

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. **2-7464**

Priority: May 25, 1995

Maximum Diversion Rate: 2.64 CFS

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 May 25, 1995; and has
submitted Proof of Beneficial Use on June 19, 1996. An examination confirms water is diverted from:

SOURCE

SNAKE RIVER

Tributary: COLUMBIA RIVER

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>
IRRIGATION	03/01 to 11/15	2.64 CFS	
STOCKWATER	01/01 to 12/31	0.12 CFS	6.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L7 (SW1/4SW1/4NE1/4) Sec. 36, Twp 01N, Rge 03W, B.M. CANYON County

PLACE OF USE: IRRIGATION and 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	
01N 03W 22								3.0 L 5	4.0 L 6					8.0 L 7	4.0 L 8	10.0 L 9	29.0
01N 03W 25									3.0	35.0	10.0						48.0
01N 03W 26			1.0		1.0	17.0	25.0 L 2	25.0	36.0	18.0 L 3	3.0 L 4	28.0 L 4	8.0	28.0	36.0	35.0	261.0
01N 03W 27	15.0 L 4			1.0 L 4													16.0
01N 03W 35	20.0 L 6	10.0 L 5			1.0 L 5												31.0
01N 03W 36					12.0 L 5	19.0 L 8	3.0 L 8	10.0 L 8									44.0

Total Acres: 429

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. The issuance of this right does not grant any right-of-way or easement across the land of another.
3. The following rights are diverted through point(s) of diversion described above: 2-7442 and 2-7464 .
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

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WATER RIGHT NO. 2-7464

5. Water shall not be diverted under this right when flows in the Snake River are below 4750 cfs at Weiser.
6. Rights 2-7442 and 2-7464 when combined shall not exceed a total annual maximum diversion volume of 1930.5 af at the field headgate, and the irrigation of 429 acres.
7. Rights 2-7442, 2-7464, 63-356, 63-357, 63-358, 63-2663, 63-2699 and 63-3121 when combined shall not exceed a total diversion rate of 11.48 cfs, a total annual maximum diversion volume of 2583 af at the field headgate, and the irrigation of 574 acres.

