

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 82-12260

Priority: May 31, 2016

Maximum Diversion Volume: 5.2 AF

It is hereby certified that:

STEPHEN HACKNEY 309 FARRENS CREEK LN GRANGEVILLE ID 83530-5086

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 31, 2016, and has submitted Proof of Beneficial Use on July 19, 2021. An examination confirms water is diverted from:

Source : SPRING

Tributary: SINKS

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31		0.1 AF
RECREATION STORAGE	01/01 to 12/31		5.1 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		5.1 AF

Location of Point(s) of Diversion

SPRING SW¼ SE¼ SE¼, Sec. 11, Twp 29N, Rge 03E, B.M. IDAHO County

Place of Use: STOCKWATER STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29N	03E	11																X	

Place of Use: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29N	03E	11																X	

Place of Use: FIRE PROTECTION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29N	03E	11																X	

Conditions of Approval

1. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
2. Right 82-12260 authorizes a total annual storage volume of 5.2 acre-feet, 3.9 acre-feet to be used for the initial filling or carryover storage of the pond(s), 1.2 acre-feet for the replacement of losses caused by seepage and evaporation, and 0.1 acre-feet for the replacement of stockwater storage use.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 3.9 acre-feet or a total surface area of 0.5 acres.

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JUL 13 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 82-12260

4. Rights 82-12260 & 82-12292 when combined shall not exceed a total annual maximum diversion volume of 0.1 af for stockwater storage use.
5. This right does not grant any right-of-way or easement across the land of another.

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 27th day of June, 2023.



MICHELLE RICHMAN
Northern Regional Manager

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JUL 13 2023

State of Idaho
Department of Water Resources

Attachment to Water Right License

82-12260

This map depicts the STOCKWATER STORAGE, RECREATION STORAGE, & FIRE PROTECTION STORAGE 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.

03E



-  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

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 27, 2023

STEPHEN HACKNEY
309 FARRENS CREEK LN
GRANGEVILLE ID 83530-5086

RE: License No. 82-12260

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 the Northern Region Office at (208) 762-2800.

Sincerely,

Michelle Richman
Northern Regional Manager

Enclosure(s)

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JUL 13 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2023, I served a true and correct copy of Water Right License No. 82-12260 by U.S. Mail, postage prepaid, to the following:

STEPHEN HACKNEY (Current Owner)
309 FARRENS CREEK LN
GRANGEVILLE ID 83530-5086



Tammy Alleman
Administrative Assistant 1

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: 82-12260
Exam Date: 06/08/2022

1. Current Owner:
STEPHEN HACKNEY 309 FARRENS CREEK LN GRANGEVILLE ID 83530-5086
2. Accompanied by: Stephen Hackney
Phone No: 208-494-1180
Address: Same as above
Relationship to permit Holder: Permit holder

3. **SOURCE:**
SPRING

Tributary
SINKS

Method of Determination: GPS, Arcmap, & DRG.

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis
82-12266	Farrens Creek, Spring	STOCKWATER	DECREED

Comments: Decreed WR 82-12266 uses a spring source and Farrens Creek source for stockwater use 100 head of cattle. 82-12266 has a 40-acre tract POU that overlaps this rights pond storage POU, but the sources are not associated nor is any stockwater usage from decreed water right 82-12266 associated with 82-12260's stockwater storage use for 8 horses. Condition X35 is not recommended for use, as there is no concern for stacking of water rights between 82-12266 & 82-12260.

2. Other water rights with the same point-of-diversion: NO Overlap

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

SPRING SW¼ SE¼ SE¼, Sec. 11, Twp 29N, Rge 03E, B.M. IDAHO County

Method of Determination: GPS. POD is a pond earthen dam located at -116°02.405, 45°51.588.

PLACE OF USE: STOCKWATER STORAGE, RECREATION STORAGE, & FIRE PROTECTION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29N	03E	11																X	

Method of Determination: Beneficial use field examination date 6/8/2022

SCANNED
JUL 13 2023

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.
☒ 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 1:24,000 or greater.

☒

Aerial Photo Attached (required for irrigation of 10+ acres).

