

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 61-12302

Exam Date: 11/19/2015

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? ☒ Yes ☐ No
- a. Irrigation of 5 acres or less
- b. Storage of up to 14.6 AF for stockwater purposes only
- c. Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
- d. Other < >

2. Current Owner: Name: Cold Springs LLC
- Owner-of-Record Correct? ☒ Yes ☐ No
- Address-of-Record Correct? ☒ Yes ☐ No confirmed by ISOS query
- If No: <Address>

The assignment of this permit occurred very recently. Available Elmore County taxlot information still shows Bobby Tucker as the owner of the property.

3. Beneficial Use Fees have been paid: ☒ Yes ☐ No Receipt No: W043610

4. SOURCE**TRIBUTARY**

Cold Springs Creek
Method of Determination: aerial photography

Snake River

Change in Source:

☐ Yes ☒ No**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: Overlap? ☒ Yes ☐ No

Water Right No.	Source	Purpose of Use	Basis
37-22577	Malad River	Irrigation	Decree
37-21595	Malad River	Irrigation	Decree
37-4112	Malad River	Irrigation	Decree

Comments: The above rights are owned by King Hill Irrigation District. The POU is within their service territory.

2. Other water rights with the same point of diversion: Overlap? ☐ Yes ☒ No

Water Right No.	Source	Purpose of Use	Basis

Comments: I was not able to locate a water right for in-house domestic use.

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

Source	Govt. Lot	¼	¼	¼	Sec.	TWP	RGE		County
Cold Springs Creek			SW	NE	31	5S	09E	B.M.	ELMORE

Method of Determination: The legal description in the permit is validated by PLS data and aerial photography.

Change in POD? ☐ Yes ☒ NoAmendment Required? ☐ Yes ☒ No

2. **LOCATION OF PLACE(S) OF USE:** 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	
5S	09E	31			.5														

Method of Determination: The legal description in the permit is validated by PLS data and aerial photography.

Change in POU? ☐ Yes ☒ No Amendment Required? ☐ Yes ☒ No

3.

☐ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable. The pipe size is unknown.

☒ Aerial Photo Attached (required for irrigation of 10+ acres).

☐ Photo of Diversion and System Attached

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Unknown.		1.5		Unknown	Unknown

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

D. FLOW MEASUREMENTS

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

2. Measurements: In-office field exam. No measurements taken

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Small irrigation use standard = 0.03 cfs

Permit allowed = 0.03 cfs

License recommended for 0.02 cfs = 0.03 cfs/ac x 0.5 ac

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 0.5 \times 4.0 = 2.0 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.03 \times 246 \times 1.9835 = 14.6 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 2.0 \text{ af but no volume required for license of irrigation from a surface water source}$$

Volume Calculations for Other Uses: _____
I.R. D.R.

G. PURPOSE OF USE

Irrigation ☒ Yes ☐ No # Stock none

Domestic # of Homes none

Other: < >

Change in Purpose of Use? ☐ Yes ☒ No

Method of Determination: Information in the water right file is consistent with aerial photography of the property.

If Yes: From Use _____ To Use _____ Amount _____ CFS _____ AFA

H. NARRATIVE/REMARKS/COMMENTS

Permit 61-12302 authorized a diversion from Cold Springs Creek of 0.03 cfs for irrigation associated with a small mobile home park. Based on the small permitted diversion rate, this permit qualifies for an in-office field exam.

The legal description of the POU was used to locate the property. Available Elmore County taxlot information shows that Bobby Tucker is owner of the property. A map identifying the POU was submitted with the application and the shape outlined on that map matches the taxlot boundary. Bobby Tucker passed away in April 2015. Peggy Tucker is his widow. She has recently sold the property and assigned the permit associated with it, to Cold Springs LLC.

