



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

LEIF WAYNE JOHNSON
18036 SR 20
WINTHROP WA 98862

RE: License No. 92-10448

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,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton'.

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.

92-10448

**LEIF WAYNE JOHNSON
18036 SR 20
WINTHROP WA 98862**

A handwritten signature in blue ink, reading "Darla Block", is written over a horizontal line.

**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. 92-10448

Priority: June 03, 2011

Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 2.2 AF

It is hereby certified that LEIF WAYNE JOHNSON
18036 SR 20

WINTHROP WA 98862 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated June 03, 2011; and has submitted Proof of
Beneficial Use on September 13, 2012. An examination confirms water is diverted from:

SOURCE

UNNAMED STREAM

Tributary: ST MARIES RIVER

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 10/31	0.02 CFS	2.1 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
FIRE PROTECTION	01/01 to 12/31	0.03 CFS	

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NW1/4NW1/4 Sec. 9, Twp 45N, Rge 02W, B.M. BENEWAH County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
45N 02W 9	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	.7

Total Acres: 0.7

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE	NW	SW	SE	Totals
45N 02W 9	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE	NW	SW	SE	Totals
45N 02W 9	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

State of Idaho
Department of Water Resources
Water Right License

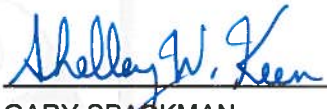
WATER RIGHT NO. 92-10448

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 2.1 afa for the place of use described in this license at the field headgate for irrigation of the place of use.
2. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. This right authorizes the watering of livestock directly from the stream without a diversion.

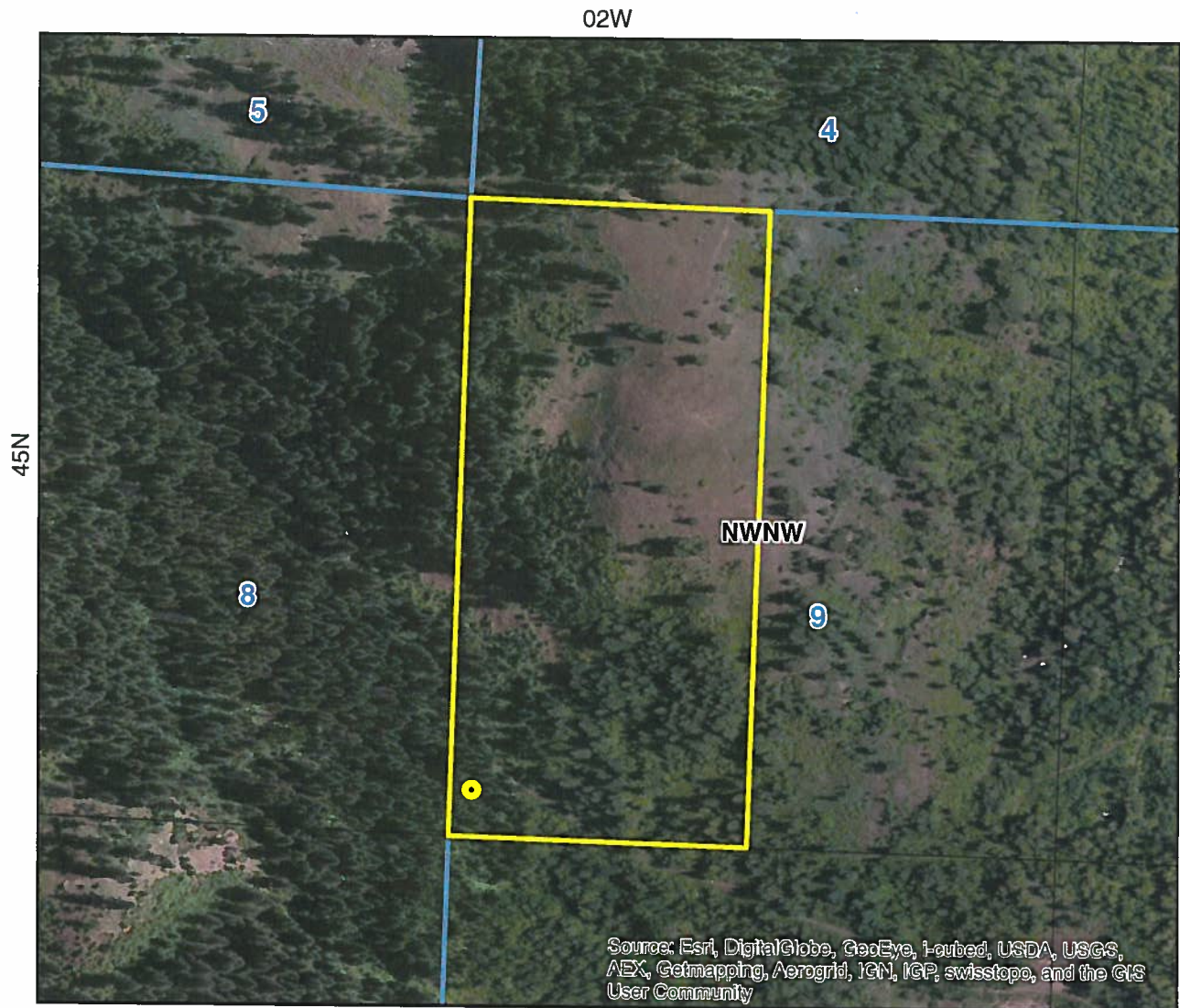
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 25th day of September, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
92-10448

