



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

August 26, 2013

IDAHO TRANSPORTATION DEPARTMENT
PO BOX 837
LEWISTON ID 83501

RE: License No. 81-11994

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 27, 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.

81-11994

**IDAHO TRANSPORTATION DEPARTMENT
PO BOX 837
LEWISTON ID 83501**



**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. 81-11994

Priority: March 16, 2008

Maximum Diversion Rate: 0.19 CFS

It is hereby certified that IDAHO TRANSPORTATION DEPARTMENT
PO BOX 837
LEWISTON ID 83501 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 10, 2007; and has
submitted Proof of Beneficial Use on February 08, 2010. An examination confirms water is diverted from:

SOURCE

UNNAMED STREAM

Tributary: LOCHSA 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	04/15 to 10/31	0.04 CFS	4.2 AF
FIRE PROTECTION	01/01 to 12/31	0.19 CFS	

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SW¼NE¼ Sec. 28, Twp 37N, Rge 14E, B.M. IDAHO 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	
37N 14E 28			1.4														1.4

Total Acres: 1.4

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
37N 14E 28			X														

CONDITIONS OF APPROVAL

1. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. Water shall not be diverted under this right when flows in the Lochsa River are below established minimum flow amounts.
3. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. 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. 81-11994

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 23rd day of August, 2013.

For Craig L. Spackman
GARY SPACKMAN
Director



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 81-11994

Exam Date: 8/12/2013

1. Current Owner: IDAHO TRANSPORTATION DEPARTMENT
PO BOX 837
LEWISTON ID 83501
(208)799-5090
2. Accompanied by: Ron Moss
Relationship to Permit Holder: lead worker
3. SOURCE TRIBUTARY
UNNAMED STREAM LOCHSA RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 81-11889 (domestic from ground water)
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 SW1/4NE1/4 Sec. 28, Twp 37N, Rge 14E, B.M. IDAHO County

Method of Determination: field visit and imagery

2.

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
37N	14E	28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	1.4

Total Acres: 1.4

PLACE OF USE: FIRE PROTECTION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
37N	14E	28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

Method of Determination: field visit and imagery

3. ☒ Delivery System Diagram Attached (required).
☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required).
☒ 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 Size</u>
ID No.*					
		3hp	C56P2U11A3	Goulds GT30	D0363783

D. FLOW MEASUREMENTS

1. The system was not operable at the time of the field exam
2. Measurements: NA

E. FLOW CALCULATIONS

Measured Method: Conducted a hp equation to obtain the system's diversion rate

$$8.8 \times 3\text{hp} \times 0.7 / 4 + (2.31 \times 40) = 18.48 / 96.4 = 0.19 \text{ cfs}$$

F. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:**

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1.4 \text{ acres} \times 3 \text{ af} = 4.2 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.04 \times 200 \times 1.9835 = 15.9$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 4.2 \text{ af}$$

2. Volume Calculations for Other Uses: fire protection does not receive a volumetric designation**G. NARRATIVE/REMARKS/COMMENTS**

The system was developed many years ago. When the system was developed, irrigation took place and according to Ron they used the fire hydrant once to fill a truck to fight a fire. The pond area got silted in and hasn't been cleaned out so the permit holder has been using the well under 81-11889 to irrigate. The permit holder intends to clean out the pond area so they can resume use under this permit. There are spigots throughout the site that are piped in from the pump house from the pond that are used for irrigation. Irrigation is accomplished by garden hose connected to the spigot. They must keep a fire barrier in place so irrigation has taken place as depicted in POU that will be used on this license.

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	04/15 to 10/31	0.040 CFS	4.20 AF
FIRE PROTECTION	01/01 to 12/31	0.190 CFS	
<u>Totals:</u>		0.190 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

