

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08573

Priority: December 21, 1990

Maximum Diversion Rate: 4.00 CFS
Maximum Diversion Volume: 686.9 AF

It is hereby certified that STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
PO BOX 83720
BOISE ID 83720-0098 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated December 21, 1990; and has submitted Proof of
Beneficial Use on June 04, 1992. An examination confirms water is diverted from:

SOURCE

WASTE WATER

Tributary: SNAKE 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>
WATER QUALITY IMPROVEMENT	01/01 to 12/31	4.00 CFS	686.9 AF

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER	L10 (NW1/4NW1/4)	Sec. 29,	Twp 09S,	Rge 17E, B.M.	JEROME County
WASTE WATER	L14 (SW1/4NE1/4)	Sec. 29,	Twp 09S,	Rge 17E, B.M.	JEROME County

PLACE OF USE: WATER QUALITY IMPROVEMENT

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 17E 19															X	X	
															L 13		
09S 17E 29			X			X	X	X	X					X			
			L 12			L 10	L 16	L 15	L 17					L 18			
09S 17E 30	X	X		X													
	L 8	L 9		L 14													

CONDITIONS OF APPROVAL

1. Water Quality Improvement is accomplished by processing fish effluent through land application.
2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. The place of water quality improvement use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the fish propagation facility as authorized by water rights 36-200, 36-2603C, 36-2603D, 36-7130, 36-7757, and 36-15378.
4. 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.130.

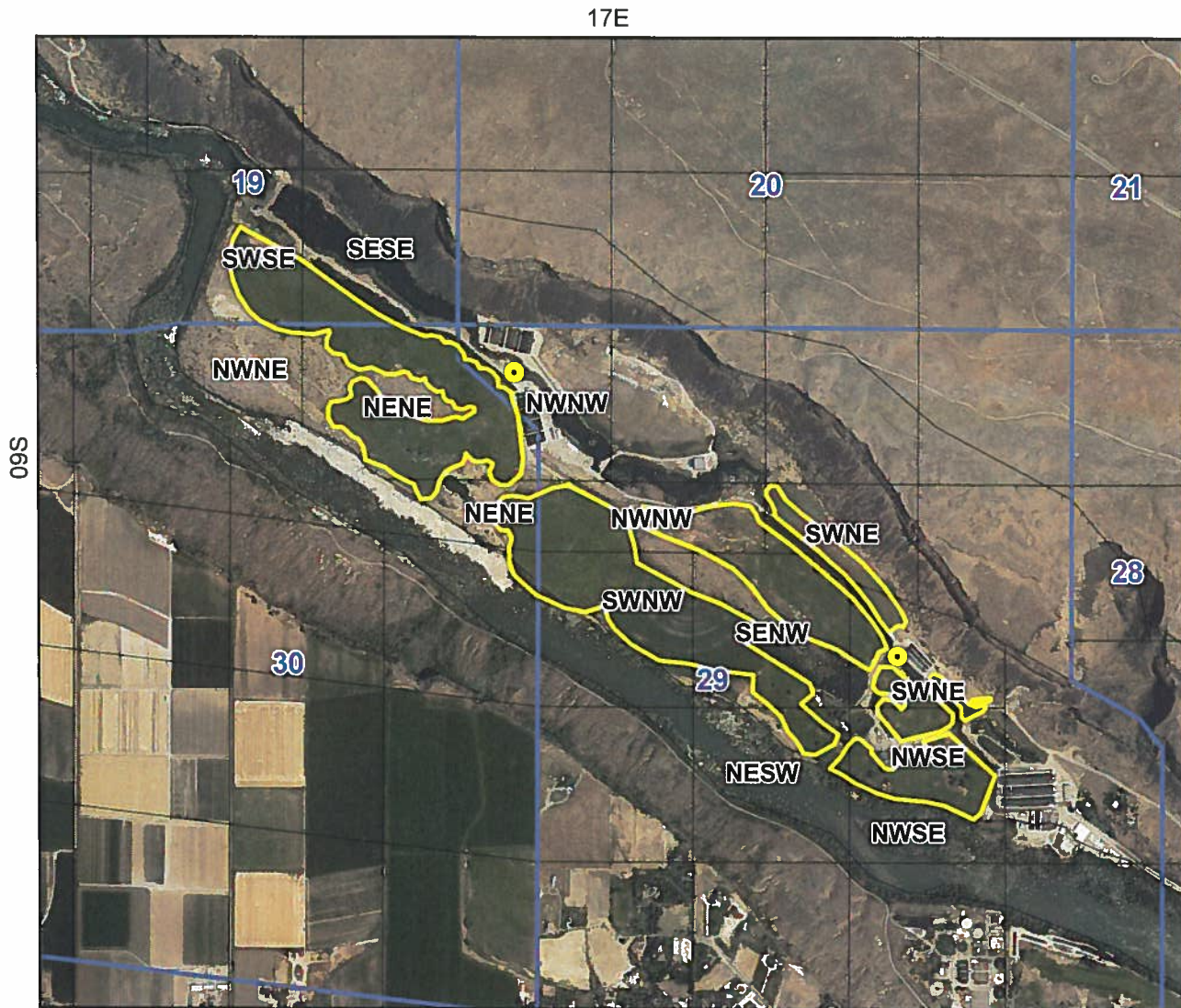
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 25th day of April, 2014.


