

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
BENEFICIAL USE FIELD REPORT

**A. GENERAL INFORMATION**

**Permit No:** 65-12740  
**Exam Date:** 07/30/2019

1. Current Owner:  
CHRISTOPHER OESTERREICH 7810 N HWY 52 SWEET ID 83670 AND  
KRISTA OESTERREICH 7810 N HWY 52 SWEET ID 83670
2. Accompanied by: Christopher Oesterreich  
Phone No: 951-501-9161  
Address: 7810 N Hwy 52, Sweet, ID 83670  
Relationship to permit Holder:

3. **SOURCE:**  
SQUAW CREEK

Tributary  
PAYETTE RIVER

**Method of Determination:** Field Observation

**B. OVERLAP REVIEW**

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

| Water Right No. | Source | Purpose of Use | Basis |
|-----------------|--------|----------------|-------|
| N/A             | N/A    | N/A            | N/A   |

Comments: No other water rights overlap

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

| Water Right No. | Source | Purpose of Use | Basis |
|-----------------|--------|----------------|-------|
|                 |        |                |       |

Comments: No other water rights overlap

**C. DIVERSION AND DELIVERY SYSTEM**

1. LOCATION OF POINT(S) OF DIVERSION:

SQUAW CREEK SW¼ SE¼, Sec. 8, Twp 07N, Rge 01E, B.M. GEM County

Method of Determination: Field observation, Handheld GPS (N 43° 57.074', W 116°21.545'), ArcMap GIS tools

**PLACE OF USE:** IRRIGATION

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE |        |
| 07N | 01E | 8   |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 2.6 |    | 2.6    |

Total Acres: 2.6

Method of Determination: Aerial Imagery, Landsat Data, ArcMap GIS tools.

3. X Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- x Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- N/A Aerial Photo Attached (required for irrigation of 10+ acres).
- x Photo of Diversion and System Attached

4.

| Well or Diversion ID No.* | Motor Make | Hp  | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------|------------|-----|------------------|-----------|-----------------------------------|
| N/A                       | N/A        | N/A | N/A              | N/A       | N/A                               |

**D. FLOW MEASUREMENTS**

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
| N/A                   | N/A  | N/A  | N/A       | N/A        | N/A  | N/A         |

2. Measurements: No measurement was taken

**E. FLOW CALCULATIONS**

\_\_\_\_\_ Additional Computation Sheets Attached

Measured Method: No measurement, exam was historic in nature.

**F. VOLUME CALCULATIONS**

1. Volume Calculations for irrigation: N/A because surface water source, per IDAPA 37.03.02.
2. Volume Calculations for Other Uses: N/A

**G. NARRATIVE/REMARKS/COMMENTS**

Field exam was completed by agent Justin Shearer July 30, 2019 and was accompanied by permit holder Christopher Oesterreich. Chris and his wife Krista are the active owners and were assigned the permit when they purchased the property in 2017. The application for permit was submitted July 30, 1985 by Jim and Randy James and was approved March 12, 1986. Proof of beneficial use was submitted on June 30, 1993 by David Brill who was assigned the permit April 14, 1991. The permit was later assigned to Marcia Anderson January 24, 1995, and then again to William and Nichole Sargent on January 8, 2007, and subsequently to Christopher and Krista Oesterreich January 17, 2017.

Because the permit's beneficial use period was March 12, 1986 through May 1, 1993 this exam was forensic in nature. However, the visiting the site confirmed the Point of Diversion (POD) to be in TWP 07N, Rge 01E, Sec. 8 SW¼ SE¼. No

system is currently in place, but this would have been beside the point seeing as how I was looking at what was developed within the beneficial use period aforementioned.

The permit authorizes 0.5 cfs for the irrigation of 25 acres within the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  and SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of TWP 07N, Rge 01E, Sec 8. Aerial imagery and landsat data from 1992 was used to determine the extent of irrigation that was taking place at the time and only 2.6 acres within the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of TWP 07N, Rge 01E, Sec. 8 were able to be confirmed as developed for irrigation purposes. The POU shape was determined based on the area able to be confirmed as irrigated in 1992 imagery. As a result, I am recommending that the department standard of 0.02 cfs/acre be licensed for a total licensed rate of 0.05 cfs. There is evidence of irrigation in the SESE, however 65-155 authorizes 0.5 cfs on 25.0 acres and carries a 1956 priority date. No additional B.U. can be determined

Condition 005 was replaced by R05. Condition 26 was removed. Condition 01D was replaced by R02. Condition R69 was added to account for rate and volume standards.

