

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 96-9652

Priority: March 22, 2017

Maximum Diversion Volume: 3.1 AF

It is hereby certified that:

JEFF BARNHART 1611 E EDMONDTON AVE POST FALLS ID 83854 AND/OR  
MELISSA BARNHART 1611 E EDMONDTON AVE POST FALLS ID 83854

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 22, 2017, and has submitted Proof of Beneficial Use on March 3, 2022. An examination confirms water is diverted from:

**Source :** UNNAMED STREAM  
**Source :** GROUND WATER

**Tributary:** COCOLALLA CREEK  
**Tributary:** COCOLALLA CREEK

| <u>Beneficial Use</u>   | <u>Period of Use</u> | <u>Annual Volume</u> |
|-------------------------|----------------------|----------------------|
| STOCKWATER STORAGE      | 01/01 to 12/31       | 0.1 AF               |
| WILDLIFE STORAGE        | 01/01 to 12/31       | 3.0 AF               |
| RECREATION STORAGE      | 01/01 to 12/31       | 3.0 AF               |
| FIRE PROTECTION STORAGE | 01/01 to 12/31       | 3.0 AF               |

**Location of Point(s) of Diversion**

GROUND WATER NE¼ NW¼, Sec. 32, Twp 55N, Rge 02W, B.M. BONNER County  
UNNAMED STREAM NE¼ NW¼, Sec. 32, Twp 55N, Rge 02W, B.M. BONNER 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 |        |
| 55N | 02W | 32  |    |    |    |    | 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 |        |
| 55N | 02W | 32  |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |        |

**Place of Use: RECREATION 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 |        |
| 55N | 02W | 32  |    |    |    |    | 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 |        |
| 55N | 02W | 32  |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |        |

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MAY 17 2023

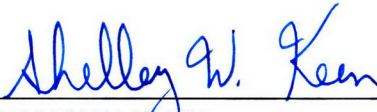
State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 96-9652

**Conditions of Approval**

1. Recreation storage is for fishing.
2. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
3. Right 96-9652 authorizes a total annual storage volume of 3.1 acre-feet, 2.4 acre-feet to be used for the initial filling or carryover storage of the pond and 0.6 acre-feet for the replacement of losses caused by evaporation. An additional 0.1 acre-feet accounts for stockwater storage use.
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 10<sup>th</sup> day of May, 2023.

  
\_\_\_\_\_  
SHELLEY W. KEEN  
Water Allocation Bureau Chief

SCANNED  
MAY 17 2023

State of Idaho  
Department of Water Resources  
**Attachment to Water Right License**  
96-9652

This map depicts the STOCKWATER STORAGE, WILDLIFE STORAGE, RECREATION 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.



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

0 0.035 0.07 0.14 Miles



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MAY 17 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](mailto:northerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

May 11, 2023

JEFF BARNHART  
MELISSA BARNHART  
1611 E EDMONDTON AVE  
POST FALLS ID 83854

RE: License No. 96-9652

### 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](http://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

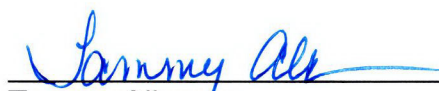
MAY 17 2023

## CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2023, I served a true and correct copy of Water Right License No. 96-9652 by U.S. Mail, postage prepaid, to the following:

JEFF BARNHART (Current Owner)  
1611 E EDMONDTON AVE  
POST FALLS ID 83854

MELISSA BARNHART (Current Owner)  
1611 E EDMONDTON AVE  
POST FALLS ID 83854



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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:** 96-9652  
**Exam Date:** 05/26/2022

1. Current Owner:  
JEFF BARNHART 1611 E EDMONDTON AVE POST FALLS ID 83854 AND/OR  
MELISSA BARNHART 1611 E EDMONDTON AVE POST FALLS ID 83854
2. Accompanied by: Unaccompanied; permission by Jeff Barnart  
Phone No: 208-661-3486  
Address: Jeff Barnhart - Same as above  
Relationship to permit Holder: Permit holder

3. **SOURCE:**  
UNNAMED STREAM  
GROUND WATER

**Tributary**  
COCOLALLA CREEK  
COCOLALLA CREEK

**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 NE¼ NW¼, Sec. 32, Twp 55N, Rge 02W, B.M. BONNER County  
UNNAMED STREAM NE¼ NW¼, Sec. 32, Twp 55N, Rge 02W, B.M. BONNER County

Method of Determination: GPS; Unnamed Stream POD is an earthen dam located at -116°36.224, 48°04.643; Groundwater POD is located within the ponds bank.

