State of Idaho
Department of Water Resources

Water Right License

Water Right No. 65-23808

Priority: September 28, 2018

Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 2.4 AF

It is hereby certified that:

ARCHER HEIGHTS LLC 291 E SHORE DR STE 210 EAGLE ID 83616-6861

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 28, 2018, and has submitted Proof of Beneficial Use on October 05, 2020. An examination confirms water is diverted from:

Source : ANDERSON CREEK **Tributary:** PAYETTE RIVER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
IRRIGATION	03/15 to 10/31	0.02 CFS	1.8 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF

Location of Point(s) of Diversion
ANDERSON CREEK SW¼ NW¼, Sec. 24, Twp 09N, 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	
09N	04E	23				0.3													0.3
09N	04E	24							0.2										0.2

Total Acres: 0.5

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	
09N	04E	23				X													
09N	04E	24							X										

Conditions of Approval

1. 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.
2. 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.
3. 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.

SCANNED
JUL 10 2023

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 65-23808

4. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
5. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish.The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 7TH day of July, 2023.

SCOTT STORMS
Water Rights Supervisor

SCANNED
JUL 10 2023

State of Idaho
Department of Water Resources

Attachment to Water Right

65-23808

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

N

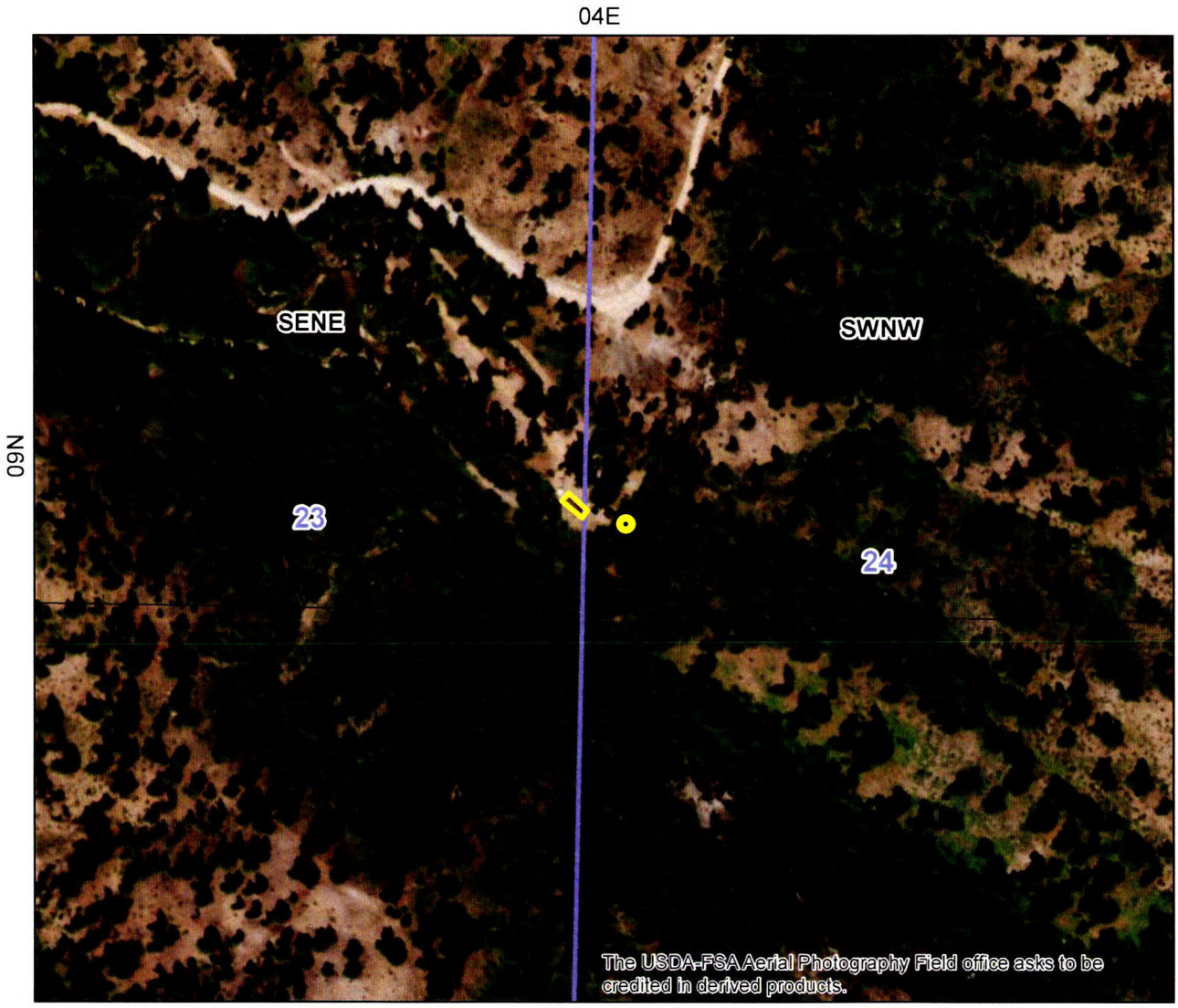
SCANNED
JUL 10 2023

State of Idaho
Department of Water Resources

Attachment to Water Right

65-23808

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.



0 0.035 0.07 0.14 Miles

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

N

SCANNED
JUL 10 2023

RECEIVED
JUN 26 2023
WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 65-23808

Priority: September 28, 2018

Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 2.4 AF

The owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-23808

ARCHER HEIGHTS LLC 291 E SHORE DR STE 210 EAGLE ID 83616-6861

requests the permit be changed as follows:

Source : ANDERSON CREEK **Tributary:** PAYETTE RIVER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
IRRIGATION	03/15 to 10/31	0.02 CFS	1.8 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF

Location of Point(s) of Diversion
ANDERSON CREEK SW¼ NW¼, Sec. 24, Twp 09N, 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	
09N	04E	23				0.3													0.3
09N	04E	24							0.2										0.2

Total Acres: 0.5

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	
09N	04E	23				X													
09N	04E	24							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 20th day of June, 2023.

(Signature) Timothy Moore
Trustee of Archer Heights LLC

SCANNED
JUL 10 2023