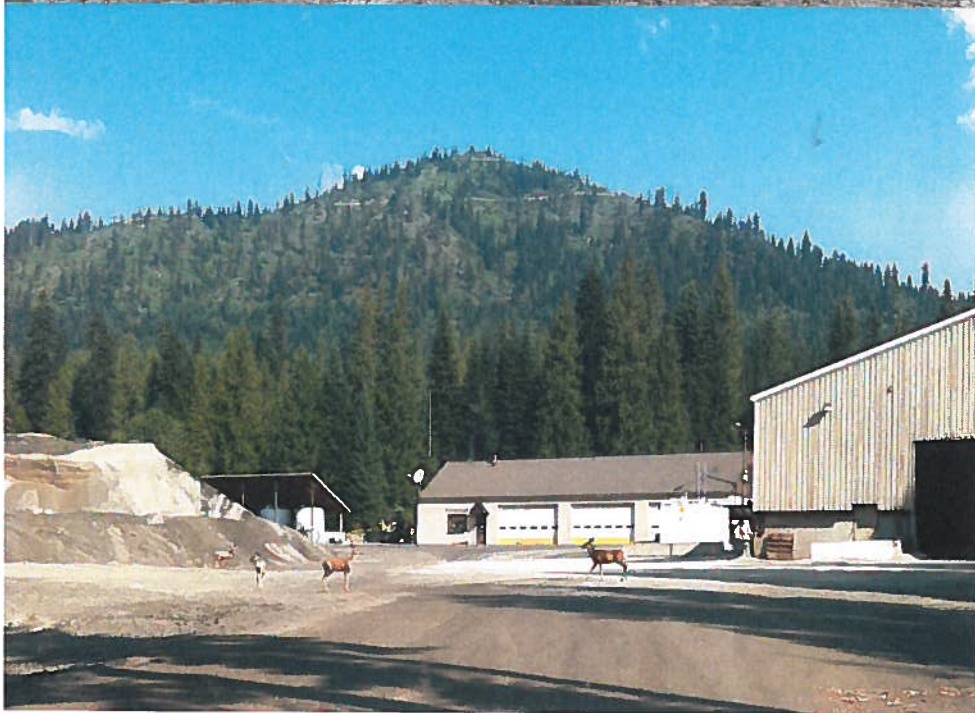
I. AUTHENTICATION

Field Examiner's Name Chris Palmer Date 8/16/13

Reviewer _____ Date _____



Looking east
toward the
PD



view of site
when entering
from the highway
Looking north



Looking at stream downstream
of the pond



dam structure or PD
for permit



Upstream of the dam
at the pond area
Notice all the silt



pump house

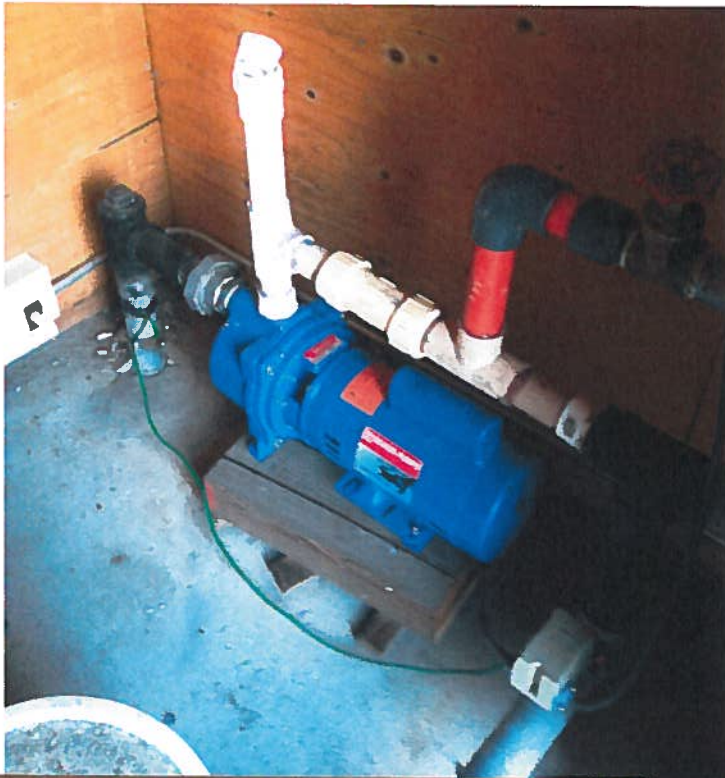
same pond as above



Pipeline that conveys
water to the pump house



Pipeline located upstream of
dam structure
pumphouse is located
directly to the left
of picture



