

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OCT 18 2022

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
25-7669 OK	Yes ☐	Yes ☐	25-14312 OK	Yes ☐	Yes ☐
25-14395 OK	Yes ☐	Yes ☐	25-14315 OK	Yes ☐	Yes ☐
25-14305 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
25-14307 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
25-14308 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Iron Rim Ranch Home Owners Association, Inc.
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Black Hawk Homeowner's Association, Inc. (c/o Chris Boniface)
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

7983 Silver Spur Loop
Mailing address
(805) 714-1212
Telephone

Idaho Falls
City
Idaho
State
83406
Zip
Ed761@yahoo.com
Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: October 2022
6. Do you own the land identified as the water right place of use? Yes ☐ No ☒
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
See letter
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per undivided water right.
 o \$100 per split water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] President, Black Hawk HOA
 Signature of new owner/claimant Title, if applicable
 Chris Boniface
 Print name Date 10/14/2022

Signature: _____ Title, if applicable _____ Date _____
 Signature of new owner/claimant
 Print name

Received by [Signature] Date 10/18/2022 For IDWR Office Use Only: Receipt No. 5048633 Receipt Amt. \$175.00
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☒ No ☐
 Name on W-9 _____ Approved by [Signature] Processed by [Signature] Date 11/2/2022

NOV 15 2022

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 25-14395

Priority: August 28, 2013

Maximum Diversion Rate: 0.40 CFS

Maximum Diversion Volume: 45.6 AF

It is hereby certified that:

BLACK HAWK HOMEOWNERS ASSN INC
C/O COLVIN JERGINs
8070 BLACKHAWK DR
IDAHO FALLS ID 83405

AND

IRON RIM RANCH HOME OWNERS ASSN INC
10553 S HENRY CREEK RD
IDAHO FALLS ID 83406

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 28, 2013, and has submitted Proof of Beneficial Use on December 07, 2018. An examination confirms water is diverted from:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.40 CFS	45.6 AF

Location of Point(s) of Diversion

GROUND WATER NE¼ SE¼, Sec. 11, Twp 01N, Rge 38E, B.M. BONNEVILLE County
GROUND WATER NE¼ SE¼, Sec. 11, Twp 01N, Rge 38E, B.M. BONNEVILLE County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
01N	38E	11													X		X	X
01N	38E	12										X	X					
01N	38E	13						X	X	X	X	X	X	X				
01N	38E	14																X
01N	38E	23	X			X												
01N	38E	24					X	X	X	X	X	X						

Conditions of Approval

1. Place of use is located within Black Hawk and Iron Rim Ranch Subdivisions.
2. Domestic use is for 76 homes and does not include lawn, garden, landscape, or other types of irrigation.
3. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 25-14395

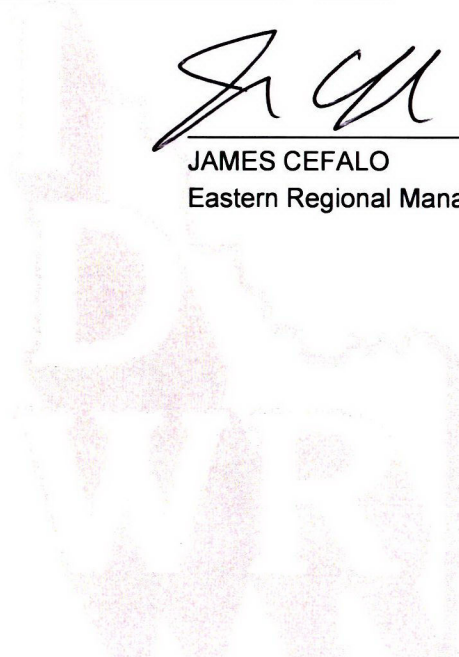
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. 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.

