

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 63-34422

Priority: July 21, 2017

Maximum Diversion Rate: 0.48 CFS

Maximum Diversion Volume: 108.5 AF

It is hereby certified that:

DON P HELSLEY
2491 TUNNEL RD
CALDWELL ID 83607

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 21, 2017, and has submitted Proof of Beneficial Use on September 02, 2022. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use

IRRIGATION

Period of Use

03/01 to 11/15

Rate of Diversion

0.48 CFS

Location of Point(s) of Diversion

GROUND WATER NW¼ NE¼, Sec. 13, Twp 06N, Rge 04W, B.M. PAYETTE 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	
06N	04W	13		24.1															24.1

Total Acres: 24.1

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 108.5 af at the field headgate for the place of use.
2. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
4. 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.

SCANNED

SEP 11 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 63-34422

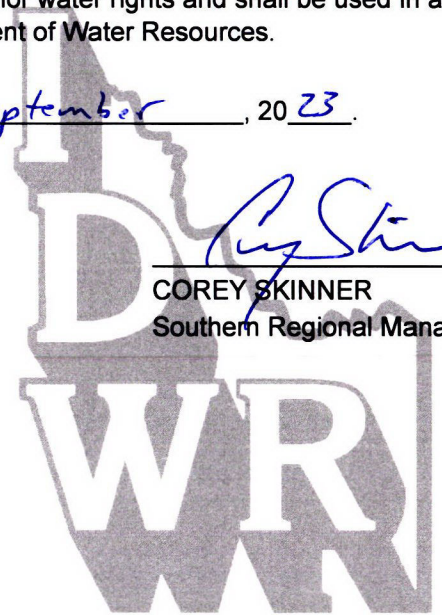
5. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this 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 8th day of September, 2023.



COREY SKINNER
Southern Regional Manager



State of Idaho
Department of Water Resources
Attachment to Water Right
63-34422

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 0.0425 0.085 0.17 Miles

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

N
SCANNED
SEP 11 2023

SEP 02 2022

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 100
Receipt No. C113910
Received By Ku
Date Received 9.2.22

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.

1. Permit No. 63-34422 Name of Permit Holder(s) Don G. Helsley
Telephone No. 1-208-866-6982 Email helsleyranch@gmail.com
Mailing Address 2491 Tunnel Rd. City Cald. State Id Zip 83607
2. Source of Water Ground Water If Ground Water (well), Date Drilled mo. 3 / yr. 2018
Drilling Permit/Tag No. D0077407 Drilling Company's Name McLERNAN

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) _____ Irrigation (No. acres) 26 Stockwater (No. and stock type) _____
Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted 0.711 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.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Pump & Pipes & Assemblies

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) ☐ No7. Fee Enclosed \$ 100 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: Don G. Helsley Telephone No. 1-208-866-6982 Email helsleyranch@gmail.com
Mailing Address 2491 Tunnel Rd City Cald. State Id Zip 83607

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.

Don G. Helsley
SIGNATURE OF PERMIT HOLDER*

DON P. HELSLEY
PRINTED NAME AND TITLE

8-5-22
DATE

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

ownerSCANNED
SEP 12 2022



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 Mathew Weaver

September 11, 2023

DON P HELSLEY
2491 TUNNEL RD
CALDWELL ID 83607

RE: License No. 63-34422

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)

SCANNED
SEP 11 2023

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2023, I served a true and correct copy of Water Right License No. 63-34422 by U.S. Mail, postage prepaid, to the following:

DON P HELSLEY (Current Owner)
2491 TUNNEL RD
CALDWELL ID 83607

HDR INC (Representative)
ATTN LORI GRAVES
412 E PARKCENTER BLVD STE 100
BOISE ID 83706-6659

A handwritten signature in blue ink, reading "Denise Maline", is written over a horizontal line.

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: 63-34422
Exam Date: 09/05/2023

1. Current Owner:
DON P HELSLEY 2491 TUNNEL RD CALDWELL ID 83607
2. Accompanied by: Frank Thurman
Phone No: (208) 880-3743
Relationship to permit Holder: Leases the ground.

