

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

A. GENERAL INFORMATIONPermit No: 95-17682

Exam Date: 11/15/19

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: Dennis W. and Marjorie J. Johnson
 Owner of Record Correct? X Y N
 Address of Record Correct? Y N
 If No: Address

Tax parcel data shows the Dennis Johnson as the owner of the property.

3. Beneficial Use Fees have been paid: X Y N Receipt No: N035731

4. **SOURCE** **TRIBUTARY**

Springs

Sinks

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
95-14604	Spring	Domestic and Stockwater	Recommendation
95-14603	Spring	Domestic and Stockwater	Claim

Comments: Water right 95-14604 is from a different spring, and is for this home and another home, and stockwater uses for 12 to 14 horses. Both homes are on property owned by Dennis Johnson, but there are two distinct homes. The spring for this adjudication recommendation is east of the home, and the spring for this permit is south of the home. Adjudication claim 95-14603 is from the same spring and for the same uses as this permit. Adjudication Claim was recommended as disallowed, due to no beneficial use being developed at the proper time. The comments in the proof report state the following: "Claimant states in provided evidence that the claimed spring was not developed until 1985 by the previous owner and was connected to the claimant's home in 1996. The original spring that once provided water to an old homestead was abandoned and is no longer in use. Claim to be disallowed." The property is also within the Garwood Water Cooperative municipal boundary. However, in searching the files, at the time that the Garwood right was licensed, the Department has a customer list. The customer list doesn't include Johnson, or the previous owners of the property Warner and Petersen. Supposedly, the property was homesteaded by Warner.

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

Water Right No.	Source	Purpose of Use	Basis
95-14603	Spring	Domestic	Claim

Comments: Adjudication claim 95-14603 has been recommended to be disallowed. The comments in the proof report state the following: "Claimant states in provided evidence that the claimed spring was not developed until 1985 by the previous owner and was connected to the claimant's home in 1996. The original spring that once provided water to an old homestead was abandoned and is no longer in use. Claim to be disallowed."

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Spring			NE	SW	20	52N	3W	B.M.	KOOTENAI
								B.M.	
								B.M.	

Method of Determination: Application for Permit, GIS, and Tax Parcel Data.

Please Note: I was unable to specifically identify a point for the spring in the aerial imagery, but there does seem to be additional green growth in the 2017 aerial imagery around the area where the point was marked in the application for permit.

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	
51N	3W	4								D & S									
		Lot #																	
Total Acres =																			

Method of Determination: GIS and Tax Parcel DataChange 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
Spring	Gravity Flow				

*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

Attached

YES Additional Computation Sheets

Measured Method:

There is no information in the file that can be used to calculate a flow rate, so I use Administrative Processing Memorandum #22 as a guide for the domestic use. I used Administrative Processing Memorandum #3 for the stockwater rates. The application for permit and the permit only state 20 head of mixed stock, and did not specify the type of stock. Overlapping adjudication claim 95-14603 was filed for 10 horses and 10 beef cattle. According to Administrative Processing Memorandum #3, horses and cattle have the same diversion rate and volume estimates.

Administrative Memorandum #22 allows = 0.04 cfs
Domestic Rate in Permit = 0.04 cfs

Administrative Memorandum #3 allows = 0.02 cfs for 20 head of cattle or horses.
Stockwater Rate in Permit = 0.02 cfs.

Total Per Administrative Memorandums = 0.06 cfs
Total Per Permit = 0.06 cfs

The permit matches the Department standards, so I am recommending the same diversion rates listed on the permit.

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:

There is no information in the file that can be used to calculate a volume, so I use Administrative Processing Memorandum #22 as a guide for the domestic use. I used Administrative Processing Memorandum #3 for the stockwater volumes. The application for permit and the permit only state 20 head of mixed stock, and did not specify the type of stock. Overlapping adjudication claim 95-14603 was filed for 10 horses and 10 beef cattle. According to Administrative Processing Memorandum #3, horses and cattle have the same diversion rate and volume estimates.

