

State of Idaho
 Department of Water Resources
Amendment of Permit
 NO. 63-33716

Priority: November 08, 2012

Maximum Diversion Rate: 4.69 CFS

This is to certify, that **TMCO INC**
 PO BOX 1366
 NAMPA ID 83653

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

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	4.69 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (NW¼NE¼)	Sec. 1, Twp 06N, Rge 05W, B.M.	PAYETTE County
GROUND WATER	NW¼SW¼	Sec. 1, Twp 06N, Rge 05W, B.M.	PAYETTE County
GROUND WATER	SW¼SW¼	Sec. 1, Twp 06N, Rge 05W, B.M.	PAYETTE County
GROUND WATER	SE¼NE¼	Sec. 2, Twp 06N, Rge 05W, B.M.	PAYETTE County
GROUND WATER	SE¼NW¼	Sec. 2, Twp 06N, Rge 05W, B.M.	PAYETTE County
GROUND WATER	NW¼SW¼	Sec. 2, Twp 06N, Rge 05W, B.M.	PAYETTE County
GROUND WATER	NE¼SW¼	Sec. 2, Twp 06N, Rge 05W, B.M.	PAYETTE 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	
06N	05W	1	45.0	45.0	40.0	40.0	43.0	18.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	591.0
			L1	L2			L3	L4											
06N	05W	2	39.0	44.0	40.0	40.0	35.0	45.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	643.0
			L1	L2			L3	L4											
06N	05W	12					40.0	40.0											80.0
07N	05W	35														20.0	5.0		25.0
07N	05W	36									35.0	40.0				40.0	25.0		140.0

Total Acres: 1479

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2019**.
2. Subject to all prior water rights.
3. 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.

State of Idaho
Department of Water Resources
Amendment of Permit
NO. 63-33716

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right is limited to the irrigation of 1,071 acres within the authorized place of use in a single irrigation season.
6. Rights 63-7019, 63-7956, 63-11282, and 63-33716 when combined shall not exceed a total diversion rate of 21.42 cfs and the irrigation of 1,071 acres.
7. 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.
8. 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.
9. 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 amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 28th day of September, 2016.



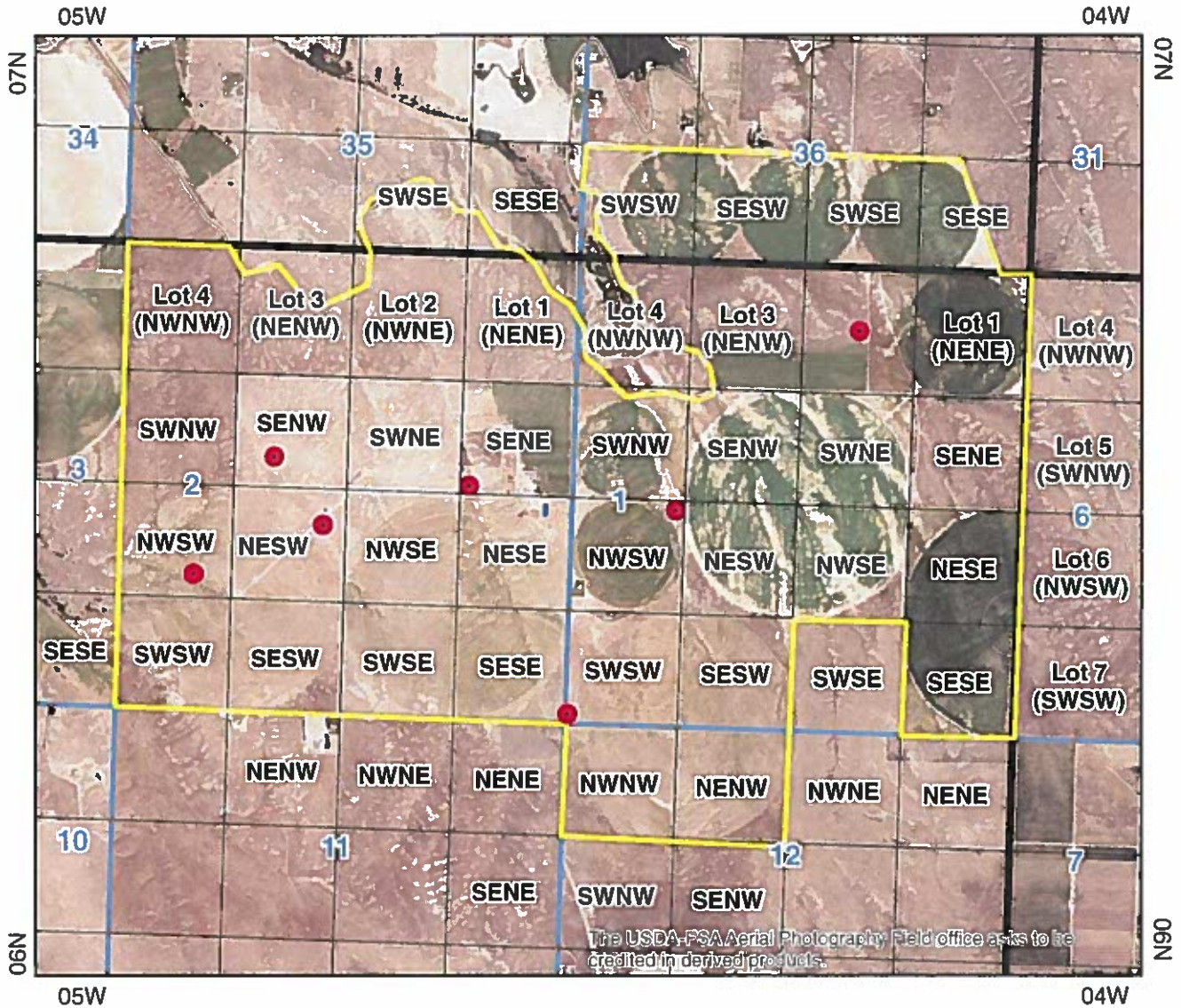
Nick Miller
Manager, IDWR Western Region

