

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 63-33806

Priority: July 02, 2013

Maximum Diversion Rate: 0.15 CFS

Maximum Diversion Volume: 14.3 AF

It is hereby certified that:

KEITH HORN 550 W HEIKES LN EAGLE ID 83616 AND
ALISON HORN 550 W HEIKES LN EAGLE ID 83616

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 02, 2013, and has submitted Proof of Beneficial Use on October 26, 2023. 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	0.09 CFS	13.5 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.2 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

Location of Point(s) of Diversion

GROUND WATER NW¼ NE¼, Sec. 32, Twp 05N, Rge 01E, 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	
05N	01E	32		3.0															3.0

Total Acres: 3.0

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	32		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	
05N	01E	32		X															

Conditions of Approval

- Domestic use is for 1 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
- 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.
- 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

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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.

4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
6. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to the Boise River, the new well used as a point of diversion for this water right located within the NWNE, Section 32, Township 05N, Range 01E shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
7. After specific notification by the Department, the right holder shall participate in a Department approved ground water monitoring plan.
8. Water bearing zone to be appropriated is from 200 to 600 feet.

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 2nd day of April, 2024.



PHILL HUMMER
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
63-33806

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.

01E



0 0.035 0.07 0.14 Miles

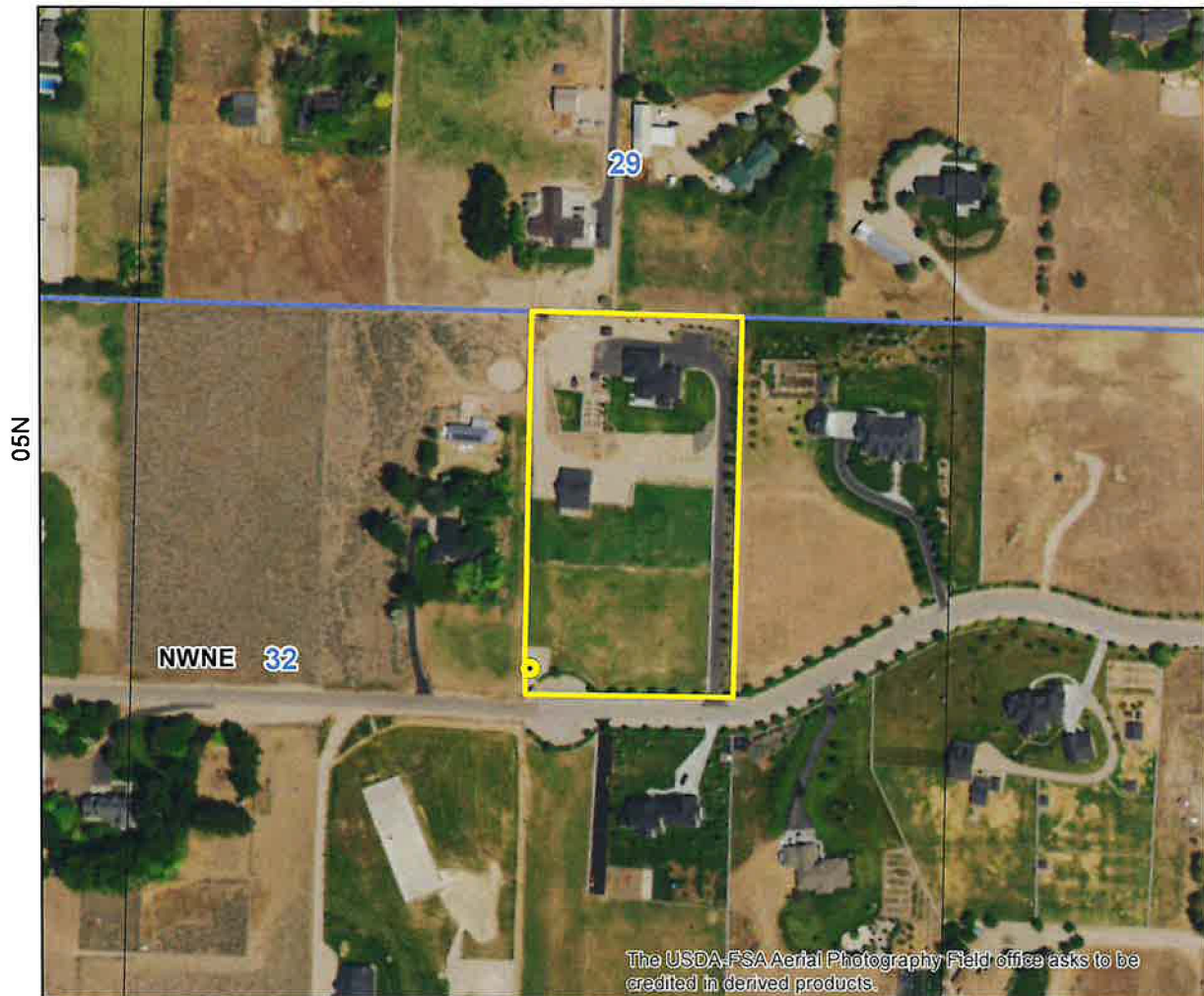
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion
-  State Outline



