

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 71-10959

Priority: August 11, 2016

Maximum Diversion Rate: 0.07 CFS

Maximum Diversion Volume: 21.0 AF

It is hereby certified that:

BALSAM WELL OWNERS ASSOCIATION INC
C/O BETTY SWANSON
PO BOX 4965
KETCHUM ID 83340-4972

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 08, 2016, and has submitted Proof of Beneficial Use on November 04, 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>
IRRIGATION	05/01 to 10/31	0.07 CFS	15.0 AF
DOMESTIC	01/01 to 12/31	0.07 CFS	6.0 AF

Location of Point(s) of Diversion

GROUND WATER L3 (SE¼ NW¼), Sec. 36, Twp 10N, Rge 13E, B.M. CUSTER County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	13E	36					2.5 L2			2.5 L3									5.0

Total Acres: 5.0

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	
10N	13E	36					X L2			X L3									

Conditions of Approval

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 71.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to employ an alternative method to determine and record the amount of water diverted.

SCANNED

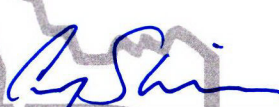
SEP 06 2023

State of Idaho
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Water Right License
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4. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. Domestic use is for 10 homes. Irrigation of lawn, garden and landscaping associated with the homes is authorized under the irrigation component of this right.
7. This right does not grant any right-of-way or easement across the land of another.
8. Point of diversion is located within Lot 39, Block 2 Stanley Basin Cabin Sites #1.
9. Place of use is located within Lots 32-41, Block 2 Stanley Basin Cabin Sites #1.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

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 31st day of August, 2023.

