

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

A. GENERAL INFORMATIONPermit No: 57-12008

Exam Date: 10/14/2021

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: Douglas A. and Janice K. Burgess
 Owner of Record Correct? X Y N
 Address of Record Correct? Y N
 If No: Address

The Department's parcel data shows Douglas and Janice Burgess as 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: C111046

4. SOURCE TRIBUTARY

Unnamed Drain

Mule Creek Drain

Method of Determination: GIS, Tax Parcel Data, and a telephone conversation with the permit holder.

PLEASE NOTE: After my conversation with the permit holder and review of the backfile for water right 57-7234, I discovered that the water is actually coming from tile drains under the field to the north of the point of diversion into the pond area. The permit holder thought it was wastewater because the drains don't flow until approximately 2 weeks before the canal water is being delivered and it runs for approximately 30 days after the canal water is shutoff. The source should actually be called drain water instead of wastewater, since it comes from the tile drains. You can actually see the old drain path in the 1992 aerial imagery, so it is clearly a drain. The backfile for water right 57-7234 states that there was originally an open drain through this field, but the previous owner put in the tiles approximately 10 to 15 years prior to the filing of 57-7234, which was filed in 1978. Therefore, the drains have been in place since the early 1960's. The permit holder thought that they were put developed in the 1950's, but he wasn't sure. The water goes through an unnamed drain until it reaches Mule Creek Drain. The water from Mule Creek Drain then flows into Jump Creek. After speaking with our administrative staff, it was determined that an amendment was not needed and new permit wasn't needed, since this is just a clarification of the actual source of water that the permit holder has always intended to use.

Change in Source: X Y N

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis
Gem Irrigation District Rights 2-64, 2-65, and 2-10416	Snake River	Irrigation	Decree

Comments: The Gem Irrigation District irrigation rights are the only rights that overlap this place of use. The wastewater for this permit is generated from these irrigation rights after it is applied to the fields. Water rights 57-10243, 57-7234, and 57-11698 are in the same general area, but are for the neighbors to the east of this property.

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

Water Right No.	Source	Purpose of Use	Basis
57-7234	Ground Water	Irrigation and Stockwater	Decree

Comments: The point of diversion for this right shows the location as the pond. The old field report states that water from a tiled drain was captured and pumped to the property to the east that is currently owned by Mule Springs Farm. Water right 57-7234 is a decreed water right used for irrigation and stockwater. Decreed water right number 57-734 lists the water as ground water, but it is clearly water being diverted from a drain according to the water right backfile for this water right. I spoke with the owner of this property, and he has either leased or owned the property since 2001. No water has been diverted from this drain since 2001, so I am assuming that water right 57-7234 has been forfeited. If the owner of water right 57-7234 wishes to begin using this water right, he would need to get an easement from the permit holder and another property owner to get the water to his property, so it is unlikely that this water right will resume use.

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

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Unnamed Drain			SE	NW	31	3N	5W	B.M.	OWYHEE
								B.M.	
								B.M.	

Method of Determination: GIS, Tax Parcel Data, and a telephone conversation with the permit holder. Please see the overlapping water right discussion above.

Change in POD? X N Amendment Required? X N

2. PLACE OF USE: Use: Stockwater

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	5W	31								X									
Total Acres =																			

Method of Determination: GIS and Tax Parcel Data

Change in POU? Yes N Amendment Required? X N

Please Note: I spoke with the permit holder and he told me that the water troughs for this permit run due south of the pond. One of the troughs is approximately 75 feet from the pond, and the other trough is approximately 175 feet from the pond. Therefore, I drew a rather large area for the place of use that would cover both water trough locations. The entire area is totally in the SENW of Section 31. The application for permit and the application for permit gave a broad range of where the water troughs would actually be to ensure he would not need an amendment at licensing. This change will correctly describe the location of the stockwater uses.

 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 #3. The permit states that there are 150 range cattle on the property, and the proof of beneficial use form states that there is 100+ range cattle on the property. I am inclined to go with the higher number listed on the permit, since the 100+ number placed on the proof of beneficial use is a little vague.

