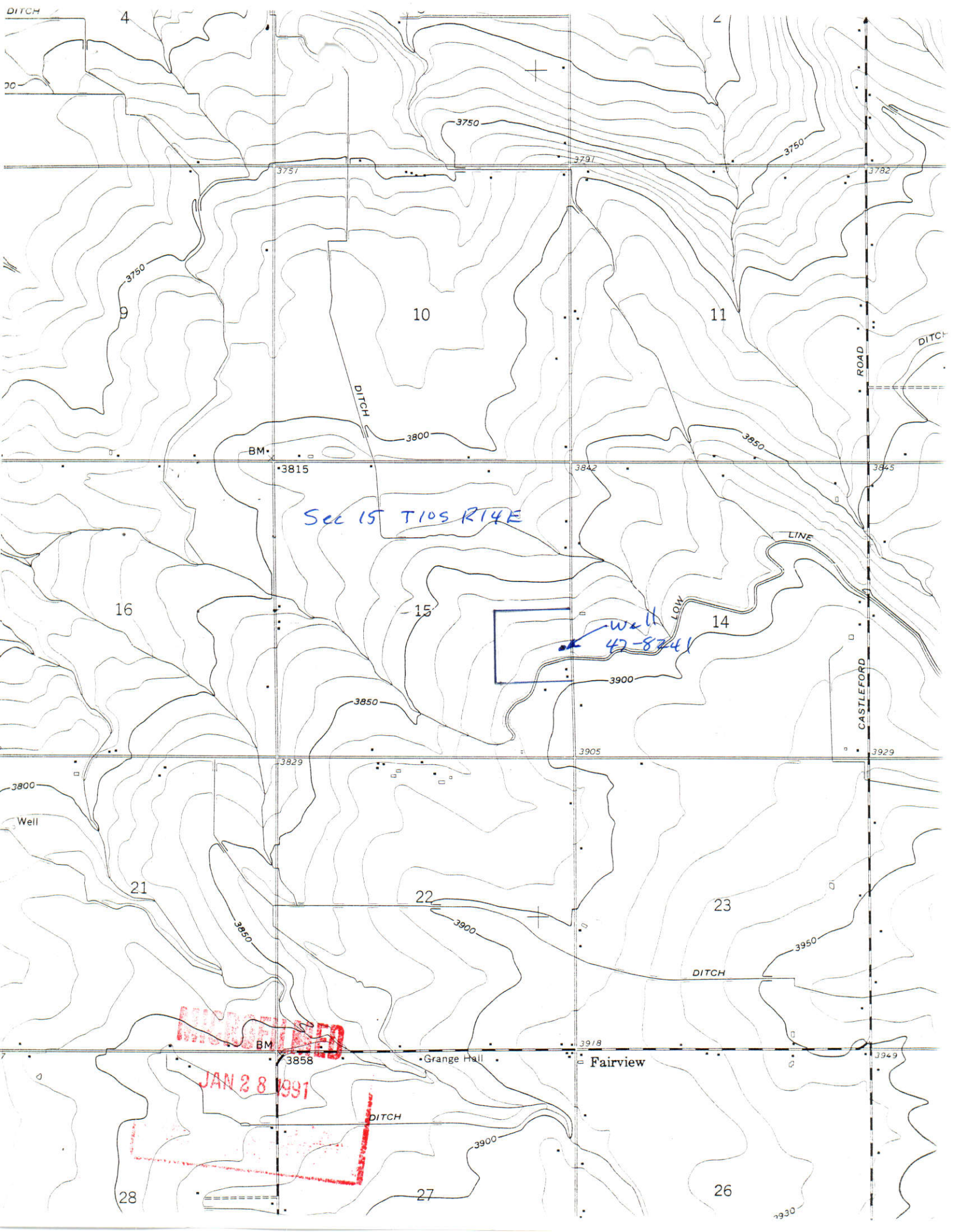




Sec 15 T10S R14E

Well
47-8741

MIDLAND

JAN 28 1991

Fairview

NOTICE OF
APPLICATION
FOR WATER RIGHT
The following
application(s) have been
filed to appropriate the
public waters of the State
of Idaho:

47-08241
AVELAR'S DAIRY
3835 N. 1300 E.
BUHL, IDAHO 83316
Source: GROUNDWATER
Diversion Pt: SENESE
Sec 15 T 10S R 14E
Use: STOCKWATER
(.200 CFS)
COMMERCIAL (.200 CFS)
Total Diversion: (.200
CFS)

Date Filed: 6/20/1990
In: T10S R14E S15 NESE
The permit(s) will be sub-
ject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water Resources,
Southern Region, 222
Shoshone Street East,
Twin Falls, Idaho 83301
on or before JULY 23,
1990.

R. KEITH HIGGINSON,
Director
PUBLISH: Thursday, July
5 and 12, 1990.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

I, Linda Capps McQuire being first duly sworn upon oath, depose
and say that I am Bruce Clark of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in
any supplement thereof, for Two consecutive Weeks,
commencing with the issue dated July 5, 1990,
and ending with the issue dated July 12, 1990.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex-
cept Monday, both of which newspapers prior to consolidation had been published under said names in said city and
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
which time said newspaper began daily publication under said name in said city and county continuously and
uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho,
to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers,
and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 20 day of July in the year of 1990, before me,
a Notary Public, personally appeared Linda Capps McQuire,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Shirley R. Feltman
Notary Public for Idaho

Residing at

My commission expires:

Twin Falls County
5/19/94

No 21454

JAN 28 1991

PERMIT 47-08291 INIT dist
T. R. S. Q/Q
P/D 103 14E 15 NE/SE
SCALE _____
PHOTO ID. _____



P.O.D.
↩



P.O.D
Pressure
Tanks

FEB 11 1997

PER. 2 47-08241 INIT int
T. R. S. Q/Q
P/D LLS 145 15 NE/SE
SCALE _____
PHOTO ID. _____



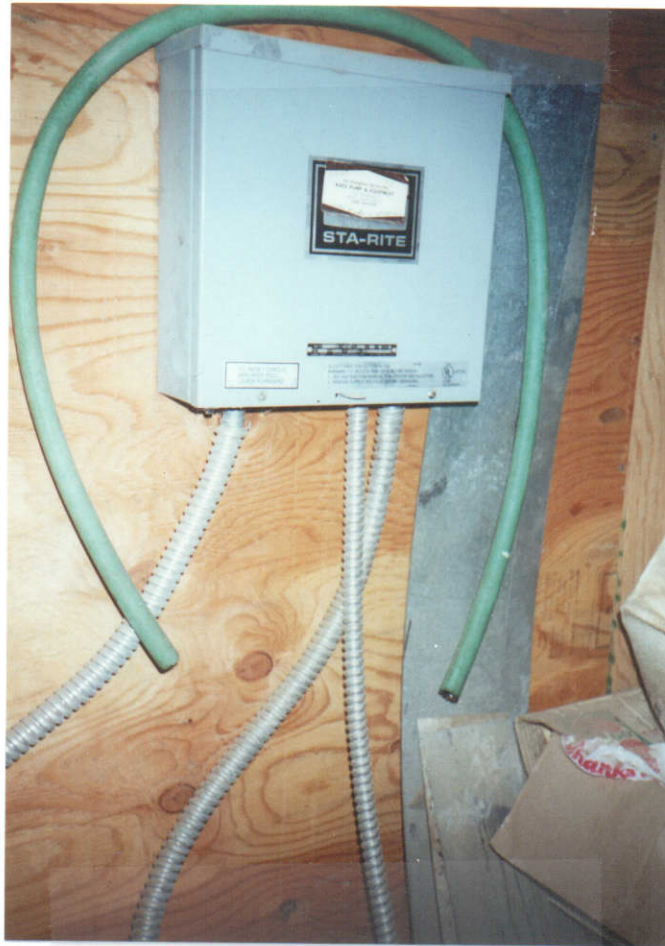
P/4
STOCK
water



P/4
STOCK
WATER

MICROFILMED
FEB 11 1997

PERMIT 47-08241 INIT dst
T. R. S. Q/Q
P/D 103 14E 15 NE/SE
SCALE _____
PHOTO ID. _____



Pump
Nomenclature
Plate
&
ELECTRICAL
HOOK-UP



P.S.I

MICROFILMED
FEB 11 1997

47-08241

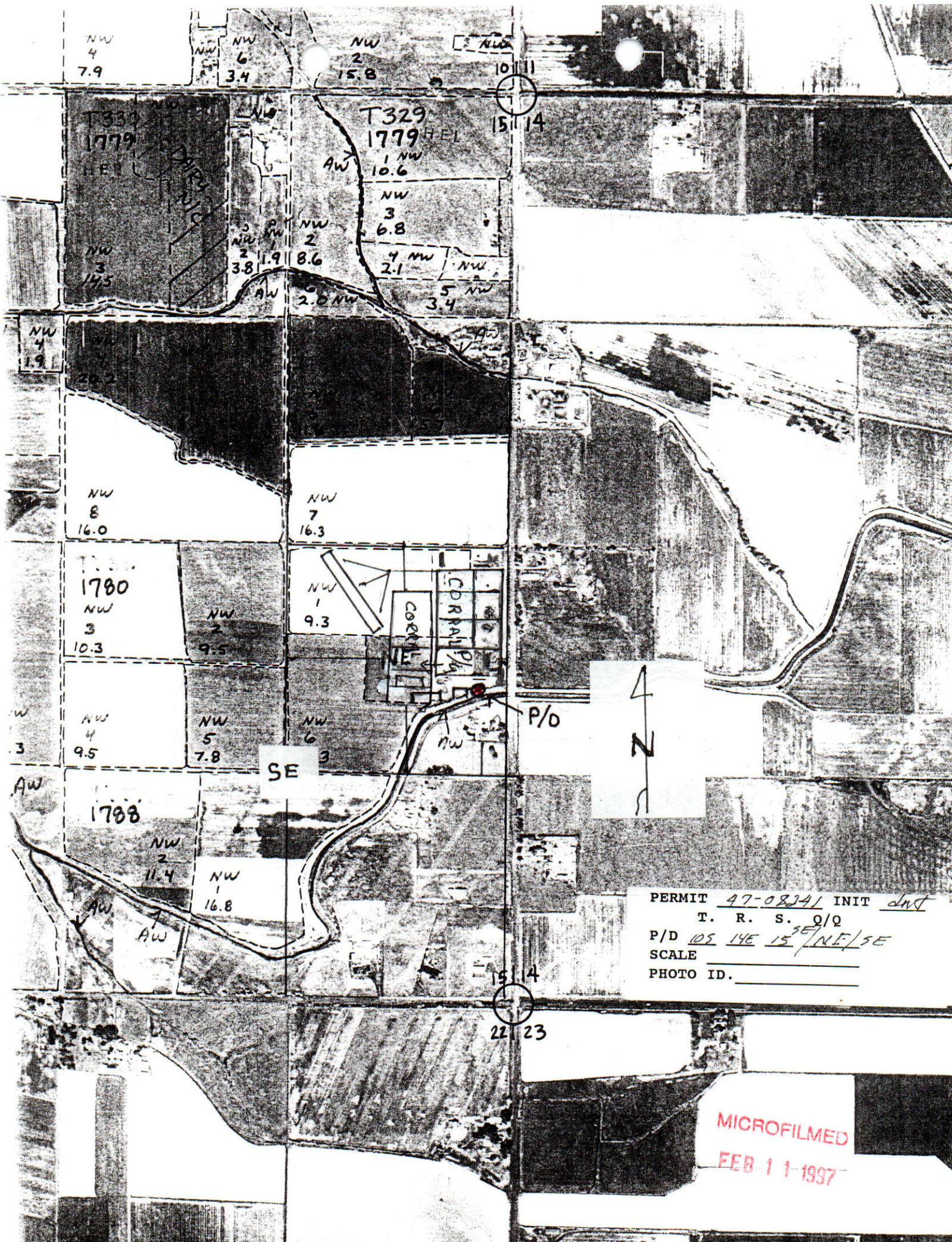


Cooling
System
+
H₂O
Storage



Cooling
System
+
H₂O
Storage

MICROFILMED
FEB 11 1997



PERMIT 47-08341 INIT AWT
T. R. S. 0/0
P/D 105 146 15 ^{SE}/_{NE} ^{SE}/_{SE}
SCALE _____
PHOTO ID. _____

MICROFILMED
FEB 11 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 47-08241

Priority: July 2, 1990

Maximum Diversion Rate:

0.16 CFS

Maximum Diversion Volume:

44.6 AF

This is to certify, that AVELARS DAIRY
3835 N 1300 E
BUHL ID 83316

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 20, 1990; and
has submitted Proof of Beneficial Use on January 13, 1994. An examination indicates
that the works have a diversion capacity of 0.160 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.16 CFS	39.2 AF
COMMERCIAL	01/01 to 12/31	0.06 CFS	5.4 AF
	Totals	0.16 CFS	44.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 15, Township 10S, Range 14E
TWIN FALLS County

PLACE OF USE: STOCKWATER

TWN RGE SEC

10S 14E 15

NESE

PLACE OF USE:

COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Commercial use is for a dairy.

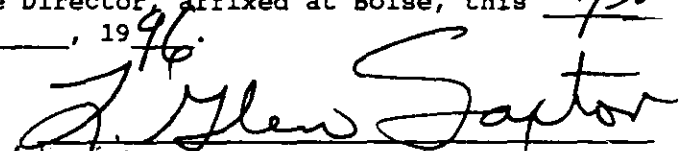
MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 47-08241

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 7th
day of November, 1996.



KARL J. DREHER, Director

MICROFILMED

2000-11-11

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Application~~	~~47-08241~~	~~Avelars Dairy~~	~~0.20~~
~~Full Assignment~~	~~47-08241~~	~~Avelars Dairy & Northwest Farm Credit Services~~	~~0.20~~
Full Assignment	47-08241	Avelars Dairy	0.20

RECEIVED
JAN 28 1986

JAN 28 1986

RECEIVED

State of Idaho DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY
 Amt. of Fee \$25.00
 Date 12-20-95
 Receipt No. 5018732
 Receipt by JA

DEC 20 1995 **ASSIGNMENT OF APPLICATION FOR PERMIT**

Department of Water Resources To change the ownership of an application for permit

Southern Region

Northwest Farm Credit Services, ACA

I, Northwest Farm Credit Services, ACA, hereby assign to Avelars Dairy

(Applicant)

of 3835 North 1300 East, Buhl, Idaho, 83316

(Full Address)

RECEIVED

DEC 21 1995

Department of Water Resources

All my right, title, and interest in and to ~~Application for~~ Permit

No. 47-08241 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 18th day of November, 1995
 NORTHWEST FARM CREDIT SERVICES, ACA

By: Deal Hunt Applicant(s)

State of Idaho)

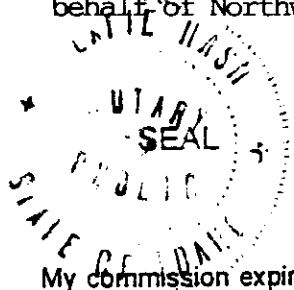
County of Twin Falls ss

Office: Authorized Signature Agent

On this 13th day of November, 1995, personally appeared before me the
 signer of the above instrument, duly acknowledged to me that he/she/they executed the same on
 behalf of Northwest Farm Credit Services, ACA.

Larrie Nash
 Signature

Notary Public for the State of Idaho



My commission expires: 11-16-2000

Signature
 RECORDED
 JAN 23 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-08241)
IN THE NAME OF AVELARS DAIRY & NORTHWEST) ORDER OF
FARM CREDIT SERVICES) REINSTATEMENT

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 on or before January 1, 1994; and,

WHEREAS, the Department notified the permit holder on October 31, 1993, by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

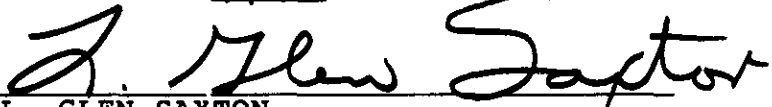
WHEREAS, the Department notified the permit holder on January 6, 1994, that the permit had lapsed for failure to submit an acceptable proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause 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 an acceptable proof of beneficial use on January 13, 1994;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 47-08241 be REINSTATED with an advance in priority to July 2, 1990.

Dated this 24th day of January, 1994.


L. GLEN SAXTON
Chief, Water Allocation Bureau

RECORDED
FEB 07 1994

RECEIVED

JAN 13 1994

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY
Amt. of Fee \$ 50.00
Date 1/13/94
Receipt No. C029428
Receipt by DW

PROOF OF BENEFICIAL USE

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

1. Permit No. 47-08241 Telephone No. 208-543-4441
2. Name(s) of Permit Holder(s): Avelar Dairy
3. Mailing Address: 3835 N 1300 E Buhl, ID 83316
4. Source of Water: Groundwater

If GROUNDWATER, Well Driller's Name: Eaton Drilling Date Drilled: 92

OPTIONAL:

Pump horsepower: 5 Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater 550 Hol. Cattle (No. and type of stock)
Irrigation _____ (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted .20 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes ☒ No _____ Installed? _____ Yes ☒ No _____

OR

Flow Measurement Port: Required? _____ Yes ☒ No _____ Installed? _____ Yes ☒ No _____

8. Fee Enclosed: \$ _____ (See License Fee Schedule on back of Instruction Sheet)

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

Joe Avelar 208-543-4441
Name Telephone No.

