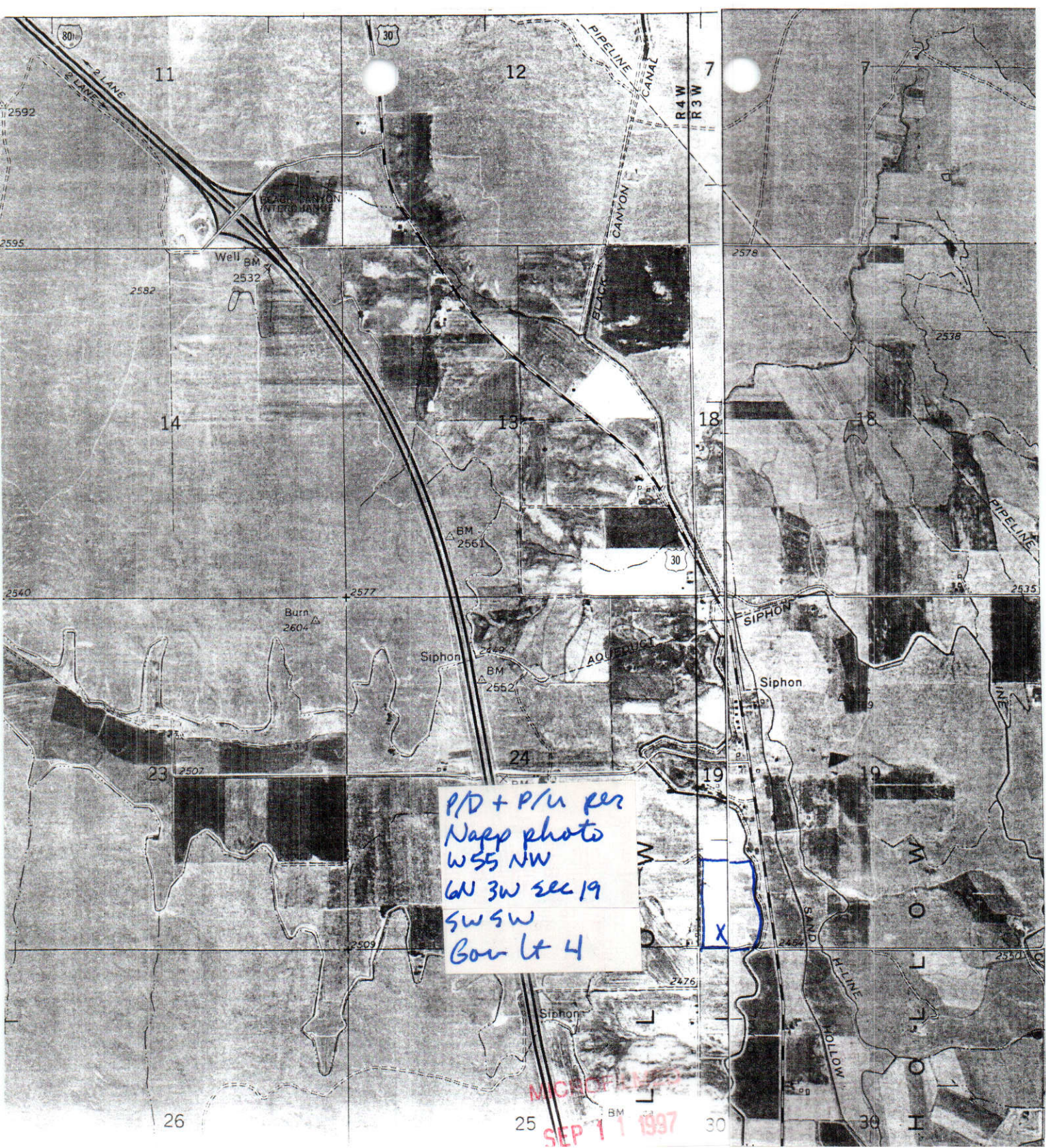


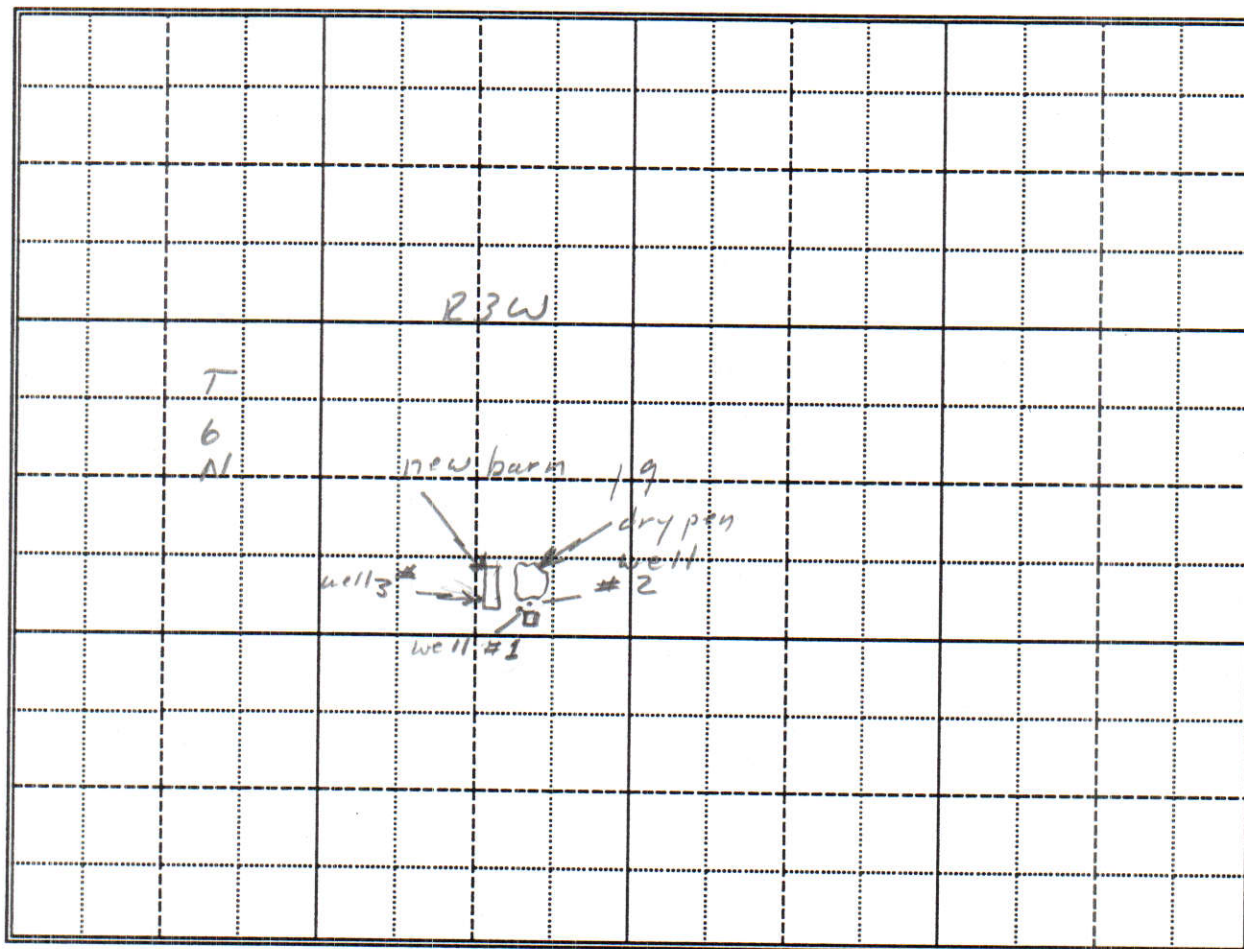


P/D + P/U per
Napp photo
W55 NW
6N 3W Sec 19
SW 9W
Box Lt 4

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SEP 11 1997

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	Franklin	1.5	unknown	Myers	1"
#2	Franklin	1.5	unknown	Myers	1"
#3 (2 pumps)	Franklin	2.5	unknown	Gould	2"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1. Calculated

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Well #1 & 2 measured with stop watch and 5gal bucket. Well #3 flow was calculated using a pumping level measurement, assumed efficiency and measured pressure.

