State of Idaho
Department of Water Resources

Water Right License

Water Right No. 96-9860

Priority: May 4, 2021

Maximum Diversion Rate: 0.07 CFS
Maximum Diversion Volume: 18.0 AF

It is hereby certified that:

OTTS BASIN HOMEOWNERS ASSN PO BOX 1212 SAGLE ID 83860-1212

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 4, 2021, and has submitted Proof of Beneficial Use on February 14, 2022. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
DOMESTIC	01/01 to 12/31	0.07 CFS	18.0 AF

Location of Point(s) of Diversion
GROUND WATER L3 (SE¼ NW¼), Sec. 23, Twp 56N, Rge 03W, B.M. BONNER 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	
56N	03W	23		X	X L4				X L2	X L3									

Conditions of Approval

1. Domestic use is for 15 homes.
2. Place of use is located within Lot 1, Blk. 1; Lots 1-7, Blk. 2; and Lots 1-7, Blk. 3; Otts Basin PUD subdivision.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
4. This right does not grant any right-of-way or easement across the land of another.

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 12th day of May, 2023.

Shelley W. Keen

SHELLEY W. KEEN
Water Allocation Bureau Chief

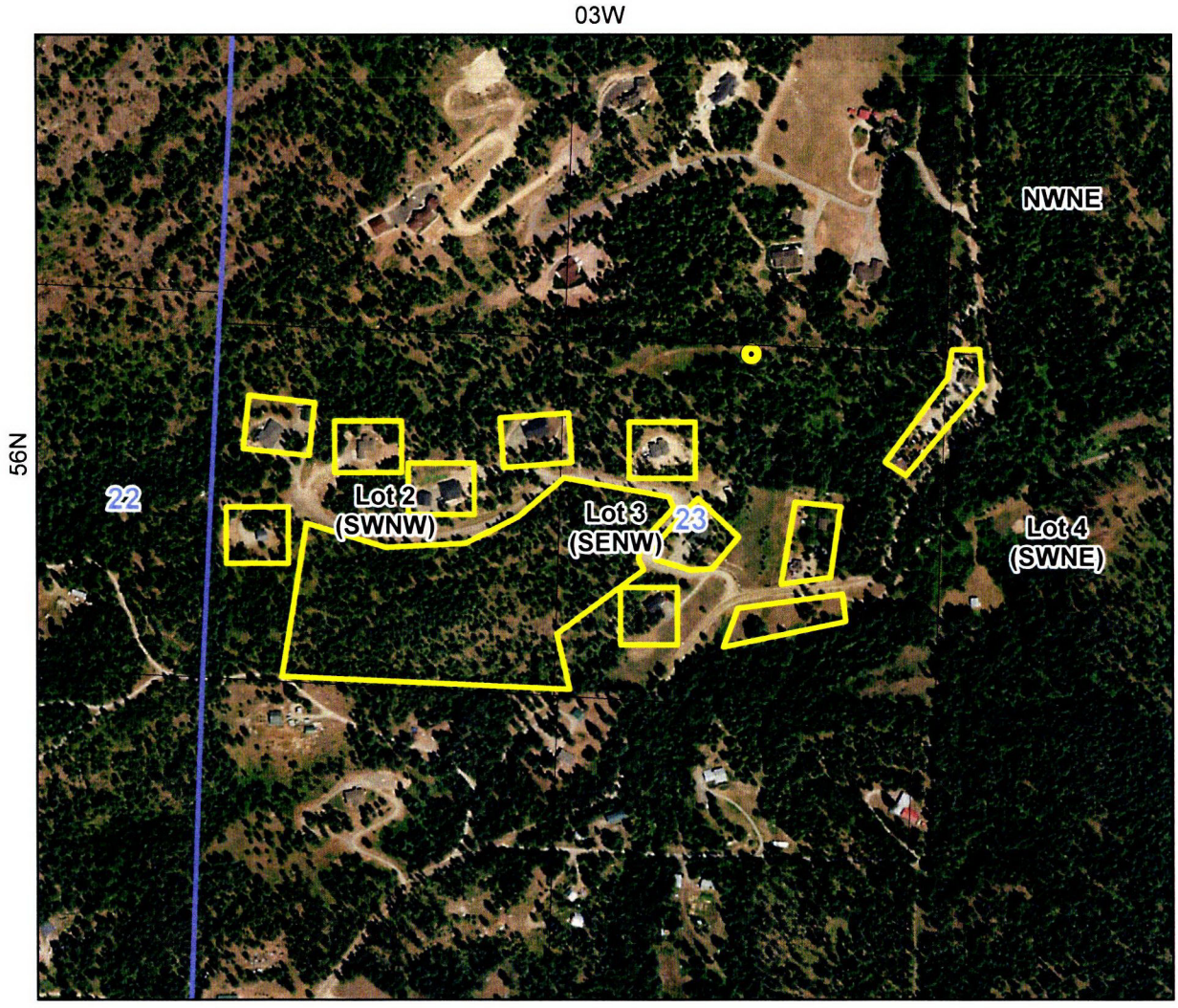
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State of Idaho
Department of Water Resources

