

MEMORANDUM

**To: Robidoux Application for Permit
Complaint File Bobidoux/Williamson**

From: J. Westra *JFW*
Date: 11/17/06

RE: Application for Permit

The attached application is related to a complaint received concerning the ponds listed. The complaint alleged the pond storage was not covered by a water right. The allegations proved true resulting from the field examination of Statutory Claim #67-4076 (Deer Creek) related natural flow –see attached field exam by Jennifer Dean.

The property owner has filed the application to cover the storage components of the ponds. I have discussed the 6/15 curtailment concept for the Weiser Basin and his obligation to the senior right holders downstream.

When public notice (advertising) is done, please notify Wayne Williamson and the Weiser Watermaster for protest/comments.

**Wayne Williamson
1691 Thousand Springs
Weiser ID 83672**

Idaho Dept. of Water Resources
322 E. Front St. Boise, ID
October 18, 2006

To: Claim file 67-4076
From: Jennifer Dean
Subject: DRAFT Pond History and Use

The information relating to this claim comes from conversations with David Robenough and Alan Sands. They obtained their information from working with the irrigation system on the property since purchasing it recently and from speaking with Ken Ebright, the previous owner, about his developments on the property. The information presented in this memo is my understanding of the facts, as presented to me up to this point in time. Additional information may further clarify the information that follows. Referring to the field exam maps may be helpful.

Originally, the water system on this property was a gravity-fed flood irrigation system. The water was diverted from Deer Creek and flowed in ditches around to the northwest of the residence (near where pond West 1 stands today). The water flowed from there down to flood irrigate the place of use. Additionally, along the hillside near pond West 1, there is an old ditch that was used to divert high spring waters away from the old home site in the cottonwood grove. This ditch currently serves as the spillway for the pond West 1 and a portion of the ditch connects West 1 to West 2.

There are two springs that have been historically used on this property. The first spring is on property now owned by Mark Sands. The water flows from the spring into a stockwater pond. From field exam and information from David Robenough and an Alan Sands, it appears that this is a separate system: there is no connection with the other ponds or irrigation system. The second spring is below where pond West 1 stands today. This spring has historically been used as a domestic use for the residence. It seems that it could also have been used for irrigation or stockwater.

In 1978, the pond that is below the residence was developed. We have called this pond the fishpond. The pond was developed under a program by the NRCS. My understanding is that this pond only receives water from the spring below West 1 (the spring that supplies the domestic use water to the residency). Originally the pond was used as part of the irrigation system. This seems to be the point in time where the irrigation system was changed from flood irrigation to sprinklers. There was a pump that was installed that provided enough pressure to run wheel lines in order to irrigate their field.

Initially there was some difficulty with the new irrigation system because the electrical supply to the pump was inconsistent. The pumping was expensive, unpredictable, and frustrating because of the difficulties related to the electrical supply. Because of the difficulties that Ken Ebright was experiencing, he decided to build another pond on his property for irrigation.

In 1980, the pond known as West 1 was built. This pond is west of the residence along the drainage west of Deer Creek. West 1 was built high enough above the place of use that the

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system had enough gravity pressure to run without the pressure pump. The fishpond was abandoned as an irrigation source and used primarily for stock, wildlife, and fish.

The majority of the water in West 1 comes from Deer Creek. It runs through an underground pipe from at or near the historic diversion from Deer Creek to West 1. Northwest of West 1 is a spring source that is on BLM ground. This spring is for stockwater right 67-13270 on the unnamed stream flowing from the spring. Early in the year the overflow from the stream flows into West 1. During the summer this stream dries up before it reaches the pond.

West 1 can overflow into a ditch that runs to the pond known as West 2. This is part of the old historical ditch that was used to divert water away from the old home site. From the main outlet for West 1, there is a buried pipe that runs past the residence and the fishpond to the field. It is piped into the standpipes where the wheel lines are tied into the system to irrigate the field. Using GIS to measure the size of the pond, it was determined that this pond holds approximately 1.32 AF.

