

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 91-8054

Priority: April 28, 2021

Maximum Diversion Rate: 0.03 CFS

It is hereby certified that:

THE JOHN DAVID HAAS AND CARA YVONNE HAAS JOINT LIVING TRUST
118 ELSA CT
BLANCHARD ID 83804-0077

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 28, 2021, and has submitted Proof of Beneficial Use on April 08, 2022. An examination confirms water is diverted from:

Source : ST JOE RIVER

Tributary: COEUR D ALENE LAKE

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.03 CFS	
DOMESTIC	01/01 to 12/31	0.03 CFS	1.2 AF

Location of Point(s) of Diversion

ST JOE RIVER L10 (SW¼ NE¼), Sec. 17, Twp 46N, Rge 01W, B.M. BENEWAH County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	01W	17			0.6 L10											0.2 L10			0.8

Total Acres: 0.8

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	
46N	01W	17			X L10											X L10			

Conditions of Approval

1. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
2. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
3. Domestic use is for two homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
4. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 2.4 afa at the field headgate for irrigation of the place of use.

SCANNED

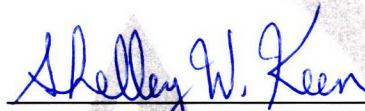
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Water Right No. 91-8054

5. Water shall not be diverted under this right when flows in the St. Joe River are below minimum flow amounts as defined by Right 91-7122. The right holder shall be responsible for monitoring the daily flow of the St. Joe River using real-time data and shall cease diverting water when flows in the St. Joe 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 Ramsdell Gauging Station, No. 12415135, may be used for purposes of determining the daily flow amounts.
6. 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 20th day of June, 2023.



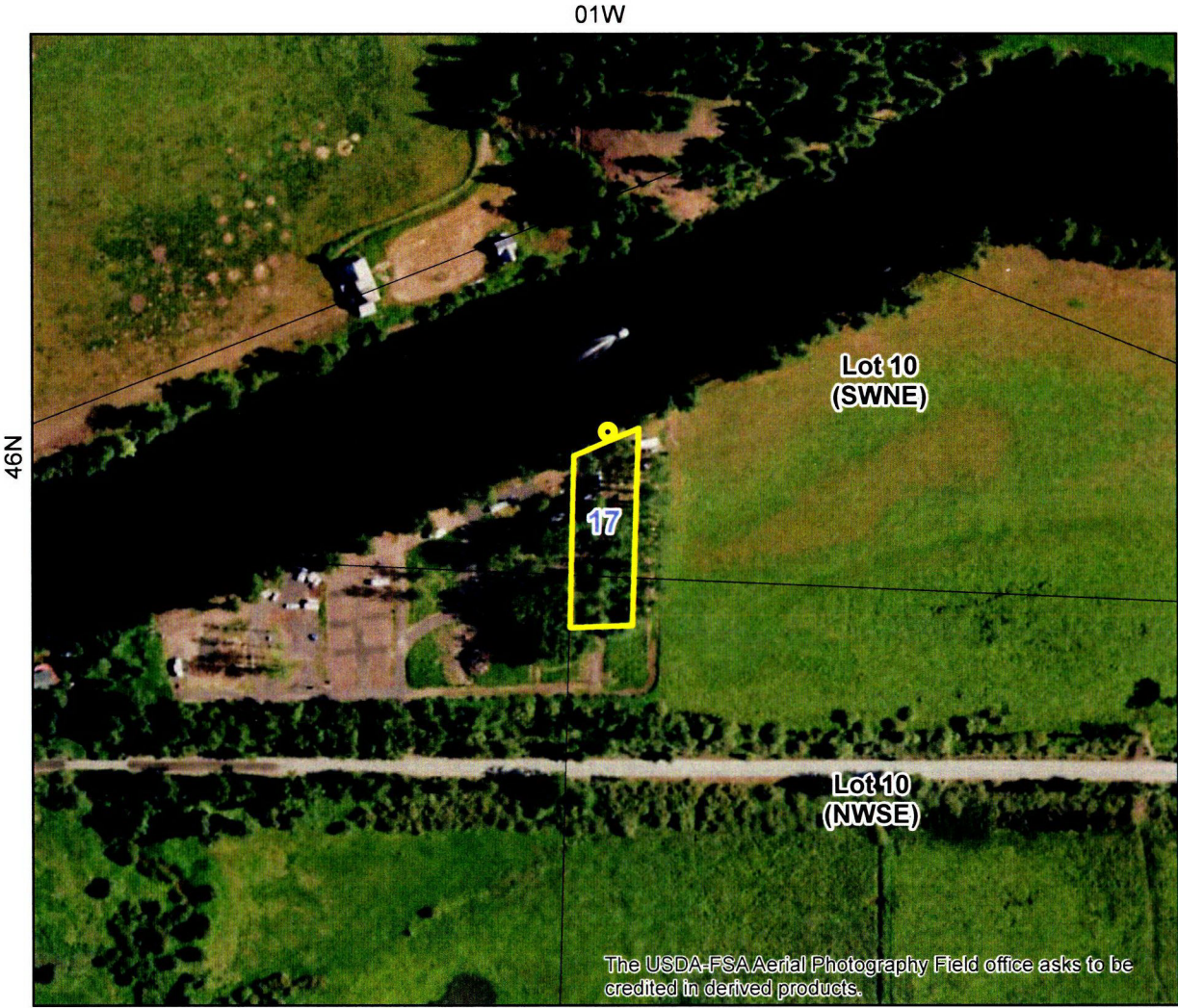
SHELLEY W. KEEN
Regional Operations Bureau Chief

