

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

A. GENERAL INFORMATIONPermit No: 29-14118

Exam Date: 10-29-2015

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? X Y N
- Irrigation of 5 acres or less
 - Storage of up to 14.6 AF for stockwater purposes only
 - Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - Other < >

2. Current Owner: Name: Tysom and Nicole Schwartz
- Owner of Record Correct? X Y N
- Address of Record Correct? Y N
- If No: Address

3. Beneficial Use Fees have been paid: X Y N Receipt No: C0

4. SOURCE TRIBUTARY

Ground Water

Method of Determination: GIS and Taxlot DataChange in Source: Y X N**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
29-14103	Ground water	Irrigation	Decree
29-11021	Ground water	Domestic and stockwater	Decree
29-11022	Capell Spring	Stockwater	Decree
29-7187	Ground water	Domestic	License
29-362	Capell spring	Irrigation	Decree

Comments: There are several water rights that appear to overlap this place of use. Water rights 29-14103 is the only right in the permit holder's name. Water right 29-14103 is an irrigation right for the same property. Water right 29-7187 is a license that claims the same point of diversion and place of use, but there is correspondence in the file that this right belongs in the SESE quarter instead, but no transfer has been filed to correct the legal description. 29-11022 is from a spring south of the property for this permit, but the property south of the road and this property were once owned by the same person, and the splitting of the water rights and changes of ownership haven't been done, but it appears as though 29-11022 belongs to the property south of the road. Water right 29-362 is canal water that appears to supply canal water to the property. Water right 29-11021 is very convoluted, and I have composed a memorandum dated October 29, 2015 to explain the overlap for this particular water right.

2. Other water rights with the same point of diversion: NO Overlap

Water Right No.	Source	Purpose of Use	Basis
29-13989	Ground water	Irrigation	Decree
29-14103	Ground water	Irrigation	Decree

Comments: Well Driller Reports data show 2 wells were drilled at the area described in the point of diversion. One of the wells is an irrigation well and the other is a domestic well. The above rights appear to be diverted from the west well or the irrigation well for this property. Permit 29-14103 is an irrigation water right that is used on the permit holder's property. The other two rights are for other property other than the lands included under this permit. The east well or domestic well is associated with several water rights. The east well has water rights 29-7187, 29-111021, 29-10621, and 29-13990. Water right 29-7187 is licensed domestic water right that appears to be located east of the property in the SESE quarter. Water right 29-10621 is a domestic and stockwater right for a different owner that owns a small parcel south of the road. Water right 29-13990 is for a different owner that appears to have transferred his portion of the well use to a new well at a different location, but the GIS data doesn't reflect the transfer. Water right 29-11021 is very convoluted, so I have written a separate memorandum dated October 29, 2015 to explain this overlapping water right.

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

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
West Well			SW	SE	5	10S	36E	B.M.	BANNOCK
								B.M.	
								B.M.	

Method of Determination: GIS and existing water right data. **PLEASE NOTE: The GIS data shows two wells at the same location. I used the west well, because it most resembled the description of the well in the application for permit. The application describes a 40 Hp well that I would consider to be an irrigation type of well. The east well appears to be a smaller well for domestic use, and the west well is an irrigation well according to the driller report information.**

Change in POD? X N Amendment Required? X N **2. PLACE 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	
10S	36E	5															S		
		Lot #																	
Total Acres =																			

Method of Determination: GISChange in POU? X N Amendment Required? X N Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

 X 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
West Well	Unknown	40	Unknown	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
NONE						

2. Measurements: No measurement is required for an in-house exam, but a theoretical calculation was used to determine if the diversion rate is reasonable. This site is outside of the borders of those water districts measuring ground water, and the back files of the overlapping water rights have no measurement data. Therefore, a theoretical calculation is the only method of determining flow rate.

E. FLOW CALCULATIONS

YES Additional Computation Sheets Attached

Measured Method:

A theoretical analysis shows that a diversion rate of 0.03 cfs plus the water rights already existing on these two wells is possible with a 40 Hp pump.