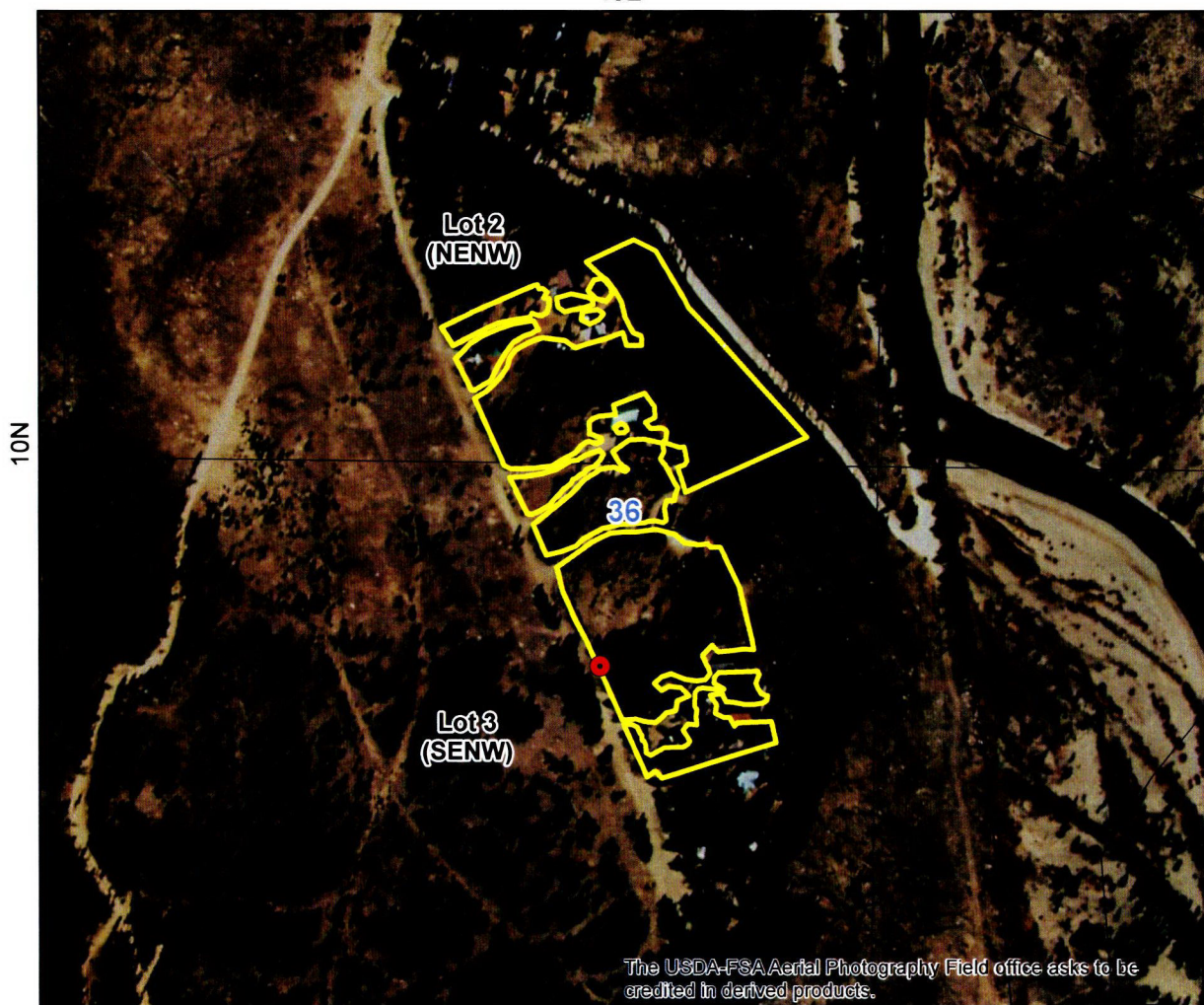


COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
71-10959

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.

