



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

CLINTON FULLMER
ELAINE FULLMER
PO BOX 737
SAINT MARIES ID 83861

RE: License No. 92-10014

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.

92-10014

**CLINTON FULLMER
PO BOX 737
SAINT MARIES ID 83861**

**ELAINE FULLMER
PO BOX 737
SAINT MARIES ID 83861**



**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. 92-10014

Priority: October 18, 2004

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

It is hereby certified that CLINTON FULLMER

And

ELAINE FULLMER
PO BOX 737

SAINT MARIES ID 83861 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 18, 2004; and has submitted Proof of Beneficial Use on March 17, 2011. An examination confirms water is diverted from:

SOURCE

GROUND WATER

Tributary: UNNAMED STREAM

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 SE1/4NE1/4 Sec. 22, Twp 45N, Rge 01W, B.M. BENEWAH County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
45N 01W 22	X				

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.
2. Water shall not be diverted under this right when flows in the St. Maries River are below established minimum flow amounts as defined by water right 92-7200.

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 7th day of August, 2013.

Shelley W. Keen
for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
92-10014

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.

01W



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

0 0.0325 0.065 0.13 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 92-10014

Exam Date: 5/20/2013

1. Current Owner: CLINTON FULLMER
PO BOX 737
SAINT MARIES ID 83861
(208)659-7768

And

ELAINE FULLMER
PO BOX 737
SAINT MARIES ID 83861
(208)659-3183

2. Accompanied by: Clinton Fullmer
Phone No: Same as Above
Address: Same as Above
Relationship to Permit Holder: Owner

3. **SOURCE**

GROUND WATER

TRIBUTARY

UNNAMED STREAM

B. OVERLAP REVIEW

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

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

GROUND WATER SE1/4NE1/4 Sec. 22, Twp 45N, Rge 01W, B.M. BENEWAH County

Method of Determination:

2.

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
45N	01W	22	<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: Visual Inspection and GIS

3. YES Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
YES Aerial Photo Attached (required for irrigation of 10+ acres).
YES Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Diversion Box	N/A	N/A	N/A	N/A	2 inch discharge line
House Relift Pump	Red Jacket	1/3	5KH36EN2615BX	Red Jacket	1.5 inch discharge

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements: A bucket and stop watch method was used, but it appeared as though the line was plugged at the time of the measurement. I used a theoretical calculation to determine the actual flow of the pipe if the pipeline hadn't been plugged

E. FLOW CALCULATIONS

 X Additional Computation Sheets Attached

Measured Method:

Measurement = 0.06 cfs (Mannings Spring Box Measurement Sheet)

Measurement = 0.00334 cfs (Bucket and Stopwatch method, but line appeared to have been plugged – Don't Use)

Permit allowed = 0.04 cfs (0.04 cfs was allowed for the domestic use. The commercial use was not developed)

License recommend for 0.04 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

Using Processing Memo 22, a volume of 1.2 af was allowed for in-house and lawn irrigation.

G. NARRATIVE/REMARKS/COMMENTS

Water is diverted by gravity flow from a buried diversion box to the home. The diversion box is 4 ft in diameter – 14 ft deep culvert constructed from interlocking cinder blocks. The cinder blocks are not cemented, so shallow ground water can enter the box. The diversion box is approximately 10 feet off the creek channel. A 2 inch pipeline comes out of the diversion box approximately 2 feet from the bottom of the box that travels in a northern direction to the shop and home. In the shop, there is 550 gallon storage tank. There is a 2 ½ inch copper pipeline coming out of the tank to a small 1/3 Hp pump that sends water through 2-35 gallon pressure tanks and then onto the home, shop, and yard. The pipeline from the diversion box connects into the copper pipeline coming out of the storage tank. When water is being used in the home the water from the diversion box can go directly to the home, but when water is not being directly used from the diversion box, it is stored in the storage tank to provide enough water during peak water use needs such as watering the lawn or doing laundry.

The source for this permit was listed as an unnamed stream. The water is being diverted from a buried diversion box on the stream bank. However, the source for this diversion seems to be shallow groundwater tributary to the unnamed stream or spring water that discharges into the unnamed stream at that location. It is difficult to determine the actual source of water being diverted. It appears as though a natural spring does enter the unnamed stream approximately 100 feet upstream. The diversion box could be intercepting the lower reach of the spring area. The unnamed stream seems to acquire flow for at least ¼ mile down to where the driveway crosses over the stream. Whether or not this water is actually spring water or shallow ground water tributary to the unnamed stream, the water being used is part of this unnamed streams system. Therefore, I have clarified the source as ground water tributary to the unnamed stream.