SHEET #1
PERMIT #63-12364



P/D #1



P/D #2



P/D #3



COMPRESSOR & HOT WATER SYSTEM

SHEET #2
PERMIT #63-12364

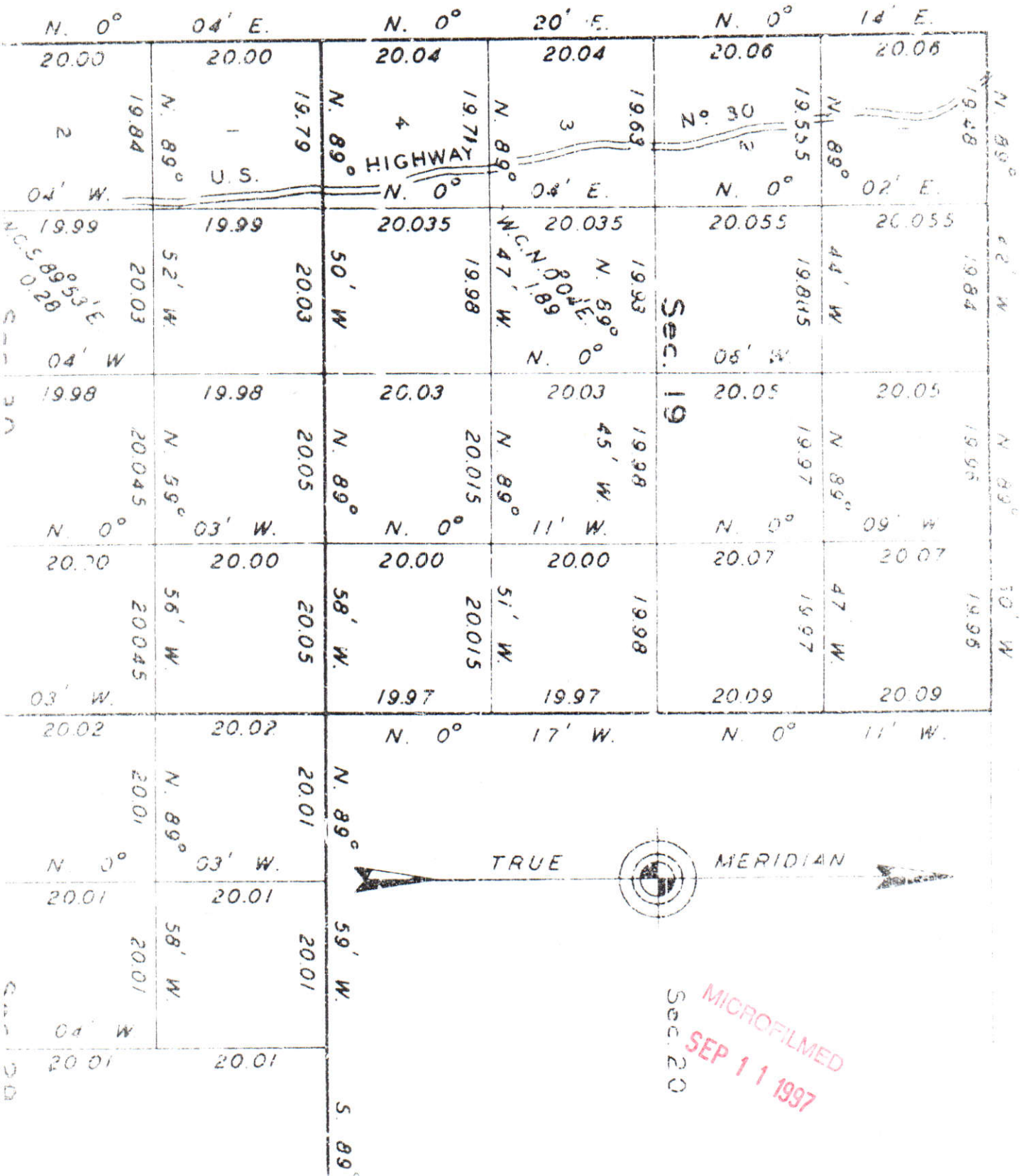


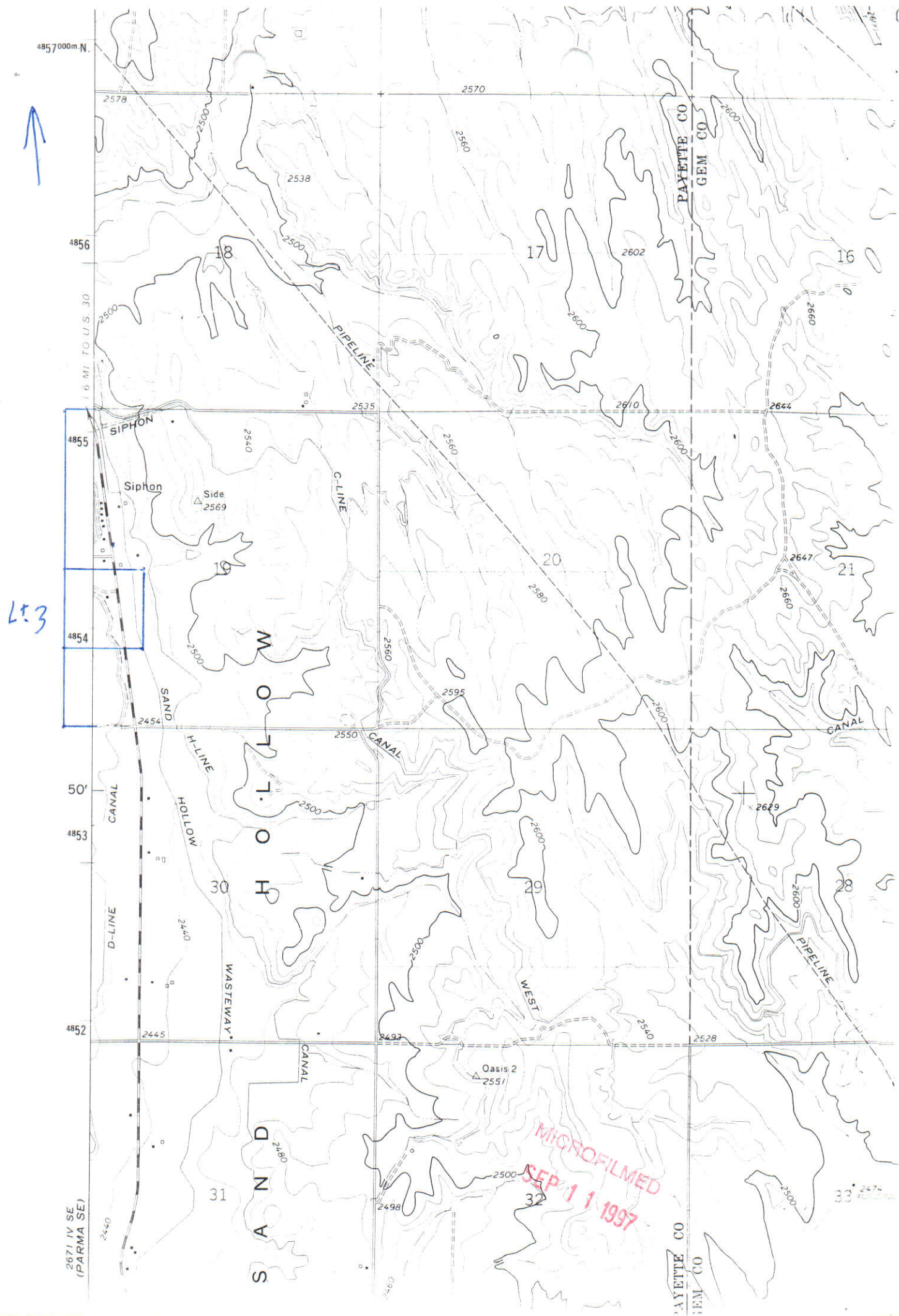
MILKING PARLOR



INITIAL COLLECTION LAGOON

DEPENDENT RESURVEY





BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-12364	)	ORDER OF
	)	
IN THE NAME OF BEN AND TONI	)	REINSTATEMENT
CHOUTCHOURROU	)	
_____	)	

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before September 1, 1998; and,

WHEREAS, the Department notified the permit holder on June 30, 1998, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

WHEREAS, the department sent the permit holder a lapse notice on September 8, 1998, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on September, 1998;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-12364 is **REINSTATED** with an advance in priority to **October 7, 1996**.

DATED this 12th day of November, 1998.



L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

SEP 08 1998

WATER RESOURCES
WESTERN REGION

FOR OFFICE USE ONLY

Amt. of Fee \$:

Receipt No.

Receipt By:

Date Received:

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SEP 18 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

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 who has been appointed by the department.

1. Permit No. 631 2364 Telephone No. 459 1878
2. Name(s) of Permit Holder(s): Ben Chautchourrou
3. Mailing Address: 6020 SE 10th Coldwell Id 83605
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 1 / yr. 98
 - a. Well Driller: Davis Well Drilling Drilling Permit Number: 63 - 96 - W - 0738
 - b. OPTIONAL:
Pump Horsepower: 7.5 Pressure (psi): 41 Dynamic pumping level (ft): 63
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 300 dry dairy
Irrigation (No. of acres): _____ Other: 400 milking
Commercial - dairy
6. Total rate of diversion and/or volume for which proof is submitted: .22 cfs OR 36 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?

Yes _____ or No X

Has the measuring device been installed?

Yes _____ or No X

Flow Measurement Port: Is a flow measurement port required?

Yes _____ or No X

Has the measurement port been installed?

Yes _____ or No X

8. Fee Enclosed: \$ N/A (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: N/A Telephone Number: _____

Address: _____

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Bernard Chautchourrou Date: 9/4/98
(Include your title, if on behalf of company of organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12364

Proposed Priority: September 30, 1996 Maximum Diversion Rate: 0.22 CFS

This is to certify, that BEN CHOUTCHOURROU
TONI CHOUTCHOURROU
6020 SE 10TH
CALDWELL ID 83605

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	0.22 CFS
COMMERCIAL	01/01 to 12/31	0.22 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.22 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (SWSW), Sec. 19, Township 06N, Range 03W
PAYETTE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

06N 03W 19 Lot 4(SWSW)

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

PLACE OF USE: DOMESTIC, 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 September 1, 1998.
2. Subject to all prior water rights.
3. 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.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. Three points of diversion are located within Lot 4 (SWSW), S19, T10N, R05E.
6. Stockwater use is for 400 dairy and 300 dry cattle.
7. Commercial use is for a dairy.
8. Domestic use is for 1 home.
9. The total annual volume diverted pursuant to this right shall be limited to 36.0 acre feet.
10. Water bearing zone to be appropriated is 100 to 200 feet.

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SEP 11 1997

State of Idaho
Department of Water Resources

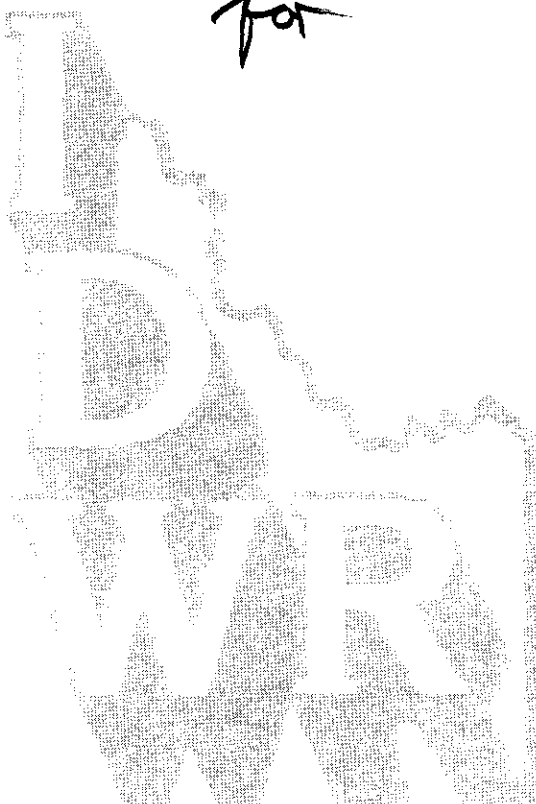
Permit To appropriate Water

NO. 63-12364

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

20th day of August, 1997.

Karl J. Dreher
Karl J. Dreher, Director
for



MICROFILMED

SEP 11 1997

Drilling Permit No. 23-916-41-0738-000
 Water Right Per. No. AC2-21478 63.12364
 Injection Permit No. _____

WELL DRILLER: PLEASE COMPLETE FOR VERBALS

IDWR Employee Issuing Verbal: _____

Verbal Issued Date: _____ Time: _____

~~Transfer pending to~~
~~add P/D~~

Application for permit
 Pending

State of Idaho
 Department of Water Resources

APPLICATION FOR DRILLING PERMIT

BERNARD (FOR THE CONSTRUCTION OF A WELL)

1. Applicant (please print): Bernard Toni Chautchouron2. Mailing Address: 6020 SE 10thCity & State Caldwell, ID Zip Code 83605 Telephone 459-1898☒ Well Owner ☐ Well Operator ☐ Contractor or Other, specify _____3. Proposed Well Location: Twp. 6N, Rge. 3W, Sec. 19, SW 1/4 SW 1/4Gov't Lot No. 34 County PayetteStreet Address of Well Site 6020 SE 10th City Caldwell
Give at least name of road + Distance to Road or Landmark

Lot, block and subdivision _____

4. Proposed Use of Well:

- ☐ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☐ Irrigation ☐ Municipal ☐ Industrial
☒ Stock ☐ Test ☒ Other Dairy
(Over 1,000 Head) (Describe)

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required for each blanket permit.
 No. of proposed wells: _____

5. Well Construction Information:

A. ☒ New well ☐ Modify ☐ ReplaceB. Proposed Casing Diameter 8" Proposed Maximum Depth 225'

C. Anticipated bottom hole temperature:
☒ 85°F or less ☐ 85°F to 212°F ☐ 212°F or more
(Cold Water Well) (Low Temp. Geo. Well) (Geothermal Well)

6. Construction Start Date: 11-1-96

7. Anticipated Well Driller: Davis well Drilling Driller's Lic. No. 101
 NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature Bernard Chautchouron Date SEP 30 1996

Title Owner
(Owner Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approval Date 8-21-97

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

SPECIFIC CONDITIONS:

The producing interval of this well shall be between 100' and 200'.

This well shall not be placed within 100' of any Feedlot, Waste Lagoon or other sources of contamination, and should be sited up-gradient of such a source of contaminants.

[Signature]
Signature of Authorized Department Representative

Sec. Manager
Title

Receipt No. W021556 Received by OB Fee \$ 200 - Date 9-30-96

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

MICROFILMED
SEP 11 1997

Ident. No. 63-12364

RECEIVED

AUG 08 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: BEN CHOUTCHOURROU 208-459-1898
Address: 6020 SE 10TH
CALDWELL ID 83605
OR
Name: TONI CHOUTCHOURROU 208-459-1898
Address: 6020 SE 10TH
CALDWELL ID 83605

2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: Lot 4(SWSW), Sec. 19, Township 06N, Range 03W
CANYON Payette County *

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.530		
COMMERCIAL	01/01	12/31	1.000		
DOMESTIC	01/01	12/31	0.040		

5. Total quantity to be appropriated is:
1.000 CFS (and/or) AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
3 WELLS, PUMPS
b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
c. Proposed well diameter is 8 inches; proposed depth of well is 225
feet.
d. Is groundwater with a temperature greater than 85F being sought? NO
e. If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).

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SEP 11 1997

* per Tape.