The application states that this permit is intended to replace cancelled permit 61-7571. The microfiche record for permit 61-7571 shows that: 1) permit 61-7571 was for irrigation of 5 acres from Cold Springs Creek, 2) no beneficial use was found by the examiner on June 27, 1996 for a POU that was primarily freeway right-of-way and 3) a void order for 61-7571 was issued on April 7, 1998. There is no overlap with 61-12302

The permit was conditioned with a requirement for lockable control works. In the proof of beneficial use statement, the permit holder states that a lockable device was required but it had not been installed. Attached to the proof statement was a request to waive the requirement from Peggy Tucker, the former permit holder. I contacted the Basin 61E watermaster Rich Neal by phone and email requesting his opinion. Mr. Neal visited the site and responded to my email. He stated that he would not require lockable controls on this small system. The control works condition will be removed from the water right license.

I created the POU shapes based on aerial photography and taxlot boundaries. The property is within the service territory of King Hill Irrigation District. The Cold Springs LLC personnel stated that they had purchased one share in King Hill Irrigation District from the Tuckers.

I created the POD by reselecting the POD from the permit layer. Overlap review yielded no other water rights sharing the POD.

According to the application and confirmed by Peggy Tucker the previous holder of this permit, the in-house domestic use is being supplied by an existing well. I found no record of a water right which authorized that use. I contacted both the former and the current permit holder for additional information. From those phone conversations, I understand that the Tuckers believed a domestic exemption was in effect.

I contacted the Western Region office and Rob Combs representative for Cold Springs LLC with my findings. I encouraged the Cold Springs LLC to initiate a permit for the domestic use with the region office as soon as possible.

The permit authorized the standard rate for irrigation use less than 5 acres. I am recommending that rate and volume for the license.

Have conditions of permit approval been met? ☒ Yes ☐ No The permit required lockable control of the diversion works. The permit holder requested a waiver and the watermaster was comfortable with waiving the condition.

I. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Irrigation	3/15-11/15	0.02 cfs	N/A
	<u>Totals</u>	0.02 cfs	N/A

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Other: < >

I. AUTHENTICATION

Field Examiner's Name Michele Edl Date November 19, 2015

Reviewer *Camela Stagg* Date 11-19-2015

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 61-12302
 Reviewer: Michele Edl
 Date of Review: 11/18/2015

P/D No.:	Senerio 1	Senerio 2	Senerio 3
PUMP HORSEPOWER	1.5	1.5	1.5
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	10.0	10.0	10.0
DISCHARGE PRESSURE	35	45	55
RATE OF FLOW (cfs)	0.10	0.08	0.07 0.08

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: % 70 efficiency
 No Friction

Examiners Notes:

Horsepower was given by the former permit holder. Lift was estimated by this reviewer and is from the pump location in the creek to the irrigation level of the property. Discharge pressure ranges from 35-55 psi to account for expected sprinkler system in use.

Edl, Michele

From: Rob Combs [RobCombs@aol.com]
Sent: Wednesday, November 18, 2015 4:01 PM
To: tob1ask15172@gmail.com
Cc: Edl, Michele
Subject: Cold Springs RV Park Irrigation Permit #61-12302

Hello Rich,

I got your contact information from Michele at the IDWR.

My name is Rob Combs, and I am the new owner of the Cold Springs RV Park. Michele Edl forwarded me your last email to her regarding your visit to the park, and I want you to know we have no plans to use the water from the creek for anything but watering the grass 3 or 4 times a week during the summer--which is what I understand the Tucker's were doing. The pump was just removed from the creek for the Winter, and will be hooked up again in the Spring. I will get you the specs and model information for the pump the next time I am down there, so you will have it for your records. As for the make-shift dam--since it seems sufficient to create a small pool deep enough for the pump to operate, I don't foresee any changes there either.

Please feel free to contact me with questions, or to provide any information or instructions we may need to be in compliance with the permit.

Sincerely,

Robert Combs
Cold Springs, LLC
4421 N Creswell PL
Boise, ID 83713
208-412-2846
robcombs@aol.com

From: Richard Neal [tob1ask15172@gmail.com]
Sent: Sunday, November 15, 2015 11:09 AM
To: Edl, Michele
Subject: Re: lockable control of 61-12302

Howdy michele,

When I stopped at the Hammett trailer park last Thursday no one was home, but I viewed where water was being pumped from the creek. There is a partial dam made from rocks and a jumble of plastic pipe on the bank. Also remnants of an electrical hook up but no pump. From what I can see they need to decide what they wish to do and then contact me. I never delivered water to this location so don't know what they used. It must have been fairly simple but new owners might have other ideas. Something simple for 0.03 cfs on 1 acre would not need any lockable device in my opinion.