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State of Idaho
Department of Water Resources
Attachment to Water Right License
91-8054

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



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

0 0.035 0.07 0.14 Miles

SCANNED
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JUL 13 2023



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 22, 2023

THE JOHN DAVID HAAS AND CARA YVONNE HAAS JOINT LIVING TRUST
118 ELSA CT
BLANCHARD ID 83804-0077

RE: License No. 91-8054

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

JUN 13 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2023, I served a true and correct copy of Water Right License No. 91-8054 by U.S. Mail, postage prepaid, to the following:

THE JOHN DAVID HAAS AND CARA YVONNE HAAS JOINT LIVING TRUST (Current Owner)
118 ELSA CT
BLANCHARD ID 83804-0077

CARA YVONNE HAAS (Trustee)
118 ELSA CT
BLANCHARD ID 83804-0077

JOHN DAVID HAAS (Trustee)
118 ELSA CT
BLANCHARD ID 83804-0077



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: 91-8054

Exam Date: 07/28/2022

1. Current Owner:

THE JOHN DAVID HAAS AND CARA YVONNE HAAS JOINT LIVING TRUST 118 ELSA CT BLANCHARD ID
83804-0077

2. Accompanied by: John D Haas

Phone No: 208-610-7097

Address: Same as above

Relationship to permit Holder: Permit holder

3. **SOURCE:**

ST JOE RIVER

Tributary

COEUR D ALENE LAKE

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
VARIOUS WRs	VARIOUS	MUNICIPAL	DECREE

Comments: multiple decreed WRs associated with the City of St. Marie's municipal water supply have a POU service area which lies within this permit's POU. There is no concern for overlap between WRs as the applicant's parcel is not service connected with the municipal provider nor the applicant's water system part of the municipal system.

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

NO Overlap**C. DIVERSION AND DELIVERY SYSTEM**1. **LOCATION OF POINT(S) OF DIVERSION:**

ST JOE RIVER L10 (SW¼ NE¼), Sec. 17, Twp 46N, Rge 01W, B.M. BENEWAH County

Method of Determination: GPS; POD is located at -116°29.3972, 47°20.0942.

