



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

07/14/2017

ZWJ PROPERTIES LLC
c/o ZEKE JOHNSON
333 ROSSI ST STE 200
BOISE ID 83706

CHARLIE HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE ID 83701

Re: Withdrawal of Protest against Application for Permit No. 63-34242 (ZWJ Properties LLC)

Dear Parties:

The Department of Water Resources acknowledges receipt of your stipulation for withdrawal of protest ("stipulation") against the above referenced application. The parties have agreed to the protestant's withdrawal if approval of the permit application is conditioned substantially as provided in the stipulation.

In any conditional withdrawal, the Department must review the agreement to ensure that conditions to be included in an approval are acceptable. The agreements included components that are to be addressed by the Department as conditions on the face of an approval as well as components that are the responsibility of the parties to accomplish and enforce. The attached draft approval contains the conditions stipulated by the parties as well as other conditions required by the Department.

Please review the draft approval carefully. If you think the draft approval is not substantially in conformance with your stipulated conditions, please contact the Department within 14 days of the date of this letter with your concerns. The application has no remaining protests; therefore, if we do not hear from you, the Department will take the steps necessary to bring the application to final resolution. As always, you may file a petition for reconsideration within 14 days after the preliminary order approving the permit is issued.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Miller'.

Nick Miller
Regional Manager

Enclosure

cc:
SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-34242

Priority: June 03, 2016

Maximum Diversion Rate: 0.16 CFS

This is to certify, that ZWJ PROPERTIES LLC
ZEKE JOHNSON
333 ROSSI ST STE 200
BOISE ID 83706

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.16 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE¼SW¼ Sec. 27, Twp 04N, Rge 02E, 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		
04N 02E 27									31.0				4.0					35.0

Total Acres: 35

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2022**.
2. Subject to all prior water rights.
3. This right is limited to the irrigation of 8.0 acres within the authorized place of use in a single irrigation season.
4. Water bearing zone to be appropriated is 200 to 600 feet.
5. 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.
6. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
7. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
8. The well used as a point of diversion for this water right shall be drilled using the direct mud rotary drilling method and shall be constructed and maintained with unperforated casing and sealed over the full length of the casing to a depth of 200 feet or more below ground surface.

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9. Permit holder shall provide IDWR with a temperature log of any well borehole (prior to casing and constructing such well), together with a subsequent temperature log for any well constructed as a point of diversion for permit no. 63-34242.
10. Permit holder shall test pump any well that is constructed as a point of diversion for permit no. 63-34242. Permit holder shall: (1) notify IDWR of the testing date and time a minimum of 48 hours prior to testing; (2) conduct test pumping for at least six hours at a constant pumping rate of no less than 75% of the nominal pumping rate selected for the permanent pump; (3) measure static water level prior to testing; (4) measure pumping water level, water temperature, and pumping rate at intervals of no less than once per hour; and (5) measure recovery water level for a minimum of one hour following the end of pumping. Water levels shall be measured with an accuracy of 0.1 feet or better. Pumping rate shall be measured with a calibrated flow meter or a volumetric means with an accuracy of 5% or better. The pumping test shall be conducted under the supervision of a professional engineer or geologist registered in the state of Idaho. IDWR may observe the pump test if desired. The engineer or geologist shall submit a stamped pumping test report to IDWR within 30 days of the completion of testing.
11. Permit holder shall permit IDWR an opportunity to measure the temperature of water pumped from any well that is a constructed as a point of diversion for permit no. 63-34242 upon reasonable request.
12. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
13. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
14. 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.
15. 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.
16. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow 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 permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this _____ day of _____, 20_____.

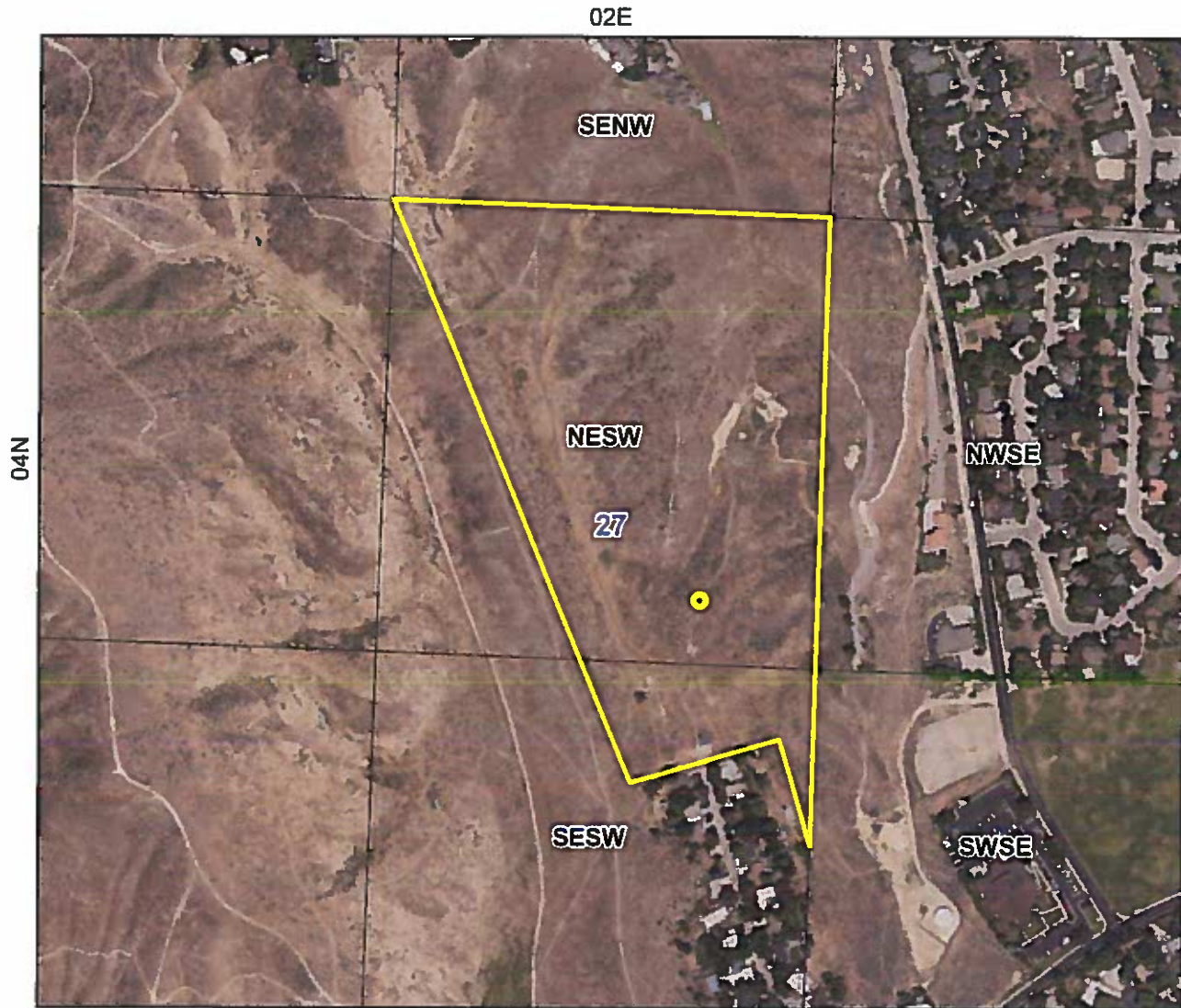
Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34242

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.



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

0 0.05 0.1 0.2 Miles

