



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 15, 2015

ERO RESOURCES CORP  
ATTN DAVE SHAW  
4001 EAST MAIN ST  
EMMETT ID 83617

RE: Certified Field Exam for Permit 63-33721

Dear Mr. Shaw:

I was asked to review the certified field exam report you submitted for Hoot Nanney Farms, Inc. for permit 63-33721. This permit was approved on May 29, 2014 with 3 points of diversion or wells, one point of injection, and one point of rediversion in Government Lot 4 (NWNW) of Section 3, Township 4 North, Range 1 West, B.M. to supply up to 2.40 cfs for the irrigation of up to 240 acres.

The Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02 guide the Idaho Department of Water Resources (Department) staff how to determine if a certified field exam report provides adequate information to proceed with the licensing process. If the information supplied in the certified field exam report is not complete, Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.035.02.b provides the following direction:

b. Field reports not completed as required by these rules will be returned to the certified water right examiner for completion. If the date for submitting proof of beneficial use has passed, the penalty provisions of Rule 055 shall apply. (7-1-93)

My review of the certified field report you submitted for permit 63-33721 found that certified field report did not provide the needed information required to proceed with the licensing process. Therefore, I have returned the certified field report and proof of beneficial use statement with this letter. The proof of beneficial use statement is not due until June 1, 2016, so there should be ample time to acquire the information needed and re-submit the field report before June 1, 2016.

The remainder of this letter will provide a detailed accounting of the areas where the certified field exam report was deficient.

The Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.035.01.c states the following:

c. A concise description of the diversion works and a general description of the distribution works shall be given. This description must trace the water from the point of diversion to and including the place of use and the return to a public water source, if any. Any reservoir, diversion dam, headgate, well, canal, flume, pump and other related structure shall be included. If water is stored, the timing and method of storage, release, redirection and conveyance to the place of use shall be described. The make, capacity, serial number and model number of all pumps, boosters or measuring devices associated with the point of diversion at the source of the water supply shall be described on the field examination report. Schematic diagrams, photographs, and maps sufficient to locate and describe the diversion, conveyance and usage systems shall also be provided in the examination report. (3-29-12)

The field report you submitted only had measurements and descriptions of the new well. The field report did not supply any measurements, pump descriptions, or photos for the two existing wells or the redirection pumps. For a field report to be acceptable, the three well pumps and the redirection pump information must be included in section C 4 of the field exam report form, and photos of all 4 pumps should be included with the certified field report.

Furthermore, the total flow from all three wells will need to be measured by a means that can be verified by Department staff. This can be done by reading the installed meter and taking a photo to verify the meter reading. Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.040.03 and .04 provides guidance for an acceptable measurement. The rule states the following:

**03. Measurements.** Water measurements may be made by vessel, weir, meter, rated flume, reservoir capacity table or other standard method of measurement acceptable to the Director. The field report shall describe the method used in making the measurement, the date when made, the name of the person making the measurement, the legal description of the location where the measurement was taken and shall include sufficient information, including current meter notes, rating tables, and/or calibration information to enable the Director to check the quantity of water measured in each case. (3-29-12)

**04. Unacceptable Measurements.** Theoretical diversion rates or theoretical carrying capacities are not acceptable as a measure of the rate of diversion except as indicated in these rules and for some diversion systems where the flow rate cannot be measured accurately due to the physical characteristics of the diversion and distribution system. (3-29-12)

In regards to the number of acres irrigated, the Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.035.01.g states the following:

g. If the water is used for irrigation, the boundaries of the various irrigated areas and the location of the project works providing water to each shall be platted on the maps submitted with the report and the full or partial acreage in each legal subdivision of forty (40) acres or government lot shall be shown. (3-29-12)

The field report you submitted describes 240 acres of irrigation. A recent field exam performed by Department staff for the same farm found that there was only 232 acres irrigated on the lands owned by your client. Tax lot data suggest that only 236 acres are part of the ground covered by this irrigation system. My review of the 2015 aerial photography that is available to the Department suggests that 222 acres were irrigated in 2015. Irrigated ground cannot include homes, ponds, or roadways. We need an accurate accounting of the lands actually irrigated from the water system. An accurate description of the acres actually irrigated is needed to license this permit.

