State of Idaho
Department of Water Resources

Water Right License

Water Right No. 65-23639

Priority: July 01, 2016

Maximum Diversion Volume: 5.8 AF

It is hereby certified that:

STEVE LOOMIS 7154 W STATE ST # 187 BOISE ID 83714-7421 AND/OR
SUSAN HOLLAND 7154 W STATE ST # 187 BOISE ID 83714-7421

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 08, 2016, and has submitted Proof of Beneficial Use on December 02, 2021. An examination confirms water is diverted from:

Source : UNNAMED STREAM **Tributary:** ROBBS CREEK

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
STOCKWATER STORAGE	01/01 to 12/31		5.8 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		1.3 AF
AESTHETIC STORAGE	01/01 to 12/31		4.5 AF

Location of Point(s) of Diversion
UNNAMED STREAM SW¼ NE¼, Sec. 8, Twp 06N, Rge 02E, B.M. BOISE County

Place of Use: STOCKWATER STORAGE

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	02E	8			X														

Place of Use: STOCKWATER FROM STORAGE

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	02E	8			X														

Place of Use: AESTHETIC STORAGE

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	02E	8			X														

Conditions of Approval

1. The reservoir established by the storage of water under this right shall not exceed a total capacity of 3.0 acre-feet or a total surface area of 0.5 acre.
2. Right 65-23639 authorizes the storage of an annual total of 5.8 acre-feet; 3.0 acre-feet to be used for the initial filling or carryover storage of the reservoir, 1.5 acre-feet for the replacement of losses due to seepage and evaporation, and up to 1.3 acre-feet for additional refills for stockwater from storage use.

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3. 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 District No. 65.
4. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.
5. 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.
6. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
7. Stockwater from storage use is for 100 range cattle.
8. 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 12th day of October, 2022.

SCOTT STORMS
Water Rights Supervisor

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Department of Water Resources

Attachment to Water Right License

65-23639

This map depicts the STOCKWATER FROM STORAGE, STOCKWATER STORAGE, & AESTHETIC STORGAGE 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.



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

0 0.035 0.07 0.14 Miles

N

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IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

October 12, 2022

SUSAN HOLLAND
STEVE LOOMIS
7154 W STATE ST # 187
BOISE ID 83714-7421

RE: License No. 65-23639

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) 605-4624.

Sincerely,

Scott Storms
Water Rights Supervisor

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2022, I served a true and correct copy of Water Right License No. 65-23639 by U.S. Mail, postage prepaid, to the following:

SUSAN HOLLAND (Current Owner)
7154 W STATE ST # 187
BOISE ID 83714-7421

STEVE LOOMIS (Current Owner)
7154 W STATE ST # 187
BOISE ID 83714-7421

HDR INC (Representative)
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

WATER DISTRICT #65
NEIL SHIPPY - WD 65 (Watermaster)
102 N MAIN ST
PAYETTE ID 83661-2522

Scott Storms
Water Rights Supervisor

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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: 65-23639
Exam Date: 05/17/2022

1. Current Owner:
   STEVE LOOMIS 7154 W STATE ST # 187 BOISE ID 83714-7421 AND/OR
   SUSAN HOLLAND 7154 W STATE ST # 187 BOISE ID 83714-7421

2. Accompanied by: Steve Loomis
   Phone No: 208-859-8115
   Address:
   Relationship to permit Holder:

3. **SOURCE:** UNNAMED STREAM

Tributary ROBBS CREEK

Method of Determination: Site visit, aerial imagery

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None
2. Other water rights with the same point-of-diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
UNNAMED STREAM SW¼ NE¼, Sec. 8, Twp 06N, Rge 02E, B.M. BOISE County

Method of Determination: Earthen dam; GPS at 43° 52' 23.38" N, 116° 14' 36.03" W

PLACE OF USE: STOCKWATER STORAGE

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	02E	8			X														

PLACE OF USE: STOCKWATER FROM STORAGE

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	02E	8			X														

PLACE OF USE: AESTHETIC STORAGE

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	02E	8			X														

Method of Determination: Field photos and aerial photography used to verify aesthetic and stockwater use site.

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3.

x 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.

n/a 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	N/A	N/A	N/A	N/A

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Flow measurement not required. Permit issued in volume only.

