



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

July 28, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

FAULL RANCH ESTATES OWNERS ASSN INC
PO BOX 88
HORSESHOE BEND ID 83629

RE: Permit No. 65-13606

Dear Permit Holders:

The Department of Water Resources sent you an Application for Amendment form on July 1, 2014, for the above referenced Permit. The amendment is required because the field examiner who verified the water use established in connection with your permit reported that one or more elements of your water use differs from the permit. As of this date the Department has not received a response.

If we do not receive the amendment within thirty (30) days, I will assume you are no longer interested in obtaining a water right license and **the permit will be voided**. In case the amendment form we sent you has been misplaced a new one is enclosed.

If you have any questions, please contact me as soon as possible at (208)334-2190.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 19, 2012

Faull Ranch Estates Owners Association Inc
P.O. Box 88
Horseshoe Bend, ID 83629

RE: Scheduling Field Exam for Water Right Permit No. 65-13606

Dear Permit Holder:

We are planning to **conduct water right examinations** in the vicinity of the above-referenced permit **during the weeks of July 23 and July 30, 2012**. An examination is needed to verify your water use in order to issue a water right license.

Please be advised that you will need to operate your system under normal conditions during the examination. The permit authorizes diversion of spring and unnamed stream water for diversion to storage, stockwater storage, irrigation storage, irrigation from storage, stockwater, and irrigation of up to 5 acres.

In order to conduct your exam as efficiently as possible, we ask that you call this office to schedule a day and time convenient for you. **Please call me at 208-334-2190 by July 27, 2012.** If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made. I appreciate your attention in this matter and I look forward to hearing from you.

Sincerely,

Angela M. Grimm, P.G.
Water Resource Agent, Sr.



State of Idaho

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 1, 2014

FAULL RANCH ESTATES OWNERS ASSN INC
PO BOX 88
HORSESHOE BEND ID 83629

RE: Water Right Permit No. 65-13606

Dear Permit Holders:

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 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, the following elements were developed differently than described on your permit:

☒ **Other – Change Nature of Use**

The enclosed Application for Amendment form depicts the elements of the water right 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 call me at (208)334-2190.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 65-13606

Date of Priority: March 14, 1995

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 6.0 AF

Comes now FAULL RANCH ESTATES OWNERS ASSN INC
PO BOX 88

HORSESHOE BEND ID 83629 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. 65-13606, and requests that the permit be changed as follows:

Source: SPRING

Tributary: PAYETTE RIVER

UNNAMED STREAM

PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 10/31	0.03 CFS	4.5 AF
WILDLIFE STORAGE	01/01 to 12/31		1.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	

LOCATION OF POINTS OF DIVERSION:

SPRING SW1/4SW1/4SE1/4 Sec. 2, Twp 07N, Rge 02E, B.M., BOISE County

UNNAMED STREAM SW1/4SE1/4 Sec. 2, Twp 07N, Rge 02E, B.M., BOISE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	02E	2															1.0		1.0
Total Acres: 1																			

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	02E	2															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 _____ day of _____, 2014.

(Signature & Title)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 65-13606

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, JOHN WESTRA, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 65-13606 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 No. 65.
2. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
3. 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.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. Place of use is located within Lot1, Blk. 1, Faull Ranch Estates.

Witness my hand this _____ day of _____, 2014.

JOHN WESTRA
Western Regional Manager

BENEFICIAL USE FIELD EXAM CHECKLIST

Permit # 65-13606

EXAM FILE PREP

- ☒ Copy of original application for permit
- ☒ Copy of permit approval & proof report + 3/6/95 SITE VISIT NOTES
- ☒ Copy of Proof of Beneficial Use
- ☒ Copies of any Amendments/Assignments/Ownership Docs

- ☒ Exam Fee Required \$ 50.00 Exam Fee Paid \$ 50.00

- ☒ P/D Overlap Summary NONE - NO OTHER USES FROM SPRING.

- ☒ P/U Overlap Summary 65-23223 + 65-12842

- ☒ Other permits, same owner, need exam - 65-13708 EXAM DONE 6/18/99.
- ☒ Aerial Photo @ S.O. WAITING TO BE LICENSED.
- ☒ Topo map
- ☒ BLM Gov't Lot (Section) - NONE IN SE 1/4 SEC 2 T7N R2E
- ☒ Blank field report
- ☒ N/A Well Inspection form
- ☒ N/A Well log

ADDITIONAL INFORMATION/REMARKS/NOTES

⇒ LICENSING AMENDMENT NOW CHANGE FROM IRRIGATION + STOCKWATER STORAGE TO WILDLIFE STORAGE NEEDED.

