

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-24039

Priority: June 08, 2021

Maximum Diversion Rate: 0.09 CFS

It is hereby certified that:

MICHAEL E THATCHER
AND/OR
CAROLYN R THATCHER
47 RIVER RANCH RD
GARDEN VALLEY ID 83622-5053

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 08, 2021, and has submitted Proof of Beneficial Use on September 21, 2022. 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

0.09 CFS

Location of Point(s) of Diversion

MIDDLE FORK PAYETTE RIVER L3 (SE¼ SW¼), Sec. 23, 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	23									0.1			2.8					2.9

Total Acres: 2.9

Conditions of Approval

1. 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.
2. 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.
3. 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.
4. 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.
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.

SCANNED

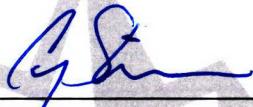
MAY 31 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-24039

6. Water shall not be diverted under this right when flows in the South Fork of the Payette River and the main stem of the Payette River under right 65-12733 are below established minimum flow amounts.
7. Point of diversion and place of use is located within Lot 7, Blk. 1, River Ranch Subdivision.
8. 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 30th day of May, 2023.



COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
65-24039

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



0 0.035 0.07 0.14 Miles

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



SCANNED
MAY 31 2023

RECEIVED

SEP 14 2022

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 \$ 50 -
Receipt No. C114043
Received By km
Date Received 9/21/22

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 a Notice of Change in Water Right Ownership 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. 65-24039 Name of Permit Holder(s) MICHAEL E., CAROLYN R. THATCHER
Telephone No. (208) 863-0911 Email m.e.thatcher@att.net
Mailing Address 47 RIVER RANCH RD. City GARDEN VALLEY State ID Zip 83622

2. Source of Water MOOREFORK PAYETTE RIVER (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) 1 Irrigation (No. acres) 3 Stockwater (No. and stock type) ____

Other ____

4. Total diversion rate or volume (storage only) for which proof is submitted ____ cfs OR 0.1 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.)

ABOVE GROUND ELECTRIC CENTRIFUGAL PUMP WITH 2" IRRIGATION LINE

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 \$ ____ 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: MICHAEL THATCHER Telephone No. (208) 863-0911 Email m.e.thatcher@att.net

Mailing Address 47 RIVER RANCH 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.

MICHAEL E. THATCHER

SIGNATURE OF PERMIT HOLDER*

MICHAEL E. THATCHER

PRINTED NAME AND TITLE

09-08-22

DATE

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

SCANNED
OCT 11 2022



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

MICHAEL E THATCHER
CAROLYN R THATCHER
47 RIVER RANCH RD
GARDEN VALLEY ID 83622-5053

RE: License No. 65-24039

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,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2023, I served a true and correct copy of Water Right License No. 65-24039 by U.S. Mail, postage prepaid, to the following:

MICHAEL E THATCHER (Current Owner)
CAROLYN R THATCHER (Current Owner)
47 RIVER RANCH RD
GARDEN VALLEY ID 83622-5053

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
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-24039
Exam Date: 04/28/2023

1. Current Owner:

MICHAEL E THATCHER
AND/OR
CAROLYN R THATCHER
47 RIVER RANCH RD GARDEN VALLEY ID 83622-5053

2. Accompanied by: Michael Thatcher via phone

Phone No: 208-863-0911

Address: same as above

Relationship to permit Holder: Permit holder

3. **SOURCE:**

MIDDLE FORK PAYETTE RIVER

Tributary

PAYETTE RIVER

Method of Determination: Noted location of pump inlet hose hanging in the Middle Fork of the Payette River

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis
65-3222	Scriver Creek	Irrigation	decree
65-8290	Scriver Creek	Irrigation	decree

Comments: Permit holder has use of a portion of the above rights on a portion of his property for a period of time from approximately early June until about the 2nd week of September.