West 2 was developed in 1985 or 1986. It is filled by the overflow from West 1. It appears that there is no other source of water for West 2. This pond has had some seepage and erosion problems in recent years and so at the time of the exam the pond was empty. West 2 was also tied into the irrigation system. There is a pipeline that runs directly to the standpipes in the field. The whole system is interconnected so water from West 1 can run down through the field and back up to West 2 with enough pressure to run the spigot that is situated at the outlet of West 2. The length and width of the pond were measured during the field exam and the pond is roughly 1.08 AF.

The final pond, West 3, was probably also developed in the mid 1980's as well. This pond has no connection with the irrigation system. It is filled with overflow from West 2. There have been problems with the lower portion of the ditch and the ditch system has been modified to resolve these problems. West 3 is also situated along another small drainage and may receive additional water in the spring or from heavy rains. This pond is used as a wildlife pond and has historically been used for stockwater. This pond was also measured during the field exam and is roughly 0.65 AF.

There are 10 acres that were originally claimed. From the aerial photography, there appear to be only 8.5 acres that are irrigated in the field. Historically there was some additional irrigation of fruit trees and plants around the house, which may be included in the place of use if there is a problem in recommending only the 8.5 acres that are found in the field. If the water right were based on 8.5 acres of irrigation the largest pond that could be filled in 24 hours would be 0.337 AF. All of the ponds are greater than this amount and should therefore have a storage right associated with them. On the other hand, each pond is less than 14.6 AF, which is the size pond that is allowable for a de minimus stockwater claim that is filled one time each year.

The original right will be split to reflect the change of ownership to David Robenough and Mark Sands. The portion of the right that will be recommended to Mark Sands is only for stockwater at 0.01 cfs. This will classify as a de minimus stockwater right and therefore his pond can be recommended. The information from Alan Sands suggests that this pond was there for many years, perhaps back to the original water uses on this property. Therefore, it can be

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recommended as a de minimus stockwater right. The priority date will remain the same as the original claim.

All of the remaining ponds were developed after 1971, which means that they are subject to the mandatory permit statute. I originally thought that some of the ponds could be included in the small domestic and stockwater claims that do not require a filing. I later learned that this exception only applies to groundwater claims that are filed after the mandatory permit statute. Because these ponds are all fed by surface water, they do not fall under the exception. These ponds should have been developed under a permit. An application for a new water right will need to be filed for them.

David Robenough 1 67-4076 Claim
Mannings Equation for filling pond

prepared by: Jennifer Dean

$$Q = \frac{1.486}{n} A R_h^{2/3} S^{1/2}$$

$$n \text{ for pvc pipe} = 0.01$$

$$A \text{ for full pipe} = \pi \frac{D^2}{4} = \pi \frac{(\frac{3}{4})^2}{4} = 0.1963 \text{ ft}^2$$

$$R_h = A/P = 0.1963 / (\pi d) = 0.1963 / (1.5708) = 0.125 \text{ ft}$$

$$S = 20/1000 = 0.02 \text{ ft/ft}$$

$$Q = \frac{1.486}{0.01} (0.1963) (0.125)^{2/3} (0.02)^{1/2}$$

$$Q = 1.03 \text{ cfs}$$

System Capacity

From topo map elevation difference is ~80ft

Energy Equation

$$\frac{P_1}{\gamma} + z_1 + \frac{V_1^2}{2g} = \frac{P_2}{\gamma} + z_2 + \frac{V_2^2}{2g}$$

Assume

$$P_1 = 0, V_1 = 0, z_2 = 0, V_2 = 0$$

$$z_1 = 80 \text{ ft}$$

$$\gamma = 62.4 \text{ lb/ft}^3$$

$$\frac{0}{\gamma} + 80 \text{ ft} + \frac{0}{2g} = \frac{P_2}{\gamma} + 0 + \frac{0}{2g}$$