13E



0 0.035 0.07 0.14 Miles

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

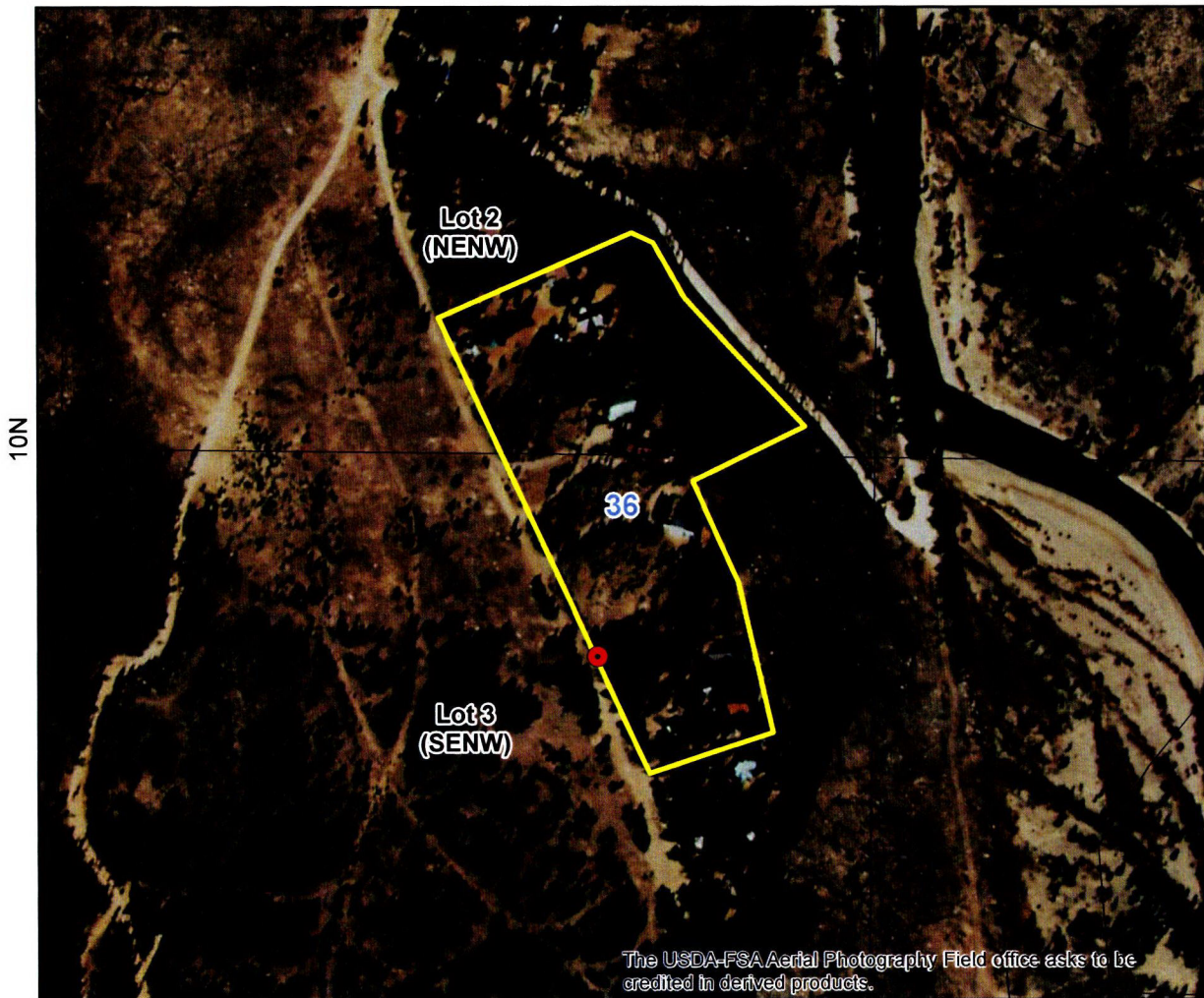


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SEP 06 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
71-10959

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.

13E



0 0.035 0.07 0.14 Miles

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



SCANNED
SEP 06 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 1, 2023

BALSAM WELL OWNERS ASSOCIATION INC
C/O BETTY SWANSON
PO BOX 4965
KETCHUM ID 83340-4972

RE: License No. 71-10959

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) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2023, I served a true and correct copy of Water Right License No. 71-10959 by U.S. Mail, postage prepaid, to the following:

BALSAM WELL OWNERS ASSOCIATION INC (Current Owner)
C/O BETTY SWANSON
PO BOX 4965
KETCHUM ID 83340-4972

JAMES P SPECK (Attorney)
C/O SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340-0998

WATER DISTRICT #71
MORGAN V MILLER (Watermaster)
3594 HOT SPRINGS RD
CHALLIS ID 83226-4960

A handwritten signature in blue ink, reading "Denise Maline", is written over a horizontal line.

Denise Maline
Administrative Assistant 1

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: 71-10959
Exam Date: 08/22/2023

1. Current Owner:

BALSAM WELL OWNERS ASSOCIATION INC
C/O BETTY SWANSON
PO BOX 4965
KETCHUM ID 83340-4972

2. Accompanied by: Peter Madsen

Phone No: 208-309-3074

Address:

Relationship to permit Holder: Resident of subdivision; takes care of water issues for the Association.

3. **SOURCE:**

GROUND WATER

Method of Determination: Information from permit backfile, site visit, visit with Mr. Madsen.**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: None

2. Other water rights with the same point-of-diversion: None

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**GROUND WATER L3 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 36, Twp 10N, Rge 13E, B.M. CUSTER County**Method of Determination:** ArcMap aerial imagery and site visit.**PLACE OF USE: IRRIGATION**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	13E	36					2.5 L2			2.5 L3									5.0

Total Acres: 5.0

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	
10N	13E	36					X L2			X L3									

Method of Determination: Site visit and ArcMap aerial 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.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
D0074845		1.5			

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket/stopwatch						

2. Measurements: Used the bucket and stopwatch method to measure the flow from the hydrant between the well and the pumphouse. Average rate was 32.3 gallons per minute. The IDWR compliant flowmeter in the pumphouse showed a maximum rate of 31.6 gpm.

