

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-32966

Priority: January 29, 2008

Maximum Diversion Volume: 47.5 AF

It is hereby certified that BARBER VALLEY IRRIGATION COMPANY INC
4940 EAST MILL STATION DRIVE SUITE 101B
BOISE ID 83716 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated January 29, 2008; and has
submitted Proof of Beneficial Use on May 15, 2013. An examination confirms water is diverted from:

SOURCE

GROUND WATER

Tributary: BOISE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL DIVERSION VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31	47.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4 (NE1/4SW1/4)	Sec. 19,	Twp 03N,	Rge 03E, B.M.	ADA County
GROUND WATER	SW1/4SE1/4	Sec. 19,	Twp 03N,	Rge 03E, B.M.	ADA County
GROUND WATER	SW1/4SE1/4	Sec. 19,	Twp 03N,	Rge 03E, B.M.	ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03E	19																	

CONDITIONS OF APPROVAL

- 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. 63, Boise, River.
- To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
63-365	Irrigation	0.10	22.1	4.9
63-2973	Irrigation	0.09	22.1	4.9

The land that will no longer be irrigated under this right is located within Government Lot 4 (NESW) and SWSE, Section 19, township 03N, Range 03E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit approval shall be reduced by the same proportion as the reduction to the mitigation rights.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-32966

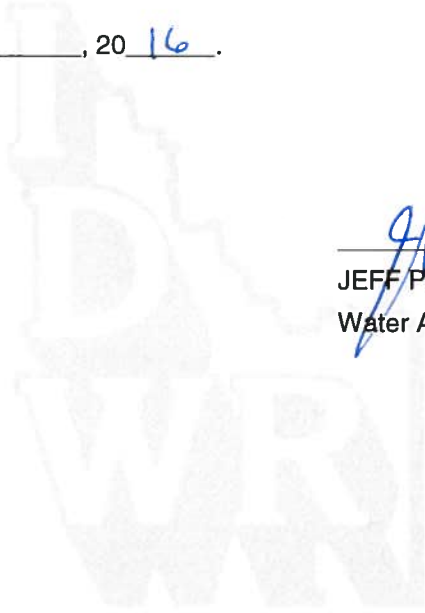
3. Water bearing zone to be appropriated is from 1 to 26 feet.
4. The three (3) ponds established by the storage of water under this right shall not exceed a total capacity of 47.5 acre-feet or a total surface area of 4.9 acres.
5. Transfer 74506 authorizes the diversion and delivery of 0.11 cfs and 25.2 af of water to storage for replacement of evaporation and seepage losses from three ponds (3) authorized by Right 63-32966.

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 12 day of Feb., 20 16.



JEFF PEPPERSACK, Chief
Water Allocations Bureau



State of Idaho
Department of Water Resources
Attachment to Water Right License
63-32966

This map depicts the AESTHETIC STORAGE 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.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.0425 0.085 0.17 Miles





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

February 16, 2016

BARBER VALLEY IRRIGATION COMPANY INC
4940 E MILL STATION DR STE 101B
BOISE ID 83716

RE: License No. 63-32966

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. Also enclosed is a copy of the approved application for amendment

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)

c: CONGER MANAGEMENT GROUP
SPF WATER ENGINEERING LLC
WATER DISTRICT #63

CERTIFICATE OF SERVICE

I hereby certify that on February 17, 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. **63-32966**

**BARBER VALLEY IRRIGATION COMPANY INC
4940 E MILL STATION DR STE 101B
BOISE ID 83716**

**CONGER MANAGEMENT GROUP
4824 W FAIRVIEW AVE
BOISE ID 83706**

**SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
300 E MALLARD DR STE 350
BOISE ID 83706**

**WATER DISTRICT #63
REX BARRIE
PO BOX 767
STAR ID 83669-0767**



**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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-32966

RECEIVED
DEC 24 2015
DEPARTMENT OF
WATER RESOURCES

Date of Priority: January 29, 2008

Maximum Diversion Rate:

Maximum Diversion Volume: 47.5 AF

Comes now HARRIS FAMILY LTD PARTNERSHIP

4940 E MILL STATION

BOISE ID 83716 and represents to the Director of the Idaho Department

of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-32966, and requests that the permit be changed as follows:

Source: GROUND WATER

Tributary: BOISE RIVER

BENEFICIAL USE

PERIOD OF USE

ANNUAL VOLUME

AESTHETIC STORAGE

01/01 to 12/31

47.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (NE1/4SW1/4) Sec. 19, Twp 03N, Rge 03E, B.M. ADA County

GROUND WATER SW1/4SE1/4 Sec. 19, Twp 03N, Rge 03E, B.M. ADA County

GROUND WATER SW1/4SE1/4 Sec. 19, Twp 03N, Rge 03E, B.M. ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03E	19									X							X	
											L 4							L 5	

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 15th day of December, 2015.