Permit 63-33721 has the following conditions:

Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), to measure the diversion of ground water in accordance with Department specifications.

The right holder shall record the quantity of ground water diverted and annually report the totals, in accordance with Department instructions.

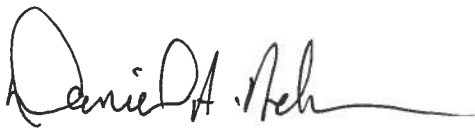
Idaho Administrative Code Beneficial Use Examination Rules, IDAPA 37.03.02.035.02.d states the following:

d. Field reports which indicate that a measuring device or lockable controlling works, required as a condition of approval of the permit, has not been installed, are not acceptable and will be returned to the examiner unless the measuring device requirement or lockable controlling works requirement has been formally waived or modified by the Director. (3-29-12)

The certified field exam report did show and describe a flow meter on the new well, but there was no description of the data logger on the well. I was unable to determine if a data logger was installed by looking at the photos taken of the flow meter. There were no photos or description of the measurement devices and data loggers on the two existing wells. The two existing wells were part of this permit and have the same measurement requirements as the new well. There are no records that any reports have been submitted to the Department, and no documentation was submitted with the certified field exam report showing the diversions from any of the three wells. This permit cannot move forward with licensing without documentation showing all of the wells have measurement devices with data loggers, and submittal of the annual reports from the data that has been collected.

The certified field exam report is being returned to you for the above reasons. Proof of beneficial use is not due until June 1, 2016, so there should be adequate time to supply the information needed by the date proof of beneficial use is due. If you have any questions, please don't hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel Nelson", with a long horizontal flourish extending to the right.

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

RECEIVED

DEC 03 2015

WATER RESOURCES  
WESTERN REGION

December 1, 2015

Nick Miller, Manager  
Department of Water Resources Western Region  
2735 Airport Way  
Boise, ID 83705-5082

**COPY**

RE: Field Examination for Permit 63-33721

Dear Nick:

Attached is the completed Beneficial Use Field Report for the above permit in the name of Hoot Nanney Farms Inc. The permit is for irrigation to supplement the diversion rate under water rights 63-2958 and 63-31988.

Based on my field measurements, a licensing amendment will be necessary to correctly locate the point of diversion. The application for amendment has not been prepared pending IDWR review of the enclosed field exam.

Thank you in advance, please let me know if you have questions or recommendations.

Yours truly,



Attachments

cc: Mike Dixon

Denver  
1842 Clarkson St.  
Denver, CO 80218  
303.830.1188

Durango  
1015 ½ Main Avenue  
Durango, CO 81301  
970.422.2136

Hotchkiss  
P.O. Box 932  
161 South 2<sup>nd</sup> St.  
Hotchkiss, CO 81419  
970.872.3020

Idaho  
4001 East Main Street  
Emmett, ID 83617  
208.365.7684

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DEC 03 2015

WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**STATEMENT OF COMPLETION**  
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$: \_\_\_\_\_  
Receipt No. \_\_\_\_\_  
Receipt By: \_\_\_\_\_  
Date Received: \_\_\_\_\_

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been completed and that water has been applied to beneficial use to the extent described below. This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner. Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, please contact any Department office or visit the Department's website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov) for an Assignment of Permit form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No.: 63-33721 Telephone No.: 208 454-5528

2. Name of Permit Holder(s): Hoot Nanney Farms, Inc.

3. Mailing Address: C/o Michael L Dixon, 8542 Floating Feather Rd City: Eagle

State: ID Zip: 83616 Email: \_\_\_\_\_

4. Source of Water: Ground Water If **GROUND WATER** (well), Date Drilled: mo. March / yr. 2015

Well Driller: Coonse Well Drilling & Pump Co., Inc. Drilling Permit Number: 409

5. Extent of use(s) completed (as authorized by the water right permit):

Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): \_\_\_\_\_

Irrigation (No. of acres): 240 Other: \_\_\_\_\_

6. Total rate of diversion or storage volume for which proof is submitted: 2.40 cfs OR \_\_\_\_\_ acre-feet.

7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit: Refer to the approval conditions on your permit and respond accordingly. The Department will not issue a license if permit conditions are not met.