**PLACE OF USE:** STOCKWATER STORAGE, WILDLIFE STORAGE, RECREATION 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 |        |
| 55N | 02W | 32  |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |        |

Method of Determination: Beneficial use field examination & 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

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4.

| Well or Diversion ID No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------|------------|----|------------------|-----------|-----------------------------------|
| N/A                       |            |    |                  |           |                                   |

**D. FLOW MEASUREMENTS**

1.

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

2. Measurements: N/A

**E. FLOW CALCULATIONS**

Measured Method: N/A

**F. VOLUME CALCULATIONS**

1. Volume Calculations for irrigation: N/A

2. Volume Calculations for Other Uses: See attached pond analysis worksheet

- Stockwater storage volume = 10 head (cow/horse) x 12 gpd x 365 days = 43,800 gal per year / 325,850 gal per af = **0.1 af** considering rounding standards.

**G. NARRATIVE/REMARKS/COMMENTS**

Field exam was performed on 5/26/2022 unaccompanied with permission from the applicant, Jeff Barnhart, which showed a pond that captured unnamed stream water & groundwater. The storage pond is used for stockwater, wildlife, recreation, and fire protection storage(s) purposes. An excavated pond dam serves as the unnamed stream POD is an excavated earthen dam, and the groundwater POD has been designated within the pond high water mark. A seasonal overflow channel allows water to discharge across a field. There is no diversion rate associated with this permit.

Photographs were taken during the field exam to illustrate the storage pond that serves as the POU for the multiple beneficial uses listed above. Following the exam, Arcmap aerial imagery was used to trace out the surface area of the pond equaling 0.4 acres. The pond has a maximum depth of 15 feet, an average depth of 6 feet, pond capacity of 2.4 af, and an evaporation loss of 0.6 af annually. The total volume required equals **3.0 af** annually for wildlife storage, recreation storage, and fire protection storage annual volumes are not additive. The stockwater storage beneficial use is for 10 head of mixed stock (cattle & horses), with the annual volume equaling **0.1 af** for licensing purposes. The maximum diversion volume = **3.1 af**. Stockwater from storage use was not developed by the applicant, and stock is allowed to drink directly from the pond; I have removed the stockwater from storage beneficial use during licensing review. The applicant uses an aerator system in the pond to cycle water and increase O2 levels in the pond.

Conditions 26A and a stockwater text condition were removed from the permit during licensing review. Condition 259 was replaced with 219 and condition 220 was revised to reflect pond size & volume metrics. All other conditions on the permit will be carried forward to licensing. There are no overlap conditions for this permit.

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MAY 17 2023

Have conditions of permit approval been met?  X  Yes   No

## H. RECOMMENDATIONS

## 1. Recommended Amounts

| <b><u>Beneficial Use</u></b> | <b><u>Period of Use</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|-----------------------------|-----------------------------|
| STOCKWATER STORAGE           | 01/01 to 12/31              | 0.1 AF                      |
| WILDLIFE STORAGE             | 01/01 to 12/31              | 3.0 AF                      |
| RECREATION STORAGE           | 01/01 to 12/31              | 3.0 AF                      |
| FIRE PROTECTION STORAGE      | 01/01 to 12/31              | 3.0 AF                      |

**Totals:** 3.1 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 J. B. L. Date 8/12/2022

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

## Total Storage Calculations

|             |            |
|-------------|------------|
| FILE NUMBER | 96-9652    |
| REVIEWER    | LUKE BATES |
| DATE        | 5/27/2022  |