8. Place of Use: STOCKWATER

TWN RGE SEC
06N 03W 19 Lot 4(SWSW)

Place of Use: COMMERCIAL

TWN RGE SEC
06N 03W 19

Place of Use: DOMESTIC

TWN RGE SEC
06N 03W 19

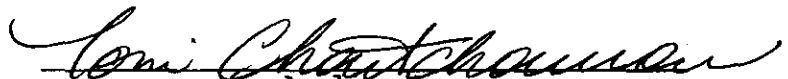
9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

Development completed prior to November, 1987.
Water bearing zone to be appropriated is 100 to 200 feet.

11. Map of proposed point of diversion and place of use attached? ☒

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


Applicant

Received by Ly Date 10/18/96 Time 3 PM Preliminary check by Cyl

Fee \$ 100.00 Receipted by DB #W021555 Date 9/30/1996

Publication prepared by ST Date 11-26-96 Published in Press-Trib.

Publication approved ST Date 1-3-97

MICROFILMED

SEP 11 1997

Ident. No. 63-12364

Comments: Date: 10/18/1996 User-ID: LGRAVES

Subject: MISC INFO

Applicant originally filed a transfer on SRBA claim A63-21478 to add a point of diversion to the dairy. The priority date on the SRBA claim is 1955, when the first well was drilled. The dairy was not developed until 1979. The second well was added around this time. Applicant purchased the dairy in 1981. The dairy operation consists of 675 milking cows and 325 dry mature cows and replacement stock. Applicant proposes to upgrade, not expand, the dairy by replacing the existing barn and adding a 3rd well.

This application overlaps with SRBA claim A63-21478 for the stockwater and domestic uses. The amounts recommended for the SRBA claim based on the 1955 priority will be determined in the SRBA review process.

Per office visit 10/18/96, applicant confirmed the actual P/U and P/Ds is in the SWSW, Lt 4, Sec 19, not the NWSW, Lt 3, as listed on the SRBA claim and drilling permit 63-96-0738-000. Domestic use is for 1 home.

3 p/d (2 existing, 1 proposed d.p. appl. 63-96-W-0738-000)

2 QQ.

gl
3/24/97
d'Enty updates

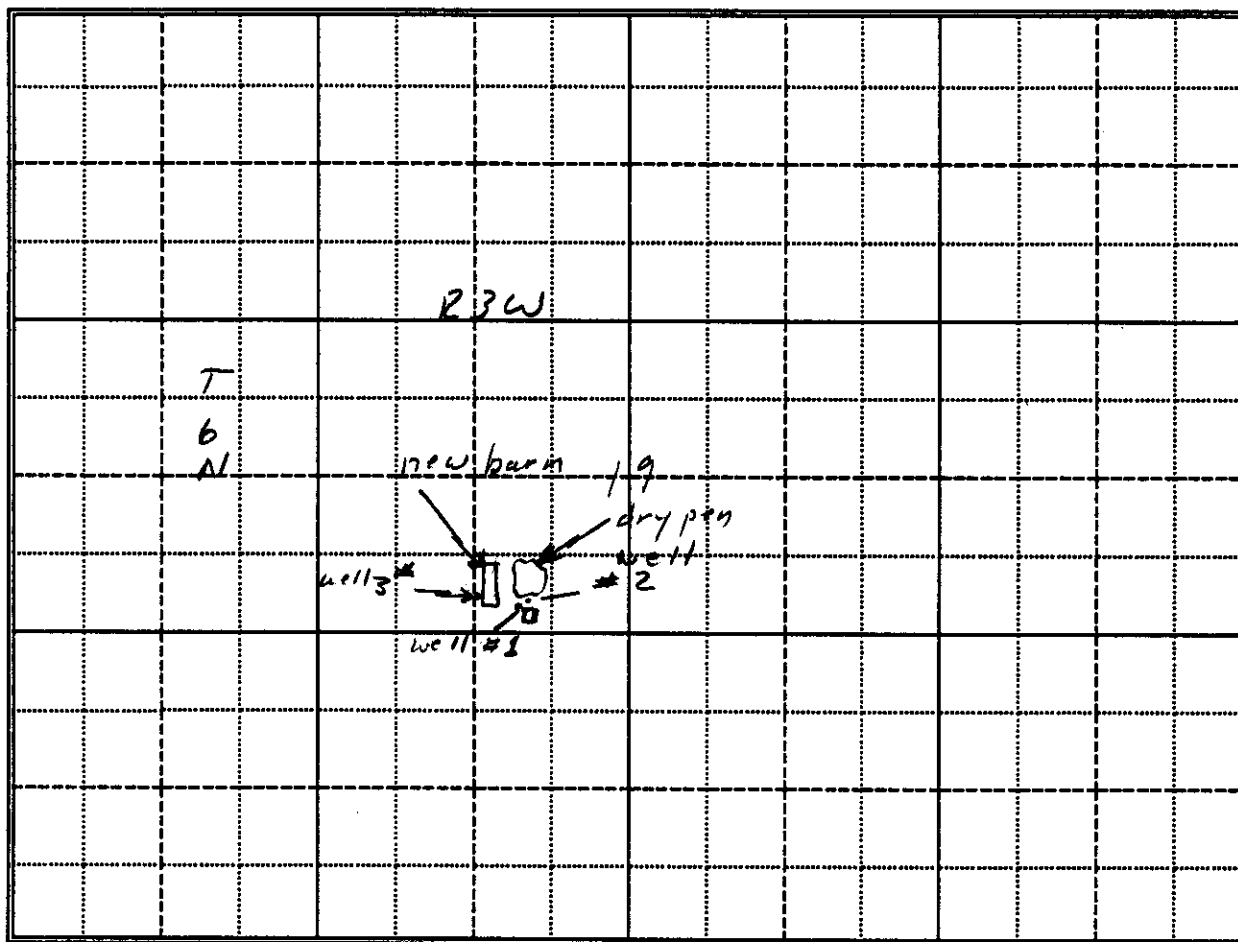
MICROFILMED

SEP 11 1997



[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	Franklin	1.5	unknown	Myers	1"
#2	Franklin	1.5	unknown	Myers	1"
#3 (2 pumps)	Franklin	2.5	unknown	Gould	2"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1. Calculated

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: well #1 & 2 measured with stop watch and 5gal bucket. well #3 flow was calculated using a pumping level measurement, assumed efficiency and measured pressure.

E. NARRATIVE/REMARKS/COMMENTS

Examination made on 9/1/98. System consists of Three (3) wells. The oldest (#1 & #2) are 6" in diameter. The third (#3) is a new well drilled under the permit in January, 1998. The system is set up so water can be provided by any well or wells for any or all purposes. However, #3 is considered the primary source for the dairy barn and milking parlor. Waste water is pumped to the primary waste pond for collection and then north to 6 collection ponds for disposal.

Water from well #2 is primarily stock water for both milking and dry cows as well as replacement stock

Water from well #1 is primarily for the residence

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

#1 5 gal / 16 sec = 19 gpm
 #2 5 gal / 14 sec = 21 gpm
 #3 41 psi @ surface, PL 63' HP 7.5
 $Q = \frac{HP \cdot 2.772}{158} = 131 \text{ gpm}$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stock	1-1	12-31	.22	
Commercial	1-1	12-31	.22	
Domestic	1-1	12-31	.04	
Totals:			.22	

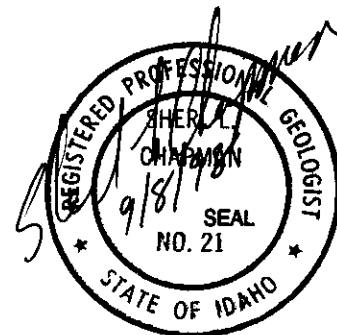
2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Sheryl L. Chapman Date 9/8/98

Reviewer _____ Date _____



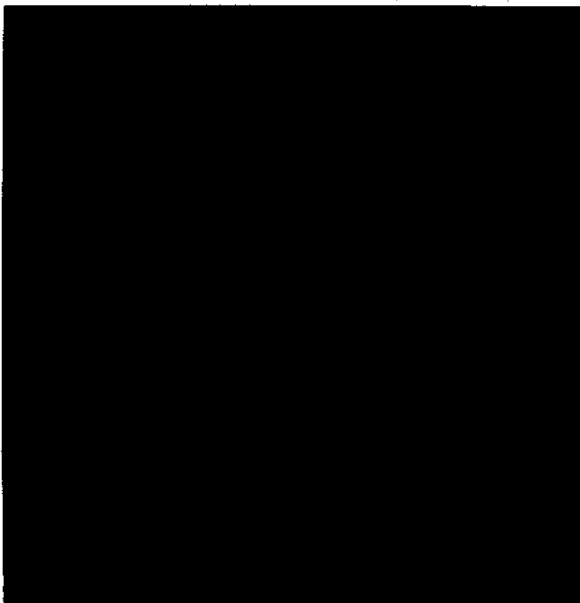
SHEET #1
PERMIT #63-12364



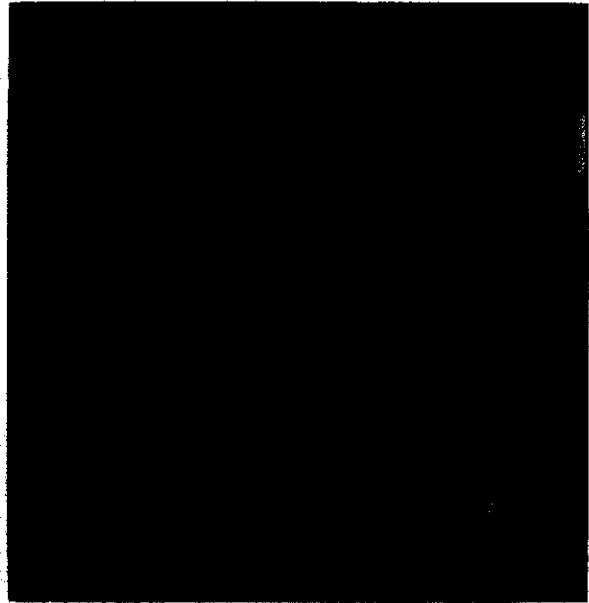
P/D #1



P/D #2



P/D #3

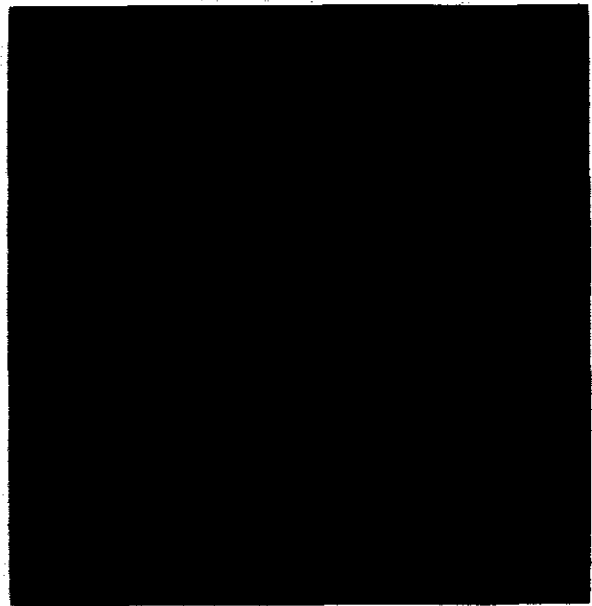


COMPRESSOR & HOT WATER SYSTEM

SHEET #2
PERMIT #63-12364



MILKING PARLOR



INITIAL COLLECTION LAGOON

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 03-12364 Reviewed by [Signature] Date 11-10-98

GENERAL CONSIDERATIONS

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

TYPES OF USE

dom, stock, comm

Correct Uses? yes

SOURCE OF WATER

 Surface water source

✓ Ground water source

yes Drilling permit required?

no Copy in the file? Drilling Permit No. 03-96-010738-000

200- Amount paid for permit

yes Correct?

yes Well log in the file?

