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APR 29 2009

DEPARTMENT OF
WATER RESOURCES
Ident. No. 63-31208

Page 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED

APR 30 2009

WATER RESOURCES
WESTERN REGION

1. Name: FRANCISCO ODIAGA
14035 OASIS RD
CALDWELL ID 83607
(208)459-6598

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER
CANYON County

~~14~~ (NW1/4NW1/4)

Sec. 2, Twp 05N, Rge 03W, B.M.

4. Water will be used for the following purposes:

Purpose	From	To	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/15	11/15	0.10 CFS	

5. Total quantity to be appropriated is:

0.10 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: WELL, PUMP, PIPELINE

b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

c. Proposed well diameter is 6 inches;
Proposed depth of well is 284 feet.

d. Is ground water with a temperature of greater than 85F being sought? N

e. If well is already drilled, when? 10/24/1980;

Drilling Firm: BILL DOTY;

Drilling Permit No. _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 year(s).

8.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

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	
05N 03W 2						5.0											5.0

Total Acres: 5

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

Point of Diversion #1: LANCE R HEROLD - Applicant has a verbal agreement with the well owner.

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

The original application for permit was 63-12198, which was split through an assignment of application for permit into this application and 63-31206. The original applications remarks were application does not propose irrigation of new acres. The previous application was a pre-1987 development application. The point of diversion is located in Lot 4, Hill Ridge Estates. The place of use on the original application was in Lots 4 and 6, Hill Ridge Estates. This portion of the original right is for the portion known as Lot 6 of Hill Ridge Estates. The well is located on Lot 4 Hill Ridge Estates. The applicant has a verbal agreement with the owner of Lot 4 to use the well for irrigation. The water bearing zone is between 151 and 284 feet. The well was drilled on 10/24/21980.

11. Map of proposed point of diversion and place of use attached? []

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

** Francisco J. Ortega* - April 23, 2009
Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. W018993

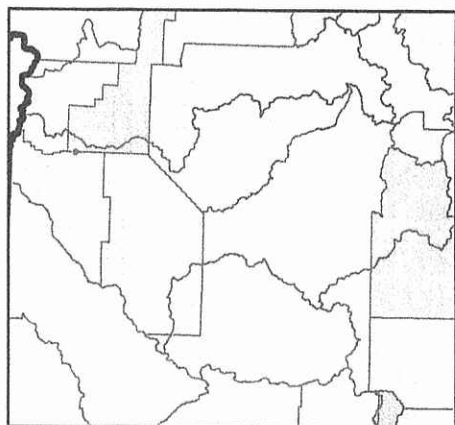


Idaho Department of Water Resources

Application
63-31208
(IRRIGATION)

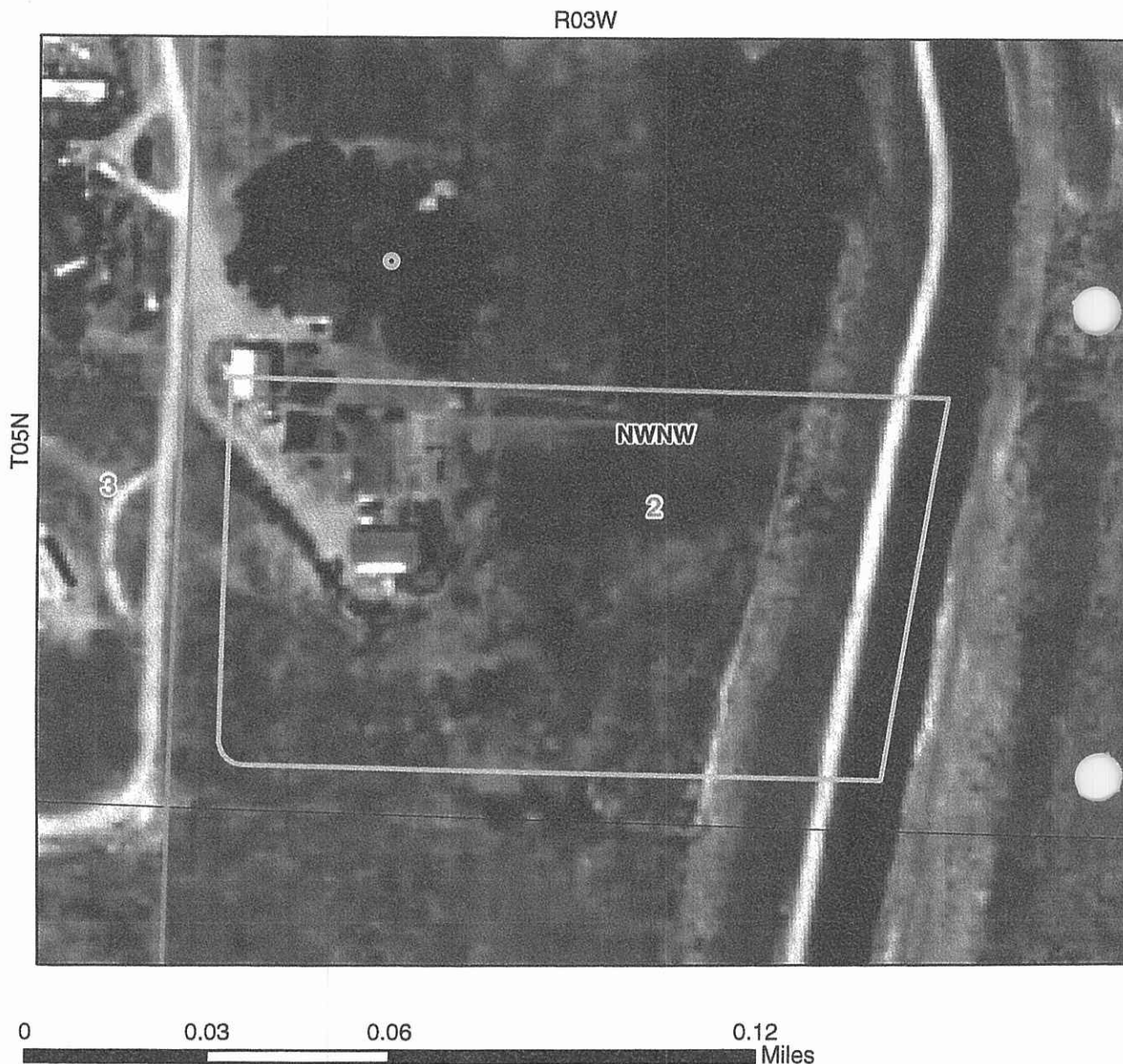
Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by John Westra
On April 14, 2009
2004 Aerial Photography



63-31208

11/99

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APR 12 2001

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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FEB 14 2001

WATER RESOURCES
WESTERN REGION

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

I, Joseph W. Roberts, hereby assign to FRANCISCO Odiaga
of, 14035 Oasis Road, Caldwell Id. 83607 (208) 459-16598
(Full Address) (Phone)

All my right, title, and interest in and to Application for Permit No. _____
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Application for
Permit No. 63-12198 to appropriate the public waters of the State of Idaho.

(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

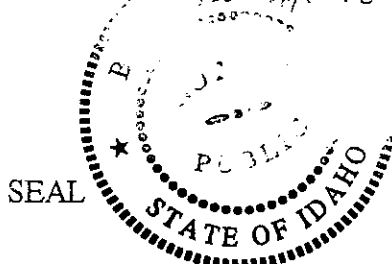
.10 CFS ± 5 acres in (Court Lot 4) NW 1/4 NW 1/4 Sec. 2
Twp. 5 N, Rge. 3W. AKA Lot 6, Hill Ridge Estates,
Pt. of Diversion in (Court Lot 4) NW 1/4 NW 1/4 Sec. 2
Twp. 5 N, Rge. 3W.

Made this 13 day of February, 2001.

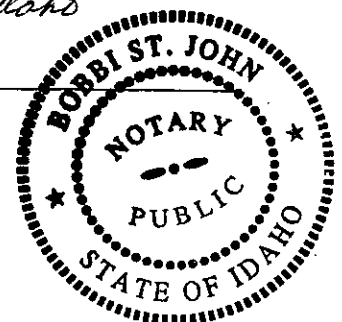
Joseph W. Roberts
Applicant(s)

State of Idaho)
County of Ada)ss

On this 13th day of February, 2001, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.



Bobbi St. John
Notary Public residing at Boise, Idaho
Bobbi St. John



My commission expires: 12/28/06

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-31208

WATER RIGHT NUMBER: 63-31208

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRANCISCO ODIAGA 14035 OASIS RD CALDWELL, ID 83607 (208)459-6598

Priority Date: 04/20/1995

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

GROUND WATER	L4 (NW1/4NW1/4)	Sec. 2,	Twps 05N,	Rge 03W, B.M.
CANYON 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	
05N	03W	2		5.0															5.0

Total Acres: 5

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-31208

Comments:

1. Unknown 4/20/1995 General Remarks from original application

Comment: Application does not propose irrigation of new acres. Point of diversion within Lot 4, Hill Ridge Estates. Place of use within Lots 4 and 6, Hill Ridge Estates.

2. Ron Howerton 4/20/2001 Comments

Comment: System existing prior to 1987 allows processing under moratorium. Well drilled in 1980 for Carl Post and system developed shortly after. Attached ASCS photography (1987?) supports existing use. Claim A63-30229 filed for domestic and stockwater uses, same well.

3. Dan Nelson 4/10/1995 Comments and General Analysis

Comment: Joseph Roberts originally filed this application on 4/20/1995. Mr. Roberts claimed that this permit was developed prior to 1987 and provided proof of pre 1987 development. State Office personnel due to questions on the pre-1987 development did not approve this application. On Jan. 29, 2001 we received an assignment of permit splitting the original application into 2 portions for Lance and/or Eva Herold and Francisco Odiaga. This application is Mr. Odiagas split of that original application. This portion of the split is for Lot 6 of Hill Ridge Estates. The Herolds own Lot 4 of Hill Ridge Estates where the well is located. The original application was for 10 acres that was evenly split between the two owners. However, current aerial photography shows that only 7.11 acres were actually irrigated in 1987. Mr. Odiagas portion of those acres is 3.05 acres. The Herolds portion is 4.06 acres. There is a letter in the file from both the Herolds and Odiaga stating that they have a verbal agreement to use the well for irrigation.

4. Dan Nelson 4/10/2001 Legal Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed. Water Bearing Zone to be appropriated is 151 to 284 feet. Development completed by November 1987.

Water Supply Bank:

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SEP 25 1995

Ident. No. 63-12198

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: JOSEPH W ROBERTS
Address: 15032 HOLLOW RD
CALDWELL ID 83605
208-459-2022
2. Source: GROUNDWATER
3. Location of Point of Diversion: Lot 4 (NWNW) Trib. to: Sec. 2, Township 05N, Range 03W
CANYON County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.200		
5. Total quantity to be appropriated is:
0.200 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP, PIPELINE
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is 6 inches; proposed depth of well is 284
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when? 10/24/1980
Drilling Firm BILL DOTY
Well was drilled for CARL POST
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).
8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
05N	03W	2	Lot 4 (NWNW) 10			10

Total number of acres irrigated: 10

2' base updated 7/3/45

Comments: Date: 4/ 20/ 1995 User-ID: RHOWERTO

Subject:

EXISTING SYSTEM

System existing prior to 1987 allows processing under moratorium.

Well drilled in 1980 for Carl Post and system developed shortly after; attached ASCS photography (1987?) supports existing use.

Claim A63-30229 filed for domestic/stock uses,
Same well.

