State of Idaho
Department of Water Resources

Water Right License

Water Right No. 63-34259

Priority: October 3, 2016

Maximum Diversion Rate: 0.12 CFS
Maximum Diversion Volume: 86.9 AF

It is hereby certified that:

MOON LAKE RANCH OWNERS ASSN INC PO BOX 810 STAR ID 83669

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 05, 2016, and has submitted Proof of Beneficial Use on April 08, 2022. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
AESTHETIC	01/01 to 12/31	0.12 CFS	86.9 AF

Location of Point(s) of Diversion
GROUND WATER L5 (NW¼ SW¼), Sec. 14, Twp 04N, Rge 01W, B.M. ADA County

Place of Use: AESTHETIC

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	01W	14										X L5							

Conditions of Approval

1. Water bearing zone to be appropriated is 200 to 245 feet.
2. Aesthetic use is for an existing water feature (waterfall).
3. This right does not grant any right-of-way or easement across the land of another.
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 8th day of NOVEMBER, 2022.

Angela M. Hansen

ANGELA HANSEN
Water Rights Section Manager

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NOV 15 2022

State of Idaho
Department of Water Resources

Attachment to Water Right License

63-34259

This map depicts the AESTHETIC 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
State Outline

0 0.035 0.07 0.14 Miles

N

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NOV 15 2022

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-34259	)	**PRELIMINARY ORDER**
IN THE NAME OF MOON LAKE RANCH	)	**REINSTATING A PERMIT**
OWNERS ASSN INC	)	
	)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On January 30, 2017, the Department issued Permit No. 63-34259 ("Permit") in the name of Moon Lake Ranch Owners Assn. Inc. ("Permit Holder") authorizing the diversion of 0.12 cubic feet per second of ground water for aesthetic uses in Government Lot 5 (NW¼SW¼) of Section 14 in Township 4 North, Range 1 West, B.M., Ada County. A condition of permit approval required the Permit Holder to submit proof of beneficial use of water to the Department on or before February 1, 2022.

2. On November 30, 2021, the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Permit Holder of the steps to be taken to submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") or a *Request for Extension of Time* ("Extension Request").

3. On February 1, 2022, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.

4. On February 8, 2022, the Department notified the Permit Holder the Permit lapsed because no Proof or Extension Request had been received.

5. On April 8, 2022, the Permit Holder filed an acceptable Proof with a certified water right examiner *Beneficial Use Field Report* showing the water has been put to beneficial use.

CONCLUSIONS OF LAW

Idaho Code § 42-218a (1) states, in pertinent part:

> A permit upon which the proof of beneficial use… has not been submitted, or a request for extension of time has not been received on or before the date set for such proof… shall lapse and be of no further force nor effect… Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail.

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Idaho Code § 42-218a (2) states:

> Within sixty (60) days after such notice of lapsing, the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

By submitting an acceptable Proof, the Permit Holder has shown reasonable cause why this Permit should be reinstated. The Permit should be reinstated based upon the April 8, 2022 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 63-34259 is **REINSTATED** and the Permit's priority date is advanced to October 3, 2016.

DATED this 2nd day of September, 2022.

Angela M. Hansen
Water Rights Section Manager

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SEP 06 2022

Form 42-217 Rev. 9/21

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DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY
Amt. of Fee $
Receipt No.
Receipted By
Date Receipted

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete an Assignment of Permit form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 63-34259 Name of Permit Holder(s) Moon Lake Ranch Owners Association, Inc.

Telephone No. 208-629-7447 Email andy@sawtoothlaw.com

Mailing Address % Sawtooth Law, 1101 W. River St., Ste. 110 City Boise State ID Zip 83702

2. Source of Water Groundwater If Ground Water (well), Date Drilled mo. unkno / yr. _____

Drilling Permit/Tag No. unknown Drilling Company's Name unknown

3. Extent of use(s) completed **as authorized by the water right permit**:

Domestic (No. households) _____ Irrigation (No. acres) _____ Stockwater (No. and stock type) _____

Other Aesthetic -- artesian flow through existing water feature in subdivision

4. Total diversion rate or volume (storage only) for which proof is submitted 0.12 cfs OR _____ af

If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Artesian well with a 4-inch discharge to rock slope discharging into subdivision pond.

