

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 96-9721
Exam Date: 02/15/2024

1. Current Owner:
AARON WALKER PO BOX 40 HOPE ID 83836-0040 AND/OR
TARA S WALKER PO BOX 40 HOPE ID 83836-0040
2. Accompanied by: In office exam.

3. **SOURCE:**
SPRING CREEK

Tributary
LIGHTNING CREEK

Method of Determination: ArcMap and DRG.

B. OVERLAP REVIEW

1. Other water rights with the same place of use: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
96-8121	SPRING CREEK	DOMESTIC, IRRIGATION	LICENSE

Comments: Licensed Right 96-8121 with current ownership in the name of Aaron D & Tara S Walker, uses the same water source and common delivery pipeline as this Permit for domestic & irrigation use with a POU that overlaps this permit's POU. Permit 96-9721's domestic beneficial use is for a separate residence located on the parcel than 96-8121's 1 home, each with their own mailing address as follows:

- 96-8121 – physical address 2879 W Spring Creek Rd Hope ID 83836 (ref map product)
- 96-9721 – physical address 2881 W Spring Creek Rd Hope ID 83836 (ref map product)

While both have the same parcel POU each domestic use is independent toward licensing this permit and there is no overlap concerns toward

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

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

SPRING CREEK NE¼ SW¼, Sec. 9, Twp 56N, Rge 02E, B.M. BONNER County

Method of Determination: Aerial Photography, ArcMap aerial imagery, Bonner County tax parcel map imagery, & Google Earth map software.

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	
56N	02E	9															X		

Method of Determination: Aerial Photography, ArcMap aerial imagery, Bonner County tax parcel map imagery, & Google Earth map software.

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.

N/A Indicate weir size/pipe as applicable. **IN-OFFICE EXAM**

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

X

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

X Photo of Diversion and System Attached

D. FLOW MEASUREMENTS

Flow measurement not required as per IDAPA RULE 37.03.02.035.01.r.iii.

E. FLOW CALCULATIONS

The diversion rate for this stockwater right is limited to **0.02 cfs** or 9 gpm.

The diversion rate for this domestic right is limited to **0.04 cfs** or 18 gpm.

The Maximum diversion rate for this right is limited to **0.04 cfs** or 18 gpm.

F. VOLUME CALCULATIONS

The annual volume for this stockwater right is limited to = 0.1 AF based on the following calculation:

- 10 head mixed stock x 12 gpd x 365 days = 43,800 gals / 325,850 gal per af = **0.1 af** considering department rounding standards.

The annual volume for this domestic right is limited to = **1.2 AF** based on 1 home with ½ acre irrigation included under domestic use.

G. NARRATIVE/REMARKS/COMMENTS

The prior Permit holder Steven Ray and/or Caroline Kay Allen (Mr. Allen) have sold parcel RP56N02E098700A during the development period of the permit to current property (for POU) owners Aaron D & Tara S Walker (Walkers). Mr. Allen submitted the Statement of Completion received by IDWR on 9/22/2023 and staff attempted to license as an in-office exam around 11/14/2023. Comments entered into AdHoc on 11/14/2023 by Justin Shearer describe the issues he ran into that prevented finalizing the permit for licensing at that time.

On 2/15/2024 I met with Mr. Allen in the Northern Regional Office to discuss the permit. I notified Mr. Allen a Change of Ownership is required by the current property owner to change ownership of the permit to the Walkers; once processed this action shall comply with Administrative Memorandum – Records No. 9 that require real property appurtenant to the authorized POU be transferred to the new owner via the change of ownership form process. Mr. Allen accepted a draft form to distribute to the Walkers, who is treated as a family member to Mr. Allen. Mr. Walker met with me in-office on 2/22/2024 to submit the change of ownership form and validate the domestic beneficial use related to the current permit. Mr. Walker also worked with adjudication staff during the office visit to file 2nd round adjudication claim notice – Notice of Claim based on licensed WR 96-8121.

In review of the permit, I identified licensed Right 96-8121 overlaps the same POU and authorized the same source water for domestic use 1 home and irrigation for 0.5 acres. Application for Permit 96-9721 was filed by Mr. Allen with the intent to subdivide the parcel, but that plan didn't take place; rather, the entire parcel was sold to the Walkers. Mr. Walker demonstrated that there are two separate home residences beneficially using water on the property, one covered by prior right 96-8121 & one that accounts for the domestic use with ½ acre irrigation associated with this permit. I created a map product that illustrates the two separate domestic water uses occurring on the property. Water from Spring Creek runs year-round and appears to be sufficient to provide water for the recommended beneficial uses.

Mr. Allen & Mr. Walker assert that during the Permit's development period 11/9/2018 – 9/18/2023 Spring Creek water was used for stockwater purposes on the same property as the stockwater POU authorized. Current use between the Allens and Walkers are for 4 horses and 3 mules, but cattle were raised and butchered annually bringing the total up to 10 head mixed stock. I'm recommending the stockwater beneficial use for licensing purposes, as it was not designated by previous recorded rights on the property described above.