Attachment to Water Right License

96-9860

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.



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

0 0.075 0.15 0.3 Miles

N

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IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 12, 2023

OTTS BASIN HOMEOWNERS ASSN
PO BOX 1212
SAGLE ID 83860-1212

RE: License No. 96-9860

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 the Northern Region Office at (208) 762-2800.

Sincerely,

Shelley W. Keen

Shelley Keen
Water Allocation Bureau Chief

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2023, I served a true and correct copy of Water Right License No. 96-9860 by U.S. Mail, postage prepaid, to the following:

OTTS BASIN HOMEOWNERS ASSN (Current Owner)
PO BOX 1212
SAGLE ID 83860-1212

Tammy Alleman
Administrative Assistant 1

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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.

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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.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 96-9860
Exam Date: 05/24/2022

1. Current Owner:
   OTTS BASIN HOMEOWNERS ASSN PO BOX 1212 SAGLE ID 83860-1212

2. Accompanied by: Mike Silsby
   Phone No: 559-799-3552
   Address: 205 Moore Creek Rd, Sagle ID 83860
   Relationship to permit Holder: Representative

3. **SOURCE:**
GROUND WATER

Method of Determination: Arcmap and DRG.

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis
96-7998	MOORE CREEK	IRRIGATION	LICENSE

Comments: active license 96-7998, with priority date of 9/9/1981, uses is a surface source irrigation WR for 7.0 acres that has a generic 40-acre tract POU assigned to it. Irrigation use under this right is not associated with this Permit, and at time of licensing a B.U. Claim has not been filed in the CFPRBA. There is no concern for overlap between the two WRs, and I am not recommending inclusion of condition X35 toward licensing 96-9860.

2. Other water rights with the same point-of-diversion: NO Overlap

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
GROUND WATER L3 (SE¼ NW¼), Sec. 23, Twp 56N, Rge 03W, B.M. BONNER County

Method of Determination: GPS; POD located at -116°40.059, 48°11.401 well D-Tag D0054273

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	
56N	03W	23		X	X L4				X L2	X L3									

Method of Determination: beneficial use field examination and Arcmap aerial imagery.

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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
D0054273	PENTAIR	5			

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements: Unable to perform a flow measurement due to inadequate pipe requirements. A flowmeter is installed on the system but is influenced by pressure tank(s) causing an inaccurate instantaneous flow rate; this meter is used as a volumetric meter. A Theoretic Pump Equation derived a flow rate 30.9 gpm or **0.07 cfs** considering department rounding standards.

E. FLOW CALCULATIONS

X Additional Computation Sheets Attached

Measured Method: 5 hp pump installed at depth of 385 with operating pressure of 55 PSI equates to 30.9 gpm or 0.07 cfs considering department rounding standards

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A
2. Volume Calculations for Other Uses: Domestic use annual volume = 15 homes/stub-ins x 1.2 afa per home = **18.0 af**.

