

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 85-15393

Priority: May 01, 2003

Maximum Diversion Rate: 0.30 CFS
Maximum Diversion Volume: 61.0 AF

It is hereby certified that NEIL GOECKNER And
STEPHANIE GOECKNER
19179 RED BIRD RD
LEWISTON ID 83501 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated May 01, 2003; and has submitted Proof of Beneficial
Use on December 01, 2006. An examination confirms water is diverted from:

SOURCE

UNNAMED STREAM

Tributary: REDBIRD CREEK

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	0.30 CFS	61.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE¼NE¼ Sec. 18, Twp 33N, Rge 04W, B.M. NEZ PERCE 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	
33N 04W 7													.7	.5	1.0	18.0	20.2
33N 04W 18	.1																.1

Total Acres: 20.3

CONDITIONS OF APPROVAL

1. The right holder shall not divert more than 50 percent of the stream flow, as measured at the point of diversion.
2. This right does not authorize the storage of water in a pond or reservoir except in an off-stream impoundment to facilitate operation of the irrigation system. Impoundment of water in such a facility shall not exceed the volume diverted for irrigation under this right in a 24-hour period.
3. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 85-15393

CONDITIONS OF APPROVAL CONTINUED

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

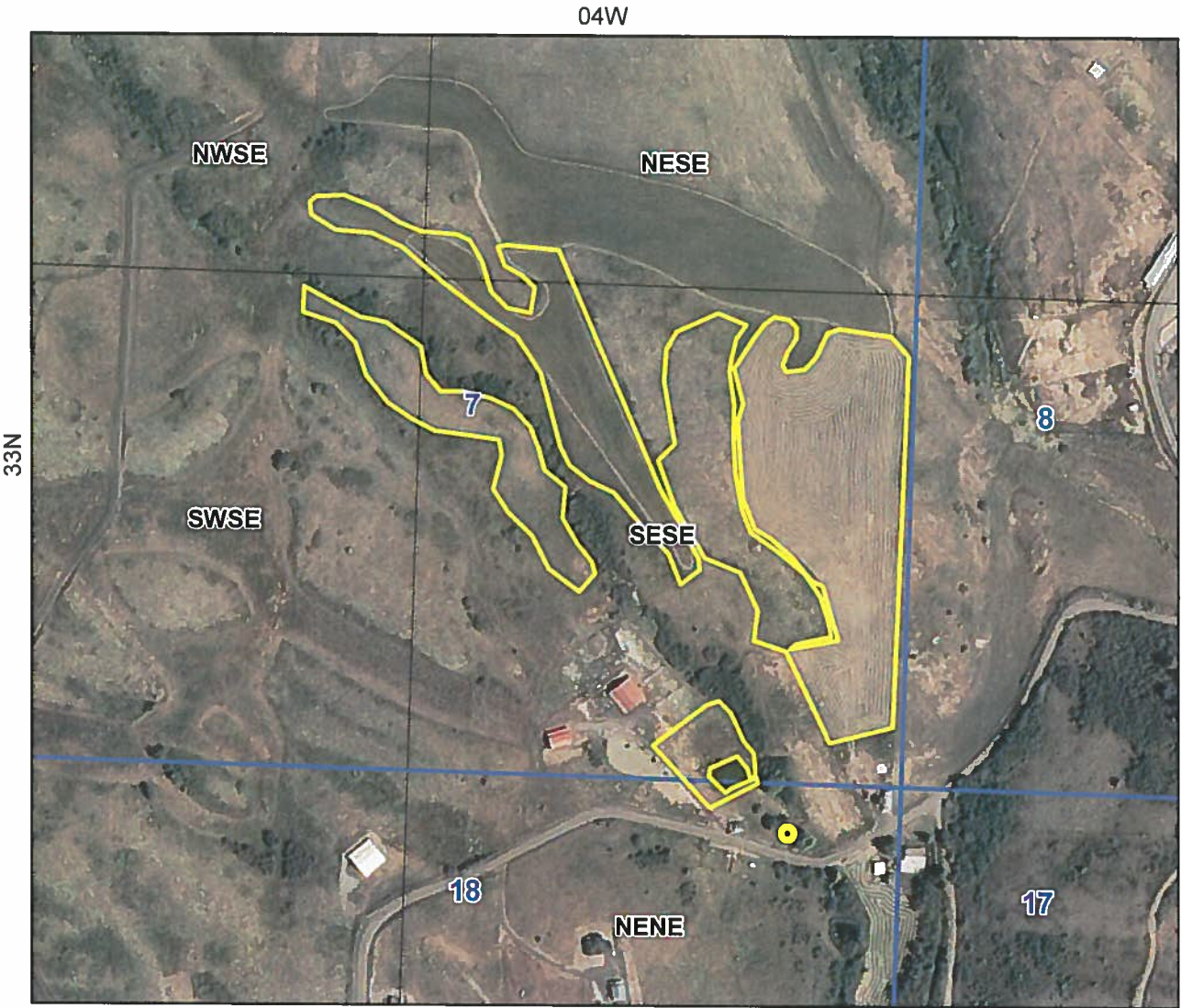
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 30th day of September, 2014.


