

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 95-9972

WATER RIGHT NUMBER: 95-9972

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J HANK HESTER C/O EDWIN B HOLMES, ATTORNEY PO BOX 909 COEUR D ALENE, ID 83816-0909 (208)664-2351
Current Owner	JANET HESTER C/O EDWIN B HOLMES, ATTORNEY PO BOX 909 COEUR D ALENE, ID 83816-0909 (208)664-2351

Priority Date: 07/03/2002

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.070 CFS	2.40 AF
IRRIGATION	04/01 to 10/31	0.060 CFS	6.00 AF
	<u>Total Diversion:</u>	0.070 CFS	8.40 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4NE1/4	Sec. 30, Twp 54N, Rge 04W, B.M.
BONNER 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	
54N	04W	30				X													
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	
54N	04W	30				2.0													2.0

Total Acres: 2

Conditions of Approval:

1. R66 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 lands above.
2. 174 This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
3. 004 This right does not grant any right-of-way or easement across the land of another.
4. 132 Domestic use is for 4 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.

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Remarks:Comments:

1. medl 12/13/2007 POD
Comment: Updated shape

2. medl 12/13/2007 POU
Comment: Updated PLS

3. medl 12/13/2007 POU
Comment: Updated Shape

4. medl 2/20/2008 license review
Comment:

While reviewing this file for licensing, I found the following worth noting:

Neither the POD nor the POU shapes had been created prior to my review. I created them based on 2004 NAIP aerial photography and notes in the beneficial use field exam.

The permitted domestic use was for 9 homes at a rate of 0.04 cfs. The permitted irrigation use was for 4.5 acres at a rate of 0.09 cfs. The field examiner found only 4 homes and 2 irrigated acres were developed but that both uses had the same 0.07 cfs flowrate.

The Department is prohibited from granting an irrigation water right for more than 0.02 cfs/acre (0.03 cfs/acre if less than 5 acres are irrigated). In this case the upper limit would be 0.06 cfs. The examiner found a 0.07 cfs rate for irrigation which is less than the permitted amount but exceeds the 0.06 limit. The examiner also found that the domestic use was using a flowrate of 0.07 which exceeded the permit amount.

In order to license the domestic use as close as possible to the development witnessed by the field examiner, some of the undeveloped irrigation use will need to be transferred to the domestic use. A change in the nature of use requires an amendment to the license. See the table on the following page for a summary of my calculations.

Four homes with internal only, domestic use is 0.6 cfs per home or 2.4 afa for volume. The field examiner recommended 51.6 but that volume is incorrect. Keith Franklin from IDWR northern region, had reviewed the field exam, and corrected the volume in the field notes but I do not agree with the correction. I am licensing this water right for 8.4 AF which is 6 AF irrigation + 2.4 AF domestic.

Change in Nature of Use				
	Irrigation Use	rate(cfs)	volume(af)	
Permit	4.5 acres	0.09	13.5	
Exam	2 acres	0.07	6	
	max = 0.03/ac	0.06		
	transferrable cfs	0.03	7.5	decrease in acres irrigated
License	2 acres	0.06	3 AF per acre * 2 acres = 6	
Domestic Use				
		rate(cfs)	volume(af)	
Permit	9 homes	0.04		
Exam	4 homes	0.07	51.6	
License	4 homes	0.03 + 0.02 transfer from undeveloped irr = 0.06	0.6 per home * 4 homes = 2.4	
Combined Uses				
		rate(cfs)	volume(af)	
Permit		0.13		
Exam		0.14	56.6	
License		0.07 + 0.06 = 0.13	6.0 + 2.4 = 8.4	

5. medl 5/15/2008 amendment date

Comment: I received a phone call from the Hesters on 5/13/08. They had just opened the IDWR amendment mailing and realized that they would not make the response due date which was 5/14/08. As Mr Hester has several water rights associated with small water systems, he needed to clarify with me, which system this license referred to.

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I explained why the Department needed an amendment but I sensed that Mr. Hester was confused about it and he said he would take it to his attorney. I promised to have my analysis documents scanned and available for public viewing as soon as possible (done 5/15/08). I granted a two week extension to enable attorney and client to review and respond to the amendment request. The new due date for response is 5/28/08.

6. Renumber 12/22/2008 7:59:06 AM Renumber WR 95-9972
Comment: This has been renumbered from 96-9104

Dates and Other Information:

Licensed Date: 10/1/2008
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: And
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank: