

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23859

Priority: February 12, 2020

Maximum Diversion Rate: 0.14 CFS
Maximum Diversion Volume: 21.2 AF

It is hereby certified that:

R SCOTT SILVA AND
BETTYANN SILVA
2383 KILLEBREW DR
PAYETTE ID 83661-5506

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 12, 2020, and has submitted Proof of Beneficial Use on June 08, 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>
IRRIGATION	03/01 to 11/15	0.14 CFS	21.2 AF

Location of Point(s) of Diversion

GROUND WATER NW¼ NE¼, Sec. 14, Twp 08N, Rge 05W, B.M. PAYETTE 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	
08N	05W	14		4.7															4.7

Total Acres: 4.7

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 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. 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 13th day of March, 2023.


COREY SKINNER
Southern Regional Manager

SCANNED
MAR 23 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
65-23859

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.

05W



0 0.035 0.07 0.14 Miles

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



SCANNED
MAR 23 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-23859
Exam Date: 02/09/2023

1. Current Owner:

BETTYANN SILVA 2383 KILLEBREW DR PAYETTE ID 83661-5506 AND
R SCOTT SILVA 2383 KILLEBREW DR PAYETTE ID 83661-5506

2. SOURCE:

GROUND WATER

Method of Determination: Field Exam 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 SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NW¼ NE¼, Sec. 14, Twp 08N, Rge 05W, B.M. PAYETTE County

Method of Determination: Field Exam Observation**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	
08N	05W	14		4.7															4.7

Total Acres: **4.7****Method of Determination:** Field Exam observations and ArcMap

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.*
N/A

D. FLOW MEASUREMENTS

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

$$4.7 \text{ acres} \times 0.03 \text{ cfs/acre} = \mathbf{0.14 \text{ cfs}}$$

E. VOLUME CALCULATIONS

1. **Volume Calculations for irrigation:**

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4.7 \text{ acres} \times 4.5 \text{ AFA} = 21.15 \text{ or } \mathbf{21.2 \text{ AF}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.14 \text{ cfs} \times 260 \text{ days} \times 1.9835 = 72.19 \text{ AF or } \mathbf{72.2 \text{ AF}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \mathbf{21.2 \text{ AF}}$$

2. **Volume Calculations for Other Uses:** None

F. NARRATIVE/REMARKS/COMMENTS

Permit 65-23859 was filed on February 04, 2020 for the diversion of 0.15 cfs from ground water for the irrigation of 5.0 acres by R. Scott Silva and Bettyann Silva. The Western Region Office received Proof of Beneficial Use on June 08, 2022.

On February 09, 2023 I met with Bettyann Silva and she showed me the developed irrigation system on the property. The source of water for the system is a shallow ground water diversion that is less than 18 feet below the land surface and therefore does not meet the definition of a well as described in Subsection 045.03 of IDAPA 37.03.09 Well Construction Standards Rules. Consequently, there is not a well driller report on file and there is not a well identification tag associated with the shallow ground water diversion. The place of use is irrigated with a combination of sprinklers, drip lines, and a wheel-mounted sprinkler.

Conditions on the permit have been complied with and I recommend licensing Permit 65-23589 for a diversion rate of 0.14 cfs and 21.2 AF for the irrigation of 4.7 acres.

Have conditions of permit approval been met? X Yes No

G. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Diversion Volume</u>
IRRIGATION	03/01 to 11/15	0.14 CFS	21.2 AF

