

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 63-33717

Priority: November 15, 2012

Maximum Diversion Rate: 0.05 CFS

Maximum Diversion Volume: 4.7 AF

It is hereby certified that:

MARK V PHIPPS 12440 KARCHER RD NAMPA ID 83687

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 15, 2012, and has submitted Proof of Beneficial Use on June 05, 2023. 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	03/01 to 11/15	0.03 CFS	4.5 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.2 AF

Location of Point(s) of Diversion

GROUND WATER SW¼ SE¼, Sec. 12, Twp 03N, Rge 03W, B.M. CANYON 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	
03N	03W	12															1.0		1.0

Total Acres: 1.0

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03W	12															X		

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor exceed a combined annual maximum diversion volume of 4.5 af at the field headgate for the irrigation place of use.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
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.

SCANNED

AUG 10 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 63-33717

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 9th day of August, 2023.



PHILL HUMMER
Water Rights Supervisor



SCANNED
AUG 10 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
63-33717

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.

03W



0 0.035 0.07 0.14 Miles

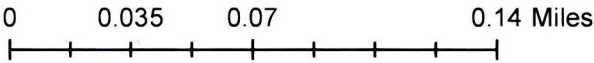
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

SCANNED N
AUG 10 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
63-33717

This map depicts the STOCKWATER 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.

03W



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

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AUG 10 2023



RECEIVED

JUN 05 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATE 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. WOS1277
Received By CC
Date Received 6-1-23

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.

- Permit No. 63-33717 Name of Permit Holder(s) Mark V. Phipps
Telephone No. 208-465-4444 Email dpwdinc@yahoo.com
Mailing Address 12440 Karcher Rd. City Nampa State ID Zip 83651
- Source of Water Well If Ground Water (well), Date Drilled mo. 04 / yr. 2018
Drilling Permit/Tag No. D0066145 Drilling Company's Name Dennis Phipps Well Drilling Inc.
- Extent of use(s) completed as authorized by the water right permit:
Domestic (No. households) ---- Irrigation (No. acres) 8 Stockwater (No. and stock type) 10
Other _____
- Total diversion rate or volume (storage only) for which proof is submitted .16 cfs OR _____ 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.
- Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)
Submersible Pump

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 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: Mark Phipps Telephone No. 208-465-4444 Email dpwdinc@yahoo.com

Mailing Address 12440 Karcher Rd. City Nampa State ID Zip 83651

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.

SIGNATURE OF PERMIT HOLDER*

PRINTED NAME AND TITLE

DATE

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

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AUG 10 2023



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

Director Gary Spackman

August 10, 2023

MARK V PHIPPS
12440 KARCHER RD
NAMPA ID 83687

RE: License No. 63-33717

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) 287-4925.

Sincerely,

Jean Hersley

For
Phill Hummer
Water Rights Supervisor

Enclosure(s)

SCANNED

AUG 10 2023

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2023, I served a true and correct copy of Water Right License No. 63-33717 by U.S. Mail, postage prepaid, to the following:

MARK V PHIPPS (Current Owner)
12440 KARCHER RD
NAMPA ID 83687



Jean Hersley
Technical Records Specialist 2

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
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONExam Date: 7/11/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y N
- a. X Irrigation of 5 acres or less
b. Storage of up to 14.6 AF for stockwater purposes only
c. X Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
d. Other < >
2. Current Owner: Mark V Phipps
Owner of Record Correct? X Y N
Address of Record Correct? X Y N
If No Explain:
3. Beneficial Use Fees have been paid: X Y N Receipt No: W051277
4. Source: Groundwater Tributary: N/A

Method of Determination: GIS ArcMap Tools, Aerial Imagery, and Taxlot Data
Change in Source: Y X N

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis

Comments: Pioneer Irrigation District but permit holder doesn't have access to water from canal.

2. Other water rights with the same point of diversion: X No Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments: None

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Groundwater			SW	SE	12	03N	03W	B.M.	Canyon
								B.M.	
								B.M.	

Method of Determination: GIS ArcMap Tools and Taxlot data.

Change in POD? Y X N Amendment Required? Y X N

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2. Place of Use: Irrigation

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03W	12															1.0		1.0
		Lot #																	
Total Acres =																		1.0	

Place of Use: Stockwater

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03W	12															X		
		Lot #																	

Method of Determination: GIS ArcMap Tools and Taxlot data.Change in POU? Y X N Amendment Required? Y X N

3. Diversion System Information:

Description:

 Delivery System Diagram Attached. (mark all major components and distances between components) X Aerial Photo Attached (required) Photo of Diversion and System Attached

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A	N/A	N/A	N/A	N/A	N/A

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

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

2. Measurement Comments: No measurement is required for an in-house examination.

E. FLOW CALCULATIONS

 Additional Computation Sheets Attached

Measured Method: None

Comments: Measurement not required. Analyzed acreage irrigated using ArcMap GIS tools and aerial imagery and recommendation will be based upon irrigated acres. Stockwater rate based off rate for 10 head of cattle as per Application Processing Memo No. 3.