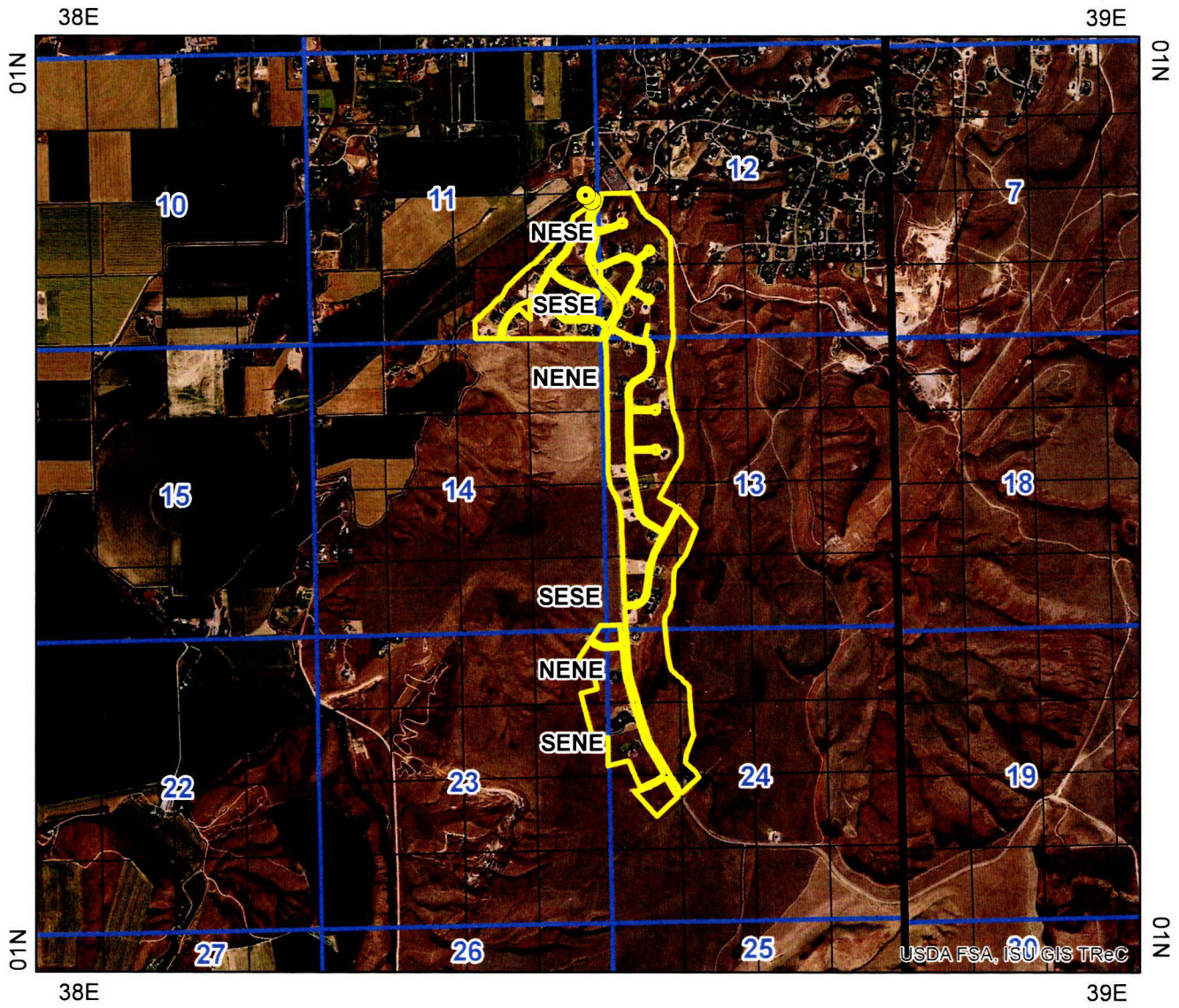
Signed this 1st day of October, 2019.



JAMES CEFALO
Eastern Regional Manager



State of Idaho
Department of Water Resources
Water Right License
25-14395



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

0 0.375 0.75 1.5 Miles



State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 25-14395

RECEIVED
AUG 21 2019
Department of Water Resources
Eastern Region

Priority: August 28, 2013

Maximum Diversion Rate: 0.40 CFS
Maximum Diversion Volume: 45.6 AF

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 25-14395

BLACK HAWK HOMEOWNERS ASSN INC C/O COLVIN JERGENS
8070 BLACKHAWK DR IDAHO FALLS ID 83405 AND
IRON RIM RANCH HOME OWNERS ASSN INC 10553 S HENRY CREEK RD IDAHO FALLS ID
83406

requests the permit be changed as follows:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.40 CFS	45.6 AF

Location of Point(s) of Diversion

GROUND WATER NE¼ SE¼, Sec. 11, Twp 01N, Rge 38E, B.M. BONNEVILLE County
GROUND WATER NE¼ SE¼, Sec. 11, Twp 01N, Rge 38E, B.M. BONNEVILLE County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01N	38E	11													X		X	X		
01N	38E	12										X	X							
01N	38E	13						X	X	X	X	X	X	X						
01N	38E	14																X		
01N	38E	23	X			X														
01N	38E	24					X	X	X	X	X	X								

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 21st day of AUGUST, 2019.


