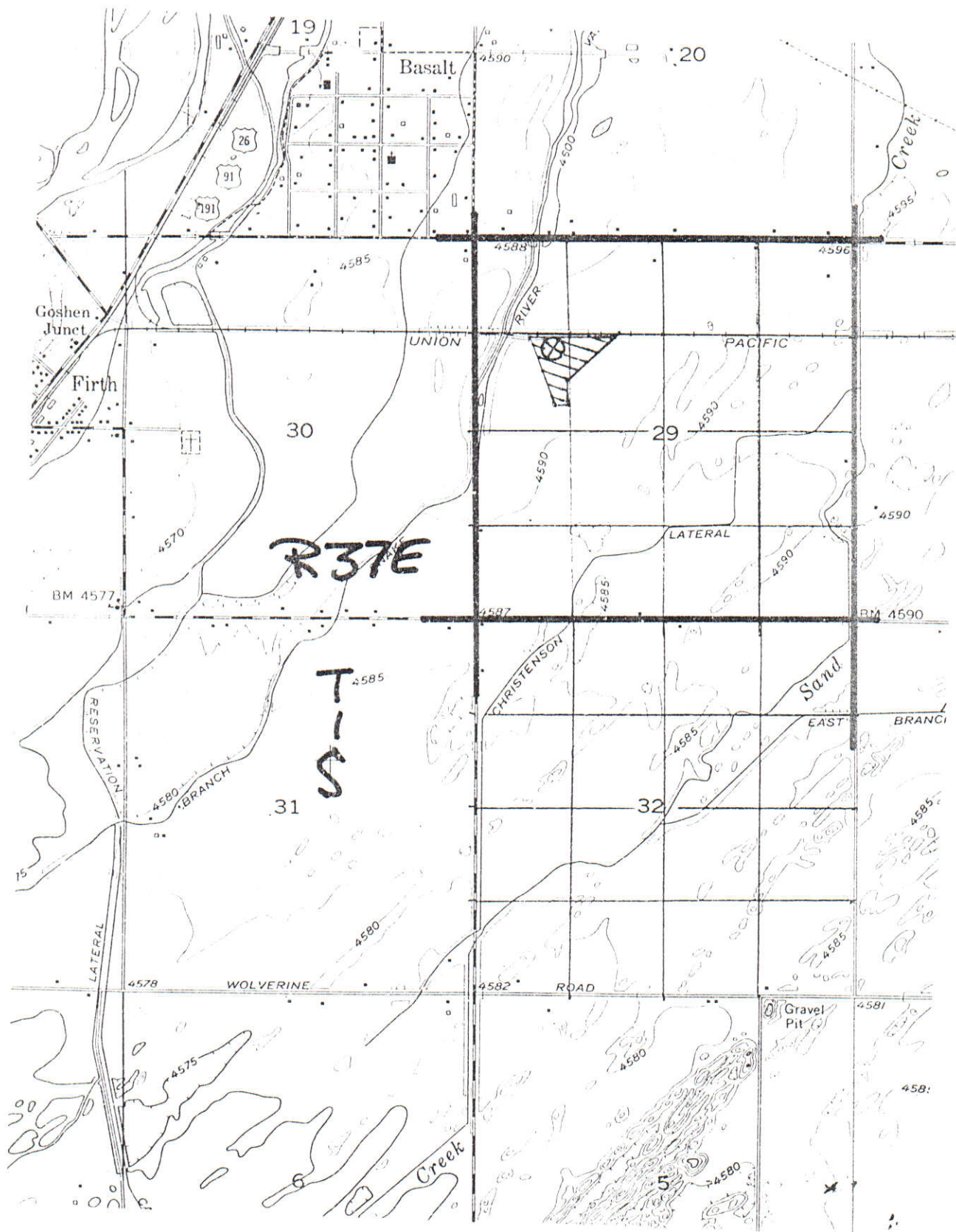




NOTICE

This file has been REPRODUCED
from MICROFICHE because:

For a possible reinstatement of the
permit

Darla J Block
Person Recreating File

Sep. 22, 2000
Date

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 27-07579

Proposed Priority: March 6, 1997

Maximum Diversion Rate:

0.10 CFS

This is to certify, that **GAYLEN CLAYSON**
DBA CEDAR ARCH DAIRY
600 N 710 E
FIRTH ID 83236

has applied for a permit to appropriate water from: **GROUNDWATER**

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	0.10 CFS
COMMERCIAL	01/01 to 12/31	0.10 CFS
	Totals	0.10 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 29, Township 01S, Range 37E
BINGHAM County

PLACE OF USE: STOCKWATER

TWN RGE SEC

01S 37E 29

SWNW

SENE

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1998.
2. Subject to all prior water rights.
3. Stockwater use is for 308 dairy cattle and 348 range cattle.