Measuring Device: Is a measuring device required?

Yes ☒ No ☐  
If yes, has the measuring device been installed? Yes ☒ No ☐

Lockable Controlling Device: Is a lockable device required to control the diversion?

If yes, has the lockable device been installed?

Yes ☐ No ☒  
Yes ☐ No ☐

Other Conditions of Permit: Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

Completed? Yes ☐ No ☒

8. Fee Enclosed: \$ \_\_\_\_\_ See fee schedule on back of the instructions for filing proof of beneficial use. Proofs filed without an appropriate fee, will be considered incomplete.

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Michael Dixon Telephone Number: 208 454-5528

Mailing Address: 8542 Floating Feather Rd City: Eagle

State: ID Zip: 83616 Email: \_\_\_\_\_

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of permit holder: Michael L Dixon - President H. N. F. Date: 7-24-15  
(Include your title, if on behalf of company or organization)

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**RECEIVED**  
**DEC 03 2015**  
DEPT OF WATER RESOURCES

A Beneficial Use Field Report is prepared by a water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with a permit during the development period authorized by the permit and any extensions of time previously approved.

**A. GENERAL INFORMATION**Permit No. 63-33721

1. Owner Hoot Nanney Farms, Inc. Phone No. 208 484-5528  
Current address C/o Michael L Dixon, 8542 Floating Feather Rd, Eagle, ID 83616
2. Examiner's name David Shaw EXAM DATE 7-24-15
3. Accompanied by Michael Dixon Email \_\_\_\_\_  
Address 8542 Floating Feather Rd, Eagle, ID 83616  
Relationship to permit holder Self Phone No. 208 484-5528
4. Source Ground Water tributary to \_\_\_\_\_

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use 63-32010, 63-2958, 63-31988
2. Other water rights with the same source and point of diversion 63-2958, 63-31988

