



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 29, 2013

SHIRLEY MC FADDAN
511 W LINDEN AVE
COEUR D ALENE ID 83814-2340

RE: License No. 86-7359

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,

For 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.

86-7359

**SHIRLEY MC FADDAN
511 W LINDEN AVE
COEUR D ALENE ID 83814-2340**



**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. 86-07359

Priority: August 07, 1997

Maximum Diversion Rate: 0.11 CFS
Maximum Diversion Volume: 6.3 AF

It is hereby certified that SHIRLEY MC FADDAN
511 W LINDEN AVE
COEUR D ALENE ID 83814-2340 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated August 07, 1997; and has
submitted Proof of Beneficial Use on August 31, 1998. An examination confirms 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>
IRRIGATION	03/15 to 11/15	0.05 CFS	4.5 AF
DOMESTIC	01/01 to 12/31	0.06 CFS	1.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NW1/4 Sec. 20, Twp 39N, Rge 04W, B.M. LATAH County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
39N 04W 20	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	1.5

Total Acres: 1.5

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
39N 04W 20	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 86-07359

4. Point of diversion is located within Lot 1, Tract B, McFadden Subdivision.
5. Place of use is located within Lots 1-3, Blk. Tract B McFadden Subdivision.
6. Domestic use is for 3 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.

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 28th day of August, 2013.

for Shelley W. Keen
GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
86-7359

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.



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

0 0.03 0.06 0.12 Miles



State of Idaho
Department of Water Resources
Attachment To Water Right License
86-7359

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 0.0275 0.055 0.11 Miles



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

A. GENERAL INFORMATION

Permit No: 86-7359

Exam Date: 8/26/2013

1. Current Owner: SHIRLEY MC FADDAN
511 W LINDEN AVE
COEUR D ALENE ID 83814-2340
(208)667-1553
2. Accompanied by: In-house exam, not applicable
Phone No: N/A
Address: N/A
Relationship to Permit Holder: N/A

3. **SOURCE****TRIBUTARY**

GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 86-10468
2. Other water rights with the same point of diversion: None

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

GROUND WATER SW1/4NW1/4 Sec. 20, Twp 39N, Rge 04W, B.M.

LATAH County

Method of Determination: Air photos and water right documentation

2.

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
39N 04W 20	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	1.5

Total Acres: 1.5

DOMESTIC includes Lots 1-3, Tract B, McFadden Subdivision

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</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>ID No.*</u>				<u>Size</u>	
D0003244	UNK	UNK	UNK	UNK	UNK

D. FLOW MEASUREMENTS

1.

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

2. Measurements: No measurements were taken. In-house exam.

E. FLOW CALCULATIONS☒ Additional Computation Sheets Attached

Measured Method: No measurements were available in the field since this was an in-house exam. Therefore, the flow rate from the well was estimated using the Theoretical Horsepower Worksheet. See attached worksheet for computations. Individual flow estimates were determined as follows:

Domestic internal use: 3 homes = 0.08 cfs (Table 1, Administrative Memo #22). Considering the permit only authorizes 0.06 cfs for domestic internal use, the flow rate for this component is limited to the 0.06 cfs rate.

Irrigation use: 1.5 acres of irrigation * 0.03 cfs/acre = 0.045 cfs (0.5 cfs rounded).

Combined maximum instantaneous flow rate = 0.06 (domestic internal use) + 0.05 (irrigation use) = 0.11 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1.5 \times 3.0 = 4.5 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.05 \times 245 \times 1.9835 = 24.3 \text{ AFA}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 4.5 \text{ AFA}$$

2. Volume Calculations for Other Uses:

Volume for domestic use:

$$3 \text{ homes} \times 0.6 \text{ afa} = 1.8 \text{ AFA}$$

G. NARRATIVE/REMARKS/COMMENTS

Water right permit 86-7359 authorized 0.11 cfs of ground water to be pumped and beneficially used on three lots in Latah County. Based on a review of the water right documentation and aerial photographs, it appears Lots 1-3, Tract B, of the McFadden Subdivision have been developed under this permit. The source of water is ground water, pumped from single well (D0003244). The well is 180' deep, completed in weathered basalt. A pump test conducted by the driller at the time the well was completed indicated the well could produce at least 35 gpm through an air test. Information regarding the pump size and pumping level from the well are lacking. Therefore, assumptions were made to determine the flow rate from the well. At the time the well was drilled and constructed, the owners new this well was going to serve three households. Therefore, a pump size of 3 Hp was selected considering the proposed use of the well. The permit indicates that two wells may be drilled for this permit. Upon a review of the well driller's reports for the area, it appears the system was developed using only one well. One of the residents appears to have drilled an individual well in 2005, seven years after proof was filed and is not included in this licensing work. I have tried contacting the owners multiple times, but all phone numbers have been disconnected. Therefore, it is assumed that only one well was used to develop this water right.

Multiple pumping levels were selected with a discharge pressure of 20 psi to determine if the well could theoretically divert the 0.11 cfs allowed on the permit. Using the assumption described above, the well has the ability to divert the 0.11 cfs.

This permit separates the irrigation component from the internal domestic component. For an internal domestic use, a diversion rate of 0.06 cfs and a volume limit of 1.8 afa is recommended. The flow rate is lower than the standard flow rate for 3 domestic uses, but is the rate authorized through the permit. For the irrigation component, it appears through air photos that lawns, gardens, and landscaping have been developed on the 0.5 acres of each of the lots. Therefore, 1.5 acres of irrigation at 3.0 af/acre equals an irrigation volume limit of 4.5 afa.