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

16th day of June, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

Ident. No. 22-2579

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant GAYLEN CLAYSON DBA. CEDAR ARCH DAIRY Phone (208) 346-6607
Mailing address 600 N 710 E, FIRTH ID 83236
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is Township 1 S Range 37 E Sec. 29, in the _____ 1/4, SW 1/4, NW 1/4, Govt. Lot _____, B.M., BINGHAM County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.26 ^{0.42} for STOCKWATER purposes from 1/1 to 12/31 (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.26 ^{0.42} 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 Two wells, pumps, main line to dairy
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. ^{Electric well} Proposed well diameter is 6 inches; proposed depth of well is 100 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? 1950; Drilling firm UNKNOWN
Well was drilled for (well owner) Matthew Madson; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 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. 308 dairy cattle* 348** 246 Non-Milking Cows**
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

RECEIVED

MAY 30 1997

* Change as per telecon w/ Lorry Pitcher (Ag Credit) 3/25/97 Department of Water Resources
** " " " " w GAYLEN CLAYSON 4/3/97

9. 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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	37E	29							S	S									

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

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

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

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

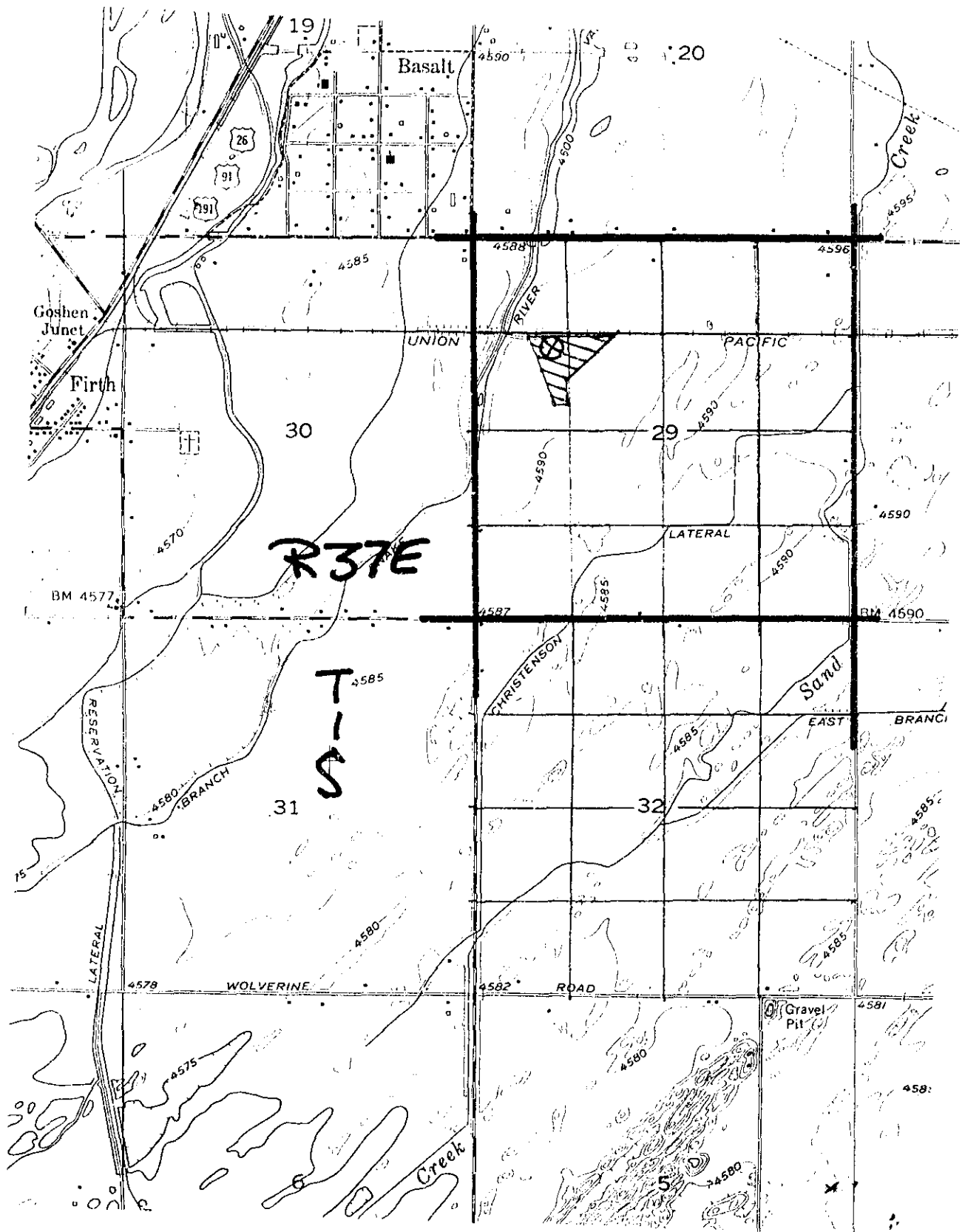
12. Remarks: Dairy established about 1910

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.

by [Signature]
Cedar Creek Dairy
 Signature of Applicant (and title, if applicable)

Received by SL Date 3/6/97 Time 1:18 pm Preliminary check by _____
 Fee \$ 100.00 Received by RAW # 5023001 Date 3/10/97
 Publication prepared by RA Date 5-18-97 Published in Morning News
 Publication approved LD Date 5-22-97



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

- Permit No. 27-07579 Telephone No. 208-346-6419
- Name of Permit Holder(s): GAYLEN CLAYSON DBA Cedar Arch P&H
- Mailing Address: 600N 710E
City FRUIT State IDAHO Zip 83236
- Source of Water: WELL If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
- Use(s) (as authorized by the water right permit):
Domestic (No. of households): 2 Stockwater (No. and type of stock): 625
Irrigation (No. of acres): _____ Other: _____
- Total rate of diversion and/or volume for which proof is submitted: 10 cfs OR _____ acre-feet
- Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No _____
Has the measuring device been installed? Yes _____ or No _____
- Fee Enclosed: \$ _____ (See Fee Schedule on back of the instructions for filing proof of beneficial use)
- Person to contact to accompany the Department representative during field examination of the water system.
Name: GAYLEN CLAYSON Telephone Number: 208-346-6607
Address: 600N 710E Fruit Idaho
- The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
Signature of permit holder: GAYLEN CLAYSON Date: 9-22-00
(include your title, if on behalf of company or organization)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

September 29, 2000

KARL J. DREHER
DIRECTOR

GAYLEN CLAYSON
CEDAR ARCH DAIRIES
710 E 600 N
FIRTH ID 83236

RE: LAPSED PERMITS NOS. 27-07578 & 27-07579

Dear Permit Holder:

The department is in receipt of the proof of beneficial use statements you filed with the department on September 8, 2000, with the appropriate license examination fees for the referenced lapsed permits.

