

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 87-10070

Priority: March 01, 2011

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

It is hereby certified that GEORGE GERMER

And/Or

DOLLY GERMER
1990 N POLK EXT
MOSCOW ID 83843

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 01, 2011; and has submitted Proof of Beneficial Use on August 01, 2011. 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>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4NW1/4 Sec. 5, Twp 39N, Rge 05W, B.M. LATAH County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
39N 05W 5								X									

CONDITIONS OF APPROVAL

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

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 12th day of August, 2013.

for Shelley W. Keen
GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
87-10070

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.

05W



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

0 70 140 280 Feet





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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 13, 2013

GEORGE GERMER
And/Or
DOLLY GERMER
1990 N POLK EXT
MOSCOW ID 83843

RE: License No. 87-10070

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 Saxton
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 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.

87-10070

**DOLLY GERMER
1990 N POLK EXT
MOSCOW ID 83843**

**GEORGE GERMER
1990 N POLK EXT
MOSCOW ID 83843**

A handwritten signature in cursive script, reading "Jean Hersley", is written over a horizontal line.

Jean Hersley

Technical Records Specialist II

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.

MEMORANDUM

TO: Craig Tesch – 87-10051

FROM: Daniel Nelson – Staff Hydrologist

DATE: August 12, 2013

SUBJECT: Licensing Review and Suggested Recommendations and Explanations

Craig - on domestic uses that don't have an irrigation component, you should use the entire tax lot as the place of use shape file. The shape file that you created takes out the home, so it appears to have removed the home as part of the domestic use. The only time that we would specifically designate the acres being irrigated is if a water right has a separate irrigation component, or if there are multiple homes in a subdivision and the domestic water right doesn't allow the irrigation of common areas. On the second example, we would still include the entire lot for each privately held lot that is part of the water right, and we would exclude the common areas in the shape files. I know this is confusing, so if you need additional help understanding this, please come see me.

The domestic use is for in-house use and exterior yard irrigation not to exceed ½ acre. Processing memo 22 suggests that we allow 0.6 af for the in-house use and 0.6 af for the exterior use for a total of 1.2 af. I have attached a copy of the memo with this memo for your review, and I have highlighted the area that discusses the volume limits.

Once you make the above corrections and sign the field exam, please return this to me and I will format the license and pass it onto Shelley.

Thanks Craig.



State of Idaho
DEPARTMENT OF WATER RESOURCES
 STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
 Governor

C. STEPHEN ALLRED
 Director

Mailing address:
 Statehouse
 Boise, Idaho 83720
 (208) 334-4440

ADMINISTRATOR'S MEMORANDUM

TO: Regional Offices and Water Allocations Section

FROM: Norman C. Young

Norman C. Young

DATE: June 4, 1980

RE: Definition of "Domestic"

The Department's interpretation of "domestic", as defined relative to beneficial use for the establishment of a water right, must be divided into two categories: First, the single household domestic use, and second, the general domestic use.

SINGLE HOUSEHOLD DOMESTIC

Single household domestic use must be accurately defined because many water rights within this category are exempt from recording requirements. The current definition is provided by section 42-230(d), Idaho Code, which states:

"Domestic purposes" is water for household use or livestock and water used for all other purposes including irrigation of up to one half ($\frac{1}{2}$) acre of land in connection with said household where total use is not in excess of thirteen thousand (13,000) gallons per day. For the purposes of the exception in section 42-227, Idaho Code, "domestic purposes" shall not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments.

All surface and groundwater rights within this category are exempt from the mandatory claim filing requirement. Surface water rights developed for single household domestic use after May 20, 1971, must be represented by an application for permit.

Note that "domestic purposes" is defined as water for household use or livestock, so a stockwater well not connected with a household is considered to be included in the definition. Since range cattle consume about twelve (12) gallons per day per head, about 1000 head can be watered within the 13,000 gallon per day limit of the definition.

TO: Regional Offices and Water Allocations Section
FROM: Norman C. Young
DATE: June 4, 1980
PAGE: 2

An interpretation of the definition must be carefully made when a second hookup is attached to an existing single household domestic system. The resulting two-household system can be considered as either a multiple system or two single household systems, depending on intent. If the system was designed and built for multiple hookups, then it must be considered to be a multiple system and subject to the recording requirement. However, if the system was designed and built for one household, and the second household was added later in time, two distinct single household domestic water rights may have been established from one well.

GENERAL DOMESTIC

"Domestic" has in the past been interpreted to include a variety of uses for multi-household water systems. Henceforth this term should be used to identify only the in-house or culinary aspect for these systems. For example, the water right description for a housing subdivision should identify irrigation, recreation and fire protection in addition to domestic use. In this way acre-foot values can be assigned to each parameter for an accurate volumetric description of the water right.

