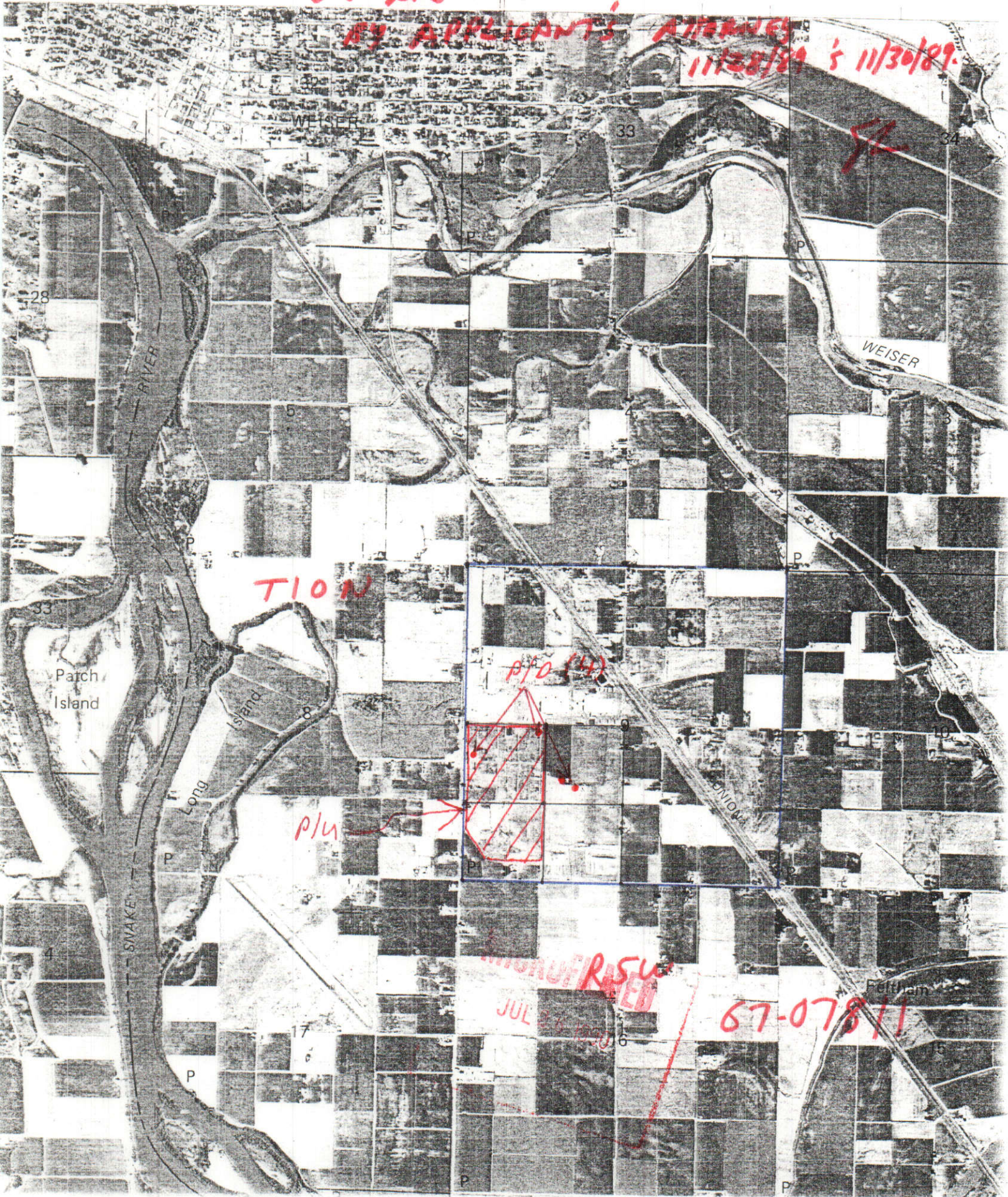


180,000 Feet (Idaho)

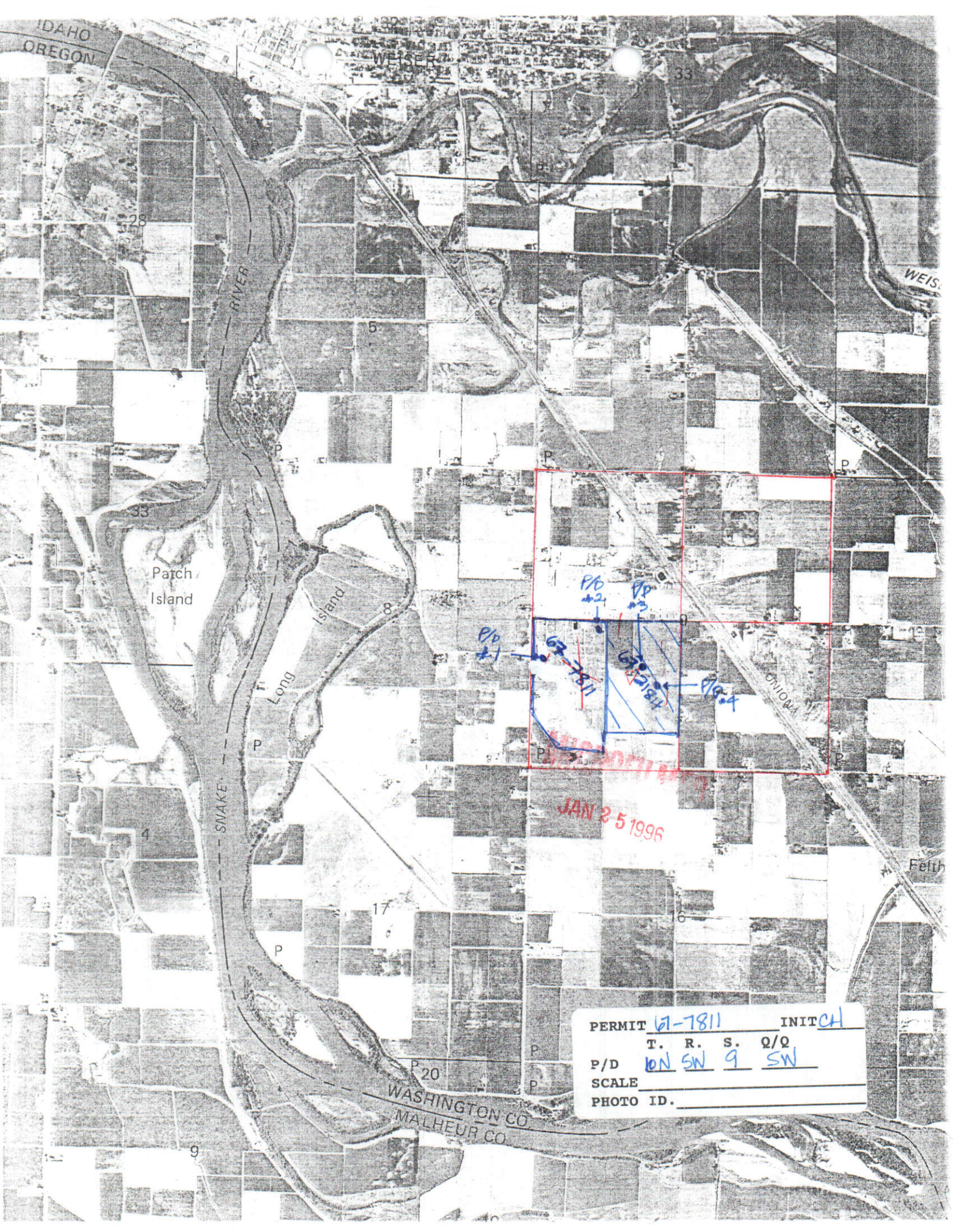
Map prepared 12/1/89 BASED
ON ADDITIONAL INFO SUPPLIED

~~R5W~~

BY APPLICANT'S ATTORNEY
11/28/89 & 11/30/89.



2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
- ☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).



PERMIT	67-7811	INITIAL	CH
T. R. S. Q/Q	10N SW 9 SW		
P/D			
SCALE			
PHOTO ID.			

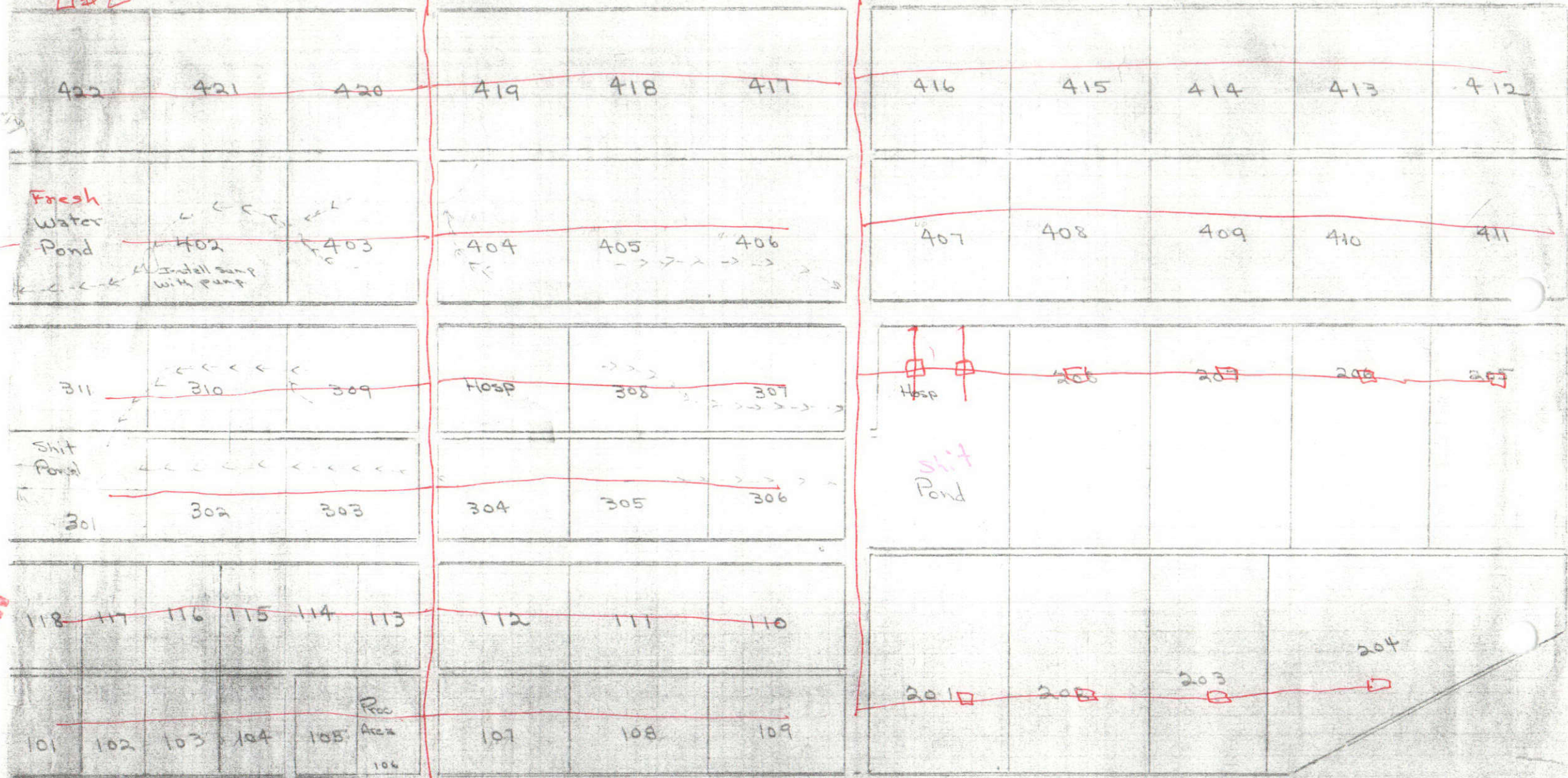
67-7811

well 4 feeds into well 3

from well 3

#2

irrigation



JAN 25 1965
MILWAUKEE

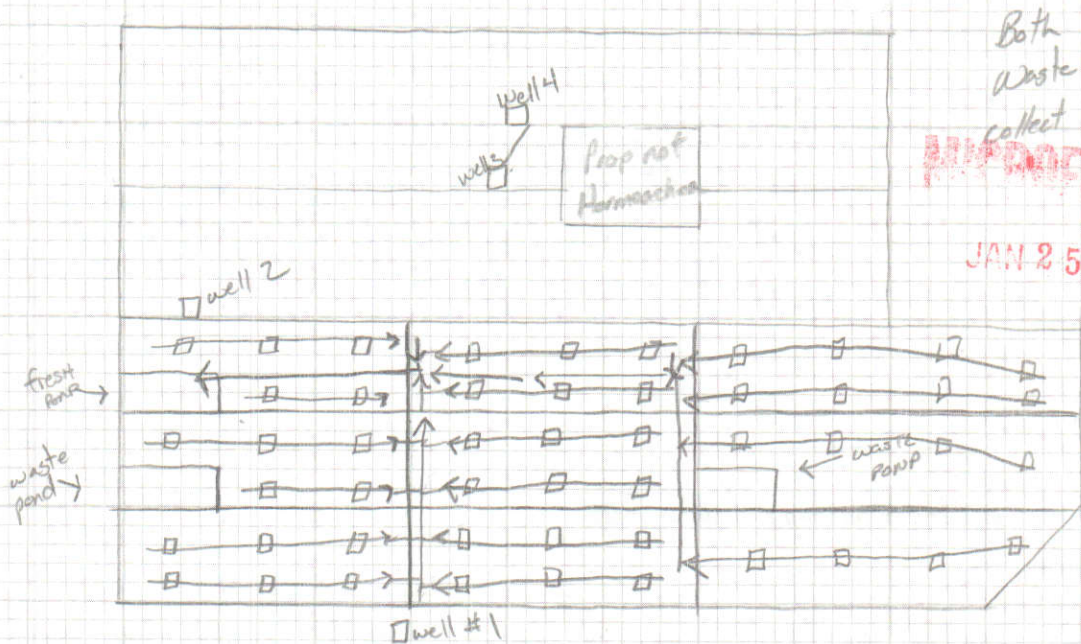
#1
Ad Bulk

RT
RT

Shed

1 1/2 1200 FT

Waste Water Transfer System



Both
waste ponds
collect runoff.

RECEIVED

JAN 25 1996

67-7811

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Sarah Boles, being duly sworn,
deposes and says:

That he is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for two consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
December 21, 1989, and ending
with the issue of December 28, 1989.

Sarah Boles
Fees, \$ 56.84

Subscribed and sworn to before me this 28
day of December, 1989.
[Signature]
Notary Public, Residing at Weiser, Idaho.
My Commission Expires 1-1, 1993

No. 51 NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate
the public waters of the State of Idaho:

67-07811, ✓
HORMAECHEA, RICHARD M.
HORMAECHEA, MARY B.
C/O RMH Co.
P.O. BOX 6887
BOISE, ID 83707
Source: GROUNDWATER
Diversion Pt: NESW Sec 9 T 10N R 05W
Use: STOCKWATER (1.500 CFS)
COMMERCIAL (.540 CFS)
COMMERCIAL (.040 CFS)
DIVERSION TO STORAGE (1.000 CFS)
COMMERCIAL STORAGE (3.50 AF)
COMMERCIAL FROM STORAGE (3.50 AF)
Total Diversion: (1.500 CFS) (3.50 AF)
Date Filed: 10/17/1989
In: T10N R05W S09 NWSW SWSW

The permit(s) will be subject to all prior water rights. Protests
must be filed with the Director, Dept. of Water Resources,
Western Region, 2735 Airport Way, Boise, Idaho 83705 on or
before JANUARY 8, 1990.

R. KEITH HIGGINSON, Director
Published 12/21/1989 & 12/28/1989

86-2S

MICROFILMED
JUL 26 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07811

Priority: November 30, 1989

Maximum Diversion Rate:

1.50 CFS

Maximum Diversion Volume:

387.3 AF

This is to certify, that RICHARD M HORMAECHEA
MARY B HORMAECHEA

C/O RMH CO
PO BOX 6887
BOISE ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 30, 1989; and has submitted Proof of Beneficial Use on April 13, 1990. An examination indicates that the works have a diversion capacity of 2.800 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	1.50 CFS	107.2 AF
COMMERCIAL	03/15 to 12/15	0.50 CFS	276.0 AF
COMMERCIAL STORAGE	01/01 to 12/31		3.5 AF
COMMERCIAL FROM STORAGE	03/15 to 12/15		3.5 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
Totals		1.50 CFS	387.3 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW, Sec. 9, Township 10N, Range 05W
NWSW, Sec. 9, Township 10N, Range 05W
WASHINGTON County

PLACE OF USE: STOCKWATER

TWN RGE SEC

10N 05W 9

NWSW

SWSW

PLACE OF USE: COMMERCIAL

TWN RGE SEC

10N 05W 9

NWSW

SWSW

PLACE OF USE: COMMERCIAL STORAGE

TWN RGE SEC

10N 05W 9

NWSW

PLACE OF USE: COMMERCIAL FROM STORAGE

TWN RGE SEC

10N 05W 9

NWSW

SWSW

PLACE OF USE: DOMESTIC

TWN RGE SEC

10N 05W 9

NWSW

RECEIVED

JAN 25 1990

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 67-07811

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Two points of diversion are located in each of the NESW and NWSW, S09, T10N, R05W.
6. Right 67-02184 is also diverted at the points of diversion described above.
7. Commercial use is for dust abatement.
8. Domestic use is for 1 office.
9. Stockwater use is for 8,000 range cattle.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 15TH
day of JANUARY, 1996.

Acting for

KARL J. DREHER, Director

JAN 25 1996

APR 13 1990

For Office Use Only
Amt. of Fee \$ 105.00
Date 4-13-90
Receipt No. 0016280
Received by [Signature]
7-16-90

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. P67-07811 Telephone No. 336-2200Name(s) of Permit Holder(s): Richard M. and Mary B. Hormaechea c/o RMH CompanyPost Office Address: P.O. Box 6887 Boise, ID 83707Source of Water: GroundwaterIf ground water, well driller's name: N/A Date drilled: 4-30-65Extent of Use:
Domestic 1 office (No. of households) Irrigation _____ (No. of acres)
Stockwater XX (No. and type of stock) Other Dust abatement
8,000 head of beef cattleTotal rate and/or volume for which proof is submitted 1.50 cfs _____ acre/feetShow date water was first diverted and beneficially used under this permit: 5-15-65

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes X No Installed? Yes No

OR

Flow Measurement Port: Required? X Yes No Installed? Yes X NoFee Enclosed: \$ 125.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Terry G. Nyborg
Name336-2200
Telephone No.P.O. Box 6887 Boise, ID 83707

Address

MICROFILMED

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho. JUL 4 1990

4-11-90
Date[Signature]
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 67-07811

Proposed Priority: November 30, 1989 Maximum Diversion Rate: 1.50 CFS

This is to certify, that **MARY B. HORMAECHEA**
RICHARD M. HORMAECHEA
C/O RMH CO.
P.O. BOX 6887
BOISE, ID 83707

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>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	1.50 CFS	
COMMERCIAL	03/15 to 12/15	0.54 CFS	
COMMERCIAL	12/16 to 03/14	0.04 CFS	
COMMERCIAL STORAGE	01/01 to 12/31		3.5 AF
COMMERCIAL FROM STORAGE	03/15 to 12/15		3.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
	Totals	1.50 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWSW Sec. 9, Township 10N, Range 05W
NESW Sec. 9, Township 10N, Range 05W
WASHINGTON County

PLACE OF USE: STOCKWATER

TWN RGE SEC

10N 05W 9 NWSW SWSW

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

PLACE OF USE: COMMERCIAL STORAGE, same as STOCKWATER use

PLACE OF USE: COMMERCIAL FROM STORAGE, same as STOCKWATER use

PLACE OF USE: DIVERSION TO STORAGE, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1991.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Two points of diversion in each NESW & NWSW, S9, T10N, R5W.

