

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 57-07593D

PRIORITY: September 14, 2005

Maximum Diversion Rate: 0.03 CFS

Maximum Diversion Volume: 1.5 AF

It is hereby certified that:

HANNAH REINERTSON 15442 WAR EAGLE RD MURPHY ID 83650 And/Or

DARIN REINERTSON 15442 WAR EAGLE RD MURPHY ID 83650

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 12, 1994, and has submitted Proof of Beneficial Use on September 14, 2005. 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	0.02 CFS	0.6 AF
IRRIGATION	03/01 to 11/15	0.01 CFS	0.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼SE¼ Sec. 9, Twp 02S, Rge 02W, B.M. OWYHEE 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	
02S	02W	9													X				

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	
02S	02W	9													0.2				0.2

Total Acres: 0.2

CONDITIONS OF APPROVAL

1. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
2. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 57-07593D

3. This right when combined with all other rights shall provide no more than 0.01 cfs nor more than 0.9 afa at the field headgate for irrigation of the place of use.
4. Rights 57-7593B, 57-7593D, & 57-11660 when combined shall not exceed a total diversion rate of 0.09 cfs.
5. The following rights are diverted through point(s) of diversion described above: 57-7593B, 57-7593D, & 57-11660.
6. Point of diversion is located within Lot 6, Blk. 2, Eagle View Estates Subdivision.
7. Place of use is located within Lot 9, Blk. 1, Eagle View Estates Subdivision.

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 18th day of December, 2017.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources

Attachment to Water Right License 57-7593D

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

Attachment to Water Right License

57-7593D

This map depicts the IRRIGATION 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.

02W



0 0.05 0.1 0.2 Miles

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





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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

December 20, 2017

HANNAH REINERTSON
DARIN REINERTSON
15442 WAR EAGLE RD
MURPHY ID 83650

RE: License No. 57-7593D

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 208-287-4951.

Sincerely,

Pamela Skaggs, Water Rights Supervisor
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2017 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.

57-7593D

**DARIN REINERTSON
15442 WAR EAGLE RD
MURPHY ID 83650**

**HANNAH REINERTSON
15442 WAR EAGLE RD
MURPHY ID 83650**



**Darla Block
Technical Records Specialist**

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 57-7593D

FROM: Daniel Nelson – Analyst 3

DATE: December 15, 2017

SUBJECT: Licensing Review of Water Right 57-7593D

The field exam done for this right was performed by Department staff from our Western Region office in 2005. The field report was sent to the State Office for licensing.

History:

Permit 57-7593 was filed to supply domestic use to 5 homes and 30 acres of irrigation. The permit was subsequently split between the individual owners, and a change of ownership was filed on permit 57-7593D, since the original property owner could no longer be found. Permit 57-7593D allowed in-house use for 1 home and 5 acres of irrigation. According to the ownership documentation, the property was developed in 1998. The property then went through foreclosure proceedings and was not occupied until the current owner's purchased the property in 2005.

The field examiner determined through the covenants and regulations of the water delivery association that the permit holder was limited to in-house use and up to ½ acre of irrigation from the well listed as the point of diversion. Therefore, the field examiner recommended that the permit be licensed as a domestic use with a diversion rate of 0.04 cfs and 1.2 af.

On September 9, 2009, the Department sent a letter to the current property owner with an amendment of permit to change the permit the field examiner's recommendations. The property owner never responded to the letter. Therefore, this permit needs to be licensed as developed according to the permit authorization. The ownership of the permit will change to the property owner at the time of licensing.

Place of use:

The place of use for the domestic use can easily be confirmed through county records, which confirm a home was constructed in 1998. However, with the foreclosure proceedings, it is difficult to define what was actually irrigated during the development period with the aerial photos available to the Department. My review of the aerial imagery available to the Department and Google Maps, I determined that the irrigation portion of this permit should be limited to 0.2 acres. Our GIS staff were able to find early 1998 aerial photography, but the aerial photo was taken during the construction period.

Diversion Rate:

The field examiner recommended the standard domestic use of 0.04 cfs for this permit as is standard. However, the property owner didn't return the amendment, so we must follow the permit and limit the domestic use to in-house only and 0.02 cfs. The irrigation use would be limited to the standard of 0.03 cfs for under 5 acres of irrigation, the irrigation diversion rate must be limited to 0.01 cfs ($0.03 \text{ cfs} \times 0.2 \text{ acres} = 0.09 \text{ cfs}$). A diversion rate of 0.01 cfs would limit the irrigation use to approximately 4.5 gpm. The aerial photos suggest that the irrigation is very spotting over the years. This suggests that the irrigation that has occurred may not utilize a buried irrigation system. From the aerial photos, it is save that yard is probably irrigated using a portable hose and sprinkler type system. Most sprinklers using this method require between 2 to 5 gpm, so a diversion rate of 0.01 cfs should be adequate enough to irrigate this yard without a sprinkler system. The total diversion rate for the domestic and irrigation use combined should be limited to 0.03 cfs.

Diversion Volume:

The field examiner recommended the standard for a domestic use of 1.2 af. Whereas the owner didn't return the amendment, we need to issue the license as permitted. Therefore, we will need to limit the domestic volume to 0.6 af as defined in Administrative Processing Memorandum #22, and the irrigation would be limited to 0.9 af ($0.2 \text{ acres} \times 4.5 \text{ af/acre} = 0.9 \text{ af}$) for a total volume of 1.5 af for this right. This permit has a condition that limits the domestic use to 13,000 gallons per day. Normally, we don't include a volume for a domestic use when this condition is used, but the other licensed rights have both the condition and an annual volume recommendation. Therefore, I feel we should allocate a volume when licensing this permit in order to remain consistent with the other splits of the water right.

Overlap:

As mentioned above, water right 57-7593 was split into four different water rights. Three of the four splits on the base right use the same well or point of diversion. One of the splits amended their permit to use their own private well. When all of the splits are combined, they use less than the permitted amount. However, the field examiner found that well capacity was limited to 0.09 cfs. The combined diversion rate of the other two water right licenses that use this well is 0.11 cfs, but there is no conditions limiting the combined use of the other two rights to the capacity of the well or 0.09 cfs. Therefore, a condition will be needed to limit the use from this well when all rights are combined to a total of 0.09 cfs. By adding this condition, it will not limit the existing two water rights, but it will limit future changes to the well to increase the system capacity.

Conditions:

The majority of the conditions will be changed and altered as is standard. Condition X35 will be added to ensure that the water rights 57-7593B, 57-7593D, and 57-11660 when combined do not exceed the well capacity of 0.09 cfs, measured by the field examiner. The well drilling conditions appear to have been met, and the well drilling specialist was on site during the drilling of the wells for this subdivision. Several of the rights on the two wells in the well lot have already been licensed, so it appears as though the drilling concerns that existed when this permit was issued has been resolved. Conditions X31, F06, X59, and X60 will be added to the license as is standard.

Split Tree Water Right 57-7593

For Permit Review for 57-7593D

