State of Idaho
Department of Water Resources

Water Right License

Water Right No. 95-16406

Priority: January 31, 2012

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 6.7 AF

It is hereby certified that:

RICHARD J FOSTER 5512 E DODD RD HAYDEN ID 83835-7612

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 31, 2012, and has submitted Proof of Beneficial Use on May 31, 2022. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
IRRIGATION	03/15 to 11/15	0.06 CFS	6.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

Location of Point(s) of Diversion
GROUND WATER L3 (NE¼ NW¼), Sec. 4, Twp 51N, Rge 03W, B.M. KOOTENAI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N	03W	4					2.0 L3												2.0

Total Acres: 2.0

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	
51N	03W	4					X L3												

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	
51N	03W	4					X L3												

Conditions of Approval

1. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
3. This right does not grant any right-of-way or easement across the land of another.

SCANNED
JUN 6 1 2023

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 95-16406

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 31st day of May, 2023.

Michelle Richman

MICHELLE RICHMAN
Northern Regional Manager

SCANNED
JUN 0 1 2023

State of Idaho
Department of Water Resources

Attachment to Water Right License

95-16406

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.



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JUN 0 1 2023

State of Idaho
Department of Water Resources

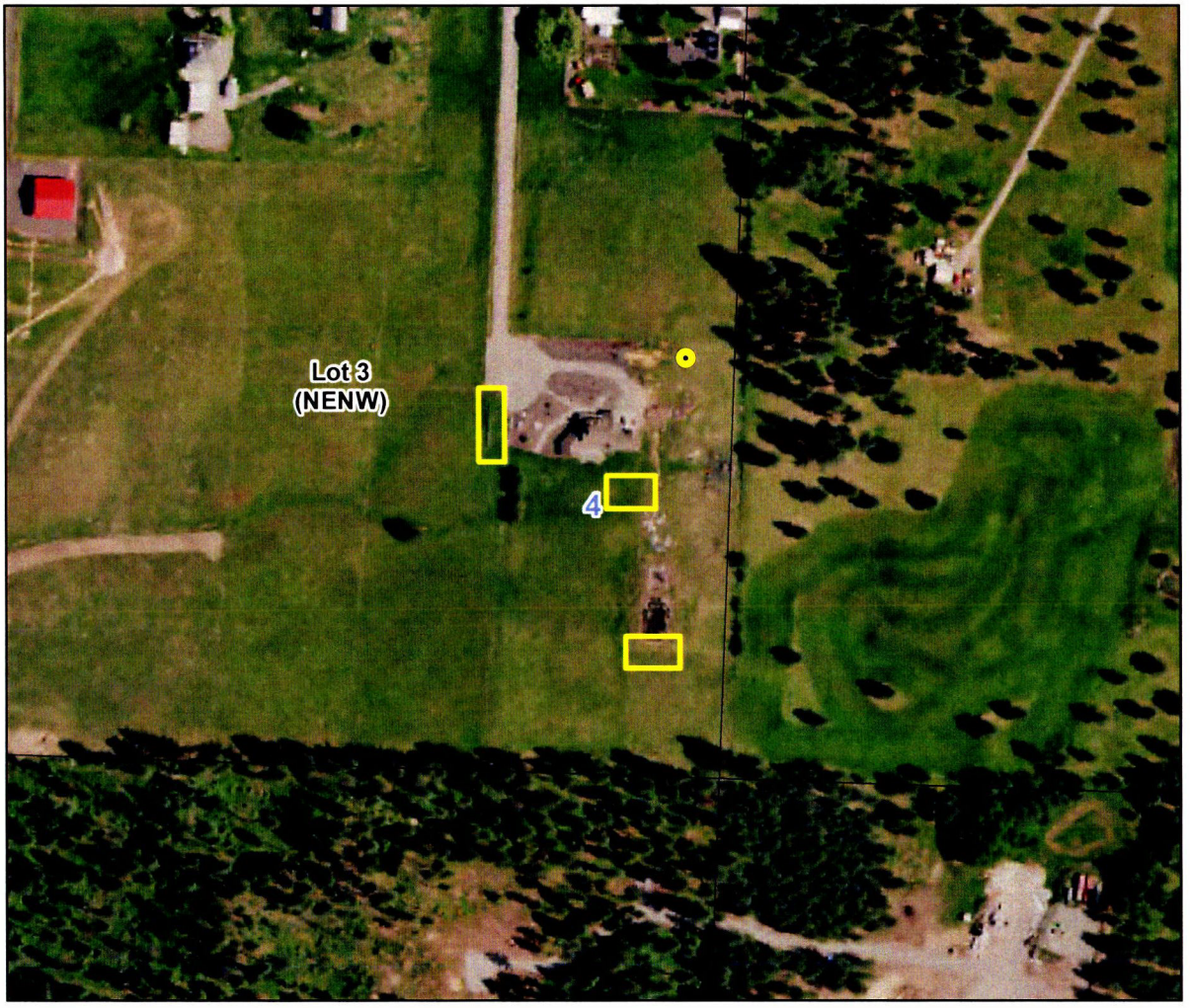
Attachment to Water Right License

95-16406

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

51N



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

0 0.035 0.07 0.14 Miles

N

SCANNED
JUN 0 1 2023

State of Idaho
Department of Water Resources

Attachment to Water Right License

95-16406

This map depicts the IRRIGATION 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

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JUN 0 1 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 31, 2023

RICHARD J FOSTER
5512 E DODD RD
HAYDEN ID 83835-7612

RE: License No. 95-16406

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 Regional Office at (208) 762-2800.

Sincerely,

Michelle Richman

Michelle Richman
Northern Regional Manager

Enclosure(s)

SCANNED
JUN 0 1 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2023, I served a true and correct copy of Water Right License No. 95-16406 by U.S. Mail, postage prepaid, to the following:

RICHARD J FOSTER (Current Owner)
5512 E DODD RD
HAYDEN ID 83835-7612

Tammy Alleman
Administrative Assistant 1

SCANNED
JUN 0 1 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.

