State of Idaho
Department of Water Resources

Water Right License

Water Right No. 74-16059

Priority: August 25, 2016

Maximum Diversion Rate: 0.67 CFS
Maximum Diversion Volume: 117.3 AF

It is hereby certified that:

JEREL G HAGEN
PO BOX 32
TENDOY ID 83468-0032

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 25, 2016, and has submitted Proof of Beneficial Use on May 07, 2018. An examination confirms water is diverted from:

Source : SPRINGS **Tributary:** AGENCY CREEK

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
IRRIGATION	03/15 to 11/15	0.67 CFS	117.3 AF

Location of Point(s) of Diversion
SPRINGS NE¼ SW¼ NE¼, Sec. 29, Twp 19N, Rge 24E, B.M. LEMHI 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	24E	29		33.5															33.5

Total Acres: 33.5

Conditions of Approval

1. Rights 74-401B, 74-402B, 74-403B, 74-1048B, and 74-16059 when combined shall not exceed a total diversion rate of 1.7 cfs and the irrigation of 33.5 acres.
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 Districts No. 74 and 74M.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
5. The right holder shall limit diversion of water under this right to those times when rights 74-401B, 74-402B, 74-403B, and 74-1048B are completely unavailable for use.
6. The source of water for this right is spring inflow into the L-32 Ditch. The point of diversion for this right is the location where the right holder diverts water from the L-32 Ditch.

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7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right does not grant any right-of-way or easement across the land of another.

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 December, 2022.

JAMES CEFALO
Eastern Regional Manager

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State of Idaho
Department of Water Resources

Water Right License

74-16059

Jerel G Hagen

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

0 0.05 0.1 0.2 Miles

N

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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

December 21, 2022

JEREL G HAGEN
PO BOX 32
TENDOY ID 83468-0032

RE: License No. 74-16059

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)

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CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2022, I served a true and correct copy of Water Right License No. 74-16059 by U.S. Mail, postage prepaid, to the following:

JEREL G HAGEN
PO BOX 32
TENDOY ID 83468-0032

WATER DISTRICT #74
LACEY FRENCH
208 HIGHWAY 28
SALMON ID 83467-5337

Christina Henman
Administrative Asst. I

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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.

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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.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 74-16059
Exam Date: 6/11/2019

1. Current Owner:
JEREL G HAGEN PO BOX 32 TENDOY ID 83468-0032

2. Accompanied by: Jerel Hagen

3. **SOURCE:** SPRING

Tributary SINKS

Method of Determination: ____site visit and streamflow measurements_____

B. OVERLAP REVIEW

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

74-401B (0.03 cfs, Lemhi River, 4/1/1911), 74-402B (0.57 cfs, Lemhi River, 4/1/1911), 74-403B (0.43 cfs, Lemhi River, 4/1/1911), 74-1048B (0.67 cfs, Springs, 4/16/1909) for a total 0f 1.7 cfs of existing and overlapping water.

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

Water Right No.	Source	Purpose of Use	Basis

Comments: The point of diversion is into the diversion works of the irrigation system from the L-32 ditch, into which the 1.7 cfs of the existing overlapping rights are delivered. The source of this right are Springs which make the L-32 ditch a gaining conveyance system.

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
SPRING NE¼ SW¼ NE¼, Sec. 29, Twp 19N, Rge 24E, B.M. LEMHI County

Method of Determination: Site visit, GPS, and ArcMap

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	24E	29		33.5															33.5

Total Acres: 33.5

Method of Determination: ArcMap and existing, overlapping rights.

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.

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_____

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

__X__ Photo of Diversion and System Attached

Diversion system description: Existing bubbler box into existing delivery system.

D. FLOW MEASUREMENTS

The 33.5-acre irrigation operation and its associated delivery system existed prior to the development of this right. It had a total of 1.7 cfs of decreed water associated with it. This right is not for additional water into the system, therefore no system measurement was necessary.

Right owner asserted that L-32 is a gaining ditch. Therefore, this right is for water to-be appropriated after the L-32 headgate is closed and junior priority rights are curtailed. To ascertain whether L32 is a gaining conveyance system that provides water in the quantity necessary to ensure this right, measurements were taken at the L-32 Headgate (from the Lemhi River), and upstream of the diversion works for this right (below the diversion works of the next-upstream diversion works on L-32).

