



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 29, 2013

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

RE: License No. 37-20554

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.

37-20554

**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. 37-20554

Priority: June 26, 2001

Maximum Diversion Rate: 0.03 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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	01/01 to 12/31	0.03 CFS	3.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW1/4NW1/4	Sec. 17,	Twp 02S,	Rge 16E, B.M.	CAMAS County
GROUND WATER	SE1/4NW1/4	Sec. 17,	Twp 02S,	Rge 16E, B.M.	CAMAS County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	16E	17						X											

CONDITIONS OF APPROVAL

1. Common name: Patterson West Well, and subsurface collector.
2. The diversion and use of water authorized under this right shall not exceed 13,000 gallons per day.

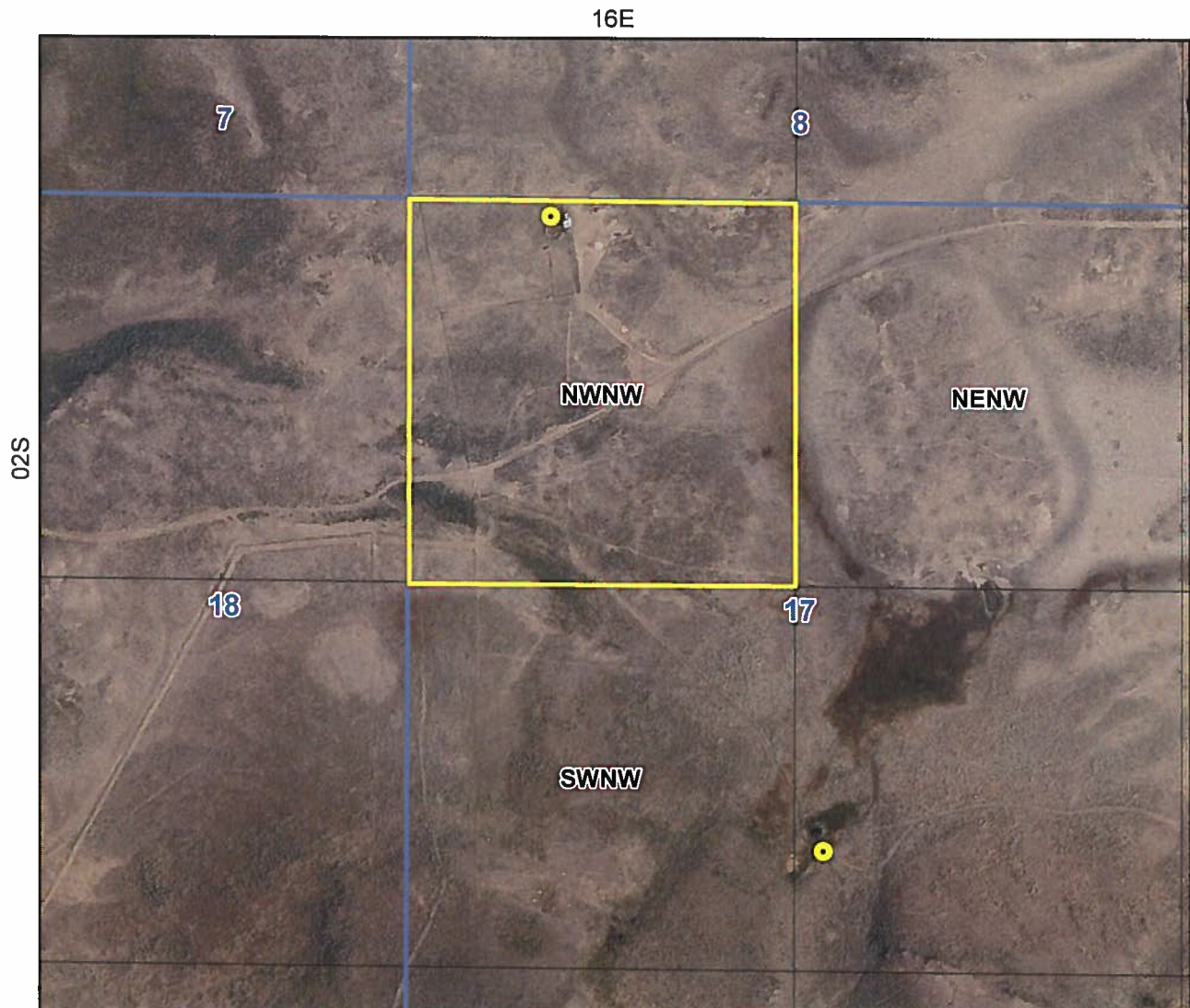
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 29th day of August, 2013.


For GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
37-20554

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.



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

0 0.075 0.15 0.3 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 37-20554

Exam Date: 8/9/2012

1. Current Owner: BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009
(425) 460-2542
2. Accompanied by: Rod Gonsales
Phone No: (208)764-3904
Address: same as above
Relationship to Permit Holder: manager

3. SOURCETRIBUTARY

GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None. 37-20557 is for irrigation of 2.0 acres within the same QQ.
2. Other water rights with the same point of diversion: 37-20557 just from the subsurface collector, when there is water available.

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

GROUND WATER NW1/4NW1/4 Sec. 17, Twp 02S, Rge 16E, B.M. CAMAS County
GROUND WATER SE1/4NW1/4 Sec. 17, 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
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	16E	17						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.

Well or Diversion**ID No.*****Motor Make****Hp****Motor Serial No.****Pump Make****Pump Serial No. or Discharge Size**

A0018548 (on casing)	Grundfos	1.5	model# 2823008110	Franklin Electric	2 inch (30 psi)
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*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement**Equipment****Type****Make****Model No.****Serial No.****Size****Calib. Date**

No physical measurement taken at the time of the field examination (no power to run the well, and no flow from the subsurface collector, due to the time of the year.

2. Measurements:

Due to the inability to collect a physical measurement, the following calculations are used to determine the rate of diversion:

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

Theoretical on the well:

$(8.8 \times 1.5 \text{ Hp} \times 0.7 \text{ eff}) / [230 \text{ ft} + (30 \text{ psi} \times 2.31)] = 0.03 \text{ cfs}$

Pipe Conversion using the 2 inch poly pipe going to the troughs, if it is "full" = 0.11 cfs

RECOMMEND:

Stockwater 0.03 cfs (as found in the theoretical of the well, without any physical measurement from the well or the subsurface collector).

E. FLOW CALCULATIONS

Measured Method: No additional measurements/calculations.

F. VOLUME CALCULATIONS

1. Volume Calculations for stockwater:

Vir: $(500 \text{ head} \times 12 \text{ gpd} \times 365 \text{ days}) / 325,850 = 6.7 \text{ af}$

Vdr: $(0.03 \text{ cfs} \times 365 \times 1.9835) = 21.7 \text{ af}$

V: 6.7 af

RECOMMEND:

Stockwater 3.3 af (as permitted)

2. Volume Calculations for Other Uses: No other uses.

G. NARRATIVE/REMARKS/COMMENTS

The well consists of a 6 inch casing that extends 20 inches above the ground level, tag ID A0018548. 2 inch discharge that splits to (1) 2-inch and (3) 1-inch poly pipe that run to different cattle troughs. The pressure gauge was broken at the time of the field examination. The well was drilled 12/11/1991 by Eaton Drilling (drilling permit No. 37-19-5-177) is 280 ft deep, 230 ft static, There is a Grundfos motor, with Franklin Electric 1 1/2 HP submersible pump Model 2823008110. The subsurface/underground collection area is located where springs surface at the bottom and sides of the pond. There is buried perforated pipe that is gravel packed that discharge to 2 inch lines that run to the troughs. When the subsurface/underground collection area ceases to produce adequate flow, the well is used. There was one trough without pipe connected to it, so it appears that the above ground poly pipe can be moved around to supply water to different areas within the QQ. Stockwater use is for 500 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	0.030 CFS	3.30 AF
<u>Totals:</u>		0.030 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 Judy Hemminger Date: 8/29/2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

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.

