

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 95-17225

Priority: November 13, 2016

Maximum Diversion Rate: 0.06 CFS

Maximum Diversion Volume: 1.3 AF

It is hereby certified that:

BRIAN G JONES PO BOX 1283 ATHOL ID 83801-1283 AND/OR
KAREN A JONES PO BOX 1283 ATHOL ID 83801-1283

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 25, 2016, and has submitted Proof of Beneficial Use on December 20, 2021. 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	0.04 CFS	1.2 AF

Location of Point(s) of Diversion

GROUND WATER SE¼ NW¼, Sec. 12, Twp 53N, Rge 03W, B.M. KOOTENAI 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	
53N	03W	12								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	
53N	03W	12								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 authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the RPGWMA management plan approved by the director, including its conservation goals.
4. This right does not grant any right-of-way or easement across the land of another.

SCANNED

MAY 31 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 95-17225

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

State of Idaho
Department of Water Resources
Attachment to Water Right License
95-17225

This map depicts the STOCKWATER & 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.

03W



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

0 0.035 0.07 0.14 Miles



SCANNED

MAY 31 2023



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

KAREN A JONES
BRIAN G JONES
PO BOX 1283
ATHOL ID 83801-1283

RE: License No. 95-17225

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,

Michelle Richman
Northern Regional Manager

Enclosure(s)

SCANNED

MAY 31 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2023, I served a true and correct copy of Water Right License No. 95-17225 by U.S. Mail, postage prepaid, to the following:

KAREN A JONES (Current Owner)
PO BOX 1283
ATHOL ID 83801-1283

BRIAN G JONES (Current Owner)
PO BOX 1283
ATHOL ID 83801-1283



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: 95-17225
Exam Date: 08/16/2022

1. Current Owner:
BRIAN G JONES PO BOX 1283 ATHOL ID 83801-1283 AND/OR
KAREN A JONES PO BOX 1283 ATHOL ID 83801-1283
2. Accompanied by: Brian Jones
Phone No: 208-765-1492
Address: Same as above
Relationship to permit Holder: Permit holder.

3. **SOURCE:**
GROUND WATER

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 SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
GROUND WATER SE¼ NW¼, Sec. 12, Twp 53N, Rge 03W, B.M. KOOTENAI County

Method of Determination: GPS. POD is a well located at -116°38.6924, 47° 57.4960, D0061833.

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	
53N	03W	12								X									

Method of Determination: Beneficial use field exam 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

SCANNED

MAY 31 2023

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
D0061833	FRANKLIN ELECTRIC	3			

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 a frost-free hydrant co-located with the well, with average of three resulting in a diversion rate of 5 gal / 11.01 sec x 60 sec/min = 27.02 gpm = **0.06 cfs**, considering department rounding standards.

E. FLOW CALCULATIONS

Measured Method: 5-GAL Bucket Test = (5 gal / 10.66 sec) x 60 sec/min = 28.14 gpm
 = (5 gal / 11.31 sec) x 60 sec/min = 26.53 gpm
 = (5 gal / 11.07 sec) x 60 sec/min = 27.01 gpm

Average of 3ea 5-GAL Bucket Tests = (28.14 gpm + 26.53 gpm + 27.01 gpm) / 3 = 27.22 gpm = 0.06 cfs considering department rounding standards.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A
2. Volume Calculations for Other Uses: Stockwater annual volume for 15 chickens rounds up to **0.1 af** annually.

G. NARRATIVE/REMARKS/COMMENTS

Field exam performed on 8/16/2022 with the applicant, Brian Jones, showed a groundwater well supplying water for stockwater and domestic uses. At the POD, well D0061833 has a 3 HP well pump motor installed. Three 5-gallon bucket tests were completed from a frost-free hydrant co-located with the well, with average of three resulting in a diversion rate of 0.06 cfs, considering department rounding standards. **0.06 cfs** is recommended as the maximum diversion rate for licensing. Each beneficial use shall maintain the permit approved diversion rates based on field examination observations.

