BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF LICENSE NO. 2-10546 IN THE NAME OF RIVER ROAD FARM LLC	))))	**ORDER GRANTING PETITION FOR RECONSIDERATION AND MODIFYING A PRELIMINARY ORDER**

This matter having come before the Department of Water Resources ("Department") as a petition to reconsider the issuance of a water right license, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On March 9, 2018, the Department issued Permit No. 2-10546 ("Permit") to Mathew K McDonagh and Laura L McDonagh authorizing the diversion of 0.04 cfs from the Snake River to be used for domestic purposes within the NW¼NW¼, Section 04, Township 09 South, Range 14 East, B.M., Elmore County.

2. On September 9, 2020, the Department received an Assignment of Permit to Change Ownership of a Permit assigning the ownership of the Permit to River Road LLC ("Permit Holder").

3. On February 28, 2023, the Department received the Statement of Completion for Submitting Proof of Beneficial Use ("Proof").

4. On March 3, 2023, the Department conducted an in-office review of the permit and found the Permit Holder developed landscape irrigation of less than 0.5 acres in connection with a home. The examiner recommended a diversion rate based on the standard rate for irrigation of 0.02 cfs per acre.

5. On March 7, 2023, the Department issued License No. 2-10546 for the recommend rate of 0.02 cfs for domestic use.

6. On March 23, 2023, the Department received a Petition for Reconsideration ("Petition") asking the Department to reconsider the diversion rate authorized by the License. The Petition asserts that a rate of 0.04 cfs is necessary due to the soil type at the place of use and that the rate was developed.

SCANNED
APR 14 2023

APPLICABLE STATUTES AND RULES

1. Idaho Code § 42-219(1) states, in relevant part:

> Upon receipt by the department of water resources of all the evidence in relation to such final proof, it shall be the duty of the department to carefully examine the same, and if the department is satisfied that the law has been fully complied with and that the water is being used at the place claimed and for the purpose for which it was originally intended, the department shall issue to such user or users a license confirming such use. Such license shall state…the purpose for which such water is used and the quantity of water which may be used, which in no case shall be an amount in excess of the amount that has been beneficially applied.

2. Rule 730.02.b of the Department's Rules of Procedure (IDAPA 37.01.01) states:

> A party may file a petition for reconsideration of this preliminary order with the agency within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

CONCLUSIONS OF LAW

1. The Petition was filed timely.

2. Rule 730.02 of the Department's Rules of Procedure (IDAPA 37.01.01) authorizes the Department to reconsider the issuance of a preliminary order.

3. The Permit Holder developed beneficial use in accordance with the Permit.

4. The Department should grant the Petition and issue an amended license with a diversion rate of 0.04 cfs.

ORDER

IT IS HEREBY ORDERED that the Petition is **GRANTED**.

IT IS FURTHER ORDERED that the License is **MODIFIED** as set forth in the Amended Water Right License issued on this date in conjunction with this order.

Dated this 12th day of April, 2023.

Phill Hummer
Water Rights Supervisor

SCANNED
APR 14 2023

State of Idaho
Department of Water Resources

Amended Water Right License

Water Right No. 2-10546

Priority: November 29, 2017 **Maximum Diversion Rate:** 0.04 CFS

It is hereby certified that:

RIVER ROAD FARM LLC PO BOX 2028 SUN VALLEY ID 83353-2028

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 29, 2017, and has submitted Proof of Beneficial Use on March 01, 2023. An examination confirms water is diverted from:

Source : SNAKE RIVER **Tributary:** COLUMBIA RIVER

Beneficial Use	Period of Use	Rate of Diversion
DOMESTIC	01/01 to 12/31	0.04 CFS

Location of Point(s) of Diversion
SNAKE RIVER L3 (NW¼ NW¼), Sec. 4, Twp 09S, Rge 14E, B.M. TWIN FALLS County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	14E	4						X L3											

Conditions of Approval

1. Domestic use is for external use for 1 home.
2. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
3. The quantity of water under this right shall not exceed 13,000 gallons per day.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
6. Place of use is located within Lot 1, Blk. 1; Oregon Trail Subdivision.
7. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

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

Signed this 12th day of April, 2023.