3835 N 1300 E Buhl, Idaho 83316
Address

10. The above information 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.

RECORDED

1-12-94
Date

Joe Avelar
Signature (and title, if on behalf of a company or organization)

FEB 07 1994

RECEIVED

NOV 15 1993

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 01 1993

ASSIGNMENT OF PERMIT

Department of Water Resources
Southern Region Office

We, AVELARS DAIRY, A Partnership
hereby assign to (name and address)
AVELAR DAIRY, A Partnership, and NORTHWEST FARM
CREDIT SERVICES, ACA, 129 Eastland Drive, P. O. Box 288, Twin Falls ID
83303-0288

All our right, title and interest in and to Permit No. 47-08241 to
appropriate the public waters of the State of Idaho.

or (for partial assignments)

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

Describe portion of the application assigned listing the number of acres
in each 40 acre subdivision, point of diversion location, and the amount
of water in cubic feet per second.

Made this _____ day of _____, 1992.

Antonio G. Avelar
Antonio G. Avelar
Antonio F. Avelar
Antonio F. Avelar
Joe E. Avelar
Joe E. Avelar

STATE OF IDAHO)
County of Twin Falls) ss

On this 28th day of October, 1992, personally appeared
before me the signers of the above instrument, duly acknowledged to me that
they executed the same.

[Signature]
Notary Public for Idaho
Residing at Twin Falls, Idaho
My Commission Expires 5-28-99

FEB 07 1994

Date Base updated 1-12-94 ay

47-08241

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 47-08241

Proposed Priority: June 20, 1990 Maximum Diversion Rate: 0.20 CFS

This is to certify, that **AVELARS DAIRY**
3835 N. 1300 E.
BUHL, ID 83316

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	0.20 CFS
COMMERCIAL	01/01 to 12/31	0.20 CFS
	Totals	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: SENESE Sec. 15, Township 10S, Range 14E
TWIN FALLS County

PLACE OF USE: STOCKWATER
TWN RGE SEC

10S 14E 15 NESE

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1994.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Stockwater use is for 1000 dairy cattle.
5. Commercial use is for dairy facility.
6. The point of diversion is located within the Twin Falls Groundwater Management Area and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this permit.

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

18 day of January, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

Ident. No. 47-08241

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: AVELAR'S DAIRY
Address: 3835 N 1300 E
BUHL, ID 83316
208-543-4441
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SENESE Sec. 15, Township 10S, Range 14E
TWIN FALLS County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.200		
COMMERCIAL	01/01	12/31	0.200		
5. Total quantity to be appropriated is:
0.200 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
WELL AND PUMP
 - 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 250
feet.
 - d. Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 years.
8. Description of proposed uses:
STOCKWATER FOR 1000 DAIRY COWS AND SERVICING DAIRY
9. Place of Use: STOCKWATER

TWN RGE SEC
10S 14E 15 NESE
10. Describe any other water rights used for the same purposes.
A47-14334 A47-14335

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:

13. Map of proposed point of diversion and place of use attached? [X]

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.

Joe C. Arvelo (GENERAL PARTNER)
Applicant

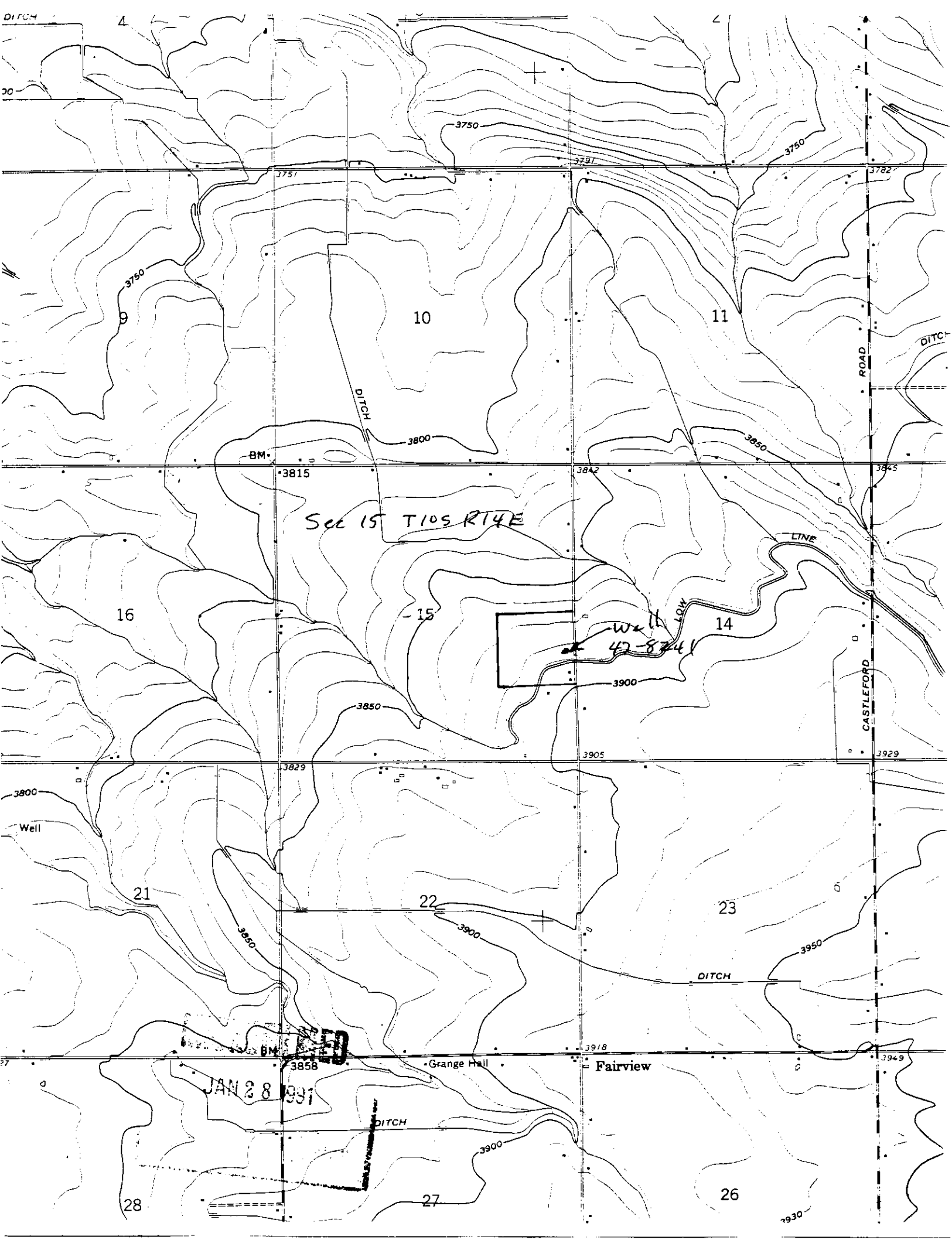
Received by LH Date 6/20/90 Time 10:30 Preliminary check by J. E. Stanton

Fee \$ 30.00 Receipted by MB # 5012416 Date 6-20-90

Publication prepared by M. B. Date 6/21/90 Published in Times News

Publication approved Ann Garner Date 7-30-90

RECEIVED
JAN 3 1991



NOTICE OF
ADVERTISING
RATES
AND
TERMS
OF
PUBLICATION
IN THE
TIMES-NEWS
TWIN FALLS, IDAHO
PUBLISHED DAILY
EXCEPT SUNDAY
AND THURSDAY
EVENING
EDITION
Circulation: 1,000
Subscription Price: \$10.00
Single Copy Price: 10¢
Advertising Rates: \$100.00 per line per week
Display Advertising: \$1.00 per line per day
Classified Advertising: \$1.00 per line per week
Long Term Advertising: \$1.00 per line per month
Special Advertising: \$1.00 per line per month
Phone: 233-1000
Fax: 233-1000
Address: 233-1000
Twin Falls, Idaho 83301
JAN 28 1990

