

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31N	04E	8							X	X									

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	
31N	04E	8								0.2									0.2

Right Acre Limit: 0.2

Total Acres: 0.2

Method of Determination: Arcmap and field examination.

3.

☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

☒ Aerial Photo Attached (required for irrigation of 10+ acres).

☒ 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
A0020101	GOULDS	2			

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements: Unable to perform flow measurement due to piping from well going directly into pressure tank.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method: Theoretical pumping equation estimates flow at 0.02 cfs. See attached theoretical pumping equation worksheet.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 0.2 \text{ acres} \times 3 \text{ afa} = \mathbf{0.6 \text{ af}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.02 \text{ cfs} \times 246 \text{ days} \times 1.9835 = 9.8$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} = 0.6 \text{ af}$$

2. Volume Calculations for Other Uses:

$$\text{Domestic annual diversion volume} = 2 \text{ homes} \times 0.6 \text{ af} = \mathbf{1.2 \text{ af}}$$

$$\text{Stockwater annual diversion volume} = 10 \text{ chickens} \times 1 \text{ gal} \times 365 \text{ days} = 365 \text{ gallons}$$

$$5 \text{ cows} \times 12 \text{ gal} \times 365 \text{ days} = 21,900 \text{ gallons}$$

$$3 \text{ goats} \times 2 \text{ gal} \times 365 \text{ days} = 2,190 \text{ gallons}$$

$$\text{Stockwater combined total volume} = 365 \text{ gal} + 21,900 \text{ gal} + 2,190 \text{ gal} = 24,455 \text{ gal} / 325850 \text{ gal/af} = 0.07 \text{ af which is rounded up to } \mathbf{0.1 \text{ af}}$$

$$\text{WR Maximum Diversion Volume} = 0.6 \text{ af (irrigation)} + 1.2 \text{ af (domestic)} + 0.1 \text{ af (stockwater)} = \mathbf{1.9 \text{ af}}$$

G. NARRATIVE/REMARKS/COMMENTS

IDWR administrative note: at time of permitting, this water right was issued with the incorrect administrative basin number 82-12248. During licensing review, administrative number was corrected, resulting in current WR number 85-15796.

Field exam performed with the applicant, Jane Stone, showed a well being used for domestic (2 homes), stockwater (mixed stock), and irrigation purposes. The well had a 2.0 HP pump that piped directly into a pressure tank, and I was unable to perform a flow measurement without a proper place for measuring equipment. Theoretical pumping equation was used to determine a flow rate of 0.02 cfs. The pump was estimated to be 640 feet down running at 45 psi (equation attached). At time of permitting, a diversion rate of 0.20 cfs was authorized, but the applicant is limited by the pump installed at time of proof of beneficial use and subsequent field exam. A pump curve worksheet for a Goulds 2 hp pump reinforces the theoretical pumping equation value showing 8 gallons per minute, which equates to 0.02 cfs. As such, 0.02 cfs will be carried to licensing.

There were 2 homes identified using water for in-home domestic use. The irrigation component provides water for external home use including watering of lawn, garden, and landscaping. WR 85-10190 was identified as using same well as this water right. Court documentation provided showed agreement for water use between the two homes, with specifics for easement, cost share, and additional water use specifics.

Acreage for irrigation was identified at time of exam, and traced out using arcmap resulting in 0.2 acres. The irrigation annual volume is limited to 0.6 af (0.2 acres x 3 AF). Irrigation and stockwater use was provided by frost free hydrants and hoses, using portable sprinklers attached to hoses. Stockwater use was for 5 cows, 3 goats, and 10 chickens on the property. Applicant had constructed a chicken coup, and watered cattle and goats using water from frost free hydrant to portable stock tanks using hoses. Evidence of stock usage was found at time of field exam. Volume calculations derived a stockwater annual volume equaling 0.07 af, which was rounded up to 0.1 af, accounting for department significant figure standards. The maximum diversion volume was derived adding the three water components as follows: 0.6 af (irrigation) + 1.2 af (domestic) + 0.1 af (stockwater) = 1.9 af, which will be carried to licensing.

Condition 046 and 26A were removed from license. Condition R62 was changed to R66 to describe irrigation headgate limiting values of no more than .03 cfs and/or 3.0 afa headgate requirement. Condition X35 was added due to overlap concern, and states that rights 85-10190 and 85-15796 when combined shall not exceed the domestic use for 2 homes. All other conditions remain from permit to license. Overlap concerns for this water right were addressed by legal representation and condition X35 added to describe overlap limitations.

