



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 24, 2015

93-07655
OLSON LIVING TRUST
1000 INDIAN CREEK RD
TENSED ID 83870

RE: EVIDENCE OF PRIORITY

Dear Ms. Olsen(s):

After our conversation on February 23, 2015, I ran some numbers based on the information you gave me and I think the water use you described is small enough to be classified as a domestic use.

A domestic water right includes an irrigation portion allowing you to irrigate up to ½ acre. Details of my calculations are in an e-mail I sent you (copy enclosed), but in short, if you are hand watering even 500 trees in a single irrigation season, where the wetted area around each tree extends up to 3 feet out from the tree, you would still not be irrigating over ½ acre. Unless you feel you irrigate more ground than that, I think we can amend the claim to show domestic as a purpose of use.

Why would you want to amend the claim to domestic?

One reason is that as long as you don't exceed use of 13,000 gallons per day, you would not need to provide evidence of priority as I have requested. It would still be a good idea to have it in the file, but I can make a recommendation without it. The other reason is we can easily describe the place of use as a big boundary without having to describe exactly where the water is used. This allows some flexibility to irrigate different trees within the boundary from year to year.

What if I use more than 13,000 gallons per day?

I doubt if you do based on what you told me as to how you water the trees, but if you do use more than 13,000 gallons per day, we could still amend the claim to a Domestic use allowing you the flexibility to irrigate different areas from year to year, but you would need to provide Evidence of priority and information that will allow us to calculate a diversion rate and volume.

What is the disadvantage to calling the use Domestic. Shouldn't we just call it irrigation since that is what I am doing with the water?

The disadvantage to calling it domestic is that in most instances, you can't really transfer a domestic water right. Meaning if you ever wanted to move it to a different location sometime down the road, it would be more difficult as you would, at that time, need to show exactly how much water you have historically used.

SCANNED
FEB 24 2015

Take a look at the information I am sending you and call me if you have questions. If you want to move forward with amending the claim, just sign the claim and send it back to me in the enclosed envelope along with any other information you can provide. There are no additional filing fees.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Craig L. Saxton".

Craig L. Saxton
Adjudication Technical Analyst
craig.saxton@idwr.idaho.gov
208.287.4916

Enclosures: Amended Notice of Claim 93-7655
Copy of E-mail message sent 2-24-15

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D'ALENE-SPOKANE RIVER BASIN
WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number: 93-7655
Date Received: 9/10/2014
Receipt No: C099721
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

OLSON LIVING TRUST
1000 INDIAN CREEK RD
TENSED ID USA 83870

Phone: (208) 274-3672

2. Date of Priority: 01/01/1964

3. Source: UNNAMED STREAM Trib. to: HANGMAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
44N	04W	25	SW SE		BENEWAH	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	04/01	10/31	0.4	
Domestic	01/01	12/31	0.04	

7. Total Quantity Appropriated is:

~~0.4 C.F.S.~~
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
44N	04W	25	SW	SE	IRRIGATION	20
44N	04W	25	SW	SE	DOMESTIC	

Section Acres ~~20~~

Total Acres ~~20~~

11. Place of use in counties: BENEWAH

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, February 24, 2015 8:09 AM
To: 'ig.n0_37@yahoo.com'
Subject: Adjudication Claim 93-7655

Dear Ms. Olsen,

There is a long e-mail with a lot of information. I will call you today and go over it with you so you don't have to read through the whole thing if you don't want to. I just thought I would send it to you so you could review it if you wanted to.

Thanks for speaking with me yesterday about claim 93-7655. I have looked into it a little further and done a little math and I have an option I wanted to share with you.

93-76355 claims irrigation of 20 acres based on beneficial use. I asked for evidence supporting the 1964 priority date and information on the pump so I could do a theoretical calculation to figure out how much water you are diverting.

However, when we spoke on the phone, it was my understanding that you don't actually irrigate a full 20 acres of ground (like you would if you were sprinkler irrigating a hay field), rather you water a large number of trees within an estimated 20 acre boundary. If my understanding is correct, then it is possible that your water use could be small enough to meet the definition of "domestic" use described in Idaho Code 42-111. If we could describe your water use as a Domestic use, you would not need to provide me with evidence of priority. The statutory definition of Domestic use includes up to ½ acre of irrigation not to exceed diversion of 13,000 gallons per day.

So I tried to figure out if your water use is small enough to qualify for a Domestic use.

You mentioned that you might irrigate 250 trees in a single irrigation season. I thought I would see how many acres you would be actually irrigating if you were irrigating 250 trees with a wetted area extending about 2 feet out from the tree (this would mean a 4 foot diameter circle around each tree).

Surface area of a circle = πr^2
r = radius = 2 feet out from the tree
 $\pi = 3.14$

The irrigated area per tree is = $[(\pi)(2 \text{ feet})^2] = 12.5$ square feet.

If we multiply 12.5 square feet by 250 trees, we end up with **0.07 acres**. This is well within the domestic definition. So I doubled the number of trees and extended the wetted area around the tree. Let's say you irrigated 500 trees with a 3 foot radius (6 foot diameter circle with the tree in the middle). You would be irrigating **0.32 acres**. This is still well within the domestic definition.

Option 1:

I think we could recommend 93-7655 as a *deferrable* "domestic" use. Where the domestic use is for irrigation of trees. The right would be limited to 13,000 gallons per day. The use is small enough that it is deferrable in the CSRBA – meaning you don't have to file on it (However, I think it is good you did).

If you choose to go this route, I will still need:

- The map where you draw in the overall boundary of the area containing trees you water.
- Amended claim (we will discuss on the phone)

Option 2:

We could recommend this as a *non-deferrable* "domestic" use. This would remove the 13,000 gallon per day limitation. But means we would need more information to support the claim like we discussed on the phone:

- A statement, from yourself, explaining how you know that the water right was established in 1964.
- Any pump information. Horsepower specifically
- Pictures of the gator with the tank.
- The map where you draw in the overall boundary of the area containing trees you water.
- Amended claim (we will discuss on the phone)

Option 3:

We could recommend this as a *non-deferrable* "irrigation" use which is what you originally claimed. This would remove the 13,000 gallon per day limitation but means we would need more information to support the claim like we discussed on the phone. The difference between this option and Option 2 is that with this option, we need to actually show exactly where the trees are that are irrigated.

- A statement, from yourself, explaining how you know that the water right was established in 1964.
- Any pump information. Horsepower specifically
- Pictures of the gator with the tank.
- The map where you draw in where the irrigated trees are located.

Like I said above, I will try to give you a call this morning, but feel free to call me if that is easier (208.287.4916).

Respectfully,

Craig L. Saxton
Adjudication Technical Analyst
craig.saxton@idwr.idaho.gov
208.287.4916