

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23934

Priority: May 27, 2020

Maximum Diversion Rate: 0.02 CFS

It is hereby certified that:

DAVID J RATHBUN PO BOX 129 LA CANADA FLT CA 91012-0129 AND/OR
ALANA WRATHBUN PO BOX 129 LA CANADA FLT CA 91012-0129

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 16, 2020, and has submitted Proof of Beneficial Use on February 11, 2022. An examination confirms water is diverted from:

Source : MIDDLE FORK PAYETTE RIVER

Tributary: PAYETTE RIVER

Beneficial Use

IRRIGATION

Period of Use

03/15 to 10/31

Rate of Diversion

0.02 CFS

Location of Point(s) of Diversion

MIDDLE FORK PAYETTE RIVER SW¼ NE¼, Sec. 23, Twp 10N, Rge 04E, B.M. BOISE County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	23			1.2														1.2

Total Acres: 1.2

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
2. Rights 65-11213J, 65-24186, and 65-23934 when combined shall not exceed a total diversion rate of 0.05 cfs, and the irrigation of 1.5 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
4. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.
5. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount

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of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 24th day of October, 20 22.



SCOTT STORMS
Water Rights Supervisor

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State of Idaho
Department of Water Resources
Attachment to Water Right License
65-23934

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

04E



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

0 0.035 0.07 0.14 Miles


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IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

October 24, 2022

DAVID J RATHBUN
ALANA W RATHBUN
PO BOX 129
LA CANADA FLT CA 91012-0129

RE: License No. 65-23934

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,

Scott Storms
Water Rights Supervisor

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2022, I served a true and correct copy of Water Right License No. 65-23934 by U.S. Mail, postage prepaid, to the following:

ALANA W RATHBUN (Current Owner)
PO BOX 129
LA CANADA FLT CA 91012-0129

DAVID J RATHBUN (Current Owner)
PO BOX 129
LA CANADA FLT CA 91012-0129

MICHAEL RATHBUN (Representative)
27614 MORNING GLORY PL
CASTAIC CA 91384-3755

WATER DISTRICT #65
NEIL SHIPPY - WD 65 (Watermaster)
102 N MAIN ST
PAYETTE ID 83661-2522



Scott Storms
Water Rights Supervisor

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EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-23934

Exam Date: 8/25/2022

1. Current Owner:

DAVID J RATHBUN 18 APPLE WOOD DR GARDEN VALLEY ID 83622 AND/OR
ALANA W RATHBUN 18 APPLE WOOD DR GARDEN VALLEY ID 83622

2. Accompanied by: David J. Rathbun

Phone No: (818) 216-4821

Address: 18 Apple Wood Drive, Garden Valley

Relationship to permit Holder: Permit Holder

3. **SOURCE:**

MIDDLE FORK PAYETTE RIVER

Tributary

PAYETTE RIVER

Method of Determination: Field Observation**B. OVERLAP REVIEW**

1. Other water rights with the same place of use:

YES Overlap

Water Right No.	Source	Purpose of Use	Basis
65-11213J	Lightning Creek	Irrigation	Decreed
65-23272	Lightning Creek	Irrigation	Decreed

Comments: applicant is in the process of an ownership change for water right # 65-11213J a split ownership change on 65-23272, However irrigates separate acres on property with these rights.

2. Other water rights with the same point-of-diversion:

NO Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A	N/A	N/A	N/A

Comments:

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

MIDDLE FORK PAYETTE RIVER SW¼ NE¼, Sec. 23, Twp 10N, Rge 04E, B.M. BOISE County

Method of Determination: Garmin Handheld GPS

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	23			1.2														1.2

Total Acres: 1.2

Method of Determination: Field observation, ArcMap GIS tools.

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3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.

X 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

X 1:24,000 or greater.X Aerial Photo Attached (required for irrigation of 10+ acres).X Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A	120V PSC oil-filled	1HP	N/A	Wayne PLS 100	1207 / 1 inch

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Unable to take measurements in system due to its small scale running 1inch garden hose. Calculated theoretical flow using pump curve and sprinkler specs.

E. FLOW CALCULATIONSX Additional Computation Sheets AttachedMeasured Method: Rain Bird 30H Impact Sprinkler Specifications from www.rainbird.com/products/30h-30wh website.Pump – Wayne pls100 1hp specification from www.waynepumps.com/products/pls100/ website.

Permit holder runs 3 Rain Bird 30H impact sprinkler max at a given time @ average of 50 psi using a 9/64" nozzle

Flow = (2.9 gpm/sprinkler) x 3 sprinklers = 0.019 cfs → 0.02 cfs

Flow = 1 hp Wayne pump – 40ft lift from Middle fork Payette River = 650 Gph / 60 minutes = 10.8 gpm / 448.83 gpm = 0.02 cfs

Permit Rate	0.03 cfs
B.U. Standard Allowance	0.03 cfs
Proof Fee (\$50.00)	0-0.20 cfs
Measured Rate	0.02 cfs
Recommended Rate	0.02 cfs

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F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (1.5 \text{ acres}) \times (3.5) = 5.25 \text{ AF} \rightarrow 5.3 \text{ AF}$$

$$V_{D.R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = (0.02) \times (233 \text{ days}) \times 1.9835 = 9.2 \text{ AF}$$

$$V = \text{Smaller of } V_{I.R} \text{ and } V_{D.R} = 5.3 \text{ AF}$$

G. NARRATIVE/REMARKS/COMMENTS

Field exam was conducted on August 25, 2022, by Senior Water Agent Justin Shearer, Water Agent Clint Lindow, and accompanied by permit holder David J. Rathbun. Ownership of the Permit is in the name of David J. Rathbun and/or Alana W. Rathbun (permit holder). Current Boise tax lot data represents that the permit holder owns the land appurtenant to the Place of Use (POU) and the Point of Diversion (POD) in the SW ¼ NE ¼.

Surface water was identified as being diverted from the Middle Fork Payette River at the POD. Under this permit the surface water serves for irrigating 1.2 acres of trees, grass, and fields using sprinkler irrigation system. At time of exam a 1hp pump is utilized to deliver approximately 10.8gpm of water through a 2-inch rubber hose to 3 Rain bird 30 H sprinklers onto risers to irrigate 1.2 acres. Flow was estimated using Rain Bird specifications for the sprinklers, as well as pump curve and specifications for Wayne PLS100. See attached sheets.

Overlap review found that there are two overlapping surface water rights sourced from Lightning creek, water rights 65-23272 and 65-11213J. The permit holder was aware of the two overlapping water rights during the field exam and is in the process of filing ownership changes on water right 65-23272 and 65-11213J. At time of exam, it was indicated and clarified that Rathbun irrigates additional acreage on the property with the lightning creek Water Rights listed above. A total of 1.5 acres was found to have been irrigated during exam. POD analysis found that no overlap exists. At the time of the exam, the sprinkler system, developed under this permit, demonstrated that it was capable of irrigating 1.2 acres encompassing the permit holders' yard, field, and trees. The recommended licensed flow rate for irrigation use is 0.02 cfs.

Conditions 103 replaced condition 121 per department standards. Conditions R67, R05, and 185 were carried forward to the license. Combination Use limit condition X35 was added.

Have conditions of permit approval been met? x Yes No

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H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.02 CFS	5.3 AF

Totals: 0.02 CFS 5.3 AF

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above x None

____ Change P.U. as reflected above ____ Add P.U. as reflected above x None

I. AUTHENTICATION Clint Lindow – Water Resource Agent

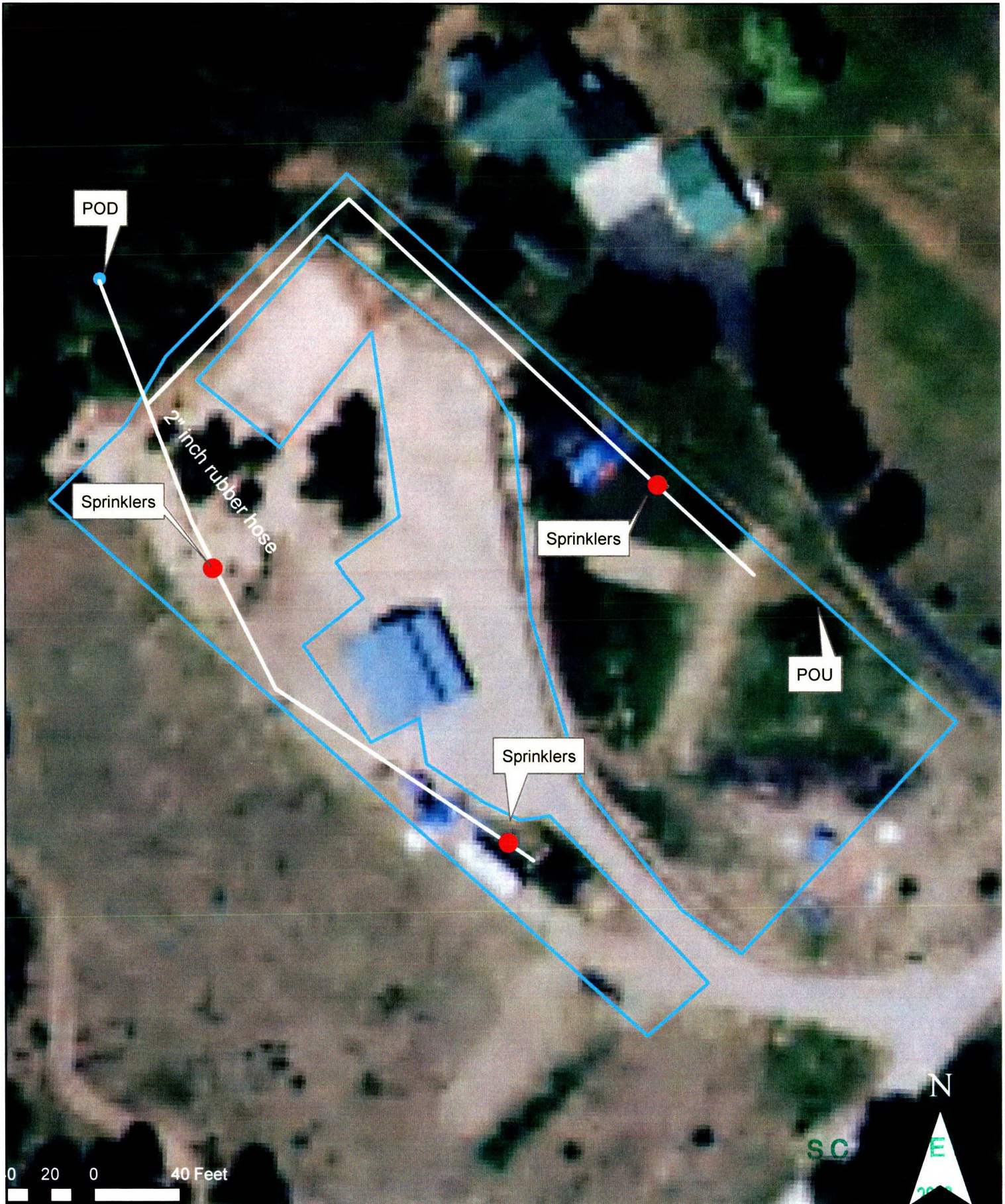
Field Examiner's Name Clint Lindow Date 10-20-2022

Reviewer [Signature] Date 10/20/2022

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DELIVERY SYSTEM DIAGRAM

Water Right No. 65-23934



WAYNE®

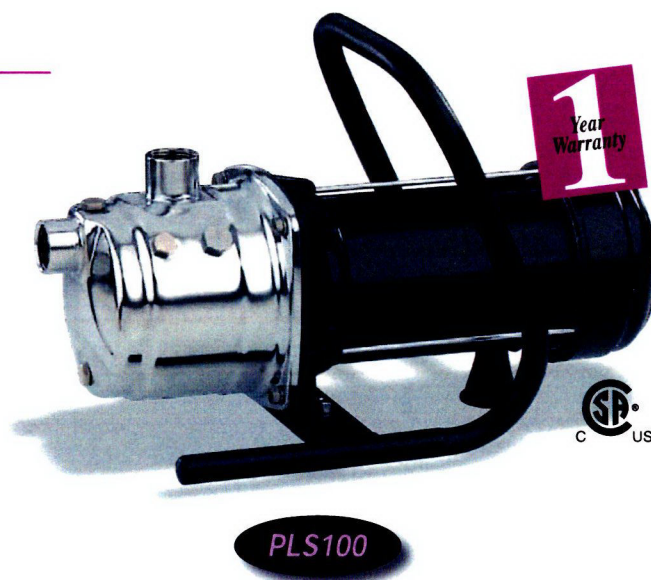
utility | pump | sewage | well | **LAWN** | and | specialty

LAWN PUMPS

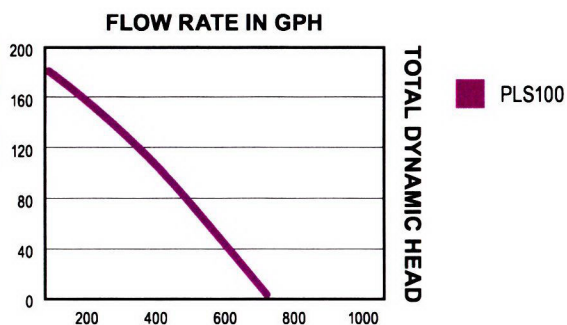
portable

PORTABLE STAINLESS STEEL SPRINKLING PUMP

- 1 HP Pumps Up To 720 GPH @ 0'
- Portable, Stainless Steel
- Fan-Cooled, Continuous-Duty 120 Volt Motor Draws Water Up To 20'
- 1" NPT Suction/Discharge With 3/4" Garden Hose Adapter Included
- Maintains Pressure Up To 80 PSI
- Easy Carry Handle For Portability



PERFORMANCE						
Model	HP	Discharge Head	0'	5'	10'	15'
PLS100	1	Gallons/Hour	720	630	520	390

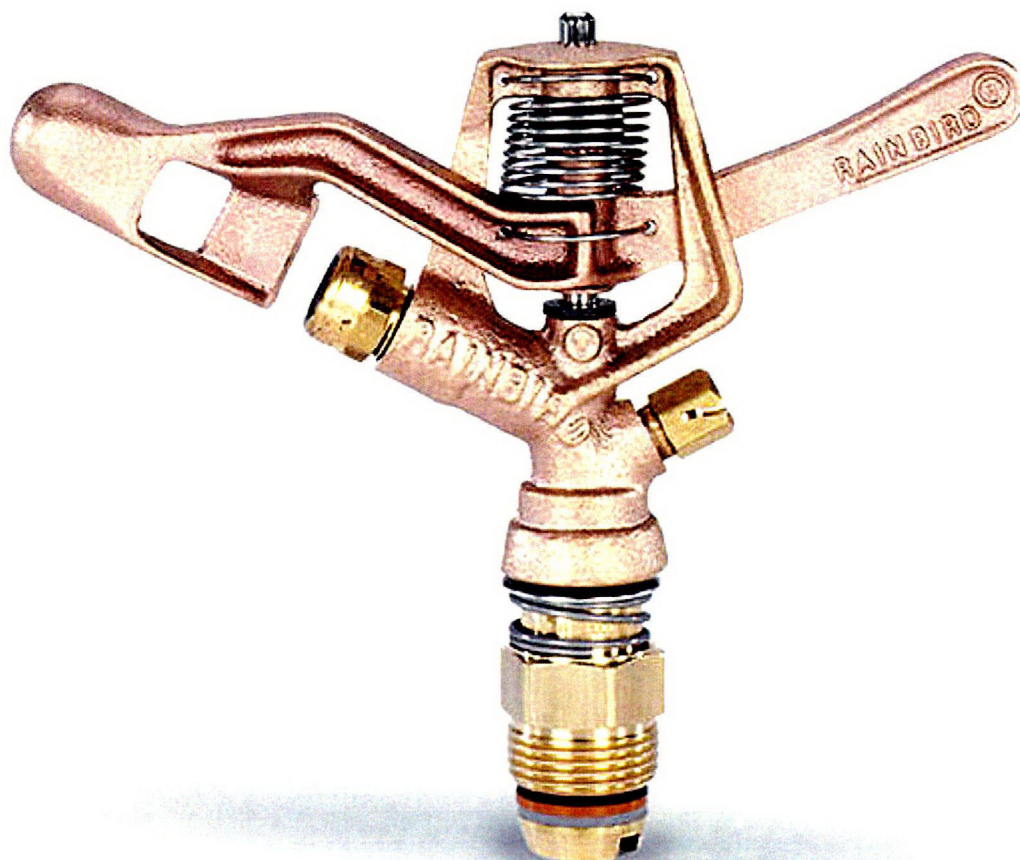


WAYNE®

Customer Service: 1-800-237-0987
Web Site: www.waynepumps.com

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30H / 30WH

3/4" (19 mm) Full Circle, Brass Impact Sprinkler

Designed for general field use on hand lines, solid set, permanent set, or mechanically moved systems. May be used with plastic non-clog vanes for better range and wind resistance.

Features

- 3/4" (19mm) male NPT brass inlet bearing
- Full circle operation

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- Dual nozzle port for in-close and distance irrigation
- Heavy duty brass construction
- Stainless steel springs and fulcrum pin
- Brass bearing sleeve
- Back by five-year Customer Satisfaction Policy
- For use with Rain Bird SBN-3 Straight Bore Nozzle or SBN-3-V Straight Bore Nozzle with Vane; Spreader nozzle port uses Rain Bird LAN-1-7, LAN-1-20, or brass plug; all nozzles sold separately
- H Model ships without nozzle and without spreader nozzle, WH Model ships without nozzle with spreader nozzle plugged

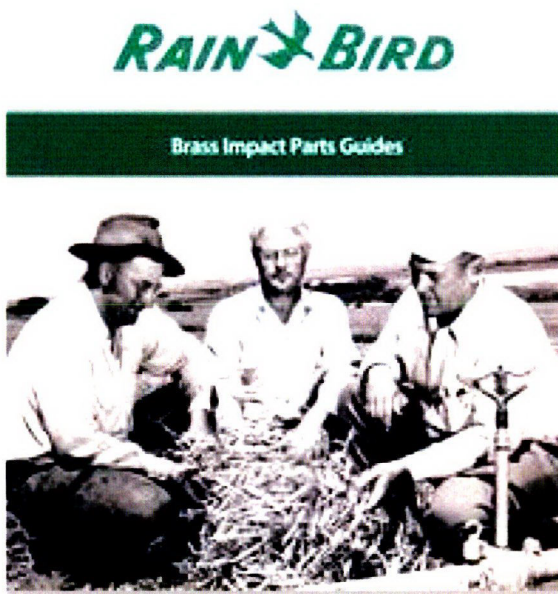
Specs

Technical Specifications

- Bearing: 3/4" Male NPT, Brass
- Trajectory Angle: 27 degrees
- Operating Range: 25-80 psi (1.7-5.5 bar)
- Flow Rate: 2.9-13.1 gpm (0.51-1.47 m³/h)
- Radius: 40-56 ft. (12.2-17.2 m)
- Nozzle Port: 1/4" Female NPT
- Spreader Nozzle Port: 1/8" Female NPT

English ▼

Related Documents



(/media/12031)

Brass Impact Parts Guide (/media/12031)



(/media/13331)

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Fig. 1 – Location of POD . Section within the SWNE QQ. Looking SW.



Fig. 2 – Pic of pump being used at Point Of Diversion. Brand: Wayne, Model PLS100, and Horsepower: 1hp. Looking S.

GPS'd at:

44° 11' 11.83" N

115° 56' 41.77" W



Fig. 3 – Pic of backside of Wayne pump serial number 1207.
Looking SE.



Fig. 4 – Pic of sprinklers used to irrigate property.

Make: Rain bird

Model: 30 H



Fig. 5 – Additional photo of Rain bird 30 H sprinkler.

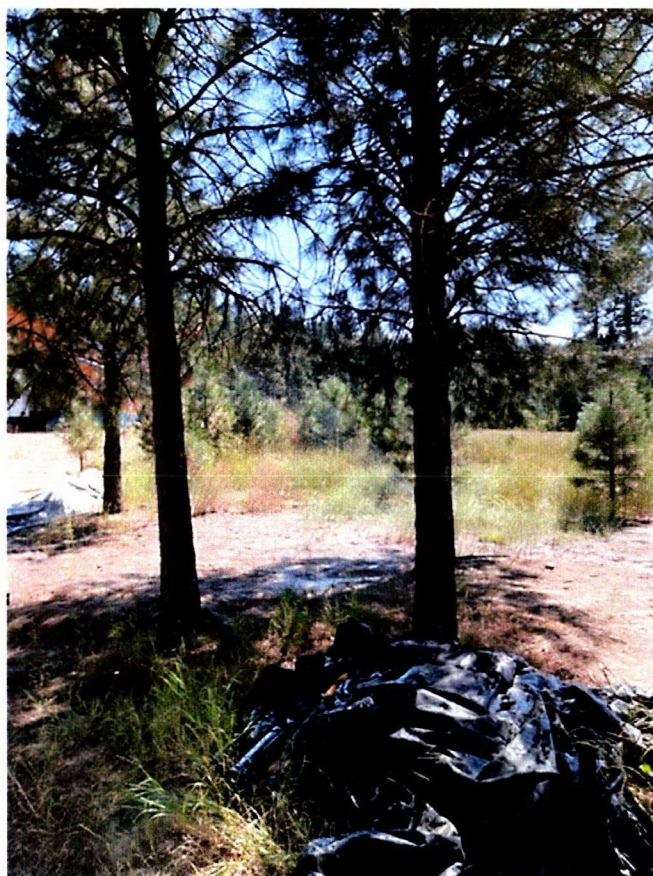


Fig. 6 – Pic of POU irrigating grass and trees. Section within the SWNE QQ. Looking SE.

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Fig. 7 – Pic of POU irrigating grass and trees using rubber hose to sprinklers. Section within the SWNE QQ. Looking S.



Fig. 8 – Pic of PU in NE section irrigating grass and tress. Section is within SWNE QQ. Looking N.



Fig. 9 – Pic of POU irrigating grass. Section withing SWNE QQ. Looking E.

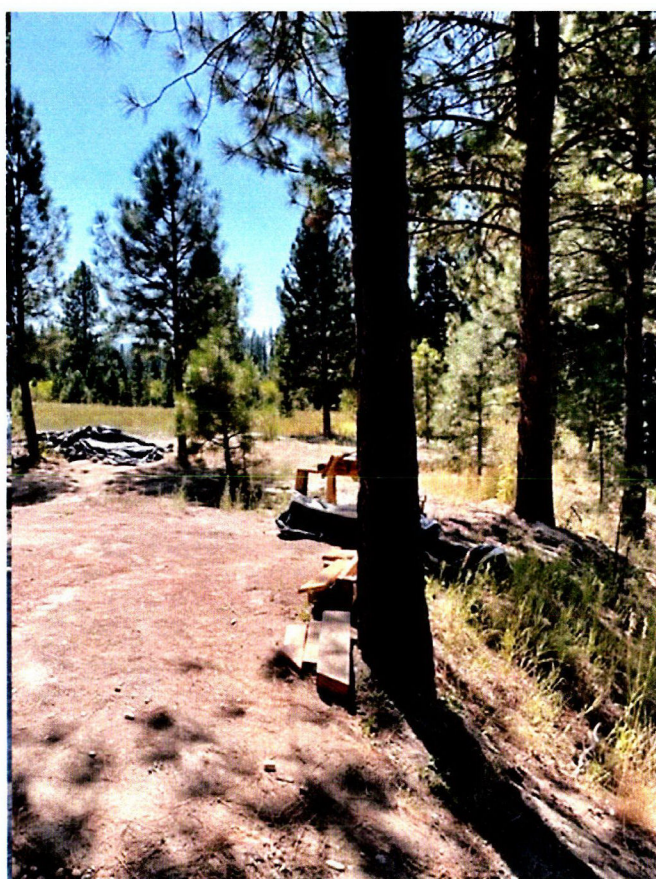


Fig. 10 - Pic of POU irrigating trees and grass. Section within SWNE QQ. Looking SE.



Fig. 11 – Pic of POU
irrigating grass and trees.
Section within SWNE QQ.
Looking N.



Pic of POU looking NE irrigating
grass and trees. Section within
SWNE QQ. Looking N.

State of Idaho
Department of Water Resources
Attachment to Water Right License
65-23934

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

04E



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

0 0.035 0.07 0.14 Miles

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N
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Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 14, 2022

David and Alana Rathbun
18 Apple Wood Drive
Garden Valley, Idaho 83622

COPY

RE: Scheduling Field Exam for Water Right Permit No. 65-23934

Dear Permit Holder (David and Alana Rathbun):

We are planning to conduct water right examinations in the vicinity of the above-referenced permit **this season**. An examination is needed to verify the water use to issue a water right license.

The above-referenced permit authorizes **0.03 CFS of Middle Fork Payette River for irrigation use**. **If you have developed a beneficial use of water and still own the place of use property, please contact me at your earliest convenience to schedule an examination.**

If you did not develop a beneficial use of water under the permit during the beneficial use period, a license cannot be issued, and the permit should be relinquished. If that use was developed but you have ceased using the water and currently carry no interest in it, please relinquish the permit by submitting the enclosed Relinquishment of Permit form (no fee required).

If you developed a beneficial use of water under the permit but no longer own the place of use property identified in the permit, please submit the enclosed Assignment of Permit form with the applicable \$25 processing fee.

Please contact me within the next thirty (30) days at (208) 605-4630 to either schedule an examination or submit a notice of change of water right ownership. If you no longer own the place of use property and/or do not respond to this letter, the department will work with the current property owner to issue a license or void the permit.

Sincerely,

Clint Lindow

Water Resource Agent

Enclosure: Relinquishment of Permit Form
Notice of Change of Water Right Ownership Form
Proof Report and Map

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