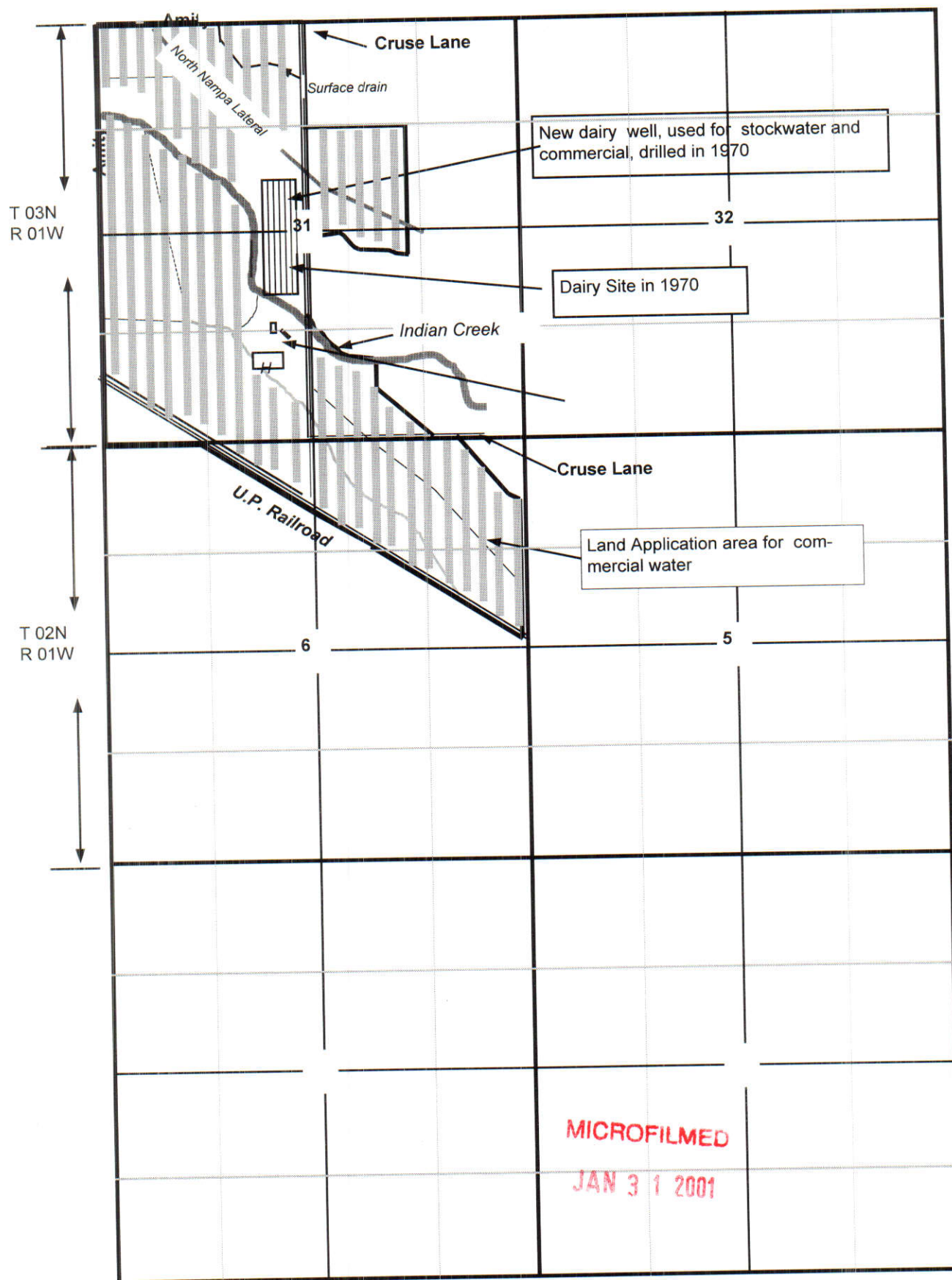


Map of Project



Shulerlane Farms	Identification No.	
		Scale 3" = 1 mile
		Prepared by: Darwin Vander Stelt



FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. W027548
Receipt By: DAN NELSON
Date Received: 4-11-01
RECEIVED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

APR 12

APR 11 2001

PROOF OF BENEFICIAL USE Department of Water Resources

WATER RESOURCES
WESTERN REGION

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.

