

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-33643

PRIORITY: May 02, 2012

Maximum Diversion Volume: 4.9 AF

It is hereby certified that:

THORPE FAMILY TRUST 23498 BOISE RIVER RD CALDWELL ID 83607

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 02, 2012, and has submitted Proof of Beneficial Use on October 30, 2015. An examination confirms water is diverted from:

SOURCE: UNNAMED DRAIN

TRIBUTARY: ROSS EAST END DRAIN

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL DIVERSION VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31	4.9 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED DRAIN L6 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 17, Twp 05N, Rge 05W, B.M. CANYON County

UNNAMED DRAIN NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, Twp 05N, Rge 05W, B.M. CANYON County

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	17									X L 6								

CONDITIONS OF APPROVAL

1. This right shall be junior and subordinate to future minimum in-stream flow water rights that may be established for the Boise River and its tributaries.
2. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from the Boise River and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 2.4 acre-feet or a total surface area of 1 acres.
4. The east point of diversion described above as being in Government Lot 6 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, Township 5 North, Range 5 West, B.M. is used to accommodate the on-stream storage of the southern arm of the pond.
5. The Bureau of Land Management December 15, 1868, original survey describes the west diversion as being in the old Boise River channel in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 5 North, Range 5 West, B.M. and the east diversion as being in Government Lot 6 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, Township 5 North, Range 5 West, B.M.

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Water Right License
WATER RIGHT NO. 63-33643

6. Right 63-33643 authorizes a total annual storage volume of 4.9 acre-feet, 2.4 acre-feet to be used for the initial filling or carryover storage of the pond and 2.5 acre-feet for the replacement of losses caused by evaporation.
7. 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.
8. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
9. 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.
10. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
11. 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.
12. Wildlife storage is for wildlife ponds created as part of an Idaho Fish and Game habitat improvement project.

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 13th day of May, 2016.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
63-33643

This map depicts the WILDLIFE 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.

05W



0 0.035 0.07 0.14 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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 13, 2016

THORPE FAMILY TRUST
23498 BOISE RIVER RD
CALDWELL ID 83607

RE: License Nos. 63-32226, 63-32608 & 63-33643

Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right Licenses confirming that water rights has been established in accordance with your permits. Please be sure to thoroughly review the conditions of approval and remarks listed on your licenses. Also enclosed are copies of the approved applications for amendment.

The licenses are PRELIMINARY ORDERS issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders 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 me at 208-287-4951.

Sincerely,

Pamela Skaggs
Water Rights Supervisor

Enclosure(s)

c: SPF WATER ENGINEERING LLC

WATER DISTRICT #63

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2016, I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Licenses) to the person(s) listed below:

RE: WATER RIGHT NOS.

63-32226, 63-32608 & 63-33643

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

**THORPE FAMILY TRUST
23498 BOISE RIVER RD
CALDWELL ID 83607**

**WATER DISTRICT #63
REX BARRIE
PO BOX 767
STAR ID 83669-0767**



**Darla Block
Technical Records Specialist**

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 63-33643

FROM: Daniel Nelson – Staff Hydrologist

DATE: November 13, 2015

SUBJECT: Licensing Review of Water Right 63-33643

This field exam was performed by Certified Field Examiner Scott King of SPF Water Engineering. Mr. King reported that 4.4 af of water were diverted for wildlife storage use from an unnamed drain. There are a couple of issues that need to be addressed. Each will be addressed below:

Points of Diversion:

Mr. King describes two points of diversion and was approved in the permit. The points of diversion are a dam on the drain (West POD) and a split/headgate upstream of the pond that diverts water to the south side of the pond (East POD). The West POD is the only diversion that blocks off water in the drain and creates the pond. The East POD diverts water from the drain, so it would generally not be considered a point of diversion for an on stream storage facility. Department staff met concerning this situation and determined that we should include this point of diversion. The need to include this point of diversion is to avoid future confusion for regulation staff when review this system at a later date, and it was determined that we needed to remain consistent with earlier correspondence with the permit holder.

Therefore, the East POD will be included as a point of diversion on the license. Staff determined that a condition is needed to describe the need for the East POD. The following is a draft of a possible language that could be used for this condition:

The east point of diversion described above as being in Government Lot 6 (NE1/4 SW1/4) is used to facilitate the on-stream storage of the southern arm of the pond.