MICROFILMED

JUL 26 1990

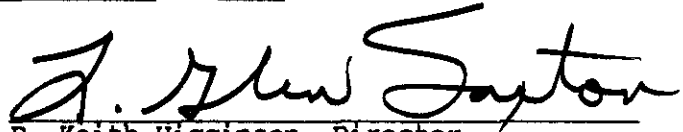
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 67-07811

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

23rd day of March, 1990.


R. Keith Higginson, Director

for

MICROFILMED

JUL 26 1990

Correct application per information
provided by applicants' attn, Scott Campbell,
during 1/28/89 office visit and telecon 11/30/89

Form 202
6/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 67-07811 SL 12/1/89

To appropriate the public waters of the State of Idaho

1. Name of applicant Richard M. &/or Mary B. Hormaechen Phone 336-2200
Post office address c/o RMH Company P.O. Box 6887 Boise, ID 83707
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NE 1/4 of SW 1/4, Govt. Lot _____
Sec. 9 Township 10 N Range 5 W B.M. Washington County; additional
points of diversion if any: NWSW, S. 9, T10N, R5W

4. Water will be used for the following purposes: *

Amount <u>1.00</u> for <u>Diversion to storage</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)	} explained in conv. memo of 11/30/89
Amount <u>1.50</u> for <u>Stockwater</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)	
Amount <u>.54</u> for <u>Commercial</u> purposes from <u>3/15</u> to <u>12/15</u> (both dates inclusive)	
Amount <u>.04</u> for <u>Commercial</u> purposes from <u>12/16</u> to <u>3/14</u> (both dates inclusive)	

5. Total quantity to be appropriated is (a) 1.50 cubic feet per second and/or (b) 3.5 acre feet per annum

4
cont.
below

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. See Exhibit A. The pond is constantly refilling for dust control. 4 wells constructed prior to 7/87. Existing system.
[DATA ENTRY: 4 wells, pumps, pipelines, storage pond]

b. Height of storage dam N/A excavated pond feet; active reservoir capacity 3.5 acre-feet; total reservoir capacity 3.5 acre-feet; period of year when water will be diverted to storage: 1/1 to 12/31 inclusive.

c. Proposed well diameter is 15 inches; proposed depth of well is 35 feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year).

ITEM 4 continued
3.5 AF Commercial storage 1/1-12/31
3.5 AF Commercial from storage 3/15-12/15

RECEIVED
JUL 26 1990

* NOTE
originally, appl. for .50 cfs and 150 AF (storage incorrectly described, should have been 3.5 AF), increased to 1.50 cfs & 3.5 AF (revision) per telecon of 11/30/89. SL 12/1/89

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 8000 hd. beef cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. .04 cfs commercial (office) ;
.50 cfs commercial - dust statement on 60-acre
feedlot.

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10N	5W	9										C	C						—
												S	S						—

Total number of acres to be irrigated _____

MICROFILMED

10. Describe any other water rights used for the same purposes as described above. 67-02184 same wells but for irrigation JUL 20 1900
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Two points of diversion in each tract:
NE5W (2 wells) and N5W (2 wells), S. 9, T10N, R5W.

OR

1 p prepared 12/1/89 BASED
ON ADDITIONAL INFO SUPPLIED

~~R5V~~

180,000 Feet (Idaho)

11/30/89

WEISER

T10

Patch
Island

P/W

R5V

JUL

67-07871

SEE EXHIBIT B

MICROFILMED

s application for permit to appropriate the public waters of

X R. H. [Signature]
(Applicant)

EXHIBIT A

Well No. 1 is approximately 29 feet deep, with a 15-inch diameter casing and a 7.5 h.p. turbine pump, connected to a 2-inch diameter discharge line. Well No. 2 is approximately 31 feet deep, with a 12-inch diameter casing, and a 5 h.p. submersible pump connected to a 1.5-inch diameter discharge line. Both wells are connected via a 2-inch diameter pipeline, to two other wells (under water right 67-02184) to form an integrated system, which delivers water to a series of fifty 100-gallon capacity watering troughs via a 2-inch diameter pipeline. The system is a continuous flow system. The continuous flow is necessary to help prevent disease and to prevent freeze-up during winter months.

Each watering trough has a 4-inch diameter overflow discharge pipe. The overflow water is conveyed to a holding pond, approximately 3.45 acre feet in capacity. Water is withdrawn from the pond for dust control over the 60-acre feedlot. Water is pumped from the pond to a water truck which sprinkles the feedlot. Water is also pumped to a "big squirt" sprinkler, which is a mobile system connected to a 40 h.p. pump in the pond with a 6-inch diameter discharge line.

Up to 1.0 acre foot of water is withdrawn every 24 hours from March 15 to December 15 for dust abatement use. While the total volume capacity of the storage pond is 3.45 acre feet, the pond is refilled constantly.

A separate 2-inch diameter line connects the well system to a small office building at the feedlot.

Stockwater use does not appear to involve pond based on above. Did not enter stockwater as use due to this.

NOT FILMED

JUL 20 1990

*SL 11/3/89
(confirmed 11/30/89
telecom)*

2 other wells (NGSW)

35' 15"

34' 12"

20 hp. pump, 6" discharge

5 " 4 "

per telecom 11/30/89 SL

Exhibit A

24

5

8

9

Twp 20N, Rge 5W

John

Public
Well NW 1/4 30 1/4

Public
Well

Well
NW 1/4 30 1/4

2 in
pump

Land
Place

20 1/4 1990

30 1/4

Casey
sect

House Well
Red Oak Place

8

Received by Y.S. D.K. Date 10/31/89 Time 3:00 pm Preliminary check by AL
Fee \$ 65.00 Receipted by D.K. # C012291 Date 10-17-89
Publication prepared by GG Date 12-13-89 Published in Weiser Signal
Publication approved SS Date 3/12/90
12/21 & 12/28/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED

JUL 26 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

REC-67-07811
OCT 16 1989

To appropriate the public waters of the State of Idaho Department of Water Resources

1. Name of applicant Richard M. and/or Mary B. Hormaechea Phone (208) 336-2200
Post office address c/o RMH Company, P.O. Box 6887, Boise, Idaho 83707

2. Source of water supply groundwater which is a tributary of N/A

3. Location of point of diversion is 706 1/4 of NW 1/4 of SW 1/4, Govt. Lot --- *
Sec. 9 Township 10 N. Range 5 W. B.M. Washington County; additional
points of diversion if any: Two wells in NW 1/4 of SW 1/4, Section 9, Twp. 10 N., Rge. 5 W.

4. Water will be used for the following purposes:
Amount 0.30 cfs for diversion to storage Jan. 1 Dec. 31
Amount 0.50 for stockwater purposes from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 3.5* for commercial purposes from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 3.5* for from storage purposes from March 15 to Dec. 15 (both dates inclusive)
Amount 0.04 for commercial purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs ~~or acre-feet per annum~~) (office)

5. Total quantity to be appropriated is (a) 0.50 cubic feet per second and (b) 150 3.5 acre feet per annum *

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. See Exhibit A
*The pond is constantly refilling

b. Height of storage dam N/A - excavated pond feet; active reservoir capacity 3.5 acre-feet; total
reservoir capacity 3.5 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive. *

c. Proposed well diameter is 12 & 15 inches; proposed depth of well is 29 & 31 feet. *

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
completed years (minimum: 1 year).

* ~~to area located per applicant's map.~~

6b & 6c into form applicant's Attachment A.

Water temp. in 6d from ~~telex~~ with applicant's office 11/7/89.

JUL 26 1990

ORIGINAL pg. 1 & 2 Revised
per office visit 11/28/89 & telecon
12/30/89 with Attorney, Smith (amplified)
see 11/7/89 & 12/1/89

8. Description of proposed use *irrigation only, go to item 9*:

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. up to 8000 head of beef cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Commercial; dust abatement on 60-acre feedlot
Commercial; water for small office at feedlot

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10 N	5 W	9										S,C	S,C						

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____
Water Right No. 67-02184

- 11. a. Who owns the property at the point of diversion? applicant
- b. Who owns the land to be irrigated or place of use? applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

Original pg. 2



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

RECEIVED

AUG - 5 2003

Department of Water Resources

August 4, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Seth Mathews
Sunnyside Feedlot
447 Riverdock Rd
Weiser ID 836772

RE: Use of Water For Feedlot

Dear Mr. Mathews:

Pursuant to our previous discussions regarding the use of wells at your Sunnyside feedlot and in response to complaints from neighbors of the feedlot, the Department of Water Resources (department) has reviewed the appurtenant water right files. After review of the files, it appears that the feedlot is using more wells to supply water to the feedlot than authorized by the appurtenant water rights.

