

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 94-8950

Priority: February 21, 2012

Maximum Diversion Rate: 0.06 CFS

Maximum Diversion Volume: 1.9 AF

It is hereby certified that:

WILLIAM F ROGERS PO BOX 327 WALLACE ID 83873-0327 AND
PAMELA G ROGERS PO BOX 327 WALLACE ID 83873-0327

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 13, 2011, and has submitted Proof of Beneficial Use on June 21, 2022. An examination confirms water is diverted from:

Source : GROUND WATER

<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	0.1 AF
DOMESTIC	01/01 to 12/31	0.06 CFS	1.8 AF

Location of Point(s) of Diversion

GROUND WATER SE¼ SW¼, Sec. 12, Twp 48N, Rge 04E, B.M. SHOSHONE 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	
48N	04E	12											X	X					

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N	04E	12											X	X					

Conditions of Approval

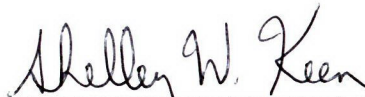
- Domestic use is for 2 homes.
- The irrigation occurring under this domestic use shall not exceed 1/2 acre.
- Domestic place of use is in Mineral Survey No. 2565.
- Stockwater place of use is in Mineral Survey No. 1451 and Mineral Survey No. 2565.
- The point of diversion does not include federal public lands.
- The place of use does not include federal public lands.
- This right does not grant any right-of-way or easement across the land of another.

SCANNED
JUL 14 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 94-8950

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 20th day of June, 2023.



SHELLEY W. KEEN
Regional Operations Bureau Chief

SCANNED
JUL 14 2023

State of Idaho
Department of Water Resources
Attachment to Water Right License
94-8950

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.

04E



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

0 0.035 0.07 0.14 Miles

SCANNED
JUL 14 2023

State of Idaho
Department of Water Resources
Attachment to Water Right License
94-8950

This map depicts the DOMESTIC 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



SCANNED
JUL 14 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 22, 2023

WILLIAM F ROGERS
PAMELA G ROGERS
PO BOX 327
WALLACE ID 83873-0327

RE: License No. 94-8950

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

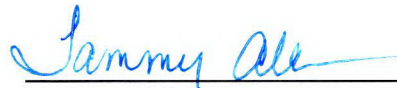
JUL 14 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2023, I served a true and correct copy of Water Right License No. 94-8950 by U.S. Mail, postage prepaid, to the following:

WILLIAM F ROGERS (Current Owner)
PO BOX 327
WALLACE ID 83873-0327

PAMELA G ROGERS (Current Owner)
PO BOX 327
WALLACE ID 83873-0327



Tammy Alleman
Administrative Assistant 1

SCANNED
JUL 14 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.

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

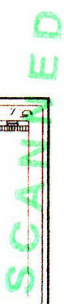
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district 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.

