

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 63-34359

Priority: March 03, 2017

Maximum Diversion Rate: 0.11 CFS
Maximum Diversion Volume: 1.0 AF

It is hereby certified that:

CANYON COUNTY PARKS AND RECREATION
1115 ALBANY ST
CALDWELL ID 83605

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 03, 2017, and has submitted Proof of Beneficial Use on June 28, 2022. 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>
DOMESTIC	01/01 to 12/31	0.11 CFS	1.0 AF

Location of Point(s) of Diversion

GROUND WATER NE¼ NW¼, Sec. 36, Twp 01S, Rge 02W, B.M. CANYON County

Place of Use: DOMESTIC

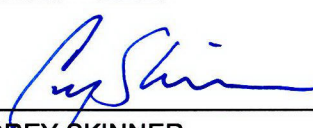
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	36					X L3												

Conditions of Approval

- Domestic use is for facilities located in Celebration Park of Canyon County.
- 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 24th day of March, 2023.


COREY SKINNER
Southern Regional Manager

SCANNED
APR 07 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
63-34359

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.035 0.07 0.14 Miles

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



SCANNED
APR 07 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 63-34359
Exam Date: 03/07/2023

1. Current Owner:
CANYON COUNTY PARKS AND RECREATION
1115 ALBANY ST
CALDWELL ID 83605
2. Accompanied by: Corey Skinner (IDWR), Alex Eels (Canyon County Outdoor Recreation Planner), Devin Krasowski (Canyon County Engineer), Laura Barbour (Canyon County), and Nicki Schwend (Canyon County Parks Director)

3. **SOURCE:**
GROUND WATER

Method of Determination: Visual Observation

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis

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

Water Right No.	Source	Purpose of Use	Basis

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NE¼ NW¼, Sec. 36, Twp 01S, Rge 02W, B.M. CANYON County

Field Exam

Method of Determination: Visual observation and aerial imagery (note well is south of government lot 3 line)

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	
01S	02W	36					X L3												

Method of Determination: Visual observation and 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
D0077171					

D. FLOW MEASUREMENTS

None required per Beneficial Use Examination Rules (Rule 35.01.r.iii – diversion rate less than 0.24 cfs)

E. VOLUME CALCULATIONS

The water usage developed for Celebration Park under water permit 63-34359 consists of the usage from the dormitory area and the public museum. A breakdown of the use for each area is shown below. Calculations are based on conversations with Celebration Park staff the day of the field examination.

Dormitory

The dormitory is designed to accompany up to 12 people at a time for overnight stays and is equipped with a kitchen, bathroom, and showers. The goal is for the dormitories to be utilized approximately 150 days a year. Assuming the use per person is 60 gal/day and that the dormitory runs at max capacity the annual volume of water used for the dormitory portion of Celebration Park would be calculated as follows:

$$12 \text{ people} \left(\frac{60 \text{ gal}}{\text{day per person}} \right) \left(\frac{150 \text{ days}}{\text{year}} \right) = 108,000 \text{ gallons}$$

Museum

The museum is open to the public and does have public bathrooms available. The museum is open 363 days per year (closed on Christmas and Thanksgiving). During the busiest time of the year the museum receives approximately 100 visitors per day for nearly 200 days of the year. Therefore the annual volume used during the busy season is calculated as follows:

$$100 \text{ people} \left(\frac{10 \text{ gal}}{\text{day per person}} \right) \left(\frac{200 \text{ days}}{\text{year}} \right) = 200,000 \text{ gallons}$$

The museum receives approximately 10-20 visitors per day for the rest of the year (163 days). Assuming the park receives on average 15 people per day the annual volume for the rest of the year would be calculated as follows:

$$15 \text{ people} \left(\frac{10 \text{ gal}}{\text{day per person}} \right) \left(\frac{163 \text{ days}}{\text{year}} \right) = 24,450 \text{ gallons}$$

The volume of water estimated to be used for Celebration Park would be:

$$108,000 + 200,000 + 24,450 = 332,450 \text{ gallons} \left(\frac{1 \text{ Acre foot}}{325,850 \text{ gallons}} \right) = 1.02 \text{ AF}$$

Therefore, the recommended volume for the licensure of water permit 63-34359 should be **1.00 AF**.

F. NARRATIVE/REMARKS/COMMENTS

The licensing field exam for 63-34359 was conducted on March 7, 2023 with various Canyon County representatives in attendance (see section A.2 of this report). The well (site tag # D0077171) is located south of a museum and dormitory buildings located at Celebration Park along the north side of the Snake River south of Melba. Note that the well is located south of the government lot 3 boundary, but still within the NENW of Section 36. Flow rate measurements were not made since it is not required per the Beneficial Use Examination Rules (Rule 35.01.r.iii – diversion rate less than 0.24 cfs). Volume calculations were based on information provided by the various Canyon County representatives in attendance during the exam (see volume calculations above). I recommend licensing 0.11 cfs and 1.0 acre-feet.

