

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13771

Priority: April 30, 2015

Maximum Diversion Rate: 0.05 CFS
Maximum Diversion Volume: 23.4 AF

It is hereby certified that DESERT ROSE ESTATES LLC
1317 W FOOTHILL BLVD STE 226
UPLAND CA 91786 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated January 14, 1998; and has submitted Proof of
Beneficial Use on April 30, 2015. 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>
IRRIGATION	03/15 to 11/15	0.05 CFS	23.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4NE1/4 Sec. 22, Twp 08N, Rge 05W, B.M. PAYETTE 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	
08N	05W	22	4.5																4.5

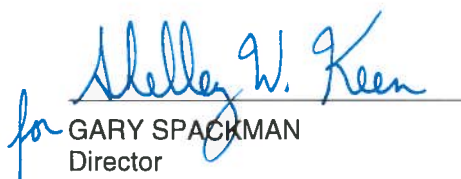
Total Acres: 4.5

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
3. 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.
4. The well authorized by this right must be cased at least sixty feet (60') below land surface, and the annular space must be sealed according to Department standards for the first sixty feet (60') of depth.

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 21st day of May, 2015.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License

65-13771

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.



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

0 0.0375 0.075 0.15 Miles





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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 26, 2015

DESERT ROSE ESTATES LLC
1317 W FOOTHILL BLVD STE 226
UPLAND CA 91786

RE: License No. 65-13771

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.

Also enclosed is an order that reinstated this permit, since proof and the license examination fee were submitted after the proof deadline. Please note that the priority date for this permit has been advanced to April 30, 2015, as provided in section 42-218a(2), Idaho Code.

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

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2015, I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (**Preliminary Order Reinstating A Permit**) & (**Approved License**) to the person(s) listed below:

RE: WATER RIGHT NO. 65-13771

**DESERT ROSE ESTATES LLC
1317 W FOOTHILL BLVD STE 226
UPLAND CA 91786**

**SPF WATER ENGINEERING LLC
C/O PETER COOPER
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.

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF LAPSED PERMIT	)	PRELIMINARY ORDER
NO. 65-13771 IN THE NAME OF	)	REINSTATING A PERMIT
GEM MOBILE HOME PARK LLC	)	
_____	)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds, concludes and orders:

FINDINGS OF FACT

1. On August 3, 1998, the Department issued permit no. 65-13771 in the name of Gem Mobile Home Park LLC. The permit authorized the diversion of 0.30 cubic feet per second of ground water for irrigation of 15 acres in NENE of Section 22, Township 8 North, Range 5 West, Payette County. The Department issued permit no. 65-13771 with the condition that the permit holder submit proof of beneficial use of water ("proof") to the Department on or before August 1, 2001.
2. On May 31, 2001, the Department notified Gem Mobile Home Park, LLC that proof of beneficial use was due and instructed it of the steps to be taken to submit either proof of beneficial use or to request an extension of time. The notice was mailed to the address on record, 3605 Federal Way, Boise Idaho 83705.
3. On June 4, 2001, the May 31, 2001 notice was returned as undeliverable with the forwarding address marked as unknown.
4. On August 8, 2001, the Department issued Gem Mobile Home Park, LLC a lapse notice because it had not received an acceptable proof statement or extension request. The notice was mailed to the address on record, 3605 Federal Way, Boise Idaho 83705.
5. On August 14, 2001, the May 31, 2001 notice was returned as undeliverable.
6. Idaho Code§ 42-218a.2 provides as follows:

In connection with a proof of beneficial use statement submitted more than sixty (60) days after such notice of lapsing, the director shall require all of the following items to be submitted to the department:

- (a) A report prepared by a certified water right examiner as a result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with the permit during the time authorized by the permit and any extensions of time previously approved. The report shall be on a form or forms specified by the

director and shall provide the information specified in section 42-217, Idaho Code, for confirming beneficial use and such other information as may be required by the director.