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: $\text{gpm} = 10 \times 60 / \text{seconds}$ $10 \times 60 / 18.6 = 32.3 \text{ gpm}$, or 0.07 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 5.0 \text{ acres} \times 3.0 \text{ AF/acre} = 15.0 \text{ AF}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.07 \times 184 \times 1.9835 = 25.6 \text{ AF}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 15.0 \text{ AF}$$

2. Volume Calculations for Other Uses: Domestic use allows 0.6 AF per home per year, so 10 homes or stub-ins $\times 0.6 = 6.0 \text{ AF}$. Total volume calculation is 21.0 AF

G. NARRATIVE/REMARKS/COMMENTS

The field exam for permit 71-10959 was conducted on August 22, 2023 with subdivision resident Peter Madsen in attendance. Water for the permit is diverted from a single well located on Lot 39 of the subdivision into pipelines that transport the water to each lot where they provide in-house domestic use on lots with homes and irrigation to areas in every lot. Frost-free hydrants with hoses supply various types of sprinklers that are moved throughout each lot. At this point in time, seven of the ten lots have homes constructed on them and water is stubbed out to the other three.

On the day of the exam, Mr. Madsen turned on as many sprinklers as he could throughout the subdivision in an attempt to maximize the flow rate. An IDWR compliant flowmeter installed in the pumphouse showed the highest flow rate at 31.6 gpm; the bucket and stopwatch method showed a flow rate of 32.3 gallons per minute, or 0.07 cfs. This rate will be recommended for licensing for the domestic portion, the irrigation portion, and the total diversion rate. Volume calculations show the domestic component with a volume of 6.0 AF and the irrigation portion with a volume of 15.0 AF for a total volume of 21.0 AF.

The conditions of approval have been complied with as an IDWR approved flow meter appears to be correctly installed and the outdoor irrigation hydrants can be locked with a padlock. The power box to the well can also be locked with a padlock.

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

H. RECOMMENDATIONS**1. Recommended Amounts**

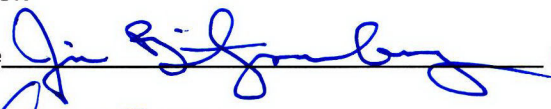
<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/31	0.07 CFS	15.0 AF
DOMESTIC	01/01 to 12/31	0.07 CFS	6.0 AF
<u>Totals:</u>		0.07 CFS	21.0 AF