PHILL HUMMER
Water Rights Supervisor

SCANNED
APR 14 2023

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 2-10546

Priority: November 29, 2017 **Maximum Diversion Rate:** 0.02 CFS

It is hereby certified that:

RIVER ROAD FARM LLC PO BOX 2028 SUN VALLEY ID 83353-2028

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Source : SNAKE RIVER **Tributary:** COLUMBIA RIVER

Beneficial Use	Period of Use	Rate of Diversion
DOMESTIC	01/01 to 12/31	0.02 CFS

Location of Point(s) of Diversion
SNAKE RIVER L3 (NW¼ NW¼), Sec. 4, Twp 09S, Rge 14E, B.M. TWIN FALLS County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	14E	4						X L3											

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5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
6. Place of use is located within Lot 1, Blk. 1; Oregon Trail Subdivision.
7. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

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

Signed this 7th day of March, 2023.

PHILL HUMMER
Water Rights Supervisor

SCANNED
MAR 13 2023

State of Idaho
Department of Water Resources

Attachment to Water Right

2-10546

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.035 0.07 0.14 Miles

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

N

SCANNED
MAR 13 2023

Form 42-217 Rev 6/22

RECEIVED
Feb 28, 2023
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee $	50.00
Receipt No	5039682
Receipted By	
Date Receipted	3/1/23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 02-10546 Name of Permit Holder(s) RIVER ROAD FARM LLC

Telephone No. _____ Email _____

Mailing Address PO Box 2028 City SUN VALLEY State ID Zip 83353

2. Source of Water SNAKE RIVER If Ground Water (well), Date Drilled mo. ____ / yr. ____

Drilling Permit/Tag No. _____ Drilling Company's Name _____

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) 1 Irrigation (No. acres) ____ Stockwater (No. and stock type) _____

Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted 0.04 cfs OR _____ af

If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

_____

_____

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required?	Yes	No	(If "Yes", attach required data, evidence of compliance, or evidence of installation)
☐	☐	☐	Ground water level data, pumping information, or other diversion data
☐	☐	☐	Mitigation plan
☐	☐	☐	Lockable controlling works
☐	☐	☐	Measuring device
☐	☐	☐	Fish screen
☐	☐	☐	Other requirements of the water right permit TRUST WATER
	☐	☐	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed $_____ or ☐ CWRE field report attached or ☒ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Jake Roometna Telephone No. 2089459997 Email _____

Mailing Address POB 2028 City SUN VALLEY State ID Zip 83353

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

_____ JEFF A. McNEE, MANAGER 2-28-23

SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

*Attach power of attorney if completing on behalf of permit holder.

SCANNED
MAR 13 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

April 13, 2023

RIVER ROAD FARM LLC
PO BOX 2028
SUN VALLEY ID 83353-2028

RE: Preliminary Order in the matter of License No. 2-10546

Dear Permit Holder:

The accompanying order is an **"amended preliminary order"** issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). It can and will become a final order without further action of the Department unless any party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have questions regarding this matter, please contact me at 208-287-4925

Sincerely,

Debbi Budd

for Phill Hummer
Water Rights Supervisor

Enclosures

c. Hattie Zobott – *via email*
Water District #02 – *via email*

SCANNED
APR 14 2023

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2023, I served a true and correct copy of the foregoing **ORDER GRANTING PETITION FOR RECONSIDERATION AND MODIFYING A PRELIMINARY ORDER** by U.S. Mail, postage prepaid, to the following:

RE: Water Right License No. 2-10546

RIVER ROAD FARM LLC (Current Owner)
PO BOX 2028
SUN VALLEY ID 83353-2028

T-O ENGINEERS LLC (Representative)
C/O HATTIE ZOBOT – *via email*
2471 S TITANIUM PL
MERIDIAN ID 83642
hzobott@ardurra.com

WATER DISTRICT #02
ROB WHITNEY-WD 02 (Watermaster) – *via email*
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098
Rob.whitney@idwr.idaho.gov

