

RECEIVED

JUN 07 2019

WATER RESOURCES
WESTERN REGION

RECEIVED

Amended

JUN 20 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

WATER RESOURCES
WESTERN REGION

Fee is \$100 per § 42-221C, Idaho Code

Applicant(s) Trae & Johnna BuchertPhone 208-867-4730Name connector (check one): ☐ and ☒ or ☐ and/orMailing address 5446 Hwy 16City EagleState IDZip 83616Email: tbuchert@premierllc.netI am the owner of Water Appropriation Permit No. 63-33594 and request that the permit be amended as follows:☐ Change point of diversion☐ Add point of diversion☐ Change period of use☒ Change nature of use☐ Change place of use☐ Other _____1. Point of diversion: ☒ No changes to point(s) of diversion. Skip item #1 and proceed to #2.☐ Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion affecting the ESPA.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #

2. Period and nature of use: 0.18 ☐ No changes to period and/or nature of use. Skip item #2 and proceed to #3.Amount 0.1555 cfs for Irrigation purposes from 03/01 to 11/15 (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)Amount 0.0333 cfs for Winery-Crush purposes from 10/01 to 10/15 (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)Amount 0.0144 cfs for Winery-Cleaning purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)3. Place of use or land to be irrigated: ☒ No changes to place of use. Skip item #3 and proceed to #4.

Twp	Rge	Sec	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01W	28														28	18		0.2 cfs 18

Total number of acres to be irrigated 18

TB 6/19/19

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WESTERN REGION

4. Property ownership: ☒ No changes to point of diversion and/or place of use. Skip item #4 and proceed to #5.

- a. Who owns the property at the point of diversion? _____
- b. Who owns the land to be irrigated or place of use? _____
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

5. Describe the proposed change in narrative form:

We are establishing a winery on the property. We are requesting a portion of the irrigation water be diverted for use in the winery. ~~Very worst case it is estimated that~~ 0.015 cfs ~~acre feet annual of water be used for the winery.~~ 0.005 cfs This includes ~~harvest/crush, annual cleaning/rinsing, and sanitary requirements.~~ Current allotment is 45 acre ft per year. Anticipated use for the winery is 0.2844 acre ft per year. Total current allotment is 45 acre ft per year. WE WILL BE REDUCING

THE AMOUNT OF IRRIGATION ALLOTMENT FROM 20 TO 18 ACRES

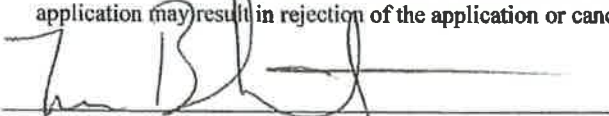
TB 6/19/19

6. Map: ☒ The point(s) of diversion and/or the place of use are not amended, therefore a map is not attached.

Attach a map showing the proposed point(s) of diversion and/or place(s) of use. Clearly label the map with township, range, section, and ¼ ¼ of section information. A photocopy of a USGS 7.5 minute topographic quadrangle is commonly used, or the *Map Tool* available on the Department website provides a satisfactory template for creating the required map (<http://maps.idwr.idaho.gov/TransferApplicationLayouts/Map>).

7. Signature:

The information in this application is true to the best of my knowledge. I understand that any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

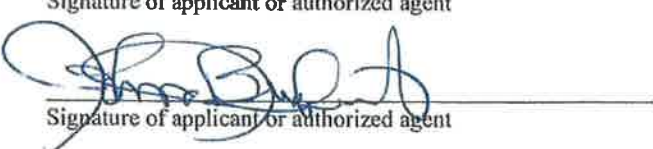

Signature of applicant or authorized agent

Trae Buchert

Print name (and title, if applicable)

6-5-19

Date


Signature of applicant or authorized agent

Johnna Buchert

Print name (and title, if applicable)

