

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 72-16624
Exam Date: 11/8/2018

1. Current Owner:

FIRSTFRUITS FOUNDATION
PO BOX 510
CHALLIS ID 83226
(208) 879-4560

CHRISTOPHER W JAMES TRUST
CHRISTOPHER JAMES TRUSTEE
PO BOX 510
CHALLIS ID 83226
(208) 879-4560

2. Accompanied by: Corey Skinner, IDWR; Jeri D'Orazio in a later meeting*

Phone No: Jeri D'Orazio – 208-339-4326

Address: NA

Relationship to Permit Holder: *Contact person listed on Proof of Beneficial Use statement

3. **SOURCE:**
GROUND WATER**TRIBUTARY:****B. OVERLAP REVIEW**

1. Other water rights with the same place of use: 15 irrigation and stockwater rights are present on the First Fruits property, one aesthetic and aesthetic storage, and one domestic from a spring (not potable).
2. Other water rights with the same point-of-diversion: None

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

GROUND WATER NW¼SE¼ Sec. 3, Twp 13N, Rge 18E, B.M. CUSTER County

GROUND WATER L3 (NE¼NW¼) Sec. 2, Twp 13N, Rge 18E, B.M. CUSTER County

Method of Determination: Site visit and ArcMap aerial imagery; interview with Jeri D'Orazio.

2. PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	18E	2		X L 2			X L 3	X L 4	X										
14N	18E	35															X		

Method of Determination: ArcMap aerial imagery and interview with Jeri D'Orazio

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	Site Tag Number
Well #2, Backup					D0004225, E0008351
Well #1, Primary					No site tags

*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

2. Measurements: No measurement made per Beneficial Use Exam rules as permit flow rate is below 0.25 cfs.

E. FLOW

Additional Computation Sheets Attached

CALCULATIONS

Measured Method: No measurement.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: NA

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \text{NA}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = \text{NA}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = \text{NA}$$

2. Volume Calculations for Other Uses: The volume will be limited to the permitted volume of 14.6 AF due to the de minimus nature of the domestic use.

G. NARRATIVE/REMARKS/COMMENTS

The field exam for permit 72-16624 was conducted on November 8, 2018 with myself and IDWR Southern Region manager Corey Skinner in attendance. The application was originally filed on October 15, 2002, but was protested, with several resulting amendments, and was finally approved on October 4, 2004. Additionally, as many as five extensions of time were granted, for various reasons, for submitting proof of beneficial use, until proof of beneficial use was finally submitted on July 20, 2018.

I met with Jeri D'Orazio, who is the person listed on the Proof of Beneficial Use form as the contact person for the field exam, on December 7, 2018, in Challis to discuss this and other permits that he is familiar with. Jeri confirmed that the two permitted points of diversion (POD) are still the PODs for the facility. I asked him if a small corner of the SESW of Section 35, T14N, R18E should be added to the domestic use by amending the permit, and he said that no domestic was occurring there and would not be in the future.

The well located on BLM ground in the NWSE of Section 3, T13N, R18E (see BLM Right of Way Grant accompanying this report) is the primary well for the facility, while the well in the NENW, Lot 3, of Section 2, T13N, R18E is the backup well. Water from the well in use flows by pipeline to a 35,000 gallon storage tank that sits on a hillside above the facility in the SWSE of Section 35. From there it flows in underground pipelines to the various buildings on site. The buildings are not continuously occupied, as the facility is a church camp/retreat, thus the reason for the domestic de minimus classification. The water permit back file contains several years of water meter readings that show the facility never exceeded the volume limitations of the permit. Photos of flowmeters from a November 7, 2003 IDWR site visit are included in the field exam report.

To mitigate for possible depletion of water for senior water right holders resulting from the use of water under this permit, 1.5 acres of four surface and ground water rights are no longer irrigated on the property. Aerial imagery appears to confirm this. The 1.5 acres of the five rights have been converted to mitigation in the database and shapes are linked as such in ArcMap.