63-12198

REQUEST TO PROCESS

RECEIVED

MAR 28 2001

WATER RESOURCES
WESTERN REGION

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

Francisco Odiaga

Mailing Address

14035 Oasis Rd

Caldwell, ID 83607

Application No.
(if known)

63-12198

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

☐ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

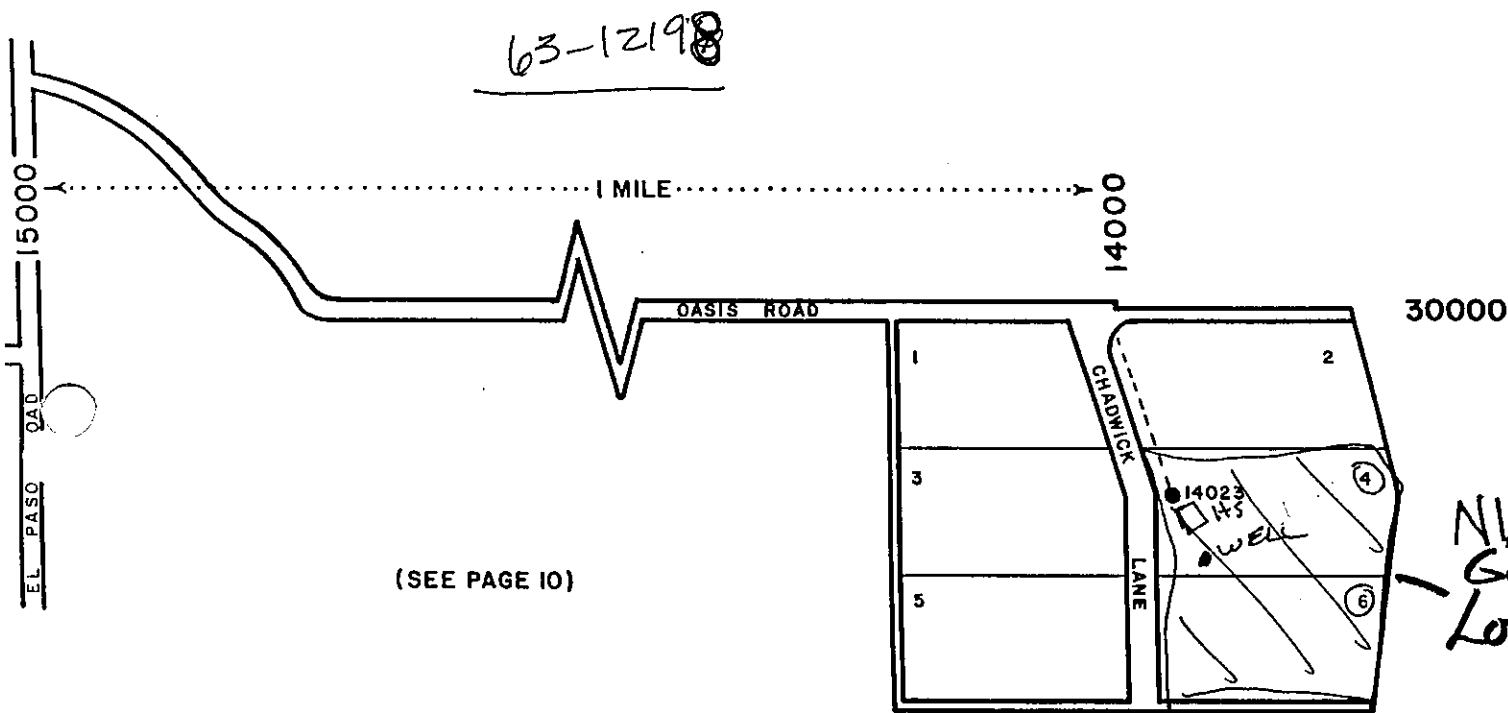
Francisco J. Odiaga

Date

3-29-2001

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082



HILL RIDGE ESTATES

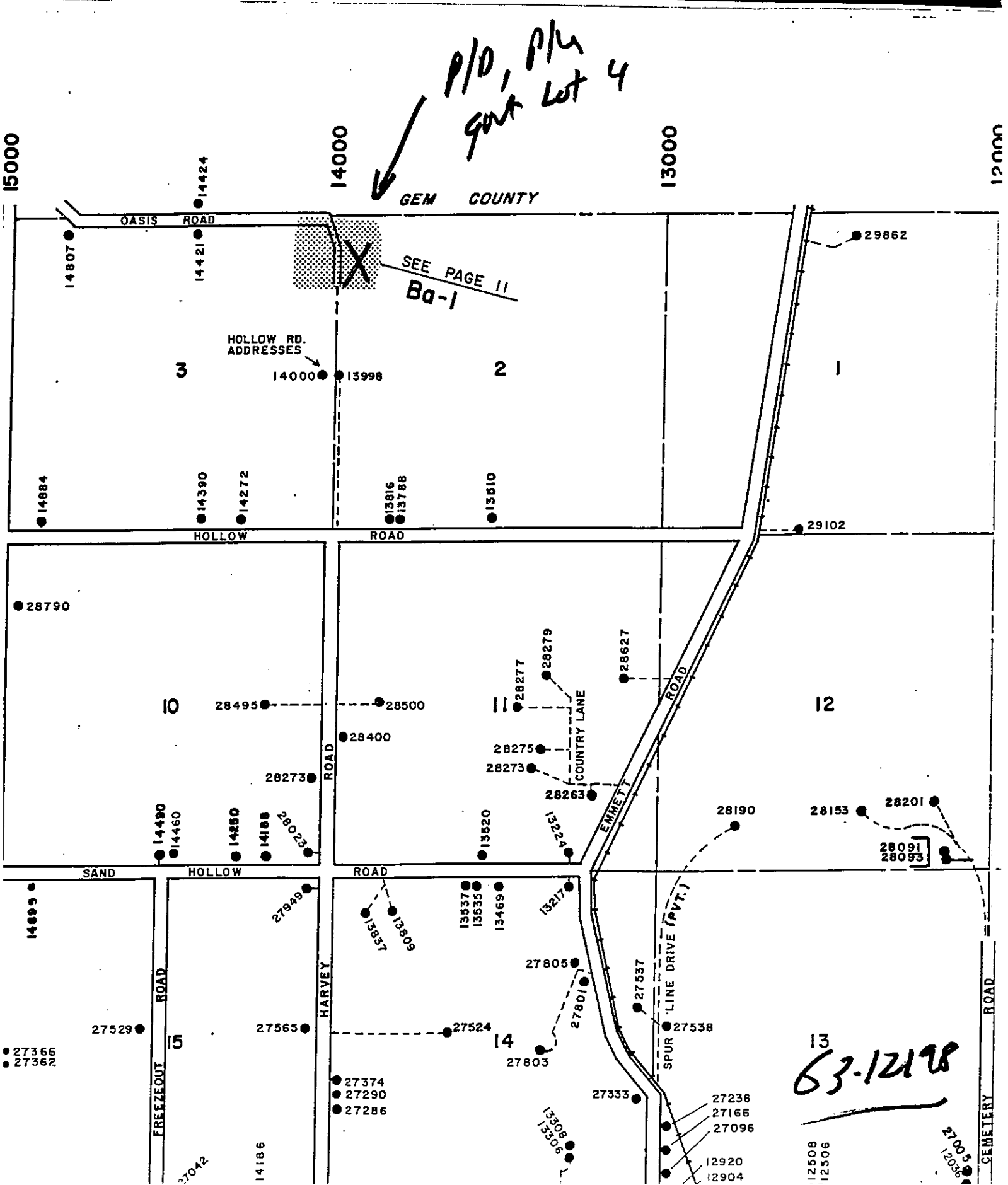
SECTIONS 2 & 3, T.5N., R.3W.

Approvable: 5 ac. in Lot 6
 Delay: 5 ac. in Lot 4 } of Hill Ridge Estate

NWNW Sec 2
 Gov't
 Lot 4

Carlen Post's affidavit of 7/27/95 states subd. Lot 6 irrig. by well in subd. Lot 4 in 1987 - this agrees with 1989 ASIS showing parcel south of home site irrigated (by same water) but that considerable non-irrig. area formed in subd. Lot 4.

- SA, 8/8/95



p/d, p/m
got Lot 4

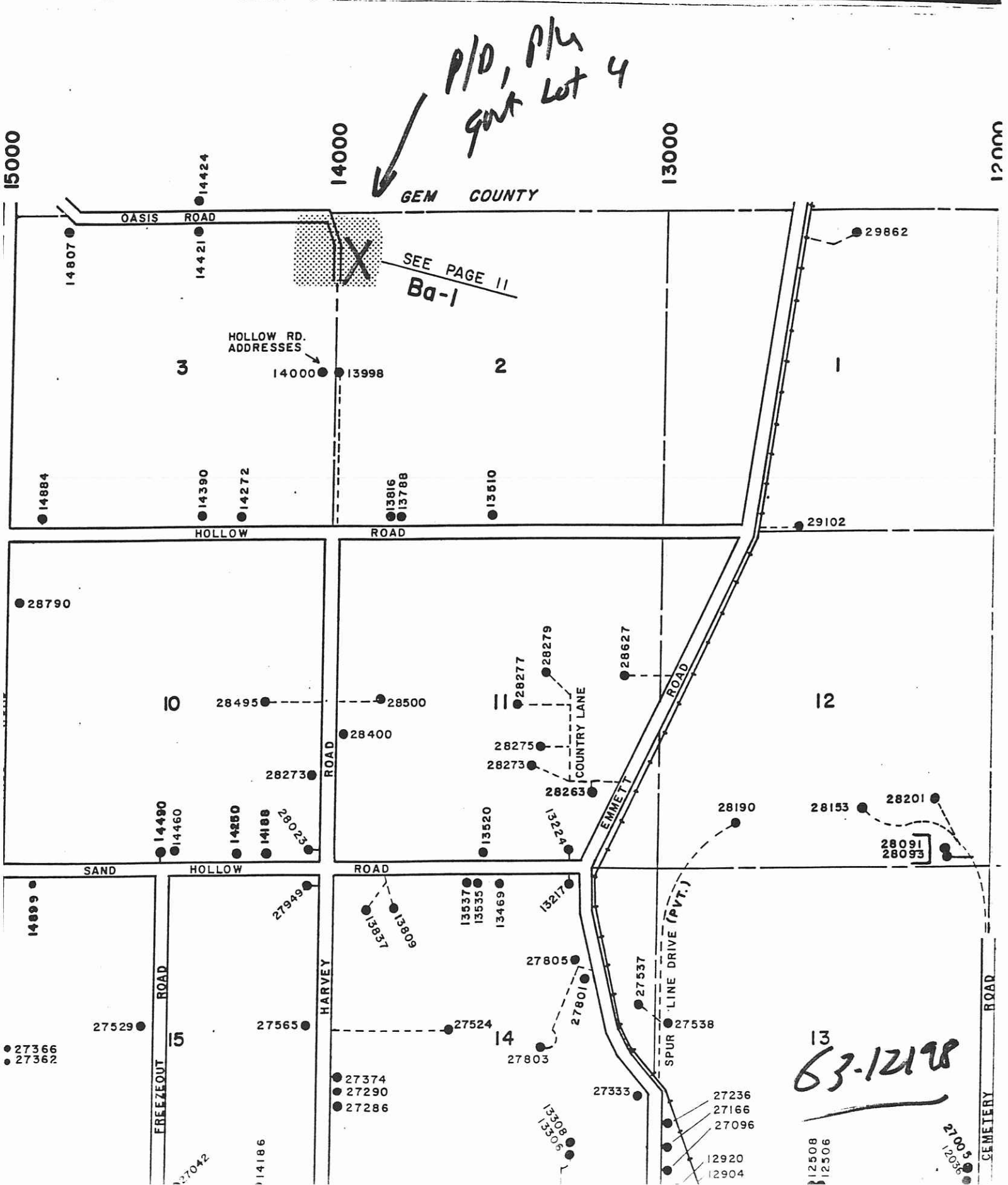
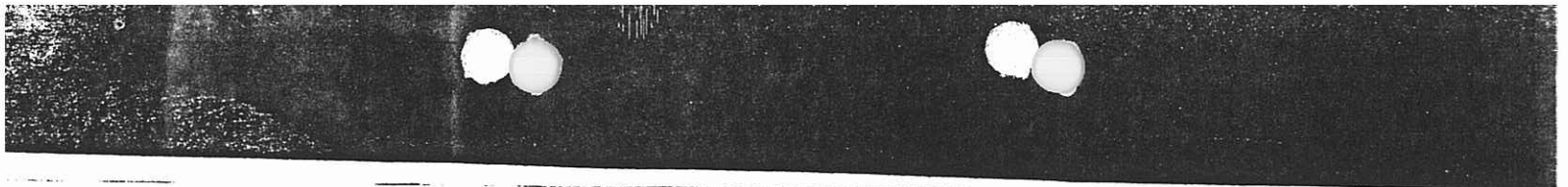
GEM COUNTY

