

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 96-08449

PRIORITY: December 28, 1985

Maximum Diversion Rate: 0.28 CFS

Maximum Diversion Volume: 80.0 AF

It is hereby certified that:

GUY HULQUIST 3056 JEWEL LAKE RD SAGLE ID 83860-8900

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 24, 1985, and has submitted Proof of Beneficial Use on February 05, 1991. An examination confirms water is diverted from:

SOURCE:
JEWEL LAKE

TRIBUTARY:
PEND OREILLE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.28 CFS	42.0 AF
IRRIGATION STORAGE	01/01 to 12/31		67.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		42.0 AF

LOCATION OF POINT(S) OF DIVERSION:

JEWEL LAKE L5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 4, Twp 55N, Rge 03W, B.M. BONNER County

JEWEL LAKE L5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 4, Twp 55N, Rge 03W, B.M. BONNER County

JEWEL LAKE L5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 4, Twp 55N, Rge 03W, B.M. BONNER County

PLACE OF USE: IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55N	03W	4	X																

PLACE OF USE: IRRIGATION AND IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55N	03W	4							7.0 L 5	3.0	1.0	1.0 L 5							12.0
55N	03W	4										2.0 L 6							2.0

Total Acres: 14

CONDITIONS OF APPROVAL

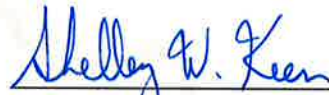
1. Rights 96-2321 and 96-8849 when combined shall not exceed the irrigation of 53 acres.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 96-08449

2. The right holder shall permanently maintain a staff gage acceptable to the Department to provide a means to measure the water level in Jewel Lake.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

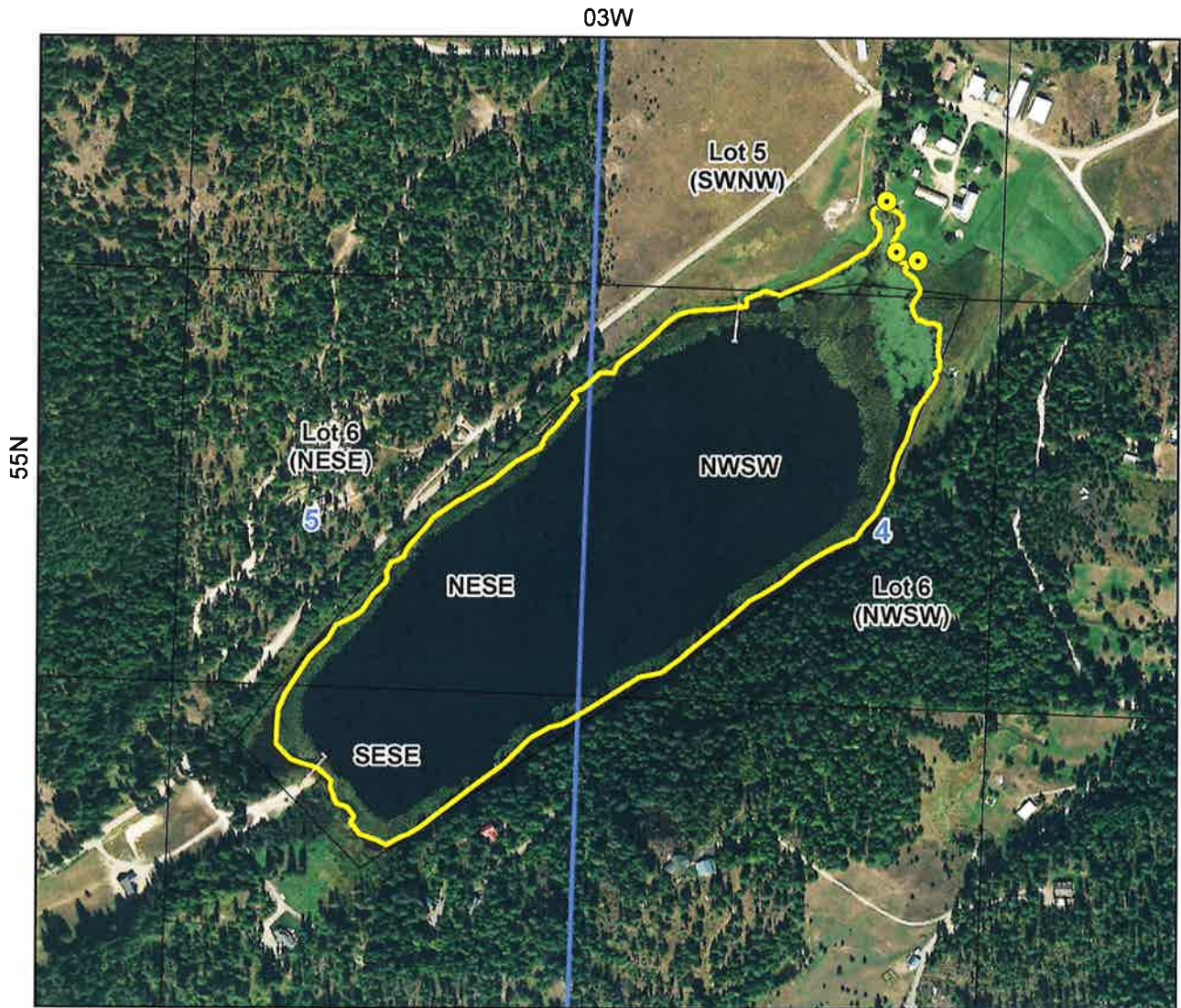
Signed this 11th day of May, 2018.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
96-8449

This map depicts the IRRIGATION STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.05 0.1 0.2 Miles

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



State of Idaho
Department of Water Resources
Attachment to Water Right License
96-8449

This map depicts the IRRIGATION and IRRIGATION FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

03W



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

0 0.0475 0.095 0.19 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

May 17, 2018

GUY HULQUIST
3056 JEWEL LAKE RD
SAGLE ID 83860-8900

RE: License No. 96-8449

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4951.

Sincerely,

For Pamela S Skaggs
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2018, I served a true and correct copy of Water Right License No. 96-8449 by U.S. Mail, postage prepaid, to the following:

GUY HULQUIST (Current Owner)
3056 JEWEL LAKE RD
SAGLE ID 83860-8900



Darla Block
Technical Records Specialist I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-08449

*Received in Northern
Region 5-4-18*
RECEIVED

MAY 07 2018

**DEPARTMENT OF
WATER RESOURCES**

PRIORITY: December 28, 1985

Maximum Diversion Rate: 0.28 CFS

Comes now

HARRY HULQUIST AND CARL HULQUIST 3063 JEWEL LAKE RD SAGLE ID 83860-8900

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 96-08449, and requests that the permit be changed as follows:

SOURCE:
JEWEL LAKE

TRIBUTARY:
PEND OREILLE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		67.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		42.0 AF
TOTAL STORAGE VOLUME =			67.0 AF
IRRIGATION	04/01 to 10/31	0.28 CFS	42.0 AF

LOCATION OF POINT(S) OF DIVERSION:

JEWEL LAKE L5 (SW ¼ NW ¼) Sec. 4, Twp 55N, Rge 03W, B.M. BONNER County
JEWEL LAKE L5 (SW ¼ NW ¼) Sec. 4, Twp 55N, Rge 03W, B.M. BONNER County
JEWEL LAKE L5 (SW ¼ NW ¼) Sec. 4, Twp 55N, Rge 03W, B.M. BONNER County

PLACE OF USE: IRRIGATION AND IRRIGATION FROM STORAGE

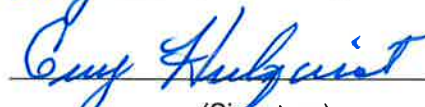
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55N	03W	4							7.0 L 5	3.0	1.0	1.0 L 5							12.0
55N	03W	4										2.0 L 6							2.0

Total Acres: 14

PLACE OF USE: IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55N	03W	4	X																

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 5/4/18 day of May, 2018.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-08449

FOR DEPARTMENT USE ONLY

Preliminary check by OAW Fee = 100⁰⁰ Received by TA # N033376 Date 5/4/18

ACTION OF THE DEPARTMENT OF WATER RESOURCES

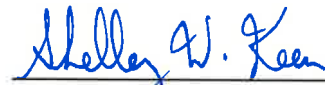
The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 96-08449 with the following:

CONDITIONS OF APPROVAL

1. Rights 96-2321 and 96-8849 when combined shall not exceed shall the irrigation of 53 acres.
2. The right holder shall permanently maintain a staff gage acceptable to the Department to provide a means to measure the water level in Jewel Lake.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 11th day of May, 2018.



