

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 85-15782

Priority: March 2, 2017

Maximum Diversion Volume: 9.6 AF

It is hereby certified that:

DAVID P BODINE JR 1242 OLD HIGHWAY 7 GRANGEVILLE ID 83530-5259

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 03, 2017, and has submitted Proof of Beneficial Use on May 20, 2022. An examination confirms water is diverted from:

Source : UNNAMED STREAM

Tributary: COTTONWOOD CREEK

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31	1.3 AF
WILDLIFE STORAGE	01/01 to 12/31	8.3 AF
RECREATION STORAGE	01/01 to 12/31	8.3 AF

Location of Point(s) of Diversion

UNNAMED STREAM SW¼ NE¼, Sec. 10, Twp 31N, Rge 02E, B.M. IDAHO County

Place of Use: STOCKWATER STORAGE, WILDLIFE STORAGE, AND 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	
31N	02E	10			X														

Conditions of Approval

1. Right 85-15782 authorizes a total annual storage volume of 9.6 acre-feet, 3.7 acre-feet to be used for the initial filling or carryover storage of the pond, 4.6 acre-feet for the replacement of losses caused by seepage and evaporation, and 1.3 acre-feet for stockwater storage use.
2. Water shall not be diverted under this right when flows in Cottonwood Creek are below minimum flow amounts as defined by Right 85-15622.
3. Water shall not be diverted under this right when flows in the S. F. Clearwater River are below minimum flow amounts as defined by Right 82-12220. The right holder shall be responsible for monitoring the daily flow of the S.F. Clearwater River using real-time data and shall cease diverting water when flows in the S.F. Clearwater River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Stites gauging station, No. 13338500, may be used for purposes of determining the daily flow amounts.

SCANNED

MAY 17 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 85-15782

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 10th day of May, 2023.



SHELLEY W. KEEN
Water Allocation Bureau Chief

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MAY 17 2023

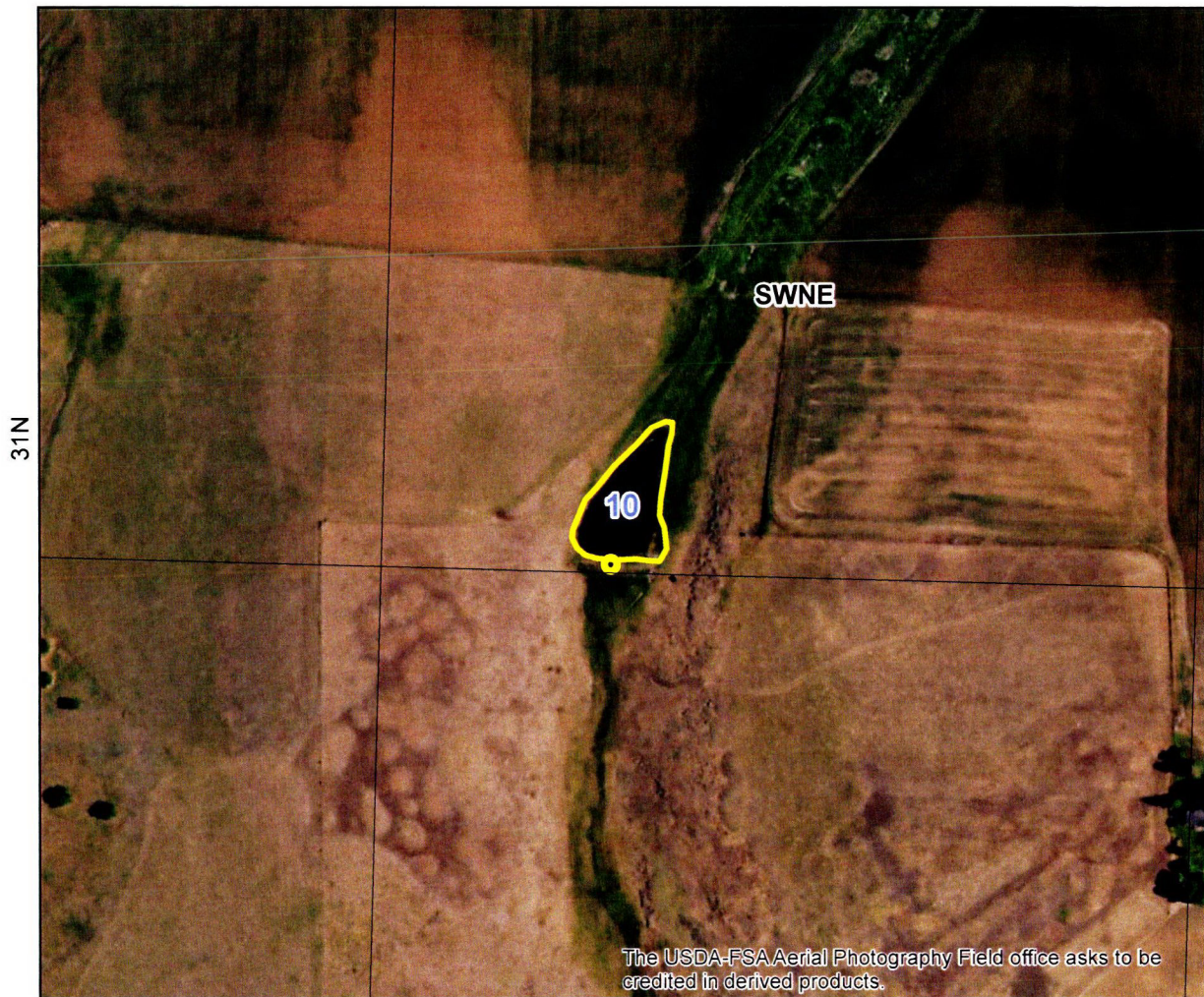
State of Idaho
Department of Water Resources