SEE PAGE 11
Ba-1

HOLLOW RD.
ADDRESSES

63-12128

CEMETERY ROAD



63-12198
assumed to be 1987 ASCS photo
Lot 4 nwnw 5-2 5N 3W

NOT
IRIS

34 35

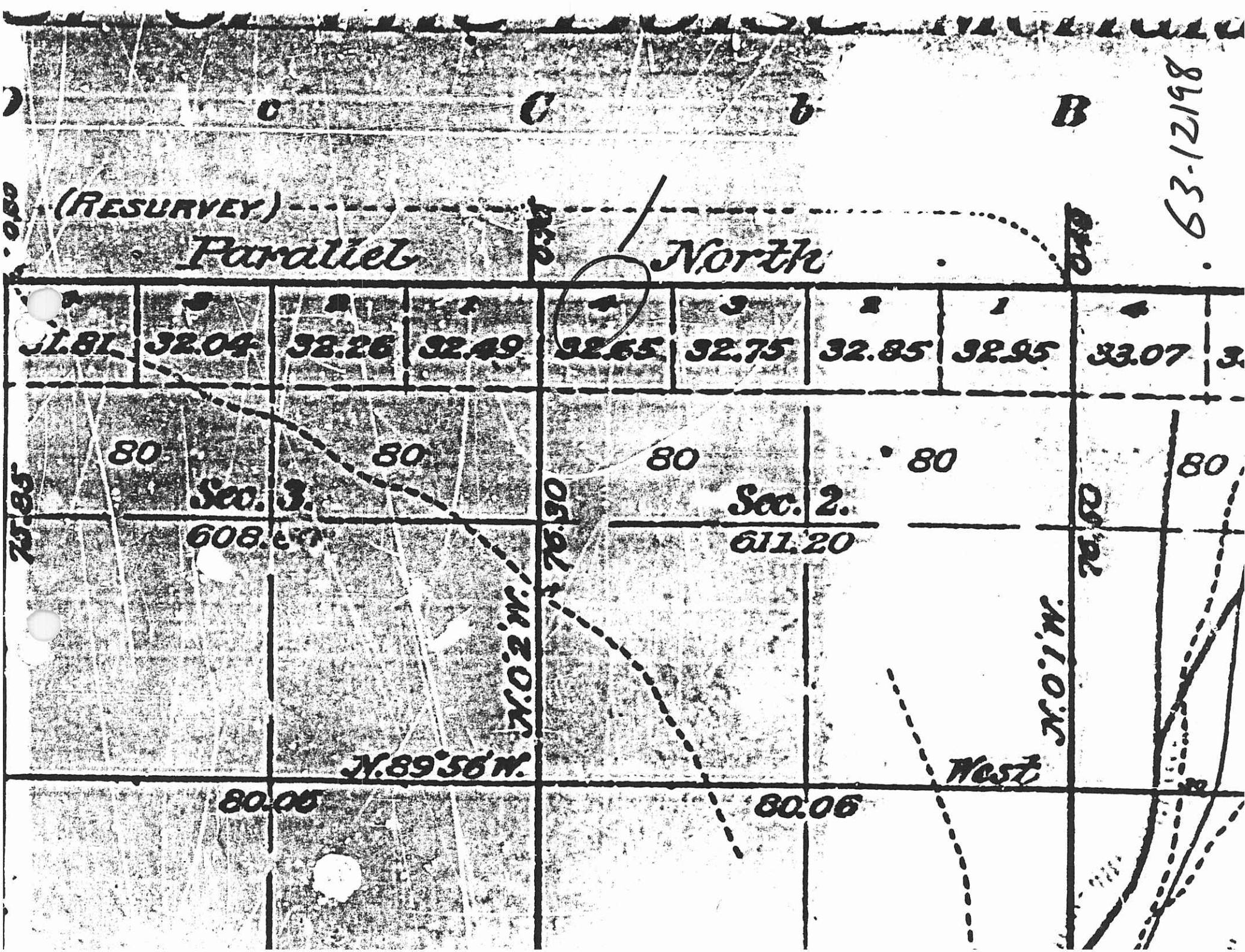
is
iris

T1575

N/NW

N/NW

63-12198



Form No. 202a
RECEIVED
SEP 25 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

OK to
advertise

Department of Water Resources

INITIAL REVIEW BY: JFW DATE: 7/3/95 APPLICATION: 63-12198
4/30/09

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. ≥ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No ☐ In form to receipt:

Gov't. Lots:

Y P/D
Y P/U

ADDITIONAL INFORMATION

YES/ NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☐ ☒ Overlapping point of diversion:
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☐ Critical groundwater area:
☐ ☐ Groundwater management area:
☒ ☐ 1992 moratorium:
☐ ☐ Copy to SCA staff: (perennial stream, non-pump diversion)
☐ ☐ Copy to Dam Safety staff: (for any storage)
☐ ☐ Basin 63 mitigation plan: (where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge)
☐ ☐ Send power requirement letter:
☐ ☐ Send fish farm requirement letter:
☐ ☐ Power residency affidavit:
☐ ☐ Power efficiency form:
☐ ☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☒ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: 7-5-95

Additional information on reverse side:

*See next pg - can advertise, can approve 5 ac. @ .10 cfs, split
not : 12/100 (minimum holder) other 5 ac. @ .10 cfs

PROCESSING

APPLICATION

63-12198

YES NO

☒ ☐
☒ ☐
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. District Health

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # _____

Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest 9-5-95

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, Deny

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter:

Water Bear zone 247'-284' See well logWell drilling permit upgrade Well drilled 1980 No Fee.Boise River Shallow Ground water area

See below for additional information

Recommended Date or Priority 4/20/1995Recommended by: Dr. J. J. White 5/1/09 Date 9/20/95

STATE OFFICE REVIEW

Conditions: 26A, 004, 121, R65, X60 - Lot 6 Hill Ridge Estates.

See below for additional information. By _____ Date _____

Assignment authorizes use of well in Lot 4
 ADDITIONAL INFORMATION Same well as A63-30229 (O/S only).

Overlap - not shown is d'base but Black Canyon Irr Dist.Water available for at least some of land - see attachednotes by CJH; also confirmed by 1987 irrig shown on some of
the area in ASCS + NAPP photos.Per CJH's review notes plus 7/27 response from applicant (affidavit), appearse S ac. irrig by well as 1987. Rec'd approval of south 5 acres, then splitAppl. to delay approval on north 5 acres (roughly, subd. Lot 6 & Lot 4, respectively).Then asked for "wait letter" re: e S ac. cannot proceed now.

RECEIVED
APR 30 2009
WATER RESOURCES
WESTERN REGION

Response Form

Name of Applicant: Fransico Odiaga
Address: 14035 Oasis RD
Caldwell ID 83607

Application No: # 63-31208

(Please read carefully and mark)

☒ Yes, I intent to proceed with the water use development outlined in the application. I retain full possessory interest in the place of use locations on the application. I will provide evidence of an agreement with the well owner in Lot 4 adjacent to my property for access/use of the Lot #4 well as the water source. I request the Department continue processing the application.

☐ No, I do not wish to proceed with final processing of this application. I hereby withdraw my Application for Permit to Appropriate the Public Water of the State of Idaho

Signed this 22 day of April 2009

Applicant Signature Francisco J. Odiaga

Printed Applicant Name Francisco J. Odiaga

Return Form to: J. Westra
Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705



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

April 15, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Franciso Odiaga
14035 Oasis RD
Caldwell ID 83607

RE: Held Application for Permit #63-31208--Filed 09/25/95

Assignment to Odiaga 02/14/01

Dear Applicant:

As you aware, the above referenced application for permit located in the Boise River Basin has been held by our agency due to concerns about declining aquifer levels and lack of technical data to evaluate conditions. A ground water study has been completed, and now provides modeling for projecting future groundwater availability in the valley. Our agency is again processing held applications as resources are available.

Attached is a new print out of your application as submitted to our agency following the property split and assignment to you. Please check carefully the specifics on the application. **You must still have possessory interest- ownership in the listed point of diversion and place of use land locations for processing consideration.** Your application states that you have access to a well source in Lot #4 by agreement.

We are asking for you to convey your intentions regarding this application by completing the attached response form. *Please respond to the following:*

- If you desire to develop the water use, and wish our agency to complete the processing of your application, please mark the **YES** response, provide any updates/changes needed.

OR

-Mark the **NO** response to withdraw the application. The application will be removed from processing and our records. Our agency will not be able to provide refunds of fees for withdrawn applications.

-Sign, date, and return the response. **Please also sign and date the new application print.** Response forms need to returned to this office no later than 30 days of this letter date. The application will be order void after 30 days if no response is received.

Should you have questions about further processing of this application, please contact Denise Buffington or John Westra at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra, Manager Western Region

Enclosure: Proof Report, Response Sheet

Response Form

Name of Applicant: Fransico Odiaga
Address: 14035 Oasis RD
Caldwell ID 83607

Application No: # 63-31208

(Please read carefully and mark)

 Yes, I intent to proceed with the water use development outlined in the application. I retain full possessory interest in the place of use locations on the application. I will provide evidence of an agreement with the well owner in Lot 4 adjacent to my property for access/use of the Lot #4 well as the water source. I request the Department continue processing the application.

 No, I do not wish to proceed with final processing of this application. I hereby withdraw my Application for Permit to Appropriate the Public Water of the State of Idaho

Signed this _____ day of _____ 200_____

Applicant Signature _____

Printed Applicant Name _____

Return Form to: J. Westra
Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705

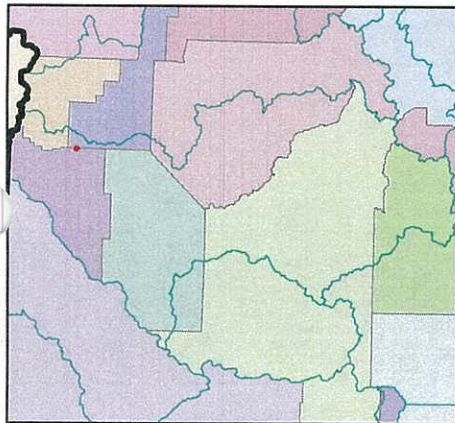


Idaho Department of Water Resources

Application
63-31208
(IRRIGATION)

Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by John Westra
On April 14, 2009
2004 Aerial Photography



MEMORANDUM

To: 63-31208

From: Cynthia Bridge Clark

Date: March 23, 2005

Re: Telephone Conversation and information request

Joanne contacted the department to discuss application for permit 63-31208 in the name of Francisco Odiaga. She is Mr. Odiaga's neighbor and stated that she is trying to help Mr. Odiaga understand the status of his water right application no. 63-31208. The application has been held in accordance with the 1992 processing hold. Water right no. 63-31206 was part of the same original application for permit covering the adjacent property. It was licensed based on pre-1987 development. Mr. Odiaga is concerned that his application has not been given the same consideration. I have communicated with Mr. Odiaga through correspondence and over the telephone numerous times since 2001 regarding the application status and discussed the situation with Joanne. She requested that documents from the water right file be sent to them for review. Documents from water rights 63-31206 and 63-31208 were mailed to the applicant.

MEMORANDUM

To: File 63-31208

From: Cynthia Bridge

Date: August 16, 2001

Re: Telephone Conversation

I spoke with Francisco Odiaga on the telephone regarding a fax received on August 1, 2001. The affidavit from Keith Chadwick was sent to document irrigation of Mr. Odiaga's land prior to 1987. I explained to Mr. Odiaga that the affidavit described irrigation of the lands prior to 1973 with Black Canyon Irrigation District water, but it does not document irrigation of lot 6 with groundwater from the well drilled in 1980.

