

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

A. GENERAL INFORMATIONPermit No: 63-34030Exam Date: 12/8/2020

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: John P. Farrell

Owner of Record Correct? X Y NAddress of Record Correct? Y N

If No: Address

The Department's tax parcel data shows the property for the place of use is in the ownership of the Kendal and Erica Bird. There is a change of ownership form in the file changing the ownership of this permit to Kendal Bird. This ownership change form will be processed at licensing.

3. Beneficial Use Fees have been paid: X Y N Receipt No: C1088264. **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: NO Overlap

Water Right No.	Source	Purpose of Use	Basis
63-32479	Ground Water	Domestic	Decree
63-2761A	Ground Water	Irrigation	Decree
Wilder Irrigation District Water Rights	Various	Irrigation	Decrees

Comments: Decreed water right 63-32479 was decreed in a different name, but with the same mailing address. The map submitted with the decreed right also shows the same property with the same tax number for the parcel. Therefore, I believe it is for the same parcel. Decreed water right 63-2761A also overlaps this place of use. Water right 63-2761A was decreed in 2009, so at the time of permitting in 2014, the portion of 63-2761A appeared to be considered forfeited. The ground associated with this permit doesn't show any irrigation from 2009 to 2015, so it seems as though that right 63-2761A was forfeited. The permit holder states in an email, that he has no connection to any other irrigation system other than the well he is using for this permit. This parcel of land is also within the borders of the Wilder Irrigation District. The documents in the water right file are vague about all of the overlapping water rights, but the application for permit states that no other water is used for irrigation on the property. I contacted the permit holder and he confirmed he doesn't pay for Wilder Irrigation District shares and has no access to the Wilder Irrigation District delivery system. The aerial imagery also suggests that there aren't any ditches around the property. With this information, I can only assume that there is no access to the Wilder Irrigation District water rights.

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

Water Right No.	Source	Purpose of Use	Basis
63-32479	Ground Water	Domestic	Decree

Comments: Decreed water right 63-32479 was decreed in a different name, but with the same mailing address. The map submitted with the decreed right also shows the same property with the same tax number for the parcel. Therefore, I believe it is for the same parcel. The decreed water right states there is not a well driller's report for the decreed water right, and there is currently no records of a new well being drilled for the property or the any of the previous owners. The permit holder states that there a single well with 2 pumps in the well. The first pump supplies domestic water to at least 3 homes. The second pump supplies water to 2 properties for irrigation. The other property owner(s) have not filed an irrigation right or a domestic right, so the permit holder's property has the only water rights authorized to divert from this well with two pumps. The permit holder stated that there was supposed to be 2 wells one for domestic and one for irrigation, but all of the piping leads from the same well location and he hasn't seen a second well. He and the neighbor have had their differences, so he has not been given the ability to really inspect the water lines that run through the neighbor's property. Decreed water right 63-32479 provides information that can be taken as there are 2 wells, but it can also be taken as a single well. Since the permit holder believes there is only one well for the domestic and irrigation use, I must go with his assumptions, since the neighbor will not let him on her property to determine what is actually happening.

C. DIVERSION AND DELIVERY SYSTEM1. LOCATION OF POINT(S) OF DIVERSION:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Well			NE	SW	16	3N	3W	B.M.	Canyon
								B.M.	
								B.M.	

Method of Determination: GIS, Application for Permit, Decree 6332479, and Tax Lot data.

Change in POD? X N Amendment Required? X N

2. PLACE OF USE: Use: Irrigation

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	3W	16									2.1			0.5					2.6
		Lot #																	
Total Acres =																			2.6

Method of Determination: GIS and Tax Lot 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
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 was no information submitted with the application for permit that tells what the size of the well pump is for this permit. Therefore, I am required to fall back on the standard for domestic use set forth by Administrative Processing Memo #17.

Administrative Memo #17 = 2.6 acres X 0.03 cfs/acre = 0.078 cfs for irrigation use
Permit allowed = 0.11 cfs for 3.7 acres

I am recommending 0.08 cfs (rounded from 0.078 cfs) since the permit limitation was based on Administrative Memorandum #17. There will not be any combined limitations.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2.6 \text{ acres} \times 4.5 \text{ af/ac} = 11.7 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.08 \text{ cfs} \times 260 \text{ days} \times 1.9835 = 41.3 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 11.7 \text{ af}$$

2. Volume Calculations for Other Uses:

N/A

G. PURPOSE OF USE

Irrigation X Y ___ N # Stock _____ Domestic # of Homes _____

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.

