

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-33491

PRIORITY: March 23, 2011

Maximum Diversion Rate: 1.71 CFS
Maximum Diversion Volume: 412.0 AF

It is hereby certified that:

FRANK TIEGS LLC PO BOX 3350 PASCO WA 99302

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 23, 2011, and has submitted Proof of Beneficial Use on November 23, 2016. 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	1.71 CFS	412.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, Twp 02N, Rge 03W, B.M. CANYON County
GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14, Twp 02N, Rge 03W, B.M. CANYON 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	03W	14	38.0	39.0	40.0	39.0	39.0	39.0	30.0	35.0									299.0

Total Acres: 299

CONDITIONS OF APPROVAL

1. 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.
2. Rights 63-32686, 63-32688, 63-32690, 63-32692, 63-32694, and 63-33491 when combined shall not exceed a total diversion rate of 4.46 cfs.
3. Rights 63-32686, 63-32690, 63-32692, 63-32694, and 63-33491 when combined shall not exceed the irrigation of 299 acres.
4. Rights 63-32686, 63-32690, 63-32692, 63-32694, and 63-33491 are diverted through point of diversion in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 10 T2N R3W described above.
5. Rights 63-32686, 63-32688, 63-32690, 63-32692, 63-32694, and 63-33491 are diverted through point of diversion in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 14 T2N R3W described above.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-33491

6. 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.
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.

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 22nd day of December, 2017.



SHELLEY W. KEEN
Water Rights Section Manager

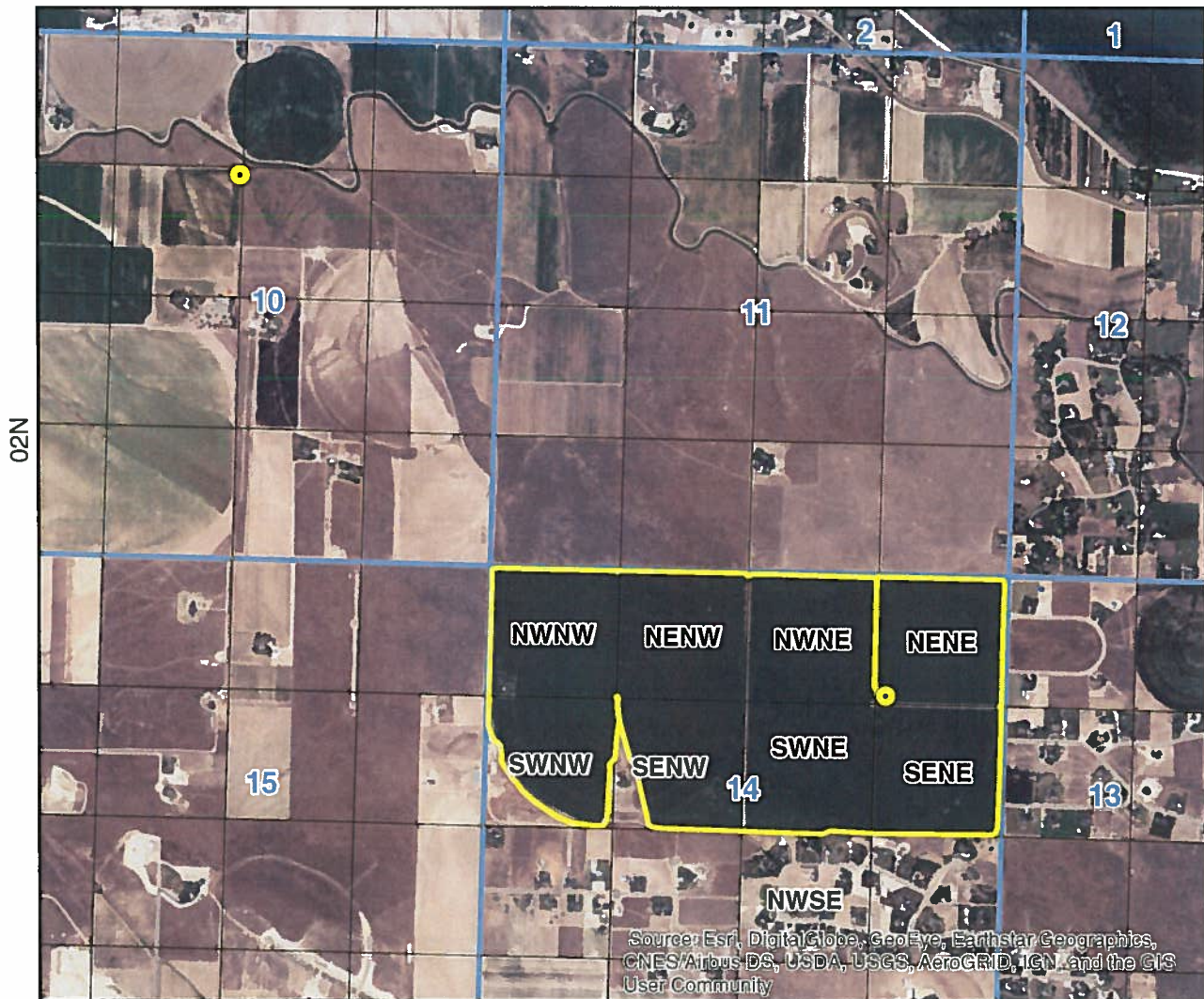
State of Idaho
Department of Water Resources

Attachment to Water Right License

63-33491

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.

03W



0 0.225 0.45 0.9 Miles

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

December 28, 2017

FRANK TIEGS LLC
PO BOX 3350
PASCO WA 99302

RE: License No. 63-33491

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources 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 the conditions of approval and remarks listed on your license.

The license 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact the Department at 208-287-4800.

Sincerely,

for Shelley W Keen
Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

63-33491

**FRANK TIEGS LLC
PO BOX 3350
PASCO WA 99302**



Jean Hersley

Technical Records Specialist II

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 63-33491

FROM: Daniel Nelson – Analyst 3

DATE: December 12, 2017

SUBJECT: Licensing Review of Water Right 63-33491

This field exam was performed by Certified Field Examiner Greg Sullivan of SPF Water Engineering. Mr. Sullivan reported that 2.11 cfs and 475.2 af is diverted from 2 existing ground water wells for the irrigation of 306 acres. There are a couple of issues that need to be addressed. Each will be addressed below:

History:

This land was originally owned by the Montierth family. The two wells originally open discharged into ponds and a ditch and the water was then pumped to the place of use by re-lift pumps.

The Montierths later sold the property to a Mr. Hines. The Montierths withheld a portion of the water rights, and placed them in the Water Supply Bank. Mr. Hines filed a water right transfer 76427 to create a permissible place of use for the remaining water rights, and filed this permit to cover the lands and diversion rate retained by the Montierths. Mr. Tiegs purchased the property from Mr. Hines, and had the permit assigned into his name.

When Montierths owned the property, they sold a water right diverted from one of the two wells to Wild Prairie Estates HOA Inc. Wild Prairie estates HOA Inc. divert their water from the well located in Section 14, which was confirmed by the field examiner.

Overlap:

The water rights for this property have been split numerous times over the years. Most of the original property has been sold or the water rights transferred away. The Montierths withheld a portion of the water rights for this property, and placed those rights into the Water Supply Bank. The Montierths' water rights are 63-32685, 63-32687, and 63-32689. According to the review memorandum for water right transfer 76427, the owner of the property doesn't have access to the Montierths' water rights, and there are no plans to put them back into use on this property. Since these rights are no longer used on the property, they should not be included in any combined limitation conditions on the license for this permit.

