

Memo

For: File 61-7487

From: Sandy Hemenway

Date: 2/22/2010

Beneficial Use Proof

Permit to Appropriate Water stated due date for Beneficial Use Proof to be submitted: 11/1/1992. Beneficial Use Proof was submitted 10/29/1992 with \$50 fee, receipt # C025875 (0 – 0.20 CFS, 0 – 20 AF).

Field Report Narrative

At the POD, the La Preal Spring (local name) has a 4 foot round tank buried 4 feet deep, with a 3 inch discharge, 96 feet of 3 inch buried ABS to a 1200 gallon storage tank, which has a line running to the house, and a 2 1/2 inch overflow that open discharges to an unnamed stream (the Injection Point). In the early spring some additional flow runs down the unnamed stream, due to snow run off, but usually is done before irrigation season begins. The unnamed stream runs north to south with a flow-through system interlinking 3 separate ponds, then continuing to flow down the unnamed stream tributary to the Alkali Creek. At the first pond (north pond) a 4 foot X 8 foot hole was dug with corrugated pipe (where the Rediversion Point and 5 Hp Jacuzzi pump are located). The Jacuzzi pump has a 1 1/2 inch discharge to 1 1/2 inch buried PVC line that reduces to 1 inch at the north end of the property. There are 22 pop-up Orbital heads located throughout the irrigated area. All heads are run at the same time (no zones). The middle and southern ponds are used for stockwater. The Forest Service has used the ponds to obtain water when fighting fire in the surrounding areas.

Tributary

The Permit shows the "Spring" tributary of "Alkali Creek." **Per management, the tributary will remain "Alkali Creek," and not "unnamed stream," since the Alkali Creek is the first named water body as we move downstream.** The overflow from the 1200 gallon storage tank open discharges (injection point) to the "unnamed stream." The "unnamed stream" also contains run off from snow melt in the early spring, ending prior to the irrigation season. The "unnamed stream" continues to flow- through all 3 ponds, and then continues down the "unnamed stream" tributary to the Alkali Creek.

Property Description

Arc Map Tax Lot information indicates that BLM owns the property in the SWSE, NWSW and NESE quarter-quarter (Tax lot information last updated 11/21/2006). According to ArcMap Tax Lot information, Mr. Brimson's house and POD are located on BLM property in the NESE. Talking to Michael Ciscell/GIS, he stated that by reducing the size of the map, you can see where when they were flying over to develop the survey that the township survey corner markers do not match up (Township

survey corner markers, and quarter quarter corners do not match up between T4S R10E and T3S R10E).

Contacting Fred Price on 1/27/2010 (373-3831 at BLM), Fred confirmed that Mr. Brimson's property is 110 feet on BLM property. Fred stated that the NESE property is in the Public Water Reserve 107, meaning that it cannot be sold or withdrawn for sale, but that property has been sold or traded before but it takes years. Fred stated that the application has to be listed in the land use plans and they are only opened every 5 years (Fred did not know when the plans had been opened last). Fred recommended that Mr. Brimson talk to the local BLM reality officer Michael Borkowski at the 4 Rivers Field Office out by the Boise airport 384-3333, and complete an application. Fred stated that currently Mr. Brimson has an unauthorized domestic and irrigation use in NESE (BLM survey link shows Sec 31, lot 7 as being 34.74 acres, which is the same description given in the warranty deed. The tax lot information shows the same location only with 34.98 acres).

On 1/27/2010, IDWR Management stated that a license should be issued for the entire area being irrigated, for stockwater, and domestic and let Mr. Brimson and BLM work out the ownership issues.

Ponds and Storage

The north pond $320.58 \text{ ft} \times 5 \text{ ft} / 43560 = 0.036 \text{ af}$; middle pond $235.39 \text{ ft} \times 5 \text{ ft} / 43560 = 0.027 \text{ af}$; the south pond $313.34 \text{ ft} \times 3 \text{ ft} / 43560 = 0.021 \text{ af}$. Separately and additively the ponds are less than 0.1 af total, therefore the ponds should be considered as a detail of live flow, and not as a storage component.

