

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 86-12000

Priority: May 31, 2011

Maximum Diversion Volume: 1.5 AF

It is hereby certified that:

TIMOTHY LINK
1110 ORCHARD LOOP RD
TROY, ID 83871-8611

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 31, 2011, and has submitted Proof of Beneficial Use on October 11, 2012. An examination confirms water is diverted from:

Source : RUNOFF

Tributary: SINKS

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	01/01 to 12/31		0.5 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		1.5 AF
WILDLIFE STORAGE	01/01 to 12/31		0.5 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		0.5 AF
AESTHETIC STORAGE	01/01 to 12/31		0.5 AF

Location of Point(s) of Diversion

RUNOFF SW¼, SW¼, Sec. 32, Twp 40N, Rge 03W, B.M., LATAH County

Place of Use: IRRIGATION STORAGE, WILDLIFE STORAGE, 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	
40N	03W	32											X						

Place of Use: IRRIGATION FROM 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	
40N	03W	32											0.5						0.5

Total Acres: 0.5

Conditions of Approval:

1. This right does not grant any right-of-way or easement across the land of another.
2. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
3. The reservoir established by the storage of water under this right shall not exceed a total capacity of 0.3 Acre-Feet (AF) or surface area of 0.1 acres.
4. Right 86-12000 authorizes the storage of an annual total of 1.5 Acre Feet (AF), comprised of 0.3 AF to be used for the initial filling or carryover storage of the reservoir, 0.2 AF for the replacement of losses due to seepage and evaporation, and up to 1.0 AF for additional refills for irrigation from storage use.
5. This right when combined with all other rights shall provide no more than 3.0 Acre Feet (AF) annually per acre at the field headgate for irrigation of the place of use.

SCANNED
NOV 07 2022

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 86-12000

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 25th day of October, 20 22.



ADAM FREDERICK
Water Rights Supervisor

SCANNED
NOV 07 2022

State of Idaho
Department of Water Resources
Attachment to Water Right License
86-12000

This map depicts the IRRIGATION FROM 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.



