

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 67-15049

Priority: October 22, 2010

Maximum Diversion Rate: 0.15 CFS

Maximum Diversion Volume: 28.6 AF

It is hereby certified that:

CONLEY R WALKER 748 ISLAND RD WEISER ID 83672

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 22, 2010, and has submitted Proof of Beneficial Use on September 28, 2020. 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	0.12 CFS	27.9 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	0.7 AF

Location of Point(s) of Diversion

GROUND WATER L1 (NE¼ NE¼), Sec. 19, Twp 11N, Rge 06W, B.M.	WASHINGTON County
GROUND WATER L1 (NE¼ NE¼), Sec. 19, Twp 11N, Rge 06W, B.M.	WASHINGTON County
GROUND WATER L1 (NE¼ NE¼), Sec. 19, Twp 11N, Rge 06W, B.M.	WASHINGTON 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	
11N	06W	19	6.2 L1																6.2

Total Acres: 6.2

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	06W	19	X L1																

Conditions of Approval

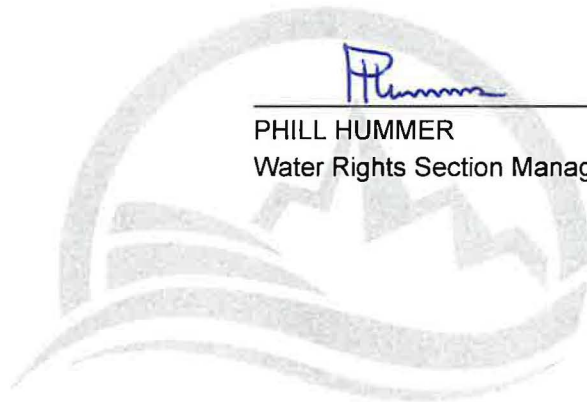
1. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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4. 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 5th day of February, 2025.

