

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 65-24014

Priority: February 12, 2021

Maximum Diversion Volume: 0.3 AF

This is to certify that

CHAD W ROSKELLY 9200 S TALON LN BOISE ID 83709-7830

has applied for a permit to appropriate water from:

Source : UNNAMED STREAM

Tributary: DRY BUCK CREEK

and a permit is APPROVED for development of water as follows:

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
RECREATION STORAGE	01/01 to 12/31	0.3 AF

Location of Point(s) of Diversion

UNNAMED STREAM SE¼ SE¼, Sec. 14, Twp 09N, Rge 02E, B.M. BOISE County

Place of Use: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	02E	14																X	

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2026**.
2. Subject to all prior water rights.
3. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
6. Right 65-24014 authorizes total annual storage volume of 0.3 acre-feet, 0.2 acre-feet to be used for the initial filling or carryover storage of the pond and 0.1 acre-feet for the replacement of losses caused by evaporation.
7. The pond established by the storage of water under this right shall not exceed a total capacity of 0.2 acre-feet or a total surface area of 0.1 acres.
8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 65-24014

or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

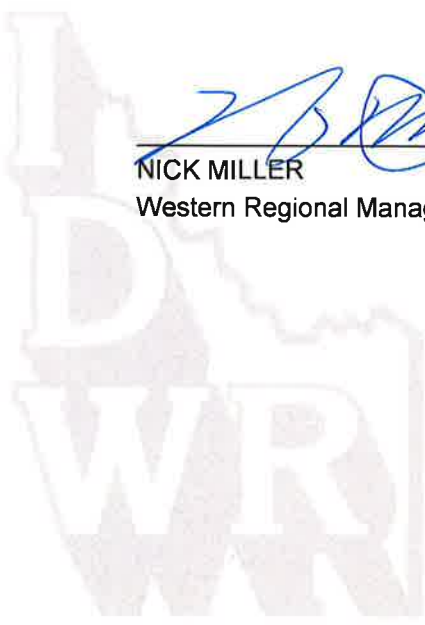
This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 9th day of April, 2021.



