

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 51-13106

Priority: September 27, 2013

Maximum Diversion Rate: 4.00 CFS

This is to certify, that HALF MOON LLC
911 E WINDING CREEK DR STE 150
EAGLE ID 83616

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/15 to 11/15

RATE OF DIVERSION

4.00 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER SW¼SE¼ Sec. 24, Twp 06S, Rge 11E, B.M. ELMORE County

GROUND WATER NE¼NE¼ Sec. 25, Twp 06S, Rge 11E, B.M. ELMORE County

GROUND WATER NE¼NW¼ Sec. 25, Twp 06S, Rge 11E, B.M. ELMORE 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	
06S 11E 24									21.0			40.0	12.0	17.0	40.0	40.0	170.0
06S 11E 25	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0									320.0

Total Acres: 490

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2020**.
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.
4. This right is limited to the irrigation of 200 acres within the authorized place of use in a single irrigation season.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

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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. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. Prior to submitting the proof of beneficial use statement under this right, the right holder shall conduct a minimum 24-hour pumping and recovery test of at least one of the points of diversion authorized under this right to estimate well capacity, short-term aquifer capacity, and aquifer transmissivity. The right holder shall submit a report from a qualified professional engineer, hydrologist, or hydrogeologist summarizing the hydrogeologic data collected and aquifer properties estimated.
10. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
11. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right.
12. 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 3rd day of June, 2016.



Nick Miller

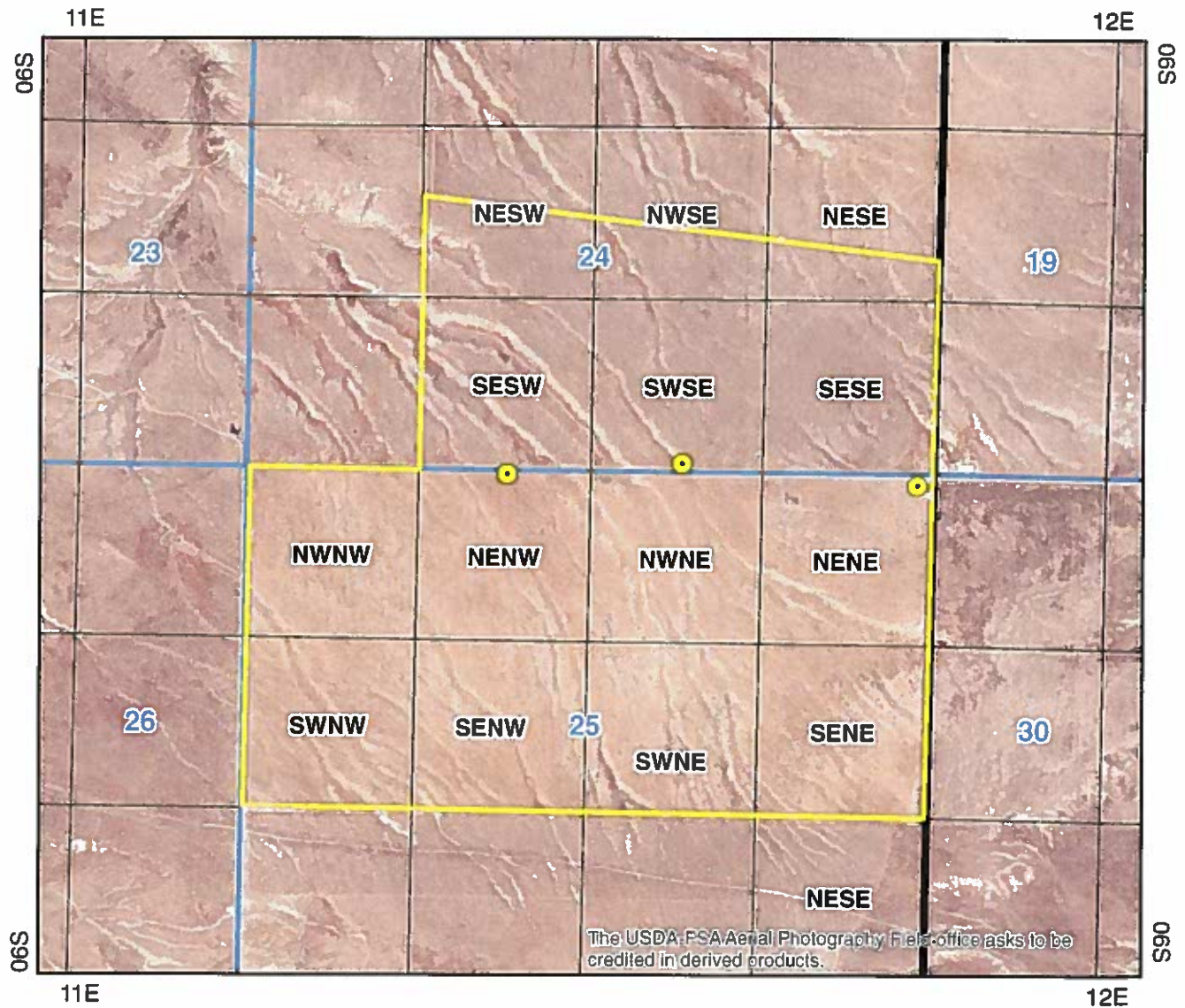
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Amendment of Permit

