

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 63-34494

Priority: January 17, 2018

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 3.2 AF

It is hereby certified that:

TEMPE PARK HOMEOWNERS ASSN INC PO BOX 294 STAR ID 83669

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 17, 2018, and has submitted Proof of Beneficial Use on March 06, 2019. 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	0.02 CFS	3.2 AF

Location of Point(s) of Diversion

GROUND WATER NE¼ NE¼, Sec. 18, Twp 04N, 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	
04N	01W	18	0.7																0.7

Total Acres: 0.7

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. Point of diversion is located within Lot 7, Blk. 1, Tempe Park Subdivision.
3. Place of use is located within Lot 1, Lot 7, Lot 10, Lot 24, and Lot 32, Blk. 1, Tempe Park Subdivision.
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 21st day of July, 2023.


PHILL HUMMER
Water Rights Supervisor

SCANNED

JUL 24 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
63-34494

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.

01W



0 0.0375 0.075 0.15 Miles

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

SCANNED
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JUL 24 2023

RECEIVED

MAR 04 2019

WATER RESOURCES
WESTERN REGION

RECEIVED

MAR 06 2019

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50.00
Receipt No. W047180
Received By AK
Date Received 3/4/2019

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use 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.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at idwr.idaho.gov for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No. 63-34494 Telephone No. 208-994-9456
 2. Name of Permit Holder(s) TEMPE PARK HOMEOWNERS ASSOCIATION INC
 3. Mailing Address PO Box 294 City STAR
 State ID Zip 83669 Email Jabega48@gmail.com
 4. Source of Water WELL/GROUNDWATER If GROUND WATER (well), Date Drilled mo. / yr. 2005
 Well Driller UNKNOWN Drilling Permit Number 63-32085

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

Domestic (No. of households) Stockwater (No. and type of stock)
 Irrigation (No. of acres) 1.6 Other

6. Total rate of diversion or storage volume for which proof is submitted 0.05 cfs OR acre-feet.

7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit:
 Refer to the approval conditions on your permit and respond accordingly.

The Department will not issue a license if permit conditions are not met.

Measuring Device	Is a measuring device required?	Yes ☐	No ☒
	If yes, has the measuring device been installed?	Yes ☐	No ☐
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes ☐	No ☒
	If yes, has the lockable device been installed?	Yes ☐	No ☐
Fish Screen	Is a fish screen required?	Yes ☐	No ☒
	If yes, has the fish screen been installed?	Yes ☐	No ☐

Other Conditions of Permit

Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

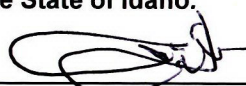
 Completed? Yes ☐ No ☐

8. Fee Enclosed \$ or not applicable ☒. See fee schedule on page 2 of the instructions.
 Proof statements filed without an appropriate fee, will be considered incomplete.

9. Person to contact to accompany the Department representative during field examination of the water system.

Name JACK GARDNER Telephone Number 208-994-9456
 Mailing Address 11346 W TEMPE LN City STAR
 State ID Zip 83669 Email Jabega48@gmail.com

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 a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder  President
TEMPE PARK HOA Date 3/4/2019
 (Include your title, if on behalf of company or organization)

SCANNED

JUL 24 2023



IDAHO DEPARTMENT
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

July 24, 2023

TEMPE PARK HOMEOWNERS ASSN INC
PO BOX 294
STAR ID 83669

RE: License No. 63-34494

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) 287-4925.

Sincerely,

Jean Hersley

For
Phill Hummer
Water Rights Supervisor

Enclosure(s)

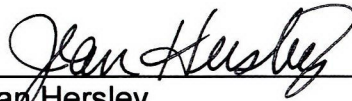
SCANNED

JUL 24 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2023, I served a true and correct copy of Water Right License No. 63-34494 by U.S. Mail, postage prepaid, to the following:

TEMPE PARK HOMEOWNERS ASSN INC (Current Owner)
PO BOX 294
STAR ID 83669



Jean Hersley
Technical Records Specialist 2

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 63-34494
Exam Date: 7/18/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? ____Y ____N

- a. ☒ Irrigation of 5 acres or less
- b. ☐ Storage of up to 14.6 AF for stockwater purposes only
- c. ☐ Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
- d. ☐ Other < >

2. Current Owner:

TEMPE PARK HOMEOWNERS ASSN INC PO BOX 294 STAR ID 83669

3. SOURCE:

GROUND WATER

Method of Determination: GIS ArcMap Tools, Aerial Imagery, and Taxlot Data

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NO Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A	N/A	N/A	N/A

Comments: None

2. Other water rights with the same point-of-diversion: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
63-32085	Ground Water	Domestic	License

Comments: Water for domestic use and irrigation of individual lots under 63-32085, this right is for common areas of Tempe Park subdivision.

