State of Idaho
Department of Water Resources

Water Right License

Water Right No. 63-34079

Priority: May 08, 2015

Maximum Diversion Rate: 1.52 CFS
Maximum Diversion Volume: 133 AF

It is hereby certified that:

CHRIS EMMERT 7180 BOWMONT RD NAMPA ID 83686

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 17, 2019, and has submitted Proof of Beneficial Use on March 21, 2023. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
IRRIGATION	03/01 to 11/15	1.52 CFS	133 AF

Location of Point(s) of Diversion
GROUND WATER SE¼ NE¼, Sec. 35, Twp 02N, Rge 02W, B.M. CANYON 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	
02N	02W	35	15		34	36													85

Total Acres: 85.0

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 427.5 af at the field headgate for the place of use.
3. The total volume of water diverted pursuant to this right shall not exceed 133 AF each irrigation season.
4. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
5. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Idaho Code § 42-701.
6. The right holder shall mitigate for the depletion of water stored in Lake Lowell that will occur as a result of the ground water diversions authorized by this right. Prior to March 1 each year, the right holder shall make 4.0 AF of water available to the Boise Project Board of Control for diversion from the Boise River at the New York Canal for use within its member irrigation districts. The required supply of mitigation water may be rented from the Water District 63 Rental Pool or the Water Supply Bank, or it may result from the permanent transfer of a water right or portion of a water right. The right holder may arrange for the necessary mitigation water supply in multiple year increments. Each time the right holder enters into a new rental or other arrangement for the

required mitigation water supply, the right holder shall give a copy of the agreement to the Boise Project Board of Control within seven days of the execution of the agreement. If the right holder does not comply with the mitigation requirement for any irrigation season, the right holder shall not divert water pursuant to this water right during that irrigation season.

7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
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, 2024.

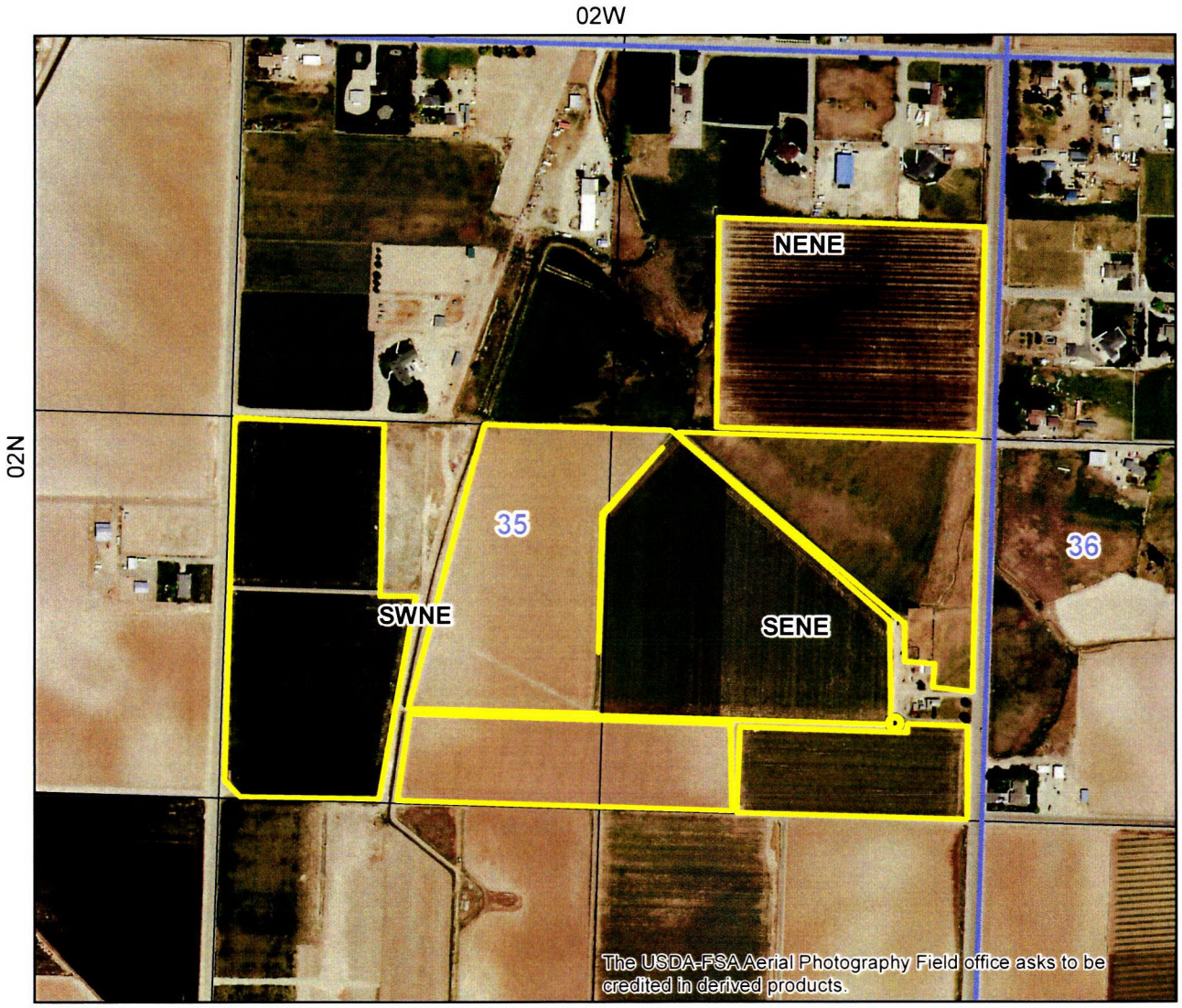
PHILL HUMMER
Water Rights Section Manager

State of Idaho
Department of Water Resources

Attachment to Water Right

63-34079

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 0.075 0.15 0.3 Miles

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

N

Form 42-217 Rev. 6/22

RECEIVED
Mar 21, 2023
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY
Amt. of Fee $
Receipt No.
Receipted By
Date Receipted

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. 63-34079 Name of Permit Holder(s) Chris Emmert

Telephone No. 208-466-3670 Email bsuefarm@yahoo.com

Mailing Address 7180 Bowmont Road City Nampa State ID Zip 83686

2. Source of Water ground water If Ground Water (well), Date Drilled mo. 02 / yr. 2020

Drilling Permit/Tag No. D0083597 Drilling Company's Name Treasure Valley Drilling

3. Extent of use(s) completed **as authorized by the water right permit**:

Domestic (No. households) _____ Irrigation (No. acres) 95 Stockwater (No. and stock type) _____

Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted 1.90 cfs OR _____ 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.)