LICENSE EXAMINATION FEE

no Required? - exam submitted
 Amount Submitted
 Correct?

MEASURING DEVICE

no Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received 9-8-98
Date proof due 9-1-98 -
No. of days late 7 =
Priority Date 9-30-98 +
New Priority Date 10-7-98 280

710/11/96

DEFICIENCIES OR ACTION ITEMS

Reinstate + advance priority to Oct. 7, 1996
Proof acceptable

DATA ENTRY

New Address X Proof Made 9-8-98



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

November 12, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BEN AND TONI CHOUTCHOURROU
6020 SE 10TH
CALDWELL ID 83605

PROOF ACKNOWLEDGMENT LETTER

RE: Permit No. 63-12364

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and field examination submitted for the above referenced permit. The next step in the process of developing a water right is for the department to review the field examination for licensing.

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. Note that the priority date has been advanced to October 7, 1996, as provided in Section 42-218a.2, Idaho Code.

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 review of the field examination, please contact Cindy Zimmerman at (208)327-7944.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

September 8, 1998

BEN CHOUTCHOURROU
TONI CHOUTCHOURROU
6020 SE 10TH
CALDWELL ID 83605

LAPSE NOTICE

RE: PERMIT NO. 63-12364

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 June 30, 1998. No further construction or additional development is authorized under this permit unless it is reinstated.

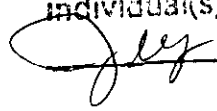
The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed 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 9/8/98
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



June 30, 1998

BEN CHOUTCHOURROU
TONI CHOUTCHOURROU
6020 SE 10TH
CALDWELL ID 83605

PROOF DUE NOTICE

RE: PERMIT NO. 63-12364

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 September 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 report prepared by a certified water right examiner may be used to submit the required proof.

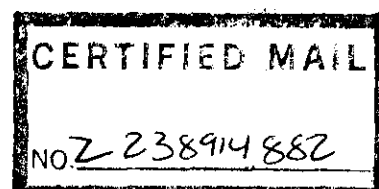
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 21, 1997

BEN CHOUTCHOURROU
TONI CHOUTCHOURROU
6020 SE 10TH
CALDWELL ID 83605

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12364

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

Also enclosed is a copy of the approved drilling permit submitted in connection with this water right.

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 the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

MICROFILMED

SEP 11 1997

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Walter Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

REC'D - LMS

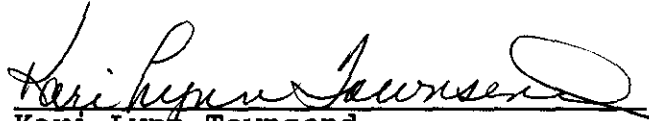
SEP 11 1937

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of August, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 63-12364

BEN CHOUTCHOURROU
TONI CHOUTCHOURROU
6020 SE 10TH
CALDWELL ID 83605


Kari Lynn Townsend
Secretary

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07/97

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lou

No.: 63-12364 Name: Chautauquon Date: 8/18/97 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: Pre '87 - No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust
PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

1 year/no proof

>1 year

- P16

- 26A-P17

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

>0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD >0.24 cfs

>5 a.

≤ 0.24 cfs/5 acres

- _____ or No MD (in-stream stock or power)

- No MD

- 01M (report when notified)

- 01M; 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- No MD

DRILLING PERMIT:

Existing well

Included w/permit

~~No drilling permit~~

irr. in WD

- NA (pre 7/1/87; ✓ WDQ3)

- Permit No. 63-96-W-0738-000 P99

- ~~010-102-P02~~ post 7/1/87)

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

Pumped >0.20 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

- _____ or No MD (in-stream stock or power)

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Boise R (63)

Payette R(65)

- 11A-P04, NA

- 007-P07 (w/ remark *WB9 if above Weiser), NA

- 05A (if WD), 11E (not 42-111 use), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic surface

>1 in rest. area

Fish Propagation

Irr ≤ 5 acres

> 5 acres

Mining

Muni (in restricted areas)

Power

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 070-071- P53

- 07A-042 (req)-09E (WQ)-P10; 044 (N of 1000 Springs)

- 057 (0.03 cfs/acre)

- 03A (0.02 cfs/acre)

- 054 (req) & 09E-P10

- 022, 075, 004 (+memo?)

- 17K-08A-025-01F(P19)-028-09E(P10); 027 (if no other cons. use);

17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18

- 080; 18A (in- & out-flow MD within district), 18B-P09 (>10' dam),

Storage (✓3 compo.)

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Irr Dist/Canal Co.

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

- ~~P84~~ in 20/30/40/50/60/70/80 (87) basin)

- 058 (<85° GW temp only)

- P52 (stream channel alteration)

- 023 (Twin Falls area)

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

- T17 W01/1 W02/400D/300E W01/Comm/dairy
W03/3 in UT4(SWSEW)
9/1/1998

BENEFICIAL USE DUE:

COMMENTS:

MEMO

RECEIVED

AUG 08 1997

Department of Water Resources

TO: 63-12364

FROM: Gary Spackman *Gary*

RE: Conditions of Approval

DATE: August 6, 1997

This memorandum revises my memorandum dated March 21, 1997, on application for permit no. 63-12364. Please refer to the memorandum written by Cindy Hodges dated November 7, 1996. Cindy analyzed the present use of water for the dairy system, and also analyzed the extend of beneficial use as of November 19, 1987. She determined that the application for permit can be approved on a limited basis. However, there has been significant expansion of the facility after November of 1987. In Cindy's memorandum, she recommended that the use be limited to 337 dairy and 67 dry cattle. Cindy also looked at the capacity of the wells in 1987, and determined that their diversion capacity was limited to 0.22 cfs.

Information subsequently submitted by the applicant verifies that 400 cows and 300 dry stock resided on the applicants property in 1987.

As a result, I recommend that we limit the stockwater and commercial uses to 0.22 cfs, domestic use for 0.04 cfs and the total quantity to be appropriated at 0.22 cfs. I also recommend the following conditions:

- Revised
W02*
1. A total number of cattle served by this water right shall be limited to 400 dairy and 300 dry cattle.
 2. The right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion and total annual volume diverted.
 3. After specific notification by the department, the right holder shall annually report his diversions of water to the Department of Water Resources as required by the department.
 4. The total annual volume diverted pursuant to this right shall be limited to 36.0 acre feet.
- T77*
OK
Revised

MINO-CLMED

SEP 11 1997

MEMO

TO: 63-12364
FROM: Gary Spackman *Gary*
RE: Conditions of Approval
DATE: March 21, 1997

RECEIVED

AUG 08 1997

Department of Water Resources

This memorandum supplements the staff review for approval of application for permit 63-12364. Please refer to the memorandum written by Cindy Hodges dated November 7, 1996. Cindy analyzed the present use of water for the dairy system, and also analyzed the extend of beneficial use as of November 19, 1987. She determined that the application for permit can be approved on a limited basis. However, there has been significant expansion of the facility after November of 1987. In Cindy's memorandum, she recommended that the use be limited to 337 dairy and 67 dry cattle. Cindy also looked at the capacity of the wells in 1987, and determined that their diversion capacity was limited to 0.22 cfs.

As a result of her investigation, I recommend that we limit the stockwater and commercial uses to 0.22 cfs, domestic use for 0.04 cfs and the total quantity to be appropriated at 0.22 cfs. I also recommend the following conditions:

1. A total number of cattle served by this water right shall be limited to 337 dairy and 67 dry cattle.
2. The right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion and total annual volume diverted.
3. After specific notification by the department, the right holder shall annually report his diversions of water to the Department of Water Resources as required by the department.
4. The total annual volume diverted pursuant to this right shall be limited to 27.0 acre feet.

MEMO - LMSH

SEP 11 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: 10/29/96 *cjl* DATE: 10/29/96 APPLICATION: 63-12364

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)
Fee:
Yes ☐ No* ☐ In form to receipt: ** Advertise with remarks !*

Gov't. Lots:
☒ P/D
☐ P/U

ADDITIONAL INFORMATION

YES NO

☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
☒ Overlapping point of diversion.
☐ Field check required: Field check by: _____
☐ Field report attached:
☒ Critical groundwater area:
☒ Groundwater management area:
☒ 1992 moratorium: *B63 existing use - see comments.*
☐ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
☐ Copy to Dam Safety staff: (for any storage)
☐ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
☐ Send power requirement letter:
☐ Send fish farm requirement letter:
☐ Power residency affidavit:
☐ Power efficiency form:
☐ 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

RECEIVED
AUG 08 1997

Department of Water Resources

DATE REQUESTED

ADDITIONAL INFORMATION ON REVERSE SIDE:

*SEE REVIEWER'S 11/7/96 - Analysis Memo
+ 3/19/97 - notes
+ 7/24/97 - CORR. memo*

82

PROCESSING

APP. NO. 63-123611

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:

YES NO

YES NO

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

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

to Donor for clearance
FINAL REGIONAL PROCESSING REVIEW: A63-21478

YES NO

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

NOTE: NO LETTER to AJ
 STATE. INSTEAD, FILED CA
 of App. w/ note of
 explanation in AJ file.
 JL: CSH
 12/12/96

☒ ☐ Publication dates and paper recorded on application:
☐ ☒ Protests received. Final date for protest 11-25-96 12-23-96
☐ ☐ Protest dates, resolution of protest recorded on application:
☐ ☐ Recommendations attached:
☐ ☐ Measuring device required:
☐ ☐ Measuring port required:
☐ ☒ Water delivered by water master? District # _____
☐ ☐ Special conditions of approval or cover letter: _____

See below for additional information

Recommended Date or Priority _____

Recommended by: _____ Date: _____

STATE OFFICE REVIEW _____

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

No WR overlap. Overlaps SRBA A63-21478 which
 claims dairy use w/ invalid DOP.

Appears can approve .22 cfs, 36 AFA vol. cap for
 400 dairy & 300 replacement ("dry") cattle per 7/24/97
 office visit by consultant. -JL

CONVERSATION MEMORANDUM

DATE 7/24/97FILE 63-12364NAME OF PARTY Sheryl ChapmanEMPLOYEE JLRE: RESUME PROCESSING -

Sheryl Chapman visited office today & this Appl - clients would like to pursue limited approval for pre-1987 development while Sheryl works on transfer to cover post-1987 growth.

This is a modification of last indication (5/29) in which a transfer was going to be used to cover everything.

He provided a ~~copy of~~ letter* from banker indicating that 1983-1987 development included 400 dairy & 300 replacement stock instead of 337 dairy & 67 dry per previous file information.

Based on CJH's 3/19/97 notes:

$$\frac{365 [(400 \times 70) + (300 \times 12)]}{325,850} = 35.4 \text{ AFA}$$

e 70 gal total use per dairy animal

e 12 " " " " dry "

allow 36 AFA for
REvised pre Nov. '87
development

MICROFILMED

* Attached

SEP 11 1997

5/21/97

Idaho Department of Water Resources
%Ben Choutchourrou
6020 SE 10th Avenue
Caldwell, Idaho 83605

RECEIVED

JUL 24 1997

WATER RESOURCES
WESTERN REGION

To who it may concern,

From 1983 to 1987 I was employed by Treasure Valley Bank in Caldwell, Idaho as Assistant Vice President and Manager. My duties included managing the bank and originating loans.

Ben and Toni Choutchourrou banked with me during that period of time. I was very familiar with their dairy operation and made several collateral inspections during that time. Although I do not remember the exact number of livestock they owned, I know they had over 400 Holstein cows and about 300 younger cattle from baby calves to springer heifers. They also had several horses.

If you have any questions I can be reached at 26512 Farmway Road, Caldwell, Idaho 83605. My telephone number is 458-1859.

Yours Truly,



Paul J. Braun

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SEP 11 1987

CONVERSATION MEMORANDUM

DATE 5/29/97
FILE 63-12364

NAME OF PARTY Sheri Chapman

EMPLOYEE Steve Lester

RE: Chontchouron Dairy

He has been retained by applicant to work
on a transfer to cover entire dairy operation.