State of Idaho
Department of Water Resources
Attachment to Water Right
63-33806

This map depicts the STOCKWATER & 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.

01E



0 0.035 0.07 0.14 Miles

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



2. Place of Use: Irrigation, Domestic Stockwater

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	32		3.0, D, S															3.0
		Lot #																	
Total Acres =																			3

Method of Determination: GIS, Tax Parcel Data, and 2023 Google Earth/Street View Imagery.Change in POU? Y X N Amendment Required? Y X NDelivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable:

X Aerial Photo Attached (required for irrigation of 10+ acres).Photo of Diversion and System Attached

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
D0087049					

*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
N/A						

2. Measurement Comments: The permit holder did not provide a pump horsepower. Therefore, a diversion rate calculation is not possible.

E. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: Since the permit holder did not provide a pump horsepower a diversion rate calculation was not possible. According to Administrative Processing Memo #17 the standard diversion rate/acre for the irrigation of 5 acres or less is 0.03 cfs/acre, 3 acres * 0.03 cfs/acre = 0.09 cfs. According to Administrative Processing Memo #22 the standard diversion rate for a single-family home is 0.04 cfs. The permit authorizes stockwater for 10 mixed livestock. There is currently no standard diversion rate for mixed livestock. The standard diversion rate set in Administrative Processing Memo #3 for range cattle should be used as a substitute. Since the permit authorizes 10 mixed livestock the standard diversion rate is 0.02 cfs. The permit authorized a diversion rate of 0.14 cfs for irrigation, 0.02 cfs for stockwater, and 0.04 cfs for domestic use or 0.20 cfs total. I am recommending a diversion rate of 0.09 cfs for irrigation, 0.02 cfs for stockwater and 0.04 cfs for domestic use or 0.15 cfs total.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (3 \text{ acres}) \times (4.5 \text{ af/acre}) = 13.5 \text{ af.}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = (0.09 \text{ cfs}) \times (260 \text{ days}) \times (1.9835 \text{ af/day}) = 46.4 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 13.5 \text{ af}$$

2. Volume Calculations for Other Uses: This permit authorizes in-house domestic use with 1/2 acre yard irrigation normally authorized under domestic use included within a separate irrigation use. According to Administrative Processing Memo #22 the standard diversion volume for in-house domestic use is 0.6 af. According to Administrative Processing Memo #3 the standard diversion volume per acre for 10 mixed stock is 0.2 af. I am recommending a diversion volume of 13.5 af for irrigation, 0.2 af for stockwater, and 0.6 af for domestic use or 14.3 af total.