SHELLEY W. KEEN
Water Rights Section Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 29, 2018

GUY HULQUIST
3056 JEWEL LAKE RD
SAGLE ID 83860

RE: Amendment of Permit 96-8449

Dear Mr. Hulquist:

As discussed in our early conversations and correspondence, the Department of Water Resources (Department) is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Please Note: I am unable to formally change the ownership of the permit into your name. An assignment of permit is required to change the ownership of a permit, and since the original owners cannot assign the permit to you, we can change the ownership at the time the permit is licensed. The ownership information you supplied is adequate to change the ownership of the water right once the permit has been licensed. The license will be issued in the name of Guy Hulquist.

The field examiner found a total of 3 points of diversion. A large portable pump used in Jewel Lake for the fields, a smaller pump from Jewel Lake for the yards around the homes, and the dam on Jewel Lake. It was also discovered that the location of the storage in Jewel Lake was incorrectly described in the permit. As we have discussed, we will need to correct these discrepancies in the permit prior to issuing the license.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee by May 7, 2018. If the amendment form is not received by May 7, 2018, then the license could be voided, and the dam in Jewel Lake may need to be reduced to 4 feet in height.

Please don't hesitate to contact me if you have any questions, or need a better explanation of the information included in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", written in a cursive style.

Daniel A. Nelson
Analyst 3
Water Right Section
Idaho Department of Water Resources
Telephone # (208) 287-4856
Email – dan.nelson@idwr.idaho.gov

Enclosure

MEMORANDUM

TO: Water Right File 96-8449

FROM: Daniel Nelson – Analyst 3

DATE: March 29, 2018

SUBJECT: Licensing Review of Water Right 96-8449

The field exam and report for this permit was submitted by our Northern Region staff in 1997. I feel many of the field examiner's assumptions were incorrect and need to be discussed further.

History:

The history of this permit starts with the raising of a dam on Tanner Creek downstream of Jewel Lake. The dam created 70 acre-feet of storage on top of Jewel Lake to be used for irrigation storage and irrigation from storage authorized by water right 96-2321. Jewel Lake is a natural lake that was increased in size and water level as a result of the storage dam. The original dam was approximately 4 feet in height, and was raised between 1974 and 1984 to height of 8 feet. This raising of the dam increased to the storage in Jewel Lake, but there was no water right authorizing the additional storage.

On October 2, 1984, the Department wrote a letter to the owners of the dam and required them to either lower the dam or file a new water right for the additional storage. Please see the attached letter.

On December 28, 1985, the Department received an application for permit for additional storage of water in Jewel Lake. The application was approved as water right permit 96-8849 on February 11, 1986. The remarks in the application state the following:

96-2321 is for different land but is 70 af of the same water. Land listed in 96-2321 is also covered by this application because no natural flow as filed on in that application.

The above remarks are confusing at best. It doesn't appear as though remarks were not truly representative of the intent of the application when you take into account the October 2, 1984 letter found in the Dam Safety files. The permit was subsequently approved for an additional 80 acre-feet of irrigation storage and irrigation from storage, and 0.70 cfs of irrigation for approximately 82 acres. The permit doesn't have any conditions that would limit the combined use of this permit and water right 96-2321.

On March 12, 1986, Department Dam Safety staff wrote an inter-Department memorandum that states the following:

The owners have complied with all of our requests including the filing of an additional water right for the increased storage (96-8449). We can probably issue a storage certificate now.

Taking all of the information from the Department's Dam Safety files and the water right permit, it is safe to assume that the intent of the permit holder was to file for additional storage water from the same water source.

In 1997, the field examiner examined the permit and stated in their field report that the storage components should be removed from the permit because it was covered by water right 96-2321 and that only approximately 16 acres of ground had actually been developed by the permit. The field examiner recommended a diversion rate of 0.32 cfs and annual volume of 48 af for the irrigation of 16 acres.

In 2016 the dam was inspected by the Department's Dam Safety staff, and it was determined by the dam safety inspection that approximately 125 acre-feet of water was still being stored or could be stored in the dam. Please see the attached Dam Safety memo dated September 2, 2016.

Based on all of the evidence in the file, I have determined that the 96-2321 does not cover all of the storage developed for this diversion. This permit should cover the additional storage found to have been developed in the Dam Safety file to ensure this water use complies with the requirements of Idaho Code.

Ownership:

Water right license 96-2321 was issued to Art Huquist, M. E. Clark, and Lester M. Dawson. Apparently, all of these gentlemen were related in some form or another. Permit 96-8449 appears to have been owned by the same family group, but the application was filed in the name of Harry and Carl Hulquist, and the permit was subsequently issued to the Hulquists. However, a portion of the property designated in the place of use appeared to be still owned by Dawson.

It appears as though Dawson has sold most of his property off, and Hulquist may have purchased some of the Dawson property and the remainder was subdivided and sold to a rather long list of individuals. I don't have past records to confirm what exactly was owned by Dawson.

The Department has received change of ownership forms from Guy Hulquist and Larry and Patricia Schrank. Mr. Hulquist is a direct decedent of the permit holders, and the Schranks appear to have purchased a portion of the Dawson property from Hulquist. The water right files don't give a good representation of who owned which property, so I am unable to determine the original property boundaries. The Schrank's are not associated with this permit, and only are claiming ownership of the existing water right license 96-2321. Gene Clark has contacted me by telephone, and has informed me he plans to send in the change of ownership form for his portion of 96-2321. Mr. Clark is also not claiming any portion of permit 96-8449.

From the current ownership records, it appears as though Guy Hulquist is the only individual that is associated with this permit. Guy Hulquist is related to the two Hulquist's who filed for permit 96-8449. Guy Hulquist inherited the portion of the land that is being irrigated by this permit.

Water Uses:

As discussed above, I believe the field examiner erred in his assumption that all of the storage in Jewel Lake was covered by water right 96-2321. The permit holder states in a letter with his change of ownership that he doesn't exceed the original 4 feet level on the dam, but the various dam safety inspections reveal the dam is actually 8 feet, and the water storage has been stored in excess of water right 96-2321. The permit holder also stated that he has problems with beavers and sediments depositing behind the dam. It is clear from the dam safety files that the dam has a height of 8 feet, and that the former permit holder has stored water to the top of the dam. Even though the current permit holder may not be storing water to the full height of the dam, it is possible and likely that water has been, has the potential to be, and probably is being stored above the 4 foot mark allowed by water right license 96-2321.

The various dam safety inspections estimated that approximately 125 acre-feet was being stored in the dam. It is obvious that additional water can be and has been stored beyond the amount that 96-2321 allowed. Therefore, I am recommending that irrigation storage and the irrigation from storage be carried forward to the license.

