

MEMORANDUM

TO: Water Right File 22-14375

FROM: Daniel Nelson – Analyst 3

DATE: January 27, 2022

SUBJECT: Reinstatement and Licensing Review of Water Right Permit 22-14375

The field exam for this right was performed by Ernest Carlsen and reviewed by Certified Water Right Examiner David Tuthill Jr. of Idaho Water Engineering. Mr. Carlsen recommended 0.02 cubic feet per second (cfs) for the stockwater. It should be noted that Mr. Carlsen did not recommend a volume, but a volume isn't necessary for licensing this permit because it has a condition that limits the volume to 13,000 gallons per day.

This property and permit are owned by THH LLC. The property appears to be a commercial recreation facility known as Moose Creek Ranch. The stockwater corrals and barns appear to have been changed to other uses. The stockwater barn is now known as the Event Barn. Please see the attached webpage information at the end of this memo.

There were a couple of issues that required clarification that were addressed in a letter dated January 13, 2022. A revised field report was submitted by email from Mr. Tuthill on January 24, 2022. Since the request for information was a clarification of the original field report, a revised field report wasn't necessary. However, it can be used to answer the clarification questions in the January 13, 2022, letter. The revised field report did not alter the recommendation for diversion rate, place of use, point of diversion, or nature of use, so there shouldn't be a need to have the original documentation.

With the revised field report, the certified water right examiner field reports are acceptable. I recommend that this permit be reinstated.

Overlap:

Mr. Carlson stated that water rights 22-13265, 22-13717, 22-14379, and 22-14376 overlapped the place of use and water rights 22-14379 and 22-14376 overlapped the point of diversion.

Water right permit 22-14376 is owned by the permit holder, THH LLC. Water right permit 22-14376 uses ground water for commercial purposes from a single point of diversion. The commercial use for water right permit 22-14376 is for culinary uses at the recreational facility known as Moose Creek Ranch, which consists of a lodge and several cabins. A new well has been constructed for water right permit 22-14376.

This permit and water rights transfer number 84137 were filed to resolve Notice of Violation E2020-1603. Water Right Transfer number 84137 split water right 22-7681 and created water right number 22-14379 that authorizes the irrigation of 4 acres from 3 separate wells. None of the wells on the map shown in the water right transfer and transfer application mapping match the well associated with this permit.

Water rights 22-13265 and 22-13717 are municipal water rights owned by the City of Victor. It doesn't appear as though the City of Victor supplies water to the Moose Creek Ranch.

A field report for water right 22-14374 on the same property was filed at the same time as this permit, but it is clearly from a surface water source for a pond that is not connected to the well. This permit has also lapsed, and the field report and Proof of Completion documents were returned as incomplete.

In the revised field report, Mr. Carlsen and Mr. Tuthill stated in the narrative that this well is not connected into the other wells or water systems for the Moose Creek Ranch. The well only goes to a single water trough. As discussed above, the stockwater authorized by this permit no longer exists, and the barn has been changed to a meeting place for recreational facility.

Point of Diversion and Place of Use:

The location of the point of diversion and the place of use seems reasonable per the aerial imagery from 2019 and earlier. The imagery used in the field report matches the 2020 ESRI imagery available to the Idaho Department of Water Resources (Department). Please see review maps below. The current 2021 imagery available to the Department and on Google Earth show that the corral where the stock tank was located has been recently replaced by a road to what appears to be recreational vehicle parking.

The aerial view from the webpage shows that the stockwater tank and corral have been removed. It also shows the barn is no longer used for livestock. The images on the webpage shows the barn is now has a number of tables for large gatherings.

I have created a shape file in our mapping system that includes the corrals and pastures shown in the 2020 aerial imagery. It is uncertain if they will ever need the stockwater with the new development, but it will be available if needed.

Diversion Rate and Volume:

The original field report recommended a diversion rate of 0.02 cfs, but it didn't provide any information to justify that recommendation. Mr. Carlsen was at the property and didn't attain adequate information to verify diversion rate recommended. Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.035.01.r doesn't require a measurement for this size of water right permit. However, the field examiner should provide some justification for the diversion rate recommended.

The resubmitted field report included a theoretical calculation that does seem reasonable for this type of system. The resubmitted field report also states that there are some animals in the corrals in the aerial imagery. I can confirm that there does appear to be 3 animals in the 6/27/2020 ESRI imagery available to the Department, and 3 to 10 animals in the 2013 to 2019 imagery. Please see the ESRI imagery below.

Administrative Processing Memorandum #3 allows up to 0.02 cfs and 0.2 af for 0 to 10 head of livestock. This was what was authorized by the permit. The theoretical calculation supplied in the resubmitted field report, provides adequate verification of that the 0.02 cfs has been diverted and should be recommended for licensing.