G. NARRATIVE/REMARKS/COMMENTS

Field exam performed on 5/24/2022 with an applicant's representative, Mike Silsby, showed a groundwater well providing water for domestic uses. At the POD, well D0054273 with 5 HP pump has a main service line that routes directly to two 500-gallon storage tanks, each using a 1 HP transfer pump, and subsequent pressure tank(s) before distribution to uses. The diverting works has a Badger flowmeter installed on the system, but the pump is influenced by pressure tanks, and I was unable to use the meter to obtain a flow measurement. A Theoretic Pump Equation derived a flow rate with 5 HP pump installed at 385 ft and a 55 PSI operating pressure equating to 30.9 gpm or 0.07 cfs considering department rounding standards. The permit was approved for a maximum diversion volume of 0.18 cfs, but the applicant is limited by pump performance as installed at time of field exam and **0.07 cfs** is recommended for licensing.

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During the exam, the domestic POU was walked with Mr. Silsby and photographs taken to illustrate each home or stubbed in lot & irrigation occurring up to ½ acre. Water main lines route along the roadside of Moore Creek Rd & Otts Basin Rd, with service stub lines branching off to each home. The subdivision is not completely built out, with 9 homes observed & 6 dedicated stub-ins located at respective undeveloped lots. Stub-ins are recommended for domestic use credit for licensing purposes. Arcmap aerial imagery was used during licensing review to assign each parcel's POU which includes ½ acre irrigation; for those 6 parcels with stub-ins the entire parcel was designated as a domestic POU as I am unable to make a determination on where a home will be constructed on the parcel. The annual volume recommended for domestic use equals 15 homes x 1.2 af = **18.0 af** which serves as the maximum diversion volume for licensing purposes. Otts Basin Homeowners Assn has a DEQ assigned PWS No. ID1091277.

Condition 046 was removed from the permit during licensing review. Condition 070 was revised to better describe the ½ acre irrigation credited for domestic use per subdivision lot. All other conditions on the permit shall be carried to licensing. Overlap concerns: WR license 96-7998, with priority date of 9/9/1981, uses is a surface source irrigation WR for 7.0 acres that has a generic 40-acre tract POU assigned to it. Irrigation use under this right is not associated with this Permit, and at time of licensing a B.U. Claim has not been filed in the CFPRBA. There is no concern for overlap between the two WRs, and I am not recommending inclusion of condition X35 toward licensing 96-9860. There are no additional overlap concerns for this water right.

Have conditions of permit approval been met? __X__ Yes ____ No

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
DOMESTIC	01/01 to 12/31	0.07 CFS	18.0 AF
	Totals:	0.07 CFS	18.0 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

