

35-14467

RECEIVED

MAY 05 2016

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Gold Emblem Farms Phone 208-522-7771
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address PO Box 51780 City Idaho Falls
 State ID Zip 83405 Email ctaylor@tandsons.com
2. Source of water supply Ground water which is a tributary of _____
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
3N	34E	13			NE	SW	BONNEVILLE	GROUND WATER	

4. Water will be used for the following purposes:
 Amount 2.5 cfs/500.8 af for Irrigation purposes from 4/1 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 2.5 cfs cubic feet per second (cfs) and/or (b) 500.8 acre feet per year (af).
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Existing well into existing pivot.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? Unknown; drilling firm Not known, but well used for 35-14268 & 35-13855; well was drilled for (well owner) _____; Drilling Permit No. _____
7. Description of proposed uses (if irrigation only, go to item 8):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households _____
- e. Other; describe fully. _____

85 14467

8. Description of place of use:

- 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. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	34E	13					30.8	32.3	31.5	30.4									125
3N	34E	14	0.1			0.1													0.2

Total number of acres to be irrigated: 125.2

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

None. However, land is within POU of an industrial water right, 35-13855, which is being used to mitigate for this water right permit.

10. a. Who owns the property at the point of diversion? Areva Enrichment Services LLC
- b. Who owns the land to be irrigated or place of use? Areva Enrichment Services LLC
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Lease. See attached letter referencing lease of water right; Applicant has a lease for the property as well.

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Applicant is the former owner of the property sold to Areva and leases the property while Areva pursues authorization for its project. Applicant has a lease for 35-13855, an industrial water right, which has 506.8 AF allocated for that purpose. Areva will not divert the entirety of this water right. The Kettle Butte AgriMet for Alfalfa Frequent cuttings shows 2.88 AF/acre, for a total of 360.8 AF. Because 35-13855's use is entirely consumptive, non-use of this right will more than fully mitigate for this application. Modeling is not required because PODs are at the same location.

12. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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

Robert L. Harris
Signature of Applicant

Signature of Applicant

Robert L. Harris, Attorney
Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by JK Date May 5, 2016 Time _____ Preliminary check by MH
Fee \$ 330.- Received by JB Receipt No. E0420710 Date May 6, 2016

85 14467

ET Idaho 2012 -- Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison at kimberly dot uidaho dot edu Copyright 2012, University of Idaho.

Kettle Butte (AgriMet -- KTBI)

Statistics based on thirty year normal spans 1997 to 2011 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Alfalfa - frequent cuttings

Precipitation Deficit ([Click here for a graph](#))

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean^j	mm/day												mm		
Monthly ^c	-0.10	0.03	0.20	0.23	4.00	5.30	6.37	6.24	4.26	2.03	0.22	-0.21	878	-3	875
15-Day Moving Average ^d	-0.09	0.05	0.21	0.15	4.20	5.41	6.56	6.26	4.21	2.19	0.23	-0.18			
7-Day Moving Average ^e	-0.09	0.05	0.20	0.20	4.09	5.28	6.47	6.30	4.20	2.12	0.21	-0.19			
3-Day Moving Average ^f	-0.09	0.05	0.20	0.20	4.01	5.29	6.38	6.27	4.26	2.04	0.21	-0.20			
Standard Deviation^k	mm/day												mm		
Monthly ^c	0.30	0.27	0.22	0.64	2.94	1.63	1.30	1.62	1.13	1.52	0.50	0.23	134	10	133
15-Day Moving Average ^d	0.28	0.26	0.28	0.60	2.29	2.10	1.63	1.87	1.93	1.24	0.59	0.24			
7-Day Moving Average ^e	0.39	0.43	0.40	0.99	2.68	2.59	2.21	2.22	2.37	1.64	0.75	0.35			
3-Day Moving Average ^f	0.58	0.66	0.65	1.56	3.22	3.15	2.64	2.55	2.85	2.12	0.97	0.56			
20% Exceedance^l	mm/day												mm		
Monthly ^c	0.05	0.25	0.34	0.15	5.19	6.40	6.85	7.01	5.00	2.74	0.41	-0.09	1012	3	1001
15-Day Moving Average ^d	0.16	0.39	0.75	0.68	6.57	8.35	8.97	9.20	7.24	4.14	0.83	0.07			
7-Day Moving Average ^e	0.26	0.49	1.17	2.12	8.68	9.81	10.17	9.97	8.31	5.04	1.63	0.12			