Totals:**0.14 CFS****21.2 AF****2. Recommended Amendments**

Change P.D. as reflected above Add P.D. as reflected above X None

Change P.U. as reflected above Add P.U. as reflected above X None

H. AUTHENTICATION Kent Aasa -

Field Examiner's Name

Date

02/27/2023

Reviewer

Date

3/13/2023

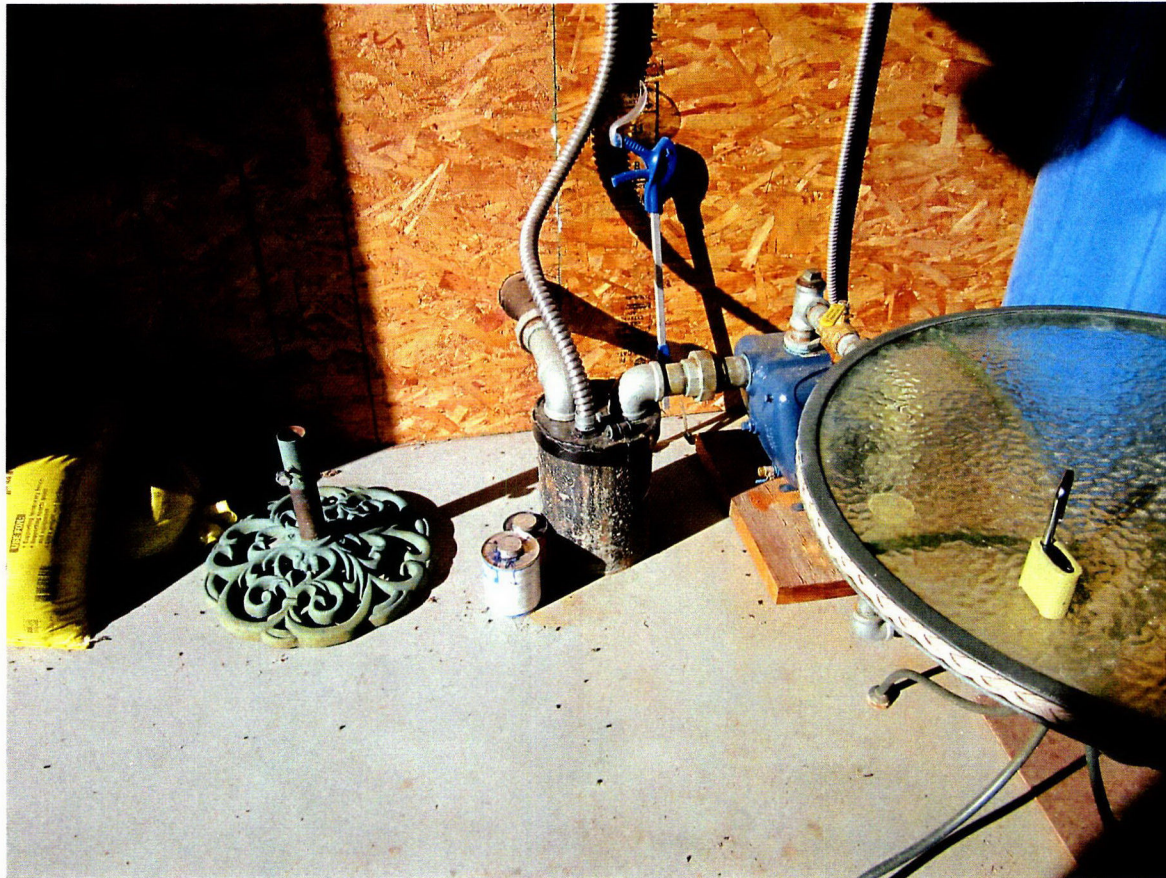
65-23859 POD_POU



65-23859 System Diagram and POU/POD



65-23859 POD



Field Exam 65-23859

65-23859 POU



Field Exam 65-23859

65-23859 Wheel-Mounted Sprinkler



Field Exam 65-23859

65-23859 POU



Field Exam 65-23859



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

March 16, 2023

R SCOTT SILVA
BETTYANN SILVA
2383 KILLEBREW DR
PAYETTE ID 83661-5506

Re: License No. 65-23859

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,

A handwritten signature in blue ink that reads "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2023, I served a true and correct copy of Water Right License No. 65-23859 by U.S. Mail, postage prepaid, to the following:

R SCOTT SILVA (Current Owner)
BETTYANN SILVA (Current Owner)
2383 KILLEBREW DR
PAYETTE ID 83661-5506



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.