Domestic Use According to Administrative Memorandum #22 allows = 1.2 af

Administrative Memorandum #3 authorizes a Volume of 0.4 af for 11 to 25 head of cattle or horses. I feel this volume is reasonable.

I am recommending a diversion rate of 1.2 af for the domestic use and 0.4 af for the stockwater for a total volume of 1.6 af.

G. PURPOSE OF USE

Irrigation Y N # Stock 20 Domestic # of Homes 1

Other: < >

Change in Purpose of Use? Y N

Method of Determination: Tax Parcel Data and GIS.

If Yes: From Use To Use Amount CFS AFA

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-house examination. There was no information in the file to determine the diversion rate and annual volume, so I used the standard set forth in Administrative Processing Memorandums #22 and #3. The aerial photography clearly shows a home on this property, and the tax parcel information suggests the home was constructed in 1980. This matches the information that was given as evidence in adjudication claim 95-14603.

I used the same point of diversion shown on the application for permit maps. I couldn't see any area that stood out in the aerial imagery as a spring, but there does appear to be a greener area in the 2017 maps at the location marked in the application as the point of diversion. I couldn't see any structures to suggest this is correct.

The place of use in the permit showed the home for the domestic use and the barn for the stockwater use. I carried those locations forward to the license map.

Condition 928 was placed on the permit. This condition states that some of the water use authorized by this permit may be claimed in the North Idaho Adjudication under water right 95-14604, but I think that condition should list water right 95-14603. Water right claim 95-14603 is from the **same** spring and for the same domestic and stockwater uses. Adjudication recommendation 95-14604 is from a **different** spring, but is used for the same home and stockwater use plus an additional home use. Adjudication claim 95-14603 has been recommended as disallowed, but it could be revived if additional evidence is received. Adjudication claim 95-14603 needs to be in this condition. If adjudication claim 95-14604 was decreed, would have needed an X35 condition, but since a partial decree hasn't been entered for this right, we cannot include it in an X35 condition. I strongly recommend that adjudication claim 95-14604 be recommended with an X35 condition to ensure that water use from these two springs are not enlarged.

Conditions 004, 928, X01, and 187 will be carried forward to licensing with the correction to condition 928 discussed above. The condition listing the number of livestock in the permit will be removed at licensing as is standard.

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
Stockwater	01/01 to 12/31	0.02 CFS	0.4 AFA
<u>Totals:</u>		0.06 CFS	1.6 AFA