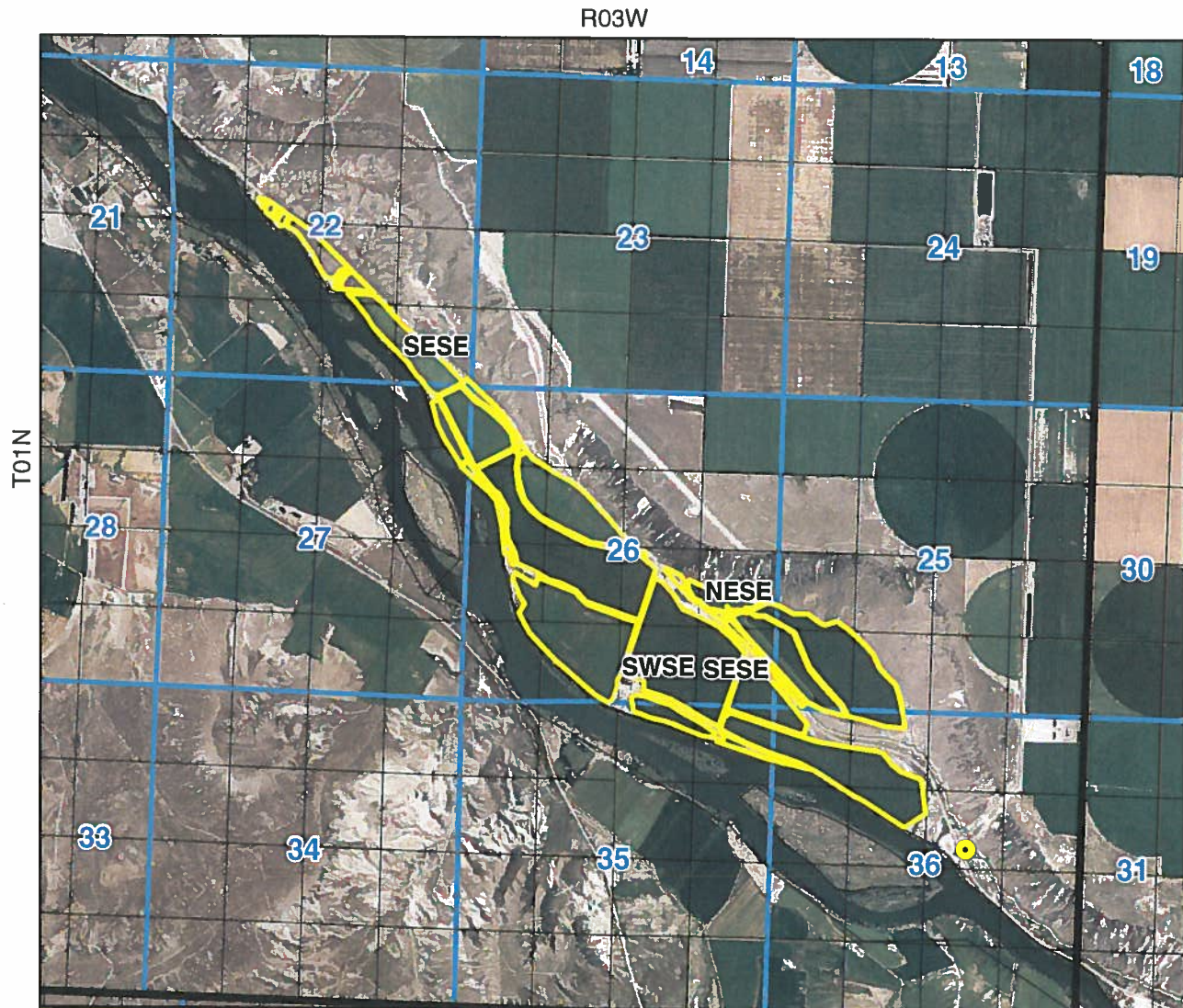
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 4th day of February, 2015.

for Shelley W. Keen
GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
2-7464

This map depicts the IRRIGATION and 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 0.375 0.75 1.5 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" OTTIE
Governor

GARY SPACKMAN
Director

February 6, 2015

TFI LTD PARTNERSHIP
PO BOX 690
MERIDIAN ID 83680-0690

RE: License No. 2-7464

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.

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)

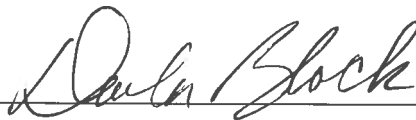
CERTIFICATE OF SERVICE

I hereby certify that on February 9, 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.

2-7464

**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.

MEMORANDUM

Date: April 04, 2012
To: Water Right File 2-7464
From: shemenway
Re: POU Confirmation

Today, I contacted Thomas Nicholson at (208) 888-1593, and talked to him about how the license for 2-7464 would be licensed for 2.64 cfs, since the pump had been upgraded from 75 Hp to 100 Hp. That water right 2-7442 was licensed for 5.51 cfs, and the combined limit between the two water rights would equal the system capacity of 8.15 cfs.

I also informed him that when the field examination had been conducted, that ArcMap was not available at the Department, and that topo maps and the Canyon County ASCS maps had been used to determine the location of the POU. I emailed him a draft of the ArcMap 2009 imagery POU shapefile. Mr. Nicholson had his secretary Linda Boots respond back that he had reviewed the map, and that it looked correct.