Possibly will involve portion of 63-09103
(SSS 5.11 part).

If transfer is approved (not filed yet), can
withdraw appl 63-12364.

MICROFILMED
SEP 11 1997

From: DWR01::GSAXTON 4-APR-1997 07:55:16.16
To: DWR80::SLESTER
CC:
Subj: WATER SUPPLY BANK RIGHTS - BASIN 63

You recently inquired whether any ground water rights are available to lease from the water supply bank (bank) and requested confirmation of our earlier conversation.

There are presently no water ground rights in Basin 63 which are available to rent from the bank.

NO g.w. water bank
water available 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 27, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BEN & TONI CHOUTCHOURROU
6020 SE 10TH
CALDWELL ID 83605

RE: APPLICATION FOR PERMIT NO. 63-12364

Dear Mr. and Mrs. Choutchourrou:

This letter summarizes the water right scenario for your current dairy operation and offers some ideas that I hope will help you secure valid water right coverage for your dairy. I want to emphasize that this office seeks to work with you to solve the problems related to this situation and will offer whatever assistance that we can to do that.

Enclosed are some department publications and my notes concerning some of the water right issues to be addressed.

For the Snake River Basin Adjudication (SRBA), a beneficial use of ground water (drilled wells in your case) that requires a water right can be validated in the SRBA if the use was developed by March, 1963 and if that use can be verified. That date is the cutoff date for "grandfather rights", also known as beneficial use claims.

SRBA claim no. A63-21478 is a grandfather claim stating that domestic and stock uses from a well(s) started in 1955. The claim includes 500-1000 dairy animals but also states that dairy use started in 1979. Additional information that you have provided to this office indicates that the total herd size ("wet" and "dry" animals) by November, 1987 when the SRBA started was about 400 animals. It also appears that total herd size has increased by about 600 additional animals since 1987, for a current total of about 1,000 animals.

Claim no. A63-21478 can be considered valid to the extent that you can verify uses in place by March, 1963. The two enclosed brochures might give you some ideas of how to do that. You might check with local organizations and offices to see if any supporting documentation can be obtained to verify some level of dairy use in place by early 1963 to support your SRBA claim.

Your task will be completed if you can verify dairy use equal to your current operation but developed prior to 1963 providing that none of the grandfather use has been forfeited due to five or more years of non-use. For example, since it appears that 1987 use was about 400 animals, verification of 1,000 animals dating to 1955 might mean that the water use for the difference of 600 animals may be forfeited due to non-use of that portion of the grandfather claim. On the other hand, information that you obtain might show that a 1,000 animal dairy has been in operation without five or more years of non-use since 1955. If the latter step is completed, the department could issue a drilling permit for a new well.

RECEIVED
SEP 11 1997

March 27, 1997

Page 2

If you are not able to verify dairy use prior to 1963, another option is available. Pending application for permit no. 63-12364 to cover development completed by November, 1987 can be considered for approval if another water right action can cover your dairy growth since 1987. The department cannot issue a new permit for that post-1987 growth at this time.

Instead, you might be able to secure water right protection for the post-1987 growth by purchasing an existing water right and moving it to your property (transfer of water rights). Based on the information available to date, it appears that the equivalent of about ten acres of irrigation would cover your post-1987 dairy growth. A transfer of water right for post-1987 use plus approval of application 63-12364 for use in place by 1987 would provide complete water right protection for your business. At that point, the department could issue a drilling permit for a new well.

The enclosed notes include some ideas that might help you in validating a SRBA grandfather claim and/or purchasing an existing right to be moved to your place. Please let me know if I can provide any other information as you work through this water right problem.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED
SEP 11 1987

NOTES - JZ 3/27/97 - Pg. 1 -

File into suggests

	WET	DRY	TOTAL
CURRENT	675	325	1000
by Nov. 1987	333	67	400
Difference	342	258	600

↑ to be covered on new growth since 1987

Unless - all 1000 can be verified in SRBA
(A63-21478)

If cannot verify A63-21478 for pre-March, 1963 development:

1) New Appl. 63-12374 for use by Nov. 1987

.22 cfs

27 A.F.*

c 400 animals (333 wet, 67 dry)

2) plus another water right action to cover
"difference" noted above:

(a) if 400 head c 27 A.F.

assume 600 additional head c 40 A.F.

$$\frac{400}{27} = \frac{600}{x} \quad x = \frac{(27)(600)}{400} = 40.5$$

(b) locally, full irrigation allotment = 4.5 A.F./acre
annual diversion volume
MICRO-PIPED

* best estimate total annual water use 1987 place by 1987.
Estimate subject to revision if better data can be obtained.



Local ground water
water bank does not
have any water to
lease in 1997 per
latest info - will
let you know if
changes

$$\frac{40 \text{ A.F.}}{4.5 \text{ A.F./ACRES}} = 8.9 \text{ Acres to cover estimated post-1987 growth}$$

(C) Appears c 10 Acres irrigated by ground water would be needed in transfer Application to cover need in item 2(a) above

could need more water if anticipate growth beyond current level.

VERIFYING GRANDFATHER USE

- IDWR brochures
- local offices - County, Agriculture, library, schools, museums, industry groups, historical groups,
- other - Retired dairy operators, long time residents, senior citizen groups, well drillers, pump companies, dairy/agriculture supply businesses etc
- Affidavits helpful. Copies of invoices etc, old photos, etc

FED-STATE-OTHER?

TRANSFERRING WATER RIGHTS

- ID water users Assoc. c/o Mr. Sherd Chapman 344-6690 Boise
- Engr & other professional consulting firms with water rights experience.
- Attorneys with water rights experience.
- Other dairy operators newly established - Sleepers etc. ←
might have some water rights you can buy?
- See right 63-09103 (§ A63-09103) - problems?

COULD ADVERTISE IN LOCAL PAPER & OFFICES THAT WANT TO BUY WATER?

OTHER LAND OWN IDENTIFIED

(1) T6N R4W S.11 in S¹/₂ SE¹/₄
previous GRAY or Hayden

See License 63-09103 includes 25 acres irrig.
in SESE S.11 from well in S.14

However - see SRBA claim A63-09103 filed on
License - does not show any use in S.11
so could be problematic to transfer (?)

(2) T6N R3W S.19 Lot 4 (TWSW) & SESW
previous Compton

See SRBA claim A63-26912, domestic well only
so not any value for transfer to dairy.

(3) T6N R3W S.30 Lot 1 (NWNW) & Lot 2 (SWNW)
previous Talbot
nothing found for ground water

1-3 from IDWR database check 3/27/97

Best bet for transfer of water is to
get good consultant to help you achieve
this. Allow 2-3 months to complete water
right transfer process.

AJ5809NP
No. A63-21478

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/25/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEN CHOUTCHOURROU	01/01/1955	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.48 CFS 0.04 CFS	
TOTAL DIVERSION:					0.48 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T06N R03W S19 Lot03()

CANYON County

Lots Without 1/4 1/4 Description: STOCKWATER
06N 03W 19 03-S

Lots Without 1/4 1/4 Description: DOMESTIC
06N 03W 19 03-D

POU County: CANYON

Non-Irrigation Uses: D/1 S/500-1000 DAIRY CATTLE

Other Rights: BLACK CANYON IRR.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-21479

Remarks: GEN DAIRY WAS CONSTRUCTED IN 1979. CLAIMANTS WILL FILE APPLICATION
FOR PERMIT TO COVER DAIRY USE. THIS CLAIM REPRESENTS DOMESTIC
USE AND LIMITED STOCKWATER. SEE FILE FOR DOCUMENTATION OF DAIRY
DEVELOPMENT. 10/16/1996 MM.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Y
Presumption Flag:

REC'D - 10-11-97
SEP 11 1997

AJ5809NP
No. A63-21479

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/25/97
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEN CHOUTCHOURROU	01/01/1955	DOMESTIC	01-01 12-31	0.08 CFS	
TOTAL DIVERSION:					0.08 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T06N R03W S19 Lot03()

CANYON County

Lots Without 1/4 1/4 Description: DOMESTIC
06N 03W 19 03-D

POU County: CANYON

Non-Irrigation Uses: D/4

Other Rights: BLACK CANYON IRR.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-21478

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:

SEP 11 1997

WR5809NP
No. 63-09103

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/27/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEONARD K. HAYDEN	03/31/1977	IRRIGATION	03/15 11/15	1.860 CFS	787.50 AFA
TOTAL DIVERSION:					1.860 CFS	787.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06N R04W S14 NENE PAYETTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
06N	04W	11	:				:				:				:	25.0
06N	04W	12	:				:			09	31	10	:		:	50.0
06N	04W	13	:			01	:			06			:		:	7.0
06N	04W	14	:	15		39	:	39					:		:	93.0
															TOTAL ACRES	175.0

Pou County: PAYETTE

Dates: App. Received: Priority Date: 03/31/1977
Proof Due Date: 05/01/1982 Proof Made Date: 01/01/1900
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 10/13/1982

Misc: Water District Number: Field Exam Fee:

Audit: 05/06/85 05/01/88 CONVERT

* License from groundwater
(diversion in NENE S.14)
includes 25 acres irrigation in SESE S.11

but see SRBA claim A63-09103 -
what does Remark mean?

SEP 11 1987

AJ5809NP
No. A63-09103

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/27/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEONARD K HAYDEN 1721 SHEPARD CALDWELL ID 83605 (208) 378-4675	03/31/1977	IRRIGATION	03-15 11-15	1.86 CFS	459.00 AFA
TOTAL DIVERSION:					1.86 CFS	459.00 AFA
CONSUMPTIVE USE:						357.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06N R04W S14

NENE

PAYETTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
06N	04W	13	:					:				07	:					:						7.0
06N	04W	14	:	15		40	40	:					:					:						95.0
TOTAL ACRES																							102.0	

POU County: PAYETTE

Other Water Rights Listing Overlapping Place(s) of Use:
A65-02900Z1

Remarks: GEN A PORTION OF THE LAND UNDER THE ORIGINAL LICENSE WAS SOLD WITHOUT
WATER, LEAVING THE 102.0 ACRES CLAIMED.

?

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

SEP 11 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 3/24/97

TO: 9/62 Saxton

FROM: Steve Lester

DOCUMENT DESCRIPTION: Please confirm whether or not
any portion of BS. 63 ground H₂O water bank
is available to lease. If yes, what portion is
available? You indicated none available per recollection
in phone call the other day - I need to confirm that.

TOTAL PAGES SENT: 0 + COVER SHEET

CONTACT: _____

Thanks,

Steve

SEP 11 1997

CONVERSATION MEMORANDUM

DATE 3/21/97

FILE 63-12364

NAME OF PARTY M. & Mrs. Chantchorn

EMPLOYEE Steve Lester

RE: Office Meeting - with Gary Sparkman

We all met to discuss the situation.
New well needed for new barn to make more
efficient use of water for existing herd operation,
not for increasing herd beyond current level.

Current Appl. can only cover use developed
through 1987. Need add'l. protection for post-
1987 use.

I will prepare new appl. for that post-1987
expansion. Will also verify if water available via
g.w. water bank - does not appear likely.

Applicants will pursue obtaining water via transfer
from some other land. Referred them to CFSA
("ASLS") & to Id. Water Users Assoc. for help.

IDWR can assist with specific W.R. info if
specific land is identified for sale & transfer.

File in "Basid 63 hold" pending
add'l. action by Applicants.

RECEIVED
SEP 11 1997

Chautauque Dairy, 63-12364

cjk 3-19-97

Estimated annual volume as of 1987:

- See file memo which indicates 333 milking cows + 67 dry or replacement cattle.