The commercial use requested in this permit was never developed. A building was constructed, but the owner couldn't attain the distributorship to finish the project, so no water was piped to the building. The building was turned into a shop, and has since been sold to another owner. The water described by this permit was never delivered to or used in the building. Therefore, I removed the commercial use listed on the permit for this license.

Condition WB9 was placed on this permit. I was going to replace this condition with 227, but the instructions stated to use WB9 for DCMI used on a streams with a minimum streamflow water right. I did add the following language to condition WB9 (new language in bold):

Water shall not be diverted under this right when flows in the St. Maries River are below established minimum flow amounts as described in Right 92-7200.

I also removed the commercial use condition since it wasn't developed and was not recommended for licensing.

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	0.04 cfs	1.2 AF
	<u>Totals:</u>	0.04 CFS	1.2 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 Daniel A. Nelson – Staff Hydrologist

Field Examiner's Name _____ Date _____

Reviewer _____ Date _____



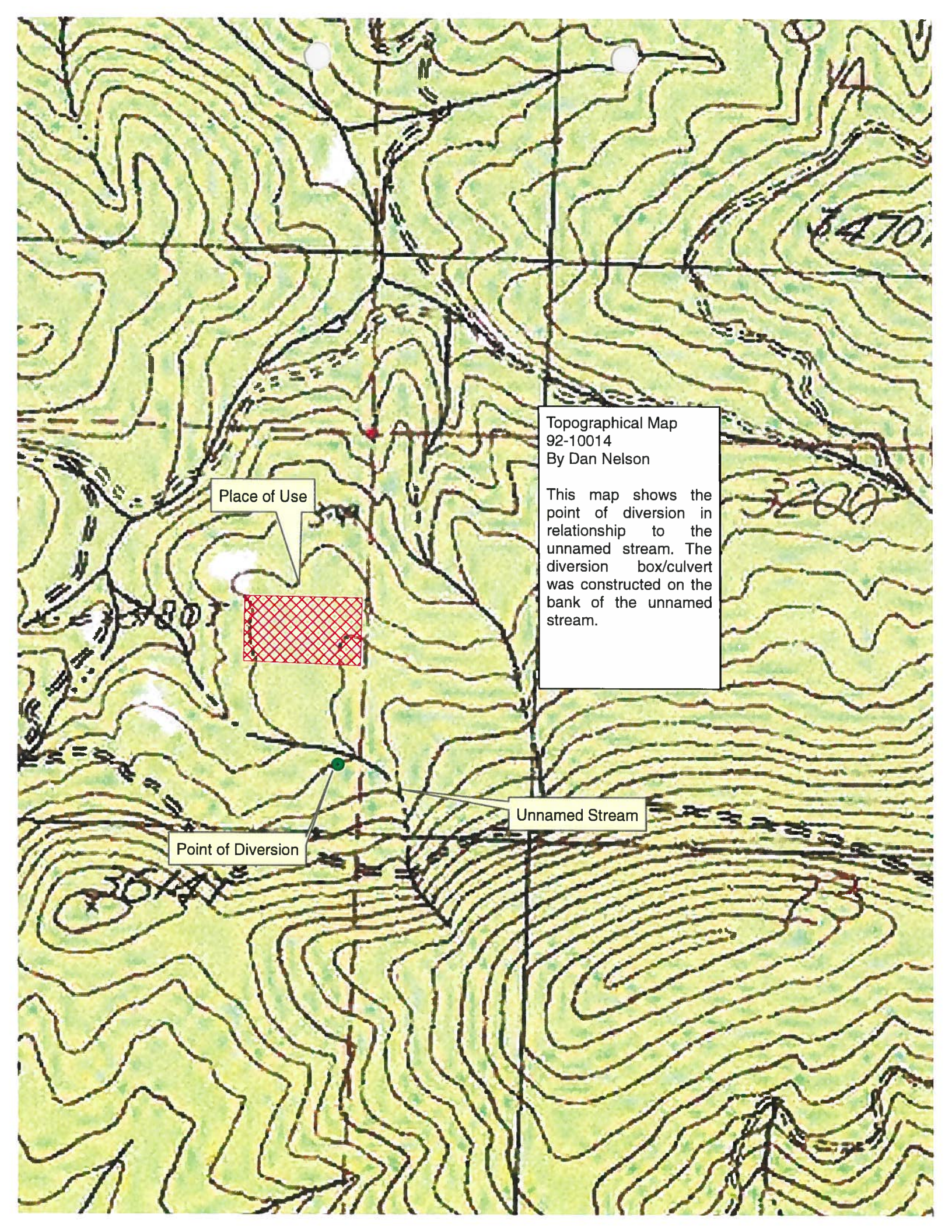
Place of Use

Esri Imagery
92-10014
By Dan Nelson

This map shows the point of diversion in relationship to the unnamed stream. The diversion box/culvert was constructed on the bank of the unnamed stream.