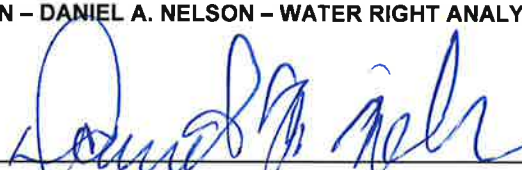
2. Recommended Amendments

☐ 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: < >

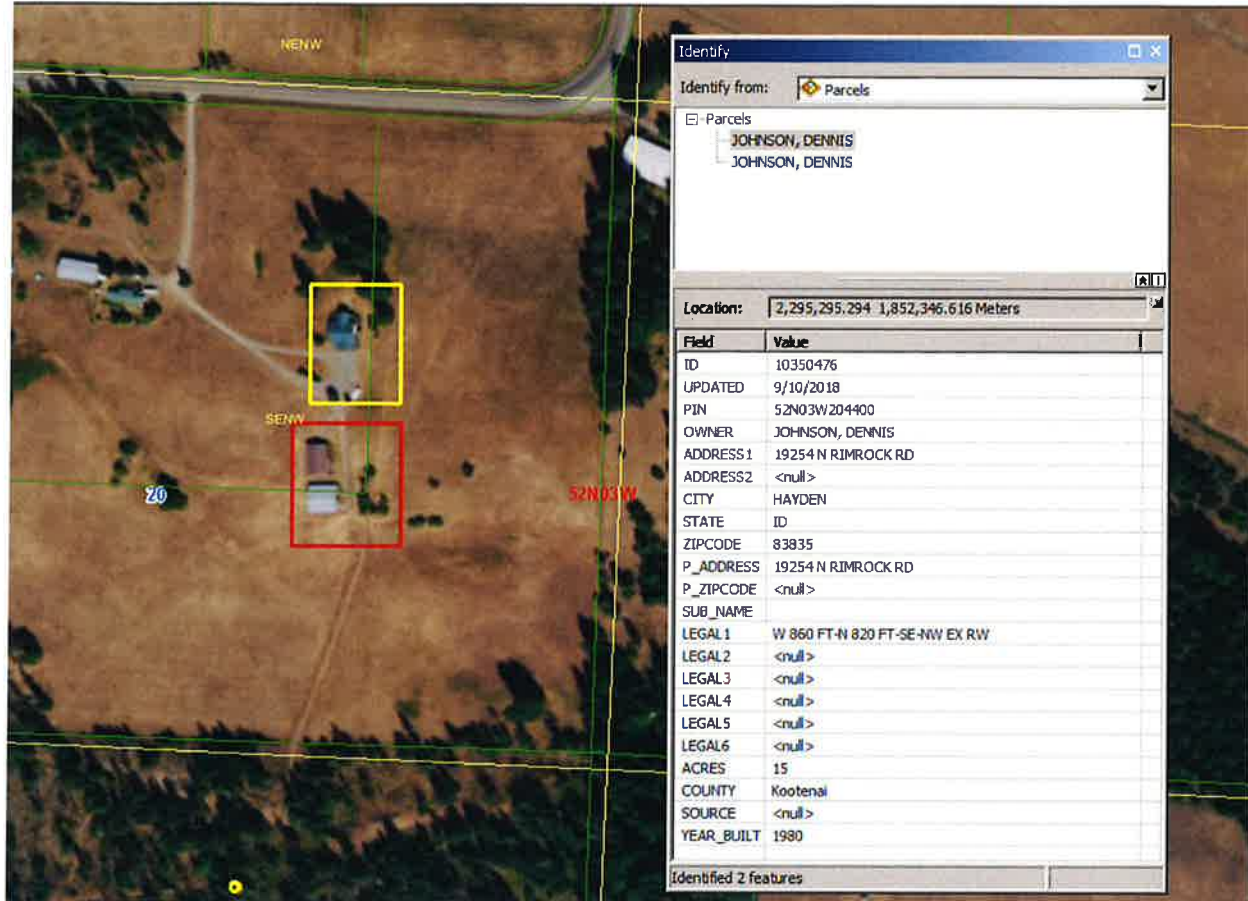
J. AUTHENTICATION – DANIEL A. NELSON – WATER RIGHT ANALYST 3