⇒ MODIFY CONDITION (OIH/ROZ) TO STATE "UPON FUTURE NOTIFICATION" TYPE LANGUAGE FOR INSTALLATION OF LOCKABLE DEVICE PER WM OK.

PRE-LICENSING

(initial & date)

Fully completed & signed field report form	<u>dh 6/20/14</u>
Draft license & shape done in Workflow	<u>dh 6/18/14</u>
Exam-date data entered	<u>dh 7/31/12</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-13606

Exam Date: 7/30/2012

1. Current Owner: FAULL RANCH ESTATES OWNERS ASSN INC
PO BOX 88
HORSESHOE BEND ID 83629
(208) 793-3608
2. Accompanied by: GENE ROSS
Phone No: (208) 793-3239
Address: 21 WAVERLY DR HORSESHOE BEND ID 83629
Relationship to Permit Holder: REPRESENTATIVE (LIVES ACROSS STREET FROM POU)

- | | |
|--|--|
| <ol style="list-style-type: none"> 3. <u>SOURCE</u>
SPRING
UNNAMED STREAM | <u>TRIBUTARY</u>
PAYETTE RIVER
PAYETTE RIVER |
|--|--|

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 65-23223 & 65-12842
2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

SPRING	SW1/4SW1/4SE1/4	Sec. 2,	Twp 07N,	Rge 02E, B.M.
BOISE County				
UNNAMED STREAM	SW1/4SE1/4	Sec. 2,	Twp 07N,	Rge 02E, B.M.
BOISE County				

Method of Determination: Aerial photo w/ field verification (UNNAMED STREAM)
GPS Location N43° 57.9768' W116° 11.0310' Garmin model GPSmap 76 Datum NAD 83 (SPRING)

2. PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
07N	02E	2																	1.0	1.0

Total Acres: 1.0

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
07N	02E	2																	X	

~~DIVERSION TO STORAGE same as WILDLIFE STORAGE~~ *AM 4/20/14*

Method of Determination: Aerial photo w/ field verification

3. X Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- X Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- X Aerial Photo Attached (required for irrigation of 10+ acres).
- X Photo of Diversion and System Attached

4. <u>Well or Diversion</u> <u>ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge Size</u>
<u>N/A</u>	<u>Unknown</u>	<u>3/4</u>	<u>Unknown</u>	<u>Unknown</u>	<u>1 1/4" discharge pipe from pump</u>

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1. <u>Measurement Equipment</u>	<u>Type</u>	<u>Make/Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
5 Gallon Bucket & Stop Watch (Spring – Diversion to Storage)	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
2. Measurements: 1 Gallon in:	#1 = 3.6 sec #2 = 3.2 sec #3 = 3.0 sec #4 = 3.4 sec #5 = 3.4 sec				

E. FLOW CALCULATIONS

N/A Additional Computation Sheets Attached

Measured Method: 5 Gallon Bucket (discharge into pond from spring fed pump house):

1 Gallon in {Avg. Time [(3.6 + 3.2 + 3.0 + 3.4)/5]} 3.3 sec

$$Q = (1 \text{ gal}/3.3 \text{ sec}) \times (60 \text{ sec}/1 \text{ min}) = 18.18 \text{ gpm} \times 1 \text{ cfs}/448.8 \text{ gpm} = \mathbf{0.04 \text{ cfs}}$$

Measured Method: Pipe Diameter Flow Estimation:

Discharge Pipe Dia = 1 1/4 in

$$A = \pi r^2 = 3.14 \times (1/2 \text{ Dia})^2 = \pi \times [(1.25 \text{ in} \div 2) \times 1 \text{ ft}/12 \text{ in}]^2 \approx 0.0085 \text{ ft}^2$$

V = 5 ft/sec (est. for well designed closed pipe system)

$$Q = AV = 0.0085 \text{ ft}^2 \times 5 \text{ ft/sec} = \mathbf{0.04 \text{ cfs}}$$
 est. flow through discharge pipe

