

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23640

Priority: April 08, 2016

Maximum Diversion Rate: 0.06 CFS

Maximum Diversion Volume: 5.8 AF

It is hereby certified that:

SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE ID 83714

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: SPRING

Tributary: HOME LAKE

Beneficial Use
DOMESTIC

Period of Use
01/01 to 12/31

Rate of Diversion
0.06 CFS

Annual Volume
5.8 AF

Location of Point(s) of Diversion

SPRING NE¼ SW¼ SW¼, Sec. 8, Twp 06N, Rge 02E, B.M. BOISE County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02E	8								X									

Conditions of Approval

1. 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.
2. 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.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
4. This right does not grant any right-of-way or easement across the land of another.
5. Domestic use is for 2 homes.
6. 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

SCANNED

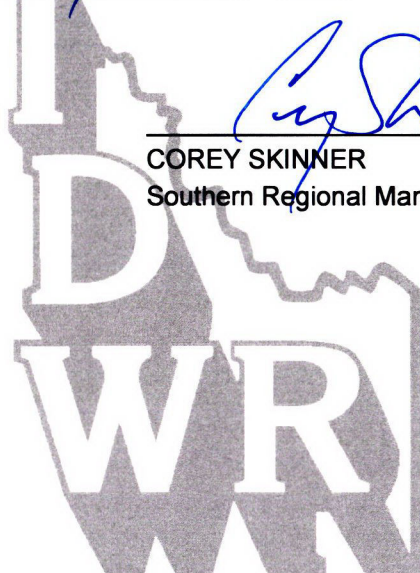
JUL 31 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23640

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 27th day of July, 20 23.