Water rights 63-632331 and 63-3597N were originally diverted from the well in Section 10, but they have since been transferred to other points of diversion. The diversion rates for these rights were additive at the time of the transfer, so no combined limitations were needed. It should be noted that at the time the transfer was filed, the wells open discharged into ditches and the pond and were re-lifted by pumps in the pond to the sprinkler systems. The system was changed to divert the wells directly into the system mainline and eliminate the need for the ditches and pond. These two rights should no longer affect the licensing of this permit.

According to Department records, it appeared as though water right 63-32330 was still authorized to divert from the well in the SENW of Section 10. I contacted the field examiner to determine if the owner of water right 63-32330, Meirs Johnson, still had access to the well in Section 10. The field examiner attained the ownership papers from the permit holder, but they only provided for the easements authorized by Tieg's. On November 30, 2017, I sent a letter to Mr. Johnson, to determine his interest in the well in Section 10. Mr. Meyers met with staff from our Western Region office, and signed a statement that he no longer uses the well in Section 10, and no longer has access to the well. Therefore, water right 63-32330 should not be included in the overlapping water right conditions.

Mr. Johnson is the owner of water right permit 63-12007, which requested a point of diversion from a well in the SENW of Section 10. It doesn't appear as though any new well was developed under this permit in Section 10, and this statement confirms that 63-12007 is not diverted from the well in Section 10. Therefore, 63-12007 should be included in the combined limitations for this permit.

Water right transfer 76427 was approved on December 1, 2011. Water right transfer 76427 created a permissible place of use for water rights 63-32686, 63-32690, 63-32692, and 63-32694. These rights have a condition that limits them to a diversion rate of 2.75 cfs, 934 af, and the irrigation of 211.9 acres. These rights directly overlap both the point of diversion and place of use. They will need to be included in combined limitation conditions.

Water right 63-32688 uses the South Well in Section 10. Water right 63-32688 allows an additional 0.51 cfs and 114 af for the irrigation of 25.3 acres in the Wild Prairie Estates subdivision east of the property in Section 13. This water right does not have any combined limitation conditions with Montierth's rights or the Tieg's rights, so this water must be subtracted from the system capacity.

Water right transfer 76427 did add the following two conditions onto the water rights:

Rights 63-3597N, 63-32330, 63-32331, 63-32686, 63-32690, 63-32692, and 63-32694 are diverted through point of diversion in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 10 T2N R3W described above.

Rights 63-32685, 63-32686, 63-32687, 63-32688, 63-32689, 63-32690, 63-32692, and 63-32694 are diverted through point of diversion in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 14 T2N R3W described above.

Both conditions should be carried forward to licensing, but water rights 63-3597N, 63-32330, and 63-32331 should be removed from the condition describing the water rights diverted out of the well in Section 10, and water rights 63-32685, 63-32687, and 63-32689 should be removed from the well in Section 14.

Place of Use:

Mr. Sullivan's original field report recommended the acre amount based on the existing permissible place of use for the existing water rights. The application for permit does describe a permissible place of use, but the permit doesn't describe a permissible place of use. It appears as though the initial thinking was that this permit would spread out a higher diversion rate per acre for the entire farm. Since the rate measured would provide an increased diversion rate for the entire place of use, it may not be in the best interest of the permit holder to create a permissible place of use for this permit.

Originally, the field examiner stated that only 105 acres were being irrigated under this permit. However, this would create a differing rate per acre for the entire property, since the rate per acre for the existing water rights is less than the amount measured. Based on the information supplied by in the field report, the pivots require approximately 7.2 gpm per acre. The existing water rights authorize 0.0129772 cfs per acre or 5.8 gpm per acre. This is not enough diversion rate per acre to operate the pivots. With this permit, the total acres would be between 289 and 300 acres at a maximum diversion rate of 2000 gpm or 6.9 to 6.7 gpm per acre, which is extremely close to what the pivots need to operate properly.

Based on the above calculations, it would be in the best interest of the permit holder to spread the diversion rate that can be authorized by this permit over the entire irrigated acres. This would allow an adequate rate per acre to operate the pivots. I spoke with Mr. Sullivan on 11/20/2017, and he agreed that it would be best to spread the water over the entire farm instead of limiting the permit to 105 acres in the permissible place of use.

Depending on the year of the aerial imagery, I was able to find between 289 (2015) to 300 (2011) acres of irrigation. Mr. Sullivan stated in the supplemental information that he found 299 acres irrigated. Mr. Sullivan based his calculations on the 2012 aerial photos, which show an end gun on the southwest pivot. I contacted Mr. Sullivan to have him send me a copy of the shape file he created, so I could compare it to what I created. After reviewing Mr. Sullivan's shape files, and the 2012 Google Maps photos, I agree that the place of use should be 299 acres.

Diversion Rate:

The diversion rate originally measured by Mr. Sullivan for the North Well in Section 10 didn't seem to fit with the system description and the information already available in the files for the existing water rights. There are significant questions concerning a booster pump shown in the field exam photos, and whether or not the system was operating under normal conditions. The South Well in Section 14 wasn't measured, but a very rough estimation was used based on a pivot operating at 60% of capacity. The IDAPA Rules are very clear that the system needs to be measured under normal operating conditions. The original field measurement admitted that the system wasn't measured under normal operating conditions. With the information supplied in the original field report, I was not able to verify the diversion rate established in the field report. On January 6, 2017, I sent a request to clarify the field report. Mr. Sullivan then made several requests to delay the time to acquire the information until the system could be operated at full operational capacity.

On November 8, 2017, Mr. Sullivan supplied the additional information required to verify the diversion rate. According to Mr. Sullivan's information, the North Well has a diversion rate of 1,700 gpm and the south well has a diversion rate of 300 gpm for a total of 2,000 gpm or 4.46 cfs when both pivots and the corner pivots are in operation. This diversion rate seems much more reasonable based on the information supplied. Mr. Sullivan also supplied photos of the measurement devices on both wells that provided a measured flow rate of the system. The existing water rights authorize a diversion rate of 2.75 cfs from the same wells and for the same acres. Therefore, the diversion rate must be reduced to the additional amount of flow or 1.71 cfs ($4.46 \text{ cfs} - 2.75 \text{ cfs} = 1.71 \text{ cfs}$).

Diversion Volume:

Mr. Sullivan limited the diversion rate and volume based on his calculations of the flow rate and the 105 acres added into the system. Where we have agreed to allow this permit to be spread across the entire farm, the volume amount supplied by Mr. Sullivan is no longer accurate. I have calculated the volume amounts below:

Maximum Volume Allowed = 299 acres X 4.5 af/ac = 1346 af

System Capacity Allows = 4.46 cfs X 260 days X 1.9835 = 2,300 af

1346 af available – 934 af from existing rights = 412 af available for this permit

The existing rights supply an annual volume of 934 af for 211.9 acres. This allows a volume per acre of 4.4 af. The standard for this area is 4.5 af per acre. If the capacity of the system allows, the field head gate requirement would allow up to 1,346 af for the 299 acres. The additional acres being irrigated are 87.1 acres. 87.1 acres at the full 4.5 af per acre would add an additional 392 af to the 934 af limit of the existing rights for a total of 1326 af. To bring the entire 299 acres up to the full 4.5 af per acre, this permit would supply an additional 20 af to the 211.9 acres already described in the existing water rights. This is reasonable, since this permit will also increase the diversion rate per acre for the 211.9 acres authorized by the existing water rights.