3-Day Moving Average ^f	0.53	0.66	1.58	4.01	9.28	10.43	10.85	11.17	9.48	5.99	1.97	0.21			
80% Exceedance^m	mm/day												mm		
Monthly ^c	-0.38	-0.06	0.02	-0.01	1.37	4.03	5.49	5.26	2.93	0.49	-0.12	-0.37	813	-12	821
15-Day Moving Average ^d	-0.68	-0.41	-0.28	-1.11	0.31	2.46	3.78	3.59	1.26	0.11	-0.37	-0.83			
7-Day Moving Average ^e	-1.37	-0.69	-0.93	-2.24	-1.27	0.81	2.29	2.43	0.36	-1.15	-1.05	-1.58			
3-Day Moving Average ^f	-2.55	-1.56	-2.18	-5.89	-3.88	-3.43	1.04	1.04	-3.43	-4.04	-2.94	-2.67			
Ave Highest P_{def}	mm/day														
15-Day Moving Average ^g	0.11	0.25	0.44	0.66	5.63	6.98	8.03	7.70	5.68	3.11	0.60	0.04			
7-Day Moving Average ^h	0.20	0.43	0.81	1.50	6.76	8.19	9.10	9.03	7.12	4.10	0.98	0.10			
3-Day Moving Average ⁱ	0.40	0.58	1.24	2.68	7.93	9.46	10.02	9.84	8.30	4.86	1.28	0.20			
Ave Lowest P_{def}	mm/day														
15-Day Moving Average ^g	-0.27	-0.11	-0.05	-0.36	2.76	3.75	4.92	4.63	2.65	1.25	-0.15	-0.44			
7-Day Moving Average ^h	-0.60	-0.41	-0.43	-0.98	1.27	2.06	3.09	3.39	1.25	0.06	-0.59	-0.81			
3-Day Moving Average ⁱ	-1.29	-1.05	-1.19	-2.45	-1.28	0.22	1.97	1.91	-0.90	-1.84	-1.40	-1.58			
Special normal distribution parameters for monthly, seasonal, and annual intervals															
Skew ^m	-0.21	-2.17	0.06	1.45	-0.01	-1.79	-0.21	0.06	-0.09	-0.21	2.65	-0.14	0.23	-0.32	0.30
Kurtosis ^o	0.60	8.47	0.44	4.57	0.55	6.91	0.99	0.66	2.58	0.68	9.71	0.62	3.14	2.87	3.15

^a Growing Season: This is usually the time from green up or planting in the spring to a killing frost or harvest in the fall. It is not applicable for entries without a growing season and will be blank.

^b Nongrowing Season: This is usually the time from a killing frost or harvest in the fall to the of green up in the spring. It is not applicable for entries without a growing season.

^c Mean of the average daily value for month

^d Mean of the fourteen 15-day period averages contained in the month

^e Mean of the twenty three 7-day period averages contained in the month

^f Mean of the twenty seven 3-day period averages contained in the month

^g Mean of the **best**/lowest 15-day period average in month

^h Mean of the highest/lowest 7-day period average in month

ⁱ Mean of the highest/lowest 3-day period average in month

^j This value represents the *mean value* for the parameter for the month over the 'normal' period of record. Generally, the 'normal' period is the last thirty years with data.

^k This value represents the *standard deviation* for the parameter for the month over the 'normal' period.

^l This value represents the *value* for the parameter that has a 20% chance of being exceeded that month during any particular year. Conversely, there is an 80% chance that the parameter value will be less than the *value* shown.

^m This value represents the *value* for the parameter that has a 80% chance of being exceeded that month during any particular year. Conversely, there is an 20% chance that the parameter value will be less than the *value* shown.

ⁿ This value represents the *skewness (asymmetry) of the distribution of the parameter values* for the month (year) over the 'normal' period. A value near zero indicates that the distribution approximates a normal (Gaussian) and symmetrical distribution. A negative skew indicates that the parameter distribution has relatively few low values compared to high values. A positive skew indicates that the distribution has relatively few high values compared to the number of low values. A skew value near 1 indicates that the underlying distribution approximates a lognormal distribution.

^o This value represents the *kurtosis* of the parameter value distribution for the month (year) over the 'normal' period. Kurtosis is a measurement of the height to width ratio of the probability distribution, or the *peakedness (slenderness)*. A normal (Gaussian) distribution has a kurtosis of 3. A high kurtosis distribution has a sharper peak and longer tails, while a low kurtosis distribution has a more rounded peak and shorter tails.

