



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 6, 2013

JAMES D THORNES
791 PETTIS PEAK RD
SAINT MARIES ID 83861

RE: License No. 92-10345

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 7, 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.

92-10345

**JAMES D THORNES
791 PETTIS PEAK RD
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. 92-10345

Priority: May 24, 2011

Maximum Diversion Volume: 2.2 AF

It is hereby certified that JAMES D THORNES
791 PETTIS PEAK RD
SAINT MARIES ID 83861 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 24, 2011; and has
submitted Proof of Beneficial Use on August 02, 2012. An examination confirms water is diverted from:

SOURCE

SPRING

Tributary: THORN CREEK

and a water right has been established as follows:

BENEFICIAL USE

FIRE PROTECTION STORAGE

WILDLIFE STORAGE

PERIOD OF USE

01/01 to 12/31

01/01 to 12/31

**ANNUAL
DIVERSION VOLUME**

2.2 AF

2.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SW1/4SE1/4SE1/4 Sec. 16, Twp 45N, Rge 01W, B.M. BENEWAH County

PLACE OF USE: FIRE PROTECTION STORAGE AND WILDLIFE STORAGE

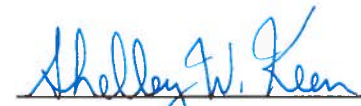
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N	01W	16																	X

CONDITIONS OF APPROVAL

1. Wildlife storage is for fish.
2. The pond established by the storage of water under this right shall not exceed a total capacity of 1.5 acre-feet.
3. Right 92-10345 authorizes the diversion of an annual total of 2.2 acre-feet to be used for the initial filling of the pond and for the replacement of losses caused by seepage and evaporation.
4. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

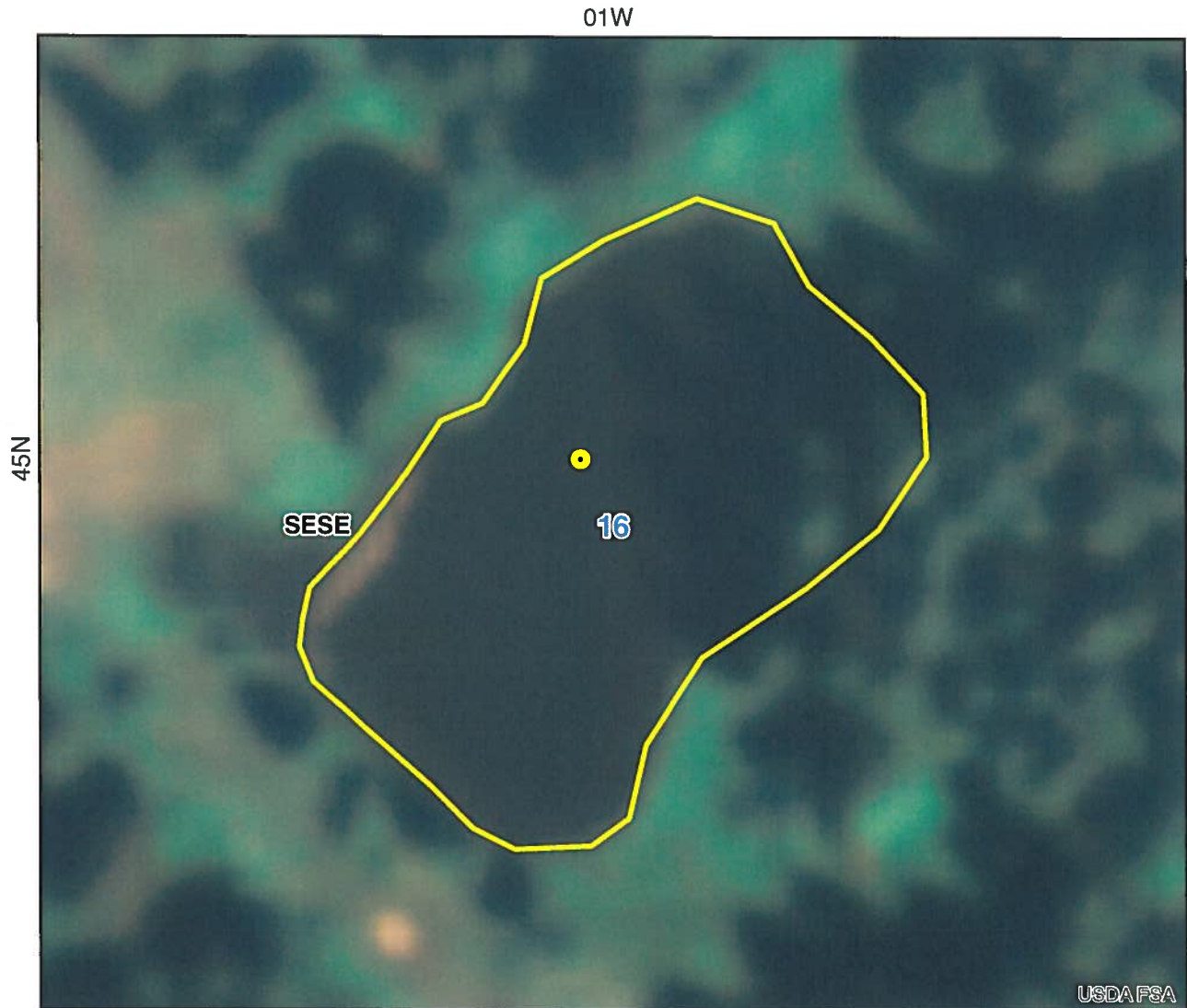
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 6th day of August, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
92-10345

This map depicts the FIRE PROTECTION STORAGE 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 0.00475 0.0095 0.019 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 92-10345

Exam Date: 5/20/2013

1. Current Owner: JAMES D THORNES
791 PETTIS PEAK RD
SAINT MARIES ID 83861
(208)245-2758
2. Accompanied by: James D Thornes and Wife
Phone No: Same As Above
Address: Same As Above
Relationship to Permit Holder: Owner

3. SOURCE

SPRING

TRIBUTARY

THORN CREEK

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:

SPRING SW1/4SE1/4SE1/4 Sec. 16, Twp 45N, Rge 01W, B.M. BENEWAH County

Method of Determination: GPS and Visual Inspection

2.

PLACE OF USE: FIRE PROTECTION STORAGE AND WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<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>	
45N	01W	16																X	

Method of Determination:

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
Pond	N/A	N/A	N/A	N/A	N/A

*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

2. Measurements: There was not a need to measure any diversion rates. The pond dimensions were determined from GIS and the owner.

E. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

2.2 af of storage – See Attached Spreadsheet.

G. NARRATIVE/REMARKS/COMMENTS

This is a standalone pond with a spring in one end of the pond. The pond is filled by the spring. Some diffuse water and runoff also enter the pond, but a water right is not needed for diffuse water, so no additional water rights are needed. The spring maintains the pond level year round.

There were no other water rights in this area.

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>
FIRE PROTECTION STORAGE	01/01 to 12/31		2.20 AF
WILDLIFE STORAGE	01/01 to 12/31		2.20 AF
<u>Totals:</u>			2.20 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