(Signature)

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 25-14395

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by JB # E045257 Date 8/21/2019

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 25-14395 with the following:

Conditions of Approval

1. Place of use is located within Black Hawk and Iron Rim Ranch Subdivisions.
2. Domestic use is for 76 homes and does not include lawn, garden, landscape, or other types of irrigation.
3. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 23rd day of September, 2019.



JAMES CEFALO
Eastern Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

October 01, 2019

BLACK HAWK HOMEOWNERS ASSN INC
C/O COLVIN JERGINs
8070 BLACKHAWK DR
IDAHO FALLS ID 83405

IRON RIM RANCH HOME OWNERS ASSN INC
10553 S HENRY CREEK RD
IDAHO FALLS ID 83406

RE: License No. 25-14395

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") 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 all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,

James Cefalo
Eastern Regional Manager

Enclosure(s)

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.

CERTIFICATE OF SERVICE

I hereby certify that on October 01, 2019, I served a true and correct copy of Water Right License No. 25-14395 by U.S. Mail, postage prepaid, to the following:

BLACK HAWK HOMEOWNERS ASSN INC (Current Owner)
C/O COLVIN JERGIN
8070 BLACKHAWK DR
IDAHO FALLS ID 83405

IRON RIM RANCH HOME OWNERS ASSN INC (Current Owner)
10553 S HENRY CREEK RD
IDAHO FALLS ID 83406



Christina Henman
Administrative Asst. I

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 25-14395
Exam Date: 08/14/2019

1. Current Owner:
BLACK HAWK HOMEOWNERS ASSN INC C/O COLVIN JERGINS
8070 BLACKHAWK DR IDAHO FALLS ID 83405 AND
IRON RIM RANCH HOME OWNERS ASSN INC 10553 S HENRY CREEK RD IDAHO FALLS ID 83406

2. Accompanied by: Colvin Jergins
Phone No: 208-390-7073
Address: 8070 Blackhawk Dr. Idaho Falls, ID 83406
Relationship to permit Holder: President of Blackhawk and Iron Rim Ranch water committee

3. **SOURCE:**
GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: YES Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments: See attachment

2. Other water rights with the same point-of-diversion: Yes Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments: See attachment

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NE¼ SE¼, Sec. 11, Twp 01N, Rge 38E, B.M. BONNEVILLE County
GROUND WATER NE¼ SE¼, Sec. 11, Twp 01N, Rge 38E, B.M. BONNEVILLE County

Method of Determination: GPS, site visit, aerial photography

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	38E	11													X		X	X	
01N	38E	12										X	X						
01N	38E	13						X	X	X	X	X	X	X					
01N	38E	14																X	
01N	38E	23	X			X													
01N	38E	24					X	X	X	X	X	X							

Method of Determination: site visit, aerial photography

3.

 x Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

 x Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

 x Aerial Photo Attached (required for irrigation of 10+ acres).

 x Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
D0011352 (well 1)		250			
D0044154 (well 2)		250			

D. FLOW MEASUREMENTS

2. Measurements:

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: Measurement based on 2015 field exam for water right 25-7669. Field exam found 2.67 cfs. Total rate authorized under water rights diverted from the two wells is 1.55 cfs. $2.67 - 1.55 = 1.12$ cfs.

Recommended rate of diversion: 0.40 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

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

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

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

2. Volume Calculations for Other Uses:

In-house use for 76 homes. 0.60 acre-feet per home.

76 homes $\times$ 0.60 acre-feet = 45.6 acre-feet.

G. NARRATIVE/REMARKS/COMMENTS

Water delivery system consists of two 250 hp pumps interconnected into a 12" mainline. Wells are equipped with flow meters. Water is diverted to a 560,000 gallon storage tank located south east of subdivisions on hill. Water delivery system currently provides water to 141 lots within the Blackhawk and Iron Rim Ranch Subdivisions. This right is for 76 homes. Right 25-7669 is for 65 homes. Blackhawk and Iron Rim Ranch have obtained enough irrigation water rights for the 76 lots: 25-14305, 25-14307, 25-14308, 25-14312, 25-14315, 25-14460, 25-14461, 25-14463, 25-14473, 35-8021.

