

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 21-13209

PRIORITY: December 05, 2016

Maximum Diversion Rate: 0.17 CFS

Maximum Diversion Volume: 2.0 AF

It is hereby certified that:

YRROW ON LLC

C/O AMBER BOYCE PO BOX 371 ISLAND PARK ID 83429

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 05, 2016, and has submitted Proof of Beneficial Use on August 27, 2018. An examination confirms water is diverted from:

SOURCE:

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.17 CFS	2.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, Twp 14N, Rge 43E, B.M. FREMONT County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	43E	24									X	X							

CONDITIONS OF APPROVAL

- Domestic use is for in-home culinary use for 11 cabins, garage, and laundry, and does not include lawn, garden, landscape, or other types of irrigation.
- Point of diversion is located within Lot 11, Blk. 3 of Island Park Sawtell Mountain Subdivision No. 2.
- Place of use is located within Lot 3 less Tax 7000 and Lot 11, Blk. 3 of Island Park Sawtell Mountain Subdivision No. 2.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. 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 12th day of September, 2018.


PAMELA S. SKAGGS
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
21-13209

This map depicts the COMMERCIAL 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
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

September 12, 2018

YRROW ON LLC
C/O AMBER BOYCE
PO BOX 371
ISLAND PARK ID 83429

RE: License No. 21-13209

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4951.

Sincerely,

A handwritten signature in blue ink that reads "Pamela S Skaggs".

Pamela S Skaggs, Manager
Water Rights Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2018, I served a true and correct copy of Water Right License No. 21-13209 by U.S. Mail, postage prepaid, to the following:

YRROW ON LLC (Current Owner)
C/O AMBER BOYCE
PO BOX 371
ISLAND PARK ID 83429



Darla Block
Technical Records Specialist I

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.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case 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 this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Water Right File 21-13209

FROM: Daniel Nelson – Analyst 3

DATE: September 11, 2018

SUBJECT: Licensing Review of Water Right 21-13209

This field exams for these rights were performed by Certified Water Right Examiner Paul Scoresby of Schiess Associates.

The original field report submitted by Mr. Scoresby had all of the components required in a field report, but the some of the information supplied had not been backed up by the necessary data to verify the information. On August 30, 2018, I sent Mr. Scoresby a letter requesting clarification of this information. The Department received an updated field report on September 10, 2018. The priority date of the permit will not be advanced, because the clarification information was received within the 30 day period and the proof of beneficial use statement is not actually due until March 1, 2022. I will address each area below.

Diversion Rate Measurement:

Mr. Scoresby's original field report stated that the flow rate was measured from the installed flow meter. However, there was no calculations or field notes provided to confirm the accuracy of the owner's meter.

Mr. Scoresby's updated field report provided a pump curve and pump test data that showed a very stable well. I went through the revised field examination, and Mr. Scoresby did a very good job of clarifying the diversion rate. Originally, I did not have access to the pump test that was done, so I didn't realize that the pumping water level maintained such a high level. Using Mr. Scoresby's information, the theoretical flow rate I came up with was 92 gpm, which is much more reasonable than what I was finding upon my first review. The pump curve also helps to define the diversion rate. The pump curve is -7% and my adjusted theoretical was -4% of the measurement that you made. It appears as though the pump was operating at approximately 73% efficiency, which is reasonable for small submersible pumps. The permit limits the diversion rate to 0.18 cfs, so it clear that the well can produce a considerable amount more than the permit allows.

The field report limits the diversion rate to 0.17 cfs, which is less than the permit, since less cabins were developed than originally proposed. The 0.17 cfs does match the chart in Administrative Processing Memorandum #22, so I agree with the amount recommended in the field report. Therefore, I am recommending that this permit be limited to 0.17 cfs as recommended in the field report.

Diversion Volume:

Mr. Scoresby's original field report provided several assumption when calculating the annual volume. Those volumes reflected year round use in the cabins, when the application for permit clearly stated that the cabins would be rented and have a mostly seasonal use.

Mr. Scoresby's updated field report clearly provides the actual uses of the cabins, and not a projected year round use. The volume was reduced from the 6.41 af to a more reasonable 2.04 af. According to the Department's rounding rules, the annual volume will be limited to 2 af.

Point of Diversion and Place of Use:

The point of diversion supplied in both reports was not in question and match the locations of the well shape file in the Department's data base. Mr. Scoresby did include the NESW and NWSW of Section 24 in the place of use description in the field report, but his map only shows the place of use in the NESW of Section 24. A very small portion of the tax parcel does go over the 40 acre tract line. I recommend including both 40 acre tracts, since the Public Land Survey, county tax parcels, and the aerial photography do not appear to line up correctly. This will prevent the need for a water right transfer further down the road if everything shifts, and the current data does support the use possibly being in both tax parcels.

Overlap:

There are no overlapping water rights for this place of use or point of diversion.

Conditions:

All of the conditions on the permit should be dropped at licensing except for condition 1 (WB4). Conditions X59 and X60 should be added to the permit to ensure accuracy of locating the property in the future.