From the well, a ¾ inch poly main line routes to a dry garage/shop which houses the pump controller and water system pressure tank. Distribution from the pressure tank to home for domestic use & multiple frost-free hydrants incorporates ¾ inch poly pipe. The domestic POU consists of one home and a small area of irrigation up to ½ acre for gardening & lawn/landscape use. During licensing review Arcmap aerial imagery was used to designating the domestic POU in a rectangle of approx. 0.8 acres which provides adequate coverage for the ½ acre, driveways, shop & home. The domestic annual volume for 1 home with ½ acre irrigation = **1.2 af**.

The applicant was permit approved to develop stockwater beneficial use; during the field exam a dozen to 15 chickens were being kept by the applicant. Minor though it may be, stockwater beneficial use equal to **0.1 af** rounded up using department significant figure standards is recommended for licensing purposes. POU for stockwater is the same as the domestic use POU considering water for chickens is from any one of the frost-free hydrants. The maximum diversion volume for licensing purposes equals the sum of two beneficial use = **1.3 af**.

Conditions 046, 26A, and X02 were removed from the permit during licensing review. All other conditions shall be carried forward to the license. 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>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

Totals: 0.06 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 *L. Bates* Date *12/22/2022*

Reviewer *Michelle Richman* Date *5/31/2023*

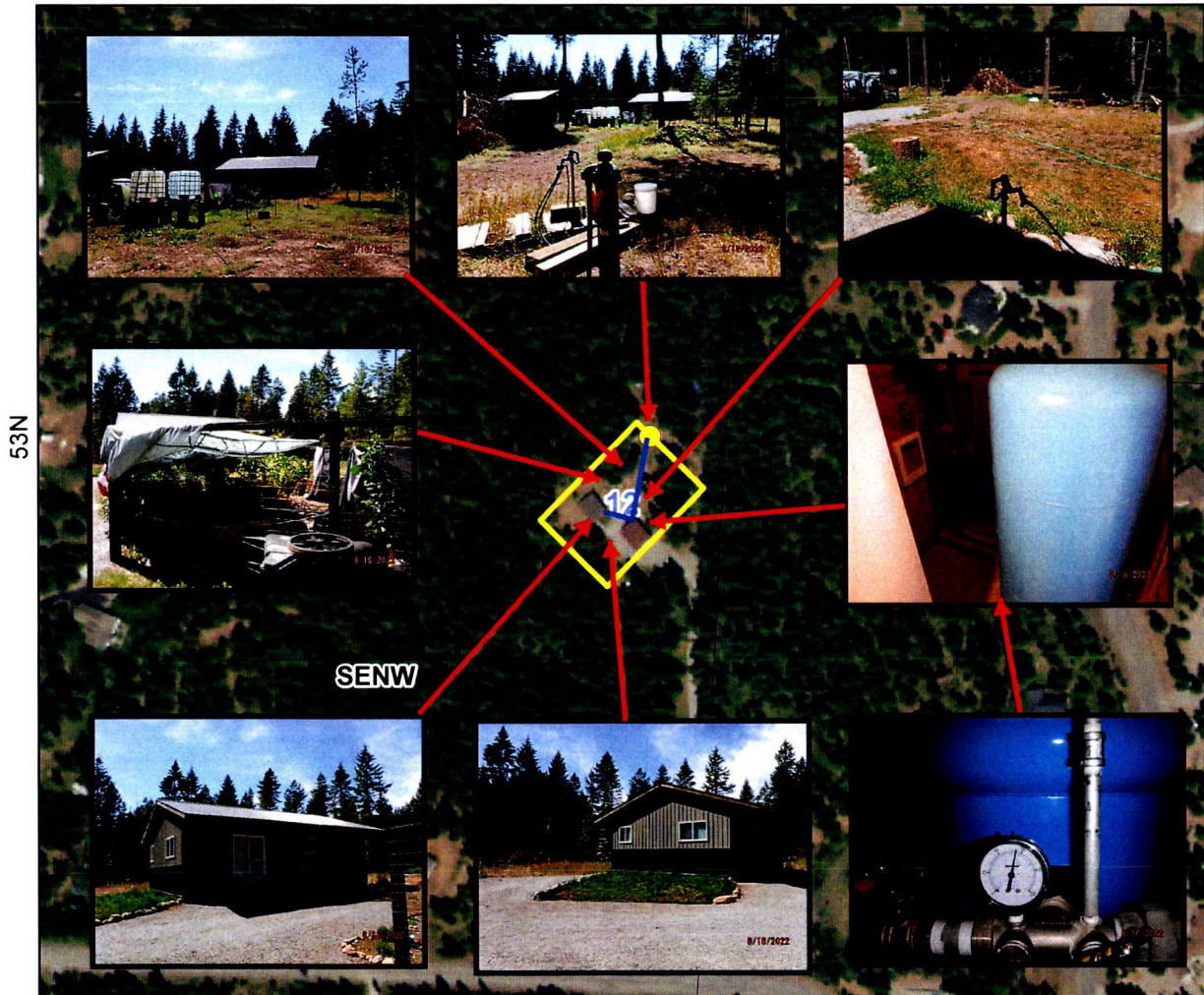
SCANNED

MAY 31 2023

State of Idaho
Department of Water Resources
Attachment to Field Exam
95-17225

STOCKWATER & DOMESTIC system diagram.

