

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 63-12431

Exam Date: 6/27/2012
7/31/2013

1. Current Owner: ASPEN HILLS, LLC
6005 HAZELWOOD LANE SE
BELLEVUE, WA
(425) 829-3590
2. Accompanied by: Gregg Davis & Chris McDowell
Phone No: (208) 344-0288
Address: 512 W. Idaho Street, Boise, ID 83702
Relationship to Permit Holder: Director of Property Management, Commercial Northwest & Aspen Hills Apartments
Maintenance Supervisor

3. SOURCE TRIBUTARY
GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-2392B
2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER L6 NW1/4SW1/4 Sec. 6, Twp 03N, Rge 01E, B.M.
ADA County

Method of Determination: Arc Map (Aerial Photo); GPS – Latitude N.43°37.496', Longitude W.116°23.406'; Datum – NVD83.

2.
PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
03N	01E	6										3.0							3.0
												L 6							

TOTAL: 3.0

Method of Determination: Arc Map (Aerial Photo); Tax Lots.

3. ☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☒ Photo of Diversion and System Attached

4.

<u>Well or Diversion ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge Size</u>
D0042770	Unknown	7.5	Unknown	Grundfos	2"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

<u>Measurement Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
N/A						

2. Measurements: No field measurement. Well operating pressure of 70 psi (Gauge).

E. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: (Theoretical Horsepower Equation)

$$Q = 8.8 \times 0.7 \times 7.5 / 100 + (2.31 \times 70) = 46.2 / 241.70 = 0.19 \text{ cfs}$$

$$Q(\text{theoretical}) = 0.19 \text{ cfs} > 0.09 \text{ cfs } Q(\text{permit})$$

$$HP = 7.5$$

$$Z = 80'$$

$$P = 70 \text{ psi}$$

Appears that the current pumping system can attain the permit diversion rate of 0.09 cfs.

Recommend the permit diversion rate of 0.09 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 3.0 \times 4.5 = 13.5 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.09 \times 260 \times 1.9835 = 46.4 \text{ AFA}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 13.5 \text{ AFA}$$

2. Volume Calculations for Other Uses: N/A

G. NARRATIVE/REMARKS/COMMENTS

(See Attachment)

Have conditions of permit approval been met? ☒ Yes ☐ No

CONDITION NO.3 – Water bearing zone to be appropriated is 60 to 100 feet. The well depth is 103'. Screens were set from 82' – 102'. Right holder is in compliance with Condition No.3.

CONDITION NO.4(065) – The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder. The right holder has surface water rights through the Nampa & Meridian Irrigation District. In July, 2013, the right holder completed the necessary improvements to the surface water supply and irrigation pumping system. Right holder is in compliance with Condition No.4.

RATE &/OR STORAGE RECOMMENDED FOR LICENSING

Description	Rate of Flow (cfs)		Storage (af)
Permit Amount	0.09	&/or	N/A
Beneficial Use Limit	0.09	&/or	N/A
System Measurement	0.19(theoretical)	&/or	N/A
Proof Fee Amount	0.2	&/or	N/A
Recommended Amount	0.09	&/or	N/A

H. RECOMMENDATIONS

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
~~IRRIGATION~~ <i>Domestic</i> <i>RC</i> <i>12/9/13</i>	3/01 to 11/15	0.090 CFS	13.5 AFA
	<u>Totals:</u>	0.090 CFS	13.5 AFA

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above X None

___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

Field Examiner's Name *Rick Collingwood* Date *12/3/13*

Reviewer _____ Date _____

Water Right Permit No. 63-12431
Aspen Hills, LLC

Section E. Narrative/Remarks/Comments

WATER SUPPLY SYSTEM:

A 7.5-hp submersible pump diverts ground water for irrigation of approximately 3.0 acres of common areas and landscaping within the Aspen Hills Apartment complex.

