

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO.      63-12443

**Priority:** March 17, 1998

Maximum Diversion Rate:      1.74 CFS  
Maximum Diversion Volume:      1,259.7 AF

It is hereby certified that TFI LTD PARTNERSHIP  
PO BOX 690  
MERIDIAN ID 83680-0690 has complied with the terms and conditions of  
the permit, issued pursuant to Application for Permit dated February 27, 1998; and has submitted Proof of  
Beneficial Use on August 19, 2003. An examination confirms water is diverted from:

**SOURCE**

UNNAMED STREAM

**Tributary:** WARM SPRINGS CREEK

and a water right has been established as follows:

| <b><u>BENEFICIAL USE</u></b> | <b><u>PERIOD OF USE</u></b> | <b><u>DIVERSION RATE</u></b> | <b><u>ANNUAL<br/>DIVERSION VOLUME</u></b> |
|------------------------------|-----------------------------|------------------------------|-------------------------------------------|
| DIVERSION TO STORAGE         | 01/01 to 12/31              | 1.74 CFS                     |                                           |
| WILDLIFE STORAGE             | 01/01 to 12/31              |                              | 316.8 AF                                  |
| AESTHETIC                    | 01/01 to 12/31              | 1.74 CFS                     | 942.9 AF                                  |
| AESTHETIC STORAGE            | 01/01 to 12/31              |                              | 316.8 AF                                  |
| RECREATION                   | 01/01 to 12/31              | 1.74 CFS                     | 942.9 AF                                  |
| RECREATION STORAGE           | 01/01 to 12/31              |                              | 316.8 AF                                  |

**LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED STREAM NW1/4NW1/4 Sec. 10, Twp 01S, Rge 02W, B.M. CANYON County

**PLACE OF USE:** WILDLIFE STORAGE, AESTHETIC, AESTHETIC STORAGE, RECREATION &  
RECREATION STORAGE

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 01S 02W 10  |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |        |

**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 63T - Warm Springs Creek.
2. Aesthetic storage, wildlife storage and recreational storage uses are for 3 fishing ponds with 5.1 acre surface area.
3. Water shall not be diverted under this right when flows in the Snake River are below 4750 cfs at the Weiser.
4. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.

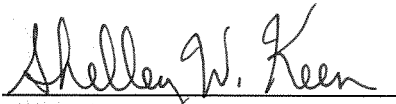
State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 63-12443

**CONDITIONS OF APPROVAL CONTINUED**

5. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
6. Right 63-12443 authorizes the diversion of 20.4 acre-feet to be used for the initial filling of the pond and 296.4 acre-feet for losses due to seepage and evaporation, for a total annual storage volume of 316.8 acre-feet.

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 and sealed this 20<sup>th</sup> day of March, 2015.

  
for GARY SPACKMAN  
Director

State of Idaho  
Department of Water Resources

# Attachment To Water Right License

63-12443

This map depicts the WILDLIFE STORAGE, RECREATION, RECREATION STORAGE, AESTHETIC, AESTHETIC STORAGE, & DIVERSION TO 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.

02W



- Point of Diversion
- Place Of Use Boundary
- ▬ Townships
- ▬ PLS Sections
- ▬ Quarter Quarters

0 0.1 0.2 0.4 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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

March 23, 2015

TFI LTD PARTNERSHIP  
PO BOX 690  
MERIDIAN ID 83680-0690

RE: License No. 63-12443

### 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)

## **CERTIFICATE OF SERVICE**

I hereby certify that on March 24, 2015, 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.**

**63-12443**

**TFI LTD PARTNERSHIP  
PO BOX 690  
MERIDIAN ID 83680-0690**

A handwritten signature in cursive script, 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.

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)

**WATER RIGHT NO. 63-12443**

**Date of Priority:** March 17, 1998

Maximum Diversion Rate: 1.74 CFS  
Maximum Diversion Volume: 1,259.7 AF

Comes now TFI LTD PARTNERSHIP  
PO BOX 690

MERIDIAN ID 83680-0690 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. 63-12443, and requests that the permit be changed as follows:

**Source:** UNNAMED STREAM

**Tributary:** WARM SPRINGS CREEK

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| DIVERSION TO STORAGE  | 01/01 to 12/31       | 1.74 CFS                 |                      |
| WILDLIFE STORAGE      | 01/01 to 12/31       |                          | 316.8 AF             |
| AESTHETIC             | 01/01 to 12/31       | 1.74 CFS                 | 942.9 AF             |
| AESTHETIC STORAGE     | 01/01 to 12/31       |                          | 316.8 AF             |
| RECREATION            | 01/01 to 12/31       | 1.74 CFS                 | 942.9 AF             |
| RECREATION STORAGE    | 01/01 to 12/31       |                          | 316.8 AF             |

**LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED STREAM NW1/4NW1/4 Sec. 10, Twp 01S, Rge 02W, B.M. CANYON County

**PLACE OF USE:** RECREATION, RECREATION STORAGE, AESTHETIC, AESTHETIC STORAGE, WILDLIFE STORAGE

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 01S 02W 10  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|             |    |    |    |    |    |    | 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 10 day of March, 2015.