Mr. King provided an excellent map of the point of diversion, and included a disc with the shape file he created for both points of diversion. Our Public Land Survey (PLS) data in our mapping program shows that West POD for this permit falls in the old Boise River channel in the NE1/4 SW1/4, and the East POD is south of the old Boise River channel in Government Lot 6 (NE1/4 SW1/4). The permit describes both points of diversion as being in Government Lot 6 (NE1/4 SW1/4). Both legal descriptions are in Section 17, Township 5 North, Range 5 West. The Boise River channel has moved approximately ¼ mile north of its 1868 surveyed location, so it isn't a current factor in the place of use discussion.

However, the official tax lot data does place the West POD in the old Boise River Channel in the NE1/4 SW1/4 and the East POD in Government Lot 6 (NE1/4 SW1/4), so they should be described that way on the license document. This will also help separate the two points of diversion. The license document should show a point of diversion described in the NE1/4 of the SW1/4 of Section 17, Township 5 North, Range 5 West, and a point of diversion in Government Lot 6 (NE1/4 SW1/4) of Section 17, Township 5 North, Range 5 West.

Place of Use and Overlap:

Mr. King provided an excellent map of the place of use, and included a disc with the shape file he created for the pond. Our Public Land Survey (PLS) data in our mapping program shows that this pond for this permit falls partially in the old Boise River channel in the NE1/4 SW1/4 and outside of the channel in Government Lot 6 (NE1/4 SW1/4). Both legal descriptions are in Section 17, Township 5 North, Range 5 West. The Boise River channel has moved approximately ¼ mile north of its 1868 surveyed location, so it isn't a current factor in the place of use discussion. However, the official tax lot data does place the pond in both legal descriptors.

This permit should be licensed with a place of use described in Government Lot 6 (NE1/4 SW1/4) and NE1/4 of the SW1/4 of Section 17, Township 5 North, Range 5 West.

Diversion Rate:

Wildlife Storage for on-stream ponds does not require a diversion rate, therefore, there is no diversion rate allocated to this permit.

Diversion Volume:

Please see attached spreadsheet for analysis of volume.

Mr. King determined that the volume of the pond was 2.4 af, and had an evaporation rate of 2 af for a total of 4.4 af. I ran the Department's spreadsheet and determined the evaporation rate was actually 2.5 af for a total of 4.9 af. No seepage was allowed by Mr. King, since it is an on-drain pond, and I concurred with Mr. King's assessment. The permit allowed up to 5.1 af for pond volume and an additional 7.9 af for seepage and evaporation. I think Mr. King used the average evaporation loss instead of the accumulative evaporation loss. Therefore, I am recommending that this permit be licensed for a pond capacity of 2.4 af as designated by Mr. King and evaporation losses of 2.5 af for a total of 4.9 af of water.

Overlap:

Several water rights appear to overlap this water right, but there are no other water rights on this specific pond. Water rights 63-3001 and 63-32166 are for property south of the pond owned by other individuals. Water rights 63-172B and 63-202B are for the Haas Ditch Company that services land north of the drain, and this pond is south of the drain. Water right 63-32165 is for the same owner, but it supplies irrigation water for the field surrounding this pond.

Permits 63-32226 and 63-32608 are owned by the same owner, but are flooding the irrigated fields surrounding this pond for duck hunting during the non-irrigation season. Permit 63-32652 is for a wildlife pond on the property south of this pond.

Conditions:

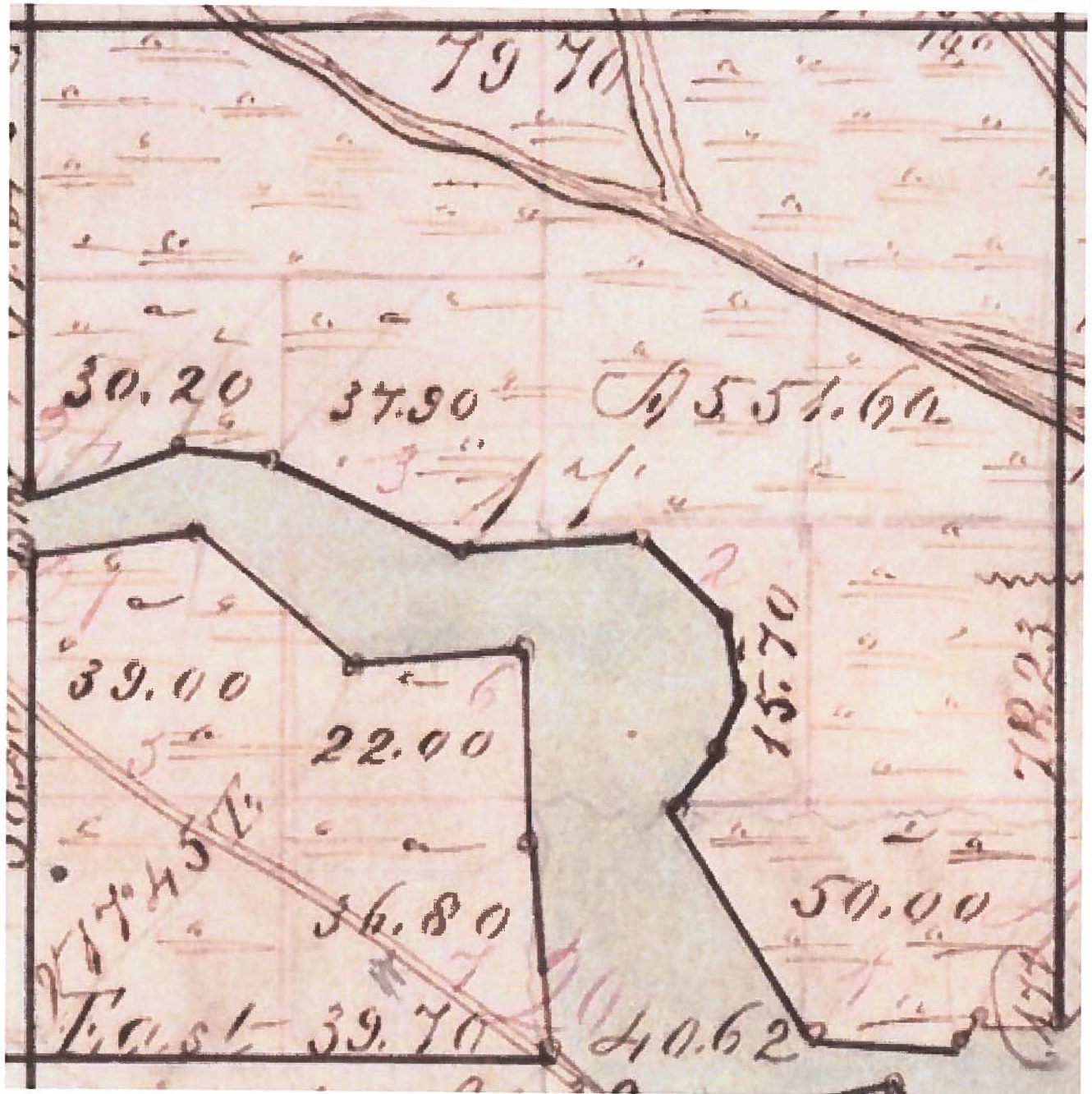
Condition #1 was changed to condition 01P, and condition #2 was changed to 01M. Conditions 4 and 5 were altered to reflect the capacities of the pond. Per the field examiner the pond has a 1 acre surface area, 2.4 af capacity, and I determined that the evaporation loss is 2.5 af for a total of 4.9 af. Condition #6 (121) was changed to condition 103 as per standard, and #9 was changed to standard condition 204. The remaining conditions on the permit were carried over to licensing.

As shown above the following condition will be added to the license document:

The east point of diversion described above as being in Government Lot 6 (NE1/4 SW1/4) of Section 17, Township 5 North, Range 5 West, B.M. is used to facilitate the on-stream storage of the southern arm of the pond.

