State of Idaho
Department of Water Resources

# Water Right License

**Water Right No. 86-12111**

**Priority**: April 26, 2021

**Maximum Diversion Volume:** 16.7 AF

It is hereby certified that:

WARREN R CASE PO BOX 105 DEARY ID 83823-0105

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 26, 2021, and has submitted Proof of Beneficial Use on December 3, 2021. An examination confirms water is diverted from:

**Source :** SURFACE RUNOFF **Tributary:** SINKS

| Beneficial Use | Period of Use | Annual Volume |
|---|---|---|
| IRRIGATION STORAGE | 01/01 to 12/31 | 5.1 AF |
| IRRIGATION FROM STORAGE | 03/15 to 11/15 | 5.1 AF |
| RECREATION STORAGE | 01/01 to 12/31 | 11.6 AF |
| FIRE PROTECTION STORAGE | 01/01 to 12/31 | 11.6 AF |

**Location of Point(s) of Diversion**

SURFACE RUNOFF SW¼ SE¼, Sec. 23, Twp 39N, Rge 02W, B.M. LATAH County

**Place of Use:** IRRIGATION STORAGE, RECREATION STORAGE, and 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 | |
| 39N | 02W | 23 | | | | | | | | | | | | | | | 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 | |
| 39N | 02W | 23 | | | | | | | | | | | | | | | 0.1 | | 0.1 |
| 39N | 02W | 26 | | 0.6 | | | 1.0 | | | | | | | | | | | | 1.6 |

Total Acres: 1.7

**Conditions of Approval**

1. Right 86-12111 authorizes the storage of an annual total of 16.7 acre-feet, comprised of 8.4 acre-feet to be used for the initial filling or carryover storage of the pond, 3.2 acre-feet for the replacement of losses due to seepage and evaporation, and up to 5.1 acre-feet to replace water used for irrigation from storage use.
2. This right when combined with all other rights shall provide no more than 5.0 afa per acre for irrigation storage and irrigation from storage for the place of use.
3. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
4. This right does not grant any right-of-way or easement across the land of another.
5. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