IRRIGATION SYSTEM:

The main source of irrigation water is surface water supplied by the Nampa & Meridian Irrigation District. However, during the initial field exam on 6/12/12, it was discovered that surface water was not being used to irrigate the common areas and landscaping. The maintenance supervisor indicated that as the maintenance supervisor for the last three (3) years, the ground water well has been the sole source of irrigation water for the Aspen Hills Apartment complex. The Department informed the property manager that the current irrigation system violates a condition of approval for Water Right Permit No. 63-12431, in particular Condition No.4, which states that the right holder shall use the full allotment of appurtenant surface water rights prior to diverting ground water.

On October 26, 2012, a field investigation was conducted to inspect the diversion structure used to divert surface water from a small irrigation ditch to the abandoned Aspen Hills Apartments irrigation pump station. The irrigation ditch is located adjacent to the Aspen Hills Apartments easterly property line. Due to the large amount of siltation in the diversion structure, it appeared that the diversion structure had not been in operation for many years. The 12" slide gate which controlled the flow of water to the Aspen Hills Apartments irrigation pump station was closed and was half buried by silt.

On November 1, 2012, a letter was sent to the owner of the Aspen Hill Apartment complex. The letter summarized the findings by the Department regarding Water Right Permit No. 63-12431. The letter informed the owner that they were in violation for non-compliance with the conditions of approval for Water Right Permit No. 63-12431. The letter concluded that in stating that the right holder has 30-days to respond to the Department and to propose action which will result in compliance with the conditions of approval. The right holder hired SPF Water Engineering to redesign the surface water supply and delivery system.

On July 31, 2013, another field investigation was conducted to inspect the new surface water diversion, collection, and irrigation pumping system. The surface water irrigation system was completed and in full operation irrigating the Aspen Hills Apartments common areas and landscaping. The right holder was no longer diverting ground water for irrigation.

OVERLAP ANALYSIS:

Point of Diversion: There are no point of diversion overlaps for Water Right Permit No. 63-12431.
Place of Use: Water Right Permit No. 63-12431 and Nampa & Meridian Irrigation District Water Right 63-2392B have overlapping places of use.

MEMORANDUM

TO: File

FROM: Rick Collingwood

DATE: 6-27-12

RE: Aspen Hills, LLC. – Water Right Permit 63-12431

Field Exam Attendees:

Gregg Davis - GM Director of Property Management, Commercial Northwest
Chris – Site Superintendent
Dan – Greenview Irrigation Co.

Field Examiners – Rick Collingwood & Vicky Music

SUMMARY:

Water Right Permit states that a ground water well is used for supplemental irrigation of the grounds for the Aspen Hills Apartments. The main source of water for irrigation is from surface water provided by the Nampa & Meridian Irrigation District. There exists an irrigation diversion structure in a ditch approximately 15' east of the property boundary line. None of the attendees were aware of the diversion structure, and that surface water is the primary source for irrigation water for the Aspen Hills Apartments.

There exists a small pump house, which apparently has not been in use for 3 or more years according to the superintendent. In the pump house, there exists a 5hp pump with a 1 ½" suction line into a 30" diameter CMP sump. The pump discharge line has been disconnected. It is assumed that a pipe from the diversion structure in the irrigation ditch discharges into the sump, but the diversion system from the irrigation ditch is not currently and apparently has not be in operation for at least 3 years.

The ground water irrigation well, which is located within a fence enclosure near the easterly property line, has been the prime source of irrigation for the development for as long as the superintendent can remember. When the sump in the pump house was used, it is assumed that the well discharged to the sump when supplemental irrigation was required. The current well 2" discharge line has been rerouted around the pump house. The ground water well is being used as the main and only source for irrigation, when it is actually only to be used for supplemental irrigation for the surface water shares provided by the Nampa & Meridian Irrigation District.

Discussed the condition of approval item #4 with the attendees, which states that 'the right holder shall use the full allotment of appurtenant surface water rights in conjunction with the groundwater diverted under this right and shall only divert groundwater when surface water rights cannot be delivered to the right holder'. Gregg Davis indicated that he is going to follow up with the Nampa & Meridian Irrigation District and Caron Pump to obtain information on the ditch diversion structure and the well pump. Chris was directed to contact the current owner and attempt to obtain as-built plans and pump information. Chris may try to attempt to locate and contact the former site superintendent.

