEE County				
GROUND WATER	SW1/4NW1/4	Sec. 9,	Twp 02N,	Rge 05W, B.M.
OWYHEE 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	
02N	05W	4							X	X	X	X					X		
02N	05W	9		X	X	X	X	X	X	X	X	X	X	X		X	X		
02N	05W	16		X	X		X			X									

DOMESTIC

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 57-11626

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N 05W	9							X		X								

Conditions of Approval:Remarks:Comments:

1. dnelson 4/7/2003 Legal Notice Remarks

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

Domestic use is for 2 homes with no yards irrigation.

2. dnelson 4/7/2003 Comment/Analysis

Comment: The domestic use for this application is for in-house use only for 2 homes. The stockwater component for this right is for 9,000 heifers or 3,000 dairy cows. This application is for a feedlot and is not for commercial dairy operation. Therefore, there is no commercial use required. All three wells were drilled as domestic wells, and will need to be upgraded to commercial wells with a \$125.00 well upgrade fee per well.

Dates and Other Information:

Application Received Date: 1/30/2003

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: Water right 57-10344 is not on my property and would most likely not be accessible for this project.

Other Water Rights: NONE

Time to Complete Works: 5

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

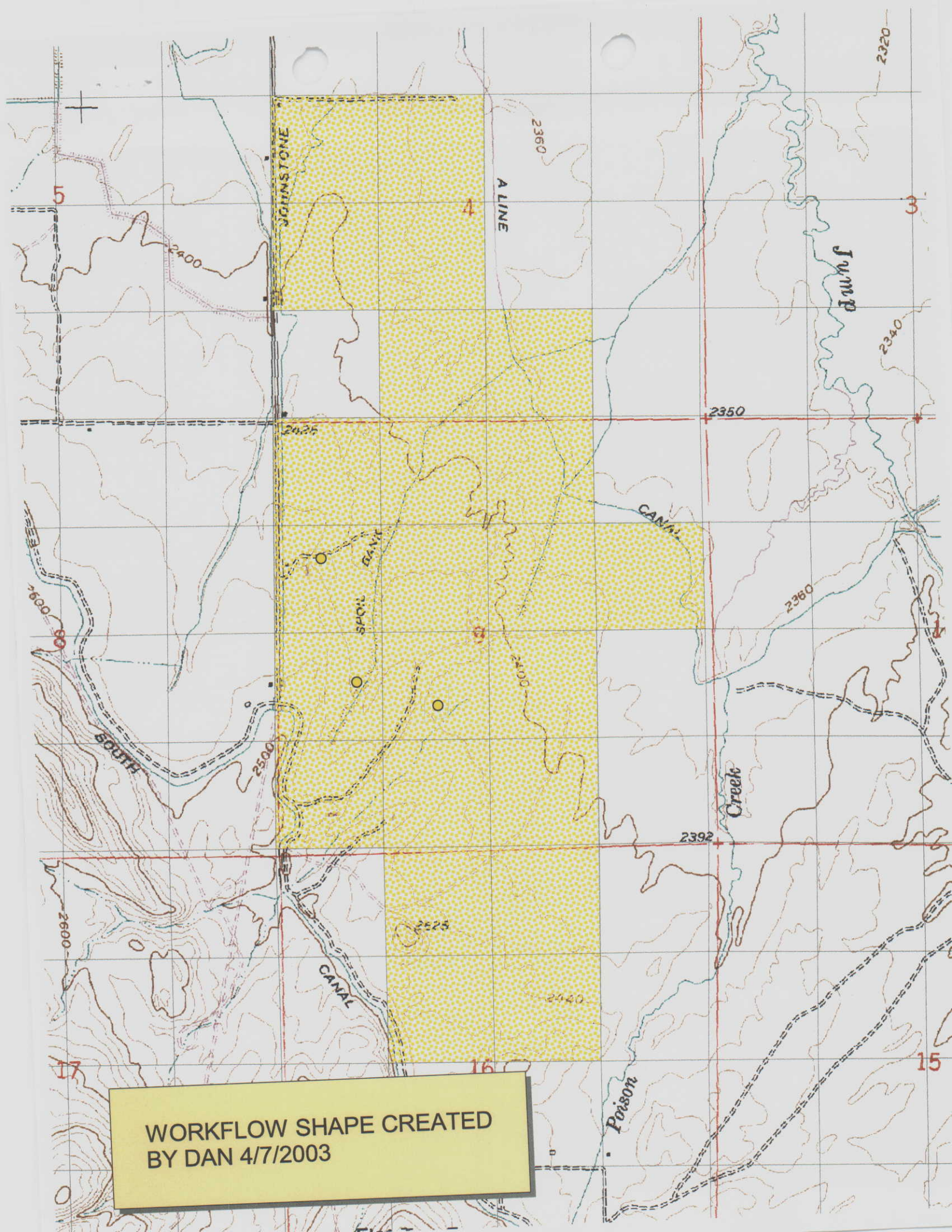
Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False



