

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 82-12287

**Priority:** September 8, 2020

**Maximum Diversion Volume:** 3.3 AF

It is hereby certified that:

RAY WOLVERTON 13065 W 9TH ST CALDWELL ID 83607-7796 AND/OR  
PAULA WOLVERTON 13065 W 9TH ST CALDWELL ID 83607-7796

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 8, 2020, and has submitted Proof of Beneficial Use on June 15, 2021. An examination confirms water is diverted from:

**Source :** UNNAMED STREAM

**Tributary:** RED RIVER

**Beneficial Use**

**Period of Use**

**Annual Volume**

FIRE PROTECTION STORAGE

01/01 to 12/31

3.3 AF

AESTHETIC STORAGE

01/01 to 12/31

3.3 AF

**Location of Point(s) of Diversion**

UNNAMED STREAM NW¼ NE¼, Sec. 16, Twp 28N, Rge 10E, B.M. IDAHO County

**Place of Use: FIRE PROTECTION STORAGE AND AESTHETIC STORAGE**

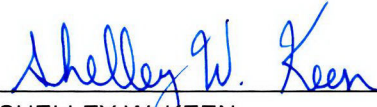
| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 28N | 10E | 16  |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**Conditions of Approval**

1. Right 82-12287 authorizes a total annual storage volume of 3.3 acre-feet, 2.4 acre-feet to be used for the initial filling or carryover storage of the pond and 0.9 acre-feet for the replacement of losses caused by seepage and evaporation.
2. The place of use does not include federal land.
3. Property is also known as Homestead Entry Survey No. 245 Tract B.
4. Water shall not be diverted under this right when flows in the Red River are below established minimum flow amounts as defined by Right 82-12233.
5. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

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.

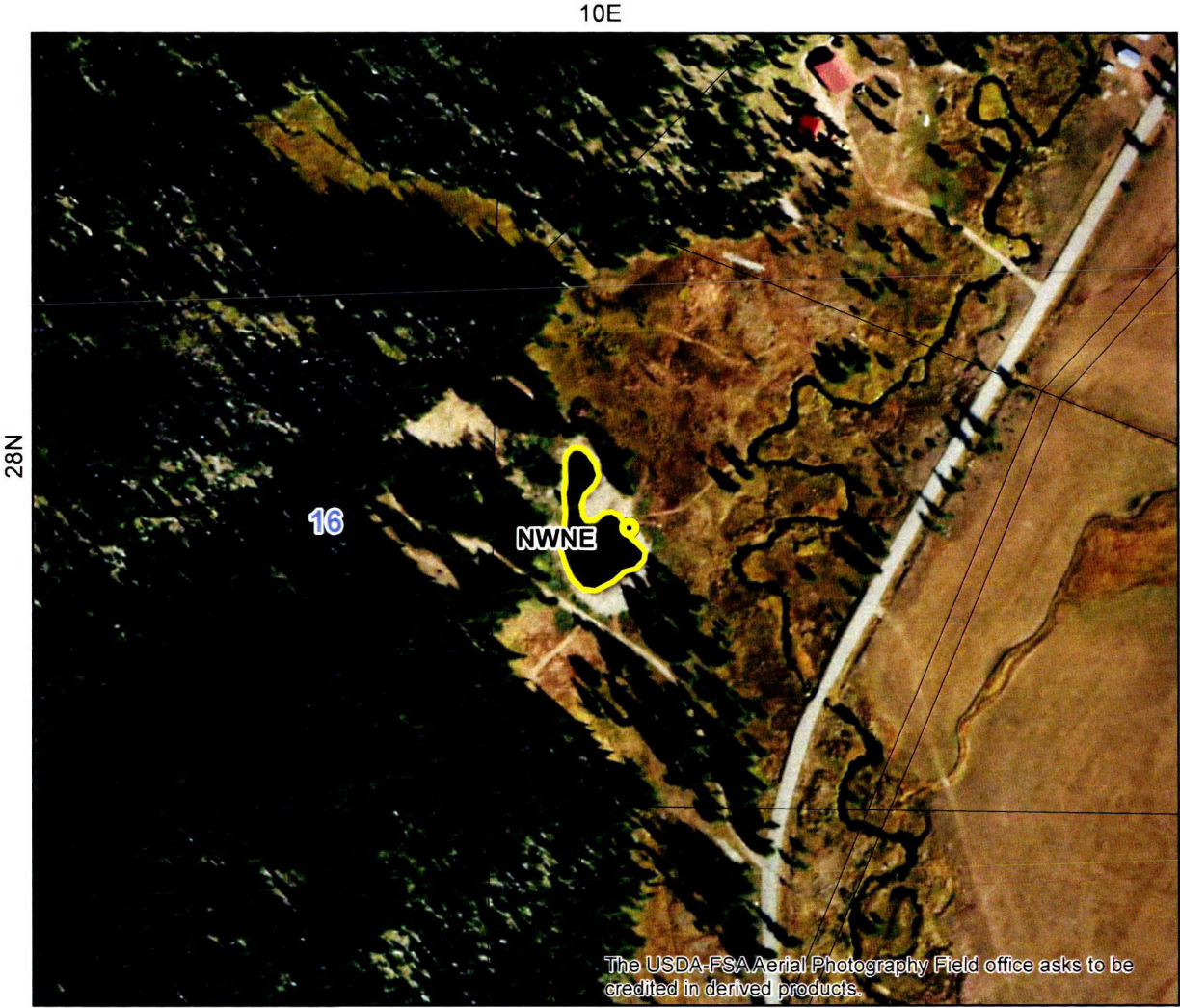
Signed this 10<sup>th</sup> day of May, 2023.

