

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 63-12384

Exam Date: 9/11/2013

1. Current Owner: LARRY FLANSBURG
2986 DEERFIELD CT
EAGLE ID 83616

Or

MARQUITA FLANSBURG
2986 DEERFIELD CT
EAGLE ID 83616
(208) 571-5167

2. Accompanied by: NO ONE – CURRENT OWNER KNOWS ABSOLUTELY NOTHING ABOUT POND HISTORY OR CONSTRUCTION

Phone No:

Address:

Relationship to Permit Holder:

3. SOURCE

TRIBUTARY

GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: BALLENTYNE DITCH SHARES
2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

L3 NW1/4NW1/4

Sec. 13, Twp 04N, Rge 01W, B.M.

ADA County

Method of Determination: AERIALS

2.

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 01W 12											X						
04N 01W 13						X											
						L 3											

AESTHETIC STORAGE same as RECREATION STORAGE

Method of Determination:

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.

<u>Well or Diversion</u> <u>ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge</u> <u>Size</u>
--	-------------------	-----------	-------------------------	------------------	--

POD	----- NOT APPLICABLE -----				
-----	----------------------------	--	--	--	--

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

D. FLOW MEASUREMENTS

1.

<u>Measurement</u> <u>Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
--	-------------	-------------	------------------	-------------------	-------------	--------------------

2. Measurements: NOT APPLICABLE

E. FLOW CALCULATIONS ☐ Additional Computation Sheets Attached

NOT APPLICABLE – NO FLOW COMPONENT

Measured Method:

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: NOT APPLICABLE

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

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

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

2. Volume Calculations for Other Uses:

USING STANDARD EQUATION FOR STEEP SIDED POND VOLUME OF SURFACE AREA X AVERAGE DEPTH:

0.63 ACRE SURFACE AREA X 20 FEET DEEP = 12.6 AF = 13 AF TO ACCOUNT FOR ERROR IN DETERMINING SURFACE AREA BASED ON AERIAL PHOTOGRAPHS

G. NARRATIVE/REMARKS/COMMENTS

The permit was issued for recreation and aesthetic uses in a pond, for a total of 15 af. The source is shallow ground water because the pond was formed by excavation, so there is no flow component.

ArcMap indicates that the property owners are Marquita and Larry Flansburg. I sent letters to both the permit owner of record and the Flansburgs. Mrs. Flansburg called and said that her maiden name was Marcy Delap, she is the permit owner of record, and had married since she purchased the property, so the assignment is not necessary. I informed her of the need for her to request in writing how she wanted the names and address changed. She e-mailed me that request and I changed the owners and address.

She purchased the property after the pond had been in place for years and has no information whatsoever about it. She is totally uninformed about water rights so she did not accompany me on the field exam, but gave me permission to access her property alone.

According to ArcMap and a review of aeriels from 2000 to 2011, the surface area of the pond changes some. However, the aeriels indicate that it has not been greater than it is now which is approximately 0.63 acre.

During the field exam, the 12" PVC inlet pipe for flood control from the neighbors pond [63-12459] was seen at the east end of the pond, as was the 12" PVC outlet pipe to the Middleton Mill ditch.

Notes in the backfile indicate the pond is steep-sided, so when calculating volume, I used the standard calculation of pond surface area x average depth, and got a result of 12.6 af. I recommend licensing 13 af to account for any slight error that may result from determining the surface area from aerial photographs.

I recommend that the SWSW quarter-quarter be added to the place of use. The permit represents that the pond is entirely in the NWNW, but aerial photos indicated a portion is also in the SWSW.

I contacted Mrs. Flansburg regarding if the mitigation condition has been met and she responded by e-mail that it had.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS

- | | | | |
|-------------------------|-----------|------|--------------------------|
| 1) Permit amount | _____ cfs | &/or | _____15_____ af storage |
| 2) Beneficial use limit | _____ cfs | &/or | _____n/a_____ af storage |
| 3) System measurement | _____ cfs | &/or | _____13_____ af storage |
| 4) Proof fee amount | _____ cfs | &/or | _____20_____ af storage |

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31		13.00 AF
RECREATION STORAGE	01/01 to 12/31		13.00 AF
<u>Totals:</u>			13.00 AF

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

I. AUTHENTICATION

Field Examiner's Name Chris Chappin Date 9-18-13
Reviewer [Signature] Date _____



63-12384 - 2011 BING Photography. POD shown in green. POU - the pond - outlined in blue.



