



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Director

March 14, 2013

STEVEN RYALS
2429 LAPPIN LN
COUNCIL ID 83612

Re: Application for Permit No. 67-15088

Dear Applicant:

You filed the above referenced application this January 22 and requested expedited processing on March 1. As you know, your prior application 67-14912 filed in 2007 was voided in 2009 for failure to provide information the Idaho Department of Water Resources (IDWR) needed to evaluate that application.

Your replacement application is for somewhat less water and fewer acres but still raises concerns similar to last time. IDWR is willing to expedite your application under the terms identified below. Please be aware that a refund is not possible once an application has been published in the newspaper legal notices. Items 1 and 2 require your reply but the other item does not.

- 1) What is different this time with respect to your willingness and ability to provide additional information about water supply and potential injury to other ground water rights/uses, including but not limited to domestic wells in the area? In other words, why should your application be expedited given the prior experience?
- 2) Heck Permit No. 67-14750 was approved in 2008 for 4.00 cfs ground water irrigation just west of your property, as you know. IDWR is not aware of any significant progress in that project. Please provide written comments from Heck regarding your application. These comments do not commit Heck to do or not do anything but are useful to gauge concern from the owner of the most recent approval IDWR issued in your area. A copy of Heck's permit is enclosed for your convenience.
- 3) If your application is expedited, IDWR will send comment letters to well owners in the area identified in the enclosed map. Later, IDWR will request additional information from you for your application.

Please return the completed withdrawal form if you decide not to pursue your application, A refund will be issued in that case (\$290). Otherwise, please submit the requested information for the application to

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be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Lester".

Steve Lester

Water Rights Supervisor

Enclosure: Copy of Permit 67-14750
 Area Map
 Withdrawal of Application form

Cc: Dennis &/or Chris Heck
 (without enclosures)

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14750

Priority: May 18, 2006

Maximum Diversion Rate: 4.00 CFS

This is to certify, that DENNIS L HECK And/Or
CHRIS HECK
15007 WILLIS RD
CALDWELL ID 83607

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/15 to 10/31

RATE OF DIVERSION

4.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4SE1/4	Sec. 6, Twp 12N, Rge 02W, B.M., WASHINGTON County
GROUND WATER	NE1/4NW1/4	Sec. 7, Twp 12N, Rge 02W, B.M., WASHINGTON County
GROUND WATER	NW1/4NE1/4	Sec. 7, Twp 12N, Rge 02W, B.M., WASHINGTON 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	
12N 02W 6									40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	320.0
12N 02W 7	40.0	40.0	40.0		40.0	40.0	20.0	40.0	40.0			40.0		40.0			380.0
12N 03W 12	20.0																20.0

Total Acres: 720

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2013**.
2. Proof of application of water to beneficial use shall be submitted no sooner than June 1, 2013.
Upon filing proof of beneficial use for this right, the right holder shall include a report from a qualified professional acceptable to the Department summarizing hydro geologic data collected under the conditions of approval of this right. The purpose of the report is to verify that senior right holders of wells noted on Attachment A have not been injured by the diversion and use of water in connection with this right.
3. Subject to all prior water rights.

