

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
ID No. TP-31-33 DEC 23 2013
Department of Water Resource
Eastern Region

APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(For a use not intended to become an established water right, not to exceed a total diverted volume of five (5) acre-feet, and not to exceed one (1) year duration in accordance with Section 42-202A, Idaho Code.)

Name of applicant: Iron Horse Acres, LLC C/O Farmland Management Services Phone: (209) 669-0742
Mailing address: 301 E. Main St. City: Turlock
State CA ZIP 95380 Email: KerryOfmsturlock.com

1. Source of water: Ground Water tributary to ESPA
2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
07N	33E	15		SW	SE	SW	Jefferson	Ground Water	Extg. Well 31-7055

3. Location of place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	33E	15												40					40

4. Describe proposed use of water Diversion test of existing well not to exceed 5 cfs for 12 hours. Water will be ponded and allowed to infiltrate within irrigated lands shown above.
Exploring and seeing what maximum flow could be for use and tie into irrigation system. - Well is on Water Right. Has not used the last 3 yrs. (31-7055)
5. Amount of water: Maximum rate of diversion 5.00 cfs or 2244 gpm.
Maximum daily volume 5.0 AF; total volume 5.0 AF.
6. Duration of diversion: from January 6, 2014 (day-month) to March 1, 2014 (day-month).
7. Describe proposed diverting works: Existing well, 500 hp diesel motor and vertical turbine pump.
8. a. Who owns the property at the requested point of diversion? Applicant
b. Who owns the land to be irrigated or place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:

9. Additional remarks: _____

I hereby acknowledge that I assume all risk if the diversion and use of the water under this approval injures other water rights. I certify this is a temporary use and that I am not seeking a continuing right to use water.

Carl Sh Signature of applicant Date 12/18/13

Received by SC Date 12/23/13 Time _____
\$50.00 fee received by SC # 5039393 Date 12/23/13
Watermaster comments received? _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202a, Idaho Code, and has determined that:

___ a) The application for temporary approval should be denied.

☒ b) The application for temporary approval should be approved, since

1. The temporary approval can be properly administered.
2. Other water sources are not readily available.
3. The approval is in the public interest.
4. The approval will not injure known public values associated with the water source or any known water rights.

This application is therefore hereby:

___ a) DENIED

☒ b) APPROVED, subject to the following conditions:

1. Diversion and use of water under this approval is subject to all valid existing water rights.
2. The applicant assumes all risk the use of the water under this approval may injure other water rights.
3. This approval authorizes a maximum diversion of 5 AF and a maximum rate of diversion of _____ cfs.
4. This approval does not grant a right-of-way across the land of another, does not create a continuing right to use the water and may not be used in connection with a use which requires a continuing water supply.
5. The department may cancel this approval at any time if the department identifies injury to other water rights.
6. This approval expires on March 1, 2014.
7. This approval does not create a continuing right to use water.
8. The holder of this temporary permit shall not divert at a rate or in a manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public values.
9. Other: _____

DATED this 3rd day of Jan, 20 14.

Lyle Swank
For the Director

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/3/2014

Water Right 31-7055

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IRON HORSE ACRES LLC C/O FARMLAND MANAGEMENT SERVICES 301 E MAIN ST TURLOCK, CA 95380-4537 (209)669-0742

Priority Date: 12/27/1971

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	4.490 CFS	1,085.0 AF
	<u>Total Diversion</u>		4.490 CFS	1,085.0 AF

Source and Point(s) of Diversion

GROUND WATER	SWSESW	Sec. 15, Twp 07N, Rge 33E, JEFFERSON County
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Place Of Use

IRRIGATION within JEFFERSON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	33E	15									40.0	39.0	38.0	39.0					156.0
07N	33E	22					39.0	37.0	38.0	40.0									154.0

POU Total Acres: 310.0

Conditions of Approval:

1. E22 USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM JEFFERSON IRRIGATION CO.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Comments:

1. CVANDERM 6/12/2000 ADDRESS CHANGE
CHANGED ADDRESS PER REQUEST CV/06-12-00
2. CVANDERM 6/13/2000 ADDRESS CHANGE
CHANGED ADDRESS PER REQUEST (LEE SCHWENDIG)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/3/2014

Dates and Other Information

Decreed Date: 2/22/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 110
Mitigation Plan: False

Combined Use Limits

N/A

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	8/17/2000	CFRITSCH			Closed
POD	8/17/2000	CFRITSCH			Closed
Source	8/17/2000	CFRITSCH			Closed
POU	8/17/2000	CFRITSCH			Closed
Use	8/17/2000	CFRITSCH			Closed
Season	8/17/2000	CFRITSCH			Closed
Quantity	8/17/2000	CFRITSCH			Closed
Summary	8/17/2000		8/17/2000	CFRITSCH	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
Priority Date	8/17/2000	CFRITSCH	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	8/17/2000	CFRITSCH	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POD	8/17/2000	CFRITSCH	Edited point location
Source	8/17/2000	CFRITSCH	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 8. (NO) The source is not surface water. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
POU	8/17/2000	CFRITSCH	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 3, 2014

Iron Horse Acres LLC
c/o Farmland Management Services
301 E Main St
Turlock CA 95380

Applicant:

Enclosed is your approved copy of Temporary Permit TP-31-33. Please take note of the effective dates on line 6 and the conditions on the back.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sharla Cox', is written over a large, light blue circular stamp or watermark.

Sharla Cox
Water Resource Administrative Assistant

Enclosure