51-13106

This map depicts the IRRIGATION place of use boundary for this permit 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
- Quarter Quarters

0 0.15 0.3 0.6 Miles



RECEIVED

APR 29 2016

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

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

Applicant(s) Half Moon, LLC Phone 208-322-5600Name connector (check one): ☐ and ☐ or ☐ and/orMailing address 911 East Winding Creek Drive, Ste 150 City EagleState ID Zip 83616 Email: _____I am the owner of Water Appropriation Permit No. 51-13106 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	¼	¼	¼	County	Source	Local name or tag #
6S	11E	25			NE	NE	Elmore	Ground Water	

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 _____

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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? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- 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:

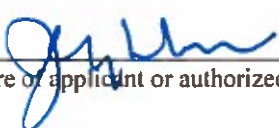
Propose an additional well location.

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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

 Jerry L Caven 4/21/16
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

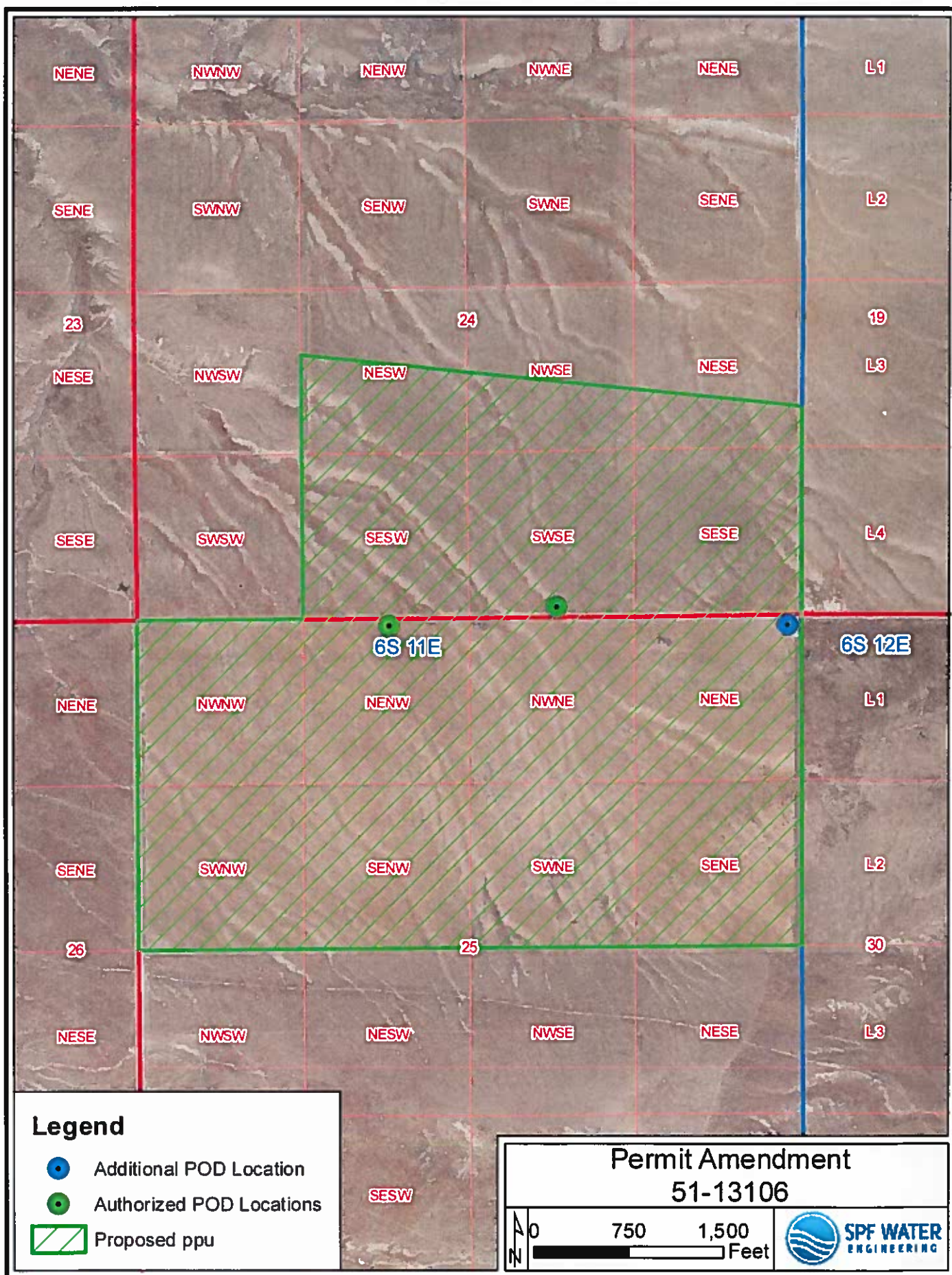
Received by 
Receipted by 
Reviewed by RS