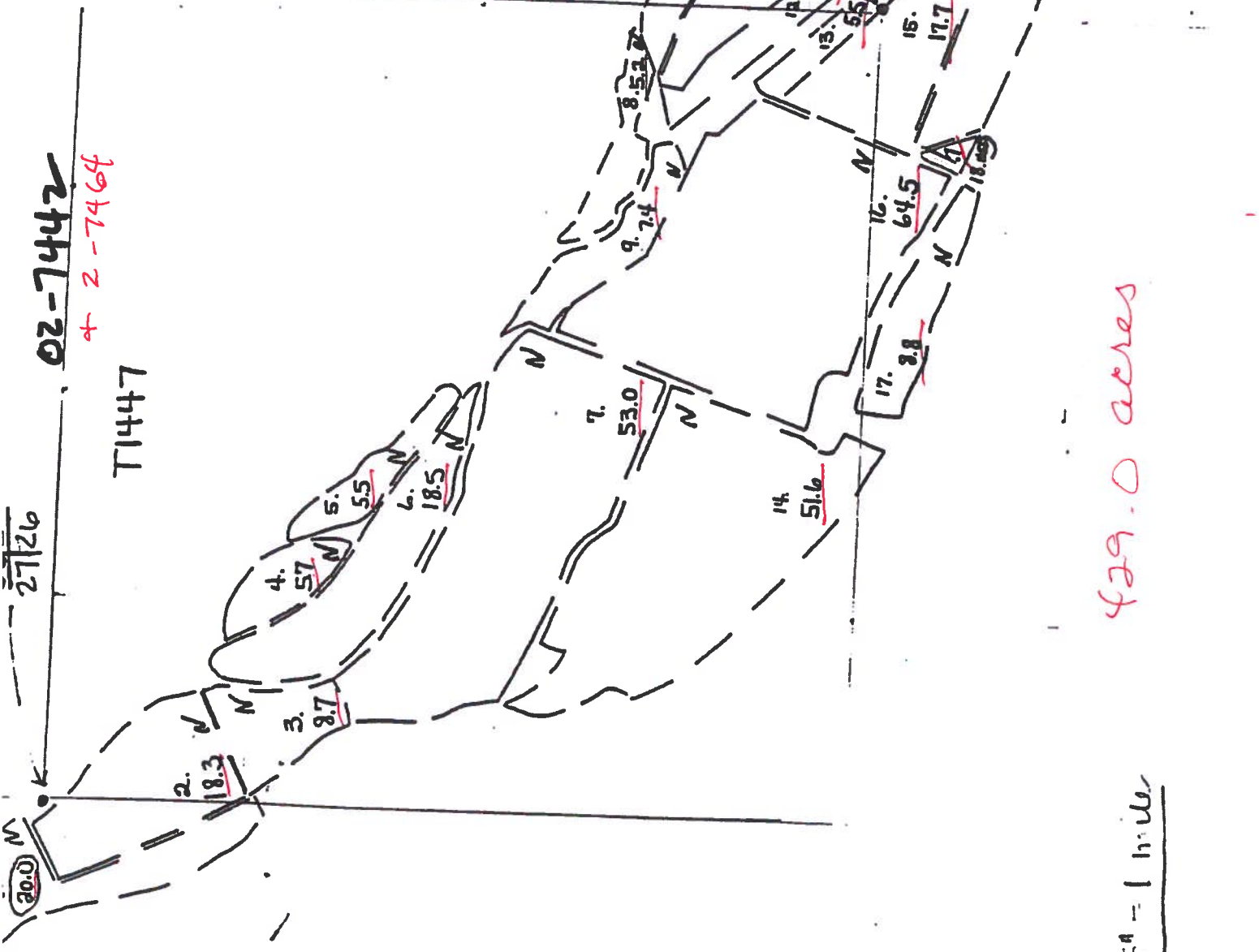
When drawing the shapefile for the POU, there were many roads separating the fields irrigated, and the width of the roads may have been drawn narrower than that determined by the ASCS maps. ArcMap calculated the irrigated acres to total 443.10 acres, which is less than a 5 percent margin of error, for the 429.0 acres licensed previously for water right 2-7442. For this reason, the shapefile constructed on ArcMap will be used to indicate the POU for water right 2-7464. Since there were no changes in the irrigated acres (per Mr. Nicholson), the legal that was licensed for water right 2-7442 will remain the legal for water right 2-7464 since they are the same irrigated acres.