☒

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
POND DAM					

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements: NONE, pond dam built to capture spring water from the bank of the pond, no diversion rate applied to water right.

E. FLOW CALCULATIONS

Measured Method: N/A

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A

2. Volume Calculations for Other Uses: See attached pond analysis worksheet.

- Stockwater Storage annual volume = 8 horses x 12 GPD x 325 DPY = 35,040 Gal per YR / 328,850 Gal per AF = **0.1 AF** considering department rounding standards.
- Fire Protection Storage & Recreation Storage annual volume(s) = 3.9 AF (pond capacity) + 1.2 AF (seepage/evaporation loss) = **5.1 AF**
- Maximum diversion volume = 0.1 AF(stockwater use) + 5.1 AF (fire protection & recreation use) = **5.2 AF**

G. NARRATIVE/REMARKS/COMMENTS

Field exam performed on 6/8/2022 with the applicant, Stephen Hackney, showed two segments of pond impoundment interconnected and filled by a spring source, which is used by the applicant for stockwater storage, recreation storage, and fire protection storage. The southern pondage area has an earthen POD which backs up spring water impoundment resulting in the impoundment of two interconnected ponding areas. At the POD there is no overflow device, and the pond was constructed with adequate freeboard that allows water to seep/evaporate prior to overfilling the pond.

During licensing review, Arcmap aerial imagery coupled with field notes were used to trace out the pond's surface area, which equals 0.52 acres. The ponds two pooling segments have a max depth of 15 feet (southern ponding) &

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JUL 13 2023

20 feet (northern ponding), average depths of 6 feet & 8 feet respectively, a pond capacity of 3.9 af, and an estimated seepage and evaporation loss of 1.2 af. Based on pond development and current pond analysis sheet calculations, the fire protection & recreation annual volume(s) equal 3.9 af (capacity) + 1.2 af (seepage/evaporation loss) = **5.1 af** respectively. This volume is not additive per beneficial use when calculating the maximum diversion volume.

The pond was used during the development period for stock watering of 8 horses. The annual volume associated with stockwater storage equals = 8 horses x 12 GPD x 325 DPY = 35,040 Gal per YR / 328,850 Gal per AF = **0.1 AF** considering department rounding standards. The maximum diversion volume equals 5.1 af (fire protection & recreation storage) + 0.1 af (stockwater storage) = **5.2 af**. During the development period stockwater from storage was not developed rather stock animals were allowed to drink directly from the pond. I have removed the stockwater from storage beneficial use component during licensing review.

Conditions 26A, 082, & X02 were removed from the permit during licensing review. Condition 220 was revised to reflect pond size and volume metrics following the B.U. exam. Condition 259 was replaced with 219 to conform to storage pond description which doesn't incorporate a "from storage" component. Condition X35 was added to account for stockwater storage combined use between parent right 82-12260 and children right 82-12292 which share stockwater storage for 8 horses used on the applicant's property. All other conditions on the permit shall be carried to licensing. There are no concerns for overlap for this water right.

Have conditions of permit approval been met? X Yes No

H. RECOMMENDATIONS

1. Recommended Amounts

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31	0.1 AF
RECREATION STORAGE	01/01 to 12/31	5.1 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	5.1 AF

Totals: 5.2 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

Luke Bates -

Field Examiner's Name S. A. B. T. Date 8/15/2022

Reviewer _____ Date _____

SCANNED
JUL 13 2023

Total Storage Calculations			
FILE NUMBER	82-12260	This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond. Print Page to PDF	User Input
REVIEWER	LUKE BATES		Calculated value
DATE	6/13/2022		Formula Explanations
Surface Area (AC.)	0.16	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.	
Average Pond Depth (FT.)	6	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.	
Pond Capacity (AF)	1.0	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.	
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.	
Estimated Seepage Loss (AF)	0.2	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.	
Estimated Evaporation Loss (AF)	0.2	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.	
Total Volume Required (AF)	1.4	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.	

SOUTHERN PORTION OF POND

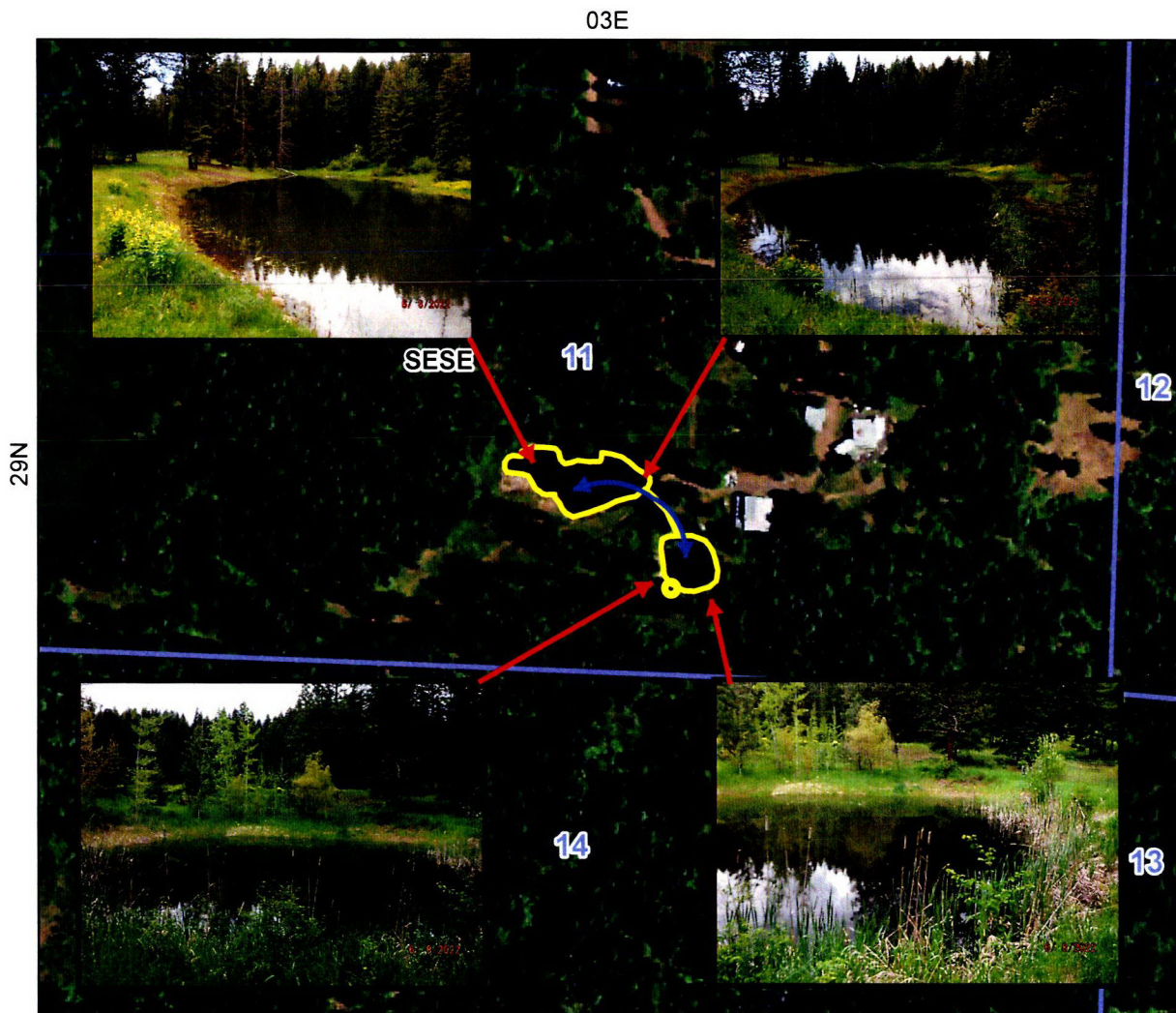
Total Storage Calculations			
FILE NUMBER	82-12260	This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond. Print Page to PDF	User Input
REVIEWER	LUKE BATES		Calculated value
DATE	6/13/2022		Formula Explanations
Surface Area (AC.)	0.36	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.	
Average Pond Depth (FT.)	8	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.	
Pond Capacity (AF)	2.9	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.	
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.	
Estimated Seepage Loss (AF)	0.4	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.	
Estimated Evaporation Loss (AF)	0.4	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.	
Total Volume Required (AF)	3.7	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.	

NORTHERN PORTION OF POND

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 JUL 13 2023

State of Idaho
Department of Water Resources
Attachment to Field Exam
82-12260

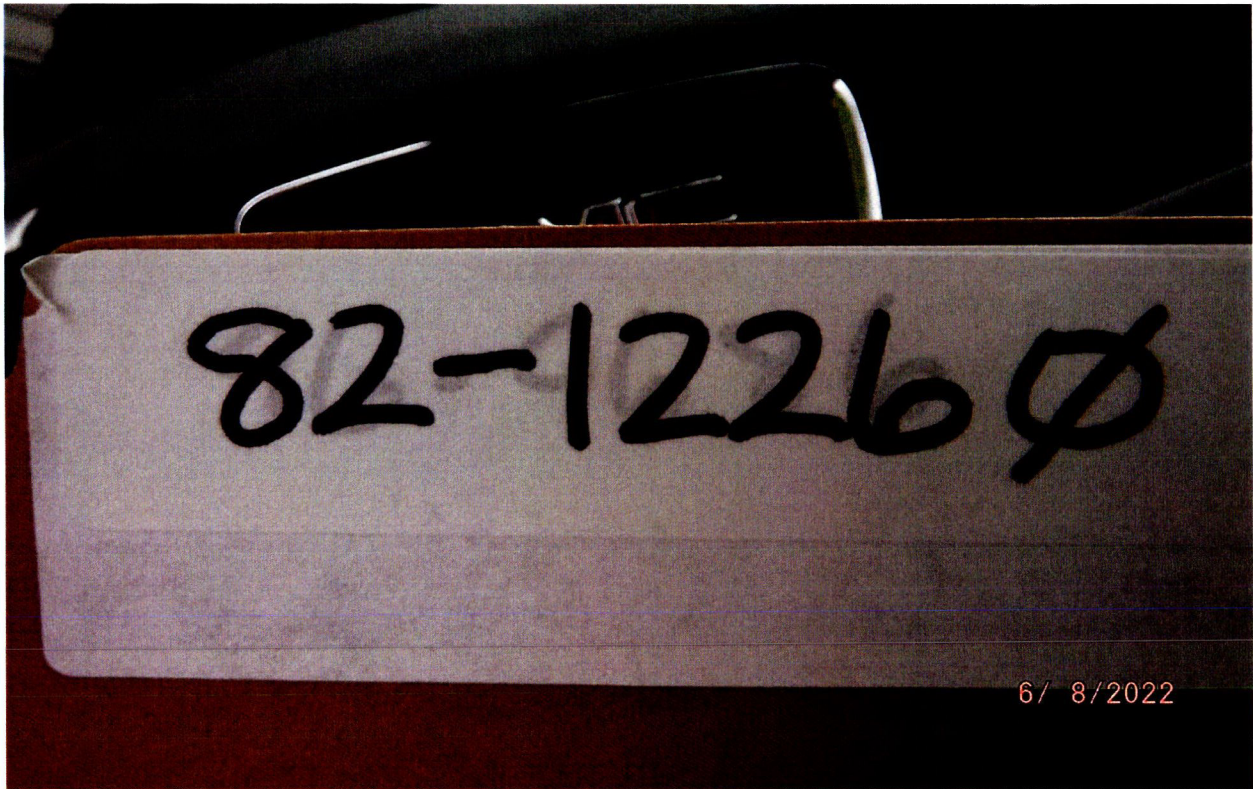
STOCKWATER STORAGE, RECREATION STORAGE, & FIRE PROTECTION STORAGE system diagram.



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

0 0.035 0.07 0.14 Miles

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JUL 13 2023



BENEFICIAL USE FIELD EXAMINATION DATE 6/8/2022



POD – LOWER PONDING EARTHEN DAM

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JUL 13 2023



POU – STORAGE POND - STOCKWATER, RECREATION, & FIRE PROTECTION STORAGE USE(S)

