

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 79-14012

Exam Date: 6/13/2007

1. Current Owner: TIMOTHY DEE CAMPBELL
258 DENVER CEMENTARY ROAD
GRANGEVILLE ID 83530
(208)983-3818
2. Accompanied by: Timothy Dee Campbell
Phone No: SAME AS ABOVE
Address: SAME AS ABOVE
Relationship to Permit Holder: PERMIT HOLDER

3. SOURCE TRIBUTARY
JOHNS CREEK SALMON 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:**

JOHNS CREEK NW1/4NW1/4NE1/4 Sec. 20, Twp 30N, Rge 02E, B.M.
IDAHO County

Method of Determination: AREIAL PHOTOS AND ON SIGHT INSPECTION

2.

PLACE OF USE: STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30N	02E	17															X		
30N	02E	20		X															

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30N	02E	17															X		
30N	02E	20		X															

Method of Determination: AREIAL PHOTOS AND ON SIGHT INSPECTION

3. YES Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

YES Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

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
N/A					

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

D. FLOW MEASUREMENTS

1.

<u>Measurement Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
N/A						

2. Measurements:

No flow measurement was necessary on this permit. The pond was measured using a roller tape, and the depth was estimated using owner knowledge. This is an on stream pond and stock directly from the pond, so no other information is necessary.

E. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method: No flow measurement required..

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:

$$\text{Stockwater} = 3 \text{ horses} \times 12 \text{ gpd} \times 365 \text{ Days} / 325850 = 0.04 \text{ afa (round to 0.1 afa)}$$

$$\text{Pond} = 0.5 \text{ acres surface area} \times 3 \text{ ft depth} \times 0.4 \text{ depth coefficient} = 0.6 \text{ afa pond (limited by permit to 0.3 afa)}$$

G. NARRATIVE/REMARKS/COMMENTS

This permit was filed for domestic, stockwater, and stockwater storage. Our office has received several complaints concerning this permit, so it was decided that we should combine a complaint investigation in with the beneficial use field exam. In order to cover all of the issues, Ray Hennekey with the Idaho Fish and Game (IDFG) and Cynthia Bridge-Clark accompanied me on the field exam to review all of the issues revolving this permit.

This pond is located in the NWNE S20 T30N R2E and SWSE S17 T30N R2E, with the point of diversion being located in the NWNE. The pond is an on-stream pond. The pond created under this permit is approximately 188 ft X 130 ft X 1-3 feet deep. The pond is very shallow and most of the pond is 1ft or less. Therefore, I used the co-efficient of 0.4 to calculate the depth per the Field Examiner's Handbook. I used ArcView to determine the surface area of 0.5 acres. The volume of the pond is $0.5 \times 3 \times 0.4 = 0.6$ af. The permit was only for 0.3 af, so the owner is going to need to re-file a new application for permit for the remaining

Don Esslinger and Jennifer McGary filed the complaint concerning this pond. During my review, I discovered another pond on Mr. Esslinger's property that does not appear to have a water right. I could find no property owned by Ms. McGary, so I assume she is connected in some fashion with the Esslinger property. It appears as though this problem began when the pond was constructed over the ditch carrying water to the Esslinger/McGary pond. Any destruction of a delivery system would be an easement issue would need to be addressed in a civil court. However, without a valid water right, I am not sure that they could proceed with this type of proceeding.

The construction issues resulting in the dam failure in 2003 seems to have been resolved. Our Dam Safety Specialist could find nothing seriously wrong with the dam during our field visit. The dam was constructed under a water right, so there was no violations in the dam construction other than the storage reservoir was larger than what was requested in the application. There was an issue with spillway that some erosion was taking place, but all this can be remedied by redesigning the spillway. A condition can be added to the application to ensure further erosion does not occur.

I believe that Mr. Campbell's involvement in this complaint can be resolved by conditioning the water right to ensure that he provides adequate fish passage, and shade for the pond per recommendations made by the Idaho Fish and Game. The condition can be fashioned as follows:

Prior to storing water each year the owner of this right must be within compliance of all Idaho Fish and Game recommendations for maintaining the fish migration and habitat for John's Creek.

The spillway for this dam must be constructed and maintained at all time to allow fish passage and to prevent any erosion of the stream banks or channel.

From what I saw during my field examination, the dam and pond fall within the standards required by the department for licensing. However, the owner will need to file a second application for permit to cover the increase in storage from the original application for permit and to cover any evaporations losses from the pond. Any damage from the failure of the dam that happened in 2003 would need to be resolved through the Civil Court process.

Unfortunately, the field investigation did reveal that Esslinger and McGary might have a pond without a valid water right. Therefore, I feel a cease and desist order should be issued until they can provide proof of a valid water right for the pond located on their property or until a valid water right is secured for the property.