6-5-19

Date

FOR DEPARTMENT USE ONLY

Received by _____

Date _____

Received by KT

Date 6/7/19

Receipt No. W047469

Reviewed by _____

Date _____

RECEIVED

JUN 07 2019

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Fee is \$100 per § 42-221C, Idaho Code

Applicant(s) Trae & Johnna Buchert Phone 208-867-4730Name connector (check one): ☐ and ☒ or ☐ and/orMailing address 5446 Hwy 16 City EagleState ID Zip 83616 Email: tbuchert@premierllc.netI am the owner of Water Appropriation Permit No. 63-33594 and request that the permit be amended as follows:

- ☐ Change point of diversion ☐ Add point of diversion ☐ Change period of use
☒ Change nature of use ☐ Change place of use ☐ Other _____

1. Point of diversion: ☒ No changes to point(s) of diversion. Skip item #1 and proceed to #2.
☐ Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion affecting the ESPA.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #

2. Period and nature of use: ☐ No changes to period and/or nature of use. Skip item #2 and proceed to #3.

Amount 0.1555 cfs for Irrigation purposes from 03/01 to 11/15 (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)

Amount 0.0333 cfs for Winery-Crush purposes from 10/01 to 10/15 (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)

Amount 0.0111 cfs for Winery-Cleaning purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)

3. Place of use or land to be irrigated: ☒ No changes to place of use. Skip item #3 and proceed to #4.

Twp	Rge	Sec	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01W	28														20			0.2 cfs

Total number of acres to be irrigated _____

4. **Property ownership:** ☒ No changes to point of diversion and/or place of use. Skip item #4 and proceed to #5.
- a. Who owns the property at the point of diversion? _____
- b. Who owns the land to be irrigated or place of use? _____
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:
- _____
- _____
- _____

5. **Describe the proposed change in narrative form:**

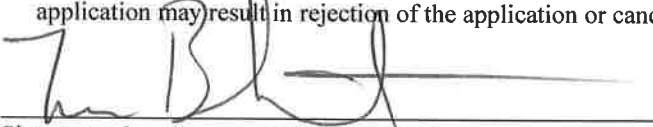
We are establishing a winery on the property. We are requesting a portion of the irrigation water be diverted for use in the winery. Very worst case it is estimated that _____ acre feet annual of water be used for the winery. This includes harvest/crush, annual cleaning/rinsing, and sanitary requirements. Current allotment is 45 acre ft per year. Anticipated use for the winery is 0.2814 acre ft per year. Total current allotment is 45 acre ft per year.

6. **Map:** ☒ The point(s) of diversion and/or the place of use are not amended, therefore a map is not attached.

Attach a map showing the proposed point(s) of diversion and/or place(s) of use. Clearly label the map with township, range, section, and ¼ ¼ of section information. A photocopy of a USGS 7.5 minute topographic quadrangle is commonly used, or the *Map Tool* available on the Department website provides a satisfactory template for creating the required map (<http://maps.idwr.idaho.gov/TransferApplicationLayouts/Map>).

7. **Signature:**

The information in this application is true to the best of my knowledge. I understand that any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

 _____ Signature of applicant or authorized agent	Trae Buchert _____ Print name (and title, if applicable)	6-5-19 _____ Date
 _____ Signature of applicant or authorized agent	Johnna Buchert _____ Print name (and title, if applicable)	6-5-19 _____ Date

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	
Received by <u>KT</u> _____	Date <u>6/7/19</u> _____	Receipt No. <u>W047469</u> _____
Reviewed by _____	Date _____	



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 28, 2019

JOHNNA BUCHERT
TRAE BUCHERT
5446 N HWY 16
EAGLE, ID 83616

Application to Amend Permit No. 63-33594

Dear Applicants:

The Department of Water Resources has received your application to amend the permit referenced above. Please refer to the permit number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 7/4/2019 and 7/11/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application to amend the permit is approved, the Department will send you a copy of the amended permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Anna Kaiser
Administrative Assistant

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, June 27, 2019 2:38 PM
To: 'BOI Legals'
Subject: Ada Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 7/4/2019 & 7/11/2019.