Shelley W. Keen
for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
85-15393

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.



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

0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 85-15393

RECEIVED
FEB 03 2014
DEPARTMENT OF
WATER RESOURCES

Date of Priority: May 01, 2003

Maximum Diversion Rate: 0.30 CFS
Maximum Diversion Volume: 61.0 AF

Comes now NEIL and STEPHANIE GOECKNER
19179 RED BIRD RD
LEWISTON ID 83501

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 85-15393, and requests that the permit be changed as follows:

Source: UNNAMED STREAM

Tributary: REDBIRD CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.30 CFS	61.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE1/4NE1/4 Sec. 18, Twp 33N, Rge 04W, B.M. NEZ PERCE 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	
33N 04W 7													.7	.5	1.0	18.0	20.2
33N 04W 18	.1																.1

Total Acres: 20.3

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 30 day of January 2014, 2014.



(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 85-15393

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100.00 Received by CS # C098267 Date 2/3/2014

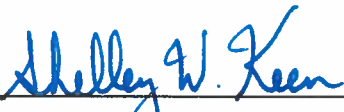
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 85-15393 with the following:

CONDITIONS OF APPROVAL

1. The right holder shall not divert more than 50 percent of the stream flow, as measured at the point of diversion.
2. This right does not authorize the storage of water in a pond or reservoir except in an off-stream impoundment to facilitate operation of the irrigation system. Impoundment of water in such a facility shall not exceed the volume diverted for irrigation under this right in a 24-hour period.
3. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this 30th day of September, 2014.