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

H. 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	0.20 CFS	14.6 AF
	<u>Totals:</u>	0.200 CFS	14.6 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

Field Examiner's Name  Date 12-14-18

Reviewer _____ Date _____



Well #2 - Backup well, on First Fruits property

Well #1 - Primary well, off-site





Some of the facilities at Living Waters Ranch





Buildings at Living Waters Ranch



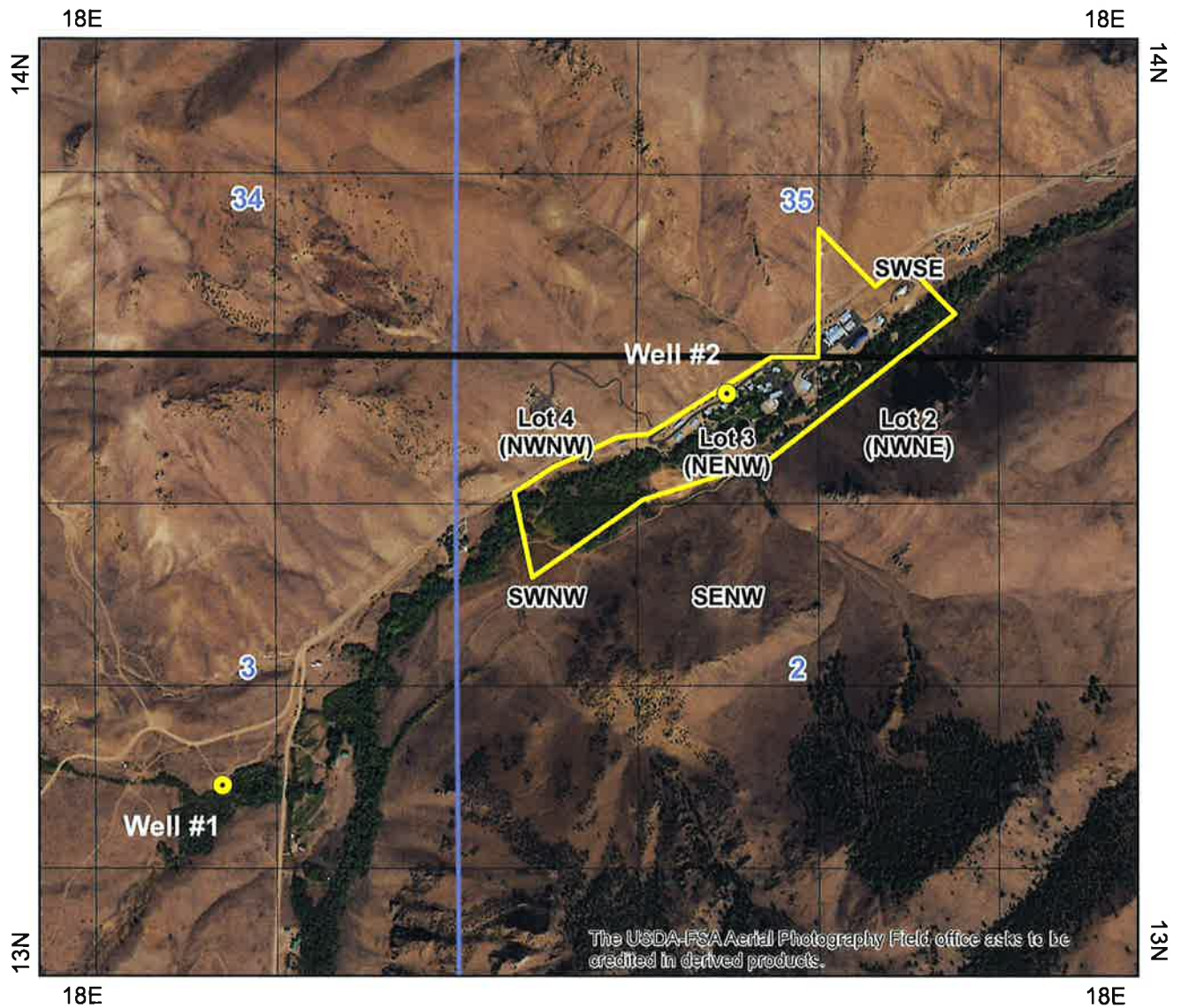
72-16624



A variety of structures exist at the Living Waters Ranch



State of Idaho
Department of Water Resources
Water Right POU and PODs
72-16624



0 0.15 0.3 0.6 Miles

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



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER IDI-33653

1. A right-of-way (ROW) grant is hereby issued pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

By this instrument, the holder:

FIRST FRUITS FOUNDATION AND CHRISTOPHER W. JAMES
P.O. BOX 510
CHALLIS, ID 83226

Receives a right to operate, maintain, and terminate a pipeline ROW comprised of two pipelines, a potable water well head, and an irrigation water surface diversion. The potable water pipeline is approximately 500-feet long (L) by 30-feet wide (W), the irrigation water pipeline is approximately 200-feet (L) and is also 30-feet (W). The ROW involves approximately 1.30 acres of public land.

