

State of Idaho
Department of Water Resources

AMENDED**Water Right License****AMENDED****Water Right No. 65-23440****Priority:** November 01, 2010**Maximum Diversion Rate:** 0.15 CFS**Maximum Diversion Volume:** 21.0 AF

It is hereby certified that:

HANGING VALLEY HOMEOWNERS ASSN INC PO BOX 2598 BOISE ID 83701

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 01, 2010, and has submitted Proof of Beneficial Use on April 05, 2016. An examination confirms water is diverted from:

Source : GROUND WATER**Beneficial Use**

MUNICIPAL

Period of Use

01/01 to 12/31

Rate of Diversion

0.15 CFS

Annual Volume

21.0 AF

Location of Point(s) of Diversion

GROUND WATER NW¼ NW¼, Sec. 32, Twp 10N, Rge 10E, B.M. BOISE County

Place of Use: MUNICIPAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	10E	29											X	X					
10N	10E	32						X											

Conditions of Approval

1. 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.
2. Place of use is within the area served by the public water supply system of Hanging Valley Ranch Subdivision. The place of use is generally located within Sections 29 and 32, Township 10N, Range 10E.
3. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
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 does not grant any right-of-way or easement across the land of another.
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

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AMENDED

Water Right License

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Water Right No. 65-23440

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.

7. Municipal use is for 35 platted lots in the Hanging Valley Ranch Subdivision.

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 28th day of October, 2019.

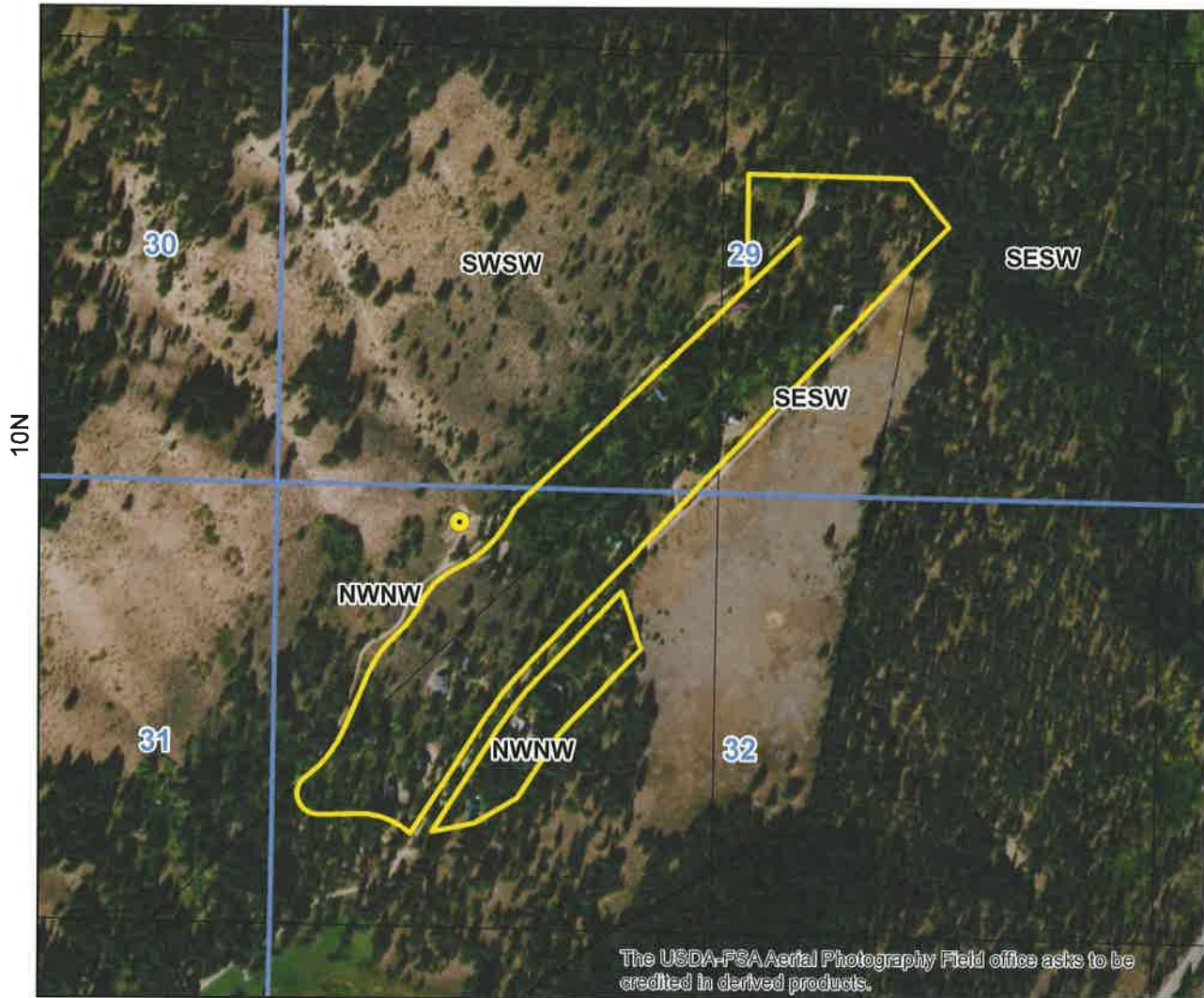


GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment to Water Right License
65-23440

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.

