

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
APR 08 2022
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 INFORMATIONPermit No. 63-34259

1. Owner Moonlake Ranch Owners' Association, Inc. Phone No. (208) 286-9666
Current address c/o Star Property Management, P.O. Box 810, Star, ID 83669
2. Examiner's name Alexandra Clark and Terry Scanlan (CWRE 129) EXAM DATE March 23, 2017
3. Accompanied by Christina Bowers Email _____
Address _____
Relationship to permit holder contact for Moonlake Ranch Owners' Assoc. Phone No. 208-286-7330
4. Source Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use Irrigation (MMDC, MIA, PDC, DD2), Muni (City of Eagle), 63-12305
2. Other water rights with the same source and point of diversion 63-12305

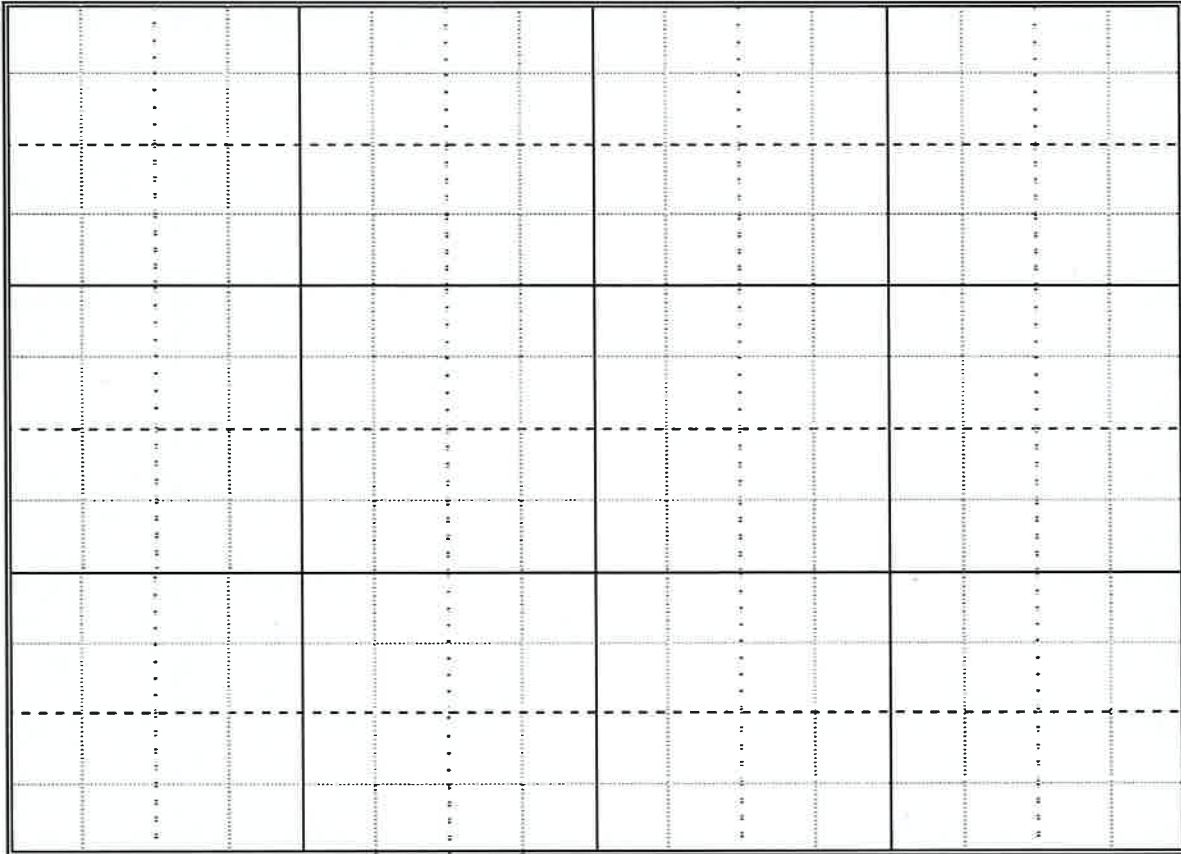
C. DIVERSION AND DELIVERY SYSTEM**1. Point(s) of Diversion:**

