

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

17E

10S 25

P/D

P/D

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MAY 31 1990

Scale: 2 inches equal 1 mile.

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.

David L Aslett
Partner (Applicant)

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

47-08215

J & J DAIRY
R.t 2
Kimberly, ID 83341
Source: Groundwater
Diversion Pt: SESE Sec
25 T 10S R 17E
Use: Stockwater (.300 cfs)
Commercial (.300 cfs)
Date Filed: 5/12/1989
In: T10S R17E S25 SESE

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before June 26, 1989.

R. Keith Higginson, Director
PUBLISH: Thursday, June 8, and 15, 1989.

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

No 19953

I, Linda Capps McQuire being first duly sworn upon oath, depose and say that I am Print 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 June 8, 1989, and ending with the issue dated June 15, 1989.

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.

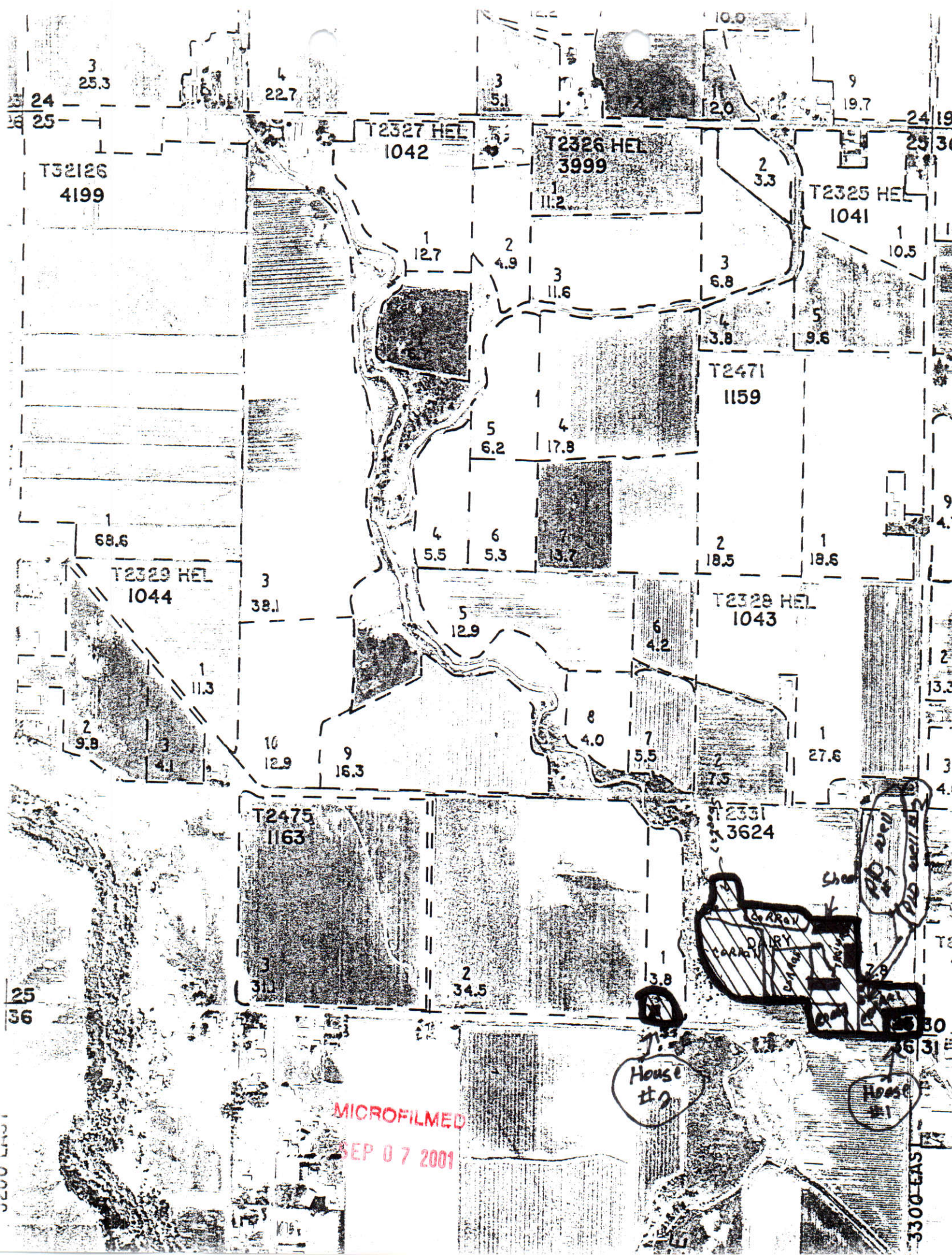
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 29 day of June in the year of 1989, 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.

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

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MAY 31 1989

OK
MB
7/14/89



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3300-EAS



The above picture is of the well head
for well #1. The picture below is the well
head for well #2



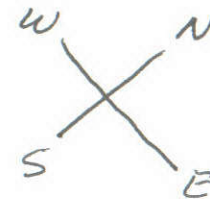
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SEP 07 2001



SEP 07 2001

MICROFILMED

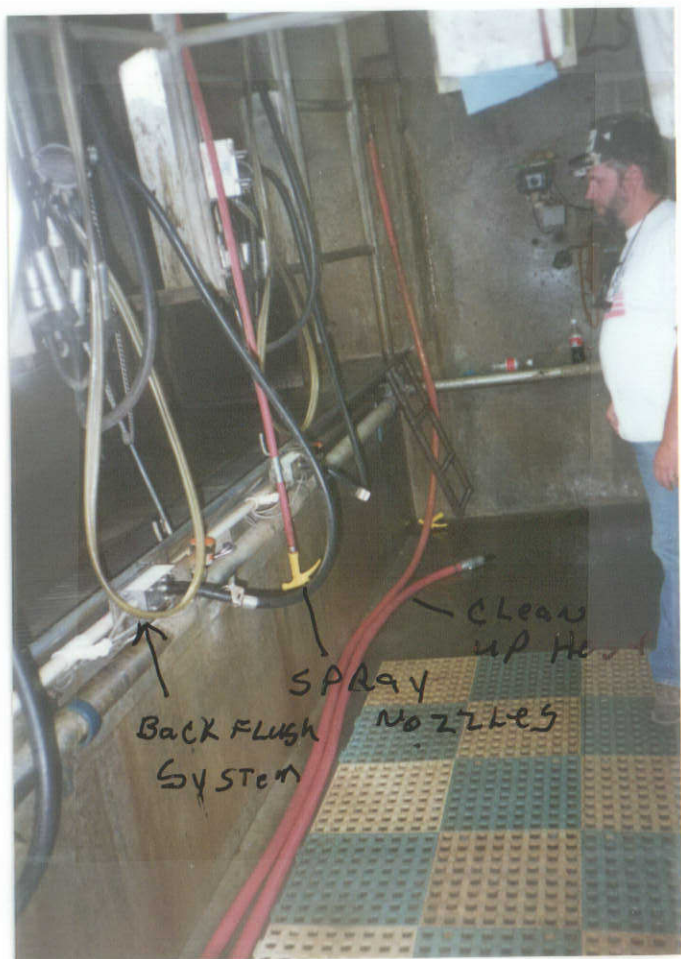
THIS IS A PICTURE OF THE STORAGE (PRESSURE) TANKS
IN THE WELL HOUSE THERE ARE 4 TANKS APPROX. 85 gal each.



This is a picture of
 the front of the Dairy
 it shows the position of
 the wells and well house,
 the Dairy Barn, House
 #2, and the Trailer
 House #1 is $\frac{1}{16}$ mile
 to the east of this
 picture. →



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This is a picture of the milking parlor. There is a Back Flush system on each milker and spray nozzle for every other stall. There is also a 2" hose for clean up.

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The above picture is of the milk tank. it is refrigerated cooling tank with no water consumption. The below picture is a picture of the hose wash up sink and the hand sink. there is als a spilot for floor clean up



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THE ABOVE PICTURE IS OF THE PRECOOLING SYSTEM THAT COOLS THE MILK BEFORE IT ENTERS THE TANK. THE PICTURE BELOW IS OF THE 3 WASTE PONDS. ONE OF THE PONDS IS ANAEROBIC AND THE OTHER 2 ARE AEROBIC. THERE ARE 3 PONDS.



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This is a picture of
some of the corrals.



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SEP 07 2001



SEP 07 2001

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The above picture is of
The Main House (House #1).
IT IS COVERED BY WATER RIGHT
R47-13763.

The picture to the right
is of the Trailer Houses.
There has been a new
Trailer brought into this
location. There is NOT a
water right for these
trailers





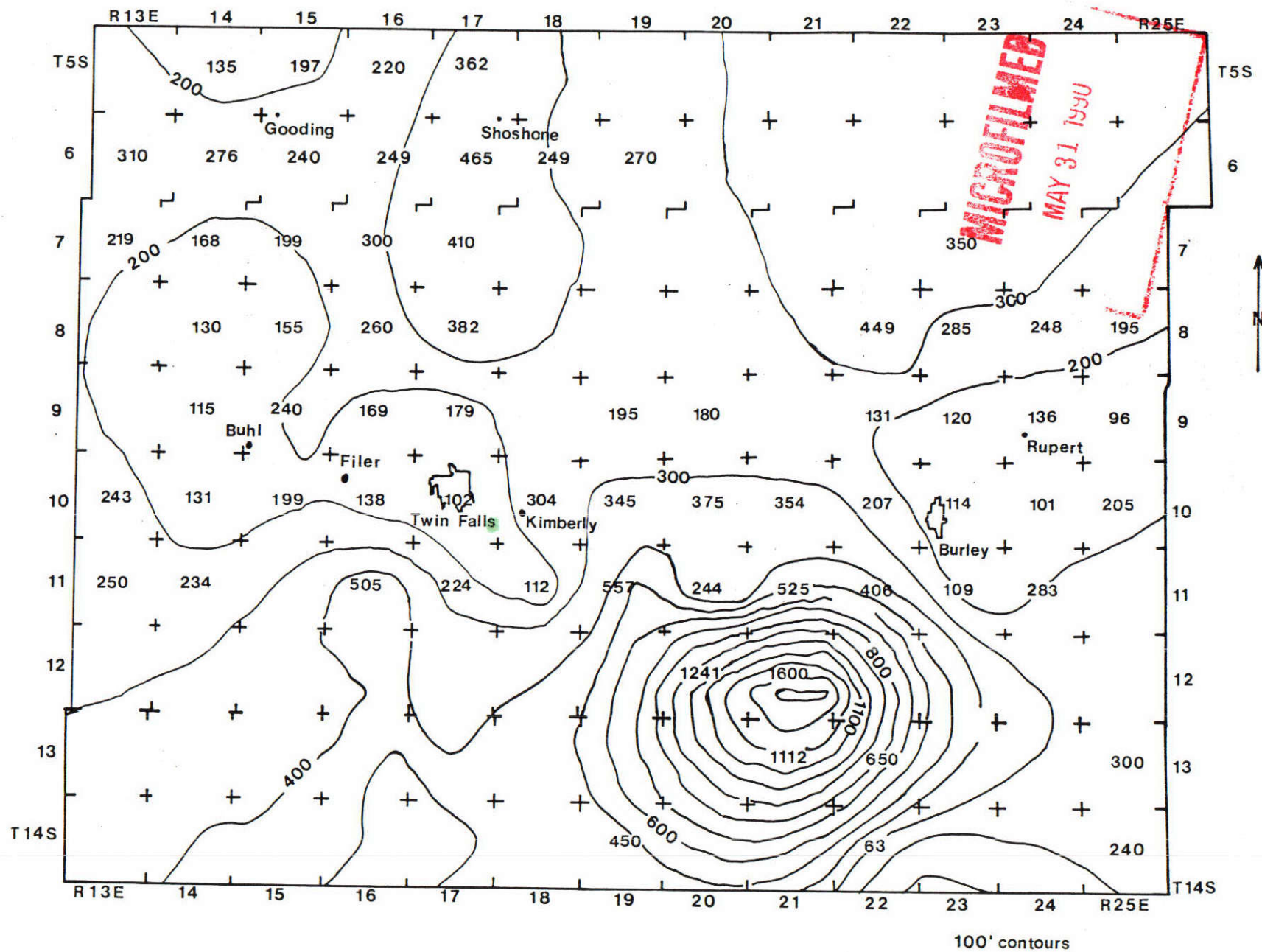
This is a picture of House #2
House #2 Does NOT Have a water Right

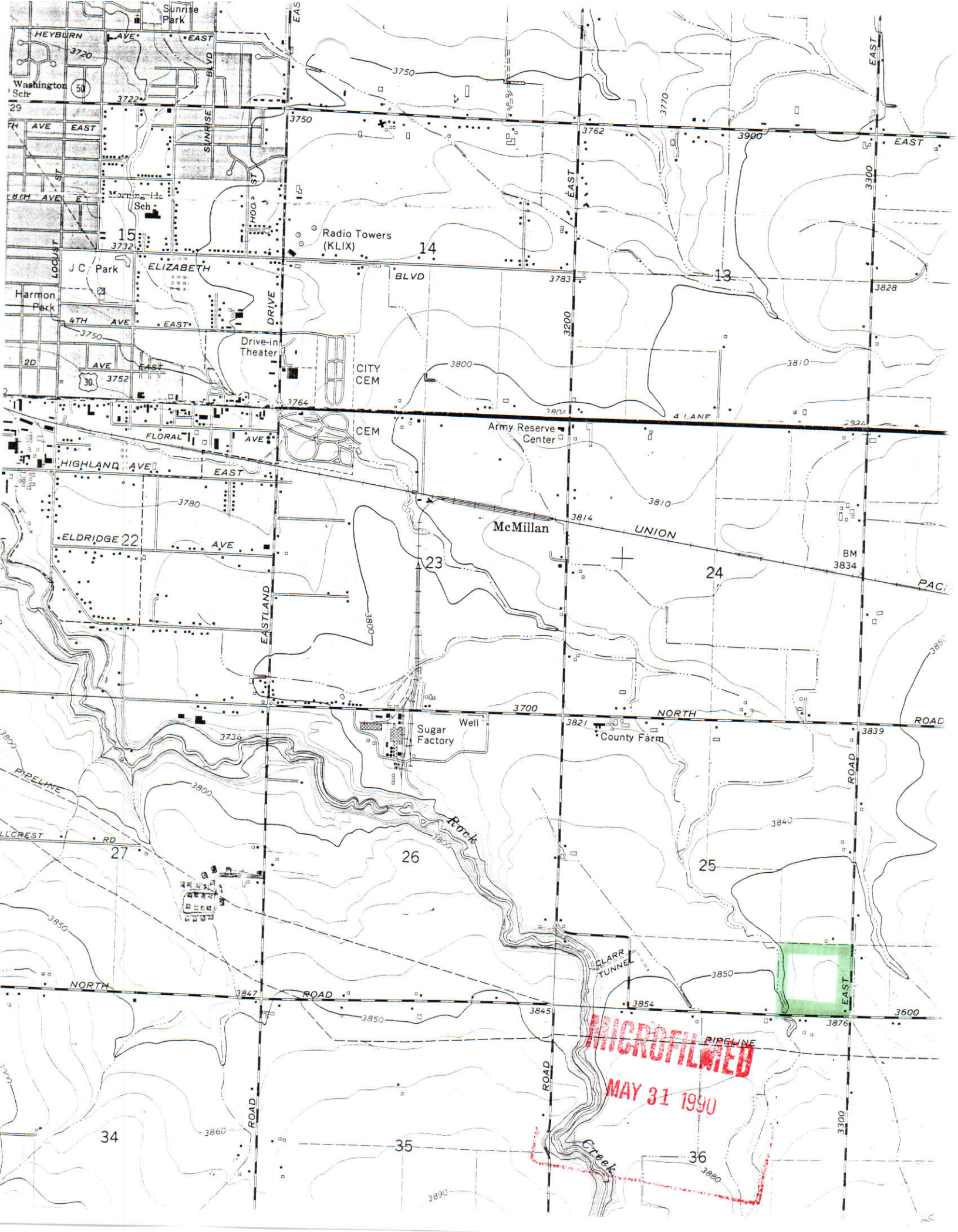
Back yard →
of House #2



MICROFILMED
SEP 07 2001

AVERAGE COLD WATER WELL DEPTHS





State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-08215

Priority: May 12, 1989

Maximum Diversion Rate: 0.32 CFS
Maximum Diversion Volume: 44.6 AF

It is hereby certified that J & J DAIRY
3298 E 3600 N
KIMBERLY ID 83341 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 12, 1989; and has
submitted Proof of Beneficial Use on April 29, 1991. An examination indicates that the works have a
diversion capacity of 0.32 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.18 CFS	29.3 AF
STOCKWATER	01/01 to 12/31	0.14 CFS	15.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Twp 10S, Rge 17E, B.M., TWIN FALLS County

