

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 22-14327

Priority: December 06, 2018

Maximum Diversion Rate: 2.00 CFS

Maximum Diversion Volume: 850.0 AF

It is hereby certified that:

BEVAN JEPPESEN AND
MICHELLE JEPPESEN
1282 S 2ND E
REXBURG ID 83440-3862

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 06, 2018, and has submitted Proof of Beneficial Use on June 14, 2022. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use

IRRIGATION

Period of Use

04/01 to 10/31

Rate of Diversion

2.00 CFS

Annual Volume

850.0 AF

Location of Point(s) of Diversion

GROUND WATER L1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 6, Twp 04N, Rge 41E, B.M. MADISON County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	41E	5						39.0 L4	30.0		34.0	40.0	39.0	39.0					221.0
04N	41E	6	39.0 L1			31.0									33.0			32.0	135.0
04N	41E	7	22.0																22.0

Total Acres: 378.0

Conditions of Approval

1. Rights 22-13670 and 22-14327 when combined shall not exceed a total diversion rate of 4.18 cfs, a total annual maximum diversion volume of 925 af at the field headgate, and the irrigation of 378 acres.
2. 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. 100.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right was changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to

SCANNED
JUN 27 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 22-14327

mitigation by non-use. The mitigating right may also include a condition stating that the mitigation by non-use is for the benefit of this right.

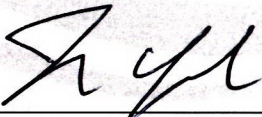
Right No.	Use Changed to Mitigation by Non-Use	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
22-7115	Irrigation Storage		55 acre-feet	142
22-7091	Irrigation	2.00		142
22-13454	Irrigation	1.24		236
Combined Limits:		2.00 cfs		378 ac

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

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 26th day of June, 2023.



