



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

GAIL SWAN
2385 SUNNYSIDE RD
SANDPOINT ID 83864

RE: License No. 96-9462

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.

96-9462

**GAIL SWAN
2385 SUNNYSIDE RD
SANDPOINT ID 83864**



**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. 96-09462

Priority: April 06, 2010

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.5 AF

It is hereby certified that GAIL SWAN
2385 SUNNYSIDE RD
SANDPOINT ID 83864 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated April 06, 2010; and has submitted Proof of
Beneficial Use on June 30, 2011. An examination confirms water is diverted from:

SOURCE

PEND OREILLE LAKE

Tributary: PEND OREILLE 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	04/01 to 10/31	0.02 CFS	1.5 AF

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE LAKE NE1/4SE1/4 Sec. 10, Twp 57N, Rge 01W, B.M. BONNER 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	
57N	01W	10													.5				.5

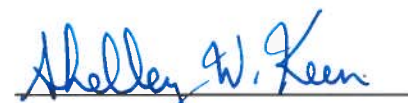
Total Acres: 0.5

CONDITIONS OF APPROVAL

1. 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 place of use.
2. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
3. This right does not grant any right-of-way or easement across the land of another.

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
96-9462

This map depicts the IRRIGATION 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 0.01 0.02 0.04 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 96-9462

Exam Date: 5/23/2013

1. Current Owner: GAIL SWAN
2385 SUNNYSIDE RD
SANDPOINT ID 83864
(208) 263-0181
2. Accompanied by: Owner
Phone No: Same as Above
Address: Same as Above
Relationship to Permit Holder: Owner

3. SOURCE

PEND OREILLE LAKE

TRIBUTARY

PEND OREILLE RIVER

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 SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

PEND OREILLE LAKE NE1/4SE1/4 Sec. 10, Twp 57N, Rge 01W, B.M. BONNER County

Method of Determination: GPS and Visual Inspection

2.

PLACE OF USE: IRRIGATION

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>	
57N	01W	10													.5				.5

Total Acres: 0.5

Method of Determination: GIS and Visual Inspection

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
Lake Pump	Franklin Mono Drive	0.75	15-3WQP-0.75HP	Franklin Mono Drive	1" discharge line size.

*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: Pump wasn't installed at the time of the exam, and it would take some doing to set it up. I performed a theoretical calculation and use the pump curve for verification of the system.

E. FLOW CALCULATIONS X Additional Computation Sheets Attached

Measured Method:

Theoretical allowed = 0.03 cfs

Pump Curve allowed = 0.03 cfs to 0.04 cfs

Permit allowed = 0.07 cfs

Acres allowed = 0.5 acres X 0.03 cfs/ac = 0.15 cfs rounded to 0.02 cfs

License recommend for 0.02 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 0.5 \text{ acres} \times 3.0 \text{ af/ac} = 1.5 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.02 \text{ cfs} \times 214 \text{ days} \times 1.9835 = 8.5 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1.5 \text{ af}$$

2. Volume Calculations for Other Uses:

G. NARRATIVE/REMARKS/COMMENTS

Water is diverted from Pend Oreille Lake by a ¾ Hp submersible pump into a mainline that travels approximately 192 feet up a hill to the home. The lift to the home is approximately 40 feet per the topographical maps. The home has a raised deck, and under the deck is the sprinkling system controls. The controls have a small pressure tank on them, and they supply a buried sprinkler system for approximately ½ acre of ground.

The owner has a exempt private well for her in-house use without an existing water right attached to it. The lawn could be irrigated by either the well or the lake water. The total acres irrigated is 0.5 acres, so the irrigation from the well wouldn't be out of compliance for an exempt well.

Oden Water Association water rights also overlap this property, but the owner is not part of their system. She has her own well.

The diversion was designed for the fish screen requirements. The fish screen is a pipe with small slots cut into PVC piping.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS**1. Recommended Amounts**

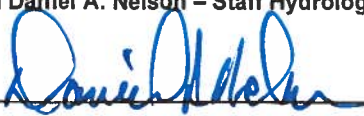
<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.020 CFS	1.50 AF
<u>Totals:</u>		0.020 CFS	1.50 AF

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 8-5-2013

Reviewer _____ Date _____

State of Idaho
Department of Water Resources
Attachment To Field Exam
96-9462

This map depicts the IRRIGATION 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 0.01 0.02 0.04 Miles



System Diagram
Permit 96-9462
By Dan Nelson

Water is diverted from Pend Oreille Lake by a $\frac{3}{4}$ Hp submersible pump into a mainline that travels approximately 192 feet up a hill to the home. The lift to the home is approximately 40 feet per the topographical maps. The home has a raised deck, and under the deck is the sprinkling system controls. The controls have a small pressure tank on them, and they supply a buried sprinkler system for approximately $\frac{1}{2}$ acre of ground.