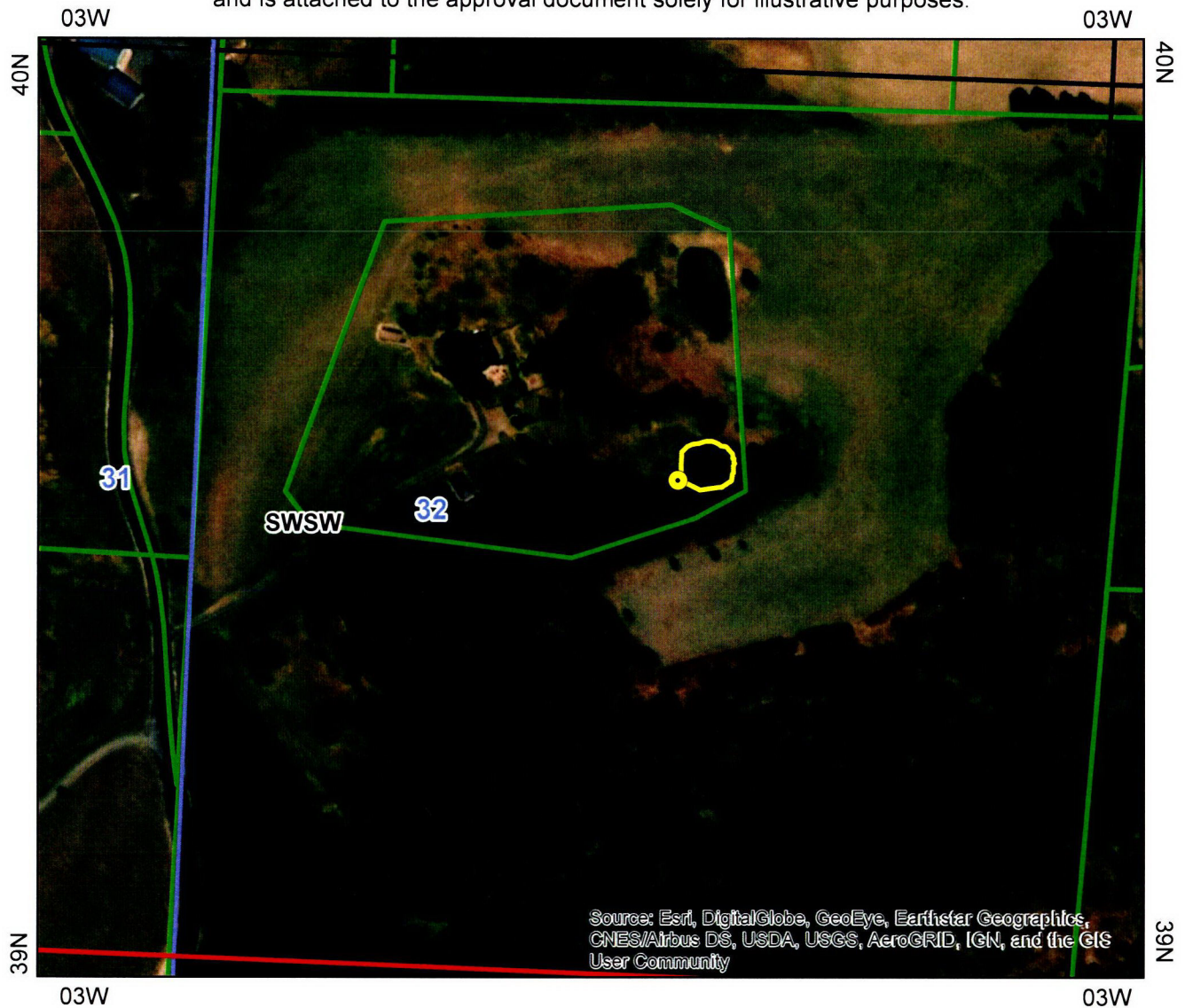
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

Tax parcel information provided by Latah County.

SCANNED
NOV 07 2022

State of Idaho
Department of Water Resources
Attachment to Water Right License
86-12000

This map depicts the IRRIGATION STORAGE, WILDLIFE STORAGE, FIRE PROTECTION STORAGE, and AESTHETIC 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.



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

0 0.03 0.06 0.12 Miles



Tax parcel information provided by Latah County.

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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

November 07, 2022

TIMOTHY LINK
1110 ORCHARD LOOP RD
TROY ID 83871-8611

RE: License No. 86-12000

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,

Adam Frederick

Adam Frederick
Water Right Supervisor

Enclosure(s)

SCANNED

NOV 07 2022

CERTIFICATE OF SERVICE

I hereby certify that on November 07, 2022, I served a true and correct copy of Water Right License No. 86-12000 by U.S. Mail, postage prepaid, to the following:

TIMOTHY LINK (Current Owner)
1110 ORCHARD LOOP RD
TROY ID 83871-8611



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: 86-12000
Exam Date: 07/22/2015

1. Current Owner:
TIMOTHY LINK 1110 ORCHARD LOOP RD TROY ID 83871-8611
2. Accompanied by:
Phone No: TIMOTHY LINK
Address: 1110 ORCHARD LOOP RD TROY, ID 83871-8611
Relationship to permit Holder: Permit holder

3. SOURCE:
RUNOFF

Tributary
SINKS

Method of Determination: U.S.G.S. 7.5 Minute Quadrangle (Topographic) 'Stanford' (J55) (1994) Garmin GPS Receiver

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis
86-4023	Spring	Domestic, Irrigation	Decreed

Comments: Review of backfile for 86-4023 indicates source (Spring) and Places of Use do not overlap 86-12000 and are elsewhere in T.40N, R03W, S. 32 SW SW.

