

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-13600

PRIORITY: February 06, 1995

Maximum Diversion Rate: 0.13 CFS
Maximum Diversion Volume: 49.5 AF

It is hereby certified that:

ROBERT B BOWEN 10620 OLA RD SWEET ID 83670 Or
KATHLEEN M BOWEN 10620 OLA RD SWEET ID 83670

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 06, 1995, and has submitted Proof of Beneficial Use on February 20, 1998. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

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	03/15 to 11/15	0.13 CFS	49.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27, Twp 08N, Rge 01E, B.M. GEM County

PLACE OF 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	
08N	01E	27					11.0												11.0

Total Acres: 11

CONDITIONS OF APPROVAL

- 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.
- This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 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 1st day of February, 2018.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
65-13600

This map depicts the IRRIGATION 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.

01E



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

0 0.035 0.07 0.14 Miles





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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 2, 2018

ROBERT B BOWEN
KATHLEEN M BOWEN
10620 OLA RD
SWEET ID 83670

RE: License No. 65-13600

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources 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 the conditions of approval and remarks listed on your license.

The license 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4951.

Sincerely,

Pamela Skaggs, Water Rights Supervisor
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

65-13600

**KATHLEEN M BOWEN
10620 OLA RD
SWEET ID 83670**

**ROBERT B BOWEN
10620 OLA RD
SWEET ID 83670**



Darla Block
Technical Records Specialist

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.

MEMORANDUM

TO: File 65-13600

FROM: Daniel Nelson – Staff Hydrologist

DATE: January 31, 2018

SUBJECT: Licensing Review of Water Right 65-13600

This field exam was performed by Department staff from our western region office. There are couple of issues that need to be addressed.

Place of Use:

The place of use for this permit was estimated at 13 acres. This field examination was performed before the Department had current mapping technologies. Therefore, the acre estimation was accomplished by measurements and use of an aerial photo supplied by the Farm Service Agency. Using the newer mapping technology suggests that only 10.6 to 10.8 acres were actually irrigated. This irrigation use is for a pasture, so there are great deal of rocks in this pasture that makes confirming irrigation of the entire property difficult. However, the pictures taken by the field examiner does show the entire pasture was irrigated. This is typical for a small pasture in this area. Therefore, I am recommending that the irrigation use be limited to 11 acres.

Diversion Rate:

The field examiner used a theoretical calculation. Using the theoretical calculation, the field examiner came up with a diversion rate of 0.26 cfs. However, the field examiner stated that the system utilized 16 sprinklers with 1/8 inch nozzles at 40 psi. 1/8 inch sprinkler nozzles at 40 psi have an output of 2.96 gpm per nozzle for an approximate total of 48 gpm (16 X 2.96 gpm/nozzle = 47.36 gpm). If the sprinkler numbers and size are correct, then the diversion rate would be closer to 0.105 cfs. I then double checked the theoretical calculation used, and discovered that the field examiner used the static water level in the well. The well driller's report clearly shows that after pumping 55 gpm for 2 hours, the pumping water level was at 360 feet. This is consistent with the wells in this area. The following is the theoretical calculation using the actual drawdown in the well:

$$(8.8 \times 10 \text{ Hp} \times 0.70) / [360 + (40 \times 2.31)] = 0.13 \text{ cfs.}$$

Using the actual drawdown in the well matches the sprinkler setup described by the field examiner. Therefore, I recommend limiting the diversion rate to 0.13 cfs. I didn't use the sprinkler estimate, because the field examiner only confirmed that 12 of the sprinklers had 1/8 inch nozzles. The sprinklers on the hose bibs could have had a bigger sprinkler nozzle.

Diversion Volume:

With the reduction of diversion rate and acres within the place of use, the volume would also need to be reduced. The diversion volume for 11 acres in this area is 4.5 af per acre or 49.5 af. It should be noted that the field examiner used 3.5 af instead of the 4.5 af authorized for this area. The reduced diversion rate would be more than adequate to supply the 49.5 af allowable for this right.

Overlapping Water Right:

The field examiner didn't list a water right for the domestic well and the domestic use associated with this property. I reviewed the water rights and found that water right 65-17004 was decreed in the Snake River Basin Adjudication for domestic use. I reviewed the yards around the two homes associated with this domestic use, and did find approximately 0.5 acres being irrigated. These acres were not included in the place of use for this irrigation right, since the field examiner stated that the yards were irrigated from the domestic well and was not connected to the irrigation system. There should be no combined limitation conditions for these rights, since the systems are not connected and they appear to only be irrigating 11.5 acres or less.

Permit 65-13600

The 2011 aerial photo shown below shows the pastures being irrigated by the irrigation well and the domestic yards being irrigated by the domestic well. I was able to find approximately 10.6 acres rounded to 11 acres. The different aerial photos available to the Department have different registration, but each of them show between 10.5 to 10.8 acres of irrigation. Therefore, rounding the acreage up to 11 acres should ensure that all of the irrigation is covered. It is difficult to see actual irrigation from the aerial photos, but the pictures taken in the field report clearly show the ground was being irrigated at the time the field examination was done. The area is rocky, but you can see that there is grass dispersed in the rocks. This is a pasture, so it isn't heavily worked. The animals using this pasture are mainly sheep, goats, and cows, so it does appear as though the entire area is being irrigated.

