

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

A. GENERAL INFORMATIONPermit No: 96-9640

Exam Date: 10/20/2021

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: Brian Christian and Michele Denise Moore
 Owner of Record Correct? X Y N
 Address of Record Correct? Y N
 If No: Address

The Department's parcel data shows Brian Christian and Michele Denise Moore as the owners of the property. Therefore, I don't see any issues with the ownership of this property. I do want to mention that this permit was originally filed by Krista Hess Mills, and was assigned to the current owners in October of 2019.

3. Beneficial Use Fees have been paid: X Y N Receipt No: C111076

4. SOURCE**TRIBUTARY**

Unnamed Stream

Gold Gulch Creek

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: NO Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments: There are no active water rights, claims, or recommendations in this general area. The neighbors to the west do have a permit for an irrigation use from the same unnamed stream.

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

Water Right No.	Source	Purpose of Use	Basis

Comments: There are no active water rights, claims, or recommendations in this general area. The neighbors to the west do have a permit for an irrigation use from the same unnamed stream.

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

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Unnamed Stream	4		NW	NW	5	56N	1W	B.M.	Bonner County
								B.M.	

Method of Determination: GIS and Tax Parcel Data. In an email dated October 21, 2021, the permit holder stated that he only had one point of diversion near what he calls a the small orchard across from the pond on his own property. I couldn't see a pond or orchard on his property, so I placed the point of diversion at the point designated in the application for permit haps.

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	
56N	1W	5						D											
		Lot #						4											
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
UNKNOWN	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 that tells what the size of the spring pump is for this permit. Therefore, I am required to fall back on the standard for domestic use set forth by Administrative Processing Memo #22.

Administrative Memo #22 = 0.04 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, which would allow 1.2 af for this type of permit.

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. This is a standard straight forward domestic use from an unnamed stream. The dual points of diversion seem a bit excessive, but it is understandable considering one of the points of diversion is on the neighbor's property and the other one is on their property.

I am also a bit concerned about the use of the unnamed stream for in-house use, but I am assuming that they take steps to purify the water prior to using it in the home.

The home is clearly seen in the aerial imagery. The home is right on the eastern border of Government Lot 4 (NWNW) in Section 5, and in some of the aerial imagery it also appears to go over the line. I don't feel at this point an amendment is necessary, but there may be a need in the future for the permit holder to file a water right transfer to show both 40-acre tracts in the future. It would have been prudent to include Government Lot 3 (NENW) Section 5 in the permit application, but I don't feel there is enough evidence at this point to require an amendment and charge an additional \$100.00 fee since the majority of the home is in the correct location. I did enlarge the place of use for the domestic use a bit to cover as much area as is legally reasonable.

The application for permit mentions a pond, but no storage component was included in the application for permit. I had to contact the permit holder to confirm the fish screen requirement, and the permit holder also mentioned a pond. I could not see any ponds in any of the Department's aerial imagery or Google Earth imagery. I am not sure that the pond referred to in these conversations with the owner is more than a catch basin to hold water to be pumped for their domestic use. It seems more like a small holding area for the water as needed.

he permit required a fish screen be installed on this system. I contacted the owner by email on October 20, 2021, to confirm that a fish screen had been installed. The owner stated in an email on October 21, 2021, that he had installed a mesh screen smaller than the ¼ inch requirement of the permit.

Conditions X01, 187, X15 X60, and 004 should be carried forward to licensing.

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

I. RECOMMENDATIONS

1. Recommended Amounts

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Domestic	01/01 to 12/31	0.04 CFS	1.2 AFA
Totals:		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 10-21-21

Reviewer  Date 10/22/21

Field Exam Map:

The yellow border shows the place of use and the yellow point shows the point of diversion. The green border shows the tax parcel borders. Please note that the tax parcel for the permit holder goes into Government Lot 3 (NENW) of Section 5. You will also notice that a portion of the home goes into Government Lot 3 (NENW) Section 5. The DRG or Topographical Maps do not show a stream channel at this location, so I am assuming it is a runoff stream. The location of the point of diversion are in the middle of an unnamed gulch or draw.



From: Nelson, Dan
Sent: Thursday, October 21, 2021 8:00 AM
To: Brian Moore
Subject: RE: Permit 96-9640

Hello Brian,

With the information that you just gave me, there is no reason for us to come out to the property. All we needed was confirmation of the fish screen installation and point of diversion location. Thank you for giving us this information. I will have a recommendation for the licensing of your permit to my supervisor by the end of today. We should complete the final processing stages of your permit soon, and we will contact you by mail as we are done. It could take a couple of weeks for the mailing to reach you.

I really do appreciate your cooperation on this issue. I was pleasantly surprised by your offer to use a drone, but our agency doesn't own or use any drones. Although a drone could be considered useful and a good investment, the political fallout from our agency owning or using a drone could be significant. We have strict policies to ensure that not only does the owner of a property know we are going to be on their property, but in most cases, we will not enter a property unless the property owner, or a representative of the owner accompanies us onto the property.

Thank you again for your help, and if you have any questions, please don't hesitate to contact me.

Respectfully,

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

From: Brian Moore <moorebmoore@hotmail.com>
Sent: Thursday, October 21, 2021 2:05 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: Re: Permit 96-9640

Hey Dan, you are welcome to come out or use a drone. Anything that will help speed things along in these crazy times. We did use a new point of diversion on our property. It's next to a small orchard across from the existing pond. We covered the intake with a fine cloth mesh, much smaller than the required fish screen you mention. Let me know how I can help, I work remote from the house and I'm here m-f.

Brian Moore

Dear Mr. and Ms. Moore,

I have been asked to review your water right file for license purposes. On smaller permits such as yours, we can generally verify the use 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 Department staff will be able to set up appointments in your area.

I have verified most of your water use with the records that are available to our office. However, there are a couple of questions that need to be clarified prior to recommending that this permit be licensed. I will list them below:

- 1.) Your permit requires that you install and maintain a fish screen of ¼ inch or less at the point or points of diversion. A point of diversion is the place where you are diverting the water away from the unnamed stream for your water use. On your proof of beneficial use form, you stated that a fish screen was not required, which was incorrect. I will need you to confirm that you have installed a fish screen at your point or points of diversion.
- 2.) Your application for permit states that the previous owner planned to use the older point of diversion from the neighbor's property and/or develop a new point of diversion on your property. I need to confirm whether you are using the point of diversion on your neighbor's property, the point of diversion on your property, or both points of diversion for your water use.

Once I receive the above information, I can move forward with making a recommendation for the licensing of your water right. All that is needed is a response to this email informing me of the answers to the above questions. A written description will be suitable to move forward with the review of this permit.

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 November 22, 2021, 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.

Respectfully,

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