(b) A statement of reasonable cause for filing a late proof of beneficial use.

(c) A reinstatement fee of two hundred fifty dollars (\$250).

7. On May 12, 2006, Desert Rose Estates, LLC purchased the property associated with the permit.

8. On April 30, 2015, the Department received a proof of beneficial use statement, request to reinstate permit no. 65-13771, a beneficial use field report prepared by a certified water right examiner, a statement of reasonable cause for filing a late proof of beneficial use, the required reinstatement fee and assignment of permit from Gem Estates Mobile Home Park, LLC to Desert Rose Estates, LLC with the required assignment fee. This documentation was supplied by Desert Rose Estates, LLC.

CONCLUSIONS OF LAW

1. Desert Rose Estates, LLC has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use statement on April 30, 2015, and evidence that beneficial use of the water occurred during the authorized development period in accordance with the permit.

2. The Department should reinstate permit no. 65-13771 with the priority advanced to the date that proof of beneficial use was received.

ORDER

IT IS HEREBY ORDERED that Permit No. 65-13771 is **REINSTATED** with the priority advanced to April 30, 2015.

Dated this 21st day of May, 2015.



Shelley Keen, Manager
Water Rights Section

MEMORANDUM

TO: Water Right File 63-13771

FROM: Daniel Nelson – Staff Hydrologist

DATE: May 19, 2015

SUBJECT: Licensing Review of Water Right 63-13771

This field exam was performed by Certified Field Examiner Peter Z. Cooper of SPF Engineering Inc. Mr. Cooper reported that 8 acres were irrigated and limited the diversion rate to 0.08 cfs and 23.4 acre feet of water. There are a couple of issues that need to be addressed. Each will be addressed below:

Property Ownership:

At the time the permit was issued, the water right was in the name of Gem Mobile Home Park LLC. In 2006, the property was sold to Desert Rose Estates LLC. The field examiner's report includes an assignment of permit from Gem Mobile Home Park LLC to Desert Rose Estates LLC. The Secretary of State Business Search information shows that the signor of the assignment of permit was one of the manager's of Gem Mobile Home Park Manor in 2006, the year the property was sold. I also included the Secretary of State Business Search information on Desert Rose Estates LLC.

Well and Proof of Use During the Development period:

Mr. Cooper supplied 4 documents that strongly suggest that this system was used during the development period. Mr. Cooper supplied the following:

- A Well Driller's Report showing the well was completed on 10/10/1998.
- Documentation was supplied of well testing done on the well in 1998.
- An invoice was supplied showing the pump had been installed in 1995.
- A 1997 aerial photo showing the trailer park being irrigated.

With the above information, it seems reasonable to assume that the well was in place and operational prior to 2001 when proof of beneficial use was due.

Acres:

Mr. Cooper determined that the number of acres irrigated was 5.2 acres. He determined this by allowing 0.08 acres per lot for 58 lots and then adding 0.6 acres for the common area ($58 \text{ lots} \times 0.08 \text{ per lot} + 0.6 \text{ acres common area} = 5.2 \text{ acres}$). I tried to replicate Mr. Cooper's estimates using both the 1994 NAIP and 2011 ESRI imagery and could only come up with an average of 0.06 to 0.07 acres irrigated per lot. I did find 0.6 acres of common area irrigated. The average irrigation per lot in the 1994 and 2011 imagery allowed between 4.1 to 4.7 acres.

The closest imagery we have to this time period is 1994 and 2004. The 1994 and the 1997 imagery are very similar, so I feel the acre determination per lot would be similar. With the discrepancy of acres, I created the attached map to find the total acres irrigated in the 1994 aerial photo. I found a total of 4.5 acres irrigated, which falls within the average acre per lot estimates I did above. It is very difficult to determine the amount of acres irrigated per lot when the irrigation amounts are so minimal. It appears as though Mr. Cooper may have been very generous in his rounding of the average acre amounts per lot, so I recommend that the acres be reduced the 4.5 acres that I found in the 1994 aerial photos. I was also concerned about the low rate per acre measured, so this allows a bit higher rate per acre for this system.