This map depicts the FIRE PROTECTION 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.



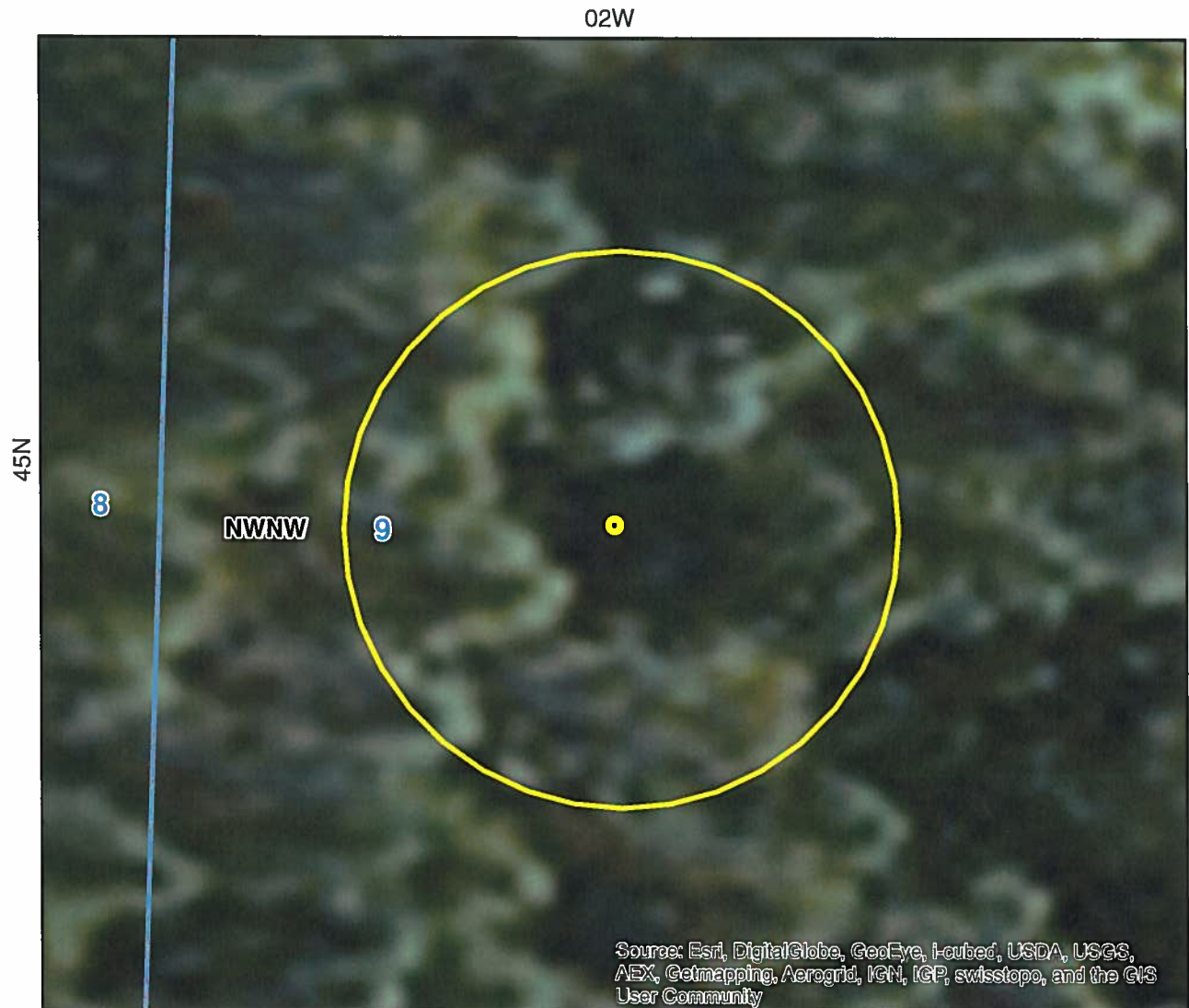
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.0475 0.095 0.19 Miles



