

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 96-9824

**Priority:** September 08, 2020

**Maximum Diversion Rate:** 0.01 CFS

It is hereby certified that:

JAMES M DEWEY PO BOX 444 CLARK FORK ID 83811-0444

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 08, 2020, and has submitted Proof of Beneficial Use on July 03, 2023. An examination confirms water is diverted from:

**Source :** CLARK FORK RIVER

**Tributary:** LAKE PEND OREILLE

**Beneficial Use**  
IRRIGATION

**Period of Use**  
04/01 to 10/31

**Rate of Diversion**  
0.01 CFS

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

CLARK FORK RIVER L6 ( SW¼ NE¼), Sec. 4, Twp 55N, Rge 02E, B.M. BONNER 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 |        |
| 55N | 02E | 4   |    |    | 0.1<br>L6 |    |    |    |    |    |    |    |    |    |    | 0.1<br>L8 |    |    | 0.2    |

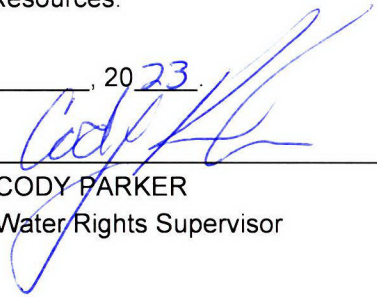
Total Acres: 0.2

**Conditions of Approval**

1. This right when combined with all other rights shall provide no more than 0.01 cfs nor more than 0.6 afa at the field headgate for irrigation of the place of use.
2. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
3. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
4. Place of use is located within Tract 2, Lot 6; Delta Shore Estates Subdivision.
5. 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 15<sup>th</sup> day of AUGUST, 2023.

  
\_\_\_\_\_  
CODY PARKER  
Water Rights Supervisor

SCANNED  
AUG 01 2023

State of Idaho  
Department of Water Resources  
**Attachment to Water Right**  
96-9824

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.

02E



0 0.035 0.07 0.14 Miles

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

SCANNED  
N  
AUG 01 2022

RECEIVED

JUL 03 2023

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
STATEMENT OF COMPLETION  
FOR SUBMITTING PROOF OF BENEFICIAL USE

## FOR OFFICE USE ONLY

Amt. of Fee \$ 50.Receipt No. C116689Received By kmDate Received 7.3.23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete an Assignment of Permit form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 96-9824 Name of Permit Holder(s) JAMES M. DEWEY  
Telephone No. 805-320-2298 Email doweyflyers@gmail.com  
Mailing Address P.O. BOX 444 City CLARK FORK State ID Zip 83811

2. Source of Water CLARK FORK RIVER If Ground Water (well), Date Drilled mo. \_\_\_\_ / yr. \_\_\_\_

Drilling Permit/Tag No. \_\_\_\_ Drilling Company's Name \_\_\_\_

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) \_\_\_\_ Irrigation (No. acres) \_\_\_\_ Stockwater (No. and stock type) \_\_\_\_

Other WATER LAWN

4. Total diversion rate or volume (storage only) for which proof is submitted \_\_\_\_ cfs OR \_\_\_\_ af  
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

PUMP (1 1/2 HP), APPROX 7 FT., LAWN SPRINKLERS.

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- |                          |                                     |                                     |                                                                       |
|--------------------------|-------------------------------------|-------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Ground water level data, pumping information, or other diversion data |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Mitigation plan                                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Lockable controlling works                                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Measuring device                                                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Fish screen                                                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Other requirements of the water right permit                          |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Reasonably Anticipated Future Needs ("RAFN") Municipal use            |

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☒ No

7. Fee Enclosed \$ 50.<sup>00</sup> or ☐ CWRE field report attached or ☐ No fee required  
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: JAMES M. DEWEY Telephone No. 805-320-2298 Email doweyflyers@gmail.com  
Mailing Address P.O. BOX 444 City CLARK FORK State ID Zip 83811

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

James M. Dewey

SIGNATURE OF PERMIT HOLDER

JAMES M. DEWEY

PRINTED NAME AND TITLE

6-30-2023

DATE

\*Attach power of attorney if completing on behalf of permit holder.