Water right No. 67-07811 appears to be the primary right covering water use at your feedlot. As we discussed, this water right allows use from a total of four wells. Two of the authorized wells are located on property to the east of the feedlot, apparently owned by Champion Homes and two wells located on your feedlot. After meeting with you at the feedlot and locating the wells being used, it appears that there are two wells in use at the feedlot that are not authorized by a water right. These wells are specifically located in the NW1/4 of the SW1/4 of Section 9; one of these wells was drilled in July of 2002 by Dallas drilling as an exempt "Domestic" well. Since the use of water from this well is associated with the feedlot, the department concludes that it is not exempt and must be covered by a water right.

The department requires that Mathews Sunnyside Feedlot take the necessary steps to ensure that their water use is within the parameters authorized by their water rights.

As we have previously discussed, there may be several options to consider that will allow the feedlot to operate within the confines of their water rights. At this point, the feedlot may only use wells authorized by the existing water right and is required to discontinue using any unauthorized wells immediately.

Please respond to this office within 10 days of the date of this letter with a plan to bring the feedlot into compliance with respect to their use of water. The plan should include a description of the wells that will be disconnected from the water system or that will be abandoned and any application for water right or application for transfer that may be necessary if all of the existing wells are intended to be used. Failure to comply with these requirements may be cause for the department to issue a Notice of Violation and seek civil penalties.

This office will be happy to continue to assist you in addressing this situation and to resolve any problems associated with your use of the state's water resources. Please contact me at this office for assistance.

Respectfully,

A handwritten signature in black ink, appearing to read 'R.B. Whitney', written over the printed name.

R.B. Whitney
Sr. Water Resource Agent
Western Region

Cc: Spackman, Peppersack, Kathy Stone



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 16, 1996

RICHARD M. HORMAECHEA
MARY B. HORMAECHEA
C/O RMH CO
PO BOX 6887
BOISE ID 83707

RE: WATER RIGHT NO. 67-07811

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

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JAN 25 1996

MEMORANDUM

TO: File 67-07811 / Richard Hormaechea
FROM: Brenda Chapman
DATE: January 9, 1996
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for Right 67-07811 are based on the information below:

C. SYSTEM DESCRIPTION

2. Place of Use:

The stockwater, commercial and commercial from storage uses are located in both the NWSW and SWSW $\frac{1}{4}$'s. The domestic and commercial storage uses are only in the NWSW $\frac{1}{4}$.

E. NARRATIVE/REMARKS/COMMENTS

The 11/1/95 attached analysis and recommendations sheets (see page 2) indicate that the fresh water pond's volume is only .64 af. The commercial flow would fill it in less than 24 hours and therefore, the storage components would not be required. However, the pond's volume is 4.8 af, therefore, justifying recommending the permitted storage components.

$$\frac{200 \times 150 \times 7}{43,560} = 4.8 \text{ af (not 325,850)}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Stockwater	1-01 to 12-31	1.5	107.2
Commercial	3-15 to 12-15	.5	276.0
Domestic	1-01 to 12-31	.04	.6
Com Storage	1-01 to 12-31		3.5
Com from Stor	3-15 to 12-15		3.5
Div to Storage	1-01 to 12-31	1.0	

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LICENSE REVIEW CHECKLIST

PERMIT NO. 07-07811 DATE 1-8-96



NAME Change OK ☒ Or Address Change? ☐

PRIORITY DATE Advance? ☒ Advanced to: Order to reinstate needed? ☐ Incorrect fee for rate recommended? NO

SOURCE Changes or just clarification of originally intended source? ☒ Notice of Intent to Void necessary? ☐

POINT OF DIV Amendment needed? ☒ Overlaps? 67-02184 for 1 CFS (for irrigation)

PLACE OF USE Amendment needed? ☒ Overlaps? ☒

DIV RATE Permit/fee limits: 1.50 CFS
 STOCK 1.5 Meas Q = cell 4 = Theo Q = 2.8 Recommend: STOCK OK AT 1.5 com (dust) @ .5
 com .54 + .04 dom @ .04 (dom) DIV TO STOR @ 1.0
 (com STOR 3.5)
 DIV TO STOR 1.0
 ANNUAL VOLUME Combined rates exceed capacity NO (1.5+1=2.5)
 STOR
 Volume Limit: 3.5 Season: 1-1 to 12-31
 Calculations: STOCK/8000 OK @ 107.2 com OK @ .5
DOM/OFFICE @ .6 STORAGE LIMIT = 3.5
 FRESH WATER POND = 200 X 150 X 7
43560 = 4.84 cfs Flow limit: .5 cfs x 365 x 1.9835 = 361.9
 Combined volumes exceed capacity/allowable NO

USES Change in Nature of Use or additional uses? ☒ Amendment necessary? ☐ change on com use to domestic

ADDITIONAL INFO Supplemental Groundwater ☐ PPU Scenario ☐
 Irr/Dom Combination ☐ Shared G/W System ☐

NEW REMARKS YES Multiple p/d(s) in 1/4 1/4? edit remark on permit
W36 + YES Other commercial use is for dust abatement
STOCKWATER is for 8000 head. domestic use for an office.

NEW CONDITIONS ☐ Watermaster control - District ☐
☐ Measuring/Locking Devices ☐
☐ Irrigation Overlap ☐
☐ Other ☐
☐ Water Quality ☐ Heat/Cool/Fish verified ☐

COMMENTS: 1) Fresh water pond vol limited by permit to 3.5
 2) Keep diversion to storage + storage components - see memo
 3) Dom + Storage LOCATIONS IN NWSW ONLY.

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	NO
<u>Stockwater</u>	<u>1.5</u>	<u>107.2</u>	<u>Adjustment Memo Needed</u>	<u>YES</u>
<u>Commercial (dust)</u>	<u>.5</u>	<u>276.0</u>	<u>LICENSE</u>	<u>✓</u>
<u>domestic</u>	<u>.04</u>	<u>.6</u>	<u>1ST AMEND LETTER</u>	<u>_____</u>
<u>com STORAGE</u>	<u>_____</u>	<u>3.5</u>	<u>2ND AMEND LETTER</u>	<u>_____</u>
<u>com FROM STOR</u>	<u>_____</u>	<u>3.5</u>		
<u>DIV TO STOR</u>	<u>1.0</u>	<u>_____</u>		
<u>TOTALS</u>	<u>1.5</u>	<u>387.3</u>		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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NOV 15 1995

Department of Water Resources

A. GENERAL INFORMATION

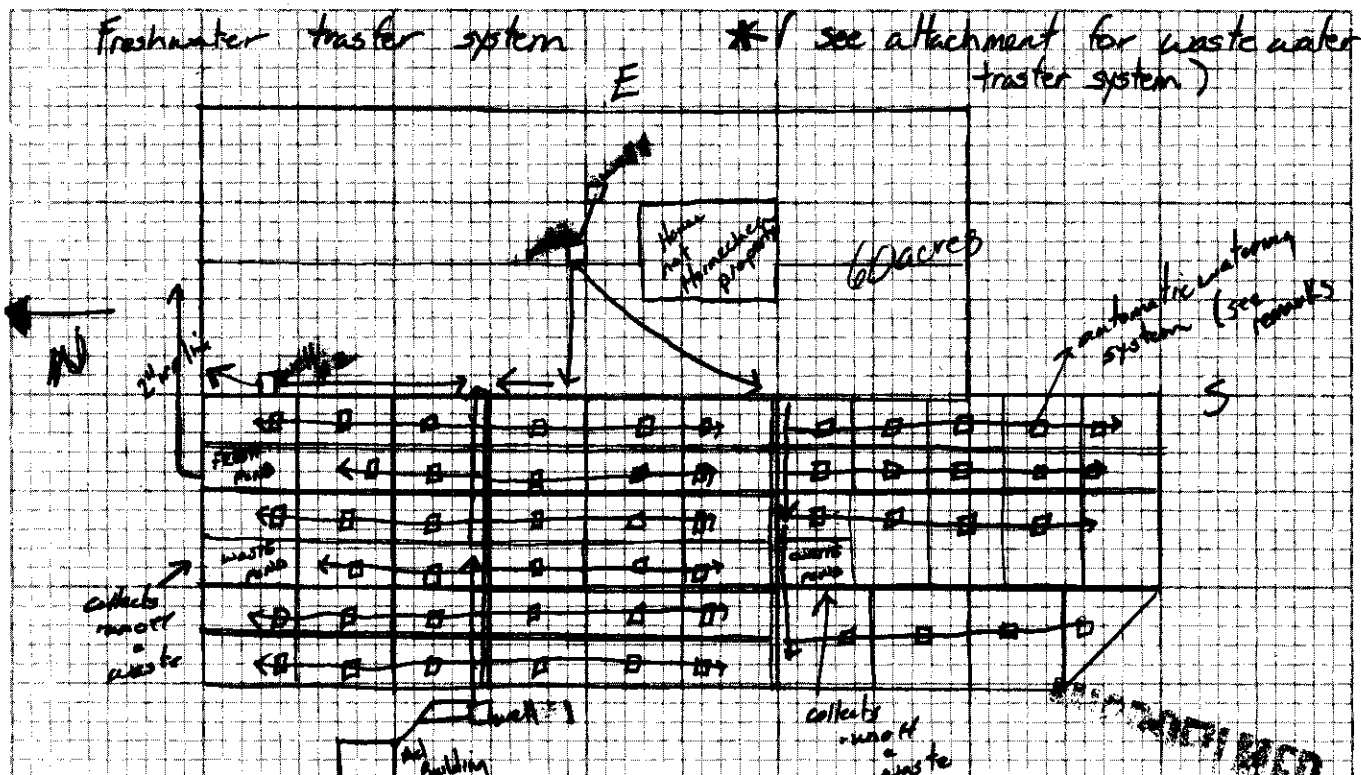
Permit No. 67-07811
1. Owner: Richard & Mary Hermaschea Phone No. 336-2200
Current Address: P.O. Box 6887 BOISE ID 83707
2. Accompanied by: John & Calvin Highower EXAM. DATE: 7-29-91
Address: Weiser Phone No. same
Relationship to Permit Holder: employee
3. Source: groundwater tributary to -NA-

B. OVERLAP REVIEW

1. Other water rights with same place of use: (They have permit # 67-02184) 67-02184
Harrer (is a center in middle of property) ☐ Copies Attached
2. Other water rights with same point of diversion: 67-02184 Harrer (center in middle
of Hermaschea property) E 1/2 SW 1/4 ☐ Copies Attached ☒ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached (required for irrigation of 10 acres or more).

