

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-22976

Priority: June 26, 2001

Maximum Diversion Rate: 0.04 CFS

It is hereby certified that BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated June 26, 2001; and has submitted Proof of
Beneficial Use on November 17, 2004. An examination confirms water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

STOCKWATER

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4SW1/4 Sec. 27, Twp 01S, Rge 15E, B.M. CAMAS County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	15E	27									X				X				
01S	15E	34							X										

CONDITIONS OF APPROVAL

1. The quantity of water under this right for stockwater use shall not exceed 11,341 gallons per day.

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 9th day of February, 20 16.



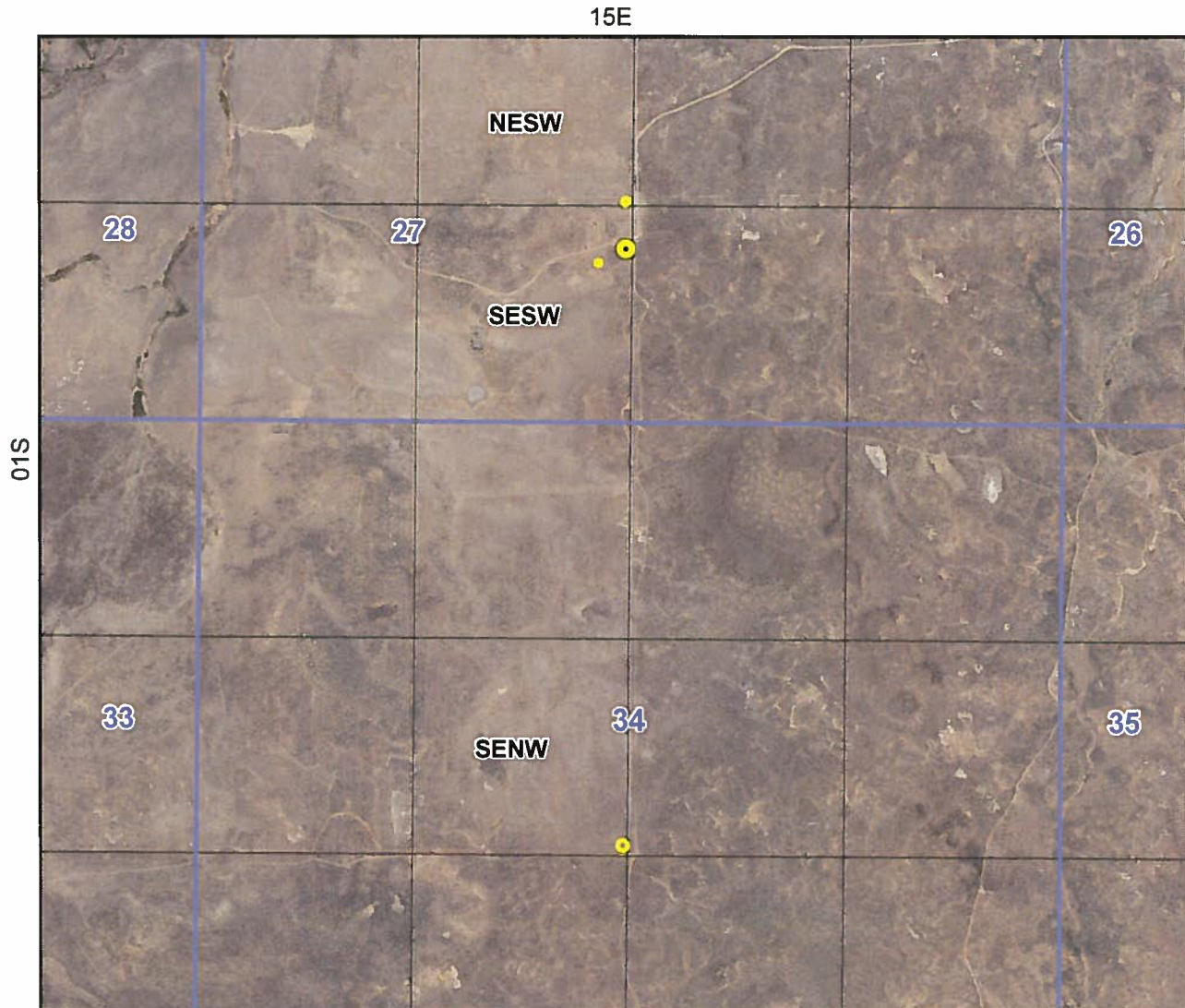
SHELLEY KEEN, Manager
Water Rights Section