A diversion rate of 0.02 cfs should be recommended for licensing. No volume is required, since there is a condition that limits the water use to 13,000 gallons per day. I do have concerns that the 13,000 gallons per day volume limitation could be enlarged from the historical 0.2 af for the livestock to 14.6 af if the maximum of this domestic type of use is allowed to be diverted $[(13,000 \text{ gpd} \times 365 \text{ days}) / 325850 = 14.56 \text{ af}]$. A volume amount could be added if Administration believe it is reasonable to include a volume on the license to prevent enlargement.

Conditions:

Condition N05 should be the only condition carried forward to licensing. I am concerned about possible future connections from this well to the existing system, but that will need to be addressed when water right permit 22-14376 is licensed.

Review Maps:

The 2020 ESRI aerial imagery shows the corrals, pasture, and point of diversion. I also showed that there are 3 animals in the corral. I am showing the location of the Moose Creek Ranch Lodge for reference purposes.

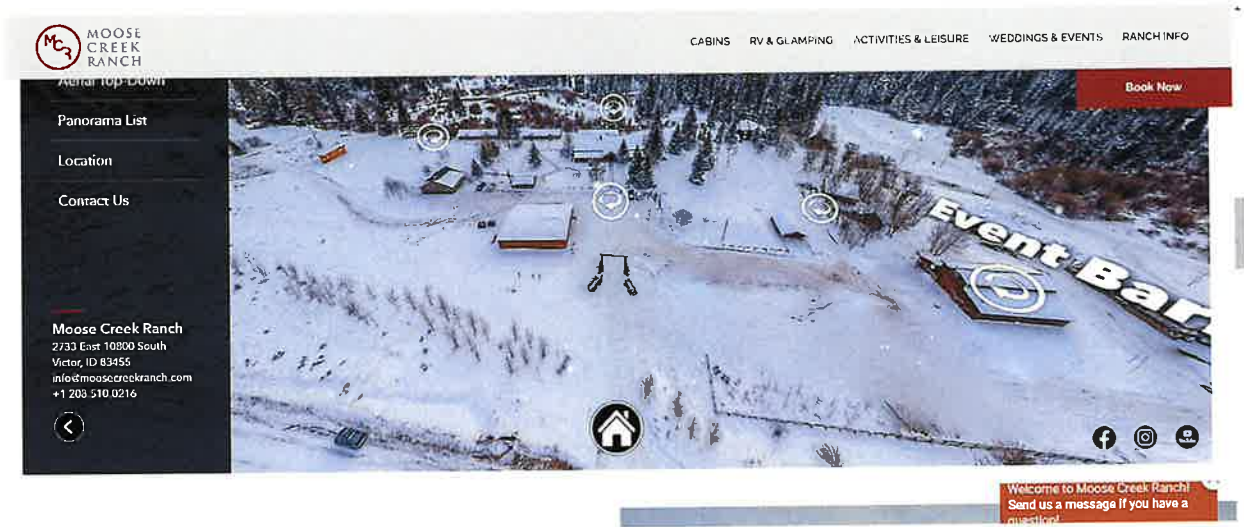


The 2021 Google Earth maps below show that only one corral remains and the pasture area has been made into what appears to be a RV parking area.



Moose Creek Ranch Website Maps:

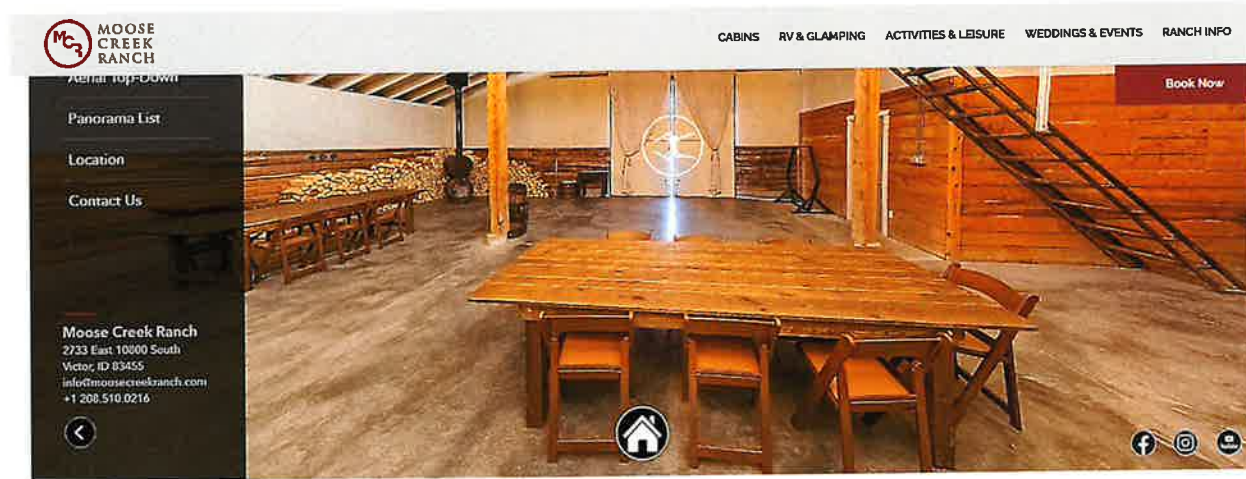
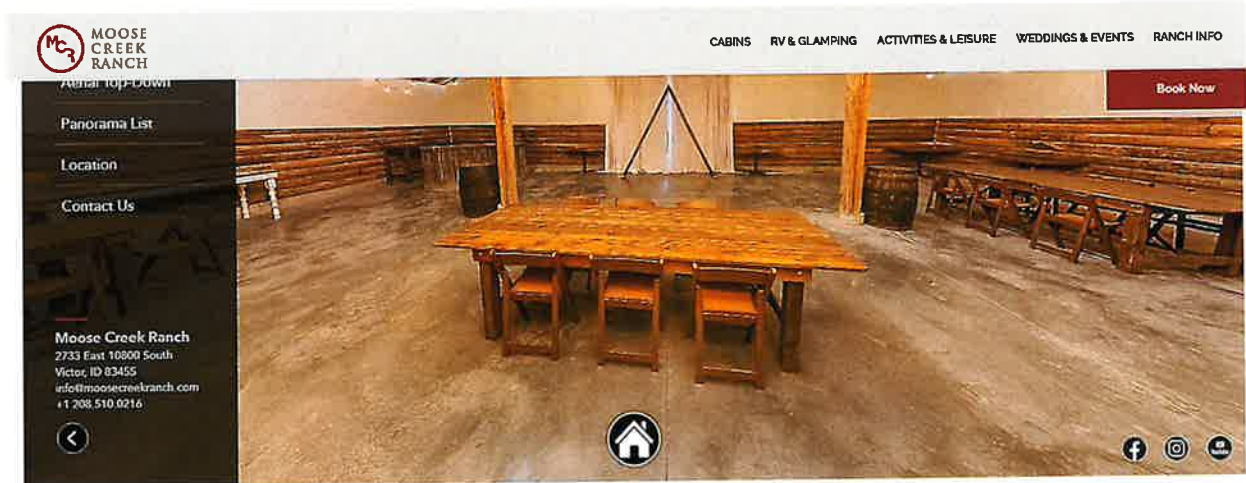
The aerial view below shows the corrals are no longer in place and the barn is now known as the event barn and no longer provides water to livestock.



The image from the webpage shows the location of the well.



The two images from the permit holder's webpage shows the inside of the event barn, which clearly shows that livestock are no longer kept in this building.



Nelson, Dan

From: Dave Tuthill <dave@idahowaterengineering.com>
Sent: Thursday, January 27, 2022 8:35 AM
To: Nelson, Dan
Cc: Rob Harris; Ernie Carlsen
Subject: Re: Revised Field Report for 22-14375

Thanks, Dan.

Cheers, Dave

David R. Tuthill, Jr., Ph.D., P.E.
Idaho Water Engineering, LLC
2918 N. El Rancho Pl., Boise, ID 83704
Office: (208) 378-1513
Cell: (208) 870-0345
Fax: (888) 538-7703
email: dave@idahowaterengineering.com
website: www.idahowaterengineering.com

On Thu, Jan 27, 2022 at 8:32 AM Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Dear Mr. Tuthill,

I have reviewed the information submitted with the revised field report for water right permit 22-14375. The information received in the revised field report addresses the clarification information I requested in my January 13, 2022, letter. I believe that you have adequately clarified the information I requested. I can now move forward with my review of the field report and make a recommendation to my supervisor for the reinstatement and licensing of water right permit 22-14375.

If additional information is required, I will contact you as soon as possible.

Respectfully,

Daniel Nelson

Water Right Analyst 3

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

From: Dave Tuthill <dave@idahowaterengineering.com>

Sent: Monday, January 24, 2022 4:08 PM

To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>

Cc: Rob Harris <rharris@holdenlegal.com>; Ernie Carlsen <ernie@idahowaterengineering.com>

Subject: Revised Field Report for 22-14375

Good afternoon, Dan. I hope all is well.

I am attaching a revised Field Report for the reinstatement of Permit 22-14375.

Thanks,

Dave

David R. Tuthill, Jr., Ph.D., P.E.
Idaho Water Engineering, LLC
2918 N. El Rancho Pl., Boise, ID 83704

Office: (208) 378-1513
Cell: (208) 870-0345
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A Beneficial Use Field Report is prepared by a water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with a permit during the development period authorized by the permit and any extensions of time previously approved.

A. GENERAL INFORMATIONPermit No. lapsed 22-14375

1. Owner THH LLC Phone No. (307) 690-2495
 Current address PO Box 11803 Jackson WY 83002-1803
2. Examiner's name Ernest Carlsen EXAM DATE 20 Dec 2021
3. Accompanied by Antony Krusenbaum Email Tony@moosecreekranch.com
 Address 2733 E 1080 S, Victor, ID 83455
 Relationship to permit holder Manager Phone No. (262) 348-8133
4. Source Ground water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use 22-13265, 22-13717, 22-14379, 22-14376
2. Other water rights with the same source and point of diversion 22-14379, 22-14376

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident. No.	Gov't Lot	¼	¼	¼	Sec	Twp	Rge	County	Method of Determination/Remarks
			SW	SW	20	3N	46E	Teton	On-site visit, IDWR map tool

2. Place(s) of Use: 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	
3N	46E	20											S						

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☒ see attached.