Have conditions of permit approval been met? ☒ Yes ☐ No

#### H. RECOMMENDATIONS

##### 1. Recommended Amounts

| <u>Beneficial Use</u> | <u>Period of Use</u> | <u>Rate of Diversion</u> |  |
|-----------------------|----------------------|--------------------------|--|
| IRRIGATION            | 03/01 to 11/15       | 0.05 CFS                 |  |

Totals: 0.05 CFS

##### 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

#### I. AUTHENTICATION

Justin Shearer - Water Resource Agent, Senior

Field Examiner's Name Justin Shearer Date 9/25/2020

Reviewer Patricia Kelly Date 9-25-2020

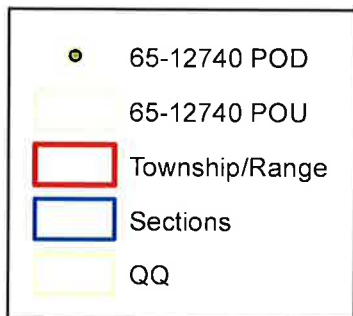
State of Idaho  
Department of Water Resources

# Attachment to Beneficial Use Field Report

System Diagram for Water Right 65-12740



0 0.075 0.15 0.3 Miles





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: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [westerninfo@idwr.idaho.gov](mailto:westerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

June 18, 2019

CHRISTOPHER OESTERREICH  
KRISTA OESTERREICH  
7810 N HWY 52  
SWEET, ID 83670

**COPY**

**RE: Water Appropriation Permit 65-12740**

**Notice of Intent to Void Permit**

Dear Permit Holder:

In 1986 IDWR issued permit 65-12740 authorizing Jim R. James and Randy L. James to develop a right to divert 0.500 cfs of water from SQUAW CREEK tributary to PAYETTE RIVER within the SW¼ SE¼ of Section 8, Township 7 North, Range 01 East, B.M., for IRRIGATION purposes in GEM County. Under the terms of the permit, the development was to have been completed by May 1, 1993. On June 30, 1993, IDWR received a Proof of Beneficial Use statement indicating development had been completed and water had been put to beneficial use. On June 26, 2017, and April 29, 2019, IDWR mailed letters to contact you in order to schedule a field examination to verify the water use in order to issue a water right license, to which no response has been received to date.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. If you have not developed a beneficial use of water within the development period authorized by your permit, however, no water right has been established, and no license can be issued. Once the development period authorized by your permit expires, your permit cannot be retained to cover future development of the resource.

**If you believe a water right license should be issued to you, please contact me within the next thirty (30) days at (208) 334-2190 schedule an examination to demonstrate that you have developed beneficial use. If I do not receive the requested information from you within thirty days, I will take action to void your permit under the provision of Section 42-219(8) of the Idaho Code.** If you agree that no beneficial use of water occurred under permit 65-12740, you can shorten the voiding process by completing the enclosed relinquishment form and returning it to IDWR.

If you have any questions, please contact me at 208-334-2190.

Respectfully,

Justin Shearer  
Water Resource Agent, Sr.

Enclosure: Relinquishment of Permit



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: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [westerninfo@idwr.idaho.gov](mailto:westerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

April 25, 2019

CHRISTOPHER OESTERREICH  
7810 N HWY 52  
SWEET, ID 83670

**COPY**

**RE: Scheduling Field Exam for Water Right Permit No. 65-12740**

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of the above-referenced permit **this season**. An examination is needed to verify the water use in order to issue a water right license.

The above-referenced permit authorizes **0.500 CFS** from **SQUAW CREEK** tributary to **PAYETTE RIVER** for **IRRIGATION** use. **If you have developed a beneficial use and still own the place of use property, please contact me at your earliest convenience to schedule an examination.**

If you did not develop a beneficial use of water under the permit during the beneficial use period, a license cannot be issued and the permit should be relinquished. If that use was developed, but have ceased using the water and you currently carry no interest in it, please relinquish the permit by submitting the enclosed Relinquishment of Permit form (no fee required).

If you did develop a beneficial use of water under the permit, but you no longer own the place of use property identified in the permit, please submit the enclosed Assignment of Permit form with the applicable \$25 processing fee.

**Please contact me within the next thirty (30) days at (208) 334-2190 to either schedule an examination or submit a relinquishment or assignment form. If you no longer own the place of use property and/or do not respond to this letter, the department will work with the current property owner to issue a license or void the permit.**

Sincerely,

Justin Shearer  
Water Resource Agent, Sr.

Enclosures: Relinquishment of Permit form  
Assignment of Permit form  
Water Permit Report and Map



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 26, 2017

COPY

CHRISTOPHER OESTERREICH  
7810 N HWY 52  
SWEET, ID 83670

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Sincerely,

Justin Shearer  
Water Resource Agent

Enclosures: Relinquishment of Permit form  
Assignment of Permit form  
Water Permit Report and Map