

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 96-11260

Priority: May 04, 2022

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 4.2 AF

It is hereby certified that:

GREG GIBSON 408 SUNNYSIDE RD SANDPOINT ID 83864-6471

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 04, 2022, and has submitted Proof of Beneficial Use on June 30, 2023. An examination confirms water is diverted from:

Source: LAKE PEND OREILLE

Tributary: PEND OREILLE RIVER

Beneficial Use
IRRIGATION

Period of Use
04/01 to 10/31

Rate of Diversion
0.04 CFS

Annual Volume
4.2 AF

Location of Point(s) of Diversion

LAKE PEND OREILLE NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, Twp 57N, Rge 01W, 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	
57N	01W	4									1.4								1.4

Total Acres: 1.4

Conditions of Approval

1. 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.
2. 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 14th day of August, 2023.



PHILL HUMMER
Water Rights Supervisor

SCANNED

AUG 22 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
96-11260

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.

01W



0 0.035 0.07 0.14 Miles

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

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RECEIVED

JUN 30 2023

IDWR / NORTH

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50.00

Receipt No. N043779

Received By Jh

Date Received 6-30-23

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 a Notice of Change in Water Right Ownership 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. 96-11260 Name of Permit Holder(s) GREG GIBSON

Telephone No. 203 659-0667 Email GGIBSON@SCHWEITZER.COM

Mailing Address 403 SUNNYSIDE RD. City SANAPORT State ID Zip 83864

2. Source of Water LAKE PENNORELLE 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) 2 Stockwater (No. and stock type) —

Other —

4. Total diversion rate or volume (storage only) for which proof is submitted 104 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 INTO 2" MAIN PVC INTO 1" PLASTIC INTO SPINKER HEADS

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)

☐ ☒ Ground water level data, pumping information, or other diversion data

☐ ☒ Mitigation plan

☐ ☒ Lockable controlling works

☐ ☒ Measuring device

☐ ☒ Fish screen

☐ ☒ Other requirements of the water right permit —

☐ ☒ 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 \$ 50.00 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: GREG GIBSON Telephone No. 203 659-0667 Email GGIBSON@SCHWEITZER.COM

Mailing Address 403 SUNNYSIDE RD. City SANAPORT State ID Zip 83864

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.

SIGNATURE OF PERMIT HOLDER*

PRINTED NAME AND TITLE

DATE

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

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AUG 22 2023



Governor Brad Little

Director Gary Spackman

August 22, 2023

GREG GIBSON
408 SUNNYSIDE RD
SANDPOINT ID 83864-6471

RE: License No. 96-11260

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 me at (208) 287-4925.

Sincerely,

Jean Hersley

for
Phill Hummer
Water Rights Supervisor

Enclosure(s)

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AUG 22 2023

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2023, I served a true and correct copy of Water Right License No. 96-11260 by U.S. Mail, postage prepaid, to the following:

GREG GIBSON (Current Owner)
408 SUNNYSIDE RD
SANDPOINT ID 83864-6471



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
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 96-11260
Exam Date: 7/27/2023

1. Current Owner:
GREG GIBSON 408 SUNNYSIDE RD SANDPOINT ID 83864-6471
2. Accompanied by:
Phone No:
Address:
Relationship to permit Holder:

3. **SOURCE:** LAKE PEND OREILLE **Tributary**
PEND OREILLE RIVER

Method of Determination: Photograph of pump and GIS

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NO Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A			

Comments: _____

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

Water Right No.	Source	Purpose of Use	Basis
96-7011 & 96-8593	Lake Pend Oreille	Domestic/Municipal	License

Comments: Applicant receives domestic water from Oden Water Association

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
LAKE PEND OREILLE NE¼ SW¼, Sec. 4, Twp 57N, Rge 01W, B.M. BONNER County

Method of Determination: GIS

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	
57N	01W	4									1.4								1.4

Total Acres: 1.4

Method of Determination: GIS and aerial imagery

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3. Delivery System Diagram Attached (required). Indicate all major components and distances between components.
☒ Indicate weir size/pipe as applicable.

- ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

- ☒ Aerial Photo Attached (required for irrigation of 10+ acres).

- ☒ Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
995091		2.5			

D. FLOW MEASUREMENTS

1.

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

2. Measurements: N/A (In-house exam)

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method: Brake horsepower equation

See attached computation sheet for justification of rate.

