

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23938

Priority: June 03, 2020

Maximum Diversion Rate: 0.14 CFS

Maximum Diversion Volume: 1.9 AF

It is hereby certified that:

EDGAR LYNN FACKRELL
AND
DIANNA L FACKRELL
15 TIMBER LN
GARDEN VALLEY ID 83622-6013

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 03, 2020, and has submitted Proof of Beneficial Use on July 16, 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>
COMMERCIAL	01/01 to 12/31	0.04 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.10 CFS	1.8 AF

Location of Point(s) of Diversion

GROUND WATER SE¼ SW¼, Sec. 16, Twp 09N, Rge 04E, B.M. BOISE County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	16												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	
09N	04E	16												X					
09N	04E	21					X												

Conditions of Approval

- Domestic use is for 3 homes.
- Commercial use is for 1 auto repair/tire shop.
- 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.

SCANNED

JUL 21 2023

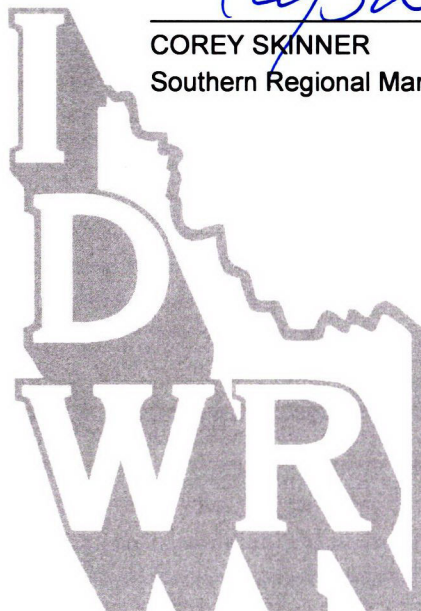
State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23938

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 18th day of July, 20 23.



COREY SKINNER
Southern Regional Manager



State of Idaho
Department of Water Resources
Attachment to Water Right
65-23938

This map depicts the COMMERCIAL 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.

04E



0 0.035 0.07 0.14 Miles

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



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JUL 21 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
65-23938

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.

04E



0 0.035 0.07 0.14 Miles

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



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-23938
Exam Date: 06/29/2023

1. Current Owner:

EDGAR LYNN FACKRELL
AND
DIANNA L FACKRELL
15 TIMBER LN
GARDEN VALLEY ID 83622-6013

2. Accompanied by: Edgar and Diana Fackrell

Phone No: 208-462-3522

Address: same as above

Relationship to permit Holder: Permit holders

3. SOURCE:

GROUND WATER

Method of Determination: Site visit conversation with permit holders and viewed well.**B. OVERLAP REVIEW**

1. Other water rights with the same place of use:

YES Overlap

Water Right No.	Source	Purpose of Use	Basis
65-9460	Spring	Domestic	decree
65-7608	Middle Fork of Payette River	Irrigation	decree
65-22385	Middle Fork of Payette River	Stockwater	decree

Comments: Right 65-7608 provides irrigation water for the 4 parcels. Right 65-9460 only serves the most southerly home (in parcel RP09N04E212425).

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

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

GROUND WATER SE¼ SW¼, Sec. 16, Twp 09N, Rge 04E, B.M. BOISE County

Method of Determination: Site visit and ArcMap aerial imageryPLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	16												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	
09N	04E	16												X					
09N	04E	21					X												

Method of Determination: Site visit and ArcMap aerial imagery

3.

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

 X 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). 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
D0085211		2.5			

D. FLOW MEASUREMENTS

1.

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

2. Measurements: No measurement made per Beneficial Use Examination Rule IDAPA 37.03.02.35.1.r.iii (total flow rate does not exceed 0.24 cfs).

E. FLOW CALCULATIONS Additional Computation Sheets Attached

Measured Method: NA

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: NA

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$

2. Volume Calculations for Other Uses:

Homes3 homes x 0.6 AF/home (in-house use only) = **1.8 AF****Auto Shop**

The only water use in the auto shop is in the office which has two bathrooms. Water use is estimated (from the Beneficial Use Examination Handbook) at 15 gallons/day per employee with three people working in the shop. Therefore, 45 gallons per day in a 5 day work week totals 225 gallons and over 52 weeks in a year a volume of 11700 gallons accrues, or 0.0359 AF, rounding to 0.1 AF.

Total Annual Volume = 1.9 AF**G. NARRATIVE/REMARKS/COMMENTS**

The field exam for permit 65-23938 was conducted on June 29, 2023 with permit holders Edgar and Dianna Fackrell in attendance. Water is diverted from the well into a system that serves three homes and an auto repair shop. A fourth home was anticipated in connection with the permit, but was not built. Most of the irrigation occurring on the four parcels is accomplished by right 65-7608, which is an irrigation right out of the Middle Fork of the Payette River. The southern-most home, located in parcel RP09N04E212425, is also served by a domestic spring right, 65-9460.

A volume of 0.6 AF is allowed for each home and 0.1 AF for the shop (see volume calculations above). Conditions on the permit were very minimal, so compliance with the conditions is good and I recommend licensing the domestic portion at the permitted flow rate of 0.1 cfs and a volume of 1.8 AF and the commercial portion at 0.04 cfs and 0.1 AF for a combined flow rate and volume of 0.14 cfs and 1.9 AF.

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>
COMMERCIAL	01/01 to 12/31	0.04 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.10 CFS	1.8 AF

Totals:

0.14 CFS

1.9 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 Jim Bitzenburg Date 7-17-2023Reviewer [Signature] Date 7/18/2023



Point of Diversion

Place of Use – Auto Repair Shop





Place of Use – Fackrell Home

Place of Use – Home on Fackrell property



65-23938

Fackrell



Place of Use – Home

65-23938 System Diagram and POU/POD Map



Legend

- | | |
|--|--|
|  Township/Range |  Domestic POU |
|  Sections |  Commercial POU |
|  QQ |  POD |
|  Parcels | |

0 0.0225 0.045 0.09 Miles



SCANNED
JUL 21 2023



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

July 19, 2023

EDGAR LYNN FACKRELL
DIANNA L FACKRELL
15 TIMBER LN
GARDEN VALLEY ID 83622-6013

RE: License No. 65-23938

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)

SCANNED

JUL 21 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2023, I served a true and correct copy of Water Right License No. 65-23938 by U.S. Mail, postage prepaid, to the following:

EDGAR LYNN FACKRELL (Current Owner)
DIANNA L FACKRELL (Current Owner)
15 TIMBER LN
GARDEN VALLEY ID 83622-6013



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.