Theoretical Calculation = 1.01 cfs

Amount Allowed for 100 head of cattle = 0.03 cfs

Permit allowed = 0.03 cfs

The permit limited the diversion rate to 0.03 cfs and this conforms with Application Processing Administrative Memorandum #3. Therefore, I am recommending a diversion rate of 0.03 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\quad \quad} \times 3.5 = \underline{\quad \quad}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = \underline{\quad \quad} \times 214 \times 1.9835 = \underline{\quad \quad}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\quad \quad}$$

2. Volume Calculations for Other Uses:

Application Processing Administrative Memorandum #3 allows an annual volume of 1.4 af per year for up to 100 head of cattle. Using the standard of 12 gpd per animal allows just over 1.3 af per day (12 gpd X 100 X 365 / 325850 = 1.34417 af per year for 100 head. The permit has a condition that limits the diversion volume to 13,000 gpd, so I will not be assigning a volume to the license.

G. PURPOSE OF USEIrrigation ☐ Y ☒ N # Stock 100 head Domestic # of Homes _____

Other: < >

Change in Purpose of Use? ☐ Y ☐ NMethod of Determination: Application for Permit information.

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

H. NARRATIVE/REMARKS/COMMENTS

This permit is qualifies for an in-house exam. The biggest issue with this permit are the overlapping water rights. I have composed a memorandum dated October 29, 2015 that address the biggest issue with the overlapping water rights. It has been determined that we should move forward with licensing, since there is a question as to whether or not 29-11021 is actually owned by the permit holder. It does appear as though this permit is diverted from the irrigation well, so it may not be considered an actual overlapping water right from the same source. A change of ownership will need to address this issue in the future. It was unreasonable to require the owner to void this permit and address the ownership change before we could move on, since we approved the permit.

I am going to leave the condition N13, but I will remove all of the other conditions on the permit as is the standard.

Have conditions of permit approval been met? ☒ Yes ☐ No**I. RECOMMENDATIONS****1. Recommended Amounts**