WORKFLOW SHAPE CREATED
BY DAN 4/7/2003

OWYHEE COUNTY
Post Office Box 128
Murphy, Idaho 83650

Phone: (208) 495-9851
Fax: (208) 495-2051

28 April 2004

RECEIVED

MAY 04 2004

WATER RESOURCES
WESTERN REGION

Dan Nelson
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706-2237

Re: Wilke Farms

Dear Mr. Nelson:

Tom Wilke has told me that you require a letter from Owyhee County regarding the proposed expansion of his cattle feeding operation.

Tom Wilke has acknowledged to me that to establish a confined animal feeding operation of the size he is proposing will require his farm to apply for, and obtain approval of, a conditional use permit. Mr. Wilke has told me that he will be filing an application with Owyhee County at a time in the future, probably this coming Fall.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Kay Kelly-Breach
Planning & Zoning Administrator

Cc: Tom Wilke via fax
(208) 337-5495



1900 20th Street North
P.O. Box 539
Nampa, ID 83655
467-2113
NATIONWIDE
1-800-727-9600
FAX
(208) 466-8888
www.pacificsteel.com
EIVED
APR 29 2004
WESTERN REGION

4/28/04
57-11626

DAN NELSON - I WAS
FINALLY ABLE TO HOOK UP
WITH ED. HOPEFULLY
HIS LETTER WILL ADEQUATE
LY ADDRESS YOUR REMAINING
CONCERNS CONCERNING
GROUNDWATER AVAILABILITY.
IN THAT ED HAS DONE MORE
WELLS THAN ALL OTHERS
COMBINED IN THIS AREA I
THOUGHT HIS OPINION WOULD
BE IMPORTANT. THANKS
Tom Miller

Holder Drilling

PO Box 1452
Caldwell Idaho 83606

RECEIVED

APR 29 2004

WATER RESOURCES
WESTERN REGION

March 18, 2004

Department of Water Resources
2735 Airport Way
Boise Idaho 83705-5082

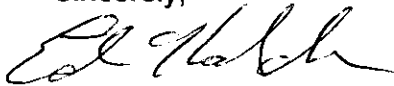
RE: Tom Wilke

To Whom It May Concern:

This well was drilled to Water Resource standards for Tom Wilke at Johnstone Rd. Homedale, Idaho (well tag no.: D0020371) on September 13, 2002. This well was constructed in a high yielding aquifer where there was no draw down when test pumped. I have serviced wells in the surrounding area and foresee no impact on the surrounding wells.

If there are any questions please contact me at 794-1509.

Sincerely,



Ed L. Holder
IDW License #578

Cc: Tom Wilke



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

April 26, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TOM WILKE
6420 JOHNSTONE ROD
HOMEDALE ID 83628

RE: APPLICATION FOR PERMIT 57-11626

Dear Mr. Wilke:

I have received the letters from the Owyhee County Planning and Zoning and Idaho Department of Agriculture. These letters show that you have contacted these organizations, and that they are aware of your proposal. These letters satisfy the information needed from these organizations.

The only remaining information needed is the evaluation of the proposed stockwater diversion will have on the local aquifer and on neighboring wells. I know that you have been working hard on trying to attain this information prior to May 20, 2004. May 20th is the end of the 1-year extension of time you requested to supply all the needed information. If you cannot attain the aquifer evaluation by the May 20th deadline, please contact me in writing to ask for additional time. We should be able to allow you an additional 30 days to 6 months to supply the information.