1. Permit No. 63-12 894 Telephone No. (208) 465-0477

2. Name of Permit Holder(s): Schuler Lane Faudon

3. Mailing Address: 1815 CROSE LN.

City NAMPA State ID. Zip 83687

4. Source of Water: Ground water If **GROUNDWATER** (well), Date Drilled: mo. 1 / yr. 1970

Well Driller: Unknown Drilling Permit Number: Unknown

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): NONE Stockwater (No. and type of stock):

960 DAIRY
Irrigation (No. of acres): None Other: Com. Dairy

6. Total rate of diversion and/or volume for which proof is submitted: 16 cfs OR acre-feet

7. 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?
Has the measuring device been installed?

Yes or No X
Yes or No X

8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: John Schuler Telephone Number: 465-0477

Address: 1815 Crose Ln. Nampa Id. 83687

10. 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: John Schuler Pres. (include your title, if on behalf of company or organization)

Date: 4-11-01

MICROFILMED
APR 26 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-12594

Priority: 06/12/2000

Maximum Diversion Rate: 0.16 CFS

This is to certify, that SCHULERLANE FARMS INC
1815 CRUSE LN
NAMPA ID 83687

has applied for a permit to appropriate water from:

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

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESENNW Sec. 31, Twp 03N, Rge 01W, B.M. CANYON 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	
03N 01W 31								X	X								

PLACE OF USE: COMMERCIAL

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 01W 6	X	X	X	X													
03N 01W 31			X		X	X	X	X	X	X	X	X			X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before May 01, 2001.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

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JAN 31 2001

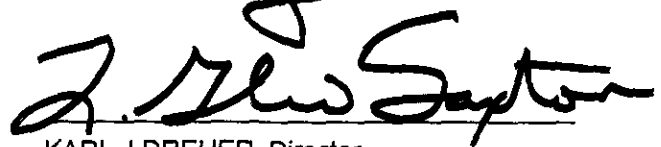
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-12594

CONDITIONS OF APPROVAL

6. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
7. Water bearing zone to be appropriated is from 25 to 150 feet.
8. Stockwater use is for 480 dairy cattle and 480 heifers.
9. Commercial use is for a dairy.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 3rd day of January, 2001.


KARL J DREHER, Director

for

MICROFILMED

JAN 31 2001

RECEIVED

NOV 24 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

JUN 12 2000

WATER RESOURCES
WESTERN REGION

Department of Water Resources

1. Name of Applicant Schulerlane Farms Inc.Phone 465-0477Mailing address 1815 Cruse Lane, Nampa, ID 83687

2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 03N Range 01W Sec. 31 in the NE 1/4, SE 1/4, NW 1/4, Govt. Lot _____, B.M., Canyon County County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 10.3 / .06 for Stockwater purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 17.9 / .10 for Commercial purposes from 01/01 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)

5. Total quantity to be appropriated is (a) .16 and/or (b) 28.09
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 _____
A new well was drilled for the dairy in 1970.

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

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

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

e. If well is already drilled, when? 1970; Drilling firm unknown

Well was drilled for (well owner) Applicant; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is
- 0
- 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. 480 dairy cows and 480 heifers

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. Commercial use of additional 17.79 afa for new dairy constructed in 1970. New parlor used a wash pen and substantially increased the commercial use of water.

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JAN 31 2001

6. **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.

[illegible]

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. Claim filed at same time as this application

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

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

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:

The dairy was substantially expanded to 480 cows and 480 heifers in the early 1970's, and a new facility constructed in 1970. A new well was drilled at that time.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"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.)