$$80 \text{ ft} = \frac{P_2}{62.4 \text{ lb/ft}^3}$$

$$P_2 = 4989.6 \text{ lb/ft}^2$$

$$4989.6 \text{ lb/ft}^2 \left(\frac{\text{ft}^2}{144 \text{ in}^2} \right)$$

$$P_2 = 34.65 \text{ psi}$$

For $\frac{1}{8}$ " nozzle diameter and 35 psi
diversion rate = 2.77 cfs

Water Requirements for Ponds & Pools

Claim Number: 67-4076
Claimant: Robenough
Name: Sands Stockwater

Surface Area

Square

Length feet

Width feet

Circle

Diameter feet

Oval

Long Side 120 feet

Short Side 80 feet

Surface Area 7539.822369 ft²

Volume

Flat Bottom

Depth feet

Rounded Bottom

Depth 10 feet

Volume 30159.28947 ft³
0.6924 acre feet

Water Requirements for Ponds & Pools

Claim Number: 67-4076
Claimant: Robenough
Name: Upper Pond West 1

Surface Area

Square

Length 125 feet
Width 115 feet

Circle

Diameter feet

Oval

Long Side feet
Short Side feet

Surface Area 14375 ft²

Volume

Flat Bottom

Depth feet

Rounded Bottom

Depth 10 feet

Volume 57500 ft³
1.3200 acre feet

Water Requirements for Ponds & Pools

Claim Number: 67-4076
Claimant: Robenough
Name: Middle Pond

Surface Area

Square

Length feet

Width feet

Circle

Diameter feet

Oval

Long Side 150 feet

Short Side 100 feet

Surface Area 11780.97245 ft²

Volume

Flat Bottom

Depth feet

Rounded Bottom

Depth 10 feet

Volume 47123.8898 ft³
1.0818 acre feet

Water Requirements for Ponds & Pools

Claim Number: 67-4076
Claimant: Robenough
Name: Lower Pond

Surface Area

Square

Length feet

Width feet

Circle

Diameter feet

Oval

Long Side 150 feet

Short Side 50 feet

Surface Area 5890.486225 ft²

Volume

Flat Bottom

Depth feet

Rounded Bottom

Depth 12 feet

Volume 28274.33388 ft³
0.6491 acre feet

Water Requirements for Ponds & Pools

Claim Number: 67-4076
Claimant: Robenough
Name: Fish Pond

Surface Area

Square

Length 275 feet

Width 110 feet

Circle

Diameter feet

Oval

Long Side feet

Short Side feet

Surface Area 30250 ft²

Volume

Flat Bottom

Depth 10 feet

Rounded Bottom

Depth feet

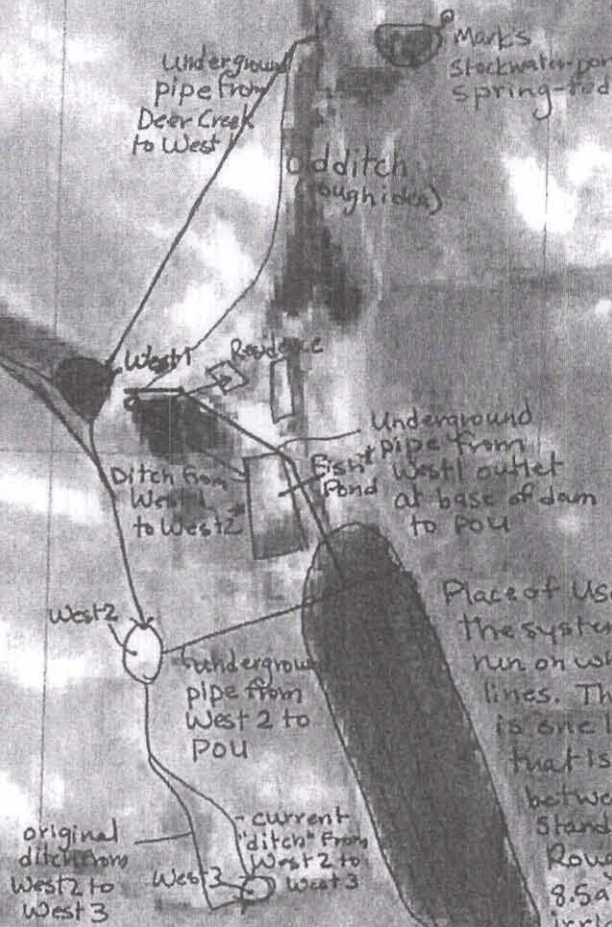
Volume 302500 ft³
6.9444 acre feet



*The fish pond receives no water from Deer Creek. It is spring fed from the spring below West 1, which is the same spring that is used as domestic water for the residence. The pond was originally developed in 1978 under a program by NECS. The pond was originally used to irrigate using a pump to pressurize the system. There were problems with the electricity to the pump which sparked the development of West 1 in about 1980. Currently this pond is used for fish and recreation. May also be considered as stockwater use historically.

BLM has right to the stream from this spring. In early spring excess water flows to pond and into system. See 67-13270

*The ditch from West 1 to West 2 was originally an old ditch that was used to divert water from the BLM spring away from the old home site. The ponds were added much later.



Place of Use
The system is run on wheel lines. There is one line that is moved between 5 standpipes. Roughly 8.5 acres irrigated.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

How long has the pipe for
Deer Cr been in place?

* and how long has the
fish pond been there -
was it before 1971??

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below - include overlapping right for exampods were put in place - b/c 71??
- ☐ Evidence of Priority - if none, talk with claimant

may need to file an
app for permit

the second find out
when the other 2 dng
were put in
place - b/c 71??

CLAIMANT INFORMATION - verify contact information is completeClaim No(s) 07-40710Owner: David RobenoughPhone No. 549-0619Current Address: 1827 Deer Cr. Rd.

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER - he is the new owner - will be submitting C/O docs soon
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: David and Alan Santos (guy from ID Fish & Game)**PRIORITY DATE** (they are working on a habitat imp/conservation plan on David's land.)

- ☐ No change - Complete evidence submitted or not necessary
- ☐ Incomplete - Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: supplied exp (per alt claim) to 1930

(If priority date, based on your exam, seems questionable, explain below.)

springs - DOM - some are tied to Deer Cr.

Source: Deer Creek - IRK & stock Tributary to _____

- ☒ No Change - SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☒ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

→ a small portion of the land has also sold and includes one of the
springs for ponds - would be a diversion.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
									A0017673 - Deer Cr.
									A0017672 - dom spring
									A0017674 - dom spring

NW 1/4 SW
SE 1/4 SW
SW 1/4 SE

Description of diverting works

Deer Cr is diverted (at exam time - entire creek was blocked at this pt.)
into an underground pipe over to a pond - from here it gravity feeds into another
OVERLAP REVIEW underground pipe to the pond.

Other water rights with the same point of diversion: 0

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

0

WATER USES

☒ No change

☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____
Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____
Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME - Groundwater only N/A

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☒ No change

☒ Changes Exam found: Domestic # of homes _____

Types _____

Additional comments: _____

Stock # _____

currently there is no stock
on land - but
historically yes.

PLACE OF USE:

☒ No Change

☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 0

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

0 N/A

Delivery System Narrative: The primary source to the pond is Deer Cr. water there is a spring which contributes a small amt to the same pond that is filled w/ Deer Cr. water. It is located in the SE NE SW. That spring water has historically fed the two smaller & now dry ponds in the SW SE.

The large pond in front of the house is not used for irrigation - it is generally recreational in nature. It is spring fed dimensions = length 230' width 110' depth 10'

Deer Creek pond dimensions: length 130' width 130' depth 10'

~~Water~~ Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A0017673	gravity fed				

Deer Creek diversion

FLOW MEASUREMENTS: - see attached for additional acre/ft. info

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

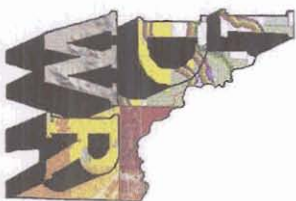
According to a measurement taken by TN Fish & Game there is approximately 0.032 cfs dumping into the pond (west of) from Deer Creek - measurement taken in mid Sept. of 06. The pond has a capacity of approx 3.79 AF - Although the cfs # is much lower than normal flow it is what we have for the basis of whether or not a storage component should be included.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 10-4-06

FIELD EXAMINER: MM /JLD



Idaho Department of Water Resources

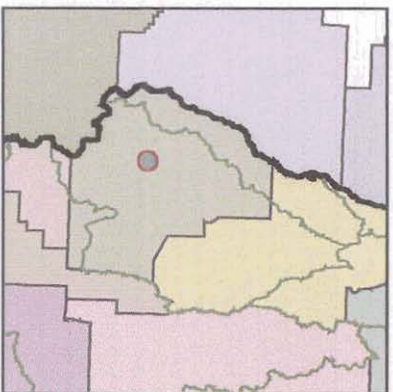
SRBA Recommendation:

67-14790

(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Washington County
IDWR Basin 67