This work and report were prepared by the University of Idaho Research and Extension Center at Kimberly, Idaho under contract with the Idaho Department of Water Resources. Work was supported by funding from IDWR and the Idaho Agricultural Experiment Station and Idaho Engineering Experiment Station. The authors gratefully acknowledge the long-term evapotranspiration data collection and long-standing advice provided by Dr. James L. Wright, USDA-ARS Kimberly (ret.), the more than two decades of high quality agricultural weather data collection by the U.S. Bureau of Reclamation AgriMet system, and the very long-standing, routine data collection by the hundreds of cooperative weather station volunteers across the state who, for more than one-hundred years, have faithfully observed daily air temperature and precipitation.

The citation for the evapotranspiration data used from this site should be: *Allen, Richard G. and Clarence W. Robison, 2012. Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.*

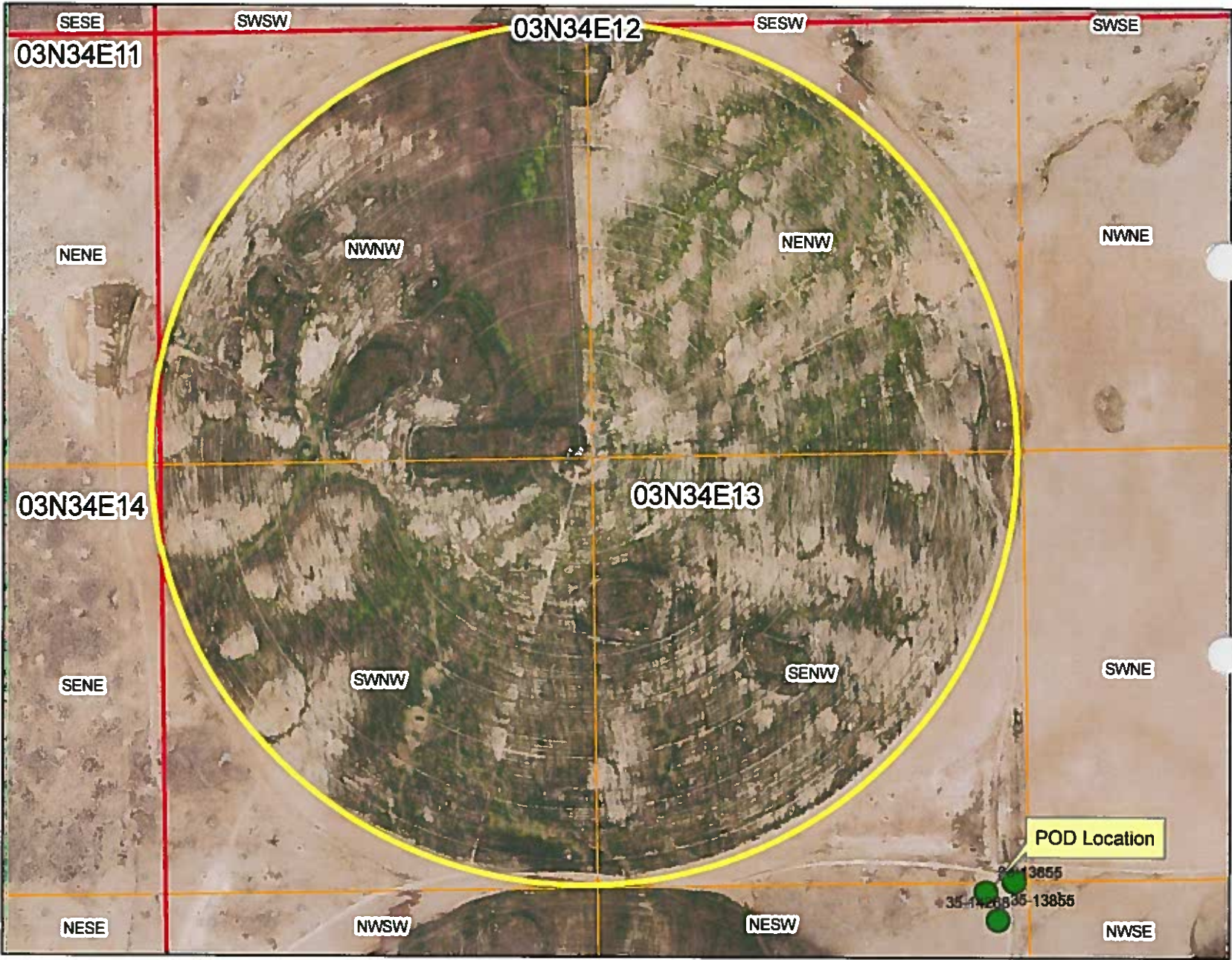
Questions regarding the data should be addressed to [Clarence W. Robison](#) or [Richard G. Allen](#), University of Idaho, Kimberly Research and Extension Center, 3793 North 3600 East, Kimberly, ID 83341. Telephone (208)-423-6610

