



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 23, 2013

HUNT HATCH
PO BOX 115
KAMIAH ID 83536

RE: License No. 84-12259

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 24, 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.

84-12259

**HUNT HATCH
PO BOX 115
KAMIAH ID 83536**



**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. 84-12259

Priority: May 22, 2008

Maximum Diversion Volume: 0.4 AF

It is hereby certified that HUNT HATCH
PO BOX 115
KAMIAH ID 83536 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated May 22, 2008; and has submitted Proof of
Beneficial Use on September 08, 2011. An examination confirms water is diverted from:

SOURCE

UNNAMED STREAM

Tributary: CLEARWATER RIVER

and a water right has been established as follows:

BENEFICIAL USE

STOCKWATER STORAGE

PERIOD OF USE

01/01 to 12/31

**ANNUAL
DIVERSION VOLUME**

0.4 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE1/4SW1/4 Sec. 26, Twp 34N, Rge 03E, B.M. IDAHO County

PLACE OF USE: STOCKWATER AND STOCKWATER STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
34N 03E 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									X								

CONDITIONS OF APPROVAL

1. This right authorizes the storage of an annual total of 0.2 acre-feet to be used for the initial filling of the pond, 0.1 acre-feet for the replacement of losses caused by evaporation from the pond, and 0.1 acre-feet for the stockwater storage use for a total storage component of 0.4 acre-feet.

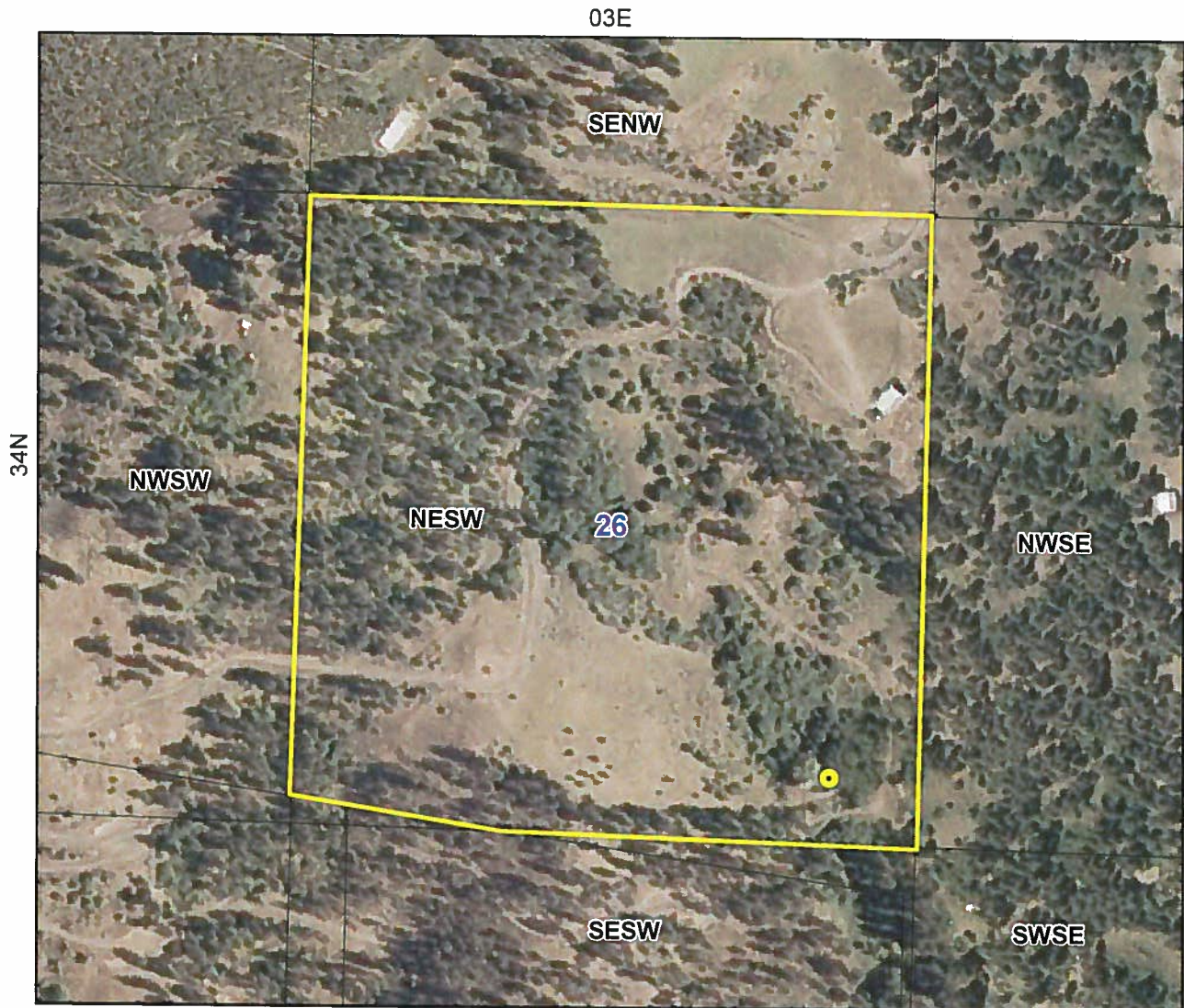
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 23rd day of September, 2013.