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

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

RECEIVED

APR 23 2004

WATER RESOURCES
WESTERN REGION

OWYHEE COUNTY
Planning & Zoning
Post Office Box 128
Murphy, Idaho
83650

RECEIVED

APR 22 2004

Department of Water Resources

Phone: (208) 495-9851

Fax: (208) 495-2051

20 April 2004

Tom Wilke
Wilke Farms
6420 Johnstone Road
Homedale, Idaho 83628

Re: Stock Water

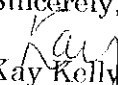
Dear Mr. Wilke:

I received your letter and a copy of the Idaho Department of Water Resources Application to appropriate the public waters today. Item 8 of the permit, Description of proposed uses states that you will be water "9100 heifers or 3,100 dairy cows". From those numbers, it appears that a conditional use permit for a Confined Animal Feeding operation is required. I could find no record that a permit for this size of operation has been issued for your property, and no request for expansion of any existing use. My recollection is that in the past, stock cattle were penned and fed there periodically in a very small operation.

Please provide more details of the "proposal" you mention in your letter, so that we can evaluate the requirements for your operation under the Owyhee County Code (zoning ordinance).

In the event that we determine that you need to apply for a CAFO permit, I have enclosed is a Conditional Use Permit Application form for a Confined Animal Feeding Operation, along with a checklist, Article II, Section 04-03-A et seq which sets for the allowed and permitted uses in the Agricultural Zone where your property is located, the Code definition of a CAFO, Chapter 5 about issuance of conditional use permits and standards, along with a copy of Idaho Code 67-5929 A et seq (Site Advisory Suitability Determination Act) and Idaho Code 25-3801 et seq (Agricultural Odor Management Act).

Sincerely,


Kay Kelly
Planning & Zoning Administrator

Encl.

Cc: Dan Nelson, IDWR



IDAHO STATE DEPARTMENT OF AGRICULTURE

ENGINEERING SERVICES



April 20, 2004

RECEIVED

APR 22 2004

WATER RESOURCES
WESTERN REGION

Mr. Dan Nelson
Sr. Water Rights Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

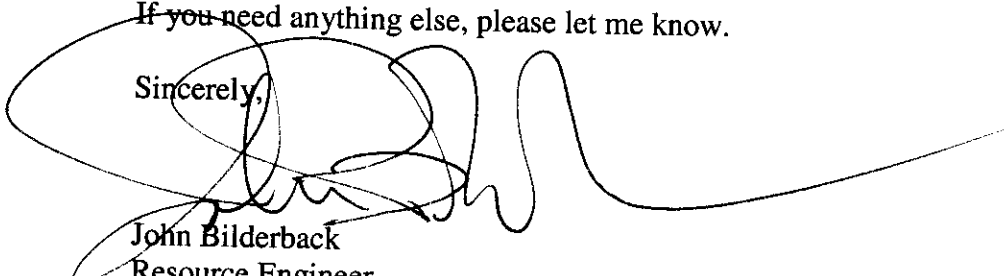
Dear Mr. Nelson,

The Idaho State Department of Agriculture ("ISDA") has inspected Mr. Tom Wilke's facility at 6420 Johnstone Road, Homedale, ID 83628.

At the time of the inspection, the facility is in compliance with ISDA rules. Future expansions and changes of the facility will be reviewed and inspected by ISDA to ensure continued compliance.

If you need anything else, please let me know.

Sincerely,


John Bilderback
Resource Engineer

cc: Tom Wilke
cc: ISDA Wilke File

Tom Wilke
6420 Johnstone Road
Homedale, ID 83628

Wilke Farms

Fax

To: Daniel A. Nelson	From: Tom Wilke
Fax: 334-2348	Pages: 1 including cover page
Phone: 334-2190	Date: 6/16/03
Re: Application/Permit 57-11626	

Please allow me more time to address your letter of May 20, 2003 regarding the above referenced permit.

Thank you, Tom Wilke

FAXED AGAIN 7/2/03
TW



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 30, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TOM WILKE
6420 JOHNSTONE RD
HOMEDALE ID 83628

RE: APPLICATION FOR PERMIT 57-11626

Dear Mr. Wilke:

Your wife contacted me by telephone on June 18th, 2003 requesting more time to supply the additional information requested in my May 20th, 2003 letter. Ms. Wilke stated that she would fax a formal request for additional time. I have not received that formal request as of the date of this letter. I will hold your application until May 20th, 2004, however, I need to have documentation in the file that you have requested this time.

