

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-31664

Priority: April 22, 2003

Maximum Diversion Rate: 0.40 CFS
Maximum Diversion Volume: 23.4 AF

It is hereby certified that MANN FARMS
31801 MANN LN
PARMA ID 83660 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated July 28, 2006; and has submitted Proof of
Beneficial Use on August 01, 2013. An examination confirms water was diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	01/01 to 12/31	0.40 CFS	23.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW 1/4 NE 1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	SW 1/4 NE 1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	SW 1/4 NE 1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	SE 1/4 NW 1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	NE 1/4 SW 1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	NW 1/4 SE 1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	NW 1/4 SE 1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	NW 1/4 SE 1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County

PLACE OF USE: STOCKWATER

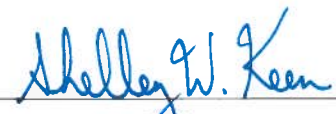
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	06W	25			X	X				X	X	X		X	X	X	X		

CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. Rights 63-21364, 63-31292, 63-31293, 63-31294, 63-31295, 63-31298, and 63-31664 when combined shall not exceed a total diversion rate of 1.24 cfs.

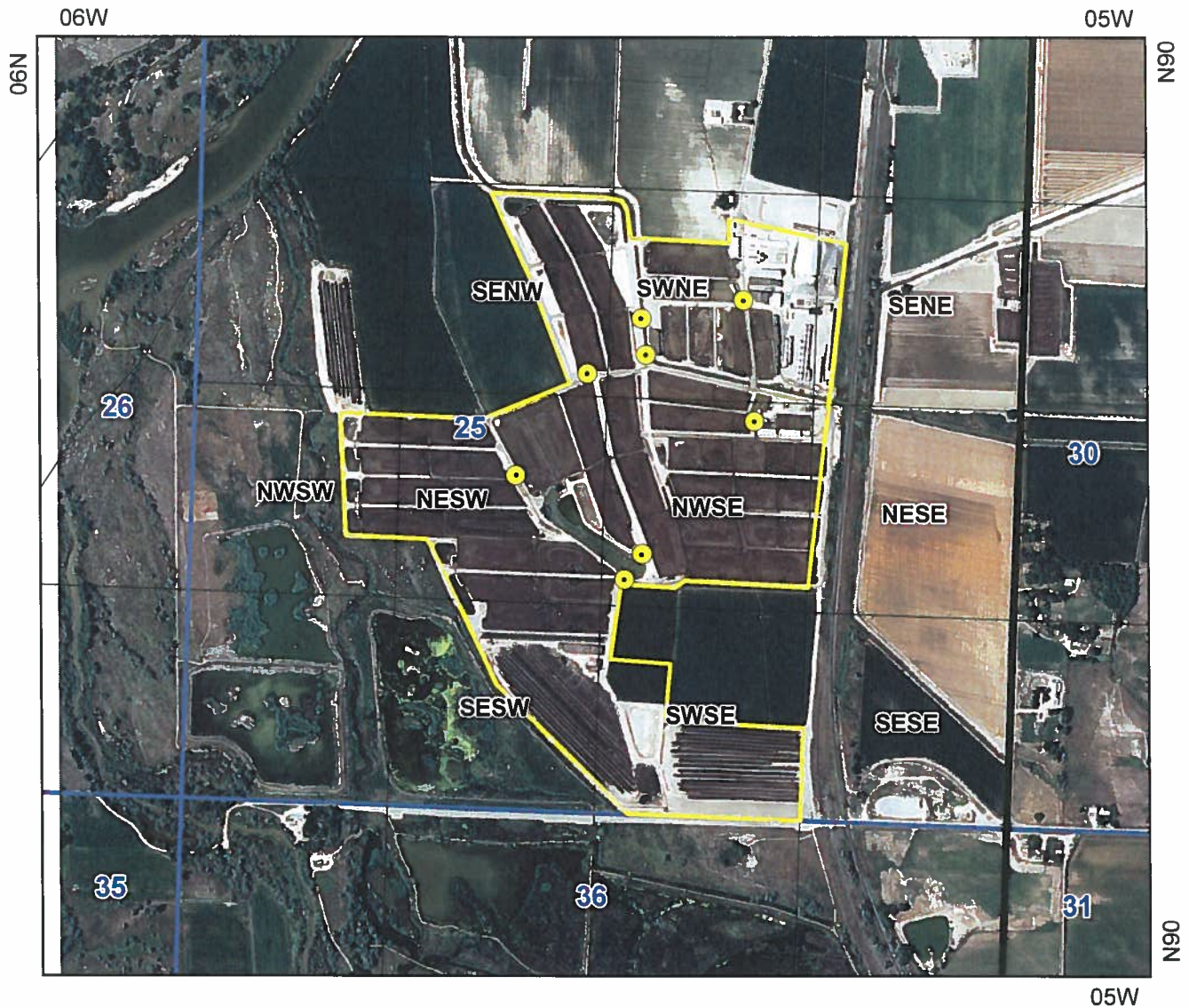
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 13th day of May, 2015.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
63-31664

