

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 55-13970

Priority: July 11, 2019

Maximum Diversion Rate: 0.03 CFS

Maximum Diversion Volume: 1.4 AF

It is hereby certified that:

IDAHO DEPARTMENT OF LANDS 8355 W STATE ST BOISE ID 83714

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 22, 2019, and has submitted Proof of Beneficial Use on October 21, 2020. An examination confirms water is diverted from:

Source : SPRING

Tributary: SINKS

Beneficial Use

STOCKWATER

Period of Use

01/01 to 12/31

Rate of Diversion

0.03 CFS

Annual Volume

1.4 AF

Location of Point(s) of Diversion

SPRING SW¼ NE¼ NE¼, Sec. 25, Twp 07S, Rge 05W, B.M. OWYHEE County

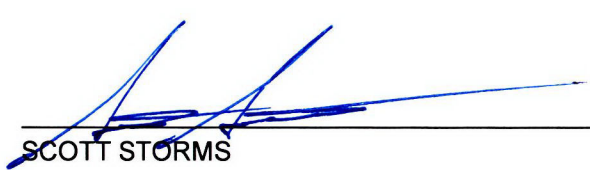
Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	05W	25	X																

Conditions of Approval

- When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

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.

SCOTT STORMS

Water Rights Supervisor

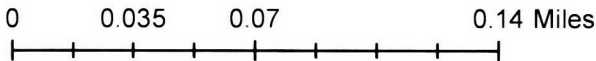
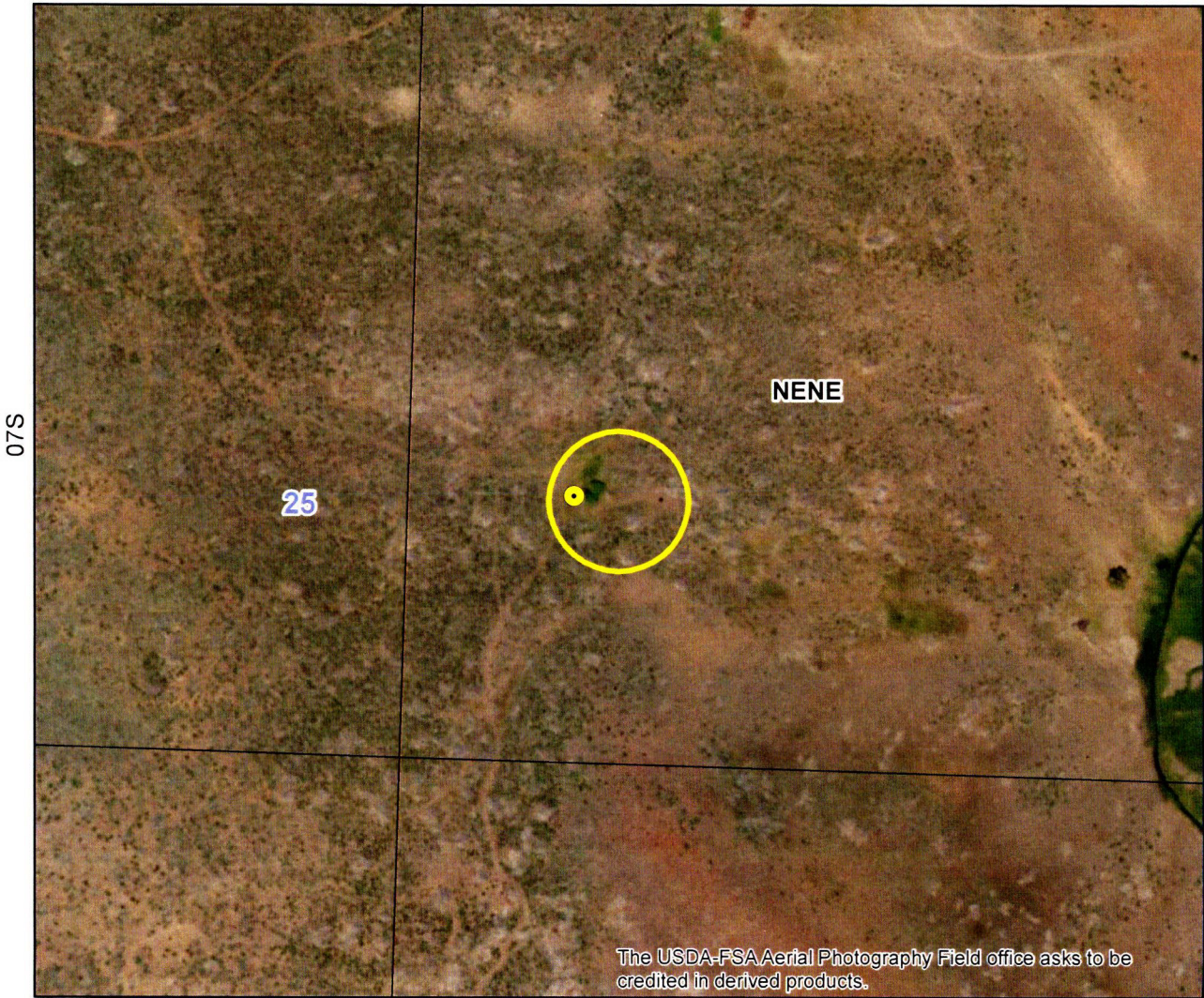
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JUL 05 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
55-13970

