

State of Idaho
Department of Water Resources
Water Right License

Amended

Amended

WATER RIGHT NO. 63-33212

Priority: June 02, 2009

Maximum Diversion Rate: 0.05 CFS
Maximum Diversion Volume: 7.7 AF

It is hereby certified that DAVID BEARDMORE
5616 HOLLILYNN DR
BOISE ID 83709 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 02, 2009; and has
submitted Proof of Beneficial Use on October 20, 2014. An examination confirms water is 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>
IRRIGATION	03/01 to 11/15	0.05 CFS	7.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4SW1/4 Sec. 8, Twp 02N, Rge 02E, B.M. ADA 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	
02N	02E	8																1.7	1.7

Total Acres: 1.7

CONDITIONS OF APPROVAL

1. Place of use is located within Lots 21 & 22, Block 1, Calderon Estates Subdivision.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 4.5 afa at the field headgate for irrigation of the place of use.

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 3rd day of December, 2014.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Amended Water Right License 63-33212

This map depicts the IRRIGATION 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.

02E



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

0 0.0375 0.075 0.15 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

December 4, 2014

DAVID BEARDMORE
5616 HOLLILYNN DR
BOISE ID 83709

RE: License No. 63-33212

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Amended Water Right License in response to your petition for reconsideration. This license confirms that a water right has been established in accordance with your permit. This license supersedes the license document issued November 19, 2014. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The Amended License is a PRELIMINARY ORDER issued by the Department pursuant to Rule 760 of the Department's Rules of Procedure (IDAPA 37.01.01). 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 December 5, 2014, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Amended License) to the person(s) listed below:

RE: WATER RIGHT NO.

63-33212

**DAVID BEARDMORE
5616 HOLLILYNN DR
BOISE ID 83709**



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

TO: Water Right File – 63-33212

FROM: Patrick Kelly – Water Resource Agent

DATE: December 3, 2014

SUBJECT: New diversion rate and volume for amended WR.

The POU was redrawn per the memo documented by Pam Skaggs on Dec. 3, 2014. The new POU area measures an additional 0.7 acres for a total of 1.7 acres. The following formulas were used to change the diversion rate and volume on the amended license:

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

$$Q = \frac{8.8 * (\text{Efficiency}) * hp}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Efficiency = 0.70

Depth to water = 216 ft.

psi = 35-55

hp = 1-5

See attached theoretical sheet.

Average flow rate is 0.05 cfs

Conditions state 0.03 cfs/acre * 1.7 acre = 0.051 cfs

Measurement = 0.05 cfs

Permit allowed = 0.15 cfs

License recommend for 0.05 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1.7 * 4.5 = 7.65 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.05 * 260 * 1.9835 = 25.79 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 7.7 \text{ af}$$

1. Volume Calculations for Other Uses: None.

MEMORANDUM

TO: Water Right File 63-33212

FROM: Pam Skaggs 

SUBJECT: License Petition Review

DATE: 12-03-2014

The right holder David Beardmore filed a petition for reconsideration of license 63-33212 by letter received 12-01-2014. He described additional land that should have been included under this right. The additional land identified on the returned map appeared undeveloped in 2013 aerial photography used for in-house license review.

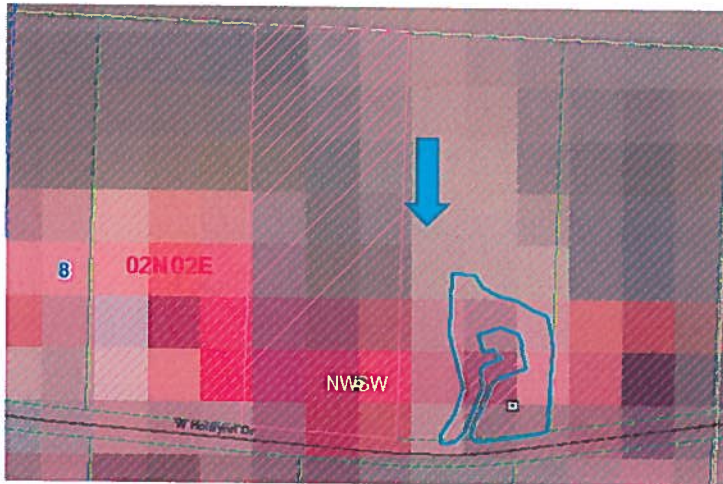
I called Mr. Beardmore on 12-02-2014 to explain only the land irrigated during the permit development period could be recognized on the license. He said he seeded the identified land adjacent to his home for pasture use and watered it for two or more months prior to filing proof of beneficial use on 10-20-2014. He emailed 4 photographs of the diversion system and sprinkler used.

I reviewed the land satellite images available for August and September of this year, 2014. There is evidence that some irrigation use occurred in the pasture area when compared to the adjacent undeveloped land supporting the right holder's statement. The license should be amended to include the additional 0.7 acre or so along with the associated rate and volume as available.

