



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

04/18/2019

JOHNSON RESEARCH LLC
24077 HWY 20-26
PARMA ID 83660

RE: Application for Amendment of Permit No. 63-32237 – Approval Notice

Dear Permit Holder(s):

The Department of Water Resources (IDWR) has issued the enclosed Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amendment of Permit, including the conditions of approval and remarks.

The Amendment of Permit is a preliminary order issued by IDWR pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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 change of mailing address to IDWR within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet at <http://www.idwr.state.id.us> to obtain the proper reporting form.

If you have any questions regarding this matter, you may call me at 208-287-4925.

Sincerely,

Phill Hummer
Water Rights Supervisor

CERTIFICATE OF SERVICE

I hereby certify that on **April 19, 2019** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**AMENDMENT OF PERMIT**) to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **63-32237**

**JOHNSON RESEARCH LLC
24007 HWY 20-26
PARMA ID 83660**

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



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

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

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **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 67-5246(4), Idaho Code.

REQUEST FOR HEARING

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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: a) the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

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
Amendment of Permit
No. 63-32237

Priority: December 16, 2005

Maximum Diversion Rate: 2.11 CFS

This is to certify that

JOHNSON RESEARCH LLC 24007 HWY 20-26 PARMA ID 83660

has applied to amend a permit, and the amendment is APPROVED for development of water as follows:

Source : GROUND WATER

Beneficial Use

IRRIGATION

Period of Use

03/01 to 11/15

Rate of Diversion

2.11 CFS

Location of Point(s) of Diversion

GROUND WATER NE¼ NW¼, Sec. 8, Twp 05N, Rge 04W, B.M. CANYON County
GROUND WATER NW¼ NW¼, Sec. 8, Twp 05N, Rge 04W, B.M. CANYON County
GROUND WATER SE¼ NW¼, Sec. 8, Twp 05N, Rge 04W, B.M. CANYON 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	04W	8		40			40	28	9.0	28									145.0

Right Acre Limit: 105.6

Total Acres: 145.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2024**.
2. Subject to all prior water rights.
3. This right is limited to the irrigation of 105.6 acres within the authorized place of use in a single irrigation season.
4. 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.
5. 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.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. This right does not grant any right-of-way or easement across the land of another.
8. 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.
9. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow

State of Idaho
Department of Water Resources
Amendment of Permit
No. 63-32237

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.

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

Signed this 17th day of April, 2019.

A handwritten signature in blue ink, appearing to read "Angela M. Grimm", is written over a horizontal line.