Debbi Judd
Technical Records Specialist

SCANNED
APR 14 2023

RECEIVED
Mar 23, 2023
DEPARTMENT OF
WATER RESOURCES

River Road Farm LLC
PO BOX 2028
Sun Valley, ID 83353

March 23, 2023

Idaho Department of Water Resources
322 E Front Street
Suite 648
Boise, ID 83702

Re: Petition for Reconsideration, 2-10546, Domestic Use

To Whom It May Concern:

The water right license 2-10546 was licensed for 0.02 cfs per the issuance of license, dated March 10, 2023. The applicant would like to petition the Idaho Department of Water Resources to reconsider the license issuance flow rate of 0.02 cfs and reinstate the license at the 2-10546 Permit flow rate of 0.04 cfs (attached). The desired flow rate for the domestic water license is 2-10546 is 0.04 cfs. This petition is submitted within 14 days of the service date and in accordance with 67-5243(3), Idaho Code.

The original application for permit requested 0.04 cfs for the domestic use based on pumping feasibility and soil type. The original application for permit supporting information is attached to this petition to demonstrate the need for 0.04 cfs of flow. As discussed in the supporting information, the overall consumptive use of the property will not change with the increased diversion rate because of the rapid infiltration and proximity to the Snake River. However, the higher flow rate is needed to maintain the plant available water for proper irrigation and pumping feasibility for the property. The application for permit was approved at the higher flow rate based on the supporting information provided and attached for your consideration.

Please feel free to contact me or my representative, Hattie Zobott, with any questions. Her contact information is below:

Hattie Zobott
T-O Engineers LLC
2471 S. Titanium PL
Meridian, ID 83642
hzobott@ardurra.com

Sincerely,

Jeff McNee
Manager, River Road Farm, LLC

Attachments: 2-10546 Application for Permit Supporting Information, 2-10546 Permit, 2-10546 License,

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APR 14 2023

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Mar 23, 2023
DEPARTMENT OF
WATER RESOURCES

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JAN 05 2018
DEPT OF WATER RESOURCES
SOUTHERN REGION

Attachment 12a
12-28-2017
Narrative Justifying Domestic Water Use for New Water Right Application for Permit:

The applicants seeks a permit to provide domestic use of water for their property adjacent to Snake River under the allowances of Idaho Code 42-111. The existing well on the property has diversion allowed for low temperature geothermal water for domestic, in house use only (WR 47-17517 in Appendix A). The applicant therefore proposes to supplement the low temperature geothermal water by diverting water from the Snake River for domestic use at the property. The total combined use of all sources on the property will not exceed the allowances described by 42-111. The below narrative describes the need for the diversion rate of 0.04 cfs for domestic use as a result of soil type and minimum diversion limitations resulting from site characteristics.

The need for additional, outside of home domestic use is driven by irrigation requirements. The property is on the outside bend of the Snake River and has the constant risk of erosion, which can be mitigated through plant stabilization of the bank. Plantings were attempted in 2016 without irrigation, and the plants could not be established due to the sandy soil and low soil moisture. As a result, the 2017 rain on snow event lead to significant erosion of the property due to runoff. Irrigation on the parcel is critical to establish plants in the extremely sandy soil. The application for permit for diversion from the Snake River for domestic use will enable the applicant to establish and maintain soil stabilizing vegetation on the property and shoreline for erosion prevention.

Per the limits described by domestic use: The maximum consumptive use for the property will result from 0.5 acres of irrigation. The maximum consumptive use by irrigation was estimated using turf as the crop growing near Buhl, Idaho. The precipitation deficit of 885 mm (2.9 acre-ft) in the growing season would result in a total consumptive on the property of 1.45 afa (Allen & Robison 2012). The total use resulting from irrigation of 0.5 acres on the property is within the domestic allowance of 42-111 (See Table 1).

As stated above, the property has extremely sandy soil. Sandy soils have low water-holding characteristics that require larger volumes of water per soil volume to maintain sufficient plant available water (Ward & Trimble 2004). The higher diversion will insure soil has sufficient plant available water to support plant growth. Water that is not consumed by the evapotranspiration of the plants will return to the Snake River through infiltration. The estimated time of return of water through infiltration was evaluated using the Darcy Equation, the depth and length to the Snake River, and the soil type. Infiltration within the property is estimated to return to the river within a season of use (See Table 2).