Caron Pump 939-9198
Frank E. 573-3862

MEMORANDUM

TO: File

FROM: Rick Collingwood

DATE: 10-25-12

RE: Aspen Hills, LLC – Water Right Permit No. 63-12431
Irrigation System History

Water Right History:

In September, 1997, an Application for Permit was submitted to the Department for domestic use for the Aspen Hills Apartments in Meridian, Idaho. The actual beneficial use is for irrigation of the common grounds and landscaping, not domestic use.

In March, 1998, Water Right Permit No. 63-12431 was approved. The Proof of Beneficial Use was submitted in February, 2000.

Irrigation System:

The information on the history of the Aspen Hills Apartments irrigation system was compiled based on information provided by Frank Engelbrecht, Caron Pump.

Caron pump installed a 5-hp pump for the irrigation pump system in the mid 90's (1996 or 1997). The pump system was designed to divert surface water from an irrigation ditch operated by the Settlers Irrigation District. The irrigation ditch is located on private property east of the Aspen Hills Apartments. A headgate on the irrigation ditch was used to divert water to a 24"/30" CMP sump in the pump house. The sump is approximately 10 – 12 feet deep, with the xxx PVC supply line intercepting the sump approximately 4 – 5 feet from the top of the sump. The sump was placed high enough to prevent overtopping.

According to Mr. Engelbrecht, siltation in the xxx inch supply line from the ditch was a constant problem. The siltation would reduce the xxx inch pipes supply capacity, causing the 5-hp pump to shut down after 6 – 7 minutes of operation due to lack of water in the sump. Frank indicated that the 5-hp pump could not maintain adequate pressure for the irrigation system. He indicated that one irrigation zone contained approximately 20 sprinkler heads.

Due to the unreliability of the existing irrigation system, an irrigation well was drilled in August, 1999, and a 7.5 hp pump was installed for irrigating the Aspen Hills Apartments common and open spaces. The existing irrigation pump station was disconnected and abandoned. The well became the main and only source for irrigation water for the Aspen Hills Apartments.

In April, 2006, due to sand issues, the existing irrigation well was deepened and a new screen was installed.

Water Right Permit No. 63-12431:

As stated in the Water Permit Report, Condition No.4, right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder. Since 1998, when Water Right Permit No. 63-12431 was issued to the Aspen Hill Limited Partnership, surface water has not been diverted for irrigation of the Aspen Hill Apartments. Therefore, the current owners, Aspen Hills, LLC, is in violation of their permit.

An on-site meeting with the Aspen Hills Apartment superintendent shall follow to further investigate the diversion system from the Settlers Irrigation District's supply ditch.