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required? Yes	No	(If "Yes", attach required data, evidence of compliance, or evidence of installation)
☐	☐ ☒	Ground water level data, pumping information, or other diversion data
☐	☐ ☒	Mitigation plan
☐	☐ ☒	Lockable controlling works
☐	☐ ☒	Measuring device
☐	☐ ☒	Fish screen
☐	☐ ☒	Other requirements of the water right permit _____
	☐ ☒	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed $_____ or ☒ CWRE field report attached or ☐ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: n/a Telephone No. _____ Email _____

Mailing Address _____ City _____ State _____ Zip _____

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Jerry E. Jones — Jerry E. Jones Moon Lake Ranch — 4-4-2022

SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE HOA President DATE

*Attach power of attorney if completing on behalf of permit holder.

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SEP 16 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

November 15, 2022

MOON LAKE RANCH OWNERS ASSN INC
PO BOX 810
STAR ID 83669

RE: License No. 63-34259

ISSUANCE OF LICENSE

Dear Water Right Holder:

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) 287-4951.

Sincerely,

Angela M. Hansen

Angela Hansen
Water Rights Section Manager

Enclosures

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NOV 15 2022

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2022, I served a true and correct copy of Water Right License No. 63-34259 by U.S. Mail, postage prepaid, to the following:

MOON LAKE RANCH OWNERS ASSN INC (Current Owner)
PO BOX 810
STAR ID 83669

HDR INC (Representative) – *via email*
412 E PARKCENTER BLVD STE 100
BOISE ID 83706-6659
Terry.scanlan@hdrinc.com

Debbi Judd
Technical Records Specialist

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NOV 15 2022

EPT. OF WATER RESOURCES
322 E. FRONT ST.
P. O. BOX 83720
BOISE, ID 83720-0098

ZIP 83702 $ 001.44⁰
02 4W
0000382634 SEP 06 2022

resent to:
3597 E Monarch Sky Ln Ste 240
Meridian ID 83646-1055
9/21/2022

Return to Sender
No Longer at this
Address

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SEP 20 2022
DEPARTMENT OF
WATER RESOURCES

MOON LAKE RANCH OWNERS ASSN
[redacted]

-R-T-S- 837205029-1N 09/15/22

RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER

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SEP 22 2022

63-34259

0004774763

STATE OF IDAHO
Office of the secretary of state, Lawerence Denney
CHANGE OF BUSINESS MAILING ADDRESS
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

For Office Use Only

-FILED-

File #: 0004774763

Date Filed: 6/7/2022 3:22:34 PM

The entity name and address for which the mailing address is being changed:

The name of the business entity is:	MOON LAKE RANCH OWNERS ASSOCIATION, INC.
The file number of this entity on the records of the Idaho Secretary of State is:	0000387381
New Address	Doug Wiley 3597 E MONARCH SKY LN STE 240 MERIDIAN, ID 83646-1055

Signature:

Jerry Jones — Sign Here

06/07/2022 — Date

Job Title: President

B0713-5495 06/07/2022 3:22 PM Received by ID Secretary of State Lawerence Denney

Page 1 of 1

MEMORANDUM

TO: Water Right File 63-34259

FROM: Daniel Nelson – Analyst 3

DATE: June 27, 2022

SUBJECT: Licensing Review of Water Right 63-34259

The field exam for this right was performed by Certified Water Right Examiner Terry Scanlan of SPF Water Engineering. Mr. Scanlan recommended 0.12 cubic feet per second (cfs) and 86.9 acre-feet (af) for aesthetic use.

History:

The history on this water system is rather long and drawn out. In 1996, Ron Sali filed water right permit 63-12305 for storage and irrigation for a subdivision with several ponds with the Idaho Department of Water Resources ("Department"). Water right 63-12305 includes the artesian well associated with this permit. Due to protests submitted against 63-12305, it was determined that the year-round flow from the artesian wells would not be allowed, and only supplemental irrigation would be allowed from the artesian wells. Permit 63-12305 was approved in 1997 with measurement device conditions and limitations on the artesian wells to only be used for supplemental irrigation.

Field examinations were done on 63-12305 in 2013, and several issues were identified. Some of these issues included that lack of measurement devices, lockable controlling works, and non-stop diversion from the artesian wells. After working with the permit holder for 63-12305, measurement devices and lockable controlling works were installed. The wells were then shut off at the time of licensing this permit. Permit 63-12305 was subsequently licensed in 2014 after the diversions were brought into compliance with the conditions of permit 63-12305.