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

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

MIDDLE FORK PAYETTE RIVER L3 (SE¼ SW¼), Sec. 23, Twp 10N, Rge 04E, B.M. BOISE County

Method of Determination: Beneficial use exam site visit and ArcMap aerial imagery.

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	23									0.1			2.8 L3					2.9

Total Acres: 2.9

Method of Determination: Beneficial use exam 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
Portable Pump		5		Champion	2"

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), I (irrigation of less than 5 acres).

E. FLOW CALCULATIONS

Measured Method: NA

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: None - Annual diversion volume not required per Beneficial Use Examination Rules IDAPA 37.03.02, Rule 35, 01., (j), viii. (Irrigation using natural stream flow diverted from a stream or spring).

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

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

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

2. Volume Calculations for Other Uses: NA

G. NARRATIVE/REMARKS/COMMENTS

The Beneficial Use Field Examination for permit 65-24039 was conducted on April 28, 2023. Information about the system was obtained from the permit holder via texts, phone conversations, and emails as he was out of the area at the time of the exam. The water is diverted from the Middle Fork of the Payette River with a 5 HP portable gas powered pump through a 2" mainline that feeds two movable k-line units

with 5 sprinkler heads per line. Because of a late spring, irrigation had not begun, and the entire system was not in place at the time of the exam.

A portion of the Thatcher property is irrigated with two Scriver Creek rights, 65-3222 and 65-8290. These rights are held by a local entity supplying water to the immediate area and Mr. Thatcher indicated that the rights are typically not delivered until June and delivery is ceased by mid-September because the lines are above ground in many places and are prone to freezing. The Scriver Creek water is generally only used on the upper end of the property around the home and does not irrigate the entire property. This permit is used to water the areas that the Scriver Creek water doesn't irrigate, and to irrigate the entire parcel when the Scriver Creek water is unavailable.

It appears that the conditions of approval have been complied with; in particular, the lockable device condition. Since the pump is a portable unit, it can easily be pulled away from the river and chained to a tree or structure.

Because 2.9 acres of irrigation have been developed, instead of the 3.6 acres applied for, the flow rate will be reduced to **0.09 cfs**.

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>
IRRIGATION	03/15 to 10/31	0.09 CFS

Totals: 0.09 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

I. AUTHENTICATION

Field Examiner's Name Jim Bitzenburg Date 5-18-2023

Reviewer _____ Date _____



Point of Diversion - Portable gas pump in river

Place of Use – lawn/naturalized area





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
October 7, 2022

Director Gary Spackman

MICHAEL E THATCHER
CAROLYN R THATCHER
47 RIVER RANCH RD
GARDEN VALLEY ID 83622-5053

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 65-24039

Dear Permit Holders:

The Department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the field examination, please contact the Western Region Office of the Department located in Boise at (208) 334-2190.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

SCANNED
OCT 11 2022

Beneficial Use Proof Evaluation

Permit Number: 65-24039 Reviewer: djudd Review Date: 9/22/2022

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: 9/21/2022
- 4) Proof Due Date: 10/1/2022
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -10
- 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? No
- 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

W049469

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.

*unable to do in house
Acknowledged proof*



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
September 15, 2022

Director Gary Spackman

MICHAEL E THATCHER
CAROLYN R THATCHER
47 RIVER RANCH RD
GARDEN VALLEY ID 83622-5053

PROOF DEFICIENCY LETTER

RE: Permit No. 65-24039

Dear Permit Holders:

The Department received the proof of beneficial use (proof) form submitted for the above referenced permit. The proof is not acceptable without the correct fee.

This permit authorizes a diversion rate of 0.10 cfs (cubic feet per second) requiring a license examination fee of \$50.00.

Please submit the required fees at your earliest convenience before the proof due date of **October 01, 2022** to avoid the possibility of your permit lapsing. If you have any questions concerning this matter, please contact me at (208) 287-4920 or debby.judd@idwr.idaho.gov.

Sincerely,

Debby Judd
Technical Records Specialist

SCANNED

SEP 16 2022