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

No 21454

I, Genda Capps McGuire being first duly sworn upon oath, depose and say that I am Prine Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated July 5, 1990, and ending with the issue dated July 12, 1990.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 20 day of July in the year of 1990, before me, a Notary Public, personally appeared Genda Capps McGuire known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Shirley R. Zeltman
Notary Public for Idaho
Residing at Twin Falls County
My commission expires: 5/19/94

CLASSIFIED ADVERTISING INVOICE

TWIN FALLS TIMES NEWS
132 3RD ST W.
P. O. BOX 548
TWIN FALLS ID 83303

Forwarding & address correction requested

RECEIVED

JUL 27 1990

Department of Water Resources
Southern Region Office

RETURN THIS PORTION WITH YOUR REMITTANCE

INVOICE NO.		CLASS		BILLING DATE	
21454		343		07/20/90	
INDEXING TERM					
#47-08241					
START DATE			TELEPHONE NO.		
7/05/90			734-3573		
LINES/WORDS	TIMES	RATE	NET AMOUNT	GROSS AMOUNT	
36	2		25.92	25.92	
AFFIDAVI			3.00	3.00	
PAY THIS AMOUNT			28.92	23.92	
GROSS AMT DUE AFTER 08/04					

21454

2892

THIS SPACE FOR ADDRESS ONLY

IDAHO WATER RESOURCES

222 SHOSHONE ST EAST
TWIN FALLS ID
83301



The Times-News

P.O. Box 548 • Twin Falls, Id. 83303-0548

July 26, 1990

RECEIVED

JUL 27 1990

Department of Water Resources
Southern Region Office

Idaho Water Resources
222 Shoshone St East
Twin Falls ID 83301

RIGHT #47-08241

Two Times

July 5, 1990, 36 lines @ .40- - \$14.40
July 12, 1990, 36 lines @ .32- - \$11.52
Affidavit \$ 3.00

TOTAL DUE

\$28.92

REFILMED

JAN 28 1991

INVOICE
21454

ok
A.D.
7-30-90



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

November 7, 1996

AVELARS DAIRY
3835 N 1300 E
BUHL ID 83316

RE: WATER RIGHT NO. 47-08241

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

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.

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,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

RECEIVED
NOV 14 1996

B/U FIELD EXAM REVIEW
Cindy Zimmerman

01/96

Permit #: 47-8241 Name: Avelars Dairy Date: 10/25/96 ✓ Lots _____
Chng Same

NAME _____ ✓ Or Address Change?

SOURCE _____ ✓ Clarify source _____
Prelim. Order to Void - Source change.

P/D _____ ✓ Amendment Needed? SENSE - clarify P39
Overlap(s) _____

P/U _____ ✓ Amendment Needed? _____ P41
Overlap(s) _____
(Gov't special #'s) *P/D & P/U Amend? P37

RATE _____ ✓ Permit/fee limits: 0.20 / 0.20
_____ ✓ Measured Q= _____ cfs/Theoretical Q= 0.16 cfs
See spreadsheet for calculated values.
(HP) $\frac{8.8 \times 0.70 \times 5}{104 + (2.31 \times 40)} = \frac{30.8}{196.4} = 0.16 \text{ cfs}$
_____ ✓ Recommended capacity 0.16 cfs
_____ ✓ Recommended rate 0.16 + 0.07 = 0.16 cfs

VOLUME _____ ✓ Season: (____/____) 1/1 - 12/31 = 365 days
Calculations: _____
See spreadsheet for calculations
_____ ✓ Flow limit: 0.16 x 365 x 1.9835 = 115.8 AF
_____ Recommended volume 44.6 AF

USES _____ ✓ Same Nature of Use? _____ P46
_____ Amendment Needed? _____

REMARKS _____ Multiple p/d's in $\frac{1}{2}$? W32
_____ ✓ Qw02/1000 AC @ Comm/dairy

CONDITIONS _____ Measuring (R01)/Locking (R02) Devices
_____ Watermaster Control (R04) - WD # _____
_____ Irrigation rate/volume overlap
_____ GW irrigation replaces surface water (050)
_____ GW irrigation supplements surface water (065)
_____ Water Quality/Other _____

PRIORITY App Rcd 6/20/90 Due 1/1/94 Rc'd 1/13/94
Receipt# 6029428 Fee OK? Yes/No
Order to Reinstate Needed? Yes/No Done? 1/24/94
If Yes, Advanced? Yes/No to: 7/2/90
Priority 7/2/90 Examined 2/15/96

COMMENTS: limited by capacity

USE	CFS	DIV VOL	SRBA Overlap
<u>Stock/1000 Dairy</u>	<u>0.16</u>	<u>39.2</u>	<u>A47-14333/14334/14335</u>
<u>Comm</u>	<u>0.06</u>	<u>5.4</u>	<u>Adjustment Memo</u> ✓
<u>TOTAL</u>	<u>0.16</u>	<u>44.6</u>	<u>LICENSE LTR: P49</u>
			<u>#1 AMEND LTR: _____/P38</u>
			<u>#2 AMEND LTR: P42/P47</u>

MEMORANDUM

DATE: October 28, 1996
TO: File No. 47-08241
FROM: Cindy Zimmerman
SUBJECT: Review of Beneficial Use Field Report

As part of my review of this exam, I ran a dairy spreadsheet using the input data found in this exam. Note: only 1000 milker and no non-milkers were permitted. The following adjustments¹ were made on the field report to reflect the information in the spreadsheet:

F. Flow Calculations.

1. Capacity using theoretical horsepower equation; static level per drilling report is 94' (dynamic lift is static level + 10') =
$$\frac{8.8 \times 0.7 \times \text{HP}}{\text{lift} + (2.31 \times \text{psi})}$$
$$= \frac{8.8 \times 0.7 \times 5}{\frac{104^2}{196.4} + (2.31 \times 40)}$$
$$= \frac{30.8}{196.4}$$
$$= 0.156 \approx \underline{0.16} \text{ cfs.}$$
2. Rate of diversion.
 1. Stockwater, see spreadsheet = 0.65 limited to capacity = 0.16 cfs.
 2. Commercial, see spreadsheet = 0.06 cfs.
 3. Maximum rate of diversion, limited by capacity = 0.16 cfs.

G. Volume Calculations.

1. Stockwater use; 1000 dairy cattle
(for calculations, see spreadsheet) = 39.2 AF.
2. Commercial use for dairy barn; see attached spreadsheet = 5.4 AF.
3. Total annual volume = 1. + 2.
$$= 39.2 + 5.4$$
$$= \underline{44.6} \text{ AF.}$$

H. Recommendations.

1. Recommended amounts:

Beneficial Use	Period of Use	Rate of diversion	Annual Volume
Stockwater	1/1-12/31	<u>0.16</u> cfs	<u>39.2</u> AF
Commercial	1/1-12/31	<u>0.06</u> cfs	<u>5.4</u> AF
Totals:		<u>0.16</u> cfs	<u>44.6</u> AF

Examiner: Dallas Tryon
Examined: February 15, 1996

MICROFILMED
FEB 15 1997

¹ Adjustments made are bolded and underlined.

² Dynamic lift = static level + 10'; static water level, per well log = 94'

FILE NUMBER ----- 47-08241
REVIEWER ----- C L Zimmerman 10/25/96

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE ----- 1000
NUMBER OF NONMILKING CATTLE ----- 0
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES:
IF ANAEROBIC, ENTER ZERO ----- 0.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) ----- 0
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH CO
NUMBER OF MILKINGS PER DAY ----- 1
FLOW OF WATER FOR IN-BARN USE (GPM) ----- 29
DURATION OF IN-BARN USE (MINUTES) ----- 120
HOURS PUMP IS ON ----- 20.0

CALCULATIONS

DAILY VOLUME FOR STOCKWATER (GALLONS):

MILKING CATTLE @35 GPD/HD ----- 35000
NONMILKING CATTLE @12 GPD/HD ----- 0
TOTAL (GALLONS) ----- 35000

STOCKWATER FLOW RATE ----- 0.65

DAILY VOLUME IN BARN USE (GALLONS):

IN BARN RATE * DURATION (GALLONS) ----- 3480

FLOW RATE REQUIRED (GPM) ----- 29
FLOW RATE REQUIRED (CFS) ----- 0.06

DIVERSION VOLUME (AFA):

STOCKWATER
MILKING CATTLE @35 GPD/HD ** ----- 39.2
NONMILKING CATTLE @12 GPD/HD ** ----- 0.0
TOTAL VOLUME ----- 39.2

COMMERCIAL
WASHING OF BULK TANK AND RELATED EQUIPMENT ----- 0.4
PARLOR FLOOR AND MILKHOUSE FLOOR ----- 3.9
CATTLE WASHING BASED UPON METHOD OF WASHING ----- 1.1
TOTAL VOLUME ----- 5.4

TOTAL DIVERSION VOLUME ----- 44.6

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER
MILKING ----- 5.8
NONMILKING ----- 0.0
TOTAL ----- 5.8

COMMERCIAL ----- 0.0

TOTAL CONSUMPTIVE USE ----- 5.8

THEORETICAL FLOW ESTIMATION WORKSHEET

PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) -----	5.0	NA	NA
LIFT (FT) <u>DYNAMIC LEVEL</u> -----	104	NA	NA
DISCHARGE PRESSURE (PSI) -----	40	NA	NA
FRICTION LOSSES (FT) -----	0.0	NA	NA
HOURS WATER IS PUMPED DAILY -----	20	NA	NA

CALCULATIONS

THEORETICAL FLOW RATE (GPM) * -----	70	0	0
THEORETICAL FLOW RATE (CFS) * -----	0.16	0.00	0.00
DAILY VOLUME (GALLONS) -----	188	0	0
DIVERSION VOLUME (AFA) ** -----	94.6	0.0	0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

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

*Static level + 10'
static level, per well log = 94'

EVALUATION OF REDUCTION REQUIRED IF AN IRRIGATION RIGHT IS USED

IRRIGATION RIGHT (BEFORE CHANGE)

INPUT:	
RATE (CFS)	0.80
ACRES	40.00
ACRE FEET PER ACRE	4.50
CONSUMPTIVE USE PER ACRE	3.50

CFS/ACRE

CALCULATIONS:

RATE PER ACRE	0.02	ACRES
RATE NEEDED FOR DAIRY OPERATION	0.06	ACRES
REDUCTION OF IRR. BASED ON RATE/AC	3.2	ACRES
REDUCTION BASED ON CONSUMPTIVE U	1.7	ACRES
REDUCTION BASED ON ANNUAL VOLUME	9.91	ACRES

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

NUMBER OF ACRES THAT CAN BE IRRIGATED BY CONSUMPTIVE USE

INPUT DATA

IRRIGATION CONSUMPTIVE USE/ACRE ----- 4.0

CALCULATED

ACRES IRRIGATED ----- 1.4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
APR 20 1996
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 47-08241

1. Owner: Joe Avelar (Avelars Dairy) Phone No. (208) 543-4441

Current Address: 3835 North 1300 East Buhl ID 83316

2. Accompanied by: Joe Avelar EXAM DATE : 02-15-1996

Address: Same Phone No.: Same

Relationship to Permit Holder: Owner/General Partner

3. Source: Groundwater tributary to None

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None (see remarks)

2. Other water rights with the same point of diversion: None (see remarks)

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#1		se	ne	se	15	10s	14e	Twin Falls	ASC /Slide enhancement

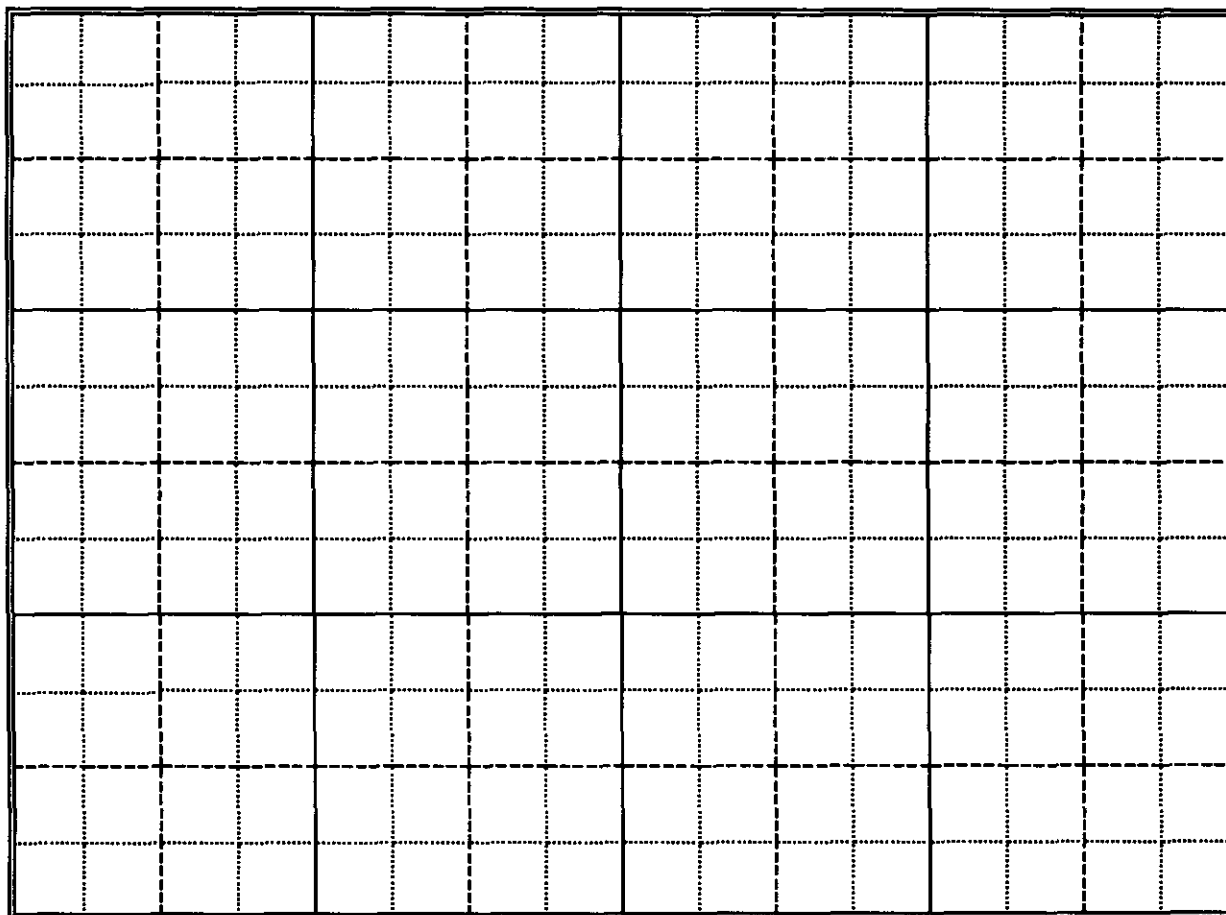
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10s	14e	15													S				
															C				

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FEB 11 1997

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



Scale: 1" = Not to Scale

☐ 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
Well # 1	General Electric	5	G CP4J02C-04	Sta-Rite	B90J

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: _____

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E. NARRATIVE/REMARKS/COMMENTS

This system consists of a 8" well drilled 237 ft deep with a pumping level of 94 ft.
Water is diverted to 4 65 gallon pressure tanks. Guages indicate that the discharge pressure
is at 40 PSI average.

Water is diverted by a 5 hp Sta-Rite pump.

Water is then diverted via 2" PVC to the corral complex watering troughs, the water levels
control by level sensing switches. Also water is diverted to the cooling and milk transporting
piping and returned to a large Storage facility to be recycled as wash-down and barn-
cleaning.

There is one domestic well located in the same 10 acre tract but has no water right number
and is not affiliated with the dairy operation.

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

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FEB 11 1987

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: Theoretical equations accomplished by utilizing Lotus Generated Dairy Worksheet.

Worksheet shows system capacity at 0.17cfs and 119.6 afa

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:**

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses: Dairy Worksheet calculations reflect current developments and present operations and is the basis for recommendations.

