

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

A. GENERAL INFORMATIONPermit No: 97-7540

Exam Date: 1/4/2022

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: Paul D. Harold
- Owner of Record Correct? X Y N
- Address of Record Correct? X Y N
- If No: Address

The Department's tax parcel data and Bonner County Tax Parcel records shows Paul Harold as the owner of the property.

3. Beneficial Use Fees have been paid: Y N Receipt No: N/A

4. SOURCE TRIBUTARY

Spring

Sinks

Method of Determination: Telephone conversation and email from Permit holder and using Bonner county Aerial Imagery.

Change in Source: Y X N

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NO Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments: There are no other water rights shown in this 40 acre tract.

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

Water Right No.	Source	Purpose of Use	Basis

Comments: Water right 97-7706 is diverted from the northern spring shown on the application for permit and permit maps. I spoke with the permit holder on January 4, 2022, concerning the points of diversion for his water use. He told me he spoke with his attorney about the possibly using the water from the northern spring, and his attorney told him to not touch and just don't get involved in that spring location. Therefore, the permit holder only developed and used the southern spring on his property. He is not connected to the northern spring in any way.

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Spring		SE	SW	SW	9	57N	4W	B.M.	BONNER
								B.M.	
								B.M.	

Method of Determination: GIS, Bonner County Tax Maps, and Conversation with Permit Holder.Change in POD? Y X N Amendment Required? Y 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	
57N	4W	9											D						
		Lot #																	
Total Acres =																			

Method of Determination: GIS, Bonner County Tax Maps, and Conversation with Permit Holder.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
Spring 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:

There was no information submitted with the application for permit and no information was divulged in the telephone conversation with permit holder. The permit holder did confirm that no stockwater use was developed, so the stockwater component will not be carried forward to licensing. Therefore, I am required to fall back on the standard for just the domestic use set forth by Administrative Processing Memo #22.

Administrative Memo #22 = 0.4 cfs for domestic use
Permit allowed = 0.04 cfs

I am recommending 0.04 cfs since the permit limitation was based on Administrative Memorandum #22.

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. I am recommending 0.04 cfs for the domestic use. No stockwater use was developed, so the stockwater use will be removed at licensing.

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 was originally filed for domestic use and some minimal stockwater use. However, the stockwater use was never developed, so the stockwater use component will not be carried forward to licensing. A single home was built and is shown in the Bonner County aerial imagery.

It appears from the placement of the Public Land Survey (PLS) lines in our ArcMap program that the home was built right on the section line. The Warranty Deed states that this parcel is totally in the SWSW of Section 9 and does not go into Section 16. I have reviewed the data from various maps and the 1897 original survey of the section. It appears from the 1897 survey that the section line as though the actual section line is well below the east-west road at the southwest corner of the parcel. The Topographical Maps (DRG) suggests that the section line is on the road at the southwest corner of the parcel. Taking all of this information into account, I believe the PLS lines are out of register, and that the parcel is totally in the SW¼SW¼ of Section 9 in Township 57 North, Range 4 West.

The original application for permit and permit approval shows 2 points of diversion. The northern most point of diversion is being used by the neighbor to the west, Elaine Savage. Ms. Savage has an adjudication claim on this spring numbered 97-7706. The permit holder told me in a telephone conversation and later confirmed in an email that his attorney told him not to try and use the spring. Therefore, the permit holder is only using the southern most spring. The location of southern spring was clarified to be due east of the house. You can see the area cleared ground where the spring was developed in the Bonner County aerial imagery. The permit holder is the only person using the southern spring. You can also see the home in the Bonner County aerial imagery.

Conditions X01 and 187 should be carried forward to licensing. The easement condition is not required, since the spring is on the owner's property. The stockwater condition is also not needed, since this use was not developed. No other conditions are necessary for this license.