State of Idaho
Department of Water Resources

Attachment To Water Right License

37-22976

This map depicts the STOCKWATER 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

□ Quarter Quarters

0 0.125 0.25 0.5 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 10, 2016

BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

RE: License Nos. 37-20552, 37-20553, 37-22975 & 37-22976

Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right Licenses confirming that water rights has been established in accordance with your permits. Please be sure to thoroughly review the conditions of approval and remarks listed on your licenses. Also enclosed are copies of the approved applications for amendment.

The licenses are PRELIMINARY ORDERS issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders 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 February 11, 2016, I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (**Approved Licenses**) to the person(s) listed below:

RE: WATER RIGHT NOS. 37-20552, 37-20553, 37-22975 & 37-22976

**BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009**

A handwritten signature in blue ink, reading "Darla Block", is written over a horizontal line.

**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: File 37-20553 and 37-22976

FROM: Daniel Nelson – Staff Hydrologist

DATE: February 8, 2016

SUBJECT: Supplemental Licensing Review for 37-20553 and 37-22976

It was determined during administrative review that maintaining a combined condition on both water rights 37-20553 and 37-22976 limiting them to 13,000 gallons per day would be difficult. It was determined that it would be best to limit 37-20553 to the amount of storage and evaporation losses, since those components are not controllable. It was also determined, to limit the diversion volume for 37-22976 to remainder of the daily volume that could be provided after the evaporation losses from the ponds.

To accomplish this task, we needed to determine the amount of evaporation from the ponds and subtract that amount from the limitation of 13,000 gallons per day. Using the information supplied by the field examiner, I determined that the daily evaporation or maintenance flows needed to maintain the ponds was 0.0051 acre-feet or 1,659 gallons per day. Please see the attached spreadsheet for the calculations.

Therefore, the condition limiting the volume for water right 37-22976 would be 11,341 gallons per day ($13,000 \text{ gpd} - 1,659 \text{ gpd} = 11,341 \text{ gpd}$). The condition on water right 37-22976 will be as follows:

The quantity of water under this right for stockwater use shall not exceed 11,341 gallons per day.

The condition limiting the total daily water use to 13,000 gallons per day when combined with 37-22976 will be removed from water right 37-20553.

Condition 123 addressing the fluctuations of ground water only applies to the ponds, so it should not be included on water right 37-22976, since it is diverted from a well. This condition will not be included on the license for water right 37-22976.

On water right 37-20553, condition 220 will be altered to describe only the surface area, since condition 219 describes the system capacity.

Total Storage Calculations

FILE NUMBER	37-20553
REVIEWER	Dan Nelson
DATE	2/8/2016

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	0.36	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	3	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	1.08	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.

Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.0	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	0.8	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	1.9	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Flow Rate Into Pond (CFS)	1.00	The "Flow Rate into Pond" depicts the actual flow, either measured or estimated, into the pond. For offstream facilities, this will be equivalent to "diversion to storage" rate.
Highest Daily Evaporation Rate From Evaporation Tab. (mm/Day)	4.31	This number is carried over from the "Evaporation Loss" sheet. It is the highest recorded number in the "Precipitation Deficit Table".
Required Daily Maintenance Volume (AF/Day)	0.0051	"Required Daily Maintenance Volume" is the maximum volume of water needed on any given day during the year to maintain pond volume. It is calculated by adding the highest daily evaporation loss to the average daily seepage loss in acre feet. The average daily seepage loss is calculated by dividing the "Estimated Seepage Loss" by 365 days. This is acceptable, since the seepage rate shouldn't vary throughout the season unless the pond completely freezes over during the winter months. The highest daily evaporation loss is calculated by dividing the Highest Daily Evaporation Rate by the 304.8 conversion factor and multiplying this number by the pond surface area to attain a combined daily acre feet requirement.
Required Daily Maintenance Volume (Gallons/Day)	1659	This number was calculated by multiplying the Required Daily Maintenance volume by 325,850. It is listed as in Gallons per Day.