  
SHELLEY W. KEEN  
Water Allocation Bureau Chief

SCANNED  
MAY 17 2023

State of Idaho  
Department of Water Resources  
**Attachment to Water Right License**  
82-12287

This map depicts the AESTHETIC 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.



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

0 0.035 0.07 0.14 Miles



SCANNED

MAY 17 2023



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](mailto:northerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

May 11, 2023

PAULA WOLVERTON  
RAY WOLVERTON  
13065 W 9TH ST  
CALDWELL ID 83607-7796

RE: License No. 82-12287

### 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](http://idwr.idaho.gov)

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,

Shelley Keen  
Water Allocation Bureau Chief

Enclosure(s)

SCANNED

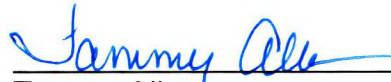
MAY 17 2023

## CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2023, I served a true and correct copy of Water Right License No. 82-12287 by U.S. Mail, postage prepaid, to the following:

PAULA WOLVERTON (Current Owner)  
13065 W 9TH ST  
CALDWELL ID 83607-7796

RAY WOLVERTON (Current Owner)  
13065 W 9TH ST  
CALDWELL ID 83607-7796



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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:** 82-12287  
**Exam Date:** 06/08/2022

1. Current Owner:  
RAY WOLVERTON 13065 W 9TH ST CALDWELL ID 83607-7796 AND/OR  
PAULA WOLVERTON 13065 W 9TH ST CALDWELL ID 83607-7796
2. Accompanied by: Ray Wolverton  
Phone No: 509-945-2687  
Address: Same as above  
Relationship to permit Holder: Permit holder

3. **SOURCE:**  
UNNAMED STREAM

**Tributary**  
RED RIVER

**Method of Determination:** Arcmap and DRG.

**B. OVERLAP REVIEW**

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

| Water Right No. | Source                            | Purpose of Use                                 | Basis   |
|-----------------|-----------------------------------|------------------------------------------------|---------|
| 82-10211        | Spring, Red River, Unnamed Stream | Irrigation, Stockwater, Commercial, & Domestic | DECREED |

Comments: Decreed WR 82-10211 was decreed in the CSRBA and authorizes multiple beneficial uses from the following water sources: Spring, Red River (x2 PODs), & Unnamed Stream(s) (x5 PODs). The POU shape is a generic large tract which overlaps this right's storage pond POU but diversion(s) of water from unnamed streams associated with 82-10211 are not impacted by the applicant's permit. Development for stockwater, commercial, irrigation, and domestic use(s) are not associated with the applicant's property and not being recommended for overlap concerns between the two rights. I do not recommend inclusion of condition X35 toward licensing this right.