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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. Any well used as a point of diversion for this right shall be cased with impermeable casing into or through the first confining layer below ground surface to prevent diversion of water having a direct hydraulic connection to surface water sources within the Weiser River Basin.
6. This right is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 800 af at the field headgate for the 200 acres of land authorized to be irrigated in connection with this right.
8. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. 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 for lands also authorized to be irrigated using surface water rights to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate any lands authorized to be irrigated in connection with this right.
10. 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 to replace the surface water supply without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. For the first five years of use under this right, the right holder shall provide semi-annual written notification to the owners of surrounding wells identified in Attachment A regarding the diversion of water for irrigation purposes in connection with this right. Notification shall occur approximately fourteen (14) days prior to the first diversion of water at the beginning of each irrigation season and approximately fourteen (14) days following the end of each irrigation season. To verify compliance with this condition, the right holder shall provide the Department with copies of the written notices.
12. Prior to diversion of water from any existing point of diversion for this right and/or prior to Department approval for the construction of any additional wells to be used as points of diversion for this right, the right holder shall submit an operations plan for Department approval. The plan shall include specific and credible information demonstrating how the right holder will employ a qualified professional to comply with conditions Nos. 13 through 16 regarding pump tests, observation well(s), collection of flow and volume data from the right holder's irrigation well(s), drawdown and water level measurements from the right holder's irrigation well(s), and any changes in water levels and water production from the observation well(s) described in condition No. 16.
13. The right holder shall conduct a pump test of a least twenty-four hours for each well used as a point of diversion in connection with this water right. The pump test shall be designed and conducted by a qualified professional, such as a hydrologist, geologist, or engineer, and shall be approved by the Department before being conducted. The pump test shall measure all standard parameters associated with pump tests for the right holder's irrigation well being tested and for observation well(s) used for the pump test. The right holder shall keep records of the data collected during the pump test and shall make them available to the Department upon request.

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14. The right holder shall install measuring devices acceptable to the Department on all points of diversion authorized under this right. The measuring devices shall be capable of displaying instantaneous diversion rates and totalized volume measurements. The right holder shall record rate and volume measurements monthly for any calendar year during the first five irrigation seasons in which water is diverted in connection with this right and shall make the records available to the Department upon request. One measurement shall be in April for each year the wells are being used.
15. All existing or newly constructed wells used as points of diversion for this right shall include measuring tubes or other suitable methods to allow measurement of water levels. The right holder shall measure water levels for all existing or newly constructed wells used as points of diversion for this right. Wells not used as active points of diversion can serve as additional observation wells beyond the requirements of condition No. 16. For at least the first five (5) years of water use under this right, measurements shall be made monthly for any calendar year that water is being diverted and used. One measurement shall be in April for each year the wells are being used. The right holder shall keep records and make them available to the Department upon request.
16. The right holder shall install a continuous data logger in the observation well located in NW1/4NW1/4NW1/4 Section 8, T12N, R2W, currently known as the Roe Well, to record water level measurements for the observation well for at least five years from the beginning of the diversion and use of water in connection with this right. The first water level measurement for the observation well shall precede any irrigation under this right to establish baseline data for the observation well. An alternate observation well can be substituted for the Roe Well, subject to the approval of the Department. The right holder shall provide written confirmation to the Department upon installation of the data logger in the observation well. The right holder's access to the observation well and installation and maintenance of the data logger are civil matter between private parties; they are not enforceable by this right.
17. For the observation well noted in condition No. 16, the right holder shall determine the cumulative water level decline during April of each year as follows: determine the historical ground water decline by subtracting the current April ground water level from the initial ground water level measured for the observation well after right 67-14750 was approved. The right holder shall keep records from the data logger and make them available to the Department upon request.
18. Upon detection of a cumulative water level decline of ten (10) feet or more in April static water levels for the observation well, the right holder shall immediately cease pumping and shall notify the Department in writing. The Department shall require additional testing by the right holder to determine if the use of this right has injured senior right holders. Irrigation shall not resume until the Department has issued written notification to the right holder that either (a) the right holder has demonstrated injury has not occurred, or (b) the right holder has demonstrated injury has occurred but the diversion and use under this right have not caused the injury, or (c) the right holder has demonstrated injury has occurred and that the right holder has mitigated the injury. A mitigation plan must be approved by the Department prior to any mitigation activity.
19. After specific notification by the Department, the right holder shall annually submit a measurement report to the Department. The report shall include the rate, volume and water level data for the irrigation wells authorized by this right and all data from the observation well required under condition No. 16 plus all data from all other wells also used for monitoring purposes.
20. 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.