Nelson, Dan

From: Nelson, Dan
Sent: Friday, October 30, 2015 2:50 PM
To: 'Greg Sullivan'
Subject: RE: Black Butte Hills/Water Permit 37-20553
Attachments: DOC001.pdf

Greg,

I have attached the map that the field examiner made after performing the field exam. She was out in the field with Ron Gasales who showed her where the well, stock tanks, and ponds were located. The field examiner GPS'ed each stock tank and pond. I have to go with the field examiner's recommendation, unless you can provide some very clear and convincing evidence that the report was incorrect. You will also need to show that any variances from the field report did not happen after proof of beneficial use was filed in 2004. I would be happy to review anything that you would like to send to me to review.

I do want to remind you that this amendment was due on October 19, 2015, so it is 11 days past due.

Thank you.

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]
Sent: Friday, October 30, 2015 9:58 AM
To: Nelson, Dan
Cc: 'Nancy Lukacs'; 'Rod Gonsales'
Subject: FW: Black Butte Hills/Water Permit 37-20553

Dan,

On page 1 of the Application for Amendment.

Can you please identify which POD in the SESW is the well?

I believe that the stock water POU needs to include the NENW because there is a stock water trough there and also the SWSW because of 1 of the stock water ponds is located in that QQ. There should be a total of 5 QQs in the stock water POU.

Can you update the IDWR form so that the year at the bottom of the form fits 2015 instead of 20015?

After you have made these changes, I believe my client will sign the Application for Amendment.

Greg Sullivan

Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

From: Nancy Lukacs [<mailto:nancy!@pistolcreek.com>]
Sent: Wednesday, October 14, 2015 2:10 PM
To: 'Rod Gonsales' <camascreek@hughes.net>; greg.sullivan@brockwayeng.com
Subject: Black Butte Hills/Water Permit 37-20553

Attached is correspondence we received today from the IDWR concerning Water Permit 37-20553.

CONFIDENTIALITY NOTICE:

This message (including attachments) contains information which is intended for the use of the addressee(s) only. It is confidential, privileged or otherwise protected. If you are not the intended recipient, you are prohibited from reviewing, using, copying, or disclosing it to anyone. This message or any information contained in the message may not be posted to any social networking site (e.g. Facebook, Myspace), blog or internet site. If you have received this message in error, please notify the sender immediately by replying to the email and deleting it from your computer. Thank you.

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.6172 / Virus Database: 4447/10814 - Release Date: 10/13/15



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

9/23/2015

BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

RE: Water Right Permit No. 37-20553

Dear Mr. Vik:

The Department of Water Resources is reviewing the permits 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 certified 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.

Based on the examiner's report water right permit 37-20553 was developed differently than was originally filed for in the permit. The field examiner found that the stockwater storage described in permit 37-20553 consisted of 6 individual ponds. The water source for these ponds is shallow ground water. Therefore, the point of diversion for these ponds is located in the center or at the bottom of the ponds. The original permit did describe the points of diversions as the ponds, but the application does state that the ponds were filled by the shallow ground water, which was confirmed by the field examiner. If all of the ponds were in the same 40 legal descriptions as the points of diversions that were described in the original permit, we could have just corrected the number of points of diversion in each 40 acre tract. However, one of the ponds is located in the SWSW of Section 27, Township 1 South, Range 15 East, which wasn't included in the point of diversion description in the original permit. The field examiner also found that stockwater use under this permit consisted of a well to 3 stockwater tanks. One of those stockwater tanks is located in the NESW of Section 27, Township 1 South, Range 15 East. The original permit does not show a stockwater use in this legal description. **Therefore, an amendment will be needed to correct the points of diversion for the ponds and the place of use for the stockwater that were not described in the permit.**

The field examiner describes this system as two separate water systems. The two systems were a series of shallow ponds capturing ground water for stockwater storage, and a well that pump water to 3 water troughs. This will required that permit 37-20553 be split into two separate water permits to properly describe each system. **We are amending the permit prior to splitting these water rights to avoid multiple amendments. This way we can amend the original permit and then split the permit to account for the two separate systems.** Once permit 37-20553 is split, the stockwater storage use (stockwater ponds) will remain on water right 37-20553 and a new right (37-22976) will be created to describe the stockwater use (the well to stockwater tanks).