Have conditions of permit approval been met? X Yes No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.40 CFS	45.6 AF

Totals: 0.40 CFS 45.6 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 ☒ None

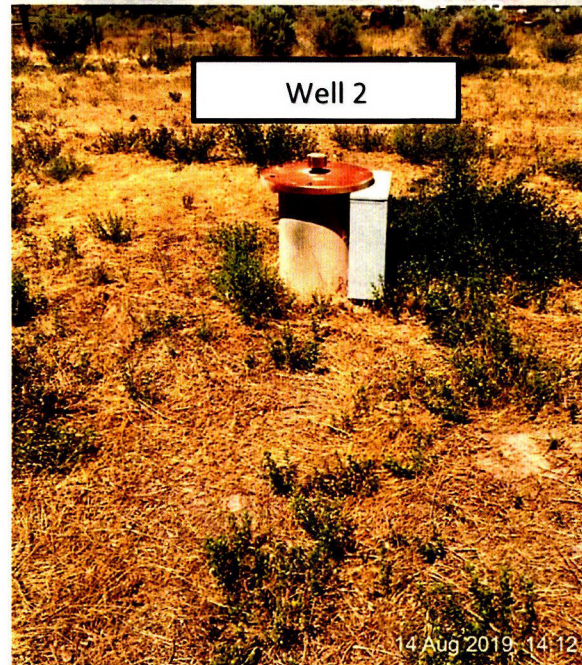
I. AUTHENTICATION

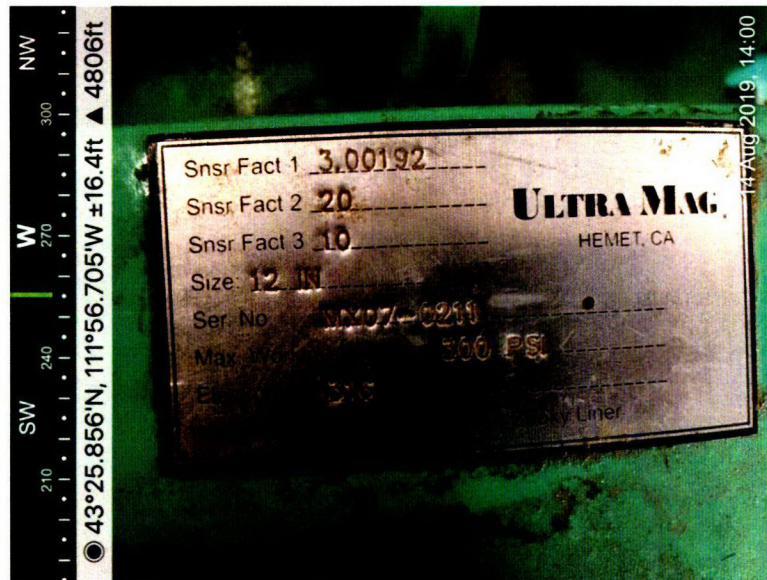
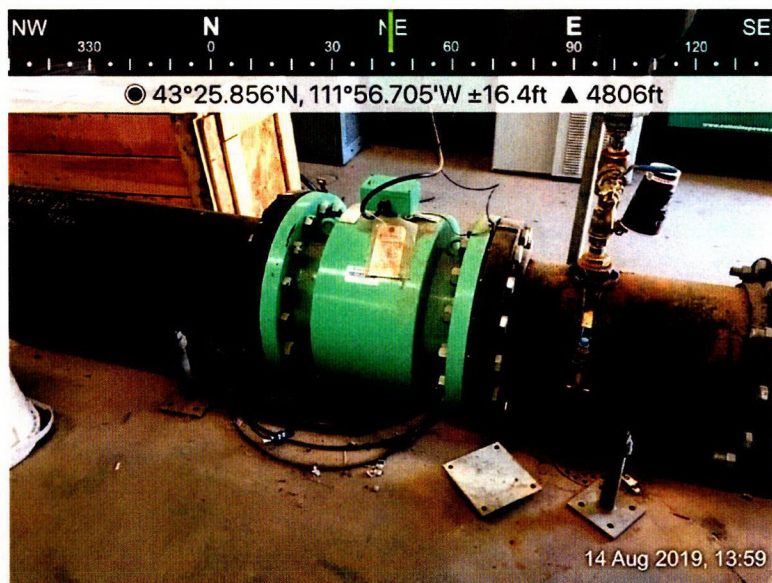
Field Examiner's Name: Ryan Tracy/Blake Jordan