Stockwater: 44.0afa

Commercial: 1.6afa

$$\frac{1.6 \times 4 \times 43560}{(365) (2) (60)} = 0.02\text{cfs}$$

H. RECOMMENDATIONS**1. Recommended Amounts: Cfs recommended from System Capacity.**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Stockwater</u>	<u>01-01</u>	<u>12-31</u>	<u>0.17cfs</u>	<u>44.0afa</u>
<u>Commercial</u>	<u>01-01</u>	<u>12-31</u>	<u>0.02cfs</u>	<u>1.6afa</u>
_____	_____	_____	_____	_____
			Totals:	<u>0.17cfs</u> <u>45.6afa</u>

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above X None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATIONField Examiner's Name Dallas R. Lyon Date 01-23-96Reviewer Alm Date 4/22/96 MICROFILMED

SEAL

FEB 11 1997

FILE # or NAME -----
REVIEWER -----
DATE -----

47-08241
drt
28-Mar-96

IDAHO DEPARTMENT OF WATER RESOURCES

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE ----- 1000
NUMBER OF NONMILKING CATTLE ----- 300
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO ----- 0.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) ----- 0
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS - 1
NUMBER OF MILKINGS PER DAY ----- 2

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS): ****

MILKING CATTLE @35 GPD/HD ----- 0.65
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.65
NONMILKING CATTLE @12 GPD/HD ----- 0.07
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.07
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 0.72

DIVERSION VOLUME (AFA):

STOCKWATER
MILKING CATTLE @35 GPD/HD ----- 39.2
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 40.0
NONMILKING CATTLE @12 GPD/HD ----- 4.0
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 4.0
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 44.0

COMMERCIAL
WASHING OF BULK TANK AND RELATED EQUIPMENT ----- 0.4
PARLOR FLOOR AND MILKHOUSE FLOOR ----- 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING ----- 1.1
TOTAL ----- 1.6

TOTAL DIVERSION VOLUME ----- 45.6

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER
MILKING ----- 5.8
NONMILKING ----- 0.0
TOTAL ----- 5.8

COMMERCIAL ----- 0.0

TOTAL CONSUMPTIVE USE ----- 5.8

THEORETICAL FLOW ESTIMATION

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) -----	5.00	0.00	
LIFT (FT) -----	94	0	
DISCHARGE PRESSURE (PSI) -----	40	0	
FRICTION LOSSES (FT) -----	0.0	0.0	

CALCULATIONS

THEORETICAL FLOW RATE (CFS) ** -----	0.17	0.00	0.00
DIVERSION VOLUME (AFA) *** -----	119.6	0.0	0.0

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

** PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

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

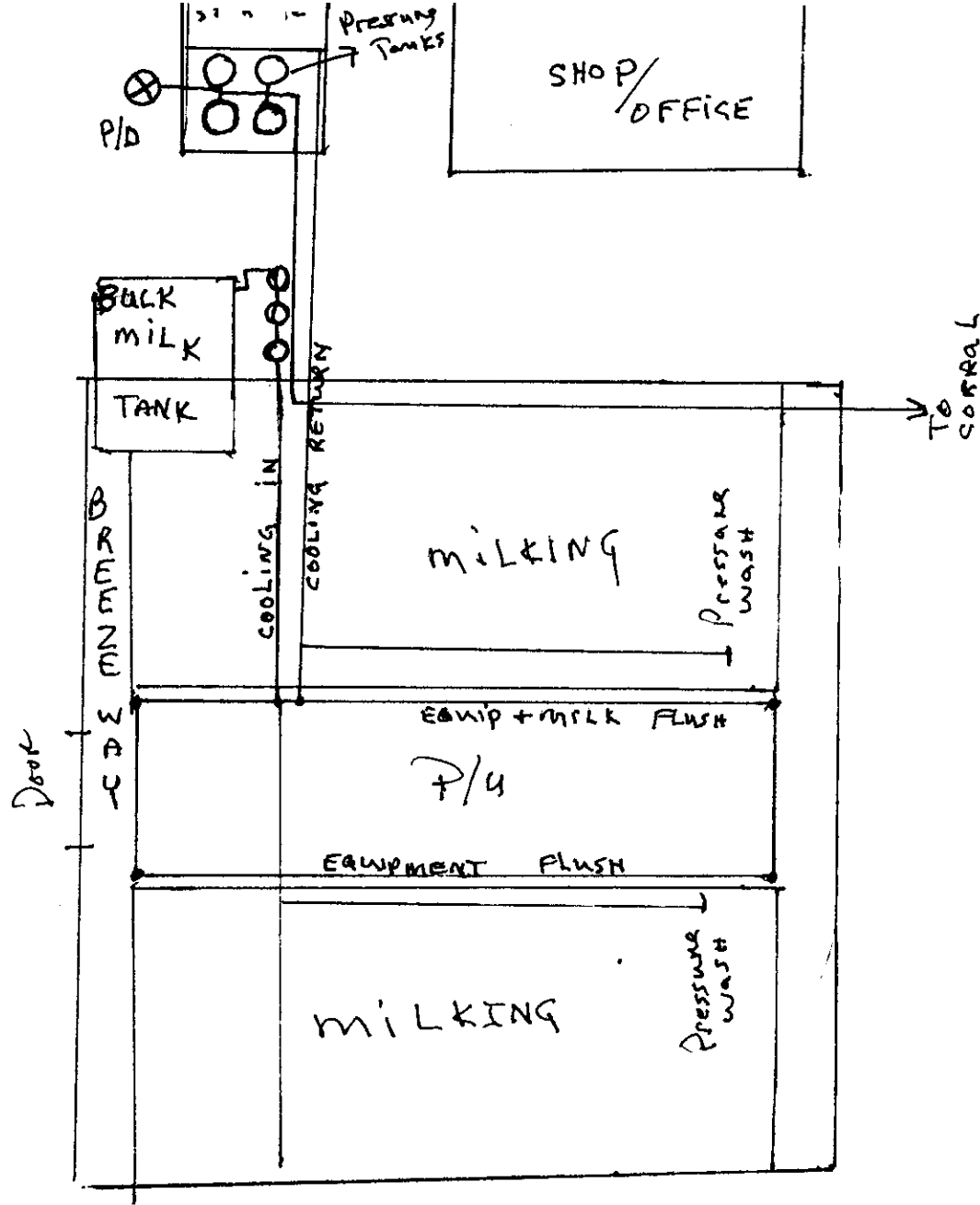
**** BASED ON 2 HOUR DIVERSION TO MEET VOLUME

MICROFILMED

FEB 11 1997

Dev.: M Sterling
Mod.: ADM & KKC
Mod.: 8/5/94 DRJ

ERMIT 47-08291 INIT 60
 T. R. S. Q/Q
 P/D 105 145 12 08/54
 SCALE _____
 PHOTO ID. _____



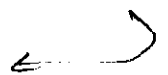
MICROFILMED

FEB 11 1997

PERMIT 47-08291 INIT det
T. R. S. Q/Q
P/D 103 14E 15 NE/SE
SCALE _____
PHOTO ID. _____



P.O.D.



