

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 65-13587

**PRIORITY:** December 28, 1994

Maximum Diversion Rate: 0.12 CFS  
Maximum Diversion Volume: 18.0 AF

It is hereby certified that:

MC CALL DONNELLY JOINT SCHOOL DISTRICT #421 120 IDAHO ST MCCALL ID 83638-3826

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 21, 1994, and has submitted Proof of Beneficial Use on November 18, 1996. An examination confirms water is diverted from:

**SOURCE:**  
GROUND WATER

and a water right has been established as follows:

| <u><b>BENEFICIAL USE</b></u> | <u><b>PERIOD OF USE</b></u> | <u><b>DIVERSION RATE</b></u> | <u><b>ANNUAL<br/>DIVERSION VOLUME</b></u> |
|------------------------------|-----------------------------|------------------------------|-------------------------------------------|
| IRRIGATION                   | 04/15 to 10/31              | 0.12 CFS                     | 18.0 AF                                   |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 15, Twp 18N, Rge 03E, B.M. VALLEY County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |     |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW  | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 18N | 03E | 15  |    |    |    |    |    |    | 6.0 |    |    |    |    |    |    |    |    |    | 6.0    |

Total Acres: 6

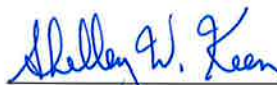
**CONDITIONS OF APPROVAL**

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
3. The right holder is responsible to ensure that pumping under this water right does not directly cause a significant decline in the water level for any domestic well drilled and in use prior to March 29, 1978, or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the right holder provides reasonable compensation or mitigation to the prior right holder for the reduced water levels as determined by the Director.
4. The well owned by the protestant and identified by water right 65-13006 shall be treated as a domestic well in use prior to March 29, 1978 for the purposes of this agreement with respect to historic pumping levels and water quantity enjoyed from the well.

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 65-13587

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 3<sup>rd</sup> day of May, 2018.



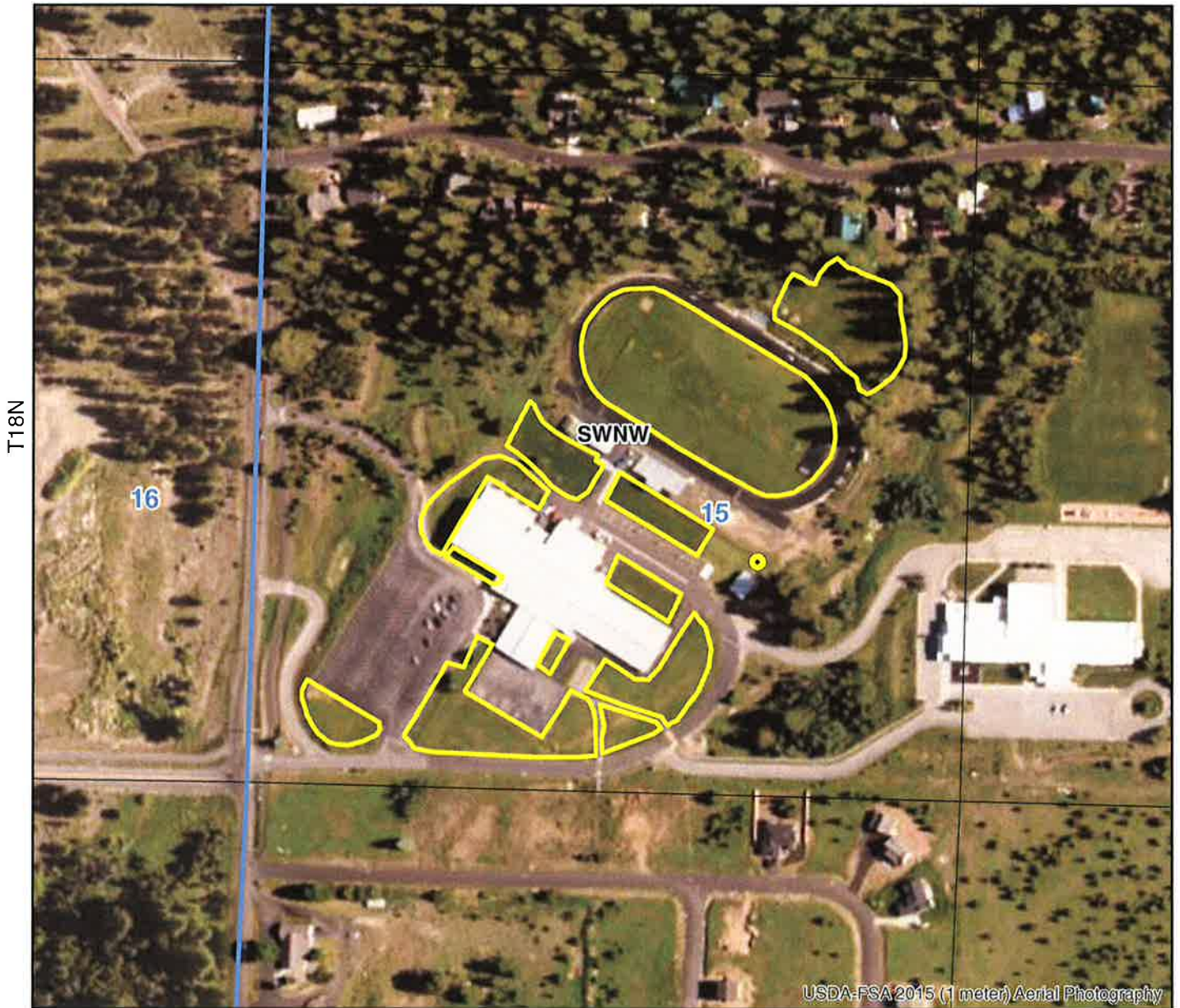
SHELLEY W. KEEN  
Water Rights Section Manager