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JUN 0 1 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
JUN 0 1 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 95-16406
Exam Date: 07/07/2022

1. Current Owner:
RICHARD J FOSTER 5512 E DODD RD HAYDEN ID 83835-7612

2. Accompanied by: Richard J Foster
Phone No: 208-762-0144
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: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
95-432	SPRING	DOMESTIC	DECREED
95-4266	UNNAME DSTREAM	STOCKWATER	STATUTORY CLAIM
95-4267	SPRINGS	DOMESTIC	STATUTORY CLAIM

Comments: Decreed WR 95-432 uses a spring source for domestic in-home use only with a generic 80-acre POU designated that overlaps this permit's POU(s). Applicant's parcel was not developed until 2011 to current and is not associated with the spring source and not a concern for overlap. Two statutory claims, 95-4266 & 95-4267 have overlapping POU with this water right but are not associated with the applicant's property nor water system. It doesn't appear either statutory claim was filed on in the CSRBA and may be disallowed upon completion of the CSRBA process; neither are a concern for overlap with this right 95-196406.

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 L3 (NE¼ NW¼), Sec. 4, Twp 51N, Rge 03W, B.M. KOOTENAI County

Method of Determination: GPS. POD is a well located at -116°42.6783, 47° 48.0517, D0053936.

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N	03W	4					2.0 L3												2.0

Total Acres: 2.0

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	
51N	03W	4					X L3												

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

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JUN 0 1 2023

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
__X__ 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
D0053936	PENTEK	5	VARIABLE FREQ DRIVE		

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Three 5-gallon bucket tests were completed from frost free hydrant near the well & prior to pressure tank influence, with the average of three resulting in diversion flow rate of 5 gal / 11.95 sec x 60 sec/min = 25.10 gpm = 0.06 cfs considering department rounding standards.

E. FLOW CALCULATIONS

Measured Method: 5-GAL Bucket Test = (5 gal / 12.34 sec) x 60 sec/min = 24.31 gpm
= (5 gal / 11.47 sec) x 60 sec/min = 26.21 gpm
= (5 gal / 12.05 sec) x 60 sec/min = 24.90 gpm
Average of 3ea 5-GAL Bucket Tests = (24.31 gpm + 26.21 gpm + 24.90 gpm) / 3 = 25.14 gpm = **0.06 cfs** considering department rounding standards.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

V_{IR} = (Acres Irrigated) x (Irrigation Requirement) = 2.0 AC X 3.0 AFA = 6.0 AF

V_{DR} = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 = 0.06 cfs x 246-day x 1.9835 = 29.3

V = Smaller of V_{IR} and V_{DR} = **6.0 af**

2. Volume Calculations for Other Uses:

- Domestic for single residence in-home use only = **0.6 af**
- Stockwater annual volume = 10 cows x 12 gpd x 365 day = 43,800 gal/annually / 325,850 gal/af = **0.1 af** considering department rounding standards.

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JUN 0 1 2023

G. NARRATIVE/REMARKS/COMMENTS

Field exam performed on 7/7/2022 with the applicant, Richard Foster, showed a groundwater well supplying water for stockwater and domestic uses. At the POD, well D0053936 has a 5 HP Pentek VFD pump motor installed. Three 5-gallon bucket tests were completed from a frost-free hydrant near the well & prior to pressure tank influence, with the average of three resulting in diversion flow rate of 5 gal / 11.95 sec x 60 sec/min = 25.10 gpm = 0.06 cfs considering department rounding standards. **0.06 cfs** is recommended as the maximum diversion rate for licensing.

Domestic & stockwater beneficial use(s) shall maintain the permit approved diversion rates based on field examination observations. For reasons unclear, the permit approved an irrigation diversion rate of 0.09 cfs for 2.0 acres which is larger than department standard rates. Following the exam which validated 2.0 acres active irrigation I am recommending the irrigation diversion rate be reduced to 0.06 cfs based on 0.03 cfs per acre serving as the department standard & is the well's pumping capacity.

From the well, a ¾ inch poly main line routes toward the house with lateral water lines via tee fittings splitting to service multiple frost-free hydrants situated throughout the developed parcel area. The main line service connects to the main residence attached garage/shop which houses the pump controller and a water system pressure tank. The domestic POU consists of one home. During licensing review Arcmap aerial imagery was used to designate the domestic POU. Annual diversion volume for 1 home (in-home use only) = **0.6 af**.

The permit approved development of stockwater beneficial use; at time of exam 10 head cattle were being kept by the applicant. The stockwater POU was refined following the exam to three distinct rectangular shapes situated around 3ea frost-free hydrants used by the applicant to water cattle. Portable stock tanks are filled via hose and active stock watering was observed during the permit. Cattle utilize the entirety of the southern portion of the applicant's parcel, but watering is not extended into the field which has been excluded from the POU shape. The stockwater annual volume = **0.1 af** as computed above.

The irrigation POU was walked with the applicant during the exam and sketched out on field maps. During licensing review the POU was traced out using Arcmap aerial imagery consisting of 2.0 acres of garden, orchard trees, lawn, & landscaping plants and trees. The applicant incorporates a pressurized irrigation system with sprinklers and drip line zones for landscaping around the home. A dedicated pressure line stubs off the main service line from well to a large fenced in garden/nursery. The large space includes raised planter boxes, numerous orchard trees, and is watered by hose and drip line. The applicant irrigates south of his home for cattle feed/yard space and up to a fenced in portion around the home for potted plants/trees watered in preparation for planting on the property.

The irrigation annual volume equals 2.0 ac x 3.0 afa = **6.0 af**. The maximum diversion volume for licensing purposes equals the sum of three beneficial use = **6.7 af** recommended for licensing purposes. During licensing review, I noted the irrigation season of use was designated as 3/15 – 10/31. Review of season of use standards found that irrigation qualifies through 11/15. The season of use was clarified to reflect 3/15 to 11/15 conforming with department standards.