Point of Diversion:

The permit lists a single point of diversion at the point where the dam backs up the water into the lake. However, the field examiner stated that there are actually 2 water pumps and the dam. This equates to 3 points of diversion. Therefore, an amendment would be required to move forward with the licensing of this permit.

Acres Irrigated:

The original field examiner determined that 16 acres were being irrigated using an aerial photo. The borders of the irrigation use included a heavily forested area. The field examiner also stated that the property was irrigated using sprinklers, which would be useless in a forested area. Therefore, I remapped the irrigated acres and found that 13.6 or 14 acres were actually being irrigated. The current permit holder also stated in the letter with the change of ownership that they only irrigated the lawn area around the home and the pastures. This confirms that 16 acres recommended by the field examiner was excessive. I am going to recommend that the irrigation of this property be limited to 14 acres.

Water right 96-2321 only allowed 2 acres in the SWNE. However, with the modern mapping methods I discovered that there are actually 3 acres in the SWNE. Therefore, we will need to add an additional acre to the combined acre limitation when water rights 96-2321 and 96-8449 are combined together.

Volumes:

The dam safety inspector came up with a volume for the additional storage in Jewel Lake of 125 acres based on a surface area of the lake of 38.5 acres. It appears as though the dam safety inspector use the topographical maps that show the original lake footprint instead of the aerial photography available. When I created a map using the aerial photos, I determine that the lake surface area is actually 42.2 acres. When the dam was built, the surface are of the lake appears to have increased.

I used the same depth and mathematical calculations used by the dam safety inspector to calculate the increase in size of the lake and determine that there is approximately 137 acre-feet of water being stored behind the dam.

The field examiner limited the storage volume by the field headgate, but Idaho Code § 42-202 (3) and (6) allows up to 5 af of storage for irrigation. Therefore, the 14 acres being irrigated would allow approximately 70 acre-feet of additional storage if available (14 acres X 5 af/ac = 70 acre-feet). Water right 96-2321 authorizes 70 acre-feet of storage for a 52 acre place of use. The 14 acres recommended by this permit are included in the 52 acres authorized by 96-2321. The total amount of storage that can be allowed per Idaho Code for the 52 acres allowed in 96-2321 and permit 96-8449 is 260 acre-feet (52 acres X 5 af/ac = 260 acre-feet maximum). The total capacity developed is less than the maximum amount allowed by Idaho Code § 42-202 (3) and (6), so the capacity of the system of 137 acre-feet is the limiting factor when determining the amount of storage required.

This permit can only be licensed for the additional capacity developed or 67 af (137 af capacity – 70 af authorized by 96-2321 = 67 af available). Please see the attached overlap analysis for additional information. This permit is limited to 67 af for irrigation storage allowed after the 70 af of volume is removed from the capacity of the system.

The irrigation from storage should be limited to the field headgate, since the diversions for irrigation come directly from the lake. Therefore, the irrigation from storage should be limited to 42 af (14 acres X 3 af/ac headgate requirement = 42 af). The irrigation use for this permit should also be limited to 42 af.

Diversion Rate:

The diversion rate will also need to be reduced from the 0.32 cfs recommended by the field examiner to 0.28 cfs (0.02 cfs/acre maximum allowable per acre X 14 acres = 0.28 cfs). This is due to the reduction of acres being irrigated.

Conditions:

The 52 acres irrigated by 96-2321 totally overlap the 14 acres actually irrigated by this permit. Therefore, condition X35 would need to be included to limit the total number of acres irrigated to 137 af of storage and 53 acres of irrigation from storage when this permit is combined with water right 96-2321. Please see the acreage section of this memo for my analysis of the combined acre limit. The volumes and diversion rates are additive, so they would not need to be included in the combined limitation condition.

The Dam Safety Inspector stated in the 2016 report that this dam is below the 10 foot limit requiring periodic inspections, and recommended that further periodic dam inspections are no longer necessary or required. Therefore, condition 18B is no longer required. Condition 026 shall also be removed per Department standards.

The field report doesn't confirm that any measurement devices have been installed on this system. Conversations with the owner state that they cannot install a measurement device on the inflow, because it is not land that they own. Condition 18A required measurement of the water flowing into the lake and the water being diverted out of the lake. Condition 18A was for storage projects within a Water District. Condition 18A is no longer a valid water right condition, and was updated to standard condition 18C. The usage description of condition 18C is limited to storage in a Water District or the Wild and Scenic Rivers stipulated agreement. The water being diverted by this permit is not in a Water District or the Wild and Scenic Rivers area. None of the water rights were protested, so I can find no reason why a measurement device requirement was placed on this permit.

However, the permit did require the measurement devices, and it doesn't appear as though they were installed. I sent a notice of intent to void with instructions on how to resolve this issue. The permit holder has contacted me by telephone stating he wishes to install a staff gauge at the dam to allow monitoring of the system if needed, since he doesn't have access to the streams feeding Jewel Lake. The measurement waiver has been received and it appears as though we will approve the waiver. Condition 222 and condition 01M needs to be added to ensure the staff gauge is maintained and ensure that permit holder is aware that more elaborate form of measurement may be required in the future.

Waiver of Measurement Device and Amendment:

On March 15, 2018, the Department received a letter requesting a waiver of the measurement devices required by the conditions in Permit 96-8449. This letter included photos of a staff gauge currently in place to allow the water levels of Jewel Lake to be monitored.

It has been determined that since this permit is not currently in a water district or in the Wild and Scenic area, this method for monitoring the lake levels will be adequate until a water district is established and an additional monitoring is required. Administration has determined that the waiver of the measurement device can be accomplished by issuing the licensing order. Therefore, no additional order to waive the measurement device is needed.

An amendment will be sent to the new owner of the property. The amendment will still be in the name of the permit holder, but the new owner of the property can sign the amendment, since he has supplied documentation showing he currently owns the property. The actual ownership change will appear on the license when it is issued.



Dam Safety Section

TRIP REPORT

TO: John Falk, PE
CC: Morgan Case, Manager IDWR Northern Region
FROM: Joe Carlson, PE
DATE: September 2, 2016
SUBJECT: Jewel Lake Dam

IDWR File: 96-2321

Wednesday, August 3, 2016

I travelled to Jewel Lake Dam (Photos 1 & 2) to verify the current Low hazard classification for the referenced structure. The structure is a concrete gravity dam located in T55N, R03W, Section 4, Bonner County (Photos 3 & 4). On the date of my visit, the weather was in the mid 60's, overcast and dry. Due to recent legislative changes to the state's dam safety statutes, Jewel Lake Dam is being considered for Non-Regulated status. I did not meet with any dam owners or representatives, as this site visit was intended for reconnaissance purposes, rather than being a formal dam inspection.

During my investigation I did not observe any downstream properties or structures that would be negatively affected by a dam breach. The downstream channel appeared to be incised with high banks (Photos 5 & 6). Although a single home appeared in close proximity, a cursory review of the relative elevation between the house and the surrounding low areas suggest that the house is located above any potential inundation that could result from a catastrophic dam failure. While examining the dam, I realized several of the existing dimensions currently listed in the Workflow database do not resemble those that I observed on-site. Due to the reservoir's relatively large surface area and the expected corresponding volume, I determined that a follow-up visit was needed to obtain more accurate measurements for dam height before I could categorically remove Jewell Lake Dam from future dam safety inspections.

Thursday, September 1, 2016

I returned to the dam with Evan Roda, Senior Water Resource Agent, to conduct a survey of the dam. The weather was in the '70's, sunny, breezy and dry; the pool level was measured 2.5' below the crest of the concrete dam. There was no water flowing across the overflow spillway or through either of the two (2) outlet pipes. A review of IDWR file history indicates that the valves and mechanical controls for the low-level outlet conduits are located on the upstream side of the dam, and were thus submerged and could not be viewed.