5 Gallon Bucket Measurement = **0.04 cfs**

Pipe Diameter Flow Estimation = **0.04 cfs**

Permitted Rate = **0.17 cfs**

Beneficial Use Limit (irrigation) = 1.0 ac x 0.03 cfs/ac = **0.03 cfs** (No Beneficial Use Limit for Diversion to Storage)

Proof of Beneficial Use fee paid = \$50.00 = up to **0.20 cfs and/or 20 AF**

Recommend Beneficial Use Limit Rate for Irrigation Use = 0.03 cfs

Recommend 5 Gallon Bucket Measurement Rate for Diversion to Storage Use = 0.04 cfs

Discharge pipe from pump house to either irrigation line or diversion to storage line, i.e. water used either to irrigate or fill pond. Recommend total system rate of 0.04 cfs. No rate recommended for permitted stockwater use, because no livestock drink from pond.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1.0 \text{ acres} \times 4.5 \text{ afa} = \mathbf{4.5 \text{ afa}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.03 \text{ cfs} \times 231 \text{ days} \times 1.9835 = \mathbf{13.7 \text{ afa}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 4.5 \text{ afa} < 13.7 \text{ afa} = \mathbf{\text{Recommend } 4.5 \text{ afa}}$$

Volume recommendation for irrigation use from surface water source not required per IDAPA 37.03.02 Beneficial Use Examination Rules. However, IDWR policy to include a volume for licensing in instances where other uses on the same license require volume recommendations.

2. Volume Calculations for Storage (Wildlife Storage):

Capacity based on general shape, surface area (SA) @ high water level (WL) elevation & average depth data:

General Shape = Flat Bottomed

SA @ high WL = 0.14 ac

Avg Depth = 8.0 ft

0.14 ac × 8.0 ft = **1.1 af**

Evaporation/Seepage Losses Volume:

SA × 3.5 afa/ac (standard irrigation consumptive use for area – 1:1 swap policy) = **0.5 af**

Total Storage = 1.1 af (capacity) + 0.5 af (losses est.) = **1.6 af**

Permitted Storage Volume = **1.5 af**

Proof of Beneficial Use fee paid = \$50.00 = up to **20 af**

Recommend Permitted Storage Volume = **1.5 af**

Reservoir fills via spring-fed pump house discharge pipe and/or flow from unnamed stream (on-stream storage) in natural draw. Recommend nature of use change from Stockwater Storage and Irrigation Storage to Wildlife Storage use, because no livestock drink from pond, no water is diverted from pond for irrigation use, and local wildlife such as deer, birds, etc. have access to pond for drinking water.

G. NARRATIVE/REMARKS/COMMENTS**SYSTEM DESCRIPTION:**

System consists of an approximately 10 ft high berm built in the natural channel of an unnamed stream to provide means of on-stream storage for a pond that fills with water from the unnamed stream (minimal contribution) and water discharged from a pump house supplied with water from a spring. Water from the spring drains under force of gravity through a 1 ½ inch line to the pump house where it is pooled underground and pumped with a ¾ HP motor discharged through a 1 ¼ inch line to a closed pipeline irrigation system utilizing handline sprinklers for irrigation OR the 1 ¼ inch discharge line is piped to a 6 inch diameter pipe that discharges into the pond. Excess/overflow water from the pond is piped [via culvert(s) under road(s)] alongside Waverly Dr ultimately draining to the Payette River.

IRRIGATION PRACTICES AND OTHER USES (LICENSING AMENDMENT RECOMMENDATION):

Mr. Ross indicated water from pump house is discharged through a closed pipeline system for irrigation of approximately 1 acre. When water is not being diverted for irrigation from the pump house, it is pumped and discharged to the pond. Water is not pumped from the pond for any uses. No stock drink water from the pond and water is not discharged to any troughs for stockwater purposes at time of examination. Rather than livestock, local wildlife (deer, birds, etc.) are able to drink from the pond. Therefore, I recommend licensing of irrigation, diversion to storage, and wildlife storage as beneficial uses occurring under this permit. Wildlife Storage was not permitted as a beneficial use. Therefore, a licensing amendment is necessary to change the nature of use for the permitted irrigation & stockwater storage uses to wildlife storage.

OVERLAP:

There are no other uses of or diversions from the spring or on-stream unnamed stream point of diversion. There are no other sources of water for the pond. The 1 acre being irrigated with water from the spring is also irrigated from systems diverting Payette River (65-23223) and Porter Creek (65-12842) water. No combined use limitations (other than

G. NARRATIVE/REMARKS/COMMENTS CONTINUED

the standard irrigation rate and volume condition) are necessary as irrigation of the land is occurring from different sources.