Please confirm these are okay to publish as shown.

Thank You,

Anna Kaiser | Administrative Assistant I

IDWR-Western Region

2735 W Airport Way, Boise ID 83705

(208).334.2190 | anna.kaiser@idwr.idaho.gov

June 27, 2019

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

**RE: Application For Permit Nos: 63-34741, 63-34743
Application to Amend Permit No: 63-33594**

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 7/22/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34741

JULIA D MORTON MARCZAK

4894 N CURLEW LN

EAGLE, ID 83616-1850

Point of Diversion NESW S30 T05N R01E ADA County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/15 to 11/15 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.26 CFS

Date Filed: 6/10/2019

Place Of Use: DOMESTIC, IRRIGATION STOCKWATER

T05N R01E S30 NESW L3(NWSW)

Total Acres: 10

Water bearing zone to be appropriated is from 180 to 373 feet per well log.

63-34743

RYAN HEUSER

3072 N SUNNY MEADOW LN

EAGLE, ID 83616-2700

Point of Diversion SESE S32 T05N R01E ADA County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.02 CFS

Use: IRRIGATION 03/01 to 11/15 0.1 CFS

Total Diversion: 0.12 CFS

Date Filed: 6/17/2019

Place Of Use: IRRIGATION, DOMESTIC

T05N R01E S32 SESE

Total Acres: 5

Water bearing zone to be appropriated is from 200 to 500 feet.

PROPOSED AMENDMENT OF WATER PERMIT

Trae and Johnna Buchert of 5446 N Hwy 16, Eagle, ID 83616, filed Application No. 83373 on June 20, 2019 to amend a water permit no. 63-33594 with a 2011 priority from ground water totaling 0.20 cfs for irrigation. The permit provides irrigation water for property located 5.2 miles northeast of Star, Idaho on Idaho State Highway 16, Emmett Highway. The applicant proposes to amend the permit to add a commercial use for 0.02 cfs from 1/1 to 12/31 from the existing well at the current location. Acreage for the existing irrigation right will be reduced from 20 acres to 18 acres with a proportional reduction in rate to 0.18 cfs.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed amendment(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-211. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 7/22/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/4/2019 and 7/11/2019

Bradbury, Allen

From: Trae Buchert <tbuchert@premierllc.net>
Sent: Thursday, June 20, 2019 4:23 PM
To: Bradbury, Allen
Subject: Fw: IDWR Application for Permit-Buchert
Attachments: 2019-06-19_104635 Revised.pdf

Trae Buchert
Premier, LLC
5446 N Hwy 16
Eagle, ID 83616
208-867-4730

From: Trae Buchert
Sent: Wednesday, June 19, 2019 8:28 AM
To: Johnna Buchert
Subject: Fw: IDWR Application for Permit-Buchert

Trae Buchert
Premier, LLC
5446 N Hwy 16
Eagle, ID 83616
208-867-4730

From: Bradbury, Allen <Allen.Bradbury@idwr.idaho.gov>
Sent: Tuesday, June 18, 2019 5:46 PM
To: Trae Buchert
Subject: RE: IDWR Application for Permit-Buchert

Hi Trae,

I have a few suggested changes to your application that should clear it up for IDWR processing. I would like to suggest the following changes to ensure that the application accurately describes your project. I've attached a copy of your original application for you to amend. Changes to your application should be made by crossing out the old values, writing in the new values, and adding the date and your initials next to the changes. I am suggesting the following rates because the department rounds them to two decimal places. Also, the beneficial use that best describes your winery operation for the Department is commercial. In your proposal description it is helpful to include the operation specifics, see item 5 below.

Amount 0.18 cfs for irrigation purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

Amount 0.02 cfs for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01W	28														18			18
																			0
																			0
																			0

Total number of acres to be irrigated: 18

5. Describe the proposed change in narrative form:

We are establishing a winery on the property. We are requesting a portion of the irrigation water be diverted for use in the winery. This includes harvest/crush, 0.015 cfs, annual cleaning/rinsing and sanitary requirements (0.005 cfs). We will be reducing the amount of irrigation acreage from 20 to 18 acres.