Please mail your request for more time to me as soon as possible. Your application is currently on hold, but you may supply the needed information at any time.

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

Respectfully,

A handwritten signature in cursive script, reading 'Daniel A. Nelson'.

Daniel A. Nelson
Sr. Water Right Agent



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

May 20, 2003

TOM WILKE
6420 JOHNSTONE RD
HOMEDALE, ID 83628

RE: APPLICATION FOR PERMIT 57-11626 FOR STOCKWATER

Dear Mr. Wilke:

Your application for permit was advertised in the Owyhee Avalanche on April 16 and 23, 2003, and our office did not receive a protest against your proposed stockwater use. The large number of animals in your proposal raised concerns relating to water availability and water use issues in the final review process. Therefore, our office will need the following information to complete our review of your application.

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.

Most of the information required in Idaho Code § 42-203A – section 5 are satisfied by the permit application. However, the following three items are needed to satisfy the availability of water and local public interest concerns relating to large livestock feeding operations:

- 1.) Please supply information evaluating the effect of your proposed stockwater diversion will have on the local aquifer and on neighboring wells.
- 2.) In regards to local public interest, please supply written documentation from Owyhee County that you have contacted them concerning your proposal. Their letter should relay whether your proposal will comply with all current zoning ordinances, and if they have any concerns about your proposal.

Page 2

Wilke

- 3.) You will also need to show that you have contacted the Idaho Department of Agriculture and Department of Environmental quality concerning your proposal, and that you are currently working with these agencies to meet their requirements for your facility.

Most of the above information can be satisfied with letters from the prospective agencies acknowledging that you have contacted them and are actively pursuing your proposal. The evaluation of water supply can also be in the form of a letter from a hydrologist, well driller, and/or other individual that has expertise in the groundwater supplies in your area. Any documentation that they wish to supply to support their position would be accepted.

Please supply the above information within 30 days of this letter to allow us to process this application as soon as possible. If you cannot obtain the needed information within 30 days, please send a written request for more time to attain the information. Our office can hold an application for up to one year if needed.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", followed by a long horizontal flourish.

Daniel A. Nelson

Sr. Water Right Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 20, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CITIZENS OF OWYHEE COUNTY
PO BOX 463
MARSING ID 83639

RE: APPLICATION FOR PERMIT 57-11626 FOR TOM WILKE

Ladies and Gentlemen:

We appreciate your letter expressing your concerns for water right 57-11626 for Tom Wilke's proposed stockwater use. I have been asked to write you this letter to address the concerns you raised about this application.

You asked that we require a flow meter be installed on the applicant's wells. The applicant's property does not lie within the boundaries of any groundwater management area, measurement district, or groundwater study area that requires a measurement device be installed.

The only other time we would institute a measurement requirement would be at the request of the applicant to settle a protest. The Nederend Dairy water rights had a measurement order attached to them, because Mr. Nederend agreed to have this requirement on his water rights to settle the protest against him. There were no official protests filed against this application, therefore, there is no reason for the applicant to request that a measurement requirement be attached to his water rights.

A letter has been sent to the applicant requesting additional information. This additional information should address the remainder of your concerns. The information requested was as follows:

- 1.) Please supply information evaluating the effect of your proposed stockwater diversion will have on the local aquifer and on neighboring wells.
- 2.) In regards to local public interest, please supply written documentation from Owyhee County that you have contacted them concerning your proposal. Their letter should relay whether your proposal will comply with all current zoning ordinances, and if they have any concerns about your proposal.

page 2
COCOA

- 3.) You will also need to show that you have contacted the Idaho Department of Agriculture and Department of Environmental quality concerning your proposal, and that you are currently working with these agencies to meet their requirements for your facility.

Your organization may request a copy of Mr. Wilke's response to the additional information we requested, and they can make any comments or rebuttal to Mr. Wilke's response. Our office can and will review any response you submit in our decision to approve or deny the application. However, we must justify the need for each condition or requirement we put onto the application.

By not protesting the application, your organization has chosen not to be an active participant in the processing of this application. Therefore, we are limited to the standards used for processing other non-protested applications in the same area. As I mentioned above, we cannot require a measurement requirement on a water right, unless that water right falls under certain criteria. Our office will do its best to ensure that if a permit is issued it will contain the necessary elements for the proper use of the water being appropriated.