COMPLIANCE WITH PERMIT CONDITIONS:

Permit condition requires installation of a lockable device to provide the watermaster suitable control of the diversion prior to diversion of water under this right. No lockable device is currently installed on the diversion works. Spoke with Ron Shurtliff (Watermaster Water District No. 65) who indicated modification of this condition to state a lockable device shall be installed upon notification for licensing of this permit is acceptable. Permit condition states stockwater use under this right is for 10 head of mixed stock. Recommend this condition be removed at licensing as stockwater was not a beneficial use developed under the permit. The place of use is located within Lot 1 Blk 1 of Faull Ranch No. 1 subdivision according to permit condition. There are no conditions regarding compliance with Dam Safety program regulations on the permit, however compliance with these regulations was considered. The dam/berm does not presently fall into regulatory authority since storage is less than 50 af and is considered a low hazard dam (if the dam breached nothing would likely be harmed downstream due to limited volume of water stored). To the best of my knowledge, owner has complied with all other permit conditions.

Have conditions of permit approval been met? X Yes* No

* Once lockable device requirement condition is modified to upon notification language as acceptable per Watermaster.

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 10/31	0.03 CFS	4.5 AF
WILDLIFE STORAGE	01/01 to 12/31	N/A	1.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	N/A
<u>Totals:</u>		0.04 CFS	6.0 AF

2. Recommended Amendments

 Change P.D. as reflected above Add P.D. as reflected above None

 Change P.U. as reflected above Add P.U. as reflected above X Other – Nature of Use Amendment

I. AUTHENTICATION

Field Examiner's Name Angela M. Quinn Date 6/20/2014

Reviewer _____ Date _____

65-13606 Beneficial Use Field Report System Diagram & Map

02E



Legend

- Unnamed Stream POD
- Spring POD
- Wildlife Storage POU
- Irrigation POU
- Townships
- PLS Sections
- Quarter Quarters

0 0.015 0.03 0.06 Miles

2011 Aerial Photo

65-13606 Beneficial Use Field Report Photos



65-13606 Exam 7/30/2012: Pump house (small building in photo middle-ground) from spring P/D facing west towards Payette River/Hwy 55. Portion of irrigated POU north of pump house towards right side of photo.



65-13606 Exam 7/30/2012: Portion of pond with spring discharge (from pump house) via 6 in PVC pipe in photo middle-ground from Waverly Dr facing northwest.

CONVERSATION MEMO

FROM: Steve Lester 
DATE: December 10, 2014
RE: 65-13606 Licensing, Office Visit

Previous permit holder and still current POU property owner Tom Oliver visited to hand-deliver the signed licensing amendment and correct payment on behalf of the permit holder (HOA). The HOA is not assigning the permit to Tom, but he can pursue an ownership change later when they work out some lingering details.

Tom's daughter had provided some information during the licensing process about showing increased use beyond that found in the field exam. This was part of a confusing communication situation in which several people other than the permit holder were getting involved in licensing. Although they meant well, it became a bit of a mess that was never completed.

Today Tom said he did not want to keep working with the permit holder to pursue documenting use exceeding the field exam. After completing an ownership change, he might consider filing a new application for additional use.

The permit holder has not expressed any interest in providing more information regarding the examiner's findings. We can proceed with licensing as determined by the examiner's information.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

November 20, 2014

FAULL RANCH ESTATES OWNERS ASSN INC
C/O GENE ROSS
PO BOX 88
HORSESHOE BEND ID 83629

Re: Water Permit No. 65-13606 for Lot 1, Block 1, Faull Ranch No. 1 Subdivision

Dear Gene:

This is a final reminder that additional information requested of the permit holder (the association) on August 15, 2014, is overdue. Without the additional information, the department will have no choice other than to void the permit. In that event, a water user would need to start over by filing a new application for permit to provide legal authorization to divert and use water as described by the current permit for this property.

Therefore, the permit holder must respond in writing by December 31, 2014, to provide the additional information or request more time in which to provide it. The permit will be voided without a timely reply.

A copy of this final reminder is provided to Tom Oliver based on his interest in the permit. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester', written over a horizontal line.

