

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF WATER RIGHT	)	
NO. 65-23792 IN THE NAME OF	)	PRELIMINARY ORDER
MICHAEL BOSTON	)	CORRECTING LICENSE
_____	)	

This matter has come before the Department of Water Resources (Department) as a result of notice provided by MICHAEL BOSTON on November 6, 2024, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On January 9, 2019, the Department approved application for permit 65-23792.
2. The permit included a condition (Measurement Condition) which states “The right holder shall install and maintain acceptable measuring devices at the point of diversion from the Payette River and at the point of rediversion from Seven-mile Slough.” The permit included the Measurement Condition because the permit authorized diversion and rediversion of a total of 0.29 cubic feet per second (cfs).
3. On May 10, 2024, the Department issued *Preliminary Order Requiring Controlling Works and Measuring Devices in Water District 65, Payette River and Tributaries*. The requirement to install measuring devices does not apply:
 - a. If the sum of the authorized irrigated acres under the water rights sharing the same diversion is less than or equal to five acres; or
 - b. If the sum of the authorized diversion rates under the water rights sharing the same diversion for any purpose other than irrigation is less than or equal to 0.24 cfs
4. On October 24, 2024, the Department issued water right license 65-23792 (License) pursuant to the provisions of Idaho Code §42-219. The License included the Measurement Condition even though the total diversion rate of the water right as licensed was reduced to 0.07 cfs and 1.8 acres of irrigation.
5. On February 21, 2025, the Water Master of Water District 65 confirmed a measurement device is not required for the rediversion out of Seven-Mile Slough for 0.07 cfs for irrigation and stockwater.
6. On February 25, 2026, a written notice of error and intent to change the water right License was provided to water right owner, pursuant to Idaho Code §67-5254.

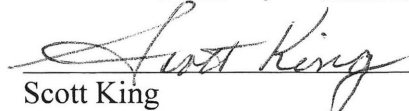
CONCLUSIONS OF LAW

1. The license approval should accurately describe the measurement requirements of the water right as confirmed pursuant to Idaho Code §42-219.
2. The license approval should list a measurement requirement consistent with the measurement order in Water District 65.
3. The Department should correct the water right to list the corrected measurement condition described in the February 25, 2026, notice.

ORDER

IT IS THEREFORE HEREBY ORDERED THAT Water Right 65-23792 is **CORRECTED** by changing the condition.

Dated this 5th day of March, 2026.



Scott King

Western Regional Manager

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23792

AMENDED

Priority: August 15, 2018

Maximum Diversion Rate: 0.07 CFS

It is hereby certified that:

MICHAEL BOSTON 1032 VANDERDASSON RD EMMETT ID 83617-8880

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 15, 2018, and has submitted Proof of Beneficial Use on November 17, 2023. An examination confirms water is diverted from:

Source : PAYETTE RIVER

Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.05 CFS	
STOCKWATER	01/01 to 12/31	0.02 CFS	0.2 AF

Location of Point(s) of Diversion

PAYETTE RIVER L5 (NW¼ SW¼), Sec. 10, Twp 06N, Rge 02W, B.M. GEM County
 PAYETTE RIVER SW¼ NW¼, Sec. 9, Twp 06N, Rge 02W, B.M. GEM County (Rediversion)
 PAYETTE RIVER L5 (NW¼ SW¼), Sec. 10, Twp 06N, Rge 02W, B.M. GEM County (Injection)

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	
06N	02W	9							1.8										1.8

Total Acres: 1.8

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	
06N	02W	9							X										

Conditions of Approval

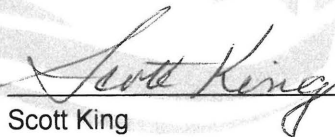
1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
3. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23792

4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Water diverted from the Payette River under this permit is injected into Sevenmile Slough. Water shall not be diverted from Sevenmile Slough unless an equal amount of Payette River water is being injected into Sevenmile Slough.
6. The right holder shall install and maintain acceptable measuring devices at the point of diversion from Payette River and, upon specific request from the Department, an acceptable measuring device at the point of rediversion from Sevenmile Slough.
7. This right does not grant any right-of-way or easement across the land of another.
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 5th day of March, 2026.



Scott King
Western Regional Manager