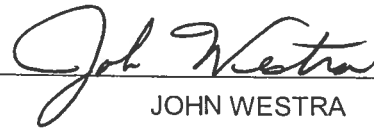
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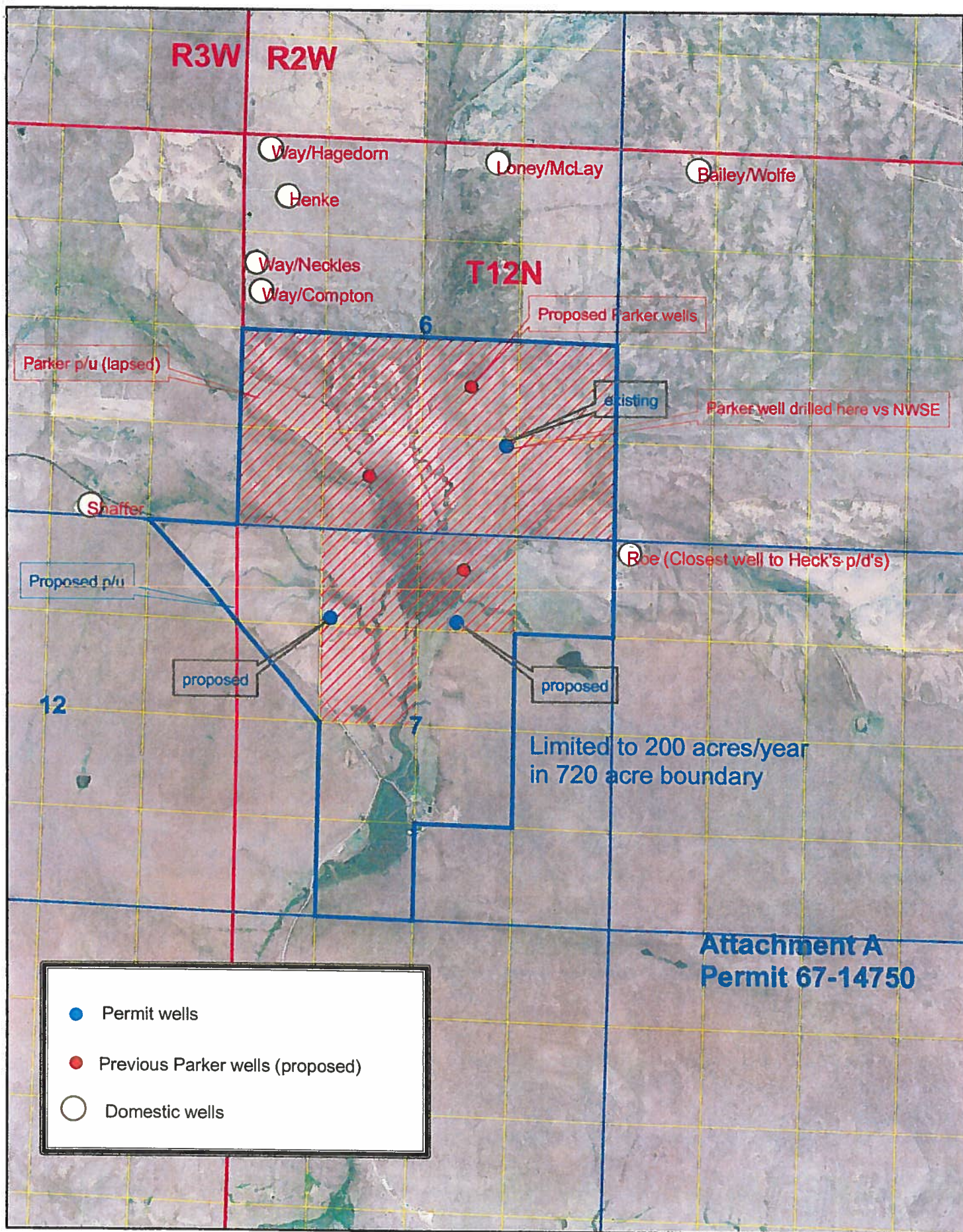
21. Violation of any condition of this right is cause for the Director to cancel or revoke the approval.