On December 4, 2020, I spoke with the permit holder by telephone and he confirmed what he told me in an email. According to the permit holder, a new well was not developed for the irrigation use, as was stated in the original permit. The permit holder decided to use the same system that was in place and discussed in overlapping water right 63-32479. According to the permit holder, they shares a well with the neighbor to the west for both their domestic and irrigation uses. According to the permit holder, he believes there is a single well with 2 pumps. One pump supplies the irrigation use, and the other pump supplies the domestic use for two possibly 3 properties. The permit holder knew that only two properties used the irrigation pump, but he was unsure how many properties used the domestic pump. There is some confusion that suggests that there could be a second well for the domestic use, but the permit holder has not been able to enter the neighbor's property to investigate if there is a second well or not. All of the construction that the permit holder has done to develop the irrigation system and provide water to his shop under his domestic water right leads the permit holder to believe that there is one well with two pumps. Based on this conversation with the permit holder, I have moved the point of diversion for water right 63-32479 to the well that is used for irrigation under this permit based on my conversation with the permit holder. The permit holder confirmed that there is no well where the point of diversion was located in water right 63-32479.

There are other rights from ground water that appear to overlap the place of use for this permit, and it was suggested when water right 63-32479 was decreed that the property owner at the time should file a water right transfer on 63-2761A to cover the irrigation at that time. No transfer was ever filed on 63-2761A. 63-2761A was decreed on February 6, 2006. This permit was filed on October 9, 2014, so it suggests that 63-2761A was considered forfeited at the time this permit was filed. It is clear from my telephone conversation with the permit holder and his email that well associated with permit 63-2761A has never been used. Therefore, this permit should be considered a primary water right, since the permit holder doesn't have any access or claim to any other water rights or canal company shares. There shouldn't be any combined conditions, because the permit holder informed me that the irrigation system and domestic system is separate, and the domestic pump and/or well is only used for the in-house use.

I am concerned that the neighbor doesn't have a water right for either home or any irrigation. I haven't been to the property to confirm or deny any other water uses from this well, but it may be worth investigation once this permit has been licensed for the Compliance department to take a closer look. The permit holder informed me that the other property owner would not let him on her property, and it would be unlikely that we could get permission to enter the property if a field exam was actually done.

Although there is a bit of a cloud of mystery around the number of wells associated with this permit, the permit holder was very clear that the point of diversion or well used to irrigate the ground associated with this permit is at the location shown on the accompanying maps. The permit holder also confirmed that there is a single pump in that well that is used solely for irrigation purposes. The water users have set up a system where they switch the power meter back and forth while using the well to allow Idaho Power to bill each water user separately.

The acres are clearly being irrigated in the 2019 aerial imagery, and some of the acres were irrigated in the 2017 imagery. Prior to 2017, there isn't any evidence of irrigation in the aerial imagery since 2004's aerial imagery. That suggests to me that in 2014 when the permit was filed, that a water right transfer would not have been possible due to lack of proof of irrigation after the 63-2761A was decreed in 2009. Therefore, I believe we can recommend this permit be licensed from the original irrigation well and/or well pump in the same 40 acre tract for the irrigation of the 2.6 acres found irrigated in the 2019 aerial imagery.

Conditions R69 and 01M should be carried forward to licensing. Condition 121 should be changed to 103 as is standard. All other conditions should be removed. No combined conditions is needed, since water right 63-32479 is used for in-house use only. No other conditions should be added.

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>
Irrigation	03/01 to 11/15	0.08 CFS	11.7 AFA
<u>Totals:</u>		0.08 CFS	11.7 AFA

Please Note: This is a surface water right, so no volume will be included on the water right license.

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above X None

___ Change P.U. as reflected above ___ Add P.U. as reflected above X None

Other: < >

J. AUTHENTICATION – DANIEL A. NELSON – WATER RIGHT ANALYST 3

Field Examiner's Name  Date 12-8-20

Reviewer  Date 12/9/2020

Field Exam Map:

The yellow border shows the parcel for this permit and the yellow shows the shared well location.