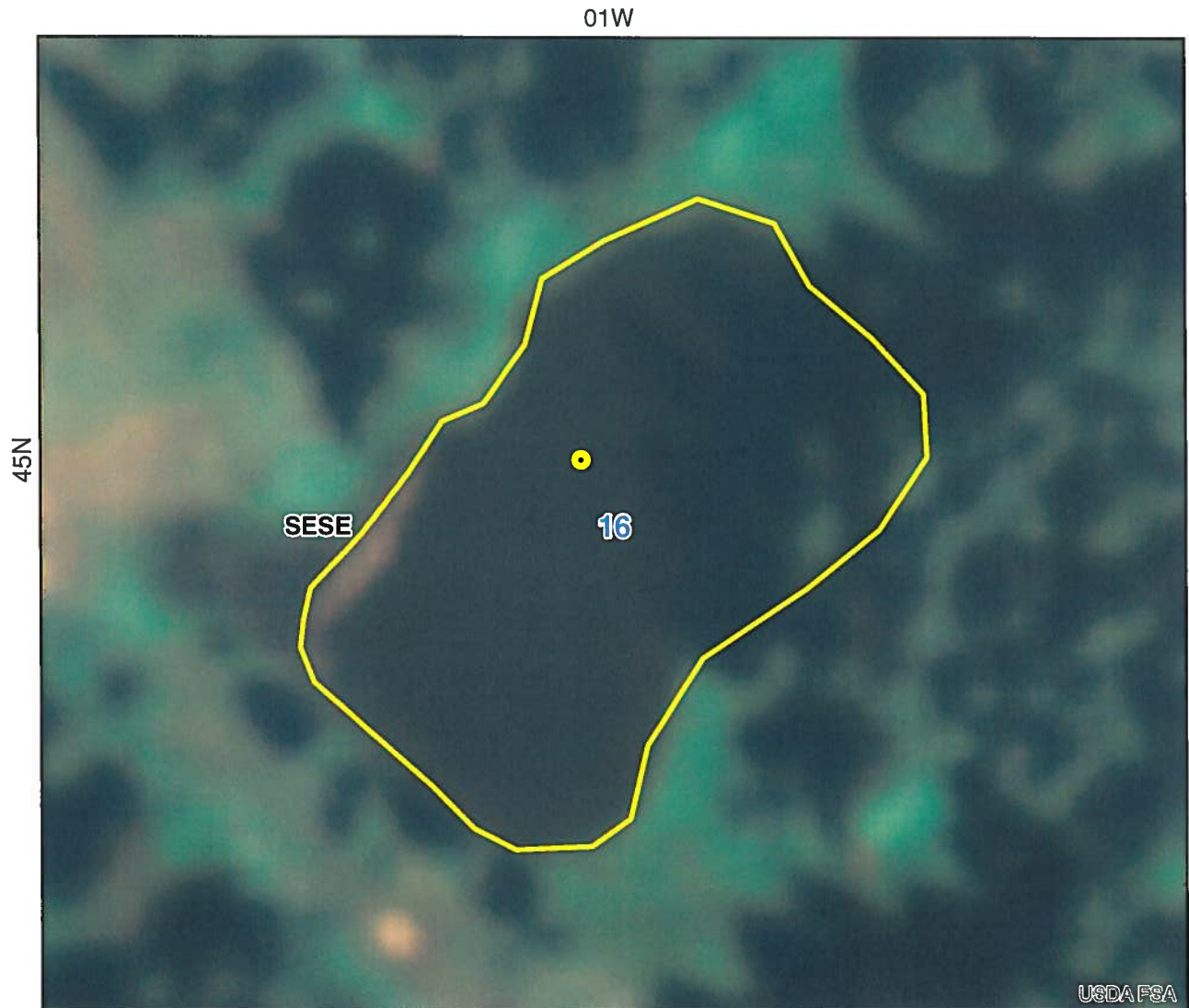
I. AUTHENTICATION Daniel A. Nelson – Staff Hydrologist

Field Examiner's Name Daniel A. Nelson Date 8-6-2013

Reviewer _____ Date _____

State of Idaho
Department of Water Resources
Attachment To Field Exam
92-10345

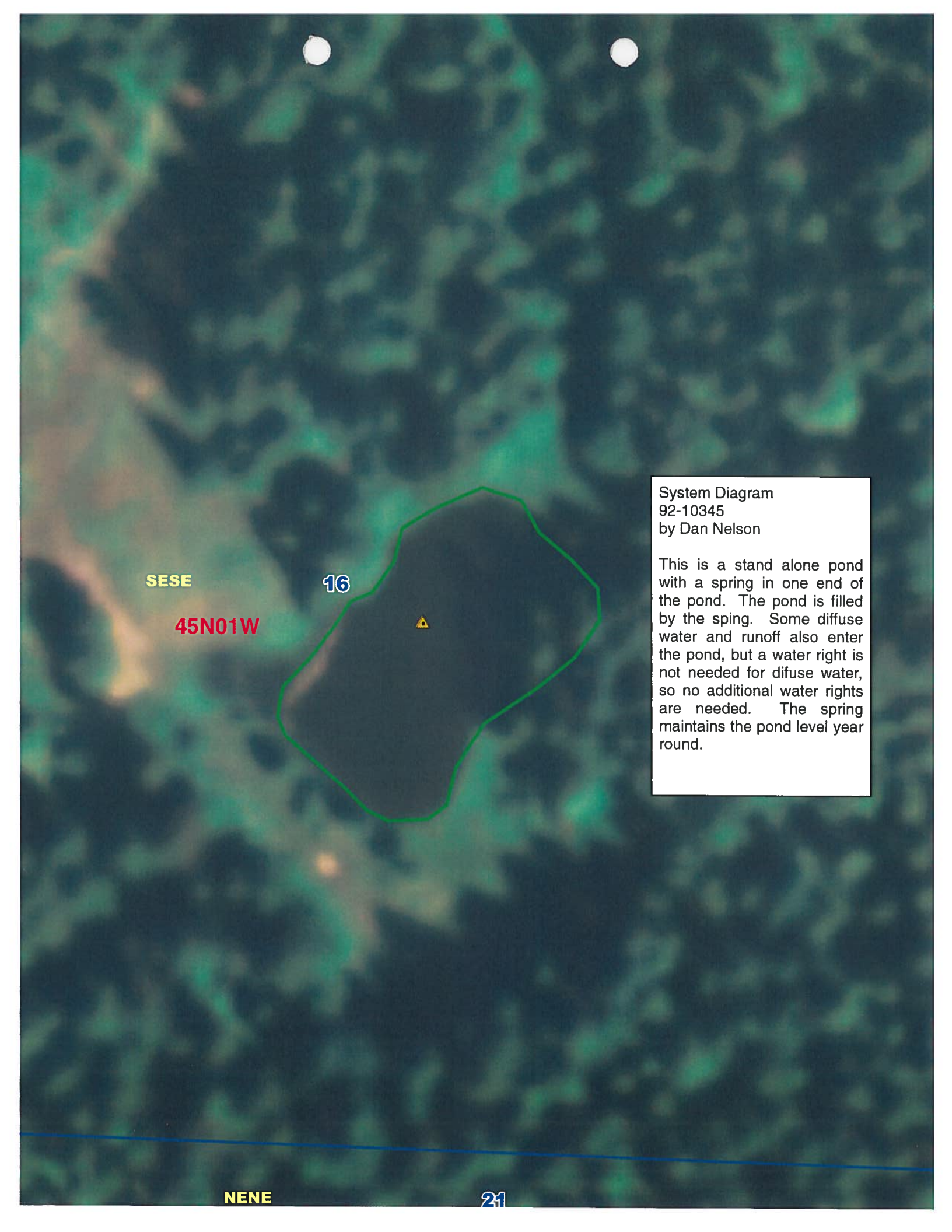
This map depicts the FIRE PROTECTION STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.00475 0.0095 0.019 Miles





