

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

A. GENERAL INFORMATIONPermit No: 96-9719

Exam Date: 11/7/2019

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y N
- a. Irrigation of 5 acres or less
 - b. Storage of up to 14.6 AF for stockwater purposes only
 - c. Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - d. Other < >

2. Current Owner: Name: Ann M. Kritzeck
Owner of Record Correct? X Y N
Address of Record Correct? Y N
If No: Address

Tax lot data shows Ann M. Kritzeck as the owner of the property.

3. Beneficial Use Fees have been paid: X Y N Receipt No: C107923

4. **SOURCE** **TRIBUTARY**
Pend Oreille River Columbia River

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
NONE			

Comments: There are no overlapping water rights for this property.

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

Water Right No.	Source	Purpose of Use	Basis
NONE			

Comments: There are no overlapping water rights for this point of diversion.

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

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
River Diversion	L 1		SW	SW	25	57N	3W	B.M.	BONNER
								B.M.	
								B.M.	

Method of Determination: GIS 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	
57N	3W	25															D		
		Lot #															L 1		
Total Acres =																			

Method of Determination: GIS and Tax Lot 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.

 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
Jet Water 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 CALCULATIONSYES Additional Computation Sheets

Attached

Measured Method:

There was very little information in the file describing the pumping system for this permit, so I followed Processing Administrative Memorandum #22.

Administrative Memorandum #22 = 0.04 cfs
Permit allowed = 0.04 cfs

I am recommending a diversion rate of 0.04 cfs, since it matched the permit and Administrative Memorandum #22

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \text{N/A}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = \text{N/A}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \text{N/A}$$

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

2. Volume Calculations for Other Uses:

Processing Administrative Memorandum #22 allows 1.2 af for in-house use and up to 1/2 acre of yard irrigation. I am recommending 1.2 af.

G. PURPOSE OF USE

Irrigation Y N # Stock _____ Domestic # of Homes 1

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

There were a couple of issues involving this permit. The first issue is that it appears as though the property crosses the Government Lot line in our mapping system. However, when you review the Bonner County records, it appears as though the Government Lot line should be further out into the river. The Warranty Deeds for this property state that the entire property is within Government Lot 1. Therefore, I am leaving the Government Lot description in the place of use and point of diversion, since the tax parcel and Warranty Deeds are based on current surveys unlike the Public Land Survey data that was surveyed in the 1800's.

The permit required a fish screen, and the permit holder marked on the proof of beneficial use statement that a fish screen was not installed or required. I have contacted the permit holder, and she has confirmed in a November 9, 2019, email that the system was in compliance.

Conditions 004, X01, 187 and X15 will be carried forward to licensing. Condition 1 (X15) will be modified to state that the fish screen shall be maintained. The remainder of the conditions will be removed at licensing.

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>
Domestic	01/01 to 12/31	0.04 CFS	1.2 AFA
<u>Totals:</u>		0.04 CFS	1.2 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 ☒ 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 11-12-19