Attachment to Water Right License

85-15782

This map depicts the STOCKWATER STORAGE, WILDLIFE STORAGE, & RECREATION 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.

02E



- 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



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

May 11, 2023

DAVID P BODINE JR
1242 OLD HIGHWAY 7
GRANGEVILLE ID 83530-5259

RE: License No. 85-15782

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,

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. 85-15782 by U.S. Mail, postage prepaid, to the following:

DAVID P BODINE JR (Current Owner)
1242 OLD HIGHWAY 7
GRANGEVILLE ID 83530-5259



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.

MEMORANDUM

May 09, 2023

Water Right: 85-15782

Author: Shelley Keen

Subject: Licensing Conditions and Priority Date

Documents show that IDWR received Application 85-15782 on Feb. 3, 2017, and that date appears as the priority date for the permit in the database. However, the signed permit lists the priority date as March 02, 2017. I cannot find an explanation for the change. Because the signed version of the permit is the official version, I have used its priority date on License 85-15782.

I did not include Condition 004 from the license. GIS data shows that the permit holder owns the land containing the point of diversion and place of use.

I did not include condition X15 on the license. There is no need to maintain 1/4-inch mesh screening because there is no diversion of water from the stream channel.

I did not include Condition 220 on the license. There is no need to limit the reservoir surface area because Basin 85 is open to new surface water appropriations without requiring mitigation to offset evaporation losses. The right holder can store up to 9.7 AF each year. If the right holder needs to widen the pond, subjecting water to more evaporation losses, the right holder can do so, as long as the total volume is not exceeded.

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MAY 17 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 85-15782
Exam Date: 06/09/2022

1. Current Owner:
DAVID P BODINE JR 1242 OLD HIGHWAY 7 GRANGEVILLE ID 83530-5259
2. Accompanied by: David P Bodine Jr
Phone No: 208-983-2736
Address: Same as above
Relationship to permit Holder: Permit Holder

3. **SOURCE:**
UNNAMED STREAM

Tributary
COTTONWOOD CREEK

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
85-11152	SPRING	STOCKWATER	DECREED

Comments: WR 85-11152 authorizes stockwater use for up to 50 head cattle from a spring source, with maximum diversion rate of 0.02 cfs and the quantity shall not exceed 13,000 gallons per day as decreed. The spring location POD recommended is north of the pond associated with this permit but in the same drainage; it is uncertain whether the spring source is where the intermittent stream for this permit daylights on the applicant's property or a separate source within the small basin. Regardless, the POU for 85-11152 is a generic 40-acre tract which overlaps this right's POU. Due to the 13K gal per day authorized for decreed right 85-11152 and diversion rate constituting in-stream stockwater use, I am not recommending inclusion of condition X35 for licensing permit 85-15782 for stockwater storage use 100 head of cattle. It is uncertain whether the 50 head covered under 85-11152 is part of the same 100 head covered under this permit & the applicant asserts that the total head of cattle varies year to year with each calving season.

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

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

UNNAMED STREAM SW¼ NE¼, Sec. 10, Twp 31N, Rge 02E, B.M. IDAHO County

Method of Determination: GPS. POD is a pond earthen dam located at -116°11.3860, 46°2.4701.

PLACE OF USE: STOCKWATER STORAGE, RECREATION STORAGE, & WILDLIFE 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	
31N	02E	10			X														

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

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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 EARTHEN DAM					

D. FLOW MEASUREMENTS

1.