Luke Bates -

Field Examiner's Name_____ Date 8/15/2022

Reviewer_____ Date_____

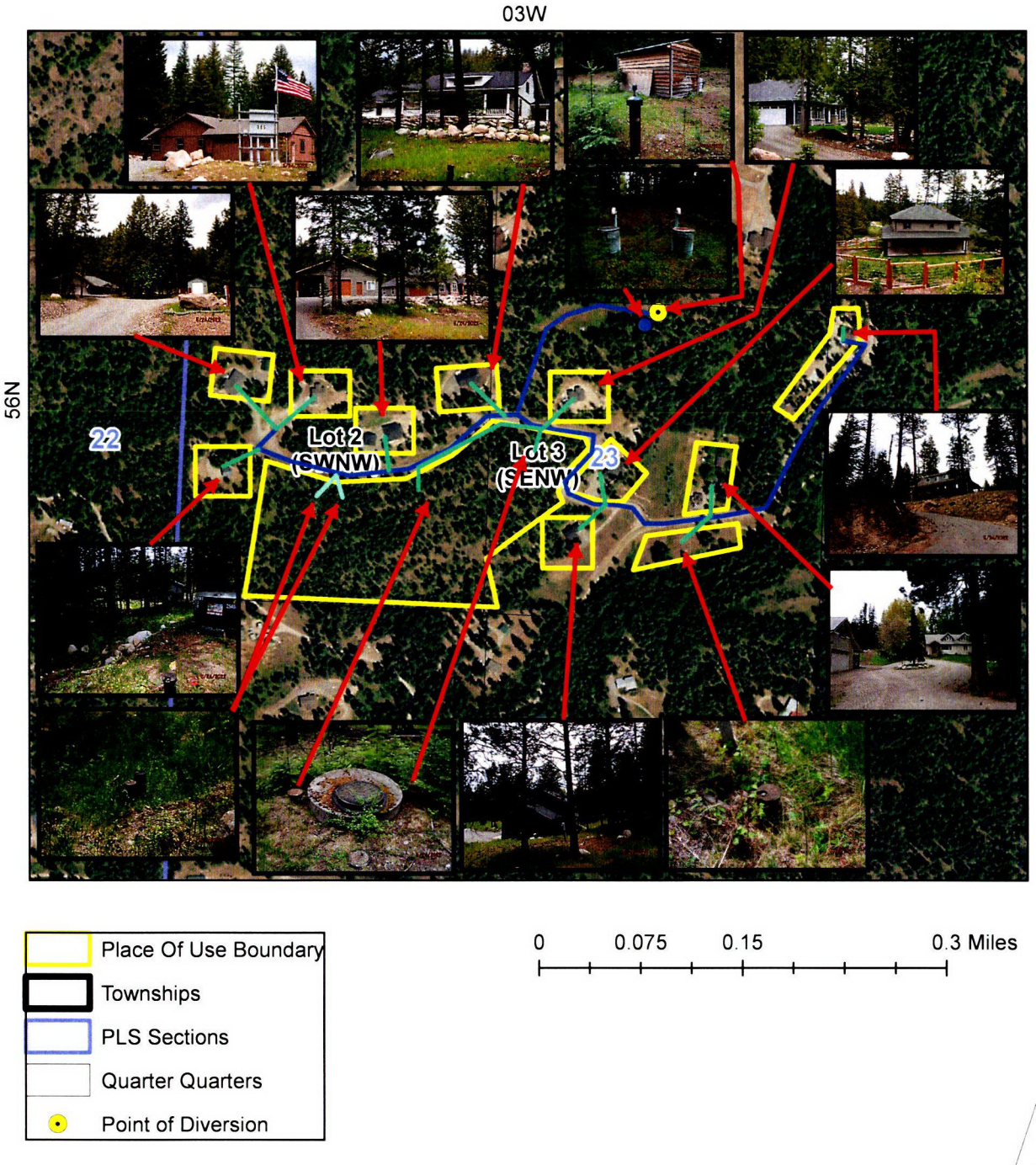
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Department of Water Resources

Attachment to Field Exam

96-9860

DOMESTIC system diagram.



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THEORETICAL PUMPING EQUATION(S) FOR WR# 96-9860

Theoretical Pumping Equation is required because system did not allow for a proper measurement. Pump is estimated to lift 385 ft, and running at 55 psi.