Rich Neal

On Nov 10, 2015 5:56 PM, "Edl, Michele" <Michele.Edl@idwr.idaho.gov> wrote:

Mr. Neal,

Earlier today Rob Whitney shared your email address with me. I left a couple voice messages on your cell phone number but now I'm doubling up with an email message.

Peggy and Bobby Tucker were the former owners of permit 61-12302. You may already know that Bobby Tucker passed away in April. His wife recently submitted the proof of beneficial use statement for the permit, sold the property to Cold Springs LLC and assigned permit 61-12302 to them.

Because the permit authorizes a small diversion rate, it qualifies for IDWR's in-house review and licensing track, rather than the full-meal-deal of a dedicated field visit. I have been assigned to review permit 61-12302 and if possible issue the license for the use. It diverts from Cold Springs Creek which is where you come in.

The permit required lockable control of the diversion and Peggy Tucker stated in the proof statement that lockable devices were required but had not been installed. I didn't see any evidence in the file that you had waived that requirement. Even though this is a small use and I can make licensing recommendations based on aerial photography, I can't issue a license until I have resolved the lockable controls issue.

Do you know anything about this diversion?

Is the pump small enough that it can be removed from the creek or is there some other method which would provide you control of this diversion?

I have been in contact with Mrs. Tucker and with Rob Combs, the contact for Cold Springs LLC. And I would be happy to forward phone numbers, addresses, etc. if you need them.

Peggy Tucker is struggling to do what needs to be done to clean up issues left unfinished by her husband's death. She is stretched thin and she cried over the phone when I spoke with her yesterday so I'm trying to relieve her of some of the tasks.

Please give me a call or respond to this email and let me know how you want me to proceed. I can hold up on the licensing process until we all can see the same path forward.

IDWR has veterans day as a holiday so I will be out of the office tomorrow, but I look forward to hearing from you soon.

Thanks.

Michele Edl

208-287-4946

No. W 29057	Due no later than Mar 31, 2015 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			ROBERT COMBS 4421 N CRESWELL PL BOISE 83713			
	1. Mailing Address: Correct in this box if needed. MCQUOID LEASING, LLC ROBERT E COMBS 4421 N CRESWELL PL BOISE ID 83713 USA		3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MEMBER	ROBERT E COMBS	4421 N CRESWELL PL	BOISE	ID	USA	83713
5. Organized Under the Laws of: ID W 29057	6. Annual Report must be signed.* Signature: Robert E Combs Name (type or print): Robert E Combs Date: 02/03/2015 Title: Member					
Processed 02/03/2015	* Electronically provided signatures are accepted as original signatures.					



IDAHO SECRETARY OF STATE Viewing Business Entity

Lawrence Denney, Secretary of State

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COLD SPRINGS, LLC

4421 N CRESWELL PL
BOISE, ID 83713

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING

State of Origin: IDAHO

Date of 04 Mar 2004

Origination/Authorization:

Current Registered Agent: ROBERT COMBS
4421 N CRESWELL PL
BOISE, ID 83713

File Number: W29057

Date of Last Annual Report: 03 Feb 2015

Annual Report Due: Mar 2016

Original Filing:

Filed 04 Mar 2004 ARTICLES OF
ORGANIZATION

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Amendments:

Amendment Filed 23 Apr 2010 OTHER -
ADD
MEMBER

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Amendment Filed 07 Apr 2011 OTHER -
REMOVE
MBR/MGR

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Amendment Filed 23 Apr 2015 NAME
CHANGED TO
COLD SPRINGS,
LLC

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Annual Reports:

Report for year 2015 ANNUAL REPORT
Report for year 2014 ANNUAL REPORT
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