

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 86-12112

Priority: April 26, 2021

Maximum Diversion Volume: 1.0 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

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
WILDLIFE STORAGE	01/01 to 12/31	1.0 AF
RECREATION STORAGE	01/01 to 12/31	1.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	1.0 AF

Location of Point(s) of Diversion

SURFACE RUNOFF NE¼ NW¼, Sec. 26, Twp 39N, Rge 02W, B.M. LATAH County

Place of Use: WILDLIFE STORAGE, RECREATION STORAGE, and FIRE PROTECTION STORAGE

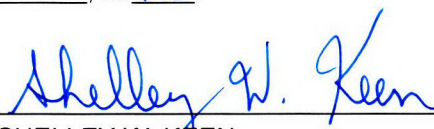
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
39N	02W	26					X												

Conditions of Approval

1. Right 86-12112 authorizes a total annual storage volume of 1.0 acre-feet, comprised of 0.6 acre-feet to be used for the initial filling or carryover storage of the pond and 0.4 acre-feet for the replacement of losses caused by seepage and evaporation.
2. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
3. 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 10th day of May, 2023.


SHELLEY W. KEEN
Water Allocation Bureau Chief

SCANNED
MAY 17 2023

State of Idaho
Department of Water Resources

Attachment to Water Right License

86-12112

This map depicts the WILDLIFE 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.

02W



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

0 0.035 0.07 0.14 Miles



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. 86-12112

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)

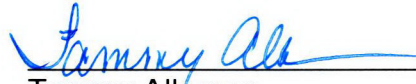
SCANNED

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. 86-12112 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

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: 86-12112
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 SYSTEM1. LOCATION OF POINT(S) OF DIVERSION:

SURFACE RUNOFF NE¼ NW¼, Sec. 26, Twp 39N, Rge 02W, B.M. LATAH County

Method of Determination: GPS. POD is a pond earthen dam located at -116°33.2377, 46°42.0156.

PLACE OF USE: WILDLIFE 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	26					X												

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

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 runoff filled pond, permit incorporates only storage beneficial uses and there is no diversion rate recommended for licensing purposes.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A

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. At the POD the pond has an earthen dam with an earthen side channel overflow passage on the NE corner. Any overflow discharging from the pond during spring runoff 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 wildlife storage, recreation storage, and fire protection storage uses. The pond surface area is larger than Arcmap 2021 aerial imagery illustrates due to the applicant excavating a small circular pooling on the western extent of the pond during the development period. The pond analysis worksheet completed at time of application submission rounded up in surface area to 0.2 acres, which matches what was observed during the field exam. 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 = 0.2 ac, maximum depth = 8 feet, average depth = 3.2 feet, pond capacity = 0.6 af, seepage & evaporation loss rate = 0.4 af, and total volume required = 1.0 af.
- Wildlife storage, Recreation storage & Fire Protection storage annual volume(s) = 1.0 af respectively for annual volume but are not additive toward the maximum diversion volume for licensing purposes.
- The maximum diversion volume recommended for licensing equals **1.0 af**.

The applicant uses the pond for family time, watering deer & elk, and has a portable 5 hp water transfer pump prepared for fire suppression in the event of a fire. Condition 029 was removed from the permit during licensing review; all other conditions on the permit are being carried forward to licensing. There are no overlap concerns for this water right.

SCANNED

MAY 17 2023

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS

1. Recommended Amounts

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
WILDLIFE STORAGE	01/01 to 12/31	1.0 AF
RECREATION STORAGE	01/01 to 12/31	1.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	1.0 AF