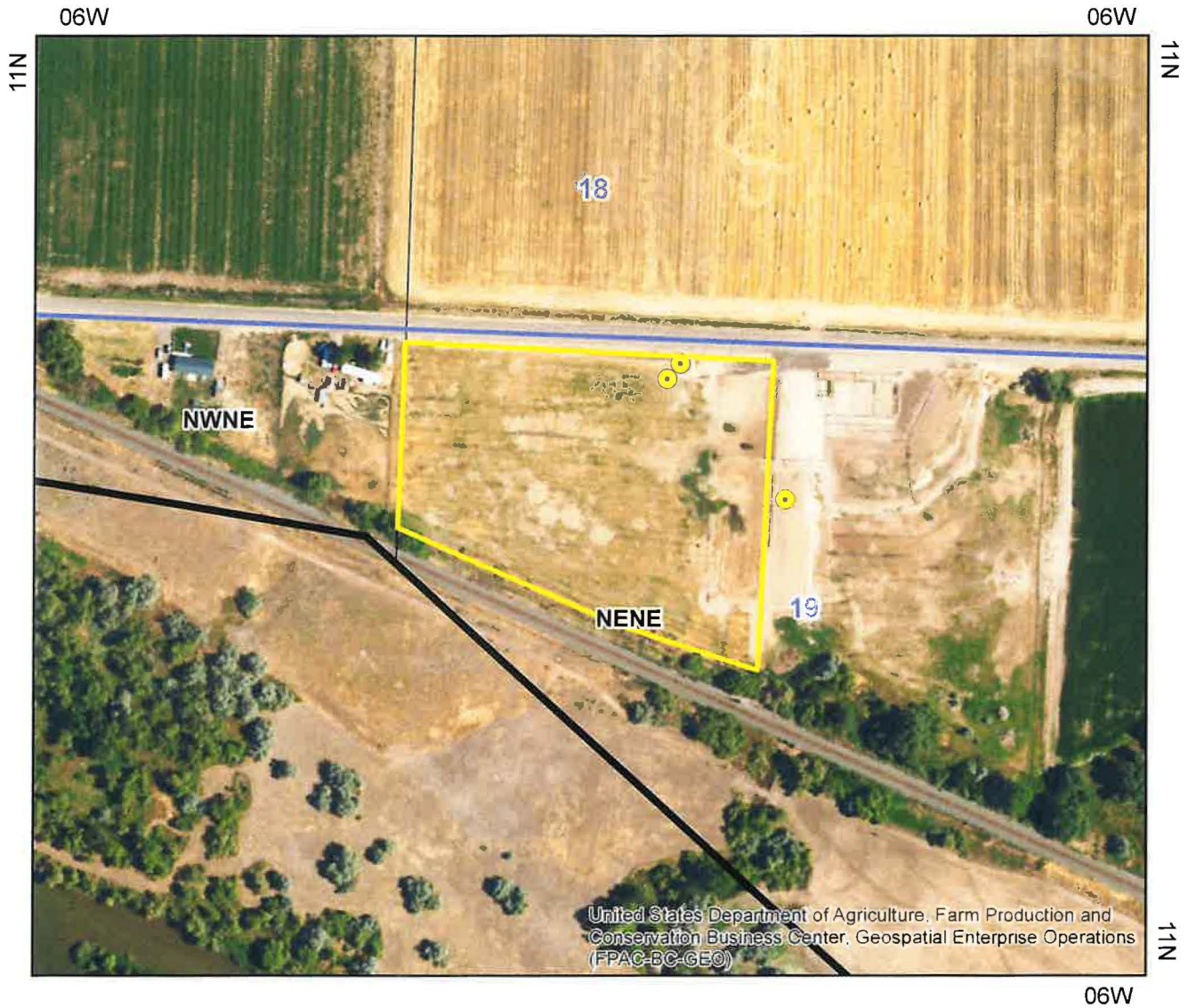




PHILL HUMMER
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
67-15049

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
-  Point of Diversion
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



State of Idaho
Department of Water Resources
Attachment to Water Right
67-15049

This map depicts the STOCKWATER 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
-  Point of Diversion
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 67-15049

RECEIVED
DEC 27 2022
DEPARTMENT OF
WATER RESOURCES

Priority: October 22, 2010

Maximum Diversion Rate: 0.15 CFS

Maximum Diversion Volume: 28.6 AF

The owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 67-15049

CONLEY R WALKER 748 ISLAND RD WEISER ID 83672

requests the permit be changed as follows:

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	0.12 CFS	27.9 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	0.7 AF

Location of Point(s) of Diversion

GROUND WATER L1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 19, Twp 11N, Rge 06W, B.M. WASHINGTON County
GROUND WATER L1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 19, Twp 11N, Rge 06W, B.M. WASHINGTON County
GROUND WATER L1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 19, Twp 11N, Rge 06W, B.M. WASHINGTON 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	
11N	06W	19	6.2 L1																6.2

Total Acres: 6.2

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	06W	19	X L1																

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 27 day of December, 2022.


(Signature)

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 67-15049

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by KM # C114972 Date 12/27/22

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 67-15049 with the following:

Conditions of Approval

1. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. 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 5th day of February, 2025.



PHILL HUMMER
Water Rights Section Manager



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 Mathew Weaver

February 06, 2025

CONLEY R WALKER
748 ISLAND RD
WEISER ID 83672

RE: License No. 67-15049

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,

Phill Hummer

Phill Hummer
Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 06, 2025, I served a true and correct copy of Water Right License No. 67-15049 by U.S. Mail, postage prepaid, to the following:

CONLEY R WALKER (Current Owner)
748 ISLAND RD
WEISER ID 83672



Debra Mansfield
Technical Records Specialist 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

October 3rd, 2022

CONLEY R WALKER
748 ISLAND RD
WEISER ID 83672

RE: Water Right Permit No. 67-15049

Dear Permit Holder(s):

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):

☒ Point(s) of Diversion: (Adding Third Well to License).

☐ Place(s) of Use

☐ 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,

A handwritten signature in black ink, appearing to read 'Skyler Cheever'.

Skyler Cheever

December 12, 2022

Page 2

Enclosure(s): Application for Amendment

cc:

MEMORANDUM

TO: Water Right File 67-15049

FROM: Skyler Cheever- Water Resource Agent

DATE: October 3, 2022

SUBJECT: Licensing Review of Water Right 67-15049

The field exam for this permit was performed by Tyler Smith, a Water Resource Agent on 5/19/2021. Mr. Smith recommended a rate of 0.25 cfs for irrigation and 0.03 cfs for stockwater. He recommended removing domestic use of 0.15 cfs. The field report is essentially finished. This memo is intended to confirm with collected evidence, or change recommendations made by Mr. Smith in accordance with Idaho statute and Department policy.

