

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 63-34248

Priority: July 15, 2016

Maximum Diversion Rate: 0.16 CFS

Maximum Diversion Volume: 15.8 AF

It is hereby certified that:

GEORGE PETER KOSS
653 W HEIKES LN
EAGLE ID 83616-2519

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 15, 2016, and has submitted Proof of Beneficial Use on September 09, 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	03/01 to 11/15	0.10 CFS	14.9 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.3 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

Location of Point(s) of Diversion

GROUND WATER NW¼ NE¼, Sec. 32, Twp 05N, Rge 01E, 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	01E	32		3.3															3.3

Total Acres: 3.3

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	
05N	01E	32		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	
05N	01E	32		X															

Conditions of Approval

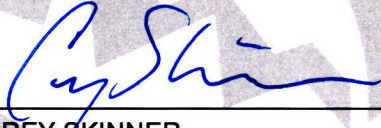
1. Water bearing zone to be appropriated is 200 to 400 feet.
2. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to the Boise River, the well used as a point of diversion for this water right shall be maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.

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3. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
4. Stockwater use includes water utilized to wet down horse riding areas on the property.
5. 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.
6. Point of diversion is located within Lot 7, Blk. 1, Kozi Ridge Estates.
7. Place of use is located within Lot 7, Blk. 1, Kozi Ridge Estates.
8. 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 31st day of March, 20 23.

