

RECEIVED

FORM 202 Rev. 09/16

JAN 22 2019

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 63-34666

1. Name of applicant(s) DeChambeau Family Limited Partnership Phone 208-870-7359
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 5850 N. Five Mile Rd. #178 City Boise
 State ID ZIP 83713 Email Bjd4141@hotmail.com
2. Name of representative, if any SPF Water Engineering Phone 208-383-4140
 Mailing address 300 E. Mallrd Dr., Ste. 350 City Boise
 State ID ZIP 83706 Email lgraves@spfwater.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Ground Water which is a tributary of Boise River

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
4N	1E	23	9		SW	SW	Ada	Ground Water	Pond Area Centroid

5. Water will be used for the following purposes:

Amount 2473 ac ft for Aesthetic, Recreation Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 2473 acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. 95 acres of ponds with an average depth of 25 feet. Ponds will naturally intercept shallow ground water due to close proximity to the Boise River.
- b. Height of storage dam n/a feet; active reservoir capacity 2375 acre-feet; total reservoir capacity 2375 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by AK Date 11/22/2019 Time 1:19pm Preliminary check by CD
 Fee \$ 1110⁰⁰ Receipted by AK Receipt No. W047083 Date 11/22/2019

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the _____
 - Domestic; show number of households _____
 - Other; describe fully. Resulting ponds from gravel operations
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	23									L6 [✓]	L5 [✓]	L9 [✓]						
											L10 [✓]	L8 [✓]							
												L9 [✓]							
											X [✓]	X [✓]	X [✓]						
		26						X [✓]											

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None. Thurman Mill Ditch Company shares for irrigation.
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached narrative
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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

Signature of Applicant

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

PERMIT NARRATIVE

DeChambeau Family Limited Partnership owns approximately 143 acres located between Joplin Road and the Boise River. The majority of this property has been used for gravel mining. The current gravel pit operator, SunRoc, is completing mining operations over the next few months, and the pits will begin to fill with groundwater after mining operations are complete. The resulting ponds will cover an area of approximately 95 acres. The land is proposed for annexation into Garden City. Annexation requires that the ponds have appropriate water rights for future use as aesthetic and/or recreation ponds.

The ponds are assumed to be in direct hydraulic connection with the adjacent Boise River, and evaporation from the ponds is assumed to result in an equivalent depletion to river flow. Mitigation to Boise River flows is required to offset the evaporative losses from the ponds. Applicant has 110 Thurman Mill Ditch Company shares, of which 31 will be retired from irrigation and used for mitigation. Mitigation will be accomplished by leaving 0.62 cfs of Thurman Mill water right 63-30130 in the river un-diverted.

Mitigation Calculations

Evaporative Loss Data. The ponds surface area will cover an area of approximately 95 acres. The evaporation loss and subsequent depletion rate to river flows can be estimated based on the ET Idaho (<http://data.kimberly.uidaho.edu/ETIdaho/>) precipitation deficit tables for the Boise Airport weather station. The ponds have average depths of approximately 25 feet, consistent with "deep systems" (i.e., lakes and reservoirs with depths in excess of 13 feet). Evaporation data for deep system based on Boise Airport weather station data are provided as Table 1.

Evaporative Volume Requiring Mitigation. The annual evaporation volume from the 95 acres of pond surface will be approximately 98 acre feet (Table 2), but the irrigation season (April-October) evaporative loss is slightly less at 94 acre feet. We assume that only the irrigation season evaporative loss must be mitigated.

Historical Consumptive Volume from Mitigation Water Right. The annual precipitation deficits (i.e., consumptive volumes) for typical crops historically grown in the Thurman Mill service area are listed in Table 3, and average 3.03 acre feet per acre. Assuming an average precipitation deficit of 3.03 acre feet per acre, the 94 acre-foot irrigation season evaporative loss from the ponds is equivalent to the annual consumption from 31 irrigated acres within the Thurman Mill service area. Therefore, 31 acres (shares) of water are required to mitigate evaporative volume.