E. FLOW CALCULATIONS

__X__ Additional Computation Sheets Attached

A total of 2.67 cfs was being diverted at the L-32 Headgate. A total of 6.06 cfs was measured just upstream of the delivery works for this system. A gain of 3.39 cfs was measured. 3.39 cfs is greater than 0.67 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

V_{IR} = (Acres Irrigated) x (Irrigation Requirement) = 33.5 acres * 3.5 AF/acre = 117.3 AF

V_{DR} = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 = 0.67 cfs * 1.9835 AF/day/cfs * 245 days = 325.6 AF

V = Smaller of V_{IR} and V_{DR} = 117.3 AF

G. NARRATIVE/REMARKS/COMMENTS

This right is for the diversion of 0.67 cfs of reach gains via Springs in the L32 ditch between its headgate and the diversion works of the system. The system had 1.7 cfs of decreed water at the time of development of this right. No new water into the system is authorized by this right, only diversion of 0.67 cfs when the L32 headgate is closed due to curtailment. The reach between the headgate and the diversion works provided more than 0.67 cfs authorized by this right.

This right is limited to those times when rights 74-401B, 74-402B, 74-403B, and 74-1048B are not available for use.

Have conditions of permit approval been met? __X__ Yes ____ No

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H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Volume of Diversion
IRRIGATION	03/15 to 11/15	0.67 CFS	117.3 AF
	Totals:	0.67 CFS	117.3 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 Cooper Fritz -

Field Examiner's Name____Cooper Fritz_____ Date_____11/30/2022_____

Reviewer_____ Date_____

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Discharge Measurement Summary

Date Generated: Thu Dec 1 2022

File Information

File Name	L2ATPOD.WAD
Start Date and Time	2019/06/11 13:25:22

Site Details

Site Name	
Operator(s)	CC

System Information

Sensor Type	FlowTracker
Serial #	P4819
CPU Firmware Version	3.9
Software Ver	2.30
Mounting Correction	0.0%

Units (Metric Units)

Distance	m
Velocity	m/s
Area	m^2
Discharge	m^3/s

Discharge Uncertainty

Category	ISO	Stats
Accuracy	1.0%	1.0%
Depth	0.2%	1.3%
Velocity	1.2%	2.2%
Width	0.2%	0.2%
Method	2.5%	-
# Stations	3.6%	-
Overall	**4.6%**	**2.7%**

Summary

Averaging Int.	40	# Stations	14
Start Edge	LEW	Total Width	2.256
Mean SNR	34.9 dB	Total Area	0.865
Mean Temp	14.72 °C	Mean Depth	0.384
Disch. Equation	Mid-Section	Mean Velocity	0.1982
		Total Discharge	**0.1715** m^3/sec = 6.06 cfs

Measurement Results

St	Clock	Loc	Method	Depth	%Dep	MeasD	Vel	CorrFact	MeanV	Area	Flow	%Q
0	13:25	2.41	None	0.238	0.0	0.0	0.0000	1.00	0.2114	0.018	0.0038	2.2
1	13:27	2.26	0.6	0.299	0.6	0.119	0.2114	1.00	0.2114	0.046	0.0096	5.6
2	13:28	2.10	0.6	0.329	0.6	0.132	0.2614	1.00	0.2614	0.050	0.0131	7.6
3	13:31	1.95	0.6	0.402	0.6	0.161	0.3075	1.00	0.3075	0.061	0.0189	11.0
4	13:32	1.80	0.6	0.512	0.6	0.205	0.3053	1.00	0.3053	0.078	0.0238	13.9
5	13:33	1.65	0.6	0.543	0.6	0.217	0.2987	1.00	0.2987	0.083	0.0247	14.4
6	13:35	1.49	0.6	0.509	0.6	0.204	0.3030	1.00	0.3030	0.078	0.0235	13.7
7	13:37	1.34	0.6	0.524	0.6	0.210	0.2677	1.00	0.2677	0.080	0.0214	12.5
8	13:39	1.19	0.6	0.503	0.6	0.201	0.1957	1.00	0.1957	0.077	0.0150	8.7
9	*13:42*	*1.04*	*0.6*	*0.457*	*0.6*	*0.183*	*0.1293*	*1.00*	*0.1293*	*0.070*	*0.0090*	*5.3*
10	13:43	0.88	0.6	0.442	0.6	0.177	0.0550	1.00	0.0550	0.067	0.0037	2.2
11	*13:45*	*0.73*	*0.6*	*0.396*	*0.6*	*0.158*	*0.0581*	*1.00*	*0.0581*	*0.060*	*0.0035*	*2.0*
12	*13:46*	*0.58*	*0.6*	*0.338*	*0.6*	*0.135*	*0.0150*	*1.00*	*0.0150*	*0.098*	*0.0015*	*0.9*
13	13:46	0.15	None	0.000	0.0	0.0	0.0000	1.00	0.0000	0.000	0.0000	0.0

