State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 63-33700

Priority: September 24, 2012

Maximum Diversion Rate: 0.10 CFS
Maximum Diversion Volume: 11.5 AF

It is hereby certified that VICTOR COOK AND TRACY COOK
12509 W ABLE DR
STAR ID 83669 have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 24, 2012; and has submitted Proof of Beneficial Use on February 07, 2014. An examination indicates that water is diverted from:

SOURCE
GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
IRRIGATION	03/01 to 11/15	0.06 CFS	9.5 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
COMMERCIAL	01/01 to 12/31	0.10 CFS	1.3 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER L4 (SW1/4SW1/4) Sec. 31, Twp 05N, Rge 01W, B.M. ADA 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	
05N	01W	31											1.2	0.9					2.1
													L 4						

Total Acres: 2.1

PLACE OF USE: DOMESTIC, STOCKWATER, COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01W	31											X	X					
													L 4						

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is 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 right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
3. 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.
4. Commercial use is for a riding arena.

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 10th day of February, 2015.

for Shelley W. Keen
GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License

63-33700

This map depicts the DOMESTIC, STOCKWATER, COMMERCIAL 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 0.05 0.1 0.2 Miles

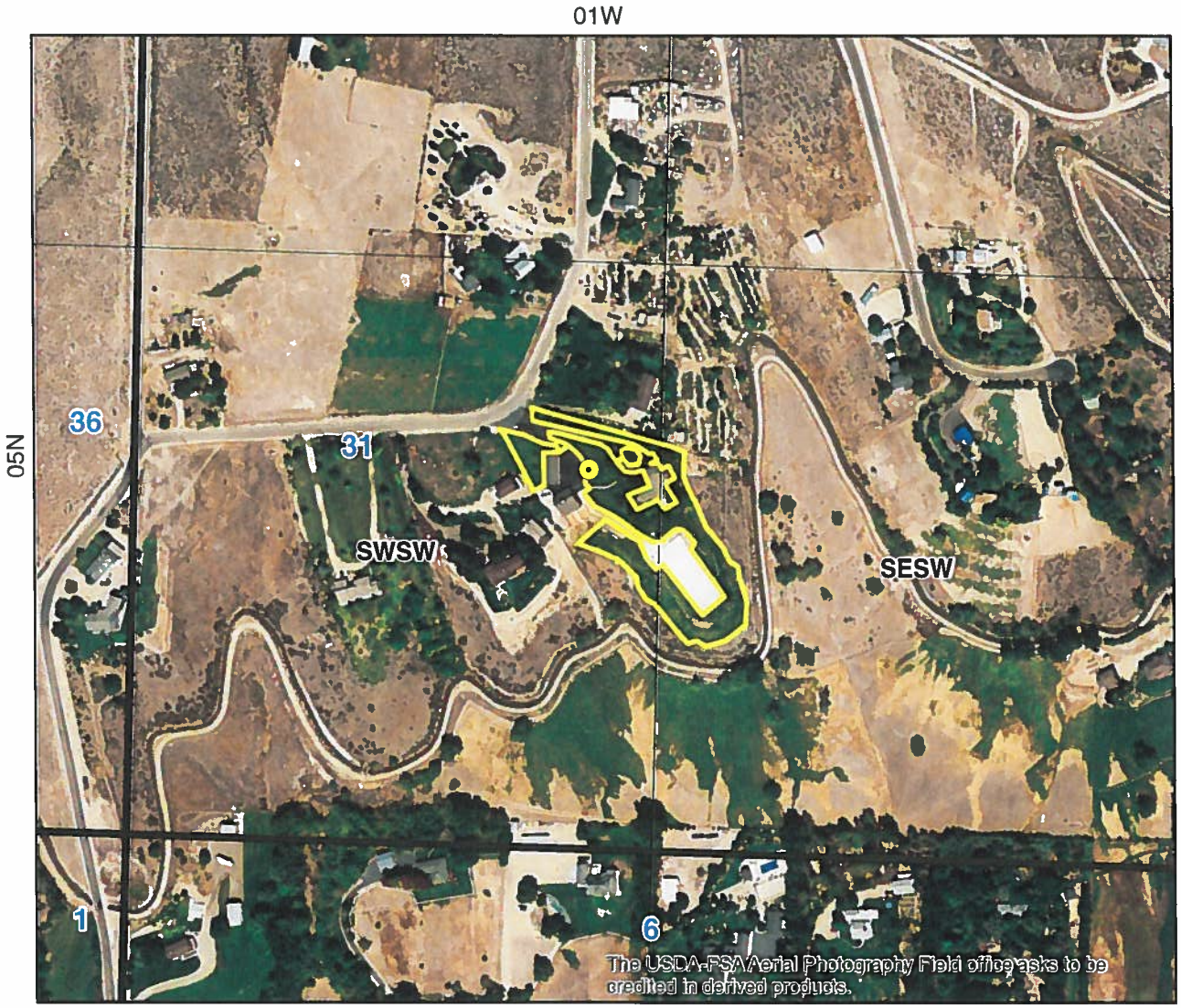
N

State of Idaho
Department of Water Resources

Attachment To Water Right License

63-33700

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 0.05 0.1 0.2 Miles

N

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

February 12, 2015

TRACY COOK
VICTOR COOK
12509 W ABLE DR
STAR ID 83669

RE: License No. 63-33700

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.

Field Examiner's Note: Prior to 2012, a domestic well just north of the house was used to supply the necessary water for the property. Following the drilling of Well D0064022 in 2012, the existing well north of the home was retrofitted as an injection well and connected to a heat exchanger for heating and cooling the house. The heat exchange system is not connected to the distribution system which is currently being used for irrigation, domestic, stockwater, and commercial purposes. Per Department policy, a heating/cooling system for a private home cannot be covered under the domestic beneficial use. The Department recommends that the property owner file a new water right application for heating/cooling beneficial use. (See field examination report for details.)

If you have any questions, please contact me at 208-287-4951.

Sincerely,

Pamela Skaggs
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2015, 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. 63-33700

TRACY COOK
12509 W ABLE DR
STAR ID 83669

VICTOR COOK
12509 W ABLE DR
STAR ID 83669

Darla Block