Water right 63-32688 also uses a portion of the water from the well in Section 14, so this right will also need to be addressed. Water right 63-32688 allows the irrigation of 25.3 acres at a diversion rate of 0.51 cfs and 114 af. When you add the 114 af to the 1346 af allowable for the Tiegs farm, the total capacity from the wells can still provide adequate water for the entire farm and water rights 63-32688. Therefore, there shouldn't be any issues with this overlapping water right.

Conditions:

A combined limitation is needed to ensure that is clear the total amount of water that can be diverted by this permit. I recommend adding the two following X35 conditions:

Rights 63-32686, 63-32688, 63-32690, 63-32692, 63-32694, and 63-33491 when combined shall not exceed a total diversion rate of 4.46 cfs.

Rights 63-32686, 63-32690, 63-32692, 63-32694, and 63-33491 when combined shall not exceed the irrigation of 299 acres.

The diversion rate and volume are additive, so there doesn't need to be a combined limit for those components of the above condition. The water bearing zone was placed on this permit based on a deposition from the original file. There are no well logs to substantiate the affidavit. However, this permit is several miles south of the Basin 63 Ground Water Restricted Area, so I removed the water bearing zone from this permit.

12/12/17

I MRS JOHNSON

DO NOT USE THE

WELL LOCATED IN

SE, NW SECTION 10

02 N 03 W

IN CANYON CO.

I ALSO DO NOT HAVE

ACCESS TO THE WELL

LOCATION,

RECEIVED

DEC 15 2017

DEPARTMENT OF
WATER RESOURCES

Mrs. C. Johnson

MRS C. JOHNSON

MEMORANDUM

TO: Water Right Permit File 63-33491

FROM: Daniel A. Nelson

DATE: November 30, 2017

SUBJECT: Telephone Conversation With Greg Sullivan

I spoke with Greg Sullivan by telephone today. Mr. Sullivan called to inform me that he acquired the ownership papers conveying the property to Mr. Tiegs. There was easement documentation and property descriptions, but there was nothing in Mr. Tiegs ownership documentation that discussed access to the well by other parties. I informed Mr. Sullivan that I sent a letter to Mr. Johnson, and that I would give Mr. Johnson 14 days to respond to my letter. After the 14 days, we will determine what we will do at that time depending on whether or not Mr. Johnson responds to the letter. Mr. Sullivan agreed with that course of action.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 30, 2017

MIERS C JOHNSON III
14500 LEWIS LN
NAMPA ID 83686

RE: Water Right 63-32330 and Water Right Permit 63-12007

Dear Mr. Johnson:

This is a courtesy letter to inform you of an action of the Department of Water Resources (Department) that is being taken on well that you may or may not have legal access to use. The Department is currently in the process of licensing a water right for a well in the SENW quarter of Section 10 in Township 2 North, Range 3 West. A water right does not grant access or easement to a well, so we depend on water users to ensure they have the legal easements and agreements in place to ensure the use of their water rights.

The well involved in the licensing process is designated as a point of diversion for decreed water right 63-32330 and water right permit 63-12007. I have enclosed a computer generated report of both water right 63-32330 and permit 63-12007 for you review. Water right permit 63-12007 is in your name. Water right 63-32330 and water right permit 63-12007 appear to irrigate the same place of use.

Water right 63-32330 was decreed in 2009 in the Snake River Basin Adjudication (SRBA). According to our records, water right 63-32330 still appears as a valid water right. Water right 63-32330 authorizes a place of use located on property that Department records show you currently own. I have enclosed a map showing the point of diversion in question and place of use of water right 63-32330 for reference purposes. Water right 63-32330 was decreed in the name of Herbert Montierth Jr. et al. According to our records you have not filed a change of ownership or water right transfer on your portion of water right 63-32330. Therefore, we do not know if you are still using water right 63-32330 or if water right 63-32330 was withheld from the sale when you purchased this property.

From the water right file for permit 63-12007, it appears as though permit 63-12007 was filed to replace water right 63-32330 if the SRBA determined that 63-32330 had been forfeited. You stated in the file for permit 63-12007 that you believed that water right 63-32330 had been forfeited, so you did not file a change of ownership at that time. However, water right 63-32330 was subsequently decreed as a valid right in the SRBA, so the SRBA determined that water right 63-32330 had not been forfeited as of 2009 when the decree was issued. Our records are unclear whether or not you are still using 63-32330.

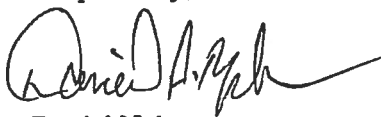
In the licensing process for the well in the SENW of Section 10, the entity seeking the license has stated that you no longer have access to the well and no longer use this well. There are 2 other points of diversions or wells on water right 63-32330, and one other point of diversion or well on permit 63-12007. Therefore, we are not sure if you have actually relinquished your easement or legal agreements to use the well in the SENW of Section 10. There doesn't appear to be any legal documentation at this time confirming your current use of the well in the SENW of Section 10.

The purpose of this letter is to inform you that if the entity seeking the proposed water right license on the well in SENW quarter of Section 10 can provide documentation that you no longer have access to this well, it may prevent you from using this well in the future. This could affect the licensing of permit 63-12007 and the possible use of the well in the SENW quarter of Section 10 for water right 63-32330. We want to ensure that you were informed of this process, and give you the opportunity to provide any comment and/or legal documentation that shows you still have an access to the well in SENW of Section 10 and that you are still interested in diverting water from that well.

If you do have legal authority to access the well in the SENW quarter of Section 10 and wish to maintain the opportunity to use this well to irrigate the lands you currently own, please contact me within 14 days to discuss this situation. I would be more than willing to discuss the possibilities of what we can do with water right 63-32330 to ensure that you are not injured by the proposed license that also uses this well. I have also included a change of ownership form that will allow you to put the portion of water right 63-32330 you own into your name.

If you have any questions or concerns, please don't hesitate to contact me.

Respectfully;



Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Email: dan.nelson@idwr.idaho.gov
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

Enclosures : Computer Generated Proof Report of Water Right 63-32330
 Computer Generated Proof Report of Water Right 63-12007
 Map Showing the Well and Place of Use for 63-32330 and 63-12007
 Change of Ownership Form

The following is the map associated with these water rights. There is a question on whether the well shown as a yellow dot on the map is used by Miers Johnson III for water right decree 63-32330 shown in the red border and 63-12007 shown in the green border.



Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, November 21, 2017 1:35 PM
To: 'Greg Sullivan'
Subject: RE: 63-33491 Permit

Thank you Greg. I appreciate the information.

Dan Nelson

From: Greg Sullivan [mailto:greg.sullivan@brockwayeng.com]
Sent: Tuesday, November 21, 2017 1:22 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: 63-33491 Permit

Dan,

See the attached files.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543



MEMORANDUM

TO: Water Right Permit File 63-33491

FROM: Daniel A. Nelson

DATE: November 20, 2017

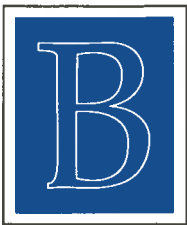
SUBJECT: Telephone Conversation with Greg Sullivan.

I spoke to Greg Sullivan by telephone today to discuss the additional information concerning the supplemental information he submitted to the certified field exam he performed for permit 63-33491.