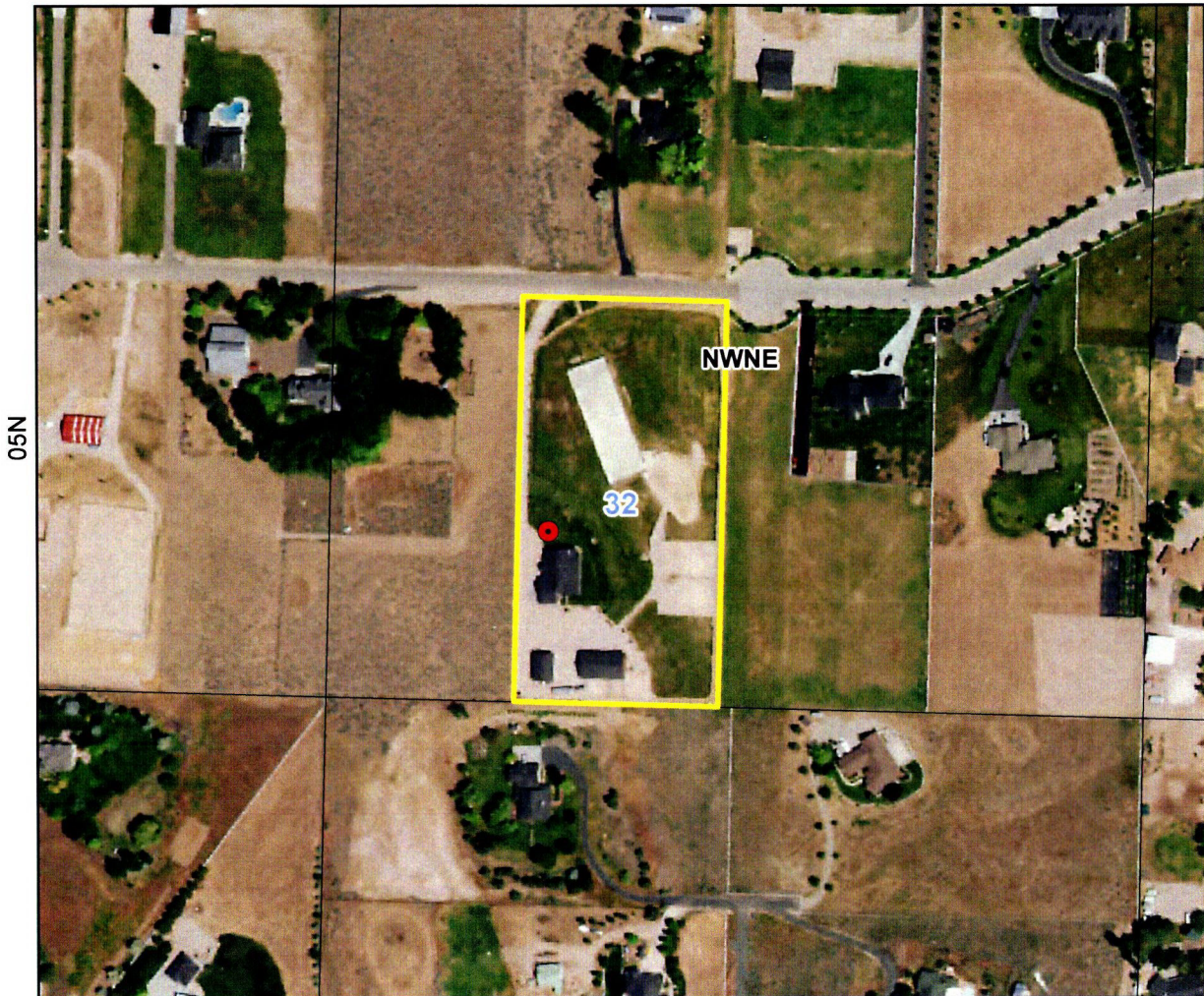


COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
63-34248

This map depicts the DOMESTIC & 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.

01E



SCANNED
APR 07 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
63-34248

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



0 0.035 0.07 0.14 Miles

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



SCANNED
APR 07 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 63-34248
Exam Date: 03/07/2023

1. Current Owner:
GEORGE PETER KOSS 653 W HEIKES LN EAGLE ID 83616-2519

2. Accompanied by: Corey Skinner (IDWR)

3. **SOURCE:**
GROUND WATER

Method of Determination: Aerial imagery and on-site visit

B. OVERLAP REVIEW

Field Exam

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

Water Right No.	Source	Purpose of Use	Basis

Comments: _____

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

Water Right No.	Source	Purpose of Use	Basis

Comments: _____

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NW¼ NE¼, Sec. 32, Twp 05N, Rge 01E, B.M. ADA County
Method of Determination: Aerial imagery, on-site visit, and well drillers report.

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	01E	32		3.3															3.3

Total Acres: 3.3

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	
05N	01E	32		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	
05N	01E	32		X															

Method of Determination: Aerial imagery and on-site visit.

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.

X 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

X 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
D0082631					

D. FLOW MEASUREMENTS

1. No flow measurements were required per Beneficial Use Examination Rules (Rule 35.01.r.i and Rule 35.01.r.iii) when Irrigation is less than 5 acres or when the combined use of all uses is less than 0.24 cfs.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None

E. FLOW CALCULATIONS

Measured Method: NA

Additional Computation Sheets Attached

Because no flow measurement was required and because it was determined that 3.3 acres are irrigated the flow rate would be based on the generic max rate per acre which is calculated as follows:

$$3.3 \text{ Acres} \left(\frac{0.03 \text{ cfs}}{\text{Acre}} \right) = 0.099 \text{ cfs} = 0.1 \text{ cfs}$$

Therefore, the recommended flow rate for irrigation should remain at **0.1 cfs**.

F. VOLUME CALCULATIONS

1. Volume calculations for irrigation:

Using information gained from the on-site visit and aerial imagery it was determined that approximately 3.3 acres of irrigation was developed under the water permit. The headgate requirement for this area is 4.5 acre-feet/acre annually.

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

$$V_{I.R.} = 3.3 \text{ Acres} \left(\frac{4.5 \text{ Acre Feet}}{\text{Acre}} \right) = 14.9 \text{ AF}$$

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

$$V_{D.R.} = 0.1(260)(1.9835) = 51.6 \text{ AF}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 14.9$$

Therefore, the volume for irrigation should be **14.9 AF** as calculated above.

