

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONPermit No: 47-17724

Exam Date: 4/19/2022

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y N
- Irrigation of 5 acres or less
 - Storage of up to 14.6 AF for stockwater purposes only
 - Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - Other < >
2. Current Owner: Name: Tumbleweed Villa LLC
- Owner of Record Correct? X Y N
- Address of Record Correct? Y N
- If No: Address

The Department's parcel data shows Forage Ventures, LLC as the owners of the property. A review of the Idaho Secretary of State Office Business Search suggests that these two companies are interrelated. In 2020 and 2021, the manager/governor for both Tumbleweed Villa, LLC and Forage Ventures, LLC, was Chelsea James. In 2022, Chelsea James was listed as manager/member for Tumbleweed Villa, LLC. In 2022, Forage Ventures, LLC shows Tumbleweed Family Trust as a member, and Persa Zula as the manager. The Quitclaim Deed used to change the ownership of water right 47-17710 shows Persa Zula and Chelsea James a married couple conveying the ownership of his property to Frage Ventures, LLC. Chelsea James signed the proof of beneficial use. Although the ownership of this permit and property has been split and bounced between limited liability companies and family trusts, it seems reasonable to assume that the Tumbleweed Villa LLC, and Chelsea James can file this permit and *Statement of Completion for Submitting Proof of Beneficial Use*.

3. Beneficial Use Fees have been paid: X Y N Receipt No: S039127

4. **SOURCE**TRIBUTARY

Salmon Falls Creek

Snake River

Method of Determination: GIS and Tax Parcel Data

Change in Source:

 Y X N**B. OVERLAP REVIEW**

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

Water Right No.	Source	Purpose of Use	Basis
47-17710	Ground Water	Domestic, Heating and Recreation	Decree

Comments: Water right 47-17710 is a ground water use for the same domestic use. The domestic use described in 47-17710 is limited to 0.6 acre-feet, which suggests that this decreed domestic use is for in-house use only. There is a condition that states this right when combined with other or existing or future domestic rights from wells or other sources shall not exceed 13,000 gallons per day and 1/2 acre of yard irrigation. This condition combines this permit, 47-17710 and any future right that may be filed for this permit. The point of diversion for 47-17710 is on the neighbor's property, so there is an opportunity that a water right transfer or new permit could be filed to allow the property owners to have their own private well.

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

Water Right No.	Source	Purpose of Use	Basis

Comments: Water right 47-17710 is a ground water use for the same domestic use. The domestic use described in 47-17710 is limited to 0.6 acre-feet, which suggests that this decreed domestic use is for in-house use only. There is a condition that states this right when combined with other or existing or future domestic rights from wells or other sources shall not exceed 13,000 gallons per day and 1/2 acre of yard irrigation. This condition combines this permit, 47-17710 and any future right that may be filed for this permit. The point of diversion for 47-17710 is on the neighbor's property, so there is an opportunity that a water right transfer or new permit could be filed to allow the property owners to have their own private well.

C. DIVERSION AND DELIVERY SYSTEM

1. LOCATION OF POINT(S) OF DIVERSION:

Source	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.		County
River Pump			NE	SE	30	8S	14E	B.M.	Twin Falls
								B.M.	
								B.M.	

Method of Determination: GIS and Tax Parcel Data.

Change in POD? X N Amendment Required? X N

2. PLACE OF USE: Use: Domestic

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	14E	30																D	
		Lot #																	
Total Acres =																			

Method of Determination: GIS and Tax Parcel Data

Change in POU? X N Amendment Required? X N

 Delivery 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

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Pump	Unknown				

*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
NONE						

2. Measurements: No measurement is required for an in-house exam.

E. FLOW CALCULATIONS Additional Computation Sheets Attached

Measured Method:

Nor information was supplied on the size of the pumping system, or the flow water being used. Therefore, I am required to use Administrative Processing Memorandum #22.

Administrative Memo #22 = 0.04 cfs for a single domestic use
Permit allowed = 0.02 cfs

I am recommending 0.02 cfs since the permit provides the limitation for this water use.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

Administrative Processing Memorandum #22 provides guidance to allow 1.2 af for in-house use and yard irrigation. The *Statement of Completion for Submitting Proof of Beneficial Use* suggests that this permit is the only used for external irrigation. However, the permit does authorize in-house use as well. **The determination of an annual volume is not necessary since there is a condition that limits the water use of this permit and other water uses to 13,000 gallons per day.**

G. PURPOSE OF USE

Irrigation Y N # Stock Domestic # of Homes 1

Other: < >

Change in Purpose of Use? Y N

Method of Determination: Taxlot data and conversations with owner.

If Yes: From Use To Use Amount CFS AFA

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-house examination. The permit holder provided photos with the *Statement of Completion for Submitting Proof of Beneficial Use* that clearly shows that the water for this permit is being used for irrigation of a yard, trees, and garden area. The photos also showed the pump and the construction of the lines from the creek. Therefore, there shouldn't be any issue with the proof that the permit was developed.