Point of Diversion

Unnamed Stream



Topographical Map
92-10014
By Dan Nelson

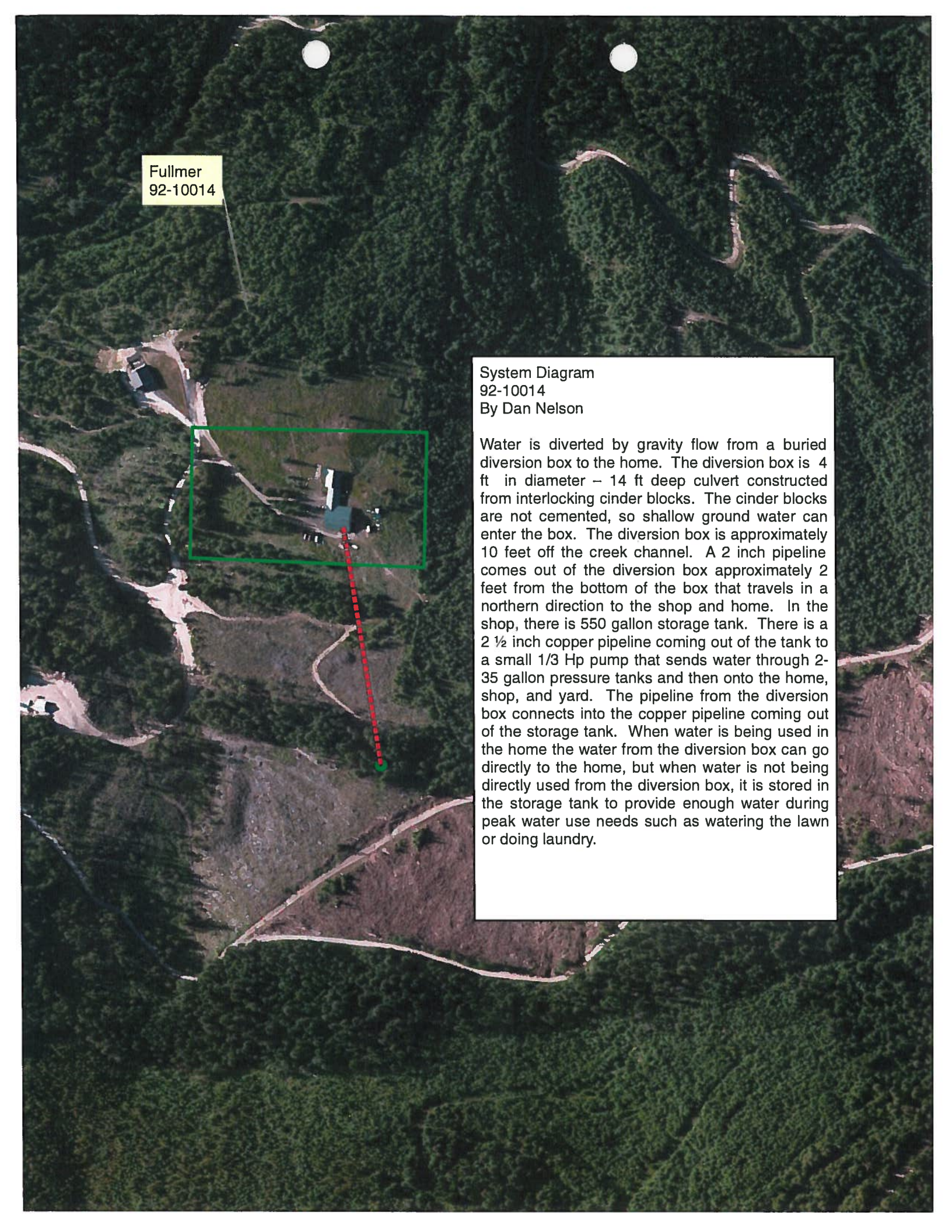
This map shows the point of diversion in relationship to the unnamed stream. The diversion box/culvert was constructed on the bank of the unnamed stream.