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Twp 10S, Rge 17E, B.M., TWIN FALLS County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S 17E 25																X	

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S 17E 25																X	

CONDITIONS OF APPROVAL

1. Commercial use is for a dairy.

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SEP 17 1991

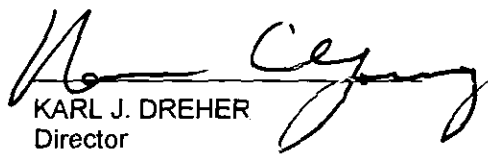
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-08215

2. 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.
3. Right 47-13763 is also diverted through one of the points of diversion described above.
4. Rights 47-13763 and 47-08215 when combined shall not exceed a total diversion rate of 0.32 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 21st day of JUNE, 2001.


Acting for **KARL J. DREHER**
Director

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SEP 9 7 2001

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 29 1991

PROOF OF BENEFICIAL USE

APR 30 1991

Department of Water Resources

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. P47-~~895010~~-08215 Telephone No. (208) 733-5533
2. Name(s) of Permit Holder(s): J+J DAIRY, MARVIN ASLEH
3. Post Office Address: P.O. Box B Twin Falls, Idaho
4. Source of Water: WELL
- a. If ground water, well driller's name: Elsin Drilling Pump Inc. Date drilled: 4-6-89
- b. Pump horsepower: 5hp Pressure (psi): ~~100~~ 50 Dynamic pumping level (ft.): ~~100~~ 30
5. Extent of Use:

Domestic _____ (No. of households) Irrigation _____ (No. of acres)

Stockwater 400 (No. and type of stock) Other _____

Cows + heifers - Dairy Stock

6. Total rate and/or volume for which proof is submitted ~~100 gpm~~ (.30 cfs) cfs _____ 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: \$ 100.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

M. GARY ATKINSON (208) 733-7968
Name Telephone No.

516 2nd St E P.O. Box 1846 Twin Falls, Id 83203
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.

4-29-91
Date

[Signature]
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 47-08215

Proposed Priority: May 12, 1989 Maximum Diversion Rate: 0.60 CFS

This is to certify, that J & J DAIRY
RT. 2

KIMBERLY, ID 83341

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	0.30 CFS
COMMERCIAL	01/01 to 12/31	0.30 CFS
	Totals	0.60 CFS

LOCATION OF POINT(S) OF DIVERSION: SESE Sec. 25, Township 10S, Range 17E
TWIN FALLS County

PLACE OF USE: STOCKWATER

TWN RGE SEC

10S 17E 25 SESE

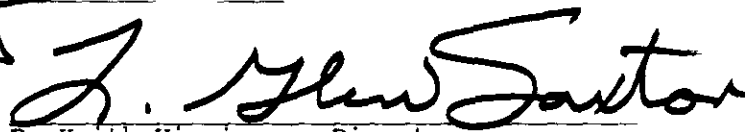
PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1991.
2. Subject to all prior water rights.
3. 2 points of diversion within SESE, S25, T10S, R17E.
Stockwater use is for 400 head.
Commercial use is for a dairy.

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

1st day of May, 1990

for 
R. Keith Higginson, Director

MICROFILMED

MAY 31 1990

Form 202
6/85

Ident. No. 47-08215

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant J & J Dairy DA Phone 733-0547
Post office address Route #2, Kimberly ID 83341
Twin Falls, ID 83301
2. Source of water supply Well which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____
Sec. 25 Township 10S Range 12E B.M. _____ County; additional
points of diversion if any: 2 points
4. Water will be used for the following purposes:
dairy & stock
Amount .3cfs for watering purposes from Jan 1 ¹⁹⁹⁹ to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum) commercial
Amount .3cfs for dairy purposes purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .6cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. _____

- 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 150 feet.
- d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
One (1) year years (minimum 1 year).

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MAY 31 1990

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 400 head - Holstein
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	17E	25																5	

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? J & J Dairy

b. Who owns the land to be irrigated or place of use? J & J Dairy

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: _____

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MAY 31 1990

17E

10S 25

P/D

P/D

MICROFILMED

MAY 31 1990

David L Aslett
Partner (Applicant)

710 ✓

Received by M. Baldwin Date 5/12/89 Time 10:00 am Preliminary check by DRJ
Fee \$ 45.00 Receipted by M. Baldwin # 5007098 Date 5/12/89
Publication prepared by M. Baldwin Date 6/1/89 Published in Jerome News
Publication approved M. Baldwin Date 7/14/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECORDED

MAY 11 1990

M. GARY ATKINSON
ATTORNEY AT LAW
P.O. BOX 1846
516 SECOND ST. EAST
TWIN FALLS, IDAHO 83303-1846

April 13, 1989

Juris Doctor
Masters of Law (Taxation)
Certified Public Accountant

733-7968, 733-7180
File No.

Idaho Department of Water Resources
Souther Regional
2148 4th Ave. East
Twin Falls, ID 83301

RE: ASLETT WATER PERMIT

Gentlemen:

Enclosed please find a permit for J & J ^{Dairy} Farms,
a partnership of David and Marvin Aslett. If there are
any questions regarding the application process, or the
permit, please call.

Your cooperation in this matter is appreciate.

Yours very truly,



M. GARY ATKINSON

MGA/fw

Enclosure

RECEIVED

APR 31 1990

RECEIVED

APR 25 1989

Department of Water Resources
Southern Region Office

47-08215

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

47-08215
J.A. JENRY
R12
Kimberly, ID 83341
Source: Groundwater
Division Pt SESE Sec
25T 10S R17E
Use: Stockwater (300 cfs)
Commercial (300 cfs)
Date Filed: 5/12/1989
In: T10S R17E S25 SESE

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before June 26, 1989.

R. Keith Higginson, Director
PUBLISH: Thursday, June 8, and 15, 1989.

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } ss.

No 19953

I, Linda Copps McSwine being first duly sworn upon oath, depose and say that I am Prinic 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 June 8, 1989, and ending with the issue dated June 15, 1989.

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 29 day of June in the year of 1989, before me, a Notary Public, personally appeared Linda Copps McSwine, 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.

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

MAY 31 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 22, 2001

J & J DAIRY
3298 E 3600 N
KIMBERLY ID 83341

RE: License No. 47-8215 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

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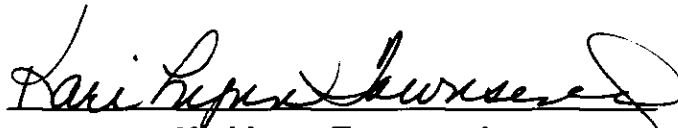
SEP 07 2001

CERTIFICATE OF MAILING

I hereby certify that on June 22, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 47-8215

**J & J DAIRY
3298 E 3600 N
KIMBERLY ID 83341**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

SEP 07 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 47-13763

NAME AND ADDRESS: IDAHO FIRST NATIONAL BANK
TRUSTEE FOR OLIVE J CARREL
PO BOX 509
TWIN FALLS, ID 83303

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/15/1923

POINT OF DIVERSION: T10S R17E S25 SESESE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOUSE	01-01 TO 12-31	0.04 CFS

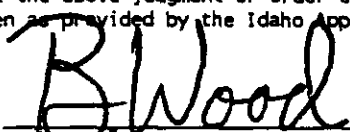
PLACE OF USE: Domestic Within Twin Falls County
T10S R17E S25 SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

SEP 07 2001

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	47 12988	GREG VIERSTRA, DARLA VIERSTRA,	CLARR TUNNEL	10S17E25											B.3						B.3
Claim	47 12968	GREG VIERSTRA, DARLA VIERSTRA,	CLARR TUNNEL	10S17E25																	0
Claim	47 10127	GREG VIERSTRA, DARLA VIERSTRA,	GROUND WATER	10S17E25											X						0
Claim	47 10127	GREG VIERSTRA, DARLA VIERSTRA,	GROUND WATER	10S17E25																	0
Claim	47 10394	DONALD STEEN,	GROUND WATER	10S17E25					X												0
Claim	47 10723	JOHN ULRICH, WANDA ULRICH,	GROUND WATER	10S17E25									X								0
Claim	47 10914	HARRY BOLTON, MARY E BOLTON,	GROUND WATER	10S17E25									X								0
Claim	47 12009	ELDON R BALLARD,	GROUND WATER	10S17E25		X															0
Claim	47 12009	ELDON R BALLARD,	GROUND WATER	10S17E25		X															0
Claim	47 12402	MARY L CHARLTON, D FRANK CHARLTON,	GROUND WATER	10S17E25				X													0
Claim	47 12402	MARY L CHARLTON, D FRANK CHARLTON,	GROUND WATER	10S17E25				X													0
Claim	47 12459	MILDRED BRITT, DEAN BRITT,	GROUND WATER	10S17E25					X												0
Claim	47 12487	JOHN WESLEY REMALEY,	GROUND WATER	10S17E25									X								0
Claim	47 12488	LETHA B REMALEY, DELBERT P REMALEY,	GROUND WATER	10S17E25									X								0
Claim	47 12638	DAVE AUSTIN,	GROUND WATER	10S17E25													X				0
Claim	47 12640	DAVE AUSTIN,	GROUND WATER	10S17E25													X				0
Claim	47 13763	IDAHO FIRST NATIONAL BANK,	GROUND WATER	10S17E25															X		0
Claim	47 13890	WILLIAM J HANCHEY, JACQUELINE KAY HANCHEY,	GROUND WATER	10S17E25											X						0
Claim	47 13890	WILLIAM J HANCHEY, JACQUELINE KAY HANCHEY,	GROUND WATER	10S17E25											X						0
Claim	47 14123	WILLIAM D DENTON, BEVERLY DENTON,	GROUND WATER	10S17E25	X																0
Claim	47 14256	GLENDA LEKEY, JACK LEKEY,	GROUND WATER	10S17E25	X																0
Claim	47 14256	GLENDA LEKEY, JACK LEKEY,	GROUND WATER	10S17E25																	0
Claim	47 14951	VETERANS ADMINISTRATION,	GROUND WATER	10S17E25									X								0
Claim	47 8215	J & J DAIRY,	GROUND WATER	10S17E25															X		0
Claim	47 8215	J & J DAIRY,	GROUND WATER	10S17E25															X		0
Permit	47 8215	J & J DAIRY,	GROUND WATER	10S17E25															X		0
Right	47 10127	GREG VIERSTRA, DARLA VIERSTRA,	GROUND WATER	10S17E25											X						0
Right	47 10127	GREG VIERSTRA, DARLA VIERSTRA,	GROUND WATER	10S17E25											X						0
Right	47 10394	DONALD STEEN,	GROUND WATER	10S17E25					X												0
Right	47 10723	WANDA ULRICH, JOHN ULRICH,	GROUND WATER	10S17E25									X								0
Right	47 10914	MICHAEL D NELSON, DEBORAH A NELSON,	GROUND WATER	10S17E25									X								0
Right	47 12009	ELDON R BALLARD,	GROUND WATER	10S17E25		X															0
Right	47 12009	ELDON R BALLARD,	GROUND WATER	10S17E25		X															0
Right	47 12402	MARY L CHARLTON, D FRANK CHARLTON,	GROUND WATER	10S17E25				X													0
Right	47 12402	MARY L CHARLTON, D FRANK CHARLTON,	GROUND WATER	10S17E25				X													0
Right	47 12459	DEAN BRITT, MILDRED BRITT,	GROUND WATER	10S17E25					X												0
Right	47 12487	JOHN WESLEY REMALEY,	GROUND WATER	10S17E25									X								0
Right	47 12488	LETHA B REMALEY, DELBERT P REMALEY,	GROUND WATER	10S17E25									X								0
Right	47 12638	DAVE AUSTIN,	GROUND WATER	10S17E25													X				0
Right	47 12640	DAVE AUSTIN,	GROUND WATER	10S17E25													X				0
Right	47 13763	IDAHO FIRST NATIONAL BANK,	GROUND WATER	10S17E25															X		0
Right	47 13890	JACQUELINE KAY HANCHEY, WILLIAM J HANCHEY,	GROUND WATER	10S17E25											X						0
Right	47 13890	JACQUELINE KAY HANCHEY, WILLIAM J HANCHEY,	GROUND WATER	10S17E25											X						0
Right	47 14123	BEVERLY DENTON, WILLIAM D DENTON,	GROUND WATER	10S17E25	X																0
Right	47 14256	GLENDA LEKEY, JACK LEKEY,	GROUND WATER	10S17E25	X																0
Right	47 14256	GLENDA LEKEY, JACK LEKEY,	GROUND WATER	10S17E25	X																0
Right	47 14951	VETERANS ADMINISTRATION,	GROUND WATER	10S17E25									X								0
Right	47 8215	J & J DAIRY,	GROUND WATER	10S17E25															X		0
Right	47 8215	J & J DAIRY,	GROUND WATER	10S17E25															X		0
Claim	1 209	TWIN FALLS CANAL CO,	SNAKE RIVER	10S17E25	40	40	40	40	40	40	40	40	40	37.8	28	40	40	40	40	40	825.9
Right	1 10	TWIN FALLS CANAL CO,	SNAKE RIVER	10S17E25																	0
Right	1 209	TWIN FALLS CANAL CO,	SNAKE RIVER	10S17E25																	0
Right	1 4	TWIN FALLS CANAL CO,	SNAKE RIVER	10S17E25																	0
Right	47 4086	MINNIE M THIEME, FRED B THIEME,	WASTEWATER	10S17E25					2												2

Keen, Shelley

From: Skinner, Corey
Sent: Thursday, July 08, 1999 11:41 AM
To: Keen, Shelley *SK*
Subject: Permit 47-08215 *To file*

This day Mr. Aslett came by the office to inquire about how much water he had on his dairy. Examination of the database revealed that water right permit 47-08215 covers the dairy. This particular permit has been examined, and is awaiting licensing. Mr. Aslett is in the process of exploring expanding his dairy operation. The amount of water that is licensed under 47-08215 will determine how much water Mr. Aslett needs to obtain for his expansion. This particular license will probably be one that we will need to have licensed relatively soon, if possible. On another note, Mr. Aslett said that his address is:

3298 East 3600 North
Kimberly, ID 83341

I verified this address in the local phone book, so we should sent correspondence to Mr. Aslett at this address.