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

2. Measurements: None, in-stream pond uses storage & from storage beneficial uses only; there is no diversion rate associated with this 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 = 100 head cattle x 12 GPD x 365 DPY = 438,000 Gal per YR / 328,850 Gal per AF = **1.3 AF** considering department rounding standards.
- Fire Protection Storage annual volume = 3.7 AF (pond capacity) + 4.6 AF (seepage/evaporation loss) = **8.3 AF**

G. NARRATIVE/REMARKS/COMMENTS

Field exam performed on 6/6/2022 with the applicant, David Bodine JR, showed an excavated pond that impounds unnamed stream water for multiple storage uses. At the POD the pond has an earthen dam and a rocked overflow channel & large storm drainpipe that routes overflow discharging from the pond around the dam and back to the historic stream channel. There is no diversion rate associated with licensing this instream pond permit. The permit approved 2ea points of diversion for the pond, likely due to visible shift in Arcmap aerial imagery, to ensure that depending on which QQ the pond was fully developed, one POD would align with the pond dam. I have removed the POD assigned to the NW¼SE¼ during licensing review due to all pond development occurring in the SW¼NE¼.

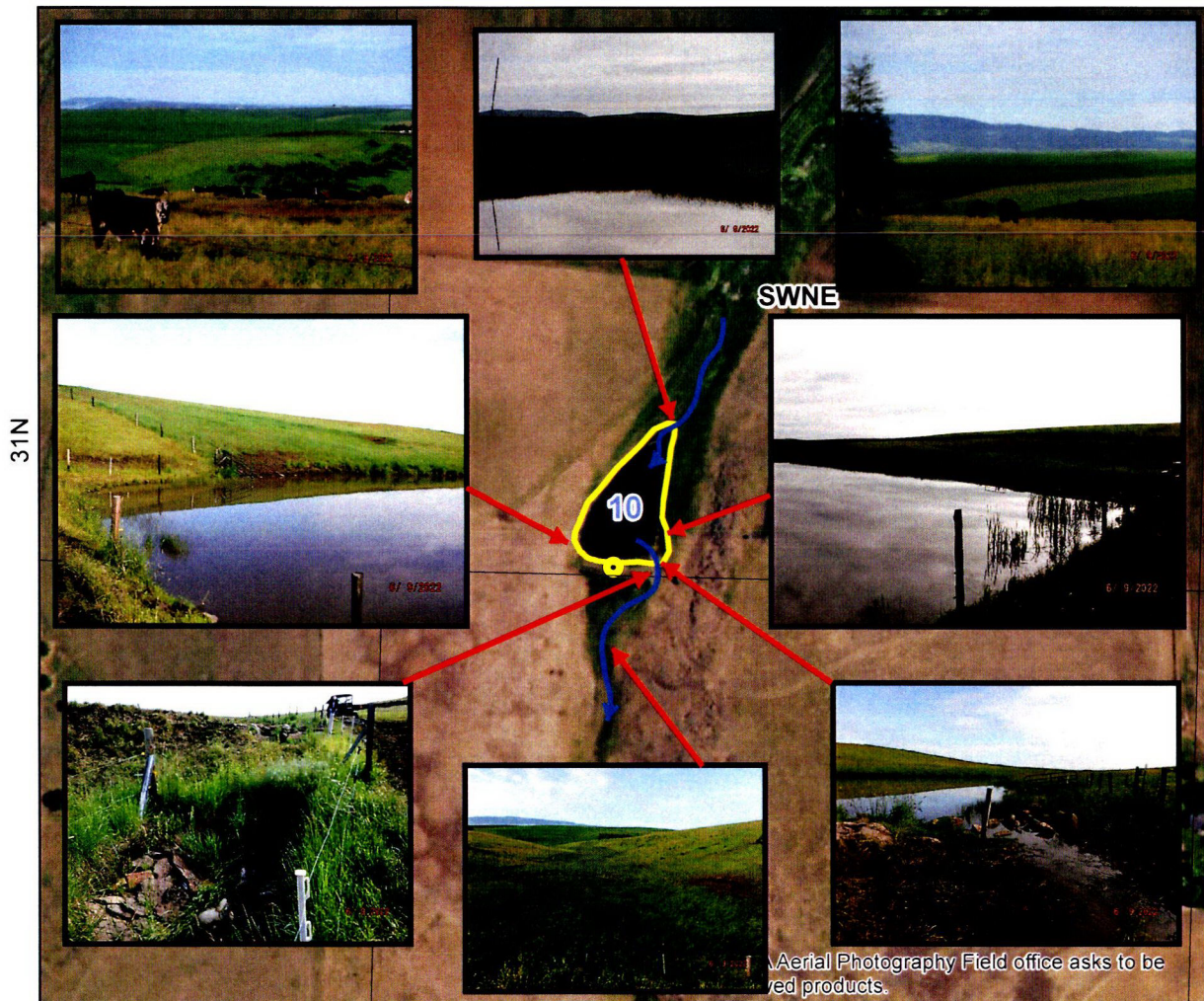
Photographs were taken of the storage pond POU during the field exam that provide stockwater storage, wildlife storage, & recreation storage uses. Wildlife storage is used for waterfowl & deer watering. Recreation storage use is for fishing & swimming by the applicant's family. Arcmap aerial imagery was used to accurately trace out the pond's high water line surface area during licensing review, and a pond analysis worksheet was developed deriving pond calculations toward

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State of Idaho
Department of Water Resources
Attachment to Field Exam
85-15782

This map depicts the STOCKWATER STORAGE, WILDLIFE STORAGE, & RECREATION 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.