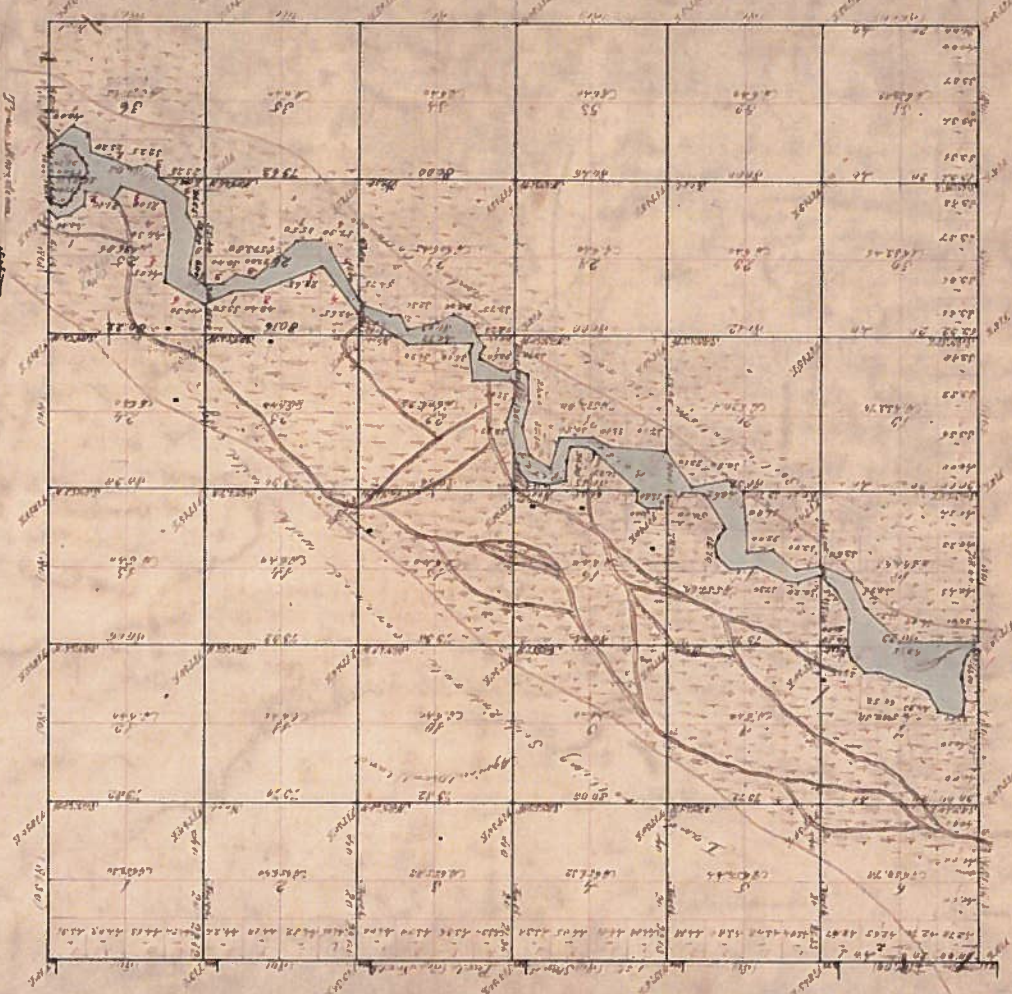
Another custom condition should be added to describe the discrepancy in the government lot data. The condition should be similar to the following:

The west diversion is in the NE1/4 of the SW1/4 of Section 17, Township 5 North, Range 5 West, B.M. is in the old Boise River channel and east diversion is in Government Lot 6 (NE1/4 SW1/4) of Section 17, Township 5 North, Range 5 West, B.M. as described in the Bureau of Land Management's December 15, 1868 Original Land Survey.



This is a close up of the BLM Plat map for T5N R5W S17. As you can see the Boise River used to run through this section. The place of use (pond) for this permit is on the line where the old river channel use to run. Therefore, this permit should have a legal description of Lot 6 (NESW) and NESW to show that the pond is actually on the line of the old river channel line and Lot 6.

Township 35 North Range 405 West Boise Meridian.



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00
1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	1200	

Handwritten notes and signatures at the top of the page, including a date "May 1st 1891" and a signature "J. H. ...".

Total Storage Calculations

FILE NUMBER	63-33643
REVIEWER	Dan Nelson
DATE	11/13/2015

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.)	1	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	2.4	"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)	2.4	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)	0.0	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	2.5	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	4.9	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.

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	63-33643
REVIEWER	Dan Nelson
DATE	11/13/2015

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

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at <X:/Spatial/Climate/ETIdahostations.shp>.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any

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

Precipitation Deficit

Station: Twin Falls 2 NNE (NWS -- 109294)

Month	mm/day ¹	Days per month	mm/Month
Jan	-0.71	31	0.00
Feb	0.10	28	2.80
March	1.37	31	42.47
April	2.51	30	75.30
May	3.45	31	106.95
June	4.11	30	123.30
July	4.90	31	151.90
August	4.16	31	128.96
September	2.88	30	86.40
October	1.56	31	48.36
November	0.00	30	0.00
December	-0.59	31	0.00

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

Total mm/year = 766.44

$$\left(\frac{766.44}{304.8} \right) \times 1.00 = 2.5 \text{ AFA}$$

Surface Area of Pond is automatically carried over from the Seepage Loss Sheet.

Example Data:

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	63-33643
REVIEWER	Dan Nelson
DATE	11/13/2015

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	1	AC.
-------------------------	---	-----

Pond Surface Area (SQ. FT.)	43560	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	GrndWtr	
Suggested Seepage Rate (FT./DAY)	0.0000	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss
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Convert to GPD	0	GPD
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Total Seepage Loss (AFA)	0.0	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.

Nelson, Dan

From: Scott King [SKing@spfwater.com]
Sent: Tuesday, November 17, 2015 9:41 AM
To: Nelson, Dan
Subject: RE: Water Right Permits 63-32226, 63-32608, and 63-33643

Dan,
It was explained to me there is a berm running east/west through that western field. The berm holds the water back to flood that field.

Thanks,
Scott

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Monday, November 16, 2015 8:00 AM
To: Scott King
Subject: RE: Water Right Permits 63-32226, 63-32608, and 63-33643

Hi Scott,

We have a meeting concerning 63-33643 this afternoon. I will call you as soon as the meeting is over. We should be done about 3:30 – 4:00.

Thank you for the information on the headgate. That will work for us to prove that there is a lockable headgate for this diversion.

I am still confused on how the south ½ of Field E can be flooded to an approximate depth of 1.9 feet without also flooding out the northern ½ of the field. I have no doubts that water from the drain can be delivered to the field, but I need to know is why the northern portion of the field was not included. Is the old ditch line from the 1990 photos a high point in the field? The old ditch line matches the line that you drew, but I can't tell from the aerial photos if this field is totally flat or if there is a natural slope to the field tapering off to the old river channel north of the field. The contour lines for this area suggest that the land slopes north to the old river channel. If the land slopes north to the river channel without some sort of berm or high ground blocking the water from flowing north towards the old river channel, then what is preventing the northern field from also being flooded? The only way that I can see the southern portion of Field E being flooded is if the old ditch is a high point in the field or if the field actually slopes to the south instead of the north as is implied by the contour lines.

I am sorry about being a stickler on the Field E issue, but I must be able to clearly understand the entire system before I can recommend a permit to be licensed, so I can defend my recommendation. It is even more significant, since Field E wasn't included in the original permit as a place of use. This owner has already been involved in a complaint investigation for creating the pond on the drain without a water right resulting in the filing of permit 63-33643, so we need specific details on this one to ensure that everything is absolutely clear to avoid further complaints down the road.

Thank you for helping out on this one Scott. Hopefully, we can get them through the process fairly quickly.

Dan

From: Scott King [mailto:SKing@spfwater.com]
Sent: Friday, November 13, 2015 5:32 PM

To: Nelson, Dan

Subject: RE: Water Right Permits 63-32226, 63-32608, and 63-33643

Hello Dan,

Field E is flood irrigated. It can be flooded deep enough that it should be included as a pond area. The "control structure" in Figure 6 is where water can be turned to field E where it is delivered via pipe and has sufficient head to flood this field.

You're correct in that the point of diversion is a slide that may not be lockable. You mentioned the wheel gate in figure #2. That gate delivers water to the neighbor's property, Doug Merges. What you don't see is a brand new wheel gate on the photo right, behind the elevated tank. This gate can be locked to prevent all flow into the system from the slide gate at the initial POD. Sorry for not getting a good photo of it. I thought I had one. In Figure 2, Mr. Classen is lifting another slide gate, and that is the flow that enters the weir box.

Let's talk about 63-33643. Call me Monday or I'll try to remember to call you.

Thanks much,
Scott

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]

Sent: Friday, November 13, 2015 8:33 AM

To: Scott King

Subject: Water Right Permits 63-32226, 63-32608, and 63-33643

Hello Scott,

I have started looking through the field exams for 63-32226 and 63-32608. I am struggling a bit with the location of the ponds. The permit doesn't include pond E in its maps, but it shows a pond just east of ponds B and C. When I look at the aerial photos, it doesn't look like they could flood ½ of the field for pond E, but the area shown in the permit does look like it has held water for a pond.

The 1990 aerial photos do show a ditch running through the middle of the field, but it looks like it was leveled off during the early 2000's. I know this is tough to see through our aerial photos, because they grow crops on the fields before they flood them. However, if you could give me a bit more of a description for these ponds, I would appreciate it.