The map features brown contour lines on a green background, indicating elevation. A red hatched rectangle is located in the center-left, with a callout pointing to it. A green dot is located in the lower-left, with a callout pointing to it. A dashed line representing a stream flows from the top right towards the bottom right. A vertical line, possibly a road or boundary, runs through the center of the map.

Place of Use

Unnamed Stream

Point of Diversion

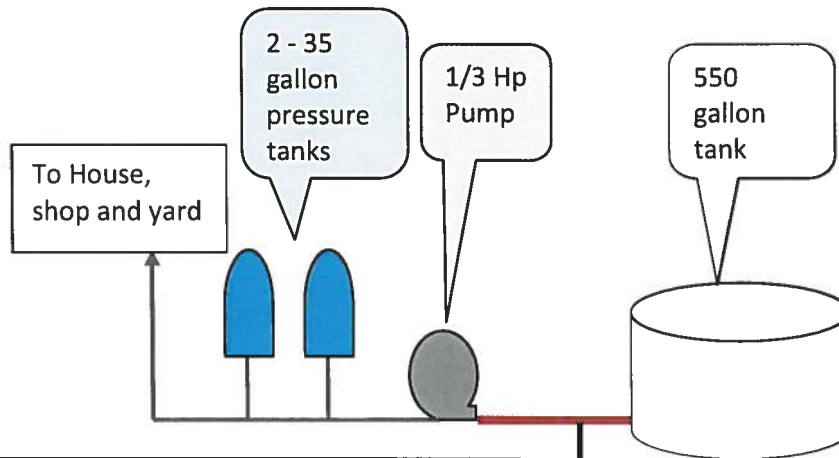


Fullmer
92-10014

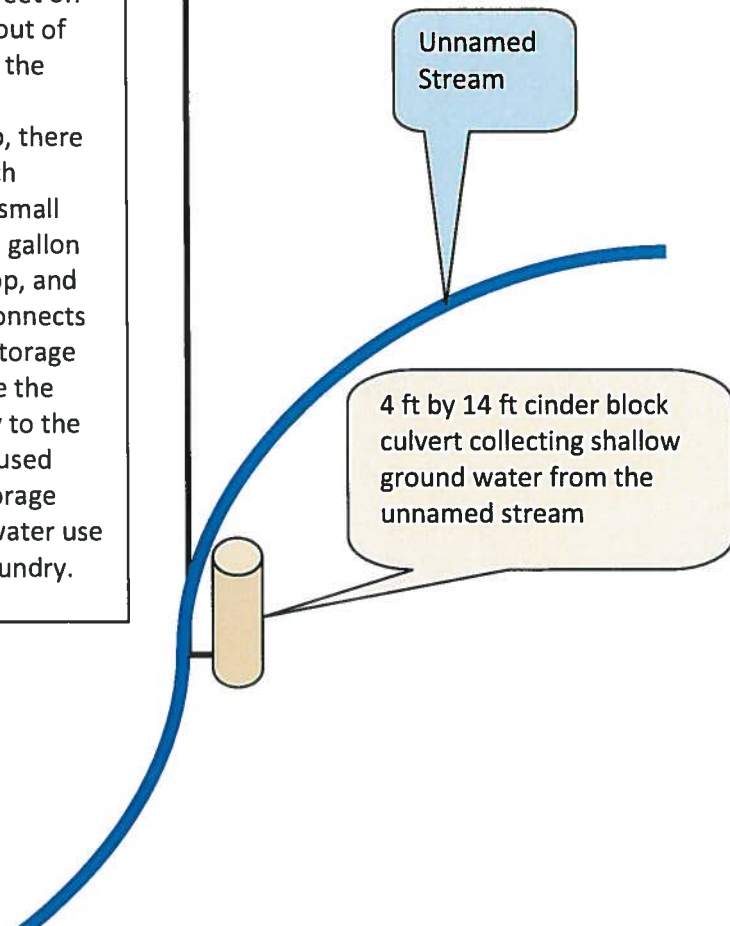
System Diagram
92-10014
By Dan Nelson

Water is diverted by gravity flow from a buried diversion box to the home. The diversion box is 4 ft in diameter – 14 ft deep culvert constructed from interlocking cinder blocks. The cinder blocks are not cemented, so shallow ground water can enter the box. The diversion box is approximately 10 feet off the creek channel. A 2 inch pipeline comes out of the diversion box approximately 2 feet from the bottom of the box that travels in a northern direction to the shop and home. In the shop, there is 550 gallon storage tank. There is a 2 ½ inch copper pipeline coming out of the tank to a small 1/3 Hp pump that sends water through 2-35 gallon pressure tanks and then onto the home, shop, and yard. The pipeline from the diversion box connects into the copper pipeline coming out of the storage tank. When water is being used in the home the water from the diversion box can go directly to the home, but when water is not being directly used from the diversion box, it is stored in the storage tank to provide enough water during peak water use needs such as watering the lawn or doing laundry.