Gould Irrigator pump
3hp



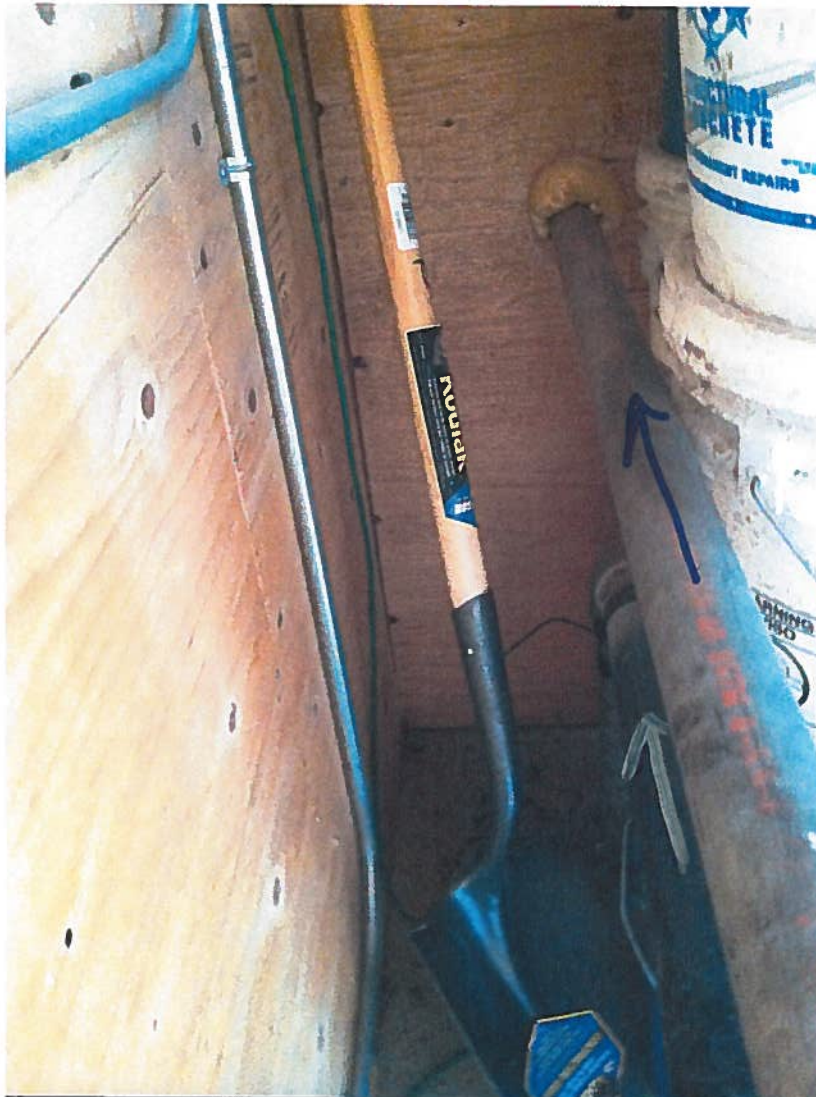
GT30



- pressure tanks
- System was inoperable

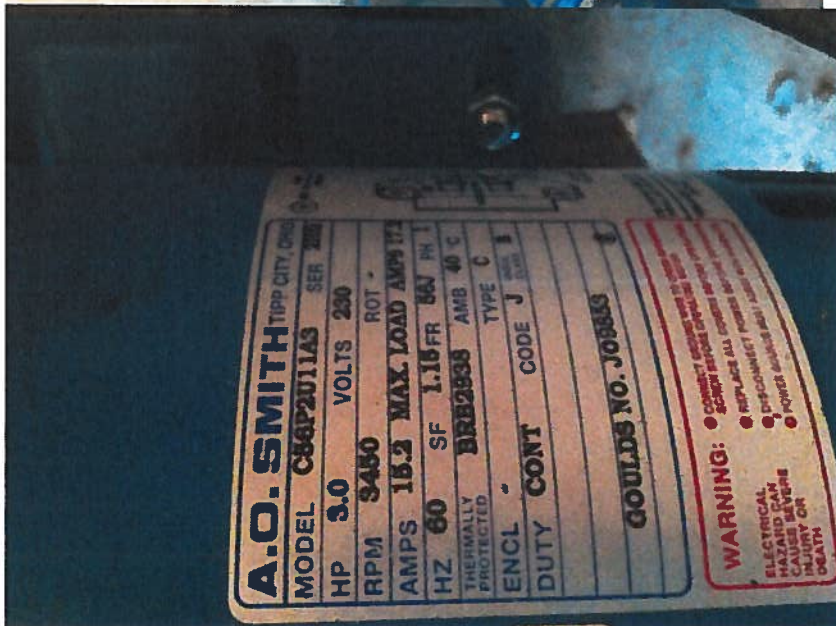


1 1/2" pipelines out to
irrigation + fire
spigots



1 1/2" pipes

bottom pipe goes
underground to spigots
to pipe ends just
outside the pump house



motor/pump specs



pump house



fire hydrant



House w/ irrigated
area.