The first thing we discussed was the acre amount and the permissible place of use he requested in his original field exam. After our discussion, Mr. Sullivan agreed that we shouldn't create a permissible place of use for this permit. He agreed that permit 63-33491 should be spread across the entire acres currently irrigated to bring up the diversion rate per acre for those acres authorized by the existing water rights. This would allow enough water to properly operate the pivots and the hand lines. Therefore, I am not going to recommend a permissible place of use for this permit.

The second thing we discussed was the acres being irrigated. Mr. Sullivan and I were off about 10 acres. Mr. Sullivan told me he was going to send me a copy of the shape file he created. He stated he created his shape file from the 2012 Google Earth imagery, which is very close to the 2011 imagery in our records. It appears the main difference is the end gun on the west pivot in the southwest corner of the pivot. The end gun was used in 2011 and 2012, but appears to have been removed in 2013 or 2014. The aerial imagery available to the Department are not as good as the Google Earth imagery, so I am inclined to go with his assessment for 2012.

The final thing I asked from Mr. Sullivan was to get a copy of the picture he took of the measurement device on the south well. I was not able to read the numbers on the meter from the picture that he supplied, so he will send me a copy of that photo as well.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

NOV 08 2017

DEPARTMENT OF
WATER RESOURCES

November 7, 2017

Daniel Nelson
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720

Re: Water Right Permit 63-33491

Dear Daniel:

A site visit was performed for Permit 63-33491 on October 31, 2017. There had been some mechanical issues with the north well. Resent work on the well was completed by Layne of Idaho, Inc. of Nampa, Idaho. The irrigation system was observed operating at full capacity.

South Well

The south well (Township 02N Range 03W Section 14 NENE) has a 60 hp motor and no booster pump. The well does not pump into the pond area that is adjacent to the well site. The pond depression is still visible in the field but has not been utilized for many years. The current employees and farm managers on the farm do not remember the pond being used for any purposes relating to water.

The south well delivers water to a mainline that runs directly east toward Sky Ranch Road. The mainline splits on the west side of Sky Ranch Road. The south water line crosses the road and provides irrigation water to a subdivision under water rights 63-32687 and 63-32688. The north water line connects with the farms pressurized mainline system. The water then flows to the irrigation system.

On October 31, 2017 the south well was observed to be pumping at full capacity. The pressure at the well was observed to be 78 psi. The McCrometer flow meter on the north line that connects to the farms pressurized irrigation system measured a discharge of 300 gpm. The pressure at the flow meter was observed to be 70 psi.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

The flow in the south line that delivers water to water rights 63-32687 and 63-32688 was observed to be zero. The pressure observed in the south line was zero psi.

North Well

The north well (Township 02N Range 03W Section 10 SENW) has a 300 horse power motor with a Baldor 100 hp booster pump that is model number 44E042W132H2. The observed pressure at the well and booster pump was 145 psi. The 12 inch McCrometer flow meter at the north well showed a diversion rate of 1,700 gpm.

The north well provides water to the irrigation system through a mainline that runs directly south to Lewis Lane. The mainline then runs east parallel to Lewis Lane to the irrigation place of use.

Irrigation System

As second booster pump is located on the south side of Lewis Lane at approximately Latitude 43°31'01.61" Longitude 116°40'04.36". This 2nd booster pump is a 75 hp Baldor pump. The pressure observed in the irrigation mainline at the 2nd booster pump was 55 psi. This booster pump was not functioning on October 31, 2017.

The mainline runs the length of the farm to the corner of Lewis Lane and Sky Ranch Road. The mainline then runs south along Sky Ranch Road until the end of the property owned by Frank Tiegs. Except for the south west corner, all of the corner areas are being irrigated annually.

The two large full pivots on the farm were fully pressurized and operational during the site visit on October 31, 2017. The two half wiper pivots were also fully pressurized and operating at the time of the site visit.

Permit 63-33491 is used on the same place of use as existing decreed rights 63-32694, 63-32692, 63-32690 and 63-32686. These four water rights are diverted from the north well and the south well. The combined acre limit for these water rights is 211.9 acres within a 317.5-acre PPU. The combined annual volume limit for these four water rights is 934.0 acre feet. The combined diversion rate for these four water rights is 2.75 cfs.

Permit 63-33491 allows up to a maximum of 105.6 acres of irrigation within the same PPU, bringing the total possible allowed acres irrigated to 317.5 acres in combination with the existing decrees. During the field exam and through utilizing aerial photographs, 299.0 acres were identified that are being irrigated by 63-32694, 63-32692, 63-32690, 63-32686 and permit 63-33491. The access roads to the pivot points were not included in the irrigation acre total. In order to preserve the flow rate on the permit, it is recommended that the permit be licensed for the permitted acres at 0.02 cfs/acre with a combined limit of 299.0 acres between all irrigation water rights. The system has adequate diversion capacity to support the permitted flow rate in combination with the decreed rights.

It is recommended that water right permit 63-33491 be licensed with an acre limit of 87.1 acres ($299 - 211.9 = 87.1$ acres), an annual volume limit of 392 acre feet per year ($87.1 \times 4.5 = 392$ afa) and a diversion rate of 1.74 cfs ($87.1 \times 0.02 = 1.74$ cfs).

It is further recommended that water rights 63-32694, 63-32692, 63-32690, 63-32686 and 63-33491 have a combined acre limit of 299.0 acres, a combined annual volume limit of 1346 acre-feet annually and a combined diversion rate of 4.46 cfs. The 4.46 cfs proposed limit is based on the 1,700 gpm pumped from the north well and the 300 gpm pumped from the south well for a total of 2,000 gpm or 4.46 cfs of discharge.