for GARY SPACKMAN
Director

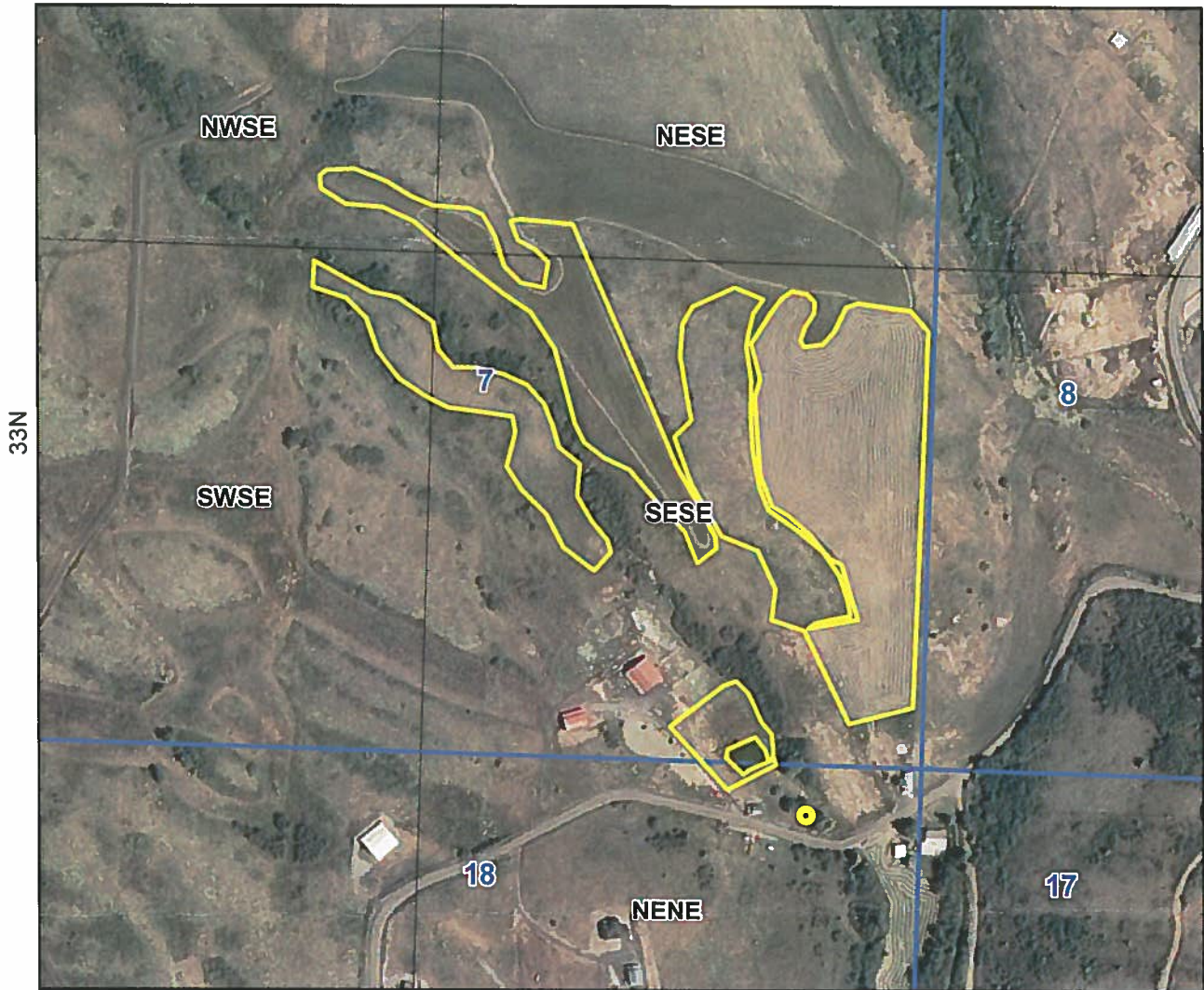
State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License

85-15393

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.

04W



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

0 0.05 0.1 0.2 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
JAN 16 2014
DEPARTMENT OF
WATER RESOURCES

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
85-15393	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Kipp K MASSEY

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Neil & Stephanie Goeckner

New owner(s) as listed on the conveyance document

Name connector ☐ and ☒ or ☐ and/or19179 Red Bird RdLewistonID 83501

Mailing address

City

State

ZIP

208-943-8619

Telephone

ngoeckner@earthlink.net

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 10/13/2010

6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
- If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
- New lessor(s) of record will receive payment after the following rental season.

7. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

8. Signature: Neil Goeckner

Signature of new owner/claimant

Owner

Title, if applicable

1-13-14

Date

- Signature: SG

Signature of new owner/claimant

Owner

Title, if applicable

1-13-14

Date

For IDWR Office Use Only:

Received by CJ

Date

01/16/14Receipt No. CO98182Receipt Amt. \$25⁰⁰Approved by JHProcessed by CW

Date

1/14/2014

785366

WARRANTY DEED

FOR VALUE RECEIVED, Kipp K. Massey, also known of record as Kipp Massey, a married man, the Grantor, does hereby grant, bargain, sell and convey unto Neil Goeckner and Stephanie Goeckner, husband and wife, whose address is 302 4th Ave,
Lewiston, ID 83501, the Grantees, the following described premises commonly known as 19179 Red Bird Road, Lewiston, County, Idaho, and more particularly described as follows:

A parcel of land in the Southeast Quarter of Section 7 and in the Northeast Quarter of Section 18, Township 33 North, Range 4 West of the Boise Meridian, Nez Perce County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of said Section 7 marked by a brass capped monument on the centerline of Redbird Road, said point being the True Point of Beginning; thence Southwesterly along said centerline, South 60°49'45" West, a distance of 155.89 feet; thence continuing along said centerline South 81°43'48" West a distance of 107.13 feet; thence continuing along said centerline North 75°57'42" West, a distance of 239.37 feet; thence continuing along said centerline North 79°03'10" West, a distance of 288.51 feet; thence continuing along said centerline South 62°23'39" West, a distance of 391.80 feet; thence continuing along said centerline South 67°02'41" West, a distance of 250.02 feet; thence continuing along said centerline South 29°51'18" West, a distance of 143.13 feet; thence continuing along said centerline South 02°41'28" West, a distance of 242.92 feet; thence continuing along said centerline South 48°43'16" West, a distance of 113.14 feet; thence continuing along said centerline South 78°58'10" West, a distance of 138.89 feet to a rebar; thence North 00°42'40" East, a distance of 3,407.93 feet to the North line of said Southeast Quarter marked by a rebar; thence South 89°50'07" East a distance of 1,629.99 feet to the East One-Quarter corner of said Section 7, marked by a rebar with an aluminum cap; thence South 00°42'40" West, a distance of 2,677.57 feet, along the East line of said Section 7 to the True Point of Beginning.

