

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-31684

PRIORITY: October 28, 1993

Maximum Diversion Rate: 0.40 CFS
Maximum Diversion Volume: 90.0 AF

It is hereby certified that:

VICKI CANTLON 8401 S COLE RD BOISE ID 83709

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 28, 1993, and has submitted Proof of Beneficial Use on April 26, 2018. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/01 to 11/15	0.40 CFS	90.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12, Twp 02N, Rge 01E, B.M. ADA County

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	
02N	01E	12				20.0													20.0

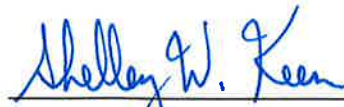
Total Acres: 20

CONDITIONS OF APPROVAL

1. Rights 63-10526, 63-31683, and 63-31684 when combined shall not exceed a total diversion rate of 0.61 cfs and the irrigation of 30 acres.
2. 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 lands above.
3. 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.
4. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 17th day of May, 2018.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
63-31684

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.



0 0.045 0.09 0.18 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

May 18, 2018

VICKI CANTLON
8401 S COLE RD
BOISE ID 83709

RE: License No. 63-31684

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing 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 mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4951.

Sincerely,

Pamela S Skaggs
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2018, I served a true and correct copy of Water Right License No. 63-31684 by U.S. Mail, postage prepaid, to the following:

VICKI CANTLON (Current Owner)
8401 S COLE RD
BOISE ID 83709

SPF WATER ENGINEERING LLC
ATTN TERRY SCANLAN
300 E MALLARD DR STE 350
BOISE ID 83706



Darla Block
Technical Records Specialist I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **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 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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.

MEMORANDUM

TO: Water Right File 63-31684

FROM: Daniel Nelson – Analyst 3

DATE: May 9, 2018

SUBJECT: Licensing Review of Water Right 63-31684

The field exam for this right was performed by Certified Field Examiner Terry Scanlan of SPF Water Engineering. Mr. Scanlan recommended 0.40 cfs and 90 af for the irrigation of 20 acres. This the same amount requested in the permit. There are a couple of issues that need to be addressed. Each will be addressed below:

History:

This permit was originally filed as a single application for permit for 30 acre of irrigation, domestic use, stockwater storage, wildlife storage, and diversion to storage. This permit was filed at a time when mitigation was required to move forward with the processing of an application for permit while the Treasure Valley Hydrological Study was being completed. The permit holder was able to supply mitigation for a 10 acre portion of the irrigation right, so they split the application for permit and moved forward with the permitting of 10 acres of irrigation under water right 63-31683. Permit 63-31683 was licensed on October 24, 2017.

This permit is remaining portion of the original application for permit. This portion of the application for permit has been approved as water right 63-31684, and proof of beneficial use was filed with a certified field examination.

Water Uses:

This permit allowed wildlife storage, diversion to storage, stockwater storage, domestic, and irrigation uses. Water right 63-10526 provides the domestic use for the one home on the property, so it should not be included on this permit, since it is diverted out of the same well. The field report did not mention any of the storage components, and an email from the field examiner confirmed that the storage uses were not developed. The only use developed under this permit was the irrigation use.

Point of Diversion and Place of use:

The point of diversion described in this permit is the same point of diversion used for water rights 63-10526 and 63-31683. The pumping system was upgraded, but the same well was used. Water right 63-31683 has a condition that limits the irrigation use of 63-10526 and 63-34683 to 10 acres. This permit adds an additional 20 acres, so it should have a condition that limits the acres irrigated to 30 acres when all three rights are combined.

I was not able to exactly replicate the place of use supplied by the field examiner, but I was able to adjust the place of use in a manner that provided for the entire 20 acres. It appears as though the owner of this property is currently irrigating much more land than they have the rights to cover. The certified examiner stated he is going to work with the permit holders to adjust their acres to the right amount or file another permit as needed.

Diversion Rate and volume:

An email from the certified examiner dated May 9, 2018 confirmed that the pumps used at the time 63-31683 had been licensed have been replaced with a single 25 Hp variable Speed submersible pump. The variable speed pump was measured at a diversion rate of 272 gpm or 0.61 cfs. A review of the pump curve supplied in the field report confirms that this was a reasonable measurement. Aerial imagery doesn't confirm the irrigated ground, but the field examiner has supplied photos that show the land is being irrigated.