When the field examiner performed the field exam for this permit, she also performed a field exam on water right permit 37-20552. Based on the examiner's report water right permit 37-20552 was also developed as two separate water systems. The two systems were a series of shallow ponds capturing ground water for stockwater storage, and a well that pump water to a water trough. This required that this permit be split into two separate water permits to properly describe each system. The stockwater storage use (stockwater ponds) remains on water right 37-20552 and a new right (37-22975) was created to describe the stockwater use (the well to stockwater tanks). Even though there are two separate permits, the description of the uses must match what was permitted. **No amendment will be needed to split this permit, since all of the points of diversion and places of use were properly described in the original permit and the application for permit.**

The enclosed Application for Amendment forms depicts the elements of the water rights 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 and return the form with the \$100.00 filing fee by October 19, 2015.

I have sent a copy of this letter to your farm manager Ron Gonsales. If you have any questions, please contact me.

Sincerely,



Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Email – dan.nelson@idwr.idaho.gov

Enclosure(s)

CC RON GONSALES
 338 S 600 W
 CORRAL ID 83322

MEMORANDUM

TO: File 37-20553

FROM: Daniel Nelson – Staff Hydrologist

DATE: September 15, 2015

SUBJECT: Licensing Review for 37-20553

This is the licensing review of the field exam submitted by Sandy Hemenway formerly in our state office. The field exam was done in 2012. The system associated with this permit allowed water to be diverted from a well that supplies water to stockwater tanks and to several small stockwater ponds. The field exam has some issues that need to be addressed to prior to licensing of the permit.

Development of Permit:

The application for this permit was received by the Idaho Department of Water Resources (Department) on June 26, 2001. The permit was then assigned to South Cover Ventures L.L.C. on May 10, 2004. The permit was approved on July 24, 2004. Proof of beneficial use was received on September 18, 2004. The permit was assigned again to Black Butte Hills L.L.C. on January December 6, 2005.

In the field exam report, Ms. Hemenway stated that there was a ½ to ¾ Hp well that did not have power running to it. The well had an 1 ½ inch poly pipe to a 250 gallon and a 500 gallon stockwater tank. Ms. Hemenway also stated that the 6 ponds were fed by shallow ground water and were not connected into the well system. Therefore, this permit needs to be split into two permits with the first split for the stockwater storage (Stockwater Storage Split 37-20553) and the second split for the stockwater use (Stockwater Split – 37-22976) for the well to the stockwater tanks.

Therefore, each of the splits will be licensed differently as shown below. The splits were completed at the time of the writing of this memo, so I describe them separately as Stockwater Storage Split and Stockwater Split.

Diversion Rate:

Stockwater Storage Split – 37-20553:

Ms. Hemenway stated in her field exam, that no diversion to storage would be needed, since the ponds collect water from shallow ground water. Apparently, the well did not supply water to the ponds, so I agree with this assessment for the storage portion of the split. **Therefore, there will be no diversion rate identified with the Stockwater Storage Split – 37-20553 split of the permit.**

Stockwater Split – 37-22976:

The stockwater portion of the split would require a diversion rate, since the well diverted water to the stockwater tanks. Ms. Hemenway did not determine the size of the well pump or get a measurement of the well, so she tried to determine the flows based off the theoretical calculation using the information from the owner stating that the pump was a ½ Hp or ¾ Hp pump. I performed various theoretical calculations on the attached sheet that shows that the ½ Hp pump may not supply all of the water allowed in the permit, but the ¾ Hp pump could supply water need to meet the 0.04 cfs rate allowed by the permit. **Therefore, I am recommending a diversion rate of 0.04 cfs for the Stockwater Split – 37-22976 of this permit.**