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

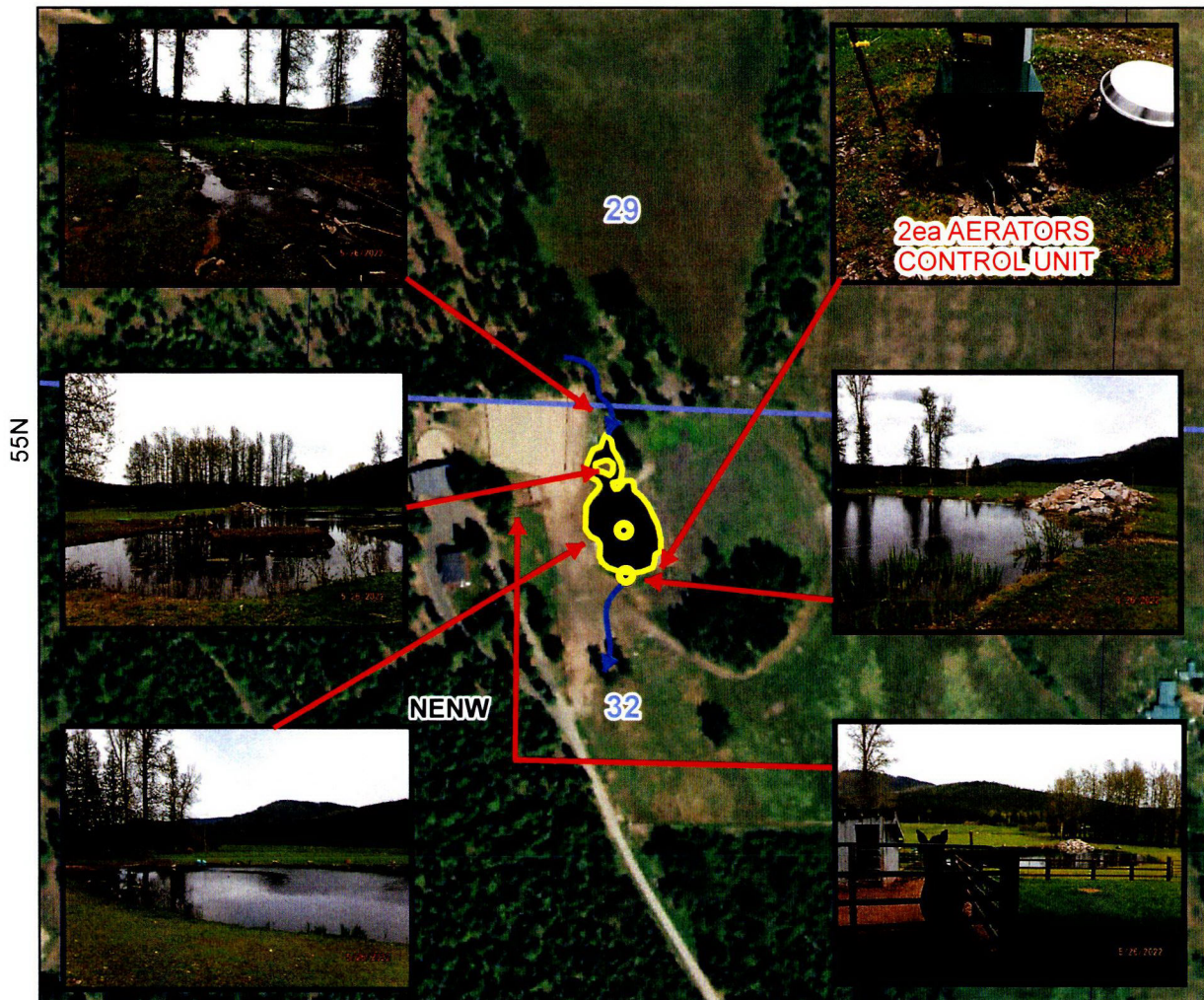
|                      |
|----------------------|
| User Input           |
| Calculated value     |
| Formula Explanations |

|                                                                                              |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Surface Area (AC.)                                                                           | 0.4 | "Surface Area" is automatically carried over from the "Seepage Loss" sheet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Average Pond Depth (FT.)                                                                     | 6   | "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)                                                                           | 2.4 | 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.<br><i>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.</i>                                                                                                                                                                                                                                                                                                                                                                                         |
| Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF) | 0.1 | 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).<br><i>Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.</i> |
| Estimated Seepage Loss (AF)                                                                  | 0.0 | The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Estimated Evaporation Loss (AF)                                                              | 0.6 | The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Total Volume Required (AF)                                                                   | 3.1 | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

State of Idaho  
Department of Water Resources  
**Attachment to Field Exam**  
96-9652

STOCKWATER STORAGE, WILDLIFE STORAGE, RECREATION STORAGE,  
& FIRE PROTECTION STORAGE system diagram.

