



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

ANGIE RUDE
DANIEL RUDE
17256 WINNING COLORS PLACE
LEESBURG VA 20176

RE: License No. 92-10185

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.

92-10185

**ANGIE RUDE
17256 WINNING COLORS PLACE
LEESBURG VA 20176**

**DANIEL RUDE
17256 WINNING COLORS PLACE
LEESBURG VA 20176**



**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. 92-10185

Priority: April 29, 2011

Maximum Diversion Rate: 0.03 CFS

It is hereby certified that ANGIE RUDE

And

DANIEL RUDE
17256 WINNING COLORS PLACE
LEESBURG VA 20176

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 29, 2011; and has submitted Proof of Beneficial Use on December 03, 2012. An examination confirms water is diverted from:

SOURCE

ST JOE RIVER

Tributary: COEUR D ALENE LAKE

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/15 to 10/31

DIVERSION RATE

0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER NW1/4SW1/4 Sec. 16, Twp 46N, Rge 02W, B.M. BENEWAH County

PLACE OF USE: IRRIGATION

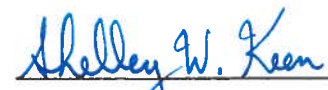
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	02W	16											.6						.6
												L 9							
Total Acres:			0.6																

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 1.8 afa at the field headgate for irrigation of the place of use.
2. This right does not grant any right-of-way or easement across the land of another.
3. Water shall not be diverted under this right when flows in the St. Joe River are below minimum flow amounts as defined by Right 91-7122.
4. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
5. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.

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
92-10185

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.

02W



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

0 0.01 0.02 0.04 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 92-10185

Exam Date: 5/21/2013

1. Current Owner: ANGIE RUDE

And

DANIEL RUDE
17256 WINNING COLORS PLACE
LEESBURG VA 20176
703-661-8590

2. Accompanied by:
- Larry Rude

Phone No: (208) 245 4891Address: 1178 Shepherd RDRelationship to Permit Holder: Uncle and Neighbor

- 3.
- SOURCE

ST JOE RIVER

TRIBUTARY

COEUR D ALENE LAKE

B. OVERLAP REVIEW

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

C. DIVERSION AND DELIVERY SYSTEM

- 1.
- LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER NW1/4SW1/4 Sec. 16, Twp 46N, Rge 02W, B.M. BENEWAH County

Method of Determination: Visual Inspection and GPS

2.

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
46N 02W 16	<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>	.6
											.6						
											L 9						

Total Acres: 0.6

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
Submersible Pump	Grundfos	1	9646	Submersible	1.5 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 = 0.05 cfs (See Theoretical Calculation Sheet)

Acres = 0.02 cfs (0.03 cfs per acre X 0.6 acres = 0.018 cfs)

Permit allowed = 0.03 cfs (0.03 cfs was allowed for the irrigation of 0.8 acres which is above standard.)

License recommend for 0.03 cfs. (During the permit process, the permit was issued for a rate higher than the normal 0.03 cfs per acre. It appears as though the Department rounded the acres to 1 acre to ensure that adequate flow was available for the sprinkler system. In order to properly operate their irrigation system, they will need the full 0.03 cfs. Therefore, I have recommended the 0.03 cfs to allow the system to operate properly.)

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 0.6 \text{ acres} \times 3 \text{ af} = 1.8 \text{ af.}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.03 \text{ cfs} \times 231 \times 1.9835 = 3.7$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1.8 \text{ af}$

2. Volume Calculations for Other Uses:

G. NARRATIVE/REMARKS/COMMENTS

The water from this system is diverted from the St. Maries River by the owner's boat dock. The water travels south to 3 control boxes that deliver the water to an underground sprinkler system. The in-house water use is supplied by the City of St. Maries (water rights 91-2021, 91-4001, 91-7157 and 91-7038). The City water can supply water to the sprinkler system if needed, but it is more economical to operate the system using this irrigation system. A condition is required to ensure that a maximum of 0.03 cfs and 1.8 af of water is used on this property when combined with City water.

Water rights 92-7211 (Lot 9), 92-10150 (Lot 55), 92-10158 (Lot 51), 92-10161 (Lot 52), 92-10162 (Lot 50), 92-10258 (Lot 54), 92-7223 (Lot 57), and 92-7234 (Lot 56) are for properties of other individuals in this subdivision. This water right is on Lot 53 of the subdivision. The only true overlapping water right is the City of St. Maries water rights.

I could see the pump in the water, but was unable to get a good picture of it. The pump did have a screen on the pump to comply with fish and game screening standards.

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>
IRRIGATION	03/15 to 10/31	0.030 CFS	
<u>Totals:</u>		0.030 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 ☐ Other

I. AUTHENTICATION Daniel A. Nelson – Staff Hydrologist

Field Examiner's Name



Date

9-19-2013

Reviewer

Date

State of Idaho
Department of Water Resources
Attachment To Field Exam
92-10185

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.

02W



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

0 0.01 0.02 0.04 Miles



The image is an aerial photograph of a residential property. A red dashed line is overlaid on the image, forming a rectangular perimeter with internal lines that suggest a grid or path. Three green squares are placed along this red line, indicating the locations of control boxes. The property includes a large house with a blue roof, a smaller building with a red roof, and a boat dock on the St. Maries River. The surrounding area includes trees, a road, and other buildings.

System Diagram - 92-10185
By Dan Nelson

The water from this system is diverted from the St. Maries River by the owner's boat dock. The water travels south to 3 control boxes that deliver the water to an underground sprinkler system. The red lines on the map are the assumed pattern of the sprinkler pipelines. The green boxes are the approximately location of the control boxes.

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

6

Water Right No.: 92-10185
 Examiner: Dan Nelson
 Date of Field Exam: 5/21/2013

	Option 1	OPTION 2	OPTION 3	
P/D No.:				
PUMP HORSEPOWER	1	1	1	
BOOSTER HORSEPOWER	0	0	0	
PUMPING LEVEL	2	2	2	
DISCHARGE PRESSURE	40	50	60	
FRICTION	0	8	8	
RATE OF FLOW (cfs)	0.07	0.05	0.04	AVE
(gpm)	29.3	22.0	18.6	0.05 23.3

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:

This system pumps water from the river through a submersible pump directly into a sprinkler system. There is very little if any lift. The pressure was estimated using the standard pressures for an irrigation system. system was not operational at the time of the field exam.

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

FILE NUMBER 92-10185



The photo above left shows the pipeline going out to the submersible pump in the St. Maries River. The lines is an inch and half black poly pipe. The photo above right shows the pressure gauge on the system. There are are two hose bibs on this pipe to allow hand watering of areas where needed.



The photo below shows one of the three control boxes. You can see an manual shut down in a circular buried pipe next to the square control box in the picture on the left. The picture on the right shows the automatic controls for the sprinklers.

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

FILE NUMBER 92-10185



The photo above shows the front yard and the photo below shows the backyard. The sprinklers are buried popup type of sprinklers.