Conditions 26A, X02, & 046 were removed from the permit during licensing review. All other conditions on the permit shall be carried to the license. There are water right(s) with overlapping POUs, but none constitute a concern for overlap with the applicant's private well water system. Aside from the three WRs described on PG1, there are no other overlap concerns.

SCANNED
JUN 0 1 2023

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

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	**Period of Use**	**Rate of Diversion**	**Annual Volume**
IRRIGATION	03/15 to 11/15	0.06 CFS	6.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
	Totals:	0.06 CFS	6.7 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_____ Date 12/30/2022

Reviewer_____ Date_____

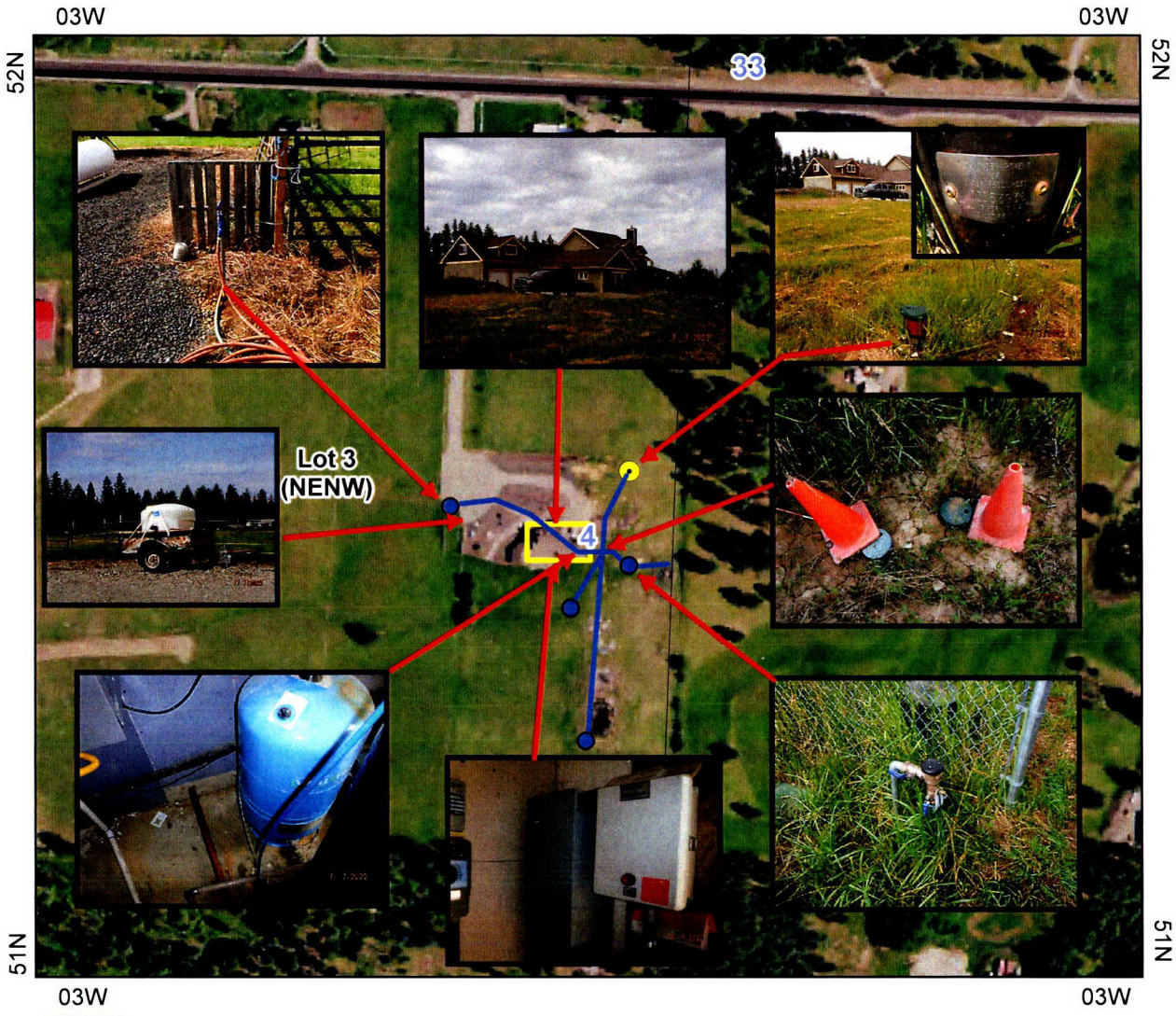
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JUN 0 1 2023

State of Idaho
Department of Water Resources

Attachment to Field Exam

95-16406

DOMESTIC system diagram.



