



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

August 19, 2013

SUMMIT ACADEMY
PO BOX 427
COTTONWOOD ID 83522-0427

RE: License No. 85-15360

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.

Your license is based on the field examination that was previously conducted. The field examiner found that you are irrigating **4.5+** which exceeds the acres authorized by this right. The Department conducted a search and was unable to find other water rights that authorized the additional appropriation. You will need to either reduce your irrigated acres to the authorized amount or file an application for permit for the additional acreage not authorized under this or other water rights.

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 208-287-4916.

Sincerely,

Craig L. Saxton
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2013, 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.

85-15360

SUMMIT ACADEMY

PO BOX 427

COTTONWOOD ID 83522-0427



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.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 85-15360

Priority: June 18, 2002

Maximum Diversion Rate: 0.10 CFS
Maximum Diversion Volume: 5.9 AF

It is hereby certified that SUMMIT ACADEMY
PO BOX 427
COTTONWOOD ID 83522-0427 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated May 21, 2002; and has submitted Proof
of Beneficial Use on November 29, 2007. 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>
DOMESTIC	01/01 to 12/31	0.07 CFS	2.9 AF
IRRIGATION	03/15 to 11/15	0.03 CFS	3.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, Twp 32N, Rge 01E, B.M. IDAHO County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
32N 01E 32															X		

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
32N 01E 32															1.0		1.0
Total Acres:	1																

CONDITIONS OF APPROVAL

- Domestic use is for a school. Irrigation of lawn, garden and landscaping associated with the school is authorized under the irrigation component of this right.
- This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

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 15th day of August, 2013.

Gary L. Spackman
For GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
85-15360

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.

01E



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

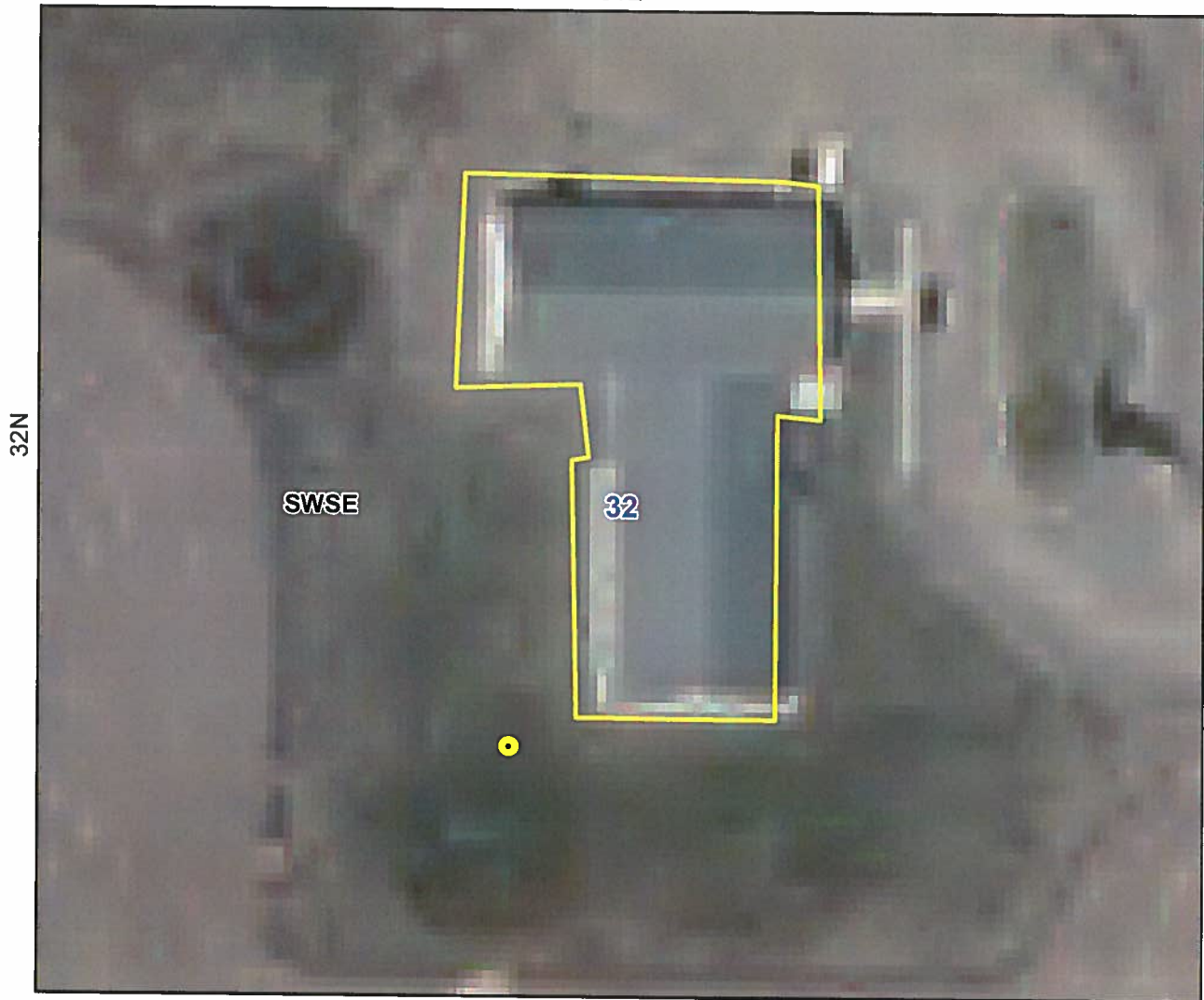
0 0.01 0.02 0.04 Miles



State of Idaho
Department of Water Resources
Attachment To Water Right License
85-15360

This map depicts the DOMESTIC 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.