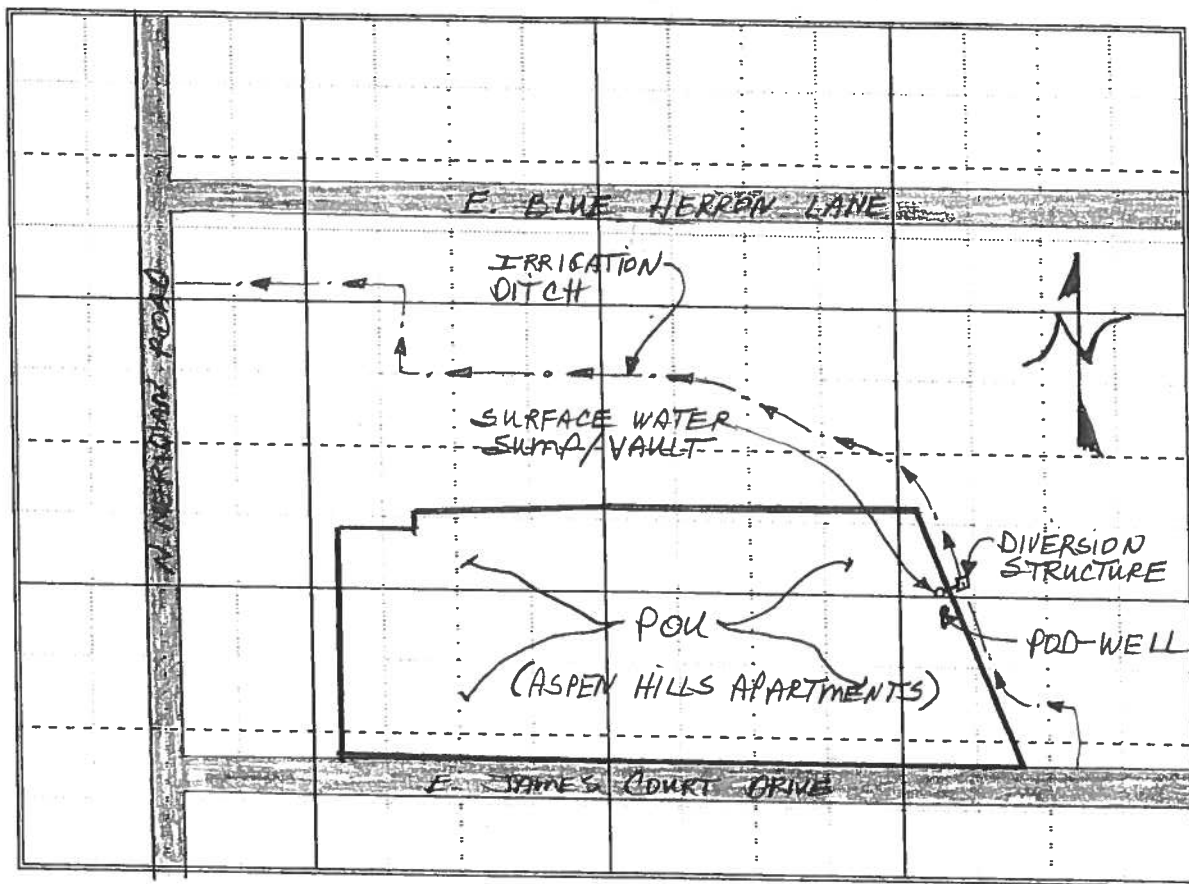
63-12431
GOV'T. LOT 6

ESRI AERIAL PHOTO - 2012



Form 219 07/11

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☐ see attached.



Scale: 1" = NTS

- ☐ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (required)
☒ Aerial photo attached (required for irrigation of 10+ acres)
☒ Photo of diversion and system attached

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only			
Well ID No. _____			
Inspected by _____			
Twp _____	Rge _____	Sec _____	
_____ 1/4	_____ 1/4	_____ 1/4	
Lat: _____	_____	Long: _____	_____

1. WELL TAG NO. D 00042770
DRILLING PERMIT NO. _____
Water Right or Injection Well No. _____

2. OWNER:
Name ASPEN HILLS
Address P.O. BOX 7248
City BOISE State ID Zip 83707

3. LOCATION OF WELL by legal description:
You must provide address or Lot, Blk, Sub. or Directions to well.
Twp. 3 North ☒ or South ☐
Rge. 1 East ☒ or West ☐
Sec. 6 1/4 1/4 1/4
Gov't Lot _____
County ADA 10 acres 40 acres 160 acres
Lat: _____ Long: _____
Address of Well Site 300 JAMES COURT DR.
City MERIDIAN
(Give at least name of road + Distance to Road or Landmark)
Blk. _____ Sub. Name _____

4. USE:
☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☐ New Well ☒ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:
☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
<u>5/8 BENTONITE</u>	<u>0</u>	<u>40</u>	<u>3000 lbs</u>	<u>12" OVER BORE</u>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 81
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>8"</u>	<u>1'2</u>	<u>81</u>	<u>.250</u>	<u>STEEL</u>	☒	☐	☒	☐
<u>6"</u>	<u>74</u>	<u>82</u>	<u>.250</u>	<u>STEEL</u>	☐	☒	☒	☐
<u>6"</u>	<u>102</u>	<u>103</u>	<u>.250</u>	<u>STEEL</u>	☐	☒	☒	☐

Length of Headpipe 7.8 Length of Tailpipe 1.5
Packer ☒ Y ☐ N Type RUBBER X-PACKER

