

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 57-7638

Priority: February 06, 1997

Maximum Diversion Rate: 0.96 CFS

Maximum Diversion Volume: 216.0 AF

It is hereby certified that:

ROBERT A THOMAS 17947 SHORT CUT RD OREANA ID 83650-5089 AND/OR
 KELLY A THOMAS 17947 SHORT CUT RD OREANA ID 83650-5089

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 06, 1997, and has submitted Proof of Beneficial Use on August 31, 2022. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use

IRRIGATION

Period of Use

03/01 to 11/15

Rate of Diversion

0.96 CFS

Annual Volume

216.0 AF

Location of Point(s) of Diversion

GROUND WATER L3(NW¼ SW¼), Sec. 31, Twp 04S, Rge 01E, B.M. OWYHEE 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	
04S	01E	31				4.0					3.0	29.0 L3	7.0 L4	1.0	2.0	2.0			48.0

Total Acres: 48.0

Conditions of Approval

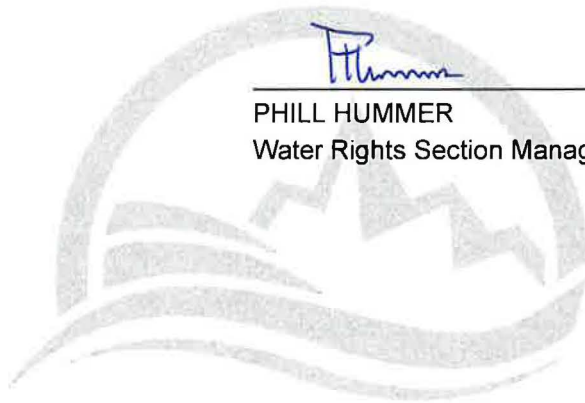
1. Rights 57-7267, 57-7638, and 57-11884 when combined shall not exceed a total diversion rate of 3.92 cfs.
2. Rights 57-40, 57-49, 57-50, 57-55, 57-56B, 57-72, 57-74, 57-79, 57-81, 57-2235, 57-7267- 57-7638, 57-7639, 57-10558, and 57-11884 when combined shall not exceed the total irrigation of 580 acres.
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 place of use.
4. 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.
5. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
6. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right.

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7. 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.

