

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 75-14276

Exam Date: 10/2/2012

1. Current Owner:

PATRICIA GEBEL 1395 SUNSET GROVE RD FALLBROOK CA 92028 (760) 723-6654 And/Or

MICHAEL J GEBEL 1395 SUNSET GROVE RD FALLBROOK CA 92028 (260) 723-6654

2. Accompanied by: Rob Greer

Phone No: 208.894.4503

Address:

Relationship to Permit Holder: caretaker

3. **SOURCE:**

Napoleon Creek

TRIBUTARY:

SALMON RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point-of-diversion: none

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

NAPOLEON CREEK L12 (NW¼NW¼) Sec. 2, Twp 23N, Rge 21E, B.M. LEMHI County

Method of Determination: field exam, GPS and NAIP imagery

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	
24N	21E	35											X						

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	21E	2						X											
24N	21E	35											X						

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	
23N	21E	2						0.8											.8
								L 12											
24N	21E	35											1.2						1.2

Total Acres: 2

Method of Determination: field exam, GPS and NAIP imagery

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	Pump Serial No. or Discharge Size
A0019126	Homelite Model: 121TP2-1	1	3103415	Briggs & Stratton	Model 130232

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1. None taken

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: The field exam took place in October. There was no water to measure

E. FLOW

_____ Additional Computation Sheets Attached

CALCULATIONS

Measured Method:

2 acres X 0.03 = 0.06 cfs

Permit for 0.09 cfs

Recommended Rate for Irrigation: 0.06 cfs**F. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2 \times 3.5 = 7.0$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.06 \times 214 \times 1.9835 = 25.5$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 7.0$$

2. Volume Calculations for Other Uses:

Application for permit 75-7428 requested stockwater for 8 cattle and 6 horses. There was no volume on the permit. According to Application Processing Memo # 3, 14 range cattle (and horses) are allowed up to 0.02 cfs and 0.4 af

The decreed permit was for 0.02 cfs

Recommended Volume for Stockwater: 0.4 AFRecommended Rate for Stockwater: 0.02 cfs

Pond:

The pond is approximately 0.02 acres

$$0.02 \text{ acres} \times 5 \text{ feet deep} = 0.10 \text{ af}$$

$$0.06 \text{ cfs total for water right} \times 1.9835 = 0.12 \text{ af}$$

They do not need a separate water right for the pond

G. NARRATIVE/REMARKS/COMMENTS

The original application for permit 75-7428 was for 12 acres within a nominal place of use that included 3 quarter quarters. Assignments of permit split the permit into 75-14275 and 75-14276. The SRBA court decreed both as permits in October 2008. Permit 75-14276 was partially decreed in the name of Michael J and Patricia Gabel and 75-14275 was partially decreed in the name of Sune and Maggie Brodin. Based on the partial decree it appears that no change of ownership is required.

Norman G. Gallagher owns the property to the southeast of the Gabel's land. Both landowners have residences in California. Together they employ Rob Greer as caretaker of their properties. Mr. Greer met me at the property in September 2012. Mr. Greer explained the system. However, there was very little water in the creek during the field exam.

The Gabels also have a domestic well for in-house use. They use Napoleon Creek water to irrigate the land around their house. The season of use given on the decree is April 1 through October 1. The license will be for the standard April 1 through October 31.

I did not find any evidence of development under permit 75-14275. There is no house on the property. Both Michael Gabel and Rob Greer stated that they had not seen irrigation on the land owned by the Brodins. Unless the Brodins provide evidence that they developed beneficial use, permit 75-14275 will be voided.

Have conditions of permit approval been met? X Yes No

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	
IRRIGATION	04/01 to 10/01	0.06 CFS	
DOMESTIC	01/01 to 12/31	0.04 CFS	
	Totals:	0.06 CFS	

