

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 63-11610

Priority: July 15, 1991

Maximum Diversion Rate: 0.91 CFS

Maximum Diversion Volume: 204.0 AF

It is hereby certified that:

JRS PROPERTIES III LP
PO BOX 27
BOISE ID 83707-0027

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 15, 1991, and has submitted Proof of Beneficial Use on January 30, 1998. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use

IRRIGATION

Period of Use

3/15 to 11/15

Rate of Diversion

0.91 CFS

Annual Volume

204.0 AF

Location of Point(s) of Diversion

GROUND WATER SE¼ NE¼, Sec. 31, Twp 03N, Rge 03E, B.M. ADA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
02N	02E	1	0.8 L1																	0.8
02N	03E	4						0.5 L4												0.5
02N	03E	5	0.2 L1	0.6 L2				0.2 L4												1.0
02N	03E	6	0.5 L1	1.1 L2	0.7	1.8	0.8 L3			0.9										5.8
03N	02E	36																1.2		1.2
03N	03E	31									2.1	1.1 L3			5.6	2.9	2.8	4.4		18.9
03N	03E	32									2.4	3.6	1.6	2.0		1.3	4.7	1.2		16.8
03N	03E	32														0.1 L3		0.3 L3		0.4

Total Acres: 45.4

Conditions of Approval

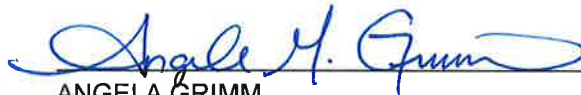
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 63-11610

3. This right does not grant any right-of-way or easement across the land of another.

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.

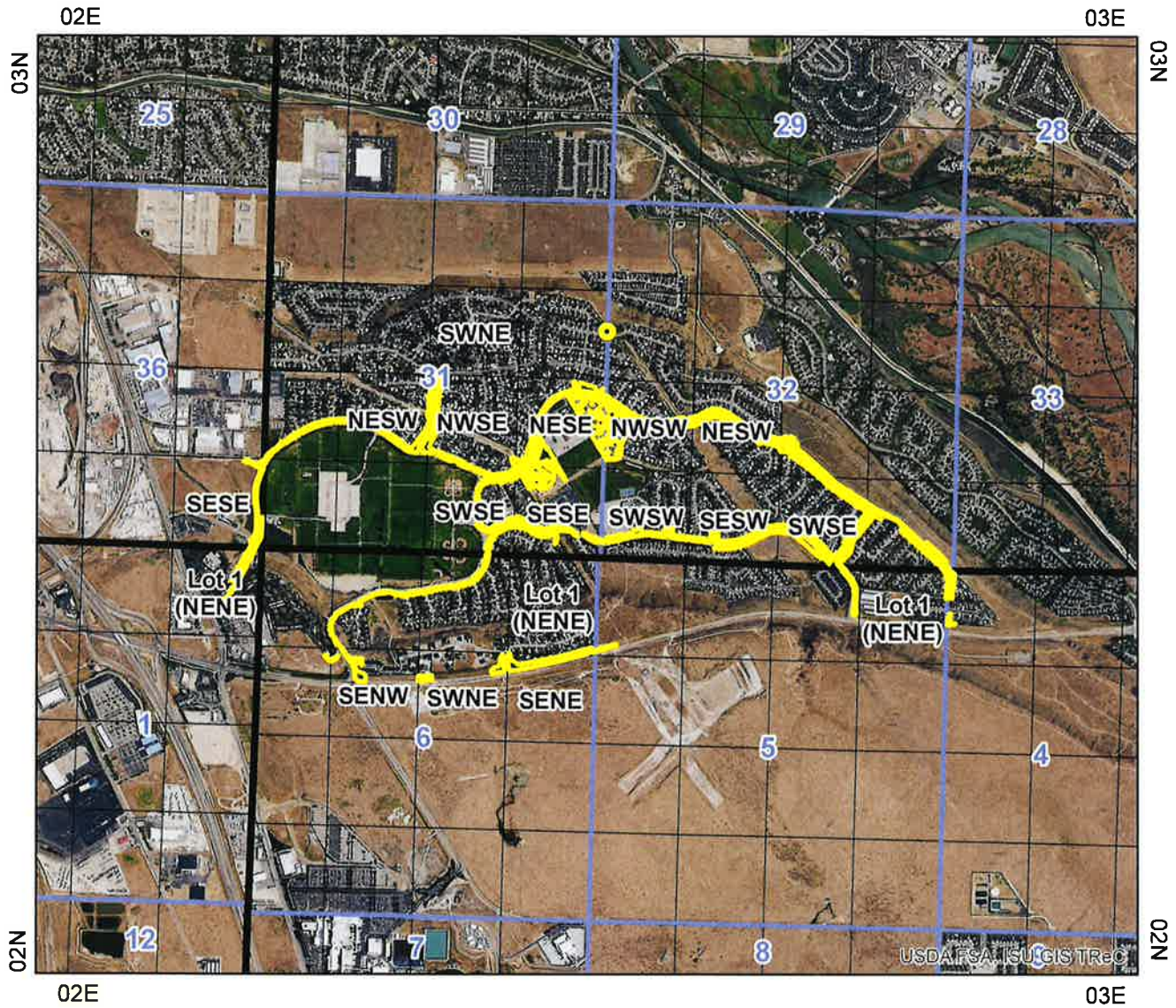
Signed this 11th day of SEPTEMBER, 2019.