Scale: 1" = _____

- ☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (required)
☐ Aerial photo attached (required for irrigation of 10+ acres)
☒ Photo of diversion and system attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Stockwater Well		0.5			

*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
None						

2. Measurements: _____

No measurement. _____

E. NARRATIVE/REMARKS/COMMENTS

Tony Krusenbaum, Manager at Moose Creek Ranch, accompanied me during the investigation. The photos referenced below are in an attachment to this report.

The stock well and trough are both located adjacent to the barn. Photo 1 shows the well just a few feet from the southeast corner of the barn. Photo 2 shows the trough located in front of the barn. Photos 3 and 4 are aerial views, provided by Google Earth, showing the well and trough in relation to the barn. Kelly Van Orden, who owned the property from 1988 to 2011, confirmed the well was there when he purchased the property. He stated "to the best of my recollection the well is 20 to 30 feet deep with a ½ Hp pump." The well pumps water to a pressure tank in the barn which is connected to the trough. A float at the trough controls when water is supplied. The well only provides water to the trough. There is no interconnection with another well or alternate water source delivered to the corrals. Photos 3 and 4 provide some insight into the extent of beneficial use. Photo 3 taken on 19 July 2016 shows approximately 14 head of stock, likely horses, in the corrals. The poor resolution of Photo 4 dated 22 January 2005 makes it difficult to identify the stock but it is evident that animals have trampled the snow along the fence and into the corner where the trough is located. Currently, there is no stock on the property, so the well is off for the winter.

On Google Earth, the well is at 43°33'25.12" N, 111°03'35.23" W. The attached layout shows the location of the well and trough in the SWSW, Section 20, Twp 3N, Rge 46E, B.M.

In Item B.1, licenses 22-13265 and 22-13717 are held by the City of Victor for municipal purposes but don't serve the Moose Creek Ranch. License 22-14376 and permit 22-14379, listed in Item B.1 and 2, are used on the Moose Creek Ranch but diverted from a different well for irrigation and commercial purposes.

Has the permit holder met all conditions of permit approval, including any mitigation requirements and/or measuring device installation requirements? ☒ Yes ☐ No If no, what must be done to meet the permit requirements?

F. FLOW CALCULATIONS☐ Additional computation sheets attached

Measured Method:

Theoretical calculation per the recollection of Kelly Van Orden, a previous owner. Used pumping head of 25' and 55 PSI at 70% efficiency.

$$Q = \frac{8.814 \times 0.70 \times 0.5}{25 + (55 \times 2.31) + 2.5}$$

$$Q = 0.0199 \text{ CFS}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

**H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stockwater	01/01	12/31	0.02	
Totals:				

2. Recommended Amendments

- ☐ Change P.D. as reflected on page 1 ☐ Add P.D. as reflected on page 1 ☐ None
☐ Change P.U. as reflected on page 1 ☐ Add P.U. as reflected on page 1 ☐ Other

I. AUTHENTICATIONField Examiner's Signature Ernest Carlson Date 19 Jan. 2022Reviewer David R. Tuthill, Jr. Date 1/24/2022

SEAL (Abo.12)