2. Recommended Amendments

_____ Change P.D. as reflected above Add P.D. as reflected above x None

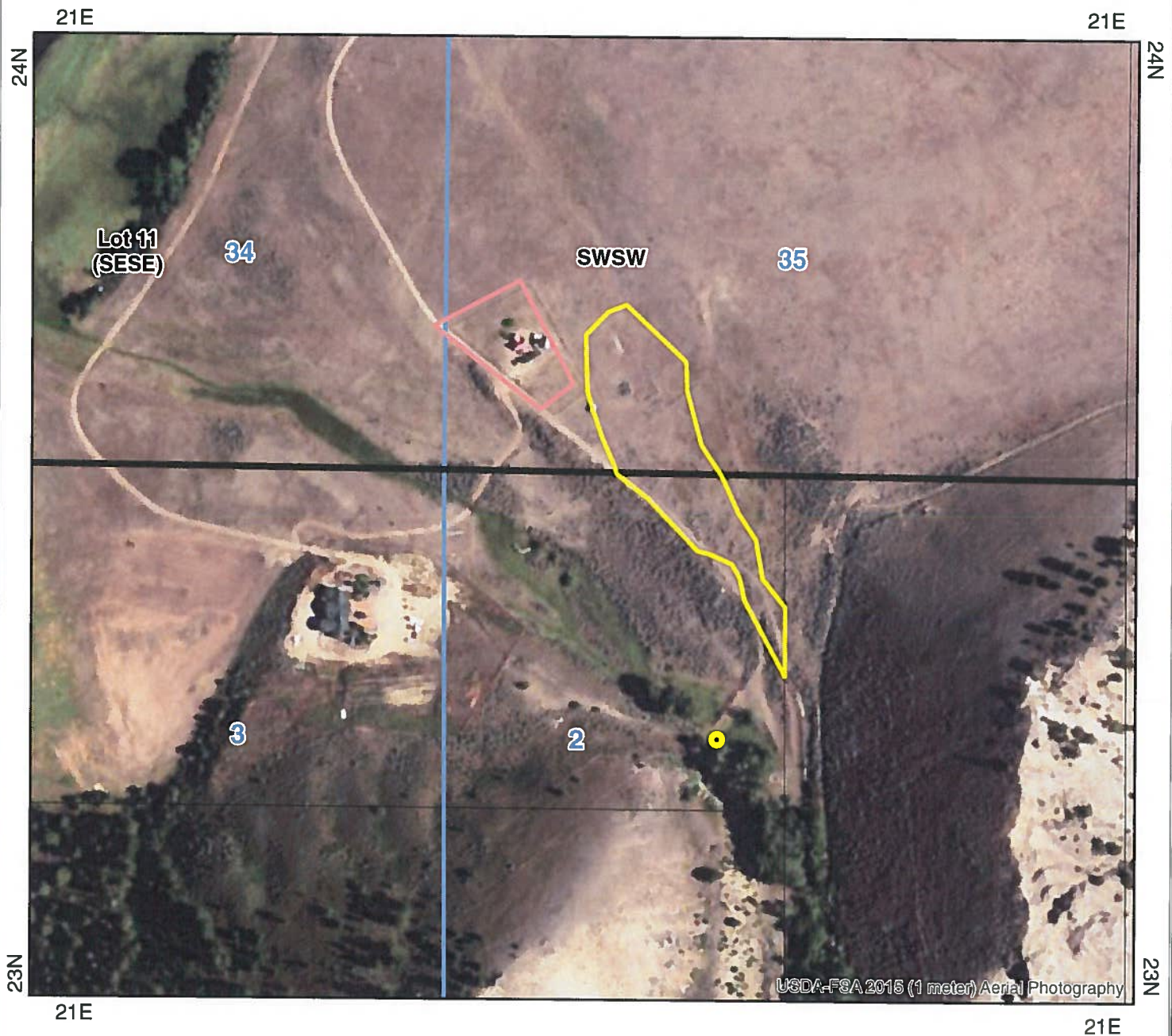
Change P.U. as reflected above	Add P.U. as reflected above	x	None
--------------------------------	-----------------------------	---	------