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

Water Right No.	Source	Purpose of Use	Basis
(None)			

C. DIVERSION AND DELIVERY SYSTEM. Underground pipe leads from low point in reservoir to hand valves on branch pipes that shut off water to separate irrigated zones in 0.5 acre Place of Use (Irrigation from Storage). Gravity flow system.

1. LOCATION OF POINT(S) OF DIVERSION:

RUNOFF SW¼, SW¼, Sec. 32, Twp 40N, Rge 03W, B.M., LATAH County

Method of Determination: U.S.G.S. 7.5 Minute Quadrangle (Topographic) 'Stanford' (J55) (1994) Garmin GPS Receiver.
Dam for reservoir located at -116 degrees 44.49.1 West Longitude, 46. degrees 45 38.7 North Latitude.

PLACE OF USE: IRRIGATION 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	
40N	03W	32											X						

PLACE OF USE: IRRIGATION FROM 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	
40N	03W	32											0.5						0.5

Total Acres: 0.5

PLACE OF USE: 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	
40N	03W	32											X						

PLACE OF USE: 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	
40N	03W	32											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	
40N	03W	32											X						

Method of Determination: U.S.G.S. 7.5 Minute Quadrangle (Topographic) 'Stanford' (J55) (1994) Garmin GPS Receiver.

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
Not Applicable					

D. FLOW MEASUREMENTS

1.

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

2. Measurements: N/A

E. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: Flow rate measurement not required for Irrigation From Storage.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation from Storage:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (0.5 \text{ Acres}) \times (3.0 \text{ AF}) = \mathbf{1.5 \text{ Acre Feet (AF)}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = (\text{Irrigation From Storage: No Diversion Rate Applied})$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \mathbf{1.5 \text{ AF}}$$

2. Volume Calculations for Other Uses: (see attached Total Storage Calculations (pond analysis worksheet))

WILDLIFE STORAGE, AESTHETIC STORAGE, & FIRE PROTECTION STORAGE = **0.5 AF**

G. NARRATIVE/REMARKS/COMMENTS.

Idaho Department of Water Resources (IDWR) completed a Field Exam for permit 86-12000 at Latah County tax parcel RP40N03W326163 (1110 Orchard Loop RD) on July 22, 2015 with Applicant Timothy Link present. The other Applicant (Sharyl Kammerzell) is no longer associated with the Water Right and her name has been crossed out on the 86-12000 Proof of Beneficial Use received by IDWR. The enclosed photographs and notes taken during the Exam indicate that all irrigation is from storage. There is no irrigation directly from runoff.

Attached Exam photos show all of the 86-12000 storage Places Of Use (POU) are located in one small, shallow, circle shaped, unlined reservoir (60' x 75' x 3'), that is perched above and to the South-East of the home. The reservoir is filled by water coming from multiple directions and diffuse flows.

No Water Right Overlap exists. The larger pond shown on ArcMap™ aerial imagery to the North of the home on parcel RP40N03W326163 was not visited and is not relevant to the Permit. The five Gallon Per Minute (GPM) domestic well (D0022459) shown on one of the attached Exam photos is not part of Permit 86-12000 and is not connected to the reservoir water system. Statutory Claim 86-4023 is listed in IDWR records as having a spring POD and Stockwater POU in the same Quarter Quarter as 86-12000 but has not been claimed in the Palouse Basin Adjudication. No evidence of Stockwater use was seen on parcel RP40N03W326163 during the Exam.

Review of Exam photos /notes, ArcMap™ imagery, and the U.S. Geological Survey map for the POUs indicates that the reservoir is located in a short draw above the home and the catchment area for the reservoir is small. No channel was seen to indicate flowing water reaches the reservoir from a stream or spring. The water level in the pond was low on the Exam date. The Acre Feet (AF) information shown in the Application (2.0 AF) overestimates pond capacity.

Exam photos confirm that all Permit 86-12000 storage uses (Wildlife Storage, Aesthetic Storage, Fire Protection Storage & Irrigation Storage) occur in the reservoir. Wildlife storage use is confirmed by a waterfowl nesting platform in the photos.