The applicant will be diverting water for irrigation using a standard, self-priming, centrifugal pump. The estimated total dynamic head will be approximately 107 feet, therefore requiring a minimum 1 HP pump to deliver water to the property (See Table 3). The minimum recommended diversion rate of the 1HP centrifugal is approximately 20 gpm (or 0.045 cfs) for the total dynamic head and suction head of the site (Berkely LTHH Series Accessed December 2017). A diversion rate of 0.04 cfs will enable simple, inexpensive, and efficient diversion methods for the small property.

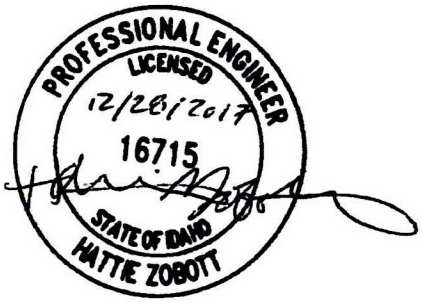
The overall consumptive use of the property will not change with the diversion rate of 0.04 cfs because of the rapid infiltration and proximity to the Snake River. Diverting at a lower rate of diversion would inhibit domestic use and increase cost of the diversion structures.

SCANNED
APR 14 2023

Table 1: Consumptive Use of Turf Near Buhl, Idaho		
Growing Season Precip. Deficit	885	mm/year
Consumptive Use	2.90	acre-ft
Domestic Use	0.50	acres
Maximum Consumptive Use	1.45	acre-ft
Days of Irrigation	214.00	days
Diversion Volume/Day	2,210	gallons/day
Diversion Limit 42-111(a)	13,000	gallons/day
Diversion Limit 42-111(b)	2,500	gallons/day
*Allen & Robison, 2012		

Table 2: Darcy Velocity at River RD		
Permeability of Sand*	0.05	cms/sec
	141.7	ft/day
Unsaturated Soil Depth	20.00	ft
Distance from Snake River	227.00	ft
Gradient at Shoreline	0.088	ft/ft
Gradient at River Road	0.009	ft/ft
Darcy Velocity at River RD	1.2	ft/day
Time to Reach Snake River	181.8	days
*Ward & Trimble 2003		

Table 3: Total Dynamic Head Required-Sprinkler System		
Elevation of Snake River	2894	ft
Elevation of Property	2917	ft
Hz=Change in Elevation	23	ft
Sprinkler Pressure	30	psi
Hp=Sprinkler Pressure Head	69.3	ft
Discharge	18	gpm
	0.040	cfs
Inside Diameter of Pipe	1.61	inches
Pipe Area	0.0141	sf
Pipe Velocity	2.84	ft/sec
Hv=Velocity Head	0.12	ft
Pipe Length	250	ft
Friction Loss/1000 feet	55	C=100
Hf=Friction Loss of Pipe	13.75	ft
Total Dynamic Head*	106.17	ft
Work Horsepower	0.48	HP
Pump Efficiency-Typical	0.65	
Motor Efficiency-Typical	0.85	
Overall Efficiency	0.55	
Minimum Recommended HP	0.87	HP
*Total Dynamic Head=Hz+Hv+Hf+Hp		



References:

Allen, Richard G. and Clarence W. Robison. 2012. Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

Berkely LTHH Series Self Priming Centrifugal Pumps. 2017. Accessed online: http://www.resiflowlit.com/pentair/pdf/CB5563WS.pdf. December 28, 2017

Ward, A. D., & Trimble, S. W. 2003. *Environmental hydrology*. CRC Press.