Place of Use:

Mr. Cooper recommended a permissible place of use, but I don't think that is necessary. The 8.8 acre shape file for this permit is all in the same 40 acre tract, so I feel we can just limit the acreage to 5.2 acres, and show the borders of the irrigation in that 40 acre tract. The shape file is slightly larger, but not enough to warrant an assignment of permit to change this water right to a permissible place of use with the associated conditions. The water right should have a limit of 5.2 acres in the NENE quarter of Section 22, Township 8 North, Range 5 West.

The current mapping technology shows that some of the place of use may bleed over into SESE of Section 15, Township 8 North, Range 5 West, but it doesn't appear as though the ownership of the property goes beyond the section line. This could be an error in the Department's mapping registration or an error in the county tax lot information. The tax lot information states the entire park in the "SEC 22-8-5 E 20 of BLK 1 INNENE 118." I checked the Payette County Assessor's webpage and found that the Desert Rose Estates LLC mobile home park is only in the NENE of Section 22, Township 8 North, Range 5 West, so I did not move the shape above the section line.

Diversion Rate:

There was a question on the flow rates recommended by Mr. Cooper. Mr. Cooper measured this system using a GE TransPort Panameterics 878 flow meter on March 30, 2015 at a diversion rate of 22.4 gpm or 0.05cfs. In the field exam report narrative, Mr. Cooper describes the flow rates used for several drawdown tests performed in October of 1998 by Stevens & Sons Well Drilling. The maximum diversion rate used for these drawdown tests was 53 gpm or 0.11 cfs with a drawdown of 92.1 feet. Mr. Cooper provided an invoice dated April 5, 1999 that shows that a 3 hp Goulds pump was purchased and installed. The pump curve for this pump was also included in the field report. An invoice from Down Right Drilling and Pump Inc. dated July 3, 2013 for cleaning of the well and installation of a new pump was also supplied, which states that the well had a pumping capacity of 36 gpm with a drawdown of 100 ft.

In the attached analysis spreadsheet, you will see that at 220 feet of Total Dynamic Head the a diversion rate of 38 gpm or 0.08 cfs can be attained using our standard pump efficiency of 7%. The diversion rate based on the 1999 pump curve was 36 gpm because the pump curve shows maximum pump efficiency of 67%. The 2013 invoice claims the 36 gpm diversion rate for the pump that was installed using 100 ft of lift. Both pumps were designed to operate at 36 gpm with the 220 Total Dynamic Head. The measurement made on the system only found a diversion rate of 22 gpm, and measured the 22 gpm consistently throughout the 10 minute test. The pump curve shows a minimum efficiency of 0.40 %, which is what was measured by the field examiner. A pump curve or a theoretical calculation is only an estimate of a pumps maximum capacity under ideal conditions. The measured flow rate had very consistent readings throughout the test, therefore, I am recommending a diversion rate of 22 gpm or 0.05 cfs.

Volume:

This is an irrigation right with an established headgate requirement of .04.5 acre feet per acre limitation. It has been established that 5.2 acres were irrigate, so the volume of 23.4 af recommended by Mr. Cooper seems reasonable. The adjusted diversion rate of 0.05 cfs can supply the 23.4 af recommended ($0.05 \times 246 \text{ days} \times 1.9835 = 24.4 \text{ af}$).

Overlapping Water Rights:

This permit has several water rights that overlap the place of use. Water right 65-413 is a domestic use that is located in the NW corner of the section, and 65-21299 is another domestic right that the place of use is actually ½ miles south of this permit in the SESE forty acre tract.

