

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 57-07585

PRIORITY: February 23, 1994

Maximum Diversion Rate: 0.40 CFS

It is hereby certified that:

JOHN WILLIAM JONES 17864 OREANA LOOP RD MURPHY ID 83650-5054

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 23, 1994, and has submitted Proof of Beneficial Use on June 16, 1998. An examination confirms water is diverted from:

SOURCE: GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/15 to 11/15

DIVERSION RATE

0.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L2 (SW¼SW¼NW¼) Sec. 30, Twp 04S, Rge 01E, B.M. OWYHEE 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	
04S	01E	30							35.0 L 2										35.0

Total Acres: 35

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20 acres within the authorized place of use in a single irrigation season.
2. Rights 57-41A, 57-4025, and 57-7585 when combined shall not exceed a total diversion rate of 0.78 cfs, a total annual maximum diversion volume of 157.5 af at the field headgate, and the irrigation of 35 acres.
3. The right holder shall make full beneficial use of water right 57-41A for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
4. If the surface water right 57-41A is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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5. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. This right is for the use of trust water, and it is subject to review 20 years after its initial approval April 25, 1994 to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
7. 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.
8. The following rights are diverted through point of diversion described above: 57-10556, 57-4025, & 57-7585.

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.

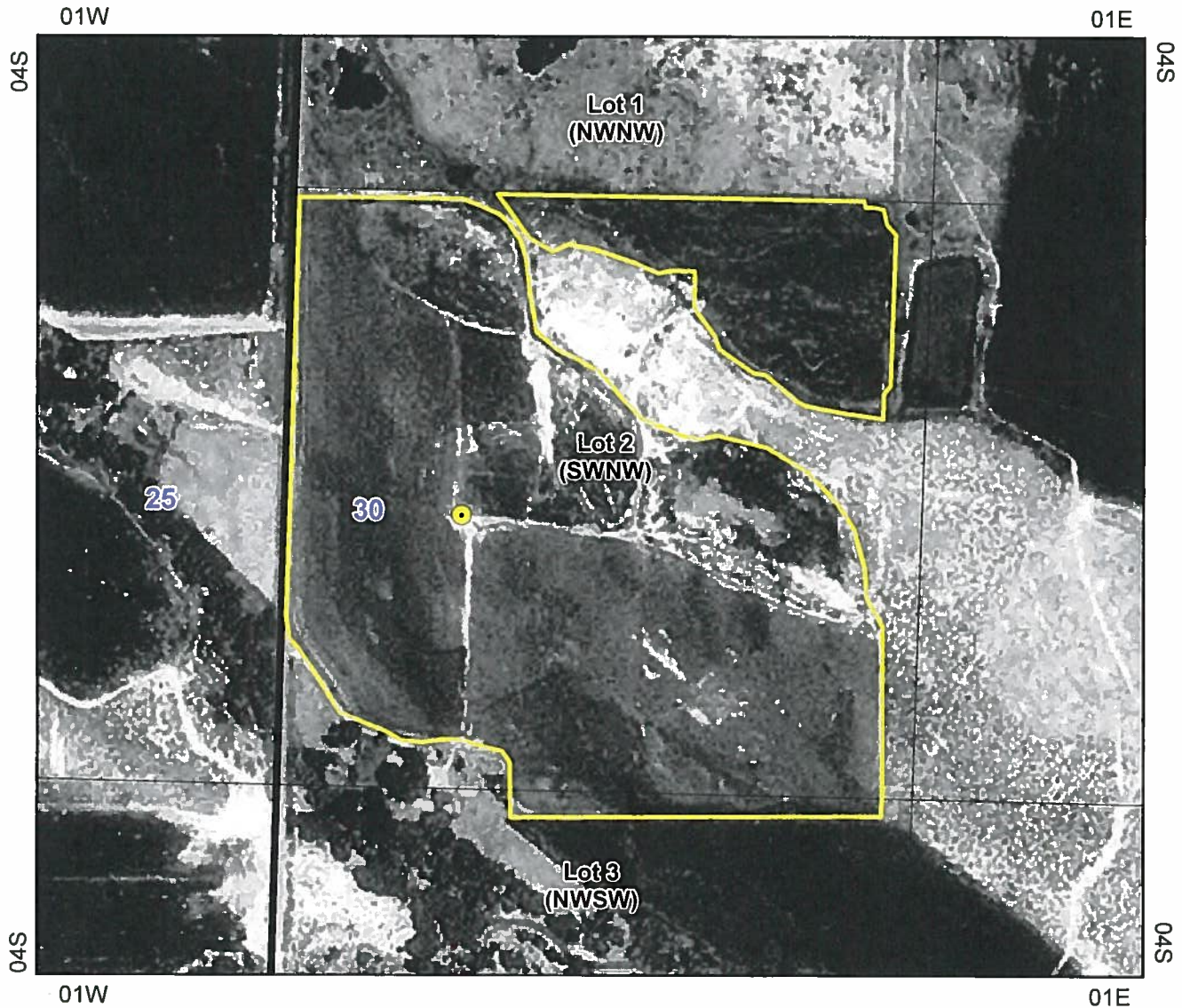
Signed this 26th day of April, 2016.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
57-7585