For Gary L. Spackman
GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
84-12259

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

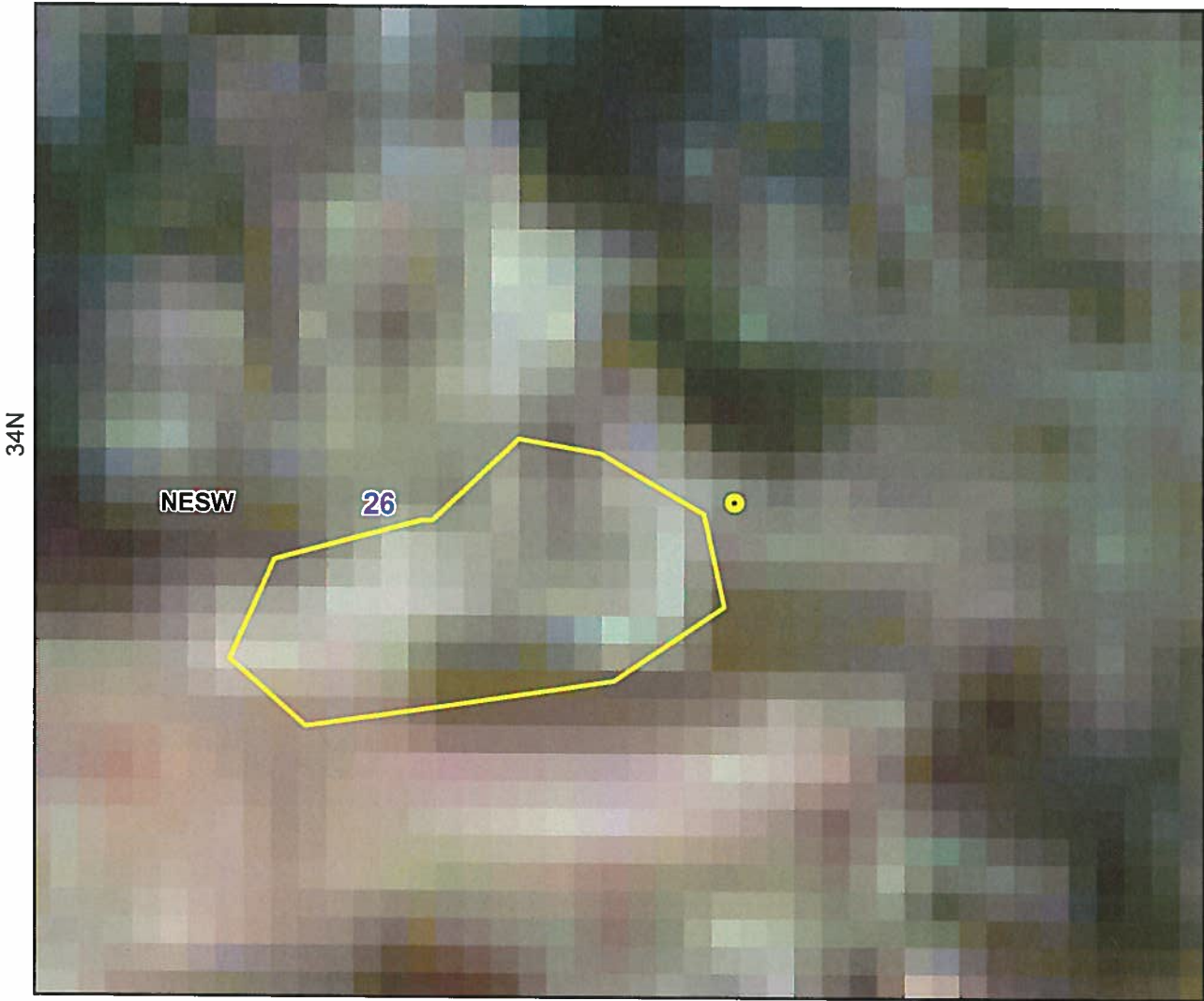
0 0.045 0.09 0.18 Miles



State of Idaho
Department of Water Resources
Attachment To Water Right License
84-12259

This map depicts the STOCKWATER STORAGE 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.

03E



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

0 0.0025 0.005 0.01 Miles



MEMORANDUM

TO: File – 84-12259

FROM: Daniel Nelson – Staff Hydrologist

DATE: August 9, 2013

SUBJECT: Licensing Review and Suggested Recommendations and Explanations

I originally reviewed this license, and instructed the reviewing agent to remove water right 84-4281 from the overlap analysis because it was a statutory claim not filed in the Snake River Basin Adjudication. Further review revealed that water right 84-4281 is a valid water right that has been decreed. The reasoning for not including it in the overlapping water right is that it is for a spring and not an unnamed stream. Therefore, 84-4281 should not be considered an overlapping water right to this permit.

I also rounded the acre feet amounts on condition #1, and removed the stockwater use from the water right per instructed. This is an onstream pond, so the stockwater component was removed.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN HOUSE BENEFICIAL USE REPORT

A. GENERAL INFORMATION

Permit No: 84-12259

Exam Date: 9/4/2013

1. Current Owner: HUNT HATCH
PO BOX 115
KAMIAH ID 83536
(208) 935-2196
2. Accompanied by: Not applicable, in-house exam
Phone No: NA
Address: NA
Relationship to Permit Holder: NA

3. SOURCE

UNNAMED STREAM

TRIBUTARY

CLEARWATER 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 SE1/4NE1/4SW1/4 Sec. 26, Twp 34N, Rge 03E, B.M.

IDAHO County

