

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 67-15326

Priority: May 14, 2019

Maximum Diversion Volume: 6.0 AF

It is hereby certified that:

DEBRA LYNN BUCKNER
1327 HIGHWAY 95
MESA ID 83643-5006

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 14, 2019, and has submitted Proof of Beneficial Use on May 01, 2020. An examination confirms water is diverted from:

Source : UNNAMED STREAM

Tributary: BACON CREEK

Beneficial Use

AESTHETIC STORAGE

Period of Use

01/01 to 12/31

Annual Volume

6.0 AF

Location of Point(s) of Diversion

UNNAMED STREAM SW¼ SE¼, Sec. 15, Twp 15N, Rge 01W, B.M. ADAMS County

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	01W	15															X		

Conditions of Approval

1. Right 67-15326 authorize total annual storage volume of 6.0 acre-feet, 4.8 acre-feet to be used for the initial filling or carryover storage of the reservoir and 1.2 acre-feet for the replacement of losses caused by evaporation.
2. The pond established by the storage of water under this right shall not exceed a total capacity of 4.8 acre-feet or a total surface area of 1.2 acres.
3. 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. 67.
4. Upon Specific notification, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
5. Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.
6. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.

SCANNED

AUG 30 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 67-15326

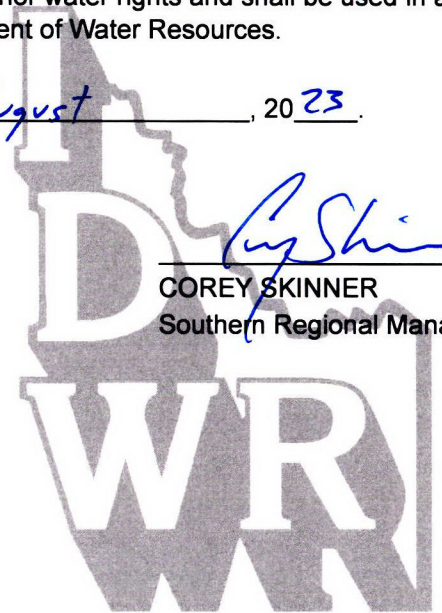
7. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this 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 24th day of August, 2023.



COREY SKINNER
Southern Regional Manager



State of Idaho
Department of Water Resources
Attachment to Water Right
67-15326

This map depicts the AESTHETIC STORAGE 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
- Quarter Quarters

N
SCANNED
AUG 30 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 28, 2023

DEBRA LYNN BUCKNER
1327 HIGHWAY 95
MESA ID 83643-5006

RE: License No. 67-15326

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) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2023, I served a true and correct copy of Water Right License No. 67-15326 by U.S. Mail, postage prepaid, to the following:

DEBRA LYNN BUCKNER (Current Owner)
1327 HIGHWAY 95
MESA ID 83643-5006

WATER DISTRICT #67
KATHY SUMMERS (Watermaster)
PO BOX 829
WEISER ID 83672-0829



Denise Maline
Administrative Assistant 1

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: 67-15326

Exam Date: 8/8/2023

1. Current Owner:

DEBRA LYNN BUCKNER
1327 HIGHWAY 95
MESA ID 83643-5006

2. Accompanied by: Debra Buckner, permit holder, Kent Aasa IDWR Sr. agent

3. **SOURCE:**

UNNAMED STREAM

Tributary

BACON CREEK

Method of Determination: Aerial photography, ArcMap, Debra Buckner, and observation during field exam

B. OVERLAP REVIEW

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

Yes Overlap

Water Right No.	Source	Purpose of Use	Basis
67-7835E	Unnamed Stream	Stockwater, Stockwater Storage	License

Comments: Review: Review, of Department records found water right 67-7835E located in the same ¼, ¼, SWSE and the same source, different pond and uses. Also, currently in the name of Michael D. Coffey.