GOLD EMBLEM FARMS TRANSFER

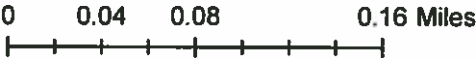


Legend

- POU
- wrpod
- gcdb_sections
- gcdb_qq



Prepared by:
Robert L. Harris
2015 NAIP Aerial Photo

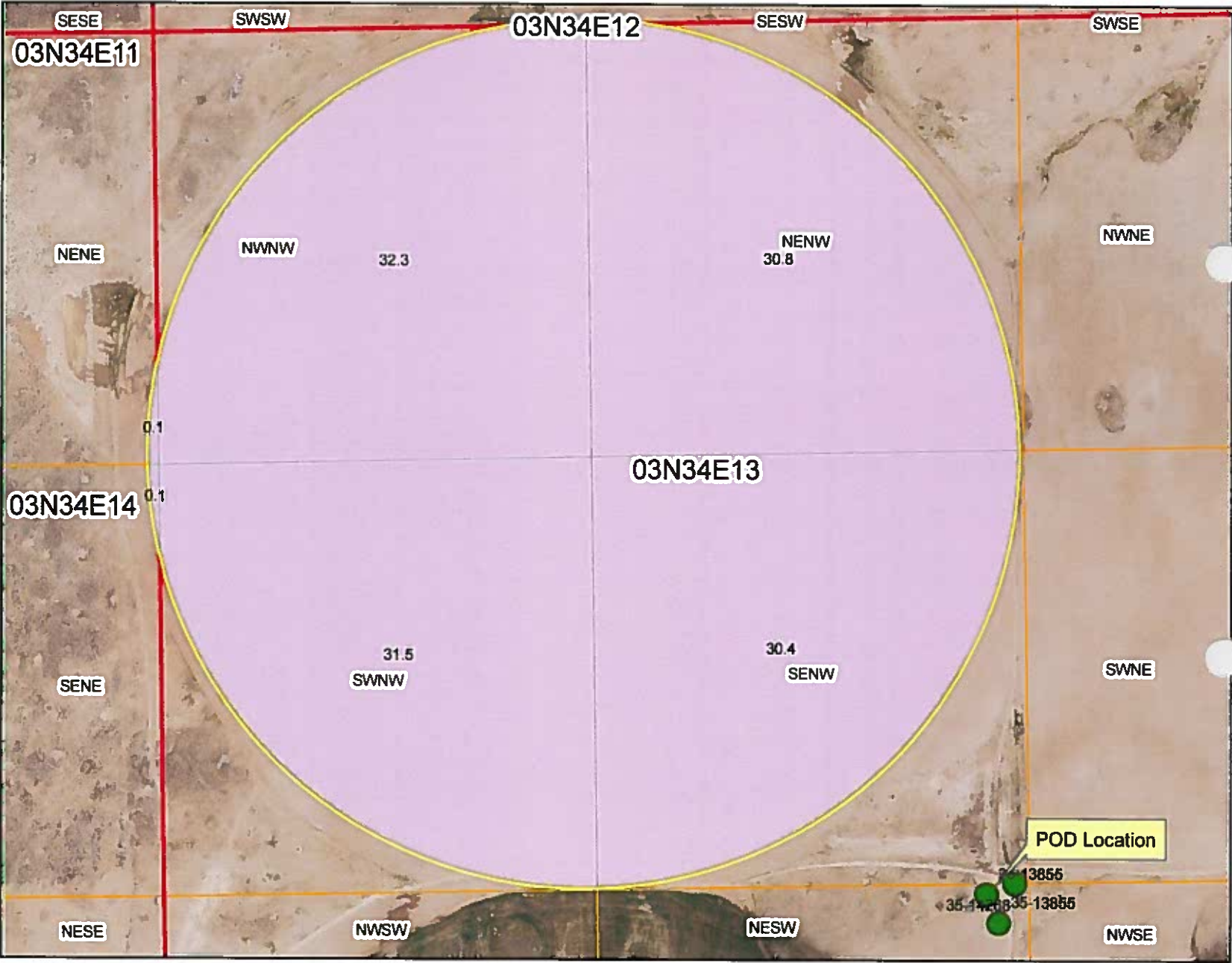


GOLD EMBLEM FARMS TRANSFER



Legend

- gcdb_qq_Clip36
- POU
- wrpod
- gcdb_sections
- gcdb_qq



Prepared by:
Robert L. Harris
2015 NAIP Aerial Photo

0 0.04 0.08 0.16 Miles

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/5/2016

WATER RIGHT NO. 35-13855

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AREVA ENRICHMENT SERVICES LLC 400 DONALD LYNCH BLVD MARLBORO, MA 01752 (508)573-6554
Original Owner	WEST WIND FARMS C/O JAY BROWN 1780 CARMEL DR IDAHO FALLS, ID 83402 (208)523-2176

