

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 67-15338

Priority: February 25, 2020

Maximum Diversion Rate: 0.10 CFS

Maximum Diversion Volume: 20.2 AF

It is hereby certified that:

KENNETH A BOBERT
1591 GOODRICH RD
COUNCIL ID 83612-5272

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 25, 2020, and has submitted Proof of Beneficial Use on July 25, 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>
IRRIGATION	03/15 to 10/31	0.10 CFS	19.6 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

Location of Point(s) of Diversion

GROUND WATER SW¼ SE¼, Sec. 15, Twp 15N, Rge 02W, 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	
15N	02W	15									0.3			1.4		0.6	2.6		4.9

Total Acres: 4.9

Place of Use: DOMESTIC

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	02W	15														X			0.0

Conditions of Approval

- Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
- This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
- The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

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4. 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
67-15338

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.



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

State of Idaho
Department of Water Resources
Attachment to Water Right
67-15338

This map depicts the DOMESTIC 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.

02W



0 0.035 0.07 0.14 Miles

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



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

KENNETH A BOBERT
1591 GOODRICH RD
COUNCIL ID 83612-5272

RE: License No. 67-15338

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. 67-15338 by U.S. Mail, postage prepaid, to the following:

KENNETH A BOBERT (Current Owner)
1591 GOODRICH RD
COUNCIL ID 83612-5272



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: 67-15338

Exam Date: 8/1/2023

1. Current Owner:
KENNETH A BOBERT
1591 GOODRICH RD
COUNCIL ID 83612-5272

2. Accompanied by: Kenneth Bobert, permit Holder, Kent Aasa, IDWR agent.

3. **SOURCE:**
GROUND WATER

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

B. OVERLAP REVIEW

1. Other water rights with the same place of use: No Overlap

Water Right No.	Source	Purpose of Use	Basis
None			

Comments: _____

2. Other water rights with the same point-of-diversion: NO Overlap

Water Right No.	Source	Purpose of Use	Basis
None			

Comments: Review of Department records found no overlaps.

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

GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, Twp 15N, Rge 02W, B.M. ADAMS County

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

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	
15N	02W	15									0.3			1.4		0.6	2.6		4.9

Total Acres: 4.9

PLACE OF USE: DOMESTIC

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	02W	15														X			

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

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
D0010589	Submersible	5	40GS50WE	Gould	1.5"

D. FLOW MEASUREMENTS

1.

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

2. Measurements: No measurement required per Beneficial Use Examination Rules IDAPA 37.03.02 Rule 35,01., (r), l (irrigation of less than 5 acres).

E. FLOW CALCULATIONS

Additional Computation Sheets Attached

Total number of irrigated acres are 4.9 with 0.02 cfs per acre equates to, $4.9 \text{ a} \times 0.02 \text{ cfs/a} = 0.098 \text{ cfs}$ rounded to 0.1 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4.9 \times 4 = 19.6$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.11 \times 231 \times 1.9835 = 50.41$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 19.6 \text{ cfs}$$

2. Volume Calculations for Other Uses: Domestic in-house uses, standard volume allowance is 0.6 af.

$$\text{Total volume recommendation is irrigation } 19.6 + \text{domestic } 0.6 = 20.2 \text{ af total.}$$

G. NARRATIVE/REMARKS/COMMENTS

On August 1, 2023, Kent Aasa and I met with Ken Bobert to conduct a Beneficial Use Field Examination for permit 67-15338. Mr. Bobert explained his diversion system consisting of underground sprinklers for the irrigation of lawn, garden and landscaping surrounding his home. The irrigation use associated with his home is covered under this permit. Mr. Bobert then took us out to see his irrigation system for the pasture. The system consisted of a underground 1.5" pipe from his well to a riser. He then connected a 1.5" flexible pvc hose from the riser to a portable sprinkler which he moved to 5 different places across his property to irrigate with. Mr. Bobert explained that he was unable to reach the bottom portion of his property, approximately 1.0 to 1.5 acres that was not irrigated. From aerial photography and Mr. Boberts description of use, we were able to determine the irrigated acres. The permitted amount flow was 0.11, however with the reduction of 0.9 acres for the place of use from 5.8 to 4.9 acres. Therefore I recommend to license a flow rate of 0.1 cfs, (4.9 a x 0.02 cfs/a = 0.098 rounded to 0.1 cfs).

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>Volume</u>
IRRIGATION	03/15 to 10/31	0.10 CFS	19.6
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6
<u>Totals:</u>		0.10 CFS	20.2 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 Benny Walker -

Field Examiner's Name Benny Walker Date 8/21/2023

Reviewer [Signature] Date 8/24/2023



Domestic use home and irrigation front yard



Irrigation of backyard



Irrigation pipe from well and 1.5" flexible pvc hose



Permit 67-15338



Portable riser for irrigation with 1.5" flexible pvc hose



Irrigation place of use



Irrigation place of use





NESW

NWSE

15

15N02W

Irrigation

Domestic

Irrigation

SESW

SWSE