Mr. Odiaga is very concerned about the status of the application. He stated that he was told irrigation rights were available when he purchased the property and is concerned that right 63-31208 on the other half of the original property (lot 4) is being considered for approval based on pre-1987 development. He and I have discussed the information required to document uses established prior to November, 1987 several times. I reiterated that infrared imagery and aerial photographs available to the department suggest that a portion of lot 4 was irrigated between 1980 and 1987. Even though the mainline and laterals appear to have been designed to provide irrigation water from the well to both parts of the original property (lots 4 and 6), the images indicate that irrigation was not taking place on lot 6.

We discussed the options described in a letter to sent to Mr. Odiaga dated June 21, 2001, but I told him additional information would be required to process application number 63-31206.

327-7866

July 5 2001

Lot six of the Hill Ridge Estates has
No irrigation rights. However before
it was subdivided in 1973 I irrigated
it by spreading my irrigation water
from sections that had irrigation water
rights from Black Canyon Irrigation Dist.

I think it would show on
a late 1960's or early 1970's Aerial Photo
which may still be available at ASCS
in Emmett.

Keith Chadwick
14000 Oasis Road
Caldwell Id 83607

459-7185

MEMORANDUM

To: File 63-31208

From: Sharla

Date: June 26, 2001

Re: Office Visit

On this date, Mr. Odiaga came into the office in response to the letter he recently received from Cynthia. I could only reiterate what Cynthia had told him in her letter. Mr. Odiaga asked that the file continue to be held until the moratorium issue is resolved. I told him I would let Cynthia know his wishes and would ask her to call him when she returns to the office next week.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

June 21, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FRANCISCO ODIAGA
14035 OASIS RD
CALDWELL ID 83607

RE: Permit Application No. 63-31208

Dear Mr. Odiaga:

The department has been reviewing the application for permit referenced above and would like you to be aware of a couple of issues pertaining to your application. As you know, the permit application was filed by Joseph Roberts on April 5, 1995, for a water right on Lots 4 and 6 of the Hill Ridge Estates. The application was held due to a moratorium prohibiting processing of any new consumptive use permits. We are able to process applications for irrigation filed in the moratorium area only if the applicant can prove the proposed water use occurred prior to November of 1987.

I have located aerial photographs of your property and the surrounding the area for several years between 1980 (the year the well was installed) and 1987. The photographs demonstrate that a portion of Lot 4 of the Hill Ridge Estates was irrigated prior to 1987 (see enclosed photographs). The photographs do not show, however, that Lot 6 was irrigated during this period.

Though a mainline distribution system may have been installed to provide water to both parcels of land prior to 1987, the applicant must show that the land specified in the application was actually irrigated. The Department of Water Resources received affidavits from Mr. Carl Post, the previous owner who drilled the well in Lot 4. They state that both lots were irrigated prior to 1987, however given that the aerial photographs show no signs of irrigation in Lot 6, more documentation is necessary to demonstrate water use. We are therefore unable to approve your application for permit for five acres of irrigation.

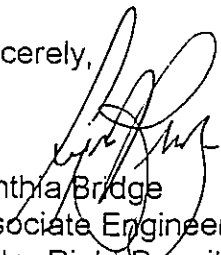
I would, however, like to point out other options for accessing water for your property. Since you are using water for a household, you can also irrigate a portion of your land. Domestic use as defined by Idaho Code 42-111, includes water use of up to thirteen thousand (13,000) gallons per day for application in a home, for stockwater, and for irrigation of up to one-half (1/2) acre of land. As you may know, Idaho Code 42-111 provides an exemption for domestic use that does not require a water right. You can utilize this exemption with the well on your property.

If you would like to have a water right in your name for domestic use as defined above, you can file a Notice of Claim to a Water Right for Domestic and/or Stockwater purposes. I have enclosed a copy of the appropriate form if you chose to file a claim for a water right. A filing fee of \$25.00 is required for processing.

You also have a couple of options for pursuing a right to appropriate water for irrigation from the well described in your application for permit. First, you can leave your application on hold with the Department of Water Resources until the moratorium is lifted. Unfortunately, we do not know when the processing restrictions for consumptive use permits will be changed. However, the priority date established with the application will be maintained. Another option is to try to acquire other water rights. Water users have been known to purchase an existing water right from the owner, and transfer the point of diversion and place of use to their property.

Again, we cannot approve your application for permit at this time therefore use of this water for irrigation is not authorized. We will continue to hold your application for future processing unless you inform us otherwise. Please call me at 208-327-7898 if you have questions regarding these issues.

Sincerely,



Cynthia Bridge
Associate Engineer
Water Right Permits Section

Enclosures

MEMORANDUM

To: Files 63-31206 & 63-31208

From: Cynthia Bridge

Date: June 21, 2001

Re: Review Application for Permit

History

- April 5, 1995, Joseph W. Roberts filed an application for permit no. 63-12198 for irrigation of 10 acres with groundwater (place of use in Lots 4 and 6 of the Hill Ridge Estates, and the point of diversion in the same Lot 4). The well was drilled in 1980 for the original owner Carl Post, and a mainline was buried between the two lots shortly thereafter according to staff comments.
- Given the moratorium processing hold on new consumptive use applications, additional information was requested by the applicant to prove pre-1987 development. The applicant submitted an ASCS photo from 1987, and an affidavit from Carl Post, dated July 27, 1995, asserting that Lot 6 was irrigated with through the mainline in 1987.
- The application was advertised, moved to the state office for review and held at the state office due to concerns about pre-1987 development and the processing hold.
- On January 29 and February 15, 2001, assignment of application for permit forms were received from Joseph Roberts for the Herolds and Mr. Odiaga respectively. Mr. Roberts sold the northern 5 acres (Lot 4) to Lance and Eva Herold, and the southern 5 acres (Lot 6) to Francisco Odiaga.
- On February 9, 2001, the department received an affidavit, sent by Eva Herold, written by Carl and Laura Post stating that Lots 4 and 6 of the Hillridge Estates were irrigated for trees and pasture before 1987.
- On March 28, 2001, a letter from Lance Herold was received by the department stating that the well and buried main line are on his property, but that he and Mr. Odiaga have a verbal agreement that Mr. Odiaga can use the system to irrigate the southern property.
- Mr. Odiaga purchased the property in 1997 and currently operates with an additional well and home on his property.

Review

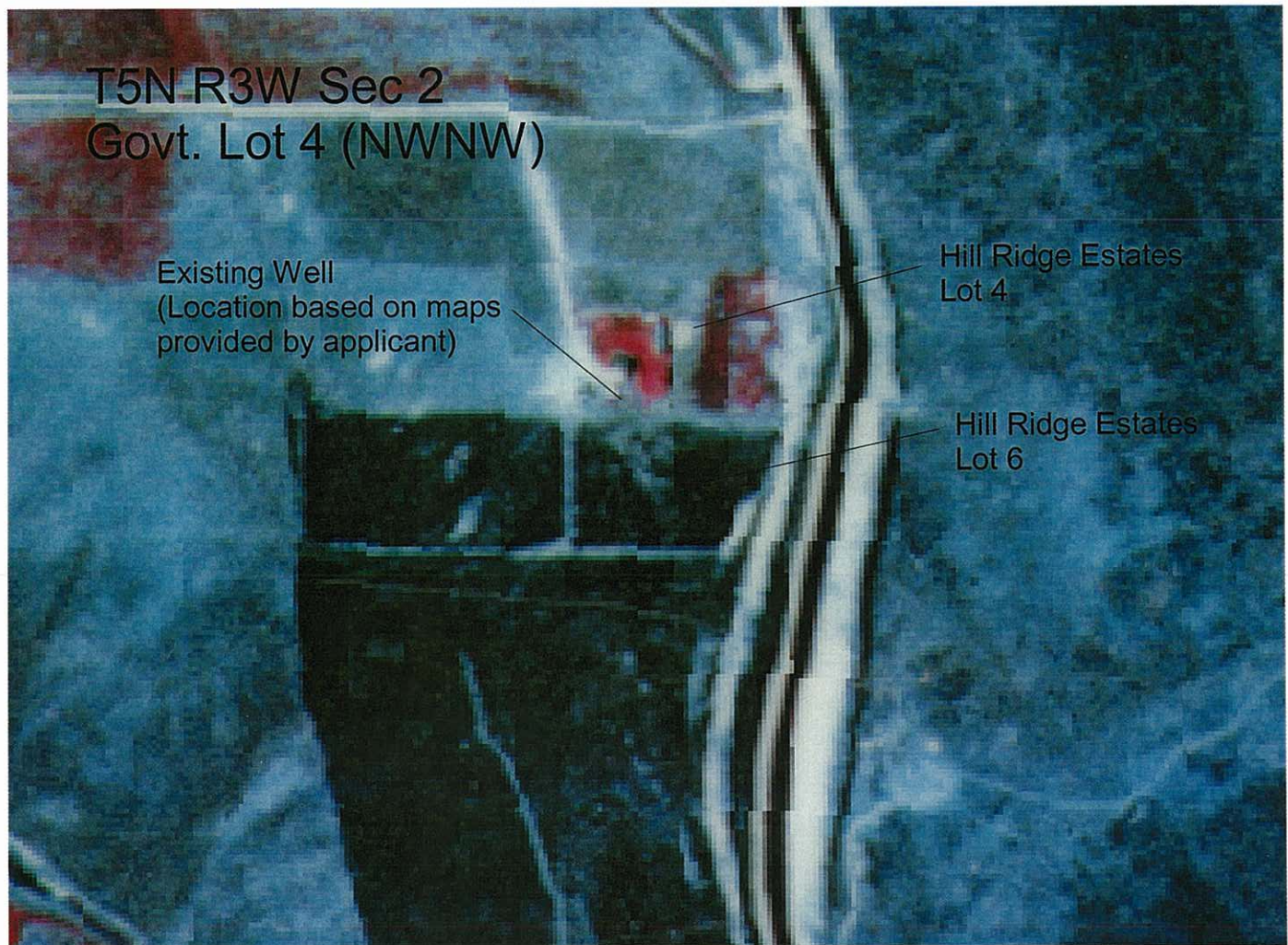
- Application for permit no. 63-12198: 0.02 cfs for irrigation on 10 acres for Joseph Roberts. The permit was split into two five-acre parcels (Lots 4 & 6).
- Assignment of Application for permit no. 63-31206: 0.01 cfs for irrigation on 5 acres for Herold.
- Assignment Application for permit no. 63-31208: 0.01 cfs for irrigation on 5 acres for Odiaga.
- Review of pre-1987 development (photos attached):
 1. 1980 USGS U2 NHAP infrared aerial photography indicates there was no irrigation on either Lot at the time the photograph was taken. This was the year the well was drilled.
 2. June 7, 1983 USGS U2 NHAP infrared aerial photography has a red haze over the entire photo so it is difficult to distinguish between areas that may have been slightly irrigated versus those that were not.
 3. FSA slides from 1984, 1985, and 1986 were acquired to supplement the 1983 infrared aerial photography. They document a varying amount of irrigated area in Lot 4 (less than 5 acres) with no irrigation in Lot 6.
 4. NAPP 1987 infrared aerial photography from the database shows less than 5 acres (approximately 2.4 ac.) of development in Lot 4. There is a large defined black area extending through Lot 6, and much further south and west of Odiaga's property. This area appears to be a burn.
 5. Treasure Valley 1994 infrared aerial photography indicates further development in Lot 4 but still no irrigation in Lot 6.
 6. Treasure Valley 2000 infrared aerial photography indicates irrigation occurring in both lots, though neither appears to be irrigating the full five acres requested in the applications. There are new buildings in Lot 6.
 7. Affidavits were submitted by Carl Post stating that both lots were irrigated prior to 1987.
 8. Joseph Roberts phoned on (6/12/01) and stated that Mr. Post informed him he irrigated trees/orchard in Lot 4 and irrigated Lot 6 for graze land for his cattle.
- Water right 63-30229 in the name of Joseph Roberts: 0.2 cfs for stockwater and 0.6 cfs for domestic. The original house is in Lot 4, therefore the owner name should be changed to Herold.
- POU Comparison: There is no overlap, however Black Canyon Irrigation District water is accessible to both Lots. In a phone conversation with Joseph Roberts (6/12/01) he said he did not use Black Canyon water. An agent comment in the file notes that Mr. Roberts told another agent that he was diverting Black Canyon water to the southern portion of the land (Lot 6).
- Mr. Odiaga has phoned several times inquiring about the status of his application and has been informed that at this time I cannot approve the application due to lack of evidence of

irrigation prior to 1987. I told him I would send him a letter explaining the situation along with the photographs we are using to make our decision.