Stephanie Goeckner husband and wife, whose address is 302 4th Ave,
Lewiston, ID 83501, the Grantees, the following described premises
commonly known as 19179 Red Bird Road, Lewiston, County, Idaho, and more particularly
described as follows:

A parcel of land in the Southeast Quarter of Section 7 and in the Northeast
Quarter of Section 18, Township 33 North, Range 4 West of the Boise Meridian,
Nez Perce County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of said Section 7 marked by a brass capped
monument on the centerline of Redbird Road, said point being the True Point of
Beginning; thence Southwesterly along said centerline, South 60°49'45" West, a
distance of 155.89 feet; thence continuing along said centerline South 81°43'48"
West a distance of 107.13 feet; thence continuing along said centerline North
75°57'42" West, a distance of 239.37 feet; thence continuing along said centerline
North 79°03'10" West, a distance of 288.51 feet; thence continuing along said
centerline South 62°23'39" West, a distance of 391.80 feet; thence continuing
along said centerline South 67°02'41" West, a distance of 250.02 feet; thence
continuing along said centerline South 29°51'18" West, a distance of 143.13 feet;
thence continuing along said centerline South 02°41'28" West, a distance of
242.92 feet; thence continuing along said centerline South 48°43'16" West, a
distance of 113.14 feet; thence continuing along said centerline South 78°58'10"
West, a distance of 138.89 feet to a rebar; thence North 00°42'40" East, a distance
of 3,407.93 feet to the North line of said Southeast Quarter marked by a rebar;
thence South 89°50'07" East a distance of 1,629.99 feet to the East One-Quarter
corner of said Section 7, marked by a rebar with an aluminum cap; thence South
00°42'40" West, a distance of 2,677.57 feet, along the East line of said Section 7
to the True Point of Beginning.

WARRANTY DEED - Page 1
toc/goeckner/massey/warranty deed

Crenson, Moore, Dokken & Geldl, PLLC
P.O. Drawer 835, Lewiston, ID 83501
(208) 743-1516; Fax: (208) 746-2231

INST. NO. 785366

FILED FOR RECORD ALLIANCE TITLE
FEE 16.00 REC. BY _____

2010 OCT 18 PM 2 34

RECORDED, NEZ PERCE CO. ID.
BY R. Lewis DEPUTY

EXCEPTING THEREFROM, the following:

A parcel of land in the Southeast Quarter of Section 7 and in the Northeast Quarter of Section 18, Township 33 North, Range 4 West of the Boise Meridian, County of Nez Perce, State of Idaho, more particularly described as follows:

Commencing at the Southeast corner of said Section 7 marked by a brass capped monument on the centerline of Redbird Road; thence Southwesterly along said centerline South 60°49'45" West, a distance of 155.89 feet; thence continuing along said centerline South 81°43'48" West a distance of 107.13 feet; thence continuing along said centerline North 75°57'42" West a distance of 239.37 feet; thence continuing along said centerline North 79°03'10" West, a distance of 288.51 feet; thence continuing along said centerline South 62°23'39" West, a distance of 391.80 feet; thence continuing along said centerline South 67°02'41" West, a distance of 40.58 feet to the True Point of Beginning marked by a rebar; thence continuing along said centerline South 67°02'41" West, a distance of 209.44 feet; thence continuing along said centerline South 29°51'18" West, a distance of 143.13 feet; thence continuing along said centerline South 02°41'28" West, a distance of 242.92 feet; thence continuing along said centerline South 48°43'16" West, a distance of 113.14 feet; thence continuing along said centerline South 78°58'10" West, a distance of 138.89 feet to a rebar; thence North 00°42'40" East, a distance of 1289.1 feet to a rebar; thence South 89°17'20" East, 490.00 feet to a rebar; thence South 00°42'40" West, 733.30 feet to the True Point of Beginning.