SYSTEM DIAGRAM
92-10014
BY DAN NELSON



Water is diverted by gravity flow from a buried diversion box to the home. The diversion box is 4 ft in diameter – 14 ft deep culvert constructed from interlocking cinder blocks. The cinder blocks are not cemented, so shallow ground water can enter the box. The diversion box is approximately 10 feet off the creek channel. A 2 inch pipeline comes out of the diversion box approximately 2 feet from the bottom of the box that travels in a northern direction to the shop and home. In the shop, there is 550 gallon storage tank. There is a 2 ½ inch copper pipeline coming out of the tank to a small 1/3 Hp pump that sends water through 2-35 gallon pressure tanks and then onto the home, shop, and yard. The pipeline from the diversion box connects into the copper pipeline coming out of the storage tank. When water is being used in the home the water from the diversion box can go directly to the home, but when water is not being directly used from the diversion box, it is stored in the storage tank to provide enough water during peak water use needs such as watering the lawn or doing laundry.



Flow Rate (Q) Calculator

Step 1 - Input Elevation Measurement Data

Note, input measured elevations where prompted, input N/A for elevation measurements not obtained. Refer to Figure 1.

Water Surface Elevation = 3,338 feet

About Step 1

Pipe Inlet Elevation = 3,336 feet

Pipe Outlet Elevation = 3,323 feet

Step 2 - Input Pipeline Dimensional Data

Length of Pipe, L = 650 feet

About Step 2

Diam. of Pipe, D = 2 inches (inside diam.)

Step 3 - Select Pipe Material Type from Pull Down Menu

plastic (PVC or ABS)

About Step 3

C = 130 unitless (Hazen-Williams Roughness Coeff.)

Step 4 - Iteratively Solve for Flow Rate w/ Scroll Bar Controls

Initial Flow Rate, Q_i = 0.0655 cfs

About Step 4

Recommended 1st Guess, Q_{rec} = 0.1091 cfs

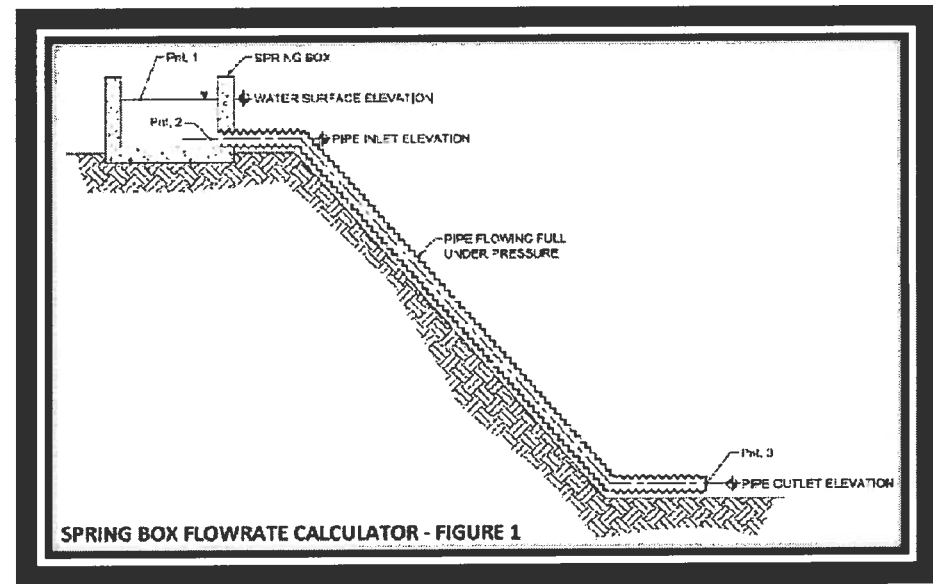
Output:

Friction Head, h_f = 14.9 feet

Flow Rate, Q_f = 0.0615 cfs

INADEQUATE CONVERGENCE

READ ME



Scroll Bar Controls

Ones: [scroll bar]

1/1,000ths: [scroll bar]

1/10ths: [scroll bar]

1/10,000ths: [scroll bar]

1/100ths: [scroll bar]

About Scroll Bar Use

Comments:

I used a GPS unit to determine the fall, but they are notorious for errors. The owner informed me that the system was designed with 13 feet of fall. Therefore, I used the 13 feet of fall in the equation. The 15 feet of fall is closer to the measurement that was made at the time of the exam. The measurement at the time of the exam came out to 1.5 gpm, but it was obvious that the line was plugged. This calculation makes more sense.