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

May 14, 2015

MANN FARMS
31801 MANN LN
PARMA ID 83660

RE: License No. 63-31664

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.

Also enclosed is an order that reinstated this permit, since proof and the license examination fee were submitted after the proof deadline. Please note that the priority date for this permit has been advanced to April 22, 2003, as provided in section 42-218a(2), Idaho Code.

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)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2015, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (**Order Reinstating A Permit**) & (**Approved License**) to the person(s) listed below:

RE: WATER RIGHT NO.

63-31664

**MANN FARMS
31801 MANN LN
PARMA ID 83660**

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



**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.

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT	)	
NO. 63-31664 IN THE NAME OF	)	PRELIMINARY ORDER
MANN FARMS	)	REINSTATING A PERMIT
_____	)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds, concludes and orders:

FINDINGS OF FACT

1. On May 28, 2003, the Department issued the above-captioned permit in the name of Mann Farms (permit holder), with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before June 1, 2008. The permit bore the priority date of February 20, 2003.

2. On May 18, 2007, the Department approved an amendment of permit to add seven additional points of diversion. The condition requiring proof of beneficial use to be submitted on or before June 1, 2008 remained on the amendment.

3. On March 31, 2008, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof or a Request for Extension of Time ("extension request").

5. On April 30, 2008, the permit holder filed an extension request with the Department. This extension was approved and granted based on due diligence or good cause. A proof of beneficial use deadline of June 1, 2013 was set.

6. On March 31, 2013, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof or a Request for Extension of Time ("extension request").

7. On June 1, 2013, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or request for extension of time.

8. On June 6, 2013, the Department sent notice that the permit had lapsed.

9. On August 1, 2013, the permit holder filed a Statement of Completion for submitting proof of beneficial use with a field exam report prepared by a certified water right examiner.

10. The permit holder submitted proof of beneficial use 61 days after the required proof due date.

CONCLUSIONS OF LAW

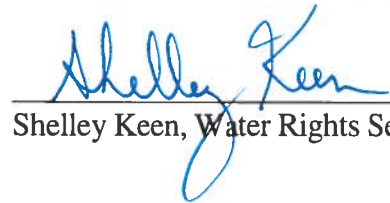
Section 42-218a, *Idaho Code*, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of notice of lapsing.

The permit holder has provided a reasonable showing why this permit should be reinstated, by submitting an acceptable proof of beneficial use. The permit shall be reinstated based upon the August 1, 2013 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 63-31664 is **REINSTATED** and the permit's priority date is advanced to April 22, 2003.

Dated this 13th day of May, 2015.


Shelley Keen, Water Rights Section Manager

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-31664

RECEIVED
MAY 06 2003
DEPARTMENT OF
WATER RESOURCES

Date of Priority: February 20, 2003

Maximum Diversion Rate: 0.40 CFS

Maximum Diversion Volume: 23.4 AF

Comes now MANN FARMS

31801 MANN LN

PARMA ID 83660

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. 63-31664, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.40 CFS	23.4 AF

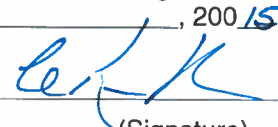
LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4NE1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	SW1/4NE1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	SW1/4NE1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	SE1/4NW1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	NE1/4SW1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	NW1/4SE1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	NW1/4SE1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON County
GROUND WATER	NW1/4SE1/4	Sec. 25,	Twp 06N,	Rge 06W, B.M.	CANYON 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	
06N 06W 25			X	X			X	X	X	X			X	X	X	X	