Felicia Brinkhalter

(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-32966

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 100.00 Received by dw # 2101351 Date 12-24-15

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 63-32966 with the following:

CONDITIONS OF APPROVAL

1. 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. 63, Boise, River.
2. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
63-365	Irrigation	0.10	22.1	4.9
63-2973	Irrigation	0.09	22.9	4.9

The land that will no longer be irrigated under this right is located within Government Lot 4 (NESW) and SWSE, Section 19, township 03N, Range 03E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit approval shall be reduced by the same proportion as the reduction to the mitigation rights.

3. Water bearing zone to be appropriated is from 1 to 26 feet.
4. The three (3) ponds established by the storage of water under this right shall not exceed a total capacity of 47.5 acre-feet or a total surface area of 4.9 acres.
5. Transfer 74506 authorizes the diversion and delivery of 0.11 cfs and 25.2 af of water to storage for replacement of evaporation and seepage losses from three ponds (3) authorized by Right 63-32966.

Witness my hand this 12 day of February, 2016.



Jeff Peppersack, Chief
Water Allocation Bureau

File ▶ Navigation ▶ Tools ▶

Receipt Details for C101351

Status	Adjustment Type	Version
		1

General Information

Date Received	Date Deposited	Region	Total Amount	Payment Type
12/24/2015 11:40:49 AM	12/24/2015 1:56:12 PM	STATE	\$575.00	Check
Payer	SPF WATER ENGINEERING PLLC			

Account Information:

Check Number:	010290
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Comment

APPLICATION FOR AMENDMENT OF WR 63-32966 FOR
HARRIS FAMILY LTD PARTNERSHIP; ASSIGNMENT OF

**Fee Details:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	ASSIGNMENTS	56103	0229	21		1155
\$100.00	AMENDMENTS	56105	0229	21		1155
\$450.00	TRANSFERS	56105	0229	21		1155

MEMO

Note to files: 63-365, 63-2973, 63-7103, and 63-8627

Date: 1/29/2016

By: Brian Ragan

Re: Transfer of mitigation volume for water right 63-32966

The required mitigation amount is equal to the surface area of the three (3) ponds which equals 4.9 acres because the original permit application allowed for 1:1 mitigation.

The original mitigation amount exceeded the actual required mitigation amount. Therefore the mitigation amount can be reduced to 4.9 acres (surface area of ponds). The reduction was calculated by:

- $(0.11 \text{ cfs} / 5.6 \text{ acres}) \times 4.9 \text{ acres} = \mathbf{0.1 \text{ cfs for water right 63-365}}$
- $(0.10 \text{ cfs} / 5.6 \text{ acres}) \times 4.9 \text{ acres} = \mathbf{0.09 \text{ cfs for water right 63-2973}}$
- $(25.2 \text{ af} / 5.6 \text{ acres}) \times 4.9 \text{ acres} = \mathbf{22.1 \text{ af combined for water rights 63-365 and 63-2973}}$

This reduction affects water rights 63-365, 63-2973, 63-7103, and 63-8627. The combined limits for these rights are:

- 7.0 cfs
- 1575.4 af
- 350.1 acres

On 1/29/2016 B. Ragan and D. Nelson (IDWR) called Lori Graves who is working with the permit holder's consultant, Terry Scanlan at SPF Water Engineering and informed them to withdraw their transfer application originally sent in to transfer the mitigation balance back to irrigation. The transfer isn't required because the use was "non-use" and both the mitigation and irrigation was occurring within the permissible place of use. This situation where a transfer isn't required is allowed under Application Processing Memo #71 and Transfer Processing memo #27 dated 11/4/2015.

On February 2, 2016 IDWR received the Withdraw of Transfer paperwork from Lori Graves at SPF Water Engineering.