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

G. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.11 CFS	1.0 AF

Totals: 0.11 CFS 1.0 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

H. AUTHENTICATION

Field Examiner's Name T. J. Walker Date 3/24/2023

Reviewer A. J. Smith Date 3/24/2023



Figure 1. Image showing the well, Tag # D0077171, located on the south side of the Celebration Park buildings. The building on the left is the dormitories and the building on the right is the museum.



Figure 2. Image showing the inside of the dormitory building. Note the kitchen in the foreground and the bunkbeds in the background. Another room with additional bunkbeds is located behind the perspective of the picture.

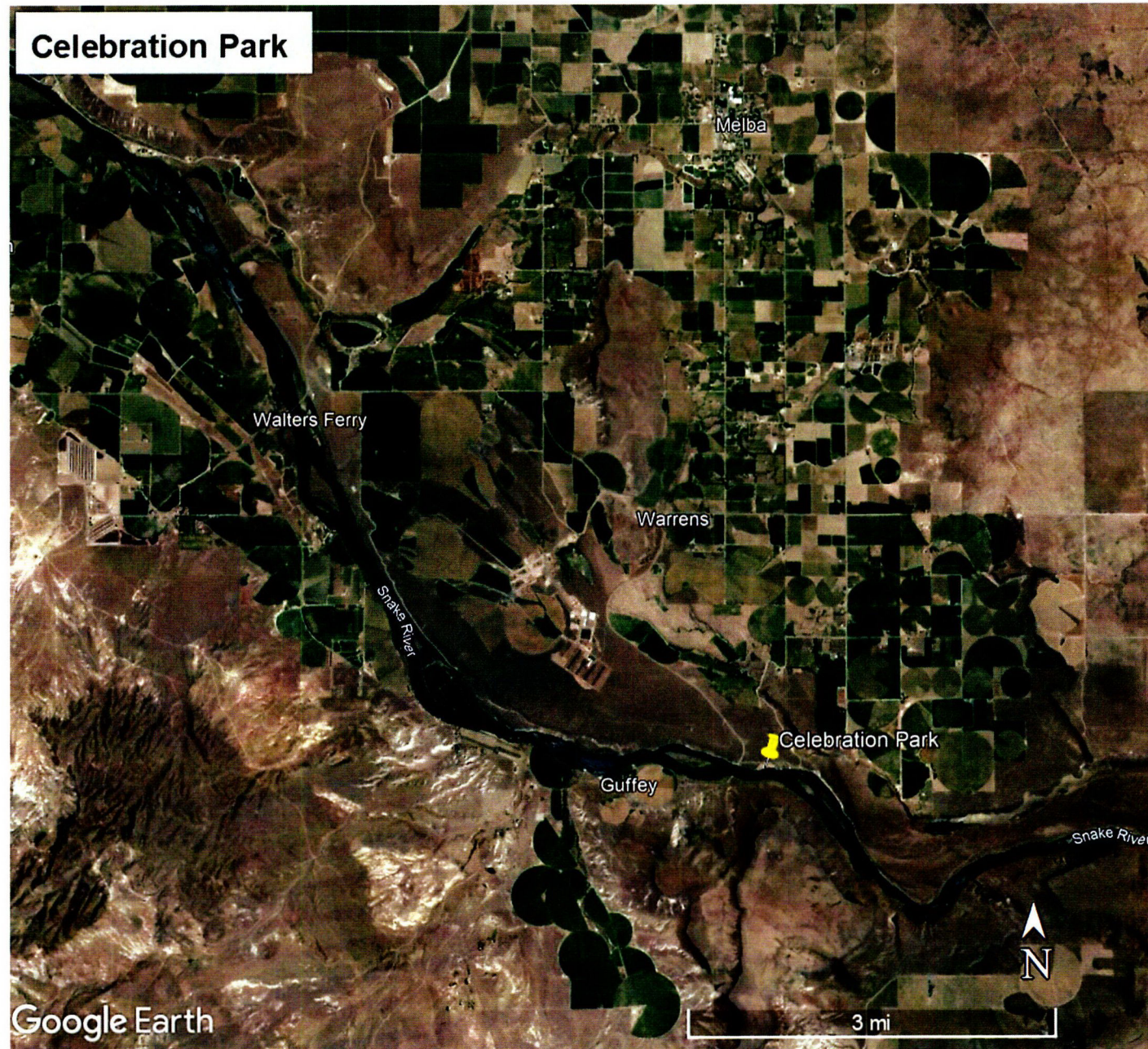


Figure 3. Aerial view taken from Google Earth 2022 imagery showing the approximate location of Celebration Park facilities in relation to nearby cities and geological features.