Delivery Volume from Mitigation Water Right. Water right 63-30130 has a priority date of June 1, 1868. In a typical year, water right 63-30130 might be 100 percent deliverable through June and 60% deliverable through October; for this delivery schedule, a 0.62 cfs portion of the right would yield an annual volume of approximately 203 acre feet (Table 4). Upon transfer, the 203 acre foot delivered volume will be more than adequate to supply the 94 acre foot annual consumptive volume.

Mitigation Water Right Flow Rate. The mitigation rights must be deliverable during low-flow periods. For this project, the mitigation water right must be capable of offsetting the daily evaporative loss during the peak evaporation month of July. The average peak month daily evaporative loss from 95 acres of pond surface area is 0.626 af/day, equivalent to a flow rate of 0.316 cfs (Table 2).

Table 4 and Figure 1 provide a calculation of mitigation flow and volume availability. The table shows that 0.62 cfs (31 shares at 0.02 cfs/ac) of Thurman Mill water right 63-30130 will provide 0.372 cfs of natural flow when right 63-30130 is curtailed to 60%. This flow rate is sufficient to offset the 0.316 cfs evaporation loss from 95 acres of pond surface during the peak month of evaporative loss.

Adequacy of Thurman Mill Shares. The Thurman Mill water right portfolio is provided in Table 5 and further described below.

- Thurman Mill holds 11 Boise River water rights of varying priorities with a total diversion rate of 35.64 cfs. The water rights supply 1773.8 acres at full delivery for an average delivery rate of 0.020 cfs per acre. Boise River water rights with priority dates senior to approximately 1877 are considered deliverable all season, but are typically reduced to 60% under the Stewart Decree provisions during times of low natural flow in the River. At times of curtailment to 60% for rights senior to 1877, and full curtailment for rights junior 1877, the Thurman Mill Boise River water right portfolio will yield a diversion rate of 24.78 cfs.
- The Thurman Mill Boise River water rights are supplemented by 11.42 cfs of waste water from Drainage District No. 4 under water right 63-31936 and up to 20 cfs of waste water from Drainage District No. 4 under water right 63-31935. Water right 63-31936 is diverted from the Boise River at the Thurman Mill headgate, while right 63-31935 is diverted from the Junction Drain into the Thurman Mill Canal. These water rights are not reduced by the Stewart Decree, and are considered deliverable at 100% provided the drainage water is present.
- The Thurman Mill natural flow water rights are further supplemented with 800 acre feet of Lucky Peak storage.

The combination of Boise River water rights when fully curtailed to 1877 (24.78 cfs) and Drainage District No. 4 water right 63-31936 (11.42 cfs) provides 36.2 cfs to Thurman Mill's Boise River headgate which exceeds 0.02 cfs over the 1773.8-acre service area. These rights are further supplemented by Drainage District No. 4 water right 63-31935 and Lucky Peak storage. Therefore, Thurman Mill can deliver a full miner's inch per acre (0.02 cfs per acre) per share for the duration of each irrigation season.

Conclusion

A 0.62 cfs portion of water right 63-30130 will yield adequate flow rate, diversion volume, and consumptive volume to offset evaporative losses from 95 acres of pond surface. Irrigation acres within the Thurman Mill service area will be reduced by 31 acres to recognize the proposed mitigation.

Table 1. Average daily evaporation losses (precipitation deficit, mm) from deep pond or lake systems in Boise Idaho (Source: ETIdaho2017)

Open water - deep systems (lakes, reservoirs)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season	Non Growing Season	Annual
Mean	mm/day												mm		
Monthly	-0.33	0.23	0.3	0.79	0.92	1.81	2.01	1.7	1.3	1.36	0.16	-0.39	301	0	301
<u>Boise WSFO Airport (NWS -- USC00101022)</u>															
Statistics based on thirty year normal spans 1986 to 2016 years															

Table 2. Mitigation Water Requirement for 95-Acre Pond Area

Month	Days per Month	Mean Monthly Pdef		Mean Monthly Pdef		Evaporation Loss for 100-acre Pond Surface Area		
		mm/day	mm/mo	in/day	in/mo	af/mo	af/day	cfs
Jan	31	-0.33	-10.23	-0.01	-0.40			
Feb	28	0.23	6.44	0.01	0.25	2.01	0.072	0.036
Mar	31	0.3	9.30	0.01	0.37	2.90	0.094	0.047
Apr	30	0.7	21.00	0.03	0.83	6.55	0.218	0.110
May	31	0.92	28.52	0.04	1.12	8.89	0.287	0.145
Jun	30	1.81	54.30	0.07	2.14	16.92	0.564	0.284
Jul	31	2.01	62.31	0.08	2.45	19.42	0.626	0.316
Aug	31	1.7	52.70	0.07	2.07	16.43	0.530	0.267
Sep	30	1.3	39.00	0.05	1.54	12.16	0.405	0.204
Oct	31	1.36	42.16	0.05	1.66	13.14	0.424	0.214
Nov	30	0.16	4.80	0.01	0.19			
Dec	31	-0.39	-12.09	-0.02	-0.48			
TOTAL			298.21		11.74	98.4		
APRIL-OCTOBER TOTAL						93.5		

Table 3. Annual Precipitation Deficits for Typical Crops in the Thurman Mill Service Area

Annual Precipitation Deficits for Typical Crops in the Thurman Mill Service Area			
Crop	Growing Season Pdef		
	(mm)	(in)	(ft)
Turf (lawn)	987	38.9	3.24
Garden Vegetables	775	30.5	2.54
Alfalfa (frequent cuttings)	960	37.8	3.15
Grass Pasture (high management)	943	37.1	3.09
Orchards (w/ground cover)	953	37.5	3.13
Average	923.6	36.4	3.03
Source ET Idaho 2017 - Boise WSFO Airport station			

Table 4. Typical Mitigation Water Right Delivery for 95-Acre Pond Area

Month	Days per Month	Total Mitigation Shares	cfs/share (one share = one acre)	cfs total for right 63-30130 represented by mitigation shares	% of Water Right Delivered based on Stewart Decree Cuts	Deliverable cfs for Mitigation	af/mo total for delivered mitigation shares
Jan	0		0.000	0.000	0%	0.000	0.00
Feb	0		0.000	0.000	0%	0.000	0.00
Mar	0		0.000	0.000	0%	0.000	0.00
Apr	30	31	0.020	0.620	100%	0.620	36.89
May	31	31	0.020	0.620	100%	0.620	38.12
Jun	30	31	0.020	0.620	100%	0.620	36.89
Jul	31	31	0.020	0.620	60%	0.372	22.87
Aug	31	31	0.020	0.620	60%	0.372	22.87
Sep	30	31	0.020	0.620	60%	0.372	22.14
Oct	31	31	0.020	0.620	60%	0.372	22.87
Nov	0		0.000	0.000	0%	0.000	0.00
Dec	0		0.000	0.000	0%	0.000	0.00
TOTAL							202.7

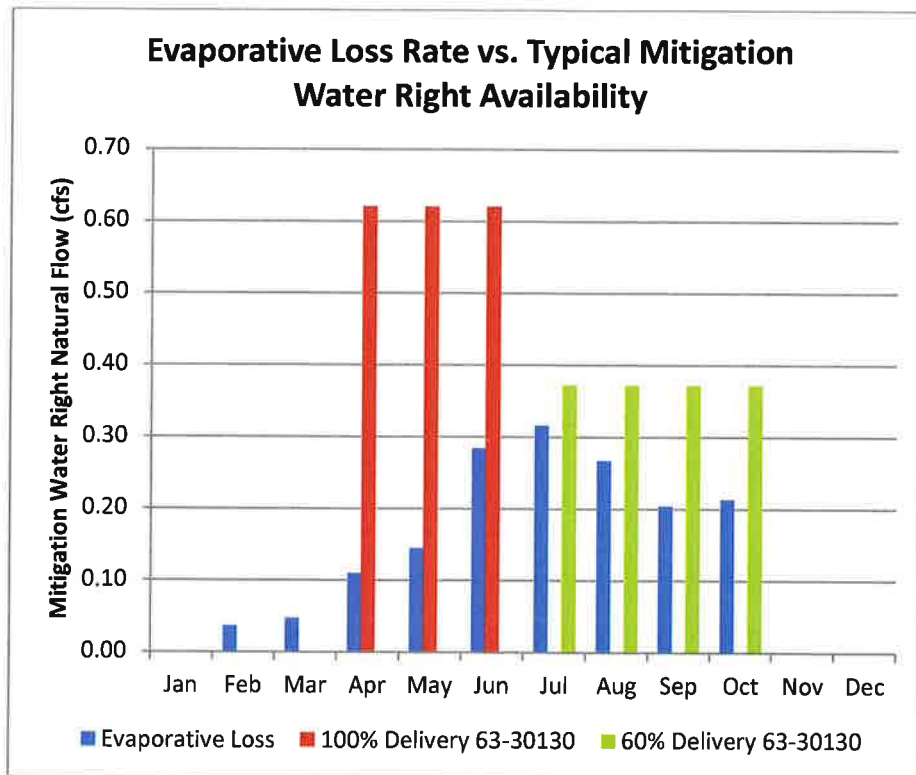


Figure 1. Mitigation Water Right Deliverability versus Evaporation Loss from 100-acre Pond

Table 5. Thurman Mill Natural Flow Water Right Portfolio

water right	Source	Priority Date	Rate (cfs)
63-135	Boise River	6/1/1864	3.30
63-30125	Boise River	6/1/1865	1.86
63-30130	Boise River	6/1/1868	15.48
63-176	Boise River	6/1/1869	1.60
63-30129	Boise River	6/1/1872	2.10
63-193	Boise River	6/1/1876	0.44
63-210	Boise River	6/1/1880	2.40
63-211	Boise River	10/20/1880	0.90
63-30131	Boise River	6/1/1882	6.00
63-221	Boise River	6/1/1883	0.90
63-250	Boise River	7/1/1895	0.66
63-31936	Waste Water	8/13/1925	11.42
63-31935	Waste Water	12/2/1940	20.00
Total			67.06
Acres (shares)		1773.8	
cfs/ac			0.03781

Path: S:\PROJECTS\A\trn D Projects\00 Projects\DeChambeau Family Trust_14500010 SunRoc Ponds Water Right Permitting\PROJECT\GIS\Map\Projects\PMT Map.mxd



**PROPOSED MITIGATION PLAN FOR
DECHAMBEAU FAMILY LIMITED PARTNERSHIP WATER RIGHT APPLICATION**

To the Idaho Department of Water Resources (IDWR):

Thurman Mill Ditch Company ("Company") agrees to dedicate 31 shares representing 0.62 cfs of Boise River water right and idled irrigation of 31 acres to mitigate consumptive use of diversions under the above referenced application. Each share of the Company's water rights equals 1 miners inch or 0.02 cfs of Boise River water right for mitigation of one acre of irrigation at 100% delivery. The Company and DeChambeau Family Limited Partnership ("Applicant") agree to this mitigation plan as follows:

1. The Applicant propose year-round use of shallow ground water tributary to the Boise River for aesthetic and recreation storage purposes under a proposed application for permit. Anticipated maximum volume will be 2473 acre feet annually comprised of 2375 acre feet for storage volume and 98 acre feet for year round evaporative losses (94 acre feet during the irrigation season and 4 acre-feet during the non-irrigation season).
2. Company water right 63-30130 provides natural flow diverted from the Boise River to the Company's place of use. Mitigation for impacts to irrigation-season Boise River natural flows resulting from the Applicant's ponds will be provided by idling irrigation of 31 acres (0.62 cfs) under the Company's Boise River and associated waste water rights. To simplify the process, the 0.62 cfs of water for mitigation should be recorded in a single water right, 63-30130 with a priority date of June 1, 1868, although reduction in irrigated acres will be recorded in all Company water rights. The Boise River Watermaster will not deliver this portion of the water right to the Company headgate while this mitigation plan is in force.
3. The Applicant and any successors in interest of the proposed ponds' water right will hold a certificate for the water shares and pay the Company assessments for the mitigation shares every year.
4. To the extent development proposed by the application is completed on less than 95 acres, the Applicant will request any excess water shares be converted from mitigation back to irrigation.