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>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
IRRIGATION	03/15 to 11/15	0.01 CFS	0.6 AF
<u>Totals:</u>		0.02 CFS	1.9 AF

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 Luke Bates - Water Resource Agent

Field Examiner's Name Adam Fink Date 4/30/2020

Reviewer [Signature] Date 4/28/2020






State of Idaho
Department of Water Resources
Attachment to Field Exam
85-15796

DOMESTIC system diagram.

04E

31N



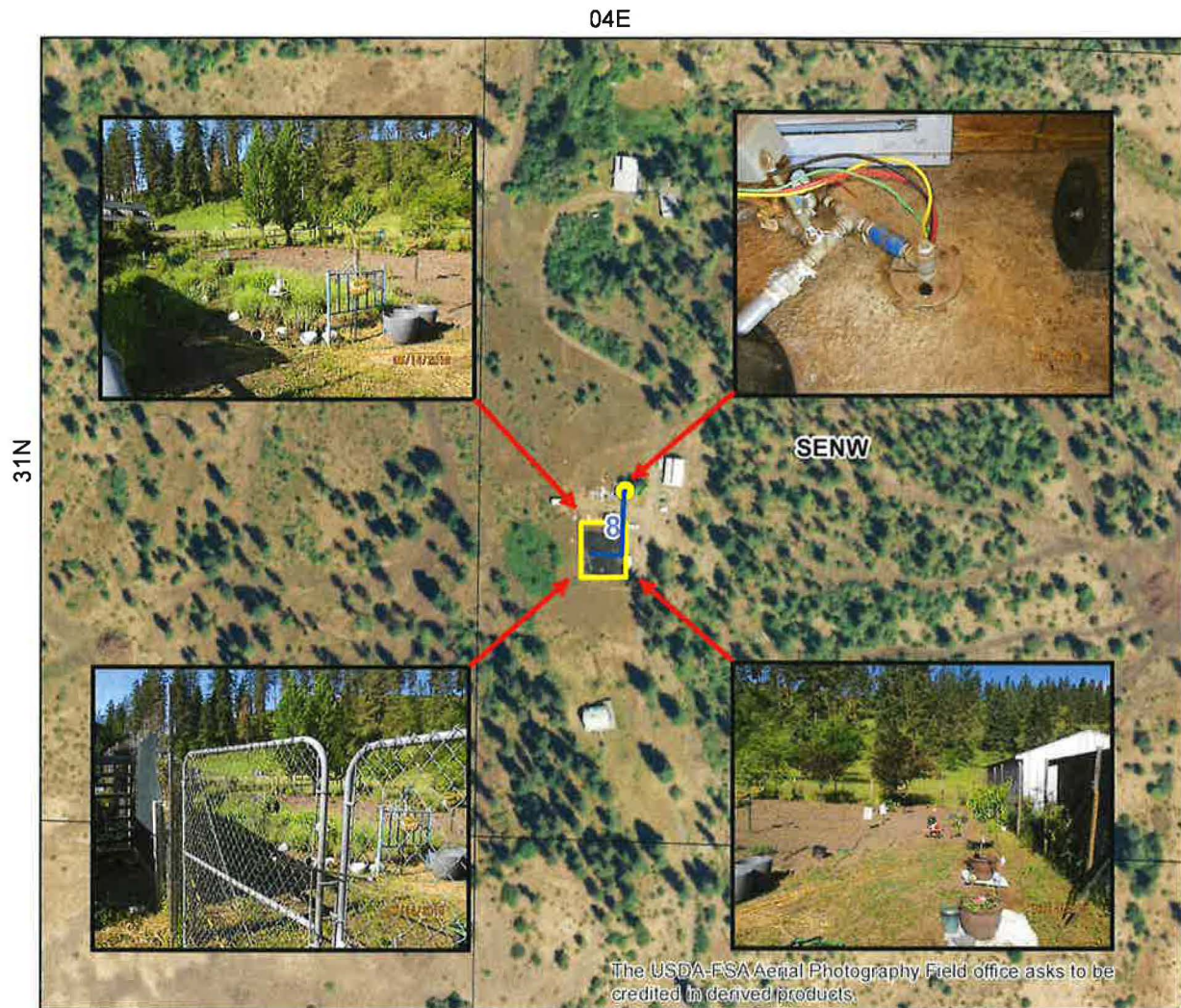
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters






0 0.035 0.07 0.14 Miles




State of Idaho
Department of Water Resources
Attachment to Field Exam
85-15796

IRRIGATION system diagram.