The project is located on the following described public lands:

B.M., T. 13 N., R. 18 E., sec. 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, CUSTER COUNTY, IDAHO.

3. The ROW area granted herein is 500.0 & 200.0 feet long, 30.0 feet wide, and contains 1.30 acres, more or less.
- a. This instrument shall terminate on December 31, 2038, 29-years, 5-months from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- b. At the discretion of the Authorized Officer this instrument may be renewed. If renewed, the ROW shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- c. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the

extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

4. Rental:

- a. For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the Authorized Officer *unless specifically exempted from such payment by regulation*. Furthermore, the rental may be adjusted by the Authorized Officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

5. Terms and Conditions:

- a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800 and to future regulations promulgated by the Secretary pursuant to the provisions of the Act of October 21, 1976, P.L. 94-579 (90 Stat. 2743).
- b. The Authorized Officer reserves the right to grant additional rights-of-way or permits for compatible uses on, over, under, or adjacent to the land involved in this grant.
- c. The ROW granted herein may be reviewed at any time deemed necessary by the Authorized Officer.
- d. All maps and construction drawings for the proposed action, found in Appendices A1&2 of Environmental Assessment ID-330-2008-EA-466 attached hereto, is incorporated into and made a part of this grant instrument as fully and effectively as if it were set forth herein in its entirety.
- e. Failure of the holder to comply with applicable law or any provision of this ROW grant shall constitute grounds for suspension or termination thereof.
- f. Holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. The holder(s) shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any hazardous materials (HazMat), as defined in this paragraph, that will be used, produced, transported or stored on or within the ROW or any of the ROW facilities, or used in the operation, maintenance or termination of the ROW or any of its facilities. "HazMat" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Reclamation Compensation Liability Act (CERCLA) of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. 6901 et seq. as amended. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA, and its regulations. The term HazMat

also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U. S. C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

- h.** The holder of ROW No. IDI-33653 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in CERCLA on the ROW (unless the release or threatened release is wholly unrelated to the ROW holder's activity on the ROW.) This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
- i.** The limits of the ROW shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
- j.** Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of pesticides shall be approved in writing by the Authorized Officer prior to such use.
- k.** Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the holder.
- l.** The holder shall be responsible for weed control on an annual basis along the ROW. This may include contacting the Custer County Weed Control Agent, a contractor, or personally performing control measures. Control measures must be done in accordance with the Challis Field Office Integrated Weed Management Program. The holder shall seed all disturbed areas as specified in environmental analysis ID-330-2008-EA-466, or with a seed mix approved by the authorized officer. Seeding shall be repeated, if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation, after the second growing season.
- m.** No construction/maintenance activities shall be performed during periods when the soil is too wet to adequately support maintenance equipment. If such equipment creates ruts in

excess of two-inches deep, the soil shall be deemed too wet to operate said equipment.

- n. Ninety days prior to termination of the ROW, the holder shall contact the Authorized Officer to arrange a joint inspection of the ROW. This inspection will be held to allow the holder to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
- o. Upon grant termination by the Authorized Officer, all improvements shall be removed from the public lands within ninety days, or otherwise disposed of as provided in paragraph (5)(a) or as directed by the Authorized Officer.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this ROW grant.

GRANTEES/HOLDERS

First Fruits Foundation

Christopher W. James, co H
Christopher W. James

7/22/09

(Date)