**C. DIVERSION AND DELIVERY SYSTEM**

## 1. Point(s) of Diversion:

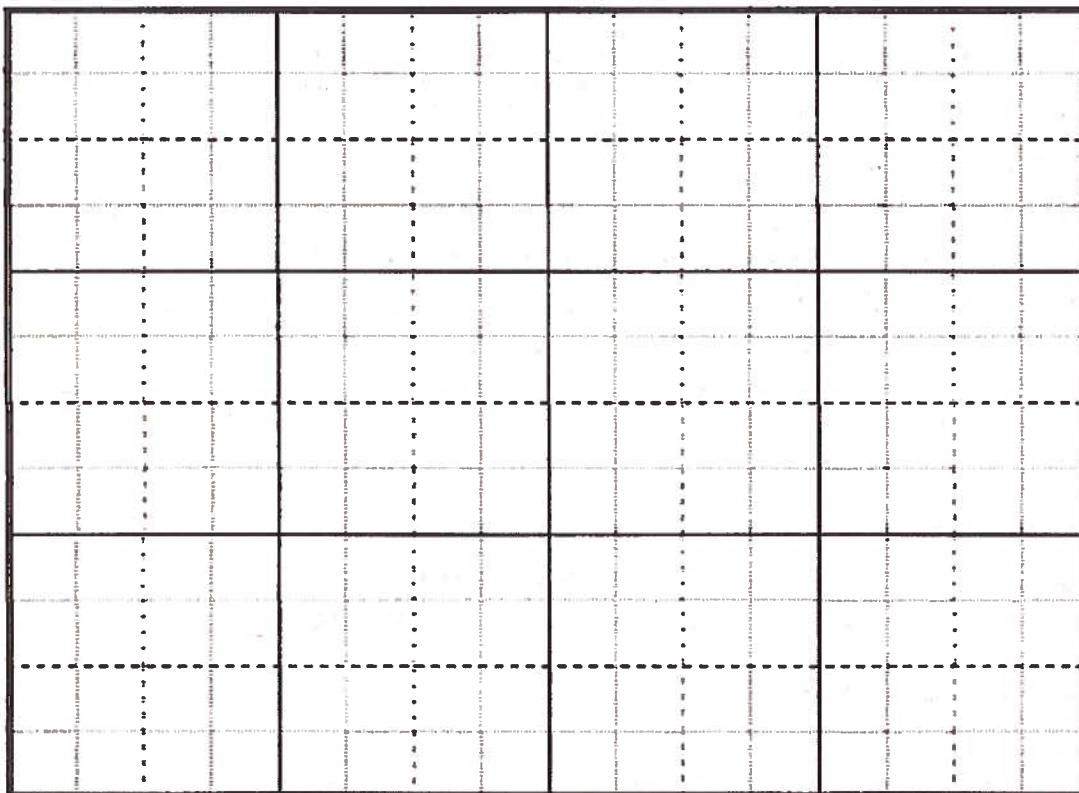
| Ident. No. | Gov't Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Method of Determination/Remarks |
|------------|-----------|---|----|----|-----|-----|-----|--------|---------------------------------|
| 4          | 1         |   | NE | NE | 4   | 4N  | 1W  | Ada    | GPS                             |
|            |           |   |    |    |     |     |     |        |                                 |
|            |           |   |    |    |     |     |     |        |                                 |
|            |           |   |    |    |     |     |     |        |                                 |

2. Place(s) of Use: Method of determination NAIP Photo and PLSS Shape from BLM

| Twp | Rge | Sec | NE   |    |    |      | NW |      |      |    | SW |      |    |    | SE   |    |    |    | Totals |
|-----|-----|-----|------|----|----|------|----|------|------|----|----|------|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE   | NE | NW   | SW   | SE | NE | NW   | SW | SE | NE   | NW | SW | SE |        |
| 4N  | 1W  | 3   |      |    |    |      |    | 38.1 | 38.6 |    |    | 38.6 |    |    |      |    |    |    | 115.3  |
|     |     | 4   | 38.8 |    |    | 37.6 |    |      |      |    |    |      |    |    | 38.0 |    |    |    | 114.4  |
|     |     |     |      |    |    |      |    |      |      |    |    |      |    |    |      |    |    |    |        |
|     |     |     |      |    |    |      |    |      |      |    |    |      |    |    |      |    |    |    |        |
|     |     |     |      |    |    |      |    |      |      |    |    |      |    |    |      |    |    |    |        |
|     |     |     |      |    |    |      |    |      |      |    |    |      |    |    |      |    |    |    |        |
|     |     |     |      |    |    |      |    |      |      |    |    |      |    |    |      |    |    |    |        |
|     |     |     |      |    |    |      |    |      |      |    |    |      |    |    |      |    |    |    |        |

**COPY**

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☒ see attached.



Scale: 1" = \_\_\_\_\_

- ☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (required)
- ☒ Aerial photo attached (required for irrigation of 10+ acres)
- ☒ Photo of diversion and system attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| 4                                     |            | 25 |                  |           | Submersible Pump & Motor          |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with no. on map and aerial photo

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make   | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|--------|-----------|------------|------|-------------|
| Octave Mag Meter      | Mag  | Octave |           | 13427099   | 4"   | 10-9-13     |
|                       |      |        |           |            |      |             |

2. Measurements:

Measurement was read directly from flow meter at 210 gpm. Meter was installed new in 2015, see attached photos.