By: **Thurman Mill Ditch Company**

Signature: _____

Title: _____

Date: _____

By: **DeChambeau Family Limited Partnership**

Signature: Jack R. DeChambeau

Title: General Partner

Date: January 11th 2019



0003369797

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003369797

Date Filed: 12/12/2018 10:41:00 AM

Entity Name and Mailing Address:

DECHAMBEAU FAMILY LIMITED PARTNERSHIP

The file number of this entity on the records of the Idaho Secretary of State is: 0000020580

Address

JACK DECHAMBEAU
5850 N FIVE MILE RD
APT 178
BOISE, ID 83713-5472

Entity Details:

Entity Status

Active-Current

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: L3257

The registered agent on record is:

Registered Agent

JACK R DECHAMBEAU
Registered Agent

Physical Address

5850 N. FIVE MILE RD. #178
BOISE, ID 83713

Mailing Address

Limited Partnership General Partners

Name of individual or organization	Address
JACK R DECHAMBEAU	5850 N. FIVE MILE RD., #178 BOISE, ID 83713

The annual report must be signed by an authorized signer of the entity.

Jack DeChambeau

Sign Here

Signer's Capacity: General Partner

12/12/2018

Date

BULLB-2001 12/12/2018 10:41 AM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, April 25, 2019 8:55 AM
To: 'waterdistrict63@qwestoffice.net'
Subject: Application for Permit No. 63-34666
Attachments: Watermaster Recommendation Form.docx; 63-34666.pdf

April 25, 2019

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR ID 83669-0767

RE: Application for Permit No. 63-34666

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the application are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by **May 20, 2019**.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



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

April 25, 2019

THURMAN MILL DITCH CO
PO BOX 140033
GARDEN CITY IDAHO 83714

Re: Application for Permit No. 63-34666

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Post Register*, *Lewiston Tribune*, *Times News*, & *Idaho Statesman* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **May 20, 2019**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Anna Kaiser
Administrative Assistant
Western Regional Office

Enclosures



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

April 25, 2019

DECHAMBEAU FAMILY LTD PARTNERSHIP
5850 N FIVE MILE RD APT 178
BOISE, ID 83713-5472

Application for Permit No. 63-34666

Dear Applicant:

The Department of Water Resources has received your water right application. Please refer to the 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 TIMES NEWS, IDAHO STATESMAN, LEWISTON TRIBUNE, & POST REGISTER, on 5/2/2019 and 5/9/2019. 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 is approved, the Department will send you a copy of the permit.

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

Sincerely,

Anna Kaiser
Administrative Assistant

CC:

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE, ID 83706-6660

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, April 24, 2019 3:17 PM
To: 'legals@magicvalley.com'
Subject: Statewide Legal Ad - TWIN FALLS
Attachments: Cover Letter Twin Falls.docx; Legal Notice.docx

Afternoon Legal Clerk,

Please see the attached ad for publication on 5/2/2019 & 5/9/2019

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

April 24, 2019

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application For Permit No: 63-34666

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 5/20/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, April 24, 2019 3:16 PM
To: 'legals@mlmtribune.com'
Subject: Statewide Legal Ad - NEZ PERCE
Attachments: Cover Letter Nez Perce.docx; Legal Notice.docx

Afternoon Legal Clerk,

Please see the attached ad for publication on 5/2/2019 & 5/9/2019

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

April 24, 2019

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST
PO BOX 957
LEWISTON, ID 83501

RE: Application For Permit No: 63-34666

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 5/20/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, April 24, 2019 3:15 PM
To: 'legalnotices@postregister.com'
Subject: Statewide Legal Ad - BONNEVILLE
Attachments: Cover Letter Bonneville.docx; Legal Notice.docx

Afternoon Legal Clerk,

Please see the attached ad for publication on 5/2/2019 & 5/9/2019

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

April 24, 2019

LEGAL NOTICE DEPARTMENT
POST REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

RE: Application For Permit No: 63-34666

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 5/20/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, April 24, 2019 3:13 PM
To: 'BOI Legals'
Subject: Statewide Legal Ad - ADA
Attachments: Cover Letter Ada.docx; Legal Notice.docx

Afternoon Legal Clerk,

Please see the attached ad for publication on 5/2/2019 & 5/9/2019

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

April 24, 2019

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No: 63-34666

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 5/20/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

63-34666

DECHAMBEAU FAMILY LTD PARTNERSHIP

5850 N FIVE MILE RD APT 178

BOISE, ID 83713-5472

Point of Diversion L9(SWSW) S23 T04N R01E ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 2473 AF

Use: RECREATION STORAGE 01/01 to 12/31 2473 AF

Total Diversion: 2473 AF

Date Filed: 1/22/2019

Place Of Use: RECREATION STORAGE, AESTHETIC STORAGE

T04N R01E S23 L10(NESW) L5(NWSW) L9(SWSW)

T04N R01E S26 NWNW

Mitigation is proposed for consumptive use.