Well, submersible pump, flow meter, buried pipe, and open ditches for gravity irrigation

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: _____ Telephone No. _____ Email _____

Mailing Address _____ City _____ State _____ Zip _____

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.

Chris Emmert	Chris Emmert	March 16, 2023
SIGNATURE OF PERMIT HOLDER*	PRINTED NAME AND TITLE	DATE

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

Form 219 07/11

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
Mar 21, 2023
DEPARTMENT OF
WATER RESOURCES

A Beneficial Use Field Report is prepared by a water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with a permit during the development period authorized by the permit and any extensions of time previously approved.

A. GENERAL INFORMATION

Permit No. 63-34079

1. Owner Chris Emmert Phone No. 208-989-5090
   Current address 7180 Bowmont Road, Nampa, ID 83686
2. Examiner's name Terry Scanlan, P.E., P.G. EXAM DATE 7/6/2022 and 3/16/2023
3. Accompanied by Chris Emmert Email bsuefarm@yahoo.com
   Address 7180 Bowmont Road, Nampa, ID 83686
   Relationship to permit holder same Phone No. 208-989-5090
4. Source ground water tributary to NA

B. OVERLAP REVIEW

1. Other water rights with the same place of use Boise Kuna Irrigation District
2. Other water rights with the same source and point of diversion None

C. DIVERSION AND DELIVERY SYSTEM

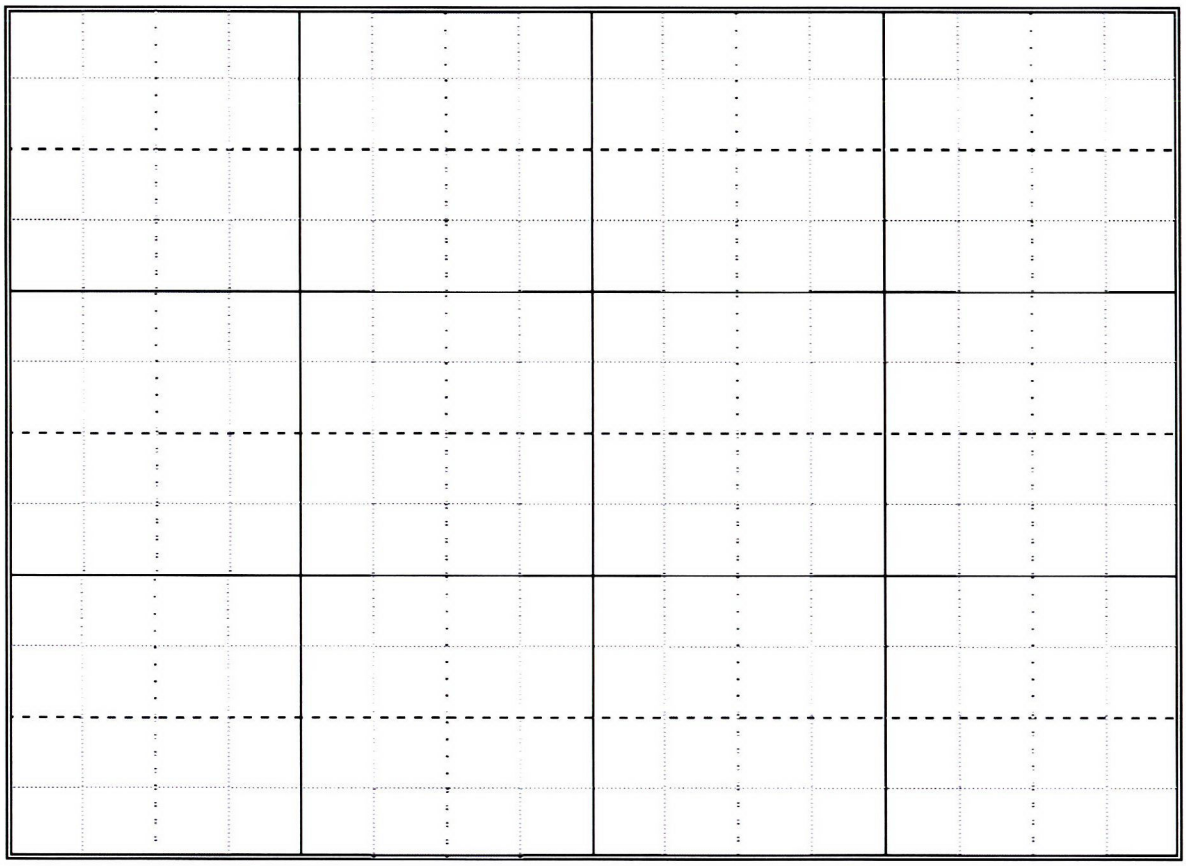
1. **Point(s) of Diversion:**

Ident. No.	Gov't Lot	¼	¼	¼	Sec	Twp	Rge	County	Method of Determination/Remarks
			SE	NE	35	2N	2W	Canyon	GIS

2. **Place(s) of Use:** Method of determination GIS

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	2W	35	15		34	36													85

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☒ see attached.



Scale: 1" = _____

☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (**required**)
☒ Aerial photo attached (required for irrigation of 10+ acres)
☒ Photo of diversion and system attached

4.

Well or Diversion Identification No.*	**Motor Make**	**Hp**	**Motor Serial No.**	**Pump Make**	**Pump Serial No. or Discharge Size**
D0083597	submersible	30	submersible	submersible	6-inch

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**
flow meter	mag	Growsmar	IM3000	GT18061141	6-inch	Jan 2018 manufact

2. **Measurements:** _____

Flow rate was steady at 679-680 gpm (1.52 cfs) for duration of site visit

E. NARRATIVE/REMARKS/COMMENTS

See attached narrative

Has the permit holder met all conditions of permit approval, including any mitigation requirements and/or measuring device installation requirements? ☒ Yes ☐ No If no, what must be done to meet the permit requirements?