This map depicts the STOCKWATER 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.

05W



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

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**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO. 55-13970	)	PRELIMINARY ORDER
IN THE NAME OF	)	REINSTATING A PERMIT
IDAHO DEPARTMENT OF LANDS	)	
_____	)	

This matter having come before the Idaho Department of Water Resources (“Department”), the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On September 16, 2019, the Department issued Permit No. 55-13970 (“Permit”) in the name of Idaho Department of Lands (“Permit Holder”) authorizing the diversion of 0.03 cubic feet per second (cfs) of surface water for stockwater use in the NE¼NE¼ of Section 25, Township 07 South, Range 05 West, B.M., Owyhee County. A condition of permit approval required the Permit Holder to submit proof of beneficial use of water to the Department on or before September 1, 2020.
2. On June 30, 2020, the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Permit Holder of the steps to be taken to submit a *Statement of Completion for Submitting Proof of Beneficial Use* (“Proof”) or a *Request for Extension of Time* (“Extension Request”).
3. On September 1, 2020, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On September 8, 2020, the Department notified the Permit Holder the Permit lapsed because no Proof or Extension Request had been received.
5. On October 9, 2020, the Permit Holder filed an incomplete Proof.
6. On October 21, 2020, the Permit Holder filed an acceptable Proof.

CONCLUSIONS OF LAW

Idaho Code § 42-218a(1) states, in pertinent part:

A permit upon which the proof of beneficial use,... has not been submitted, or a request for extension of time has not been received on or before the date set for such proof or incremental statement, shall lapse and be of no further force nor effect... . Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail.

Idaho Code § 42-218a(2) states, in pertinent part:

Within sixty (60) days after such notice of lapsing, the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

By submitting an acceptable Proof, the Permit Holder has shown reasonable cause why the Permit should be reinstated. The Permit should be reinstated based upon the October 21, 2020 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 55-13970 is **REINSTATED** and the Permit's priority date is advanced to July 11, 2019.

DATED this 18th day of February, 2021.


Angela M. Grimm
Water Rights Section Manager



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 28, 2023

IDAHO DEPARTMENT OF LANDS
8355 W STATE ST
BOISE ID 83714-6071

RE: License No. 55-13970

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

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) 605-4624.

Sincerely,


Lynne Evans

for
Scott Storms
Water Rights Supervisor

Enclosure(s)

SCANNED

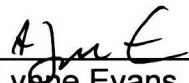
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CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2023, I served a true and correct copy of Water Right License No. 55-13970 by U.S. Mail, postage prepaid, to the following:

IDAHO DEPARTMENT OF LANDS (Current Owner)
8355 W STATE ST
BOISE ID 83714-6071

DAVID A MACKENZIE (Representative)
PO BOX 165
JORDAN VALLEY OR 97910-0165



Lynne Evans
Administrative Assistant 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 55-13970
Exam Date: 06/12/2023

1. Current Owner:
IDAHO DEPARTMENT OF LANDS 8355 W STATE ST BOISE ID 83714
2. Accompanied by: David A. McKenzie
Phone No: 208-583-2354
Address: 32286 Indian Meadows Murphy, ID
Relationship to permit Holder: Water right user/ Lease of land

3. SOURCE:
SPRING

Tributary
SINKS

Method of Determination: Site visit, aerial imagery

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None
2. Other water rights with the same point-of-diversion: None

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

SPRING SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, Twp 07S, Rge 05W, B.M. OWYHEE County

Method of Determination: GPS at 42° 47'23"N, 116° 52' 4".W

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	05W	25	X																

Method of Determination: Field photos and aerial photography used to verify irrigation use site.