In 2016, the Department received application for permit 63-34259 requesting year-round use for aesthetic purposes for a water fall from one of the same artesian wells known as Well #3. Water right permit 63-34259 was subsequently approved. The approved permit did not include the measurement and lockable controlling works conditions required under license 63-12305. It has been determined by administrative staff, that we cannot include additional conditions on this permit that were included on 63-12305, since they were not included on the permit. Permit 63-34259 is for year-round use, so it was determined that the measurement devices are only required when Well #3 is being used for supplemental irrigation.

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On August 24, 2018, the Department received a field report completed by Alexandra Lynn Clark from Roxanne Brown both of SPF Water Engineering. The Statement of Completion for Submitting Proof of Beneficial Use ("Proof") was not included with the field report and had not submitted to the Department. The field report was returned to SPF Water Engineering until a proof was submitted.

Mr. Scanlan submitted an updated field report and Proof on April 8, 2022. The field report has photos that show the point of diversion. The photos clearly shows the measurement devices installed on the well had been removed. Another concern was that measurement made by Department staff in 2013 was significantly more than the measurements supplied in the field report by Mr. Clark. The diversion rate measured by Ms. Clark was 0.08 cfs compared to the 0.12 cfs measured in 2013. The flow rate measured by Ms. Clark was approximately ¾ of the amount measured in 2013. Mr. Scanlan used to the 0.12 cfs amount measured in 2013, since the flows rates of these wells could vary through out the season. It could also mean that the flows in the artesian well has decreased due to overuse as was the concern in 1997 when permit 63-12305 was approved. Mr. Scanlan was correct in using the higher diversion rate of 0.12 cfs measured in 2013.

Reinstatement Review:

It has been determined that this permit should be reinstated and moved forward to licensing. The proof was filed 67 days after Proof was due and 59 days after the Lapsed Notice was sent. The adjusted priority date will be advanced to October 3, 202~~0~~16. AH 8/4/22

Point of Diversion and Place of Use:

Whereas the point of diversion and place of use were identified in the in the 2013 field work and again in the Mr. Scanlan's field exam, there are no issues with the place of use and point of diversion for this permit.

Diversion Rate and Volume:

As discussed above, the diversion rate measured by Ms. Calk was ¾ of diversion rate measured in 2013. There could be several factors that could affect the diversion rate, so I agree with Mr. Scanlan that the diversion rate measured in 2013 of 0.12 cfs should be used. Mr. Scanlan also provided the full volume amount diverted for a non-stop diversion all-year long. This is acceptable because the supplemental use may or may not be used, so this use can be fully diverted even when the supplemental use is not used.

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Conditions:

Conditions 930, 004, and the aesthetic use description condition should be carried forward to licensing. Condition 121 should be changed to condition 103 as is standard. As discussed above, none of the conditions included on 63-12305 should be considered for this permit since the water uses are different. There should also be no combined limitations, because 63-12305 is only for supplemental use and may or may not be used.

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Boise Office
1101 W. River St.
Suite 110
Boise, Idaho 83702
Tel. (208) 629-7447

Challis Office
1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office
213 Canyon Crest Drive
Suite 200
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559

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WATER RESOURCES

SAWTOOTH LAW OFFICES, PLLC

David P. Claiborne
S. Bryce Farris
Evan T. Roth
Daniel V. Steenson
Andrew J. Waldera
Brian A. Faria
Patxi Larrocea-Phillips
John A. Richards
Matthew A. Sturzen
Katie L. Vandenberg-Van Vliet
James R. Bennetts *(retired)*

Friday, April 08, 2022

Via Hand Delivery

Angela Hansen, Manager
Water Rights Section
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720—0098

Re: Lapse Notice—Permit No. 63-34259

Dear Ms. Hansen:

I write you on behalf of Moon Lake Ranch Owners Association, Inc. ("MLR"), owner of Water Right Permit No. 63-34259 ("Permit"), in response to the Lapse Notice issued by the Department dated February 8, 2022. Enclosed please find the executed beneficial use Statement of Completion signed by current MLR Board President Jerry Jones, as well as the completed Beneficial Use Field Report for the Permit, dated March 16, 2022 ("Report"). MLR requests that the Permit be reinstated pursuant to Idaho Code Section 42-218a.

MLR submits that "reasonable cause" exists supporting Permit reinstatement because MLR recently experienced a complete change in its Board of Directors, and that change coupled with other pending litigation and Eagle Sewer District annexation negotiations, among other community issues, allowed this matter to slip. As you can see from the Permit's online backfile, and from the attached Report, MLR thought that proof of completion had been submitted together with the field exam report because both were in process as early as 2017 (the aesthetic water feature in question was already in use and the Permit was sought to authorize the already occurring use). But, as the Lapse Notice demonstrates, the prior proof submissions were incomplete.