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 2 day of May, 20015


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-31664

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 100.00 Received by L5H #C100411 Date 5-6-15

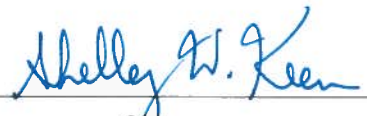
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-31664 with the following:

CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. Rights 63-21364, 63-31292, 63-31293, 63-31294, 63-31295, 63-31298, and 63-31664 when combined shall not exceed a total diversion rate of 1.24 cfs.

Witness my hand this 13th day of May, 2015.

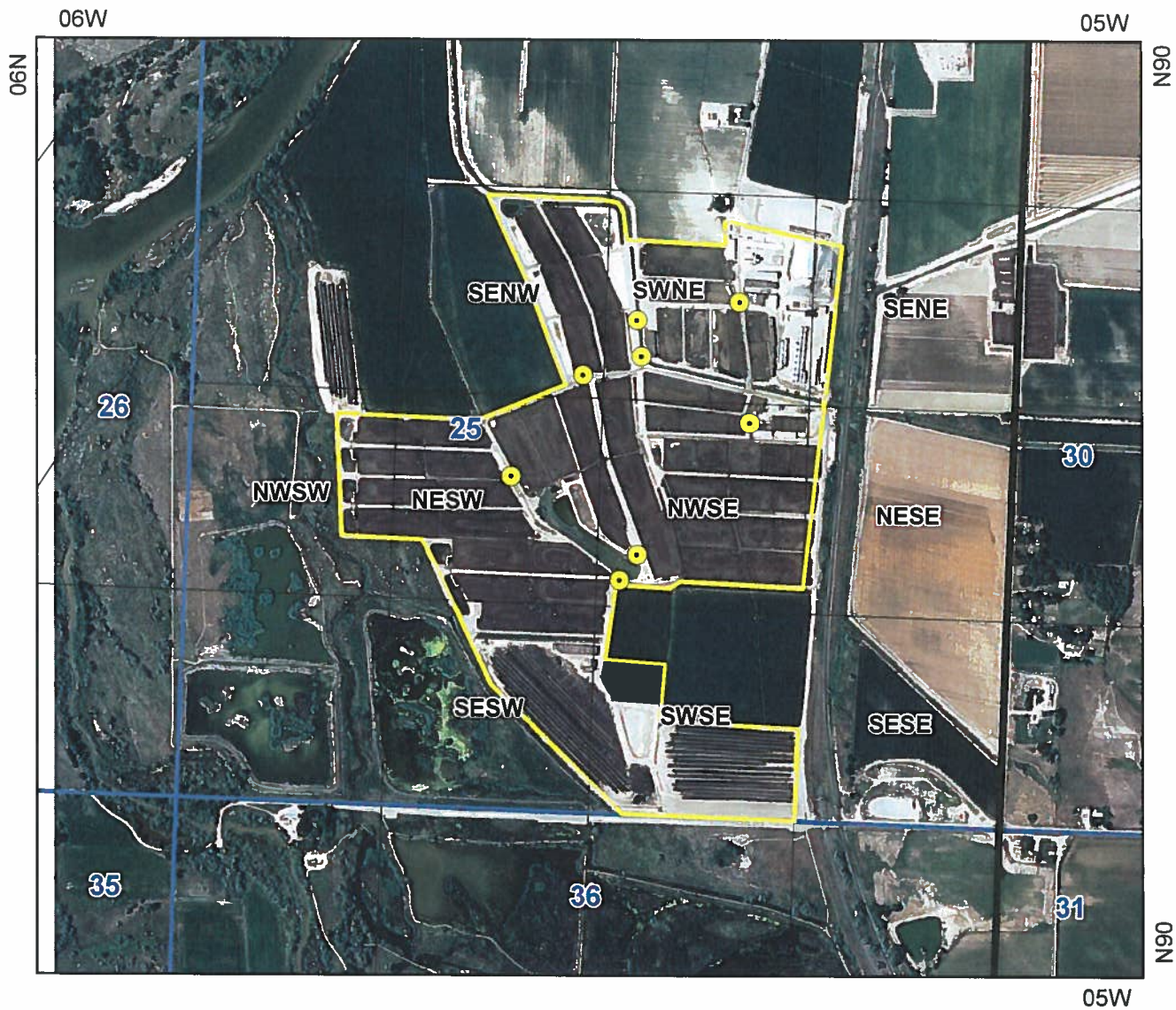

for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License

63-31664

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





RECEIVED

MAY 06 2015

DEPARTMENT OF
WATER RESOURCES

May 4, 2015

Dan Nelson
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: *Licensing Amendment; Permit 63-31664*

Dear Dan,

Per your request, enclosed is a signed *Application for Amendment* for licensing Permit 63-31664.

Check No. 014486 is enclosed for the \$100 filing fee.

Please let Scott know if there are any questions. Thanks Dan.

Sincerely,

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

Lori Graves
Water Rights Specialist

Cc: Kent Mann

Enclosures

SPF file number: 220.0010

Nelson, Dan

From: Scott King [SKing@spfwater.com]
Sent: Wednesday, May 13, 2015 1:34 PM
To: Nelson, Dan
Subject: RE: Mann Farms Permit 63-31664

Dan,
Yes, these are all on an interconnected system.

Thanks,
Scott

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Wednesday, May 13, 2015 9:13 AM
To: Scott King
Subject: Mann Farms Permit 63-31664

Hello Scott,

Shelley Keen asked me to confirm that the 8 wells associated with permit 63-31664 and license 63-31298 are incorporated into a single system. Could you let me know if all of these wells are interconnected for the Mann Feedlot?

Thank you Scott.

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

Nelson, Dan

From: Nelson, Dan
Sent: Thursday, May 07, 2015 7:59 AM
To: 'Lori Graves'
Subject: RE: M&M Licensing Amendment

Lori,

I received the amendment for Mann Farms today. There was no issues with the receipt. We will send the receipt out with the amendment. I will start working on it as soon as possible.

