



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 16, 2020

KNIFE RIVER CORPORATION
MOUNTAIN WEST
c/o JUSTIN TIETZ
5450 W GOWEN RD
BOISE ID 83709-5625

PIONEER IRRIGATION DISTRICT
c/o ANDREW J WALDERA
SAWTOOTH LAW, LLC
PO BOX 7985
BOISE ID 83707

RE: Application for Permit 63-34769 (Knife River Corp. – Mountain West)

Dear Parties:

The Department has prepared the attached draft permit approval that incorporates standard conditions required by the Department, including conditions reflecting the settlement reached between Knife River Corporation – Mountain West (Applicant) and Pioneer Irrigation District (Protestant) in this contested matter. Note, the conditions of approval agreed to by the parties are similar in language and intent to standard Department conditions. The Department has included standard conditions in place of the stipulated conditions on the attached draft approval.

Please review the draft approval carefully. If you think the draft approval is not substantially in conformance with your settlement, please contact the Department within 14 days of the date of this letter with your concerns. The application has no remaining protests; therefore, if we do not hear from you, the Department will take the steps necessary to bring the application to final resolution. Note that you may file a petition for reconsideration within 14 days after the Department issues a preliminary order approving the permit.

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

Sincerely,

Nick Miller
Regional Manager

Enclosure

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34769

DRAFT

Priority: August 19, 2019

Maximum Diversion Rate: 1.00 CFS

This is to certify that

KNIFE RIVER CORPORATION MOUNTAIN WEST
5450 W GOWEN RD BOISE ID 83709-5625

has applied for a permit to appropriate water from:

Source : GROUND WATER

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>
IRRIGATION	03/01 to 11/15	0.12 CFS
COMMERCIAL	01/01 to 12/31	1.00 CFS

Location of Point(s) of Diversion

GROUND WATER L4 (NW¼ NW¼), Sec. 4, Twp 03N, Rge 02W, B.M. CANYON County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02W	4						6.0											6.0

Total Acres: 6.0

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02W	4						X											

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2025**.
2. Subject to all prior water rights.
3. Commercial use is for production of Ready Mix Concrete.
4. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

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5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 27.0 af at the field headgate for the place of use.
6. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
8. The well used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
9. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
10. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
11. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this _____ day of _____, 20_____.

DRAFT

NICK MILLER
Western Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34769

DRAFT

This map depicts the place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.045 0.09 0.18 Miles