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	0.04 CFS	1.2 AFA
	<u>Totals:</u>	0.04 CFS	1.2 AFA

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

7-10-22

Reviewer



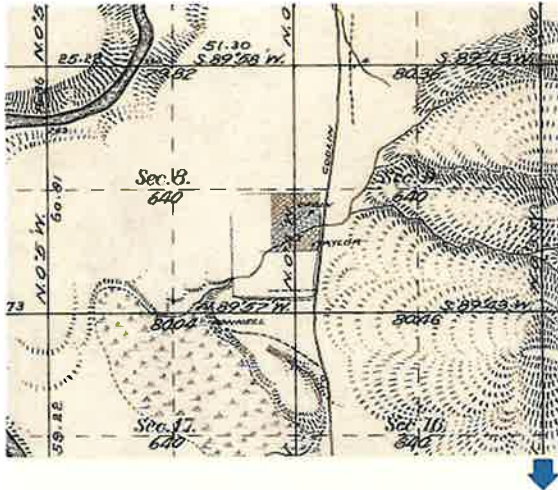
Date

1/10/21

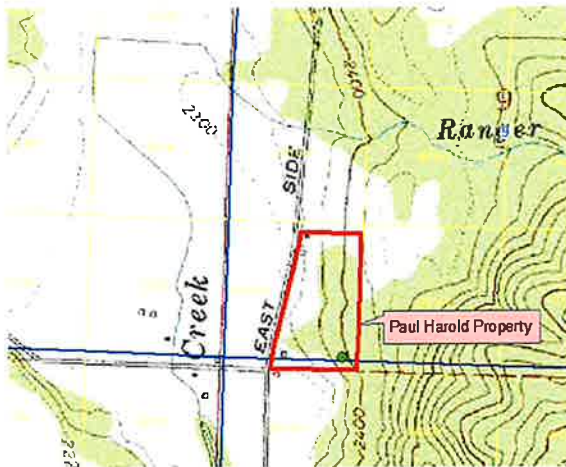
Field Exam Map:

The yellow border shows the place of use and the yellow point shows the point of diversion. The place of use matches the Tax Parcel lines for this property. The home is in the southern portion of the tax parcel (see the Bonner County Maps), and there is an old barn in the northwest portion of the parcel. Please see below concerning the registration of the Public Land Survey Lines and the Tax Parcel Lines.





Hold down the Ctrl key to select a region with the mouse.



The maps on this page are the original 1897 survey found in the Bureau of Land Management General Land Office Records (BLM), the topographical maps (DRG) available to the Department, and aerial imagery with the Public Land Survey (PLS) lines drawn in.

Looking at the BLM survey, there is a road slightly above the bottom of the section and the middle line of the section.

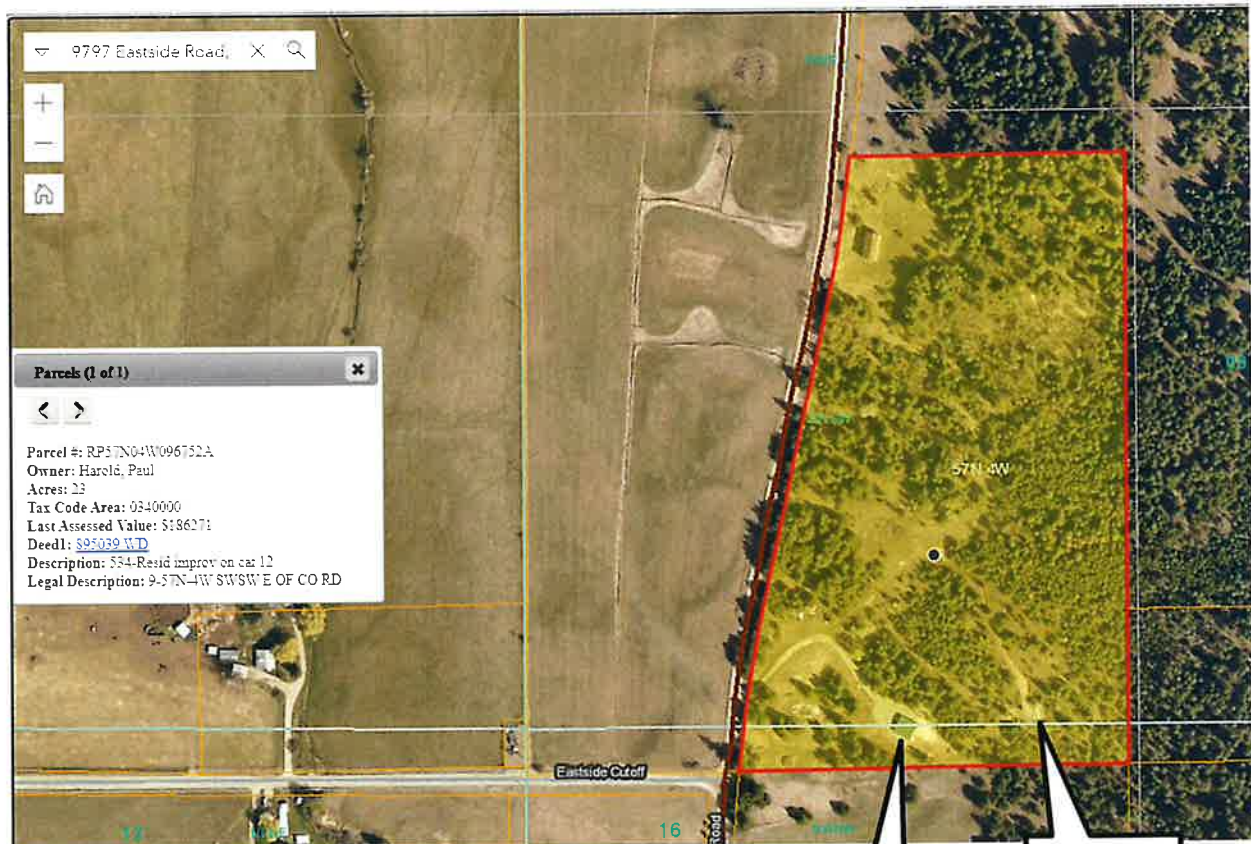
In the Topographical map the road is even with the bottom of the section line, and the blue PLS line is slightly above the road. The southern border of the red tax parcel for Paul Harold is right on the section line according to the Topographical map and below the blue PLS line.