G. PURPOSE OF USEIrrigation X Y N # Stock 10 Mixed Stock Domestic # of Homes 1

Other: < >

Change in Purpose of Use? Y X NMethod of Determination: GIS, Tax Parcel Data, and 2023 Google Earth/Street View Imagery.**H. NARRATIVE/REMARKS/COMMENTS**

This permit qualifies for an in-office examination. According to Tax Parcel Data the property was developed in 2017. The permit authorized stockwater, domestic use, and the irrigation of 4.5 acres. 2023 Google Earth/Street View Imagery confirmed 3 acres of irrigation, domestic and stockwater use occurred within the development period. According to the permit holders Statement of Completion for Proof of Beneficial Use a measuring and lockable device were installed at the point of diversion. Conditions on the permit required the new well to be sealed at the first confining layer below 200 ft, with unperforated casing and, have a water temperature of 85° Fahrenheit or less. According to the well log the well is sealed from 0-215 ft, has an unperforated casing, and had a measured water temperature of 56° Fahrenheit. Therefore, those conditions have been met.

Since the permit holder did not provide a pump horsepower a diversion rate calculation was not possible. The standards set in Administrative Processing Memos #17, #3, and #22 were used to make a diversion rate and volume recommendation. There is not any standard rate or volume for mixed livestock. Therefore, the standards for range cattle should be used as a substitute. All of the conditions have been met and development of beneficial use was confirmed within authorization on the permit. Therefore, I am recommending a 0.15 cfs diversion rate and 14.3 af diversion volume.

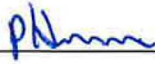
Conditions 01M, R69, 165 and 930 should remain on the license per standard policy. Condition 121 should be changed to 103 as is the standard with licensing. Condition X01 should be changed to 132 because the ½ acres of yard irrigation normally authorized under domestic use is included in a separate irrigation use on the permit. Condition 046 should be removed, it is assumed the permit holder complied with the well drilling permit requirements in Idaho Code §42-235 and applicable Well Construction Rules of the Department. Condition 004 should be removed because there are no legal access concerns to the point of diversion and place of use. Condition 073 should remain on the license to address concerns about the diversion of hot water in the area where the permit was developed. The text condition notifying the permit holder they may be asked to participate in ground water monitoring should be removed, ground water monitoring in the area is no longer an anticipated program. Conditions X02 and 26A should be removed as standard with licensing. All other conditions should be removed as standard with licensing.

Have conditions of permit approval been met? X Yes No**I. RECOMMENDATIONS**

1. Recommended Amounts:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Irrigation	03/01-11/15	0.09 CFS	13.5 AF
Stockwater	01/01-12/31	0.02 CFS	0.2 AF
Domestic	01/01-12/31	0.04 CFS	0.6 AF
	<u>Totals:</u>	0.15 CFS	14.3 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**J. AUTHENTICATION**Field Examiner's  Date 1/26/2024Reviewer  Date 4/2/24



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 Mathew Weaver

April 03, 2024

KEITH HORN
ALISON HORN
550 W HEIKES LN
EAGLE ID 83616

RE: License No. 63-33806

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,

Phill Hummer

Phill Hummer
Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 03, 2024, I served a true and correct copy of Water Right License No. 63-33806 by U.S. Mail, postage prepaid, to the following:

KEITH HORN (Current Owner)
550 W HEIKES LN
EAGLE ID 83616

ALISON HORN (Current Owner)
550 W HEIKES LN
EAGLE ID 83616

WATER DISTRICT #63
MIKE MEYERS (Watermaster)
PO BOX 767
STAR ID 83669-4500



Debra Mansfield
Technical Records Specialist 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.

Mansfield, Debra

From: Mansfield, Debra
Sent: Tuesday, April 2, 2024 4:30 PM
To: mike@wd63.org
Subject: License 63-33806, HORN
Attachments: Horn License, 63-33806.pdf

Hello Mike,

Please see the attached License 63-33806, in the names of Keith Horn & Alison Horn.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov