

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23705

Priority: June 16, 2017

Maximum Diversion Rate: 0.02 CFS

It is hereby certified that:

DAVID L BACKUS 41 RIVER RD GARDEN VALLEY ID 83622-5003

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 16, 2017, and has submitted Proof of Beneficial Use on January 23, 2023. An examination confirms water is diverted from:

Source : MIDDLE FORK PAYETTE RIVER

Tributary: PAYETTE RIVER

Beneficial Use
IRRIGATION

Period of Use
03/15 to 10/31

Rate of Diversion
0.02 CFS

Location of Point(s) of Diversion

MIDDLE FORK PAYETTE RIVER NW¼ NE¼, Sec. 34, Twp 10N, Rge 04E, B.M. BOISE 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	
10N	04E	34	0.1	0.9															1.0

Total Acres: 1.0

Conditions of Approval

1. Rights 65-23705, 65-3225, and 65-13027 shall not exceed the irrigation of 83.0 acres.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. Use of water under this right may 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. 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.
5. 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.
6. 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.
7. Point of diversion is located within Lot 17 Pine Tree Ranch No. 11 Subdivision.
8. Place of use is located within Lot 17 Pine Tree Ranch No. 11 Subdivision.

SCANNED

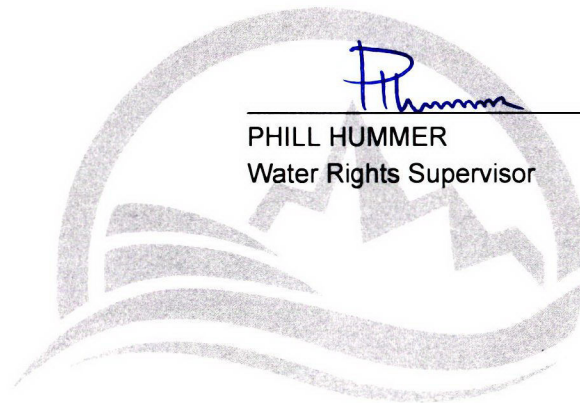
JUN 30 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23705

9. 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 28th day of June, 2023.



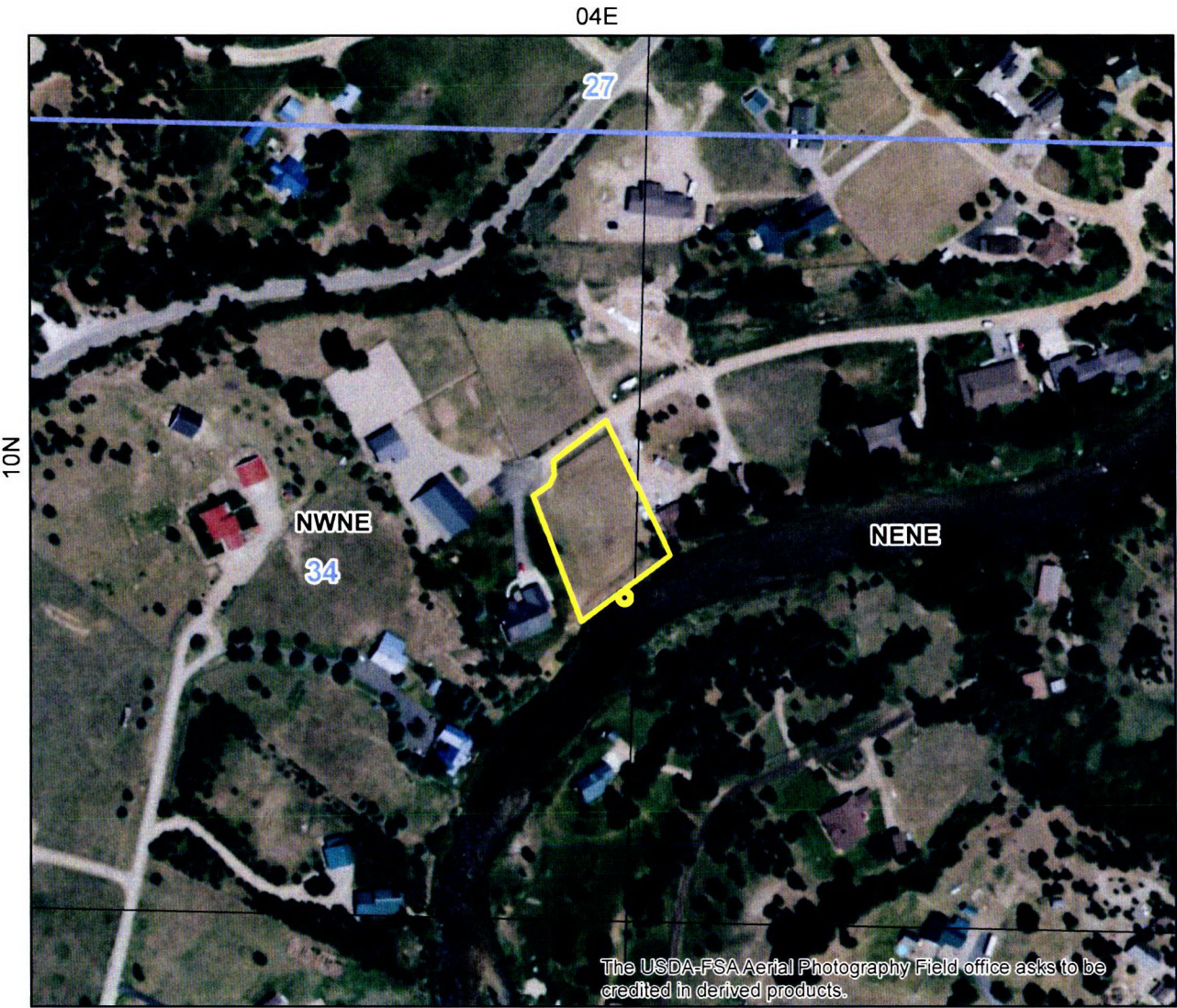
PHILL HUMMER
Water Rights Supervisor

SCANNED

JUN 30 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
65-23705

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 0.035 0.07 0.14 Miles

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

SCANNED

JUN 30 2023

RECEIVED

JUN 22 2023

Page 1

DEPARTMENT OF
WATER RESOURCES

State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)

Water Right No. 65-23705

Priority: June 16, 2017

Maximum Diversion Rate: 0.02 CFS

The owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-23705

DAVID L BACKUS 41 RIVER RD GARDEN VALLEY ID 83622-5003

requests the permit be changed as follows:

Source: MIDDLE FORK PAYETTE RIVER

Tributary: PAYETTE RIVER

Beneficial Use

IRRIGATION

Period of Use

03/15 to 10/31

Rate of Diversion

0.02 CFS

Location of Point(s) of Diversion

MIDDLE FORK PAYETTE RIVER NW¼ NE¼, Sec. 34, Twp 10N, Rge 04E, B.M. BOISE 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	
10N	04E	34	0.1	0.9															1.0

Total Acres: 1.0

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 15 day of JUNE, 2023

(Signature)

FOR DEPARTMENT USE ONLY

SCANNED

JUN 30 2023

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 65-23705

Preliminary check by _____ Fee = \$100 Received by KM # C116641 Date 6/26/23

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 65-23705 with the following:

Conditions of Approval

1. Rights 65-23705, 65-3225, and 65-13027 shall not exceed the irrigation of 83.0 acres.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. Use of water under this right may 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. 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.
5. 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.
6. 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.
7. Point of diversion is located within Lot 17 Pine Tree Ranch No. 11 Subdivision.
8. Place of use is located within Lot 17 Pine Tree Ranch No. 11 Subdivision.
9. 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 28th day of June, 2023.



PHILL HUMMER
Water Rights Supervisor

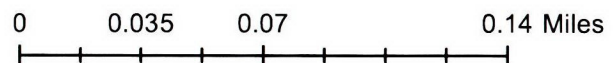
SCANNED

JUN 30 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
65-23705

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.

04E



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

SCANNED
JUN 30 2023



RECEIVED

JAN 23 2023

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 \$ 50Receipt No. C115141Received By 104Date Received 1.23.23

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 an Assignment of Permit 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. 65-23705 Name of Permit Holder(s) DAVID L. BACKUS
Telephone No. 480-440-8630 Email DLBACKUS@CONSULTANT.COM
Mailing Address 41 RIVER RD City GARDEN VALLEY State ID Zip 83622

2. Source of Water MIDDLE FORK PAYETTE If Ground Water (well), Date Drilled mo. ____ / yr. ____

Drilling Permit/Tag No. ____ Drilling Company's Name ____

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

Domestic (No. households) ____ Irrigation (No. acres) 1.1 ac Stockwater (No. and stock type) ____

Other ____

4. Total diversion rate or volume (storage only) for which proof is submitted ____ 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.)
IRRIGATION OF 1.1 AC @ 11.819 CFS. DIVERSION PT. IS MIDDLE FORK PAYETTE RIVER. USE 5.5 HP HONDA GX PUMP. SEVEN FEET DELIFT TO PUMP LOCATION. DELIVER VIA A WHEELED SPRINKLER WITH 1 1/4" IMPACT-STYLE SPRINKLER HEAD. SYSTEM OPERATES ONLY IN SUMMER MONTHS FOR 1HR A DAY, 5 TO 6 DAYS A WEEK. PRESENTLY IN WINTER STORAGE.

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: DAVID BACKUS Telephone No. 480-440-8630 Email DLBACKUS@CONSULTANT.COM
Mailing Address 41 RIVER RD City GARDEN VALLEY State ID Zip 83622

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.

David Backus
SIGNATURE OF PERMIT HOLDER*

DAVID L. BACKUS
PRINTED NAME AND TITLE

1-17-23
DATE

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

SCANNED

JUN 30 2023

RIVER RD



Imagery ©2023 Maxar Technologies, Map data ©2023 50 ft

DAVID BALKUS
41 RIVER RD
GARDEN VALLEY, ID 83622
RE: PERMIT NO. 65-23705

MIDDLE FORK PAYETTE

DIVERSION POINT WHEN USED



SCANNED

JUN 30 2023



Governor Brad Little

Director Gary Spackman

June 29, 2023

DAVID L BACKUS
41 RIVER RD
GARDEN VALLEY ID 83622-5003

RE: License No. 65-23705

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

JUN 30 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2023, I served a true and correct copy of Water Right License No. 65-23705 by U.S. Mail, postage prepaid, to the following:

DAVID L BACKUS (Current Owner)
41 RIVER RD
GARDEN VALLEY ID 83622-5003

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



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.



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

Director Gary Spackman

May 5, 2023

DAVID L BACKUS
41 RIVER RD
GARDEN VALLEY ID 83622-5003

RE: Water Right Permit No. 65-23705

Dear Permit Holder:

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). 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(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Idaho Code § 42-211. Before license(s) can be issued, your permit(s) 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(s):

 X Place(s) of Use, Point(s) of Diversion, Other

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the filing fee of \$100.00 within fourteen (14) days. If you have any questions, please call me at (208)-287-4913.

Sincerely,

Skyler Cheever

Enclosure(s): Application for Amendment, Map of Place of Use

SCANNED

JUN 30 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONPermit No: 65-23705Exam Date: 5/4//2023

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? X Y N
- a. Irrigation of 5 acres or less
 - b. Storage of up to 14.6 AF for stockwater purposes only
 - c. Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - d. Other < >

2. Current Owner: Name: David Blackus
Owner of Record Correct? X Y N
Address of Record Correct? X Y N
If No: Address

According to Department record the property is owned by David Blackus.

3. Beneficial Use Fees have been paid: X Y N Receipt No: C115141
4. **SOURCE** **TRIBUTARY**
Middle Fork Payette River

Method of Determination: GIS and Tax Parcel DataChange in Source: Y X N**B. OVERLAP REVIEW**

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

Water Right No.	Source	Purpose of Use	Basis
65-3225	Scriver Creek	Irrigation	Decree
65-13027	Groundwater	Irrigation	License

Comments: There are three irrigation water rights shapefiles that overlap the place of use, 65-3225, 65-22296, and 65-13027. 65-22296 does not overlap this permit's place of use because a condition on the water right lists lot numbers within the place of use, not including this permit's POU. According to Department records water right 65-3225 and 65-13027 overlap the place of use for this permit. A combined limit will be added to limit this permit when combined with water rights 65-3225 and 65-13027 to the irrigation of 83.0 acres.

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

Water Right No.	Source	Purpose of Use	Basis
N/A			

Comments: N/A

SCANNED

JUN 30 2023

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

Source	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.		County
Middle Fork Payette River			NW	NE	34	10N	04E	B.M.	Boise
								B.M.	
								B.M.	

Method of Determination: GIS and Tax Parcel Data. There were two points of diversion listed on the permit. After correspondence with the current owner on January 23rd, 2023, it was determined that only one POD, in the NW 1/4 NE 1/4, was developed. Therefore, I am recommending the other POD be removed from the license.

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

2. PLACE OF USE: Use:

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04W	34	0.1	0.9															1.0
		Lot #																	
Total Acres =																			1.0

Method of Determination: GIS and Tax Parcel Data. The legal description for the place of use is incorrect on both the application for permit and permit approval, but the location on the maps was correct. 0.9 acres should be in the NW 1/4 NE 1/4 and 0.1 acres should be in the NE 1/4 NE 1/4. An Application for Amendment is required to make such changes.

