



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

11/19/2015

MAYFIELD TOWNSITE LLC
PO BOX 1359
CALDWELL ID 83606

BRUCE M. SMITH
ATTORNEY AT LAW
950 W. BANNOCK ST STE 520
BOISE ID 83702

Re: Draft Permit Approval No. 63-32499 (Mayfield Townsite LLC)

Dear Parties:

The Department of Water Resources has prepared the attached draft permit approval for application number 63-32499.

Please review the draft approval carefully and contact the Department within 14 days of the date of this letter with any concerns. The application has no remaining protests; therefore, if we do not hear from you, the Department will take the steps necessary to bring the application to final resolution. As always, you may file a petition for reconsideration within 14 days after the preliminary order approving the permit is issued.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Nick Miller
Regional Manager

Enclosure: draft approval for water right 63-32499

cc:
Ark Properties, John Mc Callum

State of Idaho
Department of Water Resources

DRAFT Permit to Appropriate Water DRAFT

NO. 63-32499

Priority: July 28, 2006

Maximum Diversion Rate: 10.00 CFS

This is to certify, that MAYFIELD TOWNSITE LLC
PO BOX 1359
CALDWELL ID 83606

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	10.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4NE1/4	Sec. 24, Twp 01N, Rge 04E, B.M.	ELMORE County
GROUND WATER	SE1/4SW1/4	Sec. 23, Twp 01N, Rge 04E, B.M.	ELMORE County
GROUND WATER	SE1/4NE1/4	Sec. 27, Twp 01N, Rge 04E, B.M.	ELMORE County
GROUND WATER	NW1/4SW1/4	Sec. 24, Twp 01N, Rge 04E, B.M.	ELMORE County
GROUND WATER	SW1/4SW1/4	Sec. 24, Twp 01N, Rge 04E, B.M.	ELMORE County
GROUND WATER	SE1/4SE1/4	Sec. 24, Twp 01N, Rge 04E, B.M.	ELMORE County
GROUND WATER	SW1/4SE1/4	Sec. 18, Twp 01N, Rge 05E, B.M.	ELMORE County
GROUND WATER	L2 (SW1/4NW1/4)	Sec. 19, Twp 01N, Rge 05E, B.M.	ELMORE County

PLACE OF USE: MUNICIPAL (See Condition of Approval #3)

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2020**.
2. Subject to all prior water rights.
3. Place of use is within the area served by the public water supply system of Mayfield Townsite. The place of use is generally located within Sections 12-15 and 22-27, Township 1N, Range 4E and Sections 5, 7, 8 and 17-21, Township 1N, Range 5E.
4. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
5. Prior to submitting proof of beneficial use, the right holder shall not assign ownership of the permit to another owner without prior notification to the Department.
6. Prior to or in connection with the proof of beneficial use statement to be submitted for municipal water use under this right, the right holder shall provide the department with documentation showing that the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply and that it has been issued a public water supply number.
7. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
8. This right does not grant any right-of-way or easement across the land of another.

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NO. 63-32499

9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
11. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for municipal type irrigation within the place of use.
13. Diversion of water under this water right will impact the sufficiency of the supply for the Swan Falls minimum flows, because of the direct hydraulic connection between the ground water being appropriated by the applications and the Snake River above Swan Falls Dam. The water right holder shall fully participate in any requirement imposed upon other junior water right holders and trust water right holders needed to satisfy the Swan Falls minimum flows.
14. Prior to diversion and use of water under this right, the right holder shall install a flow measurement and volume totalizing device of a type approved by the Department on each point of diversion to measure flow and volume of water diverted.
15. Diversion and use of water in connection with this right is subject to a Monitoring-Reporting Plan. The right holder shall provide the Department with a plan for monitoring-reporting aquifer levels, diversion flow rates, and volumes. The monitoring-reporting should occur in parallel with land development and production and should include identification of non-production wells and timelines for measuring and reporting. The right holder shall not divert water in connection with this right until the plan is approved by the Department. Failure to comply with the plan once it is accepted shall be cause for the Department to cancel or revoke the right.
16. Common areas, parks, school grounds, golf courses, and any other large parcels may only be irrigated under this water right with wastewater that has been previously beneficially used for potable or culinary purposes, has been treated in a waste water treatment plant, and is delivered from the wastewater treatment plant to the parcel to be irrigated.
17. Water diverted under this right may be used for direct irrigation of up to ½ acre per residential lot upon which a home has been constructed.
18. This right is limited to a total diversion volume of 4320.0 acre-feet annually.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this _____ day of _____, 20_____.

