

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 92-11118

Priority: March 26, 2021

Maximum Diversion Rate: 0.02 CFS

Maximum Diversion Volume: 0.5 AF

It is hereby certified that:

RONALD A MARTIN PO BOX 1655 POST FALLS ID 83877-1655 AND/OR
RONDA J MARTIN PO BOX 1655 POST FALLS ID 83877-1655

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 26, 2021, and has submitted Proof of Beneficial Use on May 23, 2022. An examination confirms water is diverted from:

Source: SPRING

Tributary: SINKS

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31		0.1 AF
WILDLIFE STORAGE	01/01 to 12/31		0.4 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		0.4 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.02 CFS	

Location of Point(s) of Diversion

SPRING NW¼ SE¼ NW¼, Sec. 3, Twp 45N, Rge 02W, B.M. BENEWAH County

Place of Use: STOCKWATER 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	
45N	02W	3								X									

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	
45N	02W	3								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	
45N	02W	3								X									

Conditions of Approval

1. The pond established by the storage of water under this right shall not exceed a total capacity of 0.2 acre-feet.
2. Right 92-11118 authorizes a total annual storage volume of 0.5 acre-feet, 0.2 acre-feet to be used for the initial filling or carryover storage of the pond, 0.2 acre-feet for the replacement of losses caused by seepage and evaporation, and 0.1 acre-feet for stockwater storage.

SCANNED

JUL 13 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 92-11118

3. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
4. 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 22nd day of June, 2023.



SHELLEY W. KEEN
Regional Operations Bureau Chief

SCANNED

JUL 13 2023

State of Idaho
Department of Water Resources

Attachment to Water Right License

92-11118

This map depicts the STOCKWATER STORAGE, WILDLIFE 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
JUL 13 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

June 23, 2023

RONALD A MARTIN
RONDA J MARTIN
PO BOX 1655
POST FALLS ID 83877-1655

RE: License No. 92-11118

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

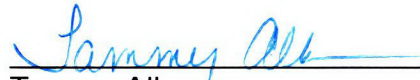
JUL 13 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2023, I served a true and correct copy of Water Right License No. 92-11118 by U.S. Mail, postage prepaid, to the following:

RONALD A MARTIN (Current Owner)
PO BOX 1655
POST FALLS ID 83877-1655

RONDA J MARTIN (Current Owner)
PO BOX 1655
POST FALLS ID 83877-1655



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: 92-11118
Exam Date: 07/28/2022

1. Current Owner:
RONALD A MARTIN PO BOX 1655 POST FALLS ID 83877-1655 AND/OR
RONDA J MARTIN PO BOX 1655 POST FALLS ID 83877-1655
2. Accompanied by: Ronald Martin
Phone No: 208-773-0803
Address: Same as above
Relationship to permit Holder: Permit holder

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

Comments: WR license 92-7033 POU shows overlap but has been superseded by decree without POU overlap between rights.

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

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

SPRING NW¼ SE¼ NW¼, Sec. 3, Twp 45N, Rge 02W, B.M. BENEWAH County

Method of Determination: GPS. Spring source located near pond with poly pipe diverting to pond located at -116°34.760 47°16.682.

PLACE OF USE: STOCKWATER STORAGE, WILDLIFE 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	
45N	02W	3								X									

Method of Determination: Beneficial use field exam & 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

SCANNED
JUL 13 2023

4.

Well or Diversion ID No.*	Motor Make	Hp	Diverting Works	Pump Make	Pump Serial No. or Discharge Size
SPRING BOX			1 ¼ INCH BLACK POLY PIPE FROM SPRING TO POND		

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Unable to perform flow measurement due to inadequate pipe requirements & conditions; spring flow from poly pipe at bank of pond was negligible at time of examination. Recommend licensing for Permit approved diversion rate of 0.02 cfs as applicant asserts spring flows are present early in year and do dry up late in year dependent on annual climate controls.