for GARY SPACKMAN

State of Idaho
Department of Water Resources
Attachment To Water Right License
36-8573

This map depicts the WATER QUALITY IMPROVEMENT 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 0.175 0.35 0.7 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

April 30, 2014

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

RE: License Nos. 36-7757, 36-8094 & 36-8573

Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right Licenses confirming that water rights have been established in accordance with your permits. Please be sure to thoroughly review the conditions of approval and remarks listed on your licenses. Also enclosed are copies of the approved applications for amendment.

The licenses are PRELIMINARY ORDERS issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders 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 208-287-4916.

Sincerely,

Craig L. Saxton
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2014, I hand delivered true and correct copies of the foregoing PRELIMINARY ORDERS (**Approved Licenses**) to the person(s) listed below:

RE: WATER RIGHT NOS. **36-7757, 36-8094 & 36-8573**

**STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098**



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. 36-08573

Date of Priority: December 21, 1990

Maximum Diversion Rate: 4.00 CFS

Maximum Diversion Volume: 686.9 AF

Comes now IDAHO WATER RESOURCE BOARD

PO BOX 83720

BOISE ID 83720-0098

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. 36-08573, and requests that the permit be changed as follows:

Source: WASTE WATER

Tributary: SNAKE RIVER

BENEFICIAL USE

WATER QUALITY
IMPROVEMENT

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

4.00 CFS

ANNUAL VOLUME

686.9 AF

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER L10 (NW1/4NW1/4)

Sec. 29, Twp 09S, Rge 17E, B.M. JEROME County

WASTE WATER L14 (SW1/4NE1/4)

Sec. 29, Twp 09S, Rge 17E, B.M. JEROME County

PLACE OF USE: WATER QUALITY IMPROVEMENT

within JEROME County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	17E	19															X	X	
																	L13		
09S	17E	29			X			X	X	X	X					X			
					L12			L10	L16	L15	L17					L18			
09S	17E	29			X			X											
					L14			L11											
09S	17E	30	X	X		X													
			L8	L9		L14													
09S	17E	30	X																
			L13																

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 27th day of MARCH, 2014.



(Signature)

FOR THE IDAHO
WATER RESOURCE
BOARD

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 36-08573

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = N/A Received by _____ # _____ Date _____

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. 36-08573 with the following:

CONDITIONS OF APPROVAL

1. Water Quality Improvement is accomplished by processing fish effluent through land application.
2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. The place of water quality improvement use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the fish propagation facility as authorized by water rights 36-200, 36-2603C, 36-2603D, 36-7130, 36-7757, and 36-15378.
4. 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.130.

Witness my hand this 25th day of April, 2014.

