

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-13076

PRIORITY: May 04, 1989

Maximum Diversion Rate: 0.11 CFS
Maximum Diversion Volume: 18.0 AF

It is hereby certified that:

PAYETTE RIVER HOT SPRINGS HOME OWNERS C/O JOE RAUSCH
849 N COBBLESTONE WAY EAGLE ID 83616

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 04, 1989, and has submitted Proof of Beneficial Use on September 19, 1990. 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>
DOMESTIC	01/01 to 12/31	0.11 CFS	18.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼NE¼ Sec. 11, Twp 08N, Rge 05E, B.M. BOISE County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	05E	11		X L 7			X L 8												

CONDITIONS OF APPROVAL

- Domestic use is for 30 homes and does not include lawn, garden, landscape, or other types of irrigation.
- Point of diversion is located within Lot 23, Payette River Hot Springs Subdivision in Homestead Entry Survey No. 404.
- Place of use is Payette River Hot Springs Subdivision in Homestead Entry Survey No. 404.
- The issuance of this right does not grant any right-of-way or easement across the land of another.

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.

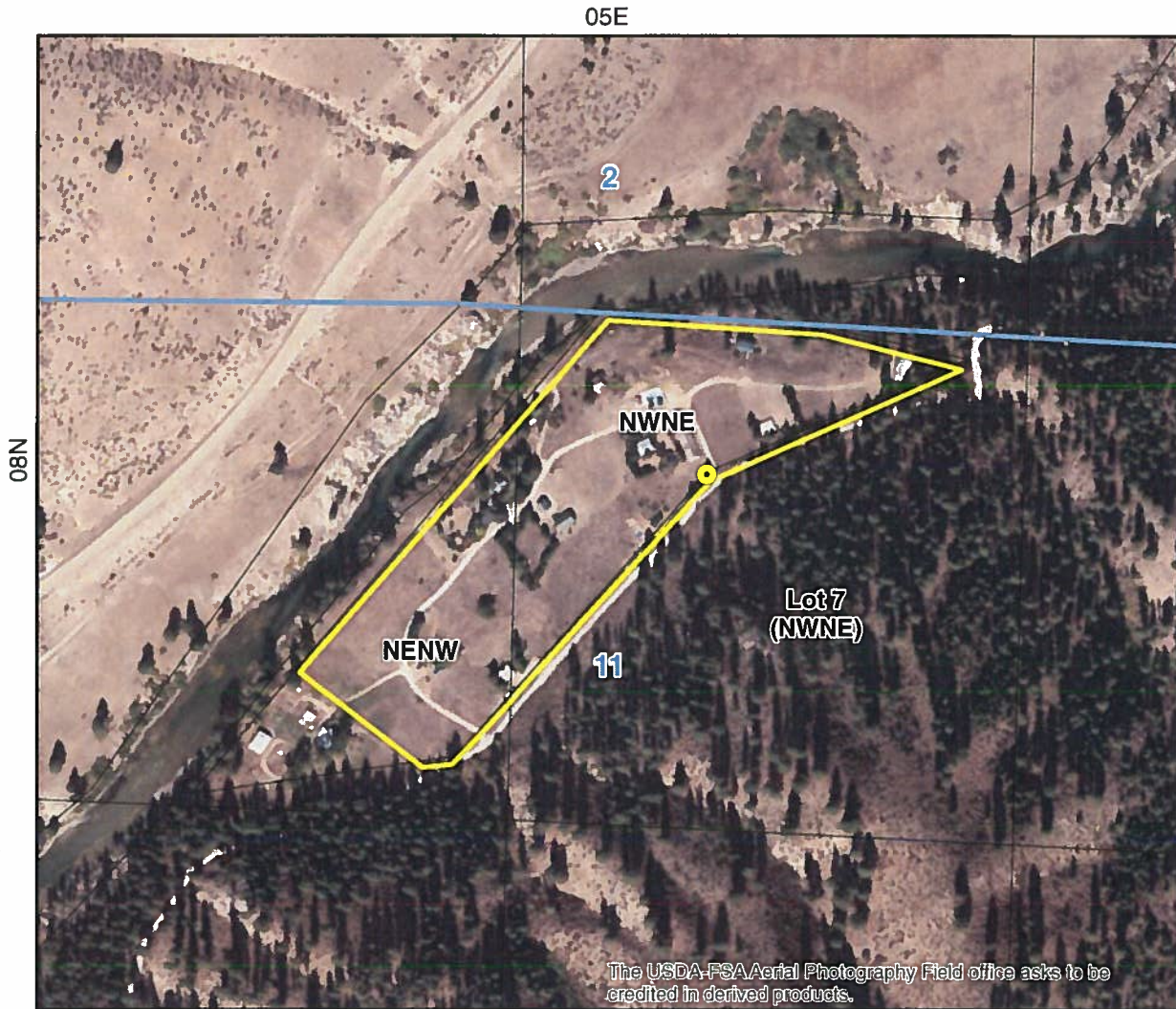
Signed this 12th day of February, 2018.



Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources
Attachment to Water Right License
65-13076

This map depicts the DOMESTIC 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 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13076

RECEIVED

JAN 05 2018

WATER RESOURCES
WESTERN REGION

PRIORITY: May 04, 1989

Maximum Diversion Rate: 0.11 CFS
Maximum Diversion Volume: 18.0 AF

Comes now

PAYETTE RIVER HOT SPRINGS HOME OWNERS C/O LLOYD MARKUS
3114 LEWIS LN NAMPA ID 83686

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-13076, and requests that the permit be changed as follows:

SOURCE:
GROUND WATER

TRIBUTARY:

BENEFICIAL USE
DOMESTIC

PERIOD OF USE
01/01 to 12/31

DIVERSION RATE
0.11 CFS

**ANNUAL
DIVERSION VOLUME**
18.0 AF

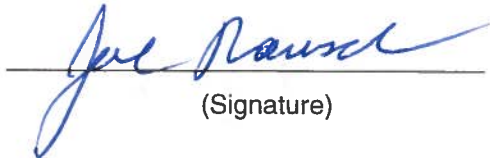
LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼NE¼ Sec. 11, Twp 08N, Rge 05E, B.M. BOISE County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	05E	11		X L 7			X L 8												

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 28th day of December, 2017.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13076

FOR DEPARTMENT USE ONLY

Preliminary check by PK Fee = \$100⁰⁰ Receipted by QJ # W045953 Date 1/5/18

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 65-13076 with the following:

CONDITIONS OF APPROVAL

1. Domestic use is for 30 homes and does not include lawn, garden, landscape, or other types of irrigation.
2. Point of diversion is located within Lot 23, Payette River Hot Springs Subdivision.
3. Place of use is located within Lots 1-33, Payette River Hot Springs Subdivision.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 9th day of February, 2018.



Nick Miller
Manager, IDWR Western Region



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

February 12, 2018

PAYETTE RIVER HOT SPRINGS HOME OWNERS
C/O JOE RAUSCH
849 N COBBLESTONE WAY
EAGLE ID 83616

RE: License No. 65-13076

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources 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 the conditions of approval and remarks listed on your license.

The license 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,



Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 65-13076

**PAYETTE RIVER HOT SPRINGS HOME OWNERS
C/O JOE RAUSCH
849 N COBBLESTONE WAY
EAGLE ID 83616**



**Rachel Neely
Administrative Assistant**

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 65-13076
FROM: Patrick Kelly
DATE: 1/8/2018
SUBJECT: Licensing Review

The field exam was conducted 9/15/1993 by Steve Lester. Review of the field exam is complete and provides enough information to complete the licensing process.

The field exam report did not make a recommendation for diversion rate citing that a hp equation would be used. Attached to this memo is the theoretical calculation where:

Measured Method:

$$Q = \frac{8.8 * (\text{Efficiency}) * hp}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Efficiency = 0.70

Depth to water = 45 ft.

psi = 30

hp = 2

See attached theoretical sheet.

Theoretical = 0.11 cfs

Permit	0.25 cfs
B.U. Standard Allowance	0.25 cfs ((30 homes – Admin Memo #22)
B. U. Proof Fee	\$100 → 0.21 to 1.00 cfs
Theoretical Rate	0.11 cfs
License Recommendation	0.11 cfs

A licensing amendment was returned to correct the POU legal description. Lloyd Marcus has recently passed away. A change of address form was returned with the amendment which was signed by Joe Rausch. Mr. Rausch is registered as “President” to the HOA according to current ID SOS records.