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SEP 07 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

AUG 1 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 47-08215

1. Owner: J & J Dairy (now known as Aslett Dairy) Phone No. (208) 733-5533

Current Address: 3298 N 3300 E, Kimberly, Idaho 83341

2. Accompanied by: Dave Aslett & Gary Atkinson Atty. EXAM DATE : May 5, 1997

Address: Dave Aslett - same as Above & Gary Atkinson - 149 Third Avenue East, Twin Falls, Idaho 83301
Phone No. Aslett - Home (208) 734-9794 Barn (208) 733-7015 & Atkinson - (208) 733-7968

Relationship to Permit Holder: Aslett is a partner & Atkinson is the Dairy's Attorney

3. Source: GROUNDWATER tributary to N/A

B. OVERLAP REVIEW

- Other water rights with the same place of use: _____
- Other water rights with the same point of diversion: R47-13763

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge	County	Method of Determination/Remarks
WELL # 1		S E	S E	S E	25	10S	17E	TWIN FALLS	
WELL #2		S E	S E	S E	25	10S	17E	TWIN FALLS	

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	17E	25																X	

PLEASE NOTE: The use for this permit is commercial (Dairy) and stockwater uses.

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SEP 9 / 2001

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

SEE ATTACHED SHEET.

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

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

YES 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
P/D WELL #1	NOT KNOWN	5 Hp	MODEL # 2821139310	SAME AS MOTOR	SAME AS MOTOR
P/D WELL #2	NOT KNOWN	5 Hp	NOT KNOWN	NOT KNOWN	NOT KNOWN

*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
N/A						

2. **Measurements:** A measurement was not possible on either of the points of diversions. I therefore had to do a theoretical calculation for both wells. theoretical sheets attached.

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SEP 07 2001

E. NARRATIVE/REMARKS/COMMENTS

The water for this permit comes from one of two wells. Both wells are located in the SE 1/4 - SE 1/4 - SE 1/4 - section 25 - township 10s - range 17E. The wells are located approximately 50 feet from one another. The water from both wells enter the well house and is stored in pressure tanks. The wells are used to water 375 - 600 head of stock and supplies water to three houses and the dairy barn. One of the wells can handle most of the uses but there are times that both wells operate at the same time in order to supply enough water to all of the uses.

The water from the well house travels to four destinations. The first place that the water travels is to the southeast to house number 1. House number 1 is covered under adjudication claim number R47-13763. The second way that the water can travel is to the southwest to house number 2. The third way that the water can travel is due north to a set of 2 trailers. These trailers are temporary residences for the hired hands for this place of use. The fourth direction that water can travel is due west to the dairy barn and the corrals for the stockwater and dairy uses.

There is not a water right a for the two trailers and the house # 2 and the owners should apply for a water right to cover these three homes. However, house #1 and the dairy are covered by Adjudication claim # R47-13763 and this permit.

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

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SEP 07 2001

F. FLOW CALCULATIONSYES Additional Computation Sheets Attached

WELL # 1 = .165 CFS (see attached theoretical sheet)

WELL # 2 = .153 cfs (see attached theoretical sheet)

TOTAL DIVERSION RATE = .318 cfs

PLEASE NOTE: The stockwater portion of this permit is responsible for 43 % of the water used, therefore, the diversion rates will be divided in the following rates.

STOCKWATER = .318 CFS X .43 = .137 CFS

COMMERCIAL = .318 CFS X .57 = .181 CFS

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:** $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$ **B****2. Volume Calculations for Other Uses:**

STOCKWATER = 15.32 afa (see dairy worksheet)

DAIRY BARN AND WASHPEN USE = 20.08 afa (see dairy worksheet)

TOTAL ANNUAL VOLUME = 35.41 afa (see dairy worksheet)

H. RECOMMENDATIONS**1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume	
	From	To		V (afa)	
<u>STOCKWATER</u>	<u>JAN. 01</u>	<u>DEC. 31</u>	<u>.137 CFS</u>	<u>.137 CFS</u>	<u>15.32 AFA</u>
<u>COMMERCIAL</u>	<u>JAN. 01</u>	<u>DEC. 31</u>	<u>.181 CFS</u>	<u>.181 CFS</u>	<u>29.33 AFA</u>

Totals: .318 CFS 44.65 AFA**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. AUTHENTICATIONField Examiner's Name Daniel A. Nelson Date 8-4-97

Reviewer _____ Date _____

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SEP 07 2001

SEAL

RECOMMENDATIONS:

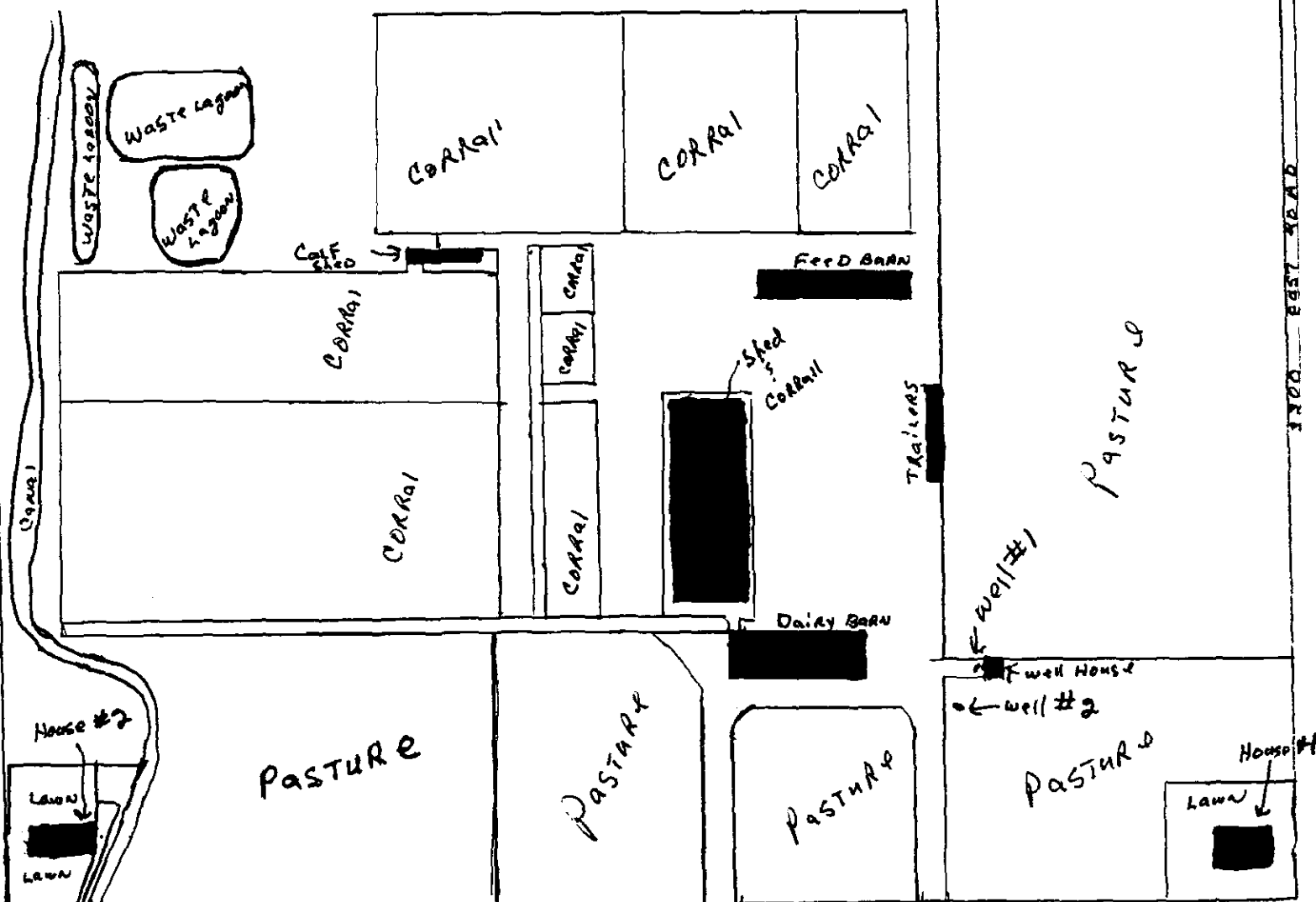
I recommend that this permit be licensed under the following conditions:

1. That the stockwater portion of this permit be licensed for .137 cfs and an annual volume of 15.32 afa and the commercial portion of this permit be licensed for .181 cfs diversion rate and a annual volume of 29.33 afa. This will comes out to a total diversion rate of .318 cfs and a total volume of 44.65 afa.
2. That this permit be limited to the stockwater use and the commercial use of the dairy barn. The owners of this permit will have to file a new water right to cover the use of house number 2 and the two trailer houses.
3. That any expansion of this dairy must not increase the diversion rate or the annual volume of this permit without acquiring a new water right.