1. WELL OWNER Name <u>A.B. or Oris Leavell</u> Address <u>P.O. Box 54 Gooding, Id.</u> Drilling Permit No. <u>37 91 5 177</u> Water Right Permit No. _____	7. WATER LEVEL Static water level <u>230</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>-85</u> °F. Quality <u>Good</u> <i>Describe artesian or temperature zones below</i>																																																																																																																						
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Well diameter increase ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Baller ☐ Air ☐ Other _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																																																			
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3. PROPOSED USE ☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☒ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG 072522 <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr><td>8</td><td>0</td><td>2</td><td>Top Soil</td><td> </td><td> </td></tr> <tr><td> </td><td>2</td><td>58</td><td>Blk Lave</td><td> </td><td> </td></tr> <tr><td> </td><td>58</td><td>66</td><td>Cinders</td><td> </td><td> </td></tr> <tr><td> </td><td>66</td><td>78</td><td>Blk Sand</td><td> </td><td> </td></tr> <tr><td> </td><td>78</td><td>84</td><td>Blk Lave</td><td> </td><td> </td></tr> <tr><td> </td><td>84</td><td>99</td><td>Crevise / 1st Returns</td><td> </td><td> </td></tr> <tr><td> </td><td>99</td><td>102</td><td>Soft</td><td> </td><td> </td></tr> <tr><td> </td><td>102</td><td>108</td><td>Hard</td><td> </td><td> </td></tr> <tr><td> </td><td>108</td><td>116</td><td>Soft</td><td> </td><td> </td></tr> <tr><td> </td><td>116</td><td>121</td><td>Hard</td><td> </td><td> </td></tr> <tr><td>6</td><td>121</td><td>138</td><td>Hard</td><td> </td><td> </td></tr> <tr><td> </td><td>138</td><td>160</td><td>Clay / Hard</td><td> </td><td> </td></tr> <tr><td> </td><td>160</td><td>230</td><td>Blk Lave Sand</td><td> </td><td> </td></tr> <tr><td> </td><td>230</td><td>242</td><td>Blk Lave</td><td> </td><td> </td></tr> <tr><td> </td><td>242</td><td>251</td><td>Crevise</td><td> </td><td>X</td></tr> <tr><td> </td><td>251</td><td>260</td><td>Blk Lave</td><td> </td><td> </td></tr> <tr><td> </td><td>260</td><td>271</td><td>Crevise</td><td> </td><td>X</td></tr> <tr><td> </td><td>271</td><td>280</td><td>Soft & Broken</td><td> </td><td>X</td></tr> </tbody> </table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	8	0	2	Top Soil				2	58	Blk Lave				58	66	Cinders				66	78	Blk Sand				78	84	Blk Lave				84	99	Crevise / 1st Returns				99	102	Soft				102	108	Hard				108	116	Soft				116	121	Hard			6	121	138	Hard				138	160	Clay / Hard				160	230	Blk Lave Sand				230	242	Blk Lave				242	251	Crevise		X		251	260	Blk Lave				260	271	Crevise		X		271	280	Soft & Broken		X
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4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____	10. RECEIVED JAN 09 1992 Department of Water Resources Southern Region Office																																																																																																																						
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>250</u> inches</td> <td><u>6"</u> inches</td> <td><u>2</u> feet</td> <td><u>121</u> feet</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun Size of perforation _____ inches by _____ inches <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port <u>Sanitary Well Cap</u>	Thickness	Diameter	From	To	<u>250</u> inches	<u>6"</u> inches	<u>2</u> feet	<u>121</u> feet													Number	From	To										11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Eaton Drilling</u> Firm No. <u>26</u> Address <u>Wardell</u> Date <u>12-12-91</u> Signed by (Firm Official) <u>[Signature]</u> and (Operator) <u>Paul Carpenter</u>																																																																																						
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6. LOCATION OF WELL Sketch map location must agree with written location. N W 17 E S Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Camas</u> <u>10W</u> 1/4 <u>10W</u> 1/4 Sec. <u>17</u>, T. <u>26</u> S. R. <u>16</u> E	10. Work started <u>Dec. 6/91</u> finished <u>Dec. 11/91</u>																																																																																																																						

SESE 7

SWSW

8

POD A0018548 well

← tanks not connected could
but lines could have
be connected they
by moving the
lines around

← tanks
with 2" poly

02S16E

NENE

18

NWNW

17

← 3 tanks/troughs
with 1" poly

SENE

SWNW

USDA FSA

NESE

NW

NESW

NWSE

7

SESE

SWSW

8

SESW

SWSE

ADOL 8548

Common Name: Patterson Field, WE
POD Grundfos motor, Franklin El. model 823008110
6" casing
90" above and level
2" discharge

(1) 2" poly
(2) 1" poly
(lines can be moved around
allowing tanks to be moved)

troughs

moved around

location
for 1
tank
(concrete)

location
of tank / troughs
(not connected)

NENE

NWNW

POK
stackwater

NENW

NWNE

location
for 3 tanks / troughs

02S16E

SENE

18

SWNW

SESW

17

SWNE

POD
subsurface
collector

NESE

NWSW

NESW

NWSE



POD:
West
well
A001854
2"
discharge
6" casing
that
extends
20"
above
ground
level



Grundfos
Franklin
Electric
model #
282300811
1 1/2 Hp
to
(1) 2" poly
to trough
+ (3) 1"
poly to
troughs

37-20554 Black Butte

S. Hemenway



POU
stock
pens

08/09/2012



POD:

Looking
from
well
A001854
south
east to
where
the
under-
ground
collector
is
located

37-20554 Black Butte

S. Hemerway



POU: (1)
stock
trough
like
this
one



POU
(1)
concrete
stock
tank



(3)
1" poly
going
to the
(3)
trough

37-20554 Black Butte

S. Hemmick