

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 57-12018

Priority: August 17, 2020

Maximum Diversion Rate: 0.26 CFS

Maximum Diversion Volume: 13.6 AF

It is hereby certified that:

CHARLES MAXWELL 1769 RIVER RD HOMEDALE ID 83628-3583 AND/OR
WANDA MAXWELL 1769 RIVER RD HOMEDALE ID 83628-3583

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 17, 2020, and has submitted Proof of Beneficial Use on August 20, 2021. 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>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.7 AF
INDUSTRIAL	01/01 to 12/31	0.20 CFS	12.3 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

Location of Point(s) of Diversion

GROUND WATER NE¼ SE¼, Sec. 24, Twp 04N, Rge 06W, B.M. OWYHEE County

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	06W	24													X				

Place of Use: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	06W	24													X				

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	
04N	06W	24													X				

Conditions of Approval

1. 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.
2. Domestic use is for 1 home.
3. Industrial use is for a concrete batch plant.

SCANNED

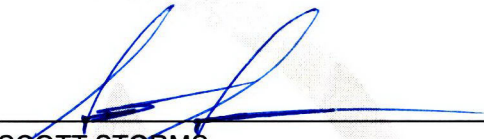
JUL 28 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 57-12018

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 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 12th day of July, 2023.



SCOTT STORMS
Water Rights Supervisor

SCANNED

JUL 28 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
57-12018

This map depicts the STOCKWATER 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.



