State of Idaho
Department of Water Resources

Water Right License

Water Right No. 63-33496

Priority: June 19, 2011 **Maximum Diversion Rate:** 0.05 CFS

It is hereby certified that:

KURTIS K MCMANIGAL 10692 W COLTON LN EAGLE ID 83616-5534

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 22, 2011, and has submitted Proof of Beneficial Use on August 16, 2021. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use	Period of Use	Rate of Diversion
IRRIGATION	03/01 to 11/15	0.05 CFS

Location of Point(s) of Diversion
GROUND WATER NE¼ SW¼, Sec. 8, Twp 05N, Rge 01W, B.M. ADA 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	
05N	01W	8									1.6								1.6

Total Acres: 1.6

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. This right does not grant any right-of-way or easement across the land of another.
3. Point of diversion is located within Lot 9, Blk 1, Colton Ranch Subdivision.
4. Place of use is located within Lot 9, Blk 1, Colton Ranch Subdivision.
5. 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.

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State of Idaho
Department of Water Resources

Water Right License

Water Right No. 63-33496

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 30th day of June, 2023.

SCOTT STORMS
Water Rights Supervisor

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State of Idaho
Department of Water Resources

Attachment to Water Right

63-33496

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.



0 0.035 0.07 0.14 Miles

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

N

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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 5, 2023

KURTIS K MCMANIGAL
10692 W COLTON LN
EAGLE ID 83616-5534

RE: License No. 63-33496

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,

Scott Storms
Water Rights Supervisor

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2023, I served a true and correct copy of Water Right License No. 63-33496 by U.S. Mail, postage prepaid, to the following:

KURTIS K MCMANIGAL
10692 W COLTON LN
EAGLE ID 83616-5534

Lynne Evans
Administrative Assistant I

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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.

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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.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 63-33496
Exam Date: 7/8/2022

1. Current Owner:
KURTIS K MC MANIGAL 10692 W COLTON LN EAGLE ID 83616-5534

2. Accompanied by: Ann McManigal
Phone No: (817) 475-0810
Address:
Relationship to permit Holder:

3. **SOURCE:**
GROUND WATER

Method of Determination: Site visit, aerial imagery, and ArcMap tools

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 SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
GROUND WATER NE¼ SW¼, Sec. 8, Twp 05N, Rge 01W, B.M. ADA County

Method of Determination: Site visit, well log, aerial imagery, ArcMap tools

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	
05N	01W	8									1.6								1.6

Total Acres: 1.6

Method of Determination: Site visit, aerial imagery, ArcMap tools

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
D0052871	Unknown	Unknown	Unknown	Unknown	Unknown

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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 and conveyance system did not provide suitable circumstances to directly measure diversion rate.

E. FLOW CALCULATIONS

N/A Additional Computation Sheets Attached

Measured Method: Per IDAPA Beneficial Use Exam Rule 35.01.r no direct measurement was required.

Standard Irrigation Rate for Small Acreages ≤ 5 Acres = 0.03 cfs/ac x 1.6 ac = 0.05 cfs

Permitted Total Rate = 0.20 cfs

License Recommendation = 0.05 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = 1.6 acres X 4.5 AFA = 7.2 AF

$V_{D.R}$ = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 = 0.05 cfs X 259 days X 1.9835 = 25.7 AF

V = Smaller of $V_{I.R}$ and $V_{D.R}$ = 7.2 AF

2. Volume Calculations for Other Uses: No other uses

G. NARRATIVE/REMARKS/COMMENTS

Kurtis K McManigal is the current owner of permit 63-33807 for irrigation use in Ada County. The permit was approved 9/29/2011 with a proof due date of 10/01/2016. An assignment of permit was submitted on 11/28/2016 by the original applicants Larry and Mary Hill, changing the ownership of the permit to Gary and Susan Gribbon. A second assignment of permit was submitted on 6/22/2020 changing the ownership to Kurtis K McManigal. A request for extension of time was approved 12/12/2016 extending the due date to 10/01/2021. The proof of beneficial use was submitted 08/16/2021 with an examination fee of $50. A field exam was conducted on 7/8/2022, by Water Resource Agent Aaron Olson who was accompanied by Ann McManigal.