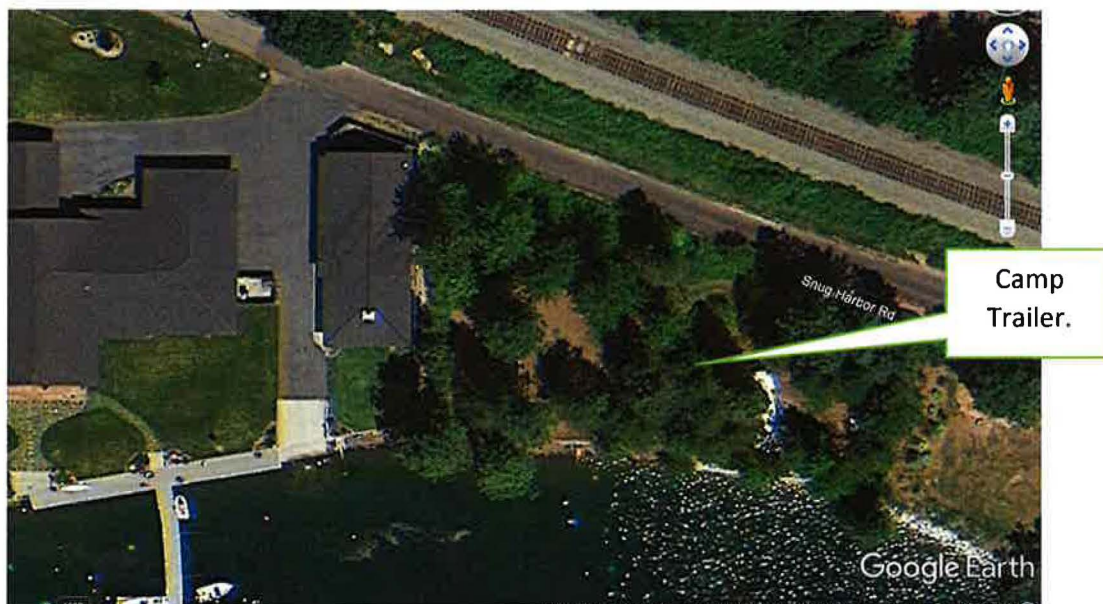
Reviewer  Date 11/20/19

Permit 96-9719 – Field Exam Map.

The following map is a 2013 aerial image that shows a camp trailer at the site. The application for permit stated the in-house domestic use was for a camp trailer. It should also be noted that the Department's Public Land Survey (PLS) lines show that a portion of the parcel is in the Pend Oreille River channel, but the warranty deeds on the Bonner County Assessor's page state that the property is totally in Government Lot 1. It has been the Department's policy to follow the warranty deeds description when the PLS and the tax parcel information don't match, because the tax parcel information is based on a recent survey and the PLS is based on an older survey that may not be correct.

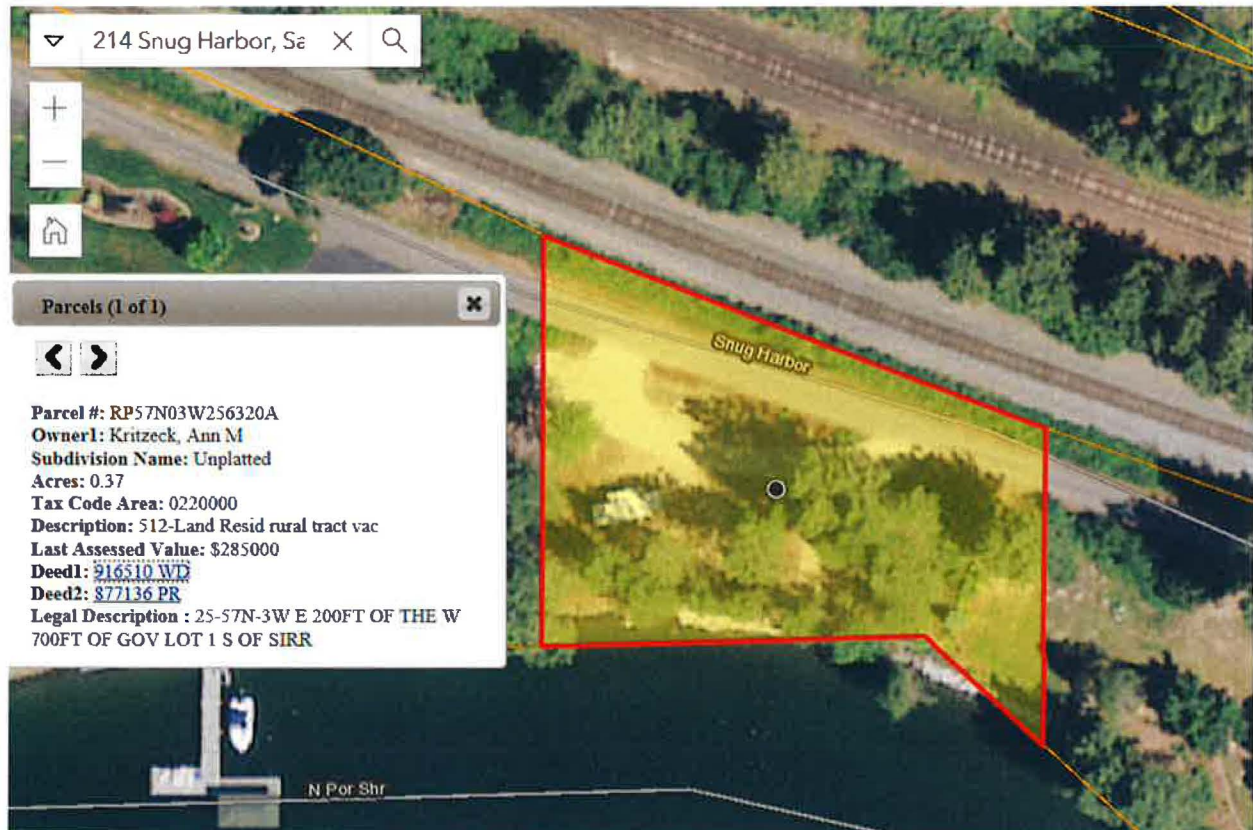


The 2014 Google Earth Map also shows a camp trailer on the property.



Permit 96-9719 – Tax Parcel Map From Bonner County

The following is the tax parcel map from Bonner County. You can see that it matches the Department's Tax Parcel lines, but the Warranty Deeds state that this property is entirely in Government Lot 1. See Attached Warranty Deeds. Also note that you can see a trailer in this aerial image as well. The trailer appears to be kept permanently at this location. The white line at the bottom of the aerial photo is referred to as the "N Por Shr" which I would assume to be the actual North Shoreline of the Pend Oreille River, and the actual location of the southern border of the Government Lot 1. .



**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

Watherspoon Kelley
Ann: M. Gregory Embrey
608 Northwest Blvd., Suite 300
Coeur d'Alene, ID 83814

Instrument # 877136
BONNER COUNTY, SANDPOINT, IDAHO
7-31-2016 02:33:00 PM No. of Pages: 2
Recorded for: WITHERSPOON KELLEY
MICHAEL W ROSEDALE Fee: 13.00
Ex-Officio Recorder Deputy
INDEXED BY CDEP

(Space Above For Recorder's Use)

PERSONAL REPRESENTATIVE'S DEED

THIS PERSONAL REPRESENTATIVE'S DEED, made by Ann M. Kritzeck and Edward C. Eitzman, as Co-Personal Representatives of the Estate of Vivian L. Eitzman, deceased, Grantors, to Ann M. Kritzeck, a married woman as her sole and separate property, and Edward C. Eitzman, a married man as his sole and separate property, Grantees, as tenants in common. Grantees' current addresses respectively are P.O. Box 903, Sandpoint, Idaho, 83864 and 15622 East 11th Street, Spokane Valley, Washington, 99037.

Whereas, Grantors are the qualified Co-Personal Representatives of the Estate of Vivian L. Eitzman, filed as Case Number CV-2014-1964, in Bonner County, Idaho; and,

THEREFORE, for valuable consideration received, Grantors quitclaim, transfer, and convey in equal shares to Grantees all of deceased's interest in the following described real property in the County of Bonner, State of Idaho:

The East 200 feet of the following described property, to-wit:

The West 700 feet of that part of Lot 1, Section 25, Township 57 North of Range 3, West of the Boise Meridian lying South of the Spokane International Railroad Company right of way as measured along the South line of said right of way.

This conveyance shall include any and all appurtenances, estate, right, title, interest, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described, as well in law as in equity.

PERSONAL REPRESENTATIVE'S DEED - 1
C:\1342\1.DOC

Executed this 16th day of July, 2015.

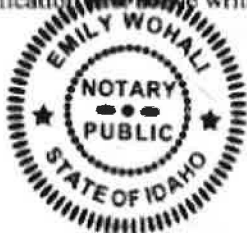
Ann M. Kritzeck
Ann M. Kritzeck, Co-Personal Representative of the
Estate of Vivian L. Eitzman, Deceased

Edward C. Eitzman
Edward C. Eitzman, Co-Personal
Representative of the Estate of
Vivian L. Eitzman, Deceased

State of Idaho)
) ss.
County of Bonner)

On this 16th day of July, 2015, before me a notary public, in and for said State, personally appeared Ann M. Kritzeck, personally known or identified to me to be the person whose name is subscribed to the within instrument as a Co-Personal Representative of the Estate of Vivian L. Eitzman, deceased, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certification first above written.