This permit is also overlapped by Lake Reservoir Company irrigation water rights 65-2923C and 65-2923E, and Farmer's Cooperative Irrigation Company rights 65-66 and 65-67. This permit was filed because the owner's of the property could not acquire irrigation rights from these two canal companies. According to the field examiner, there is still no access to the canal companies' water rights.

The final water right overlaps are the City of Fruitland municipal water rights. This permit was originally protested by the City of Fruitland, to prevent the permit holder from connecting the water from the well into the City's system. Where they are not allowed to connect this system into the City's municipal system, the City's water rights are not a direct overlap of the lands irrigated under this permit.

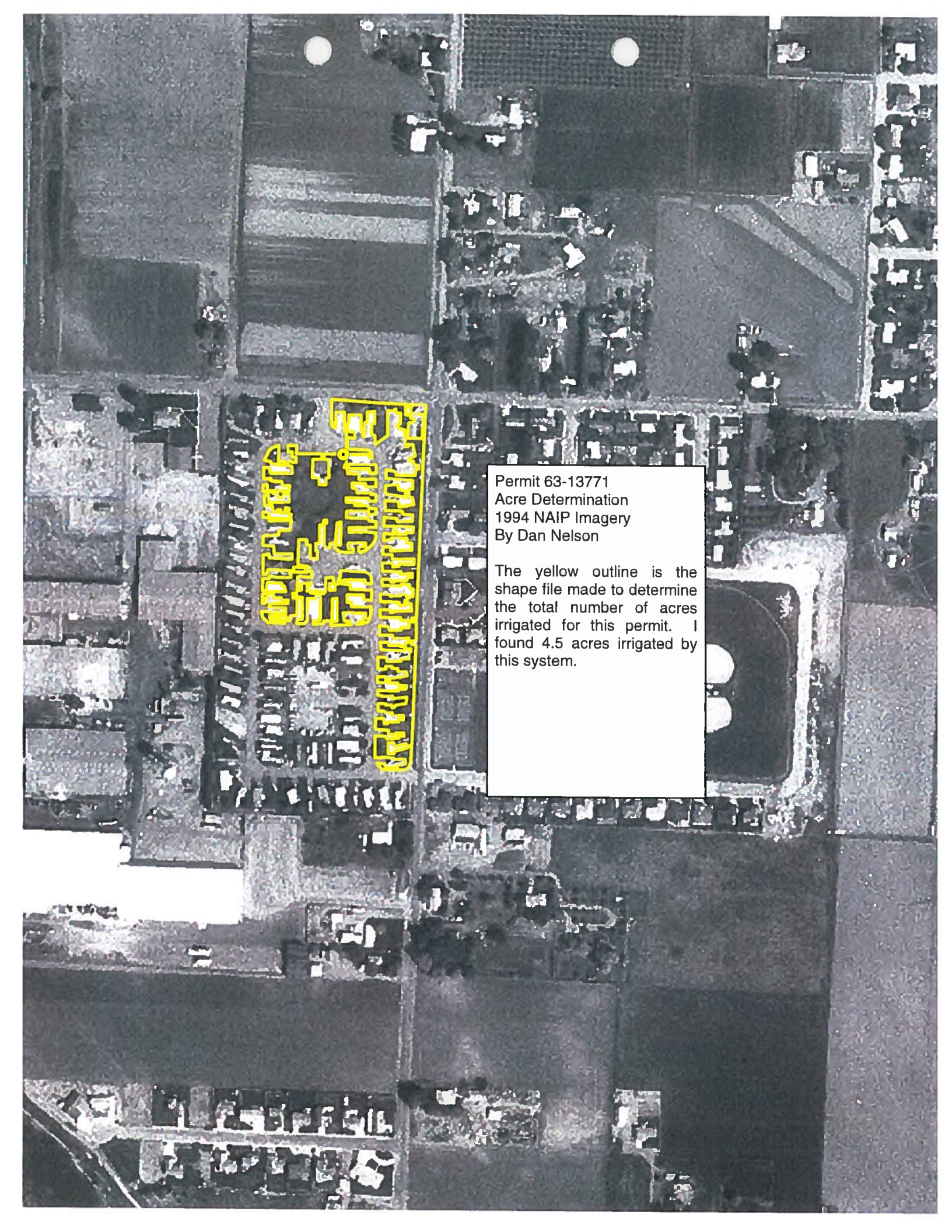
Therefore, there are no significant overlapping water rights on this system.