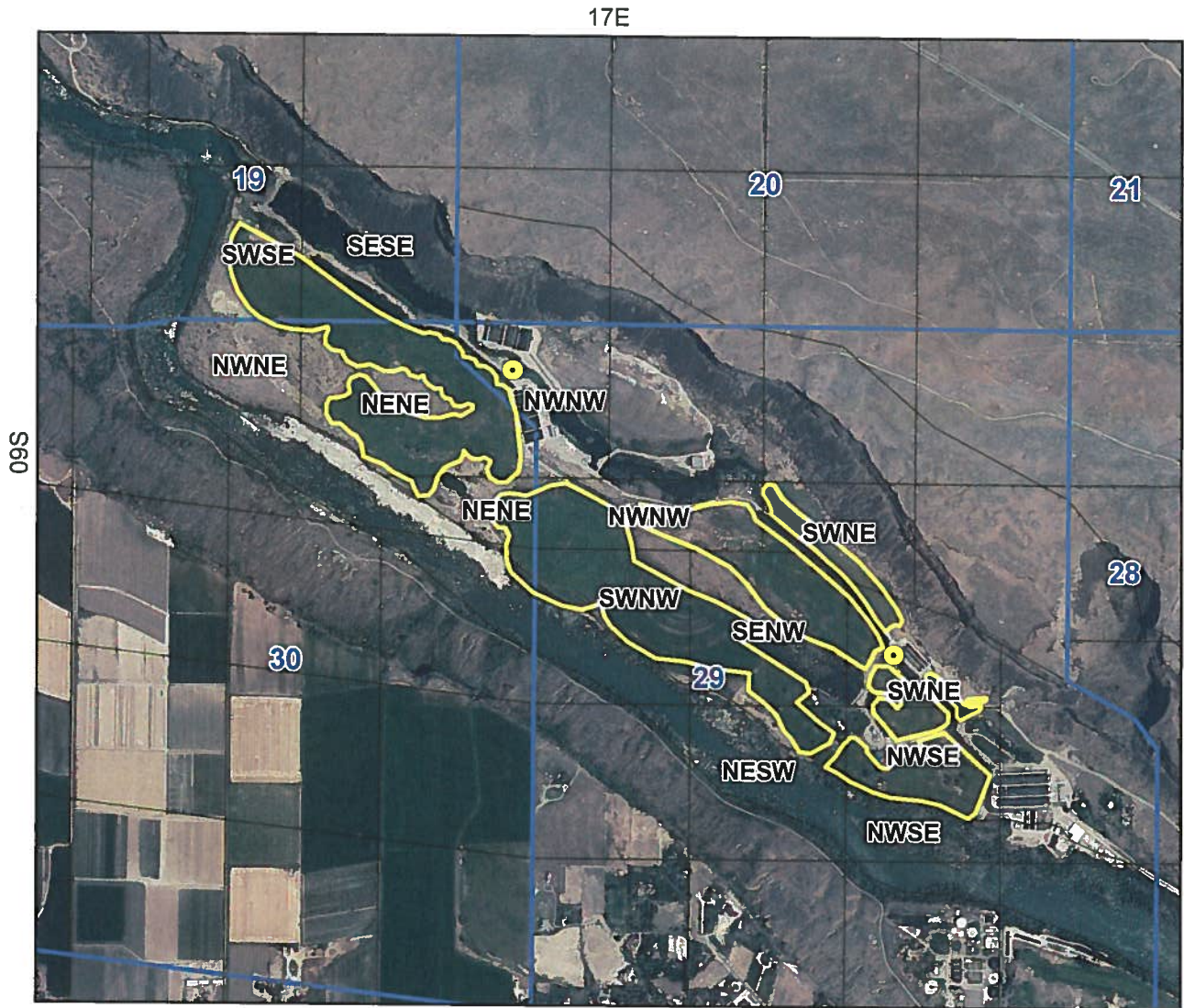
Shelley W. Keen
for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License

36-8573

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- Point of Diversion
- Place Of Use Boundary
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0 0.175 0.35 0.7 Miles



MEMORANDUM

TO: File 36-8573

FROM: Daniel Nelson – Staff Hydrologist

DATE: March 24, 2014

SUBJECT: Licensing Review for water right 36-8573

During the initial review of this water right report, there was some concern over the DEQ information provided and the calculations for the volume of this land application permit. Lot 12 is actually in the SWNE of Section 29. The Department's mapping program originally showed Lot 12 in the NWNE, but that has been corrected. Lot 14 is also in the SWNE of Section 29, so it there will be two lots for this 40 acre tract. Lot 13 and Lot 8 are both in the NENE of Section 30, so both lots will be need to be addressed. One of the points of diversion Lot numbers were incorrect on the permit. The points of diversion should be in Lot 10 (NWNW) of Section 29 instead of Lot 11, and in Lot 14 of the SWNE which was correct.

The field examiner, Cindy Yenter, confirmed that the DEQ reports were for the Slurry Land Application only. They didn't require any permits for the water land application through the sprinklers.

Cindy said she couldn't figure out any other way to work through volume limitation for the land application of the water for this permit other than to limit them to the irrigation requirement that they could apply during the irrigation season of 4 acre feet per acre and the volume of water they divert during the non-irrigation season based on the amount of time they divert for the number of days they divert. The irrigation season is 231 days long and they divert 4 hours per day for a total of 85 days during the non-irrigation season. If they ran non-stop during the irrigation season, then the maximum diversion volume would be 1833 af ($4 \text{ cfs} \times 1.9835 \times 231 \text{ days} = 1832.754 \text{ af}$). They don't use this system all year long. The irrigation season is 231 days and the non-irrigation season is 85 days for a total of 316 days. At the irrigation requirement limitation, they would only be able to run the system all out for approximately 70 days during the 231 day irrigation season ($552 \text{ af irrigation requirement} / (4 \text{ cfs} \times 1.9835) = 69.57 \text{ days at full diversion rate}$). Taking this into account, I have to agree with Cindy's calculations for the volume.

I changed condition 051 to R55 as is standard. We removed conditions 052 (2) and 053 (4). I retained the first portion of condition #3, but removed the second portion, since it was obvious the owner was working with DEQ. We added conditions WD8 and R05.