



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

GARY SPACKMAN
Director

September 25, 2013

RANDY PHILLIPS
RUBY PHILLIPS
913 SANTA CREEK RD
SAINT MARIES ID 83861

RE: License No. 92-10029

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 208-287-4916.

Sincerely,

Craig L. Saxton
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2013, 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.

92-10029

**RANDY PHILLIPS
913 SANTA CREEK RD
SAINT MARIES ID 83861**

**RUBY PHILLIPS
913 SANTA CREEK RD
SAINT MARIES ID 83861**



**Darla Block
Technical Records Specialist**

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.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 92-10029

Priority: October 03, 2007

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 2.1 AF

It is hereby certified that RANDY PHILLIPS

And/Or

RUBY PHILLIPS

913 SANTA CREEK RD

SAINT MARIES ID 83861

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 02, 2007; and has submitted Proof of Beneficial Use on January 02, 2013. An examination confirms water is diverted from:

SOURCE

SOUTH FORK SANTA CREEK

Tributary: SANTA 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>
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
IRRIGATION	04/01 to 10/31	0.02 CFS	1.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SOUTH FORK SANTA CREEK SW1/4SW1/4 Sec. 36, Twp 44N, Rge 03W, B.M. BENEWAH County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
44N 03W 36												X					

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	
44N 03W 36												.5					.5

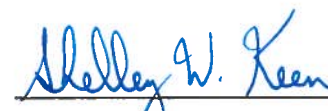
Total Acres: 0.5

CONDITIONS OF APPROVAL

- Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
- This right when combined with all other rights shall provide no more than 0.02 cfs per nor more than 1.5 afa for the place of use described 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 this 25th day of September, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
92-10029

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.