E. FLOW CALCULATIONS

N/A Additional Computation Sheets Attached

Measured Method: Flow calculations not required. Permit issued in volume only.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A
2. Volume Calculations for Other Uses:

Aesthetic Storage: Using the submitted Pond Loss Calculation Spreadsheet, Application for Construction of a New Dam, GIS tracing and measurement tools, and depth approximations the following theoretical calculations were determined:

Surface area (GIS): 0.5 acres

Average pond depth: 15 feet

Losses: 1 AF Pond Evaporation + 0.5 AF Seepage = 1.5 AF

Reservoir Capacity (Application narrative and Application for Construction of a New Dam): 3 AF

3 AF Pond Capacity + 1.5 AF Losses = 4.5 AF

Stockwater from Storage:

100 cattle x 12 gpd x 365 days per year = 438,000 gal per year / 325,851 gal per af = 1.3 AF

Stockwater Storage:

1.3 AF Stockwater from Storage + Aesthetic Storage 4.5 AF = 5.8 AF

Permitted Total Rate	5.9 AF
License Recommendation	5.8 AF

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G. NARRATIVE/REMARKS/COMMENTS

A field exam was conducted on 05/17/22 by Water Right Agent Laura McSherry and was accompanied by Mr. Steve Loomis. Steve Loomis is the current owner and original applicant. The permit was issued on December 20, 2016, and proof of beneficial use was submitted on December 2, 2021.

The point of diversion (POD) location was confirmed at a 15-foot earthen dam impounding surface runoff from an unnamed stream tributary to Robbs Creek in the SWNE QQ and is accurately described by the permit. A release valve and culvert outlet were located at the base of the downstream slope. The unnamed stream flows downhill from the southwest to the northeast. Water right overlap did not discover any other water rights associated with the POD, which developed the reservoir, locally known as Sawmill Pond. No amendment required to correct the legal description.

The permit authorizes year-round appropriation of 4.5 AF for aesthetic storage and 5.9 AF for stockwater storage within SENW and SWNE Sec 8, T06N, R02E. ArcMap tools and aerial imagery, supported by photos taken during the field exam, were used to verify the POU area, or Sawmill Pond, only in the SWNE QQ. The PLS description for the POUs were adjusted accordingly. The permit authorizes 1.4 AF for stockwater from storage within SWNE Sec 8, T06N, R02E. ArcMap tools and aerial imagery, supported by photos of the range cattle taken during the field exam, were used to verify the POU area. No amendment required to correct the legal description of the POUs.

No diversion rate is associated with this water right. A measuring staff gauge in 12 ft units is installed in the north side of Sawmill Pond. The range cattle drink directly from the pond and stream, as well as troughs. Volume calculations for each use determined license recommendations as follows: Aesthetic Storage 4.5 AF, Stockwater from Storage 1.3 AF, and Stockwater Storage 5.8 AF.

Condition 259 was corrected to reflect license volume recommendations. Condition 121 was updated to 103 as per department standards. Condition 01H was updated to R02. Condition 26A was dropped. All other conditions were carried on to the license.

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

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
STOCKWATER STORAGE	01/01 to 12/31		5.8 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		1.3 AF
AESTHETIC STORAGE	01/01 to 12/31		4.5 AF
	Totals:		5.8 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

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I. **AUTHENTICATION** Laura McSherry – Water Resource Agent