Method of Determination: Air photos, discussion with applicant, and water right file documentaiton

2.

PLACE OF USE: STOCKWATER

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>	
34N	03E	26									X								

PLACE OF USE: STOCKWATER STORAGE

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>	
34N	03E	26									X								

Method of Determination: Air photos, discussion with permit holder

3. _____ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
 ___X___ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

Permit No: 84-12259

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

☐ Photo of Diversion and System Attached

4.

Well or Diversion

ID No.*

Motor Make

Hp

Motor Serial No.

Pump Make

**Pump Serial No. or Discharge
Size**

-----Not applicable, no well or pumps used on system-----

D. FLOW MEASUREMENTS

1.

Measurement

Equipment

Type

Make

Model No.

Serial No.

Size

Calib. Date

-----Not applicable, no measurements taken-----

2. Measurements:

None

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method: In office calculations, see below

Stockwater: 0.02 cfs (spring discharge into storage pond)

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: NA

2. Volume Calculations for Other Uses:

Stockwater from storage: 20 head (mixed cows and horses) X 12 gal/day/head X 365 days = 0.3 AF

Stockwater Storage: Pond size: 50' long X 30' wide X 5' deep = 0.2 AF

Evaporation: 0.1 AF (see attached worksheet)

Total storage: 0.17 AF (pond initial fill) + 0.1 AF (evaporation losses) + 0.13 AF (stockwater use) = 0.4 AF

G. NARRATIVE/REMARKS/COMMENTS

Water right permit 84-12259 authorized the use and storage of 0.8 AF for stockwater purposes. The permit authorized the development of a pond fed from an unnamed spring to provide water to 20 mixed head of stock (10 horses and 10 cows).