03W



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

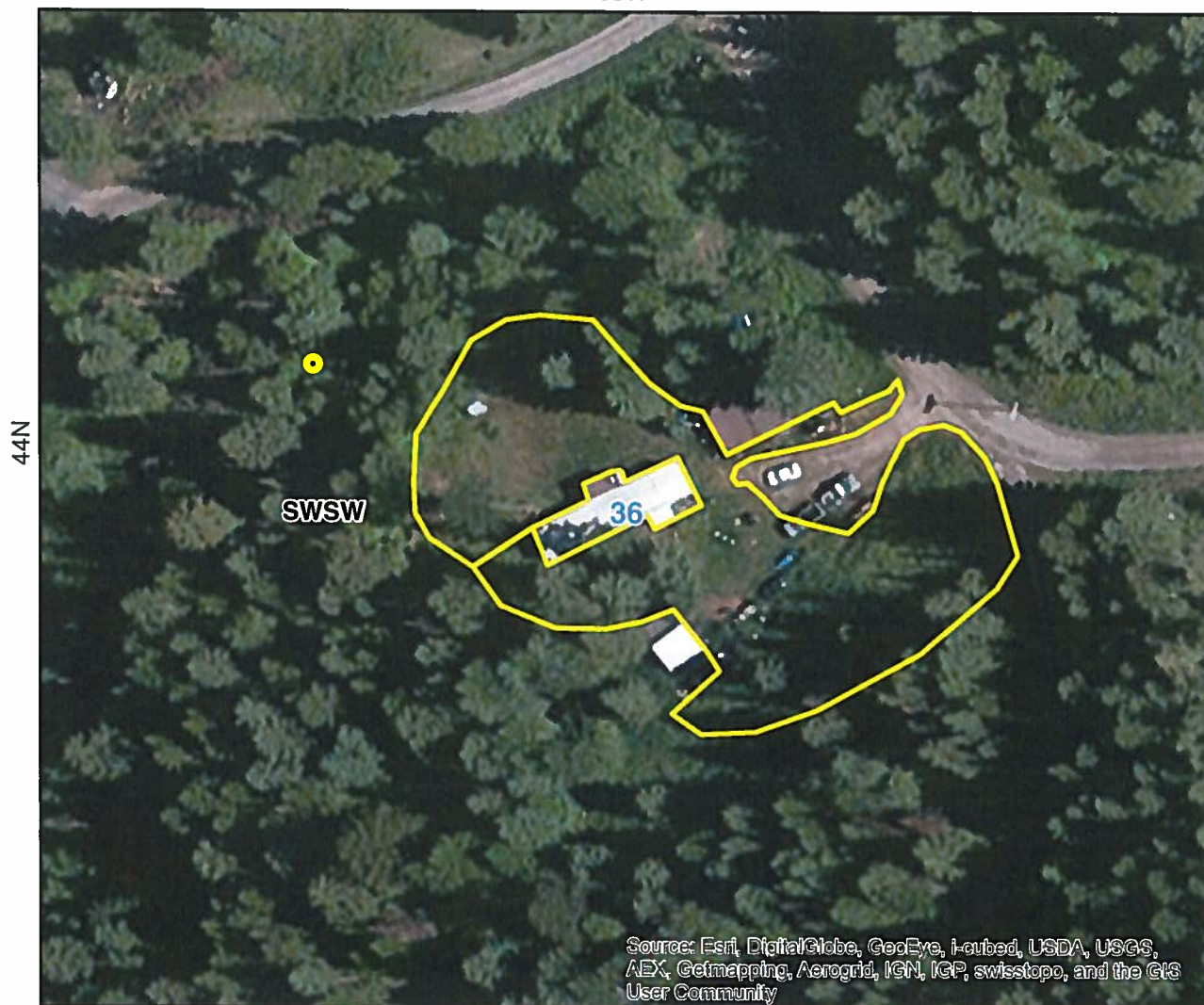
0 0.0125 0.025 0.05 Miles



State of Idaho
Department of Water Resources
Attachment To Water Right License
92-10029

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.

03W



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

0 0.0075 0.015 0.03 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 92-10029

Exam Date: 5/21/2013

1. Current Owner: RANDY PHILLIPS

And/Or

RUBY PHILLIPS
913 SANTA CREEK RD
SAINT MARIES ID 83861
(208)245-4210

2. Accompanied by:
- Randy Philips

Phone No: Same As AboveAddress: Same As AboveRelationship to Permit Holder: Owner

- 3.
- SOURCE**

SOUTH FORK SANTA CREEK

TRIBUTARY

SANTA CREEK

B. OVERLAP REVIEW

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

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

SOUTH FORK SANTA CREEK SW1/4SW1/4 Sec. 36, Twp 44N, Rge 03W, B.M. BENEWAH County

Method of Determination: GPS and Visual Inspection

2.

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
44N	03W	36											X						

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
44N	03W	36											.5						.5

Total Acres: 0.5

Method of Determination: Visual Inspection and GIS

3. YES Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

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

YES 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
Creek Pump	Flotec	0.5	S48H2EC11	Flotec	1 inch

*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: The pump wasn't operational at the time of the exam, so a theoretical calculation was used.

E. FLOW CALCULATIONS

X Additional Computation Sheets Attached

Measured Method:

Measurement = 0.04 cfs (See Theoretical Calculation Sheet)

Acres = 0.02 cfs (0.03 cfs per acre X 0.5 acres = 0.015 cfs)

Domestic allows = 0.02 cfs (Per Permit)

Permit allowed = 0.08 cfs (0.02 cfs was allowed for the Domestic and 0.06 cfs was allowed for the irrigation of 2 acres, which is the standard for both uses.)

License recommend for 0.02 cfs for irrigation of 0.5 acres, and 0.02 cfs for domestic use for a total of 0.04 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 0.5 \text{ acres} \times 3 \text{ af} = 1.5 \text{ af.}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.02 \text{ cfs} \times 214 \times 1.9835 = 8.5 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1.5 \text{ af}$$

2. Volume Calculations for Other Uses:

Domestic Volume recommended per the standard of 0.6 af for in-house use only.

G. NARRATIVE/REMARKS/COMMENTS

The water for this permit is diverted from the South Fork Santa Creek through a partially submerged wooden box. The water in the box is pumped through a 2 inch black poly pipe by a ½ Hp Flotec pump. The pump is in a pump house approximately 50 feet off of the creek. From the pump house, the water is delivered to a trailer house and to spigots for irrigation of the yard.

All the conditions that were on the permit were left for licensing except for condition 26A, which deals directly with the construction of the project.

This permit is located on tax lot GYB24. Possible overlapping water right 92-10002 is located lot GYB23, water right 92-10016 is located on lot GYB30, and water right 92-7016 is located on lot GYB22. Therefore, there are no significant overlaps to this water right.

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

H. RECOMMENDATIONS

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.020 CFS	0.60 AF
IRRIGATION	04/01 to 10/31	0.020 CFS	1.50 AF
<u>Totals:</u>		0.040 CFS	2.10 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 Daniel A. Nelson – Staff Hydrologist

Field Examiner's Name Daniel A. Nelson Date 9-24-2013

Reviewer _____ Date _____

State of Idaho
Department of Water Resources
Attachment To Field Exam
92-10029

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.