State of Idaho
Department of Water Resources
Attachment To Water Right License
92-10448

This map depicts the STOCKWATER 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.



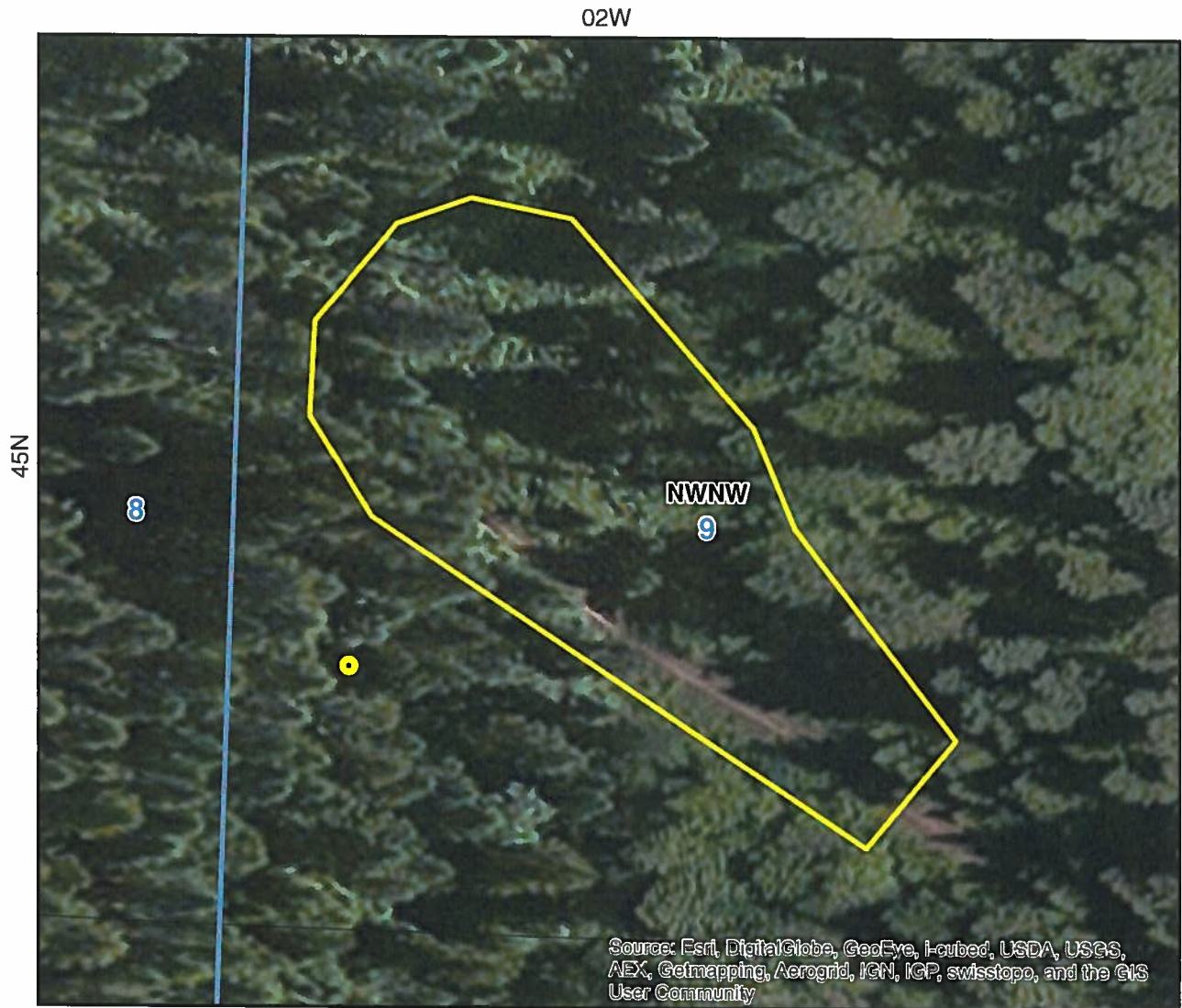
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.002 0.004 0.008 Miles