E. FLOW CALCULATIONS

Measured Method: With no flow measurement completed I am recommended **0.02 cfs** as permit approved for Diversion to Storage from spring to pond via 1 ¼ inch poly pipe. The spring is a low producing spring that likely aligns close to the surface and impacted by abnormally dry year at time of exam.

F. VOLUME CALCULATIONS

- Volume Calculations for irrigation: N/A
- Volume Calculations for Other Uses: See attached pond analysis worksheet.
 - Stockwater storage annual volume = 10 goats x 2 gpd x 365 day = 7,300 gal annually / 325,850 gal per af = **0.1 af** considering department rounding standards.

G. NARRATIVE/REMARKS/COMMENTS

Field exam performed on 7/28/2022 with the applicant, Ronald Martin, shows an excavated pond that impounds spring water for multiple storage uses. At the POD a spring box and 1 ¼ inch black poly pipe serving as diversion to storage use, diverting water to the pond which has an earthen dam. Any seasonal overflow from the pond discharges from overflow pipes in the pond dam and sink naturally on the applicant's property down a minor drainage below the pond. I was unable to complete a flow measurement from the diversion tube as the spring was not producing at time of exam. I am recommending **0.02 cfs** as the maximum diversion rate for licensing purposes which reflects the permit approved value; low producing springs typically achieve up to 7 gpm which aligns with 0.02 cfs considering department rounding standards.

Photographs were taken of the storage pond POU during the field exam that provide stockwater storage, wildlife storage, and fire protection storage uses. Arcmap aerial imagery & photographs were used to trace out the pond surface area during licensing review. A pond analysis worksheet was developed during licensing review which derives pond calculations as follows:

- Pond – surface area = 0.08 ac, maximum depth = 7.5 feet, average depth = 3 feet, pond capacity = 0.2 af, seepage & evaporation loss rate = 0.2 af, stockwater storage use annual volume = 0.1 af, and total volume required = 0.5 af.
- Wildlife storage & fire protection storage annual volume(s) = 0.2 af (pond capacity) + 0.2 af (seepage & evaporation rates) = **0.4 af**. This value is not additive by beneficial use toward the maximum diversion volume.
- Stockwater Storage annual volume = 10 goats x 2 gpd x 365 day = 7,300 gal per year / 325,850 gal per af = **0.1 af** considering department rounding standards.
- The maximum diversion volume recommended for licensing equals **0.5 af**.

Stock drink directly from the pond and are cycled into the applicant's property at different periods throughout the year to eat down grass lands but were not present at time of exam. Evidence of stock use was present along the pond bank, which also provides use to wildlife throughout the year.

Condition X02 was removed from the permit during licensing review. All other conditions on the permit shall be carried to licensing. WR license 92-7033 POU shows overlap but has been superseded by decree without POU overlap between rights negating any concerns for overlap for 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>
STOCKWATER STORAGE	01/01 to 12/31		0.1 AF
WILDLIFE STORAGE	01/01 to 12/31		0.4 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		0.4 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.02 CFS	
Totals:		0.02 CFS	0.5 AF

2. Recommended Amendments

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

_____ Change P.U. as reflected above _____ Add P.U. as reflected above X None

I. AUTHENTICATION

Luke Bates -

Field Examiner's Name JSB Date 12/2/2022

Reviewer _____ Date _____

State of Idaho
Department of Water Resources
Attachment to Field Exam
92-11118

STOCKWATER STORAGE, WILDLIFE 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



SCANNED

JUL 13 2023

Total Storage Calculations

FILE NUMBER	92-11118
REVIEWER	LUKE BATES
DATE	11/29/2022

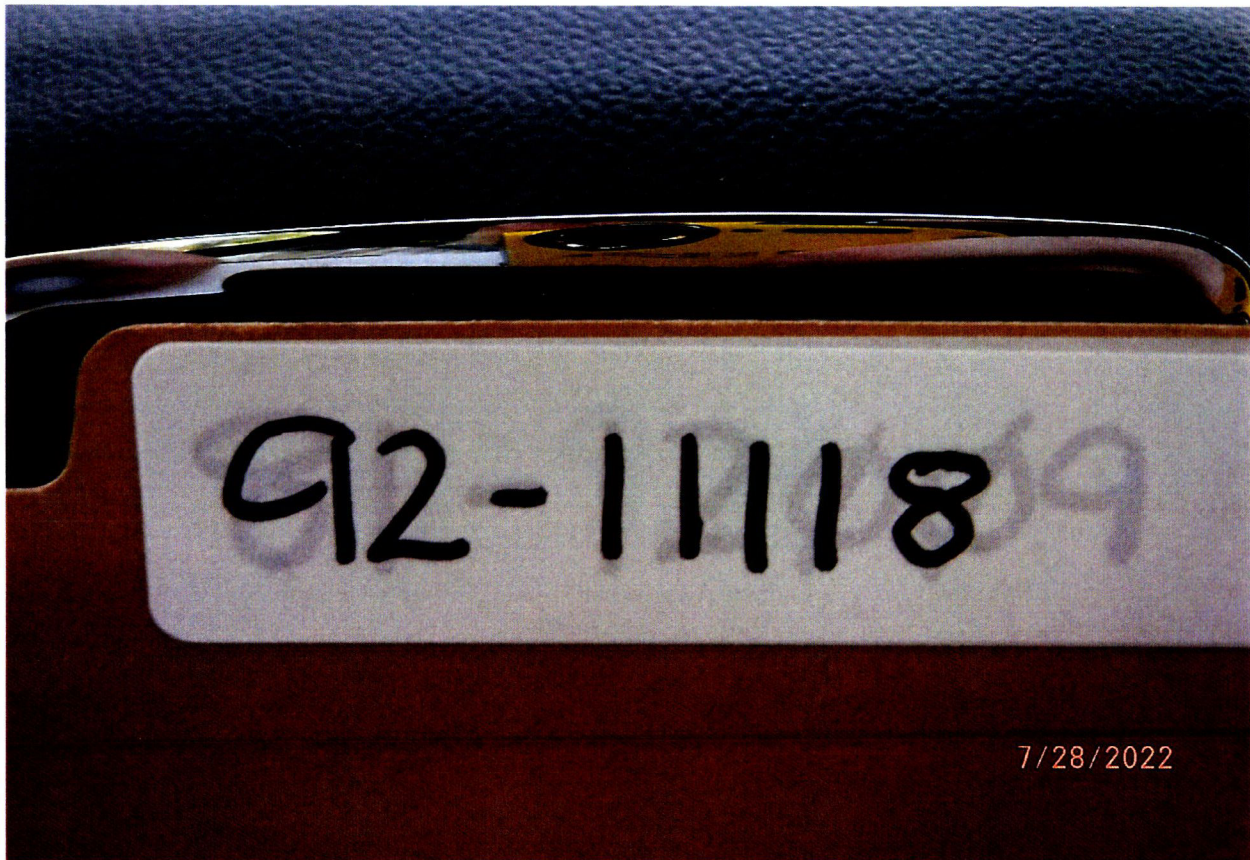
This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	0.08	"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)	0.2	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)	0.1	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)	0.5	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

JUL 13 2023



BENEFICIAL USE FIELD EXAMINATION DATE 7/28/2022



POD – SPRING CO-LOCATED WITH POND, POLY PIPE ROUTES INTO POND



EARTHEN POND DAM WITH 2EA OVERFLOW PIPES INSTALLED



VIEW DOWN STREAM FROM POND DAM WITH EXIT OF OVERFLOW PIPES

SCANNED

JUL 13 2023



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





POU – STORAGE POND



SCANNED

JUL 13 2023