Steve Lester
Interim Western Region Manager

Cc: Tom Oliver



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

August 27, 2014

FAULL RANCH ESTATES OWNERS ASSN INC
C/O GENE ROSS
PO BOX 88
HORSESHOE BEND ID 83629

Re: Water Permit No. 65-13606 for Lot 1, Block 1, Faull Ranch No. 1 Subdivision

Dear Gene:

Please see the enclosed email copy of my reply to Tom's daughter for this permit. As noted in the reply, we need to keep on track with respect to documents as we try to wrap up the licensing process for this permit.

I understand her desire to be helpful, but a reply to the department's correspondence in licensing should come from the permit owner of record, even if the information is provided to the permit owner by someone else.

Please let me know if you need anything in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", written over a horizontal line.

Steve Lester
Water Rights Supervisor

Enclosure

Lester, Steve

From: Lester, Steve on behalf of Western Info
Sent: Wednesday, August 27, 2014 12:22 PM
To: 'Laura Houston'
Subject: RE: Water right permit no 65-13606; Leo Thomas Oliver/Faull Ranch Estates

Laura:

This confirms the email with photos was received. The department is obligated by statute & department rules to correspond with the permit owner of record in this matter. The permit owner of record should provide a comprehensive written reply to the licensing amendment document the department sent to that owner. If that owner assigns the permit to your father, then he (or you acting on his behalf) can continue direct communication with the department regarding the licensing amendment. Otherwise, it is not really appropriate for me to be in communication with you in the licensing process for this permit. This is a somewhat formal matter requiring us to abide by the mandated system before taking additional action on permit 65-13606.

Your best bet is to coordinate your efforts with the permit owner of record, Faull Ranch Estates c/o Gene Ross. I am providing a copy of this email to Gene.

Thank you for your efforts.

Steve Lester
Water Rights Supervisor
IDWR Western Region
2735 Airport WY
Boise, ID 83705
(208-334-2190)

From: Laura Houston [<mailto:houston1138@gmail.com>]
Sent: Thursday, August 14, 2014 5:21 PM
To: Western Info
Cc: Laura Houston
Subject: Water right permit no 65-13606; Leo Thomas Oliver/Faull Ranch Estates

Attn: Steve Lester

At the request of my father, Leo (Tom) Oliver, I am attaching photos requested by Mr Lester during their meeting this week. The photos were taken today. Would you kindly confirm your receipt of this email with an email response.

He also understands he needs affidavits from the individuals farming the land

If anything further is needed, I will be happy to communicate that to my dad as well. (He is very hard of hearing and does not use computers.)

Laura Houston
801-557-6278



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

August 15, 2014

FAULL RANCH ESTATES OWNERS ASSN INC
C/O GENE ROSS
PO BOX 88
HORSESHOE BEND ID 83629

Re: Water Permit No. 65-13606 for Lot 1, Block 1, Faull Ranch No. 1 Subdivision

Dear Gene:

Tom Oliver visited this office the other day. He received the licensing amendment the Idaho Department of Water Resources (IDWR) sent to the permit owner of record, which is the subdivision owners association. Tom had assigned the permit to the association in 2005, although he remains the land owner. He is concerned about the pending license, thinking it falls somewhat short of the beneficial use he said was developed by the time proof of beneficial use was filed in 2000.

We discussed the matter at length, including the requirement for IDWR to contact the permit owner in this matter. Tom indicated he has or can get additional information supporting more use developed under the permit by 2000. A few suggestions along those lines follow.

The association can assign the permit to Tom if the parties want that result, \$25 assignment form enclosed. If assigned, the "new" permit owner (Tom) can provide more information in support of this permit. If not assigned, the association can work with Tom to provide the additional information if so desired.

A copy of the field examiner's 2012 report is enclosed to document the basis for the pending license amendment. The amendment includes the following uses to be licensed from a spring and unnamed stream:

- 0.04 cubic feet/second (cfs) diversion to storage, 1/1-12/31
- 0.03 cfs irrigation of 1 acre, 3/15-10/31 (includes non-storage volume for direct flow irrigation)
- 1.5 acre-feet (af) wildlife storage, 1/1-12/31
- Total 0.04 cfs and 1.5 af of storage (plus the non-storage volume).

Approved in the permit but omitted in the amendment due to the beneficial use found in the field examination is additional water for another 4 acres of irrigation, irrigation storage and irrigation from storage, stockwater and stockwater storage. Note wildlife storage can substitute for stockwater storage to cover the pond.