F. FLOW CALCULATIONS ☐ Additional computation sheets attached

Measured Method:
flow meter 1.52 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = 85 ac x 4.5 af/ac = 382.5 af

$V_{D.R}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 1.52 cfs x 260 days x 1.9835 = 784 af

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = Permit is limited by condition to 133 afa.

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
irrigation	3/1	11/15	1.52 cfs	133 afa
		Totals:	1.52 cfs	133 afa

2. Recommended Amendments

☐ Change P.D. as reflected on page 1 ☐ Add P.D. as reflected on page 1 ☒ None
☐ Change P.U. as reflected on page 1 ☐ Add P.U. as reflected on page 1 ☐ Other

I. AUTHENTICATION

Field Examiner's Signature Terry M. Scanlan Date 3/16/2023

Terry M. Scanlan

PROFESSIONAL ENGINEER LICENSED SEAL 6266 3/16/2023 STATE OF IDAHO TERRY M. SCANLAN

Reviewer _____ Date _____

Narrative.

A 12-inch x 193-foot well equipped with a 30-hp submersible pump provides supplemental irrigation to 85 acres irrigated from concrete and earthen ditches. The well is cased to 38 feet and open hole within basalt and cinders from 38 to 193 feet. Static water level is 81 feet.

The well was constructed in 2020 and first put into service for the 2022 irrigation season.

To mitigate for theoretical depletions to Lake Lowell caused by groundwater pumping under this permit (63-34079), the right holder is required to provide 4.0 acre feet at the New York Canal to Boise Project Board of Control. The right holder is required to also provide 3.0 acre feet related to permit 63-34080. For the 2022 irrigation season, the right holder rented 9 acre feet of water right 63-146 from the Idaho Water Supply Bank under agreement No. 306.

The right holder is required to record the volume of water diverted on a weekly basis. These records are summarized for the 2022 irrigation season on Attachment E and totaled 160.4 acre feet. This volume exceeds the 133-acre-foot volume condition of the water right. The total volume diverted by 63-34079 and 63-34080 in 2022 was 219.7 acre feet compared to a total permitted volume of 235 acre feet. Therefore, although the pumping volume of 63-34079 was exceeded in 2022, adequate mitigation to Boise Project Board of Control was provided because the combined volume under the two permits was less that the authorized total for the two permits.