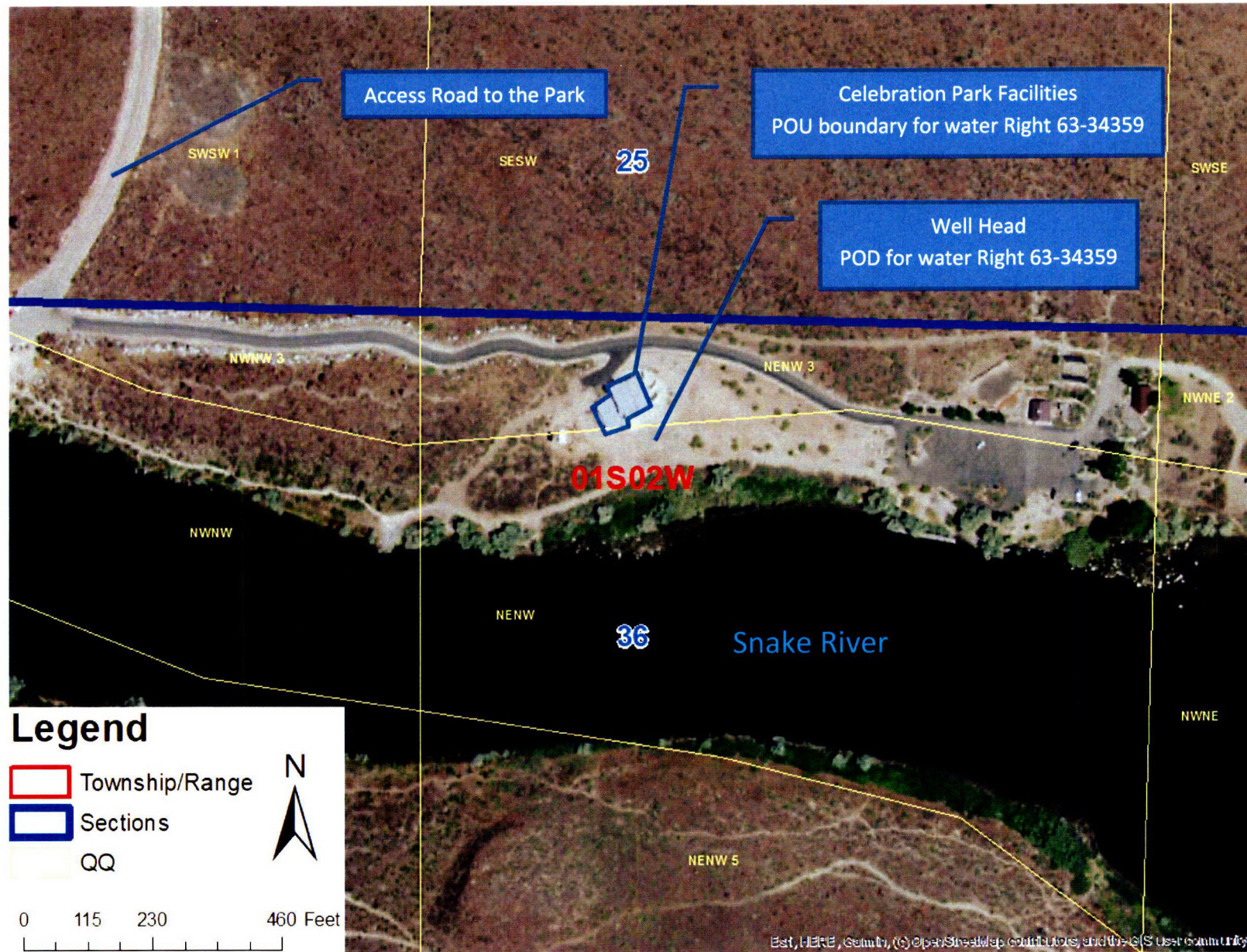


Figure 4. Ariel view showing important information regarding Celebration Park and associated water right 63-34359.



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

March 28, 2023

CANYON COUNTY
PARKS AND RECREATION
1115 ALBANY ST
CALDWELL ID 83605

Correspondence

RE: License No. 63-34359

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 March 28, 2023, I served a true and correct copy of Water Right License No. 63-34359 by U.S. Mail, postage prepaid, to the following:

CANYON COUNTY (Current Owner)
PARKS AND RECREATION
1115 ALBANY ST
CALDWELL ID 83605



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.