I've removed the following conditions from the permit during licensing review: 26A & X02. The remaining conditions on the permit are advanced to licensing. Following overlap evaluation from PG 1 above, Rights 96-8121 & 96-9721 use a common pipeline to serve two separate domestic residences; 96-8121 authorizes 0.5 acres irrigation covered under a separate B.U. than domestic use and 96-9721 includes up to ½ acre irrigation associated with the beneficial use recommended for licensing. Based on domestic and irrigation being separate uses, there is no concern for overlap between the two WRs and no other overlap concerns toward licensing this permit.

Have conditions of permit approval been met? X 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: 0.04 CFS 1.3 AF

2. Recommended Amendments

Change P.D. as reflected above Add P.D. as reflected above X None

Change P.U. as reflected above Add P.U. as reflected above X None

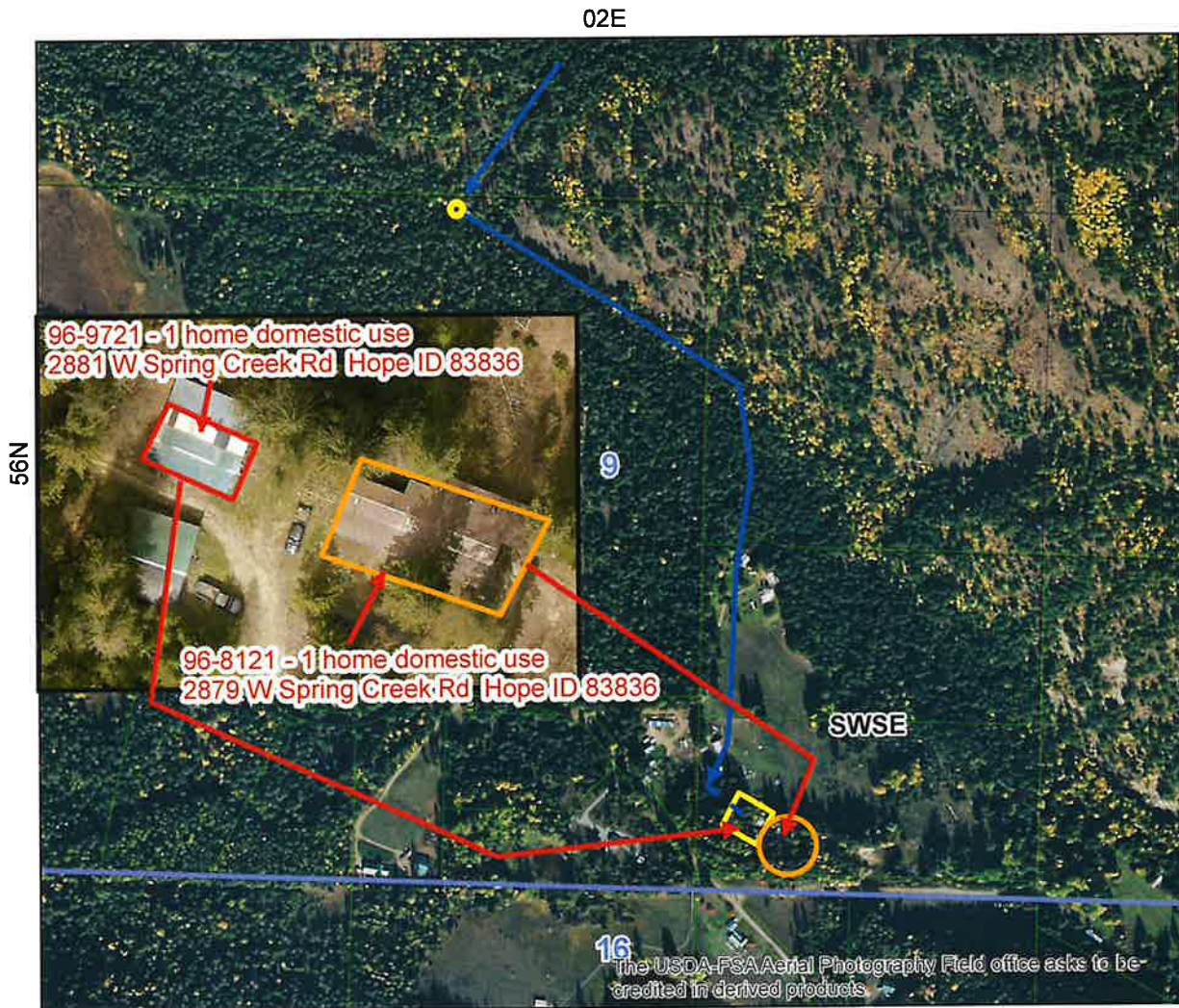
I. AUTHENTICATION Luke Bates -

Field Examiner's Name  Date 2/22/2024

Reviewer  Date 7/17/2024

State of Idaho
Department of Water Resources
Attachment to Field Exam
96-9721

This map depicts the DOMESTIC system diagram.



0 0.075 0.15 0.3 Miles

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