3. **SOURCE:**
GROUND WATER

Method of Determination: **Arc Map and Field Inspection.**

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis
63-8093	Unnamed drain	Irrigation	Decreed

Comments: **Don Helsley owns 63-8093 and uses it whenever water is available.**

2. Other water rights with the same point-of-diversion: **None**

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NW¼ NE¼, Sec. 13, Twp 06N, Rge 04W, B.M. PAYETTE County

Method of Determination: **ArcMap and Field inspection.**

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	
06N	04W	13		24.1															24.1

Total Acres: 24.1

Method of Determination: **ArcMap and Field inspection.**

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
450021		20			6 inch discharge

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Portable Flowmeter	Ultrasonic	General Electric	PT 878	04031		April 2023

2. Measurements: **282.2 gallons per minute (0.62 cfs)****E. VOLUME CALCULATIONS**

1. Volume Calculations for irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 24.1 \text{ acres} \times 4.5 \text{ AFA} = 108.45 \text{ or } \mathbf{108.5 \text{ AF}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.52 \times 260 \text{ days} \times 1.9835 = 268.16 \text{ or } 268.2$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \mathbf{108.5 \text{ AF}}$$

F. NARRATIVE/REMARKS/COMMENTS

On September 05, 2023, Benny Walker (IDWR) and I conducted a field exam for groundwater permit 63-34422. Ground Water permit 63-34422 was approved for a diversion rate of 0.52 cfs for the irrigation of 26.0 acres. A total of 24.1 acres of irrigation were developed.

We were accompanied by Frank Thurman who farms the ground for Don Helsley. Mr. Thurman showed us the developed system that is used to irrigate 24.1 acres. A well (20 HP) supplies water to a center pivot and solid-set sprinklers (used to irrigate the pivot corners). The well can pump water directly to the pivot and solid-set sprinklers, or the water can be diverted to a booster pump (25 HP). The booster pump is used, when desired, to help lift the water approximately 60 vertical feet to the pivot at the top of the field.

The irrigation system was operating on the day of the field exam, and I used a General Electric Panametrics PT 878 Polysonic meter to measure a maximum flow rate of 282.2 gallons per minute (0.62 cfs). The well can produce more than the permitted flow rate of 0.52 cfs. Water Permit Condition WB7 limits the diversion rate to no more than 0.02 cfs per acre which dictates a flow rate of 0.48 cfs for 24.1 acres of irrigation.

Conditions on the permit have been complied with and I recommend licensing permit 63-34422 for 0.48 cfs and 108.5 AF for the irrigation of 24.1 acres.

Have conditions of permit approval been met? ☒ Yes ☐ No

G. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.48 CFS	108.5 AF
<u>Totals:</u>		0.48 CFS	108.5 AF

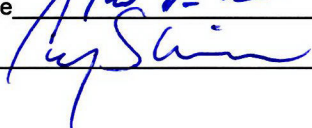
2. Recommended Amendments

☐ 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

H. AUTHENTICATION Kent Aasa

Field Examiner's Name  Date 09/08/2023

Reviewer  Date 09/08/2023

63-34422 POD



Field Exam 63-34422

63-34422 POU



Field Exam 63-34422

63-34422 POU



Field Exam 63-34422

63-34422 Flow Test_0.628 cfs



Field Exam 63-34422

63-34422 System Diagram



Legend

- Water Right POD
- Township/Range
- Parcels
- Sections
- QQ

State of Idaho
Department of Water Resources

Water Right

63-34422



0 0.075 0.15 0.3 Miles

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



SCANNED

SEP 11 2023



Governor Brad Little

Director Gary Spackman

September 9, 2022

DON P HELSLEY
2491 TUNNEL RD
CALDWELL ID 83607

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 63-34422

Dear Permit Holder:

The Department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

During review of your proof statement and the permit listed above, I noticed that you stated a rate of diversion greater than the maximum diversion rate allowed under this permit. You stated on your proof that your total rate of diversion is 0.711 (cfs), however, this permit authorizes a maximum diversion rate of 0.52 cfs. Diversion of water under this permit is limited to the authorized amount. I have enclosed a copy of your proof statement and this permit for your reference. You may apply for another permit to cover additional water use if needed. Application for Permit forms are available from any Department office or at the department's website at www.idwr.idaho.gov.

The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the field examination, please contact the Western Region Office of the Department located in Boise at (208) 334-2190.

Sincerely,

Debbi Judd

Technical Records Specialist

Enclosures

c: HDR INC – via email

SCANNED
SEP 12 2022

Beneficial Use Proof Evaluation

Permit Number: 63-34422 Reviewer: djudd Review Date: 9/7/2022

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: 9/2/2022
- 4) Proof Due Date: 10/1/2022
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -29
- 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?
 - a. Measuring Device --
 - b. Lockable Device --
 - c. Fish Screen --
- 4) Is there a request to waive the required items?
- 5) Drilling Permit Number: 884736
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? Yes
- 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: \$100.00
- 4) Filing fee submitted: \$100.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

W045511

Comments

Proof acknowledged