The diversion rate of 0.02 cfs was authorized to fill a pond that could store no more than 0.2 AF of water. Due to evaporation and consumptive use from the livestock directly out of the storage pond, a refill component of the storage right was added to the overall volume of the permit.

Existing rights exist near the permitted POU. Water rights 84-4001 and 84-4281 are statutory claims, so they are no longer valid. The owners of these claims were required to file for this water right in the Snake River Basin Adjudication. Since the claims weren't filed in the SRBA, they are no longer a valid water right and not considered an overlapping water right. Water right 84-12145 appears to be an overlapping water right, but it is for a domestic use from another spring. This spring is not the same spring used for this stockwater storage water right.

After reviewing the air photos of the property of interest, tree coverage at the location of the pond made it difficult to determine the exact size and location of the pond. Therefore, the permit holder was contacted on 9/3/2013 to discuss the configuration and operation of his permit. According to the permit holder (Hunt Hatch), the pond was constructed as proposed (50' long, 30' wide, and 5' deep) and has operated well for his livestock watering practices. The permit holder indicated that the pond was located in the same location that was proposed on the map accompanying the water right application.

Based on the limited knowledge of this system and a review of the air photos and water right documentation, it appears the water proposed in the water right application has been put to beneficial use as proposed in the water right application.

Based on the calculation included in this field exam, I recommend a maximum diversion rate of 0.02 cfs and a volume limit of 0.3 AF for stockwater use, and a stockwater storage volume limit of 0.4 AF.

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>
STOCKWATER	01/01 to 12/31	0.020 CFS	0.3 AF
STOCKWATER STORAGE	01/01 to 12/31		0.4 AF
<u>Totals:</u>		0.020 CFS	0.40 AF

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ X None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Dennis Owsley  Date 09/11/2013 9/11/13

Reviewer David A. Mel  Date 9-17-13

TOTAL STORAGE

FILE NUMBER	Pond for 84-12259
REVIEWER	Dennis Owsley
DATE	9/11/2013

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond

Surface Area (in Acres)	0.034	"Surface Area" depicts the actual surface area of the pond measured, determined by ArcMap, or estimated.
Average Pond Depth (in feet)	5	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated.
Pond Capacity (in acre feet)	0.17	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth.

Volume Needed Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (in acre feet)	0.13	The "Volume Needed Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). PLEASE NOTE: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (in acre feet)	0.0	The "Estimated Seepage Loss" is automatically carried over from the Seepage Loss Sheet
Estimated Evaporation Loss (in acre feet)	0.1	The "Estimated Evaporation Loss" is automatically carried over from the Evaporation Loss Sheet
Total Volume Required (in acre feet)	0.4	"The Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Flow Rate Into Pond (in cfs)	0.02	The "Flow Rate" Into the Pond depicts the actual flow either measured or estimated into the pond.
Highest Daily Evaporation Rate From Evaporation Tab. (in mm/day)	4.93	To determine the "Highest Daily Evaporation Rate" go to the Evaporation Loss Sheet and enter in the highest number recorded in the Precipitation Deficit table.
Maximum Required Daily Maintenance Volume (in acre feet per day)	0.00	"Maximum Required Daily Maintenance Volume" is the maximum volume of water needed on any given day during the year, and is calculated by adding the highest daily evaporation loss to the average daily seepage loss in acre feet. The average daily seepage loss is calculated by dividing the "Estimated Seepage Loss" by 365 days. This is acceptable, since the seepage rate shouldn't vary throughout the season unless the pond completely freezes over during the winter months. The highest daily evaporation loss is calculated by multiplying the Highest Daily Evaporation Rate by the 304.8 conversion factor and multiplying this number by the pond surface area to attain a combined daily acre feet requirement.
Minimum Maintenance Flow (in cfs)	0.00	The "Minimum Maintenance Flow" is the minimum amount of flow required to maintain the level of the pond. This number is determined by dividing the "Daily Required Maintenance Volume" by 1.9835. This flow can be used to determine if the flow rate into the pond is adequate to maintain the pond level.
Days Required to Fill the Pond	4	The "Days Required to Fill the Pond" is calculated by dividing the "Pond Capacity" by the "Flow Rate" minus "Minimum Maintenance Flow" multiplied by 1.9835. This section will assist you in determining if the flow rate being diverted to the pond is adequate to fill the pond while maintaining the pond level. The length of time to fill the pond will help determine if the flow rate is adequate for the size of pond being proposed.
Days Required to Fill the Pond at 13,000 gallons per day	4	The "Days Required to Fill the Pond at 13,000 gallons per day" is calculated converting the "Pond Capacity" and the "Maximum Daily Maintenance Volume" to gallons. The "Pond Capacity" is then divided by 13,000 gallons minus the "Maximum Daily Maintenance Volume" in gallons to determine the number of days to fill pond.