State of Idaho  
Department of Water Resources  
**Water Right License**  
65-13587

This map depicts the IRRIGATION places of use boundaries and points of diversion for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R3E



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



0 500 1,000 Feet



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](http://www.idwr.idaho.gov)

C.L. "Butch" Otter  
Governor

Gary Spackman  
Director

May 07, 2018

MC CALL DONNELLY JOINT SCHOOL DISTRICT #421  
120 IDAHO ST  
MCCALL ID 83638-3826

RE: License No. 65-13587

### 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](http://idwr.idaho.gov)

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

Sincerely,

Pamela S Skaggs  
Water Rights Supervisor

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on May 08, 2018, I served a true and correct copy of Water Right License No. 65-13587 by U.S. Mail, postage prepaid, to the following:

MC CALL DONNELLY JOINT SCHOOL DISTRICT #421 (Current Owner)  
120 IDAHO ST  
MCCALL ID 83638-3826

A handwritten signature in cursive script, reading "Darla Block", written in black ink. The signature is positioned above a horizontal line.

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 Rights File 65-13587  
FROM: Sandra Thiel  
DATE: April 19, 2018  
SUBJECT: Water Right License

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On November 21, 1994, the McCall Donnelly School District submitted application for permit 65-13587. The District proposed to irrigate 27 acres at the McCall Middle School in T18N R3E Section 15 SWNW. On May 31, 1995, the Department issued a permit for 0.5 cfs of ground water to irrigate the 27 acres.

On January 18, 1995, Marvin Heikkila submitted a protest alleging that the permit as proposed could cause injury to his water right 65-13006. The Department issued license 65-13006 for commercial (funeral chapel) and domestic in July 1991. Ultimately, Mr. Heikkila withdrew the protest, and as a result, the permit included several non-standard conditions.

The permit included several conditions we must address before we can issue a license. On April 4, 2018, Jason Clay the Directors of Maintenance and Operations for the McCall Donnelly School District sent an email to the Department requesting the removal of conditions on the permit. These conditions include the monitoring well requirement and the totalizing flow measuring device installation.