SESE

45N01W

16

System Diagram
92-10345
by Dan Nelson

This is a stand alone pond with a spring in one end of the pond. The pond is filled by the spring. Some diffuse water and runoff also enter the pond, but a water right is not needed for diffuse water, so no additional water rights are needed. The spring maintains the pond level year round.

NENE

21

TOTAL STORAGE

FILE NUMBER	92-10345
REVIEWER	Dan Nelson
DATE	8/6/2013

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond

Surface Area (in Acres)	0.3	"Surface Area" is automatically carried over from the "Seepage Loss Sheet"
Average Pond Depth (in feet)	5	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the field examiner's handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that
Pond Capacity (in acre feet)	1.5	you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above.

Volume Needed Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (in acre feet)	0	The "Volume Needed Above Initial Fill" is the acre-feet of water required to meet <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). PLEASE NOTE: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (in acre feet)	0.3	The "Estimated Seepage Loss" is automatically carried over from the Seepage Loss Sheet
Estimated Evaporation Loss (in acre feet)	0.4	The "Estimated Evaporation Loss" is automatically carried over from the Evaporation Loss Sheet
Total Volume Required (in acre feet)	2.2	"The Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Flow Rate Into Pond (in cfs)	1.00	The "Flow Rate" into the Pond depicts the actual flow either measured or estimated into the pond.
Highest Daily Evaporation Rate From Evaporation Tab. (in mm/day)	3.51	This number is automatically selected by picking the highest recorded number in the "Precipitation Deficit Table".
Maximum Required Daily Maintenance Volume (in acre feet per day)	0.00	"Maximum Required Daily Maintenance Volume" is the maximum volume of water needed on any given day during the year, and is calculated by adding the highest daily evaporation loss to the average daily seepage loss in acre feet. The average daily seepage loss is calculated by dividing the "Estimated Seepage Loss" by 365 days. This is acceptable, since the seepage rate shouldn't vary throughout the season unless the pond completely freezes over during the winter months. The highest daily evaporation loss is calculated by dividing the Highest Daily Evaporation Rate by the 304.8 conversion factor and multiplying this number by the pond surface area to attain a combined daily acre feet requirement.
Minimum Maintenance Flow (in cfs)	0.00	The "Minimum Maintenance Flow" is the minimum amount of flow required to maintain the level of the pond. This number is determine by dividing the "Maximum Required Daily Maintenance Volume" by 1.9835. This flow can be used to determine if the flow rate into the pond is adequate to maintain the pond level.
Days Required to Fill the Pond	1	The "Days Required to Fill the Pond" is calculated by dividing the "Pond Capacity" by the "Flow Rate" minus "Minimum Maintenance Flow" multiplied by 1.9835. This section will assist you in determining if the flow rate being diverted to the pond is adequate to fill the pond while maintaining the pond level. The length of time to fill the pond will help determine if the flow rate is adequate for the size of pond being proposed. This number should be between 1 and 365 days for a project to be successful.
Days Required to Fill the Pond at 13,000 gallons per day	42	The "Days Required to Fill the Pond at 13,000 gallons per day" is calculated converting the "Pond Capacity" and the "Maximum Daily Maintenance Volume" to gallons. The "Pond Capacity" is then divided by 13,000 gallons minus the "Maximum Daily Maintenance Volume" in gallons to determine the number of days to fill pond. This number should be between 1 and 365 if this pond is to described as a domestic use.

