

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-32389

PRIORITY: July 12, 2006

Maximum Diversion Rate: 0.40 CFS

Maximum Diversion Volume: 54.0 AF

It is hereby certified that:

RUSTIC ACRES MHC LLC 501 W GREENLEAF BOISE ID 83713

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 12, 2006, and has submitted Proof of Beneficial Use on March 16, 2017. An examination confirms water is diverted from:

SOURCE:

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.40 CFS

**ANNUAL
DIVERSION VOLUME**

54.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW¼NE¼ Sec. 10, Twp 03N, Rge 01E, B.M. ADA 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	
03N	01E	10			X														

CONDITIONS OF APPROVAL

- Domestic use is for a 45-unit mobile home park also known as Rustic Acres.
- The irrigation occurring under this domestic use shall not exceed a total of 2.7 acres comprised of lawns and gardens for 45 mobile homes covered under this right.
- Rights 63-7674B and 63-32389 when combined shall not exceed a total diversion rate of 1.33 cfs.
- Water bearing zone to be appropriated is 277-307 feet.
- 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.

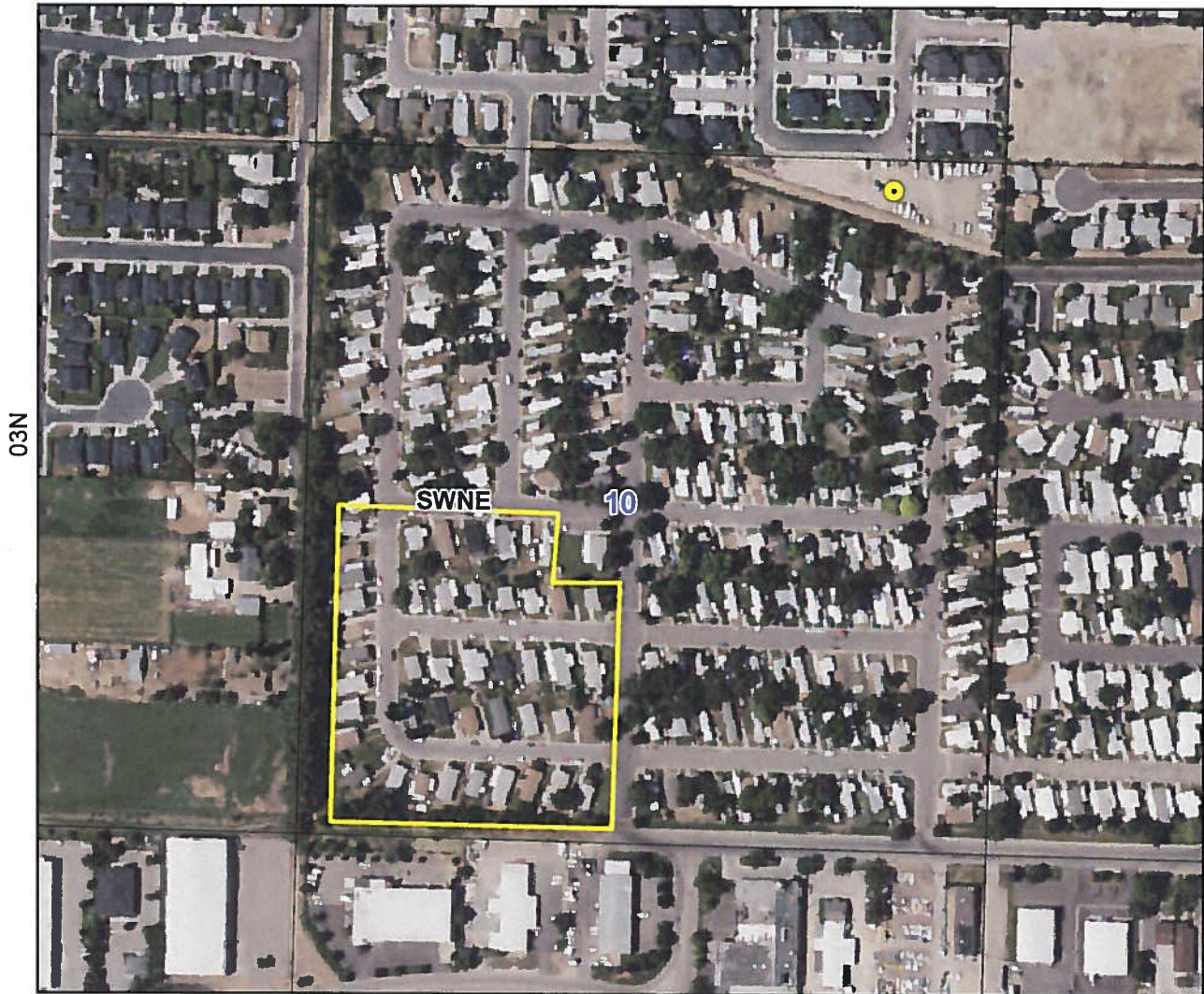
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 17th day of May, 2017.


SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Water Right License
63-32389

01E



0 0.0425 0.085 0.17 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

May 17, 2017

RUSTIC ACRES MHC LLC
501 W GREENLEAF
BOISE ID 83713

RE: License No.63-32389

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,

For Pamela Skaggs, Water Rights Supervisor
Water Right Permits Section

Enclosure(s)

c: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 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.

63-32389

**RUSTIC ACRES MHC LLC
501 W GREENLEAF
BOISE ID 83713**

**SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
300 E MALLARD DR STE 350
BOISE ID 83706**



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 63-32389
From: Manuel Rauhut – Staff Engineer
Date: May 9, 2017
Subject: Licensing Review of Water Right 63-32389

This field exam was performed by Certified Field Examiner Terry M. Scanlan of SPF Engineering. In the field report, Mr. Scanlan determined that this permit should be licensed for 0.40 cfs/54.0 AFA for domestic use. I noted a couple issues during my review that should not affect the licensing of this water right.

Overlap Review:

Rustic acres is a mobile home park. The majority of the park (190 units) is covered under water right 63-7674B. The 45 units in the south west corner of the mobile home park, covered under this water right, overlap with the Suez municipal water supply, which also provides fire protection and backup supply. The area also overlaps with irrigation rights associated with Bureau of Reclamation, Nampa and Meridian Irrigation District, and Boise Project Board of Control. Although the POU overlaps with the POU of this water right it does not appear that the area has any access to surface water/canal water sources.

POU:

SPF indicates that the POU consists of 45 lots and that the average lot size is 0.06 acres. I verified the number of lots and spot checked the size of a few lots and concur with their numbers. The recommendation of 2.7 acres of irrigated acres is appropriate. ($45 \times 0.06 \text{ acres} = 2.7 \text{ acres}$).

Annual Volume:

Based on Administrative Memorandum 22 the allowable annual diversion rate for domestic use per household when irrigation is included is 1.2AFA. Therefore the recommended 54.0 AFA ($45 \times 1.2 \text{ AFA} = 54.0 \text{ AFA}$) is appropriate.

POD/Pump Capacity:

The POD for this water right is a well that is also a POD for water right 63-7674B. The flow measurements conducted by SPF do not correlate well with the pump curve and theoretical flow rate calculations. It appears that the measured output of the pump (240 gpm) is well below the theoretical capacity (approximately 370 based on pump curve and 377 based on the theoretical calculation). It is unclear if this is a result of a worn pump, inaccurate flow readings, or if the pump was running below its capacity.