The source of water for the permit is ground water from a 6 inch well with tagged number D0052871, located in NESW Section 8, T05N, R01W, in a well house attached to the north side of the home. The pump model and specifications were unknown by the current owners since they are a recent owner, and the well was drilled in 2008. The pump and conveyance system were also buried under the flooring in the well house and specifications of the mainline conveyance system were not passed on to the current owners. The well connects to drip lines that irrigate various trees and shrubs throughout the property, frost free hydrants, a sprinkler system for the yard, and above ground Aquaburst sprinklers that irrigate a pasture.

The permit authorizes 0.2 cfs for irrigation within NESW Section 8, T05N, R01W. ArcMap tools and aerial imagery, supported by a visit to the property for the field exam, were used to verify the POU. Acres irrigated included the yard around

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the house, a small pasture for horses, a garden with several planters, and numerous drip line irrigated trees and shrubs scattered throughout the property. Evidence of irrigation was found to be 1.6 acres within the 10-acre place of use. A rate of 0.05 cfs is recommended for the license since the number of acres irrigated was less than 5 so a rate of 0.03 cfs per acre can be applied to the 1.6 acres found irrigated (1.6 acres X 0.03 cfs = 0.05 cfs).

When viewing aerial imagery of the right location it appears that areas of the POU are either not on the current owner's parcel on the east side of the property, or not within the NESW QQ. This appears to be a projection issue as the parcel is described entirely within NESW Section 8, T05N, R01W on the warranty deed provided with the assignment of permit form. Also when updating the PLS to that of the generated shapefile all 1.6 acres were recognized as being within the NESW QQ. This projection issue also causes the POU to appear on the neighboring parcel to the south which is entirely covered for irrigation by active water right permit 63-34880.

Condition 26A was removed as per department licensing standards. Condition 121 was updated to 103 as per department licensing standards. Condition R65 was changed to R69 because the total acres irrigated is less than 5 acres.

Have conditions of permit approval been met? __X__ Yes ____ No

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	
IRRIGATION	03/01 to 11/15	0.05 CFS	

Totals: 0.05 CFS

2. Recommended Amendments

__X__ Change P.D. as reflected above ____ Add P.D. as reflected above ____ None

__X__ Change P.U. as reflected above ____ Add P.U. as reflected above ____ None

I. AUTHENTICATION

Aaron Olson -

Field Examiner's Name _____ Date 6/27/2023

Reviewer _____ Date 7/7/2023

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DE[redacted]VERY SYSTEM DI[redacted]GRAM

Water Right No. 63-33496



63

85496

Office Use Only
Inspected by _____
Twp ____ Rge ____ Sec ____
____ 1/4 ____ 1/4 ____ 1/4
Lat: : : Long: : :

Form 238-7
3/95-C96

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

1. DRILLING PERMIT NO. 0 - - - - -
Other IDWR No. D0052871

2. OWNER:
Name Hill, John /Peak Construction
Address 379 N. Devon Way
City Star State ID Zip 83669

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location

N
W E
S

Twp. 5 North ☒ or South ☐
Rge. 1 East ☐ or West ☒
Sec. 8 NW 1/4 (10 acres) NE 1/4 (40 acres) SW 1/4 (160 acres)

Gov't lot _____ County Ada
Lat: : : Long: : :
Address of Well Site 10692 W. Colton Lane
City Eagle
(Give at least name of road + Distance to Road or Landmark)
Lt. 9 Blk. 1 Sub. Name Colton Ranch Sub

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	METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	220'	38	Poured

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

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+1	320'	250	steel	☒	☐	☒	☐
5"	+2	545"	280	steel	☒	☐	☒	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS
☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
460"ft. below ground
Depth flow encountered 546 ft.
Artesian Pressure 0 lb
Describe access port or control devices: well cap