Regardless of the foregoing confusion and community leadership changes, MLR submits both the Statement of Completion and the Report so that the Department can reinstate the Permit consistent with Section 42-218a and proceed with licensing Right No. 63-34259. MLR understands that the priority date of the Permit (and forthcoming license) will be advanced

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approximately 60 days (the time period between the date of the Lapse Notice and this submission).

If you have any questions regarding this Permit reinstatement request, or licensing going forward, please feel free to contact me at 208-629-7447.

Very truly yours,

Andrew J. Waldera

AJW/dll
Enclosure
c: Client

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Form 219 07/11

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DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A Beneficial Use Field Report is prepared by a water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with a permit during the development period authorized by the permit and any extensions of time previously approved.

A. GENERAL INFORMATION

Permit No. 63-34259

1. Owner Moonlake Ranch Owners' Association, Inc. Phone No. (208) 286-9666
   Current address c/o Star Property Management, P.O. Box 810, Star, ID 83669
2. Examiner's name Alexandra Clark and Terry Scanlan (CWRE 129) EXAM DATE March 23, 2017
3. Accompanied by Christina Bowers Email
   Address
   Relationship to permit holder contact for Moonlake Ranch Owners' Assoc. Phone No. 208-286-7330
4. Source Groundwater tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use Irrigation (MMDC, MIA, PDC, DD2), Muni (City of Eagle), 63-12305
2. Other water rights with the same source and point of diversion 63-12305

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

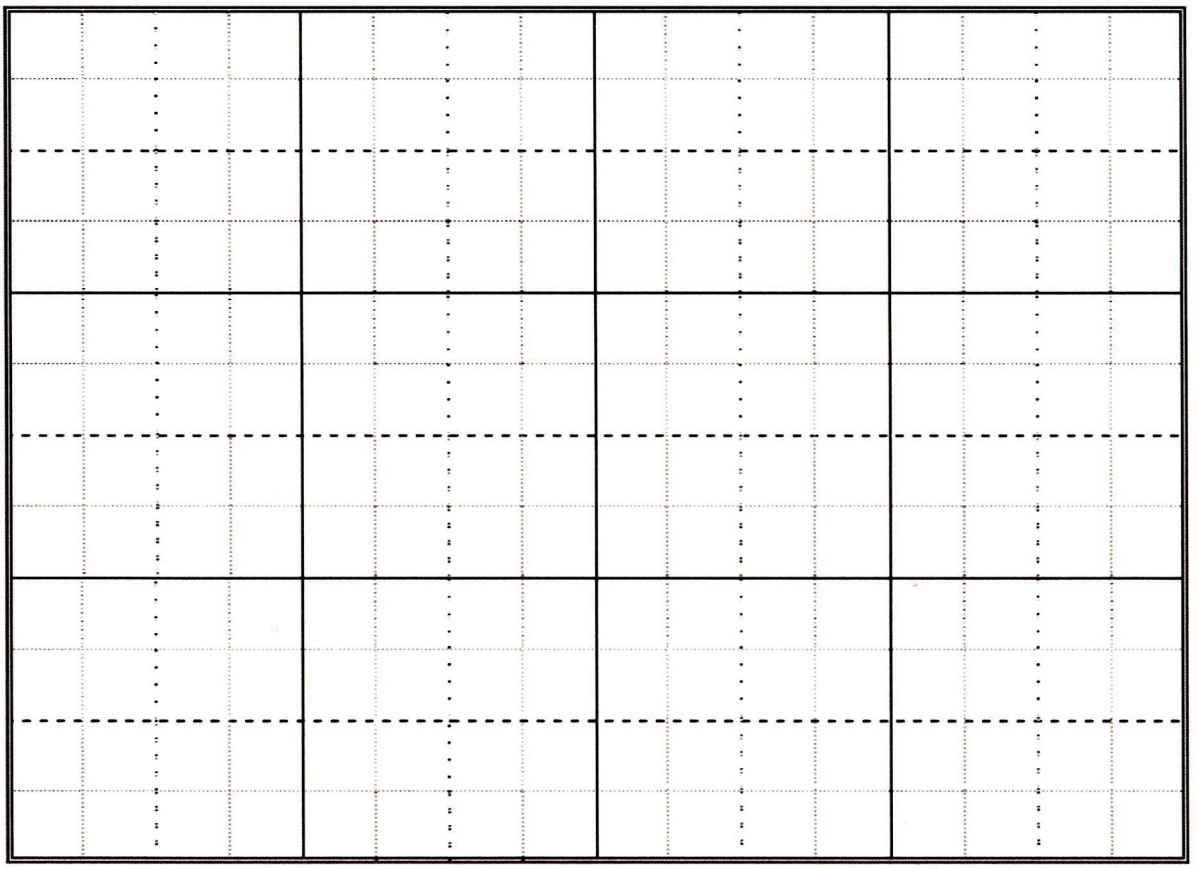
Ident. No.	Gov't Lot	¼	¼	¼	Sec	Twp	Rge	County	Method of Determination/Remarks
Well 3	5		NW	SW	14	4N	1W	Ada	Field Exam, 8/16/2013 Photo (Well 3)