Rows in italics indicate a QC warning. See the Quality Control page of this report for more information.

Measured at diversion to irrigation system.

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Discharge Measurement Summary

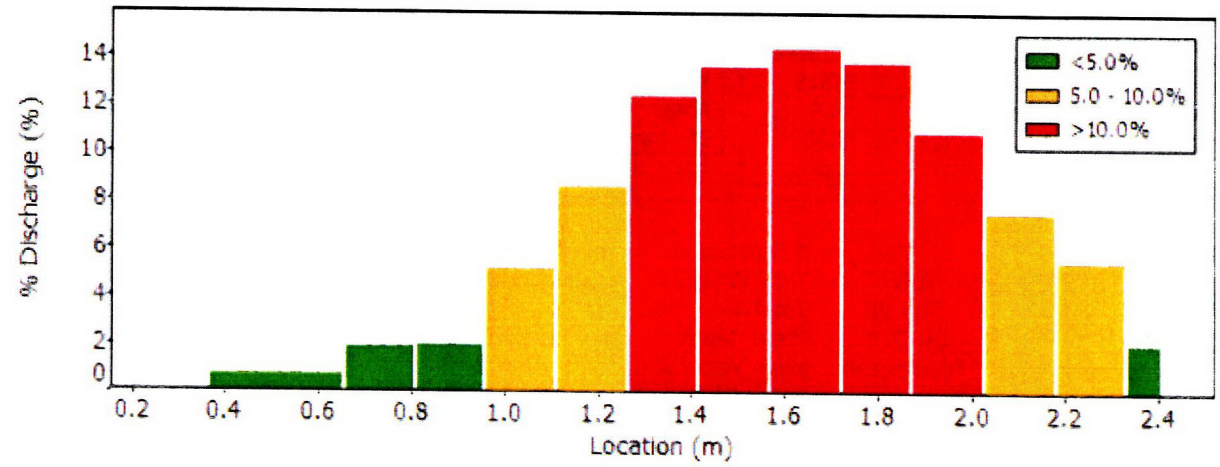
Date Generated: Thu Dec 1 2022

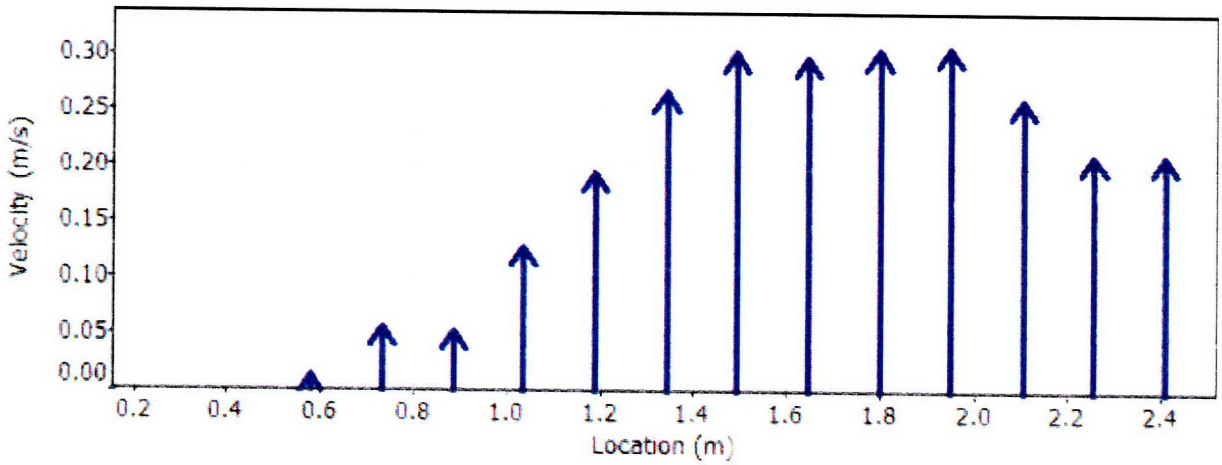
File Information

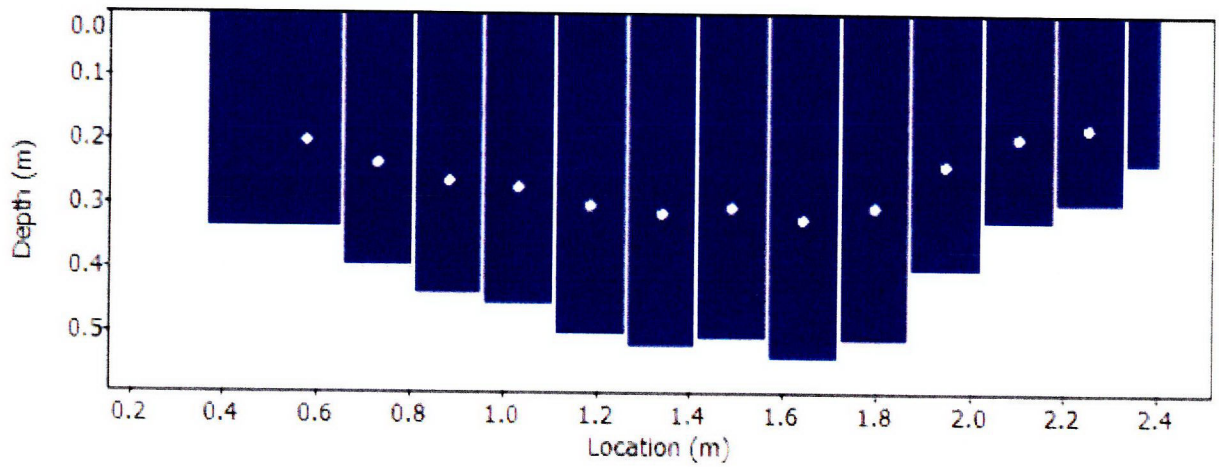
File Name	L2ATPOD.WAD
Start Date and Time	2019/06/11 13:25:22

Site Details

Site Name	
Operator(s)	CC







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Discharge Measurement Summary

Date Generated: Thu Dec 1 2022

File Information

File Name	L32HEAD.WAD
Start Date and Time	2019/06/11 15:03:55

Site Details

Site Name	
Operator(s)	CC

System Information

Sensor Type	FlowTracker
Serial #	P4819
CPU Firmware Version	3.9
Software Ver	2.30
Mounting Correction	0.0%

Units (Metric Units)

Distance	m
Velocity	m/s
Area	m^2
Discharge	m^3/s

Discharge Uncertainty

Category	ISO	Stats
Accuracy	1.0%	1.0%
Depth	0.5%	3.2%
Velocity	1.7%	6.7%
Width	0.2%	0.2%
Method	2.5%	-
# Stations	3.6%	-
Overall	**4.8%**	**7.5%**

Summary

Averaging Int.	40	# Stations	14
Start Edge	LEW	Total Width	2.073
Mean SNR	34.7 dB	Total Area	0.346
Mean Temp	12.87 °C	Mean Depth	0.167
Disch. Equation	Mid-Section	Mean Velocity	0.2182
		Total Discharge	**0.0756** m^3/sec = 2.67 cfs