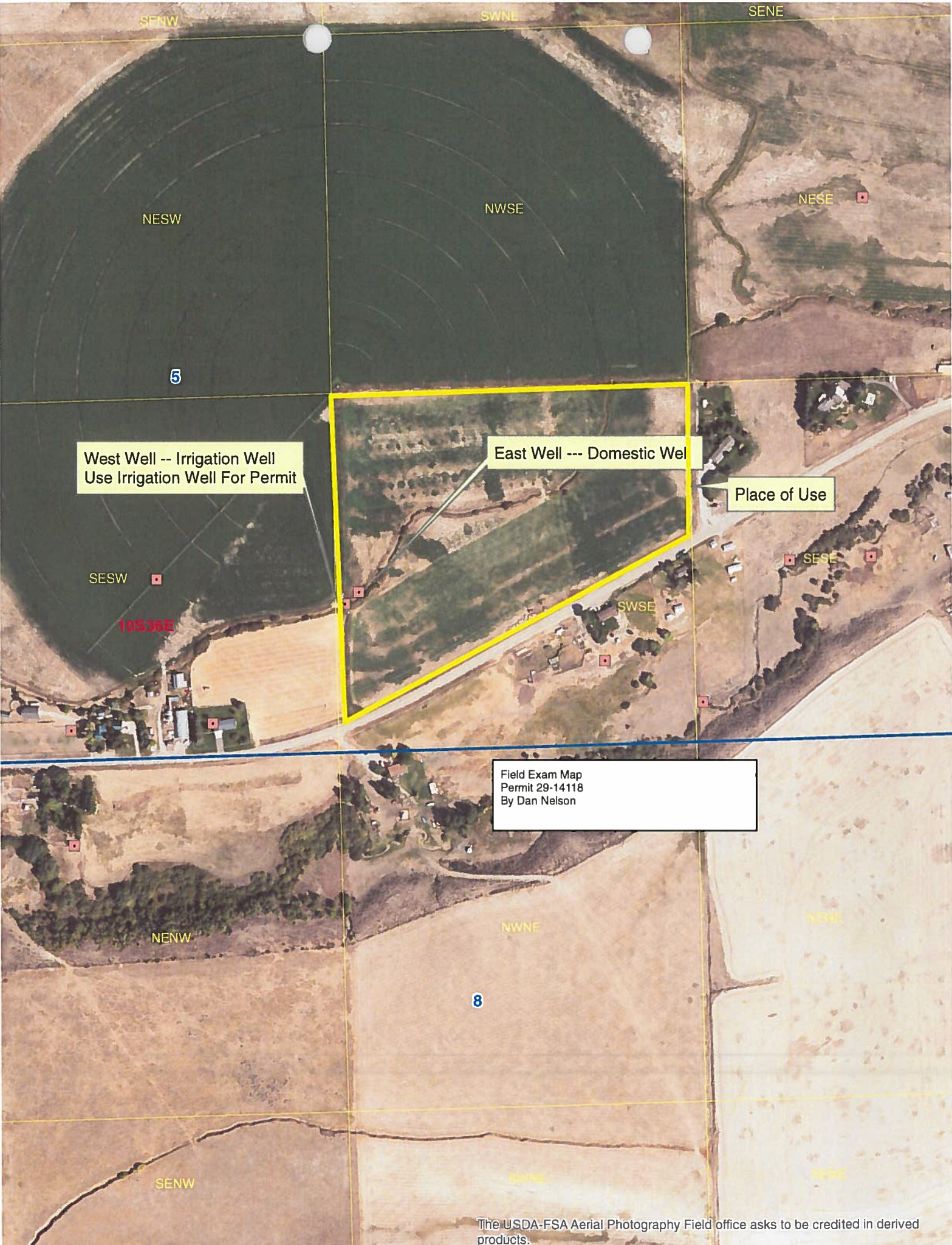
<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Stockwater	01/01 to 12/31	0.03 CFS	
<u>Totals:</u>		0.03 CFS	

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 ☐ None

Other: < >

J. AUTHENTICATION – Daniel Nelson – Staff HydrologistField Examiner's Name  Date 10-29-15

Reviewer _____ Date _____



West Well -- Irrigation Well
Use Irrigation Well For Permit

East Well --- Domestic Well

Place of Use

Field Exam Map
Permit 29-14118
By Dan Nelson

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THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 29-14118
 Reviewer: Dan Nelson
 Date of Review: 10/29/2015

P/D No.:	Scenario 1	Scenario 2	Scenario 3	
PUMP HORSEPOWER	40	40	40	
BOOSTER HORSEPOWER	0	0	0	
PUMPING LEVEL	131	131	131	
DISCHARGE PRESSURE	40	50	60	
RATE OF FLOW (cfs)	1.10	1.00	0.91	Average
	495	449	410	1.01
				451.27

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: The owner stated that the pump in the well was a 40 Hp pump. This is consistent with the well Driller's report that shows a 50 Hp pump in the irrigation well in 1963. The well then had to be deepened, so it is reasonable to assume that they would have put a smaller pump in the well. I used a standard pressure of 40 to 60 psi being diverted from the well. Most Sprinkler's run at 45 psi, so this seems a reasonable pressure estimation. The well log shows the well was deepened to 221 feet. The static water level of the well was 40 feet, so I estimated the drawdown by subtracting the static water level from the total depth and dividing that number by 2 and then adding that number onto the static level to come up with an estimated pumping level of 131 feet $\{[(221-40)/2]+40 = 130.5 \text{ feet}\}$. According to the calculations below, all of the water rights diverted from both wells should be able to be diverted totally from the irrigation well, so this permit should be considered additive, and no combined limitation should be placed on the right due to well capacity.

Total diversion rate of existing water rights from both wells.

