

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 86-12075

Priority: February 19, 2020

Maximum Diversion Rate: 0.02 CFS

Maximum Diversion Volume: 0.7 AF

It is hereby certified that:

OLESEN FAMILY TRUST 1011 WALLY RD TROY ID 83871-9624

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 30, 2020, and has submitted Proof of Beneficial Use on March 21, 2022. An examination confirms water is diverted from:

Source: SPRING

Tributary: SINKS

Beneficial Use

STOCKWATER

Period of Use

01/01 to 12/31

Rate of Diversion

0.02 CFS

Annual Volume

0.7 AF

Location of Point(s) of Diversion

SPRING NE¼ NE¼ SE¼, Sec. 34, Twp 40N, Rge 03W, B.M. LATAH County

Place of Use: STOCKWATER

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	34				X									X				

Conditions of Approval

1. 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 31st day of May, 2023.


MICHELLE RICHMAN
Northern Regional Manager

SCANNED

MAY 31 2023

State of Idaho
Department of Water Resources
Attachment to Water Right License
86-12075

This map depicts the STOCKWATER 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



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MAY 31 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

May 31, 2023

OLESEN FAMILY TRUST
1011 WALLY RD
TROY ID 83871-9624

RE: License No. 86-12075

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,

Michelle Richman
Northern Regional Manager

Enclosure(s)

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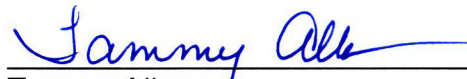
MAY 31 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2023, I served a true and correct copy of Water Right License No. 86-12075 by U.S. Mail, postage prepaid, to the following:

OLESEN FAMILY TRUST (Current Owner)
1011 WALLY RD
TROY ID 83871-9624

US DEPT OF AGRICULTURE NATURAL RESOURCE CONSERVATION SERVICE
(Representative)
1848 S MOUNTAIN VIEW RD
MOSCOW ID 83843-7019



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: 86-12075
Exam Date: 08/04/2022

1. Current Owner:
OLESEN FAMILY TRUST 1011 WALLY RD TROY ID 83871-9624
2. Accompanied by: Wayne Olesen
Phone No: 208-835-6491
Address: Same as above
Relationship to permit Holder: Permit holder (Trustee)

3. **SOURCE:**
SPRING

Tributary
SINKS

Method of Determination: Arcmap and DRG

B. OVERLAP REVIEW

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

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

SPRING NE¼ NE¼ SE¼, Sec. 34, Twp 40N, Rge 03W, B.M. LATAH County

Method of Determination: GPS. POD is a spring source & cistern located at -116°41.3518, 46°45.8966.

PLACE OF USE: STOCKWATER

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	34				X									X				

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

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

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4.

Well or Diversion ID No.*	Diversion from Spring to temporary storage	Hp	Motor Model No. & Make	Pump Serial No. or Discharge Size
SPRING	GRAVITY FLOW FROM SPRING BOX TO CONCRETE CISTERN	1/2 HP TRANSFER PUMP AT CISTERN	14940943 VCM sub pump motor	¾" POLY PIPE

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Unable to perform flow measurements; spring box pipe entering cistern was submerged at time of examination. Applicants ½ HP water transfer pump distributes water from a 24-hr impoundment which re-fills daily following use. I am recommending the department standard diversion rate of **0.02 cfs** for licensing purposes which mirrors the permit approval value.

E. FLOW CALCULATIONS

Measured Method: a 12' x 12' x 12' cistern will hold approx. 1,728 gallons. Mr. Olesen asserts the spring keeps up with his pumping without issue and is full each morning after distributing water throughout the day. 1,728 gal / 8 hrs (nightly recharge hours) = 216 GPH recharge / 60 min/hr = 3.6 gpm. This value doesn't account for variable pump schedules, and I recommend 0.02 cfs which is the department standard for stockwater use up to 50 head cattle/horses.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A

2. Volume Calculations for Other Uses: Stockwater annual volume & Maximum diversion volume = 55 head of stock (cattle & horses) x 12 GPD x 365-Days = 240,900 gal per year / 325,850 gal per acre-foot = **0.7 af** considering department rounding standards.