State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 65-23808

FOR DEPARTMENT USE ONLY

Preliminary check by ____ Fee = $100 Receipted by DM # W051333 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. 65-23808 with the following:

Conditions of Approval

1. 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.
2. 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.
3. 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.
4. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
5. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 7th day of July, 2023.

SCANNED
JUL 10 2023

State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 65-23808

SCOTT STORMS
Water Rights Supervisor

SCANNED
JUL 10 2023

STATE OF IDAHO

NIXIE 980 CC 1700 0107/18/23
RETURN TO SENDER
VACANT
UNABLE TO FORWARD
BC: 83705908235 0127N1992ZZ-01066

836 836 83616 C3-42

6020230710-133539420

6 ADDRESS SERVICE REQUESTED

83616

PRSRT FIRST-CLASS MAIL
U.S. POSTAGE PAID
Boise
PERMIT# 1

RECEIVED
JUL 24 2023
WATER RESOURCES
WESTERN REGION

Re: WR# 65-23808

VAC

VAC

ARCHER HEIGHTS LLC
291 E SHORE DR STE 210
EAGLE ID 83616-6861

SCANNED
OCT 05 2023

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

July 10, 2023

ARCHER HEIGHTS LLC
291 E SHORE DR STE 210
EAGLE ID 83616-6861

RE: License No. 65-23808

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,

for Scott Storms
Water Rights Supervisor

Enclosure(s)

SCANNED
JUL 10 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2023, I served a true and correct copy of Water Right License No. 65-23808 by U.S. Mail, postage prepaid, to the following:

ARCHER HEIGHTS LLC (Current Owner)
291 E SHORE DR STE 210
EAGLE ID 83616-6861

TIMOTHY MOORE (Representative)
870 S MACE RANCH WAY
EAGLE ID 83616-4110

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

Lynne Evans
Administrative Assistant I

SCANNED
JUL 10 2023

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.

SCANNED

JUL 10 2023

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.

SCANNED
JUL 10 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-23808
Exam Date: 05/31/2022

1. Current Owner:
ARCHER HEIGHTS LLC 291 E SHORE DR STE 210 EAGLE ID 83616-6861

2. Accompanied by: Sandy
Phone No:208-462-3791
Address:
Relationship to permit Holder: Irrigation specialist for property

3. **SOURCE:** ANDERSON CREEK
Tributary PAYETTE RIVER

Method of Determination: Aerial photography and site visit

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:**
ANDERSON CREEK SW¼ NW¼, Sec. 24, Twp 09N, Rge 04E, B.M. BOISE County

Method of Determination:

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	
09N	04E	23				0.3													0.3
09N	04E	24							0.2										0.2

Total Acres: 0.5

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	
09N	04E	23				X													
09N	04E	24							X										

Method of Determination: Site visit, aerial imagery

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.
x 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
x 1:24,000 or greater.

