

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**A. GENERAL INFORMATION**

Permit No: 13-7575

Exam Date: 9/14/2012

1. Current Owner: JOSEPH CIMMINO  
27358 EASTUALE RD  
ROLLING HILLS CA 90274  
(310) 377-5797

2. Accompanied by:

Phone No:

Address:

3. SOURCE

SPRING

TRIBUTARY

SINKS

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: No domestic rights with same place of use.
2. Other water rights with the same point of diversion: Claim 13-7687 also diverted from springs.

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

SPRING SE1/4SE1/4NW1/4 Sec. 30, Twp 14S, Rge 40E, B.M. FRANKLIN County

Method of Determination: Aerial photos. Backfile of 13-7687.

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 |
| 14S | 40E | 30  |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |        |

Method of Determination: Aerial photos.

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

**D. FLOW MEASUREMENTS**

1. Measurements: 2006 measurement by Steven Barfuss, a professional engineer from Utah, resulted in a flow rate of 0.01 cfs from the spring.

**E. FLOW CALCULATIONS**

Measured Method:

☐ Additional Computation Sheets Attached

**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:

Standard volume for domestic use (with 1/2 acre of irrigation) = 1.2 acre-feet.

**G. NARRATIVE/REMARKS/COMMENTS**

Spring provides water to Cimmino property and RodgerCrummit property. Verified overflow from spring from Cimmino house into the canal near the road. Pursuant to agreement, Cimmino is entitled to 25% of spring flow. Crummit portion of the spring flow is covered by statutory claim 13-7687. Backfile for 13-7687 contains detailed description of delivery system, the spring split agreement, a description of the Cimmino property, and a measurement performed by Steven Barfuss, professional engineer. License will be issued for permit rate.

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             | 1.20 AF              |
| <u>Totals:</u>        |                      | 0.020 CFS             | 1.20 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**

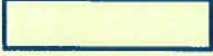
Field Examiner's Name James Cefalo Date 9/19/2012

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

# 13-7575 (Cimmino)



## Legend

-  Water Right POD
-  Water Right POU
-  Township/Range
-  Sections
-  QQ

0 250 500  
Feet



222135 1-7

Todd Carbett

a.m. JUN 17 2003 3:20 p.m.

V. ELLIOTT LARSEN, RECORDER  
By Ruth K. Rawlings Deputy  
FRANKLIN COUNTY, IDAHO

Attachment - F.

**JOINT USE AND MAINTENANCE AGREEMENT  
FOR SPRING AND CONVEYANCE SYSTEM AND EASEMENT**

THIS AGREEMENT entered into between **ROGER K. CRUMMITT** and **MAUDRENA T. CRUMMITT**, husband and wife, (hereinafter "Crummitt") and **JOSEPH CIMMINO** and **CHRISTINA CIMMINO**, Trustees of the Cimmino Family Trust dated April 10, 1990, (hereinafter "Cimmino").

**WITNESSETH**

WHEREAS, **Crummitt and Cimmino share the use of a culinary spring located on the property of Crummitt in Section 30, Township 14 South, Range 40 East of the Boise Meridian, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and**

WHEREAS, Cimmino is the owner of certain real property adjacent thereto and more particularly described in Exhibit "B" attached hereto and incorporated herein by reference; and

WHEREAS, Crummitt has a 75% interest in a culinary spring shared by the parties with **Cimmino having a 25% interest in said spring; and**

WHEREAS, it is the desire of the parties to continue to use said culinary system for their joint use, and further desire to reach an agreement for the sharing of costs, operation,

maintenance, repairs and any improvements that may be needed in connection with said culinary water system.

NOW, THEREFORE, for and in exchange of the mutual covenants, promises and conditions contained herein and for other good and valuable consideration, the parties agree as follows:

1. Ownership. The parties acknowledge that Crummitt owns a 75% interest in the water from the spring located on the Crummitt's property described in Exhibit "A" with Cimmino owning as 25% interest in the water from said spring.

2. Joint Use. Crummitt shall be entitled to 75% of the water produced from said spring and Cimmino shall be entitled to 25% of the water produced from said spring. Crummitt has caused an engineered measuring device to be installed on said property to conform to the engineer's drawing attached hereto and incorporated herein by reference as Exhibit "C". This device is designed to allow 75% of the spring water to flow to Crummitt and 25% to flow to Cimmino.

3. Utility and Maintenance Costs.

(a) Any costs associated with the spring and collection system up to and including the measuring device, a diagram of which is attached hereto as Exhibit "C", shall be shared 75% to the Crummitts and 25% to the Cimminos, or as otherwise agreed upon by the parties. This provision only applies to costs incurred after the date of this agreement.