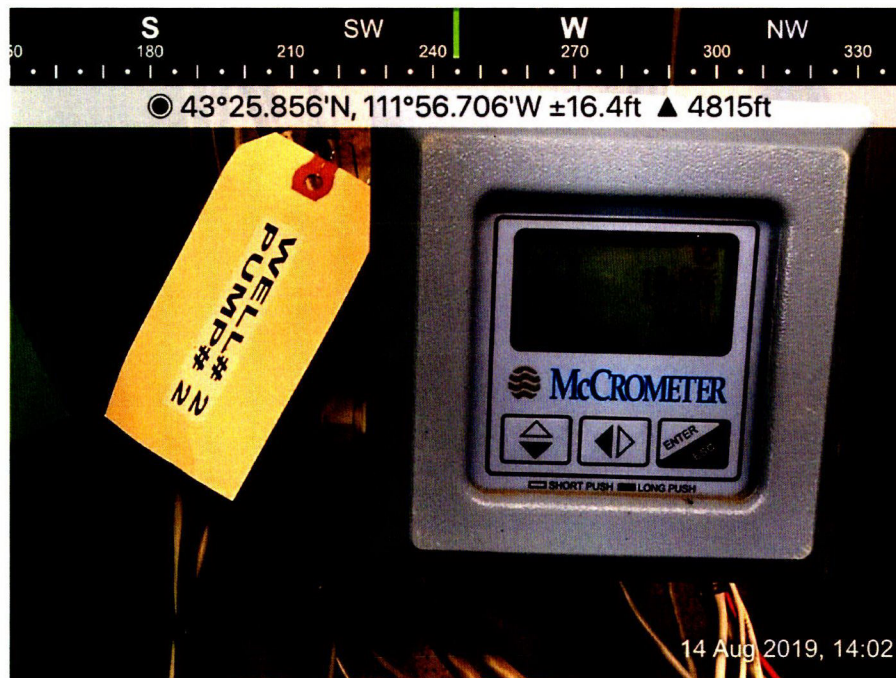
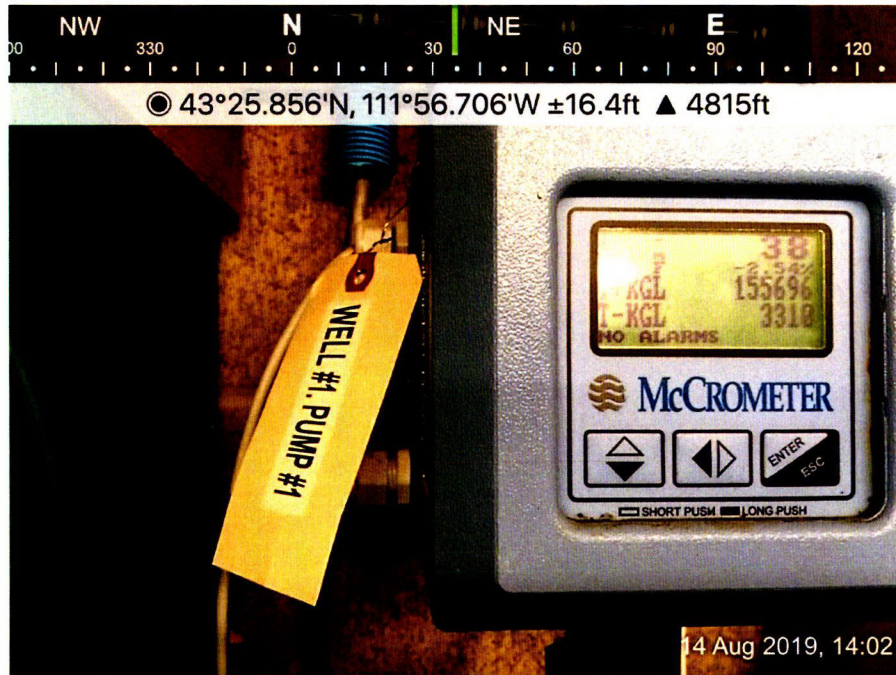
Date: 8/14/2019