2. Volume calculations for domestic use:

$$V = \text{IDWR standard for domestic use} = 0.6 \text{ AF}$$

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

$$V_{D.R.} = 0.04 \text{ cfs}(260 \text{ days})(1.9835) = 20.6 \text{ AF}$$

$$V = \text{Smaller of } V \text{ and } V_{D.R.} = 0.6 \text{ AF}$$

Therefore, the volume for domestic use should be **0.6AF**.

3. Volume calculations for stockwater:

It was reported during the field inspection that stockwater is used for four (4) horses year-round. The estimated use per horse per IDWR standards is 12 gpd. Therefore, the stockwater use is calculated as follows:

$$4 \text{ horses} \left(\frac{12 \text{ gallons}}{\text{day per horse}} \right) \left(\frac{365 \text{ days}}{\text{year}} \right) \left(\frac{1 \text{ AF}}{325,850 \text{ gallon}} \right) = 0.0538 \text{ AF}$$

An additional use associated with stockwater is for horse riding purposes. This includes wetting down the riding areas using raised sprinklers attached along the fence lines. The riding areas take up roughly 0.8 acres of the property. During the field exam it was verbally mentioned that the raised sprinklers spray riding areas as needed, but generally every 1-3 days during the irrigation season, depending on weather conditions, for approximately 1-2 hour each time the system runs. The irrigation season for the area runs from March 1 to November 15 (260 days). The stockwater flow rate is 0.02 cfs. Assuming the system is used 130 days per year (approximately every other day during the irrigation season) and the system runs for one hour, the volume for the additional stockwater use is calculated as follows:

$$\left(0.02 \frac{\text{ft}^3}{\text{sec}} \right) \left(\frac{3600 \text{ sec}}{\text{hour}} \right) \left(\frac{1 \text{ hour}}{\text{day}} \right) \left(\frac{130 \text{ days}}{\text{year}} \right) \left(\frac{1 \text{ AF}}{43,560 \text{ ft}^3} \right) = 0.2149 \text{ AF}$$

The total volume for stockwater use based on the above calculations is therefore $0.0538 \text{ AF} + 0.2149 \text{ AF} = 0.2687 \text{ AF} \approx 0.3 \text{ AF}$

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

$$V_{D.R.} = 0.02(365)(1.9835) = 14.5 \text{ AF}$$

$$V = \text{Smaller of } V \text{ and } V_{D.R.} = 0.3 \text{ AF}$$

Therefore, the volume for stockwater use should be **0.3AF**.

4. The total Volume under irrigation, stockwater, and domestic uses would therefore be **15.8 AF**.

G. NARRATIVE/REMARKS/COMMENTS

The licensing field exam for 63-34248 was conducted on March 7, 2023, with Corey Skinner (IDWR Southern Region Manager). The well (site tag # D0082631) is located just north of the northwest corner of the house. Flow rate measurements were not taken since it is not required per the Beneficial Use Examination Rules because irrigation is less than 5 acres (Rule 35.01.r.i) and the total combined use is less than 0.24 cfs (Rule 35.01.r.iii).

According to the well drillers report the well was drilled to a depth of 283 feet and cased with unperforated steel casing to 260 feet with a 20-foot section of screen from 260 feet to 280 feet. Therefore, the construction appears to be in accordance with the conditions on the water permit (condition codes 930, 046, and one other unnumbered code).

Volume calculations for irrigation were based on the area's generic max volume per acre. Volume for domestic use was taken from standard IDWR practices for domestic use. Volume for stockwater was calculated based on information obtained during the field exam. I recommend licensing 3.3 acres of irrigation with a total volume of 15.8 AF for all uses.