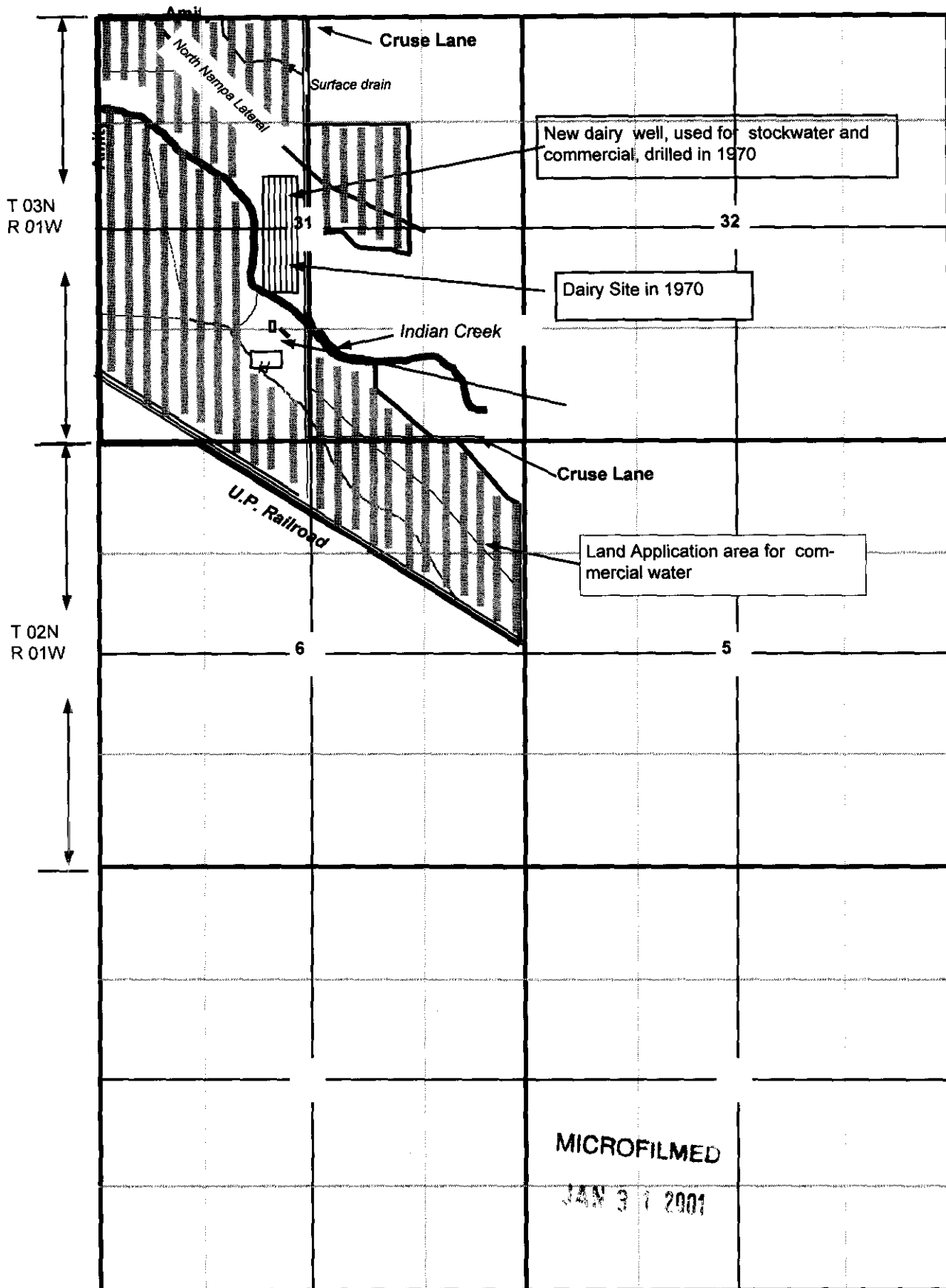
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John DeLuca
Signature of Applicant (and title, if applicable)