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method _____
Screen Type & Method of Installation JOHNSON / PULLBACK

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u>82</u>	<u>102</u>	<u>.020</u>	<u>304</u>	<u>6"</u>	<u>S.S.</u>	☐	☒

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method
<u>N/A</u>				

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
5 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

12. WELL TESTS:
☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
<u>120 +</u>			<u>1 hr</u>

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____

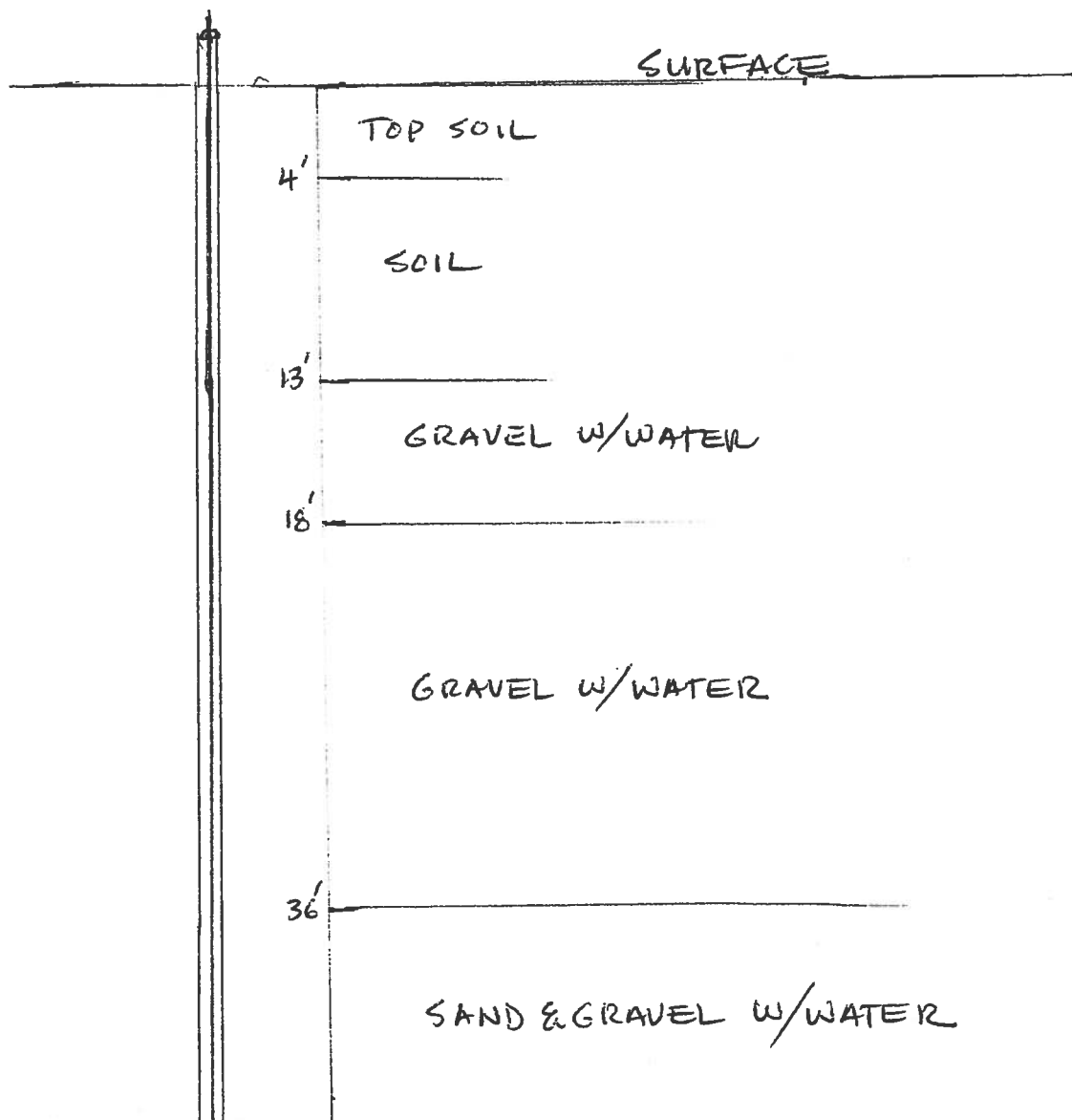
13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>12"</u>	<u>0</u>	<u>4</u>	<u>TOP SOIL</u>		☒
	<u>4</u>	<u>3</u>	<u>SAND</u>		☒
	<u>13</u>	<u>18</u>	<u>GRAVEL</u>		☒
	<u>18</u>	<u>36</u>	<u>GRAVEL</u>	☒	
<u>8"</u>	<u>36</u>	<u>52</u>	<u>SAND / GRAVEL</u>	☒	
	<u>52</u>	<u>58</u>	<u>CLAY</u>		☒
	<u>58</u>	<u>80</u>	<u>COARSE SAND</u>	☒	
	<u>80</u>	<u>85</u>	<u>WHITE SAND</u>	☒	
	<u>85</u>	<u>90</u>	<u>SANDY CLAY w/ SAND</u>	☒	
	<u>90</u>	<u>96</u>	<u>COARSE WHITE SAND</u>	☒	
	<u>96</u>	<u>100</u>	<u>BRN. SAND w/ CLAY STEPS</u>	☒	
	<u>100</u>	<u>103</u>	<u>BRN. CLAY</u>		☒

