

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-24063

Priority: September 01, 2021

Maximum Diversion Rate: 0.02 CFS

It is hereby certified that:

PATRICIA HIGHLEY 32 KEVINS WAY GARDEN VALLEY ID 83622-5233 AND
JERRY HIGHLEY 32 KEVINS WAY GARDEN VALLEY ID 83622-5233

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 01, 2021, and has submitted Proof of Beneficial Use on May 15, 2023. An examination confirms water is diverted from:

Source : MIDDLE FORK PAYETTE RIVER

Tributary: PAYETTE RIVER

Beneficial Use

FIRE PROTECTION
IRRIGATION

Period of Use

01/01 to 12/31
03/15 to 10/31

Rate of Diversion

0.01 CFS
0.01 CFS

Location of Point(s) of Diversion

MIDDLE FORK PAYETTE RIVER NW¼ NE¼, Sec. 23, Twp 10N, Rge 04E, B.M. BOISE County

Place of Use: FIRE PROTECTION

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		X															

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		0.2															0.2

Total Acres: 0.2

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.01 cfs nor more than 0.7 afa at the field headgate for irrigation of the place of use.
2. Place of use is located within Lot 13, Block 3; Scott Mountain #2 Subdivision.
3. Water shall not be diverted under this right when flows in the Payette River are below established minimum flow amounts.
4. 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.
5. 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.

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6. 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.
7. 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.
8. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
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 18th day of July, 2023.



PHILL HUMMER
Water Rights Supervisor

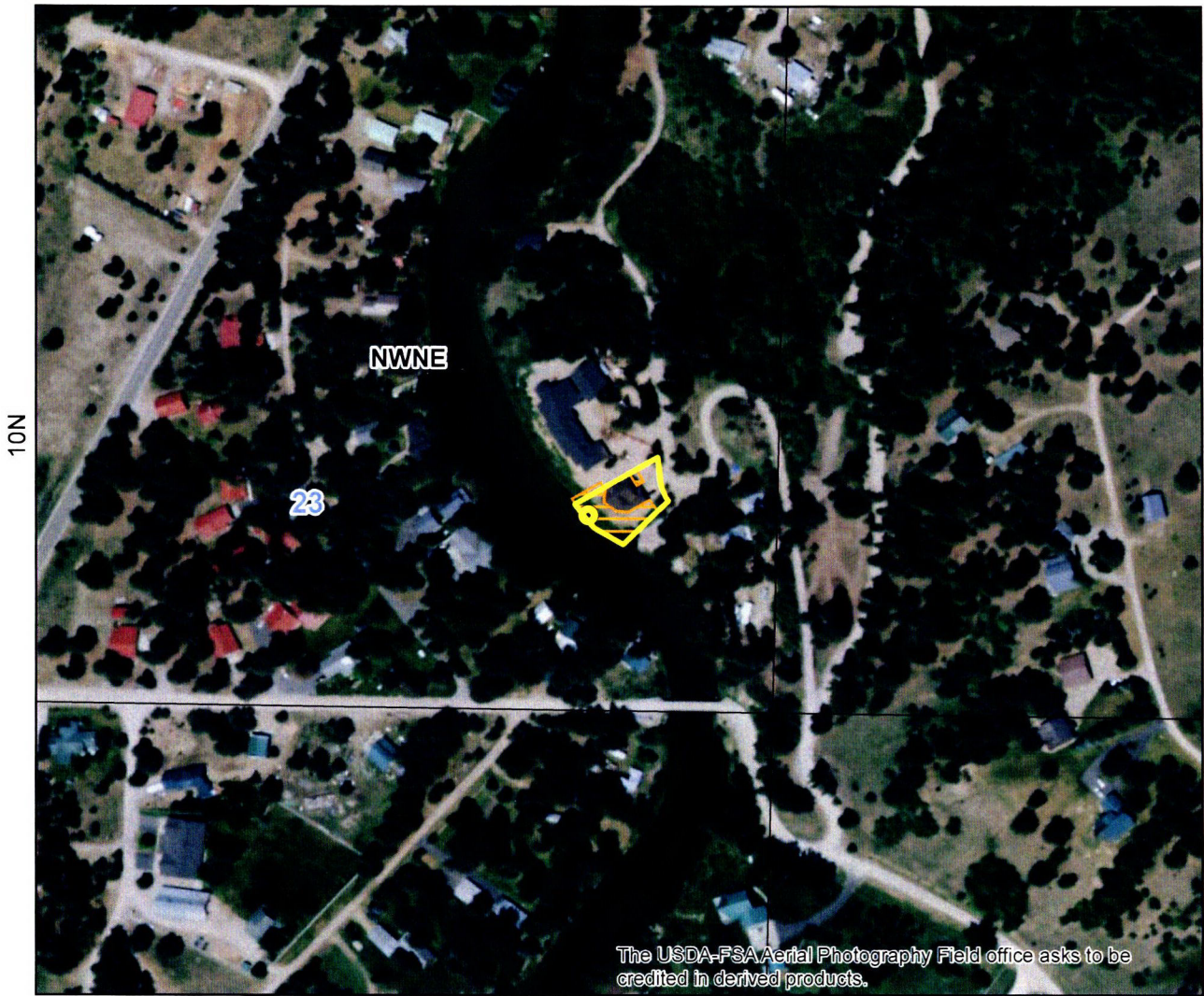
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State of Idaho
Department of Water Resources
Attachment to Water Right
65-24063