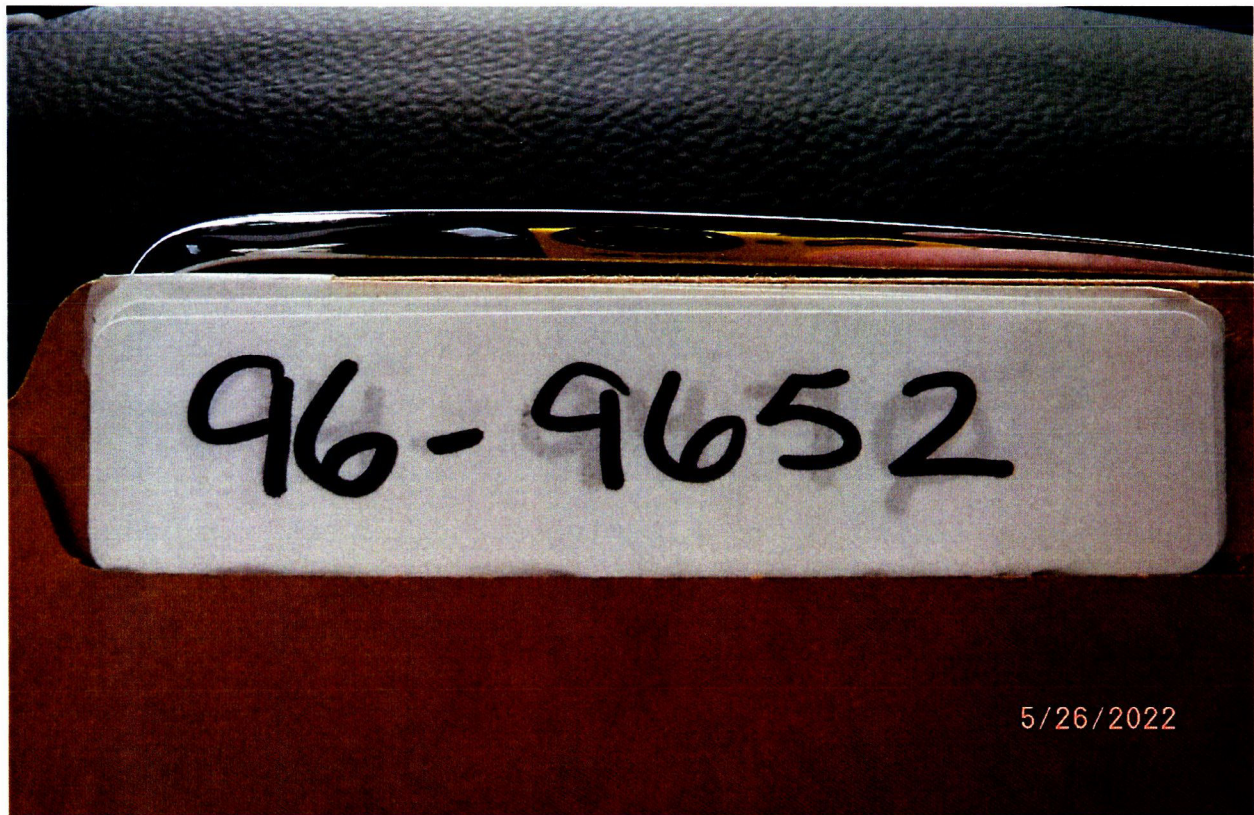
02W



- 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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MAY 17 2023



BENEFICIAL USE FIELD EXAMINATION DATE 5/26/2022



POD – EXCAVATED POND DAM AT POINT OVERFLOW DISCHARGES FROM POND

SCANNED  
MAY 17 2023



UNNAMED STREAM SOURCE TO IN-STREAM POND



POD – GROUNDWATER INFLUENCED POND WITH SMALL ISLAND

SCANNED

MAY 17 2023



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





SEASONAL OVERFLOW DISCHARGES VIA MINOR OVERFLOW CHANNEL



AERATORS (2EA) CONTROL UNIT

SCANNED  
MAY 17 2023



POND AERATOR WIRING AND EXAMPLE OF AERATOR RUNNING IN POND



STOCKWATER STORAGE FOR MULES & HORSES



POND OVERVIEW