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**E. NARRATIVE/REMARKS/COMMENTS**

This permit was approved to increase the diversion rate for the lands irrigated under water rights 63-2958, 63-31988 and 63-32010. Water right 63-32010 is a waste water right and is not reliable and the diversion rate from the 2 ground water rights is limited to 2.40 cfs. No additional lands are proposed to be irrigated under this permit.

The new point of diversion was proposed to be in Lt 4 Sec 3 Twp 4N Rge 1W, B.M. A test well was drilled in that tract but did not produce sufficient water for development. Another well was drilled in the low point of the terrain near the northern most pivot and moved into Lt 1 Sec 4 Twp 4N Rge 1W, B.M. If this field exam is otherwise acceptable the permit holder can file a licensing amendment to properly describe the new point of diversion as needed.

The 2 existing wells at points 1 and 2 discharge into a pond along with any wastewater available from point of diversion 3. Two pumps pressurize water from the pond to operate the 2 pivots and solid set corners. The discharge from the new well is plumbed directly into the buried mainline at the northern most pivot instead of pumping into the pond with the other wells. The new well can deliver water to either the north or south pivot or the solid set sprinklers in the corners.

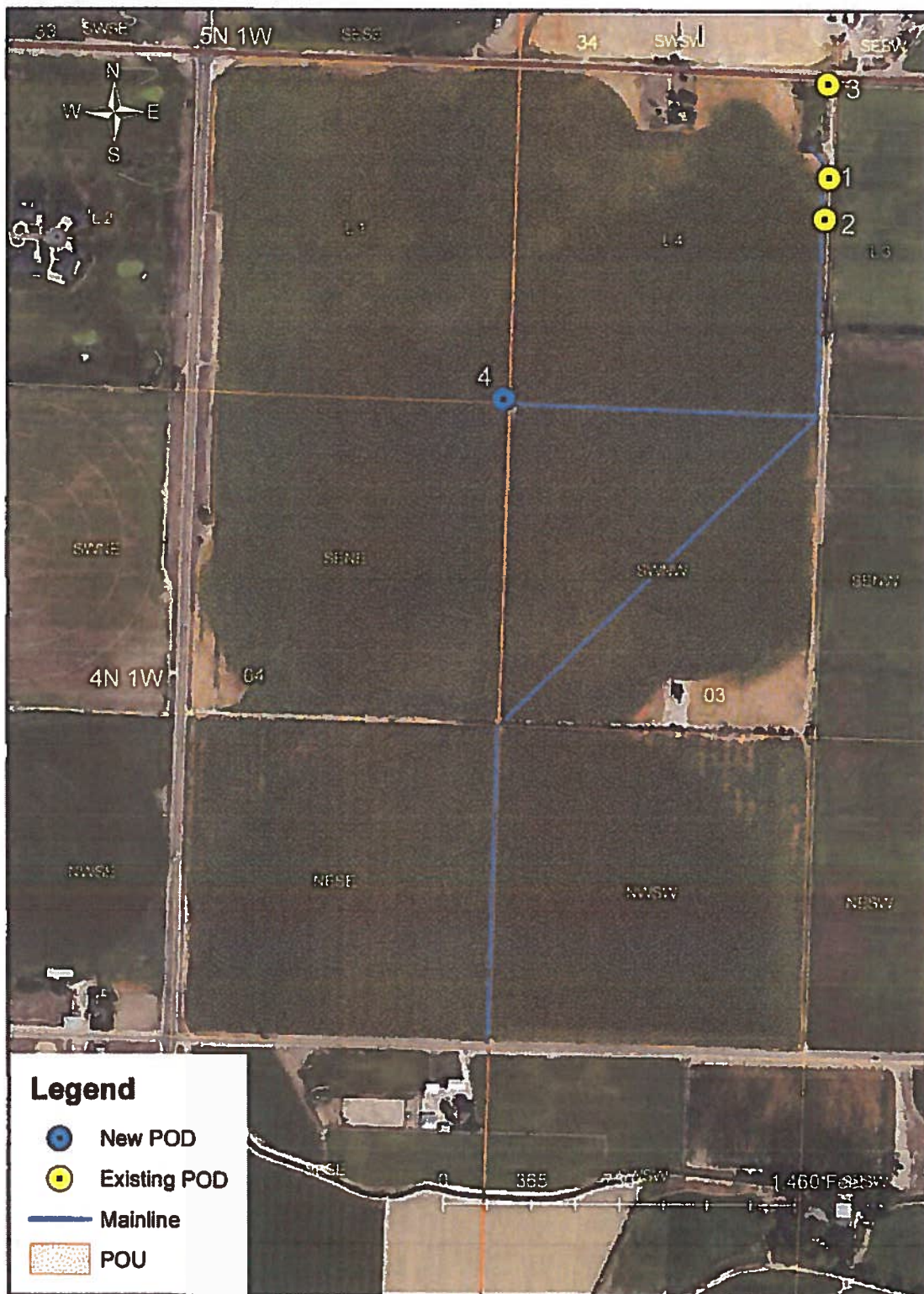
Has the permit holder met all conditions of permit approval, including any mitigation requirements and/or measuring device installation requirements? ☒ Yes ☐ No If no, what must be done to meet the permit requirements?