State of Idaho
Department of Water Resources
Attachment To Water Right License
92-10448

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 0.0075 0.015 0.03 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 92-10448

Exam Date: 5/21/2013

1. Current Owner: LEIF WAYNE JOHNSON
18036 SR 20
WINTHROP WA 98862
509-996-7804

2. Accompanied by: Rachel Johnson

Phone No: 208-245-1563

Address: 689 Nuthatch Lane, St. Maries, ID 83861

Relationship to Permit Holder: Owner's Mother

3. **SOURCE**

UNNAMED STREAM

TRIBUTARY

ST MARIES RIVER

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 SYSTEM

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

UNNAMED STREAM NW1/4NW1/4 Sec. 9, Twp 45N, Rge 02W, B.M. BENEWAH County

Method of Determination: GPS and Visual Inspection

2.

PLACE OF USE: IRRIGATION

Tw	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N	02W	9							.7										.7

Total Acres: 0.7

PLACE OF USE: STOCKWATER

Tw	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N	02W	9							X										

PLACE OF USE: FIRE PROTECTION

Tw	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N	02W	9							X										

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	Goules Gas Pump	1	Unknown	Goules Gas Pump	1 ¼ 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 at the site at the time of the exam, so a theoretical calculation was used.

E. FLOW CALCULATIONS

X Additional Computation Sheets Attached

Measured Method:

Measurement = 0.03 cfs (See Theoretical Calculation Sheet)

Acres = 0.02 cfs (0.03 cfs per acre X 0.7 acres = 0.021 cfs)

Stockwater allows = 0.02 cfs (Per Permit and standard for instream type of use)

Fire Protection = 0.02 cfs or capacity of the pump.

Permit allowed = 0.20 cfs (0.02 cfs was allowed for the stockwater and 0.20 cfs was allowed for the irrigation of 20 acres, which is the standard for both uses. 0.20 cfs was filed for fire protection.)