Photo 1: Stock well



Photo 2: Stock trough



Photo 3: Aerial photo dated 7/19/2016

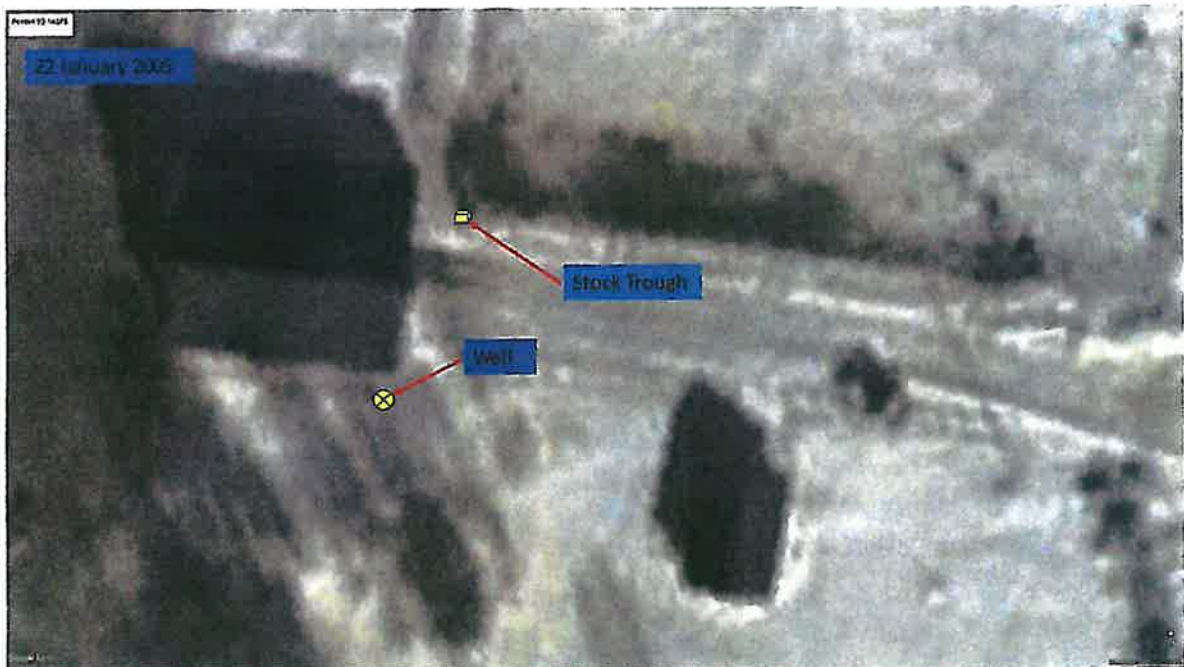


Photo 4: Aerial Photo dated 1/22/2005

Nelson, Dan

From: Ernie Carlsen <ernie@idahowaterengineering.com>
Sent: Tuesday, January 25, 2022 11:08 AM
To: Nelson, Dan
Cc: Dave Tuthill; Rob Harris
Subject: Re: Revised Field Report for 22-14375

Thank you for the clarification.
Ernie

On Tue, Jan 25, 2022 at 10:53 AM Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Dear Mr. Carlson,

There were 2 permits with different requirements, so I will speak to each of them separately.

Permit 22-14375:

I made a request for clarification of the field report according to Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.035.02.c. Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.035.02.c states the following:

If the Director determines that a field report prepared by a certified water right examiner is acceptable but that additional information is needed to clarify the field report, he will notify the examiner in writing of the information required. If the additional information is not submitted within thirty (30) days or within the time specified in the written notice, the priority date of the permit will be advanced one (1) day for each day the information submittal is late. Failure to submit the required information within one (1) year of the date of the department's request is cause for the Director to take action to cancel the permit.

The Statement of Completion for Submitting Proof of Beneficial Use Statement (Proof) for this permit was received over 60 days after the date Proof was due. You submitted the Proof, Field Report, Request to Reinstate a Permit Lapsed more than Sixty Days form, and \$250.00, so we could review this documentation to ensure it was complete. The Field Report was considered complete, but it did need additional information to clarify the field report.

Therefore, the priority date of this permit would be the date that the proof of beneficial use and original field report was received. We received a revised field report for this permit within the 30-day limitation, so it would remain the date that the original field report was received if no further clarification is needed. If additional clarification is needed, then we will send a second letter with an updated 30-day request for the information.

Permit 22-14374:

The field report for permit 22-14374 was considered incomplete according to the Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02. Specifically, Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.035.02.b states the following:

Field reports not completed as required by these rules will be returned to the certified water right examiner for completion. If the date for submitting proof of beneficial use has passed, the penalty provisions of Rule 055 shall apply.

And Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.055.02 states the following:

Failure to Submit. Failure to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner by the proof due date is cause to lapse the permit pursuant to Section 42-218a, Idaho Code, unless an extension of time pursuant to Section 42-204, Idaho Code, extending the proof of beneficial use due date has been approved.

The Proof for this permit was received over 60 days after the date Proof was due. You submitted the Proof, Field Report, Request to Reinstate a Permit Lapsed more than Sixty Days form, and \$250.00, so we could review this documentation to ensure these documents were complete. Our review determined that the Field Report was not complete. Since the Field Report is not complete, then Proof is also not considered complete. We returned the field report, Proof, and the Request to Reinstate a Permit Lapsed more than Sixty Days form. We did agree to hold the \$250.00 reinstatement fee for 30 days but gave you the option to request that this fee be returned upon request.

Since the Proof was considered incomplete, the priority date of 22-14374 will be adjusted to the date that our office receives an acceptable field report, Proof, and the Request to Reinstate a Permit Lapsed

more than Sixty Days form. If we receive those documents after we return the fee, then you will also need to resubmit the fee that was returned.

For more information on why the field report for 22-14375 needed clarification and 22-14374 was returned, please see the letters sent on January 13, 2022, for each of these water right permits.

I hope this answers your question. If you have further questions, please don't hesitate to contact me.

Respectfully,

Daniel Nelson

Water Right Analyst 3

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

From: Ernie Carlsen <ernie@idahowaterengineering.com>

Sent: Tuesday, January 25, 2022 10:04 AM

To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>

Cc: Dave Tuthill <dave@idahowaterengineering.com>; Rob Harris <rharris@holdenlegal.com>

Subject: Re: Revised Field Report for 22-14375

Dan,

If the permit is reinstated with the priority date be when IDWR received the Beneficial Use Report or at the completion of the review?