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>
STOCKWATER STORAGE	01/01 to 12/31		0.30 AF
STOCKWATER	01/01 to 12/31	0.010 CFS	0.10 AF
	<u>Totals:</u>	0.010 CFS	0.30 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 – SENIOR AGENT

Field Examiner's Name Daniel A. Nelson Date 7-17-2007

Reviewer _____ Date _____

17

3271

3260

3260

T30N R2E
S17 SWSE

3265

CAMBELL POND

T30N R02E
S20 NWNE
N9 QUAD MAP

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3290

3260

20

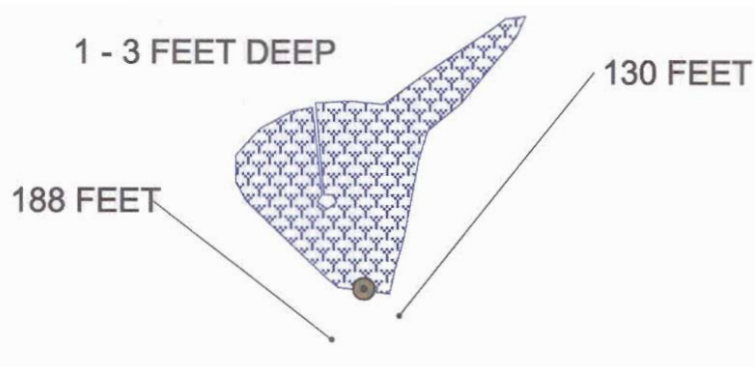
**T30N R2E
S17 SWSE**

CAMBELL POND

**T30N R02E
S20 NWNE
2004 AERIAL PHOTO**

**FIELD EXAM
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I measured the pond dimensions as shown above.
I calculated the pond surface area to be
 $(188 \text{ ft} \times 130 \text{ ft}) / 43560 = 0.56 \text{ acres}$.
Arcview confirms the pond surface
area as being 0.5 acres. The pond depth varied
from 1 foot to 3 feet, therefore I used a 0.4
coefficient as recommended by the Field Examiners
handbook to attain the pond volume.

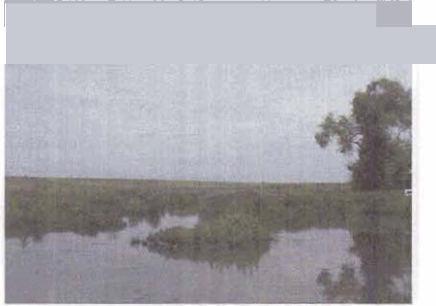
$0.5 \times (3 \times 0.4) = 0.6 \text{ acre feet of volume}$.

Stockwater = 3 horses

$(3 \times 12 \text{ gpd} \times 365 \text{ days}) / 325850 = 0.04 \text{ afa (round to 0.1 afa)}$

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 6/13/2007

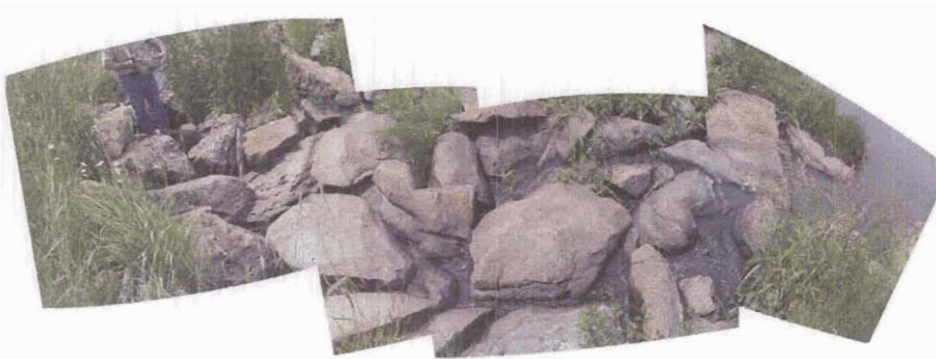
FILE NUMBER 79-14012



The picture above shows the inflow point of the pond.



The photos above show the pond and the spillway. The pond is 188 feet wide X 130 Ft long with a depth from 1 to 3 feet.



This is the photo of the spillway for the pond. The spillway has been filled with a large number of rocks. During the field exam, Ray Hennekey from the Lewiston office of the Idaho Department of Fish and Game (IDFG) stated that this spillway was acceptable. The application for permit stated that the owner was required to have fish screens, but that is only needed on off stream developments. Mr. Hennekey stated that these types of on-stream ponds need a by-pass system for the red-band trout to move freely up and down the creek. Mr. Hennekey stated that this spillway could work if the rocks in the spillway were re-arranged slightly. Mr. Hennekey also wanted to have trees and willows planted around the pond to allow cooling of the pond, because this is a temperature sensitive stream.