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

 Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

 Aerial Photo Attached (required for irrigation of 10+ acres).

 Photo of Diversion and System Attached

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Pump		5.5		Honda GX	

*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
N/A						

2. Measurements: Since the permit holder provided a pump horsepower of 5.5, a diversion rate calculation is possible.

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: The permit holder provided a pump horsepower of 5.5, a diversion rate calculation was conducted. According to the diversion rate calculation the system can handle 0.28 cfs at 50 psi discharge pressure. The permit authorized 0.02 cfs. I am recommending a 0.02 cfs diversion rate.

$$Q = (5.5 \text{ Hp}) (8.8) (0.70) / 7 \text{ ft lift} + (50 \text{ psi} \times 2.31) = 0.28 \text{ cfs}$$

Measurement = 0.28 cfs

Permit allowed = 0.02 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (1.0 \text{ acres}) \times (3.5 \text{ af/acre}) = 3.5 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = (0.02 \text{ cfs}) \times (231 \text{ days}) \times (1.9835) = 9.2 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 3.5 \text{ af}$$

2. Volume Calculations for Other Uses: The point of diversion is on a natural flowing stream or river. According to the IDAPA Beneficial Use Examination Rules 37.03.02.35.01j.vii a diversion volume is not required for irrigation use that diverts water from a natural flowing stream, river, or spring.

G. PURPOSE OF USEIrrigation ☒ Y ☐ N # Stock N/A Domestic # of Homes N/A

Other: < >

Change in Purpose of Use? ☐ Y ☒ X ☐ NMethod of Determination: Tax Parcel Data, Landsat Imagery, and conversations with owner on January 23rd, 2023.

If Yes: From Use _____ To Use _____ Amount _____ CFS _____ AFA _____

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-office examination. The permit authorizes the irrigation of 1 acres from the Middle Fork of the Payette River. The original owner, Charles Mickelson assigned this permit to the current owner in 2018. The permit authorized two points of diversion, in the NW¼NE¼ and NE¼NE¼. It was conditioned to only have one point of diversion. After a conversation with the permit holder on January 23rd, 2023, it was confirmed the point of diversion in the NW¼NE¼ was developed. After a phone call on May 4, 2023, the permit holder confirmed a lockable device was installed. The legal description for the POU was incorrect on the application for permit and permit approval. The maps provided with the application and permit were correct. 0.9 acres should be in the NW¼NE¼ and 0.1 acres should be in the NE¼NE¼. After another conversation with the permit holder on January 25th, 2023, it was confirmed that the location shown on the map was correct. An application for amendment will be sent to the permit holder for approval changing the legal description of the POU.

The permit holder provided pump horsepower of 5.5. Therefore, a diversion rate calculation was conducted. It determined that the system could handle the diversion rate authorized on the permit. A diversion volume is not required for this permit because under the IDAPA Beneficial Use Examination Rules a diversion volume is not required for irrigation use that diverts from a natural flowing stream, river, or spring. The place of use for rights 65-3225 and 65-13027 overlap the permits POU. I recommend a combined limit be added to the license to limit this right when combined with 65-3225 and 65-13027 to the irrigation of 83 acres. All of the conditions have been met and it is confirmed the the permit holder developed their beneficial use as authorized on the permit. Therefore, I am recommending a 0.02 cfs diversion rate.

Condition R67, R05, 01R, 185, X59, and X60 should remain on the license. A modified X35 condition should be added to limit this right when combined with 65-3225 and 65-13027 to the irrigation of 83.0 acres. Condition 01H should change to R02 as standard with licensing. Condition 121 should be changed to 103 as standard with licensing. Condition number 6 on the permit should be removed on the license because only includes one point of diversion. All other conditions should be removed as standard with licensing.

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

SCANNED

JUN 30 2023

I. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Irrigation	3/15 to 10/31	0.02 CFS
<u>Totals:</u>		0.02 CFS