Water Permit No. 65-13606

August 15, 2014

Page 2

Tom indicated another 4 acres had been irrigated with this permit, and that domestic use (absent from the permit) was developed for water used in the shop (barn?). The licensing amendment can be revisited if adequate information can reasonably document more use was in place under this permit by 2000. The issue of additional irrigation is complicated by apparent overlapping irrigation from rights 65-12842 (Porter Creek) and 65-23223 (Payette River). IDWR aerial photos confirm irrigation of most of this lot from 1987 through at least 2004, which post-dates the proof of beneficial use filed in 2000. Something other than aerial photos would be needed to verify more than 1 acre of irrigation from the permit sources by 2000.

A note about Porter Creek irrigation. The acres mapped for right 65-12842 are somewhat arbitrary. This Porter Creek right is used for land below the bluff bifurcating the subdivision. Since creek water is commingled with river water for use in a broader system under other rights, Porter Creek water might reasonably be shown not to have been used on Tom's lot. Maps for the lot and overlapping irrigation rights are enclosed. *

Perhaps the deed(s) or similar information for this lot might confirm other irrigation rights were withheld from the lot and thus not usable when the permit proof of beneficial use was filed in 2000.

If more irrigation can be verified for this permit but not for the entire 5 acres approved in the permit, the "leftover irrigation" not licensed can be amended to allow domestic use to be licensed, assuming reasonable supporting information for the latter use.

Some examples of reasonable information include but are not limited to affidavits from people who do not have a financial interest in the matter, dated photographs (or estimated dates) of sprinklers, hoses, faucets etc. associated with use from the sources in Permit 65-13606.

Any additional information in this regard can be provided within the next ninety (90) days for IDWR to reconsider the licensing amendment. Lacking sufficient additional information, the permit holder should sign the licensing amendment for the permit to be licensed as amended, \$100 fee. More time is available upon request if necessary. However, the permit cannot be licensed and likely will be voided if a written reply is not received by the deadline.

Please note it is possible for someone to file a new water right application for this lot if an eventual license is not satisfactory. Please let me know if you need more information. Thank you for your attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosures

Cc: Tom Oliver (with enclosures)

* file copy includes the maps
but not other enclosures

Full Ranch #1
Lot 1, Block 1

Let 1. Block!

OLIVER

2013 photo





Idaho Department of Water Resources

Water Right

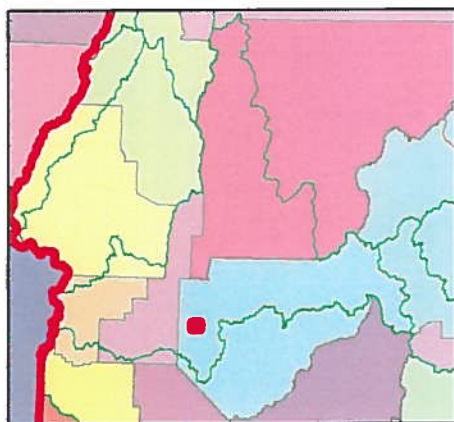
65-12842

(IRRIGATION)

