



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

August 30, 2013

JACK C MC CALL
PO BOX 1598
TWIN FALLS ID 83303

RE: License No. 47-8087

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4916.

Sincerely,

Craig L. Saxton
Water Rights Supervisor

Enclosure(s)

SCANNED

AUG 30 2012

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2013, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

47-8087

**JACK C MC CALL
PO BOX 1598
TWIN FALLS ID 83303**



**Darla Block
Technical Records Specialist**

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AUG 30 2012

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
Water Right License

WATER RIGHT NO. 47-08087

Priority: August 22, 1994

Maximum Diversion Rate: 4.00 CFS
Maximum Diversion Volume: 2,898.0 AF

It is hereby certified that JACK C MC CALL
PO BOX 1598
TWIN FALLS ID 83303 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 15, 1988; and has
submitted Proof of Beneficial Use on August 22, 1994. An examination confirms water is diverted from:

SOURCE

UNNAMED STREAM

Tributary: DEADMAN GULCH CREEK

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>
DIVERSION TO STORAGE	01/01 to 12/31	4.00 CFS	
FISH PROPAGATION	01/01 to 12/31	4.00 CFS	2,896.0 AF
FISH PROPAGATION STORAGE	01/01 to 12/31		1.8 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE¼NW¼ Sec. 19, Twp 10S, Rge 17E, B.M. TWIN FALLS County

PLACE OF USE: FISH PROPAGATION AND FISH PROPAGATION 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	
10S	17E	19					X												

CONDITIONS OF APPROVAL

1. Upon specific notification, measuring devices of a type approved by the department shall be permanently maintained at the point of diversion and point of effluent discharge.
2. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
3. This right authorizes the diversion of an annual total of 0.9 acre-feet to be used for the initial filling of the pond and 0.9 af to replace evaporative and seepage losses.
4. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
5. The source of water originates mainly as wastewater and drainage from the Twin Falls Canal Company delivery system and is subject to availability. The source is subject to the right of the original appropriator to cease wasting water, to change the place of use or manner of wasting it, or to recapture it. This right is also subject to future management and development of the Snake River Plain aquifer, possibly necessitating changes in the diversion facilities.

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State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-08087

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 30th day of August, 2013.

for Shelley W. Keen
GARY SPACKMAN
Director



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AUG 30 2012

MEMO

TO: File 47-8087

FROM: CPalmer

DATE: June 5, 2013

RE: Licensing Review Memo

Permit Conditions: Two conditions exist on the permit that required action prior to developing the right holder's permit. First, the permit holder had to secure permission from the canal company. This was done on 6/12/1989. Secondly, the permit holder had to install measuring devices at the point of diversion and point of effluent. The field examiner did not address this issue but it was obvious from photos that a measuring device existed at the point of effluent. I asked the right holder to provide evidence that a measuring device was installed at the point of diversion and he responded with photos on 1/2/2013. It appears that the point of diversion includes a device where a slide gate could control the flow but, it doesn't look like it is an acceptable measuring device. In regard to McCall's permit 47-8088, which is also located upstream of Deadman's Gulch, the watermaster submitted a measuring device waiver for that permit. Between the waiver and the measuring device legitimacy, I believe that the condition has been satisfied and will be changed to "upon specific notification".

Lastly, a condition on the permit states that this right should be non-consumptive. The nature of fish propagation storage is partly consumptive. Because this condition cannot be met, it will be removed on the license.

Source: It appears that the unnamed stream that is identified in the permit may consist primarily of wastewater. The field examiner acknowledged wastewater as a source. In addition, Mr. McCall also acknowledged that at least some wastewater is present in the stream channel. I considered clarifying the source from unnamed stream to wastewater but water right 47-16328, which is upstream of the pond under this permit, has a source of unnamed stream only. To be consistent, the license will be from unnamed stream only.

Use: This is an "offstream" pond but the permit does not reflect a 'fish propagation storage' component. Because it appears that the intent of the applicant was to construct an offstream, this license will be modernized in that the license will include a storage component.

VOLUME: Capacity of the pond is 37,239 cuft or 0.9 af. Ponds surface area = 12,413 ft² or 0.28 acres. 0.6 af of evaporation is added into the capacity of the pond to get to 1.5 af. Seepage is at 0.3 afa (see attached analysis). Total requirements of the pond = 1.8 afa.