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

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

UNNAMED STREAM NW¼ NE¼, Sec. 16, Twp 28N, Rge 10E, B.M. IDAHO County

Method of Determination: GPS; Unnamed Stream POD is an earthen dam located at -115°13.6409, 45°46.1135.

**PLACE OF USE: FIRE PROTECTION STORAGE & AESTHETIC 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 |        |
| 28N | 10E | 16  |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Method of Determination: Beneficial use field examination and Arcmap aerial imagery.

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                       |            |    |                  |           |                                   |

**D. FLOW MEASUREMENTS**

1.

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

2. Measurements: N/A

**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.

**G. NARRATIVE/REMARKS/COMMENTS**

Field exam performed on 6/8/2022 with the applicant, Ray Wolverton, showed a pond that impounds unnamed stream water being used for fire protection storage & aesthetic storage uses. At the POD, the excavated pond earthen dam has black corrugated culvert installed serving as an overflow device. Unnamed stream flow enters the pond from a small basin on the western bank and discharges to the east flowing downstream where to its confluence with the Red River. The POD was GPS located on the earthen dam at the culvert location which is in line with the unnamed stream historic flow channel. There is no diversion rate associated with this in-stream pond permit.

Photographs were taken during the field exam to illustrate the storage pond that serves as the POU for fire protection storage & aesthetic storage. Following the exam, Arcmap, year 2021 aerial imagery, was used to trace out the surface area of the pond equaling 0.4 acres. The pond has a maximum depth of 15 feet, an average depth of 6 feet, pond capacity of 2.4 af, and an evaporation loss of 0.9 af annually. The total volume required equals **3.3 af** annually for aesthetic storage, and fire protection storage annual volumes respectively.

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MAY 17 2023

The maximum diversion volume recommended for licensing = **3.3 af**.

Condition 029 was removed from the permit during licensing review. Condition 219 and 220 were revised to reflect pond size & volume metrics following the field exam. All other conditions on the permit will be carried forward to licensing. As discussed above WR 82-10211 has an overlapping POU with this Permit's storage pond POU but is not recommended for overlap concern between each water right's beneficial uses of water. There is no addition overlap concerns for this right.

Have conditions of permit approval been met? ☒ Yes ☐ No

#### H. RECOMMENDATIONS

##### 1. Recommended Amounts

| <u>Beneficial Use</u>   | <u>Period of Use</u> | <u>Annual Volume</u> |
|-------------------------|----------------------|----------------------|
| FIRE PROTECTION STORAGE | 01/01 to 12/31       | 3.3 AF               |
| AESTHETIC STORAGE       | 01/01 to 12/31       | 3.3 AF               |