Recommendations

- 63-31206:
 - The aerial photography documents that irrigation took place on the Herold's property (Lot 4) prior to 1987. A shapefile has been created using the NAPP 1987 aerial photography in the database. The measured irrigated area in Lot 4 is 2.4 acres.
 - The Herold's should file a Notice of Change of Ownership for water right no. 63-30229 for domestic and stockwater use.
 - A letter was sent June 20, 2001 informing the Herolds of the reduction in the requested acreage, and of water right no. 63-30229. The 1987 aerial photography with the identified 2.4 irrigated acres, along with a Notice for Change of Ownership form were enclosed.
- 63-31208:
 - Though the affidavit submitted by the original owner, Mr. Post, states that a water distribution system was in place and used to irrigate Lot 6 prior to 1987, the aerial photographs from the period between 1980 and 1987 document that there was no consistent irrigation occurring in Lot 6.
 - A letter was sent June 21, 2001 informing Mr. Odiaga that the application for permit would be denied. It also notified him of his option to file a claim to a domestic and stockwater water right. The claim form and the FSA and NAPP aerial photographs were enclosed.

1987 NAPP Photography



0.09 0 0.09 0.18 Miles

A horizontal scale bar with four segments. The first segment is black, the second is white, the third is black, and the fourth is white. The segments are labeled 0.09, 0, 0.09, and 0.18 Miles respectively.

FSA Photograph, 1986

Pre-1987 Development

63-31206 & 63-31208



30 0 30 60 Miles

A horizontal scale bar with alternating black and white segments. The numbers 30, 0, 30, and 60 are placed above the segments, with 'Miles' at the far right.

FSA Photograph, 1984

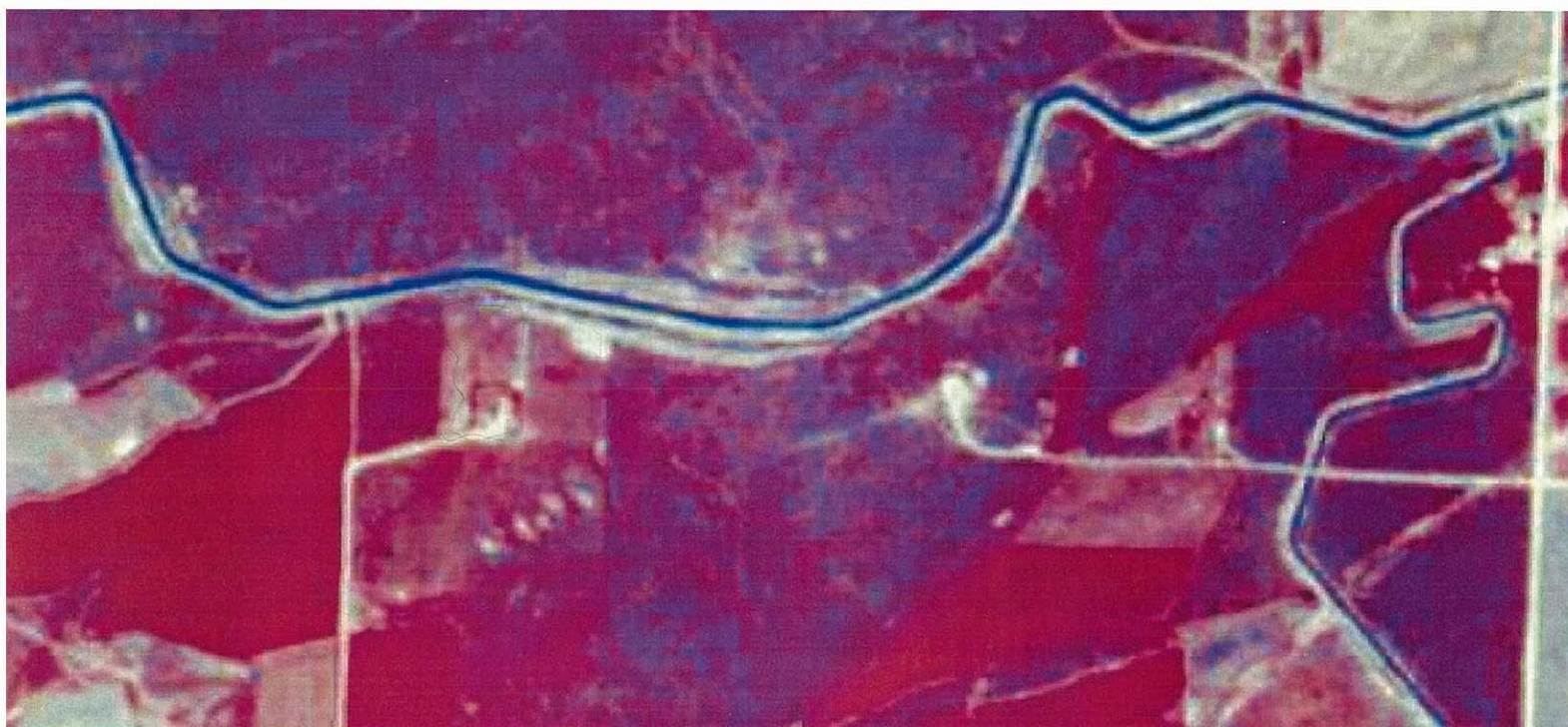
Pre-1987 Development

63-31206 & 63-31208



30 0 30 60 Miles

A scale bar with four segments. The first segment is labeled '30', the second '0', the third '30', and the fourth '60 Miles'.



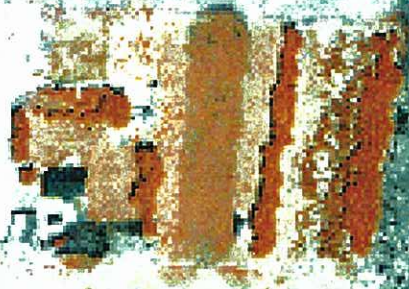
1983, June
2346-83-095
(USGS, U2 PHOTO)



9/17/1980
3488-80-1
(USGS, V2.8H)

TREASURE VALLEY
1994

05N 03W SEC 2



TREASURE VALLEY 1994

TREASURE VAULT 2000

05N 03W SEC 2

TREASURE VAULT 2000

MEMORANDUM

RECEIVED

TO: FILE

FROM: DANIEL A. NELSON SENIOR AGENT *DAN*

DATE: 4/10/2001

SUBJECT: APPLICATION FOR PERMIT 63-12198 SPLIT OF RIGHT

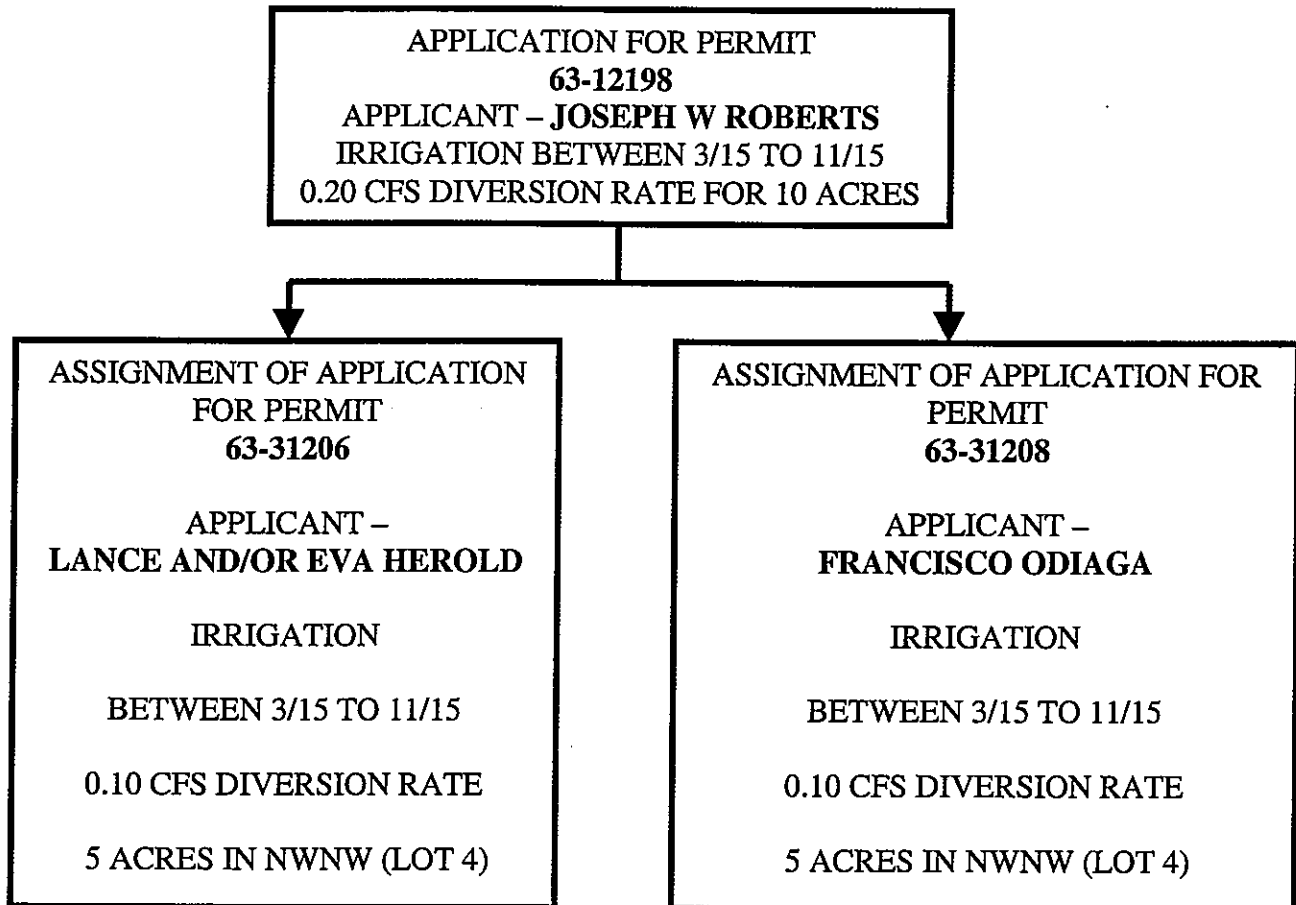
Department of Water Resources

On 2/14/2001 Lance and/or Eva Herold and Francisco Odiaga filed Assignments of Application for Permit on application number 63-12198. I review of this application and discovered that it was being held at the State Office to resolve a question concerning the pre-1987 development. Apparently not all of the 10 acres associated with this application were irrigated in 1987. Therefore, this application has been held since 1995. The new applicant's are trying to revive this application, because they are still using the water associated with this application. They want this application to be approved to make sure they are not illegally diverting their water. The following information has been submitted to initiate another review of this application.