The well pump was replaced in 2014. The pump is a 25 HP variable speed submersible pump set at 84 feet. During the field exam, which occurred during a time of low domestic use, the measured flow occurred during a combination of domestic and flush to waste flow. As a result

the measured pressure of 43 psi was well below the normal operation pressure of approximately 70 psi. Based on a pressure of 43 psi and a discharge rate of 240 gpm, the pumping level would be expected to be approximately 189 feet, not the actual 84 feet. At the operating pressure of 70 psi and a pumping level of 84 feet, the expected theoretical flow rate for this system would be 0.63 cfs (281 gpm). Based on the measured flow rate of 240 gpm at 43 psi and a depth of 84 feet the expected flow rate at 70 psi for this pump is 0.44 cfs (197 gpm). Pump curve attached in SPF report. Theoretical calculations spreadsheet is attached with this memo.

Diversion Rate:

The maximum diversion rate under the permit is 0.40 cfs. Based on the above calculation and discussion, the pump can produce approximately 0.44 cfs. This point of diversion is also associated with water right 63-7674B, which allows for a maximum diversion rate of 1.33 cfs. The maximum diversion rate under this water right should remain 0.40 cfs.

Well Construction Standards:

In an email dated April 13, 2007 Rob Whitney expressed concerns regarding the construction of the well that is associated with this water right. I spoke to Rob Whitney today and he reviewed the well log again and indicated that he thinks the well does not meet construction standards for public drinking water supply wells and that a potential for comingling exists. IDEQ provides oversight of the water quality associated with this well (PWS Number: ID4010126). A review of 2013-2016 chemical and radiological sampling results indicate that the water quality has been within acceptable levels for drinking water standards.

Basin 63 Ground Restricted Area:

The POU lies within the ground water restricted area in which ground water shallower than 200 feet below ground surface is probably tributary to the Boise River upstream from Star Bridge. Application Processing Memorandum No. 59 (revised 2/22/2008) directs IDWR to hold new water right applications for consumptive uses of ground water in this area, including applications for municipal purposes, but it does allow for appropriation of ground water for multiple ownership subdivisions or mobile home parks in which each unit satisfies the definition for the exemption of requirement to file an application for permit as described in Idaho Code § 42-111. The well log indicates the well screen is below the blue clay layer as blue sands and clays are first encountered at 224 feet. The well under this water right is screened from 277 -307 feet, well below the 200 feet specified for the restricted area and below the blue clay layer. The water bearing zone condition should be changed from 200 to 300 feet on the permit to 277-307 feet to more accurately reflect the location of the well screen associated with this POD>

Conditions:

- Water bearing zone to be appropriated is 277 to ~~300~~ 307 feet. Changed to match well log.
- Changed allowable acres for irrigation from 4.0 to 2.7. Each of the 45 lots has approximately 0.06 acres of lawn.
- Added a condition "Rights 63-7674B and 63-32389 when combined shall not exceed a total diversion rate of 1.33 cfs." The two water rights share this well/POD.

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 63-32389
 Reviewer: Manuel Rauhut
 Date of Review: 4/25/2017

P/D No.:

PUMP HORSEPOWER
 BOOSTER HORSEPOWER

PUMPING LEVEL

DISCHARGE PRESSURE

RATE OF FLOW (cfs)

Measurement
25
0
189
43
0.53
240

Theoretical Normal Pressure
25
0
84
70
0.63
281

Normal Pressure
25
0
189
70
0.44
197

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:

The well pump was replaced in 2014. The pump is a 25 HP variable speed submersible pump set at 84 feet. During the field exam, which occurred during a time of low domestic use, the measured flow occurred during a combination of domestic and flush to waste flow. As a result the measured pressure of 43 psi was well below the normal operating pressure of approximately 70 psi. Based on a pressure of 43 psi and a discharge rate of 240 gpm, the pumping level would be expected to be approximately 189 feet, not the actual 84 feet. At the operating pressure of 70 psi and a pumping level of 189 feet, the theoretical flow rate for this system





Ada County Assessor (Imagery: Ada Orthos 2013)

Showing 45 individual residences within POU for 63-32389.