

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-22882

Priority: April 16, 2004

Maximum Diversion Rate: 4.12 CFS

It is hereby certified that NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT
PO BOX 729
435 S ELD LN
DONNELLY ID 83615

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 16, 2007; and has submitted Proof of Beneficial Use on August 29, 2014. An examination confirms water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

MUNICIPAL

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

4.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

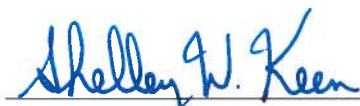
GROUND WATER NW1/4NW1/4 Sec. 27, Twp 16N, Rge 03E, B.M. VALLEY County
GROUND WATER NW1/4NW1/4 Sec. 27, Twp 16N, Rge 03E, B.M. VALLEY County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of North Lake Recreational Sewer & Water District as provided for under Idaho Law. The place of use is generally described as Sections 14, 15, 21, 22, 23, 26, 27, 28, 33, and 34, Township 16N, Range 3E.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
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. 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.

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 14th day of October, 2014.

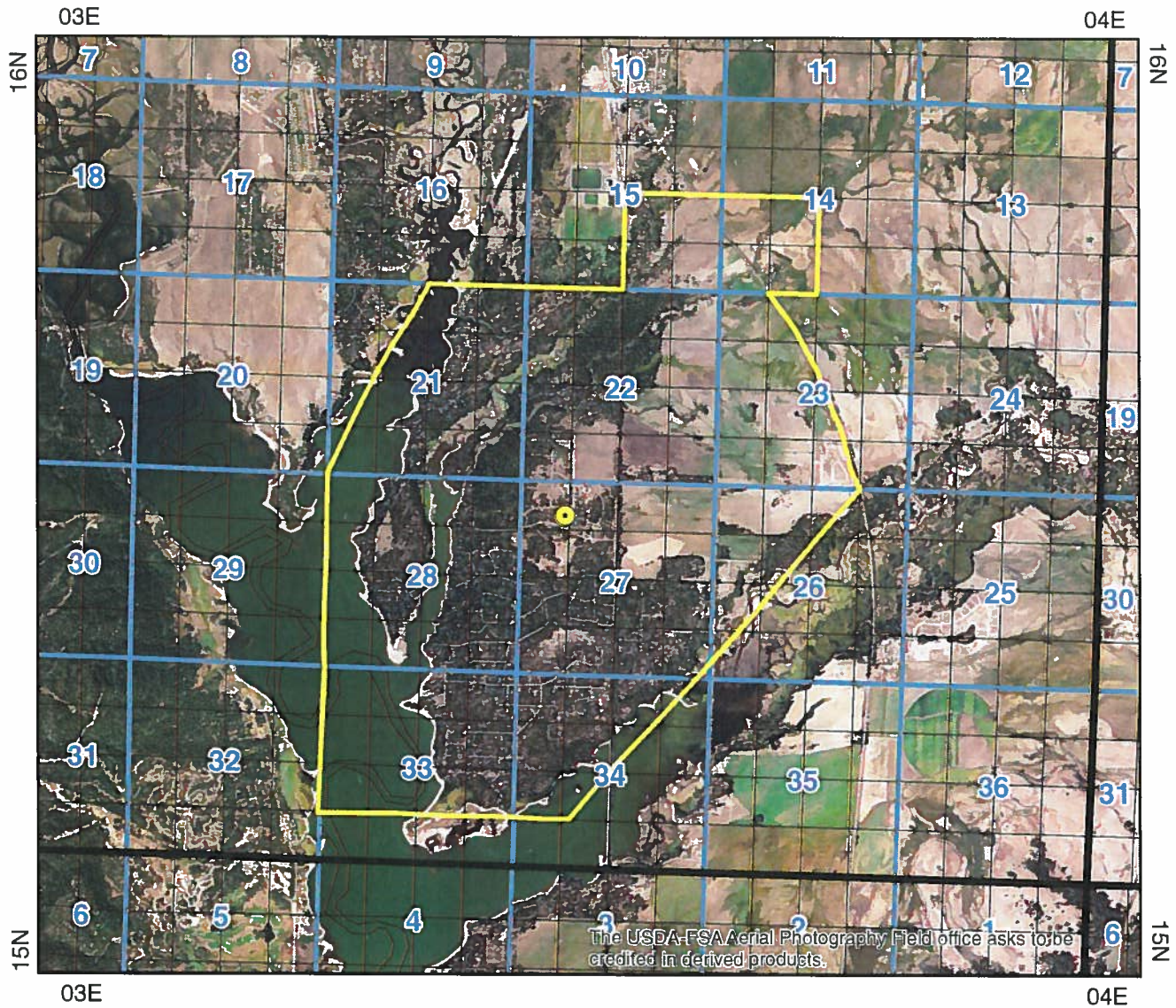

for GARY SPACKMAN
Director

North Lake Recreational Sewer & Water District

Attachment To Water Right License

65-22882

This map depicts the MUNICIPAL 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
- Water Service Area Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.5 1 2 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

October 15, 2014

NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT
PO BOX 729
435 S ELD LN
DONNELLY ID 83615

RE: License No. 65-22882

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

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on October ²⁰16, 2014, 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.