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

GROUND WATER NE¼ NE¼, Sec. 18, Twp 04N, Rge 01W, B.M. ADA County

Method of Determination: GIS ArcMap Tools, Aerial Imagery, and 63-32085 Field 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	
04N	01W	18	0.7																0.7

Total Acres: 0.7

Method of Determination: GIS ArcMap Tools, Aerial Imagery, and Taxlot Data.

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3. 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.

X 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
NO ID*	Franklin	5	2366008120	Franklin	4"

*Well is non-jurisdictional. It's a 4 ft diameter excavation that is 15.9 ft deep. NO well ID, tag number, and report. (Sourced from 63-32085 field report.

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: No Measurement required for in-house examination.

E. FLOW CALCULATIONS

 Additional Computation Sheets Attached

Measured Method: Measurement not required for in-office examination.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (0.7 \text{ acres}) \times (4.5 \text{ af}) = 3.2 \text{ AF}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = (0.02 \text{ cfs}) \times (260 \text{ days}) \times 1.9835 = 10.3 \text{ AF}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 3.2 \text{ AF}$$

2. Volume Calculations for Other Uses: None

G. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-house exam because it is for Irrigation of less than 5 acres. Field exam was conducted on July 18, 2023, by Justin Shearer. Ownership of the permit is in the name of Tempe Park Homeowners Association Inc. Current Ada County Taxlot data represents Tempe Park HOA owns the land appurtenant to the place of use (POU) and point of diversion (POD). Proof of Beneficial Use was submitted on March 6, 2019. No ownership change is required. This permit was filed to address the irrigation of common areas in the subdivision after a field exam was conducted for the domestic use under 63-32085. Upon said examination, it was determined that an additional permit to cover the irrigation of the subdivision's common areas was necessary.

SCANNED
JUL 24 2023

Statement of Completion for Submitting Proof of Beneficial Use by the permit holder indicated 1.6 acres and a rate 0.05 cfs was developed. However, ArcMap GIS tools and aerial imagery were only able to verify 0.7 acres of irrigated area. Lots 10, 23, and 46 were identified as part of the POU under the permit, but aerial imagery, and DRG topo graphics indicate that Lot 46, though green, is not irrigated as it is largely comprised of an irrigation canal that runs through the subdivision, and no irrigation is taking place in lots 10 and 23. As a result, I am recommending the 0.02 cfs and 3.2 af. The field exam for 63-32085 identified that the source is a non-jurisdictional well, 4 ft in diameter and 15.9 ft deep with a 5 hp Franklin pump installed capable of pumping at a rate of 0.18 cfs. 63-32085 was licensed for 0.12 cfs, so the rate of 0.02 cfs I am recommending for this license based upon irrigated acreage should be considered reasonable and feasible from the same POD system. The volume of 3.2 af I am recommending is based upon the headgate requirement for this area of 4.5 af/ac.

All the conditions of permit approval have been met. Condition 121 is replaced by 103 as per department standard. Condition X60 was updated to accurately reflect which lots of the subdivision represent the common areas being irrigated under this right. Condition X59 described the POD location accurately and will remain on the license. Condition 046 will be removed as per department standard.

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

H. RECOMMENDATIONS

1. Recommended Amounts

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.02 CFS	3.2 AF
<u>Totals:</u>		0.02 CFS	3.2 AF

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ None

I. AUTHENTICATION Justin Shearer -

Field Examiner's Name *Justin Shearer* Date 7/18/23
 Reviewer *PN* Date 7/21/23

SCANNED
JUL 24 2023

State of Idaho
Department of Water Resources

Attachment to In Office Review/Beneficial Use Report

Water Right: 63-34494

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



- 63-34494 POD
- 63-34494 Irrigation POU
- ▨ Lot 46, Non-Irrigated Irrigation canal
- Township/Range
- Sections
- QQ

0 0.05 0.1 0.2 Miles



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JUL 24 2023