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	01W	17			0.6 L10											0.2 L10			0.8

Total Acres: 0.8

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	
46N	01W	17			X L10											X L10			

Method of Determination: beneficial use field exam and 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 Model No.	Pump Make	Pump Serial No. or Discharge Size
INTAKE PIPE IN RIVER	SUPERIOR PUMP	1/2	94525	SHALLOW WELL JET PUMP	5/8 INCH GARDEN HOSE ADAPTER

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5-GAL BUCKET						

2. Measurements: Three 5-gallon bucket tests were completed directly from the pump with short hose length, with average of three resulting in a diversion rate of 5 gal / 22.67 sec x 60 sec/min = 13.23 gpm = **0.03 cfs**, considering department rounding standards.

E. FLOW CALCULATIONS

Measured Method: 5-GAL Bucket Test = (5 gal / 22.53 sec) x 60 sec/min = 13.32 gpm
 = (5 gal / 22.78 sec) x 60 sec/min = 13.17 gpm
 = (5 gal / 22.71 sec) x 60 sec/min = 13.21 gpm

Average of 3ea 5-GAL Bucket Tests = (13.32 gpm + 13.17 gpm + 13.21) / 3 = 13.23 gpm = 0.03 cfs considering department rounding standards.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 0.8 \text{ ac} \times 3.0 \text{ afa} = 2.4 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.03 \text{ cfs} \times 231\text{-day} \times 1.9835 = 13.7 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \mathbf{2.4 \text{ af}}$$

2. Volume Calculations for Other Uses: This right uses as surface water source and does not receive an irrigation annual diversion volume nor maximum diversion volume assigned to the face of the water right license.

G. NARRATIVE/REMARKS/COMMENTS

Beneficial use field exam conducted on 7/28/2022 with the applicant, John D. Haas, showed St. Joe River water being diverted for irrigation and domestic purposes. At the POD, a screened intake has been installed routing up bank approximately 10 ft to a 1/2 hp shallow well jet pump. Discharge from the pump to a 5/8-inch hose splitter allows the applicant to connect to RVs for domestic use or hose & sprinkler for irrigation use. Three 5-gallon bucket tests were

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completed directly from the pump with a short length of hose; average of three resulting in a diversion rate of 5 gal / 22.67 sec x 60 sec/min = 13.23 gpm = **0.03 cfs**, considering department rounding standards, which is recommended for licensing purposes as the maximum diversion rate.

Stockwater beneficial use was not developed by the applicant in the development period and has been removed from the Permit during licensing review. The irrigation & domestic POU include a portion of the applicant's property consisting of 0.8 acres river frontage. A small portion of the applicant's property furthest from the river has not been developed by the applicant and not recommended for inclusion during licensing review. There is minor shifting in aerial imagery compared to applicant's survey lines which gives the appearance that the applicant has developed outside the property boundary. Mr. Haas asserted this is inaccurate and the property lines are accurate vice the imagery overlay.

The domestic POU and water use is for 2ea recreational vehicles. Annual volume authorized equals 0.6 af per home (RV) with the annual volume recommended for licensing equaling **1.2 af**. Mr. Haas's property is in a natural high elevation area along the river, and he has never witnessed spring flooding which enables him to keep RVs on the property year-round. The irrigation POU consists of 0.8 acres of grass and treed areas to keep vegetation green throughout the season of use. The applicant can run up to 2 hoses with a single sprinkler rotating hose throughout the POU. Annual irrigation volume = 0.8 ac x 3.0 afa = **2.4 af**. The applicant's water system uses a surface water source, and there is no annual volume for irrigation nor maximum diversion volume on the face of the license; condition X31 designates the annual volume limitations for irrigation.

Condition X02 was removed from the permit during licensing review. R66 was replaced with X31 to better describe irrigation metric for less than 1 acre. 132 was updated to reflect 2 RVs vice homes as stated on the permit. There are no overlap concerns associated with licensing 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>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.03 CFS	
DOMESTIC	01/01 to 12/31	0.03 CFS	1.2 AF

Totals: 0.03 CFS

2. Recommended Amendments

<u> </u> Change P.D. as reflected above	Add P.D. as reflected above	X	None
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Change P.U. as reflected above Add P.U. as reflected above X None

I. AUTHENTICATION

Luke Bates -

Field Examiner's Name 5. B. B. Date 11/22/2022

Reviewer _____ Date _____

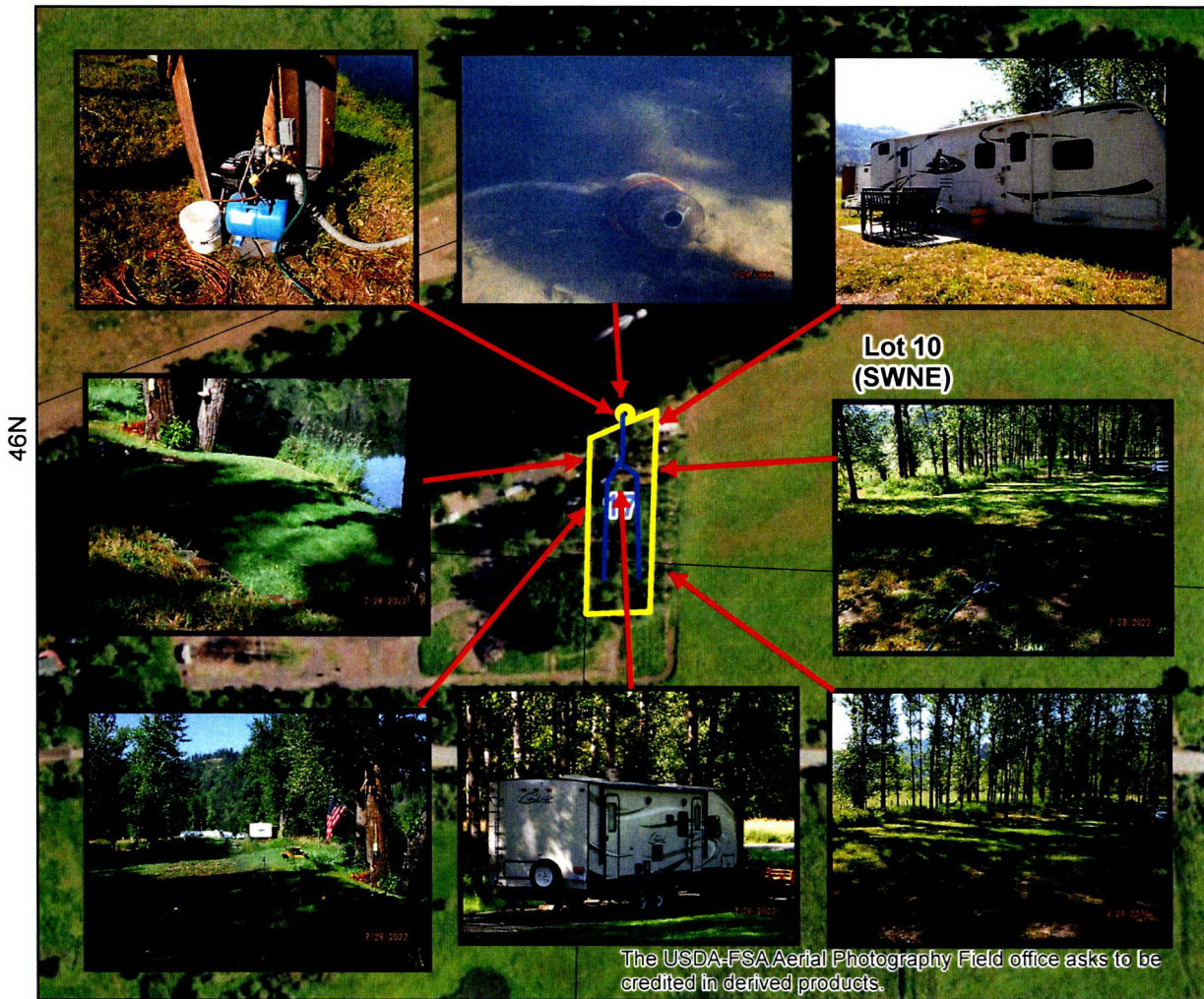
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State of Idaho
Department of Water Resources
Attachment to Water Right License
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This map depicts the DOMESTIC & IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

