



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" OTTIE
Governor

GARY SPACKMAN
Director

September 3, 2013

BETTY K MARTINSON
RT 2 BOX 108
NORTH FORK ID 83466

RE: License No. 75-7536

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 4, 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.

75-7536

**BETTY K MARTINSON
RT 2 BOX 108
NORTH FORK ID 83466**

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. 75-07536

Priority: June 18, 1990

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.8 AF

It is hereby certified that BETTY K MARTINSON
RT 2 BOX 108
NORTH FORK ID 83466 has complied with the terms and conditions of
the permit, issued pursuant to Application for Permit dated June 18, 1990; and has submitted Proof of
Beneficial Use on March 13, 1991. An examination confirms water is diverted from:

SOURCE

SALMON RIVER

Tributary: SNAKE 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	04/01 to 10/31	0.02 CFS	1.8 AF

LOCATION OF POINT(S) OF DIVERSION:

SALMON RIVER NE1/4NW1/4 Sec. 28, Twp 24N, Rge 19E, B.M. LEMHI 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	
24N	19E	28					.5												.5

Total Acres: 0.5

CONDITIONS OF APPROVAL

1. Place of use is located within Homestead Entry Survey 276, Lot #4.
2. Point of diversion is located within Homestead Entry Survey No. 276, Lot #4.
3. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 1.8 afa at the field headgate for irrigation of the place of use.

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 and sealed this 30th day of August, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
75-7536

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.

19E

24N



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

0 0.015 0.03 0.06 Miles



INTEROFFICE MEMORANDUM

TO: FILE 75-7536
FROM: DANIELLE FAVREAU
SUBJECT: PLS LOCATION OF POU AND POD FOR WATER RIGHT 75-7536: SEC 21 OR SEC 28?
DATE: AUGUST 31, 2013

Per a recommendation by Shelly Keen on 08/29/2013, the POU and POD descriptions were modified as described below:

Description of POU and POD:

The POU PLS should be described as: NE1/4NW1/4 Section 28, Township 24 North, Range 19 East, B.M.

The POD PLS should be described as: NE1/4NW1/4 Section 28, Township 24 North, Range 19 East, B.M.

Condition **X60** should be added as licensing: **Place of use is located within Homestead Entry Survey 276, Lot #4.**

Condition **X59** should be added as licensing: **Point of diversion is located within Homestead Entry Survey No. 276, Lot #4.**

The QQ descriptions are needed for transfers and other processes.

No Amendment Needed:

Because the permit holder was basing the TRSQQ description of their property based on the best information available to them at the time (the USGS 7.5' quad map) and the actual location of the POD and POU has not changed since the application was made, no amendment for the POD and POU description is needed.

INTEROFFICE MEMORANDUM

TO: FILE 75-7536
FROM: DANIELLE FAVREAU
SUBJECT: PLS LOCATION OF POU AND POD FOR WATER RIGHT 75-7536: SEC 21 OR SEC 28?
DATE: AUGUST 26, 2013

The POU and POD for this right was permitted in T24N, R19E, S28. The DRG and physical copies of the USGS 7.5' quad. map show the POU in Section 28, and the USGS map was used to determine the legal description for the application for permit.

However, the IDWR GIS PLS layer (pre 08/23/2013) indicates that the POU and POD are in Section 21.

When the IDWR GIS PLS layer pre 08/23/2013 is overlapped on the USGS quad, the area covered by the POD and POU is indicated is Section 21 by the IDWR GIS PLS and Section 28 by the USGS map. This layer describes the sections as generally regular within T24NR19E.

The question is whether the POD and POU are in Section 21 or Section 28.

The POD and POU actually falls within Homestead Entry Survey (HES) 276, but we still need to identify a TRS description.

The BLM original survey (downloaded from G.L.O. on 08/21/2013) for HES 276 anchors HES 276 to monument U.S.L.M. 7. This survey has in writing under the HES drawing "In unsurveyed Sections 20 & 21, T24N, R19E". This would indicate that HES 276 is split between Sections 20 & 21, T24N, R19E. This interpretation is also supported by an interpolated placement of HES 276 in relation to HES 194 based on a protracted diagram of regular sections for T24NR19E in the 1971 re-survey of HES 194.

