

43-13898

84949

Ident. No.

RECEIVED

MAY 03 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Hopkins-Declo Farms, LLC Phone 208-467-5467
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 910 E Carol, City Meridian
 State ID ZIP 83646 Email aaronv@hopkinsfinancial.com
2. Name of representative, if any SPF Water Engineering Phone 208-383-4140
 Mailing address 300 E. Mallard Dr., Ste 350 City Boise
 State ID ZIP 83706 Email lgraves@spfwater.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Ground Water which is a tributary of _____

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
12S	26E	24			SW	SW	Cassia	Ground Water	

5. Water will be used for the following purposes:

Amount 0.06 cfs for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

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

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

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

6. Total quantity to be appropriated is (a) 0.06 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Well, pump
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is 16 inches; proposed depth of well is 685 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 8/15/1963; drilling firm see attached well report;
 well was drilled for (well owner) Viola Temple; Drilling Permit No. _____

For Department Use

Received by SG Date 5/3/21 Time _____ Preliminary check by _____
 Fee \$ 100.00 Receipted by SG Receipt No. 5038563 Date 5/3/21

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households Potable uses associated with 2 homes
 - Other; describe fully. _____
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	26E	24											D						
													D						

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Water rights 43-13651 (portion) and 43-13722 for irrigation uses
11. a. Who owns the property at the point of diversion? Applicants
- b. Who owns the land to be irrigated or place of use? Applicants
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Homes and well are located within the Raft River Critical Ground Water Area; only potable domestic uses are proposed per critical area designation. Places of use are also known as Parcel 7A and Parcel 8A, North Malta Estates.
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

RANDY HOPKINS, MANAGER MEMBER
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Path: SUPROJECTSIE thru H Projects\H Projects\Hopkins Financial_10550060_Declo Farm\PROJECTGIS\ArcMap_Project\IPMT_Map.mxd



43-13898

048402

WELL LOG AND REPORT OF THE STATE RECLAMATION ENGINEER OF IDAHO

DECEMBER 1963
AUG 21 1963
Department of Reclamation

Permit No. G-26494 Well No. _____ County CASSIA

Owner VIOLEA G. TEMPLE

Address 128 E 8th St. BURLEY IDAHO

Driller ALVA TEMPLE

Address 128 E 8th St. BURLEY IDAHO

Well location SW 1/4 SW 1/4 Sec. 24, T. 12S N. 5, R. 26E/W

Size of drilled hole 16"

Locate well in section

NW 1/4	NE 1/4
SW 1/4 Twp 12S Sec 24 R 26E W	SE 1/4

Total depth of well 685'

Give depth to standing water from the ground 76' Water temp. 64 °Fahr.

On "Pumping Test" delivery was 1052 g.p.m. or _____ c.f.s. Drawdown was 621 feet.

Size of pump and motor used to make test 14" bowl 8" column 250' propane pump

Length of time of test 5 hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure _____

If flowing well, described control works _____

Water will be used for DOMESTIC (TYPE AND SIZE OF VALVE, ETC.)
IRRIGATION Weight of casing per lineal foot _____

Thickness of casing 281 Casing material STEEL
(STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 16" 245' 3"
(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.
<u>16"</u>	<u>0'</u>	<u>245' 3"</u>	<u>245' 3"</u>	

Number and size of perforations 108 3" x 3" located 239' feet to 244' feet from ground

270 3" x 3" 108' 200'

Date of commencement of well JULY 9, 1963 Date of completion of well AUG 14, 1963

SWSW 5.24 12S 26E

WELL LOG

From Feet	To Feet	Type of Material	Water-bearing Formation Ans. Yes or No	Casing Perforated Ans. Yes or No
0'	20'	soil		
20'	105'	Clay some gravel		
105'	108'	Clay & Gravel	yes	
108'	125'	Coarse gravel & Clay	yes	yes
125'	135'	Yellow Clay.	yes	"
135'	156'	sand, Clay & Gravel	"	"
156'	166'	light color clay.	"	"
166'	180'	back sand.	"	"
180'	190'	sand & gray Clay.	"	"
190'	205'	some sand & Coarse gravel.	"	"
205'	240'	Blue Clay.	"	"
240'	245'	lava gravel.	"	"
245'	340'	Regalite & blue Clay.	"	
340'	375'	soft lime stone	"	
375'	415'	gity green clay.	"	
415'	440'	sand stone streaks of Clay.	"	
440'	485'	gray shale.	"	
485'	495'	Regalite some gravel	"	

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is true and correct to the best of my knowledge and belief.

Signed Alvin G. Hinkle

By _____

Dated Aug 15, 1963.

License No. 213

048403

SHEET NO. 2

Well Owner Viola G Temple

Well Driller ALVA TEMPLE

Well Location SW¹/₄ SW¹/₄ Sec 24 T12S
R 26E Boise MERIDIAN

WELL LOG

[illegible]

43



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 8, 2021

HOPKINS DECLO FARMS LLC
910 E CAROL ST
MERIDIAN, ID 83646-1825

RE: Application for Permit No. 43-13898

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 7/15/2021 and 7/22/2021**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **August 2, 2021**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

c: SPF Water Engineering LLC



State of Idaho

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Brad Little
Governor

Gary Spackman
Director

July 8, 2021

WATER DISTRICT #143
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

RE: Application for Permit No. 43-13898 (Hopkins Declo Farms LLC)

Dear Nathan:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 8, 2021 12:11 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find **(1)** legal notice being submitted for publication in the Times News on July 15th & 22nd, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Gary Spackman
Director