01W



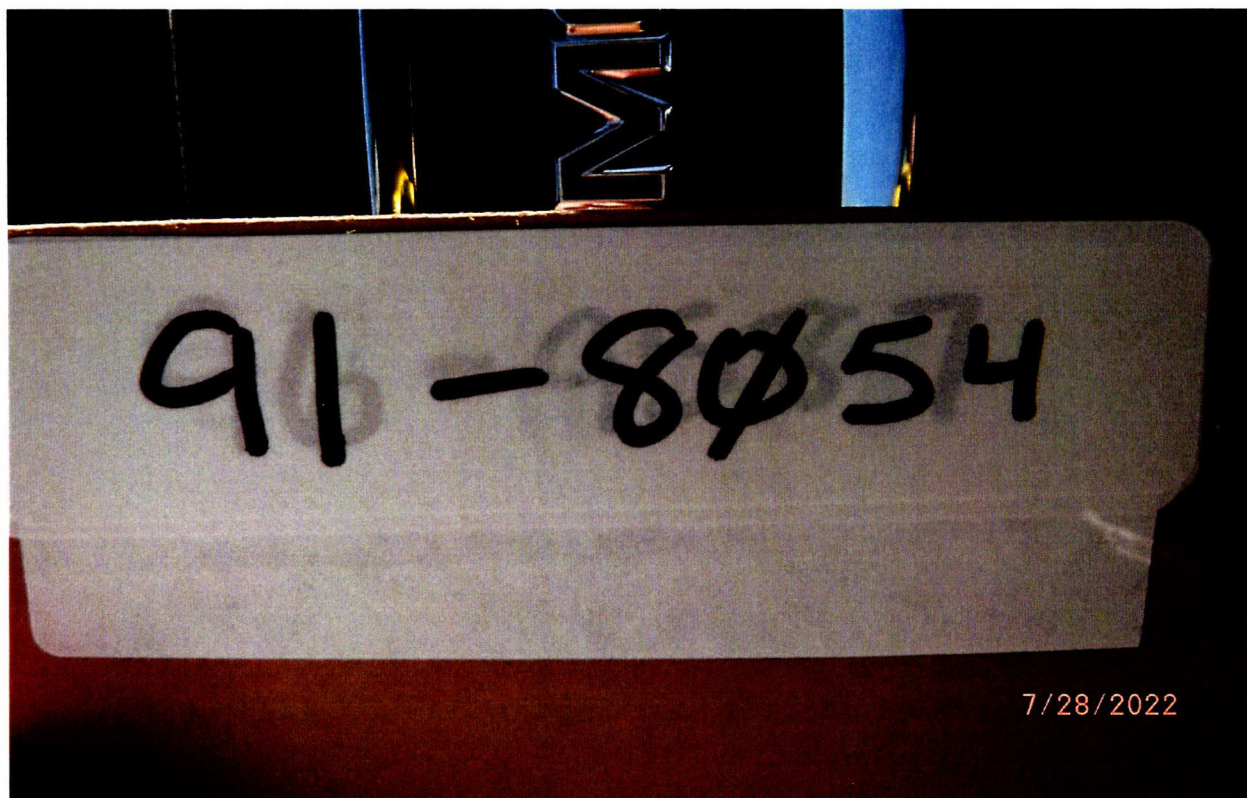
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion

0 0.035 0.07 0.14 Miles

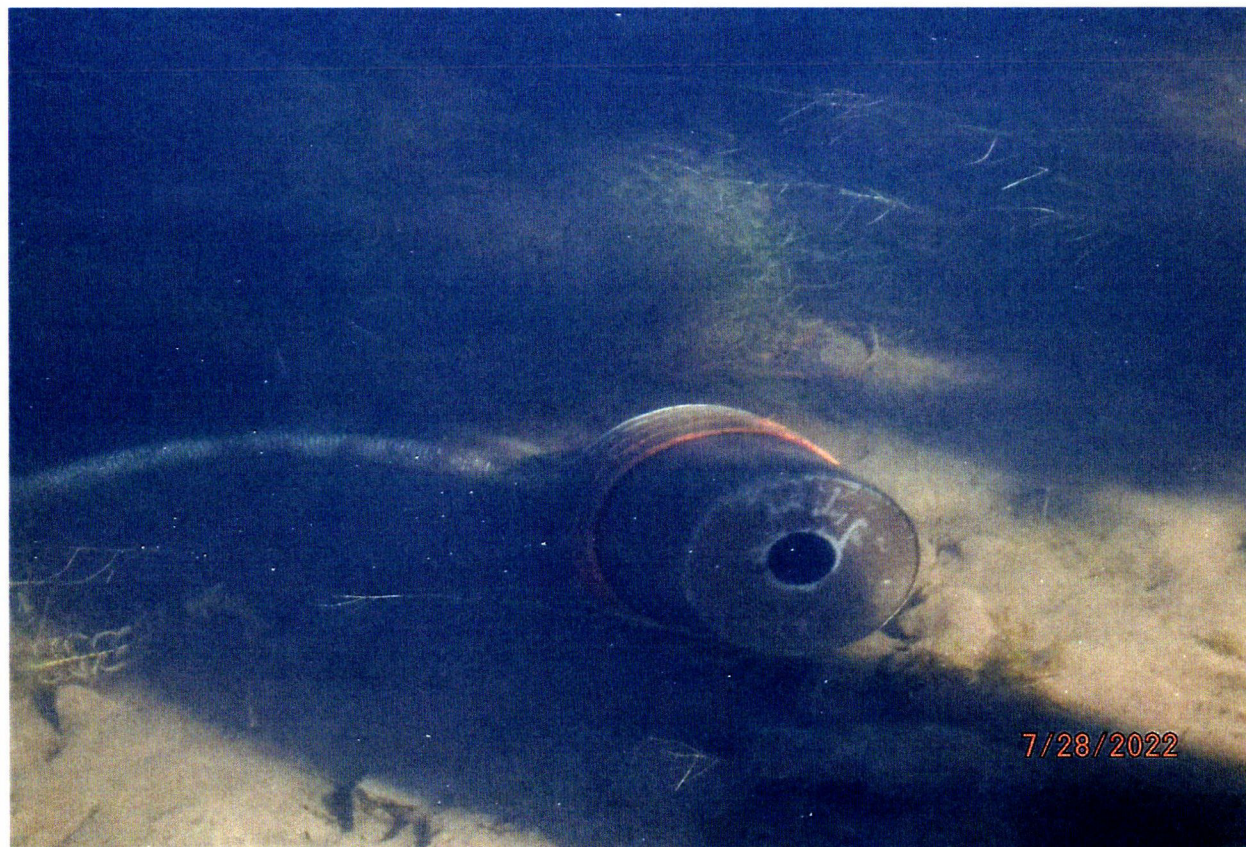


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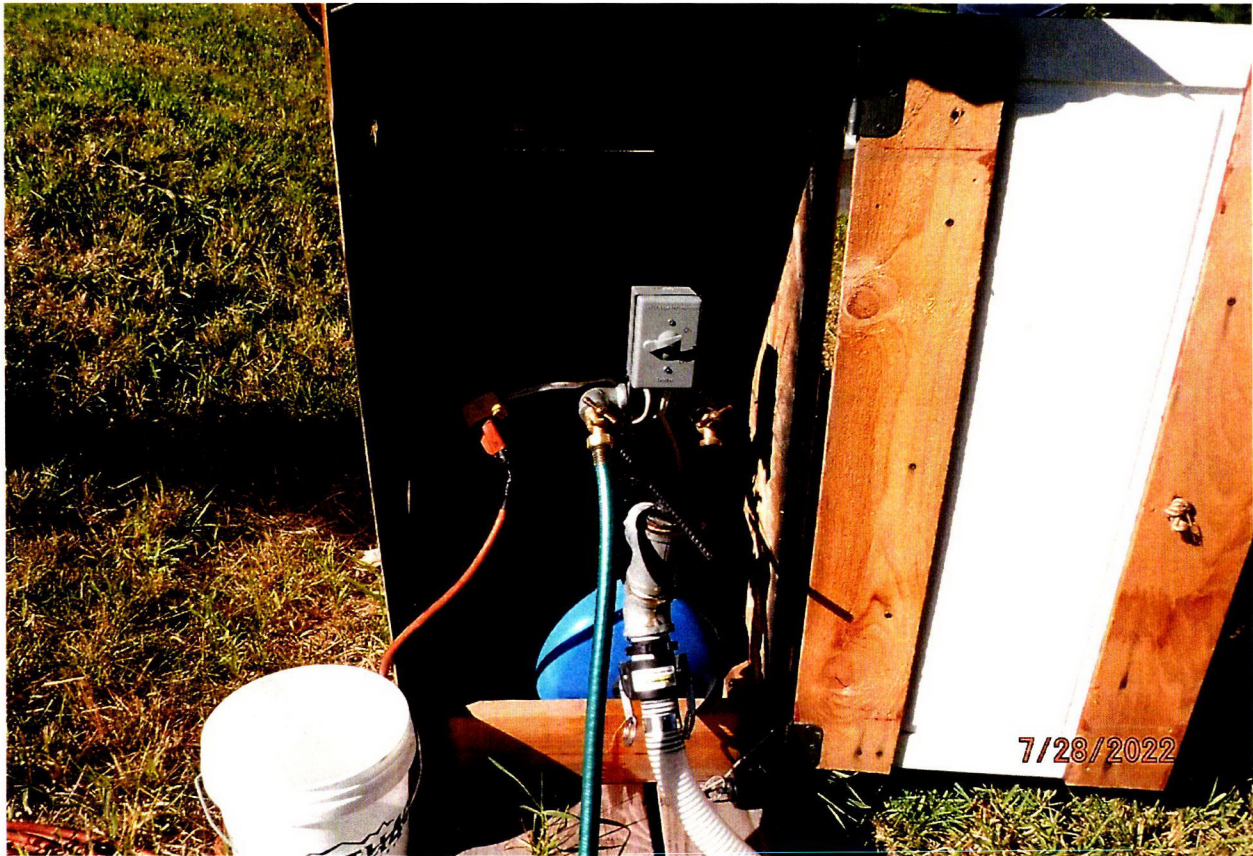