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SEP 07 2001

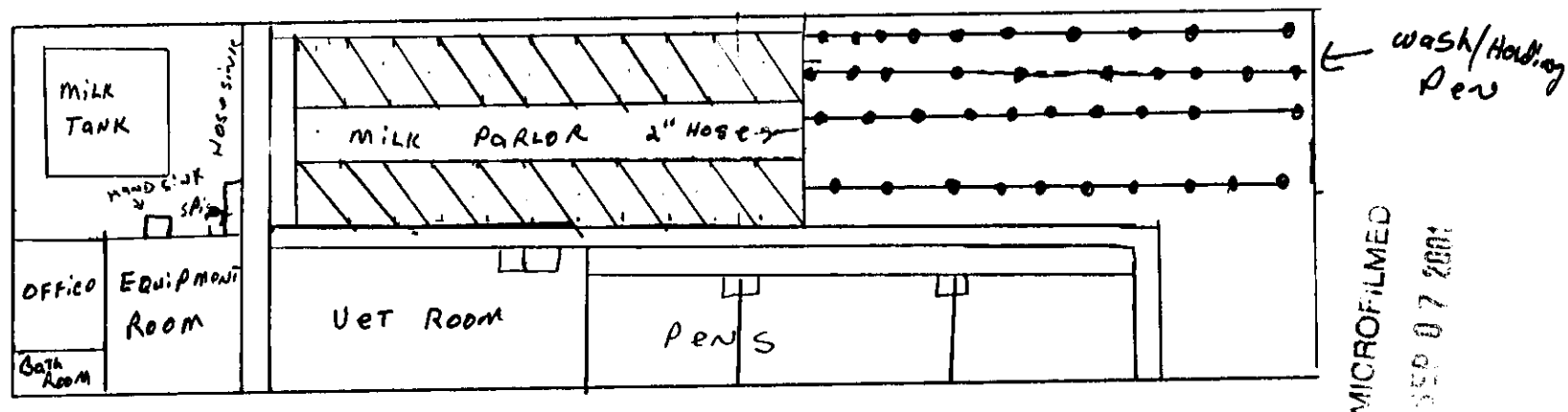
9428 2563 0081



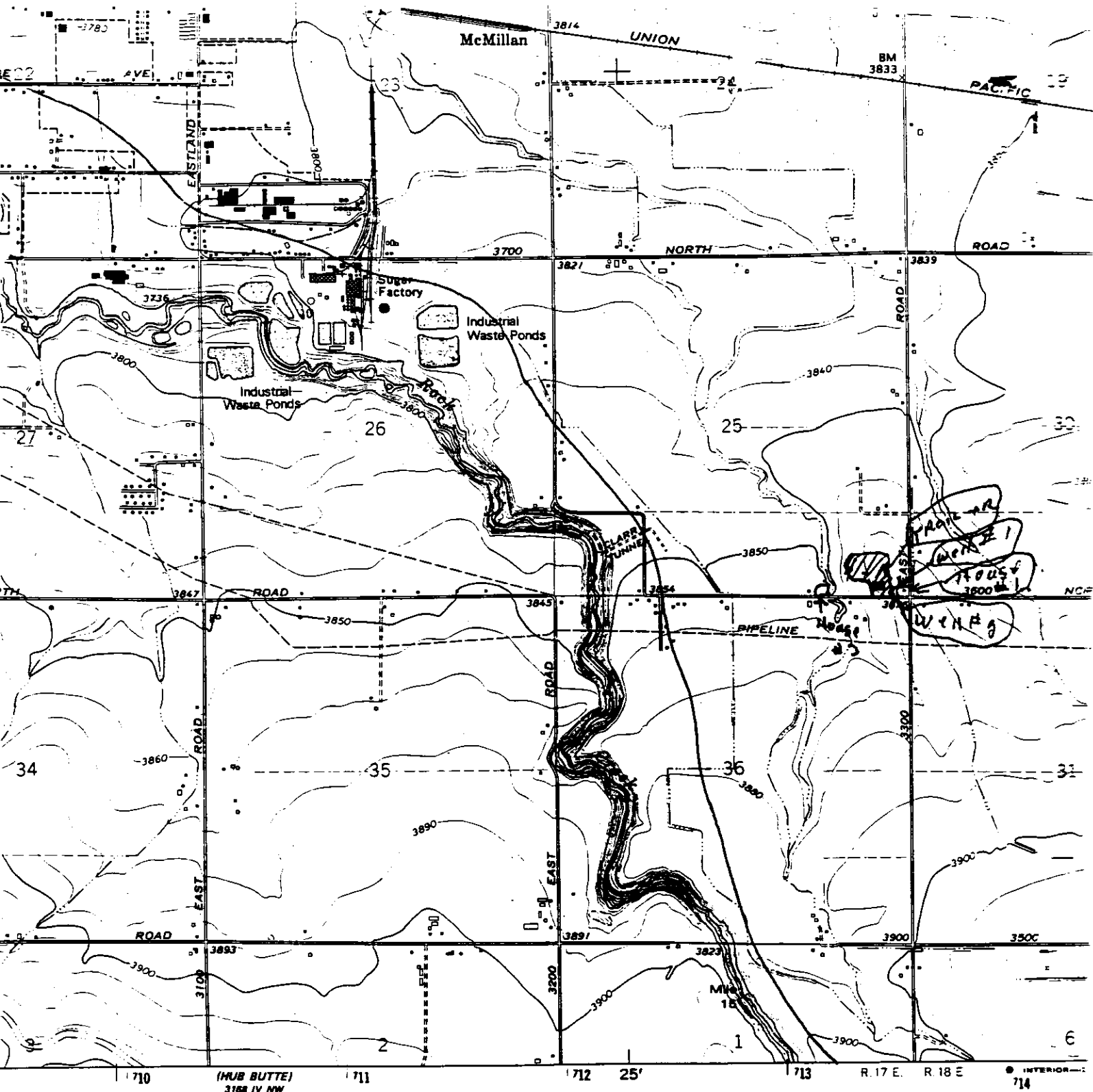
3600 NORTH ROAD

MICROFILMED

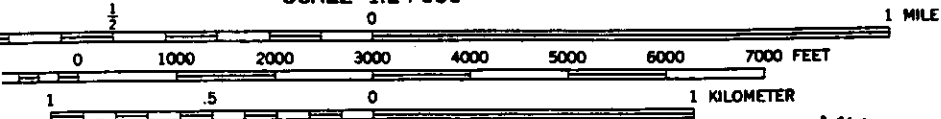
SEP 07 2004



This is a diagram of the milking barn. This barn has a double 10 herring bone milking parlor. There are five spray lines on each side to clean the cows udders (spaced every other stall). Each milker has a backflush system on it. The milk tank is air cooled but there is pretank tube cooling system made by Bomatic (the water is not recycled). There are two sinks located in the milk tank room, one of the sinks is used to wash the hoses and the other is for hand washing. There is also a bathroom and a vet room located in the barn. The vet room has a double sink and three pens that are used to treat animals that are sick or injured. A dairy work sheet has been used to calculate the water use for the dairy.



SCALE 1:24 000



CONTOUR INTERVAL 10 FEET
 DOTTED LINES REPRESENT 5-FOOT CONTOURS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

MICROFILMED

SEP 07 2004



QUADRANGLE LOCATION

TWIN FALLS, IDAHO
 N4230-W11422.5/7.5

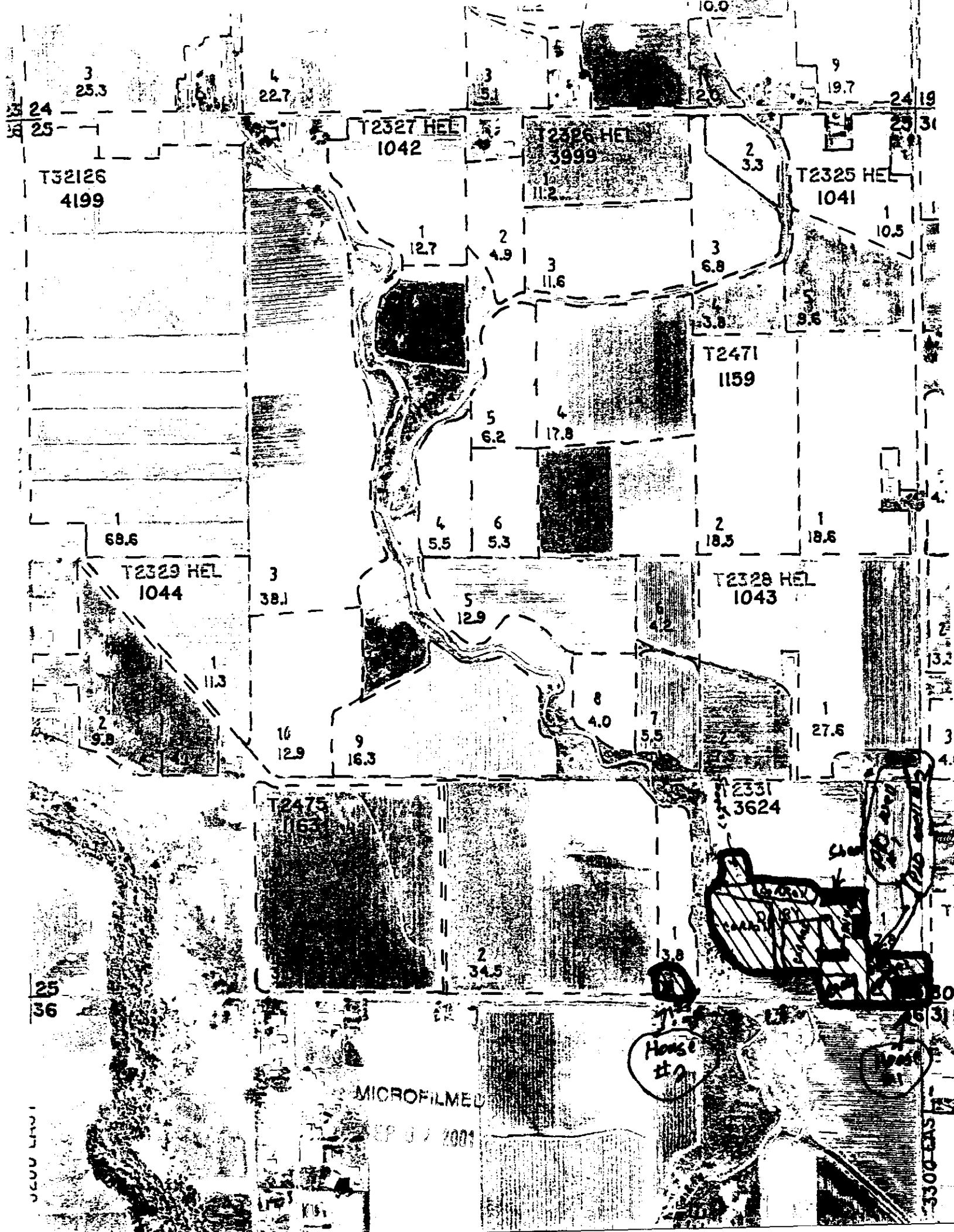
1979

DMA 3189 III SW-SERIES V2

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
 PUBLICATION DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Map BB73

Permit # 42-08215



MEMORANDUM

TO: GENERAL FILE
FROM: DANIEL A NELSON
DATE: 7-25-97
SUBJECT: ASLETT DAIRY

I SPOKE WITH SHELLY KING IN THE STATE OFFICE TODAY ABOUT THE THREE HOUSES ON THE ASLETT DAIRY WITHOUT A WATER RIGHT. SHELLY TOLD ME THAT THE OWNERS MAY NOT NEED A WATER RIGHT FOR THESE HOUSES. HE TOLD ME THAT THEY HAD THREE OPTIONS.

1. IF THE USE FOR THE THREE HOUSES IS UNDER 13000 GAL/DAY AND THEY ARE IRRIGATING LESS THAN ~~1~~ 1/2 ACRE OF LAND THEY WOULD BE EXEMPT FROM NEEDING A WATER RIGHT.
2. THEY COULD FILE FOR A DOMESTIC WATER RIGHT APPLICATION TO COVER THE THREE HOUSE AND THE YARD OF HOUSE #2 (THE TRAILERS DON NOT HAVE A YARD).
3. THEY COULD FILE AN ADJUDICATION CLAIM FOR THE THREE HOUSES AT A \$25.00 FEE.

I WILL PRESENT THESE THREE OPTIONS TO GARY ATKINSON THE DAIRIES LAWYER DURING A MEETING TO REVIEW THE FIELD EXAM.

MICROFILMED

SEP 27 2004

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: _____
DATE: _____
BY: _____

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (...5+P...) \times (0.70)}{[(...25.FT...) + (...70.PSI... \times 2.31)]} = \frac{30.8}{186.7} = .165 \text{ CFS}$$

<u>LIFT FROM:</u>	<u>PSI FROM:</u>	<u>NOTES ON PUMP:</u>
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner ()	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs (X)	owner gage (X)	
Booster (Y) (N)		

REMARKS _____

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	POTENTIAL =
4/15 - 10/15	184	
3/1 - 12/1	276	

POTENTIAL = _____

REQUIRED Acre Feet/Acre/Annum = _____
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

well #1

MICROFILMED

SEP 07 2004

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 47-08215
DATE:
BY: Daniel A. Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) (.5 HP) (0.70)}{[(.40 FT) + (.70 PSI \times 2.31)]} = \frac{30.8}{201.7} = 153 \text{ CFS}$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner ()	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs (X)	owner gage (X)	
Booster (Y) (N)		

REMARKS

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	POTENTIAL =
4/15 - 10/15	184	
3/1 - 12/1	276	

POTENTIAL =

REQUIRED Acre Feet/Acre/Annum =
(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

well # 2

MICROFILMED

SEP 8 2009

Fresh Water Considerations for dairy farms
Gallons per day

J&J DAIRY (ASLETT)
PERMIT # 47-08215

Drinking water estimates

	Number	Per day @ 40	Per day @ 60	Per day @ 80	40d Total	60d Total	80d Total
Milking Cows	375	22	26.1	32	8250	9787.5	12000
Dry Cows	275	9.7	12	16.2	2667.5	3300	4455
hfr 16-24 mo	0	8.7	10.8	14.5	0	0	0
hfr 13-15 mo	0	8.7	10.8	14.5	0	0	0
hfr 9-12 mo	0	6.3	7.9	10.6	0	0	0
hfr 5-8 mo	0	6.3	7.9	10.6	0	0	0
hfr 3-4 mo	0	3.7	4.6	6.1	0	0	0
hfr 0-2 mo	0	2	2.5	3.3	0	0	0
Total cow use -- gallons					10,918	13,088	16,455
Mature Cows	650						
Heifers	0						

Wash pen estimates

Sprinkler discharge per nozzle	4.91 gpm
Number of nozzles	40 #
Minutes per day used	60 min
Total washpen water	11,784 gallons

Milkhouse and parlor estimate

	per operation	times per day	gallons per day
Bulk tank	78	1	78
Pipeline	60	3	180
Backflush	0.5	1125	562.5
Cleanup	400	3	1200
Cow prep	3	1125	3375
Plate cooler	8	1125	9000
Total Milkhouse water used			14,396

Total dairy fresh water requirements -- monthly -- annual -- daily (second table)

	Gallons						Mature Cows		650	Heifers on-far		0	YEAR	
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
Drinking	338,443	305,690	405,713	392,625	405,713	493,650	510,105	510,105	493,650	405,713	392,625	338,443	4,992,473	
Washpen	365,304	329,952	365,304	353,520	365,304	353,520	365,304	365,304	353,520	365,304	353,520	365,304	4,301,160	
Process	446,261	403,074	446,261	431,865	446,261	431,865	446,261	446,261	431,865	446,261	431,865	446,261	5,254,358	
Total	1,150,007	1,038,716	1,217,277	1,178,010	1,217,277	1,279,035	1,321,670	1,321,670	1,279,035	1,217,277	1,178,010	1,150,007	14,547,990	
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
Drinking	10,918	10,918	13,088	13,088	13,088	16,455	16,455	16,455	16,455	13,088	13,088	10,918		
Washpen	11,784	11,784	11,784	11,784	11,784	11,784	11,784	11,784	11,784	11,784	11,784	11,784		
Process	14,396	14,396	14,396	14,396	14,396	14,396	14,396	14,396	14,396	14,396	14,396	14,396		
Total	37,097	37,097	39,267	39,267	39,267	42,635	42,635	42,635	42,635	39,267	39,267	37,097		

ACRE FEET CALCULATION
14,547,990 / 325850 = 44.65 AFA

TOTAL STOCKWATER USE = 4,992,473 / 325850 = 15.32 AFA

TOTAL DAIRY BARN AND WASHPEN USE = 4,301,160 + 2,243,108 / 325850 = 29.3 AFA

TOTAL USE FOR THIS PERMIT = 44.65 AFA

MICROFILMED
SEP 07 2001

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.

Calculating Herd Requirements for Fresh Water

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.

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SEP 07 2001

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.

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SEP 07 1981

Worksheet 1. Calculating Daily Herd Requirements for Fresh Water

Drinking Water Estimates (see Table 1 & 2)

	Number	Estimated Use (gallons per day)	
		Individual per day	Total
Milking Cows	_____	_____	_____
Dry Cows	_____	_____	_____
Heifers			
16-24 mo	_____	_____	_____
13-15 mo	_____	_____	_____
9-12 mo	_____	_____	_____
5-8 mo	_____	_____	_____
3-4 mo	_____	_____	_____
0-2 mo	_____	_____	_____

Total herd drinking water used A. _____

Wash Pen Estimate (see Table 3)

1 - Sprinkler discharge per nozzle _____
2 - Number of nozzles _____
3 - Minutes per day used _____
Total wash pen water used B. _____
(Line 1 x line 2 x line 3)

Milk house and Parlor Estimate (see Table 4)

	Water per operation	Gallons per day
Bulk tank	_____	_____
Pipeline	_____	_____
Backflush	_____	_____
Cleanup	_____	_____
(Parlor, milk house and holding pen)		
Cow prep	_____	_____
Plate cooler	_____	_____
(ignore if water recycled)		
Total milk house and parlor water used		C. _____

TOTAL FRESH WATER ESTIMATE (A + B + C) _____

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SEP 9 7 2001

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.