(b) Any costs associated with the maintenance and repair of the parties' respective delivery systems shall be the responsibility of the parties, with the Crummitts

responsible for all the maintenance and repairs of the delivery system from the measuring device to Crummitt's point of use, and the Cimminos responsible for maintenance and repairs to the delivery system from the measuring device to Cimmino's point of use. The parties do not intend to create any new easement by executing this agreement.

(c) Non payment of maintenance and repair costs may result in disconnection from the culinary water until said costs are paid.

4. Additional Connections. No additional connections to the culinary water system may be made without the written consent of Crummitt and Cimmino.

5. Damage to System. If either party damages the culinary water system through that party's own negligence, that party shall be responsible to pay for the repairs to the water system.

6. Assignment. This agreement and the parties and their respective rights contained herein shall be appurtenant to and run with the land of the respective parties and may be freely transferred or assigned in conjunction with the transfer of said land.

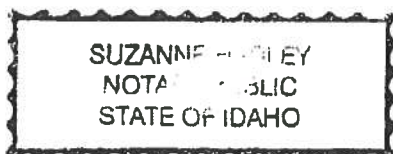
7. Legal Action. In the event it becomes necessary for any party to commence legal action to enforce the terms and conditions of this agreement, the prevailing party shall be entitled to recover reasonable attorneys fees and costs.

8. Binding Effect. This agreement shall be binding on the parties hereto, their heirs, successors and assigns.

9. Recordation. It is contemplated this agreement may be recorded in the Franklin County Recorder's office.

STATE OF IDAHO )  
 ) ss.  
 County of Franklin )

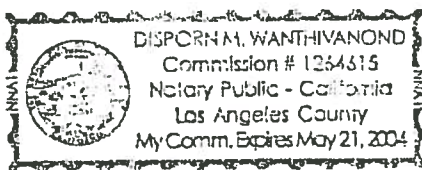
On this 1<sup>st</sup> day of June, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared **ROGER K. CRUMMITT** and **MAUDRENA T. CRUMMITT**, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



*Suzanne Hedy*  
 NOTARY PUBLIC for State of Idaho  
 Residing at: *Susan Lake*  
 Comm. Expires: *8-9-03*

STATE OF California )  
 ) ss.  
 County of Los Angeles )

On this 10 day of June, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared **JOSEPH CIMMINO** and **CHRISTINA CIMMINO**, known or identified to me to be the persons whose names are subscribed to the within instrument as Trustees of the Cimmino Family Trust and acknowledged to me that they executed the same as such Trustees of the Cimmino Family Trust.



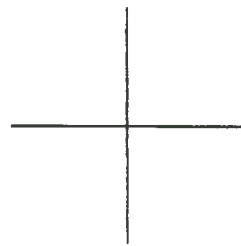
*Disporn M. Wanthivanond*  
 NOTARY PUBLIC for State of  
 Residing at: *Rolling Hills Estates*  
 Comm. Expires: *May 21, 2004*

Spring flows out of 4 inch PVC pipe. Roger and Maudrena Crummitts 3/4 Spring Interest

Water from spring enters here at an average of about 2.4 gallons per minute, with slight fluctuation

4 inch PVC 90 degree elbow

And Joseph Cimmino's 1/4 Or 25% Interest in above Stated.



1/2 inch threaded PVC caps with a 1/4 inch hole drilled into head, to control flow of water

One 1/2 inch PVC Nipple, is Connected to a 1 inch PVC Pipe, Straight to Joseph Cimmino's 700 Gallon Tank, and is Full

1/2 inch PVC nipple, 3 inch long

4 inch PVC nipple 45 inches long

4 inch PVC nipple, 45 inches long, drilled for nipples

25 in.