SCANNED
MAY 17 2023

**State of Idaho**
**Department of Water Resources**

# Water Right License

**Water Right No. 86-12111**

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

SHELLEY W. KEEN
Water Allocation Bureau Chief

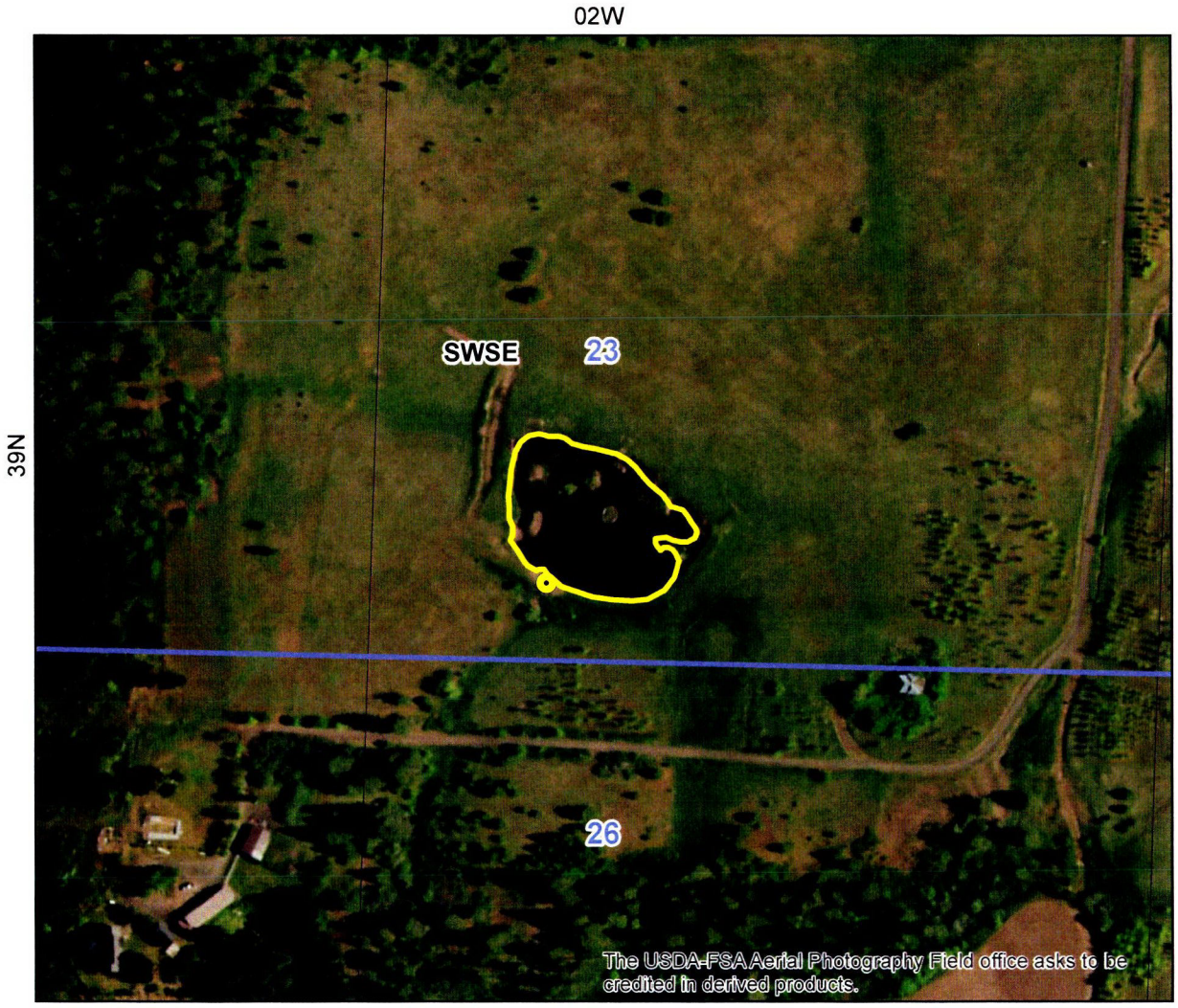
SCANNED
MAY 17 2023

State of Idaho
Department of Water Resources

# Attachment to Water Right License

**86-12111**

This map depicts the IRRIGATION STORAGE, RECREATION STORAGE, & FIRE PROTECTION 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.