Date 4/29/16
Date 4/29/16
Date 5-5-16

Receipt No. W044138

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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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 6, 2016

HALF MOON LLC
911 E WINDING CREEK DR STE 150
EAGLE ID 83616

RE: Permit No.51-13106

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:".

Nick Miller
Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 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. 51-13106

**HALF MOON LLC
911 E WINDING CREEK DR STE 150
EAGLE ID 83616**

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



**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.

Sommer, Rachel

From: Sommer, Rachel
Sent: Monday, May 09, 2016 10:35 AM
To: Marston, Sascha
Subject: RE: Receipt Edit - S035317

Good Morning Sascha,

Will you please edit receipt no. S035317?

Comments:

WELL UPGRADE FEE FOR HALF MOON LLC – D0070643

W.U.F ORIGINALLY PAID FOR TAG D0070614 – W.U.F NOT NEEDED SO TRANSFERRED TO D0070643.

SEE DRILLING PERMITS FOR D0070614 AND D0070643 FOR MORE INFORMATION.

Fee Account / PCA:

Drilling Permits /62134

Let me know if you have any questions and thank you.
Rachel Sommer

Sommer, Rachel

From: Sommer, Rachel
Sent: Monday, May 09, 2016 9:34 AM
To: 'Lori Graves'
Cc: Hornbaker, Sonny; Serrano, Brenda
Subject: RE: 51-13106 Amendment of Permit - Half Moon LLC

Follow Up Flag: Follow up
Flag Status: Completed

Lori,

The Department may not request a drilling permit to modify well D0070643. Sonny Hornbaker from our Groundwater Protection Program had knowledge from the driller that Drilling Permit No. 972116-878173 may be used to construct an irrigation POD for Permit No. 51-13106. The driller hired for construction will need to contact Mr. Hornbaker prior to submittal of a drilling permit for modification. This will not hinder the processing of this Application for Amendment of Permit.

Thank you for the clarification.

Sincerely,

Rachel Sommer | Water Resource Agent
Idaho Dept. of Water Resources | Western Regional Office
208.334.2190 | 2735 Airport Way, Boise ID 83705

From: Lori Graves [<mailto:LGraves@spfwater.com>]
Sent: Monday, May 09, 2016 9:03 AM
To: Sommer, Rachel
Cc: Terry Scanlan
Subject: RE: 51-13106 Amendment of Permit - Half Moon LLC

Rachel –

1. Yes, the applicant is proposing an additional point of diversion for the permit.
2. The requested POD is D0070643. This well was recently constructed for water exploration and stockwater use, and the well will need to be modified (pull casing, ream borehole to large diameter) for irrigation use following permit amendment. We would anticipate submitting a new drilling permit to modify the well.
3. Well D0070614 was originally drilled as a POD for permit 51-13106. However, groundwater conditions determined from the pilot borehole did not seem to warrant developing the well further as an irrigation source. The applicant anticipates utilizing this well as a stockwater source (2500 gpd), but would like to retain a POD in the NENW for a future irrigation well.

Sommer, Rachel

From: Sommer, Rachel
Sent: Friday, May 06, 2016 10:54 AM
To: 'Lori Graves'
Subject: 51-13106 Amendment of Permit - Half Moon LLC

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Lori Graves,

The purpose of this email is to request clarification regarding an Application for Amendment of Permit in the name of Half Moon LLC for Permit No. 51-13106.

It appears the applicants are proposing an additional point of diversion (POD) be added to their permit summing three points of diversion on a potential approval; is this correct? Is the requested additional POD an existing well, and if so, is it identified as D0070643?

Also, the applicants have a newly constructed stockwater well (D0070614) in the NENW of T06S 11E SEC25. Is this well associated with Permit No. 51-13106, and if so, what beneficial uses are being served from it?

Please let me know if you have questions.

Sincerely,

Rachel Sommer | Water Resource Agent
Idaho Dept. of Water Resources | Western Regional Office
208.334.2190 | 2735 Airport Way, Boise ID 83705





SPF WATER
ENGINEERING

April 27, 2016

RECEIVED
APR 29 2016
WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Amendment of Permit No. 51-13106

Dear Angie,

Enclosed on behalf of Half Moon LLC, is an *Application for Amendment of Permit* seeking to add an additional point for diversion of ground water.

Check No. 010569 for \$100 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Jim Chambers

Enclosures

SPF file number: 989.0010