Totals: 1.0 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 11/14/2022

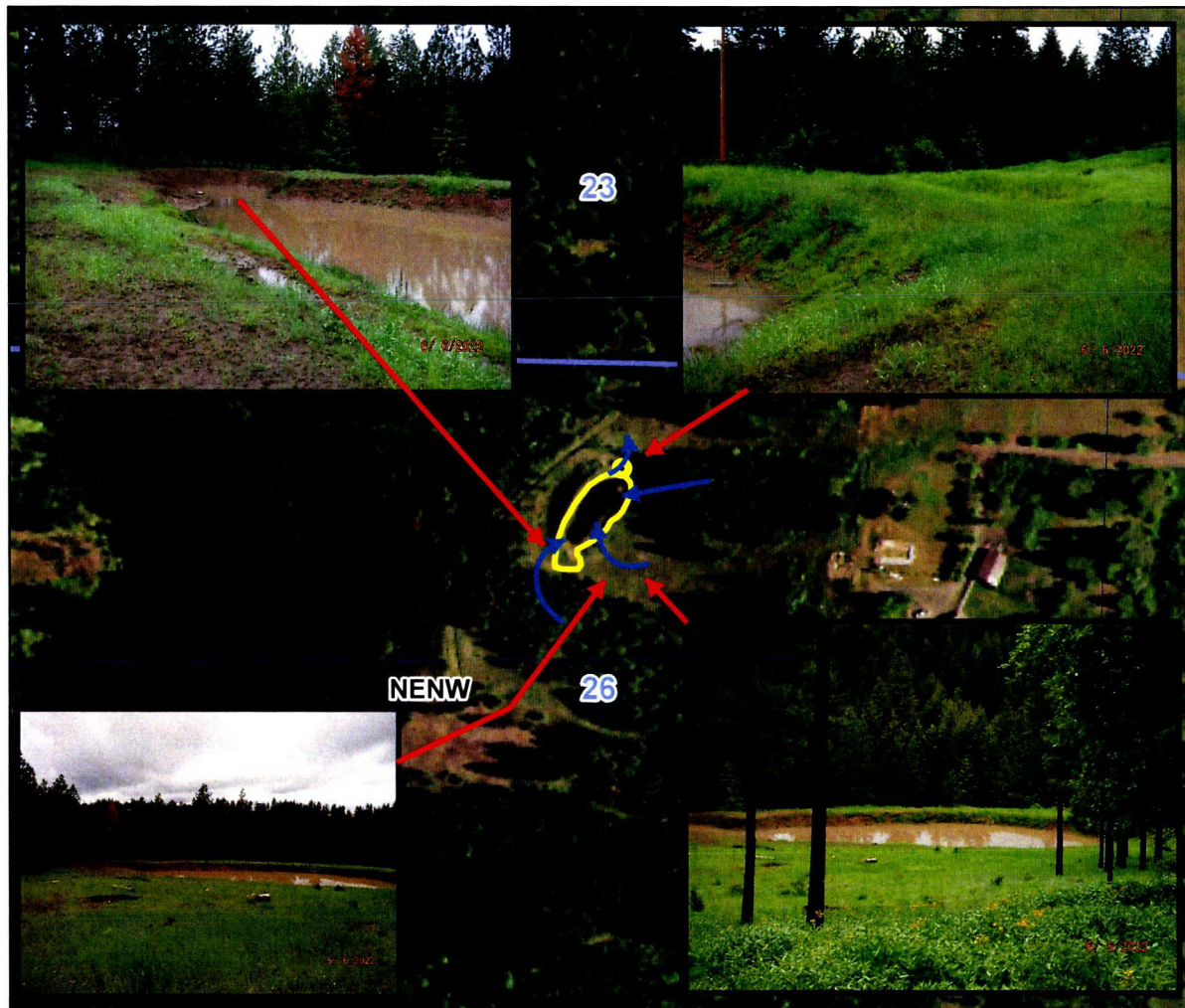
Reviewer _____ Date _____

SCANNED

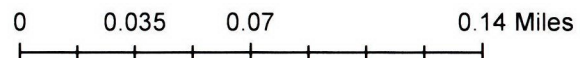
MAY 17 2023

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

39N



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



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MAY 17 2023

Total Storage Calculations

FILE NUMBER	86-12112
REVIEWER	LUKE BATES
DATE	11/14/2022

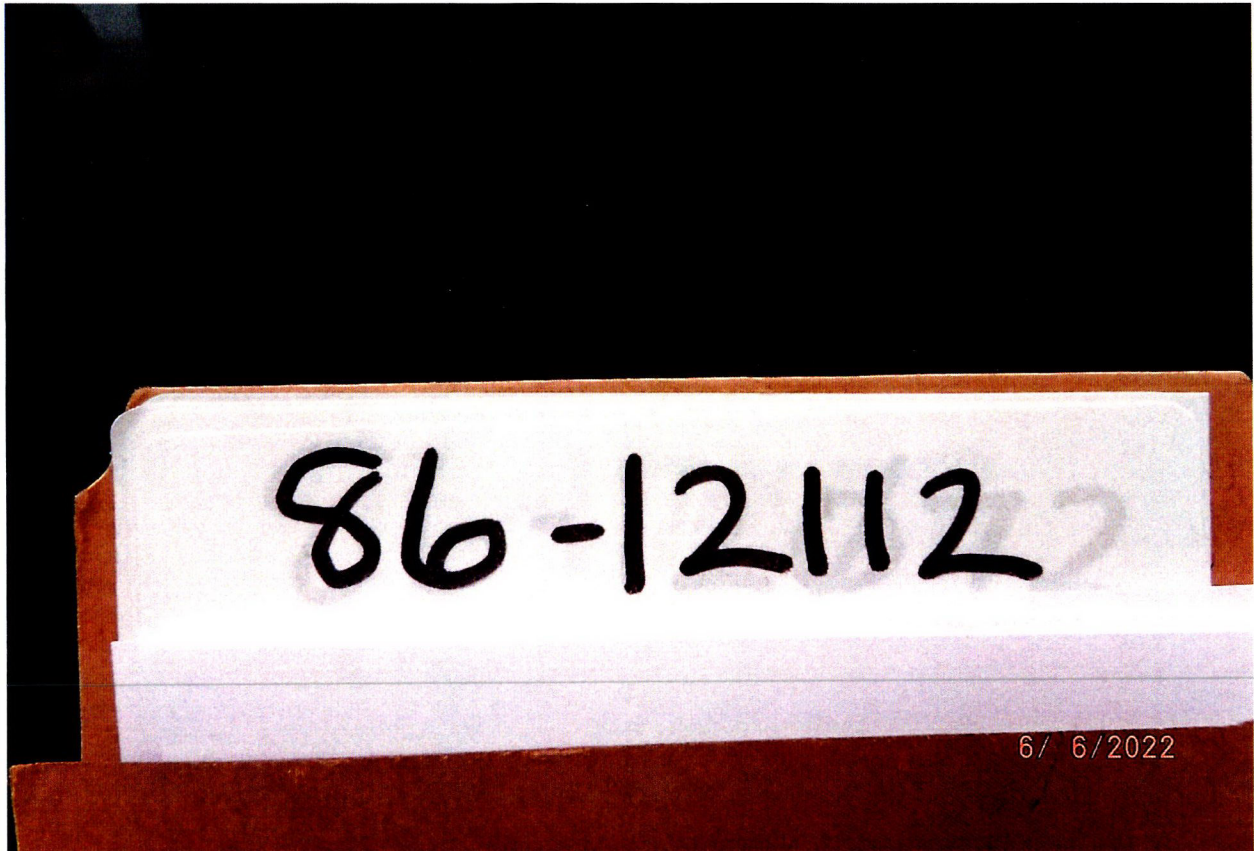
This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	0.2	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	3.2	"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)	0.6	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)	0	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)	0.2	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	0.2	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	1.0	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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MAY 17 2023



BENEFICIAL USE FIELD EXAMINATION DATE 6/6/2022



POD – EARTHEN POND DAM IMPOUNDS SURFACE RUNOFF WATER

SCANNED
MAY 17 2023



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





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



EARTHEN OVERFLOW DISCHARGE CHANNEL