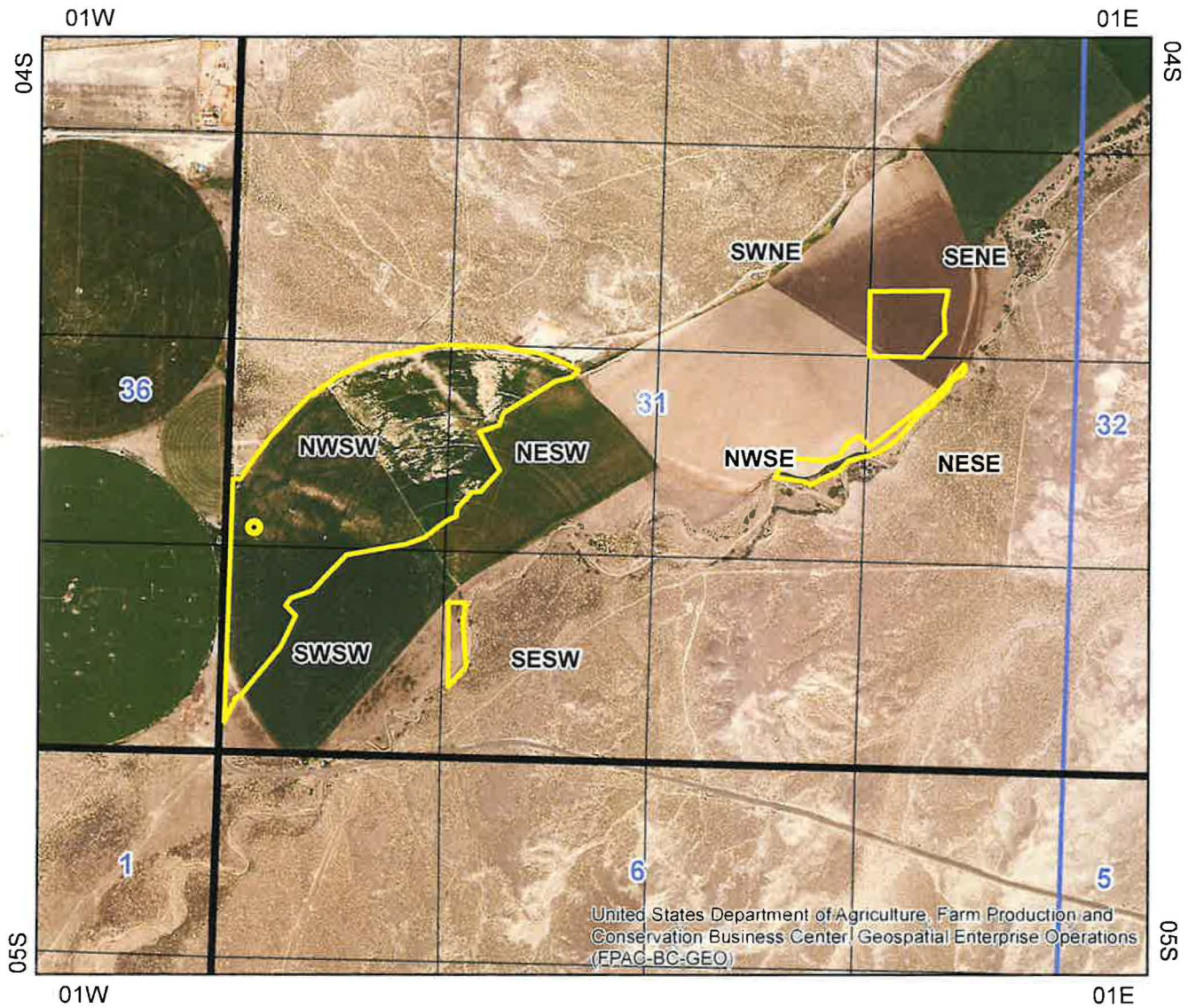
Signed this 26th day of March, 2025.



PHILL HUMMER
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
57-7638

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 0.125 0.25 0.5 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. 57-7638

RECEIVED

MAR 24 2025

DEPARTMENT OF
WATER RESOURCES

Priority: February 06, 1997

Maximum Diversion Rate: 0.96 CFS

Maximum Diversion Volume: 216.0 AF

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 57-7638

ROBERT A THOMAS 17947 SHORT CUT RD OREANA ID 83650-5089 AND/OR
KELLY A THOMAS 17947 SHORT CUT RD OREANA ID 83650-5089

requests the permit be changed as follows:

Source : GROUND WATER

Beneficial Use

IRRIGATION

Period of Use

03/01 to 11/15

Rate of Diversion

0.96 CFS

Annual Volume

216.0 AF

Location of Point(s) of Diversion

GROUND WATER L3(NW¼ SW¼), Sec. 31, Twp 04S, Rge 01E, B.M. OWYHEE 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	
04S	01E	31				4.0					3.0	29.0 L3	7.0 L4	1.0	2.0	2.0			48.0

Total Acres: 48.0

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 20th day of March, 2025.


(Signature)

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 57-7638

FOR DEPARTMENT USE ONLY

Preliminary check by KM Fee = \$100 Received by KM # 6120526 Date 3/24/25

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 57-7638 with the following:

Conditions of Approval

1. Rights 57-7267, 57-7638, and 57-11884 when combined shall not exceed a total diversion rate of 3.92 cfs.
2. Rights 57-40, 57-49, 57-50, 57-55, 57-56B, 57-72, 57-74, 57-79, 57-81, 57-2235, 57-7267- 57-7638, 57-7639, 57-10558, and 57-11884 when combined shall not exceed the total irrigation of 580 acres.
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 place of use.
4. 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.
5. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
6. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right.
7. 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 26th day of March, 2025.



