

Miller, Nick

From: Miller, Nick
Sent: Wednesday, January 13, 2016 12:43 PM
To: 'skogsbergmike@gmail.com'
Cc: Merriman, Danielle
Subject: skogsbergmike@gmail.com
Attachments: 63-34147 draft permit.pdf

Mr. Skogsberg,

I discussed your protested application with Dannie and, given that the stated objections to your application are fairly simple to address, I've asked her to prepare a draft approval that you can choose to share with the protestant. If you two agree the draft approval is sufficient, they can submit a withdrawal and we'll issue the permit as drafted.

You will still receive an acknowledgment letter regarding the protest sometime in the next few days. If you do not get this sorted out with the protestant, we can still schedule a prehearing conference and pursue a solution.

I hope this helps move things along for you. Let me know if you have any further questions.

Thanks,

Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-34147

Priority: September 17, 2015

Maximum Diversion Rate: 3.00 CFS

This is to certify, that **MIKE SKOGSBERG And/Or
DIAMOND S FARMS LLC
23460 STAFFORD RD
CALDWELL ID 83607**

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

RATE OF DIVERSION

3.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, Twp 05N, Rge 04W, B.M. CANYON 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	
05N	03W	30							43.0		25.0	40.0							108.0
								L 2				L 3							
05N	04W	25			2.0	36.0							40.0	40.0	40.0			35.0	193.0

Total Acres: 301

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2021**.
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. The right holder shall make full beneficial use of all surface water available to the right holder 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.
5. If the surface water right(s) appurtenant to the place of use for this right 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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6. 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 900 af at the field headgate for the place of use.
7. 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.
8. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
9. This right does not grant any right-of-way or easement across the land of another.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed, this _____ day of _____, 20____.

NICK MILLER
Manager, IDWR Western Region