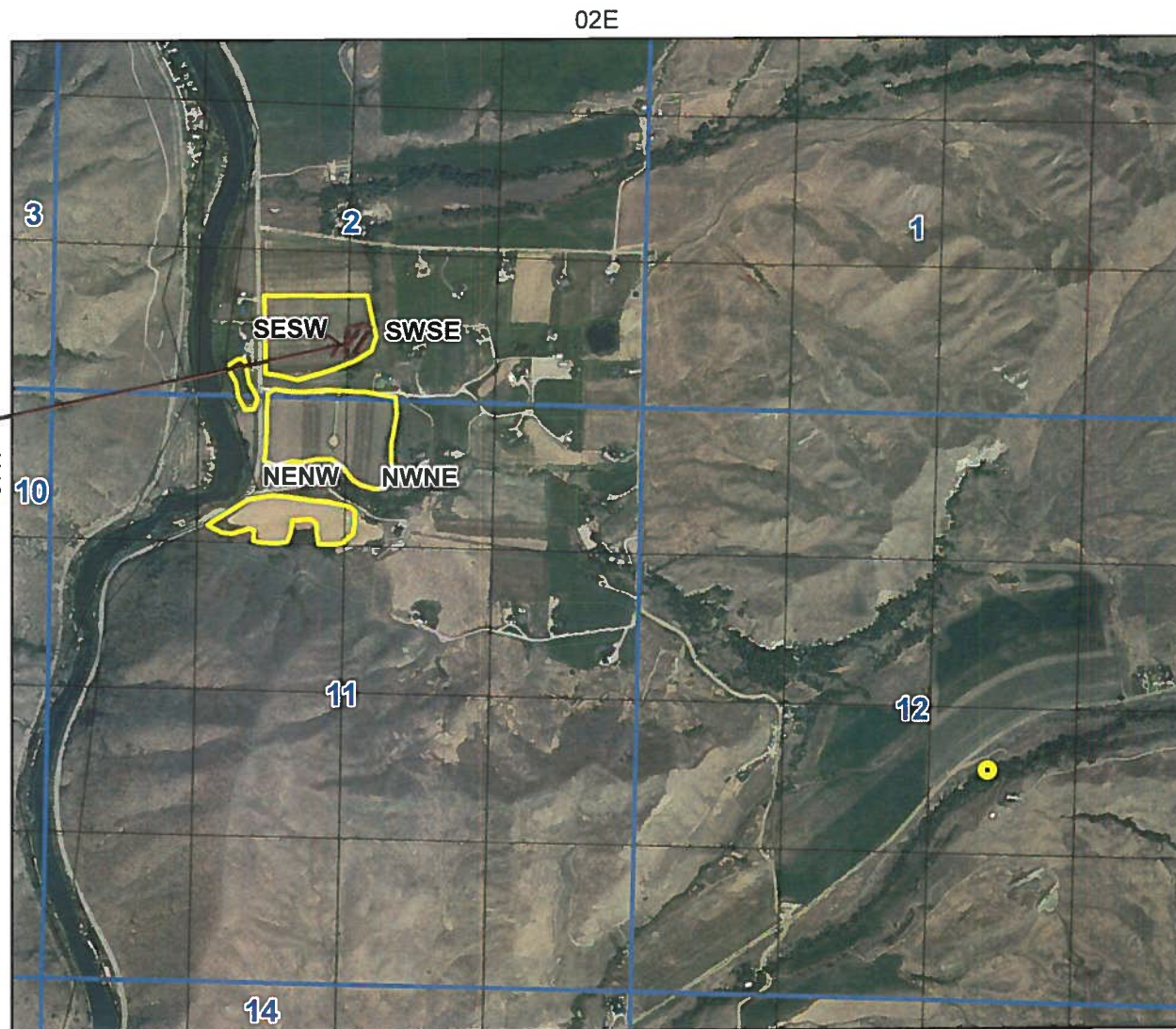
- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

Purter Creek

/// = portion of Lot 1, Block 1



Boise County
IDWR Basin 65



0 0.325 0.65 1.3
Miles

Prepared by Lester, Steve
On August 15, 2014
2009 Aerial Photography

Owner: Faull Ranch Estates Owners Assn Inc

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Idaho Department of Water Resources

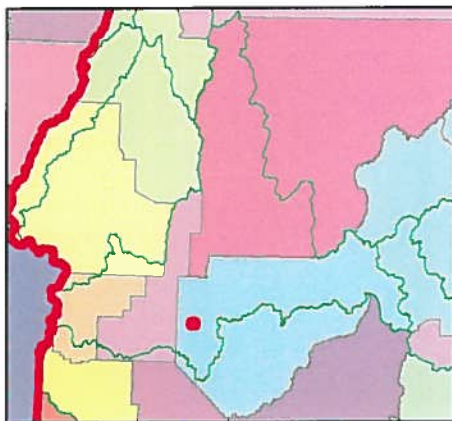
Water Right

65-23223

(IRRIGATION)