SCANNED

AUG 11 2023



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098  
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

August 01, 2023

JAMES M DEWEY  
PO BOX 444  
CLARK FORK ID 83811-0444

RE: License No. 96-9824

### 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 me at (208) 287-4910.

Sincerely,

*Jean Hersley*

For  
Cody Parker  
Water Rights Supervisor

Enclosure(s)

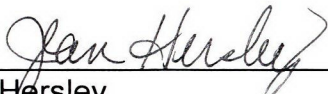
SCANNED

AUG 01 2023

## CERTIFICATE OF SERVICE

I hereby certify that on August 01, 2023, I served a true and correct copy of Water Right License No. 96-9824 by U.S. Mail, postage prepaid, to the following:

JAMES M DEWEY (Current Owner)  
PO BOX 444  
CLARK FORK ID 83811-0444

  
\_\_\_\_\_  
Jean Hersley  
Technical Records Specialist 2

## **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  
**IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT**

**A. GENERAL INFORMATION**Exam Date: 7/5/20231. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y    N

- a. X Irrigation of 5 acres or less  
b.    Storage of up to 14.6 AF for stockwater purposes only  
c.    Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less  
d.    Other <     >

2. Current Owner: James Dewey

Owner of Record Correct?    NAddress of Record Correct?    N

If No Explain: N/A

3. Beneficial Use Fees have been paid: X Y    N Receipt No: C116689

4. Source: Clark Fork River  
Tributary: Lake Pend Oreille

Method of Determination:

Change in Source:    Y X N**B. OVERLAP REVIEW**1. Other water rights with the same place of use: X No Overlap

| Water Right No. | Source      | Purpose of Use | Basis |
|-----------------|-------------|----------------|-------|
| 96-10857        | Groundwater | Domestic       | Claim |
| 96-10919        | Groundwater | Domestic       | Claim |

Comments: Adjudication Claims 96-10857 and 96-10919 slightly overlap the proposed place of use. However, the place of use shapefile on ArcMap is large and covers a large area and only as a small NE portion of the proposed place of use. Both claims divert from different sources and have a different beneficial use. It is unlikely there is overlap with this permit.

2. Other water rights with the same point of diversion: X NO Overlap

| Water Right No. | Source | Purpose of Use | Basis |
|-----------------|--------|----------------|-------|
|                 |        |                |       |
|                 |        |                |       |

Comments: N/A

**C. DIVERSION AND DELIVERY SYSTEM**

1. Location of Point(s) of Diversion:

| Source           | Govt. Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. |      | County |
|------------------|-----------|---|----|----|------|------|------|------|--------|
| Clark Fork River | 6         |   | SW | NE | 4    | 55N  | 02E  | B.M. | Bonner |
|                  |           |   |    |    |      |      |      | B.M. |        |
|                  |           |   |    |    |      |      |      | B.M. |        |

Method of Determination: GIS and Tax Parcel Data.Change in POD?    Y X N Amendment Required?    Y X N

SCANNED

AUG 01 2023

## 2. Place of Use: Irrigation

| TWP           | RGE | Sec   | NE |    |     |    | NW |    |    |    | SW |    |    |    | SE |     |    |     | Totals |
|---------------|-----|-------|----|----|-----|----|----|----|----|----|----|----|----|----|----|-----|----|-----|--------|
|               |     |       | NE | NW | SW  | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW  | SW | SE  |        |
| 55N           | 02E | 4     |    |    | 0.1 |    |    |    |    |    |    |    |    |    |    | 0.1 |    |     | 0.2    |
|               |     | Lot # |    |    | 6   |    |    |    |    |    |    |    |    |    |    | 8   |    |     | N/A    |
| Total Acres = |     |       |    |    |     |    |    |    |    |    |    |    |    |    |    |     |    | 0.2 |        |

Method of Determination: GIS, Tax Parcel Data, Google Earth, and 2022 Bonner County Aerial Imagery.Change in POU? Y X N Amendment Required? Y X NDelivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable:

X Aerial Photo Attached (required for irrigation of 10+ acres).Photo of Diversion and System Attached

| 3. Diversion Id No.* | Motor Make | HP  | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|----------------------|------------|-----|------------------|-----------|-----------------------------------|
|                      |            | 1.5 |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

## D. FLOW MEASUREMENTS

| 1. Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|--------------------------|------|------|-----------|------------|------|-------------|
| N/A                      |      |      |           |            |      |             |
|                          |      |      |           |            |      |             |

2. Measurement Comments: The permit holder provided a pump horsepower of 1.5. Therefore a diversion rate calculation is possible.

