

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

A. GENERAL INFORMATIONPermit No: 98-8027

Exam Date: 10-6-2021

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: David H. Pfenning
- Owner of Record Correct? X Y N
- Address of Record Correct? X Y N
- If No: Address

The Department's parcel data shows the owner of the property is Pfenning Living Trust. I don't see any issues with the ownership of this property.

3. Beneficial Use Fees have been paid: X Y N Receipt No:
4. SOURCE TRIBUTARY

Ground Water

Method of Determination: GIS and Tax Parcel DataChange 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
98-7628	Ground Water	Domestic, Irrigation, Commercial, and Stockwater	License
98-4217	Trow Creek	Irrigation, Stockwater, and Domestic	Statutory Claim

Comments: Water right 98-7628 is owned by a Trow Creek Water Association (TCWA) that supplies water to several domestic and commercial users. The application for permit and review of the application for permit did not address this overlapping water right. On October 5, 2021, I called and spoke with the permit holder, David Pfenning. Mr. Pfenning stated that he purchased this property a year ago as a rental unit. He left the water use up to the renter. He will not pay for the TCWA water, since there is a private well on the property. Mr. Pfenning did say that the previous owner did use the TCWA water, but he or his current renter have never used the TCWA water. Since the TCWA water is a municipal type of water right, there really shouldn't be a combined limitation condition on this permit.

Water right 98-4217 is a statutory claim that was filed in 1983 with a 1925 priority date. Statutory claim 98-4217 states that the water comes from Trow Creek, which flows through the middle of the parcel associated with this permit. The parcel data states that the home for this property was built in 1979, and the aerial imagery shows the home and any irrigatable land for this parcel is on the northeast side of Trow Creek. The map with statutory claim 98-4217 is a hand drawn map that only shows the point of diversion without any place of use designation. Based on the location of the point of diversion and the contour lines available to the Department, the water for 98-4217 would probably gravity flow in a northwesterly direction, which is away from the property associated with this permit. Statutory claim 98-4217 claims the water use is through a gravity flow type system. Based on the build date listed for this property and the direction of water flow, it is very unlikely that water right 98-4217 was used on this property. With the information supplied with statutory claim 98-4217 it would be difficult to prove where this water had been used when the statutory claim was filed. Historic tax parcel data back to 2010, doesn't show the owner of statutory claim 98-4217 as owning any of the property along Trow Creek. It also appears as though the majority of the land in this 40-acre tract was under single ownership and was subdivided in 2019 or later. I couldn't find any ownership documents linking this property to the owner of statutory claim 98-4217. I do not think that this right is a significant overlapping water right, and even if it was on this property at one time, it has probably been forfeited. The new owner doesn't live at the property, and he didn't mention this water use in our telephone conversation.

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

Water Right No.	Source	Purpose of Use	Basis
98-4217	Trow Creek	Irrigation, Stockwater, and Domestic	Statutory Claim

Comments: The map supplied in the statutory claim suggests that the point of diversion may be on the same property, but the map is really poor. Based on the information available, I am not convinced that 98-4217 is a valid water right, is on the parcel association with this permit, and if it is on this property it would probably be very difficult to verify in an adjudication process. Please see my discussion above concerning statutory claim 98-4217. The point of diversion for water right 98-7628 discussed in the place of use overlap discussion is some distance away from this parcel, so it shouldn't be an issue. There are no other rights with a point of diversion in this 40-acre tract.

C. DIVERSION AND DELIVERY SYSTEM

1. LOCATION OF POINT(S) OF DIVERSION:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Hand Dug Well			NE	NE	15	65N	1W	B.M.	Boundary
								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	
65N	1W	15	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.

☒ 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
Well 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 is no information in the application for permit to estimate the flow rate, so we will need to rely 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

It appears as though the permit and Administrative Memo #22 suggest that a diversion rate of 0.04 cfs is reasonable.

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.

G. PURPOSE OF USE

Irrigation ☐ Y ☐ N # Stock ☐ Domestic # of Homes ☐ 1

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. The biggest issue with this permit are the overlapping water rights discussed above. The above discussion covers the main issues.

Conditions X01, 187, and 004 should be carried forward to licensing. The remaining conditions should not be included on the license. As discussed above, this permit should not have a combined limitation condition with 98-7628, since it could be construed as placing limitations on water right 98-7628 that are not intended. Water right 98-7628, is similar to current municipal water rights, so this limitation shouldn't be placed on this right.

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 3Field Examiner's Name Daniel A. Nelson Date 10-6-21Reviewer Angela M. Hansen Date 10/6/2021

Field Exam Map:

The yellow border shows the place of use for this permit, and the yellow dot shows the point of diversion from the hand dug well.