Ident. No.	Gov't Lot	¼	¼	¼	Sec	Twp	Rge	County	Method of Determination/Remarks
Well 3	5		NW	SW	14	4N	1W	Ada	Field Exam, 8/16/2013 Photo (Well 3)

2. Place(s) of Use: Method of determination Field Exam, 8/16/2013 Photo

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	14										A							
												L5							

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
Well 3	none (artesian)	none	none	none (artesian)	none

*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
5-gallon bucket/stopwatch	n/a	n/a	n/a	n/a	5 gallon	3/23/2017

2. **Measurements:** _____

Flow measurement was attempted using an ultrasonic flow meter (Transport PT878); however, a reading could not be taken as the 4-inch discharge pipe was approximately 1/4 to 1/3 full, with the flow valve indicated by Christina Bowers as fully open. Discharge from the end of the pipe was measured over a 10-minute interval using a bucket/stopwatch.

E. NARRATIVE/REMARKS/COMMENTS

An 8-inch diameter artesian well (Artesian Well 3) supplies flow for aesthetic purposes to an existing waterfall feature that discharges to Pond 1. Artesian Well 3 is located on the south side of Pond 1 and on the north side of S. Tranquil Ln. This well was described previously in the beneficial use field report exam for water right 63-12305 performed by IDWR on August 16, 2013. Permit 63-34259 seeks 0.12 cfs between 1/1 and 12/31 based on a measurement taken by IDWR during its August 16, 2013 field exam and historical year-round use in the water feature. The zone of appropriation for Well 3 is 200-245 feet. Caron Pump confirmed the well depth and zone of appropriation on June 27, 2016. No well driller's log was available. The Bowers operate the well for the applicant, which is controlled by a valve shut off. The valve was turned on by Christina Bower on March 23, 2017 to full capacity, and the well flowed for the exam. Discharge from the well is through a 4-inch diameter steel pipe immediately to the slope that discharges to the pond. Artesian Well 3 is used to supply flow over the water feature slope under permit 63-34259 and flow to Pond 1 under water right 63-12305. An IDWR letter in the permit file dated 8/28/2018 suggests that the 2013 flow measurement could be used for licensing rate and volume for 63-34259.

Attachment A is a copy of the permit. Attachment B is a topographical map of the point of diversion and place of use. Attachment C includes photographs of the well and place of use. Attachment D describes flow calculations based on measurements taken on March 23, 2017 and on August 16, 2013.

Volume calculation is based on historical year-round use of the well for the water feature, including winter-time use to keep an area of the pond clear of ice for use by water fowl. This does not qualify as a wildlife use; the intent is for beneficial use for aesthetics.

The original of this exam report was prepared by Alexandra Clark (CWRE 156) of SPF Water Engineering in March 2017. SPF was unable to obtain a signed Statement of Completion from permit holder, and subsequently submitted the field exam to IDWR in August 2018, then withdrew the exam based on IDWR suggestion. This field report uses the data collected in the 2017 exam.

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 attachedMeasured Method:
See Attachment D.

Diversion rate from point of diversion in lot 5 (Well 3) not to exceed 0.12 cfs in combination with 63-12305.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

0.12 cfs x 365 days x 1.9835 = 86.9 ac-ft

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Aesthetic	1/1	12/31	0.12	86.9
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.12</u>	<u>86.9</u>

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

March 16, 2022

Reviewer _____

Date _____



Attachment A - Permit

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34259

Priority: August 05, 2016

Maximum Diversion Rate: 0.12 CFS

This is to certify, that MOON LAKE RANCH OWNERS ASSN INC
PO BOX 810
STAR ID 83669

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>
AESTHETIC	01/01 to 12/31	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L5 (NW¼SW¼) Sec. 14, Twp 04N, Rge 01W, B.M. ADA County

PLACE OF USE: AESTHETIC

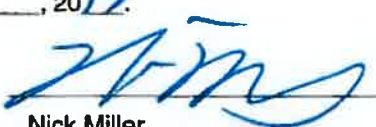
Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
04N	01W	14																		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before February 01, 2022.
2. Subject to all prior water rights.
3. Water bearing zone to be appropriated is 200 to 245 feet.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. Aesthetic use is for an existing water feature (waterfall).
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. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 30th day of January, 2017.


Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34259

This map depicts the AESTHETIC 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.

01W

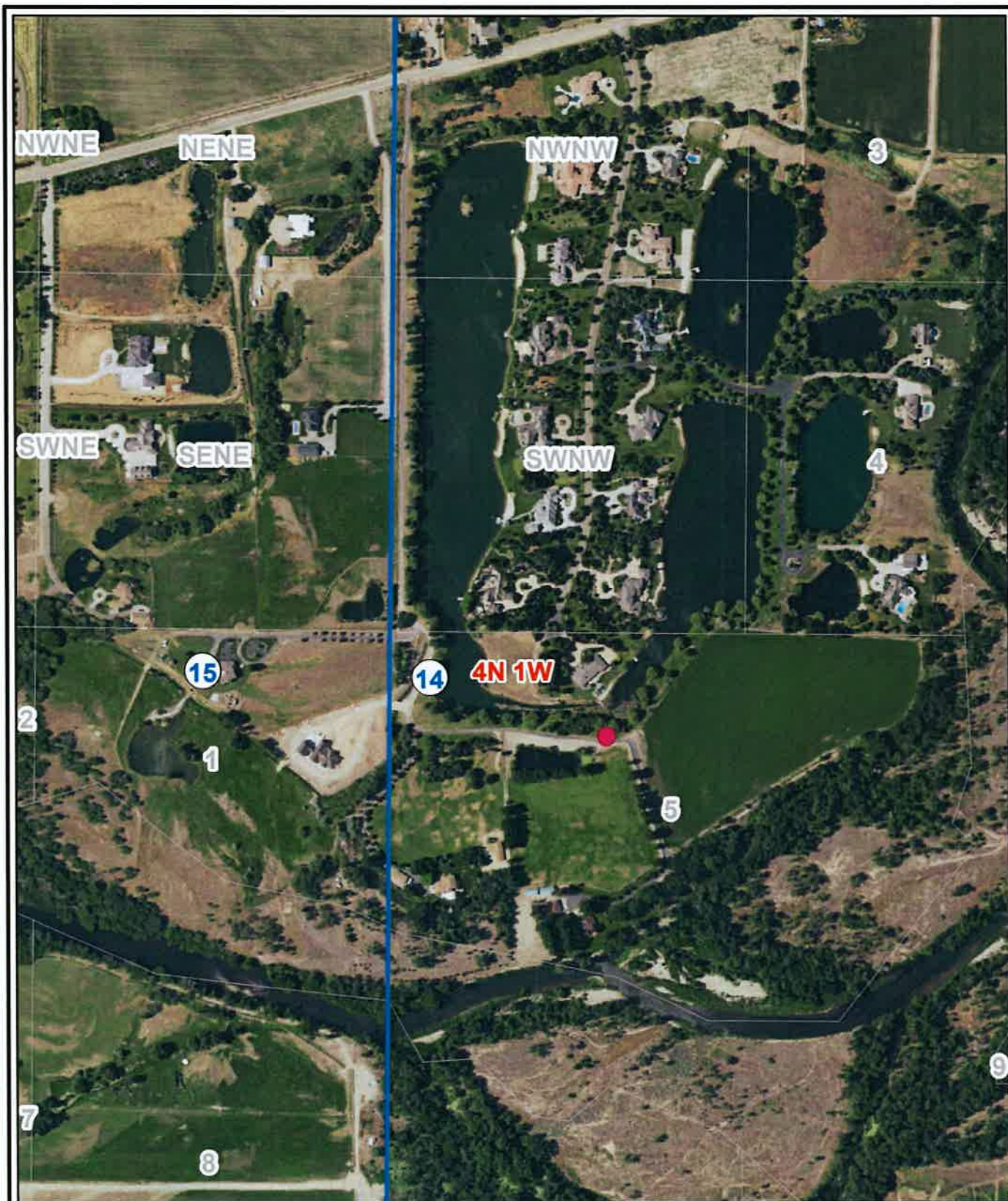


- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.035 0.07 0.14 Miles



Attachment B - Map



