

IN-OFFICE BENEFICIAL USE FIELD REPORT

Permit No: 65-22755

Examiner: CP

Date: 01/20/17

In-office qualification (IDAPA 035.01.r):

- ☐ Irrigation ≤ 5 acres
☐ Stockwater storage ≤ 14.6 af
☒ Total diversion rate ≤ 0.24 cfs and not irrigation or storage

Current Owner Name: TESSI M LINDLEY

Address: 5226 N MARCLIFFE AVE BOISE ID 83704

Beneficial Use Fee Paid: \$50.00

Receipt: C086933

Source: Unnamed Stream

 Source change? ☒ N ☐ Y Change clarifies originally intended source.
 If not – void permit.

Point of Diversion			NE				NW				SW				SE			
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
08N	08E	4													X			

Method of Determination: aerial imagery, digital PLS mapping, taxlot spatial data

POD change? ☒ N ☐ Y

Place of Use			NE				NW				SW				SE				Totals
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	08E	4													X				

Method of Determination: taxlot spatial data, digital PLS mapping

POU change? ☒ N ☐ YPurpose of Use: Domestic (irrigation ≤ 0.5 acres)Purpose change? ☒ N ☐ Y

Method of Determination: Correspondence with permit holder

Standard Season of Use: 01/01 - 12/31

Update required on license? ☒ N ☐ YOverlap Review POD overlap? ☒ N ☐ Y WR's:Analysis Attached ☒ Comments: No other uses for pumpPOU overlap? ☐ N ☒ Y WR's: 65-11340A

Comments: a community system diverted from Archie Creek to the east

Diversion Rate	Permitted Rate: 0.04 cfs	BU Standard Limit: 0.02 cfs
	BU Fee Limit: 0.20 cfs	Theoretical (optional): cfs
Recommended Total Div Rate: 0.02 cfs		

Annual Volume

For Irrigation:	cfs x 1.9835 x	days	=	af
	acres x	af/ac (FHR)	=	af
	Smaller of two volumes		=	af

For other uses: Irrigation of 1/2-acre $\Rightarrow$ 0.5 acres x 3.0 afa/acre (headgate requirement) = 1.5 afa

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Recommended Amounts

Beneficial Use	Season of Use	Diversion Rate (cfs)	Annual Volume (af)
Domestic	01/01 - 12/31	0.02	1.5
Totals		0.02 cfs	1.5 af

Amendments Required

☐ Change P.D. ☐ Add P.D. ☒ None
☐ Change P.U. ☐ Add P.U. ☐ Other:

Conditions: Drop 26A and X01, add 240, change 121 to 103 at licensing

Have conditions of permit been met? ☒ Y ☐ N

Narrative:

Permit 65-22755 authorizes the diversion of 0.04 cfs from an Unnamed Stream (West Fork Archie Creek) for domestic use in the NE 1/4 of the SE 1/4 of Section 4, Township 08 North, Range 08 East, Boise Meridian. The total diversion rate is less than 0.24 cfs which qualifies this permit for an in-office field exam. The exam was completed on March 14, 2017 by WRA Cody Parker.

I processed this exam alongside the exam for permit 65-22754, whose POU was the taxlot was adjacent to the POU for this permit. Both of the permits authorized diversion of 0.04 cfs for domestic use, so I assumed that they had been similarly developed. The POU was linked to the specific lot and block number within a particular subdivision in the conditions on the permit. The owner of the taxlot matched the name of the current permit holder. I compared the taxlot spatial data to the digital PLS map to determine the legal description, which matched the description listed on the permit.

I have spoken with the owners of the taxlots along the northern and southern borders of the POU in connection with separate in-office field exams. In both cases, the landowners told me that the unnamed stream runs along the eastern edge of their property. For this water right, I have located the POD at the eastern edge of the POU along the stream. The diverting works are limited to a portable pump by a condition on the permit. It stands to reason that if the stream runs along the eastern edge of the property the pump likely diverts water from the stream along that edge within the property bounds.

The diversion rate I have recommended for the license is 0.02 cfs, which is the BU standard rate for 1/2 acres of irrigation. Through email correspondence with the permit holder, I was able to determine that the primary use of this right has been the irrigation of up to 1/2 acre to keep vegetation green during the fire season. No in-home use was developed. Because the primary use is irrigation, I have used the 3.0 afa/acre headgate requirement to define the annual volume limit of 1.5 afa. The annual volume could be constrained further if there was more information about the actual period of irrigation annually, but that information was not provided by the permit holder.

There are no other rights associated with this particular point of diversion. However, there is an overlapping water right associated with a community system in the area which diverts from the main stem of Archie Creek to the east (65-11340A). There are existing combined use limits on the permit which limit the total use between the two rights to 0.04 cfs for the domestic use on this parcel. This right should be retained at licensing.

Workflow

Exam Date Entered ☒
 POU/POD shapes ☒
 Combined Rights Entry ☐
 Wild & Scenic Entry ☐
 Draft License and Map ☒
 FE Database (N: drive) ☒

Supporting Documents

Aerial Photograph ☒ Well Log ☐
 POU/POD Map ☒ Diagrams ☐
 LandSat ☐ Theoretical ☐
 Photographs ☐ Other: ☐
 Site Visit Date:

Authentication

Field Examiner's Name: Cody Parker

Date: 6-20-17

Reviewer: Angela M. Quinn

Date: 4/20/17

Parker, Cody

From: Tessi Lindley <tlindley@caldwellschools.org>
Sent: Monday, March 13, 2017 1:55 PM
To: Parker, Cody
Subject: Re: Water Right Permit No. 65-22755

Hello, and thank you for your speedy reply!