This map depicts the IRRIGATION & FIRE PROTECTION 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



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



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

July 19, 2023

JERRY HIGHLEY
PATRICIA HIGHLEY
32 KEVINS WAY
GARDEN VALLEY ID 83622-5233

RE: License No. 65-24063

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)

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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2023, I served a true and correct copy of Water Right License No. 65-24063 by U.S. Mail, postage prepaid, to the following:

JERRY HIGHLEY (Current Owner)
32 KEVINS WAY
GARDEN VALLEY ID 83622-5233

PATRICIA HIGHLEY (Current Owner)
32 KEVINS WAY
GARDEN VALLEY ID 83622-5233

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



Jean Hersley
Technical Records Specialist 2

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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.

8612STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Exam Date: 07/17/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y N

- a. X Irrigation of 5 acres or less
 b. Storage of up to 14.6 AF for stockwater purposes only
 c. X Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 d. Other < >

2. Current Owner: Jerry & Patricia Highley

Owner of Record Correct? X Y NAddress of Record Correct? X Y N

If No Explain:

3. Beneficial Use Fees have been paid: X Y N Receipt No: C116245

4. Source: Tributary:
 Middle Fork Payette River Payette River

Method of Determination:

Change in Source: Y X N**B. OVERLAP REVIEW**1. Other water rights with the same place of use: No Overlap

Water Right No.	Source	Purpose of Use	Basis
65-11127	Unnamed Stream	Domestic/Stockwater	License
65-12047	Unnamed Stream	Domestic	License
65-18098	Ground Water	Domestic	License

Comments: Rights 65-11127, 65-12047 & 65-18098 have place of use (POU) shapes that overlap the permit POU. However, the backfile for 65-11127 contains an ownership change to John F. Harrington, who is the owner of rights 65-12047 & 65-18098. The domestic and stockwater rights have a points of diversion from a unnamed stream tributary to the Middle Fork of the Payette River and ground water. There are 2 parcels owned by the Harringtons in the NWNE and NENW. According to Boise County records the parcel appurtenant to the permit POU is owned by the permit holders. There are no concerns regarding overlap issues, as the appurtenant parcels are the logical locations of the existing rights POUs.

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

Water Right No.	Source	Purpose of Use	Basis
NONE	NA	NA	NA

Comments: No rights share points of diversion (POD) with the permit.

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	¼	¼	¼	Sec	Twp	Rge.		County
Middle Fork Payette River			NW	NE	23	10N	04E	B.M.	Boise

Method of Determination: GIS and Taxlot data.Change in POD? Y X N Amendment Required? Y X N**SCANNED**

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2. Place of Use: **IRRIGATION**

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	04E	23		0.2															0.2
		Lot #																	
Total Acres =																		0.2	

Place of Use: **Fire Protection**

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	04E	23		F															
		Lot #																	

Method of Determination:

Change in POU? ☐ Y ☒ N Amendment Required? ☐ 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

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
River Pump	Leeson	2.5	Unknown	Munro	Unknown