P.O.D.
Pressure
Tanks

PER. 2 47-08241 INIT ent
T. R. S. Q/Q
P/D 103 14F 15 NA/58
SCALE _____
PHOTO ID. _____



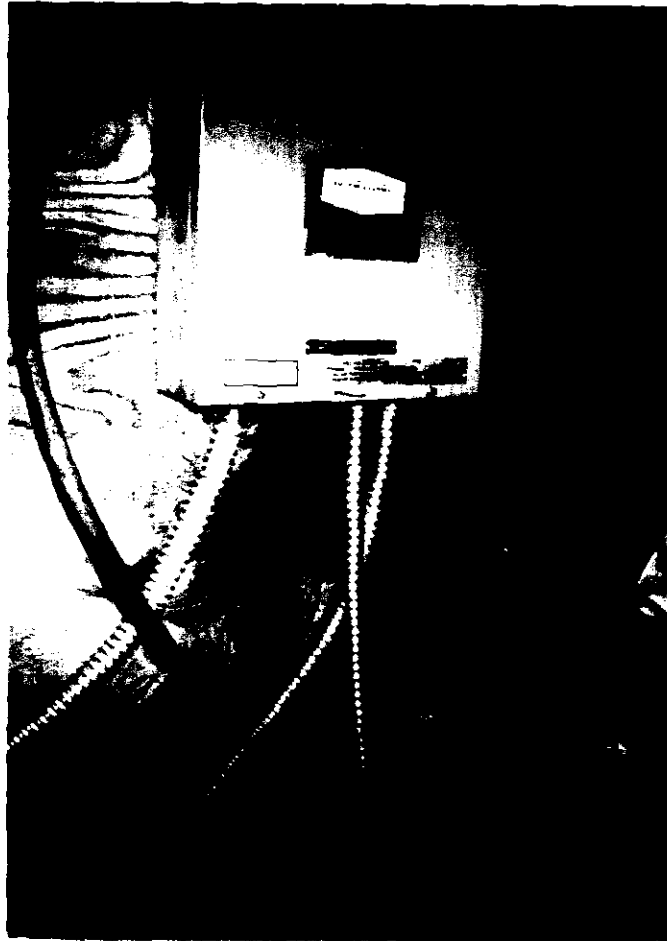
P/4
STOCK
water



P/4
STOCK
WATER

MIC
FEB 11

PERMIT 47-08241 INIT dst
T. R. S. Q/Q
P/D 101 146 15 NE/SE
SCALE _____
PHOTO ID. _____



Pump
Nomenclature
Plate
+
ELECTRICAL
HOOK-UP



P.S.I

REPROFILMED
FEB 11 1997

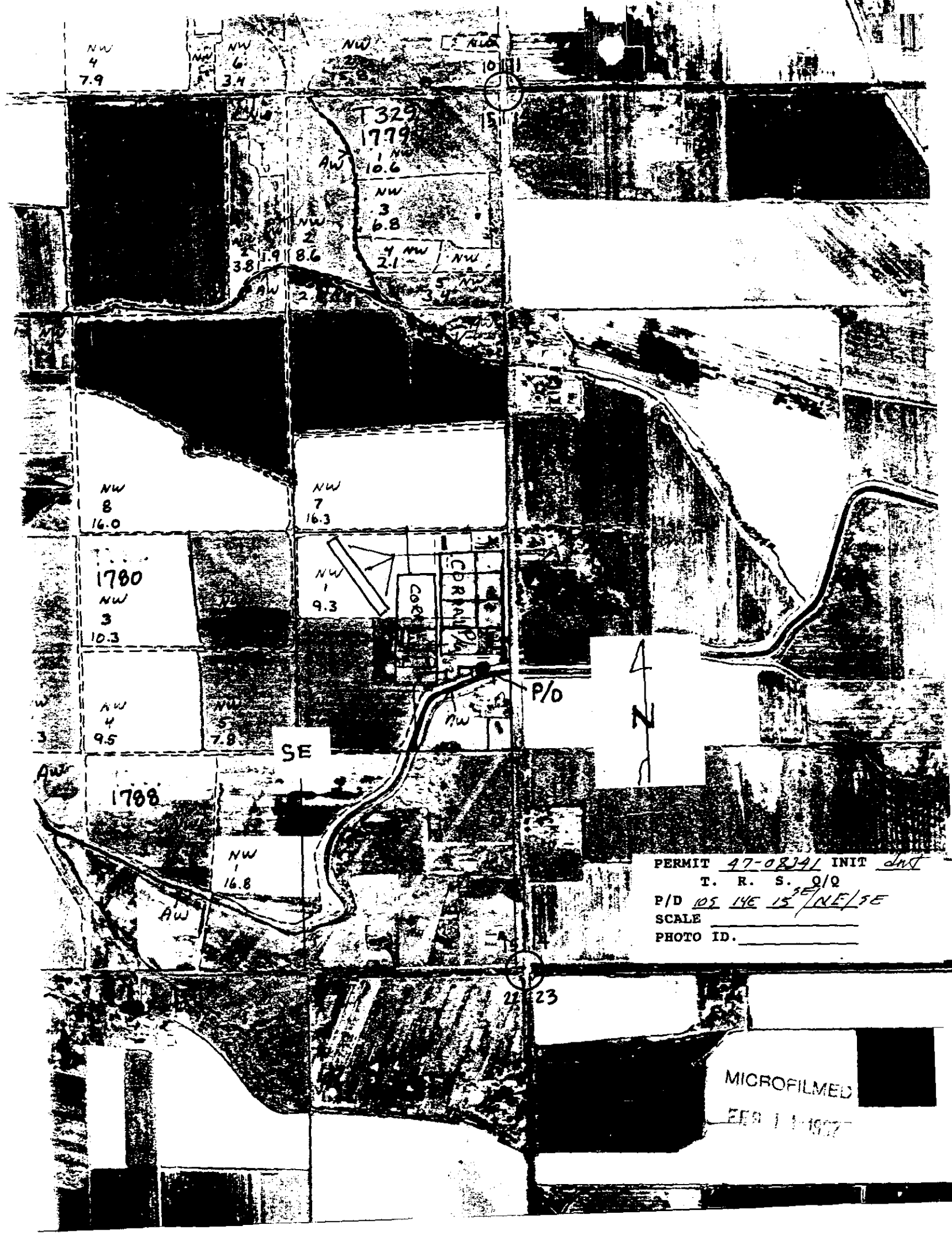


Cooling
System
+
H₂O
Storage



Cooling
System
+
H₂O
Storage

MICROFILMED
FEB 11 1997



NW
4
7.9

NW
6
3.4

NW
2
15.8

5 ALB

10 11

T 329
1779

AW
10.6

NW
3

6.8

NW
2

8.6

3.8

1.9

4 NW

2.1

NW

5 NW

3.4

NW
8
16.0

NW
7
16.3

1780
NW
3
10.3

NW
1
9.3

CORRAL

CORRAL

W
3
AW
4
9.5

NW
5
7.8

SE

P/O

4
N

1788

NW
1
16.8

AW

PERMIT 47-08341 INIT ANT
T. R. S. O/Q
P/D 105 146 15 SE/NE/SE
SCALE _____
PHOTO ID. _____

21 23

MICROFILMED
FEB 1 1967

WD0731NP
(00-0731)

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLING PERMIT NUMBER INDEX

DATE: 03/28/96
PAGE: 1

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	COUNTY	ACC FLG
47-90-S-0046-000	O	AVELAR'S DAIRY 3835 N 1300 E	10S	14E	15	NE SE		TWIN FALLS	

Subdivision Well Site Location and Description:
Subdivision Name:
Well Site Address:
City, State:

Lot(s):
Block(s):

Geographic Location:
GPS Site ID:
Lat: : : N
Long: : : W
Accuracy Code:

Proposed Use of Well: Other
Anticipated Bottom Hole Temperature:

Proposed Casing Diameter: In.

Proposed Depth: Ft.

Well Use Comments: DAIRY

Driller License No: 0026

Firm Name: EATON DRILLING & PUMP SERVICE INC
Official: LARRY M NIELSON

Permit Status:

Verbal Issue Date:
Date Received:
Date Approved:
Proposed Start Date:
Extension Date:
Extension Expiration:

Receipt No.	Receipt Date	Fee
	NOT ON FILE	\$
	NOT ON FILE	
	NOT ON FILE	
	NOT ON FILE	
	NOT ON FILE	

Permit Remarks:

----- WELL DRILLER'S LOG REPORT -----

Drilling Permit No: 47-90-S-0046-000
Log Status:

Water Right No:
Injection Permit No:

Nature of Work: NEW WELL

Construction Method: ROTARY & AIR

Number of Monitor Wells:

Casing Diameter: 8 In.
Depth of Casing: 18 Ft.
Total Depth: 237 Ft.
Screen Installed?

Static Water Level: 94 Ft.
Temperature: 85 F.
Production Rate: GPM

Actual Start Date: 06/20/1990
Well Finish Date: 06/21/1990
Log Received Date: 06/28/1990
Certification Date:
Field Inspection Date:

Inspector:

Violation Flag:

Well Log Remarks:

MICROFILMED

FEB 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

December 26, 1995

Avelar Dairy
3835 N 1300 E
Buhl ID 83316

RE: Permit No. 47-08241

Dear Permit Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

RECEIVED

JAN 23 1996

**Merry
Christmas**



First American Title Company

RECEIVED

DEC 20 1995

**Department of Water Resources
Southern Region**

December 19, 1995

**Department of Water Resources
222 Shoshone St E
Twin Falls ID 83301**

RE: E#12552KB Avelar Dairy

Enclosed, please find the following documents in connection with the above-referenced transaction:

**Our check #25818 in the amount of \$25.00
Assignment of Application for permit**



We appreciate the opportunity of working with you on this transaction and look forward to working with you again in the future.

If you should have any questions, please contact me. Thank you.

Sincerely,

Kelli Bauer
Kelli Bauer
Escrow Officer

JAN 23 1996

January 24, 1994

AVELARS DAIRY
& NORTHWEST FARM CREDIT SERVICES
129 EASTLAND DR
P O BOX 288
TWIN FALLS ID 83303-0288

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 47-08241

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing your date of priority to July 2, 1990, since your proof was submitted after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls, at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

RECEIVED

FEB 07 1994

WR0749NP
No. 47-08241

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/13/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	AVELARS DAIRY 3835 N 1300 E BUHL ID 83316 (208) 543-4441	06/20/1990	STOCKWATER COMMERCIAL	01-01 12-31 01-01 12-31	0.20 CFS 0.20 CFS	
TOTAL DIVERSION:					0.20 CFS	

C NORTHWEST FARM CREDIT SERVICES ACA
129 EASTLAND DR
P O BOX 288
TWIN FALLS ID 83316-

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T10S R14E S15 SENESE TWIN FALLS County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac			
10S	14E	15	:	:	:	:	:	:	:	:	:	:			

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

Pou County: TWIN FALLS

Other Rights: A47-14334 A47-14335

Conditions of Approval:

- 26A - Project construction shall commence within one year from the
- date of permit issuance and shall proceed diligently to
- completion unless it can be shown to the satisfaction of the
- Director of the Department of Water Resources that delays were
- due to circumstances over which permit holder had no control.