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

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Field Exam
85-15796

STOCKWATER system diagram.



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

0 0.035 0.07 0.14 Miles



MEMORANDUM

To: Water Right Permit 85-15796

From: Luke Bates

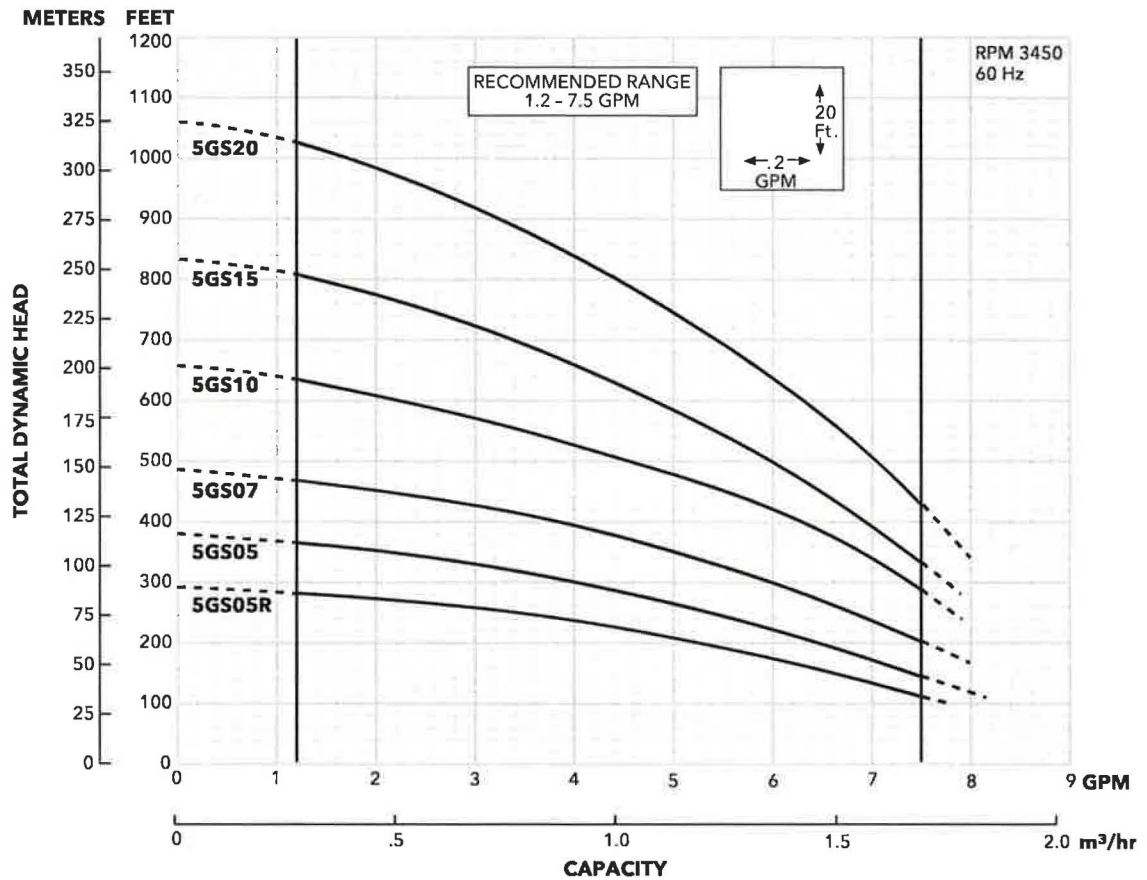
Date: 4/28/2020

Re: Application for a Permit to Appropriate Water within the State of Idaho.