The volume that is recommended by the field examiner is based on the size of the fish propagation ponds. To ensure that the full volume available under this right is necessary for growing 10,000 lbs of fish/year, I will do a few checks. The field examiner states that 10,000 lbs of trout are raised. Given that information, I can take the variables through a density index¹ to confirm the

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¹ See Technical Review Memo from staff engineer Mat Weaver that explains density index, flow index, values, and volume calculation for fish propagation uses that can be found in file 47-7659.

number of lbs. can be raised. Next, we know that 4.0 cfs was confirmed at the fishery. Given the diversion rate, we can calculate how many lbs of fish the rate can accommodate:

<u>Density Index ($W = D \times L \times V$)</u>		<u>Flow Index [$F = W / (L \times Q)$]</u>
W=10,000 lbs		F=1.5 unitless (solve for)
D=range 0.4-1 unitless (solve for)		W=10,000
V=37,239 cubic ft—size of raceways		L=13.5"—length of fish
L=13.5"—length of fish		Q=1795.2 gpm or 4.0 cfs
D= 0.02 under ideal conditions, density index should be 0.4-1		F = 0.41 under ideal conditions, flow index should be 0.83-2.7
This tells us that the facility is not efficient and that more fish can be accommodated		This tells us that the flow rate is excessive for 10,000 lbs of fish

I will back calculate the flow index to find out how much water is required to raise 10,000 lbs of trout. In addition, I can back calculate the density index to find the space necessary to raise 10,000 lbs of trout.

<u>Density Index ($W = D \times L \times V$)</u>		<u>Flow Index [$F = W / (L \times Q)$]</u>
W=10,000 lbs		F=1.5 unitless
D=range 0.4-1 unitless		L=13.5"—length of fish
L=13.5"—length of fish		W=10,000 lbs
V=1,852 cubic ft—raceway size appropriate for 10,000 lbs of fish at the most		Q= 493.8 gpm or 1.1 cfs

Despite the size of the raceways being 37,239 cubic ft, the volume range that is necessary for the amount of fish that they have raised is 1,852 cubic ft at the most. To further calculate how much water is beneficially used in the fish raceways, I calculated how much water is required to keep up the water quality. A water change of 2.5 times per hour is required to maintain adequate oxygen for trout. Using that rule of thumb, I reach the following conclusion:

2.5 times per hour is 60 changes in a day.

$60 \times 37,239 = (2,234,340 \text{ cubic ft/day} \times 365) / 43,560 = 18,722 \text{ afa}$ —based on the full facility capacity

$60 \times 1,852 = (111,120 \text{ cubic ft/day} \times 365) / 43,560 = 931.1 \text{ afa}$ —based on the space necessary to raise 10,000 lbs of fish

Licensing Scenarios:

- 1) License this right with full volume available for this right that was measured ($4\text{cfs} \times 1.9835 \times 365$) $\rightarrow 2,896 \text{ afa}$

ARGUMENTS TO CONSIDER

- a) this is how we historically licensed fish propagation rights until recently
- b) we are licensing this right based on actual diversion practices
- c) trout require fresh water and the refresh rate may be too low if licensed otherwise
- d) this will give them way more water than required to raise 10,000 lbs of fish and may cause injury if a call is made

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- 2) License this right with the volume and rate limited to the amount of water that is required to raise 10,000 lbs of fish. The amount would be 1.1 cfs with a volume limited to the full amount of water available under the diversion rate of 1.1 cfs which would be 796.4 afa.

ARGUMENTS TO CONSIDER

- a) the density and flow indexes are useful in finding the amount of water required to raise fish and have been used in recently licensed rights to limit the right to the water required for beneficial use
- b) however, some of the variables in the indexes are based on assumptions
- c) in this case, the diversion rate and volume required to raise 10,000 lbs of fish is much less than what was permitted and developed
- d) why would the right holder develop a project way larger than required, is it possible he raised more than 10,000 lbs of fish at one time? The right holder does not have any records of his facility and cannot confirm any historical use other than what's stated in the field exam.
- e) if we license this right for 1.1 cfs, the right holder will no longer be in compliance since he has historically diverted 4.0 cfs and may be subject to compliance issues

Conclusion: It does not seem fair to limit the right holder to an amount of water that may be based on assumptions. However, it doesn't seem reasonable to allow the right holder a water right for a volume and rate that are considerably inflated based on the number of trout that were raised. I think it's important to remember the permitted diversion rate is 7.0 cfs and the license will already be cutback substantially. I think there is one thing we can be sure of, the permit holder was diverting 4.0 cfs at the time of the field exam. Since the only certainty is the diversion rate, we must license this right for 4.0 cfs and use the full volume under that rate to account for the constant refresh rate that trout require.