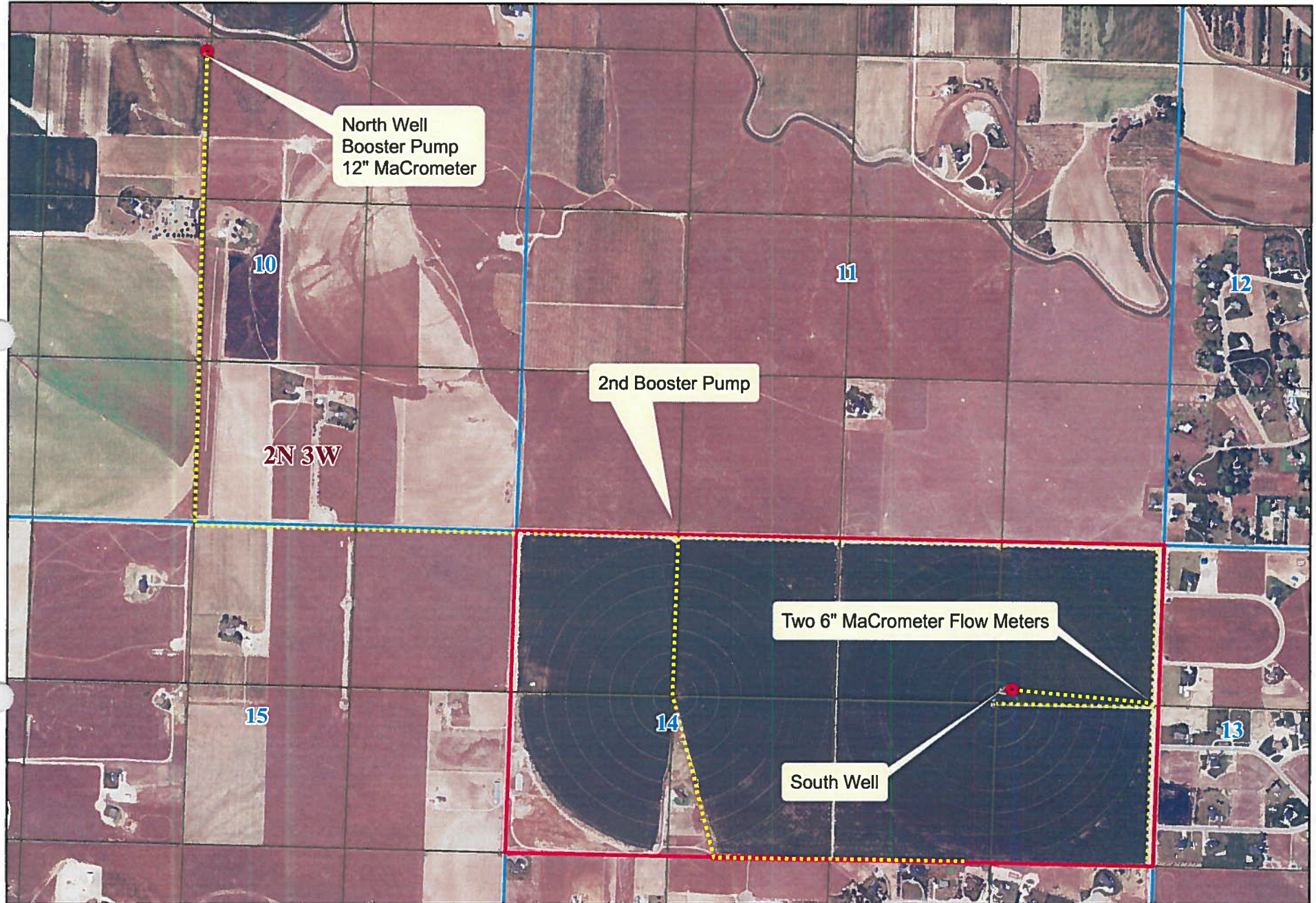
Sincerely,



Greg Sullivan

Cc: Frank Tiegs

Enc: Pump Curves, Aerial Maps, Site Visit Photographs



0 500 1,000 2,000 Feet

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 11/7/2017

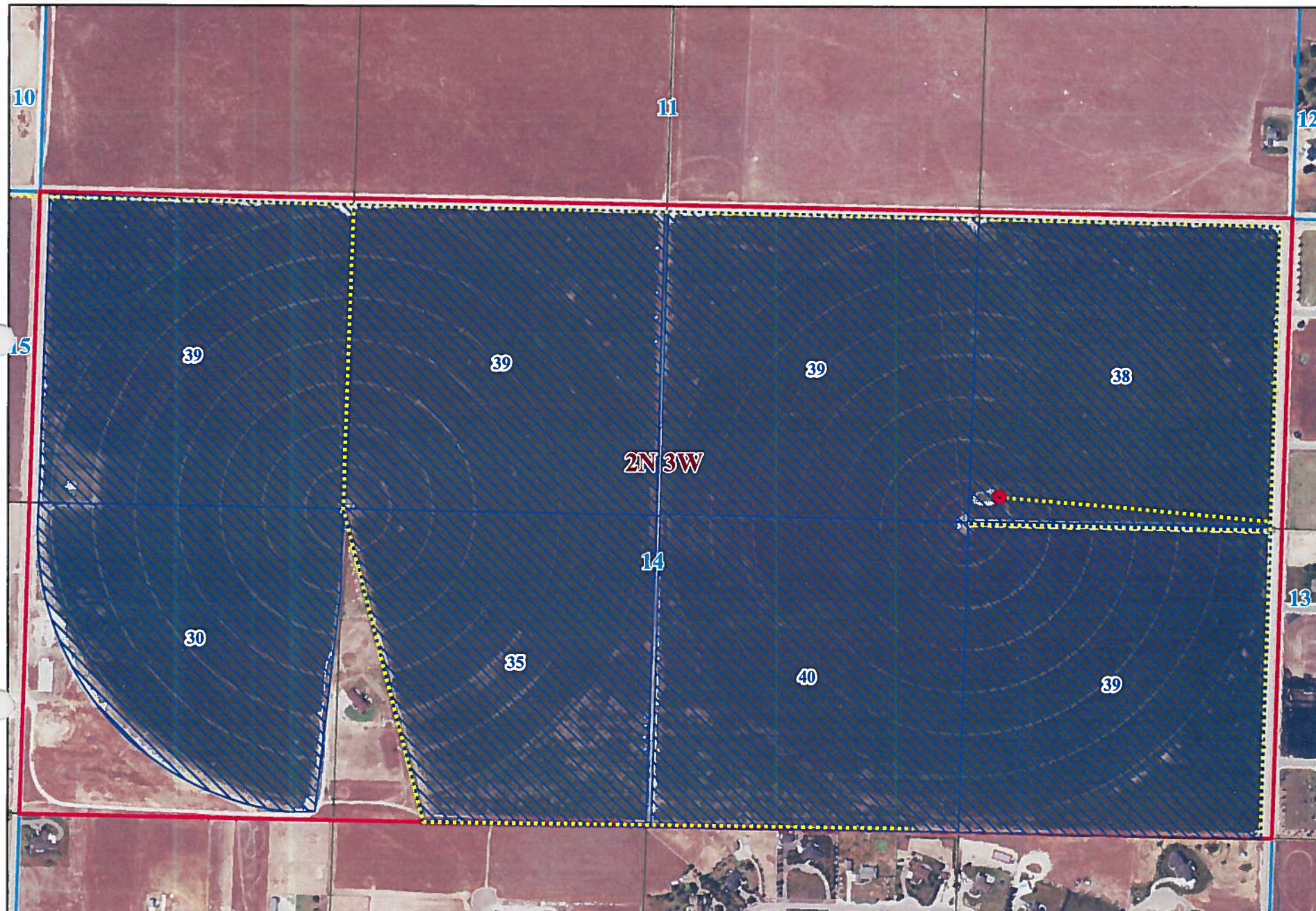
HARVEST FARM

63-33491 PERMIT
NAIP 2015 AERIAL

Legend

- POD
- Harvest Farm PPU
- Main Line





0 250 500 1,000 Feet

BROCKWAY ENGINEERING, PLLC.
GWS -Date: 11/7/2017

HARVEST FARM

63-33491 PERMIT
NAIP 2015 AERIAL

Legend

- POD
- Main Line
- ▨ Irrigation Acres
- ▭ Harvest Farm PPU



North Well



Pressure at the North Well



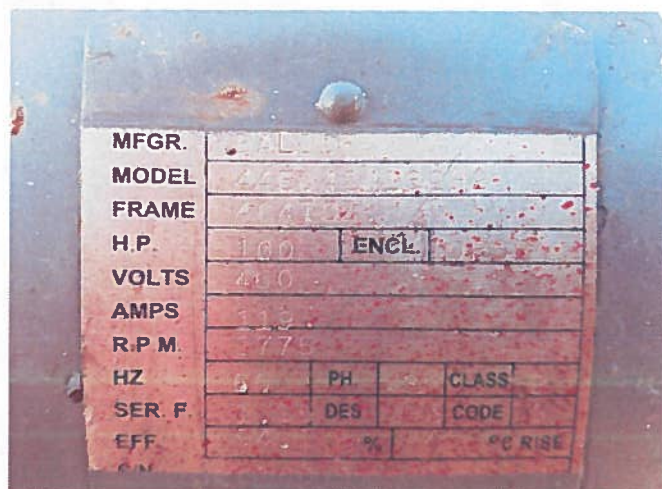
Booster Pump at North Well



12" McCrometer Reading at North Well



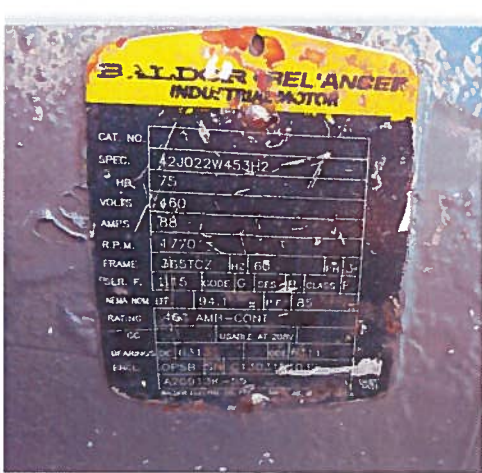
Booster Pump Plate at North Well



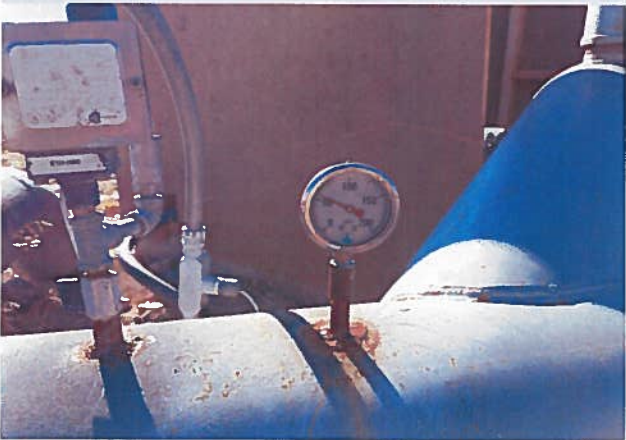
2nd Booster Pump



2nd Booster Pump Plate



Pressure Reading at 2nd Booster Pump



Pressure on South Line to Subdivision



South Line McCrometer Reading



