

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 67-15332

Priority: September 23, 2019

Maximum Diversion Rate: 0.02 CFS

Maximum Diversion Volume: 2.0 AF

It is hereby certified that:

SEAN J MALLOY
7913 W WESTOVER DR
BOISE ID 83704-7223

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 16, 2019, and has submitted Proof of Beneficial Use on October 07, 2020. An examination confirms water is diverted from:

Source : UNNAMED STREAM

Tributary: WEISER RIVER

Beneficial Use

IRRIGATION

Period of Use

04/01 to 10/31

Rate of Diversion

0.02 CFS

Annual Volume

2.0 AF

Location of Point(s) of Diversion

UNNAMED STREAM NE¼ SW¼, Sec. 31, Twp 19N, Rge 01E, B.M. ADAMS 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	
19N	01E	31									0.5								0.5

Total Acres: 0.5

Conditions of Approval

1. 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.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
4. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
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. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
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.

SCANNED

JUL 31 2023

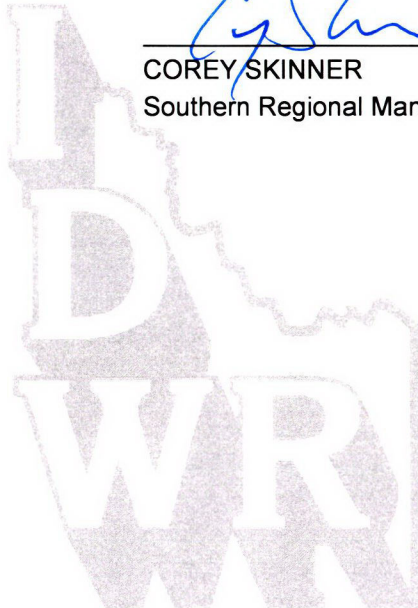
State of Idaho
Department of Water Resources
Water Right License
Water Right No. 67-15332

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 27th day of July, 2023.



COREY SKINNER
Southern Regional Manager



State of Idaho
Department of Water Resources
Attachment to Water Right
67-15332

This map depicts the IRRIGATION 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.

01E



0 0.035 0.07 0.14 Miles

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



SCANNED
JUL 31 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 67-15332
Exam Date: 5/12/2023

1. Current Owner:
SEAN J MALLOY
7913 W WESTOVER DR
BOISE ID 83704-7223
2. Accompanied by: Kent Aasa, IDWR Agent

3. **SOURCE:**
UNNAMED STREAM

Tributary
WEISER RIVER

Method of Determination: Phone conversation with Mr. Malloy prior to field examination.

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None No Overlap
2. Other water rights with the same point-of-diversion: None NO Overlap

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

UNNAMED STREAM NE¼ SW¼, Sec. 31, Twp 19N, Rge 01E, B.M. ADAMS County

Method of Determination: Aerial Photography, ArcMap, Beneficial Use Examination on site.

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	
19N	01E	31									0.5								0.5

Total Acres: 0.5

Method of Determination: Aerial Photography, ArcMap, Beneficial Use Examination on site.

3. Delivery System Diagram Attached (required). Indicate all major components and distances between components.
_____ 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
N/A	N/A				

D. FLOW MEASUREMENTS

1.

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

2. Measurements: None,
No measurement was required per IDAPA 37.03.02 Beneficial Use Examination rules as the permitted flow rate of 0.02 cfs falls below the 0.24 cfs or greater flow rate requiring measurement.

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: None

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 0.5 \text{ acres} \times 4.0 \text{ af} = 2 \text{ af}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.02 \text{ cfs} \times 214 \text{ days} \times 1.9835 = 8.5 \text{ af}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = V_{IR} = 2.0$$

2. Volume Calculations for Other Uses: None

G. NARRATIVE/REMARKS/COMMENTS

The field exam for permit 67- 15331 was conducted on May12, 2023 with Kent Aasa IDWR senior agent and myself. I had previously contacted the permit holder and received verbal permission to visit the property to conduct the field exam. The permit was filed for the use of surface water from an unnamed stream for irrigation of 1. 0 acres with a total diversion of 0.02 cfs.

We verified the location of the property with a neighbor as the property was located in the trees. The manufactured home was connected to a domestic well. We walked around the premises to determine the area that is being irrigated and to locate the point of diversion. We observed areas lawn, and landscaping irrigation pipes and hoses. We located the point of diversion where the applicant places his pump in the unnamed stream.

Aerial photography shows about a 0.5 acre of irrigation occurring on the property. Standard rate of flow for parcels up to 5 acres is 0.03 cfs per acre and the headgate volume requirement for the area is 4. 0 acre feet per acre.

The permit was approved for 0. 02 cfs for irrigation, and I recommend the permitted flow rate of 0. 02 cfs and an annual volume of 2.0 af for 0.5 acres of irrigation.

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>Acre Feet</u>
IRRIGATION	04/01 to 10/31	0.02 CFS	2.0 AF
<u>Totals:</u>		0.02 CFS	2.0 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 – Senior Water Resource Agent

Field Examiner's Name Benny Walker Date 7/26/23Reviewer [Signature] Date 7/27/2023



Above: Lockable controlling works, and Irrigation

Below: Point of Diversion for pump from unnamed stream



power
cord
for
pump

irrigation
pipe

Permit 67-15332



Irrigation System, piping, and hoses



Field Exam 67-15332

SCANNED
JUL 31 2023



Aera's of irrigation





Above: Additional pipes for Irrigation

Hydrant



Point of Diversion

Place of Use

19N01E

NESW

19N01E

Place of Use

NESW



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

July 31, 2023

SEAN J MALLOY
7913 W WESTOVER DR
BOISE ID 83704-7223

RE: License No. 67-15332

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 July 31, 2023, I served a true and correct copy of Water Right License No. 67-15332 by U.S. Mail, postage prepaid, to the following:

SEAN J MALLOY (Current Owner)
7913 W WESTOVER DR
BOISE ID 83704-7223

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.