Attachment A – Field Exam Maps – Aerial Image and Topographic

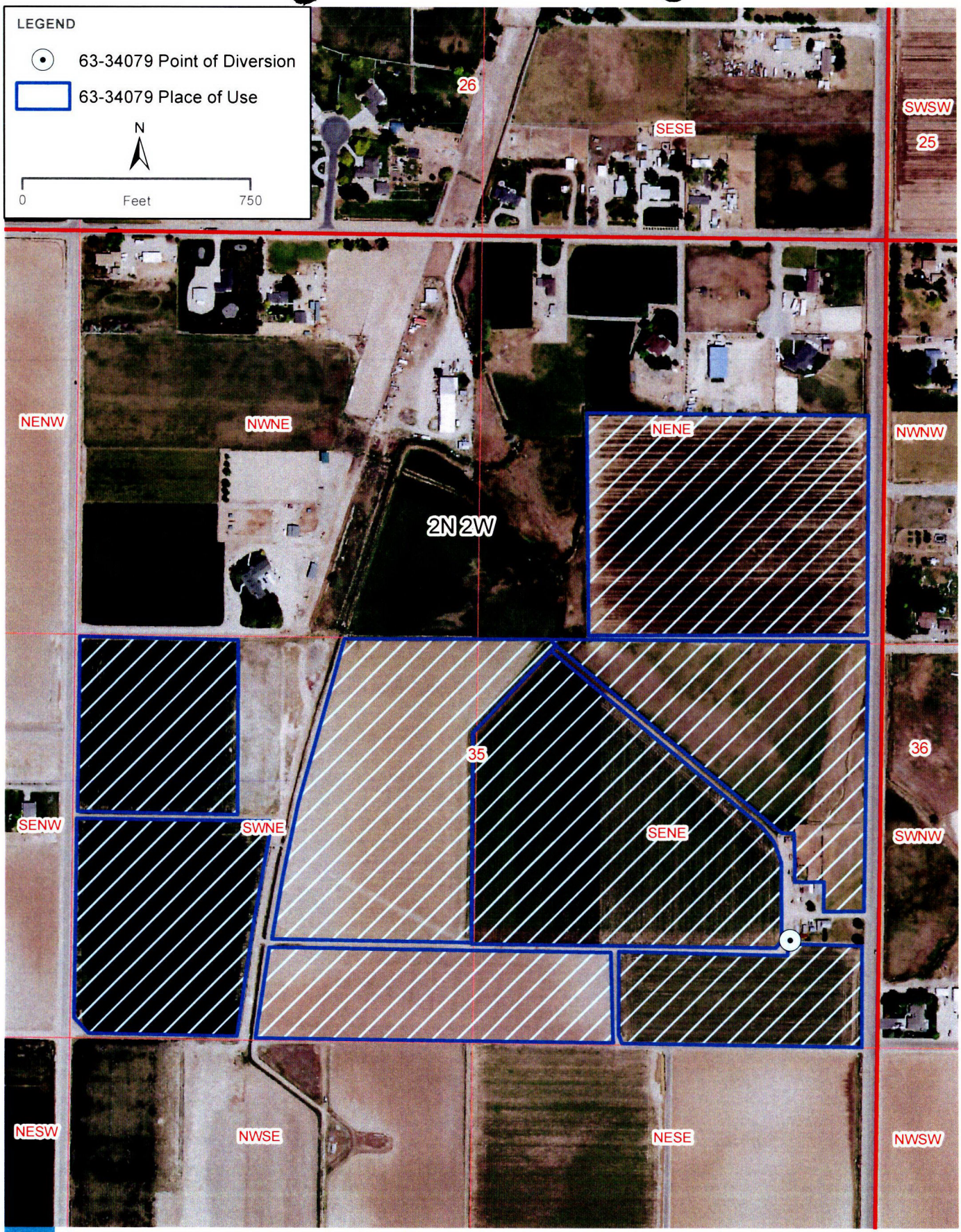
Attachment B – System Diagram

Attachment C – Well Drillers Report and Pump Receipt

Attachment D – Water Bank Rental Agreement 306

Attachment E – 2022 Diversion Records

Attachment F – Field Exam Photos



63-34079 BUFE - ATTACHMENT A1

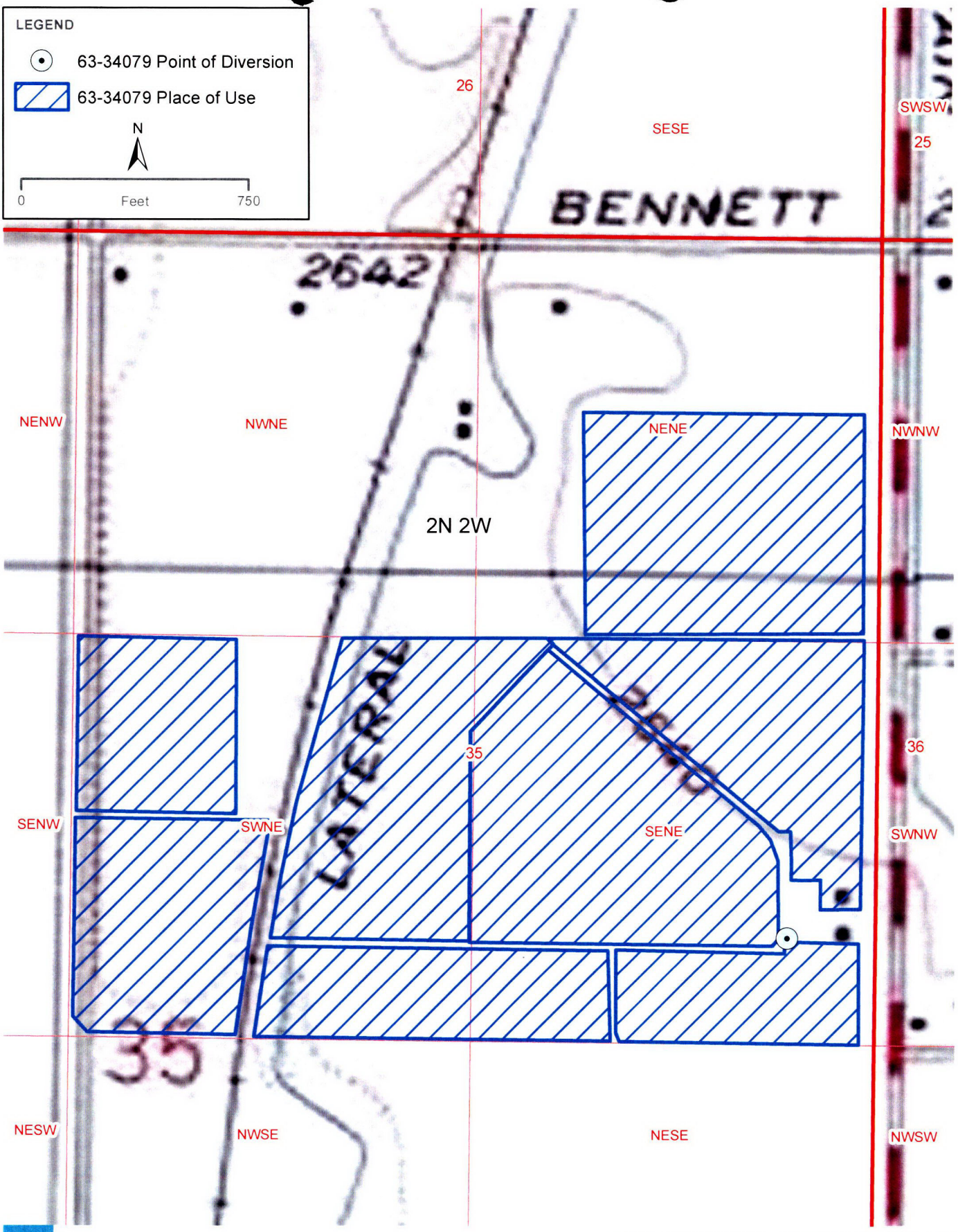
AERIAL PHOTO MAP

DATA SOURCE: 2021 NAIP

CHRIS EMMERT

PROJECT #10347925

PATH: S:\PROJECTS\E THRU H PROJECTS\E PROJECTS\EMMERT, CHRIS_1247\10347925 BENEFICIAL USE FIELD EXAMS\PROJECT\GIS\ARCMAP_PROJECTS\63-34079 BUFE MAP.MXD - USER: LGRAVES - DATE: 1/22/2023