Note: There are no records that date back to the proof due date that document the # of fish or the sale of the fish. The field examiner documented 10,000 lbs of fish were raised at the time of the exam, which will have to be sufficient for the licensure of this right.

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Point of diversion

Natural channel

Natural channel

Point of discharge back natural channel
(WEIR)

RACEWAYS

Pond #4

Pond #3

Pond #2

Pond #1

New Development

ET_{Idaho} 2012 -- Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison at kimberly dot uidaho dot edu Copyright 2012, University of Idaho.

Twin Falls (AgriMet -- TWFI)

Statistics based on thirty year normal spans 1991 to 2011 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - shallow systems (ponds, streams)															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^j	mm/day												mm		
Monthly ^c	0.25	0.39	1.14	1.66	2.45	3.62	4.70	4.09	3.05	1.50	0.33	0.51	679	0	679
15-Day Moving Average ^d	0.36	0.35	1.15	1.65	2.51	3.66	4.74	4.15	3.04	1.58	0.30	0.39			
7-Day Moving Average ^e	0.28	0.37	1.13	1.64	2.46	3.59	4.72	4.11	3.06	1.54	0.32	0.45			
3-Day Moving Average ^f	0.25	0.39	1.12	1.67	2.44	3.61	4.70	4.08	3.07	1.50	0.33	0.49			
Standard Deviation ^k	mm/day												mm		
Monthly ^c	0.82	0.49	1.25	0.71	1.98	1.24	0.59	0.69	0.52	1.01	0.58	1.18	110	0	110
15-Day Moving Average ^d	0.90	0.62	1.20	0.94	1.86	1.50	0.58	0.64	0.70	0.92	0.80	0.94			
7-Day Moving Average ^e	1.19	0.84	1.37	1.48	2.37	1.94	0.80	0.92	0.96	1.27	1.12	1.31			
3-Day Moving Average ^f	1.54	1.15	1.83	2.18	2.92	2.40	1.07	1.36	1.32	1.80	1.51	1.91			
20% Exceedance ^l	mm/day												mm		
Monthly ^c	0.10	0.75	1.87	2.04	3.40	4.46	4.95	4.40	3.41	1.92	0.61	0.19	791	0	791
15-Day Moving Average ^d	0.48	1.10	2.46	2.98	4.47	5.31	5.48	4.79	3.87	2.74	1.33	0.66			
7-Day Moving Average ^e	0.87	1.55	2.93	3.75	4.99	5.50	5.77	5.03	4.24	3.29	1.62	0.93			
3-Day Moving Average ^f	1.09	1.73	3.29	4.60	5.34	6.03	5.99	5.41	4.74	3.74	2.00	1.19			

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SEEPAGE CALCULATIONS

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	Pond
REVIEWER	Cherie Palmer
DATE	8/27/2013

INPUTS

SQ. FT. Calculator
Pond Surface area in acres
0.28

POND SURFACE AREA (SQ. FT.)	12197
-----------------------------	-------

SUGGESTED SEEPAGE RATE (FT/DAY)	0.0030
---------------------------------	--------

Use the table below to find the "SUGGESTED SEEPAGE RATES".

FORMULA:
(Surface Area X Seepage Rate) / 7.48 = Gallons Per Day loss

CONVERT TO GPD	274	GPD
----------------	-----	-----

TOTAL SEEPAGE LOSS (AFA)	0.3	AFA
--------------------------	-----	-----

SUGGESTED SEEPAGE RATES FOR DIFFERENT SOIL TYPES:
SM (silty sand, sand silt mixtures) = 0.20 ft per day
ML (inorganic silts - very fine sands, silty, or clayey fine sands) = 0.016 ft per day
SC (clayey sands, sand clay mixtures) = 0.007 ft per day
CL (Low to medium plasticity clays) = 0.003 ft per day
CH (high plasticity clays) = 0.0003 ft per day
LINED PONDS (liners can be chemical, fabric, or bentonite) = 0 ft per day
Ponds Intercepting Groundwater (excavated ponds filled with shallow Ground Water) = 0 ft per day

PLEASE NOTE: Seepage Rates taken from Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at X:\Spatial\Soils\USCS\PondSoils.lyr. Use "0" if the ponds intersect the water table.

ALSO NOTE:

•Soil types **GW, GP, GM, GC, SW, and SP** are all sandy and gravel soils that most likely will not hold water. Any ponds developed in these soils should probably be lined unless they are part of a recharge water right. The maximum allowable seepage rate is 0.20 ft per day.

•Soil type **OL** is very similar to **ML**, so you should use 0.016 ft per day with this soil type.

•Soil types **MH, OH, and PT** are very similar to **CH**, so you should use 0.0003 when you encounter these soils.

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Evaporation Loss Calculation

FILE NUMBER	Pond 1
REVIEWER	Cherie Palmer
DATE	8/27/2013

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

The acronyms used on the Kimberly Research Center website are defined below:
P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

USING THIS SPREADSHEET

To ascertain the evaporation from a pond, you will need to go to the Kimberley Research Center website. The link is found below. This web site provides the Precipitation Deficit for the area where the pond is located. The Precipitation Deficit is the total amount of free pan evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used, and the entire state is pretty much covered. IDWR staff can find the nearest site using ArcMap. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.

Found at: <http://www.kimberly.uidaho.edu/ETIdaho/online.php>

Precipitation Deficit

Station: Twin Falls 2 NNE (NWS -- 109294)

Month	mm/day ¹	Days per month	mm/Month
Jan	0.00	31	0.00
Feb	0.39	28	10.92
March	1.14	31	35.34
April	1.66	30	49.80
May	2.45	31	75.95
June	3.62	30	108.60
July	4.70	31	145.70
August	4.09	31	126.79
September	3.05	30	91.50
October	1.50	31	46.50
November	0.33	30	9.90
December	0.00	31	0.00

PLEASE NOTE: We cannot use the season average, because there are several areas in Northern Idaho with a negative Precipitation Deficit. Therefore, we must enter each monthly deficit, and enter in a zero (0) for each negative month. The reason for this is that precipitation can only offset evaporation to the extent of the evaporation.

Please enter the daily average Precipitation Deficit as shown in the example below.

¹Negative monthly mean values should be entered in the above table as "0".

Total mm/year = 701.00

$[(\text{mm/yr}) \div (\text{convert to feet})] \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$

(701.00 ÷ 304.8) X 0.28 = 0.6 AFA

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Palmer, Cherie

From: Ryan Franklin [franklin2222@hotmail.com]
Sent: Monday, May 20, 2013 9:58 AM
To: Palmer, Cherie
Subject: RE: Measuring Device Waiver for 47-8088--Jack McCall

Concerning the Measuring Device 47-8088, it would be acceptable to continue without a device until further need to assess the situation arises.

-Ryan Franklin

Thanks for being patient with me. I'm a middle school teacher and wrapping up the end of the year is chaos.

Subject: RE: Measuring Device Waiver for 47-8088--Jack McCall
Date: Mon, 13 May 2013 12:50:38 -0600
From: Cherie.Palmer@idwr.idaho.gov
To: franklin2222@hotmail.com

Email would be great.

Cherie

From: Ryan Franklin [mailto:franklin2222@hotmail.com]
Sent: Monday, May 13, 2013 12:42 PM
To: Palmer, Cherie
Subject: RE: Measuring Device Waiver for 47-8088--Jack McCall

Do you need a physical copy of approval or is email good enough?

Thanks,

Ryan Franklin

Subject: Measuring Device Waiver for 47-8088--Jack McCall
Date: Thu, 18 Apr 2013 09:40:11 -0600
From: Cherie.Palmer@idwr.idaho.gov
To: franklin2222@hotmail.com

Hi Ryan,

Permit 47-8088 requires a measuring device at the point of diversion and at the point of discharge. The use is fish propagation and there is a serious of raceways associated with the development. It appears that there is a way to measuring the point of diversion but there is no measuring device in place at the point of discharge. From our discussions, he is within the boundaries of water district 45-O but is not being actively regulated but, I will still need your input. We discussed the possibility of waiving this requirement, can you please confirm this and I will then be able to license the permit. Thank you very much for your time!

Cherie Palmer, Sr. Water Resource Agent

Idaho Dept of Water Resources

Water Allocation Bureau

322 E. Front Street (Front St. & Broadway Ave)

Mail: PO BOX 83720 Boise, ID 83720-0098

email: cherie.palmer@idwr.idaho.gov

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AUG 30 2012

RECEIVED

JAN 03 2013

DEPARTMENT OF
WATER RESOURCES

Memorandum

To: Cherie Padilla
From: Jack McCall
Date: 1/2/2013
Re: IDWR Letter 12/17/12

Dear Ms. Padilla,

In response to your letter dated 12/17/12 in regard to permit nos. 47-8087 and 47-8088 please find enclosed photographs of the measuring devices required by the IDWR.

If you have any further questions or need clarification on anything, please feel free to call me at my office at 208-731-6622 or on my cell at 208-731-4815.

Thank you.

Jack McCall
PO Box 1598
Twin Falls, ID 83303

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Inlet Diversion
47-8087



Inlet Diversion
47-8087



Outlet Diversion
47-8087



Streamflow before diversion
47-8087

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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 • Web Site: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

December 17, 2012

JACK MCCALL
PO BOX 1598
TWIN FALLS ID 83303

Notice of Pending Order to Void Permit

RE: Permit Nos. 47-8087 and 47-8088

Dear Mr. McCall:

On July 31, 1998, a field examiner of Idaho Department of Water Resources (IDWR) conducted a field examination for the permits listed above. The next step in the appropriation process is to issue water right licenses based on the field examiner's findings. By issuing a license, IDWR confirms the extent of development that has been established in compliance with the terms of the permits. A condition of the permits state that:

Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

During the field examination it appears that permit 47-8087 had no measuring device at the point of diversion and permit 47-8088 had no measuring device at the point of effluent as required by your permits. In order to issue a license, you must either submit documentation that the measuring devices were installed the time of the field exam and that this condition has been complied with or install the measuring devices as required on your permits as soon as possible.

Pursuant to Section 42-219(6), Idaho Code, if the conditions of approval on a permit are not complied with, we may issue an order voiding the permit.

IDWR will hold further action on this permit for 30 days from the date of this letter in order to allow you time to respond. If a response is not received in the allowed time, we will assume that you are not interested in pursuing water right licenses and will take action to void the permits. If you have any questions regarding this matter you may contact me at 208/287-4944. Thank you for your attention to this matter.

Sincerely,

Cherie Padilla, Sr. Water Resource Agent
Water Allocation Bureau

SCANNED

AUG 30 2012

MEMORANDUM

Date: March 21, 2012
To: File
From: William Mills
Re: Conversation with Jack McCall Concerning Field Visit for Permits 47-8087 & 47-8088

After repeated attempts to contact Mr. McCall by phone I mailed a letter to him requesting a field visit to clarify several issues that were unclear on field exams conducted in July of 1989. He called me as requested in the letter and informed me that he had "cooperated with the department and its requirements fully back in 1989 and that if we didn't have enough information then it was our problem." I told him that revisiting sites for additional information was common and that revisiting the site was in his best interest as it would allow us to actually license the permits in question. He responded by repeating the above and added that "the only interest the Department has is in stealing my water." I then asked if he would reconsider and again he repeated his first statement and ended the call.

SCANNED

AUG 30 2012



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 19, 2012

Jack C. McCall
PO Box 1598
Twin Falls, ID 83303

Dear Mr. McCall:

A recent review of water right permits 47-8087 and 47-8088, has revealed deficiencies in the information collected during the initial beneficial use field exam conducted in July of 1998. Before licenses can be issued for these permits another field exam needs to be conducted to clarify these deficiencies.

More specifically, more information needs to be collected regarding the actual locations of the points of diversion; measuring devices; and information regarding the actual fish operations.

Please contact me at 736-3033 to schedule a field exam at your convenience and to answer any question and/or concerns you may have concerning the exam and licensing of the permits. Your cooperation in this matter is greatly appreciated.

Sincerely,

Bill Mills
Water Resource Agent
Southern Regional Office
william.mills@idwr.idaho.gov

SCANNED
AUG 30 2012