Overlap:

According to the work done by Mr. Smith and GIS Tax Parcel Data there seems to be an overlap in the POU with 67-10175. However, I can confirm through the delivery system diagram created by Mr. Smith that there is no overlap. According to a spatial data point for a well with the water right number 67-10180 overlaps the permit. However, well log data confirms Mr. Smith's conclusion that it has a later priority date than the wells in this permit and therefore would be assumed the PODs do not overlap.

Beneficial Use:

According to the current owner of the permit, Conley Walker, domestic use for ten homes listed on the permit, along with the associated 0.15 cfs. should be removed from on license due to lack of development, confirmed by current GIS maps. Stockwatering should move unchanged to licensing.

According to a memo from John Westra, on September 16th, 2010 most of the property is irrigated using Galloway surface water other than the 12.4 acres listed on the permit. However, Mr. Smith confirmed in his field exam that only 6.2 of the 12.4 acres were irrigated.

Point of Diversion and Place of Use:

According to the Beneficial Use field report there are three points of diversion. Well 1 (ID #289065) is a 295 ft deep and is attached to a 20-gallon pressure tank. This well would be the only used for irrigation according to the owner. Well 2 (ID #289066) is artesian and runs to a trough to the west end of the corral. Well 3 (ID #288777) is another artesian well that runs water to another trough to the south of the corral. They are all located in the same quarter/quarter,

NE/NE Government lot 1. The permit only authorizes two wells. Mr. Smith recommended an amendment to the licensee to add as a new point of diversion. I am recommending an amendment for this license to add the third well.

Diversion Rate and Volume:

Volume Calculations for irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (6.2\text{cfs}) \times (4.5\text{ af}) = 27.9\text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = (0.12\text{ cfs}) \times (240) \times (1.9835) = 61.9\text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 27.9\text{ af}$$

2. Volume Calculations for Other Uses: The volume for stockwater is set by Administrative Processing Memo #3. Since the owner confirmed that there will be roughly 50 head of beef cattle on the property the volume would be 0.7 af. The total volume I will recommend is 28.6 af.

The diversion rate was measured on the property for each well. According to Mr. Smith's field report a lightning storm only allowed singular measurements to be taken for Well 2 and 3. The results will not be as significant as Well 1 measurement.

The permit originally had a proposed diversion rate of 0.43 cfs. Since domestic use is being removed the rate would be 0.28 cfs. Since the number of acres irrigated by ground water is 6.2, not 12.4 as authorized on the permit the diversion rate should be reduced. Standards set in Administrative Processing memo #17 allow for 0.02 cfs per acre of irrigation over 5 acres. This would decrease the rate from 0.25 cfs to 0.12. Adding a 0.03 cfs rate for stockwatering the overall rate that could be licensed is 0.15 cfs. Since two wells can be used and all three wells are used within the same quarter/quarter, rate calculations could be with any combination of the wells. Using Well 3 (0.16 cfs capacity) and two (0.13 cfs capacity) the rate would be 0.29 cfs. Using Well 2 (0.13 cfs capacity) and Well 1 (0.07 cfs capacity) the rate is 0.20 cfs. These rates are below what could be licensed using any combination of wells. The volume was calculated by combining the volume for irrigation (calculation seen above) and stockwatering. I am recommending 0.15 cfs diversion rate and a 28.6 af volume.

Conditions:

Conditions 044, 01M and R35 should be carried forward to licensing. Condition 121 will be changed to 103 as is standard in the western region licenses. Condition 132 will be removed because the owner confirmed that no homes were developed on the property. Condition X02 will be removed as is standard for licenses. All other conditions should be removed.

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	0.12 CFS	27.9 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	0.7 AF

Totals: 0.15 CFS 28.6 AF

I. AUTHENTICATION Skyler Cheever, Water Resource Agent

Field Examiner's Name  Date 10/3/2022
Reviewer  Date 2/5/25

Field Exam Map:

The orange border shows the irrigation place of use. The green border shows the stockwater place of use. The yellow points show the point of diversion that are labeled.