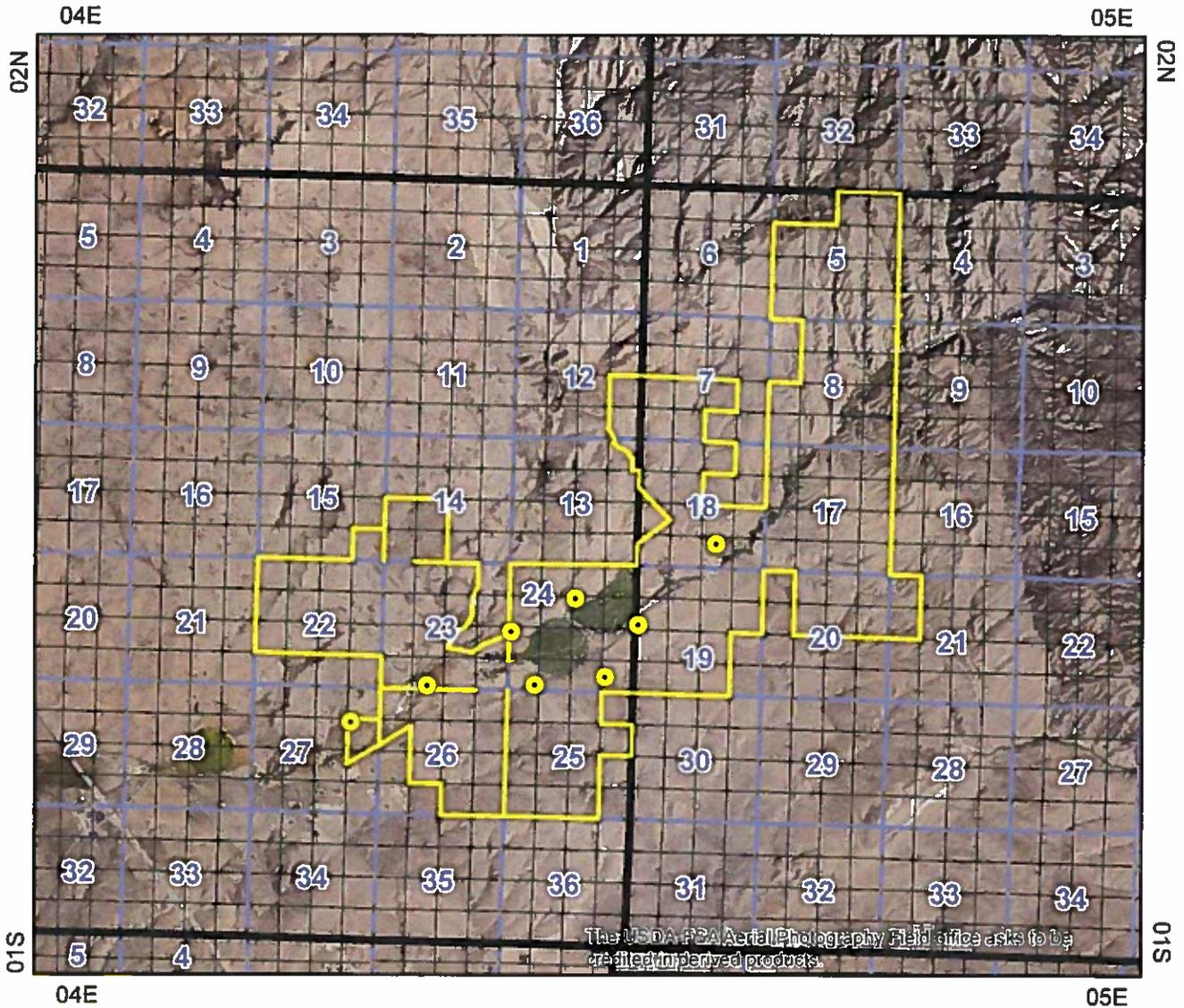
GARY SPACKMAN, Director

Attachment to Permit to Appropriate Water

63-32499

DRAFT

This map depicts the MUNICIPAL 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.



- Point of Diversion
- Water Service Area Boundary
- Townships
- PLS Sections