(Signature)

Gen'l Mgr.

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 63-12443**

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FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = \$125.00 Received by JH # C100066 Date 3/12/2015

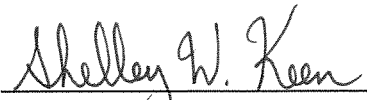
**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 63-12443 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 63T - Warm Springs Creek.
2. Aesthetic storage, wildlife storage and recreational storage uses are for 3 fishing ponds with 5.1 acre surface area.
3. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.
4. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
5. Water shall not be diverted under this right when flows in the Snake River are below 4750 cfs at the Weiser
6. Right 63-12443 authorizes the diversion of 20.4 acre-feet to be used for the initial filling of the pond, 296.4 acre-feet for losses due to seepage and evaporation for a total annual storage volume of 316.8 acre-feet.

Witness my hand this 20<sup>th</sup> day of March, 2015.

  
for **GARY SPACKMAN**  
Director

February 4, 2015

18

TFI LTD PARTNERSHIP  
ATTN: SCOTT NICHOLSON  
PO BOX 690  
MERIDIAN ID 83630

RE: Permit No. 63-12443

Dear Mr. Nicholson:

Permit 63-12443 is currently being reviewed for licensing. The Department's field examiner recommended licensing your water right with a diversion rate of 1.74 cfs. However, because the examination fee submitted with your Proof of Beneficial Use only covered up to 1.00 cfs, the license will be limited to 1.00 cfs.

If you want the water right license to reflect the 1.74 cfs found by the examiner, you must submit a late payment penalty of \$25.00, within 30 days. The additional examination fee of \$25.00 required for a diversion of 1.74 cfs has already been received (receipt number C099803). If we receive the examination fees after 30 days from the date of this letter, the priority date of the right will be advanced in accordance with Section 42-217, Idaho Code.

Before a water right license can be issued, however, the permit must be amended to depict the water right as it has actually been developed. The enclosed Application for Amendment contains information that will be included on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, sign the form and return it with the \$100.00 filing fee within 30 days.

Total fees due to complete the water right process is \$125.00. Please return the signed amendment and a check to the Department by March XX, 2015. If you have any questions, please contact me at (208) 287-4933.

18

Sincerely,

Patrick Kelly  
Water Resource Agent

Enclosures:

- Receipt #C099803
- Application for Amendment

Kelly, Patrick

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**From:** Knowles, Corbin  
**Sent:** Thursday, February 12, 2015 9:02 AM  
**To:** Kelly, Patrick  
**Subject:** RE: Request for comment regarding mitigation of water right 63-12443

Patrick

This is below the Swan Falls gauge and out of the influences of that problem, there are however water rights in WD02 with minimum stream flows related to the Weiser gauge. You might want to add a condition on the right based on flows at that gauge. This could include the language related to requiring mitigation if flows drop below I think its 4600 cfs at the Weiser. I'm okay at this point but would like some language regarding downstream flows, WD02 likely will be expanded in the future.

Corbin

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**From:** Kelly, Patrick  
**Sent:** Thursday, February 12, 2015 8:27 AM  
**To:** Knowles, Corbin  
**Subject:** Request for comment regarding mitigation of water right 63-12443

Morning Corbin,

I am working on licensing an old water permit (63-12443) for TFI LTD Partnership off of a Warm Springs Creek pond system near the Snake River. During the application process, the permit was protested by Reynolds Creek Irrigation District. Measuring device conditions were placed on the permit for reasons stated in the letter. These letters have been attached to this email.

Fast forward to the field exam done last April, a diversion of 1.74 cfs at the inlet and 1.33 cfs at the outlet showed a loss of 0.41 cfs to seepage and evaporation. No measuring devices were installed at either end. The permit owner was given the option to install the devices or receive a letter from Reynolds ID to withdraw the device interest; which was eventually received.

Do you feel mitigation needs finalized or you have any other concerns with this action? Thanks for your time and let me know if I can provide any further information.

