



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 1, 2013

KEVIN OVERALL
114 N GARDEN CT
LEWISTON ID 83501

RE: License No. 86-12013

Issuance of License

Dear Water Right Holder(s):

The Department has made an administrative change to the number identified as your water right. The identification number for this water right is now 86-12013. Please refer to this new number when corresponding with the Department.

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 1, 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.

86-12013

**KEVIN OVERALL
114 N GARDEN CT
LEWISTON ID 83501**



**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. 86-12013

Priority: April 14, 2004

Maximum Diversion Rate: 0.02 CFS

It is hereby certified that KEVIN OVERALL
114 N GARDEN CT
LEWISTON ID 83501 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 13, 2004; and has
submitted Proof of Beneficial Use on July 16, 2007. An examination confirms water is diverted from:

SOURCE

SPRINGS

Tributary: UNNAMED STREAM

UNNAMED STREAM

CLEARWATER RIVER

and a water right has been established as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM	SE1/4NE1/4	Sec. 26,	Twp 37N,	Rge 03W, B.M. NEZ PERCE County
SPRINGS	NW1/4SE1/4NE1/4	Sec. 26,	Twp 37N,	Rge 03W, B.M. NEZ PERCE County
SPRINGS	NW1/4SE1/4NE1/4	Sec. 26,	Twp 37N,	Rge 03W, B.M. NEZ PERCE County

PLACE OF USE: DOMESTIC

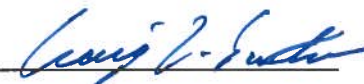
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
37N	03W	26				X													

CONDITIONS OF APPROVAL

1. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
2. Domestic use is for external use for 1 home and shall not exceed 1/2 acre of tree irrigation.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

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 31st day of July, 2013.


For **GARY SPACKMAN**
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License 86-12013

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.

03W



-  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: 86-12013

Exam Date: 10/2/2012

1. Current Owner: KEVIN OVERALL
114 N GARDEN CT
LEWISTON ID 83501
(208)743-8176
Cell: (208) 305-3848
2. Accompanied by: Kevin Overall
Phone No: (208) 305-3848
Address: 114 N Garden Ct., Lewiston, ID 83501
Relationship to Permit Holder: self
PHYSICAL ADDRESS FOR POU: 18313 Bitterroot Ln., Julianette, ID 83535 (Tax Lot information updated on 12/9/2012 as being owned by Spencer Overall at the 114 N. Garden Ct., Lewiston, ID 83501 address; Kevin is in the process of buying the property from his dad.)

ADDITIONAL INFORMATION:

In the process of reviewing this file, it was found that the POU for this water right was incorrectly numbered. For this reason, water right 85-15442 was renumbered to 86-12013, as confirmed by the Administrative Area information.

3. SOURCE

SPRINGS
UNNAMED STREAM

TRIBUTARY

UNNAMED STREAM
CLEARWATER RIVER

B. OVERLAP REVIEW

1. **Other water rights with the same place of use:** None. Other water rights in the same QQ are for other water rights, and different property and owners.
2. **Other water rights with the same point of diversion:** None. Other water right PODs are groundwater sources for domestic use, for other owners and different property.

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

UNNAMED STREAM	SE1/4NE1/4	Sec. 26,	Twp 37N,	Rge 03W, B.M.	NEZ PERCE County
SPRINGS	NW1/4SE1/4NE1/4	Sec. 26,	Twp 37N,	Rge 03W, B.M.	NEZ PERCE County
SPRINGS	NW1/4SE1/4NE1/4	Sec. 26,	Twp 37N,	Rge 03W, B.M.	NEZ PERCE County

Method of Determination: Garmin GPS Map, ArcMap Esri and 2011 Imagery

2.

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
37N	03W	26				X													

Method of Determination: Garmin GPS Map, ArcMap Esri and 2011 Imagery

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>
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The entire system consists of an unnamed stream (spring and run-off source), and 2 springs. The upper portion on the north side of the road is all gravity flow from spring #1, through a ¾ inch line that is moved around to irrigate the few trees and bushes located there. At the point of diversion at the 4 foot culvert on the south side of the road, a 1 inch line diverts water to the 16 ft X 3 ft collection tank for spring #2, where they co-mingle. **Inside the collection tank there is a 1/3 Hp unknown make/model sump pump that discharges to (4) ½ inch drip lines**

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

D. FLOW MEASUREMENTS

1. Measurements:

Spring #1: ¾ inch pipe conversion
 $0.02 \text{ cfs} = 5 \times 3.1416 \times [(0.75/12)/2]^2$

Spring #2 and Unnamed Stream measurement from 16 ft X 3 ft collection tank:
 $[(1 \text{ gallon} \times 60 \text{ sec}) / 7.5 \text{ sec}] \times 0.00223 = 0.02 \text{ cfs}$

Using 1(1 – 2 gph) drip emitter per tree (100) and seedlings (40) = 140 thru 280 gph X 24 hrs = 3,360 thru 6,720 gpd, which is below the limiting condition 071 of not exceeding 13,000 gpd.

RECOMMEND:

Domestic external use only 0.02 cfs, not to exceed ½ acre irrigation, or 13,000 gpd

With the 100 trees and 40 seedlings all on drip system, ½ acre irrigation is not being exceeded.