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.
 - ☐ N/A Aerial Photo Attached (required for irrigation of 10+ acres).
 - ☒ Photo of Diversion and System Attached

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4.

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Following IDAPA Beneficial use exam rules 35.01.(r). no measurement was taken.**E. FLOW CALCULATIONS**N/A Additional Computation Sheets Attached

Measured Method: N/A

Standard Rate 0.03 cfs

Permitted Total Rate 0.03 cfs

License Recommendation 0.03 cfs**F. VOLUME CALCULATIONS**

1. Volume Calculations for irrigation: N/A

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

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

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

2. Volume Calculations for Other Uses:

Per Application Processing Memo No.3

100 head of stock = 0.03 cfs

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G. NARRATIVE/REMARKS/COMMENTS

The field exam was conducted on 05/02/22 by Water Right Agent, Marcelina Williams and accompanied by Mr. David McKenzie during the field exam. Mr. McKenzie is the lessor of the land that the Idaho Department of Lands owns and water user that applied for permit 55-13970. The application for permit was submitted on May 22, 2019, and proof of beneficial use was submitted on October 21, 2020.

The point of diversion (POD) location was confirmed by a ground spring box in the SWNENE QQQ. The spring uses no pump or motor for distribution. The spring box is constructed as ~3-foot hole in the ground with a ~5-foot-tall cylinder metal casing that has a 2 ¼ underground main line. This main line extends ~ 50 yards east and connects to a large tractor tire used as a stockwater trough.

The permit authorizes 0.03 cfs for stockwater use within NENE of Sec, T17S, R05W. 100 stock were verified within this QQ. ArcMap tools and aerial imagery, supported by photos taken during the field exam, were used to verify the POU area.

Per application processing memo 3 a standard rate of 0.03 cfs and 1.4 AF is the total recommended licensed flow rate and volume.

Condition 103 replaced condition 121 per department standards. Condition X02 was removed per licensing standards.

Have conditions of permit approval been met? ☒ 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>
STOCKWATER	01/01 to 12/31	0.03 CFS	1.4 AF
<u>Totals:</u>		0.03 CFS	1.4 AF

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 ☒ None

I. AUTHENTICATION Marcelina Williams

Field Examiner's Name Marcelina Williams Date 06/26/23
 Reviewer [Signature] Date 6/26/2023