● Point of Diversion and Place of Use

Permit 63-34259 - Location



500

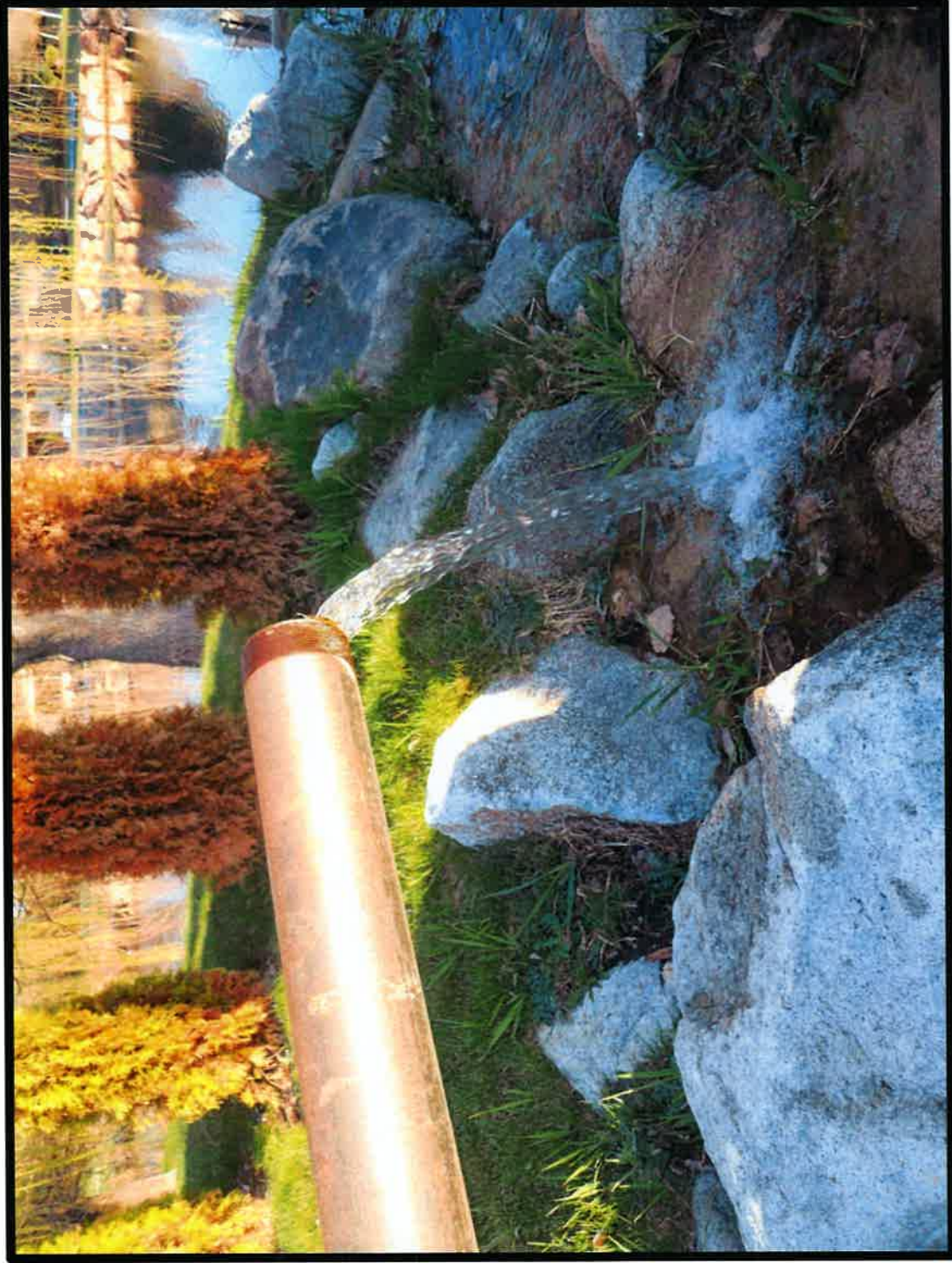
Feet



Attachment C - Photographs



Artesian Well #3



Discharge during March 23, 2017, Field Exam



Artesian Well #3, Existing Water Feature, and Place of Use (Pond #1)

