

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23682

Priority: December 05, 2016

Maximum Diversion Rate: 0.05 CFS

Maximum Diversion Volume: 2.8 AF

It is hereby certified that:

GARRETT F POST
AND/OR
TRISHA POST
5840 ADAMS ROAD
NEW PLYMOUTH ID 83655

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 05, 2016, and has submitted Proof of Beneficial Use on April 01, 2022. 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>
FISH PROPAGATION STORAGE	01/01 to 12/31		2.8 AF
AESTHETIC STORAGE	01/01 to 12/31		2.8 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.05 CFS	

Location of Point(s) of Diversion

GROUND WATER SW¼ NW¼, Sec. 9, Twp 07N, Rge 04W, B.M. PAYETTE County
GROUND WATER SW¼ NW¼, Sec. 9, Twp 07N, Rge 04W, B.M. PAYETTE County

Place of Use: FISH PROPAGATION 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	
07N	04W	9							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	
07N	04W	9							X										

Conditions of Approval

1. The one (1) pond established by the storage of water under this right shall not exceed a total capacity of 2.1 acre-feet or a total surface area of 0.3 acres.
2. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.

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Water Right No. 65-23682

3. 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.
4. Right 65-23682 authorizes the storage of an annual total of 2.8 acre-feet; 2.1 acre-feet to be used for the initial filling or carryover storage of the pond, 0.7 acre-feet for the replacement of losses due to evaporation.

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.

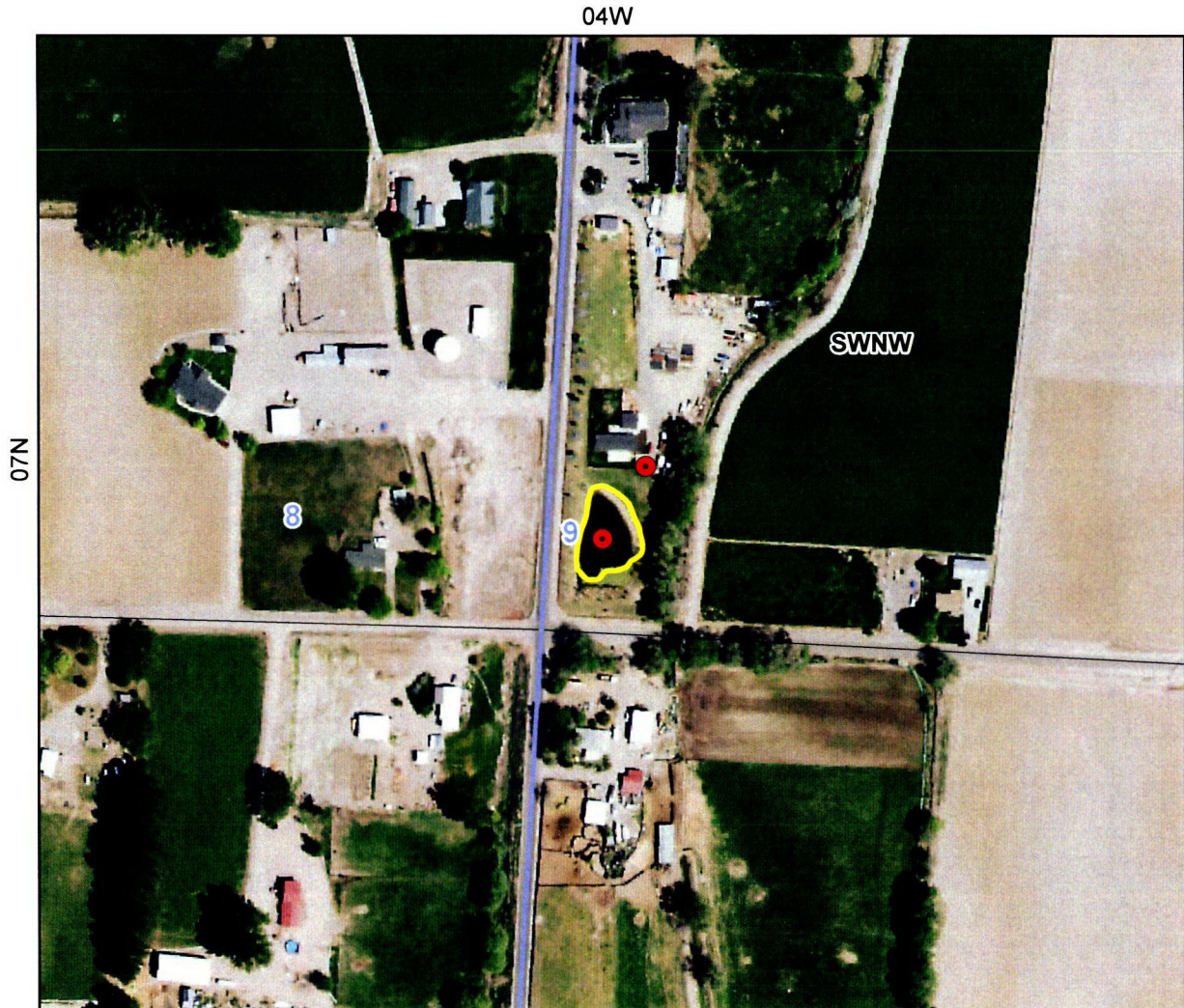
Signed this 26th day of May, 2023



JAMES BITZENBURG
Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Water Right
65-23682

This map depicts the AESTHETIC STORAGE & FISH PROPAGATION STORAGE 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 0.035 0.07 0.14 Miles

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



SCANNED
MAY 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 29, 2023

GARRETT F POST
TRISHA POST
5840 ADAMS ROAD
NEW PLYMOUTH ID 83655

RE: License No. 65-23682

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,

James Bitzenburg
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2023, I served a true and correct copy of Water Right License No. 65-23682 by U.S. Mail, postage prepaid, to the following:

GARRETT F POST (Current Owner)
TRISHA POST (Current Owner)
5840 ADAMS ROAD
NEW PLYMOUTH ID 83655



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: 65-23682
Exam Date: 04/25/2023

1. Current Owner:
GARRETT F POST 5840 ADAMS ROAD NEW PLYMOUTH ID 83655 AND/OR
TRISHA POST 5840 ADAMS ROAD NEW PLYMOUTH ID 83655
2. Accompanied by: Trisha Post

3. **SOURCE:**
GROUND WATER

Method of Determination: **Field Observation**

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 SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SW¼ NW¼, Sec. 9, Twp 07N, Rge 04W, B.M. PAYETTE County
GROUND WATER SW¼ NW¼, Sec. 9, Twp 07N, Rge 04W, B.M. PAYETTE County

Method of Determination: ArcMap and Field Observation

PLACE OF USE: FISH PROPAGATION 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	
07N	04W	9							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	
07N	04W	9							X										

Method of Determination: ArcMap and Field Observation

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.*
D0078595

D. FLOW MEASUREMENTS

1. Measurements: None taken per IDAPA 37.03.02 Beneficial Use Exam Rules

E. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \text{N/A}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = \text{N/A}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \text{N/A}$$

2. Volume Calculations for Other Uses:

- * Pond surface area = 0.3 acres
- * Pond average depth = 7.0 feet
- * Pond volume = 0.3 acres x 7.0 feet = **2.1 AF**
- * No seepage losses
- * Evaporative losses = 711 mm per year or 27.9 inches per year 27.9 inches per year/12 inches per foot = 2.33 feet
- * Evaporative losses = 0.3 acres x 2.33 feet = .699 or **0.7 AF**

Total Volume = 2.8 AF

G. NARRATIVE/REMARKS/COMMENTS

On April 25, 2023, I conducted a field exam for the developed uses of permit number 65-23682. On May 17, 2023, a follow-up field exam was performed by Corey Skinner and Bill Mills, with Garrett Post present.