11. WELL TESTS:
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min.	Drawdown	Pumping Level	Time
40			1 hr

Water Temp. 76 Bottom hole temp. 76
Water Quality test or comments: Good, no oder
Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temp.	Water Y	Water N
10"	0	1	top soil		☒
10"	1	5	Stickey Brown Clay		☒
10"	5	17	Brown Clay		☒
10"	17	19	Sandstone		☒
8"	19	220	Claystone		☒
6"	220	280	Sandstone		☒
6"	280	320	Claystone		☒
6"	320	450	Brown Clay Strups of Sand		☒
6"	450	520	Blue Clay /Strups of Sand	☒	
5"	520	546	Blue Clay		☒
5"	546	548	Coarse Sand	☒	

RECEIVED
JUN 30 2008
WATER RESOURCES
WESTERN REGION

Completed Depth: 548 (Measurable)
Date: Started 5/14/08 Completed 5/27/08

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

Firm Name Can- Ada Well & Pump Firm No. 304
Firm Official Earl Skinner Date 6/21/08
Supervisor or Operator _____ Date 6/21/08
(Sign once if Firm Official & Operator)

Date: 6/20/2008 Time: 11:32:07 AM

86 57, 22 flat.

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Fig. 1 – Location of well in well house connected to NE corner of home.

GPS location at:

43° 47’ 10.527” N

116° 29’ 8.828” W



Fig. 2 – Start of drip line on side of well house.

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Fig. 3 & 4 – Grass yard and trees around house.
View facing W standing in driveway.



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Fig. 5 – Drip line irrigated planter behind garden greenhouse.



Fig. 6 – Drip line irrigated shrubs and tree W of garden.

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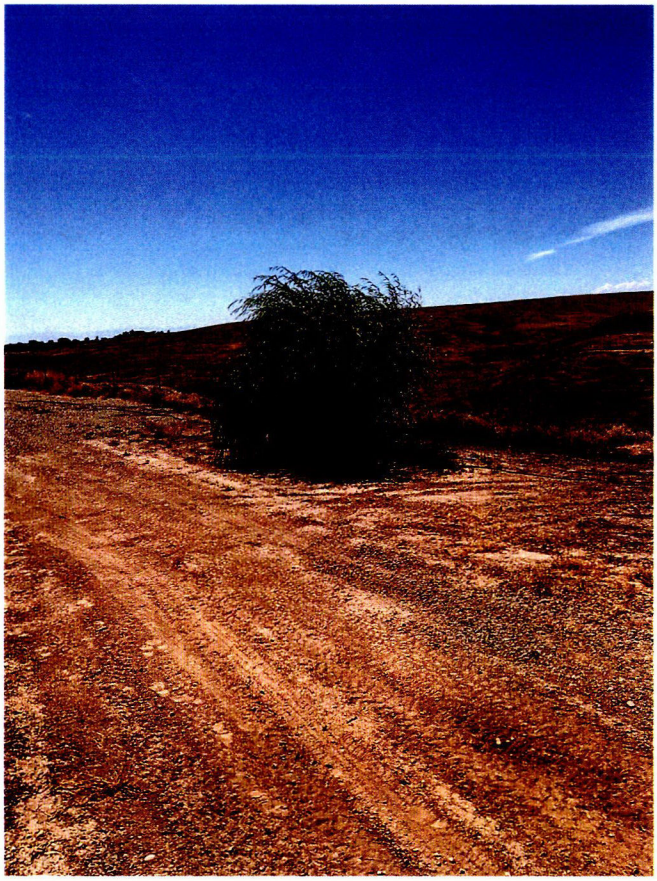


Fig. 7 & 8 – More drip line irrigated shrubs S of garden.

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Fig. 9 – N Corner of enclosed pasture, view facing SE.



Fig. 10 – View from N end of enclosed pasture facing S.

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Fig. 11 – View from N end of enclosed pasture facing SW.