Attachment D - Flow Calculations

FLOW CALCULATIONS

August 16, 2013

Measurements were made by IDWR using an orifice weir and a portable flow meter at Artesian Well #3 on August 16, 2013. See beneficial use field report for 63-12305. Measured rate was 53 gpm (0.12 cfs).

March 23, 2017

A 5-gallon capacity plastic bucket was used by SPF Water Engineering to measure flow from the 4-inch discharge line from Artesian Well #3 during five, separate tests (noted below) on March 23, 2017. The bucket was filled to a level corresponding with 4-gallons based on 'calibration' of the bucket. The calibration was performed by filling the 5-gallon bucket with water to the 'fill' line and weighing the bucket. The measured weight of 34.1 pounds is equivalent to 4.1 gallons (using a conversion factor of 8.34 pounds per 1 gallon of water).

Test 1: 6.80 seconds to fill 5-gal bucket to 4-gal line = 35 gpm

Test 2: 7.24 seconds to fill 5-gal bucket to 4-gal line = 33 gpm

Test 3: 6.28 seconds to fill 5-gal bucket to 4-gal line = 38 gpm

Test 4: 6.54 seconds to fill 5-gal bucket to 4-gal line = 36 gpm

Test 5: 6.87 seconds to fill 5-gal bucket to 4-gal line = 34 gpm

The average flow rate based on the above five tests is 35.2 gpm (0.08 cfs).

The larger of the two measurements, 0.12 cfs, is proposed for licensing.

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SAWTOOTH LAW OFFICES, PLLC

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DEPARTMENT OF
WATER RESOURCES

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Friday, April 08, 2022

Via Hand Delivery

Angela Hansen, Manager
Water Rights Section
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720—0098

Re: Lapse Notice—Permit No. 63-34259

Dear Ms. Hansen:

I write you on behalf of Moon Lake Ranch Owners Association, Inc. ("MLR"), owner of Water Right Permit No. 63-34259 ("Permit"), in response to the Lapse Notice issued by the Department dated February 8, 2022. Enclosed please find the executed beneficial use Statement of Completion signed by current MLR Board President Jerry Jones, as well as the completed Beneficial Use Field Report for the Permit, dated March 16, 2022 ("Report"). MLR requests that the Permit be reinstated pursuant to Idaho Code Section 42-218a.

MLR submits that "reasonable cause" exists supporting Permit reinstatement because MLR recently experienced a complete change in its Board of Directors, and that change coupled with other pending litigation and Eagle Sewer District annexation negotiations, among other community issues, allowed this matter to slip. As you can see from the Permit's online backfile, and from the attached Report, MLR thought that proof of completion had been submitted together with the field exam report because both were in process as early as 2017 (the aesthetic water feature in question was already in use and the Permit was sought to authorize the already occurring use). But, as the Lapse Notice demonstrates, the prior proof submissions were incomplete.

Regardless of the foregoing confusion and community leadership changes, MLR submits both the Statement of Completion and the Report so that the Department can reinstate the Permit consistent with Section 42-218a and proceed with licensing Right No. 63-34259. MLR understands that the priority date of the Permit (and forthcoming license) will be advanced

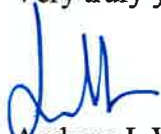
www.sawtoothlaw.com

Attorneys licensed in Idaho, Montana, Oregon and Washington

approximately 60 days (the time period between the date of the Lapse Notice and this submission).

If you have any questions regarding this Permit reinstatement request, or licensing going forward, please feel free to contact me at 208-629-7447.

Very truly yours,



Andrew J. Waldera

AJW/dll

Enclosure

c: Client