Completed Depth 103' (Measurable)
Date: Started 4/11/06 Completed 4/18/06

14. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name D P W D Firm No. 332
Principal Driller [Signature] Date 4-18-06
Driller or Operator II _____ Date _____
Operator I _____ Date _____
Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator II.



IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

Office Use Only			
Inspected by			
Twp	Rge	Sec	
1/4	1/4	1/4	
Lat	:	Long	:
☒ Air ☐ Flowing Artesian			

1. WELL TAG NO. D 0009950
 DRILLING PERMIT NO. 63-99-W-0595-000
 Other IDWR No. _____

2. OWNER: WR 63-12431
 Name ASPER H. 115
 Address P.O. Box 7248
 City Boise State ID Zip 83767

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N		Twp. <u>3</u>		North ☒ or South ☐	
W		Rge. <u>1</u>		East ☒ or West ☐	
E		Sec. <u>6</u>		1/4 NW 1/4 SW 1/4	
S		Gov't Lot _____		County <u>Ada</u>	
		Lat: _____		Long: _____	
		Address of Well Site <u>300 E James LT</u>		City _____	

(Give at least name of road + distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT (Sack or Pounds)	METHOD
Material	From	To		
Bentonite	4	18	10	Temp Case 12" 18' 6"

Was drive shoe used? ☒ N Shoe Depth(s) 58

Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8"	1	58	250	Steel	☒	☐	☒	☐

Length of Headpipe 5' Length of Tailpipe 0'

9. PERFORATIONS/SCREENS

Perforations _____ Method _____

Screens _____ Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
58	68	20" L		6"	SS	☐	☒

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE

4 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or control devices: 10/1A

11. WELL TESTS:

☐ Pump ☐ Bailor

Yield gal./min.	Drawdown	Pumping Level	Time
90	—	40	4:45

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: 10/1A

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
12"	0	4	Tap 50-1		
12"	4	13	So. 1		
12"	13	18	Gravel	☒	
6"	18	36	Gravel	☒	
1	36	52	Sand & Gravel	☒	
1	52	58	Clay		
1	58	88	Clay		
1	58	18	Sand	☒	

RECEIVED

SEP 16 1999

Department of Water Resources

RECEIVED

SEP 13 1999

WATER RESOURCES
WESTERN REGION

Completed _____ Depth _____ (Measurable)

Date: Started 8-8-99 Completed 8-16-99

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name PH:PPS Drilling Firm No. 311

Firm Official Wesley A. Rife Date 9-12-99

and Driller or Operator ally Baye Date 8/18/99

(Sign once if Firm Official & Operator)

FIELD EXAM PHOTOS

Water Right Permit: 63-12431
PLS: NW1/4, SW1/4 Section 6, T.03N, R.01E.
Field Examiner: RC

Field Exam Dates: 6-27-12
7-31-13



Point of Diversion: View southerly of the ground water well. The 2" Schedule 40 steel discharge pipe from the surface water sump/vault is shown connecting to the 2" Schedule 40 steel discharge line from the ground water well. The ground water well and surface water sump/vault are enclosed by fencing on the easterly property line of the Aspen Hills Apartment development.