User Input
Calculated value
Formula Explanations

Evaporation Loss Calculation

FILE NUMBER	92-10345
REVIEWER	Dan Nelson
DATE	8/6/2013

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

The acronyms used on the Kimberly Research Center website are defined below:

P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

USING THIS SPREADSHEET

To ascertain the evaporation from a pond, you will need to go to the Kimberley Research Center website. The link is found below. This web site provides the Precipitation Deficit for the area where the pond is located. The Precipitation Deficit is the total amount of free pan evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used, and the entire state is pretty much covered. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at <X:/Spatial/Climate/ETIdahostations.shp>.

User Input

Calculated value

Formula Explanations

Found at: <http://www.kimberly.uidaho.edu/ETIdaho/online.php>

Precipitation Deficit

Station: Twin Falls 2 NNE (NWS -- 109294)

Month	mm/day ¹	Days per month	mm/Month
Jan	0.00	31	0.00
Feb	0.00	28	0.00
March	0.00	31	0.00
April	0.62	30	18.60
May	1.23	31	38.13
June	2.07	30	62.10
July	3.51	31	108.81
August	3.26	31	101.06
September	1.90	30	57.00
October	0.00	31	0.00
November	0.00	30	0.00
December	0.00	31	0.00

PLEASE NOTE: We cannot use the season average, because there are several areas in Northern Idaho with a negative Precipitation Deficit. Therefore, we must enter each monthly deficit, and enter in a zero (0) for each negative month. The reason for this is that precipitation can only offset evaporation to the extent of the evaporation.

Please enter the daily average Precipitation Deficit as shown in the example below.

Although it has sometimes been useful to consider wintertime evaporation to be zero, Allen and Robison (2007, p. 169) noted, "Evaporation during nongrowing (wintertime) periods varies widely"

¹Negative monthly mean values should be entered in the above table as "0".

Total mm/year = 385.70

$[(\text{mm/yr}) \div (\text{convert to feet})] \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$

(385.70 ÷ 304.8) X 0.30 = 0.4 AFA

Surface Area of Pond is automatically Carried over from the Seepage Loss Sheet.

SEEPAGE CALCULATIONS

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	92-10345
REVIEWER	Dan Nelson
DATE	8/6/2013

User Input
Calculated value
Formula Explanations

INPUTS

SQ. FT. Calculator Pond Surface area in acres
0.3

POND SURFACE AREA (SQ. FT.)	13068
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SUGGESTED SEEPAGE RATE (FT/DAY)	0.0030
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Use the table below to find the "SUGGESTED SEEPAGE RATES".

FORMULA: (Surface Area X Seepage Rate) / 7.48 = Gallons Per Day loss

CONVERT TO GPD	293	GPD
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TOTAL SEEPAGE LOSS (AFA)	0.3	AFA
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SUGGESTED SEEPAGE RATES FOR DIFFERENT SOIL TYPES:
GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = 0.20 ft per day
OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = 0.016 ft per day
SC (clayey sands, sand clay mixtures) = 0.007 ft per day
CL (Low to medium plasticity clays) = 0.003 ft per day
MH, OH, PT and CH (high plasticity clays) = 0.0003 ft per day
LINED PONDS (liners can be chemical, fabric, or bentonite) = 0 ft per day
Ponds Intercepting Groundwater (excavated ponds filled with shallow Ground Water) = 0 ft per day

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at <X:\Spatial\Soils\USCS\PondSoils.lyr>. Use "0" if the ponds intersect the water table.

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

FILE NUMBER 92-10345



The above picture shows the pond. The spring is approximately in the middle of the pond. Some diffuse water runoff does come from uphill. The red pickup is uphill of the pond to the west.