View of pond from the north.



View of pond from the west.



Outflow pipe to Middleton Mill ditch.



Inflow pipe from pond licensed under 63-12459.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 25, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

MARCY DELAP or MARQUITA FLANSBURG
2986 W DEERFIELD CT
EAGLE ID 83616

RE: Water Right Permit No. 63-12384

Dear Permit Holder:

The Department of Water Resources is reviewing the above referenced permit 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.

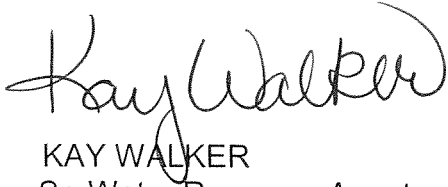
Based on the examiner's report, the place of use was developed differently than described on your permit. See the enclosed layout that shows the pond is located in two 40-acre tracts. The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license 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 a \$100.00 filing fee within 14 days.

Please be advised that our examiner had offered to change the name on this permit based upon your written request. It is the Department's policy that when a name is being added to a permit or a water right that we must receive the request on a form provided by the Department. In this case, I am enclosing an "Assignment of Permit" form that you should complete, sign in the presence of a notary public, and return to our office along with a \$25.00 assignment fee. Please note that the form should be completed to show that Marcy Delap assigns to Marquita or Larry Flansburg the entire water right permit.

10-1-13
Marcy/Marquita
called - will send
in amendment &
assignment.
Ked

If you have any questions concerning the amendment application or assignment of permit form, please feel free to contact me at 334-2190.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is written in a cursive, flowing style with a large initial "K" and "W".

KAY WALKER
Sr. Water Resource Agent

Enclosures

Music, Vicky

From: Marcy Flansburg [Emerald] [mflansburg@dlevans.com]
Sent: Tuesday, September 17, 2013 4:05 PM
To: Music, Vicky
Subject: Permit 63-12384

Hello Vicky!

I had previously sent an email to you but here is a follow up. In your letter you requested a statement regarding the condition of the use of the pond. The use of the pond during the period of July 2000 through to the present has continued to be the same as follows:

As mitigation for the approval, we have ceased using water received from the Ballentyne Ditch Co. to irrigate the land now covered by the pond surface area. We have retained ownership of the Ballentyne Ditch Co. shares sufficient to irrigate the land area covered by the pond but shall not utilize the water represented by those shares to irrigate any land.

I hope this satisfies your requirement.

Thank you.

Marquita Flansburg

***"You cannot do a kindness too soon, for you never know how soon it will be too late."
- Ralph Waldo Emerson***

Marcy Flansburg

Assistant Vice President & Branch Manager

D. L. Evans Bank, Emerald & Cole Branch

D.L. Evans Bank has been proudly recognized as one of 2013's "Best Places to Work in Idaho"

Office: 208-321-1484

Cell: 208-571-5167

Fax: 208-376-2714

Committed to Service & Security

The information contained in this e-mail transmission is intended **only** for the recipient named above. If the reader of this message is not the intended recipient or the intended recipient's agent, you are hereby notified that any dissemination, distribution or copying of the information contained in the e-mail transmission (other than to the intended recipient) is prohibited. If this transmission has reached you in error, you are asked to notify us as soon as possible and destroy the e-mail documents. Thank you for your cooperation.

Music, Vicky

From: Oldvalleyranch@aol.com
Sent: Sunday, September 15, 2013 1:26 PM
To: Music, Vicky
Cc: mflansburg@dlevans.com
Subject: 63-12384

Please change the name and address on the license to be issued as follows:

Marquita Flansburg or Larry Flansburg

2986 W Deerfield Ct., Eagle, Id 83616.

You may reach me at 571-5167 if you have any questions.

Thanks so much.

Marquita Flansburg



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

September 13, 2013

MARQUITA FLANSBURG
2986 W DEERFIELD CT
EAGLE, ID 83616

Re Permit To Appropriate Water No. 63-12384

Dear Mrs. Flansburg:

I left a business card and letter on your back patio door this week, during the field exam. The letter requested that you e-mail me a request re how you would like the names to read on the water right, and a change of address. This information is required by Idaho code.