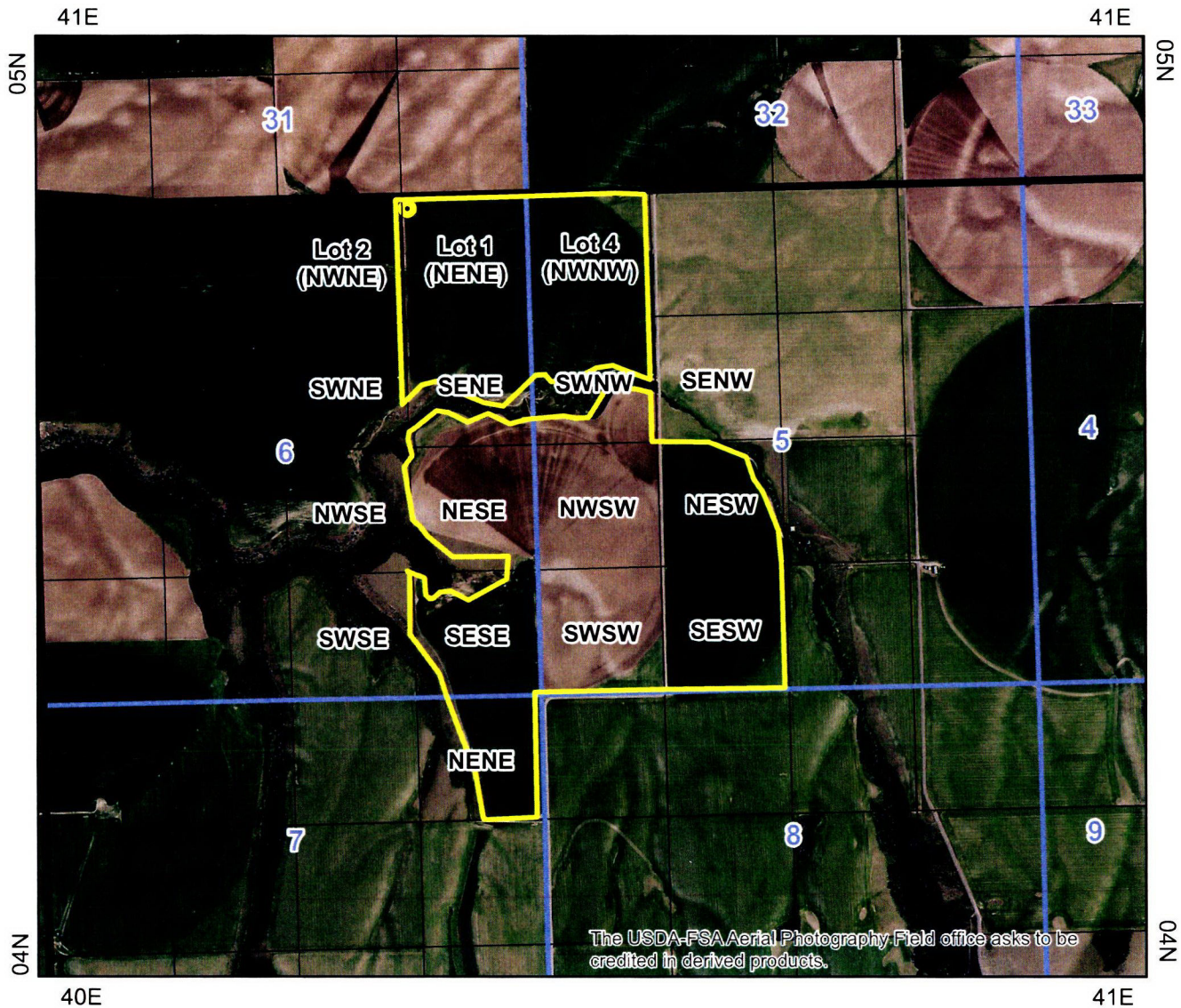
JAMES CEFALO
Eastern Regional Manager

SCANNED
JUN 27 2023

State of Idaho
Department of Water Resources

Water Right

22-14327



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

0 0.225 0.45 0.9 Miles

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



SCANNED

JUN 27 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 22-14327
Exam Date: 6/6/2023

1. Current Owner: Michelle Jeppesen AND Bevan Jeppesen
2. Accompanied by: Bevan Jeppesen
Phone No: (208) 390-8240
Address: 1282 S Second E Rexburg ID 83440
Relationship to permit Holder: Owner

3. **SOURCE:**
GROUND WATER

Method of Determination: Site visit

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis
22-13670	GROUND WATER	IRRIGATION	LICENSE

Comments: Water Rights 22-7115, 22-7091, and 22-13454 are for mitigation by Non-use.

2. Other water rights with the same point-of-diversion: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
22-13670	GROUND WATER	IRRIGATION	LICENSE

Comments: _____

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:** L1 (NENE), SEC. 6, T04N, R41E.

Method of Determination: Site visit and GPS

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	41E	5						39.0 L4	30.0		34.0	40.0	39.0	39.0					221.0
04N	41E	6	39.0 L1			31.0									33.0			32.0	135.0
04N	41E	7	22.0																22.0

Method of Determination: Site visit and GPS

SCANNED
JUN 27 2023

3.

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

☒ Indicate weir size/pipe as applicable.

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be

☒ 1:24,000 or greater.☒ Aerial Photo Attached (required for irrigation of 10+ acres).☒ Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WMIS 1003313	Aurora	700	122215SC		

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Installed Flowmeter	Magnetic	Seametrics	AG3000	02190665	10 inch	

2. Measurements:

E. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

Installed flowmeter instantaneous flow rate. The flow rate was 1914 GPM.

 $1914 \text{ GPM} / 448.83 = 4.26 \text{ CFS}$ *WR 22-13670 covers 2.18 cfs* *$4.26 - 2.18 = 2.08 \text{ cfs}$* *Permit limited to 2.00 cfs.***F. VOLUME CALCULATIONS**

1. Volume Calculations for irrigation:

$$V_{IR} = (378) \times (3.5) = 1323 \text{ AF}$$

$$V_{DR} = [4.26 \text{ (cfs)}] \times (214 \text{ days}) \times 1.9835 = 1808.23$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 1323 \text{ AF}$$

$2.00 \text{ cfs} \times 214 \text{ days} \times 1.9835 = \underline{850 \text{ af}}$

2. Volume Calculations for Other Uses: N/A

SCANNED
JUN 27 2023

G. NARRATIVE/REMARKS/COMMENTS

A field exam was performed to record and confirm the diversion rate at WMIS 1003313 and to confirm if the channel on Lyons Creek is dry and does not make it to the Snake River. A diversion rate of 1914 GPM or 4.26 CFS was observed using the department approved flowmeter installed at the diversion.