ANGELA GRIMM

Water Rights Section Manager

State of Idaho
Department of Water Resources
Water Right License
63-11610



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

0 0.325 0.65 1.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 13, 2019

JRS PROPERTIES III LP
PO BOX 27
BOISE ID 83707-0027

RE: License No. 63-11610

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. Also enclosed is a copy of the approved application for amendment.

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) 287-4951.

Sincerely,

A handwritten signature in blue ink that reads "Angela H. Grimm". The signature is fluid and cursive, with the first name "Angela" being more prominent than the last name "Grimm".

Angela Grimm
Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2019, I served a true and correct copy of Water Right License No. 63-11610 by U.S. Mail, postage prepaid, to the following:

JRS PROPERTIES III LP (Current Owner)
PO BOX 27
BOISE ID 83707-0027



Darla Block
Technical Records Specialist 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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, requests 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 IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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.

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 63-11610

RECEIVED

SEP 06 2019

DEPARTMENT OF
WATER RESOURCES

Priority: July 15, 1991

Maximum Diversion Rate: 0.91 CFS

Maximum Diversion Volume: 204.0 AF

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-11610

J R SIMPLOT SELF DECLARATION REVOCABLE TRUST 1099 W FRONT ST
PO BOX 27 BOISE ID 83707-0027

requests the permit be changed as follows:

Source : GROUND WATER

Beneficial Use

IRRIGATION

Period of Use

3/15 to 11/15

Rate of Diversion

0.91 CFS

Annual Volume

204.0 AF

Location of Point(s) of Diversion

GROUND WATER SE¼ NE¼, Sec. 31, Twp 03N, Rge 03E, B.M. ADA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
02N	02E	1	0.8 L1																	0.8
02N	03E	4						0.5 L4												0.5
02N	03E	5	0.2 L1	0.6 L2				0.2 L4												1.0
02N	03E	6	0.5 L1	1.1 L2	0.7	1.8	0.8 L3			0.9										5.8
03N	02E	36																1.2		1.2
03N	03E	31									2.1	1.1 L3			5.6	2.9	2.8	4.4		18.9
03N	03E	32									2.4	3.6	1.6	2.0		1.3	4.7	1.2		16.8
03N	03E	32														0.1 L3		0.3 L3		0.4

Total Acres: 45.4

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 3RD day of September, 2019.J. R. Simplot Self-Declaration of
Revocable Trust
(Signature)

By: Ronald N. Graves, Trustee

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 63-11610

FOR DEPARTMENT USE ONLY

Preliminary check by AB Fee = \$100 Received by RW # C107592 Date 9/6/19

ACTION OF THE DEPARTMENT OF WATER RESOURCES

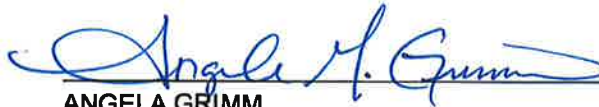
The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 63-11610 with the following:

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
3. This right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 11th day of SEPTEMBER, 2019.