- 1.) Assignment of Application for Permit for Lance and/or Eva Herold.(attached to original application)
- 2.) Assignment of Application for Permit for Francisco Odiaga. (attached to original application)
- 3.) A letter from Lance Herold stating that he and Mr. Odiaga have a verbal agreement to use the well he owns to irrigate both lots. (attached to this memo)
- 4.) 3-1987 Aerial photos showing the irrigation of 7.11 acres, 4.06 acres for Mr. Herold and 3.05 acres for Mr. Odiaga. (attached to this memo)
- 5.) A Notarized letter from Carl L. and Laura E. Post who lived on the property and stated that they irrigated the property prior to 1987. (attached to this memo)
- 6.) 2-Profile reports showing the new water rights created by the Assignment of Application for Permit, Herolds = 63-31206 and Odiaga = 53-31208. (attached to this memo)

DISCUSSION OF THE SPLIT:

I spoke with Shelley Keen concerning this application for permit and how to do the split in the new Workflow system. Shelley told me to create two new water rights and mention the reason for the split in the comments. I was also told not charge any additional fees for the split, since it was based on the original right in 1995. Since this application was advertise in 1995 and no new acres or points of diversion were requested, we did not re-advertise this permit. Below is a diagram of the split of the original application for permit 63-12198:



There has been no expansion of the original right from the split caused by the assignment of application for permit. Therefore there should be no problem as far as the split is concerned.

PRE-1987 DEVELOPMENT REVIEW

I reviewed this application concerning the pre-1987 development of the right. The Herolds and Mr. Odiaga supplied additional information to prove that this water right was developed before November 1987. They supplied a notarized letter from Carl L and Laura E Post who previously owned the property. Taking this information and the well log that showed the well was drilled on 10/24/1980, I was instructed to research this information more closely. The original owner of the application supplied an ASCS aerial photo of the property, which suggests that it was irrigated. I then went into Arcview and brought up our 1987 NAPP aerial photos and looked to see if there was irrigation of the right. I have included copies of these aerial photos with this memo. From my photos it looks as though a total of 7.11 acres had been irrigated at one time. There is a definite outline of a field in the upper portion and trees in the lower portion. Therefore, I would recommend that the 7.11 acres marked on the map be licensed. This 7.11 acres should be split between the two applicants with Herold getting 4.06 acres (the top portion) and Odiaga getting 3.05 acres (the bottom portion).

RECOMMENDATIONS

I recommend that these two applications be approved as follows:

APPLICATION FOR PERMIT - 63-31206

APPLICANT - LANCE AND/OR EVA HEROLD

FOR IRRIGATION BETWEEN 3/15 TO 11/15

AT A DIVERSION RATE OF 0.08 CFS

FOR 4.06 ACRES IN NWNW (LOT 4)

AND

APPLICATION FOR PERMIT - 63-31208

APPLICANT - FRANCISCO ODIAGA

FOR IRRIGATION BETWEEN 3/15 TO 11/15

AT A DIVERION RATE OF 0.06 CFS

FOR 3.05 ACRES IN NWNW (LOT 4)

ALL OTHER STANDARD CONDITIONS SHOULD BE APPLIED TO THE APPROVALS OF THESE APPLICATIONS.

14023 Oasis Road
Caldwell, ID 83607
March 27, 2001

RECEIVED
MAR 28 2001
WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit 63-12198

Dear Mr. Nelson:

Enclosed is the signed Request to Process forms from myself and my neighbor, Mr. Odiaga.

Mr. Odiaga and I have an oral agreement for him to use the well located on my property to irrigate his land as needed. The well, the buried water lines, and water outlets for attaching irrigation pipes are all located on my property. The water outlets swivel to allow the pipes to be used on both Mr. Odiaga's property and mine.

My wife and I greatly appreciate you asking for this matter to be expedited. Please feel free to telephone us if you need any additional information.

Thank you.

Sincerely,

Lance R Herold

Lance Herold

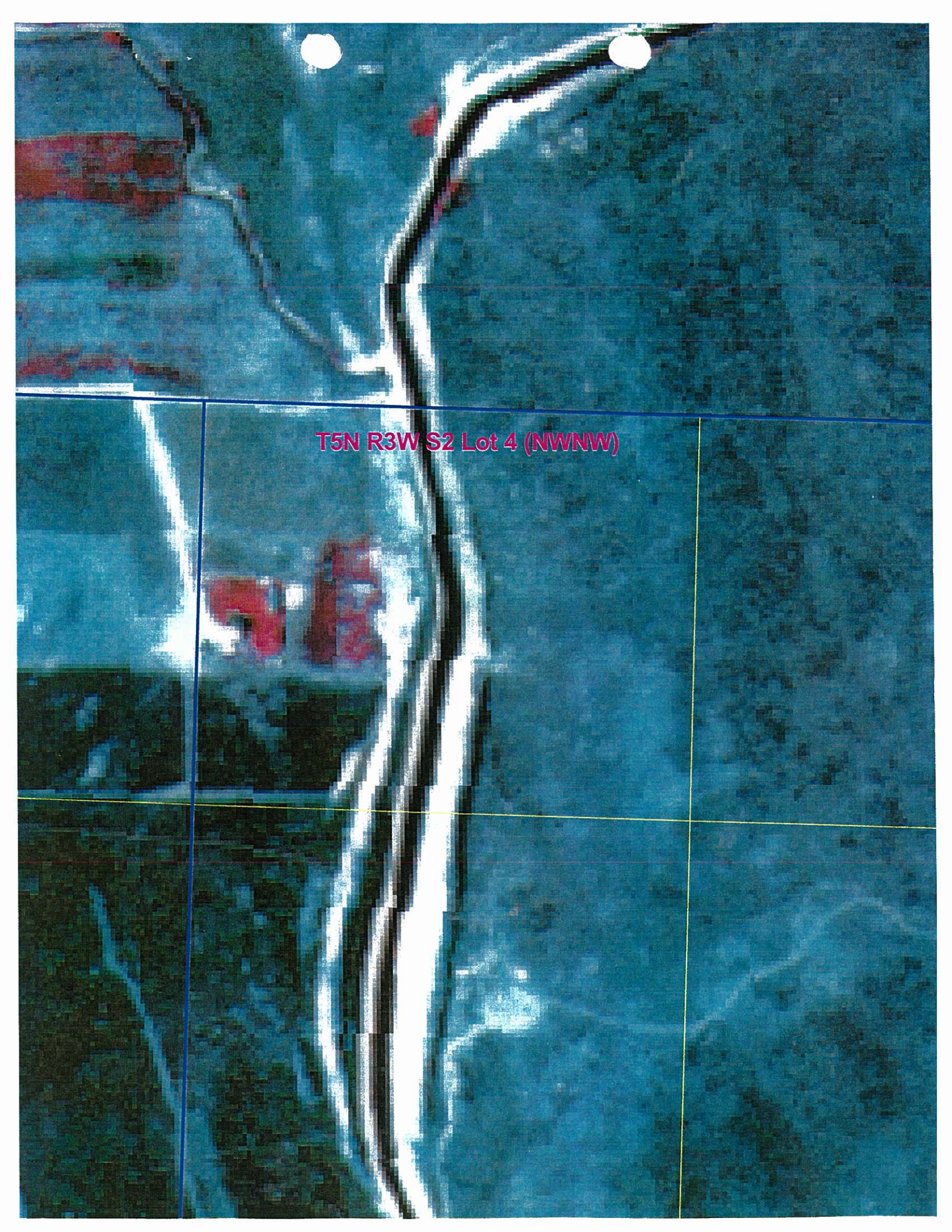
T5N R3W S2 Lot 4 (NWNW)

4.06 ac

← Herold

3.05 ac

← O'Diaga

An aerial photograph of a rural landscape. A dark, winding road runs vertically through the center of the image. To the left of the road, there are several rectangular fields, some of which are green and others brown. A small, light-colored building is visible in the middle-left section. The right side of the image is mostly a large, dark, textured area, possibly a forest or a large field. The image has a grainy, high-contrast appearance, typical of an aerial photograph. Two white circular marks are visible at the top edge, likely punch holes from a binder.

T5N R3W S2 Lot 4 (NWNW)

T5N R3W S2 Lot 4 (NWNW)



7.11 acres

14023 Oasis Road
Caldwell, ID 83607
February 8, 2001

RECEIVED
FEB 09 2001
WATER RESOURCES
WESTERN REGION

Department of Water Resources
2735 Airport Way
Boise, ID 83705

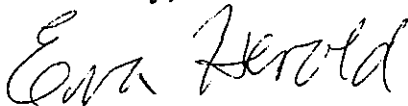
Re: Notice of Claim To A Water Right No. 63-12198

Dear Mr. Lester:

Enclosed is the notarized letter sent to us by the original owners of our property regarding the irrigation of our property and the property adjacent to us. Please contact us if you have any questions or need any additional information.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Eva Herold".

Eva Herold

CIRCLE P RANCH
1267 SO CRANE ROAD
MIDVALE, IDAHO 83645
1-208-355-4800

RECEIVED

FEB 09 2001

WATER RESOURCES
WESTERN REGION

Tuesday, January 16, 2001

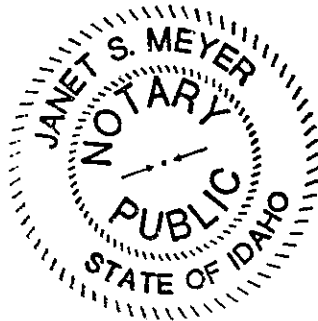
Dear Sir,

My husband and I lived on the property: Section 2, Township 5 North, Range 3 West, Canyon County, Lot 4 of the Hillridge Estates. We watered Lot 4 and Lot 6 of the Hillridge Estates. We had trees and pasture in the ground before the year of 1987 and irrigated them.

Sincerely yours

Carl L. Post
Laura E. Post

Carl L. Post
Laura E. Post



04/10/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report

WATER RIGHT NO. 63-31206

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EVA HEROLD
Current Owner	LANCE R HEROLD
	14023 OASIS RD
	CALDWELL, ID 83605
	(208) 455-9671

Priority Date: 04/20/1995
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.1 CFS		
Total Diversion			0.1 CFS		

Location of Point(s) of Diversion:

GROUND WATER NWNW Lt 4 Sec. 02 Township 05N Range 03W CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	03W	2	4	NWNW	5									

Total Acres: 5

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
unknown	4/20/95	general remarks original application	Application does not propose irrigation of new acres. Point of diversion within Lot 4, Hill Ridge Estates. Place of use within Lots 4 and 6, Hill Ridge Estates.
Ron Howerton	4/20/95	comments	System existing prior to 1987 allows processing under moratorium. Well drilled in 1980 for Carl Post and system developed shortly after. Attached ASCS photography (1987?) supports existing use. Claim A63-30229 filed for domestic and stockwater uses, same well.
Dan Nelson	4/10/01	General Analysis and comments	Joseph Roberts originally filed this application on 4/20/1995. Mr. Roberts claimed that this permit was developed prior to 1987 and provided proof of pre 1987 development. State Office personnel due to questions on the pre-1987 development did not approve this application. On Jan. 29, 2001 we received an assignment of permit splitting the original application into Lance and/or Eva Herold and Francisco Odiaga. This application is a portion of that split Mr. Odiaga's portion is 63-31208. This portion of the split is for Lot 4 Hill Ridge Estates. Mr. Odiaga owns Lot 6 of Hill Ridge Estates. The well and the 1/2 of the place of use are on the applicants lot. Review of the lands of the application using 1987 NAPP aerial photos reveal that 4.06 acres of the 5 acres of this lot were irrigated in 1987. 3.05 acres were irrigated on Mr. Odiaga portion of the right. Therefore, I recommend that this application be approved for 4.06 acres of irrigation.
Dan Nelson	4/10/01	Legal Remarks	Applicant agrees to mitigate consumptive use in the future as needed. Water Bearing Zone to appropriated 151 to 284 feet. Development completed by November 1987.

Water Right 63-31206

Dates:

Date Application Received: 04/20/1995
Date Application Denied:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date:
Number of Protests: 0
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): W018993
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Application Type: New Appropriation

Applicant Remarks: The original application for permit was 63-12198, which was split through an assignment of application for permit into this application and 63-31208. The original applications remarks were application does not propose irrigation of new acres. The previous application was a pre 1987 development application. The point of diversion is located in Lot 4, Hill Ridge Estates. The place of use on the original application was in Lots 4 and 6, Hill Ridge Estates. This portion of the original right is for the portion known as Lot 4 of Hill Ridge Estates. The well is located on this property. There is a verbal agreement between the applicant and the new owner of the other portion of this right to share the use of this well for irrigation. The water bearing zone is between 151 and 284 feet. The well was drilled on 10/24/1980.