PHILL HUMMER
Water Rights Supervisor



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

March 28, 2025

ROBERT A THOMAS
KELLY A THOMAS
17947 SHORT CUT RD
OREANA ID 83650-5089

RE: License No. 57-7638

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 March 28, 2025, I served a true and correct copy of Water Right License No. 57-7638 by U.S. Mail, postage prepaid, to the following:

ROBERT A THOMAS (Current Owner)
17947 SHORT CUT RD
OREANA ID 83650-5089

KELLY A THOMAS (Current Owner)
17947 SHORT CUT RD
OREANA ID 83650-5089



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.



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

March 12, 2025

ROBERT A THOMAS
17947 SHORT CUT RD
OREANA ID 83650-5089 AND/OR

KELLY A THOMAS
17947 SHORT CUT RD
OREANA ID 83650-5089

RE: Water Right Permit No. 57-7638 - Amendment

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):

 X Place(s) of Use

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.

Respectfully,

Phill Hummer
Water Rights Section Manager

Enclosure(s): Application for Amendment, Amendment Map

cc: Scott King, HDR (via email)

MEMORANDUM

TO: Water Right Files 57-7638 & 57-11884

FROM: Justin Shearer – Water Resource Agent, Principal

DATE: October 24, 2023

SUBJECT: Licensing Review of Water Right 57-7638 & 57-11884

The field exam for these rights were performed by Certified Water Right Examiner Scott King of HDR Engineering Inc. Initial review of exams was performed for Daniel Nelson of IDWR in October of 2023. For water right permit 57-7638, Mr. King recommended 0.51 cubic feet per second (CFS and 216 acre-feet (af) for the irrigation of 48 acres. Mr. King also reported that the stockwater use authorized by permit 57-7638 was not developed. For water right permit 57-11884, Mr. King recommended 0.25 cfs and 127 af for the irrigation of 47 acres. However, for water right permit 57-7638 Daniel Nelson recommended 0.96 cfs and 216 af for the irrigation of 48 acres. As for, water right permit 57-11884, Daniel Nelson recommended 0.77 cfs and a volume of 212 af for the irrigation of 47 acres.

Overlap:

Water rights 57-7638 & 57-11884 are within a system that diverts cold ground water under water right 57-7267 and hot ground water under water right 57-2235. There is point of diversion (POD) overlap for both rights being reviewed with 57-7267. The system can also divert surface water rights 57-40, 57-49, 57-50, 57-55, 57-56B, 57-72, 57-74, 57-79, 57-81, 57-7639, and 57-10558. Water right 57-2235 is diverted from the Hot Well and diverted into a cooling/regulation pond. It appears most of the surface water and permit 57-11884 could or are diverted into and out of this pond. The acres being recommended by Mr. King are not previously covered by the above overlapping water rights.

Point of Diversion and Place of Use:

In review of both Mr. King's report and Mr. Nelson's initial review I find no issues with the point of diversions being recommended for these two rights. In this system there are two cold water wells and one hot water well. In Mr. King's report, the two cold water wells are described as #1 New Well and #2 Cold Water Well; the hot well is described as Hot Well. All the wells and the surface water are connected in a common system. Water right 57-7267 and permit 57-7638 are diverted out of #2 Cold Well. Water right 57-7267 and permit 57-11884 are diverted out of #1 New Well.

In review of the acres being recommended by Mr. King, he endorsed a 47-acre place of use (POU) for permit 57-11884 and a 48-acre POU for 57-7638. Dan Nelson concluded his review

by recommending the acre amounts provided by Mr. King. I too, agree with the amounts provided and am recommending 47 acres for 57-11884 and 48 acres for 57-7638. Though specific acres are identified by Mr. King for both permits, Dan Nelson seemed to think that a PPU for both permits is necessary due to a difficulty in identifying acres irrigated under said permits. However, I disagree with this sentiment and do not see a good reason for recommending PPU's for these permits and am recommending that they be licensed clearly identifying the acres recommended by Mr. King.