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SEP 8 2 2001

Table 3. Nozzle discharge - Gallons per minute

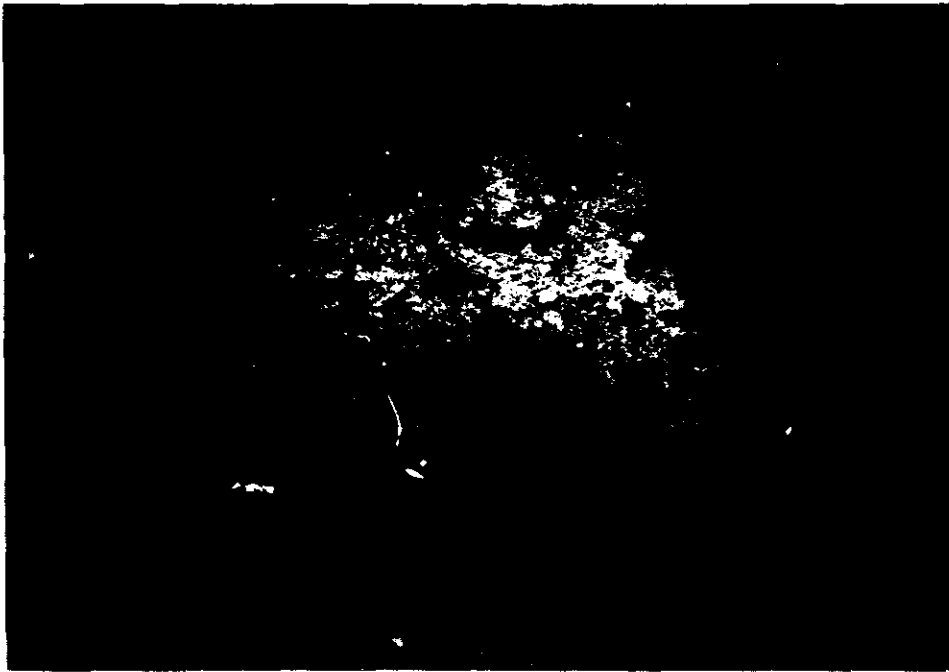
psi	Nozzle diameter in inches				
	1/8	9/64	5/32	11/64	3/16
40	2.96	3.74	4.61	5.54	6.64
45	3.13	3.99	4.91	5.91	7.03
50	3.30	4.18	5.15	6.19	7.41
55	3.46	4.37	5.39	6.48	7.77

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

MICROFILMED

SEP 07 2001



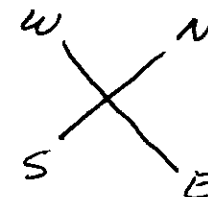
The Above PICTURE is OF THE well HEAD
FOR well #1. The PICTURE Below is The well
HEAD FOR well #2



MICROFILMED
SEP 9 7 2001



THIS IS A PICTURE OF THE STORAGE (PRESSURE) TANKS
IN THE WELL HOUSE THERE ARE 4 TANKS APPROX. 85 gal each.



This is a picture of
 The front of the Dairy
 It shows the position of
 The wells and well house,
 The Dairy Barn & House
 # 2, and the Trailer &
 House #1 is $\frac{1}{16}$ mile
 to the east of this
 picture. →

SEP 07 2009

MICROFILMED



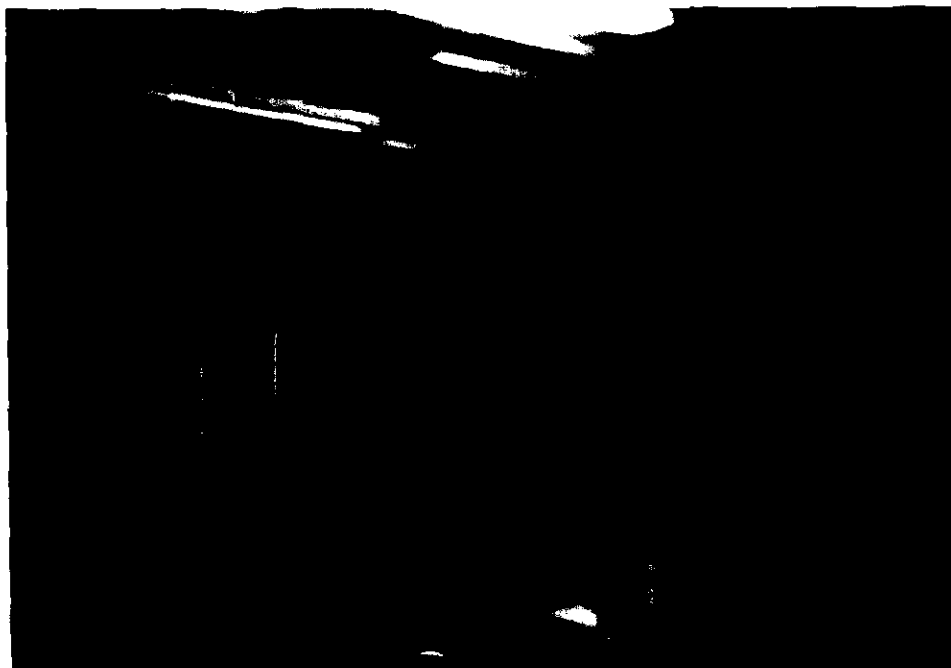


This is a picture of the milking parlor. There is a back flush system on each milker and spray nozzle for every other stall. There is also a 2" hose for clean up.

MICROFILMED
SEP 9 2001



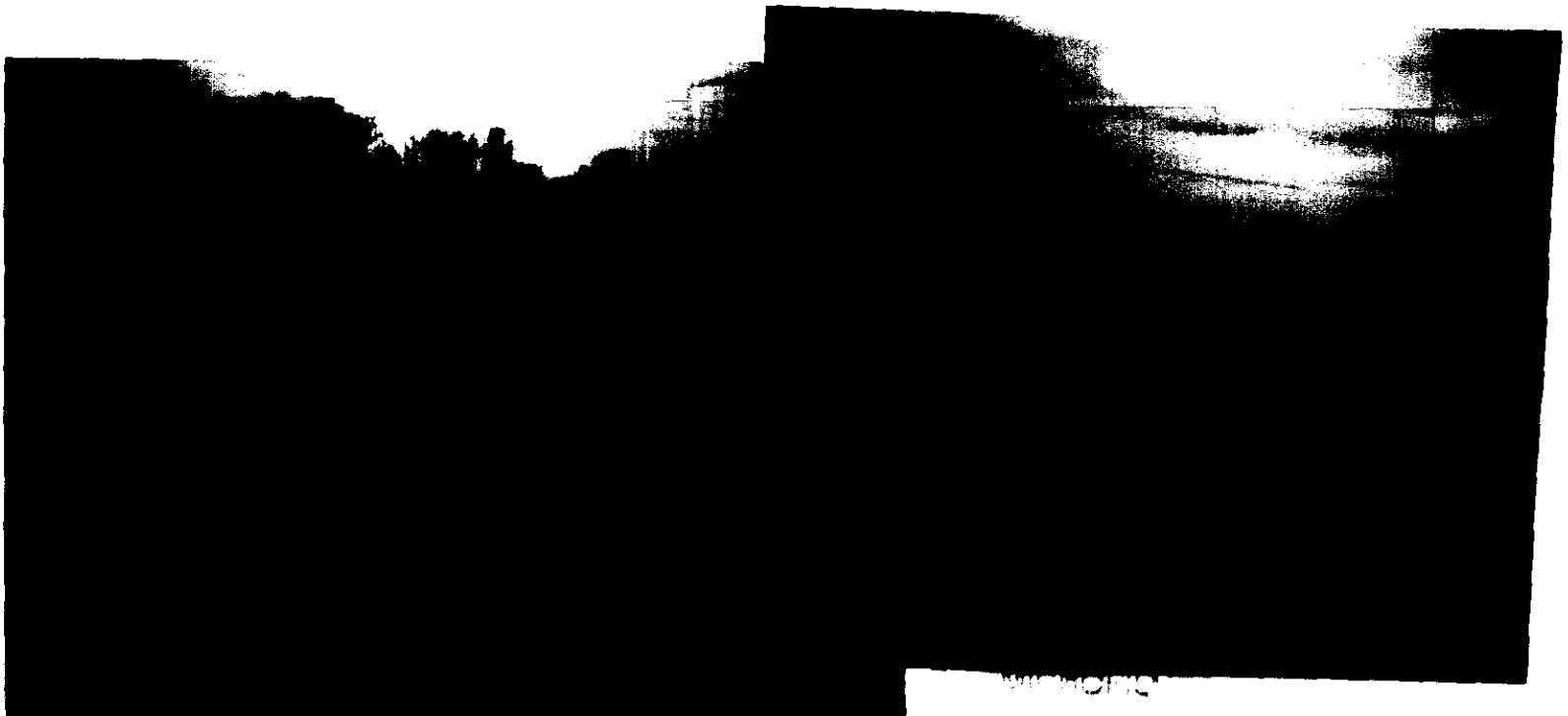
THE ABOVE PICTURE IS OF THE MILK
TANK. IT IS REFRIGERATED COOLING TANK
WITH NO WATER CONSUMPTION.
THE BELOW PICTURE IS A PICTURE OF THE
HOSE WASH UP SINK AND THE HAND SINK. THERE
IS ALS A SPILLOT FOR FLOOR CLEAN UP



NOOROFILM
SEP 07 2001



THE ABOVE PICTURE IS OF THE PRECOOLING SYSTEM
THAT COOLS THE MILK BEFORE IT ENTERS THE TANK.
THE PICTURE BELOW IS OF THE 3 WASTE PONDS.
ONE OF THE PONDS IS ANAEROBIC AND THE
OTHER 2 ARE AEROBIC. THERE ARE 3 PONDS.



WIKIHOPI

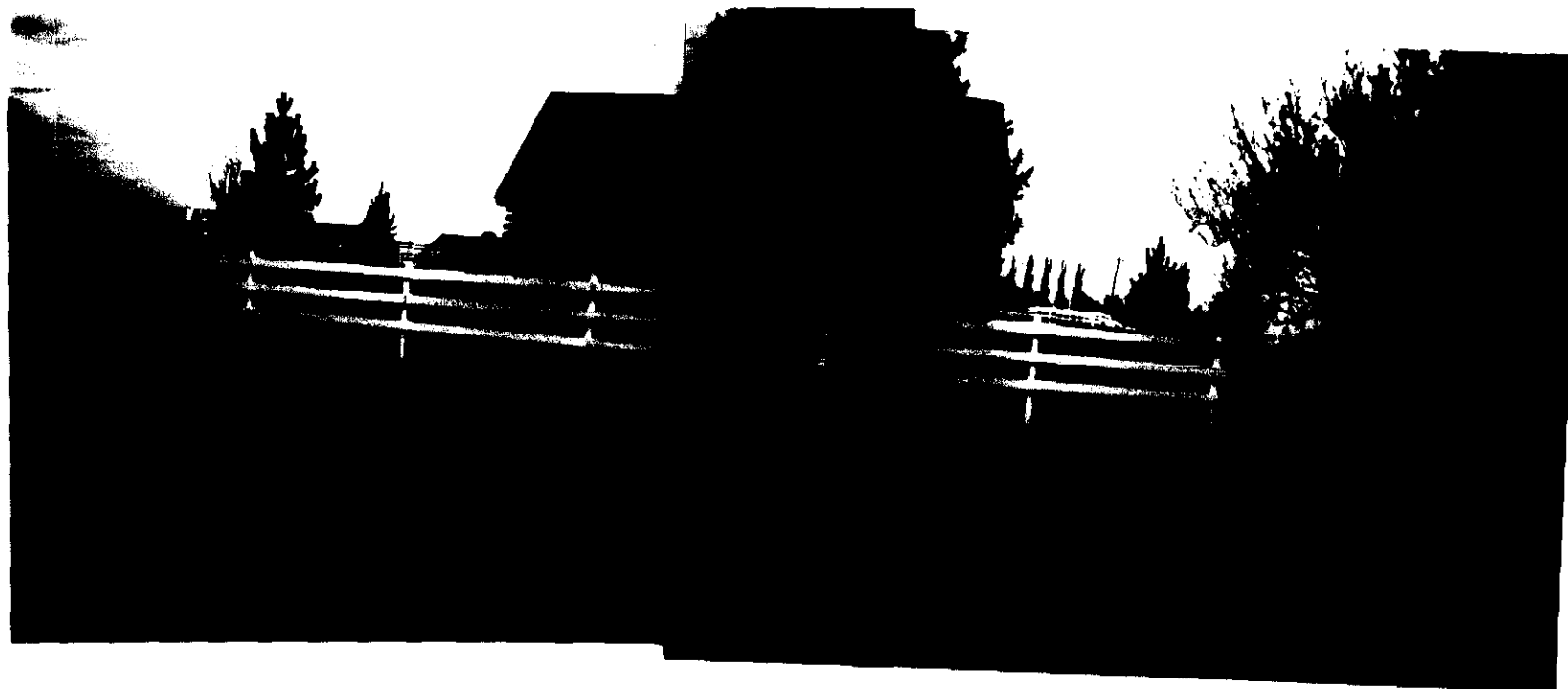
1975 10 1 0013



This is a picture of
some of the corrals.



MICROFILMED
SEP 07 2001

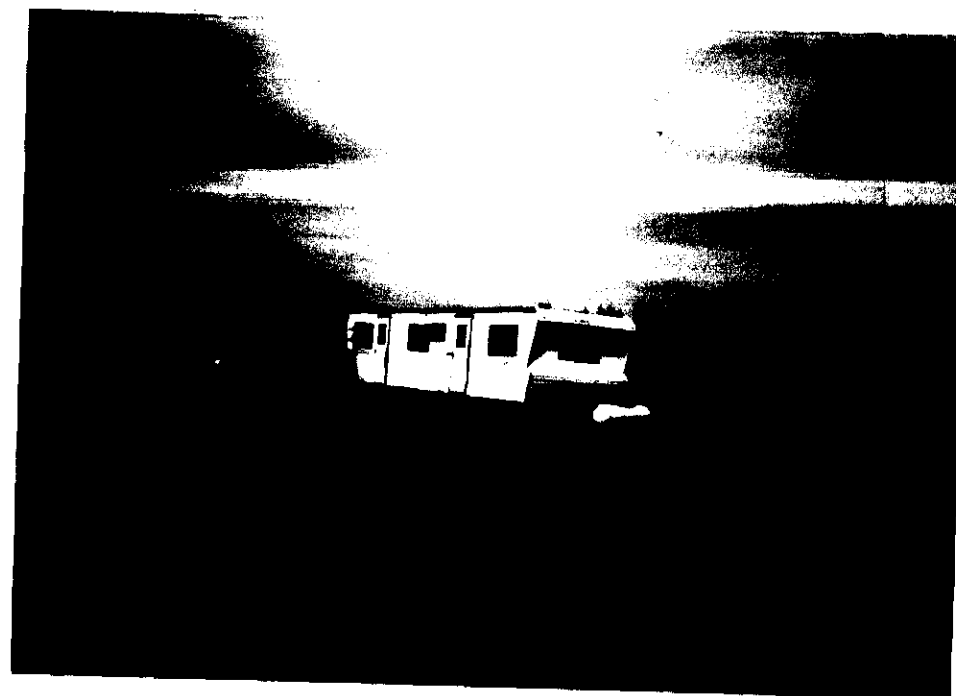


SEP 07 2001

MICROFILMED

The above picture is of
The Main House (House #1).
IT IS COVERED BY WATER RIGHT
R47-13763.

The picture to the right
is of the Trailer Houses.
There has been a new
Trailer brought into this
location. There is NOT a
water right for these
trailers





This is a picture of House #2
 House #2 Does NOT Have a water Right



Back yard →
 of House #2

MICROFILMED
 SEP 07 2001

1. DRILLING PERMIT NO. 47-94-S-0215-000
Other IDWR No. 47-08215

2. OWNER: Dave A Slett
Name _____
Address 3298 N 3300 E
City Kalamazoo State MI Zip 49001

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.