*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
NONE						

2. Measurement Comments: No measurement is required for an in-house exam, but a theoretical calculation and Administrative Memo #17 was used to determine a reasonable diversion rate.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

Measured Method:

A theoretical calculation based on the DRG topographical map and pump information provided by the permit holder.

$$Q = (2.5\text{Hp})(8.8)(0.8)/(20\text{ ft}) + (2.31)*(40\text{psi}) = 0.16\text{cfs}$$

Theoretical Measurement = 0.16cfs

Permit allowed = 0.02cfs

Recommendation = 0.02cfs

Comments:

A theoretical Calculation determined the 2.5 Hp pump being used in the system capable of providing the requested diversion rate of 0.02cfs. Administrative Memo #17 allows up to 0.03cfs per acre for up to 5 acres of irrigation. I am recommending the requested rate of 0.01cfs on the license for irrigation.

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F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

V = (Acres Irrigated) x (Irrigation Requirement) = 0.2 acres x 3.5AFA = 0.7 AF annually
I.R.

V = [0.01 (cfs)] x (229 Days in Irrigation season) x 1.9835 = 4.5 AF annually
D.R.

V = Smaller of V and V = 0.7 AF annually
I.R. D.R.

Comments:

According to IDAPA 37-Rule 35.01.J.viii, sources of streamflow for irrigation are not required to report volume.

G. PURPOSE OF USE

Irrigation X Y N # Stock Domestic # of Homes

Other: Fire Protection

Change in Purpose of Use? Y X N

Method of Determination:

If Yes: From Use To Use Amount CFS AFA

H. NARRATIVE/REMARKS/COMMENTS

This permit for irrigation of less than 1/2 acre and fire protection diverted from the Middle Fork of the Payette River in Water District (WD) 65 qualifies for an in-office exam. The irrigation could not be confirmed via Google Earth and GIS imagery (see Figures 1 & 2) as the landscaping was completed within the last year. The permit holder was called and emailed on May 26th, 2023, and again on July 17th, 2023, requesting photos of the irrigated areas and a system diagram. On July 17th, 2023, the permit holder submitted photos of the irrigated areas (see photos 1-4), the pump and screened intake (photos 4-8), and a system diagram (see Figure 3). In the diagram there are 8 rotor sprinklers, 6 pop-ups, and a dripline watering system in a flowerbed in front of the house. It was noted by the owner on a previous call that the lot and parcel include area north of the home where they are irrigating, which is evident in the photos and system diagram submitted. Based on the documentation received the irrigated area is approximately 0.15 acres. Based on Administrative Memo #17 I am recommending the license be issued with a rate of 0.01cfs for irrigation and 0.01cfs for fire protection. According to IDAPA 37-Rule 35.01.J.viii, surface water is exempt from volume reporting requirements.

I am recommending the license be issued with conditions X31, X60, WB9, R05, 185, R02, 01R, 077, & 103.

Have conditions of permit approval been met? X Yes No

I. RECOMMENDATIONS

1. Recommended Amounts:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Fire Protection	01/01 to 12/31	0.01cfs	NA
Irrigation	03/15 to 10/31	0.01cfs	NA
Totals:		0.02cfs	NA

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

J. AUTHENTICATION- Bob Howe- Water Resource Agent

Field Examiner's Bob Howe Date 7/18/23

Reviewer phm Date 7/18/23

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Figure 1- Google Earth, 2022 aerial imagery of the POU. Construction is still incomplete.



Figure 2- GIS, 2021- image of the irrigation POU (outlined in yellow) and POD (Light blue point).