FROM CANYON ASCS
C & T Ranches

Sections 35, 36, 26, 25
1N 3W
(Canyon Co.)

• denotes section mar
26/25
35/36

2-7464
02-07464



429.0 acres

1.4 = 1 in 10

8/1/77

SECTION 8100
CURVE NO. 18-188LAYNE & BOWLER, INC.
MEMPHIS, TENN. 38108

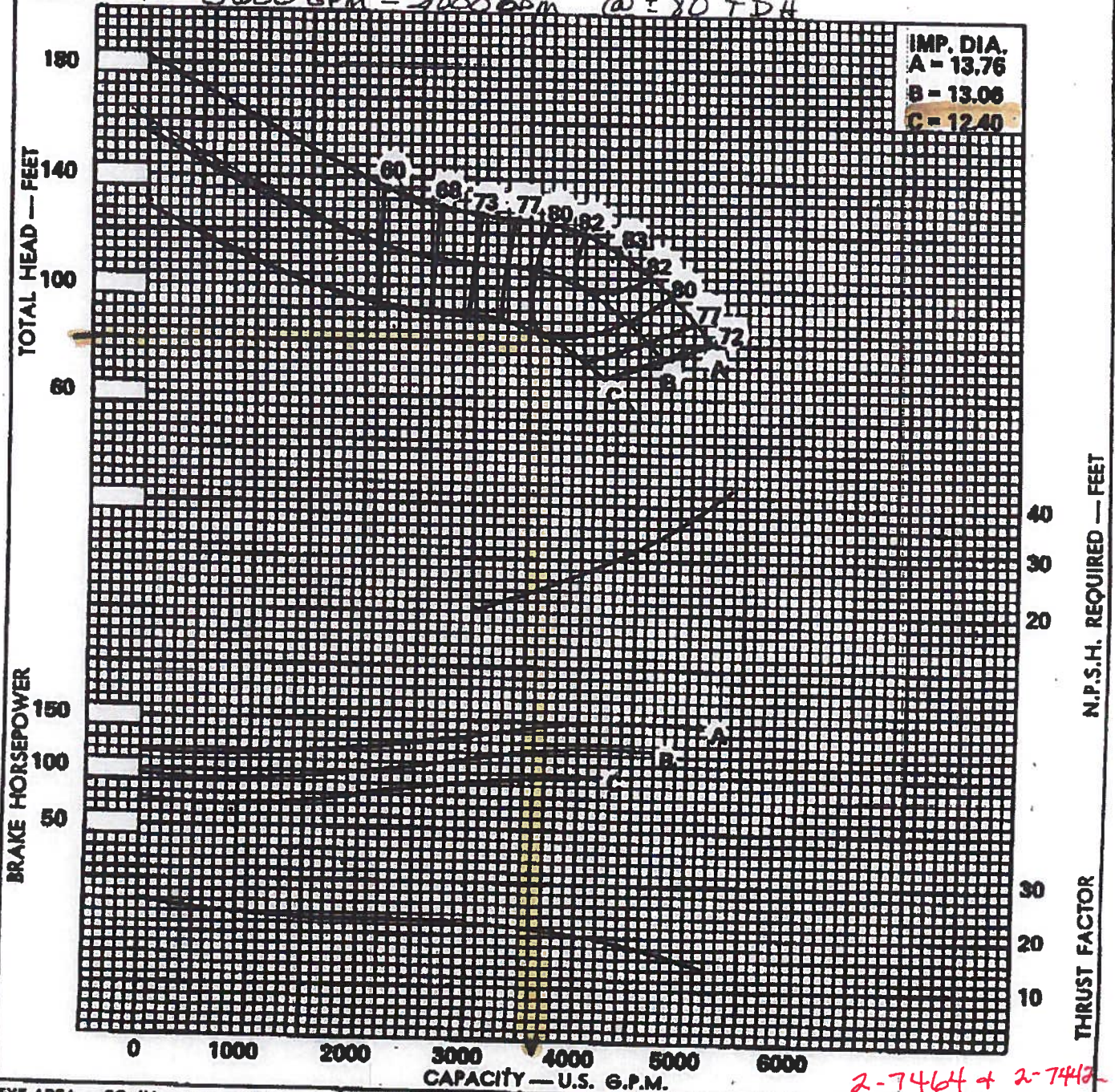
No. Stages	Eff. Change	MATERIAL	Eff. Change
1	0	IMP.—C.I.	-1
2		IMP.—NI-R	-1
3		BOWL—BRZ	0
4		BOWL—NI-R	0