During the August 3rd visit, I had been unable to verify the location of the toe of the dam, due to the depth of tail water against the downstream slope. My intent was to measure the dam, and thus verify that the hydraulic height of the dam is, in fact, less than 10 feet. We used a shovel to locate the toe of the dam, and after conducting a level survey we

were able to determine that the dam height equals 8.1 feet. Flashboards had been inserted partial-height across the 3-foot wide vertical spillway slot in the dam to a height of 6.0 feet (2.1 feet below dam crest); however, when flashboards are inserted to full-height, the maximum pool elevation would be 8.1 feet, equal to the dam height. Using this new information, and estimating the reservoir surface from aerial photos (using ArcMap), I calculated the maximum storage capacity at the top of the dam as follows:

$$38.5 \text{ acres} \times 8.1 \text{ feet} \times 0.4 \text{ (shape factor)} = \sim 125^* \text{ acre-feet}$$

* Note that both the hydraulic height and the corresponding reservoir storage capacity will be further reduced if fewer flashboards are placed across the spillway entrance.

Conclusions and Recommendations

Based on my site observations, measurements, and review of IDWR file history I determined that the dam height and hydraulic height are both less than ten feet. In addition, nothing I observed during either site visit indicates that potential failure consequences from this dam would significantly damage downstream life or property. Further, Jewell Lake Dam is a low-head concrete gravity dam, and the probability of a catastrophic failure is quite low. Therefore, I recommend that this dam be removed from future IDWR dam safety inspections, and that its status be changed to *Non-Regulated* in the dam safety Workflow database.



Photo 1 – Jewel Lake Dam satellite imaging. Photo is courtesy of Google Earth, 2016.



Photo 2 – Southern end of Jewel Lake (photo taken from Jewel Lake Road, facing south)



Photo 3 – Dam location (photo taken facing south)

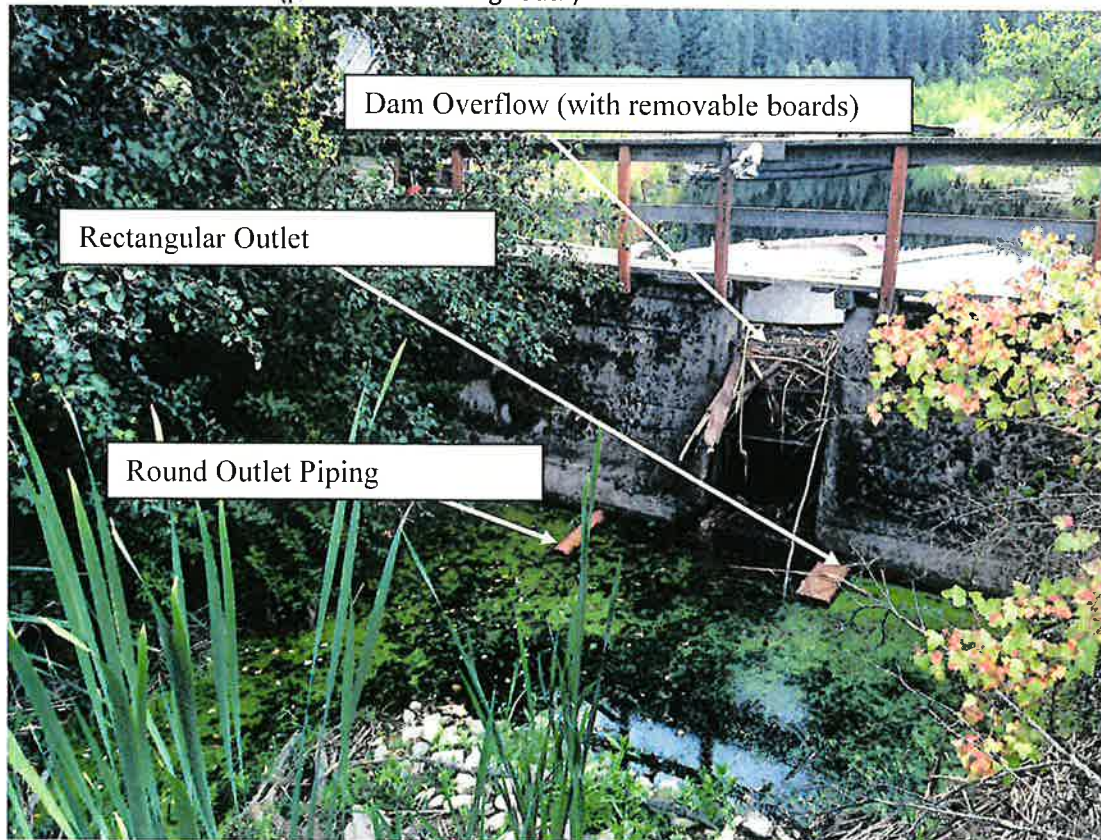


Photo 4 – Jewel Lake Dam (photo taken facing south). The dam overflow, and two outlet pipes were located, as indicated, but no outlet control structures were visible during either inspection.

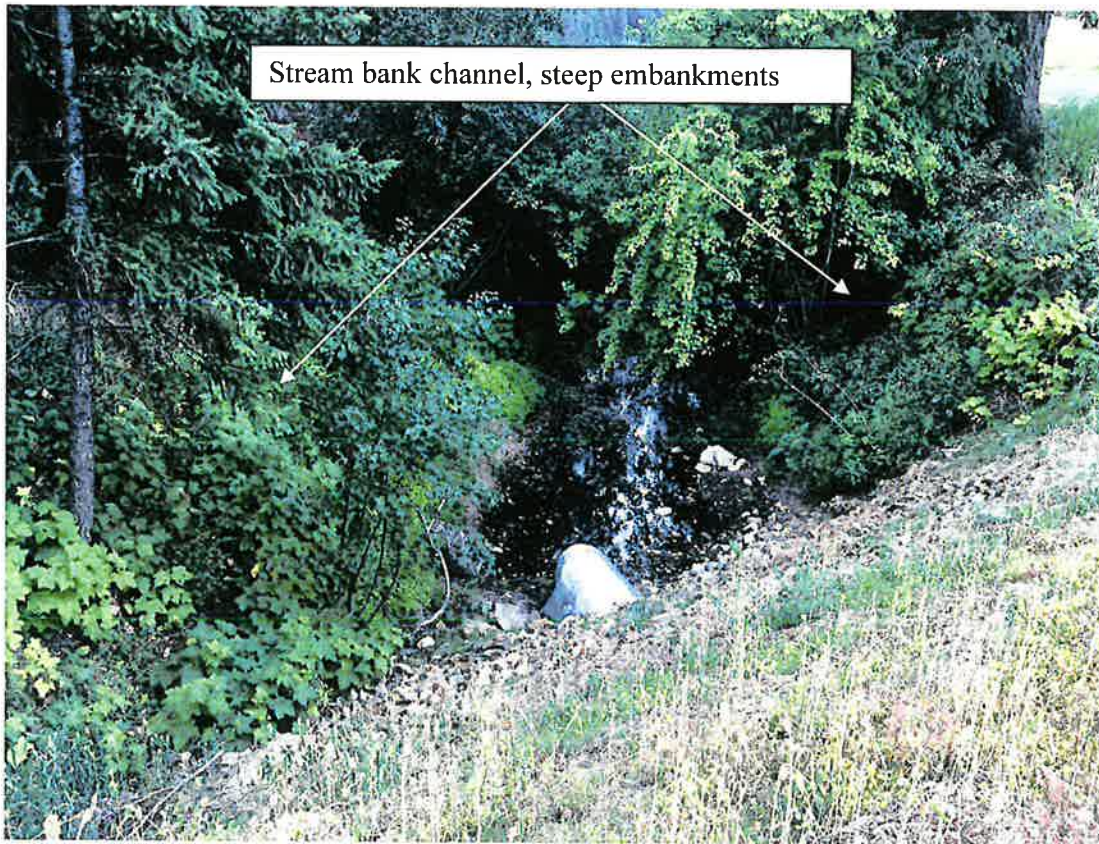


Photo 5 – Stream channel just north of the dam (taken from Jewel Lake Road, facing south)