SUBJECT TO the terms, provisions, covenants, conditions, definitions, options, obligations and restrictions contained in Warranty Deed and Correction Deed recorded September 30, 2002, and August 21, 2003, as Instrument No. 679789 and 694577 of Official Records.

TO HAVE AND TO HOLD the premises, with their appurtenances, unto the Grantees, their heirs and assigns forever. Grantor does hereby covenant to and with the Grantees that he is the owner in fee simple of the premises; that the premises are free from all encumbrances except taxes for the current year; and that he will warrant and defend the same from all lawful claims whatsoever.

The Grantor and Rebecca K. Robinson having been married on 1-15-09, Rebecca K. Robinson hereby joins as Grantor in the foregoing Deed for the sole purpose of disclaiming any interest whatsoever in the real property hereinabove described.

DATED: October 14th, 2010.

GRANTORS

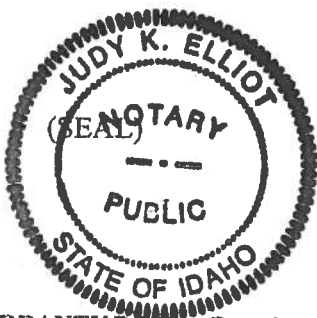
Kipp K. Massey
Kipp K. Massey, also known of record as
Kipp Massey

Rebecca K. Robinson
Rebecca K. Robinson

STATE OF IDAHO)
County of Nez-Perce) ss.
County of Nez-Perce)

On this 14th day of October, 2010, before me the undersigned, a notary public in and for the State of Idaho, personally appeared Kipp K. Massey, also known of record as Kipp Massey, and Rebecca K. Robinson, husband and wife, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Judy K. Elliot
Notary Public in and for the State of Idaho
Residing at or employed in Lewiston
My Commission Expires: 3-16-2016





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

October 2, 2014

NEIL GOECKNER
STEPHANIE GOECKNER
19179 RED BIRD RD
LEWISTON ID 83501

RE: License No. 85-15393

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,

for Pamela Skaggs
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2014 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.

85-15393

**NEIL GOECKNER
19179 RED BIRD RD
LEWISTON ID 83501**

**STEPHANIE GOECKNER
19179 RED BIRD RD
LEWISTON ID 83501**

A handwritten signature in cursive script, reading "Jean Hersley", is written over a horizontal line.

Jean Hersley

Technical Records Specialist II

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

Date: September 30, 2014
To: Water Right File 85-15393
From: Shelley Keen *swk*
Re: Diversion Limitation

Permit 85-15393 was for 26 acres of irrigation from an unnamed stream. It did not authorize the storage of water, either on-stream or off-stream. Nevertheless, it carried this condition:

During the period the pond is filling in the spring 50 percent of the flows shall be allowed to flow through. After the pond is filled in the spring, outflow will equal inflow.

The pond actually constructed contains about half an acre-foot of water, and it is located offstream. The pond is used as part of the irrigation system. Due to its small size and limited purpose, a storage water right is not required for the pond.

The permit condition does not make sense for the pond as it was constructed. Since the water right does not authorize a flow-through component for aesthetic or other purposes, requiring 50 percent of the water to flow through is not consistent with the water right. To accomplish the intended purpose, the condition could have limited the diversion to no more than 50 percent of the stream flow. Furthermore, since the purpose of the pond is to temporarily contain water that is being used for irrigation, outflow could not possibly equal inflow except when irrigation is not occurring. To avoid these logical inconsistencies while maintaining the essential purpose of the permit condition, I have issued License 85-15393 with the following conditions:

The right holder shall not divert more than 50 percent of the stream flow, as measured at the point of diversion.

This right does not authorize the storage of water in a pond or reservoir except in an off-stream impoundment to facilitate operation of the irrigation system. Impoundment of water in such a facility shall not exceed the volume diverted for irrigation under this right in a 24-hour period.

Should the right holder wish to store water for a particular purpose or provide a flow-through component to the overall water use, another permit could be sought.