Water Right	cfs rate
29-13989	0.14
29-14103	0.38
29-7187	0.04
29-11021	0.07
29-10621	0.06
Total	0.69

Water Available =	1.01 cfs
Existing water rights =	0.69 cfs
Permit 29-14118 =	0.03 cfs
Remainder =	0.29 cfs

REPORT OF WELL DRILLER
State of Idaho

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name Leland Armstrong
Address Robin Idaho

Owner's Permit No. G-31409

NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: irrigation

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other ☐ (explain)

CASING SCHEDULE: Threaded ☐ Welded ☒
"Diam. from 1 1/2 ft. to 1 1/2 ft.
"Diam. from 1 1/2 ft. to 1 1/2 ft.
"Diam. from 1 1/2 ft. to 1 1/2 ft.
"Diam. from 1 1/2 ft. to 1 1/2 ft.

Thickness of casing: _____ Material: _____
Steel ☒ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☒ No ☐ Type of
perforator used: putting torch

Size of perforations: 1/2" by 6"
245 perforations from 65 ft. to 100 ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

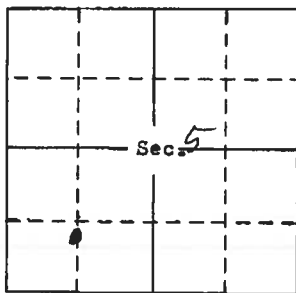
Manufacturer's name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

CONSTRUCTION: Well gravel packed? Yes ☐
No ☒ size of gravel _____ Gravel
placed from _____ ft. to _____ ft. Surface seal
provided? Yes ☐ No ☐ To what depth?
_____ ft. Material used in seal: _____

Did any strata contain unusable water? Yes ☐
No ☒ Type of water: _____
Depth of strata _____ ft. Method of sealing
strata off: _____

Surface casing used? Yes ☒ No ☐
Cemented in place? Yes ☐ No ☒

Locate well in section



LOCATION OF WELL: County Boise
SW x SE x Sec. 5 T. 10 N/S R. 36 E/W

Use other side for additional remarks

Size of drilled hole: 16 inch Total
depth of well: 120 Standing water
level below ground: 60 Temp. _____
Fahr. _____ Test delivery: 700 gpm
or _____ cfs Pump? ☒ Bail ☐
Size of pump and motor used to make test:
1 1/2 in. Bore by 8 in. Cdn 500 HP
Length of time of test: 6 Hrs. 30 Min.
Drawdown: _____ ft. Artesian pressure: ft.
above land surface _____ Give flow _____ cfs
or _____ gpm. Shutoff pressure: _____
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing?
Yes ☐ No ☐ **30050**

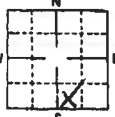
DEPTH		MATERIAL	WATER YES OR NO
FROM	TO		

FEET FEET		MATERIAL	WATER YES OR NO
FROM	TO		
0	8	Top soil & clay	
8	55	Clay & Shales	
55	65	Barren gravel	yes
65	78	Hard packed gravel	yes
78	97	Hard fine gravel	yes
97	110	Gravel & clay	
110	118	hard gravel	yes
118	120	Clay & Rock	

Work started: Oct 5, 1963
Work finished: Oct 20, 1963
Well Driller's Statement: This well was
drilled under my supervision and this report
is true to the best of my knowledge.
Name: H. W. Smith
Address: Lawrence Idaho
Signed by: H. W. Smith
License No. 109 Date Aug 6, 1967