Diversion Rate and Volume:

Diversion Rate:

Water rights 57-7267 and permit 57-7638 are diverted of #2 Cold Well (see field report system diagram). The flow from #2 Cold Well was measured at 2.00 cfs by Mr. King. Water right 57-7267 and permit 57-11884 are diverted out of #1 New Well (see field report system diagram). The flow from #1 New Well was measured at 0.77 cfs by Mr. King. In review of the field report for 57-7267, Dan Nelson found discrepancy with the licensed rate of 3.92 cfs, and the measured diversion rate of 2.00 cfs for this well taken by Mr. King in the field report provided for 57-7638 & 57-11884. Dan Nelson noted that the 3.92 cfs for 57-7267 was based on sprinkler calculations and was entirely theoretical in nature without any calculations for friction loss and assumed a pumping water level based on the well driller's report. Mr. King provided the downloaded data of the measurements he made in the field for both wells. Because of this, the actual flow measurements made by Mr. King should be considered more reliable, consistent, and reasonable.

For permit 57-7638, Mr. King recommended 0.51 cfs for 48 acres of irrigation. This diversion rate is based upon a combination of the two well's measured diversion rate of 2.77 cfs divided by 259 total acres irrigated by 57-7267 & 57-7638 for a rate of 0.011 cfs/acre. He then multiplied 0.011 cfs by the measured 48 acres to arrive at his recommended rate of 0.51 cfs. It should be noted that this is less than the permitted rate of 0.96 cfs for 48 acres for 57-7638.

For permit 57-11884, Mr. King recommended 0.25 cfs for 47 acres. This diversion rate is based upon the measured diversion rate of 2.77 cfs on both wells divided by a total of 528 acres irrigated by 57-7267 and 57-11884 for a rate of 0.005 cfs/acre. He then multiplied by the measured 47 acres to arrive at his recommended rate of 0.25 cfs. It should be noted that this is less than the permitted amounts of 2.45 cfs for 294 acres for 57-11884.

My recommendation:

For 57-7638: 2.00 cfs was measured and 48 acres were found to be irrigated; permit limited the use to 0.96 cfs. Thus, $(0.02 \text{ cfs/acre standard}) \times (48 \text{ acres}) = 0.96 \text{ cfs}$. Since the capacity of the #2 Cold Water Well pump is greater than the Department standard of 0.02 cfs/acre, the following condition limiting the diversion rate to 0.96 cfs should be added: *Rights 57-7267, 57-7638, and 57-11884 when combined shall not exceed a total diversion rate of 3.92 cfs.*

For 57-11884: 0.77 cfs was measured and 47 acres were found to be irrigated; permit limited the

use to 2.45 cfs. Thus, $(0.02 \text{ cfs/acre standard}) \times (47 \text{ acres}) = 0.94 \text{ cfs}$. Since the capacity of the #1 New Well pump is less than the Department standard of 0.02 cfs/acre, we should limit the diversion rate to the 0.77 cfs with the following condition: *Rights 57-7267, 57-7638, and 57-11884 when combined shall not exceed a total diversion rate of 3.92 cfs.*

Volume:

The 216 af volume recommended by Mr. King for 57-7638 is reasonable and should be used at licensing. I recommend that permit 57-7638 be licensed with a volume of 216 af.

Mr. King recommended a volume of 127 af for 57-11884 based on a diversion rate of 0.25 cfs. Since I am recommending a diversion rate of 0.77 cfs, that would allow for a diversion volume of 397 af based on a 260-day season. Thus, the volume calculated by MR. King using the headgate requirement volume multiplied by the 47 acres of 212 af should be used as the volume for this permit. I recommend that permit 57-11884 be licensed with a volume of 212 af.

Conditions:

Condition WB7 is updated to reflect the respective volume for the licensed acres. Condition 076 clarifying one point of diversion is being removed since only one POD is being licensed so it is not necessary. Conditions 046 and 26A are being removed as per department standard. Condition 121 is being updated to condition 103 as per department standard. Conditions 065 and 105 are being replaced by condition 943. Condition X35 is being added to provide a combined use limit on the rate between rights 57-7267, 57-7638, and 57-11884.