MEMORANDUM

TO: File
FROM: Daniel Nelson – Staff Hydrologist
DATE: September 30, 2014
SUBJECT: Licensing Review of Water Right 85-15393

I have been asked to review a file field examined by Sandy Hemenway. During the review of this field exam several questions arose on how to license this water right. The following is what has been determined is the best course of action for this permit.

1.) Is the pond on-stream or off-stream?

- a. From the narrative there is a pipeline that delivers the water from the creek to the pond. Therefore, I would say the pond is off-stream.

2.) Is a water right needed for the pond?

- a. According to the aerial photography, the pond has a surface area of 0.1 acres. In the narrative, Sandy states that the pond is 8 feet deep. Taking the 8 feet as the average, the pond would be approximately 0.8 af ($0.1 \text{ acres} \times 8 \text{ feet} = 0.8 \text{ af}$). The 24 hour rule would apply for a pond with 0.6 af ($0.30 \text{ cfs} \times 1.9835 = 0.6 \text{ af}$). However, if the pond is actually 8 feet at the deepest point, then we could use the pond calculation used in the Field Examiner's Handbook to account for the slope of the pond of multiplying the depth by 0.4. This would change the pond depth to 3.2 feet of average depth ($8 \text{ feet} \times 0.4 = 3.2 \text{ feet}$). Using the adjusted pond depth, the volume for the pond would be 0.32 af ($0.1 \text{ acres} \times 3.2 \text{ feet adjusted depth} = 0.32 \text{ af}$). The 0.32 af is within the 0.6 af maximum allowable under the 24 hour rule for pond storage.

It has been determined that we treat this pond as a regulation pond for the irrigation system. No water right is required for this pond as it is currently used. However, if the owner wishes to run water through the pond at the beginning of the irrigation season, or wishes to keep the pond filled during the non-irrigation season, the owner will need a water right to do maintain the pond level. The pond can only be used as a regulation pond for the irrigation system and can only be used when water is being diverted for irrigation purposes.

3.) In Condition No. 3 of the permit, since there isn't a storage component on this right, this condition should be altered to say the following:

During the period the pond is filling in the spring 50 percent of the stream flows shall be allowed to flow into the pond. After the pond is filled in the spring, outflow will equal inflow.



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

01/22/2014

GARY SPACKMAN

Director

NEIL and STEPHANIE GOECKNER
19179 RED BIRD RD
LEWISTON ID 83501

RE: Water Right Permit No. 85-15393

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ **Point(s) of Diversion (found to be in Section 18)**

☒ **Place(s) of Use (some acres found to be in NWSE and SWSE)**

☐ **Other**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at (208)287-4920.

Sincerely,


Sandy Hernenway
Sr. Water Resource Agent

Enclosure(s)

Hemenway, Sandy

From: ngoeckner@earthlink.net
Sent: Thursday, January 02, 2014 10:44 AM
To: Hemenway, Sandy
Subject: RE: Ownership change form for water right 85-15393

Sandy,

Thanks for sending all this stuff over. I will get it filled out and sent in with the fees.

I really appreciate your help on this.

Neil Goeckner
Pioneer Enterprises
19179 Red Bird Rd.
Lewiston, ID 83501
509-780-1554 cell
208-798-0949 fax

From: Hemenway, Sandy [<mailto:Sandy.Hemenway@idwr.idaho.gov>]
Sent: Thursday, January 02, 2014 5:26 AM
To: ngoeckner@earthlink.net
Cc: Hemenway, Sandy
Subject: Ownership change form for water right 85-15393
Importance: High

Neil,

Here is a copy of the ownership change form. In another email, I will send you a copy of the water right report, and map that goes along with this. Go ahead and submit them with your ownership change. Make sure you submit the form with either a copy of your warranty deed, along with the \$25 fee. If you send it to my attention, I will be able to expedite this process.

Please submit the ownership change form and fee by January 16, 2014.

An amendment will be sent out with the appropriate changes found, for land that is irrigated (the place of use), and the actual location of the point of diversion (which was GPSd). There will be a \$100 fee, and then upon receipt of the amendment and required fee, this water right will be licensed in your name, and the entire process will be complete.

Thanks,

Sandy Hemenway
Sr. Water Resource Agent
IDWR/State Office
PO Box 83720
Boise, Idaho 83720-0098

Ownership change request + forms