Measurement Results

St	Clock	Loc	Method	Depth	%Dep	MeasD	Vel	CorrFact	MeanV	Area	Flow	%Q
0	15:03	3.26	None	0.000	0.0	0.0	0.0000	1.00	0.0000	0.000	0.0000	0.0
1	*15:03*	*3.11*	*0.6*	*0.091*	*0.6*	*0.037*	*-0.0057*	*1.00*	*-0.0057*	*0.014*	*-0.0001*	*-0.1*
2	15:05	2.96	0.6	0.183	0.6	0.073	0.2381	1.00	0.2381	0.028	0.0066	8.8
3	15:06	2.80	0.6	0.198	0.6	0.079	0.2195	1.00	0.2195	0.030	0.0066	8.8
4	15:07	2.65	0.6	0.213	0.6	0.085	0.2914	1.00	0.2914	0.033	0.0095	12.5
5	15:08	2.50	0.6	0.207	0.6	0.083	0.3241	1.00	0.3241	0.032	0.0102	13.6
6	15:09	2.35	0.6	0.213	0.6	0.085	0.2595	1.00	0.2595	0.033	0.0084	11.2
7	15:10	2.19	0.6	0.189	0.6	0.076	0.2640	1.00	0.2640	0.029	0.0076	10.1
8	15:12	2.04	0.6	0.213	0.6	0.085	0.2770	1.00	0.2770	0.033	0.0090	11.9
9	15:13	1.89	0.6	0.177	0.6	0.071	0.3297	1.00	0.3297	0.027	0.0089	11.8
10	15:14	1.74	0.6	0.210	0.6	0.084	0.1724	1.00	0.1724	0.032	0.0055	7.3
11	*15:15*	*1.59*	*0.6*	*0.198*	*0.6*	*0.079*	*0.1061*	*1.00*	*0.1061*	*0.030*	*0.0032*	*4.2*
12	*15:16*	*1.43*	*0.6*	*0.137*	*0.6*	*0.055*	*-0.0003*	*1.00*	*-0.0003*	*0.027*	*0.0000*	*0.0*
13	15:16	1.19	None	0.000	0.0	0.0	0.0000	1.00	0.0000	0.000	0.0000	0.0

Rows in italics indicate a QC warning. See the Quality Control page of this report for more information.