Remarks: Stockwater use is for 1000 dairy cattle.
Commercial use is for dairy facility.
The point of diversion is located within the Twin Falls
Groundwater Management Area and use of water with a temperature
greater than 85 degrees Fahrenheit is not authorized under this
permit.

Dates: App. Received: 06/20/1990 Priority Date: 06/20/1990
Proof Due Date: 01/01/1994 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 06/21/90 HOLMES 07/02/90 CURTIS 07/09/90 CURTIS 01/09/91 SKAGGS
01/11/91 SKAGGS 01/13/94 YARBROUG

January 12, 1994

Avelars Dairy, A Partnership and
Northwest Farm Credit Services, ACA
129 Eastland Dr.
P.O. Box 288
Twin Falls, ID 83303-0288

RE: Permit No. 47-08241

Dear Permit Holder:

The Department acknowledges receipt of the correspondence and assignment of permit form transferring ownership of the above referenced water right to you. We have have modified our computer records to reflect this change in ownership.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Regional Office

FEB 07 1994

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.

January 7, 1994

Avelars Dairy, A Partnership
and Northwest Farm Credit Services
129 Eastland Drive
P.O. Box 288
Twin Falls, ID 83303-0288

RE: Permit No. 47-08241

Dear Permit Holder:

LAPSE NOTICE

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, the above referenced permit has lapsed. The department provided the proper forms to you in our proof due notice dated October 31, 1993. 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 showing reasonable cause for the delay. Either the completed Proof of Beneficial Use Submittal including the examination fee, or a completed field examination report; or the extension request form together with the \$15 fee, must be received by this department within sixty (60) days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. 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 governmental agency or by litigation which brings title to the water in question.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 1-7-94
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

RECEIVED

FEB 07 1994

[Signature]

AVELARS DAIRY
 3835 N. 1300 E.
 BUHL ID 83316

RE: PERMIT NO. 47-08241

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 January 1, 1994. (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.

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.

Enclosures

NO. 140875

1994



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 22, 1991

AVELARS DAIRY
3835 N. 1300 E.
BUHL, ID 83316

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 47-08241

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

MicroFILMED

JAN 28 1991

47-08241

AVELAR'S DAIRY
3835 N 1300 E
BUHL, ID 83316

Source: GROUNDWATER

Diversion Pt: SENESE Sec 15 T 10S R 14E

Use: STOCKWATER (.200 CFS)
 COMMERCIAL (.200 CFS)
 Total Diversion: (.200 CFS)

Date Filed: 6/20/ 1990

In: T10S R14E S15 NESE

RECEIVED

JAN 28 1991

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, Idaho 83301 on or before JULY 23, 1990.

R. KEITH HIGGINSON, Director

Published 7/ 5/1990 & 7/12/1990

RECEIVED
JAN 23 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)734-3578

JUNE 21, 1990

TIMES NEWS
P.O. BOX 548
TWIN FALLS, ID 83303-548

Gentlemen:

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.

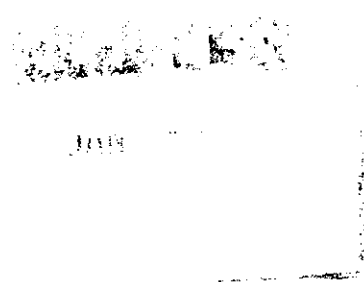
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 23, 1990.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure



21-Jun-1990

DEPT HEALTH & WELFARE
DIV OF ENVIRONMENT
PO BOX 1626
TWIN FALLS ID 83301

Re: Application(s) for Permit

Gentlemen:

Please find enclosed copy(ies) of an Application(s) for Permit for your information and files.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosure(s)

21-Jun-1990

AVELAR'S DAIRY
C/O JOE E AVELAR
3835 NORTH 1300 EAST
Buhl, ID 83314

Re: Application for Permit No. 47-08241

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the Times News on 7/5 & 7/12/90. A period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

.. application 47-8241
List of Partners.

ANTONIO G. AVELAR

Tony F. AVELAR

3835 N. 1300 E
BUHL Id 83316
543- 4441

INDEXED

JAN 28 1951

9/89

Drilling Permit No. 47-90-5-046Water Right Permit No. 47-8241

Injection Permit No. _____

RECEIVED

JUN 20 1990

State of Idaho
Department of Water ResourcesDepartment of Water Resources
Southern Region Office**DRILLING PERMIT**

1. Applicant (Please Print) AVELAR'S DAIRY
2. Mailing Address 3835 N 1300 E
BOHL IN 83316 Telephone 543-7441
☒ Well Owner () Well Operator () Other, specify _____
3. Proposed well location NE 1/4 SE 1/4, or Gov't lot No. _____,
Sec. 15, Twp. 10S, Rge. 14E, County Twin Falls,
Street Address of Well Site SAME AS ABOVE,
Lot, block and subdivision _____
4. Proposed use of well:
() Single family or stockwater use (less than 13,000 gallons per day)
() Irrigation (more than 1/2 acre)
() Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____
☒ Other (describe fully) DAIRY 1000 cattle
5. Well construction information:
A. ☒ New well () Deepen () Replace - See Condition 9.
B. Proposed surface diameter 8 Inches Maximum depth 250
C. Anticipated bottom hole temperature:
☒ 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212°F or more (Geothermal well)
6. Construction Start Date Within 30 days
7. Anticipated Well Driller LARRY NELSON
NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's signature Joe & Tony Avelar Date 6-18-90
Title General Partners
(Owner, Firm Representative, Other)

RECEIVED

ACTION OF DEPARTMENT OF WATER RESOURCES

This Permit is Approved Date 6/20/90

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

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. 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.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. 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.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

Larry O. Halbur
Signature of Authorized Department Representative

MANAGER, SOUTHERN REGION
Title

Receipt No. 5012416 Received by MB Fee 100⁰⁰ Date 6/20/90

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

Drilling permit No. 47-90-S-046

Water right No. 47-8241

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

Avelar's Dairy, Applicant, requests issuance of a drilling permit prior to approval of a water right to withdraw water from the well.

The request is made for the following reason(s):

WE ARE SHORT OF WATER AND THE DRILLER
IS AVAILABLE NOW.

Applicant understands that the drilling permit does not constitute a water right and does not authorize diversion or use of water from the well.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

Date 6-20-90

NOT FILMED

Signature

Applicant

Joe E. Avelar (General Partner)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-14334
Date Received: 1/11/1989
Receipt No: S005869
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: AVELAR'S DAIRY 208-543-4441
Address: 3829N 1300E
RT 1
BUHL, ID 83316

2. Date of Priority: MAR 01, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	14E	15	SE	NE	SE		TWIN FALLS

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	14E	15	NE	SE		DOMEST	

11. Place of use in counties: TWIN FALLS

A47-14334

Page 1

Date: 01/11/89

MICROFILMED

JAN 28 1989

Re: 47-08241

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A47-14335

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not / wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Partner of

Archer's Dairy Organization, that I have signed the foregoing document in the space below as Partner of

Archer's Dairy Organization and that the statements contained in the foregoing document are true and correct.

Lee G. Archer
Signature of Authorized Agent

Partner Archer's Dairy
Title and Organization

1-11-89
Date

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 11 day

of Jan 19 89

Lon White
Notary Public

Seal

Residing at TF

A47-14334

Page 1 My Commission Expires 5/94
Date: 01/11/89

JAN 11 1989

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-14335
Date Received: 1/11/1989
Receipt No: S005869
Received By: lu

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: AVELAR'S DAIRY 208-543-4441
Address: 3829N 1300E
RT 1
BUHL, ID 83316

2. Date of Priority: MAR 01, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	14E	15	SE	NE	SE		TWIN FALLS

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.200		

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE, S/275 COW DAIRYK

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	14E	15				STOCK	

A47-14335

Page

1

Date: 01/11/89

RECEIVED

JAN 26 1989

Re: 47-08241

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	14E	15	NE SE		DOMEST	

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A47-14334

14. Remarks:
1 WELL, 2 HOMES, 1 DAIRY, 2 CLAIMS FILED.

15. Basis of Claim: BENEFICIAL USE

A47-14335

Page

RECORDED

Date: 01/11/89

JAN 8 1989

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

may 28 1961