**COPY**



# Hoot Nanney Farms Inc. Permit 63-33721 Field Exam

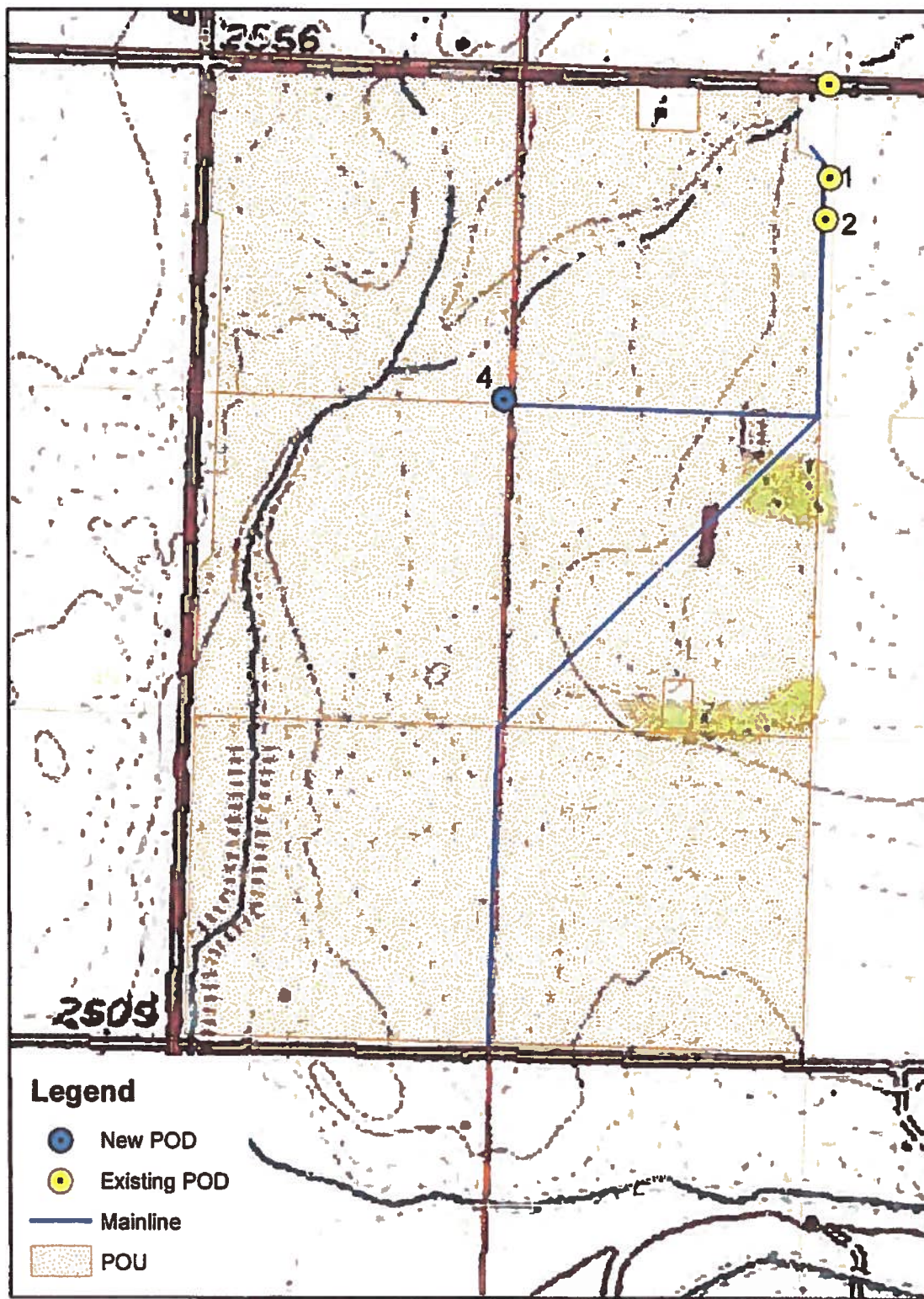


Based on 2013 NAIP Photography

Prepared for Hoot Nanney Farms, Inc. by ERO December 2015

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# Hoot Nanney Farms Inc. Permit 63-33721 Field Exam



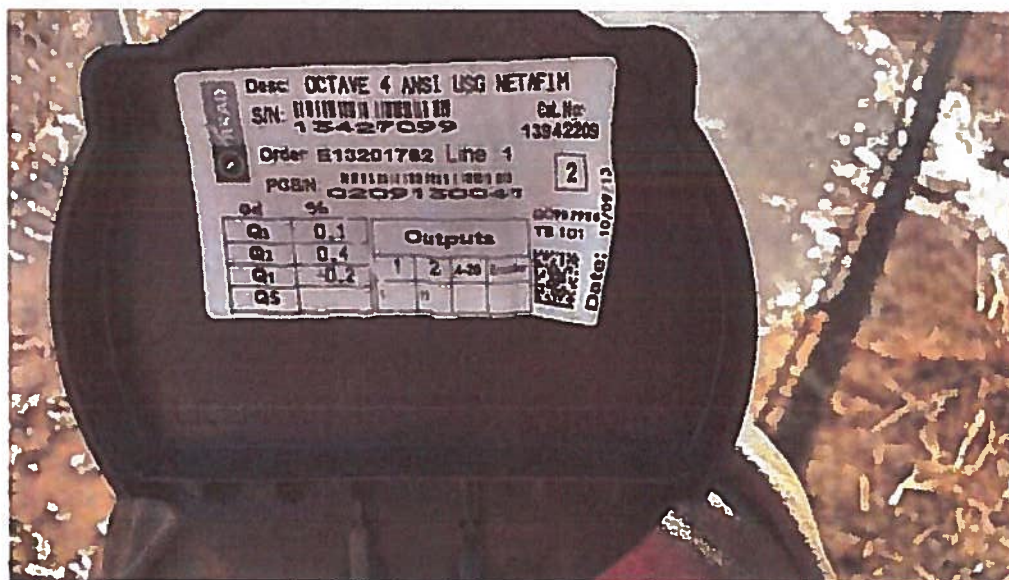
Prepared for Hoot Nanney Farms, Inc. by ERO December 2015

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Permit 63-33721 Field Exam Photos



New well, valves and flow meter on the right



Flow meter information

COPY



**Northeast corner of south field showing solid set sprinklers in corner**



**Northwest corner of south field showing solid set sprinklers in corner**

**COPY**



**Southeast corner north field showing solid set sprinklers in corner**



**Southwest corner north field showing solid set sprinklers in corner**

**COPY**



**Northwest corner north field showing solid set sprinklers in corner**



**Northeast corner north field showing solid set sprinklers in corner**

**COPY**