BUREAU OF LAND MANAGEMENT

David Rosenkrance

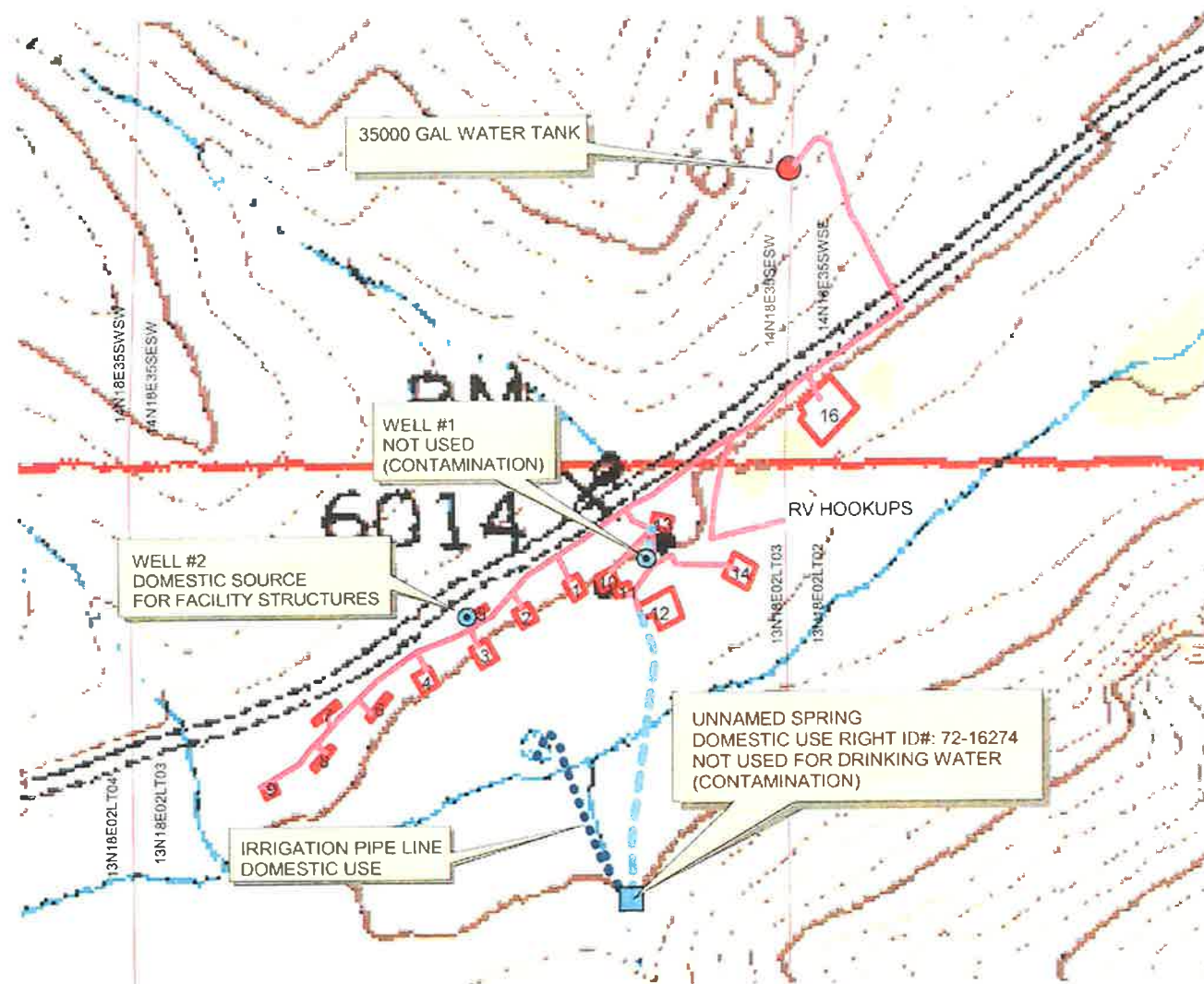
(Signature of Authorized Officer)

David Rosenkrance
Field Manager, Challis Field Office

23 July 2009

(Date)

Figure 2. Potable Water and Other Domestic System Features



RECEIVED
NOV 12 2003
Department of Water Resources
Southern Region

- Wells
- Domestic spring
- Shut off domestic water line
- Potable water line
- Domestic irrigation line
- Building and no.

0.25

0

0.25 Miles



42971-26

SUMMARY OF WELL DRILLING PERMITS (continued):

Name:	Domestic Well for Residence	Domestic Well for Residence
Permit No:	740219	740227
Well ID #:	287895	287904
Location:	T13N R18E Sec. 2 SWNW	T13N R18E Sec. 2 SWNW
Use of Well:	Domestic-Single Residence	Domestic-Single Residence
Const Dates:	Jul 07, 08 1994	Jul 08, 09 1994
Completed Depth:	205 FT	200 FT
Production Rate:	1 GPM	10 GPM
Static Water Level:	100 FT	80 FT
Status:	Abandoned	In-Use

Photo 1. Well #1 flowmeter and connection piping to potable water system.



RECEIVED

NOV 12 2003

Department of Water Resources
Southern Region

Photo 2. Well #2 flowmeter and connection piping to potable water system.



RECEIVED

NOV 12 2003

Department of Water Resources
Southern Region