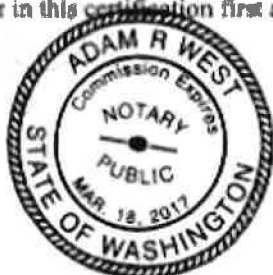


Emily Wohal
Notary Public for the State of Idaho
Residing at: Sandpoint ID 83864
My commission expires: 9/9/2017

State of Washington)
) ss.
County of Spokane)

On this 27th day of July, 2015, before me a notary public, in and for said State, personally appeared Edward C. Eitzman, personally known or identified to me to be the person whose name is subscribed to the within instrument as a Co-Personal Representative of the Estate of Vivian L. Eitzman, deceased, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certification first above written.



Adam R. West
Notary Public for the State of Washington
Residing at: Spokane
My commission expires: 3-18-2017

PERSONAL REPRESENTATIVE'S DEED - 2
CH 1411.DOC

Instrument # 916510
Bonner County, Sandpoint, Idaho
01/05/2018 01:04:05 PM No. of Pages: 2
Recorded for FINNEY FINNEY & FINNEY
Michael W. Rosedale Fee: \$10.00
Ex-Officio Recorder Deputy
Index to WARRANTY DEED

When Recorded Return to:

Space Above for Recorder's Use

JOHN A. FINNEY
FINNEY FINNEY & FINNEY, P.A.
Attorneys at Law
Old Power House Building
120 East Lake Street, Suite 317
Sandpoint, Idaho 83864
(208) 263-7712

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Grantor, EDWARD C. FITZMAN, a married man as his sole and separate property, for value and consideration received, does hereby GRANT, BARGAIN, SELL, and CONVEY unto the Grantee, ANN M. KRITZECK, a widow as her sole and separate property, of P.O. Box 903, Sandpoint, Idaho 83864, the following described real property situated in the County of Bonner, State of Idaho, to-wit:

The East 200 feet of the following described property, to-wit:

The West 700 feet of that part of Lot 1, Section 25, Township 57 North of Range 3 West, Boise Meridian, Bonner County, Idaho, lying South of the Spokane International Railroad Company right of way,

EXCEPT any portion thereof lying within road rights of way.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

AND the above named Grantor hereby covenants that the above described premises is free from all encumbrances, and that he and his heirs, executors, and assigns, will warrant and defend

WARRANTY DEED - 1

Instrument # 916510

01/08/2018 01:04:06 PM Page 2 of 2

the above premises against all lawful claims and demands whatsoever, EXCEPT as set forth above.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand on this 26 day of December, 2017.

Edward C. Eitzman
EDWARD C. EITZMAN

STATE OF Idaho)
County of Bonner) ss.

On this 26 day of December, 2017, before me, the undersigned Notary Public, personally appeared EDWARD C. EITZMAN, known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.



John A. Finney
Notary Public - State of Idaho
Residing at Sandpoint
My Commission Expires: 10-5-2020

WARRANTY DEED - 2

Nelson, Dan

From: ann kritzek <kritzfamily@msn.com>
Sent: Saturday, November 09, 2019 9:35 AM
To: Nelson, Dan
Subject: Re: Permit 96-9719

All is in compliance!
Thank you for your assistance,
Ann M. Kritzek

On Nov 8, 2019, at 2:37 PM, Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Dear Ms. Kritzek,

I have been asked to review your permit (96-9719) for licensing. The licensing process is the completion of the water right process. There are some smaller permits that can be licensed without going into the field to confirm the water use. Your permit fits into this category. The only thing that I need to complete to prepare the license is for you to confirm that you have complied with condition #6 on your permit. The condition requires that a fish screen of ¼ inch or small mesh be installed on you intake pipe from the river. Most pumps diverting from a lake or river have a trash screen to avoid pulling trash and animals into the pump and through the sprinkler system, which would clog the sprinkler system.

All I need from you is a return email that states that you have installed a screen on the intake hose of your pump, and have complied with condition #6. Once I have this information, I can move forward with the licensing of your permit.

If you have any questions, please don't hesitate to contact me.

Respectfully,

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