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 95-10719
 Reviewer: Patrick Kelly
 Date of Review: 11/5/2014

P/D No.:	Scenario 1	Scenario 2	Scenario 3
PUMP HORSEPOWER	2	2	2
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	45	45	45
DISCHARGE PRESSURE	30	30	30
RATE OF FLOW (cfs)	0.11	0.11	0.11 0.11

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: %70 efficiency.
 No Friction

Examiners Notes:

A 2 hp submersible pump was recorded during the field exam. Lift was estimated using the well drillers report showing a static water level of 15' and cased to 47'. The well is 147' deep, but the pump would not have been set below the casing, so a level of 45' is used. The examiner indicated the domestic tanks kick on at a pressure of 30 psi, and closes at 42 psi. This discharge pressure is what we would expect to see from in home domestic tanks (40-60 psi). Theoretical flow rate is 0.11 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

65-13076 licensing amendment sent 11-17-2017.

new letter sent to:
15406 Moss Creek Way
Caldwell ID 83607

-PK 12-4-2017

PAYETTE RIVER HOT SPRINGS HOME OWNERS
C/O LLOYD MARKUS
3114 LEWIS LN
NAMPA ID 83686

PRESORTED
FIRST CLASS



U.S. POSTAGE PITNEY BOWES



ZIP 83702 \$ 000.37³
02 1W
0001393370 NOV 17 2017

RECEIVED

NOV 21 2017

WATER RESOURCES
WESTERN REGION

.PK.

* 841 NDE 130081717211/18/17
RETURN TO SENDER
MARKUS, LLOYD E
15406 MOSS CREEK WAY
CALDWELL ID 83607-5139

RETURN TO SENDER



83686 83686 83686



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

November 16, 2017

COPY

PAYETTE RIVER HOT SPRINGS HOME OWNERS
C/O LLOYD MARKUS
3114 LEWIS LN
NAMPA ID 83686

RE: Water Right Permit No. 65-13076

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Section 42-211, Idaho Code. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

_____ Point(s) of Diversion

☒ Place(s) of Use

_____ Other

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 208-334-2190.

Sincerely,

Patrick Kelly
Water Resource Agent, Sr.

Enclosure(s): Application for Amendment

cc:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

COPY

PAYETTE RIVER HOT SPRINGS HOMEOWNER'S ASSOCIATION, INC.
CARMEN HAYDEN
1494 N MANSFIELD
EAGLE ID 83616



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

PAYETTE RIVER HOT SPRINGS HOMEOWNER'S ASSOCIATION, INC.
JOE RAUSCH
849 N COBBLESTONE
EAGLE ID 83616

COPY

No. C 112387	Due no later than Oct 31, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. PAYETTE RIVER HOT SPRINGS HOMEOWNER'S ASSOCIATION, INC. CARMEN HAYDEN 1494 N MANSFIELD EAGLE ID 83616	JOE RAUSCH 849 N COBBLESTONE EAGLE ID 83616				
		3. New Registered Agent Signature:*				
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
DIRECTOR	PADDY DOYLE	1244 SOUTHSIDE RD	HOMEDALE	ID	USA	83628
TREASURER	CARMEN HAYDEN	1494 N. MANSFIELD	EAGLE	ID	USA	83616
PRESIDENT	JOE RAUSCH	849 N. COBBLESTONE	EAGLE	ID	USA	83616
DIRECTOR	ERVIN M BAILEY	2068 N COOL CREEK AVE	MERIDIAN	ID	USA	83642
DIRECTOR	DICK GOETSCH	P.O. BOX 777	GARDEN VALLEY	ID	USA	83622
DIRECTOR	STEVE HOWE	2774 N PHOENIX AVE	MERIDIAN	ID	USA	83642
5. Organized Under the Laws of: ID C 112387		6. Annual Report must be signed.* Signature: Carmen Hayden Name (type or print): Carmen Hayden Date: 10/31/2017 Title: Treasurer				
Processed 10/31/2017		* Electronically provided signatures are accepted as original signatures.				