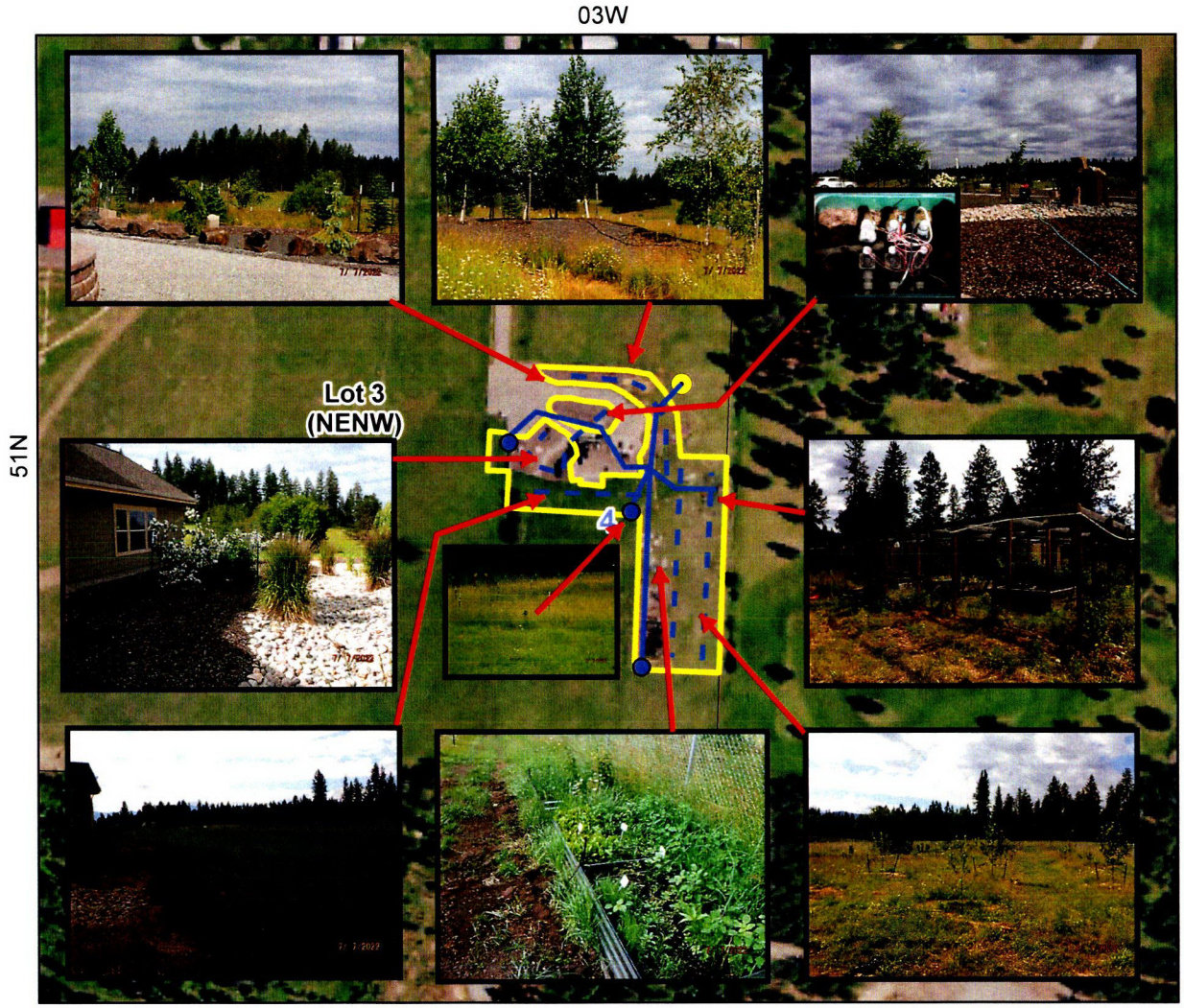
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State of Idaho
Department of Water Resources

Attachment to Field Exam

95-16406

IRRIGATION system diagram.



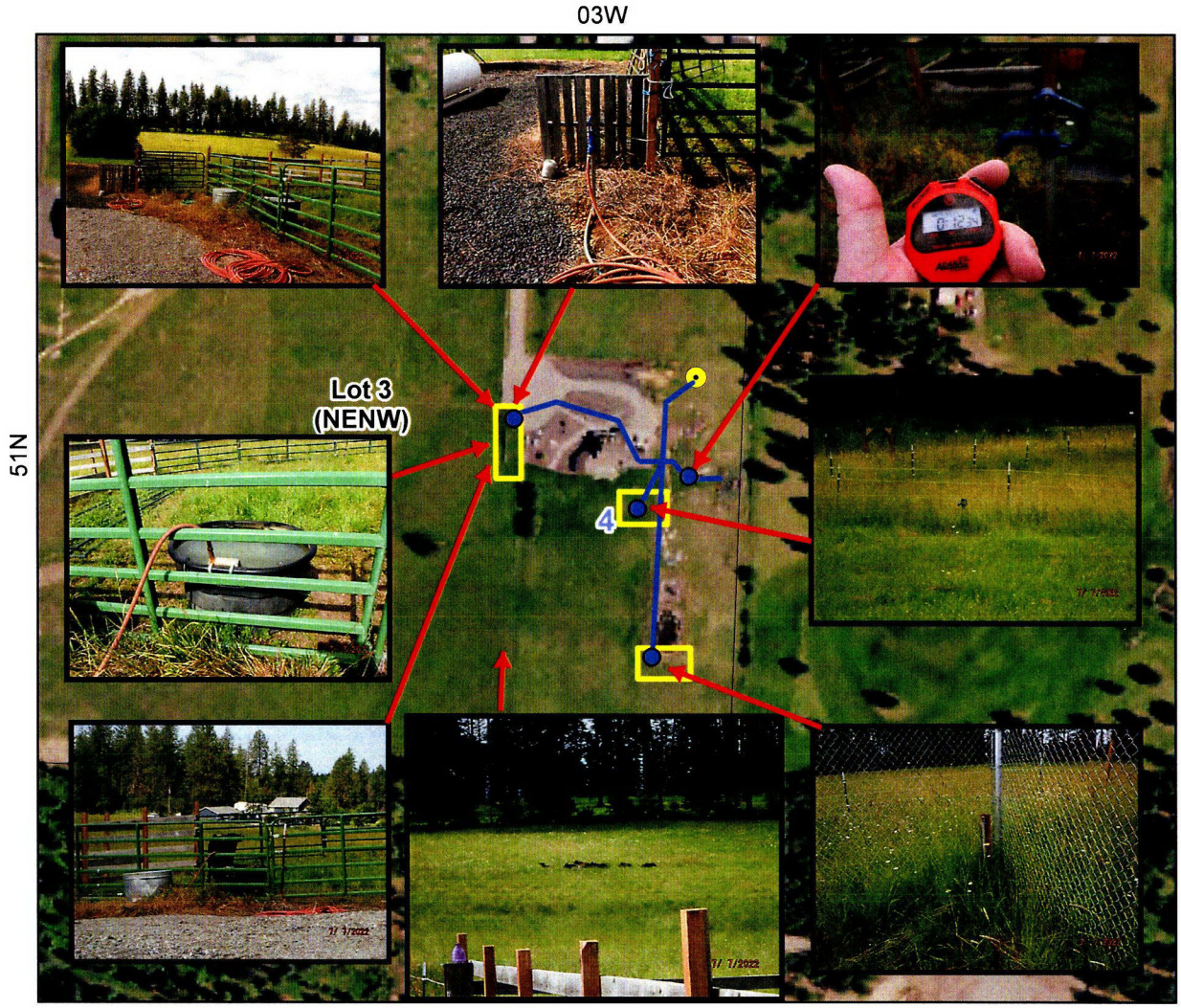
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State of Idaho
Department of Water Resources