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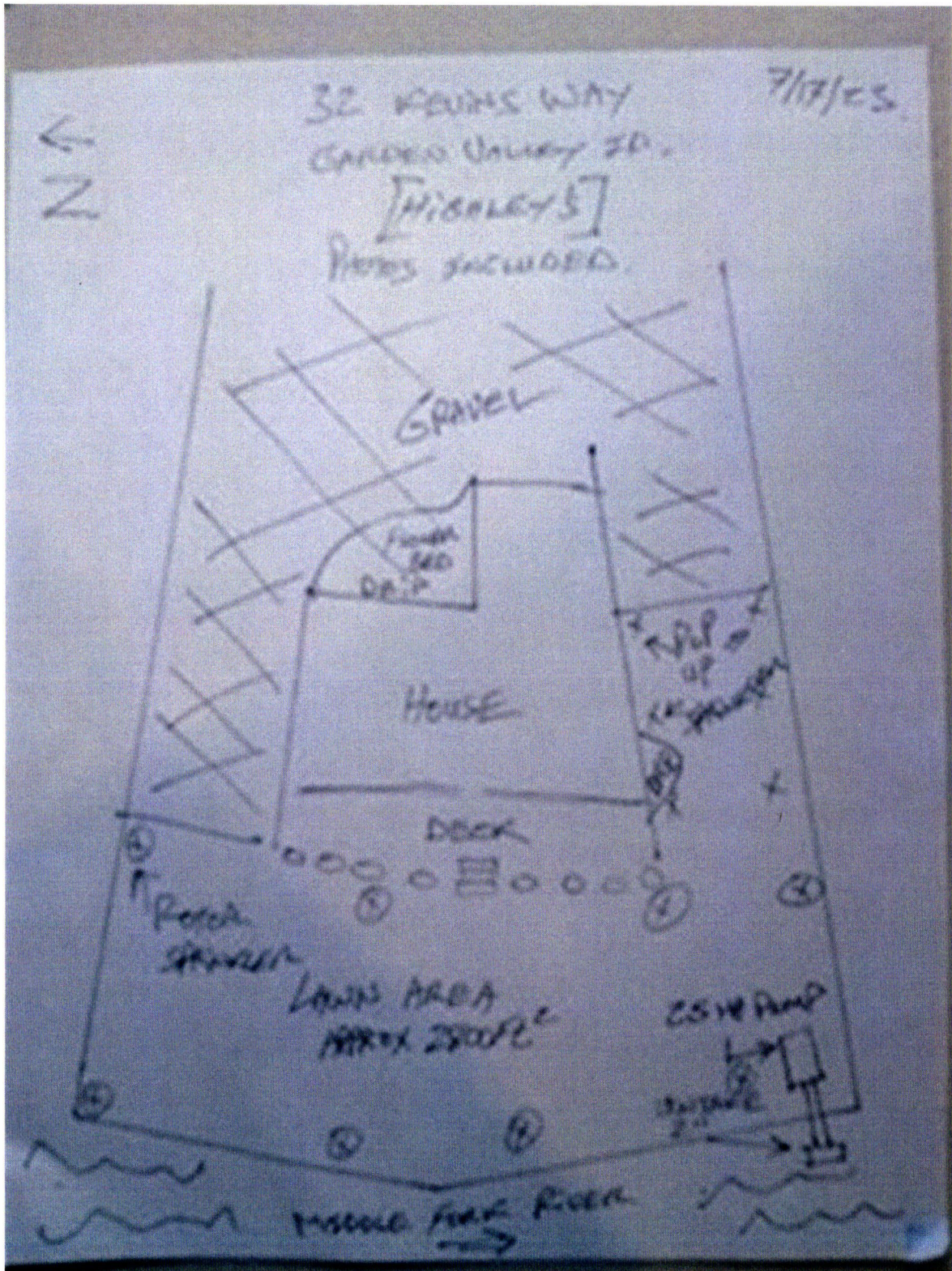


Figure 3- System Diagram received from the permit holder. Details: 8 rotor sprinklers, 6 pop-up sprinklers, and dripline in the front flower bed.



Photos 1 & 2- Facing the SW center and left of the house (SE side of home).



Photos 3 & 4- Left image is the backyard facing SE along the river. Right image is facing SW on the right side of the home back yard irrigation is beyond the NW parcel boundary projection, as indicated in the system diagram.

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Photo 5 & 6- Pump and control box are in the left image and the screened intake is visible in the right image.



Photos 7 & 8- Pump with 2.5 Hp Leeson motor.

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Beneficial Use Proof Evaluation

Permit Number: 65-24063 Reviewer: AVEibell Review Date: 5/16/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? Yes
- 3) Proof Submitted Date:
- 4) Proof Due Date: 1/1/2025
- 5) Days added for weekend due date?
- 6) Days added for holiday due date?
- 7) Number of days late:
- 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? Yes
 - a. Measuring Device -- No
 - b. Lockable Device --Yes
 - 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? No
- 7) Was a well drillers report filed? No
- 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

C110820

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.