

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 84-12302

Priority: February 06, 2020

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

ABRAM SUMMERFIELD PO BOX 1912 OROFINO ID 83544-1912 AND/OR
BRITNEY SUMMERFIELD PO BOX 1912 OROFINO ID 83544-1912

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 06, 2020, and has submitted Proof of Beneficial Use on June 12, 2023. An examination confirms water is diverted from:

Source : DEER CREEK

Tributary: WHISKEY CREEK

Beneficial Use
DOMESTIC

Period of Use
01/01 to 12/31

Rate of Diversion
0.04 CFS

Annual Volume
1.2 AF

Location of Point(s) of Diversion

DEER CREEK SW¼ NE¼, Sec. 2, Twp 36N, Rge 02E, B.M. CLEARWATER County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N	02E	2			X														

Conditions of Approval

1. Domestic use is for 1 home.
2. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
3. 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 28th day of June, 2023.



PHILL HUMMER
Water Rights Supervisor

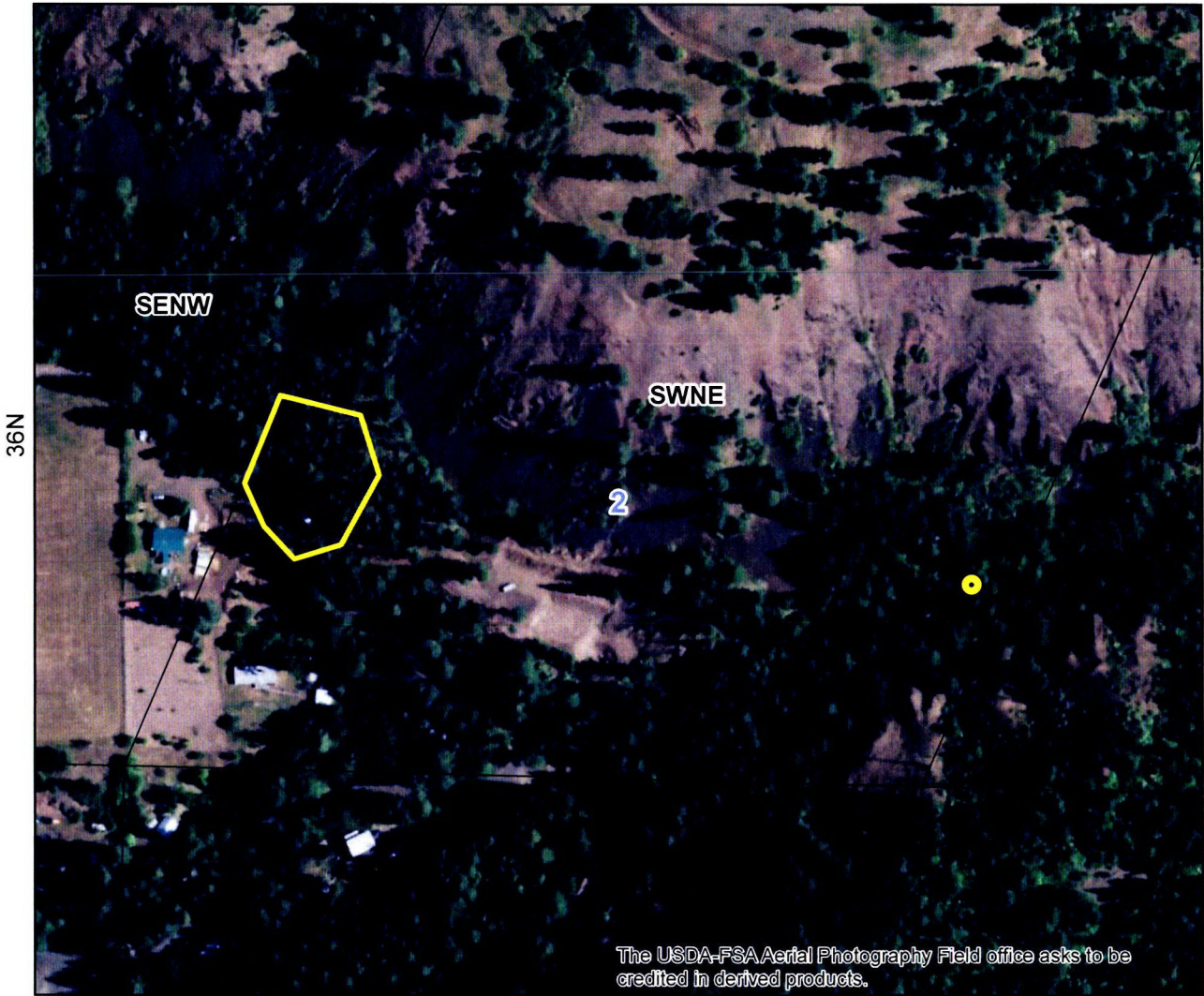
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JUN 30 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
84-12302

This map depicts the DOMESTIC 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.