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

NO Overlap

Water Right No.	Source	Purpose of Use	Basis
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Comments: Review: of Department records found no point of diversion overlaps

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED STREAM SW¼ SE¼, Sec. 15, Twp 15N, Rge 01W, B.M. ADAMS County

Method of Determination: Aerial photography, ArcMap, and observation during field exam

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	01W	15															X		

Method of Determination: Aerial photography, ArcMap, Debra Buckner, and observation during field exam

3.

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

X

Indicate weir size/pipe as applicable.

X

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

X

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

X

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
None					

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

2. Measurements: No measurement is required per Beneficial Use Examination Rules IDAPA 37.03.02 Rule 35,01., (r), ii. for storage.

E. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method: None

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: None

2. Volume Calculations for Other Uses: Volume Calculations for Aesthetic Storage:

Surface area 1.2 af, X Average Water depth: 4.0 feet = 4.8 af acre feet for storage

Conversion factor from the U of I Precipitation Deficit, Cambridge Id shallow systems, evaporative loss is 1.0 af/a,
 1.2 acres x 1.0 af = 1.2 AF. For Aesthetic storage use, the allowable volume equates to 6.0 AF, (4.8 + 1.2 = 6.0 af).

Recommend 6.0 af for Aesthetic Storage.

G. NARRATIVE/REMARKS/COMMENTS

On August 8, 2023, Kent Aasa and I met with Debra Buckner to conduct a Beneficial Use Field Examination for permit 67-15326. We reviewed Ms. Buckner's permit with her and she explained that she did not develop any irrigation, and therefore no irrigation storage, or irrigation from storage were developed. However, she did develop a pond for aesthetic storage. The system is comprised of seasonal flows from an unnamed stream naturally flowing into the pond. The storage pond is constructed on and stores water from the Unnamed Stream. The Unnamed Stream entering the pond is undefined and not suitable for installing a measuring device. Since there was no irrigation, irrigation storage, and irrigation from storage developed these uses and the flow rate will be dropped at licensing. I recommend that the approval condition requiring a measuring device and a lockable device be waived and/or dropped since there is no irrigation. I recommend a volume of 6.0 af for Aesthetic Storage.

Ms. Buckner will need to file a Notice of Change in Water Right Ownership for water right 67-7835E for the other pond associated with her property.

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>
AESTHETIC STORAGE	01/01 to 12/31	None	6.0 AF

Totals: 6.0 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

Benny Walker -

Field Examiner's Name

Benny Walker

Date

8/24/2023

Reviewer

by Shire

Date

8/24/2023



Above: Unnamed Stream into the pond



Above: Pond looking east showing Unnamed Stream into pond and embankment



Above: Pond's widest area.



Above: Pond's depth and high water marks



Field Exam 6/15/2023

SCANNED
AUG 30 2023

NWNE

22



University of Idaho

Kimberly Research
and Extension Center

67-15.326

Water Resources Program

ETIdaho 2017

Evapotranspiration and Consumptive
Irrigation Water Requirements
for Idaho

Please send suggestions for
improving this site to robison at
uidaho dot edu

2023-08-24 16:08

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Idaho.*

Cambridge (NWS -- USC00101408)

Statistics based on thirty year normal spans 1986 to 2016 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - shallow systems (ponds/streams)															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^j	mm/day												mm		
Monthly ^c	-2.18	-1.18	-0.28	1.67	2.13	3.20	4.19	3.66	2.34	0.67	-1.57	-2.80	303	0	303
15-Day Moving Average ^d	-2.29	-1.37	-0.33	1.68	2.12	3.22	4.21	3.65	2.29	0.72	-1.51	-2.66	2.994 AF		
7-Day Moving Average ^e	-2.25	-1.31	-0.35	1.65	2.16	3.22	4.20	3.64	2.33	0.73	-1.57	-2.75			
3-Day Moving Average ^f	-2.20	-1.22	-0.30	1.65	2.13	3.18	4.19	3.66	2.34	0.69	-1.57	-2.80			