NOV 25 1996

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

This system makes use of 4 wells. Well #1 has a 6" casing and is a 5hp, the discharge line is a 1 1/2". Well #2 has a 2" discharge and has a 12" casing. This is also a 5hp. Well #3 & #4 have a 7 1/2" & a 25hp and have 12" & 14" casings respectively. All wells are tied together through the system. The wells all respond to the various automatic water machines that line the stockyard. These water machines also have paralleling drain lines that pump the fresh water into a

See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	NA	5	NA	NA	1 1/2"
#2	NA	5	NA	NA	2"
#3	NA	7 1/2	NA	NA	6"
#4	NA	25	NA	NA	4"

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
					9	10n	5w	Washington	Quads / Verification 2pts
					9	10n	5w	Washington	Quads / Verification 2pts

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SE 1/4				Totals
			NE 1/4	SW 1/4	SE 1/4	SW 1/4	NE 1/4	SW 1/4	SE 1/4	SW 1/4	NE 1/4	SW 1/4	SE 1/4	SW 1/4	
10n	5w	9													

* See adjustment memo. BC

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D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements: Note: pressure adjusted down to 30 psi - too high for system as described where all flows are routed first to stock tanks then to ponds where high-pressure relief occurs.

Well #1 $5hp \times 8.8 \times .7 = 30.8$ 33

Theoretical: $24 + (2.3 \times .7) = 16.2 = .49 \text{ cfs}$

Well #2 $5hp \times 8.8 \times .7 = 30.8$ 33

Well #3 $7.5 \times 8.8 \times .7 = 46.2 = .33 \text{ cfs}$

Well #4 $25hp \times 8.8 \times .7 = 154 = .95 \text{ cfs}$

30 1.65

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

Theoretical - (no other method is possible)
system capacity $\approx 2.8 \text{ cfs}$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi $\times 2.31 =$ _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

Flow rate: _____ cfs (4)

Water HP: (3) $\times$ (4) $\div 8.8 =$ _____ (5)

Meter Input KW: $3.8 \times$ _____ KH $\times$ _____ CTR or _____ MULT $\times$ _____ PTR $\times$ _____ N/ _____ T = _____ (6)

Meter Input HP: (5) $\times 1.34 =$ _____ (7)

Panel Input KW: _____ Ave PF $\times$ _____ Ave Volts $\times$ _____ Ave Amps $\times .001732 =$ _____ (8)

Panel Input HP: (6) $\times 1.34 =$ _____ (7) Efficiency: (5)/(7) $\times 100 =$ _____

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

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

2. Volume Calculations for Other Uses:

Vol in stockwater $1.50 \times 365 \text{ days} \times 1.9835 = 1085.97 \text{ afu}$

V reg $10,000 \times 12 \text{ gallons} \times 365 / 329850 = 43,800,000 / 329850 = 132.79 \text{ afu}$

$8000 \times .0134 = 107.2 \text{ AFA}$

DOM, one office $= .6 \text{ AFA}$

COMM, dust abatement

$1 \text{ af/day} \times 276 \text{ days} = 276 \text{ AFA}$
($V_D \neq V_R$)

Rate for 8000 head: $8000 \times .00022 = 1.76 \text{ cfs}$ - OK to allow 1.5 cfs per permit

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

pond. This pond can either pump the water through an irrigation system to sprinkler heads that line the stockyard, (This relieves dust) or the overflow can go to a ditch that then is used for irrigation purposes in the 60 acre fields. There are also 3 waste ponds that collect run off from the stockyard. This waste is transported out to sanitation areas. One Administrative building is serviced by this system. (It is equipped with bathrooms & sinks)

(depths, static levels & dynamic levels are taken from wells in same area because well logs are not available.)
static 10' dynamic 14'

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion G (cfs)	Annual Volume V (afa)
	From	To		
STOCKWATER	1/1	12/31	1.5	107.2
COMMERCIAL	3/15	12/15	.5	276.0
DOMESTIC	1/1	12/31	.04	0.6
Totals:			1.5	383.8

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 Modify Nature of use component

J. AUTHENTICATION

Field Examiner's Name

David Gray ~~David Gray~~

Signature

Cheryl J. Hodges

Certification Date

Field Report Preparation Date

11-2-95

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

* See adjustment memo.

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MEMORANDUM

November 1, 1995

TO: 67-07811

FROM: Cindy Hodges *CH*

RE: Overlap Analysis and Recommendation

The field examination for this right was conducted by Dave Gray in 1991. The file contains no photos and the recommendation was not completed. There appears to be adequate information in the file to complete the recommendation.

OVERLAP ANALYSIS

From file information including system descriptions found in both 67-07811 and A67-02184:

Well #4 was developed pursuant to irrigation license 67-02184. Well #3 was added via a transfer of the same right (date not sure). These two wells were used together for irrigation of 58 acres within E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9, and at some point prior to 1987 were tied together with one or more wells in the NWSW Section 9, where a stockyard had been developed.

Wells #1 and #2 were developed between 1965 and 1987; there are no apparent well logs available. Stock and commercial uses were first added to claim A67-02184 when it was filed in 1989. The use of water at the stockyard evidently exceeded allowable exemptions and was deemed an expansion in violation of mandatory permitting statutes, for permit 67-07811 was filed in 1989 at shortly after A67-02184. Stockwater uses were not removed from claim A67-02184 but I cannot imagine that they will be included in the SRBA recommendation.

At the time of Dave's field inspection in 1991, all four wells were being used under both the irrigation license and this permit. The examiner's description of the system matches the applicant's description found in both the permit and the claim file (copies attached).

RECOMMENDATIONS

From the information collected during the B/U exam, I am able to make a recommendation I am comfortable with, with a few minor adjustments, as follows:

Handwritten: JAN 25 1996

1. The system capacity as assessed from examiner's theoretical computations was low because of an unrealistically high system pressure of 60 psi which was used in the HP formula. A system or wellhead pressure of 60 psi would be appropriate if either irrigation or dust abatement sprinkler systems were hooked directly into the main lines. However, both these delivery systems are pressurized from relift pumps on the fresh water collection pond. All flows from the four interconnected wells go directly to the flow-through stock trough system and then to the pond where secondary uses are diverted. Because of the 2" line feeding the troughs, 30 psi seems more appropriate for the HP equation.

With the adjusted formula, system capacity from the four wells is computed to be approximately 2.8 cfs at 30 psi (using 40 psi yields 2.5 cfs). Subtracting 1.0 cfs previously licensed on 67-02184 leaves 1.5 to 1.8 cfs available for recommendation under the permit.

* 2. The permit originally included commercial storage in the fresh water collection pond. The only data not included on the B/U report were the dimensions of said pond. I was able to reach Mr. Hightower, the individual who assisted with the B/U exam, who confirmed that the dimensions of the fresh water pond are 200' X 150' X avg 7' deep. The total volume of the pond is 0.64 AF. A commercial diversion rate of .5 cfs will fill the pond in 24 hrs ($.5 \times 1.9835 = 1$ AF) therefore the storage component may be eliminated. It is possible that the volumes of the three waste water collection ponds were also included in the total permitted volume for storage. The waste water or sanitation ponds do not receive water from the fresh water system (they are for surface runoff) and should not be considered as storage under this permit.

3. Volume calculations on the B/U report were computed based on 10,000 head. Only 8000 head were declared on the application and on the proof.

4. A final modification includes a clarification of component descriptions. The application identified commercial use for dust abatement and an office (.54 cfs) from 3/15 to 12/15, and commercial use for the office only (.04) for the balance of the year. This is confusing and may be misleading. I have recommended the office portion of the permit as domestic with year-round use, leaving only dust abatement as commercial with a limited season of use.

Note: From Mr. Hightower during our phone conversation, I learned that this facility has not been in operation since late in 1993. The Hormacheas have donated the property to a religious organization, and hope to find someone to lease the stockyards and operate them to produce some revenue for the organization. I advised of the five-year statutory forfeiture period.

* See adjustment memo. BC

JAN 25 1996

EXHIBIT A (from application)

Well No. 1 is approximately 29 feet deep, with a 15-inch diameter casing and a 7.5 h.p. turbine pump, connected to a 2-inch diameter discharge line. Well No. 2 is approximately 31 feet deep, with a 12-inch diameter casing, and a 5 h.p. submersible pump connected to a 1.5-inch diameter discharge line. Both wells are connected via a 2-inch diameter pipeline, to two other wells (under water right 67-02184) to form an integrated system, which delivers water to a series of fifty 100-gallon capacity watering troughs via a 2-inch diameter pipeline. The system is a continuous flow system. The continuous flow is necessary to help prevent disease and to prevent freeze-up during winter months.