1. Irrigation Flow:

Measured Acreage = 1 acre > 0.03/cfs acre

Recommended Rate = 0.03 cfs

2. StockWater Flow:

10 Cattle = 0-10 head > rate = 0.02 cfs

Recommended Rate = 0.02 cfs

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AUG 10 2023

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (1.0 \text{ ac}) \times (4.5 \text{ afa}) = 4.5 \text{ af}$$

I.R.

$$V = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 15.5 \text{ af}$$

D.R.

$$V = \text{Smaller of } V_{\text{I.R.}} \text{ and } V_{\text{D.R.}} = 4.5 \text{ af}$$

2. Volume Calculations for Other Uses: Stockwater

As per Application Processing Memo No. 3:

0-10 Range Cattle = 0.2 AF volume (AF/yr)

G. PURPOSE OF USEIrrigation X Y N # Stock 10 Domestic # of Homes

Other: < >

Change in Purpose of Use? Y X N

Method of Determination: Aerial Imagery and Taxlot Data

If Yes: From Use To Use Amount CFS AFA **H. NARRATIVE/REMARKS/COMMENTS**

This permit qualifies for an in-house exam because it is apparent that the Irrigation use developed is less than 5 acres. Field exam was conducted on July 11, 2023 by Justin Shearer. Ownership of the permit is in the name of Mark V Phipps. Current Canyon County Taxlot data represents Mark V Phipps owns the land appurtenant to the place of use (POU) and point of diversion (POD). Proof of Beneficial Use was submitted on June 5, 2023. No ownership change is required.

Statement of Completion for Submitting Proof of Beneficial Use indicated that they have a submersible pump installed. Taxlot data represents that the POD and POU are accurate as described on the permit. Aerial imagery available to the Department indicates that a 1-acre POU for irrigation has been developed out of the permitted 8-acres. As a result, I am recommending the department standard of 0.03 cfs/acre and the headgate requirement of 4.5 acre-feet/acre annually for Irrigation use. Aerial imagery indicates a gated corral likely capable of holding 10 head of cattle. Thus, without evidence to suggest a stockwater use was not developed I am recommending the department standard of 0.02 cfs and 0.2 acre-feet for 10 head of range cattle as per IDWR Application Processing Memo No. 3. Additionally, the permit did not have the rates for Irrigation and Stockwater use as additive, but I feel that in this circumstance they should be seeing as how I am recommending a rate at licensing that is less than the permitted rate and have no evidence or reason to believe that the system capacity is incapable of diverting a combined total of 0.05 cfs. Thus, I am recommending a maximum diversion rate of 0.05 cfs.

All the conditions of permit approval have been met. Condition 121 will be updated to 103 as per department standard. Condition 046 will be dropped as per department standard. Condition R65 will be replaced by R69 to account for the higher standard rate allowed to irrigation of less than 5-acres. Condition WB7 will be revised to contain limits reflective of this license. Condition X02 will be removed as per department standard. Condition 065 will be removed seeing as how the user applied for this permit with the intention that of it being a primary groundwater right and has no access to surface water from Pioneer Irrigation Dist. Therefore, I am recommending a diversion rate of 0.05 cfs and 4.7 af annual volume.

Have conditions of permit approval been met? X Yes No**I. RECOMMENDATIONS**

1. Recommended Amounts:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01-10/31	0.03 CFS	4.5 AF
STOCKWATER	01/01-12/31	0.02 CFS	0.2 AF

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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

Other: < >

J. AUTHENTICATION

Field Examiner's Name  Date 7/12/23

Reviewer  Date 8/1/23

SCANNED

AUG 10 2023

State of Idaho
Department of Water Resources

Attachment to In Office Review/Beneficial Use Report

Water Right: 63-33717

This map depicts the IRRIGATION and STOCKWATER place of use boundaries for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



63-33717 POD



63-33717 Irrigation POU



63-33717 Stockwater POU



Township/Range

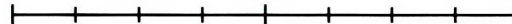


Sections



QQ

0 0.035 0.07 0.14 Miles



SCANNED

AUG 10 2023



Beneficial Use Proof Evaluation

Permit Number: 63-33717 Reviewer: AVEibell Review Date: 6/8/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 6/1/2023
- 4) Proof Due Date: 6/1/2023
- 5) Days added for weekend due date?
- 6) Days added for holiday due date?
- 7) Number of days late: 0
- 8) Proof received timely? Yes

Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 3) Are the required items installed? Yes
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 4) Is there a request to waive the required items? No
- 5) Drilling Permit Number: 871032
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? No
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

W040720

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.



IDAHO DEPARTMENT OF
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
March 31, 2023

Director Gary Spackman

MARK V PHIPPS
12440 KARCHER RD
NAMPA ID 83687

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 63-33717

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **June 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Idaho Code § 42-204. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this Department on or before the above proof due date. If neither is received, the Department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

CERTIFIED MAIL

7021 1970 0000 0024 4205

NO _____

SCANNED
MAR 31 2023