

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 35-13542

Priority: October 20, 2005

Maximum Diversion Rate: 0.18 CFS

Maximum Diversion Volume: 19.8 AF

It is hereby certified that:

SOUTH INTERCHANGE PROPERTIES LLC
4609 W 65TH S
IDAHO FALLS ID 83402-5742

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 20, 2005, and has submitted Proof of Beneficial Use on August 19, 2022. An examination confirms water is diverted from:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.18 CFS	19.8 AF

Location of Point(s) of Diversion

GROUND WATER NW¼ NE¼, Sec. 8, Twp 01N, Rge 37E, B.M. BONNEVILLE County

GROUND WATER NW¼ NE¼, Sec. 8, Twp 01N, Rge 37E, B.M. BONNEVILLE County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
01N	37E	8		X	X		X											

Conditions of Approval

1. Commercial use is for an administration building and powder facility.
2. Use of water under this right will 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. 120.
3. Use of water under this right shall be non-consumptive.

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 21st day of July, 2023.



JAMES CEFALO
Eastern Regional Manager

SCANNED
JUL 21 2023

State of Idaho
Department of Water Resources

Water Right

35-13542

37E



0 0.05 0.1 0.2 Miles

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 35-13542
Exam Date: 07/05/2023

1. Current Owner:
SOUTH INTERCHANGE PROPERTIES LLC 4609 W 65TH S IDAHO FALLS ID 83402-5742
2. Accompanied by: Jace Poole
Phone No: 208-313-2691
Address:
Relationship to permit Holder: V.P. of Engineering

3. **SOURCE:**
GROUND WATER

Method of Determination: Site visit

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

Water Right No.	Source	Purpose of Use	Basis

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

Water Right No.	Source	Purpose of Use	Basis
35-14266	Ground Water	Irrigation	Decreed
35-14267	Ground Water	Irrigation	Decreed
35-13537	Ground Water	Commercial	License
35-14485	Ground Water	Irrigation	Decreed
35-14486	Ground Water	Irrigation	Decreed
35-14700	Ground Water	Irrigation	Decreed
35-14701	Ground Water	Irrigation	Decreed

Comments: The rights listed above authorize the diversion of 0.882 cfs.

C. DIVERSION AND DELIVERY SYSTEM

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

GROUND WATER NW¼ NE¼, Sec. 8, Twp 01N, Rge 37E, B.M. BONNEVILLE County
GROUND WATER NW¼ NE¼, Sec. 8, Twp 01N, Rge 37E, B.M. BONNEVILLE County

Method of Determination: GPS and Aerial Photography

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	37E	8		X	X		X												

Method of Determination: Aerial Photography and site visit.

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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
D0036361		100			
D0081375		7.5			

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Mag Meter (installed)	Magnetic Flow Meter	Siemens	Sitrans F M Mag 5000	PBD-JD044809	8"	
Mag Meter (installed)	Magnetic Flow Meter	Siemens	Sitrans F M Mag 5000	PBD-M7224502	4"	

2. Measurements:

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

Used Melaleuca's two installed magnetic flow meters to calculate flow rate:

Domestic Big Well 100 hp: **1062.0 gpm. 2.37 cfs.**Domestic Small Well 7.5 hp: **55.6 gpm. 0.12 cfs.**Maximum rate of diversion for Domestic Small Well is **75-80 gpm.**Combined: **1,117.6 gpm. 2.49 cfs.****F. VOLUME CALCULATIONS**

2. Volume Calculations for Commercial use:

Commercial use is for Melaleuca's administration building and powder facility. Daycare facility was never developed.

Headquarters:

- Approx. 2,000 employees
- 11 gallons/employee/day
- 5 days/week
- 52 weeks/year

Total: 5,720,000 gallons = **17.5 afa**Powder Facility:

- Approx. 221 employees
- 13 gallons/employee/day
- 5 days/week
- 52 weeks/year

Total: 746,980 gallons = **2.3 afa**Combined total: 6,466,980 gallons = **19.8 afa**

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JUL 21 2023

G. NARRATIVE/REMARKS/COMMENTS

Water Delivery system consists of two wells which diverts water into a common mainline and then is distributed to Melaleuca's administration building, distribution facility, and powder mix facility. One of the wells is equipped with a 100 hp pump. This well is also used to irrigate the lawns and landscaping around the buildings. Water rights 35-14266, 35-14267, 35-14485, 35-14486, 35-14700, and 35-14701 authorize the irrigation of 23.8 acres. The other well is equipped with a 7.5 hp pump and is mainly used to provide water to the three facilities. Water right 35-13537 authorizes the diversion of water for commercial uses inside the distribution facility.