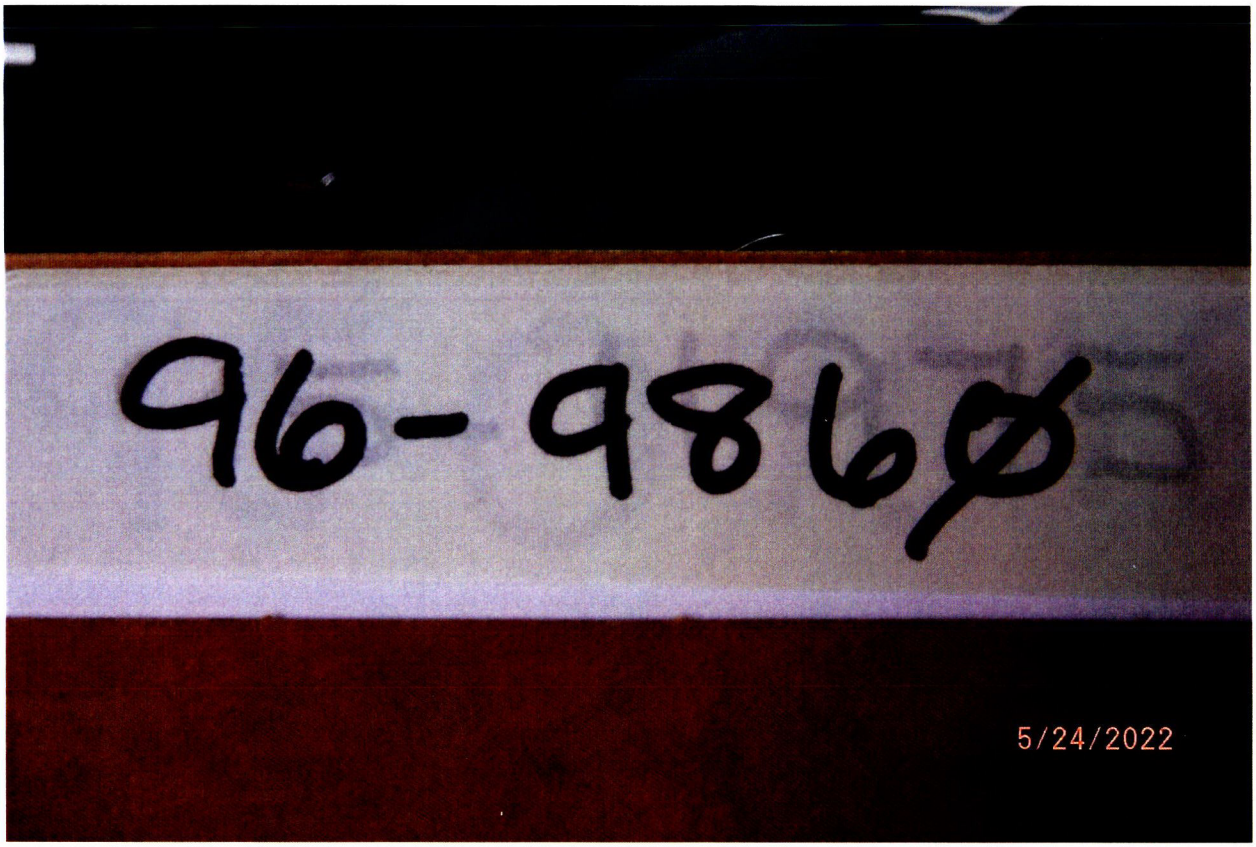
PUMP EQUATIONS

WATER RIGHT No. 96-9860

D0054273		HP	H in feet	Efficiency as a decimal	Pumping lift in feet	System pressure in PSI
Q =	HP*8.8*Eff/H	5	512.2109	0.8	385	55

Q = **0.069 cfs** **30.9 gpm**

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BENEFICIAL USE FIELD EXAMINATION DATE 5/24/2022