Received by 6 Date 6/12/00 Time 10 A Preliminary check by 6
 Fee \$ 50 Received by 6 # W026571 Date 6/12/00
 Publication prepared by 6 Date 6-7-14-00 Published in PRESS TRIBUNE
 Publication approved 6 Date 10-1-00

JAN 3 1 2001

Map of Project



Shulerlane Farms	Identification No.	
		Scale 3" = 1 mile
		Prepared by: Darwin Vander Stelt

Attachment A

Daily Fresh Water Use (1987)

Schuleriane Farms Inc.

Source: "Fresh Water Considerati for Dairy Farms"

Dean Falk, Extension Dairy Specialist, Univ. of Idaho

Drinking Water Estimates (see Table 1 & 2):

	Number	Use/day	Total Gal/Day	Total Gals/Yr.	Acre-feet/Yr (AF/a)
Milking Cows	400	35	14000		
Dry Cows	80	12	960		
Total Cows	480		14960	5,460,400	16.76
Heifers:					
Age	% of Herd	Number	Use/day	Total	
16-24 mo.	0.38	182	10	1824	
13-15 mo.	0.12	58	8	460.8	
9-12 mo.	0.17	82	6	489.6	
5-8 mo	0.17	82	5	408	
3-4 mo	0.08	38	4	153.6	
0-2 mo	0.08	38	2.5	96	
Total Heifers		480		3432	1,252,680 3.84
Total Herd Drinking Water					20.60

Wash Pen Estimate (Table 3):

GPM discharge/nozzle		5.15			
Number of Nozzles		80			
Minutes run/day:		40			
groups	4				
mins/group	5				
x/day	2				
days per year		365			
Total Wash Pen Water Used:			16480	6,015,200	18.46

Milk House and Parlor Estimate (see Table 4)

Item	Gals/Op	x's/day	Gals/day		
Bulk Tank	150	1	150		
Pipeline	120	2	240		
Backflush		2	0		
Cleanup	800	2	1600		
Cow Prep	0.5	2	400		
Plate Cooler(ignore if recycled)					
Total Milk House and Parlor Water Used:			2390	872,350	2.68
Total Gals/Day				37262	
Total Fresh Water Diverted Annually (af/a consumptive use)					41.7

Total Flow for stock water	5.89	acres X's	0.02	0.118
Total Flow for Commercial	6.04	acres X's	0.02	0.121
Total commercial and stockwater flow in 1987				0.239 cfs

A new well (#4) was dug near the (then) new parlor in 1970. All of this flow was from that well with the exception of stockwater for 150 heifers, which was provided by well #1. Well # 2 was used strictly for domestic use

Because no data is available on actual flow used for stockwater and commercial in 1987, the following method was used to develop a reasonable number:

1. All stockwater and commercial use is considered consumptive, and because we know that allowable consumptive use for irrigation was 3.5 afa in 1987, divide the actual quantities used by 3.5 afa to calculate equivalent acres.
2. Maximum allowable flow for irrigation is .02 cfs/acre. Multiplying the equivalent acres by the .02 maximum flow/acre yields the following flows:

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JAN 31 2001

Attachment A (Continued)

	Stockwater		Commercial	
	Quantity(afa)	Flow (cfs)	Quantity(afa)	low (cfs)
Total Water used in 1987	20.60	0.118	21.14	0.121
Quantity covered by 1963 claim	10.3	0.059	3.35	0.019
Water requested in this application	10.30	0.06	17.79	0.10
Observed remaining flow from 3 artesian wells:		75	GPM	(Owner's estimate, can be checked against current flow from wells)
Flow diverted to irrigation system during season (well 1 & 2)		0.167	cfs	
Flow diverted to irrigation system during season (well 3)		0.200		
Total flows from 3 artesian wells for irrigation (unchanged)		0.367	cfs	