The flow rate for the irrigation component was determined by multiplying the 1.5 acres times the 0.03 cfs standard, resulting in 0.05 cfs for the irrigation flow rate.

I recommend a combined volume limit of 6.3 afa and a maximum diversion rate of 0.11 cfs.

Permit No: 86-7359

Page 4

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 11/15	0.050 CFS	4.50 AF
DOMESTIC	01/01 to 12/31	0.060 CFS	1.80 AF
<u>Totals:</u>		0.110 CFS	6.30 AF

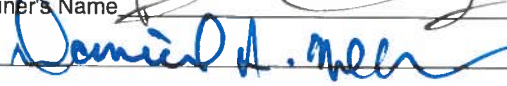
2. Recommended Amendments

☐ 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

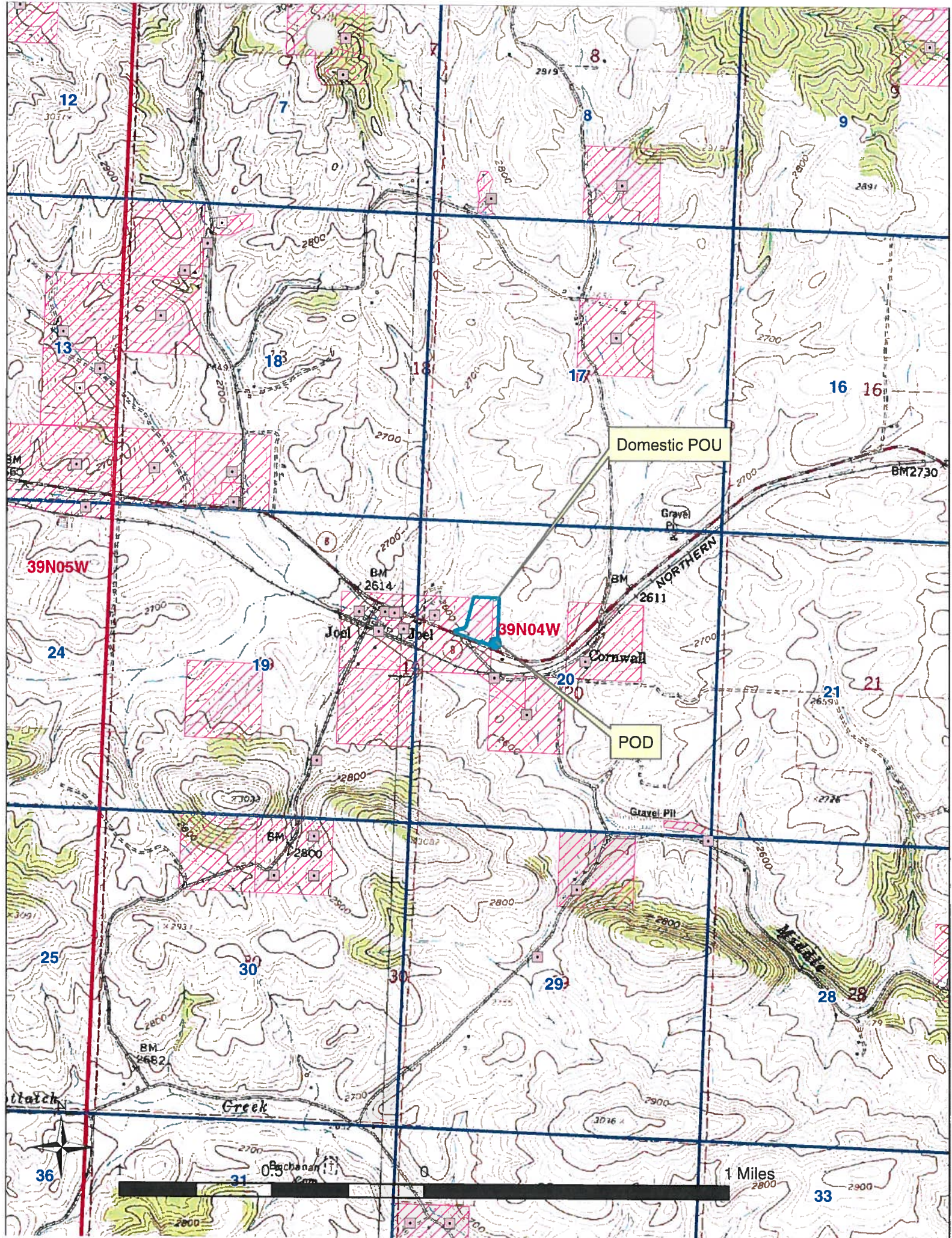
I. AUTHENTICATION

Field Examiner's Name  Date 8/26/13

Reviewer  Date 8-27-2017



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



Domestic POU

POD

39N04W

39N05W

Creek



THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 86-7359
 Examiner: D. Owsley
 Date of Field Exam: 8/26/2013

	Option 1	Option 2	Option 3
P/D No.:	D0005182		
PUMP HORSEPOWER	3	3	3
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	65	75	125
DISCHARGE PRESSURE	20	20	20
FRICTION	0	0	0
RATE OF FLOW (cfs)	0.17	0.15	0.11
(gpm)	74.6	68.4	48.4

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:

Horsepower and pumping level was assumed. Using 20 psi as a discharge pressure, a flow rate of 48 gpm or 0.11 cfs was reasonable.