

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33401

Priority: July 12, 2010

Maximum Diversion Rate: 0.84 CFS

This is to certify, that LAYNE THORNTON and/or
LORI THORNTON
3224 SWAN FALLS RD
KUNA ID 83634

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.84 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SW1/4SW1/4	Sec. 34, Twp 02N, Rge 01E, B.M., ADA County
GROUND WATER	NE1/4SE1/4	Sec. 3, Twp 01N, Rge 01E, B.M., ADA County
GROUND WATER	L1 (NE1/4NE1/4)	Sec. 3, Twp 01N, Rge 01E, B.M., ADA County
GROUND WATER	SE1/4NE1/4	Sec. 3, Twp 01N, Rge 01E, 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 01E 34										24.0	12.0	30.0	40.0					106.0

Total Acres: 106

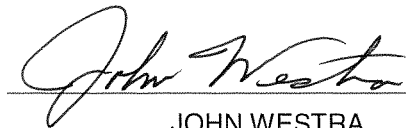
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2019**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

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7. 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.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. This right when combined with all other rights shall not exceed a combined annual maximum diversion volume of 477.0 af at the field headgate for the place of use.
11. Failure of the right holder to comply with any condition of approval is cause for the Director to cancel this permit.
12. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
13. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
14. The right holder shall install a measuring device(s) acceptable to the Department. The measuring device(s) shall be capable of displaying diversion flow rate and totalized volume measurement for the place of use. The right holder shall record the flow rate and volume measurements monthly for any calendar year in which water is diverted and used in connection with this right until notified by the Department. The records shall be made available to the Department upon request.
15. One point of diversion (well) authorized for this right shall include a measuring device or other suitable method to allow measurement of the static water level in the well. Water level measurements shall be made monthly throughout the year from the beginning of the diversion and use of water in connection with this right until notified by the Department. The records shall be made available to the Department upon request.
16. Proof of application of water to beneficial use shall be submitted no sooner than February 1, 2018 and no later than February 1, 2019. A report with no less than four (4) years of diversion measurement and aquifer level water monitoring data shall be submitted in connection with the filing proof of beneficial use. Submittal of a proof of beneficial use statement without the required report will not be accepted by the Department and may result in cancellation of the permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 30th day of January, 2019.



JOHN WESTRA

Western Regional Manager



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

January 30, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

LAYNE THORNTON
LORI THORNTON
3224 SWAN FALLS RD
KUNA ID 83634

RE: Permit No.63-33401

Permit Approval Notice

Dear Permit Holders:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, 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)334-2190.

Sincerely,

A handwritten signature in black ink that reads "Rachel Sommer". The script is cursive and fluid.

For:

John Westra
Western Regional Manager

Enclosures

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the persons listed below:

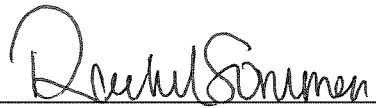
RE: WATER RIGHT NO.

63-33401

**LAYNE THORNTON
3224 SWAN FALLS RD
KUNA ID 83634**

**LORI THORNTON
3224 SWAN FALLS RD
KUNA ID 83634**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

A handwritten signature in black ink, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
Administrative Assistant I**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES (IDWR)**

**MINIMUM ACCEPTABLE STANDARDS FOR
OPEN CHANNEL AND CLOSED CONDUIT
MEASURING DEVICES**

The source and means of diversion of water, whether surface or ground water, generally affects the selection of a measuring device. Surface water sources such as streams, springs and waste channels are normally diverted into open channels (ditches or canals), but closed conduits (pipes or culverts) are also used. Ground water is usually diverted into pipes (which may also discharge into open channels).

Measuring devices when required by IDWR are to be installed at or near the point of diversion from the public water source.

I. MEASUREMENTS IN OPEN CHANNELS

The following discussion is applicable only to diversions from surface water sources. Measurement of a ground water diversion with an open channel measuring device must be pre-approved by the IDWR.

A. Standard Open Channel Measuring Devices

All open channel surface water diversions should be measured using one of the following standard open channel flow measuring devices commonly used in Idaho:

- contracted rectangular weir
- suppressed rectangular weir
- Cipolletti weir
- 90 degree V-notch weir
- Parshall flume
- trapezoidal flume
- submerged rectangular orifice
- constant head orifice
- ramped broad crested weir (or ramped flume)
- acoustic Doppler flow meter (ADFM)
- acoustic Doppler current profiler

The installed flow rate accuracy of **open channel measurement devices** must be $\pm 10.0\%$ as compared to an acceptable open channel current meter or other standard portable measuring devices such as an acoustic Doppler flow meter or acoustic Doppler current profiler.