Conditions:

There are no overlapping canal irrigation water rights for this property, so there shouldn't be any supplemental conditions for this permit. Since the City of Fruitland's water rights are not connected into this system, there shouldn't be overlapping conditions for this permit. Conditions 004, 26A, and 046 should be removed from the license. Conditions R65, 120, and 01M should be carried over to licensing.

Condition number one should be split into 2 conditions. The first split should be changed to X60, and the second should be a reworded as follows:

The well authorized by this right must be cased at least sixty feet (60') below land surface, and the annular space must be sealed according to Department standards for the first sixty feet (60') of depth.

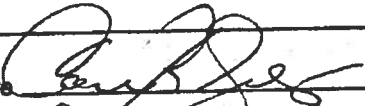


Permit 63-13771
Acre Determination
1994 NAIP Imagery
By Dan Nelson

The image is a grayscale aerial photograph of a rural landscape. It shows a grid of agricultural fields, some of which are dark and others lighter, possibly indicating different crops or soil types. A prominent yellow outline is drawn on the image, tracing a complex, winding path through several fields. This path represents an irrigation system. The path starts in the upper left, moves right, then down, then right again, and continues with various turns and loops, eventually ending in the lower right. The fields are separated by thin lines, likely roads or fences. In the bottom right corner, there is a white rectangular box containing text.

The yellow outline is the shape file made to determine the total number of acres irrigated for this permit. I found 4.5 acres irrigated by this system.

No. W 2579	Annual Report Form 1996 Due No Later Than November 30,		2. Registered Agent and Office NOT A P.O. BOX																		
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FEE REQUIRED * FIRST NOTICE *	1. Mailing Address - Please Correct, If Not Correct GEM MOBILE HOME PARK MANOR, ANN HAMPTON 3605 FEDERAL WAY BOISE ID 83705		ANN HAMPTON 3605 FEDERAL WAY BOISE ID 83705 3. Organized Under the Laws of: ID W 2579																		
4. Corporations: Enter Names and Addresses of President, Secretary and Directors Limited Liability Companies: Enter Names and Addresses of ☐ Managers or ☐ Members (check one) <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Office held</th> <th style="text-align: left;">Name</th> <th style="text-align: left;">Street or P.O. Address</th> <th style="text-align: left;">City -</th> <th style="text-align: left;">State</th> <th style="text-align: left;">Zip</th> </tr> </thead> <tbody> <tr> <td>MANAGER</td> <td>Keith I. Casenhiser</td> <td>725 Brea Canyon Rd #6</td> <td>Walnut, Ca</td> <td></td> <td>91789</td> </tr> <tr> <td>MANAGER</td> <td>Richard C Bessire</td> <td>725 Brea Canyon Rd #6</td> <td>Walnut, Ca</td> <td></td> <td>91789</td> </tr> </tbody> </table>				Office held	Name	Street or P.O. Address	City -	State	Zip	MANAGER	Keith I. Casenhiser	725 Brea Canyon Rd #6	Walnut, Ca		91789	MANAGER	Richard C Bessire	725 Brea Canyon Rd #6	Walnut, Ca		91789
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MANAGER	Richard C Bessire	725 Brea Canyon Rd #6	Walnut, Ca		91789																
5. SIGNATURE OF CURRENT RA ANY LAWFUL	6. I certify that this Annual Report has been examined by me and is to the best of my knowledge true, correct and complete. Signature <u>Keith I. Casenhiser</u> Date <u>7/17/96</u> Name (Typed or Printed) <u>Keith I. Casenhiser</u> Title <u>Manager</u>																				
ISSUED: 07-08-1995 1648																					