Field Examiner's Name _____ Date 10.11.2022

Reviewer _____ Date 10/12/2022

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DELIVERY SYSTEM DIAGRAM

Water Right No. 65-23639

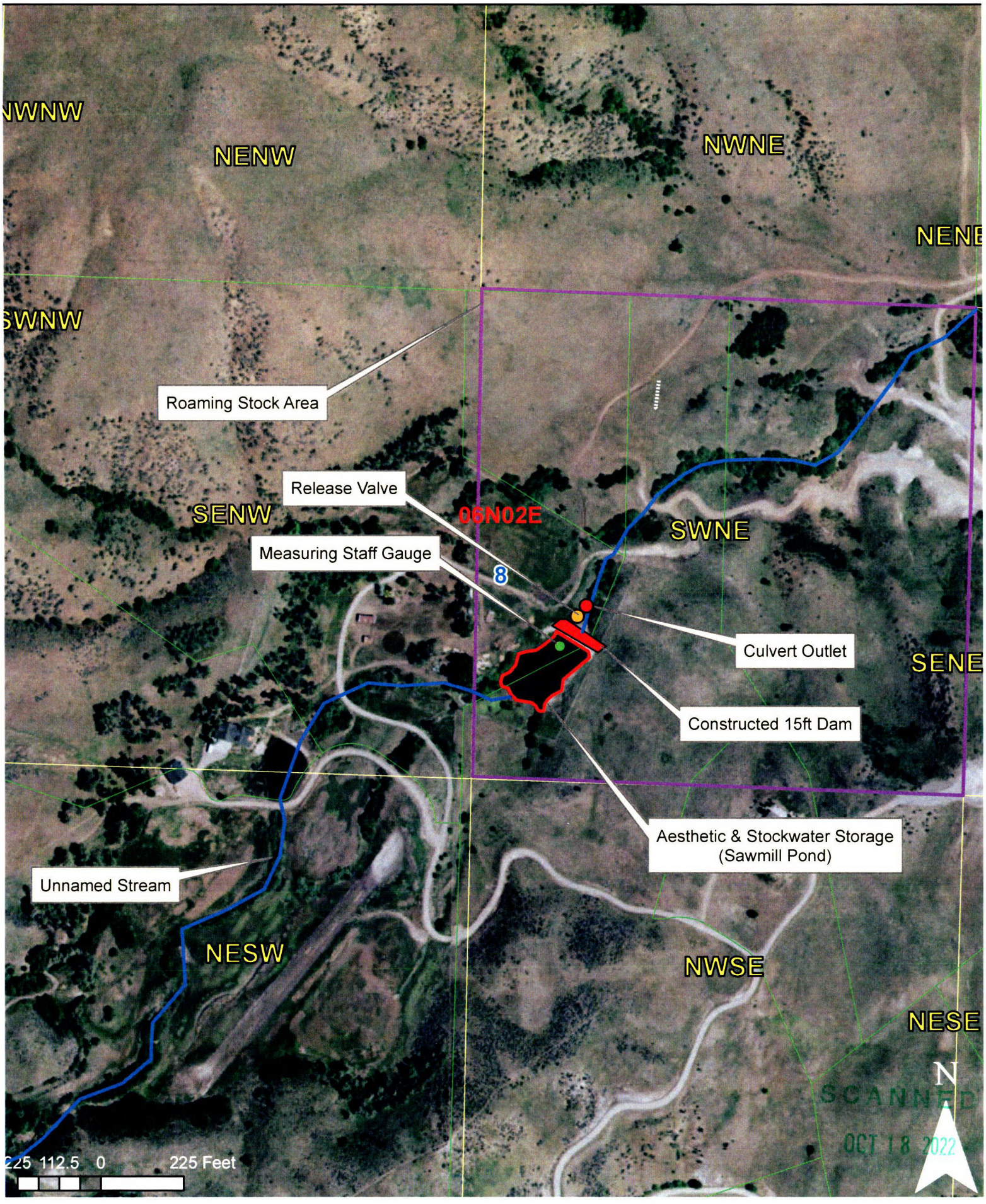


TABLE NO. 6

ANNUAL USE OF WATER FOR STOCKWATER PURPOSES

No. of Stock (head)	RANGE CATTLE Rate* c.f.s. (1	RANGE CATTLE Volume AF/yr. (1	DAIRY CATTLE Rate* c.f.s. (2	DAIRY CATTLE Volume AF/yr. (2
0 - 10	0.02	0.2	0.02	0.4
11 - 25	0.02	0.4	0.02	1.0
26 - 50	0.02	0.7	0.04	2.0
51 - 100	0.03	1.4	0.07	4.0
101 - 200	0.05	2.7	0.13	7.9
201 - 300	0.07	4.1	0.20	12.0
301 - 400	0.09	5.4	0.26	16.0
401 - 500	0.12	6.7	0.33	20.0
501 - 600	0.14	8.1	0.39	24.0
601 - 700	0.16	9.4	0.46	28.0
701 - 800	0.19	11.0	0.52	32.0
801 - 900	0.20	12.0	0.58	36.0
901 - 1000	0.23	14.0	0.65	40.0
1001 - up (3				

(1) The amounts shown are based on 12 gpd/head with a 12 month period of use. (i.e. for range cattle, horses and mules). The amount does not include a loss (i.e. thru conveyance, etc.)

2. The amounts shown are based on 35 gpd/head with a 12 month period of use. (i.e. for dairy cattle). The amount does not include a loss. (i.e. thru conveyance, etc.).

3. For annual use calculations which involve more than 1000 head, round the number of head up to the next even one hundred, and

Volume

a) for livestock use @ 12 gpd/hd, N (0.0134).

b) for dairy use @ 35 gpd/hd, N (0.0391).