Other Water Rights: Original application 63-12198 was split into 2 portions through assignment of application for permit into this application and application for permit 63-31208.

Time to Complete Works: 1
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

04/10/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report

WATER RIGHT NO. 63-31208

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRANCISCO ODIAGA 14035 OASIS ROAD CALDWELL, ID 83607

Priority Date: 04/20/1995
Status: Active

<u>Source</u>	<u>Tributary to</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.1 CFS		
Total Diversion	0.1 CFS				

Location of Point(s) of Diversion:

GROUND WATER	NWNW Lt 4	Sec. 02	Township 05N	Range 03W	CANYON County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION	CANYON County
--	---------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	03W	2	4	NWNW	5									

Total Acres: 5

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
Unknown	4/20/95	General Remarks from original application	Application does not propose irrigation of new acres. Point of diversion within Lot 4, Hill Ridge Estates. Place of use within Lots 4 and 6, Hill Ridge Estates.
Ron Howerton	4/20/01	Comments	System existing prior to 1987 allows processing under moratorium. Well drilled in 1980 for Carl Post and system developed shortly after. Attached ASCS photography (1987?) supports existing use. Claim A63-30229 filed for domestic and stockwater uses, same well.
Dan Nelson	4/10/95	Comments and General Analysis	Joseph Roberts originally filed this application on 4/20/1995. Mr. Roberts claimed that this permit was developed prior to 1987 and provided proof of pre 1987 development. State Office personnel due to questions on the pre-1987 development did not approve this application. On Jan. 29, 2001 we received an assignment of permit splitting the original application into 2 portions for Lance and/or Eva Herold and Francisco Odiaga. This application is Mr. Odiagas split of that original application. This portion of the split is for Lot 6 of Hill Ridge Estates. The Herolds own Lot 4 of Hill Ridge Estates where the well is located. The original application was for 10 acres that was evenly split between the two owners. However, current aerial photography shows that only 7.11 acres were actually irrigated in 1987. Mr. Odiagas portion of those acres is 3.05 acres. The Herolds portion is 4.06 acres. There is a letter in the file from both the Herolds and Odiaga stating that they have a verbal agreement to use the well for irrigation.
Dan Nelson	4/10/01	Legal Remarks	Applicant agrees to mitigate consumptive use in the future as needed. Water Bearing Zone to be appropriated is 151 to 284 feet. Development completed by November 1987.

Water Right 63-31208

Dates:

Date Application Received: 04/20/1995
Date Application Denied:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date:
Number of Protests: 0
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): W018993
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Application Type: New Appropriation

Applicant Remarks: The original application for permit was 63-12198, which was split through an assignment of application for permit into this application and 63-31206. The original applications remarks were application does not propose irrigation of new acres. The previous application was a pre-1987 development application. The point of diversion is located in Lot 4, Hill Ridge Estates. The place of use on the original application was in Lots 4 and 6, Hill Ridge Estates. This portion of the original right is for the portion known as Lot 6 of Hill Ridge Estates. The well is located on Lot 4 Hill Ridge Estates. The applicant has a verbal agreement with the owner of Lot 4 to use the well for irrigation. The water bearing zone is between 151 and 284 feet. The well was drilled on 10/24/21980.

Other Water Rights: Joseph Roberts originally filed this right under water right number 63-12198. This application is a result of a split of that water right. The other portion of that split 63-31206 in the name of Lance and Eva Herold also uses the same well.

Time to Complete Works: 1
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 22, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LANCE OR EVA HEROLD
14023 OASIS RD
CALDWELL ID 83605

RE: APPLICATION FOR PERMIT 63-12198

COPY

Dear Mr. and Ms. Herold:

I discussed this letter with you in our telephone conversation on 3/23/2001. In order to continue processing your application we will need you to complete the enclosed Request to Process form and a letter from you describing the arrangement that you have with Mr. Odiaga for the ownership and use of the well for this permit. I have already discussed the Request to Process form with you, and you felt that the third choice ("Will agree to mitigate in the future") would be the best choice for you at this time. I will need to receive a Request to Process form from both parties before I can continue with the processing.

After we receive the above information, I will split the permit application and assign a new water right number for each portion of the current application. I will then send this information to our State Office for final review. I will request that this application be expedited since it has been some time since it was applied for.

If you have any questions please contact me at the above address. Please return the above information to our office C/O Dan Nelson.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 22, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FRANSISCO ODIAGA
14035 OASIS RD
CALDWELL ID 83607

COPY

RE: APPLICATION FOR PERMIT 63-12198

Dear Mr. and Ms. Herold:

I discussed this letter with Mr. Herold in a telephone conversation on 3/23/2001. In order to continue processing your application we will need you to complete the enclosed Request to Process form and a letter from you describing the arrangement that you have with Mr. Herold for the ownership and use of the well for this permit. I have already discussed the Request to Process form with Mr. Herold, and he felt that the third choice ("Will agree to mitigate in the future") would be the best choice for you and him at this time. I will need to receive a Request to Process form from both parties before I can continue with the processing. You may want to discuss this with Mr. Herold to form a combined plan of action for the application.

After we receive the above information, I will split the permit application and assign a new water right number for each portion of the current application. I will then send this information to our State Office for final review. I will request that this application be expedited since it has been some time since it was applied for.

If you have any questions please contact me at the above address. Please return the above information to our office C/O Dan Nelson.

Respectfully,

A handwritten signature in cursive script that reads "Daniel A. Nelson".

Daniel A. Nelson
Sr. Water Right Agent

Jan Skurte

1/11/2001

Returning file
to you per your
request today.

RECEIVED

JAN 12 2001

WATER RESOURCES
WESTERN REGION

Eva Herrold called
1-5-01 Asking if there
was a problem w/ 63-12198.

She thinks Mr. Odiaga said
that it never got approved,
but she may have mis-
understood him because he's
basque & hard to understand
at times...

So she wants this checked
out ASAP, and someone to
call & let them know what
is happening.

1-5-01 DJ

Lance Herrold called 1-3-01
w/ correct irrigation rt #.
63-12198. It's for 10
acres, they bought 5. He'll
tell the neighbor (Mr. Odiaga?)
to change the other 5 into his
name also.

63-30229 is the D+S right
for house that Herrold's
bought. Herrold's DONOT
own any part of A63-07885C.

DJ



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 7, 2001

JOSEPH W ROBERTS
3543 N COLE RD APT 104
BOISE ID 83704

Re: Assignment of Application for Permit No. 63-12198

Dear Mr. Roberts:

Mr. Herold called this office on February 5, 2001, to inform me of a misspelling in the recent submittal of an assignment of the above referenced application. He said *Adiaga* is spelled *Odiaga*.

Also, the form used to assign part of the application to Mr. Odiaga was not the correct form. Enclosed is the original form you used, which is for changes to a *permit* instead of an *application*. The form used to assign the other part of the application to Herolds was correct. It is easy to mistake one form for the other, and this office probably gave you the incorrect form. Please excuse the error on our part.

Because the assignment form is a notarized document, department staff cannot make corrections to the form without your written approval. I thought it best to use a fresh form to correct the Odiaga portion of the assignment. Please complete the enclosed *assignment of application for permit* form to grant part of the application to Mr. Odiaga. Return it to me at your earliest convenience. You do not need to return the *assignment of permit* form since it is not applicable.

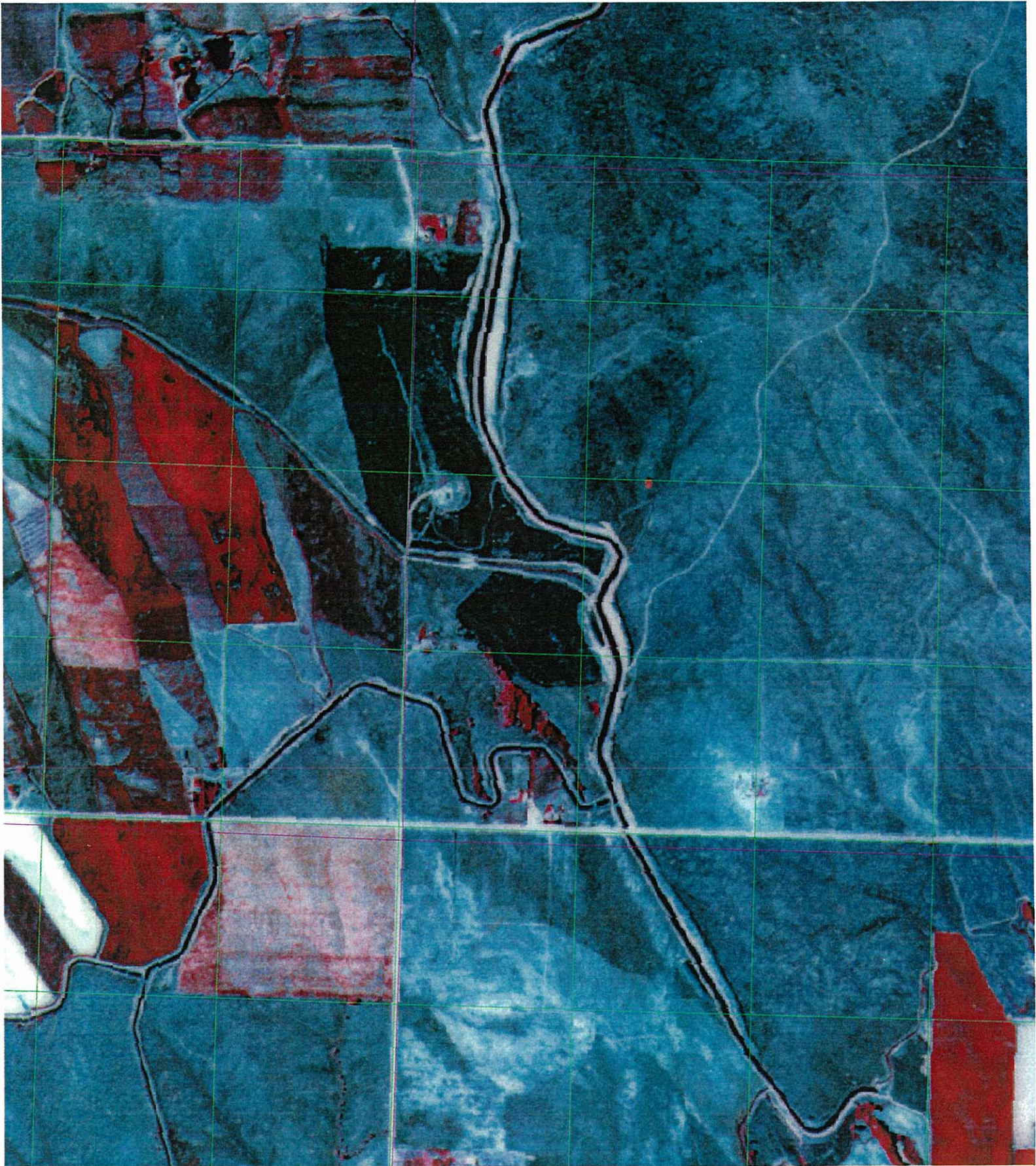
Thank you for your attention to these matters.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

Enclosure



State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12198

Proposed Priority: April 20, 1995

Maximum Diversion Rate:

0.20 CFS

This is to certify, that JOSEPH W ROBERTS
15032 HOLLOW RD
CALDWELL ID 83605

has applied for a permit to appropriate water from: **GROUNDWATER**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

03/15 to 11/15

0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (NWNW), Sec. 2, Township 05N, Range 03W
CANYON County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

05N 03W 2 Lot 4(NWNW) 10.0

10.0

Total number of acres irrigated:

10.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1996.
2. Subject to all prior water rights.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted.
4. The right surface water under this permit shall be used for the purpose of diverting water for beneficial use.
5. The rate of diversion shall not exceed 0.20 cubic feet per second.
6. Point of diversion shall be as shown on the map.
7. Place of use shall be as shown on the map.
8. This permit shall not be used for any other purpose than that for which it was issued.