In the aerial imagery with just the blue PLS section line, you can see the road is below the Section line and bottom of the tax parcel is below the section line.

Based on the above images, and the Warranty Deed that states that the parcel is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, I believe the registration of the aerial imagery and the PLS is not accurate. I am more inclined to go with the BLM and Topographical maps on the location of the section line. This place of use should be totally in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9.

Bonner County Tax Maps:

In a telephone conversation with the permit holder and an email on January 4, 2022, the permit holder and I went through the aerial photo below from the Bonner County website. The blue lines on the map are the Public Land Survey lines, and the red line is the property boundary. The Warranty Deed suggests that the parcel is entirely in the SWSW as discussed above, so I am ignoring the PLS boundary. In the conversations with the permit holder, he stated that the upper spring is only used by Elaine Savage under permit 97-7706, so it isn't attached to his system. The lower spring is slightly south of the location shown in the permit maps and is located in the area that appears to be the end of a road right by the section line that is just east of the home. You can clearly see the home in the southern portion of the tax parcel. The building in the northwestern side of the tax parcel is an old barn that is no longer used.



RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
419 North Second Ave.
Sandpoint, ID 83864

Instrument # 895039

BONNER COUNTY, SANDPOINT, IDAHO
9-15-2016 1:16:47 PM No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - SA
Michael W Rosedale Fee: \$13.00
Ex-Officio Recorder Deputy
Index to: WARRANTY DEED

Randi Filaherty

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **598666-S (cl)**

Date: **September 12, 2016**

For Value Received, **Raymond A. and Charlotte B. Harold, as Trustees of The Raymond A. and Charlotte B. Harold Revocable Inter Vivos Trust**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Paul Harold, an unmarried man**, hereinafter called the Grantee, whose current address is **816 SW 142nd ST, Burien, WA 98166**, the following described premises, situated in **Bonner County, Idaho**, to-wit:

A parcel of land located in a portion of the Southwest quarter of Section 9, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho, being more particularly described as follows:

Commencing at the Southwest corner of said Southwest quarter;

Thence along the South line of the Southwest quarter North 88°08'49" East a distance of 455.95 feet to an intersection with the Easterly right of way of East Side Road, a 50 foot wide Bonner County Road No. 453 prescriptive easement, said point being the True Point of Beginning;

Thence continuing along said South line North 88°08'49" East a distance of 883.59 feet to the Southeast corner of the Southwest quarter of the Southwest quarter;

Thence along the East line of said Southwest quarter of the Southwest quarter North 00°35'27" West a distance of 1305.67 feet;

Thence South 88°12'43" West a distance of 648.38 feet to an intersection with the Easterly right of way of said East side Road;

Thence along said right of way the following 5 courses:

- 1) South 05°29'40" West, 73.75 feet;**
- 2) 203.19 feet along a clockwise curve with a radius of 2025.00 feet (the chord of which bears South 08°22'08" West, 203.11 feet);**
- 3) South 11°14'36" West, 736.14 feet;**
- 4) 184.22 feet along a counter clockwise curve with a radius of 1975.00 feet (the chord of which bears South 08°34'17" West, 184.15 feet);**
- 5) South 05°53'57" West, 136.20 feet to the True Point of Beginning.**

Nelson, Dan

From: pharold@paulharold.com
Sent: Tuesday, January 04, 2022 12:50 PM
To: Nelson, Dan
Subject: RE: Water Right Permit 97-7540

Answers to your questions are located below .

