

Franklin, Keith

From: Franklin, Keith
Sent: Friday, January 15, 2016 1:40 PM
To: 'Michelle Fuson'
Cc: Frederick, Adam
Subject: RE: French Cattle LLC Water right Settlement Agreement
Attachments: DOC.pdf

Michelle,

Attached is a suggested edit for the County's Settlement Agreement, and if the agreement is successful, attached is how a water right permit would be constructed.

If you have any questions, let me know.

Keith Franklin

Program Manager Northern Region

From: Michelle Fuson [<mailto:mfuson@latah.id.us>]
Sent: Wednesday, January 13, 2016 10:55 AM
To: Franklin, Keith
Cc: Kara Egan
Subject: French Cattle LLC Water right Settlement Agreement

Hi Keith,

One last go if you don't mind...

I modified the application to reflect the amounts you had stated for acre feet, essentially mimicking the Reed settlement.

Please let me know if this needs any further changes.

Thanks again for all of your help on this,

Michelle

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SETTLEMENT AGREEMENT FOR LATAH COUNTY'S PROTEST TO FRENCH CATTLE LLC'S WATER RIGHT APPLICATION #86-12037

SECTION 1. INTRODUCTION

Latah County ("County") filed a timely protest on the application for Water Right #86-12037 made by French Cattle LLC. Through negotiations, County agreed to withdraw its protest in exchange for modifications to the application for Water Right #86-12037. This Settlement Agreement by and between French Cattle LLC and County sets forth these terms and conditions.

SECTION 2. OBJECTIVE

To ensure that Water Right #86-12037 limits the amounts withdrawn from groundwater by French Cattle LLC for the purpose of irrigation, stockwater and domestic purposes and to ensure that these uses are not harmful to properties utilizing the same aquifer for drinking water. Latah County desires that residents use water resources as efficiently as reasonably possible.

SECTION 3. TERMS AND CONDITIONS

French Cattle LLC agrees that Item #5 on "Application for Permit to appropriate the public waters of the State of Idaho" from the State of Idaho Department of Water Resources for Water Right #86-12037("Application") shall be modified as such:

5. *Total quantity to be appropriated is (a).06 cubic feet per second (cfs) and/or (b) 3.9 acre feet per year (af).*

French Cattle LLC agrees that they shall not withdraw more than a total of 3.9 acre feet per year for the purposes stated in their water right application. It is expected that they will likely use much less water as they will not be conducting all of the activities every hour of everyday.

More specifically, the application shall read, at present face value of the application, the annual volume at the time of licensing ~~would look like the following:~~

~~shall not exceed the~~			
Domestic	0.6 af	1 home	195,510 gallons/year
Stockwater	0.3 af	19 head of mixed stock	97,755 gallons/year
Irrigation	3.0 af	1 acre @ 3af/ac	977,550 gallons/year
Totals	3.9 af		1,270,815 gallons/year

In their effort to conserve water, French Cattle LLC also agrees that they shall use water saving practices, including not overwatering and using a system for distribution of water, as described to the County, when irrigating in the greenhouses.

Upon modification of the Application/Water Right Permit #86-12037, County agrees to withdraw its protest of Water Right #86-12037.

SECTION 4. EFFECTIVE DATE

This Agreement shall be effective upon signing and implementation by the Idaho Department of Water Resources.

DATED this _____ day of February 2016.

Richard Walser, Chairman

Attest: _____
Clerk/Deputy Clerk of the Board

DATED this ____ day of February 2016.

French Cattle LLC

Printed Name: _____

Date: _____

Notary Public in and for said State

Residing at _____

My Commission Expires _____

State of Idaho
Department of Water Resources

DRAFT

Permit to Appropriate Water

DRAFT

NO. 86-12037

Priority: November 04, 2015

Maximum Diversion Rate: 0.06 CFS
Maximum Annual Volume 3.9 AF

This is to certify, that FRENCH CATTLE LLC
PO BOX 164
DEARY ID 83823

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
IRRIGATION	04/01 to 10/31	0.03 CFS	3.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.3 AF
	Totals	0.06 CFS	3.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, L1 (NW1/4NW1/4), Sec. 19, Twp 40N, Rge 01W, B.M., LATAH County

PLACE OF USE: IRRIGATION, DOMESTIC, STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
40N 01W 19						1.0											1.0
						L 1											
						X											

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before (Date).
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Stockwater use is for 19 head of mixed stock.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
6. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The diversion and use of water described in this water right is subject to additional conditions and limitations agreed to by Latah County and French Cattle LLC., under a separate agreement to which the Department of Water Resources is not a party and which may be independently enforceable by court of law.

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

Signed, this _____ day of _____, 20_____.

KEITH E. FRANKLIN, Program Manager