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

x Photo of Diversion and System Attached

SCANNED
JUL 10 2023

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
992551	Grundfos	1/2	10SQ05-160-115V	Grundfos	1 ¼"

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: None taken

E. FLOW CALCULATIONS

N/A Additional Computation Sheets Attached

Measured Method: Following IDAPA Beneficial use exam rules 35.01.(r). no measurement was taken.

Standard Rate Irrigation	0.02 cfs
Standard Rate Domestic	0.04 cfs
Permitted Total Rate	0.03 cfs
License Recommendation Total Rate	0.03 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) =0.5 acres x 3.5 AFA = 1.75 AF

$V_{D.R}$ = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 =0.02 cfs x 259 days x 1.9835= 10.27

V = Smaller of $V_{I.R}$ and $V_{D.R}$ =1.75 AF

2. Volume Calculations for Other Uses:

Domestic = 0.6 AF as per Apps Memo No. 22 "Definition of Domestic" when irrigation is not included.

SCANNED

JUL 10 2023

G. NARRATIVE/REMARKS/COMMENTS

A field exam was conducted on 05/31/22 by Water Right Agent Marcelina Williams and was accompanied by Sandy. Sandy works for the permit holder and installed the system. The permit was issued on February 20,2019, and proof of beneficial use was submitted on October 05, 2020.

The point of diversion (POD) location was confirmed in the SWNW of Sec 24, T09N, R04E. The diversion is installed with 2.5-inch diameter PVC pipe that starts in Anderson Creek and goes ~30 feet to a stilling well which diverts water with a ½ hp Grundfos motor and pump. The stilling well, pump and motor are all within a shed on the property. The diversion feeds the irrigation and domestic use. No amendment required to correct the legal description of the POD.

The permit authorizes appropriation of 0.03 cfs for irrigation within SENE Sec 23, T09N, R04E and SWNW Sec 24, T09N, R04E. Additionally, the permit authorizes appropriation of 0.02 cfs for Domestic use within SWNW Sec 24, T09N, R04E but upon review the domestic use is also within SENE Sec 23, T09N, R04E. ArcMap tools and aerial imagery, supported by photos taken during the field exam, were used to verify the POU area. Amendment required to correct the legal description of the POU for domestic use.

According to IDAPA Beneficial use exam rules 35.01.(r). no measurement was taken and per department standards for irrigation of small acres per ap memo #17. The total recommended flow rate and volume are 0.03 cfs and 2.4 AF.

Condition 103 replaced condition 121 per department standards. Conditions 132,185, R05, and R67 were carried over at licensing.

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
IRRIGATION	03/15 to 10/31	0.02 CFS	1.8 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals:	0.03 CFS	2.4 AF