Attached literature suggests 40-50 gals fresh ^{H₂O} / cow/day w/ recycled water. This not applicable in the old system. Assuming manual cleaning, allow 35 gpd per cow for cleanup & 35 gpd per cow for drinking water, or total of 70 gpd/milk cow.

milking
(total
H₂O)

$$333 \times 70 \text{ gal/day} \times 365 \text{ days/yr} = \frac{8,508,150}{325,850} = 26.1 \text{ AFA}$$

dry

$$67 \times 12 \text{ gal/day} \times 365 = \frac{293,400}{325,850} = .9 \text{ AFA}$$

Total annual diverted volume: 27.0 AFA

MICROFILMED
SEP 11 1987

Fresh Water Considerations for Dairy Farms

Dean E. Falk
Extension Dairy Specialist
University of Idaho

Dairy cows and milking facilities require a reliable high quality water supply. Dairy production is changing with larger production units being planned and constructed. These dairy facilities require a water supply that can deliver high quality water to the cows at all times in sufficient amounts to meet both physiological and sanitation needs of the facility.

The data reported in the literature for water consumption for dairy facilities varies considerably. For example, in three different studies the water needs for lactating cow consumption, and milking center cleaning range between 40 to 50 gallons fresh water per cow per day. In these studies the free stall units were flushed with recycled lagoon water in all areas except the milk parlor and milk room. This concept reduces the amount of water that is introduced into the waste management system.

Texas data illustrates that water use on eleven dairy farms varied widely, depending on the type of manure removal system and other factors. The greatest variable was the use of sprinkler cow wash systems and/or flush systems versus manual manure removal. The total amount of fresh water used for sanitation and manure removal averaged 39.6 gallons per cow per day. The mean value for each farm ranged from 12.3 to 69.2 gallons per cow per day. The water used for cattle drinking water troughs on seven of the dairies studied averaged 28.7 ± 12.0 gallons per cow per day. Thus the Texas data average fresh water use per cow per day for sanitation and drinking was 68.3 gallons. Their data showed wide differences in water use for facilities that flushed or had cow sprinklers versus those that used manual cleanup. The average water use for milking parlors and holding pens without flush or cow sprinklers averaged 19.9 ± 14.0 gallons per cow per day. In contrast, milking parlors and holding pens with sprinkler cow washers used an average of 47.1 ± 17.7 gallons per cow per day.

(recycled flows, see above)

Calculating Herd Requirements for Fresh Water

max.
35 gal ~~total~~
for cleaning
only, not
recycled.

It is possible to estimate fresh water use on individual dairies, even with the wide variation reported in the literature. Estimates for total requirements can be developed for drinking water, wash pen sprinklers (if used), and milk house and parlor. Water needs can be estimated by completing Worksheet 1 with information found in Tables 1-4.

Drinking Water Needs

Drinking water needs can be determined by using the information found in Table 1 and Table 2. Table 1 shows a typical herd makeup assuming a uniform year around calving, 13 month calving interval, a 33% replacement rate (1/2 supplying a calf), 50% female calves and males sold at birth for a 100 lactating cow herd.

MICROFILMED
SEP 11 1997

Water intakes for dairy cattle are influenced by several factors including dry matter intake, milk production, ambient temperature, and sodium intake. However, Table 2 provides a good estimate of water intake based upon size, milk production and temperature. The data from the water intake table when matched with the herd makeup table will estimate herd drinking water.

Wash Pen Needs

The wash pen can be a large user of fresh water on typical dairies. The amount used is dependent on line pressure, sprinkler orifice, number of sprinklers and minutes per day used. Table 3 shows the gallons per minute per sprinkler with different line pressure in pounds per square inch. The number of sprinklers in the wash pen, the minutes used per day and the nozzle discharge will determine water used in the wash pen.

Milk House and Parlor Needs

Milk house and parlor waste can be estimated from data found in Table 4.

Summary

Dairies under construction or expanding must evaluate their water needs to ensure that a water source is capable of supplying the production needs of the facility. The information provided in this article can aid in that estimation.

MICROFILMED

SEP 11 1997

Table 1. Herd Makeup

Category	Number	% of Herd	Average Weight (lbs)
Milking Cows	83	83	1400
Dry Cows	17	17	1550
Total Mature Cows	100		
Heifers			
16-24 mo	42	38	1050
13-15 mo	13	12	800
9-12 mo	19	17	600
5-8 mo	19	17	400
3-4 mo	9	8	250
0-2 mo	9	8	150
Total Replacements	111		

Table 2. Water Intake for Dairy Cattle

Weight (lb)	Milk (lb)	Temperature (F)		
		40° & below	60°	80°
(Lactating cows)		gallons/day		
1400	20 ²	12.0	14.5	17.9
	60 ²	22.0	26.1	24.7
	80 ²	27.0	31.9	38.7
	100 ²	32.0	37.7	45.7
(Dry cows)				
1400 ¹	-	9.7	12.0	16.2
1600 ¹	-	10.4	12.8	17.3
(Heifers)				
1200 ¹	-	8.7	10.8	14.5
800	-	6.3	7.9	10.6
400	-	3.7	4.6	6.1
200	-	2.0	2.5	3.3

¹Maintenance and pregnancy.²Maintenance and milk production.

MORCHAM

SEP 11 1997

Table 3. Nozzle discharge - Gallons per minute

psi	Nozzle diameter in inches				
	1/8	9/64	5/32	11/64	3/16
40	2.96	3.74	4.61	5.54	6.64
45	3.13	3.99	4.91	5.91	7.03
50	3.30	4.18	5.15	6.19	7.41
55	3.46	4.37	5.39	6.48	7.77

Table 4. Standard Volumes of Milk house and Parlor Waste

Washing operation	Water volume
Bulk tank	
450-2000 gallon	46 gallons/wash
3000-4000 gallon	78 gallons/wash
5000 + gallon	116 gallons/wash
Silo tank	126 gallons/wash
Pipeline	
<16 parlor stalls	60 gallons/wash
16> parlor stalls	140 gallons/wash
Backflush	.5 gal/cow/milking
Parlor/milk house/holding pen cleanup	400 - 900 gallons/wash
Cow prep	
automatic	1-4 gal/wash/day
manual	.25 - 5 gal/wash/day
Plate cooler (ignore if water is recycled)	8 gal/cow/day

CONVERSATION MEMORANDUM

DATE 3/18/97
FILE 63-12364NAME OF PARTY Carol Davis 466-5705 ←EMPLOYEE Steve LesterWELL
DRILLERS officeRE: EXPEDITED DRILLING PERMIT

Yesterday & today 2 phone msgs. were
RECD from drillers office & d.p. for
this w.r. application.

The same thing happened at least once last
week.

I left phone msg. reply that Applicant can
submit written request for drilling permit -
state cause for request.

3-19-97 cjl

I spoke w/ Carol & Chuck Davis twice today, and FAXED
them a request for expedited permit form. Chuck
has seen people "burned" by these before and therefore
is hesitant to see one filed. However, they cannot
understand why we will not issue the permit.

Neither driller nor applicant is willing to acknowledge
there is simply not adequate water rights for this
operation. Applicant will not contact us directly.

63-12364

SEP 11 1997

MEMORANDUM

TO: GARY SPACKMAN

FROM: STEVE LESTER 

DATE: MARCH 10, 1997

RE: DAIRY USE FOR APPLICATION FOR PERMIT 63-12364

Corky Davis for Davis Well Drilling called today to check on drilling permit application 63-96-W-0738-000 in which a dairy well is to be added for Choutchourrou's dairy. The driller's call was only to check the situation, not to begin the well construction.

This is a rather confusing situation attributed to I.C. § 42-111, specifically part (1)(a) that limits total use (emphasis added) to 13,000 gallons/day. This implies that 13,000 gpd can be used in a dairy context for stock water *plus* related dairy needs instead of the more simplified interpretation that about 370 dairy animals are exempted for a ground water use ($13,000 / 35 = 370 \pm$ animals). For example, if total use per day per animal is more realistically determined to be about 60 gpd, then total exempted dairy use allows approximately 215 animals ($13,000 / 60 = 217$).

Originally, the applicant proposed to add a well based on a transfer application for A63-21478 (see attached profile report). The claim dates to 1955 for domestic and stock uses. However, the applicant informed regional staff that the dairy use started around 1979. This ground water claim would have to be limited to no more than 13,000 gpd to be seen as a valid exempted use if the dairy started after March, 1963.

Transfer review suggested that total use exceeded 42-111 limits but that all development occurred by November, 1987. Therefore, the applicant followed staff suggestions to replace the transfer with application 63-12364 to authorize uses developed by late 1987.

Further review of the permit application revealed that 1987 development included about 400 dairy animals and that current use includes approximately 675 "wet" plus 325 "dry" animals in the dairy operation. Expansion has occurred since 1987.

It is difficult to precisely determine the extent of the dairy use on this property for significant dates (1955, 1963, 1979, 1987, post-1987) but a b.u. SRBA claim could be valid for up to 13,000 gpd (@ 215 head?) regardless of priority. A water right permit could be issued for verified dairy use beyond the exempted level but in place by November, 1987 (estimated 1987 total of 400 minus @ 215 exempted, or about 185 animals for example).

Dairy use in excess of the approximate 400 animal herd developed by late 1987 will require another permit application that must be held due to Basin 63 issues. However, water could be leased from the aquifer water bank to cover this shortfall on a yearly basis until a more long-term solution could be found.

MICROFILMED

SEP 11 1997

I recommend the following steps:

1. Another application for permit should be filed to cover the post-1987 dairy growth; this filing can include anticipated growth but cannot be processed unless mitigated;
2. Water should be leased from the water bank (re 63-03148) to cover the application amount in #1 pending a more permanent solution;
3. Application 63-12364 ¹ can then be approved; and
4. Drilling permit application 63-96-W-0738-000 can be approved subject to appropriate conditions (must include proposed water bearing zone).

¹Permit might cover "post-b.u. claim through November 1987" development or could cover all dairy use in place by late 1987. Either way, when linked to the eventual fate of b.u. claim, would be acceptable.

MICROFILMED

SEP 11 1987

AJ5809NP
No. A63-21478

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/10/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEN CHOUTCHOURROU	01/01/1955	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.48 CFS 0.04 CFS	
TOTAL DIVERSION:					0.48 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T06N R03W S19 Lot03()

CANYON County

Lots Without 1/4 1/4 Description: STOCKWATER
06N 03W 19 03-S

Lots Without 1/4 1/4 Description: DOMESTIC
06N 03W 19 03-D

POU County: CANYON

Non-Irrigation Uses: D/1 S/500-1000 DAIRY CATTLE

Other Rights: BLACK CANYON IRR.

Remarks: GEN DAIRY WAS CONSTRUCTED IN 1979. CLAIMANTS WILL FILE APPLICATION
FOR PERMIT TO COVER DAIRY USE. THIS CLAIM REPRESENTS DOMESTIC
USE AND LIMITED STOCKWATER. SEE FILE FOR DOCUMENTATION OF DAIRY
DEVELOPMENT. 10/16/1996 MM.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Y
Presumption Flag:

MICROFILMED

SEP 11 1997

Proposed - add well to system

- 82
3/21/97
3/10/97

1955 A63-21478 well #1 / have
500-1000 hd. dairy
not supported per file →

1963 mandatory permit g.w. Exceeding 42-111

1979 dairy use started

1987 dairy expanded to c 400 hd. well #2 in place

1996 dairy expanded to c 675 wet
325 dry

1st then add well #3 to A63-21478

2nd Appeared all devlp. completed (= current use) by 1987
so replaced then with appl. for permit 63-12364

could approve devlp. completed by 1987

3rd now appears can issue permit for devlp
in place by 1987

- but -

4th add 'H' filing w/ to cover post-1987 devlp.