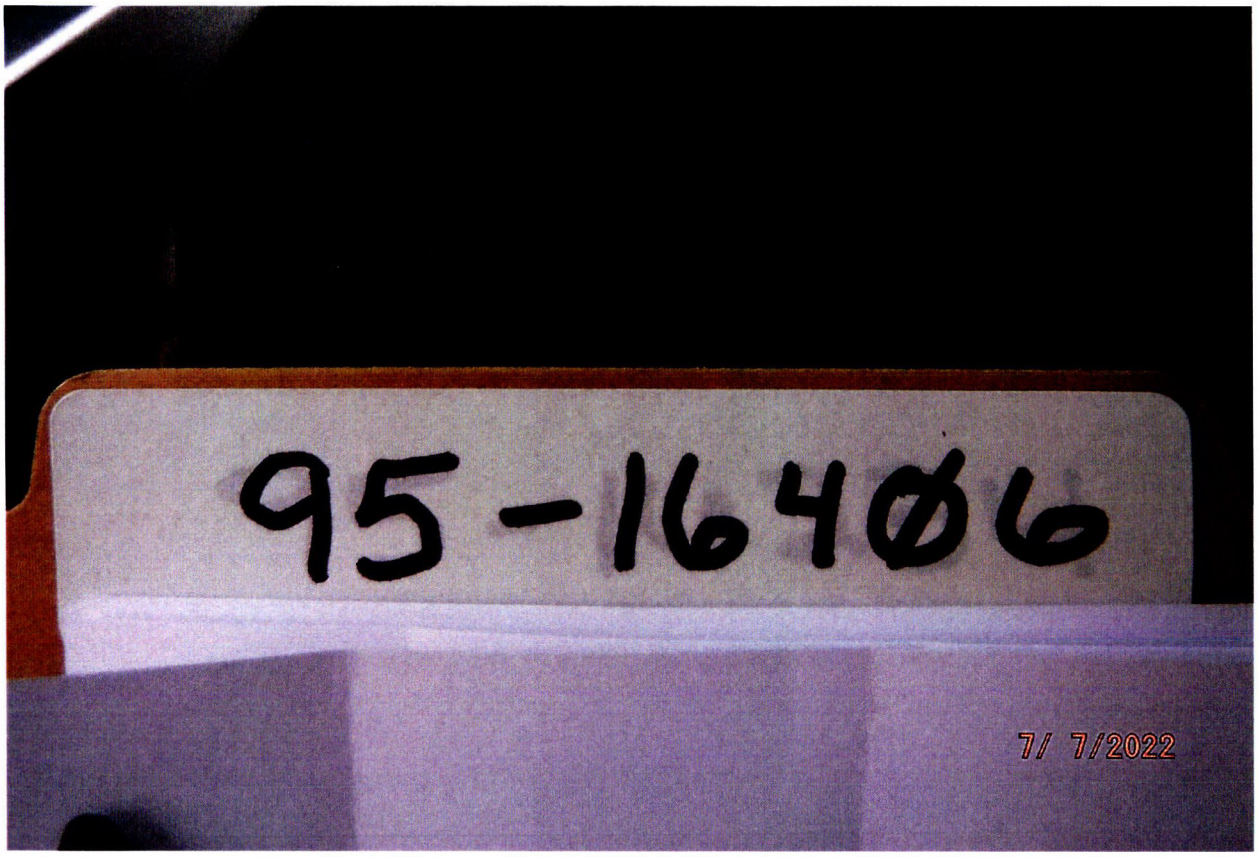
Attachment to Field Exam

95-16406

STOCKWATER system diagram.