The only thing we have used the creek water for so far is to irrigate (sprinkle) when it is very dry to help prevent fire hazards. As I mentioned in my last e-mail, my husband and I do plan to build on this piece of land within the next two or three years. I also plan to "reforest" this spring / summer by planting some pine trees which I hope to water for at least the first year to help get them established.

I hope this will meet the requirements. Let me know if you need anything else on this matter.

Sincerely,

Tessi Lindley

On Mon, Mar 13, 2017 at 12:54 PM, Parker, Cody <Cody.Parker@idwr.idaho.gov> wrote:

Dear Ms. Lindley,

Thank you for your response to the letter I sent dated January 19, 2017. I acknowledge that the letter was rather hastily composed and apologize for the confusion that it has created. According to the Idaho Dept. of Water Resources (IDWR) database, the only thing listed in your name is this water right permit no 65-22755, which authorizes the diversion of 0.04 cubic feet per second (cfs) from an unnamed stream for domestic use. It was applied for by your mother, Roberta Marmon, in 2002. It looks like you filed an Assignment of Permit form to transfer the existing permit into your name in 2012. The Proof of Beneficial Use form was submitted for this permit in 2008, which is basically a confirmation from the permit holder that development of the project has been completed. Once this paper is submitted, the next step in developing a water right is to complete a field examination to confirm that the project has been developed. I began such an examination on January 19, 2017, the date on the letter I sent.

Unfortunately, because the Proof of Beneficial Use form has been submitted, I cannot extend the development period for this permit. The best option is to license the use as it has been developed. I asked about a structure on the property because a condition on the permit specifies that the "domestic use is for 1 home." However, if you can describe any use of water from the unnamed stream (Archie Creek) on this property since 2002 I will be able to license the water right. These uses may include things like: any domestic-type use, irrigation of up to ½ acre, stockwater use not exceeding 13,000 gallons per day, or any other use which does not exceed 0.04 cfs or 2,500 gallons per day. If you can provide a description of any of these uses which have occurred on the property since the permit was issued, I will be able to license the water right for the full 0.04 cfs that is authorized by the permit.

Please let me know if you have any questions or comments. I hope that I have adequately addressed your concerns. Thank you for your time and for your attention to these matters.

Parker, Cody

From: Tessi Lindley <tlindley@caldwellschools.org>
Sent: Friday, March 10, 2017 3:57 PM
To: Parker, Cody
Subject: water rights

Hello,

My name is Tessi Lindley and I received a letter concerning water rights on my property in Lowman.

I am a bit confused because your letter states that I applied for a permit (No. 65-22755) in May of 2008, but at that time the property belonged to my mother, Roberta J. Marmon. I filed for basic water rights when I obtained the property from her in 2011 - 2012, and would like to clarify and clear up this issue.

I was not aware that you have to have a building to have water rights. It will be a few years before my husband and I are able to build on this site, and i do not feel I should lose my water rights just because I am unable to build right now.

I wish to retain any and all water rights associated with this property. Please let me know what forms I need to fill out and file, or what else I need to do to take care of this matter.

Thank you for your time.

Sincerely,

Tessi M. Lindley



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 19, 2017

TESSI M LINDLEY
5266 N MARCLIFFE AVE
BOISE ID 83704

RE: Permit to Appropriate Water No. 65-22755

Notice of Pending Order to Void Permit

Dear Ms. Lindley,

I am writing to you today concerning water right permit No. 65-22755, which authorizes the diversion of 0.04 cfs from an unnamed stream for domestic use in the NE ¼ of the SE ¼ of Section 4, Township 8 North, Range 8 East, B.M., Boise County. The Idaho Department of Water Resources (IDWR) received your Proof of Beneficial Use for this permit on May 21, 2008. The next step in the water allocation process is to complete a field examination to determine the extent to which you have developed the water use proposed in your application, and authorized on your permit. On January 19, 2017, I began an in-office field exam for this permit.

To complete the field exam and move forward with licensing this water right I must determine if you have developed the domestic use listed on your permit. I cannot determine from the aerial imagery if there is a structure on the property that receives diverted water for domestic use. I need you to submit proof that such a structure exists. The Department will accept as proof any photos of the building or copies of paperwork that link the building to the address of the place of use.

Your written response can be sent to the address provided in the letterhead above, or emailed to me at cody.parker@idwr.idaho.gov. Please call me at 208-334-2190 with any questions or concerns that you may have. I look forward to a timely response from you within thirty (30) days of the date listed at the top of this letter. If I do not hear from you within thirty (30) days, I will assume you no longer have any interest in establishing a water right, and I will take action to void the permit. Thank you for your attention to these matters.

Respectfully,

Cody Parker
Water Resource Agent

State of Idaho
Department of Water Resources
Map of POU/POD
65-22755

This map depicts the DOMESTIC 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.



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

0 0.035 0.07 0.14 Miles



BasinSeq#	Owner	Source	Use
65-10871	KOPKE, FRED	ARCHIE CR	DOMESTIC
65-11340A	ENCHANTED	ARCHIE CR	DOMESTIC
65-11340B	DAVIS, EILEEP	ARCHIE CR	DOMESTIC
65-13206	JURICA, JULIE	ARCHIE CR	IRRIGATION
65-22753	HAGEN, BRIA	UNNAMED	DOMESTIC
65-22754	DIXON, DON	UNNAMED	DOMESTIC
65-22755	LINDLEY, TES	UNNAMED	DOMESTIC
65-2597A	ENCHANTED	ARCHIE CR	IRRIGATION
65-2597B	DAVIS, EILEEP	ARCHIE CR	IRRIGATION
65-748B	FARBER, ROB	ARCHIE CR	IRRIGATION

[illegible]