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>
IRRIGATION	03/01 to 11/15	0.10 CFS	14.9 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.3 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
<u>Totals:</u>		0.16 CFS	15.8 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

Field Examiner's Name

Tyler Williams

Date

3/31/2023

Reviewer

Corey Skinner

Date

3/31/2023

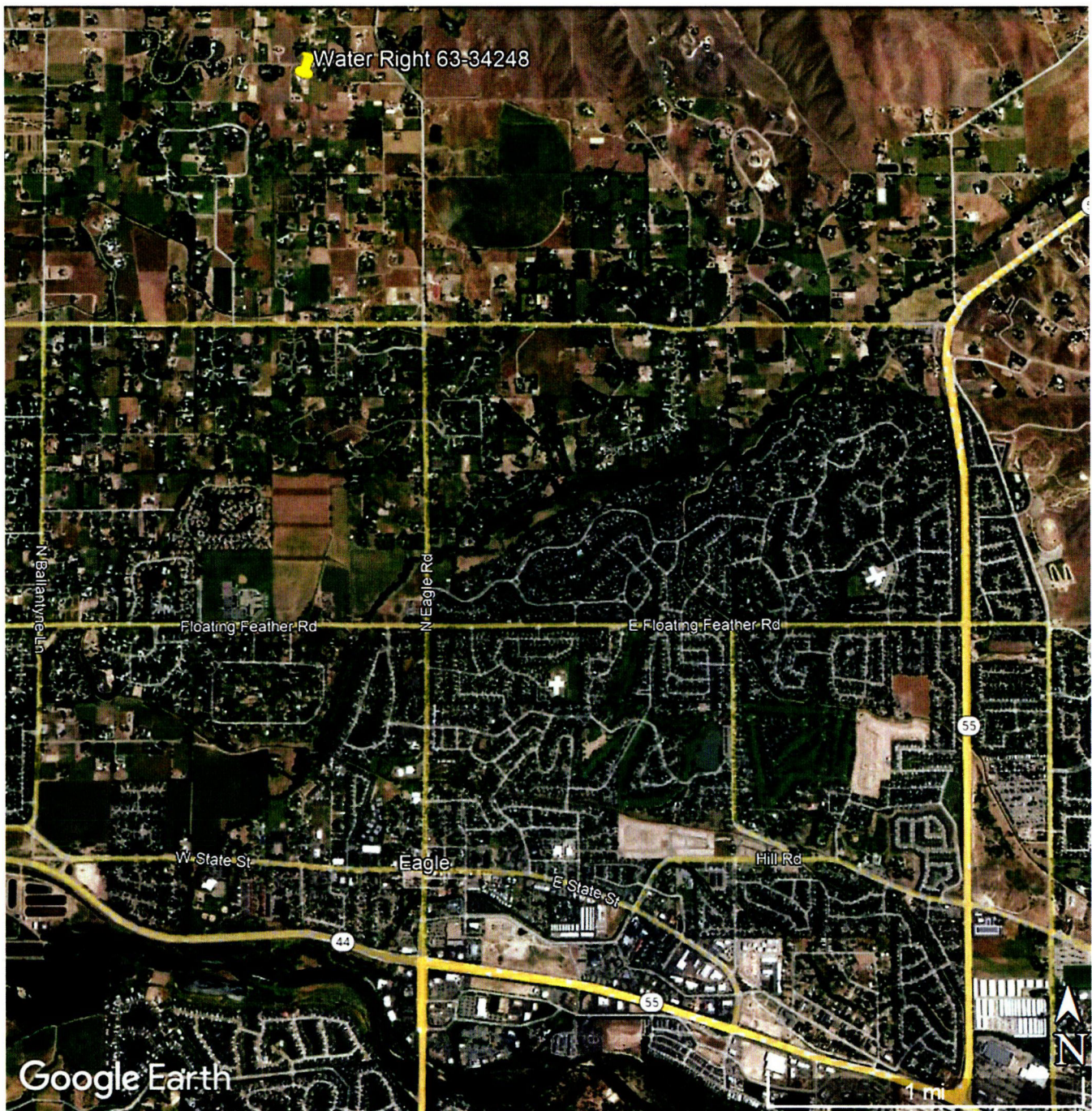


Figure 1. Aerial view taken from Google Earth 2022 imagery showing the location of the place of use for water right 63-34248 in relation to the surrounding area.





Figure 3. Image showing the location of the wellhead with tag D0082631. Note the grass and shrubs in the foreground with the house in the background. Wellhead is located on the north side of the house.