Reviewer: Blake Jordan

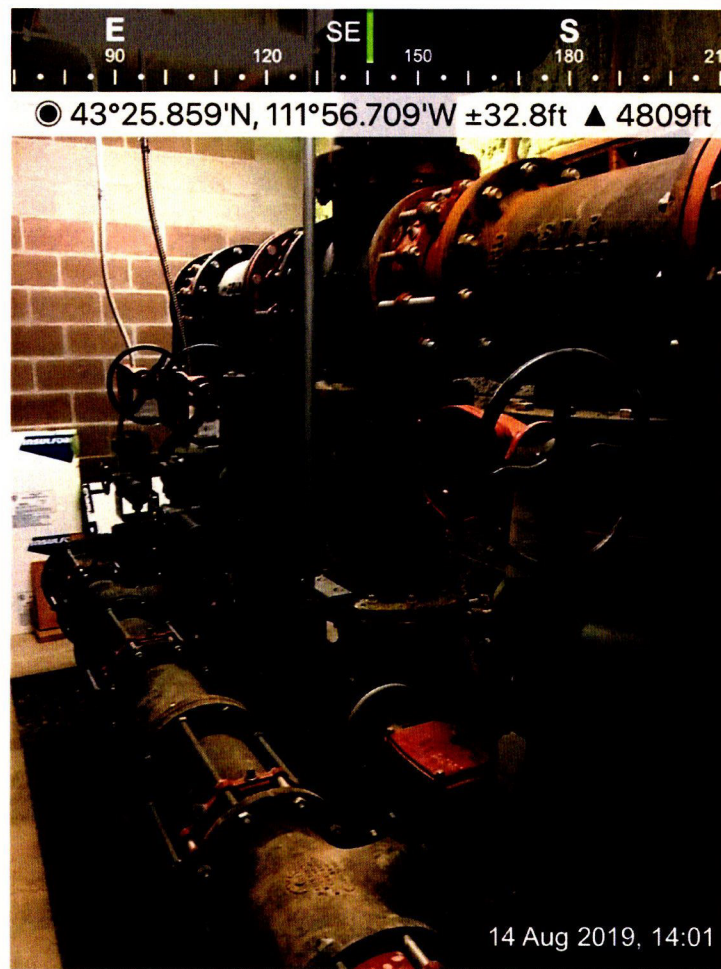
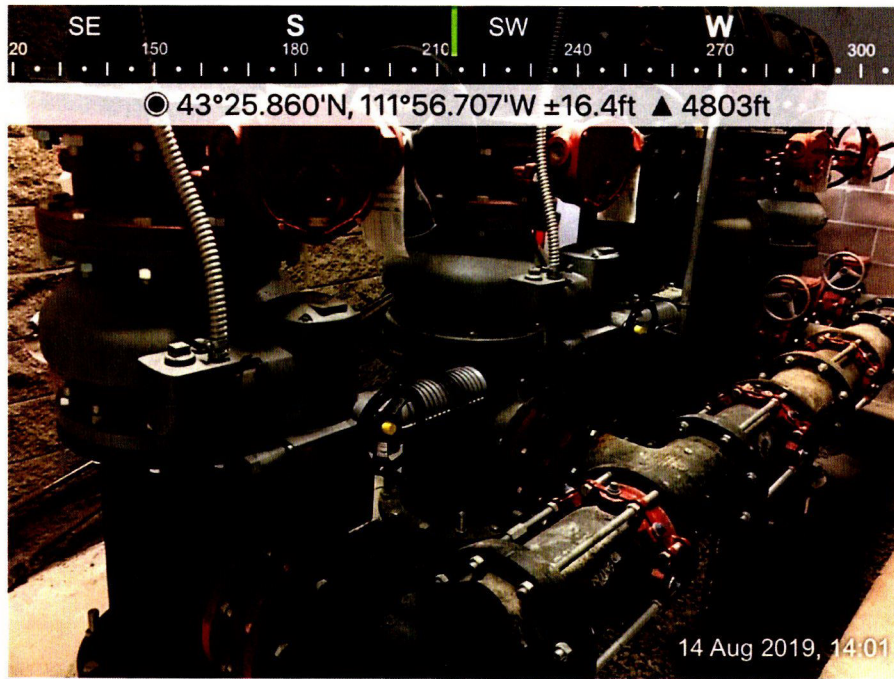
Date: 8/14/2019