01E



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

0 0.0075 0.015 0.03 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 85-15360

Exam Date: 5/16/2012

1. Current Owner: SUMMIT ACADEMY
PO BOX 427
COTTONWOOD ID 83522-0427
(208)962-5650

2. Accompanied by: Luke Carey

Phone No: (208)962-5650

Address: PO BOX 427, Cottonwood, ID 83522-0427

Relationship to Permit Holder: current principle at time of field exam, who is no longer with the school.

Contact Person at the School: Amy Rose (208)962-5650

Additional Information: Tax Lot information updated on 4/4/2013 confirms Summit Academy as the owner of 42.8 acres, with the same mailing address (physical address: 122 Substation Rd., Cottonwood, ID 83522)

3. SOURCE**TRIBUTARY**

GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None. There are many water rights for the City of Cottonwood within the same quarter-quarter, for not for this same place of use.

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 SW1/4SE1/4 Sec. 32, Twp 32N, Rge 01E, B.M. IDAHO County

Method of Determination: Garmin GPS Map 76S, and ArcMap Esri and 2011 Imagery

2.

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	<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>	<u>Totals</u>
32N 01E 32																X	

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	<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>	<u>Totals</u>
32N 01E 32															1.0		1.0

Total Acres: 1.0

**At the time of the field examination, more than 1.0 acres were being irrigated (confirmed by ArcMap). On 7/30/2013, Amy Rose (208)962-5650 was contacted. She stated to go ahead and make a shape file for 1.0 acre for licensing this water right, and send her an application for permit for irrigation use, for the remaining acres. She was not aware that this permit was only for 1.0 acre irrigation. The person who initially filed the application for the permit for this water right is no longer connected with the school.

Method of Determination: Garmin GPS Map 76S, and ArcMap Esri and 2011 Imagery

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>
D0022460 unknown submersible		unknown	unknown	unknown	unknown

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

D. FLOW MEASUREMENTS

1. Measurements:

Theoretical: No information on the well/pump was known, so a theoretical could not be completed.

5-Gallon Bucket Measurement:

[(5 gallon X 60 sec)/5 seconds] X 0.00223 = 0.13 cfs capacity of system

E. FLOW CALCULATIONS**Measured Method:**

Year-round school with activities held at the school: 1/1 – 12/31 (365 days)

90 students (45 male, 45 female) attending school + 14 employees (5 men, 9 women) = 75 – 100 pgd/student =
6750 – 9000 gpd = 4.68 – 6.25 gpm = 0.01 cfs

Exhibit 14: 23 fixtures (1 shower, 7 toilets, 4 sinks, 1 drinking fountain) = 23 gpm + 15% increase due higher
number of females = 28.5 gpm X 0.00223 = 0.06 cfs

RECOMMEND:

Domestic (1 school open year-round) = 0.07 cfs

Irrigation 1 acre X 0.03 cfs = 0.03 cfs

Total Diversion Rate = 0.10 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (1.0 \text{ Acres Irrigated}) \times (3.0 \text{ Irrigation Requirement}) = 3.0 \text{ af}$

$V_{D.R.} = [0.03 \text{ Diversion Rate (cfs)}] \times (245 \text{ Days in Irrigation season}) \times 1.9835 = 14.6 \text{ af}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 3.0 \text{ af}$

2. Volume Calculations for Other Uses:

Non-irrigation:

$$[\text{Fixtures}(28.5\text{gpm}) + \text{Students/Staff}(2,250 \text{ gpd})] \times 365 \text{ days} = 954,162 \text{ gallons per year} / 325,850 = 2.9\text{AF}$$
RECOMMEND:

Irrigation 3.0 AF

Domestic 2.9 AF

Total Annual Volume: 5.9 AF

G. NARRATIVE/REMARKS/COMMENTS

The well was drilled in 7/31/2022 by Uhlenkott Well Drilling. It is a 6-inch casing that extends 19-inches above ground level, and is 650 ft deep, with a 499 ft static., with an unknown size discharge and Hp/make and model submersible pump, that runs at 30 - 40 psi. There are 4 frost-free hydrants located throughout the grounds, which are used for attaching misc. size hoses and rainbirds for irrigation purposes (unknown size and type of buried pipe). On the outer edge of the entire property and along both sides of the drive-way leading into the school are numerous bushes and trees on unknown number of drip emitter system (unknown gpm size emitters). Each bush/tree is 3 - 5 ft apart. The school is year-round, with 90 students (45 female, 45 male); there are 14 employees (9 women, 5 men); the academy is open routinely 8 hrs/day; The school is open a lot for after school and weekend functions; there are 23 fixtures (1 shower, 7 toilets, 14 sinks, and 1 drinking fountain). There is (1)-850 gallon storage tank (p6522ort2). Beneficial use is for Irrigation and Domestic (1 school). At the time of the field examination, more than the 1.0 acre permitted was being irrigated. Amy Rose (the contact person) was contacted in reference to this, and she will file an application for permit for irrigation for the remaining acres. She did not file the original permit, and was unaware that the permit was only for 1.0 acre.