Twp. 10^S North ☐ or South ☒
 Rge. 17^E East ☒ or West ☐
 Sec. 25 SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Gov't Lot _____ County Burnt Falls

Address of Well Site same
 City _____

(Give at least name of road + Distance to Road or Landmark)

4. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☒ Other Commercial Dairy

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
<i>hentonite</i>	<i>5</i>	<i>19</i>	<i>3</i>	<i>overbone</i>

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

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6 5/8	+1	19	250	steel	☒	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material

Casing	Liner
--------	-------

☐ MICROFILMED DRILLER'S CERTIFICATION

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

☐ SEP 07 2004

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

[illegible]

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

40 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or
control devices:

Firm Name Dave Kuster Firm No. 196
Firm Official 3 Date 9/7/85
and
Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

M. Gary Atkinson
Attorney at Law
P.O. Box 1846
Twin Falls, ID 83303

May 6, 1993

RE: Aslett Dairy Application for Permit

Dear Mr. Atkinson,

Initial review of the application you recently submitted for Aslett Dairy revealed that additional information is required before IDWR can accept the application. I am returning the application along with the check (# 3014). Please complete the attached worksheet and return it along with the application form and fee at your earliest convenience. I would be happy to assist you in filling out the application form using the data on the worksheet. This information will also enable IDWR to begin the licensing exam process on the existing permit (47-8215).

Generally, it appears that diversion for stock water would be limited to 0.39 cfs if all 600 new head are milkers, less if some percentage are dry stock. As I mentioned on the phone yesterday, a commercial use diversion component is needed for the milking barn usages. Altogether, the uses may total 0.60 cfs, but until I evaluate the worksheet I can't give an estimate of the total appropriation.

During our conversation I indicated that the proposed development would fall under the processing moratorium currently in place in this area. Southern Region will accept a complete application (with fee) and evaluate the proposal relative to the Director's order establishing the moratorium. The results of the analysis will be communicated in a letter acknowledging receipt of the application. If you have any questions please give me a call.

Sincerely,

Douglas Jones, EIT
Engineering Specialist

enc

DAIRY APPLICATION WORKSHEET
(for expansion of existing facility)

	Existing	Total after expansion
Number of milking cows:	_____	_____
Number of nonmilking stock:	_____	_____
Type of waste lagoon: (check one or other, before and after)		
1) Aerobic (wide and shallow)	_____	_____
2) Anaerobic (crusts over)	_____	_____
Give dimensions:		
Now:	_____ft long X _____ft wide X _____ft deep	
After:	_____ft long X _____ft wide X _____ft deep	
Method of washing: (check for before and after)		
1) manual wash	_____	_____
2) automatic wash	_____	_____
3) sprinkler to wash cows and pen	_____	_____
Number of milkings per day	_____	_____
Total number of wells	_____	_____
Horsepower of pumps serving cows and barn	_____	_____
Lift (water to surface)	_____	_____
Discharge pressure(s)	_____	_____

M. GARY ATKINSON
ATTORNEY AT LAW
P.O. BOX 1846
516 SECOND ST. EAST
TWIN FALLS, IDAHO 83303-1846

Juris Doctor
Masters of Law (Taxation)
Certified Public Accountant

733-7968, 733-7180
File No. 595/5065
Telefax (208) 733-7967

May 4, 1993

RECEIVED

MAY 06 1993

Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls ID 83301

Department of Water Resources
Southern Region Office

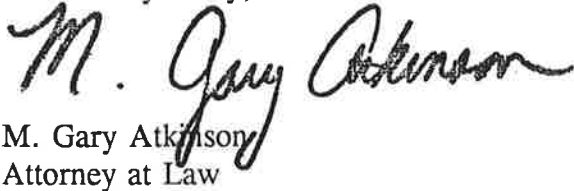
RE: *Application for Permit*

Dear Sir or Madam:

Enclosed please find an Application for Permit for Aslett Dairy, together with a filing fee check in the amount of \$45.00.

If you require anything further, please advise. Thank you for your consideration in this matter.

Yours Very Truly,


M. Gary Atkinson
Attorney at Law

MGA/mrf
Enclosure
c: David Aslett
Marvin Aslett

RECEIVED

Form 202
6/85

MAY 06 1993

STATE OF IDAHO

Ident. No. _____

Department of Water Resources
Southern Region Office

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Aslett Dairy Phone 733-7015
Post office address PO Box B, Twin Falls ID 83303

2. Source of water supply Ground Water which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____
Sec. 25 Township 105 Range 17E B.M. Twin Falls County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount _____ for stock watering purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) .600 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____
Pump, panel and pipelines from point of diversion to point of
beneficial use

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 inches; proposed depth of well is 140 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

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

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 600 head cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
105	17E	25																X	

Total number of acres to be irrigated n/a

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

License being sought now on well (47-8215)

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

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

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

12. Remarks: _____

Two points of diversion within SE¼SE¼ T105, R17E, S25

-
- TWIN FALLS
- X
- TWO POINTS OF CONVERSION WITHIN SE $\frac{1}{4}$ SE $\frac{1}{4}$ T105, R17E, S25

David A. Slet
(Applicant)

Received by R. Foster Date 5/6/93 Time 10:25 Preliminary check by _____
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

M. GARY ATKINSON

ATTORNEY AT LAW

P.O. BOX 1846

516 SECOND ST. EAST

TWIN FALLS, IDAHO 83303-1846



RECEIVED

MAY 06 1993

Department of Water Resources
Southern Region Office

IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE ST E
TWIN FALLS ID 83301



DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

21-Apr-1993

Mr. J. Dee May
May & May
PO Box 1846
Twin Falls, ID 83303-1846

RE: 47-8215 J & J Dairy

Dear J. Dee:

I reviewed your request with the agent responsible for inspections and exams. He feels that he could do the exam towards the end of the month or the first part of May. He will contact your client by phone to arrange an appointment.

You mentioned it was your belief that the water is presently being put to beneficial use. I enclose for your file a copy of the department's letter that acknowledges your client's filing proof of the beneficial use as required.

The department is set up to access all its records by the water right number so it would be helpful if you would have a RE: line on your correspondence citing the assigned number. We will be getting into the numbers game quite heavily in the near future as we begin dealing with the objections in the test reporting areas.

Let me know if we can be of further help.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Frank', is written over the typed name.

Francis G. Hitchcock
Sr. Water Resource Agent

FH/abh

MAY & MAY LAW OFFICES
P.O. BOX 1846 - 516 2ND STREET EAST
TWIN FALLS, IDAHO 83303-1846

JAY D. SUDWEEKS
J. DEE MAY
MARK D. STUBBS
THOMAS D. KERSHAW, JR.
BART D. BROWNING

TELEPHONE
(208) 733-7180

TELEFAX
(208) 733-7967

April 8, 1993

RECEIVED

Idaho Department of Water Resources
Attention: Frank Hitchcock
220 Shoshone East
Twin Falls, ID 83301

APR 15 1993

Department of Water Resources
Southern Region Office

RE: J & J Dairy

Dear Frank:

You were kind enough to send me the Proof Reading Report for J & J Dairy, which I requested a couple of weeks ago. You had given me a note that we were waiting for a license exam to be performed on this particular water right and in order to put my file in order I would like, on behalf of J & J Dairy, to make a formal request of the department to do such a license exam. It is my belief that the water is presently being put to a beneficial use and we would like to have the exam done as soon as possible and the license issued.

If you could please let me know when that exam will be conducted, I will notify my clients so they will be prepared.

Thank you very much for your help in this matter.

Very truly yours,

MAY & MAY LAW OFFICES



J. DEE MAY

JDM:mab

MAY & MAY LAW OFFICES
P. O. BOX 1846 516 2ND STREET EAST
TWIN FALLS, IDAHO 83303-1846

JAY D. SUDWEEKS
J. DEE MAY
MARK D. STUBBS
THOMAS D. KERSHAW, JR
BART D. BROWNING

TELEPHONE
(208)733-7180

TELEFAX
(208)733-7967

March 23, 1993

RECEIVED

Idaho Department of Water Resources
220 Shoshone East
Twin Falls, ID

MAR 24 1993
Department of Water Resources
Southern Region Office

RE: Aslett Dairy

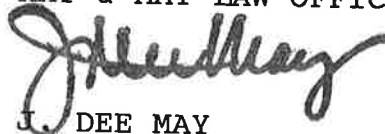
Gentlemen:

I need some assistance with regard to the water rights that are appurtenant to the Aslett Dairy property located in Twin Falls County more particularly described in attached Exhibit "A". I need you please to provide me with a Proof Reading Report as to the water right itself and as to the Snake River Adjudication so I can analyze not only the water right itself but also whether or not the adjudication has been properly filed.

If there is any charge for this service, please let me know. I am thanking you in advance for your help with this matter.

Very truly yours,

MAY & MAY LAW OFFICES



J. DEE MAY

JDM:mab

Enclosure



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

47-8215

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MEMORANDUM

DATE: JULY 31, 1992 139407

TO: WATER RIGHT HOLDERS AND APPLICANTS IN TWIN FALLS
LOW-TEMPERATURE GEOTHERMAL MORATORIUM AREA

FROM: NORM YOUNG

RE: EXTENSION OF MORATORIUM

Enclosed is a copy of an order extending the order designating the Twin Falls Low-Temperature Geothermal Moratorium Area. I appreciated the attendance of many of the users at the public information meeting on this matter held in Twin Falls last week. I understood those in attendance favored an extension of the moratorium, and some of the users were encouraging that the size of the area be increased and that additional actions be taken to protect artesian pressures. I indicated at the meeting that the moratorium would be extended without modification to keep its continuity and that IDWR will schedule as time and resources permit a review of the following matters:

- Expansion of the area.
- The need for repair or reconstruction of wells in and adjacent to the area.
- Evaluate the adequacy of the agreement to manage pumpage to prevent withdrawal in excess of the average rate of recharge or to maintain artesian pressures in the public interest.
- Review need for and adequacy of monitoring programs.

With respect to monitoring, the data recorded by the USGS from the well at the Nazarene Church is an important part of the information now being collected. The Church will soon be finished and will be using water from the well. Data from an unused well is more reliable for evaluating aquifer conditions. USGS and IDWR are evaluating alternatives for replacing this source of data. If you are aware of a well that is finished into the low-temperature geothermal aquifer and is not being used, please call Loren Holmes, IDWR Regional Manager at Twin Falls, a call-at 736-3033.

MICROFILMED

SEP 07 2001

May 14, 1991

J & J DAIRY
P O BOX B
TWIN FALLS, ID 83301

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 47-08215

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to 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)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

JUN 03 1991

J & J DAIRY
RT. 2
KIMBERLY, ID 83341

138163
February 28, 1991

PROOF DUE NOTICE

RE: PERMIT NO. P47-08215

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1991.

(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,

Rita Fleck
Secretary/Records Manager

Enclosures

138163

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
May 1, 1990

J & J DAIRY
RT. 2
KIMBERLY, ID 83341

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P47-08215

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.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

MAY 31 1990

AGREEMENT

This Agreement is entered into this 9th day of ~~January~~ March, 1990, by and between James Kirkpatrick and JoAnne Kirkpatrick, (hereinafter "Kirkpatrick") and J & J Dairy, an Idaho General Partnership.

WHEREAS, J & J Dairy has expended large amounts of money and time to open a dairy; and,

WHEREAS, J & J Dairy has obtained the necessary federal and state authority to open said dairy; and

WHEREAS, a controversy resulted in the water permit hearing before the State of Idaho, Department of Water Resources between the parties on October 31, 1989;

NOW THEREFORE, the parties agree as follows:

1. J & J Dairy agrees to redrill the existing well or to drill a new well and pay all expenses such as casing, pumps, pipe, motor, wiring and any other expenses incurred, of Kirkpatrick under the following circumstances:

(a) The water table drops as a result of J & J Dairy's extensive use of water; or

This Agreement shall be appurtenant to the water right.

2. J & J Dairy agrees to drill a new well and bear all expenses on the property under the following circumstances:

(a) Kirkpatrick's well becomes contaminated as a result of dairy affluent contaminating the water.

MICROFILMED

RECEIVED

MAY 31 1990

MAR 9 1990

3. Scope of Liability. J & J Dairy does not accept and the Agreement does not extend to any other party the same obligations. This Agreement shall run with the permit and will be attached as a condition of the permit. The Agreement is also specifically limited to the current domestic wells.

4. Withdrawal of Protest. Kirkpatrick, in consideration of the promises of J & J Dairy as outlined in paragraphs 1 and 2, withdraws his protest of the water right applied for by J & J Dairy.

5. Kirkpatrick Responsibilities. It is the responsibility of Kirkpatrick to test the well at their discretion. Kirkpatrick agrees to notify J & J Dairy, immediately upon any finding described in paragraph 1.

6. Notice. Kirkpatrick agrees to notify J & J Dairy, in writing, of the occurrence of any circumstance contained in paragraph 1.

7. Governing Law. The state laws, regulations and interpretations of these water rights will be decided under the laws of the State of Idaho.

8. Water Permit. The conditions of this Agreement will be incorporated into the water permit issued by the Department of Water Resources of the State of Idaho.

9. Entire Agreement. This contract encompasses the entire agreement between the parties. Any modification to this agreement shall be made in writing and signed by both parties.

RECEIVED
JULY 31 1990

IN WITNESS WHEREOF, the parties hereto assign their
signatures on the date above subscribed.

J & J DAIRY

James A. Kirkpatrick
JAMES KIRKPATRICK

Joanne Kirkpatrick
JOANNE KIRKPATRICK

By David Aslett
DAVID ASLETT
General Partner

Jayne Aslett
JAYNE ASLETT
General Partner

RECEIVED

1999

AGREEMENT

This Agreement is entered into this 9th day of March ~~January~~, 1990, by and between Joe V. Ross and Mary Lou Ross, (hereinafter "Ross") and J & J Dairy, an Idaho General Partnership.

WHEREAS, J & J Dairy has expended large amounts of money and time to open a dairy; and,

WHEREAS, J & J Dairy has obtained the necessary federal and state authority to open said dairy; and

WHEREAS, a controversy resulted in the water permit hearing before the State of Idaho, Department of Water Resources between the parties on October 31, 1989;

NOW THEREFORE, the parties agree as follows:

1. J & J Dairy agrees to redrill the existing well or to drill a new well and pay all expenses such as casing, pumps, pipe, motor, wiring and any other expenses incurred, of Ross under the following circumstances:

(a) The water table drops as a result of J & J Dairy's extensive use of water; or

This Agreement shall be appurtenant to the water right issued.

2. J & J Dairy agrees to drill a new well and bear all expenses on the property under the following circumstances:

(a) Ross's well becomes contaminated as a result of dairy affluent contaminating the water table

RECEIVED

MAR 9 1990

Department of Water Resources
Southern Region Office

MICROFILMED

MAY 31 1990

3. Scope of Liability. J & J Dairy does not accept and the Agreement does not extend to any other party the same obligations. This Agreement shall run with the permit and will be attached as a condition of the permit. The Agreement is also specifically limited to the current domestic wells.