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

0 0.035 0.07 0.14 Miles

N

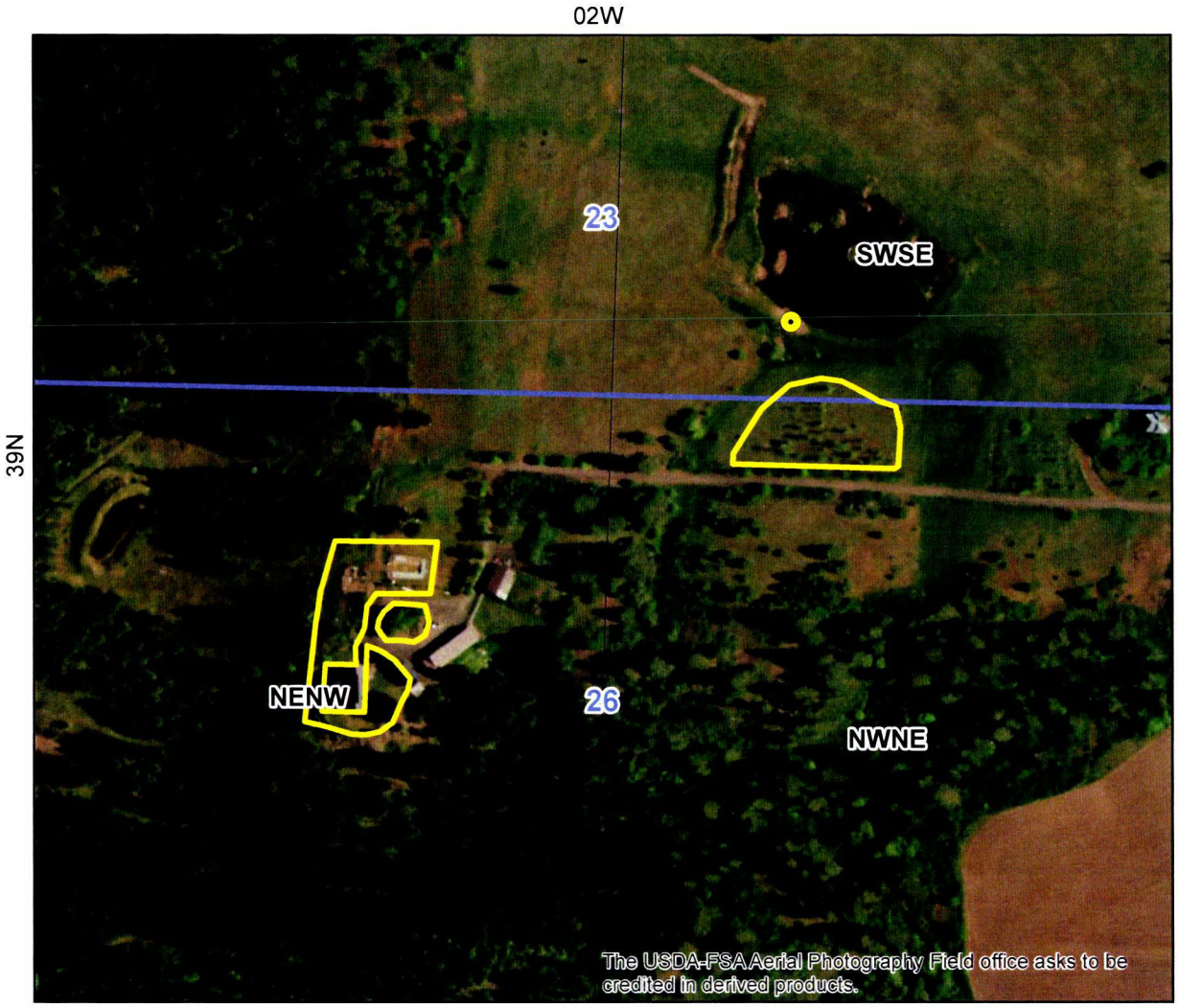
SCANNED
MAY 17 2023

State of Idaho
Department of Water Resources

# Attachment to Water Right License

86-12111

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.




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

0 0.035 0.07 0.14 Miles

N

SCANNED
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

WARREN R CASE
PO BOX 105
DEARY ID 83823-0105

RE: License No. 86-12111

## 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 W. Keen

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. 86-12111 by U.S. Mail, postage prepaid, to the following:

WARREN R CASE (Current Owner)
PO BOX 105
DEARY ID 83823-0105

Tammy Alleman
Administrative Assistant 1



SCANNED
MAY 17 2023

# 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.



SCANNED
MAY 17 2023

## 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.



SCANNED
MAY 17 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**BENEFICIAL USE FIELD REPORT**

**A. GENERAL INFORMATION**

**Permit No:** 86-12111
**Exam Date:** 06/06/2022

1. Current Owner:
   WARREN R CASE PO BOX 105 DEARY ID 83823-0105

2. Accompanied by: Warren R Case
   Phone No: 208-877-1614
   Address: Same as above
   Relationship to permit Holder: Permit Holder

3. **SOURCE:** SURFACE RUNOFF

**Tributary** SINKS

**Method of Determination: Arcmap & 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 SYSTEM**

1. **LOCATION OF POINT(S) OF DIVERSION:**
SURFACE RUNOFF SW¼ SE¼, Sec. 23, Twp 39N, Rge 02W, B.M. LATAH County

Method of Determination: GPS. POD is a pond earthen dam located at -116°32.9824, 46°42.0661.

**PLACE OF USE:** IRRIGATION STORAGE, RECREATION STORAGE, 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 | |
| 39N | 02W | 23 | | | | | | | | | | | | | | | 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 | |
| 39N | 02W | 23 | | | | | | | | | | | | | | | 0.1 | | 0.1 |
| 39N | 02W | 26 | | 0.6 | | | 1.0 | | | | | | | | | | | | 1.6 |

Total Acres: 1.7

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

3.

__X__ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

__X__ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

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

__X__ Photo of Diversion and System Attached

SCANNED
MAY 17 2023

4.

| Well or Diversion ID No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---|---|---|---|---|---|
| POND DAM | | | | | |

## D. FLOW MEASUREMENTS

1.

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

2. Measurements: NONE

## E. FLOW CALCULATIONS

Measured Method: surface water filled pond, permit incorporates from storage beneficial uses and there is no diversion rate recommended for licensing purposes.

## F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$V_{IR}$ = (Acres Irrigated) x (Irrigation Requirement) = 1.7 ac x 3.0 afa = 5.1 af

$V_{DR}$ = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 = N/A no diversion rate associated with WR.