G. NARRATIVE/REMARKS/COMMENTS

Field exam performed on 8/4/2022 with the applicant, Wayne Olesen, showed a spring being used for stockwater purposes. The POD is a spring with spring-box gravity flowing into a 12' x 12' x 12' concrete cistern before distribution to stockwater uses. Applicant's system incorporates a ½ HP submersible pump and ¾ inch poly pipe run up the driveway to a small pump house and pressure tank before a lateral pipeline route to 3 separate frost-free hydrants used to fill stockwater tanks. At time of exam the cistern was completely full due to non-use; stock was being pastured at a different location and not requiring stockwater at this permit's POU at time of exam, but clear evidence of stock use on the working farm showed usage occurs regularly. I was unable to capture a flow measurement from the spring box pipe entering the cistern & I am recommending **0.02 cfs** for licensing as the maximum diversion rate; this is the department standard diversion rate for what the applicant designated as 40-50 head yearlings (cattle) on the statement of completion received 3/21/2022.

The applicant asserts when actively filling all the stock tanks by hose from frost-free hydrants the cistern will draw down daily, and recharge to full each night as discussed above in step E. Flow Calculations. It is evident by these conservative computations that the spring flow will support the 0.02 cfs recommended for licensing.

Stockwater POU was walked with the applicant & photographs taken throughout the exam to illustrate the beneficial use of water and water system. Applicant has a 300-gal tank, 900-gal tank, self-watering tank, and a smaller 200-gal tank all used for watering in separate stock pens. I operated the frost-free hydrant at the furthest extent of the water system which showed approximately 18 gpm flow which was achieved by use of the pressure tank located in the pump station that maintains a 40-psi system operating pressure. Arcmap aerial imagery was used to trace out the POU for licensing purposes. Arcmap DRG layer shows an evident shift vice the aerial imagery layer(s), and the POU is entirely within the applicant's property line on the northern extent of the POU. I am recommending an annual & maximum diversion volume of **0.7 af** as described above for up to 55 head of stock (additional 5 horses watered in development period).

During licensing review aerial imagery shows a pond located just east of the main residence. DRG layer shows the pond is natural and the applicant doesn't beneficially use the water for anything as discussed at time of exam; a recorded water right is not required for the natural diffuse runoff pond. Condition X02 was removed from the permit during licensing review. All other conditions on the permit shall be carried forward to licensing. There are no overlap concerns for this water 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>Rate of Diversion</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.7 AF
<u>Totals:</u>		0.02 CFS	0.7 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 -

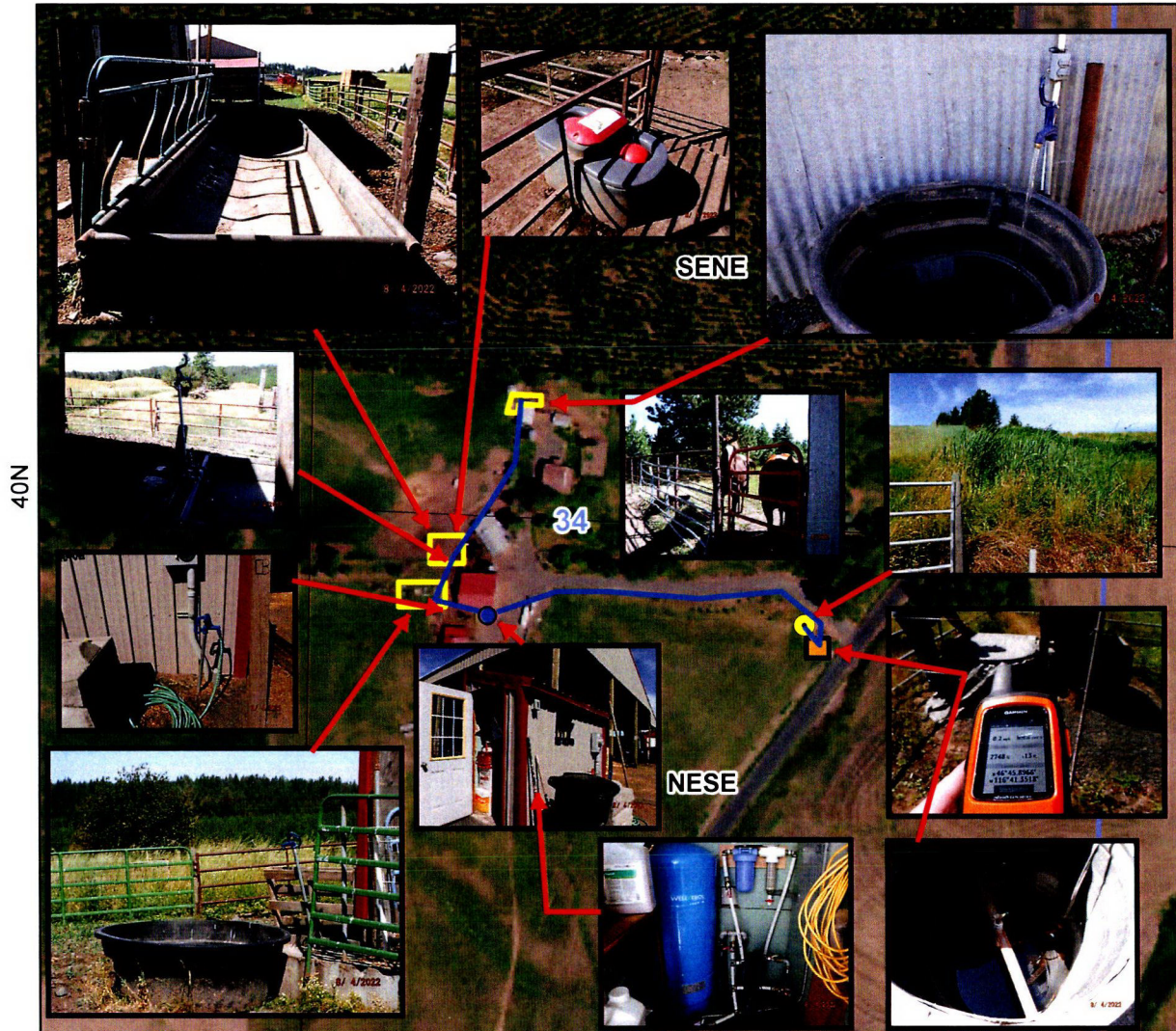
Field Examiner's Name  Date 12/22/2022
 Reviewer Michelle Richman Date 5/31/2023