State of Idaho
 Department of Water Resources





Attachment to Permit to Appropriate Water

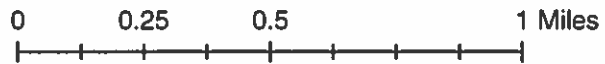
63-33716

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.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

	Point of Diversion
	Place Of Use Boundary
	Townships
	PLS Sections



RECEIVED

SEP 20 2016

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

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

Applicant(s) TMCO, INC Phone 208-880-1533
Name connector (check one) and or and/or
 Mailing address P.O. Box 1366 City NANNA
 State ID Zip 83653-1366 Email: MORLAN@ROBERTSONSUPPLY.COM

I am the owner of Water Appropriation Permit No. 03-337110 and request that the permit be amended as follows:

- Change point of diversion
- Add point of diversion
- Change period of use
- Change nature of use
- Change place of use
- Other _____

1. Point of diversion: No changes to point(s) of diversion. Skip item #1 and proceed to #2.
 Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion affecting the ESPA.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #

2. Period and nature of use: No changes to period and/or nature of use. Skip item #2 and proceed to #3.
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

3. Place of use or land to be irrigated: No changes to place of use. Skip item #3 and proceed to #4.

Twp	Rge	Sec	NE				NW				SW				SE				TOTALS		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			

Total number of acres to be irrigated _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: Application for Permit to Appropriate Water Application for Transfer** Adjudication Claim
 Application for Amendment of Permit Beneficial Use Field Report Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
<input checked="" type="checkbox"/> Yes	60N	5W	2		NE	SW		PAYETTE	GROUND WATER	
<input type="checkbox"/> Yes	60N	5W	1	2	NW	NE		S	S	
<input type="checkbox"/> Yes	60N	5W	1		NW	SW				
<input type="checkbox"/> Yes	60N	5W	1		SW	SW				
<input type="checkbox"/> Yes	60N	5W	2		SE	NE				
<input type="checkbox"/> Yes	60N	5W	2		SE	NW				
<input type="checkbox"/> Yes	60N	5W	2		NW	SW				
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										
<input type="checkbox"/> Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			

81215

4. Property ownership: No changes to point of diversion and/or place of use. Skip item #4 and proceed to #5.
- a. Who owns the property at the point of diversion? _____
- b. Who owns the land to be irrigated or place of use? _____
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:
- _____
- _____
- _____