License recommend for 0.02 cfs for irrigation of 0.7 acres, and 0.02 cfs for stockwater use, and 0.03 cfs for fire protection for a total of 0.03 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 0.7 \text{ acres} \times 3 \text{ af} = 2.1 \text{ af.}$$

I.R.

$$V = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.02 \text{ cfs} \times 231 \times 1.9835 = 9.2 \text{ af}$$

D.R.

$$V = \text{Smaller of } V_{\text{I.R.}} \text{ and } V_{\text{D.R.}} = 2.1 \text{ af}$$

I.R. D.R.

2. Volume Calculations for Other Uses:

The field examiner's handbook states that goats consume 2 gpd, and there are 8 goats that use this property. I used a year round season for the stockwater component, even though the animals are not on this property the entire year. Even with the extended season, the water consumption of the goats does not exceed the minimum standard of 0.1 af per year.

Stockwater = 8 goats X 2 gpd X 365 days / 32850 = 0.0179 af rounded to 0.1 af

Stockwater Volume recommended per the standard of 0.1 af. There is no volume limit required for fire protection.

G. NARRATIVE/REMARKS/COMMENTS

The owner of this permit dug out a small area approximately 3 feet wide by 6 feet long by 2 inches to 6 inches deep in the stream channel. This dug out area holds between 22 to 67 gallons of water, and barely raises the water level of the actual stream channel. This area in the stream was developed to supply an area to place a 1 Hp gas powered pump, and provide an open area where 4 to 8 head of goats can drink directly from the stream. A path has been developed to allow the animals and the owner easy access to the creek. The pump supplies two 11/64 sprinklers to irrigate an area that is used for camping and feed area for the goats. This area is irrigated periodically to keep it green, so camp fires do not start a fire, but they do not provide a standard irrigation practice. The pump will also be used to fight an active fire in the camping area if needed.

The actual use developed under this water right is difficult to license, due to the minimal use of water. However, we owe the owner who has invested time and money to protect his use of water from this small stream to license this water right as best as is possible.

I removed the storage components on this water right because what little water that has been backed up really doesn't qualify as a storage component. A few rocks have been placed in the stream to slow down the water in this area. There is no real pond area here.

The stockwater use is basically an instream stockwater use, but a small area has been cleaned out around the stream, and a path has been cleared down to this area. The goats may drink in other areas along the stream, but the rest of the stream is pretty tangled with overgrowth, so it is most likely that they would drink from this small developed area.

The irrigation use doesn't irrigate an actual crop, but the area is irrigated to keep a small area green for camping purposes and to prevent fire risk from the campfire. As you can see in the photos, there is grass in this area along with some trees.

The fire protection that can be provided for from this stream would be minimal, but would be enough to put out the beginning stages of a fire from a camp fire or lightning strike. It couldn't be used to put out a full blown forest fire, but it may be able to prevent a small fire from becoming a forest fire.

The database shows water right 92-10472 as an overlapping water right, but that water right is for a different tax lot with a different owner and from a different source. Therefore, there shouldn't be any issues with overlapping water rights.

The pump wasn't at the site at the time of the field exam, but the owner described the pump to me over the telephone. He informed me that the pump did have an intake screen on the intake hose. The pump had broken down at the end of 2012 and the pump was discarded. A new pump hadn't been purchased by the time the field exam was performed in May.

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	0.020 CFS	2.10 AF
STOCKWATER	01/01 to 12/31	0.020 CFS	0.10 AF
FIRE PROTECTION	01/01 to 12/31	0.030 CFS	
<u>Totals:</u>		0.030 CFS	2.20 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