Each watering trough has a 4-inch diameter overflow discharge pipe. The overflow water is conveyed to a holding pond, approximately 3.45 acre feet in capacity. Water is withdrawn from the pond for dust control over the 60-acre feedlot. Water is pumped from the pond to a water truck which sprinkles the feedlot. Water is also pumped to a "big squirt" sprinkler, which is a mobile system connected to a 40 h.p. pump in the pond with a 6-inch diameter discharge line.

Up to 1.0 acre foot of water is withdrawn every 24 hours from March 15 to December 15 for dust abatement use. While the total volume capacity of the storage pond is 3.45 acre feet, the pond is refilled constantly.

A separate 2-inch diameter line connects the well system to a small office building at the feedlot.

Stockwater use does not appear to involve pond based on above. Did not enter stock storage as use due to this.

2 other wells (NGSW)

*35' 15" 20 hp. pump, 6" discharge
34' 12" 5 " " 4" "*

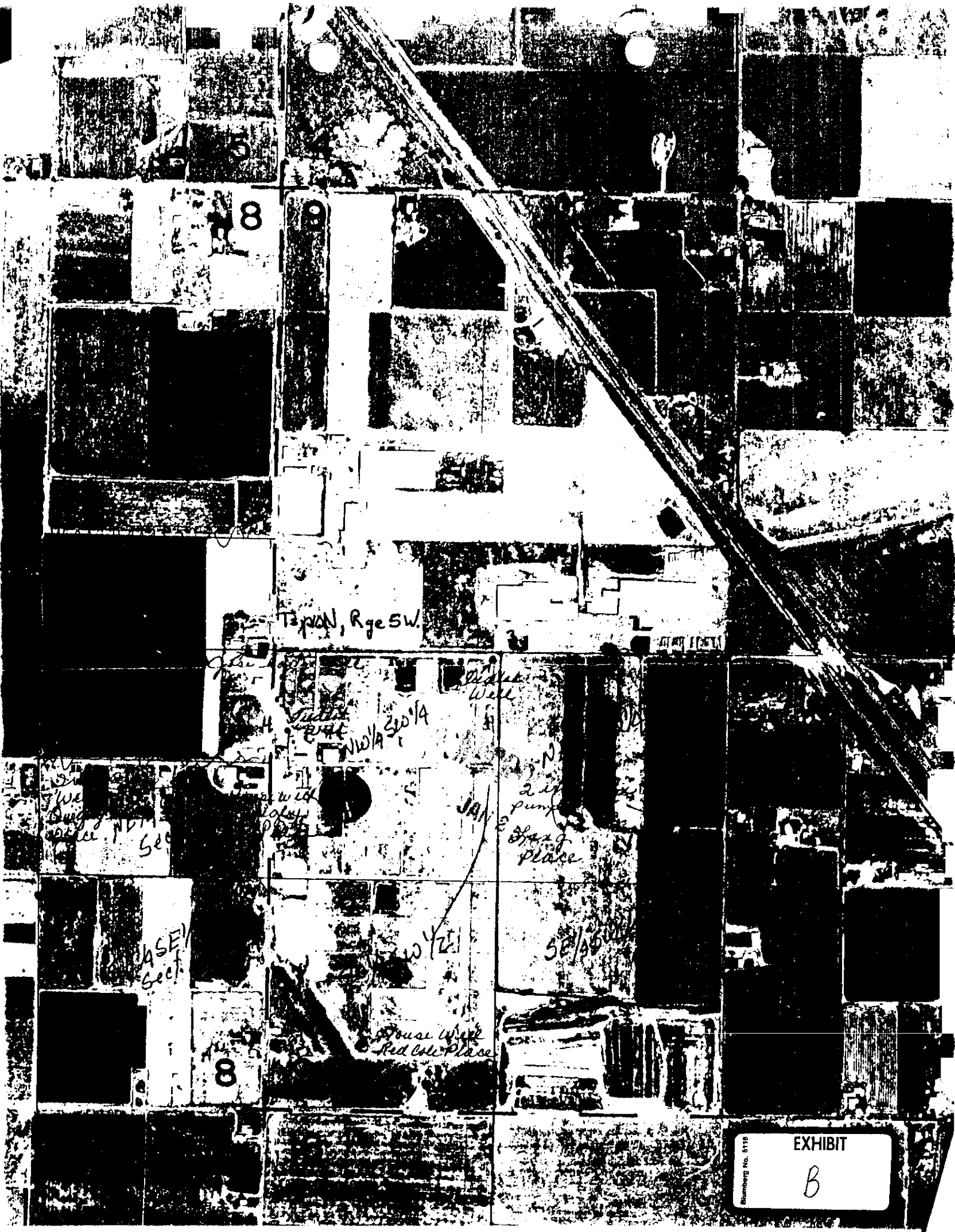
per telegram 11/30/89 SZ

67-7811

Exhibit A

*RECEIVED
SZ 11/3/89
(Confidential 11/30/89
Telecom)*

24351998



Twp. 10N, Rge. 5W.

John Doe

Public
East
NW 1/4

Water
Well

Five
Dug
wells
NW 1/4
Sec.

Base
Sec.

JAN

2 in
pump
Shag
Place

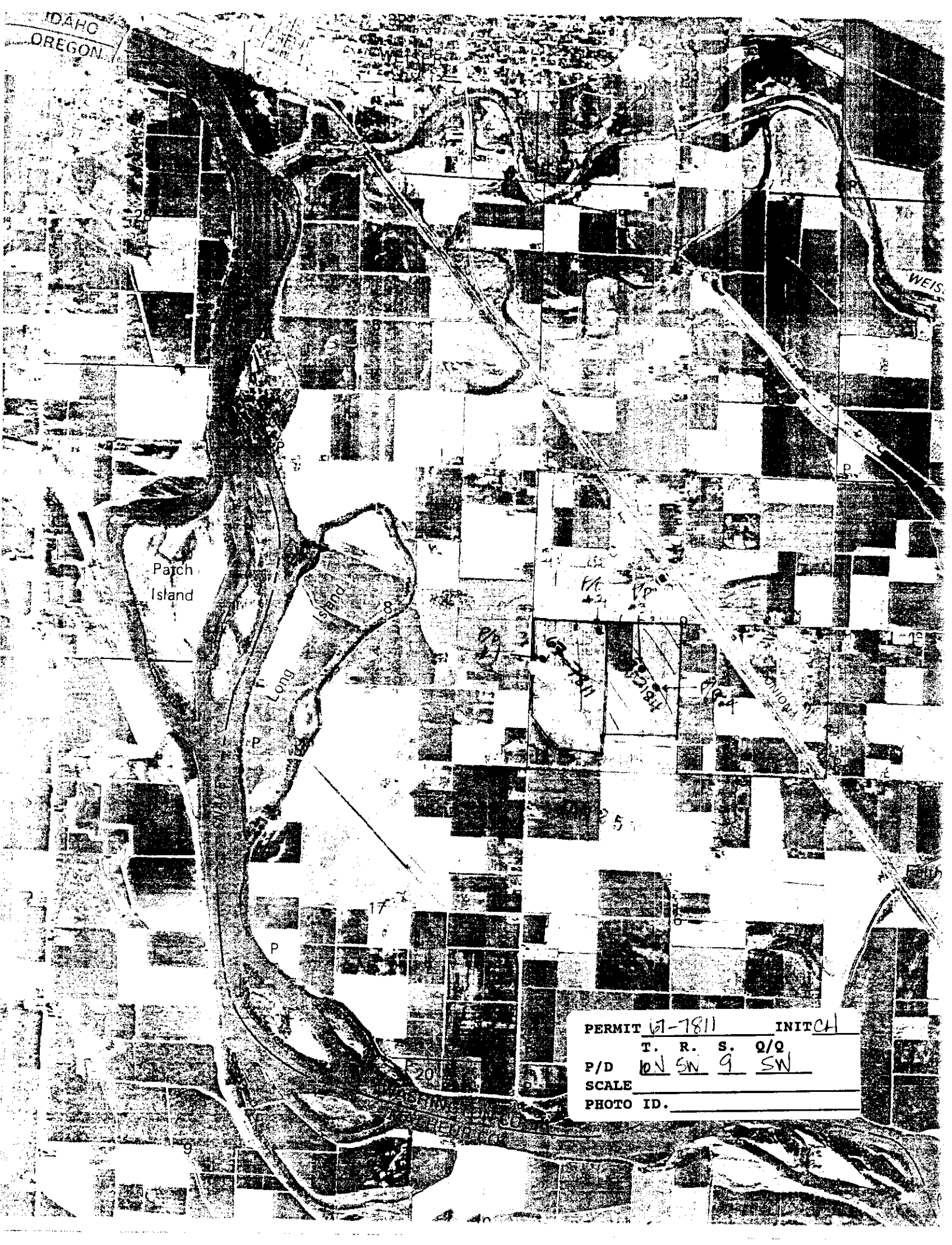
SE 1/4

House with
Red Oak Place

Shimberg No. 5118

EXHIBIT

B



Parch Island

Long Island

WEIS

PERMIT	61-7811	INITIAL
T. R. S.	Q/Q	
P/D	10N SW 9	SW
SCALE		
PHOTO ID.		