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  Date 8-29-2023

Reviewer  Date 8/31/2023



Point of Diversion

Plumbing inside pump house



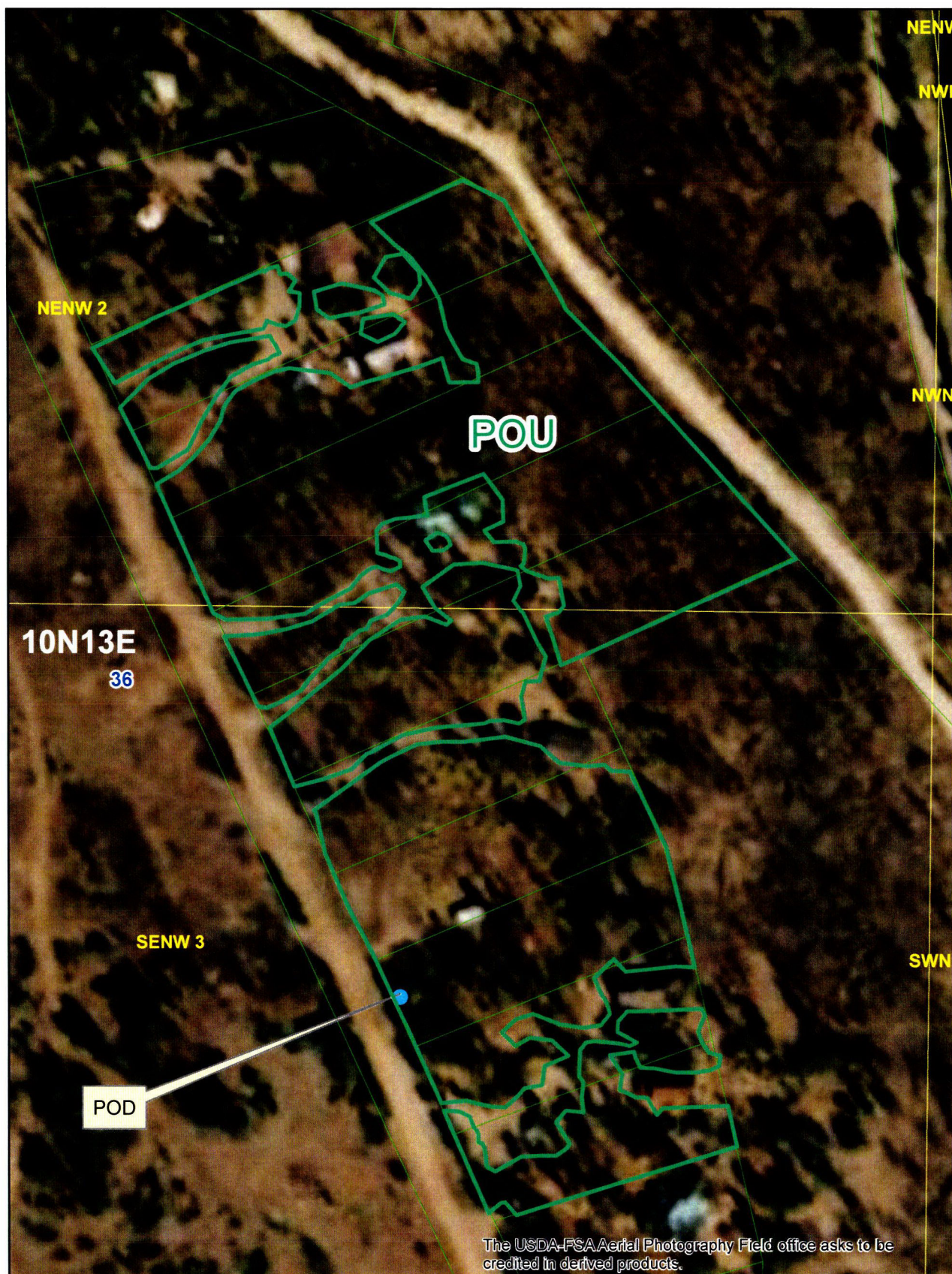


Domestic POU – Typical home in the subdivision

Irrigation POU – sprinkler irrigating pine trees and forest grass



71-10959 Balsam Well Owners Assoc. Inc. POD/POU Map



Legend

- Parcels
- Township/Range
- Sections
- QQ

Irrigation

0 0.01 0.02 0.04 Miles



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71-10959 Balsam Well Owners Assoc. Inc. POD/POU Map



Legend

- Parcels
- Township/Range
- Sections
- QQ

Domestic

0 0.01 0.02 0.04 Miles



SCANNED
SEP 06 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
OCT 07 2022
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

OCT 05 2022

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)Water Right Number(s): 71 - 10959Name(s): BALGAM WELL OWNERS ASSOCIATION INC.
~~PETER MADDEN~~

Old Mailing Address:

% PETER MADDEN
PO BOX 334
HAILEY ID 83333

New Mailing Address:

C/O BETTY SWANSON "PRESIDENT"
PO BOX 4965
KETCHUM, ID 83340

Telephone Number:

Email:

208 720 5395 BWSWANSONSV@ICLOUD.COM

Signature(s) of Owner(s)

(Include your title if on behalf of company or organization.)

Date:

10/1/22

Send a signed original to your closest regional office:

IDWR Northern Region
7600 N. Mineral Dr., Suite 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161IDWR Southern Region
650 Addison Ave W, Suite 500
Twin Falls, ID 83301-5858
(208) 736-3033SCANNED
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