Paul Harold
9797 Eastside Road
Priest River, ID 83856
Phone (208) 448-1780
Cell/Text (206) 459-7044
Email: paul@paulharold.com

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Tuesday, January 04, 2022 10:35 AM
To: pharold@paulharold.com
Subject: Water Right Permit 97-7540

Dear Mr. Harold,

I have been asked to review your water right file for permit 97-7540 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 Northern Region office set up a time with you to come to the property and verify these issues, 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 Northern 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. However, there are couple of issues I will need some assistance on to complete the review of this permit and make a recommendation for licensing.

- 1.) The first issue is that I was informed by Debbi Judd of our office, that you did not develop any of the stockwater use for this permit. I also understand that you are willing to allow this stockwater use to be removed from the proposed license. I will need confirmation from you in an email or written letter confirming the stockwater use was not developed.

As we discussed, my plans have changed for the property. There will be no need for the license to include provisions for livestock.

- 2.) Our mapping system doesn't supply any showing the location of your home. The application for permit and the permit suggests that the home was built in the northwest portion of your Tax Parcel near the old barn. The Bonner County aerial imagery suggests that the home was actually built in the southern portion of your property. This will not affect the permit in any way, but we do want to have an accurate location of the home.

My original plans were based on my home site being on the North end of the property. This changed when I found out about the water rights associated with the Savage property. The Bonner County Aerial map shows the accurate location of the home site.

- 3.) On the application for permit and the permit approval, you stated that you planned to use 2 springs. I need to have you confirm if you are using one or two springs and mark their exact location the attached map. After you have marked them on the attached map, please scan and email or mail it back to me by regular mail as soon as possible. It is important that we make sure we have an accurate location for the spring and/or springs in our records.

I had indications of another spring on the North end of the property. This was found to be a seasonal spring. I do not know the nature of the "Savage Spring". The water source I am using has been described to me as a "Seep". It is a series of small water flows coming from underground. This was developed by digging a 30 foot trench, laying double row of 6" perforated drain pipe to a drywell then filling the excavation with gravel covering the entire thing with a 10 mil plastic sheet which is weighted down. This is located at the end of the service road you and I discussed that lies East of my home.

- 4.) On the map I have attached you will notice I have marked in a pink border the property of Elaine Savage. Ms. Savage has filed claim number 97-7706 in the Clark Fork-Pend Oreille River Basin Adjudication for a spring on your property. I have marked that spring with a red dot on the attached map. I need to know if the spring associated with Ms. Savage's adjudication claim 97-7706 uses the same spring as you are using for this permit.

The "Savage Spring" has been in services for several decades. It does not appear to be associated with the spring that I use. There is about 950 feet between the two developments.

With answers to these 4 questions, I believe I can make a recommendation for your water right reasonably quickly. 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.

If you plan to send the map by mail, please send the maps to:

Idaho Department of Water Resources
Attn: Dan Nelson
P.O. Box 83720
Boise, ID 83720

Please Note: This address goes through the State House Mail, so the Post Office Box number and the Zip Code are the same.

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 November 22, 2021. If I do not receive the requested information or I have not been contacted by you to request an onsite field verification by February 4, 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)

Dear Mr. Harold,

The aerial image below shows your Tax Parcel in the yellow border. The map also shows Ms. Elaine Savage's property in Pink. Ms. Savage has claimed in Adjudication Claim 97-7706 the use of a spring on your property shown as a pink dot. Is this the same spring you are using for your home? Please clearly mark the locations of the springs you are actively using on the aerial image shown below.



The aerial photo to the right is the Bonner County aerial map for your property. Your Tax Parcel is outlined in Orange.

In your application for permit and permit you indicated that the domestic use would be near the barn shown in the upper left hand corner of your Tax Parcel.

It appears from the aerial photo supplied by Bonner County that you built your home in the lower portion of your Tax Parcel. Please confirm this is correct.