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JAN 31 2001



T3082
2
12.4

3
13.9

9
13.2

N/NW
11
8.2

N/NW
13
13.2

2
12.3

2
19.3

T3082

N/NW
4

T3104

4.3
2.6

5
13.0

16
20.0

5
6.8

4
7.1

2
3.6

3
8.7

4
8.0

31
6

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2001

5C.2.
1890 = 66'



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

April 13, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SCHULERLANE FARMS INC
1815 CRUSE LN
NAMPAL ID 83687

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12594

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-1290.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

APR 26 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 63-12594

Reviewed By: dgibson

Date: April 13, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		W026571, W027548	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		04/11/2001
Date proof due	-	05/01/2001
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	06/12/2000
New priority date	=	06/12/2000

Deficiencies of Actions Items

Acknowledge proof.

February 28, 2001

SCHULERLANE FARMS INC
1815 CRUSE LN
NAMPA, ID 83687

PROOF DUE NOTICE

RE: PERMIT NO. 63-12594

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 May 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified 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.

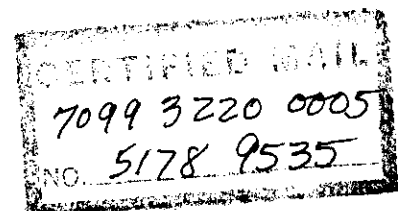
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
APR 26 2001





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

January 5, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCHULERLANE FARMS INC
1815 CRUSE LN
NAMPA ID 83687

RE: Permit No. 63-12594

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

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.

MICROFILMED

1999 1 1 1999

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley Keen".

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

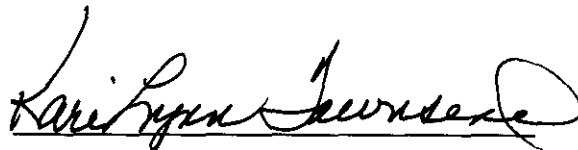
JAN 31 2001

CERTIFICATE OF MAILING

I hereby certify that on the January 05, 2001 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. 63-12594

**SCHULERLANE FARMS INC
1815 CRUSE LN
NAMPA ID 83687**

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

**Kari Lynn Townsend
Secretary**

MICROFILMED

JAN 31 2001

**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).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

JAN 31 2001

No. C 50215		Due no later than Oct 31, 2000 Annual Report Form		2 Registered Agent and Office NO PG BOX	
MAIL TO: SECRETARY OF STATE 700 WEST JEFFERSON POST BOX 33726 BOISE, ID 83726-0026		1.0001 Address of the Corporation SCHILLERLANE FARMS, INC. JOHN SCHILLER 1815 CRUISE LANE NAMPA, ID 83857		JOHN SCHILLER 1815 CRUISE LANE NAMPA, ID 83857 3. How Registered Agent Signature	
NO FILING FEE IF RECEIVED BY DUE DATE					
4 Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
Office held	Name	Street P.O. Address	City	State	Zip
Pres.	John Schiller	1815 Cruise Ln.	Nampa	ID	83857
V. Pres.	Margaret Schiller	1815 Cruise Ln.	Nampa	ID	83857
5. Organized Under the laws of:		6.			
IDAHO C 50215		Signature <i>John Schiller</i>		Date 8-15-00	
		Name <i>John Schiller</i>		Title <i>Pres.</i>	
Issued 05/01/2000		Do Not Tape or Staple		2154	

MICROFILMED

JAN 31 2001

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 12/5/00

No. 63 12594 Name: Schuler Lane Corp. Officers ✓ Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes TVGN Moratorium GWMA TRUST/NON-TRUST
study area

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84
Swan Falls Flag
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - ~~R37 (BLM/USFS)~~ NA
MINING - 054-106(P10)
FISH/PROP - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 5 / 01 / 2001