Shp.
Well 1

6"
discharge 1 1/2"

stockwater

10000 average cattle year

fields across

Well 2

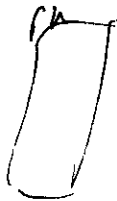
2" dia

stockwater

12"

Well 3

surfactant
pond



Drainage
from water
stock



East

Prim
irr
1/2"
6" dia

also
stock

Well 4

4"
4" dia

Agromin + Statite
24

NWSW 9/10/5W

NE SW 9/10/5W

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67-7811

#	casing	IDWR into pump	discharge	#	casing	a recent into pump	discharge
1	6 ^H	5	1 1/2	1	15	7.5	2
2	12	5	2	2	12	5	1.5
3	12	7 1/2	~~4~~	1	15	20	6
4	14	25	~~6~~	2	12	5	4

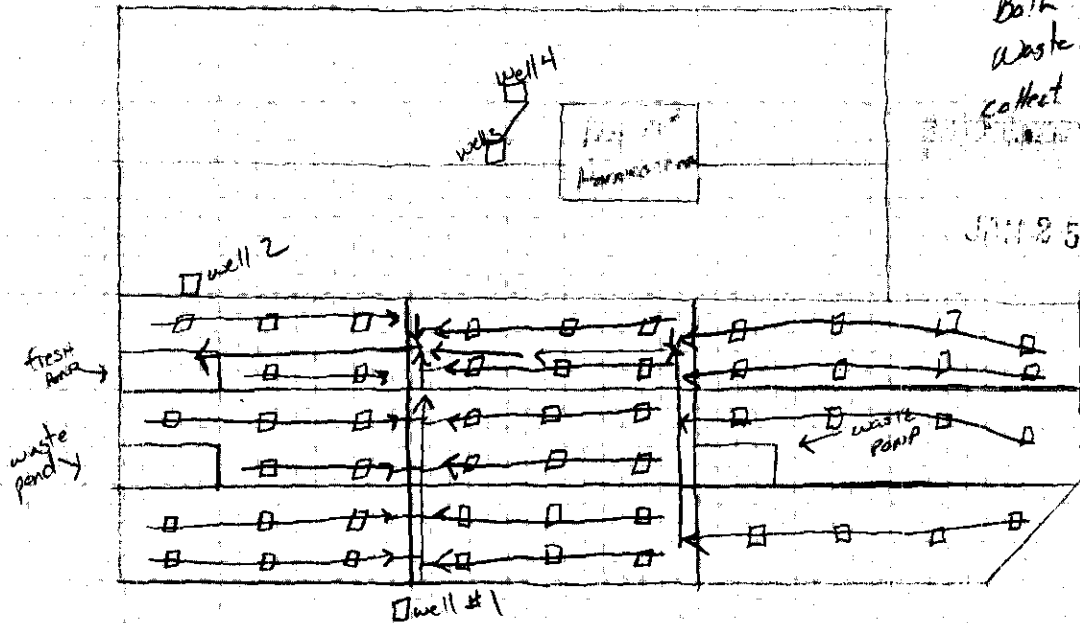
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Waste Water Transfer System

Both
waste ponds
collect runoff

JUN 25 1996



67-78H

Form 238-I
05/90

Well #1

Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# 67-07811

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 10N Rge SW, Sec. 9, NW 1/4 SW 1/4 or Lot _____.

2. Owner: Richard & Mary HARMACHEA
Address P.O. Box 6887, City BOISE, St. IDA.

3. Casing $\geq$ 12 inches above ground: Yes ☒ No _____

4. Access Port: Yes _____ No ☒ Static Water Level: 10ft
Pressure Gauge: Yes _____ No ☒ Casing Diameter: 6"
Flowing: Yes _____ No ☒ Temperature: NA

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes _____ No ☒

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: _____

MAINTAINED

JAN 25 1996

Form 238-I
05/90

Department of Water Resources
WELL INSPECTION FORM

Well #2

If well is associated with water right, provide WR# 67-07811

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 10N, Rge 5W, Sec. 9, NW 1/4 SW 1/4 or Lot _____.

2. Owner: Richard & Mary Hermachera

Address P.O. Box 6887, City Boise, St Ida

3. Casing $\geq$ 12 inches above ground: Yes ☒ No ☐

4. Access Port: Yes ☐ No ☒ Static Water Level: 10 ft
Pressure Gauge: Yes ☐ No ☒ Casing Diameter: 12"
Flowing: Yes ☐ No ☒ Temperature: N/A

5. Are there any obvious construction problems that may be a source for contamination or waste of water? Yes ☐ No ☒

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: _____

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JAN 25 1996

Form 238-I
05/90

Department of Water Resources

WELL INSPECTION FORM

Well #3

If well is associated with water right, provide WR# 67-07811

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 10N, Rge 5W, Sec. 9, NE 1/4 SW 1/4 or Lot _____.

2. Owner: Richard & Mary Hermacchia
Address P.O. Box 6887, City Boise, St Ida.

3. Casing $\geq$ 12 inches above ground: Yes ☒ No ☐

Access Port:	Yes ☐ No ☒	Static Water Level:	<u>10 ft</u>
Pressure Gauge:	Yes ☐ No ☒	Casing Diameter:	<u>12"</u>
Flowing:	Yes ☐ No ☒	Temperature:	<u>NA</u>

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes ☐ No ☒

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: _____

Department of Water Resources

Well #4

WELL INSPECTION FORM

If well is associated with water right, provide WR# 67-07811

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 10n, Rge 5w, Sec. 9, NE 1/4 SW 1/4 or Lot _____.

2. Owner: Richard & Mary Hornaarchea

Address P.O. Box 6887, City Boise, St. Ida

3. Casing $\geq$ 12 inches above ground: Yes ☒ No ☐

4. Access Port:	Yes ☐ No ☒	Static Water Level:	<u>10'</u>
Pressure Gauge:	Yes ☐ No ☒	Casing Diameter:	<u>1 1/4"</u>
Flowing:	Yes ☐ No ☒	Temperature:	<u>N/A</u>

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes ☐ No ☒

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: _____

July 18, 1990

MARY B. HORMAECHEA
RICHARD M. HORMAECHEA
C/O RMH CO.
P.O. BOX 6887
BOISE, ID 83707

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-07811

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

/

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Rita Fleck
Secretary/Records Manager

RECORDED

JUL 20 1990



April 11, 1990

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

RE: Water permit No. P67-07811

The well at Sunnyside Feedlot has been in use since 1965. It is a pressurized system with a two (2) inch discharge line and a pressure gauge. We have not installed a flow measurement port although we are willing to do so at your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry G. Nyborg", is written over a horizontal line.

Terry G. Nyborg
Business Manager

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JUL 20 1990

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
March 29, 1990

MARY B. HORMAECHEA
RICHARD M. HORMAECHEA
C/O RMH CO.
P.O. BOX 6887
BOISE, ID 83707

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P67-07811

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

MICROFILMED

JUL 26 1990

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED
JUL 20 1980

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Sarah Boles, being duly sworn,
deposes and says:

That he is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for two consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
December 21, 1989, and ending
with the issue of December 28, 1989.

Fees, \$ 56.84

Subscribed and sworn to before me this 28
day of December, 1989.

[Signature]
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 1-1, 1990

No. 51 NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate
the public waters of the State of Idaho:

67-07811 ✓
HORMAECHEA, RICHARD M.
HORMAECHEA, MARY B.
C/O RMH Co.
P.O. BOX 6887
BOISE, ID 83707
Source: GROUNDWATER
Diversion Pt: NESW Sec 9 T 10N R 05W
Use: STOCKWATER (1.500 CFS)
COMMERCIAL (.540 CFS)
COMMERCIAL (.040 CFS)
DIVERSION TO STORAGE (1.000 CFS)
COMMERCIAL STORAGE (3.50 AF)
COMMERCIAL FROM STORAGE (3.50 AF)
Total Diversion: (1.500 CFS) (3.50 AF)
Date Filed: 10/17/1989
In: T10N R05W S09 NWSW SWSW

The permit(s) will be subject to all prior water rights. Protests
must be filed with the Director, Dept. of Water Resources,
Western Region, 2735 Airport Way, Boise, Idaho 83705 on or
before JANUARY 8, 1990.

R. KEITH HIGGINSON, Director
Published 12/21/1989 & 12/28/1989

86-25

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JAN 11 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

DECEMBER 13, 1989

The Weiser Signal
P.O. Box 709
Weiser, ID 83672

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 8, 1990.

Yours truly,

GAIL GARRETT
Secretary

Encl.

RECEIVED
JUL 26 1990

67-07811

HORMAECHEA, RICHARD M.
HORMAECHEA, MARY B.
C/O RMH CO.
P.O. BOX 6887
BOISE, ID 83707

Source: GROUNDWATER

Diversion Pt: NESW Sec 9 T 10N R 05W

Use: STOCKWATER	(1.500 CFS)	
COMMERCIAL	(.540 CFS)	
COMMERCIAL	(.040 CFS)	
DIVERSION TO STORAGE	(1.000 CFS)	
COMMERCIAL STORAGE		(3.50 AF)
COMMERCIAL FROM STORAGE		(3.50 AF)
Total Diversion:	(1.500 CFS)	(3.50 AF)

Date Filed: 10/17/1989

In: T10N R05W S09 NWSW SWSW

RECORDED

JUL 26 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 6, 1989

Mr. Scott Campbell
Elam, Burke and Boyd
P.O. Box 1539
Boise, ID. 83701-1539

Re: Applications for Permit 63-11060 and 67-07811

Dear Scott:

The enclosed copies of the Hormaecheas' applications are provided as requested in your letter of 11/30/89. A receipt for the additional \$20 is also included. In each application, commercial use is shown for the office plus dust control from 3/15 to 12/15 (rates added during this period) and just for office use from 12/16 to 3/14. I think the format correctly describes the use outlined in our discussions.