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Fig. 12 – One of the Aquaburst sprinklers used to irrigate pasture.



Fig. 13 – Control system for pasture sprinklers.

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Fig. 14 – View facing S of drip line watered trees along driveway.



Fig. 15 – More drip line watered trees further S down driveway.

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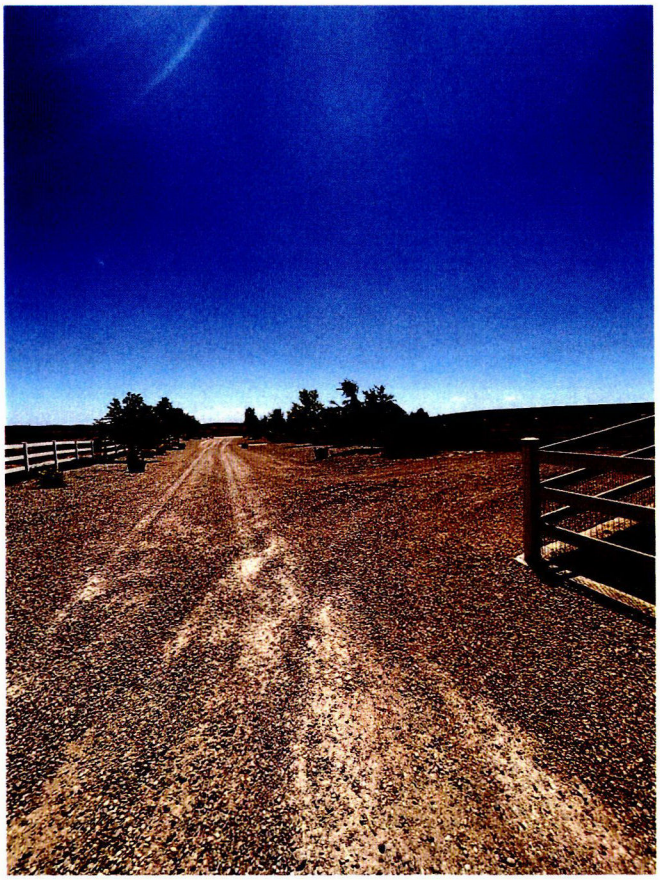


Fig. 16 – More drip line irrigated trees further down driveway by pasture.