Please return your amended application to resume processing.

Hope that helps, please call if you have any questions.

Allen Bradbury

Water Resource Agent, Sr.

IDWR-Western Region

(208) 334-2190

From: Trae Buchert [mailto:tbuchert@premierllc.net]

Sent: Tuesday, June 18, 2019 8:29 AM

To: Bradbury, Allen <Allen.Bradbury@idwr.idaho.gov>

Subject: Re: IDWR Application for Permit-Buchert

Allen,

After further review of your note, my preference is to stick with our current application. We have 35 acres, however, only about 15 acres are suitable for vineyard.

Additionally, since I first submitted this application, we have been doing more research on water consumption in the winery. In reality, we are about 1/2 the water consumption as we put on our original application. I have updated the application to reflect this. We use very little water in our winery.

Therefore, we will be reducing the amount of water right acreage from 20 to approximately 18.

Please confirm this is acceptable.

Thanks,

Trae

Trae Buchert

Premier, LLC
5446 N Hwy 16
Eagle, ID 83616
208-867-4730

From: Bradbury, Allen <Allen.Bradbury@idwr.idaho.gov>

Sent: Monday, June 17, 2019 2:01 PM

To: Trae Buchert

Subject: IDWR Application for Permit-Buchert

Mr Buchert,

In our conversation today, we discussed two options. I've included some additional details below concerning the options.

- 1) Keeping with your current application for Amendment of a Permit in which you add commercial usage to your existing irrigation usage. Your current 0.20 cfs rate is for 20 acres which equates to a rate of 0.01 cfs/acre. In order to apply part of this rate to a commercial usage you would need to drop the equivalent number of acres from your irrigation use to meet your commercial use. For example, if your commercial use required 0.04 cfs and given your allocated rate of 0.01 cfs/acre you would need to drop 4 acres of irrigation to obtain the rate of 0.04 cfs.
- 2) The second option would be to withdraw amendment of permit and apply for a new commercial use from your well. The down side to this is that you would have a 2019 priority date on the new commercial usage. The upside is that you would not need to reduce acres.

In our discussion you indicated that option 2 would be preferable. I've attached a withdrawal of amendment of permit, a permit application, and instructions. Since you have already paid the \$100 fee for the initial amendment of permit, we can apply that to your new application. To do this, simply include a cover letter with your withdrawal and application which states in writing that you would like the Department to apply your initial \$100 from the amendment to the new permit application.

Please submit the requested information within thirty (30) days of the date of this email. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. IDWR forms and other information can be found at www.idwr.idaho.gov.

Thanks,

Allen Bradbury

Water Resource Agent, Sr.
IDWR-Western Region
(208) 334-2190

Bradbury, Allen

From: Bradbury, Allen
Sent: Monday, June 17, 2019 2:02 PM
To: 'tbuchert@premierllc.net'
Subject: IDWR Application for Permit-Buchert
Attachments: withdrawal-of-amendment-of-permit.pdf; application-for-permit.pdf; application-for-permit-instructions.pdf

Mr Buchert,

In our conversation today, we discussed two options. I've included some additional details below concerning the options.

- 1) Keeping with your current application for Amendment of a Permit in which you add commercial usage to your existing irrigation usage. Your current 0.20 cfs rate is for 20 acres which equates to a rate of 0.01 cfs/acre. In order to apply part of this rate to a commercial usage you would need to drop the equivalent number of acres from your irrigation use to meet your commercial use. For example, if your commercial use required 0.04 cfs and given your allocated rate of 0.01 cfs/acre you would need to drop 4 acres of irrigation to obtain the rate of 0.04 cfs.
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Allen Bradbury

Water Resource Agent, Sr.
IDWR-Western Region
(208) 334-2190