V = Smaller of $V_{IR}$ and $V_{DR}$ = **5.1 af**

2. Volume Calculations for Other Uses: See attached Pond Analysis Worksheet

## G. NARRATIVE/REMARKS/COMMENTS

Field exam performed on 6/6/2022 with the applicant, Warren Case, showed an excavated pond that impounds surface runoff water for multiple storage uses & irrigation from storage use. At the POD the pond has an earthen dam that blocks surface runoff from what may have been a historic intermittent stream channel headwater area. Any overflow discharging from the pond during spring runoff periods flows westward via a minor lowland overflow passage cut into the applicant's field where it sinks naturally on the property. There is no diversion rate associated with licensing this surface water source permit.

Photographs were taken of the storage pond POU during the field exam that provide irrigation storage, recreation storage, and fire protection storage uses. The pond has what appears to be small islands in aerial imagery but are actually shallow pond areas with cat tails that are completely submerged during high flow periods throughout the year. 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 licensing as follows:

- Pond – surface area = 1.4 ac, maximum depth = 15 feet, average depth = 6 feet, pond capacity = 8.4 af, seepage & evaporation loss rate = 3.2 af, irrigation from storage use multiple fill annual volume = 5.1 af, and total volume required = 16.7 af.
- Recreation storage & fire protection storage annual volume(s) = 8.4 af (pond capacity) + 3.2 af (seepage & evaporation rates) = **11.6 af**. This value is not additive toward the maximum diversion volume.
- The maximum diversion volume recommended for licensing equals **16.7 af**.

SCANNED
MAY 17 2023

The applicant uses a dedicated 2-inch poly pipeline with irrigation risers and Honda and/or Briggs & Stratton 5 HP, 2-inch discharge, water transfer pump(s) for irrigation from storage use(s). Due to a wetter than average spring season active irrigation was not occurring at time of exam. Proof of irrigation use was evident and the fully built out irrigation main line with riser pipes to hose bib demonstrated use in the development period of the permit. The applicant uses this pond for irrigation around the residence, garden, and orchard trees near the home, & for cyclic tree farm growing near the pond.

The irrigation from storage POU was walked with the applicant and sketched out on field maps. Arcmap aerial imagery was used to accurately trace out the POU during licensing review, which consists of 1.7 acres. The annual volume for irrigation from storage equals 1.7 ac x 3.0 afa = **5.1 af**. This value is the same as the irrigation storage beneficial use volume but is not additive between the two for licensing purposes.

All conditions on the permit were carried forward to licensing; condition 259 was revised to reflect volumetric data derived following the field exam and assessed irrigation acreage recommended for credit during licensing review. There are no overlap concerns for this water right.

Have conditions of permit approval been met? __X__ Yes ____ No

## H. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use | Period of Use | Annual Volume |
|---|---|---|
| IRRIGATION STORAGE | 01/01 to 12/31 | 5.1 AF |
| IRRIGATION FROM STORAGE | 03/15 to 11/15 | 5.1 AF |
| RECREATION STORAGE | 01/01 to 12/31 | 11.6 AF |
| FIRE PROTECTION STORAGE | 01/01 to 12/31 | 11.6 AF |
| | **Totals:** | 16.7 AF |