ANGELA GRIMM
Water Rights Section Manager

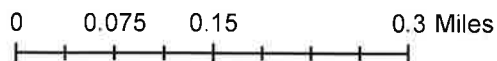
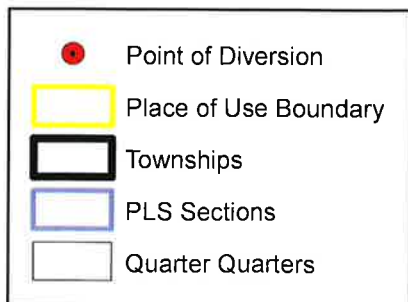
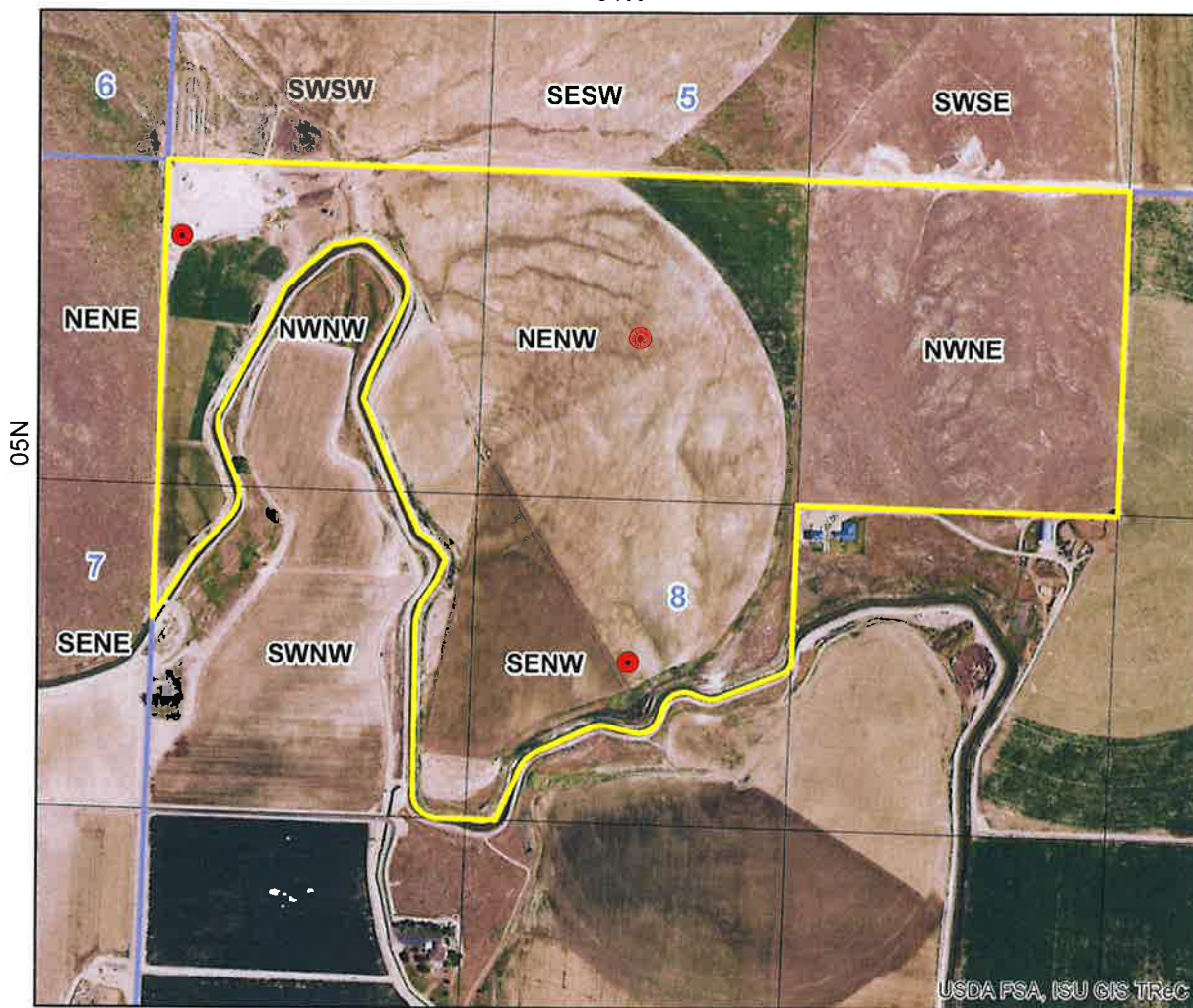
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-32237

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.

04W



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

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

RECEIVED

APR 01 2019

DEPARTMENT OF
WATER RESOURCESApplicant(s) Johnson Research, LLCPhone 208-722-5229Name connector (check one): ☐ and ☐ or ☐ and/orMailing address 24007 Hwy 20-26City ParmaState ID Zip 83660Email: jjohnson@johnsonresearchllc.comI am the owner of Water Appropriation Permit No. 63-32237 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 _____ for _____ purposes from _____ to _____ (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)Amount _____ for _____ purposes from _____ to _____ (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	
5N	4W	8		40			40	28.2	9	28.4									145.6

Total number of acres to be irrigated 145.6

Irrigation will not exceed 105.6 acres currently authorized for irrigation

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? 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:
- _____
- _____
- _____

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

Applicant proposes expanding the place of use to allow full irrigation development authorized under permit 63-32237.

Approximately 84 acres have been developed within the current pou. Adding the NWNE tract will allow the applicant to

develop the remaining acres. Total irrigation use will not exceed 2.11 cfs or 105.6 acres currently authorized.

Development of the additional acres is planned for the west half of the NWNE via hand line sprinklers. These acres will

be separate from the acres developed under permit 63-33654, which also includes the NWNE as part of it's permissible

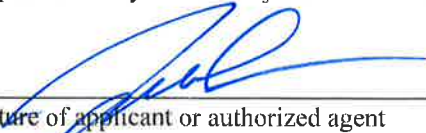
place of use.