63-34079 BUFE - ATTACHMENT A2

USA TOPO MAP

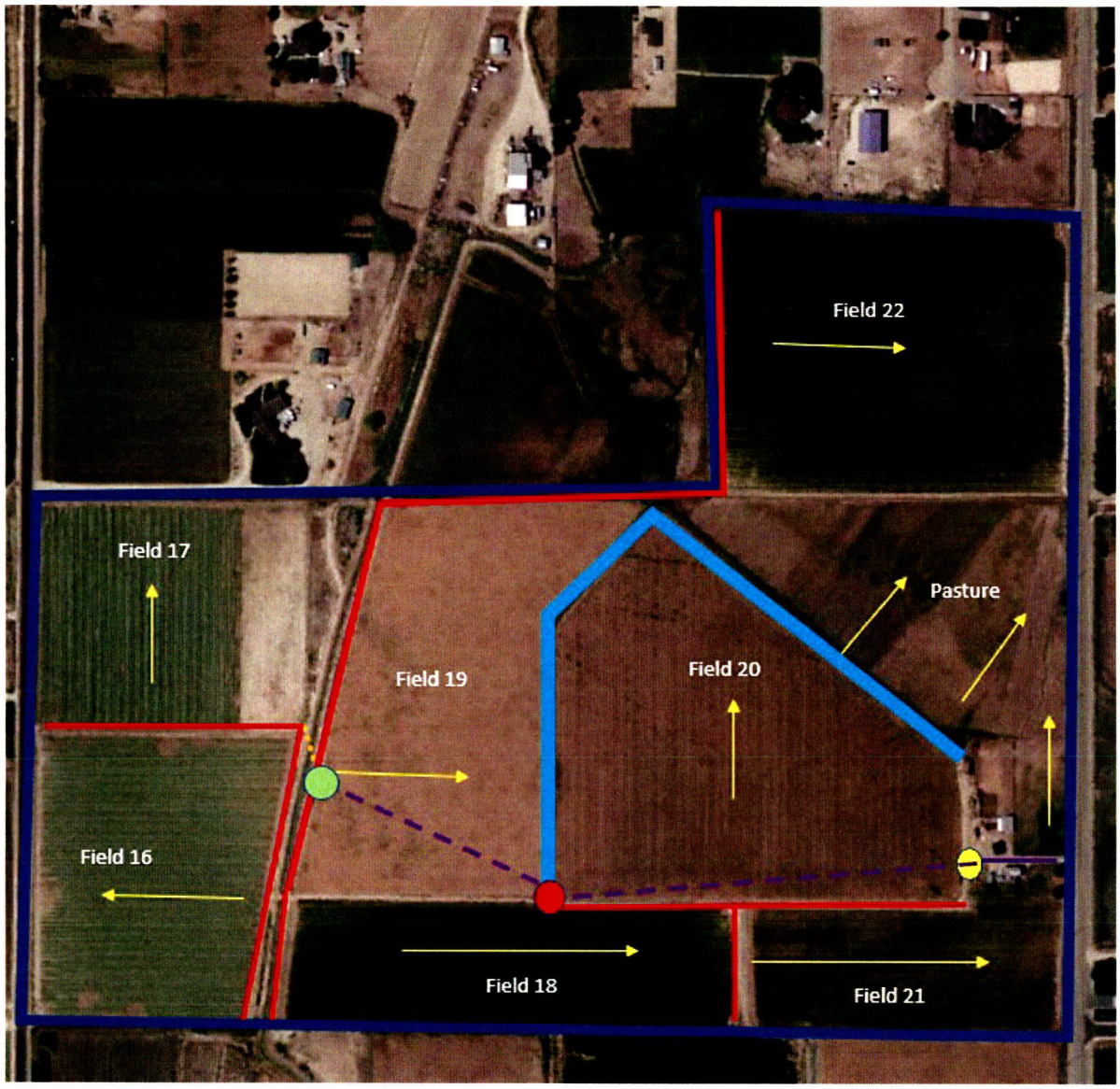
DATA SOURCE: USA Topo

CHRIS EMMERT

PROJECT #10347925

PATH: S:\PROJECTS\E THRU H PROJECTS\E PROJECTS\EMMERT, CHRIS_124710347925 BENEFICIAL USE FIELD EXAMS\PROJECT\GIS\ARCMAP_PROJECTS\63-34079 BUFE MAP.MXD - USER: LGRAVES - DATE: 1/22/2023

Attachment B – System Diagram



Water from the well (yellow circle) discharges to an 8-inch buried pipe (dashed purple line) that flows west to the east headbox (red circle), then continues northwest across field to west headbox (green circle).

From east headbox, water can flow east through concrete ditch (red solid lines) to irrigate fields 20 and 21 or north through earthen ditch (light blue solid line). Earthen ditch goes around field 20 and combined with wastewater from fields 20 and 21 can irrigate pasture to the northwest.

From west headbox (green circle), water flows through concrete ditches north to irrigate field 22 and the north portion of field 19 and south to irrigate field 18 and the south portion of field 19, or northwest across canal through a portable pipeline to concrete ditches that irrigate fields 16 and 17.

Form 238-7
6/07

Attachment C1

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

63

1. WELL TAG NO. D 0083597
Drilling Permit No. 893005
Water right or injection well # ig 63-34079

2. OWNER:
Name Chris Emmett
Address 7180 Bowmount Rd
City Nampa State ID Zip 83686

3.WELL LOCATION:
Twp. 2 North ☒ or South ☐ Rge. 2 East ☐ or West ☒
Sec. 35 SE (10 acres) NE (40 acres) ____ (160 acres) 1/4
Gov't Lot ____ County Canyon
Lat. 43 ° 28.064 (Deg. and Decimal minutes)
Long. 116 ° 32.059 (Deg. and Decimal minutes)
Address of Well Site W Side of Southside Rd
(Give at least name of road + Distance to Road or Landmark) City ____
Lot. ____ Blk. ____ Sub. Name ____

4. USE:
☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation ☐ Thermal ☐ Injection
☐ Other ____

5. TYPE OF WORK:
☒ New well ☐ Replacement well ☐ Modify existing well
☐ Abandonment ☐ Other ____

6. DRILL METHOD:
☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other ____

7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft³)	Placement method/procedure
Med Chip	0	38	1850lbs	Poured

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/ Schedule	Material	Casing	Liner	Threaded	Welded
12"	+2	38	.250	Steel	☒	☐	☐	☒
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) ____

9. PERFORATIONS/SCREENS:
Perforations ☐ Y ☐ N Method ____
Manufactured screen ☐ Y ☐ N Type ____
Method of installation ____

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule

Length of Headpipe ____ Length of Tailpipe ____
Packer ☐ Y ☐ N Type ____

10.FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft³)	Placement method

11. FLOWING ARTESIAN:
Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) ____
Describe control device ____

12. STATIC WATER LEVEL and WELL TESTS:
Depth first water encountered (ft) 81 Static water level (ft) 81
Water temp. (°F) ____ Bottom hole temp. (°F) ____
Describe access port ____

Well test:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)
180	300	2 HRS

Test method:

Pump	Bailer	Air	Flowing artesian
☐	☐	☒	☐
☐	☐	☐	☐

Water quality test or comments: ____

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water Y	Water N
16"	0	8	Clay		
16	8	38	Weathered Basalt		
12	38	45	Weathered Basalt		
	45	81	Solid Basalt		
	81	111	Red Cinder	X	
	111	123	Solid Basalt		
	123	187	Fractured Basalt	X	
12	187	193	Brown Cinder		

RECEIVED
JUN 22 2020
WATER RESOURCES
WESTERN REGION

Completed Depth (Measurable): 193
Date Started: 2-26-2020 Date Completed: 2-26-20

14. DRILLER'S CERTIFICATION:
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Treasure Valley Drilling Co. No. 560
*Principal Driller ____ Date 2-27-2020
*Driller ____ Date 2-27-20
*Operator II ____ Date ____
Operator I ____ Date 2-27-20

* **Signature of Principal Driller and rig operator are required.**

Attachment C2

Burgess Pump & Supply, LLC
706 East Main Street
Middleton, ID 83644

PH: (208) 585-6202
EMAIL: service@burgesspump.com • WEB:

INVOICE

13882

11/1/2020

BILL TO
Chris Emmert
7180 Bowmont Rd
Nampa ID 83686

SHIP TO

BURGESS WO#	TECH	CUSTOMER PO#	TERMS	PROJECT
17638	BP	EST # 9318	50% Down / 50%...	IRRIGATION PUMP SYSTEMS

QTY	DESCRIPTION
	2 (ea) 6" 30HP 460V 3PH Motor w/ 700 - 750 GPM @ 100TDH Pump end, & 2 (ea) Nema size 2.5 Start Panel; 6" Black T&C Pipe, 8/3 Submersible W /Ground Cable & plumbing down the well (pump set 126'); Check Valve, 6" 80 DI (Drilled for draining), well head assembly, misc plumbing, electrical & shop supplies.