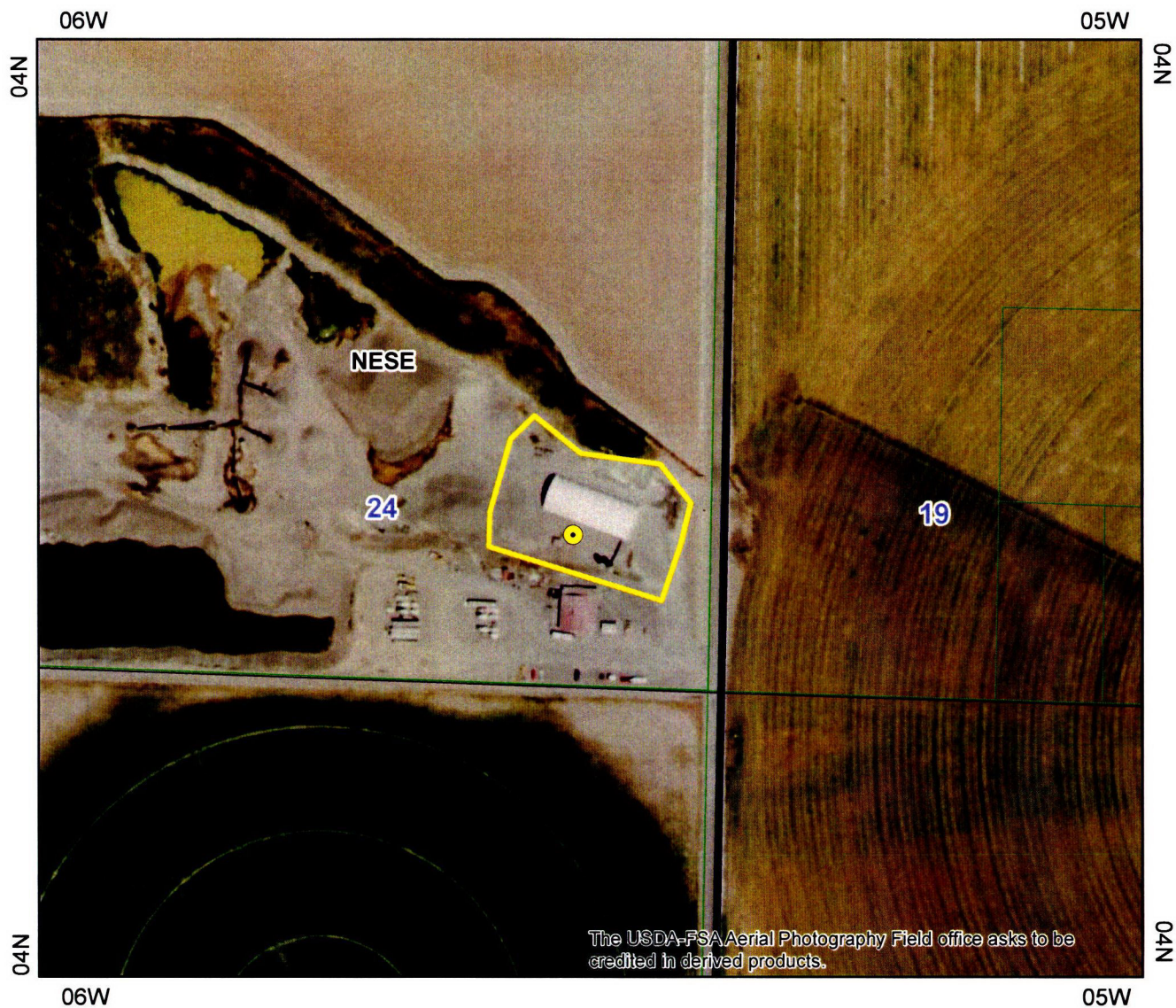
0 0.035 0.07 0.14 Miles

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


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State of Idaho
Department of Water Resources
Attachment to Water Right
57-12018

This map depicts the INDUSTRIAL 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.



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

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JUL 28 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
57-12018

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.



0 0.035 0.07 0.14 Miles

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

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IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 14, 2023

CHARLES MAXWELL AND WANDA MAXWELL
1769 RIVER RD
HOMEDALE ID 83628-3583

RE: License No. 57-12018

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.

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. 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) 605-4624.

Sincerely,


Lynne Evans

for
Scott Storms
Water Rights Supervisor

Enclosure(s)

SCANNED

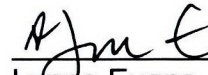
JUL 28 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2023, I served a true and correct copy of Water Right License No. 57-12018 by U.S. Mail, postage prepaid, to the following:

WANDA MAXWELL
1769 RIVER RD
HOMEDALE ID 83628-3583

CHARLES MAXWELL
1769 RIVER RD
HOMEDALE ID 83628-3583



Lyndee Evans
Administrative Assistant I

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
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 57-12018
Exam Date: 05/19/2022

1. Current Owner:
CHARLES MAXWELL 1769 RIVER RD HOMEDALE ID 83628-3583 AND/OR
WANDA MAXWELL 1769 RIVER RD HOMEDALE ID 83628-3583
2. Accompanied by: Charles Maxwell
Phone No: 208-337-5057
Relationship to permit Holder: Permit Holder & Owner of Owyhee Sand & Gravel

3. SOURCE:
GROUND WATER

Method of Determination: Site visit, aerial imagery

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NO Overlap
2. Other water rights with the same point-of-diversion: NO Overlap

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
GROUND WATER NE¼ SE¼, Sec. 24, Twp 04N, Rge 06W, B.M. OWYHEE County

Method of Determination: Wellhead GPS at 43° 39' 56.15" N, 116° 59' 33.27" W

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	06W	24													X				

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	06W	24													X				

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	
04N	06W	24													X				

Method of Determination: Field photos and aerial photography used to verify place of use sites

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JUL 28 2023

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.

N/A 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
0088840	UNK	25hp	UNK	Cerus	UNK

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Buried pump/motor system and physical characteristics of the conveyance components did not provide suitable circumstances to directly measure the diversion rate.

E. FLOW CALCULATIONS

X Additional Computation Sheets Attached

Measured Method: Motor specifications provided by the applicant and the well driller report were used to estimate flow. Using the theoretical horsepower equation worksheet and friction head loss calculator, the maximum pump performance at approximately 72' total head and 25hp yields 372.53 gpm (0.83 cfs) capacity.