SCANNED
APR 14 2023

RECEIVED
Mar 23, 2023
DEPARTMENT OF
WATER RESOURCES

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 2-10546

Priority: November 29, 2017 **Maximum Diversion Rate:** 0.02 CFS

It is hereby certified that:

RIVER ROAD FARM LLC PO BOX 2028 SUN VALLEY ID 83353-2028

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 29, 2017, and has submitted Proof of Beneficial Use on March 01, 2023. An examination confirms water is diverted from:

Source : SNAKE RIVER **Tributary:** COLUMBIA RIVER

Beneficial Use	Period of Use	Rate of Diversion
DOMESTIC	01/01 to 12/31	0.02 CFS

Location of Point(s) of Diversion
SNAKE RIVER L3 (NW¼ NW¼), Sec. 4, Twp 09S, Rge 14E, B.M. TWIN FALLS County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	14E	4						X L3											

Conditions of Approval

1. Domestic use is for external use for 1 home.
2. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
3. The quantity of water under this right shall not exceed 13,000 gallons per day.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
6. Place of use is located within Lot 1, Blk. 1; Oregon Trail Subdivision.
7. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

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

Signed this 7th day of March, 2023.

PHILL HUMMER
Water Rights Supervisor

SCANNED
APR 14 2023

State of Idaho
Department of Water Resources

Attachment to Water Right

2-10546

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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APR 14 2023

RECEIVED
Mar 23, 2023
DEPARTMENT OF
WATER RESOURCES

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 2-10546

Priority: November 29, 2017 Maximum Diversion Rate: 0.04 CFS

This is to certify, that MATTHEW K MC DONAGH
4356 N ARROW CREST WAY
BOISE ID 83703

And

LAURA L MC DONAGH
4356 N ARROW CREST WAY
BOISE ID 83703

have applied for a permit to appropriate water from:

Source: SNAKE RIVER **Tributary:** COLUMBIA RIVER

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L3 (NW1/4NW1/4) Sec. 4, Twp 09S, Rge 14E, B.M.
TWIN FALLS County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	14E	4						X L3											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2023.**
2. Subject to all prior water rights.
3. Domestic use is for external use for 1 home.
4. Until a home is constructed on the property the use is limited to no more than 2,500 gallons per day.
5. Once a home is established on the property the domestic use authorized under this right when combined with any other domestic right associated with the property shall not exceed 13,000 gallons per day nor irrigation of more than 1/2 acre.
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.

SCANNED
APR 14 2023

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 2-10546

7. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
9. Place of use is located within Lot 1, Blk. 1; Oregon Trail Subdivision.
10. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 9th day of March, 2018.

COREY SKINNER, Southern Region Manager

SCANNED
APR 14 2023

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

2-10546

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.035 0.07 0.14 Miles

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

N

SCANNED
APR 14 2023

Hersley, Jean

From: jeff hsfcorp.com <jeff@hsfcorp.com>
Sent: Thursday, March 23, 2023 10:33 AM
To: IDWRInfo
Subject: Petition for Reconsideration River Road Farm, LLC - Water License No. 2-10546
Attachments: River Road Farm LLC-Petition for Reconsideration.pdf; Permit.pdf; Justification for 0.04 cfs.pdf; License.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hello,

Please find attached a petition for reconsideration to increase the flow rate for license 2-10546 and accompanying documentation.

Thank you,

- Jeff McNee
Manager, River Road Farm, LLC

Jeff McNee
President & CEO
H&S FINANCIAL CORPORATION
(P) 208-622-5502 X20
(C) 208-720-3912
(F) 208-622-5503
jeff@hsfcorp.com

SCANNED
APR 14 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 2-10546
Exam Date: 3/3/2023

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? __X__Y ____N
   a. Irrigation of 5 acres or less
   b. Storage of up to 14.6 AF for stockwater purposes only
   c. Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
   d. Other < >

2. Current Owner: Name: Road River Farms LLC
   Owner of Record Correct? __X__Y ____N
   Address of Record Correct? __X__Y ____N
   If No: Address

According to Tax Parcel Data the property is owned by Road River Farms LLC.

3. Beneficial Use Fees have been paid: __X__Y ____N Receipt No: S039682
4. **SOURCE** **TRIBUTARY**
   Snake River Columbia River

Method of Determination: GIS and Tax Parcel Data

Change in Source: ____Y ___X__N

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Yes Overlap

Water Right No.	Source	Purpose of Use	Basis
47-17517	Groundwater	Domestic	License
47-10959	Spring	Domestic	Decree
36-2038	Banbury Springs	Domestic	Decree

Comments: There are three water right's shapefiles overlapping this permits place of use. Water right 36-2038 includes other uses within a larger shapefile. However, maps in the water right backfile conform this right does not overlap this permits POU. Water right 47-10959 shares the same beneficial use as this permit but comes from a different source. Therefore, it does not overlap this permit. Water right 47-17517 resides within the same POU as this permit. However, it is from a different source and only authorizes in-house domestic use. This permit already is conditioned to be limited to 13,000 gallons/day when combined with any other domestic rights.