### 2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above __X__ None

____ Change P.U. as reflected above ____ Add P.U. as reflected above __X__ None

## I. AUTHENTICATION

Luke Bates -

Field Examiner's Name Luke Bates Date 11/14/2022

Reviewer _____ Date _____

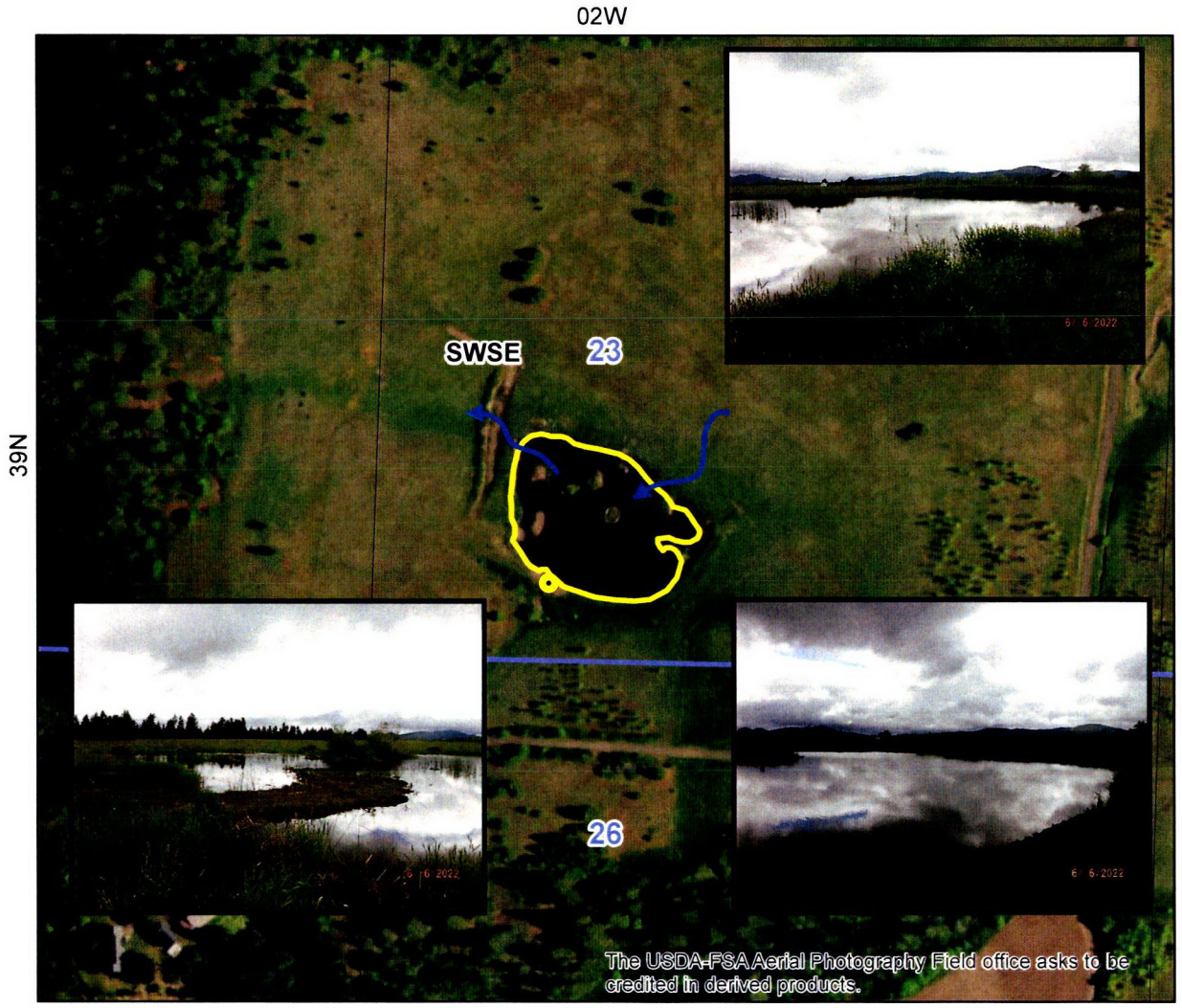
SCANNED
MAY 17 2023

State of Idaho
Department of Water Resources

# Attachment to Field Exam

86-12111

IRRIGATION STORAGE, RECREATION STORAGE, & FIRE PROTECTION STORAGE system diagram.