POD – GROUNDWATER WELL & PUMP STATION

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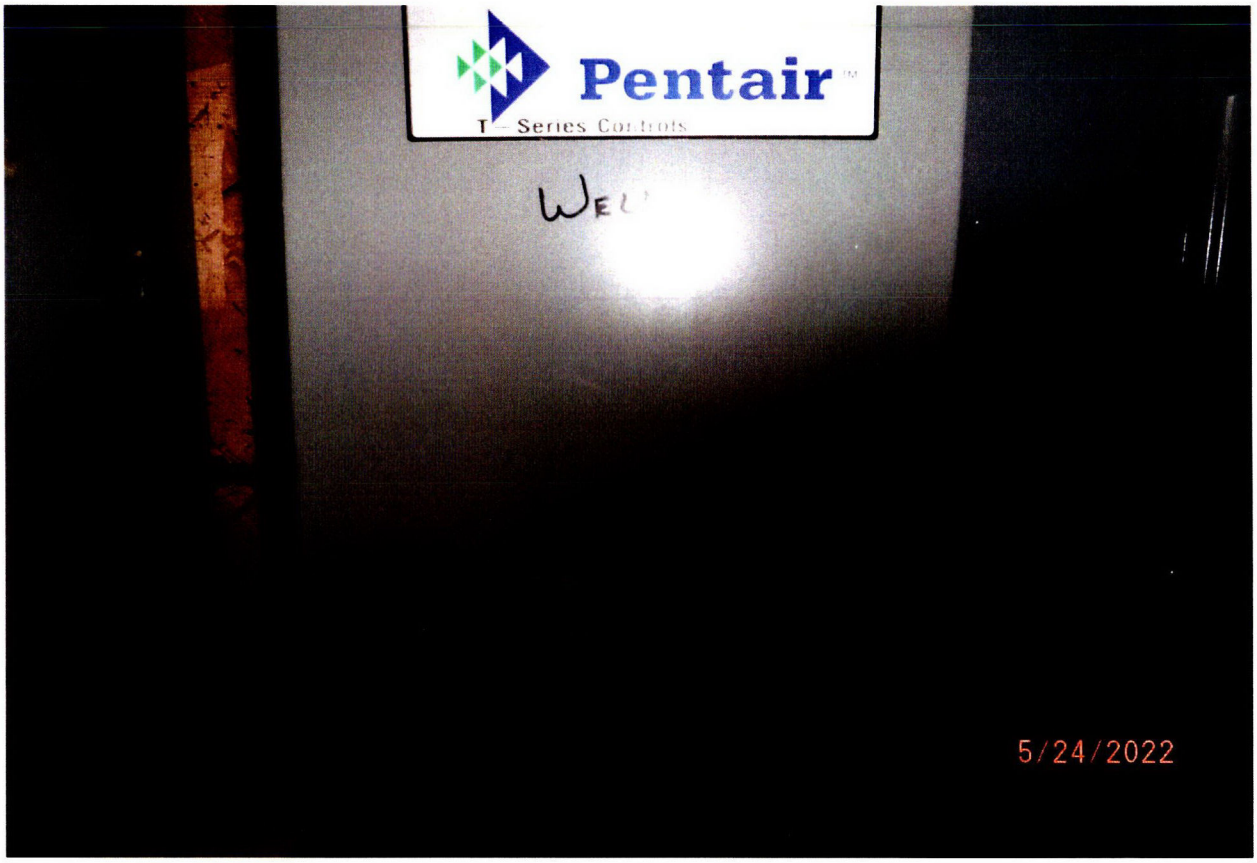


WELL D-TAG D0054273



2EA 500 GAL STORAGE TANKS

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PENTAIR 5 HP WELL PUMP MOTOR



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2EA 1 HP TRANSFER PUMPS FOR 500 GAL TANKS