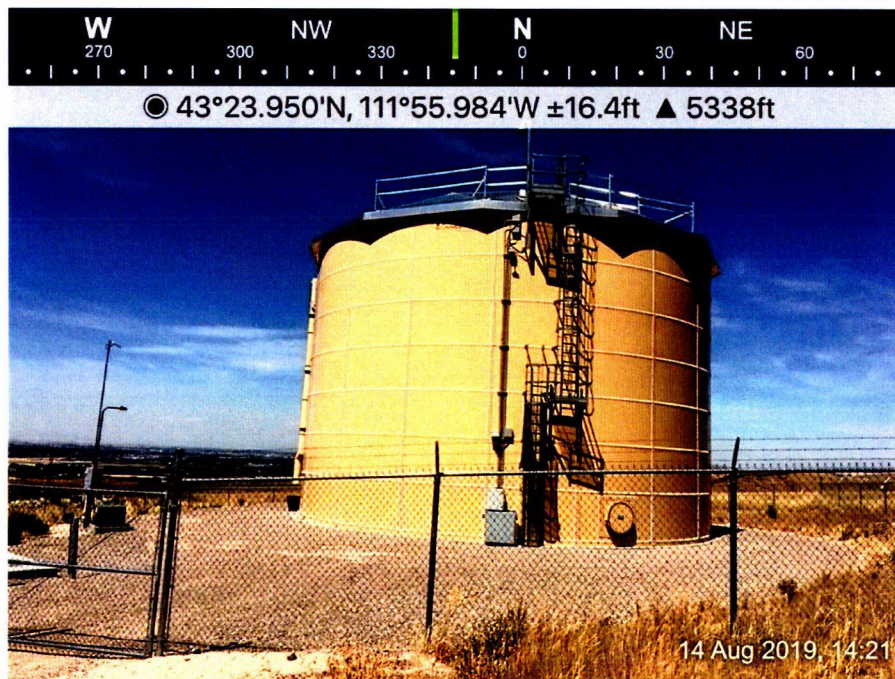
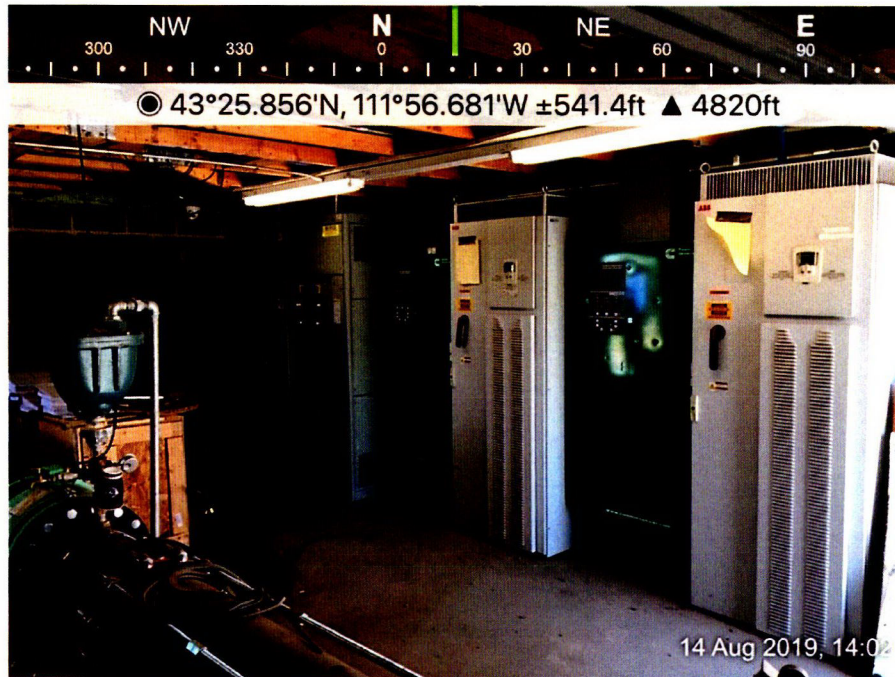