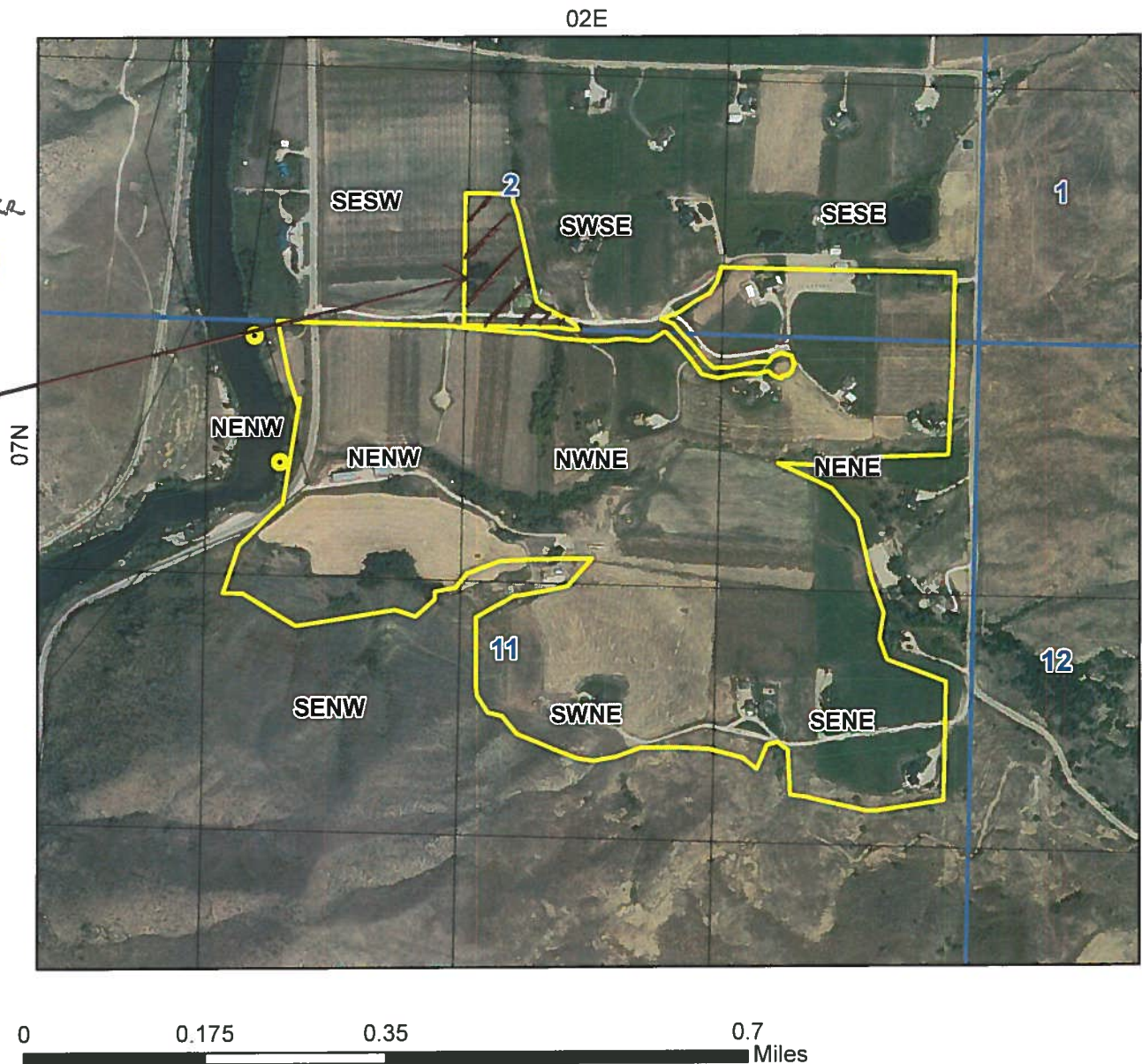
-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

111 = Lot 1, Block 1

Boise County
IDWR Basin 65

Prepared by Lester, Steve
On August 15, 2014
2009 Aerial Photography

↑
Payette River



Owner: Faull Ranch Estates Owners Assn Inc

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Lester, Steve ✓

From: Laura Houston [houston1138@gmail.com]
Sent: Thursday, August 14, 2014 5:21 PM
To: Western Info
Cc: Laura Houston
Subject: Water right permit no 65-13606; Leo Thomas Oliver/Faull Ranch Estates
Attachments: Faull Ranch Water Right 3.JPG; Faul Ranch Water Right 2.JPG; Faull Ranch Water Right.JPG

↑ duplicate 1st photo so not Attached

Attn: Steve Lester

At the request of my father, Leo (Tom) Oliver, I am attaching photos requested by Mr Lester during their meeting this week. The photos were taken today. Would you kindly confirm your receipt of this email with an email response.

He also understands he needs affidavits from the individuals farming the land

If anything further is needed, I will be happy to communicate that to my dad as well. (He is very hard of hearing and does not use computers.)

Laura Houston
801-557-6278