Water flows via gravity from the reservoir through underground pipes to flexible hoses, controlled by four hand operated valves, for irrigation of separate zones. The irrigated area is 0.5 acres of flowers, lawn, and shrubs that are visible in the Exam photos. Flow rate from the reservoir was observed at two separate valve locations during the Exam.

The Annual Volume for Irrigation From Storage and the Maximum Diversion Volume is restricted by the amount of area confirmed to be irrigated (0.5 acres) during the Field Exam and the allowable headgate volume (3.0 AF per Acre) to 1.5 AF. The Volume for each of the Storage uses (Irrigation Storage, Wildlife Storage, Fire Protection Storage, & Aesthetic Storage) is restricted by the reservoir capacity (0.3 AF) and seepage and evaporation losses (0.2) found during the Field Exam and shown on the Total Storage Calculations worksheet. **Recommended Maximum Diversion Volume is 1.5 AF (0.5 AF x 3.0 AF = 1.5 AF). Recommended Annual Volume for each of the Storage uses is 0.5 AF (0.3 AF + 0.2 AF = 0.5 AF)**

Have conditions of permit approval been met? ☒ 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 FROM STORAGE	04/01 to 10/31		1.5 AF
IRRIGATION STORAGE	04/01 to 10/31		0.5 AF
WILDLIFE STORAGE	01/01 to 12/31		0.5 AF
AESTHETIC STORAGE	01/01 to 12/31		0.5 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		0.5 AF

Totals:

1.5 AF

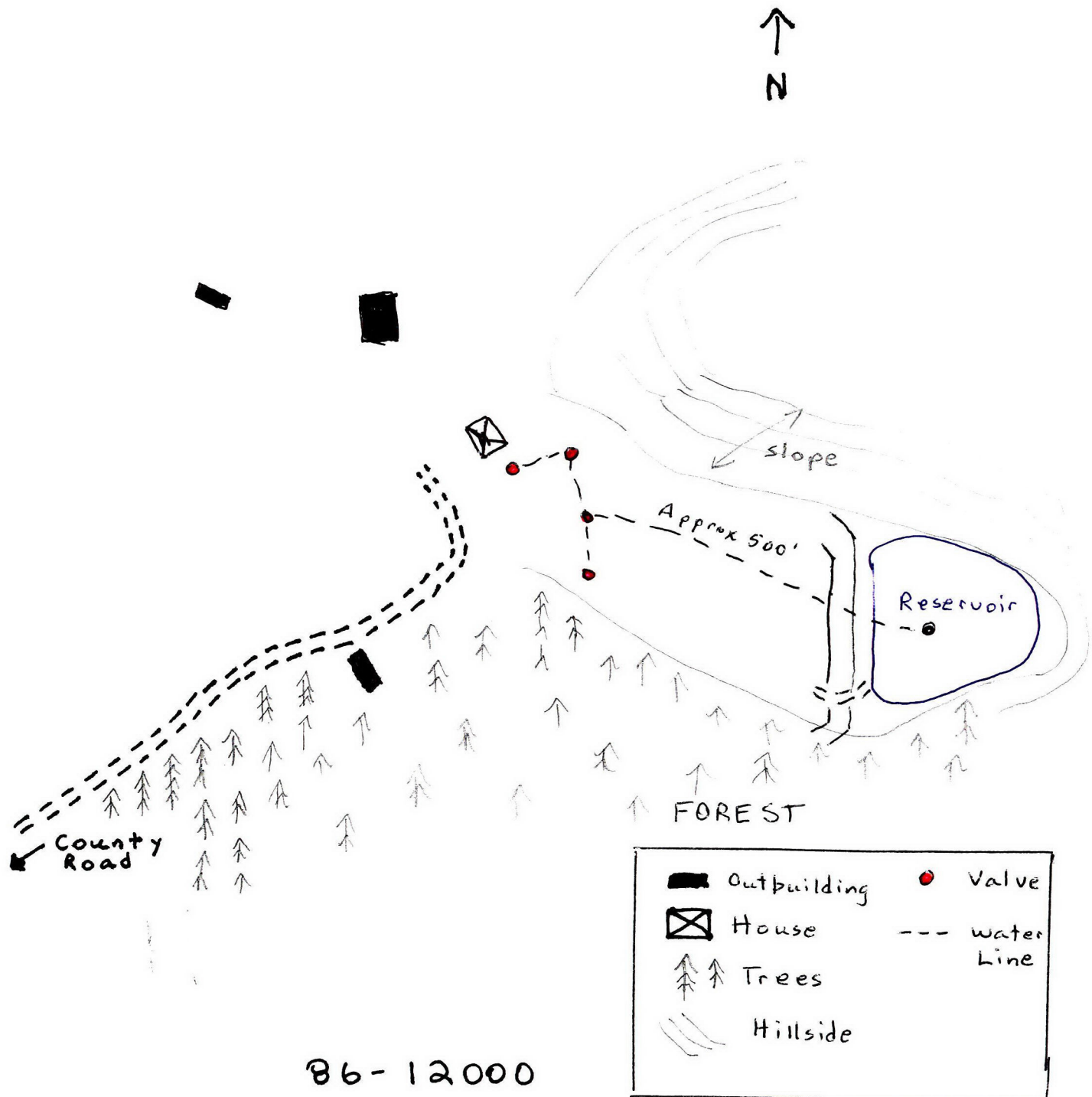
2. Recommended Amendments

____ 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 Shaun Maxey -

Field Examiner's Name Shaun M. Maxey Date 11/26/2021
Reviewer Aden Fink Date 10/25/2022

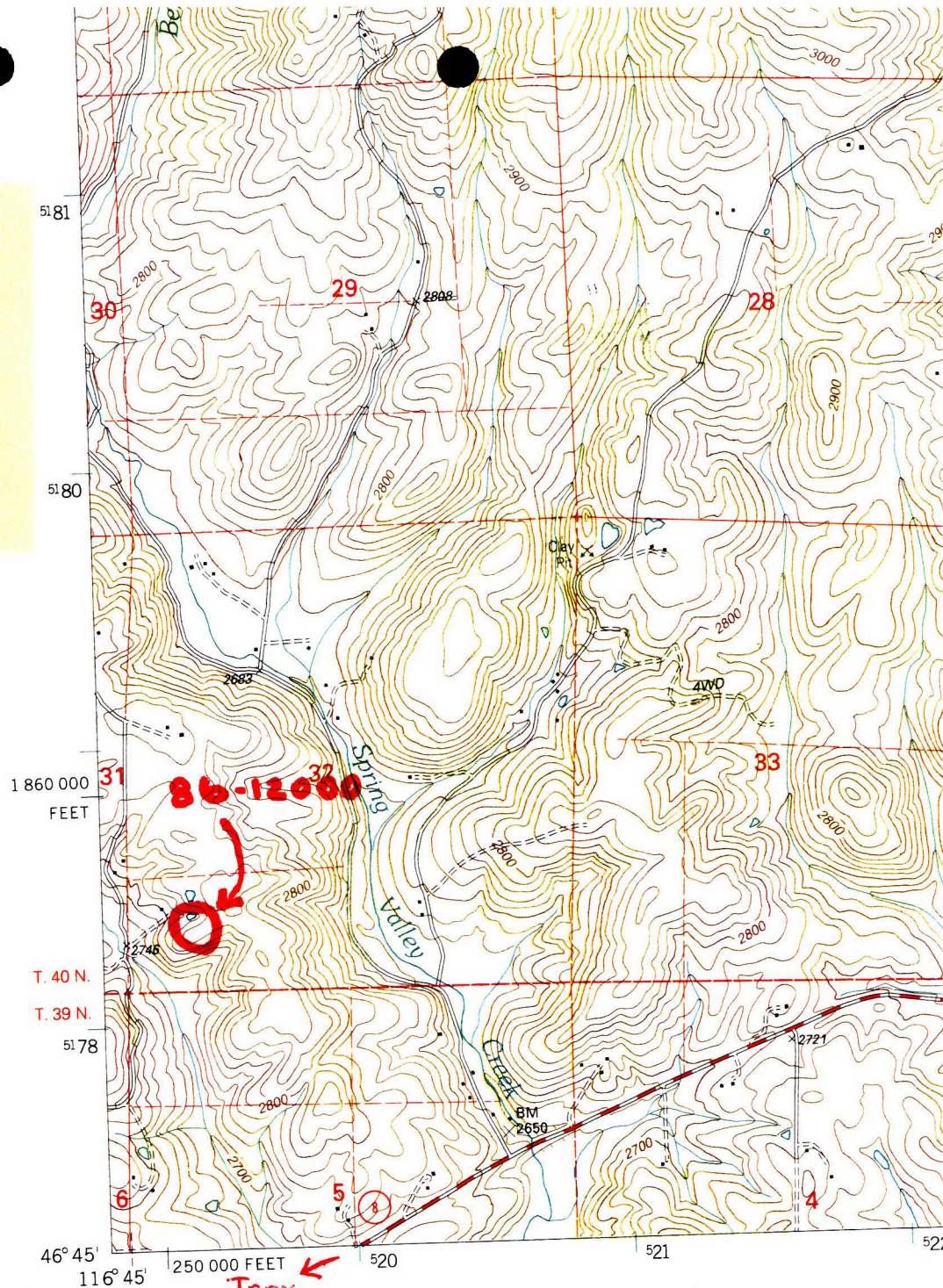
DELIVERY SYSTEM DIAGRAM
(NOT TO SCALE)