Each diversion is equipped with a magnetic flow meter. These flow meters were used to obtain a flow rate. The rate of diversion observed during the field exam was 2.49 cfs. Right 35-13542 will authorize the inside commercial use associated with the administration building and powder facility. Melaleuca's daycare facility wasn't developed. Since the daycare facility wasn't developed the recommended rate of diversion will be reduced to 0.18 cfs. Recommended volume is based on water use calculations submitted with application for permit 35-13542. IDWR's water measurement records verify that the recommended 19.8 af has been diverted during the development phase the permit.

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>
COMMERCIAL	01/01 to 12/31	0.18 CFS	19.9 AF

Totals: 0.18 CFS 19.8 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 Blake Jordan

Field Examiner's Name: Blake Jordan

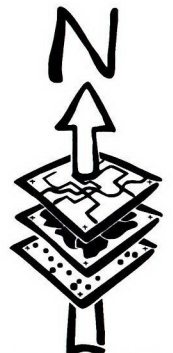
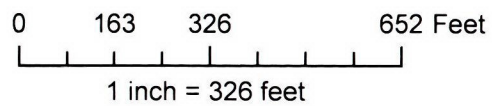
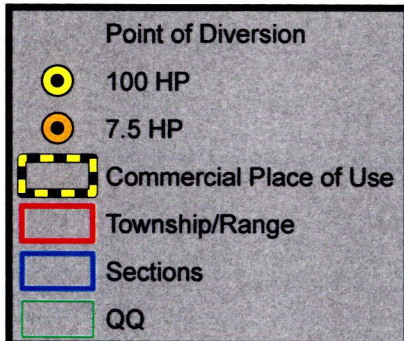
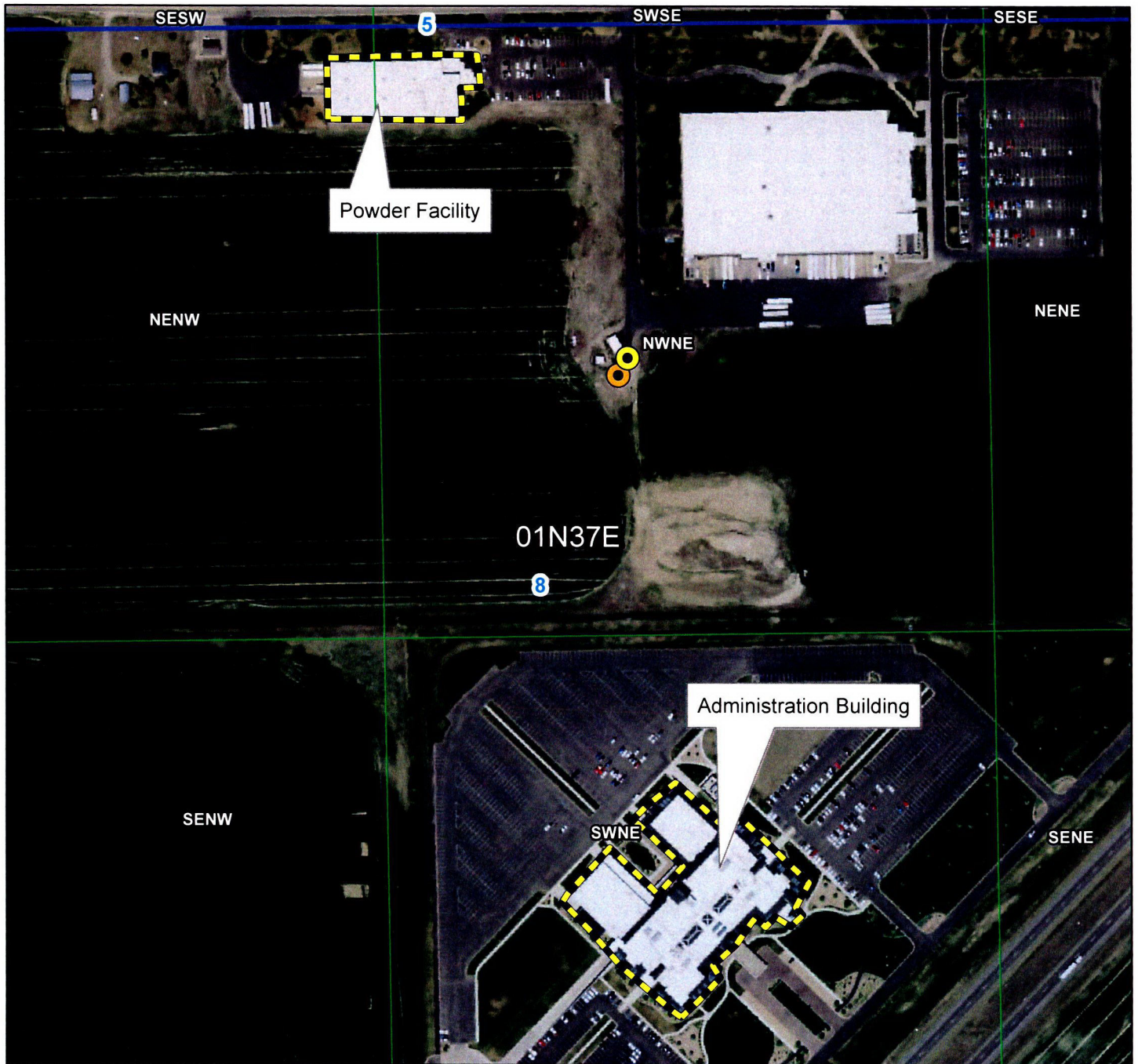
Date: 07/05/2023