65-22882

**NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT
PO BOX 729
435 S ELD LN
DONNELLY ID 83615**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
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: File 65-22882

FROM: Daniel Nelson – Staff Hydrologist

DATE: October 14, 2014

SUBJECT: Licensing Review for 65-22882

I initially recommended that this permit be licensed for the maximum diversion rate measured of 4.36 cfs at 27 psi. However, it was determined by administration that the diversion rate should be limited to the rate of flow at 40 psi per IDEQ Public Drinking Water Systems Rule 552.01.b.v, which requires a minimum pressure of 40 psi. The field examiner performed a theoretical calculation that appeared to provide a reasonable amount of flow at 40 psi of 4.12 cfs.

4.12 cfs will be recommended for licensing of this water right.

MEMORANDUM

TO: File 65-22882

FROM: Daniel Nelson – Staff Hydrologist

DATE: October 7, 2014

SUBJECT: Licensing Review for 65-22882

This is licensing review of the field exam that was supplied by the Certified Field Examiner (CFE), Terry Scanlan of SPF Water Engineering. There are couple issues that need to be addressed in the licensing of this permit. I will address each issue separately.

The permit for this water right was approved prior to the 10/19/2009 Administration Memo, Licensing No. 1, which states that a license may be issued limiting the diversion rate in combination with the other right in the municipal system to the existing capacity of the municipal system. For this reason the diversion rate for the well will be licensed at the capacity of the well, and no combined conditions limiting the capacity of the system will be added to the water right license. This well is currently on its own system, so this shouldn't be an issue.

Diversion Rate:

The certified examiner provided theoretical calculations and stated that there was no suitable location available to conduct testing without causing damage. Then in the photo section, the examiner showed that both wells has a flow meter on the pipeline. We required the examiner to attain readings from the flow meter to determine flow rates. The flow meter showed that the two pumps pumping together could provide 4.05 cfs at 43 psi, 4.19 cfs at 34 psi, and 4.36 cfs at 27 psi. The theoretical calculations confirms that these flow measurements are fairly accurate. According to the field examiner, the flows generally operate at approximately 40 psi, so the 4.05 cfs measured would be at standard operational flows. However, there will be times that the system will be taxed and the pressure reduced to the 27 psi range, so this permit should be licensed for 4.36 cfs. The system can be taxed for numerous reasons including fire fighting or peak flow requirements.

Diversion Volume:

This permit is for a municipal use for the North Lake Recreational Sewer and Water District, which qualifies as a municipality. Therefore, no volume is required on the license for this permit.

Only Two Points of Diversion Developed:

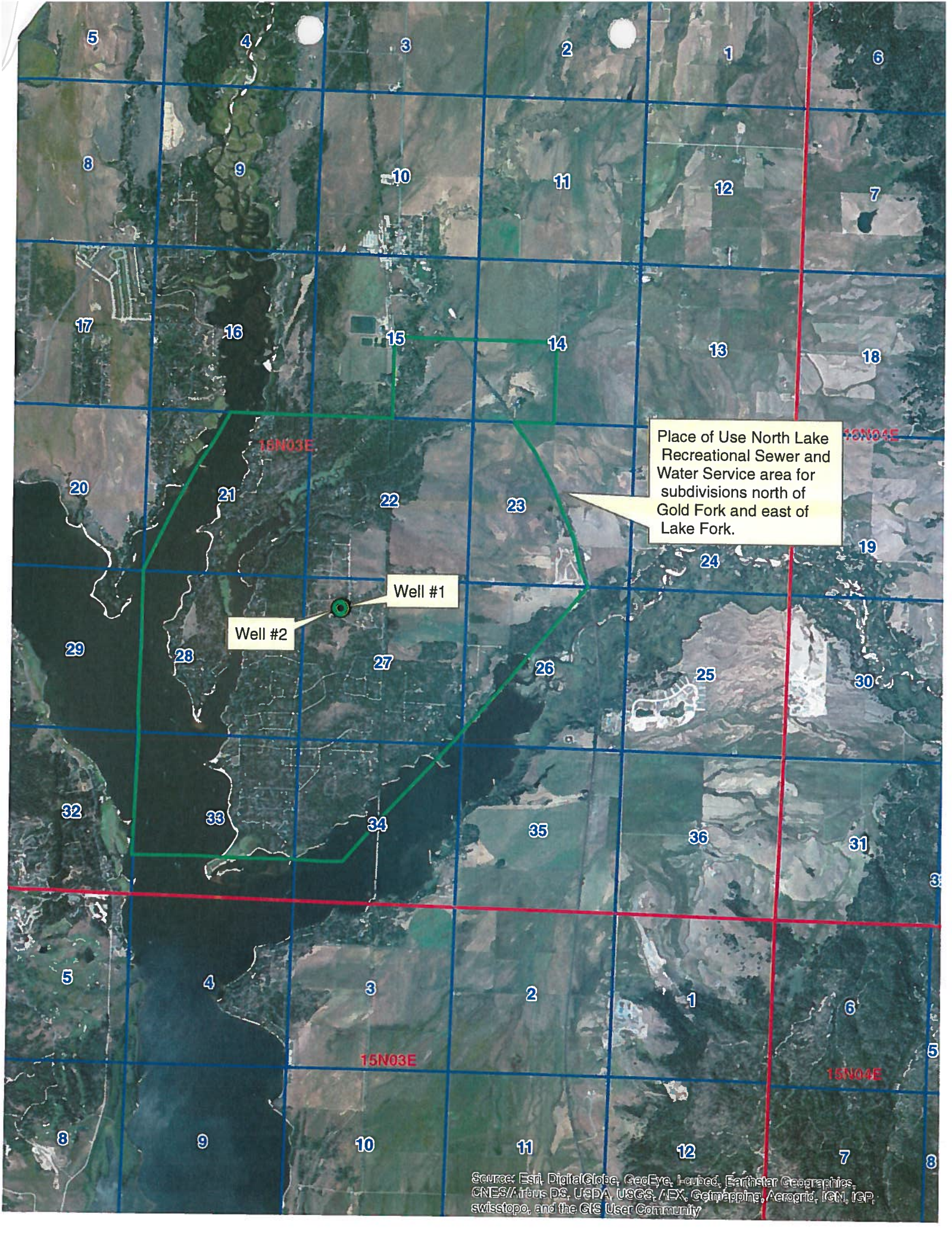
The permit showed a number of wells/diversions proposed for this water right. However, only the two wells described in the field examiner report were actually developed.

Conditions:

Conditions 2(26A) and 3(046) were removed at licensing. Conditions 1(180), 4(126), and 5(01M) were carried forward to licensing. Condition 6 (121) was changed to condition number 103 as is standard.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community



Place of Use North Lake Recreational Sewer and Water Service area for subdivisions north of Gold Fork and east of Lake Fork.

Well #1

Well #2

Basin	Sequence	Process	Basis	Priority Date	Diversion Rate	Source List	Water Use List	Current Owner	Other Owner	Leased to Water Supply Bank	Approval Date	Volume
65	22358	Water Right	License	4/5/2001	1.850	GROUND WATER	MUNICIPAL	NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT	KELLER ASSOC(Representative)	No		
65	22889	Water Right	License	5/18/2004	3.210	GROUND WATER	FIRE PROTECTION, MUNICIPAL	NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT	W & S INVESTMENTS INC(Original Owner)	No		79.2
65	22971	Water Right	License	8/29/2005	0.940	GROUND WATER	MUNICIPAL	NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT	CRANE SHORES LLC(Original Owner); SPF WATER ENGINEERING LLC(Representative)	No		101.0
65	22357	Water Permit		3/16/2001	8.600	GROUND WATER	DIVERSION TO STORAGE, MUNICIPAL FROM STORAGE, MUNICIPAL STORAGE, MUNICIPAL	TAMARACK RESORT LLC	CREDIT SUISSE(Security Interest); NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT(Security Interest)	No	12/20/2002	
65	22882	Water Permit		4/16/2004	5.000	GROUND WATER	MUNICIPAL	NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT	SPF WATER ENGINEERING LLC(Representative)	No	9/15/2004	
65	23064	Water Permit		6/29/2006	5.000	GROUND WATER	MUNICIPAL	NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT	SPF WATER ENGINEERING LLC(Representative)	No	11/29/2007	

17N02E

17N03E

17N04E

Place of Use for 65-22889
22889

Place of Use for 65-22889 and 65-22971

16N02E

16N03E

16N04E

Place of use for 65-22357

Place of Use for 65-23064

This map shows the water rights owned by North Lake Recreational Sewer and Water District and Tamarack Resort LLC. As you can see, none of the place of use for this permit overlaps that place of use for the other rights. The Cascade Reservoir itself prevents these

Place of Use for 65-22358

15N02E

15N03E

15N04E

14N02E

14N03E

14N04E