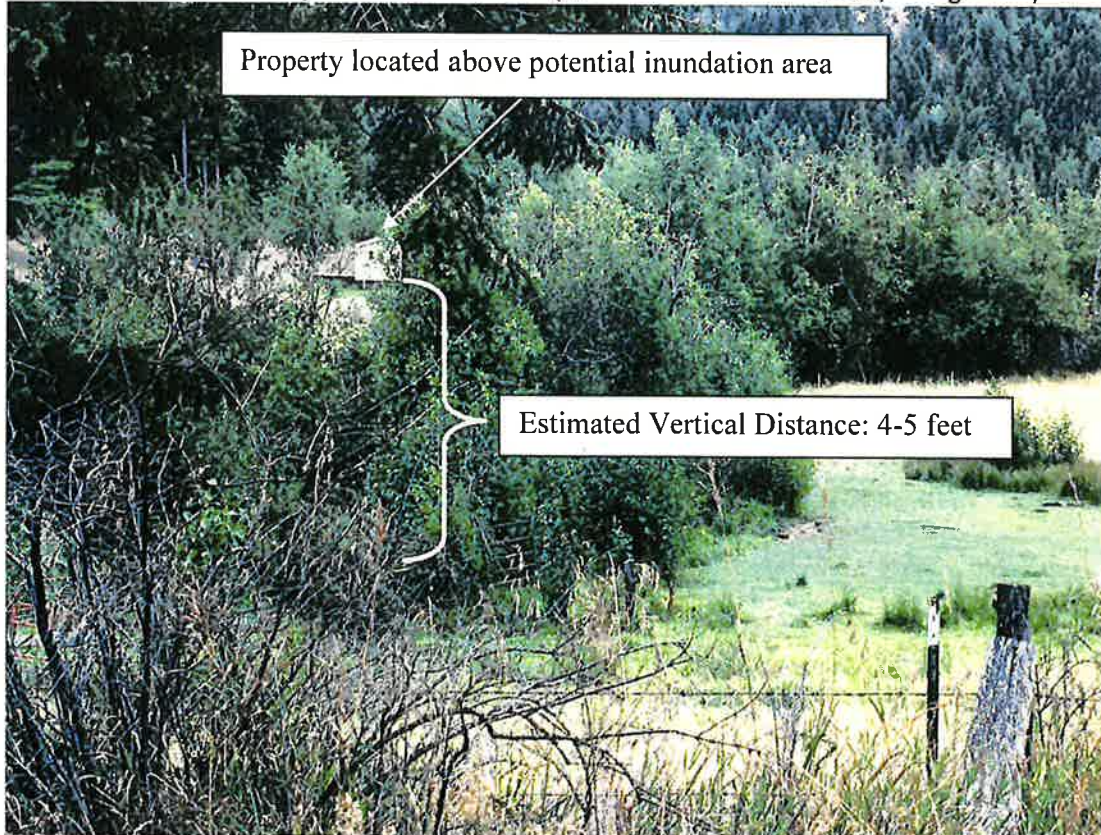


Photo 6 – View showing downstream floodway and location of developed property closest to the dam (approximately ¼ mile). The height of the residence above the floodway was visually significant so that no consequence to downstream property is expected from an uncontrolled release of water from the reservoir. The approximate location of this property is identified by the red dot in Photo 1.



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 2, 1984

CERTIFIED MAIL

Art Hulquist
Sagle, Idaho
83860

RE: Jewel Lake Dam

D96-2321

Dear Mr. Hulquist:

The Department has inspected the referenced dam located in the NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 4, T55N, R4W, in Bonner County, and determined the concrete structure has been raised and it appears to impound more than 100 acre-feet of water.

If rebuilding the concrete structure has resulted in an increase in storage (more than 100 acre-feet) then the dam is classified as a large dam and in accordance with the Safety of Dams Statutes (Title 42, Chapter 17) of the Idaho Code, you should submit the following to the Department:

- Plans and construction specifications, prepared by a registered professional engineer that conform to the Department's Safety of Dams Rules and Regulations (copy enclosed), in particular Rules 5 and 6, as applied to the existing structure;
- Construction completion report that describes how the structure was rebuilt; and
- An application (form 1712) and the fee, based on the amount storage has been increased, pursuant to Section 42-1713, Idaho Code.

Review of the Department's records revealed Water Right (License) 96-2321 is for 70 acre feet. If storage has been increased, you should file an application to appropriate the additional storage. An application form and instructions have been enclosed. In case you have any questions regarding the water right filing, contact Bob Haynes in our Northern Regional Office (208) 334-4639).

MICROFILMED
JUN 27 1989

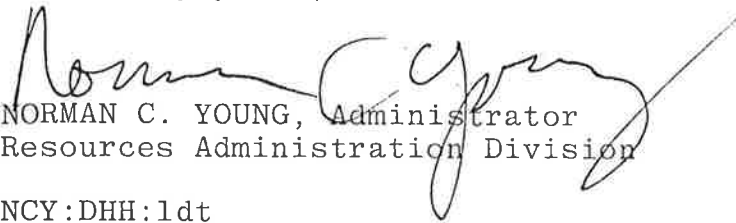
Art Hulquist
RE: D96-2321
Page 2

Storage of water at Jewel Lake Dam cannot be authorized until you submit the requested information regarding rebuilding of the dam. If rebuilding the dam did not result in additional water impounded, please advise so that we can confirm our records.

Until the Department issues a certificate authorizing storage, you are requested to remove the stop logs and not store water on or after November 1, 1984.

If you have any questions, contact Bob Haynes in our Northern Regional Office.

