



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 29, 2013

TRAVIS WELLES  
MICHELE WELLES  
29035 N JULIAETTA GRADE  
JULIAETTA ID 83535-9601

RE: License No. 86-7379

### 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 August 30, 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.**

**86-7379**

**MICHELE WELLES  
29035 N JULIAETTA GRADE  
JULIAETTA ID 83535-9601**

**TRAVIS WELLES  
29035 N JULIAETTA GRADE  
JULIAETTA ID 83535-9601**



**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.      86-07379

Priority: September 25, 2000

Maximum Diversion Rate:      0.01 CFS  
Maximum Diversion Volume:      1.2 AF

It is hereby certified that TRAVIS WELLES And  
MICHELE WELLES  
29035 N JULIAETTA GRADE  
JULIAETTA ID 83535-9601      have complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated September 25, 2000; and have submitted  
Proof of Beneficial Use on December 07, 2001. An examination confirms water is diverted from:

**SOURCE**

SPRING

Tributary: SINKS

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.01 CFS              | 1.2 AF                             |

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

SPRING NW¼SE¼SW¼ Sec. 35, Twp 38N, Rge 03W, B.M. NEZ PERCE County

**PLACE OF USE:** DOMESTIC

| Twp Rge Sec | NE                | NW                | SW                | SE                | Totals |
|-------------|-------------------|-------------------|-------------------|-------------------|--------|
| 38N 03W 35  | NE   NW   SW   SE | NE   NW   SW   SE | NE   NW   SW   SE | NE   NW   SW   SE | X      |

**CONDITIONS OF APPROVAL**

1. Domestic use is for 1 home.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.

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 28<sup>th</sup> day of August, 2013.

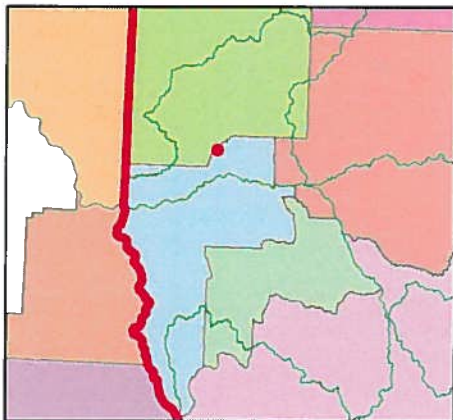
  
GARY SPACKMAN  
Director



# Idaho Department of Water Resources

Water Right  
86-7379  
(DOMESTIC)