22-98

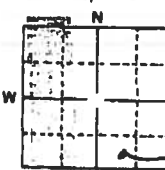
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>LELAND B. ARMSTRONG</u> Address <u>2321 W ARIZO RD. ARIZO IDAHO</u> Drilling Permit No. <u>29-92 E 095-001</u> Water Right Permit No. <u>29-02482</u>	7. WATER LEVEL Static water level <u>40</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>Cold</u> °F. Quality <u>Good</u> Describe artesian or temperature zones below.																																								
2. NATURE OF WORK ☐ New well ☒ Deepened ☐ Replacement ☐ Well diameter increase ☐ Modification ☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)	8. WELL TEST DATA ☐ Pump ☐ Bailer ☐ Air ☐ Other _____ <table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																					
Discharge G.P.M.	Pumping Level	Hours Pumped																																							
3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Monitor ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <u>103384</u> <table border="1"><thead><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>12</td><td>116</td><td>120</td><td>Brown clay gravel</td><td>X</td><td> </td></tr><tr><td> </td><td>120</td><td>150</td><td>Light gray clay sand gravel</td><td> </td><td>X</td></tr><tr><td> </td><td>150</td><td>198</td><td>Gray gravel sand clay</td><td>X</td><td> </td></tr><tr><td> </td><td>198</td><td>212</td><td>Sand gravel clay</td><td> </td><td>X</td></tr><tr><td> </td><td>212</td><td>224</td><td>Brown clay, little gravel</td><td>X</td><td> </td></tr></tbody></table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	12	116	120	Brown clay gravel	X			120	150	Light gray clay sand gravel		X		150	198	Gray gravel sand clay	X			198	212	Sand gravel clay		X		212	224	Brown clay, little gravel	X	
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4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Auger ☐ Reverse rotary ☒ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)	10. DRILLER'S CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Ante M. Duff</u> Firm No. <u>106</u> Address <u>LAVA IDAHO</u> Date <u>11-5-92</u> Signed by Drilling Supervisor <u>Charles Farnham</u> and (Operator) <u>Ed Farnham</u> (If different than the Drilling Supervisor)																																								
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>250 inches</td><td>12 inches</td><td>1 feet</td><td>220 feet</td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></tbody></table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☒ Torch ☐ Gun Size of perforation? <u>4</u> inches by <u>12</u> inches <table border="1"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>204</td><td>perforations</td><td>40 feet</td></tr><tr><td> </td><td>perforations</td><td> </td></tr><tr><td> </td><td>perforations</td><td> </td></tr></tbody></table> Well screen installed? ☐ Yes ☒ No Manufacturer _____ Type _____ Top Packer or Headpipe _____ Bottom of Tailpipe _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>12</u> Material used in seal: ☐ Cement grout ☐ Bentonite ☒ Puddling clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Overbore to seal depth ☒ Temp. surface casing ☐ Threaded ☒ Welded Method of joining casing: ☐ Solvent Weld ☐ Cemented between strata Describe access port <u>PUMP BASE</u>	Thickness	Diameter	From	To	250 inches	12 inches	1 feet	220 feet									Number	From	To	204	perforations	40 feet		perforations			perforations														
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6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name <u> </u> Lot No. <u> </u> Block No. <u> </u> County <u>BANNOCK</u> Address of Well Site _____ (give at least name of road) T. <u>10</u> N. ☐ or S. ☒ R. <u>36</u> E. ☐ or W. ☒ SW 1/4 SE 1/4 Sec. <u>5</u>																																									

WELL DRILLER'S REPORT

JUL 28 1977

State law requires that this report be filed with the Director, Department of Water Resources, within 30 days after the completion or abandonment of the well.
Eastern District Office