Field Examiner's Name  Date 11-15-19

Reviewer  Date 1/3/2020

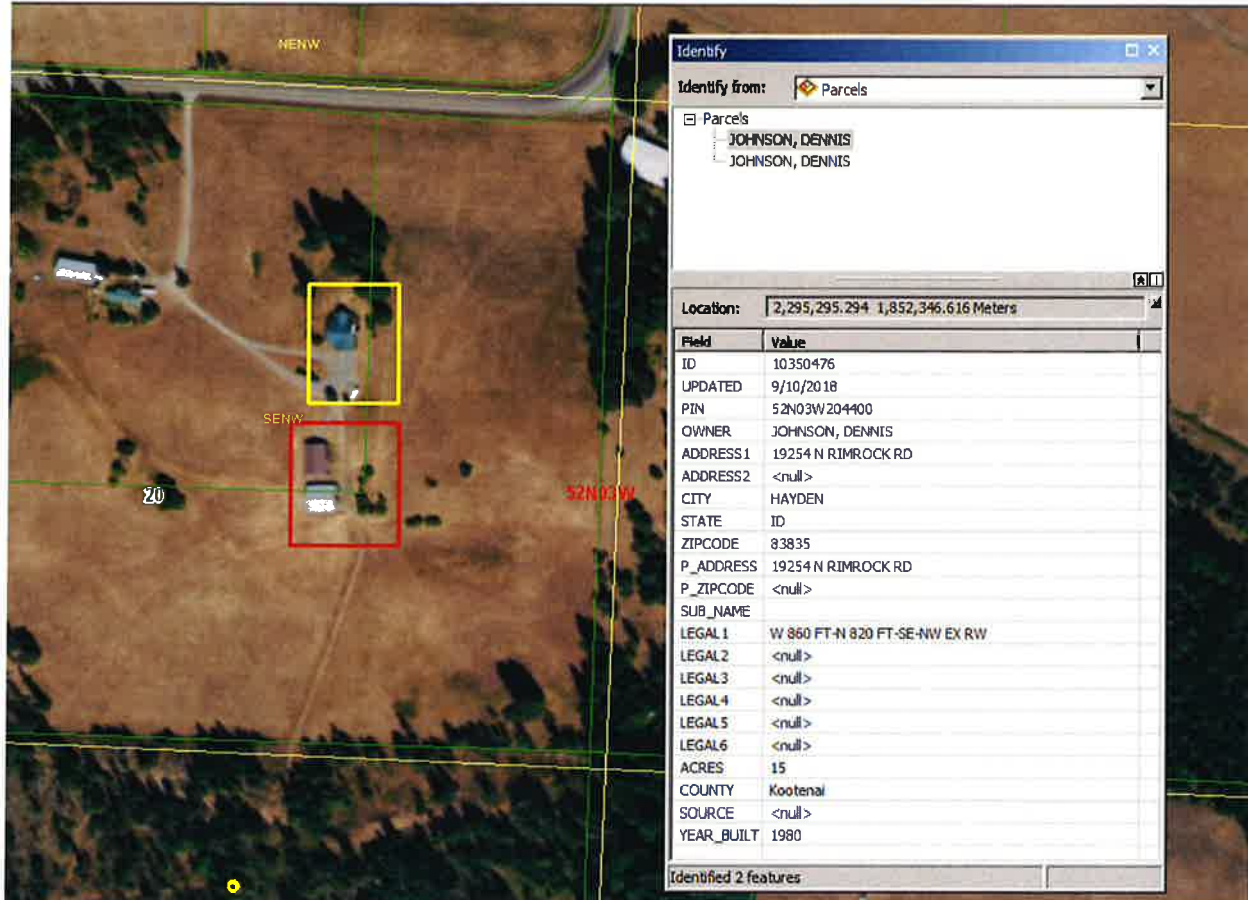
Field Exam Map:

The following aerial imagery shows the domestic place of use (yellow border) and the stockwater place of use (red border). The yellow dot is the location of the spring. The tax parcel information shows the home was built in 1980, and that both parcels within the place of use are owned by Dennis Johnson.



Field Exam Map:

The following aerial imagery shows the domestic place of use (yellow border) and the stockwater place of use (red border). The yellow dot is the location of the spring. The tax parcel information shows the home was built in 1980, and that both parcels within the place of use are owned by Dennis Johnson.



Beneficial Use Proof Evaluation

Permit Number: 95-17682 Reviewer: djudd Review Date: 11/13/2019

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 11/6/2019
- 4) Proof Due Date: 1/1/2020
- 5) Days added for weekend due date?
- 6) Days added for holiday due date?
- 7) Number of days late: -56
- 8) Proof received timely? Yes

Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 3) Are the required items installed?
 - a. Measuring Device --
 - b. Lockable Device --
 - c. Fish Screen --
- 4) Is there a request to waive the required items?
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed?
- 7) Was a well drillers report filed?
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

N033881

Comments