Since the proofs were received after the 60-day lapse period, the permits can be reinstated only if you submit **two (2) pieces of evidence** to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period, i.e. from the time the permit was issued until the proof due date (June 16, 1997 to June 1, 1998) for department consideration.

Typical evidence of the extent of beneficial use of the water include pumping records, receipts from equipment purchased and/or installed, or other information to verify use during the authorized development period.

The department will maintain the proof of beneficial use statement along with any information which has been submitted with it, for **30 days** to provide you the opportunity to submit the required information. Please be aware that this permit is **lapsed** and is of no force nor effect unless it is reinstated.

Additionally, during my review of your proofs, the permits authorized stockwater and commercial uses. However, your proofs state that the uses you have applied the water to are domestic and stockwater. I request that you clarify your water use when you supply the additional evidence necessary to reinstate the permits. I also note that the proof for permit 27-07578 claims 1,000 head of livestock under your stockwater use. However, according to your permit stockwater use is authorized for 410 dairy

Page 2

cattle and 428 range cattle, which total 838 stock under this permit. Issuance of the license can not exceed the number of authorized stockwater use as presently permitted. I suggest that you check to determine that the additional head of livestock are authorized by some other water right. If not, you need to contact our Eastern Regional Office in Idaho Falls.

If you have questions regarding this matter, please feel free to contact me at (208)327-7953 or the Eastern Regional Office at (208)525-7161.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson". The signature is written in dark ink and is positioned above the printed name and title.

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Region

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 27-07579 Reviewed by D. Gibson Date 9/22/00

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?
Yes Address same as permit?
No Proof timely received?
If not, complete calculation below.

Domestic & Stockwater
Correct Uses? ?

SOURCE OF WATER

No Surface water source

Yes Ground water source

No Drilling permit required?

No Copy in the file? Drilling Permit No. _____

Amount paid for permit _____ Correct?

No Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?

\$50 Amount Submitted

Yes Correct?

MEASURING DEVICE

No Required?

No Installed?

Waiver requested?

PRIORITY CALCULATION

Date proof received 9/8/00

Date proof due 6/1/98 -

No. of days late =

Priority Date 3/6/97 +

New Priority Date 9/8/00

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof with letter requesting
documentation proving beneficial use.
Question domestic use.

DATA ENTRY

New Address No Proof Made 9/8/00

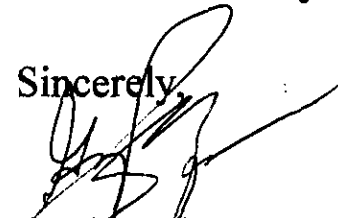
Gaylen Clayson
Cedar Arch Dairies
710 E. 600 N.
Firth, ID 83236

re: 27-07578
27-07579

To Whom It May Concern,

A few years back when we were applying for the water rights on the two dairies in Firth, we were working with Eastern Idaho Agricultural Credit Association for financing. They were the ones requiring the recording of the water rights and taking care of this process. There must have been an error in the recording process. At this time, we would like to ^{re-apply} ~~re-apply~~ for the water rights on the Cedar Arch Dairy and the North Cedar Arch Dairy of Firth, ID.

Sincerely,



Gaylen Clayson

NOTICE

This file has been REPRODUCED
from MICROFICHE because:

For a possible reinstatement of the
permit.

Charles J. Block
Person Recreating File

Sep. 22, 2000
Date

I certify that file No. 27-07579

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.

Kari L. Lippert
Reviewer

8.26.98
Date

WR5808NP
(DU-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

08/13/98 11:21:47
Page 1

Water Right Number - 27-07579

Prefix Translation: WATER RIGHT

Old (D) Number -

----- Last Name ----- + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CLAYSON

GAYLEN

1 - DBA CEDAR ARCH DAIRY
2 - 600 W 710 E
3
City- FIRTH
Phone - 208-346-6607

State- ID Zip- 83236

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/06/1997 15 EASTERN P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
01S	37E	29	SW NW			(11) BINGHAM				

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
04 - STOCKWATER		01/01	12/31	0.100	
10 - COMMERCIAL		01/01	12/31	0.100	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.100 0.0

Tw	Rng	Sec	Tract	Lot	Acres	Code	Place of Use Description	County
01S	37E	29	SW NW			04	STOCKWATER	(11) BINGHAM
01S	37E	29	SE NW			04	STOCKWATER	(11) BINGHAM

+ - - Diversion Means - TWO WELLS, PUMPS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

----- Remarks ----- +
GEN Stockwater use is for 308 dairy cattle and 348 range cattle.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

08/13/98 11:21:47
Page 2

Prefix Translation: WATER RIGHT

[illegible]