02E

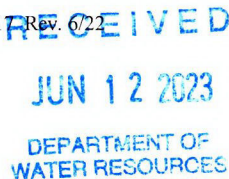


0 400 800 Feet

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



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY
Amt. of Fee \$ 50.00
Receipt No. C116477
Received By KM
Date Received 6.12.23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

- Permit No. 8412302 Name of Permit Holder(s) Abram Summerfield
Telephone No. 2088166633 Email abram.summerfield@gmail.com
Mailing Address PO BOX 1912 City Orofino State ID Zip 83544
- Source of Water Deer Creek If Ground Water (well), Date Drilled mo. ____ / yr. ____
Drilling Permit/Tag No. ____ Drilling Company's Name ____
- Extent of use(s) completed **as authorized by the water right permit:**
Domestic (No. households) 1 Irrigation (No. acres) 0.5 Stockwater (No. and stock type) ____
Other ____
- Total diversion rate or volume (storage only) for which proof is submitted 0.04 cfs OR ____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.
- Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)
1.25" plastic pipe is installed in creek, providing flow to a ram pump.
The ram pump feeds water through 1/2" plastic pipe to storage tanks.
- Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:
Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

☐	☐	☒ Ground water level data, pumping information, or other diversion data
☐	☐	☒ Mitigation plan
☐	☐	☒ Lockable controlling works
☐	☐	☒ Measuring device
☐	☐	☒ Fish screen
☐	☐	☒ Other requirements of the water right permit ____
☐	☒	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No
- Fee Enclosed \$ 50 or ☐ CWRE field report attached or ☐ No fee required
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Abram Summerfield Telephone No. 2088166633 Email abram.summerfield@gmail.com
Mailing Address PO BOX 1912 City Orofino State ID Zip 83544

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

[Signature]
SIGNATURE OF PERMIT HOLDER*

Abram Summerfield
PRINTED NAME AND TITLE

6/7/23
DATE
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JUN 15 2023

*Attach power of attorney if completing on behalf of permit holder.



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 29, 2023

BRITNEY SUMMERFIELD
ABRAM SUMMERFIELD
PO BOX 1912
OROFINO ID 83544-1912

RE: License No. 84-12302

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) 287-4925.

Sincerely,

Jean Hersley

For
Phill Hummer
Water Rights Supervisor

Enclosure(s)

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JUN 30 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2023, I served a true and correct copy of Water Right License No. 84-12302 by U.S. Mail, postage prepaid, to the following:

BRITNEY SUMMERFIELD (Current Owner)
PO BOX 1912
OROFINO ID 83544-1912

ABRAM SUMMERFIELD (Current Owner)
PO BOX 1912
OROFINO ID 83544-1912



Jean Hersley
Technical Records Specialist 2

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
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONExam Date: 06/21/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y N
- a. X Irrigation of 5 acres or less
b. Storage of up to 14.6 AF for stockwater purposes only
c. X Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
d. Other < >
2. Current Owner: **Abram Summerfield**
Owner of Record Correct? N
Address of Record Correct? N
If No Explain:
3. Beneficial Use Fees have been paid: X Y N Receipt No: **C116477**
4. Source: **Deer Creek** Tributary: **Whiskey Creek**
Method of Determination:
Change in Source: Y X N

B. OVERLAP REVIEW

1. Other water rights with the same place of use: No Overlap

Water Right No.	Source/Tributary	Purpose of Use	Basis
84-4098	Spring/Deer Creek	Domestic/Stockwater	Decree
84-7161	Spring/Deer Creek	Domestic	License
84-7208	Spring/sinks	Domestic	License

Comments: Right 84-7208 place of use (POU) shape seems to overlap the permit POU is (see figure 2). However, backfile identifies the POU in the southeast of the permit POU. Right . The backfile and Clearwater County parcel data indicate that Right 84-4098 is appurtenant to a different parcel west of the permit POU. The backfile for Right 84-7161 states on the application that the last change of ownership for the right was to John Preston and the map indicates the POU is a house and mobile home located just north of the Deer Creek. Although there is not a parcel owner with the same name as the current right owners in the IDWR records, or the owner named in the backfile for Right 84- 7161. The backfile map for 84-7161 seems to better match the parcels to the south of the permit POU and roadway. It seems likely that no actual overlap is occurring and no concern regarding licensing of the permit for the domestic use and any impact on other neighboring domestic use rights.

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

Water Right No.	Source	Purpose of Use	Basis
NONE	NA	NA	NA

Comments: There are no rights sharing the point of diversion (POD) on the permit.

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	¼	¼	¼	Se c.	Twp.	Rge.		County
Deer Creek			SW	NE	2	36N	02E	B.M.	CLEARWATER

Method of Determination: GIS and Taxlot data.