Construction, installation and operation of these devices should follow published guidelines, such as those published by the United States Bureau of Reclamation¹

¹ The Bureau of Reclamation measurement guidelines can be found at;
http://www.idwr.idaho.gov/WaterManagement/WaterMeasurement/PDFs/BoR_WMM_%202001revision.pdf

B. Non-standard open channel devices: Rated Structures or Rated Sections

Any weir, flume, or other measuring device that has not been constructed, installed, or maintained correctly and therefore does not measure flow in the standard manner consistent with standard rating tables or curves is considered to be a non-standard device. IDWR may authorize the use of non-standard devices and rated sections provided the device or section is rated or calibrated against a set of flow measurements using an acceptable open channel current meter. Examples of standard portable open channel devices include the acoustic Doppler flow meter, the acoustic Doppler current profiler, or a portable flume. These devices are acceptable provided they are installed and operated according to all relevant manufacturer recommendations. Further information and requirements are available from IDWR upon request.

II. CLOSED CONDUIT MEASURING DEVICES

New installations for closed conduit or pipe line diversions require installation of a full profile magnetic type flow meter that meets or exceeds the specifications in this document. IDWR has published a list of approved full profile magnetic flow meters that have participated in independent third party testing at an NIST² traceable lab in Logan Utah. Tests were conducted for both accuracy and repeatability on all submitted models, and a pass/fail rating awarded. A list of these meters may be found at:

http://www.idwr.idaho.gov/WaterManagement/WaterMeasurement/PDFs/Approved_flow_meter_list.pdf. Many of the magnetic meters on the market have an accuracy rating which meets IDWR's criteria, but did not participate in the above test. Installation of a non-approved magnetic meter (full profile or insertion) which meets all the specifications below may be permitted through a **Request for Variance** but the water user bears the risk that the meter will perform within the manufacturer's stated accuracy. If a non-approved magnetic meter is installed and does not pass a field check, IDWR may require the water user to replace the meter with an approved meter at the water user's expense. IDWR recommends that water users select a meter from the approved list.

A. Flow Meter Specifications

Currently two types of magnetic flow meters are available.

- **Full profile** magnetic type flow meters are flanged into the piping system and measure across the velocity profile.
- **Insertion** type magnetic meters are installed through a small diameter hole in the piping system to measure an average velocity (determined by pipe diameter) in the flow profile. Insertion magnetic meters can generally be approved for larger diameter pipes (12 inches or greater) if installed according to manufacturer specifications and where range of flow and turbulence conditions do not vary widely.

² National Institute of Standards and Technology (NIST)

Listed below are the flow meter requirements and specifications for full-flowing closed conduits or pipes. Water users may apply to IDWR for a variance to these specifications in accordance with Criteria for Request for Variance of measuring Device Requirements of Section II C. of this document.

Meters shall be full profile magnetic flow meters meeting the following minimum specifications:

- 1) Flow range of 0.1 to 33 feet per second (fps).
- 2) Listed manufacturer accuracy of $\pm 2\%$ of flow rate from 0.1 to 33 feet per second (fps), with a repeatability of $\pm 0.5\%$ of reading.
- 3) The register or display unit shall:
 - a) Have a waterproof and tamperproof seal.
 - b) Have an LCD backlit display showing instantaneous flow rate and totalized volume.
 - c) Have a minimum of six (6) digits for flow rate.
 - d) Have a minimum of eight (8) digits for totalized volume display or a sufficient number of digits so that "rolling over" will not occur within two years operation, based on the maximum rate of flow and annual volume elements of the authorizing water rights. IDWR recommends using Table 1 to aid in selecting appropriate volume totalizing multipliers for the intended use.
 - e) Have password or similar protection of all settings and data to protect against unauthorized change or accidental loss of data.
 - f) Contain a back up battery (according to manufacturers specifications) to prevent loss of data in the case of primary power failure.
 - g) The display unit must contain programmable features that allow the selection of flow units. Available flow units must include gallons per minute (gpm) or cubic feet per second (cfs). The meter flow rate display must also allow decimal display formatting of up to three (3) places when using cubic feet per second units.
 - h) The volume totalizer display must contain programmable features that allow the selection of volumetric units and must include either gallons or acre feet. The meter must also allow decimal display formatting of up to four places, and the application of unit multipliers ranging from 0.0001 to 10,000. See Table 1 for examples of appropriate meter multipliers based on expected annual volume use.
- 4) Signal Output when Data Logger is Required
Data loggers may be required by specific water right conditions of approval in some locations or circumstances.