Proof Due Date	- 06/01/1998	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 06/16/1997	Protested Date	- 00/00/0000	Swan Falls	- 1
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- E023001	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 03/06/1997	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	- Y
SRBA Decreed Flag	-				

June 26, 1998

GAYLEN CLAYSON
DBA CEDAR ARCH DAIRY
600 N 710 E
FIRTH ID 83236

LAPSE NOTICE

RE: PERMIT NO. 27-07579

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1998. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 6/26/98
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
41 North Orchard Street
Boise, Idaho 83706-2237

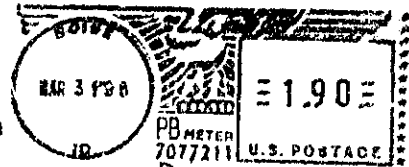
CERTIFIED

P 590 062 456



MAIL

- Not Deliverable As Addressed
Return To Forward
Insufficient Address
☐ Moved, Left No Address
☒ Unclaimed ☐ Refused
☒ Attempted - Not Known
☐ No Such Street ☐ Vacant
☐ No Such Number
☐ No Mail Receipts
☐ Box Closed - No Order
☐ Forwarding Order Expired



RECEIVED
APR 20 1998

Department of Water Resources

4-2
4-7
4-7

GAYLEN CLAYSON
DBA CEDAR ARCH DAIRY
600 N 710 E
FIRTH ID 83236

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

March 31, 1998

GAYLEN CLAYSON
DBA CEDAR ARCH DAIRY
600 N 710 E
FIRTH ID 83236

PROOF DUE NOTICE

RE: PERMIT NO. 27-07579

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1998. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination by a certified field water right examiner may be used to submit the required proof.

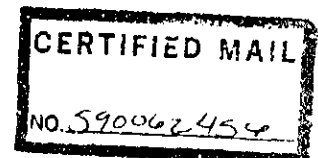
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GAYLEN CLAYSON
DBA CEDAR ARCH DAIRY
600 N 710 E
FIRTH ID 83236

RE: Water Right Nos. 27-07578 and 27-07579

PERMIT APPROVAL NOTICE

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permits authorizing you to appropriate ground water for stockwater and commercial purposes. Please note that these two permits do not authorize you to develop new water uses. They have been approved to cover water uses that were in place by 1987. Also, please be sure to thoroughly review the conditions of approval and remarks listed on your permits.

The permits are preliminary orders issued by IDWR pursuant to section 67-5243, Idaho Code. They can and will become a final orders without further action by IDWR unless a party petitions for reconsideration or files an exception or brief as described in the enclosed information sheet.

I have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to complete the water appropriation process. Also enclosed are two Proof of Beneficial Use forms. Because your permits were issued to cover development that was completed by 1987, you should complete and submit these forms immediately.

Also, 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 to IDWR. If you acquired a water right or changed your mailing address prior to July 1, 1996, you have until July 30, 1998, to notify IDWR. If you acquire a water right or change your mailing address after July 1, 1996, you must notify IDWR within 120 days of the change. Failure to comply with these requirements could result in a \$100 late filing fee. Contact any IDWR office to obtain the proper reporting form.

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

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Enclosures

K:\NAME\TRS\2707578.DOC

MEMORANDUM

DATE: June 16, 1997
TO: Water Right Files 27-07578 and 27-07579
FROM: S. W. Keen *SWK*
RE: Possibility of claiming the use in the SRBA

Last week I spoke with Keith Wilson in Eastern Region about the possibility of the water uses under applications 27-07578 and 27-07579 being claimed in the Snake River Basin Adjudication. Because the applications indicate that the uses date back to the first half of this century, I thought that they could have been claimed as beneficial use rights. Keith explained to me that he believes there were three factors that contributed to the decision to file applications instead of claims. First, the claims could not include any expansion of use that occurred prior to the mandatory application date of 1963 for ground water uses. By filing the applications, the applicants can cover expansions in use that may have occurred between 1963 and 1987. Second, at this point in the adjudication a late claim is a little more costly than an application. Third, the applicants need to show a valid water right to qualify for a loan. Therefore, they are apparently more interested in obtaining permits than in filing claims that will not be investigated or decreed for some time.

Dairy Worksheet

FILE NUMBER ----- 27-07579
 REVIEWER ----- C L Zimmerman 06/04/97

DAIRIES: WATER USE WORKSHEET

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE 308
 NUMBER OF NONMILKING CATTLE 348
 IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES
 IF ANAEROBIC, ENTER ZERO 0.0
 EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) 4
 ENTER 0 FOR RECYCLED WATER USE, 1 FOR MANUAL COW WASHING,
 2 FOR AUTOMATIC, OR 3 IF SPRINKLERS ARE USED TO FLUSH HOLDING
 PEN AND WASH COWS 0
 NUMBER OF MILKINGS PER DAY 2
 FLOW OF WATER FOR IN-BARN USE (GPM) 43
 DURATION OF MILKING (MINUTES/DAY) 1320
 DURATION OF CLEAN-UP (MINUTES/MILKING) 60
 HOURS PUMP IS ON 20.0

CALCULATIONS

DAILY VOLUME FOR STOCKWATER (GALLONS)

MILKING CATTLE @35 GPD/HD 10780
 NONMILKING CATTLE @12 GPD/HD 4176
 TOTAL (GALLONS) 14956
 FLOW RATE REQUIRED (CFS) 0.28

DAILY VOLUME IN BARN USE (GALLONS)