4. Withdrawal of Protest. Ross, in consideration of the promises of J & J Dairy as outlined in paragraphs 1 and 2, withdraws his protest of the water right applied for by J & J Dairy.

5. Ross Responsibilities. It is the responsibility of Ross to test the well at least annually or at their discretion. Ross agrees to notify J & J Dairy, immediately upon any finding described in paragraph 1.

6. Notice. Ross agrees to notify J & J Dairy, in writing, of the occurrence of any circumstance contained in paragraph 1.

7. Governing Law. The state laws, regulations and interpretations of these water rights will be decided under the laws of the State of Idaho.

8. Water Permit. The conditions of this Agreement will be incorporated into the water permit issued by the Department of Water Resources of the State of Idaho.

9. Entire Agreement. This contract encompasses the entire agreement between the parties. Any modification to this agreement shall be made in writing and signed by both parties.

MICROFILMED

MAY 31 1990

IN WITNESS WHEREOF, the parties hereto assign their
signatures on the date above subscribed.

J & J DAIRY

Joe V. Ross
JOE V. ROSS

Mary Lou Ross
MARY LOU ROSS

By David Aslett
DAVID ASLETT
General Partner

Jayne Aslett
JAYNE ASLETT
General Partner

MICROFILMED

MAY 31 1990

M. GARY ATKINSON
ATTORNEY AT LAW
P.O. BOX 1846
516 SECOND ST. EAST
TWIN FALLS, IDAHO 83303-1846

November 3, 1989

Juris Doctor
Masters of Law (Taxation)
Certified Public Accountant

733-7968, 733-7180
File No.

RECEIVED

NOV 6 1989

Department of Water Resources
Southern Region Office

State of Idaho
Department of Water Resources
Southern Region
2148 4th Ave. East
Twin Falls, ID 83301

ATTN: Loren O. Holmes

RE: APPLICATION FOR PERMIT NO. 47-08215

Dear Mr. Holmes:

I have been unable to contact the water permit protestants by telephone. I have therefore written letters to them to collect from them the data necessary to draft the agreement. Upon their response, we will draft an agreement. We will send a draft of the agreement to you for your review.

We hope to have copies of signed agreements to you within two weeks for the issuance of the permit.

Your cooperation in allowing the permit process to go forward during this period of time is appreciated. If you have any questions, please call.

Yours very truly,

M. Gary Atkinson
M. GARY ATKINSON

MGA/fw

MICROFILMED
MAY 31 1990

MEMORANDUM

DATE: 01-Nov-1989

FROM: Loren Holmes *LH*

TO: File 47-08215, J & J Dairy

SUBJECT: Outcome of pre-hearing conference on 10/31/89

The applicant's attorney, M. Gary Atkinson proposed an agreement that would require the dairy to pay for redrilling or modification costs if the protestant's wells became contaminated or if water levels dropped to make water inaccessible to their installed pumps.

The protestants seemed agreeable to this. The agreement, incorporating a withdrawal of the protests is to be drafted by Mr. Atkinson.

MICROFILMED

MAY 31 1990

MAY 31 1990

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address () "RETURN TO" Space on the reverse side. Failure () this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

J & J Dairy

Rt. 2

Kimberly, ID 83341

47-08215

4. Article Number

880

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address

X

6. Signature - Agent

X

7. Date of Delivery

10-23-89

8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POST SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" and add postage number.

RETURN
TO



MAY 31 1990

DEPARTMENT OF WATER RESOURCES
2148 10th AVENUE EAST
TWIN FALLS, IDAHO 83301

RECEIVED

OCT 24 1989



Department of Water Resources
Southern Region Office

PENALTY FOR PRIVATE
USE, \$300

Print your name, address, and ZIP Code in the space below.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in "RETURN TO" space on the reverse side. Failure to do so will prevent this card from being returned to you. The return receipt fee will provide you the signature of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.	
3. Article Addressed to: Joe Ross 47-08215 Rt. 2 3614 N 3300 E Kimberly, ID 83341	4. Article Number 882 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X <i>Mary Lou Ross</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	
7. Date of Delivery 10-18-89	

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2148 4th AVENUE EAST
TWIN FALLS, IDAHO 83301

• • • • •

END
SS
DER

I D W R

10/16/89

Indicate type of mail

☐ Registered

☐ Insured

COD

☐ Express Mail

Check appropriate block for

Registered Mail:

☐ With Postal Insurance☐ Without Postal Insurance

**Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.**

POSTMARK AND DATE OF RECEIPT

[illegible]Number of Pieces
by Sender

Serial Number	Category	Number of Pieces	Total Number of Pieces Received at Post Office
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2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
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100	100	100	100

POSTMASTER, PER (Name of receiving employee)

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

* U.S. GOVERNMENT PRINTING OFFICE: 1984-445-138

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT TO APPROPRIATE)
WATER NO. 47-08215)
_____)

NOTICE OF
PRE-HEARING CONFERENCE

J & J Dairy)

SOURCE: Groundwater

Applicant)

COUNTY: Twin Falls

James A. Kilpatrick,)
Mrs. Joe Ross)
)
)

Protestants)
_____)

On May 12, 1989, J & J Dairy, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On June 12, 1989, the Department received a protest against the approval of said application from Mrs. Joe Ross. An additional protest was received on June 14, 1989 from James A. Kilpatrick.

The Department has set the matter of protest for conference for Tuesday, October 31, 1989, at 10:00 AM at the Dept. of Health & Welfare Mental Health Center, 823 Harrison St., Twin Falls.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 16 day of October, 1989.

MICROFILMED

MAY 31 1990


Loren O. Holmes
Southern Region Manager

M. GARY ATKINSON
ATTORNEY AT LAW
P.O. BOX 1846
516 SECOND ST. EAST
TWIN FALLS, IDAHO 83303-1846

October 3, 1989

Juris Doctor
Masters of Law (Taxation)
Certified Public Accountant

733-7968, 733-7180
File No.

RECEIVED

OCT 4 1989

Department of Water Resources
Southern Region Office

State of Idaho
Department of Water Resources
Southern Region
2148 4th Ave. East
Twin Falls, ID 83301

RE: APPLICATION FOR PERMIT NO. 47-08215

Dear Mr. Holmes:

I have written to all the people who have protested the filing against the issuance of permits pursuant to our application. We would like to arrange an informal meeting with these people to discuss the matter. We are trying to resolve all differences.

I am concerned somewhat regarding Idaho Code Section 42-203, No. 5 "will the proposed use conflict with local public interest?"

I have found many cases where the local public interest has not been held to be against commercial enterprise. Still, I would like to have your views on the matter as pertaining to this water permit. Your response would be greatly appreciated.

In another vein, I need to know the people to contact who have inspected the lagoon and the facilities for the containment of contaminants. Your help in this matter would be appreciated.

Yours very truly,

M. Gary Atkinson
M. GARY ATKINSON

MICROFILMED

MAY 31 1990

MGA/fw

cc: Mr. Marvin Aslett



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 4, 1989

J & J Dairy
Rt. 2
Kimberly, ID 83341

Re: Application for permit No. 47-08215, J & J Dairy

Gentlemen:

This office is tentatively scheduling the matter of protests for a pre-hearing conference for October 31, 1989 in Twin Falls. Notices formally setting the conference time and place will be mailed about October 16.

The purpose of the conference will be to familiarize the department and the parties with the issues and to provide a forum for possible resolution of the matter.

If you will not be available on this date, please advise this office prior to formal setting.

Very Truly yours,

Loren O. Holmes
Loren O. Holmes, P. E.
Southern Region Manager

CC: Gary Atkinson
P.O. Box 1846
Twin Falls, ID 83303-1846

RECEIVED
FILMED

MAY 31 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 4, 1989

James A. Kilpatrick
Rt. 2
Kimberly, ID 83341

Re: Application for permit No. 47-08215, J & J Dairy

Dear Mr. Kilpatrick:

This office is tentatively scheduling the matter of protests for a pre-hearing conference for October 31, 1989 in Twin Falls. Notices formally setting the conference time and place will be mailed about October 16.

The purpose of the conference will be to familiarize the department and the parties with the issues and to provide a forum for possible resolution of the matter.

If you will not be available on this date, please advise this office prior to formal setting.

Very Truly yours,

Loren O. Holmes
Loren O. Holmes, P. E.
Southern Region Manager

RECEIVED

MAY 31 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 4, 1989

Mrs. Joe Ross
Rt. 2 3614 N 3300 E
Kimberly, ID 83341

Re: Application for permit No. 47-08215, J & J Dairy

Dear Mrs Ross:

This office is tentatively scheduling the matter of protests for a pre-hearing conference for October 31, 1989 in Twin Falls. Notices formally setting the conference time and place will be mailed about October 16.

The purpose of the conference will be to familiarize the department and the parties with the issues and to provide a forum for possible resolution of the matter.

If you will not be available on this date, please advise this office prior to formal setting.

Very Truly yours,

Loren O. Holmes
Loren O. Holmes, P. E.
Southern Region Manager

MICROFILMED

MAY 31 1990

M. GARY ATKINSON
ATTORNEY AT LAW
P.O. BOX 1846
516 SECOND ST. EAST
TWIN FALLS, IDAHO 83303-1846

August 30, 1989

Juris Doctor
Masters of Law (Taxation)
Certified Public Accountant

733-7968, 733-7180
File No.

RECEIVED

AUG 31 1989

State of Idaho
Department of Water Resource
Southern Region
2148 4th Ave. East
Twin Falls, ID 83301

Department of Water Resources
Southern Region Office

ATTN: Loren O. Holmes

RE: APPLICATION FOR PERMIT NO. 47-08215

Dear Mr. Holmes:

Thank you for your letter dated August 9, 1989. We are especially grateful that you enclosed the Protestant's letters. We will take your advice and contact them directly in an attempt to resolve the protest.

We would like to be notified as soon as possible regarding the date of the hearing. We will need at least two weeks to prepare for the hearing.

Your cooperation is appreciated.

Yours very truly,

M. Gary Atkinson
M. GARY ATKINSON

MGA/fw

cc: Mr. Marvin Aslett
Mr. David Aslett

RECEIVED

MAY 31 1990

09-Aug-1989

J & J Dairy
Rt. 2
Kimberly, ID 83341

Re: Application for permit No. 47-08215

Gentlemen:

Enclosed are copies of protests filed against the issuance of a permits pursuant to your above referenced applications. The Department suggests you contact the protestants directly in an effort to determine nature of the protests and to attempt to resolve the protests.

The following are the principal items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?

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

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

MICROFILMED

MAY 31 1990

09-Aug-1989

James A. Kirkpatrick
Rt. 2
Kimberly, ID 83341

Re: Application for permit No. 47-08215

Dear Mr. Kirkpatrick:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

The following are the principal items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?

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

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

RECEIVED

MAY 31 1990

09-Aug-1989

Mrs. Joe Ross
Rt. 2 3614 N 3300 E
Kimberly, ID 83341

Re: Application for permit No. 47-08215

Dear Mrs. Ross:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

The following are the principal items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?

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

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

RECEIVED

MAY 31 1990

Due to our Well having to be moved
because of barnyard Contamination & the
Close proximity of the J+J Dairy to our
home. The water table & domestic
source being 20 to 30 ft I feel the
extra affluent is just asking for trouble.

James A. Kirkpatrick
Rt 2 Kimbely 83341
736-3988

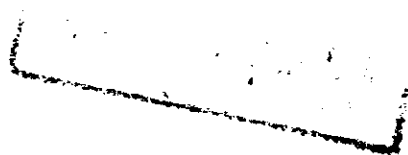
RECEIVED

JUN 14 1989

Department of Water Resources
Southern Region Office

MICROFILMED

MAY 31 1990



I protest the drilling of another well being drilled for J + F. Dairy file # 47-08215 as they already have 2 wells on 40 acres and the water table is not that good. also I am worried about contamination of our well

Thank you
Mrs. Joe Ross
Rt # 2 - 3614N-3300E
Kimberly, Idaho 83341
733-4464

RECEIVED

JUN 12 1989

RECEIVED

JUN 12 1989

Department of Water Resources
Southern Region Office

RECEIVED

MAY 31 1989

01-Jun-1989

Idaho Dept. of Health & Welfare
P.O. Box 1626
Twin Falls, ID 83303-1626

Re: Application for Permit

Gentlemen:

Please find enclosed a copy of an Application 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,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

Enclosure

MICROFILMED

MAY 31 1990

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

JUNE 1, 1989

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 JUNE 26, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

MAY 31 1990

47-08215

J & J DAIRY
RT. 2
KIMBERLY, ID 83341

Source: GROUNDWATER

Diversion Pt: SESE Sec 25 T 10S R 17E

Use: STOCKWATER (.300 CFS)
COMMERCIAL (.300 CFS)

Date Filed: 5/12/1989

In: T10S R17E S25 SESE

MICROFILMED

MAY 31 1990

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before JUNE 26, 1989.

R. KEITH HIGGINSON, Director

Published 6/08/1989 & 6/15/1989

MICROFILMED

MAY 31 1990

31-May-1989

J & J Dairy
Rt. 2
Kimberly, ID 83341

Re: Application for Permit No. 47-08215

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 6/8 & 6/15/89. 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,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

MICROFILMED

MAY 31 1990

3/89

Drilling Permit No. 47-89-5-027Water Permit No. 47-08215

Injection Permit No. _____

No fee enclosed
RECEIVED

APR 25 1989

Department of Water Resources
 Southern Region Office

State of Idaho
 Department of Water Resources

DRILLING PERMIT**RECEIVED**

MAY 18 1989

Department of Water Resources
 Southern Region Office

pr
R#
500709

1. Applicant J & J Dairy DA.
 2. Address Route #2, Kimberly ID 83341
Twin Falls, ID 83301
 Telephone 733-0547

(x) Well Owner () Well Operator () Other, specify _____

3. Proposed well location S/E 1/4 S/E 1/4, or Gov't lot No. _____,
 Sec. 25, Twp. 10S, Rge. 17E, County Twin Falls,
 Lot, block and subdivision _____

4. Proposed use of well: (Check all that apply)

() Domestic (x) Stockwater () Monitoring
 No. of households _____ No. of livestock 400

() Irrigation () Industrial () Municipal

() Injection (X) Other, Specify Commercial/Dairy

5. Well construction information:

(x) New well () Deepen () Replace

Proposed surface diameter 8" Maximum depth 200 ft.

