

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

A. GENERAL INFORMATIONPermit No: 78-12529

Exam Date: 10/21/2021

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: Kathleen R. Herbert and Rochelle P. Bettis
Owner of Record Correct? X Y N
Address of Record Correct? Y N
If No: Address

The Department's parcel data shows Kathleen R. Herbert and the owner of the property. Therefore, I don't see any issues with the ownership of this property.

3. Beneficial Use Fees have been paid: X Y N Receipt No: C111116

4. SOURCE**TRIBUTARY**

Spring

Sinks

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
78-7265	Springs	Domestic	Decreed

Comments: According to Idaho Department of Water Resources (Department) records, the permit holder owns water right 78-7265 for domestic purposes. According to water right records, the spring point of diversion for 78-7265 also serves the property north of the permit holder's property. The point of diversion for 78-7265 is on the parcel north of the parcel associated with this permit. The northern property is owned by James Bettis and Rochelle Bettis (Bettis/Bettis property). The warranty deed for the permit holder's property lists Kathleen Herbert as a having a 2/3 interest and Rochelle Bettis as having a 1/3 interest (Herbert/Bettis property). In review of the spring on the Bettis/Bettis parcel, water rights 78-10343, 78-7324, and 78-109 also use the same spring point of diversion that 78-7265 diverts from on the Bettis/Bettis property. The water right files claim that there really isn't sufficient water in the spring from the Bettis/Bettis property to satisfy the 4 water rights on that spring. In order to remedy this situation, the permit holder's have filed this water right permit to use a spring on the Herbert/Bettis property to supply the water needed for the Herbert/Bettis property. I am assuming that the permit holder will no longer use the spring on the Bettis/Bettis property if they can attain enough water from the spring on the Herbert/Bettis property, but they may use a combination of the two springs if needed.

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

Water Right No.	Source	Purpose of Use	Basis

Comments: There are no other water rights that use the water on the Herbert/Bettis Property. As discussed above, the permit holder may combine the uses of the spring on the Herbert/Bettis property and the spring on the Bettis/Bettis property authorized by water right 78-7265.

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

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Spring		NE	SW	NW	26	22N	1E	B.M.	Idaho County
								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	
22N	1E	26							D	D									
Total Acres =																			

Method of Determination: GIS and Tax Parcel DataChange 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. A condition will be needed to limit this permit and decreed right 78-7265 to a combined 0.04 cfs of water.

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. Please see Google earth imagery showing the possible irrigation. A condition will be needed to limit this permit and decreed right 78-7265 to a combined 1.2 acre-feet of water.

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 pretty standard spring to a single family home permit.

There was a question about the pond during permitting and during my review. The pond seems to just be the location where the spring daylight onto the surface of the ground. Staff questioned the size of the pond during the permitting of the permit and found that the pond is 15 X 20 with a maximum depth of 4 feet. Using the standard of multiplying the maximum depth by 0.4 to get an average depth, the pond would have a volume of 480 cubic feet or 3,590 gallons or 0.011 af (15 X 20 X [4 X 0.4] = 480 cubic-feet X 7.48 = 3,590 gallons / 325850 = 0.011 acre-feet). Based on the standard domestic daily use limitation of 13,000 gallons per day would easily allow this pond to be filled and/or emptied within a 24 hour period.

The application for permit and the permit are very vague about whether this permit would allow in-house use and up to 1/2 acre of irrigation. The application for permit claims "Domestic Use Only," and the permit does not include the standard yard irrigation condition 187. I spoke with the agent reviewing the permit, and they agreed that there wasn't any clear direction on whether or not this permit allowed irrigation use for the yard. A review of Google Earth imagery for 2013 and 2017 suggests that some irrigation has taken place on this property in the past. Therefore, I am going to recommend the full 1.2 acre-feet limitation and include the 187 condition on the license.

The home is clearly seen in the aerial imagery on the SWNW of Section 26. The place of use in the permit included the SENW of Section 26. I am going to leave the place of use as it was permitted in case a garden or other type of domestic use has been developed in the trees in the SENW. The trees in this area prevent the ability to see much of the place of use, so I don't think it is reasonable to limit the place of use at this time. The tax parcel should be the borders of the place of use.

Conditions X01 should be carried forward to licensing. As stated above, condition 187 should be added to this water right license to include possible yard irrigation. Condition X35 should also be added as mentioned above to limit this domestic use to 0.04 cfs and 1.2 acre-feet when 78-7265 and 78-12529 are combined to prevent possible enlargement of this single domestic use.

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 10-20-21

Reviewer  Date 10/26/21

Field Exam Map:

The yellow border shows the place of use and the yellow points shows the points of diversion. The green border shows the tax parcel borders. I also included the place of use and points of diversion in red for water rights 96-9677 and 96-9678 on the neighboring property that is also owned by the permit holder. You can see that there are two separate points of diversions for both parcels.



The 2013 aerial imagery from Google Earth on the left suggests that a portion of the yard has been irrigated. The 2017 Google Earth imagery below right shows that there could be some irrigation behind the home, and what appears to be raised garden/flower beds in front of the home. These two images strongly suggest that there is some minimal (less than 1/2 acre) irrigation uses with this domestic use.

