



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 10, 2013

REX W SMITH
18654 FERNWOOD DR
LENORE ID 83541

RE: License No. 85-15650

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 10, 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.

85-15650

**REX W SMITH
18654 FERNWOOD DR
LENORE ID 83541**



**Daria 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. 85-15650

Priority: December 09, 2005

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that REX W SMITH
18654 FERNWOOD DR
LENORE ID 83541 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated December 09, 2005; and has
submitted Proof of Beneficial Use on February 01, 2008. An examination confirms that water is diverted
from:

SOURCE

GROUND WATER

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	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L5 (NW1/4SW1/4) Sec. 29, Twp 37N, Rge 02W, B.M. NEZ PERCE County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
37N	02W	29										X							
												L 5							

CONDITIONS OF APPROVAL

1. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
2. Domestic use is for 1 home.

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 9th day of September, 2013.


For GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
85-15650

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.

02W



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

0 0.015 0.03 0.06 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 85-15650

Exam Date: 5/15/2012

1. Current Owner: REX W SMITH
18654 FERNWOOD DR
LENORE ID 83541
(208)836-5749
2. Accompanied by: Not accompanied by anyone, but had verbal permission by the current owner of the water right.

3. SOURCETRIBUTARY

GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None. 86-10451, 85-1137, and 86-10451 are all different sources, different owners, and different property.
2. Other water rights with the same point of diversion: None. 86-10451, 85-1137, and 86-10451 are all different sources, different owners, and different property.

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

GROUND WATER L5 NW1/4SW1/4 Sec. 29, Twp 37N, Rge 02W, B.M. NEZ PERCE County

Method of Determination: Rex Smith identified and confirmed the exact location on a 2011 Arc Map Imagery.

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>	
37N	02W	29										X							
												L 5							

Method of Determination: Rex Smith identified and confirmed the exact location on a 2011 Arc Map Imagery. This was also confirmed by the 1/13/2012 Tax Lot information, indicating the location of his property.

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 (at the time of the field examination, no one was present to unlock the pump house, so for this reason, there is no picture of the well, but only a picture of the pump house)

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>
D0045111	submersible (unknown make/model/Hp)		unknown	unknown	unknown

*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>
None						

2. Measurements:

5-gallon measurement taken from frost-free hydrant near entrance:
 $[(5 \text{ gallon} \times 60 \text{ sec}) / 9 \text{ seconds}] \times 0.00223 = 0.07 \text{ cfs}$

IDWR Standard for Domestic 1-home internal/external use = 0.04 cfs

RECOMMEND:

Domestic 1-home 0.04 cfs internal/external use (not to exceed ½ acre irrigation)

E. FLOW CALCULATIONS

Measured Method: No other measurements taken.

F. VOLUME CALCULATIONS

1. Volume Calculations Domestic 1-home:

IDWR Standard for Domestic 1-home internal/external use = 1.2 af

2. Volume Calculations for Other Uses: None

RECOMMEND:

Domestic 1-home internal/external use = 1.2 af

G. NARRATIVE/REMARKS/COMMENTS

At the time of the field examination, the pump house was locked, so no actual picture of the well was taken, and there was no one there on the premises to unlock the pump house. The well was drilled on 8/2/2006 by Witt Well Drilling Firm No 58. The well was drilled for Rex Smith, and is not shared by any other residents. The well has an 8 inch casing, is 178 ft deep, with 83 ft static. It has an unknown make/model/Hp submersible pump, with unknown size discharge to unknown make/size buried pipe going to the house, shop, and 3 frost free hydrants located throughout the property. Misc. size hoses and sprinklers are used to water the small immediate yard and landscape surrounding the house, shop and along the sides of the driveway. Drip system is used throughout the property to water the trees. Use is for one house and shop, for internal/external use. A physical measurement was taken at the time of the field examination near the entrance, to determine the rate of diversion. The POU is located within Cooks Paradise Acres Subdivision. An assignment of permit was obtained from Koller, prior to licensing.

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	0.040 CFS	1.20 AF
<u>Totals:</u>		0.040 CFS	1.20 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

Field Examiner's Name Gndy Hemenway Date: 7/31/2013

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
Well ID No. _____
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat: _____ Long: _____

1. WELL TAG NO. D 0045111
DRILLING PERMIT NO. 84117
Water Right or Injection Well No. _____

2. OWNER:
Name REX SMITH
Address 331 Koshney Rd
City ST. MARIES State ID Zip 83866



12. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
<u>approx 14</u>		<u>168</u>	<u>1 Hr.</u>

Water Temp. _____ Bottom hole temp. 168

Water Quality test or comments: _____

Depth first Water Encounter 169
13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water	Y	N
10	0	41	overburden			
10	41	50	Fract. basalt			
10	50	54	basalt firm			
8	54	71	basalt firm			
8	71	75	Shale			
8	75	83	basalt firm			
8	83	91	Blk. Shale			
8	91	109	basalt firm			
8	109	116	Fract. basalt			
8	116	119	basalt firm			
8	119	134	Fract. basalt			
8	134	169	basalt firm			
8	169	178	Fract. basalt			

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
<u>Bentonite</u>	<u>0</u>	<u>54</u>	<u>450 lbs</u>	<u>Dry</u>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 54
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>8</u>	<u>71</u>	<u>54</u>	<u>250</u>	<u>Steel</u>	☒	☐	☒	☐
<u>6</u>	<u>-8</u>	<u>178</u>	<u>1608</u>	<u>PVC</u>	☐	☒	☐	☐

Length of Headpipe _____ Length of Tailpipe _____
Packer ☒ Y ☐ N Type Shale Trap

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method Saw
Screen Type & Method of Installation _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u>158</u>	<u>178</u>	<u>1/8x8</u>	<u>36</u>	<u>6</u>	<u>PVC</u>	☐	☒

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

83 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

37 N 2W 29

FORWARD WHITE COPY TO WATER RESOURCES

85-15650

RECEIVED

FEB 06 2007

IDWR/North

Completed Depth 179 (Measurable)
Date: Started 8/1/06 Completed 8/2/06

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name WIT Well Drilling Firm No. 58

Principal Driller Roger Witt Date 8/14/06

and Driller or Operator II _____ Date _____

Operator I _____ Date _____

Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator II.





POD:
physician
address
in
Lenox,
ID
83541

05/15/2012



POD:
pump
house
with
well
inside
(locked)

05/15/2012

85-15650 Koller/Smith

S. Hemerway



Frost
free
hydro
with
hoses
and
misc
nozzle
for
watering
yard
+
land-
scaping



POU:
Domestic
1-home
+ shop

85-15650 Koller/Smith

S. Harnenbury



POU:
Domestic
internal
and
external

85-15650 Koller/Smith

S. Hemenway