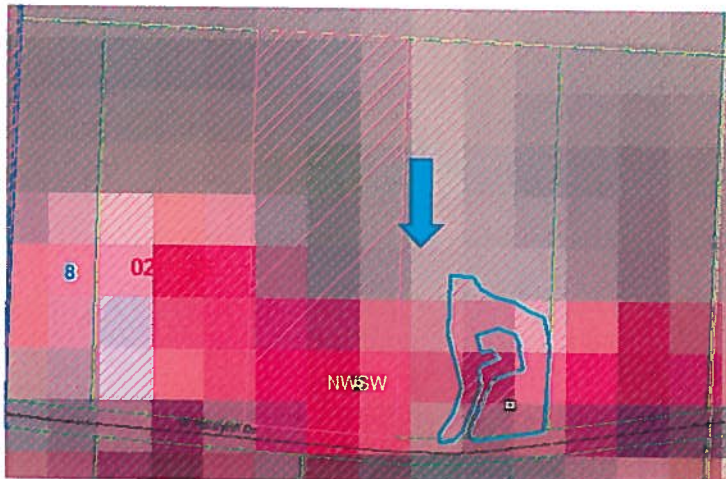
2013 Aerial Photography of Place of Use 63-33212 & surrounding developed & undeveloped land.



Landsat Imagery 08-11-2014



Landsat Imagery 09-12-2014



Skaggs, Pam

From: Skaggs, Pam
Sent: Tuesday, December 02, 2014 12:23 PM
To: 'd beard'
Subject: RE: final photo beneficial use

David,

I have received all 4 of your emails with photos attached. Thank you for your prompt response to my inquiry. The photos will be placed in the water right file and the information considered for licensing of Right 63-33212.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4951
Fax (208) 287-6700

From: d beard [mailto:davibeard@yahoo.com]
Sent: Tuesday, December 02, 2014 12:14 PM
To: Skaggs, Pam
Subject: final photo beneficial use

Pam,
Attached is photo of green grass growing since I have sown new pasture seed in September, 2014. Please contact me by phone or email if you have any questions.
Sincerely,
David Beardmore
(208) 631-4237

RE: License No. 63-33212

Skaggs, Pam

From: d beard <davibeard@yahoo.com>
Sent: Tuesday, December 02, 2014 12:04 PM
To: Skaggs, Pam
Subject: photos beneficial use
Attachments: IMG_20141202_113105503.jpg

Pam Skaggs,

(second try sending photos)

Thank you for your phone call and help with my water rights.

Attached is a photo of new buried water line source, and will send 3 more emails with a photo each (4 photos was too much for email first try).

Sincerely,

David Beardmore

(208) 631-4237

RE: License No. 63-33212



Skaggs, Pam

From: d beard <davibeard@yahoo.com>
Sent: Tuesday, December 02, 2014 12:07 PM
To: Skaggs, Pam
Subject: 2nd photo beneficial use
Attachments: IMG_20141202_113156171.jpg

Pam,
Attached is photo of above ground piping.
RE: License No. 63-33212



Skaggs, Pam

From: d beard <davibeard@yahoo.com>
Sent: Tuesday, December 02, 2014 12:10 PM
To: Skaggs, Pam
Subject: 3rd photo beneficial use
Attachments: IMG_20141202_113234587.jpg

Pam,
Attached is photo of sprinkler.
RE: License No. 63-33212



Skaggs, Pam

From: d beard <davibeard@yahoo.com>
Sent: Tuesday, December 02, 2014 12:14 PM
To: Skaggs, Pam
Subject: final photo beneficial use
Attachments: IMG_20141202_113219863.jpg

Pam,
Attached is photo of green grass growing since I have sown new pasture seed in September, 2014.
Please contact me by phone or email if you have any questions.
Sincerely,
David Beardmore
(208) 631-4237

RE: License No. 63-33212



Nov 28, 2014

RECEIVED

DEC 01 2014

DEPARTMENT OF
WATER RESOURCES

To: Idaho Dept. of Water Resources

attn: Pamela Skaggs
Water Rights Supervisor

From: David Beardmore
5616 Hollilynn Drive
Boise, ID 83709
(208) 631-4237

Re: License No. 63-33212

Pamela Skaggs,

Thank you for your help in granting me
water rights (copy enclosed).

I wish to clarify the specific area
of my property I wish the rights to be applied to.
The aerial photo you sent shows yellow outlining
of property I already have rights to as homeowner.
The area adjacent (approximately one acre) outlined
by myself in black is what my new water rights
should apply to.
Please make necessary correction if required.

Thank you.

Sincerely,

David Beardmore

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-33212

Priority: June 02, 2009

Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 4.5 AF

It is hereby certified that DAVID BEARDMORE
5616 HOLLILYNN DR
BOISE ID 83709 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 02, 2009; and has
submitted Proof of Beneficial Use on October 20, 2014. An examination confirms water is 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>
IRRIGATION	03/01 to 11/15	0.03 CFS	4.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4SW1/4 Sec. 8, Twp 02N, Rge 02E, B.M. ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	02E	8												1.0					1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. Place of use is located within Lots 21 & 22, Block 1, Calderon Estates Subdivision.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 4.5 afa at the field headgate for irrigation of the place of use.

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 19th day of November, 2014.

COPY

for Gary Spackman
GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License

63-33212

This map depicts the IRRIGATION 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.

02E



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

0 0.04 0.08 0.16 Miles

Copy