Very truly yours,


NORMAN C. YOUNG, Administrator
Resources Administration Division

NCY:DHH:ldt

Enclosures

CC: IDWR - Northern Region

MICROFILMED

JUN 27 1989

INTER-DEPARTMENT MEMO — 1

FROM Dave LeParo

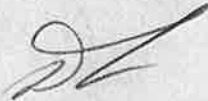
DATE 3/12/86

TO Glen

SUBJECT Jewell Dam

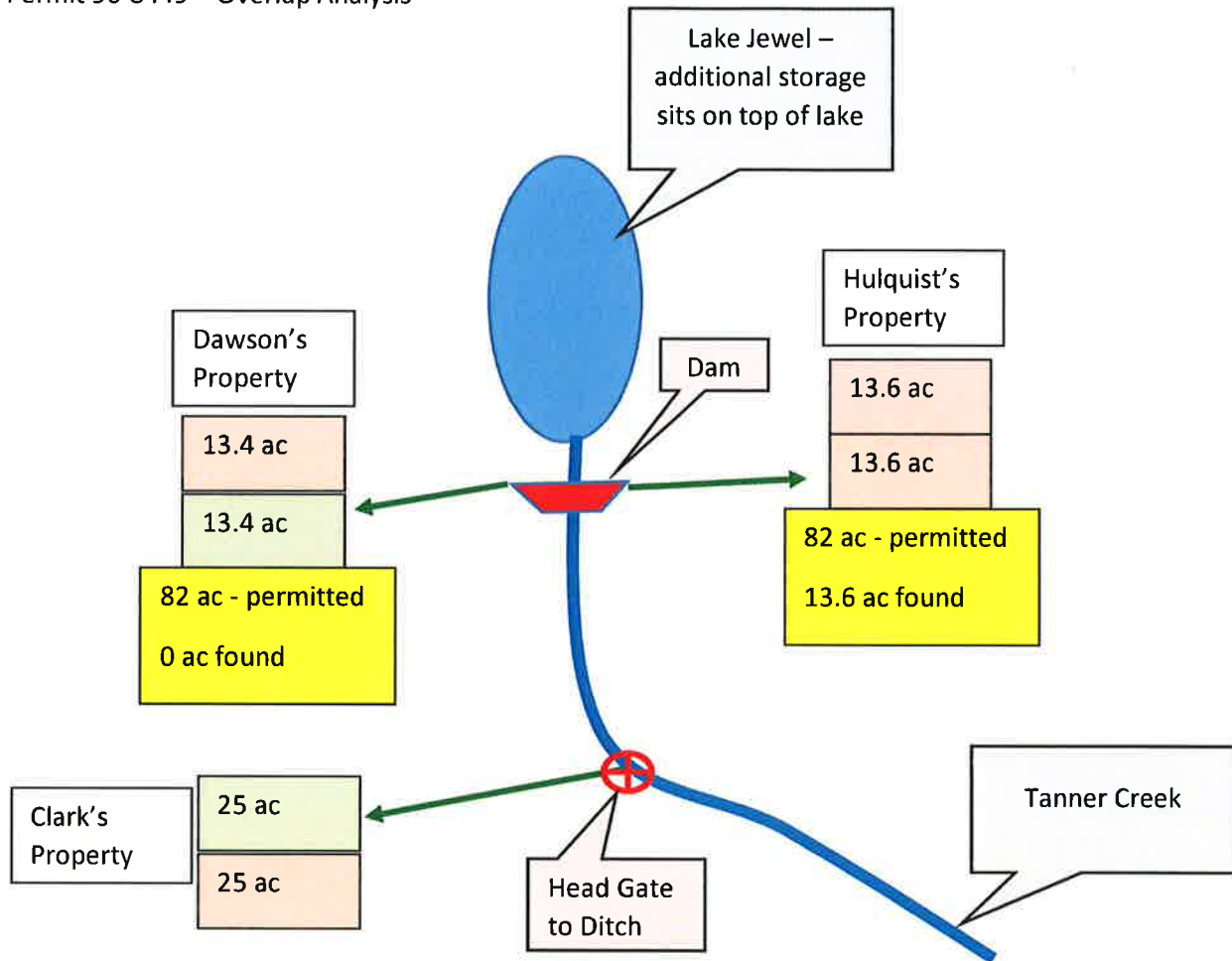
D 96 - 2321

The owners have complied with all our requests, including the filing of an additional water right for the increased storage. ⁽⁹⁶⁻²⁴⁴⁹⁾ We can probably issue a storage certificate now.



SIGNATURE

Permit 96-8449 – Overlap Analysis



Statutory Claim 96-4399 – Irrigation from Jewel Lake 0.40 cfs for 52 acres. We can't count this claim in overlapping rights, since it hasn't been decreed.

License 96-2321 – Irrigation Storage (70 af) and Irrigation from Storage (70 af) from Tanner Creek for 52 acres.

Permit 96-8449 – Approved for irrigation of 80 acres (0.70 cfs), Irrigation Storage (80 af), and Irrigation from Storage (80 af) for 82 acres. **Field examiner found 16 acres actually irrigated and aerial imagery suggests that only 13.6 acres were actually irrigation.**

The additional capacity added to Lake Jewel is approximately 137 af (please see timeline document for additional details). Water right 96-2321 already authorizes 70 af of storage. Therefore, there is approximately 67 af of storage available for appropriation. Approximately 14 acres were developed per permit 96-8449, which could authorize approximately 70 af of additional storage (14 ac X 5 af/ac allowable = 70 af). Since only 67 af of additional storage was developed, this permit should be limited to the 67 af of additional storage.

State of Idaho
Department of Water Resources
322 East Front Street
P.O. Box 83720-0098
Boise, Idaho

RECEIVED
MAR 15 2018
DEPARTMENT OF
WATER RESOURCES

Dear Sirs:

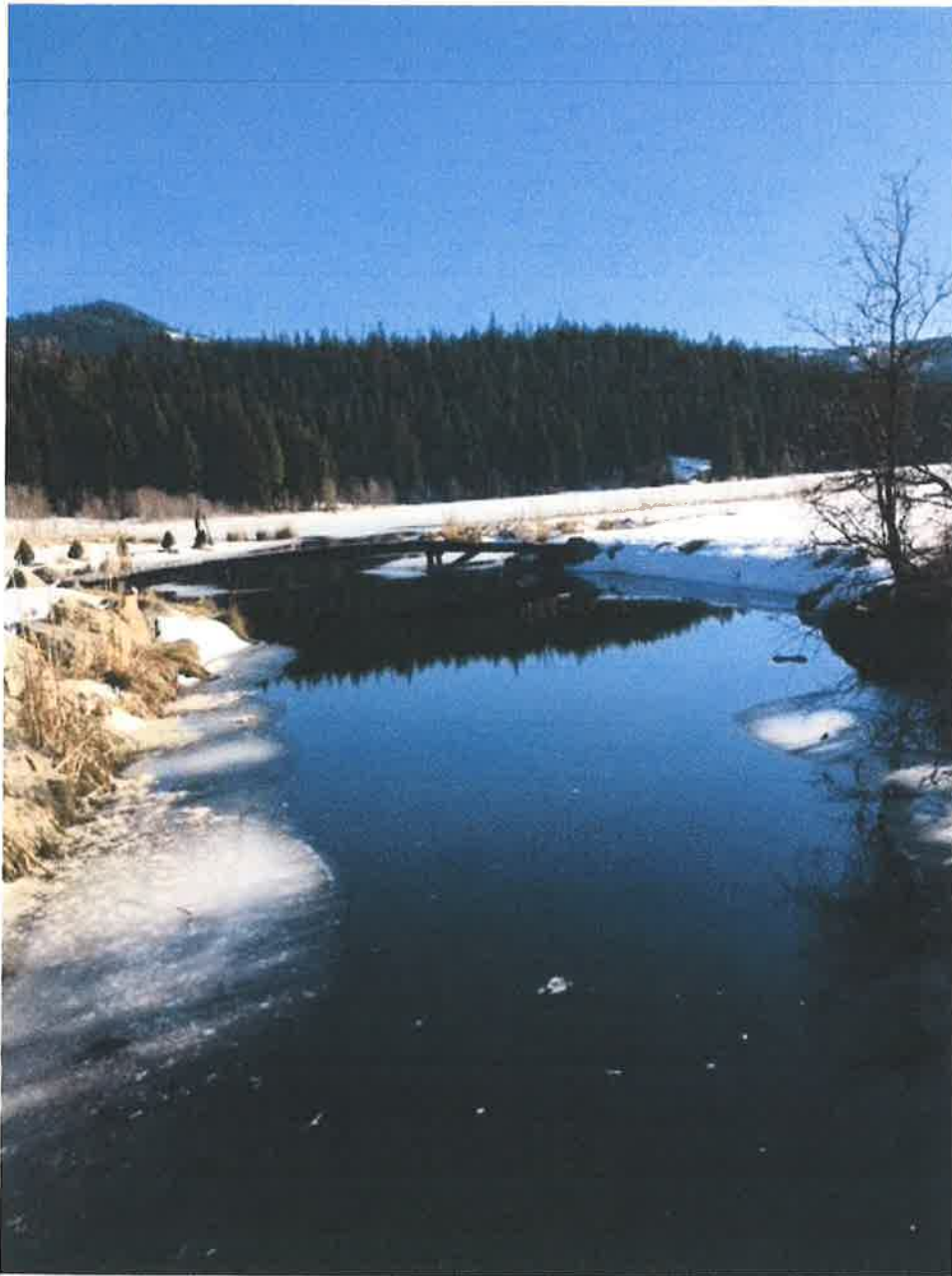
In response to talking to Dan Nelson it is necessary to inform you that a measuring device is not suitable for permit #96-8449 where the water enters Jewel Lake and there is not a reasonable place to install a measuring device at that end of Jewel Lake. On the north end of the lake we have at the dam the concrete base of the spillway to set the measuring device upon, this we have done. In the spring a tremendous amount of sand is deposited on the South end of the lake each year. Last year so much was deposited that fish and game had to remove numerous loads of the sand that was deposited there.