SCANNED

NOV 07 2022

Topographic Map
U.S.G.S. 7.5'
'SanStanFord'
Prepared by U.S.
Forest Service
1994



Produced by the U.S. Geological Survey
Revised by the U.S. Forest Service

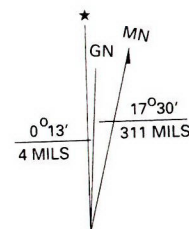
Areas outside the National Forest System lands may not have been revised
Control by USGS and NOS/NOAA

Compiled from aerial photographs taken 1957. Revised from aerial
photographs taken 1990. Partial field check by U.S. Forest Service 1994
North American Datum of 1927 (NAD 27). Projection and 10 000-foot ticks:
Idaho coordinate system, west zone (Lambert conformal conic)
Blue 1000-meter Universal Transverse Mercator ticks, zone 11

North American Datum of 1983 (NAD 83) is shown by dashed corner ticks
The values of the shift between NAD 27 and NAD 83 for 7.5-minute
intersections are obtainable from National Geodetic Survey NADCON software

☐ Non-National Forest System lands within the National Forest
Inholdings may exist in other National or State reservations

This map is not a legal land line or ownership document. Public lands are
subject to change and leasing, and may have access restrictions; check
with local offices. Obtain permission before entering private lands



UTM GRID AND 1994 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

86-12000

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NOV 07 2022

Total Storage Calculations

FILE NUMBER	86-12000
REVIEWER	Shaun Maxey
DATE	4/20/2020

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.)	0.1	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	3	"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)	0.3	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)	1.5	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)	0.1	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	0.1	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	1.7	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.

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NOV 07 2022



86-12000 Pipe



86-12000 Storage Places of Use (Pou)



86-12000 Irrigation Place of Use (Pou)



86-12000 Storage Places of Use (Pou)



86-12000 Irrigation Pou, Pipe, Valve and Bucket Fill



Domestic Well (D0022459) NOT PART OF PERMIT



86-12000 IRRIGATION POW & second valve location & bucket fill