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

0 0.035 0.07 0.14 Miles

N

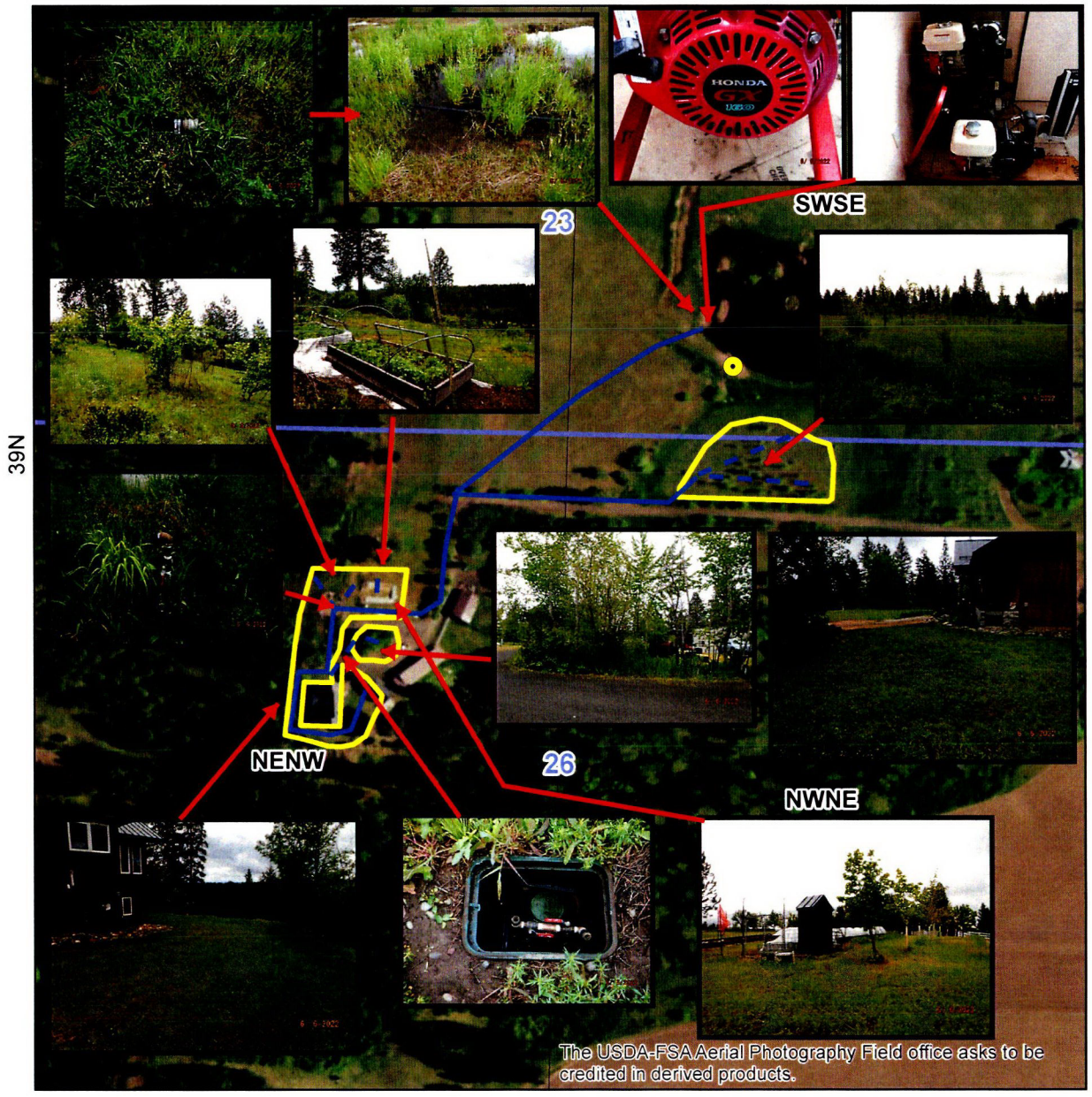
SCANNED
MAY 17 2023

State of Idaho
Department of Water Resources

# Attachment to Field Exam

**86-12111**

IRRIGATION FROM STORAGE system diagram.