Measured at L32 headgate

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JUL 21 2022

Discharge Measurement Summary

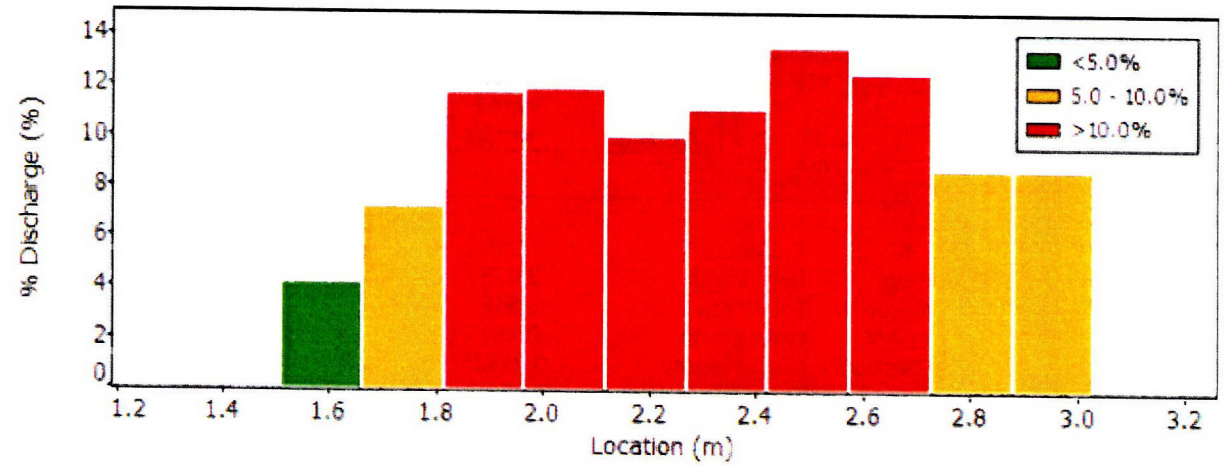
Date Generated: Thu Dec 1 2022

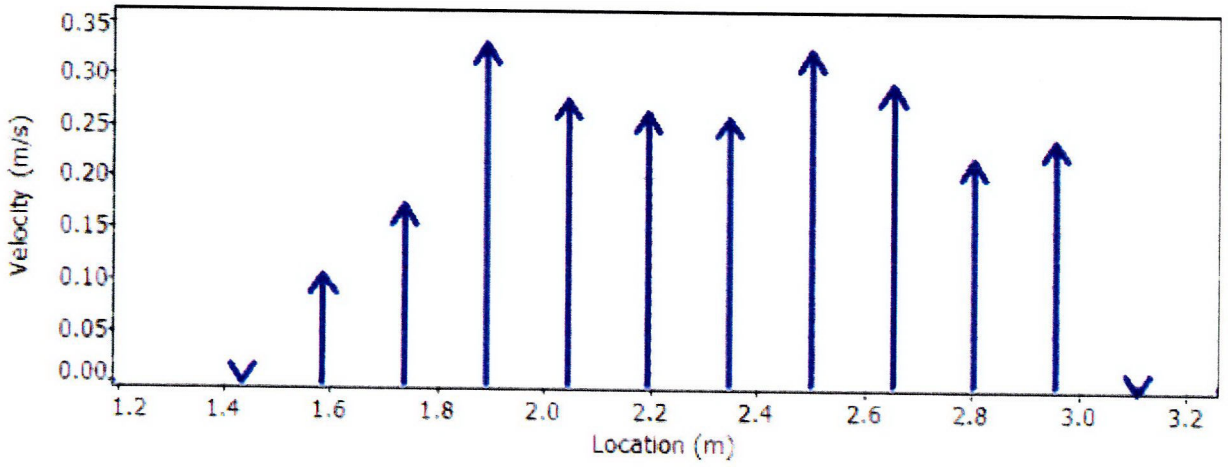
File Information

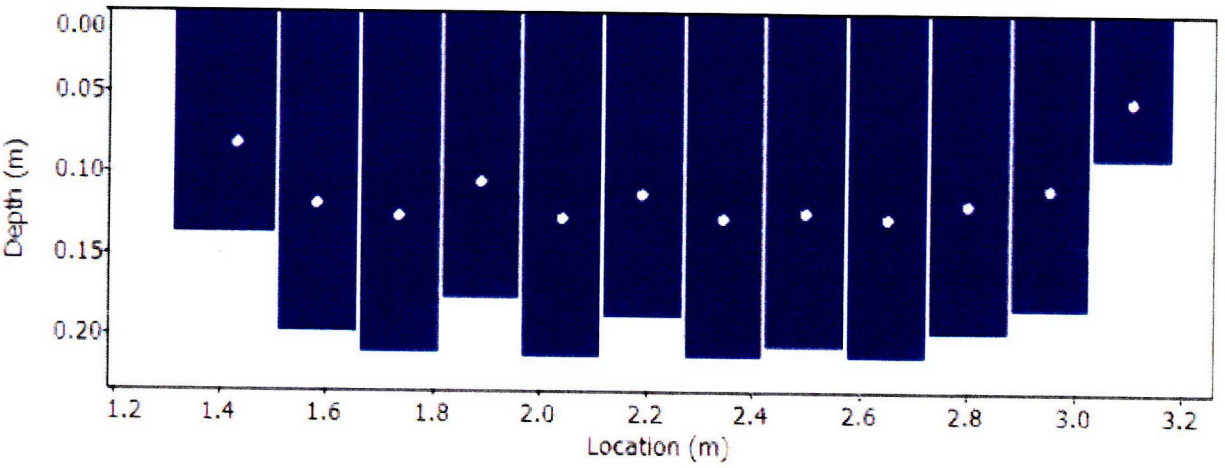
File Name	L32HEAD.WAD
Start Date and Time	2019/06/11 15:03:55

Site Details

Site Name	
Operator(s)	CC







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State of Idaho
Department of Water Resources