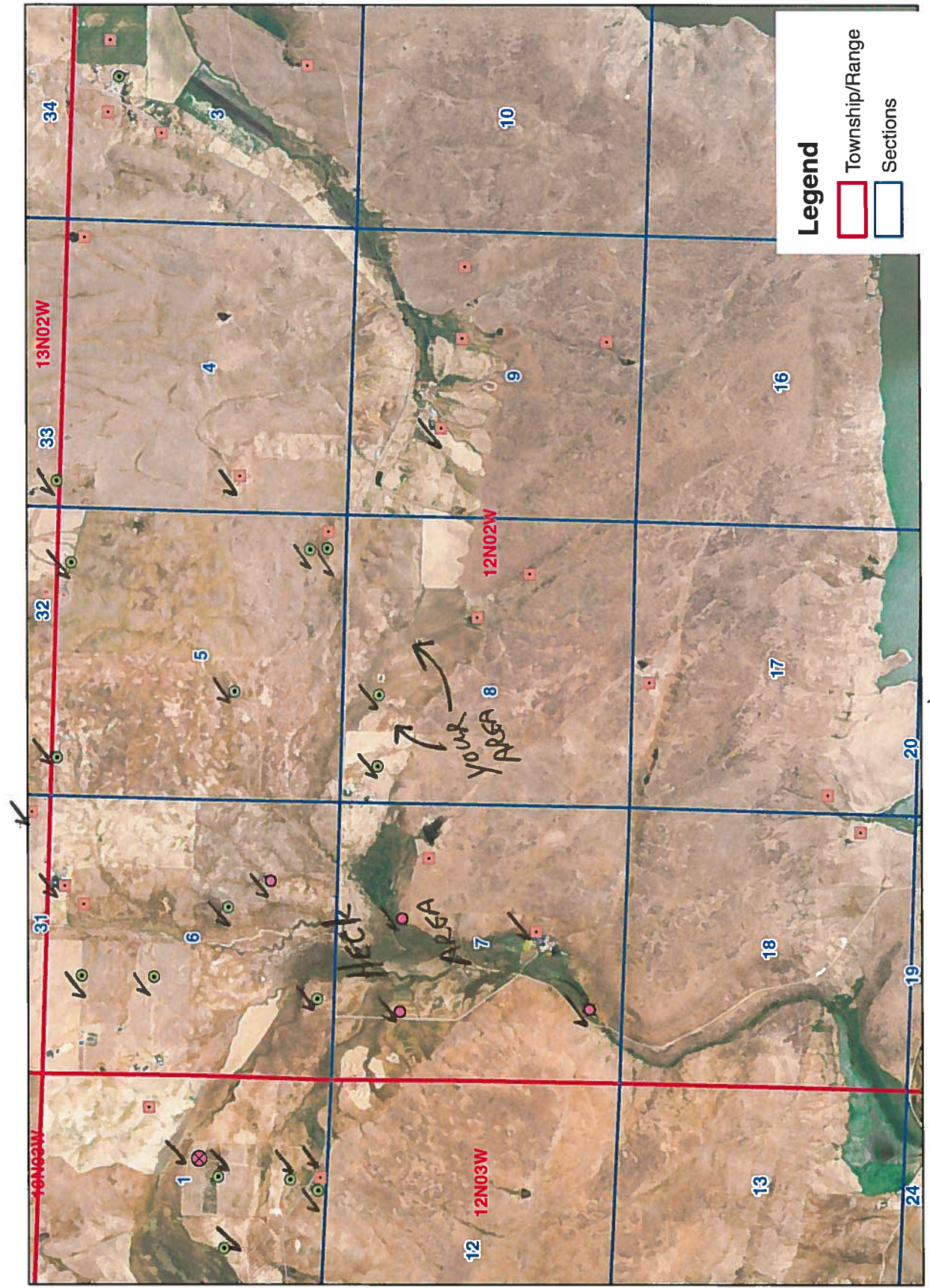
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21st day of July, 2008.





JOHN WESTRA
WESTERN REGIONAL MANAGER





✓ = wells (most existing, some proposed)

(Signature/Title of Applicant)