



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 8, 2013

WILLIAM D BROWN
1066 WALLEN RD
MOSCOW ID 83843

RE: License No. 87-10051

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 9, 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.

87-10051

**WILLIAM D BROWN
1066 WALLEN RD
MOSCOW ID 83843**



**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. 87-10051

Priority: June 05, 2007

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 0.2 AF

It is hereby certified that WILLIAM D BROWN
1066 WALLEN RD
MOSCOW ID 83843 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated June 05, 2007; and has submitted Proof of
Beneficial Use on September 02, 2010. An examination confirms water is being diverted from:

SOURCE

UNNAMED STREAM

Tributary: SOUTH FORK PALOUSE 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>
STOCKWATER	01/01 to 12/31	0.04 CFS	0.2 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE1/4NW1/4 Sec. 12, Twp 39N, Rge 05W, B.M. LATAH County

PLACE OF USE: STOCKWATER

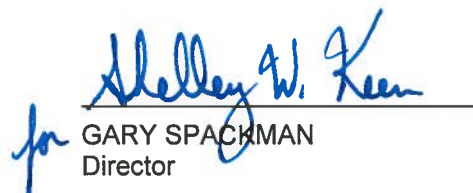
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
39N 05W 12		X			X												

CONDITIONS OF APPROVAL

1. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
2. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.

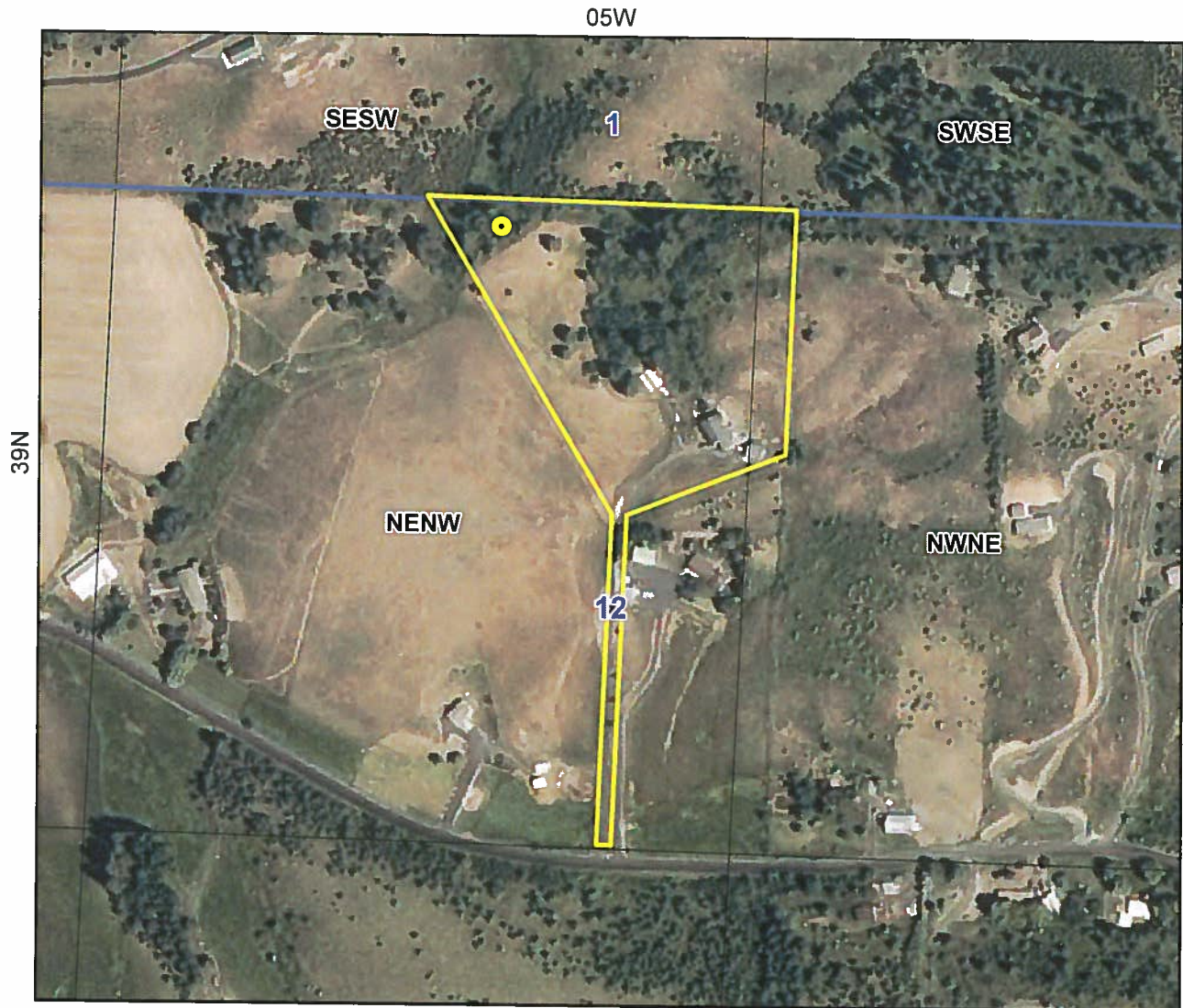
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 7th day of August, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
87-10051

This map depicts the STOCKWATER 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 0.045 0.09 0.18 Miles



MEMORANDUM
(include this in water right file)

TO: Craig Tesch – 87-10051

FROM: Daniel Nelson – Staff Hydrologist

DATE: August 6, 2013

SUBJECT: Licensing Review and Suggested Recommendations and Explanations

Craig, I was originally afraid that we would need to have the owner of the permit file a second water right for the storage component. I spoke with Shelley, and we went through the numbers, and if we give the 0.04 cfs for the 100 head of sheep that was granted by the permit, the storage component would fit within the 24 hour rule. Shelley agreed with me that we should give them the full 0.04 cfs, so we don't have to worry about the storage component. Below are the numbers that I calculated to confirm the 24 hour rule exemption.