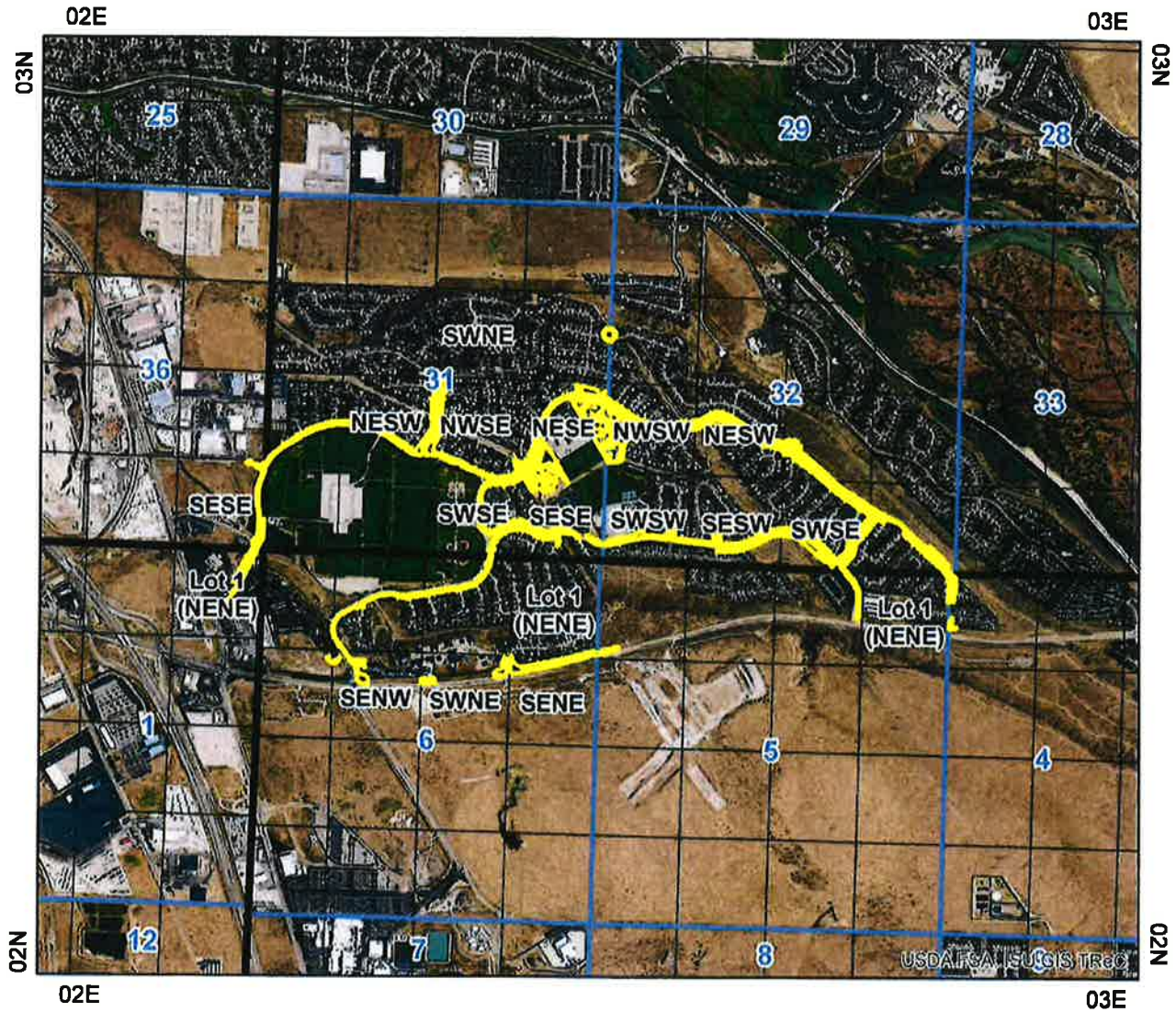
ANGELA GRIMM
Water Rights Section Manager

State of Idaho
Department of Water Resources

Attachment for Application to Amend a Permit

63-11610

This map depicts the IRRIGATION 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 0.325 0.65 1.3 Miles



MEMORANDUM

September 09, 2019

Water Right: 63-11610

Author: dnelson

Subject: Ownership

An amendment was received with this permit with an assignment of permit. The assignment of permit was completed prior to licensing.



J.R. Simplot Company
P.O. Box 27, Boise, Idaho
83707 0027

1099 West Front Street
Boise, Idaho 83702

Vic.conrad@simplot.com
208 780 7369 Business
208 780 7333 Fax

September 4, 2019

Daniel A. Nelson
Water Right Section
Idaho Department of Water Resources
322 East Front Street
P. O. Box 83720
Boise, Idaho 83720-0098

RECEIVED
SEP 06 2019
DEPARTMENT OF
WATER RESOURCES

DE

Re: IDWR Permit No. 63-11610.

Dear Dan:

In connection with the licensing of the above referenced permit, enclosed for filing are the following:

1. Application for Amendment.
2. Assignment of Water Right Permit.

Also enclosed is a \$125.00 check to cover your fees for filing the enclosed applications (Amendment App [\$100.00] + Assignment [\$25.00] = \$125.00).

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosures



Nelson, Dan

From: Nelson, Dan
Sent: Thursday, August 29, 2019 8:37 AM
To: 'Conrad, Vic'
Subject: Updated Amendment for Permit 63-11610
Attachments: Updated Amendment 63-11610.pdf

Hello Vic,

I have made the changes to the place of use suggested in your August 28, 2019, email. The original amendment limited the permit to 1.10 cfs, 247.5 af, and 55 acres. The amendment with the suggested updates will limit the permit to 0.91 cfs, 204 af, and 45.4 acres. I have attached a scanned image of this amendment to this email. You will need to print out this amendment, sign it, and return it with the \$100.00 fee. Please let me know if you wish to have a hard copy mailed to you.

The Idaho Department of Water Resources (Department) is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when issued. Please review the amendment form carefully. If you concur with the information presented, please sign and return the form with the \$100.00 filing fee within 14 days.

Respectfully,

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

MEMORANDUM

TO: Water Right Permit File 63-11610

FROM: Daniel A. Nelson

DATE: August 29, 2019

SUBJECT: Updated Amendment of Permit

The field examiner for this permit marked the place of use in the field report on a topographical map, which made it very difficult to recreate the place of use in our current mapping system. I attempted to recreate the place of use shown in the field report in our current mapping system, and shared the recreated map with the permit holder to determine if my interpretation was correct.

I made multiple attempts to work with the applicant to confirm the place of use, and received no response. I gave the permit holder a deadline to review the map, and then I would move forward with the processing of the permit. An amendment was required to include acres that are irrigated outside the legal description authorized by the permit. I sent the amendment to the permit holder to sign and return.

After a couple of requests for additional time to review the amendment, the permit holder finally contacted me and confirmed that the place of use I recreated from the field report was incorrect. The permit holder returned a maps showing the updated place of use. The updated place of use actually reduced the number of acres covered by this permit. The original amendment limited the permit to 1.10 cfs, 247.5 af, and 55 acres. The updated amendment will limit the permit to 0.91 cfs, 204 af, and 45.4 acres.

