

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 94-7548

Priority: January 27, 2010

Maximum Diversion Rate: 0.03 CFS

Maximum Diversion Volume: 1.3 AF

It is hereby certified that:

IDAHO FEED & CATTLE CO PO BOX 336 HARRISON ID 83833-0336

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 27, 2010, and has submitted Proof of Beneficial Use on July 19, 2010. 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>
DOMESTIC	01/01 to 12/31	0.03 CFS	1.2 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF

Location of Point(s) of Diversion

GROUND WATER SE¼ SW¼, Sec. 9, Twp 47N, Rge 03W, B.M. KOOTENAI County

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	
47N	03W	9												X					

Place of Use: STOCKWATER

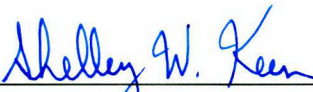
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
47N	03W	9												X					

Conditions of Approval

1. Domestic use is for 1 home.
2. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
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

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MAY 17 2023

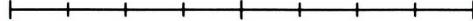
State of Idaho
Department of Water Resources
Attachment to Water Right License
94-7548

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



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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.

03W



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

0 0.035 0.07 0.14 Miles



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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

IDAHO FEED & CATTLE CO
PO BOX 336
HARRISON ID 83833-0336

RE: License No. 94-7548

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)

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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2023, I served a true and correct copy of Water Right License No. 94-7548 by U.S. Mail, postage prepaid, to the following:

IDAHO FEED & CATTLE CO (Current Owner)
PO BOX 336
HARRISON ID 83833-0336



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: 94-7548
Exam Date: 07/08/2016

1. Current Owner:
IDAHO FEED & CATTLE CO PO BOX 336 HARRISON ID 83833-0336
2. Accompanied by: John Brewster
Phone No: 208-415-8761
Address: Same as above
Relationship to permit Holder: Representative

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 SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, Twp 47N, Rge 03W, B.M. KOOTENAI County

Method of Determination: GPS. POD is a groundwater well D0061600 located at -116°43.568, 47°25.865.

PLACE OF USE: DOMESTIC & 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	
47N	03W	9												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. 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

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
D0061600	PENTEK	1.5			

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Unable to perform flow measurements due to inadequate pipe requirements. Main service line from well routes buried to pump house & pressure tank prior to distribution to water uses.

E. FLOW CALCULATIONS

 X Additional Computation Sheets Attached

Measured Method: Theoretic Pump Equation = 1.5 HP pump @ 280 ft, with 45 PSI operating pressure = 12.4 GPM or **0.03 cfs** considering department rounding standards.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A – Irrigation beneficial use was not developed by original permit holder in the development period of the permit (14 May 2010 – 13 July 2010).

2. Volume Calculations for Other Uses:

Stockwater annual volume = 10 horses x 12 gpd x 365 days = 43,800 gal annually / 325,850 gal per af = **0.1 af**

G. NARRATIVE/REMARKS/COMMENTS

Department staff performed an initial field examination on 7/8/2016, which showed groundwater well D0061600 being used for domestic and stockwater uses. Sufficient data was not captured during the initial exam to accurately license this water right and a follow-up beneficial use examination was performed on 7/26/2022 with the current permit holder's representative, John Brewster, to obtain accurate diversion work and flow measurement data to license 94-7548. From the initial field examiners data there was no irrigation beneficial use developed by the applicant during the development period aside from small scale watering around the home up to ½ acre. I have removed the irrigation component from the permit during licensing review and assigned the ½ acre irrigation to domestic use for licensing purposes.

At the POD, well D0061600 has a main line that routes to a nearby pump house with pressure tank prior to distribution to the home & two separate frost-free hydrants. I was unable to perform a flow measurement from the hydrants due to the pressure tank influencing the flow rate, and a theoretic pump equation was used to derive the flow measurement as follows: 1.5 HP Pentek pump motor @ 280 ft, with 45 PSI operating pressure = 12.4 GPM or 0.03 cfs considering department rounding standards. The domestic use diversion rate of 0.04 cfs which was permit approved is restricted to the pump production found at time of field exam; I am recommending 0.03 cfs for domestic use & 0.02 cfs for stockwater use with a maximum diversion rate of **0.03 cfs** for licensing purposes.

The Domestic POU consists of 1 home with minor lawn and fruit tree irrigation up to ½ acre around the home. At time of exam in 2022 the lawn space was not being kept up, but I am recommending credit for domestic with irrigation based on the

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development period in 2010's water usage. The annual volume for domestic beneficial use equals 1.2 af for in-home and up to ½ acre irrigation. Arcmap aerial imagery was used to assign the POU shape using 2021-year layer data, but the 2011 & 2013 year imagery demonstrates consistent usage for the POU.