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 $\frac{1}{4}$ $\frac{1}{4}$ 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

Jeff Johnson, member _____

Print name (and title, if applicable)

3/25/19 _____

Date

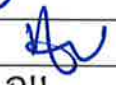
Signature of applicant or authorized agent

Print name (and title, if applicable)

Date

FOR DEPARTMENT USE ONLY

Received by  _____

Received by  _____

Reviewed by PH _____

Date 4/1/19 _____

Date 4/1/19 _____

Date 5/16/19 _____

Receipt No. C106496 _____

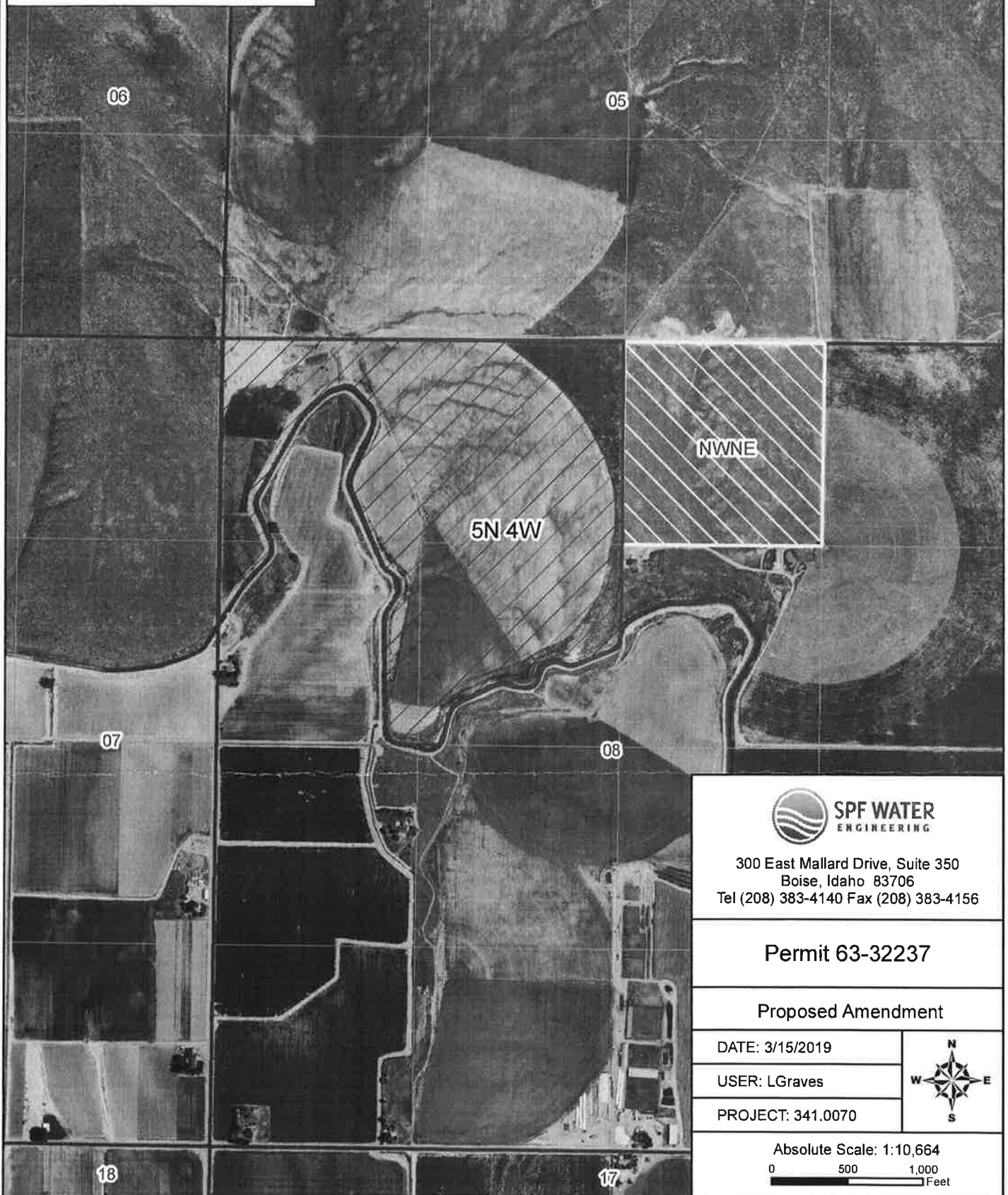
Legend



63-32237 Current pou



Additional pou proposed



SPF WATER
ENGINEERING

300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Permit 63-32237

Proposed Amendment

DATE: 3/15/2019

USER: LGraves

PROJECT: 341.0070



Absolute Scale: 1:10,664

0 500 1,000
Feet