Also the photos supplied of the point of diversion show a slide headgate with holes in the arm, but nothing to lock the headgate in place or adjust it. There is a condition on the permit that says the diversion needs a lockable controllable headgate. I did notice that there is a wheel gate in figure #2, but it doesn't say that the wheel gate controls the water piped from the drain. Could you give me a bit more information on the headgates and how they work and comply with the conditions of the permit?

Permit 63-33643 seemed a bit strange to me with 2 points of diversion for an on stream storage water right, so I spoke with Shelley about it. It appears as though the original application had a wildlife component that allowed flow through water through the east diversion through a ditch to the south portion of the pond. However, in a later amendment, the wildlife component was removed by an amendment. I think we both missed the mark on the amendment, since the only point of diversion that is actually storing water is the west diversion that is damming up the drain. The only way that we can allow the east diversion that flows through the ditch to the south pond is if there is a wildlife component, and this permit does not authorize a wildlife component. Therefore, your client would need to file another water right to cover the east point of diversion for wildlife to allow this to be an authorized point of diversion. Unfortunately, I cannot recommend the east diversion under this permit, and I wanted to let you know what was happening before we issued the license for this permit to avoid any surprises.

I would appreciate it if you could clarify the issues with water rights 63-32226 and 63-32608 within the next 14 days. All I will need is an email back answering the questions. I will continue to work on licensing water right 63-33643 in the mean time.

Thank you Scott. I appreciate the work you did on this one.

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

Nelson, Dan

From: Nelson, Dan
Sent: Friday, November 13, 2015 10:41 AM
To: 'Scott King'
Subject: RE: Water Right Permits 63-32226, 63-32608, and 63-33643

Hi Scott,

After talking with the region concerning permit 63-33643 and the two points of diversion, we have decided to have a meeting with the regions concerning the 2 points of diversion before moving forward with licensing. I will keep you informed on what we decide to do after the meeting. I am sorry about the confusion, but this is a rare situation for this type of water use. Please hold off contacting your client until we can decide what to do with this one.

I am sorry about the confusion. Thank you for your patience.

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

From: Nelson, Dan
Sent: Friday, November 13, 2015 8:37 AM
To: 'Scott King'
Subject: Water Right Permits 63-32226, 63-32608, and 63-33643

Hello Scott,

I have started looking through the field exams for 63-32226 and 63-32608. I am struggling a bit with the location of the ponds. The permit doesn't include pond E in its maps, but it shows a pond just east of ponds B and C. When I look at the aerial photos, it doesn't look like they could flood $\frac{1}{2}$ of the field for pond E, but the area shown in the permit does look like it has held water for a pond.

The 1990 aerial photos do show a ditch running through the middle of the field, but it looks like it was leveled off during the early 2000's. I know this is tough to see through our aerial photos, because they grow crops on the fields before they flood them. However, if you could give me a bit more of a description for these ponds, I would appreciate it.

Also the photos supplied of the point of diversion show a slide headgate with holes in the arm, but nothing to lock the headgate in place or adjust it. There is a condition on the permit that says the diversion needs a lockable controllable headgate. I did notice that there is a wheel gate in figure #2, but it doesn't say that the wheel gate controls the water piped from the drain. Could you give me a bit more information on the headgates and how they work and comply with the conditions of the permit?

Permit 63-33643 seemed a bit strange to me with 2 points of diversion for an on stream storage water right, so I spoke with Shelley about it. It appears as though the original application had a wildlife component that allowed flow through water through the east diversion through a ditch to the south portion of the pond. However, in a later amendment, the wildlife component was removed by an amendment. I think we both missed the mark on the amendment, since the only point of diversion that is actually storing water is the west diversion that is damming up the drain. The only way

that we can allow the east diversion that flows through the ditch to the south and is if there is a wildlife component, and this permit does not authorize a wildlife component. Therefore, your client would need to file another water right to cover the east point of diversion for wildlife to allow this to be an authorized point of diversion. Unfortunately, I cannot recommend the east diversion under this permit, and I wanted to let you know what was happening before we issued the license for this permit to avoid any surprises.

I would appreciate it if you could clarify the issues with water rights 63-32226 and 63-32608 within the next 14 days. All I will need is an email back answering the questions. I will continue to work on licensing water right 63-33643 in the mean time.

Thank you Scott. I appreciate the work you did on this one.

Daniel Nelson
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