Skreen Printed 6-20-2023

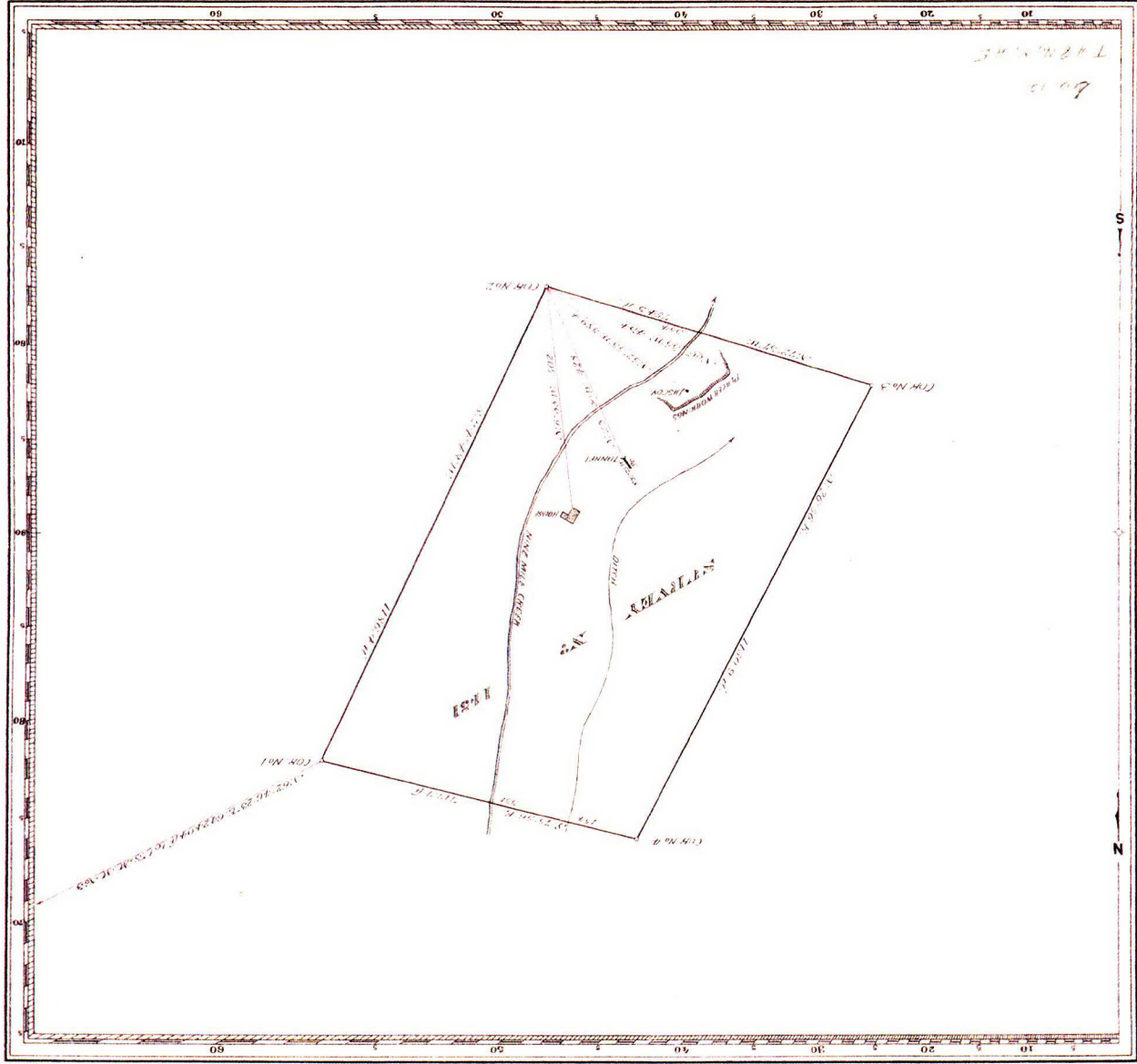
JUL 14 2023



During 07008, Nat. 250165, Feb 26, 1912

WR No. 94-8950
Printed by S. Keen 6-20-2023

(4-675)



Claim located
Mineral Survey No. 14-11
Lot No. 1
Land District
OF THE CLAIM OF
JOHN H. F. FISH
KNOWN AS THE
JOHNEY PLACER
IV. Placer Mining
Shoshone County, Idaho
Containing an area of 10.27
Acres.
Section 22-12-22-30 T.
T. 22 N. R. 12 E. S. 30 E.
BY James M. Barker, U.S. Deputy Mineral Surveyor,
the Original Field Notes of the Survey of the Mining Claim of
John H. F. Fish
known as the
"Johnney Placer"
from which this plat has been made under my direction &
have been examined and approved and are on file in this office
and I hereby certify that they furnish such an accurate description
of said Mining Claim as will, if incorporated into a patent,
serve fully to identify the premises, and that such reference
is made therein to natural objects or permanent monuments
as will perpetuate and identify the locus thereof.
I further certify that five hundred dollars worth of labor has
been expended on improvements made upon said Mining
Claim by claimant or his grantors, and that
said improvements consist of a timber trestle,
breakings and a house, also known by the record of
the Deputy Surveyor and the testimony of two
disinterested witnesses.
that the location of said improvements is correctly shown
upon this plat, and that no portion of said labor or im-
provements has been included in the estimate of expenditure
thereon upon any other claim.
and I further certify that this is a correct plat of said Mining
Claim made in conformity with said original field notes of the
survey thereof, and the same is hereby approved.
JAMES M. BARKER, U.S. Deputy Mineral Surveyor
1900
Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 94-8950
Exam Date: 07/26/2022

1. Current Owner:
WILLIAM F ROGERS PO BOX 327 WALLACE ID 83873-0327 AND
PAMELA G ROGERS PO BOX 327 WALLACE ID 83873-0327
2. Accompanied by: William F Rogers
Phone No: 775-291-7153
Address: Same as above
Relationship to permit Holder: Permit holder.