*Patrick Kelly*

Water Resource Agent  
Idaho Department of Water Resources  
322 E. Front St.  
Boise, Idaho 83702  
d: 208.287.4933  
f: 208.287.6700  
[patrick.kelly@idwr.idaho.gov](mailto:patrick.kelly@idwr.idaho.gov)



## MEMORANDUM

TO: Water Right File – 63-12443

FROM: Patrick Kelly – Water Resource Agent

DATE: January 12, 2015

SUBJECT: Additional BU fee

The proof of beneficial use form was submitted on August 19, 2003 for one (1) cfs. \$100 was receipted under #C070531 with the form. A field exam measured an actual diversion rate of 1.74 cfs. The fee schedule for 1.01 – 2 cfs is \$125. Today, Mr. Nicholson submitted a check for \$25 to account for the additional beneficial use fee under receipt #C099803.

## MEMORANDUM

TO: Water Right File – 63-12443

FROM: Patrick Kelly – Water Resource Agent

DATE: December 18, 2014

SUBJECT: Removal of measuring device conditions

Western Region contacted Reynolds Creek Irrigation District to request comment on water right application 63-12443. Jerry Hoagland and Reynolds irrigation district responded to the request in writing on May 19, 1998. The irrigation district recommended measuring devices on the inlet and outlet of the system so that losses could be recorded. At the time of the field exam in May of 2014, no measuring devices had been installed. A request was made to Jerry and Reynolds Creek Irrigation District to rescind these conditions. The irrigation district responded to this request in writing that the measuring devices are unnecessary, and that measuring the loss is not viable.

With this letter, I recommend that the measuring device condition be removed at licensing.

December 4, 2014

RECEIVED

To: Attn: Patrick Kelly  
Idaho Dept. of Water Resources  
Western Region  
2735 Airport Way  
Boise, ID 83705

DEC 17 2014

DEPARTMENT OF  
WATER RESOURCES

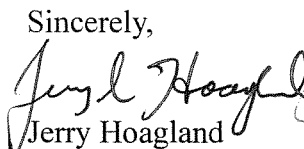
From: Reynolds Irrigation District  
P.O. Box 12  
Melba, ID 83641

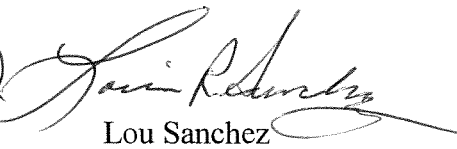
Re: Reynolds Irrigation District Protest of Application 63-12443

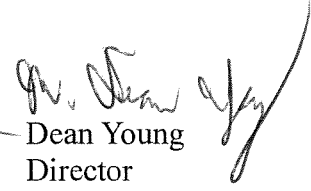
Dear Patrick,

Reynolds Irrigation District requests IDWR to relinquish the Condition on Application 63-12443, that the applicant, Nicholson, install weirs for the ponds developed according to the protest. Reynolds Irrigation finds that the weirs are unnecessary as the water exits the canal system to adjoining ponds and returns back into the canal system. Measuring the loss is not viable.

Sincerely,

  
Jerry Hoagland  
Chairman

  
Lou Sanchez  
Director

  
Dean Young  
Director



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

November 21, 2014

TFI LTD PARTNERSHIP  
PO BOX 690  
MERIDIAN ID 83630

### Notice of Intent to Void Permit

RE: Water Appropriation Permit No. 63-12443

Dear Mr. Nicholson:

The Department of Water Resources (IDWR) is reviewing the above referenced permit so we can issue a license for the uses developed. On April 29, 2014 I conducted an examination to verify the water use developed under permit 63-12443. During this field examination, it was found that you have not complied with the following condition of approval of the permit:

*The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.*

You must resolve this before a license can be issued. Pursuant to Idaho Code § 42-219(8), if the conditions of approval on a permit are not complied with, IDWR may issue an order voiding the permit or issue a license for only that portion of the authorized use developed in accordance with the permit.

You have two options to resolve this problem. You can submit documentation showing that you have complied with this condition or you can request the Reynolds Irrigation District to submit a letter of relinquishment to the Department.

If you believe a water right license should be issued to you, please supply information to demonstrate that you have installed the required measurement devices or the waiver from the watermaster of Water District 63T, in accordance with 63-12443.

If I do not receive the requested information from you December 21, 2014, I will take action to void your permit under the provision of Section 42-219(8) of the Idaho Code.