Ragan, Brian

From: Lori Graves [LGraves@spfwater.com]
Sent: Tuesday, February 02, 2016 9:35 AM
To: Nelson, Dan; Terry Scanlan
Cc: Ragan, Brian
Subject: RE: Permit 63-32966 Mitigation
Attachments: XFR Withdrawal.pdf

Good Morning Dan,

Based on your email below, we will send the attached *Transfer Withdrawal* form to the client for signature and submit the original upon return ASAP. Thank you for your attention to this matter and the explanatory email below.

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Friday, January 29, 2016 11:58 AM
To: Terry Scanlan <TScanlan@spfwater.com>; Lori Graves <LGraves@spfwater.com>
Cc: Ragan, Brian <Brian.Ragan@idwr.idaho.gov>
Subject: Permit 63-32966 Mitigation

Hi Terry and Lori,

I spoke with Lori today, and informed her that a water right transfer is not needed to put the 0.7 acres of irrigation back into the mitigation rights for permit 63-32966. I told her that water right transfer is not needed.

The approval of the mitigation for 63-32966 was to stop using water from water rights 63-365 and 63-2973. We now refer to this as mitigation by non-use. No transfer was required at the time of the permit approval for the water being retired from use. Transfer processing administrative memo 27 states on page 6 (highlighted in yellow), that for non-use mitigation rights, a transfer is not required to convert the water back to use if the water is going to be used on the same acres. Water rights 63-365 and 63-2973 were part of a permissible place of use, and the water right transfer filed by your office to change these rights proposed to put the 0.7 acres back into the permissible place of use. Therefore, the place of use for the acres used in the mitigation did not change, so no transfer is needed to change them back to irrigation.

The new revised transfer memo was approved on November 4, 2015 and we met to do the field exam on November 16, 2015, so I wasn't aware of the changes in the memo at the time we did the field exam. Unfortunately, I didn't put the memo and this water right together until we submitted it for licensing. I apologize for the miscommunication.

We have held the water right transfer you filed until we could figure out these issues, so no processing has been done. Your client should be able to request to withdraw the transfer and request the \$450.00 filing fee be returned.

I tried to condense this issue into a short email, so if you have any questions or concerns, please don't hesitate to contact me. Lori said she would speak with you Terry about talking to the client about this issue. I would be happy to speak with your client, or we could set up a meeting to go over everything.

Thank you.

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856

Memo

Date: 12/30/2015
From: Brian Ragan
To: File 63-32966

BR

A transfer application was sent to Western Region office to transfer 8.7 acres of water to irrigation that is not needed for mitigation for permit 63-32966.



RECEIVED

DEC 24 2015

DEPARTMENT OF
WATER RESOURCES

December 23, 2015

Brian Ragan
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: ***Permit Licensing Amendment – 63-32966***
 Permit Assignment – 63-32966
 Application for Transfer

Dear Brian,

Per your letter request dated December 9, 2015, enclosed is a signed *Application for Amendment* for licensing permit 63-32966. Also enclosed is an *Assignment of Permit* 63-32966 that will allow the permit to be licensed in the name of Barber Valley Irrigation Co., Inc.

Per your email to Jim Conger dated December 7, 2015, also enclosed is an *Application for Transfer* requesting 8.7 acre feet of mitigation water under rights 63-365 and 63-2973 be converted back to irrigation.

Check No. 010290 for \$575 is enclosed for the filing fees; \$100 for the amendment, \$25 for the assignment, and \$450 for the transfer, which includes the additional \$250 required for a change in nature of use.

Please let Terry or me know if there are any questions. Thanks Brian.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori Graves", written in a cursive style.

Lori Graves
Water Rights Specialist

Cc: Doug Fowler via email
 Jim Conger via email

Enclosures

SPF file number: 1026.0040

RECEIVED

DEC 24

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$25 fee per permit

Received by dfReceipt amt. \$ 25.00Receipt no. C101351Date 12-24-15

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Felicia H Burkhalter, General Partner for

I, Harris Family Limited Partnership, hereby assign to Barber Valley Irrigation Co., Inc.
 Current owner(s) New owner(s)
 of, 4940 East Mill Station Drive, Suite 101B, Boise, ID 83716 208-344-5188
 New owner's address including city, state and ZIP Phone

All my right, title, and interest in and to Permit No(s): 63-32966 to
 appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit Number(s):

_____, to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the permit assigned, listing the number of acres in each 40 acre subdivision, point of
 diversion location, and amount of the water in cubic feet per second.