Pumping Level = 72'

Hp = 25

Estimated frictional head loss = 0.07

Theoretical Industrial Use = 0.83 cfs

Theoretical Domestic Use = 0.83 cfs

Theoretical Stockwater Use = 0.83 cfs

Permitted Total Rate 0.26 cfs

License Recommendation 0.26 cfs

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F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A
2. Volume Calculations for Other Uses:

Industrial:

Industrial use for the production of ready-mix concrete. Applicant confirmed annual max permitted average of 100,000 yards of concrete using 40 gallons of water per yard.

$$V_{D,R} = [100,000 \text{ yards}] \times (40 \text{ gallons/yard}) = \underline{12.3 \text{ AF}}$$

Domestic: Quantity is 0.6 AFA per household when irrigation is not included per Application Processing Memo 22

Stockwater: Annual Use of Water for Stockwater Purposes using Processing Memo 3

$$26 - 50 \text{ head of stock} = \underline{0.7 \text{ AFA}}$$

G. NARRATIVE/REMARKS/COMMENTS

A field exam was conducted on 05/19/22 by Water Right Agent Laura McSherry and was accompanied by Mr. Charles Maxwell. Mr. Maxwell is the permit holder and owner of Owyhee Sand and Gravel. The permit was approved on October 9, 2020, and proof of beneficial use was submitted on August 20, 2021.

The point of diversion (POD) location was confirmed at a ground water well head in the NESE QQ and is accurately described by the permit. An underground 25 hp motor is diverting water using 2" piping to a ready-mix concrete manufacturing system. From the manufacturing system, the mixed concrete is then loaded into concrete mixing trucks within the place of use (POU). Water right overlap did not discover any other water rights associated with the ground water POD. No amendment required to correct the legal description.

The permit authorizes 0.2 cfs for industrial use, 0.04 cfs for domestic use, and 0.02 cfs for stockwater use within NESE Sec 24, T04N, R06W. The concrete manufacturing system, which includes ready-mix concrete production, concrete mix storage, and a vehicle washing station are located within the POU. The domestic use includes an Owyhee Sand and Gravel office building on the property which has staff restroom facilities and one breakroom sink. ArcMap tools and aerial imagery, supported by photos taken during the field exam, were used to verify the area of stockwater use and 50 cattle head count. No amendment required to correct the legal description of the POUs.

Pump and motor information was provided by the applicant. Using well system specifications for the 25 hp motor and Cerus pump with likely discharge pressure range of 40-60 psi, 72 ft of head, and assuming 70% efficiency, a theoretical flow rate of 0.83 cfs was calculated which is more than the total permitted rate. The recommended licensed flow rate for industrial use is 0.2 cfs and the maximum diversion volume for industrial use is 12.3 AF, the recommended licensed flow rate for domestic use is 0.04 cfs and the maximum diversion volume for domestic use is 0.6 AF, and the recommended licensed flow rate for stockwater use is 0.02 cfs and the maximum diversion volume for stockwater use is 0.7 AF.

Condition 103 replaced condition 121 per department standards. Condition 046 was removed as construction of the well is complete and condition X02 was removed per condition use description. Conditions 01M, condition X01, and condition X01 were carried forward to license.

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

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H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.7 AF
INDUSTRIAL	01/01 to 12/31	0.20 CFS	12.3 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
<u>Totals:</u>		0.26 CFS	13.6 AF