02E



-  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

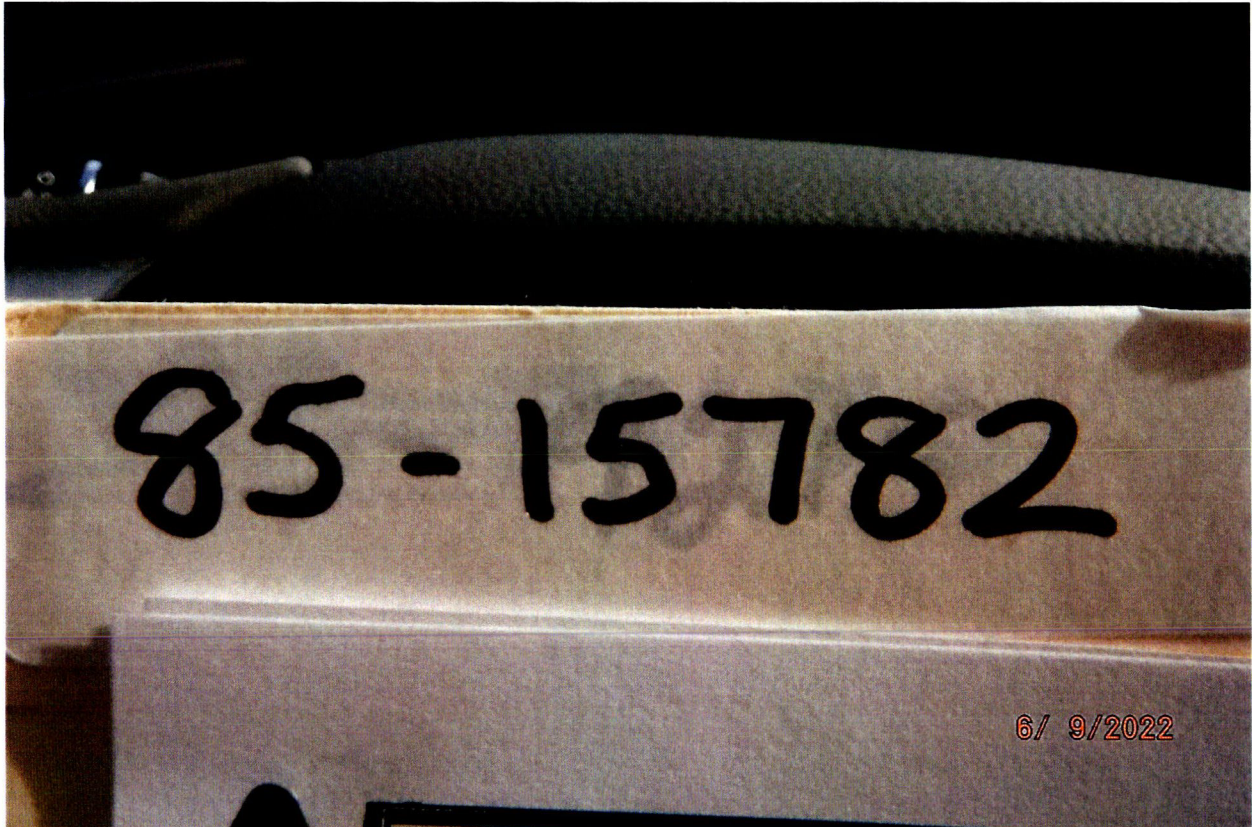
Total Storage Calculations

FILE NUMBER	85-15782
REVIEWER	LUKE BATES
DATE	11/16/2022

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.)	0.52	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	7.2	"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)	3.7	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)	1.3	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)	4.2	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)	9.6	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.



BENEFICIAL USE FIELD EXAMINATION DATE 6/9/2022



POD – EARTHEN POND DAM



ROCKED OVERFLOW CHANNEL ON SE CORNER OF POND



ROCKED OVERFLOW CHANNEL AND PIPE ROUTES DISCHARGED WATER BACK TO STREAM CHANNEL



INTERMITTENT STREAM INFLOW TO POND





POU – STOCKWATER STORAGE, RECREATION STORAGE, & WILDLIFE STORAGE



STOCKWATER STORAGE FOR RANGE CATTLE



RANGE CATTLE USE POND AS WATER SOURCE

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