3. **SOURCE:**
GROUND WATER

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:**

GROUND WATER SE¼ SW¼, Sec. 12, Twp 48N, Rge 04E, B.M. SHOSHONE County

Method of Determination: GPS; POD located at -115°53.6818, 47°30.9955 well D-Tag D0055540

PLACE OF USE: STOCKWATER & DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N	04E	12											X	X					

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

3. Delivery System Diagram Attached (required). Indicate all major components and distances between components.
X 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.
X
- Aerial Photo Attached (required for irrigation of 10+ acres).
X
- Photo of Diversion and System Attached
X

SCANNED
JUL 14 2023

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
D0055540	N/A	N/A	ARTESIAN WELL (30 GPM)		

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5-GAL BUCKET MEASUREMENT						

2. Measurements: 1ea 5-Gal bucket measurement was taken from a hose bib which receives water from artesian well after routing through filter elements which resulted in a flow rate of 24.57 GPM or 0.06 cfs considering department rounding standards.

E. FLOW CALCULATIONS

Measured Method: 5-GAL Bucket Test = (5 gal / 12.21 sec) x 60 sec/min = 24.57 GPM or 0.06 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: applicant did not develop irrigation beyond ½ acre; irrigation component removed from permit during licensing review.

2. Volume Calculations for Other Uses:

- Stockwater annual volume equals 5 horses x 12 GPD x 365 days = 21,900 gal / 325,850 gal per acre-foot = **0.1 af** considering department rounding standards.
- Domestic annual volume equals (2 homes x 0.6 afa per home) + 0.6 af (1/2-acre irrigation) = **1.8 af**

G. NARRATIVE/REMARKS/COMMENTS

Field exam performed on 7/26/2022 with the current permit holder, William F Rogers, showed a groundwater well being used for domestic & stockwater purposes. At the POD, artesian well D0055540 without a pump installed uses pressure head and gravity flow via poly pipe main service line down slope to the domestic POU. The main line enters a filtration system prior to distribution for uses. I completed a 5-gallon bucket measurement from a hose bib along side the shop home which resulted in 24.57 gpm or 0.06 cfs considering department rounding standards. This measurement is at the furthest extent of the applicant's water line and after filtration which may influence direct flow from the artesian well, but review of the well driller report found that at time of installation and capping the well produced 30 gpm. This flow rate is slightly larger than the 5-gal bucket but may have been an approximation at time of well installation back in 2008.

SCANNED
JUL 14 2023

During exam it was determined the initial permit holder had not developed irrigation beyond minor lawn/landscaping around the shop home, and current permit holder asserts most of the parcel is sub irrigated by natural springs and surface runoff with no need to irrigate. I have removed the irrigation beneficial use and aligned domestic use to include $\frac{1}{2}$ acre irrigation recommended for licensing this water right. Based on the applicant's two beneficial uses of domestic & stockwater, the permit approved diversion rate of 0.20 cfs is limited to uses and flow measurement; the domestic beneficial use for two homes equals 0.06 cfs & stockwater use equals 0.02 cfs diversion rate(s), but the maximum diversion rate is limited to **0.06 cfs** based on the 5-gal bucket measurement observed at time of field exam.

The domestic POU was observed during the field exam to include a shop-home service connected to the well with full living quarters and kitchenette, a RV with attached full bath/laundry room, and a dedicated stub-in service line to the main residence currently being constructed. The main home does is not shown on Arcmap year 2021 imagery; photographs were taken to illustrate proof of stub-in and active development of the home. Arcmap aerial imagery was used to trace out the domestic POU for licensing purposes and the annual volume for domestic equals 2 homes (in home use) volume + $\frac{1}{2}$ acre irrigation included = $(0.6 \text{ af} \times 2 \text{ homes}) + 0.6 \text{ af} (1/2 \text{ ac irr}) = \mathbf{1.8 \text{ af}}$. Mr. Rogers asserts he currently resides in the RV year-round while his son lives in the shop-home. Once the main residence is finished the shop-home and main house will be the two dwellings using well water with the RV having served its temporary dwelling use while constructing the main house.

The stockwater POU consists of fenced pastureland and temporary water troughs filled from a hose bib from the shop-home. Mr. Rogers asserts that the prior permit holder had 5 horses on the property prior to his purchase, which coincides with the development period for the permit. Mr. Rogers hasn't brought his horses up from Nevada yet awaiting completion of the home construction project but will continue to utilize the well for stockwater purposes in the future. I recommend inclusion of stockwater for licensing with the annual volume equaling 5 horses $\times$ 12 GPD $\times$ 365 days = 21,900 gal per year / 325,850 gal per acre-foot = **0.1 af** considering department rounding standards. The maximum diversion volume for licensing purposes equals the sum of two beneficial uses annual volume = **1.9 af**.