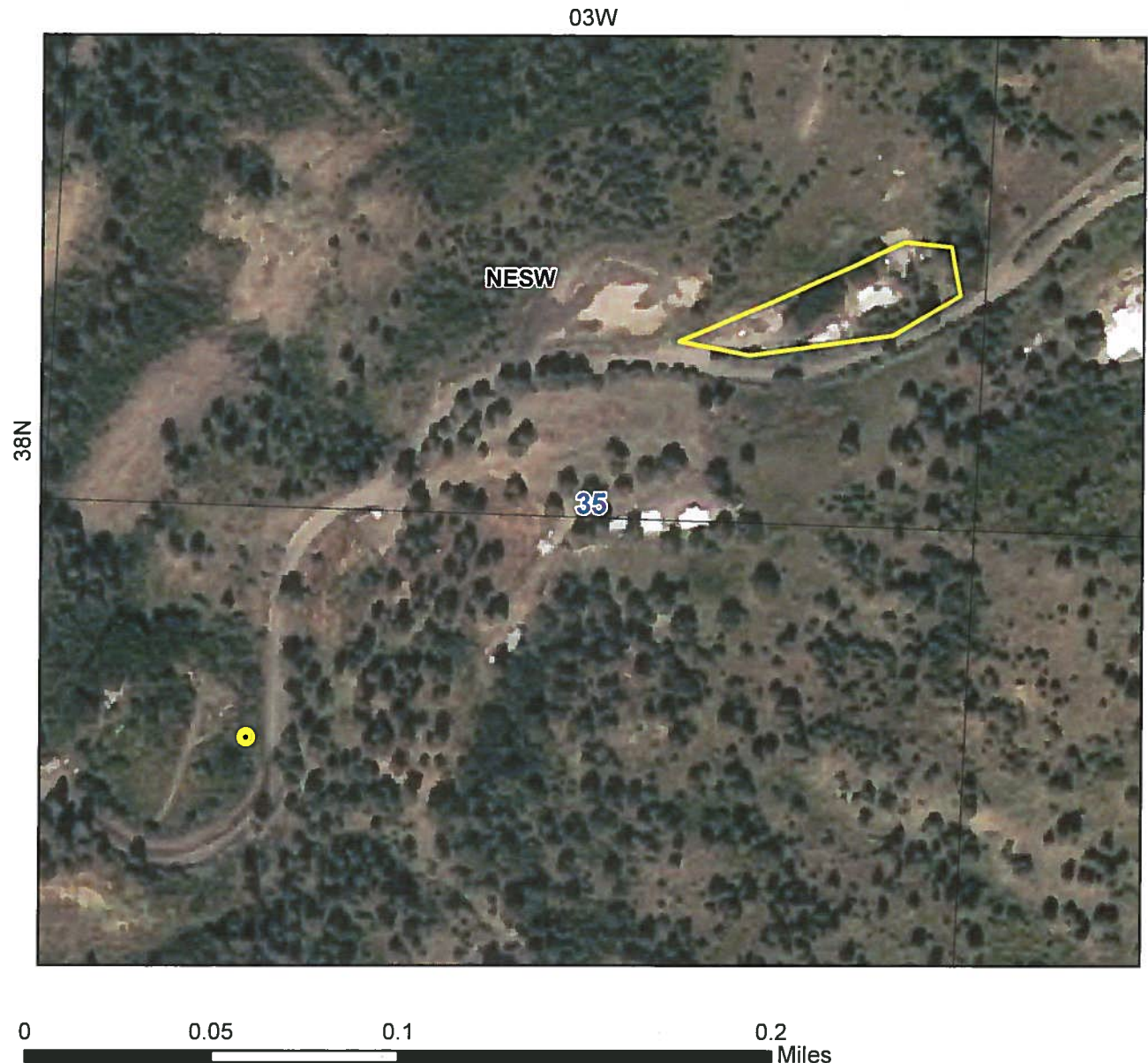
-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Nez Perce County  
IDWR Basin 86

Prepared by Owsley, Dennis

2009 Aerial Photography



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

**A. GENERAL INFORMATION**

Permit No: 86-7379

Exam Date: 8/23/2013

1. Current Owner: MICHELE WELLES  
29027 N JULIAETTA GRADE  
JULIAETTA ID 83535-6001  
(208)276-4762

TRAVIS WELLES  
29035 N JULIAETTA GRADE  
JULIAETTA ID 83535-9601  
(208)276-3658

2. Accompanied by: In-house exam, not applicable  
Phone No: N/A  
Address: N/A  
Relationship to Permit Holder: N/A

3. SOURCE

SPRING

TRIBUTARY

SINKS

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: 86-7112  
2. Other water rights with the same point of diversion: 86-7112

**C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:

SPRING NW1/4SE1/4SW1/4 Sec. 35, Twp 38N, Rge 03W, B.M.

NEZ PERCE County

Method of Determination: Air photos and water right documentation (the POD is the same as 86-7112)

2.

PLACE OF USE: DOMESTIC

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
| 38N 03W 35  | <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> |        |
|             |           |           |           |           |           |           |           |           | X         |           |           |           |           |           |           |           |        |

## Method of Determination:

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

4.

| <u>Well or Diversion<br/>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<br/>Size</u> |
|--------------------------------------|-------------------|-----------|-------------------------|------------------|----------------------------------------------|
| Spring pump                          | Century           | 1         | 7-151822-DA             | Wards            | 0C804                                        |

\*\*Pump information taken from previously conducted field exam for water right 86-7112 (same diversion)

## D. FLOW MEASUREMENTS

1. No measurements were taken.

| <u>Measurement<br/>Equipment</u> | <u>Type</u> | <u>Make</u> | <u>Model No.</u> | <u>Serial No.</u> | <u>Size</u> | <u>Calib. Date</u> |
|----------------------------------|-------------|-------------|------------------|-------------------|-------------|--------------------|
| -----Not Applicable-----         |             |             |                  |                   |             |                    |

2. Measurements:

Measurements taken during field exam on 7/82 for water right 86-7112 indicated a flow of 0.02 cfs. This permit is for 0.01 cfs. Therefore, the flow from the spring is adequate for this right.

## E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

Measured Method: Flows from the previous field exam on the same system were used.

**F. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation: No irrigation component, not applicable
2. Volume Calculations for Other Uses: Standard domestic volume.