The stockwater POU was sketched on field maps during the exam, and Arcmap aerial imagery was used to trace out the POU during licensing review. The original applicant asserts 10 head of horses on their statement of completion submitted in July 2010; I am recommending annual volume based on these 10 head of horses as the permit has been assigned to a new property owner prior to both initial and follow-up field examination. The annual volume recommended for licensing equals **0.1 af** considering department rounding standards. The maximum diversion volume for licensing purposes equals **1.3 af** for domestic & stockwater uses.

Initial examiners notes identified there was no irrigation system in place for the field associated with the permit's irrigation POU. During the follow up exam, I did not find irrigation system components and the field was being used as dry agriculture land. The diversion rate from the 1.5 hp pump would not produce adequate flow to fully irrigate the approximate 27 acres of field land which may have explained why the irrigation use was not developed. After property ownership changed from Rathdrum Mountain LLC to Idaho Feed & Cattle Co land use has changed with some of the prior dry agricultural field now being used for large barn structures by the road and a new homesite in the SW corner of the parcel. The new home uses well D0069390 for single residence domestic deferred use which doesn't require filing for an application for permit.

Condition R62, X02, & 046 were removed from the permit during licensing review. Condition 132 was replaced with X01 & 187 to accurately describe domestic use with ½ acre irrigation. 004 shall be carried 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>
DOMESTIC	01/01 to 12/31	0.03 CFS	1.2 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF

Totals: 0.03 CFS 1.3 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 -

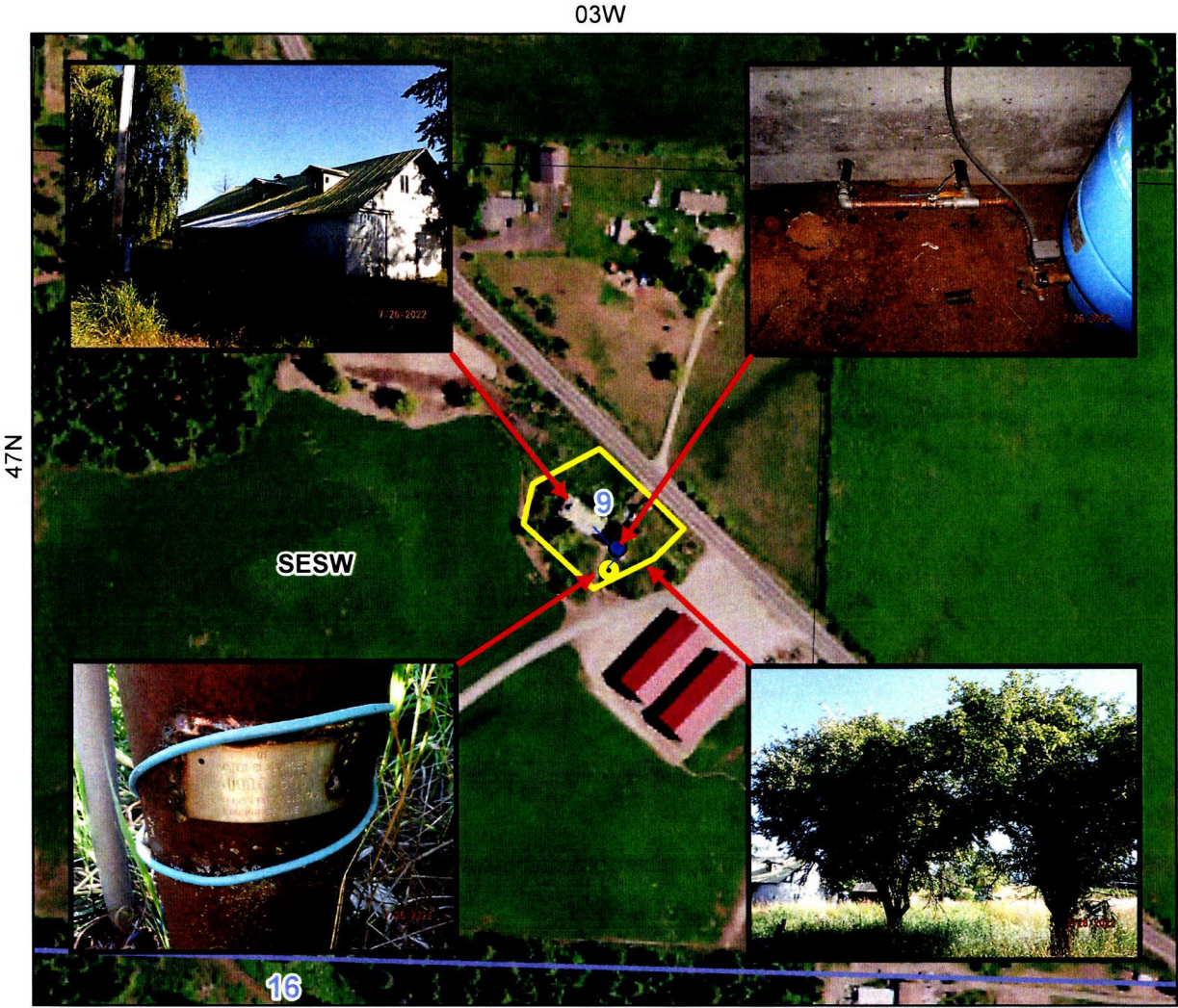
Field Examiner's Name  Date 8/12/2022

Reviewer _____ Date _____

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State of Idaho
Department of Water Resources
Attachment to Field Exam
94-7548

DOMESTIC system diagram.



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

0 0.035 0.07 0.14 Miles



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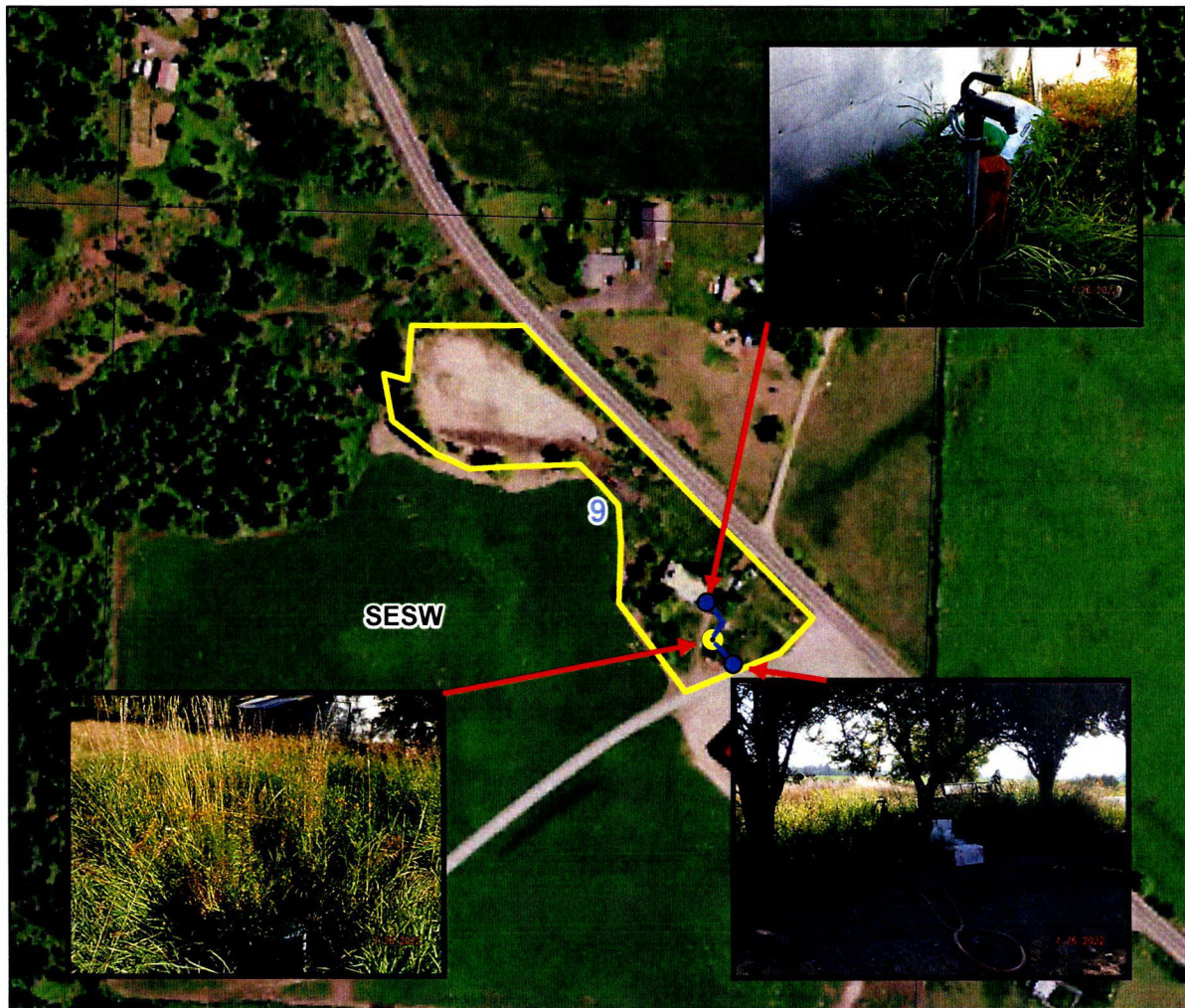
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State of Idaho
Department of Water Resources
Attachment to Field exam
94-7548

STOCKWATER system diagram.