We have installed a measuring device behind the retention boards on the dam and we will enclose pictures of this. At this time we have removed three boards from the dam leaving the lake level at this time according to the measuring device at 2'6". We will not be adding any boards to the dam until spring runoff is almost over as flooding will occur on the lower lawn.

It would be appreciated after you have received this letter that any additional steps that we need to accomplish would be supplied to us.

Cordially yours





MEMORANDUM

TO: Water Right File 96-8449

FROM: Daniel Nelson – Analyst 3

DATE: February 2, 2018

SUBJECT: Telephone Conversation with Guy Hulquist

I spoke with Guy Hulquist concerning the letter I sent out for water right 96-8449. He is the current owner of the property associated with the permit, and he is responsible for property associated with the permit and the maintaining of the dam.

We spoke about the issues in the letter. Mr. Hulquist stated that he is about to turn over his portion of the water rights over to his grandson. The current owner's of the permit have passed away, and he is sole owner of the Harry and Carl Hulquist portion of the permit and license. Mr. Huquist informed me that Harry and Carl were partners, and that after Harry passed away, Carl Quit Claim deeded the property to Guy. I told Guy that he would need to supply the death certificates of Harry and Carl, the Quit Claim deed, and an explanation of how the water rights and the land were dispersed.

I also spoke briefly about the measurement devices. Guy seemed agreeable to installing a staff guage and would request a waiver of the measurement device condition in the his cover letter for the change of ownership. He wanted to speak with his grandson about these issues, so he will probably be calling me back to ask additional questions.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 30, 2018

HARRY HULQUIST
3063 JEWEL LAKE ROAD
SAGLE ID 83860-8900

NOTICE OF INTENT TO VOID PERMIT

RE: Water Appropriation Permit No. 96-8449

Dear Permit Holder:

The Department of Water Resources (Department) is reviewing permit 96-8449 (permit), so we can issue a license for the uses developed. It appears as though some of the owners of the property involved with this permit may have changed, so we are sending this letter to everyone who may own land described in the permit or land associated with a companion water right 96-2321. In order to better understand what has transpired with this permit, I feel it is necessary to understand the history involved with this permit.

History of the Permit:

The history of this permit starts with the raising of a dam on Tanner Creek downstream of Jewel Lake. In the late 1950's a dam was constructed to create 70 acre-feet of storage on top of Jewel Lake to be used for irrigation storage and irrigation from storage authorized by water right 96-2321. Water right 96-2321 is still owned by Lester M. Dawson, Art Hulquist, and M. E. Clark, and authorizes the storage of 70 acre feet of water for irrigation storage and irrigation from storage. Jewel Lake is a natural lake that was increased in size and water level as a result of the storage dam. The original dam was approximately 4 feet in height. If anyone contacted by this letter owns the property associated with water right 96-2321, they should file a change of water right ownership form for their proportionate share of the water right.

Between 1974 and 1984 the dam was raised to a height of 8 feet. This raising of the dam increased the storage in Jewel Lake to approximately 137 acre feet of storage, but there was no water right authorizing the additional 67 acre feet of storage. In 1985 the Department wrote a letter to the owners of the dam and required them to either lower the dam or file a new water right for the additional storage.

In 1986, permit 96-8449 was filed and approved for additional 80 acre feet of irrigation storage and irrigation from storage, and 0.70 cfs of irrigation for approximately 82 acres. The owner of this permit is Harry Hulquist, but it appears as though some of the land to be irrigated under this permit was owned by Carl Hulquist. If you are one of the current owner's of the land associated with this permit, you should acquire an assignment of permit if possible. If Harry Hulquist is no longer available to assign the permit to you, you should complete a change of ownership form and submit it to the Department with documentation that shows you attempted to contact Mr. Huquist, but were unable to contact him.

In 1997, Department staff performed an in-field examination of this permit. During that field examination, the field examiner found 3 points of diversion and between 14 to 16 acres of irrigation. The field examiner was required to measure the diversion, since there were no measurement devices on the points of diversion. Pictures in the field exam report, do not show any measurement devices on any of the diversions.

Permit Conditions not met:

As discussed above, the field report of the field examiner suggests that the system had no measurement devices on the point of diversions and the inflow into Jewel Lake. The permit was issued with the following condition:

The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

Pursuant to Idaho Code § 42-219(8), if the conditions of approval on a permit are not complied with, the Department may issue an order voiding the permit or issue a license for only that portion of the authorized use developed in accordance with the permit.

The current owner of the permit does have some options to resolve this issue. The current owner can submit documentation that they have complied with this condition and the field examiner was not informed of the compliance at the time of the exam, they can install the required measurement device and submit documentation of the installation, or they can request removal or waiving of the measurement requirement from the permit.

Documentation proving compliance should include pictures of the measurement devices both upstream of Jewel Lake, the measurement devices on the points of diversion, and the date of installation. If the current owner requests removal or waiving of the measurement requirement, they should submit this request in writing. If the current owner requests a waiver of the measurement requirement, the Department will consider their request and notify them of the decision in writing. In order to waive a measurement requirement, the Department must be confident that the facility can be properly regulated to avoid over use.

Ownership of the Permit:

According to Bonner County tax records, it appears as though some of the property could have changed hands, since the permit was issued. Our office has not received a change of ownership for water right 96-2321 or an assignment of permit for the permit. In order to keep our records up to date, I am sending a copy of this letter to all those individuals who may have an interest in the permit and/or water right 96-2321.

I am also sending two maps. One map will show the place of use for water right permit 96-8449 and the second map will show the place of use for water right 96-2321. Please review the maps and provide the proper ownership documentation to change these water rights into rightful owner's names.

Future Steps to be Taken:

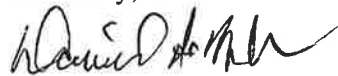
Once we have resolved the measurement device and ownership issues, the permit will need to be amended to move forward with licensing the permit. In order to amend the permit, I will send an amendment form for the current owner's review. Once the current owner of the permit has reviewed the document to ensure it is correct, the current owner of the permit will then need to sign the amendment and submit a \$100.00 amendment fee.

Conclusion:

The Department will withhold further action on the permit for thirty (30) days or by March 1, 2018. If we do not receive a response by this date, I will take action to void the permit under the provision of Section 42-219(8) of the Idaho Code. If the current owner decides that they are no longer interested in pursuing this permit, they can shorten the voiding process by completing the enclosed relinquishment form the permit form and ownership documentation stating they are the owner of the permit and return it to the Department. Please note: If the current owner is relinquishing the permit, then there is no fees for changing the ownership of the permit. If the current owner does relinquish the permit, the dam on Tanner Creek must be reduced to 4 feet in height to ensure that the additional storage in the Jewel Lake does not exceed 70 acre-feet.