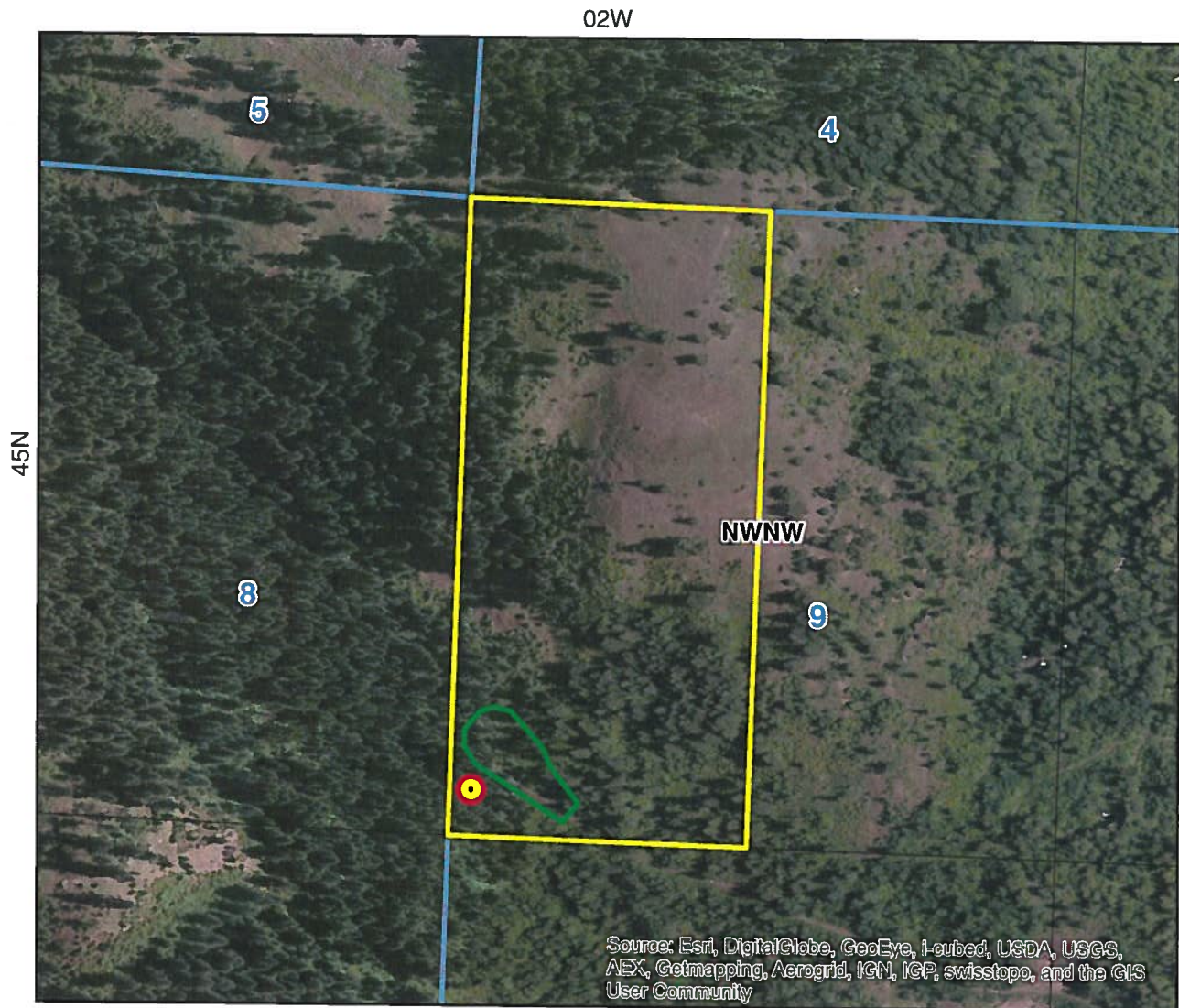
I. AUTHENTICATION Daniel A. Nelson – Staff Hydrologist

Field Examiner's Name Daniel A. Nelson Date 9-25-2013

Reviewer _____ Date _____

State of Idaho
Department of Water Resources
Attachment To Field Exam
92-10448

This map depicts the Irrigation use (in green), Stockwater Use (in red) and Fire Protection (in yellow) 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
-  Place Of Use Boundary
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.0475 0.095 0.19 Miles