Looking North
in photo w/
fire hydrant to
my right

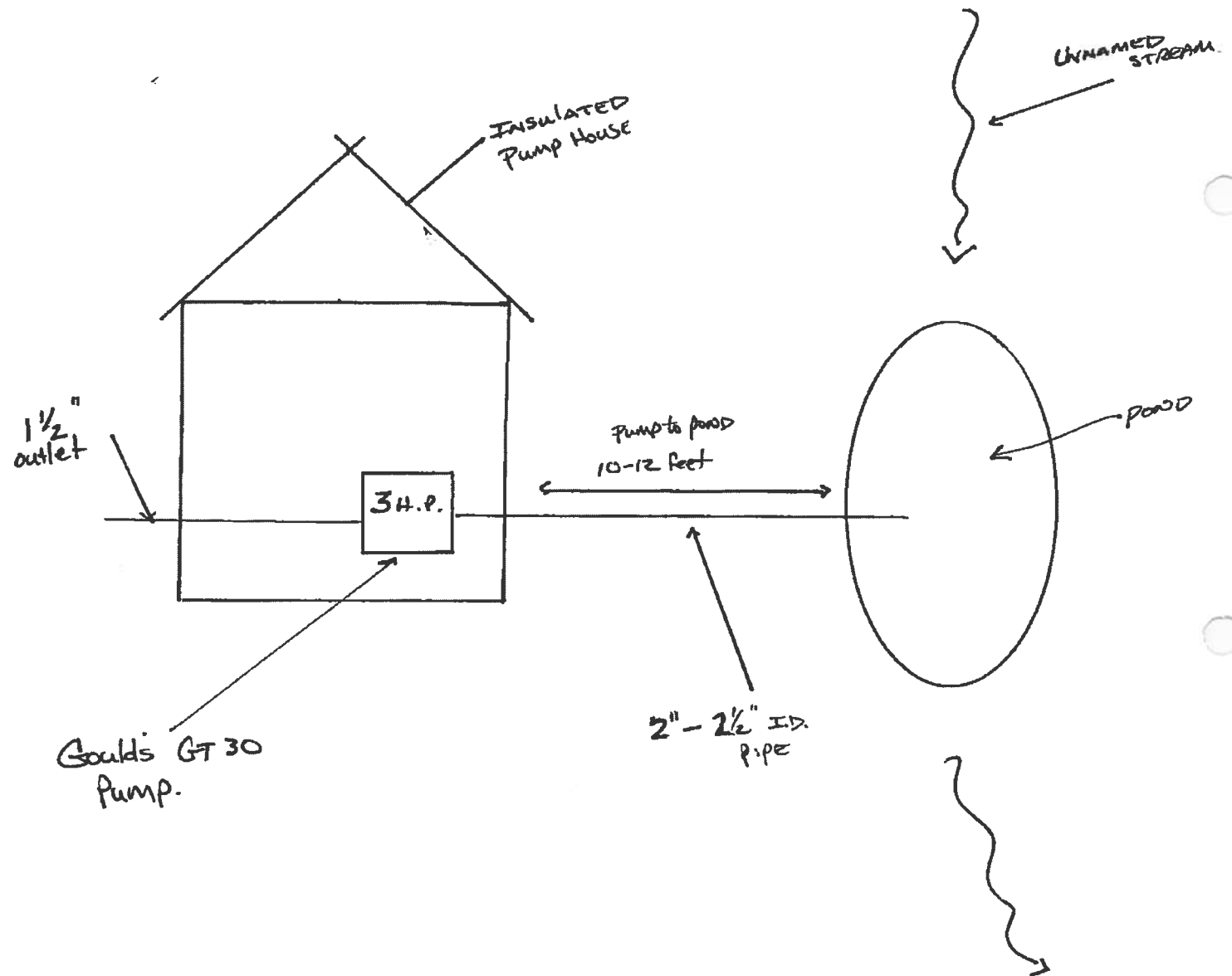


Looking West in
photo towards
2nd house w/ lawn

Looking west



Inlet pipe is currently buried
in silt. System is inoperable
at this time.



0 100 200 400 feet

28

37N14E

SWNE

SENE

pd

NWSE

NESE

Spigot





State of Idaho

DEPARTMENT OF WATER RESOURCES

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May 30, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

IDAHO TRANSPORTATION DEPT
PO BOX 837
LEWISTON ID 83501

RE: PERMIT TO APPROPRIATE WATER 81-11994

Dear Permit Holders:

I am planning to conduct water right examinations in the vicinity of the above-referenced permit on June 13th, 14th, and 15th. An examination is a necessary step in the water appropriation process. During the examination, I will verify your water use pursuant to your permit (copy enclosed).

In order to conduct your exam as efficiently as possible, please call me at (208) 287-4944 to schedule a day and time that is convenient for you. Please be advised that you will need to operate your system under normal conditions during the examination.

I look forward to meeting with you and working towards finalizing permit 81-11994.

Sincerely,

A handwritten signature in cursive script that reads "Cherie Palmer".

Cherie Palmer, Sr. Water Resource Agent
Water Allocation Bureau