Water bearing zone to be appropriated is from 0 to 50 feet.

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), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. 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 5/20/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/2/2019 and 5/9/2019

APR 12 2019

WATER RESOURCES
WESTERN REGION

**PROPOSED MITIGATION PLAN FOR
DECHAMBEAU FAMILY LIMITED PARTNERSHIP WATER RIGHT APPLICATION**

To the Idaho Department of Water Resources (IDWR):

Thurman Mill Ditch Company ("Company") agrees to dedicate 31 shares representing 0.62 cfs of Boise River water right and idled irrigation of 31 acres to mitigate consumptive use of diversions under the above referenced application. Each share of the Company's water rights equals 1 miners inch or 0.02 cfs of Boise River water right for mitigation of one acre of irrigation at 100% delivery. The Company and DeChambeau Family Limited Partnership ("Applicant") agree to this mitigation plan as follows:

1. The Applicant propose year-round use of shallow ground water tributary to the Boise River for aesthetic and recreation storage purposes under a proposed application for permit. Anticipated maximum volume will be 2473 acre feet annually comprised of 2375 acre feet for storage volume and 98 acre feet for year round evaporative losses (94 acre feet during the irrigation season and 4 acre-feet during the non-irrigation season).
2. Company water right 63-30130 provides natural flow diverted from the Boise River to the Company's place of use. Mitigation for impacts to irrigation-season Boise River natural flows resulting from the Applicant's ponds will be provided by idling irrigation of 31 acres (0.62 cfs) under the Company's Boise River and associated waste water rights. *To simplify the process, the 0.62 cfs of water for mitigation should be recorded in a single water right, 63-30130 with a priority date of June 1, 1868, although reduction in irrigated acres will be recorded in all Company water rights. The Boise River Watermaster will not deliver this portion of the water right to the Company headgate while this mitigation plan is in force.* *The mitigation does not include the use of any of the Company's storage right*
3. The Applicant and any successors in interest of the proposed ponds' water right will hold a certificate for the water shares and pay the Company assessments for the mitigation shares every year.
4. To the extent development proposed by the application is completed on less than 95 acres, the Applicant will request any excess water shares be converted from mitigation back to irrigation.

By: **Thurman Mill Ditch Company**

Signature: _____

Title: President

Date: 4-10-19

By: **DeChambeau Family Limited Partnership**

Signature: Jack R. DeChambeau

Title: General Partner

Date: January 11th 2019

Parker, Cody

From: Parker, Cody
Sent: Thursday, March 14, 2019 10:51 AM
To: 'Lori Graves'
Subject: RE: Dechambeau Mitigation for Application 63-34666

Perfect thank you!

From: Lori Graves [mailto:LGraves@spfwater.com]
Sent: Thursday, March 14, 2019 10:18 AM
To: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Cc: Terry Scanlan <TScanlan@spfwater.com>
Subject: RE: Dechambeau Mitigation for Application 63-34666

I think we're safe to say 0 to 50 feet.

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Sent: Thursday, March 14, 2019 10:00 AM
To: Lori Graves <LGraves@spfwater.com>
Subject: RE: Dechambeau Mitigation for Application 63-34666

Do you know what the max depth of the pond is for the water bearing zone?

From: Lori Graves [mailto:LGraves@spfwater.com]
Sent: Thursday, March 14, 2019 9:45 AM
To: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Subject: RE: Dechambeau Mitigation for Application 63-34666

Thank you Cody. I'm on it.