## E. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: Since the permit holder provided a pump horsepower of 1.5 a diversion rate calculation is possible. The permit holder also provided a lift of 7 ft from the point of diversion in the river to the irrigation system. The calculation determined the system could handle 0.06 cfs at 60 psi discharge pressure. According to Administrative Processing Memo #17 the standard diversion rate/acre for the irrigation of 5 acres or less is 0.03 cfs/acre, 0.2 acres \* 0.03 cfs/acre = 0.006 cfs or 0.01 cfs rounded. The permit authorized 0.02 cfs. I am recommending a 0.01 cfs diversion rate.

$$Q = (1.5 \text{ hp}) (8.8) (0.70 \text{ efficiency}) / (7 \text{ ft lift}) + (2.31) * (60 \text{ psi discharge pressure}) = 0.006 \text{ cfs or } 0.01 \text{ cfs rounded}$$

Measurement = 0.01 cfs

Permit allowed = 0.02 cfs

## F. VOLUME CALCULATIONS

## 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (0.2 \text{ acres}) * (3.0 \text{ af/acre}) = 0.6 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = (0.01 \text{ cfs}) * (214 \text{ days}) * (1.9835) = 4.2 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 0.6 \text{ af}$$

2. Volume Calculations for Other Uses: This permit authorizes diversion from a natural stream/river. According to the IDAPA Beneficial Use Examination Rule 37.03.02.35. 01] viii a diversion volume is not required for irrigation diverting from a natural stream/river or spring.

SCANNED

AUG 01 2023

**G. PURPOSE OF USE**Irrigation   X   Y   N   # Stock   N/A   Domestic # of Homes   N/A  

Other: &lt; &gt;

Change in Purpose of Use?   Y     X     N  Method of Determination: GIS, Tax Parcel Data, Google Earth, and 2022 Bonner County Aerial ImageryIf Yes: From Use                    To Use                    Amount                    CFS                    AFA                   **H. NARRATIVE/REMARKS/COMMENTS**

This permit qualifies for an in-office examination. According to Tax Parcel Data the property was developed in 2004. The permit authorizes the irrigation of 0.5 acres diverting from the Clark Fork River. 2022 Bonner County Aerial Imagery confirms 0.2 acres of irrigation occurred. The projected Tax Parcel Boundary and visual property boundary is off. The place of use was updated to match the visual property boundary. According to the permit holders Statement of Completion for Proof of Beneficial Use a fish screen was installed and maintained at the point of diversion.

Since the permit holder provided a pump horsepower of 1.5 and lift of 7ft a diversion rate calculation is possible. According to that calculation the system could handle 0.06 cfs at 60 psi discharge pressure. The standards set in Administrative Processing Memo #17 were used to make a diversion rate recommendation. Since the permit authorizes diversion from a natural stream/river for irrigation a diversion volume is not required under the IDAPA Beneficial Use Examination Rule 37.03.02.35.01j. viii. The permits proposed place of use does overlap a small portion, in the NE, of claims 96-10857 and 96-10919 place of use shape in ArcMap. However, because the shape covers a large area and only a small portion this permits, mostly of it in the river, is unlikely there is overlap. All of the conditions have been met and it has been confirmed a beneficial use was developed within authorization on the permit. Therefore, I am recommending a 0.01 cfs diversion rate.

Conditions X15, X16, X60, 004 should remain on the license. Condition R58 should be changed to X31 because irrigation is less than an acre. All other conditions should be removed as standard with licensing.

Have conditions of permit approval been met?   X   Yes        No**I. RECOMMENDATIONS**

## 1. Recommended Amounts:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| Irrigation            | 04/01-10/31          | 0.01 CFS              |
| <u>Totals:</u>        |                      | 0.01 CFS              |

## 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

Other: &lt; &gt;

**J. AUTHENTICATION Skyler Cheever – Water Resource Agent**Field Examiner's  Date 7/13/2023Reviewer  Date 8/1/23

SCANNED

AUG 01 2023

Field Exam Map

Map showing the authorized point of diversion (yellow point) and place of use (orange outline).



SCANNED  
AUG 01 2023

Irrigation Map

2022 Bonner County Aerial Imagery indicating 0.2 acres of irrigation was occurring within the place of use.

96-9824 Irrigation Map



7/5/2023

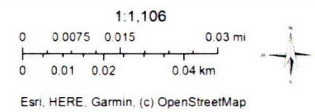
Road Centerlines

- Primary
- Secondary
- Local; Ramp



Parcels

World Boundaries and Places



SCANNED

AUG 01 2023

# Beneficial Use Proof Evaluation

---

Permit Number: 96-9824   Reviewer: AVeibell   Review Date: 7/3/2023

## Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 7/3/2023
- 4) Proof Due Date: 10/1/2025
- 5) Days added for weekend due date?
- 6) Days added for holiday due date?
- 7) Number of days late: -821
- 8) Proof received timely? Yes

## Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
  - a. Measuring Device -- No
  - b. Lockable Device --No
  - c. Fish Screen -- Yes
- 3) Are the required items installed? Yes
  - a. Measuring Device -- No
  - b. Lockable Device --No
  - c. Fish Screen -- Yes
- 4) Is there a request to waive the required items? No
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? No
- 8) Is proof accepted? Yes

## Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

## Receipt IDs

N036406

## Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.