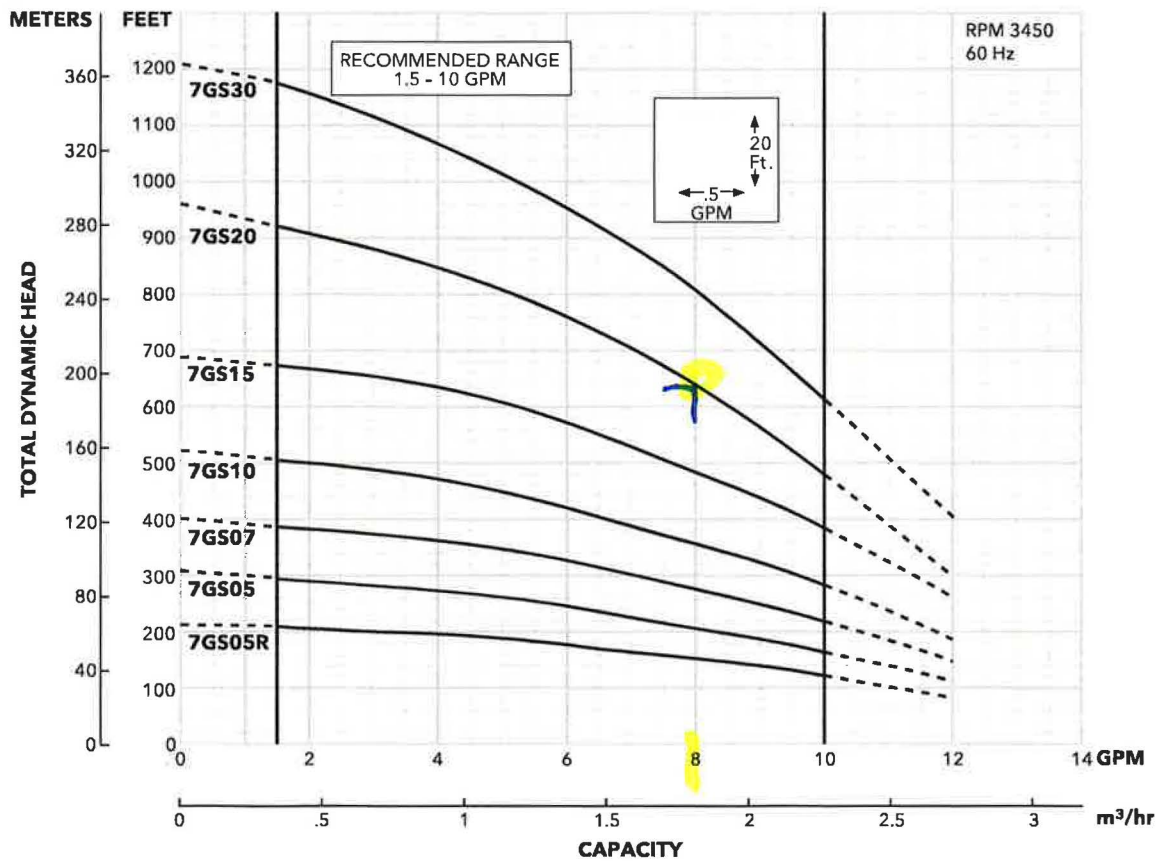
An application for permit was received for domestic, stockwater, and irrigation water use by the applicant, Jane M Stone. During licensing review, the Attorney General requested court documentation regarding a lawsuit involving a neighbor's property. Two files, a water agreement and easement document and court proceeding document, have been added to the back file at time of licensing. IDWR still considers the water rights contested in afore mentioned proceedings to be valid and current, and are accounted for in licensing conditions and Beneficial Use Report narrative.

Residential Water Systems

Model 5GS



Model 7GS



THEORETICAL PUMPING EQUATION FOR WR# 85-15796

Theoretical Pumping Equation is required because system did not allow for a proper measurement. Pump is estimated to be at 375 ft, and running at 40 psi.

<u>PUMP EQUATIONS</u>						
WATER RIGHT No.		85-15796				
		HP	H in feet	Efficiency as a decimal	Pumping lift in feet	System pressure in PSI
Q =	HP*8.8*Eff/H	2	744.0816	0.8	640	45
Q =		0.019 cfs		8.5 gpm		

RECEIVED
JUL 20 2018
LAW/KORTH

WATER AGREEMENT AND EASEMENT

THIS AGREEMENT made this 7 day of September, 2014, between Jane Stone of Stites, Idaho, herein referred to as "First Party" and AV Trust, of Stites Idaho referred to as "Second Party"