Standard internal and external domestic use volume of 1.2 AF. Water is supplied to only one home under this permit.

**G. NARRATIVE/REMARKS/COMMENTS**

Water right permit 86-7379 authorized the use of 0.01 cfs from a spring located in Nez Perce County. The use is for one domestic household. This permit uses water from a previously developed spring system that is authorized under water right 86-7112. Water Right 86-7112 is also a domestic right, with a maximum flow rate of 0.02 cfs and an annual volume limit of 1.2 AF. This permit was filed to extend the existing works from water right 86-7112 to the applicant's residence approximately 50 feet away. A field exam for water right 86-7112 was conducted on 7/28/1982 and was used as the primary source of information for this in-house exam considering they are both operating off of the same system. Based on a review of the documentation and air photographs, it appears the water under this permit has been put to beneficial use as proposed on the water right application. I recommend a flow rate of 0.01 cfs and an annual volume limit of 1.2 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> |
|-----------------------|----------------------|-----------------------|----------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.010 CFS             | 1.2 AF               |
| <u>Totals:</u>        |                      | 0.010 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**

Field Examiner's Name Dennis Onsley Date 8/23/2012

Reviewer Daniel A. Melon Date 8-26-2013

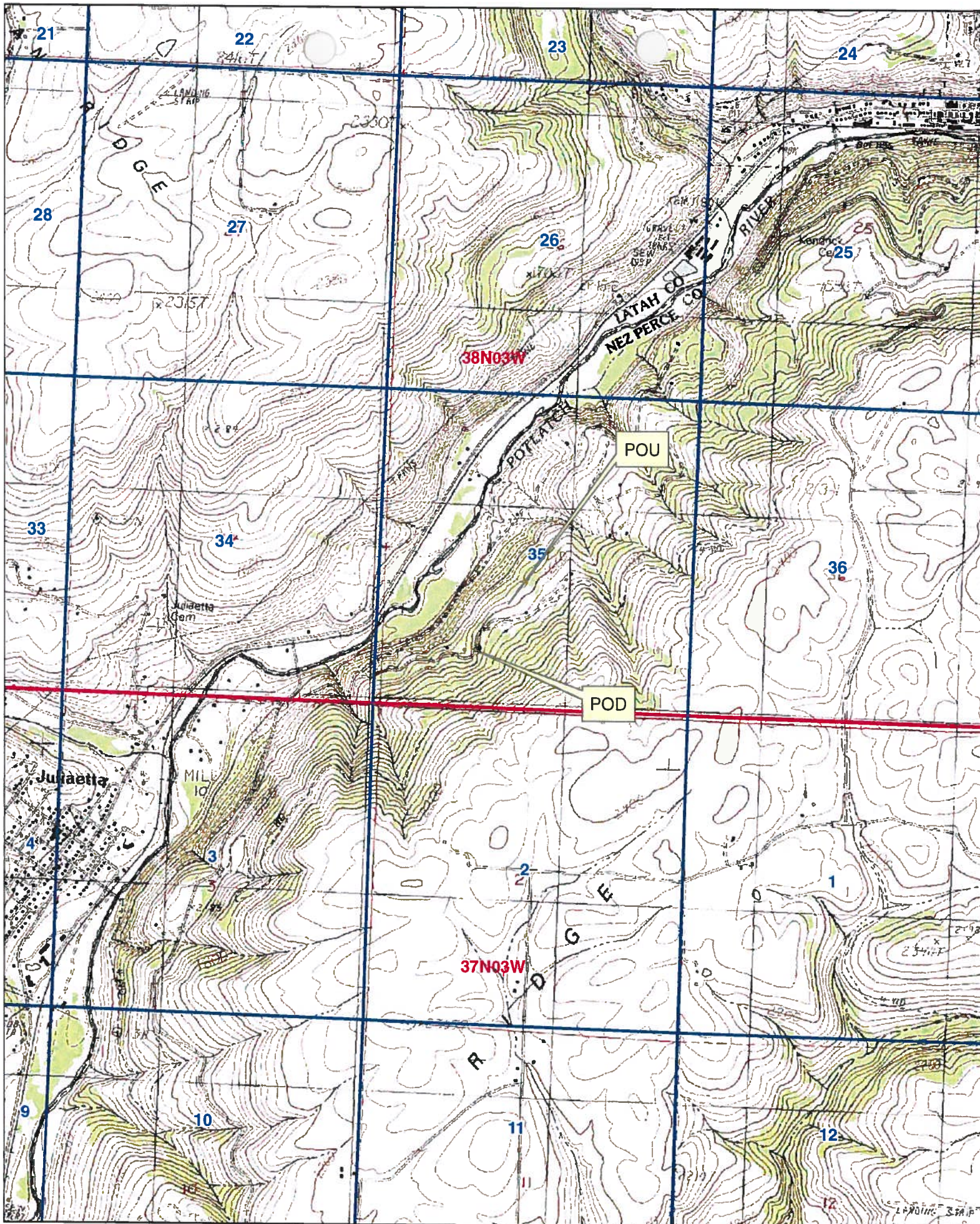


Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Geomapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

0 0.025 0.05 0.1 Miles



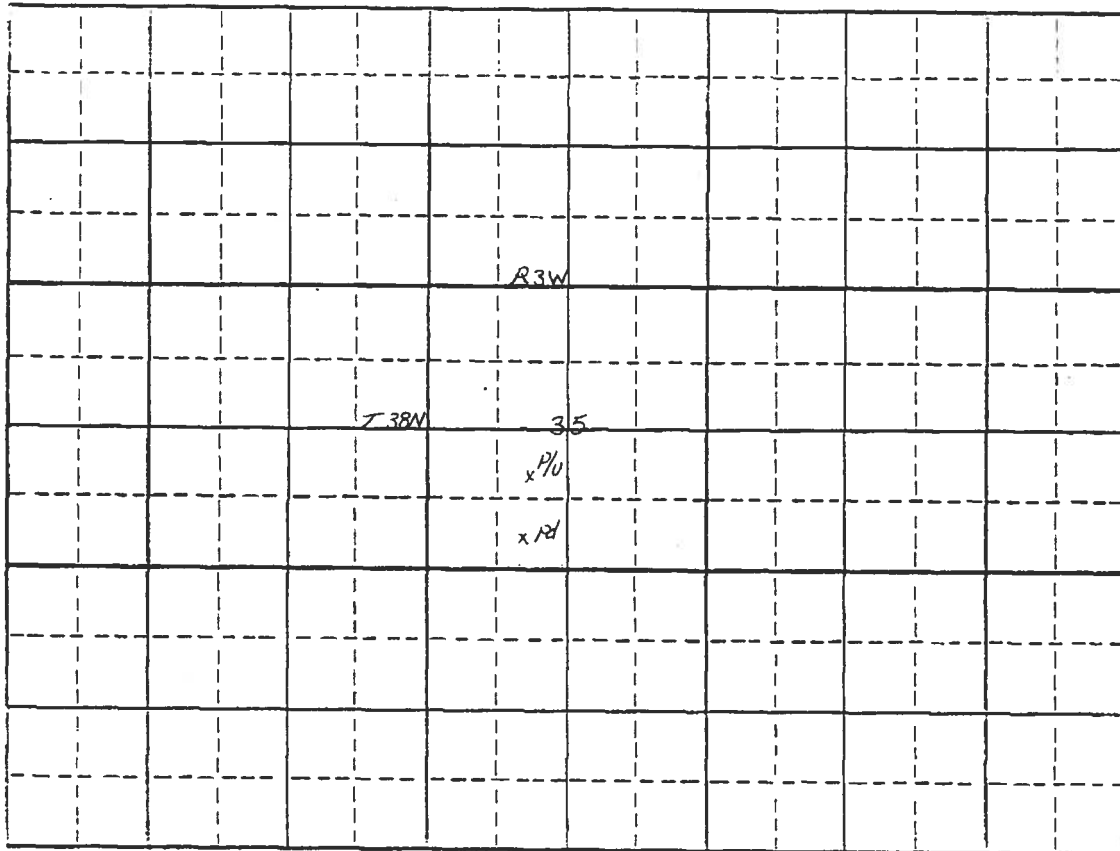
In-house field exam for 86-7379



In-house field exam for 86-7379

**SECRET**

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SESW SEC 35 T38N R3W

Place(s) of Use

| TWP. | RGE. | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |      |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 38N  | 3W   | 35   |     |     |     |     |     |     |     | X   |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
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|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

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

Examiner's Sign

Checked by

Approved by

*Larry Beard*  
*John Beard*  
*John Beard*

Date 8/3/82

Date 8/5/82

Date 9/1/82