Ernie

On Tue, Jan 25, 2022 at 8:14 AM Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Mr. Tuthill,

Thank you for this revise field report. I will review the report as soon as possible and get back with you if there are any further questions.

Respectfully,

Daniel Nelson

Water Right Analyst 3

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

From: Dave Tuthill <dave@idahowaterengineering.com>

Sent: Monday, January 24, 2022 4:08 PM

To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>

Cc: Rob Harris <rharris@holdenlegal.com>; Ernie Carlsen <ernie@idahowaterengineering.com>

Subject: Revised Field Report for 22-14375

Good afternoon, Dan. I hope all is well.

I am attaching a revised Field Report for the reinstatement of Permit 22-14375.

Thanks,

Dave

David R. Tuthill, Jr., Ph.D., P.E.
Idaho Water Engineering, LLC
2918 N. El Rancho Pl., Boise, ID 83704

Office: (208) 378-1513

Cell: (208) 870-0345

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 13, 2022

IDAHO WATER ENGINEERING LLC
ATTN DAVID R TUTHILL JR PE
2918 N EL RANCHO PL
BOISE ID 83704

RE: Field Reports for Water Right Permits 22-14375

Dear Mr. Tuthill,

I have completed my initial review of the field report for water right permit 22-14375. There are some issues that will need clarified before I can move forward with license processing for this permit. I have discussed this permit with Idaho Department of Water Resources (Department) staff and determined that additional clarification of the field report is needed.

The first issue has to do with the lack of a measurement of water use in the field report. Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.035.01.r states the following:

Unless required as a condition of permit approval, an on-site examination and direct measurement of the diversion rate are not required for the following water uses if the beneficial use, place of use, season of use, and point of diversion can be confirmed by documentary means such as well driller reports, property tax records, receipts and other records of the permit holder, or photographs, including aerial photographs:

- i. Irrigation up to five (5) acres.
- ii. Storage of up to fourteen point six (14.6) acre-feet of water solely for stock watering purposes.
- iii. Any uses other than irrigation or storage if the total combined diversion rate for all the uses established in connection with the permit does not exceed twenty-four one hundredths (0.24) cubic feet per second.

According to Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.035.01.r a measurement isn't required if you can provide a reasonable estimate through a well driller report or other records that can confirm that a beneficial use has been developed for this system.

Even though a measurement is not required, we do need something that allows us to determine if the flow rate is possible, adequate, or excessive of the amount authorized by the permit. A measurement could be done for this type of system with a bucket and stopwatch measurement if you wish. You could also provide some type of theoretical type of calculation based on pipe size, pipe fittings, auto fill mechanism capacity, the standard theoretical calculation, or any other process that would ensure a beneficial use has been developed.

Please provide some information that can assist us in determining the water capacity for this system is reasonable to provide a beneficial use for this system and the use being sought.

The second issue has to do with the overlapping water rights. Several water rights were listed as overlapping water rights. Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.035.01.d states the following:

Any interconnection of the water use being examined with other water rights or with other conveyance systems shall be described on the field report. Interconnection includes, but is not limited to, sharing the same point of diversion, distribution system, place of use, or beneficial use. The examination report shall also include an evaluation of how the water use being examined is distinct from prior existing water rights and provides an alternate source of water or increment of beneficial use not authorized by prior existing water rights.

The rule shown above clearly states that you need to describe any rights that are interconnected with the water use being described in the field report. If these water rights are not interconnected to the system, then there needs to be some discussion in the narrative that informs the Department that they are not part of an interconnected to the system.

This system has other rights that could be used for stockwater purposes overlapping the place of use. It is essential to confirm if the overlapping water rights are diverted through separate systems or if this permit and the overlapping water rights are diverted through a single combined system. If the overlapping rights are diverted through a common system, then the stockwater use for this permit could be considered combined with one or more of the other water rights listed in the overlap review. It is very important that this information be addressed in the narrative to ensure that we do not over appropriate the water source for the same water use.

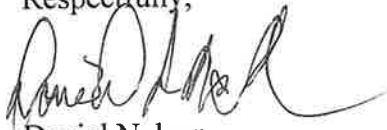
To move forward with the processing of this permit, I will need the additional information on the two issues discussed above. The information can be sent in an email or letter format.

Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.035.02.c states that we can give a certified water right examiner an additional 30 days to supply additional information to clarify the field exam report as stated below:

If the Director determines that a field report prepared by a certified water right examiner is acceptable but that additional information is needed to clarify the field report, he will notify the examiner in writing of the information required. If the additional information is not submitted within thirty (30) days or within the time specified in the written notice, the priority date of the permit will be advanced one (1) day for each day the information submittal is late. Failure to submit the required information within one (1) year of the date of the department's request is cause for the Director to take action to cancel the permit.

Please supply the above information within the 30 days from the date of this letter. You also may withdraw this field report until the permit holder can either provide pump information or is able to turn on the system without concern of the pipes freezing. If you have any questions, please don't hesitate to contact me.