If you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,

*Patrick Kelly*

Water Resource Agent

*Idaho Department of Water Resources*

322 E. Front St.

Boise, Idaho 83702

d: 208.287.4933

f: 208.287.6700

[patrick.kelly@idwr.idaho.gov](mailto:patrick.kelly@idwr.idaho.gov)

Kelly, Patrick

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**From:** Kelly, Patrick  
**Sent:** Tuesday, September 16, 2014 9:35 AM  
**To:** 'Jerry Hoagland'  
**Subject:** RE: Reynolds Irrigation Protest Letter  
**Attachments:** Request for comment.pdf

Jerry,

Thanks for getting back to me. I have included the letter IDWR sent when we request comment from the irrigation district and of course your response. If you need any further information please do not hesitate to ask.

Sincerely,

*Patrick Kelly*

Water Resource Agent  
*Idaho Department of Water Resources*  
322 E. Front St.  
Boise, Idaho 83702  
d: 208.287.4933  
f: 208.287.6700  
[patrick.kelly@idwr.idaho.gov](mailto:patrick.kelly@idwr.idaho.gov)

---

**From:** Jerry Hoagland [<mailto:shrjhwhy@gmail.com>]  
**Sent:** Monday, September 15, 2014 9:36 PM  
**To:** Kelly, Patrick  
**Subject:** Reynolds Irrigation Protest Letter

Patrick,

I got your message late this afternoon and will be out of cell service until late tomorrow, so, if you could scan and send the Reynolds protest letter on 63-12443 by email, ([shrjhwhy@gmail.com](mailto:shrjhwhy@gmail.com)) that would be great.

I did talk to the Irrigation District Board and we needed a little more information, ie. the protest letter. I did prepare a draft letter of relinquishment, but need to also talk to Scott Nicholson.

Thank you,

Jerry Hoagland, chairman  
Reynolds Irrigation District  
P.O. Box 12  
Melba, ID 83641  
(208)318-8308

## MEMORANDUM

TO: Water Right File – 63-12443

FROM: Patrick Kelly – Water Resource Agent

DATE: August 25, 2014

SUBJECT: Measuring device requirements

The field exam for 63-12443 was conducted by WRA Patrick Kelly and accompanied by Dan Nelson of IDWR on April 29, 2014.

Condition #5 of permit 63-12443 states: The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the first reservoir and the amount of water released from the last reservoir can be measured.

At the time of the field exam, no measuring devices had been installed on the system. We gave the permit owner the opportunity to install these devices instead of voiding the permit. However, after weeks of no communication, a notice of intent to void permit was sent on June 2, 2014. Mr. Nicholson then responded and promised that devices would be installed by June 23, 2014.

More time has passed until today a Mr. Jerry Hoagland contacted me. Jerry is a representative for the Reynolds Irrigation District and the chairman that recommended the devices be installed during the application process. Mr Hoagland informed me that he was no longer concerned with the loss of water through Scott Nicholson's pond system, and that he would issue a letter recommending the condition be removed at licensing.



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

June 2, 2014

TFI LTD PARTNERSHIP  
PO BOX 690  
MERIDIAN ID 83630

### Notice of Intent to Void Permit

RE: Water Appropriation Permit No. 63-12443

Dear Mr. Nicholson:

The Department of Water Resources (IDWR) is reviewing the above referenced permit so we can issue a license for the uses developed. On April 29, 2014 I conducted an examination to verify the water use developed under permit 63-12443. During this field examination, I noticed that you have not complied with the following condition of approval of the permit:

The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

You must resolve this issue before a license can be issued. Pursuant to Idaho Code § 42-219(8), if the conditions of approval on a permit are not complied with, IDWR may issue an order voiding the permit or issue a license for only that portion of the authorized use developed in accordance with the permit.

You have two options to resolve this problem. You can submit documentation showing that you have complied with this condition or you can request removal of this requirement from your permit. If you request removal of the requirement, you should also submit documentation that this request would be acceptable to the watermaster of Water District No. 63T. If you request a waiver of the requirement, IDWR will consider your request and notify you of the decision in writing.

If you believe a water right license should be issued to you, please supply information to demonstrate that you have installed the required measurement devices or the waiver from the watermaster of Water District 63T, in accordance with 63-12443.



If I do not receive the requested information from you within thirty (30) days, I will take action to void your permit under the provision of Section 42-219(8) of the Idaho Code. If you are no longer interested in your permit, you can shorten the voiding process by signing and returning the enclosed relinquishment form.

If you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,

Patrick Kelly  
Water Resource Agent  
Idaho Department of Water Resources  
Telephone: (208) 287-4933  
Email: [Patrick.kelly@idwr.idaho.gov](mailto:Patrick.kelly@idwr.idaho.gov)