03W

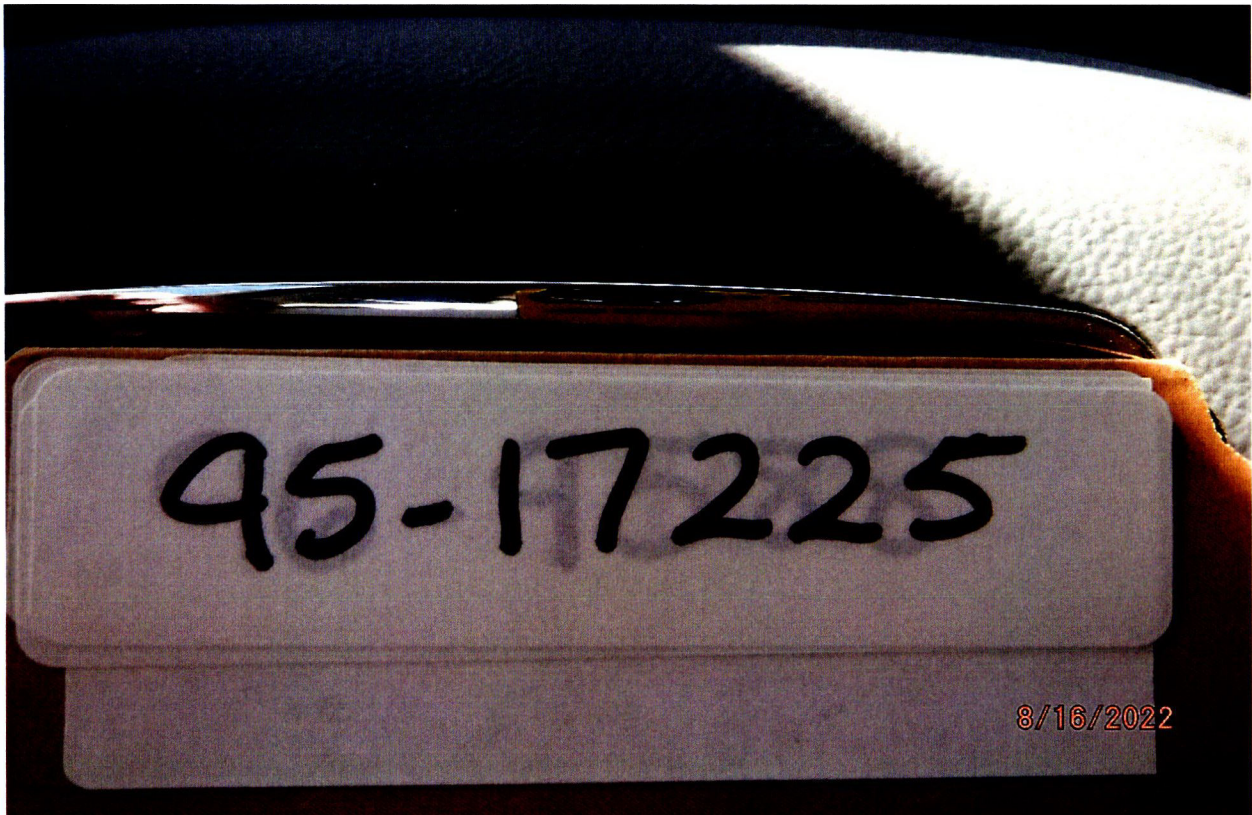


-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

0 0.035 0.07 0.14 Miles



SCANNED
MAY 31 2023