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.0475 0.095 0.19 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

April 28, 2016

JOHN WILLIAM JONES
17864 OREANA LOOP RD
MURPHY ID 83650-5054

RE: License No. 57-7585

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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)

CERTIFICATE OF SERVICE

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

RE: WATER RIGHT NO.

57-7585

**JOHN WILLIAM JONES
17864 OREANA LOOP RD
MURPHY ID 83650-5054**



**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 57-7585

FROM: Daniel Nelson – Staff Hydrologist

DATE: April 26, 2016

SUBJECT: Additional Licensing Review.

This permit was field examined and reviewed by staff for licensing. Additional explanation was needed to license this permit. The application for permit was filed to provide 20 acres within a permissible place of use, however, the permit did not include the permissible place of use language. After discussing this permit with staff, it was determined that we should include condition X27 allowing a permissible place of use. Generally we require an amendment to create a permissible place of use, but it is clear from the water right file that permissible place of use condition should have been included on the permit and accidentally left off. The place of use will describe the entire 35 acres and condition X27 will limit the irrigation use to 20 acres within the 35 acre permissible place of use.

The license reviewer included condition R65 in the initial draft of the license to replace condition #9 on the permit. This condition should have been replaced with condition R59 instead. I made this change to the license document.

The combined right condition used on the first draft document should be replaced with condition X35 as the standard. X 35 will call out the other water rights used in the place of use.

The priority date in the data base was marked as February 23, 1993. We are unsure how this priority date was determined. The permit was not received until February 10, 1994, and the fees were not completely paid until February 23, 1994. It appears as though there was a data entry error at the time of permit approval. The priority date will be changed to the correct date of February 23, 1994.

Method of Determination: GIS Imagery, Taxlot Information, and field exam.

Total Acres =	20
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This Place of Use is a Permissible Place of Use for a total of 35 acres.

- 15 acres is covered by GW right 57-4025

- 13 acres is supplemental to SW right 57-41A (per field exam)

- 7 acres is primary to this water right 57-7585

See field exam E.1.

Change in POU? ____ Y ____ X ____ N Amendment Required? ____ Y ____ X ____ N

____ Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

____ Aerial Photo Attached (required for irrigation of 10+ acres).

____ Photo of Diversion and System Attached

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: < _____ >

E. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

POD is used by 2 other rights; 57-4025 and 57-10566 for a total of 0.35 cfs. Based on the information in the field exam, 57-7585 is for an additional 0.4 cfs for a total of well diversion of 0.90 cfs.

Measured Method: See calculations on Field Exam dated 12/18/98, section F.

 $Q = (8.8)(30HP)(70\%)/(65 ft)(35 psi)((34ft)/(14.7psi)) = 1.27 \text{ cfs.}$ (Greater than the total diversion of 0.90 cfs needed.) $Q = (0.02 \text{ cfs/acre})(20 \text{ ac}) = 0.40 \text{ cfs}$

Measurement = 1.27 cfs irr

Permit allowed = 0.4 cfs irr

License recommend for 0.4 cfs irr.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 20 \times 4.5 = 90$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.4 \times 246 \times 1.9835 = 195.2$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 90$$

2. Volume Calculations for Other Uses:

Field Exam dated 12/18/98 used theoretical as stated in F1 above.

License recommend: 90 afa irr

G. PURPOSE OF USEIrrigation ☒ X ☐ Y ☐ N # Stock _____ Domestic # of Homes _____

Other: < >

Change in Purpose of Use? ☐ Y ☐ N

Method of Determination: Information provided by field examiner.

If Yes: From Use _____ To Use _____ Amount _____ CFS _____ AFA _____

H. NARRATIVE/REMARKS/COMMENTS

- Season of Use: 03/15-11/15 (246 days)

Headgate: 4.5

Cons. Use: 3.5

Water District: 57B

Groundwater District: None

Trust Area

MSF

C onditions

R65	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
933	This right is for the use of trust water, and it is subject to review 20 years after its initial approval April 25, 1994 to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
934	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.
065	The right holder shall make full beneficial use of water right 57-41A for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
105	If the surface water right 57-41A is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
WB7	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 157.5 af at the field headgate for the place of use and the irrigation of 35 acres.
01K	The right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. - Field examiner made a determination of the total rate of diversion from this well. This well is not within a Groundwater District and hence is not required to be measured. The field examiner did determine that a weir could be placed at the concrete diversion boxes. The Field Examiner choose to do theoretical.
F06	The following rights are diverted through point(s) of diversion described above: 57-10556, 57-4025 & 57-7585.