Does the new permit holder own the property at the:

Point of diversion? ☒ Yes ☐ No
 Place of use? ☒ Yes ☐ No

If no, describe the arrangement enabling the new owner to access the point of diversion and/or the place of use:

Dated this 15 day of December, 20 15.

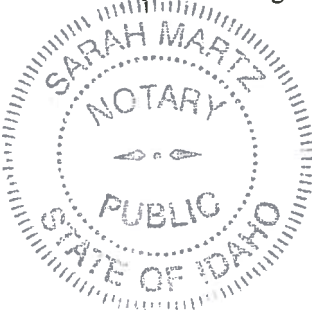
Felicia Burkhalter
 Permit holder Title (if applicable)

 Permit holder Title (if applicable)

State of Idaho)
)ss
 County of Ada)

On this 15 day of December, 20 15, personally appeared before me the signer(s) of the above
 instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL



Sarah Martinez
 Notary Public
 My commission expires: 11/10/2017



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

December 9, 2015

HARRIS FAMILY LTD PARTNERSHIP
4940 E MILL STATION
BOISE ID 83716

COPY

RE: Water Right Permit No. 63-32966

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

During my license exam review I discovered that a small portion of the storm water retention pond #2 exists within lot 5 of the SE SW of Section 19, Township 3 North, Range 3 East.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee by December 23, 2015.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Brian Ragan
Water Compliance Bureau
(208) 287-4934
brian.ragan@idwr.idaho.gov

MEMO

Note to file: 63-32966

Date: 12/8/2015

By: Brian Ragan *BwR*

Re: Transfer of mitigation volume

It was noticed that the owner is currently mitigating a total of 25.2 acre-feet whereas the loss from the ponds calculated after the license exam is no more than 16.5 acre-feet. **This leaves an excess mitigation amount of 8.7 acre-feet coming from water rights 63-365 and 63-2973.**

I asked the owner what he would like to do with this excess amount to which he replied he would like to convert it back to irrigation.

I informed him he would have to initiate the transfer process with the IDWR WRO but the approval of this transfer wouldn't occur until the licensing of 63-32966 is approved.

See associated email communication.

Ragan, Brian

From: Ragan, Brian
Sent: Tuesday, December 08, 2015 11:37 AM
To: 'Jim Conger'
Cc: Terry Scanlan
Subject: RE: Harris Family license 63-32966: excess mitigation

Jim,

Understood. In order to transfer the 8.7 acre-feet back to irrigation under water rights 63-365 and 63-2973, you will need to initiate this process through one of our Water Right agents at our Western Region Office near the airport. You or Terry can give them a call at (208) 334-2190 and discuss this scenario with a water right agent. Let them know that I am currently working on the licensing of water right 63-32966, to which the mitigation is tied. They can call me if they have questions.

Note: It's recommended you begin the transfer process, however the approval of the transfer of the 8.7 acre-feet won't occur until the licensure of 63-32966 has been approved. This is standard operating procedures.

Regards,
Brian

Brian Ragan
IDWR Water Compliance Bureau
(208) 287-4934

From: Jim Conger [<mailto:jconger@congergroup.com>]
Sent: Monday, December 07, 2015 4:58 PM
To: Ragan, Brian
Cc: Terry Scanlan
Subject: RE: Harris Family license 63-32966: excess mitigation

Brian

With the excess mitigation amount we are requesting the 8.7 acre feet to be converted back to irrigation use. This would give us an additional 1.9 acres of irrigation.

Thank you.

Jim D. Conger
Conger Management Group
Office 208-336-5355
Cell 208-713-2527

From: Ragan, Brian [<mailto:Brian.Ragan@idwr.idaho.gov>]
Sent: Monday, December 07, 2015 3:52 PM
To: Jim Conger
Cc: Terry Scanlan
Subject: Harris Family license 63-32966: excess mitigation

Jim,

In discussing your licensure with the water rights section manager it was noticed that you are currently mitigating a total of 25.2 acre-feet whereas the losses from the ponds we calculated are no more than 16.5 acre-feet. **This leaves an excess mitigation amount of 8.7 acre-feet coming from water rights 63-365 and 63-2973.**

I wanted to make you aware of this and ask What would you like to do with this excess amount you're entitled to?

Regards,
Brian

Brian W. Ragan, P.G.
Idaho Department of Water Resources
322 East Front St., PO Box 83720
Boise, ID 83720-0098

Ph: (208) 287-4934
Fax: (208) 287-6700