Domestic Use

Internal use only, with the irrigation component covering areas surrounding the house, lawn/garden, and areas used for fire protection barrier.

Season of Use

Irrigation season of use on Permit is 4/1 to 10/31. IDWRs standard for this area according to the Administrative Area Results shows the Season of Use as 3/15 to 11/15. Changes were made to reflect the standard.

Ownership Change

On 1/20/2010 Mr. Brimson submitted an ownership change to remove La Preal Brimson as one of the current owners (death certificate issued with change).

Measurement

A physical measurement was taken at the 2 1/2 inch overflow off the spring storage tank, since the lines directly off of the 5 Hp pump had been blown out for the winter to prevent freezing. A 5 gallon measurement: $(5 \text{ gallon} \times 60 \text{ seconds}) / 34 \text{ seconds} = 300 / 34 = 8.82 \text{ gpm} \times 0.00223 = 0.1967 = 0.20 \text{ cfs}$. A Theoretical Measurement on the Pump supplying water from the north pond to the irrigation system: $5 \text{ Hp} \times 8.8 \times 0.7 / 50 \text{ ft lift} + (2.31 \times 40 \text{ psi}) = 30.8 / 142.4 = 0.216 \text{ cfs capacity}$. Both the 5-gallon and the theoretical measurements fall in the same range.

Lockable Device

On 1/15/2010, Mr. Brimson requested in writing to have the lockable device rescinded. He stated that the equipment cannot be physically installed at the spring. The spring box is a 4 foot round tank buried 4 feet deep with 3 inch discharge, and 96 feet of 3 inch ABS to a 1200 gallon storage tank, 2 1/2 inch overflow that open discharges to a dirt ditch running north to south on the property. On 1/27/2010, a written request to rescind the lockable device was mailed to the District 61 Water Master, Jose Villavicencio PO Box 231, Glens Ferry, ID 82623 (his phone number was disconnected).

On 2/11/2010, IDWR received a letter from Water Master Ramiro Garza Jr. (208)591-0283, recommending the lockable device be waived. **Condition 01R** was added to the license since the lockable device requirement was on the permit and the Administrative Area shows the Water District Bennett and Cold Springs Creek.

On 2/22/2010, a separate order was constructed changing the lockable device requirement.

CFS

Irrigation:

The permit had a condition limiting 0.02 cfs per acre for 30 acres irrigation. The field exam confirmed 5.0 acres irrigation. Recommend $5.0 \times 0.03 = 0.15$ cfs irrigation use, since ($<$ or $=$) 5 acres are calculated at 0.03 cfs/acre.

Stockwater:

Exh. 15A, Table 1, Recommended Diversion Rates for Stockwater: 26 – 50 head = 0.02 cfs

Domestic:

D/1 standard for internal use only 0.02 cfs

Recommend 0.19 cfs (capacity of system 0.20 cfs).

Volume Calculations

Irrigation:

$Vir = (5.0 \text{ acres}) \times 4.0 = 20.0 \text{ af}$

$Vdr = 0.20 \text{ cfs} \times 245 \text{ days} \times 1.9835 = 97.2 \text{ af}$

$V = 20.0 \text{ af}$

Stockwater:

$Vir = (30 \text{ head} \times 12 \text{ gpd} \times 365 \text{ days}) / 325,850 = 0.4 \text{ af}$

$Vdr = 0.20 \text{ cfs} \times 365 \times 1.9835 = 144.8 \text{ af}$

$V = 0.4 \text{ af}$

Volume Calculations (continued):

Domestic:

D/1 standard for internal use only 0.6 af

Recommend total volume of 20.0 af (not additive).

Conditions Added (per Management):

G04 was modified and added to show how the spring water was injected into and then rediverted from the unnamed stream (being tributary of Alkali Creek) for irrigation. For stock watering, water injected into the unnamed stream tributary of Alkali Creek, is left in the stream.

Another General Condition was added: The right holder shall not divert from the point of rediversion unless an equal or greater flow of water is being injected into the unnamed stream pursuant to this right.