Lyons Creek was flowing up stream of the place of use but sinks as the stream flows into the NESW and SENW, Section 5, T04N, R41E. No water was flowing downstream of this location. No water was observed to be in the reservoir owned by Jeppesen. No water was observed flowing into the Snake River. The Soil in the stream bed was still moist. The channel had evidence that water had flown all the way to the Snake River during recent peak run-off events.

Have conditions of permit approval been met? X Yes No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.0 CFS	850.0 AF

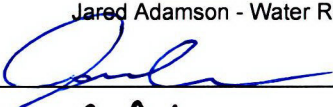
Totals: 2.0 CFS 850.0 AF

2. Recommended Amendments

 Change P.D. as reflected above Add P.D. as reflected above X None

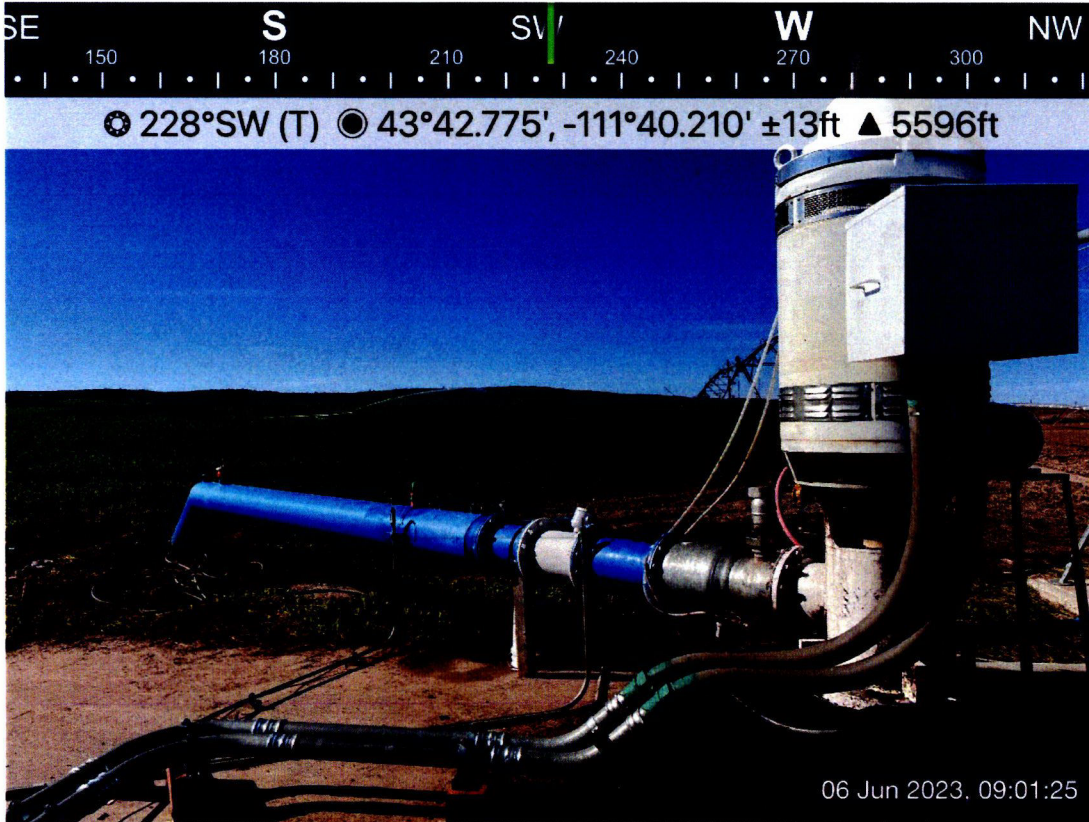
 Change P.U. as reflected above Add P.U. as reflected above X None