Nelson, Dan

From: Nelson, Dan
Sent: Wednesday, August 28, 2019 3:29 PM
To: 'Conrad, Vic'
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Vic,

Thank you for the map. I will try to get it back to you by the end of the week. I will email you the updated version.

Dan Nelson

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Wednesday, August 28, 2019 2:57 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Dan,
Attached is the map you included with the proposed permit amendment you sent earlier. On the map the areas shown with the hatching do not receive water from this system. Can you update the place of use on the permit amendment and map and re-send updates to me for signature?

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Tuesday, July 16, 2019 1:08 PM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Vic,

That should work. I will place a hold on the file until August 31st. If you need anything from me, please don't hesitate to let me know.

Thank you.

Dan Nelson

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Tuesday, July 16, 2019 12:00 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Dan,
I just spoke with Mike. Can you give us until August 31? We need to do some research and Mike indicates there are some folks that will be unavailable to assist due to vacations.

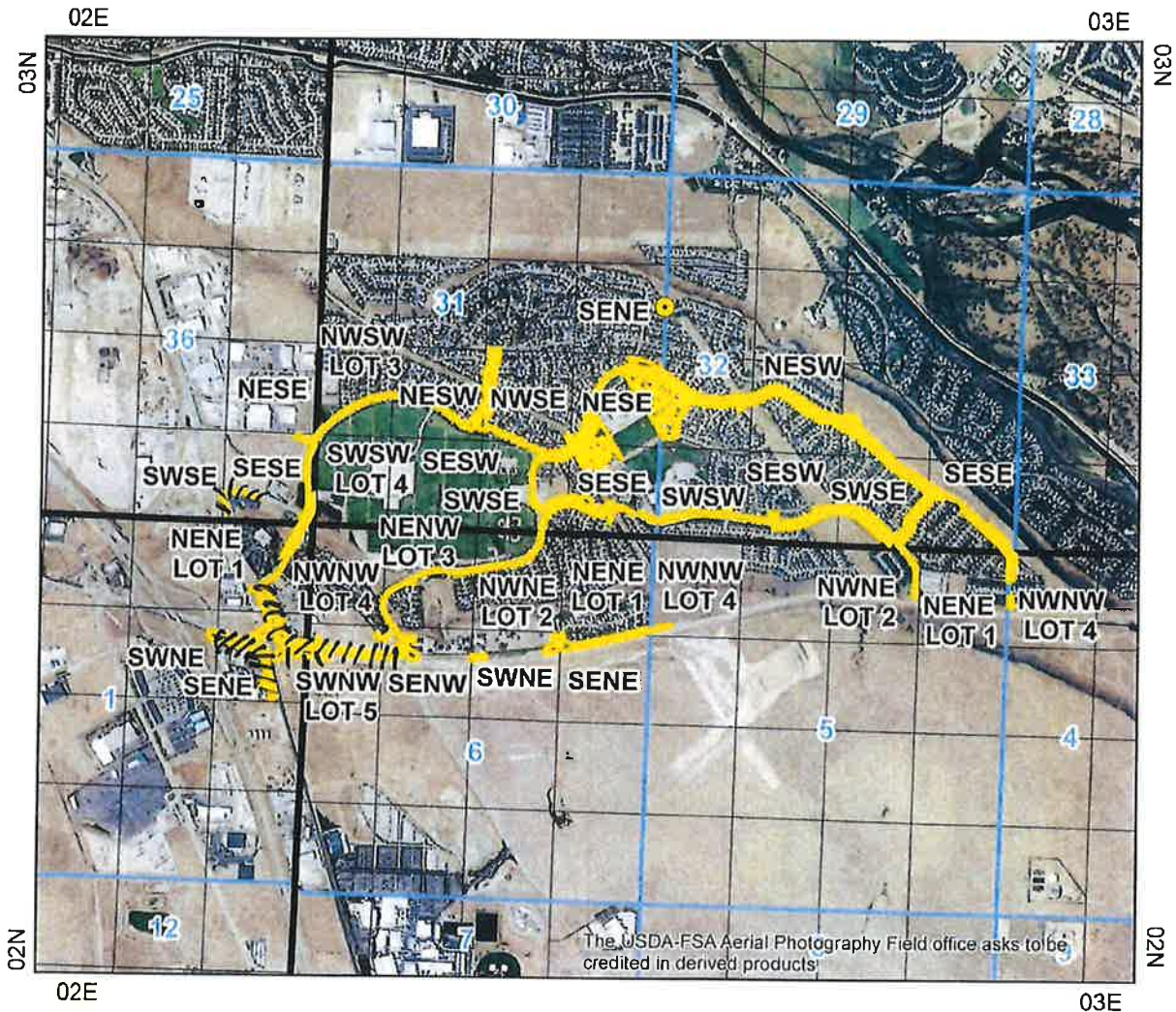
From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Monday, July 15, 2019 11:02 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

State of Idaho
Department of Water Resources

Attachment for Application to Amend a Permit

63-11610

This map depicts the IRRIGATION 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



These areas do not get water from the Steven's well.