03W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
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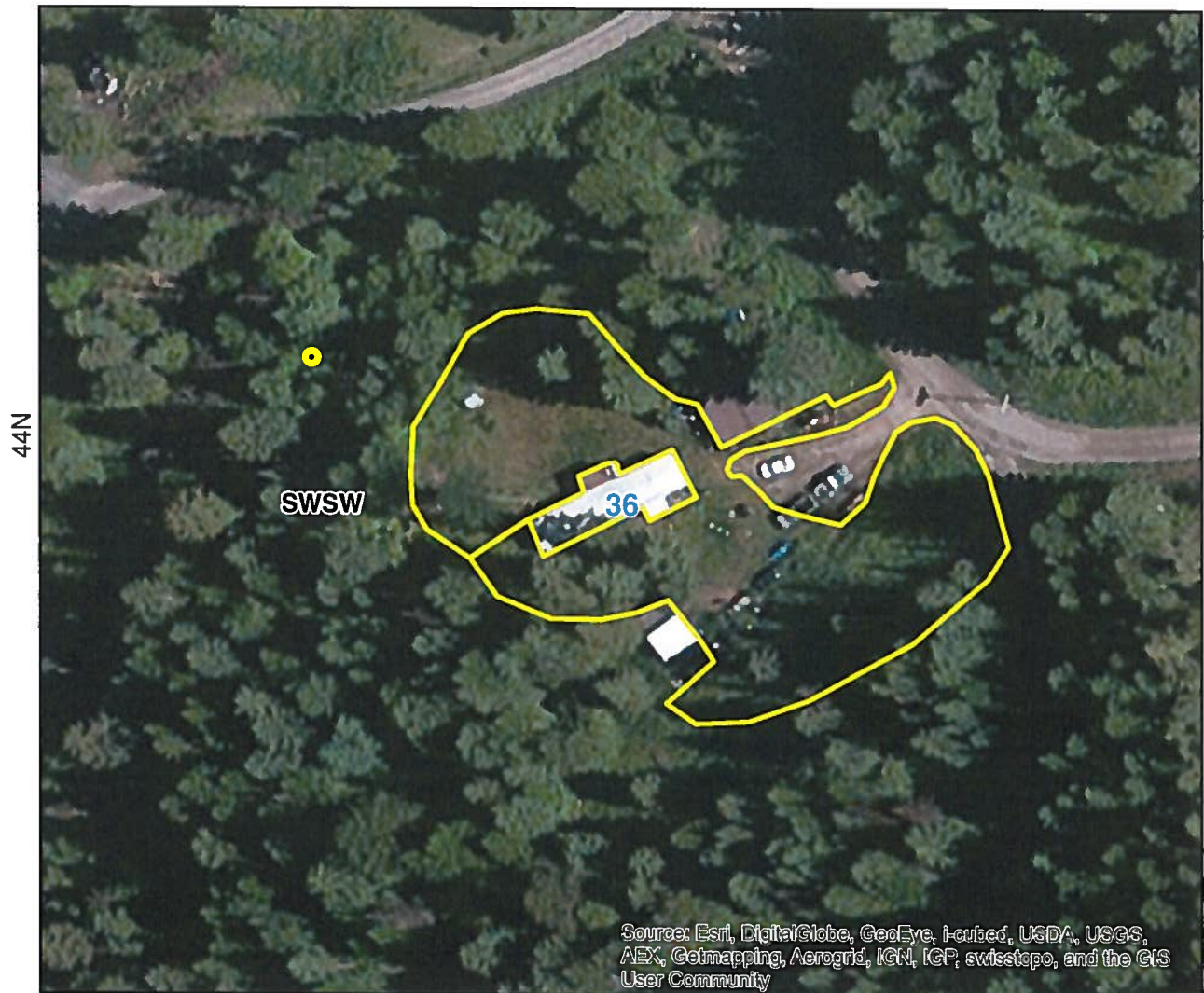
0 0.0125 0.025 0.05 Miles



State of Idaho
Department of Water Resources
Attachment To Field Exam
92-10029

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.