The recommended dates of priority reflect the changes made. For 63-11060 the date of priority should be 12/1/89, which is the date the additional \$20 was received. Nov. 30, 1989 is the date for 67-07811.

Please let me know if additional help may be provided.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL:sl

Enclosure:application copies

MicroFILMED

JUL 26 1990

ELAM, BURKE AND BOYD

ATTORNEYS AND COUNSELORS AT LAW

700 IDAHO TOWER, TENTH FLOOR

POST OFFICE BOX 1559

BOISE, IDAHO 83701

TELEPHONE 208-343-5454

TELECOPIER 208-384-5844

SCOTT L. CAMPBELL

CANYON COUNTY OFFICE
1120 SIXTH STREET SOUTH
POST OFFICE DRAWER E
NAMPA, IDAHO 83653
TELEPHONE 208-466-9222

November 30, 1989

RECEIVED
DEC 1 1989

Department of Water Resources
Western Regional Office

Steve Lester, Sr. Water Resource Agent
State of Idaho, Dept. of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Applications for Permit Nos. 63-11060 and 67-07811

Dear Steve:

Pursuant to our telephone conversation of November 30, 1989, I have enclosed a check drawn on our firm's account in the amount of \$20 for the additional filing fee for Permit No. 63-11060. You indicated that this additional fee was required because of the increase in the quantity of water applied for under the permit pursuant to the changes which I indicated to you during our conversation.

You also informed me that with this additional information provided with respect to both permits that you would be able to proceed with the processing of the application after receipt of the additional filing fee.

I would also appreciate receiving a copy of the revised application which incorporates the changes I authorized you to make during our telephone conference. If there is a copying charge for these documents, please include a billing statement for that amount.

Please contact me if you have any questions.

Very truly yours,

ELAM, BURKE & BOYD

RECEIVED

Scott L. Campbell
Scott L. Campbell

SLC:jc
Enclosure
cc Terry Nyborg

JUL 20 1990

CONVERSATION MEMORANDUM

DATE 11/30/89FILE 63- 11060NAME OF PARTY Scott Campbell, Attorney for applicant

67- 07811

EMPLOYEE Steve LesterRE: follow up of office visit of 11/28/89 in response to my 11/15/89 letter:Attorney consulted with clients, and the following changes should be made:63- 110601) add 2 other wells1 well is 90', 8", 7.5 hp pump, 2" discharge1 well is 120', 8", 7.5 hp pump, 3" discharge2) add 1.78 cfs to stockwater use3) add 0.04 cfs to D/I (int. + ext.). D/I in NENEjust south of well, # 1 & 2 (see Exhibit B in appl.)4) do NOT change comm. rate, which should be shown as:comm. for office 11/1-12/31 at 0.04 cfscomm. for dust control 3/15-12/15 at 0.77 cfs.In other words, will have comm. 0.81 cfs from3/15-12/15 and 0.04 cfs from 12/16-3/14.5) ~~add~~ TOTAL cfs for appl. should be 4.00, ~~requiring~~ \$105. Already paid \$85 so need \$20.67-078111) add 2 other wells that are in NESW1 well is 35', ~~15~~ 15", 20 hp pump, 6" discharge1 well is 34', 12", 5 hp pump, 4" discharge2) add 1.00 cfs to stockwater, total stockwater is 1.50 cfs3) increase div. to storage to 1.00 cfs

(over)

12/1
max stockwater
for 16,000 gal
is 3.52 cfs

4) DO NOT change commercial rate, shown. follows:

comm. for office 0.04 cts 1/1-12/15

comm. for dist control 0.50 cts 3/15-12/15.

In other words, will have comm. 0.54 3/15-12/15 and

0.04 12/16-3/14.

5) TOTAL cfs for appl. is 1.50, fee is \$65. Overpayment
(\$65 paid for .50 cfs in original appl.) means that no
additional fee required.

RECEIVED

JUL 26 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 15, 1989

Mr. Scott Campbell
Elam, Burke and Boyd
P.O. Box 1539
Boise, ID. 83701-1539

Office visit 11/28/89

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Re: Applications for Permit 63-11060 and 67-07811 for R. and M. Hormaechea

Dear Scott:

Recently I called the Hormaecheas' office and spoke with an employee about the above two applications and was informed that you submitted the filings on behalf of your clients, Richard and Mary Hormaechea. Apparently, the cover letter was lost in transit. Please excuse the delay in contacting you. After being informed that you are handling the applications, I told the applicants' colleague that you would be contacted for additional information.

Several items need clarification before processing continues. Please review the following points and respond accordingly. Copies of the applications with preliminary revisions are included for your convenience.

Re: Application 63-11060, T4N, R1W, S.3

- 1) The remarks and Exhibit A refer to two other wells interconnected with the 8"-120' well. Apparently, the three points of diversion should be included in the application, which is standard procedure when dealing with interconnected systems. If so, what are the sizes and depths of the other wells? Is a ground water temperature greater than 90 degrees F. involved? Were the wells drilled prior to 7/1/87? - *yes*
NO *1935 to 1970's wells (3), irrig. use & then additional use in 1970's.*
- 2) Adjudication claims are mentioned in item 10 of the application. If the interconnected wells were in place and being used by the adjudication commencement of 11/19/87, all of the wells should be included as diversion points in the adjudication claims. The same logic for interconnected wells applies in filing adjudication claims as in applications for new appropriations. Any adjudication correspondence should be addressed to the office where claims were filed. *will do*
- 3) The water uses (application item 4) probably need to be redescribed. Exhibit A mentions 1.53 acre-feet (a.f.) to be withdrawn every 24 hours for dust control or commercial use. This equals 498,550.5 gallons per 24 hours or 0.77 cfs (1 cfs = 448.8 gpm). Any storage right allows one filling of a reservoir; additional fillings as outlined in the application require direct flow coverage provided by a cfs amount. I recommend water uses to include 1.00 cfs diversion to storage (incorrectly shown as commercial to storage) and 0.81 cfs commercial (0.77 for dust control etc. and 0.04 for office use). The stockwater and commercial storage parts are appropriate. Total amounts of water do not need to be increased due to redescribing the uses, but any increase will delay the *date* of priority to the date of such an increase.

11/15/89

wants to show comm (office) all yr .04 cfs, and comm (dust control) 3/15-12/15.

Applications 63-11060 and 67-07811
11/15/89 letter, page 2

4) A more thorough map should verify the point(s) of diversion and place of use. From Exhibit B, two wells are within the NENENE and one is in the SENWNE. The place of use appears to be the NENE, NWNE, and SWNE. Please mark the well(s) and use locations on the attached orthophoto. The 10-acre lines for the N1/2-NE1/4 and 40-acre lines of the SWNE are included on the photo.

NE 1/4 correct,
S. corner
added to
map

Re: Application 67-07811, T10N, R5W, S.9

1) Exhibit A refers to two other wells connected with a 2-inch line to the two wells described as the points of diversion. As in the preceding application, I interpret the information to include four wells in the application because of the interconnection. Please indicate the sizes, depths, and locations of the other two wells (see attached orthophoto and/or Exhibit B). Also, were the wells drilled prior to 7/1/87?

7/1/87

2) As in number 2 above, any adjudication claims involving the wells may need to include all of the wells as diversion points.

as is other
appl.

3) Exhibit B showed the two wells in the NWSW but did not outline the place of use. I assumed an outline as highlighted in yellow on the copy of Exhibit B and in red on the orthophoto. Please confirm the points of diversion and place of use on the orthophoto or on the copy of Exhibit B.

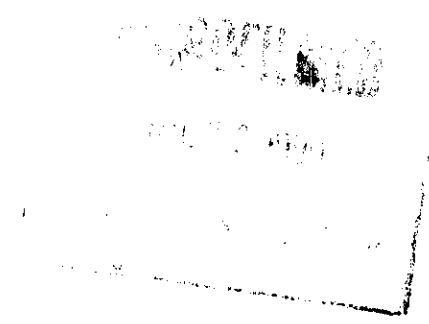
completed

4) The water uses in application item 4 need to be redescribed. A 0.30 cfs diversion to storage replaces commercial to storage. Exhibit A includes 1.0 a.f. per 24 hours for dust control or commercial use. This 325,850 gallons per 24 hours equals 0.50 cfs. Thus, commercial use should reflect 0.54 cfs or .50 for dust control and 0.04 for office use. The 3.5 a.f. storage and use from storage allow the pond to be filled once, and the 0.50 cfs allows commercial use that includes the pond as a component that refills. The 150 a.f. shown in application item 5 does not fit the description provided in the application. Acre feet of storage in item 5 refers to the total size of the pond, and the total storage component of a water right cannot exceed the actual stored volume found at any given moment in the system. Thus, storage of the maximum pond size and a direct flow to allow repeated fillings and use from storage are the proper methods to describe the situation.

50 a.f.
3/15-12/15
(dust)
.04 cfs
1/1-12/31
(office)

In
comm. 50 3/15-12/15
office .04 12/16-3/14

The totals may remain at 0.50 cfs and 3.5 a.f. or may be changed. Again, an increase in the amount of water in an application advances the priority to the date of increase. If the total does not increase beyond 1.00 cfs and 100 a.f., the application fee is \$45 instead of the \$65 paid. A refund will be issued if applicable.



Applications 63-11060 and 67-07811
11/15/89 letter, page 3

Please return the orthophoto for 63-11060 and the orthophoto and/or Exhibit B from 67-07811 indicating the correct locations in you reply. A response within thirty (30) days will allow me to proceed with the water right application. Additional help is available at your request.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL: s.
Enclosures