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 X None

I. AUTHENTICATION Laura McSherry – Water Resource Agent, Sr.

Field Examiner's Name [Signature] Date 7.11.2023

Reviewer [Signature] Date 7/12/2023

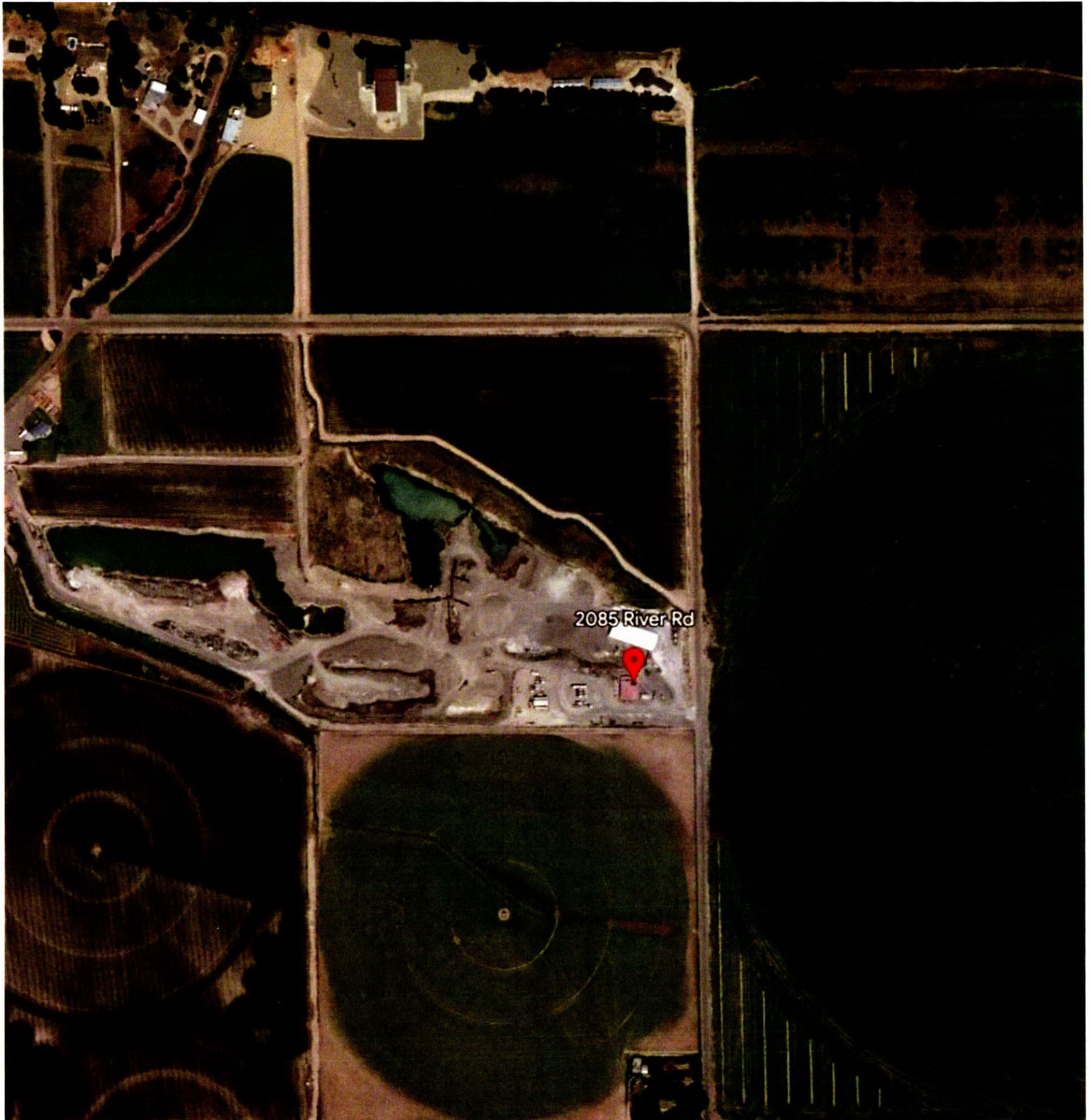
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DEWEERY SYSTEM DIAGRAM