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

January 4, 2022

CHRIS EMMERT
7180 BOWMONT RD
NAMPA ID 83686

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-146, AGREEMENT 306

Dear Renter:

Please find enclosed a receipt in the amount of **$180.00** in connection with the rental of 9 acre-feet of water during 2022. Upon receipt of this letter, you are authorized to divert water in compliance with the conditions of water use described in your rental agreement.

Pursuant to the Water Supply Bank Rules, 90% or $162.00 of the rental fee will be paid to the lessor(s) and 10% or $18.00 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Specialist

Enclosure(s): Receipt No. C111590

c: Sascha Marston – Fiscal

Idaho Department of Water Resources Receipt

Receipt ID: C111590

Payment Amount	$180.00	Date Received	12/22/2021	Region	STATE
Payment Type	Check	Check Number	8258		

Payer EMMERT, CHRIS A

Comments
WATER SUPPLY BANK RENTAL AGREEMENT
RENTER NAME: CHRIS EMMERT
RENTAL AGREEMENT # 306
FOR WR # 63-146
FOR YEAR 2022

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
$162.00	WATER BANK-OWNER SHARE	29512	0490	1		1205
$18.00	WATER BANK-OWNER SHARE	29512	0490	1		1205

Signature Line (Department Representative)

Attachment E - 63-34079 2022 Weekly Diversion Records			
Date	Flow Meter Reading	Cumulative Gallons	Cumulative Acre Feet
6/20/2022	4.7	4,700	0.0
6/27/2022	7072.7	7,072,700	21.7
7/4/2022	14502.4	14,502,400	44.5
7/11/2022	20041.3	20,041,300	61.5
7/18/2022	26652.7	26,652,700	81.8
7/25/2022	33304.1	33,304,100	102.2
8/1/2022	38446.9	38,446,900	118.0
8/8/2022	43550.8	43,550,800	133.7
8/15/2022	45956.6	45,956,600	141.0
8/22/2022	52254.5	52,254,500	160.4
8/29/2022	52254.5	52,254,500	160.4

Attachment F – Field Exam Photos

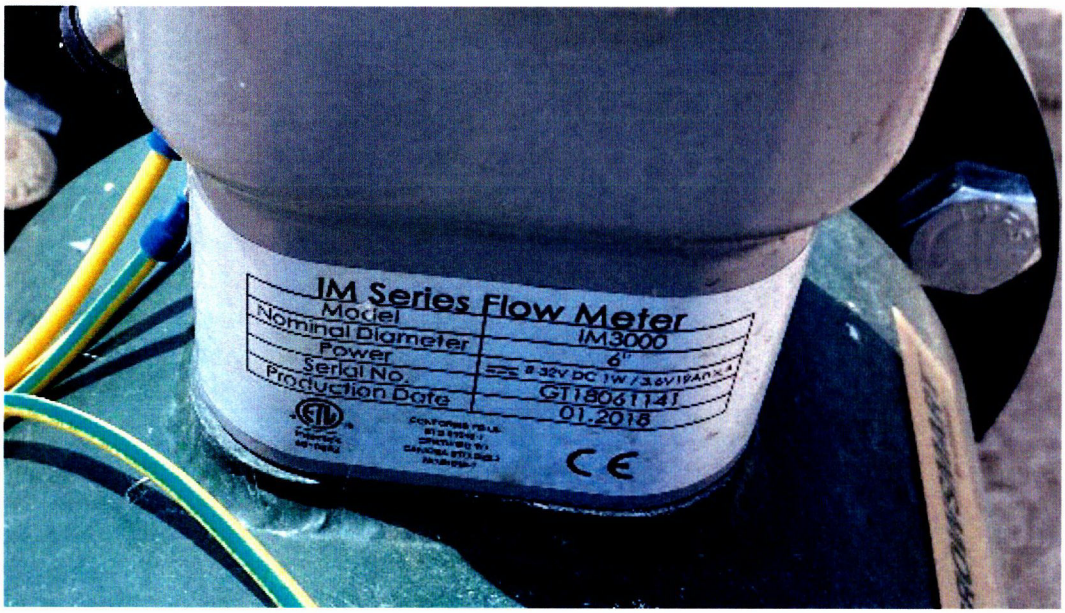




Well head, flow meter, and mechanical pipe.