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

Respectfully,

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

Daniel A. Nelson
Sr. Water Right Agent

CITIZENS OF OWYHEE COUNTY ORGANIZED ASSOCIATION

P.O. BOX MARSING, IDAHO 83639 FAX 208-896-5295

463

RECEIVED

MAY 09 2003

WATER RESOURCES
WESTERN REGION

**CONDITIONS OF RECOMMENDED APPROVAL AND REMARKS FOR THE PROPOSED
APPLICATION FOR PERMIT IDENT. NO. 57-11626**

The wells included on this application, at points of diversion, shall be equipped with inline flow meters. 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.

IDWR should immediately provide the Board of County Commissioners in Owyhee County a copy of the application. Owyhee County has a Confined Animal Feeding Operation (CAFO) ordinance. It is very likely that the County does not know about the proposed use of water for the development of this apparent future CAFO. According to Idaho Statute Title 67 Chapter 67 paragraph 67-6529, the "board of county commissioners may enact ordinances and resolutions to regulate the siting of large confined animal feeding operations and facilities, as they shall be defined by the board, including the approval or rejection of sites for the operations and facilities".

Also in Idaho Statute Title 67 Chapter 65 paragraph 67-6529B (3) "It is in the interest of the state of Idaho that state departments and agencies use their particular expertise to assist counties and other local governments in the environmental evaluation of appropriate sites for confined animal feeding operations."

We believe that it is in the public's best interest for IDWR to notify County Commissioners whenever a CAFO application for water development or expansion is being requested by an applicant. The counties may not know otherwise of such development or expansion.

Thank you for your request for COCOAs comments, your consideration is greatly appreciated.

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED
MAY 02 2003

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

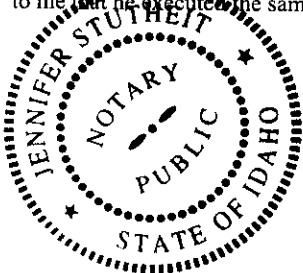
APRIL 16, 23, 2003

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 30th day of April in the year of 2003 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me duly sworn, declared that the statements therein are true, and acknowledged
to me that he executed the same.



Jennifer Stutheit
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 1-3-2009

The following
application(s) have been
filed to appropriate the
public waters of the State
of Idaho: 57-11626

TOM WILKE
6420 JOHNSTONE ROAD
HOMEDALE ID 83628

Point(s) of Diversion NWSW S9
T02N R05W OWYHEE County
Source GROUND WATER
Point(s) of Diversion NESW S9
T02N R05W OWYHEE County
Source GROUND WATER

Point(s) of Diversion SWNW S9
T02N R05W OWYHEE County
Source GROUND WATER
Use: STOCKWATER 01/01 To 12/
31 1.96 CFS

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

Total Diversion: 2 CFS

Date Filed: 01/30/2003

Place Of Use: STOCKWATER

T02N R05W S16 NWNE SWNE
NENW SENW

T02N R05W S4 SWNW SENW
NESW NWSW SESW SWSE

T02N R05W S9 NWNE SWNE
SENE NENW NWNW SWNW
SESW NWSE SWSE

Place Of Use: DOMESTIC

T02N R05W S9 SWNW NESW

Remark: Applicant agrees to
mitigate consumptive use in the
future as needed. Domestic use is
for 2 homes with no yards irrigation.

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
05/05/2003. The protestant must
also send a copy of the protest to the
applicant.

KARL J DREHER, Director
4/16, 23/03

Taylor, Sue

From: Taylor, Sue
Sent: Thursday, April 17, 2003 3:49 PM
To: 'Bob_Mallis@blm.gov'; 'srae@deq.state.id.us'; 'eleitzin@idfg.state.id.us'; 'sspencer@fs.fed.us'; 'dgruenhagen@idl.state.id.us'
Cc: Taylor, Sue
Subject: Applications for comment letters

April 17, 2003

Eric Leitzinger, IDFG
Bob Mallis, BLM
Steve Rae, DEQ
Steve Spencer, USFS
Dave Gruenhagen, IDL

Dear Sirs:

Attached are copies of one or more applications that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by May 7, 2003.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Taylor
ID Dept Water Resources

4/17/2003



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 17, 2003

COCOA
PO BOX 463
MARSING ID 83639

Re: Water Right Applications

Enclosed is a copy of an application(s) which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by May 7, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Sue Taylor". The signature is written in dark ink and is positioned below the word "Sincerely,".