Administrative Memo #3 = 101 to 200 range cattle = 0.05 cfs for range cattle
Permit allowed = 0.03 cfs

I am recommending 0.03 cfs based on the permit limitation.

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 #3 provides guidance to allow 2.7 acre-feet for 101 to 200 head of range cattle. Using this estimate would be well over the 100+ estimate placed on the proof of beneficial use form. The standard of 12 gallons per day per head would equal 2.0 acre-feet for the 150 cattle listed in the permit $([12 \text{ gpd} \times 150 \text{ head} \times 365 \text{ days}] / 325850 = 2.01 \text{ acre-feet})$. However, this drain is dependent on the irrigation water flowing through the canal, so it is only available during the irrigation season. Therefore, the season of use would not be all year long. The season of use would be from March 1 to November 15 or 260 days per the limitations on the overlapping water rights. Based on the time water is available, the volume should be 1.4 acre-feet $([12 \text{ gpd} \times 150 \text{ head} \times 260 \text{ days}] / 325850 = 1.44 \text{ acre-feet})$.

I am recommending a volume of 1.4 acre-feet based on the time the wastewater is available.

G. PURPOSE OF USEIrrigation ☐ Y ☐ N # Stock 150 Domestic # of Homes Other: ☐ < ☐ >Change in Purpose of Use? ☐ Y ☒ NMethod 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 permit claims to use wastewater from a pond that collects wasted irrigation water from Gem Irrigation Company. An irrigation company representative provided a statement in the file that water user can do anything they wish with the wastewater during the period of time it is on their property. The irrigation rights associated with the property allow the pond to be on the property per the 24 hour fill standard of the Department, so no water right is needed for the pond. A review of aerial imagery shows the pond was in place in 1985, so this pond has been on the property for some time.

I spoke with the permit holder on October 14, 2021, to clarify some issues, and he confirmed that the water in the pond comes from under ground field tiles in the field between the pond and the canal. The permit holder owns this ground, so he considered this water to be wastewater from the field. After speaking with our administrative staff, we determined that we should clarify the water source from wastewater to unnamed drain.

The permit shows a stockwater use for a complete year. During my October 14, 2021, telephone call, the permit holder told me the reason he called it wastewater was because the water only flows approximately 2 weeks after the Irrigation District turns water into the canal, and it flows until about 30 days after the Irrigation District turns off the canal. Therefore, I am changing the season of use to the same season of use listed on the Irrigation District's water rights of March 1 to November 15. I discussed this with the permit holder, and he stated that this is usually the amount of time he has water available. The Irrigation District usually turns the water into the canal the first of April and shuts it off sometime in October. The permit holder informed me that changing the season sounded reasonable to him. This will prevent the possibility of enlargement if the permit holder fills the pond from another water source not authorized by this permit.

The season of use for this permit would also change the volume we can authorize for the stockwater use. Instead of 365 days, the time of use would be limited to the 260 days authorized irrigation delivery from the Irrigation District. This would limit the volume from the standard year-round use of 2.0 acre-feet to 1.4 acre-feet as calculated above.

As discussed above, I drew a rather large area for the place of use for the stockwater place of use. The permit holder gave me a fairly narrow place of use location, but I wanted to make sure I clearly covered the location of the two stockwater troughs. According to the permit holder, they are both in the SENW of Section 31.

Condition 121 should be changed to condition 103. Condition 004 should also be added, since this water use is from a drain that could be under the control of the local drainage district, even though the water being drained comes directly from tile drains on his property. No other conditions are necessary for this licensing of this water right.

Have conditions of permit approval been met? ☒ X 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	0.03 CFS	1.4 AFA
<u>Totals:</u>		0.03 CFS	1.4 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 10-15-21

Reviewer  Date 10/19/21

Field Exam Map:

The yellow border shows the place of use and the yellow point shows the point of diversion.



The image below is a 1992 image of the farm associated with this permit. You can clearly see the old drain location that was replaced by the tile drain. There are two other tile drains on this farm that discharge into the pond area. I am assuming that the lines in the fields are reasonably close to the other two drain locations.