Hi Vic,

Yes I can give you some more time, but I need a specific date from you when you will respond back to me concerning the permit. Once I have that, I can give you until that date.

Thank you for time and effort.

Respectfully,

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

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Monday, July 15, 2019 9:47 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Dan,
I have a call into Mike Simplot to confirm the place of use still receives water under this system. I have yet to hear back from him. Can we extend again? Are you pressed to get this amendment done?

From: Conrad, Vic
Sent: Wednesday, July 10, 2019 4:36 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Ooops; please disregard. I found it. Thank you.

From: Conrad, Vic
Sent: Wednesday, July 10, 2019 4:35 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Dan,
Do you have an aerial image that shows the place of use under proposed Amendment?

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Wednesday, July 3, 2019 3:40 PM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Vic,

That sounds great. I will hold any further processing until July 12, 2019.

Thank you again for your time.

Dan Nelson

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Wednesday, July 03, 2019 3:35 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Can you give me until July 12?

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Wednesday, July 3, 2019 3:32 PM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Hello Vic,

Yes I can give you some more time, but I need a specific date from you when you will respond back to me concerning the permit. Once I have that, I can give you until that date.

Thank you for time and effort.

Respectfully,

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

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Wednesday, July 03, 2019 3:28 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Dan,

Can you give me a little more time to evaluate the proposed permit amendment you sent me?

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Wednesday, April 10, 2019 8:54 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Vic,

Sounds good. I will move forward as if it is a primary water right.

Dan

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Wednesday, April 10, 2019 8:51 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

We will object to reducing the right to supplemental status. We've worked very hard to provide surface water to the location and as a feature of the management of the SEBGWMA. If you change the status, we will object.

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Wednesday, April 10, 2019 8:43 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Vic,

Thank you for the response. I will get everything prepared to submit the amendment to my supervisors, but will hold off until April 24, 2019. Please let me know by then if something is incorrect. I am also going to recommend that this permit be licensed as a supplemental water right. It was originally filed as a primary water right, but it appears from the diversion records, that this well hasn't operated since 2001. It also appears as though this well hasn't been used as a primary well since 1996. This makes sense, since it appears to have been replaced by water right 63-12399 and water from the Boise Valley Irrigation Company. If we make it a supplemental well, you will not need to worry about forfeiture issues if it is not used except for emergencies after it is licensed. I am happy to sit down with you to go over these issues after April 24th if feel it will be useful.

Thank you.

Dan Nelson

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Wednesday, April 10, 2019 8:26 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Dan,
I haven't had a chance to look at this yet. Thank you.

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Wednesday, April 10, 2019 8:24 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: [EXTERNAL] RE: Permit 63-11610

[Warning: External Email]

Hello Vic,

I haven't heard from you concerning the maps I supplied you on water right 63-11610. The maps I created suggest an amendment will be required. I had hoped that I could confirm the place of use with you before I put

together the amendment, but I am going to need to move forward with the preparation for this permit. I am going to go ahead and prepare the amendment for supervisory review. I will be out of the office from the 16th to 23rd of April, so I want to get this amendment to my bosses before I leave. Once it is approved, I will send you the amendment of signature. If you have any questions, please let me know.

Thank you.

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

From: Nelson, Dan
Sent: Tuesday, March 26, 2019 11:33 AM
To: 'Vic.Conrad@simplot.com' <Vic.Conrad@simplot.com>
Subject: Permit 63-11610

Hello Vic,

I am working on licensing a permit that was field examined by Lori Graves in 2000. The permit number is 63-11610, and was diverted from a well to irrigate roadside berms and common areas. The only problem that I found in the field report was that there wasn't a very good map of the place of use. We have to draw a map in ArcMap to license the permit, so there was a great deal of interpretation in trying to determine what was irrigated by the well and what wasn't. I tried to create the place of use the best that I could, and have attached a map showing what I determined was irrigated. I was able to match the 55 total acres authorized by the permit, so I just want to check with you to see if it is correct. You accompanied Lori on the field examination back in 2000, so I am hoping you may still remember what is going on.

I used the 2013 imagery, so it would registration would align properly. We do have 2000 aerial imagery that I used as a reference, but it doesn't align very well with the tax parcel data we have on record. I also included the shape files if you wanted to check them in an ArcMap or ArcGis product. The are registered to NAD_1983_Idaho_TM. Please take a look at what I have and let me know if this seems reasonable.

The reason that I am trying to ensure this is correct is because it looks like we will need a licensing amendment to correct the permit before we can issue the license. If you want to meet and go over the information, I can set up one of our conference rooms that has a large screen monitor that we can go over the fine details of the shape file. **Please note that these maps and shape files are considered a draft until I hear back from you, and can easily be changed if needed.**

Thank you for your time and effort.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856

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

MEMORANDUM

TO: Water Right File 63-11610

FROM: Daniel Nelson – Analyst 3

DATE: May 7, 2019

SUBJECT: Licensing Review of Water Right 63-11610

This permit was field examined by Western Region staff on April 27, 2000. The field report was well done for the time, but there are some issues that need to be addressed. The diversion rate and volume recommended are acceptable and should be carried forward to licensing. There are a couple of issues that will need to be addressed.