IN BARN RATE * DURATION (GALLONS) 56760
 FLOW RATE REQUIRED (GPM) 43
 FLOW RATE REQUIRED (CFS) 0.10
 TOTAL FLOW RATE REQUIRED (CFS) 0.37

DIVERSION VOLUME (AFA)

STOCKWATER
 MILKING CATTLE @35 GPD/HD 12.1
 NONMILKING CATTLE @12 GPD/HD 4.7
 TOTAL VOLUME 16.8

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT 0.4
 PARLOR FLOOR AND MILKHOUSE FLOOR 0.0
 CATTLE WASHING BASED UPON METHOD OF WASHING 0.0
 COOLER PLATE USAGE 2.8
 TOTAL VOLUME 3.1

TOTAL DIVERSION VOLUME 19.9

CONSUMPTIVE USE VOLUME (AFA)

STOCKWATER
 MILKING 2.3
 NONMILKING 0.0
 TOTAL 2.3
 COMMERCIAL 0.0
 TOTAL CONSUMPTIVE USE 2.3

PUMP INFORMATION

	WELL 1	WELL 2	WELL 3
PUMP HORSEPOWER (HP)	2.0	0.0	0.0
LIFT (FT)	60	0	0
DISCHARGE PRESSURE (PSI)	30	0	0
FRICTION LOSSES (FT)	0.0	0.0	0.0
HOURS WATER IS PUMPED DAILY	20	0	0

CALCULATIONS

	WELL 1	WELL 2	WELL 3
THEORETICAL FLOW RATE (GPM) *	43	0	0
THEORETICAL FLOW RATE (CFS) *	0.10	0.00	0.00
DAILY VOLUME (GALLONS)	114	0	0
DIVERSION VOLUME (AFA) **	57.5	0.0	0.0

TOTAL COMBINED FLOW RATE (CAPACITY) 0.10

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY DAY OF THE YEAR

EVALUATION OF REDUCTION REQUIRED IF AN IRRIGATION RIGHT IS USED INPUT.

	0.80
RATE (CFS)	0.80
ACRES	40.0
ACRE FEET PER ACRE	4.0
CONSUMPTIVE USE PER ACRE	3.0

	CFS/ACRE	CFS
RATE PER ACRE	0.02	ACRES
RATE NEEDED FOR DAIRY OPERATION	0.10	ACRES
REDUCTION OF IRR. BASED ON RATE	4.8	ACRES
REDUCTION BASED ON CONSUMPTIVE	6.8	ACRES
REDUCTION BASED ON ANNUAL VOLUME	5.0	ACRES

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES

NUMBER OF ACRES THAT CAN BE IRRIGATED BY CONSUMPTIVE USE INPUT DATA

	4.0
IRRIGATION CONSUMPTIVE USE/ACR	4.0
CALCULATED	0.6
ACRES IRRIGATED	0.6

Maximum rate of diversion limited to combined well capacity of 0.10 cfs.

MEMORANDUM

DATE: June 5, 1997
TO: File No. 27-07579
FROM: Cindy Zimmerman
RE: Telephone Conversation

This application is located within the Eastern Snake River Plain Moratorium area. Processing of this application is based on pre-1987 development and usage. The applicant has supplied sufficient evidence of pre-1987 water usage to process this application.

During the review of this application, I noted that the rate of diversion recommended in the dairy worksheet worked up by Keith Wilson on 4/4/97 and identified on the application exceeded the theoretical capacity of the diversion system. I called the applicant, Gaylen Clayson, who confirmed the horsepower of each well pump.

I recommend the rate of diversion identified on the permit issued on this application be limited to the existing system capacity of 0.10 cfs.

DATE: June 12, 1997; 4:00 pm
RE: Water Uses

In preparing this application, Keith Wilson at the region prepared a dairy worksheet to estimate the rate of flow, etc., required for this dairy. In preparing the application, Skip Jones inadvertently used the total rate of diversion for stockwater use rather than using the described stockwater and commercial uses. In my conversation with Skip, he agreed that commercial use as described in the dairy worksheet needed to be added as a use but that the total rate of diversion would not change. Skip advised that the application would not need to be re-advertised.

6/16/97 - This approval should indicate only one point of diversion (one well) in order to reflect what was developed in 1987.
S.W. Keen

CALCULATIONS FOR TOTAL NUMBER COWS IN DAIRY HERD (MILK & NON-MILKING COWS) & REQUIRED DATA FOR DAIRY WATER USE WORK SHEET

FILE: GAYLEG CLAYSON (Sec 29)

ASSUMPTIONS: (1) 10% mortality in calves
 (2) half of calves are bulls
 (3) dairy replaces ~ 1/3 of herd each year

CALCULATIONS: 308 # Milk cows

1. ASSUME: 10% mortality in calves.
 (Milk cows) $\times$ (% remaining cows) = Total Number Calves
 (308) $\times$ (0.9) = 277 Total Calves
2. ASSUME: Half of calves are bulls reduce total by two.
 (Total Calves) $\div$ 2 = Remaining Total of Weanling
 (277) $\div$ 2 = 139 Total Weanling
3. ASSUME: 1/3 herd replaced each year
 Milking started with 3 yr. old use 3*
 Milking started with 2 1/2 yr. old use 2 1/2*
 Milking started with 2 yr. old use 2*
 Herd composition of Non-milk cows:
 (Weanling + Yearlings + 2 yr old) Milking of 3 yr. old
 (Weanling + Yearlings) Milking of 2 yr. old
 (Total Weanling) $\times$ (Num.)* = Total of Non-milk cows
 (139) $\times$ (2 1/2) = 348 Non-milk cows