Reviewer James Cefalo

Date 7/21/23

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JUL 41 2023



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JUL 21 2023

East Elevation

☉ 270°W (T) ☉ 43°26'15.09"N, 112°7'51.28"W ±32ft ▲ 4654ft



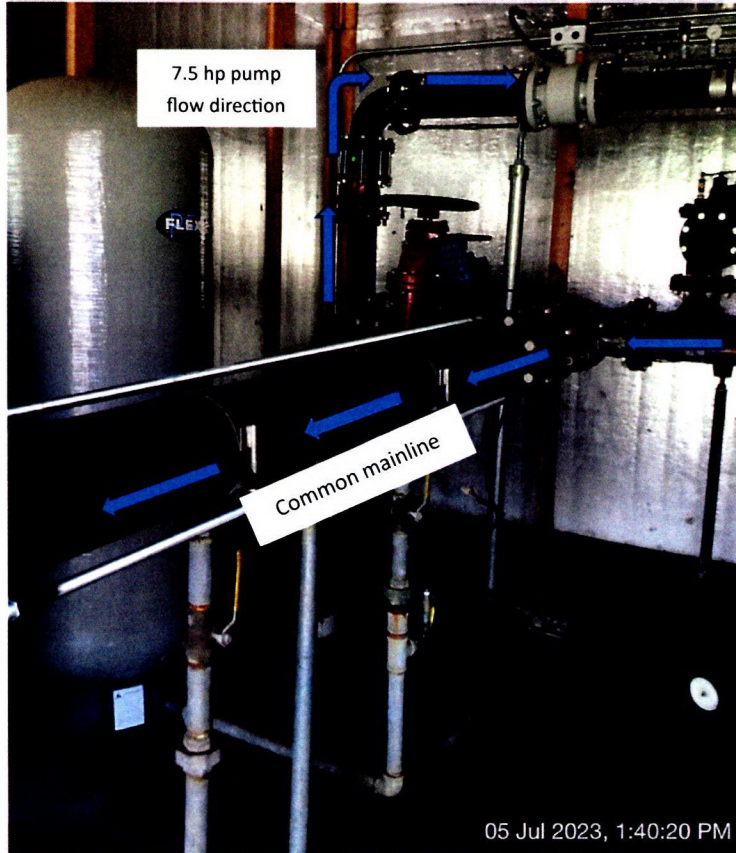
South Elevation

☉ 349°N (T) ☉ 43°26'14.30"N, 112°7'52.39"W ±16ft ▲ 4659ft



East Elevation

☉ 249°W (T) ☉ 43°26'15.05"N, 112°7'52.32"W ±32ft ▲ 4662ft

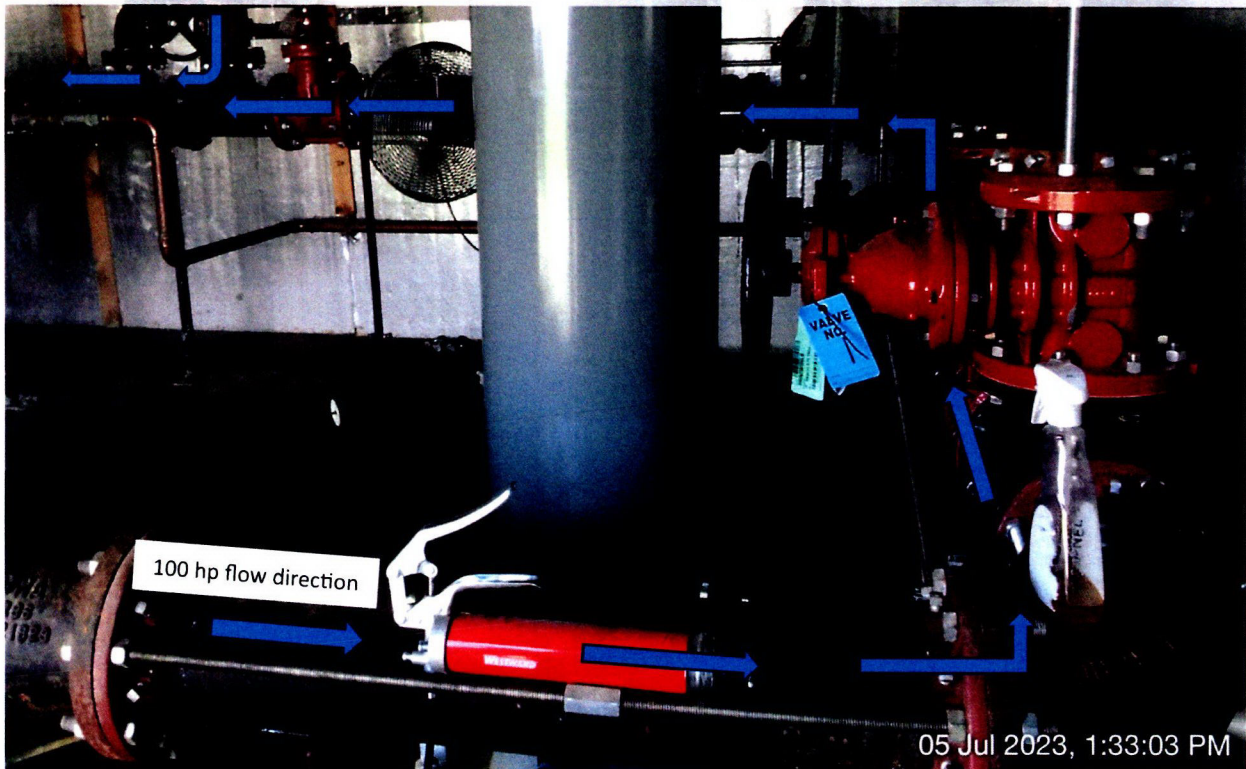


7.5 hp flow direction



East Elevation

☉ 275°W (T) ☉ 43°26'15.11"N, 112°7'51.84"W ±16ft ▲ 4655ft

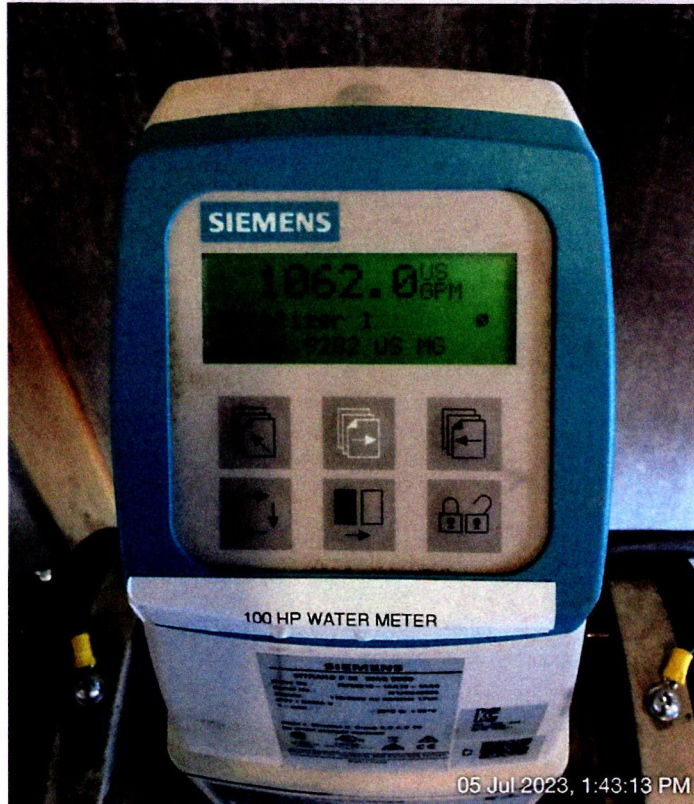


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South Elevation

☉ 339°N (T) ☉ 43°26'14.85"N, 112°7'51.97"W ±32ft ▲ 4661ft



South Elevation

☉ 358°N (T) ☉ 43°26'14.85"N, 112°7'52.00"W ±32ft ▲ 4661ft



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JUL 21 2023

RECEIVED

RECEIVED

AUG 19 2022

AUG 25 2022

Department of Water Resources
Eastern RegionSTATE 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. E048434
Received By C.H.
Date Received 8/19/22

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. 35-13542 Name of Permit Holder(s) South Interchange Properties, LLC
Telephone No. _____ Email _____