1 First Party is the owner of a tract of land in Idaho County, State of Idaho, legally described as follows:

A parcel of land situate in the Northwest $\frac{1}{4}$ of Section 8, Township 31 North, Range 4 East, Boise Meridian, Idaho County, State of Idaho, more particularly describes as follows:

Commencing at a found 2 $\frac{1}{2}$ " diameter brass cap monument marking the Northwest corner of said Section 8; thence, along the West boundary line of said Section 8, South 0313'06" East a distance of 1374.14 feet to a set 5/8" diameter by 30" long rebar with a PLS 11593 plastic cap marking the Northwest corner of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 8, said point being the True Point of Beginning; thence, leaving said West boundary line, South 8957'20" East a distance of 1,288.40 feet to a set 5/8" diameter by 30" long rebar with a PLS 11593 plastic cap marking the Northeast corner of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 8; thence South 8943'13" East a distance of 144.88 feet to a set 5/8" diameter by 30" long rebar with a PLS 11593 plastic cap; thence South 0102'32" East a distance of 337.75 feet to a

set 5/8" diameter by 30" long rebar with a PLS 11593 plastic cap; thence North 89°51'18" East a distance of 504.72 feet to a set 5/8" diameter by 30" long rebar with a PLS 11593 plastic cap; thence North 89°49'26" East a distance of 149.18 feet to a set 5/8" diameter by 30" long rebar with a PLS 11593 plastic cap; thence South 01°00'20" East a distance of 1,008.84 feet to a set 5/8" diameter by 30" long rebar with a PLS 11593 plastic cap located on the South boundary line of said Northwest ¼ of Section 8; thence, along said South boundary line, South 89°16'41" West a distance of 449.22 feet to a set 5/8" diameter by 30" long rebar with a PLS 11593 plastic cap; thence, leaving said South boundary line, North 02°10'36" West a distance of 337.94 feet to a set 5/8" diameter by 30" long rebar with a PLS 11593 plastic cap; thence South 89°28'19" West a distance of 318.24 feet to a set 5/8" diameter by 30" long rebar with a PLS 11593 plastic cap; thence South 02°23'16" East a distance of 339.05 feet to a set 5/8" diameter by 30" long rebar with a PLS 11593 plastic cap located on the South boundary line of said Northwest ¼ of Section 8; thence, along said South boundary line, South 89°16'41" West a distance of 1,267.86 feet to a found 3" diameter brass cap monument marking the West ¼ corner of said Section 8; thence, leaving said South boundary line, along the West boundary line of said Section 8, North 03°13'06" West a distance of 1,374.15 feet to a set 5/8" diameter by 30" long rebar with a PLS 11593 plastic cap marking the Northwest corner of the Southwest ¼ of the Northwest ¼ of said Section 8, said point being the True Point of Beginning.

Said parcel containing 56.74 acres, more or less.

Subject to any easements written, unwritten, recorded or unrecorded.

2. Second Party is entering into a transaction to acquire adjacent property legally described as follows

Situate in Township 31 North, Range 4 East, Boise Meridian, Idaho County, Idaho, Section 8: SW1/4SW1/4SE1/4NW1/4.

3. There is on the property of First Party, a well, together with casing and pump used in connection therewith, which well was drilled and which has been maintained by First Party. The said well is located on property owned by First Party.

4. All previous agreements regarding the well with any predecessor's in interest Randy and Terry Stevenson are null and void.

5. The above mentioned well is, and shall remain, the property of the First Party and is intended to provide the domestic water needs for the property being purchased by Second Party. The parties hereto intend to set forth a water sharing arrangement.

THEREFORE, First Party and Second Party in consideration of mutual benefits to be derived therefrom do hereby agree that Second Party shall have permission to take water from the well and to use such water for domestic purposes and to convey such water from the well or existing line; to the

residence to be located on Second Party's tract of land by a pipe line. First Party hereby grants to the Second Party for the purpose of conveying such water above described, an easement on, in, over, and across, a strip of land where the current pipe line is located, including the right to maintain and replace the said pipe line at the same location. A legal description of the easement is attached hereto, marked as Exhibit II and made a part hereto.

The right of the Second Party, their heirs and assigns to take water from the well is conditioned on Second Party bearing a proportional share of all expenses incurred in the operation of the above described pump and a proportional share of all the expenses connected with the maintenance of the well and all accessories thereto together with others taking water from the said well. Each party, their heirs and assigns, shall keep and maintain the pump, and pipe lines in good order so there will be no leakage or seepage therefrom or defects that may cause injury to the lands and premises of either party.