July 8, 2021

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 43-13898

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before **August 2, 2021**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

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

43-13898

HOPKINS DECLO FARMS LLC

910 E CAROL ST

MERIDIAN, ID 83646-1825

Point of Diversion SWSW S24 T12S R26E CASSIA County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 05-03-2021

Place Of Use: DOMESTIC

T12S R26E S24 SWSW

Application proposes to divert 0.06 cfs from an existing well for domestic potable water uses on parcel 7A and parcel 8A of North Malta Estates. The well and parcels are located on the west side of Highway 81 approximately 3.5 miles north of Malta. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **August 2, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 15th & 22nd, 2021



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 13, 2021

HOPKINS DECLO FARMS LLC
910 E CAROL ST
MERIDIAN ID 83646-1825

RE: Application for Permit to Appropriate Trust Water – No. 43-13898

Dear Applicant:

The Department of Water Resources (“Department”) has received your application for permit to appropriate water and has accepted it for filing. Your application has been assigned the identification number referenced in the subject line of this letter. Please refer to that number in all future correspondence regarding this application.

Your application proposes to appropriate Trust Water as described in this letter. The special nature of the trust affects how the Department will process your application as well as some aspects of the water right that may result. The purpose of this letter is to inform you of three items specific to applications proposing to appropriate Trust Water:

1. Your application will be subject to additional evaluation compared to applications that do not propose the use of Trust Water. This may require you to submit additional information and to demonstrate that your application meets the statutory evaluation criteria for appropriating Trust Water.
2. If a water right is issued to you, it could be subject to curtailment to satisfy senior minimum stream flow water rights on the Snake River at the Murphy Gage.
3. If a water right is issued to you, it will be subject to a periodic term review that may impact the future use of the right.

To understand better these three items and why they apply to your application, it helps to understand what Trust Water is and how it came about.

Trust Water arose from the 1984 Swan Falls Settlement between Idaho Power Company (“IPC”) and the State of Idaho (“State”).¹ Prior to the Swan Falls Settlement, the Idaho Supreme Court determined IPC held water rights for use at Swan Falls Dam that exceeded the entire flow of the Snake River at times. This limited future upstream development of water resources in the Snake

¹ For more information, including a more complete description of the Swan Falls Settlement and resulting legislation, please see the Department’s web page: <https://idwr.idaho.gov/legal-actions/settlements/swan-falls/>.

River Basin. The Swan Falls Settlement resulted in changes to Idaho Law² and to IPC's water rights. As a result of the Swan Falls Settlement and subsequent legislation and court decrees, IPC's hydropower water rights in excess of the minimum flows at Murphy Gage are held in trust by the State. This change allows future development using water that would have previously been delivered to satisfy IPC water rights at Swan Falls Dam and, therefore, would have been unavailable for upstream appropriation. The purpose of this trust is defined in Idaho Code § 42-203B as follows:

The purposes of the trust established by ... this section are to assure an adequate supply of water for all future beneficial uses and to clarify and protect the right of a user of water for power purposes ... to continue using the water pending approval of depletionary future beneficial uses.

Your application proposes a use of water that could deplete the rights placed in trust, so the State, through the Department must evaluate your proposal under the laws and rules that came after the Swan Falls Settlement.³ In addition to the usual statutory process and evaluation criteria, the Department must also evaluate whether your application will deplete Trust Water and, if so, whether your depletion of Trust Water is in the public interest.

In addition, the availability of Trust Water and the public's interest in the use of Trust Water could change over time. The Department will periodically review rights to use Trust Water to determine if Trust Water remains available for use and if the continued use of Trust Water is in the public interest. The periodic review will occur for any right that issues from your application. A future review by the Department could terminate or limit your ability to use the right in the future.

An important aspect of the Swan Falls Settlement is that the State agreed to protect the minimum stream flows in the Snake River at the Murphy Gage. Should the flows at the Murphy Gage fall below these minimums, the water rights that use Trust Water could be curtailed to restore flow to meet those minimums.

The Department will hold your application for 14 days to allow you time to contact us if you have further questions on this topic or if you choose to withdraw your application. If the Department does not hear from you within 14 days, the Department will process your application and prepare it for publication. If you choose to withdraw your application before it is submitted for publication, you will receive a full refund of your filing fee. Refunds are not available if an application is withdrawn after advertising.

² Although several sections of the Idaho Code were affected, the addition of Sections 42-203B and 42-203C, Idaho Code are the changes most relevant to this discussion.

³ See Sections 42-203C and the Department's Water Appropriation Rules (IDAPA 37.03.08).

Please contact this office if you have questions regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kent Aasa', with a stylized flourish at the end.

Kent Aasa
Water Resource Agent, Senior

Enclosure: Withdrawal of Application form
Cc: Lori Graves @ SPF Water Engineering



SPF WATER
ENGINEERING

April 29, 2021

RECEIVED

MAY 03 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

Corey Skinner, Southern Region Manager
Idaho Department of Water Resources
650 Addison Avenue West, Suite 500
Twin Falls, ID 83301-5858

Subject: Application for Permit

Dear Corey,

Enclosed on behalf of Hopkins-Declo Farms LLC, is an *Application for Permit* proposing potable domestic uses for two homes from an existing well. Check #19467 is enclosed for the application filing fee.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Sr. Water Rights Specialist

Cc: Randy Hopkins and Aaron Van Der Ah, Hopkins Financial Services

Enclosures

SPF file number: 1055.0060