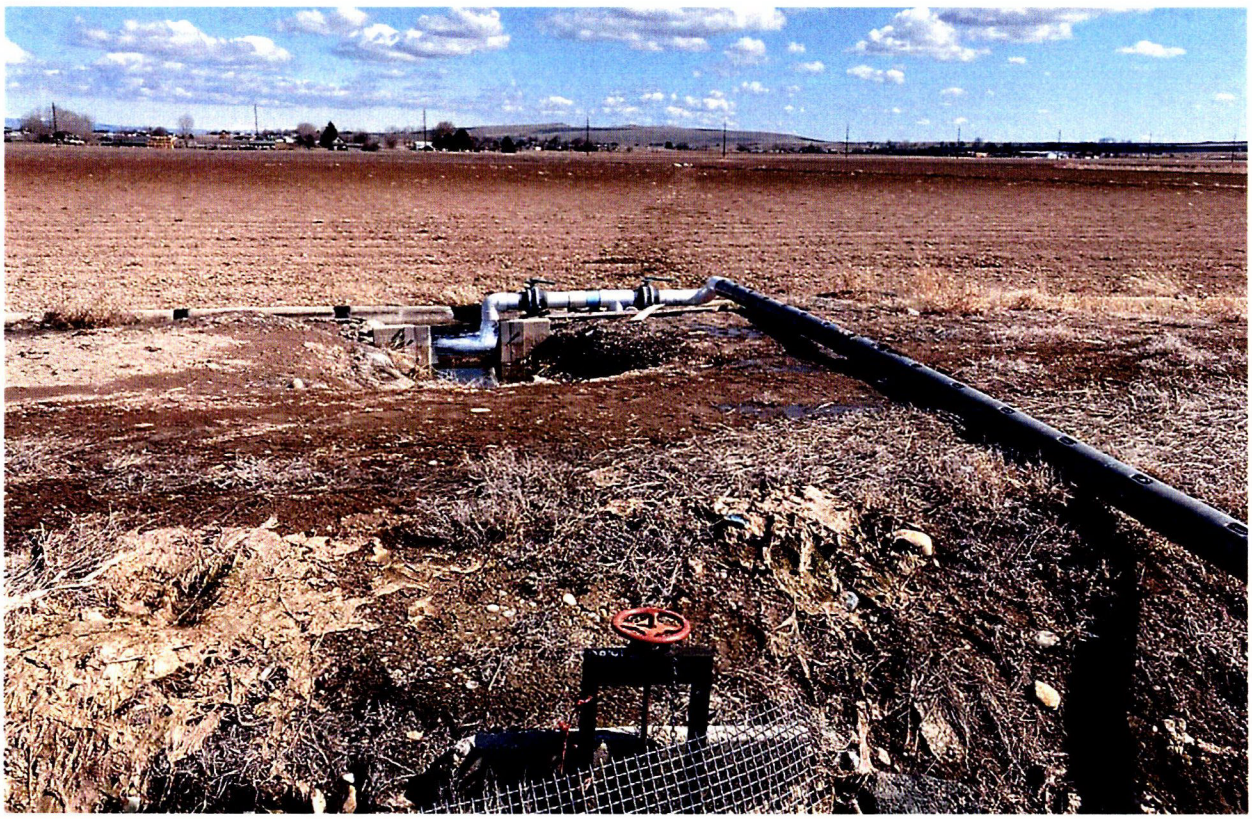
Flow meter display – 679.57 gpm = 1.52 cfs



Flow meter nameplate



West headbox with field 19 in background



West headbox equipped with pipe to deliver water to fields 16 and 17



Discharge from west headbox to ditch at field 16

Hersley, Jean

From: Scanlan, Terry <Terry.Scanlan@hdrinc.com>
Sent: Tuesday, March 21, 2023 10:46 AM
To: IDWR File; Ritter, Ashley
Subject: 63-34079 Proof Statement and Beneficial Use Field Report
Attachments: 63-34079 BU Field Report.pdf; 63-34079 Proof.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Ashley,

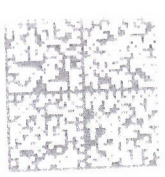
On behalf of Chris Emmert, attached is a Statement of Completion for Submitting Proof of Beneficial Use for permit 63-34079. Please let me know if there is anything else needed for licensing of this permit. Thanks.

Terry M. Scanlan, P.E., P.G.
Principal Engineer

We are now HDR | SPF
412 E. Parkcenter Boulevard., Suite 100
Boise, ID 83706
D +1.208-872-9530 M +1.208-861-4758
Terry.Scanlan@hdrinc.com
hdrinc.com/follow-us
spfwater.com

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

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DEPT. OF WATER RESOURCES

'03-34079
emailed
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JOHN MARSHALL LAW PLCC
575 W Bannock ST STE B
BOISE, ID 83702

980 NCE 1 S23I0006/05/24
RETURN TO SENDER
:JOHN MARSHALL LAW PLLC
PO BOX 2297
BOISE ID 83701-2297

RETURN TO SENDER

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IDAHO DEPARTMENT
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

May 31, 2024

CHRIS EMMERT
7180 BOWMONT RD
NAMPA ID 83686

RE: License No. **63-34079**

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 May 31, 2024, I served a true and correct copy of Water Right License No. 63-34079 by U.S. Mail, postage prepaid, to the following:

CHRIS EMMERT (Current Owner)
7180 BOWMONT RD
NAMPA ID 83686

JOHN M MARSHALL (Attorney)
JOHN MARSHALL LAW PLLC
575 W BANNOCK ST STE B
BOISE ID 83702

Debra Mansfield
Technical Records Specialist 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.

Memorandum

Date: September 12, 2023

From: Blake Burkard

To: Water Right Files 63-34079 & 63-34080

Subject: Licensing Review of Certified Water Right Examiner Report

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Permits 63-34079 and 63-34080 authorize two ground water diversions for irrigation of land approximately six miles southeast of Lake Lowell. Both permits were applied for as supplemental ground water irrigation sources and were protested by the Boise Project Board of Control due to concerns of the cumulative effects that the ground water withdrawals may adversely affect senior water rights in the Lake Lowell vicinity.

To mitigate for the modeled effects on Lake Lowell, the applicant was required to make 4.0 acre-ft and 3.0 acre ft, respectively, available to the Boise Project Board of Control at the New York canal for use within its member irrigation districts. Volume limits were also conditions of approval and the total anticipated diversion volumes were divided proportionally based on acreage: 133 acre-ft for 95 acres, and 102 acre-ft for 73 acres, respectively.

The beneficial use field exams for permits 63-34079 and 63-34080 were submitted by Certified Water Right Examiner (CWRE) Terry M. Scanlan, P.E., P.G., and received on March 21, 2023. The purpose of this memo is to review the recommendations made in the field exam.

Ownership:

Chris Emmert is the applicant and permit holder for permits 63-34079 and 63-34080. Proof statements were signed by Emmert, but the proof statements and field reports were submitted by the CWRE. Written evidence of authority to file is not needed.

An amendment for the place of use description of permit 63-34080 was recommended by the CWRE. Scanlan does not have authority to sign the amendment, so it will be sent to Emmert to sign, if approved.

Overlap:

Both permits are for supplemental ground water irrigation use. Surface water shares from Boise Kuna Irrigation district are used as a primary source. Overlap is not a concern as there are no additional supplemental water rights and certain conditions of approval prevent enlargement.

Point of Diversion and Place of Use:

The legal description of the point of diversion for each permit is confirmed in the field exam report submitted. Irrigation acreage to the nearest acre was determined, and GIS can confirm the accuracy. The field report for permit 63-34080 documented irrigation in Lot 3 NE¼NW¼ of Section 1, which was not permitted. An amendment was recommended by the CWRE.