Respectfully,



Daniel Nelson

Water Right Analyst 3

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

Cc Holden, Kidwell, Harn, & Crapo P.L.L.C.

Attn: Robert L. Harris

P.O. Box 50130

Idaho Falls, Idaho 83450

Nelson, Dan

From: Nelson, Dan
Sent: Thursday, January 13, 2022 2:43 PM
To: dave@idahowaterengineerign.com; rharris@holdenlegal.co
Subject: Field Reports for Water Right Permits 22-14374 and 22-14375
Attachments: 22-14375 Clarification Letter.pdf; 22-14374 Return Letter.pdf

Dear Mr. Tuthill and Mr. Harris,

I have reviewed the field reports for water rights 22-14374 and 22-14375 and discussed them with Idaho Department of Water Resources (Department) staff. As a courtesy, I am sending letters regarding the field reports for these permits to you by email ahead of the standard mail to allow you additional time to supply the information in the letters.

It has been determined that additional clarification of the field report for permit 22-14375 is needed to move forward with the processing reinstatement for this permit. I have sent by mail the attached letter stating the information we need to continue with the licensing process for this permit.

We also determined that the field report for water right permit 22-14374 was incomplete. I have sent by mail the attached letter along with the field report, *Statement of Completion for Submitting Proof of Beneficial Use*, and *Request to Reinstate a Permit Lapsed more than Sixty days*.

You will be able supply the information requested in the clarification letter for permit 22-14375 by mail or email. You will need to resubmit the field report, *Statement of Completion for Submitting Proof of Beneficial Use*, and *Request to Reinstate a Permit Lapsed more than Sixty days* if you wish to proceed with the reinstatement of permit 22-14374.

If you have any question, please don't hesitate to contact me.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

RECEIVED

JAN 03 2022

DEPARTMENT OF
WATER RESOURCES

Established in 1896
1000 Riverwalk Drive, Suite 200
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Fax: (208) 523-9518
www.holdenlegal.com
rharris@holdenlegal.com

December 27, 2021

Debbi Judd
Technical Records Specialist
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
debbi.judd@idwr.idaho.gov

Re: *Request to Reinstate Permits Lapsed More Than Sixty Days; Permit Nos. 22-14374 and 22-14375.*

Dear Ms. Judd:

Enclosed for processing are two (2) completed *Requests to Reinstate a Permit Lapsed more than Sixty Days* for the above-referenced permits, along with the required items listed on the reinstatement form. As explained in the original application documents for both of these permits, the water use associated with these permits has been in place for decades, but the prior property owner failed to file claims in the Snake River Basin Adjudication for these uses. The fact that these uses are already existing is the reason why the permits only requested a one-year development period. However, the current owner of the permits, THH LLC, either did not receive or misplaced the actual lapse notice associated with these permits. Once THH LLC became aware that these permits had lapsed, it immediately employed Idaho Water Engineering Inc. to perform the field exams on both permits. We have also included a check in the amount of \$500.00 as the required fees for submission of the enclosed documents.

We appreciate your immediate attention to these documents. If you have any questions or concerns, please do not hesitate to give me a call. We appreciate your assistance in this matter.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A Beneficial Use Field Report is prepared by a water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with a permit during the development period authorized by the permit and any extensions of time previously approved.

A. GENERAL INFORMATIONPermit No. lapsed 22-143751. Owner THH LLCPhone No. (307) 690-2495Current address PO Box 11803 Jackson WY 83002-18032. Examiner's name Ernest CarlsenEXAM DATE 20 Dec 20213. Accompanied by Antony KrusenbaumEmail Tony@moosecreekbranch.comAddress 2733 E 1080 S, Victor, ID 83455Relationship to permit holder ManagerPhone No. (262) 348-81334. Source Ground water tributary to _____**B. OVERLAP REVIEW**1. Other water rights with the same place of use 22-13265, 22-13717, 22-14379, 22-143762. Other water rights with the same source and point of diversion 22-14379, 22-14376**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