2. Other water rights with the same point of diversion: No Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A			

Comments: N/A

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MAR 13 2023

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Snake River	3		NW	NW	4	09S	14E	B.M.	Twin Falls
								B.M.	
								B.M.	

Method of Determination: GIS and Tax Parcel Data.

Change in POD? ____Y __X__N Amendment Required? ____Y __X__N

2. **PLACE OF USE:** Use: Domestic

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	14E	4						D											N/A
		Lot #						3											N/A
																Total Acres =			N/A

Method of Determination: GIS and Tax Parcel Data

Change in POU? ____Y __X__N Amendment Required? ____Y __X__N

__ Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

__ Aerial Photo Attached (required for irrigation of 10+ acres).

__ Photo of Diversion and System Attached

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A					

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

D. FLOW MEASUREMENTS

1.Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: Since the permit holder did not provide a pump horsepower a diversion rate calculation was not possible.

E. FLOW CALCULATIONS _____Additional Computation Sheets Attached

Measured Method: **The permit holder did not provide a pump horsepower. Therefore, a diversion rate calculation is not possible. According to Administrative Processing Memo #22 the standard diversion rate for a single-family home and up to ½ acres yard irrigation is 0.04 cfs. This permit authorizes domestic use for external use only, so up to ½ acres yard irrigation. Therefore, the rate should be reduced. I am recommending a 0.02 cfs diversion rate.**

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F. VOLUME CALCULATIONS

2. Volume Calculations for Other Uses: **This permit is limited, once a home is constructed, to 13,000 gallons per day when combined with any other domestic rights. According to the IDAPA Beneficial use Examination Rules 37.03.02.035. 01j.ii a diversion volume is not required for domestic uses as defined under Idaho Code § 42-111.**

G. PURPOSE OF USE

Irrigation __X__Y ____N # Stock_____N/A_____ Domestic # of Homes __1____

Other: < >

Change in Purpose of Use? ____Y __X__N

Method of Determination: GIS, Tax Parcel Data, and Sentinel Imagery.

If Yes: From Use _____To Use _____Amount _____CFS _____AFA_____

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-house examination. This permit authorizes external domestic use of up to ½ acres of yard irrigation. This permit was assigned to the current owner by the previous owner in September 2020. Sentinel Imagery seems to confirm irrigation occurred in June 2022. The area depicted in the irrigation map bellow matches what looks like landscaping present on the property shown in GIS Imagery. The permit holder did not provide a pump horsepower. Therefore, a diversion rate calculation was not possible. The permit only authorizes external domestic use of up to ½ acres of yard irrigation. There is a water right present on the parcel for the in-house use of 1 home, 47-17517, according to Department Records. Therefore, the diversion rate should be reduced to within the standards set in Administrative Processing Memo #17 for the irrigation of 5 acres or less, 0.03 cfs per acre.

This permit is limited, with any other domestic rights, to 13,000 gallons per day. According to the IDAPA Beneficial Use Examination Rules 37.03.02.035. 01j.ii a diversion volume for domestic uses as defined under Idaho Code § 42-111 is not required. All of the conditions have been met and it is believed the permit holders are using water for the beneficial use authorized on their permit. Therefore, I am recommending a 0.02 diversion rate.