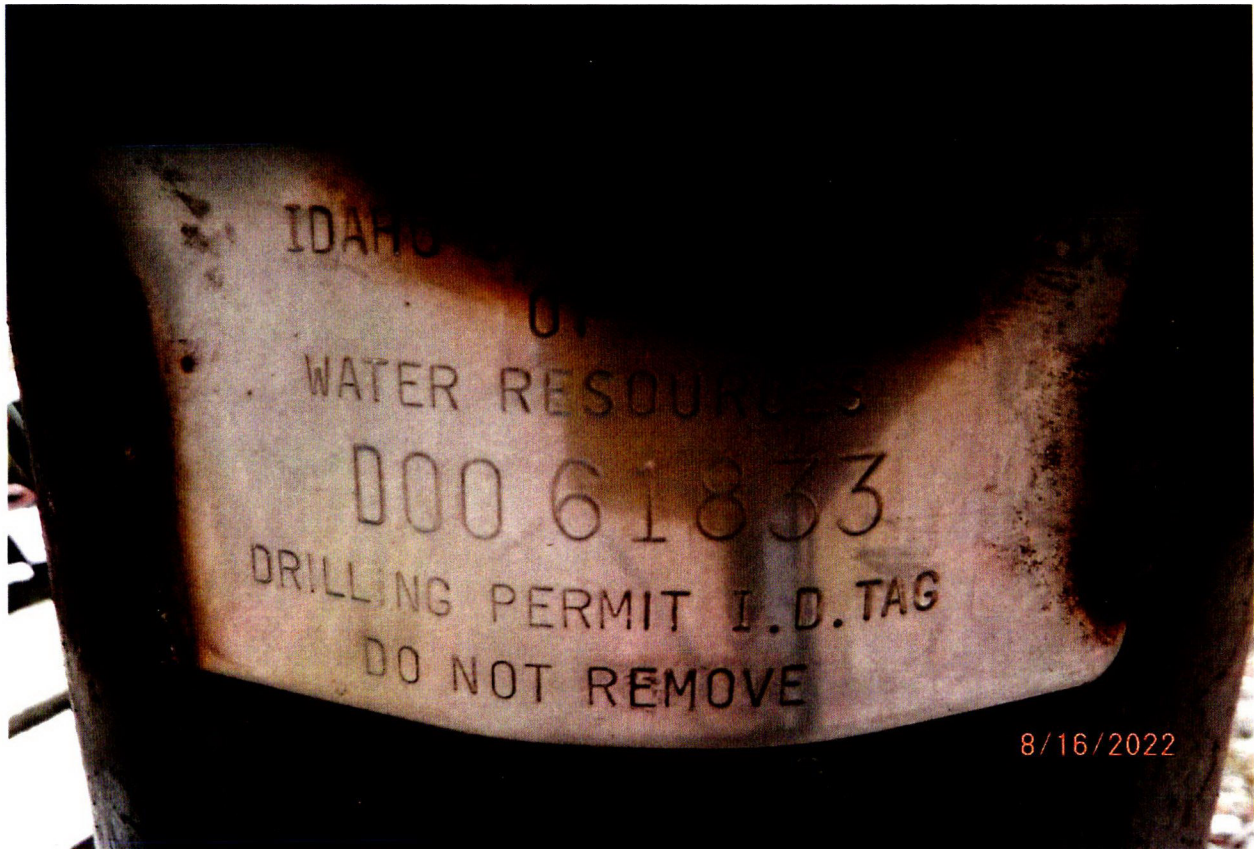


BENEFICIAL USE FIELD EXAMINATION DATE 8/16/2022

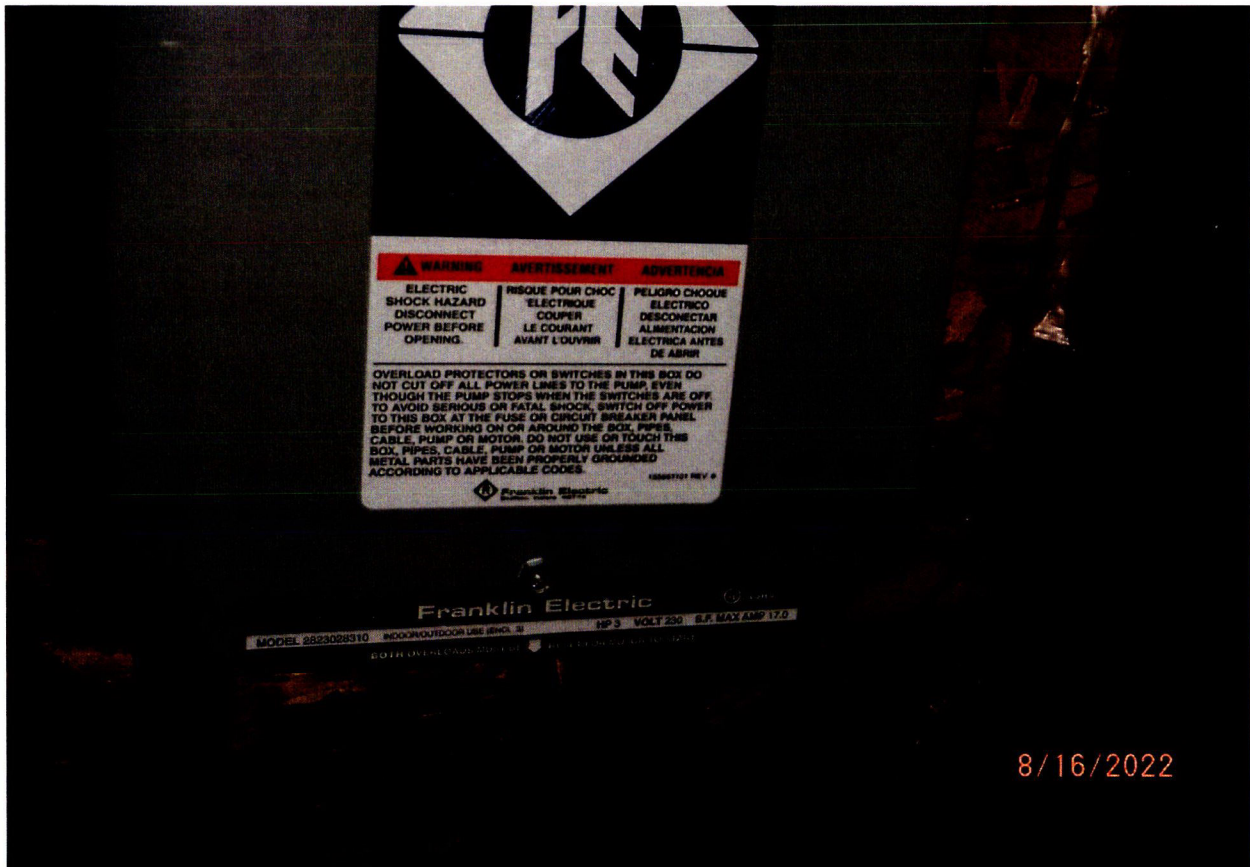


POD – GROUNDWATER WELL

SCANNED
MAY 31 2023