REQUIRED DAIRY DATA:

1. Composition of herd (Use calculated numbers) (308) Milk Cows
 (348) Non-milk Cows
2. Lagoon anaerobic enter zero; Aerobic enter surface area in acres: [(50) #] $\times$ [(150) #] $\div$ 43560 = (0.2)
3. Evapotranspiration factor for area (AFA): (4)
4. Recycled water use = 0; manual cow washing = 1; Automatic washing = 2; Sprinklers to flush holding pen & wash cows: (Use from Owner "#") (0) uses TUDINE
5. Number of milkings per day: - - - - - # (2)
6. Flow of water for in-barn use (GPM): - - - - - # (65)
7. Duration of Milking (Minutes/Day): - - - - - # (1320)
8. Duration of Clean-Up (Minutes/Milking): - - - - - # (60)

REQUIRED PUMP INFORMATION:

- | | Well 1 | Well 2 | Well 3 |
|---------------------------------------|-----------------|--------|--------|
| 1. PUMP HORSEPOWER (Hp) - - - - - | # (<u>2</u>) | () | () |
| 2. LIFT (Ft) - - - - - | # (<u>60</u>) | () | () |
| 3. DISCHARGE PRESSURE (psi) - - - - - | # (<u>30</u>) | () | () |
| 4. Friction Losses (Ft) - - - - - | (<u>0</u>) | () | () |
| 5. Hours pump is on: - - - - - | # (<u>20</u>) | () | () |

NOTE: All amounts indicated by "#" must be supplied by Dairy.

FILE NUMBER ----- GAYLEN CLAYSON - Sec 29, T01S, R37E
REVIEWER ----- K C WILSON 04/04/97
1 OF 2

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE -----	308
NUMBER OF NONMILKING CATTLE -----	348
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES; IF ANAEROBIC, ENTER ZERO -----	0.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) -----	4
ENTER 0 FOR RECYCLED WATER USE, 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS -----	0
NUMBER OF MILKINGS PER DAY -----	2
FLOW OF WATER FOR IN-BARN USE (GPM) -----	65
DURATION OF MILKING (MINUTES/DAY) -----	1320
DURATION OF CLEAN-UP (MINUTES/MILKING) -----	60
HOURS PUMP IS ON -----	20.0

CALCULATIONS

DAILY VOLUME FOR STOCKWATER (GALLONS):

MILKING CATTLE @35 GPD/HD -----	10780
NONMILKING CATTLE @12 GPD/HD -----	4176
TOTAL (GALLONS) -----	14956
FLOW RATE REQUIRED (CFS) -----	0.28

DAILY VOLUME IN BARN USE (GALLONS):

IN BARN RATE * DURATION (GALLONS) -----	85800
FLOW RATE REQUIRED (GPM) -----	65
FLOW RATE REQUIRED (CFS) -----	0.14
TOTAL FLOW RATE REQUIRED (CFS) -----	0.42

DIVERSION VOLUME (AFA):

STOCKWATER	
MILKING CATTLE @35 GPD/HD ** -----	12.1
NONMILKING CATTLE @12 GPD/HD** -----	4.7
TOTAL VOLUME -----	16.8

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT -----	0.4
PARLOR FLOOR AND MILKHOUSE FLOOR -----	0.0
CATTLE WASHING BASED UPON METHOD OF WASHING -----	0.0
COOLER PLATE USAGE -----	2.8
TOTAL VOLUME -----	3.1

TOTAL DIVERSION VOLUME -----	19.9
------------------------------	------

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER	
MILKING -----	2.3
NONMILKING -----	0.0
TOTAL -----	2.3

COMMERCIAL -----	0.0
------------------	-----

TOTAL CONSUMPTIVE USE -----	2.3
-----------------------------	-----

FILE NUMBER -----
REVIEWER -----

GAYLEN CLAYSON - Sec 29, T01S, R37E
K C WILSON 04/04/97
2 OF 2

THEORETICAL FLOW ESTIMATION WORKSHEET

PUMP INFORMATION

	WELL 1	WELL 2	WELL 3
PUMP HORSEPOWER (HP) -----	2.0	0.0	0.0
LIFT (FT) -----	60	0	0
DISCHARGE PRESSURE (PSI) -----	30	0	0
FRICTION LOSSES (FT) -----	0.0	0.0	0.0
HOURS WATER IS PUMPED DAILY-----	20	0	0

CALCULATIONS

THEORETICAL FLOW RATE (GPM) * -----	43	0	0
THEORETICAL FLOW RATE (CFS) * -----	0.10	0.00	0.00
DAILY VOLUME (GALLONS)-----	114	0	0
DIVERSION VOLUME (AFA) **-----	57.5	0.0	0.0

TOTAL COMBINED FLOW RATE (CAPACITY)----- 0.10

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
DAY OF THE YEAR.