Conditions 239, R05, 01P, X60, 933, and condition 2 and 3 on the permit should ~~remain on the license~~. All other conditions should be removed as standard with licensing. be replaced with 187 b NIS PR

Have conditions of permit approval been met? __X___Yes _____No

I. RECOMMENDATIONS

1. Recommended Amounts

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
Domestic	1/1 to 12/31	0.02 CFS
	Totals:	0.02 CFS

2. Recommended Amendments

___Change P.D. as reflected above ___Add P.D. as reflected above __X__None

___Change P.U. as reflected above ___Add P.U. as reflected above __X_None

Other: < >

J. AUTHENTICATION Skyler Cheever, Water Resource Agent

Field Examiner's Name Skyler Date 3/3/2023

Reviewer PDamm Date 3/7/23

SCANNED MAR 13 2023

Field Exam Map:

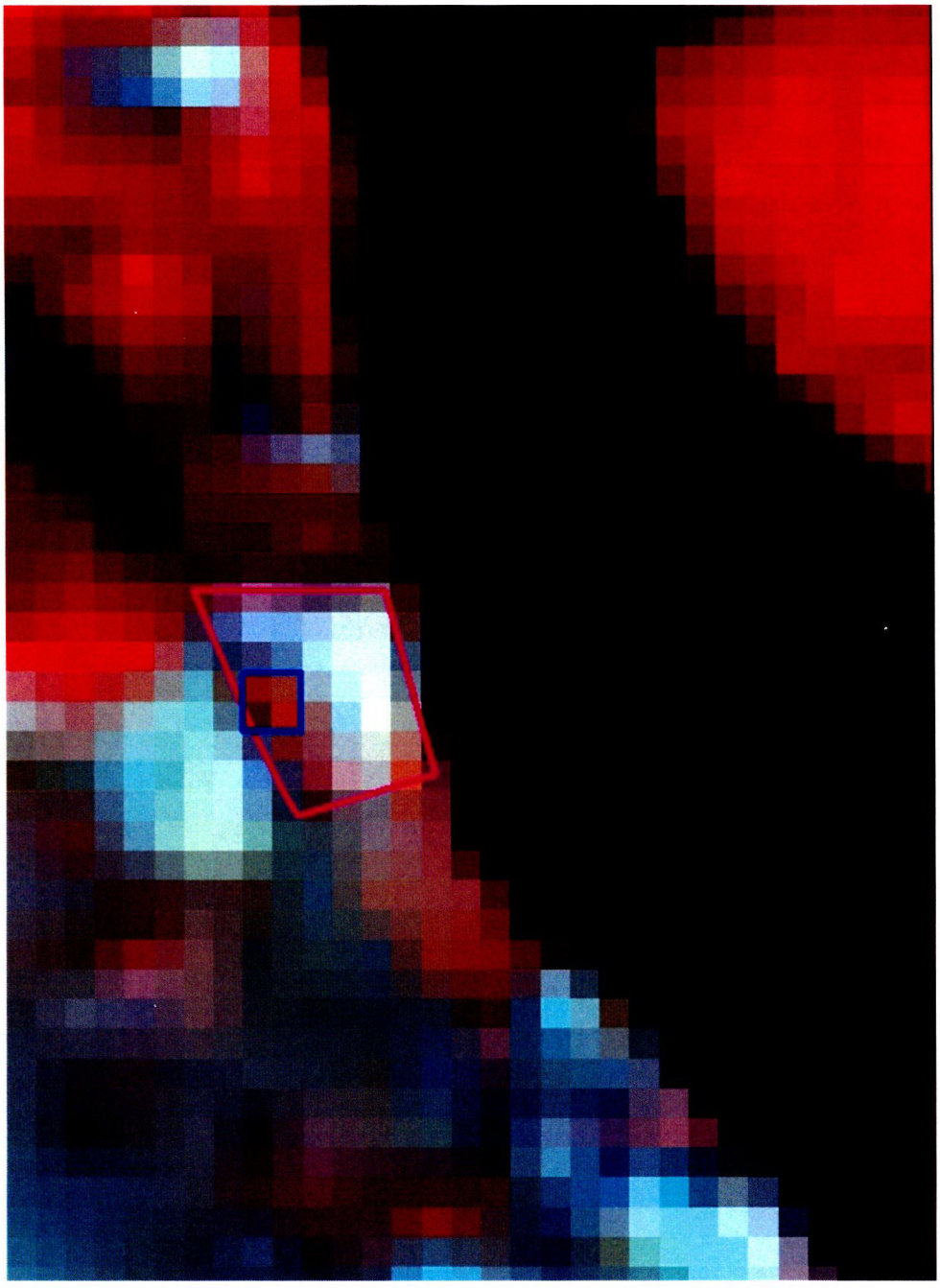
The orange border shows the place of use, and the yellow point shows the point of diversion.