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

0 0.035 0.07 0.14 Miles

N

SCANNED
MAY 17 2023

# Total Storage Calculations

| | |
|---|---|
| FILE NUMBER | 86-12111 |
| REVIEWER | LUKE BATES |
| DATE | 11/14/2022 |

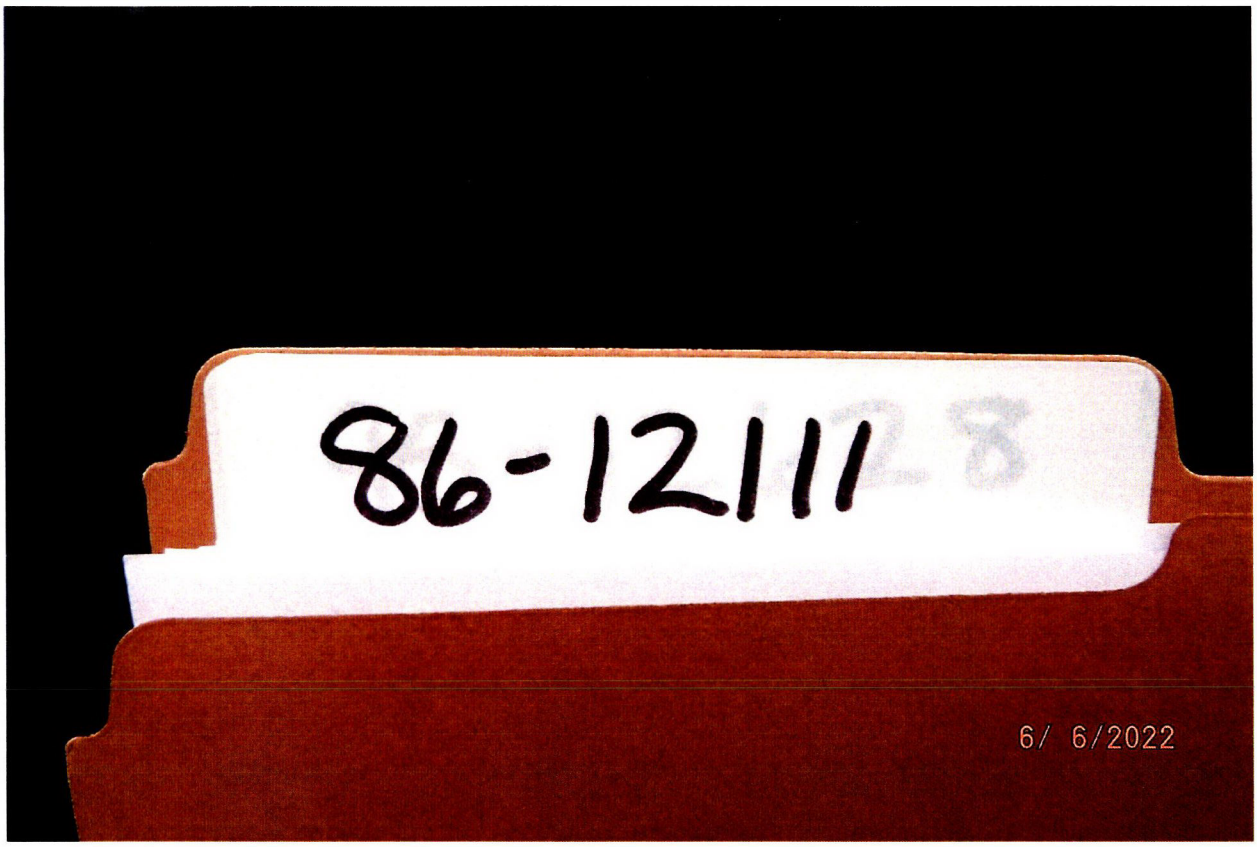
**This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.**

| |
|---|
| User Input |
| Calculated value |
| Formula Explanations |

| | | |
|---|---|---|
| **Surface Area (AC.)** | 1.4 | "Surface Area" is automatically carried over from the "Seepage Loss" sheet. |
| **Average Pond Depth (FT.)** | 6 | "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)** | 8.4 | 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)** | 5.1 | The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a *from storage* component if the *from storage* 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)** | 1.5 | The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet. |
| **Estimated Evaporation Loss (AF)** | 1.7 | The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet. |
| **Total Volume Required (AF)** | 16.7 | 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. |