10/3/95

Per Jim, don't split off pre-1987 developed
SA; hold application in total pending
processing of Basin 63 consumptive use
applications.

This permit is issued
Witness the signature

____ day of ____

Karl J. Dreher, Director

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12198

Proposed Priority: April 20, 1995

Maximum Diversion Rate:

0.20 CFS

This is to certify, that JOSEPH W ROBERTS
15032 HOLLOW RD
CALDWELL ID 83605
has applied for a permit to appropriate water from: GROUNDWATER
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	03/15 to 11/15	0.20 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (NWNW), Sec. 2, Township 05N, Range 03W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	03W	2	Lot 4(NWNW)	10.0		10.0

Total number of acres irrigated: 10.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1996.
2. Subject to all prior water rights.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
5. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
6. Point of diversion is located within Lot 4, Hill Ridge Estates.
7. Place of use is located within Lots 4 & 6, Hill Ridge Estates.
8. This permit does not authorize the development and irrigation of new land not previously irrigated.

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

_____ day of _____, 19__.

Karl J. Dreher, Director

WR0749NP
No. P63-12198

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/28/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOSEPH W ROBERTS 15032 HOLLOW RD CALDWELL ID 83605 (208) 459-2022	04/20/1995	IRRIGATION	03-15 11-15	0.200 CFS	
TOTAL DIVERSION:					0.200 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T05N R03W S02 Lot 04(NWNW)

CANYON County

Place of use Legal Description for: IRRIGATION

NE										NW										SW										SE										
T	R	S	Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		SUM									
05N	03W	2																													10.0									
TOTAL ACRES																												10.0												

Pou County: CANYON

Other Water Rights with Same Point(s) of Diversion and Source:
63-12198

Other Water Rights Listing Overlapping Place(s) of use:
63-12198

Conditions of Approval:

- 01M - After specific notification by the department, the right holder
- shall install a suitable measuring device or shall enter into an
- agreement with the department to determine the amount of water
- diverted from power records and shall annually report the
- information to the department.
- 065 - The right holder shall use the full allotment of appurtenant
- surface water rights in conjunction with groundwater diverted
- under this right.
- 03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

Remarks: Point of diversion is located within Lot 4, Hill Ridge Estates.
Place of use is located within Lots 4 & 6, Hill Ridge Estates.
This permit does not authorize the development and irrigation
of new land not previously irrigated.

Dates: App. Received: 04/20/1995 Priority Date: 04/20/1995
Proof Due Date: 10/01/1996 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 63 Field Exam Fee:

WR0749NP
No. P63-12198

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/28/95
PAGE: 2

Comments: Date: 04/20/1995 User-ID: RHOWERTO Subject: EXISTING SYSTEM
System existing prior to 1987 allows processing under moratorium.
Well drilled in 1980 for Carl Post and system developed shortly
after; attached ASCS photography (1987?) supports existing
use.
Claim A63-30229 filed for domestic/stock uses, same well.

Audit: 09/28/95 CZIMMERM

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 63-12198 Name: Roberts Date: 9/28/95 Ad OK? ☒
Correct Fee? ☒ Receipt #: W018993 Priority: 4/20/95 ☒ Gvmt Lts: ☒

AREA OF CONCERN? Pre 1987 use No/Yes _____ Mor _____ GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

Water District (~~dem~~) - 005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs - 028(may report)-01J(meas dev)-P08
=/- 0.2 cfs - 028(may report)-01H(lock dev)-P01 or No MD
=/+ 5 a. irr. - 028(may report)
~~In-WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03) - 007-P07 (w/remark WB9), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R + L Peak); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - 3 <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner - 004 (PD/PU) _____

OTHER CONDITIONS: _____

STANDARD REMARKS: - ① W06

BENEFICIAL USE DUE: - 10-1-1996

COMMENTS: _____

63-12198 Notes for consideration
@ review: CJH

At filing applicant Stated
that all acres under irrigation from
well, back to 1980. He brought
ASCS photo which defines area as
irrigated in 1987 (photo ft. Canyon Co.).
1987 version

However, applicant subsequently
told Ron H. that he was diverting
Black Canyon water to the southern
portion of the land. 1987 NAPP
Indicates that the Southern Sac were
previously irrigated as part of a larger
area, but not in 1987. Area around
house irrigated in 1987.

My suspicion is that well has only
been used on 3-5 acres, around
house. Field check/additional info
required? (over)

P.S. this is the one Sand Hollow
Roberts family that had the
illegal well last year, domestic
well used for Sac irrigation.



NAPP W-SS-SE
7-14-87

SN 3W 5.2 NWNW
63-12198

irrig. shown e bldgs. &
few acres south of
bldgs but not north of bldgs.

In: CANYON County
T05N R03W S17 SWNE SENE NWSE SWSE
49.7 ACRES TOTAL 63-12007

JOHNSON III, MIERC
400 TANOAK CIRCLE
NAMPA, ID 83686
Source: GROUNDWATER
Diversion Pt: SWNE Sec 10 T 02N R 03W in CANYON County.
NWSE Sec 10 T 02N R 03W in CANYON County.
Use: IRRIGATION (3.200 CFS)
STOCKWATER (0.020 CFS)
Total Diversion: (3.400 CFS)

Date Filed: 4/14/1993
In: CANYON County
T02N R03W S10 SWNE SENE NESE NWSE
SWSE SESE
160.0 ACRES TOTAL

Water bearing zone to be appropriated is 300 to 500 feet.
63-12027

ATWOOD, A C
ATWOOD, LINDA JOY
18224 ALLENDALE RD
WILDER, ID 83676
Source: GROUNDWATER
Diversion Pt: SWNESW Sec 31 T 04N R 04W in CANYON County.
Use: IRRIGATION (0.700 CFS)
Total Diversion: (0.700 CFS)

Date Filed: 6/14/1993
In: CANYON County
T04N R04W S31 NESW Lot 3(NWSW) Lot 4(SWSW) SESW
NWSE SWSE
35.0 ACRES TOTAL

Water bearing zone to be appropriated is 250 to 400 feet.
63-12050

SNETHEN, R L
SNETHEN, W E
6670 CAN-ADA RD
MERIDIAN, ID 83642
Source: GROUNDWATER
Diversion Pt: NWNE Sec 17 T 05N R 03W in CANYON County.
Use: IRRIGATION (0.420 CFS)
Total Diversion: (0.420 CFS)

Date Filed: 8/31/1993
In: CANYON County
T05N R03W S17 NENE NWNE
21.0 ACRES TOTAL

Water bearing zone to be appropriated is 150 to 300 feet.
63-12198

ROBERTS, JOSEPH W
15032 HOLLOW RD
CALDWELL, ID 83605
Source: GROUNDWATER
Diversion Pt: LOT 4 (NWNW) Sec 2 T 05N R 03W in CANYON County.
Use: IRRIGATION (0.200 CFS)
Total Diversion: (0.200 CFS)

Date Filed: 4/20/1995
In: CANYON County
T05N R03W S02 Lot 4 (NWNW)
10.0 ACRES TOTAL

Application does not propose irrigation of new acres.
63-12250

BISHOP, JOHN
10122 LINCOLN RD
CALDWELL, ID 83605
Source: GROUNDWATER
Diversion Pt: NWNWSW Sec 8 T 05N R 03W in CANYON County.
Use: STOCKWATER (0.020 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.060 CFS)

Date Filed: 7/21/1995
In: CANYON County
T05N R03W S08 NWSW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before SEPTEMBER 5, 1995. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
August 16, 23, 1995

July 27, 1995

I Carlos L. Post affirm that Lot 6 Hillridge Estate Subdivision, Canyon County Idaho was irrigated by me from the well on Lot 4 in the same subdivision in 1987. The buried mainline was placed by me between the two lots for this purpose.

Carlos L. Post
Carlos L. Post

7-27-95
Date

Sharon O. Clark
Witness

7-27-95
Date

Please let me know if
you need anything else
on this matter

for Robert

RECEIVED

AUG 04 1995

WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

July 3, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Joseph W. Roberts
15032 Hollow Road
Caldwell, ID 83605

RECEIVED

AUG 04 1995

WATER RESOURCES
WESTERN REGION

RE: APPLICATION FOR PERMIT NO. 63-12198

Dear Mr. Roberts:

The above-referenced application for water right permit to irrigate ten acres from an existing well has been initially reviewed but not yet advertised in the local newspaper. Your application describes a use developed prior to November of 1987 for which you now seek water right protection under a valid water right.

Due to concerns about water supplies and existing water rights in the local area, the Director of this agency declared a drought moratorium on approval of new consumptive use water rights as of May, 1992. Irrigation is a consumptive use. The moratorium was withdrawn in May of 1995 but significant processing delays remain due to a backlog of applications to handle. New consumptive uses or such uses that cannot be verified as starting before November, 1987 face considerable processing delays.

A few (five?) of your ten acres appear to have been irrigated based on 1987 aerial photography. The balance of the acreage did not appear to be irrigated by that date. Therefore, some of the land appears eligible in your filing but lacks evidence that the well in question irrigated the site by 1987. Please provide material within 30 days that verifies irrigation starting before November, 1987. Such evidence could include power records, affidavits, or similar information and should specify the number of acres irrigated by the well at that time.

Application processing will continue if adequate verification is submitted. Otherwise, the application will be held pending reduction of the moratorium backlog (most likely until later this year or early next year). Delays related to department issues as outlined in this letter do not affect the date of priority (water right seniority) of your filing.

Please contact me at your earliest convenience if you need assistance.

Sincerely,

Steve Lester
Water Rights Supervisor



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 3, 1995

Joseph W. Roberts
15032 Hollow Road
Caldwell, ID 83605

RE: APPLICATION FOR PERMIT NO. 63-12198

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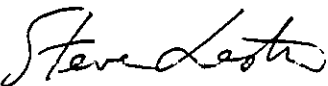
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Please contact me at your earliest convenience if you need assistance.

Sincerely,


Steve Lester
Water Rights Supervisor

* Yes Let 6 } of subd.
No Let 4 }

-SL

AJ0729NP
No. A63-30229

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/2
PAGE:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOSEPH W ROBERTS 15032 HOLLOW RD CALDWELL ID 83605 (208) 459-2022	10/24/1980	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.02 CFS 0.04 CFS	
TOTAL DIVERSION:					0.06 CFS	
Water Source: GROUNDWATER		Tributary to:		Stage: BENEFICIAL US		
Point(s) of Diversion:		T05N R03W S02 NWNW		CANYON County		
Place of use Legal Description for: STOCKWATER						
NE NW SW SE						
NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :						
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :						
05N 03W 2 : : S : : :						
Place of use Legal Description for: DOMESTIC						
NE NW SW SE						
NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :						
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :						
05N 03W 2 : : D : : :						
POU County: CANYON						
Non-Irrigation Uses: DOMESTIC, 1 HOME; STOCKWATER, 15 RANGE CATTLE, 5 HORSES						
Other Rights: NONE						
Remarks: LOTS 4 & 6 HILL RIDGE ESTATES.						
Dates: Exam Made Date: Verified Date:						
Misc: Water District Number: Field Inspection Flag: Presumption Flag:						

Same well as appl. 63-12198 (irrig 10 Acres)

Overly

63-12198

ROBERTS, JOSEPH W
15032 HOLLOW RD
CALDWELL, ID 83605

Source: GROUNDWATER

Diversion Pt: LOT 4 (NWNW) Sec 2 T 05N R 03W in CANYON County.

Use: IRRIGATION	(	0.200 CFS)
Total Diversion:	(	0.200 CFS)

Date Filed: 4/20/1995

In: CANYON County
T05N R03W S02 Lot 4(NWNW)

10.0 ACRES TOTAL

Application does not propose irrigation of new acres.