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Irrigation Map

Sentinel Imagery of from June 27th, 2022. The magenta area represents the permit place of use, and the blue square represents the area that seems to be irrigated.



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MAR 13 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

March 10, 2023

RIVER ROAD FARM LLC
PO BOX 2028
SUN VALLEY ID 83353-2028

RE: License No. 2-10546

ISSUANCE OF LICENSE

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4925.

Sincerely,

for Phill Hummer
Water Rights Supervisor

Enclosures

SCANNED
MAR 13 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2023, I served a true and correct copy of Water Right License No. 2-10546 by U.S. Mail, postage prepaid, to the following:

RIVER ROAD FARM LLC (Current Owner)
PO BOX 2028
SUN VALLEY ID 83353-2028

J U B ENGINEERS INC (Representative)
C/O HATTIE ZOBOT
2114 VILLAGE PARK AVE STE 100
TWIN FALLS ID 83301-4172

WATER DISTRICT #02
ROB WHITNEY-WD 02 (Watermaster) – *via email*
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098
Rob.whitney@idwr.idaho.gov

Debbi Judd
Technical Records Specialist

SCANNED
MAR 13 2023

Beneficial Use Proof Evaluation

Permit Number: 2-10546 Reviewer: djudd Review Date: 3/2/2023

Acceptability

1) Is the contact on the request the current permit holder? Yes
2) Does the address of record need to be updated? No
3) Proof Submitted Date: 3/1/2023
4) Proof Due Date: 3/1/2023
5) Days added for weekend due date? 0
6) Days added for holiday due date? 0
7) Number of days late: 0
8) Proof received timely? Yes

Analysis

1) Are the water uses correct? Yes
2) Are one of the following items required?
    a. Measuring Device -- No
    b. Lockable Device --No
    c. Fish Screen -- No
3) Are the required items installed?
    a. Measuring Device --
    b. Lockable Device --
    c. Fish Screen --
4) Is there a request to waive the required items?
5) Drilling Permit Number:
6) Is a drilling permit upgrade needed?
7) Was a well drillers report filed?
8) Is proof accepted? Yes

Fees

1) Is a licensing exam fee required? Yes
2) Was proof submitted with an exam report from a CWE? No
3) Filing fee due: $50.00
4) Filing fee submitted: $50.00
5) Remaining fee or (refund): $0.00

Receipt IDs

S036473 - Application, S039682 - Proof

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.

Hersley, Jean

From: jeff hsfcorp.com <jeff@hsfcorp.com>
Sent: Tuesday, February 28, 2023 11:50 AM
To: IDWRInfo
Subject: Permit No. 02-10546 - Statement of Completion
Attachments: IDWR Notice of Completion Due - 12-30-22.pdf; River Road Farm - IDWR Statement of Completion - 2-28-23.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hello,

Please find attached a copy of the Notice of Completion Due we received as well as our Statement of Completion for Permit Number 02-10546. The original Statement of Completion will go out in the mail to your PO Box today.

Thank you,

- Jeff McNee
Manager, River Road Farm, LLC

Jeff McNee
President & CEO
H&S FINANCIAL CORPORATION
(P) 208-622-5502 X20
(C) 208-720-3912
(F) 208-622-5503
jeff@hsfcorp.com

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

December 30, 2022

RIVER ROAD FARM LLC
PO BOX 2028
SUN VALLEY ID 83353-2028

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 02-10546

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **March 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Idaho Code § 42-204. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a $50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this Department on or before the above proof due date. If neither is received, the Department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd

Debbi Judd
Technical Records Specialist

Enclosures

CERTIFIED MAIL
7016 1370 0000 2018 4042
NO

SCANNED
JAN 03 2023

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

October 02, 2020

RIVER ROAD FARM LLC
PO BOX 2028
SUN VALLEY ID 83353-2028

Re: Change in Ownership for Water Right No: 47-17517 and Water Permit No: 02-10546

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 293-9916.

Sincerely,

Kent Aasa
Water Resource Agent, Senior

Enclosure(s)
Hattie Zobott

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