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DELIVERY SYSTEM DIAGRAM

Water Right No. 55-13970

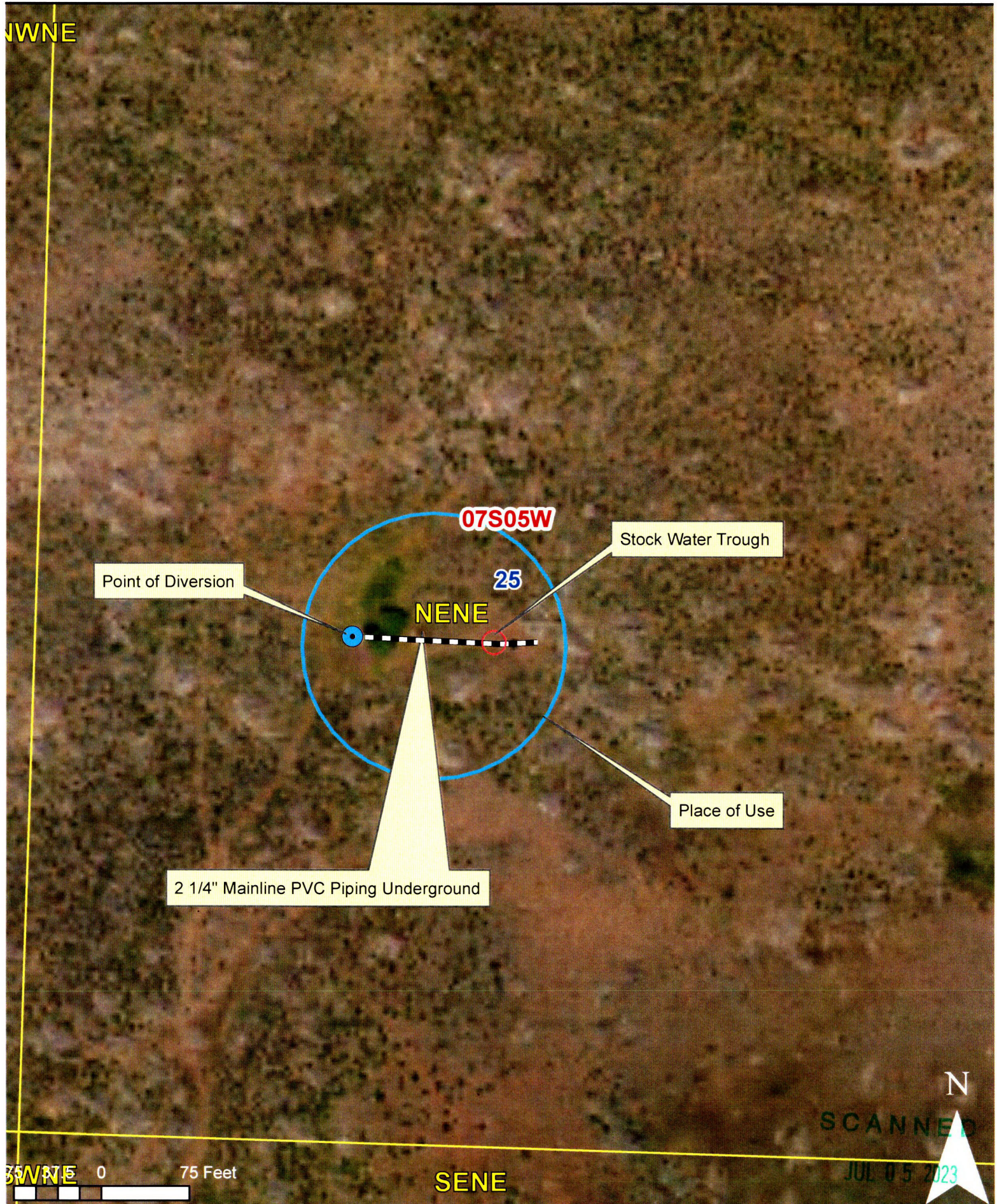




Fig. 1 – Location of one spring
POD. Located in the SWNENE
QQQ.



Fig. 2 – Location of spring POD
View looking E.



Fig. 3 – Location of spring in the SWNENE QQQ . View looking E.

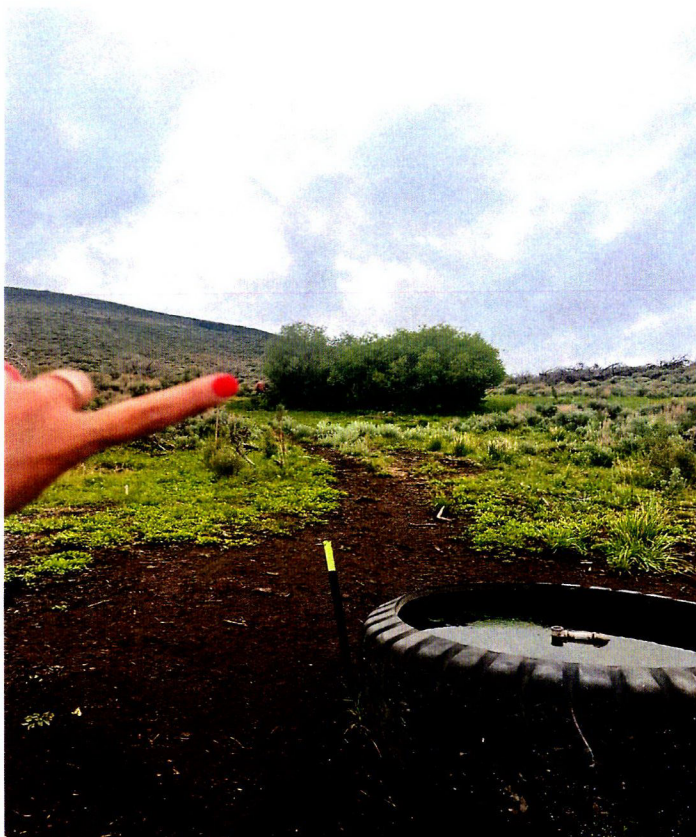


Fig. 4 – Location of POD where the finger is pointing. With 2 ¼ inch PVC piping leading down to the stock water trough.



Fig. 5 –Stock water trough in the NENE QQ ~50 yards from spring.



Fig. 6 – Stock water trough overflow valve 2 ¼ PVC pipe.



Fig. 7 – Stock water trough View looking E.



Fig. 8 – End of 2 ¼ PVC pipping leaving stock water trough overflow valve .View looking E.