When water rights 63-10526 (0.03 cfs), 63-31683 (0.20 cfs) and permit 63-31684 (0.40 cfs) are added together, they require a total diversion rate of 0.63 cfs. Therefore, a condition will be needed that limits the diversion of the well when all rights are combined to the 272 gpm or 0.61 cfs. This pump system should be able to supply all of the volume required for all of these rights, so there shouldn't be any limitations on the volume when these rights are combined. The volume recommended by Mr. Scanlan is reasonable.

Conditions:

All of the conditions on the permit will either be removed, replaced, or carried forward per Department standards except for condition 5 (004) which is not needed. We will add condition X35 to the permit that will state the following:

Rights 63-10526, 63-31683, and permit 63-31684 when combined shall not exceed a total diversion rate of 0.61 cfs and the irrigation of 30 acres.

Nelson, Dan

From: Terry Scanlan <TScanlan@spfwater.com>
Sent: Wednesday, May 09, 2018 2:33 PM
To: Nelson, Dan
Subject: RE: 63-31684

Dan

Great question. The 25 hp pump is variable speed and now supplies all uses (irrigation and domestic) on the property. The 1.5 and 7.5 hp pumps were pulled from the well and are in storage in the barn.

Terry

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Wednesday, May 9, 2018 1:53 PM
To: Terry Scanlan <TScanlan@spfwater.com>
Subject: RE: 63-31684

Hello Terry,

I have another question concerning the Cantlon field report. In field examination for 63-31683, you stated that the well had a 7.5 Hp pump and a 1.5 Hp pump that diverted into the same line that fed the irrigation system. In the field exam for water right 63-31684, you state that the well now has a 25 Hp pump, which makes sense, but you neglected to mention whether or not the 1.5 Hp and/or the 7.5 Hp were removed or are now just used for the home. What happened to the original two pumps?

If the only pump in the well is the 25 Hp pump, how are they supplying water to the home? Is the 25 Hp pump a variable speed pump, or is there a second pump in the well.

Dan Nelson

From: Terry Scanlan [<mailto:TScanlan@spfwater.com>]
Sent: Tuesday, May 08, 2018 5:06 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: 63-31684

Dan --

Wildlife Storage, Diversion to Storage, and Stockwater Storage were not developed. Irrigation only.

Terry

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Tuesday, May 8, 2018 4:03 PM
To: Terry Scanlan <TScanlan@spfwater.com>
Subject: RE: 63-31684

Hello Terry,

I had some time to start working on this field report. The permit included Wildlife Storage, Diversion to Storage, and Stockwater Storage. You don't mention these uses in your field report. Were they not developed? I will need confirmation from you that they were not developed if that was the case.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Terry Scanlan [<mailto:TScanlan@spfwater.com>]
Sent: Tuesday, May 08, 2018 10:17 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: 63-31684

Dan –

Thanks for the detailed response. We will hold until we hear from you.

Terry

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Tuesday, May 8, 2018 9:47 AM
To: Terry Scanlan <TScanlan@spfwater.com>
Subject: RE: 63-31684

Hi Terry,

Since no fee was submitted with the proof of beneficial use, the proof isn't accepted or acknowledged until the field report has been approved. When we approve the field report we issue the water right license, so instead of sending out an acknowledgement of proof of beneficial use, we send out the water right license. If the field report is acceptable, we issue the license, and if the field report is unacceptable, we send out a notice that we have rejected the field report and the proof is deficient.

The IDAPA rules dictate this procedure, so the only time we would send out a letter is if field report was acceptable and we were going to hold the licensing of the permit for some reason or the field exam was rejected. I recently started working on a file that was held until the late claims on the property in question were decreed in the Snake River Basin Adjudication. In that case, we did send out a letter stating that the field exam was acceptable, but we would hold the files for the adjudication to resolve the existing claims. Either way, we would not send out a letter until the field report was fully reviewed.

I hope this helps. I am hoping to get to 63-31684 this week. Per my preliminary review of the file when you were in my the office, I don't foresee any issues, but I won't be able to promise that until I start digging into the file and overlapping water rights. My goal is to get it into my supervisor within the next couple of weeks, but I am in the middle of training staff and other duties that could delay that time frame. It is one of my priorities, so the best I can give you at this time is I will do my best to get it done as soon as possible.

Daniel Nelson

Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Terry Scanlan [<mailto:TScanlan@spfwater.com>]
Sent: Monday, May 07, 2018 6:12 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: 63-31684

Dan —

Will you be sending out a Proof Acknowledgement Letter to Vicki Cantlon for proof of beneficial use that I delivered to you (with the field exam) on April 26? The Cantlon's called me today and wanted to make sure that they have submitted everything that is needed. Thanks.

Terry M. Scanlan, P.E., P.G. | Principal Engineer/Hydrogeologist

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