Rate

a) for livestock use @ 12 gpd/hd, N (0.00022).

b) for dairy use @ 35 gpd/hd, N (0.00065).

The answer should be rounded up to the nearest whole acre-foot.

*The rate is based upon approx. 2 hr/day diversion to obtain daily requirement.

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Fig. 1 & 2 – Upstream view looking west at Unnamed Stream tributary to Robbs Creek.

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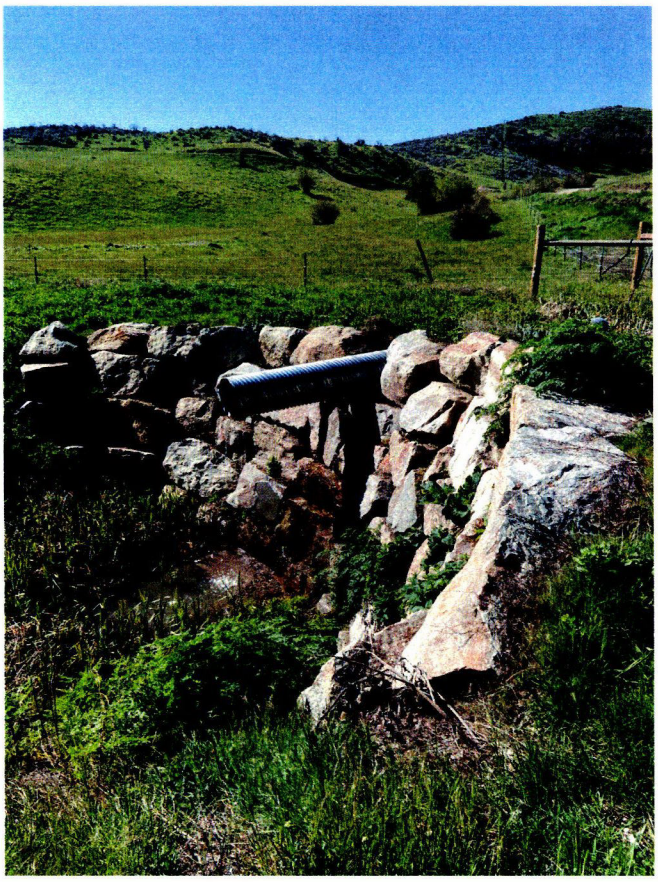


Fig. 3 – Location of upstream culvert. View looking SE.

GPS'd at:

43° 52' 22.07" N

116° 14' 40.83" W



Fig. 4 – Directly downstream from culvert. View looking NE.

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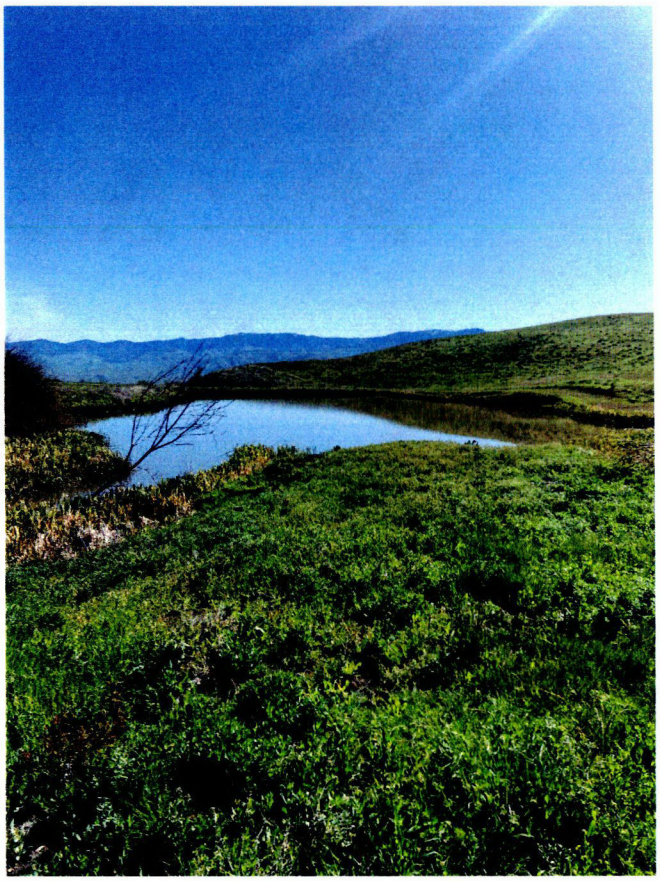


Fig. 5 – Aesthetic and stockwater storage named Sawmill Pond. View looking NE.