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above __x__ None

__x__ Change P.U. as reflected above ____ Add P.U. as reflected above ____ None

I. AUTHENTICATION

Marcelina Williams -

Field Examiner's Name Marcelina Williams Date 07/05/23

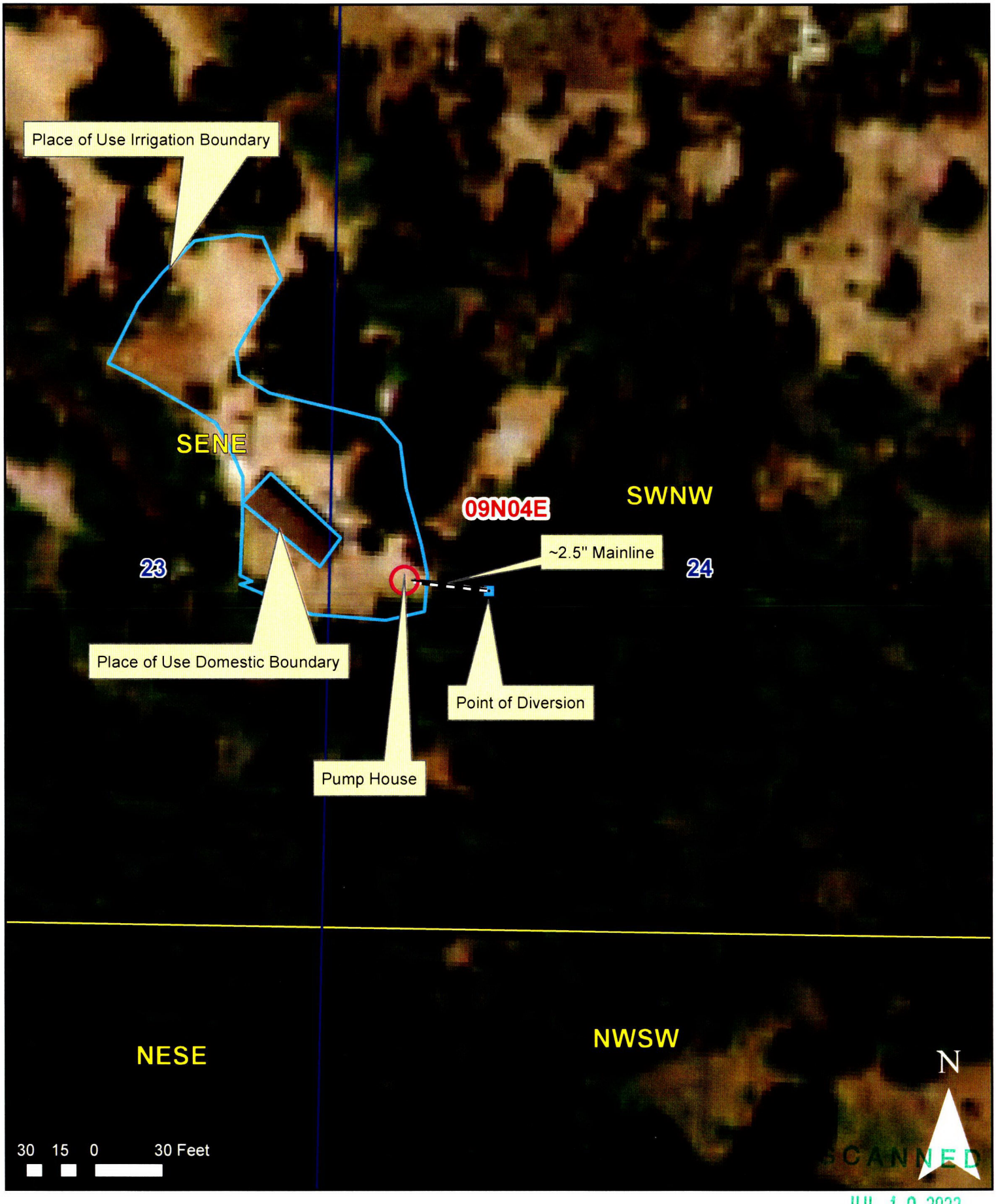
Reviewer _____ Date 7/7/2023

SCANNED

JUL 10 2023

DELIVERY SYSTEM DIAGRAM

Water Right No. 65-23808



SCANNED
JUL 10 2023



Fig. 1 – Location of one of two wells. Located in the SWSE QQ. View looking E.

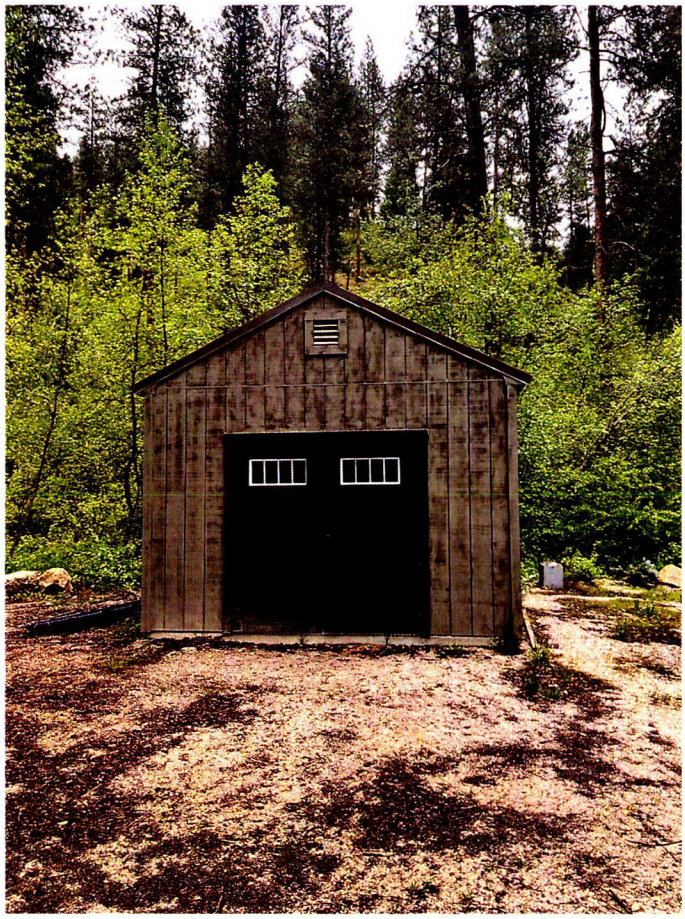


Fig. 2 – Location of Well #1 and buried pump. View looking S.

