

MEMORANDUM

TO: Water rights 65-23371 and 65-23373 files
FROM: Cody Parker
RE: Mitigation Use Update
DATE: December 27, 2017

The "Mitigation" use for this right was updated to "Mitigation by Non-Use" per current Department policy. The values for irrigation and mitigation by non use were changed to reflect a reduction in mitigation needed due to the development of right 65-23098 as confirmed during the licensing examination. The values for mitigation and irrigation before and after the change are as follows:

PRIOR TO CHANGE:

65-23371

<u>Mitigation Component</u>		
4.0 acres irrigation	0.08 cfs	10.0 afa
<u>Irrigation Component</u>		
21.0 acres irrigation	0.39 cfs	

65-23373

<u>Mitigation Component</u>		
4.0 acres irrigation	0.08 cfs	10.0 afa
<u>Irrigation Component</u>		
21.0 acres irrigation	0.39 cfs	

AFTER CHANGE:

65-23371

<u>Mitigation Component</u>		
4.0 acres irrigation	0.08 cfs	6.8 afa
<u>Irrigation Component</u>		
21.0 acres irrigation	0.39 cfs	

65-23373

<u>Mitigation Component</u>		
4.0 acres irrigation	0.08 cfs	6.8 afa
<u>Irrigation Component</u>		
21.0 acres irrigation	0.39 cfs	

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Water Right 65-23371

Owner Type **Name and Address**
Current Owner KDB LLC
 13 N SEABISCUIT AVE
 NAMPA, ID 83687
 (208) 870-1306

** right prior to change*

Priority Date: 9/9/1936

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

Source
MUD CREEK

Tributary
NORTH FORK PAYETTE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/15	0.390 CFS	
MITIGATION	01/01	12/31	0.080 CFS	10.0 AF
Total Diversion			0.470 CFS	

Source and Point(s) of Diversion

MUD CREEK NWSE Sec. 32, Twp 17N, Rge 03E, VALLEY County

Place Of Use

MITIGATION within VALLEY County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	03E	17				X													

IRRIGATION within VALLEY County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	03E	17				21.0													21.0

POU Total Acres: 21.0

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-02359, 65-02398A, 65-02577, 65-08053.
3. USE OF THIS RIGHT WITH RIGHT NO. 65-23373 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.50 CFS.

Comments:

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1. jhersley 12/22/2009 split right
This water right is the result of split from 65-2399 due to change in ownership.

2. jhersley 12/22/2009 Mltigation & Water Bank
A 0.08 cfs/4 acre irrigation portion of the right will not be diverted in order to mitigate permit 65-23098. This portion should not be available in the water bank or for other beneficial uses due to the mitigation action.

3. jhersley 12/22/2009 POD
Updated Shape

4. jhersley 12/22/2009 POU
Updated Shape

5. pskaggs 2/3/2011 Combined Limit
Combined right limit split to reflect the proportional ownership split of Rights 65-2399 & 65-3185.

Dates and Other Information

Decreed Date: 10/31/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.500		
65-23371 ,65-23373		

SubCase:

N/A

Water Supply Bank:

Lessor Name: KDB LLC
Lease Status: Active
Lease Amount: .39
Rental Availability: .39
Date Received: 12/30/2013
Lease Begin Date: 1/1/2014
Expiration Date: 12/31/2018

12/27/2017

- * Right after updating mitigation

Priority Date: 9/9/1936
Basis: Deceased
Status: Active
Water Supply Bank Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.390 CFS	
MITIGATION BY NON-USE	01/01	12/31	0.080 CFS	6.8 AF
	Total Diversion		0.470 CFS	

MUD CREEK NWSE Sec. 32, Twp 17N, Rge 03E, VALLEY County

IRRIGATION within VALLEY County

[illegible]

POU Total Acres: 21.0

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2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-02359, 65-02398A, 65-02577, 65-08053.
3. USE OF THIS RIGHT WITH RIGHT NO. 65-23373 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.50 CFS.

1.	jhersley	12/22/2009	split right
This water right is the result of split from 65-2399 due to change in ownership.			
2.	jhersley	12/22/2009	Mltigation & Water Bank
A 0.08 cfs/4 acre irrigation portion of the right will not be diverted in order to mitigate permit			

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65-23098. This portion should not be available in the water bank or for other beneficial uses due to the mitigation action.

3. jhersley 12/22/2009 POD
Updated Shape

4. jhersley 12/22/2009 POU
Updated Shape

5. psdaggs 2/3/2011 Combined Limit
Combined right limit split to reflect the proportional ownership split of Rights 65-2399 & 65-3185.

6. cparker 12/15/2017 Mitigation
Values for mitigation are changed based on the beneficial use developed for water right permit 65-23098 as confirmed during the field exam.

Dates and Other Information

Decreed Date: 10/31/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.500		
65-23371 ,65-23373		

SubCase:

N/A

Water Supply Bank:

Lessor Name: KDB LLC
Lease Status: Active
Lease Amount: .39
Rental Availability: .39
Date Received: 12/30/2013
Lease Begin Date: 1/1/2014
Expiration Date: 12/31/2018

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Water Right 65-23373

Owner Type **Name and Address**
Current Owner KDB LLC
 13 N SEABISCUIT AVE
 NAMPA, ID 83687
 (208) 870-1306

** right prior to change*

Priority Date: 8/18/1919

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

Source
LAKE FORK

Tributary
NORTH FORK PAYETTE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	09/15	0.390 CFS	
MITIGATION	01/01	12/31	0.080 CFS	10.0 AF
Total Diversion			0.470 CFS	

Source and Point(s) of Diversion

LAKE FORK	NWSE	Sec. 32, Twp 17N, Rge 03E, VALLEY County(R)
LAKE FORK	NWNE	Sec. 32, Twp 17N, Rge 03E, VALLEY County(I)
LAKE FORK	SENE	Sec. 3, Twp 17N, Rge 03E, VALLEY County

Place Of Use

MITIGATION within VALLEY County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	03E	17				X													

IRRIGATION within VALLEY County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	03E	17				21.0													21.0

POU Total Acres: 21.0

Conditions of Approval:

1. POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM MUD CREEK.
2. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the

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- event of injury.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHT NO. 65-23371 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.50 CFS.

Comments:

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3. jhersley 12/22/2009 POD
Updated Shape
4. jhersley 12/22/2009 POU
Updated Shape
5. psdaggs 2/3/2011 Combined Limit
Combined right limit split to reflect the proportional ownership split of Rights 65-2399 & 65-3185.

Dates and Other Information

Decreed Date: 5/26/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65K
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.500		
65-23371 ,65-23373		

SubCase:

N/A

Water Supply Bank:

Lessor Name: KDB LLC
Lease Status: Active
Lease Amount: .39
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Date Received: 12/30/2013
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Expiration Date: 12/31/2018

12/27/2017

* right after updating mitigation

Priority Date: 8/18/1919
Basis: Deceased
Status: Active
Water Supply Bank Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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LAKE FORK	NWNE	Sec. 32, Twp 17N, Rge 03E, VALLEY County
LAKE FORK	SENE	Sec. 3, Twp 17N, Rge 03E, VALLEY County

IRRIGATION within VALLEY County

[illegible]

POU Total Acres: 21.0

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2. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
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Dates and Other Information

Decreed Date: 5/26/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65K
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.500		
65-23371 ,65-23373		

SubCase:

N/A

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