2. **Place(s) of Use:** Method of determination Field Exam, 8/16/2013 Photo

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	14										A							
												L5							

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3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☒ see attached.



Scale: 1" = _____

☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (**required**)
☐ Aerial photo attached (required for irrigation of 10+ acres)
☒ Photo of diversion and system attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Well 3	none (artesian)	none	none	none (artesian)	none

Code to correspond with no. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5-gallon bucket/stopwatch	n/a	n/a	n/a	n/a	5 gallon	3/23/2017

2. **Measurements:** _____

Flow measurement was attempted using an ultrasonic flow meter (Transport PT878); however, a reading could not be taken as the 4-inch discharge pipe was approximately 1/4 to 1/3 full, with the flow valve indicated by Christina Bowers as fully open. Discharge from the end of the pipe was measured over a 10-minute interval using a bucket/stopwatch.

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E. NARRATIVE/REMARKS/COMMENTS

An 8-inch diameter artesian well (Artesian Well 3) supplies flow for aesthetic purposes to an existing waterfall feature that discharges to Pond 1. Artesian Well 3 is located on the south side of Pond 1 and on the north side of S. Tranquil Ln. This well was described previously in the beneficial use field report exam for water right 63-12305 performed by IDWR on August 16, 2013. Permit 63-34259 seeks 0.12 cfs between 1/1 and 12/31 based on a measurement taken by IDWR during its August 16, 2013 field exam and historical year-round use in the water feature. The zone of appropriation for Well 3 is 200-245 feet. Caron Pump confirmed the well depth and zone of appropriation on June 27, 2016. No well driller's log was available. The Bowers operate the well for the applicant, which is controlled by a valve shut off. The valve was turned on by Christina Bower on March 23, 2017 to full capacity, and the well flowed for the exam. Discharge from the well is through a 4-inch diameter steel pipe immediately to the slope that discharges to the pond. Artesian Well 3 is used to supply flow over the water feature slope under permit 63-34259 and flow to Pond 1 under water right 63-12305. An IDWR letter in the permit file dated 8/28/2018 suggests that the 2013 flow measurement could be used for licensing rate and volume for 63-34259.

Attachment A is a copy of the permit. Attachment B is a topographical map of the point of diversion and place of use. Attachment C includes photographs of the well and place of use. Attachment D describes flow calculations based on measurements taken on March 23, 2017 and on August 16, 2013.

Volume calculation is based on historical year-round use of the well for the water feature, including winter-time use to keep an area of the pond clear of ice for use by water fowl. This does not qualify as a wildlife use; the intent is for beneficial use for aesthetics.

The original of this exam report was prepared by Alexandra Clark (CWRE 156) of SPF Water Engineering in March 2017. SPF was unable to obtain a signed Statement of Completion from permit holder, and subsequently submitted the field exam to IDWR in August 2018, then withdrew the exam based on IDWR suggestion. This field report uses the data collected in the 2017 exam.

Has the permit holder met all conditions of permit approval, including any mitigation requirements and/or measuring device installation requirements? ☒ Yes ☐ No If no, what must be done to meet the permit requirements?

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SEP 06 2022

Form 219 07/11

F. FLOW CALCULATIONS ☒ Additional computation sheets attached

Measured Method:
See Attachment D.