Mailing Address 4609 W 65th S City Idaho Falls State ID Zip 83402-5742

2. Source of Water Ground water If Ground Water (well), Date Drilled mo. _____ / yr. _____

Two wells drilled in 2005 and 2020.

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

Domestic (No. households) _____ Irrigation (No. acres) _____ Stockwater (No. and stock type) _____
Other Commercial use for powder facility and administration building (day care building was not constructed).

4. Total diversion rate or volume (storage only) for which proof is submitted 0.181 cfs OR 19.9 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.)
Two interconnected wells.

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 _____ |
| ☐ | ☐ | ☐ | 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 \$ 50.00 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: Jace Poole Telephone No. 208-313-2691 Email jpoole@melaleuca.com

Mailing Address _____ City _____ State _____ Zip _____

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.

Luke H. Marchant
SIGNATURE OF PERMIT HOLDER*

Luke H. Marchant, Attorney
PRINTED NAME AND TITLE

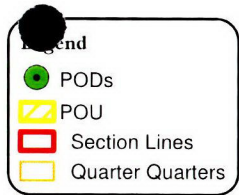
August 18, 2022
DATE

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

SCANNED

SEP 06 2022

PERMIT 35-13542



2021 NAIP Photo



Prepared by:
Luke H. Marchant
08/15/2022



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

July 21, 2023

SOUTH INTERCHANGE PROPERTIES LLC
4609 W 65TH S
IDAHO FALLS ID 83402-5742

RE: License No. 35-13542

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
JUL 21 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2023, I served a true and correct copy of Water Right License No. 35-13542 by U.S. Mail, postage prepaid, to the following:

SOUTH INTERCHANGE PROPERTIES LLC
4609 W 65TH S
IDAHO FALLS ID 83402-5742

WATER DISTRICT #120
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.



IDAHO DEPARTMENT
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
September 2, 2022

Director Gary Spackman

SOUTH INTERCHANGE PROPERTIES LLC
4609 W 65TH S
IDAHO FALLS ID 83402-5742

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 35-13542

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.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the field examination, please contact the Eastern Region Office of the Department located in Idaho Falls at (208) 525-7161.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c: LUKE H MARCHANT – *via email*

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SEP 06 2022