I. AUTHENTICATION

Field Examiner's Name Jordan Hill Date 9/12/2017

Reviewer _____ Date _____

State of Idaho
Department of Water Resources
Field Report Map
75-14276

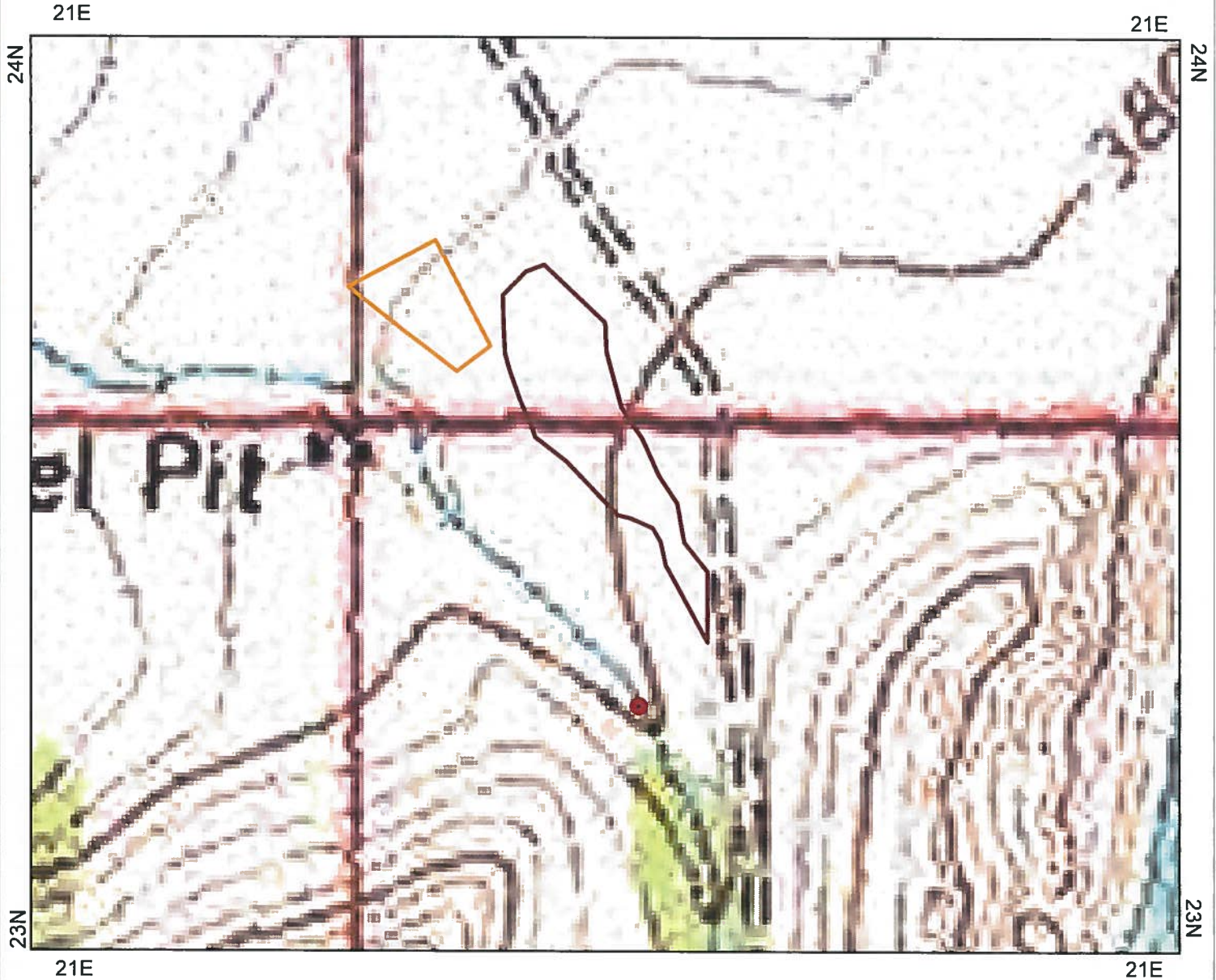


- Point of Diversion
- Domestic Place Of Use Boundary
- Irrigation and Stockwater Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
Department of Water Resources
Water Right License
75-14276