03W

47N



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

0 0.035 0.07 0.14 Miles



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THEORETICAL PUMPING EQUATION(S) FOR WR# 94-7548

Theoretical Pumping Equation is required because system did not allow for a proper measurement. Pump is estimated to lift 280 ft, and running at 45 psi.

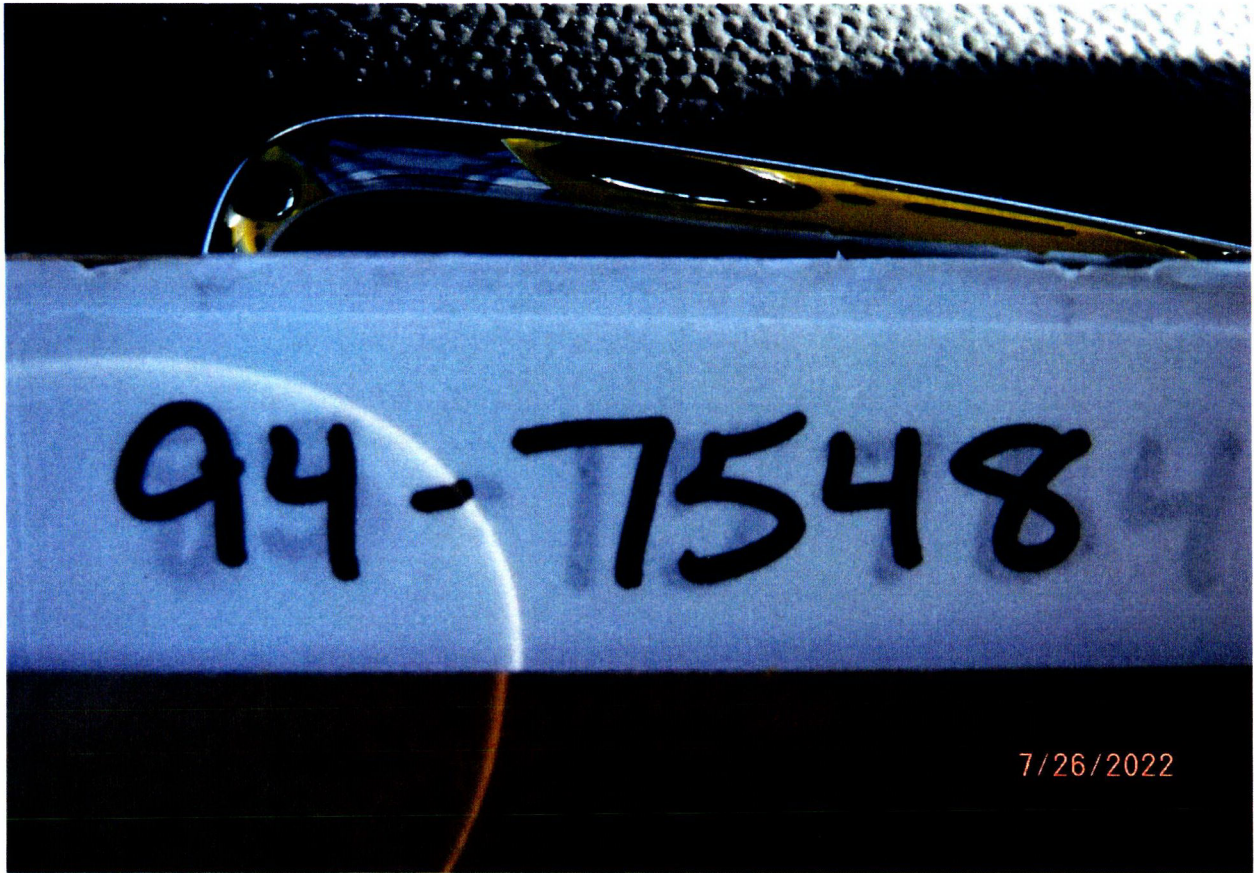
PUMP EQUATION

WATER RIGHT No. 94-7548

D0061600	HP	H in feet	Efficiency as a decimal	Pumping lift in feet	System pressure in PSI
Q = $HP * 8.8 * Eff / H$	1.5	384.0816	0.8	280	45
Q = 0.028 cfs 12.4 gpm					

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INITIAL BENEFICIAL USE FIELD EXAM DATE 7/8/2016; FOLLOW-UP EXAM DATE 7/26/2022



POD – GROUNDWATER WELL

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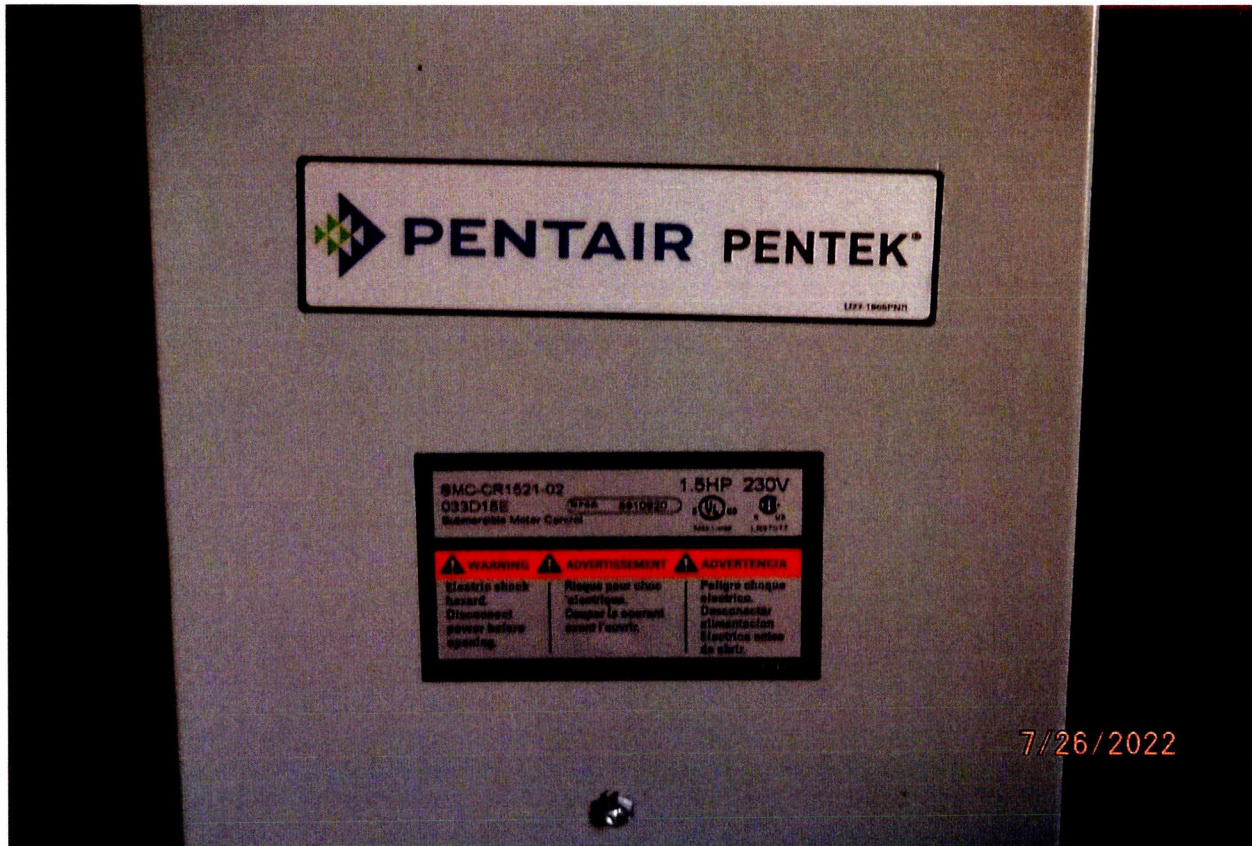


WELL D-TAG D0061600



SYSTEM DIVERTING WORKS – MAIN LINE DIRECT TO PRESSURE TANK BEFORE ROUTING TO WATER USES

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PENTEK 1.5 HP PUMP MOTOR INSTALLED IN WELL



DOMESTIC POU

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DOMESTIC USE IRRIGATION FROM 2EA FROST-FREE HYDRANTS



DOMESTIC USE POU – SMALL LAWN SPACE AND FRUIT TREE IRRIGATED FROM WELL

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