E. FLOW CALCULATIONS

Measured Method: No additional measurements were collected.

F. VOLUME CALCULATIONS

No volume listed on the License, due to the limiting factor being Condition 071 (13,000 gpd).

G. NARRATIVE/REMARKS/COMMENTS

At the time of the field examination, the following PODs were found: #1 Upper Springs, #2 Lower Springs, and the Unnamed Stream source. The Upper Springs has an unknown size culvert which is used as a collection box, with an $\frac{3}{4}$ inch size pipe that open discharges to gravity flow irrigating the few trees and bushes located on the north side of the road. The overflow from the Upper Springs forms the Unnamed Stream, which goes under the road through a 4 ft culvert, where an unknown size buried line diverts water to a 16 ft X 3 ft culvert which is semi buried at the #2 Lower Spring. There is a 1/3 Hp sump pump in the culvert, where the co-mingled water from the Unnamed Stream and the #2 Lower Springs are pumped through (4) $\frac{1}{2}$ inch drip lines to 100 trees and 40 seedlings throughout the property, using 1 – 2 gph emitters). The overflow from the 16 ft X 3 ft culvert returns to the Unnamed Stream and flows down to the south. There is a screen installed at each of the springs collection tanks. A few years ago there was flooding in that area which wiped out 75% of all the tree and drip line (which had to be replaced). It was declared a disaster area. Beneficial use is Domestic external use only, and is only used through a drip system; no sprinklers are used on the POU located on the south side of the road (the area irrigated with the Unnamed Stream and Lower Spring).

This water right was originally numbered 85-15442, but when checking the Administrative Area information, it confirmed that this should be in Basin 86. For this reason the water right was renumbered to 86-12013.

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	0.020 CFS	limited by condition 071 (13,000 gpd)

Totals: 0.020 CFS

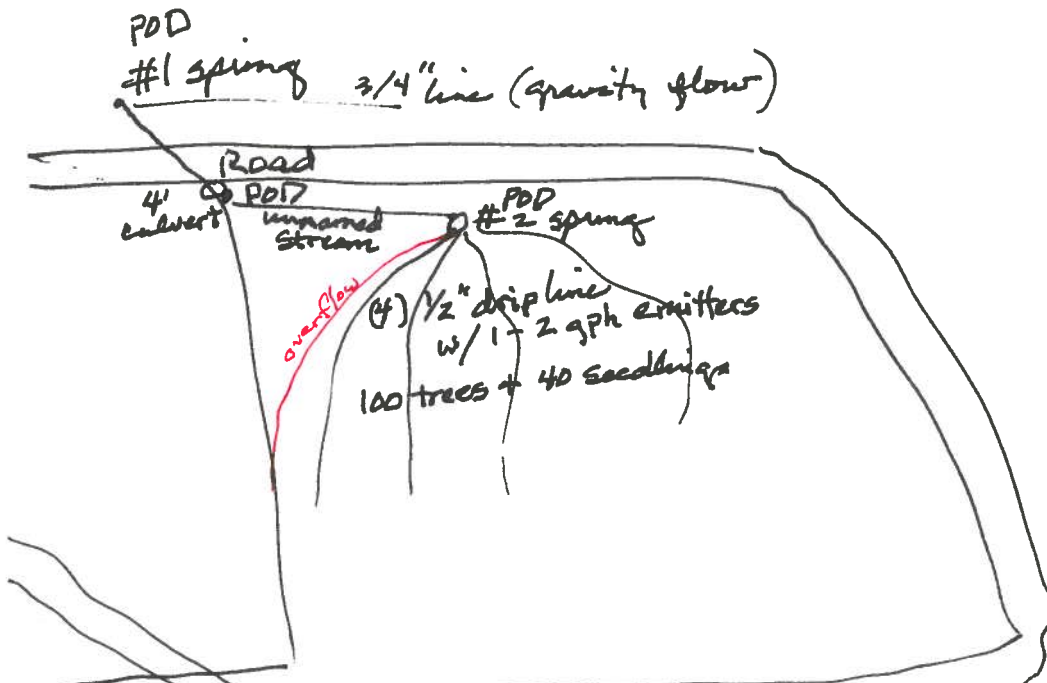
2. Recommended Amendments

☐ 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 Judy Herremans Date: 7/11/2013







POD:
#1
upper
spring
with
unknown
size
culvert
collection
tank
+
3/4"
discharge

10/02/2012



POD:
unnamed
stream
4'
culvert
under
road,
with
unknown
size
pipe
(buried
to
spring
#2
collection
tank

10/02/2012



(4) 1/2" drip lines with 1-2 gph emitters to 100 trees and 40 seedling

10/02/2012



POD:
#2 Spring
16'x3' culvert collection tank, where #2 Spring or unnamed stream, co-ming

10/02/2012



(4)
 $\frac{1}{2}$ "
 drip line
 with
 1-2gph
 emitter
 to
 100 tree
 + 40
 seedling



unnamed
 stream



Looking
from
north
to
SE

10/02/2012



Small
area
NE of
house
with
drip
line

10/02/2012



Looking
from
SE
to
NW

86-12013 Overall

S. Hemerway