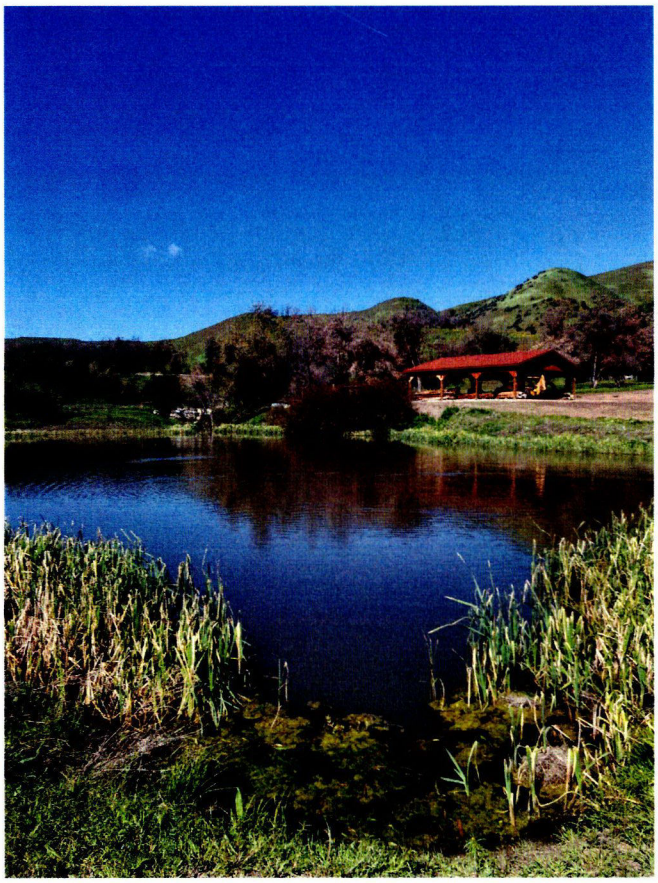


Fig. 6 – Sawmill Pond. View looking SW.

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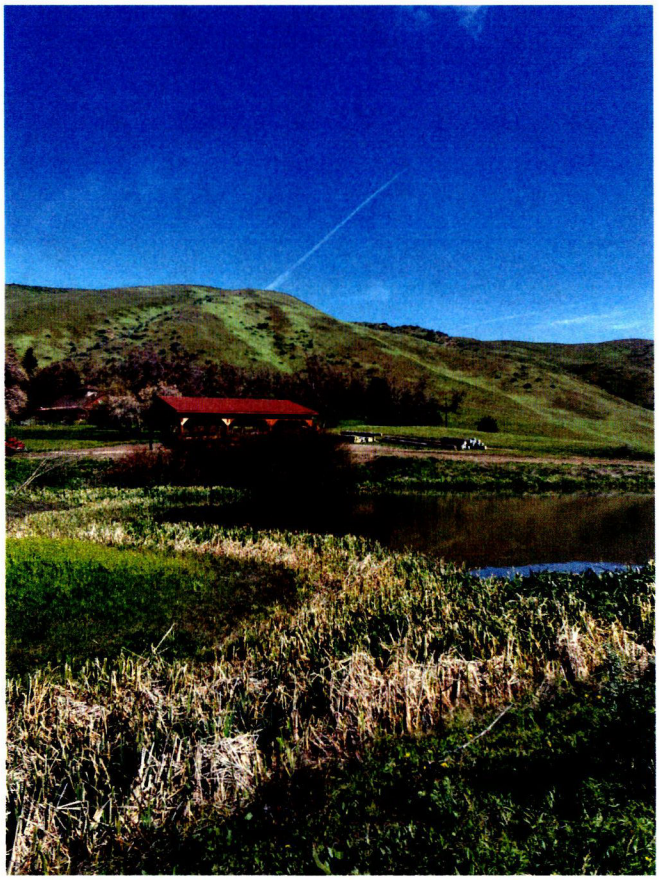


Fig. 7 – Sawmill Pond. Lumber mill and residence in background. View looking NW.

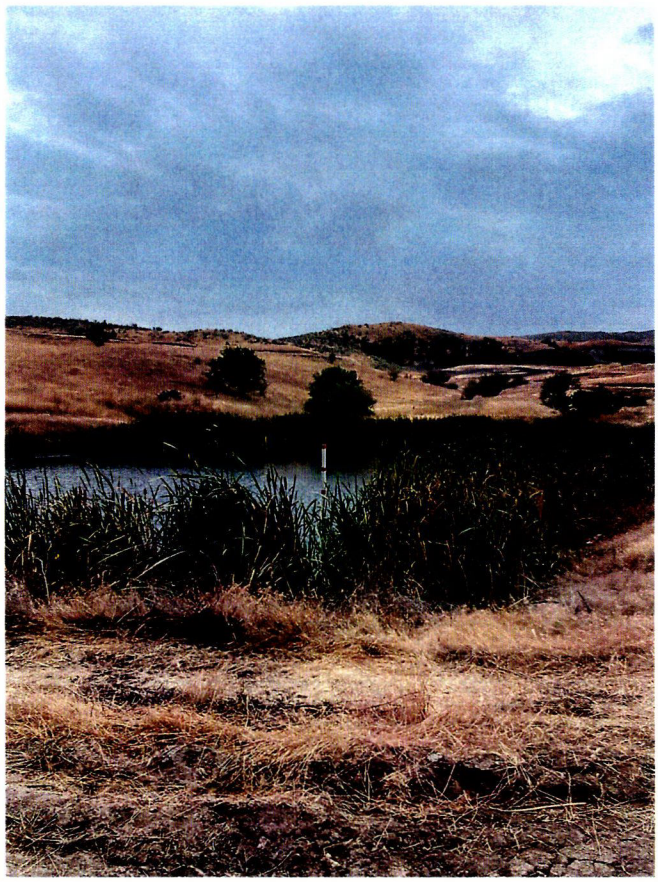


Fig. 8 – Condition required measuring device (staff gauge) in units of feet. View looking south.

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Fig. 9 – Location of the downstream culvert located in the SWNE QQ. View looking S.



Fig. 10 – Location of the 15' dam, culvert outlet, and release valve. View looking downstream NE.

Point of Diversion (POD)

GPS'd at:

43° 52' 23.38" N

116° 14' 36.03" W

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Fig. 11 – View looking S at the 15' dam. Applicant engaging valve to demonstrate regulation.



Fig. 12 – Condition required lockable device (valve).

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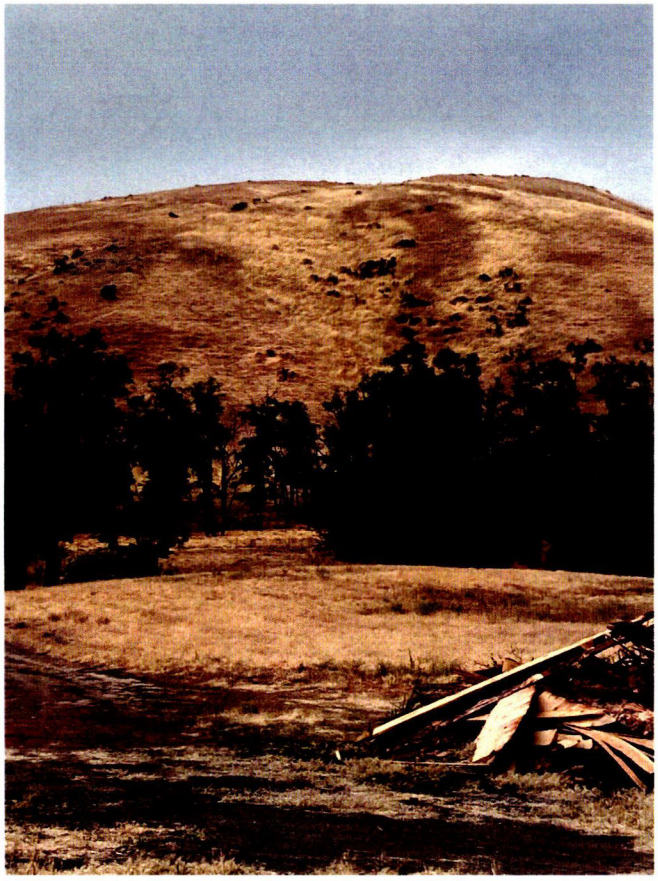


Fig. 13 & 14 – Free range cattle in the SWNE QQ section. Water troughs located throughout property.

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