Place of Use:

The field examiner did not have the current mapping capabilities at the time the field examination was performed, so it is difficult to properly identify the actual acres irrigated. I did find a 2000 aerial image of the area that helped me determine what was irrigated at the time the field examination was done. The 2000 imager was taken 2 years after proof of beneficial use was filed, so it should give a fairly accurate accounting of what was done at the time proof of beneficial use was submitted. The 2000 aerial photo was not registered the tax parcel information, but I was able to compare the area irrigated in the 2000 aerial photo to place the irrigated acres on the 2013 aerial which lined up better with the tax parcels. The shape file I created is a combination of irrigated ground and tax parcel information. The shape file I created matched almost exactly to the 55 acres permitted, but there were some legal descriptions in my analysis that did not match the legal descriptions provided in the permit. Therefore, an amendment will be needed to properly describe the place of use for this permit.

I contacted Vic Conrad to confirm if the maps I created were correct. I waited for more than 30 days, and received no contact from Mr. Conrad to confirm if the place of use I created was correct. Therefore, I believe we can move forward with the place of use I have created for this permit.

Overlap:

This permit was originally filed as a primary ground water right. On February 4, 1998, a water right transfer was filed on Boise Valley Irrigation Ditch Company rights to move water for 198 acres of irrigation to this site. Some of the Boise Valley Irrigation Ditch Company rights were for the Simplot Sports Center, which is not included as a place of use for this permit.

A second water right permit, 63-12399, was approved on April 1, 1999, to use high water flows in the Boise River for this same property. A review of the Water Measurement Information System (WMIS) data shows that the last time this well was used was in 2001, and only about 14 acre feet of water appears to have been diverted in 2001. The well was also not used in 1999 or 2000, so the records show that the well hasn't been used as the primary source of water since 1998. The records show 150 af in 1998, 81 af in 1997, 201 af in 1996, and 228 af in 1995. The records show that approximately 3.7 to 4.1 af per acre were diverted in 1996 and 1995, so these appear to be the last years the well was used as the primary water source for this property.

Water right 63-12399 was recently licensed for the surface water source, and it describes a 170 acre place of use. This seems reasonable, since the well obviously couldn't supply enough water to irrigate the entire 170 acres, so they turned to the Boise Valley Irrigation Ditch Company water rights and 63-12399 to irrigate the acres they wished to irrigate.

Proof of beneficial use was submitted in 1998. This permit only covered 55 acres of irrigation, and most of those acres have been converted to surface water through permit 63-12399 and the Boise Valley Irrigation Company water right transfer. In order to avoid any future forfeiture issues, I feel this permit could be licensed as a supplemental water right. However, Vic Conrad contacted me by email on April 10, 2019, and stated that he wishes to keep this permit as a primary water right, and directed me the August 29, 2002, Preliminary Order Approving Ground Water Management Plan for the Southeast Boise Ground Water Management Area (Order). The permit did provide primary ground water use to these acres during the development period, and according to the Southeast Boise Management Plan (Management Plan), this water right cannot be forfeited. I believe we should issue the permit as a primary water right. The surface water rights were not included on these lands until after 1998, so this permit should not be limited by circumstances that transpired after proof of beneficial use was submitted.

Conditions:

All of the conditions on the permit will need to be removed and updated except for condition 004. Condition 03A will need to be changed to R65, and condition 058 will need to be changed to condition 073. Condition WB7 will be added to limit the irrigation use for the 55 acres when all rights are combined to 0.02 cfs per acre and 247.5 af.

Please Note, I do not feel an X35 condition can be used in this situation due to the differences in acreages of overlapping water right 63-12399 and the Boise Valley Irrigation Ditch Company rights due to the timing of the filings, and the direction given by the Management Plan. The two surface water rights were not integrated into the system until after 1998, so it doesn't seem reasonable to create limits on those rights or this permit, since the development of the permit was between 1992 and 1998. In essence this ground water permit was developed and being used as a primary water source prior to the surface water filings, and should not be limited by the surface water rights that came after it was developed.

However, I do believe that moving this ground water right to another place of use, could cause an enlargement and possible injury if moved without the alternative source of water also being moved and lands retired under all of these rights. I feel it is prudent to use condition W44 altered to state the following:

Use of this right is combined with water from Boise Valley Irrigation Ditch Co and water right 63-12399.

License Review Map – Permit 63-11610

The area in the yellow border below is the place of use for this permit and the yellow dot is the point of diversion.