The application for permit states that this permit will be used for domestic landscaping, and that no other rights will be used for this purpose. The application doesn't clarify if the permit will be used for in-house use. The permit holder states in the Statement of Completion for Submitting Proof of Beneficial Use in Section 5 that he pump is used to deliver water to a drip/emitter irrigation system watering trees and shrub windbreak, and an above ground sprinkler system watering garden beds. With the statements in the Statement of Completion for Submitting Proof of Beneficial Use, in the application for permit, and the photos showing the water only being used for irrigation purposes this permit should be conditioned for external use only.

The only significant issue is that the Statement of Completion for Submitting Proof of Beneficial Use was marked that a lockable controlling works were not installed. I have emailed the permit holder to determine if there is a lockable controlling works on this system. On April 18, 2022, the permit holder sent an email with a photo showing that the cover for the pump has a hole in it to lock the system up if needed. This system is so small, that it is an all on or all off type system for a watermaster. There is not enough diversion rate to valve back the system. Therefore, this is a suitable lockable controlling structure for this system.

Conditions 187, 004, R05, 01R, and 933 should be carried forward to licensing. Condition X01 on the permit should be changed to condition 239 for external use only. The condition on the permit that limits this right with all future rights from wells or other sources should be limited to 13,000 gallons per day and 1/2 acre of irrigation should be carried forward to licensing. Condition X59 on the permit should be split into conditions X59 and X60. Condition 01H should be changed to condition R02 as is standard.

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

I. RECOMMENDATIONS

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Domestic	01/01 to 12/31	0.02 CFS	
<u>Totals:</u>		0.04 CFS	

Please Note: No volume is necessary since the permit provides a volume limitation in the conditions of 13,000 gallons per day.

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

Other: < >

J. AUTHENTICATION – DANIEL A. NELSON – WATER RIGHT ANALYST 3

Field Examiner's Name



Date

4-19-22

Reviewer



Date

4/25/22

Field Exam Map:

The yellow border shows the place of use and the yellow point shows the point of diversion. The tax parcel borders are in green.



Nelson, Dan

From: Chelsea James <chelsea@forageventures.com>
Sent: Monday, April 18, 2022 6:37 AM
To: Nelson, Dan
Subject: Re: Permit 47-17724 Additional Information Request
Attachments: InkedIMG_3738_Ll.jpg

Good morning Dan,

Attached is photo that shows where the pump enclosure can be locked. Please let me know if you need any additional information.

Thanks,
Chelsea

On Tue, Mar 22, 2022, at 2:31 PM, Nelson, Dan wrote:

Dear Ms. James,

I have been asked to review water right permit 47-17724 for license purposes. On smaller permits such as yours, we can generally verify the water use for licensing purpose by using aerial photography and various state and county records without setting a time with you to do an onsite verification. We refer to these reviews of smaller permits as in-house exams or desk top reviews. Performing these in-house exams avoids the time and costs to the Idaho Department of Water Resources (Department) and yourself from having to meet at the site to verify the water use. If you would prefer to have someone from our Southern Region office to set up a time with you to come to the property and verify this permit, I can have someone from that office make an appointment with you to visit the property. Due to a backlog of water rights needing onsite verifications, it may be some time before our Southern Region staff will be able to set up appointments in your area.

During my review, I have been able to determine most of the elements needed to license your permit. I discovered that you didn't mark the *Statement of Completion for Submitting Proof of Beneficial Use* correctly, or you neglected to comply with the following condition of your water right permit:

Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.

This condition can usually be accommodated on smaller diversions such as yours by providing a way to lock the power to the pump or a control valve that has a mechanism that can be locked by a padlock or a chain and padlock. Please provide me with confirmation that you have provided a means for the watermaster to lock and control your point of diversion/pump. This can be accomplished by a simple answer to this email or photos showing how the diversion can be locked and controlled.

Once I receive this information, I can make a recommendation for issuing a water right license for your domestic water use within a couple of days. That should allow us to issue a subsequent license withing the next couple of weeks if all turns out well.

As I stated above, you can request an agent from the Department to visit your property to verify these issues if you wish. You or a representative will need to be present during that inspection to show them your system. Please provide the requested information or inform me that you would rather have Department staff visit your property to verify the above issues by April 23, 2022. If I do not receive the requested information or I have not been contacted by you to request an onsite field verification by April 23, 2022, I will need to take action to void your permit under the provision of Section 42-219(8) of the Idaho Code.

If you have any questions, please don't hesitate to contact me. I would be more than happy to discuss the above requests with you. Working through a water right process can be confusing sometimes, and I enjoy working with folks to ensure that we get through the process as easily as possible.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