Permit 65-23682 was approved for a total of six Beneficial Uses: Irrigation Storage, Irrigation from Storage, Fish Propagation Storage, Domestic, Aesthetic Storage, and Diversion to Storage. Permit 65-23682 was also approved for a total diversion of 0.05 cfs and a storage volume of up to 22.1 acre-feet.

The two Field Exams confirmed the development of only three of the original six Beneficial Uses, all of which are associated with a constructed pond: Fish Propagation Storage, Aesthetic Storage, and Diversion to Storage. Mr. Post indicated that the well and pond do not provide any domestic water because domestic water on the property is provided by a separate, colder, shallower well on the property. He also indicated that pond is not utilized as an irrigation storage reservoir (not cycled up and down). Irrigation water can be pumped directly into the irrigation system from the well and pond without utilizing storage. This use would be considered direct irrigation use (rate only without storage). Because irrigation (and rate) was not on the permit, Mr. Post indicated that he would make a new irrigation filing (rate) to cover this use. The two Irrigation Storage uses and the Domestic use will be dropped at licensing. The constructed pond fills naturally with intercepted ground water. The pond has a surface area of 0.3 acres and an average depth of 7.0 feet. Several types of fish are stocked in the pond including Bass and Bluegill. A well (D0078595) is used to divert water to the pond for replenishing evaporative losses.

Evaporative losses for the pond are calculated using ET Idaho © web site from the University of Idaho. The Payette station (NWS—USC00106891) was used to determine the Precipitation Deficit for “Open water – small stock ponds”. Data from the station indicates an annual precipitation deficit of 711 millimeters or 27.9 inches. The Volume calculations are shown above in section E.

Conditions on the permit have been complied with and I recommend licensing Permit 65-23682 for a total diversion rate of 0.05 cfs for Diversion to Storage and a volume of 2.8 AF for Fish Propagation Storage and Aesthetic Storage.

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>Annual Volume</u>
FISH PROPAGATION STORAGE	01/01 to 12/31		2.8 AF
AESTHETIC STORAGE	01/01 to 12/31		2.8 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.05 CFS	

Totals:**0.05 CFS****2.8 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

Kent Aasa -

Field Examiner's Name

Date

Reviewer

Date

Fish Propagation Storage & Aesthetic Storage



Diversion To Storage



65-23682

Point of Diversion



65-23682

65-23682 Aesthetic Storage and Fish Propagation Storage

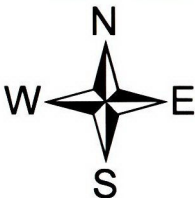


Field Exam
65-23682

Legend

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

SCANNED
MAY 31 2023





University of Idaho

Kimberly Research
and Extension Center

[Water Resources Program](#)

ETIdaho 2017

Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for
improving this site to robison at
uidaho dot edu

2023-05-23 10:42

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Idaho.

Payette (NWS -- USC00106891)

Statistics based on thirty year normal spans 1979 to 2016 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work
with this data.

Open water - small stock ponds Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^j	mm/day												mm		
Monthly ^c	-0.68	0.19	1.30	2.87	3.46	4.05	4.67	4.07	3.03	1.55	-0.22	-1.03	711	0	711
15-Day Moving Average ^d	-0.72	-0.01	1.30	3.00	3.55	4.03	4.72	4.03	3.01	1.59	-0.28	-0.99			
7-Day Moving Average ^e	-0.74	0.09	1.31	2.93	3.50	4.05	4.70	4.04	3.02	1.58	-0.27	-1.02			
3-Day Moving Average ^f	-0.70	0.16	1.30	2.90	3.47	4.05	4.68	4.07	3.03	1.55	-0.24	-1.03			

2.33 A/F

SCA

2.33 A/F

SCANNED
MAY 31 2023