

Cefalo, James

From: Cefalo, James
Sent: Friday, September 21, 2018 3:34 PM
To: 'Rob Harris'
Subject: Crapo Permits
Attachments: Draft Permit 22-7648 Map.pdf; Draft Permit 22-7648.pdf; Draft Order Reinstating Permit 22-7649.pdf; Theoretical Analysis for Permit 22-7649.pdf

Rob,

I apologize that it has taken so long for me to circle back around to the Crapo water rights. I am confident that we can get these two processes completed.

Permit 22-7648

This is the 1989 permit application that was being held due to injury concerns. The applicant has now provided mitigation for the water right, facilitating the issuance of the permit. The application was filed to bring existing water rights 22-2294 and 22-7057 up to 0.02 cfs/acre. The decreed place of use for water rights 22-2294 and 22-7057 is slightly different than the proposed place of use for Application 22-7648. In previous discussions, we concluded that Application 22-7648 will not be amended. We also concluded that Permit 22-7648 should not include federal (USBR) ground. After making adjustments to remove the federal ground and to remove the acres that are outside of the decreed place of use for water rights 22-2294 and 22-7057, the permit can be issued for 797.2 acres. Permit 22-7648 will still be limited to the rate listed on the application, 10.61 cfs. The existing rights and the permit would authorize a diversion rate of 16.36 cfs. This equates to 0.0199 cfs/acre. Also note, the permit only described the three existing points of diversion, rather than the five points of diversion proposed in the application.

Attached is a map showing the location of the 797.2 acres. I have also prepared a draft permit. Before the permit can be issued, you need to address to items:

1. I need an assignment of permit from Riverside Farms to Unit 2 LLC, Juniper View LLC, Fromover 9 LLC and RGC Farms LLC. JKC Farms LLC does not appear to own any ground under Permit 22-7648. The assignment should be to all four entities collectively. I envision issuing a license for water right 22-7648 for 797.2 acres within a permissible place of use of 823 acres (the combined place of use for water rights 22-14216 thru 22-14223). Water right 22-7648 can be split between the four entities after a license is issued.
2. From our previous email exchanges, we determined that 170 acres of water right 22-13019 must be dried up to mitigate for Permit 22-7648. This can be accomplished by simply abandoning 170 acres under water right 22-13019. The priority date for 22-13019 (1987/1994) is essentially the same as the priority date for Permit 22-7648 (1989). The other option would be to identify 170 acres of water right 22-13019 as "mitigation by non-use". In either case, you need to identify where the 170 mitigation acres are located. If the Crapo entities now own the entirety of water right 22-13019, will the remaining portion of the right be moved to Crapo properties? Or, will the right continue to reside on the Zirker property?

Permit 22-7649

Attached is a draft order to reinstate Permit 22-7649. Please review the draft order and let me know if you have any concerns. Finding of Fact 25 is set aside to report the measurement conducted by Randy Johnson (with the 200 hp booster pump in operation). My hope is that the Johnson measurement would be a confirmation of the theoretical calculations. If you are unable to locate the Johnson measurement, I think we can still move forward with the order as drafted and simply delete Finding 25. I've also attached the theoretical calculations. I can't think of anything else needed before the reinstatement order can be issued. Once the permit is reinstated, we can issue a license, then evaluate any ownership splits which may be needed.

James Cefalo
Water Resources Program Manager

State of Idaho
Department of Water Resources
Draft Permit to Appropriate Water

NO. 22-07648

Priority: April 06, 1989

Maximum Diversion Rate: 10.61 CFS

This is to certify, that JUNIPER VIEW LLC
680 N 2100 E
ST ANTHONY ID 83445

And

UNIT 2 LLC
435 N 1500 E
ST ANTHONY ID 83445

And

FROMOVER 9 LLC
1910 E 500 N
ST ANTHONY ID 83445

And

RGC FARMS LLC
PO BOX 182
PARKER ID 83438

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>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	10.61 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4 (SW1/4SW1/4)	Sec. 19, Twp 07N, Rge 42E, B.M.	FREMONT County
GROUND WATER	SW1/4SE1/4	Sec. 24, Twp 07N, Rge 41E, B.M.	FREMONT County
GROUND WATER	SW1/4NE1/4	Sec. 24, Twp 07N, Rge 41E, B.M.	FREMONT County

State of Idaho
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Draft Permit to Appropriate Water

NO. 22-07648

PLACE OF USE: IRRIGATION

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 41E 24	39.0	35.0	39.0	39.0	39.0	40.0		30.0	18.0			5.7	39.0	39.0	39.0	39.0	440.7
07N 41E 25	39.0	28.0	11.0	35.0													113.0
07N 42E 19									39.0	37.0	38.0	40.0					154.0
										L 3	L 4						
07N 42E 30					35.5	38.0	16.0										89.5
						L 1	L 2										

Total Acres: 797.2

CONDITIONS OF APPROVAL

- Proof of application of water to beneficial use shall be submitted on or before **October 01, 2020**.
- Subject to all prior water rights.
- Rights 22-7648, 22-14216, 22-14217, 22-14218, 22-14219, 22-14220, 22-14221, 22-14222 and 22-14223 when combined shall not exceed a total diversion rate of 16.36 cfs, a total annual maximum diversion volume of 2880 af at the field headgate, and the irrigation of 823 acres.
- 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 cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation by non-use. The mitigating right may also include a condition stating that the mitigation by non-use is for the benefit of this right.