TIME FILL CALCULATIONS
FOR WATER RIGHT 92-10014
FIELD EXAM

On 5/20/2013, I performed a field exam for water right 92-10014. The source for this right is a spring. The water is collected at the spring in a spring box (4 foot culvert) and run down to a home and yard. At the home, there is a 550 gallon storage tank. This tank had sediment on the bottom of the tank that suggests that there is some material being transported down the pipeline. The grade for the pipeline is fairly flat, so I was concerned about the line being plugged. After performed my first test, my concerns were confirmed. I believe the line was plugged during this test. I also plan to use the Mannings spreadsheet for pipelines with spring boxes. I believe that calculation will be more accurate. My calculations are as follows:

Time #1 – 201 seconds

Flow in gpm =

$$(5 \text{ gal} / 201 \text{ seconds}) \times (60 \text{ seconds} / 1 \text{ minute}) = 1.5 \text{ gpm}$$

Flow in cfs =

$$1.5 / 448.8 = 0.00334 \text{ cfs}$$

CONCLUSION:

At the time of the exam, it was obvious that this line was plugged up. The owner generally cleans out the line a couple of times a year, and that hadn't been done yet. I recommend that this measurement not be used. I did include it in the file to show that an attempt was made to actually measure the water.

The measurement calculated using the Mannings Spring Box calculated showed a diversion rate of 0.06 cfs which seems more reasonable. The permit allows 0.04 cfs for domestic use and 0.04 for commercial use that was not developed. Therefore, the 0.04 cfs domestic use should be recommended.

I recommend a diversion rate of 0.04 cfs for this license.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 5/20/2013

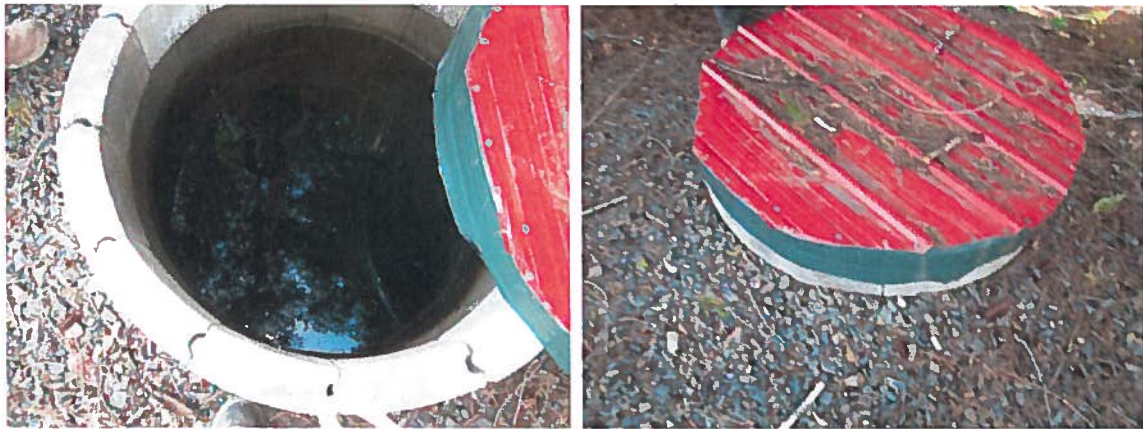
FILE NUMBER 92-10014



The photo above shows the culvert that collects the water for this permit. It is buried next to a small unnamed creek and collects shallow groundwater for the use in the home.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 5/20/2013

FILE NUMBER 92-10014



The photos above show the culvert used to capture the unnamed creek water through the shallow gravels. This is a 4 ft culvert that is approximately 14 ft deep. A 2 inch pipeline comes out of the culvert and travels to a 550 gallon tank shown below. From the tank, the water is pumped into the home and yard irrigation system by a 1/3 Hp pump. There are two pressure tanks also shown below.