18 RKHC

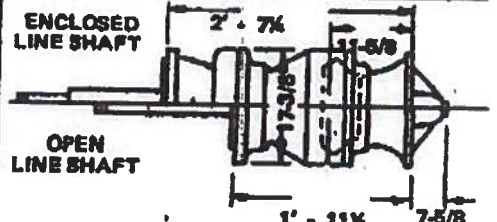
1770 R.P.M.

SINGLE STAGE LAB PERFORMANCE WITH STANDARD MATERIALS. EFFICIENCY SHOWN FOR 1 OR MORE STAGES. HORSE POWER SHOWN FOR ONE STAGE BASED ON 1 STAGE EFFICIENCY. CORRECTIONS SHOULD BE MADE FOR STAGES AND MATERIAL.

ONE (1) TRIM 12.60"
STAGE STAGES 3600 GPM - 4000 GPM @ ± 80 TDH



EYE AREA — SQ. IN.	== 89.8	IMPELLER WT.—LBS.	== 62.5
WT. PER IMPELLER	== 7.8 LB.-FT. ²	ONE STAGE WT.—LBS.	== 800
MAX. SPHERE SIZE	== 1.08 in.	ADD'L STAGE WT.—LBS.	== 380
MAX. NO. STD. STAGES	== 4	IMPELLER NUMBER	== BRK37
MAX. OPERATING P.S.I.	== 380	DISCH. SIZES	== 12.14
STD. LATERAL	== 0.86 in.	SUCTION SIZES	== 14
STD. SHAFT DIA.	== 2.187 in.	MAX. LATERAL	== 1.00 in.
MAX. SHAFT DIA.	== 2.437 in.	BOWL CONN.	FLANGED
MIN. EYE/SHOULDER	== 48		



02-07464

2-7464 + 2-7442

Hemenway, Sandy

From: Linda Boots [lbootstfi@gmail.com]
Sent: Wednesday, April 04, 2012 10:02 AM
To: Hemenway, Sandy
Subject: Re: Map for Thomas Nicholson for water right 2-7464 Licensing

Hi Sandy,

Tom and Scott looked at the map and it says it looks correct to them. Thank you for sending this and please go ahead with the licensing.

Thanks

On Wed, Apr 4, 2012 at 9:03 AM, Hemenway, Sandy <Sandy.Hemenway@idwr.idaho.gov> wrote:

Linda,

I am in the process of reviewing the file for water right 2-7464, to complete the licensing process for the additional rate of diversion (with the upgrade from the 75 Hp pump to the 100 Hp pump). Could you please print off the attached maps, and give them to Thomas Nicholson to review.

<<DOC.pdf>> <<DOC000.pdf>>

If the shape for the place of use on the Draft is correct, please send me an email confirmation. If the shape is incorrect, I have attached a blank map that can be drawn on to indicate the correct place of use, scanned and returned.

Thanks so much for your help,

Sandy Hemenway

Sr. Water Resource Agent
IDWR/State Office
PO Box 83720 or 322 E. Front St.
Boise, ID 83720-0098
OFFICE: (208) 287-4920
CELL: (208) 761-0280
FAX: (208) 287-6700
Email: sandy.hemenway@idwr.idaho.gov

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Linda Boots
TFI LP / CCT Land & Cattle / HHW /
Black Creek LP
PO Box 690