Scaled pulse frequency output (or pulse counting) is required for continuous recording of totalized volume data on data loggers. Output signals must be compatible with data logger inputs. Analog output signal for flow rate (usually 4-20mA) is optional (most magnetic flow meters provide both analog and pulse frequency as standard output signals).

B. Meter Installation and Diversion System Requirements

Meters installed on closed conduit systems shall meet the following installation requirements:

- 1) The minimum and maximum system operating flows and pressures must be fully within the range of measurable flows and pressures identified in the meter specifications.
- 2) Pipes must be full flowing.
- 3) The installed flow rate accuracy of *magnetic flow meters* must be $\pm 5.0\%$ as compared to a second, standard flow meter. *IDWR, the water district watermaster, or measurement district hydrographer will apply a calibration factor to flow meters whenever the field-test measurement is greater than $\pm 1.0\%$ of the value indicated by the installed meter.*
- 4) Flow meters must be installed according to the manufacturer's specifications. Most manufacturers recommend that meters be installed a certain distance from turbulence-causing bends and fittings such as discharge heads, single elbows, and valves. Typical industry standards for such distances are listed below, but larger distances may be required if the turbulence is severe.
 - a. Full profile magnetic flow meters typically require three (3) pipe diameters upstream of the meter and two (2) pipe diameters downstream.
 - b. Insertion magnetic, ultrasonic and mechanical flow meters require (10) pipe diameters upstream of the meter and five (5) pipe diameters downstream. (*Ex. A 12 inch pipe would require a minimum of 120 inches of unobstructed pipe upstream and 60 inches of unobstructed pipe downstream to meet this requirement*). Piping requirements for these meters may be in excess of 15 total diameters in more turbulent flow environments for accurate flow measurement.

Owners or operators who install meters without the minimum manufacturer spacing requirements may need to provide an adequate testing section of straight pipe located somewhere on the diversion system either upstream or downstream of the installed flow meter. This testing section can be excavated pipeline as long as the section of pipe carries all water being measured through the installed flow meter. Water users choosing to expose pipe will be required to excavate the pipe at their expense at the request of the district hydrographer, watermaster and/or IDWR staff.

Table 1: Meter multiplier selection based on water right volume.

Volume Acre Feet (AF)	Multiplier X gallons (gal)	Multiplier X Acre Feet (AF)
0-150	1, 10, 100	.0001, .001
150-1000	10, 100, 1000	.001, .01
>1000	100, 1000	.001, .01

C. Requests for Variance of Closed Conduit Measuring Device Requirements

Owners of closed conduit diversions may request a variance from the standard full profile magnetic flow meter requirements for the following reasons:

- a) An operable flow meter is already installed.
- b) Installation and maintenance of the standard meter would be burdensome
- c) Other conditions of the diversion system preclude the use of a magnetic meter

The following alternate measurement methods may be considered:

- Development of a Power Consumption Coefficient (PCC), which is a ratio of power usage to water withdrawal. Acceptance of the PCC method may be provided *for qualifying irrigation diversions only*;
- Use of an hour meter (time clock) *for qualifying diversions only*;
- Use of an acceptable non-magnetic flow meter that was installed *prior to the date of the measurement order*;
- *For irrigation diversions only*, use of an acceptable non-magnetic flow meter where it can be shown that installation of the standard magnetic flow meter would be burdensome or ineffective.

If a meter is already installed, that meter may be used if the meter is field-tested by IDWR staff, the water district watermaster, or a district hydrographer using a portable certified standard flow meter and upon a determination that the meter is installed properly and accurate to within $\pm 10\%$ of actual rate of flow and volume. The suitability of any pumping station for an hour meter or the PCC method of measurement will be based on criteria found in this document and in the document entitled *IDWR ESPA Water Measurement and Reporting Guidelines*³.

1. Use of Power Records as an Alternative Measurement Method

An alternative to installing flow meters is the use of power records and other information to estimate the annual diversion from a pump. Estimating total water diversion from power records requires the derivation of a relationship between power demand and flow under normal operating conditions. This relationship, called a power consumption coefficient (PCC), is a ratio of the number of kilowatt-hours needed to pump an acre-foot of water. This number is unique to each well or pumping plant due to the physical attributes of the system and can be applied to the year-end power records to estimate the total acre-feet pumped.

Total power consumption at individual irrigation pumping plants is supplied to the Department by electric utilities. To determine the rate of flow, a portable measuring device, such as a non-invasive ultrasonic flow meter can be used. Simultaneous with the flow measurement, power is measured using the utility's kilowatt-hour meter. A qualified individual with the necessary equipment will be required to perform these measurements.

Some complex systems cannot use the PCC relationship due to the potential for large errors. The PCC method is reliable on simple diversion systems having fairly static pumping levels and must

³ This document can be found at:

http://www.idwr.idaho.gov/WaterManagement/WaterMeasurement/PDFs/IDWRESPA_WaterMeasurement_ReportingGuidelines.pdf

be reviewed for acceptability by the Department on a case by case basis. See the discussion in the following section to see if this method can be used.

Because systems wear and water levels change, it is necessary to occasionally verify the flow to power ratio. Therefore, the PCC must be re-calibrated at least once every three years.

2. Can Power Records be used to Estimate My Diversion?

Only irrigation water users may use power records to estimate their diversion because the utilities will only provide consumption information for irrigation uses. Irrigators wishing to use the PCC method must be able to show that it will yield reliable results. If you are not an irrigation user, but want to use power records, you must propose a method of reporting your power consumption data. The PCC method cannot be used on surface water diversions in most cases because such diversions are typically regulated by water right diversion rates and priority dates.

Owners of **ground water diversions** can either install a totalizing flow meter or ask the Department to use power records to estimate annual withdrawals. The total water diverted can be accurately estimated from the PCC method if the system configuration or operation is not complex. Unfortunately, the PCC or power records will not always yield acceptable results, and it will be necessary to install a flow meter. **Flow meters must be installed if any of the following conditions exist:**

- The well flows (artesian) so that water can be diverted when the pump is off.
- The energy consumption meter that records power used by the pump also records power used by other devices not integral to the irrigation system. For example, if the meter also records power used by a home, shop, cellar, re-lift pumps from surface water sources etc., a flow meter must be installed because power used by the pump cannot be isolated from the other devices. However, if the meter also records power used by center pivots, booster pumps, or other devices which operate as part of the well pumping system, the alternate method may be acceptable.
- The electrical meter records the power used by more than one well pump. If a deep well pump which discharges to an open pond or ditch and a re-lift pump are both connected to the same electrical meter, the discharge from the well pump can be measured, and a time clock can be installed to record the total number of hours of pump operation which can be multiplied by the flow rate to determine the total volume of water diverted.
- Variable frequency drives (VFD) operate the pumping plant. This includes both drives for the well motor and the booster system. Variable frequency drives generally indicate that multiple operating conditions exist in the system where large kilowatt and pressure changes are present.
- The energy supplied to the pump cannot be accurately and reliably measured. For example, most diesel and propane driven pumps do not have provisions to measure the fuel used by the engine.
- The flow rate from the pump varies significantly due to changes in demand or operation. For example, pumps that discharge into a pressurized system some times and then open

discharge at other times, or pumps that supply multiple pivots and/or other discharge points, would likely have flow rates that change considerably. These changes generally alter the flow to power ratio, causing inaccurate estimates of diversions. The alternate method of estimating water withdrawals with power records may only be used if the water user can propose an acceptable method of tracking these changes in operation.

- Changing water levels that cause the flow to vary more than 25% (or pressures to vary more than 15%) over the irrigation season.

2. Use of an Hour Meter as an Alternative Measurement Method

In some cases pumped volume can be estimated by recording the operating hours of the diversion pump with a time clock. This method shall only be used on systems with a known constant discharge such as pumps with open discharge which are not subject to throttling, have minimal water level fluctuations, and where PCC method cannot be used for accurate volume estimation. The time clock shall record operation hours of the diversion pump to at least one-hour precision. An approved examiner using a standard meter shall measure flow rate at least once every three years.

3. Types of Non-magnetic Flow Meters

See table 2 below for information on non-magnetic type flow meters.