MISC CONDITIONS/REMARKS:

~~Protected~~ - 020-W19
Development Period
≤ 1 yr - (P16)
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
In-stream development - P52
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
PAYETTE R (65) - 047(P04) (Payette Lake)
SALMON R (70's) - 029 (fish screens)
WEISER R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

IRRIGATION SEASON - (Per updated map)

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS Water bearing zone 25-150 ft. C/dairy 5/960 dairy
COMMENTS Is volume limitation appropriate to add? 480 dairy helpers
dairy cond. land app.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: ly DATE: 8/2/00 APPLICATION: 63-12594

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, 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. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

RECEIVED

NOV 24 2000

Department of Water Resources

Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

☒ ADVERTISE REMARK(S)
(Reviewer identify which remarks)

done T FLAG CHANGED TO P FLAG

YES NO

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

water bearing zone, request to process

Date Requested 8/2/00 Date Response Received 8/15/00
received per Darwin,
(consultant)

PROCESSING

APP. NO. 162-12594

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. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Water Planning Bureau
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☐ ☐ Final date for protest 9-25-00
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District # _____
☐ ☐ Special conditions of approval or cover letter: Must comply with all health & environmental laws, rules, and regulations.
This water right does not authorize direct irrigation with groundwater.

See below for additional information

Recommended Date or Priority 6/12/2000Recommended by: Darys Date: 11/20/00**ADDITIONAL INFORMATION:**

see accompanying x-fer # 5808 (A63-31100)

RECEIVED
SEP 21 2000
WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12594

SCHULERLANE FARMS INC
1815 CRUSE LN
NAMPA, ID 83687

Source: GROUNDWATER

Diversion Pt: NESENW Sec 31 T 03N R 01W In CANYON County.

Use: STOCKWATER (0.060 CFS)

COMMERCIAL (0.100 CFS)

Total Diversion: (0.160 CFS)

Date Filed: 6/12/2000

In: CANYON County

T02N R01W S06 Lot 1 (NENE)	Lot 2 (NWNE)	SWNE	SENE
T03N R01W S31	SWNE	NENW Lot 1 (NWNW)	Lot 2 (SWNW)
	SENW	NESW Lot 3 (NWSW)	Lot 4 (SWSW)
	SESW	NWSE	

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

Development completed by November 1987.

Water bearing zone from existing well to be appropriated is from 25 to 150 feet.

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before SEPTEMBER 25, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. OREHER, Director

September 7, 14, 2000

1714

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Carolyn Roberson
of Nampa, Canyon County, Idaho, being first duly
sworn, deposes and says:

1. That I am a citizen of the United States, and at all times
hereinafter mentioned was over the age of eighteen years, and not a
party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily
newspaper published in the City of Nampa and Caldwell, in the
County of Canyon, State of Idaho; that the said newspaper is in
general circulation in the said County of Canyon, and in the
vicinity of Nampa and Caldwell, and has been uninterruptedly
published in said County during a period of seventy-eight
consecutive weeks prior to the first publication of the notice, a
copy of which is hereto attached.

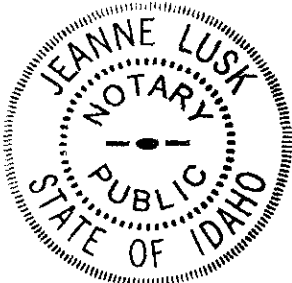
3. That the notice, of which the annexed is a printed copy, was
published in said newspaper two times in the regular and entire
issue of said paper, and was printed in the newspaper proper, and
not in a supplement.

4. That said notice was published the following dates:
September 7 and 14, 2000

Carolyn Roberson
STATE OF IDAHO)
)
County of Canyon)

On this 14th day of September in the year of 2000
before me a Notary Public, personally appeared. Carolyn
Roberson, known or identified to me to be the person whose
name subscribed to the within instrument, and being by me
first duly sworn, declared that the statements therein are true,
and acknowledge to me that she executed the same.

Jeanne Lusk
Notary Public for Idaho
Residing at Nampa
My Commission expires June 21st, 2003



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SEP 21 2000

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SEP 21 2000
VICTIM RESOURCES
WESTERN REGION

MEMORANDUM

DATE: 7/31/00

FROM: Lori Graves ☺ 6

TO: Transfer File

RE: Schulerlane Dairy

Attachments

- A. Dairy Requirements
- B. Crop History
- C. Flow/Volume Calculations
- D. Lagoon Size
- E. 1990 FSA Photo
- F. Ownership Documentation
- G. Lienholder Approval

Brief

The dairy site has existed since 1948 without the applicant properly recording the water rights. As a result, SRBA claim A63-31100 was filed for uses developed prior to 1963. Application for permit no. 63-12594 was filed for uses developed between 1963 and 1987. This transfer was filed based on SRBA claim A63-31100 for uses developed after 1987 and to cover future expansion plans.

History

The first dairy was located south and west of Indian Creek and operated until 1970. By 1963, cow numbers had reached 250 cows and 250 heifers. In 1970, a new dairy was built north and east of Indian Creek and a new well was drilled next to the new milking parlor. A capacity of 480 cows and 480 heifers was reached by 1987. Another new dairy was constructed between 1993 and 1995. The capacity of this dairy is ~1000 cows and 900 heifers, which the owner hopes to reach by 2002.

The system consists of three artesian wells and one non-artesian well. The excess flows from the artesian wells can supplement surface water irrigation via ditch and gated pipe.

Overlaps

Claim A63-08719 is for a well that has not been used for over 20 years according to applicant's consultant. Applicant does not feel that this claim will be recommended in

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JAN 31 2001

the SRBA due to non-use. The water right was not included in this transfer because historical use could not be established.

As referenced above, application for permit no. 63-12594 was filed by the applicant with this transfer for commercial and stockwater uses developed between 1963 and 1987.

Nampa/Meridian Irrigation District water also covers the acres listed. No other rights are used.

Verification

Applicant provided a 1990 FSA photo. Department aerial photos from 1987 and 1994 were also used to determine the dairy's stages of development.

Power records were not available for the artesian wells. Based on artesian flows from the three wells, applicant estimated that the wells supplemented the surface water on the 96 claimed acres at a diversion rate of ~.37 cfs.

Nampa/Meridian Irrigation District supplies .78"/ac or .0156 cfs/ac. This leaves .22"/ac or .0044 cfs/ac that could supplement the surface water.

Attachment B of the transfer developed an average historic diversion volume estimation of 4.4 afa/ac averaged from three recent years of crop records. The following compares the logistics of this amount to IDWR standards:

$$\frac{4.4\text{afa}}{4.5\text{afa}} = \frac{X}{.02\text{cfs}} = .019555 \text{ cfs/ac (96 ac)} = 1.88 \text{ cfs}$$

$$(.78")(.02\text{cfs})(96\text{ac}) = 1.5 \text{ cfs}$$

$$1.88 \text{ cfs} - 1.50 \text{ cfs} = .38 \text{ cfs}$$

To satisfy the historic diversion volume of 4.4 afa, it is safe to assume that .38 cfs of groundwater was needed to supplement the surface water. The applicant is claiming .37 cfs irrigation water from the artesian wells on SRBA claim A63-31100. Based on the above calculations, **this amount appears reasonable.**

In regards to the transfer, ground water could have historically irrigated 18.9 acres at 83 afa/ac diversion volume and 50 afa/ac consumptive use volume.

18.9 ac – 8.3 ac needed for dairy = 10.6 remaining acres that can be irrigated soley with ground water @ .02 cfs/acre

-or-

96 acres – 8.3 ac needed for dairy = 87.7 remaining acres that can be supplemented with ground water @ .0044 cfs/acre

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After reviewing the documentation submitted along with having personal knowledge of the dairy's progression, SRBA agent Mel Schulte said he would recommend claim A63-31100 as filed.