SWSE 3

SESE

5

SWSW

4

System Diagram

92-10448

By Dan Nelson

The owner of this permit dug out a small area approximately 3 feet wide by 3 feet long by 2 inches to 1 foot deep in the stream channel. This dug out area holds between 11 and 67 gallons of water. This area in the stream was developed to supply an area to place a 1 Hp gas powered pump, and provide an open area where 4 to 8 head of goats can drink directly from the stream. A path has been developed to allow the animals and the owner easy access to the creek. The pump supplies two 11/64 sprinklers to irrigate an area that is used for camping and feed area for the goats. This area is irrigated periodically to keep it green, so camp fires do not start a fire. The pump will also be used to fight an active fire in the camping area if needed. The area in green is the land that is irrigated for the camping area, the purple circle is the area developed for the stockwater, the red area is the tax lot border or the place of use for the fire protection. The green spot is the location of the diversion point. The red dashed line shows the path the black poly pipeline is run up to the irrigation place of use.

8

45N02W

NWNW

9

SENE

SWNW

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

6

Water Right No.: 61-7743
 Examiner: Dan Nelson
 Date of Field Exam: 9/16/2003

P/D No.:	Option 1	OPTION 2	OPTION 3	
PUMP HORSEPOWER	1	1	1	
BOOSTER HORSEPOWER	0	0	0	
PUMPING LEVEL	102	102	102	
DISCHARGE PRESSURE	45	50	55	
FRICTION	0	8	8	
RATE OF FLOW (cfs)	0.03	0.03	0.03	AVE
(gpm)	13.4	12.3	11.7	12.4

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 pump lifts water from a creek approximately 2 feet below the pump site, and pumps that water uphill to 2 - 11/64 sprinklers. There is an elevation difference of approximately 100 feet according to the topographical map from the pump location to the point where the sprinklers discharge. I used a standard 45 to 55 psi rating to determine the pressure at the sprinkler. 11/64 sprinklers at 50 psi provide 6.19 gpm per sprinkler. There are two sprinklers, so the diversion rate would be approximately 12.38 gpm or 0.03 cfs. As you can see above, at 50 psi the pump could produce approximately 12.3 gpm. Therefore, I am confident that this pump can divert 0.03 cfs.

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

FILE NUMBER 92-10448



The photo above shows the area where the water is backed up in the stream. The woman in the second photo shows the location where the pump is placed and the trail going up behind her. The bottom photo shows the camping area. The gentleman in the photo is standing by the camp fire area.



MEMORANDUM

TO: File 92-10448

FROM: Daniel Nelson – Staff Hydrologist

DATE: May 1, 2013

SUBJECT: Telephone Conversation Memorandum.

I received a telephone call from Leif Johnson concerning his water right 92-10448. He wants me to set up the field exam with his mother, Rachel Johnson. Ms. Johnson's telephone number is (208) 245-1563.

Mr. Johnson also told me that he irrigates this property with 1 Hp Goules Pump with an 1 ½ inch intake. The discharge comes out of the pump through a 1 ¼ inch Black poly pipe to garden hoses. The creek has been backed up to allow 4 goats to drink out of the creek.

Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, April 30, 2013 1:36 PM
To: 'timber_stone@yahoo.com'
Subject: Licensing Inspection for water right 92-10448

Dear Mr. Johnson;

I have been asked to assist our Northern Region staff in catching up on some of their water right licensing field exams. I will be in your area with Shaun Maxey of our Northern Region to do several licensing exams on Tuesday May 21st.

If you cannot be in the area at that time and want us to visit the site, you can send a response granting us permission to visit the site without your presence. We will not visit the site if you do not give us permission to be there, but I wanted to give you an alternative to accompanying us on the field exam. We would prefer that you accompany us, because you have valuable insight concerning your system.

In order to license your water right permit, we need to conduct a field examination to verify that you have completed work you requested in your water right permit. If you could contact me as soon as possible to make plans, I would appreciate your assistance.

Daniel A. Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)