

State of Idaho
Department of Water Resources
Water Right License

Water Right No. 35-14402

Priority: August 29, 2014

Maximum Diversion Rate: 3.07 CFS
Maximum Diversion Volume: 1,221.0 AF

It is hereby certified that:

KARL T COOK AND
JEFFREY M COOK
703 W 7TH S
REXBURG ID 83440-5065

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 29, 2014, and has submitted Proof of Beneficial Use on May 31, 2018. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use

IRRIGATION

Period of Use

04/01 to 10/31

Rate of Diversion

3.07 CFS

Annual Volume

1,221.0 AF

Location of Point(s) of Diversion

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, Twp 04N, Rge 35E, B.M. JEFFERSON 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	
04N	35E	17	32.0	35.0	38.0	33.0	33.0	34.0	39.0	38.0	37.0	40.0	33.0	32.0	32.0	38.0	34.0	32.0	560.0

Total Acres: 560.0

Conditions of Approval

1. Rights 35-7280, 35-7281, 35-13241, 35-14334, 35-14335, 35-14336 and 35-14402 when combined shall not exceed a total diversion rate of 8.20 cfs, a total annual maximum diversion volume of 1,221 af at the field headgate, and the irrigation of 560 acres.
2. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall never exceed the combined annual volume limit included in the conditions for this right.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

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Water Right License
Water Right No. 35-14402

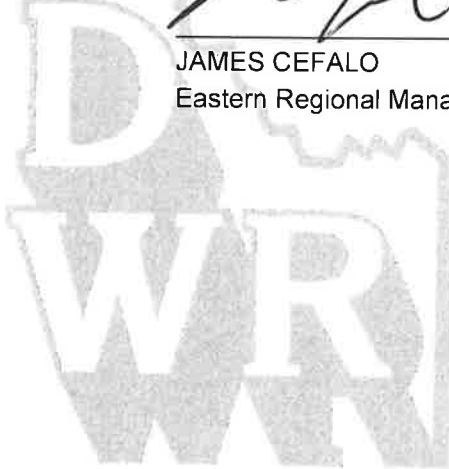
8. Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.
9. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

This license is issued pursuant to the provisions of Idaho Code § 42-219. 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 this 25th day of November, 2019.

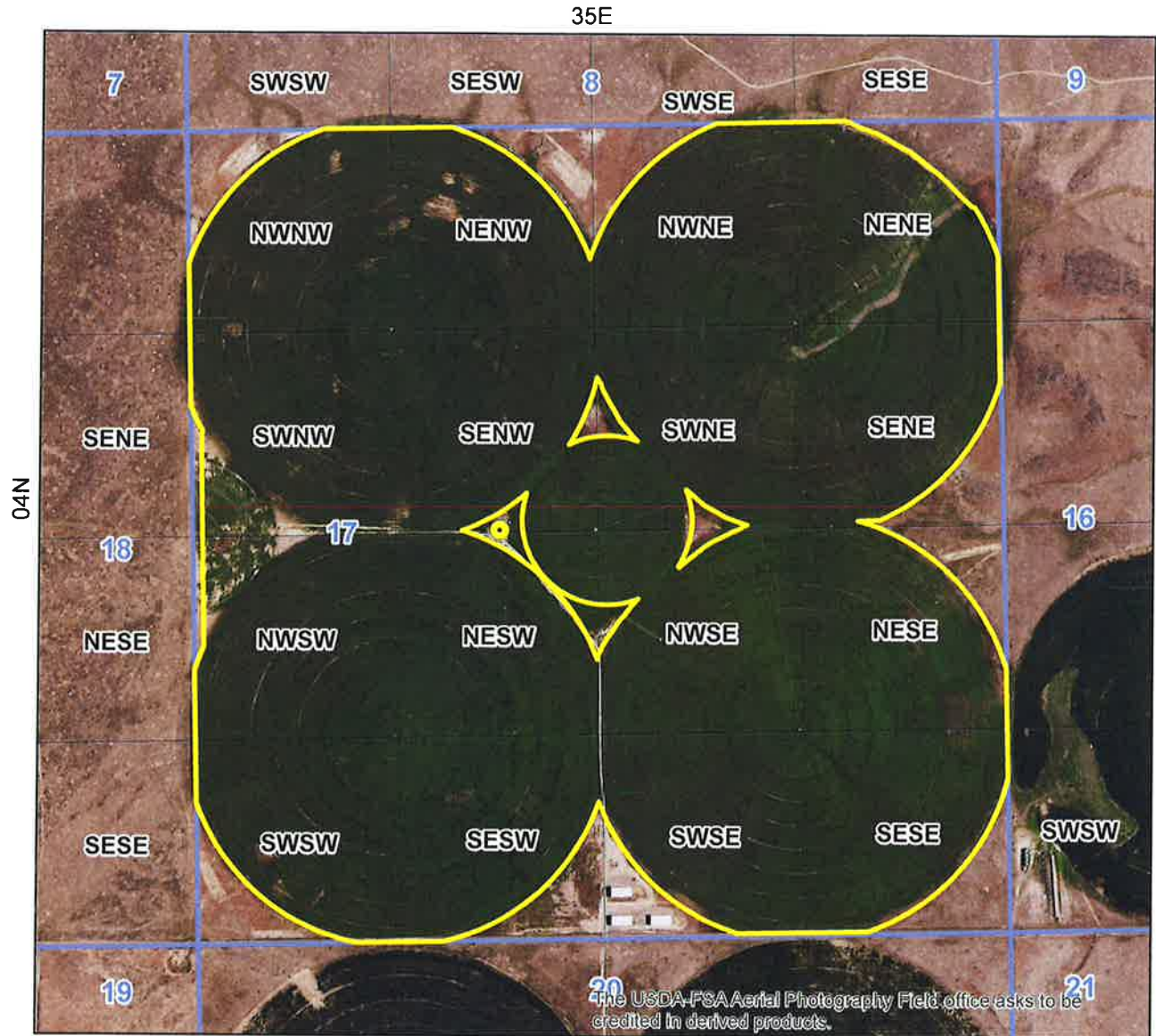


JAMES CEFALO
Eastern Regional Manager



State of Idaho
Department of Water Resources
Water Right License
35-14402

November 25, 2019



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





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

November 25, 2019

JEFFREY & KARL COOK
703 W 7TH S
REXBURG ID 83440-5065

RE: License No. 35-14402

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") 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 all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,

James Cefalo
Eastern Regional Manager

Enclosure(s)

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 service date 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.

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2019, I served a true and correct copy of Water Right License No. 35-14402 by U.S. Mail, postage prepaid, to the following:

JEFFREY & KARL COOK
703 W 7TH S
REXBURG ID 83440-5065

****HAND DELIVERED****
WATER DISTRICT #120
BLAKE JORDAN (Watermaster)
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402



Christina Henman
Administrative Asst. I

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 35-14402
Exam Date: 11/18/2019

1. Current Owner:
KARL T COOK 703 W 7TH S REXBURG ID 83440-5065 AND
JEFFREY M COOK 703 WEST 7TH SOUTH REXBURG ID 83440
2. Accompanied by:
Phone No:
Address:
Relationship to permit Holder:

3. **SOURCE:**
GROUND WATER

Method of Determination: Site visit

B. OVERLAP REVIEW

1. Other water rights with the same place of use: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
35-7280	Ground Water	Irrigation	Decreed
35-7281	Ground Water	Irrigation	Decreed
35-13241	Ground Water	Irrigation	Decreed
35-14334	Ground Water	Irrigation	Decreed
35-14335	Ground Water	Irrigation	Decreed
35-14336	Ground Water	Irrigation	Decreed

Comments: _____

2. Other water rights with the same point-of-diversion: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
35-7280	Ground Water	Irrigation	Decreed
35-7281	Ground Water	Irrigation	Decreed
35-13241	Ground Water	Irrigation	Decreed
35-14334	Ground Water	Irrigation	Decreed
35-14335	Ground Water	Irrigation	Decreed
35-14336	Ground Water	Irrigation	Decreed

Comments: _____

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SE¼ SE¼ NW¼, Sec. 17, Twp 04N, Rge 35E, B.M. JEFFERSON County

Method of Determination: GPS

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	
04N	35E	17	32.0	35.0	38.0	33.0	33.0	34.0	39.0	38.0	37.0	40.0	33.0	32.0	32.0	38.0	34.0	32.0	560.0

Total Acres: 560.0

Method of Determination: Aerial photography and site visit.

3.

☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WMIS # 200263	Vinson Carter	700	85-14617	US	

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Installed flow meter	Ultrasonic	Netafim	Octave	168001995	12 inch	

2. Measurements:

E. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: Measurement taken from installed magnetic flowmeter by Bonneville-Jefferson Ground Water District hydrographer.

Q = 3693.0 gpm. = 8.23 cfs.

Permit rate of diversion = 3.07 cfs.

Water rights 35-7280, 35-7281, 35-13241, 35-14334, 35-14335, 35-14336, and 35-14402 when combined are limited to 8.20 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

Permit volume = 1221 af

$V_{IR} = 560 \text{ acres} \times 4.0 \text{ af/acre} = 2240$

$V_{DR} = 3.07 \text{ cfs} \times 214 \text{ days} \times 1.9835 = 1303.1 \text{ af}$

V = 1221 af.

G. NARRATIVE/REMARKS/COMMENTS

One 700 hp pump delivers water through a 12 inch mainline to six pivots (4 full size and 2 mini). Total acres under irrigation is 560.0 acres. Right holder is required to mitigate by not exceeding a combine annual diversion volume limit of 1221.0 acre-feet. 2015-2019 water measurement records for this diversion (WMIS # 200263) shows the right holder meeting the mitigation requirement. The right holder has also installed an IDWR approved totalizing flow meter. Water rights 35-7280, 35-7281, 35-13241, 35-14334, 35-14335, 35-14336, and 35-14402 when combined are limited to 8.20 cfs, 1,221 af (2.18 af/acre) and the irrigation of 560.0 acres.

Have conditions of permit approval been met? X Yes No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.07 CFS	1,221.0 AF

Totals: 3.07 CFS 1,221.0 AF

2. Recommended Amendments

 Change P.D. as reflected above Add P.D. as reflected above X None

 Change P.U. as reflected above Add P.U. as reflected above X None

I. AUTHENTICATION

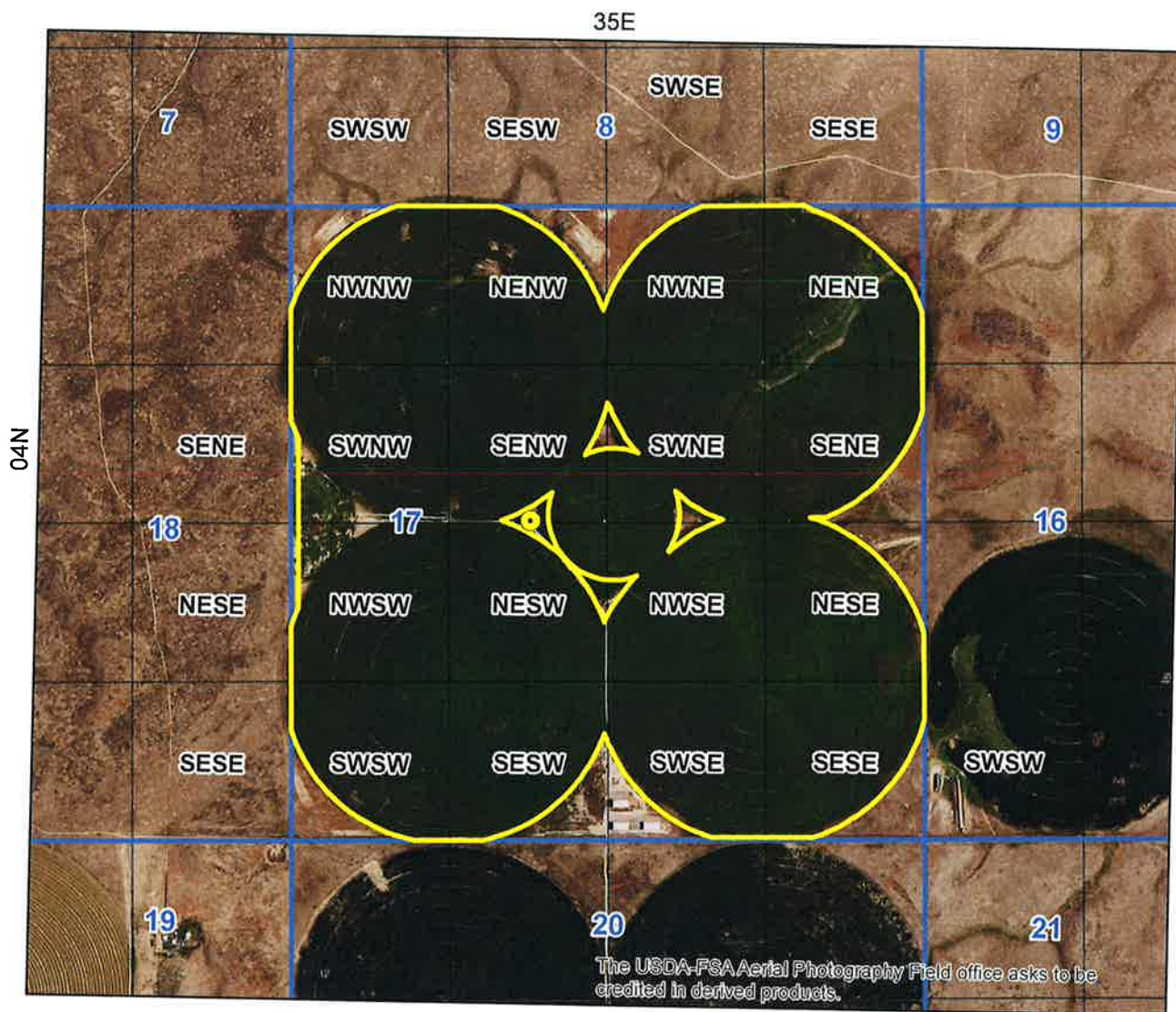
Field Examiner's Name: Blake Jordan

Date: 11/18/2019

Reviewer: James Cefalo

Date: 11/25/19

State of Idaho
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35-14402



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

0 0.175 0.35 0.7 Miles



WMIS

Water Management Information System

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WMIS Number

200263

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Flow Meter Calibrations

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Edit	Delete	Calibration Date/Time:	07/26/2019	Factor:	1.00
Installed Meter Data:					
Installed Meter Flow:		1.00	Standard Meter Data:		
Rate Unit:		GPM	Standard Meter Flow:		1.00
Rate Multiplier:		1.0000	Rate Unit:		GPM
Volume Multiplier:		1.0000	Pipe Material:		
Volume Unit:		GAL	Outside Diameter (inches):		
Location:			Wall Thickness (inches):		
Comments:			Downstream Distance (feet):		
FM reads 3693 gpm while Fuji read 3620 gpm. Giving a 2 percent difference			Upstream Distance (feet):		
			Calibration Confidence:		EXCL
Installed Meter Information:					
Manufacturer:		NETAFIM-OCTAVE	Installation Date:		
Model Number:		12 AWWA C750	Serial Number:		168001995
Meter Type:		ULTRASONIC	Other Well:		

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Data Summary

You are viewing 200263; A0000175

Report Year	Alternate	FM	PCC	Time Clock
2019		961.29		
2018		1071.9	926.99	
2017		988.82		
2016		1064.03	985.92	
2015			1069.19	



☉ 37°NE (T) ☉ 43°40'37"N, 112°22'28"W ±16ft ▲ 5026ft



200263200344



WMIS #200263
JEFF COOK