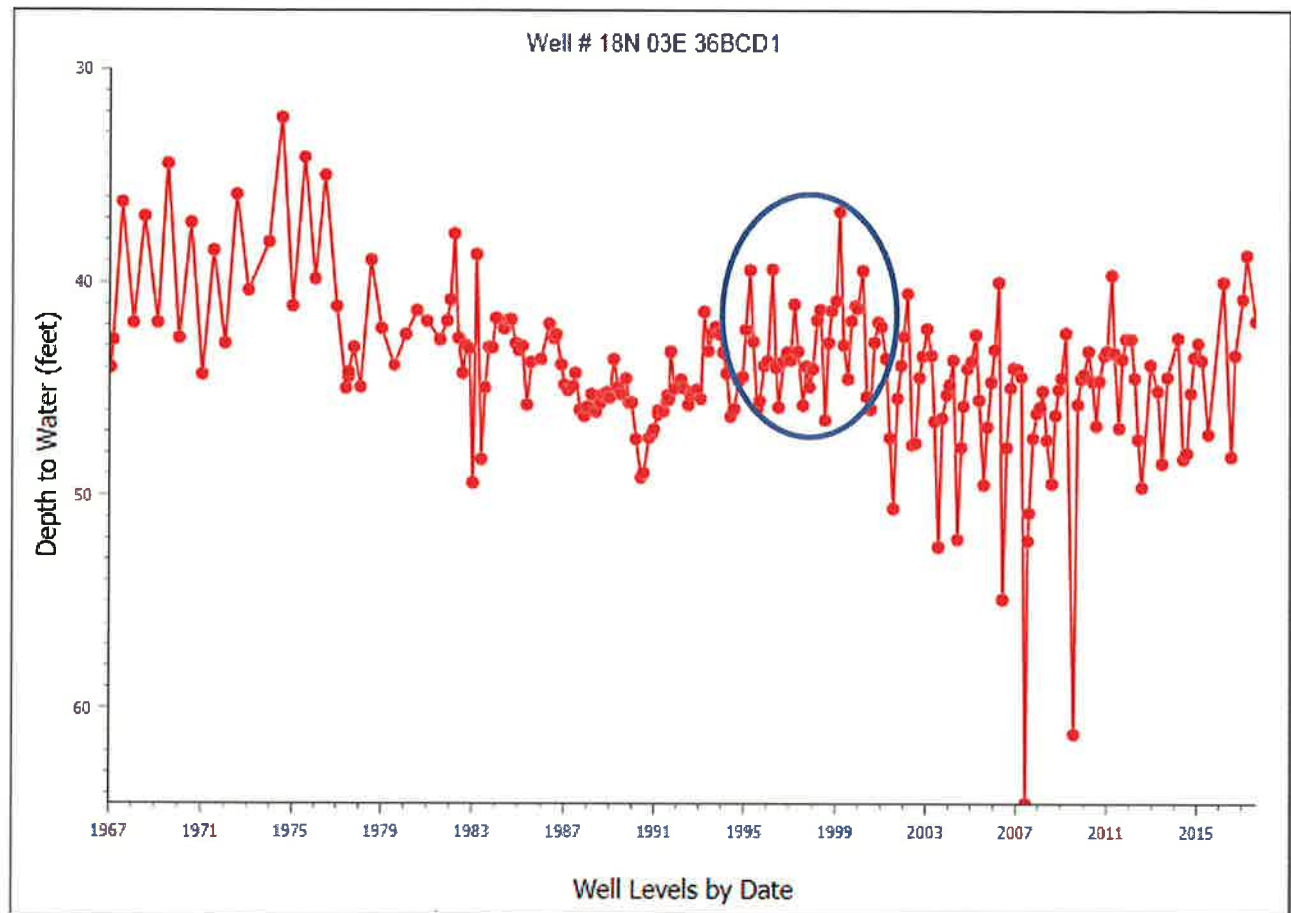
The water right file includes *Report of Aquifer Test McCall-Donnelly Middle School Well* dated August 24, 1995. This report fulfills the requirement under condition 8 on the permit. Appendix B in this report shows the well drawdown readings for the Stein Well and the Heikkila well. The drawdown for each well was measured in inches indicating little impact to the wells. The permit holders did not identify the Stein and Heikkila wells as monitoring wells nor did they identify any other wells for that purpose.

Permit condition 4 addresses the use of surface water. No surface water rights are appurtenant to the place of use.

Permit condition 10 states that the right holder shall identify a well to be used as a monitoring well. The Department's Hydro.online provides access to wells and their depth to water history where available. Well number 18N 03E 36BCD1 sits approximately 3.5 miles southeast of the McCall Middle School. The hydrograph for this well is shown on page 2. There appears to be a downward trend in depth to water; however, significant development occurred in the area in addition to the middle school since the school drilled the well in 1995. The hydrograph does not show negative impacts for the years immediately following the well construction.

Conditions 11 and 12 refer to totalizing flow measuring device and possible reporting requirements. The Department has not identified the area south of McCall as an area of concern. The permit was issued in 1995 for a much larger use than what was actually developed. No reports of concerns or complaints have arisen in the intervening years. The school developed significantly less irrigated land than authorized on the permit (6 acres instead of 27 acres). There is no water district administration over ground water in the area and a measuring device would not address day-to-day diversions. Considering the above information it appears appropriate for the Department to waive the totalizing flow measuring device requirement.