Right No.	Use Changed to Mitigation by Non-Use	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
22-13019	Irrigation	2.97	595	170

The land that will no longer be irrigated under this right is located within the _____. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

- Use of water under this right may 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. 100.
- Prior to the diversion and use of water under Permit 22-7648, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

State of Idaho
Department of Water Resources

Draft Permit to Appropriate Water

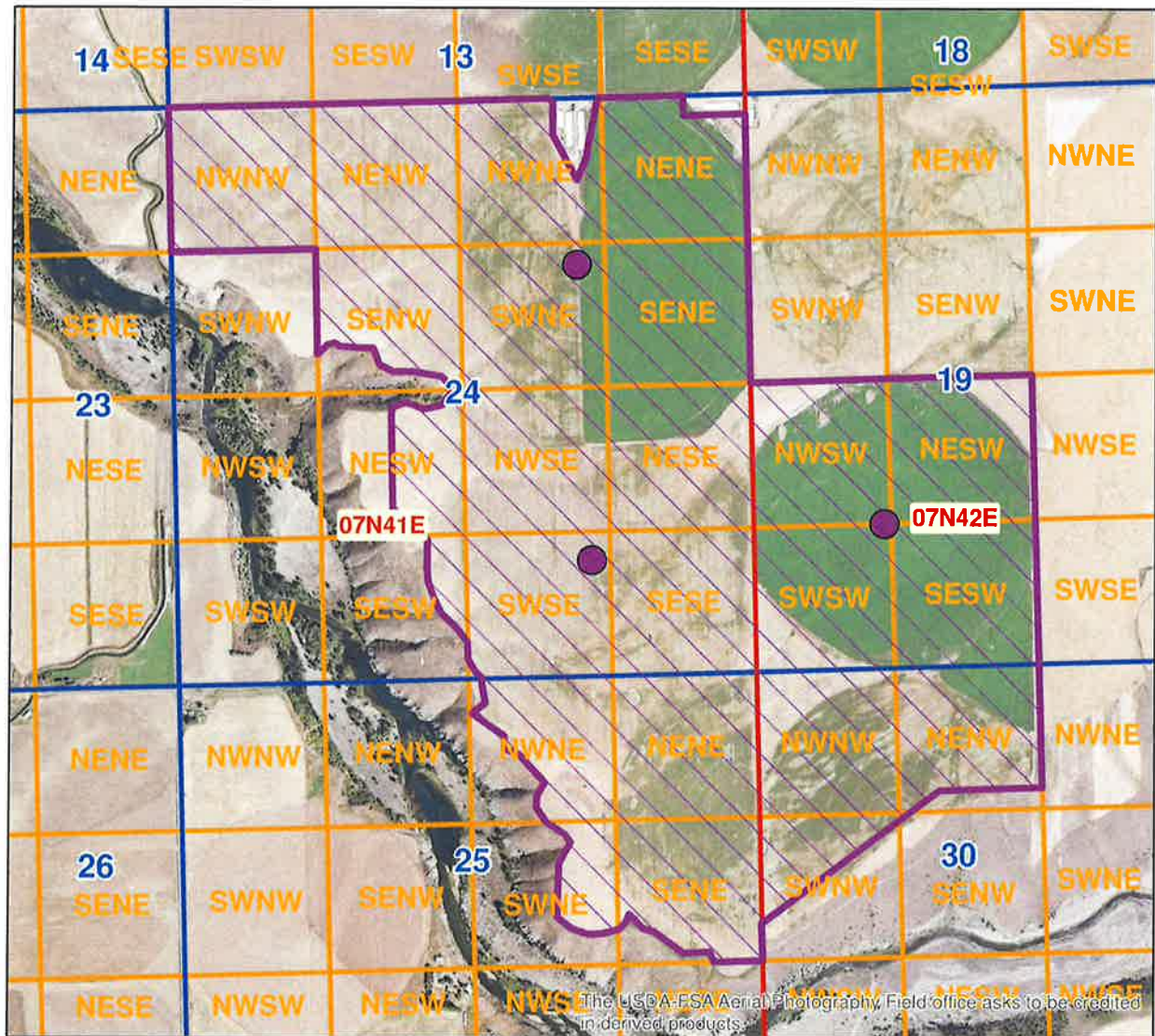
NO. 22-07648

7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
9. Place of use does not include federal public lands.
10. This right does not grant any right-of-way or easement across the land of another.
11. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this _____ day of _____, 20_____.

GARY SPACKMAN, Director

Proposed Permit 22-7648



2013 Aerial Photo