View easterly of the surface water diversion structure. A 12" slide gate controls the flows through a short section of 12" PVC pipe to the 2' diameter sump/vault. The surface water is the main source of irrigation water for the Aspen Hills Apartment development.



View northerly of the 2' diameter sump/vault and the 2" Schedule 40 steel discharge line. A 5-hp submersible pump diverts surface water from the sump/vault through a 4" suction line. Surface water is discharged through the 2" Schedule 40 steel supply line to the Aspen Hill Apartments pressurized irrigation system.



Place of Use: View easterly of the pressurized irrigation system in operation in a typical sod and landscaped common area.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

November 8, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Mr. Don Lockner
Aspen Hills, LLC
6005 Hazelwood Lane SE
Bellevue, WA 98006

Re: Notice of Violation
Water Right Permit No. 63-12431

Dear Mr. Lockner:

I want to thank you for contacting me to discuss the surface water irrigation issue for the Aspen Hills Apartments in Meridian. I hope I was able to answer your questions and provide some guidance on the Department's policy requiring surface water rights, provided by irrigation districts or canal and ditch companies, be put to beneficial use prior to ground water from wells.

Terry Scanlan, SPF Water Engineering, LLC, contacted me to review and discuss the issues addressed in my November 1, 2012, water right permit violation letter. Mr. Scanlan indicated that his firm will be preparing a proposal to you to address the issues identified in my letter. He also indicated that Aspen Hills, LLC, is planning to have the necessary improvements in place by April, 2013, prior to the commencement of the 2013 irrigation season. If the proposed improvements are not completed and verified by the Department by April 1, 2013, the Department will proceed with voiding of Water Right Permit No. 63-12431.

If you have any questions, please give me a call at 334-2190.

Sincerely,

Rick Collingwood, P.E.
Water Resource Agent, Sr.
IDWR Western Region Office

cc: Terry Scanlan, P.E., P.G., SPF Water Engineering, LLC

Collingwood, Rick

From: Terry Scanlan [TScanlan@spfwater.com]
Sent: Monday, November 05, 2012 5:16 PM
To: Collingwood, Rick
Cc: d.lockner@comcast.net; gregg@commercialnw.com; Scott King
Subject: Aspen Hills LLC Water Right 63-12431

Rick –

To confirm our telephone conversation today, I was contacted to by Don Lockner of Aspen Hills LLC. Mr. Lockner has asked SPF Water Engineering to prepare a proposal to address the issues identified in your notice of violation letter of November 1, 2012. Specifically, we will propose to (1) investigate and quantify the surface water delivery to the Aspen Hills Apartments, (2) compare the authorized surface water delivery to the capacity of the gravity delivery piping, pump system, and sprinkler system, and (3) prepare a plan to repair, modify, or otherwise improve the surface water system so that the full surface water irrigation right can be delivered through the sprinkler system. Aspen Hills will plan to have the necessary improvements in place by April 2013 so that an operating surface water delivery system can be verified by the Department of Water Resources.

Assuming that SPF successfully enters into a contract with Aspen Hills to perform this work, SPF will provide you with updates over the next few months of our progress (beginning with notification that we are under contract to do the work). We will also work with you to schedule a site visit next spring to demonstrate compliance with permit conditions.

Please let me know if the plan proposed above will suffice as a first step toward resolving this notice of violation.

Terry M. Scanlan, P.E., P.G.
SPF Water Engineering, LLC
300 East Mallard Drive, Suite 350
Boise, ID 83706
208-383-4140 office
208-383-4156 fax



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 1, 2012

Aspen Hills, LLC
6005 Hazelwood Lane SE
Bellevue, WA 98006

Re: Notice of Violation
Water Right Permit No. 63-12431

On September 25, 1997, Aspen Hills Limited Partnership submitted an Application for Permit to irrigate the open space lawn and landscaping areas for the Aspen Hills Apartments in Meridian, Idaho. On March 20, 1998, a Permit to Appropriate Water was issued to the Aspen Hills Limited Partnership. Prior to the issuance of a water right, a field examination is required to verify that the permit information is correct and that the right holder is putting the water to beneficial use as stated on the permit.

On June 27, 2012, I conducted a field examination for Water Right Permit No. 63-12431. During the field exam, it was discovered that the irrigation pump station, which pumps surface water diverted from an irrigation ditch located 10 feet east of the easterly property line of the Aspen Hills Apartments, was not in operation. The Aspen Hills Apartments superintendent indicated that since he became the superintendent approximately three years ago, the pump station has not been in operation. The Aspen Hills Apartments open space lawn and landscaping are currently being irrigated by ground water from an irrigation well drilled in 1999. As a condition of approval for Water Right Permit No. 63-12431, it states that the right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface rights cannot be delivered to the right holder. Since surface water has not been diverted and put to beneficial use per the condition of approval, the right holder and current property owner, Aspen Hills, LLC, is in violation of Water Right Permit No. 63-12431.

On October 26, 2012, a field investigation was performed to inspect the diversion structure in the irrigation ditch. Upon inspection and discovering a large amount of siltation in the diversion structure, which has covered more than half of the closed slide gate used to divert the surface water to the Aspen Hills Apartments, it appeared that the diversion structure has not been in operation for many years.

I contacted Caron Pump, the pump installer for the Aspen Hills Apartments irrigation system. They indicated that due to siltation in the supply line to the pump station, which reduced the supply of water to the pump station, it was difficult to attain the full appropriation of surface water from the irrigation ditch. They indicated that even when they were able to divert their full appropriation from the irrigation ditch, the 5 hp pump in the pump station would pump the 10 – 12 foot deep sump dry in 6 to 7 minutes. Due to the unreliability of the surface water, an irrigation well was drilled in 1999. At this time, it appears that the surface water diversion and irrigation pump station was abandoned in 1999, and that the irrigation well has been the main and only source of water for irrigation of the Aspen Hills Apartments open spaces and landscaping areas since 1999.

Upon this notice of violation of Water Right Permit No. 63-12431, the right holder, Aspen Hills, LLC, has 30-days in which to respond to the Department and to propose action which will result in compliance with the condition of approval. If the Department does not receive a written response within the 30-day period, the Department will be required to proceed in voiding Water Right Permit No. 63-12431. If the right holder wishes to proceed with using the ground water well as the primary source for irrigation, a new application will need to be submitted to the Idaho Department of Water Resources Western Region office. However, filing a new application with ground water as the primary source will be subject to the same scrutiny as the current permit where surface water is the primary source for irrigation.

If you have any questions, please give me a call at 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Collingwood". The signature is fluid and cursive, with a large loop at the end.

Rick Collingwood, P.E.
Water Resource Agent, Sr.
IDWR Western Region Office



State of Idaho

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Governor

GARY SPACKMAN
Interim Director

May 16, 2012

Aspen Hills Limited Partnership
P.O. Box 7248
Boise, ID 83707-1248

RE: Scheduling Field Exam for Water Right Permit No. 63-12431

We are planning to **conduct water right field examinations** in the vicinity of the above-referenced permit **during the week of May 29, 2012**. An examination is needed to verify your water use in order to issue a water right license.

Please be advised that you will need to operate your system under normal operating conditions during the examination. The permit authorizes the diversion of 0.09 cfs of ground water for domestic use.

In order to conduct your exam as efficiently as possible, we ask that you call this office to schedule a day and time convenient for you. **Please call me at 208-334-2190 by May 24, 2012, to conduct the exam during the week of May 29, 2012.** If there is a problem with scheduling or conducting the examination at this time, please let me know so we can reschedule or make other arrangements.

I appreciate your attention to this matter and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Rick Collingwood". The signature is written in a cursive, flowing style.

Rick Collingwood, P.E.
Water Resource Agent, Sr.