The BLM original survey (downloaded from G.L.O. on 08/21/2013) for HES 640 includes the monument U.S.L.M. 7. This survey describes HES 640 and HES 52. This survey also describes Section 28 and Section 27 of 24N19E as extending across the Salmon River from the South. This description of Section 28 and Section 27 of 24N19E comports with the Section descriptions on the USGS 7.5' quad. map. When checking the BLM/G.L.O. GeoCommunicator – the website for downloading of GCDB data – there is a GIS representation of sections in T24N19E which is based on the description of sections represented by the survey for HES 640. There is no lots or QQ described in this dataset. This representation also matches the taxlot data supplied by Lemhi County.

There is no downloadable GCDB section or QQ layer for T24NR19E from the BLM as of 08/21/2013.

Both HES 276 and HES 640 describe Township 24NR19E as unsurveyed as a whole. There is no record of a township wide survey in the G.L.O. for T24NR19E

The true property description for the POD and POU at the time they submitted the application is most likely Lot. 4 of H.E.S. 276 without listing a TRS designation. Therefore, when the permit holder when the permit holder filed the application for permit and wrote the legal description for the

POU and POD, the only reference to what section and QQ the property was located in may have been the USGS 7.5' quad. map. The USGS 7.5' quad. map indicates the property is in Section 28.

The place of use that the permit holder developed the water right on did not change as it is the same place of use indicated on the application map. Rather, the proper description of the section number and QQ for the property is in question. A case can be made for describing the property in either Section 21 or Section 28. Depending on the section description, as the description of Section 28 is offset from Section 21, the QQ description would be different as well. Because of the extended shape of Section 28 and lotting above the river but not below, based on the survey for HES 640, determining a correct QQ designation in Section 28 is very difficult.

Description of POU and POD:

The POU PLS should be described as: Section 28, Township 24 North, Range 19 East, B.M.

The POD PLS should be described as: Section 28, Township 24 North, Range 19 East, B.M.

Condition **J02** should be added as licensing: **Property is also known as Homestead Entry Survey No. 276, Lot 4.**

The IDWR GIS PLS layer was adjusted on 08/26/2013 to reflect the alternate source data downloaded from the BLM/G.L.O. GeoCommunicator – the website for downloading of GCDB data – placing Lot 4, HES 276 in Section 28, T24N19E. This description is consistent with the permit POD and POU description, the survey for HES 640, and the section description on the USGS 7.5' quad. map. Because this section description is very irregular and there is no survey description of the QQ or lots along the south side of the Salmon River, the QQ description is being left out.

No Amendment Needed:

Because the permit holder was basing the TRSQQ description of their property based on the best information available to them at the time (the USGS 7.5' quad map) and the actual location of the POD and POU has not changed since the application was made, no amendment for the POD and POU description is needed.

Plat of
**HOMESTEAD
ENTRY SURVEY**

No. 276

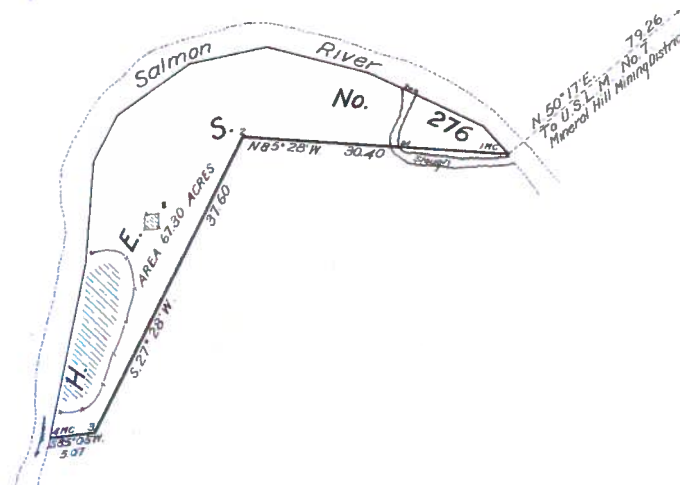
in the
SALMON

NATIONAL FOREST

in

Approximate T. 23-24 N., R. 19 E.
Unsurveyed
of the

**BOISE BASE AND MERIDIAN
IDAHO**



The unsurveyed Sec 20 R. 21, T. 24 N., R. 19 E.

¹⁹
T. 23-24 N., R. 19 E.

This plat of Homestead Entry Survey
No. 276 State of Idaho is strictly
conformable to the field notes thereof
on file in this office, which have been
examined and approved.