Permits and water rights often included conditions for their use. The permit for the pond located on your property on Old Valley Rd., was permitted with the following condition:

As mitigation for this approval, the applicant has ceased using water received from Ballentyne Ditch Co. to irrigate the land now covered by the pond surface area. The right holder shall retain ownership of the Ballentyne Ditch Co. Shares sufficient to irrigate the land area covered by the pond but shall not utilize the water represented by those shares to irrigate any land.

The condition means that, because shallow ground water, the pond source, was considered fully appropriated when the permit was approved, the water must be "replaced" by the Ballentyne Ditch shares historically used on the property. So, the permit owner is required to continue to pay for the share so that it could not be issued to another user.

In the e-mail, will you please indicate whether the condition has been met each year? My e-mail address is vicky.music@idwr.idaho.gov. Failure to respond to this letter request **by September 30, 2013**, may result in the permit being voided or a license issued for less than the permitted amount. Thank you.

Sincerely,

Vicky Music
Sr. Water Resource Agent



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

Via hand delivery
September 11, 2013

MARQUITA FLANSBURG
2986 W DEERFIELD CT
EAGLE, ID 83616

Re Permit To Appropriate Water No. 63-12384

Dear Mrs. Flansburg:

Will you please send or e-mail me a written request to change the name and address on the license to be issued? Please state exactly how you would like the ownership to read, such as your name alone, Marquita and (and/or) Larry, etc.

My e-mail address is on my business card. Thank you.

Sincerely,

Vicky Music
Vicky Music
Sr. Water Resource Agent



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

August 28, 2013

MARQUITA & LARRY FLANSBURG
2986 W DEERFIELD CT
EAGLE, ID 83616

Re Permit To Appropriate Water No. 63-12384

Dear Mr. and Mrs. Flansburg:

The permit referenced above was issued for 15 acre-feet for recreation and aesthetic storage uses in a pond from ground water. Although the owner of this permit is Marcy Delap, it appears from Ada County Assessor information that you may be the current owner of the property and pond, and perhaps the permit should be in your name. The physical address of the property is 4695 Old Valley Rd, Eagle, ID.

A permit is considered personal property and the owner of the permit must assign the permit to the new owners for IDWR to change its records. I have enclosed an Assignment of Permit form. If Marcy Delap no longer has an interest in this permit, please execute the form and have it signed by Marcy Delap, and send it back to IDWR with the \$25 fee.

Additionally, this letter is to request that you call me to schedule the field exam for this permit. A field exam is required by Idaho law before a license can be issued, at which time it becomes a water right. The license is the end product needed for continued water use.

Please call me as soon as possible at 208.334.2190, to set an appointment for the exam. Failure to respond to this letter request **by September 30, 2013**, may result in the permit being voided or a license issued for less than the permitted amount. Thank you.

Sincerely,

Vicky Music
Sr. Water Resource Agent

Enclosure: Assignment of Permit form

Received by _____

Receipt amt. \$

Receipt no. _____

Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, _____, hereby assign to _____
Current owner(s) New owner(s)

of, _____
New owner's address including city, state and ZIP _____ Phone _____

All my right, title, and interest in and to Permit No(s).: _____ to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit Number(s):

_____, to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.

Does the new permit holder own the property at the:

Point of diversion? ☐ Yes ☐ No

Place of use? ☐ Yes ☐ No

If no, describe the arrangement enabling the new owner to access the point of diversion and/or the place of use:

Dated this _____ day of _____, 20_____.

Permit holder	Title (if applicable)	Permit holder	Title (if applicable)

State of Idaho)
)ss
County of _____)

On this _____ day of _____, 20____, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL

Notary Public _____

My commission expires: _____



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

August 28, 2013

MARCY DELAP
4695 OLD VALLEY RD
EAGLE, ID 83616

Re Permit To Appropriate Water No. 63-12384

Dear Ms. Delap:

The permit referenced above was issued for 15 acre-feet for recreation and aesthetic storage uses in a pond from ground water. This letter is to request that you call me to schedule the field exam for this permit. A field exam is required by Idaho law before a license can be issued, at which time it becomes a water right. The license is the end product needed for continued water use.

Additionally, please have available at the exam someone familiar with the system and its construction.

Please call me as soon as possible at 208.334.2190, to set an appointment for the exam. Failure to respond to this letter request **by September 30, 2013**, may result in the permit being voided or a license issued for less than the permitted amount. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vicky Music'.

Vicky Music
Sr. Water Resource Agent