



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 24, 2019

DAHL SHEEP LLC
C/O CANDICE MCHUGH
MC HUGH BROMLEY PLLC
380 S 4TH ST STE 103
BOISE ID 83702

M3 EAGLE LLC
C/O MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE ID 83701-2720

CHAPPAREL WATER ASSOCIATION
C/O MELVIN RAWLINSON
9030 W GREENWILLOW LN
EAGLE ID 83616

Re: Withdrawal of Protests against Application for Permit Nos. 63-34386 through 63-34399 and 63-34423 (Dahl Sheep, LLC)

Dear Parties:

The Department of Water Resources acknowledges receipt on April 11, 2019, of your *Joint Motion to Accept Stipulation and Issue Water Right Permits* and the attached *Stipulation* (collectively, "Agreement"). The Agreement asks the Department to approve applications 63-34386 through 63-34399 and 63-34423 ("Applications") and issue permits with conditions substantially as listed in the *Stipulation*. The Department interprets the Agreement as a conditional withdrawal of protest and must evaluate the conditions proposed to be included on any approval to determine whether they are acceptable.

The Department has reviewed the conditions proposed to be included on any permits issued pursuant to the Applications and has determined several of the proposed conditions describe actions and responsibilities of the parties to one another that the Department is not responsible for enforcing. Since the Department is not responsible for enforcing these aspects of the agreement, it declines to include them as conditions on the face of any water right. The Department has prepared the attached example draft permit approval incorporating those aspects of the proposed conditions that are acceptable to the Department, as well as other standard

SUPPORT DATA

UN FILE # 63-34386

conditions of the Department. The 15 applications are nearly identical and are expected to be conditioned nearly identically.

Please review the draft approval carefully. If you think the draft approval is not substantially in conformance with your stipulated conditions, please contact the Department within 14 days of the date of this letter with your concerns. The applications have no remaining protests; therefore, if we do not hear from you, the Department will take the steps necessary to bring the applications to final resolution. As always, you may file a petition for reconsideration within 14 days after the preliminary orders approving the applications are issued.

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

Sincerely,


Anna Kaiser

For Nick Miller
Regional Manager

Enclosure(s)

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

Priority: May 25, 2017

Maximum Diversion Rate: 0.25 CFS

This is to certify that

DAHL SHEEP LLC 1036 E IRON EAGLE DR STE 100 EAGLE ID 83616

has applied for a permit to appropriate water from:

Source : GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
IRRIGATION	03/01 to 11/15	0.20 CFS
STOCKWATER	01/01 to 12/31	0.01 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

Location of Point(s) of Diversion

GROUND WATER NW¼ NE¼, Sec. 16, Twp 05N, Rge 01W, B.M. ADA 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	
05N	01W	16		10.0															10.0

Total Acres: 10.0

Place of Use: STOCKWATER and DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01W	16		X															

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2024**.
2. Subject to all prior water rights.
3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Any well used or constructed under this water right shall include a measuring tube or other suitable method to allow measurement of water levels. The right holder shall allow access to the well(s) by the Idaho Department of Water Resources or its representative to collect data as needed.
6. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
7. The well used as a point of diversion for this water right shall be drilled using the direct mud rotary drilling method. The well driller shall monitor water temperatures while drilling the well. If water with a

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

temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions and established standards for construction with the driller.

8. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
9. Point of diversion and place of use is located within Lot 1, Blk. 1, Moose on the Loose Subdivision.
10. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
11. Stockwater use is for 25 head of mixed stock.
12. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
13. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
14. 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 Idaho Code § 42-204.

Signed this _____ day of _____, 2019.

NICK MILLER
Engineer, Manager 2