GPS'd at:

43° 44' 12.63" N

116° 23' 1.89" W

SCANNED

JUL 10 2023

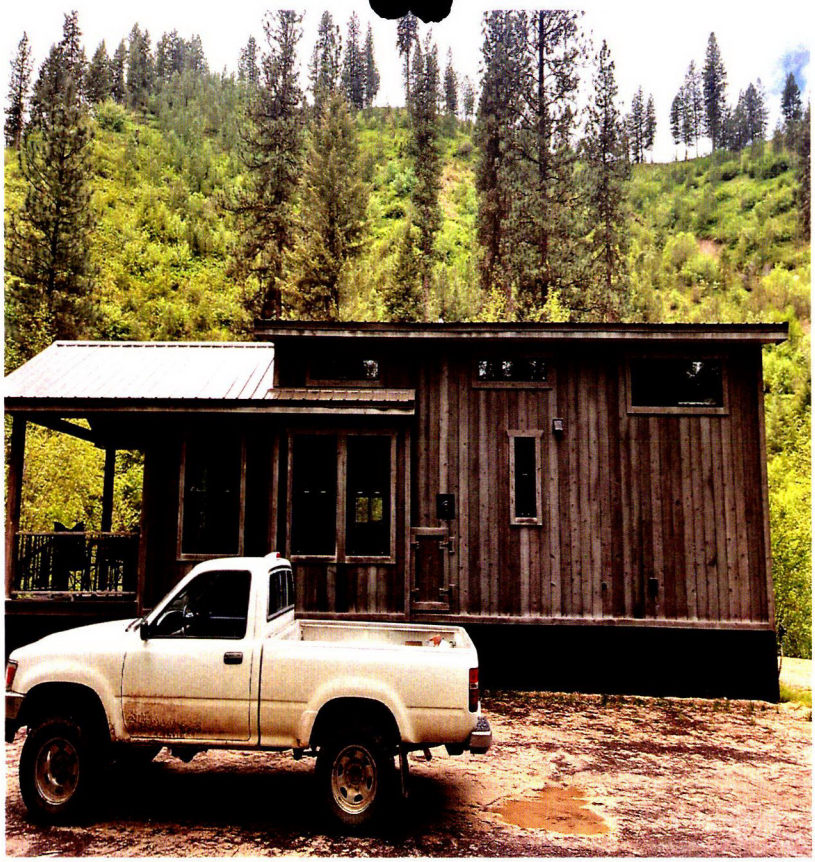


Fig. 3 – Location of Well #2 in the SESW QQ . View looking NE.



Fig. 4 – Location of Well #2.

GPS'd at:

43° 44' 13" N

116° 23' 4.01" W

SCANNED

JUL 10 2023



Fig. 5 – Undeveloped permitted irrigable acres in the SESW QQ. View looking SW.



Fig. 6 – Irrigated acres within the SESW QQ.

SCANNED
JUL 10 2023



Fig. 7 – Drip line irrigated agriculture in the SW area of the POU. View looing SE.



Fig. 8 – More drip line irrigation in the SW area of the POU. View looking S.

SCANNED
JUL 10 2023



Fig. 9 – More drip line irrigation in the SW area of the POU. View looking S.



Fig. 10 – Drip line irrigation system components.

SCANNED
JUL 10 2023



Fig. 11 – Lawn irrigation on the north side of the POU and house.



Fig. 12 – Lawn irrigation on the north side of the POU and house.

SCANNED

JUL 10 2023



Fig. 13 – Lawn irrigation on the south side of the POU and house.



Fig. 14 – Lawn irrigation on the south side of the POU, directly behind the house.

SCANNED
JUL 10 2023



Fig. 15 – More lawn irrigation on the north side of the POU and house.



Fig. 16 – More lawn irrigation on the north side of the POU and house.

SCANNED
JUL 10 2023



Fig. 17 – Lawn irrigation on the east side of the house. View looking W.



Fig. 18 – Drip line irrigation for blackberry farming on the east side of the house. View looking S.

SCANNED
JUL 10 2023



Fig. 19 – Drip line irrigation for blackberry farming on the east side of the house. View looking E.



Fig. 20 – Drip line irrigation on the NE side of the POU.

SCANNED
JUL 10 2023