In the event maintenance or replacement is necessary on common parts of the well, pump or appurtenant equipment, the cost thereof shall be born equally by parties. In the event one party shall incur any necessary expense beyond their respective share, said party shall notify the other party of the necessary expense and the amount attributable to the other party, and the other party shall promptly pay the party incurring the expense any amounts due from the other party.

The parties shall cooperate in their use of the well to provide each party equal opportunity, use and production from said well. Neither party shall over use the well so as to materially affect the well production, static level or any other permanent characteristic of the well.

A sub-power meter will be installed in the pump house to monitor the power usage of the well. Separate water use meters shall be installed monitoring water use for each parcel. The installation costs of the power and water meters shall be borne equally by both parties.

The first party shall bill the second party monthly for water usage. The bill will be based on the amount of power used to operate the well based on proportion water usage. A minimum of \$10.00 per month shall be bill to the Second party, Any water usage above the minimum charge will added to the monthly minimum. The Second party shall pay the monthly bill within 30 days, in the event the monthly bill is not paid within the 30 days, the water to the Second Party will be turned off and not turned back on until the water bill is paid in full. A 6% late fee will be charge on any bill past due 30 days.

Each party shall bear their own respective risk of use of water from said well and shall be respectively responsible for performing their own testing of the water as each may deem advisable by them to insure potability or fitness of water for their use.

In the event any lawsuit is commenced arising from this Agreement, the prevailing party shall be entitled to any award of cost and reasonable attorney fees from the non-prevailing party.


Jane Marie Stone


AV Trust

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3
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5
6
7
8 SCOTT CHAPMAN
9 CHAPMAN LAW OFFICES, PLLC
10 1106 Idaho Street
11 Post Office Box 446
12 Lewiston, Idaho 83501
13 (208) 743-1234
14 Idaho State Bar No. 3467

15 IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
16 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

17 JANE M. STONE,

18 Plaintiff,

19 vs.

20 RANDY W. STEVENSON and
21 TERRY J. STEVENSON,

22 Defendant.
23

Case No.: CV41272

RELEASE OF LIS PENDENS

24 Comes now the plaintiff, Jane M. Stone, herein and hereby releases the lis
25 pendens filed in the above entitled matter and recorded in Idaho County as
26
27
28

RELEASE OF LIS PENDENS

1

Chapman Law Offices, PLLC
ATTORNEYS AT LAW
Post Office Box 446
Lewiston, ID 83501

68, 265.22

494779

Instrument # 494779

IDAHO COUNTY, IDAHO,

5-23-2014 12:08:12 No. of Pages: 2

Recorded for: SCOTT CHAPMAN

KATHY M. ACKERMAN

Ex-Officio Recorder Deputy

Fee: 13.00

SCOTT CHAPMAN
CHAPMAN LAW OFFICES, PLLC
1106 Idaho Street
Post Office Box 446
Lewiston, Idaho 83501
(208) 743-1234
Idaho State Bar No. 3467

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

JANE M. STONE,

Plaintiff,

vs.

RANDY W. STENVENSON and
TERRY J. STEVENSON,

Defendant.

Case No.: CV41272

LIS PENDENS

NOTICE IS HEREBY GIVEN Jane M. Stone, plaintiff in the above-
entitled action, has instituted an action against the above-named defendants
and each of them.

1) Declaratory judgment regarding transfer of a water right to use an
adjacent well.

2) Nuisance (public and private).

LIS PENDENS

1

Chapman Law Offices, PLLC
ATTORNEYS AT LAW
Post Office Box 446
Lewiston, ID 83501

EXHIBIT A

1
2 3) Reimbursement for survey costs and fence construction.


3
4 The object of said action is: sewage from defendants' property is
5 running onto the plaintiff's property constituting a public nuisance, a private
6 nuisance, and a trespass.

7
8 The real property affected by this Lis Pendens is described as follows,
9 to-wit:

10 Situate in Township 31 North, Range 4 East, Boise
11 Meridian, Idaho County, Idaho, Section 8:
12 SW1/4SW1/4SE1/4NW1/4

13 DATED this 28 day of September, 2011.


14 CHAPMAN LAW OFFICES, PLLC

15
16 
17 Scott Chapman

18
19
20 STATE OF IDAHO)
21) ss.
22 County of Nez Perce)

23 On this 28 day of September, 2011, before me personally appeared
24 Jane Stone, to me known to be the person described in and who executed the
25 within instrument, and acknowledged that she executed the same as her free
26 act and deed.