Figure 4. Image showing an overall view of most of the irrigation. Note the grass and trees that have been established. A raised sprinkler system is fixed to the fences which is used to irrigate the pastures and to spray corrals and riding arena as required.

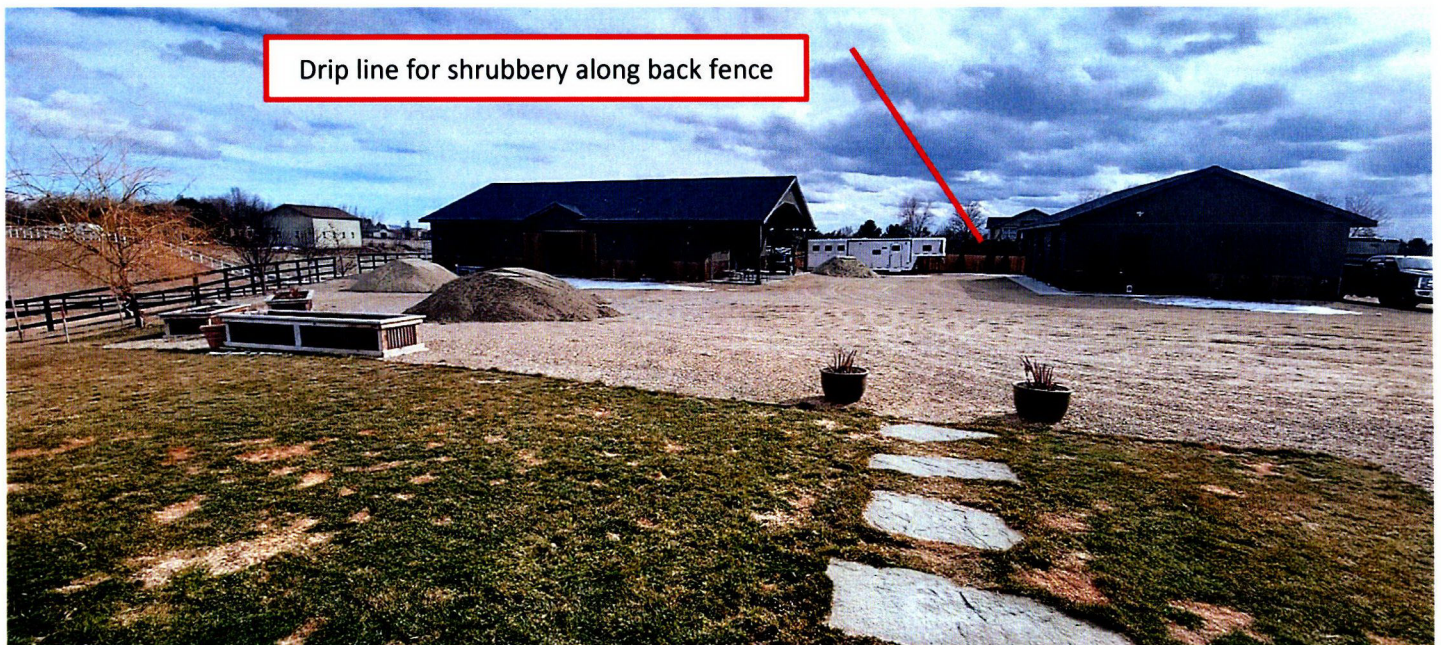


Figure 5. Image showing the overall view of the southernmost part of the property. Note large barns for stock (horse) purposes. A drip line is established for irrigation along the southernmost fence.



Figure 6. Image showing the horse pasture, riding arena, and house in the background.



Figure 7. Image showing the northernmost fence line. Note the trees and grass that have been established.



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 Gary Spackman

April 4, 2023

GEORGE PETER KOSS
653 W HEIKES LN
EAGLE ID 83616-2519

RE: License No. 63-34248

Correspondence

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 April 4, 2023, I served a true and correct copy of Water Right License No. 63-34248 by U.S. Mail, postage prepaid, to the following:

GEORGE PETER KOSS (Current Owner)
653 W HEIKES LN
EAGLE ID 83616-2519



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.