If you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,

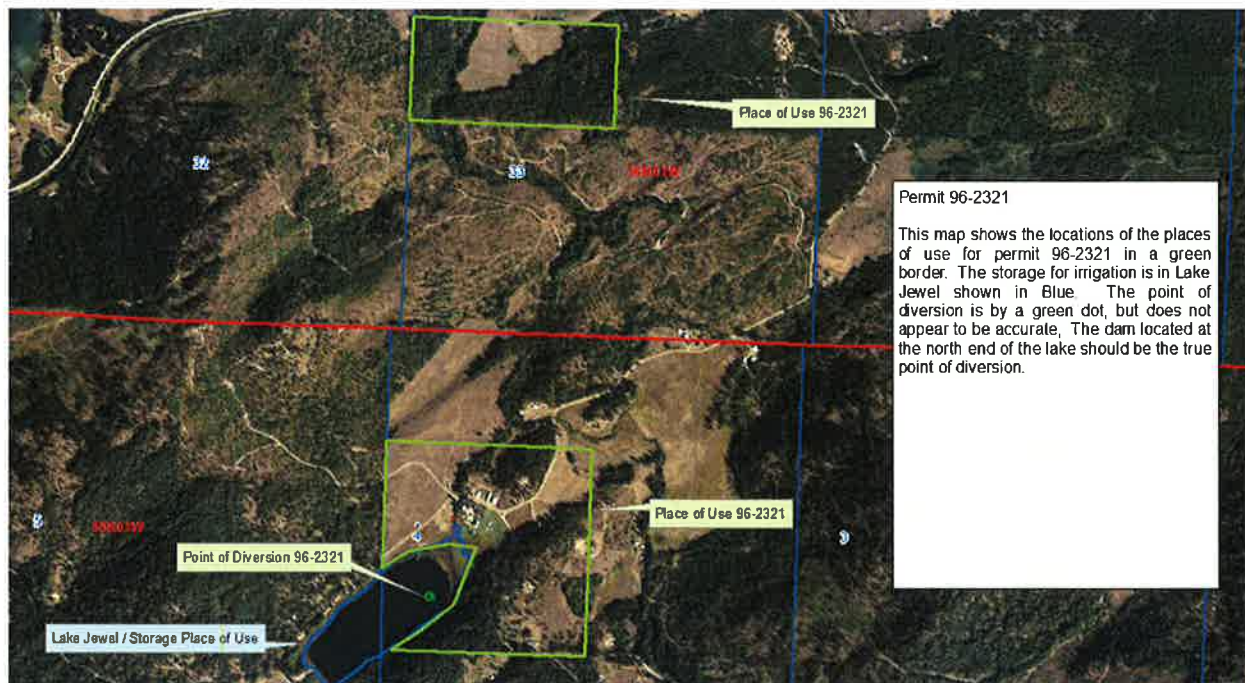


Daniel A. Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)
Email dan.nelson@idwr.idaho.gov

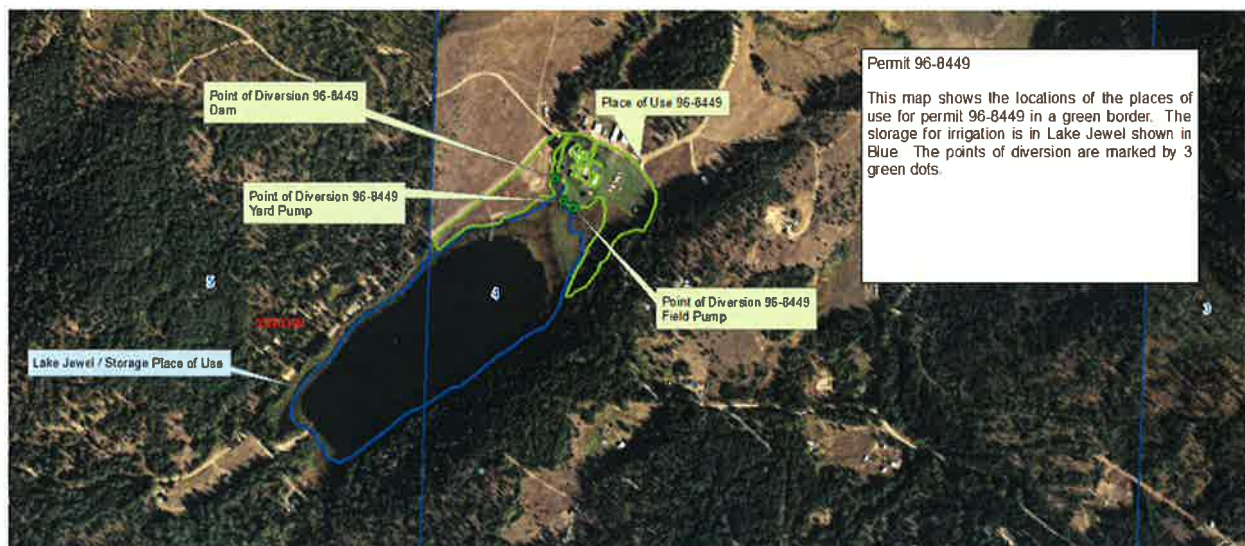
Enclosure: Relinquishment of Permit Form
Assignment of Permit Form
Change of Ownership Form
Maps of Water Right 96-2321 and Permit 96-8449 (one page)

cc Guy Duanne Hulquist
Richard and Joann Hulquist
Medina Trust, Emerick KoKot, Thelma Medina, C/O Vincent and Elisa T. Medina
Mark and Larry Schrank
Larry and Patricia A. Schrank
Robbie D. and Pamela S. Kucherry
Derek D. and Holly Kucherry
Daniel C. and Julia C. Hislop
Gene A. Clark
Elaine and Christian Obenauer

Below is a 2015 aerial photo map of water right 96-2321.



Below is a 2015 aerial photo map of permit 96-8449.



State of Idaho

2/22/2018

Department of Water Resource

322 East Front Street

P.O. box 83720

Boise, Idaho

Dear Sir

The intent of the Jewel Lake Ranch in the use of the lake water remains the same as it has been in the past years. The need to maintain the lake level is multifaceted. The irrigation of the pastures and green groomed lawn and garden areas is of the most importance as we have booked numerous weddings for this coming year starting in May and extending through October. Therefore we try to keep the place pleasing to the eye. The second reason is keep the fire hazard as low as is possible. From the weather forecast for this coming year it appears that August through October will see very little precipitation in this area.

It is important also to maintain a steady flow of water over the dam to satisfy the needs of Clarks & Dawson's water rights [re] water rights # 96-2321. The Dam itself has had in the past few years a problem with the beavers in that the beavers are constantly building a dam upon the dam boards that we use to maintain a constant lake level. It becomes a chore every day to clean out all of the sticks and mud that they place there. When I remove all of the boards from the dam then they dam the stream below. The dam. In the past I have hired professional trappers to try to remove the beavers and have had very little success there. I have tried to trap and or shoot them myself and also with the aid of a fish and game officer but to no avail.

When the lake level gets to low it becomes very difficult to irrigate with the systems we have in place right now. Even though the dam is built to a height of eight feet we never exceed the height of the old dam which is at the four foot level. If we were to go any higher it puts the water up on the lower lawn area and also messes up the approach to the dock on the other side of the lake. Due to excessive snow pack run off last year a great deal of sand washed into the lake and much had to be removed by the fish and game department on the south end of the lake to make the fishing access usable.

Thank you for your Consideration.

Greg Hildquist

Bonner County Map