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JUN 0 1 2023

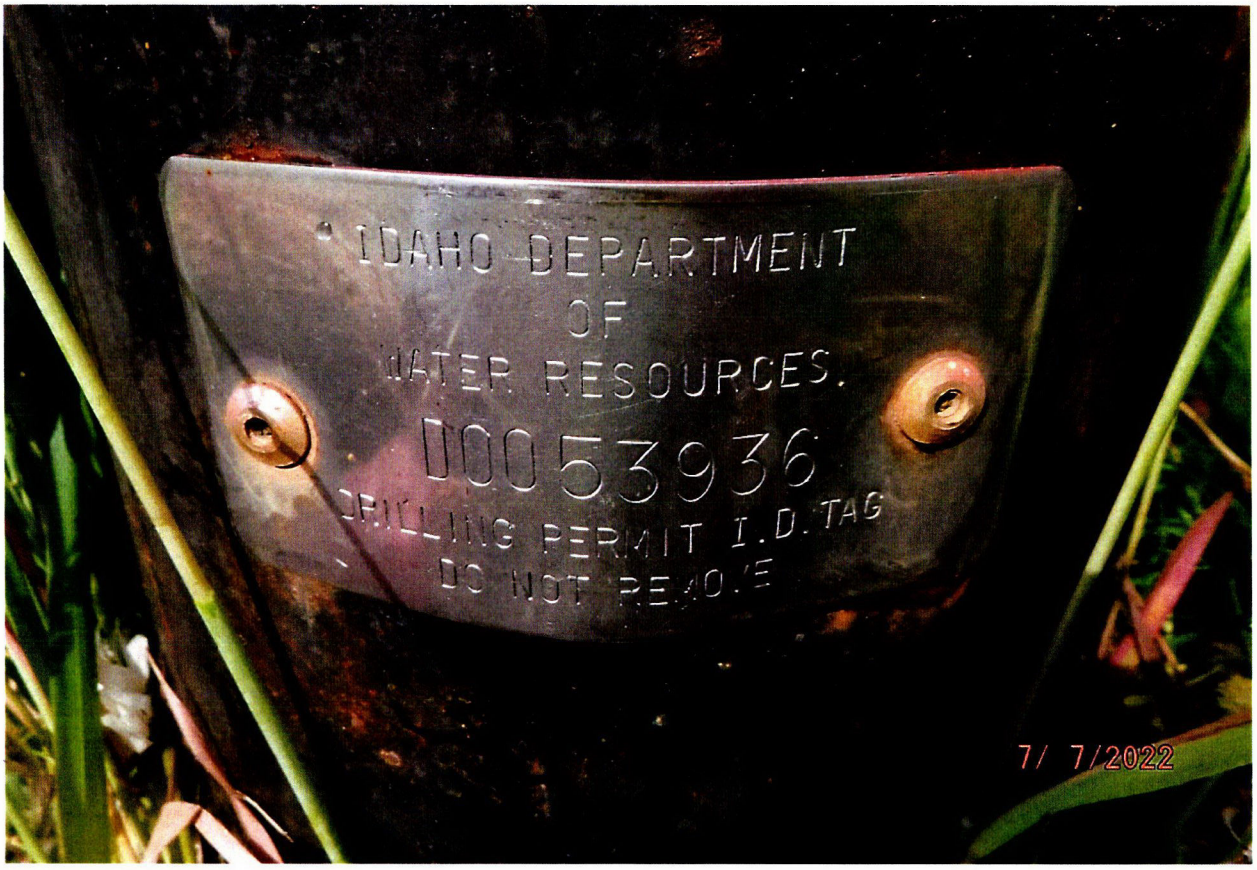


BENEFICIAL USE FIELD EXAMINATION DATE 7/7/2022

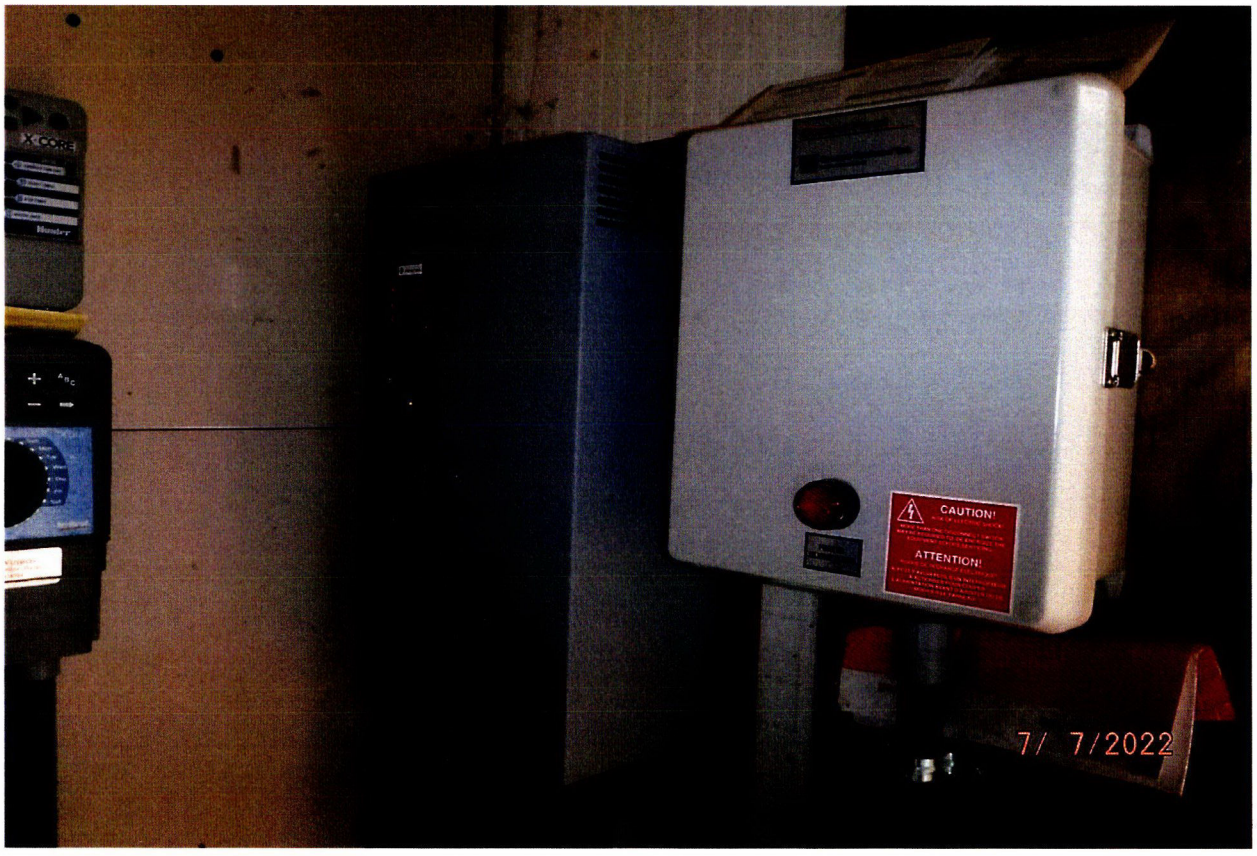


POD – GROUNDWATER WELL D0053936

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JUN 0 1 2023

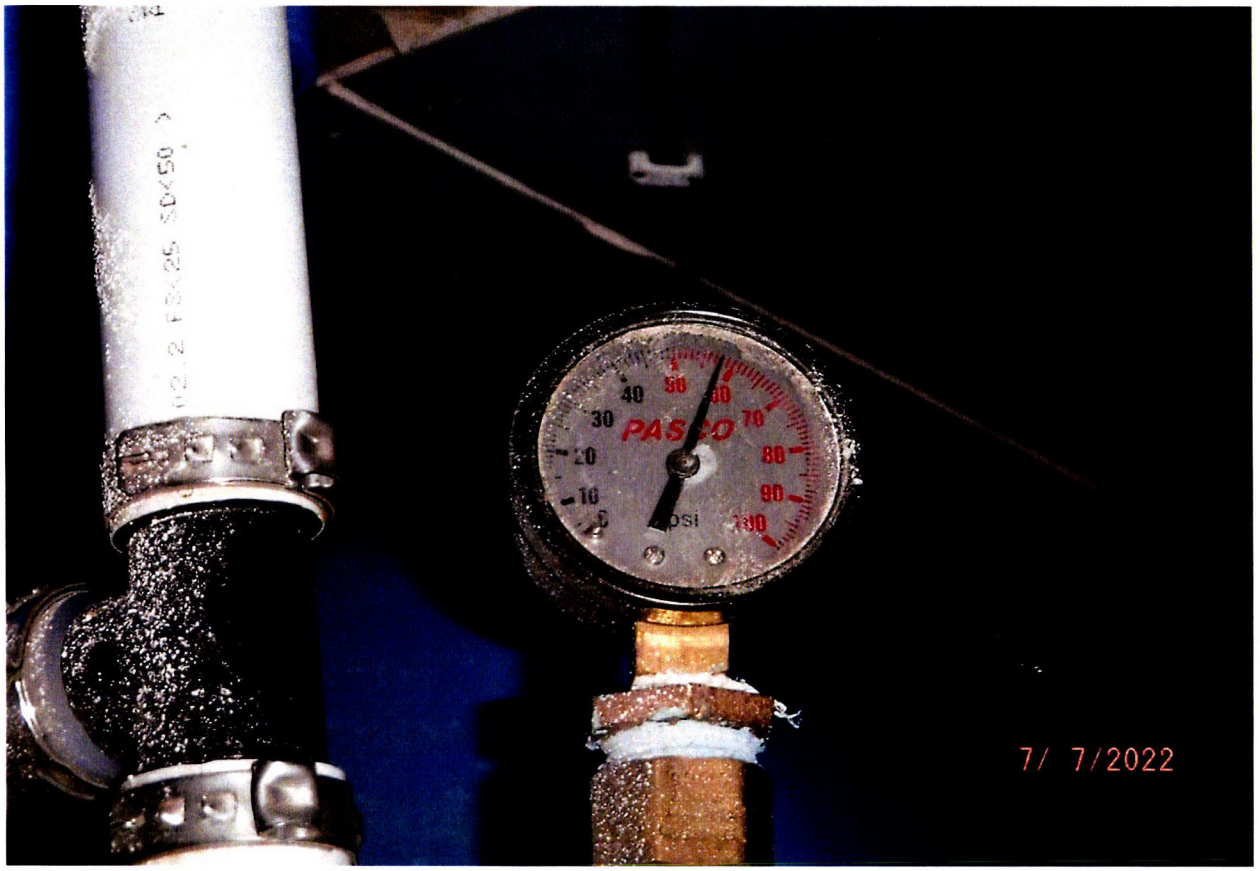


WELL D-TAG D0053936

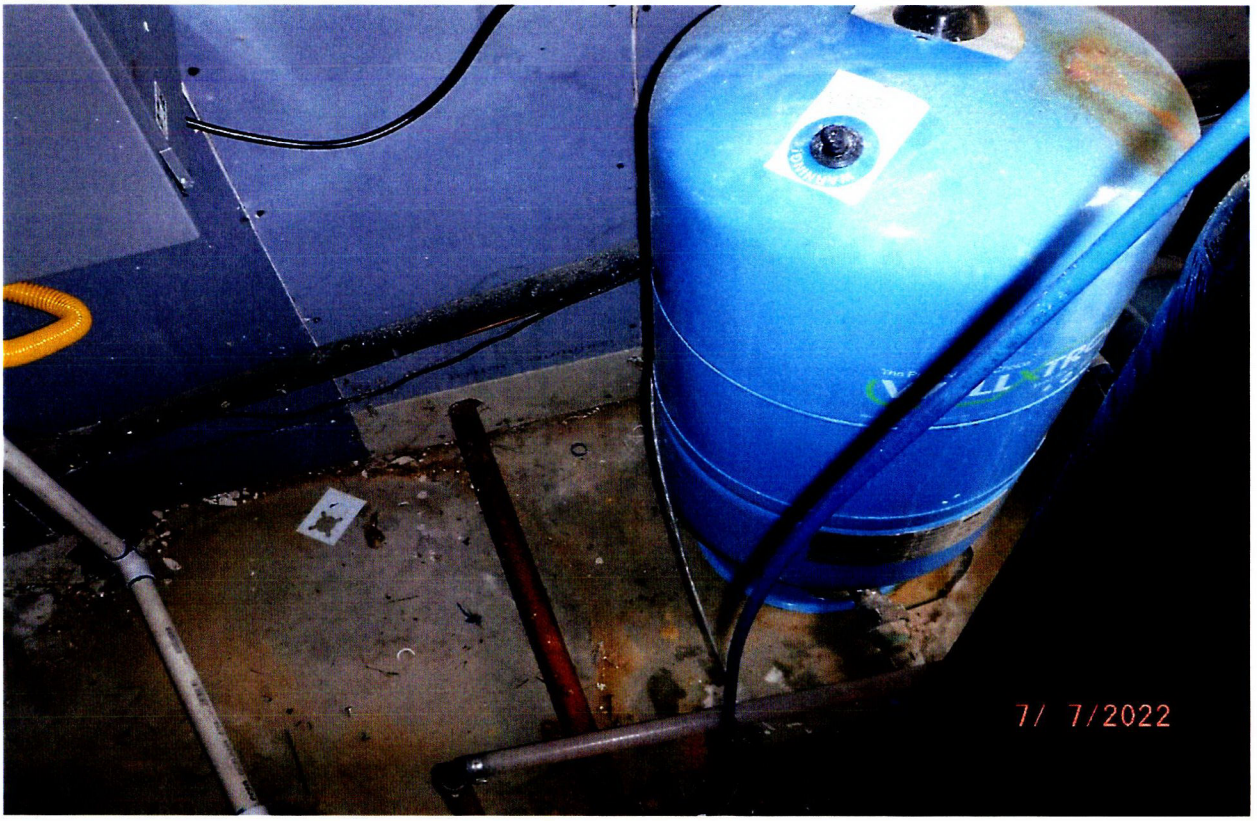


PENTEK 5 HP VARIABLE FREQUENCY DRIVE PUMP MOTOR INSTALLED

SCANNED
JUN 0 1 2023



55 -60 PSI OPERATING PRESSURE



DIVERSION WORKS – ¾" MAIN SERVICE LINE AT PUMP STATION