North Line McCrometer Reading



North Line Pressure Reading



North and South Line Configuration



South Well



Pressure Reading at South Well



Dry Pond Area



Pasco Farm - Lewis Lane

Customer : FLOWSERVE PUMP DIVISION
 Item number : -
 Service : -
 Flowserve reference : 504585485
 Pump size & type / Stages : 12EBM / 9
 Based on curve no. : EC-2420
 Impeller diameter : 9.42 in



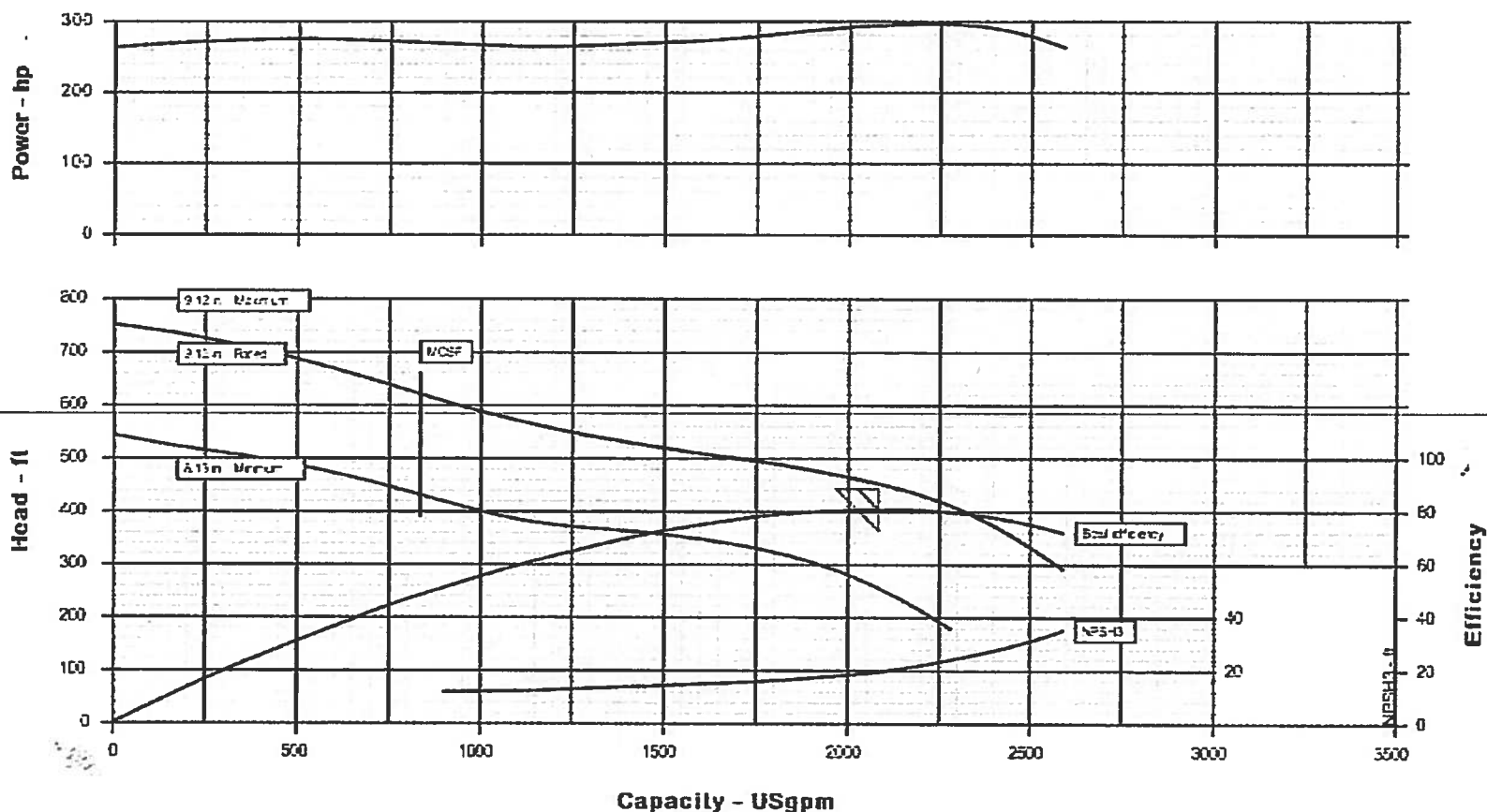
Capacity : 2682.7 USgpm
 Head : 443.00 ft
 Density / Specific gravity : - / 1.000
 Pump speed : 1,775 rpm
 Test tolerance : ANSI-HI 14.5 Grade 1B

Date : October 16, 2017

3007P

CURVES ARE APPROXIMATE. PUMP IS GUARANTEED FOR ONE SET OF CONDITIONS: CAPACITY, HEAD AND EFFICIENCY.

Best performance shown below is corrected for materials, viscosity and construction.



Best head of 454.53 ft corresponds with 443 ft head at discharge flange adjusted for elevation and friction losses.
 The customer must provide a minimum NPSHa of 19.5 ft.