5. Describe the proposed change in narrative form:

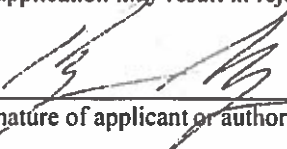
WE WERE NOT SURE OF LOCATION OF THE NEW WELL IN THE BEGINNING, THE DRILLER AND PIVOT SUPPLIER RECOMMENDED A NEW LOCATION WHICH IS ADJACENT TO THE TWO APPROVED 1/4 SECTIONS. WE WOULD LIKE TO AMMEND THE DRILLING PERMIT TO INCLUDE NE SW 1/4 SECTION OF SECTION 2. THIS LOCATION WILL WORK THE BEST FOR POWER AND PIPING.

6. Map: The point(s) of diversion and/or the place of use are not amended, therefore a map is not attached.

Attach a map showing the proposed point(s) of diversion and/or place(s) of use. Clearly label the map with township, range, section, and 1/4 1/4 of section information. A photocopy of a USGS 7.5 minute topographic quadrangle is commonly used, or the *Map Tool* available on the Department website provides a satisfactory template for creating the required map (<http://maps.idwr.idaho.gov/TransferApplicationLayouts/Map>).



7. Signature:

The information in this application is true to the best of my knowledge. I understand that any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

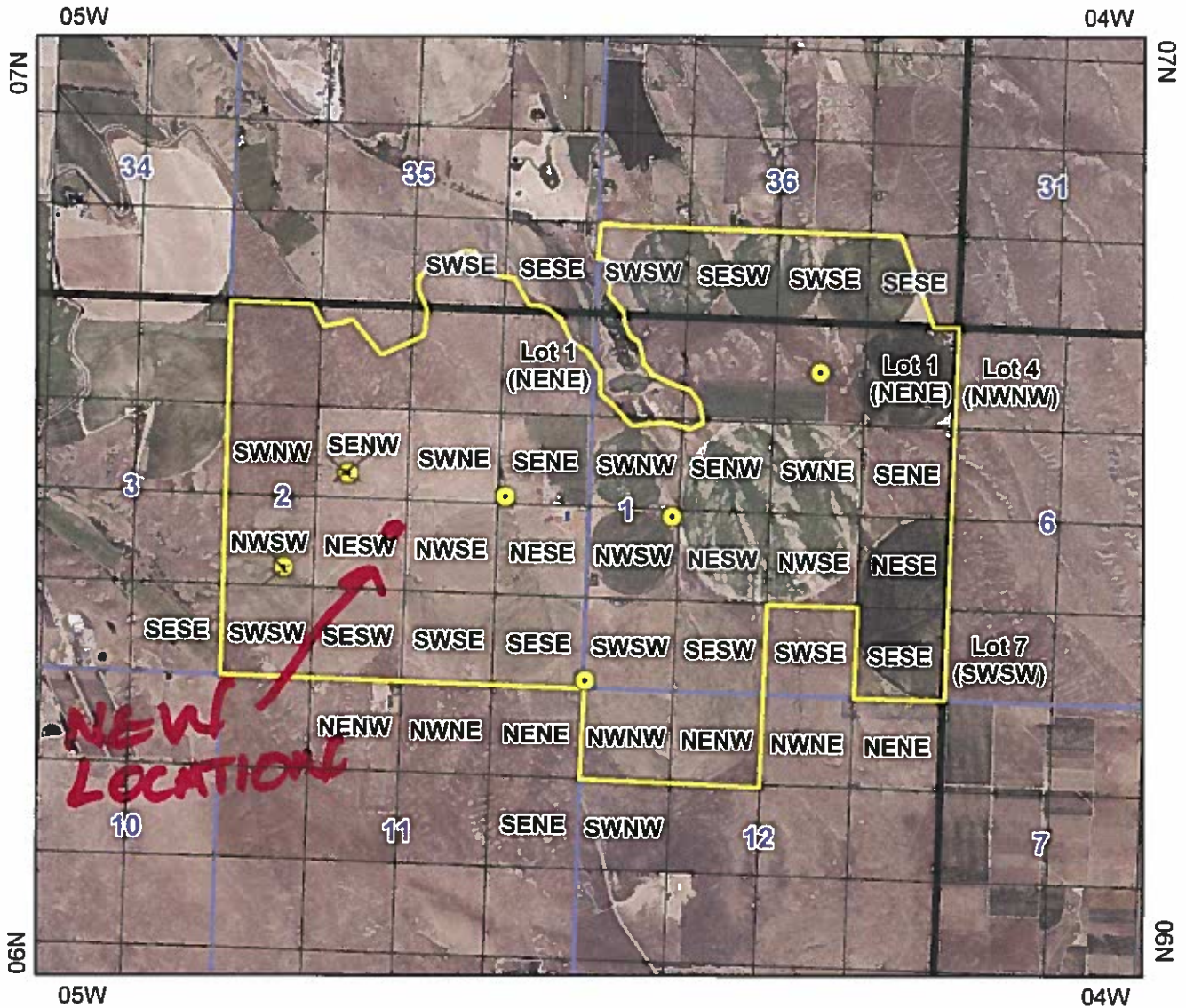
 BYRON MORGAN, VP 9-20-16
 Signature of applicant or authorized agent Print name (and title, if applicable) Date