Storage Reservoir = 18 ft wide by 22 feet long by 5 feet deep

18 ft X 22 ft X 5ft = 1980 cu ft. (14,810 gallons)

1980 cu ft / 43560 = 0.04545 af rounded to 0.05 af

0.04 cfs X 1.9835 = 0.03967 af rounded to 0.07934 af (rounded to 0.08 af)

Unless we have the condition limiting this water right to 13,000 gallons per day on the permit, we need a volume associated with this water right. I calculated the volume for this water right below:

100 head of sheep X 2 gpd per head X 365 days = 73000 gpy

73000 gpy / 325850 = 0.2 af

This license should be recommended for 0.04 cfs and 0.2 af for stockwater use.

Once the license has been corrected, please return it to me for a final review. I will format it for licensing and pass it onto Shelley when it is ready. Shelley will return it to me if there is something not right, so I have to keep track of the changes so I know what to correct if it comes back. I appreciate the help.

TABLE 1, RECOMMENDED DIVERSION RATES FOR STOCKWATER

In cubic feet per second (cfs)

<u>No. of head</u>	<u>Dairy cows</u>	<u>Other cattle, horses & mules</u>	<u>Hogs</u>	<u>Sheep & goats</u>
0 - 25	0.02	0.02	0.02	0.02
26 - 50	0.04	0.02	0.02	0.02
51 - 100	0.07	0.03	0.02	0.02
101 - 200	0.13	0.05	0.02	0.02
201 - 300	0.20	0.07	0.02	0.02
301 - 400	0.26	0.09	0.03	0.02
401 - 500	0.33	0.12	0.04	0.02
501 - 600	0.39	0.14	0.05	0.03
601 - 700	0.46	0.16	0.05	0.03
701 - 800	0.52	0.19	0.06	0.03
801 - 900	0.58	0.20	0.07	0.04
901 - 1000	0.65	0.23	0.08	0.04

For chickens, round to the next highest 100 and multiply this number by 0.0000018.

For turkeys, round to the next highest 100 and multiply this number by 0.0000033.

If you have more than 1000 head of stock (other than poultry), round the number of head to the next highest 100, and multiply this number by one of the following factors:

For dairy cows, multiply by 0.00065

For other cattle, horses, or mules, multiply by 0.00022

For hogs, multiply by 0.000074

For sheep or goats, multiply by 0.000037

Round the amount you calculate to the nearest 0.01 cfs and enter this amount in the appropriate space on your claim. You may claim 0.01 cfs even if your calculated amount is less than 0.01 cfs.

VOLUME FACTORS

<u>STOCK</u>	<u>GPD/HEAD</u>
dairy cattle	35
range cattle	12
horses	12
mules	12
hogs	4
goats & sheep	2

Sources of information for this page include SRBA Claim Instructions, revised 6/89, and Field Examiners Handbook, 1986, currently under revision.

SL 6/18/92

[illegible]

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>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</u> <u>Size</u>
	Briggs & Stratton	4			3-inch

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

<u>Measurement</u> <u>Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
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2. Measurements:

E. FLOW CALCULATIONS

_____Additional Computation Sheets Attached

Measured Method:

Theoretical pump flow rate (using 4 HP, 70% efficiency, 0 feet of lift, and 30 psi):
 $Q = (8.8 \times 4 \times 0.7) / (0 + (30 \times 2.31)) = 0.36 \text{ cfs}$

The diversion rate to be licensed under this right will be limited to 0.04 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

G. NARRATIVE/REMARKS/COMMENTS

This permit was in-office field examined on 08/05/2013 by myself, Craig Tesch. This permit authorizes the diversion of surface water to be used for stockwater (100 sheep) from an unnamed stream tributary to the South Fork of the Palouse River. According to the application for permit, the plan was for water to be pumped and piped from the stream to a storage reservoir with a capacity of 10,000 gallons (0.03 acre-feet). The owner, William Brown, stated via phone discussion on 08/05/2013 that he believes the reservoir is 5 feet deep and has a slightly larger capacity than the reported 10,000 gallons. Aerial photography confirms the existence of an approximately 20 foot square reservoir near the location of the permitted POD. Reservoir capacity calculated using aerial photography (approximately 15,000 gallons) is slightly larger than the value given on the application (10,000 gallons).

The place of use and point of diversion (POD) exist east of Moscow, Idaho, north of Wallen Road. The POD on the unnamed stream is located approximately 300 feet northwest of the storage reservoir in the northwestern portion of the property. The POD is approximately 500 feet northwest of the main house. Water is pumped from the stream through a 3-inch flexline for 80 feet and then travels the remaining 220 feet in a 1-inch flexline to the reservoir.

Per a phone discussion with William Brown on 08/05/2013, the pump in the stream is not a 1-inch solar water pump as stated on the application for permit. The owner actually rents a pump with a gas powered, Briggs and Stratton, 4 HP motor each season. Theoretical pump flow rate was calculated using 4 HP, 70% efficiency, 0 feet of lift, and 30 psi (average of standard domestic and irrigation) resulting in a discharge rate of 0.36 cfs. Pump discharge is greater than the requested diversion rate of 0.04 cfs.

No overlapping water rights exist on the place of use. Water right 87-10047 is in the same 40-acre tract and uses the same unnamed stream for stockwater, but is for a different owner on a different tax lot.

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>
STOCKWATER	01/01 to 12/31	0.040 CFS	
<u>Totals:</u>		0.040 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 Craig Tesch Date 8/6/2013

Reviewer _____ Date _____