SENE

1057N01W

SE

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

6

Water Right No.: 96-9462
 Examiner: Dan Nelson
 Date of Field Exam: 8/5/2013

	Option 1	OPTION 2	OPTION 3	
P/D No.:				
PUMP HORSEPOWER	0.75	0.75	0.75	
BOOSTER HORSEPOWER	0	0	0	
PUMPING LEVEL	40	40	40	
DISCHARGE PRESSURE	40	50	60	
FRICTION	0	0	0	
RATE OF FLOW (cfs)	0.03	0.03	0.03	AVE
(gpm)	15.7	13.3	11.6	13.5

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: %70 efficiency.

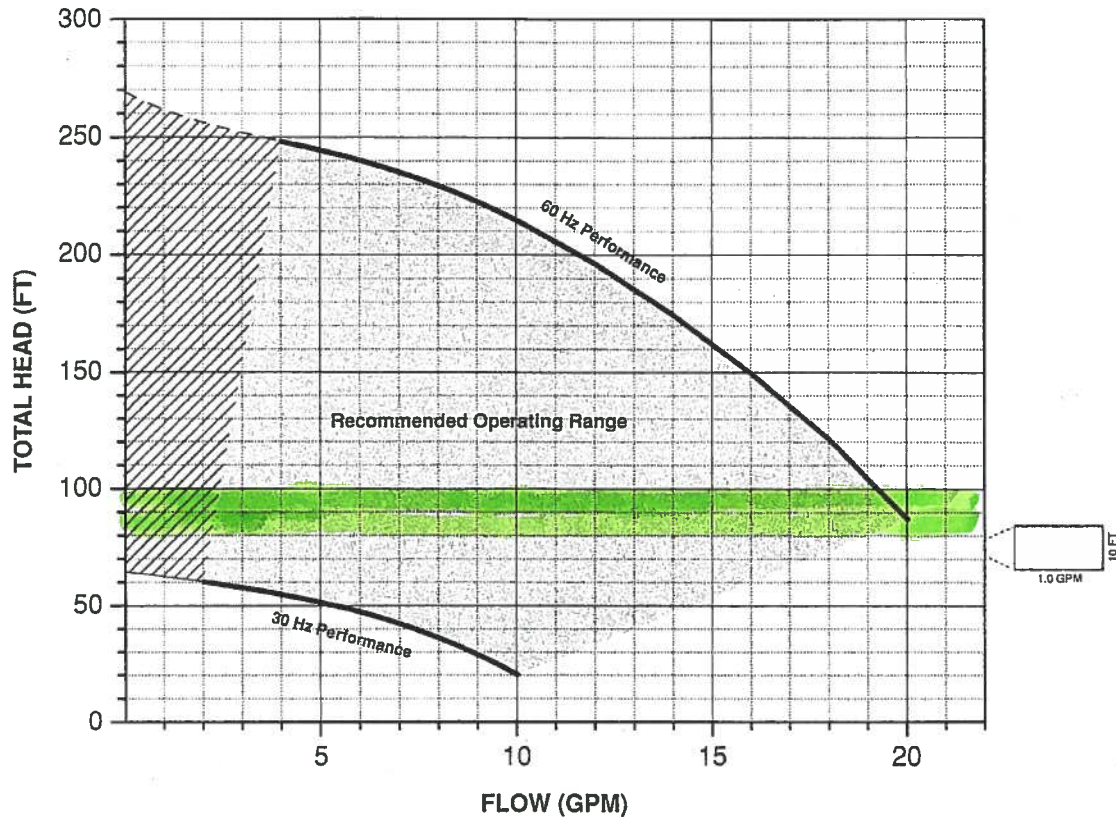
Examiners Notes:

The lift was calculated using a topo map. Pressure was estimated using the standard for this type of system of between 40 and 60 psi. There was a pressure tank on the system, which is generally set at 40 to 60 psi turn on shut off. This system only irrigates a yard, so 11 to 16 gpm seems reasonable.