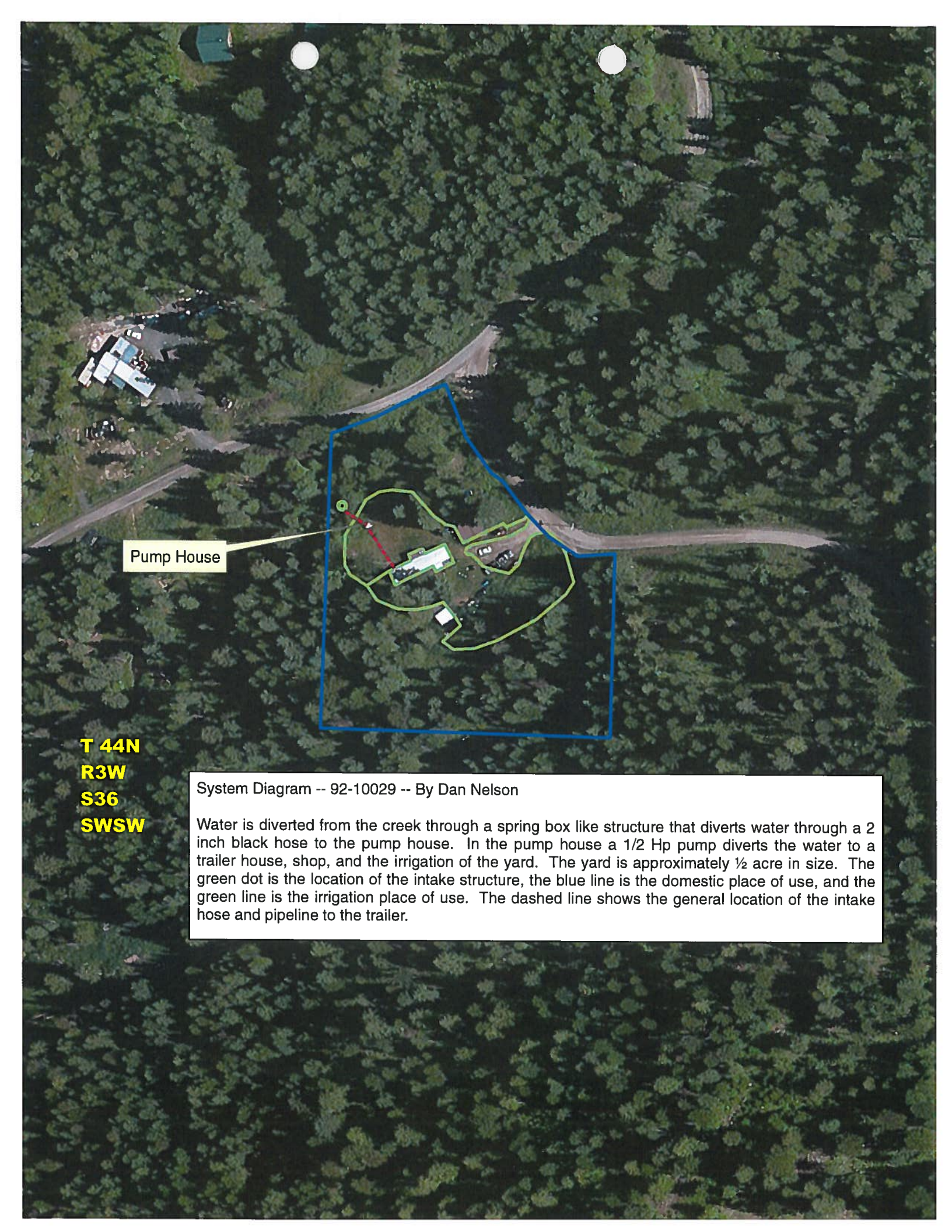
03W



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

0 0.0075 0.015 0.03 Miles





Pump House

T 44N
R3W
S36
SWSW

System Diagram -- 92-10029 -- By Dan Nelson

Water is diverted from the creek through a spring box like structure that diverts water through a 2 inch black hose to the pump house. In the pump house a 1/2 Hp pump diverts the water to a trailer house, shop, and the irrigation of the yard. The yard is approximately 1/2 acre in size. The green dot is the location of the intake structure, the blue line is the domestic place of use, and the green line is the irrigation place of use. The dashed line shows the general location of the intake hose and pipeline to the trailer.

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

6

Water Right No.: 92-10029
 Examiner: Dan Nelson
 Date of Field Exam: 5/21/2013

P/D No.:	Option 1	OPTION 2	OPTION 3	
PUMP HORSEPOWER	0.5	0.5	0.5	
BOOSTER HORSEPOWER	0	0	0	
PUMPING LEVEL	3	3	3	
DISCHARGE PRESSURE	36	36	36	
FRICTION	0	0	0	
RATE OF FLOW (cfs)	0.04	0.04	0.04	AVE
(gpm)	16.0	16.0	16.0	16.0

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.

Examiners Notes:

The lift was measured, the owner's psi gauge showed a pressure between 36 and 38 psi, so I used 36 psi. The pump was a 1/2 Hp pump. The owner irrigates a small yard approximately 1/2 acre and uses this system for in-house use. The standard for a domestic use is 0.04 cfs, so this calculation seems reasonable.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 5/21/2013

FILE NUMBER 92-10029



The photos above show inside the pump house. The motor is on the left and the pressure gauge is on the right. The pump is 1.2 Hp Flotec pump, and the pressure gauge reads between 36 and 38 psi.

The photo below left shows the location of the intake structure, and the photo below right shows inside the intake structure.



Intake
Structure



PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 5/21/2013

FILE NUMBER 92-10029



The two photos above show the front yard that is being irrigated, and the bottom two photos show the back yard. The photos of the back yard were taken from the pump house.