Water flows out evenly through these four adjusting orifices

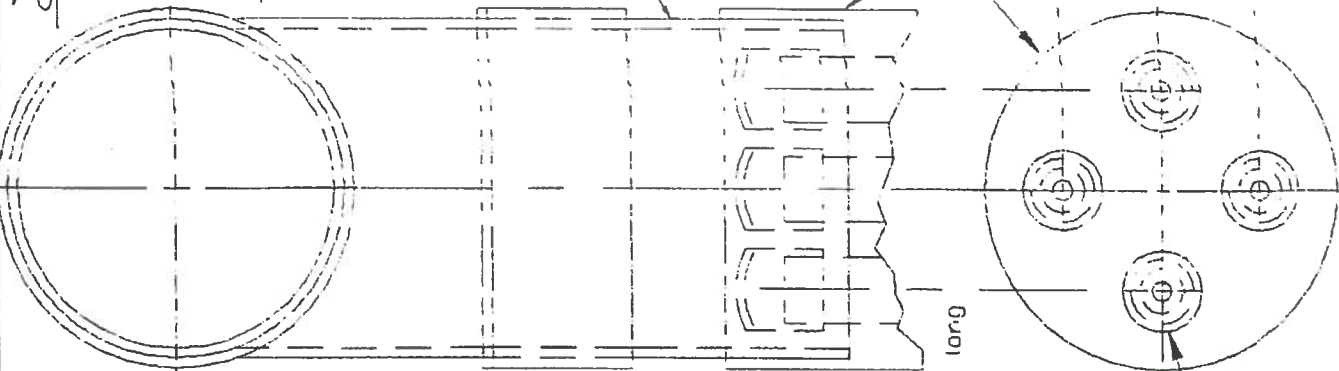


EXHIBIT "B"

(Cimmino Property)

A CERTAIN PARCEL OF LAND, SITUATE, LYING AND BEING IN FRANKLIN COUNTY, STATE OF IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH LIES EAST 1115.16 FEET AND NORTH 0°13'13" WEST, 1430.46 FEET OF THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN, SAID POINT BEING A LARGE WOOD CORNER POST ON THE NORTH R/W LINE OF A COUNTY ROAD AND RUNNING THENCE SOUTH 70°12'07" WEST ALONG SAID NORTH R/W LINE, 26.08 FEET; THENCE NORTH 29°43'40" EAST 28.30 FEET; THENCE NORTH 21°21'17" EAST, 37.84 FEET; THENCE NORTH 10°48'25" EAST, 27.44 FEET; THENCE NORTH 4°07'56" WEST, 15.90 FEET; THENCE NORTH 44°19'51" WEST, 21.10 FEET; THENCE SOUTH 84°57'19" WEST, 64.14 FEET TO A FRUIT TREE; THENCE SOUTH 69°42'02" WEST, 59.78 FEET TO A FENCE LINE; THENCE FOLLOWING SAID FENCE LINE THE FOLLOWING THREE (3) COURSES:

1) NORTH 19°24'46" WEST, 22.65 FEET; 2) SOUTH 69°59'29" WEST, 25.05 FEET; 3) NORTH 39°36'30" WEST, 34.91 FEET; THENCE NORTH 53°58'32" EAST, 44.73 FEET; THENCE NORTH 57°34'18" EAST, 68.57 FEET; THENCE NORTH 45°58'53" EAST, 131.66 FEET TO A FENCE LINE; THENCE SOUTH 8°37'03" EAST ALONG SAID FENCE LINE, 210.04 FEET TO A CORNER POST; THENCE SOUTH 29°43'40" WEST ALONG SAID FENCE LINE, 79.56 FEET TO THE POINT OF BEGINNING, CONTAINING 0.52 ACRES, MORE OR LESS. (1368.02)

LuWayne Barrington  
96<sup>th</sup> West 8<sup>th</sup> South  
Preston, Idaho 83263  
208-852-2431

August 1<sup>st</sup>, 2006

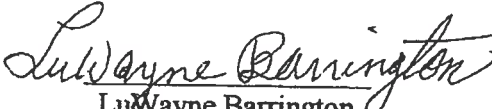
Affidavit of LuWayne Barrington, the former owner of the current  
Roger and Maudrena Crummitt Property at 1924 E. 4400 N. Preston, Idaho  
83263, Regarding Stock and Water Issues.

I, LuWayne Barrington, was born in the year 1926. I resided at 1924 E. 4400 N. I sold this property to Roger and Maudrena Crummitt on the 10<sup>th</sup> of May, 1994. This portion of property had remained in the Barrington family since 1881. I remember since the 1920's there was a spring box in the northeast corner that is still in use today by the Roger and Maudrena Crummitt Family.

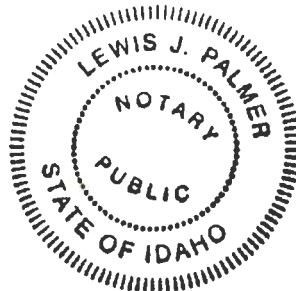
The springs are located in the northeast section of the hill with separate springs one in a metal pipe, and one in a latter added PVC pipe to a tank. From this tank it runs through a metal pipe into the main tank. At the bottom of this tank, it ran through a metal pipe that took the spring water to the barn yard and house, and the excess water was used for domestic purposes to the house, orchard, garden, and lawn.

The over flow from this same northeast spring box ran down the hill by the barn to a watering trough for the stock.