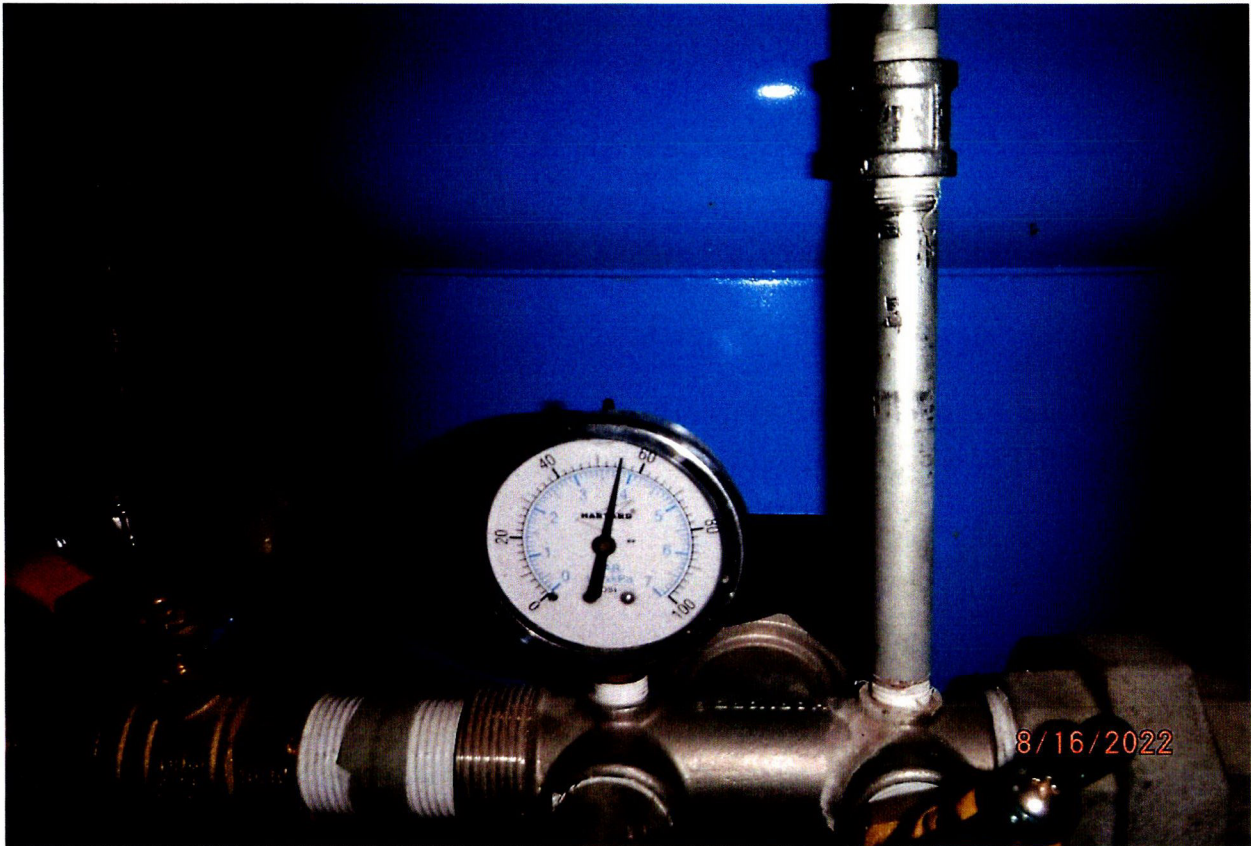


WELL D-TAG D0061833

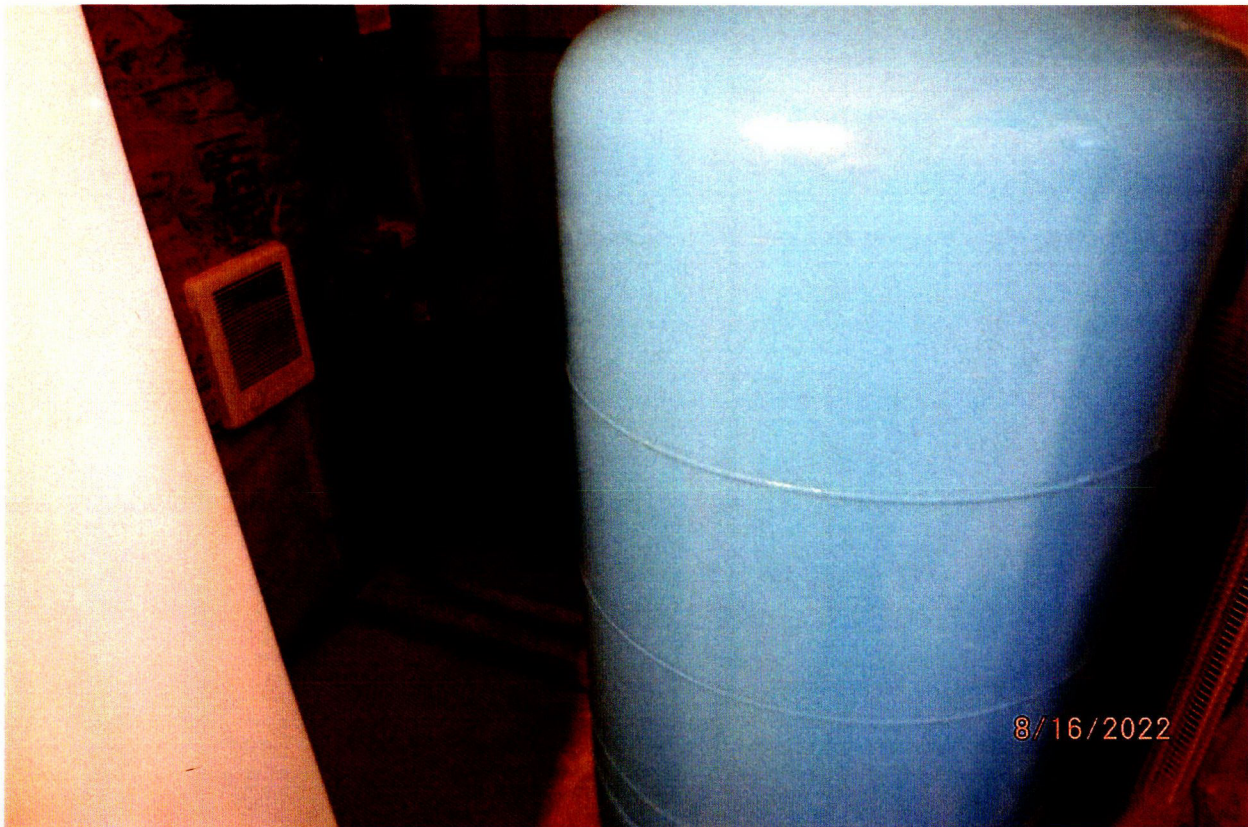


FRANKLIN 3 HP PUMP MOTOR INSTALLED IN WELL

SCANNED
MAY 31 2023



55 PSI OPERATING PRESSURE



DIVERTING WORKS – DIRECT SERVICE LINE TO PRESSURE TANK (TANK LOCATED IN SHOP)

SCANNED

MAY 31 2023



POU – DOMESTIC & STOCKWATER



SCANNED

MAY 31 2023



POU – FROST FREE HYDRANT & HOSE TO SPRINKLER FOR SMALL SCALE IRRIGATION UP TO ½ ACRE



GARDEN INCLUDED IN ½ ACRE IRRIGATION COVERED UNDER DOMESTIC USE

SCANNED

MAY 31 2023