- No Water District Condition -- GW

Have conditions of permit approval been met? ☒ Yes ☐ No

I. RECOMMENDATIONS

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Irrigation	03/15 to 11/15	0.4 CFS	N/A AF
<u>Totals:</u>		0.4 CFS	N/A AF *

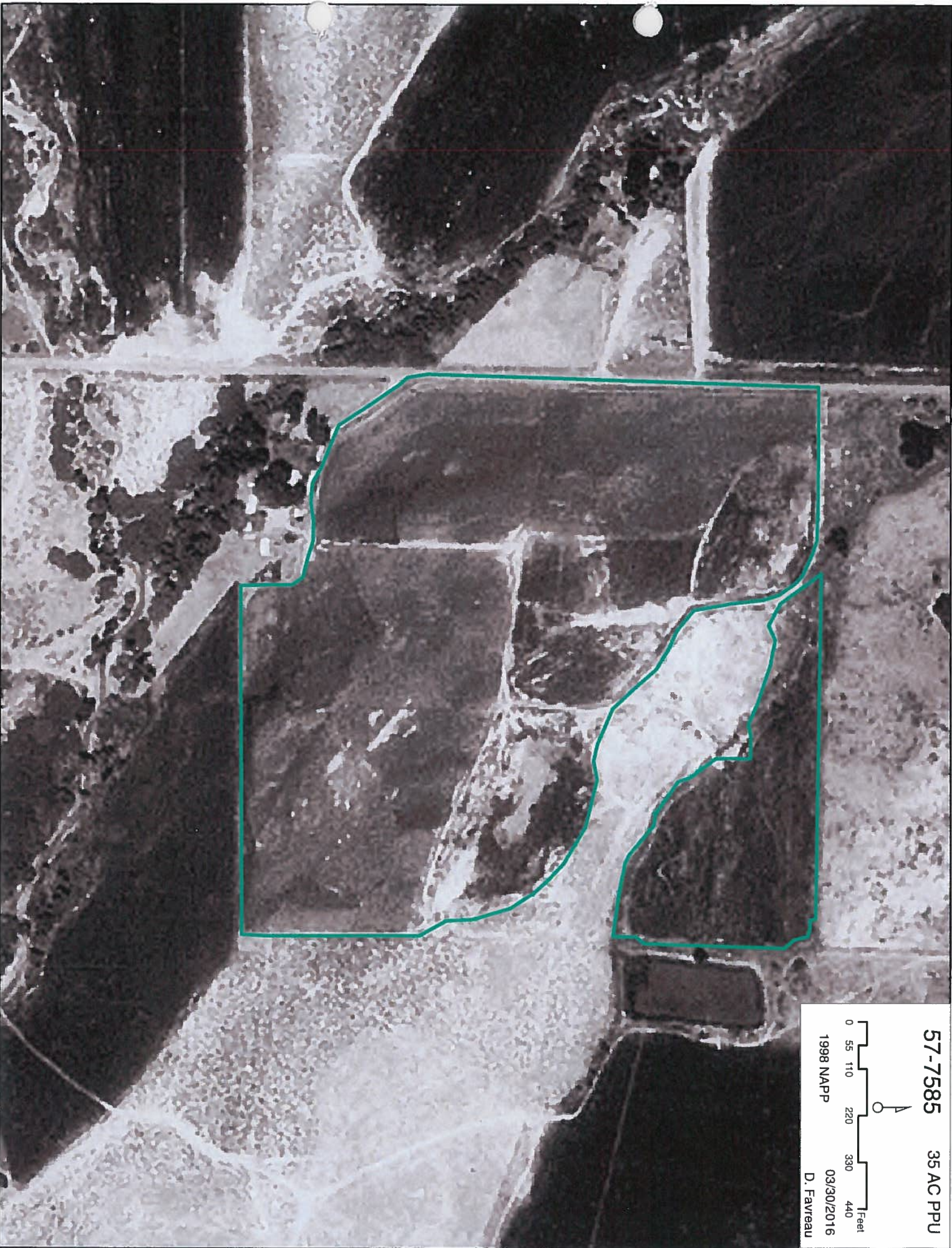
*Please note, annual volume removed because 13 of the 20 acres recommended under this right are supplemental.

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ None

 4-5-16



57-7585

35 AC PPU



0 55 110 220 330 440 Feet

1998 NAPP

03/30/2016

D. Favreau

57-7585



0 55 110 220 330 440 Feet

1998 NAAPP

03/30/2016

D. Favreau