In growing up in this place, we milked up to 15 cows, we also had at least 4 work horses, and two saddle horses, as well as other live stock. All of these were watered from the springs.

  
LuWayne Barrington

Subscribed and Affirmed before me this 1<sup>st</sup> day of the month of August in the year of two thousand six



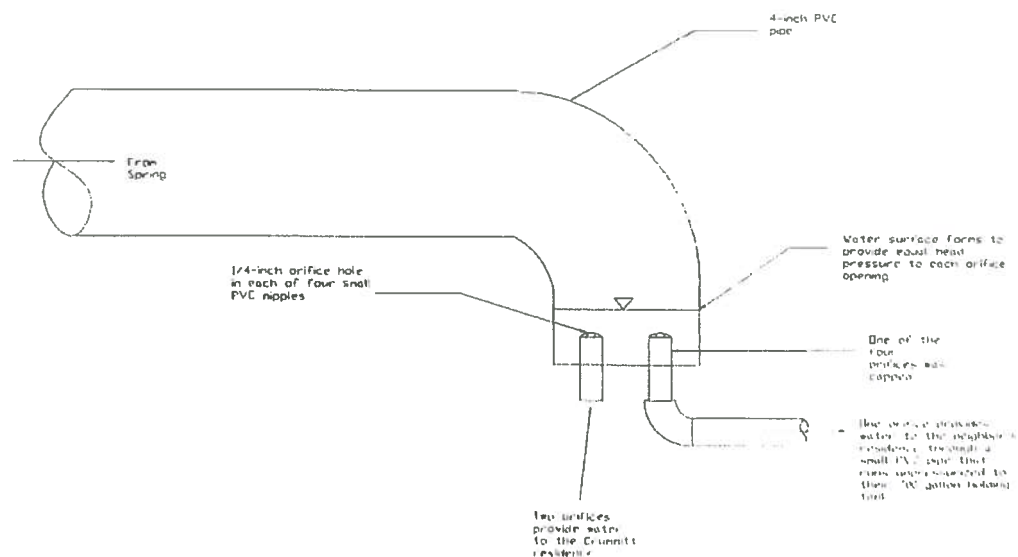
  
Notary Public for Idaho

Flow Measurement of Spring  
Performed for Roger Crummitt  
of  
Riverdale, Idaho

August 9, 2006

Requested by: Roger Crummitt  
1924 E. 4400 N. Preston, Idaho 83263

**Spring Description:** A 4-inch PVC pipe directs spring water to a small flow splitting device above the Crummitt residence. The flow in the 4-inch pipe is directed to a 4-inch capped elbow (bending in the downward direction). The capped elbow has been specially fitted with four equally spaced (around the interior circumference) small PVC capped nipples, rising above the interior of the elbow base, with each cap having a  $\frac{1}{4}$ -inch hole carefully drilled in its center. One of the four nipple caps was sealed off, allowing water to flow through only three of the four  $\frac{1}{4}$ -inch holes. This ingenious design provides a constant head of water over the openings of the carefully drilled  $\frac{1}{4}$ -inch holes, splitting the flows equally into four parts (when all  $\frac{1}{4}$ -inch holes are open).



Flow Measurement: The flow rate was carefully measured in both the 4-inch PVC pipe and in the small PVC pipe going to the neighbor's residence. Mr. Crummitt informed me that the neighbor has a  $\frac{1}{4}$  share of the flow entering the flow splitting device and he wanted to ensure that his neighbor was getting an appropriate amount of water.

The flow rate was measured using a standard 5-gallon bucket (nominal) and a stop watch. The bucket was filled to the brim and the time was recorded. The total weight of the bucket full of water was 49.2 lbs. The bucket weight was found to be 2.3 lbs. The water weight alone by subtracting the difference is 46.9 lbs. 46.9 lbs of water was collected in 5 minutes, 11.75 seconds from the 4-inch PVC pipe. 46.9 lbs of water was collected in 16 minutes, 57.4 seconds from the neighbor's allotment. A specific gravity for water of 62.4 lbs/ft<sup>3</sup> was assumed.

On August 9, 2006, the total flow rate in the 4-inch PVC pipe entering the flow splitting device was found to be 1.082 gpm. The flow rate diverted to the neighbors residence was found to be 0.33 gpm. The neighbor is receiving 30% of the total flow, which well exceeds his quarter share allotment. Seasonal fluctuations in the spring will not affect the capability of the flow splitting device, although, the magnitude of the flow rates may vary.

Analysis of the flow splitting device and the flow measurement was performed by:  
Steven L. Barfuss, P.E. State of Utah #174703-2202



*Steven L. Barfuss*  
Steven L. Barfuss P.E.