Dan Nelson

From: Lori Graves [<mailto:LGraves@spfwater.com>]
Sent: Tuesday, May 05, 2015 8:18 AM
To: Nelson, Dan
Cc: Scott King; Megan Tverdy
Subject: M&M Licensing Amendment

Good Morning Dan,

Just put the licensing amendment in the mail yesterday, but the check number in the cover letter references a check Kent Mann mistakenly made out to us instead of IDWR. Fortunately, our secretary caught it before it went out and replaced it with an SPF check to IDWR. Just thought I'd let you know so you can change the check number listed in the cover letter. Thanks Dan. Have a great week.

Regards,
Lori

Lori Graves | Water Rights Specialist

SPF Water Engineering, LLC
300 E Mallard Drive, Suite 350 | Boise, ID 83706
p. 208.383.4140 | f. 208.383.4156 | c. 208.850.4601
e. lgraves@spfwater.com | w. www.spfwater.com

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Nelson, Dan

From: Nelson, Dan
Sent: Thursday, April 23, 2015 11:17 AM
To: 'Scott King'
Subject: Amendment for 63-31664
Attachments: 63-31664 amendment and letter.pdf

Hello Scott,

I was given a file to work on that you did the certified field exam on. I have the water rights ready to go, but an amendment was needed to properly describe the points of diversion and place of use described in your field exam. I sent you the original, but I wanted to email you a copy of the amendment to allow you some extra time.

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

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



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

April 23, 2015

SPF ENGINEERING
ATTN SCOTT KING
300 E MALLARED DRIVE
BOISE ID 83706

RE: Water Right Permit No. 63-31664 Mann Farms

Dear Mr. King:

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 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, there were three wells in the SWNE quarter of Section 25, Township 6 North, Range 6 West instead of two. The field examiner also found that the feedlot was located in parts of the SENE quarter, SESW quarter, and the SWSE quarter of Section 25, Township 6 North, Range 6 West that wasn't described in the permit.

The enclosed Application for Amendment form depict 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 the form and return it with the \$100.00 filing fee within 14 days.