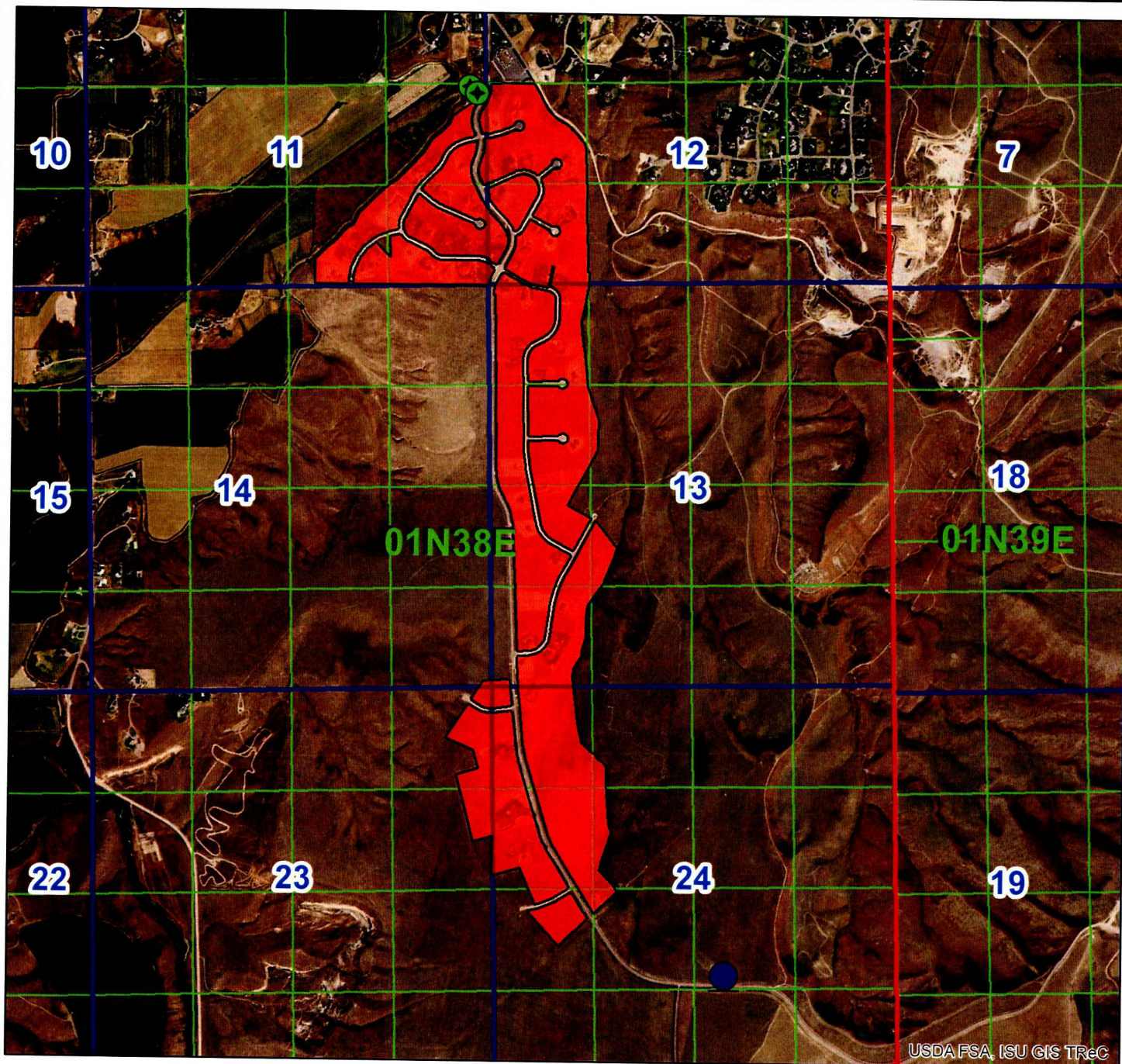






Overlapping Water Rights
POD /POU

Basin	Sequence	Basis	Priority Date	Diversion Rate	Source List	Water Use List	Current Owner
25	7669	License	2/23/1999	1.050	GROUND WATER	DOMESTIC	BLACK HAWK HOMEOWNERS ASSN INC; IRON RIM RANCH HOME OWNERS ASSN INC
25	14305	Decreed	8/10/1966	0.020	GROUND WATER	IRRIGATION	BLACKHAWK HOMEOWNERS ASSN INC; IRON RIM RANCH HOMEOWNERS ASSN INC
25	14307	Decreed	8/10/1966	0.020	GROUND WATER	IRRIGATION	BLACKHAWK HOMEOWNERS ASSN INC; IRON RIM RANCH HOMEOWNERS ASSN INC
25	14308	Decreed	8/10/1966	0.020	GROUND WATER	IRRIGATION	BLACKHAWK HOMEOWNERS ASSN INC; IRON RIM RANCH HOMEOWNERS ASSN INC
25	14312	Decreed	8/10/1966	0.020	GROUND WATER	IRRIGATION	BLACK HAWK HOMEOWNERS ASSN INC; IRON RIM RANCH HOA
25	14315	Decreed	8/10/1966	0.020	GROUND WATER	IRRIGATION	BLACKHAWK HOMEOWNERS ASSN INC; IRON RIM RANCH HOMEOWNERS ASSN INC
25	14460	Decreed	2/19/1982	0.100	GROUND WATER	IRRIGATION	WAYNE PROPERTIES LLC
25	14461	Decreed	2/19/1982	0.100	GROUND WATER	IRRIGATION	WAYNE PROPERTIES LLC
25	14463	Decreed	2/19/1982	0.100	GROUND WATER	IRRIGATION	WAYNE PROPERTIES LLC
25	14473	Decreed	2/19/1982	0.100	GROUND WATER	IRRIGATION	WAYNE PROPERTIES LLC



USDA FSA, ISU GIS TRcC