W U. S. Surveyor General's Office

Boise, Idaho

January 6, 1916

Samuel A. Utter
U. S. Surveyor General

SCALE 10 chains to 1 inch.

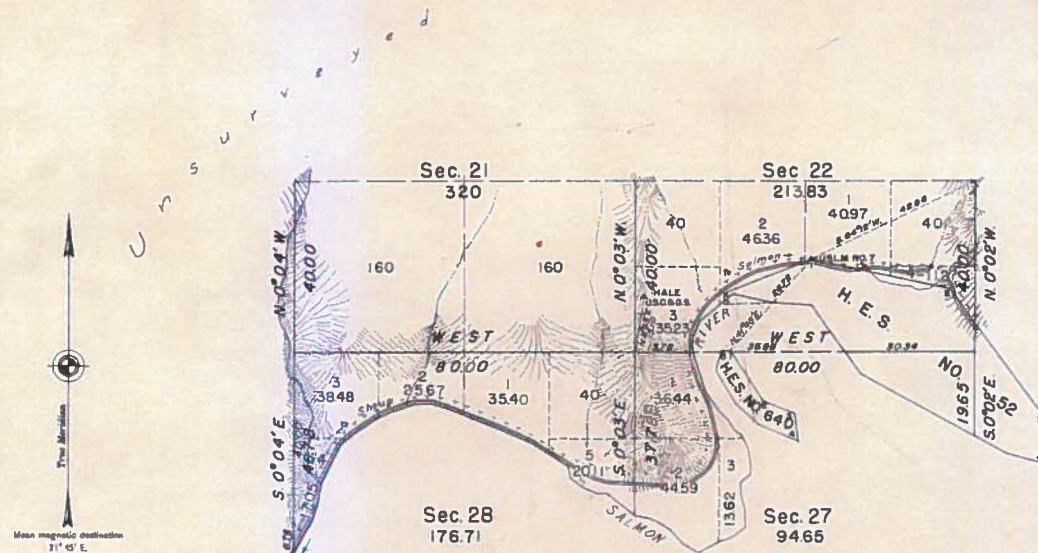
Survey Designated	By whom Surveyed	Inst. Cont. Group		When Surveyed		Date of Approval
		No.	Date	Begun	Completed	
U.S.L.M. No 7	Allen C. Merritt	MS 52	Oct 22, 1909	June 27, 1910		Dec. 24, 1910
H.E. Survey No. 276	Earl R. Gilbreath Forest Ranger Surveyor	276	Aug 4, 1914	Sept 7, 1914	Sept. 10, 1914	

Areas in Acres	
H.E. Survey No. 276	Conflicts
In Section	
In Section	
In Section	
In Section	
Total	67.30

Act of June 11, 1906 List No. 4-634
Act of June 30, 1914 Dated March 6, 1911
Latitude 45° 22' 27" N.
Longitude 114° 15' W.
Mean Mag. Decl. 20° 55' E.
At Corner No. 2.

Accepted April 12, 1916

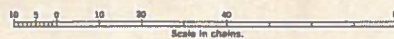
TOWNSHIP 24 NORTH, RANGE 19 EAST, OF THE BOISE MERIDIAN, IDAHO



The timber in this area consists of a scattering growth of pine and fir on upland and cottonwood in bottoms.

Survey of subdivisional and meander lines executed by Walter H. Good September 15, 1948 to September 12, 1949, under special instructions dated April 10, 1940, supplemental special instructions dated April 18, 1941 and Bureau Memorandum 1817606 "E" dated March 26, 1948 for Group 283.

Total Area Surveyed: 805.19 Acres



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D. C., May 5, 1950

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

William F. Richards

Chief, Branch of Surveys

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONPermit No: 75-7536

Exam Date: 08/21/13

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? X Y N
- a. Irrigation of 5 acres or less
- b. Storage of up to 14.6 AF for stockwater purposes only
- c. Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
- d. Other < >
2. Current Owner: Name: Betty Martinson
Owner of Record Correct? Y X N
Address of Record Correct? Y X N
If No: Address
Alexander Bellanca 1544 Salmon River Rd. 83466
3. Beneficial Use Fees have been paid: X Y N Receipt No: Not required – less than 0.04 cfs pre 11/91
4. SOURCE TRIBUTARY
Salmon River Snake River
Method of Determination: Digitized point in taxlot at river.
Change in Source: Y X N

B. OVERLAP REVIEW

1. Other water rights with the same place of use:
- X
- NO Overlap

Water Right No.	Source	Purpose of Use	Basis
75-10925	Groundwater	Domestic	Decreed

Comments: 75-10925 is for the domestic use on this property. Over 0.5 acres of irrigation indicated on GIS Imagery
75-4329 is for RP24N19E273001. 75-7627 is for RP24N19E203001. 75-7598 is for taxlot RP24N19E201812, Lot 12 HES 276.
75-10686 is for taxlot RP24N19E223601, HES 640.