Diversion Rate and Volume:

The examiner provided instantaneous flow rate measurements using an approved flow meter for both permits. Rates are given below:

	Recommended Flow Rate (cfs)	Permitted Flow Rate (cfs)
63-34079	1.52	1.90
63-34080	1.18	1.46

Given both wells divert to headboxes, assuming no pressure head, the pump specifications given are theoretically capable of diverting at these rates.

The examiner recommended the permitted volume for both permits. Conditions of approval required the permit holder to install a totalizing flow meter for each diversion and to record weekly diversion volumes. In 2022, the only year that the irrigation system had operated, permit 63-34079 had diverted 160.4 acre-ft, though it was only permitted for 133 acre-ft. An email was sent to the examiner and the permit holder requesting an operation plan that would detail how the permit holder would intend on not exceeding the volume limits described on the permit. An operation plan was received on September 5, 2023, describing how the totalizer can be used as a forecasting device and that the permit holder could anticipate when the volume limit would be reached. I recommend licensing these permits for the quantities recommended by the CWRE. I also recommend adding these water rights to the WMIS network to monitor compliance with the volume limits.

Conditions:

The examiner indicated that the permit holder had met all conditions of approval, including mitigation requirements and measuring device requirements. Individual conditions were not discussed.

All conditions related to proof submittal and project/well construction were followed and can be removed. Conditions 065 should be replaced by 943 and R62 should be replaced by WB7 in order to update the supplemental ground water right conditions.

Burkard, Blake

From: Burkard, Blake
Sent: Monday, September 11, 2023 4:18 PM
To: Scanlan, Terry
Subject: RE: Certified Water Right Examiner Report for 63-34079 and 63-34080

Terry,

I believe that the operation plan is adequate, as does Justin Shearer, who will be reviewing my review memo. If approved by a water rights supervisor, we will also be adding these rights to our annual water delivery measurement network for added assurance in regards to compliance.

Blake Burkard

From: Scanlan, Terry <terry.scanlan@hdrinc.com>
Sent: Tuesday, September 5, 2023 1:58 PM
To: Burkard, Blake <Blake.Burkard@idwr.idaho.gov>; IDWR File <file@idwr.idaho.gov>
Cc: bsuefarm@yahoo.com
Subject: RE: Certified Water Right Examiner Report for 63-34079 and 63-34080

CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Blake,

An operation plan is attached. Let me know if this is adequate. Thanks.

Terry M. Scanlan, P.E., P.G.
D 208-872-9530 M 208-861-4758

hdrinc.com/follow-us

From: Burkard, Blake <Blake.Burkard@idwr.idaho.gov>
Sent: Friday, September 1, 2023 11:24 AM
To: Scanlan, Terry <terry.scanlan@hdrinc.com>
Cc: bsuefarm@yahoo.com
Subject: Certified Water Right Examiner Report for 63-34079 and 63-34080

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Terry,

I am currently reviewing the beneficial use field exam reports for permits 63-34079 and 63-34080. Approval conditions limited the annual diversion volumes to 133 and 102 acre-ft, respectively. The attached weekly pumping volumes for 63-34079 documented that the permit had exceeded its volume limit. While it is understood that the overall diversion volume between the two permits had been mitigated for adequately, the Department has concerns about licensing the

permits without an operational plan or some additional action that would keep the water rights within compliance of their respective volume limits.

Under permit 63-34079, Emmert diverted 160.4 acre-ft over 85 acres, which is approximately 1.9 acre-ft per acre. Emmert diverted approximately 0.8 acre-ft per acre under 63-34079. An acceptable operation plan could involve a more even distribution of the available surface water.

When an operation plan is developed, please email it to file@idwr.idaho.gov attn: Blake Burkard. Feel free to contact me with any questions you may have.

Regards,

Blake Burkard
Engineer Intern
(208) 287-4870
blake.burkard@idwr.idaho.gov



RECEIVED
Sep 05, 2023
DEPARTMENT OF
WATER RESOURCES

Memo

Date: Tuesday, September 05, 2023

Project: Chris Emmert Water Rights

To: Blake Burkard – blake.burkard@idwr.idaho.gov

From: Terry Scanlan, P.E, P.G. – HDR Engineering

cc: Chris Emmert - bsuefarm@yahoo.com

Subject: Operation Plan for Water Rights 63-34079 and 63-34080

Water rights 63-34079 and 63-34080 are limited to annual volumes of 133 acre feet and 102 acre feet, respectively. These volume limits are based on the annual mitigation volumes provided by the water right holder to the Boise Project Board of Control.

Two methods will be implemented to prevent exceedances of the volume limits in the future.

- The right holder shall record diversion volumes on a weekly basis and cease diversions when the volumes reach the annual limits. The wells supplying both water rights are equipped with magnetic flow meters with totalized flows reading in 1000-gallon increments. For 63-34079, the annual volume shall not exceed 43,338,050 gallons (43,338 on meter). For 63-34080, the annual volume shall not exceed 33,237,000 gallons (33,237 on meter). At the start of each irrigation season, these volumes shall be added to the beginning meter reading and recorded on the log sheet as the annual volume limit for that year. The operator can then easily monitor pumping throughout the irrigation season to prevent exceeding the annual limits recorded on the log sheet.

- For irrigation planning purposes, the estimated number of pumping days at the current diversion rates can be used to forecast water use. Assuming pumping of 63-34079 at 1.52 cfs, the pump can be operated for a total of 44 days. Assuming pumping of 63-34080 at 1.18 cfs, that pump can likewise be operated for 44 days. Actual pumping days will be longer if the pumps are operated at less than full capacity. Under this method, the operator should begin to pay close attention to actual diversion volume if a pump is operated for more than 40 days in any irrigation season.

HDR, River Quarry at Parkcenter, 412 E Parkcenter Blvd Suite 100, Boise, ID 83706
(208) 872-9500

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

January 31, 2023

CHRIS EMMERT
7180 BOWMONT RD
NAMPA ID 83686

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 63-34079 & 63-34080

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder(s):

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **April 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a $50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this department on or before the above proof due date. If neither is received, the department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosure(s)

c: JOHN M MARSHALL

CERTIFIED MAIL
7016 0750 0000 2176 3029
NO

SCANNED
JAN 31 2023