Diversion Volume:

Stockwater Storage Split – 37-20553:

Ms. Hemenway supplied a pond spreadsheet with her field report, but included all of the ponds in a single spreadsheet instead of separate spreadsheets for each pond. The total volume required to fill the 6 ponds is 1.1 af, and the evaporation losses would be 0.8 af for a total of 1.9 af. The permit limited the storage amount to 1.6 af, so Ms. Hemenway recommended a storage volume of 1.1 af for a one time fill with 0.5 af for evaporation. Although the method was crude, the total for the ponds would be over the 1.6 af, **therefore I recommend that the Stockwater Storage Split – 37-20553 of this permit be limited to 1.6 af.**

Stockwater Split – 37-22975:

Ms. Hemenway recommended 13.4 af of water for the stockwater portion of this permit. However, the permit has a condition that limits the use to 13,000 gpd limiting the maximum volume to 14.6 af per year ($[13,000 \text{ gpd} \times 365 \text{ days}] / 325850 = 14.6 \text{ af per year}$). With a 1.6 af limitation in the storage portion alone, this portion of the permit would need to be limited to 13 af ($14.6 \text{ af} - 1.6 \text{ af} = 13 \text{ af maximum volume available}$). **Whereas this permit has a combined volume limit of 13,000 gpd, a volume is not required to be licensed under this permit.**

Combined Limitation Condition:

The permit had a condition that allowed this permit to be approved in a moratorium area because the total use would be limited to 13,000 gallons per day (gpd). By splitting the original permit, a combined limitation condition is needed to ensure that the total combined volume for these two rights does not exceed 13,000 gpd.

Point of Diversion and Place of Use:

Ms. Hemenway correctly determined the points of diversion and place of use for the ponds and the stockwater. The points of diversion are listed in the middle of the ponds, and the permit doesn't list all of the 40 acre tracts in the point of diversion description where a pond is located. An amendment will be needed to add the legal descriptions for the points of diversion shown in each of the ponds for the permit. The permit also doesn't lists the correct 40 acre tracts for the place of use. Therefore the permits will be recommended for licensing as follows:

Stockwater Storage Split – 37-20553:

The stockwater storage recommendation will show the points of diversion as the center of each pond. Therefore, there will be one point of diversion in the SWSW of Section 27, Township 1 South, Range 15 East, three points of diversion in the SESW of Section 27, Township 1 South, Range 15 East, and three points of diversion in the NENW of Section 34, Township 1 South, Range 15 East. The place of use will show both the SWSW and SESW of Section 27, Township 1 South, Range 15 East and the NENW of Section 34, Township 1 South, Range 15 East as the place of use. An amendment is necessary on this split of the permit to include the addition of a point of diversion in the SWSW of Section 27, Township 1 South, Range 15 East

Stockwater Split – 37-22976:

This right will be limited to the well and the stockwater storage tanks. The stockwater recommendation will show one point of diversion the SESW of Section 27, Township 1 South, Range 15 East. The permit lists a point of diversion in this location. The place of use will show one place of use in the NESW, SWSW, and SESW of Section 27, Township 1 South, Range 15 East and the SENW of Section 34, Township 1 South, Range 15 East. This split will need an amendment to cover the place of use not described in the permit in the NESW of Section 27, Township 1 South.

Conditions:

Stockwater Storage Split – 37-20553:

Conditions 1 (26A), 2 (046), and 3 (X02) will be removed at licensing. Condition 4 (071) will be changed to condition N19, and limit water rights 37-20552 and 37-22975 when combined to 13,000 gpd. Condition 5 will be changed to the standard condition 220. Condition 6 (123) will be carried forward to licensing as the condition was crafted in the permit. Condition 219 will be added to address the evaporation loss allowance of the ponds.

Stockwater Split – 37-22976:

Conditions 1 (26A), 2 (046), 3 (X02), and 5 will be removed at licensing. Condition 4 (071) will be changed to condition N19, and limit water rights 37-20552 and 37-22975 when combined to 13,000 gpd. Condition 6 (123) will be altered to state the following:

Ground water diverted under this right is subject to fluctuations of the water table cause by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.