



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

BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

RE: License No. 37-20555

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)

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.

37-20555

**BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009**



**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
Water Right License

WATER RIGHT NO. 37-20555

Priority: June 26, 2001

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 3.3 AF

It is hereby certified that BLACK BUTTE HILLS LLC
 C/O GREGORY VIK
 PO BOX 1607
 BELLEVUE WA 98009 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 26, 2001; and has
submitted Proof of Beneficial Use on November 17, 2004. An examination confirms water is diverted
from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

STOCKWATER

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.04 CFS

**ANNUAL
DIVERSION VOLUME**

3.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4NW1/4 Sec. 16, Twp 02S, Rge 16E, B.M. CAMAS County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02S	16E	16								X									

CONDITIONS OF APPROVAL

1. Local name for the point of diversion: Patterson East Well.
2. The diversion and use of water authorized under this right shall not exceed 13,000 gallons per day.
3. The following rights are diverted through point(s) of diversion described above: 37-20555 and 37-20558.

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 29th day of August, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
37-20555

This map depicts the STOCKWATER 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.

16E



-  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
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 37-20555

Exam Date: 9/19/2012

1. Current Owner: BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009
(425) 460-2542
2. Accompanied by: No one, but was given permission by Rod Gonsales (208)764-3904 (manager for Black Butte Hills LLC).

3. **SOURCE****TRIBUTARY**

GROUND WATER

B. OVERLAP REVIEW

1. **Other water rights with the same place of use:** 37-2315 (springs source for irrigation and domestic within the same QQ); 37-20558 (groundwater source for irrigation of 1.0 acre within the same QQ)
2. **Other water rights with the same point of diversion:** 37-20558 (same well, with local name of: Patterson East Well); 37-2315 is Springs source within the same QQ.

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SE1/4NW1/4 Sec. 16, Twp 02S, Rge 16E, B.M. CAMAS County

Method of Determination: Garmin GPS Map 76S, and ArcMap 2009 Imagery

2.

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
02S	16E	16								X									

Method of Determination: Garmin GPS Map 76S, and ArcMap 2009 Imagery

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

4.

<u>Well or Diversion</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge</u>
<u>ID No.*</u> A0018550 submersible	(unknown)	1 ½	unknown	unknown	<u>Size</u> unknown discharge to 1 ½ inch poly

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

D. FLOW MEASUREMENTS

1.

<u>Measurement</u>	<u>Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
--------------------	------------------	-------------	-------------	------------------	-------------------	-------------	--------------------

None. No power, so no physical measurement could be taken (pump is run with a generator, when needed)

2. Measurements:

Due to not being able to take a physical measurement (no power), the following conversions were used for licensing recommendations:

Theoretical (30 psi used, since standard for very small systems, and there was no power or pressure gauge):

$$(8.8 \times 1 \frac{1}{2} \text{ Hp} \times 0.7 \text{ eff}) / [96 \text{ ft} + (30 \text{ psi} \times 2.31)] = 0.06 \text{ cfs}$$

Pipe Conversion for 1 ½ poly pipe going from the well to the stockwater tank:

$$5 \times 3.1416 \times (\text{diameter}/12)^2 / 2 \text{ squared} = 0.06 \text{ cfs}$$

Table 1 Recommended Diversion for Stockwater (500 head range cattle): 401 – 500 = 0.12 cfs

RECOMMEND:

Stockwater 0.04 cfs (as permitted)

E. FLOW CALCULATIONS

Measured Method: No other measurements.

F. VOLUME CALCULATIONS

1. Volume Calculations for Stockwater:

$$V_{I.R.} = (500 \text{ head} \times 365 \text{ days} \times 12 \text{ gpd}) / 325,850 = 6.7 \text{ af}$$

$$V_{D.R.} = [0.04 \text{ Diversion Rate (cfs)}] \times (365 \text{ Days in Irrigation season}) \times 1.9835 = 29.0 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 6.7 \text{ af}$$

2. Volume Calculations for Other Uses: None

RECOMMEND:

Stockwater 3.3 af (as permitted)

G. NARRATIVE/REMARKS/COMMENTS

The well ID Tag# A0018550 was drilled 12/12/1991 by Elton Drilling. The common name for this well is the Patterson East Well. The well is a 6 inch casing, that extends 18 inches above ground level; 1 1/2 Hp submersible (unknown make/model); estimating 30 psi (standard for very small systems); well is 120 ft deep, has a 96 ft static, unknown size discharge but there is 1 1/2 inch above the ground poly going down the hill to (3) 3 circular steel stockwater tanks, and then within the fenced area close to the well and up the hill to the east, there are (2) 6 ft X 3 ft X 2 ft stockwater tanks. No physical measurement was taken, due to no power being available (usually they use a generator). Stockwater is for 500 head range cattle.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.040 CFS	3.30 AF
	<u>Totals:</u>	0.040 CFS	3.30 AF

2. Recommended Amendments

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

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name  Date: 8/29/2013

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

(3) steel stockwater tanks

NENW

NWNE

6 ft X 3 ft X 2 ft stock tank

POD for 37-20558 and 37-20555 (groundwater source: Pattersc

16

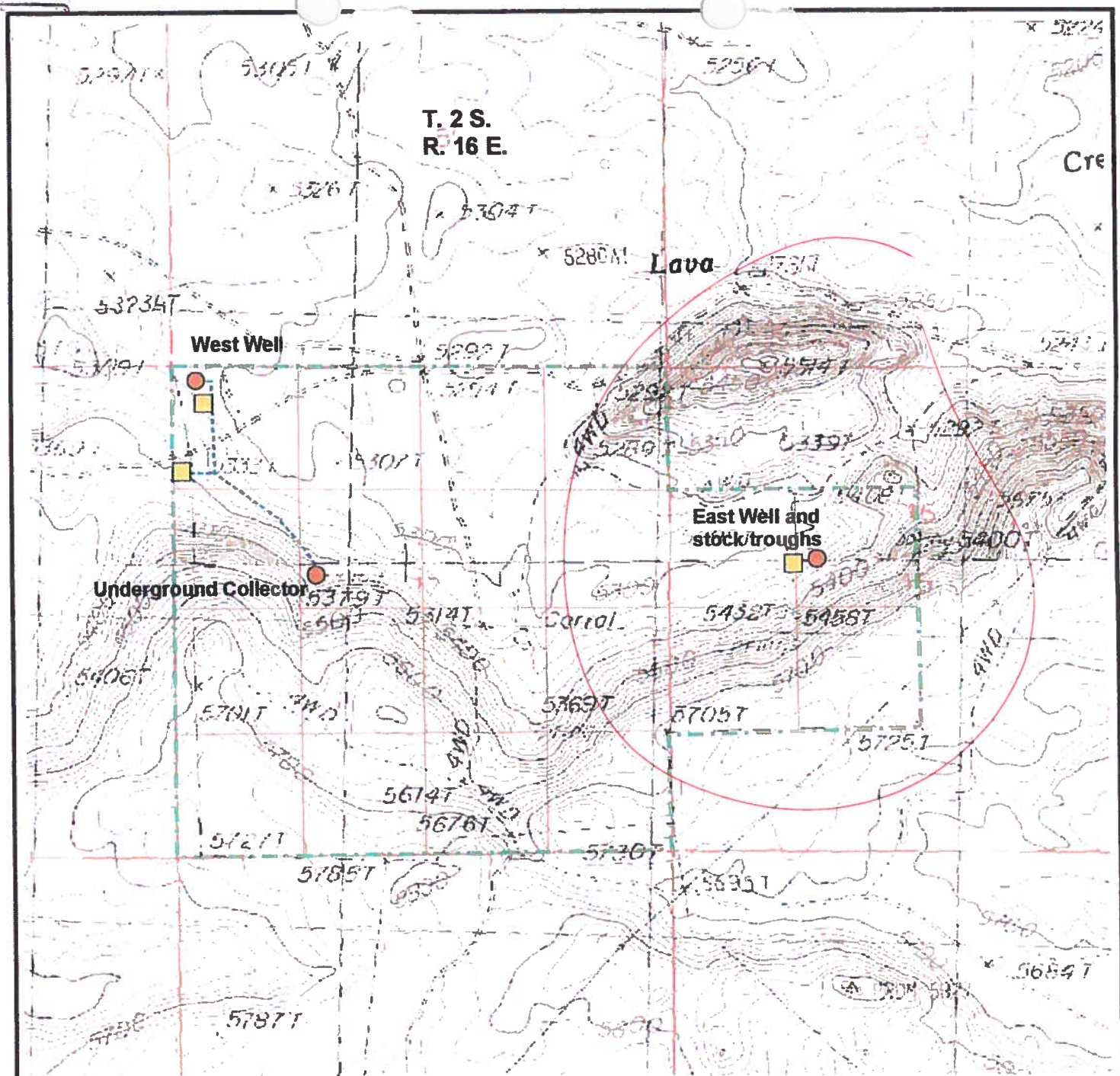
03S16E

6 ft X 3 ft X 2 ft stock tank

SENW

SWNE

37-2315 Springs source (domestic, irrigation)



Scale: 1" = 1500'

- Point of Diversion
- Stock Trough - Place of Use
- Property Boundary

Permit #1 - West System
Permit #2 - East System

37-20555

*1 well in SE1/4 Sec. 16
(the Patterson East well).
water is delivered
from the well
to stock troughs
nearby.*

**Application for Permit #1 and #2
Lonnie Leavell - Patterson Field**

Brockway Engineering
June 6, 2001

* call Lee Barron 764-3349
539-1071
to sched. No. F.F.

37-20535 Black Butte

3 steel stock tanks S. Hemmeyer



09/19/2012

09/19/2012



37-20555 Black Butte 3 steel stock tanks (WISSENY) S. Hemenway

POD + other stock tanks are located
on the other side of the hill



1 1/2" poly from well



09/19/2012

37-20555 Black Butte
behind tanks
is POD (other side of the hill)
S. Hernandez



37-2055 Black Butte 1 1/2" poly from well to 3'x6'x2' tanks S. Hemisphere



37-20555 Black Butte looking from tanks to the west S. Hemetway



09/19/2012



37-20555 Black Butte

6" casing, extends 18" above ground S. Hernandez
PND A0018550 1 1/2 HD, unknown discharge size



09/19/2012

37-20555 Black Butte

1 1/2" poly from 3 tanks
again back to the well

S. Hemerway

Hemenway, Sandy

From: Hemenway, Sandy
Sent: Monday, August 27, 2012 10:06 AM
To: 'lee@warbarron.com'
Cc: Hemenway, Sandy
Subject: water right 37-20555

Lee,

I have you scheduled for Wednesday 9/5/2012, at 9:00am. I was told by Rod that you live across from the shop (the big barn with the American flag located on S 600 W/Barron St.) I will meet you there, unless you want me to meet you somewhere else.

I have attached a topo map with the East Well location circled, a copy of the well drillers report, a copy of the water right, and an estimated location drawn on an aerial map.



DOC000.pdf

Thank you for your time, I really appreciate it. I'm looking forward to meeting you on 9/5/2012.

Sandy Hemenway
Sr. Water Resource Agent
IDWR/State Office
PO Box 83720 or 322 E. Front St.
Boise, ID 83720-0098
OFFICE: (208) 287-4920
CELL: (208) 761-0280
FAX: (208) 287-6700
Email: sandy.hemenway@idwr.idaho.gov