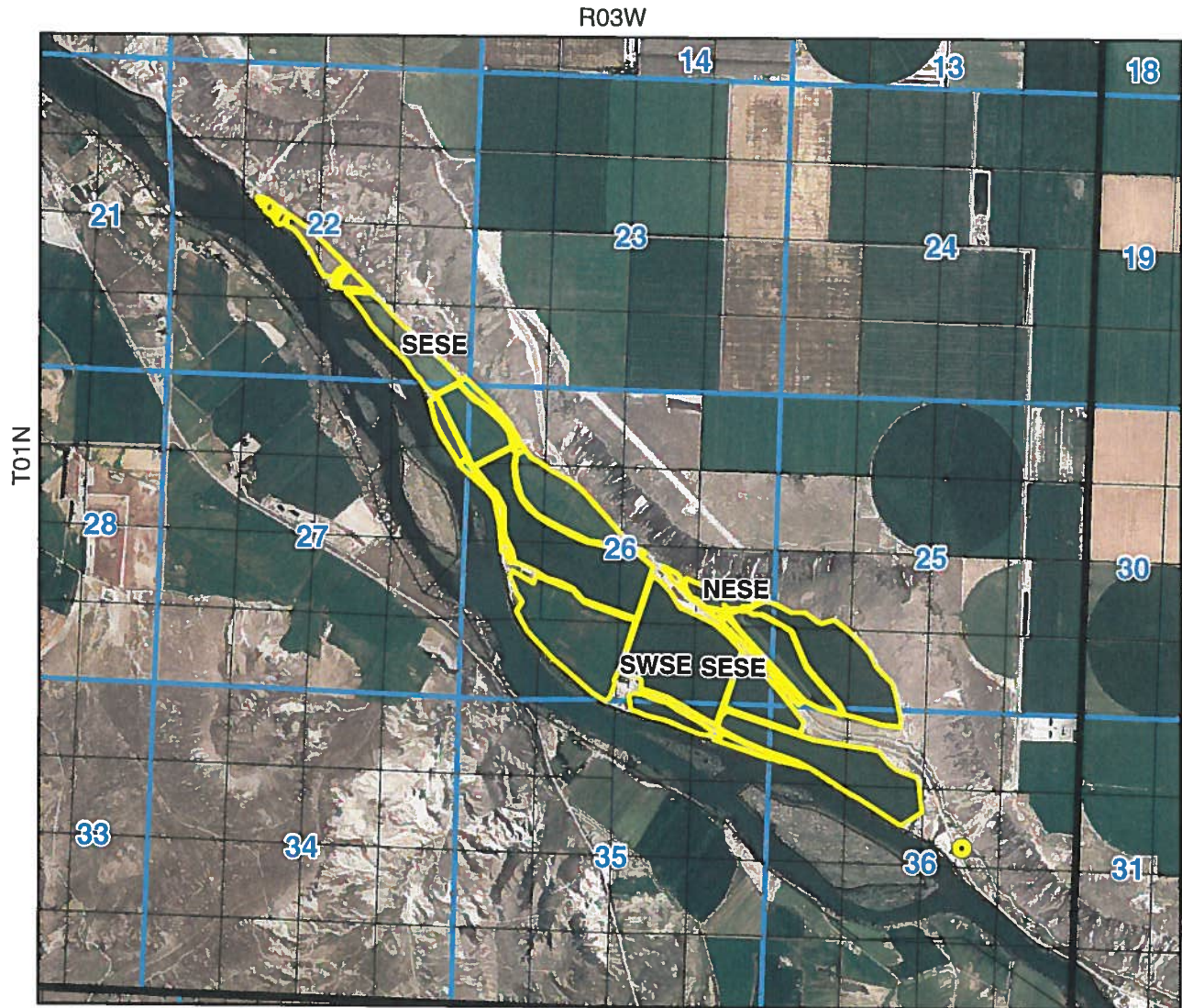
Meridian, ID 83680-0690
Direct 208-514-4909
Main 208-888-1593
Fax 208-888-1624

State of Idaho
Department of Water Resources

DRAFT

2-7464

This map depicts the IRRIGATION and 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 0.375 0.75 1.5 Miles