Evaporation Loss Calculation

FILE NUMBER	Pond for 84-12259
REVIEWER	Dennis Owsley
DATE	9/4/2013

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

The acronyms used on the Kimberly Research Center website are defined below:	
P	= Precipitation
ET	= Evapotranspiration
P _d	= Precipitation deficit
P _d	= ET-P

USING THIS SPREADSHEET

To ascertain the evaporation from a pond, you will need to go to the Kimberly Research Center website. The link is found below. This web site provides the Precipitation Deficit for the area where the pond is located. The Precipitation Deficit is the total amount of free pan evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used, and the entire state is pretty much covered. IDWR staff can find the nearest site using ArcMap. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.

Found at: <http://www.kimberly.uidaho.edu/ETIdaho/online.php>

Precipitation Deficit

Station: Twin Falls 2 NNE (NWS -- 109294)

Month	mm/day ¹	Days per month	mm/Month
Jan	0	31	0.00
Feb	0	28	0.00
March	0	31	0.00
April	0.74	30	22.20
May	1.26	31	39.06
June	2.74	30	82.20
July	4.93	31	152.83
August	4.41	31	136.71
September	2.31	30	69.30
October	0.11	31	3.41
November	0	30	0.00
December	0	31	0.00

PLEASE NOTE: We cannot use the season average, because there are several areas in Northern Idaho with a negative Precipitation Deficit. Therefore, we must enter each monthly deficit, and enter in a zero (0) for each negative month. The reason for this is that precipitation can only offset evaporation to the extent of the evaporation.

Please enter the daily average Precipitation Deficit as shown in the example below.

¹Negative monthly mean values should be entered in the above table as "0".