No. W 50361	Due no later than May 31, 2007 Annual Report Form		2. Registered Agent and Office 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 applicable DESERT ROSE ESTATES, LLC 1901 AVENUE OF THE STARS SUITE 400 LOS ANGELES, CA 90017		CORPORATION SERVICE COMPANY 1401 SHORELINE DR STE 2 BOISE, ID 83702 3. New Registered Agent Signature													
4. Limited Liability Companies: Enter Names and Addresses of Managers. <table border="1"> <thead> <tr> <th><u>Office held</u></th> <th><u>Name</u></th> <th><u>Street or P.O. Address</u></th> <th><u>City</u></th> <th><u>State</u></th> <th><u>Zip</u></th> </tr> </thead> <tbody> <tr> <td>Managing Member</td> <td>Carmen R. Grey</td> <td>1317 W. Foothill Blvd. Ste 226</td> <td>Upland</td> <td>CA</td> <td>91786</td> </tr> </tbody> </table>					<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	Managing Member	Carmen R. Grey	1317 W. Foothill Blvd. Ste 226	Upland	CA	91786
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>											
Managing Member	Carmen R. Grey	1317 W. Foothill Blvd. Ste 226	Upland	CA	91786											
5. Organized Under the Laws of: IDAHO W 50361		6. Signature  Name (Typed or Printed) <u>Carmen R. Grey</u> Date <u>3-14-07</u> Title <u>Managing Member</u>														

Issued 03/01/2007

Do Not Tape or Staple

200705007898

No. W 50361	Due no later than May 31, 2015		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.		FRED WHITE 700 E FAIRVIEW AVE MERIDIAN 83642			
	DESERT ROSE ESTATES, LLC CARMEN GREY 1317 W. FOOTHILL BLVD. SUIT 226 UPLAND CA 91786 USA		3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	CARMEN GREY	1317 W FOOTHILL BLVD STE 226 UPLAND		CA		91786
5. Organized Under the Laws of: ID W 50361		6. Annual Report must be signed.* Signature: Hollie Rutter Name (type or print): Hollie Rutter Date: 04/14/2015 Title: Acctg manager				
Processed 04/14/2015		* Electronically provided signatures are accepted as original signatures.				

Pump Curve Analysis For Permit 63-13771 License Review by Dan Nelson

Pump Horsepower (Hp)	Pumping Water Level (PWL)	System Pressure (PSI)	Total Dynamic Head (TDH) [PWL + (PSI X 2.31)]	Pump Efficiency	Flow Rate in CFS (Hp X 8.8 X Efficiency)/TDH)	Flow Rate in GPM (CFS X 448.8)
3	100	52	220	0.70	0.08	38
3	100	52	220	0.67	0.08	36
3	100	52	220	0.40	0.05	22

The pump curve shows an efficiency rating for this pump between 40 and 67 percent. The field examiner suggests that there is 220 feet of Total Dynamic Head (TDH). The field examiner also states that there is 100 feet of lift for this system. The first row of the above table shows the calculation the field examiner did using our standard theoretical calculation with 70% efficiency. The bottom two rows show the efficiencies that this can operate under using the maximum and the minimum efficiencies. The field examiner measured the system at 22 gpm. As you can see from the table above, the 22 gpm measured by the field examiner is the amount that the pump can operate at using its lowest efficiency. With systems this small, a small difference in efficiency, TDH or any number of factors can sway the diversion rate significantly. With the information available, I recommend that this permit be licensed for the amount actually measured of 22 gpm or 0.05 cfs. It appears as though a new pump was installed in 2013, so they could have installed a different pump. However, the field examiner used the same pump model for the pump that is currently in the well.