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



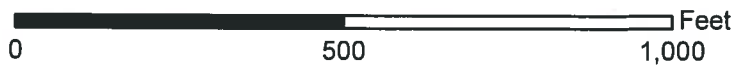
Point of Diversion



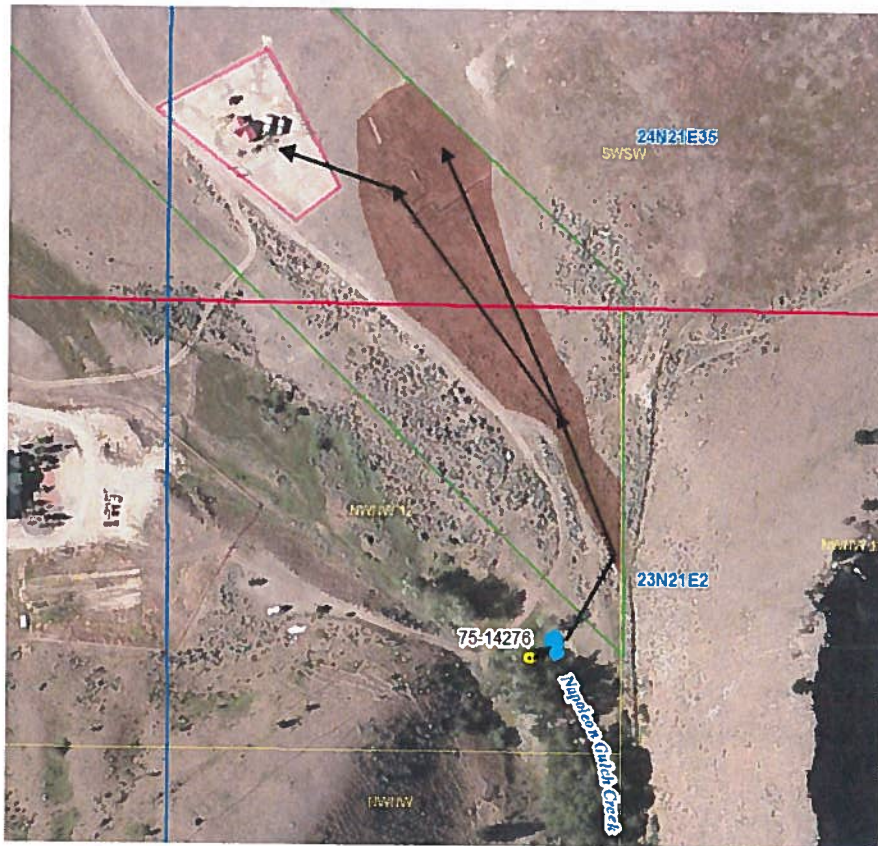
Domestic Place of Use



Irrigation and Stockwater Place of Use



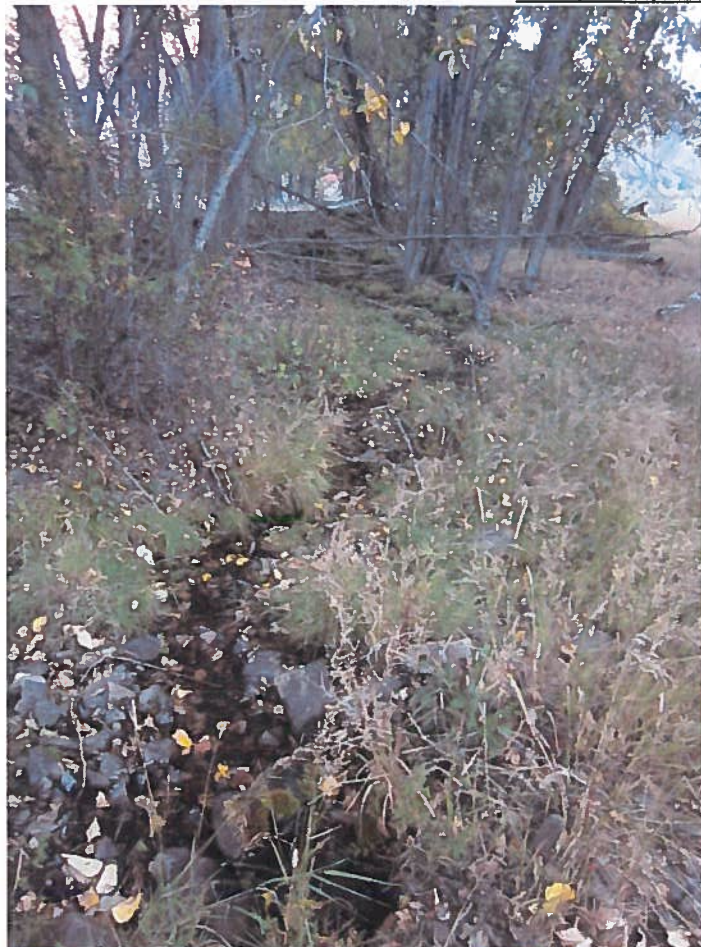
System Diagram for Water Right 75-14276



Napoleon Gulch Creek located in T23N R21E Section 2 Lot 12(NWNW) (shown above as a yellow dot) provides irrigation for 2.0 acres (shaded above in red) in Lot 12 and T24N R21E Section 35 SWSW. Creek water also provides stock water within the same place of use.