Totals: 3.3 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 ☒ None

#### I. AUTHENTICATION

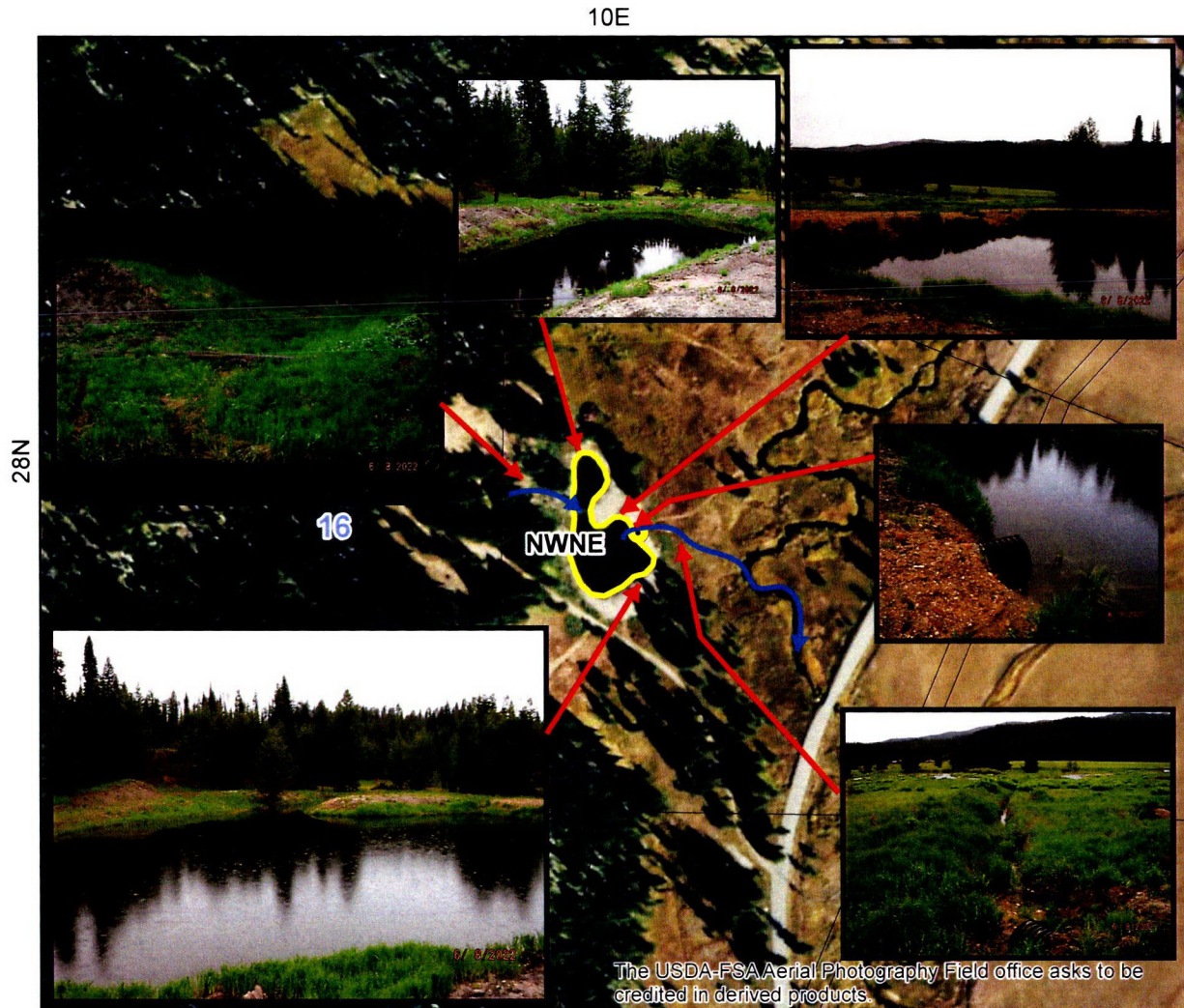
Luke Bates -

Field Examiner's Name  Date 11/18/2022

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho  
Department of Water Resources  
**Attachment to Field Exam**  
82-12287

AESTHETIC 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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MAY 17 2023

## Total Storage Calculations

|             |            |
|-------------|------------|
| FILE NUMBER | 82-12287   |
| REVIEWER    | LUKE BATES |
| DATE        | 11/17/2022 |