EVALUATION OF REDUCTION REQUIRED IF AN IRRIGATION RIGHT IS USED
IRRIGATION RIGHT (BEFORE CHANGE)

INPUT:

RATE (CFS)	0.80
ACRES	40.0
ACRE FEET PER ACRE	4.0
CONSUMPTIVE USE PER ACRE	3.0

	CFS/ACRE	CFS
CALCULATIONS:		
RATE PER ACRE	0.02	ACRES
RATE NEEDED FOR DAIRY OPERATION	0.14	ACRES
REDUCTION OF IRR. BASED ON RATE/ACRE	7.2	ACRES
REDUCTION BASED ON CONSUMPTIVE USE	0.8	ACRES
REDUCTION BASED ON ANNUAL VOLUME	5.0	ACRES

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

NUMBER OF ACRES THAT CAN BE IRRIGATED BY CONSUMPTIVE USE

INPUT DATA

IRRIGATION CONSUMPTIVE USE/ACRE	4.0
CALCULATED	
ACRES IRRIGATED	0.6

RECEIVED

MAY 21 1997

Department of Water Resources
Eastern Region

Firth, Idaho 83236
Source: GROUNDWATER
Diversion Point: SWSW, Sec. 32, T.
01S, R. 37E, in Bingham County.
Use: STOCKWATER (0.520 CFS)
Total Diversion: (0.520 CFS)
Date Filed: 3/6/1997
In: BINGHAM County
T01S, R37E, S32, NWSW, SWSW

27-07579

CLAYSON, Gaylen
DBA Cedar Arch Dairy
600 N., 710 E.
Firth, Idaho 83236
Source: GROUNDWATER
Diversion Pt: SWNW, Sec. 29, T. 01S,
R. 37E, in Bingham County.
Use: STOCKWATER (0.420 CFS)
Total Diversion (0.420 CFS)
Date Filed: 3/6/1997
In: BINGHAM County
T01S, R37E, S29, SWNW, SENW

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the applicant and the Director, Dept. of
Water Resources, along with a \$25.00 fil-
ing fee, Eastern Region, 900 N. Skyline,
Idaho Falls, Idaho, 83402, on or before
May 19, 1997.

KARL J. DREHER
Director

DEPT. OF WATER RESOURCES
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

27-07578

CLAYSON, Gaylen
DBA Cedar Arch Dairy
600 N., 710 E.

(3266)
Pub.: 5/1, 8

Legal

**AFFIDAVIT OF
PUBLICATION**

County of Bingham

State of Idaho
I, Jacqueline Graham,
Secretary

I swear that I am the Secretary of
The Morning News, which is a daily news-
paper of general circulation, published
each day except Sunday at Blackfoot,
Bingham County, Idaho, said newspaper
having been so published at Blackfoot
aforesaid for more than one year past,
that said newspaper heretofore complied
with all the provisions of Chapter 14 of
the Sessions Laws of Idaho of 1911, as
approved March 11, 1911, and duly design-
ated, pursuant to law, a particular day
of the week as the day on which publi-
cations required by law or by the order of
any Court of competent jurisdiction within
the State of Idaho shall be published for
writ: of each week; that the notice at-
tached hereto and which is a part of this
affidavit and part of the proof of publi-
cation was published in said issue of said
newspaper 2 consecutive times
the first publication having been made on
the 1st day of May,
1997, and the last publication having
been made on the 6th day of
May, 1997; that said notice
was published in the regular and entire
issue of every number of the paper as
aforesaid during the period and time of
publication, and that notice was pub-
lished in the newspaper and not in a sup-
plement.

On this 19th day of May,
in the year 1997, before me a Notary
Public of said State, personally appeared
Jacqueline Graham

known or identified to me to be the per-
son whose name is subscribed to the afo-
re instrument, and being by me first duly
sworn, declared that the statements
therein are true, and acknowledged to
me that he executed the same.

Jacqueline Graham
Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:

October 16, 2002.

Affidavit Processing Fee: \$5.00



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 30, 1997

GAYLEN CLAYSON
DBA CEDAR ARCH DAIRY
600 N 710 E
FIRTH ID 83236

RE: Notice of Application for Permit No. 27-07578 & 27-07579

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application for transfer of water rights. This office is currently in the process of advertising the application in the Morning Newsz May 1 & 8, 1997. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a transfer is issued, you will be sent a copy. A typical processing time for an unprotested application is about twelve weeks.

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

Sincerely,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb

27-07579

CLAYSON, GAYLEN
DBA CEDAR ARCH DAIRY
600 N 710 E
FIRTH, ID 83236

Source: GROUNDWATER

Diversion Pt: SWNW Sec 29 T 01S R 37E in BINGHAM County.

Use: STOCKWATER (0.420 CFS)
Total Diversion: (0.420 CFS)

Date Filed: 3/ 6/1997

In: BINGHAM County
T01S R37E S29 SWNW SENW

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before MAY 19, 1997.

KARL J. DREHER, Director

Published: 5/ 1/1997 & 5/ 8/1997



**Eastern Idaho
Agricultural Credit Association**

Blackfoot Office
P.O. Box 985 - 188 W. Judicial
Blackfoot, Idaho 83221
- Bus: 208/785-1510 -
Toll Free: 1-800-686-8910
Fax: 208/785-4451

March 5, 1997

Water Resources
c/o Keith Wilson
900 Skyline Dr., Suite A
Idaho Falls, ID 83402

RECEIVED

MAR 06 1997

Department of Water Resources
Eastern Region

Dear Mr. Wilson,

Mr. Clayton is submitting to you two applications for water permits on the two dairies he owns in the Firth area. It is our understanding that verification of the number of livestock on the locations prior to the moratorium in 1987 is required. We have searched through our records and have found the following verification.