NICK MILLER

Western Regional Manager

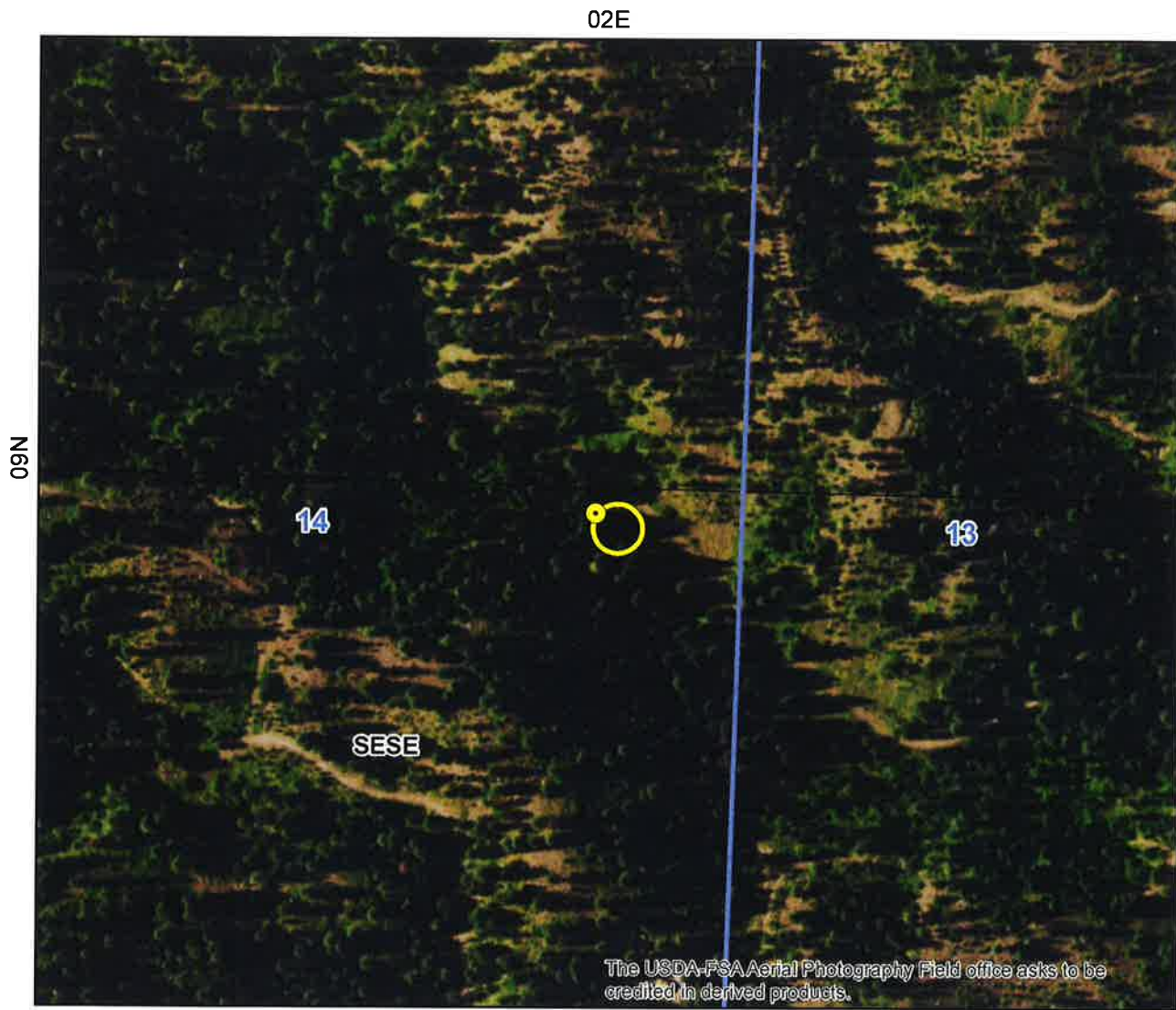


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

65-24014

This map depicts the RECREATION STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.035 0.07 0.14 Miles





Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Gary Spackman
Director

April 09, 2021

CHAD W ROSKELLY
9200 S TALON LN
BOISE ID 83709-7830

RE: Permit No. 65-24014

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,


DENISE LAUERMAN

for Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 09, 2021, I served a true and correct copy of Permit to Appropriate Water No. 65-24014 by U.S. Mail, postage prepaid, to the following:

CHAD W ROSKELLY (Current Owner)
9200 S TALON LN
BOISE ID 83709-7830



Denise Lauerman
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

April 06, 2021

Water Permit: 65-24014

Author: JShearer

Subject: IDFG Concerns

During the public notice period of the application process, Idaho Department of Fish and Game (IDFG) were contacted as per IDWR standards for applications proposing appropriation from a surface water source. Following such, IDFG submitted comment providing concerns that the proposed in-stream storage will not leave a significant portion of the available water in the natural water channel and stated a preference to the diversion actions taking place during high spring flows when there is ample water in the stream channel. Upon review of the application, the nature of the proposed use, and the minimal consumptive losses associated with evaporation from a small on-stream pond I do not believe the construction of the proposed storage use will impede the natural stream flow and the diversion actions will naturally take place during high spring flows when there is ample water in the stream channel to fill the pond at a fast rate. Thus, this permit approval should be considered to be consistent with local public interest and should not have consequential downstream impacts to tributary streams or other existing water rights.

Seepage Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	65-24014
REVIEWER	Justin Shearer
DATE	4/5/2021

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	0.06	AC.
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Pond Surface Area (SQ. FT.)	2614	SQ. FT.
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I used the following method to obtain my Soil Classification Information:	NRCS Web Soil Survey	
My Soil Classification is	Lined	
Suggested Seepage Rate (FT./DAY)	0.0000	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss
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Convert to GPD	0	GPD
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Total Seepage Loss (AFA)	0.0	AFA
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Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:

GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = 0.2 ft per day
OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = 0.02 ft per day
SC (clayey sands, sand clay mixtures) = 0.007 ft per day
CL (Low to medium plasticity clays) = 0.003 ft per day
MH, OH, PT and CH (high plasticity clays) = 0.0003 ft per day
LINED PONDS (liners can be chemical, fabric, or bentonite) = 0 ft per day
Ponds Intercepting Groundwater (excavated ponds filled by ground water) = 0 ft per day

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1), an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2). Use "0" if the pond fill relies on the water table.

