



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

2/17/2016

GARY SPACKMAN

Director

BLACK CANYON IRRIGATION DISTRICT
C/O CHAS MC DEVITT
PO BOX 2564
BOISE ID 83702

DIAMOND S FARMS LLC
C/O MIKE SKOGSBERG
23460 STAFFORD RD
CALDWELL ID 83607

RE: Withdrawal of Protest for Application for Permit No. 63-34147 (Diamond S Farms LLC)

Dear Parties:

The Department acknowledges receipt of a withdrawal of protest on the above-referenced matter. While the letter withdrawing the protest does not provide any conditions on the withdrawal, it is my understanding that the withdrawal may be conditional that IDWR condition any approval similar to a draft approval provided to the applicant via email on January 13, 2016. Rather than make that assumption, I've attached a draft approval for both parties to review.

Please review the draft approval carefully. If you think the draft approval is not substantially in conformance with your expectations, please contact the Department within 14 days of the date of this letter with your concerns. The application has no remaining protests; therefore, if we do not hear from you, the Department will take the steps necessary to bring the application to final resolution. We are prepared to issue the permit as drafted sooner than 14 days if we receive confirmation from both parties that the draft is acceptable.

As always, you may file a petition for reconsideration within 14 days after the preliminary order approving the permit is issued.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Nick Miller
Regional Manager

Enclosure

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34147

DRAFT

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 SE¼NE¼ 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 **March 1, 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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NO. 63-34147

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.
12. This right is limited to the irrigation of 200 acres within the authorized place of use in a single irrigation season.
13. This right is limited to the irrigation of a specific 200 acres within the 301 acre place of use authorized by this right in a single irrigation season. The specific 200 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 200 acres to be irrigated within the 301 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

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

Attachment to Permit to Appropriate Water

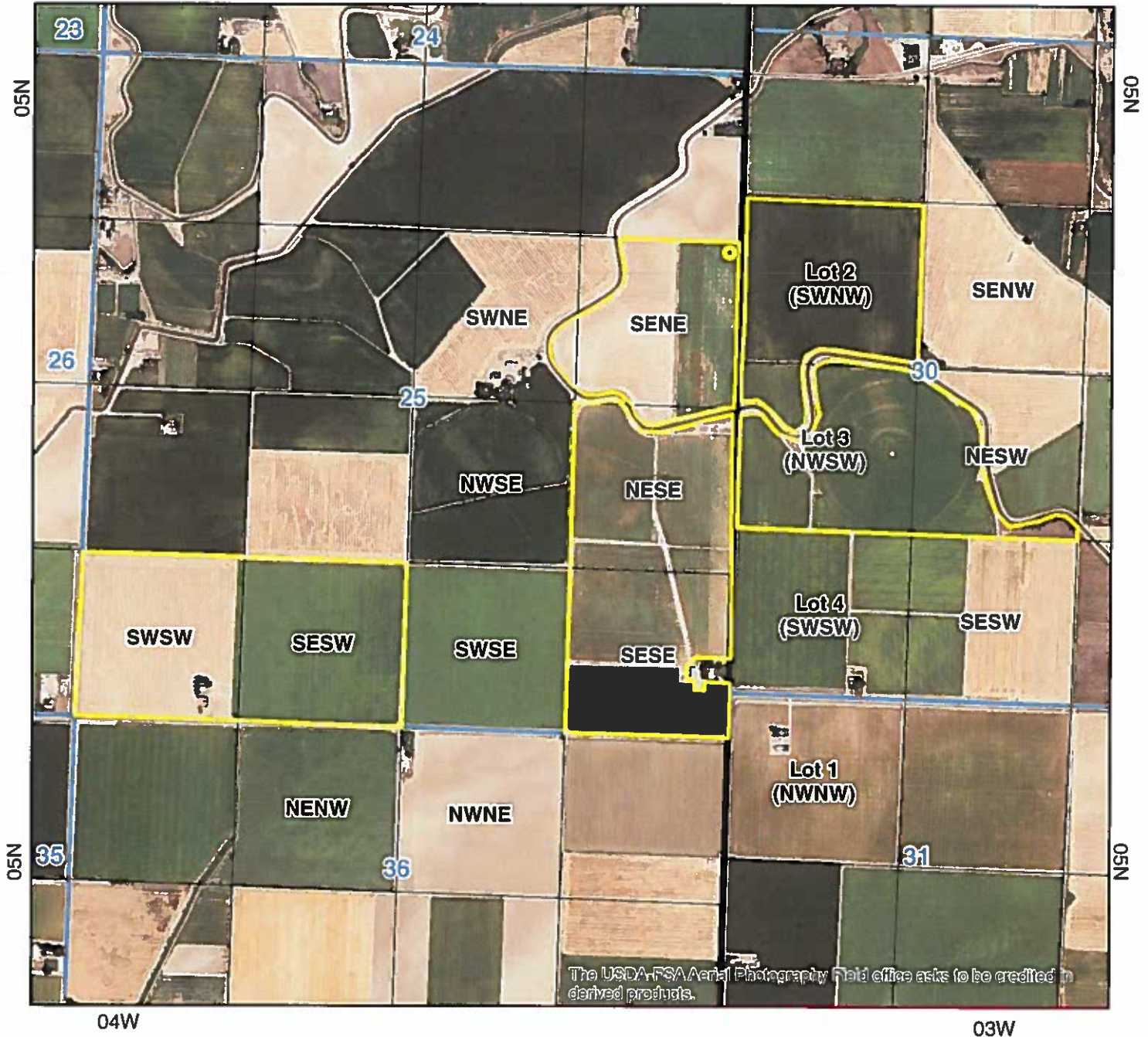
63-34147

DRAFT

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.

04W

03W



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

0 0.15 0.3 0.6 Miles