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)

MEMORANDUM

TO: File 63-31664

FROM: Daniel Nelson – Staff Hydrologist

DATE: April 21, 2015

SUBJECT: Licensing Review for 63-31664

This is the licensing review of the field exam submitted by Certified Examiner Scott King of SPF Engineering. Craig Saxton began working on this file, but it was held until water right permit 63-31298 could be licensed, because it was the first permit in the series of water rights on this property. The field exam was done in 2011, and received by the Department on August 1, 2013. The permit was filed for 0.44 cfs to be diverted from 11 wells to provide stockwater for 2,000 dairy cattle. The field examiner found that this permit was used to provide water to 4,000 head of dairy replacement stock.

Number of Stock:

The field examiner did find that there were 12,000 head of animals in the dairy replacement feedlot. However, the application for permit states that the stockwater use was for a 2,000 head feedlot expansion, and limited the volume per cow to 12 gpd. The application also provided mitigation for 2,000 head or replacement heifers by retiring 10.8 acres of irrigation water right 63-2587B. The permit also reflected this mitigation through a condition that would abandon 9 acres of water under water right 63-2587 or file a transfer to change 9 acres of water right 63-2587 to mitigation. The permit was later amended, but no additional cattle numbers or mitigation was added during the mitigation.

The mitigation requirement for this permit was based on the 2,000 head, and not the 4,000 head recommended by the field examiner. The calculations for mitigation under this permit allowed for 8,760,000 gallons or 26.9 af of consumptive use water ($8,760,000 / 325850 = 26.9$ af). The attached spreadsheet shows the volume required for 2,000 head of cattle at 12 gpd is 26.9 af. Therefore, the licensing of this permit can only allow enough water to supply up to 2,000 head of cattle to be licensed under this water right.

Mitigation:

The mitigation for this permit was confirmed in an email in the file that shows that 9 acres of irrigation was retired on water right 63-2587B. The 9 acres were not recommended or decreed for water right 63-2587B in the Snake River Basin Adjudication Court.

Diversion Rate:

The field examiner determined the flow rate for this permit using 4,000 head of cattle. He based his calculations on 4,000 head of cattle and limited by the amount allowed by the permit. The diversion rate can only be calculated based on the 2,000 head of cattle applied for in the permit, so the diversion rate is limited to 0.40 cfs per Department standards. Therefore, I am recommending a diversion rate of 0.40 cfs for licensing of this permit.

The field examiner measured a system capacity of 1.09 cfs. The existing water rights for this system already allow a combined diversion rate of 1.24 cfs when water rights 63-21364, 63-31292, 63-31293, 63-31294, 63-31295, and 63-31298 are combined. The system capacity does not exceed the 1.24 cfs limitation already allowed by existing water rights, so a condition will need to be added to this permit to limit water rights 63-21364, 63-31292, 63-31293, 63-31294, 63-31295, 63-31298, and 63-31664 when combined are limited to 1.24 cfs. We cannot reduce the combined limitation on the existing water rights, so we are bound to the 1.24 cfs amount.

Diversion Volume:

As stated above, this permit was filed for 2,000 head of cattle, mitigation was also provided for the 2,000 head of cattle. The field examiner recommended a volume based on 4,000 head of cattle, which would enlarge the permit. The adjudication records and the field examiner both state that the existing decrees for this feedlot allow stockwater for 5,500 head of cattle. Water right license 63-31298 was licensed stockwater to 2,500 head of cattle as restricted by mitigation. This permit can only provide stockwater for an additional 2,000 head of cattle for a total of 10,000 head of cattle.

Using the Field Examiner's Handbook and the same method used by the field examiner, 10,000 head of cattle will need a maximum of 134.4 af of water. Using the same method and the mitigation provided, this permit can only supply a maximum of 26.9 af of water. The existing decrees and license provides a total combined volume of 111 af of water. The maximum amount of volume that can be licensed under this permit would be difference from the maximum amount of water 10,000 head of cattle need or 134.4 af minus the 111 af of water already licensed for a total of 23.4 af. I am recommending that this permit be licensed for 23.4 af of stockwater.

Points of Diversion:

The field examiner found 8 wells supplying water for this permit. The original permit allowed 4 wells, but the permit was amended in May of 2007 to bring the total number of wells up to 11 wells. The field exam confirms that not all of the wells were constructed under the permit, but it also shows that well #8 has the incorrect legal description. The amended permit shows 2 wells in the SWNE of Section 25, Township 6 North, Range 6 West. The field exam shows that Well #1, Well #3, and Well #8 are all in the SWNE of Section 25. This will need to be remedied before we can move forward with licensing.