SEP 11 1987

WATER RIGHTS IN THE WATER SUPPLY BANK

Managed by the Idaho Water Resource Board

June 1993

- 1) 02-2339 - Div rate - 11.0 cfs
- Source - Snake River
- Priority - Dec. 7, 1964
- Volume - 610 ac x 4.5 AFA = 2,745 AF
- Original pt of diversion just upstream from Swan Falls dam.
- 2) 02-7065 - Div rate - 4.71 cfs
- Source - Snake River
- Priority - May 14, 1970
- Volume - 431 ac x 4.5 AFA = 1939.5 AF
- Original pt of diversion in Sec 22, T4S, R2EBM.
- 3) 61-7404 - Div rate - 0.38 cfs *← Reduced, see 4/9/96 letter, attach*
- Source - Ground water
- Priority - June 18, 1980
- Volume - 85.5 AF
- Original pt of diversion near Mtn Home, Id.
- 4) 63-3148 - Div rate - 3.01 cfs *← portion leased, balance sold*
- Source - Ground water *probably none available for 1997 per 9/25 3/17/97*
- Priority - January 29, 1959
- Volume - 155 ac x 4.5 = 697.5 AF
- Original pt of diversion near Kuna, Id.
- 5) 37-0005 - Div rate - 1.16 cfs
- Source - Big Wood River
- Priority - March 10, 1883
- Volume - 3.5 (58) = 203 AF
- Original pt of diversion near Hailey, Id.
- 6) 37-00833J - Div rate - 1.0 cfs
- Source - Big Wood River
- Priority - 1883
- Volume - 3.5 (50) = 175 AF
- Original pt of diversion near Hailey, Id.

Chautauque's

BS. 63 g.w.
H2O BANK not
looking too
promising - g.w.
thinks all leased
is removed from
bank at this
time. - SL

Water Bank -
Temp. use will
not allow new
well to be
drilled *per 9/25/94*

SEP 11 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 9, 1996

Stanley Scott
4555 N. 24 E.
Mountain Home, ID 83647

RECEIVED

APR 10 1996

WATER RESOURCES
WESTERN REGION

RE: LICENSE 61-07404 IN THE WATER SUPPLY BANK

Dear Mr. Scott:

On April 9, 1996, the department received your letter in which you advise the department that you have sold 0.095 cubic feet per second and 21.4 acre feet of the above referenced license to Mark S. Hiddleston (Hiddleston). In your letter you have also asked that the portion of the right sold to Hiddleston be removed from the Board's Water Supply Bank (bank).

Please consider this letter as notification that the above described amount of License No. 61-07404 will be considered as removed from the bank as you have requested.

Upon completion of the processing of Application for Transfer No. 4774 (application) filed by Hiddleston on February 14, 1996 and approval of the application by the department, Hiddleston will be eligible to seek a drilling permit to complete requirements of the transfer. By copy of this letter to Hiddleston, I am advising him of this information.

If you sell other parts of the water right, you will also will need to seek the removal of those rights from the bank before the buyer will be authorized to change and start using the portion you have sold.

If you have questions, please feel free to contact the department.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl:

c: IDWR - W. Region
Mark Hiddleston

RECEIVED

SEP 11 1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12364 ✓

CHOUTCHOURROU, BEN
CHOUTCHOURROU, TONI
6020 SE 10TH
CALDWELL, ID 83605

Source: GROUNDWATER

Diversification Pt: LOT 4 (SWSW) Sec 19 T 06N R 03W in CANYON County.

Use: STOCKWATER	(0.530 CFS)
COMMERCIAL	(1.000 CFS)
DOMESTIC	(0.040 CFS)
Total Diversification	(1.000 CFS)

Date Filed: 9/30/1996

In: CANYON County

T06N R03W S19 Lot 4 (SWSW)

Development completed prior to November, 1987.

Water bearing zone to be appropriated is 100 to 200 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 on or before DECEMBER 23, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
December 4, 11, 1996

4630

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Carolyn Spath

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

1. That I am a citizen of the United States of America, 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

Twice

— 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:

December 4, 11, 1996

Carolyn Spath

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 11th day of December
in the year of 1996, before me, a Notary
Public, personally appeared Carolyn Spath
known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he/she
executed the same.

RECEIVED

DEC 12 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

SEP 11 1997

Janne Lusk
Notary Public for Idaho
Residing at Nampa
MY COMMISSION EXPIRES
JUNE 21st, 1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12364

CHOUTCHOURROU, BEN
CHOUTCHOURROU, TONI
6020 SE 10TH
CALDWELL, ID 83605
Source: GROUNDWATER
Diversion Pt: LOT 4 (SWSW) Sec 19 T 06N R 03W in CANYON County
Use: STOCKWATER (0.530 CFS)
COMMERCIAL (1.000 CFS)
DOMESTIC (0.040 CFS)
Total Diversion (1.000 CFS)
Date Filed: 9/30/1996
In: CANYON County
T06N R03W S19 Lot 4(SWSW)
Development completed prior to November, 1987.
Water bearing zone to be appropriated is 100 to 200 feet.

63-12365

TOOMEY, WENDY
TOOMEY, BRIAN
5050 CANARY LN
NAMPA, ID 83687
Source: GROUNDWATER
Diversion Pt: SENE Sec 7 T 03N R 01W in CANYON County.
Use: DOMESTIC (0.040 CFS)
Total Diversion (0.040 CFS)
Date Filed: 10/21/1996
In: CANYON County
T03N R01W S07 SENE

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 on or before NOVEMBER 25, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
November 6, 13, 1996

4509

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Carolyn Spath

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

1. That I am a citizen of the United States of America, 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

Once

— 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:

November 6, 1996

Carolyn Spath

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 6th day of November
in the year of 1996, before me, a Notary
Public, personally appeared Carolyn Spath,
known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he/she
executed the same.

RECEIVED

NOV 13 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

SEP 11 1997

Janna Lusk
Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JUNE 21st, 1997

63-12364

CHOUTCHOURROU, BEN
CHOUTCHOURROU, TONI
6020 SE 10TH
CALDWELL, ID 83605

Source: GROUNDWATER

Diversion Pt: LOT 4 (SWSW) Sec 19 T 06N R 03W in CANYON County.

Use: STOCKWATER	(	0.530 CFS)
COMMERCIAL	(	1.000 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	1.000 CFS)

Date Filed: 9/30/1996

In: CANYON County
T06N R03W S19 Lot 4 (SWSW)

Development completed prior to November, 1987.
Water bearing zone to be appropriated is 100 to 200 feet.

MICROFILMED
SEP 11 1987

11/25

See Note Attached to DP.

- Rob Would you please approve the D.P. inside with some conditions & have Denise send copies out, then

✓ Sme Please re-advertise, full 2-wk run as normal then process normally. Make sure the advertising remarks were not deleted!

OORD

11/18
Duplicate xfers -
Oord - soliciting d.p.
Appl. for file,
Appl. ± ready to forward
Monticelli - S.O. wants process w/ Oord's
Why delay Oord's per Monticelli?
11/14
Drilka!
Does not appear
Rush to drill

CHOUTCHOURON

CJA + RBW ± agree issue domestic well d.p. - condition to limited use only.

Adv. once (2nd pulled) so need to re-advertise completely - no charge to applicant since was dept's decision - JZ

MICROFILMED

SEP 11 1997

11/18/96

① Steve/Rob

Have completed analysis on this application and it looks like there are some approvable uses. Can we issue drilling permit pursuant to my memo?

② Sue. -

Need to complete advertising.
How best to do?

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SEP 11 1997

Thanks-cyl

MEMORANDUM

November 7, 1996

TO: 63-12364, CHOUTCHOURROU DAIRY

FROM: Cindy Hodges *if*

RE: Analysis of Existing System

An application for permit has been filed to authorize a non-exempt use which was developed prior to 1987. The application represents a dairy operation with 675 milking cows and 325 dry replacement cows which was developed around 1979. This application is exempt from current processing delays if it may be shown that the stated beneficial uses were in place by November, 1987.

Analysis of the application information was to determine two things: first, the actual extent of beneficial use as of 1987, and second, the pumping system capacity at that time. This second analysis is important because a third well has been proposed which may increase the system capacity.

Applicants submitted tax records from 1986 and 1987 which document the start-up of the dairy in 1981, and incremental expansions which followed. Animals and equipment were purchased in every year from 1981 through 1986. The actual size of the milking herd for 1986 and 1987 is not clear from the information submitted, but appears to be less than the 675 head shown in the application for permit. This suggests that the application as written either represents a more recent expansion (after 1987) or a proposed expansion, both of which are subject to processing delays. According to moratorium processing protocol, a permit may only be issued to cover those uses in existence as of November, 1987.

I spoke on the phone several times with Mr. and Mrs. Choutchourrou, who both indicated that "around 400" head were being milked in 1987, but there is no straightforward documentation to support that figure. I suggested to them that we might use milk shipping records to estimate total herd; Mrs. Choutchourrou said that milk receipts for those years were not readily available, and wondered if I could work with gross milk income from the 1987 tax return.

With the proper historical data, it is possible to back-calculate total cows milked from gross milk income. From the Choutchourrou's 1987 returns (schedule F), gross income from milk sales was approximately \$572,000. From the Idaho Dept of Agriculture Bureau of Ag Statistics (334-1507), average milk price in 1987 was \$11.50 per 100 lbs, and average annual milk production per cow in 1987 was 14,937 lbs. From these figures:

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\$572,000 yearly income * 100 = 4.9 million lbs milk/yr
\$11.50 per 100 wt

4.9 million lbs milk/yr = 333 cows
14,937 lbs/cow/yr

Allowing for a replacement herd equaling about 20% of the milking herd (from applicant's estimates), or 67 animals, total herd size is 400 head.

I spoke with Carol Davis, representing Davis Well Drilling, who have constructed and plumbed three wells for Choutchourrou Dairy. The first two wells, drilled in 1981 and 1983, are presently being used in tandem for the dairy operation and for the Choutchourrou's home. A third well drilled in 1984 serves two housing units used by milking hands, and is separate from the dairy system. There are no well logs on file for any of these wells. Davis Drilling recalls that all wells are 140 to 200 feet deep. Static water levels in the area are around 30 feet. The two dairy wells have 6" casing and are each equipped with 1.5 HP submersible pumps.

The two pumps are presently operated nearly 24 hours per day (with no storage available) to supply adequate water to the operation. Theoretical computations of well discharge rates range between 0.05 and 0.07 cfs each, depending upon the assumed pumping level and discharge pressure (approximated 50-100 feet and 30 psi). Davis Drilling estimates that each well is capable of producing 50 gpm (0.11 cfs). Total 1987 diversion rate appears to be between 0.14 and 0.22 cfs.

Based on the above analysis, I would suggest that application 63-12364 be approvable for 0.22 cfs, and limited to a commercial operation of 333 dairy cattle and 67 dry cattle.

Mr. Choutchourrou and Davis Drilling have requested that the drilling permit application be approved. Because of the domestic use on the system, I do not think we have good cause to deny that a limited use drilling permit be issued. An application for drilling permit has been submitted, along with a casing size variance request, and a \$200.00 fee paid. I recommend that this permit be issued, limited to exempted uses, and contingent upon the approval of 63-12364.

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To: Lori

RECEIVED

OCT 24 1996

WATER RESOURCES
WESTERN REGION

MEMORANDUM

TO: Debbie Allen
FROM: Lori Graves, Western Region
RE: Fee shuffle, Receipt no. W021555 in the name of Ben Choutchourrou

A tranfer application was received 09/30/96. After review, it was determined that an the application for permit should have been filed instead of the transfer. As a result, application 63-12364 replaces the transfer. A refund is not necessary, but the fund code on the receipt needs changed.
Thanks.