Change in POD? Y X N Amendment Required? Y X N

2. Place of Use:

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TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36n	02E	2			D														
		Lot #																	
Total Acres =																			

Method of Determination:

Change in POU? ____Y ____X_N Amendment Required? ____Y ____X_N

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

Indicate weir size/pipe as applicable:

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

____ Photo of Diversion and System Attached

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Ram pump	Unknown	NA	Unknown	Unknown	Approx. 1 GPM to storage

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

D. FLOW MEASUREMENTS

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

2. Measurement Comments: No measurement is required for an in-house exam, but a theoretical calculation and Administrative Memo #22 were used to determine the requested diversion rate is reasonable.**E. FLOW CALCULATIONS**

____ Additional Computation Sheets Attached

Measured Method: The permit holder stated in section 4 of the Proof of Beneficial Use that the system uses a ram pump to fill 8- 275-gallon tanks (2200gal total capacity), which can provide approximately 40 feet of head to provide pressure for domestic and up to ½ acre of irrigation use via driplines and sprinklers.

According to Administrative memo #22 a diversion rate of 0.04cfs is standard for domestic use in 1 home. I am recommending the standard diversion rate of 0.04cfs for the license, which is what was requested on their application for permit.

F. VOLUME CALCULATIONS

Comments:

Administrative memo #22 states that up to 1.2 AF is acceptable for domestic use in 1 home with up to ½ acre of irrigation. I am recommending an annual volume of 1.2 AF for the license.

G. PURPOSE OF USE

Irrigation ____X_Y ____N # Stock _____ Domestic # of Homes ____1____

Other: < >

Change in Purpose of Use? ____Y ____X_N

Method of Determination:

If Yes: From Use _____ To Use _____ Amount _____ CFS _____ AFA _____

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H. NARRATIVE/REMARKS/COMMENTS

This permit for domestic use up to ½ acre of irrigation, diverted from streamflow qualifies for an in-house exam. The permit holder included ½ acre of irrigation on the proof of beneficial use submitted. When I called the owner for clarification of the developed beneficial use on June 21st, 2023, the permit holder confirmed the external domestic use was developed for irrigation of about 8 fruit trees and the grounds surrounding the home to prevent over drying. The permit holder emailed a brief description of the system details with photos of the 8 x 275 Gallon tanks, the distribution manifold, driplines at the fruit trees, the garden area (see figures 2-4), and an aerial image with the area of irrigation outlined (see figure 1). The permit holder submitted a diagram of the system with the application and later confirmed it was full developed as per the diagram and application details. I was able to confirm the home within the POU via aerial imagery (see figure 1). Parcel data lists the permit holder as the current owner of the parcel appurtenant to the permit POU and POD.

The stream flow is diverted through a screened 1 ¼" PVC pipe to a ram pump which fills the storage tanks through ½" polyline at an estimated 1 GPM the remaining flow returns to streamflow just downstream of the ram pump. The gravity fed system from the storage tanks has approximately 40ft of head to provide pressure for domestic and irrigation uses. Administrative Memo #22 states a standard diversion rate of 0.04cfs and an annual volume of 1.2 AF for domestic use in 1 home with up to ½ acre of irrigation. Therefore, I am recommending the license be issued with the standard diversion rate of 0.04cfs and an annual volume of 1.2 AF.

I am recommending the license be issued with conditions X01, 187, and 004. Condition 029 was removed at licensing as the permit holder stated that they have screened the intake and no comment was received from IDFG.

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

I. RECOMMENDATIONS

1. Recommended Amounts:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Domestic	01/01 to 12/31	0.04 CFS	1.2 AF
	<u>Totals:</u>	0.04 CFS	1.2 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

Other: < >

J. AUTHENTICATION- Water Resource Agent- Bob Howe

Field Examiner's Bob Howe Date 6/21/2023

Reviewer PK Date 6/28/23

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Figure 1- Google Earth- 2022- Image of the POU. Home visible in the lower left of image. The permit holder outlined the garden and orchard irrigation area in red.



Figure 2. Photo of storage tanks (8 x 275 Gallons) and manifold with timers for ½ inch poly pipe to driplines at trees and attached. Poly lines for the garden or home are connected directly to manifold as needed. Hose hooked up directly for sprinkler to water grounds.

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Figures 3 & 4- Photos of driplines at trees in orchard area.



Figure 5- Photo of tanks at the base of the slope, with the orchard and garden area in the foreground.

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Beneficial Use Proof Evaluation

Permit Number: 84-12302 Reviewer: AVEibell Review Date: 6/15/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 6/12/2023
- 4) Proof Due Date: 6/1/2025
- 5) Days added for weekend due date?
- 6) Days added for holiday due date?
- 7) Number of days late: -720
- 8) Proof received timely? Yes

Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 3) Are the required items installed? Yes
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 4) Is there a request to waive the required items? No
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? No
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

N035908

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.