Anticipated bottom hole temperature:

(x) 85°F or less (Cold water well)
 () 85°F to 212°F (Low temp. geothermal well)
 () 212°F or more (Geothermal well)

6. Anticipated construction start date ? *expected 12/89*

7. Well Driller (if known) Arnold Elsing

Address Route #4, Addison Avenue West, Twin Falls ID 83301

8. Applicant's signature David L. Aslett

Title Partner

Date _____

MICROFILMED
 MAY 31 1990

ACTION OF DEPARTMENT OF WATER RESOL.

This Permit is Approved.

If approved, this permit authorizes the construction of a well subject to the following conditions:

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 its date of issuance for the start of construction and is valid for one (1) year from the date of issuance 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. Issuance 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.

SPECIFIC CONDITIONS

MICROFILMED

MAY 31 1990

Dated this 12 day of May, 1989.

Signed Loren O. Hahn

Title Southern Region Mgr

Received by M. Baldwin Fee 100.00 Date 5/12/89

Receipt No. 500 70 98 Construction start extension to _____

Extension approved by _____

12-May-1989

To Whom It May Concern:

I hereby request expedited approval of the drilling permit for J & J Dairy and understand that said approval does not constitute approval of the accompanying Application for Permit.

David 2 Aslett
David Aslett

RECEIVED

MAY 12 1989

Department of Water Resources
Southern Region Office

MICROFILMED

MAY 31 1990

47-08215



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

April 3, 1989

R. KEITH HIGGINSON
Director

Elsing Drilling
P.O. Box 919
Twin Falls, ID 83303-919

Re: Dave Aslett Drilling Permit

Gentlemen:

We are returning your application for a well drilling permit because the information required on the application is not complete.

Please complete the following items and return the application and fee to this office for processing.

☐ Proposed well location. Please indicate the 1/4 1/4 section (40-acre tract), Section, Township, and Range the well is to be located in.

☐ A copy of a map showing your area is attached. If you wish, simply mark the well location on the map and return it with your application. We will complete the legal description here.

☒ *Owner's address*
☐ The proposed use of the well.

☐ Well construction information.

☒ Signature

☒ No fee was submitted with the application. A fee of \$10.00 is due with this application.

Very Truly yours,

Loren O. Holmes

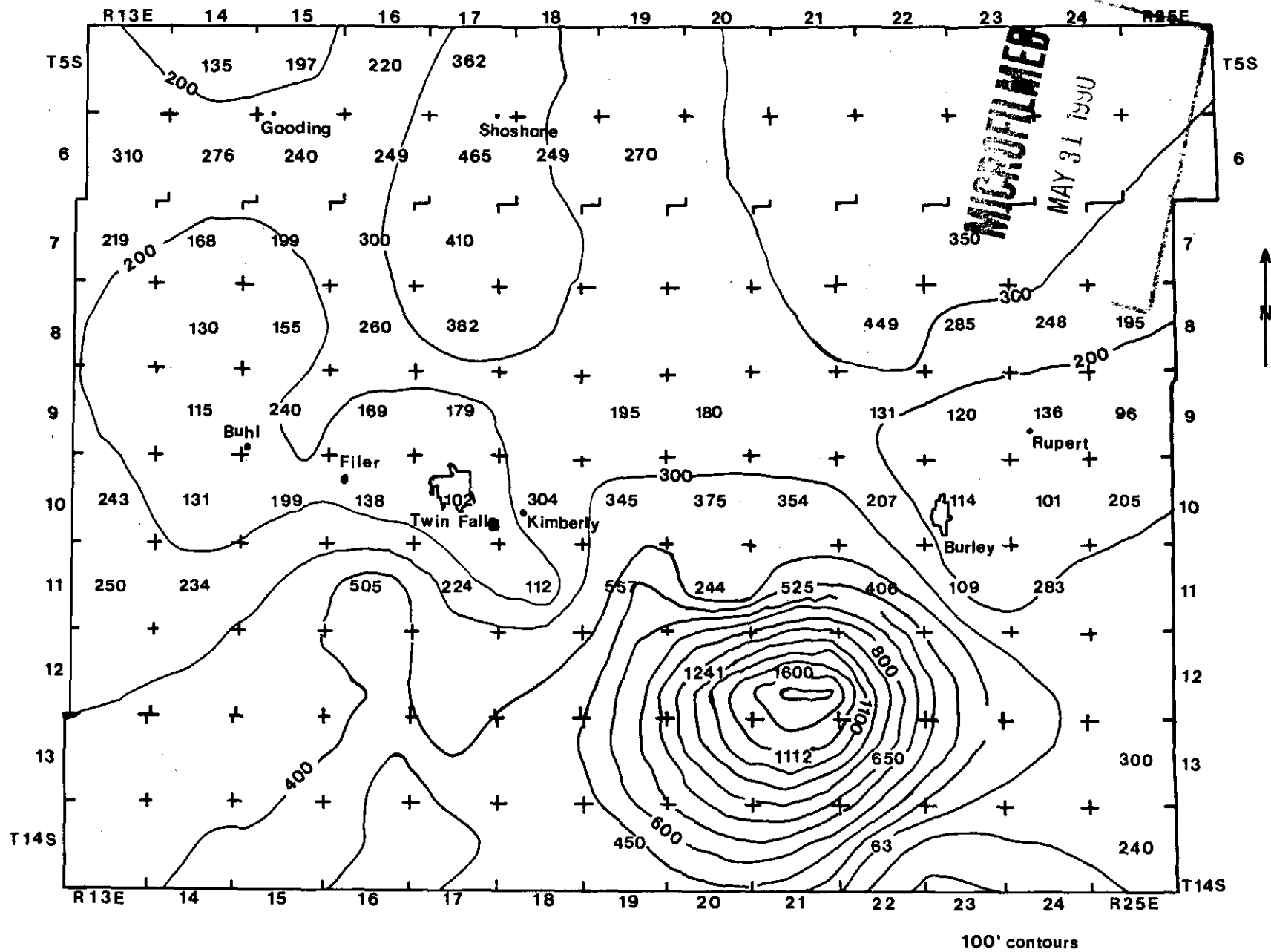
Loren O. Holmes, P. E.
Southern Region Manager

MICROFILMED

MAY 31 1990

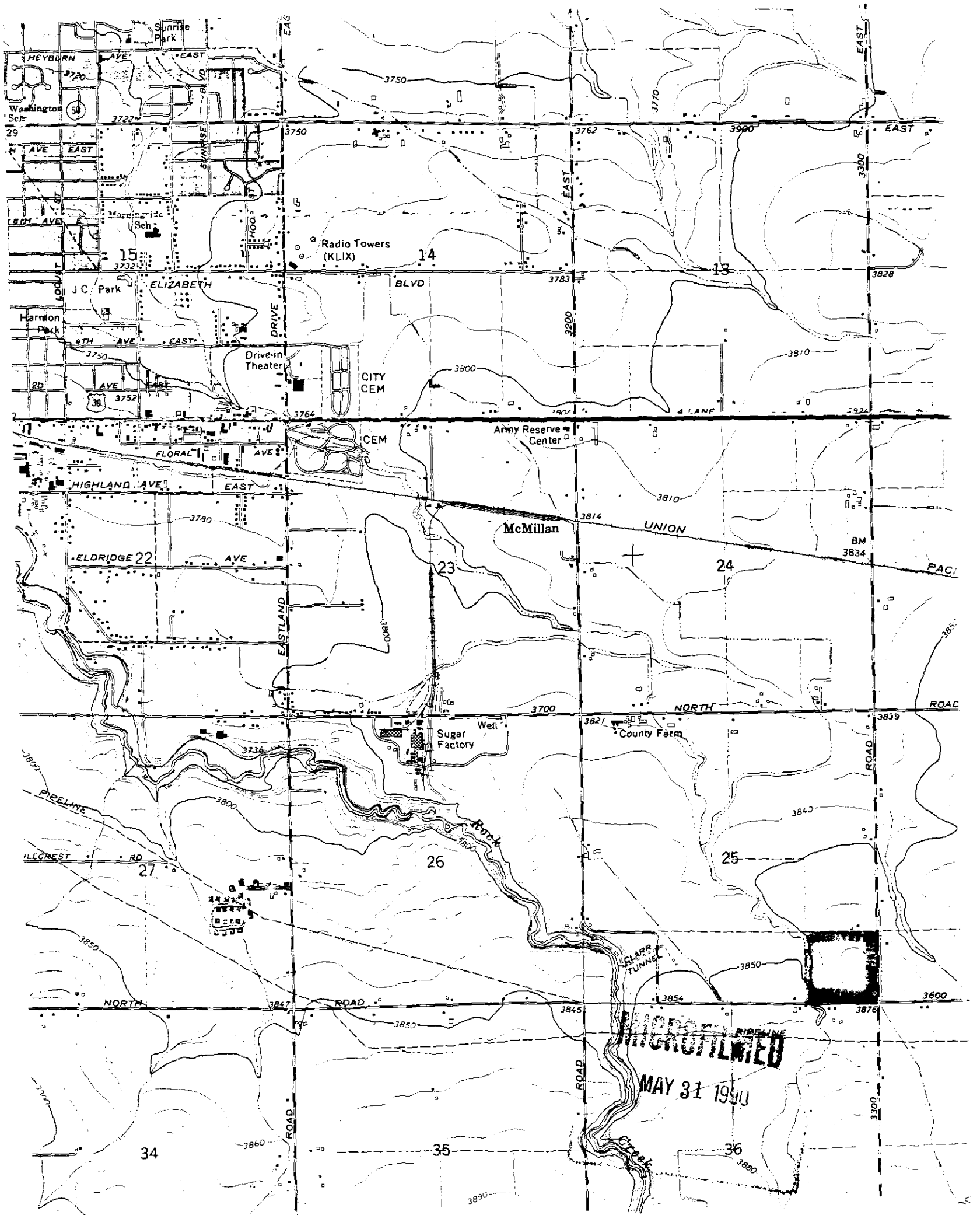
47-08215

AVERAGE COLD WATER WELL DEPTHS



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Dave Aslett</u> Address <u>Rt. 2 Kimberly, Idaho 83341</u> Owner's Permit No. <u>47-895 010</u>		7. WATER LEVEL Static water level <u>25'</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF. Quality _____ Describe artesian or temperature zones below.																																																
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)		8. WELL TEST DATA ☐ Pump ☐ Bailer ☐ Air ☐ Other _____ <table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>		Discharge G.P.M.	Pumping Level	Hours Pumped																																												
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3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th rowspan="2">Water Yes No</th></tr><tr><th>From</th><th>To</th></tr></thead><tbody><tr><td>8"</td><td>0</td><td>2</td><td>Top Soil</td><td></td></tr><tr><td>6"</td><td>2</td><td>41</td><td>Gray Lava</td><td></td></tr><tr><td></td><td>41</td><td>47</td><td>Red Clay</td><td></td></tr><tr><td></td><td>47</td><td>105</td><td>Gray Lava</td><td></td></tr><tr><td></td><td>105</td><td>114</td><td>Red Lava</td><td></td></tr><tr><td></td><td>114</td><td>120</td><td>Gray Lava</td><td></td></tr><tr><td></td><td>120</td><td>145</td><td>Soft Red Lava & Clay</td><td></td></tr><tr><td></td><td>145</td><td>150</td><td>Gray Lava</td><td></td></tr></tbody></table>		Bore Diam.	Depth		Material	Water Yes No	From	To	8"	0	2	Top Soil		6"	2	41	Gray Lava			41	47	Red Clay			47	105	Gray Lava			105	114	Red Lava			114	120	Gray Lava			120	145	Soft Red Lava & Clay			145	150	Gray Lava	
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	120	145	Soft Red Lava & Clay																																															
	145	150	Gray Lava																																															
4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____		RECEIVED JUL 26 1989 Department of Water Resources Southern Region Office																																																
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>1/2" 50</td><td>inches 6 3/4</td><td>inches + 1</td><td>feet 19' feet</td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></tbody></table> Was casing drive shoe used? ☐ Yes ☒ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>19'</u> Material used in seal: ☒ Cement grout ☐ Bentonite ☐ Pudding clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent Weld _____ ☐ Cemented between strata Describe access port <u>Well Cap</u>				Thickness	Diameter	From	To	1/2" 50	inches 6 3/4	inches + 1	feet 19' feet													Number	From	To																								
Thickness	Diameter			From	To																																													
1/2" 50	inches 6 3/4			inches + 1	feet 19' feet																																													
Number	From	To																																																
6. LOCATION OF WELL Sketch map location must agree with written location. <table border="1"><tr><td>N</td><td></td><td>E</td></tr><tr><td>W</td><td></td><td>E</td></tr><tr><td></td><td></td><td>S</td></tr></table> Subdivision Name _____ Lot No. _____ Block No. _____ County <u>TWIN FALLS</u> <u>SE 1/4 SE 1/4 Sec. 25, T. 10, N. 17, E. W.</u>		N		E	W		E			S	10. Work started <u>4-26-87</u> finished <u>4-6-87</u>																																							
N		E																																																
W		E																																																
		S																																																
11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Elsing Drilling</u> Firm No. <u>31</u> <u>P.O. Box 919</u> Address <u>Twin Falls, Idaho 83301</u> Date <u>4-10-87</u> Signed by (Firm Official) <u>Ronald Elsing</u> and (Operator) <u>Ronald Elsing</u>																																																		



State of Idaho
Department of Water Resources

DRILLING PERMIT

(Authorizing Construction of a Well)*

1. Applicant DAVE ASLATT
2. Address RT. 2, Kimberly 83341 Telephone 733-0547
- ☒ Well Owner () Well Operator () Other, specify _____
3. Proposed well location SE 1/4 SE 1/4, or Gov't lot No. _____,
Sec. 25, Twp. 10S, Rge. R17E, County Twin Falls,
Lot, block and subdivision _____
4. Proposed use of well: (Check all that apply)..
- ☒ Domestic ~~Stockwater~~ () Monitoring
() Irrigation () Industrial () Municipal
() Injection ~~Other, Specify~~ Dairy & Barn
5. Well construction information:
- () New well () Deepen ☒ Replace
- Proposed surface diameter 6" Maximum depth 100'-150'
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. Anticipated construction start date 3-4-89
7. Well Driller (if known) Elking Drilling
Address P.O. Box 9139 TF 83301
8. Applicant's signature Ronald Elking **MICROFILMED**
Title Owner Agent
Date 3-30-89 **MAY 31 1990**

* After other pre-requisite approvals have been obtained.

* Fee is \$10 for single family domestic. Other uses may be \$100, \$50 or \$10.

47-89-S-010

ACTION OF IDWR

(X) Approved () Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

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 its date of issuance for the start of construction and is valid for one (1) year from the date of issuance 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. Issuance 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.

SPECIFIC CONDITIONS:

MICROFILMED

MAY 31 1990

Dated this 3rd day of April, 1989.

Signed ALD [Signature] FOR LOREN HOLMES

Title SOUTHERN REGION MANAGER

Received by JRP Fee 10.00 Date 5/3/89

Receipt No. 50067 Construction start extension to _____

Extension approved by _____