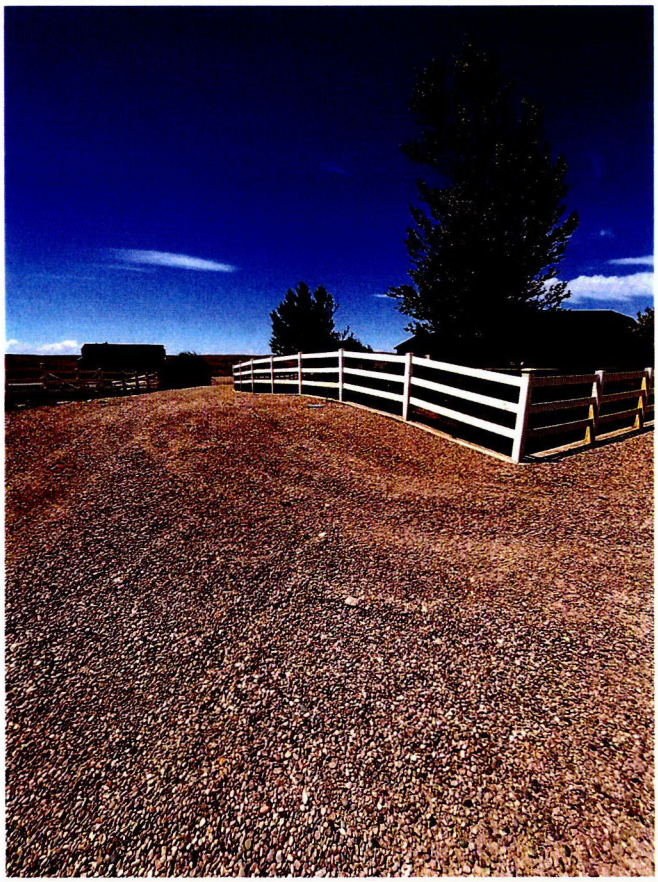
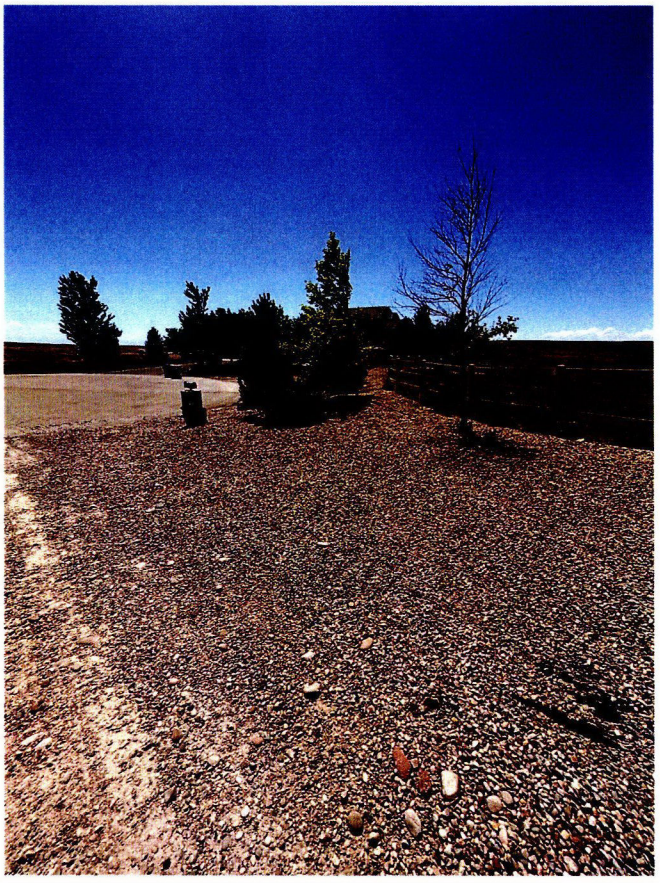


Fig. 17 – Corner of yard facing W.

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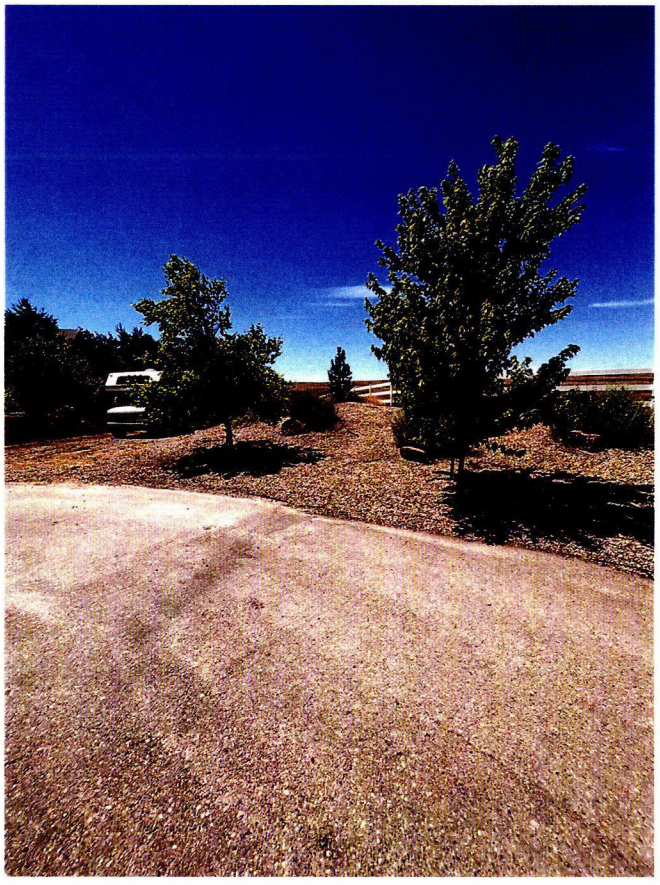


Fig. 18 & 19 – Drip line irrigated trees and shrubs at beginning of driveway by main road.