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SEP 11 1997

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: **W021555**

Date: **10/23/96**
Time: **13:20:26**

Received
From: **CHOUTCHOURROU'S DAIRY**

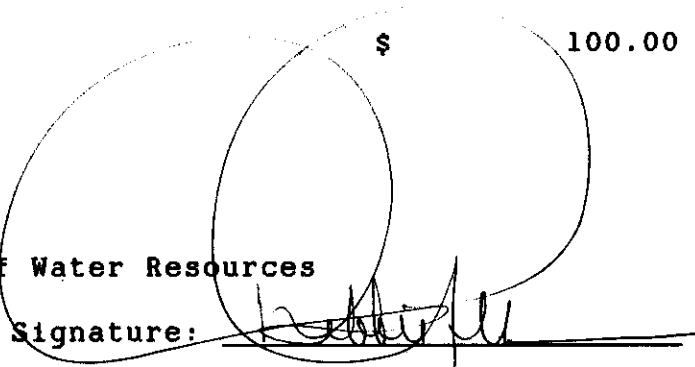
Type of Payment	Program A cct	Amount
APPLICATION FOR PERMIT	0229 210062103 1155	\$ 100.00

Total
\$ 100.00

CHECK 17188

Idaho Department of Water Resources

Region: WESTERN

Signature: 

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SEP 11 1997

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: **W021555**
BACKOUT

Date: **10/23/96**
Time: **13:20:26**

Received
From: **CHOUTCHOURROU'S DAIRY**

Type of Payment	Program A cct	Amount
APPLICATION FOR TRANSFER	0229 210062105 1155	\$ -100.00
Total		\$ -100.00

CHECK 17188

Idaho Department of Water Resources

Region: **WESTERN**

Signature: _____

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SEP 11 1997

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Denor Jai Chautchourou Phone 459-1898

Post Office address 6020 S.E. 10th Caldwell, Id 83605

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Add a new well for existing dairy facility.
Two existing wells to be retained as backup wells.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|-----------------|--|---|----------------------------|
| <u>AB3-21478</u> | <u>1/1/1955</u> | <u>.48</u> | <u>STOCKWATER</u> | <u>1/1</u> to <u>12/31</u> |
| | | <u>.04</u> | <u>DOMESTIC</u> | <u>1/1</u> to <u>12/31</u> |
| | | | | to |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred | | <u>.48</u> | cubic feet per second and/or _____ acre-feet per annum. | |
| 3. Source of water | | <u>GROUND WATER</u> tributary to _____ | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use (NO CHANGE)

[illegible]

Total acres _____

PART 1

6. General Information:

a. Description of diversion system

additional well 8" well.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. N/A - Not being moved

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NONE - SIZE OF DAIRY not to be increased. A newer barn & well to be constructed to upgrade the existing buildings

d. Remarks:

✓
+**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

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SEP 11 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. (SRBA) A63-21478 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

AJ0749NP
 No. A63-21478

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION CLAIM PROFILE REPORT
 (REGIONAL)

DATE: 09/30/96
 PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEN CHOUTCHOURROU 6020 SE 10TH CALDWELL ID 83605 (208) 459-1898	01/01/1955	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.48 CFS 0.04 CFS	
TOTAL DIVERSION:					0.48 CFS	
Water Source: GROUNDWATER		Tributary to:		Stage: BENEFICIAL USE		
Point(s) of Diversion:		T06N R03W S19 Lot03()		CANYON County		

Lots Without 1/4 1/4 Description: STOCKWATER
 06N 03W 19 03-S

Lots Without 1/4 1/4 Description: DOMESTIC
 06N 03W 19 03-D

POU County: CANYON

Non-Irrigation Uses: D/1 S/500-1000 DAIRY CATTLE

Other Rights: BLACK CANYON IRR.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
 Presumption Flag:

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 SEP 11 1997

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED N/A

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

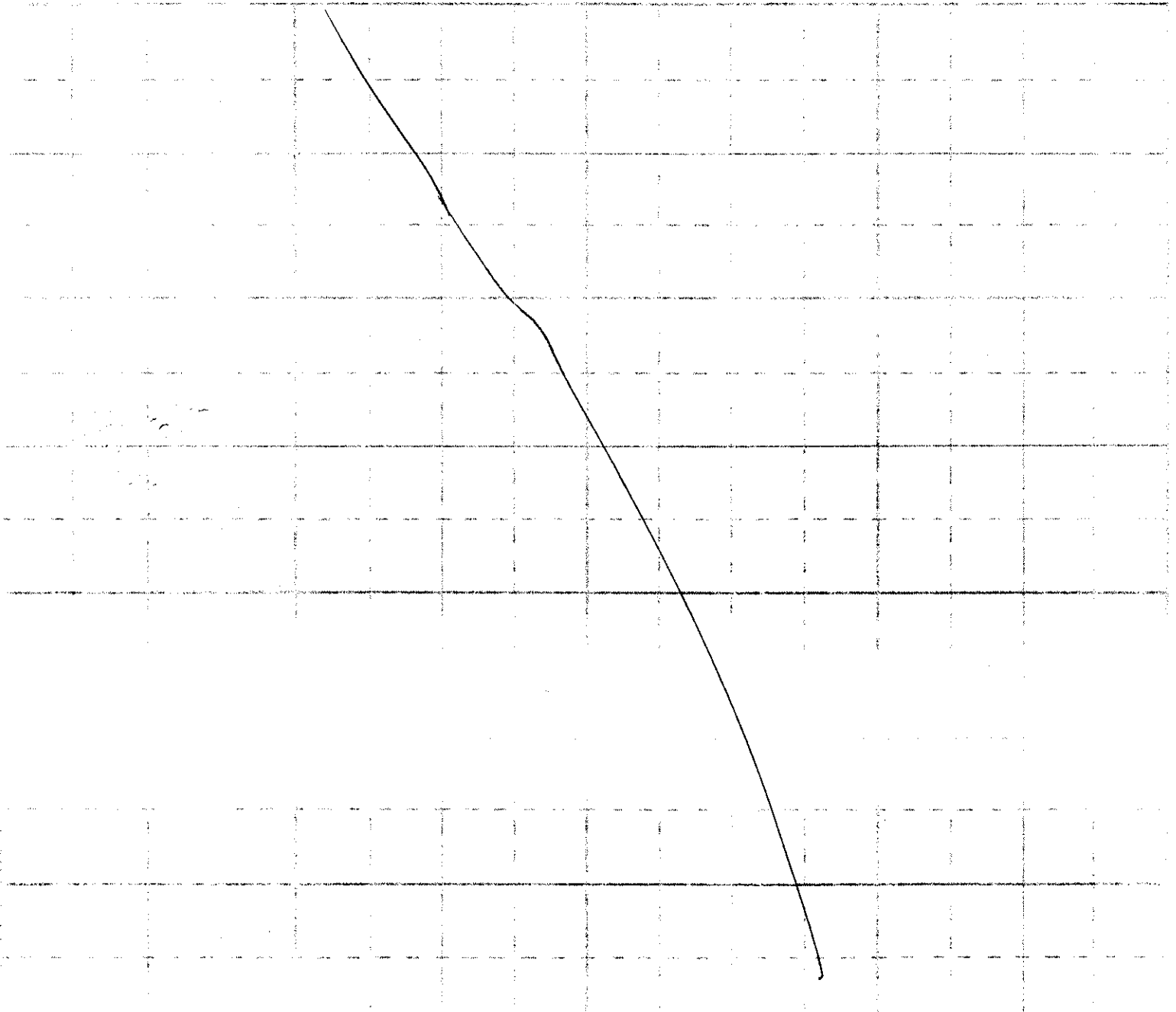
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



MICHAEL
SEP 1 1994

SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 30th day of September, 19 96.

Bernard Thauhaugen
(Signature of Applicant)

Kathlyn A. Walker
(Notary Public)

My commission expires 2-14-1999

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by RW Date 9-30-96 Protest filed by _____

Prelim. check by _____ Fee \$100- / W021555

Receipted by OB Date 9-30-96

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

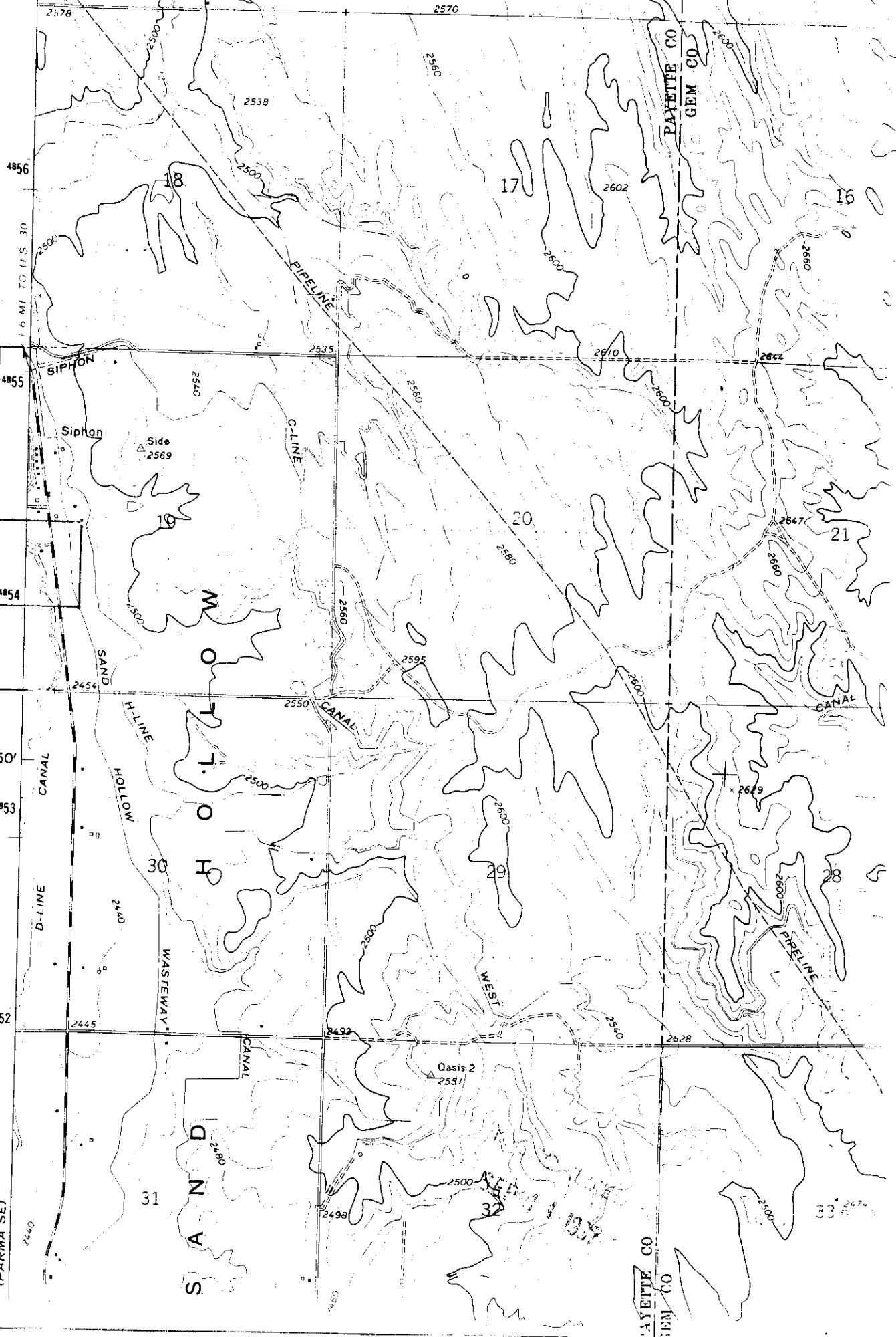
Copy of transfer sent to lien holder _____

*For on 10/24/96
Transfer
used for*

REC'D

SEP 11 1996

4857000m N.



63-12364

CHOUTCHOURROU, BEN
CHOUTCHOURROU, TONI
6020 SE 10TH
CALDWELL, ID 83605

Source: GROUNDWATER

Diversion Pt: LOT 4 (SWSW) Sec 19 T 06N R 03W in CANYON County.

Use: STOCKWATER	(	0.530 CFS)
COMMERCIAL	(	1.000 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	1.000 CFS)

Date Filed: 9/30/1996

In: CANYON County
T06N R03W S19 Lot 4 (SWSW)

Development completed prior to November, 1987.
Water bearing zone to be appropriated is 100 to 200 feet.

RECORDED
SEP 11 1997