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JUN 0 1 2023



DOMESTIC POU



24 HR IMPOUNDMENT TANK FOR IRRIGATION/STOCKWATER USE

SCANNED
JUN 0 1 2023



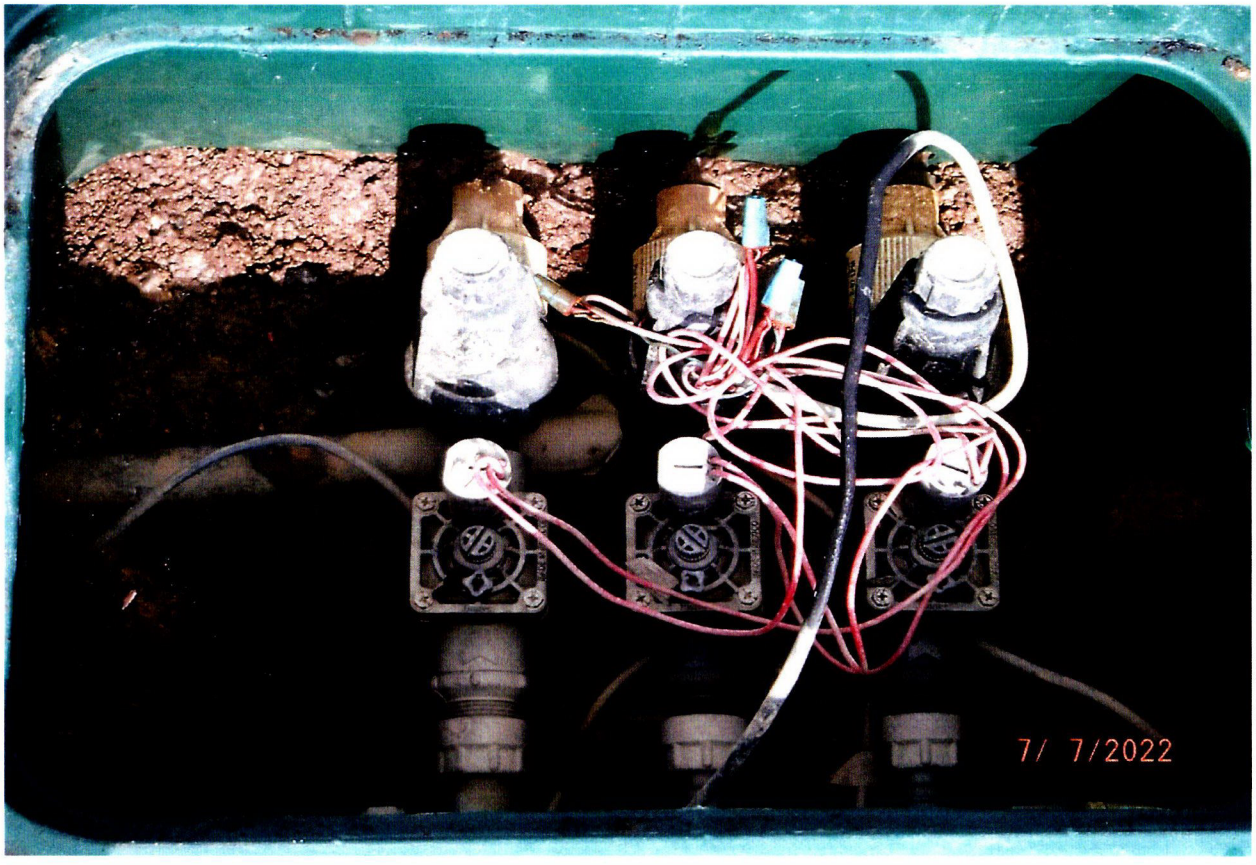
IRRIGATION POU – MULTIPLE ZONES PRESSURIZED SPRINKLERS AND HOSE TO SPRINKLERS USED



SCANNED
JUN 0 1 2023



IRRIGATION POU – MICRO EMITTERS FOR LANDSCAPE WATERING AROUND HOME



EXAMPLE – IRRIGATION SYSTEM ZONE CONTROLS

SCANNED
JUN 0 1 2023



IRRIGATION POU



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JUN 0 1 2023



IRRIGATION POU – LARGE FENCED IN GARDEN/ORCHARD TREE AREA



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JUN 0 1 2023



IRRIGATION POU



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IRRIGATION POU – POTTED TREES/BUSHES



HOSE BIB LOCATED SE CORNER OF IRRIGATION POU IN FENCED GARDEN AREA

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JUN 0 1 2023



STOCKWATER POU



SCANNED
JUN 0 1 2023



STOCKWATER POU



MULTIPLE FROST FREE HYDRANTS LOCATED ON THE PARCEL.

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