A reference to section 42-111, Idaho Code, indicates that the heating of dwelling houses comes within the meaning of "domestic purposes". However, since the 1922 court case from which that statement was taken, the interpretation of the domestic use has been narrowed considerably. Heating should be designated as a unique use.

A quantification of the rate of flow necessary for the in-house or culinary use for multi-household systems has been identified in Figure 1, attached. The flow identified on this graph should be used as a guideline in determining and reviewing domestic use rates of flow on applications for permit with more than one hookup. Greater flows can be accepted if justified.

Use .6 AFA when irrigation is separated (per household)
Use 1.2 AFA when " " included (per household)

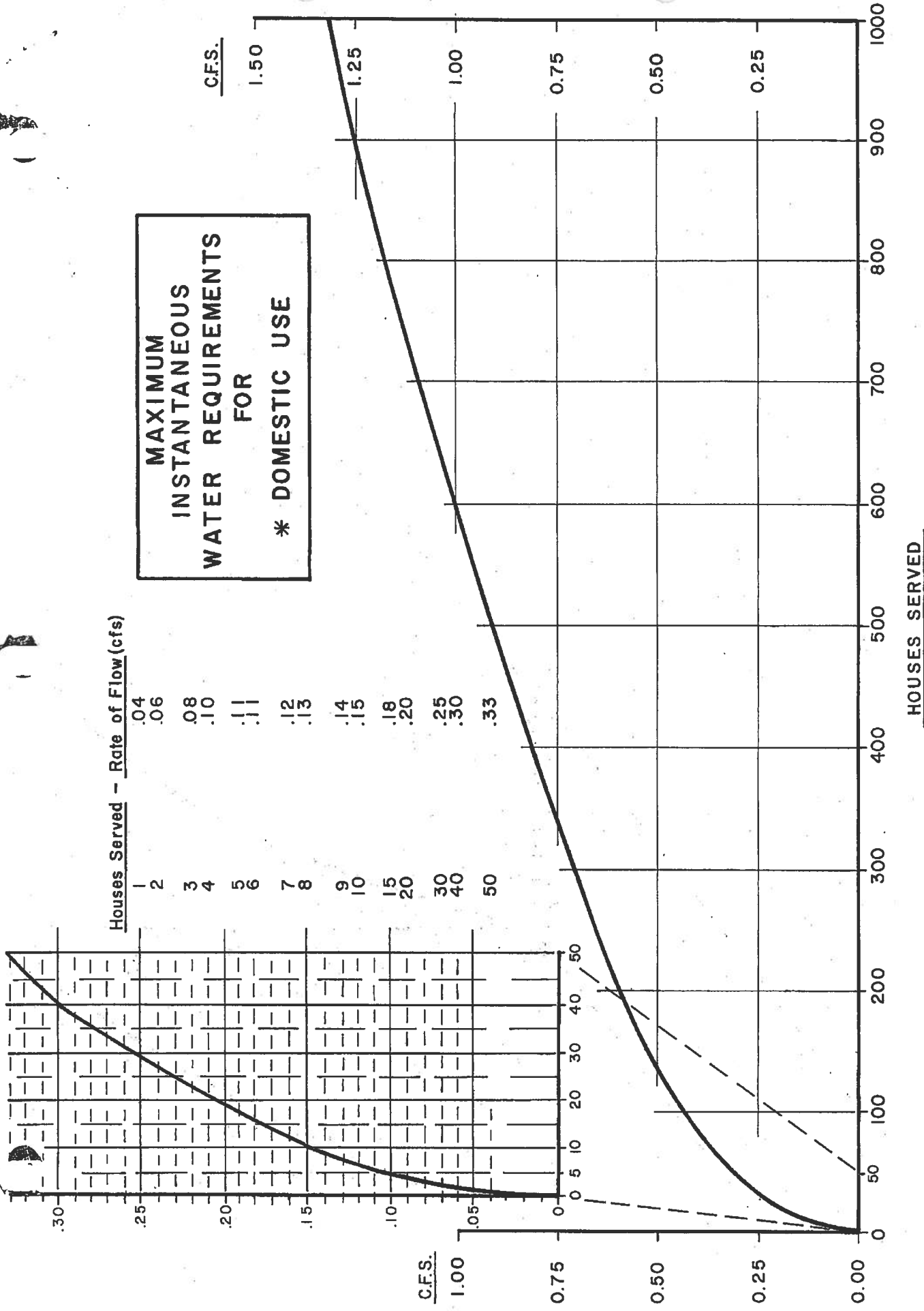


FIG. 1.

* From Community Water Systems Source Book, J. Ameen, 1977, Technical Proceedings, North Carolina.)