Place of Use:

The field examiner found the place of use as being in the S1/2 of the NE, SENW, N1/2 of the SW, SESW, N1/2 of the SE, and SWSE of Section 25, Township 6 North, Range 6 West. The permit and the amendment show the place of use in the SWNE, SENW, N1/2 of the SW, and N1/2 of the SE Township 6 North, Range 6 West. The field examiner described the place of use in the SENE, SESW, and the SWSE that were not described in the permit. Therefore, an amendment is necessary to correct the place of use.

Conditions:

The only conditions that will be need to be on the license is the 01M condition acknowledging possible future measurement requirement, and condition X35 that would have a combined limitation of the diversion rate to the system capacity of 1.24 cfs.

Water Right Number	Number of Cattle	Estimated Volume [[Cattle X 12gpd X365] / 325850= estimated af]	Diversion Rate	Volume on water right
63-21364	1,000	13.4	0.24	13.4
63-31292*	1,000	13.4	0.23	14.6
63-31293	1,500	20.2	0.31	20.2
63-31294*	1,000	13.4	0.23	14.6
63-31295*	1,000	13.4	0.23	14.6
63-31298	2,500	33.6	0.55	33.6
Totals	8,000	107.5	1.79	111

* Water rights denoted have a condition limiting them to 13,000 gpd, and a condition stating that the decreed amount was not a determination of Historic Beneficial Use.

Number of Cattle Found in Field exam =	12,000 Head
Number of Cattle Already Licensed =	8,000 Head
Number of Cattle Not Covered by a Water Right license or Decree =	4,000 Head

Number of Cattle Allowed Under Permit =	2,000 Head
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Number of Cattle Allowed Under Permit and Existing Water Rights =	10,000 Head
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Maximum Volume Allowable For Licensing ([2,000 Cattle X 12gpd X365] / 325850= estimated af) =	26.9 af
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Total Combined Volume for 10,000 Head of Cattle ([10,000 Cattle X 12gpd X 365] / 325850 = Maximum Acre Feet Allowed)	134.4 af
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Volume Allowed By Permit (Total Volume for 10,000 head - Licensed/Decreed Volume = Permitted Volume) =	23.4 af
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Total Diversion Rate Calculation for Permit (0.00022 X Cattle = Maximum Diversion Rate) =	0.40 cfs
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Maximum Combined Diversion Rate Calculation (0.00022 X Cattle = Maximum Diversion Rate) =	2.64 cfs
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Field Examiner Measurement =	1.09 cfs
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Decreed and License Existing Combined Limitation Condition Allows =	1.24 cfs
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Permit - 63-31664
By Dan Nelson
4/21/2015

The volume amounts were calculated using the Field Examiner's Handbook recommendation of 12 gallons per day (GPD) time the number of days divided by 325,850 to determine annual volume. Three of the permits were decreed in the SRBA without a volume limitation other than the standard 13,000 gpd condition allowing an annual volume of 14.6 af ([13,000 gpd X 365]/325850). However, the adjudication claim files and the certified examiner provided the cattle numbers that these rights were supposed to supply water too. This information reveals that 8,000 head of this 12,000 head feedlot are already claimed by existing water rights, so this permit can only license 4,000 head of cattle. However, the permit was filed to cover only 2,000 head of cattle. Therefore, the permit and the licenses/decrees can only provide water to 10,000 head of cattle. This permit can only provide the volume for the 10,000 head of cattle not already covered by existing water rights or 23.4 af.

The measurement calculations were determined using total number of head. This permit can supply 2,000 head of cattle, which allows a diversion rate of up to 0.40 cfs. The capacity of the system was measured by the Field Examiner at 1.09 cfs. The maximum combined limit for all of these water rights based on cattle numbers is 2.64 cfs, but the capacity of the system cannot supply that amount of water. Existing decreed and licensed water rights allow a combined capacity limitation of 1.24 cfs, so we must carry that limitation forward to this permit, even though it is higher than the measured capacity of the system.