On July 30, 1997, Department staff conducted a field examination. Based on their site visit they recommended 5.0 acres. Over the past 20 years, there has been increased technology and access to imagery and data that may not have been available in 1997. After reviewing this historical imagery, it appears the Middle School actually irrigates 6.0 acres. The license should include the addition of one acre since it is well within the limits of the permit.



Prepared by the Idaho Department of Water Resources GIS  
Mouse-over points to show sample-date, water elevation and depth to water

Date created: 4/18/2018

Note: the number of values shown may be a subset of the original dataset.

**Thiel, Sandra**

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**From:** Jason Clay <jclay@mdsd.org>  
**Sent:** Wednesday, April 04, 2018 3:26 PM  
**To:** Thiel, Sandra  
**Subject:** Water right permit no. 65-13587

Dear Sandra Thiel,

In reference to the notice on water right permit no. 65-13587, I would like to formally request for the removal of requirements for licensing. I understand that it would be beneficial for everyone involved to issue a license for the above mentioned permit. The reason for my request mostly stems from the fact that the MDSD #421 has been operating this well without incidence for approximately 22 years. Also, stated in the report that you sent, it was noted that during initial testing in 1996, when the well was established, there was minimal impact on adjacent wells. Since the testing in 1996 the city has also expanded their water resources to absorb some of those wells. Thank you for considering my request for removal of requirements on this permit.

I look forward to hearing from the State of Idaho Department of Water Resources on this matter.

Thank you,

**Jason Clay**  
**Director of Maintenance and Operations**  
**McCall Donnelly School District**  
**120 Idaho St. McCall ID**  
**Office – 208-634-2161**  
**Cell – 208-315-5934**  
**Fax – 208-634-4075**



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

March 26, 2018

JASON CLAY  
MCCALL DONNELLY SCHOOL  
120 IDAHO ST  
MCCALL ID 83638

**RE: Water Right Permit No. 65-13587**

Dear Mr. Clay:

The Department of Water Resources (Department) is reviewing the above referenced permit so we can issue a license for the uses developed. In a review of the file, we noticed that to our knowledge you have not complied with the following conditions of approval on the permit:

*The well owned by the protestant and identified by water right no. 65-13006 shall be treated as a domestic well in use prior to March 29, 1978 for the purposes of this agreement with respect to historic pumping levels and water quantity enjoyed from the well. The water right holder shall identify a well acceptable to the Department to be used as a monitoring well. This well is to be included if possible in the Department of Water Resources/United States Geologic Survey monitoring network for the purpose of providing long-term monitoring in the vicinity of the proposed withdrawals.*

*A totalizing flow measurement device of a type approved by the Department shall be permanently installed and maintained by the water right holder and shall be made available to inspection by Department staff for the purposes of long-range study and monitoring of the ground water aquifer. The water right holder shall maintain records of the amount of water diverted under this right.*

The Department's field examiner found no totalizing flow measuring device installed. Additionally, our documents do not show that you have identified a monitoring well. You must resolve these issues before a license can be issued. Pursuant to Idaho Code § 42-219(6), if the conditions of approval on a permit are not complied with, the Department may issue an order voiding the permit or issue a license for only that portion of the authorized use developed in accordance with the permit.

You have some options to resolve this problem:

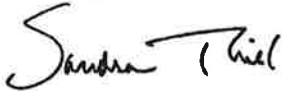
- You can submit documentation that you have complied with the conditions and our examiner was not informed of the compliance at the time of the exam.
- You can install the required totalizing flow measuring device and identify a monitoring well. Once the conditions are met you can submit documentation showing that a measuring device was installed and documentation identifying the well location.
- You can request removal of these requirements from your permit.

If you request a waiver of the requirements, the Department will consider your request and notify you of the decision in writing.

The Department will withhold further action on your permit for 30 days from the date of this letter, **April 26, 2018**, to allow you time to respond. If the Department does not receive a response from you within this time period, it will be assumed that you are not interested in pursuing a water right license, and action may be taken to void your permit. If you need additional time to respond, please contact me to discuss your options.

If you have any questions, please do not hesitate to contact me at 208.287.4881 or [sandra.thiel@idwr.idaho.gov](mailto:sandra.thiel@idwr.idaho.gov).

Sincerely,

A handwritten signature in black ink that reads "Sandra Thiel". The signature is written in a cursive style with a large initial 'S' and a distinct 'Thiel' at the end.

Sandra Thiel  
Sr. Water Resource Agent

Enclosure: Copy of Water Right Permit