 Signature of applicant or authorized agent Print name (and title, if applicable) Date

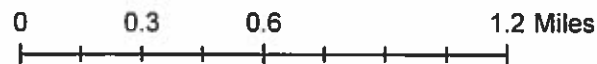
FOR DEPARTMENT USE ONLY

Received by  Date 9/20/16
 Received by  Date 9/20/16 Receipt No. WD44649
 Reviewed by _____ Date _____

State of Idaho
 Department of Water Resources
Permit to Appropriative Water
 63-33716



NEW LOCATION



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



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/20/2016

- single irrigation season.
4. X35 Rights 63-7019, 63-7956, 63-11282, and 63-33716 when combined shall not exceed a total diversion rate of 21.42 cfs and the irrigation of 1,071 acres.
 5. R65 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. 01M 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. 121 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.

Comments:

1. nvandyke 11/28/2014 POD
Updated Shape
2. nvandyke 11/28/2014 POU
Updated Shape

Dates and Other Information

Permit Proof Due Date: 12/1/2019
Permit Approved Date: 12/4/2014
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

No. C 41535	Due no later than Oct 31, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. TMCO, INC. THOMAS W MALSON PO BOX 1366 NAMPA ID 83653-1366		THOMAS W MALSON 318 6TH ST. N NAMPA ID 83687			
			3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
TREASURER	MARK W MALSON	PO BOX 1366	NAMPA	ID	USA	83653-1366
SECRETARY	DARLENE CAMPBELL	PO BOX 1366	NAMPA	ID	USA	83653-1366
PRESIDENT	THOMAS W MALSON	PO BOX 1366	NAMPA	ID	USA	83653-1366
VICE PRESIDENT	BYRON D MORGAN	PO BOX 1366	NAMPA	ID	USA	83653-1366
VICE PRESIDENT	MARK A MICHELS	PO BOX 1366	NAMPA	ID	USA	83653-1366
5. Organized Under the Laws of: ID C 41535		6. Annual Report must be signed.* Signature: Darlene Campbell Name (type or print): Darlene Campbell Date: 09/19/2016 Title: Corporate Secretary				
Processed 09/19/2016		* Electronically provided signatures are accepted as original signatures.				

81215 Attachments pg 4 - Authorized Signatures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 28, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

TMCO INC
PO BOX 1366
NAMPA ID 83653

RE: Permit No.63-33716

Amendment of Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed amendment of permit approving your application to amend the permit referenced above. Please be sure to thoroughly review every element including the conditions of approval listed on your permit.

The amendment of permit 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.

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. 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 me at (208)334-2190.

Sincerely,

A handwritten signature in black ink that reads "Rachel Neely For." The signature is written in a cursive, flowing style.

Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Amendment of Permit) to the person(s) listed below:

RE: WATER RIGHT PERMIT NO. 63-33716

**TMCO INC
PO BOX 1366
NAMPA ID 83653**



**Rachel Neely
Administrative Assistant**

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.