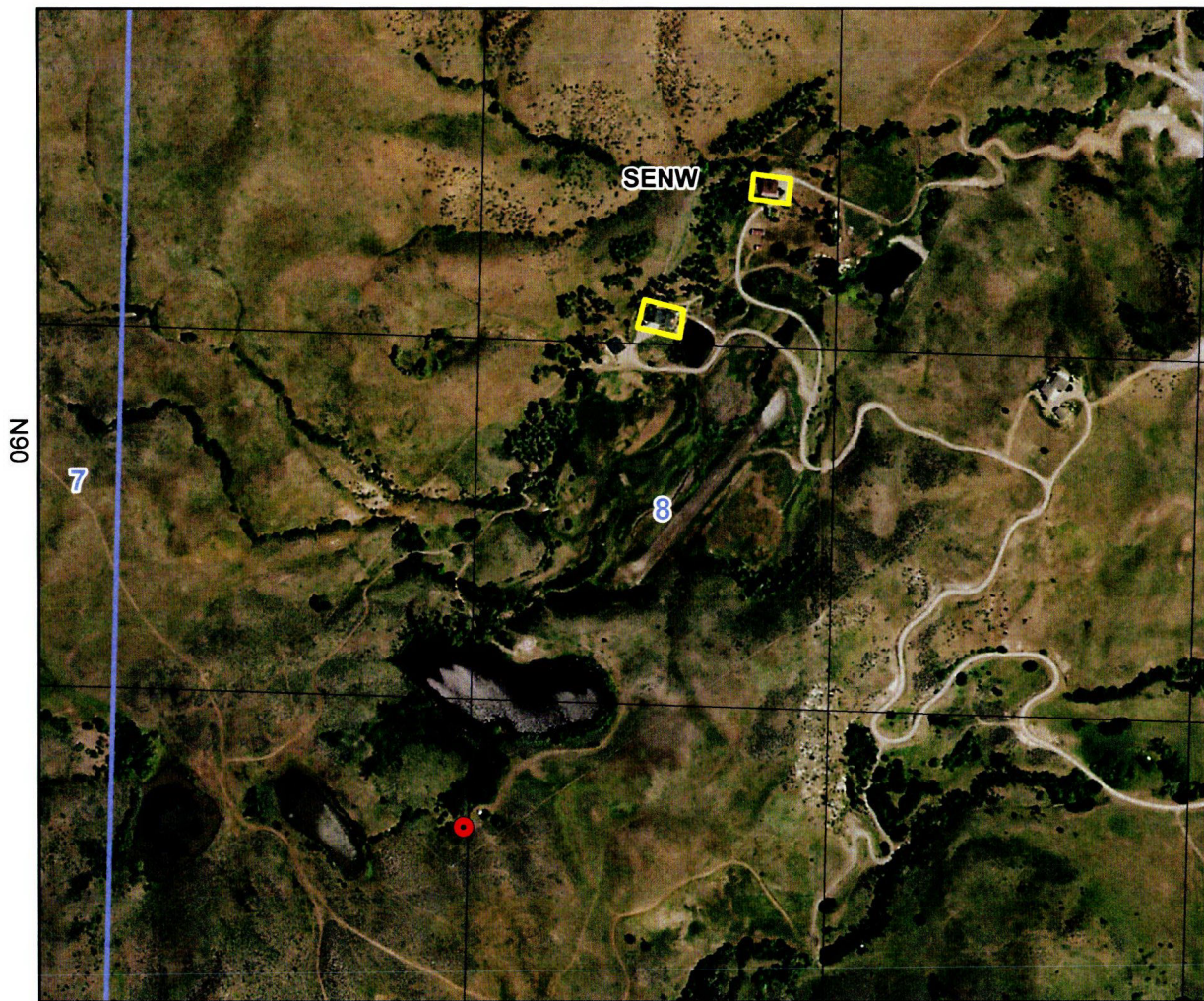


COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
65-23640

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

02E



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



SCANNED
JUL 31 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2023, I served a true and correct copy of Water Right License No. 65-23640 by U.S. Mail, postage prepaid, to the following:

SANDS LLC (Current Owner)
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE ID 83714

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

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



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
Application for Amendment
(For Licensing Purposes)
Water Right No. 65-23640

RECEIVED

JUL 28 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION

Priority: April 08, 2016

Maximum Diversion Rate: 0.06 CFS

Maximum Diversion Volume: 5.8 AF

The owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-23640

SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE ID 83714

requests the permit be changed as follows:

Source: SPRING

Tributary: HOME LAKE

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.06 CFS

Annual Volume

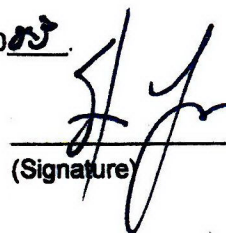
5.8 AF

Location of Point(s) of DiversionSPRING NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, Twp 06N, Rge 02E, B.M. BOISE CountyPlace of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02E	8								X									

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 25th day of July, 2023.


(Signature)

SCANNED

JUL 31 2023

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 65-23640

FOR DEPARTMENT USE ONLY

Preliminary check by JB Fee = \$100 Received by SG # 5039873 Date 7-27-2023

ACTION OF THE DEPARTMENT OF WATER RESOURCES

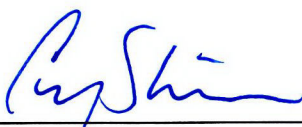
The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 65-23640 with the following:

Conditions of Approval

1. 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.
2. 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.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
4. This right does not grant any right-of-way or easement across the land of another.
5. Domestic use is for 2 homes.
6. 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 amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 27th day of July, 2023.



COREY SKINNER
Southern Regional Manager

loomissteve@gmail.com

From: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>
Sent: Wednesday, July 12, 2023 1:51 PM
To: loomissteve@gmail.com
Subject: Licensing amendment for permit 65-23640, Sands, LLC
Attachments: Sands - App for Amendment.pdf

RECEIVED
JUL 27 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

Steve-

Hopefully things are going well up at your place- we have finally warmed up down here. At the beginning of June, I mailed an *Application for Amendment* for the licensing of permit 65-23640 (Sands, LLC) for the use of the spring at your home and your relative's home above Horseshoe Bend. I have attached another copy in case the original was lost or misplaced. If you could sign it and return it with the \$100.00 fee, I can complete the licensing of permit 65-23640. Let me know if you have any questions and thank you for your help.

Jim

Jim Bitzenburg
Water Rights Supervisor
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov

Jim
Here you go.
Thanks for all the
hard work. Steve

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-23640
Exam Date: 04/28/2023

1. Current Owner:

SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE ID 83714

2. Accompanied by: Steve Loomis

Phone No: 208-859-8115

Address: same as above

Relationship to permit Holder: Permit holder

3. **SOURCE:**
SPRING

Tributary
HOME LAKE

Method of Determination: Mr. Loomis took me to the spring and indicated that it was the source for this permit.