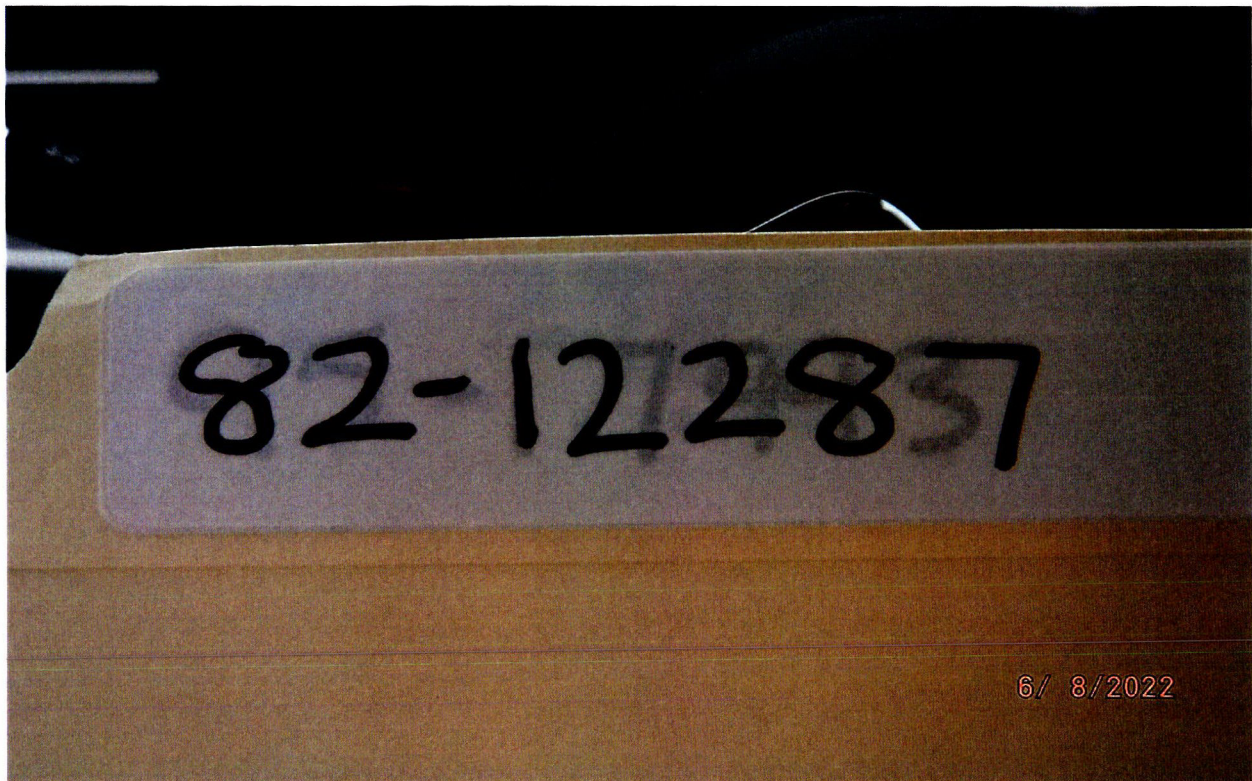
This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

|                      |
|----------------------|
| User Input           |
| Calculated value     |
| Formula Explanations |

|                                                                                              |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Surface Area (AC.)                                                                           | 0.4 | "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)                                                                           | 2.4 | 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.<br><b>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.</b>                                                                                                                                                                                                                                                                                                                                                                                         |
| 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).<br><b>Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.</b> |
| Estimated Seepage Loss (AF)                                                                  | 0.4 | The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Estimated Evaporation Loss (AF)                                                              | 0.5 | The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Total Volume Required (AF)                                                                   | 3.3 | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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BENEFICIAL USE FIELD EXAMINATION DATE 6/8/2022



POD – EARTHEN POND DAM

SCANNED

MAY 17 2023



INFLOW TO POND FROM UNNAMED STREAM



PLASTIC STORM PIPE OVERFLOW DISCHARGE CENTER MASS OF POND DAM



OVERFLOW DISCHARGES DOWNSTREAM TO RED RIVER



POU – AESTHETIC STORAGE & FIRE PROTECTION STORAGE



POU – AESTHETIC STORAGE & FIRE PROTECTION STORAGE