Conditions R62, X02 & 046 were removed from the permit during licensing review. Condition 132 was replaced with X04 & 187 to accurately describe the domestic beneficial uses found developed at time of exam. All other conditions on the permit shall be carried to licensing. Arcmap aerial imagery designates the POD location just east of the applicant's parcel line, but the imagery may be slightly shifted. The permit was approved with two conditions explaining that the POD/POU does not include Federal Public Lands – BLM to the east of the applicant's property. These two conditions coupled with condition 004 provide descriptive verbiage related to right-of-way or easement and non-inclusion of federal lands. The small strip of land between the applicant's parcel boundary and BLM designated property to the east is a mineral survey associated with BLM. There are no overlap concerns for this water right.

Have conditions of permit approval been met? X Yes No

SCANNED
JUL 14 2023

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	0.1 AF
DOMESTIC	01/01 to 12/31	0.06 CFS	1.8 AF
<u>Totals:</u>		0.06 CFS	1.9 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



Date



Reviewer

Date

SCANNED
JUL 14 2023

State of Idaho
Department of Water Resources
Attachment to Field Exam
94-8950

DOMESTIC system diagram.

04E



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

0 0.035 0.07 0.14 Miles

SCANNED
JUL 14 2023

State of Idaho
Department of Water Resources
Attachment to Field Exam
94-8950

STOCKWATER system diagram.



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

0 0.035 0.07 0.14 Miles

SCANNED
JUL 14 2023

RECEIVED

DEC 13 2011

RECEIVED

SEP 26 2008

IDWR/North

Form 238-7

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

IDWR / NORTH

1. WELL TAG NO.

D0055540

DRILLING PERMIT NO.

48 8529127

Water Right or Injection Well No.

2. OWNER:

Name: Michael K. Braustetter

Address: P.O. Box 571

City: Osburn State: ID Zip: 83861

3. LOCATION OF WELL by legal description:

Twp. 48N

Rge. 4E

Sec. 12

SW 1/4 SE 1/4

Gov't Lot County Shoshone

Address of well site: West Fork of Nine Mile Creek

City: Osburn

4. USE: Domestic

5. TYPE OF WORK: New Well

6. DRILL METHOD: Air Rotary

7. SEALING PROCEDURES:

Seal Placement

Seal Material	From	To	Wt/Volume	Method
Bentonite	0	48	900 lbs.	pour

Was drive shoe used? yes Shoe Depth 98

Was drive shoe seal tested? yes How? air

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing or Liner	Welded or Threaded
6"	+2	98	250	steel	casing	welded
4"	-5	250	160	PVC	liner	glued

Length of Headpipe Length of Tailpipe

Packer? no

9. PERFORATIONS/SCREENS PACKER TYPE:

Perforation Method Drill

Screen Type & Method of Installation

From	To	Slot Size	Number	Diam.	Material	Casing or Liner
230	210	1"	16	4"	PVC	liner
190	170	1"	16	4"	PVC	liner
150	130	1"	16	4"	PVC	liner

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

+2 ft. below ground Artesian pressure 50 lb

Depth flow encountered 210 ft

Describe access port or control devices: cap

Office Use Only

Well ID No.

Inspected by

Twp 48N Rge 04E Sec 12

SE 1/4 SW 1/4

Lat: Long:

12. WELL TESTS:

☐ Pump	☐ Baller	☒ Air	☐ Flowing Artesian
Yield gal./min	Drawdown	Pumping Level	Time
100+			2 hr

Water Temp: 48° Bottom Hole Temp:

Water Quality test comments: good, clear, no odor

Depth first water encounter 15

13. LITHOLOGIC LOG:(Describe repairs or abandonment)

Bore Dia	From	To	Remarks: (Lithology, water quality & temp.)	Water
				Y N
8"	0 ft	2 ft	top soil	
8"	2 ft	15 ft	brown clay & shale rock	x
8"	15 ft	18 ft	light brn. Shale rock	
8"	18 ft	26 ft	brown and gray shale rock	
8"	26 ft	35 ft	brown clay & shale rock	
8"	35 ft	43 ft	hard gray shale	
8"	43 ft	58 ft	med. Gray & brn. Shale	
8"	58 ft	68 ft	medium gray shale	
8"	68 ft	85 ft	soft gray & brown shale	
8"	85 ft	95 ft	brown & gray shale	
8"	95 ft	190 ft	hard gray shale	
6"	190 ft	240 ft	medium hard gray shale	x
6"	240 ft	250 ft	hard gray shale	x

NOTE: Artesian flow 30 gpm.