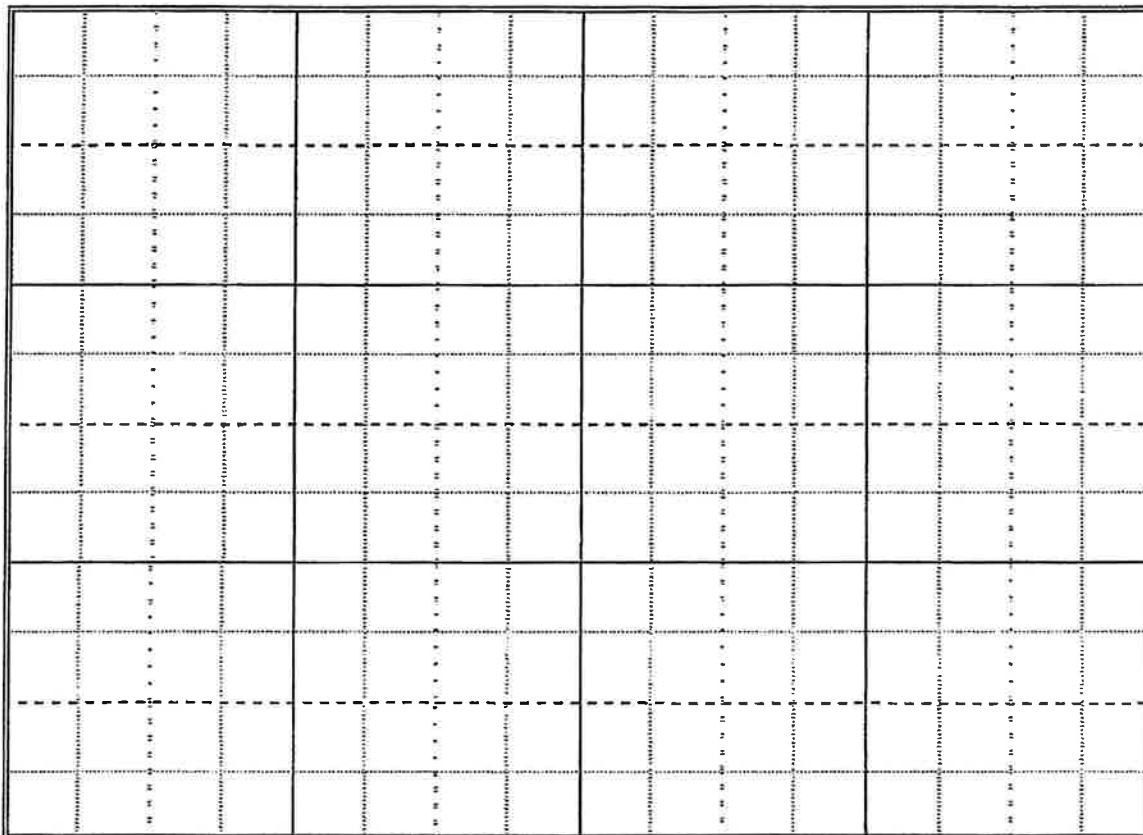
Ident. No.	Gov't Lot	¼	¼	¼	Sec	Twp	Rge	County	Method of Determination/Remarks
			SW	SW	20	3N	46E	Teton	On-site visit, IDWR map tool

2. Place(s) of Use:

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	
3N	46E	20											S						

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☒ see attached.



Scale: 1" = _____

- ☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (required)
☐ Aerial photo attached (required for irrigation of 10+ acres)
☒ Photo of diversion and system attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
No available information					

*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
None						

2. Measurements: _____

No measurement. _____

E. NARRATIVE/REMARKS/COMMENTS

Tony Krusenbaum, Manager at Moose Creek Ranch, accompanied me during the investigation. The photos referenced below are in an attachment to this report.

The stock well and trough are both located adjacent to the barn. Photo 1 shows the well just a few feet from the southeast corner of the barn. A previous owner drilled the well and installed the trough to provide water for horses kept in the corals. Tony indicated they don't have any information concerning the depth of the well or Hp of the submersible pump. Currently, there is no stock on the property, so the well is off for the winter. Photo 2 shows the trough located in front of the barn.

On Google Earth, the well is at 43°33'25.12" N, 111°03'35.23" W. The attached layout shows the location of the well and trough in the SWSW, Section 20, Twp 3N, Rge 46E, B.M.

Has the permit holder met all conditions of permit approval, including any mitigation requirements and/or measuring device installation requirements? ☒ Yes ☐ No If no, what must be done to meet the permit requirements?

F. FLOW CALCULATIONS☐ Additional computation sheets attached

Measured Method:

None.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I,R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D,R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I,R} \text{ and } V_{D,R} =$ _____

2. Volume Calculations for Other Uses:

**H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stockwater	01/01	12/31	0.02	
Totals:				

2. Recommended Amendments

- ☐ Change P.D. as reflected on page 1 ☐ Add P.D. as reflected on page 1 ☐ None
☐ Change P.U. as reflected on page 1 ☐ Add P.U. as reflected on page 1 ☐ Other

I. AUTHENTICATION

Field Examiner's Signature

Ernst Carlson

Date

22 Dec. 2021

Reviewer

D R Tuthill Jr

Date

*12/26/2021*SEAL *Above*



Photo 1: Stock well



Photo 2: Stock trough

Lapsed Permit 22-14375



12/22/2021, 10:13:14 AM

Areas

Override 1

Override 2

Override 3

Counties

Quarter Quarter

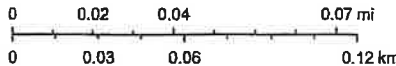
Section

Township/Range

Idaho Outline

Idaho Mask

1:2,257



Maxar, Microsoft, Created by NRCS from 1:24,000 scale USGS topographic maps., Esri, HERE, IPC, Idaho Department of Water Resources