Water Right License

74-16059

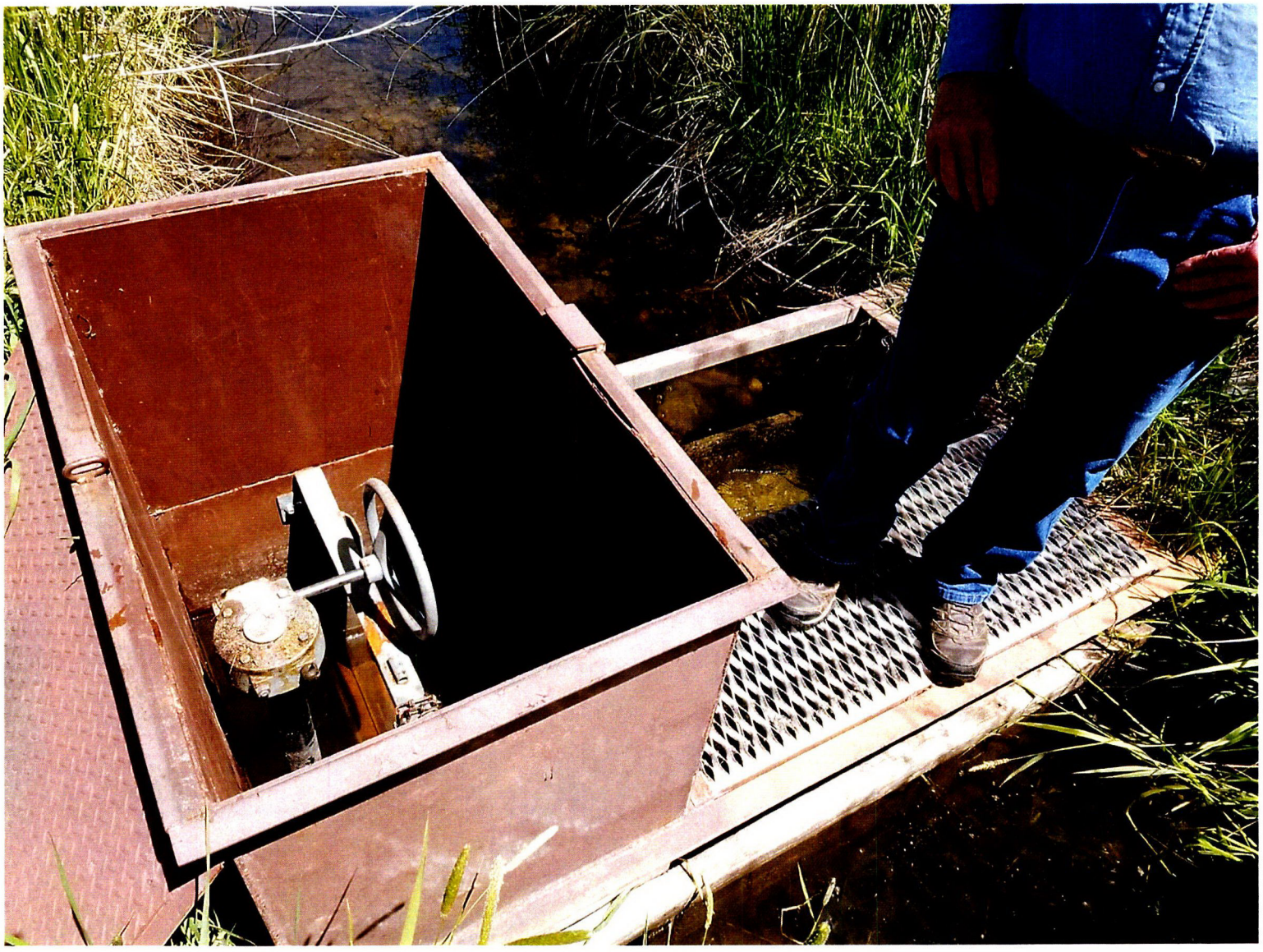
Jerel G Hagen

SCANNED
DEC 21 2022

L-32 Ditch
Headgate

SCANNED
DEC 21 2022

Diversion from L32 to irrigation system



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