Encl. Copy of Application



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 09, 2003

Legal Notice Department

Owyhee Avalanche

PO Box 97

Homedale ID 83628

RE: Application for Permit No. 57-11626

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 05/05/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

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

57-11626

TOM WILKE
6420 JOHNSTONE ROAD
HOMEDALE ID 83628

Point(s) of Diversion NWSW S9 T02N R05W OWYHEE County Source GROUND WATER

Point(s) of Diversion NESW S9 T02N R05W OWYHEE County Source GROUND WATER

Point(s) of Diversion SWNW S9 T02N R05W OWYHEE County Source GROUND WATER

Use: STOCKWATER 01/01 To 12/31 1.96 CFS

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

Total Diversion: 2 CFS

Date Filed: 01/30/2003

Place Of Use: STOCKWATER

T02N R05W S16 NWNE SWNE NENW SENW

T02N R05W S4 SWNW SENW NESW NWSW SESW SWSE

T02N R05W S9 NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NWSE
SWSE

Place Of Use: DOMESTIC

T02N R05W S9 SWNW NESW

Remark: Applicant agrees to mitigate consumptive use in the future as needed.
Domestic use is for 2 homes with no yards irrigation.

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 05/05/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee Avalanche on April 16 and 23, 2003.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

March 20, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TOM WILKE
6420 JOHNSTONE ROAD
HOMEDALE ID 83628

***RE: APPLICATION FOR PERMIT FOR STOCKWATER AND
DOMESTIC USES FROM GROUND WATER***

Dear Mr. Wilke:

Your application for permit was received on 1/30/2003. During the initial review of your application the following questions arose:

- 1.) You listed the diversion rate for stockwater at 2.00 cfs. This diversion rate is generally sufficient to supply adequate water for approximately 9100 head of range cattle or dry dairy cattle. Your application states that you will have 9100 heifers or 3100 dairy cattle. This may be sufficient for your needs, but may want to consider if it will be adequate for your plans.
- 2.) You listed under section 8d that you would have 2 households. You did not list domestic use in section 4. In order to include domestic uses on your water right you will need enter 0.02 cfs for each house or 0.04 cfs for both homes for in-house use only. If you are irrigating yards with the wells you will need to include an irrigation component for the amount of water used for irrigation. If you are only using the well water for in-house use only, you will need state in 8d that the domestic use is for in-house use only.
- 3.) In our telephone conversation on 3/20/2003, you stated that you were not going to milk the dairy cattle at this time. If your plans are to construct a dairy, you may want to apply for a commercial use on this application. If you do decide to include a dairy component, you will need to include a commercial listing on the application.
- 4.) The maximum time allowed to complete this project is 5 years. Your application requests 6 years under section 7. Please change this to 5 years. If you need additional time you can apply for an extension of time that will give you an additional 5 years.

Page 2
Wilke let

- 5.) I spoke to you briefly on the telephone concerning water right 57-10344. You stated that the well and the use of this water was not on your property. You may want to address this in the remarks page on page 2 of the application
- 6.) I also spoke briefly with you concerning the use of the three domestic wells for this commercial feedlot or commercial type use. These wells were drilled for domestic uses only, and a \$75.00 well drilling fee was assessed for these wells. A commercial well for a commercial cattle operation you would be assessed a \$200.00 well drilling fee for each well. Since you are upgrading your domestic wells you are required to pay the difference between the domestic well drilling fee and the commercial well drilling fee or \$125.00 or \$375.00 for the three wells. You will not be required to pay this fee until the application is approved, but you may pay this fee at any time between now and the approval of the permit.

I have enclosed your original application for permit for you to make the needed and/or preferred changes. **You must initial and date each change that you make to the application.** Please submit the above information within 30-days from the date of this letter in order to process your application as efficiently as possible.

If you have any questions or concerns please contact me at the above address or telephone number.

Respectfully,

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

Daniel A. Nelson
Sr. Water Right Agent