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State of Idaho
Department of Water Resources
Attachment to Field Exam
86-12075

STOCKWATER system diagram.

03W



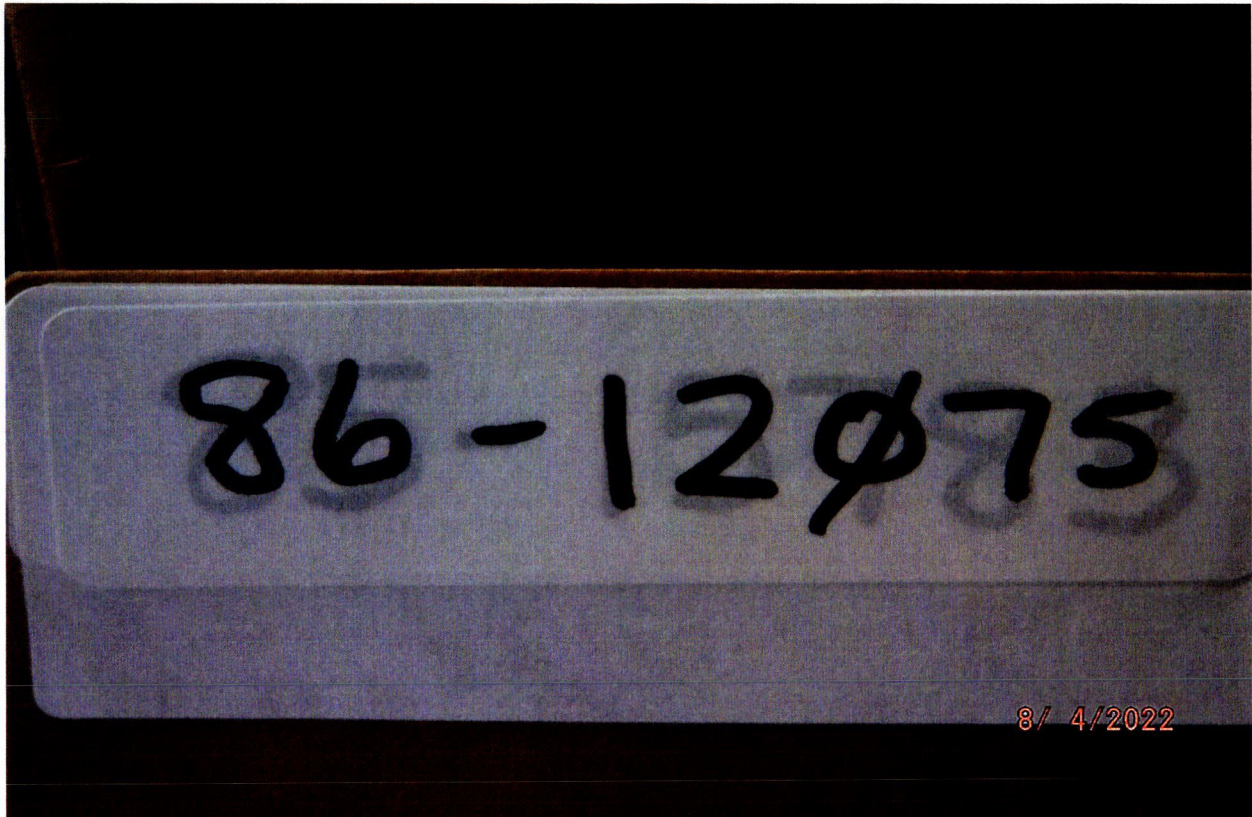
40N

-  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 8/4/2022

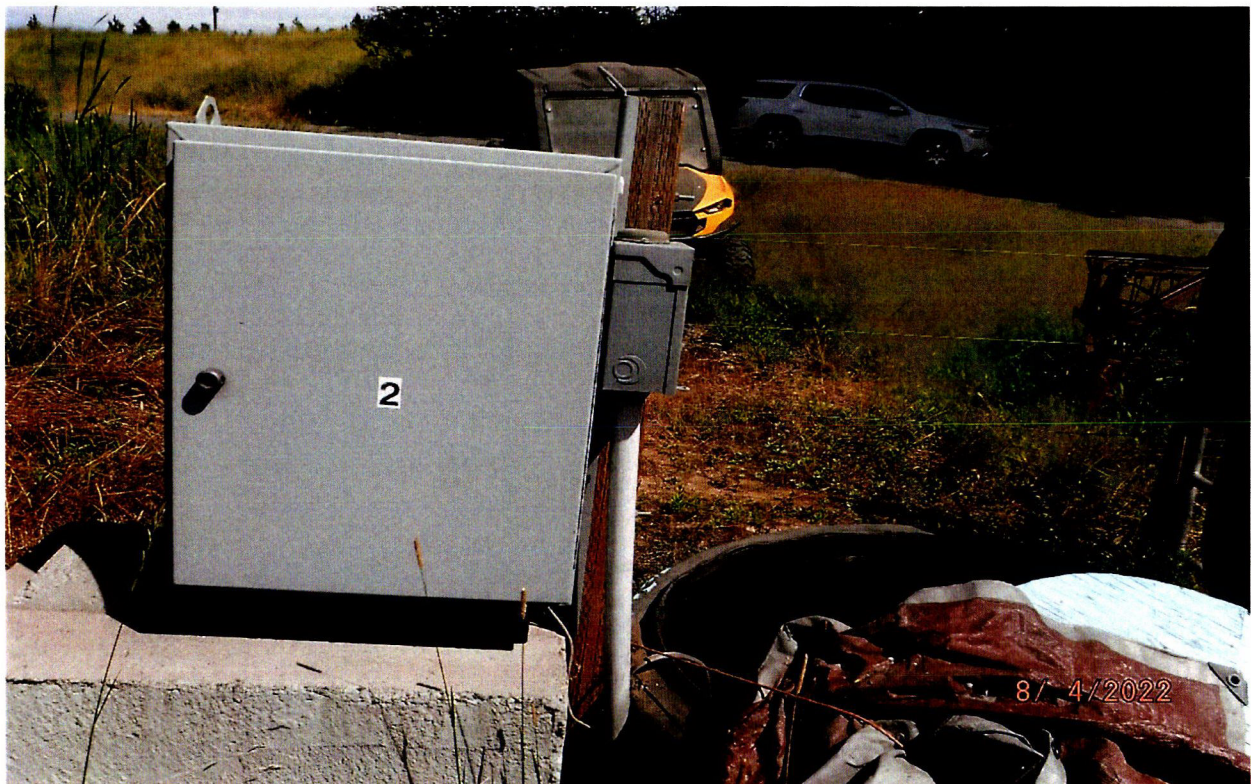


POD – SPRING SOURCE – CISTERN BUILT AT SPRING LOCATION

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DRAIN TILE INSTALLED FROM SPRING FIELD TO CISTERN



12 FT X 12 FT X 12 FT CISTERN AND UTILITY BOX FOR SYSTEM



½ HP PUMP MOTOR INSTALLED IN DIVERTING WORKS



PUMP STATION HOUSES PRESSURE TANK FOR STOCKWATER SYSTEM



SPRING WATER PUMPED TO 4 FROST FREE HYDRANTS FOR STOCKWATER USE



40 PSI OPERATING PRESSURE AT PRESSURE TANK



STOCKWATER POU – 300 GALLON TANK



STOCKWATER POU – 900 GALLON TANK



SELF WATERING STOCK TANK



STOCKWATER POU – STOCK TANK FURTHEST NORTHERN EXTENT OF STOCKWATER SYSTEM



STOCKWATER POU



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