NOTARY PUBLIC for Idaho
Residing at: Clarkston, WA
My Commission Expires: 9-23-17

Chapman Law Offices, PLLC
ATTORNEYS AT LAW
Post Office Box 446
Lewiston, ID 83501

LIS PENDENS

1
2 Instrument #494779 (A copy of which is attached hereto as Exhibit A).

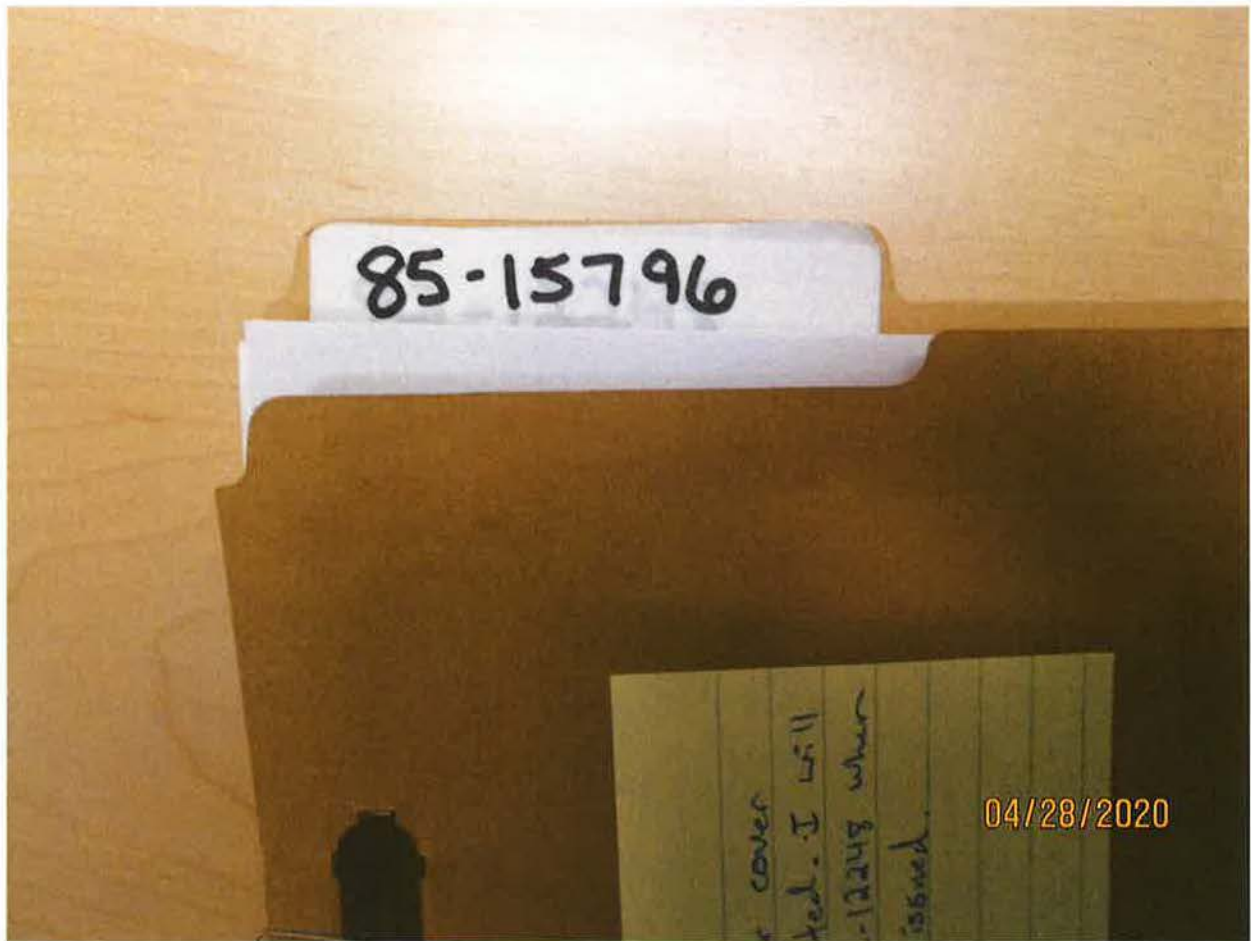
3 DATED this 7th day of August, 2014.
4

5
6 Jane M. Stone
7 Jane M. Stone

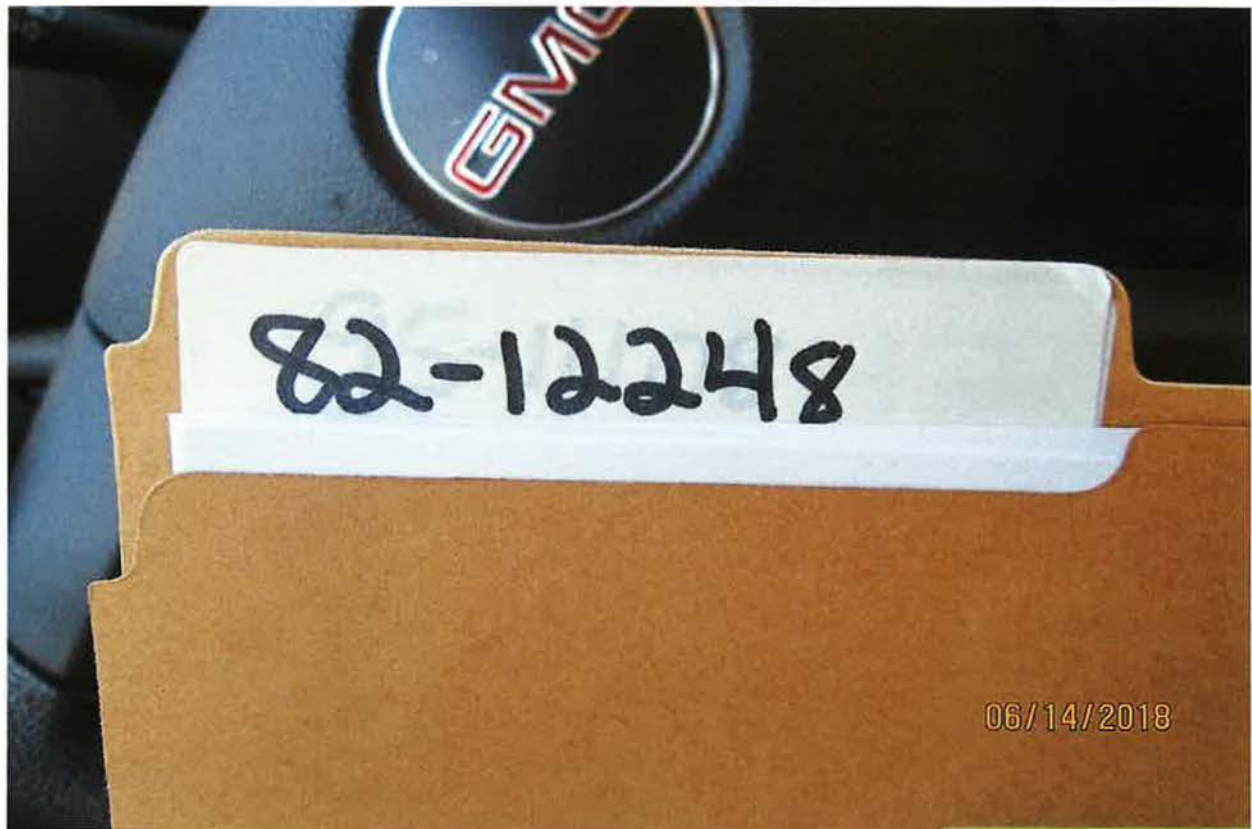
8 SUBSCRIBED and SWORN to before me this 7th day of August,
9 2014.



Lora Winker
Notary Public for State of Idaho
Residing at: Lewiston, ID
My Commission Expires: 9-22-17



UPDATED WR # WITH CORRECTED ADMINISTRATIVE BASIN



Well located in floor of pump house. Well drilled around 1976 and given IDWR tag A0020101.



2hp Goulds Pump set at 640 feet and running at 45 psi.



Well located next to pressure tank. No proper location to conduct measurement. Theoretical pumping equation and pump curve estimate around 8 gpm.



Home 1.



Home 2.



irrigation place of use.





Irrigation place of use.



Stock watering for chickens, goats, and livestock.