Idaho Department of Water Resources

WMIS

Water Management Information System

Quick Search:

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Search Method:

WMIS Number

WMIS Number

900427

[Point Of Diversion](#)
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Flow Meter Water Usage

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Report Year 2017	Totalizer Start	Acre Feet Volume 0.00	Max Flow Rate (CFS)	Comments Well not operated in 2017. No totalizer readings reported.
Validated Validated by IDWR	Totalizer End	Adjusted Acre Feet 0.00	Adjusted Max Flow Rate	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	1/1/2013 12:00:00 AM	Zero Pumpage	FM	
Factor	1.00			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year 2016	Totalizer Start 0.00	Acre Feet Volume 0.00	Max Flow Rate (CFS)	Comments Well not operated in 2016 per voicemail from Vic Conrad. No totalizer readings reported.
Validated Validated by IDWR	Totalizer End 0.00	Adjusted Acre Feet 0.00	Adjusted Max Flow Rate	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	1/1/2013 12:00:00 AM	Zero Pumpage	FM	
Factor	1.00			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year 2015	Totalizer Start 0.00	Acre Feet Volume 0.00	Max Flow Rate (CFS)	Comments Well not operated in 2015. No totalizer readings reported.
Validated Validated by IDWR	Totalizer End 0.00	Adjusted Acre Feet 0.00	Adjusted Max Flow Rate	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	1/1/2013 12:00:00 AM	Zero Pumpage	FM	
Factor	1.00			
Vol. Multiplier:	1.0000			

Vol. Unit	GAL			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2014	0.00	0.00		Well not operated in 2013. No totalizer readings reported.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	0.00	0.00		
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	1/1/2013 12:00:00 AM	Zero Pumpage	FM	
Factor	1.00			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2013	0.00	0.00		Well not operated in 2013. No totalizer readings reported.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	0.00	0.00		
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	1/1/2013 12:00:00 AM	Zero Pumpage	FM	
Factor	1.00			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2012	0.00	0.00		Well not operated in 2012. No totalizer readings reported.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
	0.00	0.00		
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	1/1/2013 12:00:00 AM	Zero Pumpage	FM	
Factor	1.00			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2011	0.00	0.00	0.00	Well not operated in 2011. No totalizer readings reported.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	0.00	0.00	0.00	
Calibration Data		Acre Feet Qualifier	Preferred Method	
			FM	
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2010	0.00	0.00	0.00	Well not operated in 2010. No totalizer readings reported.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	0.00	0.00	0.00	
Calibration Data		Acre Feet Qualifier	Preferred Method	
			FM	
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments

2009	0.00	0.00	0.00	Well not operated in 2009.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	0.00	0.00	0.00	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2008	0.00	0.00	0.00	Well not diverted in 2008 CRK 15 2010
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	0.00	0.00	0.00	
Calibration Data		Acre Feet Qualifier	Preferred Method	
		Zero Pumpage	FM	
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2007	0.00	0.00	0.00	Well not pumped in 2007
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
	0.00	0.00	0.00	
Calibration Data		Acre Feet Qualifier	Preferred Method	
		Zero Pumpage		
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2006		0.00		Well was not used in 2005
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR		0.00		
Calibration Data		Acre Feet Qualifier	Preferred Method	
		Zero Pumpage		
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2005				Well was not used in 2005
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR				
Calibration Data		Acre Feet Qualifier	Preferred Method	
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2004				Well was not used in 2004
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR				
Calibration Data		Acre Feet Qualifier	Preferred Method	
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2003				Well was not used in 2003
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	

Validated by IDWR				
Calibration Data		Acre Feet Qualifier	Preferred Method	
Report Year 2002	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
Validated Validated by IDWR	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	Well was not used in 2002
Calibration Data		Acre Feet Qualifier	Preferred Method	
Report Year 2001	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
Validated Validated by IDWR	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	Reporting is Sept 1 thru Nov 1 The only information submitted is a total of gallons at 4,683,000
Calibration Data		Acre Feet Qualifier	Preferred Method	
Report Year 2000	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
Validated Validated by IDWR	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	Not used in 2000
Calibration Data		Acre Feet Qualifier	Preferred Method	
Report Year 1999	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
Validated Validated by IDWR	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	No water was diverted under this well in 1999
Calibration Data		Acre Feet Qualifier	Preferred Method	
Report Year 1998	Totalizer Start 16880000.00	Acre Feet Volume 150.13	Max Flow Rate (CFS)	Comments
Validated Validated by IDWR	Totalizer End 65800000.00	Adjusted Acre Feet 150.13	Adjusted Max Flow Rate	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Report Year 1997	Totalizer Start 0.00	Acre Feet Volume 81.90	Max Flow Rate (CFS)	Comments
Validated Validated by IDWR	Totalizer End 26686800.00	Adjusted Acre Feet 81.90	Adjusted Max Flow Rate	Reporting is April thru Dec. Meter was reset to 0 when reporting began. Power was disconnected and the meter was reset after measurement was taken in August, so total gallons is 66,886,800.
Calibration Data		Acre Feet Qualifier	Preferred Method	

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
1996	1542000.00	200.88		Reporting is April thru Dec.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	67000000.00	200.88		
Calibration Data		Acre Feet Qualifier	Preferred Method	
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
1995	11700000.00	227.71	501.00	No meter specs or calibration data was submitted with the reporting form for 1995.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	Reporting covered June 1 through Nov. 7
Validated by IDWR	85900000.00	227.71	501.00	
Calibration Data		Acre Feet Qualifier	Preferred Method	

Permit 63-11610 - Acre Comparison:

Differences Highlighted in Yellow

Permit legal description:

Place Of Use

IRRIGATION within ADA County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02E	1	2.0			1.0													3.0
			L1																
02N	03E	5	0.5	1.0	1.0	1.0													3.5
			L1	L2	L3	L4													
02N	03E	6	0.5	0.5	1.0	1.0	1.0		1.0	1.5									6.5
			L1	L2			L3		L5										
03N	02E	36																1.5	1.5
03N	03E	31									1.5	1.0			15.0	1.0	1.0	15.0	34.5
												L3							
03N	03E	32									1.0	1.0	1.0	1.0		0.5	0.5	1.0	6.0

POU Total Acres: 55.0

Draft license legal description:

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
02N	02E	1	1.6		0.4	5.5														7.5
			L1																	
02N	03E	4						0.5												0.5
								L4												
02N	03E	5	0.2	0.6				0.2												1.0
			L1	L2				L4												
02N	03E	6	0.5	1.1	0.7	1.8	0.8		2.2	1.6										8.7
			L1	L2			L3		L5											
03N	02E	36																1.6		1.6
03N	03E	31									2.1	1.1			5.5	2.8	2.7	4.4		18.6
												L3								
03N	03E	32									2.4	3.6	1.6	2.0		1.3	4.6	1.2		16.7
03N	03E	32														0.1		0.3		0.4
																L3		L3		

Total Acres: 55.0

Please Note: There are some acres in the NWSE and SESE of Section 32 that are inside Government Lot 3 and some acres that are not inside Government Lot 3. That is why there are 2 Section 32's in the draft license land description.

Also

I found 0.5 acres in Government Lot 4 (NWNW) in Section 4, and Section 4 was not in the permit.

Nelson, Dan

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Wednesday, April 10, 2019 9:53 AM
To: Nelson, Dan
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Yes, thank you. Forfeiture is not an issue here as this is confirmed in the Director's approval of the Management Plan for the Groundwater Management Area.

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Wednesday, April 10, 2019 8:54 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Vic,

Sounds good. I will move forward as if it is a primary water right.

Dan

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Wednesday, April 10, 2019 8:51 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

We will object to reducing the right to supplemental status. We've worked very hard to provide surface water to the location and as a feature of the management of the SEBGWMA. If you change the status, we will object.

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Wednesday, April 10, 2019 8:43 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Vic,

Thank you for the response. I will get everything prepared to submit the amendment to my supervisors, but will hold off until April 24, 2019. Please let me know by then if something is incorrect. I am also going to recommend that this permit be licensed as a supplemental water right. It was originally filed as a primary water right, but it appears from the diversion records, that this well hasn't operated since 2001. It also appears as though this well hasn't been used as a primary well since 1996. This makes sense, since it appears to have been replaced by water right 63-12399 and water from the Boise Valley Irrigation Company. If we make it a supplemental well, you will not need to worry about forfeiture issues if it is not used except for emergencies after it is licensed. I am happy to sit down with you to go over these issues after April 24th if feel it will be useful.

Thank you.

Dan Nelson

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Wednesday, April 10, 2019 8:26 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: [EXTERNAL] RE: Permit 63-11610

Dan,
I haven't had a chance to look at this yet. Thank you.

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Wednesday, April 10, 2019 8:24 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: [EXTERNAL] RE: Permit 63-11610

[Warning: External Email]

Hello Vic,

I haven't heard from you concerning the maps I supplied you on water right 63-11610. The maps I created suggest an amendment will be required. I had hoped that I could confirm the place of use with you before I put together the amendment, but I am going to need to move forward with the preparation for this permit. I am going to go ahead and prepare the amendment for supervisory review. I will be out of the office from the 16th to 23rd of April, so I want to get this amendment to my bosses before I leave. Once it is approved, I will send you the amendment of signature. If you have any questions, please let me know.

Thank you.

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

From: Nelson, Dan
Sent: Tuesday, March 26, 2019 11:33 AM
To: 'Vic.Conrad@simplot.com' <Vic.Conrad@simplot.com>
Subject: Permit 63-11610

Hello Vic,

I am working on licensing a permit that was field examined by Lori Graves in 2000. The permit number is 63-11610, and was diverted from a well to irrigate roadside berms and common areas. The only problem that I found in the field report was that there wasn't a very good map of the place of use. We have to draw a map in ArcMap to license the permit, so there was a great deal of interpretation in trying to determine what was irrigated by the well and what wasn't. I tried to create the place of use the best that I could, and have attached a map showing what I determined was irrigated. I was able to match the 55 total acres authorized by the permit, so I just want to check with you to see if it is correct. You accompanied Lori on the field examination back in 2000, so I am hoping you may still remember what is going on.

I used the 2013 imagery, so it would registration would align properly. We do have 2000 aerial imagery that I used as a reference, but it doesn't align very well with the tax parcel data we have on record. I also included the

shape files if you wanted to check them in an ArcMap or ArcGis product. They are registered to NAD_1983_Idaho_TM. Please take a look at what I have and let me know if this seems reasonable.

The reason that I am trying to ensure this is correct is because it looks like we will need a licensing amendment to correct the permit before we can issue the license. If you want to meet and go over the information, I can set up one of our conference rooms that has a large screen monitor that we can go over the fine details of the shape file. **Please note that these maps and shape files are considered a draft until I hear back from you, and can easily be changed if needed.**

Thank you for your time and effort.

Respectfully,

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