10E



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

0 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348

Website: idwr.idaho.gov • Email: westerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 28, 2019

HANGING VALLEY HOMEOWNERS ASSN INC
PO BOX 2598
BOISE ID 83701

RE: Amended License 65-23440

Dear Permit Holder:

On September 16, 2019, the Idaho Department of Water Resources (Department) issued a license for the subject permit. The license was issued as a preliminary order that became final on September 30, 2019. On October 21, 2019 the Department received information from you that resulted in the Department reviewing the license. As a result of that review, pursuant to Rule 760 of the Department's Rules of Procedure¹, the Director of the Department has amended the license by withdrawing the final order and substituting the attached final order in its place.

Please contact the Department if you have questions in this matter.

Sincerely,

Nick Miller
Manager, IDWR Western Region

¹ See IDAPA 37.01.01.760. – The agency head may modify or amend a final order of the agency at any time before notice of appeal to District Court has been filed or the expiration of the time for appeal to District Court, whichever is earlier by withdrawing the earlier final order and substituting new final order for it.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of October 2019, the above and foregoing document was served on each individual or entity listed below. Each individual or entity was served by placing a copy of the above and foregoing document in the United States mail, postage prepaid and properly addressed.

Documents served: **Amended License for Water Right 65-23440**



Anna Kaiser
Water Resource Agent

HANGING VALLEY HOMEOWNERS ASSN INC
PO BOX 2598
BOISE ID 83701

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **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 67-5246(4), Idaho Code.

REQUEST FOR HEARING

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of: a) the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: File 65-23440

FROM: Nick Miller

DATE: 10/25/2019

RE: Reconsideration of licensed rate

On September 16, 2019, the Department issued a preliminary order for permit 65-23440. The permit was for 0.15 cfs of groundwater for municipal purposes (domestic use for 35 homes) held by the Hanging Valley Homeowners Association, Inc. The rate of diversion authorized on the license was 0.09 cfs based on an estimated system capacity calculated from manufacturer's pump curves and estimates of pumping lift, efficiency and system pressure.

On October 21, 2019 a representative of the license holder provided a letter to the Department noting that the system is equipped with a flow meter and data logger and that the records demonstrate the system has diverted water at up to the permitted rate of 0.15 cfs.

Because of this, I reviewed the calculations in the field examiner's report and found that the estimate of the dynamic head was likely high. Given relatively little drawdown observed in the well during the pumping test at the time of well construction, the pumping level is likely considerably higher than the elevation of the pump. This results in an estimate of pumping head that is closer to 200 feet, rather than 289' used by the field examiner. With the lower pumping head, the system capacity as determined by the manufacturer's pump curves provides support to the delivery records provided by the license holder. As such, I recommend issuing an amended license for the permitted amount of 0.15 cfs.

Hanging Valley Homeowner's Association, Inc.
P. O. Box 2598
Boise, ID 83701-2598
Phone 208-424-8872

October 18, 2019

Idaho Department of Water Resources
2735 W. Airport Way
Boise, ID 83705-5082
Attn: Nick Miller

RECEIVED

OCT 21 2019

WATER RESOURCES
WESTERN REGION

**RE: Hanging Valley Homeowners Association, Inc.
Issuance of License – Permit No. 65-23440
Request for Reconsideration**

Dear Nick:

As we discussed briefly yesterday, on behalf of the Hanging Valley HOA, I am requesting reconsideration of the recently issued License diversion rate from 0.09 CFS to 0.15 CFS. I left a voice message for Justin Shearer on October 14th regarding the reduction in the diversion rate. Our Statement of Completion for beneficial use submitted in 2016 stated that with both our wells pumps running together we have pumped at a rate of 66 gallons per minute (gpm), or 0.15 CFS. Attached was a graph showing pump usage on 10/23/15. The graph showed generator pumping of 42 gpm (0.09 CFS), solar pumping at 23 gpm (0.05 CFS) and together at 66 gpm (0.15 CFS).

In fact, we pumped at 57 to 63 gpm (0.13 and 0.14 CFS, respectively) this Wednesday, 10/16, while flushing our water lines. We have a data logger attached to our flow meter that records a flow every minute from our well. When I met with Justin at our well site on July 18th for the field examination, there was no indication that the flow rate would be lowered by 40% from our Statement of Completion submittal. Even though it is rare that both pumps run together, I believe using the actual flow rate in the License is much better than an estimate from pump curves.

We would appreciate your reconsideration.

If there are any questions, do not hesitate to call.

Sincerely,



Paul S. Kunz
208-336-2986 (home) or 208-383-9048
President
Hanging Valley HOA