1. WELL OWNER Name <u>LELAND ARMSTRONG</u> Address <u>ARIMO IDAHO</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>34</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ ° F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																					
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Bailer ☒ Other <u>HLR</u> <u>BLOA</u> Discharge G.P.M. <u>45</u> Draw Down _____ Hours Pumped <u>1 1/2</u>																																																					
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) _____ ☐ Municipal ☐ Industrial ☒ Stock ☐ Waste Disposal or Injection _____		9. LITHOLOGIC LOG <u>31063</u> <table border="1"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>8</td><td>0</td><td>18</td><td></td><td></td><td></td></tr><tr><td></td><td>0</td><td>12</td><td>DIRT</td><td></td><td></td></tr><tr><td></td><td>12</td><td>20</td><td>DIRTY ROCK</td><td></td><td></td></tr><tr><td></td><td>20</td><td>28</td><td>ROCK</td><td></td><td></td></tr><tr><td></td><td>28</td><td>38</td><td>CLAY</td><td></td><td></td></tr><tr><td></td><td>38</td><td>76</td><td>CLAY ROCK</td><td></td><td></td></tr><tr><td></td><td>76</td><td>86</td><td>GRAVEL</td><td></td><td></td></tr></tbody></table>		Hole Diam.	Depth		Material	Water		From	To	Yes	No	8	0	18					0	12	DIRT				12	20	DIRTY ROCK				20	28	ROCK				28	38	CLAY				38	76	CLAY ROCK				76	86	GRAVEL		
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4. METHOD DRILLED ☐ Cable ☒ Rotary ☐ Dug ☐ Other _____																																																							
5. WELL CONSTRUCTION Diameter of hole <u>6</u> inches Total depth <u>84</u> feet Casing schedule: ☐ Steel ☐ Concrete Thickness _____ Diameter _____ From _____ To _____ <u>250</u> inches <u>6</u> inches + <u>15'</u> feet <u>84</u> feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet Was casing drive shoe used? ☐ Yes ☐ No Was a packer or seal used? ☐ Yes ☐ No Perforated? ☐ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☐ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20'</u> Material used in seal ☒ Cement grout ☐ Puddling clay ☐ Well cuttings Sealing procedure used ☐ Sherry pit ☐ Temporary surface casing ☒ Overbore to seal depth																																																							
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		11. DRILLERS CERTIFICATION Firm Name <u>DUBBE DRILLING</u> Firm No. <u>148</u> Address <u>P.O. BOX 4465 PLATON</u> Date <u>5/18/77</u> Signed by (Firm Official) <u>W. H. Dubbe</u> and (Operator) <u>Jeany L Cherry</u>																																																					

MEMORANDUM

TO: Files 29-11021 and 29-14118

FROM: Daniel Nelson – Staff Hydrologist

DATE: October 29, 2015

SUBJECT: Overlapping Stockwater Use.

On March 16, 2014, Tyson and Nicole Schwartz filed a change of ownership for water rights 29-14103 and 29-11021. With the change of ownership form, they submitted a warranty deed that stated the following:

Together with all water and water rights appurtenant thereto, including but not necessarily limited to water right No. 29-14103 and a portion of water right No. 29-11021, Idaho Department of Water Resources.

The change of ownership was subsequently processed changed into the Schwartz's name.

On July 7, 2014, the Department sent a letter to Schwartz requesting a "Split agreement for water right 29-11021. There is no record that the split agreement was submitted.

On August 7, 2014, Schwartz filed application for permit 29-14118 requesting a new water right for 0.03 cfs for stockwater purposes from a well located in the SWSE of Section 5, Township 10 South, Range 36 East. Water right 29-11021 allows 0.04 cfs for domestic use and 0.03 cfs for stockwater use for a total of 0.07cfs from a single well located in the SWSE of Section 5, Township 10 South, Range 36 East. Department records show 2 wells in located in the SWSE of Section 5, Township 10 South, Range 36 East.

Aerial photos show two wells with the same legal description. The two wells appear to be right next to each other. The west well appears to be an irrigation well, which is shown as the point of diversion for water right 29-14103 and 29-13989 which are both irrigation rights that appear to be irrigating lands owned by Schwartz. The east well has 3 domestic and stockwater rights on it, and one irrigation right that all appear to be owned by other individuals. Water right 29-11021 is diverted from the east well.

It is difficult to move forward with licensing water right 29-14118 with the knowledge that there may be a portion of stockwater right 29-11021 allocated to the property. However, it appears as though Schwartz couldn't attain an agreement for the split of water right 29-11021, so he filed a new water right for stockwater on the west well. The application for 29-14118 states that the system has a 40 Hp pump, which would be consistent with the west well. Therefore, we are moving forward with licensing water right 29-14118 for stockwater purposes, but if a split is done on water right 29-11021, a combined diversion rate on both rights may be needed.