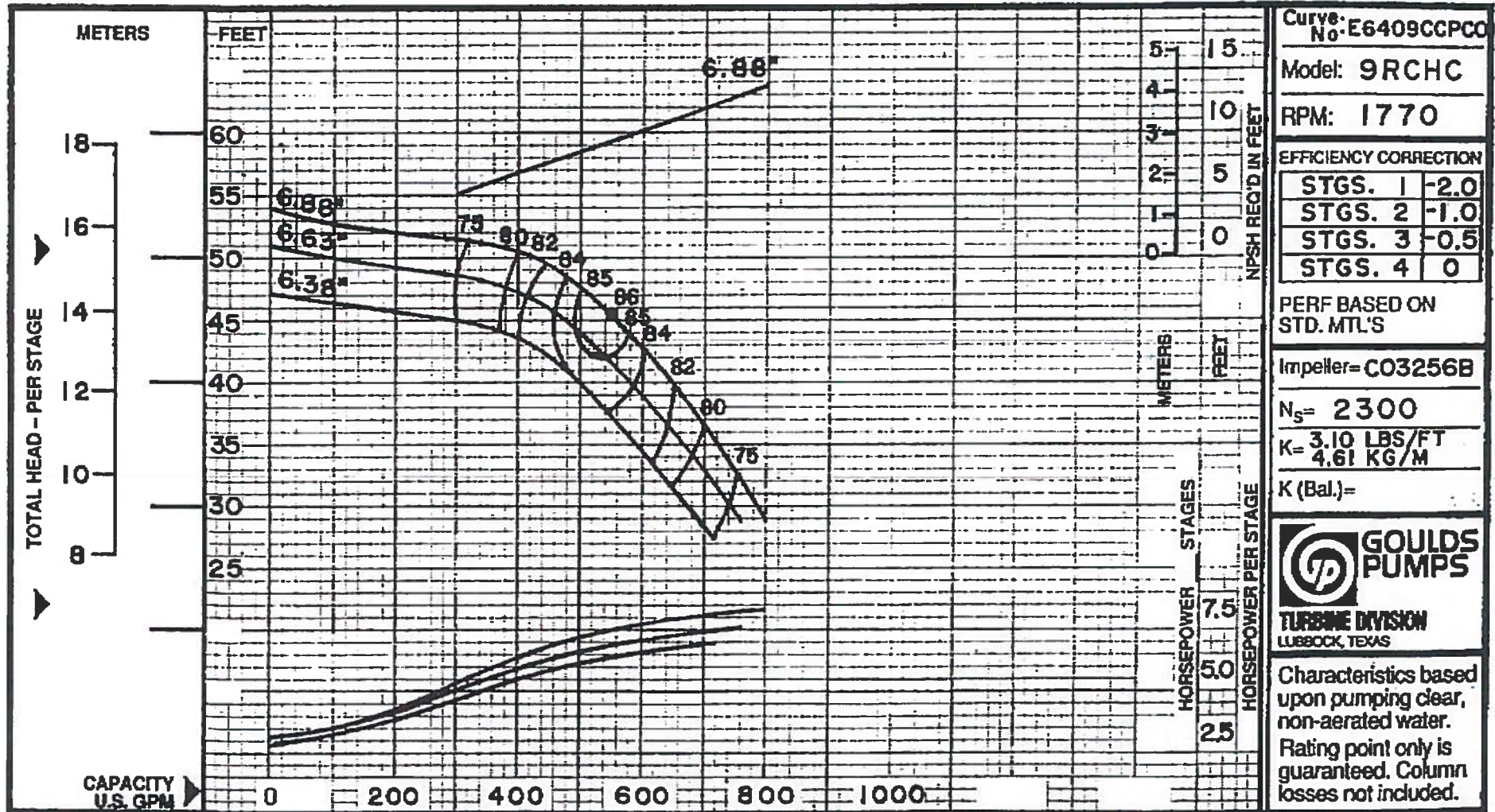
Layne of Idaho, Inc.
 PO Box 1005 - Nampa, ID 83653
 Ph. 466-7376 - Fax 466-5078
 Email: sales@layneofidaho.com

260' - 8" x 2 1/2" x 1 1/2"

GOULDS PROPOSAL NO.	GOULDS S.O. NO.	QUANTITY NO.	CUSTOMER P.O. NO.	P.O. DATE	ITEM NO.	CUSTOMER
PROJECT: Pasco Farms			SERVICE: Lewis Ln & Sky Ranch.		GPM CAPACITY: 600	F.T. TDH: 300
					% EFFICIENCY	RPM: 1770

7 stage 9RCHC

60 h.p.



METERS
 FEET
 TOTAL HEAD - PER STAGE
 CAPACITY U.S. GPM
 CU. METERS PER HR.

5
4
3
2
1
0
 15
10
5
0
 NPSH REQ'D IN FEET
 METERS
 FEET
 HORSEPOWER STAGES
 HORSEPOWER PER STAGE

200
Layne of Idaho, Inc.
 PO Box 1005 - Nampa, ID 83653
 Ph. 466-7376 - Fax 466-5078
 Email: sales@layneofidaho.com

MODEL
 9RCHC
 DATE
 August, 1995

Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, November 07, 2017 11:33 AM
To: 'Greg Sullivan'
Subject: RE: Permit 63-33491

Greg,

Thank you. I will include this email in the file.

Dan Nelson

From: Greg Sullivan [mailto:greg.sullivan@brockwayeng.com]
Sent: Tuesday, November 07, 2017 11:25 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: Permit 63-33491

Dan,

I was on site for permit 63-33491 on October 31, 2017. I have prepared the additional information that you requested and have submitted them to you. The documents should go out in the mail today.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Wednesday, June 28, 2017 9:22 AM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: RE: Permit 63-33491

Dear Mr. Sullivan,

We will grant the extension of time to complete the field examination on water right 63-33491 to October 31, 2017. If you need additional time, please don't hesitate to contact me.

Respectfully,

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

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]

Sent: Wednesday, June 28, 2017 9:20 AM

To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>

Subject: Permit 63-33491

Dan,

I attempted yesterday to finalize the field exam for water right permit 63-33491 before the July 1, 2017 deadline set in you January 18, 2017 letter. During the site visit I was informed that one of the two booster pumps on the system was not working properly. The issue was an electrical breaker that was undersized. The new part has been ordered and should be installed either today or tomorrow. However, I am tied up for the next week with work here in the office and grain and alfalfa will be cut and harvested over the next 3-4 week. The farm manager is planning on calling me after the grain and alfalfa has been harvested so that I can return and finish the field exam. Please allow additional time to complete the permitting process.

Thank you.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543



Virus-free. www.avg.com



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 18, 2017

BROCKWAY ENGINEERING
ATTN GREG SULLIVAN
2016 N WASHINGTON ST SUITE 4
TWIN FALLS ID 83301

RE: Water Right Permit No. 63-33491

Dear Mr. Sullivan:

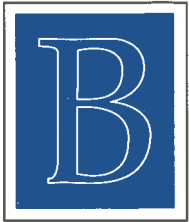
Your request to hold license processing on water right permit 63-33491 until additional information can be supplied to clarify the field report is approved. The additional information needed is described in the letter dated January 6, 2017. Further processing of the permit will be held until July 1, 2017. After July 1, 2017, we follow the protocol set forth under IDAPA Beneficial Use Examination Rules 37.03.02.035.02.c, which states the following:

If the Director determines that a field report prepared by a certified water right examiner is acceptable but that additional information is needed to clarify the field report, he will notify the examiner in writing of the information required. If the additional information is not submitted within thirty (30) days or within the time specified in the written notice, the priority date of the permit will be advanced one (1) day for each day the information submittal is late. Failure to submit the required information within one (1) year of the date of the department's request is cause for the Director to take action to cancel the permit.

If you have any further questions or concerns, please don't hesitate to contact me.