2. Other water rights with the same point of diversion:
- X
- NO Overlap

Water Right No.	Source	Purpose of Use	Div. Rate	Basis

Comments: 75-10925 and 75-7627 source is ground water. PODs for 75-4329 and 75-10866 significantly upstream of POD of 75-7536. POD for 75-7598 significantly downstream from 75-7536.

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

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Salmon River			SW	NE	28	24N	19E	B.M.	Lemhi

Method of Determination: Digitized point in taxlot at river.

Change in POD? Y X N Amendment Required? Y X N2. PLACE OF USE: Use: Irrigation

TWP	RGE	Sec	NE	NW	SW	SE	Totals
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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	19E	28									0.5								0.5
		Lot #																	
																Total Acres =		0.5	

Method of Determination: GIS Imagery – found 0.5 acres irrigated in SWNW of 21N19E21 – PLS is debatable. See memo.
Per information in file – Domestic well right 75-10925 for same property – property identified as HES 276 lot 4 on that right.
Per Taxlot Data: LOT 4 RE-SURVEY & TRACT DIVISION HES 276 3.8 acres. PIN: RP24N19E201804

Change in POU? Y ~~X~~ N Amendment Required? Y ~~X~~ N

___ Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

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

___ 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

*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

2. Measurements: < >

E. FLOW CALCULATIONS

X Additional Computation Sheets Attached

Measured Method: Per note on Proof of Beneficial Use: Pump has 4 hp engine and flows through a 1" pipe to a garden plot.
Average – 0.16 See attached theoretical sheet.

$$Q = 5\pi r^2 \quad \text{For 1" pipe} - 0.03 \text{ cfs}$$

Irrigation:

0.02 cfs = 1 inch per acre (IDWR standard) 0.5 acres(0.02 cfs) = 0.01 cfs at 1 inch per acre

Per App. Processing Memo #17, up to 0.03 cfs/acre for irrigation up to 5 acres acceptable. $0.5 \text{ acres}(0.03 \text{ cfs}) = 0.02 \text{ cfs}$

Permit allowed = 0.02 cfs irrigation

License recommend for 0.02 cfs Irrigation

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LB} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{0.5 \times 3.5 = 1.8}$$

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

$$V = \text{Smaller of } V_{IB} \text{ and } V_{DB} = \underline{1.8}$$

2. Volume Calculations for Other Uses:

G. PURPOSE OF USEIrrigation ☒ Y ☐ N # Stock _____ Domestic # of Homes _____

Other: < >

Change in Purpose of Use? ☐ Y ☒ N

Method of Determination: GIS Imagery

If Yes: From Use _____ To Use _____ Amount _____ CFS _____ AFA _____

H. NARRATIVE/REMARKS/COMMENTS

- In Wild and Scenic Watershed: Salmon River Excluding Middle Fork.
- season of use adjusted to current standard.
- No measurement requirements on permit.
- No fish and game restriction on permit
- Headgate = 3.5, Consumptive Use = 2.5.

Have conditions of permit approval been met? ☒ Yes ☐ No**I. RECOMMENDATIONS****1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Irrigation	04/01 to 10/31	0.02 CFS	1.8 AF

<u>Totals:</u>	0.02 CFS	1.8 AF
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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 ☒ None

Other: < >

J. AUTHENTICATIONField Examiner's Name Danille Farnsworth Date 08/22/13Reviewer Danille Farnsworth Date 8-27-2013

[illegible]

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 75-7536
 Examiner: D. Favreau
 Date of Field Exam: 8/21/2013

	Option 1	OPTION 2	OPTION 3	
P/D No.:				
PUMP HORSEPOWER	4	4	4	
BOOSTER HORSEPOWER	0	0	0	
PUMPING LEVEL	40	40	40	
DISCHARGE PRESSURE	40	50	60	
FRICTION	0	0	0	
RATE OF FLOW (cfs)	0.19	0.16	0.14	AVE
(gpm)	83.5	71.1	61.9	0.16

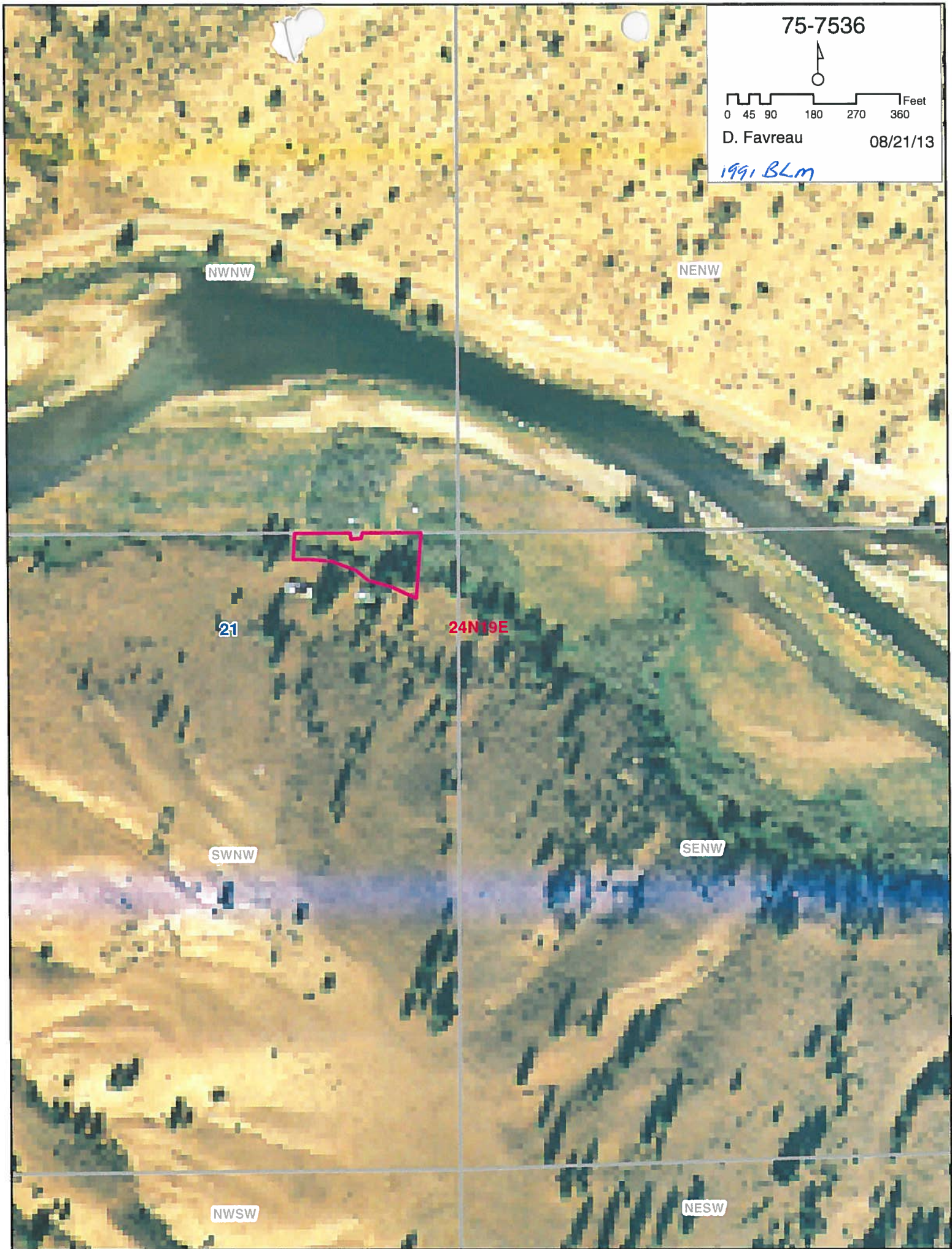
The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

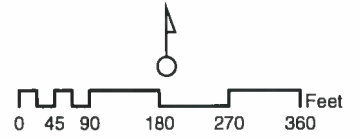
Assumptions: %70 efficiency.