Have conditions of permit approval been met? ☒ Yes ☐ No**H. RECOMMENDATIONS****1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.070 CFS	2.9 AF
IRRIGATION	03/15 to 11/15	0.030 CFS	3.0 AF
<u>Totals:</u>		0.100 CFS	5.9 AF

2. Recommended Amendments
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other
I. AUTHENTICATIONField Examiner's Name  Date: 8/5/2013

Exhibit 14

PUBLIC BUILDING WATER REQUIREMENTS

Kind of Building		Number of Fixtures				See Notes
		0-50	51-100	101-200	201-400	
Hotels/Clubs	Gpm/Fixture	0.65	0.55	0.45	0.35	A B
	Min. Gpm	25	35	60	100	
	Max. Gpm	33	55	90	140	
Hospitals	Gpm/Fixture	1	0.8	0.6	0.5	A B
	Min. Gpm	25	55	85	125	
	Max. Gpm	50	80	120	200	
Apartments/Hotels	Gpm/Fixture	0.5	0.35	0.3	0.28	A
	Min. Gpm	16	30	40	65	
	Max. Gpm	25	35	60	115	
Mercantile	Gpm/Fixture	1.3	0.75	0.7	0.6	A C
	Min. Gpm	40	70	80	150	
	Max. Gpm	65	75	140	240	
Office	Gpm/Fixture	1.1	0.7	0.6	0.5	A C
	Min. Gpm	35	60	80	140	
	Max. Gpm	55	70	120	200	
<u>Schools/Churches</u>	Gpm/Fixture	1	0.6	0.5	0.4	A
	Min. Gpm	20	50	70	110	
	Max. Gpm	50	60	100	160	

A. Table are based on equal number of men and women. If major number of occupants are women increase capacity 15%.

B. Where laundry is operated in connection with building increase capacity 15%.

C. These estimates do not include water for special process work. The extra amount should be determined and added to the total capacity.

Source, *Hydraulic Handbook*, Colt Industries, 1979, p. 90.

TABLE 1 (cont.)
Type of Establishment

Gallons per day

Restaurants:

With toilet facilities (per patron)	7-10
Without toilet facilities (per patron)	2½-3
With bars and cocktail lounge (additional quantity per patron)	2

Schools:

Boarding (per pupil)	75-100
Day with cafeteria, gym and showers (per pupil)	25
Day with cafeteria but no gym or showers (per pupil)	20
Day without cafeteria, gym or showers (per pupil)	15
Service stations (per vehicle)	10
Stores (per restroom)	400
Swimming pools (per swimmer)	10
Theatres:	
Drive in (per car space)	5
Movie (per auditorium seat)	5
Workers:	
Construction (per person per shift)	50
Day (school or offices per person per shift)	15

Additional
acres being irrigated
with no permit

NWSE

Irrigation (hoses and rainbirds moved around)

Additional
acres without
a permit

32N01E

Domestic/Year-Round School

32

Drip Irrigation (bushes/trees)

POD: 6-inch casing/Groundwater

0.9
acre

Drip Irrigation (bushes/trees)

Drip Irrigation (bushes/trees on outer edge)



POU
entrance



POU
irrigate
+
Domestic
(School)

area
being
irrigate
this is
not
covered
by a
water
right

85-15360 Summit Academy

S. Hemerway



POD

POU
Domestic
(School)

05/16/2012

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of
POD
Additional
area
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covered
by
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area
not
covered

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05/16/2012

85-15360 Summit Academy

S. Hemerway



irrigat
trees
on the
south
side
of the
road
leading
to the
school
(not
covered
by a
water
right)

05/16/2012



POD
+
POU
south
+
south
east
of Poi
(irrigat)

05/16/2012

85-15360 Summit Academy

S. Hemerwan

MEMORANDUM

Date: August 05, 2013
To: Water Right File 85-15360
From: shemenway
Re: Additional Acres Irrigated

On 7/30/2013, I spoke with Amy Rose (208)962-5650. She stated that Luke Carey was no longer employed at the school, and that she was the present contact person. She stated that she was not aware that the permit was only for irrigation of 1.0 acre, and stated to go ahead and issue the license for 1.0 acre of the acreage they are irrigating, and they would file an application for permit for the remaining acreage. A map, and application for permit will be mailed out with the license, with a paragraph in the cover letter in reference to the additional acres.