Respectfully,

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



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 17 2017

DEPARTMENT OF
WATER RESOURCES

January 11, 2017

Daniel Nelson
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720

Re: Water Right Permit 63-33491

Dear Daniel:

I received your letter dated January 6, 2017 regarding water right permit 63-33491. The additional information that you require can only be measured on site while the system is operating. Irrigation on the farm will not resume until April or May of 2017. It is therefore requested that additional time be approved by the Department to allow the additional information to be collected and submitted to the Department.

It is expected that a site visit, data collection and the write up will be able to be completed by July 1, 2017.

Sincerely,

Greg Sullivan

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Cc: Frank Tiegs
Enc:

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 6, 2017

BROCKWAY ENGINEERING
ATTN GREG SULLIVAN
2016 N WASHINGTON ST SUITE 4
TWIN FALLS ID 83301

RE: Water Right Permit No. 63-33491

Dear Mr. Sullivan:

I have been asked to review the certified field exam report you submitted for permit 63-33491. There are couple of issues I need clarification on before I can move forward with the processing of this field report and subsequent license. I will discuss each issue below:

South Well In Section 14 Measurement:

When reviewing a certified field exam report, I must follow the IDAPA Beneficial Use Examination Rules. The following two rules apply to measurements of a diversions.

IDAPA Beneficial Use Examination Rules 37.03.05.040.04 states the following:

Unacceptable Measurements. Theoretical diversion rates or theoretical carrying capacities are not acceptable as a measure of the rate of diversion except as indicated in these rules and for some diversion systems where the flow rate cannot be measured accurately due to the physical characteristics of the diversion and distribution system.

The IDAPA Beneficial Use Examination Rules 37.03.05.040.02 states the following:

Rate of Diversion. The rate of diversion measurement shall be conducted as close as reasonably possible to the source of supply and shall be measured with the project works fully in place operating at normal capacity. For example, if a sprinkler system is used for irrigation purposes, discharge from the pump must be measured with the sprinkler system connected.

You stated in your report that you were unable to measure the well due to the system design. This may be cause for using another method if you cannot attain a measurement at another location. Generally, most pivot type systems have adequate piping to measure the stand pipe of the pivot. There are times when hand lines are running at the same time, but a flow rate can generally be attained on those systems using sprinkler tests or measuring the individual hand lines. Unfortunately, I was not able to determine from the information in the file, why these methods were not possible.

The calculation that you supplied to determine the flow rate was based on the pivot operating at 60% capacity. This doesn't appear to be a normal operating capacity, unless the well was pumping into the mainline at a normal system operation pressure. The Department generally doesn't accept estimates of use as valid measurements without some type of calculation on the well's capacity. Your calculations could be correct, but without the ability to compare the normal system operating pressure to the pressure during this estimation, it is difficult to determine if the measurement is reasonable.

I reviewed past records of this well, and I discovered that well historically diverted directly into a pond. The Department's records also suggest that this well was drilled to a depth of 450 feet, has a static water level of 190 feet, and has a drawdown of 25 feet for a total of 215 feet of lift. I performed theoretical calculation using the 215 feet of lift provided in the Department's record to determine the pressure against the well based on the 510 gpm you calculated for this well. I found that this well could provide 510 gpm at a system pressure of 58 psi, which should be adequate pressure to operate the pivot with the design pressure requirement of 40 psi at the top of the pivot.

Your calculations could be accurate, but we need additional information to confirm that the pressure against the well was the same as standard operating conditions or an actual measurement of the entire system operating under normal operating conditions.

North Well In Section 10 Measurement:

The photos submitted with the field report for the North Well in Section 10 showed that this well has a booster pump. The field report doesn't mention the booster pump, or whether or not the booster pump was in operation when you took the measurement of the North Well. Without this information, I am not able to verify the measurement made on the North Well.

From my analysis of this well I once again looked back into Department records to determine if the flow rate was a reasonable representation of the system operating at normal operating conditions. I discovered that an open discharge pump test was performed on the well in 2009. The test report stated the pump diverted 2,467 gpm at a pumping water level of 295 feet and a pressure of 20 psi. When I did a theoretical analysis on this test, I was within 1.5% of the flow rate measured on the well, so I feel this was a reasonably accurate test. This test was done without the use of the booster pump.

Using the lift supplied in the 2009 test, a theoretical calculation shows that the 300 Hp well pump could generate approximately 71 psi to the system at a diversion rate of 1,800 gpm. There appears to be approximately 9,240 feet of pipe and the place of use appears to be approximately 120 feet higher in elevation than the well. Just to get the water to the pivot would require approximately 86 psi of pressure against the well. My theoretical calculations suggests that well pump alone can't divert the 1800 gpm to the irrigation system and supply adequate pressure to run the pivots and hand lines without the use of the booster pump.

Even though it doesn't appear as though the well pump alone could deliver 1800 gpm to the place of use under a normal operating pressure, a booster pump could add the pressure required to get the 1800 gpm to the place use with enough pressure to operate 2 pivots and a number of hand lines. This can easily be confirmed if I know the Hp of the booster pump used, and confirmation that it was in operation at the time of the measurement. If the booster pump wasn't operating, then I would need additional information to show that the system was operating under normal operating conditions at the time the measurement was made. The additional information would include an analysis showing how the pressure is maintained from the pumping site to the place of use.

Actual Acres Being Irrigated:

While reviewing a certified field exam, I am required to create a shape file matching the number of acres recommended by the field examiner to attach to our electronic records. The acre amounts you recommended did match the permissible place of use for the existing water rights on the property, but I was only able to find 289 acres actually irrigated within the permissible place of use. I cannot include roads or graveled lanes into the pivot centers where there is no beneficial irrigation use. If you could supply me with a shape file or other information that shows more than 289 acres of actual irrigated crop land, I can then adjust my recommendation based on that information.

Conclusion:

In reviewing the aerial photography and system design, I believe that the information that you provided in the field report could be reasonably accurate. However, I am required to verify all of the information submitted before I make a recommendation for licensing the water right. The IDPA Beneficial Use Rules provide very clear guidelines on what I can and cannot accept. Without some additional information, I cannot verify the measurement and irrigation recommendations you supplied. I think we can clarify these issues relatively quickly if you could supply the following information:

1. Provide an average system pressure in the main lines under normal operating conditions. This can be done by providing a pressure readings at both ends of the place of use and in the middle of the place of use.
2. Confirm whether or not the booster pump was in operation at the time of the flow measurement on the North Well in Section 10. If the booster pump was not in operation, please provide an analysis of how the well pump can provide 1800 gpm to the place of use and provide the needed pressure to the pivots and hand lines at normal operating conditions.
3. Please provide the Hp and standard pump information for the booster pump on the North Well in Section 10 and any other booster pumps that may be part of the system at the place of use.
4. Please provide a shape file excluding gravel roads and lanes, or any other information to show that more than 289 acres of actual irrigation that has occurred from 2011 to the present.

With the above information, I should be able to confirm your measurements and acre descriptions and move forward with the licensing process. Unfortunately, I am not able to continue with the license process until I receive adequate information to confirm the flow rates of the two wells while the system is operating under normal operating conditions.

The IDAPA Beneficial Use Examination Rule 37.03.05.035.02.c requires that I receive the information needed to clarify the field report within 30 days or by February 3, 2017. If you need to go back to the farm to gather this information while the system is operating, we can allow additional time if we receive a written request for additional time with a set date for providing the information.

If you have any questions, please don't hesitate to contact me.

Respectfully,



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