Recommendations

Approve the transfer and associated application for permit as filed.

Have applicant withdraw claim A63-08719.

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JAN 31 2001



Lionel C. Ickes
D.V.M.

William J. Maupin
D.V.M.

Shawn Gleason
D.V.M.

Stuart Shoemaker
D.V.M.
DIPLOMATE A.C.V.S.

Liz Scott
D.V.M.

Nick Kalafatic
D.V.M.

16080 Equine Drive
Nampa, Idaho
83687

(208) 466-4613
fax (208) 466-7859

June 12, 2000

Idaho Department of Water Resource

RE: Schulerlane Farms

To Whom It May Concern;

Schulerlane Farms, owned by John & Barbara Schuler, have been clients of Idaho Equine Hospital for many years. In 1970 they drilled a new well on their property in addition to building a newer facility to accommodate their herd of 480 cows and 480 heifers. If further information is required please contact Dr. Ickes at 466-4613.

Respectfully,

Lionel C. Ickes, D.V.M.

*Idaho
Canyon*

12th June 2000

Kristin M. Bitter
9/18/03

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JAN 31 2001

MEMORANDUM

TO: Lori Graves & IDWR
FROM: Darwin Vander Stelt, preparer

DATE: 04/26/2000

RE: Application for Permit, Schuler Lane Farms

The applicant wishes to claim stockwater, commercial, and irrigation rights for water used continuously since 1948.

DOCUMENTS AND APPLICATION PREPARATION

- A. Dairy Water Requirement Worksheet
- B. Aerial photo circa 1990 showing dairy facility as it was in 1987, with explanation.
- C. Ownership documentation - *see Transfer*

CURRENT RECORDS & PROPOSED CHANGE

The applicant has dairied continuously on the current site since 1948. There are no recorded stockwater or commercial water rights. Applicant has filed a Notice of claim to a water right for water used prior to 3/25/63. This application is for a permit to appropriate additional water to cover an expansion in animal numbers prior to 1987.

A new dairy facility was constructed in 1970, and a new well drilled next to the milking parlor. By 1987, the herd size had expanded to 480 cows and 480 heifers.

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JAN 31 2001

REQUEST TO PROCESS

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

Name of Applicant

SCHULERLANE FARMS INC

Mailing Address

1815 CRUSE LN
NAMPA ID 83687

Application No.
(if known)

63-12594

 IN LOCAL PUBLIC INTEREST

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

 PROPOSE MITIGATION NOW

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

 / WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

Daniel VanderStell for Schulerlane Farms

Date

8/14/00

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082
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JAN 31 2001



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

AUGUST 30, 2000

Legal Notices Department
Press-Tribune
P.O. Box 9399
Nampa, ID 83652

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 25, 2000.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

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JAN 31 2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

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APR 3 1989

63-12594

SCHULERLANE FARMS INC
1815 CRUSE LN
NAMPA, ID 83687

Source: GROUNDWATER

Diversion Pt: NESENW Sec 31 T 03N R 01W in CANYON County.

Use: STOCKWATER	(	0.060 CFS)
COMMERCIAL	(	0.100 CFS)
Total Diversion:	(	0.160 CFS)

Date Filed: 6/12/2000

In: CANYON County

T02N R01W S06	Lot 1(NENE)	Lot 2(NWNE)	SWNE	SENE
T03N R01W S31	SWNE	NENW	Lot 1(NWNW)	Lot 2(SWNW)
	SENE	NESW	Lot 3(NWSW)	Lot 4(SWSW)
	SESW	NWSE		

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

Development completed by November 1987.

Water bearing zone from existing well to be appropriated is from 25 to 150 feet.

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JAN 31 2000

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before SEPTEMBER 25, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 9/ 7/2000 & 9/14/2000

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