Table 2: Types of Alternative Measuring Devices for Closed Conduits

Types	Pipe Sizes	Maintenance Required	Relative Purchase Price
Differential Head • Orifice • Venturi • Annubar	small to large	Low to high. Sand wears on sharp edges, and particles can plug small orifices and tubes.	low to medium
Force Velocity • Turbine • Propeller • Impeller	small to large	Typically moderate to high. Often problematic when exposed to sand, moss or mineralized (hard) water. Some cannot measure low velocities.	low to medium
Ultrasonic or Acoustic Doppler	small to large	Low. Typically non-invasive with no moving parts to wear.	medium to high
Vortex	small to medium (about 12 to 14 inch maximum pipe diameter)	Low. Few or no moving parts to wear.	high

Idaho Department of Water Resources

List of Approved Closed Conduit Flow meters

The table below lists flow meters **that have been tested and approved by IDWR for use in closed conduit measurement applications where the installation configuration and application meet manufacturer's requirements for the selected model.** These approved flow meters were subject to testing requirements outlined by IDWR and conducted by staff from Utah State's NIST¹ traceable lab in Logan Utah and performed at or above IDWR minimum acceptable standards for accuracy when installed in piping distances that met or exceeded minimum straight run piping requirements specified by IDWR. The approved list is current as of this printing, but may change as additional models and manufacturers undergo testing and approval. The current version of these standards, including this list, is posted on the IDWR Internet site at the following URL:

http://www.idwr.idaho.gov/WaterManagement/WaterMeasurement/PDFs/Approved_flow_meter_list.pdf

Note that not all models are appropriate for every application. Pipe size, available straight pipe lengths, water chemistry, pressure, velocity, environmental exposure, and power requirements are among the factors affecting whether a given meter will perform for a given application. Prior to selecting a meter, consult the manufacturer's installation requirements to assure they can be met.

Manufacturer	Model/Specifications	Type	IDWR-accepted Pipe Applications (Nominal Pipe Size)
Siemens	CLAMP-ON ULTRASONIC -SITRANS FUS 1010 w/ HIGH PRECISION TRANSDUCERS	Clamp-On Ultrasonic	>12"
Siemens	SITRANS F M MAGFLO MAG 5100W w/ 5000 converter	Full profile Electro-Magnetic	1" to 78"
Siemens	SITRANS FM, MAGFLO 8000, model 7ME6880	Full profile Electro-Magnetic	1" to 48"
Fuji	Time Delta C w/ 1MHz transducers	Clamp-On Ultrasonic	>12"
Seametrics	AG 2000	Full profile Electro-Magnetic	4" to 10"
GE Panametrics	AT868 w/ 1MHz transducers	Clamp-On Ultrasonic or Wetted Transducer	>12"
McCrometer	Ultra Mag w/ M-Series Converter	Full profile Electro-Magnetic	2" to 48"

(continued on next page)

¹ NIST - National Institute of Standards and Technology.

Manufacturer	Model/Specifications	Type	IDWR-accepted Pipe Applications (Nominal Pipe Size)
Badger	M2000 Amplifier w/ M2000 Detector	Full profile Electro-Magnetic	1/4" to 54"
Khrone	Enviromag 2000 w/ Optiflux 2000 F/G	Full profile Electro-Magnetic	3/8" to 80"
Rosemount	8705 w/ 8732E transmitter	Full profile Electro-Magnetic	1/2" to 36"
Burkert	8054/8055 w/ Magflow transmitter	Full profile Electro-Magnetic	1" to 80"
Sparling	Tiger Mag W/FM6561051110 Converter	Full profile Electro-Magnetic	3/8" to 48"
Sensus	IPerl	Full profile Electro-Magnetic	5/8"-1"

(Approved Flow Meter list continued)

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.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0000798258	LEGAL NOTICE The following application has	63-33401	\$91.95	1	54

Attention:

IDAHO DEPT WATER RESOURCE/ WEST
2735 AIRPORT WAY
BOISE, ID 837055082

LEGAL NOTICE

The following application has been filed to appropriate the public waters of the State of Idaho:

63-33401
LAYNE THORNTON
LORI THORNTON
3224 SWAN FALLS RD
KUNA, ID 83634
Points of Diversion L1(NENE)
NESE SENE S3 T01N R01E ADA
County Source GROUND WATER
Point of Diversion SWSW S34
T02N R01E ADA County Source
GROUND WATER
Use: IRRIGATION 03/01 to
11/15 0.84 CFS
Total Diversion: 0.84 CFS
Date Filed: 7/12/2010
Place of Use: IRRIGATION
T02N R01E S34 SW (ALL)
Total Acres: 106
Water bearing zone to be appropriated is from 100 to 400 feet.

NOT FATAL ERROR
OK
1-3-14
RJ

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/23/2013. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director

Pub. Dec. 5, 12 2013
0000798258-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 12/05/2013

Ending issue of: 12/12/2013

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

SS

COUNTY OF ADA)

On this 12th day of December in the year of 2013 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Heather Harradine
Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires: 2/08/2014