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: < >

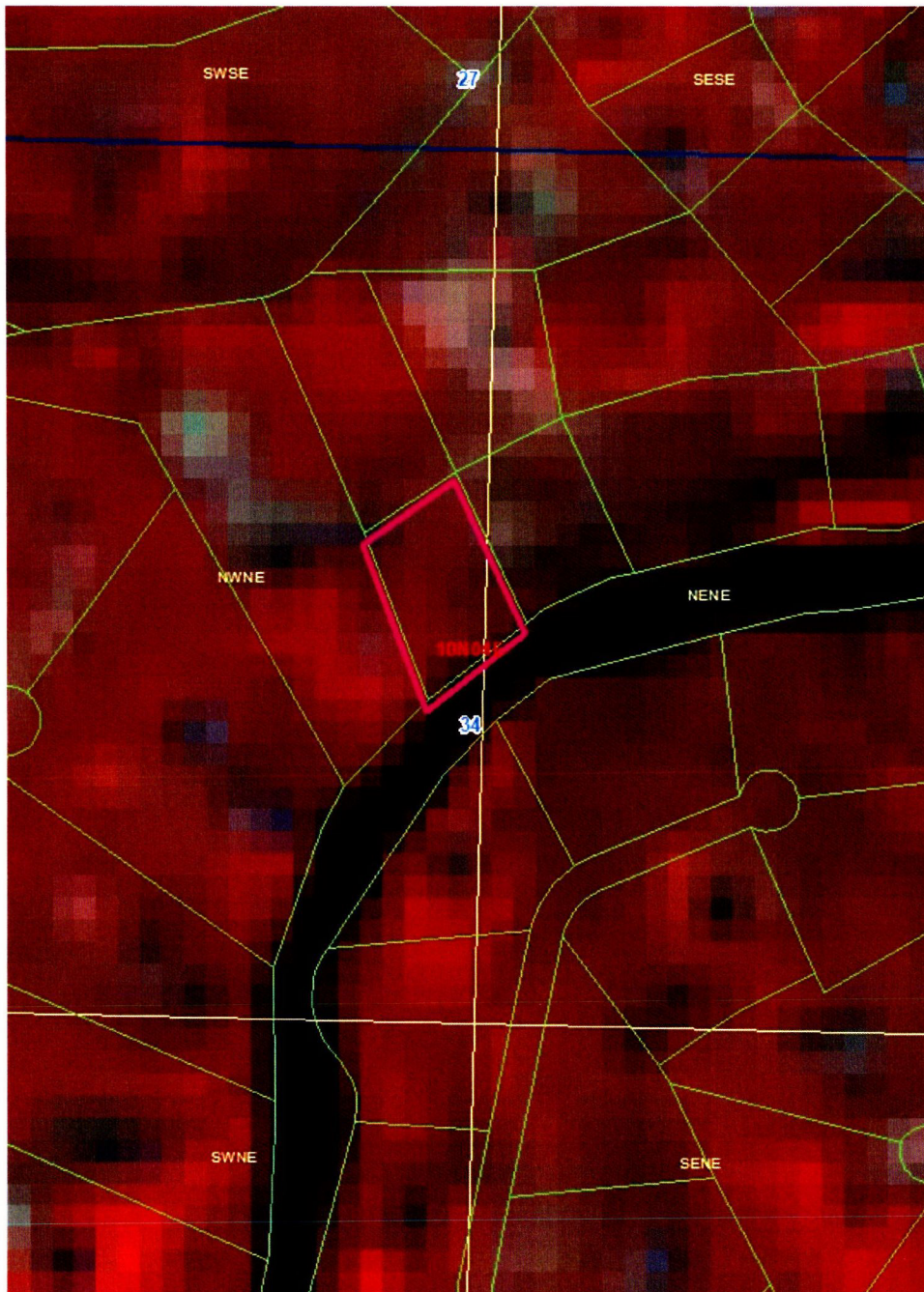
J. AUTHENTICATION Skyler Cheever, Water Resource Agent

Field Examiner's Name Skyler Cheever Date 5/4/2023

Reviewer AD Date 5/5/23

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Map depicting Sentinel Imagery from June 7th, 2022, indicating that irrigation of the entire place of use occurred. The pink outlined area depicts the shape of the place of use.



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Field Exam Map:

The orange border shows the place of use, and the yellow point shows the point of diversion.



Beneficial Use Proof Evaluation

Permit Number: 65-23705 Reviewer: djudd Review Date: 1/23/2023

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: 1/23/2023
- 4) Proof Due Date: 2/1/2023
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -9
- 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 --Yes
 - c. Fish Screen -- No
- 3) Are the required items installed? No
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 4) Is there a request to waive the required items?
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed?
- 7) Was a well drillers report filed?
- 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

W045350

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
November 30, 2022

Director Gary Spackman

DAVID L BACKUS
41 RIVER RD
GARDEN VALLEY ID 83622-5003

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 65-23705

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 **February 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

7016 1370 0000 2018 3236

NO

SCANNED
NOV 30 2022