Water from the creek flows through an underground pipe approximately 40 feet to a 0.02 acre pond. From there sprinkler pipes flow to the north. Using a portable pump the water right holder can divert from either the pond or the creek. As the summer season progresses and there is less water, lengths of pipe are removed. Pipe also provides water to the land above the house, outlined in peony pink above. The water right holders own the property delineated in green.

PHOTOGRAPHER AND DATE OF PHOTOS: Sandy Thiel, October 2, 2012 FILE NUMBER: 75-14275 and 75-14276



Napoleon Creek upstream from the pond

Looking down the valley – Napoleon is in the trees to the left



Pond



Pond inlet



Pond inlet



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

July 20, 2017

MICHAEL GEBEL
PATRICIA GEBEL
22 NAPOLEON CREEK RD
SALMON ID 83467

Request for evidence of development

RE: Water Appropriation Permit 75-14276

Dear Permit Holders:

On September 26, 1985 the Idaho Department of Water Resources (Department) issued permit 75-7428 from Napoleon Creek for domestic, stockwater and irrigation. The Department received proof of beneficial use from Larry and Claudia Maxwell on July 21, 1986. According to that document, they had one household, 8 cattle, 6 horses and 12 acres of irrigation. On November 17, 2008, the Snake River Basin Adjudication court issues a partial decree for permit 75-14276, split from permit 75-7428. I have enclosed a copy of the partial decree.

The final step in the water appropriation process is the issuance of a water right license. By issuing a license, the Department recognizes that water has been put to beneficial use in accordance with the permit. I conducted a field examination to license the water right on September 5, 2012. During that visit, I was unable to determine the area irrigated under this permit. Please provide evidence of irrigation and stock water use. Also, please tell me the number and type of stock.

If you believe a water right license should be issued to you, please supply information to demonstrate that you established a beneficial use of water by July 21, 1986, in accordance with Permit 75-14276. If I do not receive the requested information from you within thirty days, by August 21, 2017, I will take action to void your permit under the provision of Section 42-219(8) of the Idaho Code.

If you have any questions, please contact me at (208)287-4881 or sandra.thiel@idwr.idaho.gov.

Sincerely,

Sandra Thiel
Sr. Water Resource Agent



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

July 20, 2017

MICHAEL GEBEL
PATRICIA GEBEL
1395 SUNSET GROVE RD
FALLBROOK CA 92028

Request for evidence of development

RE: Water Appropriation Permit 75-14276

Dear Permit Holders:

On September 26, 1985 the Idaho Department of Water Resources (Department) issued permit 75-7428 from Napoleon Creek for domestic, stockwater and irrigation. The Department received proof of beneficial use from Larry and Claudia Maxwell on July 21, 1986. According to that document, they had one household, 8 cattle, 6 horses and 12 acres of irrigation. On November 17, 2008, the Snake River Basin Adjudication court issues a partial decree for permit 75-14276, split from permit 75-7428. I have enclosed a copy of the partial decree.

The final step in the water appropriation process is the issuance of a water right license. By issuing a license, the Department recognizes that water has been put to beneficial use in accordance with the permit. I conducted a field examination to license the water right on September 5, 2012. During that visit, I was unable to determine the area irrigated under this permit. Please provide evidence of irrigation and stock water use. Also, please tell me the number and type of stock.

If you believe a water right license should be issued to you, please supply information to demonstrate that you established a beneficial use of water by July 21, 1986, in accordance with Permit 75-14276. If I do not receive the requested information from you within thirty days, by August 21, 2017, I will take action to void your permit under the provision of Section 42-219(8) of the Idaho Code.

If you have any questions, please contact me at (208)287-4881 or sandra.thiel@idwr.idaho.gov.

Sincerely,

Sandra Thiel
Sr. Water Resource Agent



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

May 31, 2016

MICHAEL GEBEL
PATRICIA GEBEL
1395 SUNSET GROVE RD
FALLBROOK CA 92028

Request for evidence of development

RE: Water Appropriation Permit 75-14276

Dear Permit Holders:

On September 26, 1985 the Idaho Department of Water Resources (Department) issued permit 75-7428 from Napoleon Creek for domestic, stockwater and irrigation. The Department received proof of beneficial use from Larry and Claudia Maxwell on July 21, 1986. According to that document, they had one household, 8 cattle, 6 horses and 12 acres of irrigation. On November 17, 2008, the Snake River Basin Adjudication court issues a partial decree for permit 75-14276, split from permit 75-7428. I have enclosed a copy of the partial decree.