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

DATE: February 05, 2015
TO: File 63-33700
FROM: Ashley Newbry
Engineer Associate
RE: Proposed Licensure of WR 63-33700

In reviewing the field examination report for Right 63-33700, a few questions have arisen.

1. **Why didn't the examiner include the heating/cooling beneficial use on 63-33700?**

   a.) The two systems are not connected. The heat exchange system is not connected to the distribution system which is currently being used for irrigation, domestic, stockwater, and commercial purposes. It is IDWR policy to require a permit (or license) for each separate water system.
   b.) The heating/cooling system should not be considered a domestic beneficial use. Administrative Memo No. 22 states that a heating/cooling system for a private home cannot be covered under a domestic beneficial use.

2. **Both water systems are used in the same home; could a licensing amendment be performed?**

   a.) Probably not. The Cook's filed an amended application for permit on February 11, 2013 to divert 0.12 cfs of groundwater. A brief analysis of the heating/cooling system reveals that the system alone would need to divert up to 0.4 cfs when the system is in use. The permit 63-33700 has been recommended for licensure at 0.10 cfs. There is not enough diversion rate remaining to cover the diversion rate necessary for the 6 ton unit.

3. **On the sheet entitled "Heating, Water Heating and Cooling Energy Cost and Carbon Dioxide Estimator," which figure is the AFY (AFA)?**

   a.) On the first page, a summary chart has been included in blue in the upper right hand corner. The last box in the chart is the approximate AFY needed to run a 6 ton system in Idaho (the Northern region of the U.S.)—in this case about 6 AFY.

4. **On the sheet entitled "Heating, Water Heating and Cooling Energy Cost and Carbon Dioxide Estimator," where is the calculation for CFS (cubic feet per second)?**

   a.) On the second page, I have included an approximation of the necessary diversion rate for this system. Notice that these values are averaged based on the number of hours that the system will be used for heating and cooling each year.

5. **On the sheet entitled "Heating, Water Heating and Cooling Energy Cost and Carbon Dioxide Estimator," why is the cooling value exactly one tenth (1/10) of the heating value in gal/year?**

   a.) This has occurred because of the proportionality associated with each of the data tables: HeatHours Estimates, HeatSqFt Estimates, CoolHours Estimates, CoolSqFt Estimates. For a home in the northern U.S., the values recommended are proportionate to each other.

6. **It gets relatively hot in Idaho during the summer; why does heating require so much more water than cooling?**

   a.) Remember that this sheet is based on hours that the unit is turned on. It does not take into account the temperatures that the unit is working to counteract while it is turned on. The assumption is that in the northern region of the U.S. that the system will run at a heating status for many more hours than at a cooling status.