Pump Performance

15-3WQP-0.75HP

MonoDrive, 15 gpm - 3/4 hp Pump End, 3/4 hp Motor

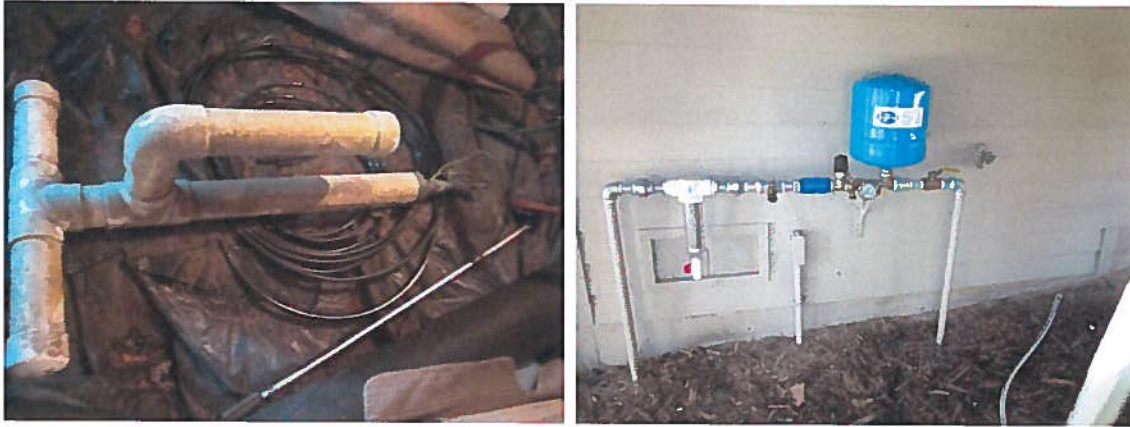


HP	PSI	Depth to Pumping Water Level, or Lift (in feet)										
		20	40	60	80	100	120	140	160	180	200	250
3/4	0					20.0	18.3	16.4	14.9	13.6	12.0	3.6
	10				19.8	18.0	16.1	14.7	13.4	11.7	9.0	
	20			19.6	17.7	15.9	14.5	13.2	11.4	8.5	4.4	
	30	20.1	19.3	17.4	15.7	14.3	13.0	11.0	7.9	3.8		
	40	19.1	17.1	15.4	14.1	12.7	10.6	7.3	3.1			
	50	16.8	15.2	13.9	12.5	10.2	6.7	2.4				
	60	15.0	13.7	12.2	9.7	6.1	1.7					
	70	13.5	11.9	9.2	5.4	1.1						
	80	11.5	8.7	4.8	0.5							
	90	8.2	4.1									
	100	3.4										
Shut-off psi		108	99	90	82	73	65	56	47	39	30	8

NOTE: Running outside of 'Recommended Operating Range' for short periods of time is permissible.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 5/23/2013

FILE NUMBER 96-9462



The first photo above shows the pump system. The pump is located in the lower pipe coming directly out of the "T". The upper pipe is the instake screen that was designed to comply with the fish screen requirements. The picture above left shows where the water from the pump comes to the house and then is distributed to the sprinkler system. Please note the small pressure tank on the system to maintain constant pressure.

The first photo below shows the dock with the piping and the electrical lines lying on top of the dock. The middle picture below shows the control box for the pump at the dock location, and is the start of the culvert that carries the mainline under the road. The picture on the right below shows the location of the house from the dock. As you can see, the house is located some distance uphill from the dock and pump. Using the topographical maps, I estimated this elevation lift to be approximately 40 feet in elevation difference from the lake to the house.



PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 5/23/2013

FILE NUMBER 96-9462



The photos above show the yard that is irrigated. There are flower beds that travel most of the way down the hill along the driveway up to the home. The actual yard around the home is pretty limited, but there are flower gardens all along the driveway.

Nelson, Dan

From: gswan8274@gmail.com on behalf of Gail Swan [gswan8274@hotmail.com]
Sent: Thursday, July 11, 2013 12:13 PM
To: Nelson, Dan
Subject: Fwd: Pump Information Request
Attachments: Swan Pump Info0001.pdf

hi Dan

attached is the pump info you requested from me; it is a "Franklin" pump, 3/4 HP, 15 gal/min, monodrive & I hope the attached will tell you the pump curve; please let me know if you need any further info
thanks-Gail Swan

----- Forwarded message -----

From: **Richard Agueros** <ragueros@unitedcrown.com>
Date: Thu, Jul 11, 2013 at 11:02 AM
Subject: RE: Pump Information Request
To: gswan8274@hotmail.com

With attachment. Sorry.



3125 W Hayden Ave

Hayden ID 83835

Phone: [208-772-7867](tel:208-772-7867) Fax: [208-772-7229](tel:208-772-7229)

From: Richard Agueros [<mailto:ragueros@unitedcrown.com>]
Sent: Thursday, July 11, 2013 11:01 AM
To: 'gswan8274@hotmail.com'
Subject: Pump Information Request

Hello,

Attached is the pump information that you requested.

Regards,

Trisha



3125 W Hayden Ave

Hayden ID 83835

Phone: 208-772-7867 Fax: 208-772-7229