I conducted a field examination on September 5, 2012. During that visit, I was unable to determine the area irrigated under this permit. I have enclosed a map showing your lot and the point of diversion from Napoleon Creek. Please highlight the area you irrigate and return the map in the enclosed envelop. No postage is necessary. Also, please tell me the number and type of stock. Please return the map by July 1.

If you have any questions, please contact me at (208)287-4881 or sandra.thiel@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Sandra Thiel".

Sandra Thiel
Sr. Water Resource Agent

Saxton, Craig

From: Bromley, Chris
Sent: Wednesday, July 18, 2012 10:27 AM
To: Saxton, Craig; Williams, Ray; Fritschle, Carter
Subject: RE: Partially Decreed Permits (75-7579, 75-7410, 75-14275, 75-14276)

Craig,

Ray's working on a list to get to the court and can get these into the mix if they're not already there.

As you find these, please let us know.

Thanks!

Chris

From: Saxton, Craig
Sent: Wednesday, July 18, 2012 10:25 AM
To: Williams, Ray; Bromley, Chris; Fritschle, Carter
Subject: Partially Decreed Permits (75-7579, 75-7410, 75-14275, 75-14276)

Hey,

I was wondering if we had made any progress on determining a course of action for Partial decrees that were issued when the claim was based on permit. I have 4 active permits that fit this bill in one format or another. Two of them contain the A01 condition and two of them don't (75-7579, 75-7410, 75-14275, 75-14276).

Thanks,
Craig

From: Williams, Ray
Sent: Tuesday, April 24, 2012 8:06 AM
To: Saxton, Craig
Cc: Bromley, Chris; Fritschle, Carter; Cooley-Denney, Suzy; Kelly, Vicki; Spencer, Nick; Courtney, Andrea
Subject: RE: SRBA Late Claim Director's Report--Permits/Pending Transfers

Craig –

I think NAP is Notice of Administrative Proceeding and that NCAP is Notice of Completed Administrative Proceeding. There are quite a few that are similar to the Basin 75 permits. I'm sorting them into categories, and I think these will move along with them. I believe Chris is going to contact the Court to determine the best way to proceed, once I'm done on my end.

Thanks,

Ray

From: Saxton, Craig
Sent: Tuesday, April 24, 2012 7:29 AM
To: Bromley, Chris

Cc: Fritschle, Carter; Williams, Ray; Kelly, Vicki; Cooley-Denney, Suzy; Spencer, Nick; Courtney, Andrea
Subject: RE: SRBA Late Claim Director's Report--Permits/Pending Transfers

Chris,

I am not sure what the difference between a NAP and a NCAP is? But if I find any claim based on permit, I will make sure you know about it.

To follow up on the B75 partial decrees based on permit, how do you suppose we should move forward with them? To refresh, the claims were based on permit, and actually got partially decreed without the A01 condition that states that when a license is issued, the license will supersede the partial decree. Now we have an active permit

I guess the main question is can we move forward with the permit and issue a license that will supersede the decree? Or is the decree the final determination and we just need to figure out a way to close these permits (75-7579, 75-14275).

Thanks,
c

From: Bromley, Chris
Sent: Monday, April 23, 2012 3:03 PM
To: Saxton, Craig
Cc: Fritschle, Carter; Williams, Ray; Kelly, Vicki; Cooley-Denney, Suzy; Spencer, Nick; Courtney, Andrea
Subject: SRBA Late Claim Director's Report--Permits/Pending Transfers

Craig,

We may not have this issue come up as we're winding down the SRBA, but I wanted to touch back with you on what you raised with the B75 partial decrees that were based on permit.

If we have any late claims in the SRBA based on permit or a late claim is pending transfer, we need to ensure that IDWR follows up the recommendation with a NAP. The NAP is the most failsafe means to ensure that those types of recommendations don't make it out of the court without IDWR issuing an NCAP.

Also, if you have any recommendations based on permit or pending transfer, please let legal know so that when it's time to put together the case management report for late claims, legal can specifically notify the court of these types of recommendations.

Thanks,

Chris