Nelson, Dan

From: Nelson, Dan
Sent: Thursday, May 21, 2015 7:29 AM
To: 'Peter Cooper'
Subject: RE: Desert Rose Beneficial Use Field Report

Peter,

Once the supervisor reviews the license, they sign the license which then becomes a preliminary order, or an order is issued voiding the permit. Your client will have 14 days to file a petition for reconsideration. After your client files the petition for reconsideration, the Department has 21 days to dispose of the petition. This means that we will relook at the order and the information submitted in the petition and make a determination on whether to deny the petition or reissue the order/ license with changes. If your client doesn't accept our decision, your client then can file exceptions to the agency head. The Department head then has several options to determine if he wants to pursue the changes or not. If your client is still not satisfied they can appeal the decision to district court.

This is very brief summation of a legal process that has many more facets than can be put into an email. Idaho Code 42-1701A and IDAPA rules 37.01.01 formally spells out the details. I strongly suggest that you have your organization's attorney explain this process to you. They are more qualified than I am to go through the entire legal process and ramifications of the process. I am not an attorney, so I am really not qualified to give you all of the details of this process.

I hope this helps,

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Peter Cooper [mailto:PCooper@spfwater.com]
Sent: Wednesday, May 20, 2015 4:07 PM
To: Nelson, Dan
Subject: RE: Desert Rose Beneficial Use Field Report

Hi Dan-

Thank you for this update, I really appreciate it! If the water right supervisor gets it early next week, if he/she signs off on it, when would you expect the draft license to be sent out for review? Once we review the draft, and assuming everything looks good, how quickly is the license issued?

Thanks!

Peter Cooper, P.E. | Project Engineer

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

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e. pcooper@spfwater.com | w. www.spfwater.com

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]

Sent: Wednesday, May 20, 2015 3:50 PM

To: Peter Cooper

Subject: RE: Desert Rose Beneficial Use Field Report

Hello Peter,

I have had meetings all day today, but I am just about ready to pass it on for approval. I have completed most of the data entry. I just have to prepare the draft the reinstatement order and the draft license for review.

I am hoping that I can get it turned in for final review to the Water Right Supervisor by the first of next week. I have put you on the mailing list as the representative, so you will receive a copy of the license if and/or when it is issued.

I do want to let you know that I have recommended that the license be limited to the amount of flow you measured of 0.05 cfs and I limited the acre amount to 4.5 acres. A theoretical calculation associated with a pump curve is a good estimate of the pump system in ideal operating conditions, but a measurement actually shows the capacity of the pump. The measurement that you performed looked really good, so I have to go with the measurement. Idaho Beneficial Use Field Exam rules do require a measurement be made, so we do need to use the measured water use. I also tried to replicate your estimate of 0.08 acres per lot, and I couldn't find 10 to 14 lots that came up with an average of 0.08 acres on either the 1994 aerial photo or the 2011 ESRI high resolution imagery that we have available. Therefore, I drew a shape file based on the 1994 aerial photos that we have and found a total of 4.5 acres actually irrigated. The 2011 ESRI high resolution imagery showed much less irrigation than the 1994 aerial photography, so I gave them as much as I possibly could by using the 1994 imagery.

If you have any further questions, please don't hesitate to ask.

Daniel Nelson

Staff Hydrologist

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

From: Peter Cooper [<mailto:PCooper@spfwater.com>]

Sent: Wednesday, May 20, 2015 1:48 PM

To: Nelson, Dan

Subject: Desert Rose Beneficial Use Field Report

Hi Dan-

I just wanted to check and see if there has been any progress on the Desert Rose Estates Beneficial Use Field Report. I know when we talked last, IDWR was busy building the back file. I wanted to see if that has been completed and if you have had a chance to look at our report. Please let me know if you have any questions or concerns and if you might have an estimated time frame for completion, I would appreciate it so that I can report back to my client to help them navigate the sale of the property.

Thanks for your help!

Peter Cooper, P.E. | Project Engineer

SPF Water Engineering, LLC

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