Permitted Flow Rate: 0.04 cfs

Beneficial Use Proof Rate: 0.04 cfs

Recommended Rate: 0.04 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1.4 \text{ acres} \times 3 \text{ acre-ft/acre} = 4.2 \text{ acre-ft}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.04 \times 214 \text{ days} = 17 \text{ acre-ft}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 4.2 \text{ acre-ft}$$

2. Volume Calculations for Other Uses: N/A

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G. NARRATIVE/REMARKS/COMMENTS

Proof of beneficial use for Permit 96-11260 was received June 30, 2023, delivered to IDWR Northern Region. Since the irrigation beneficial use is for less than 5 acres, an in-house examination was performed and completed on July 26 in the State Office. The correct fee was paid.

Proof was submitted without diagram or photos showing beneficial use. These were requested on July 25 via phone call and were received via text message to my personal phone. I also received more information than was given on the form regarding diversion system. Gibson, permit holder, uses a 2.5 horsepower pump, screened, with an in-line pressure tank that pressurizes the water to 50 psi. The pump turns back on when the tank drops below 25 psi. The pump, pressure tank, and 2 inch line can be seen in Figure 3.

On the proof of beneficial use form submitted, Gibson stated that he was irrigating 2 acres. I believe that he misremembered what was initially applied for, but it appears as though he is irrigating approximately 1.4 acres, which is what he is permitted. Acreage was calculated using Bonner County's public tax parcel map.

The rate of diversion for the permit was calculated using the standard of 0.03 cfs per acre for systems irrigating less than 5 acres, and I recommend keeping that rate for licensing. The attached calculation sheet demonstrates that Gibson's system is capable of diverting water at that rate, and a flow limiting valve is likely used.

I confirmed with Gibson that an intake screen was installed, so condition 029 should be removed. Condition 004 should remain on the license to prevent diversion from the part of the lake managed by BLM. Condition R66 should also remain on the license to limit the quantity diverted per acre.

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>
IRRIGATION	04/01 to 10/31	0.04 CFS	4.2 AF
<u>Totals:</u>		0.04 CFS	4.2 AF

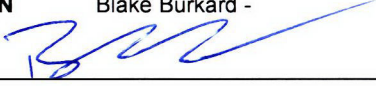
2. Recommended Amendments

☐ 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

Blake Burkard -

Field Examiner's Name  Date 8/14/23

Reviewer  Date 8/7/23

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FLOW CALCULATION SHEET

PERMITTED FLOW (CFS):	0.04
(GPM):	17.9544

TOTAL DYNAMIC HEAD	
Elevation of water surface (ft):	2067
Elevation of highest sprinkler location (ft):	2082
STATIC HEAD (ft):	15
Sprinkler Pressure (psi):	25
PRESSURE HEAD (ft):	57.75
Linear distance between pump and furthest sprinkler head (ft):	500
Assume friction loss: (psi/100 ft)	0.8
FRICTION HEAD (ft):	4
SUM (ft):	76.75

EFFICIENCY(%):	70
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BRAKE HORSEPOWER (PUMP):	0.50
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REARRANGE FOR FLOW:	
Pump HP:	2.5

Q (cfs):	0.201
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Brake horsepower equation inputs permitted flow rate, total dynamic head, and efficiency and calculates the minimum horsepower required for diverting at that rate. 25 PSI is used to demonstrate the maximum diversion rate from the POD. 50 PSI results in a necessary HP of 0.87. This equation demonstrates that the system is capable of diverting the permitted rate. The system likely has a flow limiter to cap the flow to the pressurized lines.

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Figure 1: Calculating acreage for the main yard



Figure 2: Calculating acreage for the lake-front irrigated land

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Figure 3: 2.5 HP pump with pressure tank. 2 inch line to pump

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Figure 4: Rain Bird Maxi-Paw 2045A Sprinkler



Figure 5: Yard showing the front of the house and the lake. Facing south

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Beneficial Use Proof Evaluation

Permit Number: 96-11260 Reviewer: AVEibell Review Date: 7/3/2023

Acceptability

- 1) Is the contact on the request the current permit holder?
- 2) Does the address of record need to be updated?
- 3) Proof Submitted Date: 6/30/2023
- 4) Proof Due Date: 7/1/2023
- 5) Days added for weekend due date?
- 6) Days added for holiday due date?
- 7) Number of days late: -1
- 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 -- No
- 3) Are the required items installed? Yes
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 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

N039255

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.



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 • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 28, 2023

GREG GIBSON
408 SUNNYSIDE RD
SANDPOINT ID 83864-6471

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 96-11260

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder(s):

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **July 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this department on or before the above proof due date. If neither is received, the department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Water Rights Section

Enclosure(s)



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MAY 01 2023