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Sent: Thursday, March 14, 2019 9:21 AM
To: Lori Graves <LGraves@spfwater.com>
Subject: Dechambeau Mitigation for Application 63-34666

Good Morning Lori,

I just wanted to let you know that I reviewed the mitigation plan for the Dechambeau application (95 acre pond resulting from gravel extraction). Everything looks good and we are able to process the application based on the analysis you provided. Once I get the signed agreement from Thurman Mill, I can send the application to advertising.

Thanks,

Cody Parker

MEMORANDUM

TO Water Application 63-34666 file
FROM Cody Parker
RE Mitigation Plan
DATE March 13, 2018

The applicant is proposing a 95-acre pond for Aesthetic and Recreation storage within the Basin 63 Groundwater Restricted Area. The pond was excavated for gravel extraction, and captures shallow groundwater that is tributary to the fully-appropriated Boise River system. For the application to be processed the applicant must mitigate the consumptive use of the ponds (during the irrigation season per Department standard practice).

The applicant has estimated the total evaporative losses from the pond at ~94 afa. This estimate is based on ETIdaho data from the Boise WSFO Airport station. The applicants have used the Open water – deep systems (lakes, reservoirs) dataset from this station. Based on the location of the pond, the Boise WSFO Airport station seems to be a justifiable choice.

According to the *Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho* (Allen and Robison, 2007) supplement available on the ETIdaho website, the deep open water dataset may be appropriate for “..deep systems (relatively clear lakes and reservoirs deeper than 4m.” The deep systems dataset is not based on reference ET but was instead developed based on aerodynamic evaporation algorithms developed for the American Falls Reservoir (Allen and Tasumi, 2005). Since the proposed ponds are greater than 4 meters in depth, the applicant’s use of the Open water – deep systems dataset seems justified.

As I mention above, the total evaporation estimated from the pond is 94 afa. The applicant does not have specific information about which crops were grown on the land to be retired. However, they provide a list of common crops grown within the Thurman Mill Service Area. On average, these crops lose 3.03 feet of water per year to evaporation. The applicant has proposed to retire 31 acres. The proposed mitigation for annual consumptive losses is as follows:

Annual pond consumption = 94 afa

- Historic crop consumption = 31 acres x 3.03 afa/acre = 94 afa

0 afa (the annual consumptive volume is fully mitigated)

The most evaporative month of the year for the Open water – deep systems dataset is July, at an average of 2.01 mm/day. That rate is converted to cfs as follows:

$$\frac{2.01 \text{ mm}}{\text{day}} \times \frac{0.00328 \text{ ft}}{\text{mm}} \times \frac{43,560 \text{ ft}^2}{\text{acre}} \times 95 \text{ acres} \times \frac{1 \text{ day}}{86,400 \text{ seconds}} = 0.32 \text{ cfs}$$

So, 0.32 cfs is the rate required to overcome evaporation during the most consumptive month. However, this right is a Boise River right with an 1868 priority date and was part of the Stewart Decree. The right can be reduced to 60% of its value annually. Taking into account 60% cuts:

$$0.32 \text{ cfs} \div 0.6 = n \times 1 \text{ So, } n = 0.53 \text{ cfs}$$

0.53 cfs is the quantity that would be required for mitigation when taking into account annual cuts of the water right. The applicant has proposed to mitigate using 31 acres and 31 shares of the Thurman Mill right which is an equivalent rate of 0.62 cfs.

Based on the information summarized above, the mitigation plan seems to be sufficient and the application should be processed.

January 18, 2019

RECEIVED

JAN 22 2019

WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: DeChambeau Family Limited Partnership Application for Permit

Dear Angie,

Enclosed on behalf of the DeChambeau Family Limited Partnership, is an Application for Permit proposing aesthetic and recreation storage uses on areas subject to a gravel mining operation. Mitigation water will be provided by Thurman Mill Ditch Company. Enclosed is a mitigation plan signed by the applicant. A duplicate signed plan from Thurman Mill Ditch Company has been requested and will be provided upon receipt. Please see the application narrative for further details.

Check No. 014117 for \$1,110 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,



Lori Graves
Water Rights Specialist

Cc: Bart DeChambeau
Bryce Farris, Sawtooth Law Offices

Enclosures

SPF file number: 1450.0010