Examiners Notes:

Lift was taken from topographic map. Hp was stated in proof. A standard psi for domestic use of 40 to 60 psi was used to estimate the pressure against the pump.



75-7536



D. Favreau

08/21/13

1991 BLM

NWNW

NENW

21

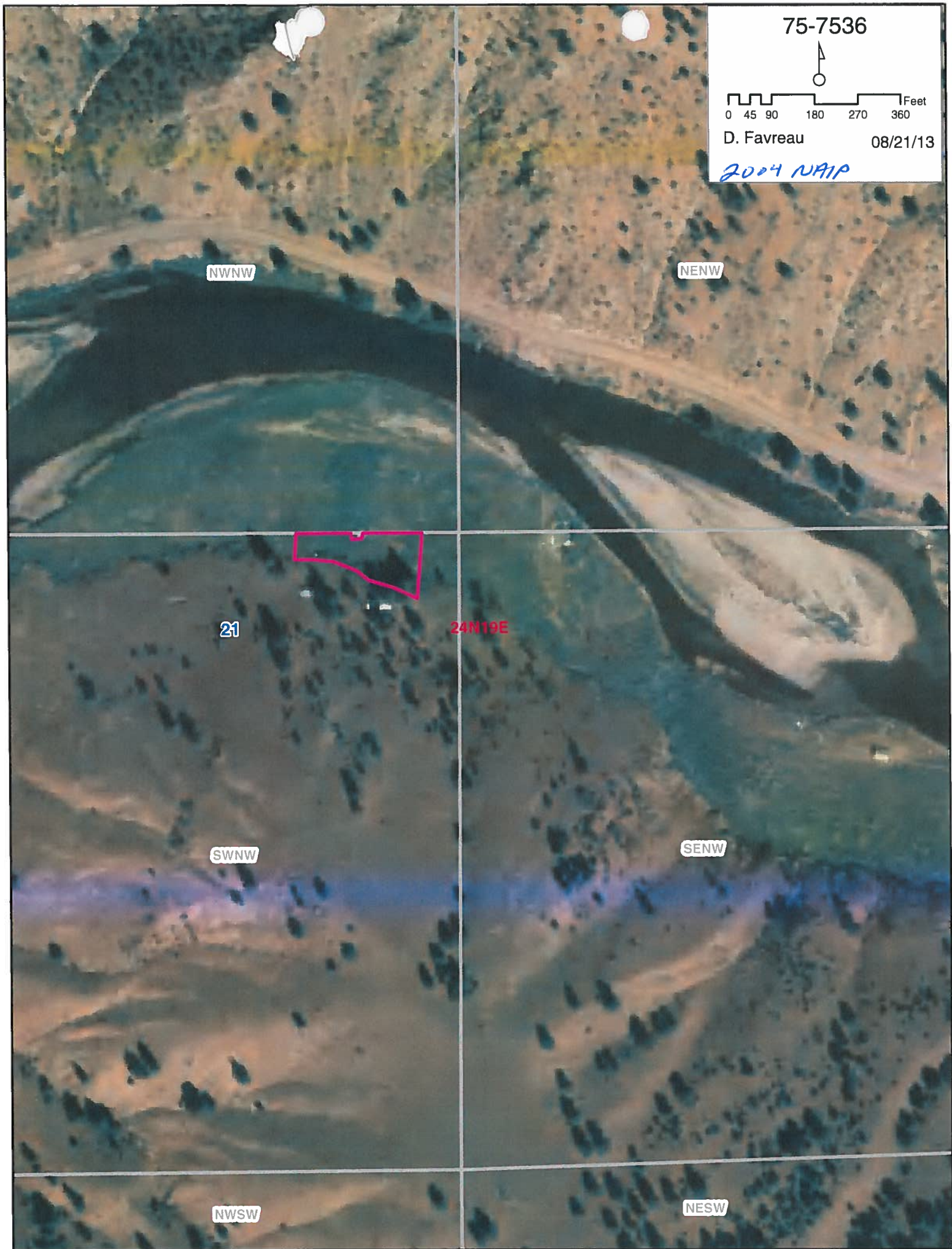
24N19E

SWNW

SENW

NWSW

NESW



75-7536



0 45 90 180 270 360 Feet

D. Favreau

08/21/13

2004 NAIP

NWNW

NENW

21

24N19E

SWNW

SENW

NWSW

NESW