

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-34127

Priority: August 10, 2015

Maximum Diversion Volume: 0.8 AF

This is to certify, that KEITH O NEIL HELMICK
16 E INDIAN CREEK RD
MAYFIELD ID 83716
has applied for a permit to appropriate water from:

Source: BAINBRIDGE SPRING

Tributary: LESTER CREEK

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

BENEFICIAL USE

STOCKWATER STORAGE

PERIOD OF USE

01/01 to 12/31

ANNUAL VOLUME

0.8 AF

LOCATION OF POINT(S) OF DIVERSION:

BAINBRIDGE SPRING NE¼NE¼SE¼ Sec. 14, Twp 01N, Rge 09E, B.M. ELMORE County

PLACE OF USE:

STOCKWATER STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N 09E 14													X				

CONDITIONS OF APPROVAL

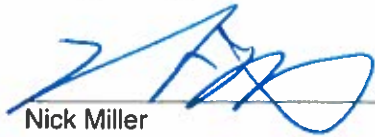
1. Proof of application of water to beneficial use shall be submitted on or before July 01, 2021.
2. Subject to all prior water rights.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 0.4 acre-feet or a total surface area of 0.08 acre.
4. Right 63-34127 authorizes a total annual storage volume of 0.8 acre-feet; 0.4 acre-feet to be used for the initial filling or carryover storage of the pond and 0.4 acre-feet for the replacement of losses caused by seepage and evaporation.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. Stockwater use is for 120 range cattle.
7. 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.

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8. 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 29th day of June, 2016.


Nick Miller
Manager, IDWR Western Region



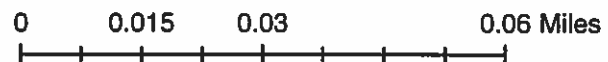
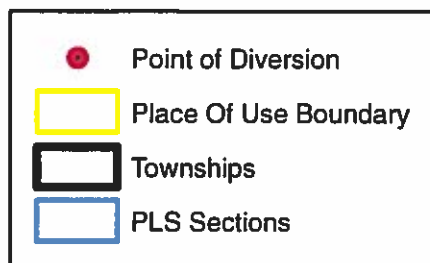
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34127

This map depicts the STOCKWATER STORAGE 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.

09E





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

June 29, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

KEITH O NEIL HELMICK
16 E INDIAN CREEK RD
MAYFIELD ID 83716

RE: Permit No.63-34127

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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, appearing to read "Rachel Neely for". The signature is fluid and cursive, with a large initial "R" and "N".

Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-34127

**KEITH O NEIL HELMICK
16 E INDIAN CREEK RD
MAYFIELD ID 83716**

**REX R. BARRIE
WATERMASTER OF DISTRICT 63
10769 W STATE ST
PO BOX 767
STAR ID 83669**



**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.

MEMORANDUM

Date: June 28, 2016
To: Water Right File 63-34127
From: Angela Grimm
Re: Permit Amount

Permit quantity based on Application Processing Admin Memo No. 76 spreadsheet calculations completed 4/4/16 by Phill Hummer (attached). No additional justification provided by applicant to authorize a greater quantity beyond standard prescribed by policy memo spreadsheet.

Seepage Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	63-34127
REVIEWER	Phill Hummer
DATE	4/4/2016

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	0.08	AC.
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Pond Surface Area (SQ. FT.)	3485	SQ. FT.
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I used the following method to obtain my Soil Classification information:	NRCS Web Soil Survey	
My Soil Classification is	SC	
Suggested Seepage Rate (FT./DAY)	0.0070	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss
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Convert to GPD	182	GPD
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Total Seepage Loss (AFA)	0.2	AFA
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Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:

GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = 0.2 ft per day

OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = 0.02 ft per day

SC (clayey sands, sand clay mixtures) = 0.007 ft per day

CL (Low to medium plasticity clays) = 0.003 ft per day

MH, OH, PT and CH (high plasticity clays) = 0.0003 ft per day

LINED PONDS (liners can be chemical, fabric, or bentonite) = 0 ft per day

Ponds Intercepting Groundwater (excavated ponds filled by ground water) = 0 ft per day

PLEASE NOTE: The Initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1), an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2). Use "0" if the pond fill relies on the water table.

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	63-34127
REVIEWER	Phill Hummer
DATE	4/4/2016

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:
P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

Found at: <http://data.kimberly.uidaho.edu/ETIdaho/>

Precipitation Deficit

Station: Anderson Dam (NWS -- 100282) data years 1942-1988
statistics based on thirty year normal spans 1942-1988

Month	mm/day ¹	Days per month	mm/Month
Jan	-2.34	31	0.00
Feb	-1.08	28	0.00
March	0.03	31	0.93
April	2.01	30	60.30
May	3.61	31	111.91
June	4.16	30	124.80
July	5.44	31	168.64
August	4.75	31	147.25
September	2.95	30	88.50
October	1.55	31	48.05
November	-1.98	30	0.00
December	-2.36	31	0.00

Total mm/year = 750.38

$$((750.38 \text{ mm/yr}) \div (\text{convert to feet})) \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$$

$$((750.38) \div 304.8) \times 0.08 = 0.2 \text{ AFA}$$

Total Storage Calculations

FILE NUMBER	63-34127
REVIEWER	Phill Hummer
DATE	4/4/2016

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	0.08	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	5	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	0.4	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.2	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	0.2	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	0.8	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

61-12304 *✓ OK RN 5/23/16*
COLD SPRINGS LLC
4421 N CRESWELL PL
BOISE, ID 83713
Point of Diversion SWNE S31 T05S R09E
ELMORE County Source COLD SPRINGS
CREEK Tributary SNAKE RIVER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 11/10/2015
Place of Use: DOMESTIC
T05S R09E S31 SWNE
Domestic use is for 13 space RV mobile
home park.

63-34127 *✓ OK RN 5/23/16*
KEITH O NEIL HELMICK
16 E INDIAN CREEK RD
BOISE, ID 83716
Point of Diversion NENESE S14 T01N
R09E ELMORE County Source BAI
BRIDGE SPRING Tributary LESTER
CREEK
Use: STOCKWATER STORAGE 01/01 to
12/31 6.4 AF
Total Diversion: 6.4 AF
Date Filed: 8/10/2015
Place of Use: STOCKWATER STORAGE
T01N R09E S14 NESE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 5/23/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
First Publication: May 4, 2016
Last Publication: May 11, 2016

AFFIDAVIT OF PUBLICATION

County of Elmore } ss.
State of Idaho

I, **Brenda M. Fincher**, do solemnly swear that I am the Publisher of the:

Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 4th day of May, 2016, and the last publication having been made on the 11th day of May, 2016; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Brenda M Fincher

Publisher

Subscribed and sworn to me this 11th day of May, 2016.

[Signature]

Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires 11-17-2017.

RECEIVED

MAY 16 2016

WATER RESOURCES
WESTERN REGION