See Next Page for the place of use for decreed water right 63-32479

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Place of use for water right 63-32479. Water right 63-32479 could be diverted from the same well, but from a different pump, or it could





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

10/5/2020

KENDAL BIRD
15604 ORCHARD AVE
CALDWELL ID 83607

RE: Water Appropriation Permit 63-34030

Request for Information

Dear Permit Holders:

In 2014 IDWR issued permit 63-34030 authorizing the development of a right to divert 0.11 cfs of water from ground water for irrigation use for a parcel of land located NE1/4 SW1/4 of Section 16, Township 3 North, Range 3 West. The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that water has been put to beneficial use in accordance with the permit. For your convenience, I am enclosing a copy of permit listed above.

This permit qualifies for what is known as in-house exam or desk top review instead of an in-field verification inspection of the property. A verification review is necessary to move this permit forward to a water right license. During my review of your file, I was able to verify all of the elements necessary to license your permit, except for a couple of issues that I need additional information to properly verify the use.

The first issue is that I need to confirm that you do not own any Wilder Irrigation District canal company shares. If you do pay for Wilder Irrigation District water, do you use it on your property. Your property lies within the borders of their canal company, so I need to see if you have any access to use their water.

The second issue is the location of the well. According to the permit, the previous owner of the property was going to drill a new well for the irrigation portion of this property. I cannot find any record that you or the previous owner drilled a new well, so I am assuming you are using your domestic well for irrigation purposes. If this is the case, please let me know that you are using your domestic well, and mark the location of the well on the map attached to this email and return it to me.

By giving me answers to the above two issues, I can move forward with licensing this permit.

You can request that IDWR personnel go into the field to collect this information accompanied by yourself or your representative. For this to occur, please contact me within 30 days. If you would like your representative to be present, please have the name, telephone number, and email of your representative. Be aware that you and the representative must be available to be contacted for scheduling of the required visit {before insert date or in a timely manner}.

Please provide the requested information November 6, 2020. If I do not receive the requested information or I have not been contacted by you by November 6, 2020, I will need to take action to void your permit under the provision of Section 42-219(8) of the Idaho Code.

ALSO:

While reviewing your permit, I discovered that there is a domestic water right associated with this property. I have included a computer generated copy of water right 63-32479, which supplies in-house use and up to ½ acre of irrigation from your domestic well. You will want to file a change of ownership form to put this right into your name. I have included a change of ownership form with this letter for your use. PLEASE NOTE: Our office has received the change of ownership you supplied for permit 63-34030, and will process that change of ownership at the time the permit is licensed.

If you have any questions, please contact me at 208-287-47856. Thank you for your attention to this matter.

Respectfully,



Daniel A. Nelson
Staff Hydrologist
Telephone # (208) 287-4867
Fax (208) 287-6700 (attn: Dan Nelson)
Email dan.nelson@idwr.idaho.gov

Enclosure(s): Computer Generated Water Right Permit Report for 63-34030
Map of Property
Computer Generated Water Right Report for 63-32479
Change of Ownership form for 63-32479

Nelson, Dan

From: Nelson, Dan
Sent: Friday, December 04, 2020 11:35 AM
To: 'Bird Trucking LLC'
Subject: RE: 63-34030

Kendal,

Thank you for this information and speaking with me on the telephone today. It really helped me understand this system. I will do my best to get this permit resolved as soon as possible.

Respectfully,

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

From: Bird Trucking LLC [mailto:birdtruckingllc@gmail.com]
Sent: Friday, December 04, 2020 11:32 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: 63-34030

I do have not have access to wilder Irrigation and do not pay shares for water
I also do not have access to the subdivision water
the only way to get water to the property is through the well on the on the neighbors property To the west We
share an irrigation well and domestic well there are 2 pumps in the well casing one for domestic one for
Irrigation I believe it has been this way since the houses were built The well that was proposed never got dug
the people I bought the house from died and I cannot get any information from the neighbour. Please let me
know if you need any more Information sincerely Kendal Bird
(208)284-5822