Water Right No. 57-12018





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THEORETICAL HORSEPOWER EQUATION WORKSHEET

Water Right No.: 57-12018
 Examiner: Laura M
 Date of Field Exam: 5/19/2022

Domestic, Industrial, & Stockwater Use

	OPTION 1	OPTION 2	OPTION 3	
P/D No.:				
PUMP HORSEPOWER	25	25	25	
BOOSTER HORSEPOWER	0	0	0	
PUMPING LEVEL	72	72	72	
DISCHARGE PRESSURE	40	50	60	
FRICTION	0.07	0.07	0.07	
RATE OF FLOW (cfs)	0.94	0.82	0.73	AVE
(gpm)	420.3	368.5	328.1	0.83

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: %70 efficiency

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Friction Head Loss Calculator Hazen-Williams Method

[Read Me](#)

$$h_f = \frac{10.44(L)(Q)^{1.85}}{(C)^{1.85} d^{4.8655}}$$

Required Input

L = 76 feet (length of pipe)
Q = 200 gpm (flow rate)
d = 8 inches (inside diameter of pipe)

Select Pipe Material Type

plastic (PVC or ABS)

C = 130 unitless (Hazen-Williams Roughness Coeff.)

Output

h_f = 0.07 feet (frictional head loss)
or
 h_f = 0.03 psi (frictional head loss)

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Fig. 1 – Location of well –
point of diversion (POD).
View looking NE.

GPS'd at:

43° 39' 56.15" N

116° 59' 33.27" W



Fig. 2 – Well tag no. 0088840.

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Fig. 3 – Control box next to the well that manages the pump and motor.

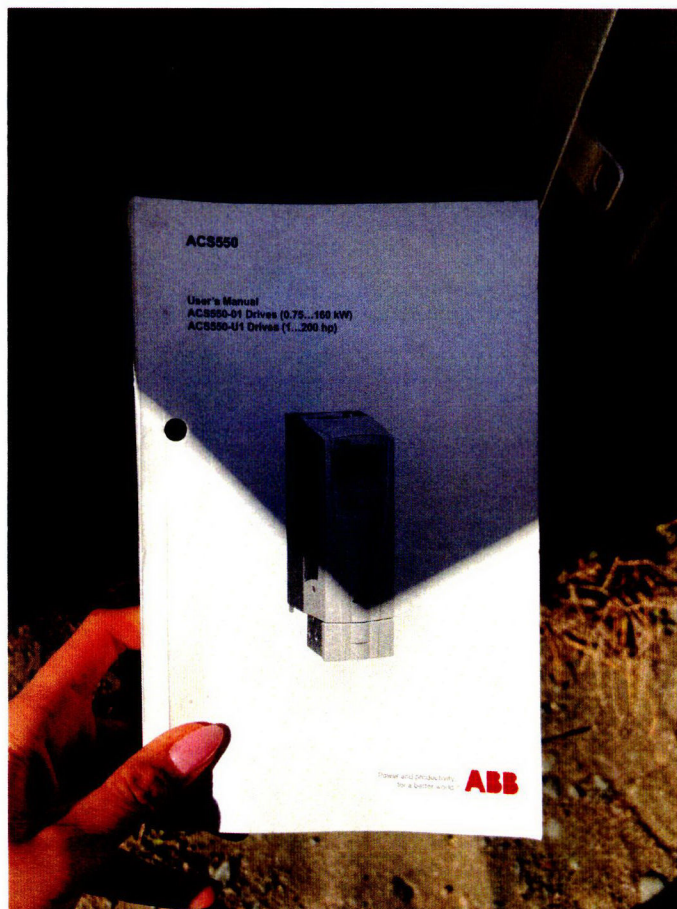


Fig. 4 – Control panel manual.



Fig. 5 – Concrete mix storage building. View looking NE.



Fig. 6 – Well location looking up at office and warehouse site. View looking SE.



Fig. 7, 8 – Concrete batch mixing plant operation. Office and warehouse in background.





Fig. 9 – Vehicle washing station. View looking SE.



Fig. 10 – Concrete mix storage building. View looking NW.



Fig. 11 – Cattle trough. View looking NE.



Fig. 12 – Concrete mixing plant office. View looking S.