Priority Date: 02/14/1961

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.06 CFS	20 AFA
INDUSTRIAL	01/01	12/31	0.7 CFS	506.8 AFA
Total Diversion			0.76 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESW	Sec. 13	Township 03N	Range 34E	BONNEVILLE County
GROUND WATER	NESW	Sec. 13	Township 03N	Range 34E	BONNEVILLE County

85 14467

GROUND WATER	NWNW	Sec. 15	Township 03N	Range 34E	BONNEVILLE County
GROUND WATER	SWNE	Sec. 22	Township 03N	Range 34E	BONNEVILLE County
GROUND WATER	NWNW	Sec. 23	Township 03N	Range 34E	BONNEVILLE County
GROUND WATER	NWSW	Sec. 24	Township 03N	Range 34E	BONNEVILLE County
GROUND WATER	SWSW	Sec. 25	Township 03N	Range 34E	BONNEVILLE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	34E	14		NESE	0.6		NWSE	0.6		SWSE	0.6		SESE	0.7
		26		SWSE	2.5									

Place of Use Legal Description: INDUSTRIAL BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	34E	13		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESE	
				NESE			NWSE			SWSE			SESE	
		14		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESE	
				NESE			NWSE			SWSE			SESE	
		15		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESE	
				NESE			NWSE			SWSE			SESE	
		21		NENE			NWNE			SWNE			SENE	
		22		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				SESE										
		23		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				NESW			SWSW			SWSE			SESE	
				NESE			NWSE							
		24		NWNE										
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESE	
				NESE			NWSE			SWSE			SESE	
		25		NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESE	

26

NE
NENW
NESW
NWSE

NWNE
SENW
SWSE

/NE
SESE

SENE

Total Acres: 5

Conditions of Approval:

1. R05 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. 120.
2. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. 212 Prior to diversion and use of water under Transfer approval 75268, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
4. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. R68 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
7. Industrial use is for the operation of a fuel cycle facility and associated offices.
8. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. T07 The right holder shall accomplish the change authorized by this transfer within five year(s) of the date of this approval. Failure to accomplish the changes authorized by this transfer before the five year period expires could result in forfeiture of the water right.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority D
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number: 120
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 4
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Water Supply Bank:
Lessor Name(s): AREVA ENRICHMENT SERVICES LLC
Lease Status: Active
Lease Amount: .76cfs
Rental Availability: .70cfs
Date Received: 6/18/2015
Lease Begin Date: 6/18/2015
Expiration Date: 12/31/2019

Close



March 28, 2016

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Subject: Lease of Water Right to Gold Emblem Produce

AREVA has leased water right #35-13855 to Gold Emblem Farms to use the right for mitigation for a new irrigation water right application.

If you have questions, please contact me at (208) 227-9443.

Respectfully,

A handwritten signature in black ink, appearing to read 'W. Barker'.

William C. Barker
Idaho Site Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 11, 2016

GOLD EMBLEM FARMS
PO BOX 51780
IDAHO FALLS, ID 83405

Application For Permit No. 35-14467

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the POST REGISTER on 5/19/2016 and 5/26/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Judea Jones
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, May 11, 2016 4:21 PM
To: 'Post Register (legalnotices@postregister.com)'
Subject: Legal Notice for Your Newspaper
Attachments: Post Register E-Mail.doc

Contacts: Post Register

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

35-14467

GOLD EMBLEM FARMS

PO BOX 51780

IDAHO FALLS, ID 83405

Point of Diversion NESW

S13 T03N R34E

BONNEVILLE County

Source GROUND WATER Tributary

Use: IRRIGATION

04/01 to 10/31 2.5 CFS

500.8 AF

Total Diversion: 2.5 CFS

500.8 AF

Date Filed: 5/5/2016

Place Of Use: IRRIGATION

T03N R34E S13

NENW NWNW SWNW SENW

T03N R34E S14

NENE SENE

Total Acres: 125.2

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before 6/6/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/19/2016 and 5/26/2016