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis
65-2035	Unnamed Stream	Irrigation	Decree
65-11141	Siphon Lakes	Irrigation from Storage	Decree
65-23355	Unnamed Stream	Irrigation from Storage	License
65-23354	Home Lake	Irrigation from Storage	Draft License
65-23327	Spring	Domestic – Loomis home	License

Comments: The Loomis home is mainly served by 65-23327 from a different spring; this permit is a backup source. The Townsend home is also served by an exempt domestic well.

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

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

SPRING NE¼ SW¼ SW¼, Sec. 8, Twp 06N, Rge 02E, B.M. BOISE County

Method of Determination: Site visit and ArcMap aerial imagery.

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02E	8								X									

Method of Determination: Site visit and ArcMap aerial imagery.

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
NA	NA	NA	NA	NA	NA

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NA						

2. Measurements: No measurement required per Beneficial Use Examination Rules IDAPA 37.03.02, Rule 35, 01., (r), iii.

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: NA

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4.5 \text{ AF} \times 0.5 \text{ acre} = 2.3 \text{ AF for each home (x2)} = 4.6 \text{ AF}$$

$$V_{D.R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.06 \text{ cfs} \times 231 \text{ days} \times 1.9835 \text{ AF/day} = 27.5 \text{ AF}$$

$$V = \text{Smaller of } V_{I.R} \text{ and } V_{D.R} = 4.6 \text{ AF}$$

2. Volume Calculations for Other Uses: 0.6 AF standard in-house allowance for domestic use (x2) = 1.2 AF

$$\text{Total volume} = 1.2 + 4.6 = \mathbf{5.8 \text{ AF}}$$

G. NARRATIVE/REMARKS/COMMENTS

The Beneficial Use Field Exam for permit 65-23640 was conducted on April 28, 2023 with permit holder Steve Loomis (manager and registered agent of Sands, LLC) in attendance.

Water is diverted from a spring, which is actually located in the NESWSW of Section 8, instead of the permitted location in the NWSESW of Section 8, which will necessitate an amendment of the permit. The water flows in an underground pipe approximately 75 feet to a 1500 gallon storage tank located within an repurposed grain silo. From the water tank it flows by gravity about a half of a mile to the Townsend home, then about another 1/10 mile to the Loomis home. The permit anticipated a home in the NESW, but the home was never built; the water instead supplies two homes in the SENW, which is one of the permitted domestic locations. According to Mr. Loomis, no stockwater use was developed, so the stockwater portion of the permit is being dropped at licensing.

It appears that the conditions of approval have been complied with. Dropping the stockwater use will reduce the licensed flow rate from 0.1 cfs to **0.06 cfs**. The volume recommended for licensing is **5.8 AF**, consisting of 0.6 AF for in-house use at each home (1.2 AF), and 2.3 AF for ½ acre of irrigation at each home at the standard field headgate requirement for the area of 4.5 AF/acre (4.6 AF).

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

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Volume</u>
DOMESTIC	01/01 to 12/31	0.06 CFS	5.8 AF

Totals:

0.06 CFS

5.8 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

I. AUTHENTICATION

Field Examiner's Name Jim Bitzenburg Date 7-27-2023

Reviewer [Signature] Date 7/27/2023



Point of Diversion – Spring under black mat

Place of Use – Townsend home



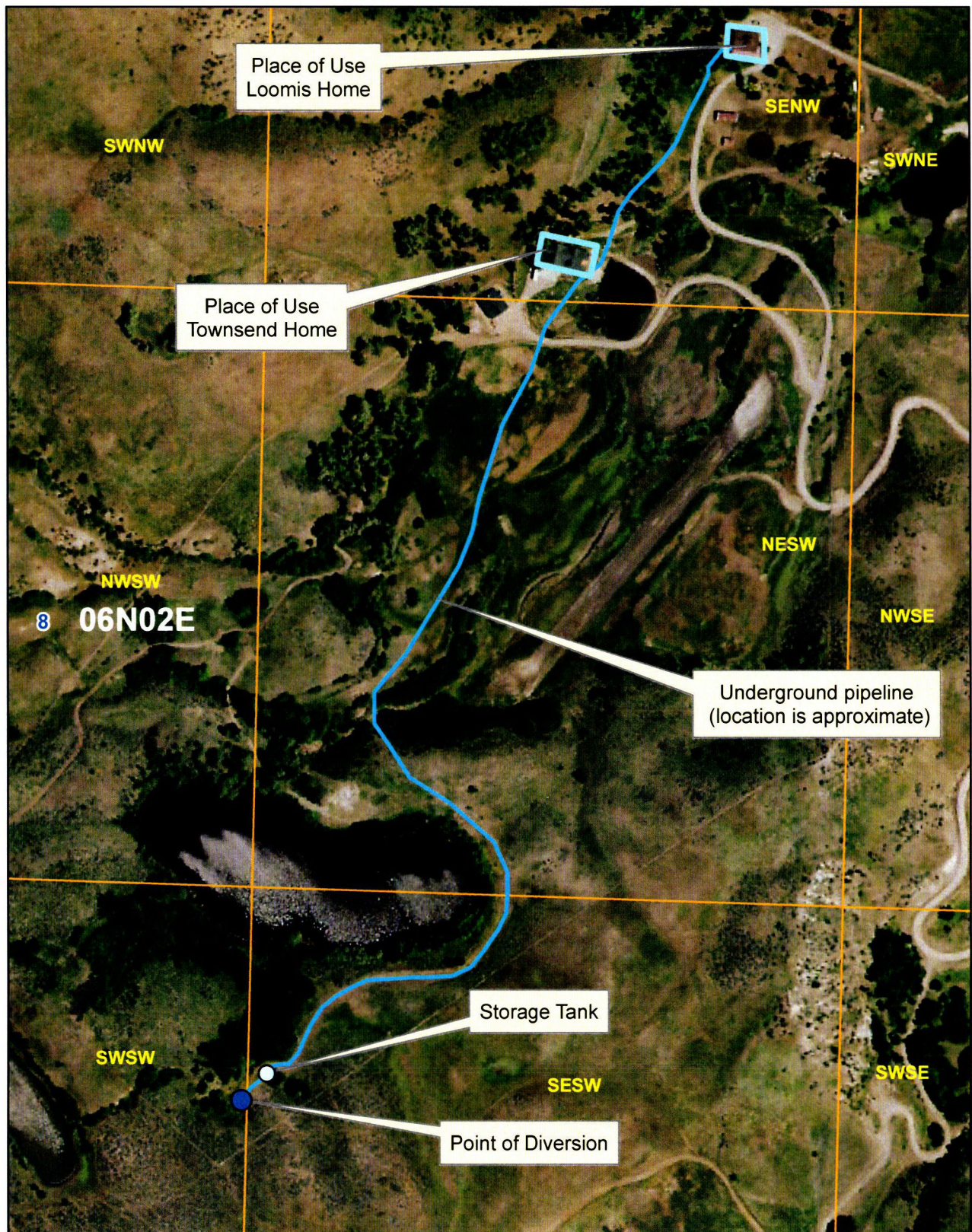
65-23640

Sands, LLC



Place of Use – Loomis home

65-23640 System Diagram and POU/POD Map



Legend

- Township/Range
- Sections
- QQ

0 0.0325 0.065 0.13 Miles



SCANNED
JUL 31 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 31, 2023

SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE ID 83714

RE: License No. 65-23640

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. Also enclosed is a copy of the signed Application for Amendment of Permit filed on July 27, 2023.

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

JUL 31 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 31, 2023

SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE ID 83714

RE: Water Right Permit No. 65-23640

Dear Permit Holder:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Idaho Code § 42-211. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

 X Point of Diversion

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when issued. Please review the amendment form carefully. If you concur with the information presented, please sign and return the form with the filing fee of \$100.00 within fourteen (14) days.

If you have any questions, please call me at (208) 293-9909.

Sincerely,

Jim Bitzenburg
Water Rights Supervisor

Enclosure(s): Application for Amendment