SCANNED
MAY 17 2023




BENEFICIAL USE FIELD EXAMINATION DATE 6/6/2022




POD – EARTHEN POND DAM IMPOUNDS SURFACE RUNOFF

SCANNED
MAY 17 2023




POU – IRRIGATION STORAGE, RECREATION STORAGE, & FIRE PROTECTION STORAGE POND




SCANNED
MAY 17 2023




IRRIGATION FROM STORAGE DIVERTING WORKS – 1 ¼ INCH POLY PIPE TO PUMP




SCANNED
MAY 17 2023




5 HP HONDA OR BRIGGS & STRATON WATER TRANSFER PUMP USED FOR IRRIGATION FROM STORAGE




HONDA GX 160 5 HP WATER TRANSFER PUMP

SCANNED
MAY 17 2023




IRRIGATION FROM STORAGE – SMALL ORCHARD TREE PLOT SOUTH OF POND




IRRIGATION FROM STORAGE – FRUIT TREES LOCATED NE OF RESIDENCE

SCANNED
MAY 17 2023

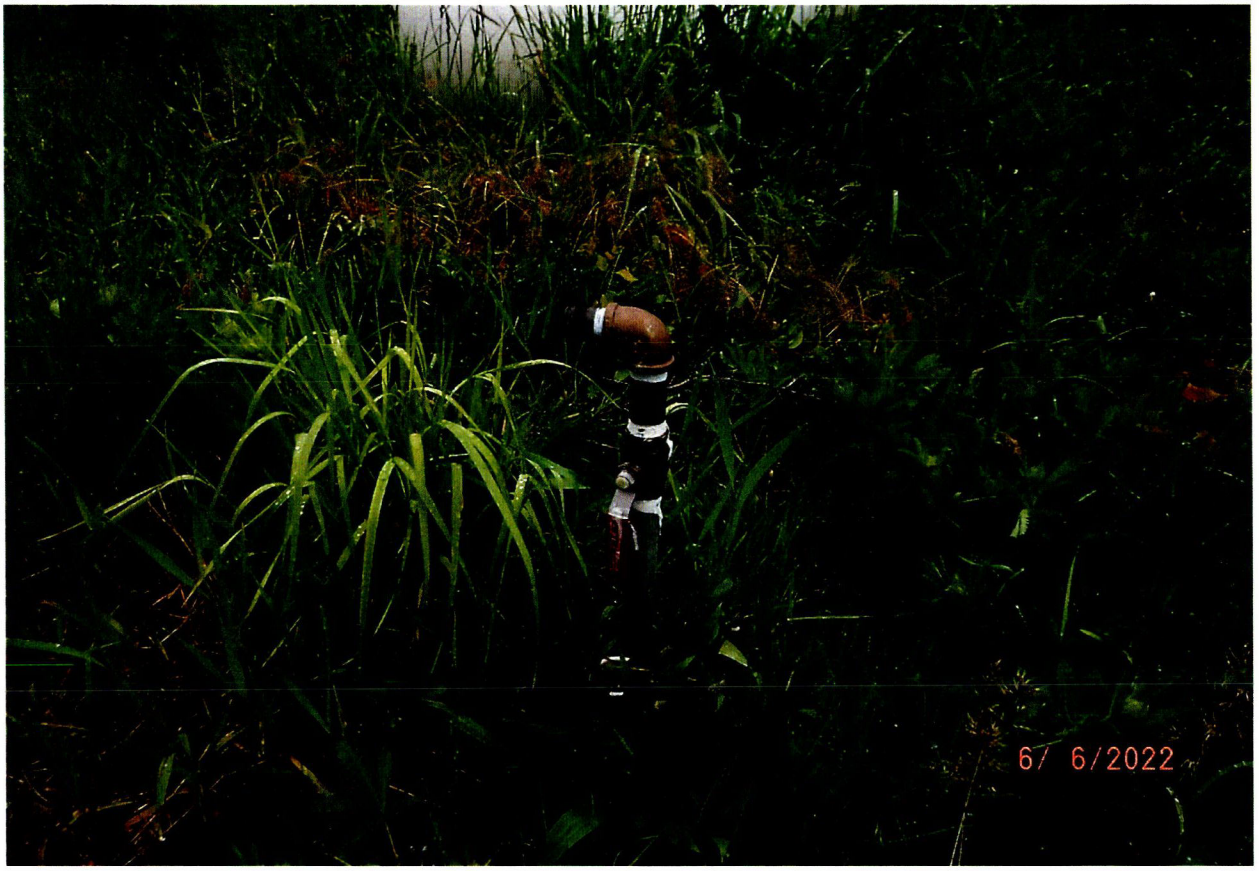



1 ¼ POLY PIPE ROUTED FROM POND TO RESIDENCE – MAIN LINE WITH SHUTOFF VALVES




EXAMPLE – IRRIGATION RISER WITH SPRINKLER ATTACHED LOCATED ALONG MAIN TRUNK LINE FROM POND

SCANNED
MAY 17 2023




IRRIGATION RISER WITH SPRINKLER ATTACHED LOCATED ALONG MAIN TRUNK LINE FROM POND




IRRIGATION FROM STORAGE – LAWN SPACE AROUND HOME

SCANNED
MAY 17 2023




IRRIGATION FROM STORAGE – LAWN SPACE AND GREEN SPACE ISLAND IN DRIVEWAY




SCANNED
MAY 17 2023




IRRIGATION FROM STORAGE POU – 2EA GARDEN PLOTS AND LAWN SPACE




SCANNED
MAY 17 2023