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Fig. 20 – Drip line irrigated trees on corner of pasture.



Fig. 21 – Close up photo of end of drip line at N end of driveway.

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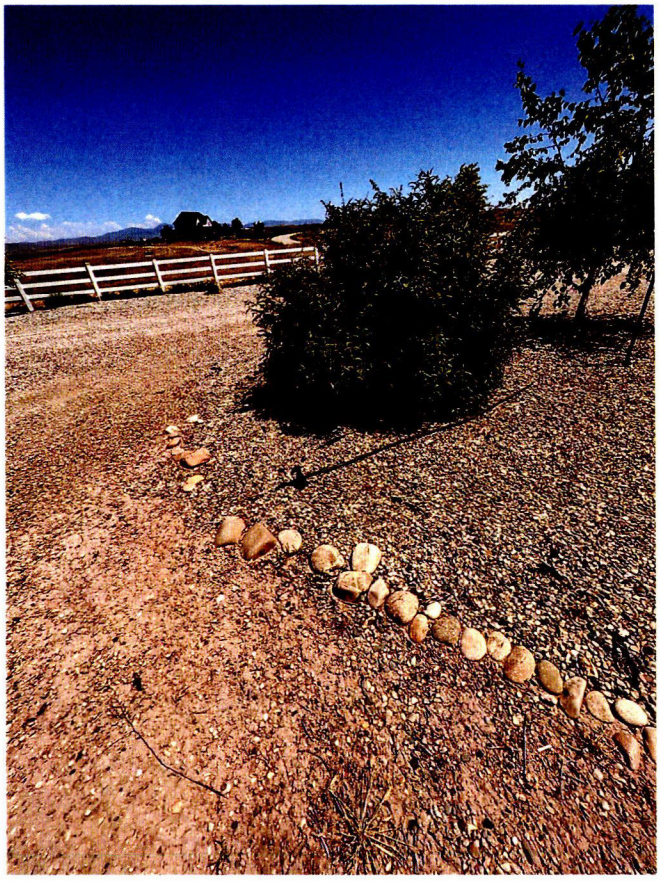


Fig. 22 – Close up photo of drip line near pasture.

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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**

5/27/2022

KURTIS K MC MANIGAL
10692 W COLTON LN
EAGLE, ID 83616-5534

RE: Scheduling Field Exam for Water Right Permit No. 63-33496

Dear Permit Holder (Kurtis K Mc Manigal):

We are planning to conduct water right examinations in the vicinity of the above-referenced permit **this season.** An examination is needed to verify the water use to issue a water right license.

The above-referenced permit authorizes **0.20 cfs** of **ground water** for **irrigation**. **If you have developed a beneficial use of water and still own the place of use property, please contact me at your earliest convenience to schedule an examination.**

If you did not develop a beneficial use of water under the permit during the beneficial use period, a license cannot be issued, and the permit should be relinquished. If that use was developed but you have ceased using the water and currently carry no interest in it, please relinquish the permit by submitting the enclosed Relinquishment of Permit form (no fee required).

If you developed a beneficial use of water under the permit but no longer own the place of use property identified in the permit, please submit the enclosed Assignment of Permit form with the applicable $25 processing fee.

Please contact me within the next thirty (30) days at (208) 605-4629 to either schedule an examination or submit a relinquishment or assignment form. If you no longer own the place of use property and/or do not respond to this letter, the department will work with the current property owner to issue a license or void the permit.

Sincerely,

Aaron Olson
Water Resource Agent

Enclosure: Relinquishment of Permit Form
Assignment of Permit Form
Proof Report and Map

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