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	65-24014
REVIEWER	Justin Shearer
DATE	4/5/2021

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:

P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: <http://data.kimberly.uidaho.edu/ETIdaho/>

Precipitation Deficit

Station: Oia (NWS -- USC00106586)

Month	mm/day ¹	Days per month	mm/Month
Jan	-2.04	31	0.00
Feb	-1.40	28	0.00
March	-0.61	31	0.00
April	0.79	30	23.70
May	1.54	31	47.74
June	2.93	30	87.90
July	4.29	31	132.99
August	3.78	31	117.18
September	2.18	30	65.40
October	0.31	31	9.61
November	-1.82	30	0.00
December	-2.79	31	0.00

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

Total mm/year = 484.52

$$[(\text{mm/yr}) \div (\text{convert to feet})] \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$$

(484.52 ÷ 304.8) X 0.06 = 0.1 AFA

Total Storage Calculations

FILE NUMBER	65-24014
REVIEWER	Justin Shearer
DATE	4/5/2021

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	0.06	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	3.6	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	0.216	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a " <u>From Storage</u> " component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.0	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	0.1	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	0.3	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

The Idaho World

P.O. Box 220
Idaho City, ID 83631
(208) 202-9288

State of Idaho)
County of Ada)

Elise Capson, being duly sworn, deposes and says: that she is the Billing Specialist for THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for Two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with March 3, 2021 and ending with the issue of March 10, 2021.

Elise Capson

State of Idaho)
County of Ada)

On this 13th day of MARCH in the year 2021, before me, a notary public, personally appeared Elise Capson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Arijalda Mustafic

Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires 07/18/2025

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

65-24014
CHAD W ROSKELLY
9200 S TALON LN
BOISE, ID 83709-7830
Point of Diversion SESE
S14 T09N R02E BOISE County
Source UNNAMED STREAM Tributary DRY BUCK CREEK
Use: RECREATION STORAGE
01/01 to 12/31 5.5 AF
Total Diversion: 5.5 AF
Date Filed: 02-12-2021
Place Of Use: RECREATION STORAGE
T09N R02E S14 SESE

65-24015
CHAD W ROSKELLY
9200 S TALON LN
BOISE, ID 83709-7830
Point of Diversion SESE
S14 T09N R02E BOISE County
Source UNNAMED STREAM Tributary DRY BUCK CREEK
Use: RECREATION STORAGE
01/01 to 12/31 5.5 AF
Total Diversion: 5.5 AF
Date Filed: 02-12-2021
Place Of Use: RECREATION STORAGE
T09N R02E S14 SESE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00

for each application on or before 3/22/2021. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director

Published in the Idaho World on 3/3/2021 and 3/10/2021.

✓OK
DL
03.17.2021

RECEIVED

MAR 17 2021

WATER RESOURCES
WESTERN REGION

ARIJALDA MUSTAFIC
Notary Public
State of Idaho
Commission No: 20191423

RECEIVED

MAR 01 2021

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

Application No.: 65-24014

Applicant's Name: Chad Roskelley

Recommendation:

- a) _____ I do not oppose approval of this application.
- b) X I do not oppose approval of this application if it is conditioned as follows:

As written, the applicant intends to dam a tributary stream of Dry Buck Creek and use 100% of available flows to fill a recreational pond. In order to minimize downstream impacts, IDFG recommends using alternative methods to divert water that will not impede the natural stream flow, and that will leave a significant portion of the available water in the natural channel. In addition, we recommend these diversion actions take place during high spring flows when there is ample water in the stream channel and the pond will fill at a fast rate.

- c) _____ I oppose approval of this application for the following reasons:

- d) _____ Additional comments

Dated this 1st day of March , 2021

Idaho Dept of Fish and Game



Signature

 Jon Rachael

Printed Name