BENEFICIAL USE FIELD EXAMINATION DATE 7/28/2022

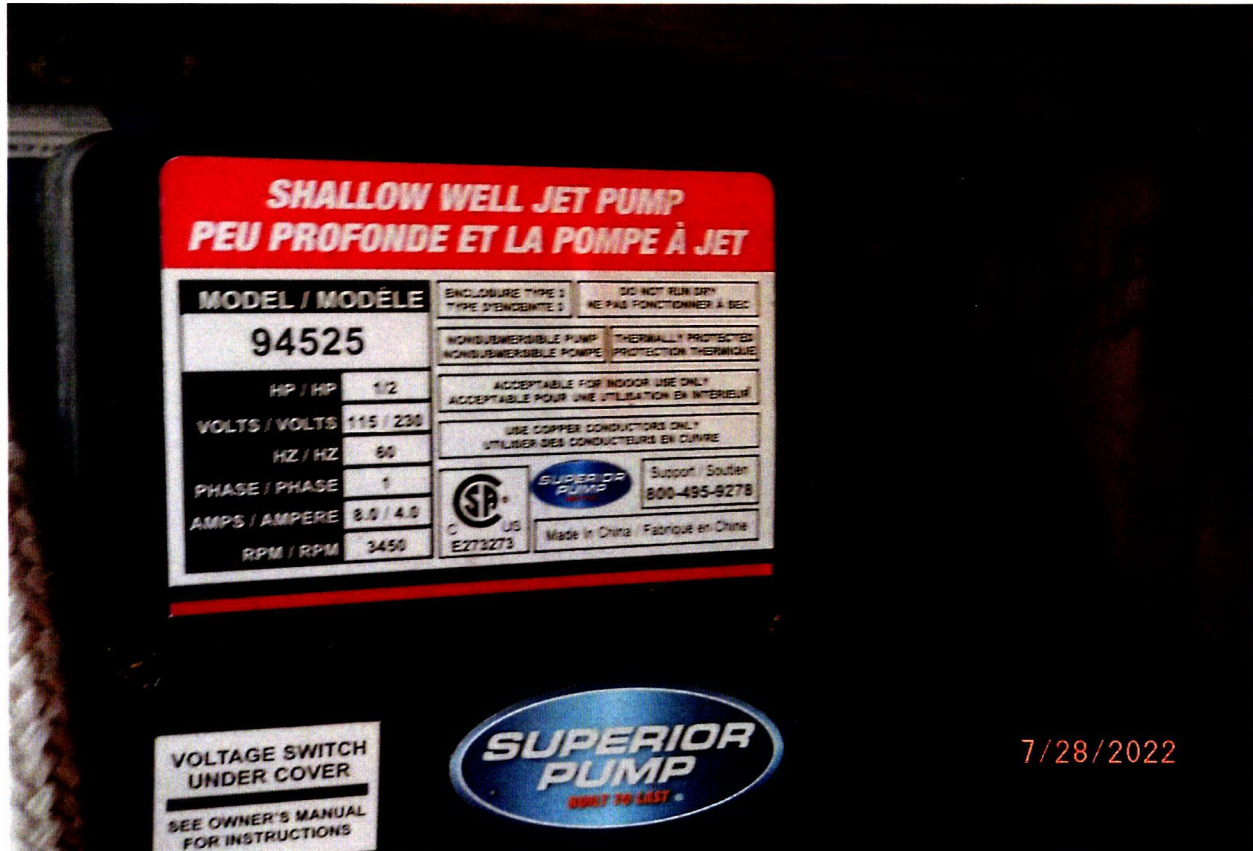


POD – SCREENED INTAKE PIPE TO WATER TRANSFER PUMP

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JUL 13 2023



POD – SMALL DOGHOUSE FOR WATER TRANSFER PUMP



½ HP SUPERIOR PUMP MODEL 94525, SHALLOW WELL JET PUMP

SCANNED

JUL 13 2023



6.3 GAL PRESSURE POT WORKING AS PART OF THE TRANSFER PUMP UNIT



5 GAL BUCKET MEASUREMENT TAKEN FROM HOSE BIB CONNECTION AT POD

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JUL 13 2023



DOMESTIC POU – 2EA RV SLIPS





IRRIGATION POU – 2EA HOSE BIB CONNECTORS FROM WATER TRANSFER PUMP TO HOSE(S) & SPRINKLERS



SCANNED

JUL 13 2023



IRRIGATION POU



SCANNED

JUL 13 2023