I. AUTHENTICATION Jared Adamson - Water Resource Agent

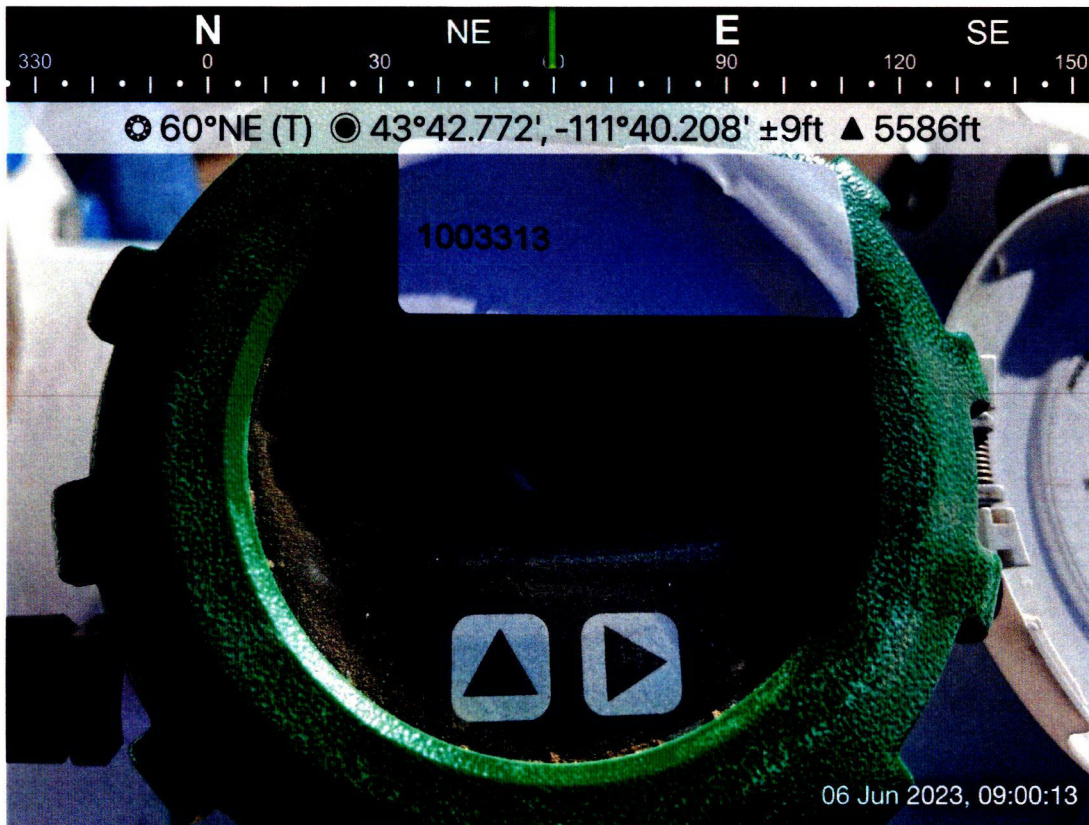
Field Examiner's Name  Date 6/6/2023

Reviewer James Cefalo Date 6/14/23

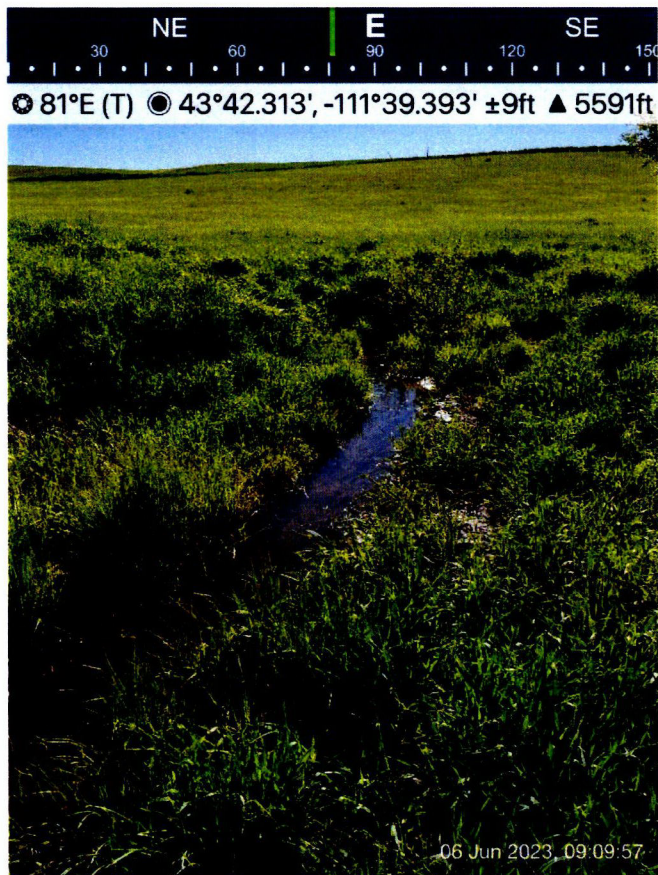
Overall diversion



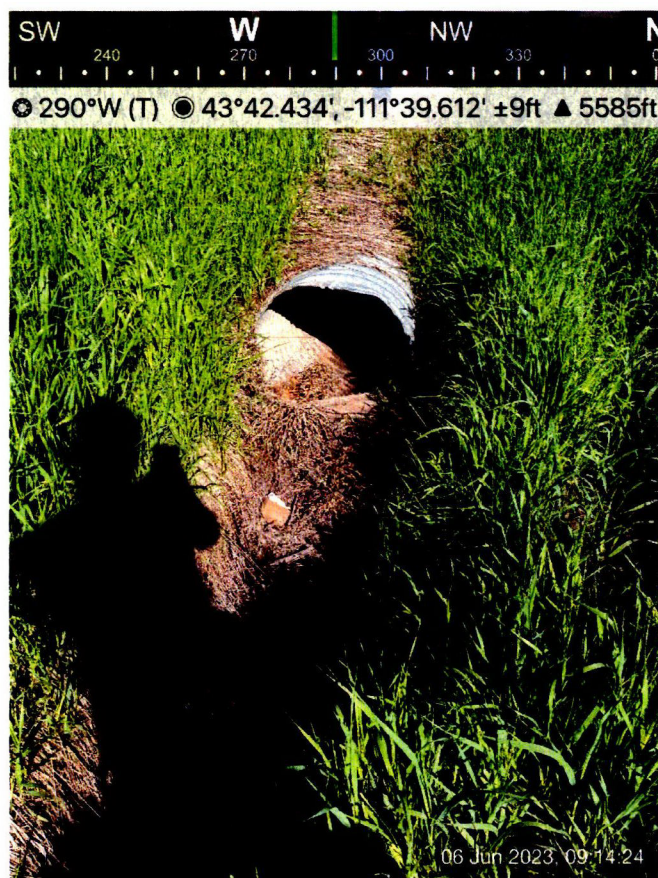
Installed Flowmeter



SCANNED
JUN 27 2023



Lyons Creek Flowing



Lyons Creek is dry as it crosses under S 6000 E. Lyons Creek appears to sink in a 400 yards length of the channel up stream of this location.

SCANNED
JUN 27 2023

[illegible]

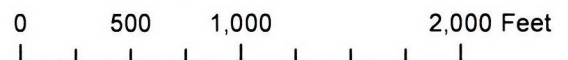
Point of Diversion

Place of Use

Township/Range

Sections

QQ



J.Adamson_IDWR_2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 26, 2023

BEVAN JEPPESEN
MICHELLE JEPPESEN
1282 S 2ND E
REXBURG ID 83440-3862

RE: License No. 22-14327

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) 497-3784.

Sincerely,

James Cefalo
Eastern Regional Manager

Enclosure(s)

SCANNED
JUN 27 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2023, I served a true and correct copy of Water Right License No. 22-14327 by U.S. Mail, postage prepaid, to the following:

BEVAN JEPPESEN
MICHELLE JEPPESEN
1282 S 2ND E
REXBURG ID 83440-3862

WATER DISTRICT #100
BLAKE JORDAN
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402



Christina Henman
Administrative Asst. I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.