Diversion rate from point of diversion in lot 5 (Well 3) not to exceed 0.12 cfs in combination with 63-12305.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

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

2. Volume Calculations for Other Uses:

0.12 cfs x 365 days x 1.9835 = 86.9 ac-ft

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Aesthetic	1/1	12/31	0.12	86.9
		Totals:	0.12	86.9

2. Recommended Amendments

☐ Change P.D. as reflected on page 1 ☐ Add P.D. as reflected on page 1 ☒ None
☐ Change P.U. as reflected on page 1 ☐ Add P.U. as reflected on page 1 ☐ Other

I. AUTHENTICATION

Field Examiner's Signature Terry M. Scanlan Date March 16, 2022

Reviewer _____ Date _____

PROFESSIONAL ENGINEER LICENSED SEAL 6266 STATE OF IDAHO TERRY M. SCANLAN

SCANNED SEP 06 2022

Attachment A - Permit

SCANNED
SEP 06 2022

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-34259

Priority: August 05, 2016 Maximum Diversion Rate: 0.12 CFS

This is to certify, that MOON LAKE RANCH OWNERS ASSN INC
PO BOX 810
STAR ID 83669

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
AESTHETIC	01/01 to 12/31	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L5 (NW¼SW¼) Sec. 14, Twp 04N, Rge 01W, B.M. ADA County

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 01W 14										X L-5							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2022.**
2. Subject to all prior water rights.
3. Water bearing zone to be appropriated is 200 to 245 feet.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. Aesthetic use is for an existing water feature (waterfall).
7. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 30th day of January, 2017.

Nick Miller
Manager, IDWR Western Region

SCANNED
SEP 06 2022

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34259

This map depicts the AESTHETIC 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

Point of Diversion
Place Of Use Boundary
Townships
PLS Sections

N

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SEP 16 2022

Attachment B - Map

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SEP 06 2022



Point of Diversion and Place of Use

Permit 63-34259 - Location

N

500 Feet

SPF WATER ENGINEERING

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Attachment C - Photographs

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Artesian Well #3

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Discharge during March 23, 2017, Field Exam

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Artesian Well #3, Existing Water Feature, and Place of Use (Pond #1)

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Attachment D - Flow Calculations

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FLOW CALCULATIONS

August 16, 2013

Measurements were made by IDWR using an orifice weir and a portable flow meter at Artesian Well #3 on August 16, 2013. See beneficial use field report for 63-12305. Measured rate was 53 gpm (0.12 cfs).

March 23, 2017

A 5-gallon capacity plastic bucket was used by SPF Water Engineering to measure flow from the 4-inch discharge line from Artesian Well #3 during five, separate tests (noted below) on March 23, 2017. The bucket was filled to a level corresponding with 4-gallons based on 'calibration' of the bucket. The calibration was performed by filling the 5-gallon bucket with water to the 'fill' line and weighing the bucket. The measured weight of 34.1 pounds is equivalent to 4.1 gallons (using a conversion factor of 8.34 pounds per 1 gallon of water).

Test 1: 6.80 seconds to fill 5-gal bucket to 4-gal line = 35 gpm

Test 2: 7.24 seconds to fill 5-gal bucket to 4-gal line = 33 gpm

Test 3: 6.28 seconds to fill 5-gal bucket to 4-gal line =38 gpm

Test 4: 6.54 seconds to fill 5-gal bucket to 4-gal line =36 gpm

Test 5: 6.87 seconds to fill 5-gal bucket to 4-gal line =34 gpm

The average flow rate based on the above five tests is 35.2 gpm (0.08 cfs).

The larger of the two measurements, 0.12 cfs, is proposed for licensing.

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SEP 16 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

September 6, 2022

MOON LAKE RANCH OWNERS ASSN INC
PO BOX 810
STAR ID 83669

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 63-34259

Dear Permit Holder:

The Department acknowledges receipt of the Proof of Beneficial Use form ("proof") and license examination fee for the above-referenced water right permit. Enclosed is an order that reinstates this permit since proof and the license examination fee were submitted after the proof deadline. Please note that the priority date for this permit has been advanced to **October 3, 2016**, pursuant to Idaho Code § 42-218a(2).

The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water according to the conditions of the permit.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the field examination, please contact the State Office at (208) 287-4800.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c: HDR INC – via email

SCANNED
SEP 06 2022

CERTIFICATE OF SERVICE

I hereby certify that on **September 02, 2022** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER **(PRELIMINARY ORDER REINSTATING A PERMIT)** to the persons listed below:

RE: Preliminary Order in the Matter of Permit No. **63-34259**

MOON LAKE RANCH OWNERS ASSN INC
PO BOX 810
STAR ID 83669

HDR INC
C/O SCOTT N KING – *via email*
300 E MALLARD DR STE 350
BOISE ID 83706
scott.king@hdrinc.com

Debbi Judd
Technical Records Specialist

SCANNED
SEP 06 2022