Completed Depth 250 (Measurable) 250

Date: Started 8/26/08 Completed 8/28/2008

14. DRILLER'S CERTIFICATION

Company Name: ALL WAYS DRILLING, INC

FIRM #: 510

Principal Driller Date 9/21/08

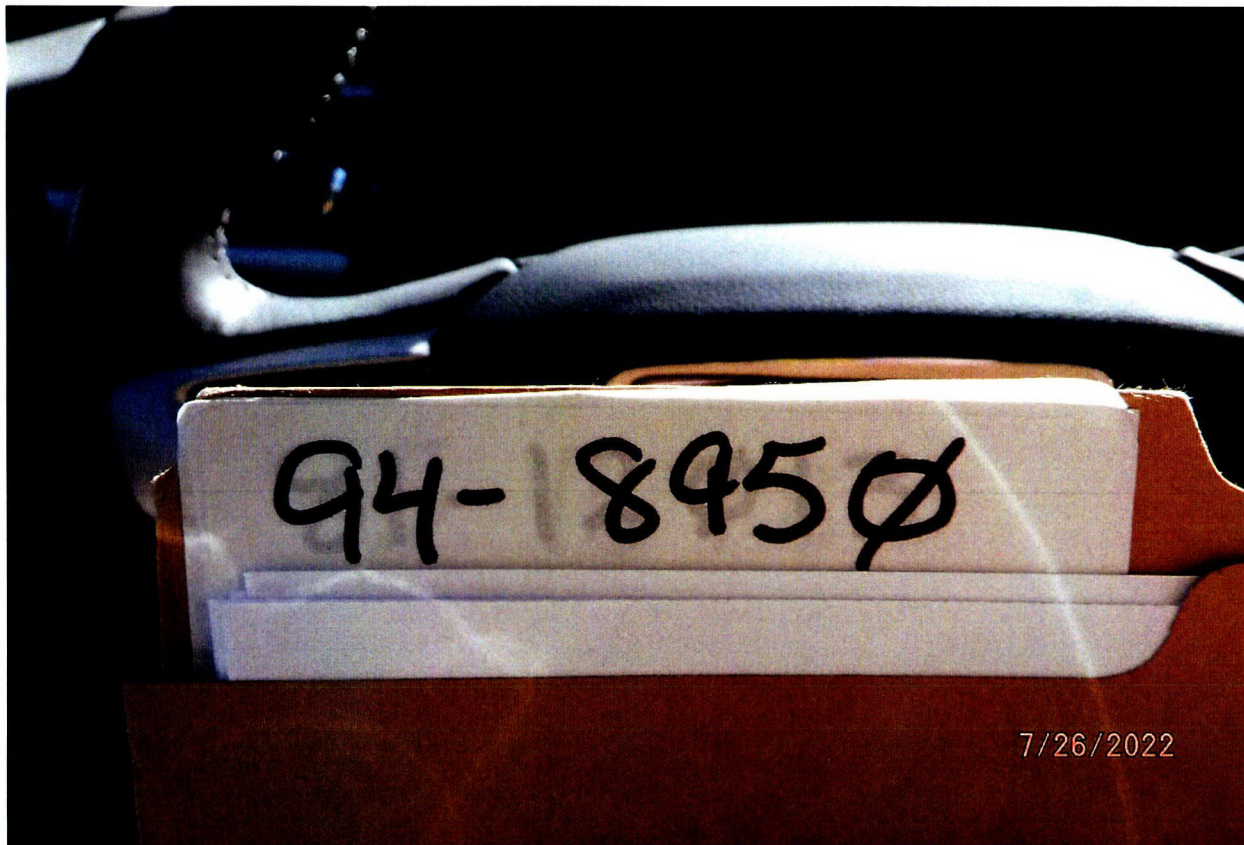
Driller or Operator 2 Date

Operator 1 Date 9/21/08

48N 04E 12

SCANNED

JUL 14 2023



BENEFICIAL USE FIELD EXAMINATION DATE 7/26/2022



POD – GROUNDWATER WELL

SCANNED
JUL 14 2023



POD – ARTESIAN WELL WITH D-TAG D0055540



SCANNED
JUL 14 2023



DOMESTIC POU – RV BEING LIVED IN FULL TIME WHILE HOME IS CONSTRUCTED



FULL BATH/SHOWER/WASHING MACHINE IN ADD-ON TO RV

SCANNED
JUL 14 2023



STUB-IN FOR DOMESTIC USE 1 HOME (ASSOCIATED WITH RV USE)



DOMESTIC POU – 1 HOME

SCANNED
JUL 14 2023



DOMESTIC POU – SHOP HOME WITH WATER CONNECTION



SMALL GREEN SPACE AROUND RV AND SHOP HOME USING IRRIGATION COVERED UNDER DOMESTIC

SCANNED
JUL 14 2023