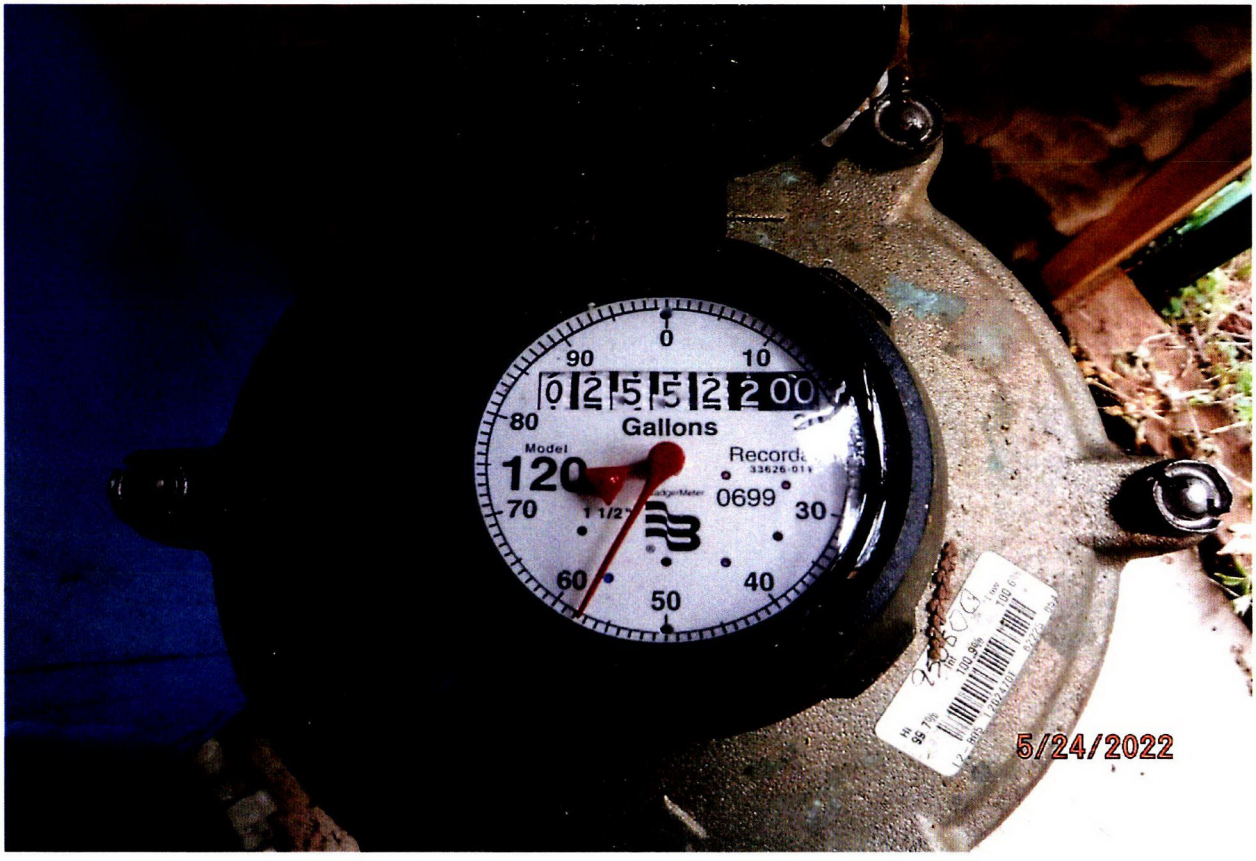


DIVERTING WORKS INCLUDE 4EA PRESSURE TANKS

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50-60 PSI OPERATING PRESSURE



BADGER FLOWMETER INSTALLED ON SYSTEM

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DOMESTIC POU – RP027470020010A, LOT 1 BLK 2 OTTS BASIN PUD SUBDIVISION



DOMESTIC POU – 2EA STUB-INS (L/H & R/H FROM CONCRETE RING) FOR:

RP027470020020A, LOT 2 BLK 2 OTTS BASIN PUD SUBDIVISION

RP027470020030A, LOT 3 BLK 2 OTTS BASIN PUD SUBDIVISION

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DOMESTIC POU – 2EA STUB-INS FOR:

RP027470020040A, LOT 4 BLK 2 OTTS BASIN PUD SUBDIVISION

RP027470020050A, LOT 5 BLK 2 OTTS BASIN PUD SUBDIVISION



DOMESTIC POU – RP027470020060A, LOT 6 BLK 2 OTTS BASIN PUD SUBDIVISION

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DOMESTIC POU – RP027470020070A, LOT 7 BLK 2 OTTS BASIN PUD SUBDIVISION



DOMESTIC POU – RP027470030010A, LOT 1 BLK 3 OTTS BASIN PUD SUBDIVISION

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DOMESTIC POU – RP027470030020A, LOT 2 BLK 3 OTTS BASIN PUD SUBDIVISION



DOMESTIC POU – RP027470030030A, LOT 3 BLK 3 OTTS BASIN PUD SUBDIVISION

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DOMESTIC POU – RP027470030040A, LOT 4 BLK 3 OTTS BASIN PUD SUBDIVISION



DOMESTIC POU – RP027470030050A, LOT 5 BLK 3 OTTS BASIN PUD SUBDIVISION

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DOMESTIC POU – RP027470030060A, LOT 6 BLK 3 OTTS BASIN PUD SUBDIVISION



DOMESTIC POU – RP027470030070A, LOT 7 BLK 3 OTTS BASIN PUD SUBDIVISION

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DOMESTIC POU – RP027470010010A, LOT 1 BLK 1 OTTS BASIN PUD SUBDIVISION



3EA – 700 GALLON STORAGE TANKS WITH FIRE HOSE CONNECTION POINT

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