

State of Idaho
Department of Water Resources
Amended Water Right License
Water Right No. 63-33415

Priority: September 27, 2010

Maximum Diversion Rate: 2.98 CFS

Maximum Diversion Volume: 2,826 AF

It is hereby certified that:

D YAMAMOTO DEVELOPMENT LLC 5255 W HUBBARD RD KUNA ID 83634

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 19, 2010, and has submitted Proof of Beneficial Use on August 09, 2023. 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	2.98 CFS	2,826 AF

Location of Point(s) of Diversion

GROUND WATER	SW¼ SW¼, Sec. 5, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	SE¼ SE¼, Sec. 5, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	NW¼ SW¼, Sec. 5, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	NE¼ NW¼, Sec. 8, Twp 01N, Rge 01E, B.M.	ADA 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	
01N	01E	5			40			37 L4	40	40	40	40	37	40	40	40	40	40	474
01N	01E	8					40	40	39	35									154

Total Acres: 628

Conditions of Approval

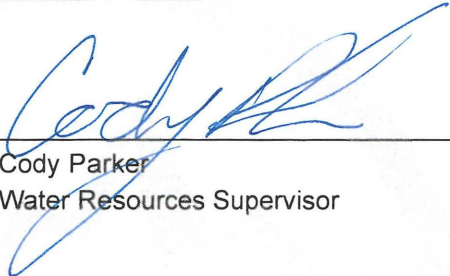
1. Rights 63-12009, 63-3126, 63-3167, 63-7286 and 63-33415 when combined shall not exceed a total annual maximum diversion volume of 3771 af at the field headgate, and the irrigation of 838 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
4. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
5. Water bearing zone to be appropriated is from 250 to 400 feet.

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6. 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 15 day of July, 2025.



Cody Parker
Water Resources Supervisor



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

July 15, 2025

D YAMAMOTO DEVELOPMENT LLC
5255 W HUBBARD RD
KUNA, ID 83634

RE: Preliminary Order in the matter of License No. 63-33415

Dear Owner,

The enclosed order (amended water right license) is an “**amended preliminary order**” issued by the Department pursuant to Rule 730 of the Department’s Rules of Procedure (IDAPA 37.01.01). It can and will become a final order without further action of the Department unless any party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have questions regarding this matter, please contact me at 208-605-4629.

Sincerely,

Cody Parker
Water Resources Supervisor

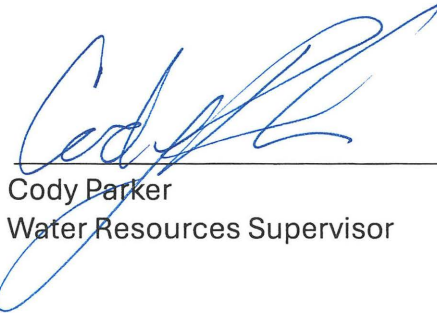
Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2025 I served a true and correct copy of the foregoing **AMENDED WATER RIGHT LICENSE** by U.S. Mail, postage prepaid, to the following:

RE: Water Right License No. 63-33415

D YAMAMOTO DEVELOPMENT LLC (Current Owner)
5255 W HUBBARD RD
KUNA ID 83634



Cody Parker
Water Resources Supervisor

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.

Hobson, Susy

RECEIVED

JUL 10 2025

WATER RESOURCES
WESTERN REGION

From: Judy Yamamoto <djyam1@msn.com>
Sent: Wednesday, July 9, 2025 5:51 PM
To: IDWR File
Subject: Fw: Petition Reconsideration: Water Right License No. 63-33415
Attachments: IDWR Reconsideration.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.

From: Judy Yamamoto <djyam1@msn.com>
Sent: Wednesday, July 9, 2025 10:39 AM
To: nick.miller@idwr.idaho.gov <nick.miller@idwr.idaho.gov>
Subject: Petition Reconsideration: Water Right License No. 63-33415

Dear Mr. Miller,

The accompanying letter is a response to the letter IDWR sent me June 27, 2025. I look forward to the department's action within 21 days of receiving this letter. My contact information is listed below.

Best Regards,

Judy Yamamoto
Cell phone: 208-870-2140
email: djyam1@msn.com

RECEIVED

Jul 09, 2025

DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
Western Regional Office
Attn: Nick Miller, Western Regional Manager
2735 W. Airport Way
Boise, ID 83705

RECEIVED

JUL 10 2025

WATER RESOURCES
WESTERN REGION

Re: Petition for Reconsideration – Water Right License No. 63-33415

Dear Mr. Miller,

Pursuant to IDAPA 37.01.01.730, this letter serves as a formal petition for reconsideration of the conditions of approval issued with Water Right License No. 63-33415. We respectfully request that the Department waive or revise the following conditions for the reasons outlined below:

Groundwater is the Sole Source of Irrigation

Water Right 63-33415 authorizes the use of groundwater as the primary and exclusive source of irrigation supply to the entire 628-acre place of use. No surface water rights are appurtenant to the property, and no surface water is delivered to the place of use. Therefore, the condition requiring that groundwater may only be used when surface water is not reasonably available is not applicable to this license. We request this condition be waived in its entirety, as there is no alternative surface water supply associated with or accessible to this property.

Flow Measurement and Reporting Conditions No Longer Justified Post-Licensing

Conditions requiring monthly flow rate and volume recording, as well as static water level monitoring, were appropriate during the permit phase of development to ensure that use under the right did not cause material injury to senior rights. However, IDWR has since confirmed full beneficial use, and no complaints of injury have been filed by other water users in connection with this right.

Given the Department has issued a license, thereby affirming that the diversion and use of water occurred in accordance with Idaho law, including protection of other rights, we believe that continued imposition of permit-phase monitoring conditions is unnecessary and inconsistent with other licensed water rights under similar circumstances.

Material Injury Provision is Inappropriate and Unprecedented

We also request reconsideration of the material injury clause included in this license. To our knowledge, similar clauses are not standard in groundwater licenses of this nature. This provision is unnecessary, as the Department already retains authority under Idaho law to respond to verified injury through existing administrative procedures. Including this clause as a condition on this license implies a higher burden or unique scrutiny not applied to other similar water rights, despite no evidence or allegation of injury.

As no credible evidence has been presented indicating this diversion is causing harm to senior rights, and no formal protest or petition has been filed, we respectfully request this provision be removed from the license to ensure consistent and equitable treatment among water users.

Conclusion

For the reasons described above, we request that the Department waive or revise the conditions on License 63-33415 as follows:

- Remove the surface water substitution condition as no surface water rights or deliveries exist at the place of use.
- Remove post-licensing measurement and reporting requirements, as beneficial use has been confirmed and no injury complaints have been received.
- Remove the material injury condition, as it is inconsistent with IDWR's standard licensing practice and not supported by record evidence.

We appreciate the Department's consideration of this petition. Please feel free to contact me if further information or clarification is needed.

Sincerely,

Judy Yamamoto - 208-876-2140
Owner - Irrigator djyam1@msn.com

Conditions of Approval of Interest