Sec. 32: SW $\frac{1}{4}$ SW $\frac{1}{4}$, T1S, R32 EBM

Enclosed is a field report form submitted to Eastern Idaho PCA in August of 1987 reporting 535 mature livestock in the dairy herd comprised of milking and dry cows. This number is reasonably verified by a milk receipt from the same year showing the milk production from 410 milking cows. Therefore, is reasonable to conclude the majority of these cows calved during the year. Assuming that 80% of the progeny survived, 428 young stock could have been on the dairy during 1987 for a total of 963 hd.

Sec. 29: SW $\frac{1}{4}$ NW $\frac{1}{4}$, T1S, R32 EBM

Enclosed is a financial statement taken by Eastern Idaho PCA in 1985 by the current owners (at the time) of this dairy. It verifies that a herd of 308 Holstein cattle were on the premises as of that date. Using the same logic as in the previous instance it can be concluded that another 246 young stock were on the premises that year for a total of 554 hd.

Thank you for your assistance in this matter.

Sincerely,
Eastern Idaho ACA


Lorry Pitcher
Loan Officer

Form PCA 360A
Spokane (Rev. 7/78)

FINANCIAL STATEMENT

Member No. 231-02-5092728Name Howard & Jay MadsenDate 9-10-85To Eastern IdahoPRODUCTION CREDIT ASSOCIATION ("ASSOCIATION") of Blackfoot

ASSETS			AMOUNT	LIABILITIES			AMOUNT	PAY
Cash on Hand and in Bank			1,000	Notes Payable (Unsecured):				
Current Receivables (Collectible within 1 year):								
(If above are secured, list type of security)								
Federal Payments Due and Receivable				Debits Secured by Chattels				
Livestock on Hand:				(Installments due within one year)				
NUMBER	KIND	VALUE		CREDITOR	SECURITY	DUE		
308	Hya. CATTLE	197,150	197,150	PCA	Cattle, m/s, Cows	9/85	36,460	36,460
				M.F. L.	M.F. Traction	1/86	6,000	
				R. MADSEN	20th term	6/86	8,415	388/month O.A.
				PCA T/L 4	Feedlot 250000	9/85	- 0 -	350/month O.A.
Farm Products on Hand or in Storage:				PCA Term Loan Installments Due within 1 Year:				
QUANTITY	KIND	VALUE		Taxes, Assessments, & R/E Payments Due:				
12	HAY SILAGE & S	660		KIND	YEAR			
3,000 H.	BARLEY C-20	6,900	11,910	Taxes	6/12/85	2,400		
517	Dry Hay 9/85	3,850		FLBA	6/20th 10/85	- 0 -		Term/Ann. O.A.
1000 BLS	WHEAT 9/80	1,000		State & Federal Income Taxes Due				
Cash Investments - Crops				Other Current Liabilities (Itemize):				
Supplies on Hand:				BEST MARBLE - HAY			20,929.	
				FARMER OIL - Fuel			3,800	31,429
				HARROW - Repair & Supplies			2,800	
Other Current Assets (Itemize):								
B Stock ☒ A Stock ☐			4,480	TOTAL CURRENT LIABILITIES			84,704	
TOTAL CURRENT ASSETS			214,440	Real Estate Mortgages & Contracts:				
Real Estate:				ACRES	CREDITOR	TERMS		
CULT. A. OTHER	TITLE IN NAME OF			115	FLBA		831,266	
100 15	OWN	105,000						
	Home 1977	50,000		Other Liabilities (Itemize):				
	Barren 1983	169,000		PCA T/L 4	Feedlot	9/86-89	20,124	
	Grassland 1984	25,000		M.F. L.	Traction	1/87-88	10,000	
FLBA Stock			11,750	R. MADSEN	20th term	6/87	10,000	
Real Estate Sale Contracts Receivable:				TOTAL LIABILITIES			356,094	
JHA			8,000	This Section for Corporation Loans Only				
Machinery and Equipment			20,164	Capital Stock Paid In				
Other Assets (Itemize):				Surplus (Deficit)				
28 Feed	4.7. D.	2200		NET WORTH			302,060	Penalty 4 Cattle value 7/82, 100
28 Feed	27. Traction	1600		TOTAL LIABILITIES & NET WORTH . . .			663,154	-4,342
17 Feed	4.7. D. U	2000						
28 Peniac		4000						
TOTAL ASSETS			663,154					

GENERAL INFORMATION

- Liability: Partnership loans \$ NO or for others as endorser or guarantor \$ NO ; as bondsman \$ NO
- Explanation: _____
- Judgments outstanding or suits or litigation pending for or against applicant: None
- Have you ever taken bankruptcy? NO Explain _____
- Have required income tax returns been filed? Yes Are any returns under dispute? No Are there any unpaid deficiencies? NO
- Explain _____

THE UNDERSIGNED for the purpose of procuring a loan or aiding applicant in procuring a loan from the Association furnishes the Association with the information contained in the foregoing statement, written and printed, which fully and truly sets forth the financial condition of the undersigned as of the date first written above and upon which Association may rely as continuing to be full and accurate unless and until notice of change is given Association. The undersigned has no liabilities of any nature whatsoever other than stated herein and agrees to notify the Association promptly of any change in the financial condition of the undersigned that in any way affects adversely the financial responsibility of the undersigned.

SIGNED AT Blackfoot Idaho on the date shown opposite each signature.

HOWARD & JAY MADSEN
(Type name and capacity such as applicant, co-maker,
guarantor, partner or stockholder)

Howard Madsen
(Signature)
Jay Madsen
(Signature)

9-10-85
Date
9-10-85
Date