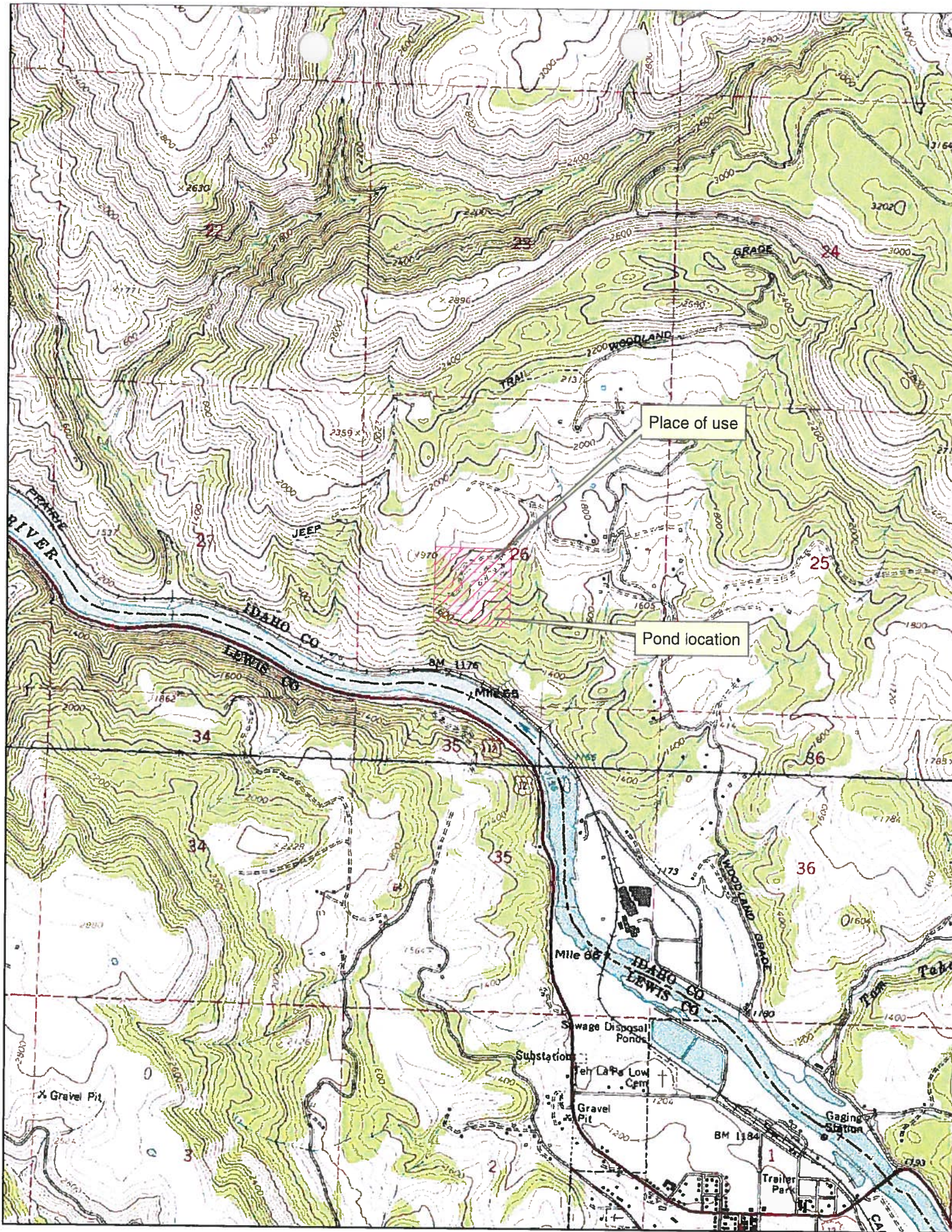
Total mm/year = **505.71**

$$[(505.71 \text{ mm/yr}) \div (\text{convert to feet})] \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$$

(**505.71**) ÷ **304.8**) X **0.03** = **0.056 AFA**



Source: Esri, DigitalGlobe, GeoEye, I-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Topographic map for in-house field exam for 94-10050

MEMORANDUM
(include this in water right file)

TO: Dennis Owsley – 84-12259

FROM: Daniel Nelson – Staff Hydrologist

DATE: August 9, 2013

SUBJECT: Licensing Review and Suggested Recommendations and Explanations

In review of this licensing recommendation, I discovered the following issues that need to be addressed:

- ✓ According to the file, no water is being diverted from the pond to a stock water trough, so **stockwater from storage** should be removed from the license.
- ✓ You need to add 0.3 af volume for the stockwater component. The only time you don't have a volume on surface water rights is for irrigation rights using surface water.
- ✓ The pond spreadsheet needs to be redone. The capacity of the pond is 0.17 af, the total stockwater use is 0.3 af, so there is a one-time fill of 0.17 af plus 0.13 af refill for a total of 0.3 af of for the storage water that is required. The evaporation was at 0.1 af for a total storage requirement of 0.4 af. The spreadsheet needs to be re-worked with the correct numbers.
- ✓ Water rights 84-4001 and 84-4281 are statutory claims, so they are no longer valid. The owners of these claims were required to file for this water right in the Snake River Basin Adjudication. Since the claims weren't filed in the SRBA, they are no longer a valid water right is not considered an overlapping water right.
- ✓ Water right 84-12145 appears to be an overlapping water right, but it is for a domestic use from another spring. This spring is not the same spring used for this stockwater storage water right. You need to add this information into your narrative, since the point of diversion overlaps the point of diversion for this water right.
- ✓ Condition #1 needs to be removed. We don't include stock numbers on the license.
- ✓ Condition #2 needs to be re-worded to say – This right authorizes the storage of an annual total of 0.17 acre-feet to be used for the initial filling of the pond, 0.13 for additional fills to the reservoir from stockwater use, and 0.1 af for evaporation from the pond for a total storage component of 0.4 af.

- ✓ The point of diversion and place of use is clearly on the owner's property, so condition #3 needs to be removed.
- ✓ With the rewording of condition #2, we can eliminate condition number 4.